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Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, January 18, 1995*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 18, 1995.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to know how to live with the ironies of daily life. May we know the time to speak and the time to listen, the time to learn and the time to instruct, the time to reflect on the past and the time to plan for the future, the time to heed the inner spirit and the time to enter the fray, the time of anguish and the time of joy. Give us, O gracious God, a heart of wisdom that we will discern the transient from the eternal and so do justice and serve people everywhere. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia [Mr. MORAN] come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, our Contract With America states on the first day of a Republican Congress, our House will force Congress to live under the same laws as everyone else, cut one-third of committee staff, and the congressional budget, and, ladies and gentlemen, we have done that.

In the next 86 days, we will vote on the following 10 items: A balanced budget amendment and line-item veto; a new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families, to lift Government's burden from the middle-income Americans; national security restoration to protect our freedoms; the Senior Citizens Equity Act to allow our seniors to work without Government penalty; Government regulation and unfunded mandate reforms; commonsense legal reforms to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature once again.

This, ladies and gentlemen, is our Contract With America.

CONGRATULATING UNIVERSITY OF CONNECTICUT'S WOMEN'S BASKETBALL TEAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, on Monday, the University of Connecticut's women's basketball team beat top-ranked Tennessee to become the No. 1 team in the Nation. I join fans from all across our State in congratulating the players, coaches, and the university for this impressive achievement. We are so proud of you.

On Monday, the UConn fans proved themselves to be tops in the Nation, too. They call it Husky Mania, but it is much more. Before anyone imagined a 13 and 0 start, 6,500 season tickets were sold; Monday's game sold out in December; students camped out overnight to get their hands on tickets; and, on Monday, 8,241 fans packed the Gampel Pavilion to cheer the Women Huskies to victory.

It seems that the age-old sports rituals once reserved for men's teams have begun to take hold in the women's game. I am proud that the University of Connecticut and their fans both men and women, are helping to lead that trend. I expect we will see equal enthusiasm when UConn's men's basketball team moves from No. 2 to No. 1. Go Huskies.

IT'S THE SPENDING

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the budget problem in Washington is not caused by too little revenue. The problem in Washington continues to be that taxpayers' dollars are wasted on low-priority, redundant or unnecessary programs. The dollars in fraud, waste, and abuse total billions annually.

The basic message from November 8 was that people understand their Government is too big and spends too much. This historic Congress is now beginning to clean out the cobwebs left by 40 years of one-party rule. We cannot turn our backs on 40 years of mismanagement overnight, and we cannot turn back those mistakes. But in these first 100 days we will take the necessary first steps, voting on the balanced budget amendment, considering a line item veto, and beginning the hard but necessary work on cutting back on Federal spending.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As the Clinton campaign has been fond of saying, "It's the economy, stupid," Now America has told us, "No, it's the spending, stupid." So let us cut out the stupid spending and balance the budget.

UNFUNDED FEDERAL MANDATES

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FARR. Mr. Speaker, I rise this morning with concern on the much-needed debate on unfunded mandates that is being conducted by the Republican leadership. Everyone agrees in principle that mandates should be paid for. But before we leap, let us look.

I just returned from the California floods. All the talk was about help to bail out the families affected by those floods. When the water recedes, that talk will shift to responsibility. Flood prevention is dependent upon mandates. Think about it, flood plain zoning, flood plain mapping, flood plain building standards.

The Republicans are more interested in having a political victory in the shortest time possible than in good law. We should take time in this session, not the first 8 days, to talk about how the unfunded mandates are going to be carried out. Let us not go too fast, too far, too soon. Allow the public, not just the politicians, to be involved in the debate.

BALANCED BUDGET AMENDMENT

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, when our forefathers met in Philadelphia in 1787, their goal was to write a Constitution based on limited government that provided for the current and future needs of our country. But beginning with several Supreme Court decisions in the 1920's and going right up through the present, that concept has been turned on its head. As a result, we have seen the Federal Government grow to almost a quarter of our gross national product. This is far beyond what the founders could ever have imagined. Fueling this unconstitutional expansion of the size and power of the Federal Government has been deficit spending, which unfairly asks future generations to pay for the Government spending binges of today.

But on January 25, we are going to have a historic opportunity to reestablish constitutional limits on the power of the Federal Government when we vote on the balanced budget amendment. As Thomas Jefferson clearly sought in 1798, "If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of Government to borrow money." Let us correct that next week.

BALANCED BUDGET AMENDMENT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, over the past years I have supported various versions of the balanced budget amendment. However, I have not been willing to support just any version. After studying all of the proposals that will be coming up next week, I find them deficient in two areas, and I am introducing today an alternative amendment along with the gentlewoman from Oregon [Ms. FURSE] and the gentleman from Florida [Mr. DEUTSCH]. I should point out it is identical to the contract balanced budget amendment, except for two critical points.

First, it excludes the Social Security trust fund, which our Nation's senior citizens depend on. Second, it does not require a three-fifths vote to raise taxes.

If the House can vote with a simple majority to declare war or for impeachment of a President, we should be able to set tax policy in the same manner. This resolution creates a prudent and viable balance among fiscal responsibility, majority rule, and our responsibility to our fellow Americans.

Please join myself, the gentlewoman from Oregon [Ms. FURSE], and the gentleman from Florida [Mr. DEUTSCH], as a cosponsor of this balanced budget resolution.

PACK UP

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

House Democrats, stung by their historic defeat in the last election, have developed a new strategy. If you can't beat them, beat them up.

As a consequence, they have decided to launch a series of bizarre and unfounded allegations about the newly elected Speaker and the Republican majority.

Democrats have done this for a simple reason. They do not want to reform this House.

The American people are not concerned about book deals. They are concerned about the Federal Government's unbalanced books. They don't care about GOPAC. They want big spenders to pack up and go home.

Mr. Speaker, the Contract With America makes the Democrats squirm. They don't want a balanced budget amendment because they want to continue to spend without fear. Democrats don't want unfunded mandates reform because they like telling the American people what to do.

The reason why the Democrats are attacking the Speaker of the House is clear. Republicans want to change the Congress. Democrats want to change the subject.

SLOW DOWN ON UNFUNDED MANDATES LEGISLATION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, this week the House will consider unfunded mandate legislation, H.R. 5. It is a proposal that admittedly has very popular support, and I as a former government official understand what it is about. But I am compelled to ask, what is the rush? The bill will be voted on without the benefit of hearings.

The committee met last week, where people asked a number of questions that were not answered. The sponsors refused to have these questions answered. Yet the committee has been unable to tell us certainly whether this will cover civil rights, how will the disabled be protected, how will environmental laws be protected. In fact, we are yet to define what an unbalanced mandate is.

We need to know these things. Different opinions about the coverage is expected, but certainly we should have a debate. We are going to eliminate the Federal laws that protect health care and clean water. Should you not let people know? I urge that we should not rush without a debate.

CHANGING THE BUSINESS THAT CONGRESS DOES

(Mr. FOX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX. Mr. Speaker, 2 weeks ago a majority of both Democrats and Republicans voted to reform Congress. Now that we have changed the way Congress does business, I am looking forward to, in a bipartisan fashion, changing the business Congress does. The people of this country have become impatient with a government that has grown too big, spends too much, and is an enemy, not a friend, to working Americans.

We are going to prove our commitment to reducing the size and scope of Government by working for the passage of a balanced budget amendment. Every American family knows the importance of living within its means. Congress needs to learn that same discipline, and I encourage my colleagues on both sides of the aisle to support the passage of the balanced budget amendment.

LEAVE SOME FOR AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I have some problems with the policy that allows Taco Bell to make great profits in America, but requires the taxpayers of America to make a loan to Mexico for Ma Bell to have a shop down there.

Something is wrong here, folks. We have already propped the peso up with $6 billion with NAFTA. We have lost 40,000 jobs already with NAFTA. Now Mexico wants $40 billion in loan guarantees so they can become well.

The $40 billion will not make Mexico well. It will make them more dependent and limping back to Uncle Sam. And I want to advise Members, while you keep worrying about the Mexican economy, you have got people unemployed and you have problems in our own country.

By the way, what do we get for this $40 billion? Two baseball players to be named later? I think it is time to get on a business program here, folks, stone cold business. And we are losing our pants. Think about that before we go shipping more money now to Mexico. Between Russia, Mexico, and everybody else, it is a wonder there is any program left in America.

VOTE "YES" ON BALANCED BUDGET AMENDMENT AND LINE-ITEM VETO

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, when I came to Washington I made a commitment to the people of Wisconsin. They expect me to do everything I can to reduce the size and the cost of Government, and I intend to follow through. That is why I support the balanced budget amendment and the line-item veto.

The balanced budget amendment will change Washington. No longer will we be able to fund programs with our children's money. No longer will we be able to spend taxpayer funds without asking if we have the money to do so. The line-item veto allows for the elimination of wasteful Government spending.

Mr. Speaker, it is time to change the way we do things here in Washington. The balanced budget amendment and the line-item veto build a new structure for this Congress to live within. I urge my colleagues to vote "yes" on both of these important initiatives.

THE SPEAKER'S BOOK DEAL

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, the Speaker's unbelievably good book deal, after all these secret meetings and behind-the-scenes dealmaking, which each day brings to light new and more startling revelations, I am still not satisfied with the answers I am getting about this very large and lucrative deal our Speaker has negotiated for himself.

Now more than ever before the perception of impropriety, not to mention the potential conflict of interest, still exists and cannot be ignored.

Mr. WALKER. Mr. Speaker, I demand the gentlewoman's words be taken down.

POINT OF ORDER

Mr. WALKER. Point of order, Mr. Speaker. She should not approach the Chair.

The SPEAKER pro tempore. The point of order is well taken.

Members should not approach the Speaker during the Clerk's report and the Chair's ruling.

□ 1120

The SPEAKER pro tempore (Mr. STEARNS). The Clerk will read the gentlewoman's words.

The Clerk read as follows:

> News accounts tell us that while the Speaker may have given up the $4.5 million advance, he stands to gain that amount and much more. That is a whole lot of dust where I come from. If anything now, how much the Speaker earns has grown much more dependent on how hard his publishing house hawks his book.

The SPEAKER pro tempore. It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. VOLKMER. Is the Speaker now saying it is the ruling of the Chair that any statements as to activity, whether it is illegal or not, by the Speaker of the House in his private actions cannot be brought to the floor of this House? Is that the Chair's ruling? It appears that it is.

Mr. LINDER. Point of order.

Mr. VOLKMER. I appeal the ruling of the Chair. I want to know what the ruling of the Chair is.

The SPEAKER pro tempore. In answer to the gentleman's question, first, it has been the Chair's ruling, and the precedents of the House support this, a proper level of respect is due to the Speaker.

Does the gentleman appeal the Chair's ruling?

Mr. VOLKMER. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. LINDER

Mr. LINDER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LINDER moves to lay the Volkmer motion on the table.

Mr. WISE. Mr. Speaker, would the Clerk repeat the motion?

The SPEAKER pro tempore. The motion is to lay on the table the appeal of the ruling of the Chair.

The question is on the motion offered by the gentleman from Georgia [Mr. LINDER] to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 169, not voting 51, as follows:

[Roll No. 17]

YEAS—214

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gilchrest
Gilman
Goodling
Goss
Graham
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster

Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—169

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lofgren
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden

NOT VOTING—51

Ackerman
Andrews
Becerra
Berman
Bevill
Boucher
Chapman
Collins (MI)
de la Garza
Deutsch
Dixon
Ehrlich
Evans
Flake
Flanagan
Foglietta
Frisa
Gekas
Gillmor
Goodlatte
Gutierrez
Gutknecht
Hayes
Hyde
Kennedy (MA)
Kennedy (RI)
Lewis (GA)
Lincoln
Lipinski
Lowey
McHugh
McNulty
Mollohan
Murtha
Pelosi
Quillen
Reynolds
Ros-Lehtinen
Rose
Salmon
Sanders
Seastrand
Sisisky
Slaughter
Smith (TX)
Tanner
Torres
Wilson
Wynn
Yates
Young (FL)

□ 1137

Mr. FIELDS of Louisiana changed his vote from "yea" to "nay."

Mr. SMITH of Michigan and Mr. SOUDER changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. STEARNS). Without objection, the words will be stricken from the RECORD.

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman from California will state his point of order.

Mr. THOMAS. Mr. Speaker, reserving the right to object, is it my understanding that the reason these words were taken down was because this was not a reference to the Speaker in terms of the Speaker's position or the policies of the Speaker as an officer, or of this institution, but that in fact it was a reference which clearly was outside the rules; is that correct?

Mr. DINGELL. I object.

The SPEAKER pro tempore. Is there objection to striking the words?

The question is: Shall the words be stricken from the RECORD?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 178, not voting 39, as follows:

[Roll No. 18]

YEAS—217

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (WA)
Smith (MI)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (PA)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—178

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hall (TX)
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (MN)
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman

Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden

NOT VOTING—39

Ackerman
Andrews (NJ)
Becerra
Berman
Chapman
Collins (MI)
de la Garza
Deutsch
Dixon
Flake
Gekas
Geren
Gutierrez
Gutknecht
Hayes
Hyde
Kennedy (MA)
Kennedy (RI)
Lewis (GA)
Lincoln
McHugh
McNulty
Metcalf
Murtha
Nussle
Pelosi
Quillen
Reynolds
Ros-Lehtinen
Rose
Salmon
Seastrand
Slaughter
Smith (TX)
Torres
Wilson
Wynn
Yates
Young (FL)

☐ 1157

So the motion to strike the words was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESPONSE OF MEMBER FOLLOWING THE VOTE

Mrs. MEEK of Florida. Mr. Speaker, may I be recognized?

The SPEAKER pro tempore (Mr. STEARNS). Without objection, the gentlewoman from Florida [Mrs. MEEK] may proceed in order.

(There was no objection.)

Mrs. MEEK of Florida. Mr. Speaker, I have reviewed my statement carefully. I do not see anything in my statement that should be so objectionable and obnoxious. I have been elected to this House to speak the truth. There is nothing in the rules that says "CARRIE MEEK can't speak the truth," and that is what I have done.

And, Mr. Speaker, I respect my Republican colleagues who have spoken the truth as they saw it.

The SPEAKER pro tempore. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

PARLIAMENTARY INQUIRIES

Mr. WISE. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, my parliamentary inquiry is based upon the Speaker's recent ruling and the action by this Chair and by this body. The question I have may involve several Members about to speak.

Is the Speaker entitled to a higher level of avoidance than other Members? That seems to be the issue raised in the Speaker's response on this.

Mr. DELAY. Regular order, Mr. speaker.

Mr. WISE. Does the body refrain from raising certain questions about the Speaker that it could raise about other Members in the Chamber?

The SPEAKER pro tempore. All Members are entitled to have no personal references made about them when that question is brought up.

Mr. WISE. Mr. Speaker, continuing my parliamentary inquiry, then the Speaker is not entitled to any higher standard than any other Member in regard to personal references, is that correct, or any lower standard?

The SPEAKER pro tempore. The Chair has already ruled, but the Speaker as a Member and as presiding officer is entitled to the respect of all Members.

Mr. WISE. But what about the Speaker? Is the Speaker as Speaker entitled to any different level of attention or respect than any other Member in the Chamber?

The SPEAKER pro tempore. The Speaker is entitled to respect.

Mr. WISE. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is seeking recognition.

Mr. WISE. Mr. Speaker, this goes directly to the issue. Can any questions be raised about the personal financial dealings by the Speaker that have been reported in the public media?

The SPEAKER pro tempore. The Chair has ruled and the House has supported the Chair's ruling on the point of order from this side.

Mr. WISE. Is it the Chair's position that no questions can be raised about the Speaker's personal financial dealings?

The SPEAKER pro tempore. There are proper channels in the House for questioning the conduct of Members, including the Speaker.

Mr. WISE. If there is not an ethics investigation pending——

Mr. DELAY. Regular order, Mr. Speaker.

Mr. WISE. With a privileged resolution or an ethics resolution not pending, is it appropriate to question any of the financial dealings of the Speaker in the context of 1-minute speeches or other activities?

Mr. DELAY. Regular order.

The SPEAKER pro tempore. The Chair is entertaining a parliamentary inquiry.

Mr. WISE. I will restate it if the Chair wishes.

The SPEAKER pro tempore. Simply put, in debate references personally to the Speaker are not in order.

Mr. DELAY. Mr. Speaker, if I may be recognized, is it a parliamentary procedure in this House that when Members call for regular order, the Speaker is to rule and go to regular order, particularly in light of the fact that a Member is not stating a proper parliamentary inquiry?

The SPEAKER pro tempore. The gentleman should know in deference to him that the Chair was entertaining a parliamentary inquiry that was proper, and the Chair was answering.

The gentleman from Georgia [Mr. LINDER] is now recognized for 1 minute.

THOUGHTS ON A NEGATIVE APPROACH

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FRANK of Massachusetts. Mr. Speaker, a parliamentary inquiry.

Mr. LINDER. Regular order, Mr. Speaker. I have been recognized in the well of the House. Do I have the floor?

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 minute.

Mr. LINDER. Mr. Speaker, sometime just before the campaigns got in earnest, a former majority whip of this House, Tony Coelho, was brought in to help the Democrats win. He said this:

> Ideas are not the issue. Candidates can't get reelected if they run on who they are and what they stand for. They have to go in and put negative ads out. The only way you can win races today is with negative advertising.

It seems to me that the minority has decided to continue the campaign and absent an ability to compete with the Speaker's ideas, they have chosen to tear down the Speaker personally. There are far more things to be done in this House than to make personal attacks. I do not recall——

Mr. FRANK of Massachusetts. A point of order, Mr. Speaker.

Mr. LINDER. Do I have the floor, Mr. Speaker?

Mr. Speaker, I do not recall these questions being raised about a former Member of the Senate——

POINT OF ORDER

Mr. FRANK of Massachusetts. A point of order, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman suspend, and will the gentleman from Massachusetts state his point of order?

Mr. FRANK of Massachusetts. Tentatively as to the Chair's ruling, the gentleman is impugning the motives of Members of this House. The gentleman at the microphone has just said he has imputed inappropriate motives to things that have been said, but the tenor of the Chair's ruling is that no personal references to other Members ought to be allowed.

The SPEAKER pro tempore (Mr. STEARNS). The Chair will state that the gentleman from Georgia has not made a personal reference to any one Member. The gentleman from Georgia may continue.

Mr. LINDER. Mr. Speaker, I would like to further ask if any of these ethical questions were raised about the book, "Earth in the Balance," which yielded a $100,000 advance to its author, a former Member of the other body, and $670,000 in royalties. Where were the questions of impropriety there?

Mr. Speaker, it seems to me these questions are very selective.

THE STRICKEN WORDS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, in light of the previous speaker and the Chair's ruling, I feel it incumbent upon me and the House to hear the words. After all the secret dealings behind the scenes and the dealmaking, which with each new day brings to light more startling revelations, I am still not satisfied with the answers I am getting about this very large and very lucrative book deal our Speaker has negotiated for himself.

Now, more than ever before, the perception of impropriety, not to mention the potential conflict of interest, still exists, and it cannot be ignored. News accounts tell us while the Speaker may have given up the $4.5 million advance, he stands to gain that amount and much more in royalties.

POINTS OF ORDER

Mr. THOMAS. Mr. Speaker, those words have been stricken from the RECORD. The gentleman from Missouri cannot repeat them.

The SPEAKER pro tempore. Will the gentleman from Missouri suspend for a moment?

Mr. VOLKMER. If anything now, the Speaker himself has grown much more dependent upon how hard his publishers promote his book.

The SPEAKER pro tempore. Will the gentleman from Missouri suspend?

The gentleman from California has made a point that is well taken. Those words have already been ruled out of order.

Does the gentleman wish to proceed in order?

Mr. VOLKMER. Yes. This leads me to the question of exactly who does the Speaker work for? Is it the American people or his New York publishing house?

□ 1210

Mr. THOMAS. Mr. Speaker, those words have been stricken from the RECORD by a vote of this House. The gentleman under the rules is not allowed to repeat them, and he continues to do so.

Mr. VOLKMER. Further point of order, Mr. Speaker. That is not true. Those words were not spoken by the gentlewoman from Florida. Those words were not spoken, Mr. Speaker, . . .

Mr. DELAY. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Missouri will be seated. The Clerk will report the words.

For what purpose does the gentleman from Missouri rise?

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent to withdraw the words in which I used the word "liar" to the gentleman from California. I regret that, and I apologize to the gentleman from California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. VOLKMER]?

Mr. THOMAS. Reserving the right to object, Mr. Speaker, and I will not object, I appreciate very much the gentleman from Missouri's words. This is the beginning of a new Congress with a new structure. All of us are testing limits. It seems to me what we ought to do is do the people's business, instead of what has been happening for the last half hour. I thank the gentleman.

Mr. Speaker, I withdraw any reservation of objection.

Mr. BONIOR. Mr. Speaker, reserving the right to object, and I will not object, but I make a reservation, Mr. Speaker, to get the attention of the Members of the House and the Speaker's attention.

Mr. Speaker, what we are seeking here is a clarification of the original ruling. Members have come to the floor, and they do not understand the ruling that has been made by the Speaker and the broad implications it will have on speech in this institution today and in the future. At the proper point, I would appreciate the Speaker recognizing me so I could pose that question and we could get on with the issues that we are concerned with here today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry. Mr. Speaker, there is parliamentary confusion. There is deep confusion about the ruling just rendered by the Chair. We have sat here for 10 years while the Speaker has accused this Democratic leadership of being corrupt, and now we find ourselves in a situation in which we cannot even address the issues in which the Speaker is engaged which have raised controversy in this institution and around the country. I would like the Chair to be specific with respect to the ruling which he has just rendered this body.

The SPEAKER pro tempore. The Chair has stated this a number of times previously, what the position has been. It has been voted on in the House of Representatives that basically through innuendo what appears to be a degradation of the character or personal reference to a Member is not within the decorum of the House of Representatives. So the Chair has ruled and the House has voted.

Mr. BONIOR. Mr. Speaker, a further parliamentary inquiry. Would the Speaker please tell us what was innuendo in the statement that was made by the gentlewoman from Florida?

The SPEAKER pro tempore. The Chair has already ruled on this. The Clerk has read certain words, and there has been a decision in the House. The Chair's position was sustained. References to personal improprieties are not within the decorum of the House.

Mr. BONIOR. There was no language of impropriety. Mr. Speaker, I would like to know where the language of impropriety is that the Speaker cites. What part of the statement refers to the impropriety?

The SPEAKER pro tempore. The Chair has ruled, it has been voted on, and the Clerk has read those words.

Mr. HEFNER. Mr. Speaker, a further parliamentary inquiry. Would the Speaker do some clarification for me. Under the new rules of the House, have there been any changes that have altered rules that we operated under on 1-minute speeches and special orders 10 years ago in this House?

The SPEAKER pro tempore. No.

Mr. HEFNER. That is a contradiction of what you have ruled, Mr. Speaker, in all fairness.

Mr. LINDER. Mr. Speaker, a further parliamentary inquiry. Since this entire issue has been disposed of through a majority vote of the House, is it appropriate to get on with the business of the House?

The SPEAKER pro tempore. The gentleman is correct.

Mr. TORRICELLI. Mr. Speaker, a further parliamentary inquiry.

Mr. Speaker, while the Chair has ruled, it must now be clear to all Members that the comity of this House and our ability to proceed depends upon an understanding of the Chair's ruling. I would therefore inquire as to what precedents the Chair has relied upon is finding that involved an innuendo.

Clearly there are Members of the institution who recall that Mr. GINGRICH as a Member of this institution came to the floor raising questions about former Speaker Wright's publishing activities. Did therefore the Parliamentarian at any time rule that those inquiries were inappropriate? Can the Chair cite in support of his ruling any instance in the history of this institution when such a similar inquiry about a financial matter, stated upon the facts, in all instances relying upon the truth, was ever inappropriate? Indeed, Mr. Speaker, can the truth ever be inappropriate on the floor of this institution?

The SPEAKER pro tempore. A Member alleging it is true does not make it in order.

Mr. TORRICELLI. Mr. Speaker, therefore, is it indeed true that the Chair never ruled Mr. GINGRICH'S comments inappropriate in his inquiries about Mr. Wright's publishing activities and his $12,000 profit?

The SPEAKER pro tempore. The Chair would state that on June 15, 1988, Speaker pro tempore at that point Tom Foley cautioned all Members to avoid personal references to the conduct of the Speaker and to those who brought charges.

Mr. TORRICELLI. Mr. Speaker, my parliamentary inquiry was this: Was the Member from Georgia's words, Madam President, Mr. GINGRICH's words, ever taken down when he rose on the floor and raised questions about the $12,000 publishing deal of Mr. Wright?

□ 1220

My memory, Mr. Speaker, is those words were never taken down.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from New Jersey, as he can imagine, the Speaker pro tempore announced a standard but, did not rule in response to a point of order on that occasion. And more importantly, those words were not challenged at the time.

Mr. TORRICELLI. Mr. Speaker, I believe that my point has been made and that it stands. There has been an inconsistency. The precedents of the House have not been maintained, and the truth has been ruled out of order.

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, the Chair has made the ruling that it is not parliamentary language to raise questions by innuendo. May I inquire of the Chair what that means with regard to the right of Members to raise questions about the propriety of the behavior of other Members of this body under either the rules or the statutes of the United States and the House of Representatives?

The SPEAKER pro tempore. Personal references to Members are clearly not in order.

Mr. DINGELL. What about questions, though, Mr. Speaker, relative to the propriety of the behavior of Members under the rules of the House of Representatives and the laws of the United States? Are those questions still permitted to be raised under the rules and have the rules of the House been changed with regard to those matters?

The SPEAKER pro tempore. The Chair will enforce the rules of the House as those demands come forward.

Mr. DINGELL. Well, am I permitted or is another Member of this body permitted to raise questions about the propriety of the behavior of Members of this body under the rules and under the statutes of the United States? Or does the ruling of the Chair preclude Members from raising questions of that kind in appropriate fashion on the floor of this body?

The SPEAKER pro tempore. The gentleman realizes, there are rules and proper channels for bringing conduct of Members before the House.

Mr. DINGELL. And I appreciate that, Mr. Speaker, but that does not respond to my question. I asked, are Members now precluded from raising questions about the behavior of other Members of this body?

The SPEAKER pro tempore. It would depend upon whether it was a personality in the debate.

Mr. DINGELL. Have the rules been changed to effect a different order of precedents and dignity to the Speaker? Is he now treated differently than other Members of this body so that questions about propriety of behavior of other Members may be raised but questions about the propriety of the behavior of the Speaker may not now be raised?

The SPEAKER pro tempore. Simply put, personalities in regard to all Members should not be part of the debate.

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Under the rules, if a Member, in fact, speaks words that under the rules could be taken down and no one asks that they be taken down, then, in fact, words could have been spoken that would have been taken down but no one asked that they be taken down; is that correct under our rules? Or does the Chair have the prerogative to ask the words be taken down?

The SPEAKER pro tempore. The Chair does have that prerogative. The Chair does have the prerogative of taking a Member's words down.

Mr. THOMAS. If the Chair does not exercise that right and no Member of the House exercises that right, words indeed may have been spoken that could have been taken down but were not because the proper request was never made; is that correct under our rules?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONIOR. Mr. Speaker, I have two parliamentary inquiries to pose to the Speaker. The first deals with the concern that the Speaker raised with respect as to how this should be dealt with. The Speaker, as I recall, suggested that this should be dealt with in proper order and in a proper forum. How can we deal with this in the proper forum if we do not have an Ethics Committee, Mr. Speaker, when there is none that has been appointed?

And, second, I would like to ask the Speaker this question: The gentleman who spoke, the distinguished gentleman from Georgia [Mr. LINDER], I believe, made reference to the Vice President in his remarks. Are those remarks with respect to his conduct, the Vice President's, out of order as well?

The SPEAKER pro tempore. References should not be made to the personal conduct of the Vice President.

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, my friend and colleague, the gentleman from California [Mr. THOMAS], made inquiry of the Chair as to whether or not the Chair could rule on a remark that was made by a Member if, indeed, that remark was not taken down and not challenged by another Member. I believe the Chair ruled in the affirmative.

My first parliamentary inquiry is, is not a Member entitled to know, before he or she is challenged, as to what the rules are of this House before they make any statement?

The SPEAKER pro tempore. Members can seek advice before they intend to speak on any issue. The rules of the House are clear on this matter.

Mr. RANGEL. Mr. Speaker, obviously, the House is seeking clarification of the rules. The Chair has ruled that he will give rulings only when the Member is challenged. Until we can really find out what is said and what is not said, it is going to be acceptable conduct, forgetting this present subject. My predecessor, Adam Clayton Powell, was voted out of office 25 years ago because of allegations made on this floor. I would like to know what restrictions do I have as a Member that I would know that no one could ever challenge this statement successfully. And the only way I would know is by the Chair clarifying its ruling.

The SPEAKER pro tempore. The Chair cannot anticipate all references. The House has ruled on this question. It is pretty clear and evident what the Speaker's decision has been. And it was confirmed.

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, would it be in order for an individual Member such as myself to indicate his agreement with the words just stricken?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. OBEY. The Chair does not care to answer that.

MOTION TO ADJOURN

Mr. MFUME. Mr. Speaker, this Member believes that the Chair today has demonstrated a very clear inconsistency with respect to the rights of Members of this institution in an unfair and biased way. As such, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. MFUME].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MFUME. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 247, not voting 35, as follows:

[Roll No. 19]

AYES—152

Abercrombie
Baldacci
Barcia
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Klink
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waxman
Williams
Wise
Woolsey
Wyden

NOES—247

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tanner
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—35

Ackerman
Andrews
Becerra
Berman
Chapman
Collins (MI)
Deutsch
Dixon
Flake
Gekas
Gutierrez
Gutknecht
Hayes
Hefner
Istook
Kennedy (MA)
Kennedy (RI)
Lincoln
Manton
McHugh
McNulty
Murtha
Pelosi
Quillen
Reynolds
Ros-Lehtinen
Rose
Salmon
Slaughter
Stockman
Torres
Wilson
Wynn
Yates
Young (FL)

□ 1242

Mr. ENSIGN, Mr. ROEMER, and Mrs. CHENOWETH changed their vote from "aye" to "no."

Mr. MARKEY and Mr. HINCHEY changed their vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, on Wednesday, January 18, 1995, I was unavoidably detained and regrettably missed three procedural votes. Had I been present I would have voted "aye" on rollcall vote No. 17, a motion to table the appeal of the Speaker's ruling; "aye" on rollcall vote No. 18, a motion to strike the words of Representative Meek of Florida; and "nay" on rollcall vote No. 19, a motion to adjourn the U.S. House of Representatives.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 17–19. Had I been present, I would have voted "yea" on rollcall vote 19 and "nay" on rollcall votes 17 and 18.

A CALL FOR OPENNESS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, I am delighted we stayed in session because I think this is a very tragic, tragic, historic day.

First of all, I must say we heard comments about we had to get on to the people's business. I must say if there were some people's business today, no one on our side knew it because the schedule we were handed said pro forma. That usually means they did not have anything scheduled. So if there was something, we were the last to know.

If there is some people's business, I hope the people on that side would tell us what it is that we are supposedly delaying. But I must say, I am very troubled to see what has happened to truth in this Chamber today.

We came here hoping there was going to be much more openness. We heard all these stories about openness and debate and all of that, and so far we have constantly seen people choked and gagged and cut off over and over again.

Today, I see that as one more example. I am very concerned about how we are going to proceed if we cannot bring issues to this floor and debate them openly and in the manner that we have in the past.

ONE EXPLANATION OF HOUSE PROCEEDINGS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I want to announce to the entire House that we are once again going to send every Member a copy of the rules so that they can understand the rules of the House as we passed them a couple of weeks ago.

It is very evident to me what is happening here, and we will inform the Members more. We know that the Committee on Rules is meeting on a rule in order to bring the unfunded mandate bill to the floor. You have to be in pro forma session in order to file that rule if there is no other business on the floor.

That is what is happening here. The other side of the aisle is trying every tactic that they can to stop the Contract With America. That is quite evident to the American people.

Mr. VOLKMER. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Texas [Mr. DELAY] will be seated while the words are being taken down.

□ 1250

The Clerk will report the words.

The Clerk read as follows:

That is what is happening here. The other side of the aisle is trying every tactic they can to stop the Contract With America. That is quite evident to the American people.

The SPEAKER pro tempore. In the opinion of the Chair that is not an improper personal reference to any Member.

The gentleman from Texas may proceed.

Mr. VOLKMER. I appeal the ruling of the Chair.

The CHAIRMAN. The gentleman wishes to appeal the ruling of the Chair.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I withdraw that then and ask, if I may, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Before the gentleman from Texas continues, what I am hearing from the Chair, and correct me, in the previous ruling it is impermissible to say anything about another Member, or insinuate by innuendo anything about the private life or aspects of a Member.

But now what the Chair is saying is it is all right to impugn motives by innuendo of a whole group. Is that correct? So he can say it about the whole group, but not to a Member, because that is by innuendo he implied our motives and my motives.

The SPEAKER pro tempore. It is the opinion of the Chair that the words do not engage in personal innuendo against any one Member, and Members can engage in debate on political motivation which is not——

Mr. VOLKMER. A book deal is not a political motivation.

The SPEAKER pro tempore. Let the Chair finish—which is not personal.

The gentleman from Texas [Mr. DELAY] may proceed.

Mr. DELAY. I think we all ought to take a deep breath. It is quite evident to the American people that from January 4 we have been working tirelessly to get to the Contract With America.

GRIDLOCK REPLACED BY TOTALITARIANISM

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. WATT of North Carolina. Mr. Speaker, on last Wednesday at approximately 6 o'clock the Judiciary Committee, after 1 day of markup on the balanced budget amendment, and with the Democratic members of that committee having in excess of 20 amendments to the bill that was pending, closed debate and went home on Wednesday afternoon.

On yesterday, congressional accountability came to the floor without the benefit of any deliberations or debate in committee. Today we stifle debate on the floor of the Congress.

I would just say to the American people that gridlock is being replaced in this body by totalitarianism.

ADDITION OF NAME OF MEMBER AS AN ORIGINAL COSPONSOR OF HOUSE JOINT RESOLUTION 1

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to add the name of our distinguished Democratic colleague, the Honorable RALPH HALL of Texas, as an original cosponsor to House Joint Resolution 1, the tax limitation balanced budget amendment congressional plan. His name was inadvertently left off the original list turned in on the day the bill was introduced.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE GAG RULE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today freedom of speech on this floor is at stake. Two weeks into this Congress we see what gag rules are all about when no Ethics Committee has been appointed by the Speaker, when Members are purposefully muzzled in committees, when no hearings are allowed, when witness lists are completely controlled, we understand what a gag rule is.

In doing our people's business we have a right to know where a new author's personal interests, financial interests get tied up with his public duties. The deal for a $4.5 million advance for three books not written, plus royalties are signed with a company owned by Rupert Murdock, the very man who owns Fox News Network and could directly benefit by the obliteration of public television and radio, positions that the top official in this House has already publicly said he supports.

So we trade Big Bird and Barney for the gag rule.

THE MINORITY IS ATTEMPTING TO GAG THE AMERICAN PEOPLE

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the previous speaker mentioned a gag rule. It is the minority party that is attempting to put a gag rule on the will of the American people.

The American people want the unfunded mandates legislation brought to the floor today. But what is the minority party trying to do? Adjourn the House so that legislation cannot come to the floor of this august body.

□ 1300

Since election day, it is the game the minority party has tried to play. They did not understand what happened on election day. The contract will continue to move ahead.

And one other point, the distinguished gentlewoman brought up the point of the ethics committee. We are waiting on the minority leader to move that body forward, not the Speaker or the majority.

THE GAG RULE

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I came here today to speak of unfunded mandates, but I must point out to the American people that there was no legislation ready to come to the House floor this week or today or tomorrow. It will not be until Friday.

But now I must speak of a new gag rule which is being implemented in this House. The gag rule in this House, and this Chamber, is that the media can truthfully report to the American people, but a duly elected Member of this body, of this Congress, cannot report from this floor to his or her constituency the latest press reports on the Speaker's book deal.

So let me remind any Speaker in this chair that the Members of this side of the aisle will not be gagged, we will not be silenced, we will not be intimidated, we will continue to question all actions of anyone who does not conform to the high standards expected by the American people and of this institution.

Free speech will not be squelched to protect anyone.

WE REMAIN DETERMINED

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, there have been a lot of facts that have been ignored in this recent debate.

Fact No. 1, there was, up until this point in time, a lot of work that was going on, no, not on the House floor but in committee meetings.

Five subcommittees of Appropriations were attempting to meet today; the Economic and Educational Subcommittee was meeting on welfare reform; National Security, the Resources Committee. Rules is meeting to deliver the unfunded mandates bill to the floor. Small Business and Ways and Means. Those are important motions that are going on outside the House floor that have been delayed.

Fact No. 2, the people who ruled the so-called gag order was the Parliamentarian that was hired by the minority party, not by the Republicans.

And, fact No. 3, we, the Republican Party, admit our work today has been delayed, but the fact is we remain determined.

A GAG RULE IS BEING IMPOSED

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I came here to the House floor to discuss the unfunded mandates question. But a much more important question is before this body.

This is not the Duma, this is not the Reichstag. This is the House of the people, and in the 40 years that I have served here, it has been my pride that we have had free and open debate, and that great questions, including questions of the propriety and the behavior of Members of this body, could be discussed on the floor in an appropriate fashion.

Today we find that that cannot be. Members on this side get the distinct impression that a gag rule is being imposed and that Members of this side may not raise questions about the behavior of the Speaker.

It is interesting to note that there has been no appointment of an ethics committee. The behavior of the Speaker cannot in any way be addressed in that body.

It is interesting to note that the ruling of the Speaker has precluded a discussion of that question here in this body.

We need the appointment of an ethics committee, because perhaps that is the only place we can address it, and we also need the appointment of a special prosecutor to inquire into matters that cannot be addressed on the House floor.

DISRUPTIVE TACTICS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, it is disappointing that what we have had is a resorting to disruptive tactics in order to keep the Contract With America from coming to the floor, and the gentleman who spoke just before me, the gentleman from Michigan, indicates that the problem is that an ethics committee has not been appointed.

The problem is the gentleman from Missouri [Mr. GEPHARDT], the minority leader, has not yet appointed the minority side of the ethics committee. It would help if the minority would cooperate with getting forward with the legislative business of the House of Representatives.

We also are disappointed that today, in an effort to stop the Committee on Rules from reporting down the rule that will bring up the unfunded mandates legislation, the House moved to adjourn. Those are the kinds of disruptive tactics, I think, we can expect from the minority.

It is clear now that they cannot discuss these ideas well and so, therefore, what they are going to do is resort to disruptive activities on the floor.

That is a disappointment, and we would hope that maybe we could get back to the legislative business of the country.

AMERICANS BELIEVE IN FUNDAMENTAL FAIRNESS

(Mr. RUSH asked and was given permission to address the House for 1 minute.)

Mr. RUSH. Mr. Speaker, it seems now that the Republican leadership has resorted to a new low in a shallow and shameful effort to stop discussion regarding the Speaker's avaricious book deals.

The majority has succeeded in gagging the minority Members of this House. Mr. Speaker, the American people believe in fundamental fairness. The gagging of Members of the House of Representatives and the House minority flies in the face of that fundamental belief.

To gag a Member of the House of Representatives is a first step toward a dictatorship of the majority which I am afraid my Republican colleagues have bought lock, stock, and gag.

Is the Republican leadership afraid to shed light on the book deal? Are they willing to kill off open discussion in order to protect Rupert Murdoch, the Speaker, and the infamous and outrageous book deal?

THE GANG THAT WOULDN'T SHOOT STRAIGHT

(Mr. BARR asked and was given permission to address the House for 1 minute.)

Mr. BARR. Mr. Speaker, House Democrats, searching vainly for an issue to sidetrack the Contract With America, have now decided to attack the Speaker regarding a book he has not written yet. Instead of attacking Republicans for writing books, I suggest the Democrats write their own book. The suggested title might be "The Gang That Wouldn't Shoot Straight."

After all, Democrats are not being straight with the American people regarding their own agenda. They are not being straight on why they do not want to pass the balanced budget amendment. In fact, they want to spend more money. They are not being straight with the American people on why they opposed the unfunded mandates bill. In fact, they like unfunded mandates.

Mr. Speaker, the Democrats are the gang that will not be straight with the American people.

Republicans want to change the way Government works. Democrats want to change the subject.

WHAT HAS HAPPENED TO A BRIGHT NEW DAY?

(Ms. JACKSON-LEE asked to address the House for 1 minute.)

Ms. JACKSON-LEE. Mr. Speaker, I came this day to support unfunded mandates. But unfortunately it is not on the floor today.

Mr. Speaker, a crisis abounds in the House, an institution the American people look to to protect the sanctity of a nation founded on democratic ideals.

Yet we come today facing the most egregious denial of the first amendment in a body sworn by oath to uphold it.

What has happened to a bright new day? What has happened to an open House, a direct reach to the American people to ensure their full participation?

Today we have been gagged, pierced by the sword of secrecy, keep from simply inquiring on behalf of the American people of the true facts of a pending issue, the book deal of the Speaker.

The House Committee on the Judiciary was shut down.

Mr. Speaker, when I go into a third-grade class in Houston, TX, help me, please, help me convey in good conscience and in truth that there is no gag rule in the U.S. House of Representatives, and in fact that we do uphold the first amendment of the Constitution of the United States.

THE AMERICAN PEOPLE SENT A CLEAR MESSAGE

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, the American people sent a clear message to us in November. They elected a Republican majority to change the way Congress does business.

After 40 years of liberal big government, big spending politics, the American people said enough is enough.

They want us to start working in a bipartisan fashion to solve the problems that Americans are facing each and every day.

We need to pass the unfunded mandates legislation. We need to pass a balanced budget amendment with a three-fifths supermajority.

Some do not seem to have gotten the message. They are going on about book deals and ghost historians, but they are missing the message. I have heard the people's message. They want us to change the culture of Washington.

It is too bad that some just want to change the subject.

WHAT ARE REPUBLICANS AFRAID OF?

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute.)

Ms. MCCARTHY. Mr. Speaker, I planned to speak today on the need for this body to amend our Constitution to require a balanced Federal budget and to urge my colleagues to support the bipartisan consensus version offered by the gentlemen from Texas and Colorado and cosponsored by a majority of House Members including me.

Instead, I have been subject to remarks by Members of this body that I am attempting to thwart balancing the budget and ending unfunded mandates, adopting a line-item veto and other reforms I support.

☐ 1310

The committees are meeting as we on this floor are attempting to speak freely. Gagging the book deal on the House floor is not going to make it go away. It is an issue that has captured the public's attention. Why are Republicans so afraid of people talking about this? The Chair's ruling has made this the only house in the country where this issue is not being discussed.

LET US REFORM THIS CONGRESS

(Mr. TATE asked and was given permission to address the House for 1 minute.)

Mr. TATE. Mr. Speaker, why are the Democrats scared of discussing the real issues of the day? Why are the Democrats scared to engaged in a real discussion about the issues of importance to the American people—like the balanced budget amendment and unfunded mandate legislation.

The American people sent a clear message to us in November to clean up Congress. We are working hard to do just that. Republicans will keep their promise to the American people to change the culture of Washington.

I'd say to my Democrat colleagues, start working to change Congress, and stop working so hard to change the subject.

FREEDOM OF SPEECH

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, while there is no scheduled business on the floor of this House today, I can think of fewer issues more important to discuss here than freedom of speech. I believe debate on this floor should be conducted with respect and dignity. Yet if this House were to impose a gag rule on free and open debate, it would be a genuine tragedy for our democracy.

Mr. Speaker, this is the people's House and the people have the right to have their voice heard through their elected Representatives.

If Members of this House were to fear that honest expressions of fact and philosophy might be denied on this floor, then we will have done our democracy and the freedom of speech so deeply embedded in our Constitution a great disservice.

ARGUE SUBSTANCE, NOT SMOKESCREEN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. You know, if you cannot argue substance, attack the person; if you cannot argue substance, you make outrageous and frivolous claims; and if you cannot argue substance, you throw out smokescreens and red herrings. That is what seems to be the tack of the Democrat Party today.

You know, we need your help, we need it on the balanced budget amendment. You cannot balance the budget by frequent flyer points. We need your help on unfunded mandates. Granted, most of them came from your party. The mayors and the county commissioners across America want relief. We need your help on ethics. Maybe you can find time to talk to Mr. GEPHARDT to get your side of the aisle moving on ethics. We need your help on welfare reform. Maybe you have some ideas. you have great rhetoric. We are now interested in your ideas. I hope you will put your ideas in front of your party interests and work for the betterment of America.

WE COULD HAVE VOTED TODAY ON SUBSTANTIVE LEGISLATION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, referring to a couple of speakers before us, they somehow claim that we are delaying the activities of the House. The House is in pro forma session today. That means those of us who flew across the United States to attend this session, there will be no recorded votes or there should be only procedural matters. There is no substantive legislation before us. The unfunded mandates bill is not before us, because it has been delayed by the majority. The majority told us all bills will come before the House with open rules. Well, if you want to bring your unfunded mandate bill up with a open rule, what is the problem? We could be in session right now doing unfunded mandates, but you have us waiting for the Rules Committee because they want to restrict debate on unfunded mandates.

Where is the balanced budget amendment, the balanced budget amendment we were promised you would come forward with?

I am a cosponsor of a bipartisan version. Where is it? It is hung up by the majority because they want to insist on a super majority for taxes in that proposal. It is your holdup, not ours.

WHERE IS THE BEEF?

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I have come late to this debacle on the floor today, but I cannot resist commenting on the irony of the concern about the much-vaunted Speaker's nonbook deal.

Now, find me one American citizen who has turned down $4.5 or $3 million, perhaps, or even $1 million when they might have gotten such a good deal. The fact is Speaker GINGRICH turned it down, and yet to avoid confronting the issues important to the American people that they voted for in the last election, the minority party—excuse me, the minority party—has now said that this is the most important thing that must be discussed. No comment about Speaker Wright's problems with his sales of his book to lobbyists; no comment about the Vice President's very lucrative book deal, but let us concentrate on this that is a nonbook deal. There has been no money here.

Where is the beef, folks? Get real.

FREEDOM OF SPEECH IN CONGRESS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I am not quite sure under your ruling that I can even refer to the Speaker in any respect, but as someone who came to the floor today to vote when the vote was called, I did not expect to speak. But as someone whose family has fled from oppression in search of freedom and democracy, I am appalled at what could happen in the greatest hall of democracy in the world. But I have seen it today.

You can question the motives of a whole group of people, put their motives in question, but you cannot question the motive of an individual who is in a leadership position and determines the agenda of this House.

You can pass a Congressional Accountability Act, yet you cannot call for the accountability of an individual who leads the House and seek its disclosure. This is not about an individual's book deal who may be paid by royalties and the $4 million is coming. But it is about public licenses, public airwaves. It is about our national treasures, and you are denying one of the greatest national treasures, the ability of Members to speak in this House freely.

WE HAVE BEEN GAGGED

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, today, in 14 years of legislative work that I have done in State and Federal out of legislatures, is the saddest day I have ever seen. I feel effectively gagged.

Let me ask a question, Mr. Speaker: If anyone was reported to have signed a $4.5 million deal to write a book, if any Member was reported to have met with an interested party who possibly had interests affected by the Congress, if any Member had had legitimate questions raised in the public media and in editorials about his or her conduct, should it not be discussed on this floor?

But now we have to tell the American people, "Read your newspapers, watch your television, they can tell you what is happening. They can ask questions about the conduct of any Member of this House, including its Speaker. Follow your media, they can tell you what your elected House Members," myself included, "cannot tell you because the Republican gag rule says that we are out of order."

WE ARE FOLLOWING THE RULES OF THE HOUSE

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, yes, today has been a debacle, and a debacle because I think of people not the reading the rules that we have been living under for as long as I have been in the Congress of the United States. The rule that has been voted upon today and the Speaker's rulings have been in the precedent book of the House of Representatives for decades. It has never been in order for one Member to impugn the motivation of another Member. Speakers throughout the years, whether they be Democrat or Republican, have always enforced that rule in a uniform manner, and that is what happened today.

I do not see why my friends on the other side of the aisle object to that. They should not, because their Speakers enforced their rules just like our Speaker today has enforced the rules that we adopted in the first day of the session. Let us get down to legislation instead of talking about this.

THIS IS THE CENTER OF FREEDOM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I believe in his very first speech to this body, in his eloquent words, Speaker GINGRICH talked about bringing a Russian delegation to the floor of the House, and he was very moved by the words of one of those Russians who said, "This is the center of freedom." This body, this seat, this podium, that podium shared by Democrats and Republicans alike, is the center of freedom.

We are free to debate, to dialogue and to discuss and, hopefully, in bipartisan ways, and I would say that all the American people watching today are moved, and not moved in the right direction about what has happened in this body today to limit that dialog and debate and discussion.

□ 1320

Justice Brandeis said, "The best antidote to offensive speech is more speech."

Let us continue to debate more speech in this body.

GUARANTEEING LOANS TO MEXICO IS IN OUR NATIONAL INTERESTS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the issue of guaranteeing loans for Mexico is not the S&L bailout. It is not NAFTA once again. It is not bailing out big businesses and corporations. Let us not politicize an issue where we have no choice but to act in a responsible and bipartisan manner.

The issue of guaranteeing loans to Mexico is in our national interests. Surely we are helping a friend, but it also means keeping a hundred one million jobs in exports. It means stopping an influx of additional illegal immigrants. It means stopping an erosion of Third World economies.

Mr. Speaker, let us not impose some conditions that preserve taxpayers exposure. Let us make sure there is an up-front fee and that we are paid in full. But again, Mr. Speaker, let us not politicize an issue that we need to act on in a bipartisan and responsible manner.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FACTS AND THE NEW SPEAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am delighted to be able to take the floor and review some of the things that I think have made this day so confusing to a lot of us.

I am a historian, as is the new Speaker, and the new Speaker wears that button with great pride. I always thought that historians were very, very proud about the fact that what we dealt with were facts. We try to deal as much in facts as possible, and I think today we all got a little confused as to what became factual, what became image. Were the image police working on the floor today? Were there new rules? Where were we going with all of this?

I know I was troubled when I read about yesterday's press conference when a reporter had asked the Speaker when he charged taxpayers' money had funded a PBS viewer opinion poll; the reporter asked, "Well, show us proof," and he said, "I don't have a clue, I don't have any proof."

Mr. Speaker, I ask my colleagues, "What does that mean? Shouldn't you have to have facts if you make those kinds of allegations?"

Many of us were troubled when the recommendation had been made by the new Speaker that Government economists who would not change statistics to their way of keeping statistics should be zeroed out. Well, again should we not be dealing in facts? And where do we go?

But then today I picked up the paper, and I am even more troubled. I feel like I am taking the floor to defend men and women. I read in today's paper some new facts that I certainly did not know about, and I would love to have the basis for these. In today's paper they take direct quotes from the Speaker's text that he is teaching on different campuses, and he is talking about men and women in combat. He says, "If combat means being in a ditch, then females have biological problems being in a ditch for 30 days because they get infections."

Well, I do not know of any medical status for this, and I would be very interested in having those facts because I know this will be a very debated issue as we come forward.

He says further, "When it comes to men, men are like little piggies. You drop them in a ditch, and they will wallow and roll around in it. It doesn't matter, you know."

Well, I am standing here defending my husband, my son, my uncles, my father. I mean I have seen them in ditches, but they do not roll around like little piggies, and I do not know anything in the facts that are based on that. So, that I found very troubling.

I read further in this lecture and found a statement that males do not do as well sitting as women, that women are maybe doing better with, as my colleagues know, laptop computers because supposedly he has some information that males get very, very frustrated sitting in a chair. I say to my colleagues, "That's kind of hard if you're Speaker, because they got to sit in a chair a lot." But they got frustrated sitting in a chair because we all know that males are, quote, biologically driven to go out and hunt giraffes.

Now I have been working in a male culture for a very long time, and I have not met the first one who wants to go out and hunt a giraffe. They can sit in chairs. They do not wiggle and so forth, and so I just must say I am very, very troubled by the new factual data that seems to be coming out of our new leader.

□ 1330

And then I must say I was terribly troubled by the proceedings that went on on the House floor today. I do not know exactly what to make of them. I thought what the gentlewoman from Florida was stating was a very factual statement about what she had read in the press, and she was pointing out that the publisher of the book, if they push the book sales, could make more money, which I think is factual. Royalties are based upon how many books are sold. The more books sold, the more money comes in in royalties.

How that becomes an innuendo or how that becomes some kind of illegal utterance on the floor is way beyond my understanding. I have heard much worse things said on the floor. And I must say I am a little shocked that the rules of this House are being used by the image police to try to clean this up.

Thank goodness for the newspapers, because the image police have not been able to get to the newspapers yet, and I think free speech is becoming more important every day.

Thank goodness that we were able to read about women and men and their biological views, as viewed by the Speaker, but it does scare me to death.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104-2) on the resolution (H. Res. 38) providing for consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HAITI: BELOW THE SURFACE

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, today is day 122 of the American occupation of Haiti, a friendly country just south of our borders. The United States command in Haiti has determined that a secure environment has been established. The United Nations is expected to rule on this question in the coming weeks and the process of transition to a United Nations mission will be online, hopefully for an end of March completion. What will this transition mean? Today, our forces in Haiti have the authority to arrest and detain troublemakers and to respond with force. And in fact they have been doing that.

The U.N. mission in Haiti, which will include approximately 2,500 United States troops, will be a chapter 6 mission—strictly one of providing presence and monitoring. Under current mission parameters, American soldiers provide the security in Haiti, to the degree that that security is real. They are the folks who are enforcing the security there, to the degree that there is any real security.

Today, our soldiers are involved at the local level in the day-to-day running of villages throughout the Haitian countryside. Our soldiers are serving as mayors and judges; they are serving as the electric company and waste disposal management company. In any given day, they might be called upon to deal with a charge that perhaps the local magistrate is engaged in extortion; they will probably buy the food for the prisoners in the local jail and make certain it is delivered; they will probably give out a few speeding tickets and might even confiscate a few guns. As we always expect of them, our troops are doing an outstanding job. Whether or not it is an appropriate or safe job for them to be doing and what sort of track record they are building in the eyes of the Haitian people are questions still open for debate. We have lost one soldier tragically in action in Haiti—he was trying to force someone to pay a toll to an individual who apparently had no official authority to collect it. We are deeply troubled by this death and renew our call for a thorough review of United States policy in Haiti.

Knowing the degree of American financial and personnel involvement in Haiti, Americans were no doubt surprised to read in the national press yesterday that their men and women in uniform are not accepted with open arms by all Haitians. Despite the fact all we are doing for Haitians, apparently there are some problems. This is in sharp contrast to the pictures they remember of jubilant Haitians in Port-Au-Prince welcoming Americans to their shores. But there is more to Haiti than Port-Au-Prince.

It is true that in many Haitian villages, American soldiers are cheered as they drive through the streets, and that gladdens the heart of all Americans. But the feeling that American troops do not belong in Haiti also is real in many areas of the country.

It is a little bit of going back to the old days of the occupation that some remember, the gringoism that we have suffered for so many years in our hemisphere and tried to get away from through the good works we have done in so many countries in our hemisphere.

Haitians from the provinces will tell us that the soldiers have made little difference in their lives. They are disappointed. The farmers will tell us that they still have no one to go to when someone steals their crops or their livestock, or that if they do complain, nothing happens. People will tell us that the American soldiers have let themselves be used in some instances by thugs and vagabonds. Some will also tell us that they would prefer that no foreign soldiers be in their country. I guess we can understand that.

In other places, like Jeremie, they are crying foul because they believe the U.S. troops are too close to the military leaders who once terrorized that population. It is a very thin, delicate line our troops have to walk.

As we make the transition to a U.N. mission, any feelings of insecurity and resentment will continue to grow. We know that. That is not uncommon in a transition. But we have to add into the equation the fact that the Haitian Government is not up to the administrative and financial challenge of providing for its own security right now or for getting government up and running, even with the present monitoring of our United Nations mission. They are not going to be able to do that.

Haitian police forces do not have the respect of the public, and they do not have the weapons or the vehicles to provide for law and order.

The conclusion I reach is that below the surface of the so-called secure environment there remain very serious problems that could become deadly in an instant once the transition is made.

Mr. Speaker, the U.N. mission in Haiti is not the end of the risk for our troops. In fact, it may even up the stakes. I hope the Clinton White House is looking below the surface to ensure the safety of our men and women in uniform.

And while they are thinking about Haiti, the Clinton administration might start thinking about the American taxpayers who are footing the bill for the hundreds of millions committed to bail out the Aristide ship of state, which many observers feel is a boat that will not float no matter how hard you bail.

A CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, kind of a disturbing thing happened this week in so many ways that makes me wonder if the folks at the White House get it yet.

The President appointed a very liberal member of the Washington political establishment to run the National Democrat Party, and in his first press conference he personally told the Washington press corps elitists that he was against the balanced-budget amendment because he did not want to wait 7 years to balance the budget.

Well, neither does the American middle-class public. They are tired of it. The middle class in America are in a situation where they may need a new carpet, they may need a new washing machine, or they may need a new car, but at the end of the month, when you do not have the money, you do not get to buy these things. What the middle class said to the U.S. Congress on November 8 is "We want you to start living under the same constraints that we do. We want you to learn how to say no. We want you to tighten your belt and we want you to balance the budget."

Under the current course that we are on, the President's budget, as estimated by his own budget folks, will add to the national debt $1 trillion over the next 5 years. That is not what the middle-class public wants. They want a balanced budget amendment, and I will say to the President's newly appointed Democrat Committee Chairman, "If you don't want the balanced budget amendment, where are you going to cut?" I have heard from so many Members of the other party who say, "Show us your cards. What are you trying to hide?" as if it is the sole responsibility of one party.

□ 1340

We got into this debt situation not because of Democrat irresponsibility, but because of Democrat and Republican irresponsibility. This is a bipartisan debt. It is a bipartisan problem. And I resent members of the minority party saying "what are you going to do?" Yes, there are some proposals out there. What are your plans? So far all I have heard is attacks, personal and maliciuous attacks on Speaker NEWT GINGRICH. All I have heard are talks about the Committee on Ethics that haven't been formed because their party has not appointed anyone, and all I have heard is their new frequent flier fetish, as if mainstream America at civic clubs raises their hands, and right after asking about the national debt, they say "And what are you going to do about the frequent flier problem in America?" Well, that is real big farsighted legislation.

But I certainly hope that before this debate goes any further, that the Democrat Party will come up with substantive ideas to contribute to the debate, to say "Hey, here are some ideas that might balance the budget, and, you know, I might not be for a balanced budget amendment, but I think we can get there this way," instead of just being against it.

You know, just because a party is not in the majority does not mean they do not have any responsibility to come up with ideas. The best thought, the best concept in America, is when both parties get together and work for the better of the country, rather than just the petty politics as usual.

So, Mr. Speaker, as we approach the balanced budget amendment coming up in a very few weeks, I hope that all members of both parties will come forward and say "Here are my ideas." If I am against the balanced budget amendment, I have an alternative. Rather than just swinging away at NEWT GINGRICH and the book deal, rather than just attacking frequent flier points, and rather than just getting mad at the Committee on Ethics, which their side hasn't appointed yet, let us hear some substance, because that is what we are elected to do, Mr. Speaker. The middle class of America wants a balanced budget. The middle class of America wants less spending. The middle class of America wants a smaller government. And I hope that members of the Democrat Party will join us in that effort.

MATTERS TO BE DEBATED ON HOUSE FLOOR

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, I am disappointed that the gentleman that just spoke has left, because I, for one, am a strong supporter of a constitutional amendment for a balanced budget and have always done that. I have voted on it repeatedly. I have signed discharge petitions. There are any number of members of the Democratic Party who feel just as strongly as many of the people on the other side about a balanced budget amendment. We just disagree maybe on some of the details.

Mr. KINGSTON. Will the gentleman yield?

Mr. VOLKMER. Yes, I will yield. Even though your people would not yield earlier on 1-minutes, I will be glad to yield.

Mr. KINGSTON. I always yield on special orders because I feel it is a good time to have a little debate, and through the debate some camaraderie. I just wanted you to know I am back if you had any questions or anything that I could add to. If I heard you correctly, you said you are for the balanced budget amendment.

Mr. VOLKMER. I always have been, as the gentleman from New York can tell you.

Mr. KINGSTON. I am pleased to hear that. Can you tell me how many folks on your side of the aisle might be voting in support of it?

Mr. VOLKMER. Quite a few, but they are going to vote for the Stenholm provision, the Stenholm balanced budget amendment, and that is the one that we support.

Mr. KINGSTON. Well, to my friend, I would say that if we can get their vote on the Stenholm amendment, that is a good positive step. I, as you know, am not part of the party leadership over here. Although I do support the Republican version with the three-fifths majority vote provision, I still think that the Stenholm amendment, which I supported last year on the floor, is a good step, and I am glad to hear it.

Mr. VOLKMER. The gentleman has been here long enough. All you have to do is go back in the CONGRESSIONAL RECORD. You can go all the way back to 1982 and see where HAROLD VOLKMER has voted consistently. And, like I said, I even signed a discharge petition when it was necessary to bring one out. I support a line item veto, too, maybe a little different than what you do, but I support the concept.

I also support mandates, that do something about them. I disagree, and I have an amendment that I hope to offer when we bring the bill up Friday, because I think there is a big loophole in that bill, you can drive a truck through, in that mandate bill. So there may be some disagreements on the details.

But what bothers me the most, and we could talk about these, and we have talked about a constitutional amendment for a balanced budget here since 1982. And I have been here 18 years, I am starting on my 19th year, and I have never come here with the idea that HAROLD VOLKMER would ever become rich because he is a Member of

Congress. And I think it is improper for any Member to get outside income, to become rich because of his position in this House. We are here to serve the people, not to fill our own coffers and fill our own pockets, and to use our influence in order to do so. And I think Members who do that should have what they are doing all debated on this floor.

What bothers me is that we do not see the other side willing to debate that. We don't see an ethics bill. We think it is all right. We have it in our rules right now. You can take all the vacation trips with lobbyists and have them pay your full way and then you can vote for them on the floor of the House, everything they want on amendment or on a bill. And the other side, the Republican Party says that is the way it should be up here.

We now have a Speaker that had signed a contract for $4.5 million to write a book. Boy, that is really pretty good. I don't think too many people have been able to do that. Now he says he will give that up and take the royalties instead.

Well, as the gentlewoman from Florida attempted to say here today on the floor, it really depends now on the publisher and how many books they sell, how much money he could make. He could make $10 million if enough of his wealthy friends decide to buy a whole bunch of books. They could each buy 1 million books. He could make $10 million off of it. And I don't think any Member of this body, any Member, should be able to do that. I think that is unconscionable. I think that this matter, the book deal, should be debated on this floor.

I welcome the majority party to come forward. I welcome the Speaker himself to come forward and stand in this well and debate his book deal. I think it should be debated.

SERIOUS SAFETY AND HEALTH HAZARDS FOR STAR-KIST WORKMEN IN AMERICAN SAMOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my serious concerns about the health and safety of American workers.

Mr. Speaker, the Occupational Safety and Health Act of 1970 sets forth safety and health standards for businesses which affect interstate commerce. The law was an attempt to correct several inadequacies in the workplace, including an attempt to level the economic playing field between businesses who provided safer and healthier working environments and those companies which did not. This was a bipartisan law, passed by a Democratically-controlled Congress and signed by a Republican President, Richard M. Nixon.

The Occupational Safety and Health Act, together with its regulations, is today applicable to the 50 States, the District of Columbia, and the U.S. territories. American Samoa is one of those territories.

Mr. Speaker, last year the Occupational Safety and Health Administration, or OSHA, began what ended up being a 5-month investigation of one of the two largest private employers in American Samoa, Star-Kist Samoa, Inc. Star-Kist Samoa is a subsidiary of Star-Kist Foods, which is a subsidiary of the $11 billion conglomerate, the H.J. Heinz Food Co. This investigation concluded last month with the signing of a settlement agreement of approximately 100 citations which were issued for violations of Federal law and regulations. The violations included 42 willful, 35 serious, 12 repeat, and 4 failure to abate violations. The violations were for:

Failure to provide adequate machine guards for dangerous points of operation resulting in 11 amputations—5 total finger amputations, 1 total leg amputation, and 5 amputations of at least 1 finger joint;

Failure to provide 1,900 employees the use of puncture resistent gloves to protect their hand from sharp fish bones, knives, and wire racks, resulting in numerous injuries requiring sutures;

Failure to provide basic employee hearing conservation measures, though Star-Kist Samoa was aware that 19 employees had developed significant shifts in their hearing;

Failure to inform employees of the results of noise surveys;

Failure to perform baseline audiograms for over 600 employees;

Failure to conduct annual audiograms for over 1,500 employees;

Failure to evaluate audiograms that had been conducted;

Failure to develop and require the application of lockout-tagout producers for employees engaged in such tasks as cleaning and unjamming machinery;

Failure to enforce the use of confined space permits;

Failure to keep adequate records of worker injuries and illnesses; and

Failure to comply with OSHA regulations on respirators, chemical exposures, eye washes, and bloodborne diseases, resulting in 100 employees being admitted to the LBJ Tropical Medical Center for treatment after being exposed to lethal gas.

Based on these violations, Star-Kist Co. agreed to pay $1.8 million in penalties. This is a substantial penalty and was based on the severity of the violations, the period of time over which the violations occurred, prior knowledge by company officials of the violations, and the number of employees subjected to the unsafe or unhealthy conditions. Based on the formula OSHA uses to determine appropriate penalties, OSHA officials determined that a penalty in the range of $4 to $5 million was supportable. It was determined, however, that based on Star-Kist's willingness to correct the violations, a somewhat lower penalty was acceptable.

Mr. Speaker, the unsafe and unhealthy conditions found at the Star-Kist plant in American Samoa would not have been tolerated in any of the 50 States of the United States. That 42 of the violations were willful, in other words they were violations of Federal laws which Star-Kist management was aware of but purposely chose not to correct, is an indication to me that the management of Star-Kist Foods and H.J. Heinz here in the United States wanted to get away with as much as they could, regardless of the risk to the Samoan employees.

I have heard attacks made recently to the effect that a government which governs best is a government which governs least. In an effort to reduce the number of Federal regulations and make the climate in America more conducive to business, some are talking of doing away with the Occupational Safety and Health Administration.

Mr. Speaker, I believe that would be a grave mistake, and I use the example of what has happened to the Star-Kist employees in Samoa as an example of what would happen to employees in the United States if we do not maintain regulations to protect the safety and health of our workers, and provide sufficient funding to enforce these regulations. I have not heard one complaint, not even from Star-Kist, that OSHA acted improperly or impartially during the course of this investigation. OSHA did an excellent job in enforcing Federal law and regulations during this inspection, and I wish to publicly commend them for their outstanding performance.

Mr. Speaker, I have much more to say on this matter, and I will take the opportunity to do so later in the week.

□ 1350

CRIMINAL ALIEN TRANSFER AND BORDER ENFORCEMENT ACT OF 1995

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today, I am introducing, on behalf of myself, as author, and the gentleman from Indiana [Mr. BURTON], the gentleman from California [Mr. BEILENSON], the gentleman from California [Mr. CONDIT], and the gentleman from Michigan [Mr. KNOLLENBERG], as coauthors of the Criminal Transfer and Border Enforcement Act of 1995, H.R. 552.

This bill suggests that an integrated approach to border management is needed. This legislation includes the improvement of drug interdiction, controlling illegal immigration and stopping other illegal cross-border activities in California and elsewhere.

The recent election in California made one issue very clear: Taxpayers are fed up with paying for the enormous costs associated with illegal immigration. It is especially disconcerting that the incarceration of criminal aliens is running up a nationwide tab of approximately $1.2 billion annually.

The Federal Bureau of Prisons reports that noncitizens make up approximately 24 percent of the 91,000 total Federal prison population.

The average cost per inmate in the Federal prisons is $20,803 per year. In California, the Governor estimates that we spend over $350 million a year incarcerating aliens in our State prisons.

According to the Bureau of Justice statistics, about 4 percent of the inmates in our State prisons are not U.S. citizens. The estimated cost to California, as I said, is several hundred million dollars.

The Criminal Alien Transfer and Border Enforcement Act urges the President to renegotiate, within 90 days of enactment, the existing bilateral prisoner transfer treaties with Mexico and other source countries, which have sizable numbers of illegal criminal aliens in our prisons.

In 1976, almost two decades ago, the United States established a prisoner transfer treaty with Mexico. This treaty is outdated, and it is time for a change of course.

Alien prisoners come from more than 49 countries in North America, South America, Europe, Africa, and Asia. Almost half of the alien inmate population is of Mexican origin. The Immigration and Naturalization Service has estimated that as of October 1992, the total illegal alien population in our Nation was 3.2 million people and growing at 300,000 annually.

I think that is an underestimate. When you figure that roughly 2,000 illegals a night come over in one 20-mile sector in San Diego, CA, I think you will see what I mean.

The States of California, Arizona, Texas, Florida, and New York have been particularly hard hit. This measure would help relieve U.S. Federal and State prisons of the costs associated with housing the illegal criminal alien population. The incentive for foreign governments which participate in the renegotiated treaty is the benefit of a trained and adequate border patrol and police force trained in the United States at the Border Patrol Academy and the Customs Service Academy. That is also a tremendous benefit to our Nation's borders.

Illegal immigration is not a regional problem. It is a national problem.

Mr. Speaker, it is time for Congress and the President to take joint responsibility for the impact on the States caused by the relentless flow of illegal immigration.

Mr. Speaker, I include for the RECORD a copy of H.R. 552.

H.R. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Alien Transfer and Border Enforcement Act of 1995".

SEC. 2. PURPOSE.

The purpose of this Act is to relieve overcrowding in Federal and State prisons and costs borne by American taxpayers by providing for the transfer of aliens unlawfully in the United States who have been convicted of committing crimes in the United States to their native countries to be incarcerated for the duration of their sentences.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The cost of incarcerating an alien unlawfully in the United States in a Federal or State prison averages $20,803 per year.

(2) There are approximately 58,000 aliens convicted of crimes incarcerated in United States prisons, including 41,000 aliens in State prisons and 17,000 aliens in Federal prisons.

(3) Many of these aliens convicted of crimes are also unlawfully in the United States, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of such criminal aliens is approximately $1,200,000,000, including—

(A) for State governments, $760,000,000; and

(B) for the Federal Government, $440,000,000.

SEC. 4. PRISONER TRANSFER TREATIES.

Not later than 90 days after the date of enactment of this Act, the President should begin to negotiate and renegotiate bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

SEC. 5. CERTIFICATION.

The President shall certify whether each prisoner transfer treaty is effective in returning aliens unlawfully in the United States who are incarcerated in the United States to their country of citizenship.

SEC. 6. TRAINING OF BORDER PATROL AND CUSTOMS PERSONNEL FROM FOREIGN COUNTRIES.

Subject to a certification under section 5, the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training certain foreign law enforcement personnel. The President shall make appointments of foreign law enforcement personnel to such academies to enhance the following United States law enforcement goals:

(1) Drug interdiction and other cross-border criminal activity.

(2) Preventing illegal immigration.

(3) Preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or goods which have not paid the appropriate duty or tariff).

TOUGH LOVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, first let me say, we heard about NAFTA, you hafta. Now it is Mexico, bailout or bust. United States taxpayers should not have to become Mexico's insurance company. Why should our taxpayers have to place the full faith and credit of our U.S. Treasury behind the Wall Street speculators who gambled and lost their own money? We have no legal obligation to do that. They are not insured by the Treasury of the United States or any of our respective banking institutions.

So today, I would like to ask on the record our U.S. Treasury Secretary and Chairman of the Federal Reserve specifically which speculators have their hands out to the taxpayers of the United States? Which creditors must Mexico pay off in the first quarter of this year, in the second, in the third, in the fourth, and in years hence? Which investment banks, we want to know who they are and where they are located and how much? Which mutual funds, which multinational corporations who gambled that the fundamentals of that system of government in Mexico were good enough for them to take our jobs south of the border? And which global banks? Who specifically does Mexico owe the $26 billion that is coming due this year, and then the dozens and dozens of billions, $89 billion total public debt, not counting the private debt, and all the creditors that Mexico owes?

Call my approach tough love. There are just some times when you have to say "no."

Imagine, we have a U.S. Treasury Department which recently, under the GATT debate, told our savings bondholders in this country that they could not earn 4 percent interest anymore on their U.S. savings bonds. You remember a couple years ago they could earn 6 percent; then they lowered it to 4 percent. Then under GATT, they removed the floor completely. So American taxpayers who buy U.S. savings bonds have no real incentives to buy them anymore.

□ 1350

Then the Federal Reserve Chairman testified here in Washington last week that in order to try to balance our budget, gosh, maybe senior citizens in our country would have to take a $10 a month reduction in their cost-of-living allowance under their Social Security. That is not exactly what I had in mind for the seniors in my district, but the very same organizations, the U.S. Treasury, which cut the interest rates to our bond buyers, and the Federal Reserve, which has told our seniors, "Sorry, you are getting too much money," now they have pledged the full faith and credit of this Government to another nation. I find it very interesting.

What is so reprehensible to me is when I first got here in Congress in the 1980's, I came here because of the high unemployment in my district. I was appointed to the Committee on Banking, Finance and Urban Affairs.

The very first bill that I came up with on that committee was to try to find a way to help the people in my district to hold onto their homes. We had a bill that would have prevented foreclosure.

We had a bill that said, "Look, we will create a second mortgage, and for those of you where the bankers are at your door, the creditors are at your door, we will give you a second mortgage. It will be short term. After a year you will have your job back and you will be able to stay in your house and continue to earn money at your job."

They have a good credit history. We were only asking for a short-term add-on to their mortgage. It was guaranteed by the collateral of the house itself. They had to pay it back, and the political situation in Toledo, OH, is pretty stable.

Guess what, we could not get that bill through the Committee on Banking, Finance and Urban Affairs of this Congress. We couldn't help our own people with any kind of guarantee to hold on to their own homes.

Yet, now, another nation comes and is in trouble, and we are willing to pledge $40 billion in loan guarantees plus $18 billion. They already have the lines open to Mexico as of last week. I would find the whole situation absolutely amazing if it weren't so upsetting, because it just goes to prove that those that have a lot have incredible political power in this city and around the world.

I have never seen the kind of people running around here to help my district when it was in recession that I have now seen running around this Congress and up and down Pennsylvania Avenue to try to bail out the Wall Street speculators who would not listen to us when we debated NAFTA last year. We tried to get provisions in there to protect our people, as well as to have a slower market opening mechanism so we would not have these kinds of dysfunctions as NAFTA kicked in. They wouldn't listen to us then. They have made billions already. We shouldn't pledge the full faith and credit of the taxpayers of our country.

JOB CREATION SHOULD BE THE MANDATE FOR THE 104TH CONGRESS

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, during the exit polling following the last election, one thing that consistently was revealed was that most voters, an overwhelming majority of voters, are concerned about jobs and employment. A large percentage of Americans are concerned about the fact that they are working at jobs at substandard wages, wages below what they were receiving prior to their present job.

Large numbers are concerned about the fact that they may lose their present job in an atmosphere and an environment of downsizing and streamlining corporations. Of course, large numbers have not had any jobs for a long time. They are just dying to get a job and end their long-term unemployment.

So jobs must be the No. 1 priority of the 104th Congress. The message is clear. The exit polls showed it. There have been a number of studies which have showed that the American public is concerned about jobs, and of course the polls show that jobs are a No. 1 priority.

Somehow, the elitist leadership of Washington does not seem to hear the voice of the American people. Somehow the Republicans are not listening. The Democrats are not listening either.

We have Republican jobs through capital gains being proposed. The act that is part of their Republican contract talks about creating jobs through a reduction in the capital gains taxes, and also a reduction in other corporate taxes. We have been that route before. It did not work before under Ronald Reagan.

The trickle-down theory did not produce the jobs that were supposed to be produced at the levels that they were supposed to produce them, so why go to the trickle-down theory again? But that is what is being proposed. That is all that is being proposed by Republicans.

Democrats' proposals, on the other hand, are also too timid and too small. We are talking about dealing with jobs through more training and more opportunities for education. It is the correct procedure, the correct process, but it does not go far enough. It does not talk about creating jobs. Job creation is what is needed.

The job programs we are talking about in the Progressive caucus, which has introduced and is preparing a jobs bill, a jobs investment, job creation and investment act, will create a million jobs a year. It requires spending—investing large sums of money, but it is a tried and true approach.

It will be the investment of large sums of money in the areas of the economy where we know there is a great need. We know we need jobs. We need infrastructure. We know we need highways. We know we need improvement of our transportation facilities and bridges.

We know there are large numbers of substandard schools out there that could use some repair. There is a need for new school construction. In higher education they have a great need for infrastructure increase there.

There are a number of places where we know there is a need. We know that if you apply investment to these areas, you will stimulate the economy. It is not Big Government because all you do is make big decisions.

Government makes a big decision: Government decides it is going to stimulate the economy in that direction, and the contracts go out to private contractors. The work is done by workers who are not Government workers.

It is not an increase in Big Government. It is an increase in additional jobs. You will create large numbers of jobs in areas that we know jobs are needed, where we know workers need it, and we know we need to make the repairs and take care of improvements in our infrastructure.

Job investments can be made and they can be made without raising taxes. We are not talking about the need to raise taxes. You can make selected cuts in waste. There is still a lot of waste in Government.

We don't agree as to where the waste is. Some people insist in pursuing children who receive welfare, Aid to Families With Dependent Children, and that is going to be the area where they will make the large cuts; or they want to pursue education. There are a number of areas they want to pursue which would be counterproductive. It would decrease the ability of people to take advantage of jobs. It would create more turmoil in our society than necessary.

On the other hand, if you make the cuts in other directions, selected cuts, there are cuts that can be made which total billions of dollars which could then be used for the job investment. I will talk in more detail about those cuts.

There are cuts in the area of defense. There is a peace dividend we never realized. The cold war is over now. The evil empire of the Soviet Union is gone. We have never realized that dividend that can be realized as a result of all of these things being changed.

□ 1410

We can make cuts is defense. We can make cuts in the corporate welfare area. Some people estimate there is $40 billion being given away to corporations and business, others as high as $50 billion. We can make cuts there. We can make cuts in the CIA, the Central Intelligence Agency, which has no evil empire to spy on anymore, and the most conservative estimates estimate that the Central Intelligence Agency and the other intelligence agencies together have a budget of $28 billion.

So there are areas where you can make cuts and move that money from those wasteful areas into the area of investment and jobs.

We have two economies and most people will tell you, "Well, the economy is booming, so why are you concerned about creating more jobs?" Well, go and ask the American people. Why are they so anxious? Why are there so many people out there who are concerned about losing the job that they have now? Why are there so many that are angry because they are getting paid so much less than they were being paid for similar work a few years ago? Why are there so many that are desperately seeking jobs that do not exist?

There are two economies, that is the reason. There is one economy that is booming and that is the Wall Street economy. Large profits are being made. Automated industries are very productive. Even some very fortunate workers are getting tremendous amounts of overtime because they are part of that booming economy and the automated economy. So they are very well off.

But the great majority of people, the great majority of wage earners are living in an economy which is not very well off. It is the other economy, the economy of the wage earner.

There is an economy, in other words, for an oppressive minority. They have all the production, the fruit of production, they have the profits and the fruit of all the productivity.

On the other hand, there is a caring majority out there of people who make up the bulk of American citizens and they are not part of that booming economy. They are struggling, they are anxious, and I call them the caring majority.

We have a philosophical clash that is exhibited in the way we approach the question of jobs, the clash between those who are members of the oppressive minority, and they want more and more and they want to rig the economy, change the rules, in order to make greater profits without providing jobs, and those who would like to see the wealth of America, the productivity, all of the fruits of stable society, all the fruits of peace, they would like to see them divided so that everybody gets part of the benefits. I call those people members of the caring majority.

We do not have to talk in terms of communism anymore versus capitalism, but there is a social contract which has to be assumed. Whenever there is a society, you should assume that the society is going to provide an environment, going to provide a system, going to be managed in a way which guarantees that every individual will have an opportunity to make a living. That is a social contract, where an individual surrenders to the rules, an individual obeys the laws because he gets something back that he could not get as an individual. If an individual is going to abide by the laws and is going to be a part of the society, the society owes it to him to try to operate in a way which allows him to make a living.

The social contract is sort of an assumption we can make, and that social contract requires that if you are going to be in the leadership, if you are going to be in Congress, if you are going to be in the executive branch, you have an obligation to operate in a way which allows people to earn a living. You have an obligation to manage the economy in a way that provides income for all who want to work.

What we have is a grossly mismanaged economy. We have an economy that is very much managed, that very much is bureaucratized, not so much from the Government sector as also from the private sector. We have an economy that has lots of rules and regulations but they do not redound to the benefit of a majority.

We have an economy which tells us, on the one hand, in this last 10-year period that we should spend billions of dollars, and nobody yet knows how many billions we have spent, to bail out the savings and loan banks. We bailed out the savings and loan banks to the tune of billions of dollars. I do not know what the most recent accounting is, but certainly the taxpayers have lost at least $100 billion already on the savings and loan bailout and it is still going. We ought to call for a report on that and see just where we are, because that is part of the economy that is managed to benefit a handful of people. It is managed to benefit the oppressive minority.

Now we have the same oppressive minority manipulating the economy and the taxpayers' money in ways that will lead to the expenditure of at least $40 billion for Mexico, to bail out the economy of Mexico. We are being called upon to spend at least $30 or $40 billion, they do not give any concrete figure, but it is going to be billions and billions of dollars to bail out the economy of another country.

Why bail out the economy of Mexico? Because large numbers of banks, the same banks that benefited from the bailout of the S&L program, those same banks, many of them are now invested heavily, and the same firms are invested heavily in Mexico and now we are going to go to the aid of Mexico and spend billions of dollars to bail out the economy of Mexico without creating a single job here in this country.

If we have billions of dollars to bail out Mexico, why can we not apply that to an investment in job programs here in this country? Mexico is going to be guilty of a double hit on the wage earners of the United States.

As we clearly explained during the debate on NAFTA, the jobs go where the cheap labor is, and the jobs have moved. Already in the short period of time that NAFTA has been in existence, large numbers of jobs have moved to Mexico. Large numbers of plants are planning to invest in Mexico.

Suddenly there is this bomb that goes off. The bomb goes off and the Mexican economy seems to be in danger and in order now to ensure that this process of draining our economy of jobs is going to keep going, in order to guarantee that nobody in the Wall Street sector of the economy, in the oppressive minority sector of the economy, nobody will lose, we are going to as taxpayers be called upon to bail out Mexico to the tune of billions of dollars. We would like, instead, to see the same kind of attention applied by both the Democratic leadership as well as the Republican leadership to producing jobs here in our own economy.

The Progressive Caucus has a jobs bill that is a well-tested approach. As I said before, it stimulates the economy by providing for basic needs that are there, infrastructure needs, education needs, social service needs, in order to create jobs.

What is happening now is that we have a blind allegiance, a tunnel vision on the Wall Street economy and that tunnel vision is slowly strangling our economy as we follow that. The Wall Street economy is an economy for the minority, it is an economy for the oppressive minority that manipulates the finances of the country and the finances of the private sector in a way as to guarantee greater and greater profits to fewer and fewer people, while more and more people are anxious about their own status and their own employment.

The stakes are very high and the future directions are now being set. As we go toward the new world order, what happens in the next few years must really determine what is going to happen in the next 100 years. It is very important for us to get back on track and fully understand that jobs ought to be the No. 1 priority of the leadership of America. It ought to be the No. 1 priority of the Government. Providing ways for people to make a living ought to still be on the lips of every Member of Congress and of the Government. A jobs bill now should guarantee that the new world order economy is going to be an economy which provides opportunity for all.

Maybe we will not have a jobs bill that can solve all of the problems overnight, because we do have a new world economy, a global economy. One never knows exactly what is going to work and what is not going to work. There are a lot of unpredictable things in such a volatile situation as the one we have now.

We have China, the largest nation in the world in terms of population, China transforming from a socialist economy to a mixed economy. A large part of that economy is capitalist. One does not know what the impact of that is going to be finally on our own economy. We have the nations of Eastern Europe merging into the capitalistic economies of Eastern Europe, of the rest of Europe and also impacting upon this country. Exports coming from those countries, our imports going there.

One does not know in the final analysis what the overall global economy is going to look like in a few years and what all the different breakouts are going to be. You cannot predict it. But you do know that there is a need to keep the American economy strong, there is a need to buttress and to make certain that the magic of our marketplace is never lost. All of the nations of the world were seeking to get into the economy of the United States, to get in our market. Our market since World War II, our market, our consumers, the purchasing power of our workers, that has been the driving force of the post-World War II economic situation. It helped to create the Japanese success. The Japanese were able to come into our markets and sell their products in our market.

□ 1420

It helped to revitalize Europe, because Europe does lean very heavily on our market in selling their products. Not only did we give loans that are open and help them with their recovery, but the market that we created through our consumers allowed them also to prosper and to redevelop their economies.

Now that great consumer market is threatened. Who made up that consumer market? The workers of America, the people. For the first time in history you had a large class, millions and millions of people earning a decent living wage, wages high enough to provide for food, clothing, shelter, and other necessities. And after that they had discretionary income, they had money left over that they could spend for many other things.

The fact that that great consumer market was there allowed the nations of the world to feed upon the economy, the marketplace of the United States, and grow prosperous as a result.

Now we are destroying that great consumer market. The workers earn less and less, they earn less now per hour than they earned just 10 years ago, and certainly much less than they earned 20 years ago. Many of the workers who were working in good paying manufacturing jobs are now in service jobs making one-third of the amount that they made at that time. The jobs that they had before have been now transported to China, to Hong Kong, to Eastern Europe, to Mexico, to other parts of South America, all over, in search of cheaper labor. We are perpetuating a swindle upon the American people because as they pursue the cheap labor, manufactured products at the cheapest possible costs, bring the products back into our economy and sell them at a cost that is comparable to our standard of living, they make huge profits. The manufacturers and the entrepreneurs make huge profits, but in the meantime they are destroying the consumer market. The people who earn the money to buy the products grow fewer and fewer all the time.

Everybody wants to make their killing, however, and if the Government does not do anything about this, certainly private enterprise will not do anything about it. And that is about what is happening. We are ignoring the working economy, the economy of the workers, the economy of the wage earners, and we are looking at the economy of the big entrepreneurs and manufacturers. They can go and make sneakers in China that are $10 per sneaker, transport them back here and pay the transportation cost, and then sell them for $100 or $120 and make a huge profit in the process, and in the process also deny employment to large numbers of American workers.

So we have to get back to an understanding that that is a problem that cannot be ignored much longer. We have to address ourselves to that problem in the 104th Congress. This Congress has to listen.

Yes, tax cuts are very desirable. I have no problem with a middle income tax cut. I hope we go on with a sensible tax cut. Even if it is symbolic, the tax cut is important. The American people deserve to know that after all of the years of waging the Cold War, after the years of the military buildup, much of which was not necessary but some of which was necessary, after all of those years of expending taxpayer dollars to make the world safe from communism, to make the world safe for democracy, after all of those years they deserve some relief.

So we ought to have a tax cut. There is nothing wrong with a tax cut. A tax cut does not mean we cannot also have a job investments bill and cannot have a job creation bill of the magnitude I am talking about.

We have to have some way for people to earn the income necessary to take care of themselves so that we do not have a drain on the Government one way or another.

There is a great deal of talk about getting people off welfare and that is a great drain on the Government. But take a look at the unemployment insurance and the people who go off unemployment insurance, if they do not get jobs, and you will understand there is another problem. The anger that is out there also leads to many other kinds of problems.

So, in place of a bill which has been proposed by the Republicans, which is basically a bill which calls for the creation of jobs through tax cuts, and we do not hear much about real jobs, in place of that, the Progressive Caucus would like to offer a real bill that talks about physical capital investment. They propose to provide an additional $10 billion in highway and bridge maintenance spending per year over the next 2 fiscal years. As much funding as possible would come from the surplus that is already there in the transit account of the Highway Trust Fund. We estimate as much as $4 billion may be in the Highway Trust Fund. That is one place we could get funds without jeopardizing any other programs or any other aspects of the tax relief program being proposed for middle-income taxpayers.

In 1993 the Federal Transit Administration report noted that to maintain the Nation's highways and bridges at the 1991 level would require an additional outlay of $19.5 billion. To correct overall deficiencies in the highway system would cost $212 billion.

In addition, there are some 118,000 bridges that are defective or deficient. To repair them would cost $7 billion.

I mention highways because, as you see, the largest amount of money expenditures, investments that would stimulate the economy would come through a program like this. It also would provide the greatest amount of activity in terms of jobs for people, jobs for contractors. There are a number of different proven benefits that flow out of contracts related to highways and mass transit. We need $1.6 billion in mass transit investment per year and that is only a small part of what is needed. The American Public Transit Association reports that more than $7 billion above current spending could be used quickly to improve our Nation's mass transit system. This dollar amount would only eliminate the immediate backlogs of mass transit needs. To restore the system to its pre-1980 levels would require an annual investment of about $11 billion.

I do not want to overwhelm anyone who is listening with the billions and billions of dollars of figures. The common sense is that you have got some needs in transportation. Whether you are talking about the construction of highways or you are considering the construction of mass transit facilities, there are clear needs there. You may go to airports; there are clear needs there. Some people would say, well, we have more airplanes than we need now. We are overbooked, our capacity is greater than we need for airlines. Maybe our capacity for mass transit is overbooked. And we certainly do not need railroads. Amtrak is now cutting back.

I think all of this is very shortsighted. It does not understand that one thing that is predicted in the future as far as the global economy is concerned is that in this country there will be one industry that definitely will thrive and will grow no matter what is happening otherwise and that is the industry of tourism. Tourism in New York is the largest industry already, New York City, and it is growing, it is the one industry that is not stagnant. All of the hotels are full right now. They are filled up even before the Chinese middle class starts.

If just for a moment we would think in commonsense terms about the tourism possibilities with respect to people coming into this country who would use our transportation system, they would use a lot of other things besides the transportation system, of course, but those who would use our transportation system in large numbers from outside the country bringing in dollars to spend here in large numbers, think for a moment about the possibilities as we go into the New World Order.

You know China has a population of 1 billion people at least, conservative estimate. If just one-quarter of the Chinese become middle class, and with the thriving economy that they have and the kinds of miracle enterprises that we read about, it is not far-fetched to assume that one-quarter, just one-fourth of the Chinese people could become a Chinese middle class. And let us assume that if just one-tenth, you know one-fourth of a billion is 250 million, if one-tenth of that Chinese middle class decided to travel to America as tourists, that Chinese middle class by itself would produce 25 million more visitors to the United States than we have now, just growth of the middle class in China. Of course the middle class is growing rapidly in other parts of Asia also. We have had the Japanese visitors that are part of the present equation. The largest number of visitors in New York City in terms of tourism, the largest numbers are Germans and Japanese.

□ 1430

They have been around for a long time. So I am talking about not German and Japanese but just the additional tourists that you would realize from other parts of Asia including China would mean 25–30 million visitors coming to the United States. If you add to that number of visitors the people of Eastern Europe who for a long time have not been allowed to travel and there is a growing middle class in Eastern Europe, if you add to that the fact that everywhere in the developing world, no matter how bad conditions are, there are increasing numbers of people there who want to come to the United States either as students or as tourists, and you have a large number of people in the future who will be a part of a tourism industry on a scale unseen previously by the United States.

So does it make sense to build an infrastructure now which is second to none? Does it make sense to invest in the infrastructure now? Yes, it does. At the same time that you are investing in an infrastructure that we know will be needed, you also are providing jobs at a time when the economy is undergoing a transformation, and there are a lot of things happening that cannot be explained.

So for that reason people are anxious and out of work. You can provide the work in a sure-fire, sure-shot operation.

We know we are going to need transportation. We know we are going to need an infrastructure. Let us spend the money. Let us invest now and guarantee that we will be ready for the boom when it comes later on.

Environmental cleanup also, we know we need it, because neither tourists nor residents will be able, none of us will be able to enjoy our cities and our suburbs unless we clean up some of the environmental mess that has been made. We are talking about $25 to $100 billion which could be spent over a 10-year period. If we begin now, there are large amounts of sound investments, sound expenditures that could be made in the environmental cleanup.

The community development block grant has dealt a number of years with infrastructure problems that exist in the urban centers; extreme hardships faced by communities, very important obvious needs that could be met in building schools and building facilities of various kinds.

Just rehabilitating schools and libraries alone would cost about $3 billion annually over a 2-year period to repair, to renovate, alter, to construct elementary and secondary school facilities, a worthwhile expenditure, very much consistent with our understanding that in the future only the most educated population will be able to take advantage of the jobs that are available.

The tax cut proposals that are being made by the President and the Secretary of Labor all are built around education and young people. Those young people need more than help from their families in order to be able to go to college. They also need some decent schools right now.

There are large numbers of not only elementary and secondary schools that need repair, need to be rebuilt, but the infrastructure of our colleges and our universities, their laboratories, their computer facilities, their infrastructure that allows them to hook up with all kinds of present-day computer facilities, all of that is decaying and needs to be repaired, and in many cases needs to be built from the ground. It would be an investment consistent with what we want.

Along with the jobs, of course, I very much agree with the present emphasis of the Secretary of Labor and the President that job training would be necessary. Much of the training that is going to be done will be done in these school facilities, in the colleges, and they need to have the state of the art equipment, state of the art laboratories, and also the supplies necessary.

We have a crisis right now in this country. In some cities the public school systems are rapidly being abandoned. The local government is moving away from the funding of their own schools. State governments are refusing to come to the aid of schools.

Year before last we had three of the largest school systems in the country, New York, Chicago, and Los Angeles, in grave trouble. The Chicago public school system and the New York City public school systems did not even open their doors until 2 weeks after school was normally supposed to be open.

They had crises of various kinds. New York had a crisis with asbestos. Too many schools had asbestos poisoning or the danger of asbestos contamination. That was a dollar problem. They did not have the money to deal with it fast enough, and the schools were delayed 2 weeks in opening.

Chicago had a more direct fiscal problem. They just did not have the money. They did not have a way to guarantee that they could get through the semester, and they had to wait until certain acts were taken at the State government level before they could open their schools. They were 2 weeks late.

We have not had such a drama in the past fall. We did not have that drama last September. But we do have a situation where both of those systems, and in Los Angeles, the other system in crisis, great reductions are taking place. Schools are no longer able to provide any extracurricular activities. They are now telling parents they should help the kids by sending their own supplies, chalk, erasers, very basic kinds of things which are being requested of parents in terms of helping the schools through a very difficult funding situation.

On top of that, the number of youngsters in each classroom has greatly increased. The number of youngsters that teachers have to face now has gone up as high as 40 in New York City classrooms. So we are moving away from and abandoning our public schools in a period of time when we all admit and all advocate that there must be greater and more education.

Those schools need help. If we cannot help in the operating costs, and we know that schools are not the function of the Federal Government; education is primarily a State function. Education still is a State and local function.

In 1995 the Federal Government at this point spends, is responsible for, only about 7 percent of the total expenditure for education in the country.

The other 93 percent is the responsibility of the State government and the local government. So we are not talking about having the Federal Government assume responsibilities of a great magnitude that it does not have responsibility for at the present.

We are talking about one-time expenditures that would help relieve these localities and help relieve our school systems as well as relieve our higher education systems by providing the immediate expenditures for capital equipment, for plant, for the kinds of things that they will not have anything but a one-time expenditure for. It will at the same time provide jobs.

Jobs have to be No. 1. We can talk all we want to about welfare reform. But if we do not accept the responsibility that leaders are supposed to manage the economy so that everybody has an opportunity, leaders have an obligation not to just worry about one sector of the economy or the Wall Street economy, not just to worry about inflation and return on investments and increasing opportunities for people who have higher profits by signing GATT agreements and NAFTA agreements, leadership has to be concerned about what the bottom line is going to be for the people out there who have to go to work every day. We have to be concerned about providing jobs and income first of all.

People solve their own problems. Individuals can solve their own problems. Families can solve their own problems when they have enough income.

You know, a great number of the problems that we face in the areas of crime and the need to help families with children, large numbers of those problems are directly resulting from the fact that there are no income possibilities for the parents.

First, there are no income possibilities for the men, and they leave home. Then there are no income possibilities often for the women who are left to take care of children.

I am 100 percent in favor of welfare reform. There needs to be a change. But the change should be an honest change.

We should recognize and admit from the very beginning that welfare as we know it right now exists in great amount in America because welfare is cheaper than full employment. Welfare is cheaper than providing jobs. Providing jobs that we insist that welfare mothers take, that will cost far more than providing the measly stipend that families receive once a month. Providing a job which is going to cover the costs of food, clothing, and shelter for a family of three will require more than any State presently pays to welfare recipients. Of course, some States pay less than $200 a month as a survival stipend for a family of three.

We need to look at welfare reform in honest terms and say, first of all, we are going to be diligent. First of all, we are going to set priorities in terms of job creation, and when you say that you want every person on welfare to be off in 2 years and working, that they can look forward to 2 years or less, of course, the majority of welfare, people on welfare, do not stay on for 2 years in a steady stream. They are not on welfare consistently and consecutively for 2 years.

☐ 1440

Most welfare recipients get jobs and then they go off welfare for a while and then come back on when those jobs are not able to pay for their food, clothing, and health care. That is a great problem with families who have children, talking about aid to dependent children. Those children have no medical coverage once a person leaves welfare. A large number of people who come back on welfare, who have tried the marketplace, come back on welfare because there is no other way to get medical care for their children.

So let us solve that problem. If we make jobs No. 1, then we are able to solve part of the problem by employment. We have to make health care somehow attached to the jobs that poor people receive, and then we will have made great strides toward solving the problems that we say we want to solve.

I am all for reforming the welfare system, all for people working. But in my district, which has a large number of welfare recipients, I assure you that for every job you produce for a welfare recipient, I will have 10 people standing in line waiting to go to work.

We have had situations where there have been announcements of a few jobs at plants, hotels, various places where long lines have formed. Not only do we have an obligation to provide jobs for people who are on welfare but we have an obligation to provide jobs for those people who do not go on welfare, those people who came off the unemployment rolls who can no longer receive unemployment checks but did not go on welfare. They need a job too.

It does not make sense, it is not common sense to say we are going to provide jobs for welfare recipients if we are not going to address the problem of jobs assisting everybody else. When we say if you go on welfare, if you are receiving aid as a welfare recipient, you get in line first to get a job, you deserve a job, we are going to create jobs for you, provide job training for you. But there are millions of Americans who are unemployed or underemployed who are not a welfare burden on the State or the city or the Nation, and they too deserve jobs. Only a jobs program, a comprehensive jobs program like the one we have proposed in the Progressive Caucus, will solve that problem. It is very important that, as we go through these next 100 days, that we raise our voices.

Yes, the other party has the majority. It is not likely we are going to get a progressive jobs bill passed. It is not likely the Democratic leadership at this point is going to listen to a bill which proposes to do what we tried to do 2 years ago in the stimulus package, when President Clinton first proposed a $19 billion stimulus package, $3 billion in tax cuts and $16 billion in direct expenditures for the same kinds of activities that I am putting forth here. This is nothing new. We do not pretend to have anything creative or innovative in terms of being newly conceived.

Franklin Roosevelt, in the Works Progress Administration [WPA], and later on the other program which went out to private contract, they did the same thing, focusing on obvious needs. They focused on infrastructure, needs that existed everywhere. They paid people to do the work that was there. There was a lot of work to be done, plenty of work.

The problem is work is not a job unless somebody pays you to do it. So our job is to keep the alternative out there. We want the American people to follow us, the taxpayers to follow us. If all the people who went out and told the interviewers at the polls on election day that you were angry about not having a decent job and wages are not decent, follow what we say on the floor of this House, what the Progressive Caucus jobs bill is, and you will hear an answer. You will not hear the answer in the balanced budget amendment. It is not there. The balanced budget amendment, if it were to be changed so that it recognizes, in addition to threats to the security of the country, there are threats that come via warfare, threats to the stability of the country, and recognize that jobs and the need to create jobs is just as important as meeting those threats. So that programs that invest in jobs should be not a part of the whole balanced budget process. We offered an amendment to that effect. We offer an amendment which, in effect, says if unemployment exceeds 4 percent, 4 percent is not a figure that we pulled out of the hat. There is a full employment and gross amendment which was passed in 1978 called the Humphrey-Hawkins bill. The bill does say that the threshold is 4 percent. If we reach a 4-percent unemployment level, the Government should take it seriously and do things to bring down the unemployment and keep it below 4 percent, to never rise above 4 percent. Of course, we have Mr. Greenspan, of the Federal Reserve Board, making his own rules. He considers high employment as an enemy to the economy. As unemployment goes up, he is happy; as employment goes up and unemployment goes down, Mr. Greenspan is unhappy.

We have a part of the Government that was not elected, a part of the Government that nobody can do anything to, they make decisions behind closed doors; they are telling us that high employment is a threat to the economy, high employment is undesirable. As unemployment goes up, Mr. Greenspan wants to raise interest rates so that the activity in the economy which creates jobs is slowed down.

Now, I do not know how you build a civilized society, how you meet the social contract to provide jobs and opportunity for all, if you are going to have bureaucrats of the nature of Alan Greenspan making new rules which say that you have to bring down the investment in the economy, in the job-creation activity, every time employment goes up. That is not the way to go.

Common sense tells us that employment is always a desirable activity. Whatever produces jobs is desirable. You are going to have to understand, as the American people, that these new, complex statistics and new, complex patterns of reasoning behind the scenes in secret sessions, are what drive our economy. The President is listening, the White House is listening, the leadership of both parties are listening, and we are obeying people who do not live by their own rules. If Mr. Greenspan thinks unemployment is highly desirable, then he and members of the Federal Reserve should volunteer to be unemployed once a month. If you want to help the economy, volunteer to be unemployed once a month. If it is a good, if it is a public good, then let everybody participate and not inflict unemployment on large masses of people and say it is highly desirable that you remain unemployed. That is what is happening.

We want a job-creation program. Mr. Speaker, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman.

Mr. Speaker, I was listening to the gentleman from New York [Mr. OWENS] in my office, and I ran back over here because I just received a telephone call, a frantic call from the gentleman's home State of New York that for over 700 workers in Medina, NY, at the Fisher-Price plant, which is owned by the Mattel Corp., this morning were given a notice, yesterday were given a notice to come in to work this morning at 7:30. They all came in to work, and they all were fired.

And where did their jobs go? Lo and behold, the jobs of over 700 Americans, manufacturing workers, went to Mexico. Why are they going to Mexico? In the company's own words, and I quote, "The Medina plant historically has been the higher-cost producer and doesn't have the flexibility of other United States/Mexico manufacturing facilities."

In short, American workers who asked for a more fair wage for the work that they do are punished for it.

I think it is absolutely reprehensible what is going on here, because it is exactly what the critics of NAFTA, like myself, were most afraid to hear, in fact dreaded to hear: Fired by a multinational corporation, Fisher-Price, owned by Mattel, which has been crying the loudest about its investments. Where? In Mexico.

And in the New York Times, on January 5, there was a story on the business page which indicates that Mattel, the Mattel Co., was concerned and wants us to bail Mexico out because it is not making as much profits in Mexico as it had hoped to make.

So I want to say to my colleague from New York I am so happy he is down here on the floor. I am sorry that I am the bearer of bad tidings from his State, the northern part of the State. But it was so related to what the gentleman is talking about that I had to run over here and get this on the record.

□ 1450

Mr. Speaker, I just want to say to those who are listening with expected United States taxpayer money in their pocket, "If Congress passes this Mexican bailout, then Mattel will be firing—they have already fired those 700 workers in upper New York State, and they are going to move those jobs to Mexico, and then we are going to back up their investment in Mexico. How is that one for late in the day on Wednesday afternoon?"

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] for her timely announcement. I regret very much it is bad news. We have been receiving a lot of that kind of news lately in New York State and States across the country: The streamlining, these cutbacks and wipeout of total plants in order to move to all places, of all places, Mexico, and now we are being told—listen closely, American voter; listen closely, American taxpayer—we are being told now that your taxpayers' money must be used to bail out the Mexican economy.

As my colleagues know, twice in the last 10 years; we are going to now go to bat to bail out the investments of the banking and investment community. Large numbers of American investors have invested in Mexico, the plants in Mexico, taking the jobs away from our people, destroying our own consumer market, and now we, as taxpayers, will have to dig into our pockets and begin to bail out the Mexican economy to the tune of let us begin with $40 billion. I do not want to talk about how much it is, and they say, "Well, it's off budget, so don't worry about it."

Nothing is really off budget. That is just nonsense. The Treasury is the same Treasury. Whenever they go off budget, as they did in the savings and loans, it increases the deficit. It is not just in the current budget. I say, "You don't have to take something out to put that in, but it increases the deficit."

As my colleagues know, we spent more than a hundred billion dollars on the savings and loan bailout, a hundred billion dollars to the banks. At least those were American banks and American depositors, most of them. A lot of them were from outside of the country, but now we are talking about $40 billion, $40 billion or more, to go to Mexico to bail out the Mexican economy. Those jobs were taken from our economy.

When will it stop, American voter, American taxpayer? Listen closely. We are being manipulated, we are being swindled, twice in a 10-year period.

Ms. KAPTUR. Mr. Speaker, if the gentleman would yield, I am very grateful, and I will not take up much of his time here, but I did want to point out this company, Mattel—that just fired 700 workers this morning in New York State—made $236 million in profit last year, $236.6 million, and one of the toys that they make is the Barbie doll.

Most little girls in America own between 8 and 12 Barbie dolls. There is not a single Barbie doll made in the United States of America, not a single one, even though Mattel makes inordinate profits in our market, and is moving our jobs elsewhere and is making egregious profits off the difference between what it charges us because the price of Barbie dolls did not go down in America. They run from $29.99 all the way up to $200. I know; I used to buy them when they were made here, and they pay their workers very low wages, not just in Mexico, but in Indonesia, in China, in Malaysia, and then they bring all that stuff back here for us, and they think we do not notice.

But I tell you what: Those 700 workers in New York State, we are here for you because we're going to be your voice, and we are going to continue to be your voice through this tough struggle.

Mr. Speaker, I want to thank MAJOR OWENS of New York who came here in the same year as I did and has been a fighter for the people of this country for as long as we have served together.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] for her thorough work. Nobody knows better than she does the details of what is happening in terms of products that are being manufactured in other economies with dirt-cheap labor, with cheapest possible labor, sometimes child labor, sometimes slave labor, sometimes prison labor in China, and we accept all this. The evil empire of "Mere Clichon" is no longer an evil empire when our buyers and manufacturers can go over there and make deals where they manufacture these products at very low cost, and bring them back over here and sell them. The price is comparable for our standard of living.

We must understand this. There was a study conducted recently which reported that the workers are angry.

When I say "workers," wage earners, and the vast majority of American people are wage earners. Whether you belong to a union or not, if you are a wage earner, you are part of that great majority out there which is being neglected. You are not part of the minority that is being taken care of by the Wall Street economy which gets great profits, of course, from these deals that are made on a multinational basis.

So, you have to wake up and understand that instead of being angry at the Government, the study shows that the majority of people are angry at the Government. Yes, it is important to be angry at the Government. We have the power to make the decisions which lead to a large number of the managerial aspects of our economy, sets the rules and regulations. If our Government had not signed GATT, we would not be in more danger than we are—than we were before GATT was signed. If our Government had not pushed us, and the Governments means the Members of Congress, I did not vote for NAFTA, just as the gentlewoman from Ohio did not vote for NAFTA; if that had not been a pass, we would not be locked into the economy of Mexico to the degree that we are.

Mexico, if they want to make Mexico the 51st State, well, let us consider that because then they would have to abide by labor regulations, environmental regulations. They would have to compete on an equal basis with industry here. But they could not undercut the workers of this country. But, no, Mexico has the benefits of not being part of the country, not abiding by the regulations and rules, and yet we are going to take care of their economy.

Listen, taxpayers. Listen, American voters. Listen and understand what you have to be angry at. Do not be broad-based in your anger. Be very specific. The coming bailout of Mexico must be targeted for what it is, and that is a great swindle of the American people to take care of the interests of the investors in Mexico who have made a bad deal, and now, in addition to selling out our workers, they want to sell out the taxpayers further by using taxpayers' money to prop up that economy.

Does the gentlewoman have another statement?

Ms. KAPTUR. Mr. Speaker, I just wanted to mention to the gentleman I was in a meeting this morning with our Secretary of the Treasury, and I very pointedly asked him why we should approve this, why should Congress just go along with the administration and its supporters on both sides of the aisle up here, and he said, "Well, you know, back in 1982 Mexico had financial problems, and they owed 12 commercial banks, and America had to try to help back then." Yes, Mexico had debt then, they have debt now.

And I said, "Of course, who do they owe the money to now? Where is the specific list of the investment banks on Wall Street that took a gamble in Mexico and now had their tail caught in the wringer?" I said, "Could you provide us with that list? What about the big megabanks all over the world that have invested in Mexico and are making huge profits by the way?" This is a good time to be in the banking industry because the profits are so huge. "What about some of these corporations like Mattel Corp. that have their hand out to the Government of Mexico through our taxpayers?"

And he said, "Of course you know it's different now because so much of the investment came through mutual funds."

And I asked him a very pointed question. I said, "Are mutual funds insured deposits where we have the kind of promise that we have made to our own depositors?"

He could not answer "yes" obviously. They are uninsured speculative investments.

So, what responsibility do we have to take the people's money to bail them out?

Mr. OWENS. Capitalism is creative destruction, and all capitalists are proud of that. You destroy what is inefficient in order to lift up what is efficient and keep the economy moving forward in a most efficient and effective way. So, capitalism involves taking great risks, it involves destruction. The people took great risk in Mexico and now are going to be destroyed, should not have us step in with socialism, force the American taxpayers to participate in a socialistic act to bail them out.

We had socialism in the savings-and-loan bailout. That was enough socialism. We do not need to prop up private enterprise which has been inefficient, negligent, made the wrong judgments and moved off on the wrong assumptions, been greedy, because they were pursuing high maximum returns using Mexican cheap labor in order to get richer and richer, and they temporarily have failed. We should make them sweat it out. Maybe the Mexican economy will right itself in the next 10 or 20 years. Let them wait. Let us not apply an injection of $40 billion more into Mexico at a time when we are saying we do not have the money to invest in jobs here, when we are saying we must cut back the cost of Government drastically.

We have a balanced budget amendment being proposed, but this budget that is coming up right now, Mr. KASICH has promised us there will be gigantic budget cuts. Why are we going to be cutting education, cutting even agricultural subsidies? Some of those make sense. Why are we going to be cutting things that help the American people directly in order to provide more funds to bail out Mexico? It is a form of foreign aid at its worst. It is foreign aid that funnels its way back into the banks of this country.

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We do not want to provide socialism for banks. Let the banks stand on their own two feet. Let us not have any more corporate welfare. The New York Times yesterday had an article on corporate welfare and said when are we going to stop the corporate welfare?

Everybody loves to beat up on the mother out there who has a few kids, who has for various reasons to receive help from the Government. That seems to be the target. We are a Nation of bullies. Everybody is excited about it. Get the welfare mothers. They are threatening our economy.

Yet it is a very tiny percentage of the total budget, far less than the corporate welfare, corporate welfare which involves the agribusiness, one of the biggest players in corporate welfare. We are still paying the agribusiness billions of dollars not to grow grain, crop insurance, farm price subsidies, farm home loan mortgages; all kinds of things are being pitched out to the agribusiness.

When I say agribusiness instead of farmers, they are not people. Less than 2 percent of the population of America are now farmers. Those are not human beings we are talking about giving billions of dollars to. The billions of dollars that go into agribusiness go to businesses, agricultural target price programs which means lower price subsidy supports for basic commodities, which is $11.2 billion. We are spending $11.2 billion for that aspect of welfare to the agribusiness, agriculture subsidies to wealthy farmers.

Every person that gets welfare is means tested. That means they check and double check and recheck to see if you really are poor, how much income you have, whether you have a car, whether you own anything, et cetera. It is means tested.

We have programs that go to farmers and the agriculture practice businesses and nobody means-tests them. Whether you are rich or poor, and they are all rich mostly because they are big businesses now, they are not the farmers of the kind Franklin Roosevelt was trying to help, the New Deal farmers. These are big businesses; less than 2 percent of the population now around to get jobs in these big businesses. Millions of dollars go to wealthy farmers. If you eliminated just the subsidy payments for individuals with taxable incomes of more than $120,000, and to business, firms, corporations, with incomes of more than $5 million, if you eliminated just that, you would save $1 billion. Just cut them out.

On and on it goes. We have grazing fees out there. The ranchers who have their cattle and livestock on public lands pay a very tiny percentage of what they pay to private enterprise. These are the same people who want to get Government off their back. They make speeches about welfare recipients, mothers on welfare, and the need for them to have 2 years. Let us institute a 2-year policy; everybody gets help for 2 years.

Rural electric subsidies, 2 years; Tennessee Valley beneficiaries, off after 2 years; clean technology, off after 2 years. CIA, let's close the CIA in 2 years. If not close it up, let us have common sense and understand that the CIA, with a $28 billion-plus budget, does not need to exist anymore. If you add up all of the kinds of savings that you could accumulate from taking away the corporate welfare, making some cuts in the military budget, making some cuts in enormously wasteful enterprises like the CIA, refusing to bail out Mexico.

I am in favor of foreign aid. It makes sense, but program it so it is going to help people. The worst kind of foreign aid is to pump $40 billion into Mexico in order to funnel it back to the banks of this country. It is about to happen; it is on the horizon.

As I close, I would like to warn every American, the possibility of creating a jobs program which could create 1 million jobs per year is very real. The money is there. We could save it out of programs that are wasteful, and we could forgo and refuse to expend it in Mexico. Money is there for the investment in jobs. We should not cast a blind eye to the No. 1 concern of the great majority of Americans. They are worried about their jobs, their income; they are worried about the stability of their family life. They are worried about what is going to happen to their children.

The Progressive caucus has put forth legislation to deal with those concerns. You will hear more from us as the year goes on. We understand that jobs are No. 1, jobs are our highest priority today, and jobs will be our highest priority for the rest of the 104th Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of family illness.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for today, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, on January 19.

Mr. DELAY, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. SOLOMON.

Mr. PACKARD.

Mr. FIELDS of Texas.

Mr. EHRLICH.

Mr. WELDON of Pennsylvania.

Mr. CRANE.

Mr. HORN.

Mr. CHAMBLISS.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. EDWARDS in two instances.

Mr. MOAKLEY.

Mr. TORRES.

Mr. MARKEY.

Mr. ACKERMAN.

Mr. LEVIN in two instances.

Mr. GONZALEZ.

Mr. VENTO.

Mrs. MEEK of Florida.

Mr. COLEMAN.

Mr. BERMAN.

Ms. ESHOO.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. GEKAS.

Mr. MENENDEZ in two instances.

Mr. MCINNIS.

Mr. SAM JOHNSON of Texas.

Ms. WOOLSEY.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. CRANE.

Mr. MENENDEZ in two instances.

Mr. BILBRAY.

Mr. PASTOR in two instances.

Mr. GEKAS.

Mr. SCHUMER in two instances.

Messrs. GALLEGLY, BERMAN, BEILENSON, and WAXMAN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2. An act to make certain laws applicable to the legislative branch of the Federal Government.

RULES OF PROCEDURE FOR THE COMMITTEE ON APPROPRIATIONS FOR THE 104TH CONGRESS

(Mr. LIVINGSTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Appropriations for the 104th Congress as approved by the committee on January 10, 1995.

COMMITTEE ON APPROPRIATIONS—COMMITTEE RULES, APPROVED JANUARY 10, 1995

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred Third Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Fourth Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; Provide, however, That party representation in each subcommittee, including ex-efficio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are authorized to sit as a member of all subcommittees and to participate, including voting, in all its work.

SEC. 3: STAFFING

(a) Committee Staff—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job title and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) Assistants to Members—Each of the top twenty-one senior majority and minority Members of the full Committee may select and designate one staff member who shall serve at the pleasure of that Member. Such staff members shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for the special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman To Preside in Absence of Chairman—A member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records administration shall be made available in accordance with Rule XXXVI of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule XXXVI of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule XXXVI of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that his provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Majority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Majority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, except as provided in paragraph (f)(2) of the Rules of the House of Representatives. Neither the full Committee Chairman or Subcommittee Chairman shall limit the number of television or still cameras to fewer than two representatives from each medium.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place, and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees, as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure of matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations—Each Committee report on a general appropriations bill shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities).

(j) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports—A copy of each bill, resolution, or report shall be made available to each member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittee with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his direction, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking majority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purposes; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.), the House adjourned until Thursday, January 19, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

177. A letter from the Assistant Secretary of Education, Office of Special Education and Rehabilitative Services, transmitting final priorities—research and demonstration projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

178. A letter from the Secretary of Education, transmitting a report concerning surplus Federal real property disposed of to educational institutions in fiscal year 1994, pursuant to 40 U.S.C. 484(o)(1); to the Committee on Economic and Educational Opportunities.

179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1994, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

180. A letter from the Chairman, Federal Labor Relations Authority, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

181. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the agency's annual report for the calendar year 1994 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

182. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

183. A letter from the Director, Office of Government Ethics, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

184. A letter from the Secretary of Labor, transmitting notification of the Department's intent to award a sale-source contract as required by the Federal Acquisition Regulation; to the Committee on Government reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. H. Res. 38. Resolution providing for the consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes (Rept. 104–2). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.J. Res. 1. Resolution proposing a balanced budget amendment to the Constitution of the United States, with an amendment (Rept. 104–3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. BEILENSON, Mr. CONDIT, Mr. KNOLLENBERG, and Mr. SHAYS):

H.R. 552. A bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border patrol and customs service personnel from foreign countries; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. SHAW, Mr. GIBBONS, and Mr. RANGEL):

H.R. 553. A bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free-Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries; to the Committee on Ways and Means.

By Mr. CANADY of Florida (for himself and Mr. PETE GEREN of Texas):

H.R. 554. A bill to amend title 18, United States Code, with respect to judicial remedies regarding prison conditions; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. CONYERS, Mr. NADLER, Mr. KENNEDY of Massachusetts, and Mrs. SCHROEDER):

H.R. 555. A bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLEMAN:

H.R. 556. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants to address waste water needs of the residents of colonias in the southwest region of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 557. A bill to permit the State of Texas to use certain previously setaside funds for the provision of grants to colonia residents; to the Committee on Transportation and Infrastructure.

By Mr. FIELDS of Texas (for himself, Mr. DELAY, Mr. LAUGHLIN, and Mr. HALL of Texas):

H.R. 558. A bill to grant the consent of the Congress to the Texas low-level radioactive waste disposal compact; to the Committee on Commerce.

By Mr. FRANK of Massachusetts:

H.R. 559. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 560. A bill to reform the immigration laws of the United States; to the Committee on the Judiciary, and in addition to the Committees on Economic and Educational Opportunities, International Relations, Government Reform and Oversight, Ways and Means, Agriculture, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Ms. ROYBAL-ALLARD, Mr. BARRETT of Wisconsin, and Mr. HINCHEY):

H.R. 561. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HAYWORTH:

H.R. 562. A bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Resources.

By Mr. HERGER:

H.R. 563. A bill to amend the National Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places, and for other purposes; to the Committee on Resources.

By Mr. KIM (for himself and Mr. SHUSTER):

H.R. 564. A bill to provide that receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget; to the Committee on Government Reform and Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOAKLEY:

H.R. 565. A bill to amend the Internal Revenue Code of 1986 to retroactively restore and make permanent the exclusion for amounts received under group legal services plans; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Ms. FURSE, and Mr. DEUTSCH):

H.J. Res. 55. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. DREIER, Mr. GALLEGLY, Mr. MCKEON, and Mr. ROBERTS.

H.R. 5: Mr. ENGLISH of Pennsylvania, Mr. HEFLEY, Mr. HUTCHINSON, Mr. TORKILDSEN, Mr. STEARNS, Mr. NEUMANN, Mr. MCCRERY, Mr. KOLBE, Mr. BUYER, Ms. MOLINARI, Mr. REGULA, Mr. FRISA, Mr. WHITE, MR. LATHAM, Mrs. CHENOWETH, Mr. WICKER, Mr. GRAHAM, Mr. ROBERTS, Mr. EHRLICH, Mr. TIAHRT, Mrs. SEASTRAND, Mr. UPTON, Mr. HALL of Texas, Mr. PETRI, and Ms. MCCARTHY.

H.R. 66: Mr. SPRATT and Mr. BARRETT of Nebraska.

H.R. 70: Mr. LAUGHLIN.

H.R. 76: Mr. WICKER and Mr. PETRI.

H.R. 77: Mr. QUINN, Ms. DANNER, and Mr. POSHARD.

H.R. 97: Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FLAKE.

H.R. 139: Mr. WOLF, Mr. LIPINSKI, and Mr. FATTAH.

H.R. 142: Mr. FIELDS of Texas, Mr. KNOLLENBERG, and Mr. WALSH.

H.R. 158: Mr. NORWOOD.

H.R. 209: Mr. CONDIT, Mr. LINDER, Mrs. MYRICK, Mr. SAM JOHNSON, Mr. BARTLETT of Maryland, Mr. HUNTER, and Mr. STUMP.

H.R. 214: Mr. LINDER.

H.R. 217: Mr. PAXON.

H.R. 218: Mr. BAKER of California.

H.R. 221: Mr. RUSH, Mr. PORTER, Mr. FRANK of Massachusetts, Mr. LAFALCE, Ms. PELOSI, Mr. GONZALEZ, Mrs. KENNELLY, Mr. HASTINGS of Florida, Mr. GIBBONS, Ms. FURSE, Mr. OWENS, Mr. MATSUI, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FLAKE, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MOAKLEY, Mr. SAWYER, Mr. YATES, Ms. WOOLSEY, Mr. FOGLIETTA, Mr. DELLUMS, Mr. CLAY, Mr. BONIOR, Mr. FILNER, Mr. RANGEL, Ms. BROWN of Florida, Mr. TORRICELLI, and Mr. ABERCROMBIE.

H.R. 304: Mr. POMBO and Mrs. SEASTRAND.

H.R. 384: Mr. MARTINEZ.

H.R. 388: Mr. RANGEL.

H.R. 450: Mr. PETERSON of Minnesota, Mr. BAKER of California, Mr. DAVIS, Mr. BLUTE, Mr. NETHERCUTT, Mr. LINDER, Mr. NEY, Mr. CANADY, Mr. COMBEST, and Mr. ROYCE.

H.R. 519: Mr. FUNDERBURK.

H.R. 520: Mr. HERGER.

H.J. Res. 53: Mr. CHAPMAN, Mr. JEFFERSON, Mr. METCALF, and Mr. MORAN.

H. Con. Res. 5: Mr. PETE GEREN of Texas, Mr. WICKER, and Mr. ROHRABACHER.

H. Res. 33: Mr. MCDERMOTT, Mr. HALL of Ohio, Mr. OBERSTAR, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. STARK, Mr. TORRES, Mr. DICKS, Mr. ENGEL, Mr. BECERRA, Ms. NORTON, Mr. LEVIN, Mr. CLAY, Mr. LAFALCE, Mr. BEILENSON, and Mr. FRANK of Massachusetts.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. ALLARD

AMENDMENT NO. 6: In section 202—

(1) in subsection (a), after "prepare" insert "and submit to the Congress"; and

(2) at the end of the section add the following:

(d) LIMITATION ON EFFECTIVENESS OF CERTAIN RULES.—A rule that includes any Federal intergovernmental mandate that may result in the expenditures by States, local governments, or tribal governments of $50,000,000 or more (adjusted annually for inflation) in any 1 year shall not take effect unless the rule is—

(1) specifically authorized by a law in effect on the date of the issuance of the rule in final form; or

(2) approved by a law enacted after that date.

H.R. 5

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 7: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) protects worker safety.

H.R. 5

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 8: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) protects worker safety.

H.R. 5

OFFERED BY: MR. COOLEY

AMENDMENT NO. 9: Strike out subsection (e) of the proposed section 425 of the Congressional Budget Act of 1974.

H.R. 5

OFFERED BY: MR. COOLEY

AMENDMENT NO. 10: In the proposed section 424(a)(2)(A) of the Congressional Budget Act of 1974, strike "$100,000,000" and insert "$50,000,000".

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 11: Section 306 is amended to read as follows:

SEC. 306. EFFECTIVE DATE.

This title shall take effect upon the date of its enactment.

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 12: In section 2, strike "and" after the semicolon at the end of paragraph (7), strike the period at the end of paragraph (8) and insert "; and", and after paragraph (8) add the following new paragraph:

(9) to ensure that—

(A) States do not impose any enforceable duty upon local governments, the private sector, or individuals, and

(B) local governments do not impose any enforceable duty upon the private sector or individuals.

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 13: In section 102(a), after paragraph (1) insert the following new paragraphs (and redesignate the subsequent paragraphs accordingly):

(2) investigate and review the role of unfunded State mandates imposed on local governments, the private sector, and individuals;

(3) investigate and review the role of unfunded local mandates imposed on the private sector and individuals;

At the end of section 102, add the following new subsection:

(e) STATE MANDATE AND LOCAL MANDATE DEFINED.—As used in this title:

(1) STATE MANDATE.—The term "State mandate" means any provision in a State statute or regulation that imposes an enforceable duty on local governments, the private sector, or individuals, including a condition of State assistance or a duty arising from participation in a voluntary State program.

(2) LOCAL MANDATE.—The term "local mandate" means any provision in a local ordinance or regulation that imposes an enforceable duty on the private sector or individuals, including a condition of local assistance or a duty arising from participation in a voluntary local program.

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 14: In section 201, after subsection (b) insert the following new subsection (and redesignate the subsequent subsection accordingly):

(c) PRIVATE SECTOR INPUT.—Each agency shall develop an effective process to permit private citizens to provide meaningful and timely input in the development of regulatory proposals containing significant Federal inter-governmental mandates.

H.R. 5

OFFERED BY: MR. HALL OF OHIO

AMENDMENT NO. 15: In section 301(2), in the matter proposed to be added as a new section 421(4)(B)(ii) to the Congressional Budget Act of 1974, insert "except with respect to any low-income program referred to in section 255(h) of the Balanced Budget and Emergency Deficit Control Act of 1985,".

H.R. 5

OFFERED BY: MRS. KENNELLY

AMENDMENT NO. 16: In section 4, add a new subsection (7) to read as follows:

(7) requires compliance with section 402(a)(27) of the Social Security Act, any provision of Title IVD of the Social Security Act and any other federal law relating to the establishment or enforcement of child support obligations.

H.R. 5

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 17: In section 102(a)—

(1) in paragraph (1), before the semicolon insert the following: ", including the role and impact of requirements under section 182(d)(1)(B) of the Clean Air Act (42 U.S.C. 7511a(d)(1)(B))"; and

(2) in paragraph (3), at the end add the following: "The Commission shall include in recommendations under paragraph (2) recommendations with respect to requirements under section 182(d)(1)(B) of the Clean Air Act (42 U.S.C. 7511a(d)(1)(B)).".

H.R. 5

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 18: In section 102(a)—

(1) in paragraph (1), before the semicolon insert the following: ", including the role and impact of requirements under the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.)"; and

(2) in paragraph (3), at the end add the following: "The Commission shall include in recommendations under paragraph (2) recommendations with respect to requirements under the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).".

H.R. 5

OFFERED BY: MR. MARTINEZ

AMENDMENT NO. 19: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, before "This part" insert "(a) IN GENERAL.—", and at the end of the section add the following:

"(b) REQUIREMENTS UNDER OTHER LAWS.—This part shall not apply to any requirement in effect on December 31, 1994, under—

"(1) the older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

"(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.)."

H.R. 5

OFFERED BY: MRS. MINK

AMENDMENT NO. 20: In Section 301, "Sec. 421(4)(A)(i)(II)" strike "except as provided in subparagraph (B)".

In Section 301, Sec. 421(4) strike paragraph (B) in its entirety.

In Section 422, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and insert at the end the following:

(8) requires compliance with certain conditions necessary to receive grants or other money provided by the Federal Government in programs for which the States, local governments, or tribal governments voluntarily apply.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 21: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Accountability and Intergovernmental Reform Act" ("FAIR Act").

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares:

(1) Federal legislation and regulatory requirements impose burdens on State and local resources to implement federally mandated programs without fully evaluating the costs to State and local governments associated with compliance with those requirements and often times without provision of adequate Federal financial assistance. These Federal legislative and regulatory initiatives—

(A) force State and local governments to utilize scarce public resources to comply with Federal mandates;

(B) prevent these resources from being available to meet local needs; and

(C) detract from the ability of State and local governments to establish local priorities for use of local public resources.

(2) Federal legislation and regulatory programs result in inefficient utilization of economic resources, thereby reducing the pool of resources available—

(A) to enhance productivity, and increase the quantity and quality of goods and services produced by the American economy; and

(B) to enhance international competitiveness.

(3) In implementing Congressional policy, Federal agencies should, consistent with the requirements of Federal law, seek to implement statutory requirements, to the maximum extent feasible, in a manner which minimizes—

(A) the inefficient allocation of economic resources;

(B) the burden such requirements impose on use of local public resources by State and local governments; and

(C) the adverse economic effects of such regulations on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) PURPOSES.—The purposes of this Act are:

(1) To assist Congress in consideration of proposed legislation establishing or revising Federal programs so as to assure that, to the maximum extent practicable, legislation enacted by Congress will—

(A) minimize the burden of such legislation on expenditure of scarce local public resources by State and local governments;

(B) minimize inefficient allocation of economic resources; and

(C) reduce the adverse effect of such legislation—

(i) on the ability of State and local governmental entities to use local public resources to meet local needs and to establish local priorities for local public resources; and

(ii) on allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness.

(2) To require Federal agencies to exercise discretionary authority and to implement statutory requirements in a manner which consistent with fulfillment of each agency's mission and with the requirements of other laws, minimizes the impact regulations and other major Federal actions affecting the economy have on—

(A) the ability of State and local governmental entities to use local public resources to meet local needs; and

(B) the allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

TITLE I—LEGISLATIVE REFORM

SEC. 101. REPORTS ON LEGISLATION.

(a) REPORT REQUIRED.—(1) Except as provided in paragraph (2), whenever a committee of either House reports a bill or resolution of a public character to its House which mandates unfunded requirements upon State or local governments or the private sector, the report accompanying that bill or resolution shall contain an analysis, prepared after consultation with the Director of the Congressional Budget Office, detailing the effect of the new requirements on—

(A) State and local government expenditures necessary to comply with Federal mandates;

(B) private businesses, including the economic resources required annually to comply with the legislation and implementing regulations; and

(C) economic growth and competitiveness.

(2) EXCEPTION.—The requirements of paragraph (1) shall not apply to any bill or resolution with respect to which the Director of the Congressional Budget Office certifies in writing to the Chairman of the Committee reporting the legislation that the estimated costs to State and local governments and the private sector of implementation of such legislation during the first three years will not exceed $50,000,000 in the aggregate and during the first five years will not exceed $100,000,000 in the aggregate. For this purpose, a year shall be a period of three hundred and sixty five consecutive days.

(b) DUTIES AND FUNCTIONS OF CONGRESSIONAL BUDGET OFFICE.—The Director of the Congressional Budget Office shall prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or of the Senate, an economic analysis of the effects of such bill or resolution, satisfying the requirements of subsection (a). The analysis prepared by the Director of the Congressional Budget Office shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(c) LEGISLATION SUBJECT TO POINT OF ORDER.—Any bill or resolution shall be subject to a point of order against consideration of the bill by the House of Representatives or the Senate (as the case may be) if such bill or resolution is reported for consideration by the House of Representatives or the Senate unaccompanied by the analysis required by this section.

SEC. 102. EXERCISE OF RULEMAKING POWERS.

The provisions of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 103. EFFECTIVE DATE.

This title shall apply to any bill or resolution ordered reported by any committee of the House of Representatives or of the Senate after the date of enactment of this Act.

TITLE II—FEDERAL INTERGOVERNMENTAL RELATIONS

SEC. 201. GENERAL REQUIREMENTS.

The Congress authorizes and directs that, to the fullest extent practicable:

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the purposes of this Act;

(2) all agencies of the Federal Government shall, consistent with attainment of the requirements of Federal law, minimize—

(A) the burden which rules and other major Federal actions affecting the economy impose on State and local governments,

(B) the effect of rules and other major Federal actions affecting the economy on allocation of private economic resources, and

(C) the adverse effects of rules and other major Federal actions affecting the economy on productivity, economic growth, full employment, creation of productive, and international competitiveness of American goods and services; and

(3) in promulgating new rules, reviewing existing rules, developing legislative proposals, or initiating any other major Federal action affecting the economy, whenever an agency identifies two or more alternatives which will satisfy the agency's statutory obligations, the agency shall—

(A) select the alternative which, on balance—

(i) imposes the least burden on expenditure of local public resources by State and local governments, and

(ii) has the least adverse effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods or services; or

(B) provide a written statement—

(i) that the agency's failure to select such alternative is precluded by the requirements of Federal law; or

(ii) that the agency's failure to select such alternative is consistent with the purposes of this Act.

SEC. 202. INTERGOVERNMENTAL AND ECONOMIC IMPACT ASSESSMENT.

(a) REQUIREMENT.—Whenever an agency publishes a general notice of proposed rulemaking for any proposed rule, and before initiating any other major Federal action affecting the economy, the agency shall prepare and make available for public comment an Intergovernmental and Economic Impact Assessment. Such Assessment shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule or prior to implementing such other major agency action affecting the economy.

(b) CONTENT.—Each Intergovernmental and Economic Impact Assessment required under this section shall contain—

(1) a description of the reasons why action by the agency is being considered;

(2) a succinct statement of the objective of, and legal basis for, the proposed rule or other action; and

(3) a description and an estimate of the effect the proposed rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments,

(B) allocation of economic resources, and

(C) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(c) ALTERNATIVES CONSIDERED.—Each Intergovernmental and Economic Impact Assessment shall also contain a detailed description of any significant alternatives to the proposed rule or other major Federal action which would accomplish applicable statutory objectives while reducing—

(1) the need for expenditure of State or local public resources by State and local governments; and

(2) the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

SEC. 203. INTERGOVERNMENTAL AND ECONOMIC IMPACT STATEMENT.

(a) REQUIREMENT.—When an agency promulgates a final rule or implements any other major Federal action affecting the economy, the agency shall prepare an Intergovernmental and Economic Impact Statement. Each Intergovernmental and Economic Impact Statement shall contain—

(1) a succinct statement of the need for, and the objectives of, such rule or other major Federal action;

(2) a summary of the issues raised by the public comments in response to the publication by the agency of the Economic Impact Assessment, a summary of the agency's evaluation of such issues, and a statement of any changes made in the proposed rule or other proposed action as a result of such comments;

(3) a description of each of the significant alternatives to the rule or other major Federal action affecting the economy, considered by the agency, which, consistent with fulfillment of agency statutory obligations, would—

(A) lessen the need for expenditure of State or local public resources by State and local governments; or

(B) reduce the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services,

along with a statement of the reasons why each such alternatives was rejected by the agency; and

(4) an estimate of the effect the rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments; and

(B) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) AVAILABILITY.—The agency shall make copies of each Intergovernmental and Economic Impact Statement available to members of the public and shall publish in the Federal Register at the time of publication of any final rule or at the time of implementing any other major Federal action affecting the economy, a statement describing how the public may obtain copies of such Statement.

SEC. 204. EFFECT ON OTHER LAWS.

The requirements of this title shall not alter in any manner the substantive standards otherwise applicable to the implementation by an agency of statutory requirements or to the exercise by an agency of authority delegated by law.

SEC. 205. EFFECTIVE DATE AND EXEMPTION.

This title shall apply to any rule proposed, any final rule promulgated, and any other major Federal action affecting the economy implemented by any agency after the date of the enactment of this Act. This title shall not apply to any agency which is not an agency within the meaning of section 551(1) of title 5, United States Code.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 22: Insert at the end of section 201 the following:

(d) LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.—An agency may not issue a rule that contains a Federal mandate if the rulemaking record for the rule indicates that there are 2 or more methods that could be used to accomplish the objective of the rule, unless—

(1) the Federal mandate is the least costly method, or has the least burdensome effect, for—

(A) States, local governments, and tribal governments, in the case of a rule containing a Federal intergovernmental mandate, and

(B) the private sector, in the case of a rule containing a Federal private sector mandate; or

(2) the agency publishes with the final rule an explanation of why the more costly or burdensome method of the Federal mandate was adopted.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 23: At the end of title II insert the following:

SEC. 206. JUDICIAL REVIEW.

(a) REVIEW OF AGENCY ACTIONS SUBJECT TO REVIEW UNDER OTHER FEDERAL LAW.—If an agency action that is subject to section 201 or 202 is subject to judicial review under any other Federal law (other than chapter 7 of title 5, United States Code)—

(1) any court of the United States having jurisdiction to review the action under the other law shall have jurisdiction to review the action under sections 201 and 202; and

(2) in any proceeding under paragraph (1), any issue relating exhaustion of remedies, the time and manner for seeking review, venue, or the availability of a stay or preliminary injunctive relief pending review shall be determined under the other law.

(b) LIMITATION ON PRELIMINARY INJUNCTIVE RELIEF.—The second sentence of section 705 of title 5, United States Code (relating to preliminary relief pending review), shall not apply with respect to review under subsection (a)(2) of an agency action, unless process authorized by that sentence is not authorized by the other law under which the action is reviewed.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 24: Amendment to Section 425(a)(2)(D) by the addition of a new subsection 425(a)(2)(C) to read as follows:

"(D) For purposes of subsection 425(a)(2), 'Federal intergovernmental mandate' shall not mean any provision in legislation, statute or regulation that would be equally applicable to state, local and tribal governments as to private businesses, including any provision that would be equally applicable to state, local and tribal governments and private businesses that are or may be in competition."

H.R. 5

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 25: Amend Section 301 of H.R. 5 as reported as follows:

Page 23, line 25 strike "except-" and insert in lieu thereof "or"; and

Page 24 strike lines 1 through 6.

H.J. RES. 1

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 5: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds.

"SECTION 5. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 6. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 8. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

SENATE—*January 18, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today we have a guest chaplain, the Reverend Mark E. Dever, pastor of the Capitol Hill Baptist Church.

PRAYER

The guest chaplain, the Reverend Mark E. Dever, offered the following prayer:

Let us pray:

God over all rulers, You are a great God, worthy of all our worship.

In Your presence we are aware of how different we are from You. No earthly accomplishments can hide that fact from us.

We rejoice that we are made in Your image, but we confess that we have marred that image by our rebellion against You. Thank You for Your patience with us. Lord God, give us humility as we go about great business.

Thank You for entrusting to these men and women the privilege of accepting and executing the offices to which You have called them.

We bring before You the problems of our day which seem beyond solution. Forgive us for our lack of faith in You, for our forgetfulness of Your remarkable goodness to us in years past. Remind us that when we begin to feel ourselves beyond hope, that then we are entering the arena in which You delight to act.

Remind these Senators even this day of Your concern for them and their work.

Educate the consciences of this Nation, and particularly of the Members of this Chamber, that their will in some manner would reflect Your own.

Help them to manage their public and private duties well.

Help them to maintain piety, justice, and peace by the laws they write.

Help them to see clearly the good and right way of compromise in detail, and to find unity in principle.

Give them an appreciation for the good desires of each other, a care to listen in disagreement, a willingness to reevaluate, a resolve to act.

We ask this of You because of our dependence on You for all things, through Jesus Christ. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the distinguished majority leader, Senator DOLE of Kansas.

Mr. DOLE. Mr. President, I thank the Chair.

SCHEDULE

Mr. DOLE. Mr. President, I just make the announcement for my colleagues that the time of the two leaders has been reserved, and we will have routine morning business until 12 noon, with Senators permitted to speak for not to exceed 5 minutes each, with the following exceptions: Senator THOMAS for up to 10 minutes, Senator INHOFE for up to 10 minutes, and Senator CAMPBELL for up to 10 minutes, I guess.

At 12 noon, the Senate will resume consideration of S. 1, the unfunded mandates bill. Pending is still committee amendment No. 11.

A cloture motion was filed on Tuesday. Therefore, a cloture vote will occur tomorrow. All first-degree amendments should be filed at the desk no later than 1 p.m. today.

I just say generally for the information of Members, we are not making any progress on this bill. It is obvious that the people watching or not even watching know that we have been on this bill 3 days and not much has happened. That is the way the Senate can work, and certainly I have been in the position of slowing things down.

But, obviously, there is a slowdown in progress. If we do not make any progress between now and 1:25 p.m. on this bill, it would be my intention to recess the Senate maybe for the rest of the day so the Judiciary Committee can complete action on the balanced-budget amendment, because I assume there will be an objection to the Judiciary Committee meeting during the session of the Senate.

If my colleagues are willing to permit the Judiciary Committee to meet, obviously we would not have to recess the Senate. So I hope that accommodation might be forthcoming.

But with about 30, 40, or 50 amendments, there is no way this bill can be completed prior to the State of the Union message next week, and that is my hope. I know President Clinton would very much like us to move quickly on the Mexico matter, which is not foreign aid, I might say. It is a loan guarantee. As far as I am concerned, that effort is right behind the unfunded mandates bill. So I suggest maybe the President might want to urge some of his colleagues on the other side to cooperate on this bill.

I think it has broad bipartisan support, supported by nearly every Governor in America, every mayor, every county official, every public official, and the private sector, and it is something that could be passed in 1 good day of debate.

There are legitimate amendments, as there always are. But we will dispose of the bill one way or the other. We would like to accommodate our colleagues on the other side who plan a retreat on Friday. If we can obtain cloture tomorrow, maybe we can work that out with the Democratic leader, Senator DASCHLE.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business.

The distinguished Senator from Oklahoma is recognized to speak for up to 10 minutes.

Mr. INHOFE. Thank you, Mr. President.

UNFUNDED MANDATES

Mr. INHOFE. Mr. President, I was listening intently as the majority leader expressed a concern over the lack of progress that we are making; and certainly we are not making progress.

I also listened intently yesterday to the very distinguished Senator from West Virginia, as he quoted history and he quoted many of our Founding Fathers, concerning the subject at hand of unfunded mandates.

I have felt that unfunded mandates are the product of an assertive, greedy Government that has arrogantly injected itself into the dictatorial position that was feared most by our Founding Fathers.

And, you know, we deal with these subjects as if they are contemporary subjects, Mr. President, and they are not. Because in all of these subjects that we have been discussing that might be associated with the Contract With America, but certainly those things that 70 to 80 percent of the Americans want, our Founding Fathers dealt with these issues. They dealt with term limitations. It was their intent to have a citizens legislature for people to have to live under the laws

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that we passed. And, of course, we discussed that under the accountability bill, and such things as the budget balancing amendment.

It was Thomas Jefferson who came back and said:

> If I could have made one improvement in the Constitution, it would have been to severely limit the abilities of our Government to incur debt.

And now we are looking at unfunded mandates, which, I think, at the crux of unfunded mandates is the 10th amendment to the Constitution. Certainly, James Madison was very eloquent in his discussion of the 10th amendment.

Just so that I do not misquote it, I will read it. The 10th amendment provides that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectfully, or to the people.

When you stop and remember what our Founding Fathers came over here to escape, it was, in fact, tyranny. So many of the problems that we are looking at in a contemporary way were addressed in the past.

I remember so well, if you think back in the history of this country, as was discussed by the distinguished Senator from West Virginia yesterday, we remember that here we were, a handful of farmers and trappers over here, and we took on the greatest army on the face of this Earth, knowing that we were signing our own death warrants to do so, but knowing it was worth it to escape tyranny. That was what it was all about when that tall redhead stood in the House of Burgesses and said:

> We are not weak if we make a proper use of those means which the God of Nature has placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Patrick Henry was saying that we are escaping the tyranny that we left behind in a foreign country.

Now, where have we come today? Right back to that same tyranny. And while it is not a contemporary debate, it is now being debated contemporarily.

I think if you look around and you see of all of those items in the Contract With America, this is the one that transcends all ideological lines. It transcends all party lines and interests. This is something that all of the American people are for.

I listened to the Senator from California [Mrs. FEINSTEIN], I believe it was a couple of days ago, and she said it so well about what happened out in San Francisco back when she was the mayor. And while Mrs. FEINSTEIN and I—perhaps there are no two Senators further apart ideologically. We certainly agree we have one thing in common in our backgrounds. We were both mayors of major cities in America at the same time. In fact, Mr. President, we were on the board of directors of the U.S. Congress of Mayors at the same time. No one is going to say, by any interpretation, the U.S. Conference of Mayors is a conservative operation.

Yet, what was our major concern 15 years ago, when Mrs. FEINSTEIN and I were both mayors of major cities? It was unfunded mandates. If fellow Senators will talk to any of the municipal leagues around America and ask them what is the major problem they are facing in their towns, as well as their cities and States, they will not say crime, they will not say welfare; they will say it is unfunded mandates.

We wonder how we got in this situation. It reminds me a little of the two skeletons in the closet. One rattled to the other and said, "How did we get in here?" And the other said, "I don't know. If we had any guts, we would get out." I think it is time to get out. I think we got in because of the propensity of Members of Congress to, in hopes of getting people something and not having the money to pay for it, find a way to do it, and that is to force somebody else to pay for it. That is exactly what is happening.

If we look around—I can take you to the State of Oklahoma, in Oklahoma City alone. Keep in mind, in our infinite wisdom, we passed all these bills. In Oklahoma City, in order to comply with the Clean Water Act, the conservative estimate is $3 million for that city; to comply with the transportation regulations, and these were the reflective road signs, the metric conversions, and those things, that would be $2 million over a 5-year period; land use regulations, landfills, recycling, $2.5 million; the Clean Water Act, they cannot proximate it, but it is well over $2 million.

Go to a smaller town or city, such as Broken Arrow, OK: Clean Water Act, storm water regulations, $100,000. A person may say, what is that? In Broken Arrow, OK, that is a lot. They are going to have to give up a police officer to comply with that mandate that came from the Federal Government. Waste water treatment regulations, $125,000. Safe drinking water regulations, $40,000. EPA regulations, solid waste, $32,000. Fair Labor Standards Act, $30,000.

In my city of Tulsa, I checked and brought up to date the figures that were there back when I was mayor of Tulsa, the Clean Water Act, $10 million; Safe Drinking Water Act, $16 million; solid waste regulations $700,000; lead-based paint, $1 million. It goes on and on and on. I just listed $35 million worth of mandates that are imposed upon three cities in the State of Oklahoma.

Now, those are direct costs. We get into indirect costs when we look at other laws that were passed. The Davis-Bacon Act—when I was elected mayor of the city of Tulsa, we had to make some additions. What do we do about our capital improvements, because they are in dire need; we were rotting out from within. So I had to go out on the line, and for a conservative to do this, it was a very difficult thing, Mr. President. But I passed a 1-cent sales tax increase for capital improvements; and it passed.

In order to do this, we calculated, by having to comply with the Davis-Bacon Act, how much more it costs the taxpayers of this city of Tulsa, OK. What could we have done without the Davis-Bacon Act: 17 percent more in capital improvements, 6 more miles of roads and streets, 34 more miles of water and sewer lines, and we could have hired 500 more people.

I read in the Reader's Digest just the other day something I will share with Members. In Philadelphia, for example—and this is in December's Reader's Digest—electricians must be paid $37.97 an hour on Davis-Bacon projects, while private contractors pay an average of $15.76. In Oakland, carpenters get $28 an hour on federally funded projects, and they work for $15 an hour in the private sector. Many are paying the price indirectly, and paying dearly, for the price of the mandates.

I replaced a very distinguished former Senator, David Boren, when I was elected to the U.S. Senate this past year. David Boren—he is a Democrat and I am a Republican—was and is today one of my closest friends. I can remember in 1966, Mr. President, we were elected to the State legislature. We came up here, and three of us became very intimate friends: David Boren, myself, and a guy named Ralph Thompson, who is now a Federal judge, whose name has been mentioned very prominently as someone who might be a member of the U.S. Supreme Court someday.

We came up in 1967, almost 30 years ago. What was our mission? On the first trip when we came to Washington, the mission was to protest the mandates of Lady Bird's Highway Beautification Act of 1965.

Lastly—I do not want to go over my time, and I am afraid I am approaching that now—I will say what will happen if we do not do it. What is going to happen if we do not pass this bill that everyone, virtually everyone, in America is for? If we do not do it, it will be done for us. Just to the south of the State of the Senator from Colorado, in New Mexico, in Catron County, in frustration with dealing with the U.S. Forest Service, they enacted the U.S. Constitution as a county ordinance and put the Federal Forest Service on notice to show up at the county supervisors meeting to get permission to impose mandates.

Recently, in Walter Williams' column, he talks about the fact that California has joined Colorado, Missouri, Hawaii, and Illinois in asserting 10th amendment rights demanding that the Federal Government cease and desist all mandates and interferences exceeding those delegated by the Constitution. Similar resolutions have been passed in 12 other States.

Mr. President, that is a total of 17 States. Just nine more States, and that will be a majority of those States. So I will conclude, and say that this is something that we will have to start discussing in a serious vein and actually bringing to a vote. I cannot think of anything that is more significant that we will be dealing with than this issue.

As the Reverend Mark Dever said in his prayer, opening the session today, we want unity of purpose for which we are elected. Without overly dramatizing, I would say we must free our States and counties from the bondage to which they have been subverted.

Thank you, Mr. President.

Mr. CAMPBELL addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Colorado.

Mr. CAMPBELL. Mr. President, before I make comments, I would like to associate myself with the comments of my friend, the Senator from Oklahoma, with whom I have had the privilege of serving for the last 8 years here in the U.S. Capitol.

He brings out certainly another example, and we have heard one after another, about the punitive action of the Federal Government in forcing States to comply with unfunded mandates.

Mr. President, I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 234 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Wyoming is recognized to speak for up to 10 minutes.

BALANCED BUDGET AMENDMENT

Mr. THOMAS. Mr. President, I would like to comment this morning on an issue that I think is important to us and to this country, and that is the balanced budget amendment. Although we have been discussing over the past several days the unfunded mandates bill, the question of a balanced budget has come up. There is a relationship, and I understand the relationship.

Certainly, if I were a local government official and we were talking about a balanced budget amendment I would want the protection of an unfunded mandate bill so that the Federal Government would not shift the responsibility of payment to local government.

But the balanced budget amendment goes beyond that, it seems to me. It is one of the fundamental changes that needs to take place in the Federal Government so that decisions in the future will be different. If we are really talking about change, some of the procedural changes that are being discussed now need to happen and they need to happen soon.

We have already done the accountability of the Congress. That is excellent. There is no reason why the people here should not live under the same rules that they apply to others. We need a balanced budget amendment to give us some discipline for fiscal responsibility. We need to do that. We need to have a line-item veto. I have had some experience in the House where you have an item that simply does not belong in a bill. It is in the highway bill and it is a museum for Lawrence Welk, but you cannot touch it because the rules do not allow for that to happen. So you need a line-item veto.

We need term limitations. These are the kinds of fundamental changes, but I want to talk today about the balanced budget amendment.

It has to do with shaping the form of the Federal Government over a period of time. It has to do with the question of whether we will have fiscal responsibility or whether we do not. There has been a good deal of dissent on an issue which most people say they are for, and now we find an increasing number of people who begin to find reasons why they are not for it.

The local Hill paper says: "Balanced Budget Amendment Is a Charade."

I do not believe that. I think that is wrong. Let me talk about some of the issues.

First of all, it is a fundamental question and the question should be divided. The question is: Do you think it is fiscally or morally irresponsible to spend more than you take in? Do you think it is fiscally irresponsible to spend more than you take in? Is it morally irresponsible to shift the debt to our children, grandchildren and their children?

The answer is, yes, of course it is fiscally irresponsible; of course, it is morally irresponsible. That is the basic question. The answer is not, "Yes, it is irresponsible if it doesn't hurt too much," or, "Yes, I would like to do it if it doesn't pinch us a little bit."

The answer is, "Yes, it is irresponsible to continue to do what we have been doing for 40 years." That is the first question.

The second question then is how do you do it? The second question is, over a period of time, how do you do it? It does not matter to me particularly whether it takes 5 years or 7 years or 10 years, if we are on a glide path that holds us toward a balanced budget.

The second one we hear constantly is we do not need an amendment. We now have all the tools that are necessary to do it. The fact is, evidence does not support that. We have not had a balanced budget for 25 years. I think we have had two in 50 years. There is not evidence that this Congress can balance the budget, is willing to balance the budget or does balance the budget and, indeed, we need some discipline to cause that to happen. Talking about it does not cause it to happen.

The Director of OMB on the TV said, "Well, we have all the tools we need." Maybe so, but tell me how well it has worked. It has not worked. So we do need some discipline. We need some discipline to cause the Members of Congress to balance the budget.

Should it have more discussion? I heard the other day, someone said, "Well, it needs to be discussed." It has been discussed for at least 10 years. We voted on it several times. We voted on it in the House; we voted on it in the Senate. It is not a puzzle. It is not a difficult one to decide on the basic issue of whether a Government should be responsible enough to not spend more than it takes in. We have had lots of discussion.

Some say it is a gimmick. Some say it is bumper-sticker politics. Let me tell you something, it works in 48 States. I served in the Wyoming legislature. It works there. We have a constitutional provision that you cannot spend more than you take in. It works. There is no question about whether it works. It is not a gimmick. It provides the kind of discipline to force the members of the legislature to set priorities, and that is what a legislature is all about. Without that kind of discipline, it does not happen.

It is pretty simple. In the Wyoming legislature, and 48 others, when you get in the appropriations committee, of which I was a member, you say, "Look, we are spending more than we have to spend." You have to make some changes and you do that. It is not mystic; it is not magic. It is just the discipline that causes that to happen.

Some say, "Well, judges will be setting it." Not so. It is not true in the States. The States do not have judges setting budgets. That will not happen.

Some say, "Well, we have to have an outline before we can be for it. We have to know what you are going to cut." There is no way that you know what you are going to cut in 7 years or 10 years.

The first question is, Is it responsible to balance the budget? The second question is, How do you do it?

And if you really believe that it needs to be done, you do it. Raise revenues? Of course. I am not for that, but that is possible. And if you are willing to pay for it, you put a cost-benefit ratio. You can do that. If you are committed to a balanced budget, however, you will find the way.

Those who say, "We do not need the tools, we already have them," they have to do the same thing if they are going to balance the budget. They say, "We are going to balance the budget, we don't need a balanced budget amendment." You have to make the same cuts to do it either way. What is the problem with having discipline? What is the problem with going to the States and saying to the State legislatures, "We have a balanced budget to the Constitution. You have a chance to vote." People want to be involved in government.

The administration says we are already cutting the deficit; we do not need it. The fact is that most of the deficit cut in the last 2 years has been the bookkeeping deficit, and the only real change in policy that has reduced the deficit has been an increase in taxes. The fact is, we spent more last year than we spent the year before. But we raised taxes and we did reduce the deficit, and I am pleased with that. But most of it was a bookkeeping change from the S&L's and Medicaid. Some of it was an increase in taxes. We have not balanced the budget. The projection is the deficit is going back up.

We hear a lot about the cuts that are needed. The fact is, we will be spending substantially more at the end of 7 years than we spend now. It is not a question of cuts. It is a matter of reducing the growth, and that is where we are.

So a balanced budget amendment, it seems to me, is the responsible thing to do. Balancing the budget is the responsible thing to do. If I heard something in this election in 1994 in Wyoming it is, "We want responsible government; we have too much government; it costs too much," and the balanced budget amendment is the discipline that we need to set priorities.

You have to spend within your budget in your family. You have to spend within your budget in your business and, over time, you have to spend within your budget in your Government, and this will provide the discipline to do it.

We answer the question: Is it morally and fiscally responsible to balance the budget? The answer is yes, and we ought to get on about it.

Thank you, Mr. President. I yield the remainder of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

MIDDLE-CLASS TAX RELIEF

Mr. GRAMS. Thank you, Mr. President. Mr. President, yesterday I testified before the House Ways and Means Committee on an issue of great importance to me: The Minnesotans, whom I represent in the U.S. Senate, and every overburdened American taxpayer. The issue is middle-class tax relief.

Two years ago while serving in the House, I introduced the idea of a $500 per child tax credit in my families-first legislation, coauthored by Congressman TIM HUTCHINSON, of Arkansas.

Our arguments then were simple: Taxes were too high; the burden of tax increases fell disproportionately on the middle class; and big government was forcing more workers out of the working class and into the welfare class.

Consider the facts: Most middle-class American families pay more in Federal taxes than they spend for food, clothing, transportation, insurance, and recreation combined.

Since World War II, Federal income and payroll taxes have increased from 2 to 24 percent of the median income of a family of four. Despite this, while Congressman HUTCHINSON and I were making the case for tax relief, Congress was in the midst of passing the 1993 Clinton tax proposal—the largest tax increase in American history.

Far from providing tax relief for the middle class, the Clinton proposal actually increased their tax burden, making it more difficult for the middle class to care for themselves and for their children. The message from Washington was clear: Give us your money and we will solve all your problems.

But the American voters said "no" to this message in November and delivered one of their own. And that was "let us keep our money."

Today, the arguments for tax relief have not changed. Taxes are still too high, the tax burden still falls too heavily on the middle class. The big difference, however, is that this year—with this Congress—we can do something about it.

We promised tax relief, and now we have to deliver. And as I said in my testimony yesterday, we have to do it for what country western singer Garth Brooks calls the "hard hat, six-pack, achin'-back, flag-wavin', fun-lovin' crowd," because these are the people who work hard every day, care for their children, pay their bills and finance the growth of big government with their hard-earned tax dollars. For years, they have watched their paychecks grow smaller while Washington grows bigger. And last November they spoke out loud and clear. They voted for change in the way things were done in Washington. They voted for less government and lower taxes. They voted for a balanced budget. And, yes, they voted for a $500 per child tax credit.

But even now, the old barons of Washington and the long-time defenders of big government still do not get it. They do not understand that every dollar Washington spends is one less dollar that taxpayers can spend. And worst of all, they do not understand that it is not the Government's money to begin with. They just do not get it. But the people do, and that is what counts.

And so what are we going to do about it? Well, the answer is simple: Let the taxpayers keep their money. And the way to begin this process is to pass the families first $500-per-child tax credit.

The families first tax credit means $25 billion annually to taxpayers across America—$500 million to Minnesota alone. And 90 percent of the benefits of the tax relief goes to families making annual incomes of $60,000 or less.

It is the largest, fairest, most progressive way of providing tax relief for families, and it lives up to our Government and our commitment of reducing the size of the Federal Government. By cutting Government spending to pay for middle-class tax relief, families first is the strongest response that we can send to the American people that we heard their message, that we accept their mandate, and we will deliver on our promises.

Mr. President, what we do in this Congress will be judged by the middle-class Americans who voted for us last November. And, Mr. President, what we do in this Congress, in this Chamber, will determine the makeup of the next Congress. Republicans made a commitment to the taxpayers, and I urge my colleagues to uphold that commitment as we continue to fight for the middle class and as we fight for fairness.

I yield back the floor.

GREENVILLE MIDDLE SCHOOL—A CLASS ACT

Mr. HEFLIN. Mr. President, the newspaper USA Today recently initiated an ongoing series of articles spotlighting schools and educational programs in the country that are both innovative and successful.

The first venture to be included in the series was the Builders Club at Greenville Middle School in Greenville, AL.

I want to congratulate the teachers involved in this unique community-service program and all the students at Greenville who participate in the Builders Club. They are setting an example that schools all over the Nation can follow.

I ask unanimous consent that the USA Today article on the Builders Club be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the USA Today, Jan. 4, 1995]

SERVICE CLUB BUILDS GOOD CITIZENS

(By Tamara Henry)

(This is the first in an ongoing USA Today series titled Class Acts, a look inside some educational ventures across the USA that work remarkably well)

GREENVILLE, AL.—To the 175 students at Greenville Middle School, splinters, needle pricks and scissor cuts are marks of valor—the price paid to serve the community.

On this day, approximately two dozen students are gathered in teacher Judy Tindal's classroom to make Christmas ornaments as appreciation gifts for community leaders.

"Ouch," yells 11-year-old Laine English, struggling to thread a needle needed to sew lace over a ball of cotton.

Her friends giggle.

"There's the real fun over there, burning your fingers," she deadpans, pointing to a group adding wings and halos to the covered cotton balls.

"That's right!" agrees Amanda Myrick, II. "Here's where I burned myself with the hot glue gun."

The students are all Members of the Builders Club, a 5-year-old service organization funded by the state and actively supported by the local Kiwanis Club. The middle school is one of 23 public school systems in Alabama participating in a statewide community service effort such as this.

Nationally, thousands of school systems have what are popularly called service learning programs. They promote the notion that education is not complete until classroom studies are used to solve real-life problems.

Activities run the gamut, from an Alternatives to Violence high school program in Washington, D.C., to the creation of an ecosystem in the desert in rural eastern Oregon by elementary school pupils.

With its Builders Club Greenville has one of the largest service learning projects in the state. Unlike a lot of extra curricular activities that require top grades or special skills, the Builders Club is open to all middle school students willing to work on different projects during breaks and at lunch, as well as after school.

Greenville students have 10 ongoing projects, including frequent visits to nursing homes and development of a 5-acre nature trail. The goal is to teach students about leadership, loyalty, character and service, "which is what they absolutely have to have in order to be productive citizens," says Judy Manning community education coordinator for Butler County Schools, who spearheaded the group.

"Children who are involved are more productive academically," says superintendent Jimmie Lawrence. "The more involved kids are, the better they feel about themselves. Self-esteem improves. They are better adjusted, happier and have fewer disciplinary problems."

Manning says the program's success is proven by its membership numbers.

"If they didn't enjoy it, they wouldn't join it. You can't make middle school kids do anything they don't want to do," she says.

A TRIBUTE TO NANCY STILSON ON HER RETIREMENT FROM THE REDSTONE SCIENTIFIC INFORMATION CENTER

Mr. HEFLIN. Mr. President, I would like to congratulate Ms. Nancy Stilson, Chief, Documents Reference Librarian at the Redstone Scientific Information Center on the occasion of her retirement from Government service.

Ms. Stilson began her Government service career in Huntsville at Redstone Arsenal 41 years ago. She has worked in the documents section of the Redstone Scientific Information Center throughout her career. Her knowledge of the weapon and missile systems developed for the U.S. Army have ranged from those developed in the early 1950's up to the present time. Ms. Stilson has the respect and admiration of her customers who are scientists and engineers for the U.S. Army Missile Command. Indeed Ms. Stilson, through her experience, has the equivalent of a Ph.D. in missile technology as her customers can attest. When scientific and technical information is needed, Ms. Stilson has been the "one stop shop" for such information. Ms. Stilson has provided scientific and technical information to those designing, building, and fielding the Army's weapons and missile systems. In fact, if you could design an illustration of the components of the missile system, Ms. Stilson would figure prominently in the section dealing with technical information. Through her career she has served both distinguished scientists such as Dr. Warner Von Braun, as well as bench scientists and engineers creating the nuts and bolts of missile components. During Ms. Stilson's tenure, the scientific and technical library community advanced to the capability of supporting the highly technical and complex Army that exists today. She heavily influenced the evolution of the international collection of missile and rocketry that exists at the Army's premier technical library, the Redstone Scientific Information Center.

Mr. President, it is my pleasure to congratulate Nancy Stilson on her retirement and to thank her for many years of dedication and service to the men and women of the U.S. Army.

HAITI

Mr. LEAHY. Mr. President, I want to report today on a visit I made to Haiti 2 weeks ago. It was a very brief visit, but I came away from it profoundly moved.

I saw people, lots of people. Haiti, one of our closest neighbors, is crowded to bursting with people. It has the highest population density in the Western Hemisphere.

And most of these people are poor, incredibly poor. Haiti's unemployment rate must be 50 percent. The people have no jobs, so they jam the streets. They are struggling to survive on a few cents a day. In the vast Cite Soleil slum, they line up to get water from truck-supplied tanks—if and when the truck comes to deliver the water. Garbage and sewage are everywhere. Disease, including AIDS, is a pervasive threat.

And yet, Mr. President, in the midst of all this suffering, I found people anxious to shake my hand, to smile, and to say "thank you." Thank you? Why would they thank me, a foreigner surrounded by soldiers and policemen?

Mr. President, they were thanking me because I am an American. They were thanking me because we, the American people, have given them the thing that is even more valuable than food to eat.

Mr. President, we have given the Haitian people security. For the first time in 3 years, the Haitian people do not have to cower in corners fearing that they will be assaulted by thugs or dragged off to be tortured. For the first time in 3 years, they are free to go into the streets, laugh, dance, celebrate freedom. For the first time in 3 years, they are free to go and tear down with their bare hands those yellow buildings—one of which I visited—from which they used to hear the screams of people being tortured.

And why are they free? Because there are soldiers of the U.S. Army 10th Mountain Division patroling the streets of Port-au-Prince and Cap Haitien. There are units of the United States Special Forces patroling the streets of towns and villages throughout the interior of Haiti. The Haitian soldiers and police who used to terrorize them are being weeded out. And there are international police monitors from countries like Bangladesh and Argentina and Jordan as well as the United States spread across the country to work with and monitor the actions of Haitian police and make sure that people no longer have to fear for their basic security and rights.

Mr. President, last fall, I, along with many of my colleagues here, agonized over sending troops to Haiti. We wanted to help them escape from the hell that Raoul Cedras and his cronies had created for them. After all, if we would not defend human rights right next door, where would we defend them? But it was not clear what would happen, and we all appreciated that there were risks.

Last Thursday, we received a jolting confirmation of the risk. We learned of the death of Sfc. Gregory Cardott. I want to salute Sergeant Cardott. He died in the finest tradition of the men and women of our Armed Forces, doing his duty, serving his country, contributing to making the world a better place for all of us to live. I want to express deep condolences and respect to his wife Darlene and their two daughters, Elise and Erica.

At the same time that we mourn Sergeant Cardott, however, Mr. President, I believe we need to honor his memory by recognizing that he died in a good cause. We are doing good in Haiti. We are improving people's lives.

Everyone I spoke to in Haiti confirmed it:

President Aristide asked me specifically to convey to you and my other fellow Senators the gratitude of the Haitian people for the American intervention.

A Vermont soldier told me "I'm proud of what we are doing in Haiti. These people were desperate and we have given them hope."

Most eloquent of all, in Cite Soleil, I saw a little boy, barefoot and in rags, pick up a shiny Swiss Army knife that

Ray Kelly, the American chief of the International Police Monitors, had dropped. I expected him to run away with it. What did he do? He started shouting and running around among the policemen searching for the one who had dropped it, and returned it to Ray. What a wonderful affirmation of the goodwill that our troops are earning for the United States in Haiti.

And, Mr. President, I believe that our intervention in Haiti has the potential to yield dividends elsewhere as well. By reinstalling a democratically elected President, Haiti has moved us one step closer to a goal that we just recently have come very close to achieving: a Western Hemisphere that is fully democratic. Unfortunately, though, democracy remains fragile in a number of our Latin American neighbors. Many people throughout Latin America, both advocates of democracy and its enemies, are watching Haiti for signals as to the resolve of the United States and our partners in the Organization of American States. By defending democracy in Haiti, I believe that the United States and its international partners are reinforcing democracy throughout the hemisphere.

Mr. President, we have the makings of a success here, but the job is not done. Haiti has a long way to go yet to entrench the rule of law, ensure respect for democracy and human rights, and embark on sustainable economic development.

The security situation, while quite good compared to what we had feared at the outset, remains tenuous. Many of the perpetrators of repression remain free, not only because identification and apprehension is not always easy but also because Haiti's judicial system is in such a shambles that it is not capable of trying those accused of crimes. Particularly in the more remote towns and villages of the country where the multinational force is unable to maintain a constant presence, some of the old repressive elements continue to wield influence.

Since the multinational force is not large enough to eliminate this threat completely, the Haitians are placing a high priority on continuation of the international security presence until they can field a reliable, reformed police force of their own. Virtually everyone, both Haitian and American, with whom I spoke in Haiti expressed fear that withdrawal of that presence before the Haitian Government has had time to train its police force would result in reassertion of control by the antidemocratic elements. President Aristide asked me to convey to my fellow Senators his appeal that the U.S. Congress not require such a withdrawal.

In addition to security, Mr. President, I am deeply concerned about the state of the Haitian judicial system. It does no good to arrest those suspected of crimes if you do not have judges and prosecutors to try them, courts in which to try them, and jails in which to put them if they are convicted. Haiti at the moment has none of these. People have to be trained. Facilities have to be built and equipped. I am pleased that USAID is in the process of launching a comprehensive effort to fill these gaps. We are hoping that the Canadians and the French and other donors will also join in. I also hope that President Aristide and his government will take all steps necessary to ensure that this vital effort yield results rapidly.

At the same time that I support assistance to Haiti, however, Mr. President, I believe we also need to set realistic limits on that aid. We need to forewarn the Haitians and our partners in the international donor community that we will not put American troops at risk for very long, that our pockets are shrinking, not expanding, and that there is much that Haiti needs that we will not be able to do. I disagree strongly with those of my colleagues who have suggested that Haiti is a hopeless cause and that trying to help it at all is a waste of money and time. We can make a difference and we are making a difference, and I believe we would be representing the American people poorly if we suspended that effort now and gave up the progress that we have made. But we do need to prioritize. We cannot do it all.

Mr. President, the United States will in the course of the next 3 months hand over responsibility for maintaining security in Haiti to the U.N. Mission in Haiti [UNMIH]. Consistent with our leadership role, an American will command UNMIH and the United States will provide half of its troops, but the United Nations will fund it. This will reduce substantially the ongoing risk and cost of the Haiti effort to the United States and its troops. In addition, the administration assures me that they are working closely with the Haitian Government to ensure that training of the new Haitian police force will proceed rapidly so that UNMIH itself can be terminated. This will eliminate the largest element in the Haiti assistance program.

Mr. President, let me summarize the conclusions that I have drawn from my trip to Haiti. There are three:

First, the American intervention in Haiti has been successful in providing security and thus hope to the Haitian people, and we would be doing Sergeant Cardott and the other troops who risked their lives in that effort an enormous disservice to terminate our effort now. Participation in UNMIH is a good way to maintain the effort while reducing the cost.

Second, we cannot solve all of Haiti's problems, but there are some that can only be solved with United States leadership. Specifically, only we can lead a U.N. effort to maintain security in Haiti until the Haitian Government fields a retrained police force of its own. We must also lead the effort to train that new police force. Finally, we must lead the effort to create a judicial system capable of defending democracy and human rights in Haiti.

Third, we must make clear to the Haitians and our partners in the assistance effort that United States participation is going to decline rapidly over time and that the Haitians must equip themselves as quickly as possible to take responsibility for their own affairs.

In conclusion, Mr. President, I want once again to salute the men and women of our Armed Forces serving in Haiti. They are doing a great job for their country. In Haiti 2 weeks ago, thanks to them, I felt very proud to be an American.

ROGER MORIGI

Mr. THURMOND. Mr. President perhaps once in a generation, one person will emerge as a master artisan, a person whose vision, skills, and creations not only inspire others, but set that artist apart from all others practicing the craft. Until this past Wednesday, we were fortunate to have such a person, Mr. Roger Morigi, living in the Metropolitan area. His many sculptures and carvings not only paid homage to the United States, but have been seen and enjoyed by literally millions of people.

Mr. Morigi was a part of what is literally a vanishing breed of artists—stone carvers, individuals who create monuments to people and ideas through the medium of rock. Not surprisingly, Mr. Morigi was a native of Italy, the home of some of history's greatest artists, and a country where sculpting has always been an appreciated and valued art form. Born in Como and schooled in Milan, Mr. Morigi emigrated to New Haven, CT, where he and his father practiced their craft.

In the following years, Mr. Morigi became an accomplished artist as he worked on projects in New Haven, New York City, New York State, North Carolina, Ohio, Pennsylvania, Michigan, West Virginia, and South Carolina. It was right here though, in the District of Columbia, where Mr. Morigi spent most of his adult life and where his works are most prevalent. The U.S. Supreme Court Building, the U.S. District Court Building, the Commerce Building, the Department of Justice Building, and the Department of Agriculture Building are just a few of the places where Morigi's works appear. Perhaps some of Mr. Morigi's most impressive work is a part of the ornately decorated National Cathedral, where he worked and created stone carvings for almost three decades. One of the most prominent carvings, that of Adam, is a part of the cathedral's main entrance and Morigi said of that work, according to the Washington Post, "I finished where God began."

With each project he completed, not only did Mr. Morigi create a piece of artwork, he improved his skills and knowledge, which helped him to earn the title of "master stone carver emeritus" and to be characterized by some as the "greatest carver of the 20th Century". Perhaps more importantly, he used his talents to craft pieces that beautified and paid a lasting tribute to his adopted homeland, the United States. While this great artist will be missed, his creations will ensure that he is never forgotten. My sympathies go out to Mr. Morigi's wife, Louise; and children, Francis and Elayne.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in a trillion dollars? (When you arrive at an answer, remember that it was Congress that ran up a debt exceeding $4.8 trillion.

To be exact, as of the close of business yesterday, Tuesday, January 17, the Federal debt (down to the penny) at $4,802,867,735,976.01—remaining that every man, woman, and child in America now owes $18,231.09 computed on a per capita basis.

Mr. President, to answer the pop quiz question (how many million in a trillion?) there are a million million in a trillion, and you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

REVISED RULES OF PROCEDURE

MR. CHAFEE. Mr. President, the Environment and Public Works Committee has adopted an amendment that revises the committee's rules of procedure. I ask unanimous consent that a copy of the revised rules be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) Regular meeting days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional meetings: The chairman may call additional meetings, after consulting with the ranking minority member. Subcommittee chairmen may call meetings, with the concurrence of the chairman of the committee, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding officer:

(1) The chairman shall preside at all meetings of the committee. If the chairman is not present, the ranking majority member who is present shall preside.

(2) Subcommittee chairmen shall preside at all meetings of their subcommittees. If the subcommittee chairman is not present, the ranking majority member of the subcommittee who is present shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by rollcall vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chairman of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chairman of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least 24 hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness's testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chairman of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting.

(b) AMENDMENTS: First-degree amendments must be filed with the chairman of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chairman shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chairman of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chairman shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever, the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Wetlands, Private Property, and Nuclear Safety; Superfund, Waste Control, and Risk Assessment; and Drinking Water, Fisheries, and Wildlife.

(b) MEMBERSHIP: The committee chairman shall select members of the subcommittees, after consulting with the ranking minority member.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted. A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENNETT). The time for morning business has expired.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment No. 11, beginning on page 25, line 11, pertaining to committee jurisdiction.

The PRESIDING OFFICER. We now return to the pending question, which is the committee amendment on page 25, line 11.

Who seeks recognition?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, for the past week, the U.S. Senate has renewed debate on the issue of unfunded Federal mandates. Senate bill 1, which curbs unfunded Federal mandates, is a fundamental change in the way we do business in the Congress and it is a fundamental change in our relationship with State and local governments.

As I mentioned when I introduced S.1, Congress has gotten away from the fundamentals as envisioned by our Founding Fathers. We shouldn't be here to dictate to the States. We are to be here on behalf of our States—representing and protecting the interests of each sovereign State.

Mr. President, each of the States, and more than 87,000 other municipalities are anxiously and carefully following this debate on unfunded mandates and more importantly, the 10th amendment, as it unfolds here on the floor of the Senate.

But they're not just watching the debate; they are following our lead. In my home State of Idaho, the State legislature is ready to address the issue of unfunded State mandates. Our new Governor, Phil Batt, pledged to stem the flow of unfunded mandates from the State onto Idaho's cities and counties.

Legislation has now been introduced to do just that, and this afternoon, Mr. President, the Idaho State Senate's Local Government and Taxation Committee will hold it's first hearing on Senate bill 1003, Idaho's Community Regulatory Relief Act introduced by State Senator Rod Beck.

Governor Batt and Senator Beck should be applauded for recognizing that we not only must improve the partnership between Federal and State governments, but also between State and local governments.

Mr. President, I would also add that this morning, the Idaho State Senate passed a joint memorial—Senate Joint Memorial No. 102—similar to resolutions and memorials passed by several other States which calls on the Federal Government to observe the 10th amendment to the Constitution and to end mandates that are beyond the scope of its constitutionally delegated powers. Our distinguished majority leader, Senator DOLE, has pledged to help this body remember the 10th amendment, and each week the Senate is in session he will insert the 10th amendment into the CONGRESSIONAL RECORD.

Again, Mr. President, our efforts here in Congress to own up to our responsibilities and to stop shifting our burdens onto States and local government are not going unnoticed. I'm proud to be a part of this great movement to restore trust in this institution, to enhance our partnership with States and local governments, and to see the States establishing similar partnerships with cities and counties.

Mr. President, I ask unanimous consent that following my suggestion that there is an absence of a quorum, I will retain the floor so that we can proceed.

Mrs. BOXER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Is the Senator suggesting the absence of a quorum?

Mr. KEMPTHORNE. Mr. President, yes.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. BOXER. Mr. President, may I make a parliamentary inquiry before the quorum?

The PRESIDING OFFICER. Does the Senator from Idaho withhold his suggestion of the absence of a quorum so that the Senator from California may make a parliamentary inquiry?

Mr. KEMPTHORNE. Yes, I would withhold.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would just like to know exactly where we are because I was intending to offer a second-degree amendment to one of the committee amendments. I wanted to make sure that would still be in order at this point.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Amendments to the committee amendment are in order.

The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Chair.

Mr. President, now that we have both managers on this bill, I would like to proceed and lay out what course of action we would like to follow. What I will be doing is seeking a unanimous-consent agreement so that the pending amendment before us can be laid aside.

The reason that I will make that request is because a motion to table that last night was not successful. During the hours since then, different concerned Senators have been discussing what sort of modifications might be made to that amendment language. Since there has been no agreement at this time, it will be my request that we lay that aside so we can then take up the next pending committee amendment which would be before us. We would dispense with that committee amendment so that we can keep moving. So that is going to be my intent.

Again, as I just confer with the other manager, I would again suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be allowed to make remarks as though in morning business for approximately 10 minutes, and that following his comments I reserve the right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, I thank the Chair. I thank my colleague from Idaho.

THE BASEBALL STRIKE

Mr. SPECTER. Mr. President, I have sought recognition while there is a lull in the action on the pending legislation to talk for a few minutes about the pending issues before the Judiciary Committee on possible legislation regarding the antitrust exception which might have an impact on the current baseball strike.

I believe that it is highly unlikely—virtually impossible—for the Congress of the United States to act on an antitrust exemption to have any meaningful impact on the pending strike and, therefore, urge in the strongest possible terms that both parties return to the negotiating table to work in a collective bargaining sense to end the strike and bring baseball to the playing field this spring.

I have had long reservations about the antitrust exemption as it applies to baseball, as it applies to other major sports, like football, which has an antitrust exemption for revenue sharing, and participated more than a decade ago, in 1982, in extensive hearings when the Los Angeles Raiders, then the Oakland Raiders, were proposing a move. And those hearings were very important and raised some of the same considerations which are now pending on the baseball strike.

As we have moved forward in the consideration of the complex issues on the antitrust exemption, my view has been to retain the exemption as it impacts on the Pirates, which are a major factor in Pittsburgh, and a major constituent interest of mine. If we eliminate the antitrust exemption, we will have bedlam with respect to franchise changes. I notice my colleague Senator GORTON nodding in agreement because of the impact on the Seattle baseball team.

One thing is certain, Mr. President, and that is that it is highly unlikely, I am almost certain, that Congress is going to act with any speed, and I think that Congress should not act, should not get involved in the midst of a labor dispute, where there are very, very serious issues, to try to affect the outcome of that labor dispute. At the present time, the Judiciary Committee is totally involved in the consideration of the constitutional amendment for a balanced budget. And on the Senate floor we are involved in very complex legislation on taking away mandates by the Federal Government which are not paid for. There is a very, very heavy agenda on economic issues, budget issues, trying to reduce the size of Government, trying to reduce spending, and the consideration of tax cuts, so that far behind on the back burner is this issue of changing the antitrust exemption.

My comments this morning are prompted, in part, by this banner headline in the Philadelphia Inquirer this morning: "Phillies President Blasts Union, Hinting at Player Defections."

Bill Giles is president of the Philadelphia Phillies, and he is a very, very mild-mannered man. I cannot remember a headline on Bill Giles speaking out in such emphatic terms. What he is saying bears directly on my comments, where he makes the statement that "The union has spent most of their energy in Washington trying to do away with our antitrust exemption instead of negotiating and trying to grow the game."

I have been in frequent contact with Mr. Don Fehr, head of the union, asking him what help I could be or what help the Senate could be in a constructive way in trying to bring the strike to a close. I first made that contact with Mr. Fehr last summer before the strike started on August 12. And at the same time period, I talked to the acting commissioner, Bud Selig, and the officials of both the Philadelphia Phillies and Pittsburgh Pirates, my two home State teams, to see what help we could be. The antitrust exemption came up briefly last fall on the Judiciary Committee calendar, and it was voted down, I think, largely because of a sense that the Congress and the Senate should not get involved in a pending labor dispute. The issue in Pittsburgh is especially touchy at the present time because the Pittsburgh Pirates are up for sale, and the Pirates have been kept in Pittsburgh by a consortium of hometown business people who have bought the Pirates, to keep it in Pittsburgh. That is a difficult matter because the Pirates are losing so much money, which is a source of the controversy today which has led to the strike. The Pirates have had a prospective buyer, John Rigas, of Coudersport, PA. I have been trying to be helpful in meeting with officials of the Pittsburgh Pirates to see if that sale could be effectuated. That sale is going to be held up because of the uncertainty of what is going to happen in the strike and to the antitrust exemption.

Obviously, I speak as only one Senator, one member of the Judiciary Committee. I think that given the complexity of the Judiciary Committee calendar, and given the complexity of the Senate Calendar, and the complexity of the House Calendar, it is as close to a certainty as anything can be that there is not going to be legislation coming out of the Congress between now and April on the antitrust exemption. There are too many things ahead of it. If it did come to the floor, I think many would agree with my position that the Congress ought not to intervene to try to alter—ought not to change the level playing field. That is an expression we use very frequently about our debates on many subjects, but it is certainly applicable not to change the level playing field when we talk to the baseball effort.

What the Phillies' president has had to say on one end of my State, and what is happening with the Pirates at the other end of my State, trying to sell the team to keep it in Pittsburgh, I hope that the parties will go back to the bargaining table and will settle the dispute so that we can have baseball this spring, and not to look to the Congress to try to intervene, which is not our place and is so highly unlikely on the current state of the record. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

AMENDMENT NO. 31

(Purpose: To prevent the adoption of certain national history standards)

Mr. GORTON. Mr. President, I have an amendment at the desk and I ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 31.

At the end of the language proposed to be stricken by the amendment, add the following:

SEC. . NATIONAL HISTORY STANDARDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the National Education Goals Panel shall disapprove, and the National Education Standards and Improvement Council shall not certify, any voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of world and United States history, developed prior to the date of enactment of this Act.

(b) PROHIBITION.—No Federal funds shall be awarded to, or expended by, the National Center for History in the Schools, after the date of enactment of this Act, for the development of voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of such history.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, on the subject of world and United States history, established under title II of the Goals 2000: Educate America Act should not be based on standards developed by the National Center for History in the Schools; and

(2) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (1), the recipient of such funds should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, what is a more important part of our Nation's history for our children to study—George Washington or Bart Simpson? Is it more important that they learn about Roseanne Arnold, or how America defeated communism as the leader of the free world?

According to this document—the recently published "National Standards for United States History"—the answers are not what Americans would expect. With this set of standards, our students will not be expected to know George Washington from the man in the Moon. According to this set of standards, America's democracy rests on the same moral footing as the Soviet Union's totalitarian dictatorship.

Mr. President, this set of standards must be stopped, abolished, repudiated, repealed. It must be recalled like a shipload of badly contaminated food. Today, before our children are asked to spend their evenings studying Bart Simpson instead of Benjamin Franklin's discovery of electricity, these standards must be abolished.

My amendment will stop this set of standards from becoming a guide for teaching history in America's classrooms. In order to stop this perverted idea in its tracks, and to ensure that it does not become, de facto, a guide for our Nation's classrooms, it must be publicly and officially repudiated by this Congress.

That is precisely what this amendment seeks to do.

These standards are ideology masquerading as history. These standards would have us reinvent America's history. They are terribly damaging, and they constitute a gross distortion of the American story from its conceptual foundations to the present.

America's story is both triumph and tragedy, but mostly triumph, of flawed yet unprecedented accomplishment. But in this teachers' and textbook manual it becomes a sordid tale "drenched in dark skepticism," as a Wall Street Journal editorial put it, emphasizing what is negative in America's past, while celebrating only politically correct culture and causes.

(I) THE STANDARD PROJECT'S INITIAL CHARTER

The history standards project began as a response to the alarming illiteracy of our Nation's children about their own, national history. Citizens of a pluralistic, democratic society must have a deep, historically based understanding of our liberties' origins and institutions, and appreciate the corresponding responsibilities essential for our survival as a nation, as a people.

Such an appreciation is dependent on a mastery of basic American history. The founding truths of this country may have been self-evident to the Founders, but as studies have demonstrated again and again, they are not genetically transmitted.

William Bennett in his book, "The De-Valuing of America," underscores the urgency of our problem in his call for "true reliable national standards." He cites the Finn/Ravitch study "What Do Our Children Know?" that revealed 43 percent of our high school seniors could not place World War I between 1900 and 1950. More than two-thirds of them did not know even the half-century in which the Civil War took place. And more than 75 percent were unable to place within 20 years when Abraham Lincoln was President.

One-third of all high school students tested in 1986 did not know that the Declaration of Independence marked the American colonists' break from England. Sixty percent did not know that the Federalist Papers was written to urge ratification of the Constitution, and 40 percent could not say even approximately when the Constitution was written and ratified. Only three students in five were able to recognize a definition of the system of checks and balances that divides power among the three branches of our Federal Government.

If, as Lincoln believed, the liberty and prosperity of a nation such as ours is dependent on the "mystic chords of memory," then we are indeed, as William Bennett's 1981 national literacy report evidenced, "A Nation at Risk."

(II) WE DIDN'T GET WHAT WE PAID FOR

In 1992, when UCLA's National Center for History in the Schools won the bid to produce national guidelines for American and World history curricula, they were given three basic tasks:

First, to develop guidelines by which to determine the most important historical material for students to learn;

Second, to develop a balanced and objective document; and

Third, to develop a consensus process that would consider many perspectives from many different sources.

After 2 years and more than $2 million of the American taxpayers' money, the history project has failed to reach any of these goals.

Let members examine a sample of some of the outrageous examples found on almost every page of these documents. As we look at this material, we should keep in mind that President Bush and all the Nation's Governors, at the national educational summit in Charlottesville, VA, in 1989, recommended the development of national standards based upon what was most worth knowing.

(III) THESE PROPOSED STANDARDS DO NOT CONCENTRATE ON WHAT IS MOST WORTH KNOWING

Examples:

First, George Washington makes only a fleeting appearance in the standards. He is never described as our first President.

Second, the Constitution: The Constitution is not mentioned in the 31 core standards, although the standards mention the Depression three times.

Third, central figures and events in American political, cultural, and scientific life are either barely noted—in a 300 page book—or they simply disappear from the story of America's past. Important historical issues, such as the development of the role of Congress in our Federal Government are not discussed. Under these standards, Paul Revere and his midnight ride will never capture the imagination of our children. Ben Franklin's discovery of electricity will not encourage young scientists to seek out their own discoveries that can change the world.

Fourth, significant historical figures pivotal to America's past, such as Daniel Webster and Robert E. Lee, vanish. Titans who exemplify scientific progress in American history are also omitted from the standards. With these standards in place, our children will not learn of Thomas Edison, Alexander Graham Bell, the Wright brothers, or Albert Einstein. Americans who changed the entire world for the better will cease to exist.

As Robert Park of the American Physical Society has noted, the only reference to science in the standards is as an activity from which women have been excluded. Nothing else about the history of science is apparently worth mentioning.

While the standards ignore people such as Webster, deemphasize George Washington and the founding of America, ignore our political heritage, and abandon our accomplishments in technology—there is no shortage of celebratory information of the politically correct inclusive variety.

Thus, American students in the standards are asked to "assess the survival strategies and construct historical assessments of people such as Prudence Crandall, Prince Hall, and Speckled Snake." They are asked to "analyze the reflection of values in popular TV shows" such as Roseanne and the Simpsons.

Where are the priorities in the standards?

Given the limited amount of time our kids have to master the basics of their Nation's history, are these information fragments more important than George Washington and the Constitutional Convention?

(IV) PREEMPTIVE STRIKE AT CRITICS BACK HOME

Do not misunderstand me. I certainly believe it is important to tell the whole story of America. Our history should be inclusive. It should study previously neglected groups and individuals who made real contributions to our common heritage. It should examine our Nation's tragedies—the sub-human treatment of native Americans, the crime against humanity over which we fought our bloodiest war to abolish, the battle for women's rights, Jim Crow and the great sacrifices made by so many during the civil rights movement of the 1960's, the ongoing battle for the complete realization of our Nation's founding first principle, that all men are created equal, that they are endowed by their Creator with certain unalienable rights—all these are parts of our history about which our children should learn.

But let us disabuse ourselves of the modern conceit that this great first principle was a 1960's innovation. I think of George Washington's letter to a Hebrew congregation in which he compares America's right to religious freedom with the, at best, begrudging religious "tolerance" of other nations.

> It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural right, for, happily, the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens. * * * May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while every one shall sit safely under his own vine and fig tree, and there shall be none to make him afraid.

Proponents of this manual will tell you that the proposed American history standards devote more than 40 pages to colonial and early national periods. What is emphasized in those 40 pages, however, is the separate histories of different groups based on race, ethnicity, gender, and class, at the expense of what is most important for students to know—the building of a nation, of "a people", and the constitutional development of the American Republic, still the envy and the prototype for emerging democracies around the world.

(V) POLITICALLY CORRECT DRIVEL

The standards suggest that students "analyze Pontiac's speech to the French on the reasons for making war in 1763, and compare his reasons with those of Opechancanough in 1622 and Metacomet (King Philip) in 1676. No doubt an interesting question for a graduate seminar, but is that something every child in America should learn?

Mr. President, Americans not yet familiar with this monument to political correctness will be astonished to learn that at the same time that the standard focus on such arcane issues, they fail to discuss what are perhaps the most important documents in American constitutional history.

America's constitutional achievement: The Federalist papers, Nos. 10 and 51, which explain why checks and balances are crucial to our liberties, are omitted altogether. Madison, Hamilton, Jay are never identified as the Federalist papers' authors. In fact, the only reference to the Federalist papers is a brief mention of No. 84. This is appalling. Today the Federalist papers are among the most important teaching documents used by civic educators in the new democracies of Central and Eastern Europe. It is ridiculous that the authors of these national standards in American history, in 300 pages, could not find room for the most eloquent articulation of our entire constitutional system ever written.

(VI) THE PROPOSED NATIONAL STANDARDS ARE NOT BALANCED AND OBJECTIVE

The few belief examples will have to suffice but I invite you to pursue all 300 pages at your leisure.

The cold war: Both the American history standards and the world history standards present this historical battle for the hearts and minds of the human race as just another conflict between two superpowers. Never mind that the Soviet Union murdered 65 million of its own people, its rulers forever justifying any and all "means," at the same time that Americans were debating constitutional rights of due process for every citizen, while at the same time providing a shield for the independence of free nations around the world. Americans and free people around the world believed these differences were worthy of the lives of their sons and daughters, sacrificed in the hills of Korea and jungles of Vietnam for the cause of freedom. But this great contest for minds and lives is ignored in their standards. There is no mention of the contending ideologies. The enormous sacrifice of American taxpayers, particularly during the Reagan administration to bring the Soviet monster to its knees is a matter of indifference to these standard netters.

And yet there are 19 references to McCarthyism, is though this regrettable but relatively short episode in our story is the central reality of the cold war. This is outrageous ideological distortion, rendering the victory of the free world under U.S. leadership essentially irrelevant.

The standards describe the nature of this sacrifice in the way:

> The swordplay of the Soviet Union and the United States rightfully claims attention because it led to the Korean and Vietnam wars as well as the Berlin Airlift, Cuban Missile Crisis, American interventions in many parts of the world (no mention of Soviet staged revolutions and mass murders in its client states, or of any "intervention" at all).

What would all those desperate prisoners still locked within Castro's police state say about this equating of American and Soviet ends in the great battle of our century?

The standards actually refer to "the U.S.S.R.'s desire for security in Eastern Europe" as something normal and of understandable national interest. Tell that to the Balts, Czechs, Poles, and Hungarians, Rumanians, and others.

American immigrants: The world standards refer to the immigrants who came to the United States during the 19th century as "intrusive European Migrants"—page 234. This might be the first effort by historians to put the millions of Scandinavians, Jews, Italians, Greeks, Poles, Czechs, Hungarians who went through Ellis Island, and the earlier arrivals, the Irish, Germans, and other pioneer immigrants, together and in a negative light. The American standards emphasize the discrimination many immigrants faced in the United States, but nowhere in the document is there any discussion of the great success story of the descendants of European, Asian, African, and Hispanic immigrants in their new country.

Poverty in America: The section on the history of debate over the extent of poverty in the United States asks students to read Michael Harrington, an advocate of the Great Society Federal antipoverty programs, but never suggest that students read critics of the program's big Government approach, such as Thomas Sowell, George Gilder, and Milton Friedman. Those scholars simply do not exist.

The world history guidelines whitewash the less attractive historical backgrounds of many non-Western civilizations. In fact, Western civilization is buried as a relatively minor element of the world we live in today. For example, Aztec achievements are lauded, but human sacrifices are ignored. It may as well have never happened. By contrast, extensive examinations of Western imperialism are both legion and repetitive.

The world history standards warn against ethnocentricm and bias, but the only examples given are of Western ethnocentricity and Western bias. Thus Greek images of the Persians are described as "ethnocentric" and students are asked to read John of Plano, a 13th century papal emissary, on the Mongal threat and analyze his social and cultural biases about the Mongols.

The world history standards fail to note that although slavery ended in the West during the 19th century, at the cost of the blood of hundreds of thousands of sons of the intrusive European immigrants, slavery continues to exist today as it has for millenia in the non-West, according to official United Nations reports.

These world history standards do not compare and contrast political systems in the West and the non-West during the 19th and 20th centuries.

Thus, teachers are not encouraged to compare Western democracies with Asian and African despotism. Nor are post-1989 students encouraged to consider the Communist ideal versus the historical reality. Why not compare the Soviet Socialist experiment with the American story in the 20th century, or contrast Lenin's reign of terror with Washington's leadership? Too unimportant to consider seems to be the view of these standard makers.

Our students need to know the theoretical foundations of our liberties. They need to learn why the dictatorship of the proletariat failed in its promised bliss.

The world history standards assert that students should be able to assess the accomplishments and costs of Communist rule in China during Mao's Great Leap Forward of 1958. Current estimates of the costs are 30 million murders of Mao's own fellow citizens. Why not ask students to analyze the Great Leap Forward itself, rather than to suggest that its accomplishments may have been worth its costs? A truly suitable activity? Read Jung Chaing's "Life and Death in Shanghai," a record of the arrests, mock trials, endless imprisonment, the beatings, the innocent children murdered—all in the name of social progress during Mao's Cultural Revolution.

As recently reported in the Nation's newspapers, apologists for this project will tell you this is "work in progress." Nothing to be alarmed about. Changes can be made.

Mr. President, this does not look like work in progress. Nothing in its content, nothing in its introductory chapters indicates that it is to be modified. It is a finished project.

At the present time, there are 10,000 copies of the United States, world, and K–4 history standards in circulation. These copies are in use throughout the educational world. In some cases they are already being used as curriculum guidelines. They are in the hands of textbook publishers, curriculum writers, and other education experts. Funded by taxpayers money, UCLA has been selling the standards books—$18 for individuals and $24 for groups—and they are making money.

Last Saturday, an apologist for the project was quoted in the Washington Post saying, "We shouldn't try to throw out the entire barrel just because there are a few bad apples in it."

Do not believe it. It is the opinion of Lynn Cheney, who herself authorized this project as Chairman of the National Endowment of the Humanities; Dr. Elizabeth Fox-Genovese, a professor of history and women's studies at Emory who was on the project's National Council, Gilbert Sewall, director of the American Textbook Council, also on the project's advisory board; and many others directly involved from its conception that these standards are beyond any hope of salvaging—much to their own great disappointment as much of their personal time and efforts were offered to the cause.

I agree. These standards must be junked in total.

The problem is not one of mere detail. The problem is in its philosophical foundations. Those foundations are fundamentally anti-Western, and anti-American in their conceptual framework. The correction of a few of the worst excesses will not remove that anti-American, anti-Western formulation at its base. And it is a most serious problem. Whether or not the standards are certified by the still to be created Goals 2000 NESIC Board, according to Gilbert Sewall and many others, the way in which the textbook establishment works, this manual, having the extraordinary prestige of being the first national curriculum guide, will become, de facto, official if not strongly repudiated. As Dr. Sewall has stated, "It will be the first draft of the next generation of textbooks."

Right now, there are 10,000 copies of these standards being circulated among leading American educators. Like the infamous exploding Pinto, these manuals pose a horrendous threat to the vitality and accuracy of American history education, and they must be recalled.

Mr. President, I have been in favor of national standards. Although I had serious reservations, I added my vote to Goals 2000. The development of this ideologically driven, anti-Western monument to politically correct caricature is not what the Congress envisioned, nor is it what the American people paid for. The purpose of this amendment is therefore publicly to repudiate its continued use and stop its further influence. Should such a project ever be taken up again, and I am not at all sure it should be, in light of this experience, it must be undertaken by scholars with at least a passable understanding of and decent respect for this country and for its roots in Western civilization.

On the eve of the Civil War in March 1861, in his first inaugural address, Abraham Lincoln reminded the troubled country of the importance of our shared and common past:

> Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the union, when again touched, as surely they will be, by the better angels of our nature.

The proposed national standards in American history are designed to and will destroy our Nation's mystic chords of memory, so eloquently invoked by Lincoln 130 years ago.

Those mystic chords of memory are already perilously frayed. Study after study demonstrates the wounding absence of a shared knowledge of our Nation's history. These standards would only serve to deepen that wound, and so they must be rejected.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:05 p.m.

There being no objection, the Senate, at 1:35 p.m., recessed until the hour of 2:05; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GREGG].

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

AMENDMENT NO. 139 TO AMENDMENT NO. 31

(Purpose: To prevent the adoption of certain national history standards)

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 139 to amendment No. 31.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "SEC." and add the following:

. NATIONAL HISTORY STANDARDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the National Education Goals Panel shall disapprove, and the National Education Standards and Improvement Council shall not certify, any voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, regarding the subject of history, that have been developed prior to February 1, 1995.

(b) PROHIBITION.—No Federal funds shall be awarded to, or expended by, the National Center for History in the Schools, after the date of enactment of this Act, for the development of the voluntary national content standards, the voluntary national student performance standards, and the criteria for the certification of such content and student performance standards, regarding the subject of history.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the voluntary national content standards, the voluntary national student performance standards, and the criteria for the certification of such content and student performance standards, regarding the subject of history, that are established under title II of the Goals 2000: Educate America Act should not be based on standards developed by the National Center for History in the Schools; and

(2) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (1), the recipient of such funds should have a decent respect for United States history's roots in western civilization.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to address the pending amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, if one is not aware of the history of this issue over the past decade or so, this amendment might seem like one that we ought to concentrate on and seriously consider.

It brings up the issue of educational standards, but it takes our attention away from the basic reasons for the development of the Goals 2000.

When these goals were developed by the Governors in 1989, it came as a result of a 1983 report called "A Nation at Risk."

That report was released by the Secretary of Education at the time, Ted Bell, who served as Secretary of Education during the Reagan administration. It described serious deficiencies in our educational system. Those results have been verified by many studies including the somewhat recent Work Force 2000 report which pointed out very importantly and very critically that this Nation is not presently prepared to compete in the international market and will be less so in the future.

Here are some of the problems that created the demand for Goals 2000. Too many of our people right now do not even graduate from high school. But much more seriously is that only half of those who presently graduate have what is considered an acceptable basic education. Even more troubling is the fact that two-thirds of that half are functionally illiterate to one degree or another. They do not have the basic skills necessary to handle an entry level job. This means that our school system turns out millions of young people each year needing remedial education before they can effectively help us compete in the world economy.

The purpose of "A Nation at Risk" was to raise awareness that our Nation was facing a serious crisis. The standard of living had been slipping for the past decade or more and would continue to slip if we did not raise the quality of our education.

In the late 1980's, the business community was concerned that educational reform was not being implemented, even after President Bush had convened the national education summit and the Nation's Governors had created the goals which, with the input of Congress, are now referred to as Goals 2000.

The need for progress on this issue was important to the business community. I remember very well the first meeting I had in my office as a new Senator and as member of the Education Subcommittee with a group of this Nation's top CEO's whose firms were involved in international ventures. I expected that they might come to me and say, "We have to do something about capital gains."

They did not. They said that we must fully fund Head Start. If the United States did not make sure that everyone had the advantage of preschool training, early childhood education, and other compensatory programs, we would not produce the kind of high school graduates who would be able to compete internationally.

Our educational failures impact the business community, especially in those areas of graduate education which are so critical to our competitive edge in high-technology fields. Right now, about 40 percent of the slots for graduate schools in critical areas of science, engineering, and mathematics go to foreign students because they are more competitive for those slots.

That used to be fine, and I remember in my own State we had many foreign students who went to graduate school and ultimately worked for IBM. These days, unfortunately, foreign graduate students are not staying here. They are not returning the advantage of their skills and knowledge to our industries. They are all going home. In other words, we are sending about 40 percent of graduates from our schools, which are the best in the world, to work for our competitors.

I wished to raise this specter because this is the kind of problem which national standards should address. When we passed Goals 2000, we set forth a set of voluntary national goals and standards. In addition to the original goals proposed by President Bush and the 50 Governors, we expanded upon the goal for math and science competitiveness and added such subjects as history and arts.

What we are talking about today is the beginning of a process of developing standards which are necessary for our ability to compete in the international economy. I would hate to think we will begin debating subjects which are important but unrelated to the more important issue of competitiveness and thereby disparage our national and worldwide standards.

Recently, members of the business community spoke about job training before the Labor Committee and said that we must enforce worldwide educational standards for our people can become qualified for the work force of the future. If people do not understand the requirements, they will continue presuming that the standards which we have been utilizing, the ones which we feel are an acceptable education, are quite all right.

People fail to realize that students in Taiwan graduate 2 years ahead of our students in science and math. In addition, studies show that not only are we removed from the list of top nations in science and math achievement, but that we are at the bottom of the heap.

My point is that we must concentrate on why the Goals 2000 bill was developed. It was deemed necessary to improve the standard of living of the Nation: To improve our standards and our competitiveness. While it is important for us to stay informed about recommendations for important subjects such as history, I am concerned that we will begin to forget why we are here, and that is to save the Nation.

I will introduce a second-degree amendment at an appropriate time which will address the concern of my good friend, the Senator from Washington, regarding the development of certain standards at the UCLA Center for History in Schools, those standards which have raised considerable controversy. But we must remember that those standards have not been adopted by anyone, and they are not in a form to be adopted. In fact, the panel which would approve them has not even been named yet. So we are prematurely criticizing something which is not even ready to be adopted.

But more importantly, the amendment requires that anything meritorious or relevant or acceptable that is in those standards should not be used. Now, I am not sure whether that means the acceptable elements could be proposed and later approved, or not. The amendment does not say. It simply states that the standards cannot be used and that no more money can go to them.

Therefore my amendment will leave in the final paragraph of the amendment of the Senator from Washington, which states the concern about how we adopt the history standards, but will remove that part which states that we should simply throw away everything that has been done in this area and prohibits the information from being used.

Out of a very substantial number of examples in the history standards, only a very few have provoked great controversy. Therefore, I will speak again later, when I offer my amendment. But I just want everyone to realize that the critical goal is to have an educational system second to none which will keep the United States competitive in the next century by providing the necessary skilled work force.

I will also mention the cost of doing nothing and the cost of trying to do away with these standards. Right now, over $25 billion each year are spent by our businesses on remedial education because of the failures of our school system. In addition, we have about a half a trillion dollars loss in the economy due to illiteracy, imprisonment, and the many other social ills that result from educational shortfalls. This is an extremely important issue, and I hope that we will remain focused on the primary issue of developing a more competitive nation for the future.

Mr. President, I must oppose the amendment offered by my colleague from Washington. The amendment, which has not been subject to any hearings or review by the committee of jurisdiction, prohibits the National Education Goals Panel and the National Education Standards and Improvement Council from certifying any voluntary national content standards in the subject of history.

As my colleagues may recall, under the Bush administration grants were awarded to independent agencies, groups, and institutions of higher education to develop worldclass standards in all the major subject areas.

The history standards were developed by the UCLA Center for History in Schools with the contribution of hundreds of individual teachers, scholars and historians. The standards, which have just recently been published, have raised concern among some readers. Criticism has focused not on the standards themselves but upon the examples of activities for students in each grade level. Of the thousands of examples, not more than 25 were considered controversial. However, upon receipt of public input and criticism the Center for History in Schools is reviewing and altering its work. This, in fact is, and should be, the appropriate process and primary purpose of public commentary.

But, I am not here to defend the specific content of these standards—that is best left to teachers, educators, and parents. Instead, I am concerned that this amendment has much broader implications.

At issue is not so much the specific substance of these standards. Indeed, the standards have neither been endorsed by any Federal body nor, for that matter, even been finalized. Rather, the issue is whether or not we have in place a process for developing world class standards. I cannot overstate the importance of this matter. Countless reports have outlined that our country is falling behind in international test comparisons because our children have not learned the necessary skills in order to compete successfully.

A recent survey of Fortune 500 companies showed that 58 percent complained of the difficulty of finding employees with basic skills. The chief executive officer of Pacific Telesis reported: Only 4 out of every 10 candidates for entry-level jobs at Pacific Telesis are able to pass our entry exam, which are based on a seventh-grade level.

It is no longer enough for Vermont to compare itself to the national average. Comparing one State with another is like the local football team believing itself to be a champion of national stature because it beat the cross town rival. No, we must compare ourselves with our real competitors—the other nations of this global marketplace. To date, it appears that they are quickly outpacing us in many pivotal areas.

I have had meetings upon meetings with the chairmen and CEO's of major U.S. corporations to urge me to support the development of high academic standards. Why? Because the status quo in our schools has failed. Too many of our graduates finish school without knowing the three R's, much less more rigorous content standards. For our country to remain competitive, it is essential that our schools prepare our future work force for the demands of the 21st century. Unfortunately, until we present our students with challenging content standards that goal will not be realized.

Instead, estimates indicate that American businesses may have to spend up to $25 billion each year just for remedial elementary math and reading instruction for workers before they can train them to handle modern equipment. Not only does this drain critical funds from our corporations but it dramatically affects our ability to compete in the global marketplace.

For the past decade the average wage has gone down. The standard of living is slipping and wealth is accumulating only at the top.

Until we are able to prepare our children for the future we will have failed ourselves, the next generation and this country. The first step to success is establishing strong academic standards so that our children leave school ready for the work force or for postsecondary education. Remedial education should not be the main function of our institutions of higher education or our businesses and corporations. By preparing our students while they are in school, we will reduce the need for catchup courses so many of our graduates now have to take.

We have a process in place to get our children ready for the 21st century. That process includes reforming our school and creating high benchmarks for students. That process is done through the National Council on Education Standards and Improvement. NESIC will be a 19-member council composed of professional educators, representatives of business, industry, higher education, and members of the public. The council is authorized to certify voluntary national education standards and pass their recommendations to the goals panel for final approval. The role of the council is to certify that the standards developed in each subject area are credible, rigorous and have been developed through a broad-based process.

NESIC provides a mechanism for ensuring that standards remain national rather than Federal. If this duty was not being performed by such a council, the responsibility for certifying national voluntary standards would fall squarely upon the shoulders of the Secretary of Education—which would positively result in greater Federal involvement.

This body is a separate entity created to oversee the certification of voluntary national standards. It has absolutely no oversight authority over States. In other words, States are not required to agree with the voluntary national standards, they are not required to accept or incorporate any portion of the national standards or even acknowledge existence of standards.

Yet such a national council is essential to States and local schools to assist them in weeding out and reviewing voluntary standards. Without such an entity, each State will have to undertake that review by itself. To do that 50 times over simply does not make sense. Clearly, the recommendations of the council are not binding on States. The council's certification process is simply a Good Housekeeping seal of approval to assist States in determining which standards are rigorous and competitive.

For us to step in and derail this process makes no good sense. By passing this amendment and legislating a Federal override of NESIC's responsibility we not only jeopardize the whole independent nature of NESIC, we also jeopardize the process of creating tough academic standards. I don't think we have that luxury.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, if I may enter into this debate for a moment from a little different angle. I have enormous respect for the Senator from Vermont, who has just spoken with great dedication to the issue of education. He has devoted a great deal of time to the issue, both when he was in the other body as a Member of Congress and since he has been in the Senate and is now chairman of the Education Subcommittee of the Labor Committee.

I also can understand where the Senator from Washington is coming from in his concerns about the model national history standards which have been developed with Federal funds. However, as the Senator from Vermont has pointed out, they have not been adopted or certified as national standards yet.

There has been a lot of controversy about these standards as they have been proposed—controversy which, I may say, could have been anticipated. I was troubled when we first started down the path of providing Federal funding for the development of national standards. I would like to note that standards in various subject areas have been developed by professionals in the field, not by Federal employees as some may think. However, where Federal moneys are involved, there is often misunderstanding about the nature of the Government's involvement.

I am sure that developing these standards was very difficult for these professionals. It is far easier to develop standards, say in the field of mathematics or science, because there is more preciseness in both of those fields. When you get to history, however, so much revolves around a teacher's interpretation of the material that they may have in front of them. So I think when you get into particular areas of study like history, that it becomes much more difficult to develop standards on which there is going to be agreement. Whether it is with the particular standards we are discussing now or a totally different set of standards, I think you would find just as many people with concerns about them.

Although these are voluntary standards, as has been repeatedly emphasized whenever we have had these debates, this is a point which often gets lost. One reason I opposed the Goals 2000 legislation which was enacted last year is that it took Federal activities in this area yet another step further by including an authorization for a national council to review and endorse the national standards.

There is certainly a difference between voluntary national standards and mandatory Federal standards—but this is a distinction which is generally lost when such standards are put forward, particularly when they are likely to come before a group such as the national council which is charged with reviewing them. As one who believes strongly that the strength of our education system lies in its local base and community commitment, I have not felt it wise to expand Federal involvement into areas traditionally handled by States and localities.

I will support the Gorton amendment due to my concern about Federal involvement in national standards, even voluntary ones. At the same time, I believe the real issue is far broader than the current controversy over the history standards. Prohibiting a federally authorized council from certifying a particular set of voluntary standards is not the real answer. The real problem is that we have established in legislation such a group—the National Education Standards and Improvement Council, or NESIC—in the first place.

In the near future, I will be introducing legislation to repeal NESIC. My legislation would get the Federal Government out of the loop in an area which I believe is best handled by States and localities. Many of our States are already developing standards that the teachers and educators in the field of history feel is important for the schools in their States. But those States do not need to have a Federal seal of approval for those standards, voluntary or not. That is why I believe we may be missing the heart of this debate.

Nevertheless, I think the Senator from Washington has addressed a real concern regarding the model national history standards that have been developed with Federal funds.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak against the Gorton amendment. I think the Gorton amendment fails to recognize the immense amount of work that has gone into trying to put this country on a road to having and pursuing higher national standards, higher standards in education throughout the country. This is work that has primarily been done by the Governors of this country. I will point out that it began in Charlottesville, when President Bush was there with our 50 Governors some 5 years ago.

Today, the National Education Goals Panel is made up primarily of Governors. There are eight Governors on this panel, there are two administration representatives, and there are four representatives from Congress. But clearly the Governors are those who set up the National Education Goals Panel. They are the ones who have led the way for this country to pursue national education goals and standards.

The Governors who currently serve on that are an extremely distinguished group: Governor Romer, Governor Bayh, Governor Fordice of Mississippi, Governor Hunt, Governor Engler, Governor Carlson, Governor Edgar, and Governor Whitman of New Jersey. They are a very distinguished group of Governors.

The amendment of Senator GORTON, in my view, would be an insult, if we were to pass this amendment, given the current state of deliberations by the National Governors and by the National Education Goals Panel on national standards. Essentially, this amendment says the National Education Goals Panel shall disapprove some proposed standards which have not even been presented for consideration before the panel as yet. It completely puts the Congress in the position of preempting the National Education Goals Panel.

It further puts us in the business of preempting the National Education Standards and Improvement Council, which has not even been established. The members of that group, NESIC for short—that is the acronym that has been applied to this National Education Standards and Improvement Council—have not even been appointed. Yet, we are here being asked to adopt legislation directing this unappointed panel not to certify certain standards which have not yet been presented to them since they are not in existence.

It strikes me that this is the height of arrogance on the part of Congress, to be stepping into an area where we have not had the leadership. Just to the contrary, the Governors have had the leadership. And we are saying by this amendment, if we adopt it: Do not take any action to approve standards. You, the Governors and the other members of this panel, disapprove these proposed standards that have not yet even been presented to you. And second, if and when we get a National Education Standards and Improvement Council appointed, they are also directed not to certify any standards along the lines that have been proposed.

I certainly agree that there are major problems with the national standards that were proposed on history. I do not think that is the issue that is before us today. This whole business of getting standards in history is something which was started by the former administration, during the Bush administration. I recall the then Chair of the National Endowment for Humanities, Lynne Cheney, led the contract at that time to have these national standards developed. She has also, I would point out, been the main spokesperson objecting to the standards that have come back, or the proposed standards.

My reaction is that clearly she is right, that there are problems with what has been proposed, and we need to change what has been proposed or, on the contrary, we need to get some other standards adopted in the area of history before we go ahead.

But we are not in a position in my opinion as a Congress to be directing the National Education Goals Panel, made up primarily of Governors in this country, directing them as to what action to take or not to take on specific standards at this point.

The whole standards-setting process I believe has been a very healthy, forward looking, progressive effort in this country, and it has been bipartisan. It was bipartisan when it was started in the Bush administration with the Governors. It has remained so since then.

I have the good fortune of serving on a council that was established by the Congress to look at the whole issue of whether we should have national standards. That council came up with a report which said the high standards for student attainment are critical to enhancing America's economic competitiveness, the quality of human capital, and the knowledge of skills. The knowledge and skills of labor and management helps determine a nation's ability to compete in the world marketplace. International comparisons, however, consistently have shown the academic performance of American students is below that of students in many other developed countries. The standard setting process was a reaction to our concern in this area, and it is a reaction which the Governors took the lead in because of the primary responsibility for education has always been at the State and local level, and should remain there.

But we found in that council that I served on—this is a quotation from the report they came out with:

> In the absence of demanding content and performance standards, the United States has gravitated toward having a de facto minimal skills curriculum.

That is what the Governors were trying to deal with in the standard setting process. We should not allow our concern about some specific set of proposed standards which have not even been presented to the National Education Goals Panel for approval yet but we should not allow our concern about those specific standards to deflect us from the long-term objective of having standards, and holding ourselves accountable to reaching those standards. They are voluntary standards. They ought to be voluntary standards. But still they are standards. They are standards for which we believe certain benchmarks are appropriate. And clearly I believe that the standard setting process is an extremely important part of improving the American education system.

It would be a tragedy for us to step in before the first set of those standards have been presented to the National Education Goals Panel for approval and pass legislation directing how the National Education Goals Panel and the Governors who make up the majority of that group, are to dispose of standards.

So I hope very much that we will defeat the Gorton amendment. I know Senator JEFFORDS has an alternative which I will plan to support and speak for at that time. But I hope very much that the Congress does not overreach and try through this amendment that has been presented by the Senator from Washington to usurp the authority which I think has rightfully been seen as resting with the Governors of this country.

I thank you, Mr. President. I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in opposition to the amendment offered by the Senator from Washington.

To my mind, this amendment is an unwarranted governmental intrusion into what is basically a private effort. It also constitutes micromanagement to a degree that is neither wise nor necessary.

First, the national standards that are being developed, whether in history or any other discipline, are purely voluntary. This was made clear in the Goals 2000 legislation and reinforced in the reauthorization of the Elementary and Secondary Education Act.

Second, the voluntary standards do not have to be submitted to either the National Education Standards and Improvement Council or the National Goals Panel. That, too, is voluntary. If the organization that developed the standards wants to submit them, they may do so at their own volition. It is not required.

Third, certification is nothing more than a Good Housekeeping Seal of Approval. It carries no weight in law, and imposes no requirements on States or localities. They are free to develop their own standards, and may use or not use the voluntary national standards as they wish.

Fourth, the history standards in question are proposed standards. They have not been finalized. Quite to the contrary, representatives from the National History Standards Project have met with critics and have indicated their willingness to make changes in both the standards and the instructional examples that accompany the standards. Their commitment is to remove historical bias and to build a broad base of consensus in support of the proposed standards.

Fifth, make no mistake about it, these proposed standards were not developed in secret or by just a few individuals. They are the product of over 2½ years of hard work. Literally hundreds of teachers, historians, social studies supervisors, and parents were part of this effort. Advice and counsel was both sought and received from more than 30 major educational, scholarly, and public interest organizations.

Mr. President, I strongly believe that we should not interfere with a process that is still in play. We should not inject ourselves in a way that might impede both the important work being done in this area and the effort to develop a broad base of consensus. Accordingly, I would urge my colleagues to oppose this amendment, and to support instead the substitute to be offered by the Senator from Vermont.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment offered by the Senator from Washington [Mr. GORTON]. In fact, I ask unanimous consent at this point that I be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I support this amendment because it puts the Senate on record opposing the national standards for U.S. and world history which, while not endorsed by any Federal agency, were developed with Federal tax dollars first issued in 1991. While not a Federal mandate in that sense, they are voluntary, nonetheless, I rise to speak in opposition to them because they carry the imprimatur of the Federal Government, and have the capacity to broadly affect the course of education and the teaching and understanding of history by succeeding generations of our children, the American children.

Mr. President, I should make clear, as I believe the Senator from Washington has made clear, that I support the idea of setting national voluntary standards to upgrade our education and to give us something to aim for. But I must say that the standards that were produced, the national standards for U.S. and world history that are at the core of what this amendment is about, were a terrific disappointment and may undercut some of the fundamentals, the core values, the great personalities and heroes of America and Western civilization and world history. By doing so, we put our children at risk of not being fairly and broadly educated.

While the hope of those involved at the time that these standards were authorized, which goes back some years, was clearly to encourage State and local educators to raise standards in the teaching of history to elementary and secondary school students, the draft proposed is full of the kind of valueless, all-points-of-view-are-equally-valid nonsense that I thought we had left behind—and I certainly believe we should leave behind—in the teaching of our children.

The history that many of us who are older learned in school obviously had its failings. It was not as inclusive as it should have been in many ways. But at least it provided core information about who we are as a nation and how our world and our Nation have progressed over time.

Mr. President, we have a lot to be proud of in American history. This great idea of America grew out of the Enlightenment and was established—now more than 200 years ago—by a courageous, principled, and patriotic group of Founders and Framers who were not casual about what they were doing.

They were motivated by an idea, by a set of values, and it is part of our responsibility as this generation of adults, let alone as this generation of elected officials and national leaders, to convey that sense of our history—about which we have so much to be proud—to our children.

First, in the interest of truth, because the American idea is a unique idea and has dramatically and positively affected the course of world history since the founding of this country—not just the course of world history in a macro sense, in a cosmic sense—it has positively affected, in the most dramatic way, the course of the lives of millions of Americans and millions of other people around the world who have been influenced by the American idea and by American heroes. And we ought not to let that be disparaged. We ought not to let that uniqueness, that special American purpose, be lost in a kind of "everything is equal, let us reach out and make up for the past exclusions in our history" set of standards.

So to me this is consequential. I guess the social scientists tell us that our children should think well of themselves if we expect them to do good things; that they have to have a good self-image. They mean this in the most personal sense of how parents raise children, how society gives children an impression of themselves. I say that in a broader sense of citizenship, our country has a responsibility, honestly and accurately conveying some of the blemishes as well as the great beauty of our history, to give our children a sense of self-worth as Americans. And part of that is respecting the great leaders in America that have gone before.

Mr. President, these draft standards are, alternatively, so overinclusive as to lose major events in American and world history, major participants, leaders, heroes in American and world history, in a tumble of information about everybody and everything. And then, on the other hand, they are oddly underinclusive about important events, people and concepts. Robert E. Lee, Thomas Edison, Albert Einstein, Jonas Salk, and the Wright Brothers, just to name a few, appear nowhere in these standards.

Thomas Edison, whose most memorable invention has become the very symbol of a good idea—the light bulb—is not mentioned. Albert Einstein, whose extraordinary contributions to our sense of the physical universe, let alone beyond, who changed our understanding of our existence in so many dramatic ways—not mentioned. The Wright Brothers, whose courage and boldness and inventiveness, steadfastness—with the development of airplanes, flight—has dramatically affected the lives of each of us and of society—not even mentioned in these standards.

In another way, in the world history standards, slavery is mentioned briefly in reference to Greece. The only other discussion of slavery concerns the transatlantic slave trade. Slavery, to the world's shame, existed in many cultures over many centuries, and those examples are not mentioned.

The Holocaust in Nazi Germany received significant attention, as it should. But the death, persecution, and humiliation in a cultural revolution in China go by with barely a whisper. There is nothing in the cold war section of these standards, this experience that dominated the lives of most of us in this Chamber from the end of the Second World War to 1989, when the Berlin Wall collapsed. The section on the cold war does not give the reader, the student, the teacher, the sense that that conflict involved principles at all, involved ideals. It describes it, in my opinion, solely as a contest for power. There is no indication that we were fighting a battle for democracy—not just a system, a way of government, but a way of government that has a particular view of what humans are all about, and a particular view that is rooted, I think, in the idea and the principle that people have a Creator. We say it in our founding documents, "that all men are created equal, that they are endowed by their Creator with certain inalienable Rights," not a casual accident of nature, but a conscious act by a Creator. Democracy is on the one hand, and totalitarianism is on the other, which denies all of that. The cold war is described blandly and revealingly in one sentence as "the swordplay of the Soviet Union and the United States." Inadequate, to put it mildly; insulting, to put it more honestly and directly.

We do not need sanitized history that only celebrates our triumphs, Mr. President. But we also do not need to give our children a warped and negative view of Western civilization, of American civilization, of the accomplishments, the extraordinary accomplishments and contributions of both.

I recognize that the Federal Government is not talking about forcing these standards on anybody. These standards were always intended to be voluntary, and I recognize that the standards we are talking about are not final. They are in a draft form. But the standards, by virtue of their being developed with Federal funds, have the unavoidable imprimatur of the Federal Government. Ten thousand of these are available throughout America. It is a very official-looking text. I, for one, worry that some well-meaning official of a local school district will get hold of it and think this is what we in Washington have decided is what the teaching of American and world history ought to be all about. In fact, I have been told that text book publishers are waiting to see what happens next with these standards so they can make their own plans as to whether to adopt the draft standards wholesale. In fact, I have heard also that some school districts are close to adopting them.

I think it is particularly appropriate that my colleague from Washington has chosen this bill about mandates and Federal involvement in our society for us to speak out, to make sure that no one misunderstands these standards, to hope that teachers, parents, and students will understand the ways in which some of us feel they are deficient, and that, as the business of setting such standards goes forward from here, they will be developed with a better sense of balance and fairness and pride.

History is important. We learn from it. It tells us who we are, and from our sense of who we are, we help determine who we will be by our actions. The interest in these standards, in some sense, confirms the importance of history. And what I am saying, and what I believe Senator GORTON is saying, is that we should celebrate the vitality of that interest in history by starting over to develop standards that more fairly reflect the American experience, not to mention world history, and to particularly give better and fairer attention to the positive and optimistic accomplishments and nature of the American people.

I thank the Chair, and I congratulate my friend from Washington for taking the initiative on this matter.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just make one additional point. I heard my good friend from Connecticut and my freind from Wahington.

I think it is particularly ironic that this amendment is being considered on the so-called Unfunded Mandate Reform Act of 1995. This bill that is being considered before the Senate today, the bill that is proposed to be amended, says in its preface:

> To curb the practice of imposing unfunded Federal mandates on State and local government; to strengthen the partnership between the Federal Government and State and local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local and tribal governments.

Mr. President, we did try to defer to the States when we set up the education goals panel in the legislation, the Goals 2000 legislation, last year. We established that panel with eight Governors, four State legislators. And those 12 who represent the States would be offset by six representing the National Government, two from the administration and four Members of Congress.

Now we have taken this 18-member panel, the National Education Goals Panel, set them up and given them the responsibility to review proposals that are made for national standards. And here in Senator GORTON's amendment, we are proposing to step in before any standards have been presented to them and to legislatively prohibit them from adopting a set of as yet unproposed standards.

Now this is a Federal mandate, it is a mandate by this Senate, by this Congress to that National Education Goals Panel, made up primarily of State government representatives, and telling them what they shall and shall not do.

I, quite frankly, think it is insulting to the Governors, who are giving of their very valuable time to serve on this National Education Goals Panel, for us to be rushing to the Senate floor and passing legislation of this type before they have even been presented with anything in the National Education Goals Panel.

I am one of the two Senators that serves on the National Education Goals Panel. I represent the Democratic side. Senator COCHRAN represents the Republican side. We have not had a meeting to discuss these proposed standards. In fact, the proposed standards have not even been put on the agenda to be discussed at future meetings, and yet the Senate is considering going ahead and adopting an amendment by the Senator from Washington which says, "Notwithstanding any other provision of law, the National Education Goals Panel shall disapprove" these standards in whatever form they ever come to us.

Mr. President, I have no disagreement with my friend from Connecticut about the substance of the proposed standards that have been developed under the funding of the National Endowment for Humanities and the contract that Lynne Cheney let when she was in that position. I agree there are some serious problems there. But let us defer to that group primarily representing States and allow them at least to do some of their work before we step in and dictate the result. Particularly, let us not dictate the result as an amendment to a bill which is designed to end the imposition of Federal mandates on State, local and tribal governments.

I think it is the height of irresponsibility for us to proceed to adopt this amendment at this stage. I really do think those Governors and State legislators who are serving on that National Education Goals Panel deserve the chance to do the job which they are giving of their valuable time to do before we step in and try to overrule them and second-guess something which they well may decide not to do. I have no reason to think they are less patriotic or less concerned about a proper depiction of U.S. history than we here in the Senate are. And I think we should give them a chance to do the right thing.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, first, I should like to say with respect to my friend and colleague, the Senator from Connecticut, that it is always a pleasure to deal with him on the same side of an issue just as it is very dangerous to disagree with him and attempt to prove a case.

But as I have listened to the case presented against this amendment by three of my colleagues, one of my own party and two of the other, it seems to me that they argue in an attempt to have it both ways. Each of them was a strong supporter of Federal legislation, Goals 2000, which was designed to come up with national standards for the teaching of various subjects in our schools. Each of them, as far as I can tell, approved of spending some $2 million of Federal taxpayer money to finance a private study which resulted in these national standards.

But when it comes to our debating these highly controversial and I firmly believe perverse and distorted standards for world and American history, we are told we should butt out; we, the Congress of the United States, should have nothing to say about national standards for the teaching of American history. Or, in the alternative, the Senator from New Mexico says it is too early because they have not been adopted yet.

Would his argument be different if this commission had in fact adopted these standards? Well, of course not. His argument would be even stronger that we should have nothing to do with this process. Far better to express the views of Members of this body, and I hope of the House of Representatives, on a matter which is of deep concern to many of our citizens before some potential final action has been taken than to wait until afterwards.

But, Mr. President, this volume does not look like a rough draft. Nothing in this volume, for which we have paid $2 million, indicates that it is only tentative, it is subject to huge revisions. This is a set of standards which without regard to whether or not it is approved by a national entity has already been distributed in some 10,000 copies to educational administrators and interested people all across the United States which already has behind it the force of being a national project financed with national money.

I believe it more than appropriate that this technically nongermane amendment should be added to a bill on mandates, the bill we are discussing here today. While the Goals 2000 entity, the National Education Standards and Improvement Commission, cannot enforce its judgments on the States, they will certainly be given great weight by each of these States. And that council is a Federal entity. It may well be made up of some Governors as well as some Members of this body and some legislators and the like, but it is a national body created by the Congress with a national purpose.

Nothing in my amendment, in which the Senator from Connecticut has joined, tells any Governor or State educational administrator that he or she cannot accept this book today, lock, stock, and barrel, if he or she wishes to do so. It does say that a Federal entity will not certify it as worthy of consideration as a guide for the teaching of American history. In that sense, each of these people is part of a national entity created by the Congress with a Federal purpose. Not only is it appropriate for Members to instruct such a group, I believe it to be mandatory.

We created the group. If it is our view that this is, in fact, a perverse document that should not be the basis for teaching American history, now is the time we should say so. Not after it has been adopted by several States. Not after it has been adopted by this national organization, but right now.

Opponents cannot duck behind the proposition that somehow or another they are taking no position. By voting against this amendment, they are taking the position that it is perfectly appropriate for these standards to be presented to the States of the United States as the way in which to teach the history of the United States of America.

The very individual, Lynne Cheney, then Chairman of the National Endowment for the Humanities, who came up with much of the financing for this, finds these standards to be totally outside of what she or the Endowment expected or participated.

And the critics are not from some narrow group in the United States. They represent the broadest possible mainstream of American thinking. Former Assistant Secretary of Education, Chester Finn, now at the Hudson Institute, called these history standards "anti-Western," and "hostile to the main threads of American history." Elizabeth Fox-Genovese, professor of history of women's study at Emory University declared "The sense of progress and accomplishment that has characterized Americans' history of their country has virtually disappeared" from these standards.

The president of the Organization of History Teachers, Earl Bell, of the University of Chicago Laboratory Schools, called the world history standards "even more politically correct than U.S. history standards." Charles Krauthammer, writing in the Washington Post, said that these proposed standards reflect "the new history" and "the larger project of the new history is to collapse the distinction between fact and opinion, between history's news and editorial pages. In the new history, there are no pages independent of ideology and power, no history that is not political." Herman Beltz, history professor at the University of Maryland said "I almost despair to think what kids will come to college with. I'm going to have to teach more basic things about the Constitution and our liberal democracy." Albert Shanker, president of the American Federation of Teachers, described the original draft of World History Standards as "a travesty, a caricature of what these things should be—sort of cheap shot leftist view of history." Finally, of course, Lynne Cheney said "the World History Standards relentlessly downgrade the West just as the American history standards diminish achievements of the United States," both calling into question "not only the standard-setting effort but the Goals 2000 program under which these standards became official knowledge."

In U.S. News & World Report, John Leo wrote:

> This won't do. The whole idea was to set unbiased national standards that all Americans could get behind. Along the way the project was hijacked by the politically correct. It is riddled with propaganda, and the American people would be foolish to let it anywhere near their schools.

Mark my words: To vote against this amendment is to vote approval of certifying a set of books, in this case entitled "National Standards for United States History," paid for by the American taxpayer, submitted to a Federal organization for its approval. I want to repeat, we do not tell any school district or any State that if it wants to treat this as a bible that it is forbidden to do so. All we do is to tell an organization we created that it is not to certify these standards. That they are unacceptable. That they denigrate the Western and the American experience, ignore the most important achievements of our history, and that if the Federal Government wants to do this job it ought to start over and do it again with people who have a decent respect for American history and for civilization.

I am a Senator who, unlike my distinguished colleague who sits next to me here, the junior Senator from Kansas, who voted in favor of Goals 2000 and in favor of national standards. And like others now seriously must question my own judgment in doing so, if this is the kind of product which is going to arise out of that process.

I believe very firmly that if we are to have national standards, if we are to have support not only of this Congress but of the American people for national standards in education and various subjects, we must do much better than this. Not later. Not a year from now. Not 3 years from now. This is the time to say, "This doesn't measure up." It does not reflect the American experience. It is not an outline of what we should be teaching our children about the history of this country, and for that matter, the history of the world.

The vote, like it or not, is on whether or not you agree or disagree with what has been produced here. Turn down this amendment, we are telling this national council "everything is OK; approve it, and go right ahead." Accept the amendment and we will have a positive impact not only on the teaching of our American history but of future standards in other subjects which are still incomplete. We may yet be able to save the true goals of Goals 2000.

Mr. BINGAMAN. Mr. President, could I ask the Senator a question as to his intent in the future, if the Senator would yield?

Mr. GORTON. I am happy to yield.

Mr. BINGAMAN. Mr. President, I ask my colleague from Washington, Mr. President, if it would be his intent every time a standard is developed for consideration, that we in the Congress would pass legislation for or against that before the goals panel got a chance to consider it?

Mr. GORTON. My answer to the Senator from New Mexico is that is a very good question, to which the answer is "no."

I sense that educational goals are likely to fall into two categories, one of which is more likely to be controversial than the other. Some of the standards in other areas—for mathematics, for example, or for the teaching of physics—will, I think, be very unlikely to be found controversial or be driven by ideology.

In the case of a set of standards which come from a narrow perspective, a narrow political perspective, it is certainly possible that there will be future debates, as there ought to be. I think the future debates are more likely to be driven by public reaction to these standards than they are by the preferences of individual Members of the Senate. This Senator was made aware of the standards by the blizzard of criticism which they created almost from the day that this book was published.

Now, by the fact that so many traditional historians in the United States find them so terribly objectionable, my deep hope, I say to the Senator from New Mexico, as a member of this national commission, will be that a decent respect for American traditions in the future in this and in the study of other kinds of social services on the part of those academics who generally dominate their writing such standards, will result in no action at all on the part of the Congress, because while there may be elements of controversy and particular standards, that controversy will not reach the fundamental basis of the very philosophy or ideology out of which they arise.

So I hope that this is not only the first time that we take up a subject like this, but the last time.

Mr. BINGAMAN. Mr. President, let me just ask one additional question. The education goals panel, to which we are here giving instructions prohibiting them from taking certain action, is scheduled to meet a week from Saturday here in Washington, with Governor Bayh—I believe he is the new Chair of the education goals panel.

What is the Senator intending to do by this action, by this vote, by this amendment? What is he intending to tell that group of Governors, and others who sit on that panel, about what their responsibilities are for considering standards in the future? Should they wait until we get some reading from the Congress as to whether or not there has been too much public concern?

I am just concerned that we are setting a precedent which essentially makes their job irrelevant or their role irrelevant if we are going to have public debates in the Congress and pass mandatory legislation dictating how they are to proceed every time a new set of proposals comes forward.

Mr. GORTON. Mr. President, I say to my friend from New Mexico, there is hardly an important commission or entity or agency in the United States whose controversial decisions or operations do not create controversy or debates on the floor of the U.S. Senate.

We are elected by the people. We have strong views on particular subjects. Of course, frequently, well beyond this particular council, we are going to have debates on ideas which other people, appointed by the President or appointed by us, deal with.

As the Senator from New Mexico well knows, there is not the slightest doubt that we will be engaged in a debate sometime later this year on the future of the Corporation for Public Broadcasting, and Members will attack and defend the way in which Federal money is spent by that independent organization, as it is by a myriad of other organizations.

As for the meeting a week from Saturday of this particular Commission, I would be astounded if this amendment were the law by then. Certainly the speed with which we have dealt with this unfunded mandates bill so far hardly indicates that it is going to be through this body and the House of Representatives, the differences between the two settled, on the President's desk and signed by the President by a week from Saturday.

So I suspect that legally, at least, that Commission will be perfectly free a week from Saturday to take whatever action it wishes.

I strongly suspect that many of those who are elected to positions in their own States and are appointed members of this Commission may have reached the same conclusion that I and others have at this point, and I strongly suspect that they will give great weight to the way in which this vote comes out. But they are going to give that great weight either way.

If we vote in favor of this amendment, even though it has not become law, I think that will greatly influence that council in rejecting these standards. By the same token, if we turn down this amendment, my opinion is that many members of that council will, in effect, say the Congress has approved these standards and they ought to go ahead and do so themselves.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GORTON. Objection.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued the call of the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

I rise to speak about where we are at this time with this bill, to make the point that I have been basically on my feet since 12 noon trying to offer a very important and timely amendment that has bipartisan support, that is about an issue of great importance to the people of this country because, indeed, it is about law and order in this country.

On December 30, there was a horrible shooting in Massachusetts at a health care clinic.

The following day there was a shooting in Virginia, at a health care clinic. Obviously, at that time, the U.S. Senate, this 104th Congress, had not taken its place here and we were unable to respond, as I know we would have in a timely fashion, to condemn the violence and to call on the Attorney General to take the appropriate action to ensure the safety of those innocent people at those clinics around this country. As soon as I got back here I made a number of calls to Democrats and Republicans and I put together a resolution which currently has 21 cosponsors, some of them from the Republican side of the aisle.

I knew that this Senate had a lot of important business, but I also believed in my heart we would take 60 minutes or 30 minutes, or some time to go on record, speaking out as Americans—not Republicans, not Democrats—Americans speaking out against that violence.

I was very hopeful when I heard the majority leader, the new majority leader, Senator DOLE, speak out on national television, condemning the violence and saying that he was appalled at the violence. I said to myself, we will have bipartisan support so we can go on the record in this U.S. Senate. I know my Republican friends have a contract, a Contract With America or for America—or on America, some people call it—and they believe in that contract. Some of the things in there are good. A lot of it is awful, in my opinion. And they are on a timetable to move that through.

But I have to say that, while I believe the bill before us is very important—and I say to the occupant of the chair I know how much he worked, so hard on this unfunded mandates bill. I myself come from local government. I had to deal with the most ludicrous mandates in the 1980's that you could believe. I would love to be able to get a bill before us that does not go too far, that is sensible. And I want to work toward that end. I have a number of amendments that deal with it.

But I thought, as reasonable men and women, we could respond to a terrible problem we have in our country, and I was very heartened when I had bipartisan support. The Senator from Maine and I worked in a bipartisan fashion to speak to the majority leader, to speak to the new chairman of the Judiciary Committee. This goes back many days ago. Can we not set aside the bill for a very short time, the unfunded mandates bill, to take up this resolution in a bipartisan spirit and move on?

I waited. I was very patient, because I really wanted to get this done in the appropriate spirit of cooperation. The manager of the bill, someone I have grown to respect and admire and like, has been very open with me. I have to say the majority leader himself has continued the dialog with me. However, he has informed me that he does not want this to be pursued; that he will block my every effort to offer this as a second-degree amendment to the committee amendments in the hope that I can work out an agreement with some of those on the Republican side of the aisle who objected to this coming forward.

I have to say, both sides of the aisle put out what we call a hotline here to advise Senators that this was a proposal, and on the Democratic side there was no objection. There was objection on the Republican side. The majority leader would like to work this out.

I have read my amendment over. There was one phrase in it that I agreed we could change. I offered to make that change. I have to tell you, I think the amendment as it stands is very reasonable. It only has a small resolved clause:

> It is the sense of the Senate that the United States Attorney General should fully enforce the law and recommend to Congress any further necessary measures to protect persons seeking to provide or obtain or assist in providing or obtaining reproductive health services from violent attack.

I cannot imagine any reasonable person opposing that "resolved" clause. I have looked at it again and again. We are calling on the Attorney General to fully enforce the law and recommend to Congress any further necessary measures needed to protect decent people.

I think it is important to note that there have been over 1,600 incidents of arson, bombing, vandalism, and assault against reproductive health care clinics and the people who work there since 1977. This is not a problem that has started yesterday. Last year, there were over 130 incidents, 50 reports of death threats to doctors and other clinic workers, 40 incidents of vandalism, 16 incidents of stalking, 4 acts of arson, 4 murders, and 3 attempted bombings. That is what is going on in America.

I think we should be able to agree in a bipartisan fashion to a very simple statement that we call on the Attorney General to fully enforce the law and to come back to us if she thinks other measures should be taken. My goodness, we are not asking for more dollars here. We are not asking for anything more than the law be fully enforced and that, if for some reason, more needs to be done, that we be told about it.

I want to hold up, here, a poster which is a sample of what is being distributed across America today. It is a "wanted" poster, with pictures and names of physicians. The language is frightening. "Wanted for killing unborn babies in the South Bay." This is from California. The language is violent language, and I hope that the people behind these kinds of posters will rethink their language.

I know they are committed to an issue that they feel deeply about. I defend their right to peacefully protest. As a matter of fact, if they were not able to do that, I would join them in that fight, I believe so much in America and freedom of speech. But I do think, again, we have often used the example: We have freedom of speech, but when we yell "fire" in a crowded theater, perhaps it is going to lead to something horrible.

This is leading to something horrible, to people being killed. I have met the families of these physicians who have been murdered. They lost dads and they have lost moms. I met the families of the volunteers who helped the women trying to obtain their health care, one of them a retired military person, shot down dead trying to protect women exercising their rights. So when you say, "How can a doctor deliver babies one day and kill them the next," you have to think about the words that you are using.

I hope that we will come together on all sides of this issue and recognize that we resolve our problems here in America, not the way they do it in Bosnia, not the way they do it in Haiti, not the way they do it in Russia, but by fighting for laws that we think are right. And by the way, we passed one of those laws, and we did it in a bipartisan way. But it seems to me that as we went on record then, we should go on record now.

Since 1982 the Bureau of Alcohol, Tobacco and Firearms has investigated 148 clinic bombings and arson causing $12 million in property damage. Doctors working in clinics go to work every morning haunted by murderers. They have their homes picketed and their children followed to school. At one time one of the organizations mounted a national campaign called "No Place to Hide" complete with "Abortion Busters Manual on How to Attack." They placed doctors' names and addresses on "wanted for murder" posters, distributed fliers listing the times, dates, and places for picketing medical clinics and physicians' homes and churches. And other groups put out a handbook calling it a "How-to Manual of Means to Disrupt and Ultimately Destroy Satan's Power to Kill Our Children." The book provides 99 covert ways to stop abortion. It advocates "Super Glue" for jamming locks on clinic doors, cutting off water power, breaking windows, spray painting walls, and expresses ways to use muriatic acid—I have talked to people who worked in clinics who are aware of this—including injecting it into the clinic ceilings and ventilating systems.

The book also has a recipe for homemade plastic explosives and suggestions on how to make a bomb threat and techniques for uncovering unlisted phone numbers and addresses. In a section of the book claiming to be an interview, a member of this organization says, "I ask you what would you do if your very own child was scheduled for execution in the morning." And the answer comes back in this book: "One, blow the place to kingdom come; and, be there with all the guns and ammunition in the morning just in case."

I cannot believe we cannot take an hour's time out on a bipartisan resolution like this simply calling on the Attorney General to do all she can do to enforce the law, the law that we passed in a bipartisan fashion. I have been so willing to cooperate with the majority leader, and to his credit he has been very direct with me, I will say that. But I have been blocked from offering this.

I do not ever remember blocking anyone from the other side from offering an amendment. I really might fight their amendment. I might argue against their amendment. But I never tried to block their ability to offer an amendment. I am very saddened that this is where we are. I think the American people must wonder. We are debating mandates. That is good. But that mandate law is going to take a while to be put in place. It will create a huge bureaucracy. You should be ready for it. I mean, that mandates bill will have bills make more stops than the local bus on the way to becoming a law. And we will debate that.

But this amendment is merely a sense of the Senate that puts the Senate on record in a bipartisan way. All we are saying is, "Attorney General, enforce the law. Enforce the law even if you need to come back and tell us what else you have to do."

We know one American who killed Dr. John Britton and his volunteer escort James Barrett outside of the clinic in Florida. He claimed it was justifiable homicide. This Senate cannot sit back. I know we move slowly, but these incidents occurred at the end of December. We have yet to go on record. I think that is wrong. I think that is horribly wrong.

So, Mr. President, I look forward to being able to get this resolution before the body. And I will continue to stay here as long as it takes so that this Senate goes on record in a bipartisan way and says this killing, this violence is wrong, and says in a bipartisan way we call on the Attorney General to do all she can to protect those clinics.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I will be brief.

I would like to thank the Senator from California for her words on the floor of the Senate. As I understand it, this is a sense of the Senate. It is the sense of the Senate that the U.S. Attorney General should fully enforce the law and recommend to the Congress any further, necessary measures to protect persons seeking to provide, or obtain or assist in providing or obtaining, reproductive health services from violent attack.

Might I ask the Senator, is this what she wants the U.S. Senate to go on record for?

Mrs. BOXER. If the Senator will yield, that is correct.

Mr. WELLSTONE. Mr. President, I just would like to say to people in the country, citizens around the country, that quite often—I have only been in the Senate now for 4 years; that puts me in my first term—but quite often what we could be doing, the deliberative body that we are, is while we are working on a piece of legislation when there are compelling issues before us, then we bring amendments out that we think are important whereby the Senate takes a position on an extremely important question.

I have to say, given the murders that have taken place in this country recently—and murder is never legitimate—the amendment of the Senator from California is extremely important. I think people should know that basically what has happened here is that she is blocked from offering her amendment.

Mr. President, for the life of me, I do not understand why we could not bring this amendment out on the floor, why it could not be a sense of the Senate passed. I think it is a terribly important amendment. It is a sense of the Senate, but it is an amendment that says that all of us, Democrats and Republicans alike, care fiercely about law and order and care fiercely about protecting people's constitutional rights, that we are opposed to murder, that we are willing to take a strong position on this.

So I thank the Senator for her amendment. I hope that we will be able to bring this to the floor and have an up-or-down vote.

Mr. President, if there are no other Senators seeking recognition or interested in speaking right now, I would be pleased to yield the floor. Otherwise, I would like to suggest the absence of a quorum. I would like to see whether I cannot get an amendment to the floor. But could I, first of all, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that we set aside the pending committee amendment and call up the committee amendment on page 33 so that I can offer an amendment to that amendment.

Mr. NICKLES. Mr. President, I object for the time being.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, just so my colleague from Oklahoma and others following will know what I am trying to do here, like the Senator from California, I am anxious to get on with amendments. My understanding was that the committee amendment on page 33, if we could put aside this committee amendment and move to that committee amendment, I might be able to offer an amendment to that amendment.

I do not think it is an amendment that is controversial. I am trying to get an amendment up on the floor which deals with the whole issue of whether or not as a part of how we look at accountability committees would not be required, if they were going to file reports, to have a child-impact statement. So it is an amendment that is straightforward. I am prepared to agree to a time limit. It is an extremely important amendment. That is the amendment I am trying to bring to the floor.

I gather that my colleague from Oklahoma has not changed his view on this matter. Mr. President, I have tried with all my might, and I am blocked from bringing up the amendment at this point. I am anxious to get going with amendments and a discussion, and I hope soon there will be some sort of break in this impasse.

Mr. President, I yield the floor.

Mr. GLENN. Mr. President, what is the legislation before us now? Exactly what is the pending business?

The PRESIDING OFFICER. The Dole amendment to the Gorton amendment.

Mr. GLENN. The Dole amendment would modify the——

The PRESIDING OFFICER. The Dole amendment is an amendment to the Gorton amendment.

Mr. GLENN. Second degree.

The PRESIDING OFFICER. That is correct.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I rise in support of the amendment offered by the Senator from Washington, which addresses the issue of national standards in the area of U.S. history and world history.

This amendment is very appropriate in light of the discussions which have recently occurred and the presentation which has been made now by this national standards proposal.

The question which is before us really is: Is it appropriate for the Federal Government to be in the business of setting national standards which, although voluntary in name, in actual fact may end up being standards that will be used throughout the country and will inevitably be enforced upon many school districts in this country?

Once you have a group which has been funded by the Federal Government to the tune of $2 million, producing a set of national standards in any curriculum activity, it is inevitable that those standards will be used by local groups within activist educational communities to try to force that curriculum on local school boards and local school districts. In fact, I think it is logical to presume that once a national standard has been set and defined by some group which has received the imprimatur of the Federal Government, you will see that that standard is aggressively used as a club to force local curriculums to comply with that national standard.

This is something that concerned me greatly when we took up the issue of Goals 2000, and I argued aggressively at that time that it was a mistake to set up this national school board called NESIC. By setting up that national school board you were essentially creating a situation where the term "voluntary" was actually illusory. You would end up where the Federal Government would start defining what would be in the curriculum of the local school districts, and they would have to comply with that not only because local educational activists would start litigating for compliance and claiming that local school districts which were not in compliance were therefore not teaching properly, but also because of the fact that funding from the Federal level will inevitably, at some point, be tied into whether or not local school districts are complying with these national standards.

In fact, when we took up the elementary and secondary school bill, that was the exact attempt that was made. It was fought off here in the Senate by those of us who were members of the conference committee, and it did not end up being the final law. But it was an aggressive attempt made to apply to local school districts national standards in the area of opportunity to learn, and those national standards were going to be enforced on the local school districts by using the funding mechanisms of the Federal Government as a club to require compliance.

And so now we have a curriculum exercise coming again from the national level which will inevitably, in my opinion, lead to a top-down directive as to how a curriculum should be structured in this country. There are a lot of problems with that, but there are especially a lot of problems with that when the curriculum which is designed, and which is being put forward by the national organizations, is so biased and so editorial in comment.

This is a curriculum which spends very little time addressing the substance of history and the facts of history and spends a great deal of time presenting the editorial comment on history and a revisionist view of history. As has been mentioned before, within these standards, eight times we see the American Federation of Labor mentioned. We see Senator McCarthy mentioned 19 times. Ku Klux Klan is mentioned 17 times. Granted, the American Federation of Labor did have a major impact on American history, and Joseph McCarthy had an impact—passing at best—on American history. The Ku Klux Klan was a representative of a reprehensible period in our history. But if you are going to put that much time into those types of activities, why and how could you possibly ignore the mention, as has been pointed out here, of the undertakings of people like the Wright Brothers, Thomas Edison, Albert Einstein? It does not really get into the issue of who the combatants were in World War I, or the factual events that created the War of 1812, and what the battle of New Orleans was all about, for example. If you want to take a historical event that ought to at least be pointed out in our history books, that allowed for the opening up of the entire West. It would not have occurred without it. That list goes on and on.

Then in the area of discussing how we as a culture came together, the fact that we are a Western-based culture appears to be something that this historical standard which is being promoted here tries to ignore, possibly even reject, and certainly undermines, as it spends an incalculable amount of time pressing the logic that should be taught as being the logic of Muslim scholars and scholars who really have very little relevance to what is the core culture of the American society, which is Western, whether you like it or not; that is what we come from. You cannot really understand America's heritage unless you understand our Western culture. You also cannot understand our Government, or the way we function, unless you at least have passing knowledge with people like Henry Clay, Daniel Webster, and even historical figures like Paul Revere, and the people who fought for the Sons of Liberty in Boston. Yet, these individuals who played a fairly significant role in defining our course in history as a Nation are virtually ignored.

History is about individuals, whether you like that or not. History is about individuals. Individuals have a major impact on the course of our lives. The study of major individuals within history is necessary if you are going to understand the course of history.

You cannot possibly understand 20th century world history unless you understand Adolf Hitler, or Joseph Stalin, or Lenin. You cannot understand American history unless you look at people like Daniel Webster and what he did, or Thomas Edison and what he did, or Albert Einstein and what he represented, or the Wright Brothers and what they represented.

Yet, this new curriculum would essentially ignore the concept that individuals matter and would base its thought process on a revisionist view of what history is and how individuals impacted it.

The proposal, as it comes forward, for all intents and purposes, ignores the cold war as a confrontation of ideology. The Soviet system, which was an outgrowth of Marxism, does not even discuss the concept, for all intents and purposes, that it was the United States culture of freedom, of individuality, of individual rights going up against a culture of totalitarianism, of collectivism, and of the usurpation of the individual and the replacement of individual rights with the right of the State. That confrontation, over which this country spent billions of dollars and lost many, many American lives is, for all intents and purposes, passed over as a casual event, an event that is not of enough significance to spend a great deal of time on or an event which is caricatured through the representations of somebody like Joseph McCarthy.

The rewriting of history, I believe, we found throughout various cultures is extremely risky. A culture that lies to itself about what its history was, tries to undertake revisionist history and teaches its children revisionist history, is a culture that is going out on thin ice. This was seen in most recent examples in this century in the Soviet history system or in the Chinese history system as it presently exists today or, of course, in the German history system of the 1930's and early 1940's where, essentially, people who have a political philosophy—totally repugnant, of course, in our terms, but it was a political philosophy—defined history in terms of their political philosophy.

One cannot look at this book which has been proposed on American history and not conclude that what we have here is a group of folks who wanted to define American history in the terms of their political philosophy. They have, it appears, only a passing interest in factual history; virtually no interest, actually, in factual history; and a deep interest in cultural history, but it is a cultural history which they are going to define in their terms and under their procedure. OK, if they want to view history that way, that is their decision. If that is the way these folks who have decided to rewrite American history wish to view our times and the times of our ancestors, that is their decision. But the problem here is that they are taking that view of the world and they are putting it upon educational systems throughout this country by having it nationalized and having it receive the imprint of appropriateness, the seal of correctness, through Federal financing and what will probably be Federal activity through the national school board, NESIC.

And that is what is wrong with it. It is not only incorrect history, in my humble opinion—and I guess people can disagree with that—and very much revisionist history and politicized history and editorialized history, but it is also an attempt to take that editorial viewpoint and subject school districts throughout this country to it by designating it as the correct history.

Well, I do not believe that the Federal Government should be in the business of defining the correct history. And I certainly do not feel it should define the correct history for the State of New Hampshire or for the school systems within my State. And I especially do not appreciate it when that correct history is so grotesquely biased in its presentation.

There was some discussion earlier by a Senator as to the effect of the drafting of this even if it is not endorsed by NESIC. I think we need to look at that, because this is the first exercise of this nature that has come forward.

I am extremely concerned that, because of the nature of the community of historians who dominate the intellectual process of defining our history in this country, we are going to find that this correct history will become the standard of the new textbooks.

Anybody who has had the experience of dealing with American history textbooks knows that they go in sort of fads. They go through periods of one textbook being in and the next textbook being appropriate. And because textbooks are so expensive for school systems and so expensive to produce, they tend to be single entities that become very big best sellers and dominate the curriculum within the school systems.

My concern is that what we have created here is the ability of an insidious monster. I guess all monsters are insidious, but this one is especially so because, as a practical matter, what we have created here is the core of what I suspect textbooks are going to look to. Because if you are a textbook creator and a writer or publisher, you are going to say you want to pick the course of least resistance and the easiest approach. You are going to say, "Well, here is the Federal Government that spent $2 million to produce this cultural treatise. Why should I go out and reinvent the wheel? I am just going to take over what has been done by the Federal Government. After all, it has been done by the Federal Government, so who could ever argue with me," I, the publisher, "if I undertake the republication of this document basically in the form it was produced?"

And so we have created a situation where, I suspect, inevitably the core elements of this cultural document will end up being part of the text in a textbook initiative which will be promoted across the country, and it will have been done at taxpayers' expense and at our history's cost. And that will be unfortunate.

I hope that the publishers of this country who produce our textbooks will take note of the debate on this floor and sense the significant concern that is being expressed here about the quality of the workmanship of this product, because it is not good quality and it does undermine the teaching of history in this Nation, in my opinion.

So I wish to associate myself with the comments of the Senator from Washington.

I also wish to associate myself with the Senator from Kansas when she came to the floor earlier and stated that she intended to offer an amendment to repeal NESIC and end this national school board experiment. It should never have been proposed in the first place. It was a mistake and we should terminate it right now. The Federal Government does not have a role in this area, and it certainly should not be putting taxpayers' dollars at risk in this area.

I yield back my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank my friend from New Hampshire for his eloquent support.

During the period of time this was actively debated between myself and the distinguished Senator from New Mexico and others, he and I have reached an agreement, which I find to be most constructive. As a result of that agreement, I intend in just a moment to ask unanimous consent to modify the Dole second-degree amendment, to modify it in a manner which would turn it from a statute to a sense-of-the-Senate resolution.

Since technically if the committee amendment to strike is ultimately adopted it will all fall. In any event, the most important, the vital part of what we are doing is really to express the views of this Senate to this National Education Standards and Improvement Council.

It will do so in the fashion that I asked for. We will have a vote on it. The vote will be far more one-sided than it would have been on the original amendment, and I have every confidence that the National Standards Council will listen to what the Senate has to say. If it does not, any Member is free to bring up the subject at any future time. This will also help the progress of the underlying bill, S. 1, itself.

AMENDMENT NO. 139 TO AMENDMENT NO. 31, AS MODIFIED

Mr. GORTON. With that in mind, Mr. President, I ask unanimous consent that the Dole second-degree amendment be modified in the fashion which I have already sent to the desk.

Mr. GLENN. Mr. President, reserving the right to object, I do not believe I will object, but I want to clarify this.

Ordinarily, a person who puts in the amendment would modify his own amendment. Is this something the Senator has worked out with the majority leader?

Mr. GORTON. Mr. President, I answer my friend, it is the second-degree amendment to my original first-degree amendment that was prepared by the majority leader as a courtesy to me. I have worked it out with his office and he agrees to it.

Mr. GLENN. Mr. President, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 139), as modified, to amendment No. 31, is as follows:

Strike all after "**SEC.**" and insert:

"NATIONAL HISTORY STANDARDS.

"(a) IN GENERAL.—It is the sense of the Senate that the National Education Goals Panel should disapprove, and the National Education Standards and Improvement Council should not certify, any voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of world and United States history, developed prior to February 1, 1995.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

"(1) voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, on the subject of world and United States history, established under title II of the Goals 2000: Education America Act should not be based on standards developed primarily by the National Center for History in the Schools prior to February 1, 1995; and

"(2) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (1), the recipient of such funds should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world."

Mr. BINGAMAN. Mr. President, I would like to comment and thank my colleague from the State of Washington for his willingness to work with me to modify this amendment. I have devoted considerable time and effort to the National Education Goals Panel and I appreciate Senator GORTON's understanding of my concerns about the role of that Panel and especially about preserving the national character of the Panel and its work. In adopting this amendment we are expressing displeasure with the current version of the national history standards, but we are also saying two very important things:

First, that the U.S. Senate is not interfering with the National Education Goals Panel doing its work and performing its duties under the law; and

Second, that the U.S. Senate is not interfering with the appointment of the work of the National Education Standards and Improvement Council or the performance of its duties under the law.

I think these are important points to make as we take this action.

Again, my thanks to Senator GORTON for his courtesy and understanding with respect to this very important issue.

Mr. LEVIN. I want to commend Senator BINGAMAN of New Mexico, for his successful effort to modify the Gorton amendment. The modified amendment expresses a sense of the Senate but does not bind the panel on which Senator BINGAMAN serves. We have asked that panel to serve as independent persons bringing their own experiences and talents to an important task. They should not be dictated to by Washington if we wish them to sue their best judgment and to usefully spend their valuable time. The modification allows for that independent functioning to continue. I particularly commend Senator BINGAMAN for his energy in achieving the modification and to Senator GORTON for agreeing to modify his original language.

Mr. KENNEDY. Mr. President, I rise in opposition to Senator GORTON's amendment. I do not oppose the principle that national standards in history for the Nation's schools should respect our country's roots in Western civilization. I completely agree with that concept. It is vitally important that our students learn that the foundations of our democracy owe a great debt to our European ancestors.

The National Center for History in the School is the group that received the contract to develop the history standards. It has a sole source contract awarded by President Bush's Director of the National Endowment for the Humanities, Lynn Cheney. The Center agreed with critics, and it will revise the standards and reissue them this next spring.

But this amendment represents extreme congressional interference in the work of the National Education Goals Panel. This distinguished and independent group was created by President Bush, Governor Clinton, and other Governors after the Education Summit in 1989. Last year, in the Goals 2000 Act, Congress endorsed the Goals Panel and gave it statutory authority to review any standards that were voluntarily submitted to it.

A process of certification for voluntary national and State standards was established by Congress last year in title II of the Goals 2000 Act. It provides a process for a through and objective review and certification of the standards.

The distinguished Americans serving on the panel have been assigned the responsibility of making judgments on the criteria for certification and on the overall determination as to whether a specific set of standards should be certified.

The Panel includes Senators BINGAMAN and COCHRAN, Congressmen GOODLING and KILDEE, Governors Jim Edgar of Illinois, John Engler of Michigan, Daniel Fordice of Mississippi, Evan Bayh of Indiana, Jim Hunt of North Carolina, Roy Romer of Colorado, and Christine Todd Whitman of New Jersey. Secretary of Education Richard Riley is also a member of the panel.

The amendment says, in effect, that the Senate does not trust the judgment of these distinguished officials serving on the panel to carry through their responsibilities and determine whether history standards are appropriate.

In approving the Goals 2000, Congress took great care to assure that the important and sensitive process of certification would be carried out in a careful and thoughtful way. We should let the panel do its work and I urge my colleagues to reject the amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe a rollcall has already been ordered on this second-degree amendment. Also, if there are no other persons that wish to speak, I am ready to have a rollcall vote.

Mr. BYRD. Mr. President, would the distinguished Senator add my name as a cosponsor to his amendment?

Mr. GORTON. Mr. President, I would do so now, as I have forgotten another matter. I ask unanimous consent that the distinguished Senator from West Virginia be added as a cosponsor to the amendment as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask that this Senator be added as a cosponsor to the amendment as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that the senior Senator from Texas [Mr. GRAMM] be added as a cosponsor to the original.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I believe all Senators who wish to address this particular issue have done so. It would be in order, so I suggest we go forward with the vote at this time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment numbered 139, as modified. The yeas and nays have been ordered. The Clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—1

Johnston

So the amendment (No. 139), as modified, to amendment No. 31, was agreed to.

The PRESIDING OFFICER. We now have amendment 31, as amended, before the body.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I would suggest the absence of a quorum.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KEMPTHORNE. Mr. President, I object.

The PRESIDING OFFICER. Objection has been heard. The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if I might have the attention of Mr. KEMPTHORNE and the managers on our side?

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I note in both committee reports, the report by the Committee on Governmental Affairs and the report by the Budget Committee, the following language—page 12 of the committee report from the Committee on the Budget; page 15 from the committee report of the Committee on Governmental Affairs. Let me read this. Then I want to make an inquiry.

Mr. President, I read as follows. I will presently read from the report of the Committee on the Budget, page 12:

> This section provides two new Budget Act points of order in the Senate. The first makes it out of order in the Senate to consider any bill or joint resolution reported by a committee that contains a Federal mandate unless a CBO statement of the mandate's direct costs has been printed in the Committee report or the Congressional Record prior to consideration. The second point of order would lie against any bill, joint resolution, amendment, motion, or conference report that increased the costs of a Federal intergovernmental mandate by more than the $50,000,000, unless the legislation fully funded the mandate in one of three ways:
>
> 1. An increase in direct spending with a resulting increase in the Federal budget deficit (unless the new direct spending was offset by direct spending reductions in other programs);
>
> 2. An increase in direct spending with an offsetting increase in tax receipts, or

And this is the one I wish to ask Senators to pay close attention to.

> 3. An authorization of appropriations and a limitation on the enforcement of the mandate to the extent of such amounts provided in Appropriations acts.
>
> The Committee notes that "direct spending" is a defined term in the Balanced Budget and Emergency Deficit Control Act. The Committee also intends that in order to avoid the point of order under this section, any direct spending authority or authorization of appropriations must offset the direct costs to States, local governments, and Indian tribes from the Federal mandate.

Notice, "If the third alternative is used"—in other words, authorization of appropriations—if that alternative is used, "a number of criteria must be met in order to avoid the point of order."

> First, any appropriation bill that is expected to provide funding must be identified. Second, the mandate legislation must also designate a responsible Federal agency * * *

Let me read that again. Let me read that paragraph again.

> Second, the mandate legislation must also designate a responsible Federal agency that shall either: implement an appropriately less costly mandate if less than full funding is ultimately appropriated * * * or declare such mandate to be ineffective.

This is page 12.

Mr. HOLLINGS. Page 12. OK.

Mr. BYRD. The report of the Committee on the Budget.

The same language is in the other committee report but upon different pages. Page 12, right at bottom.

> To avoid the point of order, the authorizing committee must provide in the authorization legislation for one of two options:
>
> 1. The agency will void the mandate * * *

Now, this is the executive branch agency. I hope Senators will get this.

> The agency will void the mandate if the appropriations committee at any point in the future provides insufficient funding to states, local governments, and tribal governments to offset the direct cost of the mandate.
>
> 2. The agency [meaning an instrument of the executive branch] can provide a "less money, less mandate" alternative, but this alternative requires the authorizing legislation to specify clearly how the agency shall implement that alternative.

Mr. President, I do not believe that this body should pass worrisome provisions such as this, that may lead to greater litigation and further complicate the issue. I understand that this provision—and I hope that I can verify this by one or both managers on both sides of the aisle—I understand that this provision was not in S. 993; am I correct? Of last year?

Mr. GLENN. Yes, that is correct. That is not in S. 993.

Mr. BYRD. So this was not in the bill of last year. But it is something that is new now, as it has come to the floor in the bill that is before us and is referenced in both committee reports: The Budget Committee and the Committee on Governmental Affairs. It seems to me it is incumbent on the Senate to eliminate this provision until such time as the issue is more fully debated.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. BYRD. Yes, I will be happy to yield.

Mr. HOLLINGS. Is it the Congressional Budget Office, or what executive agency is that referred to on page 12?

Mr. BYRD. It does not name the agency. It is obviously—to me—not the Congressional Budget Office. It says, "responsible Federal agency." To me, it is referring to an executive branch agency, some agency in the executive branch.

Mr. HOLLINGS. Then is it not the case that we are into the separation of powers? We have a case where we could not avoid the executive, and certainly the executive cannot legislate by mandating the end of a piece of legislation.

Mr. BYRD. Absolutely. Absolutely.

Mr. HOLLINGS. Repealing the legislation, in essence, by—what does it say, mandating—"void the mandate?" How do you void the mandate without legislation? So they have the executive agency legislating? Is that the case?

Mr. BYRD. That is the way I read it. The agency here overrules——

Mr. HOLLINGS. I thank the Senator.

Mr. BYRD. As the distinguished Senator has correctly, in my judgment pointed out, this is a separation of powers issue.

> The agency will void the mandate if the appropriations committee at any point in the future provides insufficient funding to states, local governments, and tribal governments to offset the direct cost of the mandate.
>
> 2. The agency can provide a "less money" less mandate alternative. * * *

Here we have a Federal agency, an executive branch agency that can nullify the action of the Congress. In essence, it can repeal a law of the Congress or it can modify it. I am disturbed about that. I would like to hear——

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes. Yes.

Mr. KEMPTHORNE. Mr. President, on page 12, as you read this, you will note that it does state in parentheses—and this is very important, "pursuant to criteria and procedures also provided in the mandate legislation."

In other words, we do not leave this at the discretion of an agency. The agency itself will be determined by the authorizing committee. They will so state, which Federal agency will be dealing with this.

In that legislation also, I say to the Senator, they will choose one of those two options. If they choose the option that states that should a subsequent appropriations bill not provide full funds, then that authorizing committee in its legislation is going to specify to that agency the criteria upon this scaling back. If they were to choose the other option, which is should the subsequent appropriations bill not provide the funds, then, again, based on the criteria as outlined by the authorizing committee, under those directions that agency would then so state. But it would be, again, at the direction of the authorizing committee in legislation that would then have to be passed by Congress.

It does not in any way leave that to the discretion of the Federal agency.

Mr. BYRD. Mr. President, why do we leave it in the hands of a Federal agency to determine whether or not a mandate should be nullified or should be modified?

Why should a Federal agency determine on the basis of "less money, less mandate"? Why should not the legislative branch do this? Why not require that an agency seek the approval of the Appropriations Committees and suggest a reprogramming? That is done from time to time. But why turn a decision of this sort—it is a final decision—over to an executive branch agency? It seems now we are setting up a procedure here that stands in direct conflict with the provisions of article I, section 1, the very first sentence of the U.S. Constitution, which vests all legislative power in the Congress of the United States.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes. I yield.

Mr. KEMPTHORNE. I appreciate that.

Mr. President, the triggering mechanism is on the fund amount. In other words, if they choose the option that it is to provide the funds through a subsequent appropriations bill, and that appropriations bill provides full funds, then again there is no further recourse except to implement and mandate.

Mr. BYRD. Yes.

Mr. KEMPTHORNE. If that authorizing committee chose the option that said, in the event it does not provide full funds, that is the threshold, and if that subsequent appropriation does not hit that threshold, then that Federal agency can in fact do a scaleback. But it is based upon language by the authorizing committee. The authorizing committee directs the criteria for that scaleback. It does not leave it up to the discretion of the agency.

Mr. BYRD. Why not eliminate these two paragraphs, eliminate the risk of litigation, eliminate the risk of running afoul of the Constitution in respect to the separation of powers? This troubles me. Why have language in the bill that would open up further litigation? If we truly intend to limit or to rescind future Federal mandates and not fully fund them, then I believe such actions should be taken by the Congress.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. BYRD. Yes. I would be happy to yield.

Mr. BUMPERS. I thought for a moment that the Senator from Idaho had explained this to me. But in looking it over again, I have difficulty getting the sequence of events as to how this is going to happen and in what sequence. It says that the third alternative here—that is, the authorization for appropriations—a number of criteria must be met in order to avoid the point of order. First, any appropriations bill that is expected to provide the funding must be identified. So far so good. Second, the mandated legislation must also designate a responsible Federal agency. That is fine. We can designate the agency that will implement the mandate, that shall either, one, implement and appropriate a less costly mandate if less than full funding is ultimately appropriated, or—this is really a big "or"—declare such mandate to be ineffective.

Does that mean that we are authorizing after we have imposed a mandate and provided the funds—it says "or" allow that agency to declare the mandate ineffective. So they could, if they decide, as I read this—and I want to be corrected because this is an immensely complex bill. Does this mean that agency, if they find that we have not fully funded that mandate, could provide for a less costly method of implementing it? And I assume we have designated them and given them the authority on the front end. The bill is already passed and we have given them the authority to come up with a less costly method of implementing the mandate or declaring it inoperative. Am I reading that correctly?

Mr. BYRD. That is the way I read it. I think we are opening up a Pandora's box here, if we are going to provide authority to an executive branch agency to modify or to nullify a mandate if the Appropriations Committees of the Congress do not provide the full appropriations. It seems to me we are saying that an executive branch agency can have the authority to void the entire mandate, or to determine how much of the mandate shall go into effect; "less money, less mandate."

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. Mr. President, in response to the Senator from Arkansas, in his sequencing scenario, the authorizing committee in its language would determine which option it chooses. If it chooses the option that states that in the event that subsequent appropriations do not provide full funding, then it so states that mandate will not become effective. That is at the direction of the authorizing committee. So that is a separate issue here. If, however, that authorizing committee chooses the other option, which is that in the event full funding is not provided in a subsequent appropriation, then a Federal agency is directed—directed by the authorizing committee—to scale back that amendment. But the criteria for the scaling back again are included in the language of the authorizing committee.

Let us say the executive agency is carrying out the direction of legislative branch. It is carrying out the direction as specified, and it does not leave these decisions to the discretion of that executive agency.

Mr. BUMPERS. If I may comment on that very last sentence, this says that if the appropriation is less than the amount this agency determines to be needed to fully implement the mandate, you are giving that agency two options as I read this. They can either cut the mandate to some extent, modify it to make the money fit the mandate, or, as I started out a moment ago, or declare the mandate to be ineffective.

I think the Senator and I both are reading this the same way now. What I am really suggesting is that this is a tremendous discretion that we are handing to the executive branch to declare that we either have not funded it fully and, therefore, they are going to cut it, or they are just going to torpedo it altogether.

Now, why would we want to give the agency that kind of authority? Obviously, we feel the mandate is important or we would not have passed the bill.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield for the purpose of the colloquy between and among other Senators, including myself, without my losing my right to the floor.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. KEMPTHORNE. Again, I appreciate that.

Mr. President, to the Senator from Arkansas, I can only reiterate what the process is. The authorizing committee, of necessity, has had to work closely with the appropriate appropriations committee. There has been communication, so that there is, based on that communication, based upon the progress of that bill, the authorizing committee knows if in fact the money will be appropriated. They will know that it is either a yes or no issue. So, again, they will choose the option. It does not allow—does not allow—the executive agency to make that determination as to whether or not they just rule that there is not enough money, so we are going to wipe it out, because the authorizing agency has that power, and they initiate that power in the language of the authorizing committee, which is then passed by Congress.

Mr. BUMPERS. Let me make one observation. I am not going to pursue this and belabor it any further. But as I read this language here, Senator Chiles used to say "the mother tongue is English," and this is the way I read this English. The sequence would be that the authorizing committee would authorize appropriations. I assume that the authorizing committee would either say such sums as shall be necessary, or if they have a CBO figure, what it is going to implement that, they would authorize that amount to be appropriated. The Appropriations Committee on which I sit would subsequently decide, also based on what CBO says it would cost to implement the mandate, and the figure might be different than the one the authorizing committee used when they passed the authorizing legislation.

But assume for the purposes of our argument that the authorizing committee says it will take $100 million to implement this mandate; the Appropriations Committee comes along, as we usually do several months later, to discuss whether we want to appropriate this $100 million or not, because it may be that CBO by that time has said—let us assume for the purpose of argument—it will only take $90 million. So we appropriate $90 million. This Federal agency down here—as I read this, it says that if they find that our appropriation is not sufficient, after we have made our very best estimate on it, used the best information we could get from CBO, or somebody else, the agency down there says, well, you flunked, you did not appropriate enough money; this is going to cost $130 million to implement this, or $150 million.

Mr. BYRD. It might be years later.

Mr. BUMPERS. It could be. It could be any time in the future.

Mr. BYRD. Because it is every year we are talking about.

Mr. BUMPERS. Certainly. So they say that because you goofed, we are going to take it upon ourselves to vastly reduce the mandate, no matter how critical it might be—it might be asbestos, water well pollution, or whatever, and they can say we are going to either severely reduce the requirement on the cities, counties, and States, or, two, we are negating the mandate. Now you are giving them an option, Senator. Even though we may have appropriated $90 million, to say that is not enough to get the water hot, so we are negating the entire mandate. Is that a fair reading of it?

Mr. BYRD. That is the way I read it.

Mr. GLENN. There were a number of changes from S. 993 which we brought out of committee last year. A lot of changes were made in S. 1. Most of them, I was part of. This particular change was not in S. 993, and I was not part of this.

Let me address this a little different way. The point made is a very good one. The point, basically, is that we are giving away our legislative authority when we say to an agency: You have authority to void something. I think that was probably a poor choice of words in this. What we were trying to cover in these two parts, I believe—and I ask my friend from Idaho to correct me if I am wrong—was to say where the authorizing committee put in a certain amount that in our best judgment was going to take care of this and then there were no appropriations followed up for it, then what happens? Well, what we should have said was that the agency will not be responsible for carrying out the enforcement of this mandate instead of saying the agency has the authority to void what the Congress has done—in that case, where there is no money. That is in the first case. So I think the void-the-mandate language was probably a poor choice of words in this. It was not intended to pass along legislative authority over to an agency.

No. 2 says, OK, we authorize certain things in committee to take care of this mandate, but the appropriators did not have all that money. But they said maybe it would have required $100 million. They say, well, we just do not have that; you have $60 million to carry this thing out. In that case, the agency can provide an alternative of less money, of less mandate, but this alternative requires the authorizing legislation to specify clearly how the agency shall implement that alternative. In other words, we would give scaled-back advice if that is necessary. So I think the one that the distinguished colleague from West Virginia cites here, the voiding the mandate, was probably language that should not have been in there to begin with. I think it would have been better if we said if there is no money, then the agency is not required to carry out the mandate. That would not pass authority, to void a legislative act of the Congress over to an agency.

Mr. BYRD. Under the Constitution, only the Congress has the power to enact laws, and only the Congress can appropriate moneys. If there is a need to rescind or to repeal or to modify, why does the legislative branch not do that? Why turn that over to some unelected bureaucrat—and this is no disparagement of bureaucrats, because we have to have them—why turn that over to an unelected bureaucrat, who is given no power under the Constitution? I am one who believes that the Congress cannot give away power that is vested in the Congress, and the Congress only, by the Constitution.

Mr. GLENN. If the Senator will yield, let me make an analogy here. I think we do this all the time, if it is taken in the light just stated.

Mr. BYRD. We delegate certain authority.

Mr. GLENN. Then we say there are no appropriations to carry it out. For instance, we require by law a nuclear cleanup in this country. So we say the agency is supposed to go out there—the Department of Energy—and make an assessment of all these places and do a nuclear cleanup. They are supposed to do the best job possible. In some places we will not have money appropriated to do that. The authorization is still there. And in some places we will partially fund that operation. That does not mean that the authorization should come back to Congress and be changed. It just means that the authorization is still there, but we have not been able to provide enough money to do it. So we say, "Do what you can."

Mr. BUMPERS. If I may make an observation, then I will withdraw from this colloquy. This would have been much better, in my opinion—and I would want to think about it because there are probably better solutions—but if the language of this bill had said: At such time as the designated Federal agency—or if at any time the Federal agency determines that the appropriated amount is insufficient to fully comply with the mandate, to execute the mandate, such agency shall report their findings to the Congress forthwith for such determination as the Congress chooses to make. Would that not solve it?

Mr. BYRD. Right.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. Mr. President, I believe, I say to my friend from Arkansas, that, as you have just stated it, in essence that is what we have provided here.

The Senator from West Virginia is correct. We should not give our power away. But we do not. We make that determination. We make that determination. If the funds are not there, we, the Congress, have stated that that mandate will not take effect. We, the Congress, have stated——

Mr. BUMPERS. I am reluctant to interrupt the Senator, but that is not the way I read it. We give the agency the right to say that they do not have to implement that mandate. If they find there is less money than is necessary to carry out the mandate, you give them the option of reducing the mandate or torpedoing the mandate. That is what the Senator from West Virginia and I are both objecting to.

Mr. BROWN. Will the distinguished Senator yield on that point?

Mr. BUMPERS. I am happy to yield.

Mr. BROWN. I thank the Senator.

I think both the Senator from Arkansas and the Senator from West Virginia are to be commended for raising this point and calling the Senate's attention to it. I think it is a valid point of concern worth looking at.

As I look on page 23 of the bill, the bill deals specifically with this provision and it is one of the three options that is laid out. These have already been noted by the distinguished Senators. One, the alternative of Congress that it has been paid for; two, the option of raising the funds and paying for them, the one you all have called our attention to; and the third alternative, where they authorized the spending and then developed options.

One of the things of great comfort to me is the specific language, because what it calls for is Congress itself to set out the procedures that the agency must follow. And let me quote, because I think it is the language that we will be concerned with.

Under (III), it says:

> Identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and
>
> (IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State.

And so on.

In other words, it is Congress specifically that is charged with and must set the procedures and set the guidelines. Under (bb), it says:

> Designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct cost of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective . . .

An so on.

I think this is very comforting because it makes it clear here there is no delegation of power; that the decision as to what the procedures are is set forth by Congress, that the decision as to what the criteria are is set forth by Congress.

In the constitutional law on this area of improper delegation, I think it is very comforting and very reassuring to this Senator because, as long as Congress is the one that sets the procedure, as long as Congress is the one that sets the criteria, as long as Congress is the one that sets the standards, then the delegation is proper under the case law.

On the other hand, if this language should fail to be in there, if Congress had not taken on the responsibility of setting the criteria and procedure, then indeed we would have a constitutional question.

I, for one, appreciate the point being raised. If the Senators have further questions about it, I will be happy to respond with specific constitutional cases where the matter has been considered.

But I am at least reassured, as I look at the language on page 23 and page 24, that the fact that Congress specifically sets the procedures and criteria gives us the comfort level we need.

Mr. BIDEN. May I ask the Senator from Colorado a question on that point?

Mr. BYRD. Yes, I yield for that purpose.

Mr. BIDEN. As I read Morrison versus Olson and other separation of powers cases, the fact is that the judgment made by the Supreme Court as to whether we can or cannot delegate authority, any branch in the Federal Government may or may not delegate authority, relates not to whether they have set up procedures, but relates to whether or not the delegation of authority goes to the essence of the function of that branch.

For example, we could not set in motion here, even if we wanted to, by legislation, a proposal that said the President of the United States of America shall, under the following circumstances, not only nominate but in fact confirm a Federal judge. We could not do that. We could lay out in great detail the circumstances under which a President could take over the whole responsibility of putting someone on the bench, and that would be an unconstitutional delegation of power under the separation of powers doctrine.

Now, I would be very, very interested, because I know, and I mean this sincerely, how learned my friend is in the law. But I have made the serious mistake of teaching constitutional law on this subject for the last five semesters, and I have been forced to read all these cases. I am not suggesting that I have the book on this issue, but I am suggesting to you I have read no case where there is the ability for someone to conclude from reading the case that you can, if you set out proper procedures, delegate authority which is essentially legislative or for the President. The President could not turn around and say, "By the way, I, by Executive order, from now on am asking the U.S. Senate to name who will be nominated for the Court and also move forward and confirm those persons." He could not do that.

Now, again, I know everybody does not want to prolong the debate, but I think this is a critical question, and one that the Senator from Arkansas and the Senator from West Virginia, I believe, have suggested is easily reconcilable.

For example, as I read the Budget Act, you could, in fact, have done what they did in the Budget Act. The Budget Committee retains the judgment of whether or not they will, in fact, conclude that something is within or beyond the budget resolution. They do not delegate it to an alphabet agency. They do not delegate it to another branch of Government.

So I would be very anxious—and I am not trying to put the Senator on the spot—but I would be very anxious to hear now the case law that he thinks sustains his position, or give him time to do that. And this is not meant by way of just trying to be obstreperous or to embarrass. I truly do not know of any cases that sustain the assertion made by the Senator from Colorado.

Mr. BROWN. Let me thank my distinguished friend from Delaware.

Mr. BYRD. Mr. President, I continue to hold the floor and I ask the Chair for that right.

I yield for the purpose of the colloquy.

Mr. BROWN. I thank the Senator for accommodating a dialog on this subject.

I want to mention that I think my distinguished friend from Delaware may sell himself short. He indicates he has taught constitutional law for only 5 semesters. I personally have served on the Judiciary Committee, where he has been chairman for eight semesters. I do not know how much other legal education he has engaged in, but I, at least, have found him quite informative and quite thoughtful in this area—occasionally correct, as well—in his judgments as we move forward, and I think always helpful as we look into this.

Let me suggest to my friend that if indeed what were suggested here would be to delegate a legislative function to these agencies, then I would be in wholehearted agreement with him. I think it is quite clear the intent of this bill and I think it is quite clear under the constraints we must follow that we can only delegate enforcement of policy decisions, not the function of legislating itself.

And while I hope the sponsors of this bill, which includes myself, will be open to any reasonable suggestions in this area, I must say, from looking at it, at least my conclusion is that the language we see on pages 23 and 24 is very helpful in that area, because it not only includes Congress being required to set forth procedures, as my distinguished friend referenced, it also includes specific language requiring Congress to set forth the criteria on which this judgment must be made.

So I think it is quite clear from the language that this is not a delegation of legislative authority. It is simply a requirement that they enforce criteria and procedures set down. I want to reiterate my hope that if there is an improvement in language we would consider it and look at it. I think the point is very valid. In terms of recitation of a constitutional law in this subject and specifically the cases, I think that is a valid request, a reasonable one, and I would be happy to include that in the RECORD.

Mr. President, I yield.

Mr. BIDEN. Mr. President, I know the Senator from West Virginia had the floor, and I would be guided by whatever he wishes. I can come back to this later or we could continue, whatever the Senator suggests. I have no preference in the normal order of things. I know there were other Senators here to speak on this and other issues, before me.

Maybe what I should do with the Senator's permission is gather up, since I just walked on the floor and did not anticipate being involved in this debate, some of the case law to which I refer and come back and maybe continue this debate if the Senator from West Virginia thinks that is appropriate.

Mr. BYRD. Mr. President, I hope the distinguished Senator will continue to elucidate on this point and enlighten the Senate so that we may better understand how to approach this matter.

I do not want to continue to hold the floor. The Senator from South Carolina is seeking the floor, also.

Mr. GLENN. Mr. President, will the Senator yield for a brief comment?

Mr. BYRD. I yield to the Senator.

Mr. GLENN. The agency will void the mandate, the red-flagged language, to the Senator from West Virginia. And rightly so, indicating we would be passing our authority off to an agency when we should not do that.

Now, if we come back and look at the actual language in the bill, it is not written quite that way. On page 24, in that second section, starting in the middle of the page, it says basically that the authorizing committee will designate a responsible Federal agency and establish criteria and procedures to direct that if an appropriations act does not provide for the estimated direct costs of such mandate as set forth under subclause 3, such agency shall declare such mandate to be ineffective.

It does not say it voids it. It does not pass legislative authority, the way I interpret that, but it just states the obvious. If there is not an appropriation to cover this, that the mandate becomes ineffective as of October of the fiscal year for which the appropriations is not equal to the direct costs of the mandate.

Mr. BYRD. Of course, this may be 5 years, may be 10 years.

Mr. LEVIN. Would the Senator yield just on that one issue?

Mr. BYRD. I yield.

Mr. LEVIN. The Senator from West Virginia is raising a number of questions including the constitutional delegation. But there is another problem here. If an appropriations committee as many as 5 years or 10 years later is not allowed under this language to determine that a lesser appropriation will do the job, it is bound by a previous authorization bill that could be 10 years earlier, which made an estimate which may be absolutely a wild estimate. Five years later, 10 years later. An appropriations committee does not allow under this bill to make a determination that a different amount, a lesser amount, would fully fund that mandate.

That is one of the many issues that is raised with this language. Now, there are other issues. There are specificity issues. And the Senator from West Virginia is also putting his finger on a critical constitutional issue here. I will say one other quick comment. This is the new language.

Mr. BYRD. It was not in the bill last year.

Mr. LEVIN. It was not in the bill last year. This was a language that was in a bill introduced on a Wednesday night, which went to a hearing on Thursday morning, which was intended to go to a markup on a Friday morning which we had to plead for a delay of over the weekend for the markup to a Monday morning. When we made an effort to get a committee report on this, we denied that committee report so that it could come to the floor the next day. This is the language that was not in last year's report which is very new, novel, significant language.

Now, I repeat: I am someone who supported last year's bill. But I think this goes too far and raises very significant questions which are worthy of real examination on the floor.

Mr. BYRD. Exactly, and we have a cloture motion which we are supposed to vote on tomorrow morning, which if adopted leaves us with 30 hours only. And the Senator from Michigan may have 1 hour. That is all he can have. This locks in, as the distinguished Senator from Michigan has stated, it locks in for the life of any new mandate, 5 years, 10 years, 20 years, or whatever the CBO estimates for every future year.

This means that even if we find in some future year—5 years down the road, 10 years down the road—the Senator from West Virginia may not be here if it is 20 years down the road—that a mandate can be met for less money, we nevertheless must appropriate the minimum contained in the bill that sets up the mandate for all future years.

If less is appropriated in any year, then the agency decides. We have an unelected bureaucrat who, perhaps, will make the decision under a different administration or perhaps under a different administration, last one or two administrations, different members of the Appropriations Committee, different members of the authorizations committee. We have an unelected bureaucrat making that decision.

I say that unelected bureaucrat is not only unaccountable to the people, but if we leave it in the hands of the Congress, that is where it ought to be. Then the American people know whom to vote against. They at least know whom to vote against if they do not like a mandate being cut back.

But under this process this amendment would put in place, to whom do they complain if they do not like the mandate? To whom do they complain under this process? Why do we not leave it in the hands of the Congress? That is where the Constitution puts the power under article I, the power to legislate. Article I, section 1. Article I, section 9, power to appropriate.

I am very concerned about this language, Mr. President. I should think we ought to have more time to debate this point so that we can scrutinize it, focus on it, subject it to the microscope and be sure we make a correct decision. With the cloture motion pending here, I have an amendment prepared that would strike this. It would strike it, strike the language. If the cloture is invoked tomorrow, if we cannot reach a decision today, and cloture is invoked tomorrow, that is the only amendment I can offer. I cannot offer an amendment, then, to modify. I might be able to find a way but it would be very difficult to offer an amendment, then, that would modify and bring together language that was beside the point by a meeting of the minds on both sides of the aisle. We would be prohibited from doing that.

Why not eliminate all reference to appropriations committee here? Let the authorizing committees pay for it out of their allocation. Or let them, through the pay-go process, let them provide the money. Let them raise the taxes, or whatever is required, to meet the full funding. Strike all reference to appropriations. Let us out of it.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. Again, there is a point I would like to make, Mr. President. The Senator stated that this locks us in.

There is nothing to preclude that in a subsequent year as we find that perhaps, now, based on actual cost, those costs have changed. It is no longer based on estimate but actual cost; that Congress can revisit that, because in keeping with the spirit of what the Senator from West Virginia has said, Congress speaks. We do not delegate. This might cause us to revisit the mandates a little more often than every 5, 10, 20 years, which is welcome news to our State and local partners.

Mr. BYRD. Well, strike out all reference to appropriations, and then the authorizing committees could review them every year if they want to.

Mr. KEMPTHORNE. Again, I know our friend from Utah has some good information on this issue that I hope he will be able to impart to the Senate.

Mr. BYRD. Mr. President, I ask unanimous consent that an editorial from today's New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 18, 1995]

WHAT'S THE RUSH ON MANDATES?

Environmentalists and others whose interests are served by Federal regulation have a name for the three main elements of what promises to be a sustained Republican effort to deregulate American society: the "Unholy Trinity." The term connotes both respect and fear. There is merit in all three ideas. Yet critics fear that, taken together, they will cripple a quarter-century of Federal efforts to protect everything from the environment to worker safety.

The ideas grew out of Newt Gingrich's "Contract With America." One would require compensation when property values are diminished by Federal regulation. A second would subject regulations to independent cost-benefit analysis, otherwise known as "risk assessment," that could make it more difficult for Federal agencies to carry out rules. The third would make it harder for Congress to approve costly new "unfunded mandates"—obligations imposed on state and local governments without the Federal dollars to pay for them.

These are seductive notions with big consequences. All will need careful legislative handling. Unfortunately, that is not happening with the first of the three to take legislative form—an unfunded-mandates bill that began a fast-track trip through Congress last week. The bill which contains sensible suggestions and serious flaws, received only cursory inspection by two Senate committees. It is now on the Senate floor and will hit the House next week. That is much too fast.

Unfunded mandates have long been a sore point with mayors and governors, who say the cost of carrying out Washington's agenda denies them flexibility. Under the proposed legislation, any bill imposing a Federal mandate of more than $50 million must include an estimate by the Congressional Budget Office of its non-Federal costs. It must also include the money to pay for the mandate.

A single legislator could block any new mandate that does not meet these conditions. The objection could be overridden, but only after separate votes to override in both houses. Phil Gramm, Republican of Texas, would raise the threshold by requiring 60 votes to approve an unfunded mandate.

Forcing Congress to reach a higher level of accountability cannot be a bad idea. That is why a bill of some sort is certain to pass and why President Clinton is likely to sign it. So what's to complain about? There are at least two big flaws. First, the bill sets up a two-track system that would discriminate against the private sector. Private companies would still have to obey (and pay for) Federal mandates. Unless Congress gave governments the necessary funds, they could ignore them.

That could put private businesses at a competitive disadvantage. Laws governing waste disposal, for example, require expensive landfills to prevent contamination of the underlying water table. Private waste-disposal companies would still have to build and operate these landfills, but state and local governments would not unless Congress underwrote the costs. The U.S. Chamber of Commerce, which can usually be counted on to support Republican initiatives, have complained that the bill would severely skew the marketplace.

Some environmentalists suggest a compromise: Apply the unfunded-mandates prohibition to strictly governmental functions, like education and welfare; where mandates apply to both private and public entities, both should pay. The Clean Water Act, for example, imposes equally strict rules on the discharge of both industrial and municipal wastes. Would unfunded local governments now be free to pollute? That unthinkable outcome is a real possibility under the Republican bill.

Another big problem is that the bill applies to new law and does not address the billions in unfunded mandates from old law. That could have the perverse effect of discouraging efforts to fix outdated legislation; any new law that imposes unfunded mandates could run into a Congressional roadblock—even though the new law represents a vast improvement over its predecessor.

The bill before the Senate is a carelessly drafted answer to legitimate complaints. Senators Carl Levin of Michigan and Joseph Lieberman of Connecticut, Democrats who are sympathetic to the measure, are using every parliamentary tactic in the book to delay the bill until it is fixed. More power to them. A bill that could reshape basic relations between Federal and local governments, penalize the private sector and threaten the environment should not be railroaded.

Mr. BYRD. Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I promised the majority leader I would suggest the absence of a quorum at the end of my statement. I want to keep my commitment. I suggest the absence of a quorum.

Mr. HOLLINGS. I do not want to forgo that.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HOLLINGS. I ask unanimous consent—and then you can go ahead and object because I am not trying to stop that. Sometime, somewhere I would like to get recognized so I can speak. We will go ahead with the quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

Mr. KEMPTHORNE. I reserve the right to object.

Mr. BYRD. You cannot reserve the right to object.

Mr. KEMPTHORNE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may retain my right to the floor and allow the colloquy to continue among Senators HOLLINGS and——

Mr. HOLLINGS. There is no colloquy. I want to be recognized in my own right.

Mr. BYRD. I was trying to find a way the Senator——

Mr. HOLLINGS. It is easy to do. Everybody else can be recognized. You all have been up here for days and weeks. I never have been recognized on this score, and I would like to be recognized, but I will await my turn.

Mr. BYRD. The Senator from South Carolina was here before I was and sought the floor. I hope that he would seek recognition and get the floor. But I had to keep my commitment to the majority leader. I yield the floor. I hope the Senator from South Carolina will seek the floor.

Mr. KEMPTHORNE addressed the Chair.

Mr. HOLLINGS. Mr. President, may I get recognized?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I thank the Chair. Mr. President, I was not privy to the discussion that the majority leader had with the distinguished Senator from West Virginia, but what I would like to do is make a unanimous-consent request that the Senator from South Carolina be allowed to now speak, no amendments would be in order; that following that, we could then allow a colloquy to continue on this issue raised by the Senator from West Virginia.

Mr. HOLLINGS. Mr. President, it is quite obvious I would like to talk and without restriction, like any other Senator, like 100 of us here. I do not have to get unanimous consent. I will await my turn after amendments and after all of your rigmarole takes place. I do not think I have to go through my courteous friend, the distinguished Senator from Idaho, to be recognized. I will await my time.

Mr. HARKIN. Will the Senator from Idaho yield for a question——

Mr. KEMPTHORNE. I will yield.

Mr. HARKIN. Without losing his right to the floor. I would like to ask the Senator from Idaho, we are here, we have amendments to offer. The bill is open for amendments. Why can I not offer my amendment?

Mr. KEMPTHORNE. I will be happy to respond to the Senator from Iowa. It is because we are trying to work out an issue that deals with an amendment from the Senator's side of the aisle. I have been told that we are close, but because of the fact that a number of Senators on his side of the aisle are very concerned to protect that issue for a Senator from the other side of the aisle, we have not been able to get other approval to move forward on some of these amendments. That is the reality.

So until I am told we have resolved the issue on the Senator's side of the aisle, I felt that it was very healthy to have this discussion about the bill itself. I think it helps all of us. So that is why, with all due respect. It is because we are concerned about a Senator on the other side of the aisle.

Mr. HARKIN. Might I further ask the Senator, is there an objection on this side of the aisle then to anyone offering an amendment? Is there an objection that has been raised on this side of the aisle? I would like to ask that question for the record, and if so, I would like to know who.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. I object.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, could we get some idea as to how much longer we are going to have to sit here without the ability to offer an amendment? Here time is running. It is 6 p.m. We have a cloture motion that is supposed to be voted on in the morning and there are several amendments. We have not had an opportunity to offer these amendments.

Mr. HARKIN. I have one.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. In response to that, it is my hope that we are momentarily away from being allowed to go forward with an amendment, which is from the Democrat side. And, again, as floor manager, knowing the number of amendments that are there, waiting for action so we can finally have the sort of dialog that we had a few moments ago on this bill, and lay it out there—I would love nothing more. That is what I have been pushing for.

But again, I must say, with all due respect, because of legitimate concerns—and I respect this—from Senators on your side of the aisle, to protect a Senator from your side who will be offering an amendment, I assume very soon, we have not been able to move forward with some of the other amendments. That is the situation.

So I hope we are just moments away from a green light from the parties on both sides of the aisle on that amendment so we can proceed.

Mr. GLENN. Will the Senator yield?

Mr. BYRD. Mr. President, I hope this is not going to be charged up to Byrdlock.

I do not say this unkindly to the distinguished Senator.

Mr. HOLLINGS. Will the Senator yield?

Mr. BYRD. I have the floor.

Mr. HOLLINGS. Will the Senator yield?

Mr. BYRD. Yes.

Mr. HOLLINGS. The Senator knows the Senate is a continuing body, except for now. I have never seen, in my brief 28 years, this nonsense. What he wishes and hopes for and everything else—do not give me about our side of the aisle and everything else—everybody takes their turn. Things take time to work out. We cannot move forward with this amendment, or I could get recognized and talk.

Mr. KEMPTHORNE. I would suggest to my friend from South Carolina, with a great deal of respect, that I have throughout this day been floating and suggesting unanimous-consent agreements to bring these amendments to the floor. And there has been objection from your side.

So I think I have followed what is prescribed in the Senate rules, in the spirit of trying to get the amendments. I would like nothing more than to get these amendments out on the floor so we can debate them and vote on them.

Mr. BYRD. Mr. President, so the record may be clear, there have been no objections from this Senator today.

Mr. HOLLINGS. I do not find our side objecting. I find constantly the other side objecting. That is the whole point.

Mr. BYRD. This Senator is not objecting. I think the distinguished Senator from Idaho is doing the best he can. I think he is trying to follow some injunctions placed on him from higher up. I cannot fault him for that. But I wonder how much longer we are going to be remaining in this state of limbo. We cannot offer amendments. We cannot even get unanimous consent to set aside the pending amendment and take up an amendment by Mr. HOLLINGS. Where is the problem? Why all the rush? This is what I have been saying all along.

I have been rather amused to see a new term in the legislative lexicon, "Byrdlock."

But is this Byrdlock? I hope this delay is not charged against Byrdlock.

Why can we not debate the bill? Why can we not offer amendments? We have a cloture amendment that is going to be voted on in the morning and scores of amendments waiting here.

If this is not putting the boot heel on the neck of the minority, pray tell me what it is? What is this? Who has the lock on the Senate now? The Senator from South Carolina has been sitting in his seat for an hour—or longer. After the last vote, he stood and sought recognition. A quorum was begun and the effort to call it off was objected to.

Then the distinguished majority leader came into the Chamber. I said I would like to call off the quorum call and make a statement. He said, "Well, will you put in a quorum—put us back in a quorum?"

I said yes. I did not know we were going to be locked out for the next half hour or hour, or whatever it is.

I hope that we can get some idea of how much longer we are going to have to sit here in a state of limbo, and not be able to offer an amendment.

Mr. GLENN. Will the Senator yield without losing his right to the floor?

Mr. BYRD. Yes. I do not want to keep the floor. I just want to make sure this delay is not charged up to Byrdlock.

Mr. GLENN. Let me explain this. About 5 hours ago, Senator BOXER sought the floor for an amendment. There was objection on the Republican side to her bringing that up.

And she has continually sought the floor on this and tried to work this out—tried to work out the differences with those who objected to her amendment on the other side.

It has to do with a statement and with legislation she wanted to make that basically deals with abortion clinics and some protection and so on into those areas. There were some people on the other side who had been negotiating this on behalf of five or six other Senators on the Republican side. Because we are in a situation here where the committee amendments are the things being considered, still technically on the floor, only amendments to that are permitted. So she has been frozen out, as this arrangement has not been able to be worked out. She has thought a number of times this afternoon they had this worked out. She was disappointed each time; it was not worked out.

We are told now, maybe after all, maybe it is now worked out so the language in her proposal, her amendment, will now be acceptable to those who disagreed with it on the other side.

In the meantime—because only one amendment could apply, under Senate rules, because it is the committee amendment en bloc that we have been working on all this time—there have been continual amendments put in to keep her frozen out by the leadership on the other side.

That just is an explanation of exactly what has happened.

She feels, I believe now, that they perhaps are within minutes of getting approval, I believe. I do not know whether that approval has been forthcoming or not. They were checking once again for about the sixth or seventh time in the last 4½ or 5 hours. That is how we got to where we were. I think we have been referring back and forth, one side to the other. I wanted to explain exactly what the situation was and how we got here.

Mrs. BOXER. Will the Senator yield?

Mr. GLENN. It is not my—Senator BYRD still has the right to the floor. He retains the right to the floor.

Mr. BYRD. No.

Mr. GLENN. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 141 TO AMENDMENT NO. 31

(Purpose: To express the sense of the Senate that States should not shift costs to local governments, and for other purposes)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. CHAFEE, and Mr. DORGAN, proposes an amendment numbered 141 to amendment No. 31.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment inserted the following:

SEC. 107. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 108. EFFECTIVE DATE.

Mr. BRADLEY. Mr. President, the amendment I propose is an amendment I talked about both with the majority and the minority staff. They understand that it is a simple sense-of-the-Senate resolution. It says very simply that this is a bill that deals with unfunded mandates of the Federal Government on the State government, and it would be the sense of the Senate that States should not apply unfunded mandates on local governments that lead to increased property taxes.

Mr. President, so far in this debate, we have focused primarily on the unfunded mandates that the Federal Government is said to impose on the States. However, I would like to take a moment to draw the Senate's attention to an equally important set of mandates. I am referring to the unfunded mandates that Governors and State legislators impose on local governments and, more important, the burden that these mandates impose on taxpayers.

Taxpayers' main concern is their total tax burden, not how this burden is divided among Federal, State, and local governments. As elected officials at every level can attest, cutting taxes and expanding services are far preferable to the converse—especially if someone else picks up the tab. However, as we all know, the person who ultimately picks up this tab is the taxpayer.

Mr. President, in order to address the burden that this form of cost shifting imposes on taxpayers, I have sent to the desk a sense-of-the-Senate resolution in the form of an amendment to this bill. This resolution simply states that just as the Federal Government should not, in the absence of careful consideration, shift costs to the States, the States should end the practice of shifting costs to local governments, which frequently has the effect of raising local taxes.

When Governors and State legislators shift costs to local governments in an effort to cut taxes and balance their operating budgets, they are not reducing the overall tax burden; they are merely changing the collection point. Instead, what happens is that local authorities who have no other source of revenue are forced to either raise property taxes or cut services. As a practical matter, however, these services—such as fire, police, trash, and water services—are often essential to the safety and well-being of our communities. Therefore, the effect of cost shifting by State governments is, all too often, to increase local property taxes.

These State-imposed mandates and the impact they have on taxpayers are by no means inconsequential. In New Jersey, the State imposes no less than 36 separate unfunded mandates on local governments. These unfunded State mandates cost New Jersey taxpayers over $150 million each year. In my State, as in many others, the main source of local tax revenue is the property tax. In fact, local property taxes make up over 98 percent of all local tax revenue in New Jersey. Therefore, for every dollar in costs that the State shifts to local governments, these governments are forced to raise property taxes by an equal amount.

In 1991, the cost of New Jersey's property taxes was over $1,250 per person, not even per household. Since then, property taxes have only gone up. In fact, over the last 7 years, property tax collections in New Jersey rose over 64 percent and, this last year, property taxes rose faster than during any year since 1990. The upshot is that in Orange, NJ, the average homeowner saw an $800 increase in property taxes in 1994. Sadly, these homeowners were not alone. In Mansfield, the average homeowner saw a $600 increase in her property taxes in 1994. In Teaneck, the increase was $237; in Lyndhurst, $479; in Lodi, $100; in Dumont, $139; and in Alpine, the average homeowner paid over $1,000 more in property taxes in 1994 than in 1993.

Property taxes affect everyone: while homeowners pay them directly, renters pay them indirectly. In addition, high property taxes disproportionately affect those who are often the most at risk in our society. For many older citizens, especially those who live on a fixed income, high property taxes threaten their ability to remain in their homes. For many younger, middle-class families, high property taxes often mean that they must defer or abandon their dreams of owning a home.

Ultimately, Mr. President, this resolution is about honesty and responsibility. It is about honesty in how governments fund the services that they provide. It's also about responsibility and the need for government at all levels to take responsibility for its actions.

Government officials are loath to raise taxes. Yet, we also see problems in our States that need to be addressed. The result, too often, is that we pass a law, and we pass the buck. Mr. President, I am not passing judgment on specific mandates, at either the State of Federal level. In fact, many of these mandates have helped to ensure the safety and well-being of our fellow citizens. Instead, I am simply stating that if government officials, at any level, intend to pass a new regulation, they should be honest about the cost that this regulation will impose on taxpayers. They should not attempt to hide the cost by shifting it downstream. Unfortunately, rather than being honest and taking responsibility for their actions, too many government officials appear to have signs on their desks that read, "The Buck Stops * * * Over There."

In order to call attention to the need for government officials at all levels to fully consider the impact that cost shifting has on taxpayers, I urge all of my colleagues to vote in favor of this amendment.

Mr. President, I am joined in sponsoring this amendment by Senator CHAFEE and others.

Mr. President, I hope we will be able to get a vote on this as the pending business before the Senate.

I am prepared to move to a vote at any time. A Senator has the right to the floor when he is recognized, and I certainly would like to respect the agreements that have been struck between the minority and the majority. At the same time, when there was an open slot in the amendment process, I took advantage of that amendment slot.

It is a very simple amendment, a sense-of-the-Senate resolution. I hope it will be adopted. I have checked with both the minority and the majority, and it deals simply with the issue of State unfunded mandates on local governments leading to higher property taxes.

Mr. GLENN. I will be glad to accept the amendment on our side of the aisle.

Mr. KEMPTHORNE. If the Senator will yield, we, too, will accept the amendment on our side.

Mr. BRADLEY. I ask for the yeas and nays. I want a rollcall vote on this.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I think we have worked out an agreement. We will have two votes back to back beginning at 7:15. The first vote will be on the Bradley amendment. The second vote will be on the Boxer, et al., amendment. There will be 1 hour of debate on the Boxer amendment equally divided.

I ask unanimous consent that the Bradley amendment be temporarily set aside so the Senator from California may be recognized and that we have those votes back to back at 7:15.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object, Mr. President, I would simply like to make the point that it is the Bradley-Chafee amendment.

Mr. HARKIN. Mr. President, reserving the right to object, if I might inquire of the majority leader, I understand he asked unanimous consent that we have 1 hour of debate right now on the Boxer amendment and at 7:15 vote on the Bradley amendment, then vote on the Boxer amendment right after that, and that when we get back to the bill it will be open for amendments at that point in time?

Mr. DOLE. I think, in fact, I would rather have the votes start at 7:30, if there is no objection. The first vote will be at 7:30 on the Bradley-Chafee amendment and the second vote will be on the Boxer, et al., amendment. And then it is open for other amendments. There are numerous amendments.

Mr. HARKIN. Is it the majority leader's intention to continue the Senate in session so we may offer amendments at that point in time?

Mr. DOLE. Yes.

Mr. BRADLEY. Reserving the right to object further, I do not intend to object. Could we order the yeas and nays on the Bradley amendment? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Reserving the right to object, I ask for the yeas and nays on the Boxer, et al., amendment.

The PRESIDING OFFICER. That is not in order at this time.

Mr. BYRD. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays on the Boxer amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Would the majority leader yield for a question?

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mrs. BOXER. Reserving the right to object, I shall not. I ask the majority leader who is controlling the time on the Republican side on the Boxer amendment?

Mr. DOLE. The Senator from Oklahoma [Mr. NICKLES].

Mrs. BOXER. Then I will not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Bradley amendment is temporarily set aside.

The Senator from California is recognized.

AMENDMENT NO. 142 TO AMENDMENT NO. 31

(Purpose: To express the sense of the Senate that the Attorney General should act immediately to protect reproductive health care clinics)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration, pursuant to the unanimous consent request.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, Ms. MIKULSKI, and Mrs. FEINSTEIN, proposes an amendment numbered 142 to amendment No. 31.

At the end of the amendment add the following:

"SEC. 108. SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

"(a) FINDINGS.—Congress finds that—

"(1) there are approximately 900 clinics in the United States providing reproductive health services;

"(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

"(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

"(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

"(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

"(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion; and

"(7) the President has instructed the Attorney General to order—

"(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

"(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

"(c) Nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution."

Mrs. BOXER. Mr. President, I took the unusual step of having the clerk read this resolution in full because I think that it very clearly says more than anyone could express, because it took a lot of time and a lot of people's help, that there is no place for violence in our society and that we must come together as a U.S. Senate when such violence occurs and speak with one voice.

The reason I have been so persistent for these past 2 weeks is because I feel it is essential that this U.S. Senate, the most deliberative body in the world, the one with the most magnificent traditions of debate, thought, of deliberation, that we take the time, even if it means setting aside some other business, to deal with an immediate issue.

We are working on the unfunded mandates bill. It is very complicated. It is very complicated. I happen to like the notion behind it. But as I look at some of the bureaucracy that may be created as a result of it, I have some pause. As I look at whether or not illegal immigration might be covered in it, I have some pause. As I look at its impact on children and pregnant women, the frail and elderly, on child pornography laws, child abuse laws and child labor law, I have some pause.

So it is a very complicated piece of legislation. But what is not complicated, Mr. President, to understand is that there is violence in our land and it takes many forms. If there is one area in which I believe I should make a contribution, it would be in the area of violence in America—whether it is on our streets, whether it is in the homes, whether it is in schools, wherever it occurs, including reproductive health care clinics. I have made many statements throughout this day and last week and before that on the history of violence at clinics. And so I have been pursuing a very clear sense of the Senate that the Attorney General should act fully and enforce the law and protect the decent, law-abiding citizens of this land, who happen to be in or around health care clinics.

I want to say that the manager of the bill, the Senator from Idaho, has been most gracious to me. I want to say that he has understood quite clearly how deeply I felt about this issue, and he has made every effort to bring about a resolution to my problem which, clearly stated, was I could not find a way, Mr. President, to bring this up before the body until an agreement was worked out.

The majority leader, Senator DOLE, was very straightforward with me. He said, "You need to work this out and then we will bring it up. But if you do not have an agreement with my side, we are not going to bring it up." Obviously, that set up somewhat of a problem for me.

I want to thank the Senator from Oklahoma [Mr. NICKLES] and I want to thank the Senator from Indiana [Mr. COATS] for working with me, with Senator MURRAY, and with many of the people who wrote the FACE bill, to come up with an acceptable resolution, which has just been read to the U.S. Senate.

I want to particularly thank the cosponsors of my bill. The bill that I introduced was one of the first pieces of legislation condemning this violence, which included three Republican Senators—Senators SNOWE, CHAFEE and JEFFORDS. I want to thank them very much. And I thank my original cosponsors who were there the day I introduced the bill, Senator MURRAY and Senator FEINGOLD. The other Senators who are cosponsors are Senators KENNEDY, CAMPBELL, SIMON, LAUTENBERG, DODD, BAUCUS, LEVIN, LIEBERMAN, MOSELEY-BRAUN, HARKIN, PELL, INOUYE, MIKULSKI, FEINSTEIN, KERRY, and BRADLEY. And today Senator REID and Senator WELLSTONE were added to that list.

I am very proud that we have reached an agreement so that the will of 25 Senators who believed in this enough to go on this bill will get some attention.

At this time, I will yield to the Senator from Washington, Senator MURRAY, 10 minutes.

Mrs. MURRAY. Mr. President, I thank my colleague from California, who has been very persistent on this issue and deserves a great deal of gratitude and credit from all of us for insisting that we bring before us this very important sense of the Senate that speaks to the violence that has been occurring at reproductive health care clinics in this Nation.

We are all aware of the violence that has ravaged neighborhoods throughout our Nation. And I have to tell you every time kids gather in my kitchen or I talk to my next door neighbors or my parents, the first words out of their mouths is not unfunded mandates or line-item veto, it is: "What are you going to do about the issue of violence in this country?" They tell me they fear walking in their neighborhoods, fear going to their schools, and they want to know what we are going to do.

Well, the campaign of terror that is being perpetrated against doctors and patients in reproductive health clinics is a frightening example of this violence. The message that this violence sends to our children—that the world is a frightening place—is intolerable. When they see a gunman at a clinic, it reinforces in their minds that this world is not a safe place. It is incumbent upon us as the elected leaders in this Nation to tell our children that we will do all we can to make sure that their world is safe.

I read yesterday's Washington Post and was very struck by the article that appeared. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 17, 1995]

CLINIC KILLINGS FOLLOW YEARS OF ANTIABORTION VIOLENCE

(By Laurie Goodstein and Pierre Thomas)

Militant antiabortion activists have been waging a protracted campaign of violence against women's health clinics and the people who work in them over the past decade, creating a climate of terror long before a gunman opened fire last month at clinics in Massachusetts and Virginia.

The killings of two doctors, two clinic staff members and a voluntary escort over the past 22 months have captured national attention. But the tally of violence over the past 12 years includes 123 cases of arson and 37 bombings in 33 states, and more than 1,500 cases of stalking, assault, sabotage and burglary, according to records compiled by the Bureau of Alcohol, Tobacco and Firearms (ATF) and the clinics themselves.

"We have seen a consistent pattern, acknowledging the fact that people are willing to go to any means for their cause," said Ralph Ostrowski, chief of ATF's arson and explosives division. "In the past we would have acts of violence directed at property. Now we see acts of violence directed at people."

Nearly all antiabortion leaders say they are aware of the scope of the violence and have condemned it, and say no one in their groups is associated with such tactics. They describe the violence as an aberration.

"There is not this collective soul-searching on the part of our movement because we have been responsible and we have been nonviolent," said the Rev. Patrick Mahoney, director of the Christian Defense Coalition. There are "extremists in every movement. . . . I think that extremists opposed to abortion got frustrated, felt they were losing the battle and felt it was incumbent upon themselves to resort to violence."

The Rev. Flip Benham, director of Operation Rescue, went further and accused "those in the abortion-providing industry" of committing most of the violence in an attempt to discredit the antiabortion movement. He said he would soon bring evidence to Washington that would undermine the government's statistics.

However, ATF spokeswoman Susan McCarron said of the 49 people prosecuted so far, "We found that all expressed antiabortion views. There is nothing in our cases that would show it's providers or supporters of abortion that are doing these acts, but we investigate all leads."

Immediately after hearing the news of the killings last month in Brookline, Mass., Cardinal Bernard Law, archbishop of Boston, issued a statement asking for a moratorium on protests at abortion facilities. But his plea has been rejected by other prominent figures across the spectrum in the antiabortion movement—including Benham, Cardinal John J. O'Connor of New York and Judie Brown of the American Life League.

Like many other antiabortion leaders interviewed, Benham said he sees no connection between angry rhetoric and violent action. "This whole thing isn't about violence. It's all about silence—silencing the Christian message. That's what they want," Benham said of abortion rights leaders. "They screech and scream about us crying fire in a crowded theater. And I agree it is wrong, unless there is a fire. If there's a fire in that theater, we better call it that. Our inflammatory rhetoric is only revealing a far more inflammatory truth."

In most cases, the violence has disrupted clinics where a large portion of staff time is devoted not to abortions but to routine women's reproductive health care—pap smears, teaching and supplying birth control methods, and treating sexually transmitted diseases. Phone calls to a dozen clinics targeted by the violence found that six of them did not even provide abortion services.

At the Women's Pavilion Clinic in South Bend, Ind., which does perform abortions, in recent years somebody has hacked holes in the roof with an ax, shot out the windows and sent repeated death threats to gynecologist Ulrich Klopfer by phone and mail, said Marni Greening, the clinic's director. Meanwhile, protesters with a group called the Lambs of Christ have regularly barricaded the doors and blockaded the driveway, undeterred by repeated arrests.

In the early hours of Mother's Day 1993, someone connected a hose to the clinic's outdoor spigot and fed it through the door's mail slot, flooding the clinic's entry room. The person or persons then poured in butyric acid, a nearly indelible substance that smells like feces and vomit and becomes more potent in water. The clinic had to shut down for 7½ weeks to get rid of the smell, Greening said.

The unrelenting and unpredictable nature of the violence has produced a resolute fatalism among the staff. Klopfer said he was shot at last week as he drove home from work. He reported it to federal marshals, but, he said: "If it's going to happen, it's going to happen. I'm realistic enough. Look at all the people shooting up the White House, and that has a hell of a lot better security than I do."

Owners of the Hillcrest Clinic in Norfolk, where John C. Salvi III allegedly fired about 23 shots, sustained $250,000 worth of damage in an arson case in 1984 and another $1,000 in damage in a bombing in the next year. Staff members there have stopped commenting about attacks.

At the Planned Parenthood clinic in Lancaster, Pa., clinic director Nancy Osgood remembers a 3 a.m. phone call in September 1993 when she rushed to the clinic in time to see the brick building smoldering, gutted by fire. The Lancaster facility does not perform abortions, although other Planned Parenthood clinics do.

No suspects have been arrested in that arson, although national abortion rights groups offered a $100,000 reward for tips on this and other crimes. "Finally we have national leadership talking about this being domestic terrorism. We've said that for years," Osgood said.

ATF agents have arrested 49 people in 77 of the bombing and arson cases. Thirty-three cases have been closed because they have exceeded the statute of limitations. The 50 cases still under investigation include an arson at the Commonwealth Women's Clinic in Falls Church last July 31.

Damages range from $150 at a Brooklyn N.Y., clinic that was the target of two Molotov cocktails in 1993, to $1.4 million caused by an arson fire at Family Planning Associates in Bakersfield, Calif., in September of the same year. The total damage to property amounts to more than $12 million.

A federal task force of officials with the ATF, FBI, U.S. marshals and lawyers from the Justice Department's criminal and civil divisions was created in 1993, and stepped up its efforts after Paul D. Hill shot to death two people at a Pensacola, Fla., clinic last July. A grand jury is currently hearing evidence in Alexandria.

Authorities are focusing on whether there is a national conspiracy, although some officials privately note they have not found evidence to support that at this stage in the investigation. Several law enforcement officials say it is more likely they will find separate conspiracies conducted by small cadres of activists, as well as campaigns carried out by individuals.

Some of the incidents match the description of tactics in "The Army of God" manual that law enforcement officers found buried in the yard of Rochelle "Shelly" Shannon, an Oregon activist convicted of shooting Wichita doctor George Tiller, and awaiting trial on eight counts of arson at clinics in several states.

"Annihilating abortuaries is our purest form of worship," the manual says. It gives explicit instructions for home-brewing plastic explosives, fashioning detonators, deactivating alarm systems, and cutting phone, gas and water lines.

Some federal investigators suspect that there is no organized "Army of God." They believe the manual has not been widely distributed, but may have provided guidance in several cases of arson, bombing and sabotage. The butyric acid attack on the Women's Pavilion in South Bend precisely matches tactics described in the manual.

After the recent shootings in Massachusetts, in which two clinic receptionists were killed and five people wounded, the Justice Department ordered federal officials to record every threat against clinics and their staffs, and began to enforce the civil provisions of the Freedom of Access to Clinic Entrances (FACE) law. Enacted last year, the law makes it a federal crime to physically block access to clinics, damage their property or injure, interfere with or intimidate their staff or patients.

Last week a federal judge in Kansas City, Mo., used the civil provisions of the FACE law to issue a temporary restraining order against Regina Rene Dinwiddie for threatening and intimidating staff and clients at the Planned Parenthood of Greater Kansas City clinic.

Antiabortion protesters say the law is being used to limit their freedom of speech. But federal officials are beginning to crack down on the death threats that have become increasingly common. There were about 400 death threats and bomb threats logged in 1994 alone.

On Jan. 7, signs were found posted at four clinics in Long Island saying, "Danger: This is a War Zone. People are being killed here like in Boston. You risk injury or death if you are caught on or near these premises," said Karen Pearl, executive director of Planned Parenthood of Nassau County.

The threats follow clinic staff members to their homes and neighborhoods. Carolyn Izard, a nurse and clinic director at Little Rock Family Planning Services in Arkansas, arrived home one day to find her neighborhood was papered with fliers calling her a "death camp worker."

"It backfired on them," Izard recalled. "I got calls from neighbors that told me that they supported me 100 percent and they were furious that this kind of brochure was left on their doors for their children to see."

Curtis Stover has seen a dramatic change in the protesters' behavior in the 21 years he's performed abortions in Little Rock. "Before, all they would do is quietly carry placards around and not do much," Stover said. Now, "every other sentence is full of the word 'murder.' Patients come in and they yell at them not to murder their babies. I've had picketers tell me I was going to die by a certain date."

Mrs. MURRAY. In the first paragraph it says:

> Militant antiabortion activists have been waging a protracted campaign of violence against women's health clinics and the people who work in them over the past decade * * * The tally of violence over the pass 12 years includes 123 cases of arson and 37 bombings in 33 States, and more than 1,500 cases of stalking, assault, sabotage and burglary, according to records compiled by the * * * ATF and the clinics themselves.

I think it is high time this Senate goes on record that we do not condone these acts of violence.

Women's health care providers across the Nation are facing bombings, arson, kidnappings, and assaults. As they go to work each day, these health care providers must contemplate the possibility that an antichoice extremist will try to kill them. The shootings at clinics in Massachusetts and Virginia are only the most recent examples.

One doctor in my State of Washington wrote to me recently and said:

> Every time I walked toward the building, I thought to myself that some antichoice terrorist could have set a bomb and that my life could be on the line. Fortunately, so far I have been able to work unimpeded, but with every assault on a clinic around the country, I worry about the safety of my staff as well as that of my patients. The next time a gun is fired, it could well hit a patient or staff member. The psychological toll all this takes on clinic staff is enormous, as you can well imagine.

I ask my colleagues to step back and view this issue as a parent. That is how I view it. I have a young daughter and I cannot express the fear that I have that perhaps some day if the horrible should happen and my daughter is raped, that not only should she have to go through the trauma of an abortion, but she would have to fear for her life when she attempts to get access to safe health care.

The same article that appeared in the Washington Post yesterday has an important paragraph that we must also remember.

It says:

> In most cases, the violence has disrupted clinics where a large portion of staff time is devoted not to abortions but to routine women's reproductive health care—pap smears, teaching and supplying birth control methods, and treating sexually transmitted diseases.

Let us remember that women go to these clinics for pap smears as well. Their lives have been endangered, and we need to protect them.

Last year, Congress passed the Freedom of Access to Clinic Entrances Act and the President signed it into law. The law outlaws clinic violence while protecting lawful picketing and lawful protests not accompanied by force, threat of force, or physical obstruction.

Mr. President, I fully support our first amendment rights under the U.S. Constitution. However, with the Freedom of Access to Clinic Entrances Act we properly acknowledged that violence is not a mode of free speech. It is time for all of us, no matter how we feel about the issue of abortion, to let our Nation know that we will not tolerate violence as a means of protest.

I am proud to cosponsor this sense-of-the-Senate resolution urging the Attorney General to fully enforce the law. And I urge my colleagues to support it as well. Again, I thank my colleague from California, Senator BOXER, and I yield back my time to the Senator from California.

Mr. KEMPTHORNE. Mr. President, I would like to yield 10 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Idaho for yielding me 10 minutes.

This is an important amendment, Mr. President, because it is a forceful condemnation against violence. It might be thought unnecessary to condemn violence because it is so obvious that violence is the major problem in the United States today, with the crime wave, and the major problem in the world with conflicts and wars going on all around the world. But it is important to have this forceful condemnation against violence, because people are standing up and saying that these acts of violence, these acts of murder, are justifiable homicide, which is an absolute absurdity under the law.

The distinguished Presiding Officer has been a law enforcement officer, an attorney general of Missouri. This Senator spent 12 years in the Philadelphia District Attorney's Office—4 years as an assistant, trying murder cases, robbery, rape, and arson cases, and then 8 years as district attorney of an office which handled 30,000 criminal trials a year and some 500 homicide cases.

There is no justification whatsoever for saying that murder is justifiable homicide when it is related to someone who performs an abortion.

Under the laws of the United States, Roe versus Wade and Casey versus Planned Parenthood, there is a period during which this is lawful conduct, and how anyone can say that it is justifiable homicide is an absolute absurdity.

I thank the Chair for nodding in agreement, because I make a point which is very obvious to anyone who has had any experience in law enforcement and, beyond that, to any thinking American. But in newsprint today, stories are carried about people who make this contention. And some of the public opinion polls show a response —one poll showed 3 percent of the people have this idea. It should be labeled as emphatically as possible that it is an absurdity.

When the Senate of the United States speaks out, as I am confident the Senate of the United States will speak out tonight, in condemning this kind of violence, it will make an impact. This condemnation should ring from every speaker in America who has an opportunity to speak out, from the President of the United States, to Members of the House, to Members of the Senate, ministers, priests, and rabbis from the pulpit, and anywhere anyone can make a speech.

It is atrocious when you think of 130 incidents of death threats, stalking, chemical attacks, bombings, arsons, attempted murder, to say nothing of the four murders which have been perpetrated and the fear that is being created at 900 health clinics around the country.

The point has been made, but it is worth reinforcing, that the majority of activities at these clinics do not involve abortion at all. The Appropriations Subcommittee on Health and Human Services, which I chair, will have a hearing on the range of medical services which are performed. As already mentioned: Pap smears, mammograms, other health services for women. These women are being terrified.

The resolution calls for the creation of task forces and coordination by U.S. Marshals Service; that is fundamental to help law enforcement, to have the agencies of the law work together.

There are substantial funds available at the present time; more than $1 billion available to local prosecutors on applications which would be made. I think that the Department of Justice would look very favorably upon applications which were made along this line.

There is also considerable funding in the crime bill to protect women against violence. So funds are available in additional amounts.

The final part of resolution, stating that, "It is the sense of the Senate that the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack," is just very, very fundamental.

Not that it is necessary, but there is an additional clause which protects first amendment freedoms of expression.

I think Cardinal Law in Boston was right on target when he made a plea to desist from any conduct which could be remotely connected with inciting violence at these clinics. First amendment freedoms have to be protected so that people can speak up.

I think that it is a very, very important statement to have this kind of a forceful condemnation against violence, especially in the context where so many people are absurdly talking about justifiable homicide.

I urge my colleagues to have the strongest conceivable vote in support of this important resolution.

I thank the Chair and yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield as much time as she may consume to the Senator from Maryland [Ms. MIKULSKI] who was a very early sponsor of this resolution.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

I thank Senator BOXER for yielding me time.

Mr. President, I rise today to speak in favor of the Boxer sense-of-the-Senate resolution. I join Senator BOXER and the other cosponsors in expressing our outrage at the recent killings of clinic workers in Massachusetts.

I wish to thank my colleague from California for offering this sense-of-the-Senate resolution. I am only sorry that we were not able to bring this to the floor in a more timely fashion. But her steadfastness in pursuing our right to speak up, speak out, and vote on this issue is really to be a source of kudos to her.

When we come to the content of this resolution, we have to say that, sadly, this is not the first time we have come to the floor to express our outrage at senseless killing of health care providers. That is what we are talking about—health care providers. We came to the floor when the antiabortion extremist Paul Hill shot and killed Dr. Gunn. We were here when Dr. John Britton and Lt. Col. James Barrett were brutally murdered in Pensacola. And we are here again tonight to decry the deaths of Shannon Lowney and Leanne Nichols and the five other individuals who were seriously injured earlier this month.

The killing must stop, and it must stop now.

It is no longer simply a protest against abortion. Peaceful protests have given away to extremism. Protest has turned to violence. This is not the American way. The United States of America, through its Constitution, provides people the opportunity to speak out, to have dissenting views, and to do it in an atmosphere that is protected by law. But, unfortunately, that is not where we are now.

For those physicians and other people who work at the Planned Parenthood clinics, doctors are being forced to wear bulletproof vests. This is the United States of America. A doctor, instead of putting on a white lab coat, must put on a bulletproof vest to meet the compelling needs of his patients; clinics are being forced to build fortresses to protect their staff; patients are being forced to use escorts to get into the clinics. And even with all of these precautions, the killings continue.

I cannot tell you how saddened I am by this. Women in this country are being sent a message that they risk their lives if they seek reproductive health care. Let me repeat that. In the United States of America, women risk their lives if they seek reproductive health care. That is an injustice.

Last year, this body adopted a rule of law—it was called the Freedom of Access to Clinic Entrances Act—to put an end to this violence. But the success of this law now rests with the Attorney General. I believe she has taken important steps to enforce this bill.

But the Attorney General must take all necessary steps to ensure that not one more health care worker loses his or her life in a facility that happens to perform abortions. The Attorney General must do all that can be done to see that no more individuals are injured, maimed or murdered. She must enforce the law so that individuals are protected from violent attack. Every effort must be made to stop the terrorism that reproductive health clinics and their staffs endure. The message must be clear: That these attacks will be met with the harshest response. And the message must be clear to the opponents of the freedom to choose, that this type of extremism will not be tolerated, and it is not American.

The violence has gone too far. It is time to return to civility, to decency, to the principles on which this country were founded. A woman should not be at risk of losing her life to get the health care she needs.

Let me say this about protests. In the United States of America people can protest. When we passed the Freedom of Access to Clinic legislation, we ensured that nonviolent peaceful protests be allowed to occur. Mr. President, I am in politics because I was a protester, a nonviolent protester who organized her community out of the basement of St. Stanislaus Church to protest the highway, a 16-lane highway, that was going to sweep through my neighborhood, taking the homes of older European ethnics, and the first black home ownership neighborhood in Baltimore.

So I know what it is like to be a nonviolent protester, to organize people in a way that is joyful, exciting, creative. Know what we did? We did not go out and beat a mayor up. We did not bomb the Secretary of Transportation. We held a festival. We held a festival to show what our neighborhoods were. And in that neighborhood where I now live and commute from Baltimore every day, stands the neighborhood that I helped save.

And by being a protester the people did not punish me. They rewarded me and sent me to the Baltimore City Council, from there, the House of Representatives, and then to be here in the U.S. Senate.

For everyone in the United States of America whose views I either agree or disagree with, I want to guarantee them the right of continued nonviolent protest. So the words of Gandhi, Martin Luther King, and that methodology is there. We are acting like these are the Bull Connors of reproductive freedom. In the old days those who were against civil rights bombed churches, killed children; Bull Connor turns the fire hoses on them. This is the same thing.

So, now, we have to stop that. We have to stop it with the law. Why do women go to these clinics? Who goes? They are ordinary women, many of whom who have no health insurance. They have bad backs, they have varicose veins, and they want to see a doctor. And their GYN is their primary care physician. That is what they want to go there for, general primary care, information about reproductive freedom, and some, because of either medical necessity or medical appropriateness, will have an abortion. That is why they go.

I call upon the religious leaders of this country to speak out against this. I call upon the Attorney General of the United States to enforce the law. Tonight I call upon the U.S. Senate to pass the Boxer resolution. Let us make sure that America is the land of the free.

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the Senator from Maine.

Ms. SNOWE. I thank the Senator for yielding.

Mr. President, as someone who is deeply committed to ensuring choice and quality of women's health I certainly rise in strong support of the amendment that has been offered by the Senator from California. I, first of all, want to also thank and commend the Senate majority leader for ensuring the consideration of this amendment during the deliberations of unfunded mandates. This issue is very timely. It is a matter of life and death, when we consider what has happened in abortion clinics all over America. I am pleased we are able to consider this resolution. I am sorry it is under the circumstances under which we are considering it in light of what happened in Brookline, MA, with the recent killings.

This amendment is appropriate because it expresses the sense of the Senate that the U.S. Attorney General should fully enforce the law. The Attorney General must use all the tools at her disposal to protect persons seeking to obtain or provide reproductive health services from violent attacks. We have seen in recent months, regrettably and tragically, an alarming trend toward violence and terrorism against reproductive health clinics. Too often, those extremists who oppose a woman's right to reproductive health have resorted to intimidation and even violence in order to prove their point. Peaceful civil disobedience is one thing, but these acts have far crossed the line of acceptable behavior.

We are a nation that prides ourselves on our diversity, diversities of views, ideas, and values. As a nation of laws we simply cannot and we simply will not tolerate cold-blooded murder. Nor can we tolerate bombings, vandalism, assault, bombings, arson, destruction of property, and the physical prevention of people from entering medical clinics.

Yes, we are a nation of diversity, and that diversity depends first and foremost on our adherence to the laws made by our elected representatives of the people. It is this fact that distinguishes our democracy from other forms of government and that has contributed over time to our Nation's peace and prosperity.

Last year, as we all know in response to many of these tragic incidents, the 103d Congress considered, deliberated, and enacted the freedom of access to clinic legislation. As a Member of the House of Representatives, I was an original cosponsor and worked with many of my colleagues on both sides of the aisle in both bodies in this institution, in order to ensure that it became the law of the land.

This new law makes it a Federal offense to block the entrance to a medical clinic offering reproductive services, and to use force or the threat of force to intentionally interfere with or injure anyone attempting to obtain or provide reproductive services. The Supreme Court has made clear that these rights of peaceful protest do not extend to threats and violence, as made clear in recent decisions. In a 6 to 3 ruling last June the Supreme Court ruled in the case of Madsen versus Women's Health Center that restrictions of protesters were constitutional, including the establishment of a buffer zone between the clinic entrance and elsewhere.

In 1993, the court filed a unanimous opinion in the case of Wisconsin versus Mitchell, a hate crimes case. The Court held that physical assault was not among the forms of allowable "expressive conduct," and decried violence as a form of civil disobedience. But the terrorist acts at medical clinics in the past months have crossed the lines of peaceful disobedience, and they mark the beginning of an alarming trend.

According to the National Abortion Federation, 61 percent of nonhospital abortion providers report being the target of some form of harassment including personal harassment of themselves and of their families away from the facility. From 1977 to 1983 there were 149 incidents of violence against health clinics. Since then, reproductive health providers have reported almost 1,500 acts of violence. Not always shootings, not only in Norfolk and Brookline, but also kidnapping, burglary, arson, telephone threats, stalking, invasion, and vandalism.

In 1994 there were over 130 incidents nationwide of violence or harassment directed at clinics and the people who work there. In the horrifying shootings of Brookline, MA, which resulted in the tragic deaths of two women are clear indication that the violence is continuing. As many others have indicated here this evening, what kind of clinics have been targeted for the terrorist tactics? Clinics which provide not just reproductive health services, but clinics which provide essential pediatric care, prenatal care, childhood immunization, diagnosis and treatments of STD's, contraceptive services, mammograms, Pap smears and other forms of counseling for women. In fact, more than 90 percent of clinics provide these health services in addition to reproductive health services.

In my home State of Maine, Mr. President, medical clinics and physicians have been targeted. So far, thankfully, without the life-threatening violence that occurred in Brookline.

The PRESIDING OFFICER. The 5 minutes allotted have expired.

Mr. KEMPTHORNE. Mr. President, I would be happy to yield 3 additional minutes.

Ms. SNOWE. Three physicians at the Penobscot Bay Women's Health Center in Rockport, ME, decided to cease offering full services because of concern for the safety of patients and the staff after 3 years of protests.

After a week of picketing and threats, Dr. Gregory Luck chose to close the medical clinic in Falmouth, ME, offering a full range of women's health services that has been opened for more than 10 years, rather than risk violence against his patients and staff. Dr. Luck, in closing his practice, said he could not guarantee the safety of his patients. Women, he said "have been subjected to harassment irrespective of whether they planned to visit my office or any other office and irrespective of what medical service they required," he said in announcing the decision.

As we have seen in U.S. News & World Report this week, it says "physicians under fire," having to wear bullet-proof vests, and carrying guns and weapons to protect themselves, to provide for the safety of their employees. It is regrettable in this country we have reached this point in time.

Mr. President, safe, affordable and accessible reproductive health services are crucial to the well-being of women. We must send a message to would-be terrorists that violence and threats of violence and vandalism at these centers will not be tolerated and will be punished under the fullest extent of the law.

Congress needs to act on behalf of the families and friends of those who have tragically died because of their belief in a woman's right to decent medical services. Congress needs to act on behalf of low-income women who depend on such clinics for their personal health needs, the rural woman who already faces burdens and barriers to access, but most importantly, for all women and their families who depend on safe access to the health care that they need and that they deserve.

So I urge my colleagues to support this very important amendment. Again, I want to thank the Senator from California and the Senator from Idaho for yielding me this time.

I yield the floor, Mr. President.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, will you inform me as to how much time I have remaining on my side?

The PRESIDING OFFICER. The Senator has 17 remaining minutes.

Mrs. BOXER. If the Senator from Illinois is interested, I can yield her 5 minutes at this time. I yield the Senator from Illinois up to 5 minutes at this time.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I want to commend and congratulate Senator BOXER for this initiative, and I hope this body, in a resounding unanimous vote, makes it clear that we condemn in the strongest terms the violence that has occurred, the extremism that has occurred, and the taking of innocent life as a form of protest by any group in this country.

The Congress, I believe, must send a clear, unequivocal signal that this country will not tolerate the use of terror, violence, and murder to express disagreement with the current laws relating to abortion.

Whether one supports abortion or not—and I have made it clear and, in fact, my colleagues and I sometimes have a minor disagreement on this point, that I do not personally support abortion. I do, however, in the strongest terms support the right of a woman to choose to have an abortion. I do not believe that it is the Government's role to intervene itself and interpose itself in so personal and private a moral decision as to whether or not to carry a child to term. I believe that that is an issue that women, of whatever stripe, have to maintain as a matter of fundamental constitutional liberty, and the Supreme Court of the United States, in Roe versus Wade in 1973, agreed with that point of view.

Within the parameters, it recognized a woman's right under the Constitution to control her body, a woman's right to choose to have an abortion. For those of us who are not pro-abortion but rather are pro-choice, it becomes a distinction that is a very important one. It means that Government must, on the one hand, keep its hands off women's bodies; Government must, on the one hand, continue to preserve the liberties and freedoms that women have to decide whether or not to be parents. But at the same time, Government has an obligation and a responsibility to protect people in the exercise of their legitimate rights under the Constitution of this country.

That is what is at issue here: That we have legitimate rights that have been established under the law in this country, and the question is whether or not in these United States the rule of law will predominate or whether or not we will allow ourselves to be dictated to and controlled by extremists and, indeed, extremists who become murderers.

The murders that occurred most recently are horrendous, horrendous acts. I believe every person of conscience should, in the strongest terms, condemn that violence and condemn murder, certainly as a way of expression. That is not an expression of one's free speech. That is not anything but plain—it is what it is, which is murder. We must always be clear that if we are concerned about life, if we celebrate and want to protect life, then we have to stand four square with those who are exercising their right to live and exercising their rights under this Constitution.

And so since this country has the rule of law and not the rule of individuals who will enforce their point of view from the barrel of a gun, since that is the rule of law in this country, I believe that in this Senate it is appropriate to stand up for that right and for this Senate to express in the clearest terms that we condemn extremism, we certainly condemn murder, and we condemn any effort to interfere with someone's exercise of rights they enjoy under the Constitution of this country.

Local police must make the enforcement of the Freedom of Access to Clinic Entrances Act, which we passed last year in a bipartisan vote, an absolute priority of theirs. Our Justice Department, I believe, has every obligation to look into the network of individuals who are extremists in this area and who could deprive Americans, and particularly women, of their rights not only to choose abortion, but to choose appropriate health care, to choose to get counseling, to choose to go to places where they can receive physical care for their condition.

These clinics provide a lot of different services, as has been pointed out by previous speakers. It is not simply a place where one might go for abortion services. Indeed, if anything, one of the real concerns is that these clinics may be less capable of providing counseling against the transmission of AIDS, against the transmission of disease; that they will not be able to play the public health role that they are uniquely situated to play because of the intimidation, because of the violence, and because of the extremism.

When that extremism reaches the fever-pitch point that it has now, I think it is altogether appropriate for those of us in this body to stand up for the rule of law, to stand up for the right of women to choose and to make their own decisions about their private health care, and to make it very clear that we condemn in the strongest terms the violence that has occurred.

That is the purpose of the sense-of-the-Senate resolution that has been filed by Senator BOXER and of which I am a cosponsor, and that is certainly the initiative behind this sense-of-the-Senate resolution. I call on all of my colleagues, whether you are pro-choice or pro-life, to support the BOXER amendment. Thank you.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. KENNEDY. Mr. President, I strongly support this amendment. The Senate must go on record unequivocally to condemn the use of violence against abortion providers, and to call on law enforcement authorities to do everything in their power to prevent such violence and protect citizens from it.

The most recent deadly assaults occurred at two clinics in Brookline, MA, on December 30. Two women who worked as receptionists at the Brookline clinics had their lives brutally cut short. Five other people were seriously wounded. My heart goes out to these victims and their families.

This kind of vicious, hateful assault against women and health care providers cannot be tolerated in any community in America. No effort can be spared to make sure that these despicable crimes are not repeated anywhere else.

Women must be able to seek reproductive health care without fear of violent assault. Doctors should be able to practice their profession without wearing bullet-proof vests. Clinic staff should be able to go to work each day in safety.

Abortion is a constitutionally protected right, and it must be safe and accessible. Last year, Congress passed the Freedom of Access to Clinic Entrances Act with broad, bipartisan support, and President Clinton signed it into law.

That law gives the Attorney General the tools she needs to prevent violence and obstruction and to punish such acts whenever and wherever they occur with the full force of Federal law.

The Justice Department has already brought several enforcement actions under this law, and it is actively investigating other possible violations. In addition, the Attorney General has directed U.S. attorneys around the country to coordinate a joint effort by Federal, State, and local law enforcement authorities to ensure that clinics and providers in every community are adequately protected.

Some have suggested that the new Federal law is somehow responsible for fomenting violence at abortion clinics, because it allegedly closes off peaceful picketing as an outlet for those with strongly held views against abortion. Any such suggestion is nonsense.

The clinic access law does not prohibit or punish peaceful picketing or any other expression protected by the first amendment. On the contrary, it specifically permits it. What the act prohibits is violent, threatening, obstructive, or destructive conduct—none of which has ever been protected by the Constitution. For that reason, all of the Federal courts that have reviewed the law since President Clinton signed it last year have upheld it. Tough laws against clinic blockades and clinic violence are not the problem. They are the solution.

I commend President Clinton and Attorney General Reno for their vigorous enforcement of the new Federal law, and for their commitment to work with State and local law enforcement authorities to protect clinics throughout the country. We must do everything in our power to guarantee public safety and prevent the use of violence against patients and providers.

It is a privilege to join Senator BOXER in urging adoption of this amendment. I hope that every Member of the Senate will vote in favor of this important measure.

Mr. KERRY. Mr. President, I am honored to join my colleague from California in proposing this important piece of legislation expressing the outrage of this body over abortion clinic violence.

No matter what our views on abortion might be, I am sure that every decent American mourns the senseless murders that have been committed at abortion clinics.

On the first day of this session, I rose to discuss the broad implications of abortion clinic violence. I would like to reiterate some of the points that I made at that time.

I am deeply saddened that my State has joined others that have seen the horror and felt the pain of this senseless violence.

The Friday morning before New Years Eve, at 10 a.m., Shannon Lowney, a 25-year-old activist working as a receptionist at a clinic in Brookline, MA, looked up and smiled at a man who had just walked into her office. It was John Salvi.

He pulled a collapsible Ruger rifle from his bag—aimed it at Shannon—and fired at point blank range. He killed Shannon and wounded three others.

And now, in mourning her death, we ask ourselves: Who was Shannon Lowney and what did her life show us?

Her friends called her "Shanny" and she was a caring, committed young woman who represents the best of her generation. She cared about people. She tutored Spanish-speaking children in Cambridge, helped poor villagers in Ecuador, worked with abused children in Maine, and last week she finished her application to Boston University for a masters in social work.

She was one of those rare people who confronted injustice and acted on her deep and abiding belief that we are all in this together—we are community and each of us must accept our personal responsibility within that community.

The irony and the tragedy is that—to John Salvi—Shannon's life meant nothing—the good and decent life of someone who truly cared about others was taken in the name of "life".

Mr. President, no matter what our views on abortion might be, I am sure that every decent American mourns the senseless murder of Shannon

Lowney and is touched by the loss of someone so young and so committed to working with others.

Contrast Shannon's life and her motives with the life and motives of a man like John Salvi—A man who killed one person and wounded five others and then left Planned Parenthood and walked a few blocks to the Preterm Health Services Clinic. He asked Lee Ann Nicols, a 38-year-old receptionist engaged to be married this year, whether this was the preterm clinic.

She said yes and he shot her from less than one yard away—killing her on the spot.

He then said, "in the name of the mother of God", aimed at Richard Seron, a lawyer working as a security guard, and shot him once in each arm. He shot one other person, 29-year-old June Sauer once in the pelvis and once in the back, and then he left.

Five people injured—two people killed.

And now we must ask: Who is John Salvi and what does his life show us?

On Christmas Eve Salvi delivered a sermon about the Catholic Church and its failure to see the true meaning of Christ. But what was his motivation for cold-blooded murder?

Paul Hill, the Minister currently on Florida's Death Row, gives us some insight into John Salvi's motivations. Hill gave us a chilling reason for killing a doctor and his assistant in Pensacola. He said that "the bible teaches us to do unto others as you would have them do unto you.

"Therefore, killing a man who is about to kill an unborn child constitutes killing in self-defense."

To Paul Hill the murder was a justifiable homicide.

Mr. President, this syllogism lies at the heart of one of the most corrosive dangers the world faces today.

There are religious teachings that offer justifiable reasons for killing, but mainstream religions have always promoted tolerance over intolerance, and the only people who use religion to justify cold-blooded murder are religious fanatics.

But what happened in Brookline—what happened to Shannon Lowney and Lee Ann Nicols—and the tragedy of their deaths—tells us that we can no longer dismiss these fringe elements of our society. We can no longer let the good people fall victim to intolerance and fanaticism.

Yes, John Salvi read from the same Bible that Shannon and Lee Ann did. The teachings and the words were the same, but their lives could not have been more different. It is our task to remember that commitment and dedication can be manifest in kindness and concern or they can take the hideous form of fanaticism and hatred that motivated John Salvi to play God.

Mr. President. It is incumbent on all of us as a society to understand the danger that can be wrought by those who would interpret religious teachings as a crusade against others and a justification for cold-blooded murder.

It is our task to understand that we live in dangerous times, and that the easy availability of weapons in this society to people like John Salvi and Paul Hill has increased that danger, and increased the threat to those who chose to show their commitment and their faith by helping others build a better life for themselves and for their families.

I believe it is time for both sides in the abortion issue to find a way to express their views without increasing the level of the rhetoric or the level of violence.

It is our task to sit down and talk to each other, and I commend my friend and constituent, Cardinal Bernard Law, of the Archdiocese of Boston, for his efforts to bring both sides together. He has shown himself to be an individual of courage in this regard. Even though he is strongly pro-life, he has called for an end to anti-abortion protests in Boston.

And he is trying to bring everyone together in an unprecedented series of negotiations. Cardinal Law is a leader whose tolerance, and deep faith serves as an example to all of us.

What we achieve together can send a loud and clear message—to those who would use their beliefs as justification for murder—that, though we may not agree, we are still one people bound together not only by our faith and our commitments to our beliefs, but by the expression of our common interests through tolerance for our differences and a mutual respect and understanding for each other.

But, make no mistake. The wrong response to these shootings would be to turn clinics into armed fortresses on the fringes of our medical delivery system, further from those who choose to have the procedure.

Yes, we must protect workers, medical personnel, and patients, but we cannot allow an accepted medical procedure to be limited by the blind intolerance of a fanatical fringe.

So, Mr. President, if this constitutionally protected right is to be preserved, and if we are to truly pay tribute to women like Shannon Lowney, then we need to protect the safety of those who seek the services of these clinics.

When those shots rang out in Brookline, John Salvi took something very precious from us. He took our freedom to believe and to express our beliefs as we choose. He took our freedom to act on our beliefs without fear of violence. We can never let that happen.

Mr. President, perhaps the most eloquent tribute to Shannon Lowney came from the president of the Planned Parenthood League of Massachusetts. Nicki Nichols Gamble said, "Shannon gave her life so that others would be able to have better lives. She was an essential link in the chain of women helping women. We will miss her desperately, and we will remember her, and we will see to it that her death will not be in vain."

Today and for many days to come we will mourn the deaths of Shannon Lowney and Lee Ann Nicols. The people of my state are shocked and outraged at this senseless act of violence that took them from us, and I know that I speak for every member of the Senate in extending our deepest condolences to their families and friends and to all the victims of this tragedy.

The lesson, Mr. President, is "tolerance" and it is a lesson we would do well to learn; and—if we do not learn it—we will have dishonored the memory of two young women from Massachusetts who lost their lives to intolerance in the name of God.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER. Mr. President, I ask my colleague if there are any other speakers that he knows of at this time on his side, and if there are not, I will take about 5 minutes at this time.

Mr. KEMPTHORNE. Mr. President, yes, I do believe that we have at least one more Senator who will be coming to speak on the issue.

Mrs. BOXER. Mr. President, I will yield myself 5 minutes, and then I will yield back to my colleague so we can continue the debate.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to thank the Senator from Illinois for being here; for, yes, being one of the early cosponsors of this amendment. I, frankly, do not know of any Senator who is pro-abortion. I do know many Senators who are pro-choice on both sides of this aisle. That is why it is so important for reasonable people to come together around this issue, by the way, people who are pro-choice and people who are not, as the Senator from Illinois pointed out. There are times when we can all come together. This is one of those times.

When I was asked about what life in the new Senate would mean for me, I responded to one reporter in this way. I said:

"I think there will be many issues where reasonable Senators will come together from both sides of the aisle, and it will not be a partisan issue in every case."

And that reporter said: "Give me an example."

I said: "Clinic violence, the gag rule, a woman's right to choose."

This is something that cuts across our party. This is about the dignity of women and, therefore, the dignity of all of us, because all of us have mothers. Many of us have sisters, wives, and daughters, and their dignity is our dignity.

I am so pleased that after much discussion and debate, we were able to reach agreement on a very sensible resolution, I think one that each and every Member of this Senate can be proud to vote for.

I want to use a little time to go back to what is really happening in some of the streets of our Nation. And I want to refer to a document called "No Place to Hide," which is a campaign being launched by a group that calls themselves "pro-life." And I would leave it up to others to decide if that is an appropriate term.

They put out this leaflet, and I am going to read to you from part of it. It says in part, this is the "No Place to Hide" campaign.

And it is supposed to go after workers in reproductive health care clinics. It says:

> Try to reason with the doctors, speaking from your heart about the unborn child and the pain and anguish their mothers go through. If they agree—

The doctors.

> If they agree to stop killing children, ask them to put it in writing.

Mr. President, when you use terms like this: Ask the doctors to stop killing children, what is the message? Then they say:

> Creative fliers similar to the enclosed wanted poster to hand out to people entering the building where the doctors have their practices.

Here is one of these wanted posters, showing the faces of these doctors, and on the top it says, "Wanted For Killing Unborn Babies."

Now, it seems to me it is time for all Americans to come together and listen to the words we are using.

I ask unanimous consent to place in the RECORD an article from the Oakland Tribune dated January 6 at the end of my statement.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

(See exhibit 1.)

Mrs. BOXER. I thank the Chair.

This is what they say in this article:

> When you tell someone unstable, like Paul Hill—

Who killed two people in a clinic in Florida—

> When you tell someone unstable, like Paul Hill, that doctors at Planned Parenthood are murderers who destroy innocent babies, you just can't wash your hands of it when that unstable person kills someone. When your supporters distribute posters saying, "wanted dead or alive," with doctors' names on them, you can't say it has nothing to do with you when someone ends up dead. When you liken abortion to the Holocaust, you are inviting your followers to take the law into their own hands.

And then they quote one of the gentlemen involved in these organizations, and he said,

> Anyone in the war zone has got to expect to be part of the war that's going on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for 2 additional minutes.

> Anyone in the war zone has got to expect to be part of the war that's going on.

Said this gentleman about the dead woman in Brookline.

So I say to you, Mr. President and my colleagues, I thank so much the Senator from Oklahoma working on the words of this resolution so we protect everybody's rights—yes, the rights of the peaceful protesters to express themselves fully and completely as we point out in the FACE bill they have a right to do, and, yes, the rights of people seeking reproductive health care to have their lives protected. I say that we cannot ignore the words that are being used, and that, yes, in this amendment we are calling on the Attorney General to fully enforce this law, to do everything she has to do.

In essence, I hope that by our speaking out tonight in a bipartisan fashion, the word will go out to the people in these organizations to think very carefully, Mr. President, of the words they use and the things that they print up showing doctors as killers.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mrs. BOXER. And to change their tactics.

I would at this time save the remainder of my time, which, if I am correct, is approximately 5 minutes.

The PRESIDING OFFICER. Five minutes.

Mrs. BOXER. I would reserve that 5 minutes.

EXHIBIT 1

[From the Oakland Tribune]

ANTI-ABORTION LEADERS MUST REIN IN TROOPS

The president can send a regiment of soldiers to guard abortion clinics, and the women and men who work there can arm themselves to the eyeballs. But violence at clinics is not going to stop until leaders of the anti-abortion movement exert strong moral leadership over their flock.

It sounds odd, doesn't it—telling anti-abortionists to show morality. After all, isn't that what the anti-abortion movement is all about? Its adherents hold the bedrock belief that a fetus is an independent human being. When they stop an abortion they believe they are saving life.

But you can't be "pro-life" and condone murder. Two murders took place in Brookline, Mass, last week—the victims were receptionists at places where abortions take place. An anti-abortion activist from New Hampshire, John Salvi, has been accused of the crimes.

Another anti-abortion crusader, Paul Hill, was convicted last year of similar murders in Florida. There has been violence at other clinics across the country.

Too many leaders of the anti-abortion movement have washed their hands of these murders emanating from their midst. They say, "Tsk tsk. Isn't that a shame? But those people are extremists. They have nothing to do with the mainstream anti-abortion movement."

FRANKENSTEIN

We have news for anti-abortion leaders: Paul Hill, John Salvi and the others like them in your movement have everything to do with you. You create and nourish them with your language and tactics.

When you tell someone unstable, like Paul Hill, that doctors at Planned Parenthood are murderers who destroy innocent babies, you can't just wash your hands of it when that unstable person kills someone. When you supporters distribute posters saying, "wanted, dead or alive," with doctors' names on them, you can't say it has nothing to do with you when someone ends up dead. When you liken abortion to the Holocaust, you are inviting your followers to take the law into their own hands.

When the movement accepts people like Salvi, Hill or the Rev. David Trosch in its midst then it has to accept responsibility for their actions and their speech. Trosch is the Roman Catholic priest suspended for declaring it "justifiable homicide" to kill a doctor who commits abortions.

A man like Trosch incites men like Hill to kill. "Anyone in the war zone has to expect to be part of the war that's going on," Trosch said of the dead women in Brookline.

Not everyone in the anti-abortion movement is like Trosch, of course. The bulk of people are sincere and well-meaning. The Rev. Flip Benham of Operation Rescue National condemned the attacks in Brookline. "An eye for an eye, it doesn't work that way," Benham said. But to an apparently increasing number of anti-abortionists it does work that way. These movement members see things as Trosch sees them. They see those dead receptionists as grounds troops in a larger war who have no meaning of their own.

Cardinal Bernard Law of the Boston Archdiocese wants the killing to stop. After the Brookline shootings, he called for an end to the violence and the demonstrations. He told those who protest to search their souls.

TRUE LEADERSHIP

That is moral leadership. Anti-abortion leaders should search their souls indeed. Are they inciting people to Kill? Is their language too provocative? Are their actions going to lead to violence? Is there a better way to get where they want to go without confrontation? Can they identify people on the fringe before they harm others? Can they isolate those people and get them counseling?

This is a time for leaders and everyone else in the anti-abortion movement to take careful stock of what they stand for. They got into this crusade to save lives. Their cohorts are now taking lives. This is not the way it was supposed to be.

Paul Hill said that one day soon his behavior—murder—would be viewed as normal in the abortion wars, rather than an aberration.

The only ones who can keep that ghastly reverie from becoming reality are the men and women who lead the movement that created Paul Hill. They need to take their considerable moral energy and turn it inward, for now. It is time to begin, today.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask to be recognized for such time as necessary, not to exceed 7 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NICKLES. Mr. President, on this resolution, I have been working with the Senator from California, and I appreciate her cooperation as well as the cooperation of the Senator from Washington, Senator MURRAY, in trying to come up with a resolution that we can support. I am talking about people of different views on different sides of the abortion question. I think we have come to agreement, and I appreciate their cooperation.

When we originally looked at the resolution as introduced, it left a lot to be desired, and my original thought was that we could not support it. Since then, I think we have made some improvements, and I might just mention those. Originally the resolution stated that "persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government."

Now, that might sound good. But we have left that out because it can be misleading. Some people might misinterpret that, so now that is not included in the resolution. We offered to say that they would be entitled to "equal protection," we did not reach an agreement on that. So now that particular segment is not included.

Also, the original resolution stated that "the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services."

That is now deleted. It was deleted, in my opinion, for a good reason—because it is not correct. That is not what the original act stated.

In addition, we made a couple of other changes, and I think these as well are positive changes. The sense-of-the-Senate resolution, as mentioned by the Senator from California, now deletes language that says that "the Attorney General should fully enforce the law and take any further necessary measures to" protect persons, and so forth. And we have eliminated that part—"and take any further necessary measures"—in addition to enforcing the law. I think that is an improvement.

I appreciate also the Senator from California agreeing to the following addition that was recommended by the Senator from Indiana, Senator COATS, which added the following. It says:

> Nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing, or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution.

In other words, people still have the right of peaceful demonstration, whether it be in front of an abortion clinic or other areas.

Mr. President, let me just state that I will support this resolution. My original concern was that we were only condemning one type of violence, the type of violence as it concerns abortion clinics. I happen to be against all violence. I am not interested in the reason—in people murdering someone down at the convenience store or in front of a night club in the streets of Washington, DC or New York City or Oklahoma or in California or in front of abortion clinics. I condemn those people who committed the atrocities including killing or murdering abortionists or someone murdering a 15-year old on the street because they want to wear his jacket.

I thought the resolution was inappropriate because it only condemned violence against abortion clinics. I want to condemn that violence. I happen to be on the pro-life side of this debate. But I think people who are breaking the law by murdering other individuals are going too far and they are actually hurting the cause that they supposedly are trying to help, so I think we should condemn that violence. But I also think we should condemn violence such as occurred in Alabama in 1993. A pro-life minister and talk show host Jerry Simon was shot and killed by a self-described Satan worshiper, Eileen Janezic, stating she did it "to please Satan." That case received almost no publicity. We have seen a lot of publicity concerning the murder where Paul Hill murdered an abortionist in Florida, and maybe rightfully so; it needed some attention. He was certainly wrong.

I might mention, Mr. President, he was convicted. He was convicted under State law for murder and has now been sentenced to death. Some people wanted to federalize all crimes, but I might mention murder is against the law in every single State in the Nation, as it should be, and States have the primary responsibility to enforce those laws, as it should be. His trial has been completed, and he was found guilty. And his sentence is the death penalty under State law. So again I wish to condemn violence, but I also want to make sure that we do not federalize so many cases.

It was also originally stated that there was so many thousand FBI agents and U.S. marshals and that they should do all they can to protect abortion clinics. I might mention—and I think the resolution states there are something like 900 clinics. They are called—well, they are called clinics in the United States providing reproductive health services. They are abortion clinics. If you took the number of U.S. marshals—I think there is stated to be about 2,000 marshals and I guess their deputies—then each clinic could have a little over 2 marshals per clinic. The marshals have something else to do. So I objected to that section, as well.

So I appreciate the Senator from California deleting this. I appreciate the willingness of the Senator from California to modify the resolution. I think it is acceptable. I think it is important for the Congress to speak out and condemn violence but I think it is also important for us to speak out and condemn all violence. When we see teenagers killing teenagers; when we see drug epidemics run rampant throughout this country; when we see the number of women who are being abused, the number of children who are being abused; when we see so many significant crime problems throughout this country, I think we need to do something, as well. Not just a sense-of-the-Senate resolution.

So I am hopeful that this Congress will move and move expeditiously on a significant crime enforcement package, one that will strengthen the penalties that some of us tried to enact a year ago, one that will have habeas corpus reform so we can have an end to the endless appeals.

So I hope this Congress will move and make some real, significant change in order to limit crime this year, this Congress.

I thank my colleague and I yield the floor.

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from New Jersey, Senator LAUTENBERG.

Mr. LAUTENBERG. I thank the Senator from California.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise today in support of the sense-of-the-Senate amendment introduced by Senator BOXER.

Since 1984, there have been more than 1,500 acts of violence near abortion critics.

In the last 22 months, five innocent people have been shot to death at abortion clinics. Five men and women heartlessly slain by murderers who call themselves pro-life.

In the past year, we have already seen two tragedies at abortion clinics. Less than 6 months ago, a doctor and his escort were shot to death on their way to work in Pensacola, FL.

Most recently, a 22-year-old man allegedly went on a violent spree, attacking abortion clinics in Massachusetts and Virginia, and killing two clinic workers in the process.

Mr. President, how many more innocent people must die before we as a society put a stop to this terror?

How many doctors will be gunned down for performing a legal medical procedure?

How many receptionists will lose their lives simply because they work in the line of extremist gunfire?

Last year, President Clinton signed the Freedom of Access to Clinic Entrances Act, known as FACE. This law made it a Federal crime to block, obstruct or intimidate a woman seeking reproductive health services, or a doctor trying to perform them.

But it is now clear that the clinic access law alone will not be enough to protect our Nation's doctors and women.

Attorney General Reno announced in August that she would post U.S. marshals outside of threatened clinics. That is also a step in the right direction, and I urge the Justice Department to review its efforts in this area.

I applaud the President's announcement earlier this month directing all U.S. attorneys around the country to form an immediate task force of Federal, State, and local officials to coordinate plans for security at all clinics in their jurisdictions.

And I applaud the President's efforts to improve communication between U.S. marshals and reproductive clinics to make sure they are prepared to inform the authorities of any potential threats.

But I ask the administration to continue pursuing a hard line against the purveyors of violence and to take further protective measures until each and every reproductive clinic in the United States is safe for doctors, for employees, and for patients.

The women of this country deserve to go to the doctor without fearing that they may never come home.

They deserve to receive reproductive services without harassment, intimidation or even worse, bodily harm.

And they have a right to undergo legal medical procedures without putting themselves, their families or their doctors in such unfair jeopardy.

Let us send a strong message to all those who would use guns to express their views, a message that we are going to stand up for the women, doctors, escorts, and health care workers across the country until all Americans are safe, and all murderers are behind bars.

Mr. President, I will just take a couple of minutes to summarize what, I sense, is an attitudinal problem. We can talk all we want about standing up against violence. But very often, the people who talk most about violence and getting rid of it are those who support the proliferation of guns across our society. It is pretty hard to do away with violence when there is almost a gun everyplace that you look, and a failure to register those things.

When we talk about standing up against violence, there is an intimation that those who have the right to choose under our Constitution, confirmed by the Supreme Court, are themselves committing an act of violence, and that is where the process starts. The process, not just of killing and assault, but intimidation, is one designed to threaten people who decide that they want to make a different decision than those on the other side.

In New Jersey, we have a doctor who offers abortion as part of his obstetrical practice, offers abortion if people want it. He has been shot at. He has been threatened. His family is constantly under threat. He is so frightened by doing what he feels is right professionally, and yet he is unable to offer the kinds of services for which he has been licensed by the State and by the profession.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. LAUTENBERG. Can I have 1 more minute, or if my colleague is out of time, I will conclude.

Mrs. BOXER. I will yield 30 seconds.

Mr. LAUTENBERG. Just to say this. If we are going to talk against violence, it has to start when people violate the law, the law very clearly stated. I implore the President and the Attorney General to stand up and protect those institutions that offer people a choice in how they want to conduct their lives. It is very simple.

Mr. President, I yield the floor and thank the Senator from California for her courage and for letting me participate.

I yield the floor.

Mrs. BOXER. Mr. President, I have a minute and a half remaining. I wonder if the Senator from Idaho would like to yield some time. I will retain that minute and a half just to close off debate at the end, if I might.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. It is 14 minutes for the Senator from Oklahoma, and a minute and a half for the Senator from California.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded for a parliamentary question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, to whose time is the time being charged for the quorum?

The PRESIDING OFFICER. The Senator from Oklahoma.

Ms. MIKULSKI. I see. I thank the Chair. I yield the floor and, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Ms. MIKULSKI. On the time of the Senator from Oklahoma.

The PRESIDING OFFICER. Is there objection? Is there objection? Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

AMENDMENT NO. 141

Mr. BRADLEY. Mr. President, I ask unanimous consent that Senator DORGAN, Senator DOLE, and Senator NICKLES be added as cosponsors to the amendment, the BRADLEY amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, as I said earlier, this is a very simple amendment.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. BRADLEY. Mr. President, I think the unanimous consent agreement allotted 1 hour for debate of the underlying amendment.

The PRESIDING OFFICER. It was controlled by Senator NICKLES of Oklahoma and Senator BOXER of California.

Mr. BRADLEY. Mr. President, I ask unanimous consent I be able to proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, the amendment we are going to be voting on at 7:30 is an amendment that simply says while we are debating Federal unfunded mandates on States, it is the sense of the Senate that there should not be unfunded mandates from the States to the local governments of this country requiring increases in property taxes.

The fact is the property taxes are much too high in most States, and there is a significant reason for that involving unfunded mandates from the State government to the local government.

This simply allows the Senate to go on record saying that we do not want high property taxes from unfunded mandates. There are many Governors in the country who do not want any mandates from the Federal Government but they are not reluctant to apply unfunded mandates to the local governments. They are very clear on that.

I am very pleased to have Senator CHAFEE as a key cosponsor.

I yield the floor. If Senator CHAFEE wants to speak, I hope he will come over for the remaining 30 seconds of my 2 minutes.

Mr. President, I ask unanimous consent that Senator ROBB be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I must rise in opposition to the amendment offered by the Senator from New Jersey. It is true that I strongly support the idea that mandate costs should not be forced upon subordinate units of government, and that the constitution of my home State of Michigan prohibits the imposition of unfunded mandates upon local units of government. My inability to support the amendment accordingly does not arise from any disagreement with the principle it expresses. Rather, my opposition is grounded in larger principles of federalism. A core principle of that doctrine is that certain matters simply are beyond the ken of the Federal Government. To my mind, the proper allocation of mandate costs between State and local governments is one such matter. Thus, while I agree with the general principle expressed in the Senator's amendment, I think we overstep our proper bounds when we tell State and local governments how to structure their relationship.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, let me comment very briefly on the Sense-of-the-Senate resolution offered by Senator BRADLEY and me.

The resolution is, of course, not binding to the States. The last thing we want to do is attach a mandate to an unfunded mandates reform bill. Instead, we say plainly here that the States should given full consideration to mandates they might pass onto their cities and towns. That is all.

I mentioned last week on the floor how ironic it is that Governors have asked us to provide relief in this area—while they themselves frequently impose unfunded mandates on their counties, cities, and towns. As we know, cities and towns have no one to pass costs down to.

S. 1 introduces a clear mechanism for accountability at the Federal level. It would be inappropriate and unconstitutional for the Congress to install these same restrictions at the State level—yet—the theme underlying S. 1 of increased accountability for mandates seems applicable.

Although my plan is to support S. 1, I have concerns about the lack of information in certain areas. for instance, do we know how many of the mandates imposed upon cities and towns actually originate from the Federal Government? To my knowledge, there is no data base or tracking system to make this important distinction. However, we have clear evidence that State-issued unfunded mandates exist.

Mr. President, many States have exercised their authority to adopt laws which are more stringent than what the Federal Government requires.

For example, my own State of Rhode Island requires every city and town to have an adult monitor on every school bus that carries children in the fourth grade and below. Did the Federal Government issue this mandate? No. Does the State provide the funds for this? No. The cities and towns must find the money in their own budgets.

I will conclude by noting that the Governmental Affairs Committee report accompanying S. 1 states on page 3 that, "* * * local officials decry unfunded State mandates as much as they do unfunded Federal ones." Since we cannot take direct action to remedy this, Mr. President, I would hope that the Senate could at least send the message that we must be held accountable at all levels.

I am told that language similar to this was to be included in a managers amendment last year on S. 993. It is my view that the need for this resolution still exists and so I urge its adoption.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the remaining committee amendments be laid aside in order to consider a Levin-Kempthorne amendment regarding feasibility and that no other amendment be in order prior to the disposition of the Levin-Kempthorne amendment and no call for the regular order serve in place of the Levin Kempthorne amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 143

(Purpose: To provide for the infeasibility of the Congressional Budget Office making a cost estimate for Federal intergovernmental mandates, and for other purposes)

Mr. LEVIN. Mr. President, I send an amendment to the desk in behalf of myself, Mr. KEMPTHORNE, and Mr. GLENN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. KEMPTHORNE, and Mr. GLENN, proposes an amendment numbered 143.

The amendment is as follows:

On page 19, insert between lines 10 and 11 the following new clause:

"(iii) If the Director determines that it is not required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under (c)(1)(A) and as if the requirement of (c)(1)(A) had not been met.

Mrs. BOXER. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mrs. BOXER. I wonder, since I have 1½ minutes remaining before the vote at 7:30, I would like to protect that right to be able to give that 1½ minutes closing of my argument if I might.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this amendment responds to a lengthy discussion that we had yesterday about whether the bill should allow the Congressional Budget Office to state when it honestly cannot estimate the direct cost of an intergovernmental mandate. The bill contains a provision that allows the CBO to be honest with respect to its ability or inability to estimate private sector mandates. However, there is no comparable language with respect to CBO's estimates for State and local governments. That was not inadvertent, as the committee reports indicate. But it was wrong. We made an effort in committee to correct it. We had no success.

The amendment we have before us adds such language, and it clarifies in those situations where the CBO cannot make an estimate that it may say so, and that that will be true for intergovernmental estimates, not just for private sector estimates.

This amendment is important for a number of reasons. I commend the managers as well as my cosponsors for agreeing to it and thank them for their efforts in working this out.

This amendment would first provide for truth in legislating by allowing the CBO to tell us if they cannot estimate the cost of an intergovernmental mandate. This amendment retains a point of order in the situation where the estimate cannot be made. The inability to estimate direct costs would continue to be a failure to provide a statement on the estimated cost for purposes of subsection (c)(1)(A).

That was the situation that existed in last year's bill. The point of order which would remain where an estimate is impossible to be made is a point of order which was allowed in last year's bill. The point of order, however, lies only with respect to the absence of a cost estimate. The point of order with respect to an authorization of appropriations would not lie because, practically speaking, it cannot lie. Without a CBO estimate, the mechanism in the point of order that addresses the authorization of appropriation and the subsequent appropriation process does not make sense.

This amendment, therefore, makes it clear that that portion of the point of order in the bill in section (c)(1)(B) does not apply where CBO cannot make an estimate.

Section (c)(1)(B) includes that new point of order which was added in this year's bill which was not in last year's bill. That point of order would not lie in the event of an inability of the CBO to make the estimate.

I want to again thank Senator GLENN, Senator KEMPTHORNE, Senator EXON, and Senator DOMENICI for their help in making it possible for us to have this amendment offered and to hopefully succeed either tonight or tomorrow morning to have it adopted.

I thank the Chair. Again, I thank the managers of the bill.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, thank you very much.

Mr. President, yesterday we did a colloquy on the CBO's inability to make a reliable estimate of mandate costs. Senator LEVIN was concerned primarily that the CBO be given the freedom to not make an estimate. I was concerned that the Congress not provide a loophole which would frustrate the very intent of this bill, which is accountability and informed decisionmaking.

The purpose of the Levin-Kempthorne-Glenn amendment will be to accommodate both interests. If the CBO director cannot make an estimate, he or she shall so state it. But the failure of the CBO Director to make an estimate will still trigger the point of order.

This will provide the Senate with the opportunity to debate issues concerning the estimate and the funding decisions. It will be the will of the Senate at that point to either waive a point or not.

Mr. President, I believe that this addresses what we were discussing yesterday in a thorough discussion and it accomplishes what both of us needed to have accomplished. So I appreciate the floor manager and Senator LEVIN.

Mr. LEVIN. Mr. President, if I could quickly ask the Senator from Idaho to yield for a question, I hope he would agree that the amendment expressly states that the section (c)(1)(B) point of order would not lie in such an instance, only the (c)(1)(A) point of order.

Mr. KEMPTHORNE. In response to that, Mr. President, there is only one point of order, and it has two parts.

Mr. LEVIN. The first part would lie and the second part would not lie. Is that correct?

Mr. KEMPTHORNE. As a result of the Director making that statement; that is correct.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for 1½ minutes.

Mr. LEVIN. I ask unanimous consent, Mr. President, that the vote occur at 7:32 so that the Senator retains 1½ minutes and so that the manager on the Democratic side would have an opportunity for a 1-minute statement, or whatever he needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will be very brief.

I agree completely with Senator LEVIN. I think he has taken care of a problem that we discussed at great length on the floor yesterday. We went on and on about this. I will not try to repeat all of those same arguments we made yesterday. I think it is ridiculous to require a report where they can say they cannot make a report. Senator LEVIN has very properly moved this amendment to take care of that problem. I support it fully. I urge my colleagues to vote for it.

It is my understanding that Senator LEVIN will want a rollcall vote on this but that it will be put off until morning, and as part of the wrap-up by unanimous consent this evening.

I yield the floor so that our distinguished colleague from California can get her time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much.

Mr. President, based on that, I ask unanimous consent that there be a rollcall vote on this amendment, that it occur tomorrow prior to cloture vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the rollcall vote will be ordered tomorrow.

The Senator from California is recognized for 1½ minutes.

Mrs. BOXER. Thank you very much, Mr. President. After 2 weeks of trying to do this, it comes down to a minute and a half. I want to use that time to thank my colleague from Oklahoma for working so hard to get an agreement. I thank the majority leader. He was very direct with me from day one. I knew exactly where I stood. Sometimes it was not in such a great situation, but it turned out that we were able to air this issue.

I want to say that I agree with the Senator from Oklahoma that all violence must be condemned. I have been on this floor condemning gun violence, violence in the workplace, and domestic violence. I was one of the authors of the Violence Against Women Act and worked with my colleague, JOE BIDEN, to make sure it became the law of the land.

Today I am here to talk about the violence to clinics. On December 30, two young, innocent women that worked as receptionists in women's health care clinics were shot to death. The same killer shot up a clinic in Virginia. The President expressed outrage. The Attorney General has instructed the U.S. attorney and the U.S. marshals to work with clinics, and we say to the law enforcement officials it is the Senate's turn to act.

The resolution we propose is straightforward. The resolution, as it was amended by the Senator from Oklahoma, expresses the sense of the Senate that the Attorney General shall fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining reproductive health services, from violent attack.

We did compromise on this legislation. I urge my colleagues on both sides of the aisle to send a very clear statement from this Senate that we abhor the violence. It will stop; it must stop. We are a country of laws.

I yield the floor.

Mr. DOLE. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I thank the Senator from California and the Senator from Oklahoma for coming together on a very important resolution. There is a vast difference between nonviolence and violence, and that is the purpose of this resolution. In my view, it seems to me something that we should all vote for. When someone violates the law, they violate the law. That is precisely what is being addressed.

The Attorney General should enforce the law. We should not expect any less. I have even gone so far as to say in public comments that I understand peaceful demonstration and I understand nonviolence. I support each. But some of these actions almost come out to terrorism.

I hope we will have a broad bipartisan vote for this special issue.

Mr. President, there will be no more votes after the second vote.

The PRESIDING OFFICER. The question is on agreeing to the Bradley amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—93

Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Wellstone

NAYS—5

Abraham
Gorton
Hutchison
McCain
Warner

NOT VOTING—2

D'Amato
Helms

So the amendment (No. 141) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 142

The PRESIDING OFFICER. The question is on agreeing to the Boxer amendment No. 142. The yeas and nays have been ordered. The Clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Helms

So the amendment (No. 142) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUMPERS. Now, Mr. President, what is the present parliamentary situation? What is the pending business?

Mr. GLENN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Without losing his right to the floor.

Mr. BUMPERS. Mr. President, I yield without losing my right to the floor.

Mr. GLENN. Without losing his right to the floor, fine.

What we were doing, we had an amendment that would be voice voted. We are trying to work out the agreement on it, so it will not knock out some of the earlier agreements today. And that is being worked on right now. If we cannot do that tonight expeditiously, we may put that off until tomorrow.

That is the reason I had the quorum call in.

Mr. BUMPERS. I ask the Senator, is that the Gorton amendment you are working on?

Mr. GLENN. I am sorry.

Mr. BUMPERS. What is the pending amendment?

The PRESIDING OFFICER. The Gorton amendment is the pending amendment.

Mr. BUMPERS. Is that the amendment the Senator is alluding to?

Mr. GLENN. No. Mine would be a separate amendment.

Mr. BUMPERS. So, Mr. President, the Gorton amendment is open to amendment, is it not?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 144

(Purpose: To authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 144.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the pending amendment insert the following new title:

TITLE ___—COLLECTION OF STATE AND LOCAL SALES TAXES

SEC. ___01. SHORT TITLE.

This title may be cited as the "Consumer and Main Street Business Protection Act of 1995".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) merchandise purchased from out-of-State firms is subject to State and local sales taxes in the same manner as merchandise purchased from in-State firms,

(2) State and local governments generally are unable to compel out-of-State firms to collect and remit such taxes, and consequently, many out-of-State firms choose not to collect State and local taxes on merchandise delivered across State lines,

(3) moreover, many out-of-State firms fail to inform their customers that such taxes exist, with some firms even falsely claiming that merchandise purchased out-of-State is tax-free, and consequently, many consumers unknowingly incur tax liabilities, including interest and penalty charges,

(4) Congress has a duty to protect consumers from explicit or implicit misrepresentations of State and local sales tax obligations,

(5) small businesses, which are compelled to collect State and local sales taxes, are subject to unfair competition when out-of-State firms cannot be compelled to collect and remit such taxes on their sales to residents of the State,

(6) State and local governments provide a number of resources to out-of-State firms including government services relating to disposal of tons of catalogs, mail delivery, communications, and bank and court systems,

(7) the inability of State and local governments to require out-of-State firms to collect and remit sales taxes deprives State and local governments of needed revenue and forces such State and local governments to raise taxes on taxpayers, including consumers and small businesses, in such State,

(8) the Supreme Court ruled in Quill Corporation v. North Dakota, 112 S. Ct. 1904 (1992) that the due process clause of the Constitution does not prohibit a State government from imposing personal jurisdiction and tax obligations on out-of-State firms that purposefully solicit sales from residents therein, and that the Congress has the power to authorize State governments to require out-of-State firms to collect State and local sales taxes, and

(9) as a matter of federalism, the Federal Government has a duty to assist State and local governments in collecting sales taxes on sales from out-of-State firms.

SEC. ___03. AUTHORITY FOR COLLECTION OF SALES TAX.

(a) IN GENERAL.—A State is authorized to require a person who is subject to the personal jurisdiction of the State to collect and remit a State sales tax, a local sales tax, or both, with respect to tangible personal property if—

(1) the destination of the tangible personal property is in the State,

(2) during the 1-year period ending on September 30 of the calendar year preceding the calendar year in which the taxable event occurs, the person has gross receipts from sales of such tangible personal property—

(A) in the United States exceeding $3,000,000, or

(B) in the State exceeding $100,000, and

(3) the State, on behalf of its local jurisdictions, collects and administers all local sales taxes imposed pursuant to this title.

(b) STATES MUST COLLECT LOCAL SALES TAXES.—Except as provided in section ___04(d), a State in which both State and local sales taxes are imposed may not require State sales taxes to be collected and remitted under subsection (a) unless the State also requires the local sales taxes to be collected and remitted under subsection (a).

(c) AGGREGATION RULES.—All persons that would be treated as a single employer under section 52 (a) or (b) of the Internal Revenue Code of 1986 shall be treated as one person for purposes of subsection (a).

(d) DESTINATION.—For purposes of subsection (a), the destination of tangible personal property is the State or local jurisdiction which is the final location to which the seller ships or delivers the property, or to which the seller causes the property to be shipped or delivered, regardless of the means of shipment or delivery or the location of the buyer.

SEC. ___04. TREATMENT OF LOCAL SALES TAXES.

(a) UNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Sales taxes imposed by local jurisdictions of a State shall be deemed to be uniform for purposes of this title and shall be collected under this title in the same manner as State sales taxes if—

(A) such local sales taxes are imposed at the same rate and on identical transactions in all geographic areas in the State, and

(B) such local sales taxes imposed on sales by out-of-State persons are collected and administered by the State.

(2) APPLICATION TO BORDER JURISDICTION TAX RATES.—A State shall not be treated as failing to meet the requirements of paragraph (1)(A) if, with respect to a local jurisdiction which borders on another State, such State or local jurisdiction—

(A) either reduces or increases the local sales tax in order to achieve a rate of tax equal to that imposed by the bordering State on identical transactions, or

(B) exempts from the tax transactions which are exempt from tax in the bordering State.

(b) NONUNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), nonuniform local sales taxes required to be collected pursuant to this title shall be collected under one of the options provided under paragraph (2).

(2) ELECTION.—For purposes of paragraph (1), any person required under authority of this title to collect nonuniform local sales taxes shall elect to collect either—

(A) all nonuniform local sales taxes applicable to transactions in the State, or

(B) a fee (at the rate determined under paragraph (3)) which shall be in lieu of the nonuniform local sales taxes described in subparagraph (A).

Such election shall require the person to use the method elected for all transactions in the State while the election is in effect.

(3) RATE OF IN-LIEU FEE.—For purposes of paragraph (2)(B), the rate of the in-lieu fee for any calendar year shall be an amount equal to the product of—

(A) the amount determined by dividing total nonuniform local sales tax revenues collected in the State for the most recently completed State fiscal year for which data is available by total State sales tax revenues for the same year, and

(B) the State sales tax rate.

Such amount shall be rounded to the nearest 0.25 percent.

(4) NONUNIFORM LOCAL SALES TAXES.—For purposes of this title, nonuniform local sales taxes are local sales taxes which do not meet the requirements of subsection (a).

(c) DISTRIBUTION OF LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), a State shall distribute to local jurisdictions a portion of the amounts collected pursuant to this title determined on the basis of—

(A) in the case of uniform local sales taxes, the proportion which each local jurisdiction receives of uniform local sales taxes not collected pursuant to this title,

(B) in the case of in-lieu fees described in subsection (b)(2)(B), the proportion which each local jurisdiction's nonuniform local sales tax receipts bears to the total nonuniform local sales tax receipts in the State, and

(C) in the case of any nonuniform local sales tax collected pursuant to this title, the geographical location of the transaction on which the tax was imposed.

The amounts determined under subparagraphs (A) and (B) shall be calculated on the basis of data for the most recently completed State fiscal year for which the data is available.

(2) TIMING.—Amounts described in paragraph (1) (B) or (C) shall be distributed by a State to its local jurisdictions in accordance with State timetables for distributing local sales taxes, but not less frequently than every calendar quarter. Amounts described in paragraph (1)(A) shall be distributed by a State as provided under State law.

(3) TRANSITION RULE.—If, upon the effective date of this title, a State has a State law in effect providing a method for distributing local sales taxes other than the method under this subsection, then this subsection shall not apply to that State until the 91st day following the adjournment sine die of that State's next regular legislative session which convenes after the effective date of this title (or such earlier date as State law may provide). Local sales taxes collected pursuant to this title prior to the application of this subsection shall be distributed as provided by State law.

(d) EXCEPTION WHERE STATE BOARD COLLECTS TAXES.—Notwithstanding section ___03(b) and subsections (b) and (c) of this section, if a State had in effect on January 1, 1995, a State law which provides that local sales taxes are collected and remitted by a board of elected States officers, then for any period during which such law continues in effect—

(1) the State may require the collection and remittance under this title of only the State sales taxes and the uniform portion of local sales taxes, and

(2) the State may distribute any local sales taxes collected pursuant to this title in accordance with State law.

SEC. ___05. RETURN AND REMITTANCE REQUIREMENTS.

(a) IN GENERAL.—A State may not require any person subject to this title—

(1) to file a return reporting the amount of any tax collected or required to be collected under this title, or to remit the receipts of such tax, more frequently than once with respect to sales in a calendar quarter, or

(2) to file the initial such return, or to make the initial such remittance, before the 90th day after the person's first taxable transaction under this Act.

(b) LOCAL TAXES.—The provisions of subsection (a) shall also apply to any person required by a State acting under authority of this title to collect a local sales tax or in-lieu fee.

SEC. ___06. NONDISCRIMINATION AND EXEMPTIONS.

Any State which exercises any authority granted under this title shall allow to all persons subject to this title all exemptions or other exceptions to State and local sales taxes which are allowed to persons located within the State or local jurisdiction.

SEC. ___07. APPLICATION OF STATE LAW.

(a) PERSONS REQUIRED TO COLLECT STATE OR LOCAL SALES TAX.—Any person required by section ___03 to collect a State or local sales tax shall be subject to the laws of such State relating to such sales tax to the extent that such laws are consistent with the limitations contained in this title.

(b) LIMITATIONS.—Except as provided in subsection (a), nothing in this title shall be construed to permit a State—

(1) to license or regulate any person,

(2) to require any person to qualify to transact intrastate business, or

(3) to subject any person to State taxes not related to the sales of tangible personnel property.

(c) PREEMPTION.—Except as otherwise provided in this title, this title shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

SEC. ___08. TOLL-FREE INFORMATION SERVICE.

A State shall not have power under this title to require any person to collect a State or local sales tax on any sale unless, at the time of such sale, such State has a toll-free telephone service available to provide such person information relating to collection of such State or local sales tax. Such information shall include, at a minimum, all applicable tax rates, return and remittance addresses and deadlines, and penalty and interest information. As part of the service, the State shall also provide all necessary forms and instructions at no cost to any person using the service. The State shall prominently display the toll-free telephone number on all correspondence with any person using the service. This service may be provided jointly with other States.

SEC. ___09. DEFINITIONS.

For the purposes of this title—

(1) the term "compensating use tax" means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property;

(2) the term "local sales tax" means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both;

(3) the term "person" means an individual, a trust, estate, partnership, society, association, company (including a limited liability company) or corporation, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing;

(4) the term "sales tax" means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge or other value of or for such property; and

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. ___ 10. EFFECTIVE DATE.

This title shall take effect 180 days after the date of the enactment of this Act. In no event shall this title apply to any sale occurring before such effective date.

Mr. BUMPERS. Mr. President, I understand the majority leader has said there will not be any more rollcall votes tonight. Certainly, I am not going to try to keep the Senate for any prolonged period of time, but I think it would be appropriate to begin debate on this amendment, about which I feel very strongly and which I think is a very important measure for the Senate to consider. But at some point I will discontinue the debate, and it is my understanding that tomorrow, if cloture should fail, this would be the pending amendment. So I do not want to delay the Senate in getting out of here this evening.

I just want to say to my colleagues this is an amendment that will do more for the States, frankly, in the short term than this entire piece of legislation.

In 1967, the Supreme Court said that the States could not impose a tax on a mail order catalog house because it would be a violation of due process and the commerce clause. So that was the law of the land until 1992, when a case called Quill versus North Dakota was decided by the Supreme Court.

That decision reversed the 1967 decision. It said, No. 1, we are changing our mind about due process. It is no longer a violation of the due process clause if the States elect to require out-of-State companies which send goods into their State to collect the applicable sales tax, or use tax. A use tax is effectively the same thing as a sales tax, but they call it a use tax because it is a tax on the use of the product, not the sale of the product. No. 2, although imposing this tax collection burden on an out-of-State company constitutes a burden on interstate commerce that is impermissible under current law, the Congress has the right to determine if that burden should be allowed.

So the primary problem that prohibited States in the past from levying a sales tax or a use tax on mail order houses—due process—was removed.

Now, I cannot say this often enough, for anybody who is hesitant about the thrust of this amendment, that it does not impose a tax on anybody. The tax is already there. This amendment simply allows the States the discretion of saying to the mail order houses: If you are going to ship goods into this State, you are going to have to collect the use tax on those goods.

Now, Mr. President, I do not know how many States will do it. Five States do not have a sales tax so this amendment would have no impact on those States. They would not levy a use tax on mail order products because they do not levy sales taxes on their own in-State products.

The reason this legislation is important is because virtually every State in the Union—45 of them to be precise—have a use tax now. It is levied not on the mail order house but on the buyer of goods from the mail order house. If you order a sweater from L.L. Bean and you ship it into Arkansas, even though L.L. Bean doesn't collect the applicable use tax, the State of Arkansas says that the purchaser of that sweater shall remit a use tax in the exact amount of the sales tax to the State revenue department of my State.

So what you have is a lot of people who are getting a rude surprise because the States are beginning, more and more, to find these people who are buying big ticket items. People are buying these big ticket items and suddenly somebody from the State revenue department in Florida or North Carolina knocks on the door and says, "Friend, that boat you bought for $250,000, you owe us $12,000." We have letters galore in our files from people who have had that rude surprise.

Now, admittedly, the States collect very little revenue out of this. And you know the reason they do not is because the people of your respective States of West Virginia, Ohio, Idaho, and the rest of you, do not know there is a use tax on the books.

Mr. President, what do you think mail order sales in this country amount to? Just figure it out in your own mind. You open your mail every day, and you are getting two, three, four times as many catalogs at your house every week as you used to get.

I will be happy to yield to the majority leader.

Mr. DOLE. Mr. President, I wonder if the Senator will permit us to conclude a couple of things and then, if he wants to continue, I have no problem with that. I would like to conclude a couple of things and then give the floor back to the Senator. They want to adopt one unanimous-consent request. I would like to file a cloture motion, and I think the Democratic leader wants to have a colloquy. Then I need to make a statement with reference to rule XIX.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Is that all right with the Senator from Arkansas?

Mr. BUMPERS. Absolutely, Senator.

MODIFICATION TO COMMITTEE AMENDMENT ON PAGE 25, LINE 10

Mr. GLENN. Mr. President, I thank my friend from Arkansas very much. We had this amendment worked out over a period of time here. It addresses a problem we had yesterday on the floor about committee jurisdiction. It has been agreed to on both sides of the aisle. We are happy to do it with a voice vote.

I send an amendment to the desk to modify the committee amendment on page 25, line 10, that the previous amendments offered to the language proposed to be stricken by the committee amendment be added to the modification.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified

The modification to the amendment is as follows:

> On page 25, strike all after line 10 and insert the following:
>
> "(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concuring the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.
>
> "(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.".

Mr. GLENN. Mr. President, I have submitted this. I believe it is acceptable on both sides of the aisle. It takes care of a problem we debated at long length yesterday on the floor. Does my colleague have any comment?

Mr. KEMPTHORNE. Mr. President I wish to thank the Senator from Ohio, the distinguished floor manager. He is correct.

This is an issue that was of concern between the Governmental Affairs Committee and the Budget Committee. Through the evening hours and this morning, language has been worked out. I hope this is another clear evidence that we are finally moving forward on S. 1, so we can deliver unfunded mandate relief to the cities and States. The public sector realizes the private sectors are partners on this.

We agree to this amendment.

Mr. GLENN. I urge acceptance of the amendment.

VOTE ON COMMITTEE AMENDMENT ON PAGE 25, LINE 10, AS MODIFIED

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the committee amendment, as modified.

The committee amendment on page 25, line 10, as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMARKS EXPUNGED FROM THE RECORD

Mr. DOLE. Mr. President, earlier today there was a statement made on the Senate floor. I will not repeat the statement, which I think violated rule XIX. So I would pose the following question, Mr. President:

If I had called the Senator from South Carolina to order for his remarks regarding the Senator from Idaho, was rule XIX violated?

The PRESIDING OFFICER. The Chair will read from Riddick's, page 738:

> A Senator in debate, who "in the opinion of the Presiding Officer" refers offensively to any State of the Union, or who impugns the motives or integrity of a Senator, or reflects on other Senators, may be called to order under Rule XIX.

It is therefore the opinion of the Chair that the rule was violated, rule XIX was violated.

Mr. DOLE. Mr. President, I therefore ask unanimous consent the offending remarks be expunged from the RECORD.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. DOLE. Mr. President, I thank the Senator from Arkansas. I will just take another minute. I think the Senator from South Dakota, the Democratic leader, may want to have a discussion here.

I wanted to file another cloture motion. Before I did that, I wanted to recite precisely what has happened so the record will be made.

We began debate on S. 1 at 10:30 a.m. on Thursday, January 12. There were 14 committee amendments reported. The normal process is to adopt the committee amendments en bloc after opening statements.

We have never been able to adopt the committee amendments. In fact, we have had to resort to tabling a few just to get the Senate moving. We are now only on committee amendment No. 11 out of 14.

Cloture was filed Tuesday, January 17, with the hope we could still work out a unanimous consent agreement that would provide for an exclusive list of amendments. After that, the list has gone up since yesterday—on the Democratic side from 30-some to 78, and it is climbing; and I must say it has gone up on the Republican side, up to 30. That is 108 amendments. Yesterday, we were talking about 40-some.

Our proposed agreement asks that all amendments must be offered by 6 p.m. tomorrow, and my colleague, Senator DASCHLE, counteroffered that it be offered by 12 noon on Wednesday, January 25. Obviously, when you agree on anything that has to be offered, you have to have a pretty good relationship or one person will offer an amendment and that will be it, and no other amendment can be offered. It has worked in the past, and it still may. It has worked out.

But it seems to me if we are going to complete action on this bill anytime next week, I hope my colleagues will help invoke cloture when the cloture vote occurs tomorrow morning.

There was some discussion earlier that if we did not adopt—or deal with the so-called Boxer amendment, that might prevent cloture from being invoked. That amendment has been disposed of. It was a unanimous vote. It was worked out with Senator BOXER and Senator NICKLES and supported by every Senator who is present.

I hope we can invoke cloture tomorrow and get on with the amendments that should be debated on each side. And, having said that, I am happy to yield to the Senator from South Dakota before I send the cloture motion to the desk.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me say I am disappointed that the cloture motion will be filed. I respect the decision of the distinguished majority leader, but I remind our colleagues that only three Democratic amendments have been considered. One amendment offered by the majority was debated by the body for over 3 hours this afternoon. And I might add it was a nonrelevant nongermane amendment. So we have really not had much of an opportunity to debate many of the very relevant, germane amendments that reflect the legitimate concerns expressed by our colleagues over the course of the last several days.

Let me just go back, if I may for just a moment, to remind my colleagues that this bill was introduced on Wednesday, January 4, with very significant and important differences from S. 993, the unfunded mandates bill that was reported last year.

The Governmental Affairs Committee held a hearing the next day, on January 5. There was a markup in Governmental Affairs scheduled for Friday, January 6. Senator GLENN, the ranking member, on behalf of several Democrats, asked for time to prepare amendments and consider issues raised at the hearing. The chairman, Senator ROTH, subsequently agreed to put the markup over to Monday, the following week, with the requirement that all amendments be filed by Friday, January 6, at 10 o'clock.

Our committee members complied with that request in good faith.

The Governmental Affairs Committee then had a markup on Monday, January 9, at 10 o'clock. Members were originally told the chairman would oppose all amendments because the majority leader wanted to take them up on the floor. So our committee members again, in good faith, cooperated and delayed offering many of the amendments in committee, because they had the expectation that these amendments would be properly debated and considered on the floor. Democrats objected to eliminating the committee from the legislative process. A markup was held, and amendments were offered. All Democratic amendments were defeated as a result of this dictate on a partisan vote, except for three that were accepted by the chairman.

At the markup, members were told that there would be no committee report. There were strong objections at the time, and, of course, the whole controversy relating to the committee report has been very much a part of the debate on the floor over the last several days.

The Budget Committee held its markup at 2:30 that same Monday. At the request of the chairman, several Democratic members of the Budget Committee agreed to withhold offering their amendments until the bill was to be considered on the floor.

Committee members were then told there would be ample opportunity to offer these amendments on the floor, and Democratic members asked that a Budget Committee report on S. 1 be filed. It was our understanding that there would be a report filed. Of course, that did not happen as it was promised.

So, Mr. President, in summary, let me just emphasize, we have dealt in good faith all the way through this process. We had hoped that we could have ample consideration of the bill in both the Budget Committee and the Governmental Affairs Committee—and that did not happen. We were hoping that we could have a report before the bill came to the floor—that did not happen. We were told we would have an opportunity to consider amendments on the floor—germane amendments in many cases—and that has not happened.

In good faith, I think, Senator DOLE and I have attempted over the last day to find an agreement—and that has not happened, either.

There is no filibuster going on here. In my view, and I think in the view of many of our colleagues, there are very legitimate concerns about many of these issues.

The concerns have to be addressed prior to the time many of us feel comfortable voting on final passage. It is my hope and expectation that, if we had ample consideration of some of these legislative issues, there could be a favorable vote. But certainly, that is going to take a reasonable amount of time. I would hope that we could oppose the cloture motion tomorrow morning.

Mr. DOLE. Mr. President, I think one example is today we spent nearly 4 hours during a recess to try to work out the Boxer amendment which had to do with violence in women's clinics. It is a very important issue. It has nothing to do with this bill. And we spent the last 2 or 3 days not discussing the amendments but discussing parliamentary procedure and whether or not we can adopt the committee amendments, which generally is a matter of course.

This is a bill that has not changed a lot since last year. It has not changed much since last year. Unless something happened across the countryside that this Senator is not aware of, it is supported by the Governors, the mayors, the city officials, township and county officials, and all the others, as has been indicated by the Senator from Idaho in the debate.

The House will start action on this bill on tomorrow. They will probably demonstrate, as they did in the congressional coverage, that they can pass the same bill in an hour and 20 minutes that took us 5 days because of so many amendments that were not germane. I would not suggest that we want to be like the House. I am very happy to be the U.S. Senate, and am very happy to have been in the House years ago, too.

But it seems to me that we can bring this matter to a close. If cloture is invoked, all the germane amendments are going to be there. They can be a debated, adopted and disposed of in one way or the other.

So I hope that tomorrow we can move on this bill. We may not. We have one Senator with five relevant amendments; another three, relevant; two relevant. We have the same on the Republican side; one Member with one or two relevant amendments, whatever they may be. But they add up to 180 amendments. It is much like the tax bill. I have had a few tax bills on the Senate floor.

So I certainly will continue to work with the distinguished Democratic leader. We want to accommodate our colleagues wherever we can on both sides of the aisle. And we will continue to work to do that.

I would be willing to ask right now that all the committee amendments that have not yet been disposed of be agreed to en bloc. I ask unanimous consent that all committee amendments that have not yet been disposed of be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. We object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. It is an indication that we are not making progress.

THE EASTER RECESS

Mr. DOLE. Mr. President, I wanted to make one correction. We have had great difficulty with the Easter recess. I will take the blame for most of it. But a letter went out today saying thanks for the extra week. What extra week? It is not an extra week. We are not getting 3 weeks off. We are getting a week before Easter and a week after.

By the time the letter went out it had almost the entire month of April. It is not going to happen. We will be out April 7 to April 24. That is 17 days. We are going to be way behind the House. The House has 3 weeks. We will be about 2 months behind the House by then at the rate we are going.

So I hope we do not have to put out anymore. If we want a fine letter on the Easter recess, we have already put out the hotline.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, William Roth, Dirk Kempthorne, Bill Frist, Trent Lott, Chuck Grassley, Craig Thomas, Judd Gregg, John Ashcroft, Ted Stevens, Conrad Burns, James Inhofe, Paul Coverdell, Spencer Abraham, Christopher S. Bond, Bob Smith, Rod Grams, Don Nickles, Alfonse D'Amato, Larry Craig.

Mr. DOLE. Mr. President, when will that motion ripen?

The PRESIDING OFFICER. One hour after the Senate convenes after 1 day of session.

Mr. DOLE. Mr. President, I apologize to the Senator from Arkansas for taking so long.

I say to my colleagues that at 11 o'clock tomorrow we will be back on S. 1. There will be 30 minutes equally divided between the Senator from Michigan and Senator KEMPTHORNE and Senator BYRD. At the hour of 11:30 the Senate will proceed to vote on the Levin amendment regarding feasibility, and immediately thereafter we will proceed to a cloture vote on S. 1; and, we will waive the mandatory quorum under rule XXII B.

Mr. President, I yield the floor. I thank my colleague from Arkansas.

Mr. BUMPERS addressed the Chair.

Mr. DASCHLE. Mr. President, if I might just take 1 more minute to comment about the importance of the vote tomorrow, I think it is very important that Senators understand the difference between germaneness and relevance. We have a lot of amendments pending that are very relevant and that, under the strict rules of parliamentary definition, may not be germane.

The distinguished Senator from Michigan has raised his point on a number of occasions during the debate over the course of the last several days. Senators need to be aware that in many cases, while an amendment in question may directly affect this legislation, may be directly relevant, it may be ruled not germane.

So this is a very important vote tomorrow morning, and I hope Senators will take care as we consider the importance of our opportunity to raise these issues in a constructive way as we have been doing the last several days.

With that, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the question was how much business is the catalog industry doing in this country? The answer is almost $100 billion a year and growing at a rate of 6 percent a year.

To judge by the number of catalogs coming into my house, they are growing much faster than that. So you might ask, No. 1, why should these people bother with collecting a tax on behalf of the States where they sell merchandise?

I used to be a small town merchant. I had a hardware, furniture, and appliance store. I even had a cemetery and practiced law as well. I did anything to try to feed my wife and three children.

My biggest competitor was not the guy down the street. It was the Sears & Roebuck catalog. They do not do much catalog business anymore; I think maybe Sears does no catalog business now. But I can tell you that offices of every Senator in the U.S. Senate has received communique after communique in the last 3 days saying, please support Senator BUMPERS' amendment. They are from small town, main street retailers all across America because it is not just Wal-Mart and K-Mart that are putting them out of business; it is the catalog business which enjoys a competitive advantage because they do not have to collect that 5 to 8 percent sales tax.

What would this mean to your State? In my State of Arkansas, it would mean $19.6 million a year. In Illinois, $233 million a year; Pennsylvania, $145 million; New York, $359 million; and California, $482 million.

Call our former colleague, Governor Wilson in California, and ask him how he feels about this legislation. It is supported by the National Conference of Mayors, the National Governors Conference, the National Conference of County Executives. Who are we trying to help with S. 1? The Governors, the mayors, and the county executives.

Mr. President, I used to be Governor of my State. These mandates drove me crazy. It was a big issue with me 24 years ago when I first became Governor of my State.

I am not too crazy about this particular unfunded mandates bill, even though I was a cosponsor of it last year, and I am not at all sure I am going to vote for this one. But be that as it may, if you were to ask some Governors in their State, "Would you rather have the right you would get under the Bumpers amendment or the mandates bill?" they would take this legislation, because they are scared to death that this mandate legislation will never amount to anything.

And you might say, "These people do not do business in your State, so why should they collect a sales tax there?" But they do impose a burden on the States—they send 3.3 million tons of catalogs and solicitations into the landfills of this country every year. And what is one of the biggest problems every mayor has? Why, the local landfill. In a lot of jurisdictions in this country it costs $100 a ton to dispose of garbage. But it is not just the 3.3 million tons of catalogs which mail-order companies send into the States. All the packaging that their merchandise comes in has to be disposed of, too.

How much are the catalog houses contributing to the mayors to help them dispose of these millions of tons of garbage? Not one red dime.

Mr. President, this is not designed to be punitive. It is designed to be fair. In order to be fair, I want to say this: There are a few mail order houses in this country which collect sales taxes in every State where they send products. There is one very notable case of such a company—essentially an office supply house which does over $200 million in business a year. When they formed the company, they sat down in the boardroom and said, "Shall we or shall we not collect sales taxes on our sales and remit to the States?" They decided, as good citizens, they would collect a sales tax and remit it back to every State they shipped into. Do you know who the founder of that company was? It was Senator ROBERT BENNETT of the great State of Utah. He said to the Small Business Committee during a hearing last year that "We thought it was the right thing to do."

Mr. President, we have made this bill as simple and fair as we know how to make it. No. 1, we only require mail order companies to file a return with the States every 3 months. No. 2, we set up a toll-free telephone number at the State level so that any questions the catalog houses have can be resolved free of charge. And we have exempted all but 875 of the 7,500 mail order houses in the country, because we exempt every company which does less than $3 million in business a year. Of the 7,500 mail order companies in this country, 6,675 of them do not do $3 million a year. The mayors did not like it because I exempted them. But we thought it was fair to do so because this amendment could create a slight administrative burden on small companies. So only 825 of the 7,500 catalog sales houses in this country are going to be affected by this bill.

Mr. President, sometimes the mail order houses say this is too complicated. I am not going to belabor it tonight, but tomorrow I am going to bring about a week's supply of catalogs that came into my home, and I am going to show you why that argument that this is too complicated on us will not fly. The reason it will not fly is because a lot of them already collect use taxes in as many as 25 or 30 States. Senator BENNETT's company says, "Include sales tax unless you are from Alaska, Delaware, Montana, New Hampshire or Oregon, which do not have sales taxes." And then look at what they say: "If your order is less than $10, include $2 for shipping charge. If your order is $10 to $25, include $2.50," and here is another chart that you have to look at when you order. So they themselves have very complicated catalogs sometimes. And it would be immensely less cumbersome if you simply said: "Send with your order the local sales tax."

Mr. President, main street merchants are suffering because they are at such a competitive disadvantage. Let me tell you one other thing. There are some out-of-State companies that really drive local retailers up the wall. There are out-of-State companies which say, "Go down to the local store, get the model number of the product you want, and call us toll free at this 800 number." You think they do not say that? Look at this advertisement: "Discount Wallcovering. Shop the phone way. All brands, first quality, free delivery. No sales tax (outside Pennsylvania)." But here is the real clincher: "Shop in your neighborhood. Write down the pattern number book and then call Wallcovering, Inc."

How would you like to be a wallcovering retailer and somebody comes in and goes through all your merchandise, picks out the number of the wallcovering they like and they said, "Adios, see you later." They go home, get on a 1–800 line and call this outfit and they say, "Here is the pattern I want, ship it to me with no sales tax."

There are going to be a lot of Senators that vote against this amendment. But there is not one Senator in the U.S. Senate in his heart of hearts that would not tell you that such a practice is grossly unfair.

Here is an ad by an outfit that is too small for anybody to read unless you are right on top of it, so I will tell you what it says. It is a company that sells boats, motors, fuel, water pump kits, everything from the world of boats to everything that makes a boat run. What do they do? They say, "Nobody beats our deal." Up here in red it says, "No sales tax added outside of North Carolina."

Mr. President, I hate to belabor the RECORD, and I am not going to do the whole thing, but I want to read you a letter that I got from a person in the state of California that was in the boat business, Long Beach Yacht Sales, Long Beach, CA.

JANUARY 18, 1994.

Hon. SENATOR BUMPERS,
Chairman, Committee on Small Business, Russell Senate Office Building, Washington, DC.

ATTENTION: MR. STAN FENDLEY, TAX COUNCIL: Thank you, in advance, for your sponsorship of legislation regarding the collection of interstate sales tax. This week we lost a $240,000 deal as a result of a sales tax issue. The buyer bought a boat in Oregon to avoid our local and state sales tax. The vessel will be kept out of state for the required period of time and will be subsequently brought into California after the waiting period has elapsed. Based on our local tax rate of 8.25% the resulting tax would have been $19,800.

Not only did we (and the State) lose this deal, but we also lost the time and expenses involved in upselling the customer to a more expensive boat (from $140,000 to $240,000), sea trialing the boat and providing extensive consultation regarding the product. The customer thanked us but basically said for $19,800 he would have to make an economic choice to buy elsewhere.

Sincerely,

RAY JONES, *Owner*.

He told them, "I can buy it in another State and bring it into this State and save myself almost $20,000."

Who in their heart of hearts in the U.S. Senate thinks that is fair?

So I say, this is not punitive, and I am not just pointing the finger at all of these people. Fingerhut out in Minnesota said they do not think this would be much of a burden on them. L.L. Bean, in the State of Maine, said they did not think this would be much of a burden on them, either. So I applaud them. I applaud them for their generous statements and their citizenship. I do not blame them for not collecting the applicable taxes. I would not collect them either if I did not have to.

Mr. President, the thrust of this amendment is to give the States the discretion. This does not impose one single thing on the States. It says to the States, "You have the discretion of requiring the collection of use tax on merchandise being shipped into your State so that retailers in your State are competing on a level playing field with out-of-State companies."

Mr. President, until that fateful November 8, 1994, I was chairman of the Small Business Committee. As chairman of the Small Business Committee, and as a former small businessman, I have always championed the rights of people to start a business, make Government as unobtrusive as possible, reduce the paperwork burden, reduce the regulatory burden, everything to give people an opportunity to grow and prosper.

When we held hearings on this bill last year, we had retailers from all over the country come and testify. We had a music store owner in my State talk about how many people came into his store, got the model number off the instrument they wanted, and went back home and ordered it.

The retail Main Street jewelry stores left in this country, you can count them on one hand, because they cannot compete. Yet these are the people we look to organize the Christmas parades in rural America. They are the people that every State depends on to pay sales taxes to educate their children. They are losing billions of dollars of sales every year to this absolutely burgeoning catalog sales business and it is time we give the States an opportunity to do something about it.

Mr. President, in the morning I am going to do two things: I am going to read you some additional letters from retailers as to what they are putting up with out there. Second, I have a whole stack of catalogs. I am going to go through some of them and show you how complicated it is now and how, if you adopt this amendment, you not only curry favor of the mayors and

Governors of this country, you probably lighten the administrative burden on some catalog companies because they will only have one tax rate to worry about in each State instead of many different local rates.

Mr. President, before I yield the floor, I ask unanimous consent that this amendment be set aside until we return to S. 1 tomorrow morning. I am not sure what the hour is.

Mr. President, when are we scheduled to return to S. 1 in the morning?

Mr. President, I will withdraw that request.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Maine.

Mr. COHEN. Mr. President, I was home when I learned that the Senator from Arkansas was going to take the floor this evening and offer this amendment. I had no prior notification that it was coming up this evening.

I can perhaps understand why the Senator from Arkansas would want to file this amendment prior to the cloture vote tomorrow. This is precisely what the majority leader was just talking about.

Here we have a bill dealing with unfunded mandates, and we have the minority leader saying, "Well, we just want to amend it in a substantive way dealing with relevant and germane issues pertaining to unfunded mandates," and the first thing that happens is the Senator from Arkansas gets up and offers this amendment which has no particular relevance to this bill.

It is an example of what I mentioned on the floor the other day. We are back at it again. No sooner do we go into a new session with a new Congress, with new hopes of perhaps moving legislation at a much more expeditious fashion, at least, than we just have a series of amendments and more amendments that have nothing to do with the bill under consideration.

Now that is consistent with the Senate rules. And the majority leader said he does not want to see a change in the Senate rules; keep the Senate as the Senate and not as the House.

But the American people ought to understand why it is we cannot move forward with legislation: because every individual Member has his or her particular amendment that they want to offer.

With respect to this particular amendment, this would reflect a major change in existing law. There is no mistake about it. This would be a major change in existing law.

It is being offered without any hearings having been held in the Finance Committee—not one. And yet on the floor of the Senate, the Senator from Arkansas wishes to make this rather significant change. The Small Business Committee, I am told, held one hearing on the issue. But none in Finance which is the committee of jurisdiction.

Now the supporters of the amendment argue this is a matter of fairness for local retailers.

It is grossly unfair to ask mail order companies to collect taxes for over 6,000 jurisdictions. Do you really want to talk about putting burdens on people? Ask a mail order company to collect taxes for 46 States. There are some 6,000—just count them, 6,000—different taxes in this country that would have to be considered.

But the Senator from Arkansas says, "Well, that is just too bad. We are going to impose that burden on these mail order companies."

We have a Maine snack tax, to give you an example. It is virtually indecipherable to most Maine companies. I think it would be absurd—absurd—to expect every fruitcake vendor in this country to understand it. But that is what the Senator's amendment would do.

Second, about 30 percent of all of the mail orders are paid not by credit cards, but by check. So if the check is made out in the wrong amount, any mail order company, L.L. Bean or any other company in the country-would have a difficult time collecting this particular tax if the calculation is wrong.

Now the Home Shopping Network collects State and local taxes. They are made via credit cards, where the seller simply adds an appropriate tax to it.

The Senator from Arkansas has talked about the great advantage that is being held by these mail order companies over the local retailer. The fact is, the local retailers also pay taxes to enjoy benefits that out-of-State companies do not.

As a matter of fact the out-of-State companies are not at a competitive advantage. They have to add the shipping cost. These are costs that are added to the product. They have to do it on a single item basis rather than in bulk, because when people call up and say, "Can we have the product?" they have to order and pay the shipping and mailing costs, which far exceed the sales tax in many cases. That is an added expense the local retailer does not have to bear. So Senator BUMPERS may talk about competitive advantage, but it does not exist. Mail order companies do not, let me repeat, do not enjoy a competitive advantage by not having to collect these taxes.

The States have numerous ways to handle the collection of their taxes? In Maine, for instance, we assume that people in each income category have purchased a number of goods from out of State, and the State imposes a presumptive use tax. Maine has devised its own means of collecting taxes for goods purchased across State lines through mail order. Why not let the States handle it without the Senator from Arkansas mandating another rule, where no hearings have been held by the committee on jurisdiction. It is an extensive change. We ought not to undertake it on this particular bill.

Mr. President, as I indicated, I was not aware that this was going to be brought up this evening. But I understand why it was. Last year an agreement was nearly reached involving the voluntary collection of State use taxes. This was negotiated by the direct marketing association and the multistate taxes commission, federation of tax administers, and small businesses. They tried to reach an agreement to reduce the 6,000 taxes down to maybe 46 so that within each State there would be only one rate. Unfortunately, the agreement fell apart in the end.

This amendment is very significant and should not be offered to this bill. I support the majority leader, where he says it is time to file cloture. I hope that we do invoke cloture tomorrow. And to eliminate those amendments including these types of amendments that are being offered tonight on the Senate floor.

Mr. President, I will have more to say tomorrow, but for the moment I will yield the floor.

Mr. BUMPERS. Mr. President, I just want to comment for a minute or two, because I know the other Senator from Maine wishes to be heard.

No. 1, if I were a Senator from Maine I would be making the same speech I just heard. The second biggest catalog sales house in the United States is L.L. Bean from the great State of Maine.

But there is another very cogent point I neglected to make in my opening comments, and that is the State of Maine collects the sales taxes for every dime's worth of goods that L.L. Bean sells in the State of Maine. They do not collect 1 penny for the other 49 States. They are probably in the half billion dollar range now, maybe much more than that. They are the second biggest. I believe Lands' End in Wisconsin is the biggest in the country.

So, No. 1, everybody should understand that under current law, law established in various Supreme Court decisions, any mail order house that maintains a retail outlet in another State has to collect the sales tax for that State. J. Crew, they have retail outlets in Maryland and Virginia. Eddie Bauer has retail outlets in about 15 States. So those companies must collect use taxes when their mail order merchandise goes into States where they maintain retail outlets. It is only when they do not have a retail outlet in a particular State that they do not have to collect use taxes on the mail order goods sent into that State.

To suggest that this does not give mail order houses a competitive advantage when I just got through reading a letter about how this company in Long Beach, CA, lost a $250,000 sale because of a $20,000 savings in the sales tax. Why, of course people price shop. I will fill the record up tomorrow with cases just like it where people tried their very best to make a sale, and they say thank you very much for telling us about it, we will go across the State line and buy the merchandise and bring it back in and save the money.

Mr. President, to say that this amendment is not germane to the Unfunded Mandates bill is something that defies imagination. With the Unfunded Mandates bill, we are talking about the burden that Congress has been putting on the States of this Nation, ordering them how to build their landfills, how to fill the landfill, what their municipal water supplies must do, every kind of environmental regulation we could put on them. They say "we want you to start paying for it."

The thrust of that idea is legitimate. I believe in it. It is a very complex issue. But this amendment says to the States, "Those burdens we have already placed on you, we will help you pay for that." And to say that principle is not germane to this bill makes no sense. We are simply saying we will help you pay for your landfill, if you, State and local government, want us to.

Let me repeat what I started off saying in the beginning: Maine, since it already collects the sales tax from all the sales made off of L.L. Bean—and I misspoke earlier, Senator—it was Lands' End that said they do not think this would be a burden. L.L. Bean has not said that, to my knowledge.

But Maine has the best of all worlds. And I love Maine. I have the utmost respect for my colleagues from Maine. But they are collecting sales taxes on all the sales they make in Maine, but they do not collect a red cent for the merchandise they send into other States through catalog sales. They do not pay for disposing of the catalogs in the local landfill or the packaging they send the merchandise in. The Senator says that is not germane. That is what this bill is all about, trying to help the States.

So, Mr. President, I cannot say it often enough, this amendment gives the States the discretion. It does not require the States to do one blessed thing. It says if the States want to require out-of-State companies to collect use taxes, just as retail outlets in your State have to collect sales taxes, the States can do it. It has only been since 1992 when the Supreme Court ruled in Quill versus North Dakota, that we could even debate this issue here.

Now, Mr. President, this is an idea that will not go away. It will happen, sure as God made little apples. Maybe not on this bill, but it will happen. And the sooner the people in this business understand that, the better off we will all be. I yield the floor.

Ms. SNOWE. Mr. President, I rise in opposition to the amendment that has been offered by the Senator from Arkansas, and I want to associate myself with the remarks made by the Senator from Maine, [Mr. COHEN].

I guess in hearing the arguments presented by the Senator from Arkansas tonight one would think this is a very simple matter. In fact, it would put national marketers and mail order companies as well as consumers at a disadvantage, and certainly would hurt the thousands of jobs that are provided by these companies.

There is no tax advantage for mail order companies, as the Senator from Maine indicated. They have to charge for postal rates, and many times these charges exceed the cost of local taxes or State taxes. Also, mail order companies do not derive the benefits from having their presence in a local community like many of the local merchants and, therefore, do not create additional costs do a local community.

In a State like Maine, we have taken a very reasonable approach. What we have done is require the taxpayer to play a flat rate on their tax return when they file it in April for the amount of the taxes they owe in out-of-State purchases. That is the requirement. Granted, it requires a good-faith effort on the part of the taxpayers in Maine, but it has worked and it is a far better approach than applying this kind of a tax through a bill that has no relation to the issue before us in the Senate.

This amendment would impose a major new burden on many companies throughout the country without the benefit of hearings to explore the ramifications of such a tax on mail order companies. We are not only talking about the imposition of a tax, we are talking about compliance costs, and those are not minimal, if you consider the fact that mail order companies would be required to cope with no less than 46 types of procedures and exemptions from over 6,000 State and local tax rates. The compliance tax alone would be 6.5 times greater for mail order companies than for local retailers who must only contend with one tax rate and one set of exemptions.

The Senator from Arkansas mentioned L.L. Bean. For L.L. Bean, that would cost $500,000 per year for compliance, just in the administrative accounting and legal fees that would be involved, not to mention the fact that, of course, a blended tax rate would mean that for many customers, in fact, for probably half the customers, they would pay more tax than they actually owe. So, of course, that would contribute to a loss of confidence and erode sales for the company. I suspect the 100 million Americans who shop by mail order today would also find such an unfair tax scheme unjustifiable.

This amendment would have an economic impact on everyone. Jobs would be lost in Maine and elsewhere in the country.

This is an unfair imposition, it is an unreasonable administrative burden when there are other approaches that can be taken and, in fact, are being pursued.

As Senator COHEN mentioned, there has been an approach taken by the industry to look at resolving this matter in a way which could be fair to the industry without creating additional and onerous burdens, as well as excessive costs far beyond the local taxes that they would be required to collect, and they are working on such an agreement.

I think we ought to encourage a negotiated settlement that would satisfy both parties without unnecessarily burdening companies or consumers and costing thousands of jobs all across this country.

The revenues raised under this proposal, according to the Senator from Arkansas, would be about $1.6 billion. But, in fact, it would be far less than that when you deduct compliance costs. This amendment would require States to audit out-of-State firms. It would certainly add costs to the States as well as to the mail order companies.

The Senator from Arkansas mentioned that this would benefit local merchants and small businesses, but it is interesting to note that the one organization that represents thousands of small businesses and merchants all across America undertook a survey last year asking their clients whether or not they support such a collection by mail order companies. Only 25 percent said yes and 67 percent said no to such a mandate.

It is because they recognize that it would hurt many local economies across America. It would cost jobs, and the administrative burden would be a nightmare. It would be very difficult to comply with such a mandate and that the tax structure would be so complex that there would be many mistakes in the process of calculation.

I hope that my colleagues in the Senate will oppose the amendment offered by the Senator from Arkansas because, clearly, it would not result in the kind of benefits that he mentioned this evening and certainly would result in the loss of thousands of jobs and additional regulatory costs. Now is not at a time when we can afford these economic losses.

I thank my colleagues and yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, Senator HATCH, the chairman of the Judiciary Committee, has provided a statement which addresses constitutional issues raised earlier today by Senator BYRD with regard to the unfunded mandates legislation. He states in this statement that he is "unpersuaded that there would be any constitutional problem" with the issues raised.

(At the request of Mr. LOTT, the following statement was ordered to be printed in the RECORD:)

Mr. HATCH. Mr. President, I have listened with care to what Senator BYRD has said regarding what he sees as a constitutional question raised by one provision of this unfunded mandates legislation. I appreciate his thoughts on this issue. I am unpersuaded, however, that he has identified a serious constitutional problem. Indeed, I am convinced that a careful analysis will show that his concern is unwarranted.

In the first place, Senator BYRD's concern is not that a provision of S. 1 is facially unconstitutional but merely that it might possibly be applied in an unconstitutional manner. This same objection could be raised against virtually every law. The mere possibility that a provision might be applied in an unconstitutional manner has never been regarded as sufficient to invalidate it. Otherwise, Congress could never enact anything. In any event, if a problem with a possible application of this provision were to arise in the future, that problem would be raised by an implementing bill. It is that future implementing bill that would require reconsideration, not the bill currently before us. In other words, since the concern raised by Senator BYRD relates to one manner in which the provision might be applied, that concern should be raised if and when a later bill adopts that manner. In short, the concerns raised by Senator BYRD are not suited to a facial challenge to the provisions of this unfunded mandates legislation.

Second, even under the speculative possibility raised by Senator BYRD, I am unpersuaded that there would be any constitutional problem with the possibility that he raises. It is noteworthy that Senator BYRD is unable to cite even a single Supreme Court case—or any case from any court, for that matter—in support of his argument that the provision he is concerned about presents constitutional problems. This is not surprising, for his argument is, I believe, unsustainable. Congress can act to sunset legislation through a variety of means. That it might do so through a mechanism that involves administrative agencies does not make that mechanism ipso facto constitutionally suspect. In short, I see nothing in the provision at issue that involves any delegation of legislative powers to agencies, much less any unconstitutional delegation.

Third, it seems clear to me that Senator BYRD misunderstands the provision that he is worried about. This provision specifies a requirement that must under some circumstances be satisfied in order to avoid having a point of order lie. Let's assume for the sake of argument that the requirement was constitutionally defective. All that would mean is that the requirement could not be lawfully satisfied and that a point of order would therefore lie. Were this the case, the Senate could decide whether or not to overrule the point of order.

Mr. President, some people will look for any excuse, however flimsy, to continue imposing burdensome unfunded mandates on States and localities. It is especially amusing that my colleagues on the other side of the aisle who have championed a massive Federal bureaucracy are now invoking an exaggerated, hyperrestrictive version of the doctrine that Congress is limited in the powers that it can delegate to administrative agencies. There is no merit to the argument, and no one should hide behind it.

Ms. MIKULSKI. Mr. President, I rise today to discuss S. 1, the Unfunded Mandate Reform Act. Mr. President, in traveling throughout the State of Maryland, I have heard complaints of local officials who have been forced to balance the needs of their community against compliance with Federal regulations.

These local officials have raised valid concerns over the pressure to implement mandates imposed by Washington with no funds to back it up. I believe we need to work as a partner with our cities, towns, and counties—not as their adversary.

I support the validity of their concerns. I am on their side.

We need to have a better understanding about the costs of Federal mandates—on the public sector and private sector—and help our local partners meet those costs.

I am glad the Senate has finally begun the debate on this important issue. I believe the Unfunded Mandate Reform Act takes an important step toward correcting many of the problems of the past.

This legislation will make Congress estimate the costs of new legislation and regulations on State and local governments and the private sector, specify the means to pay for it, and reduce or eliminate a mandate if adequate funding is not provided.

This bill applies only to new legislation. It does not effect any existing law or program. Furthermore, this legislation exempts any law or regulation that enforces constitutional rights, establishes or enforces laws that prohibit discrimination, provides emergency assistance to State and local governments, pertains to national security or treaty ratification and any bill designated as an emergency by the President and Congress.

While I wholeheartedly support these exemptions, as well as the overall intent of this legislation, I have a number of questions regarding its impact and applicability.

I am very concerned about this bill's impact on laws that are designed to protect public health and safety. Will this bill diminish the Government's ability to protect public health and provide essential public safety?

I am concerned about how this bill defines public and private and how it impacts future laws and programs. Could a mandate exempt the public sector while applying to the private sector? Could public schools be exempt from a mandate while Catholic or other religious day schools would be forced to comply?

Would future emissions standards apply to UPS trucks but not MTA buses?

I am concerned about how Federal agencies will have to implement the complex provisions of this legislation. For example, will Federal agencies be forced to rewrite regulations every year if funding levels change?

I am concerned about confusion this bill may generate to State and local governments and the private sector.

I believe we need laws and regulations that are clear, enforceable, and universally applicable. I support the intent of this legislation and many of its provisions; at the same time I remain concerned over the issues I have outlined. I believe these questions need to be answered before the Senate adopts any unfunded mandates legislation.

REGARDING RELATIONSHIP BETWEEN UNFUNDED MANDATES AND SOUND RISK REGULATION

Mr. JOHNSTON. Mr. President, I want to point out to my colleagues the connection between S. 1, the unfunded mandates bill, and a matter that is close to my heart—the risk assessment and cost-benefit provision that passed the Senate twice on the last Congress, only to die in the House. As my colleagues may recall, it passed by a vote of 95 to 3 on the EPA Cabinet bill in 1993, and then, after significant revision, passed again on the safe drinking water bill in 1994 by a vote of 90 to 8.

One of the best ways to reduce unfunded mandates—whether it be on State and local governments or the private sector—is to set aside the issue of funding and examine whether the mandate itself is sound. Federal regulations that do not address a significant risk in a cost-effective manner must be avoided, regardless of who pays. Put another way, the argument over who should pay for a mandate will be much easier to resolve if the mandate itself is as lean as possible to do the job.

Section 202 of S. 1 begins to get at this idea when it requires the Federal agency, when promulgating a regulation that will cost $100 million or more, to prepare a written statement providing "a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate, such as the enhancement of health and safety and the protection of the natural environment * * *." This is a certainly a good provision as far as it goes.

But this problem will not be fully addressed until the Senate turns once

again to the subject of risk-based regulatory reform. I was initially inclined to offer last year's risk amendment to this bill, but I have been convinced to withhold so that we can consider possible improvements to last year's risk provision.

Right now, Chairman MURKOWSKI and I are working on legislation that will build on last year's provision. We intend to introduce the bill soon, hold hearings in the Energy Committee soon thereafter, and move to consideration of the bill on the Senate floor at the earliest opportunity.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which were referred to the Committee on Governmental Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, without amendment:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Labor and Human Resources.

By Mr. SIMPSON, from the Committee on Veterans Affairs, without amendment:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. SPECTER, from the Select Committee on Intelligence.

Special Report entitled "Committee Activities of the Select Committee on Intelligence for the period January 4, 1993 through December 1, 1994" (Rept. No. 104-4).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on January 18, 1995, she had presented to the President of the United States, the following enrolled bill:

S. 2. An act to make certain laws applicable to the legislative branch of the Federal Government.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-131. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-132. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-133. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-134. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-135. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-136. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-137. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-138. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-139. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-140. A communication from the Chief of Staff of the Office of the Nuclear Waste Negotiator, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 233. A bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 234. A bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON:

S. 235. A bill to amend the Clean Air Act to prohibit the Federal government from requiring State plans to mandate trip reduction measures; to the Committee on Environment and Public Works.

S. 236. A bill to amend the Clean Air Act to repeal the mandatory requirement for State motor vehicle inspection and maintenance programs for ozone nonattainment areas; to the Committee on Environment and Public Works.

By Mr. HOLLINGS:

S. 237. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to use the receipts from the tax to reduce the Federal budget deficit and Federal debt and to finance health care reform; to the Committee on Finance.

S. 238. A bill to create a legislative line item veto by requiring separate enrollment of items in appropriations bills; to the Committee on Rules and Administration.

By Mr. SHELBY (for himself, Mr. NICKLES, Mr. BURNS, Mrs. HUTCHISON, Mr. LOTT, Mr. PACKWOOD, Mr. PRESSLER, Mr. INHOFE, Mr. THOMAS, and Mr. BROWN):

S. 239. A bill to require certain Federal agencies to protect the right of private property owners, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. HATCH, Ms. MIKULSKI, Mr. BENNETT, Ms. MOSELEY-BRAUN, Mr. LOTT, Mrs. MURRAY, Mr. MACK, Mr. JOHNSTON, Mr. FAIRCLOTH, Mr. CONRAD, Mr. BURNS, Mr. CHAFEE, Mr. GORTON, Mr. HELMS, Mr. KYL, Mr. THOMAS, Mrs. HUTCHISON, Mr. SANTORUM, and Mr. PELL):

S. 240. A bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 241. A bill to increase the penalties for sexual exploitation of children, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. BREAUX, Mr. KENNEDY, Mr. REID, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. FORD, Mr. DODD, and Mr. KERRY):

S. 242. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of tuition for higher education and interest on student loans; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. BYRD, Mr. ROCKEFELLER, and Ms. MIKULSKI):

S.J. Res. 20. A joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; from the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. DORGAN (for himself, Mr. DODD, and Mr. HARKIN):

S. Res. 63. A resolution to express the sense of the Senate regarding calculation of the Consumer Price Index; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMPSON:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 233. A bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes; to the Committee on Governmental Affairs.

THE REPORTING REQUIREMENTS SUNSET ACT

Mr. MCCAIN. Mr. President, I introduce legislation that would terminate the statutory requirement for all congressionally mandated reports, except for those required under the Inspector Generals Act and the Chief Financial Officers Act, 5 years after its enactment. The Reporting Requirements Sunset Act of 1995 is almost identical to legislation (S. 1971) that I introduced in the last Congress. This bill would also require the President to identify which reports he feels are unnecessary or wasteful in his next budget submission to Congress, a measure which will hopefully spur the Congress to swiftly dispose of those specific reports.

This proposal is intended to address the growing problem of the thousands of reports the Congress is burdening the executive branch with each year. Each year, Members of Congress add layer upon layer of onerous paperwork requirements upon executive branch agencies by mandating various reports. This problem has a very real and substantive cost to taxpayers in terms of wasting hundreds of millions of dollars, in addition to taking up untold number of work-hours by Federal employees, and draining vast amounts of other agency resources that could be far better utilized in more worthy endeavors.

The Vice President's National Performance Review determined that in 1993 alone the Congress mandated that the Office of the President and executive branch agencies to prepare over 5,300 reports. This is a problem that is reaching truly epic proportions of unnecessary and wasteful papershuffling.

I have based this legislation upon the official list of congressionally mandated reports which is published each Congress by the Clerk of the House of Representatives. It is the most comprehensive compilation available. Let me give just a few examples of the type of reports I am talking about. Each year, the following are required to be sent to the Congress from Federal agencies: a report on activities involving electric and hybrid vehicle research; a report on the United States-Japan Cooperative Medical Science Program; another on the number of customs service undercover operations commenced, pending, and closed; and finally, a report on the transportation, sale, and handling of animals for research and pets.

Is the continued research, preparation, and production of these types of reports—and thousands more, all at taxpayers' expense—really necessary? I think the answer is likely no, Mr. President, and I am confident most people determined to reduce the size and cost of Government will agree.

This problem of foisting massive reporting requirements on Federal agencies is extremely expensive. The Department of Agriculture alone spent over $40 million in taxpayers money in 1993 to produce the 280 reports it was required to submit to the Congress. That is astounding, Mr. President—$40 million in taxpayer dollars spent by a single department on reports mandated by the Congress. At a time when our country is struggling to alleviate the burdens of the middle class and also address the urgent needs of our citizenry, this is an especially egregious waste of money.

Furthermore, this problem is getting worse with each passing year. The GAO stated that in 1970, the Congress mandated only 750 recurring reports from Federal agencies. Now we have spiraled well past 5,300, and the GAO determined that "Congress imposes about 300 new requirements on Federal agencies each year." Clearly, Mr. President, the wasteful blizzard of paperwork that Vice President GORE criticized is becoming an avalanche, and it's time for the Senate to take decisive action to remedy it.

This legislation would terminate the statutory requirement for all congressionally mandated reports 5 years after it is signed into law, with two specific exceptions. The reports to be exempted are those required under the Inspector Generals Act of 1978 and the Chief Financial Officers Act of 1990. The Inspector Generals Act requires the Congress to be advised of activities regarding investigations into waste, fraud, and abuse in Federal agencies; and the CFO Act requires agencies to provide financial information about their short- and long-term management of agency resources.

I believe the reports required by these two laws are very important and merit continuation, and I also recognize that there are many other reports that my colleagues feel have great value because of the information they provide to the Congress. Such reports can simply be reauthorized at any time in the 5 years before this amendment would sunset them.

Mr. President, it's time we put an end to this cycle of waste and misspent resources. The adoption of this legislation would be a strong contribution toward downsizing Government as the American people are calling on us to do. I urge my colleagues to support this legislation and remove the millstone of unnecessary and costly paperwork that Congress has hung around the neck of the Federal Government for too long.

By Mr. CAMPBELL (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 234. A bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes; to the Committee on Environment and Public Works.

MOTORCYCLE SAFETY LEGISLATION

Mr. CAMPBELL. Mr. President, today, I rise to introduce legislation which will provide relief to 25 of those States that have been penalized by one such mandate. The Intermodal Transportation Act of 1991 penalized States which did not pass laws mandating seatbelt and helmet usage by October 1, 1993. The penalties involve a required transfer of scarce transportation and construction dollars to section 402 safety programs. The penalties are assessed regardless of whether the State already has the funds dedicated to safety programs and regardless of the State's individual safety record.

Like many of my colleagues, Mr. President, I am not opposed to safety programs and I certainly support them. I am not opposed to the use of helmets. On the contrary, I am opposed to the Federal Government blackmailing States, as many other Senators are. It is not a good policy to force States to channel funds from one transportation activity to another, using threats of withholding Federal money for these programs.

This bill would give States the option of implementing their own safety programs, which they can tailor to the specific needs of their individual States. If they choose to design a safety program or already have such a program in place, it would not be subject to the section 153 penalties. They still would have the option of passing such laws if they want it. In fact, it would not mandate that any States repeal existing laws.

I believe encouraging and providing support to States and local communities to establish training programs would be a much more effective means of improving motorcycle safety on the roads and the highways. The Federal Government should redirect their role to establishing basic guidelines regarding the programs, rather than forcing States to dip from one transportation fund to another.

Mr. President, as the Senate has been debating the issue of unfunded mandates, I am introducing legislation that will provide options and relief to the 25 States which have been financially penalized under the Intermodal Surface Transportation Act of 1991 for not having passed laws mandating helmet use by the deadline of October 1, 1993. This is not only a burdensome Federal mandate placed on the backs of State legislatures, but also an erosion of civil liberties and personal freedom.

Twenty-five States face penalties in fiscal years 1995, 1996, and 1997. In accordance with ISTEA, they are required to transfer scarce transportation and construction dollars to section 402 safety programs.

This shift will force States to spend 10 to 20 times the amount they are currently spending on section 402 safety programs. These penalties are assessed regardless of whether the State already has funds dedicated to helmet safety programs and regardless of the State's individual safety record.

Initially, these States are being forced to shift 1.5 percent of their Federal highway dollars. This transfer effects three programs: the National Highway System, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Improvement Program. Those States which did not enact helmet laws by September 30, 1994, are required to shift 3 percent of their Federal highway funds from these important programs into safety programs.

My bill would repeal the section 153 penalties and, upon enactment of this legislation, gives States until fiscal year 1996 to either pass helmet laws, or establish motor safety programs, exempting those States which already have safety programs in place.

Mr. President, let me be clear. I am not opposed to people wearing helmets. Quite the contrary. What I am opposed to is the Federal Government blackmailing States to pass laws. It simply is not good policy to force States to funnel funds from one State transportation activity to another. It should be pointed out that the money the Federal Government wants to redirect, is tax revenue already paid by State residents.

Safety education programs are desirable. That is the point of my bill. I firmly believe, and I'm sure my colleagues would agree, that we must do everything we can to make our roads and highways safer.

My bill would give States the option of implementing safety programs, instead of mandating the use of helmets and remove the section 153 penalties.

My own State of Colorado has no helmet law. The Colorado Legislature has repeatedly shot down any attempt to implement one.

Colorado, however, has a motorcycle fatality rate almost 30 percent below the average for States with mandatory helmet laws. Of the top 12 States with the best motorcycle safety records, only one has a helmet law. On the other hand, half of the 12 States with the worst safety records have helmet laws.

Comparing States with and without mandatory helmet laws as a whole, figures show that for the 14-year period between 1977 and 1990, States with mandatory helmet laws had 12.5 percent more accidents and 2.3 percent more fatalities than States that did not mandate helmet usage.

In the past decade, motorcycle fatalities have decreased 38 percent and accidents have plummeted 41 percent. These figures are particularly impressive because the Federal Highway Administration estimates that the average vehicle miles traveled by motorcyclists has increased 85 percent since 1975. These statistics are unmatched by any other category of road user—passenger or commercial.

What can account for this decrease in accidents and fatalities? Evidence clearly indicates that the most effective way to reduce motorcycle accidents and motorcycle fatalities is through comprehensive education programs, as opposed to mandating helmet usage. Currently 42 States have established and funded some sort of safety program.

The national average of motorcycle fatalities per 100 accidents is 2.95. States with rider education programs and no helmet laws, however, have the lowest average death rate, 2.56 fatalities per 100 accidents. States with mandatory helmet laws and no rider education programs have a significantly higher rate of 3.09 fatalities per 100 accidents.

Police accident reports indicate that well over 45 percent of motorcyclists involved in accidents did not have a motorcycle license, 92 percent did not have any rider training, and over 50 percent had less than 6 months riding experience. Some 62 percent of the accidents and 50 percent of the fatalities involved riders between the ages of 17 and 26. Clearly, mandating helmet use will not address the real problem of rider inexperience and lack of training.

I believe that encouraging and providing support to States and local communities to establish motorcycle training programs would be a much more effective means of improving motorcycle safety on our roads and highways. The Federal Government should redirect its role to providing uniform national guidelines regarding these safety programs, rather than mandating where the money to pay for them should come from.

I realize the motivations behind ISTEA and those who wish to force States into passing helmet and seatbelt laws are doing so out of concern for the safety of the traveling public, but I think their efforts are misguided.

Forcing States to pass laws, or throwing money at safety programs is not the answer. Throughout my career in politics, I have always strived to protect the interest of States and communities by allowing them to make the important decisions on how their affairs should be conducted. When Congress blackmailed the States regarding highway speed limits, I thought that was wrong. The same goes for helmet laws. I have stuck with the philosophy that each State and each community should, to the best of their abilities, be allowed to make its own policy decisions.

I own a motorcycle, that's no secret. Where helmets are required to be worn, I wear them. Where they are not, I don't. I make no bones about the fact that my dislike for the Federal mandate requiring States to pass helmet laws is in part inspired by my interest in motorcycling. But, I also think personal freedom is an issue. I am prochoice. I do not think the Federal Government should dictate to the States, or its citizens, on matters of individual liberty. The choice of wearing a helmet, or not doing so, should be left up to the individual—not forced by Government extortion. And those who contend that it is not simply a personal responsibility because motorcyclists who choose not to wear helmets can become a public burden, are using faulty logic. It would then follow that we should mandate helmets for skiers, horsemen, skateboarders, and automobile drivers.

Mr. President, in closing, I want to strongly encourage my colleagues to reconsider the position Congress took in ISTEA in mandating that States pass helmet and seatbelt laws. It is wrong to blackmail the States into passing laws. And, if motorcycle safety programs are desired, we should work toward establishing effective program guidelines, rather than force States to dip from one transportation pot to fill another.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF A MOTORCYCLE HELMET AND MOTORCYCLE SAFETY PROGRAM.

Section 153(h) of title 23, United States Code, is amended—

(1) by striking "(1) FISCAL YEAR 1994.—If," and inserting the following:

"(2) SAFETY BELTS.—

"(A) FISCAL YEAR 1994.—If,";

(2) by striking "(2) THEREAFTER.—If'' and inserting the following:

"(B) THEREAFTER.—If,"; and

(3) in paragraph (2) (as amended by paragraphs (1) and (2)), by striking "subsection (a)(1) and a law described in" each place it appears;

(4) by inserting under the subsection heading the following:

"(1) MOTORCYCLE HELMETS.—

"(A) FISCAL YEAR 1996.—If, at any time in fiscal year 1996, a State does not have in effect a law described in subsection (a)(1) or a motorcycle safety program administered or authorized by the State to reduce motorcycle accidents and fatalities, the Secretary shall transfer 1½ percent of the funds apportioned to the State for fiscal year 1997 under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.

"(B) THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 1996, a State does not have in effect a law described in subsection (a)(1) or a motorcycle safety program administered by the State to reduce motorcycle accidents and fatalities, the Secretary shall transfer 3 percent of the funds apportioned to the State for the succeeding fiscal year under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of this title to the apportionment of the State under section 402 of this title.".

By Mr. HOLLINGS:

S. 237. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to use the receipts from the tax to reduce the Federal budget deficit and Federal debt and to finance health care reform; to the Committee on Finance.

THE DEFICIT AND DEBT REDUCTION AND HEALTH CARE FINANCING ACT OF 1995

Mr. HOLLINGS. Mr. President, I rise to introduce the Deficit Reduction and Health Care Financing Act of 1995. This bill would create a 5-percent national value-added tax, with all revenues set aside in a trust fund to finance deficit reduction and health care reform. Let me be clear, I offer this bill under duress. But it is the only way I know—in tandem with deeper spending cuts—to deal with the fiscal recklessness that has gotten out of hand in this city.

It's time we stopped running government based on the promise of pollsters and started thinking about performing for the people. Today, I propose a 5-percent national value-added tax without exemptions. The VAT is essentially like a national sales tax. Traditionally, there have been three principal objections to a VAT: First, it is regressive; second, it is too complicated; third, it raises too much money and would cause waste. Let me address each of these objections in turn.

First, the issue of regressivity. I agree, but all taxes are inherently regressive. With a consumption tax, the more you consume, the more you pay; the less you consume, the less you pay. The VAT does fall disproportionately on lower income brackets. But the VAT is not nearly as regressive as interest costs on the national debt. It is not nearly as regressive as the debt's inflationary impact on the economy, which disproportionately harms the poor.

Second, it is said that the VAT is too complicated. Well, it's certainly not too complicated for the Japanese, the Koreans, and every member of the European Economic Community. Moreover, we can draw on the lessons of these other countries as well as the experiences of the States with sales taxes in order to minimize such complications.

Third, some say that a VAT would raise too much money. This is a dream. We will need ever dime raised by a 5-percent VAT, plus savings from additional steep spending cuts, in order to eliminate the deficit. Even then, it will take years to pay down the debt and to put government back in the black.

A VAT will help us not only to eliminate the deficit but also to pay cash on the barrelhead for health reform. Additionally, moving to border-rebatable taxes will contribute to eliminating our other great deficit—the trade deficit. At present, our overseas competitors rebate to their manufacturers the VAT on all goods exported to the United States; those manufacturers' other in-country taxes are relatively low. In stark contrast, producers in the United States pay property taxes, income taxes, excise taxes, Social Security taxes and much more; then, when their goods are shipped overseas, the importing country slaps a fat VAT tax on top of all those other taxes. This does tremendous harm to the competitiveness of U.S. products abroad. It makes it financially attractive to produce outside the United States, and represents at least a 15-percent disadvantage in international trade. A U.S. VAT would eliminate this disadvantage. With good reason, Lester Thurow of MIT says that "the rules of international trade make you stupid if you don't have a VAT."

I have no illusions as to the political trauma involved in enacting a new tax. There is never a good time to raise a tax. But as we continue to wait for a propitious moment, our financial crisis worsens every day. It's time to put government back on track with difficult belt-tightening and and honest taxes. I propose a single, ultra-simple reform—a reform that would transform the reputation of Congress in the eyes of the American people. That reform is to put the U.S. Government on a pay-as-you-go basis.

By Mr. HOLLINGS:

S. 238. A bill to create a legislative line-item veto by requiring separate enrollment of items in appropriations bills; to the Committee on Rules and Administration.

THE LEGISLATIVE LINE-ITEM VETO SEPARATE ENROLLMENT AUTHORITY

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation which would provide Congress and the President with an additional weapon to eliminate wasteful and unnecessary appropriations and thereby reduce the Federal deficit. This bill, a statutory, separate enrollment line-item veto, is identical to a measure previously considered by the 99th and reported favorably by a bipartisan vote out of the Senate Budget Committee on July 25, 1990. During the 103d Congress, a similar amendment offered by myself and Senator BRADLEY received the support of 52 Senators.

Today, 43 States have, in one form or another, a line-item veto allowing the chief executive to limit legislative spending. As a former Governor who inherited a budget deficit in a poor State, I can testify that a line-item veto is invaluable in imposing fiscal restraints.

The fiscal problems of our Nation have been painfully documented. Our Government continues on annual deficit binges that have pushed our total deficit past $4.7 trillion. For years now, we have been toying with freezes, asset sales, and sham summits, but the deficit and debt continue to grow.

The American taxpayer, as well as the Congress, have grown weary of the smoke and mirrors and are past ready for new measures that will help to put our country back in the black. If every there was a problem that needed to be attacked from every particular angle, it is this deficit.

Mr. President, I welcome President Clinton's strong support for the line-item veto initiative and his continuing resolve to attack the burgeoning deficit monster. In order to hold him to that commitment, we should send him into battle well armed. By restoring accountability and responsibility throughout the appropriations process, the line-item veto would force Members of Congress and the President to stop fixing the blame and start fixing the problem.

In order to provide greater flexibility in the legislative process, this legislation provides that each item shall be enrolled as a separate bill and sent to the President for his approval. Therefore, each item of an appropriations bill would be subject to veto or approval, just like any other bill, and the override provisions found in article I of the Constitution would apply in the case of a veto. An item is defined as any numbered section and any unnumbered paragraph of an appropriations bill. The enrolling clerk would merely break an appropriations bill down into its component parts and send each separately enrolled provision to the President.

Finally, this legislation also contains a 2-year sunset provision allowing for a reasonable testing period and requiring an evaluation of the line-item veto's success. I have no question but that it will be demonstrated to be a modest, but effective, method of restraining fiscal profligacy. I hope that Senators will join me in this effort, and I ask unanimous consent the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—SEPARATE ENROLLMENT AUTHORITY LEGISLATIVE LINE ITEM VETO

"SEC. 1101. (a)(1) Notwithstanding any other provision of law, when any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations passes both Houses of the Congress in the same form, the Secretary of the Senate (in the case of a bill or joint resolution originating in the Senate) or the Clerk of the House of Representatives (in the case of a bill or joint resolution originating in the House of Representatives) shall cause the enrolling clerk of such House to enroll each item of such bill or joint resolution as a separate bill or joint resolution, as the case may be.

"(2) A bill or joint resolution that is required to be enrolled pursuant to paragraph (1)—

"(A) shall be enrolled without substantive revision;

"(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this title); and

"(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

"(b) A bill or joint resolution enrolled pursuant to subsection (a)(1) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

"(c) For purposes of this concurrent resolution, the term 'item' means any numbered section and any unnumbered paragraph of—

"(1) any general or special appropriation bill; and

"(2) any bill or joint resolution making supplemental, deficiency, or continuing appropriations.".

(b) The amendment made by subsection (a) shall apply to bills and joint resolutions agreed to by the Congress during the two-calendar-year period beginning with the date of the enactment of this Act.

By Mr. SHELBY (for himself, Mr. NICKLES, Mr. BURNS, Mrs. HUTCHISON, Mr. LOTT, Mr. PACKWOOD, Mr. PRESSLER, Mr. INHOFE, Mr. THOMAS, and Mr. BROWN):

S. 239. A bill to require certain Federal agencies to protect the right of private property owners, and for other purposes; to the Committee on Governmental Affairs.

PRIVATE PROPERTY OWNERS BILL OF RIGHTS

Mr. SHELBY. Mr. President, today I am introducing a bill to address the continued deterioration of individual property rights. Environmental regulations are increasingly interfering with the ability of private property owners to use and develop their land. Contrary to popular belief, protecting the property rights of individuals and protecting our environment are not mutually exclusive principles.

All too often, I hear stories that landowners are being deprived of the ability to build a house because the Corps of Engineers has designated their property as a wetland; or the U.S. Fish and Wildlife Service has prohibited cultivation of land for fear it might jeopardize an endangered species. A landowner may even be required to pay exorbitant mitigation fees or fines in order to regain the use of their property. That is, of course, if they are lucky enough to regain the right to use their property.

Not only does the enforcement of such land use statutes abuse the rights of the property rights owners, but they impose the cost of enforcing these public goods on individual owners rather than the public at large. If the land is regulated in the name of a public good, surely we can distribute the cost among the public as well.

The mounting cases regarding regulatory takings necessitate Congressional action. The Domenigoni family experience is a good example. Cindy and Andy Domenigoni are fifth generation farmers in Riverside County, CA. First cultivated in 1879, their farm has traditionally been home to the Stephen's kangaroo rat, which was listed as an endangered species in 1988.

In 1990, Fish and Wildlife Service officials ordered them to stop cultivating their 800 tillable acres and warned them that disking this land would warrant their arrest. Punishment for disking land that had been cultivated for the previous 100 years would now result in jail time, a $50,000 fine, or both.

As a result, the Domenigonis' land lain idle, producing no crops for 4 years. They lost $75,000 in foregone crops each year and incurred another $100,000 loss in biological consultation fees, legal fees, and other costs associated with fighting this regulatory taking.

Ironically, on November 1, 1993, shortly after devastating southern California fires destroyed thousands of acres of kangaroo rat habitat, FWS biologist John Bradley determined that the rats had left the area before the fire, because the years of leaving the fields fallow had made the brush and weeds grow too thick for the rats.

I must say this kind of policy is reckless and haphazard. When elected to the Senate, we had to take an oath to uphold the Constitution of the United States. I do not believe confiscating the economic value of ones property would be considered upholding the Constitution. Indeed, I believe most would agree that such action is nothing less than the taking of property without compensation.

In another case, Mr. and Mrs. Howard Heck were denied building on their 25 acres of land because a federally threatened plant species was "within 5 miles of the proposed project site." Mr. Heck has said, "We were proud to be Americans in a land where * * * our children were to have the opportunity to achieve any goal we wanted. Now we are ashamed of our country and Government that allows the bureaucrats to steal from its citizens * * *."

I, too, am ashamed the Government in this Nation can effectively steal the economic value of one's land and rob this elderly couple of their dignity and peace during their remaining years on this Earth.

In still another instance, a Corps field agent to the regional chief of enforcement signed a memo stating a particular family in Maine, "would be a good one to squash and set an example * * *."

The Government of the United States of America has no business "squashing" hard working Americans or plundering away their wealth. The very reason the Constitution was established was to protect individuals, not to harm them. The atrocities previously mentioned need to be addressed with a clearly defined policy for Federal agencies in order to stop the abuse of Government bureaucrats.

The two laws most responsible for imposing the heavy burden on property ownership are the Endangered Species Act and section 404 of the Clean Water Act.

Although the intention of these acts is commendable, they have created perverse incentives for private property ownership. Individuals are reluctant to develop or build on land for fear the Fish and Wildlife Service, the Corps of Engineers or the EPA will soon visit. A visit from the IRS is more welcome than a visit from these Federal agencies.

The negative impact of these perverse incentives directly affect the housing and agricultural industries as well as many others. Every house that is not built and every farm that is not cultivated costs us jobs. Not only do the present policies crush an individual's hopes and dreams, but it hinders those still trying to achieve them.

As a result of the inequities in the current policies, Senator NICKLES and I are reintroducing legislation entitled the, "Private Property Owners Bill of Rights." This bill would insure that private property owners are protected by the Federal Government, its employees, agents, and representatives.

Our bill requires notice and consent from property owners before Federal agencies and their agents can enter a private property owners land for purposes of the Endangered Species Act or wetlands laws.

In addition, this legislation ensures that property owners rights are considered and respected when agency decisions or actions are taken pursuant to these two laws by providing an administrative appeals process. The process calls for the owner to be given access to the information collected, a description of the way the information was collected, and an opportunity to discuss the accuracy of the information.

Lastly, and most importantly, it requires the agency itself to determine whether a taking has occurred and if so to compensate the private property owner for the loss in fair market value of the property. A property owner who is deprived of at least 20 percent or more of the fair market value of $10,000 or more is entitled to receive compensation. The agency would be required to pay the fair market value of the property if purchased or the difference between the fair market value of the property without the restrictions and the fair market value of the property with restrictions.

I believe our legislation addresses the serious problem of property rights abuse. It will enhance the foundation necessary for contracts and commerce and in doing so, will foster an environment essential to achieving the American Dream.

I strongly urge my colleagues to cosponsor this legislation and support this cause on behalf of every property owner in America.

I ask unanimous consent that the following Senators be listed as original cosponsors of this legislation: Senator NICKLES, Senator BURNS, Senator HUTCHISON, Senator LOTT, Senator PACKWOOD, Senator PRESSLER, Senator INHOFE, Senator THOMAS, and Senator BROWN.

Mr. NICKLES. Mr. President, of all the freedoms we enjoy in this country, the ability to own, care for, and develop private property is perhaps the most crucial to our free enterprise economy. In fact, our economy would cease to function without the incentives provided by private property. So sacred and important are these rights, that our forefathers chose to specifically protect them in the fifth amendment to the U.S. Constitution, which says in part, "nor shall private property be taken for public use, without just compensation."

Unfortunately, Mr. President, some Federal environmental, safety, and health laws are encouraging Government violation of private property rights, and it is a problem which is increasing in severity and frequency. we would all like to believe the Constitution will protect our property rights if they are threatened, but today that is simply not true. The only way for a person to protect their private property rights is in the courts, and far too few people have the time or money to take such action. Thus many citizens lose their fifth amendment rights simply because no procedures have been established to prevent Government takings.

Mr. President, many people in the Federal bureaucracy believe that public protection of health, safety, and the environment is not compatible with protection of private property rights. I disagree. In fact, the terrible environmental conditions exposed in Eastern Europe when the cold war ended lead me to believe that property ownership enhances environmental protection. As the residents of East Berlin and Prague know all too well, private owners are more effective caretakers of the environment than communist governments.

Yet the question remains, how do we prevent overzealous bureaucrats from using their authority in ways which threaten property rights?

Mr. President, today I rise to join my colleague Senator RICHARD SHELBY of Alabama in introducing legislation which will strengthen every citizen's fifth amendment rights. Our bill, the Private Property Owners Bill of Rights, targets two of the worst property rights offenders, the Endangered Species Act and the wetlands permitting program established by Section 404 of the Clean Water Act.

Mr. President, our bill requires Federal agents who enter private property to gather information under either the Endangered Species Act or the wetlands permitting program to first obtain the written consent of the landowner. While it is difficult to believe that such a basic right should need to be spelled out in law, overzealous bureaucrats and environmental radicals too often mistake private resources as their own. Property owners are also guaranteed the right of access to that information, the right to dispute its accuracy, and the right of an administrative appeal from decisions made under those laws.

Most importantly, the Private Property Owners Bill of Rights guarantees compensation for a landowner whose property is devalued by 50 percent or more by a Federal action under the Endangered Species Act or wetlands permitting program. An administrative process is established to give property owners a simple and inexpensive way to seek resolution of their takings claims. If we are to truly live up to the requirements of our Constitution, Mr. President, we must make this commitment. I believe this provision will work both to protect landowners from uncompensated takings and to discourage Government actions which would cause such takings.

Mr. President, the time has come for farmers, ranchers, and other landowners to take a stand against violations of their private property rights by the Federal bureaucracy. The Private Property Owners Bill of Rights will help landowners take that stand.

Mr. BURNS. Mr. President, today I join my colleague from Alabama, Senator SHELBY in introducing a bill which would protect individual's private property rights.

This bill, the Private Property Owners Bill of Rights, would provide a consistent Federal policy to encourage, support, and promote the private ownership of property and to ensure the constitutional and legal rights of private property owners.

Private property rights are protected by the fifth amendment of the Constitution. Yet, many laws have been encroaching further and further on this right. The bill we are introducing today is very important to Montana because it makes the Federal Government respect and protect private property rights when enforcing the Endangered Species Act and the Clean Water Act. Montana's private property owners have been greatly impacted by these two laws.

In Montana a couple years ago, I saw a headline which read "Judge Says Grizzlies Have 'People Rights'." This article ran in an agriculture trade publication. The story was about John Shuler of Choteau who shot a grizzly bear in 1989 after he found three of these bears in his sheep pen. He originally fired the shot to scare the bears away, but when one bear charged him, he was forced to shoot that bear. For those who may not be aware, the grizzly is protected under the Endangered Species Act.

The judge ruled that the Endangered Species Act's self-defense exception must meet the same requirements used in criminal law for humans. The judge then ruled that since this rancher had stepped off his porch, to protect his investment, he "Purposefully placed himself in the zone of imminent danger of a bear attack". According to this judge, the rancher didn't have the right to protect his property. Folks, that's wrong.

The Private Property Owners Bill of Rights would create an administrative appeals process for affected property owners. And the bill establishes a framework so private property holders can seek and obtain compensation.

In addition, before a Government official can enter private land, they must have consent from the land owner. If information is collected on private property, this information cannot be used unless the private individual has full access to the information and has the right to dispute the accuracy of the information. The bill also establishes the right to administratively appeal decisions regarding wetlands and critical habitat of a listed species.

Montanans believe that protecting private property is of utmost importance. And this bill reinforces the Government's responsibility to protect property rights and will help get the Federal Government off the backs of Montana's working men and women.

I believe strongly in every American's private property rights and this bill should be signed into law.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. HATCH, Ms. MIKULSKI, Mr. BENNETT, Ms. MOSELEY-BRAUN, Mr. LOTT, Mrs. MURRAY, Mr. MACK, Mr. JOHNSTON, Mr. FAIRCLOTH, Mr. CONRAD, Mr. BURNS, Mr. CHAFEE, Mr. GORTON, Mr. HELMS, Mr. KYL, Mr. CRAIG THOMAS, Mrs. HUTCHISON, Mr. SANTORUM, and Mr. PELL):

S. 240. A bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act; to the Committee on Banking, Housing, and Urban Affairs.

THE PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

• Mr. DOMENICI. Mr. President, I introduce a bill on behalf of Senator DODD, myself and 15 other Senators on both sides of the aisle which will return some fairness and common sense to our broken securities class action litigation system. The system as it currently operates encourages the quick filing of frivolous complaints by entrepreneurial class action attorneys, and costs businesses countless amounts of time and money to defend against and settle these strike suits. In cases of real fraud, the system often leaves injured investors with pennies on the dollar for their losses, while plaintiffs' lawyers take a substantial amount of the settlement. In short, the current securities litigation system rarely benefits anyone except for plaintiffs' attorneys, and victimizes innocent companies and investors.

The list of companies that have been hit with frivolous securities suits reads like the who's who of high growth, high-technology businesses. In fact, 19 of the 30 largest companies in Silicon Valley have been sued since 1988. They are the backbone of our economy and the foundation of our ability to compete in the new global marketplace. During 2 days of hearings on securities litigation conducted by Senator DODD back in 1993, we heard from CEO's who had been involved in frivolous securities class actions first hand. Their testimony indicated that:

Companies get sued when their stock price drops.

Companies also get sued by shareholders for settling securities suits.

Frivolous litigation is time consuming and distracts CEO's and other corporate officers from economically productive activity.

Defending a securities lawsuit often is as costly as starting up a new product line.

The general counsel for the Intel Corp. testified that if Intel had been sued when it was a start-up company, that such a suit probably would have bankrupted the company before it invented the microchip. We cannot afford to allow the current system to snuff out this sort of innovation.

Frivolous litigation also adversely affects investors by drawing scarce resources away from productive activity, which is then reflected in a company's stock price. Arthur Levitt, Chairman of the Securities and Exchange Commission, stated in testimony before the House in August 1994, that "when issuers and others pay substantial sums to deal with frivolous lawsuits, significant costs are imposed on the process of capital-raising and on business, costs that ultimately will be borne by all shareholders".

Instead we must put a stop to the race-to-the-courthouse game played by plaintiffs' class action attorneys, in which they file lawsuits within hours of news that a company came up short on an earnings projection or will be forced to delay the introduction of a new product line. Information provided to the Senate Securities Subcommittee by the National Association of Securities and Commercial Law Attorneys [NASCAT] suggests that 56 percent of the class actions that they hand-picked to provide to the subcommittee were filed within 30 days of a triggering event, like a missed earnings projection. Twenty-one percent of the cases were filed within 48 hours of the triggering. The stock price drops and class action suits are filed quickly with little due diligence done to investigate each of the elements necessary for a successful 10b-5 case.

Many academics and those familiar with our securities class action system also agree that the securities litigation system encourages the filing of frivolous suits. Jonathan Macey, a law professor at Cornell University believes that most securities class actions are frivolous. "The facts show that every time a firm's share price drops by enough that it's profitable for plaintiffs' lawyers to bring a lawsuit, they do", he said recently. Janet Cooper Alexander at Stanford University has proven that most class actions are settled without regard to whether the case has merit. Chairman Levitt has acknowledged that "virtually all securities class actions are settled for some fraction of the claimed damages, and some allege that settlements often fail to reflect the underlying merits of the cases. If true, this means that weak claims are overcompensated and strong claims are undercompensated."

In case you don't believe that class action attorneys are filing frivolous suits, take a look at the article the Wall Street Journal ran last week on January 11. It provides an excellent example of the cookie-cutter complaints which often form the basis of these million-dollar lawsuits. It documents a case against Philip Morris filed within 48 hours of the company's announcement of a price cut on one of its brands of cigarettes. The case was dismissed after the judge noticed that the plaintiffs' attorneys had filed two separate suits which alleged that Philip Morris had engaged in fraud to create and prolong the illusion of their success in the toy industry. As you might well know, Philip Morris doesn't make toys.

But this is how the current system works. Plaintiffs' lawyers race to the courthouse, file frivolous suits without any research into their validity, and companies normally may pay something to make them go away. Because usually, plaintiffs' lawyers don't make the glaring mistake they made in the Philip Morris case and forget to delete the word "toy" from their complaint. Judges rarely dismiss these cases without such a blunder. Companies continue to get sued and are forced to settle frivolous cases. Our bill will eliminate these poorly researched, kitchen, sink complaints.

Plaintiffs' lawyers often sue not only the issuer company, but their officers and directors, accountants, lawyers, and underwriters. These cases are brought under joint and severable liability, which means that any one defendant could be made to pay the entire judgment even if he or she was only marginally responsible. This increases the pressure to settle even the most frivolous cases.

Our bill adopts the State law trend of imposing proportionate liability, liability according to relative fault. Our bill retains joint severable liability for the really bad actors, but provides proportionate liability for those parties only incidentally involved. However, our bill contains a provision which deals with the problem of insolvent defendants and small investors. We believe that this provision strikes the correct balance and returns fairness to the system.

Our bill also allows for alternative dispute resolution as an alternative to costly and time-consuming litigation. One reason these cases settle regardless of the merits is that it costs so much to get through what lawyers call discovery, the process of exchanging information before a trial. By allowing for ADR, we hope to reduce those costs. Our bill also requires specificity in pleading securities fraud, a requirement imposed on every other fraud action under rule 9(b) of the Federal rules. This provision will reduce the number of fishing expedition lawsuits, like the one in the Philip Morris case.

Even in cases of real fraud, the current system allows investors to recover on average about 6 cents on the dollar, while plaintiffs' lawyers take on average between 30 and 33 percent of the settlement fund. One plaintiffs' class action lawyer boasted in Forbes magazine that securities class action cases are a great practice because there are no clients. Yet these clientless lawyers claim to be acting in the best interests of the class.

Once a settlement is reached, the entrepreneurial lawyer with no clients becomes an adversary of the plaintiffs' class. The lawyers' interest shifts to protecting the settlement. "At its worst, the settlement process may amount to a covert exchange of a cheap settlement for a high award of attorney's fees," according to John Coffee of Columbia University. Professor Coffee also has noted that plaintiffs' attorneys in many securities class actions appear to "sell out their clients in return for an overly generous fee award."

Under our bill, plaintiffs' lawyers will no longer be able to sell out their clients for huge fee awards. Our bill allows judges to appoint a plaintiff steering committee or guardian ad litem at the request of the class to ensure that the attorneys act in the best interests of their clients. Clients, not lawyers, will be in charge of the litigation, and will be able to make the important decisions like when to settle, when to dismiss their attorneys, or when to proceed to trial.

Our bill also eliminates pet plaintiff fees, bonus awards plaintiffs' attorneys pay to individuals to act as class representatives, regardless of the number of shares they own or the amount of their actual losses. These fees reduce the amount of recovery available to the class as a whole and serve no purpose but to give attorneys an available stable of plaintiffs willing to sue at a moment's notice in exchange for a big payoff. This practice undermines the fairness of the system and should be eliminated.

Our current securities class action system obviously is broken and needs the types of reforms Senator DODD and I have proposed in this bill. Too many cases are pursued for the purpose of extracting settlements from corporations and other parties without regard to their merits. The business community is powerless to deal with these suits, and companies settle rather than bet the company. These settlements yield large fees for plaintiffs' lawyers but compensate investors only for a fraction of their actual losses.

We reject the notion that stock price volatility is fraud. Plaintiffs' lawyers must be made to stop, think, investigate, and research before they file these potentially devastating suits. Truly defrauded investors must have greater control over their litigation and receive a greater share of the settlement fund.

The spirit motivating this bill is the obligation that Chairman LEVITT has identified:

> "To make sure that current system operates in the best interest of all investors. This means focusing not just on the interests of those who happen to be aggrieved in a particular case, but also on the interests of issuers and the markets as a whole.

I would like to commend Senator DODD for tackling the difficult issue. Under his leadership in the last Congress, we developed a substantial hearing record in the Securities Subcommittee and collected as many facts and opinions as we could. This bill is the product of a great deal of work and deliberation, and I want to express my gratitude for the way he and his staff went about developing this legislation.

I ask unanimous consent that a copy of the Wall Street Journal article I mentioned earlier be printed in the RECORD. I also ask unanimous consent that a section-by-section description of the bill and the bill text itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Private Securities Litigation Reform Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PRIVATE SECURITIES LITIGATION

Sec. 101. Elimination of certain abusive practices.
Sec. 102. Alternative dispute resolution procedure; time limitation on private rights of action.
Sec. 103. Plaintiff steering committees.
Sec. 104. Requirements for securities fraud actions.
Sec. 105. Amendment to Racketeer Influenced and Corrupt Organizations Act.

TITLE II—FINANCIAL DISCLOSURE

Sec. 201. Safe harbor for forward-looking statements.
Sec. 202. Fraud detection and disclosure.
Sec. 203. Proportionate liability and joint and several liability.
Sec. 204. Public Auditing Self-Disciplinary Board.

TITLE I—PRIVATE SECURITIES LITIGATION

SEC. 101. ELIMINATION OF CERTAIN ABUSIVE PRACTICES.

(a) RECEIPT FOR REFERRAL FEES.—Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*(c)) is amended by adding at the end the following new paragraph:

"(7) RECEIPT OF REFERRAL FEES.—No broker or dealer, or person associated with a broker or dealer, may solicit or accept remuneration for assisting an attorney in obtaining the representation of any customer in any implied private action arising under this title.".

(b) PROHIBITION ON ATTORNEYS' FEES PAID FROM COMMISSION DISGORGEMENT FUNDS.—Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended by adding at the end the following new paragraph:

"(4) PROHIBITION ON ATTORNEYS' FEES PAID FROM COMMISSION DISGORGEMENT FUNDS.—Except as otherwise ordered by the court, funds disgorged as the result of an action brought by the Commission in Federal court, or of any Commission administrative action, shall not be distributed as payment for attorneys' fees or expenses incurred by private parties seeking distribution of the disgorged funds.".

(c) ADDITIONAL PROVISIONS APPLICABLE TO CLASS ACTIONS.—Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following new subsections:

"(i) RECOVERY BY NAMED PLAINTIFFS IN CLASS ACTIONS.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, the share of any final judgment or of any settlement that is awarded to class plaintiffs serving as the representative parties shall be calculated in the same manner as the shares of the final judgment or settlement awarded to all other members of the class. Nothing in this subsection shall be construed to limit the award to any representative parties of reasonable compensation, costs, and expenses (including lost wages) relating to the representation of the class.

"(j) CONFLICTS OF INTEREST.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, if a party is represented by an attorney who directly owns or otherwise has a beneficial interest in the securities that are the subject of the litigation, the court shall make a determination of whether such interest constitutes a conflict of interest sufficient to disqualify the attorney from representing the party.

"(k) RESTRICTIONS ON SETTLEMENTS UNDER SEAL.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, the terms and provisions of any settlement agreement between any of the parties shall not be filed under seal, except that on motion of any of the parties to the settlement, the court may order filing under seal for those portions of a settlement agreement as to which good cause is shown for such filing under seal. Good cause shall only exist if publication of a term or provision of a settlement agreement would cause direct and substantial harm to any person.

"(l) RESTRICTIONS ON PAYMENT OF ATTORNEYS' FEES FROM SETTLEMENT FUNDS.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, attorneys' fees awarded by the court to counsel for the class shall be determined as a percentage of the amount of damages and prejudgment interest actually paid to the class as a result of the attorneys' efforts. In no event shall the amount awarded to counsel for the class exceed a reasonable percentage of the amount recovered by the class plus reasonable expenses.

"(m) DISCLOSURE OF SETTLEMENT TERMS TO CLASS MEMBERS.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal

Rules of Civil Procedure, a proposed settlement agreement that is published or otherwise disseminated to the class shall include the following statements, which shall not be admissible for purposes of any Federal or State judicial or administrative proceeding:

"(1) STATEMENT OF POTENTIAL OUTCOME OF CASE.—

"(A) AGREEMENT ON AMOUNT OF DAMAGES AND LIKELIHOOD OF PREVAILING.—If the settling parties agree on the amount of damages per share that would be recoverable if the plaintiff prevailed on each claim alleged under this title and the likelihood that the plaintiff would prevail—

"(i) a statement concerning the amount of such potential damages; and

"(ii) a statement concerning the probability that the plaintiff would prevail on the claims alleged under this title and a brief explanation of the reasons for that conclusion.

"(B) DISAGREEMENT ON AMOUNT OF DAMAGES OR LIKELIHOOD OF PREVAILING.—If the parties do not agree on the amount of damages per share that would be recoverable if the plaintiff prevailed on each claim alleged under this title or on the likelihood that the plaintiff would prevail on those claims, or both, a statement from each settling party concerning the issue or issues on which the parties disagree.

"(C) INADMISSIBILITY FOR CERTAIN PURPOSES.—Statements made in accordance with subparagraphs (A) and (B) shall not be admissible for purposes of any Federal or State judicial or administrative proceeding.

"(2) STATEMENT OF ATTORNEYS' FEES OR COSTS SOUGHT.—If any of the settling parties or their counsel intend to apply to the court for an award of attorneys' fees or costs from any fund established as part of the settlement, a statement indicating which parties or counsel intend to make such an application, the amount of fees and costs that will be sought, and a brief explanation of the basis for the application.

"(3) IDENTIFICATION OF REPRESENTATIVES.—The name, telephone number, and address of one or more representatives of counsel for the plaintiff class who will be reasonably available to answer questions from class members concerning any matter contained in any notice of settlement published or otherwise disseminated to class members.

"(4) OTHER INFORMATION.—Such other information as may be required by the court, or by any guardian ad litem or plaintiff steering committee appointed by the court pursuant to section 38.

"(n) SPECIAL VERDICTS.—In an implied private action arising under this title in which the plaintiff may recover money damages only on proof that a defendant acted with a particular state of mind, the court shall, when requested by a defendant, submit to the jury a written interrogatory on the issue of each such defendant's state of mind at the time the alleged violation occurred.

"(o) NAMED PLAINTIFF THRESHOLD.—In an implied private action arising under this title, in order for a plaintiff or plaintiffs to obtain certification as representatives of a class of investors pursuant to the Federal Rules of Civil Procedure, the plaintiff or plaintiffs must show that they owned, in the aggregate, during the time period in which violations of this title are alleged to have occurred, not less than the lesser of—

"(1) 1 percent of the securities which are the subject of the litigation; or

"(2) $10,000 (in market value) of such securities.".

SEC. 102. ALTERNATIVE DISPUTE RESOLUTION PROCEDURE; TIME LIMITATION ON PRIVATE RIGHTS OF ACTION.

(a) RECOVERY OF COSTS AND ATTORNEYS' FEES.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"SEC. 36. ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.

"(a) IN GENERAL.—

"(1) OFFER TO PROCEED.—Except as provided in paragraph (2), in an implied private action arising under this title, any party may, before the expiration of the period permitted for answering the complaint, deliver to all other parties an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the rules of the court in which the action is maintained.

"(2) PLAINTIFF CLASS ACTIONS.—In an implied private action under this title which is brought as a plaintiff class action, an offer under paragraph (1) shall be made not later than 30 days after a guardian ad litem or plaintiff steering committee is appointed by the court in accordance with section 38.

"(3) RESPONSE.—The recipient of an offer under paragraph (1) or (2) shall file a written notice of acceptance or rejection of the offer with the court not later than 10 days after receipt of the offer. The court may, upon motion by any party made prior to the expiration of such period, extend the period for not more than 90 additional days, during which time discovery may be permitted by the court.

"(4) SELECTION OF TYPE OF ALTERNATIVE DISPUTE RESOLUTION.—For purposes of paragraphs (1) and (2), if the rules of the court establish or recognize more than 1 type of alternative dispute resolution, the parties may stipulate as to the type of alternative dispute resolution to be applied. If the parties are unable to so stipulate, the court shall issue an order not later than 20 days after the date on which the parties agree to the use of alternative dispute resolution, specifying the type of alternative dispute resolution to be applied.

"(5) SANCTIONS FOR DILATORY OR OBSTRUCTIVE CONDUCT.—If the court finds that a party has engaged in dilatory or obstructive conduct in taking or opposing any discovery allowed during the response period described in paragraph (3), the court may—

"(A) extend the period to permit further discovery from that party for a suitable period; and

"(B) deny that party the opportunity to conduct further discovery prior to the expiration of the period.

"(b) PENALTY FOR UNREASONABLE LITIGATION POSITION.—

"(1) AWARD OF COSTS.—In an implied private action arising under this title, upon motion of the prevailing party made prior to final judgment, the court shall award costs, including reasonable attorneys' fees, against a party or parties or their attorneys, if—

"(A) the party unreasonably refuses to proceed pursuant to an alternative dispute resolution procedure, or refuses to accept the result of an alternative dispute resolution procedure;

"(B) final judgment is entered against the party; and

"(C) the party asserted a claim or defense in the action which was not substantially justified.

"(2) DETERMINATION OF JUSTIFICATION.—For purposes of paragraph (1)(C), whether a position is 'substantially justified' shall be determined in the same manner as under section 2412(d)(1)(B) of title 28, United States Code.

"(3) LIMITED USE.—Fees and costs awarded under this paragraph shall not be applied to any named plaintiff in any action certified as a class action under the Federal Rules of Civil Procedure if such plaintiff has never owned more than $1,000,000 of the securities which are the subject of the litigation.".

(b) LIMITATIONS PERIOD FOR IMPLIED PRIVATE RIGHTS OF ACTION.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"SEC. 37. LIMITATIONS PERIOD FOR IMPLIED PRIVATE RIGHTS OF ACTION.

"(a) IN GENERAL.—Except as otherwise provided in this title, an implied private right of action arising under this title shall be brought not later than the earlier of—

"(1) 5 years after the date on which the alleged violation occurred; or

"(2) 2 years after the date on which the alleged violation was discovered or should have been discovered through the exercise of reasonable diligence.

"(b) EFFECTIVE DATE.—The limitations period provided by this section shall apply to all proceedings pending on or commenced after the date of enactment of this section.".

SEC. 103. PLAINTIFF STEERING COMMITTEES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"SEC. 38. GUARDIAN AD LITEM AND CLASS ACTION STEERING COMMITTEES.

"(a) GUARDIAN AD LITEM.—Except as provided in subsection (b), not later than 10 days after certifying a plaintiff class in an implied private action brought under this title, the court shall appoint a guardian ad litem for the plaintiff class from a list or lists provided by the parties or their counsel. The guardian ad litem shall direct counsel for the class and perform such other functions as the court may specify. The court shall apportion the reasonable fees and expenses of the guardian ad litem among the parties. Court appointment of a guardian ad litem shall not be subject to interlocutory review.

"(b) CLASS ACTION STEERING COMMITTEE.—Subsection (a) shall not apply if, not later than 10 days after certifying a plaintiff class, on its own motion or on motion of a member of the class, the court appoints a committee of class members to direct counsel for the class (hereafter in this section referred to as the 'plaintiff steering committee') and to perform such other functions as the court may specify. Court appointment of a plaintiff steering committee shall not be subject to interlocutory review.

"(c) MEMBERSHIP OF PLAINTIFF STEERING COMMITTEE.—

"(1) QUALIFICATIONS.—

"(A) NUMBER.—A plaintiff steering committee shall consist of not less than 5 class members, willing to serve, who the court believes will fairly represent the class.

"(B) OWNERSHIP INTERESTS.—Members of the plaintiff steering committee shall have cumulatively held during the class period not less than—

"(i) the lesser of 5 percent of the securities which are the subject matter of the litigation or securities which are the subject matter of the litigation with a market value of $10,000,000; or

"(ii) such smaller percentage or dollar amount as the court finds appropriate under the circumstances.

"(2) NAMED PLAINTIFFS.—Class members who are named plaintiffs in the litigation may serve on the plaintiff steering committee, but shall not comprise a majority of the committee.

"(3) NONCOMPENSATION OF MEMBERS.—Members of the plaintiff steering committee shall serve without compensation, except that any member may apply to the court for reimbursement of reasonable out-of-pocket expenses from any common fund established for the class.

"(4) MEETINGS.—The plaintiff steering committee shall conduct its business at one or more previously scheduled meetings of the committee at which a majority of its members are present in person or by electronic communication. The plaintiff steering committee shall decide all matters within its authority by a majority vote of all members, except that the committee may determine that decisions other than to accept or reject a settlement offer or to employ or dismiss counsel for the class may be delegated to one or more members of the committee, or may be voted upon by committee members seriatim, without a meeting.

"(5) RIGHT OF NONMEMBERS TO BE HEARD.—A class member who is not a member of the plaintiff steering committee may appear and be heard by the court on any issue in the action, to the same extent as any other party.

"(d) FUNCTIONS OF GUARDIAN AD LITEM AND PLAINTIFF STEERING COMMITTEE.—

"(1) DIRECT COUNSEL.—The authority of the guardian ad litem or the plaintiff steering committee to direct counsel for the class shall include all powers normally permitted to an attorney's client in litigation, including the authority to retain or dismiss counsel and to reject offers of settlement, and the preliminary authority to accept an offer of settlement, subject to the restrictions specified in paragraph (2). Dismissal of counsel other than for cause shall not limit the ability of counsel to enforce any contractual fee agreement or to apply to the court for a fee award from any common fund established for the class.

"(2) SETTLEMENT OFFERS.—If a guardian ad litem or a plaintiff steering committee gives preliminary approval to an offer of settlement, the guardian ad litem or the plaintiff steering committee may seek approval of the offer by a majority of class members if the committee determines that the benefit of seeking such approval outweighs the cost of soliciting the approval of class members.

"(e) IMMUNITY FROM LIABILITY; REMOVAL.—Any person serving as a guardian ad litem or as a member of a plaintiff steering committee shall be immune from any liability arising from such service. The court may remove a guardian ad litem or a member of a plaintiff steering committee for good cause shown.

"(f) EFFECT ON OTHER LAW.—This section does not affect any other provision of law concerning class actions or the authority of the court to give final approval to any offer of settlement.".

SEC. 104. REQUIREMENTS FOR SECURITIES FRAUD ACTIONS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"SEC. 39. REQUIREMENTS FOR SECURITIES FRAUD ACTIONS.

"(a) INTENT.—In an implied private action arising under this title in which the plaintiff may recover money damages from a defendant only on proof that the defendant acted with some level of intent, the plaintiff's complaint shall allege specific facts demonstrating the state of mind of each defendant at the time the alleged violation occurred.

"(b) MISLEADING STATEMENTS AND OMISSIONS.—In an implied action arising under this title in which the plaintiff alleges that the defendant—

"(1) made an untrue statement of a material fact; or

"(2) omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances in which they were made, not misleading;

the plaintiff shall specify each statement alleged to have been misleading, the reason or reasons why the statement is misleading, and, if an allegation regarding the statement or omission is made on information and belief, the plaintiff shall set forth all information on which that belief is formed.

"(c) BURDEN OF PROOF.—In an implied private action arising under this title based on a material misstatement or omission concerning a security, and in which the plaintiff claims to have bought or sold the security based on a reasonable belief that the market value of the security reflected all publicly available information, the plaintiff shall have the burden of proving that the misstatement or omission caused any loss incurred by the plaintiff.

"(d) DAMAGES.—In an implied private action arising under this title based on a material misstatement or omission concerning a security, and in which the plaintiff claims to have bought or sold the security based on a reasonable belief that the market value of the security reflected all publicly available information, the plaintiff's damages shall not exceed the lesser of—

"(1) the difference between the price paid by the plaintiff for the security and the market value of the security immediately after dissemination to the market of information which corrects the misstatement or omission; and

"(2) the difference between the price paid by the plaintiff for the security and the price at which the plaintiff sold the security after dissemination of information correcting the misstatement or omission.".

SEC. 105. AMENDMENT TO RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT.

Section 1964(c) of title 18, United States Code, is amended by inserting ", except that no person may bring an action under this provision if the racketeering activity, as defined in section 1961(1)(D), involves fraud in the sale of securities" before the period.

TITLE II—FINANCIAL DISCLOSURE

SEC. 201. SAFE HARBOR FOR FORWARD-LOOKING STATEMENTS.

(a) CONSIDERATION OF REGULATORY OR LEGISLATIVE CHANGES.—In consultation with investors and issuers of securities, the Securities and Exchange Commission shall consider adopting or amending its rules and regulations, or making legislative recommendations, concerning—

(1) criteria that the Commission finds appropriate for the protection of investors by which forward-looking statements concerning the future economic performance of an issuer of securities registered under section 12 of the Securities Exchange Act of 1934 will be deemed not to be in violation of section 10(b) of that Act; and

(2) procedures by which courts shall timely dismiss claims against such issuers of securities based on such forward-looking statements if such statements are in accordance with any criteria under paragraph (1).

(b) COMMISSION CONSIDERATIONS.—In developing rules or legislative recommendations in accordance with subsection (a), the Commission shall consider—

(1) appropriate limits to liability for forward-looking statements;

(2) procedures for making a summary determination of the applicability of any Commission rule for forward-looking statements early in a judicial proceeding to limit protracted litigation and expansive discovery;

(3) incorporating and reflecting the scienter requirements applicable to implied private actions under section 10(b); and

(4) providing clear guidance to issuers of securities and the judiciary.

(c) SECURITIES ACT AMENDMENT.—The Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.), is amended by adding at the end the following new section:

"SEC. 40. APPLICATION OF SAFE HARBOR FOR FORWARD-LOOKING STATEMENTS.

"(a) IN GENERAL.—In any implied private action arising under this title that alleges that a forward-looking statement concerning the future economic performance of an issuer registered under section 12 was materially false or misleading, if a party making a motion in accordance with subsection (b) requests a stay of discovery concerning the claims or defenses of that party, the court shall grant such a stay until it has ruled on any such motion.

"(b) SUMMARY JUDGMENT MOTIONS.—Subsection (a) shall apply to any motion for summary judgment made by a defendant asserting that the forward-looking statement was within the coverage of any rule which the Commission may have adopted concerning such predictive statements, if such motion is made not less than 60 days after the plaintiff commences discovery in the action.

"(c) DILATORY CONDUCT; DUPLICATIVE DISCOVERY.—Notwithstanding subsection (a) or (b), the time permitted for a plaintiff to conduct discovery under subsection (b) may be extended, or a stay of the proceedings may be denied, if the court finds that—

"(1) the defendant making a motion described in subsection (b) engaged in dilatory or obstructive conduct in taking or opposing any discovery; or

"(2) a stay of discovery pending a ruling on a motion under subsection (b) would be substantially unfair to the plaintiff or other parties to the action.".

SEC. 202. FRAUD DETECTION AND DISCLOSURE.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting immediately after section 10 the following new section:

"SEC. 10A. AUDIT REQUIREMENTS.

"(a) IN GENERAL.—Each audit required pursuant to this title of an issuer's financial statements by an independent public accountant shall include, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission—

"(1) procedures designed to provide reasonable assurance of detecting illegal acts that would have a direct and material effect on the determination of financial statement amounts;

"(2) procedures designed to identify related party transactions which are material to the financial statements or otherwise require disclosure therein; and

"(3) an evaluation of whether there is substantial doubt about the issuer's ability to continue as a going concern during the ensuing fiscal year.

"(b) REQUIRED RESPONSE TO AUDIT DISCOVERIES.—

"(1) INVESTIGATION AND REPORT TO MANAGEMENT.—If, in the course of conducting an audit pursuant to this title to which subsection (a) applies, the independent public accountant detects or otherwise becomes aware of information indicating that an illegal act (whether or not perceived to have a material effect on the issuer's financial statements) has or may have occurred, the accountant shall, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission—

"(A)(i) determine whether it is likely that an illegal act has occurred; and

"(ii) if so, determine and consider the possible effect of the illegal act on the financial statements of the issuer, including any contingent monetary effects, such as fines, penalties, and damages; and

"(B) as soon as practicable, inform the appropriate level of the issuer's management and assure that the issuer's audit committee, or the issuer's board of directors in the absence of such a committee, is adequately informed with respect to illegal acts that have been detected or have otherwise come to the attention of such accountant in the course of the audit, unless the illegal act is clearly inconsequential.

"(2) RESPONSE TO FAILURE TO TAKE REMEDIAL ACTION.—If, having first assured itself that the audit committee of the board of directors of the issuer or the board (in the absence of an audit committee) is adequately informed with respect to illegal acts that have been detected or have otherwise come to the accountant's attention in the course of such accountant's audit, the independent public accountant concludes that—

"(A) the illegal act has a material effect on the financial statements of the issuer;

"(B) the senior management has not taken, and the board of directors has not caused senior management to take, timely and appropriate remedial actions with respect to the illegal act; and

"(C) the failure to take remedial action is reasonably expected to warrant departure from a standard auditor's report, when made, or warrant resignation from the audit engagement;

the independent public accountant shall, as soon as practicable, directly report its conclusions to the board of directors.

"(3) NOTICE TO COMMISSION; RESPONSE TO FAILURE TO NOTIFY.—An issuer whose board of directors receives a report under paragraph (2) shall inform the Commission by notice not later than 1 business day after the receipt of such report and shall furnish the independent public accountant making such report with a copy of the notice furnished to the Commission. If the independent public accountant fails to receive a copy of the notice before the expiration of the required 1-business-day period, the independent public accountant shall—

"(A) resign from the engagement; or

"(B) furnish to the Commission a copy of its report (or the documentation of any oral report given) not later than 1 business day following such failure to receive notice.

"(4) REPORT AFTER RESIGNATION.—If an independent public accountant resigns from an engagement under paragraph (3)(A), the accountant shall, not later than 1 business day following the failure by the issuer to notify the Commission under paragraph (3), furnish to the Commission a copy of the accountant's report (or the documentation of any oral report given).

"(c) AUDITOR LIABILITY LIMITATION.—No independent public accountant shall be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to paragraph (3) or (4) of subsection (b), including any rules promulgated pursuant thereto.

"(d) CIVIL PENALTIES IN CEASE-AND-DESIST PROCEEDINGS.—If the Commission finds, after notice and opportunity for hearing in a proceeding instituted pursuant to section 21C, that an independent public accountant has willfully violated paragraph (3) or (4) of subsection (b), the Commission may, in addition to entering an order under section 21C, impose a civil penalty against the independent public accountant and any other person that the Commission finds was a cause of such violation. The determination to impose a civil penalty and the amount of the penalty shall be governed by the standards set forth in section 21B.

"(e) PRESERVATION OF EXISTING AUTHORITY.—Except as provided in subsection (d), nothing in this section shall be held to limit or otherwise affect the authority of the Commission under this title.

"(f) DEFINITION.—As used in this section, the term 'illegal act' means an act or omission that violates any law, or any rule or regulation having the force of law.".

(b) EFFECTIVE DATES.—With respect to any registrant that is required to file selected quarterly financial data pursuant to item 302(a) of Regulation S-K of the Securities and Exchange Commission (17 CFR 229.302(a)), the amendments made by subsection (a) shall apply to any annual report for any period beginning on or after January 1, 1994. With respect to any other registrant, the amendment shall apply for any period beginning on or after January 1, 1995.

SEC. 203. PROPORTIONATE LIABILITY AND JOINT AND SEVERAL LIABILITY.

(a) SECURITIES ACT AMENDMENT.—The Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"SEC. 41. PROPORTIONATE LIABILITY AND JOINT AND SEVERAL LIABILITY IN IMPLIED ACTIONS.

"(a) APPLICABILITY.—This section shall apply only to the allocation of damages among persons who are, or who may become, liable for damages in an implied private action arising under this title. Nothing in this section shall affect the standards for liability associated with an implied private action arising under this title.

"(b) APPLICATION OF JOINT AND SEVERAL LIABILITY.—

"(1) IN GENERAL.—A person against whom a judgment is entered in an implied private action arising under this title shall be liable jointly and severally for any recoverable damages on such judgment if the person is found to have—

"(A) been a primary wrongdoer;

"(B) committed knowing securities fraud; or

"(C) controlled any primary wrongdoer or person who committed knowing securities fraud.

"(2) PRIMARY WRONGDOER.—As used in this subsection—

"(A) the term 'primary wrongdoer' means—

"(i) any—

"(I) issuer, registrant, purchaser, seller, or underwriter of securities;

"(II) marketmaker or specialist in securities; or

"(III) clearing agency, securities information processor, or government securities dealer;

if such person breached a direct statutory or regulatory obligation or if such person otherwise had a principal role in the conduct that is the basis for the implied right of action; or

"(ii) any person who intentionally rendered substantial assistance to the fraudulent conduct of any person described in clause (i), with actual knowledge of such person's fraudulent conduct or fraudulent purpose, and with knowledge that such conduct was wrongful; and

"(B) a defendant engages in 'knowing securities fraud' if such defendant—

"(i) makes a material representation with actual knowledge that the representation is false, or omits to make a statement with actual knowledge that, as a result of the omission, one of the defendant's material representations is false and knows that other persons are likely to rely on that misrepresentation or omission, except that reckless conduct by the defendant shall not be construed to constitute 'knowing securities fraud'; or

"(ii) intentionally rendered substantial assistance to the fraudulent conduct of any person described in clause (i), with actual knowledge of such person's fraudulent conduct or fraudulent purpose, and with knowledge that such conduct was wrongful.

"(c) DETERMINATION OF RESPONSIBILITY.—In an implied private action in which more than 1 person contributed to a violation of this title, the court shall instruct the jury to answer special interrogatories, or if there is no jury, shall make findings, concerning the degree of responsibility of each person alleged to have caused or contributed to the violation of this title, including persons who have entered into settlements with the plaintiff. The interrogatories or findings shall specify the amount of damages the plaintiff is entitled to recover and the degree of responsibility, measured as a percentage of the total fault of all persons involved in the violation, of each person found to have caused or contributed to the damages incurred by the plaintiff or plaintiffs. In determining the degree of responsibility, the trier of fact shall consider—

"(1) the nature of the conduct of each person; and

"(2) the nature and extent of the causal relationship between that conduct and the damage claimed by the plaintiff.

"(d) APPLICATION OF PROPORTIONATE LIABILITY.—Except as provided in subsection (b), the amount of liability of a person who is, or may through right of contribution become, liable for damages based on an implied private action arising under this title shall be determined as follows:

"(1) DEGREE OF RESPONSIBILITY.—Except as provided in paragraph (2), each liable party shall only be liable for the portion of the judgment that corresponds to that party's degree of responsibility, as determined under subsection (c).

"(2) UNCOLLECTIBLE SHARES.—If, upon motion made not later than 6 months after a final judgment is entered, the court determines that all or part of a defendant's share of the obligation is uncollectible—

"(A) the remaining defendants shall be jointly and severally liable for the uncollectible share if the plaintiff establishes that—

"(i) the plaintiff is an individual whose recoverable damages under a final judgment are equal to more than 10 percent of the plaintiff's net financial worth; and

"(ii) the plaintiff's net financial worth is less than $200,000; and

"(B) the amount paid by each of the remaining defendants to all other plaintiffs shall be, in total, not more than the greater of—

"(i) that remaining defendant's percentage of fault for the uncollectible share; or

"(ii) 5 times—

"(I) the amount which the defendant gained from the conduct that gave rise to its liability; or

"(II) if a defendant did not obtain a direct financial gain from the conduct that gave rise to the liability and the conduct consisted of the provision of deficient services to an entity involved in the violation, the defendant's gross revenues received for the provision of all services to the other entity involved in the violation during the calendar years in which deficient services were provided.

"(3) OVERALL LIMIT.—In no event shall the total payments required pursuant to paragraph (2) exceed the amount of the uncollectible share.

"(4) DEFENDANTS SUBJECT TO CONTRIBUTION.—A defendant whose liability is reallocated pursuant to paragraph (2) shall be subject to contribution and to any continuing liability to the plaintiff on the judgment.

"(5) RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment pursuant to paragraph (2), that defendant may recover contribution—

"(A) from the defendant originally liable to make the payment;

"(B) from any defendant liable jointly and severally pursuant to subsection (b)(1);

"(C) from any defendant held proportionately liable pursuant to this subsection who is liable to make the same payment and has paid less than his or her proportionate share of that payment; or

"(D) from any other person responsible for the conduct giving rise to the payment who would have been liable to make the same payment.

"(e) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsections (b)(1) and (c) and the procedure for reallocation of uncollectible shares under subsection (d)(2) shall not be disclosed to members of the jury.

"(f) SETTLEMENT DISCHARGE.—

"(1) IN GENERAL.—A defendant who settles an implied private action brought under this title at any time before verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution or indemnity arising out of the action—

"(A) by nonsettling persons against the settling defendant; and

"(B) by the settling defendant against any nonsettling defendants.

"(2) REDUCTION.—If a person enters into a settlement with the plaintiff prior to verdict or judgment, the verdict or judgment shall be reduced by the greater of—

"(A) an amount that corresponds to the degree of responsibility of that person; or

"(B) the amount paid to the plaintiff by that person.

"(g) CONTRIBUTION.—A person who becomes liable for damages in an implied private action arising under this title may recover contribution from any other person who, if joined in the original suit, would have been liable for the same damages. A claim for contribution shall be determined based on the degree of responsibility of the claimant and of each person against whom a claim for contribution is made.

"(h) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—Once judgment has been entered in an implied private action arising under this title determining liability, an action for contribution must be brought not later than 6 months after the entry of a final, nonappealable judgment in the action, except that an action for contribution brought by a defendant who was required to make an additional payment pursuant to subsection (d)(2) may be brought not later than 6 months after the date on which such payment was made.".

(b) EFFECTIVE DATE.—Section 41 of the Securities Exchange Act of 1934, as added by subsection (a), shall only apply to implied private actions commenced after the date of enactment of this Act.

SEC. 204. PUBLIC AUDITING SELF-DISCIPLINARY BOARD.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting immediately after section 13 the following new section:

"SEC. 13A. PUBLIC AUDITING SELF-DISCIPLINARY BOARD.

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) PUBLIC ACCOUNTING FIRM.—The term 'public accounting firm' means a sole proprietorship, unincorporated association, partnership, corporation, or other legal entity that is engaged in the practice of public accounting.

"(2) BOARD.—The term 'Board' means the Public Auditing Self-Disciplinary Board designated by the Commission pursuant to subsection (b).

"(3) ACCOUNTANT'S REPORT.—The term 'accountant's report' means a document in which a public accounting firm identifies a financial statement, report, or other document and sets forth the firm's opinion regarding such financial statement, report, or other document, or an assertion that an opinion cannot be expressed.

"(4) PERSON ASSOCIATED WITH A PUBLIC ACCOUNTING FIRM.—The term 'person associated with a public accounting firm' means a natural person who—

"(A) is a partner, shareholder, employee, or individual proprietor of a public accounting firm, or who shares in the profits of a public accounting firm; and

"(B) engages in any conduct or practice in connection with the preparation of an accountant's report on any financial statement, report, or other document required to be filed with the Commission under any securities law.

"(5) PROFESSIONAL STANDARDS.—The term 'professional standards' means generally accepted auditing standards, generally accepted accounting principles, generally accepted standards for attestation engagements, and any other standards related to the preparation of financial statements or accountant's reports promulgated by the Commission or a standard-setting body recognized by the Board.

"(b) ESTABLISHMENT OF BOARD.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Commission shall establish a Public Auditing Self-Disciplinary Board to perform the duties set forth in this section. The Commission shall designate an entity to serve as the Board if the Commission finds that—

"(A) such entity is sponsored by an existing national organization of certified public accountants that—

"(i) is most representative of certified public accountants covered by this title; and

"(ii) has demonstrated its commitment to improving the quality of practice before the Commission; and

"(B) control over such entity is vested in the members of the Board selected pursuant to subsection (c).

"(2) ALTERNATIVE ELECTION OF MEMBERS.—If the Commission designates an entity to serve as the Board pursuant to paragraph (1), the entity shall conduct the election of initial Board members in accordance with subsection (c)(1)(B)(i).

"(c) MEMBERSHIP OF BOARD.—

"(1) IN GENERAL.—The Board shall be composed of 3 appointed members and 4 elected members, as follows:

"(A) APPOINTED MEMBERS.—Three members of the Board shall be appointed in accordance with the following:

"(i) INITIAL APPOINTMENTS.—The Chairman of the Commission shall make the initial appointments, in consultation with the other members of the Commission, not later than 90 days after the date of enactment of this section.

"(ii) SUBSEQUENT APPOINTMENTS.—After the initial appointments under clause (i), members of the Board appointed to fill vacancies of appointed members of the Board shall be appointed in accordance with the rules adopted pursuant to paragraph (5). Such rules shall provide that such members shall be appointed by the Board, subject to the approval of the Commission.

"(B) ELECTED MEMBERS.—Four members, including the member who shall serve as the chairperson of the Board, shall be elected in accordance with the following:

"(i) INITIAL ELECTION.—Not later than 120 days after the date on which the Chairman of the Commission makes appointments under subparagraph (A)(i), an entity designated by the Commission pursuant to subsection (b) shall conduct an election of 4 initial elected members pursuant to interim election rules proposed by the entity and approved by the 3 interim members of the Board and the Commission. If the Commission is unable to designate an entity meeting the criteria set forth in subsection (b)(1), the members of the Board appointed under subparagraph (A)(i) shall adopt interim rules, subject to approval by the Commission, providing for the election of the 4 initial elected members. Such rules shall provide that such members of the Board shall be elected—

"(I) not later than 120 days after the date on which members are initially appointed under subparagraph (A)(i);

"(II) by persons who are associated with public accounting firms and who are certified public accountants under the laws of any State; and

"(III) subject to the approval of the Commission.

"(ii) SUBSEQUENT ELECTIONS.—After the initial elections under clause (i), members of the Board elected to fill vacancies of elected members of the Board shall be elected in accordance with the rules adopted pursuant to paragraph (5). Such rules shall provide that such members of the Board shall be elected—

"(I) by persons who are associated with public accounting firms and who are certified public accountants under the laws of any State; and

"(II) subject to the approval of the Commission.

"(2) QUALIFICATION.—Four members of the Board, including the chairperson of the Board, shall be persons who have not been associated with a public accounting firm during the 10-year period preceding appointment or election to the Board under paragraph (1). Three members of the Board who are elected shall be persons associated with a public accounting firm registered with the Board.

"(3) FULL-TIME BASIS.—The chairperson of the Board shall serve on a full-time basis, severing all business ties with his or her former firms or employers prior to beginning service on the Board.

"(4) TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Board shall hold office for a term of 4 years or until a successor is appointed, whichever is later, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

"(B) INITIAL BOARD MEMBERS.—Beginning on the date on which all members of the Board have been selected in accordance with this subsection, the terms of office of the initial Board members shall expire, as determined by the Board, by lottery—

"(i) for 1 member, 1 year after such date;

"(ii) for 2 members, 2 years after such date;

"(iii) for 2 members, 3 years after such date; and

"(iv) for 2 members, 4 years after such date.

"(5) RULES.—Following selection of the 7 initial members of the Board in accordance with subparagraphs (A)(i) and (B)(i) of paragraph (1), the Board shall propose and adopt rules, which shall provide for—

"(A) the operation and administration of the Board, including—

"(i) the appointment of members in accordance with paragraph (1)(A)(ii);

"(ii) the election of members in accordance with paragraph (1)(B)(ii); and

"(iii) the compensation of the members of the Board;

"(B) the appointment and compensation of such employees, attorneys, and consultants as may be necessary or appropriate to carry out the Board's functions under this title;

"(C) the registration of public accounting firms with the Board pursuant to subsections (d) and (e); and

"(D) the matters described in subsections (f) and (g).

"(d) REGISTRATION AND ANNUAL FEES.—After the date on which all initial members of the Board have been selected in accordance with subsection (c), the Board shall assess and collect a registration fee and annual dues from each public accounting firm registered with the Board. Such fees and dues shall be assessed at a level sufficient to recover the costs and expenses of the Board and to permit the Board to operate on a self-financing basis. The amount of fees and dues for each public accounting firm shall be based upon—

"(1) the annual revenues of such firm from accounting and auditing services;

"(2) the number of persons associated with the public accounting firm;

"(3) the number of clients for which such firm furnishes accountant's reports on financial statements, reports, or other documents filed with the Commission; and

"(4) such other criteria as the Board may establish.

"(e) REGISTRATION WITH BOARD.—

"(1) REGISTRATION REQUIRED.—Beginning 1 year after the date on which all initial members of the Board have been selected in accordance with subsection (c), it shall be unlawful for a public accounting firm to furnish an accountant's report on any financial statement, report, or other document required to be filed with the Commission under any Federal securities law, unless such firm is registered with the Board.

"(2) APPLICATION FOR REGISTRATION.—A public accounting firm may be registered under this subsection by filing with the Board an application for registration in such form and containing such information as the Board, by rule, may prescribe. Each application shall include—

"(A) the names of all clients of the public accounting firm for which the firm furnishes accountant's reports on financial statements, reports, or other documents filed with the Commission;

"(B) financial information of the public accounting firm for its most recent fiscal year, including its annual revenues from accounting and auditing services, its assets and its liabilities;

"(C) a statement of the public accounting firm's policies and procedures with respect to quality control of its accounting and auditing practice;

"(D) information relating to criminal, civil, or administrative actions or formal disciplinary proceedings pending against such firm, or any person associated with such firm, in connection with an accountant's report furnished by such firm;

"(E) a list of persons associated with the public accounting firm who are certified public accountants, including any State professional license or certification number for each such person; and

"(F) such other information that is reasonably related to the Board's responsibilities as the Board considers necessary or appropriate.

"(3) PERIODIC REPORTS.—Once in each year, or more frequently as the Board, by rule, may prescribe, each public accounting firm registered with the Board shall submit reports to the Board updating the information contained in its application for registration and containing such additional information that is reasonably related to the Board's responsibilities as the Board, by rule, may prescribe.

"(4) EXEMPTIONS.—The Commission, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any public accounting firm or any accountant's report, or any class of public accounting firms or any class of accountant's reports, from any provisions of this section or the rules or regulations issued hereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of this section.

"(5) CONFIDENTIALITY.—The Board may, by rule, designate portions of the filings required pursuant to paragraphs (2) and (3) as privileged and confidential.

"(f) DUTIES OF BOARD.—After the date on which all initial members of the Board have been selected in accordance with subsection (c), the Board shall have the following duties and powers:

"(1) INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS.—The Board shall establish fair procedures for investigating and disciplining public accounting firms registered with the Board, and persons associated with such firms, for violations of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board, or professional standards in connection with the preparation of an accountant's report on a financial statement, report, or other document filed with the Commission.

"(2) INVESTIGATION PROCEDURES.—

"(A) IN GENERAL.—The Board may conduct an investigation of any act, practice, or omission by a public accounting firm registered with the Board, or by any person associated with such firm, in connection with the preparation of an accountant's report on a financial statement, report, or other document filed with the Commission that may violate any applicable provision of the Federal securities laws, the rules and regulations issued thereunder, the rules adopted by the Board, or professional standards, whether such act, practice, or omission is the subject of a criminal, civil, or administrative action, or a disciplinary proceeding, or otherwise is brought to the attention of the Board.

"(B) POWERS OF BOARD.—For purposes of an investigation under this paragraph, the Board may, in addition to such other actions as the Board determines to be necessary or appropriate—

"(i) require the testimony of any person associated with a public accounting firm registered with the Board, with respect to any matter which the Board considers relevant or material to the investigation;

"(ii) require the production of audit workpapers and any other document or information in the possession of a public accounting firm registered with the Board, or any person associated with such firm, wherever domiciled, that the Board considers relevant or material to the investigation, and may examine the books and records of such firm to verify the accuracy of any documents or information so supplied; and

"(iii) request the testimony of any person and the production of any document in the possession of any person, including a client of a public accounting firm registered with the Board, that the Board considers relevant or material to the investigation.

"(C) SUSPENSION OR REVOCATION OF REGISTRATION FOR NONCOMPLIANCE.—The refusal of any person associated with a public accounting firm registered with the Board to testify, or the refusal of any such person to produce documents or otherwise cooperate with the Board, in connection with an investigation under this section, shall be cause for suspending or barring such person from associating with a public accounting firm registered with the Board, or such other appropriate sanction as the Board shall determine. The refusal of any public accounting firm registered with the Board to produce documents or otherwise cooperate with the Board, in connection with an investigation under this section, shall be cause for the suspension or revocation of the registration of such firm, or such other appropriate sanction as the Board shall determine.

"(D) REFERRAL TO COMMISSION.—

"(i) IN GENERAL.—If the Board is unable to conduct or complete an investigation under this section because of the refusal of any client of a public accounting firm registered with the Board, or any other person, to testify, produce documents, or otherwise cooperate with the Board in connection with such investigation, the Board shall report such refusal to the Commission.

"(ii) INVESTIGATION.—The Commission may designate the Board or one or more officers of the Board who shall be empowered, in accordance with such procedures as the Commission may adopt, to subpoena witnesses, compel their attendance, and require the production of any books, papers, correspondence, memoranda, or other records relevant to any investigation by the Board. Attendance of witnesses and the production of any records may be required from any place in the United States or any State at any designated place of hearing. Enforcement of a subpoena issued by the Board, or an officer of the Board, pursuant to this subparagraph shall occur in the manner provided for in section 21(c). Examination of witnesses subpoenaed pursuant to this subparagraph shall be conducted before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

"(iii) REFERRALS TO COMMISSION.—The Board may refer any investigation to the Commission, as the Board deems appropriate.

"(E) IMMUNITY FROM CIVIL LIABILITY.—An employee of the Board engaged in carrying out an investigation or disciplinary proceeding under this section shall be immune from any civil liability arising out of such investigation or disciplinary proceeding in the same manner and to the same extent as an employee of the Federal Government in similar circumstances.

"(3) DISCIPLINARY PROCEDURES.—

"(A) DECISION TO DISCIPLINE.—In a proceeding by the Board to determine whether a public accounting firm, or a person associated with such firm, should be disciplined, the Board shall bring specific charges, notify such firm or person of the charges, give such firm or person an opportunity to defend against such charges, and keep a record of such actions.

"(B) SANCTIONS.—If the Board finds that a public accounting firm, or a person associated with such firm, has engaged in any act, practice, or omission in violation of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board, or professional standards, the Board may impose such disciplinary sanctions as it deems appropriate, including—

"(i) revocation or suspension of registration under this section;

"(ii) limitation of activities, functions, and operations;

"(iii) fine;

"(iv) censure;

"(v) in the case of a person associated with a public accounting firm, suspension or bar from being associated with a public accounting firm registered with the Board; and

"(vi) any other disciplinary sanction that the Board determines to be appropriate.

"(C) STATEMENT REQUIRED.—A determination by the Board to impose a disciplinary sanction shall be supported by a written statement by the Board setting forth—

"(i) any act or practice in which the public accounting firm or person associated with such firm has been found to have engaged, or which such firm or person has been found to have omitted;

"(ii) the specific provision of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board, or professional standards which any such act, practice, or omission is deemed to violate; and

"(iii) the sanction imposed and the reasons therefor.

"(D) PROHIBITION ON ASSOCIATION.—It shall be unlawful—

"(i) for any person as to whom a suspension or bar is in effect willfully to be or to become associated with a public accounting firm registered with the Board, in connection with the preparation of an accountant's report on any financial statement, report, or other document filed with the Commission, without the consent of the Board or the Commission; and

"(ii) for any public accounting firm registered with the Board to permit such a person to become, or remain, associated with such firm without the consent of the Board or the Commission, if such firm knew or, in the exercise of reasonable care should have known, of such suspension or bar.

"(4) REPORTING OF SANCTIONS.—If the Board imposes a disciplinary sanction against a public accounting firm, or a person associated with such firm, the Board shall report such sanction to the Commission, to the appropriate State or foreign licensing board or boards with which such firm or such person is licensed or certified to practice public accounting, and to the public. The information reported shall include—

"(A) the name of the public accounting firm, or person associated with such firm, against whom the sanction is imposed;

"(B) a description of the acts, practices, or omissions upon which the sanction is based;

"(C) the nature of the sanction; and

"(D) such other information respecting the circumstances of the disciplinary action (including the name of any client of such firm affected by such acts, practices, or omissions) as the Board deems appropriate.

"(5) DISCOVERY AND ADMISSIBILITY OF BOARD MATERIAL.—

"(A) DISCOVERABILITY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), all reports, memoranda, and other information prepared, collected, or received by the Board, and the deliberations and other proceedings of the Board and its employees and agents in connection with an investigation or disciplinary proceeding under this section shall not be subject to any form of civil discovery, including demands for production of documents and for testimony of individuals, in connection with any proceeding in any State or Federal court, or before any State or Federal administrative agency. This subparagraph shall not apply to any information provided to the Board that would have been subject to discovery from the person or entity that provided it to the Board, but is no longer available from that person or entity.

"(ii) EXEMPTION.—Submissions to the Board by or on behalf of a public accounting firm or person associated with such a firm or on behalf of any other participant in a Board proceeding, including documents generated by the Board itself, shall be exempt from discovery to the same extent as the material described in clause (i), whether in the possession of the Board or any other person, if such submission—

"(I) is prepared specifically for the purpose of the Board proceeding; and

"(II) addresses the merits of the issues under investigation by the Board.

"(iii) CONSTRUCTION.—Nothing in this subparagraph shall limit the authority of the Board to provide appropriate public access to disciplinary hearings of the Board, or to reports or memoranda received by the Board in connection with such proceedings.

"(B) ADMISSIBILITY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), all reports, memoranda, and other information prepared, collected, or received by the Board, the deliberations and other proceedings of the Board and its employees and agents in connection with an investigation or disciplinary proceeding under this section, the fact that an investigation or disciplinary proceeding has been commenced, and the Board's determination with respect to any investigation or disciplinary proceeding shall be inadmissible in any proceeding in any State or Federal court or before any State or Federal administrative agency.

"(ii) TREATMENT OF CERTAIN DOCUMENTS.—Submissions to the Board by or on behalf of a public accounting firm or person associated with such a firm or on behalf of any other participant in a Board proceeding, including documents generated by the Board itself, shall be inadmissible to the same extent as the material described in clause (i), if such submission—

"(I) is prepared specifically for the purpose of the Board proceedings; and

"(II) addresses the merits of the issues under investigation by the Board.

"(C) AVAILABILITY AND ADMISSIBILITY OF INFORMATION.—

"(i) IN GENERAL.—All information referred to in subparagraphs (A) and (B) shall be—

"(I) available to the Commission and to any other Federal department or agency in connection with the exercise of its regulatory authority to the extent that such information would be available to such agency from the Commission as a result of a Commission enforcement investigation;

"(II) available to Federal and State authorities in connection with any criminal investigation or proceeding;

"(III) admissible in any action brought by the Commission or any other Federal department or agency pursuant to its regulatory authority, to the extent that such information would be available to such agency from the Commission as a result of a Commission enforcement investigation and in any criminal action; and

"(IV) available to State licensing boards to the extent authorized in paragraph (6).

"(ii) OTHER LIMITATIONS.—Any documents or other information provided to the Commission or other authorities pursuant to clause (i) shall be subject to the limitations on discovery and admissibility set forth in subparagraphs (A) and (B).

"(D) TITLE 5 TREATMENT.—This subsection shall be considered to be a statute described in section 552(b)(3)(B) of title 5, United States Code, for purposes of that section 552.

"(6) PARTICIPATION BY STATE LICENSING BOARDS.—

"(A) NOTICE.—When the Board institutes an investigation pursuant to paragraph (2)(A), it shall notify the State licensing boards in the States in which the public accounting firm or person associated with such firm engaged in the act or failure to act alleged to have violated professional standards, of the pendancy of the investigation, and shall invite the State licensing boards to participate in the investigation.

"(B) ACCEPTANCE BY STATE BOARD.—

"(i) PARTICIPATION.—If a State licensing board elects to join in the investigation, its representatives shall participate, pursuant to rules established by the Board, in investigating the matter and in presenting the evidence justifying the charges in any hearing pursuant to paragraph (3)(A).

"(ii) REVIEW.—In the event that the State licensing board disagrees with the Board's determination with respect to the matter under investigation, it may seek review of that determination by the Commission pursuant to procedures that the Commission shall specify by regulation.

"(C) PROHIBITION ON CONCURRENT INVESTIGATIONS.—A State licensing board shall not institute its own proceeding with respect to a matter referred to in subparagraph (A) until after the Board's determination has become final, including completion of all review by the Commission and the courts.

"(D) STATE SANCTIONS PERMITTED.—If the Board or the Commission imposes a sanction upon a public accounting firm or person associated with such a firm, and that determination either is not subjected to judicial review or is upheld on judicial review, a State licensing board may impose a sanction on the basis of the Board's report pursuant to paragraph (4). Any sanction imposed by the State licensing board under this clause shall be inadmissible in any proceeding in any State or Federal court or before any State or Federal administrative agency, except to the extent provided in paragraph (5)(D).

"(E) SANCTIONS NOT PERMITTED.—If a sanction is not imposed on a public accounting firm or person associated with such a firm, and—

"(i) a State licensing board elected to participate in an investigation referred to in subparagraph (A), the State licensing board may not impose a sanction with respect to the matter; and

"(ii) a State licensing board elected not to participate in an investigation referred to in subparagraph (A), subparagraphs (A) and (B) of paragraph (5) shall apply with respect to any investigation or proceeding subsequently instituted by the State licensing board and, in particular, the State licensing board shall not have access to the record of the proceeding before the Board and that record shall be inadmissible in any proceeding before the State licensing board.

"(g) ADDITIONAL DUTIES REGARDING QUALITY CONTROL.—After the date on which all initial members of the Board have been selected in accordance with subsection (c), the Board shall have the following duties and powers in addition to those set forth in subsection (f):

"(1) IN GENERAL.—The Board shall seek to promote a high level of professional conduct among public accounting firms registered with the Board, to improve the quality of audit services provided by such firms, and, in general, to protect investors and promote the public interest.

"(2) PROFESSIONAL PEER REVIEW ORGANIZATIONS.—

"(A) MEMBERSHIP REQUIREMENT.—The Board shall require each public accounting firm subject to the disciplinary authority of the Board to be a member of a professional peer review organization certified by the Board pursuant to subparagraph (B).

"(B) CRITERIA FOR CERTIFICATION.—The Board shall, by rule, establish general criteria for the certification of peer review organizations and shall certify organizations that satisfy those criteria, or such amended criteria as the Board may adopt. To be certified, a peer review organization shall, at a minimum—

"(i) require a member public accounting firm to undergo peer review not less than once every 3 years and publish the results of the peer review; and

"(ii) adopt standards that are acceptable to the Board relating to audit service quality control.

"(C) PENALTIES.—Violation by a public accounting firm or a person associated with such a firm of a rule of the peer review organization to which the firm belongs shall constitute grounds for—

"(i) the imposition of disciplinary sanctions by the Board pursuant to subsection (f); and

"(ii) denial to the public accounting firm or person associated with such firm of the privilege of appearing or practicing before the Commission.

"(3) CONFIDENTIALITY.—Except as otherwise provided by this section, all reports, memoranda, and other information provided to the Board solely for purposes of paragraph (2), or to a peer review organization certified by the Board, shall be confidential and privileged, unless such confidentiality and privilege are expressly waived by the person or entity that created or provided the information.

"(h) COMMISSION OVERSIGHT OF THE BOARD.—

"(1) PROPOSED RULE CHANGES.—

"(A) IN GENERAL.—The Board shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule or any proposed change in, addition to, or deletion from the rules of the Board (hereafter in this subsection collectively referred to as a 'proposed rule change') accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission shall, upon the filing of any proposed rule change, publish notice thereof together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission shall give interested persons an opportunity to submit written data, views, and arguments concerning the proposed rule change. No proposed rule change shall take effect unless approved by the Commission or otherwise permitted in accordance with this subsection.

"(B) APPROVAL OR DISAPPROVAL.—

"(i) IN GENERAL.—Not later than 35 days after the date on which notice of the filing of a proposed rule change is published in accordance with subparagraph (A), or such longer period as the Commission may designate (not to exceed 90 days after such date, if it finds such longer period to be appropriate and publishes its reasons for such finding or as to which the Board consents) the Commission shall—

"(I) by order approve such proposed rule change; or

"(II) institute proceedings to determine whether the proposed rule change should be disapproved.

"(ii) DISAPPROVAL PROCEEDINGS.—Proceedings for disapproval shall include notice of the grounds for disapproval under consideration and opportunity for hearing and shall be concluded not later than 180 days after the date of publication of notice of the filing of the proposed rule change. At the conclusion of the proceedings for disapproval, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for—

"(I) not more than 60 days, if the Commission finds good cause for such extension and publishes its reasons for such finding; or

"(II) such longer period to which the Board consents.

"(iii) APPROVAL.—The Commission shall approve a proposed rule change if it finds that such proposed rule change is consistent with the requirements of the Federal securities laws, and the rules and regulations issued thereunder, applicable to the Board. The Commission shall disapprove a proposed rule change if it does not make such finding. The Commission shall not approve any proposed rule change prior to the expiration of the 30-day period beginning on the date on which notice of the filing of a proposed rule change is published in accordance with this subparagraph, unless the Commission finds good cause to do so and publishes its reasons for such finding.

"(C) EFFECT OF PROPOSED RULE CHANGE.—

"(i) EFFECTIVE DATE.—Notwithstanding subparagraph (B), a proposed rule change may take effect upon filing with the Commission if designated by the Board as—

"(I) constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Board;

"(II) establishing or changing a due, fee, or other charge imposed by the Board; or

"(III) concerned solely with the administration of the Board or other matters which the Commission, by rule, consistent with the public interest and the purposes of this subsection, may specify.

"(ii) SUMMARY EFFECT.—Notwithstanding any other provision of this subsection, a proposed rule change may be put into effect summarily if it appears to the Commission that such action is necessary for the protection of investors. Any proposed rule change put into effect summarily shall be filed promptly thereafter in accordance with this paragraph.

"(iii) ENFORCEMENT.—Any proposed rule change which has taken effect pursuant to clause (i) or (ii) may be enforced by the Board to the extent that it is not inconsistent with the Federal securities laws, the rules and regulations issued thereunder, and applicable Federal and State law. During the 60-day period beginning on the date on which notice of the filing of a proposed rule change if filed in accordance with this paragraph, the Commission may summarily abrogate the change in the rules of the Board made thereby and require that the proposed rule change be refiled in accordance with subparagraph (A) and reviewed in accordance with subparagraph (B), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Federal securities laws. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 25 of this Act nor deemed to be 'final agency action' for purposes of section 704 of title 5, United States Code.

"(2) AMENDMENT BY COMMISSION OF RULES OF THE BOARD.—The Commission, by rule, may abrogate, add to, and delete from (hereafter in this subsection collectively referred to as 'amend') the rules of the Board as the Commission deems necessary or appropriate to ensure the fair administration of the Board, to conform its rules to requirements of the Federal securities laws, and the rules and regulations issued thereunder applicable to the Board, or otherwise in furtherance of the purposes of the Federal securities laws, in the following manner:

"(A) PUBLICATION OF NOTICE.—The Commission shall notify the Board and publish notice of the proposed rulemaking in the Federal Register. The notice shall include the text of the proposed amendment to the rules of the Board and a statement of the Commission's reasons, including any pertinent facts, for commencing such proposed rulemaking.

"(B) COMMENTS.—The Commission shall give interested persons an opportunity for the oral presentation of data, views, and arguments, in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

"(C) INCORPORATION.—A rule adopted pursuant to this subsection shall incorporate the text of the amendment to the rules of the Board and a statement of the Commission's basis for and purpose in so amending such rules. Such statement shall include an identification of any facts on which the Commission considers its determination to so amend the rules of the Board to be based, including the reasons for the Commission's conclusions as to any of the facts that were disputed in the rulemaking.

"(D) REGULATIONS.—

"(i) TITLE 5 APPLICABILITY.—Except as otherwise provided in this paragraph, rulemaking under this paragraph shall be in accordance with the procedures specified in section 553 of title 5, United States Code, for rulemaking not on the record.

"(ii) CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the Commission's power to make, modify, or alter the procedures the Commission may follow in making rules and regulations pursuant to any other authority under the Federal securities laws.

"(iii) INCORPORATION OF AMENDMENTS.—Any amendment to the rules of the Board made by the Commission pursuant to this subsection shall be considered for purposes of the Federal securities laws to be part of the rules of the Board and shall not be considered to be a rule of the Commission.

"(3) NOTICE OF DISCIPLINARY ACTION TAKEN BY THE BOARD; REVIEW OF ACTION BY THE COMMISSION.—

"(A) NOTICE REQUIRED.—If the Board imposes a final disciplinary sanction on a public accounting firm registered with the Board or on any person associated with such a firm, the Board shall promptly file notice thereof with the Commission. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of the Federal securities laws.

"(B) REVIEW.—An action with respect to which the Board is required by subparagraph (A) to file notice shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby, filed not later than 30 days after the date on which such notice is filed with the Commission and received by such aggrieved person, or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of such action unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments). The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

"(4) DISPOSITION OF REVIEW; CANCELLATION, REDUCTION, OR REMISSION OF SANCTION.—

"(A) IN GENERAL.—In any proceeding to review a final disciplinary sanction imposed by the Board on a public accounting firm registered with the Board or a person associated with such a firm, after notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the Board and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction)—

"(i) if the Commission finds that—

"(I) such firm or person associated with such a firm has engaged in such acts or practices, or has omitted such acts, as the Board has found them to have engaged in or omitted;

"(II) such acts, practices, or omissions, are in violation of such provisions of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board, or professional standards as have been specified in the determination of the Board; and

"(III) such provisions were applied in a manner consistent with the purposes of the Federal securities laws;

the Commission, by order, shall so declare and, as appropriate, affirm the sanction imposed by the Board, modify the sanction in accordance with paragraph (2), or remand to the Board for further proceedings; or

"(ii) if the Commission does not make the findings under clause (i), it shall, by order, set aside the sanction imposed by the Board and, if appropriate, remand to the Board for further proceedings.

"(B) CANCELLATION, REDUCTION, OR REMISSION OF SANCTION.—If the Commission, having due regard for the public interest and the protection of investors, finds after a proceeding in accordance with subparagraph (A) that a sanction imposed by the Board upon a firm or person associated with a firm imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Federal securities laws or is excessive or oppressive, the Commission may cancel, reduce, or require the remission of such sanction.

"(5) COMPLIANCE WITH RULES AND REGULATIONS.—

"(A) DUTIES OF BOARD.—The Board shall—

"(i) comply with the Federal securities laws, the rules and regulations issued thereunder, and its own rules; and

"(ii) subject to subparagraph (B) and the rules thereunder, absent reasonable justification or excuse, enforce compliance with such provisions and with professional standards by public accounting firms registered with the Board and persons associated with such firms.

"(B) RELIEF BY COMMISSION.—The Commission, by rule, consistent with the public interest, the protection of investors, and the other purposes of the Federal securities laws, may relieve the Board of any responsibility under this section to enforce compliance with any specified provision of the Federal securities laws, the rules or regulations issued thereunder, or professional standards by any public accounting firm registered with the Board or person associated with such a firm, or any class of such firms or persons associated with such a firm.

"(6) CENSURE; OTHER SANCTIONS.—

"(A) IN GENERAL.—The Commission is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Federal securities laws, to censure or impose limitations upon the activities, functions, and operations of the Board, if the Commission finds, on the record after notice and opportunity for hearing, that the Board has—

"(i) violated or is unable to comply with any provision of the Federal securities laws, the rules or regulations issued thereunder, or its own rules; or

"(ii) without reasonable justification or excuse, has failed to enforce compliance with any such provision or any professional standard by a public accounting firm registered with the Board or a person associated with such a firm.

"(B) REMOVAL FROM OFFICE.—The Commission is authorized, by order, if in its opinion such action is necessary or appropriate, in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Federal securities laws, to remove from office or censure any member of the Board, if the Commission finds, on the record after notice and opportunity for hearing, that such member has—

"(i) willfully violated any provision of the Federal securities laws, the rules or regulations issued thereunder, or the rules of the Board;

"(ii) willfully abused such member's authority; or

"(iii) without reasonable justification or excuse, failed to enforce compliance with any such provision or any professional standard by any public accounting firm registered with the Board or any person associated with such a firm.

"(i) FOREIGN ACCOUNTING FIRMS.—A foreign public accounting firm that furnishes accountant's reports on any financial statement, report, or other document required to be filed with the Commission under any Federal securities law shall, with respect to those reports, be subject to the provisions of this section in the same manner and to the same extent as a domestic public accounting firm. The Commission may, by rule, regulation, or order and as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions, exempt from one or more provisions of this section any foreign public accounting firm. Registration pursuant to this subsection shall not, by itself, provide a basis for subjecting foreign accounting firms to the jurisdiction of the Federal or State courts.

"(j) RELATIONSHIP WITH ANTITRUST LAWS.—

"(1) TREATMENT UNDER ANTITRUST LAWS.—In no case shall the Board, any member thereof, any public accounting firm registered with the Board, or any person associated with such a firm be subject to liability under any antitrust law for any act of the Board or any failure to act by the Board.

"(2) DEFINITION.—For purposes of this subsection, the term 'antitrust law' means the Federal Trade Commission Act and each statute defined by section 4 thereof as 'Antitrust Acts' and all amendments to such Act and such statutes and any other Federal Acts or State laws in pari materia.

"(k) APPLICABILITY OF AUDITING PRINCIPLES.—Each audit required pursuant to this title of an issuer's financial statements by an independent public accountant shall be conducted in accordance with generally accepted auditing standards, as may be modified or supplemented from time-to-time by the Commission. The Commission may defer to professional standards promulgated by private organizations that are generally accepted by the accounting or auditing profession.

"(l) COMMISSION AUTHORITY NOT IMPAIRED.—Nothing in this section shall be construed to impair or limit the Commission's authority—

"(1) over the accounting profession, accounting firms, or any persons associated with such firms;

"(2) to set standards for accounting practices, derived from other provisions of the Federal securities laws or the rules or regulations issued thereunder; or

"(3) to take, on its own initiative, legal, administrative, or disciplinary action against any public accounting firm registered with the Board or any person associated with such a firm.".

SUMMARY OF DOMENICI-DODD PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

The "Private Securities Litigation Reform Act of 1995" is designed to address several broad areas of concern about private securities litigation: plaintiffs' ability to control their cases and recover damages; abuses of securities litigation by some lawyers; the impact of private securities litigation on financial disclosure by companies; and better methods for deterring fraud.

1. LITIGATION ABUSES AND INVESTOR CONTROL

Plaintiffs' lawyers often race each other to the courthouse in order to be the first to file a case and win control over the case and any resulting legal fees. In some instances plaintiffs' lawyers and defendants tacitly agree to settle a case for a small amount with little regard to whether the case is strong or weak, in order to assure payment to plaintiffs' counsel. In addition, lawyers have filed securities cases without having a real client, or have sued based simply on a price drop, without bothering to investigate whether any wrongdoing might have occurred.

The bill addresses these abuses by ensuring that investors, not lawyers, decide whether to bring a case, whether to settle, and how much the lawyers should receive. It also contains provisions intended to ensure that lawyers look at the facts before they sue:

The bill requires courts to appoint a plaintiff steering committee or a guardian to directly control lawyers for the class.

The bill requires that notices of settlement agreements sent to investors spell out clearly important facts such as how much investors are giving up by settling, and how much their lawyers will receive in the settlement.

The bill requires that courts tie awards of lawyers' fees directly to how much is recovered by investors, rather than simply how many hours the lawyers billed or how many pages of briefs they filed.

The bill establishes an alternative dispute resolution procedure to make it easier to prosecute a case without the necessity of slow and expensive federal court proceedings.

The bill requires that in order to bring a securities case as a class action, the plaintiffs in whose name the case is brought must have held either 1 per cent of the securities which are the subject of the litigation or $10,000 worth of securities. This should help stop a problem pointed to by several courts, in which "professional plaintiffs" who own small amounts of stock in many companies try to bring class action lawsuits whenever one of their investments goes down.

The bill clarifies how a lawyer should plead a securities fraud claim. Plaintiffs' lawyers should have no trouble meeting these standards if they have legitimate cases and have looked at the facts.

These provisions should ensure that defrauded investors can recover damages more quickly, with less of their recovery drained off in lawyers' fees.

2. SECURITIES LITIGATION AND FINANCIAL REPORTING

Certain professionals like accountants, are singled out under the current litigation system simply because they are a deep pocket. Their liability exposure under the current system could drive them away from providing auditing services to many companies, especially new companies and "high tech" companies. The bill establishes a liability system for less culpable defendants that is more fair and is linked to degree of fault. Defendants who have acted egregiously would still be fully liable. Plaintiffs who have a net worth of less than $200,000 and lose more than 10 percent of their net worth.

At the same time, the bill establishes a self-disciplinary organization for accountants under the direct supervision of the SEC. This entity would be somewhat like self-regulatory organizations such as the New York Stock Exchange or the National Association of Securities Dealers. The net effect should be a more direct and rational way of dealing with "bad apples" in the accounting profession without punishing the entire profession.

The bill also contains a provision which gives companies more freedom to make forward-looking statements in good faith. This responds to concerns expressed by many companies that litigation "chills" voluntary predictive statements about a company's future economic performance, even though that is exactly the sort of information that is good for investors and the market.

3. ENHANCING DETERRENCE OF FRAUD

The bill extends the statute of limitations for implied actions to five years from the date of the violation, or two years after the violation was discovered or should have been discovered through the exercise of reasonable diligence. The bill also incorporates pending legislation concerning the responsibility of auditors to search for and report fraud. A similar bill in the House is supported by the SEC and the AICPA.

SECTION-BY-SECTION ANALYSIS OF THE PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

TITLE I—PRIVATE SECURITIES LITIGATION

Section 1. Short Title

Section 1 provides that the title of this Act shall be the "Private Securities Litigation Reform Act of 1995 (the "Act").

Section 101—Elimination of Certain Abusive Practices

Section 101 amends the Securities and Exchange Act of 1934 (the "Exchange Act") by adding new paragraphs to Sections 15(c) and 21 of the Exchange Act. Section 101 eliminates certain litigation practices.

Subsection 101(a) amends Section 15(c) of the Exchange Act. Subsection 101(a) prohibits brokers or dealers from soliciting or accepting compensation from attorneys for assisting them in obtaining the representation of any customer of the broker or dealer in an implied action.

Subsection 101(b) amends Section 21(d) of the Exchange Act to prevent distribution of funds disgorged pursuant to an action by the Securities and Exchange Commission ("Commission" or "SEC") as attorneys' fees or expenses unless otherwise ordered by the court.

Subsection 101(c) amends Section 21 of the Exchange Act and adds seven new subsections. New subparagraph (i) of Section 21 requires that the named plaintiffs of the class action be compensated in the same manner as other members of the class. This provision is not intended to bar reasonable compensation of such plaintiffs out of any common fund established for the class for costs and expenses relating to representation of the class, such as lost wages or out-of-pocket expenses incurred due to deposition or trial testimony.

New subparagraph (j) requires a court to determine whether an attorney who owns or has a beneficial interest in the securities that are the subject of the litigation may represent the class or whether such ownership or interest constitutes a conflict of interest which would disqualify the attorney.

New subparagraph (k) prohibits settlements under seal except by motion of one or more of the settling parties if those parties can show good cause why the court should file under seal. "Good cause" exists only if publication of a term or provision of the settlement would cause direct and substantial harm to any person. This subparagraph is necessary because it is not always possible to determine the outcome of class action cases. Since class action litigation is imbued with a public purpose, information concerning the terms on which such cases are settled should be publicly available in most instances.

New subparagraph (l) requires courts to determine attorneys' fees as a percentage of the amount of damages and prejudgment interest actually recovered by the class as a result of the attorneys' efforts. The amount awarded to class counsel cannot exceed a reasonable percentage of the amount recovered by the class plus reasonable expenses. This provision is intended to encourage courts to link the amount of attorneys' fee awarded to the result achieved for the class and the degree of skill and effort required to achieve that result.

New subparagraph (m) requires proposed settlement agreements distributed to the class to contain certain information. Subpart (1)(A) requires that if the settling parties agree on the amount of damages which the plaintiff class would recover if the class prevailed in litigation, and if they agree on the likelihood that the class could prevail, the notice should contain a brief statement about the potential damages per share, a statement concerning the probability that the plaintiff would prevail on the claims alleged, and a brief explanation of the reasons for that conclusion. Subpart (B) requires that if the settling parties do not agree on the amount of damages that would be recoverable by the plaintiff on each alleged claim, or on the probability that the plaintiff would prevail on the claims alleged, the notice must contain a brief statement by each party containing the elements specified in subparagraph (A), concerning the issues on which the parties disagree. If any of the settling parties or their counsel intend to apply to the court for attorneys' fees or costs from any fund to be established under the settlement, subpart (2) requires a statement concerning the amount of fees and costs to be sought by each such party or attorney, and a brief explanation of the reasons for the application. Subpart (3) requires the settlement agreement to contain the name, address and telephone number of a representative of counsel for the plaintiff class who will be reasonably available to answer class members' questions on any matter contained in the notice of settlement distributed to class members. Subpart (4) permits the court, or a guardian ad litem or plaintiff steering committee apointed by the court in accordance with new Section 38 of the Exchange Act, to require additional information in the notice sent to class members.

New subparagraph (n) requires the court to submit to the jury a written interrogatory on the issue of each defendant's state of mind at the time of the alleged violation. This provision applies only in actions in which the plaintiff, in order to recover money damages, must prove that the defendant acted with some degree of intent.

New subparagraph (o) requires that any plaintiffs who wish to obtain certification as representatives of a class of investors must collectively have owned during the period in which the violations occurred the lesser of 1 percent or $10,000 market value of the securities which are the subject matter of the litigation. This requirement is comparable to a rule of the SEC concerning the minimum holding required in order to seek to place a shareholder proposal on an issuer's proxy statement.[1] However, that rule differs in that it applies to shareholders who own the lesser of 1 percent of the securities or $1,000 market value of the securities, and it also contains minimum holding period requirements which are not included in this bill.

Class certification is a significant step in many securities cases, because it places a

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Footnotes at end of article.

small group of investors in charge of claims asserted on behalf of a much larger group. This may create an incentive for plaintiffs with nominal claims to seek class certification as a means of coercing other parties into settlement. Moreover, some cases have called attention to investors who appear to buy small amounts of stock in a number of companies with the apparent intent of using those investments to mount class action lawsuits.[2]

The purpose of this provision is to create a minimum "standing" requirement for securities class actions in order to ensure that the representatives of investor class members are not individuals who have only a nominal interest in the outcome of the litigation. This provision does not create any obstacle to filing a lawsuit as a class action, but simply addresses the standard for certifying a particular group of plaintiffs as investor class representatives.

Section 102—Alternative Dispute Resolution Procedure; Time Limitation on Private Rights of Action

Subsection 102(a) amends the Exchange Act by adding a new Section 36, which creates an alternative dispute resolution procedure for securities litigation under Rule 10(b) of the Exchange Act. The section allows any party to offer to proceed pursuant to any voluntary nonbinding ADR procedure established or recognized by the courts within the time period for answering the complaint, or, in cases certified as class actions, within 30 days after a guardian ad litem or plaintiff steering committee is appointed. The court may extend the period for responding to an ADR offer for up to 90 days to permit discovery.

If the courts recognize more than one type of ADR, the parties may stipulate to the type of ADR to be used. If the parties cannot agree, the court must decide within 20 days which method of ADR the parties will use. If any party engages in dilatory or obstructive conduct during the response period, the court may extend the discovery period, deny the party further discovery or impose reasonable fees and costs upon the party.

Should any party reject an offer to proceed via ADR, or refuse to abide by the result of an ADR proceeding, that party can exercise its right to litigate the case in federal court. However, the subsection requires the court to award fees and costs against that party if the court enters judgment against the party and the party asserted a claim or defense which was not substantially justified. As with Section 36(a), this fee-shifting provision would not apply to a named plaintiff in a class action case if he or she had never owned more than $1,000,000 of the securities that are the subject of the dispute.

The purpose of this section is to create a stronger incentive to use ADR in multiparty securities litigation. Greater use of ADR should result in faster recoveries for defrauded investors, and should also result in smaller attorneys' fees for all parties.[3]

Subsection 102(b) adds a new Section 37 to the Exchange Act. Section 37(a) creates a new limitations period for implied private rights of action under the Exchange Act. The subsection requires implied private rights of action to be brought not later than the earlier of five years after the violation occurred or two years after the violation was discovered or should have been discovered through the exercise of reasonable diligence. Subsection 38(b) requires the new limitations period to apply to all proceedings pending on or commenced after the date its enactment.

Section 103—Guardians Ad Litem and Plaintiff Steering Committees

Section 103 adds a new Section 38 to the Exchange Act. Section 38 requires courts to ensure that a plaintiff class has adequate control over its attorneys by either appointing a guardian ad litem when a plaintiff class is certified, or creating a plaintiff steering committee in securities class actions to give the class greater control over the lawsuit.

Section 38(a) requires courts to appoint a guardian ad litem within 10 days of certifying a plaintiff class. The guardian ad litem is to direct counsel for the plaintiff class or perform such other functions as the court may specify. The guardian ad litem is to be selected from one or more lists submitted by the parties or their counsel. The guardian's reasonable fees and expenses are to be apportioned by the court among the parties. In doing so, the Court may permit the guardian to recover his or her reasonable fees and expenses from any fund established for the benefit of the class, but the guardian is to recover reasonable fees and expenses whether or not such a fund is established. This should prevent any possibility that the guardian might have a financial interest in supporting or opposing a settlement offer. This provision also states that appointment of a guardian shall not be subject to interlocutory review.

Section 38(b) permits the Court, as an alternative to appointing a guardian ad litem, appoints a steering committee of class members within 10 days after class certification, with the same powers as a guardian. Appointment of the committee is also not subject to interlocutory review.

Section 38(c) provides that the plaintiff steering committee shall consist of at least 5 willing class members who the court believes will fairly represent the class. Committee members must have cumulatively held the lesser of 5 per cent of the securities which are the subject of the litigation, or securities which are the subject of the litigation with a market value of $10,000,000. "Securities which are the subject matter of the litigation" means securities which were held during any time period when the class alleges that fraud was committed against any class members. The $10,000,000 market value can be measured at any time between the time when the class alleges that violations first occurred until the date the class is certified. If the court determines that appointment of a committee which meets these requirements is impractical, the court may appoint a committee which meets a smaller percentage test or dollar amount test which the court believes is reasonable.

Under subsection 38(c)(2), named plaintiffs may serve on the committee, but may not comprise a majority of the committee. Under subsection 38(c)(3), committee members shall serve without compensation, but may apply to the court for reimbursement of reasonable out-of-pocket expenses from any common fund established for the class. This differs from the compensation scheme for guardians, who can receive compensation for their services. The reason for this distinction from guardians is two-fold: Committee members should be sufficiently motivated to serve on the Committee by their economic interest in the litigation and by their desire to obtain justice for themselves and other class members. Second, since the Committee involves a larger number of people than a single guardian, compensating the Committee would be substantially more burdensome on the class and on other parties than would compensating a guardian.

Under subsection 38(c)(4), the committee would conduct previously scheduled meetings with at least a majority of committee members present in person or by electronic communication. All matters must be decided by majority vote of all members, except decisions on matters other than whether to accept or reject a settlement offer or to hire or fire counsel. Those decisions may be delegated to one or more members of the committee or voted upon by members seriatim, without a meeting. Subsection 38(5) allows any class member who is not a member of the committee to appear and be heard by the court on any issue in the case.

Section 38(d) enumerates the functions of guardians ad litem and plaintiff steering committees. Guardians and Committees have the same powers permitted to clients in other litigation, including the power to hire and fire counsel, reject settlement offers and accept settlement offers, pursuant to some restrictions. However, counsel dismissed other than for cause would be able to enforce any contractual fee agreement or to apply to the Court for a fee award from any common fund established for the class. Section 38(d)(2) allows the committee to give preliminary approval to settlement offers and to seek approval of the settlement by a majority of the class if the benefit of seeking such approval outweighs the cost of soliciting approval from class members.

Section 38(e) provides that any person who is appointed as a guardian ad litem or member of a plaintiff steering committee shall be immune from any liability as a result of such service. This immunity includes liability for breach of fiduciary duty, liability under any provision of the Exchange Act or any other federal statute or rule imposing sanctions for conduct in the course of litigation, or any other action taken in the course of acting as a fiduciary. This immunity would not apply to any action taken by the former guardian or committee member following resignation or removal by the court.

Section 38(f) clarifies that this section does not override any other provision relating to class actions or the authority of the court to approve final settlements, such as under Rule 23 of the Federal Rules of Civil Procedure.

Section 104—Requirements for Securities Fraud Actions

Section 104 adds a new Section 39 to the Exchange Act. Section 39 specifies certain pleading requirements for implied actions, as well as damage calculations to be utilized in securities fraud suits. The overall purpose of this section is to provide a filter at the pleading stage to screen out allegations that have no factual basis, to provide a clearer statement of the plaintiff's claims, and to provide greater clarity about the scope of the case. This section should not provide any barrier to meritorious cases, although in some instances it may require attorneys for plaintiffs to exercise greater care in drafting their complaint. By requiring more specificity in pleading, the amount of motions to dismiss and the amount of discovery should be reduced. For plaintiffs with strong cases, this should encourage faster recoveries with less expenditure for attorneys' fees.

Section 39(a), which applies to implied actions in which the plaintiff may recover money damages only on proof that the defendant acted with some degree of intent, requires the plaintiff to allege in its complaint specific facts demonstrating why the plaintiff believes that each such defendant had such an intent. Blanket assertions of intent unconnected to any facts would be insufficient.

Section 39(b) requires that a plaintiff who alleges that the defendant made an untrue statement of a material fact or omitted to state a material fact necessary to make statements made not misleading must specify in the complaint each statement alleged to have been misleading, the reason or reasons why the plaintiff believes the statement was misleading, and, if an allegation regarding such statements is made on information and belief, the plaintiff must state all information on which his or her belief is formed.

Section 39(c) clarifies that in implied actions based on the "fraud in the market" theory, while the plaintiff need not show that he or she specifically relied on any alleged misstatement or omission, plaintiff has the burden of showing that the misstatement or omission caused the loss. This means that plaintiff must establish that it was the defendant's misstatement or omission, rather than some intervening factor, which established the market price at which the plaintiff purchased or sold the securities in question.

Subsection 39(d) sets out an upper limit for damage calculations to be used in cases of material misstatements or omissions where the plaintiff claims to have bought or sold based upon the "fraud on the market" theory. Plaintiff's damages in these cases may not exceed the lesser of (i) the difference between the price paid by the plaintiff for the security and the market value immediately after dissemination to the market of information which corrects the misstatement or omission, or (ii) the difference between the price paid by the plaintiff for the security and the price at which the plaintiff sold the security after dissemination of correcting information. The purpose of this provision is to provide greater certainty about the upper limit of damage exposure for cases in which the range of possible damage calculations tends to be substantial, leading to complex battles between expert witnesses over damage estimates. This provision also takes into account the fact that plaintiffs' damages are sometimes mitigated when the stock price recovers soon after an adverse announcement.

Section 105—Amendment to the Racketeer Influenced and Corrupt Organizations Act

Section 105 amends Section 1964(c) of Title 18 of the United States Code (the "Racketeer Influenced and Corrupt Organization Act" or "RICO"). Section 106 eliminates private actions for securities fraud under the "civil RICO" provisions of Title 18.

TITLE II—FINANCIAL DISCLOSURE

Section 201—Safe Harbor for Forward-Looking Statements

Subsection 201(a) requires the SEC, in consultation with investors and issuers of securities, to consider adopting or amending rules, or making legislative recommendations, concerning criteria which the Commission finds are appropriate for the protection of investors, and which issuers may rely upon to ensure that their forward-looking statements concerning their future economic performance will be deemed not to violate the Exchange Act. This provision also requires the Commission to consider rule-making or legislative recommendations for procedures by which courts shall timely dismiss claims based on forward-looking statements of issuers of such statements meet any criteria set by the Commission pursuant to this subsection.

Subsection 201(b) amends the Exchange Act by adding a new Section 40. Under new Section 40(a), an implied private action under the Exchange Act alleging that a forward-looking statement concerning the future economic performance of an issuer was materially false or misleading, the court would be required to grant a stay of discovery concerning the claims or defenses of a party if that party made a motion for such a stay in accordance with Section 40(b). Section 40(a) also sets out certain matters to be considered by the Commission in developing any such rules or legislative recommendations.

Section 40(b) states that such a stay shall apply in connection with any motion for summary judgment made by a defendant asserting that the forward-looking statement was within the coverage of any rule of the Commission concerning such statements. However, Section 40(b) requires that plaintiff have at least 60 days to conduct discovery before such a summary judgment motion is made. Section 40(c) permits the court to extend the time for plaintiff to conduct discovery, or to deny a stay of proceedings, if the party making the motion engaged in dilatory or obstructive conduct, or if a stay of discovery would be substantially unfair to the plaintiff or any other party.

Section 202—Fraud Detection and Disclosure

Section 202(a) amends the Exchange Act to create a new Section 10A. Section 10A would codify certain auditing standards for the detection of financial fraud by auditors, and would require auditors to report directly to the Commission any financial fraud discovered during an audit engagement. This provision also would shield auditors from private liability for the contents of such a report. This provision is substantially similar to H.R. 574 and S. 630, both titled the "Financial Fraud Detection and Disclosure Act."

Section 203. Proportionate Liability and Joint and Several Liability

Section 203(a) amends the Exchange Act to create a new Section 41. Section 41(a) specifies that this provision only applies to the allocation of damages among persons who are or may become liable in an implied right of action under the Exchange Act.

Section 41(b) applies joint and several liability against primary wrongdoers, persons who commit knowing securities fraud, and those who control any primary wrongdoer or person who commits knowing securities fraud. Section 41(b)(2) defines the terms "primary wrongdoer" and "knowing securities fraud."

In cases where more than one person is found to have contributed to an act of securities fraud, subsection 41(c) requires the finder of fact to determine the degree of responsibility of each party. The finder of fact must specify the plaintiff's total amount of damages, and the degree of responsibility of each defendant, measured as a percentage of the total fault of all those liable for the violation. In determining the degree of responsibility, the subsection requires the finder of fact to consider the nature and conduct of each person and the causal relationship between the conduct and the plaintiff's damages.

Subsection 41(d) creates a system of proportionate liability for those who are not jointly and severally liable under section 41(b). Section 41(d) holds such defendants liable for their proportionate share of damages. If a plaintiff is unable to collect the proportionate share of any defendant's liability within six months after the final judgment, subsection 41(d) reallocates the uncollectible share. If the plaintiff is an individual with a net worth of under $200,000, and his or her recoverable damages are more than 10 per cent of that net worth, all of the remaining defendants are jointly and severally liable for all of the plaintiff's damages.

Otherwise, where damages are uncollectible from one or more defendants, the defendants as to whom proportionate liability applies will be liable for their proportionate share of plaintiff's damages, plus the greater of (i) their proportionate share of the uncollectible damages, or (ii) five times the amount which that defendant gained from the conduct which gave rise to the liability. If the defendant did not obtain a direct financial gain from its conduct, and the conduct giving rise to its liability consisted of deficient services, the latter measurement would be five times the defendant's gross revenues from its entire economic relationship with any other entity involved in the violation during the calendar years in which the defendant provided deficient services. Under Section 41(d)(4) and (5), defendants who become liable for another defendant's uncollectible share would have a right of contribution against the defendant originally liable for the payment or any other person responsible for the fraudulent conduct.

Subsection 41(e) prevents disclosure of the formula for allocation of damages and the procedure for reallocation of uncollectible shares to the jury.

Subsection 41(f) provides that a defendant who enters into a settlement of an implied right to action is discharged from any claim for contribution by any other potential defendants. This subsection also clarifies that a settlement prior to a verdict or judgment shall reduce the verdict or judgment against other defendants by the greater of (i) the amount that corresponds to the settling person's degree of responsibility, and (ii) the amount paid to the plaintiff by that person.

Section 41(g) clarifies that contribution shall be determined based on the degree of responsibility of the claimant and each person against whom a right of contribution is asserted. Subsection 41(h) requires liable defendants to bring contribution actions within six months after the date that the judgment against the defendant becomes final unless the defendant made additional payments of uncollectible liability under subsection 41(d). In cases where the defendant made additional payments, the defendant must bring the contribution action within six months after the additional payment was made.

Section 203(b) provides that Section 41 shall only apply to actions commenced after the enactment date of this Act.

Section 204—Public Auditing Self-Disciplinary Board

Section 204 amends the Exchange Act and adds a new Section 13A. Section 13A creates a self-disciplinary board for public auditors.

Section 13A(a) supplies definitions for key terms to be used throughout the section.

Subsection 13A(b) requires the SEC to establish a Public Auditing Self-Disciplinary Board ("Board") within 90 days after the date of the enactment of section 13A. The Commission shall designate an entity to serve as the Board if control of such entity is vested in members of the Board selected under Section 13A(c) and if the entity meets other enumerated criteria.

Subsection 13A(c) specifies that the Board will be composed of three SEC-appointed members and four elected members. For the appointed members, the Chairman of the SEC shall make the initial appointments in consultation with other members of the

Commission within ninety days after enactment. After initial appointments, the Board will appoint members to fill vacancies in these three slots, subject to SEC approval.

For elected members, subsection 13A(c)(1), paragraph (B) requires that within 120 days after the 3 initial Board members are appointed, if an entity has been designated as the Board under Section 13A(b), that entity shall conduct an election of 4 initial Board members. The election shall be conducted under interim election rules proposed by the entity and approved by the 3 appointed members and the Commission. If no entity has been designated by the Commission under Section 13A(b), the 3 appointed members shall adopt interim rules providing for the election of the 4 initial elected members. In either event, the election of the 4 elected members shall occur within 120 days after the appointment of the 3 initial members, the initial election shall be by persons who are certified public accountants and who are associated with public accounting firms, and the persons elected shall be subject to approval by the Commission. After the initial elections, elections for the 4 elected member slots must be by persons associated with public accounting firms who are certified public accountants, and the persons elected are subject to SEC approval.

Subsection 13A(c)(2) requires that four members of the Board, including the Chairman, must not have been associated with a public accounting firm during the 10-year period preceding their appointment. Three of the elected members are required to be associated with a public accounting firm registered with the Board.

Subsection 13A(c)(3) requires the Chairman of the Board to serve on a full-time basis, unless the SEC otherwise authorizes, and to sever all business ties with his or her former firms prior to serving on the Board.

Subsection 13A(c)(4) requires that each member of the Board will serve a four-year term or until a successor is appointed, whichever is later. However, those members appointed to fill a vacancy created by a member's departure prior to the expiration of her term will only be appointed for the remainder of the term. Pursuant to section 13A(c)(4), initially selected Board members' terms will expire on a staggered basis until all initial members have been replaced by members appointed according to the terms of the section.

Section 13A(c)(5) requires the Board to propose and adopt rules providing for the administration and operation of the Board, including appointment and election of members, the selection of a chairperson, and compensation of Board members. The Board also must adopt rules concerning the appointment and compensation of other employees, attorneys and consultants deemed necessary and appropriate to carry out the board's functions. The Board must create rules for the registration of public accounting firms, and rules governing the Board's duties.

Subsection 13A(d) provides the Board with power to assess and collect registration fees and annual dues from each public accounting firm registered with the Board. These fees must be sufficient to cover the costs and expenses of the Board and permit the Board to operate on a self-financed basis, and will be based upon the annual revenues of each firm from accounting and auditing services, the number of persons associated with the firm, the number of clients the firm furnishes with accountant's reports, and other criteria the Board establishes.

Subsection 13A(e) requires all public accounting firms which furnish accountants reports with respect to documents filed with the SEC to register with the Board within one year after all members of the Board have been selected.

Each public accounting firm that performs such services must apply for registration with the Board. Each application must contain the names of all clients of the firm for which the firm provides accountant's reports.

The application must also list financial information of the firm for the most recent fiscal year, including assets, liabilities and annual revenues from accounting and auditing services, a statement of the firm's policies and procedures with respect to quality control of its accounting and auditing practice, information relating to criminal, civil or administrative actions or disciplinary proceedings pending against the firm or any of its members and any other information the Board deems necessary or appropriate that is reasonably related to the Board's responsibilities.

The registered firms must update their application information annually. Finally, the subsection allows the Board or SEC to exempt any firm or class of firms, accountant's report or class of reports from any provision of the section, if the SEC finds the exemption consistent with the public interest, the protection of investors and the purposes of the section. The Board may designate portions of the filings as confidential and privileged.

Section 13A(f) sets out the duties of the Board. The Board must establish fair procedures for investigating and disciplining registered firms and persons associated with them for violations of the Federal securities laws, their rules and regulations, the Board's rules or professional standards in connection with the preparation of an accountant's report on a financial statement, report or other document filed with the SEC.

Section 13A(f)(2) allows the Board to conduct an investigation of any illegal act, practice or omission by a registered firm or an associated person in connection with the preparation of documents filed with the SEC.

Section 13A(f)(2), paragraph (B) empowers the Board to require the testimony of any person associated with a firm with respect to any matter the Board considers material or relevant. The Board also can require the production of audit workpapers or any other document possessed by a registered firm or any associated person that the Board considers relevant or material, including the books and records of the firm to verify the accuracy of any document supplied. The Board also has the power to request the testimony of any person, including a firm's client, and the production of any documents they possess that the Board deems material or relevant.

Section 13A(f)(2), paragraph (C) provides that if any person associated with a public accounting firm refuses to produce documents or otherwise comply with a Board request, the Board may suspend or bar the person from associating with any registered firm or hand down any other sanction the Board deems appropriate. The refusal of any registered public accounting firm to produce documents or otherwise cooperate with the Board also is cause for suspension or revocation of the registration.

If the Board cannot complete or conduct its investigation because of the refusal of any client to comply, Section 13A(f)(2), paragraph (D) requires the Board to report the refusal to the SEC. The SEC then may designate one or more officers of the Board to be granted nationwide subpoena power. This Section also authorizes the Board to refer any investigation to the SEC.

Section 13A(f)(2), paragraph (E) grants immunity to any Board member who carries out an investigation or disciplinary proceeding under this Section from civil liability arising out of the investigation or disciplinary proceeding in the same manner as any other federal Government employee in similar circumstances.

Section 13A(f)(3) allows the Board to implement procedures to determine if disciplinary measures should be taken against a firm or its associated persons. In determining whether a person or firm should be disciplined, the Board must bring specific charges, notify the firm or associated persons of the charges, give the parties an opportunity to defend against the charges, and keep a record of such actions. Upon a finding of a violation, the Board may impose any disciplinary sanctions as it deems appropriate, including those enumerated in subsection 13A(f)(3), part (B).

Section 13A(f)(3), paragraph (C) requires the Board to file a written statement in support of a determination to impose sanctions. The statement must set forth the illegal act or practice, the specific law, regulation, Board rules or professional standards violated, the sanction imposed, and the reasons therefor.

Section 13A(f)(3), paragraph (D) prohibits any person suspended or barred by the Board from willfully associating with a registered firm without Board or SEC permission. Firms may not knowingly permit suspended or barred persons to become or remain associated with the firm without Board or SEC approval.

Section 13A(f)(4) requires the Board to report sanctions to the SEC, the appropriate foreign or state licensing boards or any boards with which the firm or person is licensed or certified to practice public accounting, and to the public. The report must include the name of the firm or associated person, a description of the acts, practice or omissions, the nature of the sanctions, and any other information on the circumstances of the disciplinary action as the Board deems appropriate.

Section 13A(f)(5) concerns the discoverability and admissibility of material related to the Board's disciplinary process in civil litigation. It is intended to ensure that the Board's disciplinary process does not interfere with private actions for damages relating to conduct within the Board's jurisdiction and, at the same time, that private damages actions do not interfere with the Board's disciplinary process. The intention of this section is that plaintiffs should not be deprived of access to any material that they can obtain from public accounting firms under current law. Similarly, the Board itself, and materials specifically created by others in connection with the Board's disciplinary procedure, would be kept separate from the civil liability system.

Section 13A(f)(5)(A) provides that except as provided in subparagraph (B), all documents prepared, collected or received by the Board and the deliberations of the Board in connection with an investigation or disciplinary proceeding are not subject to any form of compulsory discovery. This subparagraph does not apply to information provided to the Board that would have been subject to discovery from the person or entity that provided it to the Board, but is no longer available from that person or entity. This does not limit the Board's authority to provide public access to disciplinary proceedings.

Section 13A(f)(5)(B) provides that all documents prepared, collected or received by the Board and the deliberations and other proceedings of the Board in connection with an investigation or disciplinary proceeding shall be inadmissible in any state or federal court or any administrative agency.

Section 13A(f)(5)(C) creates an exception to subparagraphs (A) and (B) so that all information referred to in those subparagraphs is available to the SEC and any other Federal agency and admissible in any action brought by the Commission or other Federal agency to the same extent it would be available and admissible under current law. This information shall also be available to state licensing boards under certain circumstances.

Section 13A(f)(6) allows state licensing boards limited participation in Board actions. When the Board institutes an investigation it shall notify the State licensing board in the States in which the public accounting firm or auditor engaged in the act or failure to act that is the subject matter of the investigation and invite the state licensing boards to participate. If the state licensing board elects to participate, it shall do so pursuant to rules established by the Board.

If the State board disagrees with the Board's determination, it may seek review of that determination by the Commission pursuant to procedures that the Commission shall specify by regulation. However, this Section prohibits state licensing boards from instituting its own proceeding until after the Board's determination has become final.

Section 13A(f)(6), paragraph (C) provides that if the State board elects not to participate in the Board's investigation, it shall not institute its own investigation or proceeding in the matter until after the Board's determination has become final.

Section 13A(f)(6), paragraph (D) provides that if the Board or Commission imposes a sanction upon a public accounting firm or auditor, and that determination either is not subjected to judicial review or is upheld on judicial review, the state licensing board may impose a sanction on the basis of the Board's report. Any sanction imposed by the state licensing board on this basis shall be inadmissible in any proceeding in any State or Federal court or administrative agency except to extent provided in paragraph (5)(D).

Section 13A(f)(6), paragraph (E) provides that if no sanction is imposed by the Board or the SEC, the state licensing board may not impose a sanction if it chose to participate in the investigation. If the State board chose not to participate in the investigation, paragraph (5)'s rules on discovery and admissibility apply to subsequent State board proceedings. The Section also denies State boards access to the record of the proceeding before the Board, and that record is inadmissible in any State board proceeding.

Section 13A(g) requires the Board to promote a high level of professional conduct among registered public accounting firms, to improve the quality of audit services those firms provide, and to protect investors and promote the public interest.

Section 13A(g)(2) mandates that the Board require public accounting firms subject to its disciplinary authority to be members of a Board-certified professional peer review organization. To qualify the peer review organization must require a public accounting firm to undergo peer review at least once every three years and publish the results of the peer review. It must have standards relating to audit service quality control that are acceptable to the Board. Violation by a public accounting firm or auditor of a rule of the peer review organization shall constitute grounds for imposition of disciplinary sanctions and denial to the public accounting firm or auditor the privilege of appearing before the SEC.

Section 13A(g)(3) provides that all reports, memoranda and other information provided to the Board for the purpose of creating the procedures are confidential unless confidentiality and privilege are expressly waived by the proper parties.

Section 13A(h) gives the SEC oversight of the Board. Section 13A(h), paragraph (1) requires the Board to file copies of proposed Board rule changes or deletions with the SEC pursuant to rules to be promulgated by the SEC, along with a concise statement of the basis and purpose of the proposed change. The SEC then must publish notice of the change and give interested persons an opportunity to submit comments. The Board cannot make changes without Commission approval.

Not later than 35 days after the SEC publishes notice of the change, or within 90 days if the SEC so designates, the SEC must approve the change or institute proceedings to determine whether the change should be disapproved. Disapproval proceedings must include notice of the grounds for disapproval under consideration and an opportunity for a hearing. The proceedings must be concluded not later than 180 days after the publication of notice and filing of the proposed change. At the end of the proceedings, the SEC must approve or disapprove the change or extend the time for conclusion of the proceedings pursuant to subsection 13A(h), paragraphs (1)(B)(ii) (I) and (II).

Section 13A(h)(1), paragraph (B)(iii) requires the SEC to approve the change if it finds that it is consistent with the Federal securities laws and disapprove it if it does not make such a finding. The SEC may not approve a rule change until the 30-day period after the notice of the proposed change is filed, unless the SEC finds good cause to do so and publishes its reasons.

Section 13A(h)(1), paragraph (C) allows a proposed rule change to take effect upon filing with the SEC if the Board designates it as constituting a stated policy, practice or interpretation of an existing Board rule, establishing or changing a due, fee or other Board-imposed charge, or concerned solely with the administration of the Board. The SEC may put a change into effect summarily if such action is necessary to protect investors. The Board may enforce such changes to the extent they are not inconsistent with the Federal securities laws, their rules and regulations, and applicable State and Federal law. The SEC may summarily abrogate changes in the rules by the Board if it appears to the SEC that such action is necessary to the public interest, for the protection of investors, or in furtherance of federal or state laws.

Section 13A(h)(2) also allows the SEC to amend the Board's rules if the SEC deems the action necessary or appropriate to the fair administration of the Board, to conform its rules to requirements of the Federal securities laws by following certain procedures adopted from the Administrative Procedure Act. The SEC must publish notice of the proposed rulemaking in the Federal Register, give interested persons an opportunity to comment, and incorporate the text of its amendment to the rules of the Board with a statement of the basis and purpose of the amendment.

The SEC also may adopt regulations pursuant to section 553 of title 5 of the United States Code for rulemaking not on the record. Amendments to the Board's rules by the SEC are deemed Board rules and not rules of the SEC.

Section 13A(h)(3) requires the Board to promptly notify the SEC if the Board imposes a final disciplinary sanction on a registered firm or associated person. The Commission may review the action on its own motion or the motion of any aggrieved party filed within 30 days after the Board's notice is filed with the SEC and received by the aggrieved party.

Section 13A(h)(4) requires the Commission to affirm the Board's sanction, modify it or remand to the Board for further proceedings if upon review of the sanctions, the SEC determines that the firm or person engaged in the acts, practices or omissions that the Board alleges, that such acts, practices or omissions violated the Federal securities laws, the Board's rules or professional standards, and such laws are consistent with the purposes of the Federal securities laws. If the SEC does not make such findings, it must set aside the sanctions and remand to the Board if appropriate. If the SEC finds that a sanction imposed by the Board burdens competition unnecessary or inappropriate in furtherance to the purposes of the Federal securities laws or is excessive or oppressive, the SEC may cancel, reduce or require the remission of the sanctions.

Section 13A(h)(5) requires the Board to comply with Federal securities laws and its own rules and enforce compliance with those laws and with professional standards. The SEC may relieve the Board of any responsibility under Section 13A to enforce compliance with the above laws or standards.

Section 13A(h)(6) allows the SEC to censure or limit the activities, functions or operations of the Board if the SEC finds that the Board violated or is unable to comply or has failed to enforce compliance by a registered firm or associated persons with any provision of the Federal securities laws, the Board's rules or professional standards of conduct. The SEC also may remove a Board member from office if, after notice and opportunity for hearing, the SEC determines that the member willfully violated any provision of the Federal securities laws or the Board's rules, abused the member's authority or failed to enforce compliance with any professional standard of conduct by any firm or associated person without reasonable justification or excuse.

Section 13A(i) requires foreign accounting firms to register with the Board if they furnish the same types of services as domestic firms required to register under Section 13A. The SEC may exempt foreign firms from the provisions of this section if exemption is deemed consistent with the public interest and the protection of investors.

Registration pursuant to this subsection shall not be itself provide a basis for subjecting foreign accounting firms to the jurisdiction of the federal or state courts.

Under Section 13A(j), neither the Board, any member of the Board nor any person associated with a public accounting firm shall be subject to suit under any antitrust law for any act of the Board of any failure to act by the Board. "Antitrust law" means the Federal Trade Commission Act and each statute defined by Section 4 thereof as "Antitrust Acts" and all amendments to such act and such statutes and any other federal Acts or state laws in pari materia.

Section 13A(k) provides that all audits of an issuer's financial statements required under the Exchange Act shall be in accordance with generally accepted auditing standards. It also clarifies that the Commission can modify or supplement such standards, and that the Commission may defer to professional standards promulgated by private-sector organizations that are generally accepted by the accounting or auditing profession.

Section 13A(*l*) declares that nothing in Section 13A impairs or limits the SEC's authority over accountants, to set standards for accounting or auditing standards or to take action against any firm or associated person.

FOOTNOTES

[1] *See* 17 C.F.R. §240.14a-8.

[2] For example, in one such case the Court found that due to a "consistent pattern of purchasing a few shares in troubled companies [and] Plaintiff's involvement in over two dozen lawsuits," "the Court finds clear evidence that Plaintiff's purchasing stock in troubled companies to possibly pursue litigation is a serious defense likely to become the focus of the litigation to the detriment of the class." *Shields v. Smith*, [1991-92 Transfer binder] Fed. Sec. L. Rep. (CCH) ¶97,007, at 91,967–68 (N.D. Cal. Nov. 4, 1991). *See also Cooperman v. Fairfield Communities, Inc.*, No. LR–C–90–164, slip op. at 9 n.1 (E.D. Ark., filed June 26, 1991); *Hoexter v. Simmons*, 140 F.R.D. 416, 422–23 (D. Ariz. 1991).

[3] The Committee on Commerce, Science, and Transportation recently voted out of Committee a comparable measure concerning alternative dispute resolution procedures. *See* the "Product Liability Fairness Act," S. 687 [Report No. 103–203], November 20, 1993. The report accompanying S. 687 stated that its provision on Alternative Dispute Resolution was intended to reduce delay and undercompensation of victims. *See* Product Liability Reform Act, Report of the Senate Committee on Commerce and Transportation, [Report No. 103–203], November 20, 1993, at 6–7.

[From the Wall Street Journal, Jan. 11, 1995]

JUDGES SHOW GROWING SKEPTICISM IN CLASS-ACTION SECURITIES CASES

(By Junda Woo)

The dismissal last week of a shareholder suit against Philip Morris Cos. is the latest sign that some judges are growing impatient with securities class action litigation.

In dismissing allegations that Philip Morris misled shareholders in the months before announcing its 1993 Marlboro price cut, U.S. District Judge Richard Owen in Manhattan criticized the plaintiffs' attorneys. Two separate suits, later consolidated with eight others, "contained identical allegations, apparently lodged in counsel's computer memory of 'fraud' from complaints that the defendants here engaged in conduct "to create and prolong the illusion of (Philip Morris') success in the *toy industry*," he said.

Judge Owen also noted with disapproval that the original suits, in which plaintiffs had sought class-action status, were filed either on the day of Philip Morris's announcement, known as Marlboro Friday, or the following Monday. He expressed disbelief that shareholders of the tobacco, food and beer giant would have landed on attorney's doorsteps so quickly.

And he quoted from similar rulings by other judges, including a 1991 ruling dismissing a complaint against Citicorp that said, "The complaint creates the strong impression that when Citicorp announced a cut in dividends, plaintiff's counsel simply stepped to the nearest computer console, conducted a global Nexis search, pressed the 'Print' button, and filed the product as their complaint." Judge Owen couldn't be reached for comment.

But Melvyn L. Weiss, a partner at one of the firms that filed the Philip Morris suit, said the plaintiffs plan an appeal. "The law is very clear that an investor is entitled to know all facts that they would want to know in making their decision," he said. "You can remain silent, but when you speak, you have to tell the whole truth." The plaintiffs had contended that New York-based Philip Morris led analysts to believe that it wouldn't cut the price of its flagship Marlboro brand.

"I have enough of a reputation without going around filing suits that I don't believe in," Mr. Weiss added. "I would never pursue a case like this, especially against a worthy adversary, without a profound belief in the integrity of the case."

In addition to Mr. Weiss's firm, Milberg Weiss Bershad Hynes & Lerach, other law firms representing the plaintiffs were Abbey & Ellis and Barrack, Rodos & Bacine.

Nevertheless, Judge Owen isn't the only one worried about class-action securities suits. Sens. Pete Domenici, a New Mexico Republican, and Christopher Dodd, a Connecticut Democrat, are expected to reintroduce a bill that would put the brakes on some alleged abuses in securities litigation. Its provisions include a higher legal standard for claiming securities fraud and a nonbinding arbitration mechanism for securities litigation.

"In my opinion, it's most of them that are frivolous—not just a lot, but most," said Jonathan R. Macey, a Cornell University law professor who advocates having plaintiffs' lawyers bid to work on such cases, with the money going to the plaintiffs. "The facts show that every time a firm's share price drops by enough that it's profitable for plaintiffs lawyers to bring a lawsuit, they do."

John L. Coffee, Jr., a Columbia University law professor, says "some of the judges are very skeptical of particular law firms" because some of them bring so many shareholder suits. He adds that "about nine firms" bring more than half of the suits that are filed.

Federal judges sometimes try to dismiss shareholder suits early on because they are so time-consuming, Prof. Coffee said, but appellate courts have reined in any attempts to broadly throw out securities suits.•

• Mr. DODD. Mr. President, I introduce the Private Securities Litigation Reform Act of 1995. This bipartisan proposal is identical to the legislation I introduced in the 103d Congress with my good friend Senator DOMENICI. eighteen of our colleagues are joining us as original cosponsors.

In the year since we last introduced this legislation, the process by which private individuals bring securities lawsuits has received enormous scrutiny. I am happy to say that as a result of this increased focus in the media and in the investor and business community, the debate has shifted. We are no longer arguing about whether the current system is in need of repair. The discussion is now centered on how best to fix it.

Even those who 1 year ago were unwilling to admit that the system needed to be reformed, now concede that substantial changes are needed. In my view, the fact that there is finally consensus about the need for securities litigation reform is enormously significant. Because this consensus now exists, I believe we will see comprehensive legislation enacted this Congress. With the introduction of this bill, we begin the process to develop the best legislative solutions.

This bill is by no means the final word on the matter. In the last year, hearings have been held in both Houses of Congress. Numerous studies of have been completed, including a comprehensive report by my securities Subcommittee staff. Every word of the legislation has received in-depth analysis. In addition, there have been a number of judicial decisions which have altered the private securities litigation landscape. The most significant of these was the U.S. Supreme Court Decision last year in Central Bank of Denver versus First Intereststate Bank of Denver, which eliminated private liability for those who aid and abet securities fraud.

Many constructive suggestions have been made about ways to improves the legislation. The fact that we have not incorporated these changes to last years proposal should not be taken as a sign that we are unwilling to modify our bill. We simply preferred to begin this year where we left off last year so as not to create additional controversy or confusion. I am eager to work with my colleagues to refine and perfect the proposal as it moves through the process. As I have stated before, I would be willing to address the Bank of Denver decision as part of our deliberations.

I cannot overstate how critical securities lawsuits brought by private individuals are to ensuring the integrity of our capital markets. As an important back-up to Government enforcement actions, these private actions help deter wrongdoing. When the system is working well, it helps to ensure that corporate officers, auditors, directors, lawyers and others properly perform their jobs. Private litigation is an indispensable tool with which defrauded investors can recover their losses without having to rely on Government action.

Private securities litigation has evolved over the years mainly as a result of court decisions rather than legislative action. The most important private right of action for defrauded investors has long been section 10(b) of the Securities Exchange Act. Private actions under that provision were never expressly set out by Congress, but have been construed and refined by courts, with the tacit consent of Congress.

This lack of congressional involvement in shaping the contours of private litigation has created uncertainty about legal standards and unwarranted opportunities for abuse of investors and companies. Last Congress, my Securities Subcommittee held several days of hearing on securities litigation. These hearings documented a number of glaring problems with the current system.

First, securities class action cases are vulnerable to abuses by "entrepreneurial" lawyers who put their own interests ahead of their clients. Many critics charge that plaintiffs' attorneys appear to control the settlement of the case with little or no influence from either the named plaintiffs or the larger class of investors.

For example, in one case which was cited to the subcommittee by a lawyer as a showcase of how the system works, the case was settled before trial for $33 million. The lawyers asked the court for more than $20 million of that amount in fees and costs. The court awarded the plaintiffs' lawyers over $11 million and lawyers for the company $3 million. Investors recovered only 6.5 percent of their recoverable damages.

A second area of abuse is frivolous litigation. We have heard complaints from companies, especially in the high-technology sectors, that they face groundless securities litigation days or even hours after adverse earnings announcements. Courts have echoed this concern. As the Supreme Court pointed out in Blue Chip Stamps versus Manor Drug Store:

> [I]n the field of federal securities laws governing disclosure of information, even a complaint which by objective standards may have very little success at trial has a settlement value to the plaintiff out of any proportion to its prospect of success at trial so long as he may prevent the suit from being resolved against him by dismissal or summary judgment. The very pendency of the lawsuit may frustrate or delay normal business activity of the defendant which is totally unrelated to the lawsuit.

The net effect of private litigation under the Federal securities laws has been to weaken the financial disclosure system on which our capital markets depend. The accounting profession, which is at the heart of the Financial Disclosure System, has warned that because of the doctrine of joint and several liability, accountants face potential liability which could destroy the ability of independent auditors to review financial disclosure by companies.

We need to rationalize the current framework for assessing liability so it is fairer and doesn't simply create an incentive to sue those with the deepest pockets. Unlimited liability is simply not the most effective deterrent of wrongdoing. We need to more directly police the conduct of professionals like accountants and do so in a more effective manner.

LEGISLATIVE SOLUTIONS

The bill contains three major initiatives to deal with these problems:

First, it empowers investors so that they—not their lawyers—have greater control over class action cases.

Second, it limits opportunities for frivolous litigation.

Third, it rationalizes the professional liability of accountants in exchange for stronger regulation.

In addition, the bill incorporates measures previously proposed in Congress to strengthen the obligation of auditors to search for fraud and to lengthen the statute of limitations for fraud actions.

1. EMPOWERING INVESTORS

The bill addresses abuses of investors by their lawyers by ensuring that investors, not lawyers, decide whether to bring a case, whether to settle, and how much the lawyers should receive.

The bill requires courts to appoint a plaintiff steering committee or a guardian to directly control lawyers for the class.

The bill requires that notices of settlement agreements sent to investors spell out clearly important facts such as how much investors are giving up by settling, and how much their lawyers will receive in the settlement.

The bill requires that courts tie awards of lawyers' fees directly to how much is recovered by investors, rather than simply how many hours the lawyers billed or how many pages of briefs they filed.

The bill establishes an alternative dispute resolution procedure to make it easier to prosecute a case without the necessity of slow and expensive Federal court proceedings. This idea is very similar to a provision in the products liability bill passed by the Commerce Committee last fall, and like that bill it is intended to speed up the recovery process for plaintiffs who have strong cases.

These provisions should ensure that defrauded investors are not cheated a second time by their lawyers. It also should help victims of fraud to recover damages more quickly, with less of their recovery drained off in lawyers' fees.

2. FRIVOLOUS LITIGATION

The bill requires that in order to bring a securities case as a class action, the plaintiffs in whose name the case is brought must have held either 1 percent of the securities which are the subject of the litigation or $10,000 worth of securities. This should help stop a problem pointed to by several courts, in which professional plaintiffs who own small amounts of stock in many companies try to bring class action lawsuits whenever one of their investments goes down.

The bill clarifies how a lawyer should plead a securities fraud claim. Plaintiffs' lawyers should have no trouble meeting these standards if they have legitimate cases and have looked at the facts.

These and other reforms should end the race to the courthouse by lawyers eager to file a case without investigating the facts or finding a real client.

3. SECURITIES LITIGATION AND FINANCIAL REPORTING

The accounting profession has argued that accounting firms are unfairly singled out under the current litigation system simply because they are a deep pocket. They claim that their liability exposure under the current system could drive them away from providing auditing services to many companies, especially new companies and high-technology companies.

The bill establishes a liability system for less culpable defendants that is linked to degree of fault. At the same time, the bill establishes a self-disciplinary organization for accountants under the direct supervision of the SEC. This entity would be somewhat like self-regulatory organizations such as the New York Stock Exchange or the National Association of Securities Dealers. The net effect should be a more direct and rational way of dealing with bad apples in the accounting profession without punishing the entire profession.

3. ENHANCING DETERRENCE OF FRAUD

The bill would extend the statute of limitations for implied actions to 5 years from the date of the violation, or 2 years after the violation was discovered or should have been discovered through the exercise of reasonable diligence. The bill also incorporates pending legislation concerning the responsibility of auditors to search for and report fraud. A similar bill in past Congresses has been supported by the SEC and the AICPA.

There is tremendous support for this legislation within Congress and from a large variety of private organizations. I look forward to working with my colleagues to enact comprehensive reform as soon as possible.●

● Ms. MIKULSKI. Mr. President, I am pleased to work on a bipartisan basis with my colleagues Senator DODD and Senator DOMENICI to cosponsor and renew my commitment to reforming securities litigation.

This bill addresses the problem of bounty hunters racing to the courthouse to be the first to file a lawsuit based on nothing more than a change in stock price—and then coerce innocent businesses to settle these lawsuits.

This bill eliminates the payment of bonus awards or bounties to representative plaintiffs in class actions. It gives people who are harmed extra time to consider who really harmed them before they have to file their case at the courthouse, by extending the statute of limitations to 2 years after the violation was or should have been discovered, and 5 years after the violation occurred. It also puts the investor in the driver's seat to control the litigation and recover more of their damages.

My constituents have told me that some attorneys are paying stock brokers and others a bounty in return for identifying who they should sue. High-technology companies, their accountants, and others are being lumped into these securities lawsuits that are filed at the courthouse just hours after a change in the stock price.

I am opposed to the race-to-the courthouse mentality that ends up in needless lawsuits that have huge litigation costs for firms that should be focused on creating jobs.

I want to see the courthouse door kept open for the little guy, but let's get this bounty hunter law under control.

These needless lawsuits hit these firms through: expensive liability insurance premiums; disruption to the lives of those people who have been drawn into the suit—and is a tremendous distraction from the company's achieving its mission, contributing to the economy, and creating jobs.

I am concerned about these costs to the private sector, and to communities across America—and especially the costs to the high-technology community who are our hope for jobs in the 21st century.

I am hearing loud and clear that the current bounty hunter mentality is putting these jobs at risk.

Rather than creating jobs, these high-technology jobs are having to put their efforts and their dollars into expensive litigation and insurance.

I know how the system works with these lawsuits. It doesn't matter who's right or who's wrong. Both the guilty and the innocent end up settling at some big cost, even if just to avoid the risk and to get on with life.

So, the good guys cut their losses and the bad guys get off the hook.

I am pleased to work on a bipartisan basis with Senators DOMENICI and DODD and support this legislation that helps take care of the good guys.●

By Mr. D'AMATO:

S. 241. A bill to increase the penalties for sexual exploitation of children, and for other purposes; to the Committee on the Judiciary.

THE PREVENTION OF SEXUAL EXPLOITATION OF CHILDREN ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce the Prevention of the Sexual Exploitation of Children's Act. There is a large and growing threat to the welfare and safety of our children being caused by the advent of the computer age. The "information superhighway," while a boon to our standard of living and economic growth, also contains hidden dangers which must be addressed to protect our children from debauched sexual predators. The "information superhighway" has become a safe haven for pedophiles to entice children into acts of sexual depravity with little chance of exposure. Pedophiles and other sexual miscreants historically would position themselves outside of schools, playgrounds, and other public areas where children would congregate in order to satisfy their own depraved appetites. Now through the use of bulletin boards, major on-line services such as Prodigy, America Online, Compuserve, Internet, and a host of other computer conduits, these individuals can ply their trade with much less exposure to parental supervision or law enforcement. While many State and local authorities are addressing this problem, the use of the "information superhighway" makes the role of the Federal Government even more critical. The use of the computer conduits allow for the defendants to cross State, local and even international boundaries with impunity. These miscreants can be extremely violent and cause irreparable harm to the children they come into contact with. This violence must be answered with stiff judicial penalties.

In addition to the physical depravity that is a direct result of the computer age, there has been a noted increase in pornographic material involving children being distributed and sold over computer lines. This pornographic material not only acts as a stimulus to the pedophiles but the simple possession of this material by people creates a demand for it, and these people should share in the responsibility of the exploitation of children by the pornography producers. This circular motion of supply and demand fuels the proliferation of more and more pornographic material.

My legislation will raise the judicial penalties which would deter the proliferation of pornographic material available and remove the defendants from society. By enacting harsher judicial penalties, Congress will be sending a strong message that our society will not tolerate these forms of criminal behavior.

I ask my fellow colleagues to join me in support of this legislation. These violations are a growing concern both within the law enforcement community and the family structure, and we must deal with them now.

Mr. President, I ask for unanimous consent that the text of this legislation and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevention of Sexual Exploitation of Children Act".

SEC. 2. PENALTIES.

(a) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended—

(1) by striking "10 years" and inserting "15 years"; and

(2) by striking "more than 15 years" and inserting "more than 20 years".

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(1) of title 18, United States Code, is amended—

(1) by striking "ten years" and inserting "15 years"; and

(2) by striking "more than fifteen" and inserting "more than 20 years".

U.S. SENATE,
Washington, DC, January 18, 1995.

DEAR COLLEAGUE: I am writing to invite you to join me as a cosponsor of "The Prevention of Sexual Exploitation of Children's Act".

Technological advances, while a boon to our standard of living and our economic growth, contain hidden dangers that directly effect the welfare of our children. Computer conduits, or the "information superhighway", is being used extensively to entice children into acts of sexual depravity by pedofiles and other deviants. These sexual predators will often depict themselves as children and arrange a meeting with their victims, with the child being sexually abused as the ultimate outcome. In addition to the luring of children through the "information superhighway", these conduits are also being used to transport child pornography. The influx and availability of the child pornography only prompt these sexual deviants into further preying on our children.

Pedofiles and other sexual miscreants historically would position themselves outside of schools, playgrounds and other public areas where children would congregate in order to satisfy their own depraved appetites. Now through the use of bulletin boards, major on-line services, such as Prodigy, America Online, Compuserve, Internet, and a host of other computer conduits, these individuals can ply their trade with much less exposure to parental supervision or law enforcement. These deviants are often very violent and cause the children irreparable harm.

This legislation will raise the judicial penalties which would deter the proliferation of pornographic material available and remove the defendants from society. By enacting harsher judicial penalties, Congress will be sending a strong message that our society will not tolerate these forms of criminal behavior.

If you would like to help me stem this burgeoning problem by cosponsoring the "Prevention of Sexual Exploitation of Children's Act", please contact Greg Regan of my office at 4-8349.

Sincerely,

ALFONSE M. D'AMATO,
Senator

[From the New York Post, Jan. 9, 1995]

MOLESTERS WITH A MODEM—KIDDIE-SEX PERVERTS USING COMPUTERS TO LURE VICTIMS

(By Lou Lumenick and Kieran Crowley)

City cops are about to start patrolling the information superhighway to hunt down child pornographers and pedophiles who are luring kids through high-tech computer bulletin boards, The Post has learned.

"The bulletin boards are a total haven for pedophiles," said Sgt. Richard Perrine, who's forming a new computer investigation unit.

"There are no names and faces, and a 33-year-old man can pass himself off as a 10-year-old kid."

Perrine said the new unit, in the NYPD's Organized Crime Control Bureau, plans to include computer child-pornographers and pedophiles among its targets.

"We haven't really solidified our strategy yet," he told The Post.

"This is something that's so new, law enforcement is not quite ready for it."

Law-enforcement officials say pedophiles are lurking on the nation's three major on-line services, America Online, Prodigy and Compuserve—as well as on the worldwide Internet, smaller on-line services, and locally-operated computer bulletin boards.

On-line services are an easy way for pedophiles to meet children anonymously, noted Dyanne Greer, a senior lawyer with the National Center for the Prosecution of Child Abuse.

"Many cases are not reported, so I'm not sure anybody is really aware how much this is going on," she said.

A Post probe uncovered these on-line horror stories:

Westchester computer expert George Telesha pretended to be a 14-year-old girl on America Online and was quickly besieged by perverts sending dirty pictures.

A Manhattan computer expert allegedly got a 13-year-old New Jersey boy he met online to go skating with him.

Cops said the man lured the youth into the woods near the boy's home and sexually abused him six times between last July and September.

An unemployed Brooklyn computer programmer tried to sodomize a Nevada teenager he met on a computer bulletin board.

A 27-year-old computer engineer in Cupertino, Calif., allegedly met a 14-year-old boy through America Online.

He is charged with handcuffing, shackling and blindfolding the boy and then taking him to his apartment, where he whipped him with a belt, shaved his pubic hair and had sex with him.

A California man sent pornographic photos via computer to a teen-ager, then sought to have the teen killed to silence him.

Such crimes are not easy to investigate or prosecute, officials note.

"It's a bigger problem than most people realize," said Mike Brick, director of the Orlando bureau of the Florida State Office of Law Enforcement.

"There's a lot of people out there who want to have sex with children. If they hang out at a real playground, a teacher or someone might see them. In the computer playground, they can more or less hide in the bushes."

A handful of agencies have staffers pose as youngsters to solicit dirty pictures and come-ons, but many don't have the manpower, equipment or inclination to do so on a regular basis.

And even if they did, experts say there's probably no way to completely stop on-line perverts—who constitute a tiny fraction of overall on-line communicators—short of shutting down the services.

And that is not only unlikely, but would rob children and others of a valuable educational resource.

The service say they're concerned—but in no position to play the role of police.

AOL spokeswoman Pam McGraw said computer-privacy laws keep her company's hands tied when it comes to the person-to-person type of communication in which porn can be exchanged in electronic "private chat rooms."

"Federal law prevents us from monitoring E-mail," McGraw said. "We do our best to prevent misuse of our service."

She urged AOL customers to report offensive communications which are prohibited under company rules so the company can warn offenders or eject them from the system.

Law enforcement officials say on-line companies are quick to cut off perverts and help track down and prosecute pedophiles and pornographers.

But the crimes still flourish because computers make life simpler for the perverts.

Pedophilies can easily pretend to be a child on-line, or even someone of the opposite sex, to help draw a child into a trap. And they can elude detection by using false names and post office boxes.

"Offenders can say they're other kids, then arrange for face-to-face meetings." Greer said "It's pretty scary when you find out you're dealing with a 47-year-old man instead of the 14-year-old you expected.●

By Mr. DASCHLE (for himself, Mr. BREAUX, Mr. KENNEDY, Mr. REID, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. FORD, Mr. DODD, and Mr. KERRY):

S. 242. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of tuition for higher education and interest on student loans; to the Committee on Finance.

HIGHER EDUCATION TAX RELIEF ACT

Mr. DASCHLE. Mr. President, earlier today, several of my distinguished colleagues and I announced our intention to introduce another important element of our Democratic plan to help middle-class Americans who are squeezed between prices that are rising and incomes that are not.

Today Senators BREAUX, KENNEDY, REID, ROCKEFELLER, MIKULSKI, FORD, DODD, KERRY, and I are introducing the Higher Education Tax Relief Act of 1995. This legislation will provide tax relief for middle-income families who are trying to send their children to college or vocational or professional school, as well as to individuals who seek such educational opportunities.

As I have noted on many occasions, our highest priority in the 104th Congress is to strengthen the financial security of working middle-income families. One of our greatest concerns is the increasing inability of many families to afford to send their children to college or vocational school.

Pressures on State budgets are forcing public colleges and universities to increase the tuition and fees they charge to new students. Many private institutions are trying to fill the student aid gap by taking on the task themselves, but they are finding it more and more costly to do so.

Our legislation will provide a tax deduction of up to $10,000 for tuition and fees associated with attending public and non-profit colleges and universities or vocational and professional schools. This aspect of the proposal is identical to the tuition deduction advanced by President Clinton in his middle-class bill of rights package. We think the President was right to focus on education in that package because it is one of the highest priorities—and biggest expenses—of middle-income families.

In addition, our tax deduction would be available up to the same amount for interest incurred on student loans. Ever since the deduction for student loan interest was eliminated in the Tax Reform Act of 1986, we have heard an ever-louder cry from middle-income Americans that they want it back. And for good reason. As more and more forms of direct student aid are eliminated, these families are having to incur debt in order to finance the costs of higher education, especially since their incomes simply are not rising commensurate with the cost of living.

The deduction we are proposing, whether taken for tuition and fees or for student loan interest, is available to families with incomes of up to $100,000 per year or individuals with incomes of up to $70,000 per year. Moreover, the deduction may be taken whether or not the taxpayer is in a position to itemize on his or her return, providing greater assurance that those at the lower end of the middle-income range will benefit.

Our proposal provides a choice to middle-income Americans and complements the various forms of student aid currently available to those with the lowest incomes. Middle-income taxpayers, most of whom no longer qualify for other forms of student aid, may deduct amounts they are able to pay for tuition and fees at the time they or their children are attending an institution of higher education. If, however, they must finance their own or their children's education, they may deduct the interest on student loans later when they begin paying back the loans.

Mr. President, the Higher Education Tax Relief Act of 1995, along with the President's tuition deduction proposal, identifies a major difference between the Republican and Democratic views of middle-income tax relief. The Republican Contract With America does not contain tax relief directed at helping middle-income families pay for education. In fact, it contains numerous measures that will further harm the ability of middle-income Americans to obtain the education they seek.

For example, one of the spending cuts contemplated by Republicans is the repeal of the in-school interest subsidy for student loans. Right now, the interest clock on many student loans does not start ticking until a student has finished college. The Republicans want to start charging interest immediately. We believe that's an attack on middle-income families who cannot afford to send their children to college without borrowing the money.

College already is too expensive for many families, and we shouldn't limit the number who can afford it by raising the costs even more. Democrats believe opportunities should be open to everyone willing to earn them with hard work. We believe education is necessary and should be affordable to anyone who wants it—that we should not tax the income necessary for middle-income families to send their children to college or vocational and professional schools.

These are Democratic values.

Let me point out that none of us introducing this legislation today have any intention of increasing the deficit as a result of this proposal. We have asked the Joint Committee on Taxation to estimate the cost of this proposal and, at the appropriate time, we intend to offer ways to pay for it.

Mr. President, I ask that a copy of our legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Tax Relief Act of 1995".

SEC. 2. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) Deduction Allowed.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. HIGHER EDUCATION TUITION AND FEES; INTEREST ON STUDENT LOANS.

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction an amount equal to the sum of—

"(1) the qualified higher education expenses, plus

"(2) interest on qualified higher education loans,

paid by the taxpayer during the taxable year.

"(b) Qualified Higher Education Expenses.—For purposes of this section—

"(1) Qualified higher education expenses.—

"(A) In general.—The term 'qualified higher education expenses' means tuition and fees required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151,

as an eligible student at an institution of higher education.

"(B) Exception for education involving sports, etc.—Such term does not include expenses with respect to any course or other education involving sports, games, or hobbies unless such expenses—

"(i) are part of a degree program, or

"(ii) are deductible under this chapter without regard to this section.

"(C) Exception for nonacademic fees.—Such term does not include any student activity fees, athletic fees, insurance expenses, or other expenses unrelated to a student's academic course of instruction.

"(D) Eligible student.—For purposes of subparagraph (A), the term 'eligible student' means a student who meets the requirements of section 484(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(1)).

"(2) Dollar limitation.—

"(A) In general.—The amount taken into account under paragraph (1) for any taxable year shall not exceed $10,000.

"(B) Phase-in.—In the case of taxable years beginning in 1996, 1997, 1998, and 1999, the following amounts shall be substituted for '$10,000' in subparagraph (A):

"For taxable years beginning in:	The substitute amount is:
1996	$2,000
1997	4,000
1998	6,000
1999	8,000.

"(3) Limitation based on modified adjusted gross income.—

"(A) In general.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $70,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be taken into account under paragraph (1) shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be taken into account as such excess bears to $20,000.

"(B) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 1996, the $70,000 and $100,000 amounts contained in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, except that section 1(f)(3)(B) shall be applied by substituting '1995' for '1992'.

"(C) Rounding.—If any amount as adjusted under subparagraph (B) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50 (or if such amount is a multiple of $25, such amount shall be rounded to the next highest multiple of $50).

"(D) Modified adjusted gross income.—The term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after the application of sections 86, 135, 219, and 469.

"(4) Institution of higher education.—The term 'institution of higher education' means an institution which—

"(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), and

"(B) is eligible to participate in programs under title IV of such Act.

"(c) Qualified Higher Education Loan.—For purposes of this section—

"(1) In general.—The term 'qualified higher education loan' means a loan to a student which is—

"(A) made, insured, or guaranteed by the Federal Government,

"(B) made by a State or a political subdivision of a State,

"(C) made from the proceeds of a qualified student loan bond under section 144(b), or

"(D) made by an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))).

"(2) Limitation.—

"(A) In general.—The amount of interest on a qualified higher education loan which is taken into account under subsection (a)(2) shall be reduced by the amount which bears the same ratio to such amount of interest as—

"(i) the proceeds from such loan used for qualified higher education expenses, bears to

"(ii) the total proceeds from such loan.

"(B) Qualified higher education expenses.—For purposes of subparagraph (A), the term 'qualified higher education expenses' has the meaning given such term by subsection (b), except that—

"(i) such term shall include reasonable living expenses while away from home, and

"(ii) the limitations of paragraphs (2) and (3) of subsection (b) shall not apply.

"(d) Coordination With Other Provisions.—

"(1) No double benefit.—

"(A) In general.—No deduction shall be allowed under subsection (a) for qualified higher education expenses or interest on qualified higher education loans with respect to which a deduction is allowed under any other provision of this chapter.

"(B) Savings bond exclusion.—A deduction shall be allowed under subsection (a)(1) for qualified higher education expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135 for the taxable year.

"(2) Qualified residence interest.—If a deduction is allowed under subsection (a)(2) for interest which is also qualified residence interest under section 163(h), such interest shall not be taken into account under section 163(h).

"(e) Special Rules.—

"(1) Election.—If a deduction is allowable under more than one provision of this chapter with respect to qualified higher education expenses, the taxpayer may elect the provision under which the deduction is allowed.

"(2) Limitation on taxable year of deduction.—

"(A) In general.—A deduction shall be allowed under subsection (a)(1) for any taxable year only to the extent the qualified higher education expenses are in connection with attendance at an institution of higher education during the taxable year.

"(B) Certain prepayments allowed.—Subparagraph (A) shall not apply to qualified higher education expenses paid during a taxable year which are in connection with attendance at an institution of higher education which begins during the first 2 months of the following taxable year.

"(3) Adjustment for certain scholarships and veterans benefits.—The amount of qualified higher education expenses otherwise taken into account under subsection (a)(1) with respect to the education of an individual shall be reduced (before the application of subsection (b)) by the sum of the amounts received with respect to such individual for the taxable year as—

"(A) a qualified scholarship which under section 117 is not includable in gross income,

"(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or

"(C) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a)) for educational expenses, or attributable to attendance at an eligible educational institution, which is exempt from income taxation by any law of the United States.

"(4) No deduction for married individuals filing separate returns.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and his spouse file a joint return for the taxable year.

"(5) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting."

(b) Deduction Allowed in Computing Adjusted Gross Income.—Section 62(a) of such Code is amended by inserting after paragraph (15) the following new paragraph:

"(16) Higher education tuition and fees.—The deduction allowed by section 219."

(c) Conforming Amendment.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 220 and inserting:

"Sec. 220. Higher education tuition and fees.
"Sec. 221. Cross reference."

(d) Effective Dates.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

Mr. KENNEDY. Mr. President, a college education is a building block of the American dream. But with college costs rising, higher education is increasingly out of reach for many families.

President Clinton deserves credit for acting on this problem, and the legislation we are introducing today will carry out the President's proposal to make college education more affordable for working families. The bill provides a tax deduction of up to $10,000 a year for college tuition costs, and it restores the deduction for interest on student loans.

The deduction for tuition will be available for families earning up to $100,000 a year and individuals earning up to $70,000. It will be available for tuition at traditional 4-year colleges and universities, community colleges, and vocational and professional schools offering job training in a variety of fields.

The deduction for interest on student loans is equally important, and will offer significant help to students who must borrow to go to college and who are struggling to pay off their loans and establish themselves in the working world.

By contrast, the Republican contract proposes to cut over $10 billion in Federal financial aid for students over the next 5 years. In Massachusetts alone, that would mean a loss of over $100 million a year. In reality, when you read the fine print, the Contract With America is a contract against college education.

Families across the country know that education is the best investment they can make in their children's future. We must do more to ease the burden of that investment, not make it harder for families to obtain it.

I look forward to working with my colleagues on both side of the aisle to ensure that this important legislation becomes law.

By Mr. SARBANES (for himself, Mr. BYRD, Mr. ROCKEFELLER, and Ms. MIKULSKI):

S.J. Res. 20. A joint resolution granting the consent of Congress to a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, MD and Mineral County, WV, entered into between the States of West Virginia and Maryland; to the Committee on the Judiciary.

THE JENNINGS RANDOLPH LAKE PROJECT COMPACT

Mr. SARBANES. Mr. President, today I am reintroducing legislation together with my colleagues Senators BYRD, ROCKEFELLER, and MIKULSKI to grant congressional consent to a compact entered into between the States of West Virginia and Maryland, with concurrence of the U.S. Army Corps of Engineers, to provide for joint management and enforcement of laws and regulations pertaining to natural resources and boating at Jennings Randolph Lake. This legislation was approved by the Senate in the closing days of the 103d Congress, but was not considered in the House.

Jennings Randolph Lake is located on the north branch of the Potomac River in Garrett County, MD and Mineral County, WV. Construction of the dam, which created the lake, was authorized by the Flood Control Act of 1962 and the project was specifically designed to improve the water quality of the Potomac River, reduce flood damage, provide water supply, and opportunities for recreation. Completed in 1982, the dam is one of the largest dams east of the Mississippi—approximately 6.6 miles long, with a surface area of 952 acres and a drainage area of 263 square miles. Originally named Bloomington Lake, the project was rededicated in May 1987 in honor of former West Virginia Senator Jennings Randolph.

The lake and surrounding area are extraordinarily beautiful and include some of the most picturesque countryside in the Nation. The lake and the north branch of the Potomac River below the dam support a recreational trout fishery that is regarded as one of the best in America. Other recreational opportunities including boating, downstream whitewater rafting, hiking, and picnicing are drawing increasing numbers of visitors to the lake. The Army Corps of Engineers currently operates and maintains five recreation sites at the project and the State of Maryland, in cooperation with the corps, is in the process of developing a boat launch and support facilities on the Maryland side of the project.

Unfortunately, the creation of the lake removed the natural boundary between West Virginia and Maryland and the meandering nature of the former river and the depth of the lake have made it virtually impossible to reestablish the precise location of the boundary. As a consequence, enforcement of natural resources and boating laws and regulations on the lake has been tentative at best and at worst, nonexistent. As recreational uses of the lake continue to increase, it is anticipated that enforcement problems will become increasingly difficult.

The compact legislation I am introducing today provides the States of West Virginia and Maryland with concurrent jurisdiction over the project area to enable them to jointly enforce natural resource and boating laws and regulations. This approach eliminates the need to redefine the boundary between the two States for law enforcement purposes. As required before congressional action can be taken, the compact was approved by the respective legislatures of Maryland and West Virginia in their 1993 legislative sessions.

Mr. President, this legislation will address the ongoing problems associated with the management and enforcement of laws and regulations relating to natural resources and boating at the Jennings Randolph Lake Project. It has been long awaited by both States and I urge its swift enactment.

I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress hereby consents to the Jennings Randolph Lake Project Compact entered into between the States of West Virginia and Maryland which compact is substantially as follows:

"COMPACT

"Whereas the State of Maryland and the State of West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, have approved and desire to enter into a compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they seek the approval of Congress, and which compact is as follows:

"Whereas the signatory parties hereto desire to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, for which they have a joint responsibility; and they declare as follows:

"1. The Congress, under Public Law 87-874, authorized the development of the Jennings Randolph Lake Project for the North Branch of the Potomac River substantially in accordance with House Document Number 469, 87th Congress, 2nd Session for flood control, water supply, water quality, and recreation; and

"2. Section 4 of the Flood Control Act of 1944 (Ch 665, 58 Stat. 534) provides that the Chief of Engineers, under the supervision of the Secretary of War (now Secretary of the Army), is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under control of such Secretary for the purpose of boating, swimming, bathing, fishing, and other recreational purposes, so long as the same is not inconsistent with the laws for the protection of fish and wildlife of the State(s) in which such area is situated; and

"3. Pursuant to the authorities cited above, the U.S. Army Engineer District (Baltimore), hereinafter 'District', did construct and now maintains and operates the Jennings Randolph Lake Project; and

"4. The National Environmental Policy Act of 1969 (P.L. 91-190) encourages productive and enjoyable harmony between man and his environment, promotes efforts which will stimulate the health and welfare of man, and encourages cooperation with State and local governments to achieve these ends; and

"5. The Fish and Wildlife Coordination Act (16 U.S.C. 661–666c) provides for the consideration and coordination with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation; and

"6. The District has Fisheries and Wildlife Plans as part of the District's project Operational Management Plan; and

"7. In the respective States, the Maryland Department of Natural Resources (hereinafter referred to as 'Maryland DNR') and the West Virginia Division of Natural Resources (hereinafter referred to as 'West Virginia DNR') are responsible for providing a system of control, propagation, management, protection, and regulation of natural resources and boating in Maryland and West Virginia and the enforcement of laws and regulations pertaining to those resources as provided in Annotated Code of Maryland Natural Resources Article and West Virginia Chapter 20, respectively, and the successors thereof; and

"8. The District, the Maryland DNR, and the West Virginia DNR are desirous of conserving, perpetuating and improving fish and wildlife resources and recreational benefits of the Jennings Randolph Lake Project; and

"9. The District and the States of Maryland and West Virginia wish to implement the aforesaid acts and responsibilities through this Compact and they each recognize that consistent enforcement of the natural resources and boating laws and regulations can best be achieved by entering this Compact:

"Now, therefore, be it *Resolved*, That the States of Maryland and West Virginia, with the concurrence of the United States Department of the Army, Corps of Engineers, hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by The Congress of the United States and by the respective state legislatures, to the Jennings Randolph Lake Project Compact, which consists of this preamble and the articles that follow:

"Article I—Name, Findings, and Purpose

"1.1 This compact shall be known and may be cited as the Jennings Randolph Lake Project Compact.

"1.2 The legislative bodies of the respective signatory parties, with the concurrence of the U.S. Army Corps of Engineers, hereby find and declare:

"1. The water resources and project lands of the Jennings Randolph Lake Project are affected with local, state, regional, and national interest, and the planning, conservation, utilization, protection and management of these resources, under appropriate arrangements for inter-governmental cooperation, are public purposes of the respective signatory parties.

"2. The lands and waters of the Jennings Randolph Lake Project are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact that, notwithstanding any boundary between Maryland and West Virginia that preexisted the creation of Jennings Randolph Lake, the parties will have and exercise concurrent jurisdiction over any lands and waters of the Jennings Randolph Lake Project concerning natural resources and boating laws and regulations in the common interest of the people of the region.

"Article II—District Responsibilities

"The District, within the Jennings Randolph Lake Project,

"2.1 Acknowledges that the Maryland DNR and West Virginia DNR have authorities and responsibilities in the establishment, administration and enforcement of the natural resources and boating laws and regulations applicable to this project, provided that the laws and regulations promulgated by the States support and implement, where applicable, the intent of the Rules and Regulations Governing Public Use of Water Resources Development Projects administered by the Chief of Engineers in Title 36, Chapter RI, Part 327, Code of Federal Regulations,

"2.2 Agrees to practice those forms of resource management as determined jointly by the District, Maryland DNR and West Virginia DNR to be beneficial to natural resources and which will enhance public recreational opportunities compatible with other authorized purposes of the project,

"2.3 Agrees to consult with the Maryland DNR and West Virginia DNR prior to the issuance of any permits for activities or special events which would include, but not necessarily be limited to: fishing tournaments, training exercises, regattas, marine parades, placement of ski ramps, slalom water ski courses and the establishment of private markers and/or lighting. All such permits issued by the District will require the permittee to comply with all State laws and regulations,

"2.4 Agrees to consult with the Maryland DNR and West Virginia DNR regarding any recommendations for regulations affecting natural resources, including, but not limited to, hunting, trapping, fishing or boating at the Jennings Randolph Lake Project which the District believes might be desirable for reasons of public safety, administration of public use and enjoyment,

"2.5 Agrees to consult with the Maryland DNR and West Virginia DNR relative to the marking of the lake with buoys, aids to navigation, regulatory markers and establishing and posting of speed limits, no wake zones, restricted or other control areas and to provide, install and maintain such buoys, aids to navigation and regulatory markers as are necessary for the implementation of the District's Operational Management Plan. All buoys, aids to navigation and regulatory markers to be used shall be marked in conformance with the Uniform State Waterway Marking System,

"2.6 Agrees to allow hunting, trapping, boating and fishing by the public in accordance with the laws and regulations relating to the Jennings Randolph Lake Project,

"2.7 Agrees to provide, install and maintain public ramps, parking areas, courtesy docks, etc., as provided for by the approved Corps of Engineers Master Plan, and

"2.8 Agrees to notify the Maryland DNR and the West Virginia DNR of each reservoir drawdown prior thereto excepting drawdown for the reestablishment of normal lake levels following flood control operations and drawdown resulting from routine water control management operations described in the reservoir regulation manual including releases requested by water supply owners and normal water quality releases. In case of emergency releases or emergency flow curtailments, telephone or oral notification will be provided. The District reserves the right, following issuance of the above notice, to make operational and other tests which may be necessary to insure the safe and efficient operation of the dam, for inspection and maintenance purposes, and for the gathering of water quality data both within the impoundment and in the Potomac River downstream from the dam.

"Article III—State Responsibilities

"The State of Maryland and the State of West Virginia agree:

"3.1 That each State will have and exercise concurrent jurisdiction with the District and the other State for the purpose of enforcing the civil and criminal laws of the respective States pertaining to natural resources and boating laws and regulations over any lands and waters of the Jennings Randolph Lake Project;

"3.2 That existing natural resources and boating laws and regulations already in effect in each State shall remain in force on the Jennings Randolph Lake Project until either State amends, modifies or rescinds its laws and regulations;

"3.3 That the Agreement for Fishing Privileges dated June 24, 1985 between the State of Maryland and the State of West Virginia, as amended, remains in full force and effect;

"3.4 To enforce the natural resources and boating laws and regulations applicable to the Jennings Randolph Lake Project;

"3.5 To supply the District with the name, address and telephone number of the person(s) to be contacted when any drawdown except those resulting from normal regulation procedures occurs;

"3.6 To inform the Reservoir Manager of all emergencies or unusual activities occurring on the Jennings Randolph Lake Project;

"3.7 To provide training to District employees in order to familiarize them with natural resources and boating laws and regulations as they apply to the Jennings Randolph Lake Project; and

"3.8 To recognize that the District and other Federal Agencies have the right and responsibility to enforce, within the boundaries of the Jennings Randolph Lake Project, all applicable Federal laws, rules and regulations so as to provide the public with safe and healthful recreational opportunities and to provide protection to all federal property within the project.

"Article IV—Mutual Cooperation

"4.1 Pursuant to the aims and purposes of this Compact, the State of Maryland, the State of West Virginia and the District mutually agree that representatives of their natural resource management and enforcement agencies will cooperate to further the purposes of this Compact. This cooperation includes, but is not limited to, the following:

"4.2 Meeting jointly at least once annually, and providing for other meetings as deemed necessary for discussion of matters relating to the management of natural resources and visitor use on lands and waters within the Jennings Randolph Lake Project;

"4.3 Evaluating natural resources and boating, to develop natural resources and boating management plans and to initiate and carry out management programs;

"4.4 Encouraging the dissemination of joint publications, press releases or other public information and the interchange between parties of all pertinent agency policies and objectives for the use and perpetuation of natural resources of the Jennings Randolph Lake Project; and

"4.5 Entering into working arrangements as occasion demands for the use of lands, waters, construction and use of buildings and other facilities at the project.

"Article V—General Provisions

"5.1 Each and every provision of this Compact is subject to the laws of the States of Maryland and West Virginia and the laws of the United States, and the delegated authority in each instance.

"5.2 The enforcement and applicability of natural resources and boating laws and regulations referenced in this Compact shall be limited to the lands and waters of the Jennings Randolph Lake Project, including but not limited to the prevailing reciprocal fishing laws and regulations between the States of Maryland and West Virginia.

"5.3 Nothing in this Compact shall be construed as obligating any party hereto to the expenditure of funds or the future payment of money in excess of appropriations authorized by law.

"5.4 The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of the Jennings Randolph Lake Project Compact is declared to be unconstitutional or inapplicable to any signatory party or agency of any party, the constitutionality and applicability of the Compact shall not be otherwise affected as to any provision, party, or agency. It is the legislative intent that the provisions of the Compact be reasonably and liberally construed to effectuate the stated purposes of the Compact.

"5.5 No member of or delegate to Congress, or signatory shall be admitted to any share or part of this Compact, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

"5.6 When this Compact has been ratified by the legislature of each respective State, when the Governor of West Virginia and the Governor of Maryland have executed this Compact on behalf of their respective States and have caused a verified copy thereof to be filed with the Secretary of State of each respective State, when the Baltimore District of the U.S. Army Corps of Engineers has executed its concurrence with this Compact, and when this Compact has been consented to by the Congress of the United States, then this Compact shall become operative and effective.

"5.7 Either State may, by legislative act, after one year's written notice to the other, withdraw from this Compact. The U.S. Army Corps of Engineers may withdraw its concurrence with this Compact upon one year's written notice from the Baltimore District Engineer to the Governor of each State.

"5.8 This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the Governor of each State and the Baltimore District Engineer of the U.S. Army Corps of Engineers. An amendment to this Compact shall become effective only after it has been ratified by the legislatures of both signatory States and concurred in by the U.S. Army Corps of Engineers, Baltimore District. Amendments shall become effective thirty days after the date of the last concurrence or ratification.".

SEC. 2. The right to alter, amend or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. COVERDELL, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 91, a bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act.

S. 98

At the request of Mr. BRADLEY, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 98, a bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures.

S. 111

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 111, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 137

At the request of Mr. BRADLEY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 137, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 153

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 153, a bill to reduce Federal spending and enhance military satellite communications by reducing funds for the MILSTAR II satellite program and accelerating plans for deployment of the Advanced EHF Satellite/MILSTAR III.

S. 155

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 155, a bill to reduce Federal spending by prohibiting the backfit of Trident I ballistic missile submarines to carry D–5 Trident II submarine-launched ballistic missiles.

S. 157

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 157, a bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program.

S. 191

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 191, a bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the Act, to protect against economic losses from critical habitat designation, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 194, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 205

At the request of Mrs. BOXER, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Virginia [Mr. ROBB], the Senator from Montana [Mr. BAUCUS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 210

At the request of Mr. THOMAS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 210, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of emergency care and related services furnished by rural emergency access care hospitals.

SENATE JOINT RESOLUTION 19

At the request of Mr. BROWN, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Tennessee [Mr. FRIST], the Senator from Minnesota [Mr. GRAMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Texas [Mrs. HUTCHISON], the Senator from Oklahoma [Mr. INHOFE], the Senator from Arizona [Mr. KYL], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 19, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

AMENDMENTS SUBMITTED

UNFUNDED MANDATES ACT

FORD AMENDMENTS NOS. 20–29

(Ordered to lie on the table.)

Mr. FORD submitted 10 amendments intended to be proposed by him to the bill, S.1, to curb the practice on imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and

regulations; and for other purposes; as follows:

AMENDMENT NO. 20

On page 17, line 4, strike "or the House of Representatives".

AMENDMENT NO. 21

On page 17, lines 12 and 13, strike "or the House of Representatives".

AMENDMENT NO. 22

On page 26, strike lines 1 through 5 and insert end quotation marks.

AMENDMENT NO. 23

On page 26, strike beginning with line 11 through line 2 on page 28.

AMENDMENT NO. 24

On page 31, line 19, strike "House of Representatives or the".

AMENDMENT NO. 25

On page 14, line 8, strike "or the House of Representatives".

AMENDMENT NO. 26

On page 16, line 15, strike "or the House of Representatives".

AMENDMENT NO. 27

On page 13, line 25, and page 14, line 1, strike "or the House of Representatives".

AMENDMENT NO. 28

On page 3, line 17, strike "and the House of Representatives".

On page 4, lines 7 and 8, strike "and the House of Representatives".

On page 13, line 25 and page 14, line 1, strike "or the House of Representatives".

On page 14, line 8, strike "or the House of Representatives".

On page 16, line 15, strike "or the House of Representatives".

On page 17, line 4, strike "or the House of Representatives".

On page 17, lines 12 and 13, strike "or the House of Representatives".

On page 18, lines 1 and 2, strike "or the House of Representatives".

On page 19, lines 15 and 16, strike "or the House of Representatives".

On page 26, strike lines 1 through 5 and insert end quotation marks.

On page 26, strike beginning with line 11 through line 2 on page 28.

On page 28, line 13, strike "or the House of Representatives".

On page 29, line 8, strike "or the House of Representatives".

On page 31, line 19, strike "or the House of Representatives".

On page 32, strike lines 12 through 24 and insert the following:

The provisions of sections 101, 102, 103, 104, and 107 are enacted by the Senate—

(1) as an exercise of the rulemaking power of the Senate and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules (so far as relating to the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

On page 42, lines 20 and 21, strike "the Committee on Government Reform and Oversight of the House of Representatives and".

On page 43, strike lines 9 through 12, and insert the following:

"(A) ".

AMENDMENT NO. 29

On page 32, strike lines 12 through 24, and insert the following:

"The provisions of sections 101, 102, 103, 104, and 107 are enacted by the Senate—

"(1) as an exercise of the rulemaking power of the Senate and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of the Senate to change such rules (so far as relating to the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate."

DODD (AND OTHERS) AMENDMENT NO. 30

(Ordered to lie on the table.)

Mr. DODD (for himself, Mr. DASCHLE, and Mr. LAUTENBERG) submitted the following amendment intended to be proposed by them to the bill S. 1, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.

(a) PURPOSE.—The Congress declares it essential that the Congress prior to adopting in the 1st session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced Federal budget—

(1) set forth with specificity the policies that achieving such a balanced Federal budget would require; and

(2) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that—

"(1) fails to set forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through 2002;

"(2) sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of revenues for that fiscal year; or

"(3) relies on the assumption of either—

"(A) reductions in direct spending; or

"(B) increases in revenues, without including specific reconciliation instructions under section 310 to carry out those assumptions.".

(c) REQUIREMENT FOR 60 VOTES TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

(e) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) shall take effect on the date that a joint resolution proposing a balanced budget amendment to the Constitution is adopted by the Congress.

GORTON (AND OTHERS) AMENDMENT NO. 31

Mr. GORTON (for himself, Mr. BYRD, Mr. LIEBERMAN, and Mr. GRAMM) proposed an amendment to the bill S. 1, supra; as follows:

At the end of the language proposed to be stricken by the amendment, add the following:

SEC. . NATIONAL HISTORY STANDARDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the National Education Goals Panel shall disapprove, and the National Education Standards and Improvement Council shall not certify, any voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of world and United States history, developed prior to the date of enactment of this Act.

(b) PROHIBITION.—No Federal funds shall be awarded to, or expended by, the National Center for History in the Schools, after the date of enactment of this Act, for the development of voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of such history.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, on the subject of world and United States history, established under title II of the Goals 2000: Educate America Act should not be based on standards developed by the National Center for History in the Schools; and

(2) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (1), the recipient of such funds should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world.

BINGAMAN AMENDMENTS NOS. 32–36

(Ordered to lie on the table.)

Mr. BINGAMAN submitted five amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 32

On page 25, add after line 25 the following new section:

"(4) DETERMINATION BY REPORTING COMMITTEE OF APPLICABILITY TO PENDING LEGISLATION.—Notwithstanding any provision of paragraph (1)(B), it shall always be in order to consider a bill, resolution, or conference report if such report includes a determination by the reporting committee that the pending measure is needed to serve a compelling national interest that furthers the public health, safety, or welfare."

Amendment No. 33

On page 5, line 23, strike out "or" and insert in lieu thereof a semicolon.

On page 6, insert between lines 2 and 3 the following new subclause:

"(III) a law enforcement provision relating to organized crime; or

On page 7, line 14, strike out "or".

On page 7, insert between lines 16 and 17 the following new clause:

"(iii) a law enforcement provision relating to organized crime; or"

Amendment No. 34

On page 21, line 24, strike out "amendment,".

On page 22, lines 5 and 6, strike out "amendment,".

On page 22, line 10, strike out "amendment,".

On page 22, lines 14 and 15, strike out "amendment,".

On page 22, line 20, strike out "amendment,".

On page 22, lines 24 and 25, strike out "amendment,".

On page 23, line 9, strike out "amendment,".

On page 27, line 15, strike out "amendment,".

Amendment No. 35

On page 5, line 23, after "or" insert "a condition of receipt of a Federal license; or".

On page 7, line 13, after "assistance" insert "or a condition of receipt of a Federal license".

Amendment No. 36

On page 5, line 23, strike out "or" and insert in lieu thereof a semicolon.

On page 6, insert between lines 2 and 3 the following new subclause:

"(III) any requirement for a license or permit for the treatment and disposal of nuclear and hazardous waste; or

On page 7, line 14, strike out "or".

On page 7, insert between lines 16 and 17 the following new clause:

"(iii) any requirement for a license or permit for the treatment and disposal of nuclear and hazardous waste; or".

KOHL AMENDMENT NO. 37

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1, supra; as follows:

On page 24, line 21, strike the period and insert the following: "; and

"(v) the bill, joint resolution, amendment, motion, or conference report provides that any State, local, or tribal government that already complies with the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report shall be eligible to receive funds for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the new mandate.".

MURRAY AMENDMENTS NOS. 38–40

(Ordered to lie on the table.)

Mrs. MURRAY submitted three amendments intended to be proposed by her to the bill S. 1, supra; as follows:

Amendment No. 38

On page 21, insert between lines 13 and 14 the following new paragraph:

"(2) Time limitations for estimates.—The Director of the Congressional Budget Office shall provide an estimate as required by this section—

"(A) relating to a bill or resolution reported by a committee, no later than one week after the date on which the bill or resolution is reported by the committee; and

"(B) relating to an amendment or conference report, no later than one day after the date on which the amendment is offered or the conference report is submitted.".

Amendment No. 39

On page 21, insert between lines 13 and 14 the following new paragraph:

"(2) Time limitations for statements.—(A) The Director of the Congressional Budget Office shall provide the statement as required by this section—

"(i) relating to a bill or resolution ordered reported by a committee, no later than one week after the date on which the bill or resolution is ordered reported by the committee; and

"(ii) relating to an amendment or conference report, no later than one day after the date on which the amendment is offered or the conference report is submitted.

"(B) Failure by the Director to meet the time limitations in subparagraph (A) of this paragraph shall vitiate the provisions of subsection (c)(1)(A) of this section.".

Amendment No. 40

On page 12, line 11, insert "(a)" before "The provisions".

On page 13, between lines 8 and 9, insert the following:

(b) The provisions of this Act and the amendments made by this Act also shall not apply to any agreement between the Federal Government and a State, local, or tribal government, or the private sector for the purpose of carrying out environmental restoration or waste management activities of the Department of Defense or the Department of Energy.

GRASSLEY AMENDMENTS NOS. 41–44

(Ordered to lie on the table.)

Mr. GRASSLEY submitted four amendments, intended to be proposed by him, to the bill S. 1, supra; as follows:

Amendment No. 41

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) Waiver.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting "408(c)(1)(A)," after "313,".

Amendment No. 42

On page 12, insert "age," after "race,".

Amendment No. 43

On page 32, between lines 5 and 6, insert the following:

SEC. 103A. PROJECTED COSTS OF EXISTING FEDERAL MANDATES.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall conduct a study of the projected 5-year costs to State and local governments and the private sector of unfunded mandates in existence on the date of enactment of this Act. The study shall estimate such costs based on the assumption that expiring programs and activities would be reauthorized by Congress.

Amendment No. 44

At the appropriate place, insert the following:

SEC. . COST OF REGULATIONS.

(a) Sense of the Congress.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) Statement of Cost.—Not later than January 1, 1998, the Director shall submit a report to the Congress including—

(1) an estimate of the costs of regulations implementing each Act containing an unfunded Federal mandate (as that term is defined in section 3(13) of the Federal Budget and Impoundment Control Act of 1974, as added by section 3(b) of this Act); and

(2) a comparison of the costs of such regulations with cost estimate provided for such Act by the Congressional Budget Office.

BOXER AMENDMENT NO. 45

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment, intended to be proposed by her to the bill, S. 1, supra; as follows:

On page 13, between lines 8 and 9, insert the following:

"(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor."

HATFIELD AMENDMENTS NOS. 46–47

(Ordered to lie on the table.)

Mr. HATFIELD submitted two amendments, intended to be proposed by him to the bill, S. 1, supra; as follows:

Amendment No. 46

At the end of the bill add the following new title:

TITLE V—

LOCAL EMPOWERMENT AND FLEXIBILITY

SECTION 501. SHORT TITLE.

This title may be cited as the "Local Empowerment and Flexibility Act of 1995".

SEC. 502. FINDINGS.

The Congress finds that—

(1) historically, Federal programs have addressed the Nation's problems by providing categorical financial assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of services;

(3) the Nation's local governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery of many kinds of services;

(4) the Nation's communities are diverse, and different needs are present in different communities;

(5) it is more important than ever to provide programs that—

(A) promote more effective and efficient local delivery of services to meet the full range of needs of individuals, families, and society;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede local governments' ability to effectively deliver services; and

(D) empower local governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals; and

(6) many communities have innovative planning and community involvement strategies for providing services, but Federal, State, and local regulations often hamper full implementation of local plans.

SEC. 503. PURPOSES.

The purposes of this title are to—

(1) enable more efficient use of Federal, State, and local resources;

(2) place less emphasis in Federal service programs on measuring resources and procedures and more emphasis on achieving Federal, State, and local policy goals;

(3) enable local governments and private, nonprofit organizations to adapt programs of Federal financial assistance to the particular needs of their communities, by—

(A) drawing upon appropriations available from more than one Federal program; and

(B) integrating programs and program funds across existing Federal financial assistance categories; and

(4) enable local governments and private, nonprofit organizations to work together and build stronger cooperative partnerships to address critical service problems.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "approved local flexibility plan" means a local flexibility plan that combines funds from Federal, State, local government or private sources to address the service needs of a community (or any part of such a plan) that is approved by the Flexibility Council under section 505;

(2) the term "community advisory committee" means such a committee established by a local government under section 509;

(3) the term "Flexibility Council" means the council composed of the—

(A) Assistant to the President for Domestic Policy;

(B) Assistant to the President for Economic Policy;

(C) Secretary of the Treasury;

(D) Attorney General;

(E) Secretary of the Interior;

(F) Secretary of Agriculture;

(G) Secretary of Commerce;

(H) Secretary of Labor;

(I) Secretary of Health and Human Services;

(J) Secretary of Housing and Urban Development;

(K) Secretary of Transportation;

(L) Secretary of Education;

(M) Secretary of Energy;

(N) Secretary of Veterans Affairs;

(O) Secretary of Defense;

(P) Director of Federal Emergency Management Agency;

(Q) Administrator of the Environmental Protection Agency;

(R) Director of National Drug Control Policy;

(S) Administrator of the Small Business Administration;

(T) Director of the Office of Management and Budget; and

(U) Chair of the Council of Economic Advisers.

(4) the term "covered Federal financial assistance program" means an eligible Federal financial assistance program that is included in a local flexibility plan of a local government;

(5) the term "eligible Federal financial assistance program"—

(A) means a Federal program under which financial assistance is available, directly or indirectly, to a local government or a qualified organization to carry out the specified program; and

(B) does not include a Federal program under which financial assistance is provided by the Federal Government directly to a beneficiary of that financial assistance or to a State as a direct payment to an individual;

(6) the term "eligible local government" means a local government that is eligible to receive financial assistance under 1 or more covered Federal programs;

(7) the term "local flexibility plan" means a comprehensive plan for the integration and administration by a local government of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs;

(8) the term "local government" means a subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(9) the term "priority funding" means giving higher priority (including by the assignment of extra points, if applicable) to applications for Federal financial assistance submitted by a local government having an approved local flexibility program, by—

(A) a person located in the jurisdiction of such a government; or

(B) a qualified organization eligible for assistance under a covered Federal financial assistance program included in such a plan;

(10) the term "qualified organization" means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(11) the term "State" means the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

SEC. 505. PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN ACCORDANCE WITH APPROVED LOCAL FLEXIBILITY PLAN.

(a) PAYMENTS TO LOCAL GOVERNMENTS.—Notwithstanding any other provision of law, amounts available to a local government or a qualified organization under a covered Federal financial assistance program included in an approved local flexibility plan shall be provided to and used by the local government or organization in accordance with the approved local flexibility plan.

(b) ELIGIBILITY FOR BENEFITS.—An individual or family that is eligible for benefits or services under a covered Federal financial assistance program included in an approved local flexibility plan may receive those benefits only in accordance with the approved local flexibility plan.

SEC. 506. APPLICATION FOR APPROVAL OF LOCAL FLEXIBILITY PLAN.

(a) IN GENERAL.—A local government may submit to the Flexibility Council in accordance with this section an application for approval of a local flexibility plan.

(b) CONTENTS OF APPLICATION.—An application submitted under this section shall include—

(1)(A) a proposed local flexibility plan that complies with subsection (c); or

(B) a strategic plan submitted in application for designation as an enterprise community or an empowerment zone under section 1391 of the Internal Revenue Code of 1986;

(2) certification by the chief executive of the local government, and such additional assurances as may be required by the Flexibility Council, that—

(A) the local government has the ability and authority to implement the proposed plan, directly or through contractual or other arrangements, throughout the geographic area in which the proposed plan is intended to apply; and

(B) amounts are available from non-Federal sources to pay the non-Federal share of all covered Federal financial assistance programs included in the proposed plan; and

(3) any comments on the proposed plan submitted under subsection (d) by the Governor of the State in which the local government is located;

(4) public comments on the plan including the transcript of at least 1 public hearing and comments of the appropriate community advisory committee established under section 509; and

(5) other relevant information the Flexibility Council may require to approve the proposed plan.

(c) CONTENTS OF PLAN.—A local flexibility plan submitted by a local government under this section shall include—

(1) the geographic area to which the plan applies and the rationale for defining the area;

(2) the particular groups of individuals, by service needs, economic circumstances, or other defining factors, who shall receive services and benefits under the plan;

(3)(A) specific goals and measurable performance criteria, a description of how the plan is expected to attain those goals and criteria;

(B) a description of how performance shall be measured; and

(C) a system for the comprehensive evaluation of the impact of the plan on participants, the community, and program costs;

(4) the eligible Federal financial assistance programs to be included in the plan as covered Federal financial assistance programs and the specific benefits that shall be provided under the plan under such programs, including—

(A) criteria for determining eligibility for benefits under the plan;

(B) the services available;

(C) the amounts and form (such as cash, in-kind contributions, or financial instruments) of nonservice benefits; and

(D) any other descriptive information the Flexibility Council considers necessary to approve the plan;

(5) except for the requirements under section 508(b)(3), any Federal statutory or regulatory requirement applicable under a covered Federal financial assistance program included in the plan, the waiver of which is necessary to implement the plan;

(6) fiscal control and related accountability procedures applicable under the plan;

(7) a description of the sources of all non-Federal funds that are required to carry out covered Federal financial assistance programs included in the plan;

(8) written consent from each qualified organization for which consent is required under section 506(b)(2); and

(9) other relevant information the Flexibility Council may require to approve the plan.

(d) PROCEDURE FOR APPLYING.—(1) To apply for approval of a local flexibility plan, a local government shall submit an application in accordance with this section to the Governor of the State in which the local government is located.

(2) A Governor who receives an application from a local government under paragraph (1) may, by no later than 30 days after the date of that receipt—

(A) prepare comments on the proposed local flexibility plan included in the application;

(B) describe any State laws which are necessary to waive for successful implementation of a local plan; and

(C) submit the application and comments to the Flexibility Council.

(3) If a Governor fails to act within 30 days after receiving an application under paragraph (2), the applicable local government may submit the application to the Flexibility Council.

SEC. 507. REVIEW AND APPROVAL OF LOCAL FLEXIBILITY PLANS.

(a) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a local flexibility plan under this title, the Flexibility Council shall—

(1) approve or disapprove all or part of the plan within 45 days after receipt of the application;

(2) notify the applicant in writing of that approval or disapproval by not later than 15 days after the date of that approval or disapproval; and

(3) in the case of any disapproval of a plan, include a written justification of the reasons for disapproval in the notice of disapproval sent to the applicant.

(b) APPROVAL.—(1) The Flexibility Council may approve a local flexibility plan for which an application is submitted under this title, or any part of such a plan, if a majority of members of the Council determines that—

(A) the plan or part shall improve the effectiveness and efficiency of providing benefits under covered Federal programs included in the plan by reducing administrative inflexibility, duplication, and unnecessary expenditures;

(B) the applicant local government has adequately considered, and the plan or part of the plan appropriately addresses, any effect that administration of each covered Federal program under the plan or part of the plan shall have on administration of the other covered Federal programs under that plan or part of the plan;

(C) the applicant local government has or is developing data bases, planning, and evaluation processes that are adequate for implementing the plan or part of the plan;

(D) the plan shall more effectively achieve Federal financial assistance goals at the local level and shall better meet the needs of local citizens;

(E) implementation of the plan or part of the plan shall adequately achieve the purposes of this title and of each covered Federal financial assistance program under the plan or part of the plan;

(F) the plan and the application for approval of the plan comply with the requirements of this title;

(G) the plan or part of the plan is adequate to ensure that individuals and families that receive benefits under covered Federal financial assistance programs included in the plan or part shall continue to receive benefits that meet the needs intended to be met under the program; and

(H) the local government has—

(i) waived the corresponding local laws necessary for implementation of the plan; and

(ii) sought any necessary waivers from the State.

(2) The Flexibility Council may not approve any part of a local flexibility plan if—

(A) implementation of that part would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under covered Federal financial assistance programs included in that part, over the amounts of such obligations and outlays that would occur under those programs without implementation of the part; or

(B) in the case of a plan or part that applies to assistance to a qualified organization under an eligible Federal financial assistance program, the qualified organization does not consent in writing to the receipt of that assistance in accordance with the plan.

(3) The Flexibility Council shall disapprove a part of a local flexibility plan if a majority of the Council disapproves that part of the plan based on a failure of the part to comply with paragraph (1).

(4) In approving any part of a local flexibility plan, the Flexibility Council shall specify the period during which the part is effective. An approved local flexibility plan shall not be effective after the date of the termination of effectiveness of this title under section 513.

(5) Disapproval by the Flexibility Council of any part of a local flexibility plan submitted by a local government under this title shall not affect the eligibility of a local government, a qualified organization, or any individual for benefits under any Federal program.

(c) MEMORANDA OF UNDERSTANDING.—(1) The Flexibility Council may not approve a part of a local flexibility plan unless each local government and each qualified organization that would receive financial assistance under the plan enters into a memorandum of understanding under this subsection with the Flexibility Council.

(2) A memorandum of understanding under this subsection shall specify all understandings that have been reached by the Flexibility Council, the local government, and each qualified organization that is subject to a local flexibility plan, regarding the approval and implementation of all parts of a local flexibility plan that are the subject of the memorandum, including understandings with respect to—

(A) all requirements under covered Federal financial assistance programs that are to be waived by the Flexibility Council under section 508(b);

(B)(i) the total amount of Federal funds that shall be provided as benefits under or used to administer covered Federal financial assistance programs included in those parts; or

(ii) a mechanism for determining that amount, including specification of the total amount of Federal funds that shall be provided or used under each covered Federal financial assistance program included in those parts;

(C) the sources of all non-Federal funds that shall be provided as benefits under or used to administer those parts;

(D) measurable performance criteria that shall be used during the term of those parts to determine the extent to which the goals and performance levels of the parts are achieved; and

(E) the data to be collected to make that determination.

(d) LIMITATION ON CONFIDENTIALITY REQUIREMENTS.—The Flexibility Council may not, as a condition of approval of any part of a local flexibility plan or with respect to the implementation of any part of an approved local flexibility plan, establish any confidentiality requirement that would—

(1) impede the exchange of information needed for the design or provision of benefits under the parts; or

(2) conflict with law.

SEC. 508. IMPLEMENTATION OF APPROVED LOCAL FLEXIBILITY PLANS; WAIVER OF REQUIREMENTS.

(a) PAYMENTS AND ADMINISTRATION IN ACCORDANCE WITH PLAN.—Notwithstanding any other law, any benefit that is provided under a covered Federal financial assistance program included in an approved local flexibility plan shall be paid and administered in the manner specified in the approved local flexibility plan.

(b) WAIVER OF REQUIREMENTS.—(1) Notwithstanding any other law and subject to paragraphs (2) and (3), the Flexibility Council may waive any requirement applicable under Federal law to the administration of, or provision of benefits under, any covered Federal assistance program included in an approved local flexibility plan, if that waiver is—

(A) reasonably necessary for the implementation of the plan; and

(B) approved by a majority of members of the Flexibility Council.

(2) The Flexibility Council may not waive a requirement under this subsection unless the Council finds that waiver of the requirement shall not result in a qualitative reduction in services or benefits for any individual or family that is eligible for benefits under a covered Federal financial assistance program.

(3) The Flexibility Council may not waive any requirement under this subsection—

(A) that enforces any constitutional or statutory right of an individual, including any right under—

(i) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(ii) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(iii) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(iv) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); or

(v) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) for payment of a non-Federal share of funding of an activity under a covered Federal financial assistance program; or

(C) for grants received on a maintenance of effort basis.

(c) SPECIAL ASSISTANCE.—To the extent permitted by law, the head of each Federal agency shall seek to provide special assistance to a local government or qualified organization to support implementation of an approved local flexibility plan, including expedited processing, priority funding, and technical assistance.

(d) EVALUATION AND TERMINATION.—(1) A local government, in accordance with regulations issued by the Flexibility Council, shall—

(A) submit such reports on and cooperate in such audits of the implementation of its approved local flexibility plan; and

(B) periodically evaluate the effect implementation of the plan has had on—

(i) individuals who receive benefits under the plan;

(ii) communities in which those individuals live; and

(iii) costs of administering covered Federal financial assistance programs included in the plan.

(2) No later than 90 days after the end of the 1-year period beginning on the date of the approval by the Flexibility Council of an approved local flexibility plan of a local government, and annually thereafter, the local government shall submit to the Flexibility Council a report on the principal activities and achievements under the plan during the period covered by the report, comparing

those achievements to the goals and performance criteria included in the plan under section 506(c)(3).

(3)(A) The Flexibility Council may terminate the effectiveness of an approved local flexibility plan, if the Flexibility Council, after consultation with the head of each Federal agency responsible for administering a covered Federal financial assistance program included in such, determines—

(i) that the goals and performance criteria included in the plan under section 506(c)(3) have not been met; and

(ii) after considering any experiences gained in implementation of the plan, that those goals and criteria are sound.

(B) In terminating the effectiveness of an approved local flexibility plan under this paragraph, the Flexibility Council shall allow a reasonable period of time for appropriate Federal, State, and local agencies and qualified organizations to resume administration of Federal programs that are covered Federal financial assistance programs included in the plan.

(e) FINAL REPORT; EXTENSION OF PLANS.—(1) No later than 45 days after the end of the effective period of an approved local flexibility plan of a local government, or at any time that the local government determines that the plan has demonstrated its worth, the local government shall submit to the Flexibility Council a final report on its implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under those programs.

(2) The Flexibility Council may extend the effective period of an approved local flexibility plan for such period as may be appropriate, based on the report of a local government under paragraph (1).

SEC. 509. COMMUNITY ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—A local government that applies for approval of a local flexibility plan under this title shall establish a community advisory committee in accordance with this section.

(b) FUNCTIONS.—A community advisory committee shall advise a local government in the development and implementation of its local flexibility plan, including advice with respect to—

(1) conducting public hearings; and

(2) reviewing and commenting on all community policies, programs, and actions under the plan which affect low income individuals and families, with the purpose of ensuring maximum coordination and responsiveness of the plan in providing benefits under the plan to those individuals and families.

(c) MEMBERSHIP.—The membership of a community advisory committee shall—

(1) consist of—

(A) persons with leadership experience in the private and voluntary sectors;

(B) local elected officials;

(C) representatives of participating qualified organizations; and

(D) the general public; and

(2) include individuals and representatives of community organizations who shall help to enhance the leadership role of the local government in developing a local flexibility plan.

(d) OPPORTUNITY FOR REVIEW AND COMMENT BY COMMITTEE.—Before submitting an application for approval of a final proposed local flexibility plan, a local government shall submit the final proposed plan for review and comment by a community advisory committee established by the local government.

(e) COMMITTEE REVIEW OF REPORTS.—Before submitting annual or final reports on an approved Federal assistance plan, a local government or private nonprofit organization shall submit the report for review and comment to the community advisory committee.

SEC. 510. TECHNICAL AND OTHER ASSISTANCE.

(a) TECHNICAL ASSISTANCE.—(1) The Flexibility Council may provide, or direct that the head of a Federal agency provide, technical assistance to a local government or qualified organization in developing information necessary for the design or implementation of a local flexibility plan.

(2) Assistance may be provided under this subsection if a local government makes a request that includes, in accordance with requirements established by the Flexibility Council—

(A) a description of the local flexibility plan the local government proposes to develop;

(B) a description of the groups of individuals to whom benefits shall be provided under covered Federal assistance programs included in the plan; and

(C) such assurances as the Flexibility Council may require that—

(i) in the development of the application to be submitted under this title for approval of the plan, the local government shall provide adequate opportunities to participate to—

(I) individuals and families that shall receive benefits under covered Federal financial assistance programs included in the plan; and

(II) governmental agencies that administer those programs; and

(ii) the plan shall be developed after considering fully—

(I) needs expressed by those individuals and families;

(II) community priorities; and

(III) available governmental resources in the geographic area to which the plan shall apply.

(b) DETAILS TO COUNCIL.—At the request of the Flexibility Council and with the approval of an agency head who is a member of the Council, agency staff may be detailed to the Flexibility Council on a nonreimbursable basis.

SEC. 511. FLEXIBILITY COUNCIL.

(a) FUNCTIONS.—The Flexibility Council shall—

(1) receive, review, and approve or disapprove local flexibility plans for which approval is sought under this title;

(2) upon request from an applicant for such approval, direct the head of an agency that administers a covered Federal financial assistance program under which substantial Federal financial assistance would be provided under the plan to provide technical assistance to the applicant;

(3) monitor the progress of development and implementation of local flexibility plans;

(4) perform such other functions as are assigned to the Flexibility Council by this title; and

(5) issue regulations to implement this title within 180 days after the date of its enactment.

(b) REPORTS.—No less than 18 months after the date of the enactment of this Act, and annually thereafter, the Flexibility Council shall submit a report on the 5 Federal regulations that are most frequently waived by the Flexibility Council for local governments with approved local flexibility plans to the President and the Congress. The President shall review the report and determine whether to amend or terminate such Federal regulations.

SEC. 512. REPORT.

No later than 54 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress, a report that—

(1) describes the extent to which local governments have established and implemented approved local flexibility plans;

(2) evaluates the effectiveness of covered Federal assistance programs included in approved local flexibility plans; and

(3) includes recommendations with respect to local flexibility.

SEC. 513. CONDITIONAL TERMINATION.

This title is repealed on the date that is 5 years after the date of the enactment of this Act unless extended by the Congress through the enactment of the resolution described under section 514.

SEC. 515. JOINT RESOLUTION FOR THE CONTINUATION AND EXPANSION OF LOCAL FLEXIBILITY PROGRAMS.

(a) DESCRIPTION OF RESOLUTION.—A resolution referred to under section 513 is a joint resolution the matter after the resolving clause is as follows: "That Congress approves the application of local flexibility plans to all local governments in the United States in accordance with the Local Empowerment and Flexibility Act of 1995, and that—

"(1) if the provisions of such Act have not been repealed under section 513 of such Act, such provisions shall remain in effect; and

"(2) if the repeal under section 513 of such Act has taken effect, the provisions of such Act shall be effective as though such provisions had not been repealed.".

(b) INTRODUCTION.—No later than 30 days after the transmittal by the Comptroller General of the United States to the Congress of the report required in section 512, a resolution as described under subsection (a) shall be introduced in the Senate by the chairman of the Committee on Governmental Affairs, or by a Member or Members of the Senate designated by such chairman, and shall be introduced in the House of Representatives by the Chairman of the Committee on Government Operations, or by a Member or Members of the House of Representatives designated by such chairman.

(c) REFERRAL.—A resolution as described under subsection (a) shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. The committee shall make its recommendations to the Senate or House of Representatives within 30 calendar days of the date of such resolution's introduction.

(d) DISCHARGE FROM COMMITTEE.—If the committee to which a resolution is referred has not reported such resolution at the end of 30 calendar days after its introduction, that committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) VOTE ON FINAL PASSAGE.—When the committee has reported or has been deemed to be discharged from further consideration of a resolution described under subsection (a), it is at any time thereafter in order for any Member of the respective House to move to proceed to the consideration of the resolution.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure

to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

AMENDMENT NO. 47

At the end of the bill, and the following new title:

TITLE V—OREGON OPTION PROPOSAL

SEC. 501. OREGON OPTION PROPOSAL.

(a) FINDINGS.—The Senate finds that—

(1) Federal, State and local governments are dealing with increasingly complex problems which require the delivery of many kinds of social services at all levels of government;

(2) historically, Federal programs have addressed the Nation's problems by providing categorical assistance with detailed requirements relating to the use of funds which are often delivered by State and local governments;

(3) although the current approach is one method of service delivery, a number of problems exist in the current intergovernmental structure that impede effective delivery of vital services by State and local governments;

(4) it is more important than ever to provide programs that respond flexibly to the needs of the Nation's States and communities, reduce the barriers between programs that impede Federal, State and local governments' ability to effectively deliver services, encourage the Nation's Federal, State and local governments to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national goals, and improve the accountability of all levels of government by better measuring government performance and better meeting the needs of service recipients;

(5) the State and local governments of Oregon have begun a pilot project, called the Oregon Option, that will utilize strategic planning and performance-based management that may provide new models for intergovernmental social service delivery;

(6) the Oregon Option is a prototype of a new intergovernmental relations system, and it has the potential to completely transform the relationships among Federal, State and local governments by creating a system of intergovernmental service delivery and funding that is based on measurable performance, customer satisfaction, prevention, flexibility, and service integration; and

(7) the Oregon Option has the potential to dramatically improve the quality of Federal, State and local services to Oregonians.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option.

MCCAIN AMENDMENTS NOS. 48–50

(Ordered to lie on the table.)

Mr. MCCAIN submitted three amendments, intended to be proposed by him, to the bill S. 1, supra; as follows:

AMENDMENT NO. 48

On page 20, strike line 15 and insert the following: "that determination in the statement.

"(iv) The Director shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of the cost estimates to be prepared by the Congressional Budget Office pursuant to this Act."

AMENDMENT NO. 49

On page 32, strike line 9 through line 23, and insert in lieu thereof the following: "permitted in Chapter 5 of Title 5, United States Code (Commonly referred to as the Administrative Procedures Act)—

"(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

"(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

"(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in the Administrative Procedures Act, develop an effective process to permit elected officials."

AMENDMENT NO. 50

On page 25, strike lines 7 through 10, and insert the following: "(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1)—

"(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

"(B) shall apply to—

"(i) Any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any bill or resolution reported by such Committee;

"(ii) any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

"(iii) any legislative provision increasing direct costs of a federal inter-governmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

"(iv) any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

"(C) Upon a point of order being made by any Senator against any provision listed in Paragraph (3)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.".

MCCONNELL AMENDMENT NO. 51

(Ordered to lie on the table.)

Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill, S. 1, supra, as follows:

On page 12, line 18, after "national origin," insert "age,".

BUMPERS AMENDMENTS NOS. 52–53

(Ordered to lie on the table.)

Mr. BUMPERS submitted two amendments intended to be proposed by him to the bill, S. 1, supra, as follows:

AMENDMENT NO. 52

At the appropriate place, insert the following new title:

TITLE ___—COLLECTION OF STATE AND LOCAL SALES TAXES

SEC. ___01. SHORT TITLE.

This title may be cited as the "Consumer and Main Street Business Protection Act of 1995".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) merchandise purchased from out-of-State firms is subject to State and local sales taxes in the same manner as merchandise purchased from in-State firms,

(2) State and local governments generally are unable to compel out-of-State firms to collect and remit such taxes, and consequently, many out-of-State firms choose not to collect State and local taxes on merchandise delivered across State lines,

(3) moreover, many out-of-State firms fail to inform their customers that such taxes exist, with some firms even falsely claim that merchandise purchased out-of-State is tax-free, and consequently, many consumers unknowingly incur tax liabilities, including interest and penalty charges,

(4) Congress has a duty to protect consumers from explicit or implicit misrepresentations of State and local sales tax obligations,

(5) small businesses, which are compelled to collect State and local sales taxes, are subject to unfair competition when out-of-State firms cannot be compelled to collect and remit such taxes on their sales to residents of the State,

(6) State and local governments provide a number of resources to out-of-State firms including government services relating to disposal of tons of catalogs, mail delivery, communications, and bank and court systems,

(7) the inability of State and local governments to require out-of-State firms to collect and remit sales taxes deprives State and local governments of needed revenue and forces such State and local governments to raise taxes on taxpayers, including consumers and small businesses, in such State,

(8) the Supreme Court ruled in Quill Corporation v. North Dakota, 112 S. Ct. 1904 (1992) that the due process clause of the Constitution does not prohibit a State government from imposing personal jurisdiction and tax obligations on out-of-State firms that purposefully solicit sales from residents therein, and that the Congress has the power to authorize State governments to require out-of-State firms to collect State and local sales taxes, and

(9) as a matter of federalism, the Federal Government has a duty to assist State and local governments in collecting sales taxes on sales from out-of-State firms.

SEC. ___03. AUTHORITY FOR COLLECTION OF SALES TAX.

(a) IN GENERAL.—A State is authorized to require a person who is subject to the personal jurisdiction of the State to collect and remit a State sales tax, a local sales tax, or both, with respect to tangible personal property if—

(1) the destination of the tangible personal property is in the State,

(2) during the 1-year period ending on September 30 of the calendar year preceding the calendar year in which the taxable event occurs, the person has gross receipts from sales of such tangible personal property—

(A) in the United States exceeding $3,000,000, or

(B) in the State exceeding $100,000, and

(3) the State, on behalf of its local jurisdictions, collects and administers all local sales taxes imposed pursuant to this title.

(b) STATES MUST COLLECT LOCAL SALES TAXES.—Except as provided in section ___04(d), a State in which both State and local sales taxes are imposed may not require State sales taxes to be collected and remitted under subsection (a) unless the State also requires the local sales taxes to be collected and remitted under subsection (a).

(c) AGGREGATION RULES.—All persons that would be treated as a single employer under section 52 (a) or (b) of the Internal Revenue Code of 1986 shall be treated as one person for purposes of subsection (a).

(d) DESTINATION.—For purposes of subsection (a), the destination of tangible personal property is the State or local jurisdiction which is the final location to which the seller ships or delivers the property, or to which the seller causes the property to be shipped or delivered, regardless of the means of shipment or delivery or the location of the buyer.

SEC.___04. TREATMENT OF LOCAL SALES TAXES.

(a) UNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Sales taxes imposed by local jurisdictions of a State shall be deemed to be uniform for purposes of this title and shall be collected under this title in the same manner as State sales taxes if—

(A) such local sales taxes are imposed at the same rate and on identical transactions in all geographic areas in the State, and

(B) such local sales taxes imposed on sales by out-of-State persons are collected and administered by the State.

(2) APPLICATION TO BORDER JURISDICTION TAX RATES.—A State shall not be treated as failing to meet the requirements of paragraph (1)(A) if, with respect to a local jurisdiction which borders on another State, such State or local jurisdiction—

(A) either reduces or increases the local sales tax in order to achieve a rate of tax equal to that imposed by the bordering State on identical transactions, or

(B) exempts from the tax transactions which are exempt from tax in the bordering State.

(b) NONUNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), nonuniform local sales taxes required to be collected pursuant to this title shall be collected under one of the options provided under paragraph (2).

(2) ELECTION.—For purposes of paragraph (1), any person required under authority of this title to collect nonuniform local sales taxes shall elect to collect either—

(A) all nonuniform local sales taxes applicable to transactions in the State, or

(B) a fee (at the rate determined under paragraph (3)) which shall be in lieu of the nonuniform local sales taxes described in subparagraph (A).

Such election shall require the person to use the method elected for all transactions in the State while the election is in effect.

(3) RATE OF IN-LIEU FEE.—For purposes of paragraph (2)(B), the rate of the in-lieu fee for any calendar year shall be an amount equal to the product of—

(A) the amount determined by dividing total nonuniform local sales tax revenues collected in the State for the most recently completed State fiscal year for which data is available by total State sales tax revenues for the same year, and

(B) the State sales tax rate.

Such amount shall be rounded to the nearest 0.25 percent.

(4) NONUNIFORM LOCAL SALES TAXES.—For purposes of this title, nonuniform local sales taxes are local sales taxes which do not meet the requirements of subsection (a).

(c) DISTRIBUTION OF LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), a State shall distribute to local jurisdictions a portion of the amounts collected pursuant to this title determined on the basis of—

(A) in the case of uniform local sales taxes, the proportion which each local jurisdiction receives of uniform local sales taxes not collected pursuant to this title,

(B) in the case of in-lieu fees described in subsection (b)(2)(B), the proportion which each local jurisdiction's nonuniform local sales tax receipts bears to the total nonuniform local sales tax receipts in the State, and

(C) in the case of any nonuniform local sales tax collected pursuant to this title, the geographical location of the transaction on which the tax was imposed.

The amounts determined under subparagraphs (A) and (B) shall be calculated on the basis of data for the most recently completed State fiscal year for which the data is available.

(2) TIMING.—Amounts described in paragraph (1) (B) or (C) shall be distributed by a State to its local jurisdictions in accordance with State timetables for distributing local sales taxes, but not less frequently than every calendar quarter. Amounts described in paragraph (1)(A) shall be distributed by a State as provided under State law.

(3) TRANSITION RULE.—If, upon the effective date of this title, a State has a State law in effect providing a method for distributing local sales taxes other than the method under this subsection, then this subsection shall not apply to that State until the 91st day following the adjournment sine die of that State's next regular legislative session which convenes after the effective date of this title (or such earlier date as State law may provide). Local sales taxes collected pursuant to this title prior to the application of this subsection shall be distributed as provided by State law.

(d) EXCEPTION WHERE STATE BOARD COLLECTS TAXES.—Notwithstanding section ___03(b) and subsections (b) and (c) of this section, if a State had in effect on January 1, 1995, a State law which provides that local sales taxes are collected and remitted by a board of elected States officers, then for any period during which such law continues in effect—

(1) the State may require the collection and remittance under this title of only the State sales taxes and the uniform portion of local sales taxes, and

(2) the State may distribute any local sales taxes collected pursuant to this title in accordance with State law.

SEC.___05. RETURN AND REMITTANCE REQUIREMENTS.

(a) IN GENERAL.—A State may not require any person subject to this title—

(1) to file a return reporting the amount of any tax collected or required to be collected under this title, or to remit the receipts of such tax, more frequently than once with respect to sales in a calendar quarter, or

(2) to file the initial such return, or to make the initial such remittance, before the 90th day after the person's first taxable transaction under this Act.

(b) LOCAL TAXES.—The provisions of subsection (a) shall also apply to any person required by a State acting under authority of this title to collect a local sales tax or in-lieu fee.

SEC.___06. NONDISCRIMINATION AND EXEMPTIONS.

Any State which exercises any authority granted under this title shall allow to all persons subject to this title all exemptions or other exceptions to State and local sales taxes which are allowed to persons located within the State or local jurisdiction.

SEC.___07. APPLICATION OF STATE LAW.

(a) PERSONS REQUIRED TO COLLECT STATE OR LOCAL SALES TAX.—Any person required by section ___03 to collect a State or local sales tax shall be subject to the laws of such State relating to such sales tax to the extent that such laws are consistent with the limitations contained in this title.

(b) LIMITATIONS.—Except as provided in subsection (a), nothing in this title shall be construed to permit a State—

(1) to license or regulate any person,

(2) to require any person to qualify to transact intrastate business, or

(3) to subject any person to State taxes not related to the sales of tangible personnel property.

(c) PREEMPTION.—Except as otherwise provided in this title, this title shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

SEC.___08. TOLL-FREE INFORMATION SERVICE.

A State shall not have power under this title to require any person to collect a State or local sales tax on any sale unless, at the time of such sale, such State has a toll-free telephone service available to provide such person information relating to collection of such State or local sales tax. Such information shall include, at a minimum, all applicable tax rates, return and remittance addresses and deadlines, and penalty and interest information. As part of the service, the State shall also provide all necessary forms and instructions at no cost to any person using the service. The State shall prominently display the toll-free telephone number on all correspondence with any person using the service. This service may be provided jointly with other States.

SEC.___09. DEFINITIONS.

For the purposes of this title—

(1) the term "compensating use tax" means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property;

(2) the term "local sales tax" means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both;

(3) the term "person" means an individual, a trust, estate, partnership, society, association, company (including a limited liability

company) or corporation, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing;

(4) the term "sales tax" means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge or other value of or for such property; and

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC.___ 10. EFFECTIVE DATE.

This title shall take effect 180 days after the date of the enactment of this Act. In no event shall this title apply to any sale occurring before such effective date.

AMENDMENT NO. 53

At the appropriate place, insert the following new title:

TITLE ___—CONSUMER PROTECTION TAX DISCLOSURE

SEC. ___01. SHORT TITLE.

This title may be cited as the "Direct Marketing Consumer Protection Act of 1995".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) merchandise purchased from out-of-State firms is subject to State and local sales taxes in the same manner as merchandise purchased from in-State firms,

(2) many out-of-State firms, however, choose not to collect State and local taxes on merchandise delivered across State lines,

(3) moreover, many out-of-State firms fail to inform their customers that such taxes exist, and some firms even falsely claim that merchandise purchased out-of-State is tax-free,

(4) consequently, many customers unknowingly incur tax liabilities, including interest and penalty charges, and

(5) Congress has a duty to protect consumers from explicit or implicit misrepresentations of State and local sales tax obligations.

SEC. ___03. DISCLOSURE REQUIREMENT.

(a) DISCLOSURE REQUIREMENT.—Any person selling tangible personal property who—

(1) delivers such property, or causes such property to be delivered, to a person in another State, and

(2) does not collect and remit all applicable State and local sales taxes pertaining to the sale and use of such property,

shall prominently display the notice described in subsection (b) on all applicable documents.

(b) DISCLOSURE NOTICE.—The notice described in this subsection is as follows:

"NOTICE REGARDING TAXES: You may be required by your State or local government to pay sales or use tax on these products. Such taxes are imposed in nearly all States. Failure to pay such taxes could result in civil or criminal penalties. For information on your tax obligations, contact your State taxation department."

(c) APPLICABLE DOCUMENTS.—For purposes of subsection (a), the term "applicable document" means any written or telecommunicated solicitation, order form, invoice, or sales document which a person presents, telecommunicates, mails, delivers, or causes to be presented, telecommunicated, mailed, or delivered to a purchaser or prospective purchaser.

(d) REGULATORY AUTHORITY.—The Secretary of Commerce may issue such regulations as are necessary to ensure compliance with this section, including regulations as to what constitutes prominently displaying a notice.

SEC. ___04. PENALTIES.

Any person who willfully fails to include any notice under section _03 shall be fined not more than $100 for each such failure.

SEC. ___05. DEFINITIONS.

For purposes of this title—

(1) the term "compensating use tax" means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property,

(2) the term "local sales tax" means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both,

(3) the term "person" means an individual, a trust, estate, partnership, society, association, company (including a limited liability company), or corporation, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing,

(4) the term "sales tax" means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge, or other value of or for such property, and

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. ___06. EFFECTIVE DATE.

This title shall take effect 180 days after the date of the enactment of this Act. In no event shall this Act apply to any sale occurring before such effective date.

BRADLEY AMENDMENT NO. 54

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill S. 1; supra; as follows:

On page 33, strike out line 9 and insert in lieu thereof the following:

SEC. 107. IMPACT ON LOCAL GOVERNMENTS.

(A) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 108. EFFECTIVE DATE.

LIEBERMAN AMENDMENTS NOS. 55-56

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted two amendments intended to be proposed by him to the bill S. 1; supra; as follows:

AMENDMENT NO. 55

On page 25, after line 25, add the following:

"(6) EXCLUSION.—For purposes of paragraph (1)(B), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

AMENDMENT NO. 56

On page 25, after line 25, add the following:

"(6) EXCLUSION.—For purposes of paragraph (1)(B), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

HOLLINGS AMENDMENT NO. 57

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1; supra; as follows:

SEC. . Sense of the Senate concerning Congressional Enforcement of a Balanced Budget.

It is the Sense of the Senate that prior to adopting in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced budget—

(1) the Congress set forth with specificity the policies that achieving such a balanced federal budget by the year 2002 would require; and

(2) enforce through the Congressional budget process the requirement to achieve a balanced federal budget by the year 2002.

BOXER (AND MURRAY) AMENDMENT NO. 58

(Ordered to lie on the table.)

Mrs. BOXER (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 1; supra; as follows:

On page 13, line 5, strike "or" after the semicolon.

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following:

(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.

BOXER AMENDMENT NO. 59

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1; supra; as follows:

On page 6, line 10, strike "or".

On page 7, line 7, strike the period at the end and insert "; or".

On page 7, between lines 7 and 8, insert the following:

"(C)(i) any provision in legislation, statute, or regulation that would impose costs upon State, local, or tribal governments to provide services to illegal immigrants; or

"(ii) any failure of the Federal government to meet a Federal responsibility that results in costs to State, local or tribal governments with respect to illegal immigrants on or after the date of enactment of the Unfunded Mandate Reform Act of 1995.

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

BOXER (AND OTHERS) AMENDMENT NO. 60

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, Ms. MIKULSKI, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1, supra; as follows:

In lieu of the matter proposed to be inserted by Committee amendment number , insert the following "considered on or after such date.

"SEC. 108. SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

"(a) FINDINGS.—Congress finds that—

"(1) there are approximately 900 clinics in the United States providing reproductive health services;

"(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

"(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

"(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

"(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

"(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

"(7) persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

"(8) the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

"(9) the President has instructed the Attorney General to order—

"(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

"(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violence attack.".

• Mr. BAUCUS. Mr. President, I want to express my support for Senator BOXER's amendment to S.1, which asks the Attorney General to act immediately to protect womens' health care clinics.

The shootings last month at two clinics in Massachusetts and one in Virginia remind me of the problems we have experienced in my home State of Montana. In 1993, an arsonist burned and destroyed the Blue Mountain Women's Clinic in Missoula, the second clinic that closed in Montana due to arson in the span of a year and a half. And I recall Dr. Susan Wicklund from Bozeman, who was repeatedly harassed by life-threatening letters and calls. Prior to passage of the Freedom of Access to Clinic Entrances Act of 1994, the Federal Bureau of Investigations did not have the authority to protect Dr. Wicklund. Today, however, Federal law safeguards women who choose to exercise their constitutional right to have an abortion, and those who assist them in doing so.

Last year, Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994. I cosponsored this legislation, establishing new penalties for individuals threatening, obstructing, injuring, intimidating, or interfering with any person obtaining or providing abortion services. Moreover, it protects health care clinics by allowing the Attorney General to bring Federal criminal charges against any person who damages or attempts to damage a medical facility that provides abortion services.

This amendment, which I am cosponsoring, asks the Attorney General to fully enforce the Freedom of Access to Clinic Entrances Act. In 1994, over 130 incidents of violence and intimidation were recorded by reproductive health care clinics. Furthermore, we cannot permit the recent shootings in Massachusetts and Virginia to pass us by without taking action.

I ask my colleagues to support this amendment and help curb the violence surrounding our reproductive health care clinics.•

BROWN AMENDMENTS NOS. 61–62

(Ordered to lie on the table.)

Mr. BROWN submitted two amendments intended to be proposed by him to the bill, S. 1, supra, as follows:

AMENDMENT NO. 61

Strike title IV of the bill and insert the following:

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(A) IN GENERAL.—Any statement or report prepared under titles I or III of this Act, and any compliance or noncompliance with the provisions of titles I or III of this Act, and any determination concerning the applicability of the provisions of titles I or III of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of titles I or III of this Act or amendment made by titles I or III of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

AMENDMENT NO. 62

On page 13, insert between lines 13 and 14 the following new section:

SEC. 6. REVIEW OF IMPLEMENTATION.

It is the sense of the Senate that before the adjournment of the 106th Congress, the appropriate committees of the Senate should review the implementation of the provisions of this Act with respect to the conduct of the business of the Senate and report thereon to the Senate.

DORGAN (AND KASSEBAUM) AMENDMENT NO. 63

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mrs. KASSEBAUM) submitted an amendment intended to be proposed by him to the bill, S. 1, supra, as follows:

On page 38, after line 25, insert the following:

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be unfunded Federal mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

SEC. 205. TERMINATION OF REQUIREMENTS FOR METRIC SYSTEM OF MEASUREMENT.

(a) IN GENERAL.—Subject to subsections (b) and (c) and notwithstanding any other provision of law, no department, agency, or other entity of the Federal Government may require that any State, local, or tribal government utilize a metric system of measurement.

(b) EXCEPTION.—A department, agency, or other entity of the Federal Government may require the utilization of a metric system of measurement by a State, local, or tribal government in a particular activity, project, or transaction that is pending on the date of the enactment of this Act if the head of such department, agency, or other entity determines that the termination of such requirement with respect to such activity, project, or transaction will result in a substantial additional cost to the Federal Government in such activity, project, or transaction.

(c) SUNSET.—Subsection (a) shall cease to be effective on October 1, 1997.

On page , between lines and , insert the following:

(4) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

DORGAN (AND OTHERS) AMENDMENT NO. 64

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mrs. KASSEBAUM, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1; supra; as follows:

On page 38, after line 25, insert the following:

SEC. 205. TERMINATION OF REQUIREMENTS FOR METRIC SYSTEM OF MEASUREMENT.

(a) IN GENERAL.—Subject to subsections (b) and (c) and notwithstanding any other provision of law, no department, agency, or other entity of the Federal Government may require that any State, local, or tribal government utilize a metric system of measurement.

(b) EXCEPTION.—A department, agency, or other entity of the Federal Government may require the utilization of a metric system of measurement by a State, local, or tribal government in a particular activity, project, or transaction that is pending on the date of the enactment of this Act if the head of such department, agency, or other entity determines that the termination of such requirement with respect to such activity, project, or transaction will result in a substantial additional cost to the Federal Government in such activity, project, or transaction.

(c) SUNSET.—Subsection (a) shall cease to be effective on October 1, 1997.

DORGAN (AND OTHERS) AMENDMENT NO. 65

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mrs. KASSEBAUM, and Mr. REID) submitted an amendment intended to be proposed by them to the bill, S. 1, supra; as follows:

On page 4, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be unfunded Federal mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

NICKLES (AND DOMENICI) AMENDMENT NO. 66

(Ordered to lie on the table.)

Mr. NICKLES (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 1, supra; as follows:

Page 35, line 11 strike the word "intergovernmental".

DOMENICI AMENDMENT NO. 67

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1, supra; as follows:

On page 12, lines 1 and 2, strike out "but does not include independent regulatory agencies" and insert in lieu thereof "and shall include the Consumer Product Safety Commission, Federal Communications Commission, Federal Energy Regulatory Commission, Federal Trade Commission, and the Interstate Commerce Commission, but shall not include any other independent regulatory agency".

BOXER AMENDMENTS NOS. 68–69

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to the bill, S. 1, supra; as follows:

AMENDMENT NO. 68

On page 12, between lines 6 and 7, insert the following:

(22) The term "direct savings"—

(A) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, tribal government, or the citizens of such government as a result of compliance with the federal intergovernmental mandate.

(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate.

(C) shall include, without being limited to, any reduction as a result of compliance with the Federal mandate in—

(i) the costs or burden of complying with any other law, regulation, or requirement imposed by the Federal government or any State, local or tribal government;

(ii) the cost or burden of attaining any goal identified in or established pursuant to any Federal, State, local or tribal government.

(D) shall include, without being limited to, benefits as referred to in paragraph (3)(B) of Section 408(a) of this Act.

AMENDMENT NO. 69

It is the sense of the Senate that the term "direct savings" as used in this Act—

(A) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, tribal government, or the citizens of such government as a result of compliance with the federal intergovernmental mandate.

(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate.

(C) shall include, without being limited to, any reduction as a result of compliance with the Federal mandate in—

(i) the costs or burden of complying with any other law, regulation, or requirement imposed by the Federal government or any State, local or tribal government;

(ii) the cost or burden of attaining any goal identified in or established pursuant to any Federal, State, local or tribal government.

(D) shall include, without being limited to, benefits as referred to in paragraph (3)(B) of Section 408(a) of this Act.

GORTON AMENDMENT NO. 70

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill S. 1, supra; as follows:

At the end of the bill, add the following:

SEC. . NATIONAL HISTORY STANDARDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the National Education Goals Panel shall disapprove, and the National Education Standards and Improvement Council shall not certify, any voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of world and United States history, developed prior to the date of enactment of this Act.

(b) PROHIBITION.—No Federal funds shall be awarded to, or expended by, the National Center for History in the Schools, after February 1, 1995, for the development of voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of such history.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, on the subject of world and United States history, established under title II of the Goals 2000: Educate America Act should not be based on standards developed by the National Center for History in the Schools; and

(2) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (1), the recipient of such funds should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world.

GRAMM AMENDMENTS NOS. 71–72

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 71

On page 21, between lines 13 and 15, insert the following:

"(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form."

AMENDMENT NO. 72

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting "408(c)," after "313,".

D'AMATO (AND SARBANES) AMENDMENT NO. 73

(Ordered to lie on the table.)

Mr. D'AMATO (for himself and Mr. SARBANES) submitted an amendment intended to be proposed by himself to the bill S. 1, supra; as follows:

On page 13, lines 1-6, redesignate paragraphs (5) and (6) as paragraphs (6) and (7) and insert the following new paragraph:

"(5) ensures the safe and sound operation of an insured depository institution or insured credit union (as those terms are defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) or section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)), respectively) or protects the insurance funds that insure the deposits or member accounts in those depository institutions or credit unions;".

WELLSTONE AMENDMENTS NOS. 74–81

(Ordered to lie on the table.)

Mr. WELLSTONE submitted eight amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 74

At the appropriate place, insert the following:

"( ) The terms 'Federal mandate direct costs' and 'direct costs'—

"( ) shall be determined on the assumption that State, local, and tribal governments, and the private sector are in compliance with all Federal laws in effect at the time of the adoption of the Federal mandate and have incurred all costs necessary to achieve such compliance; and

"( ) shall not include re-authorizations or renewals of existing mandates to the extent that such re-authorizations or renewals do not increase the cost of compliance on State, local, and tribal governments."

AMENDMENT NO. 75

Insert at the appropriate place, the following:

"( ) Notwithstanding any other provision of this Act, this title shall expire on October 1 of the fiscal year for which the Senate Budget Committee determines that the fiscal appropriation to the Congressional Budget Office is not adequate to carry out the requirements of this title."

AMENDMENT NO. 76

At the appropriate place, insert the following:

"( ) Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order."

AMENDMENT NO. 77

At the end of the language proposed to be inserted, add the following:

"on and after such date. Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order"

AMENDMENT NO. 78

At the appropriate place, add the following new title:

TITLE —IMPACT OF LEGISLATION ON CHILDREN

SEC. 1. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

AMENDMENT NO. 79

At the end of the language proposed to be inserted, add the following:

"on and after such date. It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.".

AMENDMENT NO. 80

Insert at the appropriate place the following:

"( ) The term 'direct savings' shall be interpreted both as narrowly and as broadly as the terms 'Federal mandate direct costs' and 'direct costs.'"

AMENDMENT NO. 81

Onpage 26, between lines 10 and 11, insert the following:

(c) ROLLCALL VOTE REQUIREMENT.—Section 904(b) of the Congressional Budget Act of 1974 is amended by—

(1) striking "Any" and inserting "Except as provided in the second sentence of this subsection, any"; and

(2) adding at the end the following: "Section 408(c) may only be waived or suspended by a rollcall vote.".

GLENN AMENDMENTS NOS. 82–105

(Ordered to lie on the table.)

Mr. GLENN submitted 24 amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 82

On page 12, strike lines 17 through 19 and insert "that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, or handicap or disability;".

AMENDMENT NO. 83

On page 21, strike beginning with line 16 through line 4 on page 22 and insert the following:

"(1) IN GENERAL.—

"(A) STATEMENT REQUIRED FOR REPORTED BILL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration.

"(B) LEGISLATION OF THRESHOLD.—(i) It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report—

"(I) after third reading or at any other time when no further amendments are in order, if the enactment of such bill or resolution as amended; or

"(II) if such bill or resolution in the form recommended by such conference report differs from the bill or resolution as passed by the Senate, and if the enactment of such bill or resolution in the form recommended in such conference report,

would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless the conditions specified in clause (ii) are satisfied.

"(ii) The conditions referred to in clause (i) shall be satisfied if—

Redesignate the clauses following accordingly.

AMENDMENT NO. 84

On page 21, strike beginning with line 16 through line 4 on page 22 and insert the following:

"(1) IN GENERAL.—

"(A) STATEMENT REQUIRED FOR REPORTED BILL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration.

"(B) STATEMENT OR THRESHOLD.—(i) It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report—

"(I) if the enactment of such bill or resolution as reported;

"(II) after third reading or at any other time when no further amendments are in order, if such bill or resolution has been amended and if the enactment of such bill or resolution as amended; or

"(III) if such bill or resolution in the form recommended by such conference report differs from the bill or resolution as passed by the Senate, and if the enactment of such bill or resolution in the form recommended in such conference report,

would increase the direct costs of Federal inter-governmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless the conditions specified in clause (ii) are satisfied.

"(ii) The conditions referred to in clause (i) shall be satisfied if—

Redesignate the clauses following accordingly.

AMENDMENT NO. 85

On page 25, insert between lines 10 and 11 the following:

"(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, the presiding officer of the Senate shall consult the Committee on Governmental Affairs on questions concerning the applicability of this section and the Unfunded Mandate Reform Act of 1995 to a pending bill, joint resolution, amendment, motion, or conference report.

"(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, the levels of Federal mandates for a fiscal year shall be determined based on estimates made by the Committee on the Budget of the Senate on questions concerning the levels of Federal mandates for a fiscal year."

AMENDMENT NO. 86

On page 25, insert between lines 10 and 11 the following:

"(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, the presiding officer of the Senate shall consult the Committee on Governmental Affairs on all questions concerning the applicability of this section and the Unfunded Mandate Reform Act of 1995 to a pending bill, joint resolution, amendment, motion, or conference report.

"(5) DEPARTMENT OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, the presiding officer of the Senate shall consult the Committee on the Budget on questions concerning the estimates of the levels of Federal mandates for a fiscal year."

AMENDMENT NO. 87

On page 33, lines 21 and 22, strike out "and the private sector".

On page 36, line 7, strike out "and" after the semi-colon.

On page 36, line 12, insert "and" after the semicolon.

On page 36, insert between lines 12 and 13 the following new subparagraph:

"(C) the effect of the Federal intergovernmental mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services;".

On page 36, line 17, insert "and" after the semicolon.

On page 36, strike out lines 18 through 22.

On page 36, line 23, strike out "(5)" and insert in lieu thereof "(4)".

AMENDMENT NO. 88

On page 36, insert between lines 12 and 13 the following new subparagraph:

"(C) the effect of the Federal intergovernmental mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services;".

AMENDMENT NO. 89

On page 36, line 17, insert "and" after the semicolon.

AMENDMENT NO. 90

On page 36, strike out liens 18 through 22.

AMENDMENT NO. 91

On page 36, line 23, strike out "(5)" and insert in lieu thereof "(4)".

AMENDMENT NO. 92

On page 33, lines 21 and 22, strike out "and the private sector".

AMENDMENT NO. 93

On page 36, line 7, strike out "and" after the semicolon.

AMENDMENT NO. 94

On page 36, line 12, insert "and" after the semicolon.

AMENDMENT NO. 95

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Mandate Accountability and Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate before the Senate votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instances;

(5) to establish a point-of-order vote on the consideration in the Senate of legislation containing significant Federal mandates; and

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL INTERGOVERNMENTAL MANDATE.—The term "Federal intergovernmental mandate" means—

(A) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that—

(i) would impose a duty upon States, local governments, or tribal governments that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty; or

(B) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority (as defined in section 3(9) of the Congressional Budget Act of 1974 (2 U.S.C. 622(9))), if—

(i)(I) the bill or joint resolution or regulation would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the bill or joint resolution or regulation.

(2) FEDERAL PRIVATE SECTOR MANDATE.—The term "Federal private sector mandate" means any provision in a bill or joint resolution before Congress that—

(A) would impose a duty upon the private sector that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program); or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of complying with any such duty.

(3) FEDERAL MANDATE.—The term "Federal mandate" means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

(4) DIRECT COSTS.—

(A) FOR A FEDERAL INTERGOVERNMENTAL MANDATE.—In the case of a Federal intergovernmental mandate, the term "direct costs" means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate, or, in the case of a bill or joint resolution referred to in paragraph (1)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) FOR A FEDERAL PRIVATE SECTOR MANDATE.—In the case of a Federal private sector mandate, the term "direct costs" means the aggregate amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate.

(C) NOT INCLUDED.—The term "direct costs" does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations adopted before the adoption of the Federal mandate; or

(II) to continue to carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities established at the time of adoption of the Federal mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) ASSUMPTION.—Direct costs shall be determined on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations.

(5) AMOUNT OF AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL FINANCIAL ASSISTANCE.—The term "amount" with respect to an authorization of appropriations for Federal financial assistance means—

(A) the amount of budget authority (as defined in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A))) of any Federal grant assistance; and

(B) the subsidy amount (as defined as "cost" in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(a))) of any Federal program providing loan guarantees or direct loans.

(6) PRIVATE SECTOR.—The term "private sector" means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

(7) OTHER DEFINITIONS.—

(A) AGENCY.—The term "agency" has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(B) DIRECTOR.—The term "Director" means the Director of the Congressional Budget Office.

(C) LOCAL GOVERNMENT.—The term "local government" has the same meaning as in section 6501(6) of title 31, United States Code.

(D) REGULATION OR RULE.—The term "regulation" or "rule" has the meaning of "rule" as defined in section 601(2) of title 5, United States Code.

(E) SMALL GOVERNMENT.—The term "small government" means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

(F) STATE.—The term "State" has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of any of them;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as he may reasonably request to assist him in performing his responsibilities under this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) COMMITTEE REPORT.—

(1) REGARDING FEDERAL MANDATES.—

(A) IN GENERAL.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character that includes any Federal mandate, the committee shall issue a report to accompany the bill or joint resolution containing the information required by subparagraphs (B) and (C).

(B) REPORTS ON FEDERAL MANDATES.—Each report required by subparagraph (A) shall contain—

(i) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to States, local governments, and tribal governments, and to the private sector, required to comply with the Federal mandates; and

(ii) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the enhancement of health and safety and the protection of the natural environment).

(C) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required by subparagraph (A) shall also contain—

(i)(I) a statement of the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to the Federal intergovernmental mandates.

(II) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

(ii) any existing sources of Federal assistance in addition to those identified in clause (i) that may assist States, local governments, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

(2) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) IN GENERAL.—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 102(c), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available soon enough to be included in the printed report.

(2) IF NOT INCLUDED.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 102. DUTIES OF THE DIRECTOR.

(b) CONSULTATION.—The Director shall, at the request of any committee of the House of Representatives or of the Senate, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(1) a significant budgetary impact on State, local, or tribal governments; or

(2) a significant financial impact on the private sector.

(c) STATEMENTS ON NONAPPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will not equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(ii) ESTIMATES.—The estimate required by clause (i) shall include—

(I) estimates (and brief explanations of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing

Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates.

(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will not equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(ii) ESTIMATES.—Estimates required by this subparagraph shall include—

(I) estimates (and a brief explanation of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by the private sector for activities subject to the Federal private sector mandates.

(C) FAILURE TO MAKE ESTIMATE.—If the Director determines that it is not reasonably feasible for him to make a reasonable estimate that would be required by subparagraphs (A) and (B) with respect to Federal private sector mandates, the Director shall not make the estimate, but shall report in his statement that the reasonable estimate cannot be reasonably made and shall include the reasons for that determination in the statement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Congressional Budget Office to carry out the provisions of this Act $6,000,000, for each of the fiscal years 1995, 1996, 1997, and 1998.

(e) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 103. POINT OF ORDER IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by any committee of authorization of the Senate unless, based upon a ruling of the presiding Officer—

(1) the committee has published a statement of the Director in accordance with section 101(c) prior to such consideration; and

(2) in the case of a bill or joint resolution containing Federal intergovernmental mandates, either—

(A) the direct costs of all Federal intergovernmental mandates in the bill or joint resolution are estimated not to equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, or

(B)(i) the amount of the increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates is at least equal to the estimated amount of direct costs of the Federal intergovernmental mandates.

(b) WAIVER.—The point of order under subsection (a) may be waived in the Senate by a majority vote of the Members voting (provided that a quorum is present) or by the unanimous consent of the Senate.

SEC. 104. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, and 105 are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 105. EFFECTIVE DATE.

This title shall apply to bills and joint resolutions reported by committee on or after October 1, 1996.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, assess the effects of Federal regulations on States, local governments, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL GOVERNMENT, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (including their designated representatives) of States, local governments, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) IN GENERAL.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input pursuant to subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION.—There are hereby authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandates that may result in the expenditure by States, local governments, or tribal governments, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to States, local governments, and tribal governments of complying with the Federal intergovernmental mandates, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of Federal intergovernmental mandates; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandates upon any particular regions of the country or particular States, local governments, tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandates (such as the enhancement of health and safety and the protection of the natural environment); and

(4)(A) a description of the extent of any input to the agency from elected representatives (including their designated representatives) of the affected States, local governments, and tribal governments and of other affected parties;

(B) a summary of the comments and concerns that were presented by States, local governments, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) Preparation in Conjunction With Other Statement.—Any agency may prepare any statement required by subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall collect from agencies the statements prepared under section 202 and periodically forward copies of them to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) In General.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) Program Focus.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE IV—JUDICIAL REVIEW; SUNSET

SEC. 401. JUDICIAL REVIEW.

Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review. The provisions of this Act shall not create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination under this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

SEC. 402. SUNSET.

This Act shall expire December 31, 1998.

Amendment No. 96

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Mandate Accountability and Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate before the Senate votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instances;

(5) to establish a point-of-order vote on the consideration in the Senate of legislation containing significant Federal mandates; and

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) Federal intergovernmental mandate.—The term "Federal intergovernmental mandate" means—

(A) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that—

(i) would impose a duty upon States, local governments, or tribal governments that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty; or

(B) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority (as defined in section 3(9) of the Congressional Budget Act of 1974 (2 U.S.C. 622(9))), if—

(i)(I) the bill or joint resolution or regulation would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the bill or joint resolution or regulation.

(2) Federal private sector mandate.—The term "Federal private sector mandate" means any provision in a bill or joint resolution before Congress that—

(A) would impose a duty upon the private sector that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program); or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of complying with any such duty.

(3) Federal mandate.—The term "Federal mandate" means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

(4) Direct costs.—

(A) For a federal intergovernmental mandate.—In the case of a Federal intergovernmental mandate, the term "direct costs" means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate, or, in the case of a bill or joint resolution referred to in paragraph (1)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) For a federal private sector mandate.—In the case of a Federal private sector mandate, the term "direct costs" means the aggregate amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate.

(C) Not included.—The term "direct costs" does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations adopted before the adoption of the Federal mandate; or

(II) to continue to carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities established at the time of adoption of the Federal mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) Assumption.—Direct costs shall be determined on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations.

(5) Amount of authorization of appropriations for federal financial assistance.—The term "amount" with respect to an authorization of appropriations for Federal financial assistance means—

(A) the amount of budget authority (as defined in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A))) of any Federal grant assistance; and

(B) the subsidy amount (as defined as "cost" in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(a))) of any Federal program providing loan guarantees or direct loans.

(6) PRIVATE SECTOR.—The term "private sector" means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

(7) OTHER DEFINITIONS.—

(A) AGENCY.—The term "agency" has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(B) DIRECTOR.—The term "Director" means the Director of the Congressional Budget Office.

(C) LOCAL GOVERNMENT.—The term "local government" has the same meaning as in section 6501(6) of title 31, United States Code.

(D) REGULATION OR RULE.—The term "regulation" or "rule" has the meaning of "rule" as defined in section 601(2) of title 5, United States Code.

(E) SMALL GOVERNMENT.—The term "small government" means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

(F) STATE.—The term "State" has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of any of them;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as he may reasonably request to assist him in performing his responsibilities under this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) COMMITTEE REPORT.—

(1) REGARDING FEDERAL MANDATES.—

(A) IN GENERAL.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character that includes any Federal mandate, the committee shall issue a report to accompany the bill or joint resolution containing the information required by subparagraphs (B) and (C).

(B) REPORTS ON FEDERAL MANDATES.—Each report required by subparagraph (A) shall contain—

(i) an identification and description, prepared in consultation with the Director, of any Federal mandates in the bill or joint resolution, including the expected direct costs to States, local governments, and tribal governments, and to the private sector, required to comply with the Federal mandates; and

(ii) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the enhancement of health and safety and the protection of the natural environment).

(C) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required by subparagraph (A) shall also contain—

(i)(I) a statement of the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to the Federal intergovernmental mandates; and

(II) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention;

(ii) any existing sources of Federal assistance in addition to those identified in clause (i) that may assist States, local governments, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(iii) an identification of one or more of the following: reductions in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified clause (i)(I)).

(2) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) IN GENERAL.—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 102(c), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available soon enough to be included in the printed report.

(2) IF NOT INCLUDED.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 102. DUTIES OF THE DIRECTOR.

(a) STUDIES.—

(1) PROPOSED LEGISLATION.—As early as practicable in each new Congress, any committee of the House of Representatives or the Senate which anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on States, local governments, or tribal governments, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall request that the Director initiate a study of the proposed legislation in order to develop information that may be useful in analyzing the costs of any Federal mandates that may be included in the proposed legislation.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Director shall—

(A) solicit and consider information or comments from elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and such other persons as may provide helpful information or comments;

(B) consider establishing advisory panels of elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and other persons if the Director determines, in the Director's discretion, that such advisory panels would be helpful in performing the Director's responsibilities under this section; and

(C) consult with the relevant committees of the House of Representatives and of the Senate.

(b) CONSULTATION.—The Director shall, at the request of any committee of the House of Representatives or of the Senate, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(1) a significant budgetary impact on State, local, or tribal governments; or

(2) a significant financial impact on the private sector.

(c) STATEMENTS ON NONAPPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will not equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(ii) ESTIMATES.—The estimate required by clause (i) shall include—

(I) estimates (and brief explanations of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates;

(II) estimates, if and to the extent that the Director determines that accurate estimates are reasonably feasible, of—

(aa) future direct costs of Federal intergovernmental mandates to the extent that they significantly differ from or extend beyond the 5-year time period referred to in clause (i); and

(bb) any disproportionate budgetary effects of Federal intergovernmental mandates and of any Federal financial assistance in the bill or joint resolution upon any particular regions of the country or particular States, local governments, tribal governments, or urban or rural or other types of communities; and

(III) any amounts appropriated in the prior fiscal year to fund the activities subject to the Federal intergovernmental mandate.

(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will not equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(ii) ESTIMATES.—Estimates required by this subparagraph shall include—

(I) estimates (and a brief explanation of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by the private sector for activities subject to the Federal private sector mandates;

(II) estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(aa) future costs of Federal private sector mandates to the extent that they differ significantly from or extend beyond the 5-year time period referred to in clause (i);

(bb) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(cc) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services; and

(III) any amounts appropriated in the prior fiscal year to fund activities subject to the Federal private sector mandate.

(C) FAILURE TO MAKE ESTIMATE.—If the Director determines that it is not reasonably feasible for him to make a reasonable estimate that would be required by subparagraphs (A) and (B) with respect to Federal private sector mandates, the Director shall not make the estimate, but shall report in his statement that the reasonable estimate cannot be reasonably made and shall include the reasons for that determination in the statement.

(3) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If the Director has prepared a statement that includes the determination described in paragraph (1)(B)(i) for a bill or joint resolution, and if that bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the language of a bill or joint resolution from the other House) or is reported by a committee of conference in an amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director prepare a supplemental statement for the bill or joint resolution. The requirements of section 103 shall not apply to the publication of any supplemental statement prepared under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Congressional Budget Office to carry out the provisions of this Act $6,000,000, for each of the fiscal years 1995, 1996, 1997, and 1998.

(e) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 103. POINT OF ORDER IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by any committee of authorization of the Senate unless, based upon a ruling of the presiding Officer—

(1) the committee has published a statement of the Director in accordance with section 101(c) prior to such consideration; and

(2) in the case of a bill or joint resolution containing Federal intergovernmental mandates, either—

(A) the direct costs of all Federal intergovernmental mandates in the bill or joint resolution are estimated not to equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, or

(B)(i) the amount of the increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates is at least equal to the estimated amount of direct costs of the Federal intergovernmental mandates; and

(ii) the committee of jurisdiction has identified in the bill or joint resolution one or more of the following: a reduction in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified in clause (i)).

(b) WAIVER.—The point of order under subsection (a) may be waived in the Senate by a majority vote of the Members voting (provided that a quorum is present) or by the unanimous consent of the Senate.

(c) AMENDMENT TO RAISE AUTHORIZATION LEVEL.—Notwithstanding the terms of subsection (a), it shall not be out of order pursuant to this section to consider a bill or joint resolution to which an amendment is proposed and agreed to that would raise the amount of authorization of appropriations to a level sufficient to satisfy the requirements of subsection (a)(2)(B)(i) and that would amend an identification referred to in subsection (a)(2)(B)(ii) to satisfy the requirements of that subsection, nor shall it be out of order to consider such an amendment.

SEC. 104. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, and 105 are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 105. EFFECTIVE DATE.

This title shall apply to bills and joint resolutions reported by committee on or after October 1, 1996.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, assess the effects of Federal regulations on States, local governments, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL GOVERNMENT, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (including their designated representatives) and other representatives of States, local governments, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) IN GENERAL.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input pursuant to subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION.—There are hereby authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandates that may result in the expenditure by States, local governments, or tribal governments, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to States, local governments, and tribal governments of complying with the Federal intergovernmental mandates, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of Federal intergovernmental mandates; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandates upon any particular regions of the country or particular States, local governments, tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandates (such as the enhancement of health and safety and the protection of the natural environment); and

(4)(A) a description of the extent of any input to the agency from elected representatives (including their designated representatives) of the affected States, local governments, and tribal governments and of other affected parties;

(B) a summary of the comments and concerns that were presented by States, local governments, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required by subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall collect from agencies the statements prepared under section 202 and periodically forward copies of them to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—BASELINE STUDY

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of the Census, in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to States, local governments, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to States, local governments and tribal governments.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Bureau of the Census to carry out the purposes of this title, and for no other purpose, $1,000,000 for each of the fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW; SUNSET

SEC. 401. JUDICIAL REVIEW.

Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review. The provisions of this Act shall not create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination under this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

SEC. 402. SUNSET.

This Act shall expire December 31, 1998.

AMENDMENT NO. 97

On page 5, line 19, strike "impose an" and insert "establish a new or increased".

On page 7, line 11, strike "impose an" and insert "establish a new or increased".

On page 8, line 5, before "amounts" insert "new or increased".

On page 8, line 15, before "amounts" insert "new or increased".

On page 9, line 7, strike "or".

On page 9, between lines 7 and 8, insert the following:

"(II) to comply with or carry out any applicable federal law or regulation (whether expired or still in effect) that would be reauthorized, reenacted, readopted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate; or".

On page 10, line 4, strike "and".

On page 10, between lines 4 and 5, insert the following:

"(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments, or the private sector from levels previously required under any Federal law or regulation (whether expired or still in effect) that is reauthorized, reenacted, readopted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate; and".

AMENDMENT NO. 98

On page 5, line 19, strike "impose an" and insert "establish a new or increased".

AMENDMENT NO. 99

On page 7, line 11, strike "impose an" and insert "establish a new or increased".

AMENDMENT NO. 100

On page 8, line 5, before "amounts" insert "new or increased".

AMENDMENT NO. 101

On page 8, line 15, before "amounts" insert "new or increased".

AMENDMENT NO. 102

On page 9, line 7, strike "or".

AMENDMENT NO. 103

On page 9, between lines 7 and 8, insert the following:

"(II) to comply with or carry out any applicable federal law or regulation (whether expired or still in effect) that would be reauthorized, reenacted, readopted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate; or".

AMENDMENT NO. 104

On page 10, line 4, strike "and".

AMENDMENT NO. 105

On page 10, between lines 4 and 5, insert the following:

"(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments, or the private sector from levels previously required under any Federal law or regulation (whether expired or still in effect) that is reauthorized, reenacted, readopted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate; and".

LEVIN AMENDMENTS NOS. 106–117

(Ordered to lie on the table.)

Mr. LEVIN submitted 12 amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 106

On page 12, line 18, insert "age" after "gender,".

AMENDMENT NO. 107

On page 33, strike out lines 9 through 12 and insert in lieu thereof the following:

SEC. 107. SENATE JOINT HEARINGS ON UNFUNDED FEDERAL MANDATES.

No later than December 31, 1998, the Senate Governmental Affairs Committee and the Senate Budget Committee shall hold joint hearings on the operations of the amendments made by this title and report to the full Senate on their findings and recommendations.

SEC. 108. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on January 1, 1996;

(2) apply only to legislation considered on or after January 1, 1996; and

(3) have no force or effect on and after January 1, 2002.

AMENDMENT NO. 108

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

"(I) a condition of Federal assistance;

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty that establishes or enforces any statutory right of employee in both the public and private sectors with respect to their employment; or".

AMENDMENT NO. 109

On page 38, after line 25 insert the following:

"SEC. 205. EFFECTIVE DATE.

"This title and the amendments made by this title shall take effect with respect to regulations proposed on or after January 1, 1996."

AMENDMENT NO. 110

On page 17, insert between lines 17 and 18 the following new paragraph:

"(7) COMMITTEE DETERMINATION OF MANDATE DISADVANTAGEOUS TO PRIVATE SECTOR; WAIVER OF POINT OF ORDER.—If a committee of authorization of the Senate or the House of Representatives determines based on the statement required under paragraph (3)(C) that there would be a significant competitive disadvantage to the private sector if a Federal mandate contained in the legislation to which the statement applies were waived for State, local, and tribal governments or the costs of such mandate to the State, local, and tribal governments were paid by the Federal Government, then no point of order under subsection (c)(1)(B) will lie."

AMENDMENT NO. 111

On page 24, line 18, strike out "ineffective" and insert in lieu thereof the following: "ineffective as applied to State, local, and tribal governments".

AMENDMENT NO. 112

On page 19, insert between lines 10 and 11 the following new clause:

"(iii) If the Director determines that it is not feasible to make a reasonable estimate that would be required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. For purposes of subsection (c), a point of order may be raised as though an estimate was reported that exceeded clause (i)."

AMENDMENT NO. 113

On page 14, line 19 strike "expected".

On page 22, line 12 strike "estimated".

On page 22, line 22 strike "estimated".

On page 23, line 2 strike "estimated".

On page 23, lines 4 and 5 strike "a specific dollar amount estimate of the full" and insert in lieu thereof "the".

On page 24, line 8 strike "estimated".

On page 24, line 15 strike "estimated".

AMENDMENT NO. 114

On page 24, line 21, insert the following before the period: "as estimated in the authorization bill".

AMENDMENT NO. 115

On page 25 after line 10 insert the following:

"(4) DETERMINATION OF APPLICABILITY.—For purposes of this subsection, the Committee on Governmental Affairs of the Senate, or the Committee on Government Reform and Oversight of the House of Representatives, as applicable, shall be consulted by the Presiding Officer of the Senate in determining whether a bill, joint resolution, amendment, motion or conference report contains a Federal intergovernmental mandate."

"(5) DETERMINATION OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the Senate or the House of Representatives, as the case may be."

AMENDMENT NO. 116

On page 29, line 8, insert after the comma the following: "or at the request of an individual Member of the Senate or the House of Representatives,".

AMENDMENT NO. 117

On page 26, after line 5, add the following:

"(e) LIMITATION ON APPLICATION OF SUBSECTION (C).—Subsection (c) shall not apply to any bill, joint resolution, amendment, or conference report that reauthorizes appropriations for carrying out, or that amends, any statute if enactment of the bill, joint resolution, amendment, or conference report—

"(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

"(2)(A) would not result in a net reduction or elimination of authorizations of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

"(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by a corresponding amount."

DORGAN (AND HARKIN) AMENDMENT NO. 118

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 1, supra; as follows:

At the end of the bill, add the following:

TITLE V—INTEREST RATE REPORTING REQUIREMENT

SEC. 501. REPORT BY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) REPORT REQUIRED.—Not later than 30 days after the Board or the Committee takes any action to change the discount rate or the Federal funds rate, the Board shall submit a report to the Congress and to the President which shall include a detailed analysis of the projected costs of that action, and the projected costs of any associated changes in market interest rates, during the 5-year period following that action.

(b) CONTENTS.—The report required by subsection (a) shall include an analysis of the costs imposed by such action on—

(1) Federal, State, and local government borrowing, including costs associated with debt service payments; and

(2) private sector borrowing, including costs imposed on—

(A) consumers;

(B) small businesses;

(C) homeowners; and

(D) commercial lenders.

(c) DEFINITIONS.—for purposes of this section—

(1) the term "Board" means the Board of Governors of the Federal Reserve System; and

(2) the term "Committee" means the Federal Open Market Committee established under section 12A of the Federal Reserve Act.

DORGAN AMENDMENT NO. 119

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1, supra, as follows:

At the appropriate place, insert the following:

SEC. . CALCULATIONS OF THE CONSUMER PRICE INDEX.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chairman of the Board of Governors of the Federal Reserve System has maintained that the current Consumer Price Index overstates inflation by as much as 50 percent.

(2) Other expert opinions on the Consumer Price Index range from estimates of a modest overstatement to the possibility of an understatement of the rate of inflation.

(3) Some leaders in the Congress have called for an immediate change in the way in which the Consumer Price Index is calculated.

(4) Changing the Consumer Price Index in the manner recommended by the Board of Governors of the Federal Reserve System would result in both reductions in Social Security benefits and increases in income taxes.

(5) The Bureau of Labor Statistics, which has responsibility for the Consumer Price Index, has been working to identify and correct problems with the way in which the Consumer Price Index is now calculated.

(6) Calculation of the Consumer Price Index should be based on sound economic principles and not on political pressure.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue; and

(2) any change in the calculation of the Consumer Price Index should result from thoughtful study and analysis and should be a result of a consensus reached by the experts, not pressure exerted by politicians.

GRAHAM AMENDMENTS NOS. 120–122

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to the bill, S. 1, supra, as follows:

AMENDMENT NO. 120

On page 16, line 3, strike "and".

On page 16, line 12, strike "mandates." and insert "mandates; and".

On page 16, between lines 12 and 13, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government."

AMENDMENT NO. 121

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE.

Title shall take effect on July 1, 1995.

Purpose: To provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

AMENDMENT NO. 122

On page 6, strike line 3 and all that follows through line 10, and insert the following:

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the exercise of powers relating to immigration that are the responsibility or under the authority of the Federal Government and whose reduction or elimination would result in a shifting of the costs of addressing immigration expenses to the States, local governments, and tribal governments; or".

ROTH AMENDMENT NO. 123

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 1, supra; as follows:

On page 19, insert between lines 10 and 11 the following new clause:

"(iii) If the Director determines that it is not feasible to make a reasonable estimate that would be required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. However, for the purposes of subsection (c), such report shall not fulfill the requirements for an estimate under clauses (i) and (ii)."

BRADLEY AMENDMENT NO. 124

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill S. 1, supra; as follows:

On page 13, insert between lines 13 and 14 the following new section:

SEC. 6. FINDINGS ON THE IMPACT ON LOCAL GOVERNMENTS.

The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

On page 21, insert between lines 13 and 14 the following new paragraph:

"(2) ESTIMATE OF POSSIBLE LOCAL PROPERTY TAX RELIEF.—The Director shall include in each statement submitted to a committee of the Congress under this subsection an estimate of the amount by which additional Federal funding or alleviation of the applicable mandate could be used to lower property taxes of a local government, if—

"(A) such additional funding were first applied to relief of such taxes; or

"(B) such State or local government funds previously used to help pay for a mandate which is proposed to be alleviated were first applied to relief of such taxes.

LAUTENBERG AMENDMENT NO. 125

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1, supra; as follows:

On page 13, line 5, strike out "or".

On page 13, line 8, strike out the period and insert in lieu thereof a semicolon and "or".

On page 13, insert between lines 8 and 9 the following new paragraph:

(7) limits exposure to known human (Group A) carcinogens, as defined in the Environmental Protection Agency's Risk Assessment Guidelines of 1986.

HARKIN AMENDMENTS NOS. 126–127

(Ordered to lie on the table.)

Mr. HARKIN submitted two amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 126

At the appropriate place insert the following:

SEC. . DIRECTIVE TO THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY CONCERNING REGULATION OF FISHING LURES.

(a) FINDINGS.—Congress finds that—

(1) millions of Americans of all ages enjoy recreational fishing; fishing is one of the most popular sports;

(2) lead and other types of metal sinkers and fishing lures have been used by Americans in fishing for hundreds of years;

(3) the Administrator of the Environmental Protection Agency has proposed to issue a rule under section 6 of the Toxic Substances Control Act, to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass;

(4) the Environmental Protection Agency has based its conclusions that lead fishing sinkers of a certain size present an unreasonable risk of injury to human health or the environment on less than definitive scientific data, conjecture and anecdotal information;

(5) alternative forms of sinkers and fishing lures are considerably more expensive than those made of lead; consequently, a ban on lead sinkers would impose additional costs on millions of Americans who fish;

(6) in the absence of more definitive evidence of harm to the environment, the Federal Government should not take steps to restrict the use of lead sinkers; and

(7) alternative measures to protect waterfowl from lead exposure should be carefully reviewed.

(b) FISHING SINKERS AND LURES.—

(1) DIRECTIVE.—The Administrator of the Environmental Protection Agency shall not, under purported authority of section 6 of the Toxic Substances Control Act (15 U.S.C. 2605), take action to prohibit or otherwise restrict the manufacturing, processing, distributing, or use of any fishing sinkers or lures containing lead, zinc, or brass.

(2) FURTHER ACTION.—If the Administrator obtains a substantially greater amount of evidence of risk of injury to health or the environment than that which was adduced in the rulemaking proceedings described in the proposed rule dated February 28, 1994 (59 Fed. Reg. 11122 (March 9, 1994)), the Administrator shall report those findings to Congress, with any recommendation that the Administrator may have for legislative action.

AMENDMENT NO. 127

On page 50, add after line 6 the following new title:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(a) FINDINGS.—The Senate finds that—

(1) social security is a contributory insurance program supported by deductions from workers' earnings and matching contributions from their employers that are deposited into an independent trust fund;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) without social security an additional 15,000,000 Americans, mostly senior citizens, would be thrown into poverty;

(6) 138,000,000 American workers participate in the social security system and are insured in case of retirement, disability, or death;

(7) social security is a contract between workers and the Government;

(8) social security is a self-financed program that is not contributing to the current Federal budget deficit; in fact, the social security trust funds currently have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(9) this surplus is necessary to pay monthly benefits for current and future beneficiaries;

(10) recognizing that social security is a self-financed program, Congress took social security completely "off-budget" in 1990; however, unless social security is explicitly excluded from a balanced budget amendment to the United States Constitution, such an amendment would, in effect, put the program back into the Federal budget by referring to all spending and receipts in calculating whether the budget is in balance;

(11) raiding the social security trust funds to reduce the Federal budget deficit would be devastating to both current and future beneficiaries and would further undermine confidence in the system among younger workers;

(12) the American people in poll after poll have overwhelmingly rejected cutting social security benefits to reduce the Federal deficit and balance the budget; and

(13) social security beneficiaries throughout the nation are gravely concerned that their financial security is in jeopardy because of possible social security cuts and deserve to be reassured that their benefits will not be subject to cuts that would likely be required should social security not be excluded from a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal budget is in balance.

LEAHY AMENDMENT NO. 128

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 1, supra, as follows:

At the appropriate place, insert the following:

( ) A law or regulation which protects the citizens, businesses or property in a State from the actions of persons, businesses or governments in another State or States is excluded from the provisions of this Act.

BYRD AMENDMENT NO. 129

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 1, supra, as follows:

On page 23, strike beginning with line 24 through line 21 on page 24.

BINGAMAN AMENDMENT NOS. 130–132

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 1, supra, as follows:

AMENDMENT NO. 130

On page 7, insert:

"(iii) any requirement for a license or permit for the treatment or disposal of hazardous waste".

AMENDMENT NO. 131

On page 6, insert before lines 2 and 3 the following:

"iii any requirement for a license or permit for the treatment or disposal of nuclear and hazardous waste".

AMENDMENT NO. 132

On page 5, line 23, after "or" insert "a condition of receipt of a Federal license; or".

KEMPTHORNE AMENDMENTS NOS. 133–134

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill S. 1; supra; as follows:

AMENDMENT NO. 133

At the appropriate place in the bill insert the following new section:

LIMITATION ON APPLICATION.—This Act shall not apply to any bill, joint resolution, amendment, or conference report that reauthorizes appropriations to carry out, or that amend, any statute if enactment of the bill, joint resolution, amendment, or conference report—

(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

(2)(A) would not result in a net reduction or elimination of authorizations of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by a corresponding amount.

AMENDMENT NO. 134

On page 24, insert between lines 21 and 22 the following new section:

"(cc) If a bill, joint resolution, amendmet, motion, or conference report contains a Federal private sector mandate and a Federal intergovernmental mandate that would, if enacted, impose identical duties on both State and local governments and on the private sector, in such cases in which Federal private sector mandates apply to private sector entities which are competing directly or indirectly with State and local governments for the purpose of providing substantially similar goods or services to the public, then this part shall apply to the Federal private sector mandate in that measure or matter in the same manner and to the same extent as it does to the Federal intergovernmental mandate."

DOMENICI AMENDMENT NOS. 135–136

(Ordered to lie on the table.)

Mr. KEMPTHORNE (for Mr. DOMENICI) submitted two amendments intended to be proposed by him to the bill S. 1; supra; as follows:

AMENDMENT NO. 135

On page 23, line 12, strike "(3)" and insert "5".

AMENDMENT NO. 136

On page 23, line 12, strike "(3)" and insert "this section".

KEMPTHORNE AMENDMENT NO. 137

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted an amendment intended to be proposed by him to the bill S. 1; supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(f) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution to pay for the costs to State, local, and tribal governments of the Federal intergovernmental mandate; and

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

"(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

"(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (3) for each fiscal year;

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

"(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

"(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

"(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

"(e) EXCLUSIONS.—This section shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

"(1) enforces constitutional rights of individuals;

"(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

"(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

"(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

"(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

"(6) the President designates as emergency legislation and that the Congress so designates in statute.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon States, local governments, or tribal governments, except—

"(I) a condition of Federal assistance; or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

"(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

"(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

"(4) The terms 'Federal mandate direct costs' and 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

"(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall not include—

"(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the States, local governments, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

"(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

"(5) The term 'private sector' means all persons or entities in the United States, except for State, local, or tribal governments, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

"(6) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(7) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"(8) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(9) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.

"(10) The term 'agency' has the meaning as defined in section 551(1) of title 5, United

States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

"(11) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform.".

SEC. 102. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

"(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 408(c) of the Congressional Budget and Impoundment Control Act of 1974, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.".

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

(c) DETERMINATIONS.—

(1) DETERMINATION OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of the application of this section in the House of Representatives, on questions regarding the applicability of this Act to a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Government Reform and Oversight of the House of Representatives shall have the authority to make the final determination.

(2) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For the purposes of the application of this section in the House of Representatives, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the House of Representatives.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws, including the provisions of chapters 5, 6, and 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of State, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(1) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(2) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(3) 3 members appointed by the President.

(b) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Members of the Commission shall serve without pay.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) FIRST MEETING.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) QUORUM.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 304. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 305. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) CONTRACT AUTHORITY.—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 306. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 302(d).

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 to carry out this title.

SEC. 308. DEFINITION.

As used in this title, the term "Federal mandate" means any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

SEC. 309. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

BINGAMAN AMENDMENT NO. 138

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1, supra, as follows:

On page 7, line 13, after "assistance" insert "or a condition of receipt of a Federal license."

DOLE (AND OTHERS) AMENDMENT NO. 139

Mr. DOLE (for himself, Mr. BYRD, and Mr. GORTON) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill, S. 1, supra, as follows:

Strike all after "SEC." and add the following:

". . NATIONAL HISTORY STANDARDS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the National Education Goals Panel shall disapprove, and the National Education Standards and Improvement Council shall not certify, any voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, regarding the subject of history, that have been developed prior to February 1, 1995.

"(b) PROHIBITION.—No Federal funds shall be awarded to, or expended by, the National Center for History in the Schools, after the date of enactment of this Act, for the development of the voluntary national content standards, the voluntary national student performance standards, and the criteria for the certification of such content and student performance standards, regarding the subject of history.

"(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

"(1) the voluntary national content standards, the voluntary national student performance standards, and the criteria for the certification of such content and student performance standards, regarding the subject of history, that are established under title II of the Goals 2000: Educate America Act should not be based on standards developed by the National Center for History in the Schools; and

"(2) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (1), the recipient of such funds should have a decent respect for United States history's roots in western civilization."

MURRAY AMENDMENT NO. 140

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1, supra; as follows:

At the appropriate place, add the following:

( ) The provisions of this Act and the amendments made by this Act also shall not apply to any agreement between the Federal Government and a State, local, or tribal government, or the private sector for the purpose of carrying out environmental restoration or waste management activities of the Department of Defense or the Department of Energy.

BRADLEY (AND OTHERS) AMENDMENT NO. 141

Mr. BRADLEY (for himself, Mr. CHAFEE, Mr. DORGAN, Mr. SIMPSON, Mr. ROBB, Mr. DOLE, Mr. NICKLES, Mr. LAUTENBERG, Mr. KEMPTHORNE, and Mr. WELLSTONE) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

At the end of the pending amendment insert the following:

SEC. 107. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments:

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—it is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 108. EFFECTIVE DATE.

BOXER (AND OTHERS) AMENDMENT NO. 142

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. REID, Mr. WELLSTONE, Mr. ROBB, Mr. KOHL, Mr. BRYAN, and Mr. KERRY) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

At the end of the amendment add the following:

"SEC. 108. SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

"(a) FINDINGS.—Congress finds that—

"(1) there are approximately 900 clinics in the United States providing reproductive health services

"(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

"(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

"(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

"(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

"(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion; and

"(7) the President has instructed the Attorney General to order—

"(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

"(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

"(c) Nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution.".

LEVIN (AND OTHERS) AMENDMENT NO. 143

Mr. LEVIN (for himself, Mr. KEMPTHORNE, and Mr. GLENN) proposed an amendment to the bill S. 1, supra; as follows:

On page 19, insert between lines 10 and 11 the following new clause:

"(iii) If the Director determines that it is not required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under (c)(1)(A) and as if the requirement of (c)(1)(A) had not been met.

BUMPERS AMENDMENT NO. 144

Mr. BUMPERS proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

In lieu of the matter proposed to be inserted by the pending amendment, insert the following new title:

TITLE COLLECTION OF STATE AND LOCAL SALES TAXES

SEC. ___01. SHORT TITLE.

This title may be cited as the "Consumer and Main Street Business Protection Act of 1995".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) merchandise purchased from out-of-State firms is subject to State and local sales taxes in the same manner as merchandise purchased from in-State firms,

(2) State and local governments generally are unable to compel out-of-State firms to collect and remit such taxes, and consequently, many out-of-State firms choose not to collect State and local taxes on merchandise delivered across State lines,

(3) moreover, many out-of-State firms fail to inform their customers that such taxes exist, with some firms even falsely claim that merchandise purchased out-of-State is tax-free, and consequently, many consumers unknowingly incur tax liabilities, including interest and penalty charges,

(4) Congress has a duty to protect consumers from explicit or implicit misrepresentations of State and local sales tax obligations,

(5) small businesses, which are compelled to collect State and local sales taxes, are subject to unfair competition when out-of-State firms cannot be compelled to collect and remit such taxes on their sales to residents of the State,

(6) State and local governments provide a number of resources to out-of-State firms including government services relating to disposal of tons of catalogs, mail delivery, communications, and bank and court systems,

(7) the inability of State and local governments to require out-of-State firms to collect and remit sales taxes deprives State and local governments of needed revenue and forces such State and local governments to raise taxes on taxpayers, including consumers and small businesses, in such State,

(8) the Supreme Court ruled in Quill Corporation v. North Dakota, 112 S. Ct. 1904 (1992) that the due process clause of the Constitution does not prohibit a State government from imposing personal jurisdiction and tax obligations on out-of-State firms that purposefully solicit sales from residents therein, and that the Congress has the power to authorize State governments to require out-of-State firms to collect State and local sales taxes, and

(9) as a matter of federalism, the Federal Government has a duty to assist State and local governments in collecting sales taxes on sales from out-of-State firms.

SEC. ___03. AUTHORITY FOR COLLECTION OF SALES TAX.

(a) IN GENERAL.—A State is authorized to require a person who is subject to the personal jurisdiction of the State to collect and remit a State sales tax, a local sales tax, or both, with respect to tangible personal property if—

(1) the destination of the tangible personal property is in the State,

(2) during the 1-year period ending on September 30 of the calendar year preceding the calendar year in which the taxable event occurs, the person has gross receipts from sales of such tangible personal property—

(A) in the United States exceeding $3,000,000, or

(B) in the State exceeding $100,000, and

(3) the State, on behalf of its local jurisdictions, collects and administers all local sales taxes imposed pursuant to this title.

(b) STATES MUST COLLECT LOCAL SALES TAXES.— Except as provided in section ___04(d), a State in which both State and local sales taxes are imposed may not require State sales taxes to be collected and remitted under subsection (a) unless the State also requires the local sales taxes to be collected and remitted under subsection (a).

(c) AGGREGATION RULES.—All persons that would be treated as a single employer under section 52 (a) or (b) of the Internal Revenue Code of 1986 shall be treated as one person for purposes of subsection (a).

(d) DESTINATION.—For purposes of subsection (a), the destination of tangible personal property is the State or local jurisdiction which is the final location to which the seller ships or delivers the property, or to which the seller causes the property to be shipped or delivered, regardless of the means of shipment or delivery or the location of the buyer.

SEC.___04. TREATMENT OF LOCAL SALES TAXES.

(a) UNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Sales taxes imposed by local jurisdictions of a State shall be deemed to be uniform for purposes of this title and shall be collected under this title in the same manner as State sales taxes if—

(A) such local sales taxes are imposed at the same rate and on identical transactions in all geographic areas in the State, and

(B) such local sales taxes imposed on sales by out-of-State persons are collected and administered by the State.

(2) APPLICATION TO BORDER JURISDICTION TAX RATES.—A State shall not be treated as failing to meet the requirements of paragraph (1)(A) if, with respect to a local jurisdiction which borders on another State, such State or local jurisdiction—

(A) either reduces or increases the local sales tax in order to achieve a rate of tax equal to that imposed by the bordering State on identical transactions, or

(B) exempts from the tax transactions which are exempt from tax in the bordering State.

(b) NONUNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), nonuniform local sales taxes required to be collected pursuant to this title shall be collected under one of the options provided under paragraph (2).

(2) ELECTION.—For purposes of paragraph (1), any person required under authority of this title to collect nonuniform local sales taxes shall elect to collect either—

(A) all nonuniform local sales taxes applicable to transactions in the State, or

(B) a fee (at the rate determined under paragraph (3)) which shall be in lieu of the nonuniform local sales taxes described in subparagraph (A).

Such election shall require the person to use the method elected for all transactions in the State while the election is in effect.

(3) RATE OF IN-LIEU FEE.—For purposes of paragraph (2)(B), the rate of the in-lieu fee for any calendar year shall be an amount equal to the product of—

(A) the amount determined by dividing total nonuniform local sales tax revenues collected in the State for the most recently completed State fiscal year for which data is available by total State sales tax revenues for the same year, and

(B) the State sales tax rate.

Such amount shall be rounded to the nearest 0.25 percent.

(4) NONUNIFORM LOCAL SALES TAXES.—For purposes of this title, nonuniform local sales taxes are local sales taxes which do not meet the requirements of subsection (a).

(c) DISTRIBUTION OF LOCAL SALES TAXES.—

(1) IN GENERAL.—Except as provided in subsection (d), a State shall distribute to local jurisdictions a portion of the amounts collected pursuant to this title determined on the basis of—

(A) in the case of uniform local sales taxes, the proportion which each local jurisdiction receives of uniform local sales taxes not collected pursuant to this title,

(B) in the case of in-lieu fees described in subsection (b)(2)(B), the proportion which each local jurisdiction's nonuniform local sales tax receipts bears to the total nonuniform local sales tax receipts in the State, and

(C) in the case of any nonuniform local sales tax collected pursuant to this title, the geographical location of the transaction on which the tax was imposed.

The amounts determined under subparagraphs (A) and (B) shall be calculated on the basis of data for the most recently completed State fiscal year for which the data is available.

(2) TIMING.—Amounts described in paragraph (1) (B) or (C) shall be distributed by a State to its local jurisdictions in accordance with State timetables for distributing local sales taxes, but not less frequently than every calendar quarter. Amounts described in paragraph (1)(A) shall be distributed by a State as provided under State law.

(3) TRANSITION RULE.—If, upon the effective date of this title, a State has a State law in effect providing a method for distributing local sales taxes other than the method under this subsection, then this subsection shall not apply to that State until the 91st day following the adjournment sine die of that State's next regular legislative session which convenes after the effective date of this title (or such earlier date as State law may provide). Local sales taxes collected pursuant to this title prior to the application of this subsection shall be distributed as provided by State law.

(d) EXCEPTION WHERE STATE BOARD COLLECTS TAXES.—Notwithstanding section ___03(b) and subsections (b) and (c) of this section, if a State had in effect on January 1, 1995, a State law which provides that local sales taxes are collected and remitted by a board of elected States officers, then for any period during which such law continues in effect—

(1) the State may require the collection and remittance under this title of only the State sales taxes and the uniform portion of local sales taxes, and

(2) the State may distribute any local sales taxes collected pursuant to this title in accordance with State law.

SEC. ___05. RETURN AND REMITTANCE REQUIREMENTS.

(a) IN GENERAL.—A State may not require any person subject to this title—

(1) to file a return reporting the amount of any tax collected or required to be collected under this title, or to remit the receipts of such tax, more frequently than once with respect to sales in a calendar quarter, or

(2) to file the initial such return, or to make the initial such remittance, before the 90th day after the person's first taxable transaction under this Act.

(b) LOCAL TAXES.—The provisions of subsection (a) shall also apply to any person required by a State acting under authority of this title to collect a local sales tax or inlieu fee.

SEC. ___06. NONDISCRIMINATION AND EXEMPTIONS.

Any State which exercises any authority granted under this title shall allow to all persons subject to this title all exemptions or other exceptions to State and local sales taxes which are allowed to persons located within the State or local jurisdiction.

SEC. ___07. APPLICATION OF STATE LAW.

(a) PERSONS REQUIRED TO COLLECT STATE OR LOCAL SALES TAX.—Any person required by section ___03 to collect a State or local sales tax shall be subject to the laws of such State relating to such sales tax to the extent that such laws are consistent with the limitations contained in this title.

(b) LIMITATIONS.—Except as provided in subsection (a), nothing in this title shall be construed to permit a State—

(1) to license or regulate any person,

(2) to require any person to qualify to transact intrastate business, or

(3) to subject any person to State taxes not related to the sales of tangible personnel property.

(c) PREEMPTION.—Except as otherwise provided in this title, this title shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

SEC. ___08. TOLL-FREE INFORMATION SERVICE.

A State shall not have power under this title to require any person to collect a State or local sales tax on any sale unless, at the time of such sale, such State has a toll-free telephone service available to provide such person information relating to collection of such State or local sales tax. Such information shall include, at a minimum, all applicable tax rates, return and remittance addresses and deadlines, and penalty and interest information. As part of the service, the State shall also provide all necessary forms and instructions at no cost to any person using the service. The State shall prominently display the toll-free telephone number on all correspondence with any person using the service. This service may be provided jointly with other States.

SEC. ___09. DEFINITIONS.

For the purposes of this title—

(1) the term "compensating use tax" means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property;

(2) the term "local sales tax" means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both;

(3) the term "person" means an individual, a trust, estate, partnership, society, association, company (including a limited liability company) or corporation, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing;

(4) the term "sales tax" means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge or other value of or for such property; and

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. ___ 10. EFFECTIVE DATE.

This title shall take effect 180 days after the date of the enactment of this Act. In no event shall this title apply to any sale occurring before such effective date.

BINGAMAN AMENDMENTS NOS. 145–147

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 145

Insert at an appropriate place:

"For purposes of this Act, a condition of receipt of a Federal license shall not be considered a Federal private sector mandate or a Federal intergovernmental mandate."

AMENDMENT NO. 146

Insert at an appropriate place:

"For purposes of this Act, any law enforcement provision relating to organized crime shall not be considered a Federal private sector mandate or a Federal intergovernmental mandate."

AMENDMENT NO. 147

Insert at an appropriate place:

"For purposes of this Act, any requirement for a license or permit for the treatment and disposal of nuclear and hazardous waste shall not be considered a Federal private sector mandate or a Federal intergovernmental mandate."

KERRY AMENDMENT NO. 148

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1, supra; as follows:

In the pending amendment, strike all after the first word and insert the following:

"(6) For purposes of paragraph (1)(B), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector."

SENATE RESOLUTION 62—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 62

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $4,018,405, of which amount not to exceed $22,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

b. For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $4,111,256, of which amount not to exceed $22,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 63—RELATIVE TO THE CONSUMER PRICE INDEX

Mr. DORGAN (for himself, Mr. DODD, and Mr. HARKIN) submitted the following resolution, which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 63

Whereas the Board of Governors of the Federal Reserve System has maintained that the current Consumer Price Index overstates the rate of inflation by as much as 50 percent;

Whereas other expert opinions on the accuracy of the Consumer Price Index range from those indicating a modest overstatement of the rate of inflation to those indicating the possibility of an understatement of the rate of inflation;

Whereas several leaders in the Congress have called for an immediate change in the way in which the Consumer Price Index is calculated;

Whereas changing the Consumer Price Index in the manner recommended by the Board of Governors of the Federal Reserve System would result in both a reduction in Social Security benefits and an increase in income taxes;

Whereas the Board of Governors of the Federal Reserve System estimates that a 1-percentage point reduction in the Consumer Price Index, effected today, would generate $150,000,000,000 in revenue over the next 5 years, including $55,000,000,000 generated during the year 2000 alone;

Whereas the Board of Governors of the Federal Reserve System estimates that, of the $55,000,000,000 in revenue estimated to be generated during the year 2000, $27,500,000,000 would result from a reduction in Social Security benefits and $21,400,000,000 would result from an increase in personal income taxes, which would primarily impact families with children;

Whereas the Bureau of Labor Statistics, which has responsibility for the Consumer Price Index, is working to identify and correct problems with the way in which the Consumer Price Index is currently calculated; and

Whereas calculation of the Consumer Price Index should be based on sound economic principles and not on political pressure: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue; and

(2) any change in the calculation of the Consumer Price Index should result from thoughtful study and analysis and should be the result of a consensus reached by the experts, not pressure exerted by politicians.

Mr. DORGAN. Mr. President, today I join my colleagues Senator DODD and Senator HARKIN to submit a sense-of-the-Senate resolution opposing any precipitous change in the way the Consumer Price Index [CPI] is calculated that is based on politics rather than sound economic analysis.

The discussion in recent days by the Speaker of the House and some others about the calculation of the Consumer Price Index reaffirms the understanding that just because a person is thoughtless doesn't mean they can't also be reckless.

The precipitous call for a change in the Consumer Price Index by the Speaker and others shows again how attracted they are to gimmicks and illusions to prop up the house of cards they call an economic strategy.

This latest suggestion that they dub as technical is one that would cut Social Security COLA's for America's elderly and increase taxes for most of America's taxpayers—all of this under something that they would describe as a technical change.

Let's review what's been said about this. Recently, Chairman Alan Greenspan of the Federal Reserve Board testified before Congress and said that in his judgment the CPI calculation overstates the CPI by 0.5 to 1.5 percent.

I will leave aside, for the moment, the question that begs to be answered. What on earth are Alan Greenspan and his buddies at the Fed doing raising interest rates six times if they think the real rate of inflation is only 1.2 to 1.7 percent.

As to the question about the calculation of the CPI, the studies that have been done—and there have been several—stem mostly from research done by the Bureau of Labor Statistics that calculates the CPI. The Fed study shows it overstates inflation by one-half to 1½ percent. The Congressional Budget Office thinks it overstates inflation by two-tenths of 1 percent to eight-tenths of 1 percent. And there are others in the academic community that think it may actually understate inflation.

This weekend, when asked about Greenspan's comments, the Speaker of the House said that he would give the

Bureau of Labor Statistics people "30 days to get it right" or he would fire them and give the job to the Fed. And DICK ARMEY, the House majority leader, said he wants to change the CPI immediately. Of course the motive for both is that if they can use a gimmick like changing the CPI they will reduce the deficit by cutting Social Security COLA's and by increasing taxes and claim it's all just technical.

The appetite to play these games to justify their economic proposals seems boundless. First they propose to change the way proposals in Congress are scored so that their proposals will look less radical. Now they do half-gainers at Alan Greenspan's suggestion that they change the CPI because they think that will be an easy fix to show a reduced deficit even though someone else—the elderly and the wage earners—will pay the price.

Because the Speaker indicated he would mandate the Bureau of Labor Statistics to make this change in 30 days or he would "zero them out of the budget" the three of us will propose today a sense-of-the-Senate amendment to the mandates bill now on the floor expressing the sense of the Senate that changes in the CPI should be a result of consensus reached by experts; not pressure exerted by politicians.

SENATE RESOLUTION 64—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMPSON, from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 64

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,036,481, of which not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,060,341, of which not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at the annual rate, or (2) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment for stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the reauthorization of the Commodity Futures Trading Commission. The hearing will be held on Thursday, January 26, 1995, at 9:30 a.m. in SR–332.

For further information, please contact Chuck Conner at 224–0005.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, January 18, 1995, to consider Senate Joint Resolution 1 and Senate Joint Resolution 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, January 18, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Oversight of Job Corps, during the session of the Senate on Wednesday, January 18, 1995, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, January 18, 1995, at 9:30 a.m., to hold hearings on Senate Committee Funding Resolutions. The committee will receive testimony from the chairmen and ranking members of the following committees: Budget, Energy, Finance, Agriculture, Aging, Judiciary, Foreign Relations, Small Business, and Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 18, 1995, at 2 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GOV. PETE WILSON'S INAUGURAL ADDRESS

• Mr. WARNER. Mr. President, our former colleague, California's Governor Pete Wilson delivered a powerful address on the occasion of his second inaugural on January 7, 1995.

Appropriately titled "Forging America's Future," Governor Wilson's address urges a recommitment "to that miracle we call democracy."

Mr. President, Governor Wilson's eloquent speech is timely and pertinent for all Americans. I commend it to my colleagues' attention.

The address follows:

CALIFORNIA: FORGING AMERICA'S FUTURE

This is a day of renewal. Today, we recommit ourselves to that miracle we call democracy, and to the spirit and promise we call California.

That spirit and promise burn brightest not here in the Capitol, but in the hearts and minds of California's people—in our factories and on our farms, in our factories and on our farms, in our churches and our temples, in our classrooms and around our kitchen tables.

This morning's ceremony is a celebration, and also a vindication: a vindication not of an individual or political party, but of a resilient and sturdy people blessed with courage and character. Though tested and tempered in the forge of adversity, they came through the fire, their faith intact, clinging tenaciously to the promise of California.

When the earth shook and the hills burned, when rivers overflowed and riots scarred our cities, when drought seared the earth and fiscal crises tested our confidence in government itself, a lesser people would have just given up.

But not Californians. That's not the California Way.

When confronted with the worst, we respond with our best.

That is the California Way.

Californians have always answered adversity with bold thoughts and challenged convention with fresh ideas. They have always dared to dream.

The poet Carl Sandburg wrote, "The Republic is a dream. Nothing happens unless first a dream."

In the 1850s, a dream led pioneers West in wagon trains across a desolate prairie and over frozen mountains.

These early pioneers risked their lives crossing the mighty Sierra, till one day they crossed a ridge to find themselves gazing down from the heights upon a golden valley that held the promise of California.

Most of us are not the lineal descendents of those pioneers. We came later. We came by ship from Asia and by station wagon from Ohio. We came during the Great Depression from the Dust Bowl in pick-ups piled high with our possessions. And we came by jetliner last year, last month, and last week.

Today, we too stand on that same ridge, with a valley of promise spread before us, inviting us to partake of the good life.

But ours is a generation that cannot take for granted the good life, the historically generous bounty of California, unless we are prepared to make dramatic change.

We must act, and act quickly, because we live in a time of great and accelerating change; because we live in a shrinking and more competitive global marketplace; and because, as we rush toward the 21st century, we are at a crossroads and must choose what kind of California we will have.

We must choose whether California will be the Golden State—or a welfare state. It can't be both.

On that, my fellow citizens, there can be no question.

We must be wise enough, tough-minded and honest enough to repeal programs that fail their stated noble purpose and fail expensively, incurring fiscal and human costs that are unaffordable.

The people agree. They are out of patience with misfired good intentions that defy sense or fairness.

They ask: Is it fair that the welfare system taxes working people who can't afford children and pays people who don't work for having more children?

They ask: Why should federal law reward illegal immigrants for violating the law and punish California taxpayers and needy legal residents?

They ask: Why have schools that reward poor teachers for promoting—even graduating—students who can't adequately speak and write English?

And they ask: Why do our laws put dangerous criminals back on our street, and put us behind barred windows and locked doors?

The last refuge of those who call these questions unfair is to assert their compassion, and to deny ours.

The ultimate compassion is to build an economy that works, one that grows and provides the jobs working Californians need to feed their families, build their homes and pay their taxes.

To produce that economy and all the work our people need, we must lift the burdens that government has placed on risk-takers, on the people who create California's jobs. If we over-tax and over-regulate, if our workers are not well-educated and our streets are not safe, we will drive these job-creators to other states.

California can't afford to do that. If we do, we will deserve to lose the talent, the entrepreneurial drive, the energy and innovation that make California all that it is.

So we will not put up with bad schools, or violence on our streets, or regulations that impose costs greater than their benefits, or taxes that dwarf those levied by our neighbors.

We must free our people, and release their creative energy.

By lifting from them the restraints, regulations, and burdens that government has imposed, we free them to seize opportunity and create more.

And they will.

And all of California will succeed.

So, we will deliberately shrink government to expand opportunity.

We will demand that all citizens meet the test of common decency, respecting the rights of others, and we will demand that those who can, pull their own weight and meet the test of personal responsibility.

We will make clear that welfare is to be a safety net, not a hammock—and absolutely not a permanent way of life.

We will correct our laws to make clear that bringing a child into the world is an awesome personal responsibility for both the mother and the father.

The costs are simply too high for society to continue tolerating the promiscuity and irresponsibility that have produced generations of unwed teen mothers.

It is monstrously unfair to the children; to their sad, ill-equipped teen mothers; and certainly to working taxpayers, who must support them at a cost to their own children.

We will insist that those who receive public assistance earn it. We will give them help and support to escape from dependency to the independence and self-respect of work. We want them to see in the eyes of their children that special look of respect and pride that only working parents can know.

We will not tolerate the selfishness of "dead-beat dads" who casually father a child and walk away from their responsibility. Their child is their obligation, not the taxpayer's.

If they lack the basic decency to send love to their child, they must at least send money. If they don't, we will track them down and dock their pay for child support.

We will demand accountability and personal responsibility. Now the teen predator who does violence to his victim will be prosecuted not as a juvenile, but as an adult.

But as I said four years ago—how much better it is to prevent crime than to punish it.

That kind of prevention is fundamentally a father's responsibility. Too often the fatherless child of a teen mother becomes a teen predator, and the trigger man for his gang.

We are paying for too many prisons because absent fathers have failed to take responsibility to socialize and civilize their children. That must change.

For those who become so brutalized that they can't respect themselves or the rights of others, prison must be the answer to violence.

The fundamental right of every Californian is not to become a crime victim, and it is the first responsibility of government to safeguard that right.

We will do so. Those who commit violent crimes will pay heavily for their brutality.

But we must at the same time work to alter the behavior of parents who default on their responsibility as parents. When we succeed, we can build more laboratories and libraries—and fewer prisons.

We must also change our schools. Something's wrong with our schools. Something important and basic.

Some are superb. Too many are not. Despite the dedication and skill of many teachers, the quality of our schools is erratic.

Our schools must be safe: free of guns and drugs and free of kids who bring them.

We must insist on order and discipline in the classroom, or teaching and learning cannot occur.

Recognizing the enormous importance and the influence of good teaching in a child's life, we must recognize and reward excellence, and removed from the classroom those teachers whose performance is inadequate.

Children must learn the basics. And we must be assured that they have learned by standardized tests that measure individual student performance.

We must raise our standards high enough to challenge our children to meet the competition they will all too soon encounter in the international marketplace. The standards we enforce must be high and clear, not imprecise and politically correct.

And if our kids have not learned what they must know to compete in this increasingly demanding job market, we must not do them the serious disservice of pretending that they have.

Social promotion is the worst form of false kindness. We must not promote them.

If they can't do arithmetic, don't understand rudimentary science, and especially if they cannot read, write and speak English, our children won't be hired, much less promoted.

Much is written and spoken about the importance of self-esteem to a child's success. Self-esteem is important. But it cannot be conferred. It must be earned by performance, by meeting standards, and by having been honestly tested and honestly judged to have met or exceeded clear, high standards.

Anything less is not honest, and not fair. It is deception, and cannot be the basis for success. Not for a school child, not even for a nation-state that boasts the world's seventh largest economy.

We must reward effort and achievement. We must honor those who work hard, who meet life's test playing by the rules; who respect themselves and the rights of others; who honor their obligations as parents and citizens; who raise their children to obey the law.

And just as we demand that citizens meet these standards of decency and responsibility, we must demand at least as much from government—in Sacramento and in Washington.

California will not submit its destiny to faceless federal bureaucrats or even Congressional barons.

We declare to Washington that California is a proud and sovereign state, not a colony of the federal government.

We will set our own course.

We will return both dollars and decisions to Californians who are working hard this very day to build a better future.

We will perform radical surgery to undo two decades of mischief, which, though wrought with good intentions, have imposed an intolerable burden on our people.

We will break the bonds of restraint which government has placed on those strong enough to create opportunity, and break the chains of dependency on those addicted to government's largesse.

We will make these changes and empower Californians.

We will meet the challenge of building the first society to embrace every culture, every language, every ethnic group on the planet.

We will not allow ourselves to be divided into divergent interests who simply rub up against one another like the tectonic plates of the San Andreas fault.

We will meet the tests that lie ahead, as a people proud of our many pasts, who now share a common future, a proud future.

And what makes our success all the more critical is that a nation—indeed a world—challenged by constant change looks to us for new lessons in democratic renewal.

America has always asked a special role from California: to seek out the American future by trying new ideas, rejecting what doesn't work, and building on what does.

The historian Kevin Starr wrote, "California [is] the prism through which America glimpses its unfolding identity."

The California Way has always been to shape the future with courage and creativity, embracing change, while still clinging to the unchanging values of faith and family, of individual effort and personal responsibility without which no republic can long endure.

Our role, our responsibility, is to assure that California chooses greatness, to guarantee those seeking opportunity that we will provide it, and that we can and will take the steps required to do so.

This, then, is the California Way: seeing possibilities where others see only problems, forging a new future of opportunity from the flames of adversity. Where others suffer change, or patiently await it, California will invent the future—and export it.

In a time of grave peril Abraham Lincoln declared: "The occasion is piled high with difficulty, and we must rise with the occasion."

Time and again, America has seen California rise with the occasion and triumph over peril. Through every difficulty, California has offered a dream to be realized. We will make real again the dream of a republic where work is respected and rewarded, where every right is balanced by responsibility, where freedom thrives and opportunity burns bright.

We choose to be victors, not victims.

We are, after all Californians.

California's favorite son, Ronald Reagan, has for all his life embodied that special unbridled optimism that is at the heart of the California dream. He is again teaching us new lessons about courage, candor and dignity.

In his moving letter to the American people, President Reagan wrote:

"For America, there will always be a bright dawn ahead."

My friends, let us vow that we will keep faith with Ronald Reagan's vision for America.

Let us assure him and our children that we will make California that shining city on the hill, where America's bright dawn is always breaking.•

BUTTE AND MICRON TECHNOLOGY

• Mr. BAUCUS. Mr. President, I would like to express my support for two amendments adopted unanimously by the Senate on Friday, January 13, 1995—the Dorgan modified amendment No. 1 and the Kempthorne amendment No. 19. Due to an issue of great importance to my home State of Montana, and the possible creation of thousands of jobs, I felt it was more important for me to be home during Friday's Senate session, and therefore was not able to be present during the votes.

Although it is very rare for me to miss a vote, on Friday, January 13, 1995, I traveled home to attend a task force meeting in Butte, organized with the aim of bringing one of the United States preeminent high tech companies, Micron Technology Inc., to Butte. Butte is on the finalist list for a new Micron semiconductor manufacturing facility, which would employ 3,000 to 4,000 Montanans. The city of Butte asked that I be part of this important task force meeting.

Butte and Micron are a match made in heaven. There is no community in the United States where I have seen a higher level of work ethic, loyalty and community spirit than in Butte. The possibility of a major semiconductor manufacturing company locating in Montana—particularly one which has based its success on the western ideals of hard work and thinking big—has energized the community of Butte and my State of Montana. We are all doing everything possible to convince Micron that its new manufacturing plant could have no better home anywhere in the United States.•

A MILESTONE FOR THE C-17

• Mr. BOND. Mr. President, the State of Missouri is very proud of the enormous contribution more than 2,000 of its aerospace workers have made in producing the C-17 Globemaster III at the McDonnell Douglas Corp. plant in St. Louis. Yesterday, Gen. Robert Rutherford, Air Mobility Command Commander, declared the initial operational capability of the first C-17 squadron at Charleston Air Force Base, SC. The C-17's capability to airlift in excess of 160,000 pounds strategic distances and land on runways as short as 3,000 feet is now available for everyday operations anywhere in the world. I am very proud that the skilled aerospace workers in Missouri had a part in this significant achievement. But, more so, I am encouraged that we are seeing the achievement of another major step in the plan toward building a fleet of 120 critically needed C-17's.

As the centerpiece of America's ability to respond in a crisis quickly with the right military force or humanitarian aid, the C-17 will take this Nation well into the 21st century as the most capable and flexible airlifter ever to take flight. The declaration of initial operational capability of the C-17 is a milestone we can all be proud of.•

THE ALBION COLLEGE FOOTBALL CHAMPIONS

• Mr. LEVIN. Mr. President, I want to recognize and congratulate the Albion College Britons football team, the 1994 NCAA Division III National Champions.

On a rainy Saturday afternoon in December, the Britons met the Washington and Jefferson Presidents in the 22d annual Amos Alonzo Stagg Bowl in Salem, VA. Coming into the game, the Presidents had the Nation's top-ranked defense in Division III. The Britons, winners of six consecutive Michigan Intercollegiate Athletic Association titles, rose to the occasion to win a 38–15 victory. The victory capped an impressive drive through four playoff games which included victories over three former national champions.

At one point, the Britons scored 31 unanswered points. The aggressive Albion defense and special teams forced three turnovers and returned an interception for a touchdown. Tailback Jeff Robinson rushed for 166 yards on the soggy field and scored three touchdowns.

The Albion players and coaches have faced many challenges this year as they went to an undefeated 13–0 record. They overcame them by pulling together as a team and playing their hearts out. I admire their spirit and applaud them for giving it their all in every game.

I want to extend my warmest congratulations to each of the players, coaches, parents, and supporters of this championship team as well as to President Melvin Vulgamore and the entire Albion College community.

Mr. President, the people of Michigan are proud of the Albion College Britons. They have shown character and determination. They were winners long before the final score of the football game was known.•

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, January 19, 1995; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business, not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not more than 5 minutes each, with the exception of the following Senators:

Senator COHEN for 10 minutes; Senator ASHCROFT for 15 minutes; Senator GRASSLEY for 10 minutes; Senator NUNN for 10 minutes; Senator BREAUX for 15 minutes; Senator LIEBERMAN for 10 minutes; Senator PRYOR for 10 minutes; Senator BIDEN for 15 minutes; and Senator DORGAN for 15 minutes.

I further ask that at 11 a.m., the Senate resume consideration of S. 1, the unfunded mandates bill, and that there then be 30 minutes of debate, equally divided between Senators KEMPTHORNE and BYRD; and that at the hour of 11:30 a.m., the Senate then proceed to vote on the Levin amendment regarding feasibility.

I finally ask unanimous consent that immediately following the conclusion of the Levin amendment, the Senate proceed to the cloture vote on S. 1; and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. LOTT. Mr. President, observing no other Senator wishing to be recognized to speak, I move that the Senate now recess under the previously agreed to order.

The motion was agreed to, and at 9:17 p.m., the Senate recessed until Thursday, January 19, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 18, 1995:

U.S. POSTAL SERVICE

S. DAVID FINEMAN, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2003, VICE NORMA PACE, TERM EXPIRED.

EXTENSIONS OF REMARKS

THE RIGHT TO KEEP AND BEAR ARMS—AN AMERICAN LEGACY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. CRANE. Mr. Speaker, continuing a tradition begun in the 98th Congress, I have once again reintroduced legislation which reaffirms the commitment of this body to protect the second amendment to the Constitution.

The Founding Fathers recognized the right of men to defend themselves, and guaranteed Americans that this right would be preserved by the second amendment. At the time of our Nation's founding, guaranteeing this right was an idea foreign to the monarchies that ruled most of the world. James Madison noted this when he wrote that the right to keep and bear arms was an advantage "which Americans possess over the people of almost every other nation."

During the 103d Congress, we witnessed an assault on the right of law-abiding Americans to own firearms. Both the Brady bill and the ban on certain semiautomatic guns were ill-conceived legislative attempts at crime control. Actually, both had the effect of usurping the rights of Americans while doing little to help crime in America.

Gun control laws have never worked to reduce crime in America. Washington, DC has some of the most restrictive gun control laws in America, yet leads the Nation in per capita murders. My own State of Illinois has some very tough standards before its citizens can legally possess firearms, yet since those laws went into effect, the crime and murder rates have dramatically increased.

I find it necessary, therefore, to remind my colleagues that our Nation's crime problems cannot be solved by infringing upon the rights of peaceful Americans to own arms. Furthermore, because of the recent congressional assaults on this right, we must demonstrate to Americans that we are resolved to protecting this right by supporting my resolution to reaffirm the second amendment and the right of individuals to keep and bear arms. I include, for the RECORD, the language of the resolution and commend it to the attention of my colleagues with the hope that they will consider becoming a cosponsor.

H. CON. RES. 5

Expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors.

Whereas the second amendment to the Constitution of the United States conveys an inalienable right to all American citizens, such right occupying the same preferred position as all other constitutional rights;

Whereas unconscionable abridgements of the second amendment have been undertaken over the years by State and local governmental bodies, and have been allowed by the courts to stand uncorrected; and

Whereas the Framers of the second amendment to the Constitution and those who ratified the second amendment intended that the individual retain the right to keep and bear arms in order to protect life, liberty, and property and to protect our Nation from those who would attempt to destroy our freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Constitution provides that all individual citizens have the right to keep and bear arms, which right supersedes the power and authority of any government.

CONGRATULATIONS TO THORNDALE HIGH SCHOOL STATE FOOTBALL CHAMPIONS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. EDWARDS. Mr. Speaker, today, I would like to recognize a group of individuals, a team, whose strive for sportsmanship and fairness in scholastic sports have made them champions, not only in their game, but in their daily lives as well.

I extend my sincere congratulations to the Thorndale High School Bulldogs of Thorndale, TX, who captured the 1994 Class 1A State Championship on December 17, 1994 before an overflow crowd of more that 12,000 at Wildcat Stadium in Temple, TX. Defeating the Crawford High School Pirates, another school from my congressional district, the Bulldogs took their first State championship since 1989.

This achievement could not have been possible if not for the support of the student body and parents of Thorndale. This victory also, if not more so, comes through the dedication of coach Don Cowan and his staff. They, too, must be congratulated for the role they took in shaping the lives of these winners, winners who by accepting this victory also accept a responsibility to be victorious throughout their lives and give back to their communities.

I urge my colleagues to join me today in recognizing and honoring the players, coaches, students, and parents of Thornadale, TX.

INTRODUCTION OF PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. MARKEY. Mr. Speaker, today I am introducing legislation which would reform securities fraud litigation in order to curb frivolous lawsuits while protecting and strengthening the ability of defrauded investors to sue.

I believe that Americans can be justifiably proud of the substantial benefits we enjoy from the fact that we have the best securities markets in the world. Our stock and bond markets have expanded tremendously over the last several years. This has helped to finance the birth and growth of promising new industries such as telecommunications, computer software, and other high technology companies that create better jobs and promote economic growth.

One of the most critical factors supporting the successful growth of America's market-based capital formation system is the high level of trust and confidence investors have in the fundamental integrity and fairness of our securities markets. Our Federal securities laws help assure stock or bond prices efficiently reflect the values of the companies that have issued them. This is achieved through a system of full disclosure of all material information about public companies, which empowers Americans so that they can make informed investment decisions about which company's stocks or bonds they want to purchase. But disclosure cannot effectively serve the needs of the investing public unless backed up by strong enforcement mechanisms that assure that those who lie, cheat, and steal will be caught and punished.

Over the last decade, we have witnessed horrendous financial frauds involving hundreds of billions of dollars—including Lincoln Savings & Loan, Drexel, Centrust, Phar-Mor, Miniscribe, and ZZZ Best. The rogues gallery of financial miscreants and malfeasors that were responsible for these crimes were brought to justice through the combined efforts of Federal regulators and individual investors who filed private lawsuits. Such private lawsuits perform functions that Federal bureaucrats cannot accomplish. They provide compensation to investors who have been defrauded and they supplement the SEC's enforcement activities by helping to deter companies that may be contemplating actions that would mislead their investors.

The securities litigation provisions of the GOP Contract With America would give white collar criminals, stock swindlers, and financial con artists a license to rip-off the investing public. Make no mistake about it: H.R. 10, the so-called "Common Sense Legal Reform Act," is special interest legislation at its worst. While it purports to take aim against abuses by attorneys, in reality the principal beneficiaries of this legislation will be huge corporations, wealthy Wall Street investment bankers, big six accounting firms, and well-heeled corporate lawyers. Who will lose out? The defrauded investors, pension funds, and State and local governments who are victimized by financial fraud, and every business in America which can't get capital to build because a competitor is cheating the system.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Individual investors will face nearly insurmountable new procedural and substantive obstacles in bringing their cases to court. Proposals such as adoption of the English rule on fee shifting, establishment of heightened intent requirements that would eliminate recklessness as a cause of action in securities fraud cases, enhanced pleading requirements, elimination of cases based on a fraud on the market, and other proposed changes would effectively end securities class action litigation in this country. This would deprive potentially defrauded investors from being able to seek recovery of their lost savings.

Unlike the Republican bill, the legislation I am introducing today would target the real problems and abuses that can occur in the existing litigation process without impairing the ability of defrauded investors to sue wealthy corporations, and the accountants or attorneys who knowingly or recklessly assisted them in perpetrating financial frauds. My bill contains reforms which would:

Ban or restrict a range of abusive practices engaged in by plaintiffs' or defendants' attorneys;

Streamline the securities litigation process by providing for an early evaluation process aimed at weeding out frivolous cases;

Require the SEC to issue new rules to strengthen the safe harbor provisions provided for companies to issue forward-looking statements;

Limit the potential financial risk faced by defendants in securities fraud litigation cases by providing defendants with a right to obtain contribution from their codefendants based on proportionate responsibility;

Assure that the interests of plaintiffs' attorneys are more closely aligned with the interests of their clients by mandating at fees be calculated on the percentage of lost funds recovered, rather than on how many billable hours the lawyers have generated;

Overturn the Supreme Court's Central Bank of Denver decision by fully restoring liability to those who knowingly or reckless aid or abet securities fraud;

Overturn the Supreme Court's Lampf decision by establishing a statute of limitations for securities fraud cases of 5 years after occurrence or 3 years after the violation was actually discovered;

Strengthen the role of auditors in detecting and reporting evidence of financial fraud; and

Mandate an SEC study on the effectiveness of private enforcement of compliance with the Federal securities laws.

This package of reforms represents a balanced alternative to the special interest smorgasbord set forth in H.R. 10. Over the next days and weeks, I intend to seek cosponsors to my bill and I fully expect to offer this legislation, or amendments derived from it, to H.R. 10 when it is marked up in our subcommittee. While the specifics of this bill may undergo further refinement during the course of discussions with my House colleagues, and some additional or related provisions may be introduced later, the fundamental principles of fairness to investors that this bill imbodies will not be altered.

In conclusion, I am proud, as a Democrat, to have supported the evolution of a market system that provides investors with the right to obtain full disclosure of critical investment information. I believe that investors who are defrauded by false or misleading financial statements, or inflated puffery about a corporation's earnings, products or prospects, or the value of its securities, should have a right to sue for recovery. The bill I am introducing today would preserve that right, while eliminating certain abusive or problematic practices that unduly burden the overwhelming majority of companies who are seeking in good faith to play by the rules and comply with the law.

CONGRATULATIONS TO WALTER F. "BUS" BERGMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. McINNIS. Mr. Speaker, I rise today to congratulate Walter Bergman on being named to the Colorado Sports Hall of Fame. I can think of nobody more deserving of such an honor as Walter Bergman. I would like to share with my colleagues Mr. Bergman's numerous accomplishments which have enabled him to join that elite group of athletes in the Colorado Sports Hall of Fame.

Walter Bergman was born on June 11, 1920, in Denver, CO. It was in Denver that Walter's stellar athletic career began to blossom while attending Denver's North High School. While at North High School, Walter obtained what would become a long list of athletic accomplishments. They include being named all-city in basketball, all-State in basketball, and all-city in football. Walter was also instrumental in clinching North's only State Basketball Championship by making the winning basket.

After high school, Bergman entered Colorado A&M on an athletic scholarship. He graduated 4 years later with a bachelor of science degree and 10 varsity letters: 3 in football, 3 in basketball, and 4 in baseball. In addition to varsity athletics, Walter was sophomore class president, on student council for 4 years, student body president, captain of the football team, member Sigma Phi Epsilon Fraternity, and Who's Who in American Colleges and Universities.

Recruited by the Philadelphia Eagles, Bergman chose to serve his country instead. In 1942 Bergman joined the Marines and spent the next 4 years involved in several Marine operations in the Pacific, and received the Bronze Star along the way.

Upon completing his military service and another stint at C.S.U. for his masters, Bergman moved to Durango, CO. At Durango, Bergman coached baseball and football at my alma mater, Fort Lewis College. Three years later, in 1950, he left Fort Lewis College for Mesa State College to coach football and baseball.

During Mr. Bergman's 30-year coaching career at Mesa State College, he won 3 college conference championships in football and 20 conference championships in baseball, finishing second 3 times in the JUCO World Series.

Walter Bergman's greatest contribution to Colorado is not only his athletic achievements, but his impact on the kids he coached. From Coach Bergman you learned discipline, devotion, education, and professionalism—all the qualities needed to be a successful part of our community and country.

During his life, Mr. Bergman has been an outstanding citizen whose dedication and proficiency has allowed him to earn this prestigious award.

It is work such as Walter Bergman's that inspires us all to achieve the best we can, and to promote these qualities in others. Mr. Speaker, I ask our colleagues to join me, Walter's wife Elinor, daughters Judy and Jane, and son Walter, Jr. in congratulating Walter F. Bergman on his award.

IN HONOR OF COMMISSIONER JOSEPH MARINI OF UNION CITY WHO RECENTLY RETIRED AS ASSISTANT SUPERINTENDENT OF SCHOOLS IN UNION CITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Joseph Marini, commissioner of public affairs in Union City, NJ. Commissioner Marini has not only served the people of Union City through his position in the local government, but has been actively involved in its educational system. After many successful years as an educator, Commissioner Marini retired from his current position as assistant superintendent of schools in Union City last month.

Commissioner Marini began his distinguished career in education in 1955, when he was hired as a math and science teacher in Union City. He served his students well in this capacity until 1966. From 1966 until 1982, he was employed as principal of Roosevelt School. During these years, he initiated a bilingual education program even before the State mandated it. As principal of Emerson High School from 1984–85, Commissioner Marini was instrumental in helping the school achieve middle States accreditation.

When it comes to making a difference in young peoples' lives, Commissioner Marini's dedication does not end with his work within the schools. He became involved in extracurricular activities, taking the time to get to know the students on a more personal basis. From 1961–62, Commissioner Marini was the head coach of the Union Hill High School basketball team. From 1973–74, he was the director of the Union City Recreation Program. From 1975–79, he was the supervisor of the Union City After School Daycare Program.

Commissioner Marini is a member of the Union City and the New Jersey education associations. He also sits on the Union City Public Library Board. In addition, as a member of the New Jersey Urban School Superintendent Committee, he is active in lobbying for full funding for education.

Commissioner Marini grew up in Union City and raised his family there. He knows the needs of the youngsters in the city and has done an excellent job of serving those needs. I am sure the residents of Union City very much appreciate the contributions he has made to the city.

Providing quality education to our students has been Commissioner Marini's goal throughout his career. He has dedicated himself to creating a brighter future for our city's youngsters. He realizes that investing in the young people of today means investing in our future. He knows that the more help these young people receive, the brighter the future of our country will be. Commissioner Joseph Marini is truly an outstanding citizen. I commend him for his many positive accomplishments. Please join me in thanking him for his work and in wishing him a very happy, healthy and prosperous retirement.

HONORING AMERICA'S CATHOLIC SCHOOLS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. SCHUMER. Mr. Speaker, on February 1, 1995, America will celebrate National Appreciation Day for Catholic Schools. It is certainly appropriate that we acknowledge the institutions that are preparing our young people for fulfilling lives of service, dedication, and achievement.

Over the years, this Nation's Catholic schools have educated thousands of students. They have given each child a value-added education that inspires him or her to grow intellectually and become a person of integrity. All students, regardless of race, creed, color, or gender are given the opportunity to succeed and become contributors to the community.

This year's theme is "Catholic Schools: Schools You Can Believe In." Students not only develop reasoning and problem-solving skills they learn to confront the problems of their communities and their Nation. Taking an active role in their communities gives these students self-confidence and the satisfaction of helping others. It is testimony to the strong educations that young people receive at Catholic schools, that so many of these students have gone on to careers of public service and leadership.

I know my colleagues in the House of Representatives will join me in wishing this Nation's Catholic schools many more years of success. It is clear that the educators at these schools understand the value in investing in our country's most precious resource, our children.

TUCSON'S MAN OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Jim Ronstadt who was chosen Tucson's Man of the Year for 1994. This award, given by the Tucson's Metropolitan Chamber of Commerce, recognizes outstanding individuals who have selflessly helped others through personal sacrifice.

As a Tucson native, Mr. Ronstadt has truly dedicated his life to improving the quality of the lives of those around him. In addition to serving as Pima County's parks and recreation director since 1978, Mr. Ronstadt has spent a substantial amount of his personal time volunteering in the community. A few of his activities have included serving as president of the Rotary Club, the downtown active 20–30 club, and the St. Mary's centurions board, who recently made him an honorary life member. He also has also served as chairman of the Catholic Foundation and the Diocese of Tucson Building Committee. Mr. Ronstadt has been a key player in bringing baseball spring training to Tucson and more recently was instrumental in drawing the U.S. National Senior Olympics to Tucson in 1997.

Mr. Speaker, Jim Ronstadt is an exceptional person whom I am honored to recognize. His distinguished contributions to society serve as an example to the citizens of Arizona and are to be commended. Again, I would like to send my sincerest congratulations to Mr. Ronstadt for this deserved award.

M.C. DONALD KINGSTON RETIRES AFTER 31 YEARS OF NAVAL RESERVE SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. SOLOMON. Mr. Speaker, those of us who have served in the military know that the noncommissioned officer is the backbone of our armed forces. They're the ones who make everything work.

One of them, a particularly outstanding noncommissioned officer, is retiring after 31 years of service in the Naval Reserve, and he will be honored at a ceremony this Sunday, January 22. I'd like to say a few words about him today.

His name is Master Chief Illustrator Donald D. Kingston of Clifton Park. He is one of the people I like to call a quiet American hero, Mr. Speaker, because that's what Master Chief Kingston is. He has served this country with energy and conscientious dedication, setting an example for his shipmates.

Subordinates, peers, and superiors alike have known Master Chief Kingston to be a combination of strong leadership and tact who always promoted the high morale and spirit of teamwork necessary for the completion of the service's varied missions.

As command master chief, he has been responsible for counseling, training, and setting standards of order and disciple for more than 500 enlisted reserve and active duty personnel.

His assignments have included the Naval Imagining Center and the Naval Intelligence Command here in Washington, DC, the NR Weapon Station Earle 402 in Colts Neck, NJ, and the NR NCSO Uruguay 402. In the course of those assignments, he has received numerous awards and citations, both for his technical mastery and for service in the finest tradition of the U.S. Navy.

We will certainly miss Master Chief Kingston, Mr. Speaker, but we are reassured by the fact that his value to his country included training younger men and women to take his place. For that, and for everything else this great patriot has done for his country, I ask all members to join with me in paying our own tribute. To M.C. Donald Kingston, let us express our appreciation for a job well done and best wishes for many enjoyable retirement years.

LETTER BY HAROLD S. STEIN, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Ms. ESHOO. Mr. Speaker, I rise today to insert the following insightful letter written by Mr. Harold S. Stein, Jr., into the CONGRESSIONAL RECORD. In my view, his words are instructive, timely and bear a timeliness to them as well.

DECEMBER 27, 1994.

Hon. ANNA ESHOO,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN ESHOO: Our anger must not outpace our love. As desperate as these times may be, as fraught with fear our expectations, there is much that we can do to set things right. My concern is that in the process, through passion's flame, we violate the very principles we strive to serve.

I suspect that these sentiments influenced the patriots who declared our independence, drafted our constitution, struggled to maintain the sovereignty and unity of the republic, and labored to give birth to and make viable the United Nations as a harbinger of world peace and order. In each era, in each instance of great social need, there has always been the probability that the pendulum of change would sweep to its opposite moment; that the dynamics of overturning one act of usurpation would lead to an opposite extreme, no less a tyranny.

Today, Americans are an angry people, filled with frustration bordering on pure fury. It is evident in the streets and in the voting booth. It is voiced in our radio and television talk shows and printed in the Op-Eds. It fuels our movies, propels our music, and truncates our language into a handful of vicious epithets and slogans. It has caused us to resort to placing ill-fitting and simplistic labels on each other not to describe but rather mark who should be the targets of our next assault; surely a self-defeating strategy destined to fail as a solution and demean and make ignoble our ambitions.

In short, our internecine wars between ethnic groups, political parties, social tiers, races, religions, and sexes has blinded us to the fact that we are citizens of one great nation, obligated to solve the grand alchemy of working together for a life of quality. We have taken the first steps by being dissatisfied with our present condition: our behavior toward each other and our environment is suspect. That is good. But in our rejection of the status quo and our demand for change, we must now pause and recognize that the "ins" and "outs", the "haves" and "have-nots", and the "pros" and "cons" are all from the same family.

This is what is meant by healing. It is not giving in to bad social habits or maintaining failing systems and faulty priorities. It is rather making the changes with circumspection and sensitivity, recognizing and being alert to corrective moves that, like that pendulum, may swing too far to a new excess.

Let us make 1995 a year in which we make a positive move towards achieving a quality of life for ourselves and our children. Let us with wisdom build a more noble world with an enthusiasm and energy born of love and not anger or hate.

Sincerely yours,

HAROLD S. STEIN, JR.

AFFORDABLE LEGAL SERVICES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. MOAKLEY. Mr. Speaker, today I introduced legislation to reinstate the limited tax exclusion for employer provided group legal services.

This measure would reinstore section 120 of the Internal Revenue Code, under which many middle-class Americans could afford legal services. If enacted, this bill would encourage employers to provide preventive and affordable legal services to their employees by excluding their $70 per year in contributions to a qualified legal services plan.

Since section 120 was first enacted in 1976, both employers and employees have benefited from it. It helped employees, who were able to resolve their legal problems quickly and avoid costly legal bills. It also helped businesses because employees were not distracted from work because of personal legal difficulties. The provision has proved to be so successful that Congress extended it seven times before it expired in 1992.

I believe it is imperative to support this legislation which promotes family unity by encouraging people to seek legal help while they still have some options. The goal of this bill is to help those middle-class Americans who don't have access to quality and affordable legal representation.

I respectfully request your support of this bill.

CARIBBEAN BASIN ECONOMIC SECURITY ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. CRANE. Mr. Speaker, today I am introducing the Caribbean Basin Economic Security Act. This bill would grant tariff treatment equivalent to that accorded to members of the North American Free Trade Agreement [NAFTA], to Caribbean Basin beneficiary countries, for a 6-year period, pending their accession to NAFTA.

This bill would also direct the USTR to meet on a regular basis with trade ministers of countries in the Caribbean to discuss the likely timing and possible procedures for initiating negotiations for beneficiary countries to accede to NAFTA.

Finally, as a way to encourage the administration to give a high priority to expanding trade with the Caribbean, the bill requires annual reports to Congress which: One, assess progress toward economic development and market oriented reforms in the Caribbean, and, two, analyze beneficiary countries with respect to their ability to undertake the trade obligations of NAFTA.

First proposed by the Reagan administration in 1982 and passed by the Congress in 1983, the Caribbean Basin Initiative [CBI] program is based on the understanding that the United States has a special responsibility to help the small, poorer economies which are our neighbors in the hemisphere. Because of the Caribbean's close proximity to the United States, Congress agreed, on a bipartisan basis, that it was in the best interest of the United States to encourage the development of strong democratic governments and healthy economies in these countries, through the expansion of trade.

Made permanent in 1990, the Caribbean Basin Initiative extends duty-free treatment to a wide range of products imported from beneficiary countries. The program has served as a text-book example of the job-creating effects of promoting increased trade. As a result of the CBI, thousands of new jobs were created in the Caribbean. Even more remarkable was the increase in U.S. exports to the region during the life of the CBI program. They grew from $5.8 billion in 1983 to $12.3 billion in 1993. This represents a 112-percent increase, a rate three times the growth rate of U.S. exports to the world.

The legislation I am introducing today would ensure that the value of the U.S. commitment to the Caribbean contained in the CBI is not eroded over time. An unfortunate result of the passage of the NAFTA, enacted in 1993, is that some investment is being diverted from the Caribbean to Mexico.

This bill is designed to remedy the negative effects of NAFTA on the Caribbean by putting these countries on a clearer path toward eventually assuming the reciprocal trade obligations of NAFTA. For that to take place, the USTR must meet regularly in ministerial meetings with these countries in order to analyze and assess how they can best reform their economies in preparation for NAFTA membership. For some of the poorest countries, especially those in the Eastern Caribbean, this will require strong leadership from the United States, and longer transition periods during which NAFTA obligations can be phased in.

I am aware that the administration and possibly some U.S. industries will have concerns regarding the unilateral nature of the trade benefits in this bill. To them I would emphasize that the unilateral benefit in my bill is for a temporary period of 6 years so as to give these small economies time to develop and to undertake structural reforms.

I believe it is important that we start with the goal of achieving full NAFTA accession for CBI countries, because the standards of NAFTA, I believe, represent clear guide posts for charting trade expansion in the Western Hemisphere. My bill would allow for the negotiation of separate bilateral free trade agreements, if necessary.

In my view, USTA should work with Canada and Mexico to ensure that CBI countries can be early partners with NAFTA members in the upcoming negotiations aimed at establishing the Free Trade Agreement of the Americas [FTAA], announced at the recent Summit of Americas meeting in Miami.

As followup to the Summit of the Americas, the administration will be working to negotiate the accession of Chile to NAFTA this year. I believe it is equally important to work out a consensus with countries in the Caribbean regarding a procedure for expanding NAFTA which will include them. The Ways and Means Committee plans to consult closely with the administration in the coming weeks to achieve this goal.

Having been considered during approval of the NAFTA and Uruguay round implementing bills, NAFTA parity legislation represents unfinished business from the 103d Congress. It is my intention to seek swift approval of this bill by the Trade Subcommittee as soon the Contract With America schedule will permit.

CONGRATULATIONS TO GOLDTHWAITE HIGH SCHOOL STATE FOOTBALL CHAMPIONS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. EDWARDS. Mr. Speaker, today I would like to recognize a group of individuals, a team, whose strive for sportsmanship and fairness in scholastic sports have made them champions, not only in their game, but in their daily lives as well.

I extend my sincere congratulations to the Goldthwaite High School Eagles of Goldthwaite, TX, who captured the 1994 Class 2A State Championship on December 17, 1994, at Memorial Stadium in Austin. Exacting revenge on the team that defeated them for the 1992 State title, the Eagles defeated the Schulenburg High School Shorthorns, 20–16, taking their second consecutive State championship and third in less than 10 years.

This achievement could not have been possible if not for the support of the student body and parents of Goldthwaite. This victory also, if not more so, comes through the dedication of coach Gary Proffitt and his staff. They, too, must be congratulated for the role they took in shaping the lives of these winners, winners who by accepting this victory also accept a responsibility to be victorious throughout their lives and give back to their communities.

I urge my colleagues to join me today in recognizing and honoring the players, coaches, students, and parents of Goldthwaite, TX.

INTRODUCTION OF PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. MARKEY. Mr. Speaker, today I am introducing legislation which would reform securities fraud litigation in order to curb frivolous lawsuits while protecting and strengthening the ability of defrauded investors to sue.

I believe that Americans can be justifiably proud of the substantial benefits we enjoy from the fact that we have the best securities markets in the world. Our stock and bond markets have expanded tremendously over the last several years. This has helped to finance the birth and growth of promising new industries such as telecommunications, computer software, and other high technology companies that create better jobs and promote economic growth.

One of the most critical factors supporting the successful growth of America's market-based capital formation system is the high level of trust and confidence investors have in the fundamental integrity and fairness of our securities markets. Our Federal securities laws help assure stock or bond prices efficiently reflect the values of the companies that have issued them. This is achieved through a system of full disclosure of all material information about public companies, which empowers Americans so that they can make informed investment decisions about which company's stocks or bonds they want to purchase. But disclosure cannot effectively serve the needs of the investing public unless backed up by strong enforcement mechanisms that assure that those who lie, cheat, and steal will be caught and punished.

Over the last decade, we have witnessed horrendous financial frauds involving hundreds of billions of dollars—including Lincoln Savings & Loan, Drexel, Centrust, Phar-Mor, Miniscribe, and ZZZ Best. The "rogues gallery" of financial miscreants and malfeasors that were responsible for these crimes were brought to justice through the combined efforts of Federal regulators and individual investors who filed private lawsuits. Such private lawsuits perform functions that Federal bureaucrats cannot accomplish. They provide compensation to investors who have been defrauded and they supplement the SEC's enforcement activities by helping to deter companies that may be contemplating actions that would mislead their investors.

The securities litigation provisions of the GOP Contract With America would give white collar criminals, stock swindlers, and financial con artists a license to rip-off the investing public. Make no mistake about it: H.R. 10, the so-called Common Sense Legal Reform Act, is special interest legislation at its worst. While it purports to take aim against abuses by attorneys, in reality the principal beneficiaries of this legislation will be huge corporations, wealthy Wall Street investment bankers, Big Six Accounting firms, and well-heeled corporate lawyers. Who will lose out? The defrauded investors, pension funds, and State and local governments who are victimized by financial fraud, and every honest business in America which can't get capital to build because a competitor is checking the system.

Individual investors—such as those here today who have suffered financial losses as the result of the Orange County bankruptcy—will face nearly insurmountable new procedural and substantive obstacles in bringing their cases to court. Proposals such as adoption of the English rule on fee shifting, establishment of heightened intent requirements that would eliminate recklessness as a cause of action in securities fraud cases, enhanced pleading requirements, elimination of cases based on a fraud on the market, and other proposed changes would effectively end securities class action litigation in this country. This would deprive potentially defrauded investors from being able to seek recovery of their lost savings.

Unlike the Republican bill, the legislation I am introducing today would target the real problems and abuses that can occur in the existing litigation process without impairing the ability of defrauded investors to sue wealthy corporations, and the accountants or attorneys who knowingly or recklessly assisted them in perpetrating financial frauds. My bill contains reforms which would:

Ban or restrict a range of abusive practices engaged in by plaintiffs' or defendants' attorneys;

Streamline the securities litigation process by providing for an early evaluation process aimed at weeding out frivolous cases;

Require the SEC to issue new rules to strengthen the safe harbor provided for companies to issue forward-looking statements;

Limit the potential financial risk faced by defendants in securities fraud litigation cases by providing defendants with a right to obtain contribution from their codefendants based on proportionate responsibility;

Assure that the interests of plaintiffs' attorneys are more closely aligned with the interests of their clients by mandating that fees be calculated on the percentage of lost funds recovered, rather than on how many billable hours the lawyers have generated;

Overturn the Supreme Court's Central Bank of Denver decision by fully restoring liability to those who knowingly or recklessly aid or abet securities fraud;

Overturn the Supreme Court's Lampf decision by establishing a statute of limitations for securities fraud cases of 5 years after occurrence or 3 years after the violation was actually discovered;

Strengthen the role of auditors in detecting and reporting evidence of financial fraud; and finally,

Mandate an SEC study on the effectiveness of private enforcement of compliance with the federal securities laws.

This package of reforms represents a balanced alternative to the special interest smorgasbord set forth in H.R. 10. Over the next few days and weeks, I intend to seek cosponsors to my bill and I fully expect to offer this legislation, or amendments derived from it, to H.R. 10 when it is marked up in our subcommittee. While the specifics of this bill may undergo further refinement during the course of discussions with my House colleagues, and some additional or related provisions may be introduced later, the fundamental principles of fairness to investors that this bill embodies will not be altered.

In conclusion, I am proud, as a Democrat, to have supported the evolution of a market system that provides investors with the right to obtain full disclosure of critical investment information. I believe that investors who are defrauded by false or misleading financial statements, or inflated puffery about a corporation's earnings, products or prospects, or the value of its securities, should have a right to sue for recovery. The bill I am introducing today would preserve that right, while eliminating certain abusive or problematic practices that unduly burden the overwhelming majority of companies who are seeking in good faith to play by the rules and comply with the law.

IN HONOR OF MONO SEN, DISTINGUISHED INDIAN COMMUNITY LEADER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Mono Sen, an Indian community leader. Mr. Sen has made many positive contributions to the Indian community in the 13th Congressional District. He has dedicated himself to helping others, no matter how difficult the task. He has spent his entire career creating opportunities for hundreds of people of all races, creeds and ethnicities.

Mr. Sen came to the United States in 1971 and lived in New York until June of 1974. While living in New York, he dedicated himself to helping senior citizens. He served as the management consultant at the William Hudson Center in the South Bronx and as director of Caring Community Center in New York, which provided quality services mostly to the Jewish and Italian communities.

Mr. Sen has provided jobs for many Indian E.S.L. teachers in Jersey City and is responsible for the hiring of many Indians as income maintenance technicians in the Hudson County Welfare Department. In 1977, Mr. Sen fought for Federal money to help Vietnamese refugees resettle in Hudson County. Mr. Sen is a community leader in the best sense of the word. People come to him with their problems, whether they are financial or personal, and Mr. Sen tries to help them with their problems.

Mr. Sen has expressed great interest in uniting the Asian-American community. He founded the United Ethnic Congress in America in 1980. The purpose of this organization was to promote the election and appointments of Asians to the U.S. Government, so that they could contribute politically. Mr. Sen also joined the American Association and began generating interest among Indians in the community in becoming involved in politics. In addition, he was one of the main speakers of the first Convention of Indians in New York. Also, in 1991, Mr. Sen spoke for almost 2 hours before the U.S. Civil Rights Commission on police abuses on behalf of 9 million Asian people.

Many people in the community depend on Mr. Sen for help in such matters as seeking help from the city, county or State, as well as legal matters. Mr. Sen has also been generous enough to donate $30,000 worth of materials to the Hudson County Community College and $3,000 worth of books to the Jersey City Public Library.

A great many people depend on Mr. Sen's abilities, as well as his kindness, generosity and goodwill. He makes no distinction in helping people. He has worked very hard for many years to help those in need, and has turned no one away. He has never discriminated among Jews, Hindus, Christians, or Moslems.

I would like to take this opportunity to thank Mono Sen for all of his hard work in the community. I am truly proud to have such an exemplary man living in my district. A birthday celebration will be held in Mr. Sen's honor on February 4, 1995, at public school No. 11. Please join me in wishing Mono Sen a happy 70th birthday.

RECOGNIZING THE ACCOMPLISHMENTS OF THE BROOKLYN CHINESE-AMERICAN ASSOCIATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to recognize the accomplishments of the Brooklyn Chinese-American Association [BCA]. I am especially pleased to honor this organization at the grand opening of their community service center.

Over the past 7 years, President Paul Mak has worked tirelessly to develop the BCA. BCA can now proudly list the many important services it provides for members of the Brooklyn Chinese-American community; application assistance for entitlements, cultural and recreational activities, health-related workshops and excursions for senior citizens; counseling for at risk youths; career-oriented and academic-related workshops, youth leadership training and summer camps for youths; assisting crime victims. Staff and volunteers at BCA should be proud of their achievements in making their community a richer, more vital place to live.

BCA recognized the needs of the community, and decided to take action. They remind us of the responsibility of every citizen to make our communities and neighborhoods better, safer places. For their work in community service, I salute the members of BCA. I know that all my colleagues in the House of Representatives will join me in wishing them many years of success and growth.

FAREWELL TO DON BLISS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to honor and recognize Mr. Donald A. Bliss, who recently retired as the vice president, for U.S. West Communications.

Mr. Bliss began his career with Northwestern Bell in 1961 as a splicer's helper. Working his way through the ranks of the company and across the country, Mr. Bliss served as Northwestern's vice president for North Dakota and Nebraska service areas. Mr. Bliss and his family made Arizona their home in 1987 when he assumed his position as Arizona's vice president for U.S. West Communications.

Through the years, Mr. Bliss has proven to be an asset not only to U.S. West Communications but to the State of Arizona. His activities have included serving on the Arizona Joint Select Committee on Revenues and Expenditures and the Governor's Office of Employment and Training Implementation Task Force. In addition, Mr. Bliss has been recognized with awards such as the Anti-Defamation League's Torch of Liberty Award and the Center City Champion Award.

In retirement, Don will continue to reside in Arizona with his wife Roxanne and plans to stay active in the community. Mr. Bliss will serve as a leader on the 1996 Super Bowl Committee and as an officer on the National Alzheimer's Association Board.

Although a native of Minnesota, I am pleased that Don has chosen Arizona as his home. His leadership will be missed at U.S. West Communications, but we all look forward to his continued work in the community.

INTRODUCTION OF THE TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today a bill that will be the final step in an agreement between the States of Texas, Maine, and Vermont for the disposal of low-level radioactive waste.

In the 1960's, the United States had six disposal sites for low-level radioactive waste. By 1978, all but three of the sites had closed, and the States with the remaining disposal sites announced that they intended to close their facilities. In response, in 1980, Congress passed the Low-level Radioactive Waste Policy Act, making State governments responsible for the disposal of low-level radioactive waste generated within their States. Because most States simply continued to send their waste to the three operating disposal sites, the act was amended in 1985 to require States to open their own disposal sites or enter into agreements—called compacts—to share facilities with other States by the end of 1992.

Mr. Speaker, the compact about which I speak today was carefully negotiated by the Governors of each State and adopted by an overwhelming majority of each State's legislature. As a result, I urge my colleagues to join me in support of the Texas Low-level Radioactive Waste Disposal Compact Consent Act.

RETIREMENT OF AVON YARBOROUGH

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. EHRLICH. Mr. Speaker, I rise to pay tribute to a highly respected public servant who has retired after 38 years of serving his country in a number of capacities. Avon Yarborough most recently was the chief of personnel security division, 497 Intelligence Group at Bolling Air Force Base.

Over the years, Avon Yarborough has received numerous awards and commendations for his significant contributions to the security community. As chief of the personnel security policy branch, Air Force security police in Albuquerque, NM, he authored regulations which served as the official Air Force document for personnel security policy and procedures.

He also served as the Air Force liaison officer where he represented the Air Force at the Defense Investigative Service and with other Federal agencies in investigating matters. His responsibilities have also included managing the personnel security portion of the Air Force Presidential Support Program and the automated security clearance approval system.

Avon Yarborough has displayed great skill and devotion all of his life. He began his career when he entered active duty with the Air Force in 1956. His military assignments included tours of Vietnam, Germany, and Japan. Before he became affiliated with the Air Force adjudication operation in July 1977, he held positions as a civilian air technician with the Maryland Air National Guard and security manager for the National Guard Bureau and the Military Traffic Management Command, where he very effectively managed multiple security disciplines.

Born in Louisburg, NC, Avon Yarborough and his family moved to Baltimore when he was in his early teens. He grew up in Baltimore and graduated from the University of Maryland in 1978. He holds a bachelor's degree in sociology.

Mr. Yarborough has three daughters, Antoinette, Angela, and April and a stepson, Michael F. Jackson.

Mr. Speaker, please join me in recognizing Avon Yarborough as a great American who has served his community with skilled devotion for almost 39 years. Also please join me in wishing he and his charming wife, Elaine, great happiness in this new phase of their lives.

SAN DIEGO CHARGERS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. PACKARD. Mr. Speaker, the people of San Diego are supercharged. Coming back from a 7-point halftime deficit, the Chargers steamrolled over the Pittsburgh Steelers. Not even the persistent environmental disasters back home could keep this team from hopping a plane to Miami. The Chargers are going to their first Super Bowl in franchise history.

This year's Super Bowl will be a classic northern California versus southern California battle. Whatever the consequences might be, this underdog team has come back with a vengeance time after time. The people of San Diego and their team are heading to Miami full of determination and pride. I pay tribute to their commitment and cohesion as they charge forward to the Super Bowl.

TRIBUTE TO THE COLQUITT COUNTY PACKERS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. CHAMBLISS. Mr. Speaker, I have come to the floor today to bring to this House's attention the tremendous achievements of my hometown's football team, the Colquitt County Packers. On Saturday, December 17, this team defeated one of the strongest high school football teams in the country, the Valdosta Wildcats—also from my district—to win the AAAA State Football Championship.

As father of one of the players, I had the opportunity to watch this group of fine young men overcome great odds to go undefeated in their longest winning streak ever and to win their first State championship.

As many of you are aware, high school football in south Georgia is not just a game—it's a way of life. Valdosta, also known as Winnersville, USA, is the future home of the High School Football Hall of Fame, and I am proud to be a part of the tradition that makes up south Georgia football.

Mr. Speaker, I hope that you will all join me in congratulating the players, the coaches, the cheerleaders, the bands, the fans, and everyone else who has helped make south Georgia football some of the best in the United States.

TRIBUTE TO SGT. JAY CUTHBERT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mrs. MEEK of Florida. Mr. Speaker, after 40 years of dedicated service on the Metro-Dade Police Department, Sgt. Jay Cuthbert has retired. I speak for our entire Dade County community in expressing our deepest gratitude for his exemplary work over four decades of faithful and courageous service.

By any standard, Sergeant Cuthbert is a remarkable public servant. He dedicated his entire career to one of the toughest and most difficult jobs in our society—law enforcement. He has devoted his life's work to the care and protection of the people of our Dade County community.

Mr. Speaker, we are grateful to Sergeant Cuthbert for the countless families and individuals who have benefited from his compassion and untiring efforts. I want him to know of my deepest respect for what he has done for all of us over these past 40 years, and above and beyond the call of duty.

A grateful community says thank you for a job well done.

CONSUMER REPORTING REFORM ACT OF 1995

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. GONZALEZ. Mr. Speaker, today I am introducing the Consumer Reporting Reform Act of 1995, a bill to change the way the consumer reporting industry conducts business. Like its predecessors, this bill will lead to increased accuracy in credit reports and result in an industry that is both more responsive to consumer complaints about errors and more cognizant of the consumers' right to financial privacy.

I have worked on legislation to overhaul the credit reporting system and credit bureaus for the past several Congresses. The 25-year-old law that governs this industry has simply failed to keep pace with the exploding technology in this area and the new issues it presents. When the Fair Credit Reporting Act was enacted, many credit bureaus were keeping manual records. Today, the big three credit bureaus each have 200 million computerized files on American consumers. Nearly every decision made about us—whether to approve a loan, rent an apartment, insure property, or offer a job—could involve a credit report. The credit bureaus must get it right. But, with the enormous numbers of files and information amassed by the credit bureaus on American consumers, the implications for errors and invasions of privacy are staggering.

The issues that plagued consumers when Congress first began looking anew into this area in the 1980's have not been resolved by the mere passage of time. I am sure my colleagues recognize the anguish consumers feel when a computer wrongly labels them deadbeats and shows up on their credit reports. In Vermont, this happened to an entire town. And imagine the enduring damage that a credit bureau can do by failing to correct an error. I know that Members of this House have experienced the frustration of an unresponsive credit bureau firsthand or have heard the anger of their constituents. And, in an age where computers talk to each other, companies are gaining more and easier access to sensitive financial information about consumers without the consent or even the knowledge of consumers.

Congress cannot stand idle as errors on credit reports wreck peoples' lives. Congress cannot turn a blind eye as companies and machines transfer reams of financial and personal information about consumers who remain in the dark. And yet the current Fair Credit Reporting Act does not go far enough to prevent such errors or such incursions into consumers' privacy from occurring.

Congress has taken a good hard look at these problems. I and my colleagues on both sides of the aisle, particularly Chairman LEACH, worked long and hard last year with representatives of consumer groups and the credit reporting industry to craft the very fair and balanced bill that the House passed twice last year on a voice vote. The legislation I am introducing today is virtually identical to last year's compromise bill. Let me emphasize that the bill I am introducing does not contain my wish list for reforms—it is a genuine compromise. And it is a product of earnest, good faith negotiation between Democrats and Republicans and between industry and consumer groups.

In sum, the bill requires that consumers be educated about their rights regarding their credit reports; it provides consumers with cheaper access to their reports; it allows consumers to put a stop to some of the junk mail that fills their mail boxes; it provides for prompt correction of errors in credit reports; and it gives consumers a right of action against businesses that neglect to correct errors in the course of a reinvestigation. This bill also provides new opportunities for businesses to prescreen consumers for credit and to share information about consumers among affiliated companies.

Because of the need for reform, and the overwhelming bipartisan consensus on this piece of legislation that was demonstrated repeatedly last year, the House should proceed expeditiously with consideration of this bill. The consumers of this country should not and will not tolerate further delay.

TRIBUTE TO BILL ROSENDAHL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Bill Rosendahl, senior vice president of Century Cable Television, whose commitment to public affairs and political programming is unsurpassed. Since 1987 Bill has been host of "Week in Review," a talk show that brings together journalists, politicians and consultants for an often fascinating discussion of the issues. There is nothing like it on any television station in southern California.

Along with his duties on "Week in Review," Bill spends much of his time interviewing politicians and, during election season, candidates, including those from minor parties or those running for obscure offices. No political reporter in the print or broadcast media in Los Angeles is as thorough and fair as Bill. In an age when it is fashionable to be cynical and dismissive about politics, Bill is truly a breath of fresh air.

He brings impeccable credentials to his work. Prior to his arrival at Century Cable, Bill was director of corporate affairs for Westinghouse Broadcasting and Cable. He was also a White House appointee to the State Department, and has participated in many Presidential, gubernatorial, and senatorial campaigns.

This year Bill was named by the Los Angeles Chapter of the Society of Professional Journalists as the winner of its 1994 Freedom of Information Award, which honors non-journalists who helped promote first amendment issues. With his dedication to airing all points of view and for extensive coverage of topics ranging from AIDS to the war in Bosnia, Bill Rosendahl is the perfect choice.

I ask my colleagues to join me today in saluting Bill Rosendahl, who has shown that in the right hands, television can be a marvelous source of news and information about politics and government. He brings honor to his profession.

INTRODUCTION OF LEGISLATION CONCERNING ILLEGAL IMMIGRATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. GALLEGLY. Mr. Speaker, I have today reintroduced legislation aimed at addressing a problem that most Americans now recognize as a pressing threat to our way of life and the continued success of our Nation. That problem is illegal immigration and I hope that the package of reforms I propose will—once and for all—help establish firm control over our borders and make it much more difficult for those who enter our country illegally to benefit by breaking the law.

Illegal immigration was first recognized as a drain on public funds and a detriment to public welfare in the border States where it has been most prevalent over the years. In recent years, though, more and more Americans from a much wider geographic area have come to understand the overwhelming burden placed upon law-abiding taxpayers by those who enter this country illegally.

For years, citizens in border States have demanded a Federal response to this problem and, for years, the Federal Government has turned a deaf ear to the plight of those legal residents asked to house, school, treat, and feed those with no legal right to be here. The response has been so dismal, in fact, that over the past year some border States have actually sued the Federal Government in hopes of retrieving some of the billions of dollars spent attending to the needs of illegal immigrants.

But the apex of the public outcry against illegal immigration, I believe, was reached this past November, when nearly 60 percent of California voters supported a statewide initiative aimed at eliminating the benefits awarded to those who break the law when they enter this country. The overwhelming passage of proposition 187 sends a clear message to those who write the laws governing life in this Nation that—on this issue—the people have had enough and they want something done.

Illegal immigration is perhaps the only situation I know of where those who openly and knowingly break the law not only escape punishment, they are in fact rewarded beyond their wildest dreams. Until we combine tougher border enforcement with the elimination of benefits awarded those who enter this country illegally, we will never be able to end the drain on public resources and to protect opportunities for those legal immigrants who seek to make a life here and to capture their share of the American dream.

Mr. Speaker, illegal immigration is a complex and divisive issue and I recognize that no single legislative package could ever fully address its many facets and implications. I hope, however, that the bills I introduce today will provide a foundation for an appropriate Federal response to this crisis.

As the head of a congressional task force on immigration that you created, I look forward to working with all of my colleagues on this issue and particularly with my good friend Representative LAMAR SMITH, chairman of the Immigration and Claims Subcommittee of the House Judiciary Committee.

The time has come for national immigration reform. We in the 104th Congress owe it to those who put us here to recognize this and to take appropriate action, instead of continuing to ignore a crisis that threatens to undermine the very foundation of the society we have worked so hard over so many years to create.

INDIA AND THE UNITED STATES: A GROWING ECONOMIC PARTNERSHIP

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. ACKERMAN. Mr. Speaker, today I rise to speak about the flourishing economic relationship that is unfolding between the United States and India. Just a few years ago, hardly anyone spoke of the tremendous opportunity for developing strong economic ties between our countries. Today, for a number of important reasons, we are witnessing dramatic change in this domain. We are engaged in an economic relationship with India that is strengthening the ties between our countries.

Just last week, several major American papers published excellent articles on the state of United States–India trade. Each of them describes in detail how the liberalization of the Indian economy, initiated by Prime Minister Rao, has created fertile ground for American businesses to interact with their Indian counterparts abroad, creating new jobs at home while servicing a huge untapped market overseas.

I am inserting into the RECORD today an article from the Wall Street Journal of January 12, 1995, which I commend to my colleagues. Titled, "India Is Elbowing Into China's Limelight: Foreign investors Taking Note of Economic Revival," this article highlights the opportunities for building American business and creating new American jobs.

Mr. Speaker, I am proud of the enhanced relationship which is now unfolding before us. This is due in no small part to the creativity and determination of American businesses to expand their exports to new, fertile markets. We should also acknowledge, and pay tribute to, the Indo-American community which has taken a particularly keen interest in promoting economic ties between our nations. This community deserves recognition and thanks for helping to forge lasting economic ties that will strengthen mutual friendship between our countries in the months and years ahead.

[From the Wall Street Journal, Jan. 12, 1995]

INDIA IS ELBOWING INTO CHINA'S LIMELIGHT: FOREIGN INVESTORS TAKING NOTE OF ECONOMIC REVIVAL

(By Urban C. Lehner)

BANGALORE, INDIA.—K. Gopalkrishnan was braced for the worst when Motorola Inc. transferred him from his native Singapore to a new pager factory in this southern Indian city. Although of Indian descent himself, the 35-year-old executive had heard horror stories about India's bureaucrats and workers.

His first nine months in Bangalore have been a pleasant surprise. Clearing a new assembly line through Indian customs was a breeze, he says; the whole process, from packing the line in Singapore to producing the first pager in Bangalore, took only eight days. Indeed, the entire factory was set up in just five months, and it's already operating as efficiently as the Singapore plant. "Contrary to what you hear outside the country, Indians can be among the most efficient people in the world, if properly guided," Mr. Gopalkrishnan says.

But not the *most* efficient people, at least not yet. Motorola's older, larger factory in Tianjin, China, "has produced some benchmark results that everybody else [within Motorola] is battling" to match, Mr. Gopalkrishnan says. "We hope to be in those shoes soon."

HIGH HOPES

Thanks in part to foreign-investment success stories like Motorola's, many Indians hope their economy can soon be in China's shoes, too. It's a tribute to how far India has come that they even dare express the hope. For, until very recently, China was everybody's nominee for most-likely-to-become-an-economic-superpower. India was a chronic underperformer that seemed unable to get its act together.

But India's three-year-old reform program has started to bear fruit just as foreign investors have begun to take a more sober view of China. As a result, many Indians are starting to take their country seriously as a rival to China. "Sooner or later, India's inherent advantage will assert itself," says Manmohan Singh, India's finance minister and the author of the reforms.

Judged on fundamentals, the competition between India and China is still no contest. China's economy is growing twice as fast. China's savings and literacy rates are more than half again higher. Foreign debt and government red ink drag down China's economy far less than India's.

WHO'S THE FAIREST?

	India	China
Savings rate [1]	24.2%	35.8%
'95 Debt-service ratio [2]	29.2%	13.0%
Avg. GDP growth:		
1988–93	5.3%	8.9%
1995–2000 [2]	6.0%	7.8%
Population (millions)	846.3	1.172.0
"Economic Freedom" ranking (1=most free)	86	87

[1] 1993 for India, 1992 for China.

[2] Projection.

Sources: Asian Development Bank, Credit Lyonnais Securities, Heritage Foundation.

Yet in the competition for foreign investors, India is starting to make China share the limelight. Foreigners lapped up $4.6 billion of new Indian equity-linked paper last year but only $2.7 billion in new Chinese shares, according to the Bombay Stock Exchange and Credit Lyonnais Securities (Asia) Ltd.

India has also been attracting new interest from foreign companies. A Daewoo Co. joint venture in India plans to make 100,000 cars a year starting this year; the South Korean company has yet to win permission to make cars in China, though it is undertaking a major auto-part project there. Kellogg Co. recently started producing cornflakes north of Bombay; the U.S. breakfast-cereal company won't open a plant in China until the middle of this year. Levi Strauss & Co., working hand-in-hand with Indian subcontractors, will begin selling jeans in India within months; the San Francisco-based concern has been phasing out clothing purchases from subcontractors in China because of human-rights concerns.

U.S. ROAD TRIP

More corporate investments are coming. U.S. Commerce Secretary Ron Brown heads to India this week with 25 American chief executives who are expected to sign several billion dollars in deals; the trip comes five months after Mr. Brown undertook a similar mission to China. In a recent Ernst & Young survey of 230 multinational companies, 17% saw India as a "priority country" for future investment, ranking India second only to China.

China's lead in the foreign-investment sweepstakes remains enormous, however. Foreigners last year sank well in excess of $30 billion into operations in China, compared with less than $2 billion in India.

It's also far from clear that India can ever make up for China's 15-year head start. While three years of reforms may have revived India's economy, they haven't papered over its seething ethnic and class divisions, done away with its corrupt and inefficient bureaucracy, or rid its city streets of beggars.

But at least foreign investors are finally noticing India's assets, among them:

India has a huge middle class whose buying habits are well-chronicled, unlike in China, where dependable market statistics are rare. The Indian government-supported National Council of Applied Economic Research, for instance, periodically surveys samplings of as many as 500,000 Indians. The council's 1992–93 survey indicates that 550 million Indians lived in households where at least one member owned a wristwatch; that 33% of nail polish was bought by households with a monthly income of less than 18,000 rupees ($574); and that southern India accounted for 77% of the country's purchases of coffee.

India has skilled scientists and software engineers. Motorola, Texas Instruments Inc. and other foreign investors have turned Bangalore into one of the world's software-writing capitals. India abounds in qualified people because its universities emphasize computer science and because "Indians naturally love intellectual puzzles," says Anand Khandekar, a retired Indian navy commodore who supervises 220 engineers at a Motorola software laboratory here. The Indian engineers are good, and they are affordable. A Texas Instruments official says a typical software engineer in Bangalore costs $400 a month in salary and benefits.

India has well-managed private companies. In China, the potential partners for foreign investors are mainly state-owned companies and the potential stock plays are all recent listings. The 120-year-old Bombay Stock Exchange, on the other hand, in 1994 had almost 4,450 listed companies, more than any other exchange in Asia. The people who run many of these companies have far more in common with many global executives than do their Chinese counterparts. In everything from their attitude toward profitability to their understanding of how a contract dispute should be solved, they are far easier to work with, many foreign firms find.

India's Western-style legal system was one of the things that attracted U S West Inc. to India, says Boli Medappa, who's in charge of developing the telephone company's business in the country. U S West, a Baby Bell that operates telephone systems in 14 U.S. states, spent five months in 1990 researching business opportunities in 11 Asian countries. In the end India ranked first on its list, Ms. Medappa says. China ranked 11th.

The ranking was done mainly on criteria such as political stability and market access, but Ms. Medappa also gives India the nod on less tangible factors, such as the widespread use of English, a long-functioning democratic government, an Anglo-Saxon legal system and a sense of shared values with the West.

India also gets a boost from the enthusiastic cheerleading of "nonresident Indians" like Ms. Medappa, a green-card holder who has lived in the U.S. since 1978 and worked for U S West for eight years. Unlike overseas Chinese entrepreneurs, who invest their own money in China, many nonresident Indians advocate investment in India by the multinational companies that employ them.

IT'S WHO YOU KNOW

"For every foreign company I've seen come to India, the guy who was actually making that effort happen was an ethnic Indian," says Naina Lal Kidawai, Morgan Stanley & Co.'s chief of corporate finance in Bombay.

Another attribute of India is simply being the world's second-biggest potential market, after China. That's especially alluring as a spate of loan-payment problems and contract disputes reminds foreign investors of the difficulties of doing business in the Middle Kingdom.

But investors are hardly deserting China in droves. And experienced foreign investors know India also can pose frustrations. For example, U S West and other foreign phone companies have camped out in New Delhi hotels for months awaiting a government auction of operating-rights contracts that keeps being promised.

And while India has slashed tariffs and tackled its government budget deficit, it has balked at more painful measures, such as privatizing government enterprises, allowing imports of many foreign consumer goods or making it easier for companies to lay off workers.

Finance Minister Singh insists the government's program is on schedule, but adds it cannot get too far ahead of public opinion. Mr. Singh makes no apologies for this; one of the advantages of a democracy, he says, is that public opinion helps check misguided policies. That mechanism is absent in China, he points out.

If democracy keeps India from developing as fast as China, some analysts say it also gives India a stability that transcends its occasional outbursts of communal violence. "Think of India as a wide, shallow-bottomed boat," says Jonathan Bensky, commercial counselor at the U.S. Embassy in New Delhi. "It's easy to rock but very difficult to tip over."

COLONIA PLUMBING LOAN PROGRAM

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. COLEMAN. Mr. Speaker, today I introduced two measures which will address a problem which has been forgotten and ignored for far too long. The lack of drinking water and wastewater treatment facilities in the Southwestern United States, in communities known as colonias, has caused environmental degradation and has had a detrimental impact on public health. Colonias are communities in the southwestern region of the United States along the United States-Mexico border which are generally unincorporated and characterized by a lack of running water, sewage treatment facilities, and safe, sanitary housing.

Rather than go into an extensive history of the causes of the problem, I would just say to my colleagues that the residents of these communities thought that in buying a piece of land upon which they could build a home they were earning a piece of the American dream. Sadly, the dream has yet to come true for these hard working Americans and their children. I have been fighting for many years, on many levels, to address this problem. Today, I have introduced a measure specifically addressing the lack of sewage treatment facilities for the region and a measure to increase the State's flexibility in administering a current program. These measures are small steps to correcting a problem which has existed for more than 30 years.

Unfortunately, when we talk of the citizens along the border with Mexico there are those among us who would distort the facts. As my colleagues review this legislation, I hope they will bear in mind that: first, the colonias are communities located wholly in the United States; second, the residents of colonias are American citizens and legal permanent residents; and third, the residents are not squatters. They purchased the land, for which they have legal deeds, from unscrupulous developers who promised them everything and delivered nothing. I hope my colleagues will avail themselves to addressing the needs of Americans, irrespective of where they live, and not bow to the misinformed arguments of those who are not from the border and cannot know the needs and concerns of the region. I am asking for fairness for American children who live in conditions similar to those of developing countries.

Today, there are more than 350,000 Americans, many of them children, who live in colonias without any access to such basic services as indoor plumbing or safe sewage disposal. In my district alone there are nearly 48,000 people who live under these appalling conditions every day. Let me try to describe to my colleagues what life is like for these hard working Americans.

In the State of Texas, there are nearly 300,000 people living in approximately 1200 colonias. The majority of these communities do not have paved roads. Forty percent of these communities, or roughly 112,000 people, do not have access to public water, a precious and expensive commodity in the desert. Instead these people are forced to rely on water from wells or water which is transported from outside the community. Most of the wells are dug by hand and are no more than 15 feet deep. In my district the water table is only 7 feet deep in sandy soil, which make the water brackish and not suitable for drinking even under the best of circumstances. Only when we consider that many residents have equally crudely dug outhouse located less than 50 feet from these wells, can we begin to appreciate how truly unfit for drinking this water is. Those who must have their water brought in must find places to store it. Sadly, the storage container is all too often an old chemical barrel, frequently with the skull and crossbones still visible. As if storing water in contaminated containers were not bad enough, storing the water causes the chlorine, which is what keeps our drinking water safe, to dissipate. I ask my colleagues, Mr. Speaker, to try to imagine living every day of their lives having to constantly plan how much water would be required for every meal, every bath, every laundry day, and every time they washed their dishes by hand. I think my colleagues will agree this would be very burdensome indeed.

It should be no surprise to my colleagues that this situation is also having very serious health consequences. The lack of public services means that the residents in these communities are, in effect, drinking, washing dishes and bathing in their own refuse. The incidence of hepatitis in the border region is two to three times higher than the national average, and in my district the hepatitis rate is five times the national average. Let me put that into perspective for my colleagues. Several years ago, one of the school districts in El Paso County tested the students for hepatitis. The results, Mr. Speaker, were shocking. By the age of 8 approximately 35 percent of the children had been infected with hepatitis A, and by the age of 35, up to 90 percent of colonia residents had been infected.

Unfortunately, hepatitis is not the only disease which threatens the residents of the colonias. Perhaps the most disturbing, and the most widely publicized, consequence of the environmental problems associated with the lack of proper sewage and drinking water is the alarmingly high number of anencephalic, or brainless babies which have been born in the region. Less dramatic but no less dangerous are two gastrointestinal infestations, amebiasis which is caused by a parasite, and shigellosis which is caused by bacteria. Both are endemic to the region and have rates of two to three times the national average. In addition, 15 percent of families in colonias report that at least one family member suffers from diarrhea every week. Finally, Mr. Speaker, cholera, which is virtually unknown in the United States, continues to threaten border communities. Last year, cholera bacteria were found in the drinking water in Ciudad Juarez, El Paso's sister city. We all know that disease knows no international boundary, nor does it respect any internal divisions within this country. It is imperative that we take steps to eliminate the health hazards faced by the residents of the colonias.

In the past, it has been difficult to secure funding for the EPA to provide grants to colonias. In fiscal year 1990, I was able to obtain $15 million to establish a special revolving fund to make loans to Texas counties along the United States-Mexico border. Due to the high level of poverty in this area, the counties have not been able to adequately access these funds. These funds were used to create the Colonia Plumbing Loan Program. The intention of this program was to fill a gap in State and Federal funding. While some moneys have been provided for wastewater treatment, little funding has been provided to equip these homes with the necessary plumbing to utilize these services. As anyone who has been involved with the building or remodeling of a home knows, the modifications which must be made to a home in order to access water distribution and wastewater systems are costly.

My legislation would convert this program from a loan program to a grant program. As with other grants to the colonias, the State of Texas will match the Federal contribution, thus allowing us to maximize the allocation of these funds. Mr. Speaker, this bill provides us the opportunity to take an existing program that while well intended, did not meet the needs of its constituents and tailor the program to meet those needs.

Mr. Speaker, my second bill addresses the question of authorization in regard to grants for wastewater systems. After long and needless battles, this House has provided funding to the State of Texas to make grants to the colonias for wastewater treatment. These funds have been matched dollar for dollar by the State. Despite the fact that there are currently four statutes in force which authorize such expenditures, it is my understanding that an additional, agency-specific authorization, is necessary in order to secure funding for these hard-working Americans. Mr. Speaker, this legislation provides an additional authorization.

Mr. Speaker, several times a year this Congress is asked to assist victims of natural disasters. The residents of my district are only happy to do so. Now, however, they are asking for your help to address a situation no less devastating than that experienced by the victims of flood, fire, or hurricane. Victims of natural disasters must ensure conditions similar to that of the colonias for a short time. The residents of the colonias have been enduring their hardships for more than 30 years. The time has come to finally address the needs of poor Americans who live along the international border between the United States and Mexico.

Every American citizen is entitled to a certain basic standard of living, and we as a national should own up to our responsibility to take care of those who are least able to take care of themselves.

TRIBUTE TO RICHARD WITTENBERG

HON. ELTON GALLEGLY
OF CALIFORNIA

HON. ANTHONY C. BEILENSON
OF CALIFORNIA

HON. HOWARD L. BERMAN
OF CALIFORNIA

HON. HENRY A. WAXMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. GALLEGLY. Mr. Speaker, we are honored to pay tribute today to a talented and tireless public servant who has fought for the people of Ventura County for nearly three decades—the past 16 years as the county's chief administrative officer.

Richard Wittenberg has clearly left his mark on Ventura County and, in a broader sense, southern California. As the principal advisor to the Ventura County Board of Supervisors and the person charged with carrying out the board's decisions, he has helped see the county through the good and the bad, the rich years and the lean ones.

Through Richard's tenure, and thanks in no small part to his management style, Ventura County has served as a model for other municipalities around the State and Nation. His thoughtful leadership, his professionalism, and the fact that he truly cared about the fate of his 750,000 employers made Richard one of the most effective administrators to manage this or any county.

In addition to his numerous professional accomplishments, Richard and his wife Joyce have raised three very successful children and have played an active role in the social, cultural, and philanthropic fabric of the county and surrounding areas.

Mr. Speaker, we ask our colleagues to join us today in saluting Richard Wittenberg, who is leaving Ventura County to become chief administrative officer for Santa Clara County. We are sorry to see him go, but thank him for the very positive impact he ha made in Ventura County and southern California. We wish him all the best in his new position.

THE COMMON SENSE LEGAL REFORM ACT

HON. BRIAN P. BILBRAY
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. BILBRAY. Mr. Speaker, this week the Commerce Committee begins hearings on extremely important legal reform.

The Common Sense Legal Reform Act (H.R. 10) will restore commonsense to Federal securities laws by limiting strike lawsuits—suits filed by class action attorneys on behalf of shareholders whose stock investments have failed to live up to their expectations. Currently, a sharp drop or increase in a company's stock price can trigger a lawsuit, even if movement was caused by normal market events.

Mr. Speaker, high-tech, bio-tech and other growth companies are the job creators in our economy. American businesses like these, struggling to remain competitive in a global marketplace, fear these abusive strike lawsuits for good reason: Because these companies stock prices are the most volatile, and they can least afford the endless litigation resulting in huge legal fees, they are the targets of these frivolous lawsuits.

These lawsuits effect businesses' competitiveness on several levels. To settle these speculative suits, companies may be forced to layoff employees or simply never hire them at all. Worst of all, U.S. competitiveness on an international scale is shackled with a tax on innovation. Why? Because strike suits hit the most innovative, entrepreneurial firms in America.

Finally, Mr. Speaker, the small independent investor is the one who stand to gain the most from this commonsense legal reform. The small investor is the one deprived of timely information by gun-shy managers, who see capital allocated to R&D diverted to pay legal bills and settlements, and who are robbed of the time and talent of managers distracted by lawsuits.

Commonsense legal reform, that we promised in the Contract With America, and we are delivering with H.R. 10, is desperately needed to unshackle companies and investors from these abusive lawsuits.

VYING FOR DOLLARS—EDUCATION AND CORRECTIONS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. VENTO. Mr. Speaker, this Nation has a serious problem with crime and the people of this country are demanding something be done. Unfortunately, the current debate about how to address this problem appears to be stalled at the theory that more prisons will reduce crime. But the fact of the matter is building more costly prisons is a short-term fix to a long-term problem that may very well be draining the resources from the real solution.

The following article that I am inserting into the RECORD is a thought-provoking interview with Frank Wood, Minnesota's commissioner of corrections, a life-long friend and acquaintance. Prior to his role as commissioner, Frank Wood served for a decade as a prison warden and has had a long positive career in Minnesota corrections. I encourage my colleagues to take heed of the message Commissioner Wood relates in this important interview.

VYING FOR DOLLARS—EDUCATION AND CORRECTIONS

"They are closing schools in California to free up money to build more prisons. And it's not an unusual phenomenon. Education and Corrections are being pitted against each other in almost every state in the union," says Frank Wood, Minnesota's outspoken Commissioner of Corrections.

Wood is not about to suggest that prisons can or should be abolished. Nor is he likely to suggest that Minnesota's $143 million prison budget is unnecessary.

"Now and for the foreseeable future we will need prisons for violent offenders. However," he continues, "having said that, Minnesota is among the toughest states in the country in terms of sentences, we don't need many more felony enhancements [ed note: corrections jargon for tougher felony sentences]."

What we do need, Wood says, is a Corrections budget that must increase substantially for several years, "just to cover the invoices for the laws—and sentences—we've already passed."

And beyond that?

"We have proposed to spend 30 billion dollars in the national crime bill—and it's highly unlikely that those funds designated for reactions after the fact to crime will lower the crime rate," Wood says.

What the crime bill will do, Wood suggests, is help Americans feel safe in the face of what they perceive as an increasingly violent society with a growing number of out-of-control youth.

Is Wood pleased? Evidently not. "As we attempt to toughen Minnesota's sentencing guidelines beyond their current level, what we are doing is investing in reaction. Attacking the problems of crime by building more prisons is like attacking the AIDS problem by building more hospitals.

"We do need prisons. But we must look at how to conserve our state's resources and focus on and invest in our kids."

"We must," Wood says, "look at kids with learning disabilities and kids with poor anger and impulse control. They can be helped before they end up in correctional facilities.

"We must look at how we can help kids who are growing up with abusive parents and kids who are parenting kids.

"We need to look at parent education—maybe even mandatory training for parents. We need to teach parents and kids non-violent conflict resolution skills.

"We've got to remember that even if some want to—you can't throw kids away. They won't disappear. And the costs of dealing with them won't either. They'll take your money when they occupy a cell."

Wood insists that it's far less expensive to invest in tutors, parent education, even one-to-one help for kids. He's adamant that society will save money—and may just reclaim lives—if it will invest in more front-end services and fewer correctional facilities.

"We invest in recycling plastic, glass and paper—we should invest in preserving our most valuable resource, our kids," says Wood.

TRIBUTE TO HOPE MONTGOMERY SCOTT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a preeminent symbol of Philadelphia's main line society. The recent passing of Hope Montgomery Scott at age 90, earlier this week marks the end of an era. As the darling of high society, Mrs. Scott was both an honored dairy farmer and for the last 30 years the principal organizer for the nationally known Devon Horse Show and Country Fair.

Scott, best known as the high society girl was the inspiration for the making of "The Philadelphia Story," written in 1939 by playwright Philip Barry, a college classmate of Mrs. Scott's husband, Edgar, at Harvard Drama School. The play, was then made into a 1940 movie starring local Bryn Mawr College graduate actress Katherine Hepburn. In 1956, after great demand, "The Philadelphia Story" was remade into a musical called "High Society," starring Philadelphia native Grace Kelley.

Mrs. Scott had a dairy farm, a trade she learned from her father while growing up. Her dairy farm was the top producing Ayrshire herd in the Nation. In 1990 the farm received an award for an average annual output of 20,000 pounds of milk per cow.

Mrs. Scott married an heir to the Pennsylvania Railroad fortune, threw the best parties, and became the finest American horsewoman of her day. Mrs. Scott began riding at the age of 4 and won many awards at the Devon Horse Show.

Today, Mrs. Scott's contributions to the community can be best attributed to her role as chairwoman and executive director of the Devon Horse Show and Country Fair, Inc., where last year alone proceeds of over $400,000 benefited Bryn Mawr Hospital.

But Mrs. Scott's charity work was not limited to the Devon Horse Show. Earlier this year, Mrs. Scott coordinated a 90th birthday bash for herself which alone raised another $100,000 for Bryn Mawr Hospital, her favorite charity.

Mr. Speaker, at this time, I ask my colleagues to pay tribute to the late Hope Montgomery Scott. She will be greatly missed by her family, friends, and admirers.

TRIBUTE TO KEN NASH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize the distinguished service of Sgt. Kenneth J. Nash.

Sergeant Nash is retiring after 27½ years of diligent service in the Hazel Park Police Department. His career has been marked by numerous commendations and citations including the prestigious "Citation for Professional Excellence" awarded to him by the Michigan State Police.

Sergeant Nash's distinguished record of service is not limited only to the Hazel Park Police Department. He has been active in the Boy Scouts serving as Cubmaster, Scoutmaster, and district commissioner. His outstanding service to the community earned him the "Citizen of the Month" honor, which was awarded to him by the Hazel Park City Council.

Mr. Speaker, I am certain his retirement will not be so much the ending of his career, but rather the beginning of new endeavors.

I am privileged to join Kenneth Nash's friends and colleagues in thanking him for his years of distinguished service and wish him a rewarding retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 19, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 20

10:00 a.m.
Joint Economic
To hold hearings on proposals to amend the Constitution of the United States to require a balanced budget.
SD–562

JANUARY 23

9:30 a.m.
Joint Economic
To resume hearings on proposals to amend the Constitution of the United States to require a balanced budget.
SD–562

JANUARY 24

9:30 a.m.
Armed Services
To hold hearings on the requirements for ballistic missile defenses.
SR–222

JANUARY 25

9:30 a.m.
Governmental Affairs
To hold hearings to examine Federal Government reform issues, focusing on welfare reform.
SD–342

Rules and Administration
Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business.
SR–301

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S.J.Res. 19, proposing an amendment to the Constitution of the United States relative to limiting congressional terms.
SD–226

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

JANUARY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
SR–332

2:00 p.m.
Commerce, Science, and Transportation
To hold oversight hearings on activities of the National Railroad Passenger Corporation (Amtrak).
SR–253

FEBRUARY 1

9:30 a.m.
Governmental Affairs
To continue hearings to examine Federal Government reform issues, focusing on information management systems.
SD–342

POSTPONEMENTS

JANUARY 19

Budget
Business meeting, to mark up proposed legislation granting the President of the United States legislative line item veto authority.
SD–608

Indian Affairs
To hold oversight hearings to review structure and funding issues of the Bureau of Indian Affairs.
SR–485

HOUSE OF REPRESENTATIVES—*Thursday, January 19, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. DREIER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 19, 1995.

I hereby designate the Honorable DAVID DREIER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom comes every good gift, we give our thanks for all Your graces and all Your blessings. We specially offer our gratitude for the gift of Your creation which binds all people together in the spirit of unity. May our lives express that unity and may our work together serve people as to their need. Whatever our background, whatever our ideas or patterns, whatever our experience or culture, You have created each of us, O God, in Your image and we earnestly pray that by Your grace we will reflect that image as we do justice, love, mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 187, not voting 29, as follows:

[Roll No. 20]

YEAS—218

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Clement
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rose
Roth
Royce
Salmon
Sanford
Saxton
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Stearns
Stockman
Talent
Tate
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (FL)
Zeliff
Zimmer

NAYS—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chenoweth
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Condit
Costello
Coyne
Cramer
Crane
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Holden
Hoyer
Hunter
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rohrabacher
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Spence
Spratt
Stark
Stenholm
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn

NOT VOTING—29

Bono
Brown (FL)
Chapman
Chrysler
Collins (MI)
Conyers
Cremeans
Davis
Dornan
Flake
Gibbons
Hayes
Hayworth
Hefner
Kaptur
Lincoln
Lofgren
Meehan
Orton
Porter
Reynolds
Ros-Lehtinen
Scarborough
Schaefer
Slaughter
Souder
Stokes
Yates
Young (AK)

□ 1018

Messrs. DINGELL, MORAN, MCHALE, MONTGOMERY, BALDACCI, and PALLONE changed their vote from "yea" to "nay."

Mrs. MYRICK and Messrs. QUINN, MCHUGH and SOLOMON changed their vote from "nay" to "yea."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. WILSON changed his vote from "present" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. DREIER). Would the gentleman from Kentucky [Mr. WHITFIELD] please come forward to lead us in the Pledge of Allegiance.

Mr. WHITFIELD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the CONGRESSIONAL RECORD shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

In the CONGRESSIONAL RECORD that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the RECORD.

The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, "It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order."

That has been altered and that does not appear verbatim in the CONGRESSIONAL RECORD. Instead, it says, "It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order."

Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, "it has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker."

In the CONGRESSIONAL RECORD that has been changed to "a proper level of respect."

Now, I do not believe that changing "personal" to "critical" and "proper" to "higher" is either technical, grammatical, or typographical. Both make quite substantive changes. Indeed, Mr. Speaker, it seems to me that by the standard that the Speaker yesterday uttered, the gentlewoman from Florida was judged, but if you take today's standard of revised, illegitimately revised version that is in the RECORD, there would be no objection to what the gentlewoman from Florida said.

The SPEAKER pro tempore. The Chair might respond to the gentleman.

The Chair would recite from the manual that in accordance with existing accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling.

The Chair would under the circumstances inform the House on behalf of the Parliamentarian that the new rule is as it might apply to the role of the Chair will be examined.

PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Mr. Speaker, I am puzzled, and I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. The Speaker cited previous references to the House rules and manual. That predates the rules change adopted this year. This is not simply a case of making a technical change in a ruling. We are talking also about substantive changes in the debate in the House.

The SPEAKER pro tempore. The Chair has made it very clear, the Chair would say to the gentleman.

Mr. FRANK of Massachusetts. No, the Chair has not.

The SPEAKER pro tempore. The Chair has made it clear that the Parliamentarian plans to examine this issue.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. In the first instance, I thought the Speaker was the responsible ruler in this situation, while the Parliamentarian advised him.

The SPEAKER pro tempore. The gentleman is correct.

Mr. FRANK of Massachusetts. Second, I want to know, are you telling me that this new change in which you say that it has to be verbatim, in fact, does not mean that, because two very important changes were made in the transcript from yesterday to today?

The SPEAKER pro tempore. The Chair has informed the gentleman that this issue is going to be examined in consultation with the Parliamentarian.

Mr. DINGELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized.

Mr. DINGELL. Can you inform this Member and the House of what the meaning of the reexamination is?

You are informing the House that the issue is going to be reexamined. Yesterday the Speaker then presiding made a ruling which now appears in the precedents of the House. It interpreted the precedents of the House. It related to the rights, the behaviors, the dignities of the Members, and it dictated the future course of conduct of Members of this body.

Is the Chair informing us that the rulings of the Chair yesterday stand, that the rulings of the Chair yesterday have been changed without approval by the House?

The SPEAKER pro tempore. If the Chair might respond to the gentleman.

Mr. DINGELL. I would like to persist in my parliamentary inquiry. Or that the rulings of the Chair of yesterday are going to be reexamined?

The SPEAKER pro tempore. The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

> The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons; first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities.

The Chair will inform that the Chair is going to proceed with 1-minutes.

Mr. DINGELL. Mr. Speaker, with all due respect to the gentleman, the question has not been responded to.

I want to thank the Chair for his comments. I would like to restate my parliamentary inquiry.

The question to which I would appreciate the Chair addressing his attention is: Yesterday the words of the Speaker were definitively put. The House acted upon the words of the Speaker. The Members on this side of the aisle voted unanimously to take down the words and to take other actions against the gentlewoman who at that time held the well.

The Chair has noted, I believe correctly, as has the gentleman from Massachusetts, that the RECORD was changed overnight to change the words of the then-presiding officer of this body.

The words——

The SPEAKER pro tempore (Mr. DREIER). If the Chair could respond to the gentleman——

Mr. DINGELL. May I complete my parliamentary inquiry, please, Mr. Speaker?

The Chair made certain rulings; precedents were quoted; new precedents were created. Those new precedents which were created have defined again the rights of all Members of this body.

I am asking whether now the Chair is changing the precedents of the House, whether the change of the words indicates a change of the precedents of the House. What are the rights of the Members of this body with regard to rulings of the Chair?

The Chair made a ruling yesterday. That ruling and matters relative to it including the words of the Speaker in connection with those words have now been changed.

The SPEAKER pro tempore. Based on the precedents the Chair has just outlined, the Chair does not believe that the intent has in any way been altered.

Mr. DINGELL. I have not completed my parliamentary inquiry. I ask to complete my parliamentary inquiry. Am I going to be permitted to complete this or not?

The SPEAKER pro tempore. The gentleman from Massachusetts; the gentleman from Massachusetts.

Mr. DINGELL. I am asking that I be permitted to complete my parliamentary inquiry and get a ruling from the Chair, unless the Chair chooses not to respond.

The SPEAKER pro tempore. The Chair has ruled.

Mr. DINGELL. No, the Chair has not. Because you have not ruled on my parliamentary inquiry.

The SPEAKER pro tempore. The ruling of the Chair is that the RECORD that has been changed does not significantly change the intent that was behind that ruling——

Mr. DINGELL. Mr. Speaker, well then I have a further parliamentary inquiry.

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The SPEAKER pro tempore. Based on the precedents that the Chair has provided.

Mr. DINGELL. I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is seeking a parliamentary inquiry. It is the prerogative of the Chair.

The gentleman from Massachusetts.

Mr. DINGELL. Am I going to be permitted to ask a parliamentary inquiry?

The SPEAKER pro tempore. The House will be in order.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mine will be quick, and then he can get his in there.

My question is this: It has to do with the rule about changing. It is a two-part question.

Am I correct that the Speaker acknowledges that the CONGRESSIONAL RECORD was changed in ways that were not either grammatical, typographical or technical, changing from "personal" to "critical" and "higher" to "proper," clearly substantive?

The second question is: Is the remedy for the violation of this rule that the Speaker talks to the Parliamentarian? I am all in favor of conversation, but I am surprised that a new rule as part of the Contract With America is breached and has as its remedy a conversation by the Speaker with the Parliamentarian.

The SPEAKER pro tempore. The interpretation of the Chair is that the modifications that were made based on the precedents that the Chair has just outlined have not changed the intent.

Mr. FRANK of Massachusetts. Does modification mean change?

Mr. WATT or North Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, in the Judiciary Committee a couple of weeks ago, we adopted a set of rules which provide that a hearing can be called only by the committee on 7 days' notice. We conducted a hearing that was not so called, and the chairman of that committee advised the committee that the word "committee" does not mean committee, it means chair instead and invited us to seek an opinion from the Parliamentarian which we did, and the Parliamentarian's opinion indicated that the word "committee" means, in fact, "committee."

My parliamentary inquiry is: Should we take this as an indication, in conjunction with yesterday, that we are going to make up the rules as we go along and make technical changes to suit the whims of the chairs of the committees and whoever is presiding over the House, or can we rely now on the rules as they are written?

The SPEAKER pro tempore. The Chair can rely on the rules that have been written, and we will proceed under the adopted rules of the House.

The gentleman from Michigan.

Mr. DINGELL. I appreciate the Chair recognizing me. I would like to continue with my parliamentary inquiry.

I hope the Chair will have the goodness to let me complete my inquiry before I am ruled out of order and required again to take my seat.

My question is: What is now the status of the original ruling by the previous occupant of the chair in connection with the matter of the 1-minutes yesterday and the remarks of the gentlewoman from Florida?

The SPEAKER pro tempore. It is not changed at all.

Mr. DINGELL. Have they been changed?

The SPEAKER pro tempore. If the Chair might respond to the gentleman's parliamentary inquiry——

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. The gentleman has asked a question, the Chair wishes to respond to the gentleman's parliamentary inquiry.

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. In response to the gentleman's parliamentary inquiry, the Chair has interpreted there will not be a change based on the precedents that have been established. The statement that appeared in the RECORD was not different than that that had been provided.

Mr. DINGELL. If there is no change, Mr. Speaker, then why were the words changed, and what is the impact of the change of the words?

The SPEAKER pro tempore. If the Chair might respond to the parliamentary inquiry, the revisions that were made were technical and not substantive. That is the ruling of the Chair.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am very puzzled when you tell me they are technical and not substantive.

Would you instruct your Members that you would recognize me and I am proceeding in regular order?

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

The House will be in order.

Mr. FRANK of Massachusetts. The question is this, and it is a very serious one: When you say that "personal" and "critical" are the same thing, we were talking about references to the Speaker. Is it the Chair's ruling that given the circumstances any personal reference to the Speaker will inevitably be critical?

The SPEAKER pro tempore. Based on the precedents that have been provided especially during the 1-minute session, which is what came up under Speaker Reed, it is very clear that these kinds of references are not in order.

Mr. FRANK of Massachusetts. Mr. Speaker, I am talking now that there are two separate questions here, the ruling which my friend from Michigan was pursuing, and the new rule which the Republicans brought to this House as part of the Contract that said you do not change the CONGRESSIONAL RECORD; that is subsequent to all of the precedents you are talking about. There are two questions: One, your right to change the ruling; but, two, separate, the one I am focusing on, your right to change words in the CONGRESSIONAL RECORD in ways that are neither typographical, grammatical or technical, and I submit that changing "personal" to "critical," one more sentence, "personal" to "critical," and "higher" to "proper" are none of those. My question is: Why are you ignoring your new rule and changing the words in the CONGRESSIONAL RECORD, because they look better?

The SPEAKER pro tempore. The Chair will announce that it is obvious that these kinds of modifications have been raised as a question, and in the future the Chair will continue to be extraordinarily sensitive in dealing with these matters.

At this point we will proceed with 1-minute speeches.

Mr. DURBIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, before we start the 1-minute speeches, I think it is important that we clarify this issue so that Members do not have the words taken down.

The SPEAKER pro tempore. The Chair has done that.

Mr. DURBIN. If the gentleman from Illinois might inquire of the Chair, relative to the ruling of yesterday as modified in today's CONGRESSIONAL RECORD, it is unclear to me as to how far Members can go in reference to any Member of the House including the Speaker in terms of things that they have done, things that they have said, things that have been written about them, and it is curious at this point as to how far we can go in the statements on our 1-minute speeches or in special orders without transgressing the stated rules of the House.

If I might, I would like to ask the Chair's position as to whether Members in statements on the floor can make any references to activities of Members which may raise ethical questions.

□ 1040

The SPEAKER pro tempore (Mr. DREIER). The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule 14 establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule 14. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Member of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the Presiding Officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House. Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents, at section 5188, from which the Chair now quotes as follows:

> The Chair submits to the House that allusions of criticisms of what the Chair did at some past time is certainly not in order. Not because the Chair is above criticism or above attack, but for two reasons: First because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker can not reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons such attacks ought not to be made.

Mr. DURBIN. If the Chair would yield for another parliamentary inquiry?

The SPEAKER pro tempore. On behalf of the Parliamentarian, the Chair apologizes to the House for any deviation that may have taken place from the new rule.

Mr. DURBIN. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FRANK of Massachusetts. I have a unanimous-consent request. I would ask unanimous consent.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. DURBIN. I will yield to my friend from Massachusetts in a moment. But if I may say this, this Member and most Members have the highest regard for the professionalism of the House Parliamentarian and his staff, and I want to make that clear and a matter of public record. If an apology has been extended, from this Member's point of view it is certainly accepted because I believe their level of professionalism is respected by all. We clearly will have differences of opinion on rulings.

I just would like to ask two questions by parliamentary inquiry and then I will sit down. I thank the Chair for rereading the ruling. It is improving every time he reads. But I would ask this question. Can a Member during the course of a 1-minute make any reference to an activity of another Member, including the Speaker, which has taken place outside this Chamber?

The SPEAKER pro tempore. Based on the precedents, only a factual reference can be made.

Mr. DURBIN. A factual reference can be made.

The SPEAKER pro tempore. Without any suggestions whatsoever of impropriety.

Mr. DURBIN. One further inquiry. Does this limitation in terms of reference to personal conduct beyond factual conduct apply to those who serve in Government and the executive branch as well as the legislative branch?

The SPEAKER pro tempore. It applies to the President of the United States.

Mr. DURBIN. Does it apply to anyone else serving in the executive branch?

The SPEAKER pro tempore. It applies to the President of the United States.

The gentleman from Michigan.

Mr. BONIOR. Parliamentary inquiry, Mr. Speaker, and this will be the final comment by me on this issue. We are eager to get on with the business of the House. But there are some very fundamental issues, as we have heard on the floor this morning, at stake here. We are being told that the Speaker is being placed above criticism and comments.

The SPEAKER pro tempore. The gentleman is incorrect in drawing that conclusion.

Mr. BONIOR. The issue that we have before us in basically closing down voices. The RECORD of this House is being changed arbitrarily, committee meetings are being shut down prematurely. Private meetings on major policies issues are being held outside this institution. Members are being gagged on the House floor.

The question I have, Mr. Speaker, is this going to be the policy of the new majority in the 104th Congress?

The SPEAKER pro tempore. Absolutely not. Absolutely not.

The gentleman has not stated a parliamentary inquiry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will proceed with five 1-minutes per side.

CONTRACT WITH AMERICA

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, our Contract With America states as follows: That on the first day of Congress, a Republican House will force Congress to live under the same laws as everyone else, will cut one-third of committee staff, and will cut the congressional budget. We have done that.

In the next 85 days we will vote on the following 10 items. One, a balanced-budget amendment and line-item veto. Two, a new crime bill to stop violent criminals. Three, welfare reform to encourage work, not dependence. Four, family reinforcement to crack down on deadbeat dads and protect our children. Five, tax cuts for families to lift Government's burden from middle-income Americans. Six, national security restoration to protect our freedoms. Seven, Senior Citizens Equity Act to allow our seniors to work without Government penalty. Eight, Government regulation and unfunded mandate reforms. Nine, common sense legal reform to end frivolous lawsuits. Ten, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

DOUBLE STANDARD

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, I do not believe that we can have two standards for speech, I do not believe that we can change the precedents and the rules of the House arbitrarily, and certainly in this Chamber we should not abridge the first amendment.

> I just want to comment that I am not sure that most of our Members and most of the public can appreciate how serious a violation we think the Speaker has engaged in and how deeply we take this issue.
>
> There are, I think, two different areas we have to look at to understand why we would charge this as a total betrayal of trust. Whether it is a total betrayal of trust because of his lack of judgment, or whether it is a total betrayal of trust because of deliberate actions I do not think we know yet.

Those are the words of now-Speaker GINGRICH regarding Speaker Wright on the floor of the House. He went on further to call Speaker Wright a collaborator and a quizzling, and all of these words were spoken after the ruling quoted by the Chair of June 15, 1988.

THE MORE WE KNOW

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, "I understand you want to write a book. I own a publishing company you know." Could these words have been uttered in the Rayburn Room just off the House floor?

Mr. Speaker, the more we know, the more we have to wonder, what went on in the backrooms of the Capitol. Only a full airing of the facts will determine whether something illicit took place. Only an outside, independent, counsel can tell us for sure.

What was said? What was promised? What is the deal? What is in the contract? It is time that an independent counsel expose the truth.

Mr. Speaker, do the Republicans have a contract with America or a contract with Rupert Murdoch?

No one serves two masters, Mr. Speaker. No one serves two masters.

LET US BEGIN TO SOLVE THE SERIOUS ISSUES FACING OUR NATION

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, the American people are looking to the 104th Congress more than any Congress in recent memory with hope and anticipation that we begin to solve the serious issues facing our Nation. Hard-working Americans from across the country have come to Washington to discuss tax relief for families, term limits, and unfunded mandates. Members of Congress have also traveled throughout their districts, their respective districts, talking about crime and welfare reform, a balanced budget amendment, and a tax policy that creates more jobs and better salaries.

But, Mr. Speaker, each day on C-SPAN we listen to some—not all, not even the majority, but some Members of the Democratic Party—and all we hear are attacks on our Speaker, attacks on what he teaches in his college course, attacks on what he writes, attacks on what he believes. If these senior Members of the opposing party spent more time working on substantive legislation and less time attacking our Speaker, this would be a better Congress.

DOING THE PUBLIC'S BUSINESS IN A TRULY OPEN AND PUBLIC FASHION

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, 2 weeks ago America was told that this body was taking action to ensure that just about everything we do is done in full public view. No secrets and nowhere to hide—and that is exactly the way it should be.

But now, in an ironic twist, it appears that there is an effort by some to silence any and all discussion of the Speaker's potentially lucrative book deal.

The citizens of this country deserve to know what kind of financial arrangements have been made in this book deal and what has been discussed behind closed doors that may affect public policy.

There are a lot of things we do not know about the book deal. And that has to raise serious questions and concerns about possible improprieties and conflicts of interest.

But today's and yesterday's action on this floor—and today's rulings, the rulings handed down yesterday and today—have all but stopped us from engaging in an honest dialog on this matter.

It is a slap in the face to the public, and to this institution.

If the majority party is sincere about doing the public's business in a truly open and public fashion, I challenge the leadership to back up their words with action.

THE REAL ISSUES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what are the real issues facing Americans today? Nonexisting payments for book deals or House historians who are on the job for 1 day? I do not think they really care about that. Americans are concerned about the economy. They are concerned with how our Government affects their lives, they are concerned about their children's future. Republicans are ready to debate the real issues facing Americans today. We are ready to clean up Congress and that huge, overbloated Federal bureaucracy. We are ready to pass legislation that our constituents want, like a ban on unfunded mandates and a balanced budget amendment. I implore my colleagues from the other aisle to join with us in a bipartisan fashion to change Congress, not change the subject.

THE PUBLIC SHOULD NOT BE SHUT OUT OF THEIR HOUSE

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, yesterday, my Republican colleagues set an unfortunate precedent by gagging debate on the House floor, and disallowed the airing of legitimate questions surrounding a Member's financial dealings.

Today, Republicans and the Heritage Foundation plan yet another closed door meeting with telecommunications executives to discuss future regulation of our public airwaves. The meeting is closed to Democrats, closed to the media, and closed to the public.

But, this is not the only way that the public may be shut out of their House. The Heritage Foundation has recommended to Republicans in Congress that they cut corners by charging admission to the U.S. Capitol. In fact, one Heritage Foundation scholar said this week of tourists who take guided tours of the Capitol, and I quote: "They wear down the steps, they brush against the walls."

Republicans should not be concerned about the American people wearing down the steps.

They should be concerned about how special-interest influence and book deals are wearing on the reputation of this institution.

THE 10TH AMENDMENT TO THE CONSTITUTION RE UNFUNDED MANDATES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the 10th amendment states that powers not delegated to the Federal Government will be reserved to the States and the people—not the other way around. However, the Federal Government has turned this amendment on its head by passing on to the States the costs of legislation it cannot afford. This costs States and taxpayers billions of dollars and countless hours in an effort to comply with extraneous regulation.

The States are being forced to sacrifice their own programs and priorities in order to comply with Federal regulations.

In my own State, we passed the Headlee amendment to the Michigan Constitution in 1978. This prevents the State from imposing mandates on local governments. This has worked to the advantage of the entire State; saving money and cutting burdensome regulation for local governments.

The proposed Federal Unfunded Mandate Reform Act will allow greater flexibility for State and local governments, more accountability for Congress and savings for the American taxpayers.

Mr. Speaker, if the Federal Government cannot pay for it, we should not force the costs on the States. It is time we take responsibility for our own actions.

BARBIE DOLL HAS MOVED TO MEXICO ALONG WITH 700 UNITED STATES JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while Congress plays politics with NEWT GINGRICH, last night's trade deficit showed a record of $10.5 billion. The 1994 trade deficit, Democrats, will hit a record $154 billion, which is equivalent to 3 million high-paying American jobs with benefits lost.

It has gotten so bad, Barbie Doll has moved to Mexico. Mattel Inc., from New York, is laying off 700 workers. They will make Barbie Dolls now in Mexico.

Mexico gets jobs, America gets pink slips, and Congress is debating NEWT GINGRICH and balanced budget amendments? Beam me up. There is no intelligent life left in the Congress of the United States.

Where is the trade program of the Democrat Party? We are failing the American workers, and that is why we are in the minority, quibbling over the Speaker.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, it is with great pleasure that for the first time I call up House Resolution 38 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 38

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Government Reform and Oversight and the Committee on Rules, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each of the first four sections and each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1100

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from South Boston [Mr. MOAKLEY], the distinguished ranking minority member of the committee, pending which I yield myself such time as I may consume.

Mr. Speaker, today marks the beginning of a new era of open debate and deliberation in the House of Representatives. This is an open rule for H.R. 5, the Unfunded Mandate Reform Act of 1995. It is the first contract item after opening day to be considered by the full House, and the Rules Committee is keeping its commitment to open and fair debate.

Specifically, the rule provides for 2 hours of general debate divided equally between the chairmen and ranking minority members of the Committee on Government Reform and Oversight and the Committee on Rules.

The rule makes in order an amendment in the nature of a substitute printed in the report to accompany the rule as original text for amendment purposes. The substitute shall be read by title instead of section for amendment, with sections 1 through 4 and each title considered as read.

The Chairman of the Committee of the Whole may give priority in recognition to Members who have preprinted their amendments in the RECORD prior to their consideration, and such amendments shall be considered as read. Finally, the rule provides for one motion to recommit, with or without instructions.

Let me stress that this is more than an open rule. In fact, it is a wide-open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. Contrary to some speculation, there is no preprinting requirement.

Printing of amendments in the RECORD is an option that is encouraged, and I hope Members will pursue that option. To encourage Members to do so, the rule empowers the Chair to recognize, when two Members seek recognition at the same time, the Member whose amendment has been printed in the RECORD.

A number of my colleagues on the other side of the aisle have argued that this is a complicated bill that needs thorough consideration, and giving Members the option of making amendments available for their colleagues to read in advance will further that objective.

Well, who can argue with that? Apparently my Democrat colleagues on the Rules Committee did. They clamored for more deliberation and more openness, but when presented with a wide-open rule that allows any Member to offer amendments, many of which they say are necessary to improve the bill, they all voted against the rule.

Mr. Speaker, my friends on the minority who were formerly in the majority just cannot seem to shed the closed-door mentality developed over 40 years of iron-fisted rule. The Republican majority, however, is saying with this rule, "Let's throw open the shades and debate this unfunded-mandates bill in full view of the American people."

So the choice before us today is very clear, Mr. Speaker. A vote for this open rule is a vote for full debate, full participation, and full deliberation on a bill that has the overwhelming support of State and local government organizations and the American people. It is a bill that will make Congress more accountable by forcing the House and Senate to face the question not only of whether an unfunded mandate is necessary but how it is to be paid for.

In contrast, a vote against this wide-open rule is a vote to obstruct good-government legislation and to continue being reckless and unaccountable with decisions that affect State and local governments and their taxpayers.

Mr. Speaker, I urge my colleagues and even those who in the Rules Committee voted against this rule to, while we are considering it today, realize that it is wide open and will create the kind of deliberation that is absolutely essential. I hope they will vote with us.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I am very happy to hear my dear friend from the Rules Committee, the gentleman from California [Mr. DREIER], talk about the openness of the rule.

This is a bill, Mr. Speaker, that did not have a hearing in the House of Representatives. There was no committee hearing. The Committee on Government Operations had some kind of a session, but they did not call it a hearing, and the only one that was allowed to testify was a nonmember of that committee. So there is a lot of openness here, but I do not know if we are opening doors in the right direction.

Mr. SOLOMON. Mr. Speaker, would my good friend yield to me?

Mr. MOAKLEY. I am glad to yield to my good friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say that one of my best friends, the gentleman from Massachusetts, knows that he was present at a lengthy hearing that he and I and other members of the Rules Committee held on this very important issue, particularly title III, which is the most significant part of the bill.

Mr. MOAKLEY. That is right.

Mr. SOLOMON. The gentleman recalls that?

Mr. MOAKLEY. I recall it very well, if I may reclaim my time, but I also recall hearing Members say that there was no official hearing and the only person they heard from—I am talking about the other committee, the Government Operations Committee—was a gentleman who is no longer on that committee.

Mr. SOLOMON. Mr. Speaker, would my good friend yield one more time?

Mr. MOAKLEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. We want to move this legislation through, but the gentleman knows that informed him and I informed his chief of staff that they were welcome to have members of his party come and testify before our lengthy hearing and to bring any outside people that they wanted to. And the gentleman did bring, if he recalls, three members from private organizations to testify. But they could have had 15 or 20 and we would have been glad to spend the entire day on the hearing if they wanted to. But we brought in the people we wanted there.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, I reclaim my time.

As I say, this is a noticeable improvement over the gag rule within the closed rule that we did on opening day, but I am still going to oppose the rule for the consideration of the unfunded-mandates bill.

I am very concerned about the careless way this bill has been thrown together, and I think on such an important bill the American people deserve to be assured that Congress knows what it is passing. After one Rules Committee hearing and with one Republican member testifying at a markup, I cannot say that we do.

Here is a bill that has an open rule on the floor, but it has been closed everywhere else. It has been closed to Democrats who want to have input in the committee structure, it has been closed to interested parties who wanted to ask questions, it has been closed to committees of secondary jurisdiction, and, Mr. Speaker, it has been closed to the American people. When people are asked about it, they say that we can handle that on the floor.

Mr. DREIER. Mr. Speaker, will the gentleman yield for just one quick observation?

Mr. MOAKLEY. I would like to finish my statement first.

Mr. DREIER. I am anxiously looking forward to my friend's statement, but I just wanted to state that I believe we accepted the amendment that the gentleman from Massachusetts offered, so I think it is a bit of a push to say that no Democrats had any input on this measure.

Mr. MOAKLEY. I am talking about the committee structure without the entire hearings.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. MOAKLEY. Mr. Speaker, I recognize the Republicans are in a bit of a hurry, but my town people expect a little more consideration when it comes to passing laws that affect them, and I am sure it is the same for other parts of the country, too. The congressional committees have more institutional issue-based knowledge in their little fingers than we have here in the entire House.

☐ 1110

However, the people who know best have been shut out of the process. They have been told to wait until we get to the floor, and "You can amend it in any section," but I am afraid we are reverting back to the old days of Congress where a matter would come up on the floor, you would have to recess, go ad hoc, and try to determine what the answer is.

Mr. Speaker, all I want to let the people know is that the unfunded mandates bill is no small potatoes. It will affect every single American man, woman, and child. It will affect the quality of drinking water and the air that we breathe. It will affect the way asbestos and lead paint are removed from our schools. It will also affect the food we eat and the conditions in which we work.

I worry that overeager Republicans know not what they are passing. I think during the hearing it was brought out that there were questions that were still unanswered, but we will see how we can work it out. I just think this bill is much too important to put that type of criteria on it.

We have a duty to the people we represent to understand the far-reaching effects of the bills we pass, no matter who is in the majority. I am worried we do not know how this bill will really affect American families.

As I said in the Committee on Rules, I much prefer we sacrifice a little speed in the interests of protecting families. Mr. Speaker, I would urge my Republican colleagues in the new majority, let us be responsible. Rethinking the Federal-State partnership takes more than a few days or a couple of weeks. I hope that they will join me in opposing the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, it is a great privilege for me, since it is my first opportunity, to yield 2 minutes to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the new chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, for yielding me this time.

Look out, here comes the beginning of the second Reagan revolution, Mr. Speaker. I am so excited I can hardly stand it. I rise in the strongest possible support for this rule and the Committee on Rules of the 104th Congress. Our first rule is, of course, as my good friend, the gentleman from California [Mr. DREIER], has said, a wide, wide open rule.

The rule before us today, which provides for the consideration of the Unfunded Mandates Reform Act, is yet another example of the Republican majority's commitment to congressional reform on this floor. We pledge to give our legislative proposals free and unfettered debate. We promise to allow Members of Congress, regardless of political party or ideological tilt, the right to offer amendments. Boy, that should please a lot of conservative Democrats over there. They have told me so.

Today we are proposing a rule which accomplishes precisely those two objectives: openness and fairness in this body.

Mr. Speaker, what gets me so excited is the bill itself. It is the first of many steps that will be taken by this new Republican majority to make it as difficult as possible—and Members had better listen up, because this is the intent—to make it as difficult as possible to saddle State and local governments and private business and industry with crippling unfunded mandates. These mandates force local governments to raise taxes to pay for them and force business and industry to comply with unnecessary rules and regulations and laws that sap the operating capital that would otherwise be used for expansion and growth to create jobs and prosperity in this country for the American people.

Mr. Speaker, there are Members of this House today, as I said before, and excuse me for getting so excited, this is the second beginning of the Reagan revolution that will shrink the size and power of this Federal Government. No longer will there be an arrogant attitude around here that says big brother, Federal Government, knows best. Mr. Speaker, those days are gone forever. Please support this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to hear the pledge of the gentleman from New York to allow wide open rules on all the contract items and to allow Members, regardless of party, the right to offer amendments.

Next week, Mr. Speaker, we are going to take up the balanced budget amendments. I am glad that the chairman has committed to doing that important bill under an open rule today.

As to the gentleman's surprise to my opposition to this rule, let me reiterate, I am glad it is an open rule. My opposition to the rule is not based on its openness, but on the fact that it was never considered, we have probably 75, 85 new Members who have never seen the bill. They say that we had the bill last year. That is not so. This is a completely different bill than we had before us.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I would like to elaborate on the points raised by my colleague, the gentleman from Massachusetts [Mr. MOAKLEY]. In an attempt to control the unwieldy process of considering legislation in the House, the rules package presented by the Republicans on opening day contained a provision which prohibits the joint referral of legislation.

This reform is well-intentioned, and may ultimately serve an extremely useful purpose as the House goes about its business of making laws. This change in House procedures may very well reduce or eliminate the endless arguments and delays occasioned by multiple committees staking claim to legislative provisions which may or may not be part of their assigned jurisdiction.

However, Mr. Speaker, in the case of H.R. 5, in the rush to banish the old order, the Contract With America has created a truly regrettable legislative situation. This particular bill, as was pointed out by my colleague, the gentleman from Massachusetts, was primarily referred to the Committee on Government Reform and Oversight, with sequential and partial referral to the Committees on Budget, Judiciary, and Rules.

Of these four committees, only the Committee on Rules held a hearing on this most complex proposal. The Committee on Government Reform and Oversight was not permitted to consider this matter in a full and open way. Many questions were left unanswered.

Mr. Speaker, when it was signed by the Republican candidates for Congress last fall, the Contract With America explicitly stated that the election could result in a House with a new majority that will transform the way Congress works. The Contract With America also states that its goal is to restore accountability to Congress, and that the reforms embodied in the package are aimed at restoring the faith and trust of the American people in their Government.

Mr. Speaker, these goals are laudable and are certainly shared by Democratic Members. However, I cannot see how ramrodding this proposal through the primary committee of original jurisdiction, the old Government Operations Committee, where hearings were not held and where amendments were not permitted to be offered, satisfies the conditions set out in the Republicans' Contract With America.

Mr. Speaker, the Committee on Rules is the committee of the House charged with the responsibility of overseeing the rules and procedures of this body. I find it quite troublesome that the committee has seen fit to ignore the longstanding tradition of allowing individual committees to debate and deliberate.

The gentleman from Massachusetts [Mr. MOAKLEY] so correctly pointed out that it is in the committees of the House that the real work of the people's business is done. Sadly, in the case of H.R. 5, which has enormous and far-reaching implications in the lives of all Americans, the committees of the House were not permitted to do their jobs.

In closing, Mr. Speaker, I would like to respectfully disagree with the argument made by my Republican colleagues that this bill would be considered under an open rule and therefore the process has not been subverted.

Mr. Speaker, I urge opposition to the rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would respond to the gentleman by saying we are in fact considering this under a wide-open rule so the American people can view the entire proceedings that are taking place here in the House. Six times last year, six times, the Committee on Government Operations moved legislation directly to the floor without a single hearing. We are doing this under a full and open amendment process as it was done in the committee.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], chairman of the Subcommittee on Legislative Process of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the gentleman from greater Metropolitan San Dimas, CA [Mr. DREIER], who is the distinguished vice chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, I am very pleased to rise in support of this rule today, because this is the first rule that has actually been brought to the floor through what we would call the normal Committee on Rules process. Opening day is one process, and the only other legislation has been the suspension process.

Mr. Speaker, this is our first product, the first baby we are delivering. I am delighted that it is a wide open rule. It is a rule we are calling an open rule plus, because every Member is protected. I say that again. Every Member is protected. We have provided for an open debate and an open amendment process, and we have gone one step further and encouraged, encouraged, not required, not mandated, but encouraged Members to preprint their amendments.

☐ 1120

The purpose of course for the voluntary process is to prompt Members to plan ahead, to develop their amendments fully. Other Members will have a chance to look at them and consider ideas from all our colleagues. It is called deliberative democracy for those who may not recognize it.

Having said, I want to take a moment to respond to criticism we heard Tuesday with regard to bringing the Congressional Compliance Act, better known as the Shays Act, to the floor under suspension of the rules. I notice there were some complaints about this. A few Members cried closed rule and some of the misguided media bought that argument.

As someone who has spent a good deal of time in the minority staring down the barrel of one closed rule after another in the 103d Congress, I would urge my colleagues to be careful about crying wolf on these matters.

If we look at the rules of the House, specifically rule XXVII which allows the Speaker to bring up bills under suspension, we will recall that this longstanding practice is meant to be used for bills that are noncontroversial. Given the 390-to-0 result of Tuesday's vote on the Shays bill, I think everybody could agree that we were dealing with one of the most noncontroversial bills in recent memory.

Of course everybody knows bills under Suspension Calendar are not amendable but must endure the extra burden of a two-thirds vote. I think we understand that.

Finally, I would like to say that we on the majority side understand the role of our colleagues in the minority in the Committee on Rules in defending the rights of the minority and we respect it very much. I know they have an especially difficult chore today finding fault with this wide open rule like the one we have on unfunded mandates—I hope it is the precedent for the future—especially one that really goes out of its way to encourage all Members to participate in orderly and planned-ahead debate.

I was somewhat surprised and dismayed that the minority went ahead and opposed this rule in committee. Voting unanimously against it in fact. I hope that my friends on that side of the aisle will recognize that this is an open rule that completely protects their rights and that ensures an orderly and unfettered debate on an issue that we care about.

I think this is the way rules should be in circumstances like this and I think we are one-for-one on open rules in the Committee on Rules.

To my good friend, the distinguished ranking member who has properly said that this is legislation that will affect all America, I agree. It will be a great improvement for all Americans.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from California [Mr. BEILENSON] who has been a very hardworking member of the Committee on Rules and probably has been the conscience of the Committee on Rules in many endeavors.

The SPEAKER pro tempore, (Mr. GUNDERSON). The gentleman from California is recognized for 8 minutes.

Mr. BEILENSON. I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise in opposition to the rule for the same kinds of reasons that the gentleman from Massachusetts [Mr. MOAKLEY] set out so well just a few minutes ago. Not because there is anything terribly wrong or unfair about the rule itself. There is not. It is a fine rule. I want our friends on the other side of the aisle in the Committee on Rules to know that we believe and we agree with them that it is a fine rule.

Mr. DREIER. Would the gentleman yield on that point?

Mr. BEILENSON. No, I will not.

Mr. DREIER. I just wanted to ask why my friend voted against it if it is such a fine rule.

Mr. BEILENSON. I will explain in a moment if I am given the opportunity why I voted against the rule.

Mr. Speaker, there is nothing, as I just said, terribly wrong or unfair about the rule. That is not why we are opposed to it. But there is something terribly wrong about the way that this legislation is being brought before us here on the floor of the House of Representatives.

Mr. Speaker, we all recognize that unfunded Federal mandates have become a very serious concern to State and local governments as well as to the private sector. We are all eager to respond to that concern. But the bill that this rule makes in order is not the kind of reasonable, sound, well-thought-out response that our State and local partners or for that matter all Americans deserve. I therefore join with the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Texas [Mr. FROST] in urging that our colleagues vote no on the rule so that the bill will be returned to the committees of jurisdiction where it can be reviewed and reconsidered before it is brought to the floor for our consideration.

Our colleagues on the other side of the aisle have made much of the fact that they have produced an open rule for considering H.R. 5. They say that all of the issues we are concerned about in the bill can be raised through the amending process on the floor. That may sound fair and reasonable, but the fact is that the floor is not the appropriate place to write a bill. It is not the appropriate place to hammer out important legislative details. By the time a bill reaches the floor, we ought to be at a point where the matters to be decided by the entire membership of the House have been narrowed to a relatively few major issues which for whatever reason did not get satisfactorily resolved in committee. Otherwise, why have a committee system?

If we value our committee system at all, if we agree that the proper way for a legislative body of 435 Members to process complex, difficult legislation of the sort that this rule makes in order is to use our committees to do the hard and serious work involved in legislating, listening to a broad range of witnesses, delving into the details of a bill, debating alternatives and working out solutions that satisfy a majority of the Members who have some expertise in the subject matter, then we all should be seriously troubled if not outraged over the manner in which this bill is being moved through the legislative process.

H.R. 5 was, as Members have now heard, referred to four House committees. Only two of those committees acted on the bill despite the fact that the legislation has important implications for matters under the jurisdiction of those that did not meet to consider it.

Of the two committees that acted on the bill, Government Reform and Oversight and Rules, only the Committee on Rules held a hearing and our hearing was brief. We heard from only three public witnesses.

What happened in the case of the Committee on Government Reform and Oversight is particularly egregious. Although Government Reform is the committee which has principal jurisdiction over the bill, not one hearing was held on it there. Groups and individuals that will be affected by this legislation had no opportunity to make their views known before the committee acted. The committee marked up the bill just 6 days after the bill had been introduced which limited the opportunity even of members of the committee to adequately review the bill, receive comments, develop alternatives and amendments. Proponents of the legislation have rationalized the shortcoming of the legislative process by saying that the Committee on Government Operations held a number of hearings on unfunded mandate legislation in the last Congress. But the bill the committee considered last year was significantly different from the one introduced and before us this year.

Furthermore, 31 out of 51, well over half of the members of the committee itself, did not serve on Committee on Government Operations last year, in the last Congress. For them, the hastily scheduled markup on a freshly introduced bill was their initiation to this complex major issue of unfunded mandates. Had our committees had more time to work with this bill, we might have had some of the answers that we ought to have before we move forward with the bill.

For example, does this bill prohibit consideration of reauthorization of laws that contain unfunded mandates currently in effect? It is apparently the intent of the sponsors to exclude existing mandates but it is not clear whether a minor change in a law would disqualify a reauthorization from being considered as such.

Which Federal activities are included in those which are to be prohibited under our rules? And which are exempted? The bill is not clear on that point.

Will this bill give public sector enterprises such as power generators and waste treatment facilities a competitive advantage over private sector counterparts and will that deter efforts to privatize existing governments activities that might be better handled and more efficiently handled by the private sector?

This bill provides a way for us to vote to waive the rule against legislation containing an unfunded mandate before a ruling is made on whether in fact it contains an unfunded mandate. How are we to decide whether to waive that rule when we do not even know if the legislation in fact contains an unfunded mandate or exactly how much that unfundedness is?

The list goes on and on. This is very problematic legislation and questions about the way it will work and the impact it will have will spill out over the next several days as Members will see as we consider amendment after amendment to this bill. The price we will pay for not having done a responsible job in this legislation in our committees, not having laid the groundwork there, will be protracted debate and an immense amount of confusion over the bill on the floor of the House of Representatives. Anyone watching these proceedings will surely question whether we have any clue at all as to what we are doing with this bill.

Mr. Speaker, we are well aware that the reason for the speedy consideration of the legislation is to enable our Republican friends to fulfill their Contract With America by getting all the bills listed in that document to the floor within 100 days. But as one of the witnesses at the Committee on Rules hearing said,

> It is ironic that a bill supposedly intended to assure that the impacts of congressional actions are fully understood should be moved forward so hastily that no time or opportunity exists for understanding or evaluating its own impacts.

Mr. Speaker, this process is troubling in the extreme. In fact, it is a disgrace. It is also an affront to the American people who have every right to expect us to proceed with care and thoughtfulness when we write major pieces of legislation.

Mr. Speaker, I truly believe the American people will forgive our Republican friends a little slippage in the timetable for acting on the Contract if the end result is better written, more fully understood legislation.

Let us take what we all know is the right and responsible course of action here. Let us send this bill back to the four committees of jurisdiction for hearings and proper consideration which could be done over just the next couple of weeks and then when we bring it up on the House floor we will have both a much better product and a much better idea of what we are voting on.

I urge my colleagues to vote "no" on the rule.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, we have an extraordinarily impressive cadre of new members of the Committee on Rules. I yield 2½ minutes to one of them, the gentleman from Tucker, GA [Mr. LINDER].

Mr. LINDER. I thank the gentleman for yielding me the time.

Mr. Speaker, while it is tempting to debate the contents of the unfunded mandate bill at this time, this debate is actually on the rule.

The debate we begin this morning shows that the new majority continues to keep its promises that we made to the American people. Two weeks ago we opened up the House and today we begin with free and open debate on H.R. 5, the Unfunded Mandate Reform Act and the rule attendant thereto.

As a member of the Committee on Rules, I want to comment on two specific aspects of this bill affected by the committee.

First I am pleased that every Member of the House has the opportunity to vote on a rule that we did not see very much of in recent years, an entirely open rule. During the past 2 years it was extremely rare for us to encounter many rules which allowed the House to engage in free and open debate. In fact it was not until May 1993 that we saw our first open rule in the 103d Congress.

Second, while the Congress has recognized the fiscal crisis that our State and local governments face in their attempts to absorb the costs of Federal mandates, Congress has been unable to find the will to curb its addiction to imposing these costly regulations. As a result, title III of this bill institutes new House enforcement procedures to terminate the casual practice of passing these unfunded mandates.

First, any bill reported by a committee containing intergovernmental or private sector mandates is subject to a point of order on the House floor unless the committee has published a CBO estimate. This is a straightforward, fiscally responsible reform. If a Member is not willing to find out how much a bill costs, then the bill cannot be considered.

Second, any bill, joint resolution, amendment or conference report which imposes mandates over $50 million on State and local governments is subject to a point of order on the House floor, unless the mandate is funded. This new rule plainly states that legislation exceeding the declared threshold and not paid for will not be considered.

And third, any rule waiving the point of order is also subject to a point of order. This special obstacle assures that the Rules Committee will not merely suspend the thoughtful deliberation and accountability that the bill is designed to enforce.

I am certain that federalism in America was not intended to mean that our Governors and State and local officials were elected simply to serve as administrators of expensive Federal programs. This legislation allows the

Congress to move away from coercive federalism and permits the States to focus on State and local priorities. I strongly support the passage of H.R. 5 and I welcome the free and open debate.

Let me add that the Democrats arguing about the lack of a hearing are being disingenuous at best considering that in the last Congress, the Government Operations Committee never held a hearing or a markup on three bills that were brought to the House floor: H.R. 1578—Expedited Recission Act; H.R. 4907—Full Budget Disclosure Act, and House Concurrent Resolution 301—sense of Congress on entitlements.

I strongly urge my colleagues to support this open rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL]. I referred to the gentleman from California, [Mr. BEILENSON], as the conscience, and I refer to the gentleman from Ohio as the heart and stomach when it comes to dealing with nutrition problems as it affects young people, and I am sure this is part of the reason that the gentleman is opposed to this rule.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Massachusetts, [Mr. MOAKLEY], for his very kind words. I am very glad that we have an open rule here today. It is not the most straightforward open rule that one could have, but the rule does have a provision, as Members have heard, for according priority recognition for Members who have preprinted their amendments in the CONGRESSIONAL RECORD. In my opinion, and in the opinion of others, this is unnecessary to the rule and should not have been included.

I am also concerned over the way in which the bill is being brought to the floor. It is a major piece of legislation, and just fundamentally changes the procedures for handling future legislation. Yet it is being rammed through with no hearings and no opportunity from the committee that has jurisdiction, the committee, unlike the Rules Committee that in fact studies it and understands these kinds of things every day, for a positive input, much less explanation.

There are also major substantive problems with the direction of the bill, and while I know States and local communities are having a tough time, and for that reason there is a lot of good in this bill, I am concerned that not all of the provisions have been thought through.

I am particularly concerned about the impact of this bill on nutrition and poverty programs serving low-income people. When we considered this bill in the Rules Committee I repeatedly asked its authors if food and other services to the poor would be reduced, and I really could not get a good answer on it.

Therefore, Mr. Speaker, I will be offering an amendment to protect the very-low-income programs that were exempt from sequestration under the Gramm-Rudman Act of 1985, that we all agreed we thought was a good idea to exempt those. These are Child Nutrition, Food Stamps, Aid to Families with Dependent Children, Medicaid and Supplemental Security Insurance.

If changes are made in the programs down the road my amendment will make sure States will not be able to cut services to the poor. It will also continue our longstanding Federal commitment to these food and poverty programs by including them as unfunded mandates in this bill.

This bill without the mandates, without the amendment that I hope to put in, will hurt poor people if it passes without this amendment.

I would urge my colleagues to take a careful look at this bill. It is one which changes procedures for legislation coming down the pike, and since the Government Reform and Oversight Committee held no hearings, every Member of this body needs to scrutinize this bill to see exactly what effects it really will have not only on the country but on their districts.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes the gentlewoman from Columbus, OH [Ms. PRYCE], another able new member of the committee.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this wide-open rule for the consideration of the Unfunded Mandate Reform Act.

An open rule for a bill as significant as H.R. 5 is a welcome change around here. In recent years, the House has increasingly operated under restrictive procedures which have prevented Members on both sides of the aisle from offering legitimate amendments. As Chairman SOLOMON has eloquently stated before, 70 percent of the rules granted by the Rules Committee during the 103d Congress were restrictive. Under the new Republican majority, and Mr. SOLOMON's able leadership, we will work to restore free and open debate to this institution.

As the November elections showed us, the American people want real reform. They want to see honesty and accountability return to this legislative process. By adopting an open rule for H.R. 5, we send a clear message that deliberative democracy is about to wake up in America after a long, long sleep and that we welcome differing points of view.

The time has come for Congress to take financial responsibility for the laws and rules it passes. Our current system of mandating is nothing less than an abuse of power by big Government—the ultimate arrogance in Washington DC.

Governors and mayors across the Nation are pleading with Congress to stop passing the buck when it comes to passing new Federal mandates. H.R. 5 is a reasonable, long-overdue response to the plight of State and local dealers who are forced to pay for expensive, one-size-fits-all Federal solutions to what are most often local problems in search of local solutions.

Mr. Speaker, I applaud the leadership for making unfunded mandate relief a top legislative priority in the 104th Congress. I support this bipartisan legislation and urge the House to adopt this wide-open rule.

□ 1140

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, the gentleman from Florida [Mr. DIAZ-BALART], another new member of the committee.

Mr. DIAZ-BALART. Mr. Speaker, I am very proud of my party today.

After 40 years in opposition, being closed out time and time again with regard to the ability, that most essential ability on behalf of one's constituents, to introduce amendments and to speak in behalf of those amendments on this floor, and despite, in addition to that, the very substantial legislative agenda that we have contracted with the American people that we will pass within the first 100 days and the necessary time constraints that come together with that agenda, despite that, we bring the first piece of legislation to the floor today with an open rule process, with an open rule.

Now, it is not easy always to enter into dialog with the American people with regard to procedure, because it seems sometimes too technical. But the heart of democracy, Mr. Speaker, is procedure, just like the heart of due process of law is procedure, and the procedure that is at the heart of the fairness with which we are bringing forth this first piece of legislation today to the floor is called the open rule, the ability for all Members of this House, despite whether they are in the minority or majority, to bring forth whatever amendments they have on behalf of their constituents that they would like to be considered by their colleagues.

So I am proud of my party. I am proud of the fact that despite the fact that we do not have to, because we are in the majority, we, nevertheless, are giving the opposition the fairness that they denied us.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado Springs, CO [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, the game works like this: Congress comes up with an idea which is supposed to help people, but Congress is broke, and so Congress passes a bill anyway and sends it off to the States and falls all over itself claiming credit for a job well done.

Meanwhile, State and local governments which had little or no input into the issue find this new law waiting on their doorstep delivered c.o.d. For them, the real work just began, deciphering the new rules and figuring out how to pay for them.

I served in the Colorado State Legislature, and I know the frustration felt by local and State officials.

Unfortunately for our Federal system, that frustration is growing. According to CBO, Federal regulations enacted between 1983 and 1990 cost State and local governments over $12 billion.

In the last Congress we considered at least 60 bills which contained some form of mandate. In my State of Colorado, a recent survey identified 195 Federal programs containing mandates for State and local governments.

These mandates consumed 12 percent of the total State budget. You know, I would encourage support for this rule. I cannot believe the arguments against an open rule.

Support it.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to address a question to the gentleman from California [Mr. DREIER].

We are talking about the openness of the rule.

The gentleman was talking about the openness of the rule. Everybody says wide openness.

Do we have a guarantee that debate will not be shut off on any amendments?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Our plan here is to do something that often has not been done over the past several years. We plan to follow the rules of the House.

Mr. MOAKLEY. Which ones?

Mr. DREIER. We plan to follow all of the rules of the House. In so doing, we will go through the normal procedure of the 5-minute rule which is the way the open amendment process is handled.

Mr. MOAKLEY. Could the gentleman answer the question? I know he is going to follow all the rules. But will debate be shut off on any of the amendments?

Mr. DREIER. In response, if the gentleman would yield further, I would respond by simply saying we plan to comply with the rules of the House which do, in fact, allow for motions which can, in fact, bring an end to debate. That, as the gentleman knows, is a rule of the House, and so based on that, we plan to comply with the standing rules of the House which will be an unusual, near precedential development here.

Mr. MOAKLEY. Does the gentleman plan to use that rule of the House to cut off debate?

Mr. DREIER. If the gentleman would yield further, I have no plan whatsoever to cut off debate. I plan to follow the debate; if there are attempts made by Members on either side to simply be dilatory, to prevent the American people to be able to see their Representatives move through legislation which will address the issue of unfunded mandates, I would not be surprised if a motion like that would be offered.

Mr. MOAKLEY. Well, the gentleman can rest assured I have no intent of being dilatory.

Mr. DREIER. Well, we probably will not have any motion like that that would cut off debate.

Mr. MOAKLEY. Yes. But the problem is the lack of committee consideration. It was not the way the rule was handled. It was the way it came to the Committee on Rules where we had to amend the bill that came, because it had a duplication of sections. It came from the Government Ops Committee, so it just showed that it was not really gone over as extensively as it should have been at that time.

Can I ask, do you have any unfunded mandates in the Contract With America?

Mr. DREIER. If the gentleman would yield further, I suspect that, well, and I know that under this legislation, when this legislation is signed, anytime there is a possible unfunded mandate that would come forward under the Contract With America or any other legislation, we, in fact, in this institution will be accountable and will have to find that out. That determination has not yet been made.

It is quite possible. I do not believe that there are any unfunded mandates in the Contract With America, but if there are, the House will make that decision, and we will have a vote on it, if we can successfully move forward, report out this rule, and pass the legislation.

Mr. MOAKLEY. The gentleman is aware that this bill does not take effect until October 1995 and, therefore, your Contract With America will already be past in those 100 days.

Mr. DREIER. If the gentleman would yield, I would say, based on my very detailed analysis of the Contract With America, I concluded that I do not think there are any unfunded mandates in there.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would be glad to read you the 10 points of the contract. It is so exciting to even read them.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Glenwood Springs, CO [Mr. McINNIS], another hard-working new member of the Committee on Rules.

Mr. McINNIS. Mr. Speaker, I do appreciate the time that was yielded to me by my friend, the gentleman from California.

I used to be the majority leader in the Colorado State Legislature, and in that position, we always enjoyed the opportunity to have both Democrats and Republicans amend bills, as we continued to have debate on them on the House floor.

When I first came to the U.S. Congress, I was stunned to see that through the Committee on Rules many people, such as myself who were elected to represent States in this country, were prohibited from having debate or prohibited from having amendments on the House floor. Well, times they are a-changing. Now the first contract item that comes onto the House floor is going to come on with an open rule.

This issue, unfunded mandates, will certainly have many different types of amendments from Republicans and Democrats, but the issue here that the American people should recognize is that times have changed, and for the first time in a long time, we will have an open debate and a recorded vote for the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], the former chairman of the Committee on the Budget.

□ 1150

Mr. SABO. Mr. Speaker, and Members, I rise in opposition to this rule. This year for the first time the Budget Committee was given legislative jurisdiction over legislation coming before the House. This bill was the first bill for which this committee received referral. The committee held no hearings, made no judgment, no examination of this legislation, despite the fact that much of what is in this bill has very direct impact on the budget and the Budget Committee.

There are expanded duties for the Director of the Congressional Budget Office. Whether the resources in this bill are sufficient for that office to do its duties we do not know. There are new and additional responsibilities for the Committee on the Budget to make estimates of the costs of mandates, a substantial new and different responsibility.

Again, the committee has had no hearings, no discussions on how we are going to handle that process.

The bill also makes reference to what the budget can or cannot do. What those references mean is not very clear from what the bill says. It indicates, and this goes far beyond the question of mandates, where I understand the bill says, in Minnesota, if we dumped our sewage on the Iowa border, that is not of national concern unless the Federal Government pays for it—I have a tough time understanding that. But the bill goes far beyond that. It, for instance, exempts Social Security. Does that mean Social Security retirement, Social Security disability, other portions of the Social Security Act? It has very specific language on changes in entitlements, and I know it does not apply until October 1.

Mr. Speaker, there are major questions as this bill relates to our budget process that were not heard.

Mr. MOAKLEY. Mr. Speaker, would the chair bring us up to date as to the time remaining?

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Massachusetts [Mr. MOAKLEY] has 4 minutes remaining, and the gentleman from California [Mr. DREIER] has 12 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Economic and Educational Opportunities, the gentleman from Jacobus, PA, [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, please listen carefully because I have something very relevant to say. I want to make sure that we understand that H.R. 5 has no, I repeat, no effect on two important disability laws, the Individuals with Disabilities Education Act, [IDEA] and the Americans with Disabilities Act [ADA]. It has no effect whatsoever on both of those. As the CRS law division has confirmed, IDEA and ADA are exempted from coverage under this bill. And if you will read the Dear Colleague I sent out to you, you will discover the exact language, which, as a matter of fact, exempts both of those very, very important pieces of legislation from the act.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to a hard working Member, the gentlewoman from Bethesda, MD [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding.

Mr. Speaker, I join many of my colleagues today in expressing the need to address the issue of unfunded Federal mandates for State and local government. Every Member of this House, I believe, shares the view that State and local governments have been asked to assume an overwhelming burden of Federal mandates in recent years.

I do want to comment on some concerns I had. First of all, I am pleased that the Committee on Rules adopted an amendment similar to the one I offered in committee, clarifying that reauthorization of current bills will not be subject to the point of order as long as the aggregate costs to State and local governments are lower than they were in previous authorizations.

I think it is imperative we protect our current environmental, health, and other laws.

I want to point out, Mr. Speaker, that I am concerned with potential litigation resulting from the House version which has the judicial review provisions. I want to point out that I hope that CBO will provide its mandate cost estimates in a timely fashion and that its estimates will be accompanied by explanation of its methods.

I also want to point out that I believe it is imperative that environmental standards apply to both the public and private sectors. Uniform standards, I think, are critically important. I have said I will work with Mr. CLINGER and members of the committee to do that, and I support this rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to another hard-working member of the Committee on Rules, the gentlewoman from Salt Lake City, UT [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. I thank the gentleman for yielding this time to me.

Mr. Speaker, as a new Member of this body and as a new member of the Committee on Rules, I am proud to rise in support of this wide-open rule for the consideration of this critical bill.

This rule shows our commitment to the principle that ideas and debate should not be smothered—should not be denied consideration or a fair hearing—and in this Congress, free speech will not be denied its Members.

Mr. Speaker, I rise to strongly support the underlying legislation for this bill. For too long this body has been able to substitute its judgment and priorities for the judgment and priorities of State Governors, legislatures, mayors, city councils, and county officials. The priorities of this body have too often not reflected the priorities of the people who sent us here.

Now, there has been a concern raised about the impact of this bill on poverty programs; programs for people in need. Let me tell you about what the lack of this bill has already done in my home State of Utah.

A few years ago the State of Utah had a surplus in its budget of over $25 million—money that we had decided to set aside for programs for the vulnerable elderly, for children, for education, to help people in need in our State. Yet before we could implement those plans, we were notified by the Federal Government that this body had decided to broaden the benefits it provided, without paying for them. And that $22 million had to be set aside by the State of Utah to meet the priorities of this body.

It is time that that practice stop, and this bill will raise the procedural barriers necessary to keep this body from substituting its judgment for the judgment of the people at home.

I urge my colleagues to support this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Bellvue, WA, a hard-working new member of the Committee on Ways and Means, Ms. DUNN.

Ms. DUNN of Washington. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of this wide-open rule because, Mr. Speaker, there is not any portion of the Constitution that represents the commonsense approach that our new majority was elected to pursue more than the federalism of Article 10 of the Bill of Rights.

Article 10 reads as follows: "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

H.R. 5 will restore the spirit of this amendment by restricting unfunded mandates and returning the decisionmaking power back to the local level so that they may determine which programs should be priorities for their communities.

Mr. Speaker, there has been no greater violation of the spirit of the 10th amendment than through the process of imposing unfunded Federal mandates on our States or local communities.

In my home State of Washington, towns with small budgets work hard just to keep their noses above water as they struggle to comply with the dictates handed down by overzealous lawmakers in Washington, DC.

For example, the mayor of Snoqualmie, a small town in my district, told me the city would be bankrupt if they are forced to comply with the Federal mandates included in the Safe Drinking Water Act.

Additionally, they will have to increase local water bills by 200 to 300 percent.

Mr. Speaker, the town of Carbonado, population 540, must find $800,000 to comply with this same legislation.

When will this kind of absurdity end? The American people have said the time is now. Let us pass this rule, debate this bill, and end the arrogance of Congress passing laws and then passing the tab on to the backs of State and local governments and eventually, of course, on to the people.

If the Federal Government cannot pay for it, we should not force the costs on to the States. That is just common sense.

□ 1200

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, in this debate one point bears repeating. What we are really doing here is signing on the dotted line before reading the actual terms and conditions of the document. We are being told to do something in this House that no prudent family would do in its own home. The majority party is insisting that we race through this legislation, but, in doing so, the institution is closing its eyes to the many pitfalls and unanswered questions in this bill.

I ask, "Who doesn't agree with the general idea that sparing State and local governments from costly, unreasonable mandates is the thing to do?" We all agree, but the problem here is that this bill before us is filled with all sorts of unintended consequences.

Before we make final decisions, we ought to know in detail what this bill really means to America's people and its communities. Are we placing consumer protections in jeopardy? What about measures that have safeguarded our environment, the Clean Water Act, our child protection laws, our laws protecting senior citizens against age discrimination? What will happen to these laws?

Before we get any work done on this bill, we should ask ourselves, Do we really know what it's all about?

I urge a "no" vote on this rule.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Pasco, WA [Mr. HASTINGS], another thoughtful new Member of the Congress.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of this rule and this legislation.

Former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that, quote, my reading of history convinces me that most bad government has grown out of too much government, end quote. That is exactly the problem that we are attempting to correct with this legislation.

When I first began working in my family business years ago, the onslaught of Federal regulations on our local communities had just begun. Later, as a Washington State legislator, I saw firsthand how destructive these Federal mandates could be. Today the Federal Government has used this mandate loophole to radically expand the scope of Federal intrusion in the lives of all our Americans. Let me give my colleagues a couple of examples.

Federal regulations are forcing one county in my State to spend $142,000 to convert their traffic signs to the metric system. Never mind that nobody wants it. Never mind that those dollars could go to schools, or infrastructure. It is just an extra cost.

Mr. Speaker, I support this rule and this legislation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Mariposa, CA [Mr. RADANOVICH], another of our new Members.

Mr. RADANOVICH. Mr. Speaker, when I first began public service as a member of a country planning commission, I carried into office what turned out to be a naive notion. I thought that our community's elected officials were free to do what they best believed served the citizenry. In some respects that was and is the case. However, what I failed to factor in was Uncle Sam's ability to determine what was best and to make us pay for it, like it or not. Imposing obligations on local government from distant beltway bureaucracies, but without Federal dollars to pay for them, is wrong, and H.R. 5 will right that.

Today we are considering a reform of the federal system itself and return to the relationship between the Federal Government and various State and local government agencies that reflects a partnership in the activity of governing. A relief from additional Federal mandates on State and local governments will take a long stride toward correcting the imbalance of this relationship. It becomes again our opportunity to continue the reform begun when this 104th Congress convened. Our opening day showed the way as we changed rule after rule improving the way the House does business. Now, by lifting the burden of unfunded mandates, we are changing the business that Congress does.

The Contract With America continues to be performed as we keep faith with the 10th amendment in the Constitution's Bill of Rights, reserving to the States and the people of all those public powers except those delegated to the Federal Government.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I wish I had more time because this is a very important subject, but I realize that we are the majority now.

Mr. Speaker, I wish I could bargain with the gentleman from California [Mr. DREIER] all the time. I say to the gentleman, "Thank you very much. I appreciate it."

Mr. Speaker, for too long our Congress is going on spending sprees at States' and local governments' expense, and this House has for years mandated project after project with little or no concern about who will foot the bill, and today we are finally coming to a recognition of that and doing something about it, and that is why this portion of the Contract With America is so important.

My good friend, the gentleman from California [Mr. DREIER], in yielding me the time had mentioned my hometown, Appleton, WI. I just want to point out that the U.S. Conference of Mayors has estimated what the impact has been of only 10 unfunded mandates on that community, on my community. It is over a million dollars a year to comply with just 10 of the mandates that Congress has passed. But do my colleagues realize that these bills are getting bigger and bigger every day?

Mr. Speaker, since 1990, 5 years ago, 4 years ago, Congress has enacted over 40 major statutes that impose new regulations and requirements on States, and Congress has passed more mandates in the last 5 years than in the previous two decades combined, and again I want to underline, Mr. Speaker and Members, that this is why this legislation is so essential in the Contract With America and for all of the Americans. It is time the Members of Congress become aware of the financial burdens that Federal legislation places on State and local governments. Every day American businesses, and households, and cities like Appleton, have to consider the impact their actions have on their own bottom lines. States and local governments must do so as well.

Mr. Speaker, that is why I ask everyone here to vote for this rule and also to vote on the bill.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Cincinnati, OH [Mr. PORTMAN], a very hard-working Member who was one of the many progenitors of this legislation.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me, and I want to congratulate him, and also the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for this open rule. I think it is a great step forward. It is going to lead to a very interesting debate over the next few days. We will have plenty discussion on all the issues, and I look forward to it. I think the Committee on Rules also provided a good service to this country by refining some of the aspects of this legislation in its good hearing on the matter. A lot of the issues were debated, of course, extensively at that hearing.

I say to my colleagues, Let me just read you one letter I got a couple of weeks ago from Mark Schockman, a fire chief in my district. He wrote to tell me:

> Unfunded mandates are having strong impacts on our ability to provide emergency services to our customers and to your constituents, Congressman.

Well, unfortunately for my constituents, that is exactly what is going on. Mandates result in cuts in vital services, fire services, police services, and so on. They also result in increased taxes. These are property taxes, these are sales taxes, these are State income taxes. In a way it is taxation without representation. It is a critical issue. It is a crisis. We have got to have a new kind of federalism.

Again I applaud the Committee on Rules for having this open rule. I look forward to an open debate.

Mr. MOAKLEY. Mr. Speaker, I yield our remaining time to the gentlewoman from Illinois [Mrs. COLLINS] to close debate.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentlewoman from Illinois [Mr. COLLINS] is recognized for 4 minutes.

□ 1210

Mrs. COLLINS of Illinois. Mr. Speaker, as ranking member of the Committee on Government Reform and Oversight, I strongly oppose this rule because the legislative process under which H.R. 5 is being brought to the floor today has prevented our committee from having an adequate opportunity to meaningfully review the bill before it reached this point.

The concerns of the minority are discussed in our minority views in the committee's report on H.R. 5, and in general they all stem from one simple fact. The majority leadership is evidently attempting to railroad this bill through the House before there is enough time to carefully review its contents.

First, the committee held no hearings. Those cited in the committee report were held in the 103d Congress and can in no way substitute for hearings in this Congress. The bill that the Committee on Government Reform and Oversight considered last week is considerably different from the one that the Committee on Government Operations reported out by a 35-to-4 bipartisan vote in the previous Congress. More importantly, we have many new members on our committee who had no opportunity to attend those hearings. In fact, 31 of the 51 current members did not even serve on the committee in the 103d Congress and, therefore, have no institutional knowledge of the legislative process through which that bill have traveled.

Second, the lightning speed of the consideration of H.R. 5 did not give our members adequate time to review the legislation. The printed copy of the bill that went to our members was not available until Friday, January 6. In short, our members had a weekend to read the bill and to prepare amendments.

Third, since our Committee on Government Reform and Oversight was designated the lead committee, I find it incomprehensible that we should have been given no opportunity to consider amendments to the heart of the bill, which is title III, dealing with congressional procedures in handling mandates. Instead, the only matters of consequence we were allowed to consider were the title I mandates study commission and the exclusions to the bill contained in section 4.

My fourth concern relates to the manner in which minority members were treated at the markup. In one case the previous question was ordered on an amendment by the minority that had not even been ready yet and the point of order was rejected.

In another case an amendment in the nature of a substitute was ruled out of order because we were told that only one amendment in the nature of a substitute could be offered to section 1 even if the previous amendment had been defeated.

Finally, there was a particularly troublesome breach of our rules when at the beginning of our markup the chairman recognized a member of the majority who is not a member of our committee to give a statement on the bill. This converted the markup to a hearing. However, we received no notice of the hearing and were granted no opportunity to ask questions under the 5-minute rule or to select minority witnesses.

Mr. Speaker, an open rule is only one element in guaranteeing an open and thoughtful debate on legislation. We have already seen in our committee how such procedures as calling the previous question have been used to preclude open and full debate.

Mr. Speaker, I, therefore, oppose this rule, and I urge my colleagues to do the same.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Rockwell, TX [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I rise today in support of the rule for consideration of H.R. 5, the Unfunded Mandate Reform Act of 1995. This will be one of the most important issues to be deliberated in this historic, reform-minded Congress, and it is imperative that we entertain all views and hear all arguments before we cast our votes. I am satisfied that this rule will permit adequate debate and discussion of this legislation.

For too many years the Federal Government has been mandating policies to State and local governments and to the private sector without regard for the cost or the burdens of compliance. H.R. 5 will change that policy. No longer will we be able to pass laws without adequately funding their implementation. In addition, when Members of Congress know the financial and bureaucratic impact of a particular piece of legislation, hopefully we will be able to craft a more responsible and cost-effective approach to a particular problem.

This legislation will help make the Federal Government more accountable to those we serve. Issues that affect the health and safety of all Americans will continue to receive top priority by the Federal Government. Other programs that might affect one area or group more than another should be voluntary, with Federal assistance awarded proportionately, if available and if needed.

The time has come to get government off the backs of State and local governments and off the backs of the private sector. It is time for Congress to stop passing laws without knowing the consequences of our actions. H.R. 5 will help achieve these goals, and I welcome an open discussion of these issues.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since the early 1980's the American people have been crying out for some sort of relief. Washington has been imposing on State and local governments and the private sector requirements that they comply with all kinds of constraints and requirements, and yet we do not provide the wherewithal for them to meet those requirements. It is absolutely ridiculous for us to continue passing those on.

This legislation has been studied for years and years and years. We have been trying to bring it up. It has been done under an open process in the committee, an open amendment process in the Rules Committee, and here on the House floor. We planned, when we reported this rule, to have the first measure, the Contract With America, be on the opening day considered under a wide-open rule.

Mr. Speaker, I urge my colleagues to vote in support of openness and in support of accountability. I ask my colleagues to vote for this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 71, not voting 13, as follows:

[Roll No 21]

YEAS—350

Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons

Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Towns
Traficant
Tucker
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—71

Abercrombie
Baldacci
Becerra
Beilenson
Bonior
Borski
Brown (CA)
Brown (FL)
Cardin
Clay
Coleman
Collins (IL)
Collins (MI)
Coyne
DeFazio
Dingell
Dixon
Durbin
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Johnson (SD)
Kanjorski
Klink
LaFalce
Lewis (GA)
Lowey
Maloney
Markey
McDermott
McKinney
McNulty
Meek
Mfume
Mineta
Mink
Moakley
Oberstar
Olver
Owens
Payne (NJ)
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Stark
Stokes
Thurman
Torricelli
Velazquez
Vento
Waters
Watt (NC)
Williams
Woolsey
Wyden

NOT VOTING—13

Bachus
Chapman
Flake
Lincoln
Meehan
Pelosi
Reynolds
Ros-Lehtinen
Rose
Schaefer
Slaughter
Waxman
Yates

□ 1229

Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. CLYBURN, POMEROY, THOMPSON, and TORRES changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 20 and 21. Had I been present, I would have voted "nay" on rollcall votes 20 and 21.

PARLIAMENTARY INQUIRIES

Mr. KANJORSKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman will state it.

Mr. KANJORSKI. Mr. Speaker, as I understand the new rule in clause 2(l)(2)(B) of rule XI, adopted on January 4 of this year as the new rules of the House, each committee report must accurately reflect all rollcall votes on amendments in committee; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, as a further parliamentary inquiry, the report accompanying H.R. 5, as reported from the Committee on Government Reform and Oversight, House Report 104-1, part 2, lists many rollcall votes on amendments. On amendment 6, the report states that the committee defeated the amendment by a rollcall vote of 14 yes and 22 no. However, the tally sheet shows 35 members voting "aye" and 1 member voting "nay".

Mr. Speaker, would a point of order under clause 2(l)(2)(B) of rule XI apply?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, if that were the case, it is clear that this bill could not proceed under its present rule; is that correct?

The SPEAKER pro tempore. The gentleman is correct, if it is an error on behalf of the committee. If it is a printing error. That would be a technical problem which would not be sustained in the point of order.

Mr. KANJORSKI. Mr. Speaker, I am not going to insist or raise a point of order. However, I bring this to the attention of the Chair and to my colleagues on the other side. Some of the hesitancy to proceed as quickly as we are proceeding on this bill and others that are part of the Contract With America is the fear on the minority side that this haste may bring waste, that speed may bring poor legislation.

There are many elements of the unfunded mandate bill which I think the long-term ramifications and the possibilities of working havoc on the judicial system and the regulations and rules presently existing in the United States could cause our constituents difficulty.

I would urge that the majority, in consideration of the fact that we are not going to use this tactic to delay this debate, take into consideration that their rules must be applied on a day-to-day basis, because the majority is responsible for having passed this rule.

Mrs. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman is absolutely right. The speed with which we have had to consider this legislation has, as the gentleman has pointed out, created a number of problems that are evidenced right there. It seems to me if we would just slow down, get deliberate and full review of what we are trying to do here, these kinds of mistakes that the gentleman has pointed out will not happen, and I certainly think that the gentleman is absolutely right in pointing that out so that all of us can be aware of it. I thank him for doing so.

Mr. KANJORSKI. I thank the ranking member.

Mr. Speaker, may I just address the other side for a moment and say that we had a series of amendments. Many of them are very, very important. There is the possibility, as we move into the amendment phase of this bill, that there is going to be a move for cloture or limitation of debate. I hope we can have an agreement that, based on the new concept of an open rule, that the majority will not impose time restrictions on reasonable debate on the amendments to be offered.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, let me reassure the gentleman from Pennsylvania that there is no intent to change the rule. The rule is a very open rule, and there is no intent at all to in any way proscribe or limit the ability of the minority to offer amendments.

I would point out to the gentleman from Pennsylvania that I am advised that indeed there is a printing error in the RECORD. The tally clearly shows what the vote was. There was a printing error in terms of identifying what that vote was. But this was a printing error and certainly in no way should be used to vitiate the procedure that we are undergoing right now.

Mr. KANJORSKI. I assume we can accept the chairman's word.

The SPEAKER pro tempore. The gentleman from Pennsylvania has been recognized for the purpose of a parliamentary inquiry. The gentleman may continue regarding the inquiry.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentlewoman from the State of New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this was my amendment, and it is a printing record error. The Republicans voted against exempting the most vulnerable citizens in our society, children, that cannot vote, cannot speak for themselves in the unfunded mandates bill. But it is a printing error. They did not vote for it.

□ 1240

Mr. KANJORSKI. Mr. Speaker, just in closing I would like to say that I think this side, the minority, in fact, wants to cooperate with the majority side and have reasonable debate and discussion, so whatever the bill that finally comes out of the House of Representatives, we as Members of this Congress can be proud of it in its entirety.

The SPEAKER pro tempore (Mr. GUNDERSON). The Chair appreciates the parliamentary inquiry. The Speaker appreciates the cooperation on behalf of the entire House.

Mrs. COLLINS of Illinois. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Speaker, I raise a parliamentary inquiry concerning consideration of the bill.

The SPEAKER pro tempore. Does the gentlewoman state a point of order or a parliamentary inquiry?

Mrs. COLLINS of Illinois. A parliamentary inquiry, Mr. Speaker.

Mr. Speaker, under clause 2(j)(1) of rule XI it states "Whatever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon."

Mr. Speaker, the Committee on Government Reform and Oversight is the committee of original jurisdiction on this bill. On January 10, the Committee on Government Reform and Oversight began its markup on H.R. 5.

Mr. DREIER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. There is a parliamentary inquiry before the House at the present time.

The Chair has asked the gentlewoman to suspend so we might have order and that the Chair will be able to hear the parliamentary inquiry.

Mrs. COLLINS of Illinois. After two opening statements, the chairman of the committee invited a member of the majority party who was not a member of the committee to testify before the committee. At the conclusion of his testimony, the witness thanked the chairman of the committee for holding the hearing.

Mr. Speaker, minority members of the committee protested in a timely fashion. No opportunity was given to Members on our side of the aisle to question the witness. Democrats requested that an additional formal hearing be conducted on this measure so that their witnesses could be called. That request was denied and the minority was told that the only procedure allowed would be to continue the full committee markup of the bill. Efforts on the part of the minority members to raise questions over possible violations of House rules were dismissed by the chairman.

Mr. Speaker, in my view, allowing a Member not on the committee to testify changed the meeting from a straight markup to a hearing.

It is true that in many committee markups the majority requests the presence of certain experts, usually administration officials or committee staff, to answer questions about the interpretation or effect of different proposals.

The Member's appearance before the committee, the Member who is not a member of the committee, was not like that. Questions were not put to him. He provided a statement and read his testimony in the way any witness testifies at any hearing.

Mr. Speaker, we do not protest the presence of Members not on the committee at the markup and hearing. Our complaint is that we were denied the opportunity to ask questions and to call our own witnesses, as we were entitled to do under the rules.

The only remedy, Mr. Speaker, is a point of order at this stage of deliberation.

Is it correct that I would be required to raise a point of order, Mr. Speaker, when the committee resolves itself into the Committee of the Whole?

The SPEAKER pro tempore. If the gentlewoman insists on her point of order, that point of order would be timely at this point in the process.

Mrs. COLLINS of Illinois. Thank you, Mr. Speaker. However, because, Mr. Speaker, I do not want to engage in any kind of dilatory tactics, such as I have heard before in the 103d Congress and previous Congresses, I will not insist upon a point of order at this time.

The SPEAKER pro tempore. Does the gentlewoman seek a response from the Chair regarding the inquiry?

Mrs. COLLINS of Illinois. Not at this time, Mr. Speaker. I think I have made my point.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5.

□ 1244

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, the gentleman from California [Mr. DREIER] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield 5 minutes of my time to the gentleman from California [Mr. CONDIT], and I ask unanimous consent that he be allowed to manage that time. I also ask unanimous consent that the committees be recognized in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DREIER. Mr. Chairman, I, too, ask unanimous consent that I be able to yield 5 minutes of our Committee on Rules time to the gentleman from California [Mr. CONDIT], and that he be able to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from California [Mr. CONDIT].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, some years ago a serial killer whose name I forget, there are so many these days, left a scribbled note at the scene of one of his murders which said, "Stop me before I kill again." In effect, he was saying, "I know what I am doing is wrong, but I am powerless to stop doing it."

Mr. Chairman, so it is with unfunded mandates. Most of us in this House know what we are doing is wrong, that we are putting an increasingly intolerable burden on States and local governments in the private sector, but we seem incapable of stopping it. H.R. 5 is our way of saying, "Stop us before we mandate again."

In fact, this bill will not actually stop us from imposing additional unfunded mandates, but it will certainly slow the process, and will force each of us to go on record if we want to mandate action by State and local governments without providing the resources with which to pay for it.

It does not go nearly as far as some of us would like. No money, no mandate, would be our preference, but H.R. 5 is a reasonable compromise between divergent views, and one which has the support of the President and bipartisan support in both the House and Senate.

This bill begins to restore to State and local governments some measure of control and direction over their own affairs, control which the Federal Government has increasingly arrogated to itself over recent decades.

Here is what H.R. 5 will do. Title I establishes a 1-year commission to reevaluate existing mandates and to make recommendations to Congress and to the President as to whether some or all should be changed to ensure that they still make sense.

Title II requires Federal agencies to consult with State and local elected officials and to prepare statements on agency actions that will cost State and local governments or the private sector in excess of $100 million.

Title III applies to us. It ensures Congress is informed and accountable when it comes to considering an unfunded mandate in pending legislation. It requires that CBO score the cost of State and local governments as well as the private sector of any mandates in new legislation prior to floor consideration. Then, this title establishes a point of order on the floor against consideration of legislation imposing unfunded mandates over $50 million unless there is funding.

Here are some of the things this bill will not do, despite the rising chorus of naysayers who see the erosion of environmental and safety protections, if not the dissolution of the entire nation, with passage of this bill.

It will not have any effect on existing mandates designed to protect the environment, worker or consumer safety, or any other existing Federally mandated requirements. It has no, repeat no, retroactive effect. It will not, per se, create competitive inequities between public and private enterprise.

It will not preclude, and in fact is designed to ensure, an up-or-down vote on whether to impose an unfunded mandate.

Mr. Chairman, I am well aware that there are some in this body, a small minority, I believe, who strongly oppose any limitation on the power of the Federal Government to dictate to States and to local governments. Their view is based on the well-intentioned but in my opinion misguided belief that only the Federal Government can maintain essential standards and that permitting flexibility to States or local governments will erode services and the overall quality of life in the Nation as a whole.

There is an implicit assumption in this position that States and local governments cannot be trusted to protect the welfare of their citizens, despite the fact that the governments closest to their constituents are likely to be more responsive, not less, to environmental safety and other concerns.

The truth is that it has often been the Federal Government that has frustrated State and local efforts to deal with problems of all sorts.

Too often the Federal Government has mandated an inflexible solution and made the situation worse rather than better. The cumulative effect of these requirements, Mr. Chairman, is that communities and States have been forced to increase the burden on their citizens to pay for them, whether the mandates make sense or not.

□ 1250

H.R. 5 will force us to think twice and vote twice before passing a mandate that someone else has to fund.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, we take a lot of things for granted in this country. We take for granted that our drinking water will be free from germs and free from dirt. We take for granted the air we breathe will be reasonably clean. We take for granted that the food we buy in the supermarket meets certain quality standards. But once this unfunded mandate bill passes, we may have to stop taking these things for granted, at least on a Federal level.

Mr. Chairman, the people of my district know about dirty water and high water rates. We live next to the single largest water treatment project in the country, the Boston Harbor cleanup. Let me tell you, it is one thing to live next door to the harbor, but it would be another thing altogether to have dirty water coming out of our faucets all over the country.

I am concerned that families who want clean water and the workers who want to know that the places they work will be as safe as they possibly can be made.

Mr. Chairman, we have come a long way in this country from the days of contaminated drinking water and sweatshops. Let us not undo all the good we have done just because we are in a hurry to pass an unfunded mandate bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to start by complimenting the sponsors of this bipartisan legislation. Messrs. CLINGER, PORTMAN, CONDIT, and DAVIS have done a superb job. The four of them have worked diligently to produce a balanced bill that addresses the need to make Congress accountable when enacting unfunded mandates without unduly hamstringing the legislative process.

During a markup last Thursday the Committee on Rules adopted amendments to clarify that H.R. 5 does not apply to straight reauthorization bills, and to streamline the process when a point of order is made on the floor with respect to unfunded mandates.

H.R. 5 does not explicitly prohibit the enactment of future unfunded mandates. But it does make enacting such mandates procedurally challenging. That is because, for too long, Congress has been casually passing the buck by imposing enforceable mandates on State and local governments without commensurate funding to carry out those duties.

Frankly, I would like to see the bill go further by rolling back some existing unfunded mandates, such as the motor voter bill. Enforcement of that law will cost my State of California more than $35 million annually.

In addition, a number of Federal environmental laws and regulations imposed on local governments are paid for by taxes on homeowners in the form of impact fees. In California, these fees exceed $20,000 per new house. For every $1,000 added to the price of a home as a result of these mandates, 20,000 middle-income families are priced out of the market.

However, H.R. 5 is not the proper vehicle to retroactively resolve these onerous mandate problems. Congress will have the opportunity to modify or repeal existing unfunded mandates when the commission which is established under H.R. 5 conducts a thorough study and reports its findings to Congress early next year.

Many of my colleagues on the other side of the aisle are calling for more time to study this mandate relief bill, arguing that the measure is complicated and could hamstring the legislative process. That is the point of the legislation. As long as committees do not report bills containing unfunded mandates, H.R. 5 makes no changes in existing legislative procedures.

The bill is the result of years of negotiations with State and local government officials who have been calling for mandate relief since the early days of the Reagan administration.

Yet while Democrats were in control of Congress, their leadership chose to ignore the problem. In fact, in the 1980's, as Ronald Reagan sought to deny liberals in Congress carte blanche access to the tax code to finance their spending binge, they began instead to use State and local governments as unreimbursed instruments of their social welfare agenda.

Between 1980 and 1992, according to the Advisory Commission on Intergovernmental Relations, Congress enacted at least 63 Federal laws that contained mandates that affect State and local governments. These laws do not include the so-called motor-voter law and the Family Medical Leave Act, both enacted in 1993.

An October 1993 study by Price Waterhouse for the U.S. Conference of Mayors found that compliance with just 10 unfunded mandates cost the cities $6.5 billion in 1993 and a total of $54 billion proposed between 1994 and 1998.

Undaunted by the impact of these burdens, opponents fear that H.R. 5 will become a major obstacle to their efforts to nationalize the health care system, increase the minimum wage and impose new environmental cleanup costs on States and communities. They plan to offer amendments to exempt from the unfunded mandate prohibition entitlement programs such as welfare and measures affecting public health and safety. These amendments would essentially gut the bill because the definitions of public health and safety are vague, and most unfunded mandates fall in these categories.

Nine weeks ago, the voters sent a message that they were tired of the unrestrained growth of governments at all levels that has occurred over the past decade while Congress was dragging its feet, paying lip service, scapegoating and passing the buck when it came to streamlining and reforming government.

The reality is that the new Congress cannot act fast enough to end unfunded mandates and reduce the size and scope of government. H.R. 5 takes a significant step in that direction. Combined with a balanced budget amendment, regulatory reform and tax cuts for working families, this legislation will transform Government and restore the confidence that the American people once had in this institution.

Mr. Chairman, I urge my colleagues to support H.R. 5.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking minority member of the Government Reform and Oversight Committee, let me begin by noting that the issue of unfunded mandates is not a Democratic or Republican issue.

It is fair to say that Members on this side of the aisle have a range of views on the mandates bill—from those who believe it should be stronger to those who would make it weaker.

In the previous Congress, under Democratic control, but the Committee on Government Operations and its counterpart in the Senate passed bipartisan legislation dealing with mandates. At the Government Operations Committee the vote was 35 to 4, including the support of our current chairman and our previous chairman, as well as the same group of State and local officials that support this bill.

Unfortunately, the bill that is before us this year is different from last year's bill. It is also different from the bill described in the Republican Contract With America. This bill was hatched in secret, with no public hearings. Even so, our goal during the floor consideration of H.R. 5 is not to kill it, but to perfect it, and it needs plenty of perfecting.

I intend to discuss this bill, not in the abstract terminology of unfunded mandates, but in the terms of the real world. We know, for example, that our constituents always agree that we should cut entitlements, but when we use the real world terms of Social Security and Medicare—the two largest entitlements—they say leave it alone.

Similarly, unfunded mandates just sound bad. However, I find that when we discuss examples of mandates—from cleaning up our drinking water to better airport security—I get a different response. Therefore, I think you will hear a good deal of debate about what should be covered by the bill, and what should not.

The authors of the bill have made those judgments. For example, they believe it is alright to have an unfunded mandate to the States to pay for national security, so they exempted those bills. Many on our side feel strongly that matters such as child immunizations and cleaning our air and water are just as important. We believe that in their haste to enact this bill, the Republican majority have overlooked these concerns.

We also must ask why this bill should not apply as soon as possible, rather than be delayed until October 1. That will be after the bills implementing the Republican contract, after the bills making huge spending reductions to the States, and after welfare reform and other bills have been considered. If we are serious about this legislation, it should apply now, not after the Republican agenda has been largely considered.

We also intend to raise the issue of the treatment of private and public enterprises. Under this bill, private companies, such as utilities and pipelines, would face more stringent laws than publicly owned enterprises. The question is, why shouldn't a municipal landfill be subject to the same rules as a private landfill? Are the people who live next to the public landfill less deserving of protection? Should the private company be at a competitive disadvantage?

None of these amendments is a killer amendment. They are, however, important perfecting amendments. In the end, the real debate about mandates is not just about their cost, but their effectiveness. Many of the most important mandates were supported by the States, because of the contribution they would make to the lives of their people. These were not mandates passed in the middle of the night. They were passed after years of hearings with the full participation of the States, and usually their strong support. Perhaps this is a reason why the authors exempted current mandates from this bill.

I suggest that before we go overboard on this issue, we look at our record on matters such as clean air and clean water. Have we been successful? You bet. Did the Federal Government help pay the tab? We sure did, with hundreds of billions of dollars. Did States and localities chip in? Yes, they did, and I think they got their money's worth.

Mr. Chairman, I look forward to this debate under an open rule. For those of us on the Government Reform and Oversight Committee, which was designated the lead committee on the bill, it will be our first and only opportunity to truly discuss these issues.

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Mr. Chairman, I reserve the balance of my time.

Mr. CONDIT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, today marks the culmination of years of work by both Democrats and Republicans to put accountability back in Congress. I want to pay special recognition to several Members, the gentleman from Pennsylvania [Mr. CLINGER], the gentleman from Texas [Mr. GEREN], the gentleman from Virginia [Mr. MORAN], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from New York [Mr. TOWNS], and the entire group that made up the Unfunded Mandate Caucus that worked very, very hard to find a solution to this serious problem facing this country.

Our current system of mandating the cost of programs on to States and local governments is a good example of the abuse of power by Washington. Under the current system, we in Congress can pass what we call feel-good legislation. That is, legislation that lets us feel good. We get to feel good and pat ourselves on the back and say what a good job we have done, and at the same time we get to pass the cost on to State and local governments.

Today we are taking a great step in correcting that problem. Today we are putting some accountability back in this Federal Government which simply means if it is good enough for us to debate, it is good enough for us to pass, it ought to be good enough for us to come up with the money to pay for it. That is what we are doing today, Mr. Chairman, and I would encourage all of the Members who think they can make this a better piece of legislation, it is an open rule, they can come and offer amendments and they should do so.

But at the end of the next couple of days we are going to have a piece of legislation that we can be proud of and something that will help local governments and State governments across this country and we ought to be in support of.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. The gentleman from California [Mr. CONDIT] and the gentlewoman from Florida [Mrs. THURMAN] deserve a great deal of special credit, even greater to the extent of what is now a majority in Congress because they fought this fight last year as a minority within a majority. Collectively we have on the floor today a bipartisan approach where the realities of the impact of decades of lack of accountability by the Government to its citizens has risen a tide whereby a majority of the majority and a majority of the minority in that realization are finally going on the RECORD to tell some of the folks at home, to say somebody finally is hearing some of their messages.

While many would talk about the merits of mandates, I would just like to talk about instead the unintended consequences of legislation.

I think Newton's third law ought to apply to legislation, that every act of legislation has an equal or opposite greater reaction. What has happened over decades is we have told towns that have a part-time mayor and no attorney whatsoever to figure out the most complicated regulations devised by a battery of lawyers within Washington, DC, and given a limited amount of time in which to deal with both economic sanctions, penalties, and indeed laws that carry criminal penalties.

So the mayor of a small town in America knows he has a school with asbestos and somebody ought to do something about it, and it is him. He knows he has a Clean Water Act and he has never heard of a section 404 expansion of a public building to what is in wetlands, even though it looks dry to him. He knows he has a Safe Drinking Water Act with a mandate with a $250,000 cost, which in his town is bigger than his entire tax base and no Federal Government to help him because whatever funding is available is sucked up immediately, and no Federal Government to even answer the question of which to do first. Is it the asbestos before the drinking water? Is it the drinking water before the cleanup on wetlands, or is it the wetlands first before asbestos? No one knows.

In 2 days they expect our collective answer.

Mr. CONDIT. Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Ohio [Mr. PORTMAN], who is a prime sponsor and author of this bill.

Mr. PORTMAN. Mr. Chairman, I thank the chairman for yielding the time and want to congratulate him for getting the bill to the floor after years of effort to do so. It has been a true pleasure to work with him on this critical new mandate relief legislation that really initiates a new Federal-state-local partnership and a better understanding of the impact mandates have on the public and private sectors.

The goals of H.R. 5 are really very simple. First it gives Congress the information on the cost of mandates. Second, Congress must have an informed debate on the issue of mandates. It guarantees floor debate on the issue, and finally accountability. No significant unfunded mandate can now go through Congress without Members having to vote up or down in the public view.

Unbelievably, none of those three things currently apply. That is what this bill gives us.

It is important to note in the debate today, Members may hear some say otherwise, but it is important to note this is not a partisan issue outside the Beltway. In fact, we are here debating H.R. 5 today explicitly because State and local elected officials of both parties have come to us. The outcry has been bipartisan.

All Members have to do is pick up the Washington Post today and look at page A13. The headline reads "Unfunded Mandates Top Cities' List of Problems." The unfunded mandate crisis is listed in the National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities, the National Governors Association, the U.S. Conference of Mayors, the U.S. Conference of State Legislators, the National Association of Counties, and individual State and local government officials all across this country have enthusiastically endorsed this approach.

Governor George Voinovich from my own State of Ohio, in the most comprehensive and quantitative State report on burdens caused by mandates, put the problem this way:

> The recent explosion of unfunded Federal mandates—174 since the mid-1970's—tells us of a troubling dynamic that distorts governmental accountability. The guardians of the Federal Government have grown adept at a sort of budgetary sleight-of-hand that allows Washington to exert greater influence over other government subdivisions without providing corresponding Federal support.

He is right. Mandates preempt important State and local initiatives, stifle local innovations, force States and cities to reorder their budget priorities and to revamp their budgets. It has led to the total breakdown of the Federal-State-local relationship envisioned by the architect of our government.

Toward that end, the gentleman from California [Mr. CONDIT], a longtime champion of that issue, the gentleman from Virginia [Mr. DAVIS], the Gentleman from Pennsylvania [Mr. CLINGER] and myself have introduced H.R. 5 on the first day of this session. It is a carefully balanced approach. It is the result of lengthy consultations with State and local officials across this country, with the Congressional Budget Office, and yes, with the House and Senate Budget Committees, the Rules Committee, and with Members of Congress on both sides of the aisle, experts from the Congressional Research Service, regulators from Federal agencies and many, many others.

□ 1310

It is the result of having carefully thought about the alternatives of a balanced budget.

Again, to clarify, H.R. 5 is a good bill. I look forward to its passage in the next few days.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Wilmington, DE [Mr. CASTLE], the former Governor of Delaware who understands full well the impact of unfunded mandates.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate everybody who had anything to do with this legislation, but particularly those who worked sort of in the dark a year ago when nobody was supporting it. You have done a wonderful job.

If we can pass the balanced-budget amendment next week, if we can pass the unfunded mandate bill next week, this body will have started the reduction of spending and control unequaled since the beginning of this country.

I know, as a Governor of a State, when I put together our budget in Delaware, for a number of years 20 percent of it went into unfunded Federal mandates, some $300 million out of a budget of $1.4 billion.

Mayors, county executives and Governors are elected for a reason. They should put programs into place that will benefit their States, their counties and their towns, and they should not be told from here in Washington exactly what they should do and how it should be done. They should be given the choice of how to move forward.

We have seen restrictions with Medicaid costs, we have seen it with welfare requirements, Clean Water Act.

We need to get the complete picture. I believe if we can pass this legislation, we will have gotten there.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota [Mr. SABO], the ranking member of the Committee on the Budget.

Mr. SABO. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I intend to vote no on this bill.

Let me just say as background, before I came to Congress I spent 18 years in the State legislature, 8 years heavily involved with putting State budgets together, with that primary responsibility in dealing with the relationship of the State to local units of government throughout our State. So I fully understand the impact; maybe not fully, I understand partially, because I do not know if any of us understand fully the impact of the relationship between one unit of government to another, and I understand there is a problem of mandates.

But what I fear is happening here is total overreaching. I find unbelievable that we could start as a basic premise of law, as a Federal Congress, to say to someone like me from Minnesota, at the top of the Mississippi, that if you want to dump your sewage into the Mississippi at the Iowa-Wisconsin border, it is of no relevance to the Federal Government unless the Federal Government pays the full bill. That is the concept of this legislation.

Second, we exempt the most obnoxious things we do except conditions of Federal assistance. Maybe that is appropriate when it is tied to the financial assistance, but we regularly tie in other policy unrelated to that basic program, more often by conservatives than by liberals. We try to tell the States how to structure their sentencing, because we are so much smarter than the State legislatures. That is not prohibited by this bill.

But I have a question to the chairman of the Government Oversight, as I project for us to meet the terms of the contract of a balanced budget amendment by 2002, the tax cut, simply freezing defense outlays, we will need to cut Medicare outlays by program changes by a minimum of $225 billion over the next 5 years, more than likely $250 to $275 billion; Medicare at least $115 billion, more than likely $125 to $150 billion.

Page 25, II, how would that apply as the Congress makes those cuts that are going to be required under the contract?

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I have to ask the gentleman which version are you referring to?

Mr. SABO. Page 25, II.

Mr. CLINGER. This is in the amendment in the nature of a substitute?

Mr. SABO. No; no. The copy of the bill we have. It says, "This bill applies to anything that would place caps on entitlement upon or otherwise decrease the Federal Government's responsibility to provide funding for States, local government or tribal governments under the program."

Mr. CLINGER. I will be delighted to discuss the matter with the gentleman.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], the fighter for his district, for the laboring man and woman.

Mr. TRAFICANT. In 1978 Congress killed revenue sharing, $3 billion that returned some taxpayers' dollars back to the cities, counties and the States. Members of Congress called it pork.

Every 2 years since I have been in Congress, Congress has a new tax bill, and each of these new tax bills, the increases are bigger than the previous. Each tax increase is the biggest in American history.

We have given hundreds of billions of dollars of foreign aid since 1985. We have even given Russia $12 billion in foreign aid. Congress will bail out Mexico even though I oppose it. I can see that coming down the pike.

I support this bill. It is not enough, but it is a start. Because what Congress has said in the past, "Yours is not to question why," to the States and the cities and the counties, "yours is but to do or die." Let me tell you what they have done, Congress, they have died.

Look at our roads and bridges. Look at our cities. There are 25,000 murdered in America and one million high school graduates who cannot read. Our cities, States and counties have died. They did not have a vote on much of this business.

I want to commend the Republican Party for at least bringing the bill out with some openness so that Members of the Democrat side can offer at least amendments.

But I will say this: I think it is time to start returning, in addition, some of the tax dollars back to our cities, our counties and our States. I plan to introduce a very unpopular bill. The bill will say that we take $5 billion from the foreign aid account and transfer it to a reopened revenue sharing account for our cities and our States and our counties on a formula basis to use as they see fit.

Because the only choice you have given them is cut services or raise taxes, do or die, and they have died.

I support this bill, and I will continue to support open rules that come from the Republican side, and I commend them for such.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I want to thank my colleague for yielding me this time and to thank him for the excellent work that he has done on unfunded mandates.

Mr. Chairman, for the last 4 years I have cosponsored legislation that has required full disclosure of the cost of Federal regulation on our States and our localities, and I am pleased to see that today's legislation that I have cosponsored has formed the basis for H.R. 5.

For too long now, Congress and Federal regulators have imposed mandates on States and localities without considering the economic burden that goes along with these mandates.

H.R. 5 will require that the cost and benefits of all of these bills brought to the floor must be identified and, as possible, quantified and, as necessary, paid for.

I represent a large rural district in Virginia, and time and time again the towns and counties in my district have been forced to expend their valuable and their scarce resources to comply with mandates that often do not make sense and are often not designed for their smaller communities.

□ 1320

So I am particularly pleased that H.R. 5 recognizes and responds to the specific needs of small and rural towns, counties and cities.

H.R. 5 will require Federal regulators to notify and consult with the officials of small towns and counties before writing regulations that significantly affect them. This requirement means that, at last, rural communities will be able to present their unique circumstances to the Federal Government and be assured that these circumstances will be heard.

I believe H.R. 5 will help restore the needed balance in the relationship among the local, State, and Federal Governments.

I urge your support for H.R. 5.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise today in strong support of ending the practice of the Federal Government placing unfunded mandates on our State and local governments and our businesses. Like other Members of this body, I have a background in State and local government. All of us who came here from State and local governments know first hand about the problems that have been created when the Federal Government issues orders, but no money to carry out the mandate. While serving as a member of the Florida Senate, I helped pass an unfunded mandate prohibition after considerable deliberation.

With that I must add my sense of regret about the process under which this bill is being considered. This is a very, very important and complex piece of legislation. As a member of the Government Reform and Oversight Committee, I had hoped that we would have held at least one hearing to examine all ramifications of H.R. 5, as we did with the line-item veto, but instead of hearings we proceeded directly to markup. While this bill is based on legislation that my colleague, the gentleman from California [Mr. CONDIT], introduced and I voted for during the previous Congress, there are significant changes that should have been discussed during this hearing.

Even more unfortunate is the fact that during the markup I know for myself that we asked questions that we were asking for clarification and that would have given us a better understanding of what potential harm this bill might cause. Most important, matters were not resolved during the markup.

The question of the impact of this bill on the private sector when the State or local entities opt out of Federal mandates remains unclear. Fortunately, an amendment was approved during markup to exempt social security from the provisions of this bill, which I supported. But we had some other amendments, Medicare, laws and regulations protecting the elderly, infants, children, pregnant women, other worker protection laws for workers.

I am also concerned about an issue raised by the gentleman from Mississippi [Mr. TAYLOR] regarding sewage treatment laws. I understand that he will offer an amendment to exclude from the bill laws relating to sewage treatment, and I intend to fully support him in his efforts.

In closing, let me once again express my strong support for ending unfunded Federal mandates.

Mr. CLINGER. Mr. Chairman, I am now very pleased to yield 3 minutes to another prime cosponsor of this legislation, one who has been a very active participant in the drafting of this legislation, the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. I thank the chairman for yielding this time to me.

Mr. Chairman, I am proud to stand on the floor of the House today to support passage of H.R. 5. As one of four chief sponsors of this legislation, I have had the privilege of working with colleagues from both sides of the aisle to craft a bill that will finally require Congress to put a price tag on Federal programs that mandate State, local, and private sector action.

I may be a new Member of this body, but I am no stranger to the problem of unfunded mandates. For the past 15 years I have served on the front lines in the struggle against unfunded Federal mandates. As chairman of the county board of supervisors in Fairfax for 3 years and as a member of that board for 12 years, I have witnessed the hardship caused when local taxpayers must pay for the cost of Federal requirements before being allowed to allocate money to hire police officers and teachers and other needed programs.

Last year I testified before Congress on this issue in my capacity as cochairman of the National Association of Counties' unfunded mandates task force.

This bill is unanimously and strongly endorsed by not only NAC but also groups like the National Governors' Association, U.S. Conference of Mayors, and the National Council of City Legislatures, Council of State Governments, National League of Cities, and even the U.S. Chamber of Commerce. And the list goes on and on. These organizations recognize that the heart and soul of government is local government and that local tax dollars must be used to fund local priorities, not having priorities set from Washington, DC. This bill is both forward-looking and preventive in nature. This legislation does not touch any existing mandate and does not reduce any existing health or safety standard.

Further, this is not a debate about the pros or cons of any specific Federal mandate. Instead, this bill forces Congress to ask the following questions before voting for unfunded mandates: Who pays; what are the benefits relative to cost; what is the impact on local priorities; does local government have the appropriate flexibility to carry out mandates in the most appropriate fashion? Congress has passed 72 unfunded mandates in the last 9 years as compared to only 19 between 1970 and 1986.

In my county we compiled the costs of 10 of these and found that they cost $30 million annually.

The unfairness of the increasing number of Federal mandates is that State and local governments are left with no flexibility, they must either raise local taxes or cut local services like emergency medical care, fire fighting, education, and the like.

This legislation can be summarized by three words: priorities, honesty, and accountability. H.R. 5 discourages the Federal Government from forcing its priorities onto local governments without allocating the necessary Federal funds.

Next, this bill forces Congress to be honest with the American people about the programs and regulations that it creates. Taxpayers deserve to know the price of a program or regulation before they are forced to buy into it. For the first time this forces Congress to honestly determine the cost of mandates before imposing them on local taxpayers.

Finally, H.R. 5 is about accountability, making Members of Congress stand up and cast a recorded vote on all substantial mandates with full knowledge of their costs. This bill allows Congress to continue to enact legislation with mandates, but the financial consequences of the mandates will be premeditated and deliberate.

I ask support of the passage of this important and long overdue legislation.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a member of the Committee on Armed Services.

Mr. BUYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, for far too long the Federal Government, I believe, has usurped the 10th amendment of the U.S. Constitution. That specific intent of our Founding Fathers was to recognize States rights. This usurpation has stifled the growth of not only the Nation's business because of the cost of compliance with many Federal mandates, but I am also very pleased that finally this body will recognize States rights and will insure that States and local communities are allowed to determine how best to resolve their problems. It must also be fully aware of the burdens it is placing on the business community and those in the public sector.

You see, many across this Nation, elected officials, local responsible leaders, have been called, challenged to solve many of the local problems, create economic growth and development and provide necessary services at minimal cost.

However, the Federal Government for years has been redefining the responsibilities of the local level as being held to comply with Federal regulations, forcing them to sift through the Federal bureaucracy to obtain grants and Federal assistance. The time is now to stop that. Let us pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 5 minutes to the gentleman from the Commonwealth of Virginia [Mr. MORAN], formerly of the Commonwealth of Massachusetts.

Mr. MORAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, we just heard from our good friend from Fairfax County, TOM DAVIS, who was my neighbor. He chaired the Fairfax County Board of Supervisors as I was mayor of Alexandria.

Like Tom, when I came to this Congress 4 years ago, my highest priority was to do something about unfunded mandates because they were unfair. The worst part about it was that the executive branch took a cookie cutter approach, one size fits all, regardless of the geography, demography, or cost.

They also did not seem to be willing to talk with us, to work things out, to exercise judgment.

So I authored what we call the FAIR Act, the Fiscal Accountability and Intergovernmental Reform.

We worked on it for 4 years. Virtually everyone on this bill was a cosponsor because in the last term we had 250 cosponsors. That bill had the support of every one of these local organizations that we have mentioned today, National League of Cities, Conference of State Legislatures, several of the larger ones, even the support of the U.S. Chamber of Commerce and virtually every business group.

□ 1330

It should have been passed last year. It is a source of great frustration that it was not. The principal reason that it was not is that we in the Democratic Party are responsible for most of the Federal legislation that has been passed over the last 40 years. Of course each one of those pieces of legislation created their own interest group who want to protect their own turf, and so it was impossible to get through their special-interest lobbying efforts to get a reasonable bill. Eighty percent of that bill that had such overwhelming support is in this bill. But it is the 20 percent that causes the problem, and the biggest problem is one of unintended consequences, so that is why I do not speak in an accusatory way of people that are supporting and sponsoring this bill. But I have to share my concerns.

The first concern is that it will completely limit the Committee on Appropriations from being able to exercise judgment. In fact, in the explanation for this bill in the National League of Cities' publication, which was just published, it says for any program over $50 million it creates an entitlement to fully pay for the mandate. Now 75 percent of the Federal budget goes for existing traditional entitlements, Social Security, Medicare and the like, interest on the Federal debt, and Defense budgets, so we are only talking about 25 percent of the budget. For any new Federal program to get passed, it has to be fully funded by the Committee on Appropriations. We now have to deal with a pay-as-you-go requirement that there be new revenue raised to pay for any new initiative or other programs cut. It is exacerbated by a balanced-budget amendment that may very well pass within a week, and it is further exacerbated by the intended cuts of almost a trillion dollars over the next 7 years. So, we do not have the prerogatives to exercise judgment.

The second problem is that it treats the private sector different than the public sector. The unintended consequences: there will be no more competition between the private sector and the public sector, and in fact all of our privatization efforts where we contract out to the private sector will no longer be available because the private sector will have to comply with laws and regulations, whereas the public sector will exercise the option of not complying because the reality is that there is no money to pay for any new initiative.

Now we are told that no program that currently exists when it is reauthorized applies to this. There has never been reauthorization that was identical to the existing authorization. We always expanded upon it. Every committee puts its mark upon it. We expand its scope, and we expand its costs, so it means every Federal program ultimately will fall under this unfunded-mandate legislation. Virtually everything will become optional to States and localities, and the unintended consequence is that unfunded mandates will be eliminated. But the biggest problem on States and localities is going to be unfunded burdens, and within 5 years I guarantee my colleagues those States and localities will be coming back to us to relieve the burdens that ultimately were created by this legislation.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, we have been working on this approach for a long time, and my colleagues will hear and have heard a lot of rhetoric about what the approach will and will not do. Let me try, if I may, as a former member of the State legislature in Tennessee and after speaking with the president of the U.S. Mayors' Conference from my own State of Tennessee in Knoxville, Victor Ashe, let me try to say succinctly what this approach will do.

This bill is about having accurate information on the costs of a given statutory provision being considered and encouraging the Congress to consult with State and local government representatives about how best to address the Nation's problems. My colleagues, this is not going to cause or prevent something good, and needed, and necessary in this country from happening. It will encourage the Congress to consult with local, and State, and Federal, and municipal officials, county officials, and that, after all, is what we all desire. This is a federation of States, this country, and I think this is a huge step in the right direction to fulfill the American exercise in self-government.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], the vice-chairman of the Committee on Government Reform and Oversight and a very active participant in the drafting of this legislation.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I think it is time that the Congress of the United States became a more responsible institution. I think we took one step in that direction on the first day of the 104th Congress when we enacted a number of very needed reforms, including making the Congress susceptible to the laws that it passes upon everyone else, and other reforms. I think we are moving towards fiscal responsibility as I believe, ultimately in a bipartisan basis, we move toward a balanced budget. This bill, H.R. 5, which I support, moves us towards regulatory responsibility.

It has been pointed out already, and I am sure it will be pointed out further in this debate, that there are times when mandates from Congress that cover the Nation are necessary, and in those instances there is nothing in H.R. 5 that prevents the Congress from enacting such legislation. But this matter of imposing mandates on the States has gotten beyond the realm of responsibility, that without with regard to costs versus possible benefits, if any, almost any whim in Congress gets imposed upon the States because Congress has no responsibility for paying for that.

Now, for example, a number of rural communities in New Mexico, where I come from, say that amendments to the Clean Water Act threaten to bankrupt them because they are required under those amendments to test for substances that have never been found in the waters in their areas. Similarly in the city of Albuquerque, where I live, which has met Federal clean air standards for the last several years, nevertheless the Federal Environmental Protection Agency is going to require the city of Albuquerque to make expensive changes in how it tests for air quality and how it insures that automobiles do not exceed air quality standards. Now the point is, assuming the validity of Federal air quality standards, if any locality meets those standards, why should the Federal Government even further say, "You have to do it at your own expense, make certain changes"?

H.R. 5 will make the Congress accountable. H.R. 5 will require us to identify mandates that we are imposing on State and local governments, and, if they are valid, we can still pass them, but we will have to do so on the record recognizing the cost first.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

□ 1340

Mrs. CLAYTON. Mr. Chairman, I speak as a former county chair of my board of supervisors and know the fact how unfunded mandates are indeed impacting the rural counties. But I think as we who may consider this bill need to raise some question, therefore we should not be blind supporters of a bill that may undergird the very things we think we support.

Therefore, I ask, Mr. Chairman, that safety in the workplace has been a priority of the Federal Government for more than half a century, since the enactment of the Fair Labor Standards Act of 1938. In 1970 the issue was treated squarely with the passage of the Occupational Safety and Health Act.

The Unfunded Mandate Act tends to threaten this. If indeed what you say is true, then I think you will indeed support my amendment when it comes forward to make sure that you say to the American people that you want to in fact protect children, you want to protect women.

I raise this issue because in North Carolina, some may remember there was a very serious fire, which in fact claimed the lives of more than 25 persons. Is the intent of this legislation to say that the Federal Government no longer has an interest in the safety of people? Is the intent of this legislation to say that the Federal Government is removing its responsibility in cooperation with States?

I would say to you that the cost to the State of meeting the minimum standards imposed by the Federal Government is really not that severe. They only pay for inspectors. Therefore, Mr. Chairman, I ask as we consider this, this is not a matter that should be rushed into unless we ensure to protect the American people.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time.

Why would our colleagues GARY CONDIT and Mr. GEREN and Mr. MORAN, Mr. CLINGER, Mr. PORTMAN, and this Member, and 100 Members of this Congress on both sides of the aisle, join together in a posse, if you will, and indicate that they would work very hard for some kind of bipartisan bill to deal with unfunded mandates and call ourselves the Unfunded Mandates Caucus?

I credit them in regards to their leadership, more especially Mr. CONDIT, who has persevered on this issue, and now we are about to achieve something that I think will be real progress.

I will tell you why: The cost of Federal regulations today is more than $400 billion annually. That is more than the deficit. The Federal Government now has 122,000 regulatory personnel. The Federal Register has grown from 55,000 pages to 70,000. And in 105 counties in Kansas, every county board meeting that meets, every time during their budget considerations half of their expenditures must go to some form of Federal mandate. Some may be needed, many more are not. And many are silly and counterproductive and destroy the one element, the one issue, that is most important of all, and that is the faith and confidence of the American people in their Government.

There are some that say we need more hearings. My word, we have had hearings for 3 years. Mr. CONDIT and I wrote the then majority leadership of the appropriate committee, asked for hearings, were denied, had a hearing, had a bill reported, does not do enough. This bill does.

I will tell you why hearings have been held. Every school board, every county board, every city council, every country commission, every cooperative board, every business up and down Main Street, every Member in this Congress has had to go to bat on behalf of a community or a county or an individual or a business.

Those hearings have been held. Let's pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON] who is the House of Representatives' at-large Ambassador to Korea.

Mr. RICHARDSON. Mr. Chairman, I rise to remind Members that we need to protect the ability of this body to respond to problems and crises that come up unexpectedly in our society. We cannot be bound by some bureaucrat who looks in his crystal ball and thinks he sees an unfunded mandate. For this institution to be bound that way is not only ridiculous but even blurs the separation of powers.

I appreciate the need to address the problems of unfunded mandates. But we have not been given the time to think through all the possible impacts of this legislation. In the past when we had problems in our meat-packing industry, we responded with appropriate regulations to make sure that minimum safety standards to protect both the workers and the public were created. Will we be able to do the same after this legislation?

When it became known that small children were being forced to work 12 to 14 hours a day in terrible conditions, Congress and the Federal Government responded with appropriate child labor laws to ensure that our children would not be treated like animals. Will we still be able to take this kind of action or will we be stopped by some bureaucrat.

When the public became alarmed about mine safety and subhuman working conditions for miners, Congress and the Federal Government responded with the Mine Safety Act. What would we do now?

Ironically, at a time when we are talking about less bureaucracy here in Washington, we are creating more to try to identify unfunded mandates not only for government but for the private sector. Bureaucrats doing lengthy analyses of whether there is an unfunded mandate in an amendment or a bill. With this expanded bureaucratic structure, we may not be able to overcome gag rules imposed by the imperfect foresight of a bureaucrat.

I hope our friends from the other side of the aisle will return our process for considering legislation to what it should be—a full and careful reading of the intended and unintended consequences of passing a bill.

Legislating should not be a guessing game. In the future weighing the merits of a bill could easily be reduced to a guessing game. Is there an unfunded mandate or isn't there? In many cases, we will be left to guessing because there will not be time to do much else.

I do not think that is what the American people want. They want an active voice in their Government. They want safeguards on drinking water and against pollution in the air, on the land, and in the water, if those are needed. Congress must be able to respond to the will of the people and not be gagged by a bureaucrat or anyone else. We do not want to be left in the embarrassing position of explaining to constituents how Members of Congress gave up their abilities to represent them to bureaucrats. I can assure you that is not what the American public wants.

Mr. Chairman, we agree that the Federal Government should be more accountable for the laws it passes. The Republicans are pushing a bill that says, in effect: if the Federal Government requires States to do something, it also has to pay for them to do it. That's not necessarily a bad thing. The Federal Government should be more accountable for its laws and regulations.

The little guy gets hurt. But the requirements we're talking about are things like clean air and clean water—crucial environmental protections. And in their rush they are completely ignoring who gets hurt—the little guy. The families who don't want polluted drinking water. The children who would have to breathe polluted air, because some think that a vague idea of "States rights" is more important.

Make no mistake: if this bill passes, we could be forced to completely abandon all efforts at clean air, clean water, safe foods, and so forth. The bill says: If the Federal Government doesn't pay 100 percent of the cost of some crucial protection, then we can't have that protection at all. That would mean the end of many of the most important Federal safety and environmental standards.

By rushing this legislation through without thinking it through, we could have unintended consequences that are devastating to families and children. How can we just ram through a bill that touches on all of the most important air, and water, and workplace safety, and even crime protection laws without taking a closer more careful look?

Democrats are fishing for amendments that will exempt the most important family safety protections from the "Uncle Sam pays for everything" provision. We're not going to allow struggling families to lose the clean air and clean water and environmental safety they demand and deserve, just to serve a handful of large companies. To rush this through without improving it is a grave mistake.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CONDIT] and ask unanimous consent that he may further yield the time as he so chooses.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I wish to thank the gentleman for yielding and for his leadership on my side of the aisle on this issue and to the chairman and to his party for allowing this issue to come to a vote.

I would like to speak briefly on the issue of accountability. It has been said that ignorance is bliss. Perhaps so, but for too long the bliss of this body has fostered the chaos of others. With the passage of this legislation, Congress will no longer have the excuse nor the luxury of irresponsibility, both of which are the handmaidens of ignorance. We will know what our legislation will cost and who will be expected to pay that cost.

This bill will not prevent needed legislation from passing, but it will require that the full effect of legislation, including the cost, be acknowledged by this body. No longer will Congress have the luxury of going to the candy store and sampling the wares and expecting somebody else to pay for our visit.

It may signal the end of an era of bliss based on ignorance and the beginning of a time of responsibility and accountability based on facts. All of us should welcome this new era.

□ 1350

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. I commend the sponsors of the legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], and the gentleman from Pennsylvania [Mr. CLINGER], who serves as chairman of our Committee on Government Reform and Oversight, for their efforts in bringing this important measure to the floor.

I support H.R. 5 because it effectively addresses congressional accountability. This body will no longer be able to casually approve legislation in Washington and send the bill home in the form of future increases in State and local taxes. This legislation will enable Members to more fully analyze the possible future consequences of new mandates by requiring the Congressional Budget Office to prepare cost estimates of proposed mandates in pending legislation. By approving this bill we will demonstrate to our Governors, mayors, and city officials that we will consider the budgetary burdens they face when they struggle to alter their budgets to respond to the cost of any additional Federal mandates.

Accordingly, Mr. Chairman, I urge our colleagues to forge a fairer partnership with our State and local governments by supporting this important measure.

Mr. Chairman, we must be acutely aware that many of these Federal mandates override existing State programs, thereby unintentionally tying the hands of State and local officials. The Federal Government must give deference and allow State and local bodies to use their unique knowledge of the specific local problems they face to formulate their own specific solutions. When this deference is not given, a well-intended piece of legislation can impose a burdensome requirement that mandates a less effective or more costly solution than measures previously instituted by State and local authorities.

For example, the General Accounting Office reported in April 1994, that in Alexandria, VA, local officials had instituted a program that used local taxicab companies to transport disabled persons door to door at city expense. However, after implementing a mandated requirement to modify local buses to permit access for the disabled, the city could no longer afford to provide the taxicab service. As a result, wheelchair bound residents now have to provide their own means of transport from bus stops that can be at a lengthy distance form their homes.

H.R. 5 will allow this body to avoid unintended ramifications of Federal legislation, similar to those consequences that adversely affected the handicapped residents of Alexandria, VA. To this end, I encourage my colleagues to support this much-needed measure.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I am reluctant to oppose H.R. 5, because I think that its basic purpose is sound and important. Gone are the days when Congress can heap miles of mandates upon State and local governments without regard to what these requirements cost.

Let there be no mistake, I support unfunded mandates reform legislation. Last year, I proudly voted for a well-crafted bill in Congress. But this bill has many serious problems.

My first problem is one of process. It is ironic that the very first bill to be reported out of the newly renamed Committee on Government Reform and Oversight was forced through the committee in a very heavy-handed way without a public hearing, even though this bill has the potential of affecting the basic environmental, health, and safety regulations afforded the American people. That is not Government reform, Mr. Chairman. It is simply a partisan power play.

But this debate should not be one about process. It should be about progress. Mr. Chairman, my concern is that the bill before us, however well-intentioned, will roll back the progress that the Federal Government has made in protecting the fundamental rights of the American people, the right to breathe clean air, drink pure water, eat healthy food, work in a safe workplace.

I am sympathetic to the need of States and localities to know how much they are required to pay to meet Federal mandates, but I cannot support a bill which would effectively remove the Federal Government as the safety net of last resort for the average American and one that was pushed through the process in a way that would have made Huey Long very proud.

Mr. BEILENSON. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized for 3 minutes.

Mr. DURBIN. Mr. Chairman, this is not a routine or simple bill. This is a bill of vast significance.

The unfunded mandate bill, taken together with the balanced budget amendment, if both are passed and signed into law, will call for a significant reordering of priorities in government between Federal, State, and local branches.

Now, I do not at this point suggest that we will prevail on the minority side, but I hope that some of the amendments we offer will be considered by our friends in the Republican majority.

This bill, the unfunded mandate bill, is a basic and sound, good concept. I was happy to cosponsor legislation by the gentleman from Virginia [Mr. MORAN] addressing the same subject last year. But in this session of Congress, the Republicans have gone too far, too fast, and their approach is too extreme.

This bill comes to the floor without a public hearing. Consider the significance of this bill and the fact that we have not invited those who will deal with it to talk about its consequences.

As a result, in their haste to pass the bill, the Republicans have ignored many real health and safety problems they are going to create. The unfunded mandate bill in many ways puts the health and safety of our families at risk. This bill is about the water that flows in our streams and rivers. It is about the water our children drink and whether or not that water is going to be pure and safe. It is that basic. It is that simple.

By exempting State and local governments from so-called Federal mandates for clean drinking water, for clean water and clean air, we are, in fact, involved in a gamble, a gamble that States and localities will do the right thing.

My district is on the Mississippi River. We have virtually a third of the continental United States pouring into that river. States upstream and localities which decide that they are no longer bound by Federal standards may or may not live by those standards. If they do not, my constituents in Illinois will pay for that decision.

I think each and every one of us wants to go to bed at night confident that basic issues about safe drinking water, about nuclear waste disposal, about the safety of landfills, are consistent nationwide. If someone moves from one State to the next, they should have confidence that their family is still safe. Unfunded mandates can also hurt private business, holding them to higher standards than their government competitors. Now, is it not ironic, the first action of the new House under the Contract With America was to pass a rule applying all the laws that we have enacted to ourselves as they would apply to private citizens. And now the second act of Congress, with this legislation, is to enact a principle that State and local governments should be exempt from those same laws. I think that is fundamentally inconsistent. I would suggest to the Members of the House that this bill deserves thorough scrutiny before we give it our approval and passage on the floor.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Knoxville, TN [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this bill and urge its passage. I am pleased to be a cosponsor of this very important legislation. Every year since I have been in Washington, our outgoing Governor from Tennessee, Governor McWherter, has visited with members of the Tennessee delegation and has said, Please, no more unfunded mandates.

Governor McWherter is a Democrat and a good friend of mine, but this is not a partisan issue. This legislation has broad bipartisan support.

Unfunded mandates are costing our State and local governments billions of dollars every year. In fact, a recent Price Waterhouse study for the U.S. Conference of Mayors estimated that just 10 selected mandates will cost our Nation's cities $54 billion over just the next 5 years.

My own hometown of Knoxville currently spends millions of its budget complying with Federal mandates, many millions. Mayor Daley of Chicago held a press conference about a year ago which was reported in the Washington Post and the lead paragraph estimated that unfunded mandates were costing State and local governments hundreds of billions of dollars a year and Mayor Daley said that unfunded mandates were costing his city of Chicago alone $160 million a year.

The State of California is forced to spend $8 billion a year annually as a result of unfunded Federal mandates.

In the meantime, local priorities like education and fighting crime are being forced to take a back seat to this other legislation. And local taxes are going up to pay for the cost of these mandates.

According to the Republican Governors Association, Congress has passed a total of 72 unfunded or insufficiently funded mandates just since 1986. At the same time overall Federal aid to States has declined from $47 billion in 1980 to $19.8 billion in 1990.

☐ 1400

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I rise in support of H.R. 5. It is not the intent of unfunded mandates reform to eliminate or scale back good programs that help people. The intent is simply to require the Federal Government to pay for the mandates it imposes on the States and municipalities.

This is not a difficult concept. It is totally logical. As individuals or a government it is irresponsible to attempt to do everything that may be good and helpful without regard to affordability. The fact is, individuals don't have such a luxury. Only government can do good works and let somebody else pay the cost.

Forcing cities and towns to raise local taxes to pay for federally imposed mandates to the point that taxpayers move away from the town is not helpful. Making local budget decisions in Washington by setting local spending priorities through the Federal regulatory process is absurd.

By the same token, forcing small businesses to close because they cannot afford the cost of compliance is equally pointless. While we are not addressing the private sector problem with mandates in this legislation, I hope we eventually will do so.

These are the issues at stake in unfunded mandate reform legislation. We need to insert reason into our legislative process and get back to reality.

I support many of the laws that the opponents of H.R. 5 say are at risk if a prohibition on unfunded mandates is passed. However, that support does not preclude my belief that we must be willing to pay for what we believe in. If Washington cannot afford to pay for these grand ideas that we come up with and consider to be so right, why do we think that States and municipalities can?

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to say a word to the dads, the fathers out there who, like me, have daughters in college or in school at some level. In the late 1970s a mandate law, an unfunded mandate called Title IX, came into effect, and probably every Member of this Congress at that time heard from their colleges saying, "Don't do it," their universities saying, "It will cost too much." I heard from Montanans, particularly the male jocks, saying "This is a terrible idea. Don't do it", but we did it.

Today my daughters are on the playing fields in organized sports in the colleges of Montana, and our daughters are playing basketball, and our daughters are playing tennis, and our schools have to spend the kind of money on our daughters, at least to some degree, that they have to spend on our sons.

Mr. Chairman, I have read this carefully. Given the political pressure that came to us in the late seventies, Title IX, if this bill had been law, Title IX could never have passed this House, would never have gone into effect.

I like the fact that my daughter plays basketball. I like the fact that that was a mandate from the Federal Government, and no, I do not believe that the taxpayers of this country should be subsidizing the University of Montana just so my kid can play basketball. I think that is up to the taxpayers of the University of Montana.

Please, my colleagues, please be a little more thoughtful. Please go carefully with this. There are such things as basic rights, and if the States and the schools of this country cannot do it, the public, through their Federal Government, has a right to say under the Constitution of the United States "You must do it and you must pay for it".

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida [Mr. MICA], a very valued Member and chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight.

Mr. MICA. Mr. Chairman, during the 103d Congress I had the opportunity to serve on the House subcommittee that considered unfunded mandate legislation. Our subcommittee held hearings both in Washington and field hearings throughout the country. We heard local officials testify in Pennsylvania, for example, that it would be cheaper to deliver bottled water to local residents rather than comply with proposed new Federal mandates.

We heard that most local governments operate under restrictive mileage or tax caps, and are also required, unlike Congress, to balance their budgets. We clearly heard that Congress, through unfunded mandates, has pushed them to their financial limits.

In my congressional district, our subcommittee heard our Orlando mayor explain how Federal mandates required needlessly taking naturally occurring substances out of our drinking water at one point in the treatment process and then replacing them at another point, at a very high cost. Unfunded Federal mandates have now become the greatest single source of increases in local taxes.

The problem today, Mr. Chairman, is little different from the problem in 1776: taxation without the consent of local representation. Think about it. Today Congress has replaced the distant parliament passing edicts from afar. Today King William has replaced King George, signing off on more laws and rules and edicts. Today our State and local governments have replaced the former colonies. Today they are now mere puppets, with Washington pulling the strings and choreographing a costly dance.

Quite frankly, Mr. Chairman, some people in Washington like it that way. They would like to keep it that way. They still believe that Washington knows best. They want to keep central control, and they cannot believe that people beyond the beltway can actually think and act responsibly on their own.

For those and other reasons I urge the passage of this historic legislation.

Mr. Chairman, although some people here just don't get it, the people have rebelled.

Without firing a shot, they're thrown the old ways overboard. Why? Because Americans have been over-mandated, over-regulated, and over-taxed from Washington. They have clearly said they are "mad-as-the-dickens" and they're not going to take it anymore. That is clearly why we have this legislation before us.

For too long our Federal elected representatives have passed good-sounding and well-intended mandates to State and local governments.

Unfortunately, these "edicts from on high" have reached a new low.

Over 170 laws have been passed in the last two decades that have imposed billions upon billions of dollars in unfunded Federal mandates.

While this legislation may not stop all unfunded Federal mandates it will create speed bumps and stop signs for halting the enactment of unnecessary Washington edicts in the future.

To those who say this legislation will prohibit the Federal Government from mandating protection of our environment, public health or safety, I believe the term used "out West" would be appropriate here: "That's a lot of Hefferdust." If a mandate is important enough for Congress to pass, then it is essential for Congress to fund.

Mr. BEILENSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER]

Mr. MILLER of California. Mr. Chairman, this legislation strikes at the very heart of the body of laws that bind us together as a progressive society, and with the highest standard of living in the world, the body of law that ensures that no matter where you live in this country, you can enjoy clean water; that no matter where you live in this country, local government and the private sector are working every day to improve the air that you breathe, so we no longer have to send our children indoors because it is too smoggy out. We no longer have to tell our senior citizens they cannot go out for a walk because the air quality is too bad, or we cannot drive to work because they do not want the automobiles on the road.

These are the laws that accomplished those successes. These are laws that said "Yes, if you take money from the Federal Government, we are going to put onto you an obligation to educate the handicapped children of this Nation," because before that was the law, the handicapped children of this Nation could not get an education in the public school systems run by the States and localities that we now say are so ready to do the job.

But for that law, tens of thousands of handicapped children, because they have cerebral palsy, because they have Downs syndrome, would not be allowed in our public schools, but that is a Federal mandate. Yes, we pay part of the freight, but this law would say "Unless the Federal Government presents 100 percent of it, no school district would be required to educate that handicapped child. Unless the Federal Government spends 100 percent of the money to clean up the local water supply, the local sewage treatment, the city would have no obligation."

What happens along the Mississippi River in Indiana or Minnesota if they choose, or in Ohio, if they choose not to clean up the municipal sewage because the Federal Government will not pay 100 percent? That means the people in Mississippi and Louisiana have to inherit that sewage.

An unfunded mandate upstream is untreated sewage downstream. What does that mean to the fishermen, to the commercial enterprises, and to the tourist industry in those States? It means they suffer. That is why we have national laws.

When I was a young man you could smell San Francisco Bay before you could see it, but now we require all of the cities, not just the town that I live in, not just the oil industry, not just the chemical industry, but the cities upstream and downstream. Some of them, we had to take them to court to tell them to clean it up. Today San Francisco Bay is a tourist attraction. Commercial fishing is back. People can use it for recreation.

That is what these mandates have done. Yes, we have not paid 100 percent, but we have put billions and billions and billions of dollars into helping local communities make airports safe so they could become international airports, so people would have confidence in going to those cities. We have cleaned up their water and air. We have made it safe to drink. That is what this legislation is an assault on.

Mr. Chairman, the proponents of this legislation would have us believe this is a simple and straightforward initiative: Congress should mandate the States and local governments to do nothing that Congress is not willing to pay for in its entirety.

In fact, this legislation strikes at the very heart of the entire concept on which our Government is based. Government does have the responsibility to require that those in our societies—private individuals, businesses, and State and local governments—meet certain responsibilities.

Even the drafters of this legislation recognize that some mandates need not be paid for. They are ideologues of convenience. They do not require we pay for compliance with civil rights and disability laws. But they would compel funding for actions relating to public health and safety, protection of the environment, education of children, medical services to our elderly, safeguards to our workers.

And they would require that we pay only when that burden is imposed on entities of government. Private industry, many of which compete with State and local government in the provision of services, is accorded no relief. And those who work for Government, performing exactly the same services as those in the private sector, are potentially denied such basic protections as minimum wages, worker right to know about hazardous substances, and OSHA protections.

Never mind that the same State and local governments to whose aid we are rushing impose precisely the same unfunded mandates on lower levels of government.

So, I think this clearly demonstrates what is going on here: this is not about unfunded mandates: It is about undermining this Nation's environmental, education, health and labor laws, and wrapping the attack in the flag of unfunded mandates.

The last time we tried this deceptive tactic—cutting away at the basic role of Government in the name of cost savings—we tripled the national debt in 8 years.

But let me take issue with the very name of this concept—unfunded mandates.

Unfunded? Really?

We have spent tens of billions of dollars helping States and local communities meet these mandates by improving water systems, upgrading drinking water supplies, building and improving transportation systems, improving education programs, and on and on.

Have we funded every mandate fully? No. Should the Federal Government have to pay States and local communities to protect their employees, their environment and their public health and safety? Because let's remember: A lot of them were not protecting those people and those resources before the Federal mandates came along.

No, we haven't funded every dollar. But have we covered 50, 75, 90 percent of the cost of many of these projects? Time and time again.

And have we provided these same State and local governments with hundreds of billions of dollars to build, expand and improve highways, rapid transit and harbors and to respond to disasters—even when there was no Federal responsibility to provide a dollar? Have we provided money to assure that communities are safe from nuclear power plants and hazardous waste sites? Have we provided money to educate the handicapped, to train the jobless, and to house tens of millions of Americans?

I have little doubt that those who champion this legislation fully expect that its passage would have no effect on our willingness to fund their future actions in these areas. They are very wrong. Every State and community should be aware that the appetite of the Congress for funding local projects and programs that fail to meet a Federal standard of quality and protection and performance is going to be very minimal, particularly in light of the coming effort for a balanced budget amendment that would slash Federal spending radically.

So I think we should proceed with some caution here. If the States and local communities don't want the mandates, don't expect the Federal dollars either.

I find it somewhat ironic that in my own State of California, for example, the Governor has failed to come up with his promise of matching funds for the $5 billion in Federal disaster aid following last year's Northridge earthquake. Now he wants more Federal money for earthquake assistance; and he will want more still for the flooding, and he'll probably throw in a few billion dollars' worth of dams and other infrastructure from Federal taxpayers.

Yet he is one of the biggest proponents of this unfunded mandates legislation—and the same time that he forces unfunded mandates down the throat of every county and city in California.

We see that kind of hypocrisy in the legislation before us today.

In case you didn't read the fine print, this mandate ban neglects to include the dozens of new unfunded Federal mandates contained in the Republicans' Contract With America. Just the mandates in the welfare bill alone could bring the States to their knees. But all those new mandates are exempted, even though none of them have yet been enacted into law. So much for being honest with the American people.

Let's be very clear what this legislation is going to do to some of the most important laws this Congress has passed and has spent billions of dollars helping States and local communities implement.

Safe drinking water. We have upgraded the water supply across this Nation, virtually eliminating disease, contamination and danger. Much of that has been paid for by Federal dollars. Which local community would like to have taken on that task without Federal assistance? Which Americans want to put the future and the consistency of our safe drinking water at risk through this legislation?

Clean water. You used to be able to smell San Francisco Bay before you could see it. You used to need a battery of shots if you stuck your toe in the Potomac River. The sewage and waste water of 80 million Americans from a score of States flows out of the mouth of the Mississippi River, and for years contaminated the commercial fishing areas. A few years before the Clean Water Act was passed, the Cuyohoga River in Cleveland was burning. Want to go back to those days? You tell me which financially strapped city and State will take on that burden without Federal assistance?

Nuclear safety. Should nuclear power plants and generators of radioactive wastes—which exist in every large city and many small ones—be able to ignore Federal safety standards for operations and waste disposal?

Deadbeat parents. We are collecting hundreds of millions of dollars a year from parents who have ignored their financial responsibilities to their children, thanks to Federal law. Should we just abandon that program?

The list of inequities goes on and on. What happens to reauthorizations of existing laws? What if those reauthorizations are delayed for years by obstructive tactics in Congress. The answer is: We don't know. And the reason we are legislating in the dark here is because this complex bill, which would fundamentally alter the entire nature of Federal-State relations, was drafted in haste, denied public comment and public hearings, and marked up in a haphazard and manipulated process that made thoughtful review all but impossible.

Of course we should examine whether Federal funding of mandates has been adequate? In fact, that process was begun last year by Democratic members of the House.

But let us not rush to pass a deeply flawed, confusing, and deceptive bill, drafted behind closed doors and without adequate public review, a bill that misrepresents not only the need for mandates, but ignores the billions of dollars we have given to State and communities to help meet those mandates.

Mr. DREIER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for the privilege of rising in support of this bill that would put an end to unfunded mandates in this country.

Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in strong support of this crucial first item in the Contract With America—the Unfunded Mandate Reform Act of 1995.

After taking office just 2 short weeks ago, the Republican majority is bringing a bill to the floor to provide relief to our States and towns suffering from crippling unfunded mandates.

This bill will provide the first step in changing how we think about governing. The truth is Washington does not know best. Many of the towns and villages in upstate New York are nothing like large metropolitan areas. The uniform mandates imposed on these communities are the source of great resentment in my district.

The bill before us will make it extremely difficult for any Congress or any President to force, by rule, regulation or law, unfunded mandates that exceed $50 million on the public sector, and $100 million on the private sector.

The Unfunded Mandate Reform Act before us encourages the entire Federal structure to listen to State and local officials rather than turning a deaf ear and bludgeoning them with new mandates.

H.R. 5 will largely impact the procedures of Government—but what the bill represents is far more significant.

What it does represent is a fundamental shift of power in this country from Washington, DC, to the States—a "new federalism" of the sort described by Ronald Reagan.

As that great President once said, "Today, federalism is one check that is out of balance as the diversity of the States has given way to the uniformity of Washington. Our task is to restore the constitutional symmetry between the central Government and the States and to reestablish the freedom and variety of federalism."

Mr. Chairman, Ronald Reagan was right then. And it is even more right today. This unfunded mandates bill will restart the Reagan revolution by shrinking the size and power of the Federal Government, getting the Government off the backs and out of the pockets of the American people and allowing our country to prosper.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from El Cajon, CA [Mr. HUNTER].

□ 1410

Mr. HUNTER. I thank my friend for yielding me the time.

Mr. Chairman, so many of those who are against H.R. 5 have talked about regulatory empires as we in Washington would like them to be. I want to tell you about our regulatory empires as they really are.

I have an irrigation district in my district in southern California which waters about 500,000 acres of the Imperial Valley. The EPA discovered it a couple of years ago and they told our irrigation district that although less than one-half of 1 percent of their water goes to domestic users, and those are little ranch houses out in the boondocks, that they were going to have to build between $5,000 and $10,000 systems, filtration systems, for each and every one of those houses or spend up to $100 million building filtration plants in the surrounding communities.

We ultimately had to go to court and the court of appeals in California found that the EPA does not even have jurisdiction in this case.

Our regulatory kingdoms, following human nature, have tried to acquire power, and I would say that the regulations we see today are more about power than they are about safety. Let's pass H.R. 5.

Mr. CONDIT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong support of H.R. 5.

As a member of the Unfunded Mandates Caucus and a supporter of Representative CONDIT's bill in the last Congress, I rise today in opposition to unfunded Federal mandates and in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill is not perfect but it is a good start. Personally, I feel it should be tougher and should completely eliminate the practice of unfunded Federal mandates. Every dollar spent on a Federal mandate is $1 less in local budgets to fight crime, improve education, or provide public services. Just ask the city of Moorhead in my district who was mandated to spend tens of thousands of dollars building sheds to protect sand and road salt from the ice and snow; and spent hundreds of dollars to lower a public urinal less than 1 inch. Mr. Speaker, these are blatantly wasteful mandates my communities have been told to comply with.

We all want clean air, clean water, safe food, and a safe working place; but let's achieve these goals in a sensible way and give our States and communities a voice in the process. Support H.R. 5 and put an end to unfunded Federal mandates.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN]

Mr. TAUZIN. Mr. Chairman, I particularly want to thank my friend the gentleman from California [Mr. CONDIT] who has put in so many hours and so much time as one of our chief leaders in this effort to end unfunded mandates in this Congress and in this land.

It is important to know what this bill does and what it does not do. Let's talk about what it does not do first.

This bill does not end the responsibility of this Congress to pass mandates when they are important for the public health and safety or for other valid public policy reasons in this country. If it is a critical need in this country to stop pollutants from entering the Mississippi River, we have an obligation to pass mandates that that practice end, so that those of us who live at the bottom end are not infected with someone else's garbage. If it is an important and critical item in this Nation's agenda that every schoolchild with a handicap is specially educated in this country, we ought to make that a mandate in this country.

What this bill does not do is prevent us from doing those things. It simply says that when we here in Washington think we know better than the folks back home, so that we are going to mandate those things upon the Nation, we ought to have the courage of our beliefs. We ought to raise the money and we ought to pay for the mandates we produce.

Let me tell you what the bill also does not do contrary to some of the things you have heard up here today. It does not prevent us here in Washington from putting together programs to incentivize the States and localities to do good things that we do not necessarily think ought to be mandated.

We can, for example, put together programs that say if you want to share in a government program at a 50–50 level, a 90–10 level, a 70–30 level, we have got a program here you can participate in if you want to, and these are the conditions of participation. You can do that. We can continue to do that even with this bill passed.

What we cannot do after this bill passes is to say that you must participate, you must do it, and the only way for you to do it is to come up with a 30-percent match or 10-percent match. This bill ought to pass. We ought to have the courage of backing up what we believe with the money to carry it out. That is what ending unfunded mandates will do for America.

Mr. CLINGER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire [Mr. ZELIFF], a very valued member of the committee and chairman of our Subcommittee on National Security, International Affairs and Criminal Justice.

Mr. ZELIFF. I thank the gentleman for yielding me the time.

Mr. Chairman, I too would like to congratulate Members on both sides of the aisle on this effort.

I support this important legislation to prevent Congress and the Federal bureaucracy from imposing unfunded Federal mandates on both States and local governments.

Unfunded mandates have been a sore point for years with States and local governments. States like New Hampshire have been left saddled with huge costs to carry out Washington's orders or grand ideas.

New Hampshire has 17 Superfund sites, 14 of which are in my district. The average cost is $30 million per site.

The Motor-Voter Act has placed a tremendous financial impact on our State which incidentally has a higher voting percentage than most States in the Nation.

The auto emissions mandate is causing untold misery and creating a financial burden on the people of New Hampshire.

My own State has put its money where its mouth is. It passed a constitutional amendment banning the State from passing unfunded State mandates onto our local towns and communities.

It is time for the Federal Government to follow New Hampshire's example and put its money where its mouth is. It is called accountability, Mr. Chairman. The Federal Government must take responsibility for its actions. We can no longer pass the program and keep the bucks.

What this legislation really does, Mr. Chairman, is to say to us that if we want to pass the program, we must also pass along the bucks to pay for the program.

I urge support of H.R. 5 and hope to see its passage.

Mr. DREIER. Mr. Chairman, I yield 1 minute to a new Member, the gentleman from Alfalfa, OR [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise today as an advocate of the States, my district, and all Americans who have experienced the heavy hand of Federal Government mandates too long.

In the next 5 years alone, unfunded mandates will cost our Nation's counties 12.3 percent of their revenues and nearly $34 billion.

Today, however, we are attempting to turn back the tide of offering legislation that says no more to unfunded mandates.

While I support this bill wholeheartedly, I believe that this is only the first step in a long and trying process of rolling back supposed benefits that the Federal Government has imposed upon the States.

Tomorrow I will be offering amendments intended to strengthen H.R. 5. We all want clean water and we all want clean air and access to the handicapped and so on. However, we must have the responsibility to ask the question, "At what cost?"

I urge my colleagues to carefully consider and support my amendments. Let's pass this bill and take an important step forward in freeing the States and the people from the heavy hand of the Federal Government.

Mr. BEILENSON. Mr. Chairman, I yield 2 minutes, for purposes of debate only, to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to this legislation and let me tell you the reasons why.

First, this bill does fundamental damage to the way the Constitution has designed our government. A mandate is a law. Congress was organized to pass laws dealing with national priorities. A no money/no mandate law would handcuff this Congress from doing what it was set up to do.

Second, there are many mandates where it is absolutely appropriate to impose costs on States and cities to meet national priorities. Health and environmental laws are the best example.

Since the governors and the majors are good at telling mandate horror stories, I well share one, too.

Several years ago in my region, the unhealthful, dangerous medical waste from one State was landing on the swimming beaches of the other.

The Congress passed a law to deal with this problem that said to one State, "You must stop, you must desist, you must clean it up." Costs were imposed on the States and this was the right thing to do. The problem was cured. Mandates do work.

Third, it is flat wrong to say that the Federal Government does not pay its share. For Philadelphia, my city, using the calculation developed by the very League of Cities which so vigorously embraces this bill, the Federal Government sends in $18 for every dollar for Federal mandates. That is a pretty good ratio, even in these hard budget times. Thus, we do pay for mandates.

□ 1420

Fifth, I can think of no better example of an overreaching unfunded mandate than the Contract on America. The proposals to balance the budget and gut Federal aid to families with dependent children will send huge mandates back to the States—with no way to pay for them other than by huge State and city tax increases. Maybe that's why this law won't take effect until October, after we have completed considering this Contract on America.

Finally, I wanted to comment on some of the hypocrisy that surrounds so much of this debate. An example comes from one Governor who, with one breath, lectures us on the need for a balanced budget and on the other hand wants to cut taxes in his own State.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, this is important legislation. It is time we passed it. Local governments that have limited tax bases have a right to resent it when they are imposed upon with mandates that are handed down to them from above, whether by State legislatures or from Congress. I know, I was a county attorney for 12 years before I came here.

The Members who originated this bill, and the reason it is here in the well as the second piece of legislation we consider in this Congress, are the gentleman from California [Mr. CONDIT] and the gentleman from Virginia [Mr. MORAN] who came from local government backgrounds and they know what it is all about.

A core concept of this bill, the Moran bill, is the idea of fiscal impact statements as a heads-up to all of us, including local and State government, when we are about to pass a bill and pass the buck, to make us think twice about what it is going to cost State and local governments before we pass it, and to give them all a chance to object, demur, and raise questions about it.

Unfortunately, this bill is a different bill from the Moran bill which passed last year and our committee reported and would have brought to the floor soon in this session. It is a different bill, and we have not had time to peruse it, to read it closely. We did not have time because we did not have hearings in our committee.

If Members just peruse the bill they will find there are a lot of questions. Indeed the bill comes here because of railroading it to the floor, studded with question marks and caution flags.

For example, there will be a lot of Members out here as we move into the amendments raising questions not about the core concept, not resisting the bill, who will probably vote for passage like me, raising questions like public-private parity. My State, the State of South Carolina, generates electricity. It is a big power generator. Does this mean that in the future when we pass a renewal of the Clean Air Act that we cannot impose additional emission standards on the States, the generators of electricity, without paying for the scrubbers? And if it does mean that, it will not be long before private utilities will come to South Carolina and say hey, let us transfer to you this operation, you take title to it, we can then avoid these additional requirements.

These are the questions we will be raising to perfect the bill, make it workable legislation, not to defeat it.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I want to commend my friend, the gentleman from California [Mr. CONDIT], for his leadership on this issue now for almost 4 years. He has taken the strong lead in eliminating unfunded mandates.

I rise today in strong support of H.R. 5, the Unfunded Mandates Reform Act.

As a former State legislator in Oklahoma, I know first hand the devastating effects unfunded Federal mandates have upon State and local governments. Many times when I was in the State legislature, we had to come up with additional funding to pay for these mandates.

Most often, we would have to cut critical funding from education and other State programs to pay for these passed-down Federal regulations.

Not only did we have to pay for these mandates, but we had limited, if any, input into the development of these regulations.

Mr. Chairman, we cannot continue to pass down to our States and local governments the cost of compliance with Federal mandates. I urge my colleagues to vote for relief to our State and local governments by voting for H.R. 5.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

Mr. DREIER. Mr. Chairman, I too am glad to yield 1 minute to the gentleman from Jacobus, PA, chairman of the Committee on Economic and Educational Opportunities.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 3 minutes.

Mr. GOODLING. Mr. Chairman, first of all I want to thank Chairman W.F. CLINGER from Pennsylvania, for using his large hands to carry this bill to the floor of the House today. This is a bill I have waited for for a long time and worked for a long time. It is very, very similar to the fair bill which was the Goodling-Moran bill 2 years ago with many, many signatures.

Let me tell Members how I got involved in this. When I came to the Congress of the United States I came as a former superintendent of schools. Congress had just sent us legislation were they said you will follow 100 percent of our mandates in relationship to special education of youngsters and we will send you 40 percent of the money. The unfortunate part about it was they did not send 40 percent of the money, they sent 8 percent of the money, which meant I had to come up with from all of the other departments all of the other money to handle this issue.

When I arrived here, the first bill that came to us in my committee was an asbestos removal. If that was the wrong way to construct schools, surely we should be doing something about it. But I said at the time, be sure to allow the school districts to take 1 percent of their Federal funds to do this job, or otherwise they will have no money to do it. And they said no, we will get appropriations. We did not get appropriations, we did not get appropriations for many years, and then got a few pennies later on.

The next bill that then came before us was we should do something about lead. Again, that is something that is very, very important and I said be sure that we send funds for them to do it, because they are now paying for the redoing of the asbestos, because it was done incorrectly the first time. And, no, they said we will get appropriations. Fortunately we were able to slow that process down.

Let me remind Members about two things in this bill. First of all, do not let anyone remove judicial review. If we remove judicial review we then have destroyed the bill. We are just smoke and mirrors, we are just kidding people out there.

Second, I hope my colleague on the committee from California was not saying that somehow or other we were going to do something about the youngsters who are covered under ADA and the youngsters who are covered under IDEA. This bill exempts ADA and IDEA. So do not let anybody sell that issue to you that somehow or other we are going to hurt handicapped and disadvantaged youngsters. That is positively false.

So I ask for Members' support of a bill that is overdue for a long, long time in the Congress of the United States.

Mr. Speaker, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This legislation is similar to fair legislation Congressman JIM MORAN and I introduced in the 103d Congress.

H.R. 5 is a truly bipartisan bill that would make the U.S. Congress more accountable for its actions by curtailing the passage of unfunded Federal mandates.

The mandate madness and the arrogance of some in this institution over the past 20 years has caused States like Pennsylvania and local governments like the city of York, the boroughs of Gettysburg, and Carlisle and townships like Springettsbury in Pennsylvania increased headaches as they try to assess their obligations based upon their incoming tax revenues. Furthermore, unfunded mandates have had a dramatic effect on the private sector.

The idea behind this legislation is simple, the U.S. Congress must become more accountable for its actions which, in some cases, have an adverse effect on States, local governments, and small business.

For example, as a Member of the House Education and Labor Committee, I consistently fought against legislation that would impose burdensome mandates on States, local governments, and small businesses. As chairman of the new Committee on Economic and Educational Opportunities, I will continue to do the same.

In years past, my committee had jurisdiction over legislation to remove lead paint from the Nation's schools. I agreed with the sponsors that this is a high priority and that it should be done. However, the bill did not include provisions to pay for this legislation. It was understood that this legislation would be paid for through the appropriations process. I disagreed with this because I remember not too long ago that we proposed the same for asbestos removal and passed legislation providing for asbestos removal, but did not pass the dollars with the legislation.

I must stress the idea behind H.R. 5 is not to impede legislation, rather it is to force the Congress to seriously consider the impact of any new legislation before the legislation is passed. It is a policy that the Congress must adopt to stop giving lip service to the idea of true reform.

This legislation will improve the legislative process by requiring the CBO to study the impact on State, local governments, and the private sector of legislation reported out of committee for action on the House floor. This legislation would also require agencies, prior to the implementation of any rule or any other major Federal action affecting the economy, to perform an assessment of the economic impact of the proposed rule or action and seek public comment on the assessment. I understand there may be amendments to remove this provision from the bill. If this bill is weakened by removing judicial review, Members will only be kidding the American public by telling them we are reforming the regulatory process. Without judicial review the regulatory process will not change.

This new requirement is one of the most important changes. Yes, Members of Congress have to become accountable, but so do the regulators. It is important that the regulators who decide how a law would be carried out consider the impacts of their decisions. They too should be fully accountable. Title II would modify the Administrative Procedure Act so that the regulators would have to assess the impacts of their actions on State, local governments, and the private sector. If they choose not to, their actions would be subject to judicial review.

I want to clarify that H.R. 5 has no effect on two important disability laws, the individuals with Disabilities Education Act [IDEA] and the Americans with Disabilities Act [ADA]. In recent weeks, many Members have received phone calls from worried parents that had been told that H.R. 5 would force the repeal of the IDEA and possibly, the ADA. As I described in a "Dear Colleague" that I had distributed, these phone calls were based on inaccurate information disseminated by a disability advocacy organization. I would urge Members to read the language of the bill pertaining to exemptions. As the CRS law division has confirmed, both IDEA and the ADA are exempted from coverage under this bill.

I believe this legislation has the key ingredients for passage. It sends the proper signal, and ideal good government mission which makes the Congress more accountable for its actions by studying the impacts of legislation before it is passed. This legislation has bipartisan support of Members in the House. I also believe this bill would signal an end to closed door agency policy decisions which hurt many States, local governments, and the private sector.

I would like to commend House Government Reform and Oversight Chairman BILL CLINGER, Congressman CONDIT, Congressman PORTMAN, and Congressman DAVIS for all their efforts in putting this legislation together. I believe this truly bipartisan legislation is long overdue and will work to see this legislation signed by the President.

Mr. DREIER. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Frederick, MD [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of H.R. 5. This bill is a good start, it is not the full journey, but it is a good start.

The vigorous debate opposing this bill is more than a little interesting since this Congress has for many years exempted itself from essentially all of these mandates. As Members know, the cost of these unfunded Federal mandates is exorbitantly expensive, costing the American taxpayer all of his income between Tax free day, which last year was May 27, and Government free day, which last year was July 10. That is about 6 weeks of his time.

Just one other point I would like to make and that is that the only conscience in this country does not reside here in Washington. States and local jurisdictions are perfectly capable of regulating themselves in terms of their environment, their health and their welfare. They do not need Big Brother here dictating to them.

Mr. BEILENSON. Mr. Chairman, I yield half a minute to the distinguished gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, in so many areas this bill would make it harder for citizens and property owners to be protected from damaging acts by others. This is a bill which will make it harder, slower, and more costly for all of us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to have.

Frankly, from my perspective, this is the wrong direction.

The idea that we should be concerned about unfunded mandates is not wrong. There is a temptation that the Federal Government will deal with its own budget problems by directing other levels of government to meet the public needs the Federal Government no longer can afford to meet.

Yet, we must also look carefully at how this problem has been misrepresented, and how the proposed fix often does not do what it is intended to do.

Many of the mandates we impose are essential to the public health and safety. We require cities to treat the sewage they dump in the river, and we do that for the protection of those who live downstream. We require local government which operate dumps to protect their neighbors from the toxins they allowed to be dumped at their site.

The Constitution itself is an unfunded mandate: we require States to respect the civil rights of our citizens without regard to whether the Federal Government pays the States for the costs they incur in complying with the Constitution.

The issue before us is how we can best respond to the issue of unfunded mandates. Many of us believe that where a mandate is justified to protect the public, we should often take more seriously than we have our Federal responsibility to contribute funding to costs of State and local government in meeting the needs of Americans who are, after all, citizens of State, local and Federal Government.

I have, for example, been a constant advocate for dramatically increased Federal funding for the costs cities bear in meeting Federal standards for treating the sewage they discharge into our rivers.

But what has happened instead is that many of those who now profess to be most concerned about unfunded mandates were those who most sought to reduce the funding to State and local governments to comply with these mandates, such as the sewage treatment requirements of the Clean Water Act.

They now argue that, having succeeded in drastically cutting the funding, we should now cut the mandate on the grounds that not enough funding is being provided.

Unfortunately, the end purpose of this exercise is not to treat our cities and States better, but to treat our citizens worse. Cutting the funding and then cutting the mandate is just a clever way to do what they wanted to do all along, which is remove requirements which protect people and their property from the effects of pollution by others.

As a former mayor myself, I regret that so many of my former colleagues now appear to be making a pact with the devil. Once this bill passes, the next step will be to cut much of the Federal funding which State and local governments get which is not tied to any Federal mandate—the unmandated funding such as the highway program, the transit program, the economic development program, and so on. In the end, cities and States will be worse off for having joined their tormentors.

The specific bill before us today has a number of very significant defects.

Most importantly, it has not been considered in a way which allows for the public to know what it does, to comment on it, and to have their views taken into account. The bill was rammed through the Government Reform and Oversight Committee with no hearings and no subcommittee consideration. The Budget Committee was discharged to prevent it from holding public hearings. The Rules Committee held one brief hearing.

The best way to assure that a bill contains mistakes and unintended consequences is to ram it through without opportunity for public scrutiny or comment.

The title of this bill should be changed to "The Law of Unintended Consequences." After it is enacted, we will be discovering for years to come what it really does, and many of those surprises will not be pleasant.

For example, the way this bill is written, it would not only create a point of order against any bill which creates a new requirement on State or local government to protect the public if the costs of complying are not paid by the Federal Government, it would also create a point of order against most bills getting Government out of regulating the marketplace of most industries. This bill is described as reducing the intrusiveness of Government—but in the key area of economic regulation it would have the unintended consequence of doing exactly the opposite: making it more difficult to pass bills which reduce the intrusiveness of Government into the marketplace. If H.R. 5 had been law, a point of order would have been sustained against the Intrastate Trucking Deregulation Act we passed last year, against the railroad deregulation provisions of the 4R Act, and against pipeline deregulation legislation.

That is not what anyone intended this bill to do, but nevertheless that is exactly what the bill does. It is a mistake, and I will offer an amendment to correct that mistake.

This bill would make it far more cumbersome and time-consuming to put new airline safety and security measures in place. That is a mistake and it should be corrected.

In so many areas, this bill would make it harder for citizens and property owners to be protected from damaging acts by others.

The bottom line is, this bill would do two things.

First it would make government not leaner and more efficient, but slow and clumsy and inefficient, much more tied up in bureaucracy as thousands of decisions, no matter how obvious, get wound up in piles of new bureaucratic analysis and reanalysis, whether needed or not. The bill increases spending on bureaucracy by $4.5 million per year, just to handle the increased paperwork which will result at the Congressional Budget Office. And the increased paperwork at CBO will be a drop in the bucket compared to the increased paperwork in the rest of Government. This bill should be called the Red-Tape and Bloated Government Act.

Second, it will make it more difficult for Congress to respond to real public needs in the future. A few years ago we lost an airliner over Lockerbie, Scotland, and the terrorism threat soared, both at home and abroad. We acted in Congress with a bill to require Federal agencies, airlines, and airports to promptly strengthen security. That bill, the Aviation Security Improvement Act of 1990, would be counted by H.R. 5 as creating an unfunded mandate. As a result, the 1990 Security Act would have been subject to a point of order, it would have been subjected to additional floor procedures, and it would have been subject to considerable delay while CBO and other congressional staffs prepared elaborate new analyses and estimates, even though we would all know that the bill needed to be passed.

This is a bill which will make it harder, slower, and more costly for us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to act.

This is the wrong direction.

We ought to be transforming Government with the idea of making it as small as possible while still being able to address the public's real needs. Instead, we are making it bigger, slower, and clumsier, while also making it less able to meet the public's real needs. We've got it backwards.

This is the classic case of those who argue that Government can't work making sure that it won't work.

We may adopt amendments which make this bill a little better, or amendments which make it a little worse. But what we should be doing is starting over, thinking more carefully about the problem of unfunded mandates, how we got here, what needs fixing and how best to fix it, give all those involved a chance to come in and be heard, and then we should proceed with the greater certainty that we know what we are doing.

Instead, we are running blindly down the wrong path.

☐ 1430

Mr. BEILENSON. Mr. Chairman, for purposes of debate, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman and Members, I rise in strong opposition to this legislation.

I think it is predicated on a false assumption, and that is one of confrontation rather than cooperation.

So often I think that the Federal Government, specifically the Congress, has become really criticized in a sense unfairly for the advancement of Federal and national policies that are in the public interest. I look at the suggested unfunded mandates and the cooperation that has occurred. So often, I think we are doing this to eliminate bureaucracy duplication.

The Minnesota Pollution Control Agency, indeed, carries out the responsibilities of the EPA within our State. It is more often a cooperative relationship rather than one of confrontation.

But the advocates of this have worked themselves into, I think, a false assumption and results. The upshot of this, I guess, looking at what the costs are of policies we passed, I thought was always something we were supposed to do. I have no objection or no criticism of that. I think we ought to look at it.

Very often, though, looking at the legislation and the application of it makes this policy far worse. For instance, very often the dollars that we pass are grants in aid. That is what the highway programs are. That is what many of our programs are, grants in aid. They are grants that carry along a specific type of Federal requirement. If you do not want the dollars, you do not take the grant.

The legislation is not clear how that would apply in terms of the mandates. I understand some of the mandates, where there is not the choice, we are talking about civil rights, we are talking about human rights and other issues, of course, there is the implication here that is not covered. Unfortunately, it is not clear to me and to many other Members of the House today.

I think it is a good idea probably to do the assessment. It is not clear what the impact of this legislation would be.

An an example, most of the Governors Association have been running around complaining about the crumb rubber problem. The crumb rubber problem, we used to have a solution to that in the Midwest. Someone had a dump of tires. They had a gallon of fuel oil and a match, and they solved the problem rather than putting it into roads.

Mr. CONDIT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, over the last several decades it has become far too easy for the Federal Government to take credit for programs without having to foot the bill. Although many of these programs have had worthy goals, it has been irresponsible for us to set the priorities and expect State and local governments, school boards, and private businesses to raise their taxes or curtail their services to pay for programs we impose, particularly when our mandates have not made sense.

Now, the people are speaking, and today we have the opportunity by passing H.R. 5 to say we are hearing you.

I can think of no better example of what I am talking about than Brownwood, TX, a community in my district. When the people of Brownwood received their water and sewer bills, the exact amount of the bill which is due to Federal unfunded mandates is noted. In the copies that I insert in the RECORD today, that amount typically is 40 percent of the total: $264.91, $103.31 unfunded Federal mandates; $46.54, $18.15 unfunded mandates. And then when you have a note, "Please understand this is killing the little people"; people living on fixed incomes who have to pay what their local leaders are saying do not make sense is what this is all about today.

I can list Mineral Wells, TX, $300,000 the school board had to pay for purposes of removing asbestos from the school when the best science available was telling us you are going to make the problem worse not better.

These are the reasons why we are here today.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the full committee.

Mr. DINGELL. Mr. Chairman, as example of bad procedure, we are asked to consider a bill that nobody in this Chamber knows, those consequences cannot be prophesied, because no hearings have been held.

What is this bill going to affect? It is going to affect the clean air laws, going to affect the clean water laws, going to affect the drinking water laws, going to affect every environmental statute, going to affect all the health and welfare statutes of this country.

Now, everybody would think that these poor unfortunate State and local governments have not gotten any money from the Federal Government. Look at the amount of money that the Federal Government gives to State and local units of government, something like $750 billion a year. We give them that.

Now, what is this going to do? It is going to make it harder to have real meaningful standards on clean air, on drinking water.

I sent to my good friend, the gentleman from California, as he knows, a copy of his remarks on the Clean Air Act in which he urged that we pass that legislation. I warned him it went too far. It is the law now.

It protects people in one State from the behavior of people in another, and the Drinking Water Act, if you live in New Orleans and somebody flushes the toilet in Minneapolis or Kansas City or in Sioux City or any other place upstream, they are going to enjoy what you had for dinner last night within a matter of a few weeks.

That is the reason we have a Federal law to deal with these problems that cannot be dealt with by the States.

Now, beyond that, there are a few other little concerns we ought to have here. States cannot protect their constituents and their citizens from the misbehavior in other States. That is again why we pass these laws.

The Governors demanded it years ago when we first considered the Clean Air Act and we first considered the Clean Water Act, that we passed Federal standards and allow the States to enforce them, and the money to enforce those programs was canceled by the administration of Mr. Reagan, the patrol saint of this side of the aisle.

Mr. DREIER. Mr. Chairman, I yield myself 30 seconds to respond to my very good friend, the gentleman from Michigan [Mr. DINGELL], who did in fact include a statement that I made on May 24, in support of the Clean Air Act.

Nothing in this legislation dealing with unfunded mandates would repeal any of those items to which the gentleman from Michigan [Mr. DINGELL] has referred.

The fact of the matter is we are simply saying there should be accountability, and we should know what these things are going to cost. We do not have a goal of eliminating clean air standards. What we want to do is we want to be accountable for the cost of making sure that they happen.

Mr. Chairman, I yield 1 minute to my very good friend, the gentleman from Peterborough, NH [Mr. BASS].

Mr. BASS. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, 10 years ago this year the New Hampshire Constitutional Convention passed a resolution which, in effect, prohibited unfunded State mandates. The people of New Hampshire approved that resolution in the fall of 1984.

It reads as follows, "The State shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the State or unless such programs or responsibilities are approved for funding by a vote of the local legislative body or political subdivision."

Mr. Chairman, what this resolution did was to impose for the first time in New Hampshire history real discipline on the legislature. It is high time that we impose that type of discipline here in Congress.

I urge support for H.R. 5.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 5, the Unfunded Mandate Reform Act. As a cosponsor of H.R. 5, this Member is pleased to see this important legislation receive such prompt consideration on the House Floor.

This Member commends the distinguished gentleman from Pennsylvania [Mr. CLINGER], the distinguished gentleman from Ohio [Mr. PORTMAN], the distinguished gentleman from California [Mr. CONDIT], and the distinguished gentleman from Virginia [Mr. DAVIS] for their introduction of this legislation.

Mr. Chairman, in recent decades Congress has dramatically increased the number of mandates it has imposed on States and local governments without providing adequate funding to fulfill the requirements. In other words, while Congress has passed the buck, it hasn't forwarded the bucks.

When I was first the community affairs director, Federal-State relations coordinator, and then State planning director for my home State in the late 1960's, on a daily basis I saw vivid examples of the senselessness and cost of a great many unfunded mandates visited upon local and State government, and I did what I could to push for reforms and changes. Since then the number of mandates and their costs and negative impacts have only increased, both by actions of an unheeding Congress and by the inflexibility and policymaking excesses of Federal bureaucrats.

Although there are numerous examples of burdensome unfunded mandates, this Member would like to highlight one that is particularly onerous for States and communities across the Nation. The statutory language of the Safe Drinking Water Act creates a one-size-fits-all national approach to testing and treating drinking water without taking local conditions into consideration.

Many of the current Safe Drinking Water Act testing and treatment requirements result in prohibitive costs without any real health benefit or increase in water quality. As a result, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. Some small communities expect to spend a third or even half of their budgets to comply with water testing requirements. It is clear that States and communities must be allowed to identify and focus on those contaminants which present an actual health risk in a particular area.

Without question, the safety of this nation's drinking water must be vigorously protected. However, it is essential that Congress allow States and local governments to achieve this goal in effective and efficient manner.

In addition to the growing problem with unfunded mandates. this Member also wishes to express his long-standing and continuing concern about the related issue of attaching strings to money to States from Federal trust funds, such as the highway trust fund. For instance, the surface transportation bill, which was signed into law in 1991, requires a State to spend a percentage of its Federal highway funds for highway safety programs if it, for example, has not enacted both a motorcycle helmet law and a safety belt use law.

Worthy objectives aside, this Member strongly opposes this mandate approach in limiting the States' ability to use their highway trust funds—paid for at the gasoline pumps by their citizens and by all Americans—as they choose for authorized activities and in accordance with legitimate standards, criteria, or regulations. Highway users in each State have paid into this fund through gas taxes and this Member believes that States should be allocated money from the highway trust funds without conditionally being applied for any legislative or bureaucratic objectives—be they noble or misguided.

Mr. Chairman, H.R. 5 forces Congress to consider the consequences of its actions and take greater responsibility for the laws it passes. This Member urges his colleagues to support this legislation as a necessary response to the menacing trend toward imposing unfunded mandates on States and local governments and the types of regulations we are levying on our localities.

□ 1440

Mr. BEILENSON. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I rise in opposition to H.R. 5.

Mr. Chairman, the issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue. He issued an Executive order 2 years ago, shortly after taking office, that required Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objectives of this bill, which are to be better informed about and be more accountable for the costs that we are imposing on State and local governments as well as on the private sector when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and a serious problem for these governments, and we are eager to respond to that concern.

So I say again the Republican leadership is to be commended for giving this issue the attention it deserves here in the Congress. Frankly, our own party leadership in the last Congress was remiss, in my opinion and in the opinion of some of our colleagues on the Democratic side, in not moving legislation on this issue. Many of us regret that that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates. I shall not enumerate them at this point.

Unfortunately, the bill does much more. Among those things is that it establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over $50 million annually. That is an average of only $1 million per State, and obviously could affect a very large number of bills that would come before Congress in the very near future.

In effect, the bill could, in fact, stop Congress from considering any number of environmental, health, and safety bills, the Federal activities that appear to be the principal target or concern of this legislation, despite the fact that legislation in these areas, such as antipollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation would be extremely difficult to enact in the future if this bill becomes law.

We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the future. We are concerned this bill does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the one reason Government has for existing—to produce benefits for its citizens.

Finally, we are concerned that H.R. 5 also ignores the direct economic benefits mentioned just a moment or two ago by the gentleman from Michigan [Mr. DINGELL] which are enjoyed by local governments and the private sector from Federal spending and activities. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when we estimate the overall burden of Federal mandates.

So, Mr. Chairman, if I may say so, this legislation is well intended. It is also at this point very imperfect. It needs a lot of work before it should be passed, and I hope very seriously that Members will take seriously the amendments proposed before us in the next few days, and not vote for this legislation unless we, in effect, make it very much better than it currently is.

Mr. Chairman, I rise in opposition to H.R. 5.

The issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue; he issued an Executive order 2 years ago—shortly after taking office—requiring Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objective of this bill, which is to be better informed about, and more accountable for, the costs we are imposing on State and local governments, as well as the private sector, when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and serious problem for State and local governments, and we are eager to respond to that concern.

So, the Republican leadership is to be commended for giving the issue of unfunded Federal mandates the attention it deserves here in Congress. Frankly, our own party leadership in the last Congress was remiss in its responsibilities, by not moving legislation on this issue, and many of us regret that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates: by requiring Federal agencies to prepare cost/benefit analyses of regulations expected to have a cost to states or the private sector of $100 million or more; by requiring agencies to consult with State and local officials in the development of significant regulatory proposals; by establishing a commission to study and report on existing Federal mandates; and by requiring the Congressional Budget Office to produce cost estimates on authorizing bills which contain mandates with an annual impact of at least $50 million on State and local governments or $100 million on the private sector, and by requiring that information to be contained in committee reports.

All of those provisions will help achieve a goal I believe we all share, to be better informed about the impact on State and local governments, as well as the private sector, of laws Congress enacted in the past, and of legislation we will be considering.

These provisions will help make us a more responsible and responsive legislative body, help ease the impact of national laws on other levels of government, and strengthen and improve the relationship between the Federal Government and our counterparts at the State and local level.

Unfortunately, however, this bill does much more than simply provide us with information about the costs of actions on State and local governments. It establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over $50 million annually. That is an average of only $1 million per State and, obviously, could affect a very large number of bills that will come before Congress in the near future.

In effect, the bill could stop Congress from considering any number of environmental, health, and safety bills—the Federal activities that appear to be the principal target, or concern, of this legislation—despite the fact that legislation in these areas, such as antipollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation will be extremely difficult to enact in the future, if this bill becomes law. We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State, and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the future. We are concerned that H.R. 5 does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the only reason government has for existing—to produce benefits for citizens.

And, we are concerned that H.R. 5 also ignores the direct economic benefits enjoyed by local governments and the private sector from Federal spending and activity. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when estimating the overall burden of Federal mandates.

Although it is true that the prohibition could be waived by a majority vote, a majority has to agree to break the House's rules to consider the bill. Since most of us take our rules seriously, it will be an uphill battle to persuade a majority to waive the rule against considering legislation containing an unfunded mandate, whatever the merit of the bill. It will make it harder to pass legislation to address problems we face now, as well as those that will emerge in the future. That, clearly, is the intent of some of the supporters of the bill.

Had this rule been in effect during the last 20 or 30 years, it seems unlikely that we would have been able to pass laws which have cleaned up our lakes, rivers, and coasts; made our drinking water safe; protected our air from more serious pollution; reduced the exposure of children to asbestos and lead, or any number of other laws which have vastly improved life for Americans, but which we tend to take for granted.

Moreover, because of the unusual procedure in which the waiver of this rule is provided for, a waiver could be debated and voted on before Members know whether in fact an unfunded mandate exists and, if so, how much it costs. Those two matters would not be ruled upon by the presiding officer until the House decided whether it wanted to waive its rules or not. How are Members to decide whether or not they want to allow an unfunded mandate if they do not know that it is such, or what it will cost?

This is a procedure which will unnecessarily tie up the legislative process and impinge upon our ability to act in response to national needs and concerns. The authors of the legislation have acknowledged this themselves by exempting from coverage several categories of laws which could be considered unfunded mandates: those which protect civil and Constitutional rights; which are used to determine whether States and local governments are using Federal money as intended; which provide for emergency assistance, or which are necessary for national security. They have also exempted appropriations bills, fearing that such a requirement will delay action on those bills, and they have postponed the effective date until October 1, well after action on the Contract With America bills is expected to be completed.

The prohibition on unfunded mandates could well have unintended consequences. It is unlikely that the sponsors wanted to give public-sector transit companies or waste-disposal agencies a competitive advantage over their private-sector counterparts, but this legislation could lead to exempting public operations from laws which cover private operations. Should that happen, it might well hinder efforts to privatize Government operations that could be run more efficiently by the private sector.

The rule also creates a very difficult situation for the House by putting us in a position where we may not be able to obtain the information we need to make a determination about whether we are violating a House rule. There is no clear definition of an unfunded Federal mandate, and we do not have a system in place to determine a mandate's cost.

We have a very capable Congressional Budget Office which will be charged with determining the cost of an unfunded mandate, but that agency currently has neither the resources nor the methodology they need to make accurate assessments about the cost of a unfunded mandate to State and local governments—and to the private sector, which they must also figure out how to do. The process of determining these costs is very complicated and time-consuming, and is based on a lot of guesswork. CBO ought to have some experience producing the estimates we want on unfunded mandates before we prohibit legislation on the basis of those estimates.

Mr. Chairman, there are some valuable provisions in this legislation, and I think that with a little more work and a little bit of compromise, we could come together in a bipartisan way on a bill which fulfills the objective we all want: more information and accountability on the impact of existing and future unfunded Federal mandates. I regret that we are not able to do that.

Unfortunately, for all the reasons I have just mentioned, and because of all the many, and important, questions being raised about this legislation for which there are no satisfactory answers, I oppose this legislation, and I urge my colleagues to do likewise.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PETE GEREN], who is one of the leaders in this effort.

Mr. PETE GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, over the next 10 days this House will consider and, I believe will pass, two of the most significant legislative initiatives to come before Congress in decades, two initiatives that will radically alter for the better the way Washington conducts it business: the balanced budget amendment; and the Unfunded Mandate Reform Act, H.R. 5.

Before us now is H.R. 5, the mandate bill, historic legislation that will put a halt to unfunded mandates that Washington dictates to State and local governments all across America.

Through these mandates, Washington is substituting its overbearing will for the rights and decisions of cities and local governments in their struggle to meet local challenges.

Mr. Chairman, there is no issue that better illustrates the arrogance and disconnect of Washington than does the proliferation of unfunded mandates. This must stop, and H.R. 5 will do that.

In simple terms, by adopting H.R. 5, we are saying that if a mandate is important enough to pass, it is important enough to pay for.

Despite what you will hear in the next few days, H.R. 5 will not block government from protecting the health and welfare of the American people. That is simply not true. This bill merely tells Congress, "Put your money where your mouth is." More importantly, this bill reaffirms our respect for one of the founding principles of our country, the principle that the true genius of this country lies at the grassroots, in the diverse heartland of America, among 260 million freedom-loving Americans, and not in Washington, DC.

In closing, let me give credit where credit is due. "Defeat is an orphan, while victory has a thousand fathers." Many people worked very hard on this issue, and without them we would not be here today. But the efforts of one person stands above all others, those of Congressman GARY CONDIT.

Mr. Chairman, there is an old country song that goes, "I was country when country wasn't cool," Well, GARY CONDIT was fighting for unfunded mandates when it wasn't cool an when no one else was. For that, we and the American people all owe Mr. CONDIT a debt of gratitude.

Mr. Chairman, Washington holds no monopoly on courage, on wisdom, or on conscience. I urge all my colleagues to demonstrate their faith in the American people and support H.R. 5.

Mr. CLINGER. Mr. Chairman, I am now pleased to yield 2 minutes to a senior and very valued member of the Committee on Government Reform and Oversight, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have waited 7 years to have the opportunity to vote and to speak on an unfunded mandate bill. I just have to thank the authors of this legislation, Mr. CLINGER, Mr. PORTMAN, Mr. CONDIT, for their work over a number of years. Mr. DAVIS, who was here earlier. I thank them for the opportunity to vote on this bill, one I really believe in.

Mr. Chairman, why is it that Republican and Democrat governors throughout the country want this bill? Why is it that Republican and Democrat mayors want this bill? Why is it that our county executives throughout this country, Republicans and Democrat, want this bill? And a few in this Chamber do not? I do not understand it.

To me, it is extraordinarily fair.

My concept of an unfunded mandate bill did not reach the status of Mr. CONDIT, I thought. I thought at least knowledge to the private sector of what it was going to cost, knowledge to the public sector of what is was going to cost, was tremendously important for us to know when we voted out a bill; something that we have not had in the past. Mr. CONDIT wanted the most extreme deal, and you could make an argument for it. If you do not come up with the money, you do not have the mandate. This to me is a logical compromise between the two positions. Obviously, there are times for health reasons, for environmental reasons, that we have to mandate. But when we do, we had better be very conscious of that mandate. We need to know the cost, and we should come up with the money if we have a mandate, unless there are reasons not to.

If those cases, a point of order can come up if there is not the money or is not the disclosure. A Member can stand up and say, "I make a motion to override the point of order," with a simple majority. Now, why would I want that here? For some of the reasons I am hearing on this side. It would be a conscious effort and an important one. I do not want New York City to pollute Long Island Sound. I do not have the ability in Connecticut to tell New York simply to stop. I do have the ability to come to the Federal Government and ask the Federal Government to tell New York to stop—no offense made to New York. Obviously, if New Jersey is polluting the air that comes into Connecticut, I want the ability under those cases, extraordinary cases, to override the point of order.

□ 1450

This is a very fair proposal. It is logical. I do not understand the objection to this legislation because of its fairness. I salute Democrats and Republicans for writing an extraordinarily fine bill.

Mr. DREIER. Mr. Chairman, I yield 1½ minutes to the gentleman from Springfield, OH [Mr. HOBSON].

Mr. HOBSON. Congratulations to all the sponsors of this most needed piece of legislation. The budgets of State and local governments have long been devastated by regulations and laws handed down from Congress without the funds to pay for them.

As a former State senator, I experienced firsthand the impact of these unfunded mandates when the priorities of Congress have superseded the budget priorities of Ohio. By 1998, cities and counties throughout my State will face even greater burdens when unfunded mandates consume one-quarter of all local revenues.

Governor Voinovich of Ohio has dedicated the last 2 years to passing comprehensive mandate relief legislation as the National Governors Association's lead governor on federalism. His study of the impact of unfunded mandates concluded that mandates will cost Ohio $1.7 billion over 3 years.

Finally, to the great relief of States across the country, the new Republican leadership in Congress is determined to abolish these mandates with their friends on the other side of the aisle. As part of the Contract With America, the Unfunded Federal Mandate Reform Act will make Members of Congress accountable for supporting mandates. The passage of this legislation will be the first step to dramatically altering the relationship between Washington and local officials. More importantly, it will be a step toward honoring the tenth amendment of the constitution. Essentially power should be given back to where it belongs, to the people and their State governments.

Mr. TOWNS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Chairman, Members of the House, I just want to speak in support of this legislation as a check on Congress as it conducts its business. It will provide reassurances to States and municipalities that, as we continue to make the difficult decisions required to get the Federal fiscal house in order, we will not do so by shifting those costs to States and municipalities. The American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air cleaner and the water to drink clearer, and I would just like to add my support to this particular legislation.

Mr. Chairman, as a former city councilor, State legislator and most importantly, as a small businessperson, I am concerned about the way in which the Federal Government has historically handled its fiscal responsibilities. Our staggering national debt and enormous annual deficits are alarming to me, and should be to all Americans. I think it is obvious that the Federal Government must get its fiscal house in order, and that process must begin today. As a new Member of Congress, I am determined to help ensure that this happens.

For more than 20 years, I have helped to manage my family's restaurant in Bangor, ME. I know how hard it is to make ends meet and to produce a balanced budget. For 4 years, I served on the Bangor City Council. Each year, we were the recipients of unfunded mandates. But each year, we were required to adopt a balanced budget. This was never an easy task, and difficult decisions had to be made. For 12 years, I served in the Maine State Senate. Again, every year we faced unfunded Federal mandates, but were required to adopt a balanced budget. Again, it was not an easy task and difficult decisions had to be made.

The American people have watched their State and local officials make tough choices and balance budgets. They are now demanding—and rightly so—that their Federal representatives do the same thing.

The question, of course, is how to achieve this goal. Many solutions have been proposed, some serious, some gimmicks. I am committed to supporting and working to enact proposals that cut Federal spending in a sensible way, without shifting those spending burdens to other segments of our society.

My support for cutting spending without shifting burdens to other segments of society is also why I support unfunded mandates reform. For too long, the Federal Government has enacted legislation setting standards that State and local governments must meet, without providing the money to achieve those standards.

This practice is partially responsible for the high State and local taxes many Americans now pay, and for the lack of funding available to pay for local priorities. This practice is irresponsible, and it must stop. If the Federal Government ceases passing off costs to States and municipalities, States and municipalities in turn will be able to slow the upward spiral of tax rates. Perhaps more importantly, these levels of government will be able to redirect resources that have been used to answer Federal mandates to instead address local priorities.

As a State legislator in Maine, I lived with a similar law. Article IX, section 21 of the Maine Constitution prohibits the State from imposing unfunded mandates on localities unless members of each house of the legislature voted to do so. That provision, like the legislation we are considering today, does not prohibit an unfunded mandate from being enacted. Rather, it requires informed consideration and making an explicit decision to pass costs along to another segment of society. It brings with it accountability.

Historically, the Federal Government has not considered in an organized, honest way the costs associated with various regulatory and legislative mandates that have been imposed on the States. Unfunded mandates reform will force us to do that. It will ensure that all Members have the opportunity to examine the fiscal implications legislation has for States and localities. It will ensure that we do not unwittingly, or covertly, pass along significant costs because it will require a point of order against legislation that does so.

It is only fair that Congress take responsibility in this way. I have seen this concept work at the State level, and I believe it can work at the Federal level as well.

I want to emphasize what it is that I do not support. Let me be clear: I do not favor the wholesale elimination of Federal laws. Many issues are national in scope, and will require attention and action at the Federal level. I simply believe that the Federal Government should stop passing off costs to other governmental entities.

Many of the laws about which the loudest complaints are heard are based on sound and just policy. We need to protect our environment and our precious natural resources. We need to protect the health and safety of America's workers. We need to provide safety nets for our Nation's neediest citizens and access to all aspects of life for persons with disabilities.

These are all important national objectives that have been previously addressed at the Federal level, and I will oppose any effort to eliminate these programs or to roll back the progress we have made in these areas.

The Federal Government has a responsibility to ensure that national goals are met by providing a much larger share of the resources necessary to do the job. To do so and, at the same time, to balance the Federal budget—paying down our national debt—requires making tough choices.

We must reduce Federal spending. But we must do so in a rational, carefully considered way. Our cause is not advanced by recklessly eliminating valuable Federal programs simply for the sake of slashing spending.

The legislation that is before us today is far from perfect. As we consider amendments over the next several days, I will support those that I believe clarify the bill's essential purposes: to establish the general rule that Congress should not impose Federal mandates without providing adequate funds to comply with such mandates.

This legislation will serve as a check on the Congress as it conducts it business. It will provide reassurance to States and municipalities that as we begin to make the difficult decisions required to get the Federal fiscal house in order, we won't do so by simply shifting costs to other levels of government. And the American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air they breathe cleaner; the water they drink clearer; their work environment safer; or their local library more accessible.

For more than 20 years, as a small businessman and a public servant, I have helped to craft and have supported balanced budgets. I am prepared to make the difficult—and sometimes unpopular—decisions required to balance the Federal budget. I am prepared to spend the next 2 years fighting to make sure that Maine people are well-served by an efficient, compassionate and stream-lined Federal Government that does not adopt policies that raise our income taxes; by a Federal Government that has its fiscal house in order.

The people of Maine have entrusted me with their confidence, and I intend to live up to their expectations. We face many challenges ahead, but working together I know we shall succeed.

Mr. DREIER. Mr. Chairman, I yield 2½ minutes to the gentleman from Lewisville, TX [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Chairman, 2 days ago we passed the Congressional Accountability Act making Congress obey the same laws it imposes on everyone else. Next week we will pass, in a bipartisan fashion, the Unfunded Mandates Reform Act, which will effectively make Congress pay for the laws it imposes on everyone else. Together these two bills express the goals that inspire our entire Contract With America, the goals of reform, respect, and renewal; reform of this institution and of the way we conduct the people's business, respect for the people who sent us here, and renewal of the Federal system of government bequeathed to us by our Founding Fathers. For too long Congress behaved as if it was booted and spurred to run roughshod over States and private citizens. Well, if our Contract With America was about anything, it is about teaching government, in the memorable words of President Reagan, to work with us, not over us; to stand by our side, not ride on our back.

Think of it. If we pass this bill, we will be doing the most surprising thing imaginable, limiting our own power. I ask my colleagues, "How often do you read a headline that says, 'Congress denied itself today'? Or 'Our lawmakers exercised self-control?'" True leadership is knowing when to say no to yourself for the common good.

No matter how appealing the cause, no matter how tempting the mandate, we must be willing to exercise our legislative authority only when we are willing to pay the costs. Now we can make some reasonable exceptions of course for emergencies, for national security, for constitutional rights. These are proper exceptions to the rule. But these exceptions only prove the soundness of the rule, and that rule is Federal requirements should be paid for with Federal dollars.

This is not just good government. It is the right thing to do. It reflects a sound, moral principle the Founding Fathers took for granted.

Mr. Chairman, it is time that all of us that are blessed to serve in this historic building raise our right hands and solemnly proclaim:

"Henceforth we shall burden the States with unfunded mandates no more forever."

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Chairman, I am proud to be a cosponsor of H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress a little over 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar.

Many of my constituents, however, might not realize the adverse effect unfunded mandates have had on their pocketbooks. Considering they pay some of the highest taxes in the county, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will then require us to ask the question: Will we pay for out mandates, or will we continue to burden others with the costs?

This is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. Chairman, I am proud to be a cosponsor of the bill we are debating today—H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar. Little did I know that a mere 2 years into my tenure, I could offer genuine relief to my former colleagues. I think the Unfunded Mandates Caucus can be proud of what we have accomplished in our short 2-year history.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will require us to ask the question: Will we pay for our mandates, or will we continue to burden others with the costs?

H.R. 5 will not mean the end to environmental legislation, it will not mean the end to civil rights legislation, and it will not mean the end to legislation to protect seniors and children. H.R. 5 will still allow us to pass these initiatives. However, we will just have to stop and consider all of the consequences before we pass them. Then, and only then will we be held fully accountable for our actions.

Many of my constituents on Long Island might not realize the adverse effect unfunded mandates have had on their pocketbooks. However, considering they pay some of the highest taxes in the country, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Here is a good example of an unfunded mandate that the people of my district should know about. The Board of Elections in Suffolk County, our home county, is going to face a budgetary nightmare next year, all because of one bill recently passed by Congress—the infamous motor-voter bill.

The Suffolk County Board of Elections has been a model agency in recent years. It has cut costs, operated over the past 7 years without an increase in their operating budget, and was ready to operate in 1995 with $100,000 less than in 1994. Then, in 1993, the motor-voter bill was passed. It will cost the county $500,000 to implement in 1995, effectively wiping out their $100,000 savings, and it will cost over $1.5 million in 1996.

The people of Suffolk County are already plagued by high taxes. They are not ready to be further burdened by the motor-voter bill.

Many Federal mandates involve important programs that many of us might support in concept. But, if we are going to ask others to pay for them, we should give them more of a say in developing them, we should level with them about who is going to pay for them, and we should be ready to defend the costs.

Mr. Chairman, this is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will drastically change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentleman from Houston, TX [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from New York [Mr. TOWNS] for allowing me to address the House.

Mr. Chairman, as a 20-year member of the Texas Legislature, both in the House and Senate, I know about unfunded mandates, and I also oppose them, but I also know that the State mandates on the counties and cities and the counties and the cities mandate on their citizens without providing their funds to those citizens, even our schools mandate on their citizens without providing it, and my children went to public school, and they were mandated to buy a workbook even through we pay property taxes and State taxes, but they could not come to school if they did not pay for that workbook or the folder. So there are mandates from the Federal Government, from the State government, and from the local government, and this concept needs to go forward if it is going to pass here, too.

I support the concept of restricting unfunded mandates, but I am also concerned in hearing my other colleague from Texas talk about respect for this institution. How can we have respect for this institution when this bill did not have a public hearing during this session of Congress? I think we need to learn the full impact it will have on air pollution, nuclear wastes, and so I expect we will have a lot of amendments to try and clarify it.

I hope we have clean water in New York when I come to visit the gentleman because that way I would like to drink it, but I would also like to make sure we do not become a Divided States and continue to be a United States.

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Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington, DC [Ms. NORTON].

Ms. NORTON. Mr. Chairman, no district needs an unfunded mandate bill more than mine. We are close to insolvency in part because of mandates. Thoughtless mandates are a regressive tax. But we deserve better than this blunderbuss bill that throws out the baby with the bath water and then throws in the tub for good measure.

It is irresponsible to try to fix all mandates with one bill. This bill applies to everything from Medicaid, which is 80 percent funded, to crime bill measures like sexual predator, which are completely unfunded.

Yet the critical vote on every bill will be on costs. This bill is brimming with unintended consequences. It is not about mandates. The real subject has not been discussed here, and that is the appropriate role of Federalism in the 21st century. We need an unfunded mandate bill, but in the vernacular of the streets, this ain't it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, before the Republican Party began rewriting history, it was widely thought that the people had entrusted the Federal Government with a number of basic responsibilities. First among them was the protection of its citizens and residents. The Framers of the Constitution listed the promotion of the general welfare as a fundamental duty of the Federal Government.

I am proud to be a member of the party that bore that responsibility in the 40 years that it controlled this House. It introduced landmark legislation to promote the common good, such as the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and the Lead Abatement Act.

I am frankly amazed that laws such as these are now singled out as evidence of a runaway government. Am I to understand that the American people are outraged that their children now drink cleaner water and breathe fresher air? Are my colleagues who support this measure being flooded by constituent mail because their kids no longer eat lead-based paint chips?

I urge my colleagues to uphold our constitutional duty to uphold the general welfare.

Mr. DREIER. Mr. Chairman, I am happy to yield 1 minute to my very hard-working friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a very good bill. It takes a giant step toward relieving the burdens that we have unduly placed on cities and States around this country. It is a great step in the right direction.

There is, however, one part of the bill that I think needs addressing, and toward that end the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Michigan [Mr. CHRYSLER], and myself have an amendment we are going to propose tomorrow which we think is very important. We want to make sure when we stop these unfunded mandates, that we do not give an advantage to the public sector over the private sector. So wherever there is an undue advantage given to the public sector because of this legislation over a private business that is in competition with the public business or public utility, we ought to make sure there is parity. We are going to propose this amendment tomorrow. We think it addresses this problem. If we do not get it passed tomorrow, I implore the chairman of the Committee on Government Operations to look at this legislation which we will introduce later on in the session.

Mr. Chairman, I hope you will take a hard look at that.

Mr. TOWNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that this is an issue that I have been involved in now for some time, and I have a lot of respect for the chairman of the full committee, the gentleman from Pennsylvania [Mr. CLINGER].

We worked hard in the last Congress on H.R. 5128. But the bill that is before us is not the same bill that we proposed in the last Congress. It is a different bill.

The bill the last time, we had hearings all over. We had hearings in Pennsylvania, we had hearings in Florida, we had hearings here in Washington, DC, to get input coming from people that are involved in government. We had State elected officials coming, we had county elected officials coming. We had providers of service coming and talking to us about their concerns.

Now, that is the way that we should be involved. We should not all of a sudden go to bed one night and wake up one morning and say we are going to now put forth a bill, we are not going to talk to anybody, and we are going to push it, not knowing exactly what we are doing.

I do not think that is the Contract With America. I think they want to have input, they want to talk, and they want to make certain what we are doing is moving this country in the right direction. That is the view and that is the feeling I am getting.

As I try now to call around and get input and feelings from people that are going to be affected by what we are doing here, we do not have enough time to do it. The only way to do that would be to have hearings.

Now, I am just listening in terms of the fact that first of all, the dumping part. We should take some time and address that, to find out just what are we really doing here. We do not have to do this this way. This is not good government. We have too many unanswered questions here to move forward.

Now, I have been a supporter of this legislation all along. But I will be honest with you, what is before us now I cannot support, because to me it is not moving in the direction that I feel that the American people want us to move in. They do not want unfunded mandates, but they want to make certain what we are doing is not going to make the situation worse.

I am not sure. I have not had enough time to go over it. I have not had enough time to talk to people involved in terms of administering this program once we order it. There is a lot of questions here that nobody has been able to answer. And I think the only way you answer them is to talk to people.

We need to talk to experts out there. We have not talked to them. This is the kind of legislation that the magnitude of it requires a discussion. And I am disappointed over the fact that the people that are moving it forward, as I look now, 50 percent of the people that are on the committee this year were not on the committee last year.

It is a different bill. So I am hoping that tomorrow they would allow us to fix this bill. And if we cannot add amendments to fix it, I have to vote against it.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Omaha, NE [Mr. CHRISTENSEN], a new Member of the House, from the Committee on Ways and Means.

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to day in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill represents a bipartisan effort to address a very serious problem. For too many years the Federal Government has imposed a hidden tax on State and local governments in the form of unfunded mandates.

Unfunded mandates are Federal laws and regulations that impose costly duties on State and local governments, and without providing the money to pay for it.

In the past 10 years alone, Congress has passed 72 unfunded mandates, including mandates on clean air and water, toxic waste cleanup, asbestos and lead paint removal, and public access for the disabled. While there are no comprehensive estimates of the total cost of all unfunded mandates, one study estimates that just 10 of these 72 mandates cost over $72 billion a year.

H.R. 5 would put an end to Congress blindly imposing unfunded mandates on the States without regard to their cost. Specifically, H.R. 5 establishes a point of order against any future mandate which does not have a CBO cost estimate and creates a second point of order against any future mandate if Congress does not provide a way for paying for it.

Congress can by a majority vote waive these points of order. However, H.R. 5 will for the first time guarantee that Congress does not impose additional mandates on the States without a full and open debate on the cost and impact of these mandates.

In short, H.R. 5 is about responsibility and accountability. As Members of Congress, we have a responsibility to take action and to make sure this proposal passes so that the American people can once again have their representation speak for them in the U.S. House of Representatives.

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Mr. CONDIT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, let me say a word of thanks to my colleagues on both sides of the aisle for allowing me the time that they did and for allowing us to speak in favor of H.R. 5. And for my colleagues who were here today to speak in favor of it, they would also like to give a word of appreciation to both sides of the aisle for that.

I look forward to the next couple days when we will debate the amendments to H.R. 5. I think that will be a positive and constructive thing for us to have that debate.

We will talk about what we have heard today, the threat to public health. Let me just make a quick comment. This bill is no threat to public health. This just simply says that if we think it is good enough to be a national policy, then it is good enough to fund. It does not remove the clean air standards. It does not remove clean water standards. It simply says that if we think it is good enough to legislate and mandate across the country, it is good enough to pay for.

The private sector thing, the gentleman from Indiana [Mr. BURTON] said he has an amendment, we should consider that amendment. But I hope those Members who brought up the private sector section will help us when we get to risk assessment and cost analysis. Risk assessment will correct the private sector problem, and we look forward to that support and help on this side of the aisle.

The unfortunate result of this whole process is that State and local governments must devote locally raised revenues or reduce local services in order to pay for the unfunded mandates that we impose on them.

H.R. 5 gets at the fundamental unfairness of this process and thus ushers in a new era in the Federal, State, local partnership. I emphasize partnership because State and local governments are not some ordinary special interest group as some in this body allege. They are, instead, individuals who are elected and held accountable by the very same citizens who have sent us here to do the public's business.

Contrary to what some have alleged, H.R. 5 is not about the merits or demerits of individual mandates. We all want clean air, clean and safe drinking water, and safe working conditions. There is not a single mayor, county supervisor, or Governor in this country who is not in favor of these goals.

Instead, H.R. 5 is about putting some control into a process that is out of control.

Under H.R. 5, we will, for the first time, get accurate and reliable information on the cost of unfunded mandates.

H.R. 5 will encourage Congress and the Federal Government to consult and work with State and local governments on how best to address the Nation's problems.

And finally, H.R. 5 is about accountability. H.R. 5 does not prohibit unfunded mandates from ever being passed by Congress. It merely says that if you are not going to pay for a new mandate, then come down to the floor and go on record for doing so.

Today, you will hear a lot of horror stories about how H.R. 5 will take us back to the dark days when we did not have adequate safeguards on environmental, health, and safety issues. Nothing could be further from the truth.

First, it is important to note that H.R. 5 is not retroactive. I stress that point—the bill is not retroactive. Therefore, it will not undercut or diminish existing health or safety standards.

Second, H.R. 5 will not apply to reauthorizations unless the reauthorizations include new mandates and then only the new mandates would be subject to the bill.

Third, H.R. 5 will not prohibit us from ever passing new unfunded mandates. Under the bill, a majority of the House or Senate can waive the point of order enforcing the funding requirements and impose a new unfunded mandate.

Fourth, H.R. 5 will not unfairly disadvantage the private sector at the expense of the public sector. I might add that the Chamber of Commerce, NFIB, the Homebuilders, and the National Association of Realtors enthusiastically support this bill.

In closing, I ask that all Members keep these points in mind. I welcome the healthy debate that I am sure will follow when we get to the proposed amendments. However, I would hope that all Members debate this bill on the merits and resist from using hyperbole and outright mischaracterizations in order to denigrate and distort this bill.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we close this general debate before we proceed to the chairman of the Committee on Government Reform and Oversight, I would like to add one very important point to that that was raised by my friend, the gentleman from California [Mr. CONDIT].

As we look at this overall issue, it not only says that we have to make the decisions here that we are going to fund it, but it also says that we are going to be accountable.

What has happened in the past, tragically, is that the Congress has regularly snuck in these little provisions which have imposed an extraordinarily onerous regulatory burden on State and local governments and the private sector without providing any kind of funding. And none of us have been accountable because it has been snuck in there. So all this legislation says is, we have to make tough decisions and we have got to stand up, when those decisions are facing us, and say yea or nay. That is really what this legislation does.

If my colleagues look at State and local governments, they all the way across the board support this. Our Contract With America basically states that we want to reduce the size and scope of government and we want to move back to the State and local levels decisionmaking rather than having it centered inside the beltway.

That is exactly what this legislation will ultimately do, because I am convinced that our new majority will decide, when faced with these tough decisions, that unfunded mandates are not the way to go. It is not the way to be responsive to the American people. And I will strongly support H.R. 5 and congratulate all my friends who have worked so hard on this legislation.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I express my thanks to all who have participated in this debate. I think we have had a very wide-ranging debate and a number of issues have been raised. I look forward to the amendment process that will begin tomorrow.

I think there have been a number of perhaps misconceptions talked about here today that I would just briefly touch on. And it really has to be stressed. This is not a retroactive bill. It is not going to affect mandates that are on the books now. It will require a commission to look at existing mandates and determine if some of them have outlived their usefulness, but it in no way is going to abrogate any mandate that is on the books at the present time. Now is it going to prevent us or make it impossible for us to impose other mandates that we deem in our judgment to be necessary to pass without providing the necessary funds. But it does require us to at least consider the cost.

I think that has been the problem too often in the past. The fact that we now have 176 Federal mandates, we have never really been required to consider what is the cost that we are imposing on State and local governments.

There have been a couple of things that were raised here today that I think need to be corrected. It was suggested that perhaps the title IX requiring equality for women in sports programs, under title IX would have been affected. That is a civil rights bill. That is exempt under this bill. Another suggestion was that we would not be able to impose conditions on grants. That is clearly exempt. Any conditions of a grant of Federal funding is also exempt from this bill.

So that what we have, Mr. Chairman, I think, is a bill that clearly needs to be addressed. We will address it. I would agree that we have had a very full and wide-ranging debate here today. But it is not retroactive. It is only prospective in view and it really is only saying, let us consider what we are doing. What have we wrought, what have we imposed upon State and local governments that has made all of them universally crying for this legislation at the soonest possible moment.

Mr. HASTINGS of Washington. Mr. Chairman, former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that: "My reading of history convinces me that most bad government has grown out of too much government." This is exactly the problem that we are attempting to address in today's debate.

When I first began working for my father's small business many years ago, the onslaught of Federal mandates on our local communities had only just begun. Later, as a Washington State legislator, I saw first hand how destructive Federal mandates could be. Today, the Federal Government has used the mandate loophole to radically expand the scope of Federal intrusion into the lives of all Americans. Our constituents have paid the price in an ever-increasing State and local tax burden, and in unnecessary restrictions on our struggling regional economies.

The U.S. Constitution set up a clear delineation in powers between the State and Federal governments. The Founding Fathers wanted to make certain that the Federal Government would have limited power to infringe upon States rights, or to raid State coffers. But like an octopus, the Nation's bureaucracy has slowly but surely extended its power and influence, and in so doing has eroded many of the Constitution's fundamental provisions.

Let me give you a few examples.

Federal regulations are forcing one country in my home State of Washington to spend $142,000 to convert their traffic signs to the metric system. Never mind that almost none of my constituents have any interest in making the conversion. Never mind that the money might be better used to improve our schools, refurbish our infrastructure, or reduce our constituents' taxes. Never mind that the regulation defies common sense. My constituents are forced by the bureaucrats to comply with this unfunded mandate.

The Intermodal Surface Transportation Efficiency Act—passed by Congress in 1991—has forced my State to include recycled rubber in asphalt laid by federally funded highway construction projects. Never mind that engineers are divided on the wisdom of this program. And never mind that this Federal provision may well cost Washington State tens of millions of dollars. My constituents are forced to comply with this unfunded Federal mandate.

Unfunded mandates impose enormous costs on cities in my district as well. One, Kennewick—a city of approximately 40,000 residents—estimates that Federal mandates cost it more than $4 million a year. And nationwide, the U.S. Chamber of Commerce has estimated that the cost of complying with Federal mandates has gown to almost $600 billion.

Mr. Chairman, the people of this Nation spoke with one voice this past November. They want less Government, less regulation, and lower taxes. They also want a Government that is more responsive to local concerns.

They're exactly right. And the best way for us to combat the mandate plague is to make it more difficult for Congress to usurp the constitutional prerogatives of our State and local leaders. That is what this legislation would accomplish, and as a result, I urge an "aye" vote on this measure.

Ms. PRYCE. Mr. Chairman, I rise in support of H.R. 5, the Unfunded Mandate Reform Act of 1995.

Eight years ago, Gov. George Voinovich of the State of Ohio spelled out exactly why this legislation is so necessary. He said:

> Over the past 20 years, we have seen the expansion of the Federal Government into new, nontraditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to preempt State and local authority and to mandate actions on State and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch, and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treaties, it has expired as a practical political reality.

I support H.R. 5, Mr. Chairman, because it restores balance to the Federal, State, and local relationship envisioned by the Framers of the 10th amendment.

Under the current system of mandating, State and local leaders are forced to cut vital services and raise taxes. But worse yet, mandates deprive citizens and their elected representatives of one of the most fundamental responsibilities of good government: the ability to prioritize government services. The public is not well-served when Congress arrogantly passes on new mandates that force mayors to think twice about putting new police officers on the street or Governors to delay implementing needed reforms in education.

Without effective relief from unfunded mandates, Washington will soon bankrupt State and local governments. The State of Ohio has estimated that unfunded Federal mandates will cost the State more than $1.74 billion between 1992 and 1995. The city of Columbus, in my district, estimated that its total spending on 14 major mandates would be $1.6 billion between 1991 and the year 2000. By the year 2000, each Columbus family's share would be $850 per year.

These costs have a tremendous impact. In the past 5 years, education in Ohio has declined as a share of State spending nationally at a time when improving education is one of this country's highest priorities.

While many mandates are well-intentioned, they can also do more harm than good and have unintended results. A good example is the most recent Federal highway law which forces States to use scrap tires in highway pavement. No State transportation agency supported this idea, and many experts have serious concerns about the potentially harmful environmental effects of using scrap tires in pavement, but that did not deter Congress from passing the mandate.

The legislation before us reminds us of the two basic questions for all public officials: What should government do, and what level of government should do it?

Since no level of government—Federal, State, or local—has the luxury of unlimited financial resources, we should not judge public officials by how much they spend on solving a problem. They should be judged on their initiative and resourcefulness, and on what they can accomplish within their means.

H.R. 5 is a long overdue step toward correcting an abuse of power by Big Government in Washington and revitalizing the Federal-State-local partnership which forms the basis of our society. As a cosponsor of the bill, I urge its adoption without any weakening amendments.

Mr. BUYER. Mr. Chairman, as the recent elections have proven, the Washington-knows-best attitude can be no more. For too long the Federal Government has usurped the 10th amendment of the U.S. Constitution, the specific intent of our Founding Fathers. It has also stifled the growth of our Nation's businesses because of the cost of compliance with Federal mandates. It is time this body recognized States' rights and ensure States and local communities are allowed to determine how best to resolve their own problems. And, it must also be fully aware of burdens it is placing on the business community.

The people of my district have elected several ingenuitive and responsible leaders in cities like Plymouth, Lowell, DeMotte, Warsaw, Knox, Peru, Kokomo, and Marion, as well as others. These elected officials have been challenged to solve local problems, create economic growth and development, and provide necessary services at minimal costs. However, recently, the Federal Government has redefined their responsibilities into being able to comply with Federal regulations, sift through the Federal bureaucracy to obtain grants and financial assistance, and practice budgetary wizardry to fund these mandates along with all of the necessary local programs. By shifting costs to local communities and setting its agenda, unfunded Federal mandates breach the underlying principles of federalism which assume a working partnership and shared responsibilities between the Federal, State, and local governments.

Over the past few years, State and local officials in my district have continually pleaded for relief. Business leaders have explained that they are being forced to make decisions based on Federal regulations rather than the market economy. The Federal Government has not only tied the hands of these officials and business leaders, but, through mandates, it has determined the agenda and has set the priorities at all levels of government. In fact, both Cedar Lake and Monticello, cities in my district, have had to bear the cost of additional loans to address much needed sewer projects, which had been deferred due to the costs of compliance with Federal mandates.

Last week, I spent the day talking and listening with the members of the Indiana General Assembly. They want to work with the Federal Government, but they know all too well the Federal Government's help too often means more burdens, requirements, and budget outlays—the Safe Drinking Water Act, the Clean Air Act, the Motor Voter Act, and last year's crime bill to name a few. They explained that instead of being able to address the concerns and needs of their communities, they have become administrative servants of the Federal Government. They are constantly compelled to comply with mandates, rules, and regulations, which demand too much time and too many resources.

Business leaders have told me the same thing. They are forced to devote their time and additional employees to make sure they comply with Federal rules and regulations, rather than assisting customers and promoting growth and development. Some businesses have closed plants and eliminated jobs because of the cost of compliance with certain mandates. These Federal regulations have forced many producers to rely, in part, on foreign sources, rather than their own.

A small businessman in my district confessed to me that even though the growth of his business is such that he would be able to hire additional employees, he will manage with his current 46 employees. He explained that the Family and Medical Leave Act, which affects business of greater than 50 employees, would place too many costs and burdens on his business, even though he has already instituted a policy allowing for employee leave.

We have set an ambitious agenda to meet the demands of the American people. However, we would only be fooling ourselves and conducting more business-as-usual if we were to pass the balanced budget amendment, increase defense spending, grant family and business tax cuts, and enact another crime bill without also passing the Unfunded Mandates Reform Act.

Congress, by passing this legislation, will finally show it is committed to not only limiting the heavy Federal arm, but also to being better informed in its decisionmaking and accountability, including being aware of the costs State and local governments and businesses would bear. This Congress should require cost estimates on mandates, funding to be identified in the legislation, agencies to do cost/benefit analyses of regulations, and, most importantly, input from those who would be affected by mandating legislation. This opportunity must be seized without further delay or weakening amendments.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to this piece of legislation. I want to make it clear from the outset that I believe the Federal Government must assist State and local governments in meeting financial obligations associated with legislation passed by Congress. I have been a consistent supporter of directing Federal resources to the local level to assist them in complying with Federal statutes. At the same time, I firmly believe that the Federal Government has an overriding obligation to protect the health, safety, and well-being of every American. This bill will greatly undermine the Federal Government's ability to provide equal protection to our citizens and will compromise 25 years of progress in environmental protection, civil rights, and many other areas.

I have several concerns about this bill. First, it establishes a new Federal advisory committee to conduct a review of all Federal requirements. For many years, my Republican colleagues have been arguing that we should not establish any new advisory committees and that we should eliminate many we already have. I would suggest that the existing Advisory Commission on Intergovernmental Relations [ACIR] is ideally suited to conduct such a review. A majority of its members are representatives of State, local, and county governments and it also includes Members of Congress and executive branch officials. For the past 20 years the Commission has been studying the mandate issue and the interaction between various levels of government. Just last week ACIR released two reports addressing how to accurately calculate the costs of Federal requirements and how to define Federal mandates. I believe the Commission has the personnel and the expertise to examine the mandate issue. As a result, I will offer an amendment with Mr. SCHIFF, Mr. MORAN, and Ms. MEEK to require the Advisory Commission on Intergovernmental Relations to conduct the review required by the bill. This is a common sense amendment that I urge my colleagues to support.

Second, the regulatory review requirements contained in title II of the bill are already required by Executive Orders 12866 and 12875 which President Clinton issued in the fall of 1993. In fact, the Office of Management and Budget [OMB] is currently developing a process to evaluate the effects of mandates and gather input from State and local governments. Title II merely duplicates requirements which already exist. Therefore, it is unnecessary.

Third, it is ironic that a bill seeking to reduce mandates on one entity would impose dramatic new mandates on others. This legislation requires the Director of the Congressional Budget Office [CBO] to review every bill or joint resolution reported by a committee. This review must determine whether the mandate will cost State and local governments more than $50 million or the private sector more than $100 million in any given fiscal year as well as determine whether additional Federal funds are provided to cover those costs. While the CBO is required to review certain legislation under current law, this particular measure places a massive new burden on this agency.

While I am concerned about the above, my main opposition to this bill stems from the effects it will have on the health, safety, welfare, and economic security of every American. Under this legislation, bills imposing certain requirements on States and local governments would be ruled out of order if they are projected to cost more than $50 million. Legislation exceeding this limit would only be protected from a point of order if it authorized funding to cover the full costs of the requirement or provided a mechanism for Federal agencies to reduce State compliance to some level equal to the funding contained in the bill. Moreover, in spite of assurances by supporters of this measure that it will only apply to future legislation, I remain very concerned that attempts could be made to use this bill to undermine existing legislation when it is reauthorized or amended. Furthermore, while the bill seeks to provide relief to local governments, it will disadvantage private sector enterprises which provide services similar to local governments.

Mr. Chairman, the underlying logic of this bill is deeply flawed. In essence, it assumes that State and local governments would not take steps to treat sewage or provide clean drinking water to their citizens or work to ensure access to public buildings for handicapped citizens in the absence of Federal standards. In addition, it argues that the Federal Government must pay the full costs of every action which results, even in some remote way, from a Federal requirement in order for States and localities to comply. I believe the shortcomings in this reasoning are transparent.

Obviously, States and municipalities will take, and do take, steps to protect the health and welfare of their citizens. Federal requirements, such as those set forth in the Clean Water and Safe Drinking Water Acts, are designed to ensure a minimum degree of protection for every American because all States do not invest equally in addressing problems. What proponents also fail to recognize is that many problems are regional or national in scope and the Federal Government is the only entity which can set standards or devise a course of action to address them. I believe the Clean Air Act and Civil Rights statutes are perfect examples of this reality.

Under these laws, and many others, the Federal Government has provided funding to assist the States in complying with the minimum standards. In fiscal year 1995, Congress appropriated nearly $3 billion to assist States in upgrading their water treatment infrastructure to help to ensure that every American, regardless of which State they live in, will have pure drinking water. These two statutes are only one example of Federal support flowing to the States. In fact, budget figures show that in fiscal year 1993 Federal outlays for grants to State and local governments totaled $155 billion and that figure was projected to increase to more than $169 billion in fiscal 1994. These transfers represent more than 3 percent of our gross domestic product [GDP].

If we apply H.R. 5 to the above example, States would not have to upgrade water treatment facilities if the total costs exceed the Federal contribution. This bill does not take into account the inherent responsibility of a State to carry out this activity or make any allowances for emergencies or vitally important projects. It merely sets up an arbitrary cutoff point that lets States off the hook if the Federal Government does not pay the full costs of what most would agree are shared responsibilities. Moreover, this bill rewards States that have not taken the initiative to address certain problems and penalizes those which have been leaders. H.R. 5 works to bring everyone down to the lowest common denominator. I believe my colleagues will agree that this is not a goal we should be shooting for in this body.

Finally, this bill will put many private sector businesses at a competitive disadvantage. While States will be exempt from Federal requirements if the costs are not fully covered, the same will not apply to businesses. This disparity could be devastating to any small business which provides services that local communities might also provide. For example, if a local government is exempt from complying with certain provisions of the Resource Conservation and Recovery Act [RCRA] relating to waste disposal, it could drive small waste haulers and private waste disposal firms out of business. The effect of this bill would be to establish different standards for hospitals, universities, and many other entities performing identical tasks based on whether they are owned by a State or private company. This distinction demonstrates how this bill works to merely shift responsibility to comply from the public to the private sector. Unfortunately, because this bill was not subject to any hearings by this Congress, we do not fully understand the implications of this shift. This is especially disturbing in light of the fact that small business is the engine which drives economic growth in this country.

Mr. Chairman, this legislation is seriously flawed. It creates an unnecessary new bureaucracy and places unprecedented burdens on Federal agencies and the CBO. More importantly, it will work to reverse the progress we have made over the past 25 years in environmental protection, public health, worker rights, and equal protection for all Americans. It throws the notion of shared responsibility between the Federal and State governments completely out the window. In addition, it will place small businesses at a competitive disadvantage vis-a-vis State and local governments. In the final analysis, this bill will degrade the quality of life for all Americans. I urge my colleagues to reject this ill-conceived measure.

Mr. HAYES. Mr. Chairman, the premise behind H.R. 5, the Unfunded Mandates Reform Act, is fiscal responsibility.

I cosponsored this legislation with that objective in mind and because I am appalled by the Federal bureaucracy's arrogance with respect to suggesting federally conceived one-size-fits-all solutions to local problems without regard to who must pay for them. If H.R. 5 truly represents a progressive step toward the Federal Government setting priorities in a fiscally prudent manner, then the bill itself should not end up being an unfunded mandate on the American taxpayer.

As the Chairman is well aware, title III of this bill authorizes $4.5 million for the Congressional Budget Office [CBO] to perform critical economic analysis of the impact that legislative proposals will have on State and local governments and the business community. Although a very worthwhile and necessary function, authorizing funding without offering specific offsets merely shifts responsibility to the appropriators, and with our budget already stretched to limits, questions of funding should no longer be left to chance. Once again, entrenched institutional ideals will postpone the hard decisions for a later date. It is this type of logic that has resulted in our national debt ballooning to $4.5 trillion.

House rules preclude me from offering an offsetting amendment at this time. Therefore, I plan on proposing an amendment to the House legislative branch appropriations bill which will direct a reduction in the official mail or "franking" account of $9 million. Under this amendment, Members of Congress would experience a further reduction in their free mail account to more than offset the costs authorized by this bill so that local and State governments and the private sector have all the pertinent economic information about the impact of proposed regulations and laws. If the 104th Congress really has the vision to deliver needed reforms in the way our Government does business, then actually providing relief from unfunded mandates as well as the Federal deficit is the very least we owe the American people.

Mr. GOSS. Mr. Chairman, our States, counties, cities, and towns have all experienced the frustration of unfunded Federal mandates in one form or another. As the first mayor of Sanibel, FL, and later as chairman of the Lee County Commission, I became much too familiar with the pressures that such one-size-fits-all mandates put on local budgets. It has become a very bad habit for the Federal Government to tell their State and local counterparts what to do, often spelling out how to do it, and usually doing so without consideration of the costs involved or the unique characteristics that make our localities differ from one another. I am gratified that today we are moving to reverse that trend and establish safeguards against such irresponsible Federal dictates in the future.

The Committee on Rules has original jurisdiction over the changes and additions to the House Rules contained in H.R. 5. We considered title III, after a very thorough and informative briefing by CRS and CBO, and after listening to a broad array of views during an extended committee hearing.

The nuts and bolts of the rules changes in this bill have been pretty well explained—it will be out of order for the House to consider legislation that creates a new unfunded mandate, above a certain, national trigger cost level, on States and local governments. This point of order can be waived by a majority vote if enough Members of this House feel that the need for the mandate is urgent. While this will not automatically stop all new mandates in their tracks, it will force the House to take the issue of the unfunded mandate specifically into consideration, casting an up or down vote, in full public view on the issue of whether to proceed with such a mandate or not. Accountability in short.

As a strong supporter of this bill, I nonetheless did have some concern over the possible unintended consequences it could have on existing environmental and public health laws. As initially drafted, it was unclear whether the cost of existing programs, such as the Clean Water Act, would be counted toward the $50 million trigger in this bill when such programs came up for reauthorization. While it's clear that the intention of this bill's authors was never to gut the provisions of every piece of environmental legislation, I am pleased that we were able to further clarify this point in the Rules Committee through an amendment to title III. That amendment makes it clear that only the incremental costs of new mandates will count toward the $50 million trigger. This keeps within the spirit of H.R. 5, in looking ahead to future mandates while a commission reviews all existing mandates.

Mr. Chairman, this is a good bill, complicated by the nature of the subject, but well thought out. A host of talented Members, State officials, and staff worked long hours to bring us to this point. Congressional action to reverse the trend on unfunded mandates is long overdue and vital to the financial stability of our State and local governments. For more accountability, for thriftier spending, for better Government—I urge my colleagues to support H.R. 5.

* * *

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995.

I have long supported this legislation and was a cosponsor of mandate relief legislation during both the 102d and 103d Congress. This legislation is aimed at reducing the growing number of mandatory regulations we impose on State and local governments.

These mandates have become a tremendous burden on local officials. As a former St. Clair County board chairman, I understand how Federal mandates can create pressure on State and local governments to raise taxes in order to comply with onerous Federal regulations.

This bill will make it more difficult for Congress to pass bills continuing unfunded Federal mandates onto State and local governments. It would be against the rules of the House to pass any legislation containing any intergovernmental mandate, and would require an analysis of any mandate on the private sector.

In effect, it would prevent the House from passing a mandate except when a majority of Members vote to waive the rules, or if the funding is provided to pay for the mandate itself.

The bill also requires not just the Congress but Federal agencies to assess the effects of Federal regulations on State and local governments, as well as the private sector, and to publish a special analysis before issuing any new regulation which may result in aggregate costs of $100 million or more. The measure requires each agency to establish a process to ensure local input into the development of regulations with significant Federal mandates, and establishes a commission to review unfunded mandates and provide recommendations on reducing them.

This measure does make exceptions to certain Federal laws which are designed to give basic rights to our citizens. The mandate legislation would not apply to provisions of Federal law or regulations that implement or enforce individuals' constitutional rights, Federal civil rights antidiscrimination laws, or accounting or auditing procedures for Federal grants.

Mr. Speaker, there are some mandates—such as safety standards in the workplace—which should be mandated. However, there is no reason why Congress cannot work with American companies and provide the funding to comply with these mandates.

This mandate relief legislation is long overdue, and I urge my colleagues to join me in supporting this bill.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today in support of H.R. 5, the unfunded mandates reform act. H.R. 5 responds to the cries of State and local governments saddled with the financial responsibilities associated with unfunded mandates. We have a situation wherein the Government—meaning Congress as well as executive branch agenices—impose duties upon States and localities, while at the same time refusing to finance the cost of the regulations. Cities across the country continuously report on how their ability to govern and meet budgetary priorities is undermined by our increased tendency to dictate priorities to State and local governments. We must recognize that in a time when funds are limited, the entities most qualified to allocate those funds are the affected local communities.

Opponents of H.R. 5 view the legislation as a mechanism by which current environmental; and public health laws will be gutted. However, I see this bill as an attempt to refocus our direction, recognizing that we cannot continue to usurp the authority of States and localities. H.R. 5 forces us to seriously consider the financial ramifications of the legislation we propose each year.

H.R. 5 accomplishes the following: If it is determined that a bill contains an unfunded mandate a point of order could be raised on the House floor which can be waived with a majority vote. This accomplishes the following—for one, we are forced to go on record should we decide to impose an unfunded mandate on States and localities. Second, we are greater informed about the effect that our actions would have. I think that is reason enough for passage of this legislation and I would urge my colleagues to support this bill.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in strong support of H.R. 5, the Unfunded Mandate Reform Act of 1995.

The message from last November's elections is that the American people want a smaller, less intrusive Federal Government. The election was a ringing endorsement of our Republican Contract With America, which under the Job Creation and Wage Enhancement Act promises significant government reforms and the elimination of unfunded Federal mandates passed on to State and local governments.

On the first day of this 104th Congress, we delivered on our commitment in the contract to reduce the cost of running our own House, eliminate the number of congressional committees and staff, and make our daily business more open and representative of those we are elected to serve. Later in January we enacted the Congressional Accountability Act to ensure that the Congress lives under the same laws that are imposed on all other Americans. And last week we approved and sent to the Senate a balanced budget amendment to the Constitution, a cornerstone of the contract that will force the Federal Government to balance its revenues and expenditures.

After more than 3 weeks of open debate and the consideration of 150 amendments, we fulfill another contract pledge. That is to end the growing practice of Congress passing mandates onto State and local governments without passing along the required Federal funding to carry out these mandates.

Congress, with increasing frequency has passed more and more legislation that takes power away from the people and concentrates it in the hands of Federal bureaucrats in Washington who promulgate countless new regulations and requirements. When the cost of this big government started to become too expensive, Congress continued to enact burdensome legislation but dumped the cost in the laps of State and local governments.

The balanced budget amendment we passed last month will protect tomorrow's generation from paying for today's government. The legislation we consider today protects the taxpayers of our States from having to do the same.

It is estimated that the unfunded Federal mandates passed during past sessions of Congress will cost our States and cities hundreds of billions of dollars unless Congress acts. In Florida, mandates in certain Medicaid regulations, the Americans With Disabilities Act, the Safe Drinking Water Act, the National Voter Registration Act, and others, cost our State taxpayers almost $1 billion a year. In fact, in 1993 alone, State and local governments in Florida were forced to pay almost $900 million to illegal aliens as a direct result of the Federal Government's shoddy implementation of its contradictory immigration laws. By passing the Unfunded Mandate Reform Act, we answer the call of Americans wanting less bureaucracy, less regulation, and more fairness in their lives.

Through legislation I have supported, our Nation has made great strides in protecting our environment, expanding access to public facilities to those with disabilities, increasing workplace safety, and educating our children. The Unfunded Mandate Reform Act does not prohibit Congress from considering future legislation with equally noble goals, it simply will alert our colleagues in the House and the Governors and State Legislators of our States of the impact it will have on the States and on State treasuries.

Certainly when Congress chooses to act on an issue worthy of Federal law and national attention, it should also provide the funding to implement the policy, not pass the buck to the States.

Our colleagues in the other body have already acted to lift the net of Federal regulation that has covered our country. It is my hope this House will do the same, and that the President will keep his promise to sign comprehensive mandate reform legislation into law. Congress must respond to the people's call for a smaller, less intrusive government, and restore balance and fairness to our unique Federal system. Fairness dictates that Congress cover the cost of implementing the laws it passes by prohibiting the shifting of those costs to State and local governments.

The CHAIRMAN. All time for general debate has expired.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GOODLATTE] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the costs of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to the provisions of 15 U.S.C.

1024(a), the Chair, without objection, appoints as members of the Joint Economic Committee the following members on the part of the House:

Mr. SAXTON of New Jersey.
Mr. EWING of Illinois;
Mr. QUINN of New York;
Mr. MANZULLO of Illinois;
Mr. SANFORD of South Carolina;
Mr. THORNBERRY of Texas;
Mr. STARK of California;
Mr. OBEY of Wisconsin;
Mr. HAMILTON of Indiana; and
Mr. MFUME of Maryland.

There was no objection.

APPOINTMENT AS MEMBER OF THE HOUSE PAGE BOARD FOR THE 104TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 19, 1995.

DEAR MR. SPEAKER: Pursuant to section 127 of Public Law 97-377, I hereby appoint the following Member of Congress to serve on the House of Representatives Page Board for the 104th Congress: Representative DALE KILDEE.

Sincerely,
RICHARD A. GEPHARDT.

EXTENSION OF AGREEMENT BETWEEN THE UNITED STATES AND ESTONIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–21)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith the Agreement between the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Tallinn on March 11 and May 12, 1994, extends the 1992 Agreement to June 30, 1996.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 19, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain requests for 1-minute statements.

CONGRATULATIONS ALBION

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Michigan. Mr. Chairman, as we conclude another football season, I say:

Move over, San Francisco. Step aside, San Diego Chargers.

The real football champion is not from California, but from Michigan—and more specifically, from Albion, MI.

Last month, Albion College captured the division III national championship by defeating Washington and Jefferson of Pennsylvania 38 to 15.

With a tradition of excellence in both academics and athletics, Albion's reputation is known throughout the Midwest. And the men who make up the Briton football team are scholar-athletes in the truest sense of the word.

So, let me take my hat off to Coach Schmidt and the Albion Britons for capping a perfect 13 and 0 season with a national championship.

On behalf of this Congress, congratulations Albion.

I enclose a report of the game as covered in the Pleiad:

Washington and Jefferson was the 2–1 favorite to win the Amos Alonzo Stagg Bowl. In the end, the margin of victory was more than 2–1. Only it was Albion College that became the National Collegiate Athletic Association Division III National Champions.

So much for expert opinions. The Britons' 38–15 victory over the Presidents was the most lopsided Stagg Bowl since 1986.

The victory boosted Albion's record to 13–0, clinching a perfect season. The Britons are one of four NCAA football squads in the nation with a perfect record . W&J finished its season with an 11–2 record.

Despite the clearcut victory, Saturday's game in Salem, Va., was marred by a slow start and racial taunts directed at Jeffrey Robinson, Mount Clemens senior and running back.

First, the Britons lost the coin toss and had to receive in the first half. Despite a 40-yard kickoff return by Todd Morris, Highland senior and fullback, Albion was unable to capitalize on its first two drives of the game. With 4:30 left in the first quarter, W&J's Vince Botti scored the game's first touchdown.

With 35 seconds left in the first quarter, however, Robinson broke a tackle and found a hole. He ran for 70 yards, scoring the Britons' first touchdown 12 seconds later.

Seventy-four seconds after that first touchdown, the Britons scored again when Jared Wood, Frankenmuth junior and outside linebacker, intercepted a pass and ran it back 29 yards for another touchdown—the first of two in the second quarter.

Scott Casteele, Vermontville senior and tight end, forced the Presidents to fumble on the ensuing kickoff. David Lefere, Jackson sophomore and free safety, then recovered the ball, leading to a 28-yard field goal by kicker Michael Zacha, Okemos sophomore.

The defense dominated, with big hits by Dennis Waclawski, Ada junior and defensive tackle; Robert Taylor, Grosse Ile senior and defensive end; and an interception by Timothy Schafer, Holt junior and cornerback.

With 1:08 left in the half, Robinson scored again, putting the Britons ahead 24–7 at the half.

The third quarter was dominated by the Briton defense, especially by James Davis, Gross Ile senior and outside linebacker. Davis had a hand in two sacks in the quarter, both on W&J third downs.

Albion added to its score yet again with 50 seconds left in the quarter, courtesy of a 2-yard reception by Christopher Barnett, Flint sophomore and wide receiver.

The fourth quarter belonged to Raymond Henke, Warren sophomore and cornerback, who batted down three W&J passes.

With 11:18 remaining, W&J running back Jake Williams crossed the goal line for a 12-yard touchdown run. W&J chose to go for the two-point conversion, and quarterback Jason Baer connected with Botti, bringing the score to 31–15.

With 57 seconds left to play, Robinson scored his third touchdown of the game—a 29-yard run. With the successful extra point kick by Zacha, the Britons clinched the national championship by a score of 38–15.

Albion's score was not the only impressive number of the game. Robinson rushed for 166 yards and three touchdowns. The team combined to rush for 254 yards, shutting down the Presidents' first-ranked defense against the run, which only allowed an average of 35.8 rushing yards per game.

Prior to Saturday's game, W&J had not given up more than 24 points since a 47–28 loss to Ithaca (N.Y.) in 1992.

The Britons accomplished all this despite the steady rain that persisted throughout the game, making the 45-degree temperature seem even colder and making the field even muddier.

□ 1520

With a tradition of excellence in both academics and athletics, Albion's reputation is known throughout the Midwest. The men who make up the Briton football team are scholar athletes in the truest tradition of the word, so let me take my hat off to Coach Smith and to the Albion Britons for capturing a perfect 13–1–0 loss season with the conclusion of the national championship. On behalf of this Congress, congratulations, Albion.

THE MARION MALLEY WALSH DRUNK DRIVING ACT OF 1995

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to introduce a piece of legislation that is of particular importance to me: the Marion Malley Walsh Drunk Driving Act of 1995.

Marion Malley Walsh was a professional artist—a commercial fashion illustrator and successful pastel portrait painter—a mother and grandmother, who lived in Longmeadow, MA. On June 23, 1993, while driving with her sister Loretta to a family reunion on Lake George, Marion was killed by a drunk driver who was fleeing the scene of a hit-and-run accident.

Mr. Speaker, drunk driving is a problem that plagues our Nation. In 1992, 17,699 innocent people were killed in this country by drunk drivers. That's an average of one alcohol-related fatality every 30 minutes. Drunk driving crashes cost the U.S. health care system approximately $6 billion in 1993, and American businesses and workers approximately $25 billion in lost wages.

The Marion Malley Walsh Drunk Driving Act follows the lead that was set in Massachusetts and in a few other States—setting a zero-tolerance level for drivers under the age of 21, and lowering the legal alcohol limit to .08 percent.

States that do not comply with the Marion Malley Walsh Drunk Driving Act will still receive Federal highway moneys—only some of these funds will be earmarked for specific programs related to drunk driving.

Most importantly, however, the Marion Malley Walsh Drunk Driving Act doesn't cost the tax payers an additional dime—it can be done within our current system.

Mr. Speaker, in the memory of Marion Malley Walsh, and for her family and all the other families that grieve the loss of a loved one caused by a drunk driver, I urge my colleagues to support this important legislation.

SUPERBOWL ELATION MIXED WITH DETERMINATION TO BALANCE AMERICA'S BUDGET

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, this weekend I watched with joy as the San Francisco 49ers and the San Diego Chargers won their respective conference titles, and are destined for the Superbowl, but I must say that my happiness with an all-California Superbowl was overcome with amazement when I flipped the channel and saw Labor Secretary Reich say this last Sunday, and I quote, "The President is against simply balancing the budget."

Mr. Speaker, the American people demand that we cut spending and balance the budget. As a Member of this great body, that is exactly what I intend to do. I stand here today with renewed conviction in support of the balanced budget amendment. That includes a three-fifths majority to raise taxes.

There may be those who believe we can simply keep spending the American people's money. There may even be those who think that States and local governments should foot the bill through unfunded mandates.

I am not among those people. We just cannot continue to spend the money we do not have, and a tax limitation balanced budget amendment is a commitment to the American people who demand that the Federal Government get its financial house in order.

URGING SUPPORT FOR HOUSE RESOLUTION 28, A BIPARTISAN BALANCED BUDGET AMENDMENT

(Mr. DOYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOYLE. Mr. Speaker, I rise in support of the only bipartisan, bicameral balanced budget amendment. I speak of House Resolution 28 which I am cosponsoring because I believe we cannot wait any longer to address this country's budget deficit. It was in March of last year, when I was simply a candidate for Congress, that this House last voted on a balanced budget amendment. The amendment failed then, but the deficit has not stopped growing. In fact, the national debt has increased by more than $160 billion since last March. Gross interest payments alone are costing us $315 million per day. Until we bring this problem under control these interest payments will continue to skyrocket, devouring larger and larger portions of the budget. This process has a devastating regressive effect on the rest of the budget because it severely hampers our ability to fund important discretionary programs.

Our interest payments this year alone will be 8 times higher than expenditures on education and 50 times higher than expenditures on job training. We cannot exacerbate this situation any further or we will completely cripple countless generations to come. For this reason, I urge my colleagues on both sides of the aisle to support the bipartisan balanced budget amendment, House Resolution 28.

DEFERRING SPECIAL ORDER ON WHITEWATER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, tonight I was going to take a 1-hour special order to talk about Whitewater, the Arkansas Development Financial Authority, and possible involvement by Members of the White House in these endeavors.

However, because of the parliamentary debate that has taken place on the floor today, and because I want to make sure I comply with parliamentary procedures, I have decided to defer my special order until next Wednesday, at which time I will go into that, and make sure we comply with our great Parliamentarian's rulings.

URGING SUPPORT FOR THE STENHOLM-SCHAEFER CONSENSUS BALANCED BUDGET AMENDMENT

(Ms. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCARTHY. Mr. Speaker, next week this House will take up several proposals to amend our Constitution to require a balanced Federal budget. I urge my colleagues to support the bipartisan consensus version of this amendment that will be offered by my colleagues, the gentleman from Texas, CHARLIE STENHOLM, and the gentleman from Colorado, DAN SCHAEFER.

This measure has several important features not found in competing proposals. it requires a balance of actual outlays against actual receipts. It would not include securities held by the Social Security trust fund when the fund is running a surplus. It requires the President to submit a complete budget plan that is in balance. it includes a thoughtful exemption requiring that the United States be engaged in military conflict before Congress could vote to waive its requirements.

Under current policies, according to the analytical prospectus volume of the budget of the United States, future generations are projected to face a lifetime net tax rate of 82 percent in order to pay the bills that we are leaving them. For these reasons, I urge my colleagues to support the Stenholm-Schaefer balanced budget amendment, as I am doing.

PASS UNFUNDED MANDATES LEGISLATION

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. EVERETT. Mr. Speaker, a headline in today's Washington Post reads "Unfunded Mandates Top Cities' List of Problems." It sites a study by the National League of Cities that finds unfunded mandates is the issue local governments find most vexing.

It's time for Congress to put an end to this practice of trying to balance our books on the backs of State and local governments. If the Federal Government cannot pay for it, we will not force the costs on the States.

That is what our unfunded mandate legislation will accomplish. Republicans want to change the culture of Washington through unfunded mandates legislation and a balanced budget amendment.

We want a Government that works for the people, not against the people.

I urge my colleagues to support unfunded mandates legislation. The time has come to change the culture of Washington.

The article to which I referred is as follows:

UNFUNDED MANDATES TOP CITIES' LIST OF PROBLEMS—OFFICALS SURVEYED ALSO CITE CRIME, VIOLENCE

(By John M. Goshko)

Halting increases in crime and violence, curbing costly federal requirements and creating more jobs are the biggest problems facing American towns and cities, according to the National League of Cities' annual survey of the issues preoccupying municipal officials.

The NLC, a bipartisan organization that represents state municipal leagues with a combined membership of 16,000 cities, based its findings on responses from 382 elected officials drawn from cities of 10,000 people or more. The findings of the survey, conducted before the November elections, closely paralleled many of the concerns that dominated campaigns and led to Republican control of Congress.

The survey found that unfunded mandates—laws or regulations imposed on cities without funding from federal or state governments—is the issue local governments find most vexing. The adverse impact of these mandates on cities with shrinking municipal financial resources was cited by 74.2 percent of respondents as a steadily worsening situation that Congress must address urgently.

Also of great concern to municipal officials is a panoply of public safety issues: youth crime (63.4 percent), school violence (52 percent), gangs (51.3 percent), drugs (48.4 percent) and violent crime (40.8 percent).

In proposing ways to deal with crime, respondents broke sharply with the tough measures proposed by House Speaker Newt Gingrich (R-Ga.) in his "Contract With America." In accordance with GOP campaign promises, Congress is preparing to consider substantial revision of the omnibus crime bill, passed under President Clinton's sponsorship last summer, to divert funds from crime-prevention programs to prison construction.

The NLC survey asked respondents to measure the potential effectiveness of 20 different approaches to reducing crime. They expressed the least confidence in get-tough ideas such as more death penalties (8.1 percent), more prisons (8.4 percent), elimination of parole (9.9 percent) and stricter gun control (11.8 percent).

By contrast, 63.6 percent of respondents declared themselves in favor of strengthening family stability as the most effective deterrent to crime. They also gave high marks to job creation, after-school and recreational programs and early-childhood education such as Head Start as approaches to fighting crime.

"Municipal officials believe that last year's crime bill struck the right balance," said Donald J. Borut, NLC executive director. "There is serious concern about the current efforts at revision under consideration in Congress. Last summer's bill has been in effect barely four months, and we believe it should be given a chance before attempts are made to tamper with it."

Both Borut and Carolyn Long Banks, NLC president and an Atlanta city council member, stressed that the greatest concern in city governments is unfunded mandates. They praised Sen. Dirk Kempthorne (R-Idaho) for taking the lead on legislation that would curb Washington's power to impose mandates without funding them.

Banks noted that unfunded mandates take up almost 15 percent of Altanta's annual budget. She added that her city is being fined $9,000 a day for failing to comply with a federal law requiring construction of a system to handle storm and water runoff. It hasn't been done, she said, because the city doesn't have the money to meet federal specifications and because many residents don't want the requisite construction in their neighborhoods.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1530

SUPPORT H.R. 5, UNFUNDED MANDATE REFORM ACT

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from New Jersey [Mr. MARTINI] is recognized for 5 minutes.

Mr. MARTINI. Mr. Speaker, I rise today to revisit a topic that has been receiving a great deal of attention recently and to once again voice my strong support for the reforms endorsed by my colleagues in the Government Reform and Oversight Committee.

I refer in general to the issue of burdensome unfunded Federal mandates placed on States and localities, and specifically to H.R. 5, the Unfunded Mandate Reform Act of 1995, the bill our committee just passed and the one the House as a whole will consider this week. With the flow of Federal mandates that has flooded our local governments over the last 40 years, H.R. 5 will mark the high water point from which we will begin to bail our people out.

It appears as if the Members of Congress are finally coming to the realization that they do not legislate in a vacuum. They are beginning to see that many of their "feel good" laws and regulations actually impact local governments in very real and all too often unfortunately very negative ways.

Congress did not choose to pay for these regulations. Rather, it has for years forced somebody else to pick up the tab, namely States and localities.

This practice represents the height of fiscal irresponsibility and the old style of doing business that the Nation rejected in this last election. I firmly believe that it is exactly this kind of reform my constituents sent me here to address. They want Congress to be accountable to the people, and that is what I am determined to do.

The expensive nature of these mandates is well documented. In some instances, the prohibitive costs of Federal mandates exceed entire local Government budgets. And before complying with these regulations, municipalities must first provide the essential basic services like sanitation, law enforcement, and education, that properly fall under their jurisdiction. It is little wonder that the U.S. Conference of Mayors, the National Conference of State Legislatures, and the National Governors' Association are adamant in their support for this legislation.

My constituents are angry, Mr. Speaker, and it is not simply because the Federal Government taxes them too much. To be sure, cutting taxes is another important issue that this Chamber will address soon. My constituents are angry because their local property taxes are also too high, and continue rising as I speak. This upward swing in local taxes can be attributed in large part to unfunded mandates, and it is simply not fair. It is not fair to our constituents, who must shoulder the extra burden for programs of questionable value, and it is not fair to local officials, who act responsibly and are forced to hike their constituents' taxes despite their best efforts.

Mr. Speaker, I reiterate my support for H.R. 5, the Unfunded Mandates Reform Act of 1995. The voters spoke loudly and clearly on November 8. They demanded a smaller, smarter, and less costly Government. With the passage of this very important bill, this body will demonstrate to the American people that here in Congress we are beginning to solve our Nation's problems, not with the heavy hand of regulation, but with the responsible hand of partnership extended to our colleagues on the State and local level.

HONORING UMPIRE RON LUCIANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HINCHEY] is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to former major league umpire Ronald M. Luciano who passed away Wednesday at his home in Endicott, NY, at the age of 57.

One of the American League's top umpires throughout his 11-year career, Luciano was a respected and well-liked member of the baseball community. Luciano worked the 1974 World Series and the 1971, 1975, and 1978 American League Championships, an honor reserved for the league's best umpires.

Luciano retired from umpiring in 1980 to become a television commentator, as well as an author. His 1982 book, "The Umpire Strikes Back" was a best seller.

It is as one of the game's great ambassadors, however, that Luciano will be most remembered. Luciano brought a showmanship to the sport seldom seen from an umpire. Through his unique style, often comedic, Luciano helped sell our Nation's pastime to fans of all ages.

Even after he achieved national stature, Luciano remained an active member of the Broome County community. A devoted son and brother, Luciano returned to Endicott where he undertook a local business venture. Luciano was frequently spotted lending his support and expertise at Little League baseball games.

The citizens of Broome County will miss him as much for his community involvement as for what he did for baseball.

I hope my colleagues will join me today in paying tribute to Ron Luciano. His passing is a loss for both baseball and for a community to which he was such an integral member. I extend my sincerest condolences to his family.

DON'T RUSH THROUGH UNFUNDED MANDATE ACT

(Mr. MASCARA asked and was given permission to address the House for 1 minute.)

Mr. MASCARA. Mr. Speaker, as a former county commissioner of Washington County, PA, I know firsthand how the citizens of southwestern Pennsylvania have been victimized by unfunded mandates. Regularly, my fellow commissioners and I struggled to find ways to pay for regulations handed down by both the Federal and State governments. Some of these regulations were worthwhile. Others were not.

Despite their relative merits, all invariably resulted in the de facto taxation of my constituents. While I support legislation to rectify this situation, I am worried that H.R. 5, as supported by my colleagues on the other side of the aisle, will not adequately solve the problem.

During markup of H.R. 5 by the Committee on Government Reform and Oversight, on which I serve, it became clear that this bill could actually weaken current health and safety laws. None of us should support that outcome.

My colleagues on the other side of the aisle are making a big mistake by pushing through major legislation like the unfunded mandates bill in the first 100 days of this session by rushing this legislation without thinking it through.

Let's talk about it. Let's amend this bill and hopefully the House will support some of those amendments.

WORKPLACE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today we begin the debate on the issues surrounding H.R. 5, the Unfunded Mandate Reform Act. As we consider this matter, let us not be blind supporters of a bill that may threaten the well-being of Americans, a bill that seems to threaten to eliminate Federal standards for workplace safety. Mr. Speaker, safety in the workplace has been a priority for the Federal Government since 1938, when President Roosevelt signed into law the Fair Labor Standards Act.

Subsequently, in 1970, with the passage of the Occupational Safety and Health Act, this commitment to high standards for the safety of our workers was solidified. I believe that laws such as these should be exempt from the provisions set out in H.R. 5. In fact, the sponsors claim that the safety and health areas are excluded. As a former county official, I am very sensitive to, and well acquainted with the potential financial and administrative burdens that Federal unfunded mandates place on State governments. I strongly believe, however, that when giving thought to reducing those burdens, we do not sacrifice the rights of American workers.

Entities within the Sates, sometimes, because of other pressures and interests, fail to follow minimum standards of safety, and fail to adequately protect the public. That is why the Federal Government has historically exercised a role in the area of health and safety. I am reminded, for example, of the Hamlet fire that occurred in my home State of North Carolina in 1991. Two hundred people were at work that day in a chicken processing plant, mostly young women, trying to support families. Suddenly, a hydraulic hose broke, its oil catching fire when it hit an open flame used to boil oil to fry the chicken.

Twenty-five workers lost their lives. The owner was found guilty of manslaughter, and numerous safety violations were found. I am proud to say that after the fire my home State of North Carolina met the responsibility headon, doubling its number of OSHA inspectors and putting nine million more dollars of funding into the program to ensure that we met the Federal standards, that we protected the public.

It should not take a tragedy like the fire in North Carolina, however, to spur entities on in their responsibility. States can benefit from and these entities, public and private, and need Federal imposition of minimum health and safety standards. I intend to sponsor an amendment that will make clear that Federal workplace safety standards will not be abandoned by language that is overreaching and overly broad. If we pass the Unfunded Mandate Reform Act without making that principle clear, we may find that on worker health and safety issues we have turned the clock back more than half a century. Without an express and specific exemption for workplace safety laws, that step back in time is a real possibility. More importantly, it will become a real possibility as soon as the unfunded mandate law takes effect. That is because we are sure to be considering the basic workplace safety laws during this and future sessions.

It should not escape our attention, Mr. Speaker, that workplace safety laws were first adopted by the States. Massachusetts passed the first law in 1877. By 1890, 21 States had passed occupational safety and health laws, and by 1920 every State in the Union had enacted such a law. But these laws did not go far enough. These laws lacked the teeth to adequately protect the public and workers on the job. That is why the Federal Government stepped in.

Before the enactment of the Fair Labor Standards Act and, ultimately, the Occupational Safety and Health Act, there were an estimated 14,500 persons killed annually as a result of accidents on the job. Another 2.2 million workers were disabled on the job each year, causing the loss of some 250 million employee work days. And some 390,000 new cases of occupational diseases occurred on an annual basis. As a consequence of these deaths and injuries, more than $1.5 billion was wasted each year in lost wages, and the Nation lost an estimated $8 billion from its gross national product.

It is obvious, therefore, Mr. Speaker, that the issue of workplace safety is an issue which we in the Congress have a right, indeed a constitutional duty, to insure.

The cost to the States of meeting the minimum standards imposed by the Federal Government are not so severe as to abandon this very important principle. Indeed, the Federal Government pays for the workplace safety inspectors. But, the cost to the public if we abdicate our responsibility and surrender workplace safety protections can be quite severe.

Just ask the families and friends of those who died in the Hamlet fire. Just ask the loved ones of those whose lives were cut short or whose limbs were lost before we imposed minimum standards. Mr. Speaker, this is not a matter that should be rushed through and rubber stamped because some Members believe it is more important to make some point in 100 days than it is to save 100 lives. I hope every reasonable amendment will be considered as we seek to perfect this bill. The public is entitled to nothing less.

□ 1540

UNFUNDED MANDATES

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I come here today to talk about a very important issue that impacts the 17,000 towns and cities that I have had the honor of being involved with as a city council member but also as a member of the board of directors of the National League of Cities. We must protect our Nation's cities from any tendencies this governing body may have of shifting the cost of federally mandated programs to our lower levels of government. I have been there. I know what it means to balance the budget. As a former member of the Houston City Council, I can testify to those frustrations and the hard work they put in when we attempt to work with the needs of our community.

The local government must face the times when they have to have a strict budget and a budget that complies with the laws of that particular community. So there must be a need to understand the burden it puts on those local jurisdictions when Congress dictates legislation that they have to pay for.

My concerns over the issue of unfunded mandates arise particularly in light of current debates over the past decade of a balanced budget constitutional amendment. If the amendment is passed, Congress will be forced to tighten its financial belt, which is something that none of us would argue as unnecessary.

But at the same time, we all know that Congress will continue to make laws and many of these laws will undoubtedly carry with them the mandate of enforcement without the backing of the Federal check if we do not pass a protective law such as the one we are passing today on unfunded mandates.

However, I think there are concerns we raise on H.R. 5, and that is we all want to have clean water; we want to have safe food; and we want to have a fair working standard. So it is important that we must not overburden our local governments.

Yes, we must not overburden our local governments to pay for regulatory matters sent down from the Federal Government that are unfunded, but shall we outlaw regulations which are partially funded? Regulations which are important protective measures for our environment, health, and safety?

We do need to look at the issue of unfunded mandates, especially as they may pertain to the increased frequency expected to accompany a passed balanced budget amendment. We must also stop to realize that we cannot fully fund all of the measures that we need to pass, and that perhaps we can send them to the local governments at least partially funded rather than the current trend of sending them unfunded.

THE FREEDOM AND SELF-DETERMINATION FOR THE FORMER SOVIET UNION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, on Friday, I introduced H.R. 519, the Freedom and Self-Determination for the Former Soviet Union Act. It is so entitled because enactment of the bill into law would greatly help to reverse the trend in the former Soviet Union toward renewed Russian imperialism. That trend is being fueled by a Russocentric United States foreign policy which appeases Russia's every move and ignores the legitimate security concerns of Russia's neighbors. A major aspect of that Russocentric policy is the massive and unconditional aid that we have been pumping into Russia for over 3 years. Continuing to give Russia this assistance despite her increasingly aggressive foreign policy, arms-control violations, statist economic policies, and now her brutal attack on Chechnya sends the message that we approve of these reactionary policies. We need to send the message that we don't approve and that is why I introduced this bill.

Mr. Speaker, no one disputes that a democratic, capitalist Russia that has shed the imperial mentality would be greatly in our interest. The question has always been how, or ever whether, we could help. I have long been skeptical as to even whether we could help, given the transmogrification of Russia at the hands of the Communists, her 1,000-year legacy of autocracy, statism and imperialism, her vast size, her traditional reclusiveness, and of course, the massive and irrefutable failure of foreign aid worldwide throughout the postwar era. However, given the gravity of the situation, even I was willing to support some aid to Russia after Yeltsin and Gaidar embarked on shock therapy in January 1992.

But Mr. Speaker, it is time for us to admit the reality that the reform effort in Russia has failed, and along with it, our aid program. Russia today is not the Russia of 1992 or even 1993, a country racing full speed ahead away from Communism and toward democracy, free markets, and a Western-oriented foreign policy. Today's Russia is once again reactionary.

Let's look at it objectively. Shock therapy was abandoned within weeks of its inception. A purge of economic liberals in the government began in April 1992 and was completed by January 1994. Today, the only liberal in the government is Anatoly Chubais, and he can't even get his subordinates to return his phone calls.

But isn't Yeltsin still a reformer? If so, why then after the ruble crash last September, did Yeltsin replace old thinkers at the Central Bank and Finance Ministry with, well, more old thinkers? The fact is, Mr. Speaker, there are no economic reformers and there is no economic reform in Russia. The history of pouring foreign aid into countries that are not serious about economic reform is a sad one, and it would be folly if we were to ignore this lesson now. When speaking of ways to balance the budget, this is truly a gimme spending cut.

But the story does not even end with the fact that Russia is a black hole and that we need to balance our budget. We must look at this from a foreign policy perspective. Indeed, the whole rationale for our aid program was that it would turn Russia into a better neighbor, right? Well, let's look at Russia's behavior since we started appropriating the billions of dollars.

Russia has vetoed NATO expansion and made implicit threats against Poland and other would-be members. Russia has attempted to subordinate NATO to the OSCE while simultaneously impeding OSCE efforts in Moldova and Nagorno-Karabakh. Russia illegally demobilized thousands of troops in Estonia and Latvia just prior to the troop withdrawal deadline last August. Russia illegally has begun the unilateral demarcation of the Russian-Estonian border. Russia routinely violates Lithuanian territory ferrying troops and arms to the Kaliningrad region. Russia continues to occupy Moldova with 10,000 troops and enough weaponry for a 200,000-man army. Russia used classic Soviet-style divide-and rule tactics to bring Georgia to heel, and is now preparing to occupy the country militarily. Russia helped depose the democratically elected President of Azerbaijan, Mr. Elchibey. Russia has blatantly interfered in the sovereign commercial affairs of Kazakhstan and Azerbaijan. Russia supports a reactionary Communist regime in Tajikstan which overthrew the legitimate government there in 1992. Recent Russian policies and statements reflect clearly a trend toward, indeed a near-obsession with, the re-integration of the CIS states into some form of Russian-dominated union.

And it goes beyond the former Soviet Union, Mr. Speaker. Russia continues to supply arms to Syria, Iran, and possibly, Serbia. Russia is diligently seeking to emasculate the sanctions against Iraq. Russia is providing economic aid and intelligence information to Castro. On to arms control, it has been known for a long time now that Russia is violating the 1972 Biological Weapons Convention and the 1989 MOU on chemical arms. She is also seeking to wiggle out of the CFE accords, due to take effect in November. As we pay Russia to destroy old and obsolete nuclear weapons, she continues work on a new generation of nukes. And what about intelligence activities? Russia has still not come clean on the Ames spy case and has even provided money to Rosario Ames.

I am nearly out of breath, but unfortunately, I am not done yet. Because I haven't even alluded to the awful events in Chechnya. No matter where one comes down on the question of Russia's territorial integrity, the methods of Russia in Chechnya can only be described as barbaric and despicable. They have razed a city to the ground with indiscriminate aerial attacks. They have wantonly killed woman, children, and the elderly. And finally, the fact that the overwhelming majority of Russian citizens opposed the invasion of Chechnya speaks volumes about the extent of democratization in Russia.

Mr. Speaker, in light of all this, how can we say with a straight face that Russia is a democracy? Is reformist? Is a strategic partner with the West? How can we say that our aid has done any good? How can we paint Russia as a deserving recipient of taxpayer largesse? How can we justify this to the people who sent us here on November 8?

I can't, and that is why I have introduced this legislation. My bill would immediately freeze all bilateral aid to Russia, including previously appropriated and obligated funds, pending Presidential certification to Congress that Russia has met 14 conditions. The conditions pertain to Russia foreign policy, arms control policy, economic policy, and intelligence activities. In order to receive aid, Russia would have to halt the violence in

Chechnya, cease interfering in her neighbors affairs, comply with all arms control agreements, limit her intelligence activities to routine, nonadversarial information gathering, end arms sales to terrorist nations, stop aiding Castro, and re-initiate capitalist economic reform.

The bill would also require the executive branch to oppose all multilateral loans to Russia. Both the President and the GAO would also be required to submit reports to Congress concerning the money we have given Russia to date. The taxpayers have a right to know what happened to this money. There are exemptions in the bill for humanitarian aid, certain exchanges, NED programs, and disarmament funds.

Mr. Speaker, the Freedom and Self-Determination for the Former Soviet Union Act will send a powerful message to Russia that in exchange for American assistance, certain standards of behavior must be met. This will prop up, not undercut, Russian reformers. To date, they have had no good reason to say no to the reactionaries. This policy will help shore up the sovereignty and security of Russia's neighbors. This policy will increase the security of Americans by limiting Russian spying, ensuring Russian arms control compliance, and reducing Russian assistance to terrorist nations.

And if Russia doesn't comply and the aid is cut off forever, it is still a winning situation for everyone concerned. Cutting off aid permanently will enhance the prospects for Russian reform by removing the crutch that has obviated them of the need to make the tough but necessary economic decisions. More importantly, it will save American workers from wasting their money on a country that we cannot save, is doing so little to save itself and is doing so much harm to so many people.

UNFUNDED MANDATE REFORM ACT OF 1995

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I have serious concerns regarding H.R. 5, the Unfunded Mandate Reform Act of 1995. While I am generally supportive of the need to ease the burden on State and local governments, I do not believe we should rush through legislation that effects our health, safety, and environmental standards without closer examination.

The Great Lakes region, for example, is a fragile ecosystem which depends on the cooperation of its surrounding States. Dumping of sewage or other toxins by one State or municipality significantly impacts the entire Great Lakes region. Pollution does not respect State, geographic or political boundaries. Who then pays for—let's say—airborne pollutants generated in one State, which land in and produce acid rain in neighboring States?

Northern Michigan is a pristine region whose inland lakes are dying from airborne pollutants originating in steel mills in cities such as Gary, IN, and Chicago, IL. Without any Federal safeguards or minimal national standards, which State will take the lead in stopping this air pollution that creates acid rain. And more importantly, which State would pay, Michigan, Indiana, or Illinois? These are questions that must be answered, not ignored in the haste, to create unfunded mandates legislation.

CONSEQUENCES OF FEDERAL SPENDING CUTS BROUGHT ABOUT BY REPUBLICAN CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, 2 weeks ago the Republican majority leader, DICK ARMEY of Texas, was asked on one of the Sunday morning talk shows why the Republicans would not disclose to the American people what kind of cuts in Federal spending would come with the Republican Contract With America. The gentleman from Texas [Mr. ARMEY], who has a tendency to be very candid, to a fault at times, said he felt that the knees of the Members of Congress would buckle if they learned what kind of cuts are in store for us if we follow the Republican Contract With America.

Mr. ARMEY'S candor was criticized by some of his fellow Republicans, but frankly I think he was right on the mark. My office has just completed an analysis of the Republican Contract With America and the impact which it will have on my home State of Illinois. I would like those from this State to listen, but from other States to consider there will be similar impacts on their own home State if the Republican Contract With America is in fact enacted.

We took a look at just four or five areas that I think are critically important. First is in the area of health services for children and seniors. To reach the necessary 30-percent cut in Federal spending required by the Republican contract, Medicare and Medicaid funding in Illinois and across the Nation would be slashed in Illinois by $27 billion over 7 years. What it means is that literally thousands of poor families in my home State now under Medicaid, the government health insurance program for poor people, would become uninsured, and it means that many hospitals, particularly smaller and rural hospitals, which are greatly dependent on Medicare patients, would be forced to close their doors.

I have spoken to some of the hospital administrators. What I have just said is not an exaggeration. A 30-percent cut in Medicare would hurt seniors, it would close hospital doors in many of our rural areas and in many of our inner city areas.

The second area of real concern to me is in the area of education. My home State of Illinois would take a big hit from the Republican Contract With America. Under this contract, programs for disadvantaged students would take a 30-percent cut. Some may ask why kind of program is that. It is a program like chapter I, a special tutorial program that takes a child about to drop out or fall behind and puts them through special training to catch up with the class and stay in school.

These programs work. In my county of Sangamon County, IL and downstate Illinois we would lose with the Republican Contract With America $900,000 a year in Federal aid to education. Madison County nearby would lose $1.9 million. It would mean school administrators would have to either eliminate or cut back the programs or ask for increases in local property taxes, something I am sure we all agree is not popular and something we would not want to encourage.

Take a look at highway construction. A lot of States and localities are used to the Federal Government building highways and building bridges and rebuilding and repairing them and think nothing of it.

□ 1550

If the Republican Contract With America goes through and we see a 30-percent cut, we will see a dramatic downturn in the amount of money available for Illinois and other States for highway construction. Mass transit is the same. In the city of Chicago, the Republican Contract With America will raise the fares for Chicago workers using mass transit every day 15 cents a day. You say, "Well, 15 cents a day is not much, two people working in a household. Add it up and then put it against the supposed tax break the Republicans are offering. There is not much there to show for it."

When it comes to nutrition services, we can expect cuts in the WIC program, a program which serves 40 percent of the infants in America, brings the mothers in during their pregnancy, gives them nutrition information and good guidance for a healthy baby, then brings the mother and baby in after birth and says here is the way to get that baby off on the right foot, with immunizations, good nutrition, a healthy baby, something I think every American wants to see.

The Republican Contract With America will cut that program, will basically eliminate mothers and infants from the program. It follows as night follows day.

The same thing is true for Meals on Wheels. How many senior citizens do we know whose only contact with the outside world is Meals on Wheels? It drops by once a day to say hello, how are you doing, how are you feeling, do you need a helping hand. Those start to go away with this Republican vision of a new America.

In my area of the world, a lot of our farmers depend on Federal spending, not just for their feed grains programs but also for soil and water conservation. These programs help farmers to avoid runoff which can contaminate our water supplies and lead to real problems downstream.

As the Republicans' Contract for America cuts back on this kind of spending, we are literally taking a gamble and a chance with our own health in the future.

These are but four or five examples of what happens in the State of Illinois. This story is repeated many times.

So when Members of the Republicans majority come to the floor and glibly tell us unfunded mandates and balanced-budget amendments do not mean much but a brighter future, ask them for the details.

Our knees are not going to buckle, but we deserve the facts.

INTRODUCTION OF LEGISLATION TO REQUIRE THE PRESIDENT TO SUBMIT A BALANCED BUDGET

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, many have argued that we must amend our Constitution to stop us from spending more than we take in. But few, if any, have actually submitted a balanced budget.

I believe in a balanced budget, but I also believe in full and fair disclosure.

Today I am introducing a bill, H.R. 567, which would require the President to submit, and the Congress to consider, a balanced budget. Unlike bills which will be considered by the House next week, my bill would actually mandate the submission and the consideration of a balanced budget. The so-called balanced-budget amendment to the Constitution would not mandate such consideration and, in fact, provide a loophole that you could drive a beer truck through.

Both the Barton and Stenholm amendments would allow the Congress to waive the amendment in order to either raise taxes or sell debt to fund the deficit.

Neither amendment would take effect until 2002.

My bill would go into effect immediately for the next budget for fiscal year 1997.

How many billions might we save if we could achieve a balanced budget by fiscal year 1997 instead of 2002?

Finally, and most importantly, my bill would allow for the American people to enter into the debate on a balanced budget. Unlike others, my bill would provide for the presentation to the American people of the actual numbers, the cuts, to a balanced budget. The other bills only tell us to balance the budget and give us a waiver to avoid it. It does not tell us what an actual balanced budget looks like, and I do not believe that is prudent.

When the proponents of a balanced-budget amendment state the cuts necessary would "make your knees buckle," then the people deserve to know what they are.

The President should submit a balanced budget. The American people should examine that budget, and the Congress should debate and vote on it.

Mr. Speaker, I am including at this point in the RECORD a copy of the bill which I am introducing, as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENT TO TITLE 31, UNITED STATES CODE

SEC. 101. SUBMISSION OF BALANCED BUDGET BY THE PRESIDENT.

Section 1105 of title 31, United States Code, is amended by inserting at the end the following new subsection:

"(g)(1) Except as provided by paragraph (2), any budget submitted to Congress pursuant to subsection (a) for the ensuing fiscal year shall not be in deficit.

"(2) For any fiscal year with respect to which the President determines that it is infeasible to submit a budget in compliance with paragraph (1), the President shall submit on the same day two budgets, one of which shall be in compliance with paragraph (1), together with written reasons in support of that determination.".

TITLE II—AMENDMENT TO CONGRESSIONAL BUDGET ACT OF 1974

SEC. 201. REPORTING OF BALANCED BUDGET BY COMMITTEES ON THE BUDGET OF THE HOUSE OF REPRESENTATIVES AND SENATE.

Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end the following new subsection:

"(j) REPORTING OF BALANCED BUDGETS.—

"(1) Except as provided by paragraph (2), the concurrent resolution on the budget for a fiscal year referred to in subsection (a) as reported by the Committee on the Budget of each House shall not be in deficit.

"(2) For any fiscal year with respect to which the Committee on the Budget of either House determines that it is infeasible to report a concurrent resolution on the budget in compliance with paragraph (1) and includes written reasons in support of that determination in its report accompanying a concurrent resolution on the budget, the committee shall report two concurrent resolutions on the budget, one of which shall be in compliance with paragraph (1).

"(3) Each concurrent resolution on the budget reported by the Committee on the Budget of either House shall contain reconciliation directives described in section 310 necessary to effectuate the provisions and requirements of such resolution.".

SEC. 202. PROCEDURE IN THE HOUSE OF REPRESENTATIVES.

Section 305(a) of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"(8)(A) If the Committee on Rules of the House of Representatives reports any rule or order providing for the consideration of any concurrent resolution on the budget for a fiscal year, then it shall also, within the same rule or order, provide for—

"(i) the consideration of the text of any concurrent resolution on the budget for that fiscal year reported by the Committee on the Budget of the House of Representatives pursuant to section 301(j); and

"(ii) the consideration of the text of each concurrent resolution on the budget as introduced by the Majority Leader pursuant to subparagraph (B);

and such rule or order shall assure that a separate vote occurs on each such budget.

"(B) The Majority Leader of the House of Representatives shall introduce a concurrent resolution on the budget reflecting, without substantive revision, each budget submitted by the President pursuant to section 1105(g) of title 31, United States Code, as soon as practical after its submission.".

SEC. 203. PROCEDURE IN THE SENATE.

Section 305(b) of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"(7) Notwithstanding any other rule, it shall always be in order in the Senate to consider an amendment to a concurrent resolution on the budget for a fiscal year comprising the text of any budget submitted by the President for that fiscal year as described in section 1105(g)(1) of title 31, United States Code, and, whenever applicable, an amendment comprising the text of any other budget submitted by the President for that fiscal year as described in section 1105(g)(2) of title 31, United States Code.".

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by it shall become effective for fiscal year 1997 budget submitted by the President as required by section 1105(a) of title 31, United States Code.

CHANGING THE DIRECTION OF GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, it is truly an honor to have been elected to this great institution with an opportunity to make real changes this year, because I believe, like so many other colleagues on both sides of the aisle, that the American hour is upon us, that now is the time for us to decide once and for all which direction we are going to take this Government, whether we are going to follow the same failed policies that have hurt this country over the past 30 years where we turned to Government to answer every single problem we have in our towns and in our counties and in our States, or whether we, instead, turn back to those simple, basic premises that our Founding Fathers laid as the foundation of this great Republic.

James Madison wrote over 200 years ago as he was framing the Constitution, "We have staked the very existence of the American civilization not upon the power of government but upon the capacity of each of us to govern ourselves, to control ourselves and sustain ourselves according to the Ten Commandments of God."

And Thomas Jefferson wrote, "Government that governs least governs best."

And what does our 10th amendment say? It says all powers not specifically given to the Federal government are reserved by the States and the citizens.

Well, what has happened? Where have we gone in the past 40 years? We keep turning back to government.

I could not help but hear one of the previous speakers talking about all the horrible things that would happen if we actually dared to try to balance our budget, like children would starve, grandparents would be kicked out in the streets, locusts would descend upon Washington.

Let me tell you something, this is not the type of government that Thomas Jefferson and James Madison and George Washington and Benjamin Franklin and our Founding Fathers intended for this country. It was about individualism. It was about the power of communities and families working together, not looking to Washington to try to figure out every single problem, but to band together as a community and as a family and as a State.

But that was the whole idea of States' rights. That is what the Federalist Papers were all about, about the power of States to conduct a type of welfare reform or conduct a type of health care reform that they wanted to conduct instead of having one highly centralized government unit.

Is that not what we were trying to get away from when we had a Revolution over 200 years ago, to get away from King George III, to allow families, individuals and communities to once again decide their own destiny, instead of having the Federal Government that tells us what doctor we want to choose, how we want to protect our family, and now, with these other reforms, how we want to take care of education? It just does not make sense.

And you know what? A year ago I was sitting on the couch, and as a citizen, I got fed up, Mr. Speaker, and said enough is enough, I want to take part in this process; I do not care whether I win or lose, I want my voice to be heard, and I thought it was a unique story. I did not have a lot of money. I did not have a lot of traditional support. I just had ideas.

And I thought they were my ideas and my ideas alone until I came here and found out that 85 others had similar type ideas.

And what had happened was everybody started talking, whether it was on C–SPAN or on talk radio or on E-mail or through faxes; citizens in this country became empowered, and because of it, we were able to speak as one voice without lobbyists in our camp, without the traditional party power brokers on the local level in our camps. We were able to do it on ideas and ideas alone, and because of that, we have an unparalleled opportunity in the 104th Congress to make real changes and make real reforms.

It starts by balancing the Federal budget. It starts by doing what middle class families have had to do for 40 years, and for what State legislators have had to do for 40 years, but what this Federal Government has failed to do since 1969.

It is a very simple premise, and yet if you hear supply-side economics professors talk on one hand, it can make your head swim. If you hear Keynesian economics professors talk on the other side of the matter, you say, well, how do those numbers add up. What we are trying to do is have a very simple economic theory, and it goes like this: You only spend as much money as you take in. What is so radical about that concept? Why is it that when we want to act the way middle class Americans act we are called the enemies of children, the enemies of education, the enemies of farmers, the enemies of grandparents, and the enemies of all things that are right, noble, and just?

□ 1600

I have got a 91-year-old grandmother who gets $350 per month. I do not want to kick her out into the streets. I am not going to vote to kick her out into the streets.

I have a 7-year-old boy in first grade, and I do not want to hurt his chances in higher education. But does that mean we need a Federal bureaucracy telling school teachers in Pensacola, FL, or in Maine or in Washington State how to teach our children? No, it does not. That is what this revolution was all about.

Make no mistake of it, the 1994 election was a revolution of sorts. Do not let them revise history in a few months, do not let them start convincing you that all of a sudden these mean Republicans have come into town, or these conservative reformers have come into town and all of a sudden want to do all these things that they did not promise.

It is about a real revolution. Yet in a few weeks, inside the beltway, all that we have heard is what we cannot do and what we will not do and why we continue to do it.

I am here with other members of the freshman class to tell you that it can be done and it will be done, but only with citizens' help.

Mr. Speaker, I yield now to the gentleman from Kansas to address the House.

Mr. TIAHRT. Mr. Speaker, when I read the Federalist Papers, which Speaker GINGRICH has recommended to each of us, I am challenged because the Federalist Papers remind each of us who have received the honor of representing the people that we have also received the responsibility of representing them.

I am reminded how revolutionary the concept of a constitutional Republic was to the people of that time. They were engaged in a great experiment, an experiment in democracy.

In a sense, we are undertaking a new experiment in democracy. This new experiment is not so much about new ideals, but about tried and tested truths. For too long Washington has dictated to the people that they should do how they should do it. This Washington-knows-best attitude has grown exponentially during the last 40 years. Tragically during the same period of time, deficits have grown and Government now clearly is out of control.

However, leave it to the American to understand when it is time to act. The Constitution was the wise course of action for our Founding Fathers, and we are thankful for their wisdom.

Today Americans realize it is time, again, to act, that our Government has gone mad and has to be stopped. It is time to stop, look and listen; stop passing programs we cannot afford, look at the States and their examples of balanced budgets and ingenious new programs, and, finally, to listen to the people.

The answers to our problems are not found here in the beltway but in the hearts and the minds of the people who sent us here.

Mr. Speaker, Madison tells us in Federalist 39 that, "In order to ascertain the real character of the Government, it may be considered in relation to the foundation on which it is to be established."

What is that foundation? Mr. Speaker, it is the people.

Mr. HAYWORTH. If the gentleman would yield, I must rise and take exception to an article I read in one of this Nation's leading weekly magazines where some of the mentality that has handcuffed us for the last 40 years continues to be propagated throughout the land. Now, one of the leading news magazines in this country, we talk about the dangers of what it phrased as hyper-democracy. The notion that somehow letters to the editor and appearing on talk radio and sending us faxes and sending us E-mail, somehow it is just too mind boggling; somehow it will muddy the water and somehow it will take America down the wrong road.

Mr. Speaker, how on Earth can it be that a government which derives its powers from the consent of the governed can ever be led astray by the input of the governed? Mr. Speaker, to the people of America, we thank you for the mandate of November 8 and we ask the people of America to stay in tune, stay in touch, and stay on top of this revolution.

Mr. TIAHRT. Mr. Speaker, there is no more clear message from the people of the Fourth District of Kansas than that it is time to give government back to the people. They want to be closer to the decisions that are made, they do not want to be spectators in democracy, they want to be players on the field of ideas.

The freshman class and the new Republican majority are asking the people of Kansas and all Americans to come join the team. If we are going to be truly revolutionary, we need their help.

Ronald Reagan reminded us that the power comes from God to the people and from the people to government.

Mr. Speaker, if we want to change the country and get government off people's backs, all Americans must become an active part of this new experiment. They need to write letters to local papers, they need to get in touch with talk radio shows, they need to recruit, educate, and tell their friends and neighbors to all get involved.

What we have been given is a sobering responsibility to once and for all change the way this Government does its business.

The people must make sure that the power they gave us is used for their good and not for our good.

Let us not forget the revolutionary nature of those visionary thinkers who established this wonderful experiment in democracy. We must remember that the people who sent us here are the foundation because all too often the people have not been the foundation but the target, the target in the crosshairs of big, oppressive Government. The reforms that we passed the first day were the good first step in the right direction. Now, joining together with the people, we will work together to end unfunded mandates, work to have a strong tax limitation component and a balanced budget amendment.

I will support limiting the ability to raise taxes and will fight to make it a reality. This is not a time to scale back our goals. Rarely have the people of the Fourth District of Kansas and this country spoken with greater clarity.

Kansans want their Government to be responsive to them, and they want each of us to rise above parochial interests and return the government back to the people.

Mr. SCARBOROUGH. I thank the gentleman from Kansas. I could not help but be reminded, after hearing the gentleman from Arizona, about the press' criticism of this revolution of sorts that took place this year. I could not help but be reminded of an article that I just saw this past week in the Washington Post Weekend section, when they were trying to explain the revolution that took place from coast to coast and explain this hyper-democracy. To describe the American people, this columnist wrote, "We are nostalgic, we are susceptible, we are poorly informed, we are alienated, we are fearful, we are confused."

Well, excuse me, Mr. Speaker, if I am not mistaken, the American people had more access to information on this campaign than they have ever had in the history of the Republic. Between the rise of talk radio and CNN and C-SPAN and other media outlets, this was a truly open political process. To write, as this columnist did, that this revolution happened because we are poorly informed, we are alienated, we are confused, is absolutely inexplicable.

It reminds me of what happened in the early 1980's when this Government, once before, tried to cut back the size and scope of the Federal Government. Before the first cuts were made, there was an article in Newsweek that had a picture of a poor, pathetic, hungry, dirty young girl. What was the headline? "Reagan's poor."

He had been President for a year, and already he was being saddled with this as being his fault because he was proposing cuts.

And what did we see over Christmas on the front pages of weekly magazines? Was it stories about how we can balance the budget, how we can put an end to 40 years of madness, of tax and spend, tax and spend, tax and spend policy? No. It was a cartoon with a caption: "The Gingrich that stole Christmas."

Really original, really cute, but it had absolutely nothing to do with how we were going to handle the tasks in front of us. We have been hearing for the past few weeks Members on the other side of the aisle come before the Speaker and talk about everything but specific cuts and on the need to balance the budget.

☐ 1610

We have heard complaints about the fact that we did not spell out every single penny we were going to cut from the budget for the next 40 years. We have heard references to GOPAC. We have heard references to the Historian and an article she wrote 10–15 years ago. We have heard references to NEWT's mom. We have heard references to everything but what is germane and central to this very important discussion, and I yield now, to go into this further about specific cuts, to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, it is a pleasure to be able to address this body, and it is a pleasure to be able to be a new Member of this body. It reminds me of all the newness, that perhaps there also is something else new, that perhaps the new federalists, to take a phrase from the gentleman from Florida that was used before, that we are the new federalists coming into Washington with an idea of less government, with an idea that government is governing too much on the people, with the ideas that Thomas Jefferson put forward, that many of us, as quoted frequently and often before.

One of my favorite Jefferson quotes is him saying that the moments for great innovation in society are few and far between. I think we are at one of those great moments where society has spoken with such great clarity that they want much less government, that they want a reformed Congress, that they want a return to the basic values that built the country, values of work, values of family, a recognition of a higher moral authority. It seems to me that that is what the people said on November 8. They wanted to reduce the Federal Government, reform the Congress, return to basic values.

I think we were sent here to this new Congress not to make the Federal Government work and do more with less. We were sent here to make less government. Republicans did not seize the majority because the other party did a poor job of trying to run the country from Washington. We won because they tried to run the country from Washington, and you know this country is just too big, too diverse, and its people love freedom too much for that to work. In a free society government is the people's servant, not its master. You know today the U.S. Government employs more people than we do in the manufacturing sector all told. We have more people working for the Government than we do making tractors, and tires, and computers. That is just insane. The fact is there are more Government departments and agencies which I believe could be completely abolished without American citizens even knowing. In fact, the public would be better served if most of the decisions government makes were instead left up to individuals, and families, and communities. Government today collects more taxes, spends more moneys, and issues more regulations than ever before. We have never had so many laws, or agencies, or regulations. Even through the Reagan and Bush administrations not a single Cabinet-level agency was abolished. In fact, one was added.

The growth of government has been slowed, but it has not been stopped. It now must be reversed. We must question the entire existence of many of the bureaucracies. Merely trimming a branch from the tree will not be sufficient. I think we are going to need to work to pull out the whole tree, roots and branches, if necessary. With this approach we can certainly find enough savings to balance the Federal budget and return money to the taxpayers, which is what we should do, which is what the goal of the new federalists should be.

But the most important point in this new paradigm is that these cuts are not just about paying. They are about freedom. They are about opportunity for a new society. They are about a new relationship between the Federal Government and its people, and that is the vision that we need to deliver to the American people, that new vision, that new relationship, that less government dependence is more personal freedom and that freedom to express, to grow, is what has made America in the past. That is what will make America grow even greater into the future.

Mr. Speaker, remember always the Government actually produces nothing. Government cannot give until it takes away. We must never forget this central premise. We need to get the Federal Government off the back of the people and out of their pockets, and that should be a goal of the new federalists.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Kansas not only for his comments, especially about freedom, because during my campaign there was actually an opponent of mine that gave one of the finest speeches I think I have heard, and it was about freedom. He said what we need to do in Washington is make cuts in spending and regulations, not because we want to hurt people, but because it is about freedom, and then he reminded us what Americans have done over the years to fight for freedom, that it was freedom that we were fighting about at Iwo Jima, and it was freedom in Khe Sanh, and it was freedom over these 200 years, and it is that freedom now that we have to fight for, like the gentleman said, talking about those trees.

Mr. BROWNBACK. If the gentleman would yield back, my point with this is that so much of the time when we talk about cutting the Government we absolutely must do this, too. It is insane to run $200 billion annual deficits and put that on the backs of my children and grandchildren to come. That is wrong. That is morally wrong to do that. At this point in time in our history it is wrong.

But instead of focusing all the time, as we do so much of it on saying, "OK, this cut is going to hit here, this one is going to hit there, it's going to hit here," what about all the liberation that takes place with that? What about all the freedom of the people? I think this has been an insidious relationship between the Government and its people over time, that it has grown and strengthened those bonds and surrounding us to the point that the Government has become our master and not our servant, and it is time to cut those shackles off. It is time in many cases to pull the whole tree up instead of saying we are going to cut the little branch off. Here it may be time, and it is time, I believe, to cut the hole and pull the whole tree up to give that freedom back. And let us talk about the freedom and the opportunity that that will yield to America and to this society and the growth that that is going to create, the entrepreneurial spirit that that will create for us instead of the, well, what is it going to do here and this for you? What about this particular program? What about that? That is the narrow. The bigger picture is much prettier.

Mr. SCARBOROUGH. If the gentleman would yield back, I cannot help but think about one particular agency in general, and I know, without getting into the specifics, I have wondered what has been happening with the Department of Education, a bureaucracy that has not been around for 200 years, but since its inception and since it achieved Cabinet-level position, look what has happened in our schools. Look what has happened to our young people. As our Speaker has been saying for so long, we live in a country where 12-year-olds are having babies, where 15-year-olds are shooting each other, where 17-year-olds are dying of AIDS, and where 18-year-olds graduate from high schools with diplomas they cannot even read. What has this Federal bureaucracy that was supposed to help our children done for us for all the money that has been poured into it over the years?

Mr. BROWNBACK. I think it is a legitimate question, one that we have not asked, one that needs to be asked, and I hope that we, as Members of this new 104th Congress, will be asking that very question of that agency and many others. What is it indeed that has occurred here, and should we continue it, or should it be stopped?

Mr. SCARBOROUGH. I thank the gentleman from Kansas, and I now yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, on January 4 we witnessed an historical change here on the floor of the House of Representatives when Republicans took control after 40 years. On that day the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader, passed the gavel and eloquently called for a new era of debate to begin.

☐ 1620

Well, the freshman class was eager to engage in that debate. We passed nine bills the first day. I was proud to introduce the first one. And that included the Shays Act, which makes government live under the same laws as all the rest of Americans.

We are keeping our promises to the American people. And this week the debate will continue. We will vote on unfunded mandates, and I believe they will pass, and they are necessary.

The States need to be assured that the Federal Government does not balance its budget on the backs of the States, and that is what the unfunded mandate legislation is all about.

Next week we will vote on the balanced budget amendment with tax limitations. Over 80 percent of the American people support a balanced budget amendment. Inside the beltway, this is a great cause of concern. Back home in Michigan, we call it common sense.

In addition, many of us have sought to protect the American people from further tax increases by supporting the tax limitation amendment. The provision will ensure that Congress will not and cannot balance the budget on the backs of its citizens.

Such a provision would force lawmakers to balance the budget the same as millions of American families do every day. Hard working Americans do not have the benefit of spending more than they take in, and neither should their Federal Government.

We are looking pass the first 100 days, and certainly the distinguished gentleman from Kansas talked about the Department of Education. The Department of Energy would be another consideration, privatizing HUD and maybe the Department of Commerce. We need to rethink government at every single level. We will not lose our focus, because we work for you, the American people.

Mr. SCARBOROUGH. I thank the gentleman from Michigan. I would like to recognize and yield to the gentleman from Nebraska.

Mr. CHRISTENSEN. I thank the gentleman from Florida. You know, very soon we have the opportunity to stand and deliver to the American people. Recently we talked about the Contract With America, that we would bring to vote the 10 items within the Contract With America. And one of those items within that contract was the balanced budget amendment, something I campaigned for for a very long time.

But, Mr. Speaker, not just any kind of balanced budget amendment, a balanced budget amendment that has taxpayer protection as its centerpiece. The taxpayer protection I am talking about is the three-fifths super majority.

But what does that really mean? It means that it is going to take 290 votes to pass any future tax increase, 290. That is very important, you see, because currently it only takes 218 votes to pass a tax increase, a simple majority.

Now, some in this body would say don't handcuff the Federal Government by tying our hands so that they can't raise taxes when they run out of revenue and just make it very easy for them to go ahead and pass another tax increase. But, Mr. Speaker, that is exactly why we need the three-fifths super majority for future tax increases, so it is going to make it tough to raise taxes in the future, so that when they do run out of revenue they can't just turn to raising taxes on the backs of the American working man and woman. They are going to have to look at the other side. They are going to have to cut spending and look at other ideas to make the books balance.

One of the things that I have talked about for along time is that this Congress should operate like a business. They should balance the books like every business balances the books. They should run their budget like a hard working man and woman working together to balance the books of their own family.

You know, on November 8 the American people sent us a message. They said enough is enough. It is no longer big government. We are going to send in the conservatives. And we are here. But the protection that I am worried about is after we are gone. Some of us are going to move on to the private sector. Some of us are going to move on to other offices. Some of us are going to do other things. And what about the protection for the American taxpayer when the 104th freshman class is no longer here to speak for the American taxpayer? And that is why we need a three-fifths super majority.

You know, I have heard for a long time that liberals in this House have said that you just can't handcuff us. You cannot handcuff us. Well, Mr. Speaker, that is exactly what we need to do. We need not only to handcuff the people of this institution, but we need to throw away the key, so that no longer can they do it with a simple majority. Three-fifths is the magic number, 290 is the vote. Whether you are a business executive or a homemaker, we need your help more than ever. We need to energize the troops. We need to have you call on your Representatives, because we want to make it tough, because we wanted the books balanced, and we want a good, tough, strong balanced budget amendment.

Mr. SCARBOROUGH. I would like to ask the gentleman from Nebraska if he is persuaded by the arguments that he has been hearing about the reasons why we need to go ahead and cave in and not support this three-fifths majority for a tax increase in the balanced budget amendment.

It seems to me I have heard time and time again, you cannot support that, because it will never pass. It will never fly on the other side. The Senate will not pass that bill with a three-fifths majority requirement.

I say let them vote on it when it comes in front of them. I think any conservative, any fiscal conservative, whether he or she be a Democrat or a Republican, would be hard pressed to vote against a taxpayer protection plan like this three-fifths majority includes in it.

Mr. CHRISTENSEN. If the gentleman will yield, that is exactly what this is all about. I am not worried about what the other body is going to do. We have 230 votes on here. We have to find another 60 to make it 290.

Once we do that, the ball is in their court. But we have stood and delivered to the American taxpayer. That is what we were sent here to do: Stand up for the little guy, stand up for the hard-working man and woman who are out there fighting under the taxation and regulation of this Federal bureaucracy, who do not know what makes this country run.

This country was founded on free enterprise, on the principles of capitalism, and we need to return that power back to the people, and that is what they said to this Congressman from Omaha, NE, on November 8.

Mr. SCARBOROUGH. I would like to ask the gentleman from Nebraska one final question: Were you elected in Nebraska by your constituents because of your ability to read the minds of the Members of the Senate on how they would vote on particular bills?

Mr. CHRISTENSEN. If the gentleman from Florida would yield, I was elected from Omaha, NE, because I was going to come back here to Washington, DC, fight for the little guy, relieve some taxation from this body, so the American man and woman would have an opportunity to put money away on the weekend, to put money away at the end of the month, to put money away at the end of their years for their future retirement, to pay the bills, to send their kids to college, and that is exactly what this body is going to do. And I am proud to say I am a member of the conservative 104th class. And we are going to change the way this body does business, because we mean what we say, and we are looking forward to making it happen.

Mr. SCARBOROUGH. I thank the gentleman from Nebraska.

Now I would like to yield to the gentleman from Maine.

Mr. LONGLEY. It is interesting that 2 days ago, and I am almost embarrassed to bring this up, but the supreme court of the State of Maine heard arguments on a question of whether the Girl Scouts in the State would be required to pay State sales tax on their Girl Scout cookie sales. And in the course of the argument, the State tax assessor argued that learning responsibility of paying taxes was part of what it meant to be a Girl Scout, or, in effect that we have succumbed to the level in this country or at least in this State and in this country, where we are literally chasing 10-year-old girls around to collect sales tax.

The same problem is existing on the Federal level. It think it is bad enough and I heard this over and over again in my campaign, that we have reached the point where government was stooping to any length to get its hands on any extra nickel that it could from the taxpayers.

It is bad enough that government is taking the bite that it is taking, particularly out of wages. But it has reached the point where it is not only taking money out of our checks and taking money out of our lives, but trying to tell us what to do with the rest of it.

I am very interested to see a very important document, and I carried this in my campaign, a copy of the Constitution and Declaration of Independence. Over 200 years ago Thomas Jefferson said in very simple words, we hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. But most important, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Government was not meant to be our master. It was not even meant to be our partner. It was meant to be our servant. And with all the talk today about reinventing government, I think that the language perhaps has been misdirected. We need to get back to the basics. We do not need to reinvent anything.

□ 1630

The best wisdom that has ever been written about Government and the democratic system and the free enterprise system is contained right in words of this document. I think we need to get back to it.

I might add that I am also honored today to be part of a group of freshmen that is literally launching the first days of a new American Revolution. A couple of years ago there was talk about a gang of 7. I am very proud to be part of a gang of 73. Hopefully we can turn this country around, get the limits that we need on the growth of the Federal Government by forcing a balanced budget by the year 2002, and by insisting on a three-fifths majority rule as it relates to any future tax increases to make it more difficult for government to try to purchase its way or mandate its way out of the system through the taxes on the working people of this country.

Let us make it clear, in my campaign I campaigned on the fact that if I bought a pack of cigarettes, I pay three taxes. If I bought a can of beer, I would pay four taxes. But if I went out in this country and created a job, gave a working person work, I would pay or manage nine different taxes. Literally three times as many taxes as on the pack of cigarettes or twice as many taxes as on a can of beer.

When I look at those taxes, and let us talk about the minimum wage. There has been some talk about, a call for an increase. Yes, I would love to increase the take-home wages of working people. But when we look at what the Government has done at a minimum wage of $4.25 an hour, those nine taxes, five paid or managed by the employer, four paid by the employee, at the minimum wage they exceed 20 cents and, in many cases, approach 25 cents or more per dollar of wages. That is clearly exorbitant.

When you look at the totality of wages that we collect, the taxes that we collect in this country, the bulk of them are taken out of the wage base, out of the wages and pockets of working people. It is time that we got away from the politics of greed and envy and realized that we are all in this together. We have to deal with this together, and we have to deal with it by dealing with a government that is spending more than it takes in and does not show any signs of relinquishing.

I want to end on this note: I am very proud that today our Speaker, the majority leader, and the majority whip have addressed a letter to the President of the United States, pointing out that on, this past Sunday, and I will quote from the letter, that the Labor Secretary said "the President is against simply balancing the budget." When there was another question about balancing the budget, the Labor Secretary said, "your question assumes that the goal is to balance the budget."

In the letter we point out to the President that this contradicts his 1992 vow to put forth a plan to balance the budget. And we are going on, and I am happy to endorse what our Speaker and leadership have said, we call on the President to be consistent with the likely approval of a constitutional amendment requiring a balanced budget by the year 2002. We call on him to submit a budget that would reach that objective and that would be consistent with his 1992 campaign pledge and that he disavow the comments made by his own labor secretary.

Finally, I want to address my comments to the American people. It is clear to me as a freshman Member of this body that the bias in Washington is in favor of increasing taxes. It is in favor of increasing control in Washington. We need to turn this government around. We need to reempower individuals and citizens. We need to reempower the private sector. We need to reempower local and State government. We need to put a collar on a Federal Government that is out of control. And it is only going to happen if the public demands it. It will not happen if you leave Washington to its own devices.

Again, I want to end on this one vote: Barely 2 weeks ago I stood on this floor with my 6-year-old daughter Sarah and my 10-year-old son Matt, and it was extremely troubling to me to realize, as I am sitting here about to take my oath of office as a U.S. Representative from Maine's First District that my 2 children, a 6-year-old and a 10-year-old, that we are literally spending money today in this country that my children are going to be forced to repay. And that is not only a burden on our own economy, it is a tremendous burden on the future and the opportunities that I hope that we can leave to my two children, my son and my daughter. I know that many parents feel the same way I do.

Sir, I appreciate the opportunity to address this body. I am happy to be part of the opening day, the first salvos in an effort to get this Federal Government to adopt a balanced budget amendment and to put a restriction on its ability to increase taxes.

Mr. SCARBOROUGH. Like you, I carried around a copy of the Constitution during my campaign, and I still do it today, simply because this is a second American Revolution that we are embarking upon. People have talked about the Contract With America for the past several months, and it is an extremely important document, but not only because of what it does today but what it is going to empower this body to do over the next 10, 20, 30, 40, 50 years. And that is, to continue taking us forward into a direction that will actually help us abide by the original Contract With America, which was that very Constitution that you and I and millions of other freedom-loving Americans carry around every day.

I thank the gentleman for his remarks.

Mr. LONGLEY. I just want to pick up on what you said, because this is the fundamental Contract With America. I think that we do not need, we do not have anything that we need to reinvent. We have a system of government that is the finest in the world, that has stood the test of 200 years of American history. We need to get back to the basics. It was a government based not only on a Constitution but the 10 Bill of Rights, including the 10th amendment, which is something that, again, this Government was based on local and State government, delegating responsibility to the lowest level, consistent with the need to achieve results.

Again, we have build up a Federal bureaucracy, a government in Washington that is consuming resources left and right, is drowning the country with not only red ink, but it is totally seizing the tax capacity of this country to the derogation of individuals in local and State government.

I just want to end on, add one other note. It only occurs to me, as you raised your question.

I am fortunate, in the early 1970's, my father, now deceased, served as Governor of Maine. He was an independent. And he was also one of the initial cochairs of the national effort to balance the budget.

The initial committee consisted of Gov. Dolph Briscoe, a Democrat from the State of Texas, a Republican, former Treasury Secretary William Simon of New York, and my father, independent Gov. James Longley of Maine. That was 18 years ago, 18 years, and we still have not dealt with the problem.

Again, I appreciate the opportunity to address this House.

Mr. SCARBOROUGH. Mr. Speaker, I yield to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I would like to begin by commending the gentleman from Florida for bringing this issue forward. Indeed, on November 8, the American people sent the first shot, I believe, of a new revolution, a revolution not to change America but to restore America, a revolution which will remind us and our children and our grandparents that America was built around the premises outlined in the Constitution, which the gentleman from Florida raised at the outset of this hour.

Those premises were that people relied upon themselves, could govern themselves best, that a central governmental authority like we had escaped in England was not the best way for men and women to govern themselves. But, rather, that we should have that government which governs least and that men and women of this country for the first time would be free to determine their own future, to succeed or to fail on their own ingenuity, their own energy, their own effort and their own drive and that there would be no guarantee from government other than that of equal opportunity.

We have drifted so far from that that it is difficult to even recognize the Government that we once began. The principles which were at the heart of that Government have become ignored regrettably here in this Capital City, and it is time that we returned to them.

You began this debate by reminding us of the words of the 10th amendment. I think it is worthy to reharken to those words on many occasions. That amendment of the Constitution says that only those powers delegated specifically to the Federal Government are for use and exercise by the Federal Government and that all other powers are reserved to the States and to the people respectively.

□ 1640

I submit it is time to begin to review not just some pieces of legislation that pass through this distinguished body, but every piece of legislation which passes through this distinguished body, on that standard. In fact, is it within the power of the Federal Government to legislate in the area, or is it, rather, reserved to the States or to the people?

When I ran for this office, I did so on a premise that it simply was not true that the people who occupy this hall and the one across the way, and the army of bureaucrats that they control, know better how to run the lives and the businesses of the citizens of the State of Arizona than those people in my district and in the State of Arizona, and, indeed, across America. I simply reject the premise that Washington, DC, is the font of all wisdom, and that we can manage every business and run every life better from the floor of this House than those individuals can do for themselves.

The simple truth is, that stands the premise of this country on its head. I trust the people of Arizona, the people of Florida, and the people of America to determine their own fate. Yes, we need laws. We need to deal with those issues which cannot be dealt with by the States or by individuals, but we have gone so far beyond that that it is hardly recognizable.

Let me talk, briefly, about an issue that has been touched upon here, and that is the issue of the balanced budget amendment, Mr. Speaker. It is absolutely essential and an essential element of the Contract with America that we pass a balanced budget amendment.

That is critical because we have discovered what Paul Harvey has warned us, and that is that self-government without self-discipline doesn't work. Regrettably, what has happened is that we have come to that point in America where at least all too often we have determined that we can vote ourselves benefits out of this body without ever having to pay for them.

Like you, I listened to the gentleman before this hour started talk about the dire consequences which would result if we simply enacted a provision requiring a balanced budget: that children would go without education in his particular school district, that schools would not have the resources they need; that the cities and towns in his particular district would not have the funds necessary.

That simply cannot be true, Mr. Speaker, because if that is true, then he is asking the people of some other part of America to subsidize the schools and the cities and the towns and the counties in his district.

The truth is there is no free lunch in America. If in fact there is a subsidy going to the schools or the towns and cities and counties in his district, that means that they would not have sufficient resources to run those schools, those cities, or those towns without getting money from Washington, DC. Then, in fact, he is asking America to subsidize his community. That is dead wrong.

The Federal Government cannot provide resources to one district that it does not first take from another. So the balanced budget itself is absolutely critical, and it is no more complicated than the principle you laid out at the outset, which deserves repeating, and that is that the American people can have and should only have the amount of government that they are willing to pay for.

However, there is a critical decision which will be made on the floor of this House within the next 10 days. That is will we pass a simple balanced budget amendment or will we pass an amendment with teeth.

I have been talking with the members of our class, and they are uniform in their belief that a simple balanced budget amendment is not sufficient; that indeed, it does not exact the degree of discipline which is needed in today's world, and that what we need, rather, is a supermajority requirement to raise taxes.

Why is that? It is true because Government has discovered that we have anesthetized the taxpayer. We can take money out of their pocket through withholding and they never know it is there. So every time someone in this body dreams up a new idea for a new Government program or to solve somebody's problem, all we have to do is raise taxes just a little bit to pay for that good idea.

The burden has become excessive. It simply is not true that Government taxes too little. It is true that Government spends too much.

Let me relate a personal experience that I have. I have never served in a legislative body before having the privilege of joining this one, but I did have the privilege of serving as a part of a group of people who advised the Arizona legislature.

I sat in on countless meetings where citizens with good intentions came to a member of the Arizona legislature and said, "Here is a serious problem. We need you to solve it." They played upon the emotions and the sympathies of those elected representatives, and of course their instinct was, "yes, we should solve the problem."

However, there was something missing in that dynamic. What was missing in that dynamic is that no one was there to represent the taxpayers who were to be asked to pay for that purportedly essential or necessary service.

It is time for structural reform as a part of this revolution. It is time that we placed limits on the ability of Government to casually dip into the pockets of an already overtaxed citizenry. The way to do that is with a supermajority requirement.

That is, if the citizens and taxpayers of America cannot be participants in that conversation where we are being asked to extend one more Government benefit, then make the structure of Government so that it is harder to raise taxes. Put them there by virtue of a structural change which would say "We cannot raise taxes upon a simple majority. We must do it upon a super majority."

On this floor within the next 10 days we will have an opportunity to vote for a requirement that says "No future tax increase can be enacted without a 60 percent majority." I urge the people of America to get on their fax machines and their phones and to use their letters and any other communication device they have, buttonhole their Member of this Congress in the next 10 days, and tell them that they are not undertaxed but they are overtaxed; that we need a real reform, and that what we do not want is a balanced budget amendment which will lead to a balancing of the budget by an increase in taxes, but that what we need essentially in America is a balanced budget amendment which will lead to a balanced budget balanced on the basis of spending reductions.

This is a critical vote. It will occur within the next 10 days. I urge the American people, you are participants in this revolution.

Mr. SCARBOROUGH. I thank the gentleman for his comments. Again, from hearing him talk, I was once again reminded about the dire consequences that this Member who spoke earlier and others have been speaking about, talking about what would happen if we passed a balanced budget amendment, what would happen if we actually lived by the words of the Constitution.

I have to ask you, in your reading of the balanced budget amendment as it is, does it seem to be ideologically driven by conservatism or by liberals, or is it value-neutral and policy-neutral as far as just what the goal is, and that is, to spend as much money—only as much money as you take in?

I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, the language of the draft which I hope will appear before us states a simple principle, and that is, first, we must balance the Federal budget and, second, future tax increases will require a super majority. It is built around the premise that I think Paul Harvey best elocutes, and that is simply that self-government without self-discipline won't work.

The sad truth is that what we are doing now is we are voting ourselves benefits, but passing the bill on to our children, our grandchildren, and our greatgrandchildren. However, more than that, because we are creating that debt, we are also creating an interest burden, which means we have fewer and fewer dollars to pay for today's services because we are paying the interest on the debt we are creating, because we simply refuse the discipline to say no to extra spending.

The super majority or three-fifths requirement would institutionalize that discipline which is so critically needed, so we do not continue the policies of tax and spend and tax and spend and tax and spend, to the point where we are today creating an underground economy where people no longer are willing to pay the onerous tax burden we are imposing on them because they simply understand they are not getting their dollar's worth.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for his comments, and would now like to yield to the other member of the Arizona delegation.

Mr. HAYWORTH. I thank the gentleman from Florida. I would like to note what a personal thrill and high honor it is to stand alongside my friend and colleague from Arizona. We live in neighboring districts, and our people share similar thoughts and values.

Mr. Speaker, one of the things we have to remember was echoed in a previous remark by my good friend, the gentleman from Maine. It is that we are really not actively involved here in reinventing Government as much as we are involved in remembering what made this Government great, and what made it the last, best hope of mankind.

Though we may use the rhetoric of revolution, and indeed, after 40 years of maintaining an old order, it may seem revolutionary, Mr. Speaker, what we advocate is really not radical. Instead, it is reasonable.

In the remarks we have heard from the other side throughout the 104th Congress, there seems to be an important ingredient missing. It is this realization. The money talked about and the funds appropriated and the horror stories of alleged losses and decreases in funding that Members on the other side of the aisle would point to fails to understand this basic point. It is not the Federal Government's money. It is money that rightfully belongs in the wallets and the purses of the citizens of the United States.

□ 1650

They know best how to spend their hard-earned money. They know best how to care for their families. One size does not fit all.

Mr. Speaker, the answer is not found in government, but in ourselves.

Mr. SCARBOROUGH. I thank the gentleman from Arizona.

I must echo what he says, that the answers don't lie in Washington, and more importantly they don't lie on one side of the aisle.

This is a battle that is going to be taken up on both sides of the aisle.

I know on December 7, 1941, when Franklin Roosevelt stood before the House and Senate, as they declared war on Japan, it was a bipartisan effort. On that day, nobody cared whether you were a conservative or a liberal, or whether you were a Republican or a Democrat. They only cared that you were Americans. I can say this, that today, and as we approach this vote, it does not matter whether we are conservatives or liberals or Democrats or Republicans. The only thing that matters is that we begin treating our checkbook the way middle-class Americans treat their checkbook, and that we only pay what we have.

It is a very simple request that the American people have given us. I see the gentlewoman from Ohio, and I know that she, too, is concerned about this on the other side of the aisle. We have to remember that one party does not have all the answers. But we have got to start somewhere. I believe this three-fifths supermajority to raise taxes is a great way to start, because this year, more than any other year before us, we can make a difference.

The 104th Congress can bring about true reforms if both sides of the aisle will work together and if conservatives all across America will step forward and say, "Enough is enough."

I would like to end my remarks by quoting someone who said this in 1966, and the quote is inspirational and talks about American individualism, and what can happen when Americans get off their couches and dare to make a difference.

The quote goes like this:

> It is a revolutionary world we live in. It is young people who must take the lead. We've had thrust upon us a greater burden of responsibility than any other generation that has ever lived.
>
> "There is," said an Italian philosopher, "nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things."
>
> There is the belief there is nothing one man or one woman can do against the enormous array of the world's ills, against misery and ignorance, injustice and violence. Yet many of the world's great movements, of thought and action, have flowed from the work of a single man or woman.
>
> It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

That is what has happened in 1994 and 1995. Centers of energy from the people across this country have stood up and individuals have dared to get off the couch and make a difference.

I would like to commend the late Senator Robert F. Kennedy for making that statement in 1966, and I think it is a fitting statement that we as Republicans and Democrats can take forward as we dare to make a difference and reform this Congress that has needed reforming for so long.

FOREIGN TRADE POLICY RELATIVE TO BAILOUT OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, I listened with great interest to my colleagues on the importance of keeping our national accounts in order. I have come to this well over the last decade of my service in the Congress echoing those very same concerns, especially as it relates to our people's ability to earn decent incomes in America and to benefit their families through their hard work as well as through gain-sharing in the workplace, where people in our country work very hard, they should gain from the productivity that they have been a part of increasing, and, therefore, I am a great supporter of all types of programs, for employee stock ownership, for worker gain-sharing so that people in our country can become self-sufficient. For too long Washington has turned a cold ear to so much of what has been happening across our country in the streets and blocks of our neighborhoods.

This evening I come to the floor to talk about the connection between people's jobs and their incomes and our foreign trade policy, because one of the biggest budget-busting items that is likely to come before us next week has to do with the bailout of Mexico that will be put on the backs of our taxpayers, and of all things they want to put it off-budget, which means that as we consider this vote next week, and as I understand it, no hearings are going to be held in the House of Representatives on this issue. This bill is going to be moved only through the Committee on Rules at the will of the Speaker and will be brought here to the floor without any of the hearings that are normal procedure for a measure of this magnitude which already has cost our people over $18 billion—that's with a B—in lines of credit extended to Mexico, largely to hold up, to prop up the speculators on Wall Street who wanted to make big money in Mexico but now are not willing to eat their own losses, and we are told a bill is going to come here next week ringing in somewhere over 40 billion additional dollars, pledging the full faith and credit of the taxpayers of this country. Yet we cannot even have hearings in the subcommittees and full committees of jurisdiction in this Congress.

What is wrong? What are people afraid of? How can we even think about having a debate on a balanced budget amendment when we can exempt major expenditures such as the bailout of the Mexican peso and the Wall Street speculators who now want to reach into the pocketbooks of our people?

I want to put on the RECORD tonight that for 1994, last year, the latest bad news unfortunately has come in on our Nation's continuing trade hemorrhage with the world. This means we are still sucking in billions of dollars of imports more than we are exporting goods abroad. In fact, the 1994 ledger is dripping with even more red ink and more good jobs lost in our country.

In fact, just in the month of November, America had a trade deficit of 10.5

billion additional dollars—that means more imports coming in here than our exports going out—and just in that month alone, over 200,000 more jobs lost in America.

For those who listened to my remarks yesterday, yesterday morning, 7:30 in the morning, in Medina, NY, Fisher-Price/Mattel Co. gave the pink slip to 700 more workers in our country who were told, "It's time to go home. Your jobs are moving to Mexico."

□ 1700

Fisher-Price/Mattel does not make one Barbie doll in the United States. Yet they have millions and millions and millions of dollars of sales in our marketplace, and their product is not cheap, $29 to $200 for one of those little dolls. Each little girl in American owns between 8 and 12 of those today. They basically have shut down their production in this country.

The trade deficit is related to your job, my friends, because if you do not have production located in your community and you have essentially outsourced the real productive wealth of your community, you will have lower-wage jobs, you will have jobs without benefits, you will have part-time work, you will be downsized, you will be outsourced. Until you understand the connection between international trade, your job and your pocketbook, 1994 will be known as the year in which the United States suffered the worst trade deficit in history. And for every billion dollars of trade deficit we lose an additional 20,000 jobs in this country. So that means for 1994 over 3 million more good jobs slowly disappeared.

Probably, unless you live in these communities, you do not even know it happened. It is like death by pin pricks as companies shut their doors, like Mattel did yesterday in New York, and the list goes on and on and on.

Nineteen ninety-four will be remembered as the year that NAFTA was implemented, and that trade agreement really kicked in and continued to put the tourniquet around the workers of the United States. It was the year GATT was signed and we will continue to lose more jobs. And the year that we ran up over $155 billion more in trade deficits, more imports coming in here than exports going out.

It is hard to find anything made in America. In fact today I had a rather humorous experience if you want to think about it. People here in Washington are running around with little pins on that say Contract With America. But look at the button, it was made in Taiwan. I just shook my head. We do not even make buttons in this country anymore.

Over 3 million Americans could have been more productive in our country last year if the trade deficit had not been so bad. And, you know, the amazing thing about it, prices are not going down in our country; profits are going up, prices are going up. The only thing that is coming down is workers' wages and their buying power.

Something pretty fundamental is happening to the economic wealth, productive wealth of this country, and Washington better understand it, because it is at the nub of the unrest across our country.

The latest trade data that has come in has special significance as Congress considers a bailout of the Mexican peso. And it is really a bailout of the Wall Street speculators because our former trade advantage with Mexico, which is what they said we had to pass NAFTA for, because America would continue to make money off of that deal, as that trade deficit got worse last year, guess which country we began moving into the red side of the ledger with? Our third largest trading partner, Mexico.

In the month of October, for the first time in a generation, America accumulated a negative trade debt with Mexico. And in November the red ink quadrupled to over $370 million in the red, just in November.

America's trade advantage, my friends, with Mexico, has now disappeared. The advantage has disappeared in less than a year, and now Mexico has its hand out to us to prop up that country's debts that are owed to our Wall Street investors.

When the peso fell 40 percent in December in value, the United States is going to see a continued slide into red ink with Mexico as their exports and the prices of those exports become more attractive in our market and our goods down there become too expensive for them to purchase. Mark my words, the slide is slickening every single month.

Let me now tell you more about the biggest budget buster that this Congress is going to be asked to vote on next week, with no hearings in the committees of this Congress, which essentially means you as a people cannot know. And it is going to hit our taxpayers very, very hard, in the wallet, with the jobs that they will lose to a much cheaper wage environment. You are going to pay in higher interest rates; you are already paying in higher interest rates because the market has discounted those losses. And you are going to pay in continuing obligations in increasing long-term debt that you will have to pay, because in effect what they are asking is for our people to become Mexico's insurance company, for the North American Free-Trade Agreement, NAFTA, sure is not free. We have lost a company a day to that nation since the agreement went into effect.

Most Americans did not realize that, when NAFTA passed, at its heart was an investment guarantee to the Wall Street speculators, the multinational corporations, and the megabanks that in fact you as taxpayers now have to back up.

If the gamblers went belly up in Mexico, the United States essentially had pledged your full faith and credit, and now the bills are coming due. Fifty-eight billion dollars for beginners.

In fact U.S. taxpayers are now going to pay dearly and not just in more lost jobs. That is bad enough. But without a vote of Congress, last week our U.S. Treasury and Federal Reserve opened our lines of credit to Mexico to the tune of $18 billion, your tax dollars, your deposits in the institutions of this country already sent to prop up the paper investments that the gamblers on Wall Street love to play with. And as far as the Government of Mexico is concerned, what this really amounts to is a new backdoor multibillion-dollar version of foreign aid, but they do not want to call it that, they do not really want you to see it as that, so they are using all kinds of fancy names, figuring most people have not gone to business school, most people do not have a degree in finance. So the $18 billion they extended they did not call what it really is, they called it a line of credit, they called it a swap.

Now they are coming up here next week with a bill they are going to call a guarantee, and backing up the guarantee will be fees. There will be a commitment fee, a basic fee, a supplemental fee. There are so many different fees, but essentially all it is putting debt on top of more debt on top of more debt on top of more debt with higher interest rates, and more debt with higher interest rates that you back up with your tax dollars.

No matter what you call it, you essentially are Mexico's insurance company. But ask yourself what is the collateral? What are your chances of getting your money back?

Last week the Clinton administration and the Federal Reserve started bailing out Mexico with that $18 billion of our currency through the U.S. Treasury, our Federal Reserve. It took no vote of Congress to do that, they do not have to come here for 6 months under the current law. Now the administration is asking us to guarantee this additional $40 billion in loans and there will be no hearings here in the Congress. Believe me, it is a bottomless pit.

The troubling fact about these speculators from Wall Street is they are the very same people who gave us junk bonds back in the 1980's, the very same people who put all of these leveraged buyouts together, who threw white collar workers, blue collar workers, pink collar workers out of work across America because these very same people were so greedy that they cashed out corporations, they bought companies, they dried up their pension funds, they diversified those holdings, they essentially bled out the wealth of this country, they put it in different nations around the world where there is no cheap labor and no democracy. And notice now they are sending those goods back here, and now they are trying to do the same thing as a result of this Mexican deal.

The troubling fact about being this kind of a banker, and I even hate to call it a banker, it is really a speculator form Wall Street, is that they can create money; I wish each of us could, even when there is no collateral to back it up. They have got powerful friends. Let me tell you, my friends, they have powerful friends in the Clinton administration, and they have very powerful friends inside this institution. They like to talk about free enterprise, and being beholden to the rules of the private sector.

□ 1710

But basically they are now coming and running to the Government because they are about to lose a big chunk of money. So when they have gotten in trouble, they have not followed the rules of the marketplace which is when you take a risk to that extent and you lose, you are big enough to eat the losses yourself and not come running to the taxpayers of our country.

The Clinton administration is doing this along with the top leadership of this institution and taking this unprecedented action and doing it very quickly so that you do not really understand it, so you cannot complain and really have input through your elected Representatives here because the value of Mexico's currency has fallen by so much.

Basically Mexico cannot pay its bills. It never has, and with the peso meltdown, keep this in mind, if you think about what is the collateral, its workers' wages have also been cut by 40 percent; the value of its people's savings accounts have been cut by 40 percent. Do you think they will be able to pay back what they owe us on top of all of the old debt that they still owe us?

And I see our colleague from Vermont has joined us, the gentleman from Vermont [Mr. SANDERS], and we are so happy to have him here this afternoon without question, and I know he has traveled the world, as I have; the pain of our people who have lost their jobs, the pain of our families who are worried about affording their mortgages and affording sending their children on to college, when they need help, they do not have the Secretary of the Treasury running around the corridors up here. They do not have the Speaker of the House running around the corridors for them. They do not have the Chairman of the Federal Reserve running around the corridors up here. They do not even return phone calls.

But for this particular deal where their friends, and I underline friends, on Wall Street stand to lose $40 billion and should eat their own losses, believe me, they have worn out the carpets of reception up here. We may have to have a little congressional expenditure to replace the mats that have been worn out over the last 2 weeks as these meetings have occurred behind closed doors.

Why should the Mexican people and the people of our country have to pay for the mistakes made by the Wall Street kingfishers and their friends around the world? Why?

I yield to the gentleman, and I am so happy to see him here tonight.

Mr. SANDERS. I want to thank the gentlewoman from Ohio [Ms. KAPTUR] for her leadership role in this whole issue.

You know, when we talk about the beltway mentality, and we talk about the degree to which Washington, DC, and the U.S. Congress are separated from the pain and the anguish of middle income America, I think you could not give a clearer example of that separation than this $40 billion bailout for Mexico.

Now, two things are happening at exactly the same time. The President and congressional leaders are talking about a $40 billion bailout. For a start, what we are hearing is that because we have a terrible deficit situation, it may be necessary to destroy our Social Security system upon which tens of millions of senior citizens exist. There is no question but that the Republican leadership has in mind massive cuts in Medicare, in Medicaid, massive cuts in nutrition programs for hungry children.

So on one hand, what we hear every single day on the floor of this House is we have a terrible deficit situation; therefore, we are going to have to cut back on the basic needs, the substance, the substantive needs of some of the most desperate people in this country, because of the deficit. Then in the same breath what we hear is, well, we have got to protect Wall Street who are making investments in Mexico, and, therefore, we are going to have to cosign a $40 billion loan guarantee. That is No. 1.

And the second line of rhetoric that we hear is that we are entering into an era of so-called personal responsibility. What we are saying to hungry children in America, we have 5 million kids who are hungry, we are saying, well, you know what, in the new United States of America do not expect the Federal Government to provide you with basic nutrition, and we say to the elderly people who have paid into Social Security and Medicare for their whole lives, do not expect the Federal Government to stand with you in your time of need. Personal responsibility. You have got to do it on your own. Right? No free lunch.

But at exactly this same moment, we have investors who are interested in buying bonds from Mexico, bonds by the way which are paying 19- or 20-percent returns.

Ms. KAPTUR. One of the interesting points here is how people get hold of these bonds. You know, part of what Mexico owes is money that is owed on the old Brady bonds. For those of you who are TV junkies, maybe you know this, back in the 1980's, the early 1980's, there were all kinds of debt Mexico could not pay back. Then part of it was turned into these Brady bonds. The yield on Brady bonds was 40 percent.

Can you imagine, just think if you owned those bonds. So part of these are being rolled over as a part of this new debt that Mexico has to pay to its creditors.

Now, with this new group they are paying 20 percent at the moment, but, of course, it could go up. Would we not love for the depositors in our communities to be able to earn a 40-percent interest rate at their bank?

Mr. SANDERS. But what I get a kick out of is in this era of personal responsibility it is not enough that you may very well, and probably likely, will earn a 20-percent rate of return on your investment, but we are saying to these very brave investors, "Well, if you do not make that 20 percent, if the Mexican economy does not improve, if by some chance they are not able to pay you back, do not worry about it, Uncle Sam and the taxpayers are here to bail you out."

The irony, and I know you and I have discussed this earlier, the irony that some of the people that we are protecting are exactly the same people who have thrown American workers out on the street, taken their jobs to Mexico, now they are going back to these unemployed workers and saying, "We want you to provide guarantees to the companies that are investing in Mexico today."

To say that is absurd would be, I think, a massive understatement.

Ms. KAPTUR. If I might just reclaim a moment, last week I sent a letter along with several Members of Congress to our Secretary of the Treasury asking 14 very specific questions, since we are not going to have hearings here in Congress on this major bailout.

I will not read all 14 questions, but just the first two, asking him to, please, expeditiously reply to these questions. No. 1, in view of the fact that U.S. banks are earning historic profits, why is this U.S. Government intervention in the form of a currency swap and lines of credit, this was the $18 billion from last week, necessary? When the private sector gambles and loses, should not those losses be borne by the private sector? That is question one.

Question two is: To what specific banking and corporate interest does

Mexico owe the $26 billion in outstanding obligations that come due this year, $10 billion due in this first quarter of the year, and $16 billion of which is allegedly owed to United States interests, the rest being owed to Japanese interests and German interests? Which means our people's tax dollars would have to pay for foreign creditors to Mexico. And how much in additional obligations come due in 1996 and 1997?

But the bottom line is specifically, not in general, to whom is it owed? Which Wall Street investment houses, which speculative investors that are out there in our country and elsewhere? If our people are going to pay this off, all we are asking is let us know who we owe the bills to.

Mr. SANDERS. You are absolutely right. And I think the point that has to be made over and over again is that at a time when America, for working people, is becoming a poorer and poorer country, at a time when the gap between the rich and the poor is growing wider, when so many middle-income people need help, what an absurdity, what an outrage that the U.S. Government today, the President and leaders of Congress are proposing not to stand with middle income people, not to stand with the poor or the working people, but they are going to provide $40 billion of loan guarantees to very, very profitable Wall Street investors.

And if that does not tell you who controls the U.S. Congress, then I think you may never know it.

I would hope very much that we can turn this process about.

I think, I say to the gentlewoman from Ohio [Ms. KAPTUR], it is going to come to the floor next week?

Ms. KAPTUR. That is what we are told, Friday, when everybody is worn out and wants to get home to meet with their constituents over the weekend. So they are going to bring the balanced budget amendments up early in the week, and all the discussion on that, so all the people will be all vented out by the end of the week. There will have been no hearings in the House. They will just slip it in here from the Committee on Rules.

□ 1720

Mr. SANDERS. I will just say to the American taxpayers that if you think that the best use of your money now is to guarantee loans to Mexico, money that is going to be made by large investment houses and big banks, why, then, you should call the President of the United States up, you should call your Member of Congress and, say, "That is exactly how I want to see my tax dollars being spent. Go for it. We think it is a great idea."

But if you are concerned about a $200 billion deficit, if you are concerned that there are people here in Congress who say that because of the deficit we have got to cut back on Medicare, on Medicaid, on nutrition programs for hungry kids, and you think that a $40 billion loan guarantee for Mexico is not how you want to see your tax dollars being spent, then I think also you should get on the phone, you should call up Speaker GINGRICH, you should call up my office, Ms. KAPTUR's office and the office of your Representative in Congress, your United States Senator.

Mr. Speaker, we can defeat this thing if millions of Americans stand up and say, "No, let's get our priorities straight. We have other things to do with our tax dollars other than to bail out Mexico and protect investments from large banks and investment houses."

So let us get our priorities straight, let us flood the U.S. Congress with calls, with letters, and say to the Members of this institution, "No bailout for Mexico. Protect American taxpayers."

Ms. KAPTUR. And not surprisingly, because this has happened before, but Mexico has many wealthy families, and they have billions of dollars' worth of deposits. Now, you might ask yourselves, where is that money? If you look back at 1991, there were two billionaires in Mexico, according to Fortune Magazine. Now there are over two dozen.

Where do they have their money? Do you know what happened back in the early 1980's when Mexico got into trouble before when it owed several billion dollars? There was between $40 and $60 billion dollars worth of money from citizens in Mexico deposited in United States banks, the very same banks that Mexico owed money to. So being very simple-minded, I said just let them take their money back home.

What happened in this particular situation—and it was carefully orchestrated—the smart money left Mexico before the peso meltdown. If you look at the trade figures for the last year, you will see one of the top three exports to Mexico from the United States after NAFTA has been in two or three interesting areas: art, antiques, and collectibles.

Now, who would buy art, antiques, and collectibles to hedge against a possible devaluation? So they took their money out of the country, brought into the country goods that will sell anywhere in the world. So part of our job should be to drive it back in the country rather than put the money out.

Mr. SANDERS. The gentlewoman is not suggesting that the patriotic billionaires in Mexico are not going to themselves reinvest in their own country? She is not suggesting that they might take their own money out of their own country and put that money into American banks so that the working people of the United States who are losing jobs because our jobs are being taken to Mexico should bail out these investors and these big banks? The gentlewoman is not suggesting that, is she?

Ms. KAPTUR. This is why we asked the Secretary of Treasury which specific interests, which banks, which investment houses, which corporate interests are Mexico's creditors at this point. We would like to see who owns those firms. We would like to see who the depositors are, we like to understand who we are giving our money to, because it is likely, based on past history, that Mexico will default again and the taxpayers of the United States, the new insurance company to Mexico, will help to bail them out. We just would like to know who we are bailing out. Do you not think that the American people have the right to know?

Mr. SANDERS. I think that they might, given the fact that they are putting $40 billion on the line. I think what people throughout this country should appreciate is that very often when the President, any President, when the leaders of Congress want to get something done that benefits the wealthiest 1 or 2 percent and puts it to the average American, what they do is move very, very quickly, because their feeling is that the less information the average American has about the situation, the better they are able to pull off the swindle. I think that is exactly what we are seeing right now.

It is astounding to me that when some of us say, "Let us do something about 5 million children in America who are hungry, provide help to them," there is never a sense of urgency. But when we talk about changing our trade policies so that we do not encourage American corporations to take our jobs to China or to Mexico or to poor Third World countries, there is never a sense of urgency. But suddenly, boy, are things flying around here—$40 billion, even in Washington, DC, is a lot of money.

Loan guarantees of $40 billion can rebuild communities from one end of America to the other, could put millions of American people back to work at decent wages.

Suddenly, however, for some reason, that discussion never takes place here. But now, because Wall Street and the investment houses want to make sure they are not going to lose any money on their Mexican investments, wham, like a bullet, is that process flying through here.

Ms. KAPTUR. What is really sad here is, if you look at the people who get appointed to our U.S. Treasury and to the Federal Reserve, not that they are not intelligent and hardworking Americans, but their mindset comes from, especially this group over the last several years, from the speculative Wall Street sector, which means that when they have been used to creating all this debt around the world, they are pretty well-heeled themselves, when they get appointed to a top Government position, they forget they are not just dealing with their own customers' funds anymore, they are dealing with taxpayers' public money. There is a difference.

I think one of the problems we have is that when you have this revolving door between Wall Street and some of the institutions of the people of the United States, sometimes I think people forget where they are and they start gambling with our peoples' money rather than the private investors' and speculators' and gamblers' money. There is a big difference.

Let me say to the gentleman from Vermont that I see the gentleman from Illinois [Mr. LIPINSKI] has joined us here. I am sure that both of these gentlemen face the same situation in their own districts. But I cannot get loans for my congressional district from the U.S. Treasury in order to clean up the toxic waterways in my community. They told us, "Well, wait 5 years, wait 10 years, wait 15 years." I said, "Wait a minute, I only get elected for 2 years. I cannot wait for 15. I came here to make it better." I cannot get money to build a new tower out at our airport field so that the airplanes do not crash into one another while landing because we have such an old tower that it is on the wrong side of the runway. Well, we cannot get that built. I cannot get a loan from the Treasury backed up by the taxpayers of the United States to do that. I cannot get money for an enterprise community in the center of our city because there was not enough to go around to every major city in Ohio. I could not get the attention of the Federal Reserve or the U.S. Treasury.

I cannot get more money out of this Government to add to the new police class being hired in my district, in my major city and many of the rural communities in my State that are trying to hire policemen, police officers, because of the drug problem. Do you know the transit route, the chief transit route to Toledo, OH, in terms of the drug trade, is direct from Mexico, comes up direct to our community. And I cannot get a loan from our Government to help us deal with the crime situation in our community.

So it gets pretty discouraging when you see the enthusiasm of these former Wall Street speculators down here helping their friends, but I cannot deliver as fast as I want to for the people of my home district, as hard as we try.

I want to acknowledge that we have been joined by Congressman BILL LIPINSKI, a most esteemed Member from the great city of Chicago, which I like to call the capital of the Midwest. I know how hard he has tried to help not only his own city but this entire Nation through his work here and his years of service. I yield to the gentleman.

Mr. LIPINSKI. I thank the gentlewoman for those very kind words and for the time that she is yielding to me in this special order.

It is always a pleasure also to be associated with the gentleman from Vermont [Mr. SANDERS] because certainly no one fights harder for the American working man than he does.

Mr. Speaker, it appears that the North American Free-Trade Agreement is anything but free. Let us look at the facts. Under NAFTA, thousands of Americans have been put out of work. Under NAFTA, the Sara Lee Corp. intends to cut 8,000 jobs during the next several months and move their operations to Mexico.

☐ 1730

Under NAFTA, Honda, BMW, Volkswagen, Toyota, and Samsung all announced plans to build new or expanded production facilities in Mexico, not here in the United States of America Under NAFTA, United States automobile makers exported approximately 22,000 vehicles to Mexico. The United States however, imported 221,000 from Mexico, a huge imbalance in Mexico's favor. I ask, "Can you imagine the jobs that would have been created here amongst the United States Auto Workers if the 221,000 vehicles that were manufactured in Mexico had been manufactured here in the United States?"

Ms. KAPTUR. Mr. Speaker, let me reclaim my time for a second.

I had somebody divide it out for me. What it works out to is that every 28 cars that come up from Mexico to the United States, we send down 2 cars, and in trucks it is even worse. For every 33 trucks that are built by these companies sent into our market, we send down there about a third of a truck. It is absolutely upside-down.

Mr. LIPINSKI. Certainly, and to me the No. 1 issue in last November's election was the fear, the concern, the insecurity that the American middle class has on their shrinking standard of living, not only for themselves, but for their family, for their youngsters, and here with NAFTA, with GATT, and now this $40 billion bailout, we are not only shipping out middle-class jobs, we are also now putting an additional burden on the middle class to subsidize another country.

To return to my prepared remarks, under NAFTA United States imports from Mexico have been increasing at a rate faster than United States exports to Mexico. This distinction is important because in order to create jobs, U.S. exports must be expanding faster than imports. This is not happening.

Under NAFTA the peso's value has dropped fantastically. This represents a dramatic wage cut for Mexican workers. Consequently United States exports to Mexico will slow while Mexico's exports to the United States will rise, wiping out what little trade advantage we had. Under NAFTA, Mexico is experiencing a severe financial crisis, and the American taxpayer is being asked to foot the bill. I say, "Enough is enough."

The Clinton administration wants to provide 40 billion in loan guarantees to help Mexico. But as reported in yesterday's Washington Post, this multibillion-dollar bailout will only help United States speculators, those who have invested money in Mexican stocks and bonds and not contributed to Mexico's long-term economic stability. Any way you look at it, taxpayers are being forced to prop up the pesco and assume the financial risk of the investors.

Mr. Speaker, it is not their risk to take. We should be offering support for our citizens, but instead our Government chooses to help every other group except the American working man and woman.

Last week I joined my colleagues, two of which are here tonight, in introducing legislation to pull the United States out of NAFTA. Given the current circumstances, such action is indeed timely and long overdue. During the debate on NAFTA, supporters promised jobs and economic growth. I and others, however, warned that NAFTA would only hurt our trade position and cause an increase in the loss of American jobs. After a year of NAFTA, I think today's reality speaks for itself.

Mr. Speaker, repealing NAFTA is essential if we are to restore justice to the working people of America. This issue, to me, is an enormously important issue and goes right to the heart of the stability of this Nation, not only the middle class, but everyone in this Nation. We have to produce jobs in this country for all our citizens. We have to come up with what is a dirty word around here quite often, but a national industrial policy. We have to have Government, management, labor, the universities, working together to develop an economic strategy to put our people to work. If we do not, there is going to come a day when they are not going to be able to purchase these products from Mexico, from Japan, from Germany. This economy is going to go down the drain, and numerous other economies are going to go down the drain.

I am really very thankful for the opportunity to participate in this special order tonight, and both of you have my totally complete support in this effort to try to rebuild the American middle class and to try to create jobs in this Nation.

Ms. KAPTUR. I thank the gentleman from Illinois [Mr. LIPINSKI] for his heartfelt and enlightened statement, and I know that probably in Chicago, as is true in Toledo and Vermont, the fastest growing category of jobs are temporary jobs, part-time jobs, with no benefits. We have some restaurant work jobs being created. We have some health care jobs being created. In our factories what has happened is some people, because of the uptake in the auto industry, and I come from automotive America, we have been able to bring some people back into the plants. But we have not seen the kind of massive hiring that we would have expected with the kind of profits that are being made because people, extra people, are not being hired. What we are seeing is workers working 6 days a week. They have been doing this now for over 2 years, and they are making good money, but they are exhausted because they had a lot of overtime. But the benefits are not shared, and imagine if you can put 1,000 more people, 2,000 more people, to work in our plants, and we continue to see in our country declining buying power because essentially what these money traders are doing is they do not understand the difference between money and wealth and the fact that there is a difference between piling debt up and creating real investment that produces things, be it agricultural or industrial, that creates real wealth in our communities.

There is a book, I think, that has been written, "Barbarians at the Gate," that talks about how these folks on Wall Street behave, and they think that money, and paper, and piling up this debt really means something, and they miss the most important question, and that is the wealth-producing capacity of our country, and we have about had it with their kind of thinking, trying to make money for the few, but not wealth for the many, and I know how hard the gentleman has worked in his capacity on the Committee on Public Works to try to improve the climate for business in America, our ports, seaports, airports, roadways, railroad beds, to try to make us the most efficient producer in the world, and I know the problems you have run into.

Imagine if your committee had had the chairman of the Federal Reserve and the head of the Treasury come in and say, "OK, Chairman LIPINSKI, how about $40 billion in public works for America?"

I ask the gentleman, "Wouldn't that have been a great feeling?"

Mr. LIPINSKI. Fantastic.

Mr. SANDERS. If I could just interrupt.

If the gentleman from Illinois [Mr. LIPINSKI] had made that request, they would have said, "What are you smoking? Are you out of your mind? Forty billion dollars; we can't afford that."

Right?

Mr. LIPINSKI. No question about it, no question about it.

Mr. SANDERS. But these guys come in a few weeks ago, and we are supposed to pass this thing with virtually no committee debate, I gather no committee debate whatsoever, bring it onto the floor of the House, because the big money people want to be protected. It is really quite incredible, and the other irony I would point out is the gentleman from Illinois [Mr. LIPINSKI] quite correctly talked about the impact of NAFTA 1 year later—loss of jobs, lessening of the trade balance.

□ 1740

Fourteen months ago when we were debating that issue here, who would have believed it, after hearing all that the proponents told us, right? It is going to improve the standard of living of Mexican workers. It is going to create untold jobs in America; 14 months come and go, and what we are talking about now is the collapse of the Mexican economy, the decline in the volume of the peso by 40 percent, and a $40 billion bailout. You know what gets me? Where are all the editorial writers? Every major newspaper in America told us what a great thing it would be. Remember that?

Mr. LIPINSKI. I remember it very, very well. No question about it.

Ms. KAPTUR. We should cut those articles out, all this was supposed to do for America, with the name of the author right there.

Mr. SANDERS. We were the crazy protectionists. At worse we were racist, anti-Mexico. Fourteen months have come and gone. Where are the editorial writers today telling us what a good deal NAFTA was? What they are telling us now, these same exact people, is well, excuse us, I guess we are going to have to pony up another $40 billion to protect Mexico.

Ms. KAPTUR. You know Congressman SANDERS, one thing I think we would all be interested in, I call the NAFTA deal and deals like it death by pin pricks, because you have companies shutting down like Mattel-Fisher Price did yesterday in Medina, NY. But the workers from Medina, NY, do not always let us know they have lost their jobs and their production has been outsourced. I think it is very hard to get this information. We collect some of it, but there are just hundreds and hundreds of small companies, some of them employing under 50 people around our country, that have shut down.

I am hoping if those citizens of our country who are listening who have been really put out of a job this past year, in fact some of them have had to go down to Mexico and train their replacement worker, I hope you will call our offices. I hope you will let us know who you are. We will be your voice here. We need to be your voice here. You do not have voices from Wall Street placed in high positions. You do not have people in some of the major financial instruments of this government who are your voice.

We can be your voice, if you will let us know who you are. Some of you who are in union shops, you are organized, you know how to get to us. Many of you are in nonunion shops, 85 percent of you. We need to know who you are. We will be your voice here in the Congress of the United States.

Mr. LIPINSKI. I wanted to say that I have nothing against people in this economy becoming millionaires, becoming billionaires. But I believe that it is really the duty and the responsibility of the executive branch of government and the legislative branch of government to try to create an economy that improves the standing of living of all the citizens of this country. That should be our No. 1 priority, to improve the standard of living of everyone here.

We should see to it that there are some kind of checks and balances so that one segment of our society does not benefit more than another segment of our society, particularly when it seems to me that the laws we often pass and the trade treaties we often pass here benefit a much smaller segment of our society at the expense of one of the largest sections of our society, the middle class. I really believe that that should be the top priority, creating jobs in this country, as I say, not only for the middle class, but for everyone. If you can become a millionaire, wonderful. If you can become a billionaire, that is wonderful also. But we have to give the opportunity to people to continually improve their standards of living, continually improve their jobs, so that they can raise their family, educate their family, so they can buy homes, so they can buy automobiles. This is really what the American dream is about. Not a few people becoming billionaires or millionaires.

Ms. KAPTUR. If the gentleman will yield on that point, on the Food Stamp Program, which is not a popular, politically popular program, I think it is important in my district to put on the record, half the people in my northwest Ohio area who are on food stamps, half are working people. They are working families who earn such low wages with such low benefits because their jobs have essentially been cashed out, they have to be in the embarrassing position, and I have seen some of them, of applying for these food stamps, because they can no longer earn a living wage in the United States of America. Frankly, I think that should be unconstitutional. I think these people should be able to earn a decent wage.

I met a woman the other day, I went into one of the stores to buy like these muffins in the morning. I met a woman working three part-time jobs. She was a divorcee, and she must be putting in 60 or 70 hours a week just to support herself. It is sobering to meet these families, and there are millions of them across our country. They have very little voice here.

We have been joined by our distinguished colleague from the State of

New York, from Buffalo, NY, Chairman JOHN LAFALCE, Committee on Small Business, chairman of subcommittees on the Committee on Banking, Finance and Urban Affairs, and someone who was right month and months ago and they would not listen to you, Chairman LAFALCE. They would not listen to you. And I hope that the citizens of Buffalo understand what kind of voice they have here in Washington, not just for themselves but for the Nation and the world.

There are few Members of this body that understand as much about finance, and I think you talked yourself until you were blue in the face to try to get provisions in the NAFTA accord to deal with this very crisis, and they would not do it. They tried to ride their tractors right over you. You probably still got skid marks on your spine. Yet you were right. As I said a little bit earlier, this is one of those instances where it hurts to have been right.

We welcome you this evening. I yield you time.

Mr. LAFALCE. Thank you very much. First of all, I want to congratulate the gentlewoman from Ohio for the tremendous leadership she has shown, not simply on this issue, but on all issues affecting the industrial manufacturing service sector within the United States, especially as international trade impacts on those issues and our domestic workers.

I have long been concerned with the problems of Mexico and the problems of the Mexican people. I remember well August 1982, when the debt crisis first erupted, and I engaged in a great many meetings at that time with the point man for the Reagan administration, Tim McNamara, who was also a fellow graduate of Villanova University, Deputy Secretary of the Treasury. I believed firmly at that time that we had a responsibility to help the Mexican people in Mexico. I believed firmly that we should engage in leadership on the issue of debt relief. And we pretty much ran up against deaf ears.

I remember in 1982 going to a meeting of the World Bank and the International Monetary Fund in Toronto in order to discuss these and so many other issues. Again, I remember the speech that President Reagan gave at the time. We must rely on the magic of the marketplace. Beryl Sprinkel was quite active in the Treasury Department too. He presented a good many difficulties in dealing with a human, considerate, responsible way with the problem.

In 1986 I was able to get two provisions in the omnibus trade bill that we passed at that time. One dealt with exchange rates, and one dealt with debt relief. Unfortunately, President Reagan vetoed that bill, and in vetoing the bill, he cited four specific provisions. Three of them were provisions that I had authored and it would be the exchange rate provision and the debt relief provision.

Fortunately, I was able to get those provisions back in the omnibus trade bill of 1988, and they then became the law of the land.

So I have a long history of concern for the problems of Mexico in extending debt relief to them, and for the whole question of sustainable exchange rates as they impact trade and the rights of capital and the rights of labor between and amongst trading countries of the world.

I was very dissatisfied with the approach taken by Secretary of the Treasury Jim Baker when he came up with the Baker plan. It was a half-hearted effort. It just did not go nearly far enough. And I remember when Nick Brady came in as Secretary of the Treasury, he called me into the office before the November 1988 election and said we are going to go way beyond Baker, but after the election, we will come up with something new.

☐ 1750

We will come up with something new. This turned out to be the Brady plan, which basically was what I had called for in the 1988 legislation. I remember going down and talking with the leaders of the Central Bank in Mexico at the time, still there. I remember going down and talking with the chief debt negotiator, Angel Gurria, who is the foreign minister of Mexico. I remember being invited by the President-elect Salinas to attend his inauguration on December 1, 1988.

But then we came up with a lot of new ideas, too. Despite the fact that Mexico was a greatly underdeveloped country, we were going to treat it as a fully-developed country. And because we wanted to fulfill somebody's grand vision of a free-trade agreement for the Americas, we would enter into a free-trade agreement with Mexico, called NAFTA.

I had strongly favored the free-trade agreement with Canada, although even then I said we ought not to enter into that agreement without having provisions for exchange rates. Although I did not think that necessity of a provision for exchange rates was that imperative for Canada, because the swing in exchange rates, in currencies evaluations was not that great between the United States and Canada.

But with respect to Mexico, I said it was absolutely imperative. There were a number of other things that were absolutely imperative if we were to approve NAFTA and have a good agreement.

I used my Small Business Committee to have a good many hearings on some of those conditions that I thought had to be dealt with before we approved NAFTA. And so in 1992, I had hearings on the problems in Chiapas. I brought up so many of the human rights activists from Chiapas to discuss their problems. I said, these problems are festering and will soon erupt and NAFTA may make them erupt unless we do something about it beforehand.

Shortly after that, in early 1993, 2 years ago, I had a hearing on something that I thought was perhaps the most important issue that we had to deal with and could deal with within the NAFTA, and that was the issue of the valuation of the peso. I had a hearing entitled "Whither Goest the Peso."

We brought in some of the leading economists from around the world. And there was pretty much a general consensus at that time that the peso was overvalued by from 15 to 20 percent and that a devaluation was going to have to take place, not the trickle type of devaluation that was taking place on a day-by-day basis, but something much more significant at some point in time. And the only question was when and how harmful such a devaluation would be.

I argued that it was imperative that we anticipate that problem, deal with it in advance. And so I sent many letters. I sent, first and foremost, a letter to President Clinton, but also to the Secretary of the Treasury, at least at that time, to the present Secretary of the Treasury, who was then Chairman of the National Economic Council, to the U.S. Trade Representative Mickey Kantor, to the head of the Business Roundtable's section on NAFTA, who at that time was the chairman of Eastern Kodak, Kay Whitmore.

I said, if NAFTA is going to pass, it ought to be a good NAFTA. It ought to be a NAFTA that protects American workers, and we cannot have a good NAFTA unless we have a provision dealing with exchange rates, something that will call for consultation, coordination, and corrective measures in the event of some type of devaluation.

Well, as the gentlewoman pointed out, my early warnings 2 years ago fell on absolute deaf ears. The problem is at that time the peso was about 3.2 to the dollar or 3,200 of the old pesos to the dollar. Of course, there had been a devaluation from 1982 to 1992 of 1,000, 2,000, 3,000 percent. We were not talking about modest devaluations. We were talking about volatile, extreme devaluation.

Let me just make this point. We have to be very careful before we go ahead and approve a $40 billion loan guarantee. The administration and the Congress, Democrat and Republican, are dedicated to doing this by next Friday without congressional hearings, without satisfactorily, without exposing this to the crucible of examination, cross-examination, public opinion.

We have to be very careful. Otherwise we are going to freeze that exchange rate in the vicinity of 5.5 or so to the dollar. And if we thought we were going to have difficulties at 3.2 pesos to the dollar, we will be unable to export to Mexico at 5.5. There will be a huge, tremendous incentive to establish American plants and other plants from around the globe in Mexico at that valuation, and this administration and this Congress does not seem concerned about it.

The only thing they seem concerned about is ensuring that there be a loan guarantee for a restructuring of the existing loans; a restructuring that in my judgment would be done without the guarantees, because the lenders have no option but to extend the maturities.

If a lender gives $100,000, the lender owes the borrower. If a lender gives $40 billion, the borrower owns the lender.

We ought to be very, very careful before we proceed. To do it without hearings, to do it without examination and cross-examination debases the democratic process.

What they are saying is, this is so important and so big that we cannot have hearings, we cannot have it tested in the crucible of public opinion, which is the committee hearing process process of the House of Representatives and the Senate. That does not wash, not in my district in any event.

Ms. KAPTUR. The gentleman should be the very first person to be a part of such a hearing, because there is no one in this body that knows more about the internal debt structure of Mexico. It is an outrage, it is an outrage to this Congress and to the new leadership in this place that they would try to muscle the minds, not just of the people here, but also of the American people and not permit them to know what this is all about when they have to foot the bill.

It is absolutely outrageous. You have, to me, a special right to be a part of those hearings. I think you would make a positive contribution to putting Mexico on a sound footing toward the future.

I personally do not believe this is the way to do it, because you cannot have free trade without free countries. I think Mexico needs a good dose of democracy as a basis for economic growth in the future. I know the time of our special order has expired, and we thank all of those who have been a part of this, this evening, especially the gentleman from New York [Mr. LAFALCE], the gentleman from Illinois [Mr. LIPINSKI], the gentleman from Vermont [Mr. SANDERS], those who joined us to inform the American people.

RULES OF PROCEDURE FOR THE COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES FOR THE 104TH CONGRESS

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, pursuant to the requirement of clause (2)(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Economic and Educational Opportunities for the 104th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on January 5, 1995.

RULES OF THE COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

RULE 1. REGULAR AND SPECIAL MEETINGS: VICE CHAIRMAN

(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:30 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television, and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by his designee.

(e)(1) The Chairman of the committee and of each of the subcommittees shall designate a vice chairman of the committee or subcommittee, as the case may be.

(2) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice chairman shall preside.

RULE 1. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for the purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(d) have been met, a quorum of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES: SIZE AND JURISDICTION

(a) There shall be five standing subcommittees with the following jurisdictions:

Subcommittee on Early Childhood, Youth and Families.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, school lunch and child nutrition, adult basic education (family literacy) and overseas dependent schools; all matters dealing with programs and services for the care and treatment of children, including the Head Start Act, the Juvenile Justice and Delinquency Prevention Act, and the Runaway Youth Act; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor education, daycare, child adoption, child abuse and domestic violence; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); and programs related to the arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Postsecondary Education, Training and Life-Long Learning.—Education beyond the high school level including, but not limited to, higher education generally, training and apprenticeship (including the Job Training Partnership Act, the Full Employment and Balanced Growth Act displaced homemakers, Work Incentive Program, JOBS Program), vocational education, rehabilitation, professional development, and postsecondary student assistance; and domestic volunteer programs, library services and construction, the Robert A. Taft Institute, and the Institute for Peace.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety and the U.S. Employment Service.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

Subcommittee on Oversight and Investigations.—All matters related to oversight and investigations of activities of all Federal departments and agencies dealing with issues of education, human resources or workplace policy. This subcommittee will not have legislative jurisdiction and no bills or resolutions will be referred to it.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As for practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval. No markups shall be scheduled simultaneously by the subcommittees.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All hearings conducted by the committee or any subcommittee shall begin at 9:30 a.m. on the scheduled date and shall end at 12:15 p.m., unless there is good cause to schedule a hearing at a different time or to extend the length of the hearing. All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determine that one statement from the Chairman or his/her designee will be presented, in which case the ranking minority party member or his/her designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, each witness who is to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 24 hours in advance of his/her appearance, a written statement of his proposed testimony, together with a brief summary thereof, and shall limit his oral presentation to a summary of his statement. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Economic and Educational Opportunities (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

(a) No vote by any member of the committee or any subcommittee with respect to any measure or matter may be cast by proxy.

(b) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request thereof.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral of such bills, resolutions, and other matters which may be referred to the committee. Notice will be provided if a bill, resolution, or other matter is held at the full committee, otherwise referrals to appropriate subcommittees will be made within two weeks of referral to the committee.

(b) In the conduct of hearings and meetings of subcommittees sitting jointly, pursuant to subsection (a), for purposes of shared consideration of any bill or resolution, including marking up or reporting any such measure to the full committee—

(1) the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings and meetings for purposes of such shared consideration, and

(2) every member of each of such subcommittees shall for purposes of determining a quorum be counted individually in the aggregate total number of members of such subcommittees, and shall have equal voting rights as individual members during the shared consideration of any such bill or resolution, in the same manner as if the total memberships of such subcommittees were combined to constitute a single subcommittee.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(d) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the three-day period (provided under clause 2, paragraph (l)(5) of Rule XI of the Rules of the House of Representatives) after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

"This report has not been officially adopted by the Committee on Economic and Educational Opportunities or any subcommittee thereof and therefore may not necessarily reflect the views of its members."

Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET AND EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Oversight, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $2,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $2,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $2,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $2,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS

(a) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(b) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the

Chairman of the committee or subcommittee holding such hearing or meeting. The allocation among the television media of the positions of the number of television cameras permitted by the Chairman of the committee or subcommittee in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(1) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 24. CHANGES IN COMMITTEE RULES

A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS—RULE XI, CLAUSE 2(K)

INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON RESOURCES FOR THE 104TH CONGRESS

(Mr. YOUNG of Alaska asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the RECORD the following Rules of the Committee on Resources for the 104th Congress:

RULES FOR THE COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS, ADOPTED JANUARY 11, 1995

RULE 1. RULES OF THE HOUSE AND COMMITTEE

(a) Applicability of House Rules.—The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to "Committee" and "Chairman" shall apply to each Subcommittee and its Chairman wherever applicable.

(3) Rule XI of the Rules of the House of Representatives, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Oversight Plan.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House of Representatives.

RULE 2. REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) Regular Meetings.—The Committee shall meet at 11 a.m. on the first Wednesday of each month that Congress is in session, unless that meeting is canceled by the Chairman.

(b) Additional Meetings.—The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee.

(c) Agenda of Regular and Additional Meetings.—An agenda of the business to be considered at a regular or additional meeting shall be delivered to the office of each Member of the Committee no later than forty-eight hours prior to such meeting. The requirements of this paragraph may be waived by a majority vote of the Committee.

(d) Special Meetings.—Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(2) of Rule XI of the Rules of the House of Representatives.

(e) Agenda of Special Meetings.—An agenda of the business to be considered at a special meeting shall be delivered as provided in clause 2(c)(2) of Rule XI of the Rules of the House or Representatives.

(f) Party Conference or Caucus.—Any Committee meeting that conflicts with a party caucus, conference, or similar part meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member.

(g) Vice Chairman.—The Chairman shall appoint a Vice Chairman of the Committee and of each Subcommittee. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

(h) Prohibition on Sitting.—The Committee may not sit, without special leave, while the House of Representatives is reading a measure for amendment under the five-minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(i) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except that this time limit may be waived by the Chairman. A Member shall limit his or her remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(j) Proxies.—No vote in the Committee or Subcommittee may be cast by proxy.

(k) Postponement of Roll Call Votes.—At the beginning of any meeting of the Committee, the Chairman may announce that further proceedings will be postponed on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 5 until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measure or matter until all business is disposed of or until the Chairman announces that the question will be put on the matter deferred. The question on any postponed motion shall be put by the Chairman and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on any motion, then the first order of business at the next meeting shall be the disposition of the pending motion.

(l) Meetings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

RULE 3. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House of Representatives.

(b) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of Rule XI of the Rules of the House of Representatives.

RULE 4. SUBPOENAS AND OATHS

(a) Subpoenas.—The Committee may authorize and issue a subpoena under clause 2(m) of Rule XI and Rules of the House of Representatives, if authorized by a majority of the Members voting, a majority being present. In addition, the Chairman of the Committee may authorize and issue subpoenas under this authority during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(b) Oaths.—The Chairman of the Committee, the Chairman of any Subcommittee, or any Member designated by the Chairman, may administer oaths to any witness.

RULE 5. QUORUMS

(a) Quorum for Reporting.—Pursuant to clause 2(l)(2) of Rule XI of the Rules of the House of Representatives, no measure or recommendation shall be reported from the Committee unless a majority of the Members of the Committee are actually present.

(b) Quorum for Taking Testimony.—Testimony and evidence may be received at any meeting or hearing at which there are at least two Members of the Committee present.

(c) Working Quorum.—For the purpose of transacting business other than that described in paragraphs (a) and (b), one third of the Members shall constitute a quorum.

(d) Establishing a Quorum.—When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 10 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10-minute period.

RULE 6. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman of the Committee or Subcommittee determines that there is good cause to begin the hearing at an earlier date. In this case, the Chairman shall publicly announce the hearing at the earliest possible date. The Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Clerk of the Committee or Subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Legislative Materials.—After announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all Members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Participation of Committee Members in Subcommittees.—All Members of the Committee may sit with any Subcommittee during any meeting and may participate in the meeting. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(f) Opening Statements; Questioning of Witnesses.—(1) Opening statements by Members may not be presented orally, unless the Chairman determines that one statement from the Chairman or his designee will be presented, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority.

(g) Investigative Hearings.—Clause 2(k) of Rule XI of the Rules of the House of Representatives (relating to additional rules for investigative hearings) shall govern investigative hearings of the Committee and its Subcommittees.

RULE 7. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure.

(b) Additional Authority.—In appropriate cases, the authority set forth in paragraph (a) of this Rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(c) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Clerk of this request, the Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(d) Content.—Any report by the Committee to the House of Representatives provided for by this Rule shall include the following:

(1) a statement of the purpose of the measure;

(2) a general background section describing the need for the measure;

(3) a section-by-section analysis of the measure as reported by the Committee, if the Chairman determines that one is helpful or necessary;

(4) a concise statement describing any changes in existing law made by the measure as reported by the Committee;

(5) a statement setting forth the legislative history of the measure, including the results and type of any vote on any amendment to the measure or on a motion to report the measure by the Committee or any Subcommittee, including the names of those Members voting for or against;

(6) the statements required by clause 2(l)(3) of Rule XI of the Rules of the House of Representatives;

(7) a detailed analytical statement whether the measure may have an inflationary impact on prices and costs in the operation of the national economy;

(8) a five-year estimate of the measure if enacted;

(9) a statement in accordance with section 5(b) of the Federal Advisory Committee Act;

(10) a statement of administration or departmental views on the measure; and

(11) any supplemental, additional or minority views filed pursuant to paragraph (e) of this Rule. Any report containing these views shall indicate so on its title page.

(e) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Clerk not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) of the time the bill or resolution is approved by the Committee.

(f) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report at least 24 hours before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (e).

RULE 8. RECOMMENDATION OF HOUSE-SENATE CONFEREES

(a) Recommendations.—Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure.

(b) Ratio.—The ratio of Majority Members to Minority Members of conferences shall be no greater than the ratio on the Committee.

RULE 9. ESTABLISHMENT OF SUBCOMMITTEES; SIZE OF PARTY RATIOS

(a) Subcommittees and Size.—There shall be the following five standing Subcommittees of the Committee. These Subcommittees, with the following sizes and Majority/Minority ratios are:

(1) Subcommittee on National Parks, Forests and Lands (25 Members: 14 Majority, 11 Minority);

(2) Subcommittee on Fisheries, Wildlife and Oceans (14 Members: 8 Majority, 6 Minority);

(3) Subcommittee on Energy and Mineral Resources (14 Members: 8 Majority, 6 Minority);

(4) Subcommittee on Water and Power Resources (20 Members: 11 Majority, 9 Minority);

(5) Subcommittee on Native American and Insular Affairs (11 Members: 6 Majority, 5 Minority);

(b) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee and have the right fully to participate in Subcommittee affairs except for the right to vote. Ex-officio Members shall not be counted in establishing the presence of a quorum.

RULE 10. JURISDICTION

(a) Subcommittees.—The jurisdiction of the Committee's five standing Subcommittees, including legislative, investigative, and oversight responsibilities, shall be as follows:

Subcommittee on National Parks, Forests and Lands

(1) Measures and matters related to the National Park System and all of its units.

(2) National Wild and Scenic Rivers System, National Trails System, national recreation areas, and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior and the Secretary of Agriculture.

(3) Military parks, battlefields, cemeteries, and parks administered by the Secretary of the Interior within the District of Columbia.

(4) Except for Alaska, the National Wilderness Preservation System generally, and all matters regarding wilderness in the National Park System.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including programs for international cooperation in the field of historic preservation.

(8) Matter concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, American Conservation Corps, and U.S. Holocaust Memorial.

(9) Except for pubic lands in Alaska, public lands generally, including measures or matters related to entry, easements, withdrawals, and grazing.

(10) Except in Alaska, forest reservations, including management thereof, created from the public domain.

(11) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(12) Federal reserved water rights on public lands and forest reserves.

(13) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries, Wildlife, and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power Resources

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs, saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights, and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures.

(5) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Native American and Insular Affairs

(1) Except for Native Alaskans, measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(2) Except for Native Alaskans, all matters regarding the relations of the United States with the Indians and the Indian tribes, including special oversight functions under clause 3(e) of Rule X of the Rules of the House of Representatives.

(3) All matters regarding Native Hawaiians.

(4) Except for Native Alaskans, all matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(5) All matters regarding insular areas of the United States.

(6) All measures or matters regarding the Freely Associated States and Antarctica.

(7) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

(8) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) FULL COMMITTEE.—The following measures and matters shall be retained at Full Committee:

(1) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(2) Measures and matters relating to Alaska public lands, including forestry and forest management issues, and Federal reserved water rights.

(3) Environmental and habitat measures and matters of general applicability.

(4) All measures and matters relating to Native Alaskans.

(5) All measures and matters retained by the Full Committee under Rule 15.

RULE 11. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) APPOINTMENT.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee shall serve as ex-officio Members of each Task Force, or special or select Subcommittee.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

RULE 12. SUBCOMMITTEE CHAIRMEN

(a) Seniority.—The Majority Members of the Committee are entitled, in order of Full Committee seniority, to bid for the chairmanship of each standing Subcommittee. Any such bid shall be subject to approval by a majority of the Members of the Majority party of the Committee.

(b) Task Forces, Special or Select Subcommittees.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee.

RULE 13. RANKING MINORITY MEMBERS

The Ranking Minority Member shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee to be chosen by such procedures as the Minority may adopt.

RULE 14. POWERS AND DUTIES OF SUBCOMMITTEES

(a) Meet and Act.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters within its jurisdiction.

(b) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee or Subcommittee meetings.

(c) Oversight.—(1) Each Subcommittee shall review and study, on a continuing basis the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress.

(2) Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

RULE 15. REFERRAL OF LEGISLATION TO SUBCOMMITTEE

(a) Referral.—In accordance with Rule 10, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee, unless the Chairman, with the approval of a Majority Members of the Committee, orders that it be retained for consideration by the Full Committee or that it be referred to a select or special Subcommittee.

(b) Recall by Notice.—A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for the purpose of direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object.

(c) Recall by Vote.—A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee, a quorum being present, for direct consideration by the Full Committee or for referral to another Subcommittee.

RULE 16. COMMITTEE CONSIDERATION

(a) Layover.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action.

(b) Copy of Bill.—No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy, with a section-by-section explanation.

(c) Waiver.—The requirements of paragraphs (a) and (b) may be waived by a majority vote of the Committee.

RULE 17. DISCLAIMER

All Committee or Subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

"This report has not been officially adopted by the [Committee on Resources] [pertinent Subcommittee] and may not therefore necessarily reflect the views of its Members.".

RULE 18. COMMITTEE RECORDS

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairman or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee;

(2) the result of each rollcall vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on;

(3) the name of each Committee Member voting for or against a proposition; and

(4) the name of each Member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available pursuant to the Rules of the House of Representatives. The Chairman of the Committee shall notify the Ranking Minority Member of any decision to withhold a record pursuant to the Rules of the House of Representatives, and shall present the matter to the Committee upon written request of any Committee Member.

(d) Records of Closed Meetings.—Notwithstanding the other provisions of this Rule, no records of Committee meetings or hearings which were closed to the public pursuant to Rule 3 shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 19. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee, the Chairman shall propose and present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses. The budget shall include amounts required for all activities and programs of the Committee and the Subcommittees.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 5 of Rule XI of the Rules of the House of Representatives, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Oversight and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this Rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 20. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff Members are subject to the provisions of clause 6 of Rule XI of the Rules of the House of Representatives, as well as any written personnel policies as the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall nominate for appointment by the Committee, determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the Minority. The professional and clerical staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff Members and delegate any authority as he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall nominate for appointment by the Committee, determine the remuneration of, and may remove, the professional and clerical staff assigned to the Minority within the budget approved for those purposes. The professional and clerical staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority as he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 21. COMMITTEE TRAVEL

In addition to any written travel policies as the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clause 5 of Rule XI of the Rules of the House of Representatives are for expenses incurred in the Committee's activities within the United States.

RULE 22. CHANGES TO THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for today, on account of family illness.

Mr. YATES (at the request of Mr. GEPHARDT), for Wednesday, January 18, and for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CLAYTON) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. SCARBOROUGH) to revise and extend their remarks and include extraneous material:)

Mr. EHLERS, for 5 minutes each day, for today, January 20 and 21.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. GOODLING, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BENTSEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:)

Mr. BONIOR.

Mr. COLEMAN.

Mr. KANJORSKI.

Mr. LEVIN.

Mrs. LINCOLN.

Mr. DIXON in two instances.

Mr. ORTIZ.

Mr. UNDERWOOD.

Ms. ESHOO.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. HUNTER.

Mr. PACKARD.

Mr. WALSH.

Mr. QUINN.

Mr. MOORHEAD.

Mrs. VUCANOVICH.

Mr. LAHOOD.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. HILLIARD.

Mr. BEILENSON in two instances.

Mr. GOODLATTE.

Mr. YOUNG of Alaska.

Mr. WELDON of Pennsylvania.

Mr. WELLER.

Mr. STENHOLM.

Mr. TEJEDA.

Mrs. MEEK of Florida.

Mr. BARCIA.

Mr. LAFALCE.

Mr. ACKERMAN.

Mr. HOYER.

Mr. MANZULLO.

Mr. FRANKS of New Jersey.

Mr. BONILLA.

Mr. DEUTSCH.

Mr. DAVIS.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), the House adjourned until Friday, January 20, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

185. A letter from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting proceedings of the 95th national convention of the Veterans of Foreign Wars of the United States, held in Las Vegas, NV, August 21–26, 1994, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332 (H. Doc. No. 104–20); to the Committee on National Security and ordered to be printed.

186. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan for the settlement of the claims of the confederated tribes of the Colville Reservation Tribe concerning their contributions to the production of hydropower by the Grand Coulee Dam; to the Committee on Resources.

187. A letter from the Secretary of Labor, transmitting the third biennial report on internationally recognized worker rights, pursuant to 19 U.S.C. 2465(c); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted From the Record of January 2, 1995]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. Summary of activities of the Committee on Banking, Finance and Urban Affairs during the 103d Congress. (Rept. 103–892). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska:

H.R. 566. A bill to authorize the Secretary of the Interior to consolidate the surface and subsurface estates of certain lands within three conservation system units on the Alaska Peninsula, and for other purposes; to the Committee on Resources.

By Mr. BENTSEN:

H.R. 567. A bill to require that the President transmit to Congress, that the congressional Budget Committees report, and that the Congress consider a balanced budget for each fiscal year; to the Committee on Government Reform and Oversight, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.R. 568. A bill to amend title 10, United States Code, to provide for improved treatment of future actuarial gains and losses to the Department of Defense military retirement fund; to the Committee on National Security.

By Mr. BEILENSON:

H.R. 569. A bill to provide for the separate administration of the Border Patrol and the Immigration and Naturalization Service; to the Committee on the Judiciary.

H.R. 570. A bill to provide for the improved enforcement of the employer sanctions law, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself, Mr. EDWARDS, Mr. POMBO, Mr. FIELDS of Texas, Mr. LAUGHLIN, Mr. COMBEST, Mr. PETE GEREN of Texas, Mr. SMITH of Texas, Mr. BREWSTER, Mr. DICKEY, Mr. MONTGOMERY, Mr. ROGERS, Mr. STENHOLM, Mr. ROYCE, Mr. PARKER, Mr. THORNBERRY, Mr. EVERETT, Mr. SAM JOHNSON of Texas, Mr. HUTCHINSON, Mr. CALVERT, Mr. BONO, Mr. CANADY of Florida, Mr. SHADEGG, Mr. CUNNINGHAM, and Mr. BALLENGER):

H.R. 571. A bill to amend the Endangered Species Act of 1973 to provide that no species may be determined to be an endangered species or threatened species, and no critical habitat may be designated, until that act is reauthorized; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself, Mr. MINGE, Mr. GENE GREEN of Texas, Mr. FARR, Mr. DOYLE, Mrs. MALONEY, Mr. HINCHEY, Mr. MEEHAN, Mr. BARRETT of Wisconsin, Ms. KAPTUR, and Mr. BARCIA):

H.R. 572. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight.

By Mr. CLEMENT:

H.R. 573. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. COLEMAN:

H.R. 574. A bill to provide for the operation of laboratories to carry out certain public-health functions for the region along the international border with Mexico; to the Committee on Commerce.

By Mr. GOODLATTE:

H.R. 575. A bill to amend chapter 84 of title 5, United States Code, to provide that annuities for Members of Congress be computed under the same formula as applies to Federal employees generally, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. HAYES:

R. 576. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Ways and Means.

H.R. 577. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells; to the Committee on Ways and Means.

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. CRANE, and Mr. DOOLITTLE):

H.R. 579. A bill to amend the National Foundation on the Humanities and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Humanities; to the Committee on Economic and Educational Opportunities.

By Mr. HEFLEY (for himself, Mr. PETE GEREN of Texas, Mr. BARTON of Texas, Mr. CONDIT, and Mr. SAM JOHNSON):

H.R. 580. A bill to amend title XVIII of the Social Security Act and title 10, United States Code, to allow the Secretary of Health and Human Services to reimburse the Military Health Services System for care provided to Medicare-eligible military retirees and their spouses in the Military Health Services System; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. UPTON, Mr. KNOLLENBERG, Mr. BARCIA, Mr. SMITH of Michigan, Mr. CAMP, and Mr. CHRYSLER):

H.R. 581. A bill to amend the Clean Air Act to permit areas not contributing to more than 35 percent of ozone concentrations to comply with marginal area requirements for purposes of ozone nonattainment; to the Committee on Commerce.

By Mr. KIM:

H.R. 582. A bill to amend the Internal Revenue Code of 1986 to revise the rules for determining the employment status of individuals as employees or independent contractors; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. MINGE, and Mrs. LINCOLN):

H.R. 583. A bill to direct the Secretary of the Interior to convey certain fish hatcheries to the States of Iowa, Minnesota, and Arkansas; to the Committee on Resources.

By Mr. LEACH:

H.R. 584. A bill to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa; to the Committee on Resources.

By Mrs. LINCOLN:

H.R. 585. A bill to amend title 37, United States Code, to prohibit the accrual of pay and allowances by members of the Armed Forces who are confined pending dismissal or a dishonorable or bad-conduct discharge; to the Committee on National Security.

By Mrs. MALONEY:

H.R. 586. A bill to amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services, to expedite the permanent placement of foster children, to facilitate the placement of foster children in permanent kinship care arrangements, and to require State agencies, in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. COBLE, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GOODLATTE, Mr. GEKAS, Mr. BONO, Mr. CANADY of Florida, and Mr. HOKE):

H.R. 587. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts:

H.R. 588. A bill to amend title 23, United States Code, relating to drunk driving; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 589. A bill to improve the safety and convenience of air travel by establishing the Federal Aviation Administration as an independent Federal agency; to the Committee on Transportation and Infrastructure.

H.R. 590. A bill to amend title 49, United States Code, relating to air carrier safety; to the Committee on Transportation and Infrastructure.

By Mr. POSHARD:

H.R. 591. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidate political committees; to the Committee on House Oversight.

By Mr. ROHRABACHER:

H.R. 592. A bill to amend the Immigration and Nationality Act to repeal the provision allowing adjustment of status of unlawful aliens in the United States; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself, Mr. DOOLITTLE, Mr. MOORHEAD, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. HASTERT, Mr. STUMP, Mr. MCCOLLUM, Mr. BLUTE, Mr. BARTLETT of Maryland, Mr. KING, Mr. KNOLLENBERG, Mr. ZIMMER, Mr. SENSENBRENNER, Mr. BUNNING of Kentucky, Mr. SPENCE, Mr. DORNAN, Mr. BUNN of Oregon, Mr. FORBES, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. FOX, Mr. HALL of Texas, Mr. ISTOOK, and Mr. SOLOMON):

H.R. 593. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the one-time exclusion of gain from sale of a principal residence by individuals who have attained age 55, to increase the amount of the unified estate and gift tax credits, and to reduce the tax on capital gains; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 594. A bill to amend title 28, United States Code, with respect to photographing, recording, and broadcasting court proceedings; to the Committee on the Judiciary.

By Mr. TEJEDA:

H.R. 595. A bill to authorize the Secretary of the Army to convey certain excess real property located at Fort Sam Houston, TX; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. VUCANOVICH:

H.R. 596. A bill to require the identification of certain high-fire-risk Federal forest lands in the State of Nevada, the clearing of forest fuels in such areas, and the submission of a fire prevention plan and budget; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEILENSON:

H.J. Res. 56. Joint resolution proposing an amendment to the Constitution of the United States to restrict the requirement of citizenship at birth by virtue of birth in the United States to persons with a legal resident mother or father; to the Committee on the Judiciary.

By Mr. DEUTSCH:

H.J. Res. 57. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HOKE:

H.J. Res. 58. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. POSHARD:

H.J. Res. 59. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

H.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. ANDREWS:

H. Res. 39. Resolution requiring the House of Representatives to take any legislation action necessary to verify the ratification of the equal rights amendment as a part of the Constitution, when the legislatures of an additional three States ratify the equal rights amendment; to the Committee on the Judiciary.

By Mr. BRYANT of Texas (for himself, Mr. BONIOR, Mr. FAZIO of California, Mr. OBEY, Mrs. SCHROEDER, Mr. MILLER of California, Mr. PETERSON of Florida, Mr. BARRETT of Wisconsin, Ms. KAPTUR, Mr. DURBIN, Mr. MINGE, Ms. DELAURO, Mr. KANJORSKI, and Mr. SCHUMER):

H. Res. 40. Resolution to amend the Rules of the House of Representatives concerning the receipt of gifts from lobbyists and other persons and for other purposes; to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Ms. PRYCE.

H.R. 5: Mr. ALLARD, Mr. COBLE, and Mr. LEWIS of California.

H.R. 28: Mr. WALSH, Mr. ROYCE, Mr. HANCOCK, and Mr. HUTCHINSON.

H.R. 38: Mr. BEVILL, Mrs. FOWLER, Ms. FURSE, Mr. BARCIA of Michigan, Mr. COLEMAN, Mr. HEFLEY, Mr. RAHALL, Mr. TEJEDA, Mr. LEWIS of California, Mr. ACKERMAN, Mr. BLUTE, and Mr. HEFNER.

H.R. 46: Mr. WALKER, Mr. FOX, Mr. ENGLISH of Pennsylvania, Mr. HOLDEN, Mr. SOLOMON, Mr. BUNNING of Kentucky, Mr. HANSEN, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. DAVIS, Mr. KNOLLENBERG, Mr. BAKER of Louisiana, Mr. PICKETT, and Mr. NEUMANN.

H.R. 56: Mrs. FOWLER, Mr. FOX, Mrs. VUCANOVICH, Mr. COBURN, Mr. SKEEN, Ms. MOLINARI, Mr. CHABOT, Mr. TATE, Mr. INGLIS of South Carolina, and Mr. MCHUGH.

H.R. 62: Mr. HAYES, Mr. BONILLA, Mr. HERGER, Mr. KNOLLENBERG, Mr. SKEEN, Mr. LEWIS of California, Mr. GALLEGLY, Mr. SMITH of Texas, and Mr. WALSH.

H.R. 65: Mr. ENGLISH of Pennsylvania, Mr. EMERSON, Mr. CHAPMAN, Mr. SANDERS, Mr. WOLF, Mr. FROST, Mr. FILNER, Mr. BARTLETT of Maryland, and Mr. SCHIFF.

H.R. 76: Mr. NEUMANN.

H.R. 77: Mr. BALLENGER and Mr. NEUMANN.

H.R. 78: Mr. FIELDS of Texas and Mr. WAMP.

H.R. 95: Mr. DOOLEY, Mr. FROST, Mr. WYNN, Mr. HEFNER, Mr. GEJDENSON, Ms. VELÁZQUEZ, Mr. ENGLISH of Pennsylvania, Mr. POMEROY, Mr. TORRES, Ms. DANNER, Mr. DELLUMS, and Mr. FATTAH.

H.R. 103: Mr. SCHUMER, Mr. STEARNS, Mrs. MEEK of Florida, and MR. SCHIFF.

H.R. 107: Mr. ENGLISH of Pennsylvania and Mr. SANDERS.

H.R. 109: Mr. EMERSON, Mr. FROST, Mr. KNOLLENBERG, Mr. BAKER of California, Mr. SANDERS, Mr. BALLENGER, and Mr. FRANK of Massachusetts.

H.R. 139: Mr. SAXTON.

H.R. 142: Mr. KING, Mr. HANCOCK, and Mr. EMERSON.

H.R. 218: Mr. HANCOCK and Mr. LIGHTFOOT.

H.R. 230: Mr. LIPINSKI.

H.R. 303: Mr. ENGLISH of Pennsylvania, Mr. EMERSON, Mr. CHAPMAN, Mr. SANDERS, Mr. FROST, Mr. FILNER, and Mr. SCHIFF.

H.R. 325: Mr. BILBRAY, Mr. CASTLE, Mr. FOX, Mr. BONO, Mr. SENSENBRENNER, Mr. EMERSON, Mr. PORTMAN, Mr. CONDIT, and Mr. ROBERTS.

H.R. 326: Mr. DELAY, Mr. BEREUTER, Mr. DREIER, Mr. DOOLITTLE, Mr. Miller of Florida, Mr. LARGENT, Mr. HASTERT, Mr. ROHRABACHER, Mr. MCKEON, Mr. ROYCE, Mr. BILBRAY, Mr. HANSEN, Mr. SKEEN, Mr. WICKER, Mr. BONO, Mr. PORTER, and Mr. BAKER of California.

H.R. 335: Mr. BREWSTER, Mr. MCNULTY, Mr. FROST, Mr. MCHUGH, Ms. DANNER, Mr. FILNER, Mr. MANZULLO, Mr. RAHALL, Mrs. RIVERS, Mr. OLVER, Mr. UNDERWOOD, Mr. WICKER, Mr. FORBES, Mr. GANSKE, Mr. ROYCE, Mr. SAWYER, and Mr. PETE GEREN of Texas.

H.R. 353: Mr. WILLIAMS, Mr. TORRES, Mr. BEILENSON, Mr. LIPINSKI, Mr. MANTON, Mr. WALSH, Mr. BARRETT of Nebraska, Mrs. MALONEY, and Mr. WILSON.

H.R. 359: Mr. FATTAH, Mr. TALENT, Mr. POSHARD, and Mr. BARCIA of Michigan.

H.R. 367: Mr. BEILENSON, Mr. CLAY, Mr. DELLUMS, Mr. FARR, Mr. FATTAH, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MILLER of California, Mr. OLVER, Mr. OWENS, Ms. PELOSI, Mr. SABO, Mr. STARK, Mr. TORRES, and Mr. UNDERWOOD.

H.R. 386: Mr. HILLIARD.

H.R. 390: Mr. ENGLISH of Pennsylvania, Mr. DOOLITTLE, Mr. HEFLEY, Mr. BAKER of California, Mr. BARTLETT of Maryland, Ms. MOLINARI, and Mr. WISE.

H.R. 394: Mr. CUNNINGHAM, Mr. HANCOCK, Mr. ROYCE, and Mr. SANFORD.

H.R. 404: Mr. GREENWOOD.

H.R. 463: Mr. BEREUTER and Mr. FRANK of Massachusetts.

H.R. 464: Mr. HAYES, Mr. TALENT, Mr. WAMP, and Mr. BARTON of Texas.

H.R. 489: Mr. COMBEST, Mr. WELLER, Mr. ROYCE, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. HERGER, and Mr. GOODLATTE.

H.R. 490: Mr. SAM JOHNSON, Mr. PACKARD, Mr. HOSTETTLER, and Mr. HERGER.

H.R. 493: Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, and Mr. ACKERMAN.

H.R. 494: Mr. CLYBURN, Mr. HILLIARD, Mr. FLAKE, and Mr. DELLUMS.

H.R. 502: Mr. BAKER of Louisiana and Mr. MCCOLLUM.

H.R. 513: Mr. GALLEGLY.

H.R. 519: Mr. SAXTON, Mr. HANCOCK, and Mr. SHADEGG.

H.R. 555: Mr. ENGEL and Mr. FILNER.

H.J. Res. 3: Mr. PETERSON of Minnesota.

H.J. Res. 48: Mr. SALMON, Mr. BALLENGER, Mr. COLLINS of Georgia, Ms. DUNN of Washington, Mr. STEARNS, Mr. QUINN, Mr. LINDER, Ms. PRYCE, Mr. BARTLETT of Maryland, Mr. JONES, Mr. LIGHTFOOT, and Mr. ROGERS.

H. Res. 30: Mr. BLUTE, Mr. ZIMMER, Mr. FILNER, Mr. ROHRABACHER, Mr. DOOLEY, Mr. MOORHEAD, Mr. SPENCE, Mr. GREENWOOD, Ms. FURSE, Mr. YATES, and Mr. RAMSTAD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. ALLARD

AMENDMENT NO. 26: In section 202(a), in the matter preceding paragraph (1), strike "prepare a written statement containing—" and insert "prepare and submit to Congress a written statement identifying the provision of Federal law under which the rule is being promulgated and containing—".

At the end of section 202 add the following:

(d) LIMITATION ON EFFECTIVENESS OF CERTAIN RULES.—A rule that includes any Federal intergovernmental mandate that may result in the expenditure by States, local governments, or tribal governments, of $50,000,000, in the aggregate, or more (adjusted annually for inflation) in any 1 year shall not take effect unless the rule is—

(1) specifically authorized by a law in effect on the date of the issuance of the rule in final form; or

(2) approved by a law enacted after that date.

H.R. 5

OFFERED BY: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 27: At the end of section 102(a)(2) insert:

"(G) the process by which States are required to adopt and enforce implementation plans to achieve emission and pollution standards under the Clean Air Act and determine if this process is based on the most unbiased science data available.

At the end of section 102(a)(2)(E), strike "and".

In section 102(a)(2)(F), strike the period and insert "; and".

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 28: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 29: In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or" at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 30: In section 4(2) insert "age," before "race".

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 31: In the proposed section 422(2) of the Congressional Budget Act of 1974, insert "age," before "race".

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 32: In the proposed section 421(a)(4)(ii) of the Congressional Budget Act of 1974 insert "or the amount of appropriations" after "appropriations".

In the heading for the proposed section 424(a) of the Congressional Budget Act of 1974, strike "OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS".

In paragraphs (1) and (2) of the proposed section 424(a) of the Congressional Budget Act of 1974, strike "of authorization".

In the proposed section 425(b) of the Congressional Budget Act of 1974, insert "(2)" after "(a)".

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 33: Amend section 425 of the Congressional Budget Act of 1974 to read as follows:

SEC. 425. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution that is reported by a committee unless the committee has published the statement of the Director pursuant to section 424(a) prior to such consideration, except that this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(a)(4).

(b) LIMITATION ON APPLICATION TO APPROPRIATIONS BILLS.—Subsection (a) shall not apply to a bill that is reported by the Committee on Appropriations or an amendment thereto.

Strike the proposed section 426 of the Congressional Budget Act of 1974 and strike the reference to such section in the amendment made by section 304.

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 34: At the end of title III add the following:

SEC. 307. SUNSET.

The amendments made by this title shall have no legal effect after the date of the final adjournment of the one hundred and fourth Congress and effective on that date such amendments are repealed.

H.R. 5

OFFERED BY: MR. BORSKI

AMENDMENT NO. 35: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

(B) known to cause or can reasonably be anticipated to cause in humans—

(i) cancer or teratogenic effects; or

(ii) serious or irreversible—

(I) reproductive dysfunctions;

(II) neurological disorders;

(III) heritable genetic mutations; or

(IV) other chronic health effects.

H.R. 5

OFFERED BY: MR. BORSKI

AMENDMENT NO. 36: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

"(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

"(B) known to cause or can reasonably be anticipated to cause in humans—

"(i) cancer or teratogenic effects; or

"(ii) serious or irreversible—

"(I) reproductive dysfunctions;

"(II) neurological disorders;

"(III) heritable genetic mutations; or

"(IV) other chronic health effects.

H.R. 5

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 37: In section 301(2), in the matter proposed to be added as a new Part B to title IV of the Congressional Budget Act of 1974, strike the closing quotation marks at the end and after that add the following new section:

"SEC. 426. UNIFORM APPLICATION.

"If a bill, joint resolution, amendment, motion, or conference report contains a Federal private sector mandate and a Federal intergovernmental mandate that would, if enacted, impose identical duties on both State and local governments and on the private sector, then, in such cases in which the Federal private sector mandate applies to private sector entities which are competing directly or indirectly with States, local governments, or tribal governments for the purpose of providing substantially similar goods or services to the public, this part shall apply to the Federal private sector mandate in that measure or matter in the same manner and to the same extent as it does to the Federal intergovernmental mandate.".

H.R. 5

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 38: In section 301(2), in the matter proposed to be added as a new section 424(a)(2)(A) to the Congressional Budget Act of 1974, strike "$100,000,000" and insert "$50,000,000".

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 39: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 40: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 41: In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 42: In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 43: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 44: In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 45: In the proposed section 421(4) of the Congressional Budget Act of 1974, strike the period at the end of subparagraph (B) and insert a comma and insert after and below subparagraph (B) the following:

except that such term does not include a provision in any bill, joint resolution, motion, amendment, or conference report that would apply in the same manner to both the activities, facilities, or services of State, local, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 46: In section 4 strike "or" at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and add after paragraph (7) the following:

(8) would apply in the same manner to both the activities, facilities, or services of State, local, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 47: In section 4 strike "or" at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and add after paragraph (7) the following:

(8) would amend the Fair Labor Standards Act of 1938, the Act of March 3, 1931 (known as the Davis-Bacon Act), the Service Contract Act of 1965, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Employee Polygraph Protection Act of 1988, or the Age Discrimination in Employment Act of 1967.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 48: In the proposed section 421(4) of the Congressional Budget Act of 1974, strike the period at the end of subparagraph (B) and insert a comma and insert after and below subparagraph (B) the following:

except that such term does not include a provision in any bill, joint resolution, motion, amendment, or conference report that would amend the Fair Labor Standards Act of 1938, the Act of March 3, 1931 (known as the Davis-Bacon Act), the Service Contract Act of 1965, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Employee Polygraph Protection Act of 1988, or the Age Discrimination in Employment Act of 1967.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 49: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect the health, safety or welfare of children, pregnant women, and the elderly.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 50: In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or" at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health, safety or welfare of children, pregnant women, and the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 51: In section 306, strike "October 1, 1995" and insert "at the end of the 10-day period beginning on the date of the enactment of this Act".

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 52; In section 301, in the text proposed to be added as section 425 of the Congressional Budget Act of 1974, strike subsection (b) (and redesignate the subsequent subsections accordingly).

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 53: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.), commonly referred to as the "Safe Drinking Water Act".

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 54: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.), commonly referred to as the 'Safe Drinking Water Act'.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 55: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), commonly referred to as the "Clean Water Act".

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 56: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) commonly referred to as the 'Clean Water Act'.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 57: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to the Clean Air Act.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 58: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the Clean Air Act.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 59: In section 4(5), before the semicolon at the end insert the following: ", or provides for protection of the health or safety of infants or children".

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 60: In section 301, in the proposed section 422(5) of the Congressional Budget Act of 1974, before the semicolon at the end insert the following: ", or provides for protection of the health or safety of infants or children".

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 61: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for protection of the health or safety of infants or children.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 62: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for protection of the health or safety of infants or children.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 63: In section 301, in the proposed section 425(d) of the Congressional Budget Act of 1974, after "Chairman" each place it appears insert "and ranking minority party member".

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 64: After section 4, insert the following new section:

SEC. . JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act and no amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act and no amendment made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 65: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) provides for protection of the health of infants, children, pregnant women, or the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 66: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for protection of the health of infants, children, pregnant women, or the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 67: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) provides for the protection of public health, safety, or the environment.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 68: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for the protection of public health, safety, or the environment.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 69: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) provides for aviation security or airport security.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 70: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for aviation security or airport security.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 71: In section 301, in the proposed section 421(4)(A)(ii) of the Congressional Budget Act of 1974, after "amount of" insert "appropriations or".

H.R. 5

OFFERED BY: MR. COOLEY

AMENDMENT NO. 72: In section 425(a) of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (1), strike the period at the end of paragraph (2) and insert "; or", and add after paragraph (2) the following:

"(3) any bill, joint resolution, amendment, motion, or conference report that contains a Federal private sector mandate having direct costs that exceed the threshold specified in section 424(a)(2)(A), or that would cause the direct costs of any other Federal private sector mandate to exceed the threshold specified in section 424(a)(2)(A), unless—

"(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for the Federal private sector mandate included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate;

"(B) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts or a decrease in new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate and an increase in new budget authority or new entitlement authority in the House of Representatives or an increase direct spending authority for each fiscal year for the Federal private sector mandate included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate; or

"(C) the bill, joint resolution, amendment, motion, or conference report provides that such mandate shall be effective for any fiscal year only if all direct costs of such mandate in the fiscal year are provided in appropriations Acts, and in the case of such a mandate contained in the bill, joint resolution, amendment, motion, or conference report, the mandate is repealed effective on the first day of any fiscal year for which all direct costs of such mandate are not provided in appropriations Acts.

H.R. 5

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 73: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

H.R. 5

OFFERED BY: MR. HAYES

AMENDMENT NO. 74: In section 202(a), in the matter preceding paragraph (1), after "$100,000,000 (adjusted annually for inflation)" insert "or a net elimination of 10,000 jobs".

H.R. 5

OFFERED BY: MR. HAYES

AMENDMENT NO. 75: In section 301, in the matter proposed as section 424(a)(2)(A) of the Congressional Budget Act of 1974, after "$100,000,000 (adjusted annually for inflation)" insert "or a net elimination of 10,000 jobs".

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 76: At the end, add the following new title:

TITLE IV—SUNSET

SEC. 401. TERMINATION DATE.

This Act shall cease to be in effect on January 3, 2000.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 77: In section 301(2), in the matter proposed to be added as a new section 425 to the Congressional Budget Act of 1974, at the end add the following new subsection:

"(f) LIMITATION ON APPLICATION IF DIRECTOR FAILS TO PRODUCE TIMELY REPORT.—Subsection (a) shall not apply to a bill, joint resolution, amendment, motion, or conference report if the Director has 30 calendar days in which to review that measure or matter and does not issue a statement pursuant to section 424(a).

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 78: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to Medicare.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 79: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) requires State governments and local governments to participate in establishing and maintaining a national database for the identification of child molesters, child abusers, persons convicted of sex crimes, persons under a restraining order, or persons who have failed to pay child support.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 80: In section 103(a), in the matter preceding paragraph (1), strike "9" and insert "8".

In section 103(a), strike paragraphs (1), (2), and (3) and insert the following new paragraphs:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 1 member appointed by the minority leader of the House of Representatives.

(3) 2 members appointed by the majority leader of the Senate.

(4) 1 member appointed by the minority leader of the Senate.

(5) 2 members appointed by the President.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 81: In section 4(2), after "national origin," insert "age,".

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 82: In section 301, in the matter proposed as section 422(2) of the Congressional Budget Act of 1974, after "national origin," insert "age,".

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 83: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to child support or alimony.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 84: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to investor protection, the safe and sound operation of financial markets, federally insured depository institutions and credit unions (as those terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or section 101 of the Federal Credit Union Act (12 U.S.C. 1752), respectively), or the deposit insurance funds that insure the deposits or member accounts in those depository institutions or credit unions.

H.R. 5

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 85:

SEC. 205. CLARIFICATION OF MANDATE ISSUE AS TO GREAT LAKES WATER QUALITY GUIDANCE.

Section (c)(2)(C) of the Federal Water Pollution Control Act (33 U.S.C. Section 1268(c)(2) is amended by adding at the end thereof the following new sentence:

"For purposes of this subparagraph, the requirement that the States adopt programs 'consistent with' the Great Lakes guidance shall mean that the States are required to take the guidance into account in adopting their programs for waters within the Great Lakes System, but are in no event required to adopt programs that are identical or substantially identical to the provisions in the guidance."

H.R. 5

OFFERED BY: MR. LEVIN

AMENDMENT NO. 86: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) relates to study, control, deterring, preventing, prohibition, or other mitigation of child pornography.

H.R. 5

OFFERED BY: MR. LEVIN

AMENDMENT NO. 87: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) relates to study, control, deterring, preventing, prohibition, or other mitigation of child pornography.

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 88: In section 2(7), before the semicolon insert the following: ", and that Congress shall not impose any Federal mandate on a State (including a requirement to pay matching amounts) unless the State is prohibited under Federal law from requiring, without consent of a local government, that the local government perform the activities that constitute compliance with the mandate".

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 89: In section 102(a)(1), before the semicolon insert the following: ", including by investigating and reviewing the extent to which States require local governments, without their consent, to perform duties imposed on State governments by unfunded Federal mandates (including any duty to pay a matching amount as a condition of Federal assistance)".

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 90: In section 301, at the end and immediately below the matter proposed as section 421(4)(B) of the Congressional Budget Act of 1974, add the following:

Subparagraph (A)(i) (I) and (II) shall not apply to a condition or duty, respectively, unless each State that is subject to the condition or duty is prohibited under Federal law from requiring, without the consent of a local government, that the local government perform the activities that constitute fulfillment of the condition or performance of the duty.

H.R. 5

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 91: In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

"(8) provides for the protection of the health of children.

H.R. 5

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 92: In section 4, strike "or after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

H.R. 5

OFFERED BY: MR. MARTINEZ

AMENDMENT NO. 93: In section 4, before "This Act" insert "(a) IN GENERAL.—", and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.—This Act shall not apply to any requirement in effect on December 31, 1994, under—

(1) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

H.R. 5

OFFERED BY: MR. MASCARA

AMENDMENT NO. 94: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) requires compliance with section 402(a)(27) of the Social Security Act, any provision of part D of title IV of the Social Security Act, or any other Federal law relating to establishment or enforcement of child support obligations.

H.R. 5

OFFERED BY: MR. MINETA

AMENDMENT NO. 95: In section 301, at the end of the proposed section 421(4) of the Congressional Budget Act of 1974, add the following:

Such term shall not be construed to include a provision in legislation, statute, or regulation that preempts a State, local, or tribal government from enacting or enforcing a law, regulating, or other provision having the force of law related to economic regulation, including limitations on revenues to such governments.

H.R. 5

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 96: In section 301, in the matter proposed as section 421(4)(A)(i)(II) of the Congressional Budget Act of 1974, strike "except as provided in subparagraph (B)".

In section 301, in the matter proposed as section 421(4) of the Congressional Budget Act of 1974, strike subparagraph (B).

In Section 301, in the matter proposed as section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and insert at the end the following:

"(8) requires compliance with certain conditions necessary to receive grants or other money provided by the Federal Government in programs for which the States, local governments, or tribal governments voluntarily apply.

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 97: In the proposed section 425 of the Congressional Budget Act of 1974, strike subsection (d).

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 98: In the proposed section 426 of the Congressional Budget Act of 1974, strike "10 minutes" and insert "30 minutes".

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 99: In the proposed section 421(4) of the Congressional Budget Act of 1974, add after and below subparagraph (B) the following:

A mandate which would apply an enforceable mandate equally on State, local, or tribal governments and the private sector shall not, for purposes of section 425(a)(2), be considered a Federal intergovernmental mandate.

H.R. 5

OFFERED BY: MS. NORTON

AMENDMENT NO. 100: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes or enforces an obligation to pay child support.

In section 301, in proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes or enforces an obligation to pay child support.

H.R. 5

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 101: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) requires actions to further aviation safety or aviation security.

H.R. 5

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 102: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) requires actions to further aviation safety or aviation security.

H.R. 5

OFFERED BY: MR. PETERSON OF FLORIDA

AMENDMENT NO. 103: At the end of title II, add the following:

SEC. . PROHIBITION ON USE OF FEDERAL AMOUNTS TO PROVIDE ASSISTANCE OR PAY CLAIMS RELATING TO FAILURE TO COMPLY WITH FEDERAL MANDATES.

Notwithstanding any other law, amounts provided by the Federal Government may not be used to—

(1) provide any assistance with respect to any injury incurred as a result of a failure by a State, local government, or tribal government to comply with a Federal mandate; or

(2) pay any claim arising from such a failure.

H.R. 5

OFFERED BY: MR. PETERSON OF MINNESOTA

AMENDMENT NO. 104: In section 301, in the proposed section 424(a)(1)(A) of the Congressional Budget Act of 1974, strike "$50,000,000" and insert "$25,000,000".

In section 301, in the proposed section 424(a)(2)(A) of the Congressional Budget Act of 1974, strike "$100,000,000" and insert "$50,000,000".

H.R. 5

OFFERED BY: MR. PORTMAN

AMENDMENT NO. 105: In section 301, in the proposed section 423(b)(2) of the Congressional Budget Act of 1974, amend subparagraph (C) to read as follows:

"(C) a statement of—

"(i) the degree to which the Federal mandate affects each of the public and private sectors, including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or on the competitive balance between the public sector and the private sector; and

"(ii) in the case of a Federal mandate that is a Federal intergovernmental mandate, the extent to which limiting or eliminating the Federal intergovernmental mandate or Federal payment of direct costs of the Federal intergovernmental mandate (if applicable) would affect the competitive balance between States, local governments, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MS. PRYCE

AMENDMENT NO. 106: At the end of title II insert the following:

SEC. 206. ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE WITH REQUIREMENTS OF TITLE.

Not later than one year after the effective date of title III and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, written statements detailing the compliance with the requirements of sections 201 and 202 by each agency during the period reported on.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 107: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 108: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 109: Insert the following new paragraphs at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

"(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care cost savings. Such statement shall include a quantitative assessment of such cost savings to the extent practicable.

"(6) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, and the environment. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 110: Insert the following new paragraph at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

"(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care cost savings. Such statement shall include a quantitative assessment of such cost savings to the extent practicable.

H.R. 5

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 111: Amend title I to read as follows:

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 101. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(A) IN GENERAL.—The Advisory Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal Government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Advisory Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Advisory Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Advisory Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Advisory Commission determines will aid the Advisory Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Advisory Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Advisory Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Advisory Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Advisory Commission shall submit to the Congress, including the committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Advisory Commission under this section.

SEC. 102. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—The Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this title.

(d) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate Government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 103. DEFINITION.

In this title:

(1) ADVISORY COMMISSION.—The term "Advisory Commission" means the Advisory Commission on Intergovernmental Relations.

(2) FEDERAL MANDATE.—The term "Federal mandate" means any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 112: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 113: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 114: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement or control of hazardous air pollutants.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 115: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 116: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 117: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 118: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 119: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 120: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 121: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to atmospheric acid deposition control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 122: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 123: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 124: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to abatement or control of motor vehicle emissions.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 125: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 126: the proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 127: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 128: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 129: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SPRATT

AMENDMENT NO. 130: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the generation, transportation, storage, or disposal of toxic, hazardous, or radio-active substances.

H.R. 5

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 131: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

H.R. 5

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 132: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

H.R. 5

OFFERED BY: MR. TOWNS

AMENDMENT NO. 133: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

H.R. 5

OFFERED BY: MR. TOWNS

AMENDMENT NO. 134: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

H.R. 5

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 135: In section 103(a), after "elected officials" insert "and officials representing working men and women".

H.R. 5

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 136: In section 202(a), after "productive jobs," insert "worker benefits and pensions,".

H.R. 5

OFFERED BY: MR. VENTO

AMENDMENT NO. 137: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) applies to life threatening public health and safety matters.

H.R. 5

OFFERED BY: MR. VENTO

AMENDMENT NO. 138: In section 301(2), in the matter proposed to be added as a new section 424(a)(1) to the Congressional Budget Act of 1974, at the end add the following new subparagraph:

"(C) The estimate required by subparagraph (A) shall include a cost-benefit analysis comparing the direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution with the social costs (such as environmental or public health costs) of not implementing such mandates.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 139: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) establishes or enforces standards for protecting or enhancing human health, welfare, or the environment that apply to State, local, and tribal governments in the same manner as such standards apply to the private sector.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 140: Amend section 201(b) to—

(1) strike "AND TRIBAL GOVERNMENT" in the subsection heading and insert "TRIBAL GOVERNMENT, AND CONCERNED CITIZENS", and

(2) strike "and tribal governments" and insert "tribal governments, and concerned citizens".

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 141: Add at the end of title II the following:

SEC. 206. JUDICIAL REVIEW.

(a) AVOIDING BURDENSOME LITIGATION.—Any statement or report prepared under this title, any compliance or noncompliance with this title, and any determination concerning the applicability of the provisions of this title shall not be subject to judicial review.

(b) AGENCY COMPLIANCE.—The Advisory Commission On Intergovernmental Relations shall evaluate agency compliance with this title. Within 2 years of the date of the enactment of this Act, the Commission shall submit to the committees of the House of Representatives and the Senate with jurisdiction its report on such compliance together with any recommendations for enhancing compliance.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 142: In the proposed section 421(a)(4)(ii) of the Congressional Budget Act of 1974 insert "or the amount of appropriations" after "appropriations".

In the heading for the proposed section 424(a) of the Congressional Budget Act of 1974, strike "OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS".

In paragraphs (1) and (2) of the proposed section 424(a) of the Congressional Budget Act of 1974, strike "of authorization".

In the proposed section 425(b) of the Congressional Budget Act of 1974, insert "(2)" after "(a)".

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 143: In the proposed section 421(4) of the Congressional Budget Act of 1974, add the following new sentence at the end of the section:

Clause (i)(I) of subparagraph (B) shall not apply to provisions that are designed to protect the health or safety of individuals receiving benefits under the Federal program.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 144: In the proposed section 421(4) of the Congressional Budget Act of 1974, add the following new sentence at the end of the section:

Clause (i)(I) of subparagraph (B) shall not apply to provisions that are designed to prevent fraud or abuse or to increase fiscal accountability of the program administered by the States, local governments, or tribal governments receiving assistance.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 145 Insert the following new paragraph at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

"(5) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, and the environment. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 146: Add the following at the end of the proposed section 424(a)(1) of the Congressional Budget Act of 1974:

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

Add the following at the end of the proposed section 424(a) of the Congressional Budget Act.

"(5) CONFIDENCE OF DIRECTOR.—In the statement the Director is required to submit to a committee, the Director shall include a statement of the confidence the Director has in the reliability of the cost estimates included in the statement.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 147: Add at the end of the proposed section 424(a) of the Congressional Budget Act of 1974 the following:

"(5) In the statement that the Director is required to submit to a committee of the Congress, the Director shall include an analysis of the potential that full Federal funding of any Federal intergovernmental mandate will lead to wasteful State, local, or tribal government spending or investment of such funding and recommendations for preventing any such wasteful spending or investment.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 148: In section 4(2) insert "familial status," after "race,".

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 149: In section 422(2) of the Congressional Budget Act of 1974, insert "familial status," after "race,".

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 150: In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or" at the end of paragraph (7), and add after paragraph (7) the following:

"(8) establishes or enforces standards for protecting or enhancing human health, welfare, or the environment that apply to State, local, and tribal governments in the same manner as such standards apply to the private sector.

H.J. RES. 1

OFFERED BY: MR. ALLARD

AMENDMENT NO. 6: Strike all after the enacting clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided by this Article, beginning with the fiscal year 1997 or for the first fiscal year beginning after ratification, whichever is later, the President shall submit a budget of revenues and outlays to Congress, and Congress shall adopt a budget that reduces the deficit existing the year prior to ratification of this Article by not less than 16.7 percent per year in order to balance the budget within 6 fiscal years.

"SECTION 2. Except as provided by this Article, beginning with the 7th year beginning after ratification and for every year thereafter, budgeted outlays shall not exceed budgeted revenues.

"SECTION 3. Beginning with the 7th year after ratification, the actual revenues shall exceed actual outlays in order to provide for the reduction of the gross Federal debt which is outstanding at the end of the 6th year after ratification.

"The amount of such reduction will be equal to the amount required to amortize the debt over the next 24 years, in order to repay the entire debt by the end of the 30th year after ratification.

"SECTION 4. Congress may waive the provisions of this Article (except for section 5) for any fiscal year in which a declaration of war is in effect.

"SECTION 5. No bill to increase revenues shall become law unless approved by a majority of the total membership of each House of Congress by a roll call vote.

"SECTION 6. Congress shall review actual revenues on a quarterly basis and adjust appropriations to assure compliance with this Article.

"SECTION 7. For purposes of this Article, revenues shall include all revenues of the United States excluding borrowing and outlays shall include all outlays of the United States excluding repayment of debt principal.".

H.J. RES. 1

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT NO. 7: Strike all after the enacting clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Actual outlays shall include the cost to a State of any requirement imposed by Federal law upon a State that is not paid for by the Federal Government, and the cost to a State of complying with any condition imposed by Federal law on the receipt by a State of appropriated funds other than a condition directly and substantially related to the purpose of the appropriation. For the purposes of this section, Federal law does not include an obligation imposed by this Constitution or a law intended to enforce that obligation, nor does it include any law enacted before Congress submits this Article to the States.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H. J. RES. 1

OFFERED BY: MR. HOKE

AMENDMENT NO. 8: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Congress may not increase the limit on the debt of the United States held by the public without the approval of three-fifths of the whole number of each House of Congress.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by three-fifths of the whole number of each House of Congress.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 5. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H. J. RES. 1

OFFERED BY: MR. HOKE

AMENDMENT NO. 9: Strike sections 1, 3, 5, and 7 (and redesignate accordingly).

H.J. RES. 1

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 10: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adapt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of Federal public debt as of the first day of the second fiscal year beginning after the ratification of this Article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article (except section 2) shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.

"SECTION 10. Section 2 shall take effect upon the date of ratification of this Article and shall be in effect only until the close of fiscal year 2004 or for the fourth fiscal year beginning after its ratification, whichever is later.".

H. J. RES. 1

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 11: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"Article—

"Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"Section 2. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"Section 3. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"Section 4. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"Section 5. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"Section 6. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"Section 7. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"Section 8. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"Section 9. This Article (except section 2) shall take effect for the fiscal year 2002 or for the second fiscal year beginning after is ratification, whichever is later.

"Section 10. Section 2 shall take effect upon the date of ratification of this Article and shall be in effect only until the close of fiscal year 2004 or for the fourth fiscal year beginning after its ratification, whichever is later.".

H.J. Res. 1

Offered By: Mr. Obey

Amendment No. 12: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"Article—

"Section 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year.

"Section 2. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House of Congress, that becomes law. If real economic growth has been or will be negative for two consecutive quarters, Congress may by law, passed by a majority of the whole number of each House of Congress, waive this article for the current and next fiscal year.

"Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays shall not exceed total receipts.

"Section 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as receipts or outlays for purposes of this article.

"Section 5. Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"Section 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning in the fiscal year 2002 or the second fiscal year beginning after its ratification, whichever is later.".

H.J. Res. 1

Offered By: Mr. Schiff

Amendment No. 13: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"Article—

"Section 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"Section 2. For any fiscal year for which this Article is in effect, receipts and outlays for any trust fund of the United States shall be subject to the provisions of this article in the same manner as total receipts and total outlays of the United States (except that if a trust fund has an accumulated surplus from prior years, then that surplus may be counted as a receipt for purposes of the statement required by section 1 for the fiscal year to which the statement applies), including the requirement of section 3 insofar as it affects any trust fund.

"Section 3. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"Section 4. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"Section 5. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"Section 6. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"Section 7. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"Section 8. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"Section 9. Congress shall enforce and implement this Article by appropriate legislation.

"Section 10. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. Res. 1

Offered By: Mr. Skaggs

Amendment No. 14: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"Article—

"Section 1. Congress shall provide that total operating expenditures of the United States Government for any fiscal year shall not exceed total operating receipts, except in a fiscal year for which Congress shall have determined that a condition of national security emergency or national economic emergency exists.

"Section 2. Not later than eight months prior to the start of a fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for such fiscal year in which total operating expenditures do not exceed total receipts.

"Section 3. Congress shall have the power to enforce and implement this article by appropriate legislation.

"Section 4. Section 3 of this article shall take effect upon ratification. Other sections of this article shall take effect with respect to fiscal year 2002 or the third fiscal year beginning after ratification, whichever is later.".

H.J. Res. 1

Offered By: Mr. Smith of Michigan

Amendment No. 15: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided in this article, total outlays of the United States Government shall be limited as follows:

"(1) Total outlays in any fiscal year shall not increase by a percentage greater than the percentage increase in nominal gross domestic product in the last calendar year ending prior to the beginning of such fiscal year.

"(2) Total outlays in any fiscal year shall not exceed the ratio of the outlays in the fiscal year at the time of submission of this proposed amendment to the States to gross domestic product in the last calendar year ending prior to the fiscal year at the time of submission to the States, times gross domestic product in the last calendar year ending prior to the fiscal year for which this limitation is being calculated.

"(3) If inflation for the last calendar year ending prior to the beginning of any fiscal year is more than 3 percent, the permissible percentage increase in total outlays for that fiscal year shall be reduced by one-fourth of the excess of inflation over 3 percent.

"SECTION 2. Total receipts shall include all receipts of the United States except those derived from borrowing, and total outlays shall include all outlays of the United States, both on-budget and off-budget, except those for the repayment of debt principal. Inflation shall be measured by the difference between the percentage increase in nominal gross domestic product and the percentage increase in real gross domestic product. Total outlays shall include the cost to any State or local government of engaging in any activity or service mandated by any law of the United States beyond that required by existing law or this Constitution at the time of the submission of this proposed amendment to the States, unless an appropriation is made and disbursed to pay that State or local government for such cost.

"SECTION 3. When, for any fiscal year, total receipts received by the United States exceed total outlays, the surplus shall be used to reduce the public debt of the United States until such debt is eliminated.

"SECTION 4. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this article.

"SECTION 5. Following the declaration of an emergency by the President, Congress may authorize, by a two-thirds vote of both Houses, a specified amount of emergency outlays in excess of the limit for the current fiscal year.

"SECTION 6. For each of the first 4 fiscal years after ratification of this article, total grants to States and local governments shall not be a smaller fraction of total outlays than the average of the 3 fiscal years prior to the ratification of this article.

"SECTION 7. This article may be enforced by one or more Members of the Congress, or by the President, in an action brought in the United States District Court for the District of Columbia, and by no other persons. The action shall name as defendant the Treasurer of the United States, who shall have authority over outlays by any unit or agency of the Government of the United States when required by a court order enforcing the provisions of this article. The order of the court shall not specify the particular outlays to be made or reduced. Changes in outlays necessary to comply with the order of the court shall be made no later than the end of the first full fiscal year following the court order.".

H.J. RES. 1

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 16. Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total outlays shall include the cost to any State or local government of engaging in any activity or service mandated by any law of the United States beyond that required by existing law or this Constitution at the time of the submission of this proposed amendment to the States, unless an appropriation is made and disbursed to pay that State or local government for such cost.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. STUPAK OF MICHIGAN

AMENDMENT NO. 17: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposal statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds.

"SECTION 5. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 6. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 8. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. THORNTON

AMENDMENT NO. 18: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Total outlays of the operating fund of the United States for any fiscal year shall not exceed total receipts to those funds for that fiscal year plus any operating fund balances carried over from previous fiscal years.

"SECTION 2. The Congress may waive the provisions of this article for any fiscal year by a declaration of national urgency by the President that is approved by a majority vote of both Houses of the Congress.

"SECTION 3. Not later than the first Monday in February in each calendar year, the President shall transmit to the Congress a proposed budget for the United States Government for the fiscal year beginning in that calendar year in which the total outlays of the operating fund of the United States for that fiscal year shall not exceed total receipts to those funds for that fiscal year.

"SECTION 4. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for repayment of debt principal and for capital and developmental investments that provide demonstrable long-term economic returns but shall include an annual debt servicing charge. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund together with outlays for benefits earned by veterans of military service shall not be counted as receipts or outlays for purposes of this article.

"SECTION 5. This article shall be implemented and enforced only in accordance with appropriate legislation enacted by Congress, which may rely on estimates of outlays and receipts.

"SECTION 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning with fiscal year 2001 or the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 19: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue or that would have the effect of increasing receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, or any successor funds, or outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, or any successor funds shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.".

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 20: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for the repayment of debt principal and for capital investments in criminal justice, personal security, and fire prevention, but shall include an annual debt servicing charge.

"SECTION 7. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 8. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

"SECTION 9. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 10. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 21: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal. Total receipts shall include all receipts of the United States Government except those derived from borrowing.

"SECTION 2. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 3. Congress may waive the provisions of this article for any fiscal year by majority of the whole number of each House by a recorded vote.

"SECTION 4. Congress shall have power to enforce this article by appropriate legislation.

"SECTION 5. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

SENATE—*Thursday, January 19, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Senate will now be opened by a prayer from our guest chaplain, the Reverend Mark Dever, pastor of the Capitol Hill Baptist Church.

PRAYER

The guest chaplain, the Reverend Mark E. Dever, offered the following prayer:

Let us pray:

King of Glory, Divine Majesty, we praise You for being the God You are, the God of justice, of goodness, of all power.

We praise You for the way we see Your power displayed in the weakness of Jesus, Your goodness in His life, Your justice in the cross.

We confess, Lord, that we too often are confused in the rush of events and deadlines. We too easily make mistakes. We mistake Your acceptance for kindness, bare approval for love, simple popularity for rightness.

Leave us not to our own devices. You know the many and great dangers this Nation faces, and that by reason of the frailty of our nature we cannot always stand upright.

Give each Member of this body today a concern for the fairness in the way business is done, a care for those in our society who are helpless, an ability to act in service.

Replace confusion during discussions with clarity. Cherish the good thoughts and motives of those gathered here, cherish them into deeds great and small.

To those gathered here for Your work, commit to them a childlike joy at the honor of trust which has been placed in them, a true peace, knowing that You care for them and this country, and a keen sense of their accountability to You. Give them patience in the process, faithfulness in their duties, and amidst such apparent power surprising gentleness with their colleagues, their staff, and their families.

Use this Chamber in the deliberations to show Your goodness. For Jesus', our dear Redeemer's sake we ask it. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, Mr. COHEN is now recognized to speak for up to 10 minutes.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN and Mr. DORGAN pertaining to the introduction of S. 245 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. INHOFE). The Senator from North Dakota [Mr. DORGAN], is recognized to speak for up to 15 minutes.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, I wanted to just touch briefly on three items this morning. I want to talk about some trade negotiations that begin today in Beijing, China. Unfortunately, it tends to glaze over the eyes of many people once you start talking about international trade.

But I will talk about trade because on the car radio this morning I heard that the trade figures released this morning show that our trade deficit for November is now close to $10.5 billion, up 4 percent, and we are undoubtedly going to set another record trade deficit in the history of this country—the largest single trade deficit in the history of this country. It is a crisis, but you do not hear anybody around here gnashing their teeth about it. We talk about the budget deficit, which is also a very serious problem, but the trade deficit that we have with other countries must be ultimately repaid by a lower standard of living in this country.

I want to talk about our trade deficit just for a moment because in my judgment it is out of control. It represents a bipartisan failure, Republicans and Democrats, jointly hugging a strategy on trade that is fundamentally hurting this country.

Today, negotiators from the United States are in Beijing, China, and will begin negotiations with the Chinese. Our trade problem is a serious problem that extends in many directions, the most interesting of which, and serious of which, are with Japan and China. Japan's trade surplus with this country will exceed $60 billion again this year. China's trade surplus with the United States—or our deficit with them—will come very close to $30 billion.

I want to show the Senate a piece of information that I think demonstrates why our trade policies result from a bankrupt strategy. At a time when China is ratcheting up this enormous surplus with us—in other words a deficit that we have with them—shipping us boatloads and planeloads of Chinese goods, flooding our market with Chinese goods, they also need things that we have. Among other things, they need wheat. They had a short wheat crop this past year and so they must import a lot of it this year—about 11 million tons, the Department of Agriculture expects.

Where are they buying their wheat? From us because they are flooding our markets with their goods and running up this trade surplus? Oh, no, not mostly from the United States. They are off price shopping for wheat in Canada and Argentina.

I want to show a graph that demonstrates the absurdity of what is going on. This line represents our trade deficit with China. You can see what has happened there—straight up. Straight up. And this line demonstrates the United States share of Chinese wheat purchases. You can see what has happened there—down.

As our trade deficit with China goes up because they flood our market with Chinese goods, they are off shopping elsewhere for wheat in Canada and Argentina.

I come from a very small town. In my town, there is an obligation. If someone comes and buys from your business, and then you need something that they have, you have an obligation to go buy from them. That is the way it works.

But that is not the way it works in international trade, unfortunately. It is a case of Uncle Sucker saying, "Our market is wide open. Do what you want. You have no reciprocal obligation to our producers who want to sell in your market. You can go buy the things you need elsewhere and you can still access the American market." Something is fundamentally haywire in this trade strategy. It is hurting this country badly and it must stop.

I have written to Agriculture Secretary-designate Glickman and Trade Ambassador Kantor today, saying when these negotiators are in Beijing they ought to tell the Chinese they have reciprocal obligations in our marketplace. They need wheat? Then they

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

buy wheat from us. If they need what we produce in dozens of areas, they buy from us. They have an obligation. Either we, with our trading partners, are going to work toward balanced trade relationships or we are not. If they are not willing then we ought to change the trade strategy we employ with those trading partners—and we ought to do it soon.

MEXICO'S MONETARY CRISIS

Let me make two other points. One, about the issue of the bailout for Mexico. I have not spoken publicly about it, but I have grave reservations about it. And I want to tell you why. Not that I am unconcerned about Mexico. It is our neighbor. It faces a financial crisis and we must respond in some manner.

But it in some ways relates to what I just spoke about in our trade relationship with China, Japan, and others. That is, trade and business relationships among nations should be reciprocal: There should be a sharing of economic responsibilities among nations who trade and do business with each other. I am wondering if that kind of shared responsbility is happening among nations who do business with Mexico.

What is the current account balance deficit in Mexico? Mexico has had to float bonds in order to underwrite a current account deficit. What does the current account balance deficit in Mexico result from? Largely from a trade deficit. Who is the trade deficit with? Us? Oh, no. No, very little of it is with the United States. Mostly with others.

I do not have all the information because I cannot get it. I have asked for it repeatedly from those in our Government who should provide it, and I am going to get it today, I guess, after some delay. But at least the sketchy information I do have suggests that a fair portion of Mexico's trade deficit comes from Japan and a fair portion of Mexico's trade deficit comes from Europe.

One would ask the question, then, if they issue public debt in Mexico to finance a current account balance, and that current account balance results from trade deficits, and if the trade deficits are deficits with Japan and Europe, should then the American taxpayer be the guarantor of a bailout of Mexico's trade relationship with Japan and Europe? Or is the new global order one in which there is a responsibility for other countries trading with Mexico, including Japan, including the Europeans, and others who have a trade relationship with Mexico, to own up to their responsibility?

Why is it only America's responsibility to come forward and protect Mexico in a monetary crisis? In my judgment this is a time to say to the countries that run a trade surplus with Mexico, or who have otherwise caused an outflow of money from Mexico, to step forward and say they will bear their share of responsibility. That is an issue which I think is very important.

I am greatly troubled by the call for a unilateral bailout of Mexico by the United States. I do not have all the information yet, but I intend to get it very soon. When I do, my hope is that we will be able to discuss this in the context of the obligations of others around the world. What are the obligations of the Japanese and the Europeans, and why are they not meeting them?

TOURS OF THE U.S. CAPITOL

Mr. DORGAN. Mr. President, a lot of ideas are floating around the Hill, some reform, some new, some nutty, and, in a new article I have here, an idea offered by someone from the Heritage Foundation. The foundation is the think tank which helped write the Contract With America. This fellow from the Heritage Foundation came to the Hill to testify and said he thinks we ought to charge the American people for touring the Capitol Building. He said they wear down the steps, they brush up against the walls, and apparently he thinks that we should charge the American people for touring the Capitol.

I would say that those who belong to a think tank who think this way should eliminate the word "think" and call it just a "tank." Does anybody really believe it is too old fashioned to think that those who own a building ought not to have to pay an admission fee to tour it or enter it?

There are going to be a lot of things around here under the guise of new ideas or reform. A lot of them are going to be about half goofy, including this one.

I know people do not like to talk honestly about spending and taxing, so they come up with all kinds of other devices to avoid it. I guess to avoid talking about the need for revenue, they say let us talk about admission fees for the American people to the U.S. Capitol.

To those who come from think tanks who think this way, I say think again. Not many people who serve in the U.S. Congress would believe it appropriate to charge the American people an admission fee to enter and tour a building the American people themselves own.

Mr. President, with that, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH] is recognized for up to 5 minutes.

THE EARTHQUAKE IN JAPAN

Mr. ROTH. Mr. President, I would like to take just a moment to express my deep concern and condolences to Japan and the Japanese people over the tragic loss of life and property from Tuesday's devastating earthquake.

The death toll is estimated to exceed 3,100 with another 15,000 suffering injury, and over 600 people still unaccounted for. The earthquake has left over 200,000 Japanese people homeless.

I know my colleagues in the Senate and the House, as well as the American people, share a profound sense of sympathy for those who have lost loved ones or have been devastated by this disaster.

There is unanimous support for the steps the United States has taken to assist the people of the Kobe area, and our thoughts and prayers are with our friends across the Pacific who have acted so bravely in the face of this tragedy.

Mr. President, I have a second statement which I shall read.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 244 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized for up to 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 243 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

(The remarks of Mr. NUNN pertaining to the introduction of S. 244 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NUNN. I thank the Chair.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I ask unanimous consent that I be permitted to speak in morning business.

The PRESIDING OFFICER. The Senator from Louisiana, Mr. BREAUX, is recognized to speak for up to 15 minutes.

Mr. BREAUX. I thank the Chair.

NATIONAL SERVICE PROGRAM

Mr. BREAUX. Mr. President and my colleagues, I remember when I was practicing law in Louisiana as a very young lawyer. One of the senior lawyers was explaining to me how we should proceed in a courtroom. His suggestion was,

> If you don't have the facts on your side when you are arguing your case, well, you should talk about the law. But if you do not have the law on your side and you are handling a case in court, you should talk about the facts.

He went on to suggest if you do not have either one on your side, you ought to just stand up and shout and walk around the courtroom and act like you know what you are talking about.

Mr. President, I would suggest that some of the Republican rhetoric that I have heard in talking about national service takes the approach if you do not have the facts on your side, just make them up and say whatever you want about a program in order to try to show that it is not a good program.

I think it is very important that we stick to the facts when we talk about programs and things we do in Government. I think the public gets so much misinformation that it is very important to try to point out when the facts are wrong when we talk about programs.

I start off by making these comments because I was really very surprised by the Senator from Iowa, who was on the floor earlier, his remarks regarding national service that I read in the CONGRESSIONAL RECORD.

I supported the program. It was the type of initiative that the President ran on 2 years ago, the type of program that I think is a good program. When I read the gentleman's statements in the CONGRESSIONAL RECORD, I was flabbergasted. I said, This cannot be true.

In essence, what the Senator was saying was that the AmeriCorps Program, part of the National Service Program, was costing $70,000 per student—$70,000 per student—in order to help kids go to college. I said that is ridiculous; I am not going to spend $70,000 a year to send kids to college. I found out some serious mistakes, in my opinion, were made about characterizing this program that is costing $70,000 a student in Pennsylvania, in the city of Philadelphia.

What I found out was that the mistake that was made in using these facts was the fact that they did not take into consideration private law firms that were contributing to this individual's salary; they did not take into consideration the Philadelphia Bar Association's contribution in this particular area. When he added up what the private sector was going to do with up to 11 full-time workers, he came up with the figure of $70,000, when in truth the Federal Government's contribution and the cost to the taxpayers was only $4,911. That is a big difference from $70,000.

The AmeriCorps Program, the National Service Program, is really what I think Republicans have always been talking about. Let us get away from giveaway programs. Let Members terminate programs, and just give money away from Washington to get people to do certain things. The essence of what AmeriCorps is all about—and we have had up to 200,000 young men and women in this country volunteer to participate in the AmeriCorps Program. It is a wonderful concept. It builds on the Peace Corps Program.

By the way, Peace Corps Program volunteers get a stipend; they are paid. Just like the Vista Program has young men and women in this program, that participate in the program and do wonderful things, they get a small salary, as well. The concept of AmeriCorps, and why I think Republicans and Democrats alike should be supportive of it, is because it is a partnership between the Government and the citizens of this country.

It talks about community, responsibility, reciprocity; it talks about saying if the Government is going to help me to go to college, I have an obligation to reciprocate and give something back. What they give back in the AmeriCorps Program is doing community work, doing legal work in the communities, working in a law enforcement program, in a drug rehabilitation program, in a nursing program, an environmental cleanup program, as they are doing in my State of Louisiana, as we are doing in Louisiana where we have young AmeriCorps students who are working in the sheriffs department and local law enforcement.

Mr. President, they are giving something back to a Government that has helped them go to college. It is a partnership. It is not a giveaway program. It does not cost $70,000 for one young student to be able to participate in this program. It is asking the local community to say, do you need these types of students working in your local town? Most of them are saying, Yes, we need some help. We need some help in the environment. We need some help in drug enforcement programs and drug rehabilitation programs.

So the AmeriCorps Program is not a giveaway program; it is a program that encourages young people to participate. We have an all-volunteer army. They get paid, too. They get a salary so they can survive and so they can live. I do not think they detract from an all-volunteer military. The basic fact is we should be encouraging young men and women to give something back to a Government that has helped them get an education.

As President Clinton has said so many times in this country today, what you earn is going to be based on what you learn. The facts are dramatic, that a young person, a young male in this country that graduates from a 4-year college earns about 83 percent more in his lifetime than a person who has not been able to go to college; 83 percent more in a lifetime. That is not just pie in the sky. That is real facts.

That is something that we as a nation should be encouraging. And we do not encourage it under national service by a giveaway program; we encourage it to be a partnership by saying to that young man or young woman that if you would like to go to college and you need some help, we will help you pay for your tuition. But it is not free; it is not free. You have an obligation to try to give something back to your Government—not in India, not in Japan, not in Europe, not in a Third-World country, but right here in America. That is why it is called AmeriCorps. It is not a foreign aid program. We are not sending kids to other nations to help them solve their problems. We are saying that if you accept this challenge, we will let you work in your local community, back where people know you, where you may ultimately end up working as a citizen in a partnership with your local citizens in your local community.

That is why when someone says, well, this program costs $70,000 a student, it is absolutely not factual. It does not cost $70,000 for the taxpayers of this country. What we have in Philadelphia in this instance is a situation where the local bar association and several law firms in the country have helped put up money to pay the salaries for up to 11 AmeriCorps students who will be working in that community as lawyers and as law students, helping people that have problems, helping people understand the Government and this system. The Federal Government is going to put out $4,900 to allow that student to work in that community. We have helped them get a college education and they are paying back with their services, and getting enough of a stipend from the Federal Government to at least survive and to be able to continue that work and do it full time. We are talking about full-time workers.

This is not a giveaway program. Does it cost anything? Of course, it costs. But how much does it cost to build a prison? We spend $300 million for a national program to try to get people to have a partnership with their Government, to get a college education, and give something back to the community. We spend billions of dollars, I suggest, building prisons in this country and running prisons in this country, to incarcerate young men and women who have gone by the wayside, maybe because they did not have a National Service Program, because nobody cared. Nobody told them they have a reciprocal obligation to give something back to a Government that has helped them get a college education.

I have heard Speaker GINGRICH in the other body talk, time and time again, about communities, family, and service, and giving something back to the communities. This program is an example of giving something back to the communities, of national service, of saying: I want to help my Government do better. If my Government helps me get a college education, I am pleased, but I also recognize that it is not free. I will give back to my Government in the same ratio that they have given to me.

I think that produces a stronger community. I think that produces stronger families. I think that produces a sense of what America is all about. So I would suggest when we talk about national service, let Members first get our facts straight. Let Senators first understand the real cost.

I suggest, second, let Senators join together if there are problems, and let us improve the program. Let us not, by incorrect factual information, try to kill a program that I suggest is in keeping with what America is all about.

I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

BASE CLOSINGS

Mr. PRYOR. Mr. President, in less than 2 months the Secretary of Defense will forward to the 1995 Base Closure Commission his so-called "hit list" of military base closings. Although it is an excruciating exercise, I think we would all agree that closing obsolete military bases is a painful necessity.

With the end of the cold war, the Pentagon estimated that 30 percent of our domestic military bases must be shut down. Due in large part to the efforts of Senator SAM NUNN, of Georgia, and former Senator Alan Dixon, of Illinois, Congress created a bipartisan Base Closure Commission to help us make the necessary choices of which bases to close.

I believe the base closure process is sound. It serves as a model of how to make difficult and politically sensitive budget-cutting decisions. The Base Closure Commission successfully completed base closure rounds in 1988, 1991, and 1993.

As this chart to my left indicates, these three rounds of base closings eliminated some 70 military bases throughout America. Some areas and some States were hit harder than others.

On March 1, 1995, the Commission will begin its very important deliberations once again, and before the year is through, the Commission will seek congressional and Presidential approval to close dozens of additional bases. We have been told that this list will be longer and painful. In fact, it has been said that this base closure round will possibly be equal in size to the first three rounds combined.

To be certain, base closings hurt. In communities that lose a base, thousands of jobs are terminated, businesses close down, millions of dollars in annual revenue disappear from sight. Mr. President, I am personally aware of that pain caused by base closure announcements. The 1991 Commission closed Eaker Air Force Base, a B-52 base located in Mississippi County, AR. They also took away a majority of the work at Fort Chaffee near Fort Smith, AR.

Most of our colleagues in the Senate have witnessed the departure of the military in at least one community in their State. My colleagues from California lost eight major military bases in 1993 alone, as this map so indicates.

We have seen communities react with anger and frustration to the news of base closings. We have witnessed their fear about surviving such a tremendous economic blow. For most base closure towns, the military was the largest employer, as in the case of Eaker Air Force Base in Blytheville, AR.

Mr. President, I visited this base in 1992, 1 year after the closure announcement, to see how the local townspeople were coping with the impending loss of the Air Force.

What I found was a community that desperately wanted to beat swords into plowshares. I found also a community that was receiving virtually no help whatsoever from the Federal Government. In fact, this community claimed that Washington was their largest roadblock to a speedy recovery. The citizens of Blytheville needed the Air Force's cooperation and the Federal Government's resources. What they received instead was bureaucratic lip service and endless red tape.

The same was true in other communities across America. The problems were so severe that the former majority leader, Senator George Mitchell, decided to create a special task force to devise a strategy for easing the impact of defense budget reductions and for making a smooth transition to a post-cold war economy.

Senator Mitchell asked me to become the task force chairman. With 24 Democratic Senate colleagues, we began studying what the Federal Government's role should be, if any, to help in our Nation's ongoing transition from swords to plowshares.

Our 1992 task force concluded that the end of the cold war had caught our country by surprise, and that we were late in devising a national strategy for helping our cold war workers, communities and companies find a new direction.

We also found that the United States of America was better prepared to handle a much larger transition in the years following World War II. As early as 1943, 2 years before the war had ended, President Roosevelt made the decision to begin planning for the war's end and the difficult conversion to a peacetime economy. He had created the War Demobilization Office and charged this new entity with devising a national strategy. From this office emerged the GI bill and many other initiatives that helped our country grow and prosper in the years that followed.

In 1992, however, 3 years after the Iron Curtain began to crack, our Government still had no comprehensive strategy for beating swords into plowshares. History, Mr. President, should have taught us better. The lesson learned after World War II, and in other periods of defense downsizing, was that our Government has a duty to provide comprehensive transition assistance to those affected by reductions in our Nation's defense expenditures.

Some might say, Mr. President, that this is not the function nor the role of Government. I would submit, however, that our Government should become a partner in this endeavor and not an obstacle to economic recovery.

To compensate for our slow start and to finally allow our Government to become a partner instead of an obstacle, our 1992 task force recommended sizable increases in defense reinvestment funding and programs. That same year a Republican task force, commissioned by then-minority leader Senator DOLE and chaired by former Senator Warren Rudman, drew similar conclusions.

This bipartisan agreement allowed Congress to quickly pass sweeping legislation to begin easing the pain of defense cutbacks and to help our cold war veterans beat swords into plowshares.

In the area of base closures, I am very pleased to report that success stories are just beginning to arise in many communities across our country. I would like to highlight a few.

At Chase Field in Beeville, TX, 1,500 jobs have now been created since the base closed in 1993. Pease Air Force Base in Portsmouth, NH, has created 1,000 new jobs since it closed in 1991. England Air Force Base in Alexandria, LA, has created over 600 new jobs due in large part to the J.B. Hunt Trucking Co.'s decision to use the old runways to train truck drivers.

I might add as a personal note, Mr. President, that the J.B. Hunt Trucking Co., proudly, is an Arkansas-based firm.

Each of these communities is learning that the loss of a military base can often bring opportunities for growth and renewed economic activity. They worked hard to achieve these results. They deserve tremendous credit.

In each of these cases, however, our defense reinvestment programs are helping these communities rebound. Congressionally approved funds for planning grants, worker retraining, environmental cleanup, infrastructure, aviation improvements, and other necessary measures are helping these towns prepare for their future and replace lost military jobs.

Without this assistance, base closure communities would not be able to rebound and find new work. But Congress and this administration provided the necessary support for our defense reinvestment programs. These are good investments, and they are just now beginning to bear fruit in base closure communities across our country.

The same can be said of our technology reinvestment programs that are focusing today on boosting American competitiveness in the private sector by integrating our military and civilian technology sectors. These programs are vital to our economic security, and as a result, are vital to our national security. They are certainly worthy of congressional support.

I am so deeply concerned by the recent statements by some of our colleagues in Congress who are suggesting these programs are pork, that they are a waste of money, and that they are in some way damaging our ability to fight and win future wars.

I truly hope, Mr. President, that our 11 new colleagues in the Senate do not share this view. I would like to caution my new colleagues, and the Senate as a whole, against turning a cold shoulder to the men, the women, the communities, and the companies that fought and won the cold war. We have only begun to see the results of our wise investments.

Mr. President, we are about to enter the base closing season once again. When the Commission submits its final list, workers and communities in our States will suddenly be thrown into economic downturn and in some cases economic despair. When this occurs, these defense reinvestment programs will not appear wasteful. Rather, they will be a helping hand to our communities' economic recovery efforts.

It is my sincere hope that this base closure round, with the pain and economic trauma that it is expected to bring, will once again underscore the importance of helping beat swords into plowshares.

Mr. President, last evening I had a visit with Senator SAM NUNN, the ranking member of the Senate Armed Services Committee. We have decided, Mr. President, to invite Defense Secretary Bill Perry to come to Capitol Hill shortly following the Clinton administration's budget submission to brief any and all interested Members of the Senate on the importance of funding these defense reinvestment programs. Secretary Perry strongly believes that these programs are worthy of our support, and I am proud to join with Senator NUNN in setting up this forum in which Secretary Perry can come forward and answer our questions about these particular programs and why they should be supported in Congress.

I encourage my colleagues, both Republicans and Democrats, to attend this particular briefing, the time and place of which will be announced soon.

Mr. President, I thank the Chair for recognizing me. I yield the floor. I see no other Senators on the floor; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, parliamentary inquiry, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. BIDEN. Mr. President, it is my understanding—I ask unanimous consent I be able to proceed to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPORTUNITY, PROMISE, AND "THE BELL CURVE"

Mr. BIDEN. Mr. President, during a too short ministry among us of Martin Luther King, Jr., he spoke very eloquently, with great insight and I believe with profound wisdom, on many aspects of American life. He taught us about the promise of equality and about the meaning of community and about the greatness of our human potential. But of all the many things that Dr. King taught us—and we just memorialized his birthday the beginning of this week—of all the things he taught us, one in particular has held much meaning for me, particularly in recent months. And that is the standard he set for human behavior and the qualities he identified as being the true measure of humanity.

Dr. King challenged us, in his words, to "rise above the narrow confines of our individualistic concerns to the broader concerns of all humanity."

He reminded us that one of the true standards of success is "the quality of our service and relationship to humanity," not, as he put it, "the index of our salaries or the size of our automobiles." Dr. King's standard for humankind, set by him, was a very high one. To take responsibility not only for ourselves but for others as well, to take our guide—more as our guide a moral and rich vision of ourselves and the community of man. In this way he challenged us to become the guardians of our most precious American legacy, and that is the promise that each of us deserves: an opportunity to fulfill our potential, whatever that potential may be.

And that is what I would like to speak to this morning, and about why I am concerned that this Nation, and some of our leadership, is turning away from that promise.

The richness of Martin Luther King's vision has long inspired many Americans but today I find I need, and I believe our country needs, his inspiration even more. For today we hear increasingly from those who speak of human potential, not with hope but with hopelessness; whose voices do not celebrate the strength of community, but echo the fear of diversity; and who would abandon the fundamental American principle of equal opportunity to the long discredited notions of superiority and inferiority.

Today we hear from those who confuse the lack of opportunity with the inability to achieve.

Let me say that again. I think today we are hearing from too many people who confuse the lack of opportunity a person has with the inability of that person to achieve.

Today, we have a new chorus of voices whose sense of community extends no further than those just like themselves and who dismiss the potential of others who are different from themselves. Today those voices are drawing support from a book called "The Bell Curve," the new intellectual sophistry, engaged in, as it has been over the past two centuries in this country, to justify an agenda that is abhorrent, in my view, to American principles.

This book attempts to persuade us with the language of science to forget about hope, to forget opportunity, to forget the power of new challenges and the promise of an inspired mind; to forget, indeed, the very principles on which this Nation was forged. "The Bell Curve" tells us that our genes guide us toward a life of fulfillment or condemn us to a life of emptiness, and that we can do nothing to change our destiny. This book, written by the conservative social critic Charles Murray, and the late Harvard psychologist, Richard Herrnstein, essentially asserts three propositions. And I acknowledge in the brevity of time I will not do full justice to the propositions.

The first of those propositions asserted is that intelligence can be captured by a single quantitative measure, expressed as an IQ score. That is the basic premise. That we can determine the intelligence of a person by an IQ score test.

Second, that intelligence is genetically based and effectively unchangeable.

And third, that intelligence, more than any other factor, determines job performance, dependency on welfare, rates of birth and illegitimacy, crime, and other social behavior.

They are the three basic assertions in this book, among others. In other words, these modern day Social Darwinists posit that differences in what various races achieve result from genetic makeup alone, not from environmental factors, and that they cannot be changed.

Think about the consequences for this country if we adopt that proposition.

So the authors argue society should stop trying to help anybody who is not a member of their so-called intellectual or cognitive elite—that is the phrase they use: the intellectual and cognitive elite.

The science of "The Bell Curve," I believe, and I will at a later date speak to this, has been widely and convincingly attacked on many levels by other experts, intellectuals, psychologists, and psychiatrists. First, many scientists have pointed out that it is widely disputed whether there is such a thing as intelligence quotient, IQ, a single figure that can quantify intellectual capacity, let alone measure creativity or originality or other productive talents.

Second, critics of "The Bell Curve," the scientific critics, have pointed to all of the existing evidence that IQ scores can be improved, that they are not fixed, that they are not immutable. I ask the parents who may be listening, go look at the IQ test your children took when they entered first grade or second grade. Then, if they have had a good education, look at the IQ test they take as they enter high school. You will find a difference. It is changeable as a consequence of opportunity and exposure and education.

Indeed, even "The Bell Curve" authors acknowledge that improved nutrition—improved nutrition, not education—raises IQ: Nutrition.

Finally, scientists have rebutted the notion that IQ scores are a predictive of a life of accomplishment. They have identified "The Bell Curve" psychometrics as the latest incarnation of the discredited pseudoscience of eugenics. Remember back in the 1920's? I remember studying this when I was in undergraduate school. There was a school that talked about whether or not—all you had to do was measure the circumference of the skull and you could determine whether or not someone had an intellectual capacity that was inferior or superior. While these so-called researchers measured the circumference of a skull in a similarly perverse effort to justify racial discrimination in the 1920's, we now have those who have a different way of doing the same thing. That is, just measure the IQ and you have a determinative of everything that is going to happen to that young child.

You young pages here, if we measure your IQ and you have a high IQ and cognitive ability—and I am sure you all do—then in fact you are marked for success. If you have an average IQ or lower IQ, you are in trouble according to the authors of "The Bell Curve."

But it seems to me that exposing the weakness of the authors' science, which I have not done fully and I will over a period of the next 6 months, while necessary, is not sufficient. It seems to me that Dr. King taught us that what is wrong with the conclusions of the authors of "The Bell Curve" goes far beyond the errors of their scholarship or the weakness of their science.

It seems to me that the basic premise of what we all celebrated in Dr. King's birthday this week is that Dr. King teaches us that the view of humanity purveyed by those who speak the language of "The Bell Curve" is bankrupt because they ignore the very characteristics that Dr. King knew mark the true measure of humanity.

The definition of human value was richer by far than mere IQ, or even of intelligence more broadly conceived and measured. Dr. King told us that:

> Everybody can be great. Because anybody can serve.
>
> You don't have to have a college degree to serve. You don't have to make your subject and your verb agree to serve. You don't have to know about Plato and Aristotle to serve.
>
> You don't have to know Einstein's theory of relativity to serve. You don't have to know the second theory of thermodynamics in physics to serve.
>
> You only need a heart full of grace. A soul generated by love.

Dr. King's words teach us to think more broadly of human achievement:

To think about those achievements that depend on generosity, on thoughtfulness, on sacrifice, on respect for others;

To think about those that depend on creativity and originality: the most inspired painting, the most soothing melody, the most piercing wit, the most graceful dance, the most insightful social commentary, the most unexpected athletic achievement.

In other words, we must be guided by the very things that make life most worth living, when we seek to measure human achievement.

Is not the acknowledged reality of achievement more important than the mere abstraction of IQ, particularly when we recognize that statistical abstraction—by its very nature—lends itself all too readily to misconstruction in the service of narrow-minded mischief.

Of course, achievement built on talent, discipline and a sense of moral obligation can not be weighed and measured on an arithmetical scale.

Indeed, as each generation finds new ways to outperform the last, we learn how futile it is to place limits on human accomplishment, and how foolish we would be to forget that our potential is as great as our imagination.

In this way, Dr. King spoke to the first fallacy of "The Bell Curve"—

> The notion that human intelligence, much less human worth, is so narrow and pinched as to mean only what can be measured by an I.Q. score.

Even more importantly, Dr. King warned us that "intelligence is not enough"; rather, he said, we must strive for what he called "intelligence plus character."

Because, as he reminded us, "the most dangerous criminal may be the man gifted with reason but with no morals."

King saw that intelligence divorced from morality is worth little.

As an undergraduate at Morehouse College, he wrote that the segregationist former Georgia Governor, Eugene Talmadge,

> possessed one of the better minds of Georgia, or even America * * * he wore the Phi Beta Kappa key.
>
> By all measuring rods, Mr. Talmadge could think critically and intensively; yet he contended that I am an inferior being * * *.

"What did he use all that precious knowledge for?"—King asked. "To accomplish what?"

"To accomplish what?"

Thus, Dr. King spoke to the second fallacy of "The Bell Curve."

> The notion that intelligence uninformed by morality can create a worthy woman or man.

Only an immoral person, no matter how intelligent, could ever think it acceptable to judge another on the basis of his or her membership in a group.

King taught us that no one has the right to say that another's fate should be—or can be—enslaved by the color of his or her skin, or by the nature of his or her religious beliefs, or by the origins of his or her ancestors, or by the wealth of his or her family.

Dr. King understood that there are real differences among individuals.

But for him, those differences reflected the richness of the human condition, they were an accepted part of the greater community of man—not a reason for division, and never an excuse for relegating whole groups of people to a permanent underclass.

He urged each of us, whatever our talents, to accept responsibility for ourselves and to strive for excellence. He said:

> If it falls to your lot to be a street sweeper, sweep streets like Michelangelo painted pictures, like Shakespeare wrote poetry, like Beethoven composed music;
>
> Sweep streets so well that all the host of heaven and earth will have to pause and say,

"here lived a great street sweeper, who swept his job well.

Of course, he also knew what artificial barriers could do to limit individual achievement.

He knew that the street sweeper was dealt his hand not solely by the configuration of his DNA, but was the product of a complex tangle of forces shaped by families, by communities, by social and economic systems—and by government.

Dr. King's great struggle, first for civil rights and later for economic justice, was itself a testament to his conviction that people of all races, colors, creeds, and religions deserve an equal chance to achieve their potential—an equal chance, a level playing field.

And so we come to the third fallacy of "The Bell Curve": that all people stand today on a level playing field, free to reach their potential, because implicit in the book and those who are espousing its principles is that there is already a level playing field.

The reality, of course, is that we have not yet achieved a society where all people enjoy equal opportunity.

Instead we remain a society where too many minds are stifled by poverty, paralyzed by violence, stunted by poor education, starved by poor nutrition, and diseased by unsanitary housing.

We need only look around us to see how much such deprivation costs us as a society, and we need only listen to Martin Luther King to understand that we can not—indeed, we must not—promise anyone an easy way out.

Dr. King never promised to make it easier on anyone—he sought equal opportunity for all people, but he knew it was up to each individual to seize the challenge.

By assuming personal responsibility, by preparing for the hard work opportunity demands, by striving for excellence in every endeavor, and by dedicating achievement always to moral ends.

Martin Luther King was by no means an easy taskmaster—but he challenged our society as a whole as much as he challenged each of us as individuals.

He knew—and this is the crux of his teaching—that personal responsibility and the drive for excellence can develop and succeed only in the context of equal opportunity.

Ask yourselves: if your personal achievement was limited or blocked by prejudice or by policy.

Would you push as hard as you could to get ahead? Would you be able even to imagine your potential achievement?

Maybe the people on this floor can answer yes to that question. But I ask it another way. How many of you know people you grew up with, if you did not grow up in affluent circumstances, who are still behind, the exception being a person who makes it here or its comparable place in our society when they come from limited means? Why are there so few? Is it because we are so special, or is it because the human condition is impacted upon and one's potential is impacted upon by what is expected of them and what they are exposed to?

When individuals are stereotyped by personal prejudice or by prejudicial statistics, bleak expectations become a sober reality. And the natural talents we all possess in some measure rarely blossom in the shadows of such a circumstance. Do not think for a moment that "The Bell Curve" is merely an idle academic debate. The authors do not hesitate to convert their conclusions into policy recommendations, and there are many today eager to act on that advice. Indeed, their recommendations sound all too familiar to anyone listening to the current debate on education, on aid to pregnant women and children, and on efforts to respond to job discrimination, among other issues.

In short, the authors of "The Bell Curve" view all programs designed to level the playing field as doomed to fail, because intelligence—or more precisely, i.q.—is the only thing that matters, and it can not be changed, according to them.

Government—or private organizations, for that matter—are simply incapable of making a difference and shouldn't even try.

Now, I believe that a number of Federal programs originally intended to level. The playing field is in need of reform.

For 22 years here, I have tried to get rid of some, voted against others, and am prepared to jettison still others that I thought had a chance but have shown not to work.

Some have had unintended, detrimental consequences; all would benefit by a sharp look at what is working and can be maintained or expanded, and at what is not working and should be jettisoned.

But that is beside the point to the authors of "The Bell Curve," because their attack is aimed at the very concept that Government should try to ensure equal opportunity to all our citizens. The authors argue that we should end, not reform, but end such efforts by Government.

The authors say their recommendations are intended to prevent what they see as the inevitable end of the road we are on, a "custodial" state, something like a "high-technology Indian reservation," where the permanent underclass is minimally fed and housed.

To their credit, the authors say they want to avoid this nightmare vision, but what they recommend is obviously insufficient on a practical level and entirely unacceptable on a moral one.

First, the authors suggest that we abandon our efforts to create the equality of condition among all people that our Founding Fathers believed was a self-evident human heritage.

Indeed, they suggest we return to "an older intellectual tradition," unburdened by our historic American belief that "all men are created equal."

Instead of trying to ensure equal opportunity so that every person has a fair chance of success, they say we should simply focus on improving the fabric of family and community.

They suggest that we return a wide range of social functions to neighborhoods or municipalities, to improve our sense of community.

They propose that we should simplify Government regulations that make it more complicated for people to function—rules governing education, taxes, Government assistance, to name a few.

They recommend reforming the criminal justice system to make it simpler to know what is a criminal offense and what is the sanction for it.

And they suggest reemphasizing the unique legal status of marriage, as the only relationship with legal benefits, as well as legal obligations. I do not necessarily quarrel with these practical recommendations; it seems to me that some of them may well be worth pursuing.

What I do quarrel with—and vehemently so—is the idea that we, as a society, should give up what has been a bedrock principle of our Nation: that all men are created equal, and thereby abandon any idea that Government has a role in seeing that no one is denied an equal opportunity to life, liberty, and the pursuit of happiness.

Government cannot manipulate people's heredity, and it should not attempt to do so, but I believe a moral government can—and must—pursue policies that treat every person as a resource.

If low IQ's are the problem, why not try to raise them, through better nutrition, which the authors of "The Bell Curve" acknowledge does make a difference?

If the fabric of families is torn, why not focus on programs that enable them to mend themselves—

Programs that keep children from going hungry, that help young people get off and stay off drugs;

That keep the streets safe so local businesses can flourish and families can get to and from work and school;

Programs that help new factories open and train and retrain our workers for new jobs.

As we consider this challenge, we should remember what Martin Luther King never forgot—that opportunity is not a substitute for personal responsibility.

New ideas are being proposed that build on the twin pillars of opportunity and responsibility, and new programs are being tested in communities across the Nation, such as housing and transportation programs that help minorities move out of ghettos and buy their own homes.

If the positive effects of Head Start fade out several years after children leave the program, why eliminate Head Start rather than improve the rest of the education system to extend its success?

If answers tried in the past have failed, it means we should try new answers, not give up on the problem. As a government—and as a society—our policies must have a moral dimension:

They must respect the value of each individual, and never dismiss anyone or any group of people as unworthy of a fair chance.

Shredding the social safety net will not avert a crisis; in my view, it only propels us ever faster toward crisis.

It will swell the divisions between rich and poor; it will lead to more racial animosity and ethnic hatred; it will sacrifice the dream—the very American dream of Martin Luther King, who foresaw a day when his four children would, in his words,

> Live in a nation where they will not be judged by the color of their skin, but by the content of their character.

He spoke of a "beloved community," his vision of an America living in racial harmony, where individuals judge each other on individual merit and achievement; where values triumph over charts, graphs, and stereotypes; where all people are nourished and expected to succeed.

This is a vision of a moral society—the kind of society our forefathers saw as their bequest to the Nation—and it stands in stark contrast to the custodial state envisioned in "The Bell Curve."

Fulfilling Dr. King's vision of a beloved community, founded on both individual responsibility and equal opportunity—a community that rewards achievement and places barriers before no one—has always been and remains today the foremost challenge for American society.

Martin Luther King understood that better, perhaps, than any other American of this century, and we can offer him no greater memorial today—we can offer ourselves no greater assurance of maintaining our American heritage—than by rejecting both the arguments and the conclusions of "The Bell Curve" in favor of that "beloved community" for which Martin Luther King, Jr., lived and died.

Mr. ASHCROFT. Mr. President, I yield the distinguished Senator from Tennessee 7½ minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

(The remarks of Mr. THOMPSON, Mr. ASHCROFT, and Mr. BOND, pertaining to the introduction of Senate Joint Resolution 21 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed an opportunity to speak for up to 10 minutes that I was provided for in morning business, and that the time for resumption of consideration of S. 1 and the corresponding time for a vote on amendments that have been set down be moved up accordingly.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

WELCOME SENATOR ASHCROFT

Mr. LIEBERMAN. Thank you, Mr. President.

Mr. President, before our new colleague from Missouri leaves the floor I want to add my welcome. I do so with a personal sense of pride and pleasure because he and I were classmates together at college. It gives me great pride to see him join Members here.

The Chair will no doubt hold this revelation against the Senator from Missouri and me, but in any case, he was an honorable, decent, intelligent person when I knew him back more years than I will state for the record. I know he brings those talents with him here and beyond. As the senior Senator said, he is a person of extraordinary faith and comes here not only with great talent but with an appropriate spirit and a religious sense of humility. We could use that around here. I look forward to working with him in the years ahead.

Mr. President, I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of S. 246 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID "YES"

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. We'd better get busy correcting this because Congress has failed miserably to do it for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,806,933,452,098.25 as of the close of business Wednesday, January 10. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,247.20.

MARIO CUOMO AND COMMON SENSE

Mr. HOLLINGS. Mr. President, the wail and cry around Washington today is similar to what we heard 14 years ago when President Reagan came to town—get rid of the Government, downsize, the Government is the enemy. Today, like 14 years ago, the game to blame Government sounds good to many voters across the land. But look at the reality that has been inflicted on our country by 12 years of Republican rule—a deficit that is exploding and a debt that has more than quadrupled. The return of this feel-good kind of blaming in Washington is what Mario Cuomo related in his last official talk as Governor of New York. As he told reporters at the National Press Club on December 17, 1994, the game being played is "deja voodoo" and return to "plastic populism."

Government is not an evil that the Founding Fathers thrust upon the people. Government in its best form is a means to provide economic opportunity, create jobs, and rebuild our American standard of living. It is time for all of us to work together to rebuild America, instead of only harping, squawking, and howling at the Moon.

Mr. President, I urge my colleagues to read and study this talk by Governor Cuomo. He speaks commonsense truths that are rooted in reality. As he says, we need a cure for our problems not a simple reaffirmation of the disease. We have to fix what is broken, but not break what works. To that end, I ask unanimous consent that his talk be reported in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the talk was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. MARIO CUOMO AT THE NATIONAL PRESS CLUB, DECEMBER 16, 1994

Governor CUOMO. Thank you very much. Thank you very much. There are a lot of things I wanted to say immediately, just in quick response to Gil Klein's introduction. I—the truth about 1992 was that Klein, or somebody like him, just before that plane took off, over the wire came a story in which I was referred to as a consummate liberal. And that did it. I decided to stay behind in New York State. (Laughter.)

And I must say this—although I was going to say nothing at all, because I don't want to use the 25 minutes they gave me—there's a lot I do want to tell you. I did note with some interest that the two biggest laughs from this rather difficult looking groups were for the postmaster general and Dan Quayle. (Laughter.)

I am going to do something unusual now in this, what appears I think to be the last time I'll be able to speak as a public official, because nothing is going to happen over the next couple of weeks—and that didn't strike me until I sat down and started making some notes. But maybe especially because it is the last opportunity—there is a whole lot I want to get in. And because of that I'll stay close to my notes, closer than I usually do—and I'll rush a bit, if you don't mind, because I want you to have time to do the questions and answers. You know by now that I was elected a private citizen—(laughter)—effective January 1st.

It wasn't my first choice. Abraham Lincoln's familiar line in a similar situation, which I think the President used the other day, comes to mind. He said he felt like a young boy who has just stubbed his toe; it hurt too much to laugh, but he was too old to cry. The temptation, you should know, is to whine, you know—(laughter)—at least a bit—Why not?—you served 12 years, you're entitled. And I caught myself doing that.

I began pointing out to people that even since the Republican landside on November 8th, it's been getting dark outside a little earlier every day. (Laughter.) You notice that? (Laughter. Applause.) The whining is not what we need. So let me talk to you about some of the things I learned on the way back to private life, and there's a lot. Let's talk just a bit about America and how together we can make her stronger and sweeter. Founded by the most optimistic people in history, in just 200 years, as we all know, would become the most dominant military and economic machine, and the greatest engine of opportunity that the world has ever seen.

But recently, say, within the last 15 years, we have made some terrible mistakes as well. We produced two devastating recessions that stripped from millions of our middle—class families the basic promise of the American dream, and even the simple security of steady work; mistakes that for millions more have produced lives of sheer desperation, dependence, and despair.

Government did not create all these all these problems, but government didn't solve them either. And the people know that. Many of them are frightened, resentful, even angry. The conservative Republicans measured that seething unhappiness with polls, then designed some painless home remedies which they strung together in a new political agenda that they call now the "Contract With America." And tell us it will solve our problems. I don't think so.

Some of the agenda puts the spotlight on relevant issues—at least for the moment. But the truth is, the contract fails to deal substantially with the fundamental problems we face. It's not a plan—it's an echo of selected polls. It adds nothing to the opinion surveys. It makes absolutely no demand on our political leadership, other than that they set sail in whatever direction the political winds appear to be blowing at the moment.

It offers a kind of plastic populism, epitomized by its bold promise of a balanced budget that will bend—or probably break—when tested with the full weight of our real problems. We need something much sturdier. We need an agenda that deals with our real problems—all of them, especially the toughest ones—and proposes real, concrete solutions, even if they are politically inconvenient. The truth is—and I think we all know this, too: America is faced with a double-barreled challenge to our future. The most significant is an economy that is rewarding investors for sure, but at the same time threatening our workers.

You tell a $30,000-a-year factory worker in Georgia or California that this is a growing economy, this third-wave economy, and see what reaction you get. The second challenge is the frightening cultural corruption of drugs, degradation, violence, and children having children, that's deteriorating our cities, crippling much of our potential work force, and alienating many of us from one another. And it is cultural. It is a cultural problem.

But the conservative Republican contract deals only superficially with our economic challenge, and offers us little more than castigation and negativism with respect to our cultural weakness.

Now, Democrats should show America that we can do better. We should start by reaffirming our fundamental democratic principles, beginning with the confidence that this country can provide opportunity for everyone willing to earn it. And the first mistake would be to give up on that aspiration, to believe that somehow we are not as strong as we thought we were—we can't do it—take up the gangplank!—we can't afford them: That would be a mistake, an excuse if not a mistake, a cynical excuse for not making the tough decisions that will make it possible for us to realize what is obvious, enormous potential strength still unused.

Our strong suit as Democrats has always been our concern for the vast majority of Americans who must work for a living—that's where we come from. That means we are committed to creating good jobs in a strong free-enterprise system, and to making sure that every working family in this country can earn enough to live with a reasonable degree of security and comfort. We believe that as part of the Democratic bargain every American has responsibilities.

Everyone who can work should work, instead of expecting others to pay their way. Businesses that thrive should share the rewards with their workers fairly—business has a responsibility as well. And government should help create jobs, not discourage them; nor should it burden the rewards of work with unreasonable heavy taxes.

Now, we believe in law and order. I have built more prison cells than all of the governors in history of New York State before me put together. But we will insist on fairness, and privacy, and civil rights. We agree with Lincoln that we should have only the government we need. But we agree with Lincoln, as well, that we must have all the government we need. We must have all the government we need.

And so a balanced budget that fails to meet the basic needs of the struggling middle class or the desperate poor would be an emblem of failure. We believe in the common sense value of sticks, but we also believe in the common sense power of carrots. We believe that prevention is always a good idea, and almost always cheaper.

We'd rather preserve a family than build an orphanage. We believe that we're too good as a people to seek solutions by hurting the weakest among us—especially our children. And at our wisest—at our wisest, and it's not always true. It is probably not true at this moment. But at our wisest, we believe that we are all in this together, that Jeremiah was right, thousands of years ago, that we will find our own good in the good of the whole community.

Now, this is not the time or the place to give all the details of what we can and must do to deal with the challenges and opportunities, while living up to these principles. But we should reflect on enough of them, and I have the responsibility to give you at least enough of them so that you can see that the agenda offered by the Contract is obviously incomplete, and utterly inadequate to this moment in American history. Most of all, we need to generate more jobs.

We'll accept that—jobs that pay a living wage and make hope a possibility, and a global economy, where labor often costs less in other places in the world—and that's the key. This is a complex challenge. But the Republicans would have us believe that the solution is remarkably simple.

Now, do you know how hard it is? Taiwan and that part of the world, in China, Mexico—they can make things a lot cheaper than you can. That puts an enormous pressure on your manufacturing. How do the Republicans deal with this problem? That's why the $30,000 a year factory worker is scared to death. He knows it. He knows the investors are getting richer, and everybody is downsizing here, and the competition is enormous all over the world—a competition that I grew up without having to face.

Well, their proposal—the Republican proposal is right out of the permanent conservative Republican playbook. Cut the tax on capital gains, boost the defense budget, amend the Constitution to enforce a balanced budget. But let's not get bogged down in the awkward details about what we'd actually have to cut. Cut the taxes, boost the defense budget, and then provide a balanced budget. Does it sound familiar to you? Do you remember hearing that before? Cut your income, raise your expenses, and promise the bank that, this time, you're sure you can make ends meet. Does it sound familiar? It's nothing more than deja voodoo. (Laughter.)

In the early '80s—in the early '80s, the conservative Republicans promised huge tax cuts, a huge military, and a balanced budget—and we wound up, as we all know, with a deep recession and $4 trillion more in debt. Now, why is it different now? Why would it work any differently now? Has something changed? Has there been some kind of cosmic alteration? Only the language has changed.

In the '80s, they talked about the magic of supply side. Now, they have thought up a new way to count. It's called dynamic scoring. Do you know what dynamic scoring means? It means that, for every basket they put in the whole, they get ten points. That's dynamic scoring. And it would be wonderful if it were as easy as that—free up the wealth in the hands of the wealthy, and it will eventually take care of all of us. Now, this country tries that every so often. We tried it in the '80s—the early '80s.

But then the truth re-emerges. Life is more complicated and harder. It includes bothersome details, like a national deficit, leashed in by President Clinton, but ready to run wild at the least relaxation or provocation. Life includes popular entitlement programs that won't be around for our children at all, if we cannot bring ourselves to make intelligent, but different sacrifices now. Everybody in this room knows it. In every conversation in Washington or New York or the capitals of the country, where people know what they're talking about, they all say the same thing. "You must do something about Social Security." We all know that. "You must deal with Medicare." You can't deal with our deficit problem without doing something about Social Security and Medicare.

However, it's political poison, so we won't do it. But didn't you just tell me that, if we don't do something about it, we're in terrible trouble? Yes. And then you tell me that it's going to be very difficult to deal with it politically. Yes. And what do you prescribe then? Keep yourself alive politically, and let the country die. Am I exaggerating? Do you hear it differently? You write about it. You write about it glibly. Everybody comments on it—most of the time, snidely. But nobody changes it. Warren Rudman leaves. Paul Tsongas creates a group. Peter Peterson writes books.

Everybody is saying the same thing, and all the people who are bright, saying they're right, and admitting—at the same time—we do not have the will to change it. Why don't you at least say this to the American people. Why don't you say, "Look, let's get this clear, because I have the obligation to tell the truth." Who knows? Maybe there is a heaven. Worse than that, maybe there's a hell. (Laughter.)

Maybe I'm going to be accountable. Maybe I'd better tell you the truth. So, I'm going to take a chance.

Ladies and gentlemen, all the tax cuts in the world won't wave you. They're popular, but we need a double bypass—and we're talking about giving you cosmetic surgery. And the reason we're doing that is, it's too tough to give you a bypass. We have to cut with a knife. That's very expensive. It's very costly. It's unpleasant for you. We have to do Social Security. We have to do Medicare. You have to apply a needs test of some kind. Everybody knows it.

Now, why, therefore, don't the Republicans tell you that? Well, because they're into popularity. Why don't we tell you that? Because we're into popularity, too. (Laughter.) But we're going to say this to you. As long as the Republicans are in power in the Congress, and as long as it's absolutely clear that they will have a Pavlovian response to whatever you tell them in the polls, start telling them in the polls that you've finally awakened. You know they have to do something about Social Security and Medicare. Please do Social Security and Medicare. They will write a new Contract with America, addendum to the Contract with America. We've seen the latest poll. It just came in over the Internet. Okay. You can have Social Security. (Laughter/Applause.)

There's another—there is another inconvenient truth, and that is that you have to make investments if you want to get returns. The Republicans especially should know that. And that means, if we want to be the high tech capital of the world—which you have to be, because if you're going to compete with cheap labor, how are you going to do it? You're going to have to make things with exquisite high tech capacity and superb productivity so that you can make things better and faster and different from the things that they can make—even with cheaper labor.

How else do you do it? The only other way is to expand a whole other thing beyond manufacturing, make exquisite improvements in services. We're doing that. We're the service capital of the world already—and we will stay that way for a long time, especially as long as New York stays strong, because you have banking, investment banking, and a lot of that there, publishing, et cetera. We're doing fine with services. On the manufacturing side, you can't do it without high tech. You have to do what we're doing in New York State—make a unique lens that we just sold to the Japanese. And when I complained to the University of Rochester about selling a unique lens to the Japanese, who are so good at replicating our products and getting—and producing something cheaper, they said, "Don't worry about it. We're working on a second lens." (Laughter.)

Making a new mammography machine on Long Island through high tech—a mammography machine that solves the problem that the woman has with the old machine, where she has to press herself up against this plate, where there's constriction, discomfort, and a poor picture. This one inclines. Bennett X-ray. You incline and gravity does the work. And there's a full picture. And my daughter, the radiologist loves it. And the woman is pleased by it. And the physician who has to operate feels better about it because he has a better picture. And we sell it to the Germans that make surgical instruments. And when I say to Bennett X-ray, "I created a center of high technology. Now you take this wonderful product. You send it to the Germans. How long before they replicate it?" He says, "Five months." I said, "Well, what are we going to do about that?" He said, "Don't worry about it, Governor. We're working on digitalizing it. We're taking the digital engineers from Grumman who have gone down, because they're no longer making planes. They're coming here. They're working on our mammography machine." You have to stay one step ahead of them in high tech.

That's the way you became great the first time around. You used to make all the things of value in this world. You were the makers and the sellers, the creditors and the bankers. That's how we became dominant. You can't get out of that business now because you're in a global economy. You have to make things. That means high tech. That means research. That means investment, investment, investment. And someone has to pay for it. There are plenty of good way of making our workers better equipped, too. And you can't do that.

You can't leave that factory worker where he is now, or she is now, at $30,000, and say, "Look, in this high tech world where we have to be smarter and slicker than they are, I'm afraid you're going to fall behind because you don't have the training." The GI Bill is a good idea for workers. Training vouchers is a good idea. Head Start is absolutely essential—learning technologies.

Is there any way you can explain how every kid in the United States of America doesn't have the opportunity to learn at a computer? How do you explain that to yourself? The richest place in world history, with all the tremendous wealth you have. How do you explain to yourself that there are kids who never see a computer—in my state, where people have Porsches parked or BMWs parked next to Jaguars? How do you explain it, when you're selling the airwaves for billions of dollars that you didn't even expect to have? Vice President Al Gore is right. Let's take some of that money and invest it in learning technologies.

Tax cut—hell of an idea. Learning technologies—an even better idea. Make your children the smartest in the world. Everybody knows that that's the avenue to the future. You write tracts about it. Kids write essays about it in the 8th grade.

But we're not doing it. That's the real world. It means investing, then capitalize, on the most extensive higher education system in the world. Promoting its strength and research, and making sure that it does not—that it becomes accessible to everybody. It means infrastructure. There is no money for infrastructure. Have you heard any Republican step forward and say, "And another thing we're going to do is we're going to build the infrastructure." Why? Infrastructure is an arcane word. You get no political points for infrastructure.

I wish I could think of some sexy way to say roads, bridges, telecommunication, fiber optics. Infrastructure. Forty percent of the roads and bridges are in trouble. Overseas, they spent $6 billion, Maglev, they're way ahead of you. You cannot succeed economically unless you invest in infrastructure. Where are you going to get the money? They didn't even mention it. How could you not mention it? Is there anybody alive with any brains at all who knows anything about the economy who would not say to you that, "Of course, we must invest more in the infrastructure." Or do they get challenged?

Does the public rise up after they have heard somebody on television say, "Well, I'll never vote for you. You never even mentioned—what was that—infrastructure." Infrastructure. (Laughter.)

Those conservative Republicans cannot deny that all of these investments are essential. They simply ignore them because they're politically difficult truths, and because the polls don't give you points for arcane things like infrastructure. They know America needs a double bypass. And they know they're only suggesting cosmetic surgery. But as long as its popular, that's what they're going to give you.

Now, massive tax cuts of any kind would surely ring the popularity bell. But would you insist on them, if it meant that local tax rates would explode across the country—which they could, if you cut back programs that the states are going to have to pay for instead. Would they insist on tax cuts if they knew that bridges would collapse, that the deficit might go up again, that you were failing to meet your educational needs? And if we can afford to lower taxes, would you give 70 percent of the immediate benefits to people who make $100,000 a year, or would you give 70 percent of the immediate benefits to the ordinary families across America?

And as long as you Republicans are so quick to point out that the people have spoken—who told you? The poll. Why don't you take a poll on it. Mr. and Mrs. America, we're going to give you a tax cut. What do you want? A tax cut the immediate benefit of which goes to—70 percent of which goes to the people above 100,000, or one that goes to people under 100,000? What do you think the poll would say? How about this one. Mr. and Mrs. America, would you like to shorten the congressional session and cut everybody's salary in half—senators and congressmen? What do you think they'd say? (Laughter.)

Last time I looked, it was 82 percent said yes. I didn't see a single Republican hold up, "The people have spoken." (Laughter.)

Of course, Democrats respect and believe in the efficiency of capitalism. A capital gains tax cut, in some circumstances, could be a very, very good thing. Deregulation—a very, very good thing. I did a lot of it in my own state. But if our system works only for investors and leaves millions of our people without the skills or opportunity to do more than tread water against the tide, our system fails. Now, if they're silent on these important things, what are they loudest on? Now, I'm really going to have to rush—and it's a shame.

Welfare. Why? Because it's popular. Don't you see what's happened? They've turned the middle class against the crowd beneath them. In the depression, you know, when everybody was angry, in 1932, whom did they blame? They blamed the power. The people who made it happen.

The bankers. The government. Everybody turned on the government—and they were right. And what's happened this time? Now they've turned the middle class downward. Instead of looking up at the people with the wealth, they're looking down at the people who are the victims. And who are you blaming?

The immigrants. That's easy. They have no political power, really, to speak of. Forget the fact that everybody here is an immigrant and that we all started by killing the only real entitled people to the place—the Native Americans. We butchered them. We savaged them. Everybody else is an intruder by your popular current definition. Forget that, because I'm lucky to be here now. It's the immigrants who are our problem. It's that baby who's making a baby. Forget about the fact that you allowed her, at the age of two, to be a toddler in streets surrounded by pimps and prostitutes and every kind of disorientation, that you allowed her to be seduced by somebody with a crack pipe when she was only nine years old.

Forget about that, that you allowed that society, that you allowed it to happen. She's the problem. Punish her. Punish the mother. No benefits for that child. Stick the child in an orphanage. You really think that's the answer? I don't.

In New York State we have problems, but we have answers, too, and they're not orphanages. We can show you ways to bring down teenage pregnancy dramatically, and we have with the new Avenues to Dignity program in New York. That's not as popular as draconian devices, like what they want to do with welfare or the death penalty. In the end, behind nearly every one of the Republican proposals lurks the same harshness and negativity. And I think we need better from our leaders than to have them distill our worst instincts and then bottle the bitter juices and offer them back to us as a magic elixir.

We need a cure, not a reaffirmation of our distress. We must understand that our great social problems are not visited upon us like earthquakes and floods. They are uniformly avoidable disasters. And with intelligent and timely action, we can prevent them before they pull our children down. Punishment has its place, of course. But prevention requires more than fear. In New York, the movement toward prevention is the strongest element in our approach to health care.

Incidentally, that's what reforming health care should be all about, prevention. The reason you need to cover those 39 million people is not compassion. It's not that they're not getting health care. They are getting health care. In my state, everybody gets health care, even the people without insurance. They fall down in the street and they're taken to the emergency room. Or they come with a terrible pain in their belly that would have been nothing if they had been insured and been to a doctor early, but now is acute. And we take care of them. What would we do, let them die? "You have no Medicaid. You have no insurance. Lay here and die." Of course not. We operate. You can find in the hospitals of New York City women and men on machines being kept alive for nobody knows how long except God, without any insurance, without any name, and we take care of them. You can't afford that.

Health care costs are going through the roof everywhere except in New York State. And they're high there, but we're the lowest-growing in the United States of America. That surprises a lot of people.

You have to do something about those 39 million people. And if Congress closed its eyes because it couldn't find a proper solution last time, you can't simply say, "This is too difficult; leave the problem there." You will go bankrupt. Really? Of course. You all know that. It's not just Ira Magaziner. You can't make it go away by saying, "Well, it was very unpopular." So do something else. Do something like what we're doing in New York. At least let the children of working people get insurance, get them into plans. We subsidize them to get them into plans. Why? Prevention. If you can vaccinate them, it's cheaper than trying to deal with their disease; so, too, with drugs. What is the answer to drugs? Look, you can build all the prisons you want.

You can contrive all the draconian punishments you want. You can say what the Republicans say, that more police, more prisons, more executions and reversing the ban on assault weapons will take care of the drugs and take care of the crime. It won't. Forget all about the complicated talk. Imagine this. Imagine a village. Imagine a village where the young people are drinking at a poisoned lake. And it makes them mad, and they come in every night to the village and they commit mayhem. And they rape and they kill and you arrest more and more of them and you stick them into jails in the village, and the jails are getting bigger and bigger and you have more and more village police and the villagers are complaining because they can't afford it.

And the generation of criminals keeps pouring out of the hills, having come from the poison lake. Wouldn't somebody with some brains say, "For God's sakes, let's dry up the lake; let's find another source of water"? Of course you would. But why aren't you doing it here? Why doesn't it occur to you that unless you stop the generation of these drug-ridden people who become criminals and then violent criminals—your biggest problem now in terms of crime: children with guns. You're not going to get at that. Take it from me.

I told you, I've built more prison cells than all the governors in history before me put together, and it's not going to work. Ask any policeman. Fifteen years ago they would have told you something else. You have cultural problems. I'm going to have to end it now, and it really is a shame because I'm leaving out a lot of the good stuff. (Laughter.)

I really am. But let me leave with maybe the largest point, and maybe the largest point that I have learned in public life, and it's something that I kind of intuited before I was in public life. It's something I spoke about in my first speech before I ever even ran, and this was up in Buffalo in 1973 and I was talking about mama and papa and what was important about mama and papa and what they taught me, these two illiterate people, what they taught me by their example.

And what they taught me, basically—and then a Vincencian priest, you know, added to it, and then good books, you know, taught you most of all, that you're going to spend your whole life learning things and experiencing things, most of all disappointment and occasionally moments of joy. But in the end, you've got to find some raison d'etre. You have to find some reason for living. You have to find something to believe in. And for it to work, it has to be larger than you, that you will discover that you are not enough to satisfy yourself. Now, you might get to be 70 years old before you figure it out, but sooner or later you'll figure it out, that you must have something larger than yourself to hold on to.

Where have you gone, Joe DiMaggio, Bobby Kennedy, Martin Luther King, Jr.; some great cause, some great purpose? The Second World War did that. I remember a little bit of that. The Second World War was a horrid thing, but it unified everybody in America. They were evil; we were good. They were Satan; we were doing God's work. And everybody got together—the men, the women, the blacks, everybody; forget about poor, forget about middle class, forget about everything else.

There's a grander purpose here. There's a greater truth here, something we can give ourselves to, and we'll fight like hell. And we did. We haven't had anything like that since, and you don't have it now.

You're turning those white factory workers all over the country against people of color. You're turning them against the immigrants. They're blaming them. And I understand why they're blaming them. their life is vulnerable. They say, "You're doing nothing for me, everything for them." That's the truth of it. You know it. We all talk about it. We don't all write about it that clearly, but you know that the society is being fragmented.

It used to be the middle class against the rich, but now somehow, I think with a little encouragement from some of the politicians, you have turned the middle class to look downward instead of up. And they're now pitted against the poorest. So here are the least powerful people in your society, the least fortunate, squabbling with one another.

Ladies and gentlemen, unless we find a way to put this whole place together, unless we find a way to see that your interest depends upon your seeing the child in South Jamaica, that Latina, that little Hispanic girl who just had a baby, that little black girl who just had a baby, as your child, or unless you see that factory worker in Georgia as your father about to lose his job, unless you understand that it's not as a matter of love, not even at Christmas and Hanukkah time; I wouldn't ask that of anybody in a political context. It's too much to use the word compassion. Forget that. You'll lose.

As a matter of common sense, you cannot afford the loss of productivity. You cannot afford the cost of drug addiction. You cannot afford it. We will not make it in this country unless we invest in dealing with those problems. And to deal with those problems, you have to give them other avenues to dignity instead of streets of despair. You will not frighten them into being good. You will not punish them into stopping drugs. You have to teach them. How to teach them?

Have a crusade; not just a rhetorical crusade, a real crusade. Invest in it. How would you teach children not to have sex too soon, to treat it as a great gift, not to be violent, not to take the drugs? How would you teach them? How do you teach anybody? Well, at home; their family is broken. In school; the teacher is too busy. In the church, the temple, the mosque; if they went there, it wouldn't be a problem. How do you teach them? Let the government teach them with laws. There's a role there, yes.

What's the best teaching instrument you have? Television. Yes, that's right. Why don't we teach them every night on prime time? Well, we have Partnership for a Drug-Free America. Once every week or two weeks they'll see those great commercials by the Partnership for a Drug-Free America. You read the New York Times this week. Drug use is up with teenagers. Why? Part of the reason, Partnership for a Drug-Free America isn't being seen enough. How do you explain that to yourself? You know it works.

You know the best thing you can do is teach the children not to take the drugs. The best way to teach them is television. Why aren't you on prime time? How can you settle for once a week or once every two weeks? If you were a mother of a child in South Jamaica, my neighborhood, and you knew that they were out there, going to tempt her with a crack pipe, and you had to go to work, would you settle for a stick-it note on the refrigerator once a week saying, "Hey, dear, if they come at you with a pipe, make sure you don't take it. See you tonight. Mother." Would you settle for that?

We're settling for it as a society. You want to talk about tax cuts? You want to talk about all these nice things? Talk about the real problems. Talk about how to invest in your economy, how to create jobs, how to invest in a real crusade that would have to—put up some money. Buy some time. Sit down with Tisch at NBC and all the others. Say, "We'll put up 5 million bucks. We want you to do the same." Let's saturate the place. Let's have billboards. Let the National Press Club write about it. Let all the community groups talk about it. Let's go at this problem for real because it's killing them and it's killing us.

Look, I lost an election. I've lost more than one, but I've learned a whole lot on the way, and I haven't forgotten any of it. And I'm telling you that I am absolutely certain we are not being honest about our problems. And the person who stands up and is honest with America and reminds America that they're now in charge—politicians used to think of themselves as shepherds. That's all over now.

Now the politicians are following the sheep. Read the polls. They'll tell you where they should go to pasture. And as long as you know that, you had better send the right signals to your government, because if you tell them you want the death penalty, you'll get it. If you tell them you want tax cuts, you'll get it. If you tell them to take up the gangplank, you'll get it. If you tell them to ignore sick people, you'll get it. If you tell them to ignore the poor, you'll get it. If you tell them to victimize young children, you'll get it.

Be careful what you ask for, because they're listening for you. And ask for the right things. Ask for the truth. Ask for the real solutions to the real problems. I learned that. I won't forget it. Thank you for your patience.

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR THE 104TH CONGRESS

Mr. PRESSLER. Mr. President, pursuant to the requirements of rule XXVI of the Standing Rules of the Senate, I herewith submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Commerce, Science, and Transportation. These rules were adopted by the committee January 12, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION[1]

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he or she may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Ten members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment No. 11, beginning on page 25, line 11, pertaining to committee jurisdiction.

Gorton amendment No. 31 (to committee amendment No. 11) to prohibit the approval of certification of certain national history standards proposed by the National Center for History in Schools.

Levin/Kempthorne/Glenn amendment No. 143, to provide for the infeasibility of the Congressional Budget Office making a cost estimate for Federal intergovernmental mandates.

Bumpers amendment No. 144 (to amendment No. 31) to authorize collection of certain State and local taxes with respect to the sale, delivery and use of tangible personal property.

The PRESIDING OFFICER. Under the previous order, there shall now be

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[1] Adopted by the Committee January 12, 1995.

30 minutes for debate to be equally divided between the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from West Virginia [Mr. BYRD].

Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield time to the assistant majority leader.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Idaho for yielding this time to me. I want to again commend him for the work he has been doing on this very important piece of legislation and for the patience and diligence he has exhibited over the past several days as we have crawled toward final passage of this unfunded mandates legislation.

We have now spent 5 very full days discussing procedures and unrelated matters on this very important legislation. That is the way the Senate works. It is a very deliberative body, and that is the way it has been historically.

I do want to urge my colleagues this morning to allow us to move forward, to debate seriously this very important legislation and to start dealing with germane amendments—amendments that really do relate to the substance of this bill.

A lot of charges have been made that this legislation was being moved too quickly. This obviously is not the case. The distinguished majority leader has exercised a lot of patience and has allowed all the time that Members could possibly want to bring up amendments, even unrelated amendments, and debate them at great length. We have spent 5 entire days, and, yet, we are only beginning to discuss the serious parts of the pending bill. This pace certainly could not be considered rushing the bill through to judgment.

Further, this legislation is not a new concept. Senator KEMPTHORNE, Senator ROTH, Senator GLENN, and others, have been working on this legislation for 2 years. Senator KEMPTHORNE has personally worked with our Nation's Governors, mayors, and local legislators, as well as the White House, to craft a bill that would accommodate all concerns. So the document before us represents a carefully drafted and extensively researched and debated piece of legislation.

It has been charged that we did not have a report on time when it was brought to the floor. But now the reports are available. Members have had time to study these reports: Thursday, Friday, Saturday, Sunday, Monday, Tuesday, and Wednesday. So certainly there has been time now to read and reread the reports and to study the bill.

I think it is time we begin to move forward toward final passage of this very important legislation.

I hope that there will be a vote in support of the cloture motion today so we can get to the consideration of germane amendments. Members would not be prohibited from offering the amendments they have filed. There will be plenty of time for extended debate on those amendments, and then we could get to the point where we can finally consider final passage.

One of the things I suggest to our colleagues today is to call home. Check with your Governors, your county commissioners, your mayors, your small business men and women. Ask them what they think about the unfunded Federal mandates they have been dealing with. Ask them how much it has been costing. Ask them about the harm unfunded mandates have done—the tax burdens, the delays and the numerous other problems these unfunded mandates have inflicted upon counties, cities, States, and businesses.

The Washington Post reported today that 74.2 percent of State municipal leagues cited unfunded mandates as the most vexing issue local government faces, in a survey released by the National League of Cities. Numerous government and business organizations have endorsed unfunded mandates legislation, including the National Governors Association, the U.S. Conference of Mayors, the National Association of Counties, the National Federation of Independent Businesses, the National Conference of State Legislatures, the National School Board Association, and the U.S. Chamber of Commerce.

These groups represent the men and women across this country who are on the front lines, at the State and local level, fighting to do their jobs. They are urging Congress to examine more carefully the mandates that we place upon them. This legislation just establishes a process so we can seriously consider what we should do with these unfunded mandates and a way we can block them if they are not going to be properly funded.

The American people are asking us to move this much needed legislation. My prediction is that we will get to final passage of this legislation sometime, if not later this week, next week. But why must we delay the serious consideration of important and germane amendments to this legislation? Especially when we all know this bill will pass with overwhelming bipartisan support. Even President Clinton has called for enactment of unfunded mandates reform legislation.

So I just thank the Senator for yielding me this time. I urge my colleagues to vote for this cloture motion and allow us to move forward toward completion of this important legislation.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate greatly the comments of the assistant majority leader. How much time is remaining on our side?

The PRESIDING OFFICER. Eleven minutes.

Mr. KEMPTHORNE. Mr. President, I yield myself 7 minutes.

The vote Senators will cast today reflects their determination to establish a new partnership with our State and local and tribal governments and a better working relationship with the private sector. Mayors and county commissioners, Governors and school board officials and the private sector understand the significance of this vote.

This vote is the first test of Senators' commitment to reform Washington's dominance of State and local government. For too long Congress has been far too willing to merely pass the bill and then pass the buck to the States and localities, but the ultimate billpayer is the same weary American taxpayer.

This is a cloture vote on S. 1. S. 1 is nothing but a process to address a rational commonsense way to the long overdue problem of unfunded mandates. What this vote means is that Senators are willing to start voting on key issues related to this legislation. We will get on with the business of 30 hours of debate, debate on amendments that are germane to S. 1, debate on the specifics of the bill, debate, if you will, on what S. 1 is all about, which is unfunded Federal mandates.

Yesterday, Mr. President, as you know, we discussed for a number of hours education standards and abortion clinic violence—very important issues. But S. 1 is simply about unfunded mandates, and it is time to focus our attention on this very important issue.

S. 1 has two simple concepts: First, the National Government should know and pay the costs of mandates before imposing them on State and local governments.

Second, the National Government should know the costs and the impacts of mandates before imposing them on the private sector.

I support the decision of majority leader, BOB DOLE, to have this cloture vote. Senators on the other side, as has been pointed out, say that Republicans are rushing this bill; that we are moving too quickly; that we have not had a full debate; that there are serious issues to resolve. But Governors, mayors, and county commissioners believe the opposite is true. They say Congress has taken too much time and mandated and forced them to raise local taxes and cut local services and raise property taxes too much. I agree. I know from personal experience as a former mayor what unfunded mandates do. Federal mandates divert scarce local resources to Federal priorities, not local priorities. Mandates raise property taxes.

Ben Nelson, a successful Democrat Governor of Nebraska, I think summed it very well when he said:

> I was elected Governor, not administrator of Federal programs for Nebraska.

I also know from personal experience as a Senator the difficulty of passing reform legislation. I know the months spent last year trying to craft a bipartisan bill and then to see the delays that kept last year's bill from coming to the Senate floor, the effect that nongermane amendments had in preventing that bill from coming to the floor and being voted on.

I know the efforts I extended to seek what ought to be routine Senate approval of committee amendments, many offered by Democrats, that were all adopted unanimously by the committees. But as late as last night, we could not get agreement to adopt the remaining committee amendments.

I know the Senators I have talked with this week encouraging them to bring their amendments to the floor so that we can debate them so that we can vote on them. But I know there are many side issues that have been at play and situations. These are important issues all on their own, but debating those issues only slows down the effort to put in place a process to identify the costs of mandates and have Congress pay for them.

So it is time to move ahead and to focus debate on S. 1, a dynamic and fundamental change in the process of reestablishing a working partnership with our States and localities. S. 1 is bipartisan legislation. S. 1 is supported in this body and in the House of Representatives. S. 1 is supported throughout the Nation. The adoption of S. 1 can serve as a launching pad for other bipartisan legislation in this Congress and, therefore, Mr. President, I urge Senators to vote for cloture on S. 1.

I yield back the remainder of my time to our side.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time remains on the debate prior to the vote?

The PRESIDING OFFICER. The Senator from West Virginia has 15 minutes.

Mr. BYRD. And the other side has?

The PRESIDING OFFICER. It has 6 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, first let me compliment the managers of the bill on both sides, each manager, both managers. They have been very courteous, very understanding, and I have been impressed by those managers.

This cloture vote, may I say to my friends on both sides, is nothing but a blatant attempt to shut the minority out of the chance to amend this legislation. That is right, I say to the Senator from New Mexico. Just as there was an attempt to shut the minority out of offering their views in both the Budget Committee and the Governmental Affairs Committee, now we see the same tactics employed on the Senate floor.

There is a supreme arrogance about operating in this manner. We are being told by the majority: Do it our way or it will not be done at all.

This is a massive, complicated bill. There are major questions about its impact on the private sector, about its impact on the consideration of future legislation in terms of points of order, its possible cost, the ability of the Congressional Budget Office to make the required estimates, constitutional questions, and agency bureaucrats making decisions that elected officials ought to be making.

The people need to hear these things debated, and we Senators have a responsibility to make sure that this legislation is understood, not only by the American people but also by ourselves. How can we serve the people if we give up our right to debate and amend? We came here to represent our constituents. How does one serve those constituents if one simply acts like a doormat, if the minority acts like a collective doormat when it comes to the thorough consideration of legislation?

I for one cannot be a party to this slam-dunk process. I may vote for the legislation in the final analysis. I do not have any doubt that it will pass overwhelmingly at some point when it is fully debated and we have had an opportunity to amend it. I do not have any doubts that it will pass, but there are problems with this bill and those problems need to be addressed. Blind justice may be fine, but blind legislating is dangerous. And with this type of rush, this rush agenda, make no mistake about it, we are flying blind.

I hear a lot of talk about the so-called Contract With America. Well, apparently there is a lot of fine print in that contract that somebody around here does not want to read. They want to rush it through. Do not read the fine print. The American people need to know what is in that hard-to-read fine print, and the American people's elected representatives in the Senate and House need to know.

I wish to know a great deal more about this bill before I cast my vote on it. Let us put some sunshine into this process by allowing amendments and full debate on those amendments. Let us not pull down the blinds, slam the doors, and shut the American people out of the debate. They have had enough of the arrogance of power. They do not want any more of daddy knows best. That is the attitude from Washington, DC, the daddy-knows-best attitude. The American people do not want that.

When the minority is denied their right to question, to amend, to debate, then the American people are being denied their rights as well. I have stood for the rights of the minority heretofore, as Senators will know, when I was in the majority and when I was in the minority. And when the minority is denied that right to question, to debate, and to amend, then the American people are denied their rights as well. They are being denied their right to have important legislation thoroughly debated and debugged and made better.

That is all that we in the minority are asking. The Senate is the only place where that kind of careful consideration can occur, but the procedure of ramming legislation through the committees and through the Senate is the very antithesis of what the Framers and our earlier forebears in this Senate had in mind when they crafted the concept of a Senate with unlimited debate.

Mr. President, I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. And the Senator from Idaho has 6 minutes.

Mr. KEMPTHORNE. Mr. President, I yield 3 minutes to the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I wish to thank the Senator who is managing this bill for the outstanding job he has done. I once again commend him not only for the management but for his leadership.

Mr. President, I have great respect for the institution of the Senate. Perhaps at this point in time I have too much. Some people would say that I really like the Senate and I like what it does and how it operates. Well, I do. But I say to my good friend, Senator BYRD, if we are operating blind, it is not the fault of the majority. We have been on this for the fifth day. If we are still blind, somebody is causing us not to get to the issues.

I submit that the majority leader filed this petition because we have been sidetracked. If the last election meant anything—and I do not purport to be one who knows what it meant in great detail—I think it meant a few things, and I believe honestly it meant that the American people would like to see us get our job done and not to delay and dillydally around when we know we ought to do something.

Now, that is what the majority leader's petition for cloture is all about. I believe the issues raised by my good friend from West Virginia, which he just cited, are important issues. I submit they could have already been discussed.

Five days on the floor of the Senate, and I will not recap what we have done, but I believe it is time, No. 1, that we stop the plethora of amendments floating to the floor here. The staff and Senators are bringing them up in bushels.

If we do not impose cloture, the 123 that we have will soon be 250. I would be surprised if very many of them, I say to my good friend, have anything to do with what the Senator states bothers him and should bother the American people. They are on all kinds of issues. I think our people, the mayors, the Governors, the county commissioners, and everyone they represent know that is undue delay, to just offer amendments on any subject under the sun on a clear-cut proposal that deserves debate.

How much debate? How many amendments? We are totally recognizing the minority rights. Some of us have been more times than not on the minority side. We are merely urging that we get on with the bill.

If the cloture does not pass, I hope we have sent a signal. And perhaps by the minority side's own analysis, maybe you have received a signal. Maybe you all want to get on with this bill. Maybe my friend from West Virginia is saying that when he says we deserve the right to tell the American people.

Do we deserve the right to tell the American people about small business and businesses that cannot collect sales tax because they are in some kind of catalog business? Do we deserve the right to have that debated on this bill? I think the Senate has the right to say we are not going to do that.

That is what this debate is about. Get to the point. Get your amendments if they are relevant. Come to the floor and let us get the questions answered. How much time do we need to get this bill analyzed and answered? We have already had enough. We ought to have cloture today. If we do not get it today, then we are going to get it pretty soon. And sooner or later, we are going to pass this bill by an overwhelming majority, and that point should be made. When that is the case, we are just causing delay because it is going to pass by a lot of votes.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, does this Senator control time?

The PRESIDING OFFICER. The Senator from West Virginia controls the time.

Mr. BYRD. Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think it was only about 100 days ago, as I recall, that we were on the floor and the shoe was on the other foot. We were trying desperately to get something through and there was a scorched-earth policy on the other side and everything that came up attracted amendments like flies to honey and so bogged things down with supernumbers of amendments and filibusters and we could not get anything through.

I submit this. The congressional coverage bill and the S. 939, which is this bill expanded a little bit, were ready for floor action. We could not get them out and get them taken up because there were authorization and appropriations bills that still had to be dealt with. So we put them over to this year.

What happened this year? Well, what happened in committee the other day was: We submit the bill in committee 1 day, we want markup the next day, and passage on the floor the next day. We tried in the committee to make amendments to the bill—good amendments, substantial amendments, genuine things we had concern about—and we were told no, we cannot have that. We will have a party-line vote—and we did. They came out as party-line votes on a number of amendments and we were told that, no, we will take those up on the floor. We will be able to take up any amendments on the floor.

What happens when we get to the floor? There is no report along with this. We tried to vote that in committee and get a report. We could not get it. Senator BYRD, to his credit, brought this up on the floor and insisted that we have it. That delayed this. It delayed things for quite some time.

We have not been the only ones delaying things. I submit the amendment of Senator GORTON yesterday afternoon took up about, what, 3, 3½ hours, I believe. So that was on the other side of the aisle, as far as the delay goes.

When we came out on the floor, then I—I am a sponsor of this bill. I am part coauthor of this bill. Parts of it, S. 993, we worked on last year. So I am a proponent of this. I want to see this get through. But when we say we are going to put things on such a fast track that all the rules are going to be set aside and we are somehow going to just bring this out on the floor and we will all agree to it, we cannot accept that over here. I think due process on something that is changing——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I yield the Senator 1 more minute.

Mr. GLENN. When we have something as important as this bill, which I think is truly landmark legislation—this starts defining the new relationship that is going to exist from here on, as opposed to what has existed since the days of Franklin Roosevelt and the Federal programs that came in when local communities and States could not take care of their own problems. That set of rules and that set of legislation that has gone through all these years now is going to be reversed.

Will the States pick this up? Will they pick up the responsibilities they either did not or could not assume at this time? I think we have to see on that. But this is the first piece of legislation that really starts defining that new relationship, and as such it is going to be effective for a long, long time. I think to hustle it through because somebody set an artificial 100-day limit or whatever it is, I think just is not realistic.

I hope we will not vote cloture so we can consider this bill and make it as good as we possibly can. It is going to be around for a long time, affecting Federal-State relationships for a long period of time.

I thank my friend from West Virginia for yielding time.

The PRESIDING OFFICER. Who yields time?

The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield 1 minute to the chairman of the Governmental Affairs Committee.

Mr. ROTH. Mr. President, as chairman of the Governmental Affairs Committee I want to urge my colleagues to support the cloture motion. I cannot emphasize too much how critically important this legislation is. What the American people want is action and not merely talk.

Let me point out, as far as this piece of legislation was concerned last year, 993 was not held up by the then-minority side. It was a fact that amendments were offered from the majority side, amendments that were not relevant to the legislation before us that prevented consideration of this bill. In fact, the then-minority sought unanimous consent that this legislation be considered without amendment, but that proved impossible because of the action on the other side.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. KEMPTHORNE. Mr. President, I yield another 30 seconds.

Mr. ROTH. But, as I was saying, the important thing is for us to move ahead. The public, I might say every level of State and local government, have supported this legislation and have asked that we enact this legislation as quickly as possible, without major change. This is true of the Governors' Association, the legislatures, the mayors, the county commissioners.

Mr. President, I urge we act on this legislation and for that reason I hope cloture is voted in the immediate future.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BYRD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, Senate rules do not require that amendments be germane except under rule XVI dealing with appropriations bills. We are hearing all this hue and cry the last day or so that some of the amendments are not germane. I hope Senators will continue to offer amendments that they feel will improve the bill, remembering that amendments that were not germane have been offered many times by those now in the majority when they were in the minority. There is no Senate rule against nongermane amendments, except under cloture, under rule XVI, and when barred by unanimous consent.

Mr. President, I have no doubt we will see a solid party-line vote on my right. Our Republican friends are going to vote solidly. If minority rights mean anything in this body, I hope that the minority will stand up for its rights. We are in the minority and the American people—talk about what the American people want—the American people want to know what is in this bill. They also want their Senators to know what is in the bill. They want their Senators to take the time to understand it.

We are not up against a fiscal year deadline or an adjournment sine die or a deadline that the debt limit has to be raised. This is not an emergency bill. It does not provide moneys for earthquakes or other disasters. This is a bill that is up here on the 19th of January and we have all this rush to go to immediate judgment.

What is in the bill that the majority is afraid of? Why not put it under the microscope? Why not give it the strongest scrutiny? That is what we owe to the American people. We also owe it to ourselves.

So, Mr. President, I am not concerned about a Contract With America. Here in my hand is my contract, the Constitution of the United States. And I have some constitutional questions about this legislation.

Our forebears in this Senate did away with "the previous question." They have provided for us, since the year 1806, no "previous question" in the rules, no immediate shutting off of debate.

We have the cloture rule and we are given an opportunity to shut off debate. I hope we will not shut off debate on this measure until we can have some votes on amendments that the minority feels are important. We have that right and we ought to demand it.

I know that my good friend on the other side——

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BYRD. I will take 1 more minute. I know the majority leader on the other side, BOB DOLE—he is my good friend. I am fond of him. But he probably thinks we are going to fall apart here in the minority. We have a duty to stand up for the rights of the minority and the rights of the American people to understand what is in this legislation before we buy into it.

I hope every Member of the minority will show some guts and stand up for the people's right to know. That is what this is all about. What is all the rush? We have plenty of time.

It is only the 19th of January. Let us take the time to understand what we are voting on.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia has 37 seconds and the Senator from Idaho has 27 seconds.

Mr. KEMPTHORNE. Mr. President, in summation, may I just say that this vote on cloture does not close off debate. It says we will now have 30 hours of debate but the amendments will pertain specifically to the legislation before us. That is what the American people would like. They would like us to deal with unfunded Federal mandates. Our partners are in the public and private sector. There would be 30 hours of debate on amendments specific to S. 1. That is what the American people are asking for. We are prepared to deliver.

I yield the remainder of my time.

Mr. BYRD. Mr. President, this bill does not even take effect until next January. Why can't we take a few more days here and have a closer look at this legislation that is included in the so-called "Contract With America?" I may favor the final bill. It does not take effect until January. We have plenty of time, and if the minority has any spine, any steel in their spine, and fire in their bellies, they will stand up against this effort to stampede and run over the minority. It was done in the committees. It is being tried on the floor. Now is the time, Mr. President, for the minority to take a stand on behalf of the people's right to know.

I thank all Senators.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the question is on agreeing to the amendment of the Senator from Michigan, amendment No. 143. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Johnston

So the amendment (No. 143) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Democratic leader.

Mr. DASCHLE. What is the pending order of business?

The PRESIDING OFFICER. Under the previous order, we would go into the cloture vote.

Mr. LEAHY. May we have order, Mr. President, so the Democratic leader can be heard?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. DASCHLE. Mr. President, I would like to use a couple of minutes of my time, if I could, to talk about the pending vote.

Mr. DOLE. Mr. President, may we have order, so the distinguished leader can be heard?

The PRESIDING OFFICER. Senators will take their seats.

The Senate is still not in order.

The Democratic leader.

Mr. DASCHLE. I thank the Chair.

Mr. President, I will not delay the vote very long, but I want to make a couple of points, if I may.

The vote that we are about to cast is not a vote on the bill, nor is it a vote on a filibuster. There is no filibuster occuring at this time. In fact, many of us on this side of the aisle support the intent of this legislation and very much want to work with our colleagues on the other side in an effort to achieve a resolution to this bill at some point in the not too distant future.

There essentially are two issues that relate directly to upcoming vote. The first issue relates to the process of considering this bill.

There appears to be a rush on the part of the Republicans to pass this legislation. It was rushed through committee. Amendments offered by Democrats were defeated on a party-line vote. We were told in committee, both in the Budget Committee as well as in the Committee on Governmental Affairs, that we would have the opportunity, ample opportunity, to consider amendments here on the floor. And thus the bill was rushed through two committees in the course of a few days.

The bill was then rushed to the floor. Despite objections by our Democratic colleagues, the decision was made by the Republicans not to file committee reports. Ultimately, reports were filed after the fact, once the bill had been brought to the floor. Now, we are about to vote on cloture, having only disposed of three Democratic amendments.

And, I might say, those amendments were agreed to overwhelmingly. I do not know that there was a negative vote on any of the amendments that were offered on our side. There was one nongermane Republican amendment on which we spent more time than all of the three Democratic amendments put together.

Yesterday, I offered to the distinguished majority leader a list of specific amendments, a finite list of amendments, that we would like to have considered. We discussed the possibility of considering his list and our list. Despite our efforts to reach an agreement, and, as is his right, he chose to go forward with the cloture petition we are voting on today.

The problem is simple. If cloture is invoked today, there are many Democratic amendments, relevant amendments, amendments that ought to be considered, amendments that in good faith we have offered in committee and again now on the floor, that we will not be allowed to offer. I am very concerned about that.

Under this bill, as it exists, future legislation designed to protect people from age discrimination could be held up by the procedures established by this bill. We have had assurances from the other side that they would like to correct this. Yet the distinguished Senator from Michigan has tried now on several occasions to correct it, to no avail.

The distinguished Senator from Ohio, the ranking member, would like to offer a substitute. If cloture is invoked today, he will not even be allowed to offer a substitute—a bill that is very similar, if not identical, to the bill that was passed on the floor last year.

If cloture is invoked, we will not have the right to offer relevant amendments that, in some cases, may not be germane to the bill. We do not know.

As every Senator knows, there is a difference between relevancy and germaneness. There are a number of relevant amendments that will be precluded from consideration by the Senate if cloture is invoked. That is the first issue.

The second issue is a much larger one. The second issue relates to something our Republican colleagues certainly appreciate, and that is the rights of the minority—the right to be heard, the right to offer amendments, the right for them to be considered as we raise these issues one by one on the Senate floor. That issue is at stake here today.

All we want is an opportunity to be heard and for our amendments to be considered in a meaningful way. That is all we are asking.

Again, let me reiterate, this is not a filibuster. Ultimately, I hope that on a bipartisan basis, we will have a vote on this bill. I hope our colleagues on the other side of the aisle will take into account our sincere intention to proceed ultimately to a vote on this bill, vote "no" on the cloture motion, and allow us to offer our amendments.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Was leaders' time reserved?

The PRESIDING OFFICER. It was.

Mr. DOLE. Mr. President, I appreciate what the distinguished Democratic leader has had to say. It may not be intended to be a filibuster, but this is their 5th day. We spent 5 days on the bill before that that took the House 1 hour and 20 minutes to pass on congressional coverage. That was not intended to be a slowdown either, but we had all these amendments.

The next amendment is not germane. It has to do with catalogs; nothing to do with unfunded mandates. It has nothing to do with this bill, but we will spend probably 2 or 3 hours on that.

We spent about 4 hours yesterday on violence at abortion clinics. Nobody quarrels with that, but it has nothing to do with this bill. We spent most of the afternoon either in recess or negotiating what to do with that amendment. It was not germane, not even relevant to this bill.

I am a very patient person. Of course, you have to be a little patient in the Senate, because there are certain things you cannot do. You cannot just say, "Well, that's it. It's over. Move on to something else."

We have a letter signed by a number of Governors supporting the cloture motion today. They know what is happening. The American people know what is happening.

We are on the 11th committee amendment. Generally, it is routine to adopt all the committee amendments. We are on No. 11. We have had votes of 99 to zero, 98 to 1, wasting time with votes of this kind on amendments that ought to be accepted. Anything to take up time. Anything to delay this process. A bill that everybody supported on that side of the aisle last year suddenly has become very controversial because we have had a change of management, apparently.

But I notice that Governor Dean from Vermont, Governor Thompson, and Governor Nelson of Nebraska all suggest that we ought to move ahead with this bill and support the vote on cloture.

Mr. President, I ask unanimous consent that that letter be made part of the RECORD. It is signed by at least 20-some Governors in both parties.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL CONFERENCE OF STATE LEGISLATURES, INTERNATIONAL CITY MANAGEMENT ASSOCIATION, NATIONAL GOVERNORS' ASSOCIATION, NATIONAL LEAGUE OF CITIES,
January 18, 1995.

To Senators Not Cosponsoring S. 1, The Unfunded Mandate Reform Act of 1995:

We are writing to urge your support for S. 1, legislation that will relieve state and local governments from the burdens of future unfunded federal mandates. As you know, the bill is pending on the Senate floor. The first few days of consideration have been plagued by parliamentary delaying tactics and ongoing, unlimited debate. To expedite action on pending amendments and final passage of S. 1, Senate Majority Leader Bob Dole filed a motion to invoke cloture on January 17 and a vote is expected on January 19.

As the elected leaders of State and local governments, we strongly urge your support for the Senate Majority Leader's motion to invoke cloture to allow Members to proceed with consideration of amendments and final passage of S. 1, Senator Dirk Kempthorne's mandate relief bill.

Again, thank you for your support. The collective members of our organizations stand ready to assist you in any way we can to ensure the immediate passage of this important legislation.

Sincerely,

Howard Dean, M.D., Governor of Vermont; Chairman, National Governors' Association.

Tommy G. Thompson, Governor of Wisconsin; Vice Chairman, National Governors' Association.

George V. Voinovich, Governor of Ohio; Co-Lead Governor for Federalism, National Governors' Association.

E. Benjamin Nelson, Governor of Nebraska; Co-Lead Governor for Federalism, National Governors' Association.

Victor Ashe, Mayor of Knoxville, Tennessee; President, U.S. Conference of Mayors.

Norman B. Rice, Mayor of Seattle, Washington; Vice President, U.S. Conference of Mayors.

Richard M. Daley, Mayor of Chicago, Illinois; Chair, Advisory Board, U.S. Conference of Mayors.

Jane L. Campbell, Assistant Minority Leader, Ohio House of Representatives; President, National Conference of State Legislatures.

James J. Lack, Senator, New York State Senate, President-Elect, National Conference of State Legislatures.

Michael E. Box, Representative, Alabama House of Representatives; Vice President, National Conference of State Legislatures.

Carolyn Long Banks, Councilwoman-at-large, Atlanta, Georgia; President, National League of Cities.

Gregory Lashutka, Mayor of Columbus, Ohio; First Vice President, National League of Cities.

Sharpe James, Mayor of Newark, New Jersey; Immediate Past President, National League of Cities.

Randall Franke, Commissioner of Marion County, Oregon; President, National Association of Counties.

Doug Bovin, Commissioner of Delta County, Michigan; First Vice President, National Association of Counties.

Michael Hightower, Commissioner of Fulton County, Georgia; Second Vice President, National Association of Counties.

Carl S. Nollenberger, Chief Administrative Officer, Duluth, Minnesota; President, International City and County Management Association.

Mr. DOLE. Now, I assume that if it is a party-line vote, we will not get cloture. Maybe not today; maybe not tomorrow; maybe not Saturday. I do not know when we will get cloture.

If the other side of the aisle, the minority, is sincere about amendments, why not give Members a list? We were negotiating yesterday about 38 amendments. We got a list last night of 78 amendments. We thought we were going to cut them down. We doubled it, and added two for good measure. There are 117 amendments filed at the desk, and there has been cloture invoked.

We can do trimming on this side, too; we have too many amendments, 30. That is a total of 108 amendments. The way we are grinding along, we would not finish this bill before the Easter recess, or there would not be any Easter recess. Nobody is in a hurry to pass this bill. They do not want to do it before the President gives a State of the Union message.

I say, Mr. President, we have been trying to be helpful on Mexico, and we have heard a lot of silence on the other side of the aisle. But Mexico comes up right after unfunded mandates, after it is completed, if it is a week from now or 2 weeks from now. That is up to the President of the United States and the Democrats in Congress. Maybe it is not important to anybody there. This is important to the President, and we have made a commitment to the President to try to be helpful.

However, it is fairly difficult for me to stand here as a Republican leader to try to help the President of the United States and the other party, when the other side in this Chamber has done everything they can to prevent a vote on unfunded mandates.

Call it what you will. I have learned a lot about delay. In fact, we taught a course in the last 2 years. We got A's, good grades. We stopped a lot of things. So I am not here to suggest we should not do it, because we have not used the rules, because we have. I have learned—I forget most of it—but everything I learned, I learned from my friend from West Virginia, Senator BYRD. He knows more than all of us put together, which is dangerous, in a way. I asked him for advice before I talked to him. Can I do this or can I do that? I do not want to be embarrassed, and I know he would not do that.

In any event, I just suggest as the Republican leader that I know that we want to accommodate our friends on the other side of the aisle. So if there is an effort to give Members a real list of relevant amendments, maybe we can do business. But do not give me a list of five amendments for this person, five for this person, everybody take five. We had 78. Give me a list of relevant amendments, relevant to this bill, and germane amendments. I bet they would not total over 15 or 20. We will do the same on our side of the aisle, and maybe by 2 or 3 p.m., we will have it down to 30 amendments. Then we might do business. But not with 100 or some.

We may never get cloture, but we will continue to try. Maybe the Governors and the mayors and the county commissioners and the taxpayers of America will understand, maybe not today, maybe not tomorrow, maybe not next week, but sooner or later, we need to pass this bill. There are not that many amendments. We will have every nongermane, nonrelevant amendment anybody has ever thought of. They are cleaning out their wastebaskets trying to find amendments.

We are prepared to do business. We urge our colleagues on both sides of the aisle to support this cloture motion. That will reduce the number of amendments drastically, but they would all be relevant. They would all be germane to this bill. They would be important amendments. We will probably spend an hour and a half or 2 hours on the catalog amendments. We spent an hour last night. It has nothing to do with this bill. So we are a little bit frustrated. The American people are frustrated.

We promised the American people we would listen to them, and we have not listened to them. We listened to everybody else. The American people want Members to pass this bill. The Governors, Democrats, Republicans, mayors, commissioners, you name it, want the Senate to pass this bill. We are not going to do it because the minority party says, "No, we don't want to do it." There is no hurry; we do not normally do work in January.

This is not a normal year. We are trying to deliver on the message the voters gave us last November, all of us on both sides of the aisle; not just Republicans.

However, if we are thwarted from our effort to deliver, they will not blame us. So we will stand here every day, at every opportunity, and tell the American people why we could not pass unfunded mandates. Two days would have been plenty for this bill; 2 days.

So I hope we will invoke cloture and move on to pass this bill, and then try to accommodate the President's wishes on Mexico, and following that, the balanced budget amendment.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Don Nickles, Connie Mack, Trent Lott, Thad Cochran, Alfonse D'Amato, Al Simpson, Strom Thurmond, Pete Domenici, Ted Stevens, Bill Cohen, Christopher S. Bond, Frank Murkowski, Jesse Helms, Spencer Abraham, Bob Smith, Larry E. Craig, Mike DeWine, and Bill Frist.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill, S. 1, the unfunded mandates bill, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Louisiana [Mr. JOHNSTON]. If he were present and voting, he would vote "no." If I were permitted to vote, I would vote "yea." I, therefore, withhold my vote.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Louisiana [Mr. JOHNSTON].

If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Rhode Island would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski

Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—1

Johnston

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, as an original cosponsor of S. 1, the Unfunded Mandate Reform Act, I rise in strong support of this legislation.

The unfunded mandate reform bill is not only important in its own right, but it is also important to ensure that the balanced budget amendment to the Constitution—an amendment which I believe will be approved by the Senate and House of Representatives in the coming weeks—will be implemented as the American people intend.

The ideal balanced budget amendment would do more than just require a balanced budget. It would, in my view, limit Federal spending as well as the ability of the Federal Government to impose unfunded mandates.

As the Washington Times editorialized recently, "the real problem," referring to the budget deficit, "is lawmakers' dipsomaniacal spending habits. This is what we must control, one way or another." The Times went on to note my balanced budget/spending limitation amendment Senate Joint Resolution 3, which includes an explicit spending limitation, saying, "this version has obvious appeal—it is simple and straightforward," and, as such, that "a spending limit may do the job better than a tax limit."

Mr. President, I would assert that a spending limit is more than just "simple and straightforward." Whether or not a spending limitation is included in the balanced budget amendment, the only way to comply with a balanced budget requirement will be to limit Federal spending.

Some will no doubt argue that tax increases must be part of the solution. But I believe that, if they were, the budget would be balanced by now. We have had record-setting tax increases in 1990 and 1993. The cold fact is, however, that tax increases do not work—will not work—because tax increases ultimately change people's behavior. Higher tax rates discourage work, production, investment, and savings, so there is less economic activity to tax and less revenue than expected to the Treasury. Lower tax revenues, on the other hand, encourage people to work, produce, save, and invest, so more revenue flows to the Treasury as a result of increased economic activity.

As pointed out in a column which appeared in the Wall Street Journal in March 1993 by W. Kurt Hauser, a member of the board of overseers of the Hoover Institution, "no matter what the tax rates have been, in postwar America tax revenues have remained at about 19.5 percent of gross domestic product." Hauser went on to write that, "if history is any guide higher taxes will not increase Government's take as a percentage of the economy."

Hauser's observation is borne out in President Clinton's last budget, which reported revenues fluctuating around a relatively narrow band of about 18 to 20 percent of GDP for the last 40 years. That is despite tax rate increases and tax cuts, bull and bear markets, and Presidents of both political parties.

Over that same period, Federal spending has risen from 17.8 percent of GDP in 1955 to more than 23 percent in 1991 and 1992, and now stands at about 22.5 percent.

It is Federal spending that is the problem. Congress spends too much, and it will never be able to balance the Federal budget until it constrains spending. With that reality in mind, I believe the ideal balanced budget amendment to the Constitution ought to include an explicit spending limitation.

We will have that debate in the coming weeks. I suspect that the votes aren't there for an explicit spending or tax limitation in the balanced budget amendment, but as legislation to implement and enforce a balanced budget amendment is considered in the months ahead, I will vigorously pursue the issue.

Today, however, we are considering a second component of what it would take to implement what I consider to be the ideal balanced budget amendment. S. 1 represents the first step toward resolving the problem of unfunded Federal mandates. Without such legislation, a balanced budget amendment might merely encourage Congress to shift the burden of programs and policies it is unable to fund to State, local and tribal governments, as well as the private sector. That shifting of the burden is not what the American people intended when they overwhelmingly voted for change—and less government—last November.

Mr. President, I said that S. 1 represents a first step, a first step because it only applies to future mandates. It does not address the problem of existing mandates, which already impose a significant burden on State, local and tribal governments and the private sector. And, it is the burden of existing mandates that has so enraged the American people. I believe they care less about this Congress relieving them of future mandates which we have yet to conceive of or impose, than they do about relieving them of the burden they currently bear, the morass of Federal mandates and regulations that are strangling our economy.

According to the Clinton adminstration's own National Performance Review, the cost of private sector compliance with Federal regulations is at least $430 billion a year, or 9 percent of our GDP. Other economists believe the regulatory burden imposed on the private sector and State, local and tribal governments is between $500 to $850 billion per year, more than the amount collected in personal income taxes in 1994. Add to that the indirect and cumulative productivity losses from Federal regulations, and the annual costs could double.

Let me talk for a moment about some of the existing mandates, which are discussed in a superb report prepared by the Goldwater Institute in Arizona, a report aptly titled, "Summary Orders from Distant Gods." Dr. Douglas Munro, in a preface to the Institute's report, characterized the problem of unfunded mandates very succinctly: that Federal mandating is rooted in the idea "that the Federal Government's solutions to all problems are preordained to be superior to others." They are not.

In Arizona, for example, the Salt river is fully regulated and monitored—at State expense—to be in compliance with standards set by the Clean Water Act for fishing and swimming. That is despite the fact that the Salt River is usually dry for 50 of the 52 weeks of the year, and when it's running, people do not fish or swim in it.

Citing testimony before the Arizona State Legislature by the president of the Water Utility Association of Arizona, Paul Gardner, the Goldwater Institute reports that as many as 200 to 500 small water businesses in the State are expected to go bankrupt over the next 5 years as a result of the costs of testing for contaminants which are very rarely present. The director of the Arizona Department of Environmental Quality, Ed Fox, further testified to the problems faced by small water companies under the Safe Drinking Water Act [SDWA], noting that those small companies must test for an additional 25 or so EPA-selected pollutants every 3 years, regardless of whether or not any pollutants are ever found as part of the regular testing process.

But, the access by those small companies to the funds necessary to conduct such testing is severely limited.

According to Goldwater Institute data, the State of Arizona will pay at least $184 million in direct, unfunded mandate costs. Add to this the $693 million that the State will spend to secure matching grants and the $145 million in maintenance of effort requirements, and the result is about $1.2 billion, or 15 percent of Arizona own-source revenue is directly tied to Federal directives.

Probably the largest portion of costs to the State of Arizona—49.5 percent of the total—are associated with the provision of services to, or incarceration of, undocumented aliens. This, of course, is not the result of a Federal mandate per se, but rather the Federal Government's failure to adequately perform its responsibility to control the Nation's borders. That, in effect, has the same effect as an unfunded Federal mandate. That the Federal Government does not do its job foists additional costs on other levels of Government to fill the gap.

According to the National Conference of State Legislatures [NCSL], there are now 192 operative legislative mandates, an all-time high. The overall cost of mandates to the State, local and tribal governments is hard to pinpoint, but a report by the NCSL put estimates at between $15 and $500 billion. Price-Waterhouse reports aggregate fiscal year 1993 costs for just 10 mandates—mainly environmental—at over $54 million for just the 4 Arizona cities of Gilbert, Phoenix, Scottsdale, and Tucson.

I would emphasize, as the Arizona Republic did in a January 11 editorial, that resolving the problem of unfunded mandates does not "mean, say, that environmental regulations would not be approved. Just that Congress will have to prioritize its spending to fund them."

Most of what S. 1 addresses relates to mandates imposed on State, local and tribal governments, but the burden of unfunded mandates is borne by the private sector as well. S. 1 merely requires reporting of the costs to the private sector of future mandates. It does nothing to make it harder for Congress to impose future mandates on the private sector except document their cost, nor does it require the Federal Government to help offset their cost.

That is why I believe S. 1 really represents just a first step. It is what is doable now, but bolder steps must follow to satisfy the public's demand for real change, for relief from the crushing burden of Federal mandates and regulations.

If the Federal Government's solutions to problems were indeed superior, then the Federal Government should be willing to back those solutions, those mandates—future as well as existing mandates—with the funds to implement them. That Congress has not, at least until now, been willing to fund the mandates it imposes on State, local and tribal governments, or the private sector, illustrates that either Congress has found a convenient way to elude budget constraints while still imposing its will on others, or that it does not believe the mandates are important enough to back them with Federal dollars.

Responsible budgeting is a matter of prioritizing. If the functions that the Federal Government mandates on others are truly important, then they should be of high enough priority to warrant a commitment of Federal funds to pay for them. Congress and the President must be constrained in the amount of taxpayer dollars they are able to commit, either directly or indirectly in the form of unfunded mandates. That is the essence of responsible budgeting, and indeed responsible government.

Mr. President, we should support S. 1 now and immediately go to work to protect the private sector from Government mandates and determine effective ways to end inappropriate existing mandates on State, local and tribal governments and the private sector.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to make a couple of comments about some of the discussion that was held prior to the last vote on the floor of the Senate. I am uncomfortable leaving that discussion where it was left.

It is interesting how, in the Senate, two different views of the same picture produce two different descriptions of where we are. This is a very important piece of legislation. Reforming unfunded mandates is not a small undertaking. This bill, which would substantially change the way that the Congress has behaved in recent decades, is not a small issue or a small matter.

Many of us believe that this legislation should move forward. And it will. It will with the votes of many of us on the Democratic side of the aisle, I am convinced. But we are told that at this moment on this side of the aisle Members are engaged in tactics to delay, to stall—dilatory tactics, some say.

Let me again review where we are and why. It is the intention of some to move this legislation very, very quickly for their own reasons. The Committee on Governmental Affairs had a markup on this almost immediately when Congress reconvened. We were told in the committee that it was the intention of the majority to move this legislation to the floor without substantive amendments—and they did that. The majority assured us that amendments could then be offered on the floor. But S. 1 came to the floor from two committees, and the committee reports that were appropriate to go with the bill were not made available.

The Senator from West Virginia very properly indicated that they ought to be made available and that we ought not consider this legislation until they were. Dilatory? Hardly. He was simply asking for the sort of information we would expect as legislators.

When the reports were made available, a good many of us had amendments available to be offered on the floor of the Senate. Have we been able to offer those amendments? No, unfortunately not.

It seems to me that we will break this impasse when those who bring this legislation to the floor say all right, we are ready to entertain your amendments. Offer them, debate them, and let us vote on them. Those are the assurances we were given in the committee when this legislation moved out of the committee.

I know some who have responsibility to run the train want the train to run on time. But others who are on the train want to understand which train it is, which track it is on, and where it is heading. These days, with all the reform ideas and new ideas, and, yes, some nutty ideas that are bouncing around the Halls of the Congress, I think we ought to at least slow down the train enough so we understand exactly what we are hauling and where we are headed.

Will we see legislation one of these days that provides for the nutty idea of providing tax credits to the poor to buy laptop computers? If it is in legislation, I hope it comes through here slow enough so I can see it and flag it.

Or the new idea from the Heritage Foundation, that maybe we ought to charge admission for the American people to tour the Capitol? That is a novel, nutty idea—let us charge people to tour the building they own?

It is one thing to try to run the train. It is another thing to want to do things right. This legislation in my judgment is going to pass and be signed into law by the President of the United States. But I find it ironic that the ranking member, Senator GLENN, who has been one of the coauthors of this legislation, who has amendments to offer to this legislation—even the ranking member now finds that we do not have time. Gee, we are stalling because we want to offer amendments.

I have great respect for my friend, the Senator from Idaho, who I think has done excellent work on this subject. As I have indicated before, this is a meritorious subject for us to be considering. In the end I hope to vote with the Senator from Idaho because I believe in the unfunded mandates bill. In fact, I helped write some of it during the last session. Some of the language I helped write with respect to the private sector is in this bill. But I say to those who are concerned about timing, I say to those: Let us do it. Open the bill up, allow us to offer amendments, allow us to debate the amendments, and allow us to vote on amendments and we will be through in my judgment.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. DORGAN. But if the process is going to be let us do this in a way so when we offer amendments you second-degree them all, if we slam-dunk this bill—I am sorry, that is not the way this body works. Senators have certain rights. We have the right to offer amendments and we want them voted on. I would especially say on behalf of my colleague—I am sure the ranking member will say this on his own behalf—we have the right to do that and we intend to exercise that right. At the end, I think this legislation will be better legislation and will ultimately pass this Congress.

I will be happy to yield to my friend.

Mr. KEMPTHORNE. I appreciate it very much.

Mr. President, I would like to reiterate—I appreciate what the Senator from North Dakota has said and also the leadership he provided in constructing many of the provisions in this legislation, in particular helping the private sector.

But I want to assure the Senator that invitation is there. I have repeatedly been offering that invitation to please bring your amendments to the floor, let us deal with them.

One of the impediments, apparently, is we have not been able to get through committee amendments yet. But yesterday and the day before I have been calling Senators on both sides of the aisle encouraging them, saying, I know you have an amendment that affects this legislation, and while I may or may not agree with it, please bring it to the floor now. Let us put it before the desk, and let us debate it. But again there have been other impediments.

Mr. DORGAN. I appreciate that. The Senator from Idaho operates in good faith, as do almost all of our colleagues, and understands the rules very well. I was here yesterday. I could not help but hear someone complain recently about nongermane amendments. We spent 4 hours yesterday on the amendment offered by Senator GORTON on this legislation. So it is all in the eyes of the beholder.

I was also here yesterday most of the day when Senator BOXER wanted to offer her amendment and finally got it, I guess, after 10 hours. I would simply say I have a couple of amendments. I would love to offer them very soon and have a debate and an up-or-down vote. If the Senator from Idaho is willing to let me do that, let us do that this afternoon. I am willing to agree with respect to time limits on my two amendments. I expect most other Members on the Democratic side of the aisle would say yes, give us the opportunity to have our amendments brought up and debated. And we will be plenty happy to do that. I know the ranking member, Senator GLENN, wants to speak on this as well. But that is all we ask for at this point.

Mr. KEMPTHORNE. Will the Senator yield? I would just say that I will take the Senator up on that offer.

Mr. DORGAN. I will be here.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. GLENN. Will the Senator yield?

Mr. BUMPERS. Yes. I will be happy to yield.

Mr. GLENN. Mr. President, I support this legislation. I know the necessity for it, and I want to see this legislation go through. I wanted to see its predecessor last fall go through, S. 993, also. That got caught up in all the things we recall all too well of last fall when there was delay after delay after delay on the floor. And I would say, had there not been that kind of delay, perhaps we would have had time to bring up not only the congressional coverage bill that we finally got through this year, but also S. 993, and we would not have to be dealing with those matters in this particular Congress.

But more to the point right now, with all due respect, the statement was made that if cloture is invoked, we would still be able to offer amendments on the bill because we would have 30 hours of debate. But you go under a different set of rules, Mr. President. Different rules apply once cloture is invoked.

After cloture is imposed only germaneness amendments can be offered. The meaning of germaneness is not the same as you may look up in your office or look up in your home in the Webster's definition of "germaneness." The ordinary meaning of germaneness would mean "basically relevant." It has a technical meaning here in the Senate under Senate custom and Senate judgment of what that means. That is far more narrow than the word "relevant."

For example, if I were to offer an amendment to S. 1 that would expand CBO's responsibilities under the bill, which is basically what would happen if I tried to introduce S. 993, even though we all approved of that, 67 cosponsors last fall to S. 993, certainly that would not be relevant because, compared with the current legislation we are considering, S. 1, it would expand a little bit the CBO's responsibility.

So the definition under Senate rules is that it would not be germane because it expands that responsibility of the bill being considered. That would be the case if we went under cloture.

There are many Democratic amendments to this bill, ones that we wanted to offer in committee that would improve the bill and would have made it better coming out on the floor. Those were defeated in the committee by a straight party-line vote.

Let me say this. In committee I made a prediction. I said that if we did not take that up, take the relevant amendments up and try to make this as good a bill as we could to come out of committee, when it hit the floor it would attract other amendments like "flies to honey." I think that was the term I used. That has proven true in this case beyond anything that even I foresaw when I said that over in the committee room the other day.

What we have had now, this being the first couple of bills out, the congressional coverage and now this bill, S. 1, this is the first opportunity that people have to offer amendments on the floor. Under Senate rules they can offer those amendments. Cutting off debate, invoking cloture on this, would mean that a lot of those amendments would no longer be germane, would no longer be germane and could not be offered.

Ordinarily, you may say that is OK. But the problem is we were not permitted to offer amendments in committee that would have improved the bill and some of them under cloture would be ruled nongermane now. So that is the reason that I voted to not invoke cloture just a few minutes ago.

I think this has been pointed out. The message of last November, I think, can be construed in a lot of ways. I think if you ask any two people out on the streets, you are liable to get three, four, or half a dozen answers from even two people. But I think there was no message that said we wanted to return a bill that is as important as this legislation.

I have said repeatedly that I believe that this is landmark legislation. We are literally changing, starting with this bill to make the first major changes in processes that have been in place in our Government for over the last 60 years, since the days of Franklin Delano Roosevelt. In those days the communities and States had lost control of being able to control their own destiny. Communities no longer were able to really do what had to be done to take care of the people in their communities. They lost control.

So for the first time the Federal Government came in and said, if States and local communities cannot do that, the Federal Government will play a role. So a lot of the programs that have developed over the last 60 years, many of which went to excess, many of which should not have gone to the excess that they went to—and I am the first to agree with that—but they filled a role that the States and local communities were not able to fill back in those days of the Great Depression. You remember the "Okies" heading west with the mattress on top of the car or whatever. Those States and local communities could not do the job. Did the Federal role then go too far? It may have; probably did.

This legislation is landmark in that for the first time now we say that we want to start putting some of those responsibilities back to the States and local communities. They are now able to do many of these things, and we do not need to do it from the Federal level. That is an enormous change, going in an enormous difference of direction.

While I am for this bill as a way of setting up a framework to say that we in the Congress, as a first step, are forced by our procedures here by a point of order to consider the costs up front and vote on it, if the demand is made, we will be forced to take cognizance of the costs up front. And then it does not say in this legislation that we have to furnish the money or the mandate will never be there. It says we have to consider it and have an outline of the money there to vote on it. And then we can even still say by vote of the Senate, yes, States, you do it; we are not providing one nickle. But it would be a conscious up-front acknowledgment of the cost and then the vote, and we would say, yes, it is going to be good for the future of this country, for everybody, and that is it. States still have to do it. But we would be forced to take this into account up front.

That has been carefully crafted in this bill. It means that we could no longer act as in the past where we just pass something and say, States, take care of it. We are sure you guys can handle it.

There are a lot of things now the States cannot necessarily handle. There are a lot of examples of that. I gave some the other day. I live in Grandview, OH, a suburb of Columbus, a part of greater Columbus. The mayor, who was chairman of the National Council of Mayors for a while, has done a real study in Columbus. They have estimated that just 14 major environmental mandates, between 1991 and the year 2000 will cost the city of Columbus $1.6 billion, not the biggest city in the country; $1.6 billion. Obviously, if you multiply that by all the different cities in the country, there is no wonder the mayors and Governors are concerned about this whole problem.

So the point I am making is it is a mammoth problem. We for the first time are reversing the trend of the last 60 years. And the point is we had better do this very carefully in making sure that as many of these problems as can be worked out with regard to this legislation had better be worked out in advance and right here on the floor and not under the pressure of a cloture vote that would cut off debate after 30 hours.

I do not think that is fair. I do not know what the majority leader's plan would be if cloture is invoked. But one of his options is to run 30 hours right on the bill, right around the clock, and that is it. What gets in gets in and what is not gotten in at that point is out. That might be the way he would do this. I would not want to see that kind of pressure brought on what I view as landmark legislation. We were denied in committee the right to make those changes. I think technically, from the Republican side, frankly, that was a mistake because it removed the debate to the floor and did attract amendments like flies to honey, as I said in the committee room the other day. That is what happened on this particular piece of legislation.

Unfortunately, when you go under cloture, you foreclose not just the extraneous amendments, but a lot of good amendments that might not be worked in during that time period of 30 hours, which is all that is permitted after the vote.

I do not want to delay this. I want to see this legislation get through. But after having lived 60 years with the buildup of things being provided from the Federal Government, I do not think it is too much to ask that we have the opportunity, for just a few days, to make sure we work our way through this. If we do not have cloture, is it still in order for other amendments to be brought up—which I wish would not be brought up, too—but is it legal under Senate rules? Yes, unfortunately, it is.

Unless cloture has been invoked, the germaneness rule is not applicable in the Senate as it is in the House. It is the right of any Senators on the floor here to bring up whatever amendments they want to. I would rather work through it that way, even though we may have to deal with a lot of things that people consider are not germane to the bill. I would rather do that and make sure everybody is dealt with fairly and where everybody that has a legitimate concern about this bill has an opportunity to get their corrections and their amendments in. I would rather see that happen and take the extra time to do it, to make sure this landmark legislation, which literally is changing the direction or starting to change the provisions of what the Federal Government role has been over the last 60 years, is fully considered. We better do that very, very carefully, or we will find States and local communities out there still that are not able to cope with this. We will find that our first moves are not satisfactory at this. I want to do this carefully.

The rush, it seems to me, has been pushed by the fact that somebody set up an artificial 100 days to do great and wondrous things. It may be fine to try and match that to the days of the New Deal where they, too, had their 100-day priority that Roosevelt had back then. We are supposedly having another 100 days to reverse some of that.

I think we better be very careful with this, and that is the reason I did not support the move to filibuster.

I know the Senator from Arkansas has basically been waiting. I appreciate his yielding to me. I wanted to put that into context before we had any offers of other amendments.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Arkansas is recognized.

AMENDMENT NO. 144 TO AMENDMENT NO. 31

Mr. BUMPERS. If I may continue on what the Senator from Ohio was saying, I am not a signatory to the contract. I was not asked to sign it, and, of course, would not have signed it had I been asked. It does not apply to me. What applies to me is to do what I think is best for the country and to make certain that these bills are not rammed through here before people who have legitimate interest in them, and who want to improve them, have an opportunity to do so.

I have never seen a time when the Senate, for the most part, was not better served when it slowed things down and forced the Members of this body to think about it, rather than to do what was political.

Last night, the senior Senator from Maine came over and said, first of all, he did not know I was going to bring the amendment up. He said he was at home and did not know it was coming up. Let me say to the Senator from Maine and everybody else, I am not in the habit of calling people, particularly people I think are going to be opposed to my amendments, to tell them when I am going to bring up an amendment. Nobody has ever done that with me, and I do not do it to anybody else. The way this works is, you hang around here until legislation and amendments are offered, and if you have an interest in them, you go over and talk on them.

The Senator from Maine also talked about "business as usual," "gridlock," and that my amendment was "nongermane." Let me make a couple of observations on that. Surely he has not forgotten that in the 103d Congress Democrats had to file, or vote on, 72 cloture motions—72.

Senator, after the Republicans brought this place to a standstill time and time and time again last year, and you won overwhelmingly on November 8, we decided we will try it if it works that well. Maybe in the election in 1996, people will reward us.

Mr. COHEN. If the Senator will yield, I assume the Senator from Arkansas is saying he is going to engage in the delaying tactics you think brought victory to the Republicans; is that what he is saying?

Mr. BUMPERS. I am saying that we have a perfect right to offer our amendments, and we are not going to be shut out if we can keep enough discipline to keep 41 votes in the saddle.

Mr. COHEN. I would agree with that. If we had a vote on cloture, the Senator's amendment would be ruled to be nongermane.

Mr. BUMPERS. The Senator from Maine and I both know that the germaneness rule in the Senate will take down almost any amendment. The Senator from Maine thinks my amendment is not germane. Let me just cover that for a moment. The Senator might want to be seated because I am going to wax eloquent here for a while.

Mr. COHEN. Well, he is going to wax.

Mr. BUMPERS. I am going to wax eloquent. I hope the Senator from Maine will pay close attention, because what I am talking about makes eminent common sense. Last night, somebody said on the floor of the Senate: "Call your Governor and see how he or she feels about this mandate bill. If you call your Governor, your Governor will say: Please vote for the Kempthorne bill."

I have a sequel to that: Call your Governor and ask him how he wants you to vote on the Bumpers amendment. All but about eight of them will say: Please, for God's sake, support the Bumpers amendment.

Every single Republican will vote the way their Governor wants them to on the first, and not one single Republican will vote the way the Governor wants them to vote on my amendment.

When it comes to gridlock, we are pretty good students. We have watched the other side bring this place to a standstill time and time again. I do not want to bring it to a standstill. I want to vote on this. But one of the reasons I am not for cloture is—and it is not just my amendment, there are other amendments that will make this a better bill—the debate might dress it up to the point that I would vote for it. But when it comes to germaneness, how many times have you heard Senators stand on the floor of the Senate and make these great speeches about what a terrible burden the Congress places on the States, cities, and counties? Here is an amendment that would help the States to fund those burdens. It does not require a State to do anything.

So what happened? Because the Supreme Court says this is a burden on interstate commerce which only Congress can authorize, the burden of collecting the tax now falls on the person who buys the merchandise. Forty-five States have laws now obligating consumers to pay taxes on merchandise bought out-of-state.

I think the State of Arkansas collected $10,000 last year. There is not 1/1,000th of one percent of the people in Arkansas that even know that bill is on the books.

In 1992, the Supreme Court said only Congress can permit a State to require out-of-State companies to collect the use taxes on goods they ship into the State. That was the case of Quill versus the State of North Dakota. The Court said, such a collection requirement no longer violates the due process clause and, although such a requirement imposes a burden on interstate commerce, Congress has the right to determine whether that burden will be allowed.

So if Congress wants to give the States the discretion—not the mandate, but the discretion—of requiring people who ship merchandise into their States to collect sales tax, Congress can do so. That is what the Bumpers amendment will do.

Last night, the junior Senator from Maine said, "Let the States decide." She ought to support my amendment. That is precisely what I am saying—let the States decide.

Where are all these States righters now? Everybody is talking about what a terrible burden Congress imposes on the States, and here is an amendment that says we are going to give the States discretion. And this amendment will not get a single Republican vote—not one.

The sum of $3.301 billion is what the Advisory Commission on Intergovernmental Relations says this could give the States. This is the amount of money they could use to deal with landfills. I mean, after all, the 7,500 mail-order houses in this country contribute 3.3 million tons of garbage in catalogs alone. There are places in this country where it costs $100 a ton to dispose of that stuff. And what is their contribution to the State? Not one thin dime. And it is not just 3.3 million tons of catalogs. It is also those packages that your merchandise comes in. That has to be disposed of, too.

This mail-order business is growing like Topsy—$100 billion a year. L. L. Bean in Maine is the second biggest mail-order house in the country, headed for $1 billion in 1995. I am not criticizing the Senator from Maine; if I were from Maine, I would probably be making the same speech he is making.

But let me ask you this simple question: What if, instead of $100 billion of retail sales a year, these mail-order houses represented about 50 to 70 percent of all the sales in this country and not one dime of sales tax or use tax was collected? How would you educate your children? Who is going to pay the policemen, the firemen? Who is going to take care of the landfills?

Wal-Mart, KMart, they have made their contribution, to the shuttering of Main Street. These mail-order houses are making their contribution, and they do not pay anything. And my amendment does not say they have to. It simply says, "Governor, if you and the legislature think they should, you can have that right."

That is what this amendment says. It is just that simple.

Mr. DORGAN. Will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. DORGAN. As I understand it, the Senator is offering a proposal that does not involve a new tax of any kind.

Mr. BUMPERS. The Senator is absolutely right.

Mr. DORGAN. The Senator indicated, when I walked in the Chamber, that the question of whether this is a taxable kind of circumstance is not changed by anything he would propose. If someone makes a major purchase from a mail-order catalog somewhere and that item is shipped to them, they have a responsibility, under most State laws, to pay a use tax. The fact is almost none of it is ever paid and almost none of it is ever collected.

As I further understand the Senator's amendment, he is not suggesting that a State must do one thing or the other. He would simply change the law to comport with the Supreme Court decision in the Quill case that says the State will have the opportunity. This is an interstate commerce clause issue and the States are now prevented from the opportunity of making their own decision. The Senator would simply remove that prevention and say, "Give the States the right to decide." That is what I understand the Senator is doing.

I might say that I offered a piece of legislation like this in the House of Representatives when I was a member of the Ways and Means Committee. In fact, we voted it out of the subcommittee. Then it looked to me like it was snowing in July, because the mail-order catalog companies began blizzarding the country and Capitol Hill with postcards, sending postcards out, asking people to sign them and send them in saying, "This is a proposal that would increase taxes." Of course, it was simply untrue. No one was proposing that, least of all myself.

So I understand, when you raise this issue, it has not snowed yet this winter in Washington, DC, but it may because literally millions of cards can be generated quickly by those who are engaged in this business.

My own view of it is they perform a real service and many of them offer some wonderful products and the American people ought to be able to take advantage of it.

I would only view it, when they come into a State to do business, that they simply be required to subscribe to the same kinds of burdens and obligations other people who are now doing business in that State must meet every day.

So I think the Senator from Arkansas is making some good points. And I do think that we need to underscore that you are not suggesting a new tax—that has nothing to do with this proposal—nor are you requiring or suggesting the States must do anything. Your proposal simply allows the States the opportunity to make their own judgments about certain tax obligations in cases like this.

I think the Senator's proposal is very worthwhile. I might suggest, if I were writing it—and I have written one in the past—a higher threshold than $3 million which, as I understand it, is the threshold. But that is a technical issue.

The fundamental issue the Senator is raising, I think, is right on point. I appreciate the fact that he is raising it today in the Senate.

I thank him for yielding to me.

Mr. BUMPERS. I thank the Senator for his comments. He was perhaps even more eloquent than I have been and said more concisely and clearly what I have been trying to say.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. KEMPTHORNE. I appreciate the courtesy of the Senator yielding to me. My question is only procedural. Would the Senator from Arkansas be willing to enter into a time agreement at this point, with time equally divided?

Mr. BUMPERS. Not yet. I am not trying to delay. I hope to be through here very shortly. I assume that the floor manager will wish to move to table. As I said, my design is not to try to impede the unfunded mandates bill. But 80 percent of the people who walk through that door when the rollcall buzzer goes off will not have a clue as to what this amendment is about in a sense that they fully understand. As the Senator from North Dakota has just stated, this amendment is discretionary. It does not require the States to do anything.

We have had 27 votes since we came back into session, and two Republicans defected on one vote. I do not expect any defections on this one. I am not anticipating a big vote. I am not anticipating prevailing, but this is an idea whose time, if it has not yet come, is coming.

The National Governors Association, the National League of Cities, National Conference of Mayors, and National Association of Counties, all have strongly endorsed this measure. I think we can conclude from that that we really do not care what people think unless it comports with what we think.

Now, Mr. President, last night, the senior Senator from Maine talked about what a burden this was. And I alluded to the fact that one of our very own Members, Senator BENNETT from Utah, was one of the founders of a business that ships catalogs of office supplies all over the country, over $200 million a year in business. When they started out they made a conscious decision to collect sales taxes for every State they shipped into that had a sales tax. He tells me that virtually one press of the computer button at the end of each month does the whole thing. They have never had a minute's problem with it.

Now, why would the States maybe want to do this? Forty-five States have a use tax right now, but it is on the consumer. If I bought a computer and it was shipped across State lines to me from a mail-order house, in 45 States I would be obligated to pay use tax on that computer. Most consumers do not know that, but now some States are beginning to enforce the use tax.

Let me show you something. Here in Indiana, some people are getting rather rude awakenings. People from the revenue department are knocking on their door and saying, we know that you bought something from Lands' End or whoever. You owe us the use tax on that out-of-State product. In 1993, 10,500 people in Indiana were assessed for unpaid use taxes; in New Jersey, 10,000 people; in Ohio, 7,100 people.

Some comment was made last night about Maine having this very unique thing on their tax return. Know what it is? I will tell you how unique it is. On your State income tax return in Maine it says multiply .0004 times your adjusted gross income and that is how much you will pay for mail-order purchases that you made last year. If I lived in Maine I would contest the constitutionality of that. I did not buy anything from a mail-order house last year so why should I pay the State of Maine a percentage of my adjusted gross income? Other States are doing different things to collect use tax to help them comply with all these terrible mandates we have been putting on them.

Somebody else says this is going to be a terrible burden on mail-order companies. I have already alluded to Franklin Quest, the company that Senator BENNETT started, and the fact that Franklin Quest collects taxes in every State where they ship products. Look, I have about 50 or 60 catalogs here. This is a 1-week stock at my house. Here is Franklin Quest, Senator BENNETT's firm. Franklin Quest says, "Add sales tax on the subtotal for all States except Alaska, Delaware, Montana, New Hampshire, Oregon, and Puerto Rico." Know why? Those States do not have a sales tax. So what does Franklin Quest say for the other 45 states? "Add sales tax." Is that complicated? Of course not.

Here is CW. CW is located in North Carolina. They say, "In California, North Carolina, New Jersey, and New York, add sales tax. In New York, add applicable sales tax to shipping and handling and express delivery charges, too." Complicated? Why, of course not. The reason they are saying add sales tax in those States is because they have a presence in those States. And that is all this amendment would do. If the State does not want to implement the legislation, it does not have to do so.

So, Mr. President, you must bear in mind, this is going to happen. It is just a question of when. The mail order business is burgeoning—L.L. Bean had a 17-percent increase in sales last year, whereas retail sales in the Nation were fairly static. You put all these mandates on the States and you say, "We want a point of order raised on every issue as to whether or not we are fully funding this mandate," but I come in with an amendment on behalf of myself and Mr. GRAHAM, of Florida, Senators DORGAN and CONRAD, of North Dakota, Senator HARKIN, of Iowa—we come in here and offer a real bill to help States comply with mandates and they say, "Well, that's not germane. It would be too big a burden."

They say:

> Call your Governor and see how he wants you to vote on the mandate bill, but don't call him to ask him how he would vote on the Bumpers amendment. We don't want that. We want the Federal Government to belly up and pay all these mandates.

Mr. President, let me tell you, in closing, that I understand the concerns behind the unfunded mandates bill. I was a Governor in my State for 4 years, and we used to squawk continually about that bad old Federal Government, unless we were having a flood or a tornado. Did you see that cartoon in the Washington Post the other day, with the guy standing up on top of his house with flood waters up to the roof? Under the water you can see a sign in his front yard saying: "Get the Government off my back." And he sees this boat from FEMA coming and says, "Thank God the bureaucrats are coming."

As I say, as Governor, Federal mandates drove me crazy sometimes. But I never hesitated to come to the Federal Government for help when I was Governor, and I usually got it. I am not one of these people who think Government is the root of all evil. Here is an opportunity for this place to stand up and do something responsible and reasonable and it will actually help.

I yield the floor, Mr. President.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Maine.

Mr. COHEN. Mr. President, the Senator from Arkansas kept at least part of his pledge. He waxed eloquent but not for his usual length of time. I am sure he has a lot more in store for us this afternoon, but I commend him for the enthusiasm with which he is pursuing his particular amendment.

First, let me clarify that this amendment is not about whether or not mail order purchases are subject to State sales taxes. They are. Every State, other than the four that have been mentioned, impose taxes on mail order purchases.

The issue at hand is the method by which these taxes are collected. Under the current law, States cannot force out-of-State mail order companies to collect taxes for them, and the reason is simple: There are over 6,000 different tax jurisdictions in the country, and once you account for all of the various State, county, local taxes, it would be absurd to expect mail order companies to know and understand every tone and nuance of these various 6,000 tax jurisdictions. Maine has a snack tax it imposes. I have a copy of the Bureau of Taxation document from the State of Maine. It is only a summary, but it takes some seven pages to explain just the exemptions. And every State has exemptions from their sales tax.

Here is the Maine regulation dealing with fruit baskets, for example. It says:

> Baskets or dishes filled with fruit or other grocery staples are not subject to tax. If the fruit basket is composed mostly of grocery staples, the addition of a minimal quantity of otherwise taxable items, such as a few small pieces of candy, does not affect the taxability of the fruit basket.
>
> If the fruit basket contains nonfood items of a significant value, the seller must either collect sales tax on the price of the basket, or else separately and reasonably account for the taxable and nontaxable portions and collect tax on the taxable items.

This proposed amendment would certainly create a lot of work for tax lawyers and accountants who advise mail-order companies on tax provisions in Maine and every other State in this country.

So this is an example of what would happen if the Bumpers amendment were to become law. The problem is not the rate of taxation. It is 6 percent in Maine. That is simple enough to understand. The complexity is in determining what the tax applies to? And that is the kind of burden we would be imposing on all of these mail order companies. Are we going to expect a fruit basket company in California or Florida or Wisconsin to understand the intricacies of the sales tax, snack tax, of the State of Maine?

The mail order industry for years has said, "Look, we are willing to work something out with the States in order to satisfy their problems." They simply ask that taxes be simplified so they collect one simplified, uniform tax and not be expected to hire an army of tax lawyers and accountants.

Second, I point out that about 30 percent of all these purchases through mail order are paid by check. So if the people involved incorrectly make out their check or miscalculate the tax due, the mail order company is put in a difficult situation. They then have to go back to the consumer and say, "By the way, you miscalculated. Please send us another check." That would undermine one of the essential benefits provided by mail order companies—convenience.

The industry, as I indicated, and the revenue agencies in the States came very close to reaching an agreement in 1992. I respectfully suggest that they go back to the bargaining table to see if something can be worked out, but I think for the Senate to adopt this amendment would be a serious mistake. First of all, it is a tax bill. The Finance Committee has not held a single hearing on this issue—not this year, not last year or the year before. There has been no hearing before the Senate Finance Committee. As a matter of fact, I have a statement, which I will insert for the RECORD, from the chairman of the Finance Committee where he indicates, "Whether to require out-of-State companies sales taxes is a matter within the jurisdiction of the Senate Finance Committee."

The chairman of the Finance Committee urges that we oppose the amendment offered by the Senator from Arkansas, at least until such time as the Finance Committee has an opportunity to examine this with some scrutiny.

I ask unanimous consent that the statement of Senator PACKWOOD be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COHEN. I think it would be wrong and inappropriate for the Senate to pass judgment on an important matter that I believe deserves at least full-scale hearings before the Senate Finance Committee.

At a time when we are trying to put the brakes on the onslaught of regulations, the Bumpers amendment would in fact bring a new regulatory scheme on mail order companies. There is something in this particular amendment that caught my eye. Under this amendment, States requiring mail order companies to collect out-of-State taxes would be required to set up a 1-800 number.

It sounds to me like another unfunded mandate. And that is what we continue to do here. This is supposed to be a bill to reduce unfunded mandates. Yet this amendment appears to contain its own unfunded mandate.

The notion that mail order companies attract customers because they offer some great tax shelter is incorrect. I do not think people buy from L.L. Bean because they offer a great way to avoid taxes. They buy from L.L. Bean because they get a great product. They have great service. You call up and order something, or you mail in your order and often within 48 hours you have your product. They have a return policy that if you have a product you think is defective, whether you find it defective in 30 days or a year or 2 years or 5 years, you can return the product and have it replaced, no questions asked.

That is why L.L. Bean is so well renowned. That is why it is one of the biggest mail-order companies in the country. And that is why people order; not because they can buy a sweater from L.L. Bean and avoid taxes. As a matter of fact, if you buy a sweater and you have to pay the shipping and the handling charges, it will exceed any taxes you could save if you were inclined to avoid them. For the Senator from Arkansas to say only about 1 percent of the people of Arkansas even know that they have to pay a tax when they buy from out of State, the answer is why do we not simply educate the people or impose a collection mechanism like the State of Maine has where there is a presumptive amount of tax, based on your income?

Mr. BUMPERS. Will the Senator yield for one observation?

Mr. COHEN. Please wait until I finish my statement, and I will.

Now, I know that the Senator last night was bemoaning the plight of small shops on Main Street America.

I might say that what has probably done more damage to those shops on Main Street America is Wal-Mart. If you want to hear complaints from people about what has happened to mom-and-pop stores on Main Street, be it Bangor, ME, or elsewhere, look at Wal-Mart.

I do not fault Wal-Mart. I think they provide great benefits for consumers. We have one in Bangor, in Portland, and elsewhere. They do a very fine job. But they put many small businesses out of business. I simply want to make the point that this amendment is not about defending small town America or small mom-and-pop shops.

In her own statement to the Small Business Committee last year, a spokeswoman for the International Council of Shopping Centers, supporters of the Bumpers bill, said that retailers were happy to collect sales taxes because they "realize that these sales taxes play an important role in financing important State and local services on which the shopping centers rely."

So I would say, if fairness is going to be the issue, is it really fair to ask a company some 3,000 miles away to collect another State's taxes? Some would say no. The mail order industry, to its credit, however, has never said no. As I have pointed out, they have said: We are willing to reach an agreement with these State collection agencies, but let us make it a reasonable agreement. Do not expect us to calculate all the taxes and have different taxes and different exemptions, and figure out what Maine means versus Vermont or Massachusetts or Arkansas or California or Wisconsin or elsewhere.

The Senator from Arkansas suggests that this is really a small business bill. Well, last fall the National Federation of Business, NFIB, polled its members on the issue and found that 67 percent of the members opposed forcing mail order companies to collect out-of-State taxes, and I think it is probably the best window that we have into the soul of small business in this country.

If they oppose the measure so significantly, it is difficult to see how you can portray it as being helpful to small business. But that is debatable, I concede. That is debatable.

What I think is not debatable is to bring this tax-related amendment up on this bill. It is not germane to the bill. The Senator from Arkansas is correct. He has every right to bring it up under the Senate rules. But, if the Democratic response to what happened last November is going to be to stall legislation and think that holds the key to a Democratic victory in 1996, I suggest the Democrats have misread what happened in the elections.

I think the people want action to be taken. I think they want to have less regulation. I think they want to see both Houses of Congress move as expeditiously as possible. And if the Democrats' answer is, well, we are just going to stall this thing right into 1966, then I suggest there may be far more Republicans elected in 1996.

The success of Republican candidates in November not because Republicans were stalling in the 103d Congress. There was significant disagreement with the health care proposals that were coming before the bodies of this Congress. There was substantial reaction to what they saw as a massive centralization of the health care system in this country. And they saw a drift among Democrats away from the center back to the left.

That, in my judgment, accounts for what happened in November. And so if the answer of the Democratic Party is going to be to just simply slow everything down, to come up with whatever amendment they feel is important, no matter how relevant or germane to the bill at hand, then I suggest we are going to see a lot more Republicans in 1996 in the Senate and House than we did in 1994.

Mr. President, I yield the floor.

EXHIBIT 1

STATEMENT BY SENATOR BOB PACKWOOD ON BUMPERS' MAIL ORDER SALES TAX AMENDMENT

Whether to require out-of state companies sales taxes is a matter that comes within the jurisdiction of the Senate Finance Committee.

The conflict in this area is between states wanting to collect revenue, local merchants, mail order companies, like Norm Thompson and Harry and David located in my home state of Oregon, and consumers.

However, the conflict does not include the federal government. The American people want less government and fewer federal regulations. The unfunded mandates bill is directed at just this.

Currently, states collect their own sales tax without interference from the federal government. Ten states collect these taxes from consumers through a separate line on their state's income tax form.

For example, the State of Maine has found an effective solution for collecting mail order sales taxes. It included a default provision for these circumstances. If a taxpayer leaves the sales tax line blank on their income tax form, then the state automatically adds an amount equal to the average tax owed on out-of-state purchases. Maine calculates this amount at 0.0366 percent of the taxpayer's income. In other words, a taxpayer making $30,000 per annum would pay a tax of $11.00.

Obviously states are fully capable of dealing with the collection of their sales taxes without the interference of the federal government.

For these reasons, I oppose the amendment of the Senator from Arkansas.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I come here today to express my opposition to the amendment offered by my colleague from Arkansas [Mr. BUMPERS].

I would like to begin by noting the irony of our current situation; namely, that as we attempt to relieve the burdens imposed on State and local governments, we very well may, unless we reject this amendment, end up using the same legislation to impose new mandates on job-creating businesses across our country.

Mr. President, the proposed amendment would allow States to require companies that mail goods to their States to collect taxes on those goods. Under my colleague's proposal, mail order businesses would be saddled with the immense burden of complying with multiple sets of procedures and regulations, different tax rates, and various filing requirements. And in those instances where a State allows a company to collect local taxes according to a blended average local tax rate, consumers, in many cases, could end up paying more tax than they actually owe.

Mail order companies are part of a growing industry. They serve people who like the convenience of phone shopping or who are unable to leave their homes to shop. They also offer rural and small town consumers an unsurpassed variety of goods, many of which are simply unavailable in smaller markets. This industry also affords small specialty businesses, like the Pleasant Co. of Middleton, WI, the chance to grow into successful big businesses. And growing mail order business like Swiss Colony and Lands' End, also located in Wisconsin, account for 5 percent of U.S. employment or approximately 5 million jobs.

The last time that this measure was considered by Congress, over 500,000 mail order consumers wrote in to voice their strong objections to this measure. They did so because they are tired of the ever increasing mountain of federally mandated paperwork and taxes. I believe that we need to heed their message and move in the direction of eliminating, rather than increasing these burdens.

Moreover, Mr. President, I note that my colleague's proposal has not been reviewed by the Finance Committee. At a minimum—and certainly without presuming to speak for either Chairman PACKWOOD or Senator MOYNIHAN—I would urge my good friend to work with the Finance Committee to achieve a considered resolution to this matter.

In closing Mr. President, it is said that the only sure things in life are death and taxes. This amendment represents both: taxes for consumers and certain death—crushed under a load of tax rules, regulations, and requirements—for many mail order companies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there be 20 minutes further debate on the Bumpers amendment, equally divided, and that will be controlled by the Senator from Arkansas and the senior Senator from Maine; that prior to the motion to table—and at the conclusion or yielding back of the time Senator COHEN or his designee be recognized to make a motion to table the Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, I must object to that at this point. Senator GRAHAM wants 10 or 15 minutes and I have 3 or 4 minutes of wrap-up I want to do.

Could the junior Senator from Maine give us some idea how much time she might wish?

Ms. SNOWE. Probably about 8 minutes.

Mr. COHEN. About 8 minutes.

Mr. BUMPERS. We would be willing to accept 20 minutes on our side and 8 minutes for her, which would be 28 minutes.

Mr. KEMPTHORNE. Mr. President, I again submit my unanimous-consent agreement: That we have 30 minutes, 20 minutes on the Democratic side and 10 minutes on the Republican side, at which point then Senator COHEN will be making a motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Who yields time?

Several Senators addressed the Chair.

Mr. COHEN. Mr. President, I yield 8 minutes to the junior Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I think the amendment pending before the Senate today is an example of why we should have invoked cloture, because it is nongermane to the pending subject of unfunded mandates.

As has already been mentioned during the course of this debate, this nongermane amendment has not had a hearing from the committee that rightfully would consider it and is responsible for tax legislation—that is, of course, the Finance Committee. There was one hearing on this issue in the last Congress that was held in the Small Business Committee.

Last night I joined the Senator from Maine [Mr. COHEN] in opposing this amendment because it not only oversimplifies an issue that should be properly discussed and analyzed by the Finance Committee, but it also disregards the true balance that exists between the mail order companies and local businesses with the already tested options and the viable options that are available to States and mail order companies, and certainly the options that have been pursued already by the State of Maine.

There is nothing that precludes any State in America from collecting these taxes. We have already demonstrated that in the State of Maine. Taxpayers in the State have a choice. They either can pay a flat tax percentage of their income on their income tax return, or they can pay for the specific tax on their out-of-State purchases.

No one questions the veracity of the citizens of the State of Maine with respect to submitting that information on their income tax return. In fact, it is interesting to note that in the last 2 tax years in the State of Maine, we have collected more than $3.5 million on sales from out-of-State mail order companies or other kinds of purchases from other companies. So it can work. And it has worked. And it can work for other States as well.

What will be the impact of the amendment offered by the Senator from Arkansas? We have already held it is certainly going to exact more costs to companies. They will be required to contend with 46 sets of procedures and 6,000 different tax jurisdictions throughout the United States that will result in 6.5 times greater costs to the mail order companies in order to comply with this amendment. Who is that fair to? Should the consumer be denied a choice in ordering from a mail order company? No. I happen to live in a very rural State. People like to have choices in rural districts and they certainly should not be denied that choice. In Maine, taxpayers pay for those purchases by, again, placing it on their income tax return.

So it is not only going to result in more costs to the mail order companies, it is certainly going to result in lost jobs because of the increased costs in terms of compliance and increased cost in taxes.

Some have suggested a blended tax rate. Who is that fair to, since many of the taxpayers then will have to pay a higher tax rate and some a lower tax rate than they would already be required to pay? The industry has worked in the past, as Senator COHEN mentioned—they had worked out a tentative agreement. I think we should encourage such an agreement between the mail order industry and their associations and tax administrators and the tax commission, so that we can encourage that kind of resolution to this issue that would be fair and not onerous and not be applying greater costs in terms of taxes and administrative burdens on the mail order companies. That is only fair.

This is a very complex issue. It does deserve the benefit of consideration, of hearings, and of different perspectives. It certainly is going to result in more costs to the mail order companies. In fact—we have mentioned L.L. Bean. Their compliance costs alone would be at least $500,000 in order to hire additional workers for administrative, legal, and accounting costs.

So I do not think in the final analysis this benefits anybody. It does not prevent States right now from collecting this kind of tax.

I hope my colleagues here in the Senate will reject such an amendment because this deserves more consideration than this issue has been given here on the floor, in terms of the ramifications for not only the companies but also the consumers who live in the various States, who choose to make their purchases through mail order companies.

So I urge the defeat of this amendment and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I yield 12 minutes to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the statement has been made that this is not a germane amendment. I suggest to the contrary, this goes to the very essence of why we are concerned about unfunded mandates. The basic concern is that the Federal Government has been imposing financial responsibilities on State and local governments without providing the means by which those responsibilities be discharged. What this amendment speaks to is enhancing the capacity of State and local governments to deal with those very responsibilities.

It is particularly germane in the context of what I think is going to be a surprise and disappointment to many of the supporters of this bill, of which I am one. That is that the legislation before us only deals with actions which will occur in the future. Those Governors and mayors and commissioners who have calculated the current cost of unfunded mandates to their States, to their communities, run the potential of having unrealized expectations if they think we are about to do something in this bill that is going to lower that current cost of current mandates.

What we are doing with this amendment is providing some revenue to State and local communities so they can discharge their responsibilities, including those responsibilities which we have in the past imposed upon them without funding and for which we do not have any intention to provide funding under this legislation.

This goes beyond, however, an issue of appropriateness to some issues of basic fairness. A constituent of mine in Bonita Springs, FL, is named Joyce Maloney. In 1994, at the hearing before the Small Business Committee that was alluded to a few moments ago, she testified and she talked about one aspect of unfairness. She talked about how when she had moved into her new home in Bonita Springs, she and her husband wanted to buy some furniture and they went down to the local furniture stores, they looked at the furniture, looked at the prices. Then someone called them up and said, "Could I come out and see you about possibly buying your furniture through a mail order house from out of State?"

In the course of making his presentation on the furniture he indicated to them that, "Since the furniture was to be delivered to our home in Florida, no sales tax would be applied to the sales. Beside that, he told us, the delivery charge which you are paying will offset the sales tax that you will not be required to pay."

Of course he was defrauding Ms. Maloney because she was responsible—not for a sales tax but for its exact equivalent, the use tax, upon her receipt.

In fact, she ended up being one of the people that the Florida Department of Revenue contacted about unpaid use tax on this large furniture order. Ms. Maloney received a bill from the Florida Department of Revenue for $226.26 for unpaid use tax. She was misled. She not only was taken away as a potential customer from the local business, but she ended up having to pay a tax, a use tax, the equivalent of a sales tax, which she had been led to believe would not be her responsibility.

I will just quote, before submitting for the RECORD the full text of Ms. Maloney's concluding paragraph:

> Mr. Chairman and members of the committee, it is time to correct this situation and bring about truth in the marketplace. I have no problem in paying sales tax that is due on any purchase I make. But what I despise is receiving inaccurate and fraudulent information regarding my obligation to remit sales taxes. It is time to shift the sales tax remittance burden from the consumer to the retailer so that everyone plays and pays by the same rules.

I agree with Ms. Maloney.

Mr. President, her letter also indicates the other major area of unfairness, and that is unfairness to the local retail community. It is very difficult for the small businessperson, whether they are selling furniture in Bonita Springs or whether they are selling men's garments in Hot Springs, AR, to compete when your competition starts by being able to sell 5, 6, or 7 percent below you because they are not being required to collect and remit the sales tax.

Why we would countenance a system that would allow that degree of inequality and unfairness in the marketplace is beyond me, except I know why we did it up until 1992. We did it because there was an assumption that under the U.S. Constitution, test of reach of one State to assess tax in another, it was unconstitutional and unconstitutional in a form that was not susceptible to remedy for a State to require an out-of-State mail order house to remit sales taxes on items sold.

But in 1992, in the case of Quill Corp. versus North Dakota, the Supreme Court held that States may not require out-of-State companies to collect use tax because to do so would impose a burden on interstate commerce. But the court went further by saying that Congress could authorize such a burden on interstate commerce, and that if it did so, States would then be allowed to make such collection.

So it has been since 1992 that the U.S. Supreme Court has extended to us the opportunity to do what Senator BUMPERS proposes that we do today. I hope that we will follow his leadership; that is, to authorize States, if they choose to do so, to utilize this new authority to apply their sales taxes to sales made by firms which solicit business within a State which mail items into the State but which today are not required to collect and remit the sales tax on those items.

Mr. President, this is not an insignificant issue. Senator BUMPERS has distributed the estimate of the Advisory Commission on Intergovernmental Relations on what the total potential additional revenue to the States and local communities would be from mail order sales using 1994 numbers. In my State of Florida alone, it is estimated that $168.9 million of sales currently is not subject to our State sales tax because they are sales from out-of-State mail order houses selling into the State of Florida. That $168 million would go a long way to funding the mandates that the Federal Government has made on the State of Florida and its communities, for which there will be no compensation under this legislation; $168 million would allow the State to better meet those standards of expectation which the Federal Government has set in transportation, in law enforcement, in environmental protection, and in a whole array of areas in which we have seen fit to impose these burdens on States and communities.

I believe that this is an extremely important and germane amendment. It speaks to fundamental issues of fairness and to our responsibility as the Federal Government to treat fairly our partners in government at the State and local level, and more importantly, to treat fairly our citizens, citizens whether they are the small merchants trying to survive in an increasingly competitive market or whether they are the misled purchasers, the Ms. Maloneys of America, that they would also be treated fairly.

This will provide to our communities a greater capacity to be able to accept the obligations that we have forced upon them in the past, and will continue to apply to them whether this underlying legislation is adopted or not.

For those reasons, Mr. President, I commend the Senator from Arkansas for his commitment, his wisdom, and his tenacity in advocating this position. I urge my colleagues to follow his leadership.

Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. First, Mr. President, let me thank very sincerely my distinguished colleague, Senator GRAHAM, for his very fine statement, very accurate statement, and very heartfelt statement. Like me, he is a former Governor. He understands precisely what we are talking about.

Mr. President, I ask unanimous consent that Senators GRAHAM, DORGAN, CONRAD, and HARKIN be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, let me address one of the things the Senator from Maine, Mr. COHEN, said about 6,000 different tax jurisdictions in the country. Our bill would involve only 45 different tax rates because it provides for a blended rate within each state.

As for the exemptions on food, which the State revenue department of Maine told the Senator would be an impossible chore, I want to point out to you that I believe the biggest seller of food by mail order houses in the country is Harry and David. They ship fruit and they ship nonfood articles. What do they say on their order form? "Please add sales tax. See page 2." Page 2, "Sales tax information. We collect State and local taxes on all nonfood items delivered to the following States."

Then they have stars and asterisks, and so on. They have about 30 States listed here. Then, down below, it says, "These States also require sales tax on all candy items." Illinois requires 1 percent tax on all food items. Then there is a pound mark. "These States require sales tax on all items."

If Harry and David can handle it with one hand behind them, why is that such a big impediment?

The truth of the matter is that is just another smokescreen. The truth of the matter is, there is absolutely no trick to it. Otherwise, dozens of companies would not be doing it. If the Boy Scouts of America can collect sales tax on their catalogs, surely L.L. Bean and Lands' End can.

Then, Mr. President, bear in mind, there are 7,500 mail-order houses in this country. My amendment would exempt all with sales less than $3 million a year. So there are no mom-and-pop operators that are going to suffer under this amendment. How many does that leave? It leaves 825, and 6,675 are exempt under my amendment. We have a 1-800 number for every State revenue department so any catalog house that has any question can call toll free to the States and find out what they are supposed to do, if they have any question.

The Senator from Maine has very appropriately raised the question about what Wal-Mart—which he knows well is in my home State. We are proud of them. We have a lot of billionaires in Arkansas, and we are proud of every one of them. But I will tell you what Wal-Mart does. They collect sales tax. They collect sales taxes that go to the local schools and other purposes. Their sales in 1994 were over $100 billion, and they collect sales tax on every dime of it. You see, Wal-Mart alone does about the same amount of business that all these mail-order houses do. And the big difference is Wal-Mart is a good citizen, collecting taxes to keep the schools going, to keep the fire department going, to keep the police department going, to keep the landfill going. And many mail-order companies collect nothing.

It is an elemental question of fairness. I have letters from all over the United States. Here is a woman I happen to know, Debbie White, Benton, AR. It says: We have "a small retail furniture business. I have personally lost individual sales in my area for $15,000 to $20,000. They go out of State. They come in here and pick out what they want and they go to the catalog and order it. We support the schools. We have the merchandise here that they can feel and touch. We carry a big inventory and we employ nothing but Arkansas people. We lose thousands of dollars of business every year to people who pay nothing."

Here is a letter from a little 75-year-old woman in Portland, TN, Mr. President: "I buy several hundred dollars' worth of mail-order merchandise per year. I am 75 years old and can no longer drive to the city to shop." She said she knows there are a lot in her situation. "Since I have always tried to be a law-abiding citizen, I added up all my records—because the other day I found out that our State has a tax that I am supposed to pay on anything I buy from a mail-order house." She said she once ordered many Christmas gifts through catalogs. She said, "I believe it is the duty of the mail-order companies to collect sales taxes due just as other stores and grocers do. Modern computers certainly make it easy for them."

Here is a letter from a man in Hilton Head, SC. Just briefly, paraphrasing, he says: "We bought thousands of dollars' worth of North Carolina furniture to furnish our new home in South Carolina because we were told if we bought it in North Carolina and had it shipped in, we would not have to pay any sales tax. So we went up to North Carolina and bought all this merchandise and what happens? Four years later, we got a letter from the South Carolina Department of Revenue, saying we have to pay sales tax on this, and because of the penalties, it cost us $700."

I ask unanimous consent that all three of those letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WHITE FURNITURE CO.,
Benton, AR, January 19, 1994.

Senator DALE BUMPERS,
Dirksen Building-229,
Washington, DC.

DEAR SENATOR BUMPERS: I want to make you aware of an unfair tax situation that has been occurring for years in the furniture business. For quite some time we tried to ignore this, but when you see or hear the results every day of the week you have to finally stop and take notice.

My family has a small retail furniture business in Arkansas. We have paid taxes in the same small town for years. Now we have customers who are being educated by advertisers to shop their local retail stores for model numbers and prices—then call North Carolina and order and avoid paying our state sales taxes.

I have personally lost individual sales in my area for fifteen to twenty thousand dollars. We have found that the larger sales are the ones that people do out of state because of the high percentage of tax.

I'm not crying about the prices; I would just like to have a level playing field. We service our clients with free delivery; we furnish the showrooms where they can touch and feel the merchandise; we finance the merchandise locally, and we employ Arkansas people to sell and deliver the furniture.

Last year NBC did a travel segment and, on over 200 stations across our country, showed people how to take their vacations in North Carolina, shop while they are there and save enough in sales tax to pay for their vacation. Then CBS did a week long special on "Good Morning America," devoting one day to furniture, one to cars, and another to clothes, etc.

I don't know about the other 49 states, but I do know that our state could use the revenue from those lost sales taxes for our schools, roads, and local government.

I will be proud to support you in any effort you can make to help our state collect these unpaid taxes.

Thank you.

DEBBIE WHITE.

PORTLAND, TN,
September 8, 1994.

Senator DALE BUMPERS,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: When I moved from Nashville to a small town a number of years ago, I discovered the convenience of mail-order buying. I buy several hundred dollars worth of merchandise per year. I am 75 years old and can no longer drive to the city to shop. I know there are probably thousands in my situation.

Several months ago I heard on our local news that people purchasing goods from mail order catalogs must pay State sales and use tax on these items. That was news to me. I, and I know many others, have always thought that merchandise purchased outside our state was not subject to sales tax unless such a vendor had a store within our state.

Since I have always tried to be a law-abiding citizen, I added up from my records all purchases made in recent years, figured the sales tax, and mailed a check to the State Department of Revenue. But what about those many people who still do not know they are liable for these taxes? This situation makes it unfair to those who are paying.

I once ordered many Christmas gifts from catalogs. Now I am inclined to send money to my out-of-town relatives, avoiding the hassle of tax-record keeping.

I believe it is the duty of mail order companies to collect sales taxes due, just as other stores and grocers do. Modern-day computers certainly make it easy for them.

I understand you are working on legislation to correct this situation. I hope you will succeed.

Sincerely yours,

MAMIE R. WILLIS.

HILTON HEAD, SC,
September 12, 1994.

Hon. DALE BUMPERS,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR SENATOR BUMPERS: While on a trip to North Carolina a few years ago, my wife and I visited a furniture store to look for items for our winter home in Hilton Head, South Carolina. As you are no doubt aware, North Carolina is the furniture center of America. People come from all over America to buy furniture in North Carolina, drawn by word of mouth and various means of advertising.

As we shopped at one store in High Point, my wife and I found a number of furniture pieces that we were interested in buying. While considering the purchase, we were told by the sales staff that if this furniture were delivered to our home in South Carolina, no sales tax would be collected. This represented a savings of several hundred dollars, and became one factor in our decision to make the purchase. Subsequently, we concluded the purchase agreement, and the furniture was delivered to our home in South Carolina a short time later.

Approximately four years after making that purchase, we were surprised to receive a letter from the South Carolina Department of Revenue informing us that the furniture we had purchased in North Carolina was subject to South Carolina's use tax. (South Carolina had learned about the purchase when North Carolina audited the furniture company and shared the audit information with South Carolina.) In addition to the 5 percent tax, we owed interest and penalties because we had failed to pay the tax promptly. On our furniture purchase of some $10,000, the total amount we owed for tax, interest and penalties was approximately $700.

As you can imagine, we were shocked and upset at this news. We had no idea that we owed tax on this purchase. Like most consumers, we were accustomed to having sales taxes collected at the time of purchase, and it seemed odd to expect the customer to know when, where and how much tax to pay. And because the furniture salesman had told us that no tax would be "collected," we assumed that no tax existed.

I am not complaining about the tax itself. I certainly do not enjoy paying taxes, but had we known about this tax at the time of purchase, it wouldn't have been so bad. In that case, we could have considered the tax as part of the cost of the transaction and then made an informed decision about whether to make the purchase or not. Indeed, it's quite possible that we would still have bought the furniture. But we were blindsided. We were led to believe that there was no tax, then told four years later that there was a tax. That simply is not fair.

The worst part of this situation is that we were expected to pay interest and penalties. As I told the South Carolina Department of Revenue, I felt that this was particularly unreasonable since we didn't even know we owed the tax—and they didn't know we owed the taxes for four years. In the end, I won half the battle: they agreed to waive the penalties, but we still had to pay the interest.

I understand that the State of South Carolina cannot control what North Carolina merchants tell their customers. But the United States Congress can and should do so. I urge you to pass legislation immediately correcting this situation so that other consumers do not have the same bad experience we had.

In my opinion, you should require merchants who ship goods to other states to inform those customers that taxes may apply. The disclosure should be in writing, and the customer's signature should be required. Any merchant who fails to give the disclosure should have to pay 50 percent of any penalties or interest that occur. I believe this would discourage companies from failing to share important information with the consumer.

Thank you for the opportunity to share my thoughts with you on this issue. I hope that you will move quickly to ensure that other consumers aren't misled the way my wife and I were.

Sincerely,

JOHN DIX.

Mr. BUMPERS. How would you like to be Debbie White? She also sells wallpaper. How would you like to be Debbie White, paying State sales taxes, privilege taxes, every tax under the shining sun the State can impose on you, working just to keep your head above water, and have somebody walk in and take your time for an hour looking through wallcoverings, and they walk out saying nothing, and suddenly you realize that they saw this ad that said: "Shop in your neighborhood, write down the pattern number, and then call us."

Who here thinks that is fair? Or here, a boat company. I put a letter in the RECORD last night where a woman and her husband in the boat business in California spent all kinds of time and thousands of dollars trying to make a $250,000 boat sale. After spending all that money and time trying to sell this boat, the customer says, "Thank you very much for your time, but we have just discovered we can go to Oregon and buy this boat and keep it out of the State of California for some prescribed period of time and bring it here and save ourselves $19,000." And here, what does this boat company's ad say? "No sales tax added outside of North Carolina."

Who here thinks this is fair? Not one. Not one. I would love to debate this, as I did before the National Governors' Conference last year. I think there were seven Governors in that room who objected to this—the Governor of Wisconsin and others who have big mail order houses in their states. This amendment, I promise you, will provide more relief, by far, to the States than the mandates bill ever will. The problem with the mandates bill is, by the time we debate a point of order on every single bill we pass in the future, that is all we will have time to do. You talk about gridlock. You wait until these points of order start being raised.

Mr. President, when Senator PRYOR and I were Governors, we used to condemn the Federal Government for its mandates. If I were Governor today, I would condemn the Federal Government for not passing this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Maine controls 4 minutes 3 seconds.

Mr. COHEN. Mr. President, I was intrigued with the comments made by the Senator from Florida. He indicated that this was an important subject matter. He said it was not an insignificant issue. I agree. That is precisely my point. This is not an insignificant issue. This is something that deserves a hearing before the appropriate committee.

He also said that $168 million in Florida is not subject to sales tax. I do not believe that is correct. It is subject to a sales tax. The State has a right to collect it from its citizens.

As my colleague from the State of Maine has indicated, 10 States now, since the Supreme Court decision, have adopted statutes that impose a collection burden upon their own citizens. Other states can do the same. It is not unreasonable to ask the States to educate their own citizens somehow, perhaps with a notice with their income tax forms saying "If you have made purchases out of State, mail order or otherwise, a sales tax is owed."

The Senator from Arkansas said, "If Harry and David can handle the sale of candies and sweets through interstate commerce, why cannot everybody else?" I say, what about Thelma and Louise? Harry and David may be able to do it, but maybe the smaller companies cannot. That is the problem with this approach. Again, this is why a thorough hearing before the Senate Finance Committee is necessary.

I quoted earlier from the Senator from Oregon, chairman of the Finance Committee. He said:

> Currently States collect their own sales tax without interference from the Federal Government. Ten States collect these taxes from consumers from a separate line on the State's income tax. Obviously, States are fully capable of dealing with the collection of their sales taxes without the interference of the Federal Government.

Mr. President, if Mrs. Maloney was defrauded, she has a legitimate complaint. But we ought not paint the entire industry with the same brush. No reputable mail-order company is out there willfully defrauding their customers.

But again, those are serious matters that deserve to be fully aired before any legislation is adopted. The Senator mentioned his testimony before the Governors' Conference, and I respectfully say to him he should bring his debate before the Finance Committee. That is the appropriate jurisdiction to argue the merits and equity and seek a proper resolution of this issue, not with an amendment to an unfunded mandates bill that we are currently considering.

For those reasons, Mr. President I move to table the amendment of the Senator from Arkansas and I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

ADDITIONAL COSPONSOR

Mr. COHEN. Before yielding back my time, Mr. President, I ask unanimous consent to add Senator DOMENICI to the bill that I introduced earlier this morning, the health care fraud bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I yield back the remainder of my time.

The PRESIDING OFFICER. Time has been yielded back.

Mr. COHEN. I renew my motion to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine [Mr. COHEN] to table the amendment of the Senator from Arkansas [Mr. BUMPERS]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—73

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Exon
Faircloth
Feingold
Feinstein
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—25

Akaka
Bingaman
Bradley
Bryan
Bumpers
Byrd
Conrad
Dodd
Dorgan
Ford
Graham
Harkin
Heflin
Hollings
Inouye
Kennedy
Leahy
Levin
Lieberman
Moseley-Braun
Pryor
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—2

Johnston
Kassebaum

So, the motion to lay on the table the amendment (No. 144) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, let the RECORD show that we have now completed action on another nongermane amendment. We had a cloture vote at 12:15. So we have consumed half the day on a nongermane amendment. We have not had a germane amendment yet to this bill. We are on the fifth day. If anybody can tell me with a straight face that they are serious about passing this bill on the other side, then I would be happy to entertain such thought.

We are not getting anywhere with this bill. We are getting calls in our office from mayors and county commissioners and Governors: "Why won't you pass this bill?" I am prepared to pass the bill. We are prepared to listen to real amendments. We have not had any real amendments. Then we get some nongermane amendment and took an hour last night and 2 hours today—3 hours on an amendment that does not even belong on this bill.

So I guess the question is, are we going to have any real amendments or are we going to continue this game of nongermane, nonrelevant amendments just so we can eat up the time and suddenly just let this bill go away, I guess.

But, again, I urge the President of the United States, who supports this bill, maybe to call some of his colleagues and say, "Why don't you pass the bill?" The Governors want it, the President wants it, Democrats, Republicans. Why do we have to have 78 amendments? What is wrong with the U.S. Senate? Why can we not move?

My view is the American people, whether they are watching or not, know what is happening—nothing; nothing is happening. If it is not going to happen today, it is going to happen tomorrow, it is going to happen Monday. It is going to be late, late, late tonight, late, late, late tomorrow night, if we have to go through the amendments one at a time and waste 3 hours on a nongermane amendment. If we cannot get time agreements on some of these amendments, that is fine; we understand the game that is being played. The American people do not, but they will before it is over. This is day No. 5, and we have yet to have a germane amendment to this bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, with great respect, let me rise to clarify what I think the situation is. We had a Levin-Kempthorne amendment this morning. As I understand, it was germane. If people are now coming to the floor offering their nongermane amendments, in part it may be because they are worried about invoking cloture and again not having the ability to offer amendments, whether they are relevant or germane or not.

But I will say again to all of my colleagues that we are prepared to work through the pending amendments, maybe in some cases come to some time agreement, whittle away some of the amendments that may not be necessary. I have already been able to get an agreement from some of our colleagues that they will not offer some of the amendments that were on the list that I presented to the distinguished majority leader yesterday.

So let there be no mistake, this may be day five, but this was only the fourth or fifth amendment that we have had the ability to debate.

So I hope that we can continue to work away in good faith on these amendments. I hope that before the end of the day, we might again have another list which will give both the majority leader and myself the opportunity to see where we are realistically and certainly move ahead with this legislation. There is no one on this side who does not want a vote on final passage at some point on this bill. We simply want our ability to offer amendments and to raise legitimate concerns protected.

I hope we can work together to accomplish that. I know we can. And I hope that in the not-too-distant future, we can find an agreement and ultimately come to some meaningful conclusion of this legislation.

Several Senators addressed the Chair.

Mr. DASCHLE. I yield to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will propose maybe a different line here. Last year, we brought out S. 993, and for reasons we are all familiar with and I will not go back over again, we were not able to get it through last year. It was a good bill. We worked on it very hard. Senator KEMPTHORNE had taken the lead on that and did a terrific job in putting that together. I worked with him. We brought it out of committee.

We had 67 cosponsors, I will tell the majority leader. On S. 993, we had 67 cosponsors, and I think almost all those people would still be available if we proposed S. 993. That was supported by the big seven groups of State, local, and county officials, and so on. Under cloture, I guess there might be a germaneness rule against that only because our provisions in that bill for CBO had some additional requirements that S. 1 does not now have.

S. 1 was to be an improvement over S. 993, but what it does basically is it changes some of the ways the points of order are administered. But S. 993 is still a basic bill, a little simpler than this. It still would draw major support on our side. I would think we could get an early vote on that. Maybe that would be one option here.

Let me just add while we have the majority leader on the floor that I said in committee that I hope we could consider all these different things that would improve S. 1 in committee because when we got to the floor, it was going to draw amendments like flies. I did not know how true that was going to be.

But maybe going back to S. 993 would be a very rapid way to get out of this because we had 67 cosponsors last year. I doubt we would lose many of them now. I think we would gain back some of the people who are objecting to some of the procedures on S. 1.

Mr. DOLE addressed the Chair.

Mr. GLENN. I ask the majority leader's opinion as to whether we should go back to S. 993.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I do not have an opinion on that. I think we have a good product before us, if we could just move on it. S. 993 may have been good. This may be even a little better.

I think it is still a bipartisan effort, the last I understood. It was not a partisan effort. We do not want to make it a partisan effort, but we want to finish the bill. I want to propound a unanimous-consent request when the Senator from Ohio——

Mr. GLENN. I yield the floor.

The PRESIDING OFFICER. The majority leader has the floor.

UNANIMOUS-CONSENT REQUEST

Mr. DOLE. Mr. President, I made this request last night. Again, I will say generally it is just routine around here that we adopt the committee amendments. Any former chairman or present chairman knows that we adopt the committee amendments. Now and then—rarely—you get an objection. We are only on, what, No. 11, 5 days. We had to table some. Just to get action, we tabled some of the committee amendments.

So I ask unanimous consent that all remaining committee amendments be agreed to en bloc and treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object.

Mr. DASCHLE. Reserving the right to object. What is the pending order of business, Mr. President?

The PRESIDING OFFICER. The Gorton amendment No. 31, as amended, is the pending question.

Mr. DASCHLE. I suggest the absence of a quorum.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. A unanimous-consent request has been propounded. Is there objection?

Mr. BIDEN. I object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS addressed the Chair.

Mr. KERRY. The absence of a quorum was suggested.

Mr. DOLE. I suggest the absence of a quorum.

Mr. BAUCUS. Will the majority leader yield while I give a statement on another matter? Perhaps he can work this out while I give a statement on another matter, 10 minutes total? Thank you.

Mr. DOLE. Maybe you can talk some of your people out of objecting to these routine requests while we are at it.

Mr. BIDEN. Will the Senator yield for 2 seconds?

Mr. BAUCUS. I yield.

Mr. BIDEN. The reason I objected was I thought—more appropriately, I would like to reserve the right to object, but since the minority leader asked for a quorum call—I assume to talk with the majority leader—that is why I objected. I have no intention of objecting, if they can agree, and I would just like to point out, as back in the bad old days when I was chairman of the committee, this floor never agreed to the amendments from the Judiciary Committee on a bill.

So it is a practice that maybe we should establish, but in my experience in 6 years as chairman of that committee I can never remember one single occasion when I came to the floor where we routinely agreed to the committee amendments from the Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I first want to commend the majority leader, who I know is trying to get a very important bill passed, as well as the distinguished manager of the bill, Senator KEMPTHORNE from Idaho, who I think has done yeoman's work, a very good job of managing this bill, as well as the Senator from Ohio.

I think all of us in the Chamber know that this bill is going to be enacted, it is going to pass. I think all of us want it to be a good, solid piece of legislation, and in putting it together, I urge my colleagues, those on the other side of the aisle, to give Senators who have legitimate amendments time to offer their amendments.

It is a very important bill. It is very complicated. It is not at all understood. Speaking for myself, I could tell the majority leader that I support the underlying legislation and I think a lot of Senators do. We would just like to have legitimate time to get the amendments. This is not a filibuster to kill a bill. It is not a filibuster to kill a bill. It is just an opportunity to offer amendments so we can vote on final passage on a bill that is probably improved upon.

BRINGING MICRON TO BUTTE

Mr. BAUCUS. Mr. President, I rise today to pay tribute to the citizens of Butte, MT, and other Montana communities, in their efforts to bring Micron Technology, Inc., a major U.S. semiconductor manufacturer, to Montana.

Butte-Silver Bow County is a finalist for a $1.3 billion Micron manufacturing plant. The plant would create 3,000 to 4,000 jobs with an annual payroll of $200 million. Good paying, high technology jobs that would bring a better standard of living to both Butte and Montana. Micron would also propel Butte forward on its journey as a major U.S. technological center.

The possibility of Micron locating to Montana has banded the citizens of Butte together—in fact, the entire State together—in a very inspiring way. I wish you could see it, Mr. President. It has been exciting and heartening for me to experience and be part of the enthusiasm and vigor by which Montanans have gone after this golden opportunity.

For those of you who have never been to Butte—and I guess that would include most of you—Butte is truly a unique, all-American city. It is known throughout Montana as the Can Do City, and if ever a city in this country could do it, it is Butte.

There was a time, after the Anaconda Co. shut down its mines, that Butte was believed to be destined to join the many ghost towns dotting the Rockies. Yet, through hard work, loyalty, determination, and a very strong entrepreneurial spirit, the people of Butte-Silver Bow fought their way back.

They have made Butte a national center for the development, testing, and application of revolutionary environmental technologies. They are making the Port of Butte a major hub for intermodal shipping across the Nation. And they created a top educational institution—Montana Tech—voted by college presidents in a U.S. News & World Report poll as the top-ranked science program in the United States among smaller comprehensive colleges.

Newsweek has described Butte as the "bright spot amidst the tumbleweed" in the West and commended the community for "engineer[ing] the most dramatic turnaround."

See this poster behind me? The local newspaper in Butte printed it up so thousands, and thousands, of Butte citizens could hang it in their windows, displaying to Micron—and Micron, I hope you are watching this—their enthusiasm and support. And see this stack of papers? They are editorials and articles from all over Montana, written in support of Micron. Editorials have been pouring in on a daily basis.

Take the editorial from the Missoulian, for example. As the editorial board penned:

> The people of Butte are survivors proud and passionate about their community * * *. If Micron's managers have any yearning to be adored and supported by an entire community in their every endeavor, they will build in Butte.

Similarly, the editors of the Independent Record in Helena write, "it is difficult to think of a town in the country that deserves as much admiration as Butte, a city that doesn't know how to quit."

And the Billings Gazette board stated last week that "Butte, MT, can offer everything that Micron seeks and more. It also offers an intense desire to attract companies such as Micron, to treat them well and to provide incentives for relocation."

I think Daniel Berube, chairman and CEO of the Montana Power Co. in a guest editorial in the Montana Standard sums it up right: Butte is "a good place to live, a good place to work, and a good place to raise a family." I strongly share his belief that there cannot be a better matched city for Micron than the city of Butte.

Like Butte, Micron based its phenomenal growth and success on the Western ideals of working hard and thinking big.

Like Butte, Micron has become a leader in its field, serving as a shining light for the rest of the Northwest.

And like Butte, Micron is preparing itself for the 21st century, while at the same time, maintaining the unique quality of life and scenic location found only in Montana and the Northwest.

I cannot think of a better home for Micron than in Butte. And I commend the community and the State of Montana in their efforts to deliver this message to Micron.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I must respond to this statement by the Senator from Montana. He is so correct in pointing out that Micron is worth attracting to your State. Micron is an outstanding industry, and I know that because Micron is located in Boise, ID, of which I was mayor for 7 years. There are a number of communities in Idaho that also are desirous of the expansion of Micron. So I commend my colleague from Montana. He knows something good. I just say that we certainly intend to keep an eye on it.

Mr. BAUCUS. Mr. President, I, too, would like to commend the distinguished manager of this bill, a former mayor of Boise, ID, home of Micron. We all are together. We very strongly support and are enthusiastic admirers of Micron and what they have done over the years. It is a good competition going on here to get Micron. The depth of competition indicates the quality of the company. And I just say to my friend, may the best city win. And we very much hope that Butte, MT, is the finalist in the plant location.

I thank my good friend.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 151

(Purpose: To exclude laws and regulations applying equally to governmental entities and the private sector)

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I would call up amendment No. 151.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. KERRY, Mr. LEVIN, Mr. LAUTENBERG, Mr. BUMPERS, and Mr. DORGAN, proposes an amendment numbered 151.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the amendment, and the following:
>
> "(6) EXCLUSION.—For purposes of paragraph (1)(B), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

Mr. LIEBERMAN. Mr. President, I have called up this amendment on behalf of Senators KERRY, LEVIN, LAUTENBERG, BUMPERS, DORGAN, and myself. And I am pleased to say that this is a very germane amendment.

I share the very, very serious concerns that have been raised by officials of State and local government about the regulatory compliance and other burdens that have been placed on States and local governments by the Federal Government, by us. There is a problem here. It is a real problem, and we ought to deal with it.

Last year, there was bipartisan legislation, S. 993, reported by the Governmental Affairs Committee on which I am privileged to serve, which I thought adopted a balanced approach to addressing the justifiable concerns of State and local governments about unfunded mandates. We established the principle there that Congress must be forced to confront the costs that may be incurred by the State and local governments when we pass legislation, whether or not we have authorized funding for those costs. There must be an opportunity for the fullest discussion, if there are not funds provided in the legislation we adopt to cover the costs on State and local governments.

In other words, that kind of legislation should be subject to a point of order if there is not information about the costs. I think that was a very important principle that was established in S. 993, a very important response to a very real problem, a very constructive response.

I was pleased to be a cosponsor of S. 993 because it was all about knowledge and congressional accountability. But I regret to say that in my opinion S. 1, though it does some very good things, in one particular way—others as well—but in one particular way it goes too far. It simply takes a good idea and takes it so far that it creates a new, and I think very threatening presumption.

Under S. 1, if the bill, joint resolution, amendment, motion, or conference report increases the Federal intergovernmental mandate by more than $50 million in a given year, a point of order will lie unless there is a funding mechanism provided.

S. 1 also provides that if the funding mechanism is an authorization of appropriation for the full amount of the mandate, then the bill must designate a responsible Federal agency, and establish procedures for that agency to direct that the mandate will become ineffective or reduced in scope if the full amount of the appropriations is not provided in any fiscal year.

In short, the presumption in S. 1 is that the Federal Government will pay 100 percent of the cost of obligations imposed by the Federal Government on States and localities. If the legislation states that the Federal Government will pay the cost, the money must be appropriated or the agency must declare the mandate ineffective or reduced in scope.

So S. 1 is a much more extensive reach, a much different approach to the problem of unfunded mandates than that adopted in S. 993, which was reported out of the committee last year. That is why I say it takes a problem, unfunded mandates, and in its response reaches too far; and in doing so, creates an unintended—but I am convinced very real and inequitable—burden on private-sector entities, businesses that are affected by these mandates. And it also puts at risk a whole array of Federal law protecting the environment, people's health, people's safety, people's rights, that the public simply does not want to endanger, that the public wants us to continue to protect.

So under the mantle of dealing with unfunded mandates, this bill will have the consequence, I am convinced, of putting extra burdens on business, particularly small business, and in the process will create a hurdle that will impede the protection of people's environmental health, safety, and employee rights.

Let me say that in trying to separate out those mandates that uniquely place responsibilities on State and local governments, and for which we should feel a special obligation to pay the costs of those mandates, and those mandates which deal with a problem and in doing so place responsibilities—call them mandates—on public as well as private sources of that problem, we are creating a real inequity.

But let me say what this amendment leaves intact. It leaves intact in the underlying bill, S. 1, the requirement that Congress confront the cost of our actions. It may be when doing so, no matter how worthy the aims of the particular legislation, how protective it may be, how popular it may be, that Congress, Members of Congress, in our wisdom, will decide that it is not worth the cost. That is left in place in this bill.

Also left in place is the second point of order, with all the extra burdens, all the extra responsibilities on the Federal bureaucracy to pay for the cost of mandates, or cut back or terminate those mandates if they apply specifically to State and local governments.

The amendment is structured on a principle, and that principle is that if Congress requires other levels of government to perform governmental services, then Congress should pay the State and local governments to do that. The appropriate area for legislation is where States and localities are providing those governmental services, mandated by Congress, that Congress is unwilling to fund; responsibilities that are exclusively governmental, that do not apply to private industry or private citizens.

The purpose of the amendment is to assure a fairer partnership between those State and local governments and the Federal Government in carrying out governmental programs. In its report on S. 1, the Governmental Affairs Committee stated:

> State and local officials emphasized in the committee's hearings . . . that over the last decade the Federal Government has not treated them as partners in the providing of effective governmental services to the American people, but rather as agents or extensions of the Federal Government.

But there is an enormously expensive governmental service obligation associated, still, with many of the programs covered by this legislation that our amendment would not affect. In fact, they are the big-ticket mandate items for States and local governments: Medicaid, AFDC, child nutrition, food stamps, social service block grants, vocational rehabilitation State grants, foster care, adoption assistance and independent living, family support welfare services, and child support functions. Those are all examples of programs where the Federal Government has put responsibilities on State and local governments, not on private entities. We essentially delegated a governmental responsibility from the Federal to the State and local governments. And those are mandates whose treatment would be left untouched by my amendment; whose treatment under S. 1 would be left untouched by my amendment.

For Congress to act to pass or reauthorize those mandates beyond the $50 million annually exempted, there would have to be the finding that Congress had put the money forth to pay for the State and local costs of those programs or the point of order would appropriately lie and Congress would be tested to express its will. Governor Voinovich of Ohio has stated:

> Many States cannot spend a greater share of tax dollars on education because new Medicaid mandates consume more and more of our resources. They account for 70 percent of Ohio's mandate costs, nearly $1 billion over 4 years. Medicaid was 19 percent of Ohio's budget in 1982. It represents one-third today.

So to me these are the most consequential, most costly mandates that we at the Federal level have put on the States. And those are the ones where we ought to have the process be forced to go through the extra hurdles in S. 1.

Senator BOND, our colleague from Missouri, at the hearing held on S. 1 this year said:

> Unfortunately, the State [State of Missouri] projects that unfunded mandates will exceed $250 million. These are costs that have been documented with respect to specific measures. The Clean Air Act cost, in 1997, two-thirds of a million dollars; total environmental mandates are estimated only at $3.5 million.

I stop my quote from our colleague from Missouri here. Let me just emphasize that I think what many of us have been thinking about is the unfunded mandates, environmental particularly. As our colleague from Missouri said in his testimony before the committee, consumers put a relatively small burden—and as I will come back and argue, it is a fair burden because it is also one placed on private sources of pollution.

Then the Senator goes on to say the Carl D. Perkins Vocational Act cost the State $16 million in unfunded mandates, $16 million as compared to $3.5 million for total environmental mandates on Missouri. The Department of Social Services, as one would expect, Senator BOND says, was the big winner having the privilege of almost $130 million of a very limited budget to comply with Federal mandates. The Federal unfunded mandates survey for the National Association of Counties lists the most costly unfunded mandate as the Immigration Act. That is the type of mandate that applies specifically to State and local governments and the type of mandate for which we should be tested, forced to confront the costs, and go over the higher hurdle set in S. 1.

The city of Chicago survey of mandates listed airport restrictions, arbitrage rebates, and bond financing restrictions, as the most consequential to the city. I would distinguish these mandates from other so-called "mandates" which really are about the adoption of a law at the Federal level to respond to a problem—clean air, clean water, safe drinking water, fairness to employees, as in the Family and Medical Leave Act, where the source of the problem or potential problem is both public and private. This amendment would eliminate that inequity.

It exempts from the definition of a Federal intergovernmental mandate, as is in the bill, it is a very simple amendment with big consequences. It simply changes the definition of Federal intergovernmental mandate in the bill and exempts from that definition, for purposes of the requirement that the legislation must provide a funding mechanism for 100 percent of the cost to avoid the point of order, provisions which apply in the same manner to the State, local, or tribal governments and the private sector.

For example, suppose legislation requires that all incinerators limit emissions of dioxin to 12 parts per billion by the year 2000. That would apply obviously to both public and private sector incinerator operators. Under the amendment, the authorizing committee in its report is still required to state the amount—this is under S. 1 if the amendment were adopted—the authorizing committee in its report is still required to state the amount of any decrease or increase in funding whether the committee intends the mandate to be funded or unfunded and any sources of Federal funding. Under the amendment, the director of CBO would still be required to provide an estimate of the cost to State and local governments of this requirement having to do with emissions of dioxin that I have set up as the hypothetical here, and to state if those costs are greater than the $50 million threshold in the bill.

Under this amendment, if it is agreed to, the point of order would still lie if the committee report does not contain that estimate except as modified by the amendment of the Senator from Michigan which we adopted earlier today.

However, under this amendment, there would be no point of order if the bill did not provide a funding mechanism for 100 percent of the cost of compliance with this dioxin reduction proposal for the State and local governments.

Mr. President, this amendment covers only the situation where duties and obligations apply in the same manner to private sector and State and local governments. S. 1, in its current form, potentially, under its procedures, sets up a two-track process here between private and public entities and would exempt State and local governments from the environmental safety, employee rights, and environmental standards that competing private businesses must meet. So S. 1 would potentially result in a competitive disadvantage for private enterprises engaged in the same activities that the State or local governments are engaged in.

In the example I gave a moment ago, the burden would fall on the privately operated incinerator to spend whatever was necessary to reduce the emissions of dioxin whether or not Congress gave any help in meeting the cost of that upgrading but would not similarly apply to the publicly owned incinerator if Congress did not provide full funding.

Of course, the other consequence here, Mr. President, is that the application of S. 1 as it exists now would probably result in disproportionate risks to our citizens. I can tell you that the people living around that incinerator would not care whether it was publicly or privately owned. They want to be protected from toxins coming from the incinerator.

Let me give some other examples. Under S. 1, the bill before us, and in future legislation, State and local governments could be exempt from paying their employees an increase in the minimum wage or providing family and medical leave, requirements that all private businesses would have to meet. Publicly owned or operated incinerators could be exempt from air pollution standards while privately operated incinerators would be required to meet those standards. Publicly run drinking water systems might not have to provide pure water in the same way that private water companies would have to provide. Public universities and hospitals could be exempt from the requirements for handling radioactive wastes while private hospitals, including nonprofit hospitals, religiously supported hospitals and labs, would be required to meet those standards.

Cars owned by the State or local government could be exempt from requirements to run on cleaner burning fuels which apply to all other citizens of the State, not just to private businesses, but to everybody else in the State. States or local governments that operate schoolbuses could be exempt from safety requirements that would apply to buses operated by private companies. State-owned liquor stores could be exempt from standards of conduct that would be applied to privately owned and operated stores. States and municipalities could be exempt from requirements to retrofit or replace air conditioning units to remove CFC's while private entities would have to do that.

Certainly, Mr. President, we do not mean to say that there should be a presumption, if Congress determines a law is necessary to regulate safety, for instance, on school buses, safety of our kids, that they must also provide 100 percent of the compliance costs of publicly owned buses or else they do not have to meet that standard. The point here is that in adopting legislation which we have given—I think unfairly in this case—the pejorative term "mandate" for expressing a value, for setting a national goal, we are trying to protect people. I do not think that the people who sent us here want us to protect them any more from dirty air or dirty drinking water than from accidents of their kids on school buses. They do not want any lower level of protection if the source of those threats to their safety and well-being are from public as opposed to private sources.

Let me talk for a moment about the consequences of public health. It has been my honor to serve on the Environment and Public Works Committee, and this is an area in which I have spent some time. And I am particularly concerned about the unintended, and I think undesired by the American people, consequences of S. 1 on environmental laws. When we pass a law, we have determined that the national interest requires that law to achieve a goal, that there is a problem out there that requires a national solution to protect public health or the environment. For example, more than 25 years ago, Congress determined that the basic principle is that the Federal Government should be the ultimate guarantor of minimum standards for clean water and clean air. And there is a rationale for that. It is not just a power grab by the Federal Government for the sake of having power. Environmental problems do not end at State borders. Dirty air and dirty water move. Only the Federal Government can ensure that an up-river or upwind city or State does not dump its pollution on downwind or downstream States or localities.

Only the Federal Government can ensure that one area of the country does not so lower its standards for clean air or clean water for the purpose of attracting business, for instance, to the detriment of its neighboring States. Federal pollution standards apply to all sources of pollution. It is obvious that you cannot solve the problem if you just apply a national solution to one part of the problem, whether or not the source of pollution is run by a public or by a private entity.

I can tell you that a family where the grandparents are suffering from emphysema do not care if the incinerator that is belching dirty air is publicly or privately owned or operated. They believe that the Government has an obligation to ensure that they have clean air. The parents whose child gets diarrhea from drinking dirty water does not care whether a public or private entity provided that water. They want the Government to ensure that the water is pure, regardless of who is providing that water.

During the last 25 years, the Federal Government, in fact, has chosen to provide billions of dollars to assist State and local governments in complying with some of these pollution control laws. I have fought myself for that funding and will continue to do so. But it seems to me that when we identify a serious national problem such as dirty air and dirty water, dirty drinking water, it is wrong to place a mandate on ourselves to say that if we are not able to pay for 100 percent of the compliance cost, that a State or local government can escape those pollution controls that apply to all other sources of pollution. If we took it to its extreme, it would take the concept that is generally accepted, which is that the polluter pays. We can turn it on its head and say we have to pay the polluter.

S. 1 could result in vastly different levels of protection for citizens throughout this country, or even within one State. Citizens living near or downwind from a publicly owned facility could be exposed to toxins emitted from an incinerator which could be exempted from pollution control standards, while citizens living near a private facility would be protected from those emissions because that private facility would not be exempt.

Let me talk about the competitive consequences I have referred to. Obviously, results like those I have talked about would put private entities at a competitive disadvantage. In a letter to our colleague from Idaho dated December 16, 1994, Browning-Ferris Industries, a waste management company, discussed some of the potential consequences of unfunded mandate legislation:

> The results would severely skew the marketplace in favor of Government rather than the private sector services, because the private sector would have to add in prices to its consumers for compliance with these various Federal rules that customers of the public sector would not have to pay.

The Environmental Industry Association, in a letter dated January 9, 1995, an association of a lot of companies that produce environmental cleanup equipment and are involved in the waste business, states this—and they support a lot of this bill:

> Notwithstanding provisions in the bill for parity of treatment between the public and private sectors for the purposes of analysis, there seems to be an inconsistency in actual treatment between the two sectors because the legislation subject to the point of order vote applies only to the Federal intergovernmental mandates and not private sector mandates.

This is the Environmental Industry Association Business Group:

> We respectfully restate our basic concern that to exclude State and local government—but not the private sector—from the costs of compliance with providing goods and services where both sectors compete would be both unfair and unfaithful to the core principles of the Job and Wage Enhancement Act— art of the contract for America—of which S. 1 is the first piece.

Those are strong statements from private sector entities who fear exactly the disproportionate burden that this amendment of ours would eliminate from the bill.

Mr. President, the unintended consequences of the legislation, in fact, and ironically, may be to encourage an expansion of Government, which is exactly the opposite of what the people supporting this in its current form want. Government could be motivated to contract out fewer services to private industry because the cost charged private industry probably would be higher.

This issue was highlighted for me by the National School Transportation Association, which represents the portion of the familiar yellow or orange school bus fleet operated by the private sector which is about a third of the Nation's school bus fleet. Presumably, those school districts which have contracted out this function have saved money. But in a letter dated January 10, 1995, the private operators point out that one of the consequences of S. 1, the legislation before us, may be to remove the incentives for school districts to contract out for those services, because by keeping the services in-house, the costs of compliance with various Federal requirements can be avoided. The letter states:

> Such an outcome would be sharply at odds with the burgeoning wave of privatization that is realizing, for financially strapped school districts, significant savings and could disrupt the level playing field for our industry that has worked so hard over the past decade to achieve these advances.

Mr. President, I ask that the full text of two letters from the National School Transport Association be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL
TRANSPORTATION ASSOCIATION,
Springfield, VA, January 10, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: The National School Transportation Association, representing the nation's owner-operated yellow school bus fleet, applauds your leadership efforts on the unfunded mandates legislation. We are heartened that this session's legislative vehicle contemplates analysis by the Congressional Budget Office (CBO) of regulatory and fiscal impacts on private industry as well as state and local governmental entities. This is a critical provision which must be included in any final legislation if the Congress and the American public are to be fully apprised of the consequences of new federal requirements.

As the debate moves to the Senate floor and the impacts on private industry competitiveness are assessed, we wanted to bring to your attention concerns of the school transportation industry which reflect those also presented you by Browning-Forris Industries and others. NSTA members operate in all fifty states and in total operate some 110,000 buses constituting about one-third of the nation's yellow school bus fleet. School districts have come to realize significant operational cost savings by contracting out pupil transportation services. We are fearful that one unintended consequence of the legislation may be to remove incentives for school districts to consider contracting for these services if by keeping such services in-house the costs of compliance with various federal requirements can be avoided to some degree.

Such an outcome would be sharply at odds with the burgeoning wave of privatization that is realizing for financially-strapped school districts significant savings, and could disrupt the level playing field our industry has worked so hard over the past decade to achieve. We urge that attention be given to this concern as the debate proceeds. At the very least, any CBO analysis should also include some assessment of impacts on present and future competition for provision of services. If local governmental entities, such as school districts, are to be absolved of responsibility to comply with new federal requirements, then certainly equity and competition demand that like treatment be extended to the private sector.

We stand ready to work with you and your staff on possible remedies to this problem. Please feel free to contact Peter Slone at NSTA's governmental relations firm, Gold & Liebengood, 202/639-8899 and he would be pleased to provide further assistance. NSTA remains hopeful that this legislation becomes the law of the land and that these unintended consequences can be avoided. Thank you for your careful attention to this issue.

Sincerely,

NOEL BIERY,
NSTA President.

National School Transportation Association,
Springfield, VA. January 17, 1995.
Hon. Joseph I. Lieberman,
U.S. Senate, Dirksen Office Building, Washington, DC.

Dear Senator Lieberman: The National School Transportation Association (NSTA) applauds your efforts to bring common sense and equity to the debate on unfunded federal intergovernmental mandates. In particular, NSTA enthusiastically supports an amendment you intend to offer which would ensure that nothing in the procedural and fiscal protections established by the bill have the effect of limiting the ability of private sector service providers to compete for the ability to meet the needs of many state and local governmental entities such as school districts.

NSTA is the national trade association for the owner-operated component of the nation's yellow school bus fleet. We have been a leader in advocating safety advances and make a significant contribution to the nation in helping transport some 24 million school children each day. The State of Connecticut has a long tradition of contractor-provided school transportation services with over 90 percent of that state's yellow school bus fleet owned and operated by a host of transportation providers, many of which are small businesses. By contracting out such services, school districts have come to realize more cost-effective and reliable service. Today, NSTA members operate some 110,000 school buses in fifty states.

We are fearful that if the effect of the legislation under consideration is to scale back to some degree the need for school districts to comply with important environmental, workplace, safety and other new federal requirements, then our nation's school children may well be imperiled. Further, by subjecting school districts which operate their school bus fleets to a lesser standard than their private sector counterparts, the Congress would in effect establish a dangerous double standard and remove incentive for privatization of those services. At a time when many school districts are financially-strapped and facing further budgets curtailments, we should promote rather than impede their ability to contract for services where savings could be realized and safe and reliable service ensured.

Thank you for your leadership role on this important competitiveness issue. We are hopeful that through your thoughtful persistence the nation can avoid unintended consequences from this legislation which raises serious safety and fair market competition issues.

Sincerely,

Noel Biery,
NSTA President.

Mr. LIEBERMAN. Mr. President, at the same time, by exempting the smokestacks and discharge pipes operated by State and local governments from complying with future environmental standards, S. 1 would force a wide range of businesses to bear even more of the burden to meet overall clean air and clean water goals. For example, if publicly owned incinerators or landfills do not reduce emissions contributing to smog, carbon monoxide, and particulates, private sources of pollution would have to do more in order to meet the cleaner environmental goals.

Let me illustrate, if I might, in a little greater detail how this legislation could hurt private businesses. States and businesses advocate water pollution laws that establish an overall pollution loading limit for individual bodies of water. That has been something that the sources of pollution, potential sources, have asked us to do. We have done it. This is based on the notion that each body of water is best managed for cleanup based on a scientific understanding of what that river or lake or bay can withstand in the way of pollution, identifying the sources, and then assigning the source's limits based on what they contribute. This is very fair, and it creates a cooperative effort to clean up a body of water. All sources of pollution, whether industry or sewage treatment plants operated by cities, get divided up for that pollution limit; so much for this sewage treatment plant, so much for that factory, et cetera, et cetera. But if publicly owned wastewater treatment plants are permitted to discharge, for instance, more nitrates into our rivers and bays, well, who are we going to have to turn to to make up the difference to reach the standard, the threshold, the goal that we have for cleaning up that water? Is it going to be the factory along the water, the rancher, or the farmer who is using fertilizer upstream? Not only would S. 1 hurt business under this scenario, it would usurp State and local efforts to clean up their rivers, bays, and lakes, based on sound science and local control.

Mr. President, those of us who represent States which, in some part at least, are victims of pollution from upwind or downstream are particularly vulnerable and feel so under this proposal. Let me be very specific. If municipal sewage plants in New York will be relieved of future requirements to comply with water pollution standards because the Federal Government has not paid 100 percent of the cost of that cleanup, Connecticut industries and residents will bear a much greater burden if we are ever going to clean up Long Island Sound.

In fact, it would be impossible to ever clean up the Sound if New York City sewage treatment plants were exempt from water pollution control requirements. New requirements for more flexible approaches to cleaning up our rivers, coast lines, lakes, and estuaries focus on watershed-based planning in which wastewater treatment plants, industrial discharges, and farmers all work together to meet the loading tolerance of a particular body of water. These are zero sum gains. If the requirements on public sources of water pollution go down, the requirements on the private sources will go up and, believe me, they will be costly and burdensome.

Connecticut also has one of the most severe air pollution problems in the country, because we are the victims of dirty air transported from upwind States. Emissions of sulfur dioxide and oxides of nitrogen from powerplants in upwind States, including Midwestern States, contribute significantly to our smog problem and are responsible for the acid rain that falls on our State and many States throughout New England. If powerplants that may be operated by a public entity are exempt from future requirements under the Clean Air Act, Connecticut's industries will bear a greater cleanup burden, and the plain fact is—and it is a sad fact—that our citizens will breathe dirtier air and they will be sicker. I share the concerns raised about the potential negative impact of unfunded mandates legislation on Connecticut's severe air pollution problems, particularly dirty air transported into Connecticut from other States, by my colleague Congressman Chris Shays during the markup of House unfunded mandate legislation in the House Government Reform and Oversight Committee. The same points he raised apply to S. 1.

Mr. President, let me provide just some general statistics relating to the unfair burden that may be inadvertently created by S. 1. In its 1992 report to Congress, EPA examined the sources of pollution in estuary waters. Of the 8,000 square miles of impaired estuarine waters, municipal sewage treatment plants affect 53 percent of impaired miles, and urban runoff/storm sewers affect 43 percent of those impaired miles. Obviously, if we allowed some or all of these sources to be exempt from future water pollution requirements, the resulting burden on industries contributing to the pollution would rise dramatically if we are to succeed in cleaning up our estuaries.

Mr. President, I find it particularly ironic that we are considering this legislation right after we passed S. 2, the Congressional Accountability Act, because we finally have managed to impose the discipline of our laws on ourselves and now we are talking about a huge potential loophole in applying our laws to State and local governments.

In a way, I fear that this act, S. 1, might, if it is passed as it reads now, come to be known as the State and Local Government Unaccountability Act of 1995.

There are other consequences of the presumption in S. 1 that could result which are perverse and clearly unintended. A town that operates its own hospital and incinerator would, in effect, be receiving tax dollars from a town where there was a private incinerator and hospital. In other words, it is unfair to the taxpayers who pay for the disproportionate burden.

Mr. President, finally, I am also concerned about the potential legal issues raised about this point of order that is created in S. 1. In a letter to Senators Roth and Domenici, dated January 8, 1995, seven professors of law contend that the procedure in this point of order may create problems under article 1, section 1 of the Constitution. Although it is settled that Congress may delegate to executive agencies the power to devise policy to meet congressional objectives, Congress must establish an intelligible principle to which the executive must conform. These professors state that the procedure in S. 1 might go far beyond such delegations because Congress could expressly authorize administrative agencies to amend or temporarily nullify statutes which could be held to be an unconstitutional attempt to delegate legislative powers to executive agencies.

I do not know if this analysis is correct, but I am concerned about it. I am concerned about whether we have assurances that agencies will be fair and evenhanded when they determine how to reduce the scope of the mandate and whether S. 1 contains adequate safeguards in that regard.

Mr. President, this amendment would simply narrow the scope of the second point of order in S. 1. It leaves intact most of S. 1. In fact, it leaves intact the 2 points of order that would lie against the largest costs on State and local governments of Federal mandates. They are all still left intact. It would still ensure, that is to say, that a point of order would lie if we do not have full information about the costs of mandates to State and local governments. It would still ensure that the committee report state whether there is funding for those mandates. It would still contain the second point of order for mandates that relate specifically to State and local governments, and are not part of trying to solve a broader national problem.

But for those mandates that apply to State, local, or tribal governments and the private sector, it would close a loophole that is unfair to the private sector and which would potentially exempt State and local governments from a whole host of environmental health and safety laws. And it would have, therefore, severe consequences, in my opinion, for the health and safety of the American people.

So let us pass a good bill here, Mr. President. I want to vote for S. 1, but I just feel that, in its current state, it goes too far. Let us pass a bill, not a Pandora's box filled with unintended consequences.

Again, I say, if the American people knew about the impact of this legislation, it would have not only unintended consequences but undesired consequences, consequences which the American people clearly do not desire.

Mr. President, I urge adoption of the amendment and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to inquire of the sponsor of the amendment if it would be possible at this time to enter into a time agreement so that we could have some predictability on when the next vote may occur. Would an hour and a half, equally divided from this point, be in agreement with the Senator?

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum so Senators on our side can consult.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I will just ask my colleagues if it might make sense if one of us kept going while they confer. This Senator has no problem with a time agreement. If they want to discuss the time agreement, that will be fine, but I think we might use the time advisedly.

Mr. President, I first want to all start by congratulating the Senator from Connecticut and also the Senator from Michigan, Senator LEVIN, for their efforts on this bill. I think the Senator from Connecticut has done an outstanding job of laying out in great detail the problem here, and I am not going to repeat all that he has said.

I might say, though, I saw that the distinguished majority leader was on the floor a moment ago. I heard him prior to that say to the Senate, chastising us for not proceeding faster on this bill, that the amendments that have been brought have not been relevant to this bill.

I might say to the distinguished majority leader and to the other side that the pending amendment before the Senate right now, I believe, is the Gorton amendment; is that correct?

The PRESIDING OFFICER. The pending amendment is the Lieberman amendment to the Gorton amendment.

Mr. KERRY. I believe, if I am correct, the Gorton amendment is on national historical standards; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I simply point out to my colleagues that this is an amendment to a Republican amendment, and the Republican amendment which consumed most of yesterday afternoon has nothing to do with this legislation. I happen to support the Republican amendment.

So the Republicans have exercised their right of coming to the floor in order to attach to this legislation something they thought was important and, in fairness, that right ought to also lie, as it always has through the centuries of the Senate, with the other side. So I think it is inappropriate at this point, only several days into this, to be complaining about the fact that there are some amendments that some deem to be relevant but not germane, or germane but not relevant, whichever the case may be.

The Senator also asked somebody to look them in the eye and say they want to pass this legislation and they are not delaying it. I will look them in the eye if they are here and I will tell them I want to pass this legislation and I am not delaying. I will say it again: I want to pass this legislation and I am not delaying.

It seems to me that we ought to be able to work out among Members an agreement on a number of amendments that are relevant to this and, hopefully, proceed forward in a way that is intelligent. Let me emphasize "intelligent."

I remember the majority leader coming to the floor many times last year saying to America "We are not delaying. We are just trying to save America from bad legislation." Or, "We are trying to save the country from something that goes too far." Or, "We are trying to save the country from legislation that we think can be improved." That is what we are doing, not saving it from a bad idea but making a good idea better.

We support the notion that we need to reevaluate unfunded mandates. Mr. President, we should not in the process of passing a bill on unfunded mandates do so in an irresponsible way that does not allow for fixing what we all know in the legislative process is the capacity of one word misconstrued or one word misplaced, to have an unintended consequence.

Moreover, I can remember in 1986 when we passed the Tax Act here. I went to Senator Russell Long because we were concerned about a particular component of that bill with respect to real estate. He said, "Don't worry about that. We will pass that now and come back and fix it." Being new to the Senate, I believed him. I would not believe that statement today. The fact is that we did not come back and fix it. Over the years, the results produced, I think, terrible unintended consequences of devaluing certain amounts of property in America with unintended consequences to banks, to the savings and loans, and to a host of economic interests in this country.

Now, we ought to do a better job, Mr. President, of evaluating the cost of programs. It is irresponsible for the Senate to pass a program mandating actions by States or local communities of which we do not understand the implications.

I think the days have long passed by which Americans have come to conclude that they want to have a better sense of weighing the value of a particular environmental concern or a particular health concern against the totality of cost or the rate at which that cost might be imposed on them.

I also ask my colleagues to remember back to the 1960's and 1970's when a river in Ohio used to catch fire regularly: the Cuyahoga River. In response to rivers that caught fire and toxic and hazardous waste dumps which we knew were causing cancer and killing people in this country, we passed a set of standards.

A mandate is not just a mandate. It is not just a mandate to spend some money. It is our collective view as a Nation of something to which we want to aspire. It is our view of a goal or a standard by which we want to live. So when President Bush came to the Congress and joined the fight to protect the environment and said we ought to have clean air, he was expressing the hope and desire of millions of Americans to be able to breathe air that is clean. The result was Congress passed a notion of how we wanted to live, of a standard.

Subsequently, in the 1980's, particularly under President Reagan, there was an enormous shift in the revenue versus expenditure relationship. We all remember the promises made back in the early 1980's—if we cut taxes and raise defense spending we were going to churn up the engine of this economy and we were going to ultimately have increased revenues.

Well, we took the debt of the Nation from $1 trillion to over $4 trillion in the span of a decade. It was that diminution of the Federal partnership throughout the 1980's that has begun to create this new rush to reevaluate Federal mandates.

What happened during the Reagan era was the Federal Government left the mandate in place because it expressed the will of the people, but it took the money away. That is what has brought Members here. A perpetual process of the reduction of funding to States and local communities, leaving in place a series of mandates and, indeed, I might add, adding some mandates.

Most of the mandates that we are currently operating under were put it place in the 1960's and 1970's—not the 1980's—with the primary exception being the Clean Air Act. But I do not think most Americans have decided they do not want to breathe clean air. I do not think most Americans have decided that they want their kids living next to toxic waste dumps, and they are ready to have them get cancer and die. I do not think most Americans have decided that they are prepared to have a whole erasing of the standards of safety on our roads, on the standard of safety that we know have saved lives. I do not think that is what they are saying.

Now, if this bill, unintentionally—and I insist, unintentionally—if this bill not as a matter of purpose but as a matter of unintended consequence, is going to have the impact of diminishing the capacity of people in this country to have those higher standards of health or safety, then I think people would think twice. If this bill unintentionally creates a disadvantage to the private sector, I think people would say "Wait a minute, is that really what we are meaning to do here?"

Now, I am 100 percent in support of our requirement that we evaluate the cost of Federal requirements to both the public and private sector. We ought to evaluate how we spend our money. In that evaluation, Mr. President, we also ought to consider the full measure of the relationship between the Federal Government and the States and localities. For instance, we allow the States and localities to benefit by virtue of a $66 billion a year deduction on State and local government income taxes and other tax deduction.

In effect, part of the Federal-State partnership and relationship is our payment of 40 percent of higher income people's State and local taxes. Is that taken into account in this mandate bill? Is that taken into account in the requirement of the commission to evaluate Federal mandates? The answer is "no." That is an unfunded mandate, in essence, on a whole lot of low-income people that do not deduct, because that is a benefit that only goes to people who deduct. If you itemize your taxes and you deduct you get the benefit.

So, in effect, the Federal Government is paying for 40 percent of the local and State taxes of upper-income people as a consequence of our allowing that deduction. There are a whole set of tax expenditures, similarly, in the Federal-State relationship for which we are assuming the burden.

Now, I say this as background to this particular amendment that the Senator from Connecticut and the Senator from Michigan are joining together and bringing to the floor, because it underscores the complexity of this relationship. It underscores the fact that if we take one piece of this broad mosaic of our economy and we suddenly rip it off, we may have a whole set of consequences that impact other people. And we are just respectfully suggesting, in an amendment that is really very narrow in scope, in a very limited amendment, we are suggesting that there is a way for the Senate to legislate intelligently and avoid an unintended consequence.

Now, what is that unintended consequence? Just very quickly to go back to my colleague from Connecticut and his excellent description.

Mr. President, we have a very broad definition in here of a Federal mandate. The definition we have in this legislation covers all State and local activities including activities where there is a governmental role, such as in administering any appropriate program but also where there are activities that are not of a governmental nature. So we are saying in this bill, any Federal program mandated that covers an activity where the activity or entity acts in a governmental way or in non-governmental functions we are going to apply this bill.

If you do that, Mr. President, you are covering activities where the Government entities are acting as employers and where they compete in the marketplace with the private sector.

An example of that would be a landfill or an incinerator. You could have a local government-owned landfill or incinerator operated in competition with a private landfill or incinerator operator. As it is currently written, this bill will set up a different relationship between the public entity and the private sector. It will exempt the public entity from having to live up to a Federal mandate, but it will not exempt the private entity from that same mandate.

So we will continue to say, as I think the American people want to, that with respect to the environment or health or public transportation safety or workplace safety, we will continue to say, "You, the public entity, are exempt unless we have decided to pay 100 percent, and, you, the private entity can continue to operate under the burden of the Federal mandate," which means that the public entity has a lower cost of doing business, which means we have advantaged them in the private sector.

I received a letter from BFI, which is Browning-Ferris Industries. We all know them. I know they have written a letter to my colleagues subsequently retracting some of what they said in this letter, but not retracting the substance, which is what I want to emphasize here. What they said to me was:

> DEAR SENATOR KERRY: * * * Without legislative language along the lines of the enclosed, unfunded mandates legislation—even if it is prospective only—

And I underline.

> could have the effect of subjecting the private sector to a regulatory (and cost) burden that the public sector would not face absent Federal funding. The enclosed language would merely have the effect of assuring a level playing field between the public and private sectors in those instances where there is some form of competition between the two (hospitals, transit, higher education, waste management, et cetera).

This letter was dated December 22. On January 11, they wrote to Senator KEMPTHORNE—I think it is probably in response to concern about the other—and they said:

> We expressed our views at a time when one of our concerns was that unfunded mandates legislation could have a retroactive effect. It is evident that S. 1 has a prospective effect only, which we understand was your intent all along.

> After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S. 1 is creation of a favorable climate for the private sector. In fact, S. 1 seeks creatively to address the concern in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of them prior to your tenure in the Senate—BFI is convinced that your dedication to free enterprise is unsurpassed.

They go on to say:

> * * * we are pleased to strongly support S. 1.

I am not holding them out as not supporting it, but they nowhere in their second letter—nowhere—address the concern they express in their first letter. They simply say that "we understand that it is not going to be retroactive." In their first letter, they said, "even if it is prospective only."

The fact is that by taking it out of retroactive, you are not diminishing the capacity for future unfunded mandate requirements to create this unlevel playing field, Mr. President.

What would happen is, you would have these public entities that engage in the hiring of employees and compete with the private sector, they would be exempt from obeying worker protection laws, like the Parental and Medical Leave Act; they would be exempt from the environmental health and safety requirements which the rest of the private sector has to comply with; publicly owned incinerators would be exempt from air pollution standards; school buses, as my colleague from Connecticut has pointed out, would be exempt from safety standards; cars owned by local government could be exempt from emission standards; State-owned liquor stores could be exempt from standards of product that apply to privately owned stores; publicly owned hospitals could be exempt from requirements for the proper disposal of medical waste.

I do not think anybody in the Senate wants to do that. I really do not believe that my colleagues think that is good policy or that that is what this bill is supposed to do.

I know my colleague is going to stand up and he is going to point to language added to S. 1 calling for committee report language. And in his language in the report he says that the evaluation has to include a description of the activities taken by the competition to avoid any adverse impact on the private sector of the competitive balance between public and private sector.

However, that is the report. That is not substantive. It is not a requirement nor is it an exemption. What that language does is, in effect, acknowledge that this is a problem. It says that you have to go out and make this evaluation, which means you are going to have this imbalance in the marketplace, you are going to have to go make the evaluation, you are going to have a point of order lie with respect to it, as my colleague has said, then you have to come back and jump through hoops of points of order and try to pass something to redress what any free enterprise capitalist should not want to have happen in the first place.

In effect, if you pass this bill as is, it is a kind of socialism because what you are doing is advantaging the Government against the private sector. You are, in effect, voting to say we are willing to take an unfunded mandate away from the public entity and we are going to leave it on the private entity. That does not make sense to this Senator. And for the life of me, I cannot understand why so many folks on the other side of the fence are so sanguine about this reality of the imbalance.

I asked them to look at the language. I asked them to measure it. This is not an exaggeration. I do not think the Senator from Connecticut has anything remotely resembling a reputation that is any less than diligent. He is one of the strongest advocates in the U.S. Senate for the interests of competition and business and the private sector. I think if you take a hard look at this, one has to be concerned about this relationship.

So we are here, respectfully suggesting to our colleagues that the goal of making the judgment about expense is absolutely worthy, but to undo the partnership completely in a way that imbalances this relationship between public and private is not worthy of this legislation and it is not what we ought to be seeking to do in the U.S. Senate.

I assure my colleagues, if this happens, we are going to be back here revisiting the quagmire of competition or of imbalanced competition that we will have created as a consequence of that.

Again, I say, I applaud the work the Senator KEMPTHORNE and Senator GLENN and others have done in trying to create a responsible climate of evaluation of costs before we impose them. But there is a responsibility in the Federal partnership to try to be fair. I think that, regrettably, we will not have met that standard unless we try to adopt some change within this legislation.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that time prior to a motion to table the pending Lieberman amendment be as follows: 45 minutes under the control of Senator LIEBERMAN; 20 minutes under the control of Senator KEMPTHORNE; and 30 minutes under the control of Senator LEVIN; that following the conclusion or yielding back of time, Senator KEMPTHORNE, or his designee, be recognized to make a motion to table the Lieberman amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object—and I do not expect to object—Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, while this unanimous-consent request is being considered on this side of the aisle, I suggest it would be very appropriate for the chairman of the Governmental Affairs Committee to go ahead with his remarks concerning this amendment.

The PRESIDING OFFICER. The Chair now recognizes the Senator from Delaware.

Mr. ROTH. Madam President, I strongly oppose this amendment. Its effect would be to exempt from the requirements of this act those Federal mandates involving State and local government activities, when the private sector is also engaged in the same activities. Now, this exclusion would seem to appeal to notions of fairness but in fact would effectively gut the bill.

In truth, there is very little that State and local governments do that no one in the private sector is also engaged in doing. This is especially true since proponents of the amendment include those instances where one city franchises a private contractor to render a service for which another city might directly use its own employees.

Trash collection and disposal is one example sometimes cited. Waste disposal companies are said to compete with the public sector in that they try to convince governments to contract out such service and therefore have to show that they can do it cheaper than government.

It has been argued that Federal subsidies to State and local governments would in that type of instance upset some competitive balance.

But other than enacting laws, everything a city or a State does could be covered by such competitiveness principles, particularly as more and more governments are moving to contract out a broader range of functions and services.

Let me give a few examples. Police departments. Police departments compete with private security guards and private residential patrols.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. ROTH. I will be very happy to yield.

Mr. KEMPTHORNE. I thank the Senator for that courtesy.

Madam President, I again renew my unanimous-consent request. If necessary, I will restate it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank the Chair. I thank the Senator from Delaware.

Mr. ROTH. Madam President, as I was saying——

Mr. LEVIN. Madam President, if the Senator will yield again, is the Senator from Delaware——

Mr. ROTH. I will be happy to yield without losing my right to the floor.

Mr. LEVIN. Is the Senator speaking under controlled time?

The PRESIDING OFFICER. The time is now under control. The question is yielding.

Mr. KEMPTHORNE. Madam President, the Senator from Delaware is on my time. I will yield 10 minutes to the Senator from Delaware.

Mr. KERRY. Madam President, I ask if the Senator will just yield for a question.

The PRESIDING OFFICER. Will the Senator yield?

Mr. ROTH. I would like to complete my statement.

As I was saying, fire departments compete with private, for-profit fire departments such as used by Scottsdale, AZ; public building inspectors compete with privately contracted building inspection services such as used by Sunnyvale, CA, during building booms; public road construction crews compete with private construction contractors, and even with private toll roads such as is being built in northern Virginia; public schools and community colleges compete with proprietary trade schools; public hospitals compete with private hospitals; city attorneys compete with private, fee-for-service attorneys such as are used by many towns too small to have a full-time lawyer on staff; public libraries compete with bookstores and video rental stores. Many libraries now lend movie videos. Public swimming pools and golf courses compete with private facilities and country clubs; municipal revenue collection departments compete with private collection agencies such as those that will collect on overdue parking tickets for a percentage of the revenue; city computer operators and IRM departments compete with private-sector computer service companies, such as EDS, which will contract to do a city's payroll; and municipal buildings and ground maintenance crews compete with private-sector maintenance companies.

In other words, Madam President, it is not just a few selected areas where government and the private sector render the same or similar services. Much more than just pollution control and waste disposal is involved. This amendment would cover virtually every activity of State and local government.

This is why the distinction between public-sector and private-sector activities ought to be decided on a case-by-case basis. In fact, the legislation does acknowledge that there may be occasions when such issues of competitiveness are of legitimate concern. The bill states that committee reports shall explain how the matter has been addressed by the committee. Then Congress can judge how best to deal with that individual instance where a real problem might exist. Through the use of the waiver provision of S. 1, we can decide that funding a particular mandate for the public sector is unfair to the private sector.

Madam President, I think this is a far, far better way to deal with this issue, and that is why I strongly urge my colleagues to reject this amendment. As I stated, its adoption would effectively gut the bill. The exception would swallow the whole.

Madam President, I yield back the remainder of my time. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Will the Senator from Connecticut yield me 2 minutes off his time?

The PRESIDING OFFICER. Will the Senator from Connecticut yield to the Senator from Ohio?

Mr. LIEBERMAN. Madam President, I yield as much time to the Senator from Ohio as he needs.

Mr. GLENN. I just need a couple of minutes. I want to be added as a cosponsor on this legislation.

I do not see how the Government can possibly come down on the side of a government entity that is in competition, in effect, with a private industry, whether it is waste management, whether it is water provision, whether it is sewer provision, whether it is—whatever—and come down and say we will partially federally fund or totally federally fund whatever the mandate is with regard to the public entity and give that competitive advantage to the public entity in competition with a private industry, whether it is electricity or sewer or whatever the provision might be.

So I think the amendment obviously makes sense to me. I ask to be made a cosponsor of the amendment and yield the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield myself as much time as I need.

I have just a brief statement to thank my friend and colleague and leader from the Governmental Affairs Committee, the Senator from Ohio, for his cosponsorship of this amendment. He has been a leader in the whole crusade to force the Federal Government to confront the costs of its enactments on State and local governments and on the private sector.

He is a cosponsor of the underlying bill, S. 1, and so I am particularly heartened and appreciative that he has agreed to cosponsor this amendment, which, in my opinion, does not go to the heart of this measure. It goes to the margins, which is its application and applicability.

It is a simple amendment which slightly narrows the definition of the term "Federal intergovernmental mandate" so it does not include a provision "in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities or services of State, local or tribal governments and the private sector."

The Senator from Ohio has stated his concern about the unintended consequence here, that this will put disproportionate burdens on the private sector in excusing the public sector. Again, I thank him for his leadership on this issue and for his support.

I hope in the end I can join him in supporting S. 1 by itself. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. How much time do we have remaining on our side, Madam President?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. KEMPTHORNE. Madam President, I yield 5 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the distinguished Senator from Idaho for the opportunity to respond to this amendment by the good Senator from Connecticut. When the Senator described this as a simple amendment it took me back to my days in the State legislature. That was the first signal that you had trouble. In effect, this amendment renders this legislation that we have been discussing for days upon days, and was in preparation for almost 2 years, moot. That is the effect of the simple amendment.

It is simple in the context that it makes this entire effort a moot effort, because by saying, as this amendment does, it is not an unfunded mandate if it in any way affects the private sector, it has the effect, it literally would say, there are no unfunded mandates.

The curiosity about this for me is that this amendment is being offered in the nature of being a defense for the private sector. I have always found it curious, when our membership talks about its support of the private sector, only to find that the private sector itself expresses itself quite differently.

I have before me a letter dated January 3, 1994, from the National Federation of Independent Business, who support this legislation without this amendment.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
January 3, 1994.

Hon. PAUL COVERDELL,
U.S. Senate, Washington, DC.

DEAR PAUL: On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1, the unfunded mandates legislation, when it is considered by the Senate in January.

Unfunded federal mandates on the states and local governments end up requiring these entities to raise taxes, establish user fees, or cut back services to balance their budgets. Small business owners are affected by all of these actions.

Between 1981 and 1990, Congress enacted 27 major statutes that imposed new regulations on states and localities or significantly expanded existing programs. This compares to 22 such statutes enacted in the 1970s, 12 in the 1960s, 0 in the 1950s and 1940s, and only two in the 1930s. The Congressional Budget Office estimates that the cumulative cost of new regulations imposed on state and local governments between 1983 and 1990 was between $8.9 billion and $12.7 billion. These include environmental requirements, voters registration requirements, Medicaid, and others.

It was not the states and cities who paid roughly $10 billion in unfunded mandates during the 1980s; it was taxpayers—small business owners as well as everyone else. In June 1994, a poll of all NFIB members resulted in a resounding 90% vote against unfunded mandates.

I urge you to strongly support S. 1.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

Mr. COVERDELL. I also have a letter before me from the National American Wholesale Grocers Association, a group with a very large membership across the country, who support the legislation without the amendment.

I am not going to enter all of these into the RECORD.

We have a letter in our hands from the U.S. Chamber of Commerce which represents hundreds of thousands of businesses across the country in support of the legislation without the amendment. And the list goes on and on and on of people who actually are out there meeting a payroll, running a business, who have supported the legislation managing unfunded mandates as offered by the Senator from Idaho.

Why the incongruity? Why would we have people here on the Senate floor who are suggesting that we have to have an amendment such as this to protect the private sector and yet we have this outcry from the private sector saying pass the bill as it is?

The answer is very simple. The private sector is already paying the effects of unfunded mandates. If you own a piece of property in any city, county, or other jurisdiction across this land of ours, about a third—depending on the type of jurisdiction—about a third of that property tax bill that you are paying every year is directly related to Federal orders—mandates—with no check to pay for them.

I spoke about the motor-voter bill the other morning, which cost my State $6.6 million in the first year and then $2 to $3 million thereafter. That is Federal folly. It is totally unnecessary in my State. Registration was being handled very adequately.

So we have a policy wonk in Washington trying to establish what the policy on a very local question ought to be and ordering that it be the way we think it ought to be in Washington and then sending the bill to the local government. That local government bill goes right down, ultimately, to an impact on property taxes. And that is why we have these letters from the U.S. Chamber of Commerce. That is why we have the letters from the National Federation of Independent Business, and Grocers, et cetera, et cetera. Because they are bearing the burden.

Governments do not pay taxes. People and businesses and families and corporations, they pay taxes. They are the direct recipients of the burden of the last 10 to 15 years of unfettered orders from the Federal Government without any payment to cover it.

Madam President, I will just say one more thing and I will yield my time back to the Senator from Idaho. In the final analysis, the other aspect of the legislation that is very important to note is that, if the impact is greater than $200 million on the private sector, CBO is required to publish that knowledge and we in the Senate would have the opportunity to understand the impact and by a majority vote, if the consequences create a massive destabilization of fair competition across our country, we have the prerogative—and for the first time, I might add, the knowledge—to understand what we are doing and can act accordingly.

This amendment makes the measure moot. The private sector does not concur with the suggestions that they need this type of protection. They are for the measure without the amendment. And the reason is because they pay for the unfunded mandates in the end.

I think it is time we moved on and got to this final measure and gave America and all America's mayors and county commissioners and school superintendents what they have been asking for for nearly 2 years.

I yield the remainder of my time back to the Senator from Idaho.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. I thank very much the distinguished Senator from Georgia, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I will yield in a moment to my colleague from North Dakota, but I want to say in response, on my own time, to one of the statements made by the Senator from Georgia, that the reference to the Motor-Voter Act is in point. I want to reassure him that under this amendment, the motor-voter law would still have to pass the two hurdles, be subject to the two points of order, and could be suspended in its impact if the Federal Government did not pay the costs of the State's implementing it because it is a unique governmental function.

The State and local governments, in implementing the Motor-Voter Act are not competing with any private sector businesses. This is a delegation of responsibility that we put on the States uniquely unless, under the terms of the bill which are generally part of S. 1, there was an estimate that it would not cost $50 million in any given year of its implementation.

So the example is a good one to indicate exactly how S. 1, if our amendment were adopted, would impact mandates, mandates uniquely on State and local governments such as motor voter or the large most costly mandates that I indicated earlier, and referenced specifically earlier, would still be faced with the two hurdles. That is quite different from mandates, such as the Safe Drinking Water Act, which are aimed at solving a national problem, guaranteeing people pure drinking water regardless of whether they get it from public or private sources.

Madam President, I yield now 5 minutes to my friend and colleague from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Madam President, thank you very much. I thank my friend from Connecticut.

The issue of the private sector is one I am well familiar with. Senator DOMENICI and I offered the legislation last year that became the basis for the language in last year's bill and also became the basis for the language in this year's bill in the private sector. We are the ones that indicated that we wanted the private sector included. If there is an aggregate cost exceeding $200 million that is going to be imposed on the private sector as a result of a mandate, my own view was God bless the mayors and the Governors. They certainly have legitimate complaints about mandates. But what about the mom and pop business on Main Street? What about the private sector folks trying to make a living? What about the mandates we impose on them? Why should not there be a comparable requirement with respect to the private sector?

I am pleased to say with the cooperation of the Senator from Idaho and active work on behalf of a lot of folks here that that was included. And that makes this bill a better bill. We are not just concerned about State and local governments. We are concerned about them and addressing their interests. But we are also concerned about the businessman and the businesswoman all across this country on Main Street who also have to respond to mandates.

There is only a point of order here, not funding with respect to the private sector, but a point of order that exists. We are debating a law today or proposed law. One of the interesting laws in Congress is a law of unintended consequences. It springs up between every desk and in every crevice and every day in every way, the law of unintended consequences.

I will tell you what you will hear about this law if you do not pass this amendment. You will hear about that law immediately if this amendment does not pass. The first time that you have a State or local government engaged in an enterprise in which the private sector is engaged in the same enterprise and a mandate is moving through the Congress, what you have is a circumstance where the Congress will pay for the cost of complying for the mandate for the local level of government and the private sector competitor out there has said you have the same mandate but which we are sorry, partner, you are on your own. You have created a competitive unfairness by definition, end of argument. You have created unfair competition.

I heard the last speaker talk about the surprise about the private sector. There is nothing about the intent of this amendment that in any way erodes or undermines the provisions in this bill that address the private sector. I know because I helped write it. Nothing that is proposed by my friends with this amendment would undermine those provisions of the law.

The only thing they have tried to do is say where you set up conditions in which you will have competitors as between levels of government and the private sector, we shall not have circumstances in which a point of order will lie if you do not fund it for the government but ignore the private sector. That is all the Senator from Connecticut is trying to do, and it is why I am pleased to cosponsor it and pleased to support it.

It makes eminent good sense. I hope after it is thought through and discussed some that the other side of the aisle would decide to accept it. Those who say the private sector does not want this, I will guarantee you this. Anybody in the private sector who is going to be set up for an unfair situation is going to want this as soon as they understand that they cannot compete in that circumstance.

So let me just again end where I started. This bill includes the private sector in a significant and important way. I support that, and I helped write it. I helped make sure it was here.

This amendment does nothing to undermine or erode what we are trying to do for the private sector. In fact, this amendment comes to that part of the private sector that will otherwise have in my judgment a circumstance of terrible unfairness imposed upon it and says we do not want that law of unintended consequences to come from this piece of legislation.

If we do not include this, I guarantee you we will discuss this again on the floor of the Senate. I guarantee you that those who discuss it will not be able to stand up and defend the circumstance that brings it to our attention the next time.

Madam President, I yield the floor.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from North Dakota. His advocacy for small business, for small farmers, and for common sense is well known and respected in this Chamber. He did in fact help write the bill, in fact strongly supports the underlying purpose of the bill, but also supports the amendment which gives me great confidence to go forward. I thank him for his very eloquent words.

Madam President, I ask unanimous consent that the Senator from Nebraska [Mr. KERREY] be added as cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I would at this point yield up to 10 minutes of my time to the Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I thank the President and the distinguished Senator from Connecticut.

I want to take this opportunity to talk on behalf of the support for this amendment offered by the distinguished Senator from Connecticut, Senator LIEBERMAN, which will exempt from S. 1 all legislation that affects the private and public sectors.

Equally knowing that this amendment is recommended and authored by the Senator from Connecticut comes as no surprise. He is thoughtful. He recognizes from his own experience on the Environment and Public Works Committee, and the things that we have attempted to do for some time now, the need to go to the private sector wherever possible to get the job done, whatever that may be, most efficiently.

So I think this is an appropriate amendment. I am not sure where the controversy lies between the two parties because this amendment by any count really makes sense and it is consistent with the review over the last couple of years, the last several years, to turn, as I said before, to the private sector whenever we can do so.

Just last week, we passed the congressional coverage bill because we said that Congress should be subject to the same laws as everyone else. It would be absurd if only a week later we passed legislation which exempted State and local governments from the laws which applied to the private sector. But that is exactly what S. 1 as currently written does.

Under this legislation, the presumption is that States and local governments will be exempt from requirements that apply to the private sector unless the Federal Government foots the bill for compliance.

At the same time firms operating in the private sector—and there is example after example—I mean private water treatment facilities versus public water treatment facilities, sewage facilities, privately and publicly, but firms operating in the private sector would have to comply with these requirements, with these standards that are set by perhaps the Federal or the State government even though no one would be helping them to pay the costs of compliance, setting a competitive condition that is contrary to the mission that all of us have these days—that is, to get the job done in the best way possible for the least cost, in the most efficient manner. This is not just a theoretical inequity, it can have real and serious consequences. For example, in many jurisdictions, waste treatment facilities, as I said, are operated by government entities as well as private firms, each with the same obligation.

Under S. 1, the State-owned facility would not have to comply with any new laws designed to reduce pollution, unless the Federal Government pays the cost.

The private-sector competitor, however, would not have any choice. They would have to comply, and they would have to pay.

Consider the case of a research facility in a State university and a private-sector firm conducting similar research. S. 1, as currently drafted, institutionalizes a competitive advantage for the State-run facility and punishes the private-sector enterprise. That is not, I am sure, what the authors intended. But it is the result.

Madam President, many of those who support this legislation recognize the problem and want to fix it. Indeed, earlier in our consideration of this bill, an amendment was adopted which will require committees to consider the disparate impact of mandates and mandate relief on public and private concerns. But while recognizing the problem, that language does nothing to correct it. It does not provide the kind of assurance or consistency which is needed to deal with the problem.

The amendment of Senator LIEBERMAN, however, addresses the problem we all seem to recognize in a meaningful way. Under the amendment of the Senator from Connecticut, State and local officials would have to follow the same Federal laws as everyone else. Our workers and our environment would be protected similarly, and private businesses would have a level playing field.

So I believe this amendment is essential to a fair and equitable unfunded mandates bill, and I strongly urge my colleagues to support it.

I yield the floor.

Mr. KEMPTHORNE. Madam President, I yield 4 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. Madam President, I thank the manager of the bill. I rise as a very strong supporter of S. 1, the unfunded mandates bill.

I came to this body having served 8 years as Governor of Missouri, and I found that State government budgets were devastated by the costs of Federal mandates. I also know that they have been devastating in their impact on local governments. Kansas City, MO, finds the one-time cost to the city of implementing all the federally mandated environmental regulations in 1993 was some $56.2 million. Local governments are seeing their budgets robbed by Federal mandates. State governments find that they cannot utilize the tax dollars they want to, as they believe their voters and constituents want to, because they are preempted by the Federal Government.

I believe this is a good measure. I took a look at this amendment that has been crafted by my good friend from Connecticut. I read it, and it is absolutely stunning in its simplicity. It says that Federal or governmental mandates does not include any provision in any bill that would apply in the same manner to activities, facilities, or services of State and local or tribal governments and the private sector.

Madam President, that wipes out a tremendous sector of where the Federal mandates hit the State and local governments. That is not just a loophole big enough to drive a truck through, that is a loophole big enough to push this whole Capitol through.

Motor-voter, as mentioned by my colleague from Connecticut, may be one of the few areas that would not be exempted. But all of the other laws that impose the burdens on State and local governments would be wiped out. Is this an automatic requirement that we fund State governments and local governments in competition with the private sector? No. It simply says that you have to consider that; you can waive that. There is no requirement that we cannot change by a majority vote—and that will be brought to the attention of this body—if there is an impact on governmental and private-sector entities.

I have been made almost breathless by the statements of concern for the private sector from some sectors where I have not traditionally heard that support. I hope that those same people will support us in privatization efforts.

Frankly, what we are talking about here is an exemption that is so broad that it will make the basic provisions of S. 1 not applicable in most of the expensive areas where State and local governments are significantly oppressed by Federal Government mandates.

I urge my colleagues to reject this amendment. This bill is vitally needed. Governors, mayors, legislators, Republican and Democrat, across this country, particularly in my State, know that we need S. 1. They cannot afford to have S. 1 with this kind of loophole put in it.

I urge my colleagues to reject the amendment.

I reserve the remainder of my time.

Mr. KEMPTHORNE. Madam President, I thank the Senator from Missouri so much for his perspective as a former Governor and for expressing the importance of this legislation.

I reserve the remainder of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Madam President, before I get to the amendment pending before us, I would like to use part of the time that has been allocated to me under this unanimous-consent agreement to pick up kind of where I left off the other day, about the bill itself.

I think, like most of us, that we must address the problem of unfunded mandates. I was a cosponsor of last year's bill. I am a former local official. I understand the impact of a mandate when Washington imposes it on us at a local level. By the way, private business persons understand those impacts, too. So we have to understand that it is not just local and State governments that are concerned with mandates imposed by us. The private sector is concerned with mandates imposed by us, as well. This bill treats them differently.

Sometimes the private sector and public sector are in direct competition; yet, they are treated differently in this bill. I am going to get to that in a minute when we talk about the amendment of the Senator from Connecticut.

I want to talk about, first, some of the problems that I see in the bill itself. First of all, it has been suggested that because amendments are being offered—there are many amendments that are going to be offered, and there are many that are needed, and some of them have already passed—that, therefore, people are filibustering this bill.

I have seen some pretty strange things in this Senate, but I have not seen many people filibuster their own bills. The Senator from Ohio, who is the ranking member of the Governmental Affairs Committee, is the prime cosponsor of S. 1. He was the principal sponsor last year of the bill that came to the floor. He believes vehemently in what is in this bill. He also, very strongly, opposed cloture—Senator GLENN did—because it would have immediately wiped out a whole host of relevant amendments—I emphasize relevant amendments, relevant to this bill. They were not technically germane for postcloture purposes, but they were very relevant to the bill, including a substitute which he is considering offering which is closer to last year's bill.

Are we serious that we want to prevent the ranking member of the Governmental Affairs Committee from offering a substitute bill similar to the one he sponsored last year? Is that a fair treatment of minority rights, to tell the former chairman, whose bill this was last year, that now as ranking member he will be preempted because of a technical postcloture rule from offering a substitute to this bill, should he so choose? I think the answer is no.

Therefore, when the Senator from Ohio and the Senator from Nebraska, who is also a cosponsor of S. 1, who is the ranking member of the Budget Committee, vote against cloture so that Members can continue to offer relevant amendments, the suggestion that they are, therefore, participating in a filibuster means they are filibustering their own bill—a bill that their name is on. When you look at the sponsors of S. 1, the third name on that sponsorship list is the Senator from Ohio. The sixth name is the Senator from Nebraska, Senator EXON, and so forth. This bill is different from last year's bill in some very significant ways.

Again, I cosponsored last year's bill. I would like to vote for this bill. I hope to be able to do it. But I am determined, and others are, too, that we are going to take the time to analyze some very, very significant provisions that will change the way we function on the floor here when amendments are offered, when bills are brought up. There is a new point of order in this year's bill, a very significant point of order, which was not in last year's bill which can be raised on any bill that does not fund that mandate for State and local governments under certain circumstances.

Now what has been the delay? Well, a couple of the days that have been used here were simply used to extract committee reports. On both committees, both Budget and Governmental Affairs, we made an effort to obtain committee reports. The effort was rejected on a party-line vote.

Now why—when you have a bill that is introduced on a Wednesday night, that goes to a hearing the next morning, that is supposed to be marked up the next day, that is very different from last year's bill—we are not given a committee report without being put through the process that we had to go through here this week to get committee reports, I do not know. But we were put through that process in both committees.

There was an amendment offered. Senator PRYOR, in Governmental Affairs, asked for a committee report so that Members of this body could study these provisions. They are very, very significant provisions. Senator PRYOR's motion in Governmental Affairs was tabled on a party-line vote. A similar thing happened in the Budget Committee. And so the effort was made then on the floor, finally successfully, to get committee reports. That took 2 days.

Now, in committee, I offered an amendment which said that if the Congressional Budget Office cannot make an estimate of the cost of an intergovernmental mandate, that it should be able to say so, just the way the bill allowed a mandate in the private sector to be so regarded by CBO. If the Congressional Budget Office is unable to say what the costs of a mandate on the private sector are, under this bill, it was allowed to say so. But purposefully, explicitly, the bill did not allow the Congressional Budget Office to say that it could not estimate the cost of an intergovernmental mandate.

And let us be real clear: It is that estimate that is so critical. It triggers all kinds of activities. It requires appropriations to be in the amount of the estimate. So that estimate is the critical triggering device in this bill.

In last year's bill, if there were not an estimate, it would be subject to a point of order. And that was fine. This year's bill goes way beyond that, because it creates a point of order if we do not either appropriate directly the money to equal the estimate or unless we do some other things to make sure that downstream there is an appropriation for that estimate. So that estimate becomes absolutely critical.

But what happens if the CBO cannot make the estimate? I offered an amendment in the committee saying they ought to be able to say so. If it is absolutely impossible to make an estimate—for instance, if the amount of the mandate is going to depend upon the action of an agency which has not been taken, if it depends upon the content of a regulation that has not been written, then it may be impossible to say so. Let them be honest. That amendment was rejected in committee on a party-line vote.

Now, why have we used so much time in the last few days? For many reasons. One of them is I spent 3 hours here the other day debating that issue as to whether or not the CBO ought to be able to state that. And finally, today, we adopted the amendment which was rejected in committee. Was that useful? You "betcha." It is going to make a big difference when this bill becomes law—and I have no doubt that this bill will become law—it is going to make a major difference as to how the Congress operates. Because there will be times, we have been told by the CBO, when they will not be able to estimate how much an intergovernmental mandate costs.

There have been other reasons we have used up some time. We had an amendment by the Senator from Washington on the Republican side, totally nongermane, totally nonrelevant to this bill. It took us hours yesterday, hour after hour after hour, on a totally nonrelevant, nongermane amendment having to do with education standards.

There are a lot of problems with this bill and they need to be addressed. This bill says that certain civil rights laws that protect people against discrimination based on race, religion, gender, ethnic origin, or disability are not the subject of this bill; that States and local governments are going to have to comply with those without any mandate protection in this bill.

Well, they left out a few things, including age. Do we want to protect people from age discrimination the way we do from race discrimination? I think so. Do we want to correct that? I hope so. And I will offer an amendment later on to correct it.

Is that dilatory? Is it dilatory to suggest that, since every amendment that any Member of this body might offer is subject to a point of order unless it contains a certain estimate as to how much it might cost State and local governments, every one of us is going to be subject to this point of order when we offer an amendment? And I think most of us probably say, that is right. Many think it should apply to amendments. But that is not my argument here.

The bill says that the point of order applies to amendments. An amendment which we offer must have that estimate of the cost to State and local governments or it is subject to a point of order. Can we get the estimate as individual Senators? Do I have a right to it? My amendment is going to be subject to a point of order if I do not have it.

Well, the bill says only the committee chair and the ranking member can ask for the estimate. That is what the bill says. Is my legislative life then going to be put in the hands of the committee chair and ranking member? Maybe they disagree with my amendment.

I am going to be offering an amendment which says any individual Member has a right to ask for the estimate, which is so crucial if that person's amendment is not going to be subject to a point of order. That just seems to me to be fundamentally fair and required and protects all of us.

This has nothing to do with private and public and whether we should have an estimate and all of that. This just goes to a basic right of a Member to obtain the estimate, which is absolutely essential under this bill to avoid a point of order on his or her amendment.

Now, is that germane after cloture?

We have been told it is probably not germane. Is that dilatory? Is it, in any fair sense of the word, dilatory for Members to clarify that issue by an amendment? It is surely relevant. I am confident that the Parliamentarian would rule it is relevant. But it is not germane, technically not germane, because postcloture is a very, very tight definition of germaneness.

Do we want to clarify it? Is it worth taking a few days? This bill will not be effective by its own terms until next January. Now, maybe some people will suggest that does not mean we should not use all the time between now and next January debating that bill. I could not agree more.

I can see my friend from Mississippi, the wheels in his head moving around. I beat him to it. I hate to take away a good response. So be it. Is it worth taking a few days, a few weeks, if necessary, to answer these amendments? These are relevant amendments. They affect each one of us. I think it is.

Now, getting to the amendment of the Senator from Connecticut.

Mr. LOTT. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. LOTT. The Senator was kind enough to mention my name and is fixing to get to the important discussion of the amendment. The Senator is absolutely right, even though we take a little time, it will not go into effect until January.

I want to make this point. I am pleased that we are now getting to some substantive amendments. This one clearly needs to be thought about and debated as it is being debated. I presume there are a few more. I think that the work that has been done by the distinguished floor managers on this bill last year and this year, a lot of good work has already been done. Surely there are a few good amendments. We should get to them.

Nobody here believes that there are 78 on your side or 30 on our side. Let Members get this list dwindled down to the amendments that really are relevant. Let Members talk about those. I suspect that some of them will be accepted, and we will get the job done and move on.

Certainly there is not a railroad involved here. We are taking lots of time on this legislation. I do think that the leader is right to expect that after 5 days we get down at least to the relevant or germane amendments. We are about to get there.

Here is my question to the Senator, if he would yield for the question. The Senator was talking about when would this be used. It seems to me that there would not be a whole lot of amendments that this might apply to. We are talking about a relatively small number, the dollar amount that is involved here. Is it not true that you probably would not have this applying that often? I am asking from genuine curiosity. How much are we talking about that would really kick in, $50 million?

Mr. LEVIN. There are 800-some bills, which estimates were able to be made on the bills as I understand it in the last 12 years. That is where estimates could be made. And a whole bunch that could not be made. I do not think that the current law which requires that an estimate be made, some act as though there has not been a law on the books that requires these estimates of intergovernmental mandates to be made. There has been a law on the books.

I am not sure many of us have read those estimates they have made, but nonetheless to answer the Senator's question directly, I do not believe it is applied to amendments. So, we are skating out on a new pond. The language applies this now to amendments, the point of order to amendments relative to intergovernmental mandates. When I say "the law" I am talking about estimating the amount of the intergovernmental mandate, the mandate on State and local government.

To try to directly address my friend's question, we do not know whether or not that threshold of $50 million per year some year down the road—could be 10 years down the road—is reached until we ask for the estimate. So how many amendments will, in fact, be calculated or estimated to include an intergovernmental mandate of more than $50 million in any one of 5 fiscal years after it becomes effective? There are an awful lot of squishy words in there, by the way, but how many of them? What percentage of our amendments? I do not know. I just cannot answer.

Mr. LOTT. Mr. President, let me conclude, because I know the Senator wants to make some other points. Perhaps the Senator would want to respond to this.

I have found the people out across the country, certainly my State, are astounded when they find out that in fact we do not know the cost estimates of amendments that we are offering on the floor. They are shocked. We wander in here and say, hey, here is my amendment. It might cost $10 million, or $50 million, or $200 million, and they say, "you mean, you don't know?" Do you not think the people would want Members to know the consequences of our amendments on the floor? I think that is what this bill does. Which I believe the Senator supports.

Mr. LEVIN. I do. I agree with that. The problem is not the requirement that there be an estimate. That is not the problem.

Mr. LOTT. Without an estimate, how do we know?

Mr. LEVIN. The Senator asked me what percentage, and I am saying how do we know without an estimate. So I could not answer your question as to what the percentage is without these estimates being made. They have not been made yet on amendments. So, we will find out.

I agree, we should know the consequences of our acts. We should know the impacts on local and State governments. I used to be that local official 8 years. I came to this town because I did not like what the Federal Government was doing to me and my town—not me personally but my town—including mandates, including the way they operated programs. Believe it or not, that was a big part of my first campaign. As a local official I understood that. And I still believe it. And we should know the consequences of our acts.

Now, this amendment that is pending before the Senate is saying there are some areas where we sure should equally know the consequences on the private sector, and equally treat the private sector. There are areas where the private sector and the public sector are in direct competition. You have a hospital, one is a publicly owned hospital, say, university hospital, the other one is a private hospital. They are in competition. You can take two incinerators or two anything. Now, assume that in our wisdom or lack of wisdom—there will be a debate over that—there is an increase in the minimum wage. I do not want to debate the wisdom of the increase in the minimum wage, but assume there is an increase in the minimum wage. Do we really want to create a presumption that the private hospital is not going to have to pay that minimum wage increase but—excuse me, let me reverse it. Do we want to create the presumption that the private hospital is going to have to pay the increase in the minimum wage but that the public hospital is going to be off the hook unless we pay their increase in the minimum wage? Do we want to create that presumption?

Now, I had an amendment in committee which said, no, we will not do that when it comes to those employment laws like minimum wage and family and medical leave. We should not create that presumption. The amendment before that is a broader amendment, addressing the same point.

Take the two incinerators.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. LEVIN. I am happy to.

Mr. KEMPTHORNE. Mr. President, just in response to that, this concept of having a public hospital, the private hospital, are we going to presume that we would then proceed and only pay for a minimum wage increase on the private hospital?

Mr. LEVIN. Mr. President, the bill does not presume that we will pay for the increase on the private hospital. It does create a presumption that we will for the public hospital. Of course it can be waived by 50 votes. There is a presumption in the bill.

Mr. KEMPTHORNE. That is the point, Senator, that is the point. If that scenario were to unfold, No. 1, would it not be very healthy for the Senate to have the information as to what is the cost of that mandate?

Mr. LEVIN. So far we are together.

Mr. KEMPTHORNE. In minimum wage.

Mr. LEVIN. Together so far.

Mr. KEMPTHORNE. Ask to have a CBO analysis on the cost and on the private sector.

Mr. LEVIN. We are together.

Mr. KEMPTHORNE. What sort of cost is it to the private sector?

Mr. LEVIN. We are together.

Mr. KEMPTHORNE. What sort of adverse impact might that have on competition between the public and private sector?

Mr. LEVIN. So far so good. Keep going.

Mr. KEMPTHORNE. Then we are together.

Mr. LEVIN. Mr. President, no, no. Excuse me, I will reclaim my right to the floor and then I will be happy to yield.

This bill goes one step beyond that and creates the presumption that we are going to either pay for that increase for the public hospital or waive it. It does not do that for the private hospital.

So, we go right down the road together, arm in arm as last year's bill did, which the Senator from Ohio is the prime sponsor of.

This year we go one step further. This year we create the presumption, and it is pretty embedded in there, that we will pay. We are implying to people, we are sending out the message, we are creating an assumption that we will either pay that increase for the public hospital or waive it.

That is where we have problems.

(Mr. COVERDELL assumed the chair.)

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mr. KEMPTHORNE. I certainly will respect your time. But, Mr. President, that is the point. There is all of this emphasis, all of this discussion on a point of order. At any point—at any point—you may seek a waiver of that point of order. In all likelihood, if you are going to have an increase in the minimum wage, we all know that will require a majority vote in the Senate. It may be the same majority that would also vote to waive that. The point of order also is not self-executing. Somebody has to raise that point of order.

Mr. LEVIN. One Senator.

Mr. KEMPTHORNE. One Senator has to raise that point of order.

Mr. LEVIN. Correct. Is there any doubt in your mind one Senator will raise any point of order? There is not 1 out of 100 Senators who opposes—by the way, the Senator from Idaho is a cosponsor of last year's bill.

Mr. KEMPTHORNE. Yes.

Mr. LEVIN. Which does not go as far as this year's bill does and create this presumption that we are going to treat the public sector different when it comes to funding this mandate than we will the private sector. It is not as though last year's bill was a weak bill. I do not think my friend from Idaho would have cosponsored a weak bill. Last year's bill was a strong bill, which went right down the road, step by step—and you outlined those steps. I agree with each of those steps.

This year's bill adds that additional point of order, and it is there that it creates a competitive disadvantage, in many cases, to firms that are competing with each other. And that is where the amendment of the Senator from Connecticut will allow us to say that if it applies to both, to both incinerators, public and private, that we should then deal with them in the same way.

I wonder if I could ask of the Chair how much time I have left.

The PRESIDING OFFICER. The Senator has 5 minutes remaining of his time.

Mr. LEVIN. I thank the Chair.

I just want to read from some letters from the private sector, from some parts of the private sector.

This is a letter from the Environmental Industry Associations. There are three associations that are part of a larger umbrella group. I understand this has about 2,000 total members. This includes the National Solid Waste Management Association, the Hazardous Waste Management Association, and the Waste Equipment Technology Association. We all understand that the private sector is divided on this bill, that there are parts of the private sector—for instance, I understand the Chamber supports the bill—but there are parts of the private sector that are the most likely ones to be directly impacted that have a lot of problems with this bill.

I want to read from just one portion of the private sector. Again, this is three different subassociations that are represented here, about 2,000 members:

> Notwithstanding provisions in the bill for parity of treatment between the public and private sectors for purpose of analysis—

And this is what my friend from Idaho was talking about, for purpose of analysis.

> there seems to be an inconsistency in actual treatment between the two sectors because the legislation subject to the point of order vote applies only to Federal intergovernment mandates and not private sector mandates. We respectfully restate our basic concern that to exclude State and local government—but not the private sector—from the costs of compliance with unfunded mandates in conjunction with providing goods and services where both sectors compete would be both unfair and unfaithful to the core principles of the Job Creation and Wage Enhancement Act, of which S. 1 is the first piece.

So there is a significant portion of the private sector that very much is troubled by this.

I ask unanimous consent that the letter from those three associations that make up the Environmental Industry Associations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> ENVIRONMENTAL INDUSTRY ASSOCIATIONS,
>
> Re: S. 1, Unfunded Mandate Reform Act of 1995.
>
> *January 9, 1995.*
>
> Hon. DIRK KEMPTHORNE,
> *U.S. Senate, Washington, DC.*
>
> DEAR SENATOR KEMPTHORNE: I recently wrote you, December 22, 1994, on behalf of the Environmental Industry Associations (EIA) to provide you our viewpoint on the important matter of unfunded federal mandates. Now that we and other stakeholders in this debate have had the benefit of a Joint Committee hearing on this initiative, I want to provide you with additional comments as your bill goes to markup and an early floor vote.
>
> We are pleased that the bill requires that the Congressional Budget Office (CBO) provide legislative authorizing committees and agencies anticipating rule promulgation detailed economic and competitive impact analysis on both intergovernmental and private sector mandates. Clearly, this is a major improvement to promote more informed and deliberate decisions by Congress on the appropriateness of federal mandates in a given instance. We are especially pleased that the accompanying CBO Report on federal mandates must include a statement of the degree to which the mandate affects both the public and private sectors and the extent to which federal payment of public sector costs would affect the competitive balance between State, local, or private government and privately-owned businesses." (Committee Print, page 14, line 3-9). Again, we voice our strong support for this centrist approach.
>
> Notwithstanding provisions in the bill for parity of treatment between the public and private sectors for purpose of analysis, there seems to be an inconsistency in actual treatment between the two sectors because the legislation subject to the point of order vote applies only to federal intergovernment mandates and not private sector mandates. We respectfully restate our basic concern that to exclude state and local government—but not the private sector—from the costs of compliance with unfunded mandates in conjunction with providing goods and services where both sectors compete would be both unfair and unfaithful to the core principles of the Job Creation and Wage Enhancement Act, of which S. 1 is the first piece.
>
> To ensure that there is a level playing field between the public and private sectors, we suggest that the term 'Federal intergovernmental mandate' beginning on Committee Print, page 4, line 22, be amended by including a new paragraph "(C)" following line 14, pages 6, that would read as follows:
>
> (C) *The term 'Federal intergovernmental mandate' shall not include any mandate to the extent it affects the commercial activities (including the provision of electric energy, gas, water or solid waste management and disposal services) of any state, local or tribal government.*
>
> We look forward to working with you in the months ahead by providing the views of our members on legislative initiatives in which they have an interest.
>
> Sincerely,
>
> ALLEN R. FRISCHKORN, Jr.,
> *President and CEO.*

Mr. LEVIN. Mr. President, let me read a letter from Consumers Power Co. This is a major energy supplier in my home State of Michigan. This is dated January 11:

> The Unfunded Mandate Reform Act of 1995 is intended to relieve State and local governments of unfunded Federal mandates. While we support the intent of the bill, Consumers Power Company has some concerns over the impact the bill would have on investor owned electric utilities and its customers. We believe it will have the effect of placing certain private companies at a competitive disadvantage with local governments when they provide identical services.
>
> Consider, for example, that the private sector would be required to comply with Federal environmental mandates at costs creating intolerable competitive disadvantages, while the public sector would be excused from compliance because funding is not provided by the Federal Government. Compliance with Clean Air Act Amendments of 2001, should they pass, would be such a case. Should municipal utilities be exempt from NOx reduction requirements because the Federal Government does not pay for implementation?

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CONSUMERS POWER,
> *Washington, DC, January 11, 1995.*
>
> Hon. CARL LEVIN,
> *Russell Senate Office Building, U.S. Senate, Washington, DC.*
>
> DEAR SENATOR LEVIN: The Unfunded Mandate Reform Act of 1995 (S. 1) is intended to relieve state and local governments of unfunded federal mandates. While we support the intent of the bill, Consumers Power Company has some concerns over the impact the bill would have on investor owned electric utilities and its customers. We believe it will have the effect of placing certain private companies at a competitive disadvantage with local governments when they provide identical services.
>
> Consider, for example, that the private sector would be required to comply with federal environmental mandates at costs creating intolerable competitive disadvantages, while

the public sector would be excused from compliance because funding is not provided by the federal government. Compliance with Clean Air Act Amendments of 2001, should they pass would be such a case. Should municipal utilities be exempt from NO_x reduction requirements because the federal government does not pay for implementation?

Senator Thad Cochran intends to introduce an amendment, as early as today, which would correct this unintended competitive disadvantage. We urge your support for the Cochran amendment which explicitly assures that where state and local governments engage in commercial activities, they must meet the same requirements as private firms offering the same product or service.

Attached for your review and consideration is the draft amendment language. Please call me or Mary Jo Kripowicz of my Washington staff should you wish to discuss this issue further.

Sincerely,

H.B.W. SCHROEDER.

Mr. LEVIN. So, Mr. President, a number of these amendments raise very important points. I, too, am glad that we finally have gotten to these kinds of amendments, and there will be a number of other amendments that are offered. But this is one of the most significant amendments for us to consider and worry about. However we vote on this amendment, I think each of us ought to be concerned about the possible competitive disadvantage that this bill is likely to place the private sector companies in that compete with the public sector.

I want to commend my friend from Connecticut for his tremendous work in this area and his concern for the private sector. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I am proud to yield 1 minute to the senior Senator from Idaho.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague, Senator KEMPTHORNE, for yielding. First of all, let me recognize the effort that he has put in now for, I guess, over 3 days on the floor to push an issue that the American people have spoken so clearly to, and I congratulate him for this effort and the work that goes on here to fashion this most important piece of legislation toward final resolution.

But I now speak specifically to the Lieberman-Kerry-Levin amendment of which, if you want to gut a good bill, here is where you start. This is the first substantive effort we have seen on the part of the other side to substantially change the course and the direction of this bill. Basically, the private sector has an opportunity to compete with any segment of the public sector, and vice versa. And if you start making all of these broad exceptions, you create gaping holes in this legislation that you can drive billions of dollars through.

This amendment says that wherever there may be competition between the private and public sectors, S. 1 would not apply.

If this amendment actually did anything to stop the Federal Government from imposing mandates on the private sector, I'd be the first in line to cosponsor it.

This amendment would not stop unfunded mandates on the private sector. In fact, it would help Government go on imposing them.

As I understand it, since the private sector might conceivably compete for virtually any public sector activity, this amendment would make S. 1 meaningless. It would gut the bill.

As my colleague from Idaho has pointed out from his experience as a city mayor, the private sector competes with the public sector in a host of activities such as police services and fire services, planning services, prisons, education, recreation, civil engineering—to name only a few.

Under this amendment, unfunded mandates relating to activities or services like these would not have to comply with S. 1.

We are told that S. 1 would put the private sector at a disadvantage in competing with the public sector, because the private sector would have to pay for mandates it operates under, while the Federal Government would absorb the cost of any mandates on the public sector.

This amendment is based on wrong assumptions about S. 1.

S. 1 is a process reform that makes it harder to enact unfunded mandates on either the public or private sector and opens up the process to public scrutiny.

This amendment does not try to stop the Government from imposing costly mandates on the private sector. Instead, the amendment just exempts a huge class of mandates.

As a result, this amendment would remove the procedural speed bump that S. 1 puts in the path of those unfunded mandates.

In other words, this amendment will hurt the private sector by keeping it easy for the Government to impose unfunded mandates on either the public or private sector.

Exempting a long list of mandates from this bill just means making it easier for Congress and the Federal Government to continue putting the cost of mandates on somebody else's bill—and making it harder for Congress to find out ahead of time how much the mandate will cost the American people.

The process today is broken. It is biased toward irresponsibility. It frustrates information gathering. It prevents the American people from having a clear view of what decisions are being made by Congress and the Federal regulators.

S. 1 would end all that.

S. 1 gives us a tool to determine the actual cost of Government mandates before we are asked to vote on them.

For the first time in history, it will be standard operating procedure for CBO to analyze the cost of mandates on the private sector, and for Federal agencies to review the costs of mandates on the private sector.

Without a CBO estimate, a bill imposing unfunded mandates on the private sector would be subject to a point of order.

Most important, S. 1 changes the bias of the current system to make Congress and the Federal regulators accountable for the real outcome of their decisions, by giving the American people a clear view of the decisions being made.

American business understands all this. We have heard the letters from business leaders who are in the best position to evaluate the bill's impact on competition. Those letters support S. 1.

Exempting actions from S. 1 will not help any business in America. It will only keep a broken process in place.

If you think unfunded mandates on American business are unfair, you should support S. 1 and oppose this amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I just want to thank my colleague from Idaho. I am proud to be a partner with him.

Mr. LOTT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. How much time is remaining on both sides?

The PRESIDING OFFICER. Five minutes for the Senator from Idaho and 27 minutes for the Senator from Connecticut.

Mr. LOTT. So at approximately sometime shortly after 5:30 or 5:35, we can anticipate a vote on this issue?

The PRESIDING OFFICER. 5:40 to be specific.

Mr. LOTT. Thank you, Mr. President.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I will speak on my own time. I say also to my friend from Mississippi that we may not consume all the time available on our side. There is one other Senator who has asked to speak in support of the amendment, and if he arrives on the floor, obviously, I will yield to him. Otherwise, I will speak for a brief time. I presume that my friend and colleague from Idaho will want to speak for a little bit. And if it is OK with him, I would like to wrap it up.

Mr. President, I do want to make clear here a few points in response to some of the opposition to the amendment. This is not some special exemption that we are creating. We are in fact trying to create an equality of enforcement of S. 1 to make it clear that it applies equally to the public and the private sectors, and that it does not, by setting a higher hurdle for so-called mandates on State and local governments, exempt them and put them at a competitive advantage in regard to, or in respect to private entities that are doing the same thing that they are doing.

I feel very strongly, Mr. President, that this amendment does not go to the heart of this bill. This bill, which I fully support, one, wants Congress to be forced to face an estimate of the costs of what we are about to do. It sounds as if we should have done it a long time ago, and we should have. What is rational or fair about passing a bill which requires other levels of Government or the private sector to take action when we do not know how much it will cost them? As much as we support some of the goals that are the subjects of legislation we adopt, we might decide that it is not worth it, that on a cost-benefit basis, it is not worth it.

My amendment leaves that intact. We will be forced to face the cost of potential legislation. CBO must give an estimate of the cost impact on both public and private entities of anything we are about to do.

The amendment, if passed, leaves the second point of order in place created by S. 1 so far as it relates to mandates specifically on State and local government for governmental functions where there is no private-sector competition. In my opinion, that affects the most significant and certainly the most costly mandates that we put on State and local governments. They still would be covered by S. 1, if amended by the amendment that we have put in. And it is just there in the dollars and cents. It was there in the testimony that I read from Governor Voinovich of Ohio and, indeed, from Senator BOND. When you look at the impact, the big-ticket items, the big-ticket mandates, the most costly mandates on the State and local governments are the ones that are uniquely on them—education and social services particularly.

The current occupant of the chair made the point there are other mandates we put on the States uniquely, and the motor-voter legislation, which the current occupant of the chair cited, is a good example. There is no private sector impact of that. In a sense that is the classic Federal mandate. We had a "good idea," and we asked the States and localities to do it. We forced them to do it. But we did not give them the money to pay for it. And that would still, if my amendment passed, be required to pass the second hurdle, be subject to the point of order, and be put on the track which would eventually lead to no money, no mandate. And that ought to be.

But when we are dealing with something that affects both the public and private sector, I just do not think it is right to lower the bar, the hurdle, for the public sector and keep it up here for the private sector. That is inevitably going to mean that the private sector will be put at a competitive disadvantage where they are playing a zero sum game as they are in so many clean air, clean water situations where you have a set level of pollution reduction that the public and private sector share. If we ask less of the public sector, the private sector is going to have to bear more of a burden and pay more of a cost. And ironically, and unintended, I know, is one of the consequences that I foresee, which is that, if this amendment were passed, it would inhibit the move toward privatization which so many of us support here, privatization of public functions, because a private entity performing a public function will be held to higher responsibilities, have higher costs, and therefore governments will be less likely to privatize because they will get this bargain.

So I think this is an amendment that is equitable. The underlying bill is very necessary, and the amendment does not diminish the impact of the underlying bill. In fact, it supports it and it supports it in a way that is more fair because it does not increase the burdens on the private sector.

Now, people who feel there are too many regulations generally, Federal regulations and Federal mandates, may think that if this passes in this form, because of the inequity that is being created between the public and private sector, the next step will be to remove mandates from the private sector.

I would respectfully suggest that is a big step which is not likely to follow, and therefore the private sector will be left holding the bag, paying the extra cost of this proposal. The reason I think that big step would not be taken is that then—and I speak as someone who has worked on market incentives for environmental protection and is concerned about deregulation—but if you started to talk about pulling off some of the regulations, then you are going to put in play a lot of laws that the public wants us to keep out there.

Mr. LOTT. Mr. President, will the distinguished Senator yield?

Mr. LIEBERMAN. I will be glad to yield to my colleague.

Mr. LOTT. Just for a little discussion and maybe a question.

I certainly respect what the distinguished Senator from Connecticut is trying to do. He always gives great thought to any amendment he pursues or any bill he supports, and he really has an impact when he does that.

I presume that the Senator is—I think I know the Senator well enough that he is for the concept of this legislation.

Mr. LIEBERMAN. The Senator is correct.

Mr. LOTT. The Senator thinks we ought to take a look at the costs of mandates we have been putting on State governments. Having been a State attorney general, he knows what is involved here, and I know he would like for us to review that and relieve the States and the local governments of some of these mandates that cost millions of dollars.

So I know the Senator does not want to undermine the basic purpose of this legislation, and the Senator does not want to in any way render it moot, as I believe I heard somebody say earlier here.

The thing that bothers me about the amendment, more and more, you are going to find that there are areas where both private and public are already involved. I believe the distinguished chairman of the Governmental Affairs Committee has indicated earlier that already you have private activities in the police departments, in fire departments, in public building inspectors, public road construction, public hospitals, and city attorneys compete with the private, fee-for-service attorneys.

So I was just rolling over in my mind as the Senator was speaking that there are so many public-sector services now, at both the State and the county and the city level, where you would have this private-sector competition and that so much of the bill might be in fact wiped out if we pass this.

How does the Senator respond to that? Because I am concerned about what the impact would be. We do not want to wipe out major portions of the bill because we know it is good. But with the potential impact that might have on the private sector, we do not want to kill the whole thing when you are trying in good faith to address a problem. When you analyze it, it looks to me as if almost everything could be covered here now.

Mr. LIEBERMAN. Mr. President, I appreciate the question from my friend, and it is a good one. Let me first state that not only is there not the intention to wipe out most of bill, I am convinced the impact of the amendment is not to do that. And let me assure my friend from Mississippi that I wish to support this bill. I was a cosponsor of S. 993 last year.

I was the attorney general of Connecticut before I came here. I believe in federalism. I know that the States have not been treated fairly in a whole host of mandates that we have put on them. But it is just the point that the Senator is making that is part of my argument. We are in a time now, I do not have to tell my friend, where we are quite appropriately reviewing the whole structure and focus and purpose of government, and taking a look at whether government is best suited to perform certain functions or whether the private sector can pick up those functions.

I am afraid that if we pass this bill unamended, without the amendment that I have put in, all the incentives go toward keeping governmental functions in the Government and not giving them over to the private sector, because the private sector is held to the higher standard. The public sector can be held to a lower standard if we do not fully pay the cost of any mandate. So, if I understand the Senator's question correctly, it is in fact because: First, I do not want to put the private sector at a competitive disadvantage and, second, I agree the Government has grown too big and we ought to figure out ways in which we can have private entities perform some public functions.

But this bill as it sits now will discourage that, as the school bus operators—I read a letter, before my friend was on the floor, from the school bus operators association, National School Transport Association where they urge support of this amendment because of their fear that the result of it, unintended, will be for fewer municipalities to contract with them to provide school bus service because the municipalities will not have to carry out Federal mandates regarding safety equipment on the bus so they will have a lower cost whereas the private school bus operators will have to carry that out.

So I repeat, I feel very strongly that this amendment does not gut the bill. The bill remains strong, very strong. And frankly it is revolutionary in its impact, forcing us to face the cost, setting hurdles, and including setting that high hurdle when we mandate that a State and local government perform a function uniquely. And that is where most of the dollars are that we mandate the State and local governments to pay.

So I urge my colleagues to consider supporting this bill across party lines. I think it is fair. It is good for the private sector. And it is good for the public, too, insofar as they are concerned about us protecting their health and safety.

Mr. President, I yield the floor at this time.

Mr. LOTT. Mr. President, I believe the distinguished sponsor of the legislation is perhaps ready to speak. How much time is remaining now?

The PRESIDING OFFICER. There is 5 minutes remaining to the Senator from Idaho, 10 minutes for the Senator from Connecticut.

Mr. LOTT. Does a quorum count against the time?

The PRESIDING OFFICER. Equally divided.

Mr. LOTT. Time would count. So at this point we could yield back time on either side and perhaps have the closing statements?

Are we ready? Could I ask the distinguished Senator from Ohio, are we ready to conclude the debate at this point?

Mr. GLENN. In just a moment. I think the distinguished minority leader, I believe, had indicated he might want to have a few words on this. We have sent word in to him that we are down to about the last 5 minutes so we might delay just a couple of minutes here.

Mr. LOTT. If that is the case, I do not believe the sponsor of the legislation would want to use his time.

Do you want to just put in a quorum and let it count? Or do you want to speak now?

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I will yield such time to myself as I may need.

Mr. President, a few points. No. 1, Senate bill 993, which I was a cosponsor of, principal sponsor last year—it was a very good bill. S. 1, much of the base of that is 993, but it is a new and improved version. I strongly support S. 1.

When we talk about this issue of competition between the public sector and the private sector—I will put my voting record up. For example, my ranking from the U.S. Chamber of Commerce is a 92 percent voting record in support of business issues; National Federation of Independent Business, 94 percent. I am not going to be part of any legislation that in any way is going to have an adverse impact on our business community. And I have not done that in S. 1.

One of the members of the business community I spoke with last week made this very, very good point—Bob Bannister, National Association of Homebuilders. He said, "There is no such thing as an unfunded mandate. Everyone of them are funded but they are funded by tax dollars. We in the business community that are paying the taxes—we pay them." That is why the business community strongly supports S. 1 as written.

But now we have the amendment. I respect my colleague from Connecticut, but this amendment says that in those areas where there may be competition, then we are not going to allow this process to work. But that is what S. 1 is, it is a process.

Why would we not want to know the cost of some potential mandate before we vote? I think the people of America want us to know how much it is going to cost. What is the impact? And included in there is if in any way this creates some sort of adverse impact to the private sector—which are the ones paying the taxes anyway—we will know it.

The Senator from Massachusetts made the point, he said, and I am paraphrasing: If it creates a disadvantage to the private sector, he says, I think the people would say wait a minute.

Guess what? Now we will know, because of this process. And do you know who will say wait a minute on behalf of the people? Congress will. Because then we can come to the floor, and now it is not based on all of these scenarios that we have heard. It is based upon empirical data. Every one of these scenarios, as it has been pointed out, if they develop then this is where we resolve it: Majority rules. But it is the process that we know this ahead of time.

The Lieberman amendment will have the effect of eliminating from S. 1 any cost estimate for any conference reports, amendments, or motions which contain mandates. The estimates on these only come from subsection C(1)(b) which the amendment makes inapplicable. So we are going to say, you know what, there just may be a lot of these problems out here. So rather than knowing that, rather than knowing how much it is going to cost, we would rather not know. So let us just wipe it out. That does not set well with me. That does not set well with mayors and Governors and county commissioners and schoolteachers throughout the United States nor our private sector partners throughout the United States.

Mr. President, I will ask unanimous consent to have printed in the RECORD the following letters. From the U.S. Chamber of Commerce—I will only read a line from each of these.

> The U.S. Chamber of Commerce has loudly and wholeheartedly endorsed this legislation.

That is dated January 18, 1995.

A letter from W.M.X. Technologies, which is a large, large company dealing with the waste management issue.

> I am writing to express our appreciation and support for your efforts in crafting the text of S. 1, the Unfunded Mandate Reform Act of 1995.

NFIB, National Federation of Independent Business:

> On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1.

The National Retail Federation:

> On behalf of the Nation's retail community and its 20 million employees—1 in 5 U.S. workers—we are writing to commend you for your sponsorship of S. 1. . . . S. 1, which would restore accountability and responsibility at the federal level, is the strongest legislative initiative in which to counter this growing problem.

I do not think the American public realizes for how many years we have cast votes in this well on mandates to the citizens of this country and we never knew how much they cost. To this day we do not know because nowhere do we require it.

We will now, with S. 1. And at any point that you want to have a waiver of the point of order, just come to the floor and a majority rules and we waive the point of order. But we are going to start making informed decisions. We are not abdicating decisionmaking. We are enhancing decisionmaking through S. 1—a process.

Mr. President, I reserve the remainder of my time and ask unanimous consent the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL RETAIL FEDERATION,
January 4, 1995.
Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the nation's retail community and its 20 million employees—1 in 5 U.S. workers—we are writing to commend you for your sponsorship of S. 1, The Unfunded Mandates Reform Act of 1995. This legislation is the most effective way to confront the problem of unfunded federal mandates while simultaneously resuscitating the concept of federalism and giving the states back control of their budget obligations.

The problem is well documented and the solution is clear—unfunded federal mandates must end. Over the past decade, an unprecedented increase in unfunded federal mandates in environment, labor and education, to name just a few, has forced state and local governments to undertake actions that drain their resources and are often in conflict with the best interests of their citizens as well as our industry.

As representatives of the retail industry in each of the fifty state capitals, we have experienced first hand the profound adverse impact of unfunded federal mandates on our industry and our state's economic well-being.

Unfunded federal mandates are simply another Washington practice of circumventing a fundamental responsibility in governing, the obligation to bring desires into line with revenues. Such mandates are Washington's way to dictate to the states, even though it has exhausted its resources. S. 1, which would restore accountability and responsibility at the federal level, is the strongest legislative initiative in which to counter this growing problem.

Again, we sincerely appreciate your leadership on this important matter.

Sincerely,

Tracy Mullin, President, National Retail Federation; George Allen, Executive Vice President, Arizona Retailers Association; J. Tim Brennan, President, Idaho Retailers Association; Bill Coiner, President, Virginia Retail Merchants Association; Spence Dye, President, Retail Association of Mississippi; Bud Grant, Executive Director, Kansas Retail Council; Jo Ann Groff, President, Colorado Retail Council; John Hinkle, President, Kentucky Retail Federation; John Mahaney, President, Ohio Council of Retail Merchants; Charles McDonald, Executive Director, Alabama Retail Association; Grant Monahan, President, Indian Retail Council; Sam Overfelt, President, Missouri Retailers Association; Ken Quirion, Executive Director, Maine Merchants Association.

Lynn Birleffi, Executive Director, Wyoming Retail Merchants Assn.; John Burris, President, Delaware Retail Council; Bill Dombrowski, President, California Retailers Association; Janice Gee, Executive Director, Washington Retail Association; Brad Griffin, Executive Vice President, Montana Retail Association; Jim Henter, President, Association of Iowa Merchants; Bill Kundrat, President, Florida Retail Federation; William McBrayer, President, Georgia Retail Association; Larry Meyer, Vice Chairman & CEO, Michigan Retailers Assn.; Mickey Moore, President, Texas Retailers Association; Nick Perez, President, Louisiana Retailers Assn.; Dwayne Richard, President, Nebraska Retail Federation.

Bill Sakelarios, Executive Vice President, Retail Merchants Assn. of N.H.; Paul Smith, Executive Director, Vermont Retail Association; David Vite, President, Illinois Retail Merchants Assn.; Melanie Willoughby, President, New Jersey Retail Merchants Assn.; Mary Santina, Executive Director, Retail Association of Nevada; Chris Tackett, President, Wisconsin Merchants Federation; Jerry Wheeler, Executive Director, South Dakota Retailers Assn.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, January 3, 1995.
Hon. DIRK KEMPTHORNE,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR DIRK: On behalf of the U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, and 1,200 trade and professional associations, I sincerely commend your hard work and tenacity on the "Unfunded Mandate Reform Act of 1995," S. 1. The Chamber membership identified unfunded mandates on the private sector and state and local governments as their top priority for the 104th Congress. Accordingly, the Chamber supports this legislation and will commit all necessary time and resources to ensuring its passage early in this session.

I particularly want to thank you for responding to our concerns about the role of the private sector in this debate and the potential impact it could have had on the business community, especially small businesses. Your willingness to include the private sector in Title II of S. 1, "Regulatory Accountability and Reform," and your recognition of the potential unfair competition issue between business and state and local governments, make this a much strong bill that can have a significant impact on the current regulatory burden.

Again, Dirk, we appreciate your commitment to this issue. I look forward to working with you to secure passage of S. 1 as well as other issues that we can join forces on for the 104th Congress.

Sincerely,

RICHARD L. LESHER.

SMALL BUSINESS LEGISLATIVE COUNCIL,
January 10, 1995.
Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We wish to express our support for the Unfunded Mandates Reform Act of 1995, S. 1, and urge you to vote for it. In particular, we strongly support the provision requiring the Congressional Budget Office to conduct an analysis of the direct cost of proposed mandates on the private sector.

Several years ago, we arrived at the conclusion that many of our "regulatory" problems were actually "legislative" problems. Congress had effectively assumed the role of regulator. Therefore, we concluded, the analysis of new "regulatory" requirements should begin during the legislative process. In effect, we argued that Congress should impose upon itself, the discipline of the Regulatory Flexibility Act.

For this reason, in addition to our general concerns about unfunded mandates, we support this legislation. It is important that Congress understand fully, the economic consequences of its actions on small business, in a timely manner. Small business is at the regulatory braking point. All too frequently, small business owners tell us, "I am not sure I can advise my son or daughter to join me in the business. It is not worth it, the hassles outweigh the joys. They just might be better off working for someone else." That is not a healthy trend for the country.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sections as manufacturing, retailing, distribution, professional and technical services, construction, tourism, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

JOHN S. SATAGAJ,
President.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Floorcovering Association.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Association, Inc.
American Warehouse Association.
American Wholesale Marketers Association.
AMT-The Association for Manufacturing Technology.
Apparel Retailers of America.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.

Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Chimney Sweep Guild.
National Association of Catalog Showroom Merchandisers.
National Coffee Service Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Venture Capital Association.
National Wood Flooring Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Passenger Vessel Association.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Professional Lawn Care Association of America.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.

JANUARY 10, 1995.

DEAR SENATOR: On behalf of the broad-based coalition listed below, representing millions of hardworking, tax paying voters, we urge your strong support of S. 1, the Unfunded Mandates Reform Act of 1995. Congress must begin to control the "unfunded mandates" crisis facing America today.

Our members are quite concerned over the burgeoning number of federal mandates imposed on state and local governments which lack adequate financial assistance for development, implementation and compliance. Without adequate funding, states and localities are forced to pass on these costs and the true financial burden is shouldered by private business and citizens through fees and taxes.

S. 1, a bi-partisan effort sponsored by Senator Dirk Kempthorne (R-ID) and John Glenn (D-OH) and supported by a majority of the Senate, is the critical first step to controlling the unfunded mandates crisis. This bill requires the non-partisan Congressional Budget Office (CBO) to analyze new legislation and determine the cost of any proposed mandate imposed on state and local governments. The bill also requires CBO cost estimates for impacts on the private sector. If these estimates are not completed, any proposed legislation may be ruled out of order.

This bill does not halt government actions. It is an important educational tool for Members of Congress who need to know the financial impact of legislation being considered before voting on it.

Now is the time to act. Support S. 1 without weakening amendments and begin to alleviate the burden of unfunded federal mandates.

Sincerely,

Associated Builders and Contractors, Inc.
Building Owners and Managers Association.
Denver Regional Transit District.
International Council of Shopping Centers.
National Association of Home Builders.
National Association of Real Estate Investment Trusts, Inc.
National Association of Realtors.
National Restaurant Association.
National School Transportation Association.
Small Business Legislative Council.
U.S. Chamber of Commerce.
Washington Metro Area Transit Authority.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC January 10, 1995.

Members of the U.S. Senate:

The Senate is scheduled tomorrow to consider S. 1, the "Unfunded Mandate Reform Act of 1995." On behalf of the U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 72 American chambers of commerce abroad, I strongly urge you to vote "YES." The Chamber will include this vote in its annual "How They Voted" vote ratings.

The U.S. Chamber conducts a survey of its membership each congressional cycle to determine the most important legislative issues for the coming Congress. This year, the Chamber membership identified unfunded mandates on the private sector and state and local governments as its number one issue for the 104th Congress. We believe that the coverage S. 1 provides for the private sector represents a significant step forward in our ongoing battle to tame federal regulatory burdens. Accordingly, we have endorsed S. 1 and are devoting all necessary time and resources to secure its passage.

All the private sector seeks in this debate is information and accountability. We do not seek federal funding for any private sector mandate. Our goal is to ensure that before any significant legislation can be passed or any major regulation imposed on the private sector, a cost impact analysis be done and made public. We also seek, at a minimum, a requirement that before any public sector mandate is funded, an analysis of the potential for unfair competition between the public and private sectors in the provision of the same goods or services is provided and aired. Our intent is to secure full and honest debate and to allow the public to communicate to Washington where their limited resources should be spent. Every day, American business and households, as well as state and local governments, have to consider the impact their actions have on their own bottom lines. Congress and federal regulators also should be required to consider the financial impact of the mandates they impose.

This issue is about good government, jobs, and competitiveness. The business community recognizes that state and local governments struggle with such basic necessities as funding for additional police officers, ambulances and schools because an increasing portion of their budgets go toward complying with unfunded federal mandates So too do businesses struggle—particularly small buuinesses—with generating jobs, making their businesses grow, and sometimes just staying in business.

NATIONAL ASSOCIATION OF
WHOLESALER-DISTRIBUTORS,
Washington, DC, January 11, 1995.

Hon. [Name],
U.S. Senate,
Washington, DC.

DEAR SENATOR [Last Name]: Shortly you will be called upon to consider S. 1, "The Unfunded Mandate Reform Act of 1995." As you know, in addition to addressing unfunded mandates imposed on state and local governments, the legislation includes a requirement that the Congressional Budget Office conduct a cost-impact analysis whenever Congress wants to impose an unfunded mandate of more than $200 million on the private sector. On behalf of the 45,000 companies represented by the National Association of Wholesaler-Distributors (NAW), we strongly urge you to fight for passage of S. 1 as drafted, and oppose any efforts to remove or weaken the private-sector coverage language.

Clearly, S. 1 will force Congress to confront the real world impact of unfunded mandates on the millions of businesses, and their employees, that drive our economy, and who must implement and pay for the laws, rules and regulations that are imposed on them by Washington. Indeed, your support for S. 1 with its strong private sector coverage provisions, will tell every employer and employee in [State] and across the country that before considering an unfunded mandate you will carefully review the costs to American business associated with that mandate. This, in our estimation, represents sound government policy, sound business policy and sound economic policy.

With thanks for your consideration and best regards.

Cordially

DIRK VAN DOGEN,
President.
ALAN M. KRANOWITZ,
Senior Vice President.

BROWNING-FERRIS INDUSTRIES,
Washington, DC, January 11, 1995.

Hon. DIRK KEMPTHORNE,
Dirksen Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We appreciate the attention you have given to views we previously expressed in connection with unfunded mandates legislation. We expressed our previous views at a time when one of our concerns was that unfunded mandates legislation could have retroactive effect. It is evident that S. 1 has a prospective effect only, which we understand was your intent all along.

After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S. 1 is creation of a favorable climate for the private sector. In fact, S. 1 seeks creatively to address the concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of them prior to your tenure in the Senate—BFI is convinced that your dedication to free enterprise is unsurpassed.

With your commitment to assure equality for the private sector—no more, but no less—where competition exists between the public and private sectors, we are pleased to strongly support S. 1.

Sincerely,

RICHARD F. GOODSTEIN.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, January 3, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR DIRK: On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1, the unfunded mandates legislation, when it is considered by the Senate in January.

Unfunded federal mandates on the states and local governments end up requiring these entities to raise taxes, establish user fees, or cut back services to balance their budgets. Small business owners are affected by all of these actions.

Between 1981 and 1990, Congress enacted 27 major statutes that imposed new regulations on states and localities or significantly expanded existing programs. This compares to 22 such statutes enacted in the 1970s, 12 in the 1960s, 0 in the 1950s and 1940s, and only two in the 1930s. The Congressional Budget Office estimates that the cumulative cost of new regulations imposed on state and local governments between 1983 and 1990 was between $8.9 billion and $12.7 billion. These include environmental requirements, voters registration requirements, Medicaid, and others.

It was not the states and cities who paid roughly $10 billion in unfunded mandates during the 1980s; it was taxpayers—small business owners as well as everyone else. In June 1994, a poll of all NFIB members resulted in a resounding 90% vote against unfunded mandates.

I urge you to strongly support S. 1.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

WMX TECHNOLOGIES, INC.
Washington, DC, January 12, 1995.

Hon. DIRK A. KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing to express our appreciation and support for your efforts in crafting the text of S.1, The Unfunded Mandate Reform Act of 1995.

As you know, WMX Technologies, Inc. is the world's largest environmental services company. In the United States, the WMX family of companies provides municipal solid waste management services in 48 states. These services include 132 solid waste landfills and 15,000 waste collection vehicles serving approximately 800,000 commercial and industrial customers as well as 12 million residential customers and contracts with nearly 1,800 municipalities. In addition, our 14 trash-to-energy plants produce energy from waste for the 400 communities they serve. Finally, our recycling programs provide curbside recycling to 5.2 million households in more than 600 communities and to 75,000 commercial customers throughout the United States.

We provide these services in a heavily regulated and highly competitive environment. In many cases, State, local and tribal governments are our valued customers, while in others they enter the market and provide services as out competitors. While we do not object to their entry into the market, we have consistently sought to ensure that there is a level playing field upon which we can all compete fairly in the marketplace. For this reason, we have been keenly interested in efforts to ensure that the private sector is not competitively disadvantaged by unfunded mandate legislation that would preferentially relieve public sector participants from the costs of complying with Federal mandates.

WMX is deeply grateful to you for your sensitivity to this potential difficultly and your willingness to work with us to resolve it. We are confident that the legislation and amendments you will support on the floor of the Senate will provide the necessary safeguards to avoid unintended adverse impacts upon the private sector.

We look forward to working with you and your staff on this and other matters of mutual concern.

Sincerely,

FRANK B. MOORE,
Vice President
for Government Affairs.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, January 18, 1995.

LETTERS TO THE EDITOR,
New York Times, West 43d Street, New York, NY.

TO THE EDITOR: Your editorial in today's paper, "What's the Rush on Mandates?" categorically misrepresents the position of the U.S. Chamber of Commerce on the unfunded mandates legislation pending before Congress.

Over a year ago, we began working with Senator Kempthorne and Representative Clinger, the respective leaders on this issue in the U.S. Senate and House of Representatives, to ensure comprehensive coverage for the private sector. We have nothing but praise for their leadership on this issue and for their openness to the concerns of the private sector. Indeed, when we brought the issue of the potential for unfair competition to their attention (caused when only the public sector receives funding for mandate compliance in an area where they compete with businesses), they responded immediately by including language in both the Senate and House bills to specifically require Congress to address this issue.

The U.S. Chamber of Commerce has loudly and wholeheartedly endorsed this legislation and has committed all necessary time and resources to ensuring its passage and successful implementation. Contrary to your reporting, every communication we have sent to both Congress and our membership federation of 220,000 on this issue since the advent of the 104th Congress emphatically states our support for quick passage of this legislation.

Sincerely,

R. BRUCE JOSTEN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I do want to respond to my friend from Idaho and say it is certainly the intention of the sponsors of the amendment—I am confident the desired impact of the sponsors of the amendment—to leave most of the contents of requirements of S. 1 intact, including the requirement that there be a Congressional Budget Office analysis of the cost of every Federal law which might result in a mandate on public and private entities, and that a measure would be subject to a point of order—a point of order would lie if there was not such an estimate.

So we want to keep those facts in there, and we want to keep the second point of order in there with regard to the mandate that would impact State and local governments in the capacity of State and local governments, unique as it is, when they are not competing with anyone from the private sector. All we want to do here is to say that it is unfair to lower the bar on State and local governments when they are performing a function pursuant to a mandate that the private sector is also performing.

Yes, the Senator from Idaho is correct, this is just a point of order. But a point of order is more than just a point of order. It sets up here a two-track system, and we are saying to State and local governments, "You have the opportunity to put yourself on a course that says no money, no mandate, no responsibility," while the private sector has to pay the cost of fulfilling that mandate regardless.

Mr. President, I ask unanimous consent that the Senator from Illinois, Ms. CAROL MOSELEY-BRAUN, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I yield such time as he may need to the distinguished Democratic leader.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Connecticut and commend him for the amendment.

I have watched the debate and am very moved by his arguments. I hope our colleagues will support the amendment. It is a crucial amendment, in my view, to improving the quality of this legislation.

As the Senator was just indicating, as currently written, this bill could create unfair competition between the public and private sectors by creating a presumption that public sector costs to comply with mandates should in nearly all cases be subsidized by the Federal Government.

In some cases, Federal mandates will affect both the public and private sectors in similar and, in many cases, nearly identical manners. The costs of compliance with minimum wage laws or environmental standards are incurred by both the public and private sectors.

Subsidization of the public sector in these cases could create a competitive advantage for activities performed by the public sector as it competes with the private sector in the same markets.

In the past few weeks, there have been a number of efforts made by both majority and minority staff to develop a compromise on this issue. I appreciate the work by Senator KEMPTHORNE to deal with this problem. He and others on the Republican side of the aisle recognize the potential problem here and have worked in good faith to address it.

I felt that we were close to a solution with an agreement that language would be included in the committee report that would have clearly stated the policy of the Congress that where mandates would affect the public and private sectors equally, and where Federal subsidization of the public sector would competitively disadvantage private businesses, a Federal subsidy should not be provided.

At least this would have established a basis for a Senator to go to the floor and argue for a waiver of the point of order in such cases.

Unfortunately, when the final committee reports were filed, the language that we had proposed to address this situation was substantially weakened. No strong statement of such policy was included to clarify that Congress should not be expected to subsidize the public sector to the detriment of the private sector.

Such a statement of policy is clearly needed in this bill. The pending amendment will provide that statement by establishing a well-considered and reasonable exclusion.

The exclusion is not intended to create a massive loophole, as some Members have suggested. It merely ensures that the competitive balance between the public and private sectors be maintained.

I urge my colleagues on both sides of the aisle to support this wise and fair amendment.

Mr. President, I think the Senator from Connecticut and others who have put a great deal of effort into structuring this amendment have thought through many of the very difficult obstacles that we face as we address this bill.

We want to support this bill. We want to find ways in which to address what we consider some of the shortcomings. Certainly as we consider some of the most significant problems with the implementation of this legislation, this is one of the most serious issues of all.

So, again, I hope our colleagues will see fit on both sides of the aisle to find a way to support this and to recognize its importance. It is important. We ought to pass it. I hope we can pass it this afternoon.

I thank the Senator for yielding. I yield the floor.

Mr. LIEBERMAN. Mr. President, I inquire of the Chair how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 4 minutes, and the Senator from Idaho has 1 minute.

Mr. KEMPTHORNE. Mr. President, I appreciate this discussion. This is what we ought to be doing.

Just for clarification of the Lieberman amendment, where competition exists, paragraph B does not apply. So in the bill, on page 21, line 24, all of page 22, all of page 23, page 24 down to line 21, it is exempt.

So, again, I think that we have stated the case. Why would we not want to go through the process of knowing what the cost is, the impact, and if there is some adverse impact with the private sector? I think the American public wants us to know that information so that we can discuss that and then the majority can rule. At any point you can seek a waiver and say, "No; in this case, we don't need to do that." But rather than inventing all of these scenarios, let us let the will of the Senate work by giving them a process that will enhance that.

Mr. President, I ask unanimous consent that immediately following the next rollcall vote Senator BIDEN of Delaware and Senator KEMPTHORNE from Idaho be allowed to engage in a colloquy not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I want to thank my friend and colleague from Idaho for what has been a very good, substantive debate and to make two points.

One, he is right that this amendment would have that effect regarding section (1)(B). So we remove from any mandate that equally affected the private and public sectors the requirement of section (1)(B), but it leaves (1)(A) intact. (1)(A) is the requirement to report the cost of any bill before the Senate can act on it. It says very simply it shall not be in order in the Senate to consider any bill or joint resolution that is reported by the committee unless the committee has published a statement of the director of CBO on the direct cost of Federal mandates in accordance with this proposal. So that remains intact. The evidence will be there.

Finally, I want to say this to my friend from Idaho. I think that he and Senator GLENN have done extraordinary work here. This measure, S. 1, really would force us finally to do what we should have done a long time ago. I sincerely believe that the passage of this amendment that I have offered leaves almost all of the intent of the bill intact, and certainly that part that imposes the most serious cost on State and local governments.

I think, with the amendment passed, the bill is a better bill. And may I say with thanks and appreciation to the Senator from Idaho, if we pass it with the amendment it is a truly historic accomplishment and will begin to dramatically affect the way in which we behave here and force us to behave in a much fairer way to our friends in the State and local and private sectors who have to live with the laws that we adopt.

Mr. President, I thank the Chair. I yield the remainder of my time.

Mr. KEMPTHORNE. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to lay on the table the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [MR. LEAHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. LEAHY] would vote "no."

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Johnston
Leahy
Thurmond

So, the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. BIDEN] and the Senator from Idaho [Mr. KEMPTHORNE] are to be recognized for up to 10 minutes.

DELEGATION OF CONSTITUTIONAL AUTHORITY BY CONGRESS

Mr. BIDEN. Mr. President, I thank the Chair.

Mr. President, yesterday, or maybe even the day before yesterday, I responded to an assertion that I thought was overbroad—not made by the Senator from Idaho but by another Senator—as to what was within the constitutional authority of the Congress to delegate or not delegate in terms of legislative power. Mr. President, I got into this discussion about the constitutional issue and separation of powers issue, of how much we could and could not delegate and whether or not particular sections of this legislation, in fact, exceeded the constitutional authority we had to delegate power.

Before I begin this colloquy, I want to thank the Senator from Idaho and his staff for spending the time with me and going through it. Mr. President, this bill adds a new section to the Budget Act, section 408(C). That section, as I understand it, provides that a simple majority point of order shall lie against any authorization bill that imposes a mandate unless the authorization bill provides for the possibility that the Appropriations Committee may not appropriate the estimated cost set forth in the authorization bill to pay for the mandate.

Section 408(C) provides that the authorization bill must deal with that eventuality by designating a responsible Federal agency and by establishing criteria and procedures for that agency to scale back the mandate to match the funds that the Appropriations Committee has provided, or to declare the mandate to be in effect.

Now, let me ask my friend from Idaho, what would happen under this provision, and the provision I am referring to is section 408(C), if an authorization bill imposed a mandate, named a responsible Federal agency to implement the mandate, but did not provide any criteria at all for the agency to use in scaling back the mandate or declaring it ineffective? Would a point of order in section 408(C) lie in that case?

Mr. KEMPTHORNE. Mr. President, I say to my friend from Delaware, yes, that the point of order would lie.

Mr. BIDEN. Now, further, I ask my friend from Idaho, what if the authorization bill did claim to set out criteria and procedures for the responsible Federal agency but those criteria said in effect, "Federal agency, do what you think is right if the Appropriations Committee does not fund the full amount set forth in the authorization bill." Would a point of order lie in that circumstance?

Mr. KEMPTHORNE. Mr. President, yes, it would.

Mr. BIDEN. Mr. President, I thank the Senator from Idaho for his answers. I do appreciate them.

Mr. KEMPTHORNE. Mr. President, I would like to pose a question to my friend from Delaware. That is, can my colleague and ranking member of the Judiciary Committee tell me if his constitutional concerns regarding the delegation of authority to executive branch agencies in this section have been satisfied?

Mr. BIDEN. Mr. President, the answer is yes.

As this colloquy has helped show, at least from my perspective, section 408(C) provides that authorization bills that impose a mandate and delegate authority to a Federal agency shall include criteria and procedures to guide the Federal agency's actions. To the extent that an authorization bill contains such criteria and procedures, it increases the likelihood that the delegation of authority is constitutional. To the extent that such a bill lacks appropriate criteria and procedures, it increases the likelihood that the delegation is unconstitutional.

The Senate could, of course, vote to overrule any point of order raised on this basis. But that does not necessarily mean that the delegation is constitutional because the Senate overruled a point of order. The ultimate question of constitutionality is for the courts to decide. Of course, ultimately, all these questions of the constitutionality of a delegation of authority through an executive agency are through the courts.

I am satisfied that the attempt has been made in the legislation to meet the constitutional requirements. I thank my colleague, the Senator from Idaho, for making these points clear to me. As far as I am concerned, on this point, I have no further concern.

Mr. KEMPTHORNE. Mr. President, I say to my friend from Delaware how much I appreciate his looking into this issue and sitting down so that we could go through this point by point.

Because of the universal respect for your legal ability, that was important to me. So I appreciate that the Senator made that effort, and I appreciate that the Senator has entered into this colloquy so we can, I hope, lay this issue to rest. It allows Members, again, to move forward on this bill, which is so important to all Members.

I do thank and show my respect to the Senator from Delaware.

Mr. BIDEN. Mr. President, I thank my colleague from Idaho for his overly generous references to my legal abilities.

In the event that the next election does not turn out as I wish, I hope everyone listened to it. And I wish it were true, although it is not warranted. I appreciate the sentiment.

Mr. BYRD. Mr. President, will the distinguished Senator from Idaho yield?

May I say that I, too, have great respect for the opinion and viewpoints of our friend from Delaware, the ranking member of the Judiciary Committee. He teaches courses in law, and has served as the chairman of that Judiciary Committee for many years.

And what he says carry great weight with me. But I must say that this Senator's concerns are not allayed. I will expound upon those concerns in due time, and I also expect to have an amendment prepared, and perhaps a couple of amendments, which, if agreed to, will allay my concerns.

Mr. KEMPTHORNE. I thank the Senator from West Virginia.

Mr. LEVIN. I wonder if the Senator will yield briefly on this point and my friend from Delaware will also perhaps engage me in a colloquy, because I also have some continuing concerns on this issue, although I do think there has been some significant clarification.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Michigan?

Mr. KEMPTHORNE. Yes, Mr. President, I yield but retain my right to the floor.

Mr. LEVIN. My question would be this: The word "specific" is not in here. Would this be clearer, does the Senator from Delaware believe, if the word "specific" were added before the words "criteria and procedure"?

Mr. BIDEN. Mr. President, if I may respond, the answer is yes. I do not think it is necessary, but it would not do any damage to the section.

Again, I do not want to take too much time, but if you look at the case law here, the real issue is not whether or not we can delegate authority, it is how much authority can we delegate and with what specificity do we delegate.

So to the extent that we demand specificity, it increases the prospect that whatever authority is delegated is constitutionally permissible. That is why I said in my colloquy with my friend from Idaho that to the extent that an authorization bill contains such criteria and procedure, specific criteria and procedure, to the extent it does, it does not make it constitutional, it increases the prospects that it will be constitutional. To the extent that it lacks specificity, it diminishes the prospect that it would be held to be constitutional.

So neither the Senator from Idaho nor I, I believe, are asserting that this does not have the potential to raise a constitutional question, but merely to suggest, and I would refer —maybe what I should do before this bill is finished is refer to some of the case law that I think indicates that it is likely—likely—that the Court would, in fact, rule that we have not delegated authority beyond what we are constitutionally permitted to do.

And to relate to the degree of specificity, I have no objection. It is not my bill, so it is presumptuous of me to suggest what should and should not be added. I have no objection it be added. I think it strengthens it marginally without in any way weakening the intent of the legislation.

Mr. LEVIN. I thank my friends from Idaho and Delaware.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho has the floor.

Mr. KEMPTHORNE. Mr. President, thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 169 TO AMENDMENT NO. 31

(Purpose: To ensure Federal agencies provide a written estimate of the costs private sector mandates on the private sector during the regulatory process)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. DOMENICI, and Mr. SHELBY, proposes an amendment numbered 169.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, add the following:

(6) Notwithstanding any other provision of this Act, an agency statement prepared pursuant to Section 202(a) shall also be prepared for a Federal Private Sector Mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

Mr. NICKLES. Mr. President, first, I wish to compliment the leaders of this legislation, Senator KEMPTHORNE and Senator GLENN, for their patience and for their diligence in pursuing a piece of legislation which I think is very much needed and is a very good piece of legislation. They have taken giant steps toward eliminating unfunded mandates on public entities.

This legislation says if we pass legislation, we should know how much it costs on public entities, and if we are going to mandate something on a public entity that if we do not provide the funding that a point of order can be raised to stop that mandate. I think that is a good step. We should know what it costs and, frankly, if we are not going to provide the funding, we should have some capability to stop it, and this legislation has done that and I compliment the authors.

The legislation also says that if we have legislation pending that has a negative or has an impact on the economy of over $200 million on the private sector, that CBO should score it; CBO should tell us what that impact is before it becomes final. I think that is good. If we are going to pass legislation, if we are going to make laws, we should know what its impact is on the economy before it is too late. Maybe the impact is positive, maybe it is negative, but we should know what it is. I think that makes us a lot more accountable. Hopefully, it will make us better legislators. So I think that is a very good provision.

The legislation also says that regulatory agencies, if they are going to implement regulations that would have an impact on the public sector of over $100 million, they should at least identify what that cost is. So if you have the EPA or OSHA or if you have any other regulatory agency make a regulation that has a negative impact or a positive impact on the public sector—State, city governments—we should know what that cost is if it exceeds $100 million.

The amendment that Senator DOMENICI and myself and Senator SHELBY offered, and in which others have an interest, would go a step further and says if the regulatory agencies make a regulation that has a negative impact on the private sector of over $100 million, we should know what that cost is, too.

In other words, the legislation does a great job in identifying costs and unfunded mandates from the legislators, from Congress, and it does a good job from the regulatory side in at least identifying the costs—not prohibiting it but at least identifying the costs from the regulatory side—as it impacts the public sector, but it is silent right now as far as the regulatory impact on the private sector.

That is what our amendment would do. It would say—and it does not prohibit the regulatory agency from implementing it, it says they would have to identify the cost.

I think it is a good amendment. It is one with which I hope my colleagues can concur.

I thank my friend and colleague, Senator DOMENICI, for his leadership because actually we have been working on this now for a couple of years. This is supported very, very strongly by all the business sector, all the private sector. I think it is an amendment that should receive unanimous support.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS-CONSENT REQUEST

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there be 60 minutes of debate on the Nickles amendment No. 169, equally divided between Senators NICKLES and GLENN, and at the conclusion or yielding back of time, a vote occur on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Reserving the right to object—and I will object—we have objection on our side to proceeding with that time limit at this time. We might be able to agree to it later but not now.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I join Senator NICKLES in urging the Senate adopt this amendment. I do not know how many Senators have participated with numbers of small business people in their States, but I happen to be a fortunate one.

I set up a little project in my State. I called it Small Business Advocacy Council, and asked five small business leaders to head it from all over the State. Then we proceeded to invite groups of small businesses to five different parts of New Mexico for 2 to 4 hours to talk about the regulatory processes of this country as it applied to their well-being, to their businesses, to their ability to have more jobs and grow, and whether the regulations were reasonable and made common sense.

I was absolutely dumbfounded to hear with almost one voice, regardless from what sector—whether they were retailers, realtors, manufacturers, service businesses—with one voice, they were saying three things: One: "Senator, the Federal Government's bureaucratic agencies enforcing regulations treats us as if we are their enemies, not constituents, not customers, not taxpayers, not small business people earning a living and paying people, but as if we are their enemies."

I say this loud and clear: I do not have an answer to that. This amendment will not answer that. But I tell you, it is part of this great motion out there against big government. It is as much a part of big government ought to get littler as the literal size of government is being attacked.

Second, I regret to tell you that, again, with almost unanimous feeling, the three agencies of this Government that are most adversarial, less friendly, and thus for some less American happen to be OSHA, the Environmental Protection Agency, and the IRS. Now, frankly, I did not think the IRS was still in there since we reformed the tax laws, but they are, I say to my friend. They are right up there as the agency that treats people as if they were aliens, illegal, enemies.

Then the second thing that was harmoniously spoken about, nobody has a chance of looking at these regulations to see if they make sense and to see how much they cost. They cited innumerable examples of both unreasonable regulations and legislation that costs so much money that if slightly changed toward common sense could dramatically reduce the cost on people, on businesses, on our livelihood and our entrepreneurial advantage called opportunity America.

The third was, why does not somebody look at these before they adopt them—loud and clear—these regulations?

Now, again, we will through the year, under the leadership of Senator NICKLES and others, address these issues in a more specific manner as we talk about overregulations, unpropitious regulations, regulations that make no sense. But we can at least in this bill, which purports to try to help small business in some way, require that we know how much they are going to cost; that is, regulations to be promulgated and rendered effective against American business, whether it be in Idaho, Utah, Oklahoma, New Mexico, or New York.

All this amendment does is say to the regulatory processes of this country, if a regulation is going to exceed $100 million, you must weigh it and tell us about its economic disadvantages.

Now, frankly, some may say we are not going to be able to do that in every case. We may not. But just as it is time to reorient our Federal Government versus our cities and States and counties in something we choose to call, again, refederalism, a new partnership, a return to the 10th amendment, which said we are not supposed to be doing so many things up here, we ought to do the same thing for small business to the extent that we can. We ought to be more understanding and more in partnership with them than adversarial. And a very simplistic, but, I believe, necessary approach to that, is to say these kinds of regulations are going to be measured in terms of their dollar impact, or cost is another way to say it, cost to American business, be it in your State, Mr. President, or mine, or in California. All total, a $100 million impact is to be noted as to its effect on competitiveness, its effect on other aspects so it is more apt to be vested with something very, very simple, and that is that we understand before we do it because we have some evaluations, so we act with knowledge.

If we acted with knowledge of the impacts, I do not think my group in New Mexico, the small business advocacy group, in its four or five hearings with a lot of business people, would be telling us the horror stories we hear, nor would they be harboring the animosity, anger, and anguish they hold toward their own Government today.

Anybody who thinks that does not exist is just not talking to them. And anybody who thinks that is just because they do not want anybody to tell them what to do on anything is just not talking to the responsible business people I have been talking to. They just do not want to be treated irresponsibly. They want to be treated responsibly.

While I say we are not going to do that with specificity, we are not going to have a new approach to the whole regulatory process, we are not going to have a new approach which I believe we should have to receive input from those affected, we are not going to have statewide councils that might look at these regulations and report before they become effective so we might have some common sense, these are ideas that came out of these conferences of which I spoke. They are good ideas. We ought to do them. We ought to even consider on the regulatory process having them evaluated on an annual basis by an outside group for customer satisfaction.

Every businessman that serves a lot of people does that, has a private company come in and in a random way ask: Did we do what we said when we said we would take your $138 and fix your car? Did we treat you right? They get graded so the businessman knows if they are customer friendly.

We do not have a chance of doing that with Federal regulations. Maybe we will in the future. Let us take one small step today and put small business in this bill. If we are going to affect them nationally over $100 million, let us get the impact of that in ways that are understandable. We may have to develop a few new techniques, but it is sure worth it to get started down that path just as much as it is for the public sector.

I thank the Senator for letting me join, and I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the problem of regulatory review is one that goes across the length and breadth of the whole Government, as we are all aware. We can pass all sorts of laws in the Senate or the Congress, the House of Representatives, whatever; we can pass all sorts of laws and then we pass them over to the executive branch to have the rules and regulations written, and sometimes the way things come out is completely different than what we expected when we passed the legislation. So regulatory review is a most important item with which we have to deal.

Now, I have been working in this area of regulatory review on the Governmental Affairs Committee for a long time, for a number of years, and I am very concerned about it. I compliment my colleagues from Oklahoma and from New Mexico for the work they have done and the interest they have taken in this particular area, and I think that is great.

I had originally thought that perhaps I would oppose this on one ground and that is—not on substantive grounds but on the fact that I have legislation that will be in hearing on February 8 by the Governmental Affairs Committee. It is S. 100. It is a bill that deals with regulatory review in general all across Government. I hope we will take a broad view of this and make more sense out of regulatory review than the way we run it now.

We worked with IRA, Information and Regulatory Affairs, through the years, and OMB, through the last two administrations and this administration, and we hope that the new legislation will make more sense out of regulatory review across the whole length and breadth of Government, and make sure that we do not just let the regulation writers proceed without some bridle on them as far as ignoring the costs to public and private interests out there all across the country.

So, having said that, I am very, very sympathetic to what the distinguished Senator from Oklahoma is trying to do here in making sure that we get regulatory review.

Now, staff tells me that what Senators are proposing here is very similar or nearly identical—very similar anyway to the Presidential Executive order that deals with this same subject. We are checking that right now. We are also checking with some of the people on our side who we think might have a particular interest in this particular amendment, and I will be able to give my colleague an answer as to whether we can accept this shortly. I do not want to delay this. But unless he wanted to talk or somebody else wanted to talk, I would just put in a quorum call at the time until we get an answer back. I hope it will be just a few minutes. It was my understanding in discussing this with my friend from Oklahoma he would be willing to have a voice vote on this and we could get on with other business.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments from my friend and colleague from Ohio. To answer a couple of his questions, I am happy to have a voice vote. I am happy to proceed.

I have a hard time imagining anybody really opposing this amendment because, as you mentioned, it may parallel what the administration is trying to do. Certainly if regulatory agencies are going to have mandates on the private sector in excess of $100 million, they should at least identify it. I think in any of the regular reform bills that will probably be included.

Plus the fact we are, in this legislation, telling the regulatory agencies to identify the costs if they have an impact on the public sector in excess of $100 million. Certainly, if they are going to do that for the public sector, they should also do it for the private sector. They can probably do it at one and the same time. A lot of bills have impacts on both the public and private sectors. So I do not even think it will be a duplicative effort. It will just be done.

Again, if a regulatory agency is going to take an action that has an impact of over $100 million, for all practical purposes they should have a cost estimate.

So I appreciate my colleague's interest in this. I also want to compliment him and assure him and Senator ROTH and others, Senator DOMENICI, Senator BOND, Senator HUTCHISON, and others—a lot of people have done a lot of work on regulatory reform. It is going to be very extensive. I am looking forward to that.

And we are not doing that here. I am talking about cost-benefit analysis, risk assessment, using science, as my friend and colleague from Ohio has alluded to in the past. It is important that we use real science in making some of our determinations.

I look forward to that debate and that bill, because I think it will be a giant step, one that should be bipartisan and one that will help rein in the excessive costs of regulation.

This particular amendment does not do anything to rein it in. It just says it should be identified. That by itself might help rein it in. If someone in the private sector disagreed with it, we could dispute it. We could have a hearing. And if someone says this regulation from EPA costs $500 million per year to the private sector, maybe the private sector would come in and say, we disagree, it costs $3 billion. That would be good interest, good information for people to have. This does not stop the regulations from coming into effect. It just says they should be identified. It is identical with the regulation on the public sector. We think we should identify it for the private sector as well.

I know there was an interest a moment ago to have a 1-hour time agreement. I told the managers of the bill that is not necessary for this Senator. I think this is a commonsense amendment, readily understood. Hopefully, it will be agreed upon.

Several Senators addressed the Chair.

Mr. GLENN. Mr. President, just one further comment. I see another Senator seeking the floor here. Just one comment on this.

The only other caveat I had on this, this bill originally set out to deal with unfunded Federal mandates. We now have gotten into public overlap and so on, and we are into cross-pollination here in so many areas.

I do not think this particular amendment breaks any new ground in this. So I do not have any objection on that ground. We are going to try to deal with a lot of these things, though, in the regular review of S. 100.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President I also rise in support of the amendment. As I think has already been articulated, the small businesses, and the private sector more generally, of this country are heavily inundated with burdens imposed by government and direct kinds of taxes and costs. They are actually, I think, burdened by regulations that impose mandates on them. So I believe the amendment is well in order and should be supported.

Mr. President, I rise in support of S. 1, which, of course, addresses the problem of unfunded Federal mandates. S. 1 would significantly limit the Federal Government's ability to require State or local governments to undertake affirmative activities or comply with Federal standards unless the Federal Government was also prepared to reimburse the costs of such activities or compliance. As with direct Federal expenditures, the financial burdens of such mandates fall squarely upon the middle-class taxpayer. I strongly commend Senator KEMPTHORNE for continuing leadership on this issue and for his sponsorship of S. 1.

Perhaps nothing better reflects contemporary trends in government than the enormous growth in the level of unfunded Federal mandates over the past two decades. An unfunded mandate arises when the Federal Government imposes some responsibility or obligation upon a State or local government to implement a program or carry out an action without, at the same time, providing the State or local government with the necessary funding. Several recent illustrations of unfunded mandates include obligations imposed on States and localities to establish minimum voter registration procedures in the Motor Vehicle Voter Registration Act; obligations imposed on States and localities to conduct automobile emissions testing programs under the Clean Air Act; and obligations imposed on States and localities to monitor water systems for contaminants under the Safe Drinking Water Act. These examples, however, are only the smallest tip of the iceberg.

While there is virtually no area of public activity in which Federal mandates are absent, such mandates are most visible in the area of environmental legislation. Of the 12 most costly mandates identified by the National Association of Counties in a 1993 survey, 7 of them involve environmental programs such as the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Safe Drinking Water Act, and the Superfund Act.

The negative effects of unfunded Federal mandates are at least fivefold: First, such mandates camouflage the full extent of Federal Government spending by placing an increasingly significant share of that spending off-budget, in the form of costs imposed upon other levels of government. While it is extraordinarily difficult to assess the dollar costs of unfunded mandates, a sense of their magnitude is evidenced by a 3-month study done earlier this year by the State of Maryland, in which they concluded that approximately 24 percent of their total budget was committed to meeting legal requirements mandated by Congress. Assuming the rough accuracy of this estimation, and assuming that Maryland is not subject to extraordinary levels of mandates, this would amount to approximately $80 to $85 billion imposed nationally upon all State governments. This figure does not include mandates imposed upon local governments. To calculate the true burden of Federal spending, the costs of these mandates must be added to an already bloated Federal budget. The Federal Government consumes the limited resources of the people every bit as much when it compels State or local governments to do something as when it directly does something itself.

Second, the impact of the unfunded Federal mandate is to distort the cost-benefit analysis that Congress undertakes in assessing individual pieces of legislation. The costs imposed by the Congress upon States and localities are rarely considered, much less estimated with any accuracy. As a result, the presumed benefits of legislative measures are not viewed in the full context of their costs. Legislative benefits tend consistently to be overestimated and legislative costs tend consistently to be underestimated.

Third, unfunded Federal mandates burden State and local governments with spending obligations for programs which they have never chosen to incur while requiring them to reduce spending obligations for programs which they have chosen to incur. For the options are clear when mandates are imposed by Washington: Either State and local governments must raise taxes—since they do not have the same access to deficit spending as the Federal Government—or they must reorder their budget by reducing or terminating programs which had already been determined to merit public resources. With State balanced budget requirements and with taxpayers already burdened to the hilt by government demands for a share of their income, State and local governments are forced into a zero-sum analysis by unfunded mandates; every new Federal mandate must be compensated for directly by a reduction in another area of State or local spending. Further, every Federal mandate must effectively be treated as the No. 1 spending priority by State and local governments, notwithstanding the sense of their community and the judgment of their elected officials. Such governments must first budget whatever is necessary to pay for the mandates and only afterward evaluate the level of resources remaining for other spending measures.

Which leads to the fourth impact of the unfunded Federal mandate. An increasing proportion of State and local budgets is devoted to spending measures deemed to be important not by the elected representatives in those jurisdictions, but rather by decisionmakers in Washington. In 1993, for example, compliance with Federal Medicaid mandates cost the State of Michigan $95.3 million, which exceeded by $7 million the combined expenses of the Michigan Departments of State, Civil Rights, Civil Services, Attorney General, and Agriculture. Although the Supreme Court in recent years has reduced the 10th amendment to effective insignificance, I believe nevertheless that there are constitutional implications to this trend. It is lamentable enough that the Federal budget has grown at the pace that we have witnessed over the past generation; for Washington additionally to be determining the budgetary priorities of Michigan and Texas and Pennsylvania is for it to trespass upon the proper constitutional prerogatives of the States. To the extent that the States are straitjacketed in their ability to determine the composition of their own budgets, their sovereignty has been undermined.

Indeed, the Constitution aside, it is difficult to understand how a reasoned assessment of the efficacy of Federal Government programs over the past several decades would encourage anyone in the notion that Washington had any business instructing other governments how best to carry out their responsibilities.

Finally, unfunded Federal mandates erode the accountability of government generally. The average citizen now finds that his State and local representatives disavow responsibility for spending measures resulting from Federal mandates, while his Washington representatives also claim not to be responsible. Lines of accountability are simply too indirect and too convoluted where Federal mandates are involved. The result is that the citizenry come to feel that no one is clearly responsible for what government is doing, and that they have little ability to influence its course.

I am particularly supportive of S. 1 because I believe that it will result in governments at all levels thinking more seriously about the proper scope of government. In truth, unfunded mandates are but one symptom of the more fundamental problem that the Federal Government has lost sight of the proper scope of its functions. While there are some mandates that are reasonable, Congress should be prepared to reimburse the States for the costs attendant to such mandates. In cases where the wisdom of mandates is more dubious, S. 1 would force upon Congress a more balanced and a sober decisionmaking process. Instead of neglecting the hidden pass-the-buck costs entailed in unfunded mandates, Congress instead would be forced to make hardheaded decisions about the costs and benefits of new programs. In at least some of these cases, I am confident that the legislative balance will be drawn differently than that we have consistently seen over recent decades. I am confident that the virtues of federalism will be recognized more readily when new programs are no longer free but must be explicitly accounted for in the Federal budget. The one-size-fits-all mentality which tends to underlie most Federal mandates may also be reconsidered in the process.

At the same time, State and local officials will also have to make difficult decisions. With Congress likely to curtail or terminate altogether some mandates when confronted with the requirement that they have to pay for them, State and local governments will have to determine whether they are willing to support such programs on their own. No longer will they be able to enjoy the benefits of such programs while being able to divert responsibility for their costs to the Federal Government. Rather, they will have to make equally hard decisions as those that will have to be made by Washington lawmakers about the relative merits of public programs.

Perhaps the greatest long-term benefit of the present legislation is that it will force more open and honest decisionmaking and budgeting upon all levels of government. When greater governmental accountability is achieved, the public will be better positioned to punish and reward public officials for actions. As a result, government will be more responsive to the electorate in its spending decisions. Government, in short, will be made more representative by this legislation.

Further, Federal bureaucracies themselves will have to be more respectful of the costs that they impose upon State and local governments. Currently, these bureaucracies give little or no consideration to such costs because none of those costs are borne by the agencies themselves. When the real costs of Federal regulation are attributed to the agency responsible for such regulation, agencies will gain an extraordinarily useful perspective on the burdens that they are imposing on other levels of government.

Going beyond the present measure, I would hope that we will be able to address several related matters in the near future. First, I do not believe that the bar on unfunded mandates should be limited to future initiatives. Given the burdens currently being borne by State and local governments, I favor in certain instances the retroactive application of the commonsense principle incorporated in this legislation. Second, I favor legislation that addresses the problem of conditional mandates. Conditional mandates arise when the Federal Government provides grants-in-aid to the States with strings or conditions attached. While these conditions may be reasonable and designed to ensure that money dispensed is being utilized effectively, other conditions may be far more tangentially related to the grants. I do not believe that Federal grant programs should be used to circumvent the present legislation's bar on direct Federal mandates. Therefore, I would support legislation such as that offered by Senator HATCH, which would prohibit conditional mandates unless they were directly and substantially related to the specific subject matter of the Federal grants-in-aid.

Mr. President, by changing the rules of the legislative process and forcing upon Congress more accountable decisionmaking, the present legislation will, in my judgment, contribute greatly to a more responsible and balanced legislative product. This measure is not antienvironment, anticonsumer safety, or antiregulation, as its opponents have suggested. Rather, it is pro open and honest government decisionmaking. If a majority of the Congress continues to support a particular mandate, that majority has the unfettered discretion to promulgate the mandate; they are constrained only in their ability to hide the costs of the mandate and to obscure where governmental responsibility lies for the mandate.

I ask unanimous consent to have printed in the RECORD several resolutions and letters I have received from governmental bodies in Michigan in support of this legislation. In view of the strong support for this measure from the National Conference of State Legislators, the National Association of Counties, and the National League of Cities, as well as on the basis of my own conversations over the past year, I am convinced that these writings reflect the overwhelming sentiment of Michigan communities, as well as communities across the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF INKSTER,
Inkster, MI, January 5, 1995.

Re unfunded mandates.

Senator SPENCER ABRAHAM,
Dirksen Building,
Washington, DC.

DEAR SENATOR ABRAHAM: Unfunded Mandates have very debilitating effects upon cities similar to Inkster. Perhaps I should not repeat the litany of complaints that you have already heard, but I am compelled to advise you of the limiting factors which automatically places the City of Inkster in a position of default under the existing rules and regulations related to these unfunded mandates.

Inkster is mandated to erect three (3) retention basins in regard to the Combined Sewer Operation program imposed by the Federal Government.

Listed below you will find some very important factors about the City of Inkster and how unfunded mandates affect our community:

We have an annual General Fund Budget of only $10,908,350.00;

By Michigan law we can levy no more than 20 mills Real Property tax;

Our current levy is 19.52 mills;

Our water and sewer rates are controlled by the amount charged by the City of Detroit and they are outrageous;

Our bonding capacity is such that our share ($23 million) for the first basin has to be guaranteed by Wayne County to the Michigan State Bond Authority and the State Revolving Fund;

Additionally, Inkster must lease the land upon which the basin will be sited for $1,500.00 per year;

I need not go on. You can see the untenable position that we are in. I very strongly urge you to vote relief for all cities caught in this impossible web by supporting and seeking support to HB 5128 and SB 993 which will soon be considered.

Very sincerely,
EDWARD BIVENS, JR.,
Mayor.

CITY OF TAYLOR,
Taylor, MI, January 12, 1995.

U.S. Senator SPENCER ABRAHAM,
Dirksen Office Building,
Washington, DC.

DEAR SENATOR ABRAHAM: As Mayor of the City of Taylor, I have watched with growing dismay the increase in unfunded federally mandated programs. Congress should implement the following provisions for any future legislation:

1. Require that state and local officials be afforded the opportunity to provide meaningful input (given a real voice in the planning.)

2. Require an assessment of costs and benefits associated with the planning and/or implementation of any federally mandated programs.

3. Federal funds should be budgeted/appropriated prior to enactment of any such legislation.

Senator Abraham, if implemented these suggestions will go a long way toward building a meaningful partnership between the federal, state, and local governments, to better serve the American people. I wish to commend you for your pro active position on this vital issue and urge the support of your colleagues.

Sincerely,
CAMERON G. PRIEBE,
Mayor.

CITY OF MUSKEGON,
Muskegon, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
State Senator,
Warren, MI.

DEAR SENATOR ABRAHAM: I appreciated the opportunity to talk to you yesterday regarding my concerns about Unfunded Federal Mandates and the burden they place on cities such as Muskegon. These mandates create an undue burden that compounds the problems and difficulties already encountered by local municipalities. Therefore, I encourage you continued efforts in eliminating unfunded mandates.

Thank you for your assistance in this very important matter.

Sincerely,
JAMES W. PRUIM,
Mayor.

CITY OF WYANDOTTE,
Wyandotte, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR ABRAHAM: I am writing this letter as a result of the discussion I heard while watching C–SPAN this morning, January 12, 1995, at approximately 10:00 a.m. This discussion, which took place before a committee chaired by Senator Nancy Kassabaum from Kansas, has prompted me to send this FAX.

I thought Governor Thompson did an excellent job, however, I was disturbed by the comments made by Democratic Senator John Breaux from Louisiana and by Senator Ted Kennedy from Massachusetts, whose statements indicated their apparent distrust of the individual states. What I feel was really said by these senators was that we at the local level of government would not be sensitive to the needs of the poor unless the programs developed to assist the poor were designed in Washington. Where have they been?

Why do people in Washington feel that they are more honest and do a better job than those of us on the firing line day in and day out? As Governor Thompson suggested, let us design our own projects and hold us accountable for the results rather than having to abide by mandates written by bureaucrats in Washington who are, in my opinion, out of touch with what goes on in our cities on a daily basis.

Evaluate us based on our results rather than trying to pass laws and make rules that reduce the flexibility we all need. (Local) Government must have the authority to react more quickly in order to serve the people that Senate Kennedy and Senator Breaux, as well as the other senator from Minnesota, thought we would ignore.

This letter is meant to be straightforward and direst so there is no misunderstanding concerning my feelings about the issue of unfunded mandates.

Sincerely,
JAMES R. DESANA,
Mayor.

CITY OF DEARBORN,
Dearborn, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR ABRAHAM: In response to your initial request for my opinion regarding national issues requiring immediate attention, the issue of unfunded mandates stands out in my mind as one with extremely direct consequences for local governments.

According to studies conducted by Price Waterhouse, unfunded federal mandates will cost local governments nearly $90 billion over the next five years. Cities will pay about $6.5 billion this year and $54 billion over the next five years, while counties will incur costs totaling $4.8 billion this year and $33.7 billion over the next five years.

I have attached a copy of a resolution that was adopted by our City Council. The resolution attempts to focus local and national attention on the threat unfunded federal mandates pose to local budgets and local citizens. It urges our representatives to force change in the way the federal government considers future mandates.

I believe that any action on this issue that views local governments as partners in the governance of this great country will benefit all of us who call ourselves public servants.

Respectfully submitted,
MICHAEL A. GUIDO,
Mayor.

RESOLUTION

Whereas: Unfunded federal mandates on state and local governments have increased significantly in recent years (according to Price Waterhouse, unfunded mandates will cost local governments nearly $90 billion over the next 5 years); and

Whereas: Federal mandates require cities and towns to perform duties without consideration of local circumstances, costs, or capacity, and subject municipalities to civil or criminal penalties for noncompliance; and

Whereas: Federal mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare, and safety of municipal citizens; and

Whereas: Excessive federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers; and

Whereas: Federal mandates are too often inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective; and

Whereas: Existing mandates impose harsh pressures on local budgets and the federal government has imposed a freeze upon funding to help compensate for any new mandates; and

Whereas: The cumulative impact of these legislative and regulatory actions directly affect the citizens of our cities and towns; and

Whereas: The National League of Cities, following up on last year's successful effort, is continuing its national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates, including a National Unfunded Mandates Week, October 24–30, 1994; therefore, be it

Resolved: That the City of Dearborn, by its Mayor and City Council, endorses the efforts of the National League of Cities and supports working with NLC to fully inform our citizens about the impact of federal mandates on our government and the pocketbooks of our citizens; be it further

Resolved: That the City of Dearborn endorses organizing and participating in events during the week of October 24-30, 1994, and throughout the year; be it further

Resolved: That the City of Dearborn resolves to continue our efforts to work with members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burden on our citizens.

CITY OF ST. CLAIR,
St. Clair, MI, November 9, 1994.

Senator Elect SPENCER ABRAHAM,
Senate Office Building,
Washington, DC.

DEAR MR. ABRAHAM: Enclosed with this letter is a resolution adopted by the St. Clair City Council on Monday, November 7, 1994. The resolution details the City of St. Clair's stance on Unfunded Federal Mandates and the need for Congress to address this matter.

Also included is a pledge to vote on legislation which addresses Unfunded Federal Mandates. I, the members of the City Council and the residents of the City of St. Clair ask that you please sign the attached pledge to push for a vote on the unfunded federal mandates legislation. Please return a signed copy of the pledge to me at the following address: Bernard E. Kuhn, Mayor, City of St. Clair, 411 Trumbull Street, St. Clair, Michigan 48079.

Thank you in advance for your attention to our concerns. If you have any questions, please do not hesitate to contact me.

Sincerely,

BERNARD E. KUHN,
Mayor.

RESOLUTION NO. 94-54

Whereas, unfunded federal mandates on state and local governments have increased significantly in recent years; and

Whereas, federal mandates require cities and towns to perform duties without consideration of local circumstances, costs or capacity, and subject municipalities to civil or criminal penalties for non-compliance; and

Whereas, federal mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare and safety of municipal citizens; and

Whereas, excessive federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers; and

Whereas, federal mandates are too often inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective; and

Whereas, existing mandates impose harsh pressures on local budgets and the federal government has imposed a freeze upon funding to help compensate for any new mandates; and

Whereas, the cumulative impact of these legislative and regulatory actions directly affect the citizens of our cities and towns; and

Whereas, the National League of Cities, following up on last year's successful effort, is continuing its national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates; now, therefore, be it

Resolved, That the City of St. Clair endorses the efforts of the National League of Cities and supports working with NLC to fully inform our citizens about the impact of federal mandates on our government and the pocketbooks of our citizens; and

Be it further resolved, That the City of St. Clair endorses organizing to receive a written pledge from our representatives in Washington to vote on federal relief from unfunded mandates; and

Be it further resolved, That the City of St. Clair resolves to continue our efforts to work with the members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burdens on our citizens.

UNFUNDED FEDERAL MANDATES WEEK PLEDGE

I pledge to the voters and taxpayers of the City of St. Clair to ensure a vote in Congress on federal unfunded mandates relief legislation for state and local governments before April 1, 1995.

If we in Congress fail to have a recorded vote to demonstrate accountability by that date, I pledge to submit a written report to the Mayor and Council of the City of St. Clair specifically detailing my efforts and the specific steps I will take to ensure action.

Signed:

MICHIGAN TOWNSHIPS ASSOCIATION,
Lansing, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR ABRAHAM: The Michigan Townships Association urges your yes vote on S. 1, the Unfunded Mandates Reform Act. On behalf of all Michigan township officials, I also encourage you to resist any and all amendments that would weaken the intent of this proposed legislation.

Michigan has had a state law since 1978 designed to prevent the imposition of mandated costs on local governments. During its passage, however, 15 or more "loopholes" were written into the language that weakened the intent of the Bill. Please hold the line against these attempts to water down the intent of S. 1.

Sincerely,

JOHN M. LA ROSE,
Executive Director.

Mr. NICKLES. Mr. President, I wish to congratulate the Senator from Michigan for an outstanding speech, a relatively new Member to our body, but as evidenced by his speech and by his work in the Senate this month he in my opinion will prove to be an outstanding asset to the State of Michigan without any doubt and certainly to this body and to our country.

So I compliment him on his remarks. I thank him very much for his support of our amendment as well.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair.

Mr. President, I wanted to ask a question of my friend from Oklahoma about the meaning of his amendment. As I understand it, the statement that would be required to be prepared, pursuant to section 202(a), if this amendment is adopted, would have to be prepared for either the private sector or the public sector providing they reach in either case $100 million annually adjusted for inflation. Is that correct? In other words, if the public sector mandates the cost of $100 million in any one year, that will trigger the reform.

Mr. NICKLES. The Senator is correct.

Mr. LEVIN. If the private sector mandate is $100 million or more, that would trigger the reform.

Mr. NICKLES. The Senator is correct.

Mr. LEVIN. But if they were both $60 million, there would not be a report triggered.

Mr. NICKLES. The Senator is correct again.

Mr. LEVIN. I thank the Senator for that clarification.

I have one other question. Perhaps my friend from Ohio will want to help on this. There could be an easy answer to it. In any 1 year, is that any one of the 5 fiscal years that are estimated, or is that any 1 year? When? Anytime, ever? What does that 1 year reference? I am sorry I did not have a chance to ask it of either Senator before. I am asking this on the floor. Perhaps we could get an answer to that later. I am just not sure what that means, "1 year."

Mr. NICKLES. Mr. President, just looking at the language on page 35 of the bill, that is really where we are amending the section, that section 202, that is the one which defines the call for reports. Basically it says the report shall be issued if you have regulatory impact of in excess of $100 million or the public sector in any one year. I would think that would be any one calendar year. Regulatory agencies would be analyzing the cost of their changes, and they would have an annual cost. They may do an annual cost over several years. My guess would be that would be in any one particular calendar year. That is just my reading. We did not amend that language. We just included private sector in our amendment.

Mr. LEVIN. I thank the Senator from Oklahoma for that. Maybe I should address this then to the managers. What does the reference "any one" year mean, on line 15, page 35? Is that any one year, ever? Is that any one year of the 5 years of the 5 fiscal years? What is that reference?

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I would be happy to.

Mr. KEMPTHORNE. I apologize. Will the Senator repeat the question?

Mr. LEVIN. My question is this: On line 15, page 35, there is a reference to the $100 million which the Senator from Oklahoma is now amending to apply to either public or private. And my question that properly should have been addressed to the Senator from

Idaho is: Is that 1 year, 1 year of the 5 fiscal years for which the estimate is being made? Or is that some other reference? I assume that means a fiscal year, too. I am trying to clarify what the reference is.

Mr. NICKLES. If the Senator will let me respond, again, I think you are right. The reference is to the legislation. My guess is that the regulatory agencies would determine the fiscal impact. I would think they would do it not on fiscal year but on calendar year—I may be incorrect—and that if the regulatory impact exceeded $100 million, as adjusted for inflation in subsequent years, then they would have to identify the costs.

Again, I do not see that as a big burden. If you are going to have a regulatory impact on the public sector in excess of $100 million, they should know it and identify it. If they are going to have a regulatory impact on the private sector in excess of $100 million, for subsequent years—my colleague mentioned 5 years, and I do not know what regulatory agencies—we do 5-year budgeting, although not very well. But I do not know that when they issue those regulatory statements, they automatically cover 5 years. I am not sure.

Mr. LEVIN. While we are on this line—I am wondering, while we are focused on this one line of the bill, I have not had a chance to ask my friend from Idaho this question either. Is the reference to "adjusted annually for inflation," adjusted from the effective date of the law, so that if the law is effective January 1, 1996, that that is the baseline for the $100 million, and then if it is 3 percent inflation, on January 1, 1997, this then will reread $103 million? Is that the intent of the Senator from Idaho?

Mr. KEMPTHORNE. In response to the Senator, Mr. President, that is my understanding of the intent, yes.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, we have finished checking on our side, and we would be glad to accept the amendment of the distinguished colleague from Oklahoma. As I said earlier, we will be addressing this same regulatory review problem in the Governmental Affairs Committee with the hearing on S. 100, which is legislation I put in on a broader gauge of regulatory review consideration. We welcome the Senator's input on that, so we can work this out together. We would be happy to accept his amendment on this side.

Mr. KEMPTHORNE. Mr. President, we also would be very supportive of accepting this amendment. We thank the Democratic side for the agreement. We commend Senator NICKLES and Senator DOMENICI for their work on this. It is an important addition to the bill.

Mr. NICKLES. Mr. President, I thank my friends from Idaho and Ohio, as well as Senators DOMENICI and SHELBY. I appreciate their cooperation.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 169) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

AMENDMENT NO. 170

(Purpose: To include gender in the statutory rights prohibiting discrimination to which the Act shall not apply)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. GLENN, Mr. KEMPTHORNE, and Mr. GRASSLEY, proposes an amendment numbered 170.

The amendment is as follows:

On page 12, line 18, insert "age" after "gender,".

Mr. LEVIN. Mr. President, this bill has certain exclusions in certain areas where sponsors of the bill have determined that it should not apply. Section 4 on page 12 reads that "The provisions of this act and the amendments made by this act shall not apply to any provision in a bill, or joint resolution before Congress, and any provision in a proposed or final regulation that"—and then there is a list of six exclusions. These are important exclusions, because what the bill would do is to say where any of these six things exist, no point of order would lie, and there is not going to be any presumption that a mandate has to be funded in order to apply to State and local governments. For instance, if a mandate enforces the constitutional rights of individuals, that mandate is going to apply to State and local governments and there is not going to be any presumption of nonapplicability in the absence of a mandate.

The next exclusion under section 4 is, "If the bill or the joint resolution establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicap or disability status."

It is that exclusion that I believe is deficient, and it is that exclusion to which my amendment is addressed. We have laws that protect people against age discrimination, which are very vital laws in this country.

Those laws have been fought over, fought for, and they are vital to Americans. We have mechanisms to enforce that antidiscrimination law. And it is important that age discrimination be placed in the same paragraph and also excluded from this bill's applicability and that we also require State and local governments to carry out the national purpose of no discrimination based on age.

Just as we have said that where there is a statutory right that prohibits discrimination based on race or religion or gender or national origin or handicap or disability status, this law is going to not be applicable. A mandate, even if it is unfunded, is going to apply to State and local governments where it establishes or enforces rights that prohibit discrimination based on any of those factors.

So this amendment would add the word "age" to that subsection 2 so we would protect age discrimination laws the way we do other discrimination laws and we would apply age discrimination laws to State and local governments without any presumption that they would have to be given the funds in order to implement this mandate.

That is the heart of this amendment. I know that the managers have accepted the amendment, since both of them are cosponsors of it. I understand that the Senator from Ohio, however, may have a modification to it and that he may want to address that.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

The Chair would advise the Senator from Michigan that the amendment is out of order.

Mr. LEVIN. I thank the Chair.

I am wondering if we could note the absence of a quorum so we could discuss this.

Mr. GLENN. Perhaps we could go ahead and I could discuss this without it being out of order while we get an input from a couple of other Senators that have an interest in it. If we could discuss it until we get that information, we might just save a little time.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

Let me congratulate my friend from Michigan. He has not been pointed out much on this whole bill, but there is no one who has looked into this in any more detail and with real detail on specific wording and taking an active part and making sure that this legislation, if passed, is going to be workable—workable. And that is the important thing of having someone like the Senator from Michigan, who does look into details. We, too, often pass things out of here that do not have that kind of scrutiny and we wind up regretting later that we really did not take time to go into details.

In committee, in considering this legislation the other day when we were brushed aside pretty much in the committee by party-line votes, he was trying to lead the charge there on making sure that the language was workable, that we corrected errors in the bill, and that we made it as workable as possible.

Now, that was not possible in committee, but he is continuing that effort here on the floor. He certainly deserves every credit for what he has been doing on this, and I am the first to acknowledge that. He has really been a tiger in seeing that this thing was done properly, and I want to commend him for that.

I think, once again, he has come up with the suggestion here where age was left out. In almost all the legislation we pass now, we make sure that these areas of minority discrimination, of age and disabilities and so on are left in the bill.

I had originally planned to put in an amendment on this myself. My amendment would have been a little more broad than the one that the Senator from Michigan has proposed. My amendment would have said, "that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability." So in one line it was taking a little broader sweep than just correcting age.

I believe, in the original planning of the bill, that color was also left out. And that is normally considered as part of our standard litany in new legislation with regard to those people we wish to protect within our society.

Mr. President, with the parliamentary situation being what it is, I cannot offer a second-degree amendment to the amendment that the distinguished Senator from Michigan has proposed. I submit to him, I wonder if he might prefer to swing the little broader loop that I was going to propose with my amendment and perhaps, if he wished to modify his amendment with some of this language, that would take care of not only the age but the color that was also left out and in one line then include the things we normally include in it. And it would read, then, "that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability."

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank my good friend from Ohio for his very fine comments. His leadership on the Governmental Affairs Committee has been extraordinary over the years. He is now ranking member. He has continued to not only insist on legislation which is workable, as he phrases it, which is so important, but he has also fought hard to protect the rights of all the members of that committee so that we would have an opportunity to offer amendments.

I would remind this body that the Senator from Ohio is a chief cosponsor of this legislation and was the principal sponsor of last year's legislation, which was somewhat different but not greatly different and aimed at exactly the same purpose. So he is an expert on this subject of unfunded mandates and has been a leader in the fight to try to reduce the number of unfunded mandates.

Whatever is easier, I would be happy either to modify the amendment or that it be second degreed as soon as we can get clearance that I can make my amendment in order by asking that the committee amendment be set aside so that it be in order.

Mr. BYRD. Mr. President, is the Senator making that request?

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee amendment be laid aside so that the amendment which I sent to the desk be in order. I understand it is not in order and I understand why. So I do ask unanimous consent that the committee amendment be laid aside for that purpose and then apparently it would again become the pending business as soon as this amendment and its modification were disposed of.

Mr. BYRD. Mr. President, reserving the right to object; of course, I will not object.

Mr. President, as I say, I have no objection and will not object, but I want to compliment the Senator for a trait that I discovered many years ago about this Senator from Michigan. He goes over matters with a fine-tooth comb. He is meticulous. He is a meticulous, careful craftsman. And I have said this to him privately on several occasions. I congratulate him. I want to do it publicly.

And also I think this points out the beneficial effects of proceeding with a little more care, taking a little more time and not acting in quite so much haste. It underlines what I said a number of times, that we need to slow down and take a look and carefully examine what we are doing. And it seems to me that in this instance we can feel assured that we did the right thing. I congratulate the Senator.

Is the Senator going to ask for the yeas and nays?

Mr. LEVIN. Mr. President, I believe they will accept this amendment. If they do, in this case I will not ask for the yeas and nays unless there are others that would request the yeas and nays. I believe the managers have accepted this and, indeed, have cosponsored it. In this instance I will not ask for the yeas and nays. But there may be others who would want the yeas and nays.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. LEVIN. I yield.

Mr. KEMPTHORNE. That is correct, Mr. President. We are certainly supportive of accepting this amendment and would state that I agree with the Senator, that there was no intention to leave out these classes. In fact, we had discussed that they would be included in the managers' amendment. I think this is very appropriate to proceed with this amendment as proposed by Senator LEVIN.

I would point out also when we think about the pace, that the language that we have in S. 1 dealing with this is the identical language that was in Senate bill 993 last year that went through committees in both the Senate and the House. This was not addressed.

Again, it was not done intentionally. This is appropriate to correct it. We appreciate the Senator from Michigan.

Mr. LEVIN. Mr. President, I do not know if I have the floor or not.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, let me say to my friend from West Virginia that he is the legislative craftsman par excellence, as far as I am concerned. And he has been a role model in this regard, reminding all Members of the importance of taking the time to craft laws which will work in the real world.

There are times we have the best of intents and we have the worst of unintended consequences. We have to take the time to work through bills such as this. That is a different bill from last year in very significant ways. He has been a role model, indeed, in this area for me and to the extent that I got involved with nuts and bolts, as he has pointed out.

I am grateful for his comment. It is in large measure because there have been a lot of people who have set a standard in this area, that I think is very important for me to follow. I am thankful for the comments.

Mr. BYRD. Will the Senator yield?

Mr. President, I think it is important to the extent that it ought it to be given public recognition. The kind of public recognition that is given to a rollcall vote. We have had rollcall votes on matters of lesser importance, at least in my view. I am just looking at it from one man's vantage point. I think we ought to have a rollcall vote on it. This is an important amendment. At some point in time we ought to do that.

I have not made the request, but I will make the request at the appropriate time.

The PRESIDING OFFICER. The request made by the Senator from Michigan is pending.

Mr. LEVIN. Mr. President, if the majority leader would just withhold, I have a pending unanimous-consent request that they have not yet ruled on, that the committee amendment be set aside in order that my amendment, as modified by the Senator from Ohio, be in order. That was a pending unanimous-consent request, and I am wondering if the majority leader might withhold to see if there is any objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I thank the Chair and I thank the majority leader.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE. The Senator from West Virginia has the floor. I want to make an inquiry.

If the yeas and nays are ordered, I wonder if we might have that vote occur at about 8:30. I think a lot of people left with the understanding there might be debate but no vote. I will check with the Democratic leader. I do not have any quarrel with the rollcall. Maybe we can have a couple more amendments by that time, too.

Mr. BYRD. Mr. President, I certainly have no problem with that.

May I say to the distinguished leader I felt that this is a very important amendment. We will have this bill, it is very important to a lot of people in this country. The word "age" and other words, that I understand the Senator from Michigan and the Senator from Ohio are interested in. It gives the public recognition to an amendment just that important. A rollcall vote is more noticed in conference with the House, as well, than a voice vote. It also shows that this bill is being improved by our taking a little time. By our taking a little time, studying the bill, debating, probing. So we are making some improvements.

Would the distinguished majority leader like to lock in the vote at this point?

Mr. President, while we are on this amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, I ask unanimous consent, although it is not necessary, that we turn to a period of morning business for about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, thank you.

The Senator yields to the Senator from Ohio.

AMENDMENT NO. 170, AS MODIFIED

Mr. GLENN. If the Senator would yield for a moment. When we sent the Levin amendment to the desk, it did not have the changed language that I suggested. He was changing his own amendment. The copy that was sent to the desk was not the proper copy. We would like to modify that amendment, and since the yeas and nays have been ordered that would normally not be in order.

I would ask unanimous consent that Senator LEVIN be permitted to modify his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 170), as modified, is as follows:

On page 12, strike lines 17 through 19 and insert "that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap or disability;".

Mr. GLENN. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

CORPORATION FOR PUBLIC BROADCASTING

Mr. ROBB. Mr. President, there is a serious debate going on over whether the Federal Government should continue to play a role, the small part it currently plays, in supporting the Corporation for Public Broadcasting.

On Tuesday, in a speech before the National Press Club, Ervin Duggan, president of the PBS, outlined reasons why support from the Government is important, and I ask unanimous consent to have Mr. Duggan's speech printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBB. Mr. President, today I would like to reiterate my support for public broadcasting because of the important educational role it plays in our society. We invest very little and we get a lot in return.

Public broadcasting does not rely solely, or even mostly, on Government support. Only 14 percent of its budget comes from Congress, approximately $1.09 per person. The rest of its funding comes from 5 million Americans and hundreds of corporations who understand the importance of quality commercial-free educational broadcasting.

Public broadcasting is no longer just MacNeil/Lehrer, "All Things Considered," "Sesame Street," and the Civil War series. I have been particularly impressed with the way public broadcasting is using new technology for education. Hundreds of thousands of Americans, who otherwise would not have the opportunity, can earn their high school or college degree through courses shown on public television. At 60 colleges—and that number is growing—students can earn a 2-year degree through PBS telecourses.

Millions of teachers use television's best programs, like Ken Burns' remarkable Civil War series, in the classroom. Many of these programs are now available to educators on laser disk for interactive learning.

Many public broadcasting stations are currently on the Internet, along with PBS, NPR, and the Corporation for Public Broadcasting.

In times of budget deficits, we all understand that we have to make the most of our limited resources, but we must also understand that one of the targets of our resources is education and that education, as we know it today, encompasses more than just a classroom. It is libraries, movies, television, radio, computers, museums, and the many other outlets of information available.

In today's society, where quality educational programming is so rare, public broadcasting fills a unique and important niche, and it asks us to invest so little—one-fiftieth of 1 percent of our budget.

Most of us in Washington have the opportunity to enjoy local public television programming through WETA, one of the top five public broadcasting stations in the country. But public television also reaches out to the far corners of our country—and in my own State, to Richmond, Charlottesville, Roanoke, Norfolk, and Marion. Public broadcasting brings its viewers and listeners programs they might not otherwise have the chance to experience. For example, the majority of viewers who watch opera on public television do not have a college degree and make less than $40,000 a year.

Mr. President, I believe our very small contribution to public broadcasting is one of the best investments this Government makes. As Mr. Duggan so aptly points out, public television could operate for 10 years on what Fox paid for one program of NFL football. I hope the Congress will continue its commitment to public broadcasting.

Mr. President, I thank you, and I thank the majority leader and the floor managers for allowing me to use these few minutes while they are concluding their effort to resolve this particular question.

Mr. President, I yield the floor.

EXHIBIT 1

THE LIVING TREE OF PUBLIC BROADCASTING

(Remarks of Ervin S. Duggan)

INVESTING WELL

The little town where I grew up—Manning, South Carolina—was small enough that we could walk to church on Sunday. My Sunday

School teacher was a Southern matriarch named Virginia Richards Sauls, one of nine daughters of a South Carolina governor. Miss Virginia, as we called her, never tired of telling us the great stories of the Bible. Her favorite was the Parable of the Talents.

In that parable, a rich man leaving on a journey entrusts his property—measured in what were called talents—to his three servants for safekeeping. He returns to find that two servants have invested their talents well—so well, in fact, that their worth has doubled. The other, foolishly, has buried his talent in the ground. The master scolds and punishes the foolish, hoarding servant, but says to the wise and fruitful ones: "Well done, thou good and faithful servants; you have been faithful over a little; I will set over you much."

That story, of course, is about the generous, productive use of gifts; about sharing, building and creating. I mention it because I am convinced that the people of public broadcasting—the local volunteers, trustees, producers, professionals and supporters who make up this enterprise—are good and faithful servants who are living out a modern reenactment of the Parable of the Talents. They do not eat tax dollars; they plant them and grow others. They are faithful over a little; they turn it into much.

I'm concerned, however, that everything those good and faithful servants have built over two generations is suddenly, seriously at risk.

For the next few minutes I'd like to talk about four things:

I want to talk first about a genuine crisis that faces the nation we love. I call it the triple crisis.

Second, I want to describe the remarkable local and national partnership that constitutes public broadcasting—a treasure not unlike our national parks, or The Smithsonian Institution. I want to sketch its true nature, because too many people seem not to understand it.

Third, I'd like to say a few words about the dangers of loose talk, of careless rhetoric, about "privatizing" public broadcasting. If privatizing turns out to be only a euphemism for defunding public broadcasting in a way that would commercialize it; if privatizing, in the end, leads to breaking it into pieces to be sold for salvage, much could be lost, never to be regained.

Fourth and finally, I want to suggest that there are better, more creative possibilities for this great national asset, this living tree called public broadcasting: possibilities for more hopeful and constructive than merely zeroing it out, or hacking the tree down to a stump.

THE TRIPLE CRISIS

Consider, first, the triple crisis that we face.

First there is the crisis of education: Can we send all our children to school ready to learn? Once they're there, can we give them an education good enough to help them become productive, responsible citizens and workers in a competitive global economy?

We face, second, a crisis in our popular culture—a steadily coarsening, ever-more-tawdry, popular culture, driven by marketplace imperatives to be increasingly violent and exploitative. Today's electronic culture of gangsta rap and kick-boxing superheroes not only makes it harder to be a parent; except for a few honorable exceptions, our media coldly abandon parents who yearn to give their children decent values to live by. Telling those parents simply to turn off the set if they don't like the violence and tawdriness that they see is like telling people to wear gas masks if they don't like pollution.

We face, third, a crisis of citizenship. Can we still speak with civility to one another? Can we approach our mutual problems in an atmosphere of shared purpose? We citizens in the center wonder—and we wince as our elected leaders vilify one another in an atmosphere of gridlock. We wince to hear commercial talk shows disintegrate into shouting matches and peep shows for the lurid and bizarre. Can we create what Father Richard Neuhaus calls a civil public square?

THE POPULIST BROADCASTING SERVICE?

That triple crisis points me to my second topic: I know of one institution that can constructively address every aspect of that triple crisis. It is an imperfect institution, yet one with many virtues. Its entire mission is education, culture and citizenship. It is called public broadcasting.

We could substitute, for that word "public" in public broadcasting, the more elaborate words of Abraham Lincoln: "of the people, for the people, by the people." For public broadcasting stations are not owned or controlled by monolithic bureaucracies a thousand miles away. They're owned by local boards, by universities, by school systems, by nonprofit civic organizations.

What could be more populist, more Jeffersonian? I can almost see Thomas Jefferson in his study, watching Bill Buckley's "Firing Line" debates. Jefferson, a child of the Enlightenment, would have loved the enlightening mission of public broadcasting. Jefferson the small-d democrat would have loved its universal reach. Jefferson the inventor would have wanted to meet the pioneers who brought the world closed captioning for the deaf and an audio channel for the blind. It is not far-fetched to say that public broadcasting is Mr. Jefferson's other memorial: a temple of minds and voices; a temple not built of stone.

That word "public" means something else: free and universally available to all. To enjoy its riches, no one has to pay thousands of dollars for a computer and software and a modem. If you do have a modem, however, we have a great new service called PBS ONLINE. And you'll find many public stations on the Internet, along with PBS, NPR, and the Corporation for Public Broadcasting. To enjoy the riches of public broadcasting, moreover, you don't have to plug in a cable, or rent a converter, or pay hundreds of dollars a year in subscriber fees or pay-per-view charges.

That word "public" in public broadcasting refers to something else, as well: a mission that cannot be replaced by commercial operators any more than your public library can be duplicated by Crown Books, a public school replaced by a New England prep school, or a national seashore duplicated by a commercial theme park.

Our unique mission is service to teachers, students and schools. This year, hundreds of thousands of Americans will earn their high school or college degrees through courses screened by local public television stations. Millions of teachers will use classroom versions of our most famous programs; my ninth-grade son, right now, is learning about the Civil War from his teacher—and from a laserdisc version of Ken Burns's masterpiece. As I speak to you, teachers across the nation are learning the new Goals 2000 math standards through a service called PBS MATHLINE. At 60 colleges—60 and growing—students can earn a two-year degree totally through PBS telecourses, without going to campus.

That is a side of public television many viewers, and many members of Congress, don't know enough about. That mission, however, sets us apart from every other broadcast and cable service in America. For us, you see, education isn't an afterthought, or window dressing or a sideline. It is in our institutional genes. It is central to our purpose.

Then there's our funding, public in the broadest sense of that word. Public television, for example, has between five and six million contributing members—five million householders who give generously to something they could get for free.

Locally and nationally, hundreds of public-spirited corporations underwrite programs—Mobil, General Motors, Archer Daniels Midland and AT&T. They can buy commercials elsewhere. Here, they care about another mission.

Generous and visionary foundations like Olin, MacArthur, the Pew Charitable Trusts, and Bradley also give.

And then, joining all these stakeholders in our enterprise, there's Congress. How much does Congress contribute each year to public broadcasting? Roughly 14 percent of the budget for this public-private enterprise. Fourteen percent. To put the question another way, how much of the Federal budget does the Corporation for Public Broadcasting account for? One fiftieth of one percent; two hundredths of the Federal budget. In decimal form, point zero two.

That's $1.09 per person, 80 cents of it for television. If you bought just about any newspaper in the country last Sunday, you paid more for that paper than you pay for public broadcasting for an entire year. Think of it: Sesame Street, MacNeil/Lehrer, NOVA, All Things Considered, Morning Edition—all this, all year, for less than the cost of a cup of coffee in Chicago. All of public television's buildings, facilities, stations, programs, all year—everything—for a dollar a year. We could operate PBS for ten years for what Fox paid for just one program: NFL Football.

Suppose we paid for interstate highways through such a public-private partnership, with Congress appropriating only 14 percent of the total. Suppose we used this model to pay for battleships or Capitol Hill offices and staffs? Government leaders of both parties, who rightly care about frugality and efficiency, about stretching every dollar, would, I'm sure, hold parades in the streets to celebrate such feats.

Well, public broadcasting IS funded through such a frugal, efficient partnership. Those who are taking aim at it, in my judgment, should instead be saying, like the master in that biblical parable, "Well, done, thou good and faithful servants. Enter into the reward laid up for thee."

CUT DOWN THE LIVING TREE, OR SAVE IT?

Some of our leaders, however, are speaking in a different way. They have targeted public broadcasting for a quick, sidelong choke that could mean its eventual extinction. They intend, they say, to "privatize" public broadcasting by stripping it of federal funding. The professional political term, inside the Beltway, is "zeroing-out."

So let me turn now to my third topic—privatizing, which at this point in the debate cannot be distinguished from another word: commercializing.

The opponents of public television deny that their opposition is ideological; they deny they want to censor or silence voices they don't like. After much complaint about that issue, they now say they have other, more innocuous reasons. Let us take them at their word.

They argue that the federal government has "no mandate" to keep funding public broadcasting; that noncommercial educational broadcasting is "not essential" to the nation. Surely, then, they plan to zero out, as well, The Smithsonian Institution? The National Gallery? The Kennedy Center? Federal support for the Internet? For these, too, are public institutions of education and culture, like public broadcasting. And these too, are not essential; not necessary to life. They are simply among the things that make life worth living, for rich and poor alike. Why single out public broadcasting? I wonder why.

Another complaint is that public broadcasting is elitist, a "sandbox for the rich." All the factual evidence, all the research, all the data suggest the opposite: that the people who love public broadcasting are the very same people who make up America. The majority of viewers who watch opera on public television, for example, don't have a college degree, and their household incomes are less than forty thousand dollars a year.

What about the contention that public broadcasting is too expensive? the numbers you have heard poke big holes in that argument—especially when you add, to the numbers, the matching efforts that expand and multiply the federal contribution. To defund this enterprise for that reason—suddenly, unilaterally, and without consulting the millions of other stakeholders who produce far more of its support—would be pound-foolish, not economical. To people outside the Beltway, to thousands of local board members and volunteers, such talk doesn't sound like reform. It sounds like assisted suicide—a mask pressed down upon a patient who wants no such assistance, and whose family isn't allowed into the room.

Told how frugal we are, some of these detractors about-face, awkwardly, to yet another explanation: It's such a tiny amount, they say, it could easily be made up from "other sources"—from toy sales, for example, tied to our programming. The numbers don't add up, but who's counting?

We need to be clear on one important point: In our economy, there is no such thing as nonprofit venture capital. That relatively small amount of federal funding—that 14 percent of public broadcasting's budget—is our seed money, our risk capital. If "privatize" means to "zero out" (and we're told it does); and if no clear plan exist for replacing that seed capital (and none has emerged), then to "privatize," means, perforce, to commercialize. Take away public broadcasting's seed funding, starve it financially of its only venture capital, however small—and you force it headlong into the alien world of ad agencies and costs-per-thousand and merchandising, rather than the world of teachers and historians and community volunteers.

Surely those who speak of a quick, unilateral "privatizing" don't intend that to be the final destination. Or do they?

Finally, we hear that cable can do everything public television can do. Why not let a cable network, or several cable networks, program PBS—as a sort of re-run channel? Leave aside for the moment the implication here; the whiff of trickle-down TV. Ask some other questions: Is this in the public interest, or a commercial parody of the public interest? Would America like to lose what would be lost? Would America's existing commercial networks like such an outcome? What would such a scheme do public television's historic role as found and wellspring of innovative program ideas?

What, exactly, is the vision of those who would "privatize" public broadcasting? Is it a vision that preserves the original dream, or does it torch and destroy that dream? They don't say. Is it a vision worthy of those public-spirited Republicans and Democrats of the Carnegie Commission, who created a new model called public broadcasting 25 years ago? They don't say. Is it a vision for a new and better future? Or is it, in fact, a death warrant disguised as a new charter?

WHAT THE PEOPLE SAY

Perhaps our leaders on Capitol Hill need to listen to what the people say. A national poll conducted by opinion Research Corporation was released today. It suggests that most Americans—84 percent—want that small but vital federal stake in the partnership maintained or increased. Support for federal funding totals 80 percent among Republicans; 86 percent among independents; 90 percent among Democrats.

What do these numbers tell us? They suggest that the parents and teachers and grandparents of this nation—the people who live in homes with cable, and in the 32 million homes that don't subscribe—may want a better plan. They seem to want something more than vengeful zeroes, or "privatization" schemes that threaten to commercialize or kill.

Fortunately, the people of public broadcasting, and the people who cherish public broadcasting all over the nation, have lots of good ideas. All over the country, local stations are becoming educational teleplexes. They're planting the flag of education on new technologies. They're turning the existing infrastructure of public broadcasting into a free educational launching pad into cyberspace.

People within the world of public television have good ideas, as well, about renewing and refreshing public television: ideas, for example, about insulating its governance and financing from the political vagaries of each appropriations season. The original Carnegie Commission, made up largely of Republican business leaders, called for a national endowment, raised from a few pennies on the sale of each TV set and radio. That's one idea. A reserve of spectrum auction money is another. Tax credits and "education technology grants" are another.

The local leaders of public broadcasting are forward-looking. They are highly capable of planning the future of their enterprise. Before changes are hatched that might be ill-considered, we need some decent ground rules. Let me suggest three:

First, all of the stakeholders who support this local enterprise ought to be invited to the table. Otherwise, any outcome is likely to be imposed, not democratic.

Second, the process should be orderly, not precipitous; careful, not headlong. Public broadcasting has taken 40 years to achieve its present excellence. Why all this haste to dispatch it in 100 days, by a quick, sidelong fiscal choking?

Third, we need to be candid about the real motives underlying proposals for change. What are we to think about would-be surgeons who seem to despise their patient?

DO THEY HEAR US?

It was Edmund Burke who pointed out that the true conservatism lops off dead branches, in order to preserve the living tree. Public broadcasting, however imperfect it may be, is part of the living tree: the tree of education, culture and citizenship. To chop up that tree and sell it off as cordwood would be violent and extreme, not conservative.

The volunteers, professionals and board members of America's public broadcasting stations are eager to tell their leaders about the worth and potential of that living tree. They see a historian and educator as the House Speaker and they say, "History: that's what we're about." They hear Speaker Gingrich discuss our need to nurture and care for our young and say, "Education: that's what we're about." They hear Speaker Gingrich's speeches about futurism and technology and the Third Wave—about laptops for the poor—and they say, in so many words, "Technology for humane ends: that's what we're about. Is he listening? Does he know we're here?"

Those same leaders look at the biography of Senator Pressler and see a son of Harvard; a Rhodes Scholar, a Senator whose constituents, many of them, live in rural places or are too poor to afford a monthly bill for cable, great as cable is. They say, "We have a great deal to say to him. Will he listen?"

The people of public broadcasting—thousands of them, who have created jobs and educational services and community outreach projects out of their local stations, are ready to join in a discussion about its renewal and its future. But they will also fight the reflex to destroy what they have built. Today they know that millions of Americans agree with them.

Mr. ROBB. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I ask unanimous consent that I be allowed to proceed for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLOTURE VOTE

Mr. PELL. Mr. President, I refer to my position on the vote we took earlier today on the cloture motion to curtail debate on the unfunded mandates bill. On that vote I declared a live pair but indicated I would have voted for cloture.

I was not comfortable with that vote, particularly because it placed me at cross purposes with the leadership on this side of the aisle in their campaign to assure fair treatment of the minority.

But I took the position I did in the context of the long-standing practice I have followed since I first came to the Senate in 1961. And that practice is simply to support termination of debate except in extraordinary circumstances and to allow a majority of the Senate to work its will.

Over the 34 years that I have served in the Senate, I have cast 327 votes in favor of cloture, and some 55 of those were cast when our party was in the minority.

But in the same period I have always reserved the right to support continued debate—or at least not voting for cloture—when there were clear and extraordinary circumstances which called for extended deliberations.

Indeed, there have been some 32 occasions in which I either paired or, as in two cases, voted against cloture, or was absent. In the future, I expect to continue my longstanding practice of voting for cloture.

Mr. President, I ask unanimous consent that I may print in the RECORD a listing of issues on which I have voted for cloture from the 87th Congress through the 103d Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PELL CLOTURE VOTES

87TH CONGRESS

Amend rule 22.
Literacy tests (2).
Communication satellite.

88TH CONGRESS

Amend rule 22.
Civil rights.

89TH CONGRESS

Voting rights.
Right-to-work (3).
Civil rights (2).
D.C. home rule.

90TH CONGRESS

Amend rule 22.
Open housing (4).
Fortas nomination.

91ST CONGRESS

Amend Rule 22 (2).
Electoral college (2).
Supersonic transport funds (2).

92D CONGRESS

Amend rule 22 (4)
Military draft.
Lockheed loan.
Rehnquist nomination.
EEOC (3).
U.S. Soviet Arms Pact.
Consumer Agency (2).

93D CONGRESS

Voter registration (3).
Campaign financing reform (4).
Rhodesian chrome (3).
Legal services (3).
Genocide treaty (2).
Government pay raise.
Public debt ceiling (3).
Consumer Protection Act (4).
Export-Import Bank (4).
Trade reform.
Supplemental appropriations (school desegregation).
Social Services.
Upholstery import regulations/Taxes and tariff.

94TH CONGRESS

Regional railroad reorganization.
Cloture reform (2).
Tax reduction (2).
Consumer Protection Agency.
Personal Senate committee staff.
New Hampshire Senate contest (6).
Voting Rights Act (2).
Oil price ceiling.
Labor-HEW/busing (2).
Common-site parking (2).
Railroad reorganization.
New York aid.
Rice production.
Antitrust bill (2).
Civil rights attorney's fees.

95TH CONGRESS

Vietnam draft evader pardon.
Campaign financing (3).
Natural gas deregulations.
Labor law reforms (6).
Tax reduction.
Energy tax conference report.

96TH CONGRESS

Windfall profits tax (4).
Nomination of William A. Lubbers to general counsel, NLRB (2).
Rights of institutionalized persons (4).
Draft registration.
Nomination of Don Zimmerman to be a member of NLRB (2).
Alaska lands.
Vessel tonnage/surface mining.
Fair Housing amendments (2).
Nomination of Stephen Breyer to be U.S. Circuit Court Judge.

97TH CONGRESS

Dept. of Justice authorization/busing (2).
Broadcasting of Senate Chamber proceedings.
Criminal Code Reform Act of 1982.
Urgent Supplemental Appropriations, 1982.
Voting Rights Act extensions.
Temporary debt limit increase/abortion.
Temporary debt limit increase/school prayer (4).
Antitrust contributions (2).
Surface Transportation Assistance Act (5).

98TH CONGRESS

Emergency jobs appropriations.
Emergency jobs appropriations, amendment on interest and dividend tax withholding (3).
Natural Gas Policy Act Amendments.
Capital Punishment.
Hydroelectric Power Plants.
Budget Act Waiver, agriculture appropriations (2).
Nomination of J. Harvie Wilkinson, III, to be a circuit judge.
Financial Services Competitive Equity Act (2).
Broadcasting of Senate Proceedings (2).
Continuing Appropriations, Civil Rights Act of 1984.

99TH CONGRESS

South African Anti-Apartheid (4).
Line Item Veto (3).
Public Debt Limit/Balanced Budget.
Conrail Sale (2).
Sydney A. Fitzwater to be District Judge.
Metropolitan Washington Airports Transfer (2).
Hobbs Act Amendment.
National Defense Authorization Act, FY 1987.
Military Construction Appropriations, 1987 (Contra Aid).
William Rehnquist to be Chief Justice.
Product Liability Reform Act.
Anti-Drug Abuse Act of 1986.
Immigration Reform and Control Act.

100TH CONGRESS

Contra Aid Moratorium (3).
Stewart B. McKinney Homeless Assistance Act.
DOD Authorization FY '88 & '89 (3).
Senatorial Election Campaign Act (5).
Omnibus Trade and Competitiveness Act of 1987 (3).
Melissa Wells to be Ambassador to Mozambique.
Senatorial Election Campaign Act (3).
DOD Authorization FY' 88 & '89 (2).
C. William Verity to be Secretary of Commerce.
War Powers Act Compliance.
Energy and Water Development Appropriations.
Polygraph protection.
Intelligence oversight.
High-Risk Occupational Disease Notification/Prevention Act (4).
Constitutional Amendment on Campaign Contributions (2).
Extension of the Immigration and Nationality Act.
Death Penalty for Drug Related Killings.
Great Smokey Mountains Wilderness Act (2).
Plant Closing Notification Act (2).
Textile, Apparel, and Footwear Trade Act.
Minimum Wage Restoration Act of 1988 (2).
Parental and Medical Leave Act (2).

101ST CONGRESS

National Defense Authorization Act FY 1990–91.
DOT Appropriations.
Eastern Airlines Labor Dispute (2).
Nicaragua Election Assistance.
Ethics in Government Act.
Armenian Genocide Day of Remembrance (2).
Hatch Act Reform.
AIDS Emergency Relief.
Chemical Weapons.
Federal Death Penalty Act of 1989 (2).
Air Travel Rights For Blind.
Civil Rights Act of 1990.
National Defense Authorization Act FY 1991.
Motor Vehicle Fuel Efficiency Act (2).
Family Planning Amendments, 1989.
National Voter Registration.
Foreign Operations Appropriations, 1991.

102D CONGRESS

Retail Price Maintenance (2).
Violent Crime Control Act of 1991 (5).
National Voter Registration Act (4).
Veterans and H.U.D. Appropriations, 1992.
Foreign Assistance Authorization (3).
Unemployment Compensation.
National Defense Authorization Act FY 1992–93.
Department of Interior Appropriation, 1992.
Federal Facility Compliance Act of 1992.
Civil Rights Act of 1992.
National Energy Security Act.
Deposit Insurance Reform Act.
Hostages in Iran Investigation.
Crime Control Act of 1991.
National Literacy and Strengthening Education for American Families Act.
National Cooperative Research Act Extension of 1991.
Lumbee Tribe Recognition Act.
Corporation for Public Broadcasting Reauthorization.
Appropriations Category Reform Act.
NIH Reauthorization Act, 1992.
Workplace Fairness Act (2).
Comprehensive National Energy Policy Act (2).
Product Liability Fairness Act (2).
National Literacy and Strengthening Education for American Families Act (2).
Labor-HHS Appropriation, 1993.
START Treaty.
Comprehensive National Energy Policy Act.
Tax Act.

103D CONGRESS

National Voter Registration Act (4).
Supplemental Appropriations, 1993 (4).
Campaign Finance Reform Act (6).
Natl. and Community Service.
Walter Dellinger—Atty. General.
Interior Conference Report (3).
State Department; 5 Nominees.
Brady Handgun (2).
Janet Napolitano to be US Attorney.
National Competitiveness Act.
Fed. Workforce Restruct. Conf. Rpt. (2).

Goals 2000: Conf. Rept.
Derek Shearer.
Sam W. Brown etc. (2).
Product Liability Fairness (2).
Striker Replacement (2).
Crime Bill Conference.
California Desert Protection.
Ricki Tigert.
H. Lee Sarokin.
Elem. & Second. Education.
Lobbying Disclosure (2).
California Desert Protection.

MEXICAN FINANCIAL CRISIS

Mr. PELL. Mr. President, over the last 3 weeks a steep decline in the value of the Mexican peso has precipitated a financial crisis with worldwide implications. The peso's loss has not only shaken investor confidence on the Mexican stock market, but triggered a short-term debt crisis that is affecting currencies and markets throughout the hemisphere. Without a swift and sure response to this crisis, Mexico could face serious economic decline and political instability.

President Clinton was quick to recognize the long-term danger this poses for all of us. A Mexican crisis would hit the United States economy hard by reducing Mexico's ability to import United States goods and services. It could increase illegal immigration and destabilize the Mexican Government. Finally, it could spread to other emerging market economies and further reduce U.S. exports.

In light of these potential consequences, the administration moved expeditiously to propose a package of loan guarantees to address the problem. The Departments of Treasury and State have been working closely with the bipartisan leadership of the House and the Senate to craft a loan guarantee package that will bring an end to the crisis without costing money to the American taxpayer. I hope that soon we will be able to move forward on legislation to help resolve the Mexican crisis while addressing the legitimate concerns that many have raised.

I am concerned that the loan guarantee program be structured so it will not become a cost to our taxpayers.

In addition it is important there be full disclosure to Americans of those investors, United States, Mexican, and others, who will benefit by our United States action to guarantee up to $40 billion of Mexican Government bonds used to satisfy Mexican Government obligations to those investors.

Mr. President, yesterday at the Department of Treasury, President Clinton spoke about the broader implications of the Mexican situation and about the package being put together to respond to it. I believe his remarks were very helpful and instructive, and I ask unanimous consent that they be printed in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT, JANUARY 18, 1995

The PRESIDENT. Thank you very much, Secretary Rubin and Ambassador Kantor.

Ladies and gentlemen, we wanted to be here today to make the clearest public case we can for the proposal, which has been developed by the administration and the bipartisan leadership in Congress, for dealing with the present situation.

We have worked hard with an extraordinary group of people who have joined forces because all of us realize how important this proposal is—not only to the people of Mexico but also to the United States and to our workers. We are acting to support the Mexican economy and to protect and promote the interests of the American people.

As Ambassador Kantor said, and as all of you know very well, we live in an increasingly global economy in which people, products, ideas and money travel across national borders with lightning speed. We've worked hard to help our workers take advantage of that economy by getting our own economic house in order, by expanding opportunities for education and training, and by expanding the frontiers of trade, by doing what we could to make sure there was more free and fair trade for Americans. And we know, and all of you know, that those efforts are creating high wage jobs for our people that would otherwise not be there.

Our goal, our vision must be to create a global economy of democracies with free market not government-run economies; democracies that practice free and fair trade, that give themselves a chance to develop and become more prosperous, while giving our own people the opportunity they deserve to reap the benefits of high-quality, high-productivity American labor, in terms of more jobs and higher incomes.

We have pursued this goal with vision and with discipline, through NAFTA, through the Summit of the Americas, through a number of other international endeavors, like GATT and the Asian Pacific Economic Cooperation Group. But we have pursued it especially here in our own hemisphere, where we are blessed to see every nation but one governed in a democratic fashion, and a genuine commitment to free market economics and to more open trade.

We have to know that the future on this path is plainly the right one, but as with any path, it cannot be free of difficulties. We have to make decisions based on a determined devotion to the idea of what we are pursuing over the long run. We know that given the volatility of the economic situation in the globe now, there can be developments that for the moment are beyond the control of any of our trading partners, themselves developing nations, which could threaten this vision and threaten the interests of the American people.

Mexico's present financial difficulty is a very good case in point. Of course, it's a danger to Mexico, but as has already been said, it is plainly also a danger to the economic future of the United States.

NAFTA helped us to dramatically increase our exports of goods and services. It helped us to create more than 100,000 jobs here at home through increased exports to Mexico. But over the long run, it means even more. It means even more opportunities with Mexico, it means the integration of the rest of Latin America and the Caribbean into an enormous basket of opportunities for us in the future. And we cannot—we cannot let this momentary difficulty cause us to go backward now.

That's why, together with the congressional leadership, I am working so hard to urge Congress to pass an important and necessary package to back private sector loans to Mexico with a United States government guarantee. Let me say, I am very gratified by the leadership shown in the Congress on both sides of the aisle.

By helping to put Mexico back on track, this package will support American exports, secure our jobs, help us to better protect our borders, and to safeguard democracy and economic stability in our hemisphere—because America and American workers are more secure when we support a strong and growing market for our exports; because America and American workers are more secure when we help the Mexican people to see the prospect of decent jobs and a secure future at home through a commitment to free-market economics, political democracy and growing over the long term; and because we're more secure when more and more other countries also enjoy the benefits of democracy and economic opportunity; and, perhaps most important, over the long run, because we are more secure if we help Mexico to remain a strong and stable model for economic development around our hemisphere and throughout the world.

If we fail to act, the crisis of confidence in Mexico's economy could spread to other emerging countries in Latin America and in asia—the kinds of markets that buy our goods and services today and that will buy far more of them in the future.

Developing these markets is plainly in the interests of the American people. We must act to make sure that we maintain the kind of opportunities now being seized by the Secretary of Commerce and the delegation of American business leaders who have had such a successful trip to India.

If you take Mexico, just consider the extraordinary progress made in recent years. Mexico erased a budget deficit that once equalled 15 percent of its Gross Domestic Product. It slashed inflation from 145 percent a year to single digits. It sold off inefficient state enterprises, dramatically reduced its foreign debt, opened virtually every market to global competition. This is proof that the Mexican government and the Mexican people are willing to make decisions that are good for the long run, even if it entails some short-term sacrifice for them, they know where their future, prosperity and opportunity lie.

Now Mexico, of course, will have to demonstrate even greater discipline to work itself out of the current crisis. Let me say, through, it's important that we understand what's happened. And the Secretary of Treasury and I and a lot of others spent a lot of time trying to make sure we understood exactly what had happened before we recommended a course of action.

It is clear that this crisis came about because Mexico relied too heavily upon short-term foreign loans to pay for the huge upsurge in its imports from the United States and from other countries. A large amount of those debts come due at a time when because of the nature of the debts, it caused a serious cash flow problem from Mexico, much like a family that expects to pay for a new home with the proceeds from the sale of its old house only to have the sale fall through.

Now, together with the leadership of both houses, our administration has forged a plan that makes available United States government guarantees to secure private sector loans to Mexico. The leadership in Congress from both sides of the aisle and the Chairman of the Federal Reserve Board developed this plan with us. It is something we did together because we knew it was important, important enough to the strategic interest of the United States to do it in lockstep and to urge everyone without regard to party or region of the country or short-term interests to take the long view what is good for America and our working people.

We all agree that something had to be done. Now, these guarantees, it's important to note, are not foreign aid. They are not a gift. They are not a bailout. They are not United States government loans. They will not affect our current budget situation. Rather they are the equivalent of cosigning a note, a note that Mexico can use to borrow money on its own account. And because the guarantees are clearly not entirely risk-free to the United States, Mexico will make an advanced payment to us, like an insurance premium. No guarantees will be issued until we are satisfied that Mexico can provide the assured means of repayment. As soon as the situation in Mexico is fully stabilized, we expect Mexico to start borrowing once again from the private markets without United States government guarantees.

The U.S. has extended loans and loan guarantees many, many times before to many different countries. In fact, we've had a loan mechanism in place with Mexico since 1941. And Mexico has always made good on its obligations.

Now, there will be tough conditions here to make sure that any private money loaned to Mexico on the basis of our guarantees is well and wisely used. Our aim in imposing the conditions, I want to make clear, is not to micromanage Mexico's economy or to infringe in any way on Mexico's sovereignty, but simply to act responsibly and effectively so that we can help to get Mexico's economic house back in order.

I know some say we should not get involved. They say America has enough trouble at home to worry about what's going on somewhere else. There are others who may want to get involved in too much detail to go beyond what the present situation demands or what is appropriate. But we must see this for what it is. This is not simply a financial problem for Mexico; this is an American challenge.

Mexico is our third largest trading partner already. The livelihoods of thousands and thousands of our workers depend upon continued strong export growth to Mexico. That's why we must reach out and not retreat.

With the bipartisan leadership of Congress, I am asking the new Congress to cast a vote, therefore, for the loan guarantee program as a vote for America's workers and America's future. It is vital to our interests; it is vital to our ability to shape the kind of world that I think we all know we have to have.

No path to the future—let me say again—in a time when many decisions are beyond the immediate control of any national government, much less that of a developing nation, no path to the future can be free of difficulty. Not every stone in a long road can be seen from the first step. But if we are on the right path, then we must do this. Our interests demand it, our values support it, and it is good for our future.

Let me say again that the coalition of forces supporting this measure is significant—it may be historic. The new Republican leaders in Congress, the leadership of the Democratic Party in Congress, the Chairman of the Federal Reserve Board—why are they doing this? And I might say, I was immediately impressed by how quickly every person I called about this said, clearly, we have to act. They instinctively knew the stakes.

Now, in the public debate, questions should be properly asked and properly answered. But let us not forget what the issue is, let us not read to little into this moment, or try to load it up with too many conditions, unrelated to the moment. The time is now to act. It is in our interest. It is imperative to our future. I hope all of you will do what you can to take that message to the Congress and to the American people.

Thank you very much. (Applause).

Mr. PELL. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 171 TO AMENDMENT NO. 31

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator DODD be listed as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, will the distinguished Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. LOTT. Just to clarify a couple of points that we discussed, if the leadership should come in and need some time for discussion, I am certain the Senator's intention is to yield for that. Is that correct?

Mr. WELLSTONE. Mr. President, the Senator from Mississippi, the majority whip, is correct.

Mr. LOTT. Is the Senator going to seek a time agreement on this amendment?

Mr. WELLSTONE. Mr. President, I will be pleased to seek a time agreement. If we are going to plan for it around 8:30, 30 minutes would be fine, equally divided. I ask, if the other side does not need 15 minutes, I might need a little bit more than 15 minutes. Is that all right?

Mr. LOTT. I think it would be appropriate to ask unanimous consent that the time limit on this amendment be limited to 30 minutes equally divided, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. If the Senator will yield for one more moment, I will ask unanimous consent, if it meets with the approval of the Democratic side. I ask unanimous consent that a rollcall vote occur at 8:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank the Senator.

Mr. WELLSTONE. Mr. President, I ask for regular order.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. DODD, proposes an amendment numbered 171 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be inserted, add the following:

SEC. . CHILDRENS' IMPACT STATEMENT.

Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

Mr. WELLSTONE. Mr. President, thank you.

Mr. President, this amendment is a children's impact statement that Senator DODD and I proposed. This amendment says, and I quote for my colleagues:

> Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

Mr. President, this essentially says—and it is very consistent with this overall piece of legislation—that if a committee with legislation reports out a separate report, as we often do, then that report should include an impact statement of the impact of that piece of legislation will have on children, and if it does not, then that piece of legislation will not be in order on the floor.

Mr. President, that is the same point of order that is the methodology of this piece of legislation.

Mr. President, I want to be clear with my colleagues that this is very different from the amendment that I proposed last week. The amendment I proposed last week said that if we were going to be moving forward on an agenda that I believe is going to be very mean spirited, it is important that we go on record with an assurance to people that we will not be passing any piece of legislation, any cut, any amendment, which could lead to an increase in homelessness or an increase in hunger among children. That amendment was voted down. I will bring that amendment back to the floor for a separate vote. I will continue to do so because I think this is something on which all of us, Democrats and Republicans, should go on record.

Mr. President, this particular amendment, this children's impact statement, is a little bit different. What I am essentially saying is that if we are going to be talking about the impact of legislation on State governments, the impact of legislation on local governments, the impact of legislation on large corporations, or for that matter small businesses, then we ought to be willing to look carefully at the impact of legislation on our children.

By the way, I say to my colleagues, this is a very moderate proposal. I am just simply trying to require that when committees have a report, that included in that report there be a children's impact statement. We will all look carefully at the impact of what we are doing with our legislation on children.

In context, Mr. President, The Children's Defense Fund just came out with a study. Unfortunately, this closely parallels some fairly rigorous analysis that is being done right now about where we are heading by the year 2002, if in fact we move forward with a balanced budget amendment. But part of the balanced budget amendment equation is that we increase Pentagon spending, we engage in this continuing war for more and more tax cuts, and in addition we leave other major spending categories out or we put them in parentheses. The question becomes, then, what do you need to do to cut $1.2 trillion or $1.3 trillion? The assumption is, we may very well, with what is left in the budget, be talking about a 30-percent cut in programs that help children and families.

If that is the case the Children's Defense Fund estimates that in the United States, just looking at fiscal year 2002, we would be talking about overall 1,992,550 babies, preschoolers, and pregnant women losing infant formula and other WIC nutrition supplements.

Mr. President, this is an estimate of how many children would be affected in fiscal year 2002. This is very well the direction we could be going in. By the way, Mr. President, I think one of the reasons some of leadership that has been pushing so hard on a balanced budget amendment is unwilling to talk about where the cuts will be before they get a vote on this amendment is because the arithmetic is so compelling. And in many, many ways, by the way, we are going very much against the mandates from people in this country. I thought we were trying to act on that mandate, because one of the things people have said to us is to be truthful, be straightforward, and be honest with us, do not try and finesse us.

I think one of the reasons—and I am only taking one part of this agenda—a good part of the leadership—Mr. ARMEY is just one—that is unwilling to talk specifically about where the cuts are going to take place before people vote up or down on this proposal is because of where the cuts will take place. While I cannot be certain, given what has been taken off the table, given what Senators do not seem to be willing to look at by way of cuts, then we can only look at that part of the budget which is on the table. And when we look at that part of the budget which is on the table, unfortunately, we are talking about cuts in programs that are extremely important for the most vulnerable citizens in this country, and I am talking specifically about children, Mr. President.

So, Mr. President, within that context, let me simply move forward and talk a little bit about some of these projections, because they are frightening. I want people in the country to know about them, and I want my colleagues to understand the context of this amendment.

The context of this amendment, again, is that by 2002, on present course, we could very well see 1,992,550 babies, preschoolers, and pregnant women who would lose infant formula and other WIC nutrition supplements. Women, Infants, and Children is what WIC stands for. By the way, as a former teacher, I argue that the most important education program in the United States of America is to make sure that every woman expecting child has a diet rich in vitamins, minerals, and protein. Otherwise, that child, at birth, will not have the same chance. These are the kind of cuts: 4,258,450 children would lose food stamps; 7,564,550 children would lose free or subsidized school lunch program lunches. Mr. President, it is not very easy for children to do well in school if they are hungry. It is a stark reality that all too many children go to school hungry. Mr. President, 6,604,450 children would lose Medicaid health coverage; 231,100 blind and disabled children would lose supplemental security income, SSI; 209,050 or more children would lose the Federal child care subsidies that enable parents to work or get education and training; 222,150 children would lose Head Start early childhood services.

Mr. President, how interesting it is—I am not going to go through all the figures—that all of us in public service want to have our photos taken next to children, and the only thing I am trying to do with this amendment is to simply say that before we go too far, why do we not at least—consistent with the overall framework of this legislation—as long as we are talking about impact statements, why do we not at least say that committees, when they have their accompanying report—and quite often that is the case—have as a part of that report a child impact statement so that we at least know what we are doing. This is, from my point of view, a very moderate proposal.

Mr. KEMPTHORNE. If the Senator will yield, Mr. President. In order that other Members of the Senate can have some sense as to what may take place tonight, we do have one vote that has been ordered, which will occur at 8:30.

I ask unanimous consent that we designate that that will be the Levin amendment, at 8:30.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. KEMPTHORNE. Further, Mr. President, it will be my intention to move to table the current amendment that is being debated, and at that point I will be asking for the yeas and nays so that all Senators will know that after the first vote occurring at 8:30, in all likelihood there will be a second vote to immediately follow.

Mr. LEVIN. Reserving the right to object. I understand the Wellstone amendment is a second-degree amendment to my amendment. So it would have to be—

If the Senator from Idaho would withhold.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. LEVIN. Yes.

Mr. WELLSTONE. I was about to ask unanimous consent that my amendment be considered as a second-degree amendment to the Gorton amendment. I do make that request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, reserving the right to object, and I will not. As I understand the unanimous-consent request—or the statement of the manager, it is that there would be a rollcall vote on the Levin amendment at 8:30, and immediately following that, a rollcall vote on the Wellstone amendment—excuse me, to vote on a motion to table that the Senator from Idaho intends to make on the Wellstone amendment.

Mr. KEMPTHORNE. That is correct. I will be requesting the yeas and nays.

Mr. LEVIN. I thank my friend from Minnesota.

Mr. KEMPTHORNE. Mr. President, again, I thank the Senator from Minnesota for the courtesy of letting me interrupt.

Mr. WELLSTONE. I thank the Senator from Idaho, and I appreciate the work he is doing on the floor.

Mr. President, I have to say to my colleague, whom I really respect, that I am disappointed and a little bit dismayed at what would be, I gather, a motion to table this amendment. Mr. President, I have a State-by-State projection of what could very well be the impact of the balanced budget amendment on children in the United States. This report was written by the Children's Defense Fund. I intend to distribute a copy to all of my colleagues, so they can see these projections for themselves.

Mr. President, one more time, first let me start with some pretty amazing figures. I just do not quite think we are grasping this here in the Chamber, right here in this legislative body.

"One Day in the Life of American Children," was the Children's Defense Fund yearbook of 1994. I never heard anybody refute these statistics, by the way. I would like to persuade the Senator from Idaho to have a different motion. "One Day in the Life of American Children": 3 children die from child abuse in the United States of America; 9 children are murdered; 13 children die from guns; 27 children in the classroom die from poverty; 30 children are wounded by guns; 63 babies die before they are 1 month old; 101 babies die before their first birthday; 145 babies are born at very low birthweight; 102 children are arrested for drug offenses; 207 children are arrested for crimes of violence; 340 children are arrested for drinking or drunken driving. I could go on and on and on.

Mr. President, again, here are some figures that I have used: Every 5 seconds a child drops out of school in the country; every 30 seconds a child is born into poverty; 1 out of 5 children in the country today is poor, going on 1 out of 4; 1 out of every 2 children of color are poor; every 30 seconds a child is born into poverty; every 2 minutes a baby is born severely underweight. I combine these with these figures.

Now we are talking about a Contract With America, where, by the way, there is not one word or one sentence in this Contract With America that calls on any large financial institution, any large corporation, to make any sacrifice whatsoever. My fear—and I have to tell you by this motion to table that I fear my fear is being confirmed—is that what we are going to do is have deficit reduction. We can have deficit reduction without riding roughshod over children. All that I am asking my colleagues to do, on both sides of the aisle, is given these projections, 1,992,550 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements, in the year 2002, given where we are heading—I could be wrong—I hope I am wrong—but I could be right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WELLSTONE. I ask unanimous consent that I may have 5 more minutes.

Mr. KEMPTHORNE. I have no objection. In fact, Mr. President, I yield 5 minutes of my time to the Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Idaho.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. WELLSTONE. Mr. President, all I am asking of my colleagues is, given the direction we could very well be going, before we pass legislation, pass amendments, make cuts that are going to hurt children in America, those citizens that are most vulnerable, that could very well take the poorest of citizens in our country and put them in a worse position, if we are considering legislation that says we should consider the impact of what we do on businesses, on State governments, on county governments, is it too much for me to ask my colleagues that we pass an amendment that committees with their accompanying report have in that report a children's impact statement; that is to say, what is the impact of this legislation on children in this country? And, if not, then there could be a point of order lodged.

I do not know how many of my colleagues right now are watching C–SPAN, but let me just be blunt. Sometimes we do not know—I say this to my good friend from Idaho—sometimes we do not know what we do not want to know. Let me repeat that. Sometimes we do not know what we do not want to know.

And I think this may be an example. The only thing this amendment asks us to do is to make sure that in our legislative work we have a children's impact statement. It could very well be that, as a result of where we are heading with this contract, where we are heading with this balanced budget amendment, we are not going to make any cuts in oil or coal subsidies or military contracts but we are going to make cuts in programs that provide basic nutritional assistance to children in this country. Is it too much for me to ask of my colleagues that they agree that we do impact statements in reports that accompany committee legislation?

What is anyone afraid of? Why would anyone vote against this? What is unreasonable about this?

Mr. President, I say to my colleagues, I think we should have 100 votes for this. This is a moderate proposal.

The only reason that I can see why Senators would vote against this is because, in fact, the Children's Defense Fund's projections about what we are going to do in 2002 are correct.

Mr. President, I would like to finish on this note. I am a U.S. Senator from Minnesota. The floor is where we bring amendments. The floor is where we do our work. I am not trying to put people in a politically embarrassing position on votes. Senators can vote any way they want to.

But I want to say to my colleagues, I am going to fight hard on these issues and I am going to come back with this amendment, I am going to come back with another amendment on this bill—I am hoping I can get support for this amendment—because I want people in the United States of America to know the direction we are going in.

There is too much goodness in this country to support these kinds of cuts. There is too much goodness in this country to end up hurting children.

And now I have an amendment to just ask my colleagues to go on record to do an impact statement on legislation that comes out of committee with an accompanying report. I heard there is going to be a motion to table. I want people in the country to see that. I want people in the country to understand that I am going to come back over and over again. And I do not care whether any of this is ever used in any 10-second, 15-second or 30-second ads. As a matter of fact, I am told that conventional wisdom these days is that it is "not a winner" to be so active on children's issues.

But I do not believe that. I think people care about goodness. I think people care about fairness. I think people care about opportunity. And I do not think the citizens in this country, the citizens in Minnesota, think it is unreasonable that we do a children's impact statement on the legislation that we are dealing with and on the budget cuts that we are dealing with.

Again, sometimes we do not know what we do not want to know. At least should we not be willing to include the children's impact statement? I hope my colleagues will vote for this amendment.

Again, I do want to make sure that Senator DODD is listed as an original cosponsor. I would be pleased to speak a little more, but the Senator from Idaho may want to respond.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, first, let me commend my friend from Minnesota, who is a strong and a great advocate for children, as I feel that I am, also.

When he made the comment there at the end that you may not be a winner currently if you are a real advocate for children, I think he and I will agree that we will reject that notion. We need to do all that we can for children.

Now I appreciate the Senator's concern and I appreciate what he said tonight. But I think we are taking different tacks in order to accomplish really what he is talking about.

The committees that have jurisdiction over programs with jurisdictions affecting children would include this information on their report on relevant legislation. S. 1 is a bill about unfunded mandates on States and cities, unfunded mandates for cities and States to use scarce dollars that would otherwise be spent on discretionary programs, including programs to help children.

Now, Boyd Boehlje, who is the president of the National School Boards Association, said:

> * * * the more than 95,000 locally elected school board members nationwide * * * strongly support S. 1. This legislation would establish the general rule that Congress shall not impose Federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year.
>
> Today school children throughout the country are facing the prospect of reduced classroom instruction because the Federal Government requires, but does not fund, services or programs that school boards (must) implement * * *. Our nation's public school children must not pay the price of unfunded federal mandates.

And he said on another occasion, Mr. President, that the very children that Congress is most concerned about protecting are hurt most often by these unfunded Federal mandates.

This amendment would require all committees to prepare such a report on all legislation, including legislation dealing with the Securities and Exchange Commission, which would have to file a report even when the legislation does not affect children. This amendment was part of another amendment the Senate considered earlier this year and was tabled by a vote of 56 to 43.

Mr. WELLSTONE. Will the Senator yield?

Mr. KEMPTHORNE. In just a moment.

Mr. President, again, this bill is a process bill. Those committees that have jurisdiction must include in their report the very aspects that the Senator from Minnesota has been pointing out.

So again, it is with all due respect that I will be making the motion to table, but with a great deal of respect for the Senator raising this issue.

I yield the floor.

If I may inquire, how much time is remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds.

Mr. KEMPTHORNE. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota

Mr. WELLSTONE. I thank the Senator from Idaho.

Mr. President, first of all, just so my colleagues have a full understanding of what is at issue here, this amendment is not in opposition to this unfunded mandates legislation at all. And the fact that, Mr. President, that local school board official or others say that they think the unfunded mandates bill would benefit children does not in any way, shape, or form detract from this amendment. This amendment is actually meant to just support this piece of legislation. This amendment speaks not to the unfunded mandates bill, but this amendment speaks to where we are heading with our budget cuts.

Mr. President, I believe the Senator from Idaho will hear from many locally elected officials, including school officials, who are very worried that if, in fact, we cut into all of these kinds of programs, starting with child nutrition programs, that States and/or local governments are going to have to pick them up—maybe school districts—out of a property tax.

Actually, what the Senator was talking about was kind of an apples and oranges proposition. This amendment is not in opposition to the unfunded mandates legislation. This amendment just says that if we are going to look at the impact of what we are doing on State governments or if we look at the impact on what we are doing on companies, we ought to look at the impact of what we are doing on children. That is all this amendment says. This amendment says that if a committee is going to file a report, and if the committee is working on legislation or budget cuts that affect children, then there ought to be a children's impact statement. That is all this amendment says.

One more time, it strengthens this piece of legislation. It just gives the Senate the same concern about children, that we are at least willing to look at the impact of what we are doing on children. And Mr. President, these numbers by Children's Defense Fund, that are backed up by numbers by a lot of organizations, suggest we could very well be going in the direction with this Contract With America of cutting programs that provide essential support for the most vulnerable citizens in this country—children.

I am saying before we rush headlong down that path, at least let Senators be intellectually honest and policy honest and have the child impact statement.

Again, I do not really understand the opposition from my colleagues. We want to look at the impact of what we do on State governments. We want to look at the impact of what we do on businesses. But for some reason, we do not want to look at the impact of what we do on children in America.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Idaho has 3 minutes and 20 seconds remaining.

Mr. KEMPTHORNE. Mr. President, I inquire of my friend from Minnesota, I have nothing else to add, but if the Senator would like the remaining time, I would like to yield the time.

Mr. WELLSTONE. I thank the Senator from Idaho for his courtesy. I yield the rest of my time.

Mr. KEMPTHORNE. Mr. President, I yield back the remainder of my time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. KEMPTHORNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 170, AS MODIFIED

The PRESIDING OFFICER. The question occurs now on agreeing to amendment No. 170, as modified, offered by the Senator from Michigan, Mr. LEVIN. The yeas and nays have been ordered. The clerks will call the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota [Mr. PRESSLER] would vote "yea."

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—96

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—4

Helms
Johnston
Leahy
Pressler

So the amendment (No. 170), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

Mr. DOLE. Mr. President, if we can have order, I wanted to make a brief statement here before the next vote.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I submitted to the distinguished Democratic leader a unanimous-consent request and have not yet had an opportunity to talk with the Democratic leader. So, because I am not certain this will be the last vote, I suggest the absence of a quorum while we have that conversation.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me say that we have been working in good faith on both sides today and part of yesterday to put an agreement where we would be in session tomorrow but not have any votes, and on Monday, consider amendments but no votes before 4 o'clock. The proposal was that all the amendments that we had agreed to be put in this little basket to be offered by 3 o'clock on Tuesday. We thought that was fair. We whittled our numbers from 30-some down to 11, and I think on the Democratic side, it was 78 down to 42 or 43. Some of those may or may not be offered. We are unable to get that agreement, unfortunately.

I will first ask unanimous consent that all remaining committee amendments be considered, en bloc, and agreed to and, failing that, we will have a vote on a motion to table the pending amendment, and there will be 5 additional votes on the committee amendments.

So I ask unanimous consent that all remaining committee amendments be considered, en bloc, agreed to, and the motion to reconsider be laid upon the table, and that they be considered original text for the purpose of further amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President. I hope that the majority leader will present the entire agreement that was proposed.

Mr. DOLE. I am happy to read it. I tried to summarize it.

Mr. BYRD. I am looking at it here and I am sorry to say the summary does not reflect all that the agreement entails. I hope the majority leader will read the agreement, let us listen to it, and see if we want to agree to it.

Mr. DOLE. That is fair enough. Let me do that. This is the agreement I proposed and that we discussed, as I say, on both sides in good faith:

> I ask unanimous consent that the following amendments be the only amendments in order to S. 1; that they be offered as first or second-degree amendments, if Committee amendments are available to offer them to, and that they be subject to relevant second-degree amendments.

Then I would either read or submit the list. You had about 40, and we had about 11.

> I further ask consent that all first-degree amendments must be offered on 3 p.m. on Tuesday, January 24, and that at 2:30 p.m. on Tuesday, the minority manager be recognized to offer any amendment on the list from the minority side of the aisle; that no later than 2:45 p.m. on Tuesday, the majority manager be recognized to offer any amendment on the list from the majority side of the aisle.
>
> I further ask unanimous consent that following the disposition of the above-listed amendment and any remaining committee amendments, that the bill be advanced to third reading, and the Senate proceed to final passage of S. 1, as amended, all without any intervening action or debate.
>
> I further ask unanimous consent that once the Senate has read S. 1 for a third time, and the Senate has received the House companion bill, it then be in order for the majority manager to call up the House companion bill and move to strike all after the enacting clause and insert the text of S. 1 as amended.
>
> I further ask unanimous consent that the Senate proceed to vote on the Senate amendment, to be followed by third reading and final passage of the House companion bill, and that all of the action occur without any intervening debate.
>
> I ask unanimous consent that the cloture vote scheduled for tomorrow be vitiated, and that no votes occur throughout Friday's session of the Senate.
>
> I ask unanimous consent that when the Senate completes its business on Friday, it stand in recess until 9:30 a.m., Monday, January 23, 1995, and that the Senate resume consideration of S. 1 at 10 a.m., on Monday, January 23.
>
> Finally, I ask unanimous consent that any votes ordered throughout the day on Friday and Monday be postponed to occur on Monday, January 23, beginning at 4 p.m.

That would have been the request. And then I had some explanatory material at the bottom.

I would say that the reason for 3 o'clock on Tuesday was to make certain that both policy luncheons would have an opportunity to discuss the bill and both the majority and minority side would have time to come back after the luncheons and say, "Well, we want to offer the following amendments," and they could be offered by the manager or by any Senator who had an amendment.

It seemed to me that this would have accommodated our colleagues on the other side of the aisle as far as tomorrow is concerned, and all of our colleagues as far as Monday is concerned until 4 p.m.

I might further state that it seems to me—I know the Senator from West Virginia would agree that only the following amendments be in order, but they would not have to be offered at any time. In my view, that would mean if we would debate those amendments, 40 or 50 amendments, we could debate those the next 30 days. So we wanted some cutoff time. After that time, no amendments could be offered.

It is an agreement we have entered into many, many times in the past. In fact, we have entered into agreements in the past where we said all amendments must be disposed of by a certain hour.

But that is the essence of the agreement. I hope that it might be acceptable to our colleagues on the other side. But if not, then I will proceed, as I have indicated, with the vote on the pending amendment, a motion to table that, plus a motion to table each of the committee amendments. And I believe there are four remaining. So there would be four votes on the motion to table committee amendments.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from West Virginia reserves his right to object.

Mr. BYRD. Yes, I reserve the right to object.

Mr. President, I thank the distinguished majority leader for reading the request that has been presented to me.

First of all, let me say I think we are shortcutting the legislative process too much. Let me be specific in two or three instances here.

> All first-degree amendments must be offered by 3 p.m. on Tuesday, January 24, and that at 2:30 p.m. on Tuesday, the minority manager be recognized to offer any amendment on the list from the minority side of the aisle, and that no later than 2:45 p.m. on Tuesday, the majority manager be recognized to offer any amendment on the list from the majority side.

Now what does that mean, "offer any amendment on the list"? I do not have any amendment that I consider just to be a minor, inconsequential amendment. If I have an amendment, I consider it important enough that I be here to offer my own amendment. This is not the legislative process in accordance with the rules.

I do not know what that means—"must be offered." If I offer an amendment, I may want to take 2 or 3 hours on it. If somebody else offers an amendment, I may want to offer an amendment in the second degree to it. We have had too much of this business of accommodations. We have streamlined this process to the point that Senators are going to lose the knowledge of their responsibilities here. We do not have the responsibility to shortcut this process. We do not have the responsibility to put it on automatic pilot. We have a responsibility, as Senators, to be here, to call up our amendments and not be under the gun to have to call up 30 or 40 amendments by 3 o'clock next Tuesday or Wednesday or whatever it is.

We have fallen into that habit. Our business as Senators is to be here and be here at work. We are very early in the session. I do not think we have to operate under the gun like this.

I am very willing to have a listing of amendments. We have done that many times. I think that would be an accommodation, if one wants to call it an accommodation, to every Senator, that we have a list of amendments and know what is going to be called up.

But this idea of having the minority manager offer any amendments on the list from the minority side, and the majority manager—and I trust them both; this is not anything against the managers at all. They are both here and they are doing a good job. They are carrying out their responsibilities. If they can be here to offer amendments, why cannot Senators who are the authors of the amendments be here to offer them?

Mr. DOLE. We would be happy to change that. We put that in just to accommodate, to make it more efficient. But we would be happy to change that.

Mr. BYRD. We have too much efficiency now. The constitutional framers did not create the United States Senate to be an efficient organization. The Senate was intended to be a second House in which the Members would have longer terms and thus be more independent in their votes; where legislation passed by the House in a hurry could cool off; where it could be meticulously studied, thoughtfully amended, reasonably agreed to or rejected.

I know the impulse here is to ram things through. Thank God for the U.S. Senate. One Senator can stand as long as he is able to stand on his feet and object. I do not mind doing that.

If you insist on our being here tomorrow and our colleagues want to go to a retreat, you will not be interrupted by any rollcall. I will get you away and I will talk all day. So do not let that be a compelling gun to your temple.

Let us do our business here as we are expected to do it by the people who sent us here. Let us carry out our responsibilities to offer the amendment.

What does it mean to offer an amendment? How is my manager going to call up 20 amendments?

Mr. DOLE. We hope they would not call up all the amendments.

Mr. BYRD. Well, all the amendments may not be called up.

We made excellent progress today. The Senate has worked its will today in an orderly fashion. Amendments have been ably debated, carefully studied. That is the process we ought to continue on.

Senators ought to know the rules. Too many Senators do not know the rules. They do not know what offering an amendment means.

I may want to offer an amendment. I may want to talk on it a while. Why should I be bound by this? I should not be hemmed in and fenced out with respect to an orderly process by which I can debate my amendment at length. That is what we signed up for when we came to this Senate.

I would not have given my unanimous consent to taking up this bill if I had not been misled by promises which were made in good faith; no intention to mislead anyone. But I gave consent to take up this bill on the promise that there be a committee report the next morning. The committee report did not appear, but I had already given my consent to take it up. Had I known the committee reports were not going to be available, I would not have given my unanimous consent. So let Members take our time. We want to have a cloture vote; well, that is in accordance with the rules. Let Members go by the rules here. Let Members slow down here a little bit. Let Members know what we are doing.

Then, after all these amendments have been disposed of, the bill will be advanced to third reading and the Senate will proceed to final passage, all without any intervening action or debate.

Suppose I, in my view, once we have gotten through this amendment process, feel that there ought to be some more talk on this bill? Any Senator may be displeased with the action that is taken on amendments in the intervening time. Why should he be gagged? I say to my own leader over here, I apologize. He is doing his level best to press this legislation forward in an orderly way. He was kind enough to come to me with this agreement.

I do not understand this business of letting the majority manager or the minority manager call up all first-degree amendments, must be offered by 3 o'clock p.m. on Tuesday. What is meant by "offered"? All first degree amendments must be offered by 3 o'clock p.m. on Tuesday. We are supposed to be out tomorrow. That only leaves Monday, and up to 3 o'clock on Tuesday. Then on Monday, by a certain time.

Mr. DOLE. By 4 o'clock on Monday. Votes will occur after 4 o'clock.

Mr. BYRD. Yes, any votes ordered throughout the day on Friday.

Mr. DOLE. Or Monday.

Mr. BYRD. Or Monday. Friday and Monday, be postponed to occur.

So we will set up votes. Sometimes in the legislative process, the necessity for offering a second-degree amendment does not arise in advance. I just think that we are getting in too much of a hurry on this important issue. The number is S. 1. Obviously, it is an important bill.

I know some Senators may be unhappy with me, but I am sorry. I think we need to slow down. If we want to enter into a list of amendments, that is fine. We have done that before. But I have seen this Senate deteriorate, one reason being this very thing, entering into agreements like this that relieve Members of our responsibilities to be here on this floor and do our own work, doing it painstakingly and carefully.

I am not going to agree to this. This is too important a bill. We have the Contract With America. Here is my "Contract With America" right here, the Constitution of the United States. I am not going to roll over and play dead. If my friends feel that standing up for the rights of the minority and an orderly legislative process calls for my expulsion from the Senate, then let the Senate proceed.

I say what I have said with respect to the majority leader. I told our friends over here earlier while we were on the debate, cutting down on the filibuster, that that leader over there is tough. Wait and see. He will use the rules on me. And I respect that and I admire that. And I also respect the fact that I can stand up, and I have a right to oppose those efforts to the limit of whatever rights and powers that I have.

This is just jamming and ramming legislation through. The American people out there do not want that done. We have time. It is only the 19th of January. What is all the rush? The Senate will be in session, it says, on Friday, in order for Members to offer amendments contained in a list.

List? Who is going to know? If I offer an amendment on the list, who will be here to listen to me? They may not listen here on the floor, but they may be over in their house and know what is going on. They follow the debate, and their staff hears, as well. What kind of legislation is this when the Senate allows itself to come in on Friday, and no one will be listening to Senators, just come in and offer your amendments, and all the amendments have to be offered by a certain time on Monday or Tuesday?

What does offering the amendment mean? Does it just mean leaving amendments at the desk? What parliamentary statute does offering an amendment give them, except when it is done in accordance with the rule? When I get recognized, Mr. President, I send an amendment to the desk. That is offering an amendment. But I am not going to have any Senator stand up here and offer 15, 20, 30, or 50 amendments just to offer them, no action taken on them. What happens to them when Senators just offer amendments? What happens to them if no action is taken? How do we get rid of one amendment and go to the next?

Senators who have been around here a while who know how the process works, answer that question for me. Somebody tell me. I stand up here as the manager of the bill. I am going to offer 20 amendments. What does that mean? Does that mean sending 20 amendments up there en bloc? I do not know what that means in that context. I know what it means to offer an amendment under the rules.

Now, Mr. President, I apologize to the majority leader and my colleagues for detaining them. I object to the request.

The PRESIDING OFFICER. The objection is heard.

Mr. BYRD. Mr. President, I have no objection to listing the amendments, and there may be some other agreement that could be worked out. I cannot agree to this.

The PRESIDING OFFICER. Objection is heard. The majority leader.

Mr. DOLE. Mr. President, let me say first of all, the Senator is certainly within his rights. I have no quarrel with that, and never have. Certainly, the Senator from West Virginia or any other Senator on either side has that right.

I did want to indicate we have had 15 votes on this bill. We started Thursday, January 12, at 10:30 a.m. Up until about 6 o'clock, we had had approximately 25 hours of debate; the Democrats used 15 hours, the Republicans 10. But in the 15 votes taken on this bill, 5 were unanimous, and 3 were sense-of-the-Senate. I think we have only really voted on two or three amendments to the bill.

We were getting a list today of 78 or 80, and not many were even relevant. But few were germane. And then our list was some 30 amendments. We whittled our list down to 11. There are still 40-some on the other side.

It seems to me that the Senator from West Virginia has exercised his rights and will continue to exercise his rights. And I have no quarrel with that.

We must do what we must do as the majority, to try to move the bill along. It is not going to be easy. So I have asked unanimous consent that we just agree to that, and that has been objected to. So I would propose another unanimous-consent request and see if we might be able to save some time; that it be in order for me to table the Gorton amendment and the four remaining committee amendments en bloc, and one vote count as five rollcall votes.

Mr. BYRD. I object.

The PRESIDING OFFICER. There is an objection. The majority leader.

Mr. DOLE. Mr. President, we have tried by consent to have them agreed to. We have tried by consent to have one vote count as five. And, failing that, have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to table.

AMENDMENT NO. 171 TO AMENDMENT NO. 30

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota [Mr. WELLSTONE]. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Helms
Johnston
Leahy

So the motion to lay on the table the amendment (No. 171) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I would ask unanimous consent that the vote on the next four amendments be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And I move to table the Gorton amendment and ask for the yeas and nays.

Mr. BYRD. Mr. President, after the Senator gets his yeas and nays, will he withhold his motion to table a minute that I might ask him a question?

Mr. DOLE. Pardon?

Mr. BYRD. After the Senator gets his yeas and nays, will he withhold his motion?

Mr. DOLE. Oh, yes.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 2 minutes notwithstanding that debate is not allowed on a tabling motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Let me ask of the distinguished majority leader.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

The PRESIDING OFFICER. The distinguished Democratic leader.

UNANIMOUS-CONSENT REQUEST

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following amendments be the only amendments in order to S. 1, that they be offered as the first- or second-degree amendments if the committee amendments are available to offer them to, and they be subject to relevant second-degree amendments.

I will send the list of the amendments to the desk.

The amendments are as follows:

DEMOCRATIC AMENDMENTS TO S. 1

Bingaman:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Boxer:
(1) Sensitive subpopulations.
(2) Immigration costs.
(3) Child porn/abuse/labor exclusion.
Bradley:
Relevant.
Byrd:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Dorgan:
(1) Metric conversion.
(2) Federal Reserve.
(3) C.P.I.
Ford:
(1) Imposing standards on House.
(2) Imposing standards on House.
(3) Imposing standards on House.
Glenn/Kempthorne:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
Graham:
(1) Immigration.
(2) Fund allocation.
(3) Relevant.
Harkin:
(1) Relevant.
(2) Relevant.
Hollings:
(1) Relevant.
(2) Sense of Senate Balanced budget.
Johnston:
Relevant.
Kohl:
Relevant.
Lautenberg:
Relevant.
Levin:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
(5) Relevant.
(6) Relevant.
(7) Relevant.
(8) Relevant.

(9) Relevant.
(10) Relevant.
Moseley-Braun:
Relevant.
Moynihan:
Relevant.
Murray:
(1) Hanford.
(2) CBO.
(3) CBO.
Wellstone:
(1) Relevant.
(2) Relevant.
(3) Sense of Senate Children's impact.
(4) Children's impact statement.
(5) Relevant.

REPUBLICAN UNFUNDED MANDATES AMENDMENTS

McCain: Appropriations point of order.
Gramm: 60-vote point of order.
Gramm: Treatment of conference reports.
Hatfield: Local flexibility act.
Hatch: Brown-judicial review.
Hatch: FACA.
Brown: SOS/Review of S. 1.
Grassley: CBO vs. actual costs study.
Grassley: 60-vote waiver redirect costs.
D'Amato: Comptroller of the currency.
Kempthorne: Manager's technical amendment.
Roth: Chairman's technical amendment.
Dole: Relevant.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I object.

The question is on the motion to table.

VOTE ON AMENDMENT NO. 31, AS AMENDED

The PRESIDING OFFICER. The question is on the motion to lay on the table amendment No. 31. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 54, nays 43, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Helms
Johnston
Leahy

So, the motion to lay on the table the amendment (No. 31), as amended, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1, the Unfunded Mandate Reform Act:

Bob Dole, Dirk Kempthorne, Bill Roth, Trent Lott, Judd Gregg, Alfonse D'Amato, Craig Thomas, Jon Kyl, John Ashcroft, Mike DeWine, Fred Thompson, Paul Coverdell, Conrad Burns, Larry E. Craig, Bill Frist, Ted Stevens, John McCain, Rod Grams, Don Nickles, Pete V. Domenici, Strom Thurmond, Phil Gramm.

COMMITTEE AMENDMENT ON PAGE 25, LINE 11, AS MODIFIED

Mr. DOLE. Mr. President, I move to table the committee amendment found on page 25, line 11, as modified by Senator GLENN, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the committee amendment on page 25, line 11, as modified by Mr. GLENN. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Helms
Johnston
Leahy

So, the motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 27 LINE 9

Mr. DOLE. I move to table the next committee amendment on page 27 line 9 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Helms
Johnston
Leahy

So the motion to lay on the table the committee amendment on page 25, line 9 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. NICKLES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 33

Mr. DOLE. Mr. President, I move to table the committee amendment found on page 33, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the committee amendment on page 33, line 11.

The Clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Helms
Johnston
Leahy

So the motion to lay on the table the committee amendment on page 33, line 11 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to table the last remaining committee amendment found on page 34, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, before the clerk starts the vote, let me indicate that I have been in discussion with the distinguished Democratic leader. We are now in the process of seeing if there can be some agreement with a slight modification suggested by the Senator from West Virginia. So I cannot say this is the last vote. If we are in tomorrow, we will come back at 9:30 in the morning and the first vote will be on cloture.

VOTE ON THE MOTION TO LAY ON THE TABLE THE COMMITTEE AMENDMENT ON PAGE 34, LINE 10

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the committee amendment on page 34, line 10. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Helms
Johnston
Leahy

So the motion to lay on the table the committee amendment on page 34, line 10 was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, let me indicate to my colleagues on both sides of the aisle there will be no further votes this evening. I have now submitted a modified agreement to the distinguished Democratic leader.

If agreement is reached, then there will be no votes tomorrow but there will be a period for morning business tomorrow. There will be no amendments offered but there will be a period for debate, as long as you wish.

If we do not reach an agreement, then I will move the Senate stand in recess until 9:30, and a cloture vote would occur at about 10:45—between 10:30 and 10:45, and there would be additional votes tomorrow, probably four or five.

So if we get the agreement, no votes, morning business only. If we do not get the agreement we will be in recess, cloture vote about 10:30, 10:45, with additional votes throughout the day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for 3 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE NEW GENERATION OF THE SPECTER FAMILY

Mr. SPECTER. Mr. President, I had intended to wait until the conclusion of all of the Senate's business before speaking very briefly on the new generation of the SPECTER family, celebrating her first birthday today. But as the hour is 11:25 p.m., I fear that if I do not take advantage of this break in the action, it is unlikely that I will have a chance to speak before January 20, which will be after her first birthday.

So I just consulted with our distinguished majority leader, who thought that I might take a moment or two now.

As I say, 1 year ago today was the first arrival of the new generation of our family, Silvi Morton Specter. And it is an occasion, on her first birthday, to comment about children, a child, the future of our country, the future of her generation and the generations beyond.

I think that we are making some progress in the United States Senate on protecting her generation and the generations that follow with the progress which we are making on the balanced budget amendment. I certainly would not think of charging any of my expenses to her credit card, and I think as a nation, as we move to the balanced budget amendment, we really are looking after her generation and the future generation.

Similarly, I think we have a great deal to do on national security. As I have taken on a role on the Senate Intelligence Committee on the issue of nuclear nonproliferation, I think recently of her and her generation, just as I do on the issue of personal security, on the crime on the street, thinking about the fundamental duty of Government to protect its citizens.

Silvi Morton Specter, my son's daughter, has a unique opportunity. She has extraordinary parents, Tracey Pearl Specter, a devoted and loving mother. I characterize them when I see them playing together as her mother being her daughter's favorite playmate, and her father, Shanin, is extraordinarily attentive, as are her maternal grandparents, Carol and Alvin Pearl, and her grandmother, my wife, Joan, and I are.

As I reflect on the child, I just wish that all of America's children and all of the world's children had her great advantages.

So I thank my colleagues for indulging me for a few moments. I think we still have ample time before midnight to perhaps take up another subject or two.

I thank the Chair. I thank my colleagues, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

UNANIMOUS CONSENT AGREEMENT

Mr. DOLE. Mr. President, let me say for the benefit of all Senators, we are going to go through this unanimous consent agreement. I think there will be a couple of questions asked. In fact, I wish to make a statement after the questions have been asked and each side is satisfied with the response, because it has to be in good faith. Otherwise, it is not going to work; there is not going to be another agreement. You would not give us one, and we would not give you one. If it is not in good faith, this may be the last agreement of its kind.

I ask unanimous consent that the following amendments be the only first-degree amendments in order to S. 1, and that they be subject to relevant second-degree amendments.

I will not read that list, but there are 47 Democratic amendments, and 15 Republican amendments, a total of 62 amendments.

I further ask unanimous consent that all first-degree amendments must be offered by 3 p.m. on Tuesday, January 24.

I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading.

I ask unanimous consent that the cloture vote scheduled for tomorrow and Saturday be vitiated, and that no votes occur throughout Friday's session of the Senate.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, January 20, and that there be a period for the transaction of routine morning business with Senators permitted to speak therein.

I ask unanimous consent that when the Senate completes its business on Friday, it stand in recess until 9:30 a.m. on Monday, January 23, 1995, and that the Senate resume consideration of S. 1 at 10 a.m. on Monday, January 23.

I ask unanimous consent that if a Senator with an amendment on the list sends the amendment to the desk to be printed on Friday, that be considered as having satisfied the 3 p.m. requirement for having amendments offered.

Finally, I ask unanimous consent that no votes occur on Monday, January 23, prior to 4 p.m.

That is the request. But before I put the request, I think there are some questions some might want to address.

Mr. DASCHLE. Mr. President, let me thank the distinguished majority leader for the good faith in which we have attempted over the last several hours to work through this agreement.

There are a couple of questions on our side I would like to reference as they related to the agreement. The first has to do with the reference to all amendments being "offered." Could the majority leader define for us what you mean by the word "offer?" What will be required of a Senator to meet the obligations under this unanimous-consent requirement?

Mr. DOLE. Well, I assume if there is a pending amendment, they would have to get consent to set it aside and send their amendment to the desk, and that would be offered.

Mr. DASCHLE. So it is the intent of the unanimous-consent agreement to allow any Senator who has an amendment to take it to the desk and be protected for consideration of that amendment during this debate?

Mr. DOLE. That is correct. We have made an exception for tomorrow morning. If somebody wanted to send an amendment and have it printed in the RECORD, that would satisfy the requirements of that section. But it is sending the amendment to the desk and first getting consent. That is why I think, as we have been in the past—it depends on the good faith of side. Somebody can say "I object to setting the amendment aside," and he puts in a quorum call and waits until 3 o'clock and there is one amendment pending. I think that is one thing we cannot let happen.

Second, I would hope that all these amendments are not offered. There are 60-some amendments. Any Senator could take as much time as he wanted after the amendment is offered. He can spend half a day on an amendment. We can be here 30 days.

So this does not preclude—if it is in the judgment of the majority leader and since we are not acting in good faith—filing cloture. Nor does it preclude cloture if we agree to the request by the Senator from West Virginia that we go to third reading and have a period of debate, and if that period of debate goes on and on and on, then I assume no one objects to someone filing a cloture motion.

I do not assume all these amendments will be offered. I think many may be worked out. Many may be there for some reason but will not be offered. But I am prepared to proceed in good faith. I am certain the Democratic leader is, also.

Mr. DASCHLE. Mr. President, that is certainly my intention. I think I speak for all colleagues on this side of the aisle. We want to work through the amendments. There are a number on our side, and we are prepared to offer them.

The distinguished majority leader anticipated a second question, and for clarification let me again emphasize that it is my understanding that the motion to go to third reading is debatable under this unanimous-consent agreement.

Mr. DOLE. As I understand, we would go to third reading, and there would be a period for debate.

Mr. DASCHLE. That is my understanding, after the motion.

Mr. DOLE. After we have gone to third reading. Any further amendments would not be offered, but we would still have a period of debate. There is no limitation. We do not say 1, 2, 3, 4 hours. There may not be any. As I understand it, the Senator from West Virginia wants to protect his interests, in the event some amendment may have been adopted, or not offered, or not disposed of properly, to at least raise that point. Maybe other Senators on either side have the same position.

Mr. DASCHLE. This unanimous-consent agreement is the product of a great deal of effort on both sides of the aisle by a number of participants. I thank all of those Senators involved on our side, especially the Senator from West Virginia for his guidance and his indulgence in trying to accommodate all Senators as we come to this agreement. I do hope that we can move through the amendments in good faith, that we can offer them tomorrow, Monday, and Tuesday. Certainly, if this agreement is accepted, Senators are protected. That was our desire all along.

So I have no objection to this agreement.

Mr. FORD. Mr. President, may I enter into this colloquy and ask one question? When you say the amendments are to be offered by a certain time, are those amendments that have already been filed considered ones that you just—you could repropose them now?

Mr. DOLE. Those were filed because of the cloture rule.

Mr. FORD. Under this unanimous-consent agreement, if you have, as I do—and we have worked them out, I think, with the majority floor leader, my amendments, which then the rest of them would go away. But I have to refile those on the basis of setting aside the pending amendment, and we go to my amendment, or put them at the desk tomorrow; is that the way?

Mr. DOLE. Correct.

Mr. FORD. All I have to do is Xerox it and put it in tomorrow afternoon or tomorrow sometime?

Mr. DOLE. I think all anybody has to do—parliamentary inquiry. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. DOLE. So there would not be any amendment pending. After the first one is offered, you would have to set that aside and simply send the amendment to the desk. I do not know how we decide which amendments we take up first. I think that is another question, whether the first amendment offered should be taken up first. I assume that would be the normal way to do it. Whoever offers their amendment first—many Democrats will not be here tomorrow. We will be here. That would advantage us. There has to be a way to work that out.

Mr. FORD. May I continue just a moment? I do not want to belabor it, but I want to be sure that my colleagues understand that if they want to propose an amendment, they have to be here to do that, under this unanimous-consent agreement. And any amendment that has been filed at the desk that was filed based on cloture, those amendments are, for all practical purposes, under this unanimous-consent agreement, null and void?

Mr. DOLE. That is correct.

Mr. FORD. I thank the majority leader and the Democratic leader.

Mr. LEVIN. Will the majority leader yield for a question on that one statement of my friend from Kentucky about having to be here to offer the amendment. I understand that tomorrow, for those of us who might not be able to be here, that somebody could offer the amendment on our behalf, get it to the desk, and that would then constitute the filing of that amendment in time?

Mr. DOLE. It says here if a Senator with an amendment sends it to the desk to be printed. It would take consent to send an amendment to the desk on behalf of someone else. That gets back to the very thing that the Senator from West Virginia objected to—somebody else, in effect, proxy management, or whatever, sending amendments to the desk. In fact, if you want to offer amendments tonight, send them to the desk, I do not see any reason that could not be done, as long as we are on the bill.

Mr. LEVIN. I thank the majority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. Mr. President, I do not believe the leader has made the request yet.

Mr. DOLE. I said I would withhold until the questions have been presented. I do now make the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. Mr. President, I reserve the right to object and I do not intend to object. I think this is a good agreement.

As I understand it from the distinguished majority leader's responses to the minority leader's questions, and to those of Mr. FORD, and others, the second paragraph which uses the word "offer," offered by 3 o'clock p.m. on Tuesday, that means that any Senator who has a bona fide amendment he intends to call up must offer that amendment by 3 o'clock p.m. on Tuesday. If he stands up and offers the amendment and Senators indicate a desire to debate that amendment and take action on it, that is OK, we can do that Monday. We can do that up until 3 o'clock. We can get action on some amendments or we can agree to stack the rollcall votes, as I understand it.

Mr. DOLE. Until 4 o'clock on Monday.

Mr. BYRD. Where is that?

Mr. DOLE. On page 2, second paragraph.

Mr. BYRD. Yes.

Now when we reach the hour of 3 o'clock p.m. on Tuesday, if Senators have not had an opportunity to offer their amendments by that time but in the meantime they have filed the amendments at the desk, they may offer them, have them temporarily set aside, and then they qualify under this agreement as having offered the amendment.

The Senator who has the amendment offers it. If for some reason, by the time we reach 3 o'clock p.m. on Tuesday, that Senator has not had an opportunity to offer his amendment, he can offer it and, if there are other amendments pending at that point, he can offer it but no action will be taken on it. It will be temporarily set aside.

But it has to be on the list— I am just trying to get an understanding—it has to be on the list of amendments that have been read and submitted.

I do not contemplate any great problem with this. Most of these things have a way of working themselves out. And Senators act in good faith. I take that as a given. I hope all Senators take that as a given with me, that I am acting in good faith. That is the only way I know to proceed here, is to be fair with each other.

Mr. DOLE. I would say, if I might respond to the Senator, if there was some unforeseen reason a Senator on either side was unable to send the amendment to the desk by 3 o'clock, I think we can probably work that out. But, it seems to me we have all had notice and if somebody got up at 3 o'clock and started sending five or six amendments to the desk, there could be an objection to setting aside any amendment.

Mr. BYRD. I want to say this, Mr. Leader. The leader and I have worked together many years in various capacities. No leader has ever offered as many cloture motions as I have and seen them all fail to be adopted.

It is conceivable that a Senator might have a death in his family.

Mr. DOLE. Yes.

Mr. BYRD. I think we, being reasonable people, would understand even at that point that another Senator could get unanimous consent that another Senator could offer the amendment on his behalf.

Looking at this, if I understand correctly, I think it is a good agreement. I want to compliment both leaders and all others who have participated in working out this agreement. This preserves, this fulfills, this meets the majority's desire to know who really has amendments, who intends to call up those amendments and what those amendments are. It assures all parties on both sides that all first-degree amendments must have been offered, not by the managers but by Senators themselves.

If I want to come over here and offer my amendment, I have no reason to complain when the hour of 3 o'clock on Tuesday evening next arrives.

If I am saying anything that the majority leader thinks is not accurate, I hope he will say so.

That each Senator offers his or her own amendment, all amendments will have been offered by 3 o'clock p.m. on Tuesday, and those amendments, of course, may be disposed of and they are expected to be disposed of as we go along. We made progress today and we hope to make further progress a day later.

And then, once those amendments have been disposed of, we are not saying that the disposition has to occur by 3 o'clock p.m. on Tuesday. We are saying they have to be offered. The disposition may be 3 o'clock Tuesday or it may be 3 o'clock next Tuesday. Once the amendments have been disposed of, we advance to third reading and then no further amendments can be offered.

That is the case now. Once we are on third reading, except by unanimous consent, no further amendments are in order.

And then we are not closed out of debate at that point. And, of course, the leader, as he always has a right to do, has a right to offer a cloture motion. That is his right.

So, I hope that, as a reasonable man, if we reach that point and it is clear that somebody wanted to debate in a reasonable time, the leader would be willing to let that go forward. If it is obvious that someone just wants to tarry and delay, nobody can quarrel with the fact that the leader has that right to offer a cloture motion.

I would ask this question. Is there any time limit? You say that Senators will be permitted to speak tomorrow during a period for routine morning business. They may speak for how many minutes? Is there a time limit?

Mr. DOLE. I say to the Senator, we did not put a time limit because some might like to speak on their amendment. Even though they cannot offer amendments, they might like to suggest, "I intend to offer this amendment," and they could get rid of some of the debate tomorrow, at least on this side. You would have a chance to rebut that, or whatever.

But we did not put any time limit. We had hoped they would be constrained if they wanted to talk about their amendment, discuss it for a reasonable time, and then move on.

I want to say one other thing about the 3 o'clock deadline. Obviously, if there is some unusual circumstance, somebody's plane was delayed, we have a bad storm or something, I think the two leaders would agree, after consultation with each other, whoever it was on either side would be permitted to offer his or her amendment or amendments.

Mr. BYRD. So it is not the intention of the majority leader to put a limitation on the time for speeches on tomorrow?

Mr. DOLE. We could put a limitation of 15 minutes.

Mr. BYRD. If they want additional time, they could ask for unanimous consent.

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, again, I think this is a good agreement. I think it is a reasonable agreement. It seems to me it protects all Senators' rights. It is a reasonable approach.

I again compliment both leaders and all Senators. Many Senators have participated in developing this agreement. I not only compliment them, I thank them for their further indulgence.

I reserve the right to object, but I have already indicated so.

I want to say this: I hope we close this session in a good spirit. I was sitting here a while ago while a rollcall vote was going on and I thought of Paul's epistle to the Colossians and I wrote it down. "Let your speech be always with grace, seasoned with salt, that ye know how ye ought to answer every man."

Sometimes I have to stop and write that down and read it and try to apply it to myself. I find that often fails.

I hope we will all feel good about having reached an agreement, and go home tonight. I think the leaders have done a good job. I think we have accomplished something. I am happy. I think it preserves everybody's rights. It is a reasonable agreement. It does not prostitute the legislative process.

That is what I have been complaining about. I thank the distinguished leader.

Mr. GLENN. Would the distinguished majority leader yield for a question?

Mr. DOLE. Let me say that we will have people speak for not to exceed 15 minutes to amend requests.

Mr. GLENN. I have been asked during the business tomorrow, it says morning business, and speakers can speak on whatever they wish including their possible amendments for next week or whatever; but there will not be any business conducted on S. 1 directly tomorrow, is that correct? So there can be no misunderstanding.

Mr. DOLE. That is correct.

The PRESIDING OFFICER. Does the distinguished majority leader renew his unanimous consent request?

Mr. DOLE. Mr. President, let me thank my colleagues on both sides of the aisle and let me thank the Senator from Massachusetts for his persistence. I did not mean to offend him earlier. I think we have an agreement that satisfies most everyone on each side of the aisle.

Mr. President, I renew my request. I ask unanimous consent the list of amendments be printed in the RECORD.

The list of amendments follows:

DEMOCRATIC AMENDMENTS TO S. 1

Bingaman:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Boxer:
(1) Sensitive subpopulations.
(2) Immigration costs.
(3) Child porn/abuse/labor exclusion.
Bradley:
(1) Relevant.
Byrd:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Dorgan:
(1) Metric conversion.
(2) Federal Reserve.
(3) C.P.I.
Ford:
(1) Imposing standards on House.
(2) Imposing standards on House.
(3) Imposing standards on House.
Glenn:

(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
(5) Relevant.
Graham:
(1) Immigration.
(2) Fund allocation.
(3) Relevant.
Harkin:
(1) Relevant.
(2) Relevant.
Hollings:
(1) Relevant.
(2) Sense of Senate Balanced budget.
Johnston:
Relevant.
Kohl:
Relevant.
Lautenberg:
Relevant.
Levin:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
(5) Relevant.
(6) Relevant.
(7) Relevant.
(8) Relevant.
Moseley-Braun:
Relevant.
Moynihan:
Relevant.
Murray:
(1) Hanford.
(2) CBO.
(3) CBO.
Wellstone:
(1) Relevant.
(2) Relevant.
(3) Relevant.

REPUBLICAN UNFUNDED MANDATES AMENDMENTS

McCain: Appropriations point of order.
Gramm: 60-vote point of order.
Gramm: Treatment of concurrence reports.
Hatfield: Local Flex. act.
Hatch/Brown: Judicial review.
Hatch: FACA.
Brown: SOS/Review of S. 1.
Grassley: CBO vs. Actual costs study.
Grassley: 60-vote waiver re: direct costs.
D'Amato: Comptroller of the Currency.
Kempthorne: Manager's technical amendment.
Roth: Chairman's technical amendment.
Dole: Relevant.
Kempthorne: Relevant.

Mr. LEVIN. Mr. President, I would send six amendments to the desk and ask that they be printed, and this be considered compliance with the Friday paragraph of the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

Mr. DOLE. Any further business to come before the Senate?

Mr. DORGAN. Mr. President, if the majority leader would yield, I would simply send three amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

HYMAN BOOKBINDER HONORED

Mr. WELLSTONE. Mr. President, I rise today to pay tribute to my friend, Hyman Bookbinder. On October 2, 1994, Bookie was honored by the National Jewish Democratic Council as the recipient of the First Annual Hubert H. Humphrey Humanitarian Award.

It was very fitting that this honor was bestowed on Bookie. Over the years, Hyman Bookbinder has been indefatigable in his efforts to spread the message on labor, civil rights, and economic justice with a commitment to American ideals.

Admired, loved by family, friends, and colleagues, Bookie has served our country and the Jewish community with honor and distinction. His commitment to his faith and humanity is truly an inspiration. His distinguished career and many contributions was a cause for celebration by NJDC.

All of us owe him a debt of gratitude for his many years of dedicated and exemplary service to others. The celebration of Hyman Bookbinder as the first recipient of the Hubert H. Humphrey Humanitarian Award was a significant milestone in the life of this extraordinary man.

I am pleased to submit to my colleagues, Bookie's remarks upon receiving the Hubert H. Humphrey Award.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NJDC HUBERT HUMPHREY HUMANITARIAN AWARD

(Response by Hyman Bookbinder)

This is the nicest "This Is Your Life" episode I've ever seen! As I look at the names of the Honorary chairs, the list of speakers, the names on the Tribute Committee—and, above all, as I look around this room, I know how lucky I have been all my life to have had such friends and associates. Some of us go back more than sixty years. To have been part of your lives, and you part of mine, to have at times shared with you great pain over society's delinquencies, but at other times to celebrate together over some victories—labor's right to organize, breakthroughs in civil rights, commitment to end poverty, our nation's embrace of Holocaust remembrance and security for Israel—to have been associated with you in pursuit of these and other causes, I express my profound appreciation.

Oh, how I would like to go around the room and identify and thank each of you and say what you individually have meant to me. But limited time, and fear of leaving out some, compels me merely to note how gratified I am to see associates from the earliest days of my trade union work, the Amalgamated and the CIO and the AFL–CIO, from six decades of civil rights alliances and battles, from the halls of Congress since 1950—including its current senior member and chair of a non-existent Jewish caucus—from the war on poverty, including its founding general (although his name is Sargent), from three decades with the American Jewish Committee, including its outgoing President getting ready now to become Ambassador to Romania—and from every campaign since Harry Truman. . . .

I've had a special spot in my heart for our Honorary Chairman for fifteen years now. When another black leader declared that black anger at Jews at the time was just a declaration of independence, Vernon Jordan publicly rebuked him, saying that what was needed was a declaration of inter-dependence.

And there is one name above all, of course, that I wish I could point to. Oh, how I wish he were still with us. Oh, what a different country this might have been if in 1968 a few hundred thousand more Americans had voted for him. I cannot begin to tell you what an honor you have bestowed on me by linking my name with that of Hubert Humphrey. And what an honor to have his son and his sister with us tonight.

Others have already commented on the meaning and the goals of NJDC. Let me add a few words. I'm proud to get its award because its very name—National Jewish Democratic—combines three great commitments and loyalties of my life. National means to me, despite its failures and defaults, a nation we can and do love for its underlying compassion and respect for individual freedom. *Jewish* in our NJDC stands for a Judaism we love because it seeks to live by Hillel's admonition to be not only for ourselves. Democratic, because it is the party that best lives up to our American and our Jewish ideals. Small wonder that such large majorities of Jewish voters have consistently supported Democratic candidates.

I am proud of all three of these identifications and loyalties—and am reminded of that story about Henry Kissinger and Golda Meir. After a long argument with Henry, Golda looked sternly at him and said, "I'm really quite upset with you—you, a Jew!" At which point, Kissinger started to pontificate. "Madam Prime Minister," he said, "I want you to know that first I am a human being, a citizen of the world. Then I am an American. And then I am a Jew." "That may be OK for you in America," Golda responded, "but here we read from right to left."

I hope that nothing I have said smacks of chauvinism. I am a proud American. But I have known many great people who are not American. I am a proud Jew, but—if you will pardon the expression—some of my best friends are not Jewish. I am a proud Democrat, but have had high regard for some—not many, but some—Republicans.

Three years ago, I tried to capture some of the exciting, poignant moments in my life in a book with the sub-title "Memoirs of a Public Affairs Junkie." Permit me to cite briefly two of those precious memoirs that sort of sum up the public passions of my life—one fifty years ago, the second fifteen years ago.

In the late Forties, I was active in the campaign to raise the Federal minimum wage to 75 cents an hour—yes, 75 cents. I helped locate a garment worker in Tennessee who would testify on what 75 cents an hour might mean for her. All we did was urge her to talk frankly to the members of the Senate Labor committee. I sat next to her, not to prompt her, but to put her at ease. Ora Green was her name, and from the official transcript, here are some of her words:

"My youngest girl, she's nine now, goes straight to the piano when we go to a house where they have one. She wants to play so bad. I've thought that maybe I could save fifty cents or a dollar a week to buy a second hand piano for her, no matter how old or battered. But try as hard as I can, and save and squeeze, I haven't found a way to do it. By this time, the Senators had stopped shuffling their papers before them. They had leaned forward and were looking directly at this woman from Tennessee. She went on:

"Maybe I've been foolish to talk to you about music for one of my children when the main problem is getting enough to eat or wear, or blankets to put on the bed, or even a chair to sit on. But down in Tennessee we love music, and factory workers don't live by bread alone any more than anyone else does."

I cherish that moment because it tells us so much. It tells us that in every human being there is indeed a spark of the divine, that with all its imperfections, our American democracy makes possible such magical moments to occur, and it reminds us how great it is to have a labor movement that cares about the Ora Greens of the world.

Oh, yes. One of the freshman Senators at that hearing was Hubert Humphrey.

My second story. . . The year was 1979. I was one of fifteen Americans appointed by Jimmy Carter to the President's Commission on the Holocaust. Miles Lerman, the present Chairman of the Holocaust Council and the Museum, was another. And so was Ben Meed, the chief co-ordinator of the world's survivors. Both are here tonight. And then there was Bayard Rustin, the late, great black trade unionist and civil rights leader. To help us develop recommendations for a suitable American memorial, we visited a number of concentration camps and existing memorials in Europe and Israel. On this particular day, after a painful tour through Auschwitz and Birkenau, we stopped for a short outdoor service at a row of memorial tablets. In front of the one inscribed in Hebrew, Elie Wiesel spoke as only he can speak. We joined in reciting the Kaddish. As we were about to leave, Bayard whispered to me, "Should I?" I knew exactly what he meant; I said "Sure" and asked the group to remain. Accompanied only by the soft winds of the vast open expanse, Bayard started to sing one of his favorite Negro spirituals:

"Freedom, oh Freedom, oh Freedom over
me," he sang.
"And before I'd be a slave,
I'd be buried in my grave,
And go home to my Lord and be free."

When he finished, there wasn't a dry eye. Tears were being shed, tears not only in reverent memory of six million Jews, but also for untold millions of American slaves who had been deprived of lives of dignity and freedom. Tears, we were reminded, have no color.

On the last page of my book, I quoted some words I had spoken on an earlier occasion. I'd like to conclude tonight with those words.

"If it should be true that in my lifetime I have helped even one Jew or one Haitian or one Pole escape persecution; if I have helped even one ghetto youngster escape poverty; if I have helped one daughter of a Tennessee shirtmaker get to play on her own piano . . . If these things are indeed true, then all that is left to say is that I thank God that I was given some opportunities to help make life a little easier, a little sweeter, a little more secure, for some fellow human beings."

And I thank every one of you for being here tonight to share this proud moment.

Thank you very much.

TRIBUTE TO SGT. MANUEL BOJORQUEZ-PICO

Mr. SHELBY. Mr. President, I rise today to honor and congratulate U.S. Sgt. Manuel Bojorquez-Pico of Alabama's Redstone Arsenal, on the day of his swearing-in ceremony as a U.S. citizen. A dedicated patriot and loyal protector of this country and its people, Sergeant Bojorquez is not only an inspiration and role model but a symbol of American democracy and freedom.

Born in Mexico, Sergeant Bojorquez obtained permanent residency status while living in the United States as a child. For a short period of time he moved back to Mexico due to a family illness, but returned to the United States as an adult and applied to reactivate his permanent residency. It was granted and he enlisted in the Army. A few years later, the Board of Immigration Appeals reversed its decision and ordered Sergeant Bojorquez deported.

For several years he filed motions and appeals, and in a final attempt to become a citizen of this country, Manuel contacted the President on July 12, 1994, and requested that he designate the Persian Gulf war a period of military hostility which would allow active duty aliens, such as himself, to apply for naturalization.

Despite the concern, support, and assistance of Representative CRAMER and myself, 2 weeks before Thanksgiving the District Director of the Immigration and Naturalization Service informed Manuel he would be deported on February 1, 1995. With little hope left, Manuel contacted the President again and finally his prayers were answered.

Impressed by Manuel's commitment to serving his adopted country, the President passed an Executive order which not only allows Manuel to become a citizen, but also includes other active duty aliens who fought in the Persian Gulf war. This young, vibrant family man proved to us all that the American dream still lives.

Manuel's selfless dedication to defending our country, which he could not call his own until today, is a superior example to all American citizens. I applaud him for his tireless efforts and I thank him for the reminder of how lucky we are to live in this great Nation.

REPORT OF THE AGREEMENT BETWEEN THE UNITED STATES AND ESTONIA RELATIVE TO FISHERIES—MESSAGE FROM THE PRESIDENT—PM-1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Tallinn on March 11 and May 12, 1994, extends the 1992 Agreement to June 30, 1996.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 19, 1995.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 243. A bill to provide greater access to civil justice by reducing costs and delay, and for other purposes; to the Committee on the Judiciary.

By Mr. NUNN (for himself, Mr. ROTH, Mr. GLENN, Mr. BOND, Mr. BUMPERS, Mr. PRESSLER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mr. JOHNSTON, Mr. DOMENICI, Mr. HOLLINGS, Mr. NICKLES, Mr. BREAUX, Mr. WARNER, Mr. ROBB, Mr. COCHRAN, Mr. BRYAN, Mr. SMITH, Mr. LAUTENBERG, Mr. MACK, Ms. MOSELEY-BRAUN, and Mr. SHELBY):

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COHEN (for himself, Mr. DOLE, Mr. SIMPSON, Mr. STEVENS, Mr. D'AMATO, Mr. GRAHAM, Mr. COATS, Mr. GREGG, Mr. WARNER, Mr. NICKLES, Mr. PRYOR, Mr. BOND, Mr. CHAFEE, Mr. FORD, and Mr. DOMENICI):

S. 245. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 246. A bill to establish demonstration projects to expand innovations in State administration of the aid to families with dependent children under title IV of the Social Security Act, and for other pruposes; to the Committee on Finance.

By Mr. GREGG (for himself and Mr. COCHRAN):

S. 247. A bill to improve senior citizen housing safety; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG (for himself, Mrs. HUTCHISON, Mr. LOTT, Mr. GRAMM, Mr. NICKLES, and Mr. WARNER):

S. 248. A bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. D'AMATO, and Mrs. FEINSTEIN):

S. 249. A bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching indentification system in order to prevent multiple enrollments by an individual for benefits under such Act, and for other purposes; to the Committee on Finance.

By Mr. McCONNELL:

S. 250. A bill to amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 251. A bill to make provisions of title IV of the Trade Act of 1974 applicable to Cambodia; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. ASHCROFT, Mr. ABRAHAM, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. FRIST, Mrs. HUTCHISON, Mr. INHOFE, Mr. MACK, Mr. PACKWOOD, Mr. SMITH, and Mr. THOMAS):

S.J. Res. 21. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

By Mr. GRAMS (for himself, Mr. LOTT, Mr. INHOFE, Mr. THOMAS, and Mr. MACK):

S.J. Res. 22. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN:

S. Con. Res. 2. A concurrent resolution expressing the sense of the Congress that the People's Republic of China should purchase a majority of its imported wheat from the United States in order to reduce the trade imbalance between the People's Republic of China and the United States; to the Committee on Finance.

By Mr. SIMON (for himself and Mr. BROWN)

S. Con. Res. 3. A concurrent resolution relative to Taiwan and the United Nations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 243. A bill to provide greater access to civil justice by reducing costs and delay, and for other purposes; to the Committee on the Judiciary.

THE CIVIL JUSTICE REFORM ACT OF 1995

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to reform America's Federal Civil Justice System. The purpose of this bill, the Civil Justice Reform Act of 1995, is to improve deserving parties' access to the Federal courts by reducing the volume of frivolous cases, to reduce the costs of Federal civil litigation, and to encourage the settlement of disputes. It is similar to the bill introduced by Senator DECONCINI and myself in March 1993.

This bill introduces some modest reforms that will reduce the economic and social costs our society has borne due to the litigation explosion. Our society spends billions of dollars every year on civil lawsuits. More than $1 billion goes just to pay for the Federal district courts, which handle hundreds of thousands of civil cases annually. It has become clear to most Americans that our system of dispute resolution through adversarial lawsuits has gotten out of hand, and reason needs to be restored to it. More litigation does not necessarily translate into more justice.

Many of the elements of this bill are based on the 1992 Access to Justice Act. For example, my bill reintroduces a modified English rule on attorney's fees that will award prevailing parties in Federal diversity cases reasonable attorney's fees, with adequate safeguards to protect against possible injustice. This provision is hardly the radical proposition some will paint it as being. In fact, for those of my colleagues who are always fond of pointing out that the United States is the only industrialized country that fails to provide some benefit or another, I would point out that this so-called English rule is followed by most industrialized countries, with the United States being the most notable exception. So I think it is worth trying in the United States in a limited class of cases—diversity suits—in order to see if it is effective in discouraging frivolous lawsuits.

By limiting the rule to diversity cases, the bill ensures that no one will be denied a forum for their dispute, since all such cases can be filed in State court. If the defendant removes the case to Federal court, then the loser pays rule will not apply. This limited English rule will expire in 5 years unless Congress chooses to continue it, after a fourth-year report by the administrative office of the courts on the effectiveness of the rule.

The bill also includes a number of safeguards to avoid any unintended consequences. The amount the loser must pay is limited to the amount of his or her own fees. Moreover, the court is given broad discretion to limit the amount the loser must pay if it finds such payment to be unjust under the circumstances of the case before it.

The bill also requires 30 days advance notice of intent to sue—something most responsible lawyers already do. It also requires prisoners with civil rights cases—which currently constitute of around 10 percent of the Federal civil docket—to first exhaust their administrative remedies before filing suit in Federal court.

To promote early settlement of cases and reduce litigation costs, the bill contains a statutory offer of judgment rule. It is similar to a proposal by Judge William Schwartzer, former director of the Federal Judicial Center. This rule will allow either party to a lawsuit to offer a settlement to the other party at any point in the litigation. If the settlement is declining and the party rejecting the offer ultimately gets a judgment less favorable than the settlement offer, he or she is then responsible for the offeror's attorneys fees from the time the offer was made. This will give parties a strong incentive to offer and accept reasonable settlements.

Another provision of my bill will begin to curtail some of the excesses of the expert witness battles that dominate too many Federal trials. Following the example of several States, particularly Arizona, my bill will limit parties to one expert witness on a given issue.

The Civil Justice Reform Act of 1990 has had a positive effect on the Federal courts in reforming pretrial, processes to reduce costs and delay. This bill takes the next step by making some limited fee shifting proposals and a few other modest reforms for reducing litigation costs. I look forward to the hearings I intend to hold in the Subcommittee on Administrative Oversight and Courts, and to discussing these proposals with my colleagues on the Judiciary Committee, as well as the full Senate.

I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Justice Reform Act of 1995".

SEC. 2. DIVERSITY OF CITIZENSHIP JURISDICTION; AWARD OF ATTORNEYS' FEES TO PREVAILING PARTY.

(a) AWARD OF FEES.—Section 1332 of title 28, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f)(1) The prevailing party in an action under this section shall be entitled to attorneys' fees only to the extent that such party prevails on any position or claim advanced during the action. Attorneys' fees under this paragraph shall be paid by the nonprevailing party but shall not exceed the amount of the attorneys' fees of the nonprevailing party with regard to such position or claim. If the nonprevailing party receives services under a contingent fee agreement, the amount of attorneys' fees under this paragraph shall not exceed the reasonable value of those services.

"(2) In order to receive attorneys' fees under paragraph (1), counsel of record in any actions under this section shall maintain accurate, complete records of hours worked on the matter regardless of the fee arrangement with his or her client.

"(3) The court may, in its discretion, limit the fees recovered under paragraph (1) to the extent that the court finds special circumstances that make payment of such fees unjust.

"(4) This subsection shall not apply to any action removed from a State court under section 1441 of this title, or to any action in which the United States, any State, or any agency, officer, or employee of the United States or any State is a party.

"(5) As used in this subsection, the term 'prevailing party' means a party to an action who obtains a favorable final judgment (other than by settlement), exclusive of interest, on all or a portion of the claims asserted in the action.".

(b) STUDY AND REPORT.—(1) The Director of the Administrative Office of the United States Courts shall conduct a study regarding the effect of the requirements of subsection (f) of section 1332 of title 28, United States Code, as added by subsection (a) of this section, on the caseload of actions brought under such section, which study shall include—

(A) data on the number of actions, within each judicial district, in which the nonprevailing party was required to pay the attorneys' fees of the prevailing party; and

(B) an assessment of the deterrent effect of the requirements on frivolous or meritless actions.

(2) No later than 4 years after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit a report to the appropriate committees of Congress containing—

(A) the results of the study described in paragraph (1); and

(B) recommendations regarding whether the requirements should be continued or applied with respect to additional actions.

(c) REPEAL.—No later than 5 years after the date of enactment of this Act, this section and the amendment made by this section shall be repealed.

SEC. 3. OFFER OF JUDGMENT.

(a) IN GENERAL.—Part V of title 28, United States Code, is amended by inserting after chapter 113 the following new chapter:

"CHAPTER 114—PRETRIAL PROVISIONS

"Sec.

"1721. Offer of judgment.

"§ 1721. Offer of judgment

"(a)(1) In any civil action filed in a district court, any party may serve upon any adverse party a written offer to allow judgment to be entered for the money or property specified in the offer.

"(2) If within 14 days after service of the offer, the adverse party serves written notice that the offer is accepted, either party may file the offer and notice of acceptance and the clerk shall enter judgment.

"(3) An offer not accepted within such 14-day period shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine reasonable attorney fees.

"(4) If the final judgment obtained by the offeree is not more favorable than the offer made under paragraph (1) which was not accepted by the offeree, the offeree shall pay the offeror's reasonable attorney fees incurred after the expiration of the time for accepting the offer, to the extent necessary to make the offeror whole.

"(5) In no case shall an award of attorney fees under this section exceed the amount of the judgment obtained. The court may reduce the award of costs and attorney fees to avoid the imposition of undue hardship on a party.

"(6) The fact that an offer is made under this section shall not preclude a subsequent offer.

"(7)(A) Subject to the provisions of subparagraph (B), when the liability of 1 party has been determined by verdict, order, or judgment, but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of judgment, which shall have the same effect as an offer made before trial.

"(B) The court may shorten the period of time an offeree may have to accept an offer under subparagraph (A), but in no case shall such period be less than 7 days.

"(b) A party making an offer shall not be deprived of the benefits of an offer it makes by an adverse party's subsequent offer, unless the subsequent offer is more favorable than the judgment obtained.

"(c) If the judgment obtained includes nonmonetary relief, a determination that it is more favorable to the offeree than was the offer shall be made only when the terms of the offer included all such nonmonetary relief.

"(d) This section shall not apply to class or derivative actions under rules 23, 23.1 and 23.2 of the Federal Rules of Civil Procedure.

"(e)(1) Except as provided under paragraph (2), the provisions of this section shall not be construed to prohibit an award or reduce the amount of an award a party may receive under a statute which provides for the payment of attorney's fees by another party.

"(2) The amount a party may receive under this section may be set off against the amount of an award made under a statute described in paragraph (1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part IV of title 28, United States Code, is amended by inserting after the item relating to chapter 113 the following:

"114. Pretrial provisions .... 1721".

SEC. 4. PRIOR NOTICE AS A PREREQUISITE OF FILING A CIVIL ACTION IN THE UNITED STATES DISTRICT COURT.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"§ 483. Prior notice of civil action

"(a)(1) No less than 30 days before filing a civil action in a court of the United States the claimant intending to file such action shall transmit written notice to any intended defendant of the specific claims involved, including the amount of actual damages and expenses incurred and expected to be incurred. The claimant shall transmit such notice to any intended defendant at an address reasonably expected to provide actual notice.

"(2) For purposes of this section, the term 'transmit' means to mail by first class-mail, postage prepaid, or contract for delivery by any company which physically delivers correspondence as a commercial service to the public in its regular course of business.

"(3) The claimant shall at the time of filing a civil action, file in the court a certificate of service evidencing compliance with this subsection.

"(b) If the applicable statute of limitations for such action would expire during the period of notice required by subsection (a), the statute of limitations shall expire on the thirtieth day after the date on which written notice is transmitted to the intended defendant or defendants under subsection (a). The parties may by written agreement extend that 30-day period for an additional period of not to exceed 90 days.

"(c) The requirements of this section shall not apply—

"(1) in any action to seize or forfeit assets subject to forfeiture or in any bankruptcy, insolvency, receivership, conservatorship, or liquidation proceeding;

"(2) if the assets that are the subject of the action or would satisfy a judgment are subject to flight, dissipation, or destruction, or if the defendant is subject to flight;

"(3) if a written notice prior to filing an action is otherwise required by law, or the claimant has made a prior attempt in writing to settle the claim with the defendant;

"(4) in proceedings to enforce a civil investigative demand or an administrative summons;

"(5) in any action to foreclose a lien; or

"(6) in any action pertaining to a temporary restraining order, preliminary injunctive relief, or the fraudulent conveyance of property, or in any other type of action involving exigent circumstances that compel immediate resort to the courts.

"(d) If the district court finds that the requirements of subsection (a) have not been met by the claimant, and such defect is asserted by the defendant within 60 days after service of the summons or complaint upon such defendant, the claim shall be dismissed without prejudice and the costs of such action, including attorneys' fees, shall be imposed upon the claimant. Whenever an action is dismissed under this subsection, the claimant may refile such claim within 60 days after dismissal regardless of any statutory limitations period if—

"(1) during the 60 days after dismissal, notice is transmitted under subsection (a); and

"(2) the original action was timely filed in accordance with subsection (b).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"483. Prior notice of civil action.".

SEC. 5. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by amending subsection (a) to read as follows:

"(a) In any action brought pursuant to section 1979 of the Revised Statutes of the United States, by any adult convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed 180 days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting immediately after "(b)" the following:

"(1) Upon the request of a State or local corrections agency, the Attorney General of the United States shall provide the agency with technical advice and assistance in establishing plain, speedy, and effective administrative remedies for inmate grievances.".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 6. EXPERT WITNESSES.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1828 the following new section:

"§ 1829. Multiple expert witnesses

"In any civil action filed in a district court, the court shall not permit opinion evidence on the same issue from more than 1 expert witness for each party, except upon a showing of good cause.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1828 the following new section:

"1829. Multiple expert witnesses.".

SEC. 7. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of any provision or amendment to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision and amendments to any other person or circumstance shall not be affected by that invalidation.

SEC. 8. EFFECTIVE DATE.

Except as expressly provided otherwise, this Act and the amendments made by this Act shall become effective 90 days after the date of the enactment of this Act. This Act shall not apply to any action or proceeding commenced before such effective date.

By Mr. NUNN (for himself, Mr. ROTH, Mr. GLENN, Mr. BOND, Mr. BUMPERS, Mr. PRESSLER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mr. JOHNSTON, Mr. DOMENICI, Mr. HOLLINGS, Mr. NICKLES, Mr. BREAUX, Mr. WARNER, Mr. ROBB, Mr. COCHRAN, Mr. BRYAN, Mr. SMITH, Mr. LAUTENBERG, Mr. MACK, Ms. MOSELEY-BRAUN, and Mr. SHELBY):

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Governmental Affairs.

THE PAPERWORK REDUCTION ACT OF 1995

Mr. NUNN. Mr. President, I rise this morning on behalf of myself, Mr. ROTH, Mr. GLENN, Mr. BOND, and Mr. BUMPERS, to introduce the Paperwork Reduction Act of 1995. This bill is substantially identical to S. 560, which was unanimously approved by the Senate in the closing days of the 103d Congress.

I am pleased that the bill enjoys even broader bipartisan support this Congress. It is being cosponsored by the chairman and ranking Democratic member of the Committee on Governmental Affairs, BILL ROTH and JOHN GLENN, both have worked long and hard on legislation to strengthen the Paperwork Reduction Act of 1980 and to reauthorize appropriations for the Office of Information and Regulatory Affairs [OIRA], which has been without authorizing legislation since October of 1989. Leading cosponsors also include the chairman, Mr. BOND, and ranking Democratic member, Mr. BUMPERS, of the Committee on Small Business. The Committee on Small Business, of which I am the senior member, has played a crucial supporting role on behalf of the small business community in maintaining the effort to enact legislation to strengthen the 1980 act. We are being joined by 22 of our colleagues from both sides of the aisle, many of whom are present or former members of the Committee on Small Business of the Governmental Affairs.

Mr. President, as previously mentioned, the Paperwork Reduction Act of 1995 is substantively identical to S. 560 introduced in the 103d Congress. That bill represented the culmination of years of work which began in the 100th Congress. It represents a skillful blending of S. 560, as introduced by me and S. 681, a bill introduced by my friend from Ohio, Mr. GLENN, then chairman of the Governmental Affairs Committee. His skill and leadership, and the tenacity of all of the those involved in both bills made possible the crafting of this text of S. 560. It garnered unanimous support within the Governmental Affairs Committee. S. 560, as reported last year, had the support of the Clinton administration and I am hopeful that the administration will also support this bill I introduce today.

Senator ROTH, chairman of the Governmental Affairs Committee indicated to me that we will have a markup on this bill next week. It is my hope that it will be an early legislative initiative in this Congress. I have also talked to Speaker GINGRICH about the bill, and it is my hope that they will make it an important part of their legislative agenda on the House side. So I am hoping, Mr. President, we will be able to get this bill to the President's desk in the next several weeks, certainly in the next several months, for actual implementation as law.

It also had the support of the broad-based Paperwork Reduction Act Coalition as well as elected officials, and many in the educational and nonprofit communities. S. 560, the Paperwork Reduction Act of 1994, passed the Senate by unanimous voice vote on October 6, 1994. The following day, the text of S. 560 was attached to a House-passed measure, H.R. 2561, and returned to the House. Unfortunately, the House Governmental Operations Committee declined to clear either measure before the adjournment of the 103d Congress, so we start anew with our legislative effort this year.

In this congress, I am hopeful that the House of Representatives will be more receptive to this legislation and that we can see it enacted into law. A modified version of S. 560 has been included in H.R. 9, the Job Creation and Wage Enhancement Act of 1995, which includes many of the regulatory and paperwork relief provisions of the Republican Contract With America. Representative BILL CLINGER, the new chairman of the House Committee on Government Reform and Oversight, the new name for the Committee on Government Operations, was the principal Republican cosponsor of H.R. 2995, the House companion to S. 560.

The Paperwork Reduction Act of 1995 provides a 5-year reauthorization of appropriations for the Office of Information and Regulatory Affairs [OIRA]. Created by the 1980 Act, OIRA serves as the focal point at the Office of Management and Budget for the act's implementation.

The principal purpose of the Paperwork Reduction Act of 1995 is to reaffirm and provide additional tools by which to attain the fundamental objective of the Paperwork Reduction Act of 1980—to minimize the Federal paperwork burdens imposed by individuals, businesses, especially small businesses, educational and nonprofit institutions, and State and local governments.

Mr. President, let me highlight some of the provisions of the bill. This legislation reemphasizes the fundamental responsibilities of each Federal agency minimize new paperwork burden by thoroughly reviewing each proposed collection of information for need and practical utility, the act's fundamental standards. The bill make explicit the responsibility of each Federal agency to conduct this review itself, before submitting the propose collection of information for public comment and clearance by OIRA.

The bill before us reflects the provisions of S. 560 that further enhance public participation in the review of paperwork burdens, when such burdens are first being proposed or when an agency is seeking to obtain approval to continue to use an existing paperwork requirement. Strengthening public participation is at the core of the 1980 act.

The Paperwork Reduction Act of 1995 maintains the 1980 act's Government-wide 5-percent goal for the reduction of paperwork burdens on the public. Given past experience, some question the effectiveness of such goals in producing net reductions in Government-wide paperwork burdens. I believe that the bill should reflect individual agency goals as well, and although this provision is not in the bill introduced today, I am hopeful it will be strengthened in the future. If seriously implemented, such agency goals can become an effective restraint on the cumulative growth of Government-sponsored paperwork burdens.

Mr. President, the bill includes amendments to the 1980 act which further empower members of the public to help police Federal agency compliance with the act. I would like to describe two of these provisions.

One provision would enable a member of the public to obtain a written determination from the OIRA Administrator regarding whether a federally sponsored paperwork requirement is in compliance with the act. If the agency requirement is found to be noncompliant, the Administrator is charged with taking appropriate remedial action. This provision is based upon a similar process added to the Office of Federal Procurement Policy Act in 1988.

The second provision encourages members of the public to identify paperwork requirements that have not been submitted for review and approval pursuant to the act's requirements. Although the act's public protection provisions explicitly shield the public from the imposition of any formal agency penalty for failing to comply with such an unapproved, or bootleg, paperwork requirement, individuals often feel compelled to comply. This is especially true when the individual has an on-going relationship with the agency and that relationship accords the agency substantial discretion that could be used to redefine their future dealings. Under this bill, which we are introducing today, a member of the public can blow the whistle on such a bootleg paperwork requirement and be accorded the protection of anonymity.

Next, Mr. President, I would like to emphasize that the Paperwork Reduction Act of 1995 clarifies the 1980 Act to make explicit that it applies to Government-sponsored third-party paperwork burdens.

These are recordkeeping, disclosure, or other paperwork burdens that one private party imposes on another private party at the direction of a Federal agency. In 1990, the U.S. Supreme Court decided that such Government-sponsored third-party paperwork burdens were not subject to the Paperwork Reduction Act. The Court's decision in Dole versus United Steelworkers of America created a potentially vast loophole. The public could be denied the Act's protections on the basis of the manner in which a Federal agency chose to impose a paperwork burden, indirectly rather than directly. It is worthy of note that Senator Chiles, now Governor Chiles, the father of the Paperwork Reduction Act went to the trouble and expense of filing an amicus brief to the Supreme Court arguing that no such exemption for third-party paperwork burdens was intended. The Court decided otherwise. I know that Governor Chiles will be gratified that this bill makes explicit the Act's coverage of all Government-sponsored paperwork burdens. Once this bill is enacted, we can feel confident that this major loophole will be closed. But given more than a decade of experience under the Act, it is prudent to remain vigilant to additional efforts to restrict the Act's reach and public protections.

The smart use of information by the Government, and its potential to minimize the burdens placed on the public, is a core concept of the 1980 Act. The information resources management [IRM] provisions of the Paperwork Reduction Act of 1995 build upon the foundation laid more than a decade ago by our former colleague from Florida, Lawton Chiles, the father of the Paperwork Reduction Act. These provisions of the bill are the major contribution of my friend from Ohio, Senator GLENN, who has emphasized the potential of improved IRM policies to make government more effective in serving the public.

Mr. President, I will not take any more of the Senate's time today to discuss the individual provisions of the Paperwork Reduction Act of 1995.

Mr. President, the Paperwork Reduction Act of 1995 enjoys strong support from the business community, especially the small business community. It has the support of a broad Paperwork Reduction Act Coalition, representing virtually every segment of the business community. They have worked long and hard on this legislation for many years. Without them, we would not be able to have the consensus bill that we have today.

Participating in the coalition are the major national small business associations—the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], and National Small Business United [NSBU] as well as the many specialized national small business associations, like the American Subcontractors Association, that comprise the membership of the SBLC or NSBU. Other participants represent manufacturers, aerospace and electronics firms, construction firms, providers of professional and technical services, retailers of various products and services, and the wholesalers and distributors who support them. I would like to identify a few other organizations that comprise the Coalition's membership: the Aerospace Industries Association [AIA], the American Consulting Engineers Council [ACEC], the Associated Builders and Contractors [ABC], the Associated General Contractors of America [AGC], the Chemical Manufacturers Association [CMA], the Computer and Business Equipment Manufacturers Association [CBEMA], the Contract Services Association [CSA], the Electronic Industries Association [EIA], the Independent Bankers Association of America [IBAA], the International Communications Industries Association [ICIA], the National Association of Manufacturers, the National Association of Wholesalers and Distributors, the National Security Industrial Association [NSIA], the National Tooling and Machining Association [NTMA], the Printing Industries Association [PIA], and the Professional Service Council [PSC]. Leadership for the coalition is being provided by the Council on Regulatory and Information Management [C-RIM] and by the U.S. Chamber of Commerce. C-RIM is the new name for the Business Council on the Reduction of Paperwork, which has dedicated itself to paperwork reduction and regulatory reform issues for more than a half century.

The coalition also includes a number of professional associations and public interest groups that support strengthening the Paperwork Reduction Act of 1980. These include the Association of Records Managers and Administrators [ARMA] and Citizens for a Sound Economy [CSE], to name but two very active coalition members.

Mr. President, given the regulatory and paperwork burdens faced by State and local governments, legislation to strengthen the Paperwork Reduction Act is high on the agenda of the associations representing elected officials. The Governor of Florida, my friend Lawton Chiles, has worked hard on this issue within the National Governors Association. During its 1994 annual meeting, the National Governors Association adopted a resolution in support of legislation to strengthen the Paperwork Reduction Act of 1980.

Mr. President, I urge my colleagues to join me in supporting this legislation.

As I mentioned, Chairman ROTH and Senator GLENN are both cosponsors of this legislation, as is Senator BOND, the new chairman of the Small Business Committee, and the previous chairman and now ranking member, Senator BUMPERS.

It is my understanding that we will have a markup on this bill next week. It is my hope it can be on an accelerated schedule here on the Senate floor. It is my hope that the Paperwork Reduction Act of 1995 will get similar expedited treatment on the House side, so that President Clinton will have this bill on his desk in the next few weeks. So that with a strengthened Paperwork Reduction Act we can continue the difficult but very important process of cracking down on Federal agency paperwork burdens that do not meet the Act's standards.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1995".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purposes.

"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information'—

"(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

"(B) shall not include a collection of information described under section 3518(c)(1);

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

"§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

"§ 3504. Authority and functions of Director

"(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and review proposed determinations under section 111(e) of such Act;

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden;

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759), and the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions; and

"(4) in cooperation with the Administrator of General Services, issue guidelines for the establishment and operation in each agency of a process, as required under section 3506(h)(5) of this chapter, to review major information systems initiatives, including acquisition and use of information technology.

"§ 3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(5) The head of each agency shall establish a permanent information resources management steering committee, which shall be chaired by the senior official designated under paragraph (2) and shall include senior program officials and the Chief Financial Officer (or comparable official). Each steering committee shall—

"(A) assist and advise the head of the agency in carrying out information resources management responsibilities of the agency;

"(B) assist and advise the senior official designated under paragraph (2) in the establishment of performance measures for information resources management that relate to program missions;

"(C) select, control, and evaluate all major information system initiatives (including acquisitions of information technology) in accordance with the requirements of subsection (h)(5); and

"(D) identify opportunities to redesign business practices and supporting information systems to improve agency performance.

"(b) With respect to general information resources management, each agency shall—

"(1) develop information systems, processes, and procedures to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) develop and maintain an integrated, comprehensive and controlled process of information systems selection, development, and evaluation;

"(C) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(D) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) contains the statement required under paragraph (1)(B)(iii);

"(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information, and

"(B) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities; and

"(3) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) establish, and be responsible for, a major information system initiative review process, which shall be developed and implemented by the information resources management steering committee established under subsection (a)(5), consistent with guidelines issued under section 3505(4), and include—

"(A) the review of major information system initiative proposals and projects (including acquisitions of information technology), approval or disapproval of each such initiative, and periodic reviews of the development and implementation of such initiatives, including whether the projected benefits have been achieved;

"(B) the use by the committee of specified evaluative techniques and criteria to—

"(i) assess the economy, efficiency, effectiveness, risks, and priority of system initiatives in relation to mission needs and strategies;

"(ii) estimate and verify life-cycle system initiative costs; and

"(iii) assess system initiative privacy, security, records management, and dissemination and access capabilities;

"(C) the use, as appropriate, of independent cost evaluations of data developed under subparagraph (B); and

"(D) the inclusion of relevant information about approved initiatives in the agency's annual budget request.

"§ 3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 2 years.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of such time periods; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

"(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§ 3511. Establishment and operation of Government Information Locator Service

"In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

"(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

"(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

"(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

"(4) consider public access and other user needs in the establishment and operation of the Service;

"(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

"(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

"§ 3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the collection of information subject to this chapter—

"(1) does not display a valid control number assigned by the Director; or

"(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

"§ 3513. Director review of agency activities; reporting; agency response

"(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

"(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

"(1) be taken to address information resources management problems identified in the report; and

"(2) improve agency performance and the accomplishment of agency missions.

"§ 3514. Responsiveness to Congress

"(a)(1) The Director shall—

"(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

"(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

"(2) The Director shall include in any such report a description of the extent to which agencies have—

"(A) reduced information collection burdens on the public, including—

"(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

"(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

"(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

"(B) improved the quality and utility of statistical information;

"(C) improved public access to Government information; and

"(D) improved program performance and the accomplishment of agency missions through information resources management.

"(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

"(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§ 3519. Access to information

"Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

"§ 3520. Authorization of appropriations

"(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

"(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.

"(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.".

SEC. 3. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on June 30, 1995.

S. 244, THE 'PAPERWORK REDUCTION ACT OF 1995'—SUMMARY

The "Paperwork Reduction Act of 1995" will—

Reaffirm the fundamental purpose of the Paperwork Reduction Act of 1980: to minimize the Federal paperwork burdens imposed on individuals, small businesses, State and local governments, educational and nonprofit institutions, and Federal contractors.

Provide a five-year authorization of appropriations for the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget, the paperwork "watchdog" under the Act.

Clarify that the Act's public protections apply to all Government-sponsored paperwork, eliminating any confusion over the coverage of so-called "third-party burdens" (those imposed by one private party on another private party due to a Federal regulation), caused by the U.S. Supreme Court's 1989 decision in Dole v. United Steelworkers of America.

Seek to reduce the paperwork burdens imposed on the public through an annual Government-wide paperwork reduction goal of 5 percent.

Emphasize the fundamental responsibilities of each Federal agency to minimize paperwork burdens and foster paperwork reduction, by requiring—

a thorough review of each proposed collection of information for need and practical utility, the Paperwork Reduction Act's fundamental standards, which enables an agency to collect needed information while minimizing the burden imposed on the public;

agency planning to maximize the use of information already collected by the public;

better notice and opportunity for public participation with at least a 60-day comment period for each proposed paperwork requirement;

agency certification of compliance with public participation requirements and the Act's fundamental standards of need and practical utility for each proposed paperwork requirement before its submission to OIRA for review, approval and assignment of a control number clearance; and

Strengthen OIRA's responsibilities in the fight to minimize paperwork burdens imposed on the public, by—

empowering OIRA to establish standards under which Federal agencies can more accurately estimate the burden placed upon the public by a proposed paperwork requirements;

working with the Office of Federal Procurement Policy (OFPP) to reduce the substantial paperwork burdens associated with Government contracting; and

Empower the public further in the paperwork reduction fight by enabling an individual to obtain a written determination from the OIRA Administrator regarding whether a Federally sponsored paperwork requirement complies with the Act's standards and public protections, in the same manner that a determination can be sought from the OFPP Administrator regarding whether a procurement regulation issued by an individual agency or buying activity is consistent with the Government-wide Federal Acquisition Regulation.

Improves the Government's ability to make more effective use of the information collected from the public by—

specifying responsibilities of individual agencies regarding information resources management (IRM);

enhancing OIRA's responsibility and authority for establishing Government-wide IRM policy;

establishing policies for linking information technology (IT) budgeting and IRM decision-making to agency program performance, consistent with "Best Practices" studies conducted by the U.S. General Accounting Office.

Strengthen OIRA's leadership role in Federal statistical policy.

THE PAPERWORK REDUCTION ACT COALITION

Aerospace Industries Association of America.
Air Transport Association of America.
Alliance of American Insurers.
American Consulting Engineers Council.
American Institute of Merchant Shipping.
American Iron and Steel Institute.
American Petroleum Institute.
American Subcontractors Association.
American Telephone & Telegraph.
Associated Builders & Contractors.
Associated Credit Bureaus.
Associated General Contractors of America.
Association of Manufacturing Technology.
Association of Records Managers and Administrators.
Automative Parts and Accessories Association.
Biscuit and Cracker Manufacturers' Association.
Bristol Myers.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Citizens Against Government Waste.
Citizens For A Sound Economy.
Computer and Business Equipment Manufacturers Association.
Contract Services Association of America.
Copper & Brass Fabricators Council.
Dairy and Food Industries Supply Association.
Direct Selling Association.
Eastman Kodak Company.
Electronic Industries Association.
Financial Executive Institute.
Food Marketing Institute.
Gadsby & Hannah.
Gas Appliance Manufacturers Association.
General Electric.
Glaxo, Inc.
Greater Washington Board of Trade.
Hardwood Plywood and Veneer Association.
Independent Bankers Association of America.
International Business Machines.
International Communication Industries Association.
International Mass Retail Association.
Kitchen Cabinet Manufacturers Association.
Mail Advertising Service Association International.
McDermott, Will & Emery.
Motorola Government Electronics Group.
National Association of Homebuilders of the United States.
National Association of Manufacturers.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of the Remodeling Industry.
National Association of Wholesalers-Distributors.
National Federation of Independent Business.
National Food Brokers Association.
National Food Processors Association.
National Foundation for Consumer Credit.
National Glass Association.
National Restaurant Association.
National Roofing Contractors Association.
National Security Industrial Association.
National Small Business United.
National Society of Professional Engineers.
National Society of Public Accountants.
National Tooling and Machining Association.
Northrop Corporation.
Packaging Machinery Manufacturers Institute.
Painting and Decorating Contractors of America.
Printing Industries of America.
Professional Services Council.
Shipbuilders Council of America.
Small Business Legislative Council.
Society for Marketing Professional Services.
Sun Company, Inc.
Sunstrand Corporation.
Texaco.
United Technologies.
Wholesale Florists and Florist Suppliers of America.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.

Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Floorcovering Association.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
American Wholesale Marketers Association.
AMT–The Association for Manufacturing Technology.
Apparel Retailers of America.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Chimney Sweep Guild.
National Association of Catalog Showroom Merchandisers.
National Coffee Service Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Venture Capital Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Passenger Vessel Association.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.

Mr. ROTH. Mr. President, I am pleased to join today with the distinguished gentleman from Georgia [Senator NUNN] in introducing the Paperwork Reduction Act of 1995. Last year, this legislation, after thorough consideration by the Committee on Governmental Affairs, was reported unanimously and then passed the Senate on two different occasions, also unanimously.

This legislation is part of the Contract With America. While the contract contains the original version which Senator NUNN and I introduced in the last Congress, we believe that the new House leadership would be receptive to the improved version we are today introducing. I am hopeful that the Senate will take the lead once again in passing this legislation. As chairman of the Committee on Governmental Affairs, I intend to process this legislation quickly, and ask my colleagues on the committee to join with Senator NUNN, Senator GLENN, and myself in this effort.

I would hope that this legislation could be acted on this month to become the third Governmental Affairs bill in this young session to be considered on the floor.

This legislation enjoys widespread support among the business community, both big and small, as well as among State, local, and tribal governments and the people—all who bear the burden of Federal Government paperwork collections. This legislation strengthens the paperwork reduction aspects of the 1980 act and directs OIRA to reduce paperwork burdens on the public by 5 percent annually. By overturning the 1990 Supreme Court decision in Dole versus United Steel Workers of America, it extends the jurisdiction of the act by 50 percent. One could thus expect the burden-saving results of this legislation to be substantial.

The Committee on Governmental Affairs has broad jurisdiction over subjects of paperwork burdens, information technology, and regulations. No one piece of legislation can adequately deal with all facets of those subjects. This legislation is not the last that will be addressed on those subjects by the committee.

On February 1, 1995, the committee will hold a hearing on the Government's use of information technology as part of the Committee's Reinventing Government effort.

On February 8, 1995, the committee will begin a set of hearings on the broad subject of regulatory reform.

Mr. GLENN. Mr. President, it gives me great pleasure to join with my colleagues from the Government Affairs Committee, Senator NUNN and Senator ROTH, to cosponsor our bipartisan legislation to reauthorize the Paperwork Reduction Act. The legislation we introduce today reflects the compromise we achieved in the last Congress, which the Senate passed by a unanimous vote on October 6, 1994. I am confident that this bill will once again be passed by the Senate and then move quickly in the House.

This legislation has two very important and closely related purposes. First, the Paperwork Reduction Act is vital to reducing Government paperwork burdens on the American public. Too often, individuals and businesses are burdened by having to fill out questionnaires and forms that simply are not needed to implement the laws of the land. Too much time and money is wasted in an effort to satisfy bureaucratic excess. The Paperwork Reduction Act of 1980 created a clearance process to control this Government appetite for information. The Paperwork Reduction Act of 1995 strengthens this process and will reduce the burdens of Government redtape on the public.

Second, the act is key to improving the efficiency and effectiveness of government information activities. The Federal Government is now spending over $25 billion a year on information technology. The new age of computers and telecommunications provides many opportunities for improvements in Government operations. Unfortunately, as oversight by our committee and others has shown, the Government is wasting millions of dollars on poorly designed and often incompatible systems. This must stop. The Paperwork Reduction Act of 1980 took a first step on the road to reform when it created information resources management [IRM] policies to be overseen by OMB. The Paperwork Reduction Act of 1995 strengthens that mandate and establishes new requirements for agency IRM improvements.

In these and other ways, this legislation strengthens the Paperwork Reduction Act and reflects the concerns of a broad array of Senators. As my colleagues know, I have been working for several years to reauthorize this important law. I am very pleased with the result. With this legislation, we:

Reauthorize the act for 5 years;

Overturn the Dole versus United Steelworkers Supreme Court decision, so that information disclosure requirements are covered by the OMB paperwork clearance process;

Require agencies to evaluate paperwork proposals and solicit public comment on them before the proposals go to OMB for review;

Create additional opportunities for the public to participate in paperwork clearance and other information management decisions;

Strengthen agency and OMB information resources management [IRM] requirements;

Establish information dissemination standards and require the development of a government information locator service [GILS] to ensure improved public access to government information, especially that maintained in electronic format; and

Make other improvements in the areas of government statistics, records management, computer security, and the management of information technology.

These are important reforms. They are the result of over a year-long process of consultation among members of the Governmental Affairs Committee, the administration, and the General Accounting Office. Of course, reaching agreement on this legislation has involved compromises that displease some. It may also not completely resolve conflicting views on many of the OMB paperwork and regulatory review controversies that have dogged congressional oversight of the Paperwork Reduction Act. But again, this legislation is a compromise that addresses many important issues and will help the Government reduce paperwork burdens on the public and improve the management of Federal information resources. I believe this is a very good compromise that can and should pass both the Senate and the House. I urge my colleagues to support this legislation.

By Mr. COHEN (for himself, Mr. DOLE, Mr. SIMPSON, Mr. STEVENS, Mr. D'AMATO, Mr. GRAHAM, Mr. COATS, Mr. GREGG, Mr. WARNER, Mr. NICKLES, Mr. PRYOR, Mr. BOND, Mr. CHAFEE, Mr. FORD, and Mr. DOMENICI):

S. 245. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Finance.

THE HEALTH CARE FRAUD PREVENTION ACT OF 1995

Mr. COHEN. Mr. President, I rise today to introduce, on behalf of myself, Senators DOLE, SIMPSON, STEVENS, D'AMATO, GRAHAM of Florida, COATS, GREGG, WARNER, NICKLES, PRYOR, CHAFEE, BOND, and FORD, the Health Care Fraud Prevention Act of 1995.

Mr. President, health care reform has now taken a back seat to some other measures that are now before the Congress, as our colleagues in the House debate their Contract With America provisions and this body debates unfunded mandates, a balanced budget amendment, and entitlement reform. Apparently health care reform is going to have to wait. But I must say that it is just as important as these other issues as far as the American people are concerned. But as we await the debate on health care reform, which I believe must come this session, we also have to take steps immediately to toughen our defenses against fraudulent practices that are driving up the cost of health care for families, businesses, and taxpayers alike.

You may recall that last year I introduced a measure which contained some additions to the criminal law provisions of our title 18 statutes. Those provisions were adopted unanimously by the Senate. They were sent over to the House where they were stripped out of the anticrime bill at conference because the majority rationalized that these provisions should not go on the crime bill but on a health care reform bill. As we know, there was no health care reform bill passed last year.

On a number of occasions, I sought to attach the provisions to pending legislation, for example, the D.C. appropriations bill and the Labor, HHS appropriations bill. I was prevailed upon to withdraw the legislation at that time so as to allow the appropriations bills to go forward. And I pointed out at that time, which was at the conclusion of last year's session of Congress, that we would lose as much as $100 billion a year due to health care fraud and abuse. That amounts to $275 million a day or $11.5 million every single hour.

Mr. President, I do not think we can afford to delay this any longer. Over the past 5 years, we have lost as much as $418 billion from health care fraud and abuse, which is approximately four times the total losses associated with the savings and loan crisis.

Just imagine the furor that enveloped this country over the bailout necessary because of the savings and loan problems that afflicted this country. It is four times that as far as health care fraud is concerned, and yet there does not seem to be much of a sense of urgency on the part of our colleagues to do much about it.

Mr. President, I have worked with the Justice Department, the FBI, Medicaid fraud units, inspectors general, and others in developing this legislation. As I pointed out last year there is a song, I think it was by Paul Simon—not our PAUL SIMON but the song writer Paul Simon—who had a song called "Fifty Ways To Leave Your Lover." We showed through an Aging Committee's year-long investigation at least 50 ways in which to pick the pockets of Uncle Sam and of private insurers.

I will not, because of the length of the report, introduce it now into the RECORD. I will simply ask unanimous consent that at the conclusion of my remarks the executive summary of this year-long investigation be introduced in the RECORD and included as part of it.

Let me simply add a few more examples of the kinds of activities that are taking place now while we are debating other amendments, germane and nongermane, to the pending unfunded mandates bill. First, let me point out that there are roughly a half billion Medicare claims processed each year and the overwhelming majority of those are submitted for legitimate services by conscientious health care providers and beneficiaries—the overwhelming majority. It is the minority who are taking as much as $100 billion out of the system.

Let me give you examples of what is going on. A doctor promoted his clinic in television, radio, newspaper, and telephone book ads as a "one-stop, walk-in diagnostic center." You can walk in, and they can take care of any problem you have got. So a person might go in for an examination for a shoulder injury and be subjected to a huge battery of tests which have nothing to do with the shoulder, resulting in bills of $4,000 and more per patient.

Using the names of dozens of dead patients, a phantom laboratory in Miami allegedly cheated the Government out of $300,000 in Medicare payments in a matter of just a few weeks for lab tests never performed. The lab that was submitting the bills for the tests was basically a rented mailbox and a Medicare billing number. That was it.

Employees of an airline were indicted for filing false and fraudulent claims for reimbursement to a private insurance company for medical care and services they claimed to have received in another country. The allegations are that the employees attempted to mail false and fictitious forms totaling close to $600,000 for treatments and services never performed.

A durable medical equipment company, its owner and sales manager pled guilty to supplying unnecessary medical equipment such as hospital beds and oxygen concentrators to residents of adult congregate living facilities and then billing Medicare for more than $600,000. These conspirators induced the facilities' managers to allow them to provide the equipment by promising to leave the equipment when the patients died or were transferred.

Physician-owners of a clinic in New York stole over $1.3 million from the State Medicaid program by fraudulently billing for over 50,000 phantom psychotherapy sessions never given to Medicaid patients.

Finally, a medical equipment supplier stole $1.45 million from Medicaid by repeatedly billing for expensive back supports that were never authorized by the patients' physicians.

These cases are but a small sample of the fraudulent and abusive schemes that are plaguing our health care system daily, freezing millions of Americans out of affordable health care coverage, and driving up costs for taxpayers.

The bill I am introducing today will go far in strengthening our defenses against health care fraud.

Specifically, it will:

Give prosecutors stronger tools and tougher statutes to combat criminal health care fraud. It would, for example, provide a specific health care offense in title 18 so that prosecutors are not forced to spend excessive time and resources to develop a nexus to the mail or wire fraud statutes to pursue clear cases of fraud, or to track the cash-flow from health care schemes in order to prosecute under money laundering statutes.

It will allow injunctive relief and forfeiture for criminal health care fraud; provide greater authority to exclude violators from Medicare and Medicaid programs; create tough administrative civil penalties and remedies for fraud and abuse so that a range of sanctions will be available; and coordinate enforcement programs and beef up investigative resources, which are now woefully inadequate. For example, the HHS' inspector general states that it produces $80 in savings for each Federal dollar invested in their office yet their full-time equivalent position level has actually decreased over the last few years.

The FBI recently testified that they have over 1,300 cases pending but that regardless of this prioritization, the amount of health care fraud not being addressed due to a lack of available resources is growing and that health care fraud appears to be a problem of immense proportion which is presently not being fully addressed.

I might point out we have been reading about the extent of global international crime, even all the way from Russia, now moving into this country and ripping off the Medicare-Medicaid Programs and other health care systems by the millions. This is a growing problem of great concern to me, so the FBI needs help. This bill helps agencies like the FBI and HHS and DOD inspectors general by financing additional health care fraud enforcement resources with proceeds derived from forfeiture, fines, and other health care fraud enforcement efforts.

It will also provide guidance to health care providers and industries on how to comply with fraud rules, so they will know what is and what is not prohibited activity.

I have worked closely with law enforcement and health care fraud experts in developing these proposals, and am continuing to work with industry representatives to ensure that fraud and abuse statutes and requirements are fair, clearly understood by health care providers, and reflect the changing health care market. Our goal should not be to burden health care providers with complicated, murky rules on fraud and abuse, but rather to lay down clear rules and guidance, followed by tough enforcement for violations.

Mr. President, when we are losing as much as $275 million per day to health care fraud and abuse, we cannot afford to delay any longer. The only ones who benefit from delay on this important issue are those who are bilking billions from our system. The very big losers will be the American taxpayers, patients, and families who cannot afford health care coverage because premiums and health care costs are escalating to cover the exorbitant costs of fraud and abuse.

I want to thank Senator DOLE for his steadfast support and leadership on this issue and I urge my colleagues to support and act expeditiously on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed.

S. 245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Fraud Prevention Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM

Sec. 101. All-payer fraud and abuse control program.
Sec. 102. Application of certain Federal health anti-fraud and abuse sanctions to fraud and abuse against any health plan.
Sec. 103. Health care fraud and abuse guidance.
Sec. 104. Reporting of fraudulent actions under medicare.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

Sec. 201. Mandatory exclusion from participation in medicare and State health care programs.
Sec. 202. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from medicare and State health care programs.
Sec. 203. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.
Sec. 204. Sanctions against practitioners and persons for failure to comply with statutory obligations.
Sec. 205. Intermediate sanctions for medicare health maintenance organizations.
Sec. 206. Effective date.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 301. Establishment of the health care fraud and abuse data collection program.

TITLE IV—CIVIL MONETARY PENALTIES

Sec. 401. Civil monetary penalties.

TITLE V—AMENDMENTS TO CRIMINAL LAW

Sec. 501. Health care fraud.
Sec. 502. Forfeitures for Federal health care offenses.
Sec. 503. Injunctive relief relating to Federal health care offenses.
Sec. 504. Grand jury disclosure.
Sec. 505. False Statements.
Sec. 506. Voluntary disclosure program.
Sec. 507. Obstruction of criminal investigations of Federal health care offenses.
Sec. 508. Theft or embezzlement.
Sec. 509. Laundering of monetary instruments.

TITLE VI—PAYMENTS FOR STATE HEALTH CARE FRAUD CONTROL UNITS

Sec. 601. Establishment of State fraud units.
Sec. 602. Requirements for State fraud units.
Sec. 603. Scope and purpose.
Sec. 604. Payments to States.

TITLE I—ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM

SEC. 101. ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 1996, the Secretary of Health and Human Services (in this title referred to as the "Secretary"), acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B of the Social Security Act and other statutes applicable to health care fraud and abuse, and

(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts pursuant to section 103.

(2) COORDINATION WITH HEALTH PLANS.—In carrying out the program established under

paragraph (1), the Secretary and the Attorney General shall consult with, and arrange for the sharing of data with representatives of health plans.

(3) REGULATIONS.—

(A) IN GENERAL.—The Secretary and the Attorney General shall by regulation establish standards to carry out the program under paragraph (1).

(B) INFORMATION STANDARDS.—

(i) IN GENERAL.—Such standards shall include standards relating to the furnishing of information by health plans, providers, and others to enable the Secretary and the Attorney General to carry out the program (including coordination with health plans under paragraph (2)).

(ii) CONFIDENTIALITY.—Such standards shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

(iii) QUALIFIED IMMUNITY FOR PROVIDING INFORMATION.—The provisions of section 1157(a) of the Social Security Act (relating to limitation on liability) shall apply to a person providing information to the Secretary or the Attorney General in conjunction with their performance of duties under this section.

(C) DISCLOSURE OF OWNERSHIP INFORMATION.—

(i) IN GENERAL.—Such standards shall include standards relating to the disclosure of ownership information described in clause (ii) by any entity providing health care services and items.

(ii) OWNERSHIP INFORMATION DESCRIBED.—The ownership information described in this clause includes—

(I) a description of such items and services provided by such entity;

(II) the names and unique physician identification numbers of all physicians with a financial relationship (as defined in section 1877(a)(2) of the Social Security Act) with such entity;

(III) the names of all other individuals with such an ownership or investment interest in such entity; and

(IV) any other ownership and related information required to be disclosed by such entity under section 1124 or section 1124A of the Social Security Act, except that the Secretary shall establish procedures under which the information required to be submitted under this subclause will be reduced with respect to health care provider entities that the Secretary determines will be unduly burdened if such entities are required to comply fully with this subclause.

(4) AUTHORIZATION OF APPROPRIATIONS FOR INVESTIGATORS AND OTHER PERSONNEL.—In addition to any other amounts authorized to be appropriated to the Secretary, the Attorney General, the Director of the Federal Bureau of Investigation, and the Inspectors General of the Departments of Defense, Labor, and Veterans Affairs and of the Office of Personnel Management, for health care anti-fraud and abuse activities for a fiscal year, there are authorized to be appropriated additional amounts, from the Health Care Fraud and Abuse Account described in subsection (b) of this section, as may be necessary to enable the Secretary, the Attorney General, and such Inspectors General to conduct investigations and audits of allegations of health care fraud and abuse and otherwise carry out the program established under paragraph (1) in a fiscal year.

(5) ENSURING ACCESS TO DOCUMENTATION.—The Inspector General of the Department of Health and Human Services is authorized to exercise the authority described in paragraphs (4) and (5) of section 6 of the Inspector General Act of 1978 (relating to subpoenas and administration of oaths) with respect to the activities under the all-payer fraud and abuse control program established under this subsection to the same extent as such Inspector General may exercise such authorities to perform the functions assigned by such Act.

(6) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this Act shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978.

(7) HEALTH PLAN DEFINED.—For the purposes of this subsection, the term "health plan" shall have the meaning given such term in section 1128(i) of the Social Security Act.

(b) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established an account to be known as the "Health Care Fraud and Abuse Control Account" (in this section referred to as the "Anti-Fraud Account"). The Anti-Fraud Account shall consist of—

(i) such gifts and bequests as may be made as provided in subparagraph (B);

(ii) such amounts as may be deposited in the Anti-Fraud Account as provided in subsection (a)(4), sections 5441(b) and 5442(b), and title XI of the Social Security Act; and

(iii) such amounts as are transferred to the Anti-Fraud Account under subparagraph (C).

(B) AUTHORIZATION TO ACCEPT GIFTS.—The Anti-Fraud Account is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Anti-Fraud Account, for the benefit of the Anti-Fraud Account or any activity financed through the Anti-Fraud Account.

(C) TRANSFER OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall transfer to the Anti-Fraud Account an amount equal to the sum of the following:

(I) Criminal fines imposed in cases involving a Federal health care offense (as defined in section 982(a)(6)(B) of title 18, United States Code).

(ii) Administrative penalties and assessments imposed under titles XI, XVIII, and XIX of the Social Security Act (except as otherwise provided by law).

(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

(iv) Penalties and damages imposed under the False Claims Act (31 U.S.C. 3729 et seq.), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator or for restitution).

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Anti-Fraud Account shall be available to carry out the health care fraud and abuse control program established under subsection (a) (including the administration of the program), and may be used to cover costs incurred in operating the program, including costs (including equipment, salaries and benefits, and travel and training) of—

(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

(ii) investigations;

(iii) financial and performance audits of health care programs and operations;

(iv) inspections and other evaluations; and

(v) provider and consumer education regarding compliance with the provisions of this title.

(B) FUNDS USED TO SUPPLEMENT AGENCY APPROPRIATIONS.—It is intended that disbursements made from the Anti-Fraud Account to any Federal agency be used to increase and not supplant the recipient agency's appropriated operating budget.

(3) ANNUAL REPORT.—The Secretary and the Attorney General shall submit jointly an annual report to Congress on the amount of revenue which is generated and disbursed by the Anti-Fraud Account in each fiscal year.

(4) USE OF FUNDS BY INSPECTOR GENERAL.—

(A) REIMBURSEMENTS FOR INVESTIGATIONS.—The Inspector General is authorized to receive and retain for current use reimbursement for the costs of conducting investigations, when such restitution is ordered by a court, voluntarily agreed to by the payer, or otherwise.

(B) CREDITING.—Funds received by the Inspector General or the Inspectors General of the Departments of Defense, Labor, and Veterans Affairs and of the Office of Personnel Management, as reimbursement for costs of conducting investigations shall be deposited to the credit of the appropriation from which initially paid, or to appropriations for similar purposes currently available at the time of deposit, and shall remain available for obligation for 1 year from the date of their deposit.

SEC. 102. APPLICATION OF CERTAIN FEDERAL HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO FRAUD AND ABUSE AGAINST ANY HEALTH PLAN.

(a) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended as follows:

(A) In the heading, by adding at the end the following: "OR HEALTH PLANS".

(B) In subsection (a)(1)—

(i) by striking "title XVIII or" and inserting "title XVIII,", and

(ii) by adding at the end the following: "or a health plan (as defined in section 1128(i)),".

(C) In subsection (a)(5), by striking "title XVIII or a State health care program" and inserting "title XVIII, a State health care program, or a health plan".

(D) In the second sentence of subsection (a)—

(i) by inserting after "title XIX" the following: "or a health plan", and

(ii) by inserting after "the State" the following: "or the plan".

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B of such Act (42 U.S.C. 1320a–7b) is further amended by adding at the end the following new subsection:

"(f) The Secretary may—

"(1) in consultation with State and local health care officials, identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section, and

"(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.".

(b) HEALTH PLAN DEFINED.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) HEALTH PLAN DEFINED.—For purposes of sections 1128A and 1128B, the term 'health plan' means a plan that provides health benefits, whether through directly, through insurance, or otherwise, and includes a policy of health insurance, a contract of a service benefit organization, or a membership agreement with a health maintenance organization or other prepaid health plan, and also includes an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

SEC. 103. HEALTH CARE FRAUD AND ABUSE GUIDANCE.

(a) SOLICITATION AND PUBLICATION OF MODIFICATIONS TO EXISTING SAFE HARBORS AND NEW SAFE HARBORS.—

(1) IN GENERAL.—

(A) SOLICITATION OF PROPOSALS FOR SAFE HARBORS.—Not later than January 1, 1996, and not less than annually thereafter, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for—

(i) modifications to existing safe harbors issued pursuant to section 14(a) of the Medicare and Medicaid Patient and Program Protection Act of 1987 (42 U.S.C. 1320a–7b note);

(ii) additional safe harbors specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act the (42 U.S.C. 1320a–7b(b)) and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act (42 U.S.C. 1320a–7(b)(7));

(iii) interpretive rulings to be issued pursuant to subsection (b); and

(iv) special fraud alerts to be issued pursuant to subsection (c).

(B) PUBLICATION OF PROPOSED MODIFICATIONS AND PROPOSED ADDITIONAL STATE HARBORS.—After considering the proposals described in clauses (i) and (ii) of subparagraph (A), the Secretary, in consultation with the Attorney General, shall publish in the Federal Register proposed modifications to existing safe harbors and proposed additional safe harbors, if appropriate, with a 60-day comment period. After considering any public comments received during this period, the Secretary shall issue final rules modifying the existing safe harbors and establishing new safe harbors, as appropriate.

(C) REPORT.—The Inspector General of the Department of Health and Human Services (hereafter in this section referred to as the ''Inspector General'') shall, in an annual report to Congress or as part of the year-end semiannual report required by section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), describe the proposals received under clauses (i) and (ii) of subparagraph (A) and explain which proposals were included in the publication described in subparagraph (B), which proposals were not included in that publication, and the reasons for the rejection of the proposals that were not included.

(2) CRITERIA FOR MODIFYING AND ESTABLISHING SAFE HARBORS.—In modifying and establishing safe harbors under paragraph (1)(B), the Secretary may consider the extent to which providing a safe harbor for the specified payment practice may result in any of the following:

(A) An increase or decrease in access to health care services.

(B) An increase or decrease in the quality of health care services.

(C) An increase or decrease in patient freedom of choice among health care providers.

(D) An increase or decrease in competition among health care providers.

(E) An increase or decrease in the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

(F) An increase or decrease in the cost to Government health care programs.

(G) An increase or decrease in the potential overutilization of health care services.

(H) The existence or nonexistence of any potential financial benefit to a health care professional or provider which may vary based on their decisions of—

(i) whether to order a health care item or service; or

(ii) whether to arrange for a referral of health care items or services to a particular practitioner or provider.

(I) Any other factors the Secretary deems appropriate in the interest of preventing fraud and abuse in Government health care programs.

(b) INTERPRETIVE RULINGS.—

(1) IN GENERAL.—

(A) REQUEST FOR INTERPRETIVE RULING.—Any person may present, at any time, a request to the Inspector General for a statement of the Inspector General's current interpretation of the meaning of a specific aspect of the application of sections 1128A and 1128B of the Social Security Act (hereafter in this section referred to as an ''interpretive ruling'').

(B) ISSUANCE AND EFFECT OF INTERPRETIVE RULING.—

(i) IN GENERAL.—If appropriate, the Inspector General shall in consultation with the Attorney General, issue an interpretive ruling in response to a request described in subparagraph (A). Interpretive rulings shall not have the force of law and shall be treated as an interpretive rule within the meaning of section 553(b) of title 5, United States Code. All interpretive rulings issued pursuant to this provision shall be published in the Federal Register or otherwise made available for public inspection.

(ii) REASONS FOR DENIAL.—If the Inspector General does not issue an interpretive ruling in response to a request described in subparagraph (A), the Inspector General shall notify the requesting party of such decision and shall identify the reasons for such decision.

(2) CRITERIA FOR INTERPRETIVE RULINGS.—

(A) IN GENERAL.—In determining whether to issue an interpretive ruling under paragraph (1)(B), the Inspector General may consider—

(i) whether and to what extent the request identifies an ambiguity within the language of the statute, the existing safe harbors, or previous interpretive rulings; and

(ii) whether the subject of the requested interpretive ruling can be adequately addressed by interpretation of the language of the statute, the existing safe harbor rules, or previous interpretive rulings, or whether the request would require a substantive ruling not authorized under this subsection.

(B) NO RULINGS ON FACTUAL ISSUES.—The Inspector General shall not give an interpretive ruling on any factual issue, including the intent of the parties or the fair market value of particular leased space or equipment.

(c) SPECIAL FRAUD ALERTS.—

(1) IN GENERAL.—

(A) REQUEST FOR SPECIAL FRAUD ALERTS.—Any person may present, at any time, a request to the Inspector General for a notice which informs the public of practices which the Inspector General considers to be suspect or of particular concern under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) (hereafter in this subsection referred to as a ''special fraud alert'').

(B) ISSUANCE AND PUBLICATION OF SPECIAL FRAUD ALERTS.—Upon receipt of a request described in subparagraph (A), the Inspector General shall investigate the subject matter of the request to determine whether a special fraud alert should be issued. If appropriate, the Inspector General shall in consultation with the Attorney General, issue a special fraud alert in response to the request. All special fraud alerts issued pursuant to this subparagraph shall be published in the Federal Register.

(2) CRITERIA FOR SPECIAL FRAUD ALERTS.—In determining whether to issue a special fraud alert upon a request described in paragraph (1), the Inspector General may consider—

(A) whether and to what extent the practices that would be identified in the special fraud alert may result in any of the consequences described in subsection (a)(2); and

(B) the volume and frequency of the conduct that would be identified in the special fraud alert.

SEC. 104. REPORTING OF FRAUDULENT ACTIONS UNDER MEDICARE.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a program through which individuals entitled to benefits under the medicare program may report to the Secretary on a confidential basis (at the individual's request) instances of suspected fraudulent actions arising under the program by providers of items and services under the program.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

SEC. 201. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO FRAUD.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)) is amended by adding at the end the following new paragraph:

''(3) FELONY CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud Prevention Act of 1995, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.''.

(2) CONFORMING AMENDMENT.—Section 1128(b)(1) of such Act (42 U.S.C. 1320a–7(b)(1)) is amended—

(A) in the heading, by striking ''CONVICTION'' and inserting ''MISDEMEANOR CONVICTION''; and

(B) by striking ''criminal offense'' and inserting ''criminal offense consisting of a misdemeanor''.

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud Prevention Act of 1995, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) of such Act (42 U.S.C. 1320a–7(b)(3)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

SEC. 202. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) of the Social Security Act (42 U.S.C. 1320a–7(c)(3)) is amended by adding at the end the following new subparagraphs:

"(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

"(E) In the case of an exclusion of an individual or entity under subsection (b)(4) or (b)(5), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

"(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.".

SEC. 203. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) of the Social Security Act (42 U.S.C. 1320a–7(b)) is amended by adding at the end the following new paragraph:

"(15) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity—

"(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection;

"(B) against which a civil monetary penalty has been assessed under section 1128A; or

"(C) that has been excluded from participation under a program under title XVIII or under a State health care program.".

SEC. 204. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended by striking "may prescribe)" and inserting "may prescribe, except that such period may not be less than 1 year)".

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) of such Act (42 U.S.C. 1320c–5(b)(2)) is amended by striking "shall remain" and inserting "shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain".

(b) REPEAL OF "UNWILLING OR UNABLE" CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended—

(1) in the second sentence, by striking "and determines" and all that follows through "such obligations,"; and

(2) by striking the third sentence.

SEC. 205. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR ANY PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) of the Social Security Act (42 U.S.C. 1395mm(i)(1)) is amended by striking "the Secretary may terminate" and all that follows and inserting the following: "in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

"(A) has failed substantially to carry out the contract;

"(B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section; or

"(C) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).".

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

"(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1) the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

"(i) Civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.

"(ii) Civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists.

"(iii) Suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.".

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) of such Act (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

"(A) the Secretary provides the organization with the opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1);

"(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an entity has a history of deficiencies or has not taken action to correct deficiencies the Secretary has brought to their attention;

"(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

"(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.".

(4) CONFORMING AMENDMENTS.—Section 1876(i)(6)(B) of such Act (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—

(1) REQUIREMENT FOR WRITTEN AGREEMENT.—Section 1876(i)(7)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking "an agreement" and inserting "a written agreement".

(2) DEVELOPMENT OF MODEL AGREEMENT.—Not later than July 1, 1996, the Secretary shall develop a model of the agreement that an eligible organization with a risk-sharing contract under section 1876 of the Social Security Act must enter into with an entity providing peer review services with respect to services provided by the organization under section 1876(i)(7)(A) of such Act.

(3) REPORT BY GAO.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the costs incurred by eligible organizations with risk-sharing contracts under section 1876(b) of such Act of complying with the requirement of entering into a written agreement with an entity providing peer review services with respect to services provided by the organization, together with an analysis of how information generated by such entities is used by the Secretary to assess the quality of services provided by such eligible organizations.

(B) REPORT TO CONGRESS.—Not later than July 1, 1998, the Comptroller General shall submit a report to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate on the study conducted under subparagraph (A).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after January 1, 1996.

SEC. 206. EFFECTIVE DATE.

The amendments made by this part shall take effect January 1, 1996.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 301. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1996, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (c).

(b) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each government agency and health plan shall report any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes:

(A) The name of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner is affiliated or associated.

(C) The nature of the final adverse action.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary.

(c) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions (not including settlements in which no findings of liability have been made) reported to the Secretary under this section respecting a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(d) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in this database shall be available to Federal and State government agencies and health plans pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information in this database. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(e) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity, including the agency designated by the Secretary in subsection (b)(5) shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) The term "final adverse action" includes:

(A) Civil judgments against a health care provider in Federal or State court related to the delivery of a health care item or service.

(B) Federal or State criminal convictions related to the delivery of a health care item or service.

(C) Actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(i) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation,

(ii) any other loss of license of the provider, supplier, or practitioner, by operation of law, or

(iii) any other negative action or finding by such Federal or State agency that is publicly available information.

(D) Exclusion from participation in Federal or State health care programs.

(E) Any other adjudicated actions or decisions that the Secretary shall establish by regulation.

(2) The terms "licensed health care practitioner", "licensed practitioner", and "practitioner" mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(3) The term "health care provider" means a provider of services as defined in section 1861(u) of the Social Security Act, and any entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(4) The term "supplier" means a supplier of health care items and services described in section 1819(a) and (b), and section 1861 of the Social Security Act.

(5) The term "Government agency" shall include:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) Federal or State agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(6) The term "health plan" has the meaning given to such term by section 1128(i) of the Social Security Act.

(7) For purposes of paragraph (2), the existence of a conviction shall be determined under paragraph (4) of section 1128(j) of the Social Security Act.

(g) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act is amended by inserting "and section 301 of the Health Care Fraud Prevention Act of 1995" after "section 422 of the Health Care Quality Improvement Act of 1986".

TITLE IV—CIVIL MONETARY PENALTIES

SEC. 401. CIVIL MONETARY PENALTIES.

(a) GENERAL CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended as follows:

(1) In subsection (a)(1), by inserting "or of any health plan (as defined in section 1128(i))," after "subsection (i)(1)),".

(2) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraphs:

"(3) With respect to amounts recovered arising out of a claim under a health plan, the portion of such amounts as is determined to have been paid by the plan shall be repaid to the plan, and the portion of such amounts attributable to the amounts recovered under this section by reason of the amendments made by the Health Care Fraud Prevention Act of 1995 (as estimated by the Secretary) shall be deposited into the Health Care Fraud and Abuse Control Account established under section 101(b) of such Act.".

(3) In subsection (i)—

(A) in paragraph (2), by inserting "or under a health plan" before the period at the end, and

(B) in paragraph (5), by inserting "or under a health plan" after "or XX".

(b) EXCLUDED INDIVIDUAL RETAINING OWNERSHIP OR CONTROL INTEREST IN PARTICIPATING ENTITY.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(1) by striking "or" at the end of paragraph (1)(D);

(2) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(3) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, at the time of a violation of this subsection, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;".

(c) MODIFICATIONS OF AMOUNTS OF PENALTIES AND ASSESSMENTS.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)), as amended by subsection (b), is amended in the matter following paragraph (4)—

(1) by striking "$2,000" and inserting "$10,000";

(2) by inserting "; in cases under paragraph (4), $10,000 for each day the prohibited relationship occurs" after "false or misleading information was given"; and

(3) by striking "twice the amount" and inserting "3 times the amount".

(d) CLAIM FOR ITEM OR SERVICE BASED ON INCORRECT CODING OR MEDICALLY UNNECESSARY SERVICES.—Section 1128A(a)(1) of the Social Security Act (42 U.S.C. 1320a–7a(a)(1)) is amended—

(1) in subparagraph (A) by striking "claimed," and inserting the following: "claimed, including any person who repeatedly presents or causes to be presented a claim for an item or service that is based on a code that the person knows or should know will result in a greater payment to the person than the code the person knows or should know is applicable to the item or service actually provided,";

(2) in subparagraph (C), by striking "or" at the end;

(3) in subparagraph (D), by striking "; or" and inserting ", or"; and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) is for a medical or other item or service that a person repeatedly knows or should know is not medically necessary; or".

(e) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(f) SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.—Section 1156(b)(3) of the Social Security Act (42 U.S.C. 1320c–5(b)(3)) is amended by striking "the actual or estimated cost" and inserting the following: "up to $10,000 for each instance".

(g) PROCEDURAL PROVISIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is further amended by adding at the end the following new subparagraph:

"(D) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) or (B) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1996.

(i) PROHIBITION AGAINST OFFERING INDUCEMENTS TO INDIVIDUALS ENROLLED UNDER PROGRAMS OR PLANS.—

(1) OFFER OF REMUNERATION.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(A) by striking "or" at the end of paragraph (1)(D);

(B) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(C) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(D) by inserting after paragraph (3) the following new paragraph:

"(4) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program;".

(2) REMUNERATION DEFINED.—Section 1128A(i) of such Act (42 U.S.C. 1320a–7a(i)) is amended by adding the following new paragraph:

"(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include—

"(A) the waiver of coinsurance and deductible amounts by a person, if—

"(i) the waiver is not offered as part of any advertisement or solicitation;

"(ii) the person does not routinely waive coinsurance or deductible amounts; and

"(iii) the person—

"(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

"(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

"(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary;

"(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all third party payors to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary; or

"(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations.".

TITLE V—AMENDMENTS TO CRIMINAL LAW

SEC. 501. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1347. Health care fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for any term of years.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 1128(i) of the Social Security Act.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

(b) CRIMINAL FINES DEPOSITED IN THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 101(b) an amount equal to the criminal fines imposed under section 1347 of title 18, United States Code (relating to health care fraud).

SEC. 502. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 982(a) of title 18, United States Code, is amended by adding after paragraph (5) the following new paragraph:

"(6)(A) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that—

"(i) is used in the commission of the offense if the offense results in a financial loss or gain of $50,000 or more; or

"(ii) constitutes or is derived from proceeds traceable to the commission of the offense.

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud; and

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud.".

(b) PROPERTY FORFEITED DEPOSITED IN HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 101(b) an amount equal to amounts resulting from forfeiture of property by reason of a Federal health care offense pursuant to section 982(a)(6) of title 18, United States Code.

SEC. 503. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

(b) FREEZING OF ASSETS.—Section 1345(a)(2) of title 18, United States Code, is amended by inserting "or a Federal health care offense (as defined in section 982(a)(6)(B))" after "title)".

SEC. 504. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) A person who is privy to grand jury information concerning a Federal health care offense (as defined in section 982(a)(6)(B))—

"(1) received in the course of duty as an attorney for the Government; or

"(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the Government to use in any investigation or civil proceeding relating to health care fraud.".

SEC. 505. FALSE STATEMENTS.

(a) IN GENERAL.—Chapter 47, of title 18, United States Code, is amended by adding at the end the following:

"§ 1033. False statements relating to health care matters

"Whoever, in any matter involving a health plan, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United State Code, in amended by adding at the end the following:

"1033. False statements relating to health care matters.".

SEC. 506. VOLUNTARY DISCLOSURE PROGRAM.

In consultation with the Attorney General of the United States, the Secretary of Health and Human Services shall publish proposed regulations not later than 9 months after the date of enactment of this Act, and final regulations not later than 18 months after such date of enactment, establishing a program of voluntary disclosure that would facilitate the enforcement of sections 1128A and 1128B of the Social Security Act (42 U.S.C. 1320a-7a and 1320a-7b) and other relevant provisions of Federal law relating to health care fraud and abuse. Such program should promote and provide incentives for disclosures of potential violations of such sections and provisions by providing that, under certain circumstances, the voluntary disclosure of wrongdoing would result in the imposition of penalties and punishments less substantial than those that would be assessed for the same wrongdoing if voluntary disclosure did not occur.

SEC. 507. OBSTRUCTION OF CRIMINAL INVESTIGATIONS OF FEDERAL HEALTH CARE OFFENSES.

(a) In General.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1518. Obstruction of Criminal Investigations of Federal Health Care Offenses.

"(a) In General.—Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a Federal health care offense to a criminal investigator shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) Federal Health Care Offense.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.

"(c) Criminal Investigator.—As used in this section the term 'criminal investigator' means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 73 of title 18, United State Code, in amended by adding at the end the following:

"1518. Obstruction of Criminal Investigations of Federal Health Care Offenses.".

SEC. 508. THEFT OR EMBEZZLEMENT.

(a) In General.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 669. Theft or Embezzlement in Connection with Health Care.

"(a) In General.—Whoever willfully embezzles, steals, or otherwise without authority willfully and unlawfully converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health care benefit program, shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) Federal Health Care Offense.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 31 of title 18, United State Code, in amended by adding at the end the following:

"669. Theft or Embezzlement in Connection with Health Care.".

SEC. 509. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any act or activity constituting an offense involving a Federal health care offense as that term is defined in section 982(a)(6)(B) of this title.".

TITLE VI—PAYMENTS FOR STATE HEALTH CARE FRAUD CONTROL UNITS

SEC. 601. ESTABLISHMENT OF STATE FRAUD UNITS.

(a) Establishment of Health Care Fraud and Abuse Control Unit.—The Governor of each State shall, consistent with State law, establish and maintain in accordance with subsection (b) a State agency to act as a Health Care Fraud and Abuse Control Unit for purposes of this part.

(b) Definition.—In this section, a "State Fraud Unit" means a Health Care Fraud and Abuse Control Unit designated under subsection (a) that the Secretary certifies meets the requirements of this part.

SEC. 602. REQUIREMENTS FOR STATE FRAUD UNITS.

(a) In General.—The State Fraud Unit must—

(1) be a single identifiable entity of the State government;

(2) be separate and distinct from any State agency with principal responsibility for the administration of any Federally-funded or mandated health care program;

(3) meet the other requirements of this section.

(b) Specific Requirements Described.—The State Fraud Unit shall—

(1) be a Unit of the office of the State Attorney General or of another department of State government which possesses statewide authority to prosecute individuals for criminal violations;

(2) if it is in a State the constitution of which does not provide for the criminal prosecution of individuals by a statewide authority and has formal procedures, (A) assure its referral of suspected criminal violations to the appropriate authority or authorities in the State for prosecution, and (B) assure its assistance of, and coordination with, such authority or authorities in such prosecutions; or

(3) have a formal working relationship with the office of the State Attorney General or the appropriate authority or authorities for prosecution and have formal procedures (including procedures for its referral of suspected criminal violations to such office) which provide effective coordination of activities between the Fraud Unit and such office with respect to the detection, investigation, and prosecution of suspected criminal violations relating to any Federally-funded or mandated health care programs.

(c) Staffing Requirements.—The State Fraud Unit shall—

(1) employ attorneys, auditors, investigators and other necessary personnel; and

(2) be organized in such a manner and provide sufficient resources as is necessary to promote the effective and efficient conduct of State Fraud Unit activities.

(d) Cooperative Agreements; Memoranda of Understanding.—The State Fraud Unit shall have cooperative agreements with—

(1) Federally-funded or mandated health care programs;

(2) similar Fraud Units in other States, as exemplified through membership and participation in the National Association of Medicaid Fraud Control Units or its successor; and

(3) the Secretary.

(e) Reports.—The State Fraud Unit shall submit to the Secretary an application and an annual report containing such information as the Secretary determines to be necessary to determine whether the State Fraud Unit meets the requirements of this section.

(f) Funding Source; Participation in All-Payer Program.—In addition to those sums expended by a State under section 604(a) for purposes of determining the amount of the Secretary's payments, a State Fraud Unit may receive funding for its activities from other sources, the identity of which shall be reported to the Secretary in its application or annual report. The State Fraud Unit shall participate in the all-payer fraud and abuse control program established under section 101.

SEC. 603. SCOPE AND PURPOSE.

The State Fraud Unit shall carry out the following activities:

(1) The State Fraud Unit shall conduct a statewide program for the investigation and prosecution (or referring for prosecution) of violations of all applicable state laws regarding any and all aspects of fraud in connection with any aspect of the administration and provision of health care services and activities of providers of such services under any Federally-funded or mandated health care programs;

(2) The State Fraud Unit shall have procedures for reviewing complaints of the abuse or neglect of patients of facilities (including patients in residential facilities and home health care programs) that receive payments under any Federally-funded or mandated health care programs, and, where appropriate, to investigate and prosecute such complaints under the criminal laws of the State or for referring the complaints to other State agencies for action.

(3) The State Fraud Unit shall provide for the collection, or referral for collection to the appropriate agency, of overpayments that are made under any Federally-funded or mandated health care program and that are discovered by the State Fraud Unit in carrying out its activities.

SEC. 604. PAYMENTS TO STATES.

(a) Matching Payments to States.—Subject to subsection (c), for each year for which a State has a State Fraud Unit approved under section 602(b) in operation the Secretary shall provide for a payment to the State for each quarter in a fiscal year in an amount equal to the applicable percentage of the sums expended during the quarter by the State Fraud Unit.

(b) Applicable Percentage Defined.—

(1) IN GENERAL.—In subsection (a), the "applicable percentage" with respect to a State for a fiscal year is—

(A) 90 percent, for quarters occurring during the first 3 years for which the State Fraud Unit is in operation; or

(B) 75 percent, for any other quarters.

(2) TREATMENT OF STATES WITH MEDICAID FRAUD CONTROL UNITS.—In the case of a State with a State medicaid fraud control in operation prior to or as of the date of the enactment of this Act, in determining the number of years for which the State Fraud Unit under this part has been in operation, there shall be included the number of years for which such State medicaid fraud control unit was in operation.

(c) Limit on Payment.—Notwithstanding subsection (a), the total amount of payments made to a State under this section for a fiscal year may not exceed the amounts as authorized pursuant to section 1903(b)(3) of the Social Security Act.

EXECUTIVE SUMMARY

GAMING THE HEALTH CARE SYSTEM: BILLIONS OF DOLLARS LOST EACH YEAR TO FRAUD AND ABUSE

For the past year, the Minority Staff of the Senate Special Committee on Aging under my direction has investigated the explosion of fraud and abuse in the U.S. health care system. This report examines emerging trends, patterns of abuse, and types of tactics used by fraudulent providers, unscrupulous suppliers, and "professional" patients who game the system in order to reap billions of dollars in reimbursements by Medicare, Medicaid, and private insurers.

The consequences of fraud and abuse to the health care system are staggering: as much as 10 percent of U.S. health care spending, or $100 billion, is lost each year to health care fraud and abuse. Over the last five years, estimated losses from these fraudulent activities totaled about $418 billion—or almost four times as much as the cost of the entire savings and loan crisis to date.

Our investigation revealed that vulnerabilities to fraud exist throughout the entire health care system and that patterns of fraud within some provider groups have become particularly problematic. Major patterns of abuse that plague the system are overbilling, billing for services not rendered, "unbundling" (whereby one item, for example a wheelchair, is billed as many separate component parts), "upcoding" services to receive higher reimbursements, providing inferior products to patients, paying kickbacks and inducements for referrals of patients, falsifying claims and medical records to fraudulently certify an individual for government benefits, and billing for "ghost" patients, or "phantom" sessions or services.

This report provides 50 case examples of scams that have recently infiltrated our health care system. While these are but a small sampling of schemes that were reviewed during the investigation, they serve to illustrate how our health care system is rife with abuse, and how Medicare, Medicaid and private insurers have left their doors wide open to fraud.

Patients—and, in the case of Medicare and Medicaid, taxpayers—pay a high price for health care fraud and abuse in the form of higher health care costs, higher premiums, and at times, serious risks to patients' health and safety. For example;

Physician-owners of a clinic in New York stole over $1.3 million from the State Medicaid program by fraudulently billing for over 50,000 "phantom" psychotherapy sessions never given to Medicaid recipients;

A speech therapist submitted false claims to Medicare for services "rendered to patients" several days after they had died;

A home health care company stole more than $4.6 million from Medicaid by billing for home care provided by unqualified home care aides. In addition to cheating Medicaid, elderly and disabled individuals were at risk from untrained and unsupervised aides;

Nursing home operators charged personal items such as swimming pools, jewelry, and the family nanny to Medicaid cost reports;

Fifteen hundred workers lost their prescription drug coverage because a scam drove up the cost of the insurance plan for their employer. The scam involved a pharmacist who stole over $370,000 from Medicaid and private health insurance plans by billing over one thousand times for prescription drugs that he did not actually dispense;

Large quantities of sample and expired drugs were dispensed to nursing home patients and pharmacy customers without their knowledge. When complaints were received from nursing home staff and patient relatives regarding the ineffectiveness of the medications, one of the scam artists stated "those people are old, they'll never know the difference and they'll be dead soon anyway";

Durable medical equipment suppliers stole $1.45 million from the New York State Medicaid program by repeatedly billing for expensive orthotic back supports that were never prescribed by physicians;

A scheme involved the distribution of $6 million worth of reused pacemakers and mislabeled pacemakers intended for "animal use only." The scheme involved kickbacks to cardiologists and surgeons to induce them to use pacemakers that had already expired; and

A clinical psychologist was indicted for having sexual intercourse with some of his patients and then seeking reimbursement from a federal health plan for these encounters as "therapy" sessions.

Our investigation found that scams such as these are perpetrated against both public and private health plans, and that health care fraud schemes have become more complex and sophisticated, often involving regional or national corporations and other organized entities. No part of the health care system is exempt from these fraudulent practices, however, we found that major patterns of fraud and abuse have infiltrated the following health care sectors: ambulance and taxi services, clinical laboratories, durable medical equipment suppliers, home health care, nursing homes, physicians, psychiatric services, and rehabilitative services in nursing homes. Our investigation further concludes that fraud and abuse is particularly rampant in Medicaid, and that many of the fraudulent schemes that have preyed on the Medicare program in recent years are now targeting the Medicaid program for further abuse.

GREATER OPPORTUNITIES FOR FRAUD WILL EXIST UNDER HEALTH CARE REFORM

As our health care system moves toward a managed care model, opportunities for fraud and abuse will increase unless enforcement efforts and tools are strengthened. The structure and incentives of a managed care system will result in a concentration of particular types of schemes, such as the failure to provide services and quality of care deficiencies in order to cut costs. In addition, while efforts toward simplification and electronic filing of health care claims offer tremendous savings, they also pose particular opportunities for abuse. Thus, it is crucial that any such system be designed with safeguards built in to detect and deter fraud and abuse.

FINDINGS OF INVESTIGATION

Deficiencies in the current system expose billions of health care dollars to fraud and abuse

A. Current Criminal and Civil Statutes Are Inadequate to Effectively Sanction and Deter Health Care Fraud:

Federal prosecutors now use traditional fraud statutes, such as the mail and wire fraud statutes, the False Claims Act, false statement statutes, and money laundering statute to prosecute health care fraud. Our investigation found that the lack of a specific federal health care fraud criminal statute, inadequate tools available to prosecutors, and weak sanctions have significantly hampered law enforcement's efforts to combat health care fraud. Inordinate time and resources are lost in pursuing these cases under indirect federal statutes. Often, even when law enforcement shuts down a fraudulent scheme, the same players resurface and continue their fraud in another part of the health care system.

This cumbersome federal response to health care fraud has resulted in a system whereby the mouse has outsmarted the mousetrap. Those defrauding the system are ingenious and motivated, while the government and private sector responses to these perpetrators have not kept pace with the sophistication and extent of those they must pursue.

B. The Fragmentation of Health Care Fraud Enforcement Allows Fraud to Flourish:

Despite the multiplicity of Federal, State and local law enforcement agencies, and private health insurers and health plans involved in the investigation and prosecution of health care fraud, these enforcement efforts are inadequately coordinated, allowing health care fraud to permeate the system. While some strides have been made in coordinating law enforcement efforts, immediate steps must be taken to streamline and toughen our response to health care fraud.

RECOMMENDATIONS

Based on our investigation and findings, we recommend the following to reduce fraud and abuse throughout the health care system:

1. Establish an all-payer fraud and abuse program to coordinate the functions of the Attorney General, Department of Health and Human Services, and other organizations, to prevent, detect, and control fraud and abuse; to coordinate investigations; and to share data and resources with Federal, State, and local law enforcement and health plans.

2. Establish an all-payer fraud and abuse trust fund to finance enforcement efforts. Fines, penalties, assessments, and forfeitures collected from health care fraud offenders would be deposited in this fund, which would in turn be used to fund additional investigations, audits, and prosecutions.

3. Toughen federal criminal laws and enforcement tools for intentional health care fraud.

4. Improve the anti-kickback statute and extend prohibitions of Medicare and Medicaid to private payers.

5. Provide a greater range of enforcement remedies to private sector health plans, such as civil penalties.

6. Establish a national health care fraud data base which includes information on final adverse actions taken against health care providers. Such a data base should contain strong safeguards in order to ensure the confidentiality and accuracy of the information data contained in the data base.

7. Design a simplified, uniform claims form for reimbursement and an electronic billing system, with tough anti-fraud controls incorporated into these designs.

8. Take several steps to better protect Medicare from fraudulent and abusive provider billing practices and excessive payments by Medicare. Specifically:

Revise and strengthen national standards that suppliers and other providers must meet in order to obtain or renew a Medicare provider number;

Prohibit Medicare from issuing more than one provider billing number to an individual or entity (except in specified circumstances), in order to prevent providers from "jumping" from one billing number to another in order to double-bill or avoid detection by auditors;

Require Medicare to establish more uniform national coverage and utilization policies for what is reimbursed under Medicare, so that providers cannot "forum shop" in order to seek out the Medicare carrier who will pay a higher reimbursement rate;

Require the Health Care Financing Administration to review and revise its billing codes for supplies, equipment and services in order to guard against egregious overpayments for inferior quality items or services; and

As we revise the health care system, give guidance to health care providers on how to do business properly and how to avoid fraud.

Adoption of these recommendations will go far in shoring up our defenses against unscrupulous providers, patients, and suppliers who are bleeding billions of dollars from our health care system through fraud and abuse. Since Medicare and Medicaid lose as much as $31 billion annually to fraud and abuse, the savings from reducing fraud in these programs would go far toward paying for much needed reforms in our health care system, such as providing access to health care coverage for the uninsured, prescription drug benefits for the elderly, or long-term care for the elderly and individuals with disabilities.

We must not wait to fix these serious problems in the health care system until we see what form health care reform takes. We are losing as much as $275 million each day to health care fraud, and effective steps can be taken within the current system to curb this abuse. With billions of dollars and millions of lives at stake, we can no longer afford to wait.

Section-by-Section Analysis

The Cohen legislation establishes an improved coordinated federal effort to combat fraud and abuse in our health care system. It expands certain existing criminal and civil penalties for health care fraud to provide a stronger deterrent to the billing of fraudulent claims and to eliminate waste in our health care system resulting from such practices.

Section 101. a. All-Payer Fraud and Abuse Control Program: The Secretary of Health and Human Services and the Attorney General are required to jointly establish and coordinate an all-payer national health care fraud control program to restrict fraud and abuse in private and public health programs. The Secretary and Attorney General (through its Inspectors General and the Federal Bureau of Investigation) would be authorized to conduct investigations, audits, evaluations and inspections relating to the delivery and payment for health care and would be required to arrange for the sharing of data with representatives of health plans.

b. Health Care Fraud and Abuse Control Account: To supplement regularly appropriated funds, a special account would be established to fund the all-payer program, managed by the Secretary and Attorney General. All criminal fines, penalties, and civil monetary penalties imposed for violations of fraud and abuse provisions of this legislation would be deposited into the account and used for carrying out the proposed requirements.

Section 102. Application of Certain Federal Health Anti-Fraud and Abuse Sanctions to All Fraud and Abuse Against Any Health Plan: The provisions under the Medicare and Medicaid program, which provide for criminal penalties for specified fraud and abuse violations, would apply and be extended in certain circumstances to similar violations for all payers in the health care system. The violations would include willful submission of false information or claims. Penalties would include fines and possible imprisonment. The Secretary could also consider community service opportunities.

Section 103. Health Care Fraud and Abuse Guidance: Provides mechanisms for further guidance to health care providers on the scope and applicability of the anti-fraud statutes in order to better comply with these statutes. The further guidance would be provided by the modifications of existing safe harbors and the promulgation of new safe harbors; interpretive rulings providing the HHS' Inspector General's interpretation of anti-fraud statutes; and special fraud alerts setting activities that the Inspector General considers suspect under the anti-fraud statutes.

Section 104. Reporting of Fraudulent Actions Under Medicare: The Secretary is required to establish a program through which Medicare beneficiaries may report instances of suspected fraudulent actions on a confidential basis.

Section 201. Mandatory Exclusion from Participation in Medicare and State Health Care Programs: The Secretary currently has authority to exclude individuals and entities from Medicare and Medicaid based on convictions or program-related crimes relating to patient abuse or neglect. This section would extend the Secretary's authority to felony convictions relating to fraud and felony convictions relating to controlled substances. Currently, the Secretary is permitted, but not required, to exclude those convicted of such an offense. Adoption of this proposal would better recognize the seriousness of such offenses and ensure that beneficiaries are well protected from dealing with such individuals.

Section 202. Establishment of Minimum Period of Exclusion for Certain Individuals and Entities Subject to Permissive Exclusion from Medicare and State Health Care Programs: Mandatory exclusions contain a minimum period of exclusion for five years. This section establishes a minimum period of exclusion expressly determined in statute for certain permissive exclusions, such as three years for specific convictions.

Section 203. Permissive Exclusion of Individuals with Ownership or Control Interest in Sanctioned Entities: Some of the current permissive exclusions are "derivative" exclusions—that is they are based on an action previously taken by a court, licensure board, or other agency. Current law allows permissive exclusion authority for entities when a convicted individual has ownership, control or agency relationship with such entity. However, if an entity rather than an individual is convicted under Medicare fraud, the IG has no authority to exclude the individuals who own or control the entity and who may really have been behind the fraud.

This creates a loophole whereby an individual who is indicated for fraud along with a corporation owned by his can avoid being excluded from the programs by persuading the prosecutor to dismiss his indictment in exchange for agreeing to have the corporation plead guilty or pay fines. The bill would extend the current permissive exclusion authority for entities controlled by a sanctioned individual to individuals with control interest in sanctioned entities.

Section 205. Intermediate Sanctions for Medicare Health Maintenance Organizations: The Secretary would be able to impose civil monetary penalties on Medicare-qualified HMOs for violations of Medicare contracting requirements.

Section 301. Establishment of the Health Care Fraud and Abuse Data Collection Program: The Secretary would create a comprehensive national data collection program for the reporting of information about final adverse actions against health care providers, suppliers, or licensed practitioners including criminal convictions, exclusions from participation in Federal and State programs, civil monetary penalties and license revocations and suspensions.

Section 401. Civil Monetary Penalties: The provisions under Medicare and Medicaid which provide for civil monetary penalties for specified violations apply to similar violations in certain circumstances for all payers in the health care system. The violations would include billing for services not provided or submitting fraudulent claims for payment.

The provisions would also clarify that repeatedly claiming a higher code, or repeatedly billing for medically unnecessary services, for purposes of reimbursement is prohibited and subject to civil monetary penalties. The intent of this provision is to impose sanctions for patterns of prohibited conduct.

An intermediate civil monetary penalty would also be established for criminal antikickback violations.

One abusive technique now used by some Medicare providers is to waive the patient's copayment for services covered by Medicare. The concern is that routine waivers of copayments result in unnecessary procedures and overutilization (because the beneficiary has no financial stake in the decision to order a medical item or service). The provision would clarify that the routine waiver of Medicare Part B copayments and deductibles would be prohibited and subject to civil monetary penalties although exceptions are provided.

In addition, retention by an excluded individual of an ownership or control interest of an entity who is participating in Medicare or Medicaid would be prohibited and subject to civil monetary penalties.

Finally, the amount of civil monetary penalty that can be assessed is increased from $2,000 to $10,000.

Section 501. Health Care Fraud: Establishes a new health care fraud statute in the criminal code. Provides a penalty of up to 10 years in prison, or fines, or both for knowingly executing a scheme to defraud a health plan in connection with the delivery of health care benefits, as well as for obtaining money or property under false pretenses from a health plan. This section is patterned after existing mail and wire fraud statutes.

Section 502. Forfeitures for Federal Health Care Offenses: Requires the court, in imposing sentence on a person convicted of a Federal health care offense, to order the forfeiture to the United States of property used in commission of an offense if it results in a loss or gain of $50,000 or more and constitutes or is derived from proceeds traceable to the commission of the offense.

Section 503. Injunctive Relief Relating to Federal Health Care Offenses: This provision expands the scope of the current injunctive relief section by adding the commission of a health care offense. This provision allows the Attorney General to commence a civil action to enjoin such violation as well as to freeze assets.

Section 504. Grand Jury Disclosure: This provision allows the disclosure of grand jury information to federal prosecutors to use in a civil proceeding relating to health care fraud.

Section 505. False Statements: Provides penalties for making false statements relating to health care matters.

Section 506. Voluntary Disclosure Program: Creates a program of voluntary disclosure to the Attorney General and Secretary to provide an incentive for disclosure of violations and wrongdoing.

Section 507. Obstruction of Criminal Investigations: Provides a penalty for the obstruction of criminal investigations of federal health care offenses.

Section 508. Theft or Embezzlement: Establishes a statute that provides penalties for the willful embezzlement or theft from a health care benefit program.

Section 509. Laundering of Monetary Instruments: Provides that a federal health care offense is a predicate to current money laundering statutes.

Sections 601–604: Payments for State Health Care Fraud Control Units: Provides language to establish state health care provider fraud control units modeled on the current state Medicaid Fraud Control Units. The jurisdiction of these units would be expanded to include investigation and prosecution of provider fraud in other federally-funded or mandated programs. The proposal also allows the states to choose whether to conduct investigations and prosecutions for patient abuse related crimes occurring in board and care facilities and other alternative residential settings.

The HHS' Inspector General would continue oversight and the state units would detail its activities in its yearly grant applications. This section also contains a recitation of the units' original authorization language as currently contained in the Social Security Act, and also allows the units to participate in the all-payer fraud abuse control program.

Mr. DOLE. Mr. President, I want to take a few moments to express my support for the Health Care Fraud Prevention Act of 1995, which was introduced earlier today by my distinguished colleague from Maine, Senator COHEN.

As Senator COHEN has pointed out, health care fraud and abuse costs the American taxpayers literally billions and billions of hard-earned dollars each year. Unscrupulous doctors who overbill patients, medical suppliers who sell unnecessary or defective equipment to unsuspecting customers, clinic operators who submit false Medicaid reimbursement claims—all these scams have the effect of driving up the cost of health care for families and businesses alike.

To combat these activities, the act establishes a new health care fraud statute in title 18 of the United States Code. This statute provides for an array of penalties, including imprisonment and fines, for those who knowingly scheme to defraud a health care plan. This statute is patterned after the existing mail and wire fraud statutes.

The act also gives the Secretary of HHS greater authority to exclude health care scam artists from the Medicaid and Medicare programs, while establishing tough civil penalties for fraud so that a range of sanctions will be available.

In addition, the act directs the Attorney General and the Secretary of Health and Human Services to establish an all-payer national health care fraud control program. Under this program, both the Secretary and the Attorney General would be authorized to conduct investigations and audits of health care delivery systems. To pay for these investigations, the act establishes a "Health care fraud and abuse control account." Criminal and civil fines imposed on violators would be deposited into the account and then used to finance future law enforcement efforts.

Of course, the vast majority of health care providers are good people committed to the well-being of their patients. Their hard work and commitment should not be tarnished in any way by those few bad apples who attempt to game the health care system for their own personal benefit. This legislation won't put an end to the health care fraud racket, but it will help to ensure that our law enforcement authorities have the tools to get the job done.

Not surprisingly, the Health Care Fraud Prevention Act was crafted with the help of law enforcement officials, including officials at both the FBI and the Department of Justice.

Finally, I want to commend my distinguished colleague from Maine for bringing this important issue to the attention of the Senate. Today's legislation is the product of a 2-year ongoing investigation conducted by the staff of the Special Committee on Aging. And last year, Senator COHEN successfully offered many of the provisions contained in this bill as an amendment to the 1994 Crime-Control Act. Unfortunately, the amendment was dropped in conference.

To his credit, Senator COHEN has continued to speak out on this issue, and I fully expect that his persistence will pay off later this year when the Senate has an opportunity to consider this important legislation.

Mr. DORGAN. Mr. President, let me say as I begin, to my friend from Maine, the work he has done on this issue in Medicare fraud is extraordinary work. During the period between the end of the last session and the beginning of this session, I saw some newspaper reports about Medicare fraud. I bothered to once again review the work he did in the last session, the bill he introduced in the last session on this issue. I hope we make progress on this issue that he is leading on, in this session of the Senate, because I think what he is doing is very important. There is too much fraud. The fact is, we are not detecting enough of it and not prosecuting enough of it vigorously, so I support his efforts and thank him for making those efforts.

Mr. PRYOR. Mr. President, I rise to support S. 245, the Health Care Fraud Prevention Act of 1995. Health care fraud and abuse in our health care system is draining billions of dollars a year from American families, businesses, and government. The Department of Justice and other experts have estimated that as much as 10 percent of our national health care bill is lost to fraud and abuse. Every dollar stolen from the health care system—be it from Medicare, Medicaid, or a private health care plan—means one less dollar for patient care or for lower insurance premiums. With health care costs still escalating, the last thing we need to be doing is allowing criminals to steal from the system.

Fraud also tarnishes the good names of honest health care professionals and companies. While the vast majority of providers are honest and hard working, the crooks cast a cloud over the entire health care system.

Mr. President, there are too many examples of fraud in our health care system. For example, seven New York physicians were recently excluded from the New York Medicaid program for their part in a scheme that stole over $8 million from the program. As part of this Medicaid fraud scheme, indigent individuals with no legitimate medical need for prescription drugs would enter the doctors' clinics and obtain prescriptions for expensive drugs. They, in turn, would resell the prescriptions to people on the street. In exchange for the prescriptions, the "patients" would subject themselves to unnecessary medical tests and procedures for which Medicaid could then be fraudulently billed.

In other cases, it is not so clear that there has been fraud, but rather that a health care plan has been taken advantage of. As an example, I received a letter from a constituent of mine, Jennie H., not too long ago. Jennie wrote that Medicare had paid a medical supplier $2,136 for 300 adult incontinence pads that were delivered to her mother. That works out to almost $7.12 for each pad, far more than what they would cost at the drug store.

Much studying has been on the health care fraud problem in recent years. In addition to the report issued last year by my friend from Maine, Senator COHEN, the incoming chairman of the Senate Special Committee on Aging, reports by the General Accounting Office, the HHS inspector general, and congressional committees have also documented the extent and range of the problem. They have detailed abuses ranging from the billing of services never provided to the illegal sale of controlled substances.

This is a subject about which I too have long been concerned. When I was chairman of the Senate Special Committee on Aging, I held several hearings on fraud and abuse in the health care system. In addition, the health care bill reported out of the Finance Committee last year included an antifraud provision that I helped develop.

Mr. President, now is the time to take action against health care fraud.

While I would have preferred to see the health care fraud problem addressed as part of health care reform, it is clear that we cannot wait for that to happen. Each day we wait to give crime fighters the authority and tools they need to combat fraud in a coordinated and effective manner means millions of wasted health care dollars.

The bill which I have joined Senator COHEN in sponsoring today represents a balanced, bipartisan approach to combating health care fraud and takes the best provisions common to the bills debated last year, such as the President's proposal. It establishes an improved, coordinated effort to combat fraud and abuse. It expands certain existing criminal and civil penalties for health care fraud to provide a stronger deterrent to the billing of fraudulent claims and to eliminate waste in our health care system. I encourage my colleagues to support this legislation.

By Mr. LIEBERMAN:

S. 246. A bill to establish demonstration projects to expand innovations in State administration of the aid to families with dependent children under title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

THE WELFARE REFORMS THAT WORK ACT

Mr. LIEBERMAN. Mr. President, today I am introducing the Welfare Reforms That Work Act of 1995. The welfare system is in crisis. The United States has one of the most expensive welfare systems in the world. But 20 percent of America's children are poor, a higher percentage than any other industrialized country. The welfare system is a disaster for those who are on it and those who pay for it.

This Congress has a historic opportunity to begin to fix this disaster. The primary welfare program—Aid to Families With Dependent Children [AFDC]—is viewed by those participating in it and those paying for it as a failure. It is failing at its primary task, moving people into the work force. Worse yet, it is contributing to the cycle of poverty. By rewarding single parents who don't work, don't marry, and have additional children out of wedlock, the current system demeans our most cherished values and deepens society's most serious problems. Democrats, Republicans, and the American public agree that the system must be changed.

But little consensus exists on how best to reform the system so that it promotes work and family. Last year both President Clinton and Republicans in Congress proposed legislation that would impose time limits and work requirements on welfare recipients and would begin to turn welfare incentives around. But in this Congress some have gone further. The Republican Contract With America proposes, among other things, ending benefits abruptly for teenage mothers who have children out of wedlock. More recently some Members have advocated giving the States total control of AFDC and other Federal welfare programs, ending the entitlement status of these programs, and capping Federal outlays.

While I believe that each of these ideas should be tested to see if they will produce better results than the current failed welfare system, I cannot support mandating any of them nationally because no one knows whether they will work. If Congress imposes them nationally and they do not work, millions of children's lives will be put at risk.

While I am pleased to see that my colleagues are advocating State flexibility, I am concerned about their blank-check approach. I agree that States should be the testing ground for bold programmatic changes. But handing the AFDC Program over to the States with no strings attached does not guarantee reform and may produce national division and welfare shopping. And, placing caps on block grants works against State flexibility by limiting State experiments to those that save money in the short term but may do nothing to promote work and reconstruct families in the long term. The American people are asking us to reform, not eliminate, the way we are carrying out our responsibility to help poor children.

Mr. President, today I am proposing an alternative welfare reform approach that I hope will meet our welfare reform goals in a way that is acceptable to both sides of the aisle—the Welfare Reforms That Work Act. The bill would allow States to test—with appropriate Federal oversight—bold welfare reform initiatives that are promising but unproven, and that involve some human or financial risk. It would also establish a process for identifying successful reform approaches—welfare reforms that work—that can be applied nationally. The bill does not preclude our mandating immediately those reforms about which there is growing agreement—such as requiring unwed teenage mothers to live at home as a condition of receiving welfare payments—and which involve limited human risk or Federal expense.

States should be at the forefront of reform for three reasons. First, a State-based approach is financially prudent. Some reforms that merit testing—including imposing time limits and work requirements or expanding residential child care options, including orphanages—will cost money in the short term. In an article in the New Republic, Paul Offner of the Senate Finance Committee staff advises us to learn an important lesson from the 1988 Family Support Act: overly ambitious and underfunded reform efforts are doomed to failure. They do little to change the expectations of those working in the system or those using it. My bill would allow States to fund ambitious changes at the more affordable city, county, or State level.

Second, a State-driven approach allows us to test bold changes responsibly. We have few proposed reforms that we know will work, and those that have been tested, such as the model education and training programs launched in California and Florida, have delivered only marginal results to date. In a recent Wall Street Journal James Q. Wilson bluntly confessed that he simply does not know what reforms will work.

Absent better information, we would be wise to heed the advice of proverbs and avoid zealous acts without knowledge. Changes to welfare are consequential. They affect people's lives, children's lives. Under my bill States could test bold welfare rules changes—such as totally denying benefits to teenage mothers or establish orphanages—but only if the States can ensure that children are not unintended victims of these tests. As we try to change the behavior of parents, we must not cause more pain to the children.

Third, States are eager and able to lead our reform efforts. In testimony last year before the Senate Finance Committee's Subcommittee on Social Security and Family Policy, the American Public Welfare Association [APWA] and other State organizations indicated their strong desire to pursue innovative strategies. When I introduced S. 1932, a similar State-based welfare reform bill last year, all 11 States that commented on the bill praised the bill's general approach.

States are already leading the way. Over half the States have proposed reforms and received waivers from Federal rules under section 1115 of the Social Security Act to implement their proposed changes. My own State of Connecticut recently received a waiver to implement a comprehensive reform initiative.

But the waiver process does not go far enough. In testimony before the House Committee on Government Operations last September, the APWA, State welfare administrators, and other witnesses testified that the budget neutrality requirement of the current process creates a substantial barrier to reform. As States seek to promote work and family through changing eligibility rules, it give States an incentive to test sticks but not carrots. Witnesses at the hearing urged that the Federal Government share in the cost of demonstrations programs, make the results of demonstrations readily available, and tallow States to adopt, without a waiver, those demonstrations that prove effective. In other words, we must be honest and acknowledge that we may have to spend a little more money in the short run to save a lot more money and a lot more lives in the long run.

My bill addresses these and other concerns voiced by States about the current waiver process. To ensure that States will be able to test the broadest array of reforms, my bill authorizes $675 million over 5 years to support demonstration projects and independent program evaluations. Half of these funds would support innovative pilot programs specified in the bill, and the remaining half would fund other State-proposed demonstrations. Demonstration projects would last up to 5 years. States would report on progress annually. As results of interim and final reports on State tests become available, the Secretary of the Department of Health and Human Services [HHS] will submit legislation to Congress to provide for the national implementation of successful programs. As a result of this process, those innovations that proved successful could be rapidly adopted by other States or imposed nationwide.

The bill promotes State-initiated welfare reforms that meet what I believe should be our four main reform goals: moving welfare recipients into the work force; strengthening families, stopping illegitimate births and breaking the cycle of welfare dependency; increasing child support collection and paternal responsibility, and improving the delivery of welfare services.

TITLE I AUTHORIZES INITIATIVES TO MOVE WELFARE RECIPIENTS INTO THE WORK FORCE

We must make returning to work the primary focus of the welfare system. The current system demands little of people on welfare. It often impedes, rather than empowers, those who seek to return to the work force. If an AFDC mother goes back to work, her income increases only minimally—often not enough to cover child care—and she loses her Medicaid benefits. She is likely to be economically worse off if she returns to the work force, so she stays on welfare.

Title I includes initiatives to move people on welfare into the work force. Two pilot programs focus on teenage parents—those at greatest risk for long-term welfare dependency. The first allows States to condition AFDC benefits for single parents under 20 years of age on: first, attending school, participating in job training or holding a job; and second, living at home. The second allows States to include young AFDC clients in the Job Corps—a successful, residential antipoverty program for youths 16 to 22 years of age.

Title I also allows States to require 30 days of State-assisted job search or, where appropriate, substance abuse treatment, during the usual lag time between application for and receipt of benefits. Welfare clients should be engaged in job search from the day they first seek a welfare grant. Other provisions in this title assist people on welfare in accumulating assets to invest in education or to start a small business.

TITLE II AUTHORIZES INITIATIVES TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY

Current Federal welfare rules discourage family unification and encourage out-of-wedlock childbearing. This title seeks to turn these incentives around. It recognizes that while welfare is a privilege granted by Government, not a right for parents, the States and the Federal Government have a moral responsibility to ensure the well-being of American children.

The title seeks to address what is perhaps the most compelling and difficult challenge of welfare reform, to discourage out-of-wedlock births without harming children. An increasing percentage of those entering the welfare system are never-married mothers at greatest risk of long-term welfare dependency. Between 1983 and 1992, families headed by unwed mothers accounted for about four-fifths of the growth in people on welfare, and at least 40 percent of never-married mothers receiving AFDC remain in the system for 10 years or more.

Never-married teen parents are particularly likely to fall into long-term welfare dependency. More than one half of welfare spending goes to women who first gave birth as teens. As William Raspberry noted last winter in a Washington Post column aptly entitle "Out of Wedlock, Out of Luck," children born to parents who had their first child out-of-wedlock before they finished high school and reached the age of 20 are "almost guaranteed a life of poverty." In other words, they and their parents are almost guaranteed a life on welfare. Citing William A. Galston's analyses, Raspberry notes that a startling 79 percent of children in this category lived in poverty in 1992. In contrast, only 8 percent of children whose parents had achieved all three milestones—marriage, graduation, and the 20th birthday—before having their first child were living in poverty.

The potential effect of welfare on illegitimacy has taken center stage in the welfare reform debate but there is considerable disagreement about its effects. David Ellwood, economist and Department of Heath and Human Services official, has found little evidence that welfare contributes to the increase in illegitimacy. In his book, "Poor Support," he points to several other concurrent social changes that are likely contributors to the increase—the growing percentage of women in the work force, the drop in earnings and rise in unemployment among young men, and changes in attitudes toward marriage.

Others interpret the data differently. Most notably, Charles Murray believes that welfare is the primary cause of the increase in illegitimate births. In a catalytic Wall Street Journal article published October 29, 1993, Murray argues that welfare has reduced the economic penalty associated with out-of-wedlock childbearing and, in turn, has reduced the social stigma associated with it. He concludes that the removal of both of these disincentives has led to more out-of-wedlock births. Based on this conclusion, Murray recommends the dramatic step of ending welfare altogether. Murray acknowledges that his approach may put this generation of children at risk and advocates, among other things, Government investment in new facilities to care for these children—thus the ensuing brouhaha about orphanages—just the kinds of facilities this act would enable states to create.

The stigma of illegitimacy was not just an accident of social history; it was a societal attempt to protect children. Today, the stigma is largely gone and so the children have suffered terribly. Raspberry's previously mentioned article cites polling results indicating that 70 percent of Americans aged 18 to 34 believe that people having children out of wedlock do not deserve any moral reproach. That is an outrageous result, one that we must turn around because the decision to bear a child has profound moral and human content. We must infuse our children with a clear understanding of the consequences of teenage childbearing. We must teach them that it is wrong to have children unless you are married, always morally wrong for the mother and father, and usually horrible for the child and the mother.

Few would argue that a national campaign to discourage unmarried teenagers from having children is not a good thing to do. Indeed, Senate Minority leader DASCHLE introduced a bill, S. 8, on the first day of this session to combat teen pregnancy. His bill, among other things, would require unwed mothers under age 18 to live at home or in an alternative adult-supervised living arrangement as a condition of receiving AFDC. This measure seems appropriate; it would eliminate the incentive teenagers now have to bear a child so they can move out of the house, and it imposes little risk to the children of teenagers who have a child anyway.

The more difficult question for those of us working on welfare reform is this: Should we pursue changes in welfare policy—such as cutting off benefits to teenage mothers—that may discourage out-of-wedlock births but would put children at risk? Some might say no, believing that there is little correlation between welfare and out-of-wedlock births. The empirical evidence is generally viewed as inconclusive. But some controlled studies have demonstrated a positive association between welfare payments and out-of-wedlock births, and my own conversations with teenage mothers bears this out.

If we choose to reduce or eliminate AFDC grants to deter childbearing, however, we should acknowledge that a portion of the current and potential welfare population—perhaps a small but significant portion—is unlikely to respond to stronger inducements and penalties and will continue to have children society must provide for. In a Los Angeles Times article published last January, Adela de la Torre, an economist at California State University at Long Beach, writes that the children of such parents "become victims of trickle down welfare programs * * * if we deem the parent unfit for welfare support, the child, too, loses." De la Torre rejects the notion that building stronger parental inducements into the welfare system will change the behavior of all parents and calls instead for a more child-centered social service agenda that recognizes and serves the needs of children in a more direct, comprehensive, and integrated fashion. She makes an important point.

Similarly, Thomas Corbett of the University of Wisconsin asks in a spring, 1993 Focus article whether it is "compassionate to throw a little bit of welfare into troubled families and do little else to aid the children?" The answer is, of course, relative. AFDC reflects our best intentions toward these children, but it has more often failed them. Whether cash payments to unresponsive parents is the most compassionate approach, Corbett concludes, "depends partly on how many children are involved and whether we can design and finance the technologies required to assist them."

It is incumbent on us, as part of welfare reform, to explore the alternatives to a largely parent-based system, and find the answers to his question. Title II of the bill supports State efforts to do just that. Section 201 allows States to shift part or all of AFDC payments to block grants and combine the grants with other funds available under this bill to care for children, strengthen families, and implement other reforms. In contrast to the Republican block grant proposals, however, the provision requires the Secretary of HHS to ensure that States pursuing the Block Grant Program protect the well-being of affected children. Title II supports other demonstrations as well, including pilots that discourage welfare recipients from having additional children while on welfare by denying benefit increases for additional children and pilots to test innovative teen pregnancy prevention programs.

TITLE III OF THE BILL AUTHORIZES STATE INITIATIVES TO INCREASE CHILD SUPPORT COLLECTION AND PATERNAL RESPONSIBILITY

Too often absent parents, typically fathers, are not held accountable for their children's care. The Federal Government must also take the lead in improving child support enforcement. As a starting point, we should fully implement the recommendations of the U.S. Commission on Interstate Child Support. In the last Congress Senator BILL BRADLEY, a member of the Commission, introduced S. 689, the Interstate Child Support Enforcement Act, to implement the Commission's recommendations. My Connecticut colleague, Congresswoman KENNELLY, also a Commission member, introduced a similar bill, H.R. 1961, in the House. This year I will again support Senator BRADLEY's legislation which will, among other things: Mandate hospital-based paternity acknowledgement programs; require employers to submit W-4 forms for all new employees to State child support enforcement agencies; and provide States the authority they need to assert jurisdiction over nonresident parents. The era of deadbeat dads should end.

While improving interstate coordination is critical to strengthening child support enforcement, State innovation should play a role as well. Title III of my bill authorizes State efforts to improve child support collection and paternity establishment. To strengthen welfare recipients incentives to work with authorities to collect child support, it would allow States to increase the child support disregard from $50 to a higher level decided by the State. States could also hold parents accountable for the child support obligations of their minor children. Additionally, States could propose their own demonstration projects to increase paternity establishment and improve child support collection.

TITLE IV AUTHORIZES INITIATIVES TO DIVERSIFY AND IMPROVE THE PERFORMANCE OF WELFARE SERVICES

Changing the welfare system to move people back into the work force and to better serve the needs of children will require changing the way the welfare bureaucracy does business. Too many welfare workers focus on whether and how to get a welfare check to the recipient rather than how to get the recipient off of welfare and back to work. Many welfare offices don't know how many children they have in foster care. Many still operate out of cardboard files and lose people in the shuffle of paper. Offices often suffer from interagency rivalry and bureaucratic bickering. It is tragic when a child suffers needlessly because the system fails under the weight of its own inefficiency.

This need not happen. Some innovative States and municipalities have tried to make their welfare systems more efficient and service oriented. At a hearing I held in the last Congress, Carmen Nazario, the Secretary of Health and Human Services in Delaware, testified that her State has brought public and private social services together in a single location and is now developing a computer network to link programs.

David Truax from the Maryland Department of Human Resources described a second approach to improving services. Maryland now provides each participant with a debit card that has AFDC, food stamps, and general assistance benefits on it. Electronic benefit transfer [EBT] cards have several advantages: They preclude the trading of food stamps for drugs; they introduce people to the banking system; they make it easier for them to budget their money since they don't have to cash one single check, and they reduce recipients vulnerability to crime.

Further, offices should encourage and empower, not discourage and demean, those they serve. It can be done. America Works, a private organization that trains people on welfare for work and places them in jobs, provides proof. During my visit to their Hartford, CT, office I found that clients felt they were getting the help they needed to succeed, and were motivated and optimistic. I asked one young woman who had just completed her training if she expected to be placed successfully in a job. She responded with enthusiasm, "absolutely." This spirit does not typically pervade traditional welfare offices.

Most important, welfare offices should be held accountable for results. They need to make the shift from writing checks to moving people on welfare into jobs. To promote this change, we should seek to establish competition among agencies and greater choice for people on welfare. We should encourage public agencies to contract with effective private sector companies and to better reward those public employees who successfully help people become self-sufficient.

Title IV supports initiatives to diversify and improve the performance of welfare services. It supports State pilots to provide incentives to private sector, for-profit and nonprofit groups to place people on welfare in private sector jobs. Companies would keep a portion of welfare savings as payment for successful job placements. Title IV also supports State pilots to improve the performance of welfare office employees through, for example, providing direct bonuses to employees and judging their performance based on their clients' progress toward self-sufficiency.

In addition, title IV incorporates legislation I introduced earlier this month with Senators DOMENICI, FEINSTEIN, PRESSLER, and HATFIELD to remove a Federal barrier to improving services. That bill, S. 131, the Electronic Benefits Regulatory Relief Act of 1995, exempts EBT cards from the Federal Reserve Board's regulation E. Regulation E limits cardholder liability to $50 for lost or stolen cards—a policy that promotes fraud and makes EBT Programs costly for States. Earlier this month the Vice President issued the first report from the EBT task force and called for nationwide implementation. Without passage of this provision, that goal will not be reached.

FINALLY, TITLE V AUTHORIZES OFFSETTING EXPENDITURE REDUCTIONS TO ENSURE THE BILL IS BUDGET NEUTRAL

In other words, the bill pays for itself. Specifically, it eliminates the three-entity rule. Currently, an individual farmer can qualify for up to $125,000 per year in certain Government subsidies. If he forms two other business entities with two other individuals (say, a friend and a sister), each of these entities can qualify for another $125,000 per year. So the individual farmer can receive up to $250,000 in subsidies per year—$125,000 for his first business entity, and half of $125,000 for each of his second and third entities. My bill says, "enough is enough," and caps the amount of agricultural subsidies any one person gets from the Federal Government at $125,000. A preliminary Congressional Budget Office estimate indicates this change will save $675 million over 5 years, money that is better spent on the truly needy.

Americans continue to show concern for the poor, and particularly poor children. A 1994 poll commissioned by the Children's Defense Fund and others found that 64 percent of Americans believe we should spend more on poor children. But the same poll found that 55 percent think we spend too much on welfare, and 68 percent think we should not increase payments to parents for any additional children they have while on welfare.

Our current approach to helping the poor is clearly not working. The goal of welfare reform is to shake up the status quo which promotes dependency, illegitimacy, and social disfunctions like crime into a system that promotes work, family, and responsibility and protects children from a life of poverty. The Federal Government does not have a ready formula for how to achieve this goal. I concur with my colleagues who say that we should look to the States for answers. But we must proceed in a way that meets our obligation to ensure the well-being of all of America's children. Our aim should be to make sure that this generation of welfare children do not become the next generation of welfare parents. This bill offers an approach to do just that.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Welfare Reforms That Work Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. General provisions relating to demonstration projects.
Sec. 5. Authorization of appropriations.

TITLE I—INITIATIVES TO MOVE WELFARE RECIPIENTS INTO THE WORK FORCE

Sec. 101. Demonstration projects which condition AFDC benefits for certain individuals on school attendance or job training, limit the time period for receipt of such benefits, and require teenage parents to live at home.
Sec. 102. Pilot Job Corps program for recipients of Aid to Families with Dependent Children.
Sec. 103. Demonstration projects requiring up-front 30-day assisted job search, or substance abuse treatment before receiving AFDC benefits.
Sec. 104. Disregard of education and employment training savings for AFDC eligibility.
Sec. 105. Incentives and assistance in starting a small business.
Sec. 106. Increased emphasis in JOBS program on moving people into the work force.
Sec. 107. Additional demonstration projects to move AFDC recipients into the work force.

TITLE II—INITIATIVES TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY

Sec. 201. Demonstration projects to establish child centered programs through conversion of certain AFDC and JOBS payments into block grants.
Sec. 202. Demonstration projects providing no additional benefits with respect to children born while a family is receiving AFDC and allowing increases in the earned income disregard.
Sec. 203. Demonstration projects providing incentives to marry.
Sec. 204. Demonstration projects reducing AFDC benefits if school attendance is irregular or preventive health care for dependent children is not obtained.
Sec. 205. Demonstration projects to develop community-based programs for teenage pregnancy prevention and family planning
Sec. 206. Additional demonstration projects to strengthen families and break the cycle of welfare dependency.

TITLE III—CHANGES TO FEDERAL LAWS AND STATE INITIATIVES TO INCREASE CHILD SUPPORT AND PATERNAL RESPONSIBILITY

Sec. 301. Demonstration projects to increase paternity establishment.
Sec. 302. Demonstration projects to increase child support collection.

TITLE IV—INITIATIVES TO DIVERSIFY AND IMPROVE THE PERFORMANCE OF WELFARE SERVICES

Sec. 401. Demonstration projects for providing placement of AFDC recipients in private sector jobs.
Sec. 402. Demonstration projects providing performance-based incentives for State public welfare providers.
Sec. 403. Electronic benefit transfers.

TITLE V—OFFSETTING EXPENDITURE REDUCTIONS

Sec. 501. Offsetting expenditure reductions.

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to promote bold State initiated welfare reforms that will—

(A) move welfare recipients into the work force,

(B) strengthen families,

(C) break the cycle of welfare dependence,

(D) increase child support collection and paternal responsibility, and

(E) improve the delivery of welfare services; and

(2) to make immediate State-by-State changes to the existing system while establishing a process for identifying successful reform approaches that can be applied nationally.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) AID TO FAMILIES WITH DEPENDENT CHILDREN.—The term "aid to families with dependent children" has the meaning given to such term by section 406(b) of the Social Security Act (42 U.S.C. 606(b)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. GENERAL PROVISIONS RELATING TO DEMONSTRATION PROJECTS.

(a) APPLICATIONS.—

(1) IN GENERAL.—Each State desiring to conduct a demonstration project under this Act shall prepare and submit to the Secretary an application in such manner and containing such information as the Secretary may require. The Secretary shall actively encourage States to submit such applications.

(2) APPROVAL.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this Act and shall approve such applications in a number of States to be determined by the Secretary, taking into account the overall funding levels available under section 5.

(3) CONSIDERATION OF RESEARCH NEEDS AND PURPOSES.—The Secretary shall pursue a broad range of reforms consistent with the purposes of this Act and with research needs in approving demonstration projects under this Act.

(b) DURATION.—A demonstration project under this Act shall be conducted for not more than 5 years plus an additional time period of up to 12 months for final evaluation and reporting. The Secretary may terminate a project if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this Act.

(c) EVALUATION PLAN.—

(1) IN GENERAL.—Each State conducting a demonstration project under this Act shall submit an evaluation plan (meeting the standards developed by the Secretary under paragraph (2)) to the Secretary not later than 90 days after the State is notified of the Secretary's approval for such project. A State shall not receive any Federal funds for the operation of the demonstration project or be granted any waivers of the Social Security Act necessary for operation of the demonstration project until the Secretary approves such evaluation plan.

(2) STANDARDS.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall develop standards for the evaluation plan required under paragraph (1) which shall include the requirement that an independent expert entity provide an evaluation of each demonstration project to be included in the State's annual and final reports to the Secretary under subsection (d)(1).

(d) REPORTS.—

(1) STATE.—A State that conducts a demonstration project under this Act shall prepare and submit to the Secretary annual and final reports in accordance with the State's evaluation plan under subsection (c)(1) for such demonstration project.

(2) SECRETARY.—The Secretary shall prepare and submit to the Congress annual reports concerning each demonstration project under this Act.

(e) LEGISLATIVE PROPOSAL.—

(1) EVALUATIONS.—

(A) IN GENERAL.—On each of the dates described in subparagraph (B), the Secretary shall evaluate the demonstration projects based on the reports received from each State under subsection (d)(1) and if the Secretary determines that any of the reforms in the demonstration projects will be effective in achieving the purposes of this Act, the Secretary shall submit proposed legislation to the Congress to—

(i) implement such successful reforms nationally if appropriate, or

(ii) give States the option of adopting a successful reform in a State plan approved under section 402 of the Social Security Act (42 U.S.C. 602) where the reform may be effective in some States but not in others.

The proposed legislation shall take into account factors important to implementing local demonstration projects on a national scale, including variation in population density and poverty.

(B) DATES FOR EVALUATION AND SUBMISSION.—A date is described in this subparagraph, if it is a date that is—

(i) 2 years after the date of the enactment of this Act,

(ii) 4 years after the date of the enactment of this Act, or

(iii) not later than 6 months after the date the Secretary receives the last final report due under subsection (d)(1) with respect to a demonstration project.

(2) OTHER LEGISLATIVE SUBMISSIONS.—At any time other than a date described in paragraph (1)(B), if the Secretary determines that a reform in a demonstration project is ready to be implemented on a national scale or to be made a State option, the Secretary may submit proposed legislation to the Congress to implement the reform.

(f) CLEARINGHOUSE.—The Secretary shall establish and maintain a clearinghouse to collect and disseminate to State officials and the public current information on approved demonstration projects, and on interim and final reports submitted under subsection (d)(1) with respect to demonstration projects. To the extent practicable, clearinghouse information shall be made available through electronic format.

(g) PROVISIONS SUBJECT TO WAIVER.—The Secretary may waive such requirements of title IV of the Social Security Act (42 U.S.C. 601 et seq.) as the Secretary determines to be necessary to carry out the purposes of the demonstration projects established under this Act.

(h) EXPENDITURES OTHERWISE INCLUDED UNDER THE STATE PLAN.—The costs of a demonstration project under this Act which would not otherwise be included as expenditures under the applicable State plan under title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall to the extent and for the period prescribed by the Secretary, be regarded as expenditures under the applicable State plan under such title, or for administration of such State plan or plans, as may be appropriate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $150,000,000 for each of fiscal years 1996 and 1997, and $125,000,000 for each of fiscal years 1998, 1999, and 2000 to carry out the provisions of sections 4(c), 4(d), 101, 103, 105(b), 105(c), 105(d), 107, 201, 202, 203, 204, 205, 206, 207, 301, and 302.

(b) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to subsection (a), the Secretary shall obligate—

(1) 50 percent of such amount to—

(A) offset any increase in the amount of the Federal share resulting from any demonstration project established under a section described in subsection (a) (other than demonstration projects established under sections 107 and 207 of this Act); and

(B) to the extent such amount remains after any such offset—

(i) increase the otherwise applicable Federal share rate under a State plan under title IV of the Social Security Act (42 U.S.C. 601 et seq.) for such demonstration projects; and

(ii) increase the amount of a State's block grant under the demonstration project under section 201 of this Act; and

(2) 50 percent of such amount to—

(A) offset any increase in the amount of the Federal share resulting from any demonstration project established under sections 107 and 207 of this Act; and

(B) to the extent such amount remains after any such offset increase the otherwise applicable Federal share rate under a State plan under title IV of the Social Security Act (42 U.S.C. 601 et seq.) for such demonstration projects.

(c) RESERVATION OF CERTAIN AMOUNTS UNTIL FINAL REPORT SUBMITTED.—The Secretary shall reserve 10 percent of any amounts obligated to a State for a demonstration project under subsection (b), and shall not pay such reserved amounts until such State has submitted a final report on such demonstration project.

TITLE I—INITIATIVES TO MOVE WELFARE RECIPIENTS INTO THE WORK FORCE

SEC. 101. DEMONSTRATION PROJECTS WHICH CONDITION AFDC BENEFITS FOR CERTAIN INDIVIDUALS ON SCHOOL ATTENDANCE OR JOB TRAINING, LIMIT THE TIME PERIOD FOR RECEIPT OF SUCH BENEFITS, AND REQUIRE TEENAGE PARENTS TO LIVE AT HOME.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State conducting a demonstration project under this section shall provide that—

(A) a family described in paragraph (3) shall not receive aid to families with dependent children—

(i) unless the individual described in paragraph (3)(A) is, for a minimum of 35 hours a week—

(I) attending school,

(II) studying for a general equivalency diploma, or

(III) participating in a job, job training, or job placement program; and

(ii) except in the case of a situation described in clause (i) through (v) of section 402(a)(43)(B) of the Social Security Act (42 U.S.C. 602(a)(43)(B))—

(I) such individual is residing in a place of residence maintained by a parent, legal guardian, or other adult relative of such individual as such parent's, guardian's, or adult relative's own home, or residing in a foster home, maternity home, or other adult-supervised supportive living arrangement, and

(II) such aid (where possible) shall be provided to the individual's parent, legal guardian, or other adult relative on behalf of such individual and the individual's dependent child; and

(B) such family shall be entitled to receive such aid for a time period determined appropriate by the State which shall, at a minimum, permit such individual to complete the activities described in subparagraph (A)(i).

(2) LIMITATION.—A State conducting a demonstration project under this section shall not apply the provisions of paragraph (1) to a family unless—

(A) the State has made adequate child care available to such family;

(B) the State has paid all tuition and fees applicable to the activities described in paragraph (1)(A); and

(C) such application does not endanger the welfare and safety of a dependent child who is a member of such family.

(3) FAMILY DESCRIBED.—A family described in this paragraph is a family which—

(A) includes a parent under 20 years of age;

(B) includes at least 1 dependent child of such parent; and

(C) does not include a child under 6 months of age.

SEC. 102. PILOT JOB CORPS PROGRAM FOR RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN.

Section 433 of the Job Training Partnership Act (29 U.S.C. 1703) is amended by adding at the end the following new subsection:

"(f)(1) The Secretary may enter into appropriate agreements with agencies as described in section 427(a)(1) for the development of pilot projects to provide services at Job Corps centers to eligible individuals—

"(A) who are eligible youth described in section 423;

"(B) whose families receive aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

"(C) who are mothers of children who have not reached the age of compulsory school attendance in the State in which the children reside.

"(2) A Job Corps center serving the eligible individuals shall—

"(A) provide child care at or near the Job Corps center for the individuals;

"(B) provide the activities described in section 428 for the individuals; and

"(C) provide for the individuals, and require that each such individual participate in, activities through a parents as teachers program that—

"(i) establishes and operates parent education programs, including programs of developmental screening of the children of the eligible individuals;

"(ii) provides group meetings and home visits for the family of each such individual by parent educators who have had supervised experience in the care and education of children and have had training; and "(iii) provides periodic screening, by such parent educators, of the educational, hearing, and visual development of the children of such individuals.

"(3) The Secretary shall prescribe specific standards and procedures under section 424 for the screening and selection of applicants to participate in pilot projects carried out under this subsection. In addition to the agencies described in the second sentence of such section, such standards and procedures may be implemented through arrangements with welfare agencies.

"(4) As used in this subsection:

"(A) The term 'developmental screening' means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development.

"(B) The term 'parent education' includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the eligible individual and child, and other activities that enable the eligible individual to improve learning in the home.".

SEC. 103. DEMONSTRATION PROJECTS REQUIRING UP-FRONT 30-DAY ASSISTED JOB SEARCH, OR SUBSTANCE ABUSE TREATMENT BEFORE RECEIVING AFDC BENEFITS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State conducting a demonstration project under this section shall require a parent or other relative of a dependent child to undergo 30 days of assisted job search or substance abuse treatment (or both) before the family may receive aid to families with dependent children as part of the application process for the receipt of such aid.

(2) LIMITATION.—A State conducting a demonstration project under this section shall not apply the provisions of paragraph (1) to a family unless—

(A) all of the dependent children in the family are over 6 months of age;

(B) the State has made adequate child care available to such family;

(C) the State has paid all fees applicable to the activities described in paragraph (1); and

(D) such application does not endanger the welfare and safety of a dependent child who is a member of such family.

SEC. 104. DISREGARD OF EDUCATION AND EMPLOYMENT TRAINING SAVINGS FOR AFDC ELIGIBILITY.

(a) DISREGARD AS RESOURCE.—Subparagraph (B) of section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended—

(1) by striking "or" before "(iv)", and

(2) by inserting ", or (v) except in the case of the family's initial determination of eligibility for aid to families with dependent children, any amount up to $10,000 in a qualified education and employment account (as defined in section 406(i)(1))" before "; and".

(b) DISREGARD AS INCOME.—

(1) IN GENERAL.—Subparagraph (A) of section 402(a)(8) of such Act (42 U.S.C. 602(a)(8)) is amended—

(A) by striking "and" at the end of clause (vii), and

(B) by inserting after clause (viii) the following new clause:

"(ix) shall disregard any qualified distributions (as defined in section 406(i)(2)) made from any qualified education and employment account (as defined in section 406(i)(1)) while the family is receiving aid to families with dependent children; and".

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: "; and that this paragraph shall not apply to earned and unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified education and employment account (as defined in section 406(i)(1)) the total amount which, after such placement, does not exceed $10,000.".

(c) QUALIFIED EDUCATION AND EMPLOYMENT ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'qualified education and employment account' means a mechanism established by the State (such as escrow accounts or education savings bonds) that allows savings from the earned income of a dependent child or parent of such child in a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distributions' means distributions from a qualified education and employment account for expenses directly related to the attendance at an eligible postsecondary or secondary institution or directly related to improving the employability (as determined by the State) of a member of a family receiving aid to families with dependent children.

"(3) The term 'eligible postsecondary or secondary institution' means a postsecondary or secondary institution determined to be eligible by the State under guidelines established by the Secretary.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for calendar quarters beginning on or after January 1, 1995.

SEC. 105. INCENTIVES AND ASSISTANCE IN STARTING A SMALL BUSINESS.

(a) AUTHORITY FOR STATES TO PERMIT CERTAIN SELF-EMPLOYMENT PROGRAM PARTICIPANTS A ONE-TIME ELECTION TO PURCHASE CAPITAL EQUIPMENT FOR A SMALL BUSINESS IN LIEU OF DEPRECIATION; REPAYMENTS BY SUCH PERSONS OF THE PRINCIPAL PORTION OF SMALL BUSINESS LOANS TREATED AS BUSINESS EXPENSES FOR PURPOSES OF AFDC.—

(1) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 402(a)(8) of the Social Security Act (42 U.S.C. 602(a)(8)) is amended—

(A) in subparagraph (B)(ii)(II), by striking "and" after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) provide that, in determining the earned income of a family any of the members of which owns a small business and is a participant in a self-employment program offered by a State in accordance with section 482(d)(1)(B)(ii), the State may—

"(i)(I) during the 1-year period beginning on the date the family makes an election under this clause, treat as an offset against the gross receipts of the business the sum of the capital expenditures for the business by any member of the family during such 1-year period; and

"(II) allow each such family eligible for aid under this part not more than 1 election under this clause; and

"(ii) treat as an offset against the gross receipts of the business—

"(I) the amounts paid by any member of the family as repayment of the principal portion of a loan made for the business; and

"(II) cash retained by the business for future use by the business; and".

(2) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) CERTAIN PROPERTY OF AFDC RECIPIENTS NOT DEPRECIABLE.—No depreciation deduction shall be allowed under this section (and no depreciation or amortization deduction shall be allowed under any other provision of this subtitle) with respect to the portion of the adjusted basis of any property which is attributable to expenditures treated as an offset against gross receipts under section 402(a)(8)(C)(i) of the Social Security Act.".

(3) EFFECTIVE DATE.—

(A) SOCIAL SECURITY ACT AMENDMENTS.—The amendments made by paragraph (1) shall apply to payments made under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) on or after January 1, 1996.

(B) INTERNAL REVENUE CODE AMENDMENT.—The amendments made by paragraph (2) shall apply to property placed in service on or after January 1, 1996.

(b) DEMONSTRATION PROJECTS ESTABLISHING PUBLIC-PRIVATE PARTNERSHIPS FOR TECHNICAL ASSISTANCE TO SELF-EMPLOYED AFDC RECIPIENTS.—

(1) IN GENERAL.—The Secretary shall provide for demonstration projects to be conducted in States with applications approved under this Act under which one or more partnerships are developed between State agencies and community businesses or educational institutions to provide assistance to eligible participants.

(2) ELIGIBLE PARTICIPANTS.—For purposes of this subsection, the term "eligible participants" means—

(A) individuals who are receiving aid to families with dependent children; and

(B) individuals who cease to be eligible to receive such aid who have been participating in a demonstration project conducted by a State under this subsection.

(3) PERMISSIBLE EXPENDITURES.—Funds from any demonstration project conducted under this subsection may be used to pay the costs associated with developing and implementing a process through which businesses or educational institutions would work with the State agency to provide assistance to eligible participants seeking to start or operate small businesses, including—

(A) mentoring;

(B) training for eligible participants in administering a business;

(C) technical assistance in preparing business plans; and

(D) technical assistance in the process of applying for business loans, marketing services, and other activities related to conducting such small businesses.

(c) DEMONSTRATION PROJECTS FOR TRAINING AFDC RECIPIENTS AS SELF-EMPLOYED PROVIDERS OF CHILD CARE SERVICES.—

(1) IN GENERAL.—The Secretary shall provide for demonstration projects to be conducted in States with applications approved under this Act under which one or more partnerships are developed between State agencies and community businesses or educational institutions to provide assistance to eligible participants in the establishment

and operation of child care centers in the home or in the community which would provide child care services.

(2) ELIGIBLE PARTICIPANTS.—For purposes of this subsection, the term "eligible participants" means—

(A) individuals who are receiving aid to families with dependent children; and

(B) individuals who cease to be eligible to receive such aid who have been participating in a demonstration project conducted by a State under this subsection.

(3) PERMISSIBLE EXPENDITURES.—Funds from any demonstration project conducted under this subsection may be used to pay the costs associated with developing and implementing a process through which businesses or educational institutions would work with the State agency to provide assistance to train eligible participants to provide licensed child care services, including—

(A) mentoring;

(B) training in the provision of child care services;

(C) training for eligible participants in administering a business;

(D) training in early childhood education;

(E) technical assistance in preparing business plans;

(F) technical assistance in the process of applying for loans, marketing services, qualifying for Federal and State programs, and other activities related to the provision of child care services; and

(G) technical assistance in obtaining a license and complying with Federal, State, and local regulations regarding the provision of child care.

(d) DEMONSTRATION PROJECT TO PROMOTE OWNERSHIP OF FAMILY-OWNED BUSINESSES BY AFDC RECIPIENTS.—

(1) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in paragraph (2) in States with applications approved under this Act.

(2) PROJECT DESCRIBED.—Each State conducting a demonstration project under this subsection shall develop a program under which the State shall—

(A) encourage incentives for families receiving aid to families with dependent children to work together as managers and employees in family-owned businesses;

(B) develop State and private partnerships for making or guaranteeing small business loans, including seed money, available to such families;

(C) provide such families with technical training in small business management, accounting, and bookkeeping;

(D) regularly evaluate the status of the recipients of assistance under the project; and

(E) continue a transitional period of benefits under title IV and title XIX of the Social Security Act for recipients of assistance under the project until such time as the State determines such family is self-sufficient.

For purposes of this paragraph, a family-owned business may include other relatives of the family receiving aid to families with dependent children regardless if such relatives are also receiving aid to families with dependent children.

SEC. 106. INCREASED EMPHASIS IN JOBS PROGRAM ON MOVING PEOPLE INTO THE WORK FORCE.

Section 481(a) of the Social Security Act (42 U.S.C. 681(a)) is amended by adding at the end the following new sentence: "It is further the purpose of this part to encourage individuals receiving education and training to enter the permanent work force by developing programs through which such individuals enter the work force and then receive post-employment education and training.".

SEC. 107. ADDITIONAL DEMONSTRATION PROJECTS TO MOVE AFDC RECIPIENTS INTO THE WORK FORCE.

(a) ESTABLISHMENT.—The Secretary shall provide for additional demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a program or programs to better move recipients of aid to families with dependent children into the work force.

TITLE II—INITIATIVES TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY

SEC. 201. DEMONSTRATION PROJECTS TO ESTABLISH CHILD CENTERED PROGRAMS THROUGH CONVERSION OF CERTAIN AFDC AND JOBS PAYMENTS INTO BLOCK GRANTS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Each State conducting a demonstration project under this section shall elect to receive payments under paragraph (2) in lieu of—

(A) all payments to which the State would otherwise be entitled to under section 403 of the Social Security Act (42 U.S.C. 603) for aid to families with dependent children under part A of title IV of such Act or the job opportunities and basic skills training program under part F of such title; or

(B) any portion of the payment described in subparagraph (A) to which the State would otherwise be entitled under such section for benefits (identified by the State) under part A or part F of such title for populations (identified by the State) who receive such benefits.

(2) PAYMENT.—The Secretary shall make payment under this paragraph for each year of the project in an amount equal to—

(A) during fiscal year 1996—

(i) 100 percent of the total amount to which the State was entitled under section 403 of the Social Security Act (42 U.S.C. 603) for aid to families with dependent children under part A of title IV of such Act or the job opportunities and basic skills training program under part F of such title; or

(ii) the amount to which the State was entitled to under such section for those benefits and populations identified by the State in paragraph (1)(B),

for fiscal year 1995 plus the product of such amount and the percentage increase in the consumer price index for all urban consumers (U.S. city average) during such fiscal year; and

(B) during each subsequent fiscal year, the amount determined under this paragraph in the previous fiscal year plus the product of such amount and the percentage increase in such consumer price index during such previous fiscal year.

(3) DESCRIPTION OF ACTIVITIES.—

(A) IN GENERAL.—Each State which is paid under paragraph (2) shall expend the amount received under such paragraph and the amount, if any, made available to such State under section 5(b)(1)(B)(ii) for one or more of the following purposes:

(i)(I) Establish residential programs for teenage mothers with dependent children where education, job training, community service, or other employment is provided.

(II) Support the pilot project described in section 433(f) of the Jobs Training Partnership Act, as added by section 102 of this Act, to provide such services to teenage mothers with dependent children.

(ii) Establish programs to promote, expedite, and ensure adoption of children, particularly neglected or abused children.

(iii) Expand child care assistance for the children of needy working parents (as determined by the State).

(iv) Establish residential schooling with appropriate support services for children from needy families (as determined by the State) enrolled at the request of the parents of such children.

(v) Establish other services which will be provided directly to children from needy families (as determined by the State).

(vi) Implement other reforms consistent with this Act.

(4) COMMUNITY-BASED ACTIVITIES.—The Secretary shall ensure that each State receiving a grant under this section—

(A) takes adequate steps to assure the well-being of the children affected by the State's receipt of the grant; and

(B) to the fullest extent possible, utilizes the grant under this section to support community-based services in communities affected by the State's receipt of the grant.

SEC. 202. DEMONSTRATION PROJECTS PROVIDING NO ADDITIONAL BENEFITS WITH RESPECT TO CHILDREN BORN WHILE A FAMILY IS RECEIVING AFDC AND ALLOWING INCREASES IN THE EARNED INCOME DISREGARD.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—If a child is born to a family after the date on which such family begins receiving aid to families with dependent children, a State conducting a demonstration project under this section—

(1) shall not take such child into account in determining the need of such family for such aid; and

(2) shall increase the amounts disregarded from earned income under section 402(a)(8)(A) of the Social Security Act (42 U.S.C. 602(a)(8)(A)).

SEC. 203. DEMONSTRATION PROJECTS PROVIDING INCENTIVES TO MARRY.

(a) AID TO TWO-PARENT FAMILIES.—

(1) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in paragraph (2) in States with applications approved under this Act.

(2) PROJECT DESCRIBED.—

(A) IN GENERAL.—Each State conducting a demonstration project under this subsection shall not apply the requirements described in subparagraph (B) to a parent of a dependent child who is married to the natural parent of such child.

(B) REQUIREMENTS WAIVED.—The requirements described in this subparagraph are:

(i) The work history requirement described in section 407(b)(1)(A)(iii) of the Social Security Act (42 U.S.C. 607(b)(1)(A)(iii)).

(ii) The 100-hour rule under section 233.100(a)(1)(i) of title 45, Code of Federal Regulations.

(b) INCREASE IN STEPPARENT EARNED INCOME DISREGARD.—

(1) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in paragraph (2) in States with applications approved under this Act.

(2) PROJECT DESCRIBED.—For purposes of making determinations for any month under section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)), each State conducting a demonstration project under this subsection shall modify the income disregards provided

in subparagraphs (A) through (D) of section 402(a)(31) of such Act (42 U.S.C. 602(a)(31)) in order to decrease the amount of income determined under such section with respect to a dependent child's stepparent.

SEC. 204. DEMONSTRATION PROJECTS REDUCING AFDC BENEFITS IF SCHOOL ATTENDANCE IS IRREGULAR OR PREVENTIVE HEALTH CARE FOR DEPENDENT CHILDREN IS NOT OBTAINED.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Each State conducting a demonstration project under this section shall reduce the amount of aid to families with dependent children received by a family if the State agency determines that one or both (at the State's option) of the following conditions exist:

(A) A member of such family is attending school or participating in a course of vocational or technical training and such family member is absent from such school or training with no excuse for more than a number of days per month determined appropriate by the State.

(B) A member of such family is a child under the age of 6 who has not received appropriate immunizations (as determined by the State).

(2) LIMITATION.—Each State conducting a demonstration project under this section shall establish procedures which ensure that no reduction in aid to families with dependent children under paragraph (1) will endanger the welfare and safety of any dependent child.

SEC. 205. DEMONSTRATION PROJECTS TO DEVELOP COMMUNITY-BASED PROGRAMS FOR TEENAGE PREGNANCY PREVENTION AND FAMILY PLANNING

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a community-based program for teenage pregnancy prevention and family planning.

SEC. 206. ADDITIONAL DEMONSTRATION PROJECTS TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY.

(a) ESTABLISHMENT.—The Secretary shall provide for additional demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a program or programs to strengthen families and break the cycle of welfare dependency.

TITLE III—CHANGES TO FEDERAL LAWS AND STATE INITIATIVES TO INCREASE CHILD SUPPORT AND PATERNAL RESPONSIBILITY

SEC. 301. DEMONSTRATION PROJECTS TO INCREASE PATERNITY ESTABLISHMENT.

(a) ESTABLISHMENT.— The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a program to increase paternity establishment.

SEC. 302. DEMONSTRATION PROJECTS TO INCREASE CHILD SUPPORT COLLECTION.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall increase the State's child support collection efforts through one or more of the following methods:

(1) Enhanced child support enforcement and collection, including holding a parent accountable for supporting any children of the parent's minor children.

(2) Applying section 402(a)(8)(vi) of the Social Security Act (42 U.S.C. 602(a)(8)(vi)) by substituting an amount greater than $50 (to be determined by the State) for "$50" each place such dollar amount appears.

(3) Any other method that the State deems appropriate.

TITLE IV—INITIATIVES TO DIVERSIFY AND IMPROVE THE PERFORMANCE OF WELFARE SERVICES

SEC. 401. DEMONSTRATION PROJECTS FOR PROVIDING PLACEMENT OF AFDC RECIPIENTS IN PRIVATE SECTOR JOBS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall—

(1) contract with private for-profit and nonprofit groups to provide any individual receiving aid to families with dependent children with training, support services, and placement in a private sector job which permits such individual to cease receiving aid to families with dependent children; and

(2) upon employment of such individual, pay such groups a negotiated portion of the total amount that such individual's family would have received over the course of the year in which such individual began such employment in the form of aid to families with dependent children.

SEC. 402. DEMONSTRATION PROJECTS PROVIDING PERFORMANCE-BASED INCENTIVES FOR STATE PUBLIC WELFARE PROVIDERS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects to establish performance-based incentives for State public welfare providers in States with applications described in subsection (b)(1) which are approved under this Act.

(b) APPLICATIONS.—

(1) APPLICATION DESCRIBED.—An application described under this paragraph is an application which—

(A) identifies the State offices or administrative units which will participate in the demonstration project;

(B) describes indicators of employee or program performance based on outcome measures for—

(i) training and education;

(ii) job search and placement assistance;

(iii) child support collection;

(iv) teen pregnancy prevention programs; and

(v) any other program objective that the State finds appropriate;

(C) describes budgetary incentives for program performance, including direct financial incentives for employees where appropriate;

(D) describes a process for developing, in cooperation with employees of participating offices or units, a job evaluation system based on performance measures; and

(E) describes the way in which State public welfare providers, private providers, welfare clients, and members of the community have been or shall be involved in the planning and implementation of a performance based welfare delivery system.

(2) TECHNICAL ASSISTANCE.—The Secretary shall provide a State desiring to submit an application for a demonstration project under this section with technical assistance in preparing an application described under paragraph (1).

SEC. 403. ELECTRONIC BENEFIT TRANSFERS.

Section 904(d) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The disclosures, protections, responsibilities, and remedies created by this title or any rules, regulations, or orders issued by the Board in accordance with this title, do not apply to an electronic benefit transfer program established under State or local law, or administered by a State or local government, unless the payment under such program is made directly into a consumer's account held by the recipient.

"(B) Subparagraph (A) does not apply to employment related payments, including salaries, pension, retirement, or unemployment benefits established by Federal, State, or local governments.

"(C) Nothing in subparagraph (A) alters the protections of benefits established by any Federal, State, or local law, or preempts the application of any State or local law.

"(D) For purposes of subparagraph (A), an electronic benefit transfer program is a program under which a Federal, State, or local government agency distributes needs-tested benefits by establishing accounts to be accessed by recipients electronically, such as through automated teller machines, or point-of-sale terminals. A program established for the purpose of enforcing the support obligations owed by absent parents to their children and the custodial parents with whom the children are living is not an electronic benefit transfer program.".

TITLE V—OFFSETTING EXPENDITURE REDUCTIONS

SEC. 501. OFFSETTING EXPENDITURE REDUCTIONS.

(a) IN GENERAL.—Subparagraph (C) of section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)(C)) is amended to read as follows:

"(C) In the case of corporations and other entities included in subparagraph (B) and partnerships, the Secretary shall attribute payments to natural persons in proportion to their ownership interests in an entity and in any other entity, or partnership, that owns or controls the entity, or partnership, receiving the payments.".

(b) REMOVAL OF 3-ENTITY RULE.—Section 1001A(a)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–1(a)(1)) is amended—

(1) in the first sentence—

(A) by striking "substantial beneficial interests in more than two entities" and inserting "a substantial beneficial interest in any other entity"; and

(B) by striking "receive such payments as separate persons" and inserting "receives the payments as a separate person"; and

(2) by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.

THE WELFARE REFORMS THAT WORK ACT—SUMMARY

Sections 1-4.—Purpose of bill and general provisions relating to state pilot projects:

Sec. 2. States that the purpose of the bill is to promote bold State-initiated welfare reforms to move welfare recipients into the work force; strengthen families; break the cycle of welfare dependency; increase child support collection and paternal responsibility; and improve the delivery of welfare services. The bill is designed to make immediate State-by-State changes to the existing system while establishing a process for identifying successful reform approaches that can be applied nationally. The bill reflects the findings that: the current welfare system is failing children and contributing to the cycle of poverty and other societal ills; mandatory job training and many other incremental reforms tested to date have had minimal effects on welfare dependency; and the States are best positioned to test far-reaching reform proposals that involve some human or financial risk. While this bill in no way precludes national reforms such as time-limits, work requirements or requiring teenage parents to live at home, it gives States the central reform role and provides the authority and resources they need to pursue bold and untested reforms.

Sec. 4. Sets forth general provisions relating to demonstration projects. Authorizes $150 million/yr for the first two years and $125 million/yr in the following three years to support pilots and evaluations of pilots, and requires States to have evaluation plans approved by the Department of Health and Human Services (HHS) before receiving funds. A portion of these funds would support innovative pilot programs not specified in the bill but proposed by States. Demonstration projects could last up to 5 years. States would report on progress annually. As results of interim and final reports become available, the Secretary of HHS will submit legislation to Congress to implement promising reforms nationally.

TITLE I.—INITIATIVES TO MOVE WELFARE RECIPIENTS INTO THE WORK FORCE

From the first day that an individual applies for welfare, the primary focus of welfare offices should be to help that person move into the work force. A welfare grant should be conditioned on responsible behavior. This Title supports state reforms to move welfare recipients into the work force.

Sec. 101. Supports State pilots to condition AFDC benefits for single parents under 20 years of age with at least one dependent child and no children under 6 months of age on attending school or participating in a job or job training program for a minimum of 35 hours per week and on living at home. States would also impose a time limit (not specified) on benefits, and make child care available during training and work activities. Since the program would be expensive, it targets those at greatest risk of long-term welfare dependency—teenage mothers.

Sec. 102. Authorizes the Secretary of HHS to establish a pilot program with the Jobs Corps (a successful, residential anti-poverty program for youths 16-22 years of age) targeting teenage mothers on AFDC with below school-age children. The pilot would include a Parents-as-Teachers type program designed to teach parents how to help prepare their children for school and learning.

Sec. 103. Supports State pilots to require 30 days of assisted job search or, where appropriate, substance abuse treatment immediately following application for AFDC, coinciding with the usual lag time between application for and receipt of benefits. Applicants would have to complete the assigned activities before receiving AFDC payments.

Sec. 104. A national change to permit States to allow AFDC families to save money (up to $10,000) for education and training or starting a small business.

Sec. 105. Expands on legislation introduced in 1993 with Senator Dodd.

A national change to permit States to help recipients start a small business by allowing participants a one-time election to fully deduct capital equipment purchases in one year;

Supports State pilots to establish public-private partnerships to provide technical assistance to self-employed AFDC recipients;

Supports State pilots to train AFDC recipients as self-employed providers of child care services; and

Supports State pilot projects to promote ownership of extended family-owned businesses by AFDC recipients. Would provide incentives and assistance for families receiving aid to families with dependent children to work together as managers and employees in extended family-owned businesses.

Sec. 106. Amends JOBS provisions to emphasize efforts to move people into the work force over training and education.

Sec. 107. Supports additional demonstration projects proposed by States to move AFDC recipients into the work force.

TITLE II.—INITIATIVES TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY

The current Federal welfare rules discourage family unification and encourage out-of-wedlock childbearing. The most serious victims of these policies are children born into poor, unstable families. This Title supports State reforms that promote parental responsibility and family unity. It recognizes that while welfare is a privilege for parents, States and the Federal government have a moral responsibility to ensure the well-being of all American children.

Sec. 201. Supports State pilots to establish child centered programs through conversion of AFDC and JOBS payments into block grants, plus funds available under other sections of this bill. States could apply portions of funds to: (1) establish residential homes for teenage mothers with children, including supporting the pilot project described in section 102; (2) expand programs to expedite and improve adoption of children; (3) expand child care assistance for needy children of working families; (4) establish supportive residential schools for children enrolled at the request of their parents; (5) provide other services directly to needy children; and (6) fund other programs that are consistent with the purposes of the Act. The Secretary of HHS, in reviewing the application, must ensure that the State's program will protect the well-being of affected children.

Sec. 202. Supports State pilots to discourage welfare recipients from having additional children while on welfare and increase the financial reward for work. Recipients who had a second child would not get additional benefits but would be allowed to keep a higher portion of job earnings.

Sec. 203. Supports State pilots to improve incentives to get married. States would disregard to a greater extent the second parent's earnings and work patterns in determining benefits.

Sec. 204. Supports State pilots to reduce AFDC benefits if school attendance of mother or child is irregular or preventive health care for the dependent children is not attained.

Sec. 205. Supports State demonstrations of innovative teenage pregnancy prevention programs.

Sec. 206. Supports additional demonstration projects proposed by States to strengthen families and break the cycle of welfare dependency.

TITLE III.—CHANGES TO FEDERAL LAWS AND STATE INITIATIVES TO INCREASE CHILD SUPPORT COLLECTION AND PATERNAL RESPONSIBILITY

Increased child support enforcement and paternity establishment must be part of the welfare reform. Too often absent parents, typically fathers, are not held accountable for their children's care. In the last Congress Senator Bradley introduced and I cosponsored the comprehensive Interstate Child Support Enforcement Act, which I will support again this year. My bill authorizes additional State efforts to improve child support collection and paternity establishment.

Sec. 301. Supports demonstration projects to increase paternity establishment.

Sec. 302. Supports demonstration projects to increase child support collection, including: increasing the child support disregard, from $50 to a higher level decided by the state; and, holding parents accountable for child support obligations of their minor children.

TITLE IV.—INITIATIVES TO DIVERSIFY AND IMPROVE PERFORMANCE OF WELFARE SERVICES

Welfare offices are notoriously bureaucratic and unresponsive. Under current Federal laws, they have few incentives and some disincentives to improve performance. This Title supports state efforts to promote competition among welfare service providers and to implement performance-based management programs in welfare offices. It also removes a current Federal impediment to the use of electronic benefit transfer "smart cards."

Sec. 401. Supports State pilots to provide incentives to private sector, for profit and non-profit groups to place welfare recipients in private sector jobs. Companies would keep a portion of welfare savings as payment for successful job placements.

Sec. 402. Supports State pilots to implement performance-based management systems for public welfare providers.

Sec. 403. To promote the use of electronic benefit transfer (EBT) "smart cards" that reduce fraud and improve services, this section exempts state EBT programs from the Federal Reserve Board's "Regulation E." Reg. E currently limits cardholder liability to $50 for lost or stolen cards—a policy that promotes fraud and makes EBT programs costly for States.

TITLE V.—OFFSETTING EXPENDITURE REDUCTIONS

Sec. 501. Eliminates the "three-entity" rule, reducing the amount of certain Federal subsidies individual farmers can receive from $250,000 to $125,000 per year.

By Mr. GREGG (for himself and Mr. COCHRAN):

S. 247. A bill to improve senior citizen housing safety; to the Committee on Banking, Housing, and Urban Affairs.

THE SENIOR CITIZENS HOUSING SAFETY ACT

• Mr. GREGG. Mr. President, last year, I introduced the Senior Citizens Housing Safety Act, a bill that will end the terror that unfortunately runs rampant throughout many housing projects specifically designated for elderly and disabled residents. I reintroduce this important legislation.

In my home State of New Hampshire, most people are still afforded the luxury of not having to lock their front door before turning in for the evening. However, many elderly residents of public housing facilities in my State and across America have been forced to not only lock their front doors, but are literally being held prisoner in their own homes. I believe this is outrageous. I have received numerous complaints from residents of elderly housing facilities throughout New Hampshire who are worried about their personal safety in housing specifically reserved for them.

Under current housing laws nonelderly persons considered disabled, because of past drug and alcohol abuse problems, are eligible to live in section 8 housing designated for the elderly. This mixing of populations may have filled up the housing projects across the country, but it has opened a Pandora's box of trouble. Simply put, young, recovering alcoholics and drug addicts are not compatible with elderly persons. Many of these young people hold all-night, loud parties, shake down many of the elderly residents for money, sell drugs within the housing facility, and generally disturb the right to the peaceful enjoyment of the premises by other tenants.

This problem has occurred because the definition of handicapped under the Fair Housing Act was amended in 1988 to include recovering alcoholics and drug addicts. Under the mixed population rules of 1992, Congress determined that the elderly and disabled should be housed together. Historically, disabled individuals have lived in complexes for the elderly because the apartments there—one-bedroom units equipped with such features as hand rails—best fit their needs. However, drug addicts and alcoholics who are considered disabled do not have the same needs. Many elderly persons hope to retire in a community surrounded by persons their own age, elderly people who choose to live a peaceful existence in the company of their peers. I want to restore that hope and this legislation will attack this problem with a two-tier approach.

First, my legislation will institute a front-end screening process. This will prevent nonelderly individuals, classified as disabled because they are recovering from alcoholism and drug addiction, from becoming eligible for housing that is designated for the elderly. It simply says they cannot live in housing designated for the elderly additionally, it will prevent the further mixing of two groups that are obviously incompatible. This will not, however, exclude these nonelderly, disabled individuals from the housing I believe they need and deserve.

Second, my legislation will force local public housing agencies to evict nonelderly individuals occupying the facility who engage on three separate documented occasions in activities that threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of drugs or alcohol.

This process, by no means, circumvents the current housing eviction procedure. Under current law the public housing agency could evict these persons after one infraction if deemed necessary. It simply mandates that these nonelderly individuals be evicted after three incidents which threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.

This is a simple bill that prevents the mixing of two populations who have proved incompatible.

This bill will restore order in housing projects designated for elderly and disabled tenants by screening out nonelderly alcoholics and drug addicts, as well as evicting those nonelderly persons who continuously raise havoc within the housing project. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizen Housing Safety Act".

SEC. 2. SENIOR CITIZEN HOUSING SAFETY.

(a) LIMITATION ON OCCUPANCY IN PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.—

(1) IN GENERAL.—Section 7(a) of the United States Housing Act of 1937 (42 U.S.C. 1437e(a)) is amended—

(A) in paragraph (1), by striking "Notwithstanding any other provision of law" and inserting "Subject only to the provisions of this subsection";

(B) in paragraph (4), by inserting ", except as provided in paragraph (5)" before the period at the end; and

(C) by adding at the end the following new paragraph:

"(5) LIMITATION ON OCCUPANCY IN PROJECTS FOR ELDERLY FAMILIES.—

"(A) OCCUPANCY LIMITATION.—Notwithstanding any other provision of law, a dwelling unit in a project (or portion of a project) that is designated under paragraph (1) for occupancy by only elderly families or by only elderly and disabled families shall not be occupied by—

"(i) any person with disabilities who is not an elderly person and whose history of use of alcohol or drugs constitutes a disability; or

"(ii) any person who is not an elderly person and whose history of use of alcohol or drugs provides reasonable cause for the public housing agency to believe that the occupancy by such person may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.

"(B) REQUIRED STATEMENT.—A public housing agency may not make a dwelling unit in such a project available for occupancy to any person or family who is not an elderly family, unless the agency acquires from the person or family a signed statement that no person who will be occupying the unit—

"(i) uses (or has a history of use of) alcohol; or

"(ii) uses (or has a history of use of) drugs; that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.".

(2) LEASE PROVISIONS.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) following new paragraph:

"(6) provide that any occupancy in violation of the provisions of section 7(a)(5)(A) or the furnishing of any false or misleading information pursuant to section 7(a)(5)(B) shall be cause for termination of tenancy; and".

(b) EVICTION OF NONELDERLY TENANTS HAVING DRUG OR ALCOHOL USE PROBLEMS FROM PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.—Section 7(c) of the United States Housing Act of 1937 (42 U.S.C. 1437e(c)) is amended to read as follows:

"(c) STANDARDS REGARDING EVICTIONS.—

"(1) LIMITATION.—Any tenant who is lawfully residing in a dwelling unit in a public housing project may not be evicted or otherwise required to vacate such unit because of the designation of the project (or a portion of the project) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

"(2) REQUIREMENT TO EVICT NONELDERLY TENANTS FOR 3 INSTANCES OF PROHIBITED ACTIVITY INVOLVING DRUGS OR ALCOHOL.—With respect to a project (or portion of a project) described in subsection (a)(5)(A), the public housing agency administering the project shall evict any person who is not an elderly person and who, during occupancy in the project (or portion thereof), engages on 3 separate occasions (occurring after the date of the enactment of this Act) in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of alcohol or drugs.

"(3) RULE OF CONSTRUCTION.—The provisions of paragraph (2) requiring eviction of a person may not be construed to require a public housing agency to evict any other persons who occupy the same dwelling unit as the person required to be evicted.".•

By Mr. GREGG (for himself, Mrs. HUTCHISON, Mr. LOTT, Mr. GRAMM, Mr. NICKLES, and Mr. WARNER):

S. 248. A bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes; to the Committee on Environment and Public Works.

THE AUTO INSPECTION REFORM ACT OF 1995

• Mr. GREGG. Mr. President, I introduce the Auto Inspection Reform [AIR]

Act of 1995. I am pleased that Senators HUTCHISON, LOTT, GRAMM, NICKLES, and WARNER have joined as cosponsors. This legislation will postpone the implementation of the enhanced vehicle inspection and maintenance programs under the Clean Air Act until March 1, 1996. The bill requires EPA to reissue the regulations relating to these programs, and to reassess its initial position that effectively mandated centralized tests.

Under the 1990 Clean Air Act, Congress imposed enhanced auto emission inspection and maintenance requirements on States in nonattainment areas and on States in the statutory-mandated Northeast ozone transport region. Under the act, Congress provided a clear option to centralized systems for States that proved that decentralized testing could be as effective.

Despite the clear statutory language that indicates Congress wanted decentralized testing to be a viable option, EPA has acted to fundamentally undermine this congressional intent. Through two decisions, EPA has effectively forced States to adopt centralized systems. First, EPA determined that an extremely high cost test known as the IM-240 was mandated under the act. Second, EPA determined that the pollution reduction that States say can be achieved by a decentralized system must be discounted by roughly 50 percent.

As a result, States have either yielded to EPA's mandate, or are trying to get EPA to change its views. States that chose the first course are facing a citizen rebellion and States choosing the second are facing a brick wall. If a State does not meet the enhanced emissions testing requirements to EPA's satisfaction, the Agency can have the State's Federal highway funding cut off.

EPA has just recently indicated a willingness to reconsider and negotiate increased flexibility with some of the affected States' Governors and not implement fines for States moving forward in "good faith." This is a good first step. However, it has only been implemented on a State-by-State basis and EPA has yet to issue any codified guidance to define this apparent change in policy. States remain at the mercy of EPA's discretion. I believe that any new policy should be formalized to provide States certainty and predictability. This bill will help ensure that the Clean Air Act will be complied with by giving States the necessary flexibility to implement the most suitable inspection program for their States. I urge my colleagues to give this bill careful consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auto Inspection Reform (AIR) Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that, in carrying out title I of the Clean Air Act (42 U.S.C. 7401 et seq.), the Administrator of the Environmental Protection Agency (referred to in this Act as the "Administrator") has failed to—

(1) adequately consider alternative programs to centralized vehicle emission testing programs, as required by section 182(c)(3)(C)(vi) of the Clean Air Act (42 U.S.C. 7511a(c)(3)(C)(vi)); and

(2) provide adequate credit to States for the alternative programs.

(b) PURPOSE.—The purpose of this Act is to require the Administrator to—

(1) reassess the determinations of the Administrator with respect to the equivalency of centralized and decentralized programs under section 182(c)(3)(C)(vi) of the Clean Air Act (42 U.S.C. 7511a(c)(3)(C)(vi)); and

(2) issue new regulations governing the programs that—

(A) result in minimum disruption to the ability of States to comply with other requirements of the Act (42 U.S.C. 7401 et seq.); and

(B) provide States a reasonable opportunity to comply with the new regulations and implement any decentralized testing programs that the States demonstrate are equally effective as centralized programs.

SEC. 3. IMPLEMENTATION OF ENHANCED VEHICLE INSPECTION PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State shall not be required to implement an enhanced vehicle inspection and maintenance program under section 182(c)(3) of the Clean Air Act (42 U.S.C. 7511a(c)(3)) prior to March 1, 1996.

(b) REASSESSMENT OF REGULATIONS.—

(1) IN GENERAL.—The Administrator shall—

(A) immediately rescind the regulations issued on November 5, 1992 (57 Fed. Reg. 52950), relating to operation of the program described in subsection (a) on a centralized basis; and

(B) during the period beginning on the date of enactment of this Act and ending on March 1, 1996—

(i) reassess the determinations made by the Administrator with respect to operation of the program described in subsection (a) on a centralized basis, taking into consideration comments submitted by States; and

(ii) issue new regulations relating to operation of the program described in subsection (a) on a centralized basis, or, at the option of each State, on any decentralized basis if the State demonstrates that such a decentralized program is equally effective as a centralized program.

(2) REQUIREMENTS.—The regulations issued under paragraph (1)(B)(ii) shall—

(A) in accordance with the intent of section 182(c)(3)(C)(vi) of the Clean Air Act (42 U.S.C. 7511a(c)(3)(C)(vi))—

(i) make reasonably available to States the option of operation of the program described in subsection (a) on any decentralized basis if the State demonstrates that such a decentralized program is equally effective as a centralized program; and

(ii) establish criteria that a State must meet in order to demonstrate that a decentralized program of the State is equally effective as a centralized program; and

(B)(i) provide each State a reasonable opportunity to submit (at the option of the State) a new revision to a plan under section 182(c)(3) of the Act (42 U.S.C. 7511a(c)(3)) based on the new regulations, which revision shall replace any revision to a plan previously submitted by the State under section 182(c)(3) of the Act; and

(ii) include a schedule that provides States a reasonable opportunity to implement any new revisions to plans that the States submit.

(3) JUDICIAL REVIEW.—Notwithstanding section 706 of title 5, United States Code, or any other provision of law, if the regulations issued pursuant to paragraph (1)(B)(ii) are reviewed by a court, the court shall hold unlawful and set aside the regulations if the regulations are found to be unsupported by a preponderance of the evidence.

(c) PROHIBITION ON IMPOSITION OF SANCTIONS.—Until such time as the Administrator has carried out subsection (b)(1)—

(1) the Administrator may not issue a finding, disapproval, or determination under section 179(a) of the Clean Air Act (42 U.S.C. 7509(a)), or apply a sanction specified in section 179(b) of the Act, to a State with respect to a failure to implement a program described in subsection (a), or any portion of such a program; and

(2) the Administrator and the Administrator of the Federal Highway Administration of the Department of Transportation may not take any adverse action, against a State with respect to a failure described in paragraph (1), under—

(A) section 176 of the Clean Air Act (42 U.S.C. 7506);

(B) chapter 53 of title 49, United States Code;

(C) subpart T of part 51, or subpart A of part 93, of title 40, Code of Federal Regulations (commonly known as the "transportation conformity rule"); or

(D) part 6, 51, or 93 of title 40, Code of Federal Regulations (commonly known as the "general conformity rule").

(d) FULL CREDIT FOR DECENTRALIZED PROGRAMS.—Until such time as the Administrator has carried out subsection (b)(1), for the purpose of the attainment demonstration and the reasonable further progress demonstration required under section 182(c)(2) of the Clean Air Act (42 U.S.C. 7511a(c)(2)), the Administrator shall—

(1) deem that the emission reductions calculated by States for inspection and maintenance under their State implementation plans would be achieved as if the planned program had been implemented; or

(2) if appropriate, consider the operation of the program described in subsection (a) on a decentralized basis as equivalent to the operation of the program on a centralized basis in any case in which a State demonstrates that a determination of such an equivalency is reasonable.•

By Mr. McCONNELL:

S. 250. A bill to amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

THE LITIGATION IMPACT STATEMENTS ACT OF 1995

• Mr. McCONNELL. Mr. President, today, I am introducing a bill that joins the effort to improve our legal system with the goal of eliminating unfunded Federal mandates.

Too often, Mr. President, Congress passes a bill without regard as to its impact on the court system. How many new cases will the law generate? Will they be Federal court cases or State court cases? How much will it cost government to enforce the new law through the legal system? How much liability will government, as well as the private sector, incur as a result of the new law?

These questions are rarely asked by Congress before a bill becomes law. The bill I am introducing will change all of that. It requires the Administrative Office of the U.S. Courts to provide a litigation impact statement for all bills reported from committees—except private relief bills and appropriation bills.

The A.O. is equipped to perform this task; in fact, the staff already does provide a judicial impact statement for certain bills. They did it for the Violence Against Women's Act, and they did for a bill I introduced in the 102d Congress, the Pornography Victims' Compensation Act.

In 1994, more than 281,000 new cases were filed in the Federal courts, with an increase in the civil filings of 3 percent over last year—Interestingly, the criminal filings have gone down.

In 4 of the last 5 years, filings in the Federal courts have increased. This increase in court filings occurs at the State level, where hundreds of thousands of cases are also filed. Too many of these cases are a direct result of Federal legislation enacted without a thought as to the effect on the courts. My bill will give Congress the opportunity to consider, for every bill, what burdens it will create for the courts, as well as the financial impact for potential liability the new law will have on governmental and private entities. Cities and towns are spending more and more of their budgets on liability insurance, and part of the blame for that rests with Congress for the new laws creating runaway liability.

Will a litigation impact statement slow Congress down? I certainly hope so. It would be just fine with the American people, if Congress imposed fewer burdens on them. After all, they delivered a loud message last November. They said our government does not work properly; it's too big, too expensive and inefficient. So, before Congress goes off passing laws which will create more lawsuits, let's get Congress educated about the impact any new laws will have on our court system.

Congress already gets an assessment of the budget impact for any new legislation. Let's also have a litigation impact statement. It is a very good beginning on the road to reforming the legal system.

And on reforming the legal system, I will have more to say in the coming days. The time is right to undertake comprehensive reform of our legal system. I know it will be a top priority of the Senate Judiciary Committee, and I look forward to working with that committee on this issue.•

By Mr. MCCAIN:

S. 251. A bill to make provisions of title IV of the Trade Act of 1974 applicable to Cambodia; to the Committee on Finance.

MOST-FAVORED-NATION STATUS FOR CAMBODIA LEGISLATION

• Mr. MCCAIN. Mr. President, last year, I introduced legislation to clear up an anomaly in United States law that prohibits the President from granting Cambodia most-favored-nation status [MFN]. Despite my efforts, Cambodia is without MFN and the President is still without the statutory power to grant it. There were many more important issues for Congress to address in 1994. But MFN is very important to Cambodia. And it should be important to all of us interested in a stable and prosperous Southeast Asia. Accordingly, today, I am reintroducing legislation to grant MFN to Cambodia.

Areas of Indochina under Communist control, including significant portions of Cambodia, were denied MFN under the Trade Agreements Extension Act of 1951 and the 1974 Trade Act. Cambodia as a whole was denied MFN in 1975 by Executive action and its new trading status was confirmed by Congress in the 1988 Trade Act.

The 1974 Trade Act provided a process for restoring MFN to those nations then denied it. However, only a portion of Cambodia was denied MFN at the time the 1974 act was signed into law. There is no clear legal authority for restoring MFN to the entire nation under the processes established by the 1974 Trade Act. It cannot be restored by reversing the action taken in 1975 through an Executive order because Cambodia's non-MFN trading status was made law in the 1988 Trade Act. In short, the President wants to grant MFN to Cambodia, but lacks the authority to do so.

The legislation I am introducing would give the President the authority to grant Cambodia MFN status by bringing the entire country under the restoration procedure of the 1974 Trade Act. Under these procedures, Cambodia will have to demonstrate compliance with the requirements of the Jackson-Vanik amendment, reach a bilateral agreement with the United States, and have its status approved by the Congress. The President may also waive the requirements of Jackson-Vanik, which has for political reasons come to mean a policy decision far beyond the original concern for emigration, and immediately upon this legislation becoming law, extend MFN to Cambodia. Cambodia would be eligible to receive MFN by virtually the same process that all other non-MFN countries, except the Baltics, have received it since the signing of the 1974 Trade Act.

I want to emphasize that if this bill becomes law, the President will retain his prerogatives to respond to developments in Cambodia.

Despite some disturbing developments in Cambodia since I introduced this legislation for the first time last May, I remain hopeful for the future of Cambodia. Cambodia's democracy is a very fragile and incomplete one, but it is a democracy. It needs careful attention to fully develop and sustain the rights of the Cambodian people. Promoting economic development through open markets would offer considerable support for Cambodian democracy and demonstrate American concern for its future. I encourage my colleagues to act on legislation to grant MFN to Cambodia at the earliest possible opportunity.•

By Mr. THOMPSON (for himself, Mr. ASHCROFT, Mr. ABRAHAM, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. FRIST, Mrs. HUTCHISON, Mr. INHOFE, Mr. MACK, Mr. PACKWOOD, Mr. SMITH, and Mr. THOMAS):

S.J. Res. 21. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. THOMPSON. Mr. President, today, I, along with Senator ASHCROFT, will introduce a joint resolution to impose term limits on Members of Congress. This legislation will limit Members of the Senate to two terms and it will limit Members of the House to three terms. The time has come to pass this legislation. It is needed and it has the overwhelming support of the American people. In fact, never has there been an idea so popular that has received so little attention by the U.S. Congress. It is because term limits does not have to do with spending other people's tax money or regulating other people's lives as is the case with most legislation coming out of Congress. This provision, term limits, hits much closer to home. It calls for sacrifice or at least adjustment in the lives of ourselves. At least, with regard to those in Congress who see the Congress as a permanent career. It is time that the Congress put aside the personal interest that individual Members might have and respond to the will of the people, the good of the country, as well as the good of Congress as an institution.

Because term limits is not about punishing Congress or denigrating the institution of Congress, although it has come to the point where many in our society would love to do so. On the contrary. Term limits would strengthen and elevate Congress in the eyes of the

American people at a time when it is most needed. Today people feel alienated from their Government and have concluded that Congress does not have the will to deal with the tough challenges that face this country in the future. And who can disagree with that notion. Yesterday we passed out of the Judiciary Committee a balanced budget amendment to the Constitution. I have concluded, as I think most others have, that passage of a balanced budget amendment is absolutely necessary if we are going to avoid bankrupting the next generation. The reason is that Congress doesn't have the political will to do what we all know is necessary. Therefore, we must resort to the straitjacket of a balanced budget amendment. It is a reflection upon us and upon our current system that such a straitjacket is needed. But constitutional amendments with regard to specific matters cannot indefinitely save us from ourselves. We must start developing the will that is necessary to face tough issues. To me that means that we must have more people coming into the system who view service in the U.S. Congress not as a permanent career but as an interruption to a career. I believe that term limits would more likely produce individuals who would take on the tough challenges, since their careers would not be at stake every time they did so. It would also draw them into the system and encourage more citizens to run for office since they would not automatically face the difficult uphill struggle of running against a well-entrenched, well-financed incumbent.

There have been many Members who have served much longer than the limitations of this legislation would allow. A case can be made for the proposition that up until recently our current system has served us pretty well. There is no need to argue that point. However, different times and different circumstances require different measures. As the Federal Government has grown there has been a proliferation of special interest groups each with their demand on the Treasury and each holding a carrot and a stick for every Member of Congress. The carrot is political and financial support. And the stick is mobilizing of their forces in order to try to end a Member's career. So every time a Member takes a tough stand for the benefit of those yet unborn, who do not have votes, his career is on the line. For a Member whose entire future is based upon indefinite continued service, these forces are too often overwhelming. So we now have a $5 trillion debt and a deficit that will start to skyrocket again in 1998. Apparently, we have decided to let our children and grandchildren make the tough choices. That's not being responsible. Surely, we are better than that. We owe it to them to take the measures necessary to give us the best chance of putting ourselves in the position to deal with such problems. That is why we need term limits and I urge my colleagues support.

Mr. ASHCROFT. Mr. President, 1994 was a watershed year in America. Our people spoke with a clarity and intensity seldom heard in the halls of politics. Their voices reverberated across the continent like the revolutionary shot heard round the world at Lexington and Concord two centuries ago.

The voters' voice was a clarion cry for revolution in Washington, DC—a revolution that returns the right of self-governance to the people.

We, the American people, are self governing. We are free people. We have the right to govern ourselves. We have spilt American blood not only across this continent, but around the globe, to preserve our right to self-government.

Fifty years ago, to win the Battle of the Bulge, commanders compelled the cooks, the clerks, and the corpsmen to join the front lines and to defend our freedom of self-governance. For victory, all had to fight, all were necessary, none were excluded. Well, we again must invite everyone to join the battle and participate in victory for self-governance.

Those of us who were in the trenches of politics this year heard the battle cry for reentry by the public into the public policy arena. The citizens of this Nation are determined to regain the right to participate in their government. They want to reopen the door to self-governance—a door that too often has been slammed in their face. We must not slam it in their face again.

The people want the right to self-governance. They want the opportunity to decide on term limits.

Some say that the States can decide on term limits, but the courts have struck those statutes down almost uniformly. In one remaining case, the Arkansas case, the Attorney General, the executive branch, has slammed the door in the face of the people, saying they have no right to make such a determination; States and the people have no right to establish term limits, the executive branch says.

The judicial branch considering the case is likely to slam the door, as well, saying the people have no right to chart the course of their own future, to establish limits on the terms of those of us who have the privilege of representing the people in making public policy decisions here in Washington.

Congress, then, the last remaining branch of Government, holds the key to opening the door of self-governance to the people.

Back in 1951, the Congress sent to the American people the opportunity to enact term limits for the President. Congress could not enact them, but it called upon the people to make a judgment to participate in the process of public policy development.

Presidential term limits were not imposed by the Congress. The door of decisionmaking was swung wide for the people of this great country to decide whether or not they wanted term limits for the President. Indeed, they did decide; they participated. It was good public policy. They ratified the 22nd amendment.

The question is not whether we will provide term limits to America. The question is whether or not we will allow the American people the privilege of participating in public policy determinations, whether we will let the American people decide for themselves whether or not they want term limits for Members of the U.S. Congress.

I have a hint about what the American people believe and how they think. Twenty-two States have already overwhelmingly endorsed this concept. And of the States given the opportunity to make such a decision, the people voting in those States almost uniformly and without exception have endorsed the understanding that people should not go to Washington for an entire lifetime, but should go expecting to return from public service.

The question then is, will we let the people decide or will we slam the door of self-governance in the face of the American people again? We must let the people decide.

It is time for us to acknowledge again the principle of self-governance. Let the people decide.

It is time that we trust our people, the people of America, as our forefathers did. Let the people decide.

Let us demolish the misleading myth that Congress exists to protect people from themselves. We must instead respect the reality that there is wisdom in the people. We must acknowledge the reality that self-governance is not simply a politically expedient idea, it is, in fact, governmentally beneficial.

The people are eager to participate in shaping the tomorrows in which they live and in which all of us work. They are demanding the opportunity to decide whether or not to limit the terms of Members of this body and of the U.S. House of Representatives.

As servants of the people, we must pass a resolution on term limits that recognizes that term limits cannot be in the exclusive province of the House or Senate, but this is a decision to be reached by the American people. This is an opportunity for self-governance.

They have spoken with clarity and intensity this year, saying they want us to reopen the door of opportunity to decisionmaking and let them decide. I submit that we must respond to their call; that we must pass a resolution on term limits and thereby let the people decide to enact or reject term limits as they would apply to the U.S. House of Representatives and the U.S. Senate.

Mr. BOND. Mr. President, my colleague from Missouri comes to the floor for his first floor statement on an issue that will not surprise any of his fellow Missourians, and that is a message of change.

Change is what JOHN ASHCROFT talked about so clearly during his campaign, and now he is doing exactly what he told the people of Missouri he would do if they sent him here—to be a leader for change.

I take great pleasure in cosponsoring this legislation for term limits, because I think this is a very important first step toward doing actually what the people so clearly indicated they wanted done last November 8. It is no surprise to me that JOHN ASHCROFT is leading the way.

JOHN is an old and very dear friend. I have come to know him as an American patriot. He believes in this country and its people. He is able to cut through the fog of confusion that so often surrounds public policy issues. Missourians know him as a plain speaker in the finest Missouri tradition. He knows what he believes and how to say it so everyone knows just exactly what he believes. We once had a President with the same reputation from Missouri. What JOHN ASHCROFT believes is shaped by an upbringing that reflects the essence of middle-American values, its traditions and beliefs.

JOHN is one of three boys raised in Springfield, MO. His family was modest of means, but rich in respect for their community, for each other, and for their God.

Earlier this month, JOHN's father, Dr. J. Robert Ashcroft a highly respected educational and religious leader, passed away after returning home to Missouri from witnessing JOHN's swearing-in as a U.S. Senator in this Chamber. Dr. Ashcroft's passing was a great loss to Missouri, but his contribution, his memory, and his commitment will live on. We have suffered the loss along with JOHN and his family, but we know that he knew his son would continue his efforts to serve, and to serve his fellow man. We all give thanks for Dr. Ashcroft's life and the many lives which he touched while he was with us.

JOHN ASHCROFT has served as Missouri's State auditor—he followed me in that job—and then he served as attorney general, following John Danforth. He followed me as Governor. He understands State government and its relationship with the Federal Government. He also knows something about cleaning up the problems that have been left behind.

At a time when Congress will reexamine the relationship and hopefully return much of the decisionmaking back to the States, Americans will have no better leader than JOHN ASHCROFT.

So we hear today from a plain-spoken Missourian what will undoubtedly be the first of many clearly reasoned, morally grounded floor speeches from our good friend, JOHN ASHCROFT.

I would say that our fellow Senators will understand very well his contributions. We value JOHN ASHCROFT's friendship. We welcome him and his wife, Janet, to Washington. I am confident that all my colleagues will come to know and respect him as I have. It will be a great and very meaningful friendship for all Members.

By Mr. GRAMS (for himself, Mr. LOTT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, and Mr. MACK):

Senate Joint Resolution 22. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

THE TAXPAYER PROTECTION BALANCED BUDGET AMENDMENT

• Mr. GRAMS. Mr. President, I am today introducing legislation calling for a balanced budget amendment to the Constitution. I am pleased to be joined by the distingshed majority whip, Senator LOTT, and my colleagues, Senators INHOFE, and THOMAS.

This legislation is what the American people are calling for. It balances the budget, but ensures that it is not balanced on the backs of the American taxpayers.

There is no question that Congress must pass a balanced budget amendment and send it to the States for ratification. For years, Washington has been racking up deficits. In the process, we've racked up $4½ trillion national debt. And sadly, we've got very little to show for it.

Without the balanced budget amendment, Congress will continue it deficit-digging, debt-building ways. That's bad news for the taxpayers and worse news for our children.

If you look at every so-called deficit reduction package Congress has passed in the last decade, you'll find that each one follows a consistent formula. Raise taxes now. Cut spending later.

Tragically, however, once Congress raised in taxes, it always forgot about the spending cuts. So, year after year, taxes would go up, spending would go up, and the deficit would go up, too. It's time to put an end to this madness.

That's why I am today introducing a taxpayer protection balanced budget amendment in the Senate. My amendment would require a three-fifths super majority vote in both houses of Congress to raise taxes.

A supermajority requirement is the best way to show the American taxpayers that Congress is serious about balancing the budget through spending cuts, and not through higher taxes.

That's what I promised the taxpayers of Minnesota during my campaign for the U.S. Senate. That's what they elected me to do. That's what my bill delivers.

Is there enough support in Congress to pass it? If we listen to the folks back home there sure ought to be.

A poll released today by the American Conservative Union that shows that the American people overwhelmingly support the supermajority requirement.

In fact, two thirds of those who already support a balanced budget amendment say that without a supermajority provision, the bill would be a sham.

The people have spoken. A balanced budget must be achieved through cuts in Government spending. Americans are willing to do that, but they aren't willing to be patsies for a big-spending government that just hasn't learned when to say "no."

The supermajority requirement is simply good government, and Americans support it just as they support the $500 per-child tax credit. They're tired of watching their paychecks grow smaller while Washington grows bigger.

They voted for change last November, and it's our job to see that they get it.

That's what's best for the taxpayers, that's what's best for our children, that's what's best for Minnesota, that's what's best for America.•

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 4, a bill to grant the power to the President to reduce budget authority.

S. 11

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 11, a bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes.

S. 22

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 22, a bill to require Federal agencies to prepare private property taking impact analyses.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the names of the Senator from Arizona [Mr. KYL] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 194, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 218

At the request of Mr. MCCONNELL, the names of the Senator from Kansas [Mr. DOLE] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 218, a bill to repeal the National Voter Registration Act of 1993, and for other purposes.

S. 228

At the request of Mr. BRYAN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 228, a bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

S. 230

At the request of Mr. DOLE, the names of the Senator from California [Mrs. BOXER] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 230, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

AMENDMENT NO. 144

At the request of Mr. BUMPERS, the names of the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. DORGAN], the Senator from North Dakota [Mr. CONRAD], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Amendment No. 144 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential government priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

SENATE CONCURRENT RESOLUTION 2—RELATIVE TO THE REPUBLIC OF CHINA

Mr. DORGAN submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 2

Whereas the trade surplus of the People's Republic of China with the United States has exploded in recent years, increasing from $3,500,000,000 in 1988 to about $30,000,000,000 in 1994;

Whereas the United States share of the People's Republic of China's wheat imports has decreased from 52 percent in 1988 to between 30 and 40 percent in the past 5 years;

Whereas the Government of the People's Republic of China has chosen to increase its purchases of wheat from other exporting nations despite the incentives the United States offers to the People's Republic of China to make United States wheat competitive in the world market; and

Whereas the People's Republic of China's reduction in purchases of United States wheat during a period of rapid growth in the People's Republic of China's trade surplus with the United States aggravates the serious trade imbalance between the 2 nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting under his authority in trade matters, should insist that the Government of the People's Republic of China purchase a majority of the wheat it imports from the United States as an indication that the People's Republic of China is concerned about the trade imbalance between the 2 nations and wants to restore a healthy, reciprocal trading partnership.

SENATE CONCURRENT RESOLUTION 3—RELATIVE TO TAIWAN AND THE UNITED NATIONS

Mr. SIMON (for himself and Mr. BROWN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 3

Whereas, China has been a divided nation since 1949, and the governments of the Republic of China on Taiwan (hereinafter cited as "Taiwan") and the People's Republic of China on Mainland China (hereinafter cited as "Mainland China") have exercised exclusive jurisdiction over separate parts of China;

Whereas, Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

Whereas, Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994 balloting for local and provincial officials;

Whereas, the 21 million people on Taiwan are not represented in the United Nations and their human rights as citizens of the world are therefore severely abridged;

Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

Whereas, Taiwan has much to contribute to the work and funding of the United Nations;

Whereas, Taiwan has demonstrated its commitment to the world community by responding to international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by providing financial donations, medical assistance, and other forms of aid;

Whereas, the world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as an observer at the General Agreement on Tariffs and Trade as the first step toward becoming a contracting party to that organization;

Whereas, The United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

Whereas, Taiwan has repeatedly stated that its participation in international organizations is that of a divided nation, with no intention to challenge the current international status of Mainland China;

Whereas, the United Nations and other international organizations have established precedents concerning the admission of separate parts of divided nations, such as Korea and Germany; and

Whereas, Taiwan's participation in international organizations would not prevent or imperil a future voluntary union between Taiwan and Mainland China any more than the recognition of separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Taiwan deserves full participation, including a seat, in the United Nations; and

(2) the government of the United States should immediately encourage the United Nations to establish an ad hoc committee for the purpose of studying membership for Taiwan in that organization and its related agencies.

Mr. SIMON. Mr. President, there are more than 180 countries in the United Nations. They range from the world's largest countries in area, in population, in economic output, down to some very small countries indeed, countries that are smaller than some counties in my own State of Illinois. I have nothing against those small countries being members of the United Nations. On the contrary, I feel that any country capable of making a real contribution to the activities of the United Nations should have the opportunity to do so as a full member of that organization.

For that reason, it is all the more unfortunate that a country of 21 million people, a country that has made great strides in consolidating democratic institutions and practices, a country that has become a significant economic power and a major contributor to international assistance efforts—that such a country should find itself closed out of the United Nations.

I am speaking, of course, of Taiwan.

Together with my cosponsor, Senator BROWN, I am pleased to submit today a Senate Concurrent Resolution that reaffirms, as the sense of the Senate, what many of us in this Chamber have already concluded: That Taiwan deserves to participate fully in the United Nations as a full member, and that the U.S. Government should encourage the United Nations to begin studying means to bring this about. Congressman SOLOMON introduced an identical resolution, House Concurrent Resolution 8, earlier this month.

I would especially like to call my colleagues' attention to a particular element of this resolution: namely, that in seeking membership in the United Nations and other international institutions, Taipei does not intend to challenge the current international status of Beijing. Rather, Taiwan would seek admission as part of a divided nation. There are precedents for this; this has worked before. East and West Germany were admitted to the United Nations as separate parts of a divided nation; North and South Korea were admitted to the United Nations as separate parts of a divided nation.

I am pleased that, last June, the Senate agreed to by voice vote a similar resolution expressing the sense that Taiwan should be brought into the United Nations. There have been some changes in the political makeup of the Congress since then. I think that is all the more reason, then, that the Senate should go on record and affirm something that has not changed: Our support for Taiwan's integration into international institutions. I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

UNFUNDED MANDATES ACT

GRAMM AMENDMENTS NOS. 149–150

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments, intended to be proposed by him, to the bill S. 1 to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities and to ensure that the Federal Government pays the costs incurred by those Governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; as follows:

AMENDMENT NO. 149

At the end of the amendment, insert the following:

"( ) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amendment form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form."

AMENDMENT NO. 150

At the end of the amendment, insert the following:

WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting "408(c)," after "313,".

LIEBERMAN (AND OTHERS) AMENDMENT NO. 151

Mr. LIEBERMAN (for himself, Mr. KERRY, Mr. LEVIN, Mr. LAUTENBERG, Mr. BUMPERS, Mr. DORGAN, Mr. GLENN, Mr. KERREY, Mr. WELLSTONE, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

At the end of the amendment, add the following:

"(6) EXCLUSION.—For purposes of paragraph (1)(B), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

LIEBERMAN (AND OTHERS) AMENDMENT NOS. 152–154

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. KERRY, Mr. LEVIN, Mr. LAUTENBERG, Mr. BUMPERS, and Mr. DORGAN) submitted four amendments intended to be proposed by them to the bill, S. 1, supra; as follows:

AMENDMENT NO. 152

At the end of the amendment, add the following:

"(6) EXCLUSION.—For purposes of paragraph (1)(B), the term "Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

AMENDMENT NO. 153

At the appropriate place, add the following:

"(6) EXCLUSION.—For purposes of paragraph (1)(B), section 408(c), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

AMENDMENT NO. 154

At the appropriate place, add the following:

"(6) EXCLUSION.—For purposes of paragraph (1)(B), section 408(c), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

KOHL AMENDMENTS NOS. 155–157

(Ordered to lie on the table.)

Mr. KOHL submitted three amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 155

In lieu of the language proposed to be inserted on page 24, line 21, insert the following: "; and

"(v) the bill, joint resolution, amendment, motion, or conference report provides that any State, local, or tribal government that already complies with the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report shall not be ineligible to receive funds for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the new mandate."

AMENDMENT NO. 156

In lieu of the language proposed to be inserted on page 24, line 21, insert the following: "; and

"(v) the bill, joint resolution, amendment, motion, or conference report provides that any State, local, or tribal government that already complies with the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report can be eligible to receive funds for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the new mandate."

AMENDMENT NO. 157

In lieu of the language proposed to be inserted on page 24, line 21, insert the following: "; and

"(v) the bill, joint resolution, amendment, motion, or conference report provides that any State, local, or tribal government that already complies with the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report shall be eligible, subject to any conditions to receive funds for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the new mandate."

GLENN AMENDMENTS NOS. 158–159

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 158

On page 2, line 4, after "Senate", insert ", after third reading or at any other time when no further amendments are in order.".

AMENDMENT NO. 159

At line 2, after "prohibit", insert "or prevent".

BOXER AMENDMENT NO. 160

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1, supra; as follows:

At the end of amendment No. 42 add the following:

SEC. . SENSE OF THE CONGRESS REGARDING ILLEGAL IMMIGRATION.

It is the sense of the Congress that—

(1) the requirements of this Act relating to Federal intergovernmental mandates should apply to—

(A) any provision in legislation, statute, or regulation, that would impose costs upon State, local, or tribal governments to provide services to illegal immigrants; and

(B) any failure of the Federal Government to meet a Federal responsibility that results in costs to State, local, or tribal governments with respect to illegal immigrants on or after the date of enactment of this Act of 1995; and

(2) not later than 3 months after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations should develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(A) education;

(B) incarceration; and

(C) health care.

BINGAMAN AMENDMENTS NOS. 161–163

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 161

Insert on p. 13, line 9:

"(7) is a condition of receipt of a Federal license."

AMENDMENT NO. 162

Insert on p. 13, line 9:

"(7) constitutes a law enforcement provision relating to organized crime."

AMENDMENT NO. 163

Insert on p. 13, line 9:

"(7) is a requirement for the treatment or disposal of nuclear and hazardous waste."

GRAHAM AMENDMENTS NOS. 164–166

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 164

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE.

Title III shall take effect on July 1, 1995.

AMENDMENT NO. 165

On page 6, strike line 3 and all that follows through line 10, and insert the following:

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the exercise of powers relating to immigration that are the responsibility or under the authority of the Federal Government and whose reduction or elimination would result in a shifting of the costs of addressing immigration expenses to the States, local governments, and tribal governments; or".

AMENDMENT NO. 166

On page 16, between lines 12 and 13, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government."

BOXER (AND OTHERS) AMENDMENTS NOS. 167–168

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. REID, and Mr. WELLSTONE) submitted two amendments intended to be proposed by them to the bill, S. 1, supra, as follows:

AMENDMENT NO. 167

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

(a) FINDINGS.—Congress finds that—

(1) there are approximately 900 clinics in the United States providing reproductive health services;

(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

(7) persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

(8) the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

(9) the President has instructed the Attorney General to order—

(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

AMENDMENT NO. 168

At the appropriate place insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

(a) FINDINGS.—Congress finds that—

(1) there are approximately 900 clinics in the United States providing reproductive health services;

(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion; and

(7) the President has instructed the Attorney General to order—

(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

(c) nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution.

NICKLES (AND OTHERS) AMENDMENT NO. 169

Mr. NICKLES (for himself, Mr. DOMENICI, and Mr. SHELBY) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

At the end of the pending amendment, add the following:

(6) Notwithstanding any other provision of this Act, an agency statement prepared pursuant to Section 202(a) shall also be prepared for a Federal Private Sector Mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

LEVIN (AND OTHERS) AMENDMENT NO 170

Mr. LEVIN (for himself, Mr. MCCONNELL, Mr. GLENN, Mr. KEMPTHORNE, and Mr. GRASSLEY) proposed an amendment to the bill S. 1, supra; as follows:

On page 12, line 18, insert "age" after "gender,".

WELLSTONE (AND DODD) AMENDMENT NO. 171

Mr. WELLSTONE (for himself and Mr. DODD) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

At the end of the language proposed to be inserted, add the following:

SEC. . CHILDREN'S IMPACT STATEMENT.

Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

LEVIN AMENDMENTS NOS. 172–177

(Ordered to lie on the table.)

Mr. LEVIN submitted six amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 172

On page 38, after line 25 insert the following:

"SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect with respect to regulations proposed on or after January 1, 1996."

AMENDMENT NO. 173

On page 26, between lines 5 and 6 insert the following:

(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct cost of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment or motion of such Member.

AMENDMENT NO. 174

On page 17, insert between lines 17 and 18 the following new paragraph:

"(7) COMMITTEE DETERMINATIONS OF MANDATE DISADVANTAGEOUS TO PRIVATE SECTOR; WAIVER OF POINT OF ORDER.—If a committee of authorization of the Senate or the House of Representatives determines based on the statement required under determines based on the statement required under paragraph (3)(C) that there would be a significant competitive disadvantage to the private sector if a Federal mandate contained in the legislation to which the statement applies were waived for State, local and tribal governments or the costs of such mandate to the State, local, and tribal governments were paid by the Federal Government, then no point of order under subsection (c)(1)(B) will lie.

AMENDMENT NO. 175

On page 33, strike out lines 9 through 12 and insert in lieu thereof the following:

SEC. 107. SENATE JOINT HEARINGS ON UNFUNDED FEDERAL MANDATES

No later than December 31, 1998, the Senate Governmental Affairs Committee and the Senate Budget Committee shall hold joint hearings on the operations of the amendments made by this title and report to the full Senate on their findings and recommendations.

SEC. 108. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on January 1, 1996;

(2) apply only to legislation considered on or after January 1, 1996; and

(3) have no force or effect on and after January 1, 2002.

AMENDMENT NO. 176

On page 24, line 18, strike out "mandate to be ineffective" and insert in lieu thereof "mandate to be ineffective as applied to State, local, and tribal governments".

AMENDMENT NO. 177

On page 14, line 19 strike "expected".

On page 22, line 12 strike "estimated".

On page 22, line 22 strike "estimated".

On page 23, line 2 strike "estimated".

On page 23, line 4 and 5 strike "a specific dollar amount estimate of the full" and insert in lieu thereof "the".

On page 24, line 8 strike "estimated".

On page 24, line 15 strike "estimated".

DORGAN (AND HARKIN) AMENDMENT NO. 178

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 1, supra; as follows:

At the end of the bill, add the following:

TITLE V—INTEREST RATE REPORTING REQUIREMENT

SEC. 501. REPORT BY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) REPORT REQUIRED.—Not later than 30 days after the Board or the Committee takes any action to change the discount rate or the Federal funds rate, the Board shall submit a report to the Congress and to the President which shall include a detailed analysis of the projected costs of that action, and the projected costs of any associated changes in market interest rates, during the 5-year period following that action.

(b) CONTENTS.—The report required by subsection (a) shall include an analysis of the costs imposed by such action on—

(1) Federal, State, and local government borrowing, including costs associated with debt service payments; and

(2) private sector borrowing, including costs imposed on—

(A) consumers;

(B) small businesses;

(C) homeowners; and

(D) commercial lenders.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Board" means the Board of Governors of the Federal Reserve System; and

(2) the term "Committee" means the Federal Open Market Committee established under section 12A of the Federal Reserve Act.

DORGAN AMENDMENT NO. 179

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1, supra; as follows:

At the appropriate place, insert the following:

SEC. . CALCULATION OF THE CONSUMER PRICE INDEX.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chairman of the Board of Governors of the Federal Reserve System has maintained that the current Consumer Price Index overstates inflation by as much as 50 percent.

(2) Other expert opinions on the Consumer Price Index range from estimates of a modest overstatement to the possibility of an understatement of the rate of inflation.

(3) Some leaders in the Congress have called for an immediate change in the way in which the Consumer Price Index is calculated.

(4) Changing the Consumer Price Index in the manner recommended by the Board of Governors of the Federal Reserve System would result in both reductions in Social Security benefits and increases in income taxes.

(5) The Bureau of Labor Statistics, which has responsibility for the Consumer Price Index, has been working to identify and correct problems with the way in which the Consumer Price Index is now calculated.

(6) Calculation of the Consumer Price Index should be based on sound economic principles and not on political pressure.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue; and

(2) any change in the calculation of the Consumer Price Index should result from thoughtful study and analysis and should be a result of a consensus reached by the experts, not pressure exerted by politicians.

DORGAN (AND OTHERS) AMENDMENT NO. 180

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mrs. KASSEBAUM, and Mr. REID) submitted an amendment intended to be proposed by them to the bill, S. 1, supra; as follows:

On page 38 after line 25, insert the following:

SEC. 205. TERMINATION OF REQUIREMENTS FOR METRIC SYSTEM OF MEASUREMENT.

(a) IN GENERAL.—Subject to subsection (b) and (c) and notwithstanding any other provision of law, no department, agency, or other entity of the Federal Government may require that any State, local, or tribal government utilize a metric system of measurement.

(b) EXCEPTION.—A department, agency, or other entity of the Federal Government may require the utilization of a metric system of measurement by a State, local, or tribal government in a particular activity, project, or transaction that is pending on the date of the enactment of this Act if the head of such department, agency, or other entity determines that the termination of such requirement with respect to such activity, project, or transaction will result in a substantial additional cost to the Federal Government in such activity, project, or transaction.

(c) SUNSET.—Subsection (a) shall cease to be effective on October 1, 1997.

On page 41, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENT FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be unfunded mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, February 7, 1995, at 9:30 a.m., in room 332 of the Russell Senate Office Building. The topic for the hearing is "What Tax Policy Reforms Will Help Strengthen American Agriculture and Agribusiness?" For further information, please contact Katherine Brunett of the Agriculture Committee staff at 244-9778.

Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, February 14, 1995, at 9:30 a.m., in room 332 of the Russell Senate Office Building. The topic for the hearing is "What Regulatory Reforms Will Help Strengthen Agriculture and Agribusiness?" For further information, please contact Terri Nintemann of the Agriculture Committee staff at 244-3921.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, January 19, 1995, in open session, to receive testimony on the condition of the Armed Forces and future trends.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, January 19, 1995, session of the Senate for the purpose of conducting a hearing on the issue of the nomination of Robert Pitofsky, of Maryland, to be Federal Trade Commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meeting during the session of the Senate on Thursday, January 19, 1995, for purposes of conducting a full committee oversight hearing which is scheduled to begin at 2 p.m. The purpose of the hearing is to review the implications of the North Korean nuclear framework.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on oversight of Jobs Corps, during the session of the Senate on Thursday, January 19, 1995, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, January 19, 1995, at 9:15 a.m., to hold hearings on Senate committee funding resolutions. The committee will receive testimony from the chairmen and ranking members of the following committees: Intelligence, Appropriations, Labor, Indian Affairs, Commerce, Banking, Governmental Affairs, Veterans' Affairs, Armed Services, Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHECHNYA AND THE FUTURE OF RUSSIAN CIVIL SOCIETY

• Mr. SIMON. Mr. President, I am sure that, like me, my colleagues in this Chamber have been appalled by the pictures coming out of Chechnya. There is a grim familiarity to the events taking place there. Massive military force sent by Moscow to take on lightly armed, or unarmed, civilians: this is something we saw in Hungary in 1956, in Czechoslovakia in 1968, in Afghanistan in 1979. We hoped we wouldn't see it again.

With Chechnya, though, we are also seeing something new, and very significant. With the exception of the ultranationalists on the one hand, and the diehard pro-Yeltsin camp on the other, Russian public opinion has risen up in outspoken opposition to a war they feel is not worth the cost. Not worth the cost in lives; not worth the cost in money; not worth the cost to Russia's name in the world community.

Freedom of speech is one of the foundations of a democratic system, and there's no guarantees that that freedom, or that democracy itself, have taken permanent root in Russia. But the reaction of the Russian public to the war in Chechnya is a heartening indication that the first shoots of a civil society are beginning to appear in Russia.

In a recent column William Safire makes this point very well, contrasting the tumultuous energy of Russia's political environment with the deceptive stability of one-party rule in China. I ask that Mr. Safire's column "Yeltsin's Tiananmen," be printed in the RECORD in full.

The column follows:

YELTSIN'S TIANANMEN

WASHINGTON.—Which great power is more unstable today—China or Russia?

The quick answer, of course, is Russia. The elected leader, Boris Yeltsin, is besieged in Moscow after his bloody siege of Grozny, capital of the Connecticut-sized breakaway republic of Chechnya.

Russian television showed vivid pictures of the bombing of that city even as it showed Yeltsin saying it wasn't so; then the cameras showed Yeltsin upbraiding his Defense Minister for making him look like a liar.

As Helmut Kohl telephoned to tell him that world opinion frowns on the savage method his Russian Federation is using to preserve its borders, Bill Clinton wrote a "Dear Boris" letter reaffirming support of Federation unity but stressing how "distressed" he is at civilian deaths and suggesting mediation by an organization of 53 nations.

What's Yeltsin to do? The Chechens are dead serious about secession. If Russia lets Chechnya go, other Causasian dominoes will fall and Moscow will be denied the Caspian oil it needs to rule a hundred nationalities across 11 time zones.

He tried negotiation, which was met by a declaration of independence; he tried an internal coup, which flopped; now he's trying force, which is bringing world obloquy on his head because the Chechens are fiercely fighting for their homeland and the Russian Army has no heart for a lengthy guerrilla battle, especially after its loss in Afghanistan.

All that—added to Yeltsin's personal punchiness and isolation—is why Russia appears unstable. We tend to equate the future of democracy with the future of Yeltsin, who is on his last leg.

But consider the political miracle taking place in Moscow today. An unpopular and unjust war is being denounced in the Parliament, with reformer Grigory Yavlinsky, openly calling for Yeltsin's resignation. The military is publicly divided between conscience-stricken warriors and hard-line incompetents. Free speech is spilling out all over.

The newspapers, after centuries of czarist and Communist docility, are crusading: a picture of Defense Minister Pavel Grachev is captioned "the most talentless commander in Russia." And the television crews are bringing home the horror of the war just as American cameramen did in Vietnam, with similar impact on Russian public opinion.

This is wonderful. The world should be proud of the Russian people, who should be prouder of themselves for exercising their new-found freedom to debate a great issue.

Contrast that democratic turmoil to the facade of "stability" in China. With the death of Deng Xiaoping imminent, the leadership is cracking down on dissidents.

By jailing its leading independent thinkers, the regime in Bejing reveals its inherent weakness. The new imprisonment of the courageous Wei Jingsheng, China's Sakharov, was the tip-off that the leadership fears a popular uprising, this time led by angry workers rather than idealistic students. As Deng sinks, the number of panicky arrests rises.

This demonstrates again that succession in a Communist state is a ruthless wrestle for power within an impenetrable clique. It mocks the assurances of China's Western apologists that a market economy leads to political freedom.

In a litchi nutshell, here's the play:

Yang Shangkun, an old army leader whose powerful family was neutralized by Deng, is close to Adm. Liu Huaqing, the nation's top military leader. They may challenge Deng's protégés, party boss Jiang Zemin and Prime Minister Li Peng, by backing economic chief, Zhu Rongji, or promoting a next-generation politician, Hu Jintao, or by backing Qiao Shi, the former national security adviser and now chairman of the rubber-stamp People's Congress, hereinafter known as "China's Newt Gingrich."

What do 1.2 billion Chinese have to say about all this? Zilch. (Analysts in Bejing, aware of the exclusive accuracy of my prediction of Mao's successor in the 70's, will have to puzzle out "zilch.") And therein lies real instability.

A monolithic, totalitarian state, repressing the spirit of freedom, only seems secure; we have seen how it can suddenly collapse. A noisy, unruly democratic state, drawing on the legitimacy of free elections, is more secure—no matter how shaky the leadership. That's why Russia is in better political shape than China.•

LEGISLATION RELATING TO THE CLEAN AIR ACT AMENDMENTS OF 1990

• Mr. WARNER. Mr. President, I am pleased today to join as a cosponsor of legislation to require that the Environmental Protection Agency allow States to meet the requirements of the Clean Air Act as intended by Congress by pursuing options that best meet their own circumstances.

As a member of the Committee on Environment and Public Works during the development of the Clean Air Act in 1990, I can confirm that it was recognized that the requirements for an enhanced inspection and maintenance program would require some States to modify their current emission test and repair programs. It was our full intention, however, to allow States to operate a decentralized automobile emissions inspection and maintenance program to meet the requirements of the act.

In developing regulations to implement the enhanced I&M program, EPA did not follow the direction of the Congress and provisions of the statute. Instead, EPA mandated that States operate a centralized testing program by giving States only 50 percent credit toward achieving the 15-percent reduction in emissions if they elected to sponsor a decentralized program.

As States have attempted to work with EPA to develop emission reduction plans that would comply with the act, it has become clear that the Agency is mandating that States implement only one approach. This inflexible approach limits the ability of our States to pursue programs unique to their circumstances. Mr. President, I believe that encouraging States to devise their own programs with assistance from the Federal Government is the crucial element in whether any Federal program is successful or not. As EPA has consistently demanded a centralized testing program which uses the very costly IM-240 equipment, the program is on the brink of failure. States are overwhelmingly rejecting EPA's version of an enhanced I&M program, consumers are losing confidence in the benefits of an automobile emissions program and valuable resources are being wasted.

Mr. President, there is more than one way to ensure that we achieve the maximum amount of automobile emissions reductions in our fight to improve air quality, but EPA is threatening States with the loss of critical highway funds unless States do it only their way.

Mr. President, that is not what the law says and that is not what our States should be required to do.

The Clean Air Act specifically allows for States to demonstrate to the satisfaction of the Administrator that a decentralized program will be equally effective to a centralized testing program. In the case of my State, Virginia has been repeatedly denied the opportunity by EPA to show that their revised decentralized test and repair program would be as effective as a centralized program in meeting air quality standards.

Since early last year, Virginia has attempted to work with EPA to develop a program that would bring the northern Virginia area into compliance with air quality standards. Unfortunately, EPA has been less concerned with the results of my State's emissions reduction plan, than with the process Virginia chooses to achieve these results.

In an effort to comply with the Clean Air Act, Virginia has presented two plans. The first plan was rejected by EPA because it included a decentralized test and repair program with operator certification and more enforcement, as opposed to a fully centralized program operated by State employees or State-hired contractors. The second plan which Virginia has offered has been the subject of extensive discussions, but no final resolution. The last meeting occurred on October 20, 1994, between EPA and Virginia with EPA pledging to respond to the State's proposal. To date, EPA has not responded.

During this time, Virginia has operated under a regulatory determination known as a protective finding for transportation conformity. This designation allows transportation projects to go forward on the assumption that Virginia will soon have an approved emissions reduction plan.

Time is short, Mr. President, and our protective finding expires this month. The EPA has repeatedly stated that, without an approved plan, Virginia would be subject to the loss of over $378 million in annual highway funds which Virginia drivers have paid into the highway trust fund. Also, any new transportation projects proposed for addition to our Transportation Improvement Program until Virginia's 15 percent emissions reduction plan is approved.

These are significant penalties because it means that new major highway plans or modifications to existing plans cannot go forward. Not only would approval for Federal projects be denied, State and local approvals for projects on larger roads would be prohibited.

Mr. President, northern Virginia, an area already choking on traffic gridlock that paralyzes our lives daily and results in a tremendous loss of economic productivity, must not suffer from EPA's bureaucratic inflexibility. Should EPA repeal Virginia's protective finding, 138 million dollar's worth of northern Virginia projects in 1995 alone would be impacted.

Mr. President, these are extremely harsh penalties that bear no relationship to the issues at hand. Virginia has committed to improving air quality to meet the Federal standards. We only ask that we be permitted as provided in the law to select the most cost effective options that will achieve these important goals.

As a member of the Committee on Environment and Public Works, I look forward to working with my colleagues so that we can take prompt action on this important legislation.•

COL. SETH WARNER

• Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's great Revolutionary War heroes, Col. Seth Warner. Tragically, the accomplishments of this extraordinary American have not been properly heralded by history, and I believe the time is past due for us to honor him. I salute the dedication of Edward S. Caco, Jr., of Roxbury, CT, in researching and recognizing the Colonel's great work and life. I have set forth below a discussion of Colonel Warner's life prepared by Mr. Caco. I can only hope this entry, by Mr. Caco, describing the importance of the Colonel's contribution to American independence, helps to bring the recognition he deserves. I sincerely thank Mr. Caco for his fine work on Colonel Warner's life.

* * * Colonel Seth Warner was born in Roxbury on the 17th day of May, 1743. As a man, he was over six feet tall, and was courageous and commanding. Engaged in the controversy with New York, he was fully prepared to engage in our Revolutionary struggle. He was personally present in many engagements in the northern colonies. It has been reported that General Washington relied especially upon Colonel Ethan Allen and Colonel Seth Warner [who were cousins], considering them as among the most active, daring, and trustworthy of this officers.

Not long after the victories of Ticonderoga and Crown Point, Seth Warner was appointed as a Delegate to the Continental Congress. Shortly thereafter, he was enrolled as part of the regular Continental Army. Seth Warner was appointed the Commander of the regiment by the officers and men, who felt that his calm and wise judgment would serve them best in the serious business of war that lie ahead.

It was at Longueil Canada in 1775 that Colonel Warner fought a rear guard action against the advancing enemy, covering the retreat of General Sullivan. The retreat became a route and it was Colonel Warner that protected the rear and brought up the sick and wounded. The stricken and defeated army made its way to the safety of Crown Point, and later on to Ticonderoga. Though the Colonel was successful in carrying out his orders, it was this flight from the enemy forces which broke his iron constitution and began the malady that would eventually take this life.

Several months later in July of 1776, Seth was again called upon to fight a rear guard action to cover the retreat of General St. Clair's forces from Ticonderoga. At Hubbardton, along with units from New Hampshire and Massachusetts, the Colonel made a stand against a combined unit of British and Hessian forces. During this engagement the Massachusetts unit scattered, and the New Hampshire unit surrendered, leaving Colonel Warner and his men to stand alone. Though his unit was forced off the field, Colonel Warner was entirely successful in the duties to which he was assigned. * * * In spite of his failing health, the Colonel carried out his orders, led his men into battle, and was to have no rest as Burhoyne was on the march.

In August of 1777, General Stark was engaging the Hessians of Burgoyne's command at Bennington. The first action had been fought and the Hessians were already winning the day. A powerful enemy reinforcement was taking to the field when Seth arrived with his regiment. General Stark ordered Seth to ride on the line and order a retreat into the middle of Bennington. Seth refused that order, much to General Stark's surprise, stating instead that he was certain that he could get his men into action on the ground. General Stark agreed and the day was won. Once again it was Colonel Seth Warner's fiery courage and steady judgment that had turned the tide of the battle. General Stark stated in his report to General Washington, "Colonel Warner's strategy and judgment was of extraordinary service to me." In recognition of his valor and service, Seth was promoted to the full rank of Colonel.

It has been said that if Seth had retired from the service at this time, he may have to a certain extent retained his health. However, with Seth the needs of his burgeoning country always took precedence over his own welfare, as well as the needs of his own family. With failing health, Seth continued to fight the ravages of the Indians and the ever present Tories. Not one to remain idle for any length of time, Seth led a scouting party in 1780. It was on this mission that Seth was ambushed by the Indians. In the melee of battle the two officers by his side were killed and Seth received two bullets through his arm. This was the end of Colonel Seth Warner's active military career.

He retired to his Vermont residence for two years to recuperate. In 1783 Seth returned to his native Roxbury and established a homestead. Still in a great deal of pain from his wounds and malady, Seth spent time by the seashore hoping that this would give him some respite. This was to prove fruitless, and he returned to his home where he lingered in suffering and delirium for several months. At times neighbors were needed to assist in his care. Finally, on December 26, 1784, Colonel Seth Warner was relieved of his pain and suffering through his merciful death. * * *

The entry on Colonel Warner's tombstone well summarizes his life.

IN MEMORY OF COLONEL SETH WARNER, ESQ., WHO DEPARTED THIS LIFE DECEMBER 26TH, A.D. 1784. IN THE FORTY-SECOND YEAR OF HIS AGE

Triumphant leader at our armies' head,
Whose martial glory struck a panic dread,
Thy warlike deeds engraven on this stone,
Tell future ages what a hero's done,
Full sixteen battles he did fight,
for to procure his country's right.
Oh! this brave hero, he did fall,
By death, who ever conquers all.

When this you see, remember me.●

ORDINARY HEROES

● Mr. SIMON. Mr. President, all of us watched with agony while a 19-year-old, Nahshon Wachsman, was captured, made a public plea for his life, and then was slain.

People on the Palestinian side, the Israeli side and people of every religious persuasion were hoping and praying that his life would be spared. But it was not.

How do parents face such a tragedy?

The Jerusalem Report has a story about Nahshon's parents. Because it has both the international dimension, and lessons about how to face grief and pain, I ask to insert it into the RECORD at this point.

The article follows:

[From The Jerusalem Report, Dec. 1, 1994]

ORDINARY HEROES

(A month after his son was executed by Hamas kidnappers, only the unshakeable faith of Nahshon Wachsman's parents is enabling them to cope with their grief)

(By Yossi Klein Halevi)

Yehudah and Esther Wachsman's phone doesn't stop ringing. The Jewish National Fund wants to plant a forest in memory of their 19-year-old son, Nahshon, kidnapped and killed by Hamas terrorists in October. A Jerusalem religious school wants Esther and Yehudah to address its students about the dangers of religious extremism. The Kfar Saba municipality wants them as guests of honor at a rally for national unity.

Families afflicted by terror attacks are usually considered victims, not heroes. Yet the Wachsmans, whose quiet dignity during the kidnapping ordeal riveted the country, have become symbols of strength—at a time when Israelis fear that their ethos of courage is slowly being sapped by exhaustion and prosperity. Rabbis who came to the Wachsmans to impart religious inspiration were instead inspired by their faith; Knesset Speaker Shevah Weiss and the commander of the Golani infantry brigade in which Nahshon served emerged from the Wachsman home repeating virtually the same words: We came to strengthen the Wachsmans, but were instead strengthened by them.

Yehudah, in a knitted yarmulke and sandals, and Esther, in a beret and denim skirt, shattered the stereotype of the Israeli Orthodox Jew as extremist and intolerant. Esther appealed to her son's kidnappers to remember that they all worshiped the same God; and the army's failed attempt to rescue Nahshon, Yehudah thanked the Muslims and Christians who had prayed for his son, and offered to meet with the parents of Nahshon's killers. And despite anonymous right-wing callers demanding that he stay away, Yehudah accepted an Israeli government invitation and attended the signing ceremony for the Israeli-Jordanian peace treaty, just days after he completed the shivah mourning period for Nahshon.

The Wachsmans managed to emotionally unite the country, however briefly, in a way it hadn't know in years. Tens of thousands of Israelis, from secularists to ultra-Orthodox, joined prayer services for Nahshon's safety and lit an extra Sabbath candle on the Friday night that he died. Weeks after Nahshon's death, thousands of letters are still coming to the Wachsman home in Jerusalem's Ramot neighborhood—not only from Israelis but from people around the world, many sending poems and taped messages of support.

The Wachsmans insist they are ordinary people; and indeed, the middle-aged, modern Orthodox couple are unlikely heroes. Yehudah and Esther, both 47, are short, sturdy, wide-faced. Yehudah, with a long graying beard, paunch and piercing eyes, speaks with an intensity softened by ironic humor. Esther's little-girl voice—callers for Yehudah often ask her if her father is home—is deliberately calm: The mother of seven sons, she learned to keep steady through the chaos of daily life.

Yehudah and Esther are both children of Holocaust survivors; and that experience affected them in very different ways. Yehudah grew up in Romania and moved to Israel at age 11. The war destroyed his father, who became closed and bitter. "I saw what anger could do to a person," says Yehudah. "And I decided that if I ever experienced tragedy, I would react in the opposite way from my father."

Life provided him with opportunities to fulfill that challenge. One of their sons, 8-year-old Rafael, has Down's syndrome. Yehudah himself lived for years on dialysis, finally undergoing a kidney transplant four years ago which forced him to quit his job as a math teacher and work from his home, selling real estate. Yehudah thought of his father, a broken, silent man shuffling between work and home; and refused to be bitter.

Esther grew up in Flatbush, cherished daughter of Polish survivors. "I was the national treasure, the consolation," she says, with a wry smile. "I was never allowed to be unhappy. The rule of the house was: Never tell me upsetting news. And of course I wouldn't say anything that would upset my parents."

Indeed, just after Nahshon's death, Esther had one overriding thought: that her 83-year-old father, silenced by a stroke and living in Queens, mustn't be told. "The same business: Don't upset them."

Esther says that, as a teenager, she was a "typical JAP. If I wore the pink dress on Tuesday that meant I couldn't wear it for another week." But then her life changed when she visited Israel in 1967, and fell in love with the country. Back in New York, where she was studying to be a teacher, she felt like a hypocrite, praying for a return to Zion when Zion was so easily accessible. In 1970, she returned to Jerusalem, and got a job helping run a Jewish Agency summer camp for American teenagers. One of the camp counselors was Yehudah Wachsman. Four months later, they married.

Becoming the mother of soldiers—Nachshon and his two older brothers all served in Lebanon—forced Esther to confront mortality, and reconsider the values on which she was raised. "I spent years glued to the radio, waiting for news," she says. "Living in Israel made it impossible for me to remain what I was."

Less than a month after the tragedy, the atmosphere in the Wachsman home is deliberately normal. Friends drop by, everyone speaks in conversational tones, the Wachsman boys exchange small jokes. Immediately after the shivah, each of the boys individually approached Esther and Yehudah and said: Let's not allow this home to turn gloomy. "I realized I had no choice but to go on," says Esther. The boys were sent back to school, and Esther resumed her job teaching English at the elite Hebrew University High School. Most of all, the family has tried to maintain the home's relaxed atmosphere—a place where friends of the Wachsman boys feel so comfortable that over the years some have virtually moved in.

Even now, grief doesn't suppress the good-natured teasing that marks Esther and Yehudah's relationship. When they discuss their political positions with me—he supports the peace process with reservations, she opposes it with reservations—they pretend to be exasperated with each other. Esther: "My husband is unique, there is no one else with quite his point of view." Yehudah: "If she says so, it must be true." Then they smile: They are amused, not annoyed, by their differences.

Inevitably, though, the home bears traces of the ordeal. A table in a corner is piled with prayer books and yarmulkes: During the week of the kidnapping, there was nonstop communal praying here. On a makeshift charity box are written words urging those who place money into it to say a prayer for Nahshon's safe return. And mounted on the breakfront is a picture of Nahshon, smiling and wearing a T-shirt with the words: "I've been drafted."

Esther manages a smile when speaking of Nahshon. "He was in an elite unit, the shortest, thinnest kid among big, brawny fellows. They called him the baby of the unit. But he was the one who encouraged them in Lebanon. They used to say to him, 'Nahshon, this is hell, wipe that smile off your face.' And he'd say, 'Everything will be okay, let's just do our job.'

"Nahshon epitomized non-conflict. He couldn't stand it when his brothers fought. If his parents argued about something, he'd say, 'Is it really so important?'"

Esther and Yehudah see that quality of peacemaking as a hint of Nahshon's destiny. Everyone has a mission in life, they believe; and since the kidnapping created such a powerful sense of unity among Israelis, perhaps that was related to Nahshon's mission.

Esther says that, during the entire week of the kidnapping, she was certain that Nahshon would return alive, that the outpouring of prayer around the country would somehow protect him. She doesn't believe those prayers were wasted. "Prayers don't get lost. Jews prayed for 2,000 years to return to Israel. Our generation made it back. Eventually the time comes for the fulfillment of prayers. The soldiers who tried to save Nahshon could have all been killed—maybe the prayers protected them."

She rejects self-pity as firmly as religious doubt. "I don't ask: 'Why me? Why anyone?' Look how many people lost entire families in the Holocaust. You pick yourself up and go on. That's part of Jewish history."

In fact, both Esther's and Yehudah's fathers lost their first wives and some of their children in the Holocaust. And though neither says so, it is clear that their parents' ability to create new families after the war has strengthened their own life-force.

But for all their optimism and faith, the Wachsmans have an account to settle with God. Esther: "When Yehuah was on dialysis, I said to God, 'This is as bad as it can get.' Then my son Rafael was born with Down's syndrome and I said, 'OK, God, You can't do anything worse to me than this.' When Nahshon died, I thought, 'You really did do something worse.'

"I work with non-believing people. They think I'm protected from pain by my faith. But the grief is just as severe; the only thing faith does is keep me sane. I'd break down if I didn't believe there was some master plan, that every person was put on Earth for a purpose. But"—her voice turns to an emphatic, almost angry whisper—"it does not lessen the pain."•

TRIBUTE TO JUDGE GILBERT CALVIN STEINDORFF, JR., RETIRED PROBATE JUDGE IN BUTLER COUNTY, AL

• Mr. SHELBY. Mr. President, I rise today to honor Judge Gilbert Calvin Steindorff, Jr., retired probate judge in Butler County, AL. Judge Steindorff dedicated his life to the service of the citizens of Butler County and for that we are eternally grateful.

Judge Steindorff's first service to his country was a tour of duty in the Army during World War II. In February 1946, he returned to Butler County to help his father run the family business. Not long after his return from France he married Maxine Darby, his wife of nearly 50 years. The couple has one son, Gilbert Calvin Steindorff III, who lives in Montgomery with his wife Debbie and Calvin's grandson, Gilbert Calvin Steindorff IV.

In February 1947, after selling the family business, his service to the citizens of Butler County began. With the support of many influential people in the county, he was chosen from a field of eight applicant to replace Butler County Tax Assessor Frank Herlong at the young age of 21. He served at this post for the next 28 years.

In 1975, then Probate Judge James T. Beeland became ill and would not resign until he was sure Calvin Steindorff would take his place. Calvin has been there ever since. He was well known throughout Greenville and Butler County as one who is ready to listen and eager to help with everything including road work and garbage pickup. His desk was always neat and his demeanor cheerful. The people of the county warmly refer to him as "Judge."

Judge Steindorff called his office his second home and is not sure how he will spend his time now that he does not head for the Butler County Courthouse at the crack of dawn every morning. He may spend more time fishing, woodworking, and working on his antique clock collection, but it is certain that many will miss seeing the "Judge" regularly on the streets on downtown Greenville.

Judge Gilbert Calvin Steindorff, Jr. has spent his life serving the people of Butler County with devotion, commitment, and selflessness. He is an example to us all.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Bennett Johnston:									
United Kingdom	Dollar		682.00						682.00
France	Franc	7,387.08	1,356.00					7,387.08	1,356.00
United States	Dollar				3,245.15				3,245.15
W. Proctor Jones:									
United Kingdom	Dollar		682.00						682.00
France	Franc	7,387.08	1,356.00					7,387.08	1,356.00
United States	Dollar				3,245.15				3,245.15
Total			4,076.00		6,490.30				10,566.30

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Oct. 7, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Carl Levin:									
China	Dollar		298.68						298.68
Richard Fieldhouse:									
China	Dollar		365.39						365.39
Total			664.07						664.07

SAM NUNN,
Chairman, Committee on Armed Services, Oct. 1, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Larry Pressler:									
United States	Dollar				3,864,05				3,864,05
United Kingdom	Pound	552.67	849.00					552.67	849.00
France	Franc	6,202.08	1,168.00					6,202.08	1,168.00
Jacqueline Arends,:									
United States	Dollar				2,947.05				2,947.05
United Kingdom	Pound	736.89	1,132.00					736.89	1,132.00
France	Franc	6,202.08	1,168.00					6,202.08	1,168.00
Samuel Whitehorn:									
United States	Dollar				422.13				422.13
Canada	Dollar	554.09	412.27					554.09	412.27
Alan D. Maness:									
United States	Dollar				422.13				422.13
Canada	Dollar	227.49	169.26					227.49	169.26
Total			4,898.53		7,655.36				12,553.89

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, Oct. 14, 1994.

AMENDED—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl W. Comstock:									
United States	Dollar		243.62						243.62
Total			243.62						243.62

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, Sept. 14, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Bradley:									
Mexico	Dollar		148.52						148.52
United States	Dollar				906.95				906.95
Mark Foulon:									
Mexico	Dollar		190.36						190.36
United States	Dollar				906.95				906.95
Total			338.88		1,813.90				2,152.78

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Sept. 30, 1994.

ADDENDUM—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Rockefeller:									
Japan	Dollar						1,981.83		1,981.83
Total							1,981.83		1,981.83

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Sept. 30, 1994.

ADDENDUM—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Patrick Moynihan:									
France	Franc						131.94		131.94
Total							131.94		131.94

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Sept. 30, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lisa Alfred:									
Burundi	Dollar		142.00						142.00
Egypt	Dollar		600.00						600.00
Ethiopia	Dollar		450.00						450.00
United States	Dollar				2,612.90				2,612.90
T. Scott Bunton:									
Egypt	Pound	2,349.27	693.00					2,349.27	693.00
United Kingdom	Pound	151.06	233.00					151.06	233.00
United States	Dollar				4,138.95				4,138.95
Geryld B. Christianson:									
Austria	Schilling	10,661.78	960.00					10,661.78	960.00
United States	Dollar				972.35				972.35
Christopher J. Walker:									
South Africa	Rand	5,656	1,580.00					5,656	1,580.00
Botswana	Pula	246	460.00					246	460.00
United States	Dollar				3,690.45				3,690.45
Total			5,118.00		11,414.65				16,532.65

Claiborne Pell,
Chairman, Committee on Foreign Relations, Oct. 25, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Howard Walgren			1,187.00		2,482.85				3,669.85
Gary Reese			1,085.00		2,482.85				3,567.85
Donald Mitchell			884.82		2,482.85				3,367.67
Christopher Straub			816.00		3,239.65				4,055.65

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			3,972.82		10,688.20				14,661.02

DENNIS DeCONCINI,
Chairman, Select Committee on Intelligence, Oct. 18, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JULY 1 TO SEPT. 30 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Marlene Kaufmann:									
United States	Dollar				2,371.55				2,371.55
Estonia	Dollar		468.00						468.00
Germany	Dollar		232.00						232.00
Michael Ochs:									
United States	Dollar				3,945.35				3,945.35
Uzbekistan	Dollar		750.00						750.00
Erika Schlager:									
United States	Dollar				871.15				871.15
Slovakia	Dollar		713.30						713.30
Czech Republic	Dollar		560.00				87.17		647.17
United States	Dollar				1,480.95				1,480.95
Poland	Dollar		925.00						925.00
Samuel Wise:									
United States	Dollar				1,796.35				1,796.35
Czech Republic	Dollar		825.00						825.00
Austria	Dollar		720.00						720.00
Poland	Dollar		555.00						555.00
Total			5,748.30		10,465.35		87.17		16,300.82

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe, Sept. 25, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND THE REPUBLICAN LEADER OCT 1, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Haiti									
Senator John Warner:									
Haiti									
Senator Claiborne Pell:									
Haiti									
Senator Carl Levin:									
Haiti									
Senator Judd Gregg:									
Haiti									
Senator Paul Coverdell:									
Haiti									
Janice O'Connell:									
Haiti									
Christopher Walker:									
Haiti									
Romie L. Brownlee:									
Haiti									
David Lewis:									
Haiti									
Kristen Brady:									
Haiti									
Sally Walsh:									
Haiti									
Delegation expenses: [1]									
Haiti							3,228.68		3,228,68
Total							3,228.68		3,228,68

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384.

GEORGE J. MITCHELL,
Majority Leader
and
ROBERT J. DOLE,
Republican Leader, Oct. 27, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT PRO TEMPORE FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sharon Waxman:									
Jordan	Dinar	415.80	600.00					415.80	600.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT PRO TEMPORE FROM JULY 1, TO SEPT. 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				2,568.17				2,568.17
Total			600.00		2,568.17				3,168.17

ROBERT C. BYRD,
President pro tempore, Oct. 7, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Egypt	Pound	2,349.27	693.00					2,349.27	693.00
United Kingdom	Pound	151.06	233.00					151.06	233.00
United States	Dollar				4,129.95				4,129.95
Kate English:									
Egypt	Pound	2,349.27	693.00	568	168.00			2,917.27	861.00
United Kingdom	Pound	151.06	233.00					151.06	233.00
United States	Dollar				3,272.95				3,272.95
Total			1,852.00		7,570.90				9,422.90

GEORGE J. MITCHELL,
Majority Leader, Oct. 27, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b). FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan K. Simpson:									
Egypt	Pound	2,349.27	693.00					2,349.27	693.00
United States	Dollar				3,648.15				3,648.15
Elise Gemeinhardt:									
Egypt	Pound	2,349.27	693.00	568	168.00			2,917.27	861.00
United States	Dollar				2,121.15				2,121.15
Total			1,386.00		5,937.00				7,323.30

ROBERT J. DOLE,
Republican Leader, Nov. 1, 1994.

A WORD FROM THE ORIGINAL McGOVERNIK

• Mr. SIMON. Mr. President, two of the people who have lead our Nation, who have been described as extremists wrongfully are our former colleagues, Senator Barry Goldwater and Senator George McGovern.

I had the privilege of chairing the McGovern campaign in Illinois in 1972, and I have never regretted that, and I've always had great pride in what he stood for.

Recently, he had a response to comments of the Speaker of the House that I think merit reproduction in the CONGRESSIONAL RECORD.

At this point, I ask to insert the article into the RECORD.

The article follows:

[From the Washington Post Dec. 1994]

A WORD FROM THE ORIGINAL MCGOVERNIK—MY LIBERALISM HASN'T FAILED; IT JUST HASN'T BEEN DEFENDED

(By George McGovern)

Dramatic Democratic losses in the recent elections have prompted many commentators to assume that the Democratic leadership is too liberal for the majority of Americans. President Clinton, who only two years ago ran as "a new Democrat" with a centrist appeal to the middle class, is now said to be an unacceptable "liberal," or a "leftist," or—horror of horrors, according to Newt Gingrich—a "counterculture McGovernik."

My problem with this new adjectival status is that in truth I haven't really earned it. Having grown up on the plains of South Dakota in the Great Depression as the son of a politically conservative, fundamentalist Methodist minister; having worked my way through school and college; having served my country as a bomber pilot in World War II; having been elected to high office for nearly a quarter of a century by South Dakota voters (hardly a radical bunch) and having been married to Eleanor McGovern, my college sweetheart, for 50 years, I don't feel very "countercultural."

If Rep. Gingrich, as a one-time professor of history, ever looked at my history he would quickly discover that I am as American as apple pie. He would also discover that I have loved this troubled nation more than life itself. Its inaccuracy aside, Gingrich's epithet expresses the prevailing view of the moment: that the liberal tradition with which I am associated is out of favor.

The conventional wisdom holds that the voters threw out the Democrats in November because both the White House and the Congress were still clinging to the ways of liberalism. It is further argued that if the president is to recover in time to be re-elected in 1996, he must quickly move further to the right, or at least cling more vigorously to the middle of the road.

My conviction is that the Democratic Party has lost the confidence of the American people, not because it is too liberal, but because it has neither kept faith with the historic values of liberalism nor defended those values to the public. I also believe that the Republicans are on shaky grounds in that they have not kept faith with the historic values of conservatism. Rightist demagoguery is not conservatism and is not an acceptable formula for ruling the country. Republicans, however, with the considerable help of the loudest radio talk show hosts, at least give lip service to the virtues of conservatism while mercilessly denigrating liberalism, even as Democrats are increasingly embarrassed by any mention of their liberal heritage.

Although I have had personal affection for Bill Clinton ever since he toiled in my unsuccessful 1972 campaign for the presidency, I am aware that he and his current team have been wary of any public association with "McGovernism." Nonetheless, I believe the president has already achieved much that is meritorious—a practical deficit reduction and job-creating agenda, freer international trade, the Family Leave Act, a domestic service corps and a strong crime bill, to name a few accomplishments. But one wonders, notwithstanding their caution about the likes of me, if either the White House (or the newly elected Republican Congress) will escape the continuing voter discontent two years from now.

For all the talk of the Republican resurgence, the public does not have much faith in either major party. Nor does the public believe that it makes much difference in their lives which party is in power. Half of America's eligible voters no longer vote at all; only 39 percent of the potential voters went to the polls this November. The bulk of those who do vote tell the pollsters that they don't expect their lives to improve, even if their party wins.

Both liberalism and the Democratic Party have lost their way because, too often, Democratic politicians neither practice nor defend liberalism. Instead Democrats, like the Republicans, have yielded to entrenched special interests that determine the priorities of government, the nature of government spending, the tax laws, the federal regulatory structure and, of crucial importance, campaign contributions and political influence. The two major parties have converged—and lost public respect—as each has become more and more beholden to the same well-funded and well-organized masters.

For example, neither party is willing to challenge the "military-industrial complex," which President Eisenhower so powerfully warned against in 1960. As a veteran of combat in of World War II, I have always favored a strong national defense. The United States has maintained the strongest defense of any nation in the world for half a century, doubtless considerably beyond what was necessary. Certainly the time is long overdue for us to convert a portion of our skilled and admirable defense forces to urgently needed civilian purposes.

Our defeated World War II enemies, Japan and Germany, rebounded to become major world powers and our toughest competitors by concentrating their best scientists, engineers and managers on modernizing their industries while we and the Soviet concentrated on the cold War. The excesses of our obsolete Pentagon budget are now eating up tax dollars, talent and manpower—all of which we need to rebuild our deteriorating and inadequate bridges and streets, roads and tunnels, transit and rail systems, water and sewage facilities, parks and forests, environmental and alternative energy systems, moderate-priced homes and wholesome daycare and recreational facilities. If such constructive, job-creating public investments represent "pork," as some alleged conservatives claim, is it not wiser to have more pork for national enhancement and less for Pentagon waste?

Until the Democratic Party honestly confronts and converts a portion of the money and resources still being devoured by our outsized military establishment, it will be neither a liberal party nor a party worthy of public enthusiasm. This is the most glaring weakness of the Clinton-Gore team; it is still living with the budget of a now-dead Cold War era.

Voters are not so discontent with liberalism as with the fact that the whole structure of our government is heavily weighted on the side of those who contribute the most campaign money to the politicians of both parties. These contributions secure the surest access to those politicians once elected and re-elected. The lawyers and lobbyists who serve as the middle-men in these transactions prosper in the nation's capital no matter which party is in power.

There are also excessive federal regulations and red tape that complicate and weaken our private economy—especially small business. I learned this when, after my career in the U.S. Senate, I owned and ran a motel in New England. Excessive regulatory reporting and needlessly complicated paperwork combined with excessive legal litigation and lawsuits of all kinds are adding billions of dollars in waste to our economy.

It is said that the nation's problems stem from liberal rule, that the Democrats, and therefore the liberals, have been running the Congress and the federal government over the last half century. The truth is that for most of the last 50 years, a coalition of Republicans and equally conservative Southern Democrats has dominated the congressional agenda. Furthermore, the White House, since the Truman administration, has been in Republican hands for 28 years and in Democratic hands for 14, including six years by two moderate Southern governors, Jimmy Carter and Clinton, who have avoided even mentioning liberalism.

The results of the eclipse of liberalism have been predictable as they are discouraging. As matter now stand, the government deck is stacked in favor of the well-connected against the ordinary American—on taxes, on government largess and on the impact of the federal budget. Again we are hearing that by favoring those at the top, government actually helps everyone—by encouraging greater investment in job-creating enterprises. There may be some partial truth in this claim of the so-called "supply-side economics." The painful fact of life remains, however, that for the past 30 years, the top 20 percent of the American public has been doing better, while the remaining 80 percent have seen their real income go down.

So when Clinton administration spokesmen talk proudly of economic growth, their words ring hollow to most Americans. Growth continues to be concentrated at the top—not among those in the middle or below. When Republican leaders talk fondly of the tax cuts of the 1980s and promise more of the same, the average American knows that his or her taxes did not go down in the 1980s, nor will they go down in the 1990s.

Permit me to suggest one valuable step that the American people could readily understand and appreciate: extend the existing Medicare system, which now finances health care for Americans 65 and older, to those 6 years of age and under. This is a one-sentence health care bill that requires no new federal bureaucracy. It simply calls on the existing Medicare structure to extend the same benefits to little children that we now provide to older Americans. We could then evaluate its effectiveness for a couple of years and decide whether to extend the same system in stages to others.

It is all well and good to listen to the prescriptions of the "New Democrats" or "neoliberals" or "neoconservatives" to get out of this mess. But I think we can also learn from the wisdom of old-fashioned Democrats and Republicans, from old-fashioned liberals and conservatives. With the harsh and negative language of the recent election still ringing in our ears, it might be well to recall George Washington's warning about "men who are governed more by passion and party than by the dictates of justice, temperance and sound policies."

My parents honored the Constitution, advocated fiscal integrity and opposed excessive government intervention. In their personal and public lives, there was no tolerance for lying, dishonesty, hypocrisy or deception. They would have been horrified by the enormous deficit of the 1980s run up during their party's control of the government.

While honoring conservatism and borrowing from it, I am proud to be a liberal because I believe that liberalism is responsible for most of the innovative public initiatives that have enriched the lives of people during my lifetime. Those initiatives—Social Security, Medicare, home mortgage tax deductions, the Tennessee Valley Authority, rural electrification, public assistance for the poor, the national parks and forests, the GI Bill of Rights, farm price supports, school lunches and student loans, civil rights, collective bargaining and environmental legislation—have been a blessing to all Americans. Of course, such liberal initiatives should be, and have been, challenged by a conservative critique to avoid excesses and maladministration.

It is, in fact, the creative tension between conservatism and liberalism that is the genius of American democracy. The nation suffers when either of those traditions is denigrated or undefended, as is now the fate of liberalism.•

DEPARTMENT OF TRANSPORTATION'S PROPOSED REGULATION ON AIRCRAFT DISINSECTION

• Mr. LEAHY. Mr. President, yesterday the Department of Transportation proposed regulations that will inform American air travelers about the chemicals they are exposed to on some international flights. Ten million American air travelers are sprayed without their knowledge or consent with a pesticide that says right on the can "avoid breathing; avoid contact with skin and eyes." Aircraft disinsection is uncomfortable for all passengers. But for the millions of Americans with chronic breathing problems or chemical sensitivities, the effect can be much more serious.

In July, the Department of Transportation, at my urging, published a list of 28 countries that require incoming flights to be disinsected. Since that list was made public, seven of those countries have ended the spraying requirement. That translates into over 5 million Americans a year who will no longer spend 30 minutes of their flight breathing an insecticidal spray that the Centers for Disease Control and Prevention has described as unsafe and ineffective. Those seven countries determined that the health concerns raised by spraying, and their affect on the travel decisions of American passengers, outweighed the questionable benefits of on-board aircraft disinsection.

Imagine the response these regulations will bring. Every American passenger will be informed when purchasing their tickets if the flight they are on will be sprayed with an insecticide.

I have been working to bring this information to American travelers for over a year, and I applaud Secretary Peña for taking the necessary steps to accomplish that goal.

Having a list of countries that require spraying does little good if consumers do not have access to that information. Passengers have the right to know before purchasing their tickets whether they will be sprayed with an insecticide during their flight.

While this is a giant step in the right direction, these regulations could be made even more effective. I am concerned that the regulations cover only the on-board spraying of insecticides and not an alternative, residual method. While passengers are not present when the pesticide is applied using the residual method, the chemical remains active in the plane's cabin for much longer—typically 6 to 8 weeks. In addition, the product used for the residual treatment is a possible carcinogen that is not registered for this use in the United States. Any passenger notification should certainly include this process which may pose as much of a threat to the health of passengers and crew as the aerosol spray.

Also, under the Department's regulations, passengers are only informed if the first leg of their flight will be sprayed. Obviously, most passengers have no intention of stopping at that point and might be misled into believing that their flight will not be sprayed. Passengers should be informed at the time of booking if their flight will be sprayed before reaching its final destination.

Of course we cannot completely protect air travelers from this unwelcome dose of insecticide until all countries agree to end this ineffective practice. I introduced a concurrent resolution that was passed in the last Congress urging the United States to take a strong stance against the spraying of pesticides on airlines at the meeting of the International Civil Aviation Organization in the spring.

I am encouraged by the progress that Secretary Peña has made on this issue, and I hope that he will continue to work with myself and other Members of Congress to ensure the safety of all airline travelers.•

NEED FOR MORE DRUG TREATMENT FACILITIES

• Mr. SIMON. Mr. President, we need to make a commitment to expand drug treatment facilities. Recently, there was an article in the Chicago Sun-Times estimating that there are only about 1,000 patient beds available in the Chicago area for people who want treatment. The Chicago Police Department projected that they would have 45,000 narcotic arrests by the end of the year. There is virtually no place for offenders to turn for help.

This problem is not unique to Chicago. Across the country in both urban and rural areas the demand for treatment greatly outweighs the available slots.

Mr. President, I ask that the full text of the article be printed in the RECORD. I hope that my colleagues will read this article and work with me to expand treatment slots.

The article follows:

[From the Chicago Sun-Times, Nov. 14, 1994]

DRUG 'STORES' NEVER CLOSE

(By Mary A. Johnson)

It's early in the day and most Chicagoans are headed for work at their legitimate jobs.

In Lawndale and Garfield Park, hundreds of young black men and women are headed for work, too: to street corners where they'll sell drugs.

Here drugs are sold like candy, Ald. Ed H. Smith said at a recent City Council hearing, pleading with Police Supt. Matt Rodriguez to help in his 28th Ward.

And indeed, drug sales flourish at more than 25 locations this day as Smith drives around the West Side neighborhoods.

It's a "24/7 operation" (24 hours a day, seven days a week) that puts money in the pockets of hundreds of people in an area otherwise dry of economic opportunity. This activity is part of an area drug industry estimated to generate as much as $7 billion in annual revenue.

For Mayor Daley, it's one reason to lead a caravan of buses to Springfield Tuesday to fight for passage of a Safe Neighborhoods Bill during the legislative veto session.

The bill would impose stiffer penalties on youngsters who commit drug offenses using firearms.

It also would amend Illinois sentencing laws by extending prison terms for ringleaders of drug-related groups of at least five people. And it requires community service and periodic drug testing for anyone convicted of possession of controlled substances.

Daley and Smith believe the new law would help control what Smith saw coming a decade ago.

For 12 years, he has been alderman for the area bounded by Laramie on the west, Western on the east, Chicago on the north and 16th on the south. Unemployment is about 56 percent.

Nearly 10 years ago, he led a march to complain that police were denying that crack cocaine had hit city streets. These neighborhoods were about to become a "killing field," Smith warned.

His cry today is similar.

"Our local police have come here when we call them, but still, there are too many drugs on the corner," Smith said. "Too many guns loose on the street. The drugs are not leaving the streets fast enough, and it's too easy for drugs to come in. That is a police problem."

As Smith drives through the neighborhoods, pointing out hot spots for drug activity, dealers flash money and pass bags at St. Louis and Carroll, within a block of Flower Vocational High School. It's a location identified as a drug hot spot two years ago by a Sun-Times investigation.

About 100 young men dispatched to 25 different locations are at work on neighborhood street corners, hustling dime bags of crack cocaine and heroin like newspaper vendors hawk morning papers at major thoroughfares.

In the 4400 block of West Washington Boulevard, three young men, hands buried deep in their pockets, walk briskly to their jobs selling narcotics. Another youngster is already there looking out for police.

In the 4500 block, a group of kids is gathered on the corner, soliciting customers by shouting "Blow," "Rocks," street names for crack and heroin.

On the steps of an abandoned building in the middle of the block, another group waits for roadside customers.

One block to the south, a man with a cane sits in the open doorway of a graffiti-scarred multi-unit apartment building, watching. According to residents, drug dealers kicked in the outer door of the building and drugs are sold in the entranceway.

Police are about to unveil a pilot program in the area that will target public drug dealing by interfering with the marketplace, Rodriguez said.

And he's hopeful that funds available under President Clinton's crime bill will go toward drug treatment and prevention.

"We have no treatment facilities whatsoever to speak of," Rodriguez said. "I believe we are going to have 45,000 narcotics arrests in the city of Chicago this year—and no place for offenders. That's an astronomical number."

Police officials, residents and elected officials agree that unless drug prevention and job opportunities are increased in the area, nothing is likely to change. "There are only about 1,000 inpatient beds avaiable in the city of Chicago for somebody who chose to get out," said Harrison District police Cmdr. Douglas Bolling. "In a city of almost 3 million people, it's a joke.

"It's an incredible business. We have to provide job opportunities, perhaps then some of the people won't stand on the corner and warn drug dealers that police are coming."

In April, the Harrison District began reverse sting operations, arresting drug buyers instead of sellers. Since then, 1,075 narcotics customers have been arrested. Seventy-five percent of the narcotics customers live outside the area.

Police say that every day they arrest as many suspected dealers as they are able to process, but the market is so lucrative, demand so great and workers so plentiful, the arrests haven't dented business.

It has been estimated that the local drug industry employs 10,000 to 20,000 workers, with a customer base of roughly 400,000.

"From about 11 a.m. to 1 a.m. at night, they are like flies on honey," Smith said. "They get up early to go to work just like they are going to a legitimate job."•

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. DOLE. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess as previously ordered.

The PRESIDING OFFICER. There being no objection, the Senate, at 11:55 p.m., recessed until Friday, January 20, 1995 at 10 a.m.

EXTENSIONS OF REMARKS

THE GOVERNMENT PRINTING OFFICE: AN INDISPENSABLE SERVICE

HON. STENY H. HOYER

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 19, 1995

Mr. HOYER. Mr. Speaker, I rise today to recognize the outstanding service the U.S. Government Printing Office provides for this body, the other body, the Federal Government, and the citizens of the United States.

The service GPO provides in making the CONGRESSIONAL RECORD available in a quick and efficient manner would be difficult to beat. The employees of the GPO are dedicated and hard working and I applaud their efforts.

The U.S. Government Printing Office provided key printing and information database support to the 104th Congress on its historic opening day session, January 4, 1995.

For January 4, the CONGRESSIONAL RECORD, containing the public proceedings of each House of Congress, totaled 603 pages. Manuscript copy for the RECORD began arriving in the early evening, with the final receipt of copy by 4:30 a.m. on January 5. Because of its size, the RECORD was printed in three parts to ensure at least partial delivery by the opening of Congress the next day. Part I, 128 pages, was delivered before the House and Senate came in at 10 a.m. Part II, 126 pages, was delivered at approximately 1 p.m. The rest of the proceedings, 349 pages, were combined, printed, and distributed with the January 5 issue.

By comparison, the CONGRESSIONAL RECORD for the opening day of the 103d Congress, January 5, 1993, contained 338 pages. In all the 103d Congress generated over 63,500 printed pages of the CONGRESSIONAL RECORD. The largest issue of the CONGRESSIONAL RECORD last year was over 700 pages.

The CONGRESSIONAL RECORD is the most important congressional publication produced at GPO's central office plant in Washington, DC. The RECORD is printed and bound overnight and delivered the next day before Congress convenes.

Approximately 18,300 copies of the RECORD are printed daily. Of these 5,800 copies are printed for congressional use and 6,800 copies are printed for the recipients designated by law. The remaining 5,700 copies are printed for agencies which requisition them and for GPO's Superintendent of Documents distribution programs.

The average CONGRESSIONAL RECORD contains slightly more than 200 pages, about as much type as four to six metropolitan daily newspapers. The actual size of each RECORD can vary significantly, however, depending on how much business Congress transacts.

The CONGRESSIONAL RECORD is available from GPO's bookstores and by mail order in paper microfiche. In addition, the GPO access service provides online access to the RECORD, along with the Federal Register, congressional bills, and the U.S. Code, via the Internet.

In addition to providing printing support, GPO worked with the Library of Congress to provide CONGRESSIONAL RECORD and congressional bills database files for the Library's new THOMAS information service, which provides public access to congressional information.

Mr. Speaker, as you can see the U.S. Government Printing Office is crucial because it preserves the history made on the floor of the House and the Senate. It is crucial because it is efficient and provides a vital information service to the American public.

THE ROAD TO CHANGE

HON. RON PACKARD

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 19, 1995

Mr. PACKARD. Mr. Speaker, we are speeding ahead on the road to changing the way Congress and the Government does business. The first bill of the 104th Congress is on the way to the President's desk. This is only the beginning. The new Congress is committed to keeping the promises we made with the American people.

We pledge to make Government smaller and more efficient. We pledge to get Government out of people's lives and back into their hands. Mr. Speaker, the people are watching and waiting. They want results.

Abolishing unfunded Federal mandates and establishing the discipline of a balanced budget will pave the road to real change. This is a road built by the people for the people—with restricted access granted to the Federal Government.

I urge my Republican colleagues to keep their eyes on the road ahead and their hands firmly on the wheel. Now is not the time to get sidetracked. We must work together to make this a smooth and cost efficient ride.

TRIBUTE TO ROGER TEMPLE

HON. JULIAN C. DIXON

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 19, 1995

Mr. DIXON. Mr. Speaker I rise today to recognize the accomplishments of Roger M. Temple, the 1994 President of the Los Angles County Boards of Real Estate [LACBOR]. During the last year, Mr. Temple has served with distinction as president of this umbrella organization representing close to 30,000 Realtors from across the Los Angles area.

Roger Temple's roots in real estate and residential and commercial construction date from his childhood. As the son of building contractor Nathan Temple, he began his apprenticeship in his early teens. While working as a superintendent on commercial construction jobs, he studied architecture at Los Angles City College and the University of California at Los Angeles.

After securing his real estate license, Mr. Temple broadened his professional skills to include sales. He has been involved in the reconstruction of over 50 rehabilitation residential and commercial projects, in addition to new home construction. Mr. Temple has built a well-deserved reputation as a leading realtor and builder in Laurel Canyon and Nichols Canyon.

During his tenure as president of LACBOR, Roger Temple has been instrumental in the organization's activities to better Los Angeles communities. He directed the organization's involvement in such projects as the county/city graffiti prevention task force, the Multi-Agency Graffiti Intervention Coalition, the Children's Miracle Network, and the Los Angles Children's Hospital. He was a leader in formation and is an active participant in the Multicultural REALTOR Alliance for Urban Change, contributing to the rebuilding of Los Angles in the wake of the April 1992 civil disturbance.

With Mr. Temple at its helm, LACBOR has continued its commitment to enhance the availability of affordable housing and educate first time home buyers. Recognizing the importance of community and political activism, he has sought to work together with local, State, and Federal leaders to promote Los Angles' growth and prosperity, and has contributed his expertise to a number of government task forces evaluating real estate-related legislation.

Roger Temple's success as a leader in the construction and real estate industry in Los Angeles, and his willingness to lend his efforts on behalf of fostering prosperity in the community deserve our recognition and praise. I am pleased to call particular attention to his 1994 leadership of the Los Angeles County Boards of Real Estate, and ask my colleagues to join me in congratulating him on his accomplishments.

INTRODUCTION OF LEGISLATION TO ADDRESS THE SERIOUS PROBLEM OF ILLEGAL IMMIGRATION

HON. ANTHONY C. BEILENSON

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 19, 1995

Mr. BEILENSON. Mr. Speaker, today I am reintroducing three bills to address one of the most serious and fastest growing problems facing the Nation: illegal immigration.

The United States has by far the most generous legal immigration system in the world. We allow more people—nearly 1 million a year—to immigrate here than do all other countries combined, and more newcomers are settling here legally every year than at any other time in our history. But, while the vast majority of us take pride in this tradition, I believe we all know that our capacity to accept new immigrants is limited, and that our inability, or unwillingness, to control illegal immigration effectively is threatening our ability to continue to welcome legal immigrants.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Illegal immigration has already had an enormous effect on public services and labor markets in certain areas of the country, and the problems will only get worse. The overwhelming passage of proposition 187 in California, which seeks to deny education and non-emergency health care to illegal immigrants, is an indication of how serious this issue has become. But while that initiative was based on many legitimate concerns, even its most ardent proponents concede that proposition 187 will have little real effect on slowing illegal immigration. We need, most of all, to concentrate on controlling our borders, strengthening and enforcing our work eligibility law, and reducing or removing incentives that too often have the inadvertent effect of encouraging illegal immigration.

The bills I am submitting today—all of which I introduced in the last Congress—are, I believe, all necessary parts of any successful effort to solve the illegal immigration problem.

The first bill would require the Federal Government to develop a tamper-proof Social Security card that every American would use to prove work eligibility. Under the employer sanctions law established under the Immigration Reform and Control Act of 1986 [IRCA], 29 different documents may be presented by job applicants to prove work eligibility. This system has not only given rise to a vast multimillion dollar underground industry in forged documents, but has also created considerable confusion among employers and, as documented by the General Accounting Office, has resulted in widespread discrimination against American citizens and legal residents who may appear foreign. Until we simplify the law and establish a single acceptable tamper-proof work authorization document, existing provisions of law prohibiting illegals from working in the United States will remain unenforceable, and discrimination will continue.

The second bill would establish the Border Patrol as an independent agency within the Department of Justice. By the end of this fiscal year, we will have increased the size of the Border Patrol by over 33 percent in just 2 years; we have already added more agents, approximately 1,350, to the Border Patrol in 2 years than the Reagan and Bush administrations added in 12 years; and we have authorized a doubling of the size of the Border Patrol over the next 4 years. While additional funding and personnel are still necessary, we also need to focus on the administrative restructuring that will enable the Border Patrol to fulfill its mission. The Immigration and Naturalization Service's [INS] dual missions of providing necessary services to legal immigrants, and policing the border, are inherently contradictory. As the law enforcement agency charged with closing the border to drug traffickers and smugglers as well as illegal aliens, the Border Patrol requires independence from the INS, as well as a substantial increase in manpower, in order to meet its responsibilities without having to compete with the INS for the resources to do so.

The third bill I am introducing proposes an amendment to the Constitution to restrict automatic citizenship at birth to U.S.-born children of legal residents and citizens. The 14th amendment to the Constitution, in order to confer citizenship on newly freed slaves after the Civil War, guaranteed citizenship to all people born in the United States. Since the United States did not limit immigration in 1868 when the amendment was approved, and the question of citizenship for children of illegal immigrants was therefore never addressed, the language has had the inadvertent effect of conferring citizenship on U.S.-born children of illegal immigrants. This policy is blatantly unfair to the millions of people who have petitioned for legal entry into the United States, and it provides an incentive for entering the country illegally.

Mr. Speaker, we took major steps last Congress to address the illegal immigration problem. We dramatically increased the size and funding of the Border Patrol; we required the Federal Government for the first time to reimburse States and local governments for the costs of incarcerating illegal immigrants who have committed felonies; we provided nearly full funding for expedited deportation and asylum proceedings, including overseas enforcement activities; and we increased penalties for human trafficking, document fraud, and for re-entering or failing to depart the United States after a final deportation order.

There is more, however, that we can and must do. The measures I am introducing today are three very powerful steps we can take to help solve the illegal immigration problem, and yet do so in a way that is decent and humane, and that fits our traditional national values about openness and ethnic diversity.

I urge my colleagues to join in supporting these bills.

TRIBUTE TO THE LATE CLAUDE HARRIS, FORMER MEMBER OF CONGRESS

HON. EARL F. HILLIARD

OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. HILLIARD. Mr. Speaker, many of us are still mourning the loss of the Honorable Claude Harris, a former distinguished Member of this body, who until his untimely death on October 3, 1994, was serving as the U.S. Attorney for the northern district of Alabama.

A moving editorial tribute to Congressman Harris, written by one of Mr. Harris' longtime friends and associates, Mr. Robert Betz, was recently published in Mr. Betz' Federal Legislative Report. In short, it states that Claude Harris was a real public servant, patriot, statesman, and friend to all people.

Mr. Speaker, in the interest of time, I ask that the aforementioned article be printed in its entirety in the CONGRESSIONAL RECORD, and that a copy be sent to his family in Tuscaloosa, AL.

TRIBUTE TO CLAUDE HARRIS

Sometimes in the space of the Federal Health Policy Report, I pause to comment to the readers about personal issues related to the work of the Alabama Hospital Association in Washington, DC.

It is in this spirit that I want to say a word about the late Claude Harris, former prosecutor and circuit court judge, member of the U.S. House of Representatives, U.S. Attorney, and my friend. People often ask me who I think in Congress is a real public servant, patriot, statesman, or just someone who has not lost touch with "folks back home." Claude Harris was such a man. He was also a friend of the hospitals of Alabama. He was a man of honor, courage and humility and although I cannot say for sure, I believe Claude Harris walked in the light of God.

I met Claude in 1987 when he first came to Washington as a brand new member of the Alabama congressional delegation. He drove himself to Washington pulling a U-Haul van of which he was splitting the cost with his Administrative Assistant, Walter Braswell. I took him to dinner the first week he was here and we stayed up late talking about issues. He impressed on me then, as now, how he had a firm grip on himself and his ego. Recognizing that there were things he needed to learn, he carefully developed a reputation for listening to many voices and opinions. After six years he still viewed his role in Congress not as a life-long entitlement but as a steward with a great responsibility to his country, his state and his district.

His staff loved him. Unlike many congressional offices, Claude had a very small staff that he worked hard and paid well. I remember the day I walked into his office to drop off a paper and there was his entire staff sitting in his office eating fried chicken out of a big tin bucket with Claude. It wasn't the private members' dining room, it was a commander eating with his troops.

Speaking militarily, Claude continued to serve as a colonel in the Alabama Army National Guard the whole time he was in Congress, making the long trip back to his unit after a grilling week in Washington. When Desert Storm came along I saw him at his most worried. He agonized about the safety of the men and women from his state that were serving their country in a dangerous situation.

When the future husband of one of his staff members finally got up the nerve to propose to her, Claude escorted the two of them to the top of the U.S. Capitol so the young man could pop the question. This is a members-access-only privilege and one of the toughest stair climbs in the world. Claude took the time to do this to make it special for one of his staff people. No wonder his staff adored him.

There are many good people who work in Washington and in government in general. Sometimes I think the bad apples get all the press. That's why the untimely passing of Claude Harris is such a loss. When he was in Washington, the hospitals of the state of Alabama had no greater friend. When he voluntarily stepped down so that a colleague could have a better shot at a newly drawn district, he was sad but not about losing the seat so much as there was so much more he wanted to do.

I realize that I only got to be a part of Claude Harris' life. I am sure that his other friends will have other viewpoints on a multifaceted man. However, what I saw impressed me greatly. Specifically, it boiled down to this—he was someone who understood the importance of viewing Washington's follies from a seat of sanity on the front porch of an honest perspective. I can't say that about many. Claude Harris may, in fact, have been what Thomas Jefferson had in mind when he talked about a citizen government.

In my years of working in Washington, AlaHA has had many friends. None of them has been greater than Claude Harris. My deepest condolences to his wife Barbara and to his family, and to the many friends that will mourn the passing of this good man and public servant.

LEGISLATION TO REFORM CONGRESSIONAL PENSIONS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. GOODLATTE. Mr. Speaker, calls for reduced Government spending have echoed throughout this great Nation of ours. Unfortunately, the voices of the people have often been ignored by this Chamber in previous years. When these cries have been heard, the response has been to shift the burden of budget cuts. I believe the time has come for the Members of Congress to lead by example.

Today I am introducing legislation that demonstrates to the American people the steadfast commitment of this Congress to fight against excessive spending by tackling the largest perk in government—congressional pension plans. I also introduced this legislation in the 103d Congress. I hope and anticipate that the reform-minded 104th Congress will look upon this bill much more favorably and make the bold move to reconcile profitable congressional pensions with those of hard working Americans.

Congressional retirement benefits are ridiculously more lucrative than those of many private sector and all Federal employees. Some Members of Congress make more in retirement than most Americans could hope to make in a lifetime.

The National Taxpayers Union estimates that over 180 Members will collect over $1 million each in lifetime benefits. My legislation will slam shut the doors of this congressional pension millionaires club.

Under current law, retired Members of Congress receive a pension that is 10 to 20 percent higher than comparable pensions for retired Federal employees. There is a drastic difference in the formulas used to calculate Members' pensions and those of Federal employees. Due to the huge disparity in the pension equations, Members of Congress receive thousands of dollars more in annual retirement benefits compared to Federal employees with comparable years of service.

Furthermore, when you consider that Members of Congress are near the top of the Federal pay scale, the difference between most pension plans and the lucrative congressional plans is compounded.

Clearly, Representatives' and Senators' retirement benefits should be consistent with Federal employees which is why I am introducing a bill which will do just that.

My bill recalibrates the formula used to calculate Members' pensions. It changes the equation so that our pension plan is the same as that of any other Federal employee. It also increases the age at which a former Member may begin to collect their benefits from age 50 to age 55. The bill would finally put Members' retirement benefits on par with Federal employees.

The time has come for us to address the gross disparities between congressional retirement benefits and those of the average American. The era of governmental abuse has come to a close and the buck stops with us. I urge my fellow Members to hear the calls of the American people, and demonstrate your leadership by setting the example and cosponsoring this legislation.

INTRODUCTION OF THE BIOTECH PROCESS PATENT PROTECTION ACT OF 1995

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. MOORHEAD. Mr. Speaker, today, the gentleman from Virginia, [Mr. BOUCHER] and I are introducing the Biotech Process Patent Protection Act of 1995. This is the 4th consecutive Congress that we have introduced this legislation together.

From an economic point of view, the U.S. Biotech industry has gone from zero revenues and zero jobs 15 years ago to $6 billion and 70,000 jobs today. The White House Council on Competitiveness projects a $30 to $50 billion market for biotech products by the year 2000, and many in the industry believe this estimate to be conservative.

Companies that depend heavily on research and development are especially vulnerable to foreign competitors who copy and sell their products without permission. The reason that high technology companies are so vulnerable is that for them the cost of innovation, rather than the cost of production, is the key cost incurred in bringing a product to market.

In addition to the ability to obtain and enforce a patent, small companies in particular must be concerned about obtaining a patent in a timely fashion. In 1992 the pendency of a biotech patent application was 27 months with the backlog in applications increasing from 17,000 in 1990 to almost 20,000 in 1992. The Patent Office has taken steps to improve the situation by reorganizing its bio-technology examination group and increasing the number of new examiners. The PTO has also implemented special pay rates for their biotechnology examiners. As a result, biotech patent application pendency has been reduced from 27 months to 21 months and the backlog in applications have been reduced from 20,000 in 1992 to 17,000 in 1994.

Although this is slow progress it is a substantial improvement. However, we must continue to reduce these delays because this industry is so dependent on patents in order to raise capital for reinvestment in manufacturing plants and in new product development, and even more so for an industry targeted by Japan for major and concerted competition.

The House Judiciary Committee took the first step in 1988 when the Congress enacted two bills which I introduced relating to process patents and reform of the International Trade Commission. However, our work will not be complete until we enact this legislation. This bill modifies the test for obtaining a process patent. It overrules In Re Durden (1985), a case frequently criticized that has been cited by the Patent Office as grounds for denial of biotech patents, as well as chemical and other process patent cases.

Because so many of the biotech inventions are protected by patents, the future of that industry depends greatly on what Congress does to protect U.S. patents from unfair foreign competition. America's foreign competitors, most of whom have invested comparatively little in biotechnology research, have targeted the biotech industry for major and concerted action. According to the Biotechnology Association, in Japan the Ministry of International Trade and Industry [MITI] and the Japanese biotechnology industry have joined forces and established a central plan to turn Japanese biotechnology into a 127 billion yen per year industry by the year 2000. If we fail to enact this legislation, the Congress may contribute to fulfillment of that projection.

In conclusion, Mr. Speaker, this is important legislation. The biotech industry is an immensely important industry started in the United States with many labs housed in California. In the decade ahead, biotechnology research will improve the lives and health of virtually every American family. It will put people to work and it will save people's lives. I intend to schedule action early this session.

BARROW COUNTY REPUBLICAN PARTY ENDORSES SUPER MAJORITY VOTE FOR TAX LIMITATION

HON. CHARLES W. NORWOOD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. NORWOOD. Mr. Speaker, it is imperative that this body's ability to tax and spend be limited. I have heard from my constituents back home and they heartily approve of the new rule of the House which requires a 60-percent super majority to enact any Federal tax increase on U.S. citizens.

The Barrow County Republican Party has adopted a resolution which expresses support for this new rule in the House. It is stated below:

> Whereas on this date of January 16, 1995 the Barrow County Republican Party at it's stated meeting on the above date, and in full accord conclude that the United States Government through taxation and regulations, has far exceeded any power granted to it by the United States Constitution, and the people of this great Nation.
>
> And, whereas it appears to these Members of this body, that an amendment to regulate the tax and spend policies of the United States Government in such a way as to restrict the Government in the adoption of its policies of taxation on income, the ownership of personal property such as real estate, or any other personal possessions which may rightfully owned by an American citizen.
>
> And, be it therefore resolved by the Barrow County Republican Party at this meeting that tenth district Congressman Charlie Norwood, and that United States Senator Paul Coverdell and, United States Senator Sam Nunn of Georgia be petitioned by this body to consider, and adopt the three fifth's amendment, now being considered by the U.S. House of Representatives, which would require a sixty percent super majority vote to enact any Federal tax increase on the people of the United States.
>
> This resolution being wholeheartedly approved by this body, be it further enacted that this entire document be presented in support of this resolution, to be signed, and presented as directed by the officers present at this meeting.
>
> Signed,
>
> MIKE GRACE,
> *Chairman.*
> EDWIN GRAVITT,
> *Vice Chairman.*
> RANDY DUBOSE,
> *Secretary.*

LOCAL OFFICIALS SPEAK OUT ON UNFUNDED MANDATES

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, one of the high priority items for the 104th Congress is resolution of the problem of unfunded mandates. Last month, I had the opportunity to meet with local elected officials in Pennsylvania to discuss this issue. I found their comments and insights revealing.

Testimony was given by every member of the Delaware County Council, including Chairwoman Mary Ann Arty, Paul Mattus, Ward Williams, Wally Nunn, and Tom Killion. I also heard from Joseph Blair, president of Upland Borough Council; Bruce Dorbian, manager of Marcus Hook Borough; Kenneth Hemphill, Upper Darby School District; Thomas Kennedy, mayor of Ridley Park; James F. Shields, executive director, Delaware County Intermediate Unit; and Thomas J. Bannar, manager of Haverford Township.

I found their insights and experience very valuable. As we prepare to debate this issue on the floor of the House, my colleagues would do well to look beyond the statements of inside-the-beltway lobbyists and listen to the experience of local elected officials. I have included the testimony of several of the participants which I found particularly insightful. I urge my colleagues to review their statements to better understand how unfunded mandates affect local governments.

STATEMENT OF WALLACE H. NUNN, DELAWARE COUNTY COUNCIL

Earlier we identified that Unfunded Mandates occur as the result of passage of legislation, by promulgation of regulations in response to legislative initiatives, through policy decisions by government bureaucrats and as a result of court orders. Each of these has played a part in helping to construct a welfare system that is one of worst bureaucratic nightmares in terms of its size and expense, its red-tape, its lack of coordination through the various state and federal agencies that mandate its operation and its effectiveness. If we view the social welfare system as a chronological continuum of services beginning with Children and Youth Services and running through the various adult services, we note redundant programs due to more than one state and/or federal agency mandating not only the services but the way in which they are provided, with no coordination or even apparent knowledge of the other agency's mandate. This concern is exemplified in the area of Drug and Alcohol (D/A) where the County receives funding through the Department of Health, the Court system and, in some instances, the Department of Public Welfare. While we are able to cooperate internally and to coordinate the provision of some of the services, we nevertheless must maintain complex administrative structures to deal with the plethora of regulations and policies imposed on us. There may be as many as fifteen (15) different programs to deal with specialized aspects of D/A problems. Each of these is governed by its own set of regulations for operation and reporting.

Many of these regulations that govern our operation are circuitous and address not just the broad policy guidelines but actually stipulate the provision of individual services. For example, in the County Juvenile Detention Home, we are mandated not just to feed and cloth the juveniles but also to supply an evening snack. (Is eating just before bedtime a healthy practice?)

I have touched on the justice system. Approximately $48.3 million of the County Budget is projected to be expended on Administration of Justice. This accounts for over 57% of the approximately $84 million raised in taxes. It also points out the failure of social welfare programs since these programs obviously have not resulted in shaping all of our citizens who are clients of our systems into productive members of our society. While I am not naive enough to think that we can be 100% successful in moving people toward productivity, I would like to have the opportunity to design our own programs without interference from the federal and state bureaucracies. Block grants without the punitive strings attached would be a mechanism that could be used to funnel dollars to Counties. We suggest this approach to you.

STATEMENT OF BRUCE A. DORBIAN, MANAGER, BOROUGH OF MARCUS HOOK

On behalf of the Crum and Ridley Creeks Council of Governments I graciously recognize the Honorable U.S. Congressman from the 7th congressional district, W. Curtis Weldon, and the Honorable State Senator from the 26th senator district, Joseph Loeper and members of the county council. Thank you for organizing this public hearing on the subject of unfunded mandates and extending to us the opportunity to provide oral and written testimony.

The Crum and Ridley Creeks Council of Governments is an organization with 11 member municipalities formed to facilitate and develop mutual cooperation and coordination among the participating municipalities. The membership includes the boroughs of Media, Marcus Hook, Rose Valley, Rutledge and Swarthmore and the townships of Edgmont, Middletown, Nether Providence, Newtown, Upper Providence and Concord.

Whether Federal or State imposed, a mandate is a mandate. The word is feared in the local government community. Mandates can be fatal to the budget process and they occur far too frequently. They are feared because there is usually little notice or preparation, they carry new responsibilities, and seldom little authority or fiscal resources to carry them out.

WHAT ARE MANDATES?

They are requirements placed on local government by the Federal and State government to perform specified tasks. They are "mandates" because they must be done. The mandate message delivered from Federal and State government is similar to that national advertising campaign theme—"just do it."

WHO PAYS FOR MANDATES?

Local citizens and businesses pay for most Federal and State mandates through increased local taxes and fees. Most mandates are unfunded or underfunded. This means the Federal and/or the State government adopts the legislation and establishes regulatory requirements without appropriating any funds to implement the legislation or regulations. The costs for implementation are left to local and county governments.

WHY ARE MANDATES A PROBLEM?

Federal and State mandates are a problem for three reasons: (1) they are imposed without consideration of local circumstances or capacity to implement the Federal/State requirements; (2) they strain already tight budgets forcing increases in local tax rates and fees to pay for mandates while we continue to provide local services and keep local budgets in balance; and (3) they set priorities for local government without local input. Because most mandates require compliance regardless of other pressing local needs, Federal and State mandates often "squeeze out" projects and activities that are local priorities and which would contribute more to local health, welfare and safety than the specific action or activity dictated by Federal/State laws and regulations. Local dollars spent on Federal and State mandates is money that cannot be spent on local priorities.

ARE LOCAL GOVERNMENTS OPPOSED TO MANDATES THAT PROTECT THE PUBLIC HEALTH, SAFETY AND CIVIL RIGHTS OF CITIZENS?

No, local elected officials are committed to providing public services that enhance the health, safety and welfare of their citizens.

But local officials are opposed to unfunded, inflexible, "one-size-fits-all" laws and regulations. These laws and regulations impose unrealistic time schedules for compliance, specify the use of procedures or facilities when less costly alternatives might serve as well, and require far more than underlying laws appear to require. Local officials want to concentrate on performance, not procedures.

WHY SHOULD CITIZENS CARE ABOUT FEDERAL AND STATE MANDATES?

They allow the Federal and State government to write checks on the local government checkbook. They interfere with local decision-making and give authority to remote Federal and State lawmakers and bureaucrats rather than easily accessible local mayors, council members, commissioners and supervisors. And, perhaps most importantly, they force local governments to raise local taxes and fees in order to comply with mandates and maintain local services.

As municipal mangers, we have day to day, hands-on experience with mandates. They impact virtually every aspect of local government operations. Recent mandates include mandatory recycling, expanded training requirements for municipal police officers, additional pension benefits for police and fire officials, workers compensation enforcement through the local building permit system, agency shop, and public access requirements of the Americans With Disabilities Act. Then there are those that simply become institutionalized in the operations of the municipality and continue to impose costs ten to twenty years after enactment. Public advertising requirements, State and Federal mandatory wage requirements for public works projects, minimum wage, to name a few. Whatever the case may be, we know one thing for certain—once a mandate is imposed it is never repealed. One recent national research study ranked Pennsylvania second in the number of new mandates imposed on municipal government.

The current system allows Federal and State lawmakers and bureaucrats to impose their priorities without considering local budget and service impacts. Local budgets are statutorily required to be balanced, taxing authority is limited, and mandates cannot be passed on to another level of government. We must bring fiscal responsibility to the mandate process in this country and in Pennsylvania.

The buck has been passed to local government for too long; it is time for the "bucks" to be passed on as well.

STATEMENT OF JAMES F. SHIELDS, EXECUTIVE DIRECTOR, DELAWARE COUNTY INTERMEDIATE UNIT

It is a pleasure for me to be here today representing the Intermediate Unit, the fifteen public school districts in the county and the Delaware County School Boards' Legislative Council.

The issue of unfunded mandates has received much attention lately. I want to commend County Council for the leadership you have shown in bringing this issue to the attention of the general public. We can also look at Governor-elect Tom Ridge's campaign pledge in which he states: "I will fight to give our communities greater control over their schools and tax dollars, free from state micromanagement. I want to provide districts with relief from existing state mandates and stop the flow of new ones to encourage greater local control and help ease the pressure on local property taxes." Likewise, the new leadership in Congress has also expressed their intent to focus on this issue. It appears that the issue of unfunded mandates is approaching front-burner status on the political agenda.

Focusing public attention on unfunded mandates and the impact they have on local school district budgets has also been a priority of Delaware County school districts for the past five years. In the 1991–92 school year, a committee of superintendents and school board members started a process to identify some of the high cost mandates affecting schools. A survey was developed and completed by all school districts that identified and placed a dollar cost on some critical areas. A presentation of the results was made to the Delaware County legislative delegation at the School Boards' Annual Legislative Breakfast held on May 15, 1992. The following is a partial list of the information shared at that time. Although the cost data will have changed since that time, what hasn't changed is the economic impact these mandates have on local school budgets.

Certification restrictions and staff ratios as applied to Nurses, Dental Hygienists, Librarians ($3,014,750)

Sabbatical leaves for purposes of study and travel ($4,508,317 over previous five years)

State requirement to transport nonpublic school students up to ten miles outside local school district boundaries ($6,072,374)

Use of prevailing wage rate on school construction projects in excess of $25 thousand ($12,329,800 over previous five years and projected for immediate future)

Asbestos abatement ($17,650,107)

Underground storage tank inspection and removal ($5,901,000)

Transportation of Early Intervention students ($302,600)

The development of Act 178 Professional Development Plans ($668,000)

Implementation of a Teacher Induction Program ($173,730)

Special education costs have consistently exceeded the funds available from both state and federal sources. Because of the many due process requirements and the strict limitations on class size along with additional supportive services needed, this is an expensive mandate. In addition, while not required to do so under federal law, Pennsylvania has chosen to include the education of the gifted under state special education rules and regulations. The federal government originally promised to fund 40% of the cost of this law but in actuality the federal share has never exceeded 12%. It must be said that in and of themselves each of the mandates may be considered to serve a noble purpose. However, the cumulative effects of these and all the other mandates imposed on local districts impose a fiscal and human resource cost on schools. Meeting the demands of some of these mandates may take away resources from other areas of the school program deemed important by the local community.

As a next step in this process, the fifteen Delaware County school districts and the Intermediate Unit have contracted with the Pennsylvania Economy League to identify existing mandates that impact upon the operation of the schools and to assess their economic impact. In addition, the other three suburban intermediate units in Bucks, Chester and Montgomery Counties have likewise expressed an interest in participating and supporting this study.

In 1982 the Pennsylvania Local Government Commission, after an exhaustive study, identified 6,979 state imposed mandates upon local government units in Pennsylvania. Moreover, the Pennsylvania School Boards Association, representing all 501 school districts in the Commonwealth has identified burdensome mandates the Association has targeted for legislative remedy including the following:

Prohibiting the furlough of staff for economic reasons;

The requirement to transport nonpublic students up to 10 miles outside the district;

The awarding of tenure after two years of successful teaching;

The requirement to hire certificated school nurses, dental hygienists and home and school visitors according to a state-established pupil ratio;

Providing full year and split year sabbaticals for travel;

Permanent certification for teachers and administrators.

It is clear that now is the time for concerted action by all agencies of local government to ease the financial burden caused by unfunded or partially funded state and federal mandates. On behalf of Mr. Walter Senkow, President of the Intermediate Unit Board of Directors, Mr. James Fahey, Chairman of the School Boards' Legislative Council, and Dr. Roger Place, Chairman of the Superintendents' Advisory Council, I commend County Council and our legislative delegation for sponsoring today's hearing. We stand ready to work cooperatively with you to address these important concerns.

TRIBUTE TO JESS SOLTESS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize Jess Soltess as he retires from the position of Ferndale city manager after 24 years of distinguished service to Ferndale, MI, and the surrounding community. In 1971, Jess began his distinguished career serving Ferndale as community development services director. In 1978, he was elevated to his current position of city manager.

Mr. Speaker, I have had the pleasure to represent the city of Ferndale for 13 years. It is a dynamic community growing and changing to better serve its citizens. Jess has truly played a key role in Ferndale's development and success.

On the occasion of his retirement, I would like to congratulate and thank Jess Soltess for his commitment and dedication to the city of Ferndale. I would like to extend my best wishes to Jess and his wife Sue for many years of health and happiness.

TRIBUTE IN MEMORY OF SLAIN SAN ANTONIO POLICE OFFICER FABIAN DOMINGUEZ

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. TEJEDA. Mr. Speaker, I rise today with a grim duty, to report to you and the House the senseless murder of Fabian Dominguez, a patrolman who served valiantly on the San Antonio Police Force. In an act of selfless duty, he lost his life at the hands of young thugs.

The details are poignant: On his way home from his shift, Patrolman Dominguez stopped to investigate a suspicious situation at his neighbor's home. He surprised some would-be burglars and was shot to death. Three teenagers have been charged with his murder.

At his funeral, the pastor of Trinity Baptist Church, the Reverend Buckner Fanning, is reported to have said: "Fabian was off-duty. Duty didn't require he stop. But love did. Commitment did. Love for God. Love for his neighbor. Love always stops where there's trouble. Love never takes a vacation. Love is never off-duty." These words ring true.

We in this Congress must continue to strive to convince our youth, our children, that life is precious, not something to be thrown away casually. We hear about a lack of values in our society, and it stems from the failure to recognize the special unique spirit of each human. It stems from a lack of self-respect. Our challenge is to create incentives to put that ultimate value, the value of human life, into the hearts of all of us.

Each day, in San Antonio and in other cites, towns, and counties across this country, law enforcement officers put their lives on the line to protect us from those who would do us harm. Some walk the beat, some patrol in cars, on horseback or bicycles, and yet others serve from behind the desk. Brave men and women, dedicated to public safety, give us their all, and it is appropriate for us in this House of Representatives to pay tribute to each of them.

Patrolman Dominguez was laid to rest with full honors yesterday. In recognition of his service, Police Chief William Gibson retired badge No. 0399, worn proudly by Mr. Dominguez. Our hearts go out to his family, and particularly to his wife and twin 8-month-old daughters, who will look at the American flag given to them, first draped over their husband's and father's coffin, with pride and sadness.

INTRODUCTION OF A BILL TO PROHIBIT PAY AND ALLOWANCES TO INCARCERATED MILITARY PERSONNEL

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mrs. LINCOLN. Mr. Speaker, today I rise to introduce legislation that would prohibit pay and allowances to military personnel who are under a sentence that includes dismissal or a dishonorable or bad-conduct discharge. In this day of heightened fiscal responsibility, it is outrageous that this Government continues to keep military personnel on its payrolls after they have been convicted of crimes. My constituents and I feel that such irresponsible practices must be stopped. This policy was originally adopted to finance the costs of shipping families of convicted criminals back to civilization during the development of the Old West. However, times have changed and such an outdated policy should be rectified. This

Government should not be paying out funds designed to solve problems that existed 120 years ago.

Certainly today no civilian firm would continue to keep on its payrolls convicted rapists and murderers. In summary, I urge my colleagues to sponsor and support this worthwhile bill to correct an existing anomaly in our Government's policy.

TRIBUTE TO MALCOLM BENNETT

HON. JULIAN C. DIXON

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 19, 1995

Mr. DIXON. Mr. Speaker, I rise today to recognize the accomplishments of Malcolm N. Bennett, outgoing president of the Southwest Los Angeles Board of Realtors, the only African-American board of realtors in Los Angeles. His contributions to the business community have been matched by his commitment to bettering the lives of the less fortunate in Los Angeles.

In addition to being president and founder of International Realty & Investments, one of the largest minority-owned property management firms in the city, Mr. Bennett is also co-owner of one of the largest minority-owned glass installation companies, International Glass Co. Mr. Bennett's knowledge in the real estate field has allowed him to serve as State court receiver for several of the largest banks in California and his activities in the community have received recognition at the State and local level.

Mr. Bennett has also been active in efforts to better the lives of those with special needs. He has taken an active role as a member of the board of directors of the South Central Los Angeles Regional Center for the Disabled, working on special projects and programs designed for individuals with special needs. Mr. Bennett has also served as board member for the Cripple Children's Society, devoting his time and energy to organizing their annual walk-a-thon. Mr. Bennett is president and founder of the Minority Apartment Owners Association, and has led the organization's efforts to reach out to elderly and confined residents in the community.

Malcolm Bennett's success as a leader in the real estate industry in Los Angeles, and his willingness to lend his efforts on behalf of community members in need, deserve our recognition and praise. I am pleased to call attention to Malcolm's accomplishments and his tenure as president of the Southwest Los Angeles Board of Realtors, and ask my colleagues to join me in congratulating him on his contributions to the community.

TRIBUTE TO THE LATE LEE ECHOLS

HON. DUNCAN HUNTER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 19, 1995

Mr. HUNTER. Mr. Speaker, Lee Echols, who served our country in a number of hazardous positions, died recently at age 87 at a hospital near his home in Bonita, CA. His life proved that truth is indeed stranger than fiction, since no fiction has ever emerged that combined Lee's true life adventures which included service in the OSS; the CIA; special Customs agent for undercover narcotics work; a Navy officer in New York City and special State Department operative in Guatemala, Bolivia, Uruguay, Mexico, and the Dominican Republic.

Along the way, Lee became a member of the U.S. Treasury Pistol Team and won the National Pistol Championship in 1941 at the Camp Perry Shoot. He served as western field director for the National Rifle Association for several years. After retirement from 38 years of Government service, Lee helped organize the Association of Former Intelligence Officers, which had been started by his old friend, Dave Phillips, who had been Chief of the western hemisphere section of the CIA. Lee became California State chairman of AFIO.

"Hilarious High Jinks & Dangerous Assignments," the autobiography of Lee Echols, was published in 1990, and recounts his amazing career as well as outlining some of the many practical jokes he and his associates played on each other. In addition to the autobiography, Lee wrote a book, "Dead Aim" about the various shooting matches in which he participated over the years, a book of fiction, and numerous magazines articles.

In his adventuresome career, Lee encountered various smugglers, dealers in narcotics, Communists, revolutionaries, corrupt officials of Latin American countries and Mexico, and others who would have killed him had they discovered his true identity. The amazing thing is that he could operate undercover for our Government for many years and still survive.

One factor that sustained him was his great sense of humor, which led him to organize and take part in various hoaxes of his fellow workers, and for that matter, anyone who came along. It was this facet of Lee's life that attracted men of action to him, including the famous Marine general, Hollands M. "Howlin' Mad" Smith. At one of the international pistol shoots, Lee staged a scene where he appeared to have been accidentally shot and killed by another contestant.

In the Dominican Republic, where he worked undercover for our State Department, he obtained information from the revolutionaries that was of great help in protecting American dependents until the United States Government could send in the 82d Airborne and the Marines to evacuate them to United States ships. He also later ran a school for Spanish-speaking countries interested in training efficient national security forces.

His life story, "Hilarious High Jinks & Dangerous Assignments" not only tells an incredible true story of his life, but also gives an idea of the efficiency of our undercover operations, of the CIA, the OSS, Customs, and other Government agencies. Having grown up in Calexico, in Imperial County, and worked 10 years for Customs along the border, Lee spoke Spanish fluently and also understood how to get along with our neighbors to the south.

His work lives on in the lives of the young men, Americans and those from Latin America, whom he trained in law enforcement and respect for democracy. Like many others who have helped build America, Lee was a product of his times and his environment, and an inspiration to all who knew him.

U.S. CONGRESS AND GERMAN PARLIAMENT CONDUCT ANNUAL EXCHANGE

HON. CHARLES W. STENHOLM

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 19, 1995

Mr. STENHOLM. Mr. Speaker, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about the working of each other's political institutions and convey Members' views on issues of mutual concern.

This year marks the fifth exchange with a reunified Germany and a parliament consisting of members from all 16 German States. A delegation of staff members from the United States Congress will be chosen to visit Germany from May 7 to May 20. During the 2-week exchange, most time will be spent at meetings conducted by Bundestag Members, Bundestag party staff members, and representatives from political, business, academic, and media groups. Cultural activities and a weekend visit in a Bundestag Member's district will round out the exchange.

A comparable delegation of German staff members will visit the United States in July for a 3-week period. They will attend similar meetings here in Washington and visit the districts of Congressional Members over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency [USIA] personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state why they believe they are qualified, and some assurances of their ability to participate during the time stated. Applications should be sent to Kathie Scarrah, c/o Senator JOSEPH I. LIEBERMAN, 316 Hart Senate Office Building, by Wednesday, February 15.

INTRODUCTION OF THE ALASKA PENINSULA SUBSURFACE CONSOLIDATION ACT OF 1995

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. YOUNG of Alaska. Mr. Speaker, today I am reintroducing legislation directing the Department of the Interior to acquire subsurface inholdings in three conservation system units. Under this legislation, entitled the "Alaska Peninsula Subsurface Consolidation Act of 1995," the United States would acquire 275,000 acres of oil and gas properties in the Aniakchak National Monument and Preserve, the Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge in exchange for Federal properties of equal value in Alaska.

The subsurface properties are currently owned by an Alaska Native corporation, Koniag, Inc., which received them under the terms of the Alaska Native Claims Settlement Act of 1971. By an accident of geography, Koniag, the regional corporation of the Kodiak Archipelago, was unable to realize its full entitlement of land within the Kodiak area under ANCSA. The prior establishment of the Kodiak National Wildlife Refuge and the limitations of the islands forced Congress to redraw the regional corporation boundaries and grant Koniag and other Kodiak corporations rights on the Alaska Peninsula. Most of these rights were exchanged in 1980, but these subsurface holdings remain. Implementation of this bill will finally remove Koniag from the area and allow the Federal agencies better management capability.

Under the terms of the bill I am introducing, after a standard risk adjusted appraisal of the oil and gas rights, Koniag will exchange these holdings for Federal property in Alaska of equal value. In the event that Koniag and the Secretary of the Interior are unable after 5 years to swap lands accounting for the full value of the oil and gas, then Konaig will be given credits equal to the remaining untraded value of the rights. With these credits, Koniag or its assignee may bid on other Federal surplus properties. Any income from the disposal of its assets by Koniag will be shared with other Alaska Native corporations just as oil and gas income is shared under the terms of ANCSA section 7(i).

Mr. Speaker, a version of this bill has been considered and passed the House in 1992. Another version was approved by the Senate Energy and Natural Resources Committee in 1994. But we have never been able to get the bill all the way through the process. I hope to change that this year.

I have made a few changes in the bill which I am introducing today. The major change is to delete the wilderness designations which have previously been part of the bill. It was my hope that moderate wilderness designations in the bill would help the bill's consideration in this body and with the administration. Despite the courtesy and fair consideration by former Chairman MILLER, we were unable to move the bill last year. At the same time, the wilderness provisions drew opposition from other native corporations, local governments, and the State of Alaska.

I have also made minor changes to the sections of the bill regarding the mineral appraisal and the property account in response to suggestions made by the Department of the Interior and Office of Management and Budget. These provisions are similar to those in the bill approved by the Senate last session and were acceptable to the Congressional Budget Office. If there are other improvements which can be made to the bill, I will entertain them during the hearing process.

I look forward to working with the Secretary, with Mr. MILLER and the other members of the Resources Committee. I am confident we can resolve this long overdue issue for the benefit of the Alaskan Native community and for the American people.

INTRODUCTION OF THE "SOUTHWEST PUBLIC HEALTH LABORATORY"

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. COLEMAN. Mr. Speaker, I rise today to introduce legislation that was passed overwhelmingly in the House but killed by the other body during the 103d Congress. The "Southwest Public Health Laboratory" was included in the conference report to S. 1569, the Minority Health Improvement Act of 1994.

This cooperative regional environmental laboratory would supplement existing public health laboratories within the border States. This is necessary due to the fact that State health departments have had difficulty meeting the increasing demands being made on them over the past several years. Basic duties, such as oversight of environmental conditions to reduce and eliminate health hazards, have become increasingly difficult to sustain due to tight budget constraints and increasing public health problems.

A recent incidental discovery of highly toxic fish in the Rio Grande exemplifies the need for additional laboratory capacity and the difficulty in detecting some of these potential health threats. In fact, polluted water and contaminated food cause much higher rates of gastrointestinal and other diseases along the border than in the rest of the United States. For example, hepatitis A is two to three times more prevalent along the border than in the United States as a whole. This is a critical problem in my home county of El Paso. The rate of amebiasis, a parasitic infestation, is three times higher along the border than in the rest of the United States and the rate of shigellosis, a bacterial infection, is two times higher. These diseases don't check with immigration or customs inspectors for either country before crossing borders, nor do they remain at the border. Once these diseases are in the United States they become a public health problem for the entire country.

I urge my colleagues to support this important legislation. This will not only benefit the southwestern border region, but the entire U.S. population.

A SPECIAL "DEAN"

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. WALSH. Mr. Speaker, the most recent edition of the Empire State Report, January 1995, contains an excellent article about the Washington based correspondent for the Watertown Daily Times known to those of us in the New York delegation as the Dean. Alan Emory has served his newspaper and the people of the north country for 43 years with distinction, style, and grace.

Recognition from our peers is always a treasured commodity. Last December, Alan was elected president of the Gridiron Club, an association of Washington journalists, because of his long-time service and professional dedication to his chosen field of endeavor. He is respected and admired within the fraternity of journalism as this honor clearly indicates. Among those in Congress who respond to his inquiries, Alan is known for his fairness and integrity. This in itself is the mark of a true professional.

I am enclosing the above-mentioned article for the RECORD. It is a well deserved tribute for one of the true gentlemen in journalism today.

THE DEAN

[By Jonathan D. Salant]

At one of U.S. Sen. Daniel Patrick Moynihan's infrequent gatherings for the Washington press corps from New York newspapers, a *New York Times* reporter attempted to sit in the front row.

"No, no, no," Moynihan sputters. "That's the dean's seat."

The "dean" in this case refers to Alan Emory, the 72-year-old correspondent for the *Watertown Daily Times*. Most of the reporters who join Emory weren't born when he came to Washington 43 years ago, the result of an effort by his publisher to give the readers something more in exchange for a price hike. The rest of the New York press corps watches Emory take his seat in front and pour a cup of coffee for the senator. They sit silent deferentially to allow Emory to ask the first question, much as the senior wire service reporter opens presidential news conferences.

Emory began covering Washington before Moynihan, who later served in the administration of four presidents, began his career in public service as an aide to then-Gov. Averell Harriman. Emory has covered Govs. Thomas Dewey, Harriman, Nelson Rockefeller, Malcolm Wilson, Hugh Carey and Mario Cuomo. He has covered Sens. Irving Ives, Kenneth Keating, Jacob Javits, Robert Kennedy, Charles Goodell, James Buckley, Alfonse D'Amato and Moynihan.

Emory has reported on the administrations of Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan and George Bush.

Come March, he'll be dining with Bill Clinton.

"It's a very exciting prospect," Emory says.

In December, Emory was elected president of the Gridiron Club, an association of powerful Washington journalists. Some of his predecessors include David Broder, Helen

Thomas, Carl Rowan and Jack Germond. Emory says he can't remember another reporter from a small newspaper being elected club president.

Each March, the Gridiron Club holds an ultra-exclusive white-tie dinner featuring the president, his cabinet, and most of Washington's top public officials and politicians. Like the Legislative Correspondents Association's annual show in Albany, the Washington reporters write parodies poking fun at Republicans and Democrats alike. As club president, Emory gets to dine with Clinton and must keep an eye on him throughout the show, the better to report back to the membership on how he reacted to the skits.

Clinton gets to deliver a rebuttal following the show. Next year's speakers also include Moynihan and former Education Secretary Bill Bennett.

It's been a long journey between dinner with the president and Watertown, where Emory first was hired in 1947 after graduating from Columbia University with a master's degree in journalism. (He attended Harvard University as a undergraduate.)

Emory was covering the Dewey administration in Albany when his publisher, John Johnson, called him in August 1951.

"We're going to raise the price of the paper. We owe the readers something," Emory recalls Johnson telling him, "How would you like to go to Washington?"

Emory jumped at the chance. He and his wife, Nancy, packed up and moved south. Shortly after arriving in Washington, they found a house on a lake in a Virginia suburb. They've been there ever since, raising three children. They now have four grandchildren as well.

He's traveled with presidents, covered the White House, and written on foreign affairs. But his bread-and-butter is the local, day-to-day coverage of New York affairs in Washington. The congressional delegation. The St. Lawrence Seaway. The state lobbying office. Politics. Federal decisions as they affect the Empire State.

The New York connection has served Emory well. At the 1960 Republican National Convention, Emory got there a few days early and hung out with aides to then-New York Gov. Nelson Rockefeller. They told him that Rockefeller was not going to be nominated for president against Richard Nixon. A national scoop.

"I got the story long, long before anyone else even came close to it," Emory says.

Likewise, at the 1968 Republican convention, while waiting to interview with William Miller, the former upstate New York congressman who was Barry Goldwater's running mate four years earlier, Emory found a poll that showed Nixon being more popular than Rockefeller in New York. The two men were competing for the 1968 Republican presidential nomination. Emory gave his story to the Nixon folks with the stipulation that they agree to credit his newspaper if they used the information. Sure enough, there was Nixon a few days later, quoting the *Watertown Daily Times*.

Emory spends much of his time chronicling the Watertown-area congressman, John McHugh (R-Pierrepont Manor). McHugh was three years old when Emory first went to Washington.

"I took my first lessons about politics from Alan Emory's column," McHugh says. "I've read about his experiences and his observations. I finally had a chance to meet with him face-to-face and work with him. It was a thrill for me. To most people in the North Country, Alan Emory is our window on the Capitol."

Many regional reporters in Washington move onto greener pastures. They land jobs at larger papers or enter the government. Emory says he has never tired of his job or the Watertown paper. He once had a shot at a bigger paper, but it fell through. Otherwise, he says, he's never wanted to leave.

"Watertown treats me like a member of the family," he says. He goes on vacation when he wants. He has the time to do projects like Gridiron. The paper was very supportive when he underwent cancer treatment a few years back.

One of Emory's friends, Allan Cromley of the *Daily Oklahoman*, walks by. "Don't believe a word he says," Cromley says. Emory smiles and goes on.

"When people play up to the big metropolitan papers, there's that frustration," Emory says. "But there's a counterweight that comes if you luck into somebody from your neck of the woods who gets way up there."

Eisenhower's press secretary, Jim Haggerty, used to work for Dewey. Nixon's secretary of state, William Rogers, was a native of St. Lawrence County. Former Central Intelligence Agency chief Allan Dulles was a Watertown native. All became sources for Emory.

Others from the North Country have passed through. Former state Sen. Douglas Barclay of Pulaski chaired President Bush's upstate campaign in 1988 and was named to the Overseas Private Investment Corporation. Former North Country Rep. Robert McEwen was appointed by President Reagan to one of the joint U.S.-Canadian commissions. Former Assistant Education Secretary Donald Laidlaw was an Ogdensburg native.

Another official, former Republican National Committee Executive Director Albert (Ab) Herman, had played professional baseball in Watertown. Emory wrote a story about him, and Herman began hearing from old friends long forgotten. "He was a fabulous political source from then on," Emory recalls.

In the 1950s, the federal government used to publish a book listing the home congressional district of numerous federal workers. Anyone hailing from the North Country's congressional district could expect a call from Emory.

"I would leaf through that book, call them up and do interviews," Emory says. "These were people nobody had ever been in touch with before. They started getting mail from old neighbors who saw their write-ups in the Watertown Daily Times. Also, it gave me all kinds of contacts. If the individual didn't have the answer, he could lead me to someone who did."

A U.S. senator named Hubert Horatio Humphrey became a source as well. Humphrey and Emory's mother, Ethel Epstein, served together on the board of the liberal Americans for Democratic Action.

Emory lists Humphrey and former Michigan U.S. Sen. Philip Hart as his two favorite politicians. He came to know Hart after an aide to New York U.S. Sen. Herbert Lehman joined the Michigan senator's staff.

Among contemporary politicians, it is Cuomo, who Emory landed as the speaker for the 1988 Gridiron show, who is his favorite. Cuomo sent him a note a couple of years back for his 70th birthday.

Had Cuomo run for president, he might have been the chief executive accompanying Emory to the Gridiron dinner next March. But Emory says he's not surprised Cuomo never went for the White House.

"I was never totally convinced that he wanted to undergo the battle," Emory says. "He would have loved to be president but he would have hated to be a candidate."

BONILLA-EDWARDS ESA MORATORIUM AMENDMENTS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BONILLA. Mr. Speaker, today, Congressman CHET EDWARDS and I are introducing the Endangered Species Act moratorium amendments. This bipartisan legislation will help put a stop to the current abuses of the Endangered Species Act [ESA]. In its current form the Endangered Species Act—though well intentioned—works contrary to, and often against, one particular species—the human being.

Many hardworking ranchers, farmers, and homeowners in Texas have a greater fear of the golden cheeked warbler than they do of tax hikes and tornadoes. In my own hometown of San Antonio, TX, the entire source of water has been held hostage by Federal agencies and courts over a small fish called the fountain darter. This bill is an important first step to allay some of those fears and bring common sense to the ESA process. We in Congress must act and ensure that human beings no longer play second fiddle to spiders and snakes.

Specifically, this legislation will suspend the further listing of endangered or threatened species and the designation of new critical habitat until the Endangered Species Act is reauthorized by Congress. The ESA's authorization expired in 1992. This bill is a realistic vehicle toward reforming the ESA. Passage of this bill compels Congress to consider human factors and bring balance to the ESA when it considers the reauthorization. ESA must be reconstructed with amendments which not only protect the environment, but respect property rights.

Protecting property rights does not mean that threatened species cannot be protected. It simply means that human costs should be considered when the ESA is imposed. It also means that Government agencies, such as the Fish and Wildlife Service, should be creative in finding ways to balance these goals, rather than slamming the heavy fist of the Federal bureaucracy down on landowners. The Federal Government should work in concert with the true stewards of the land, instead of threatening them with fines without warning.

Please join me in cosponsoring this important legislation. It is long since past the time that we brought sanity and common sense to the ESA process. This legislation will stop current abuses and make possible real reform of the ESA. Thank you.

ONE-YEAR ANNIVERSARY OF THE NORTHRIDGE EARTHQUAKE

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BEILENSON. Mr. Speaker, 1 year ago, the Nation's costliest disaster struck the Los Angeles area. The Northridge earthquake, the epicenter of which was in the end found to be in the 24th Congressional District that I represent, changed forever the lives of those of us who experienced the 6.7-magnitude quake.

The extraordinarily quick response of my colleagues in Congress in passing legislation to ensure the delivery of urgently needed Federal funds to help the victims of this natural disaster was one of the most generous and gratifying that I have experienced. Despite the debate over the size of the Federal budget deficit, and the anxiety in Congress—an apprehension that is not entirely misplaced—about adding to that serious problem, Congress approved quickly the $8.6 billion in earthquake relief that was so urgently needed. For my constituents and those of other Members whose districts were hit so hard by this disaster, I remain extremely grateful to my colleagues for their support and compassion.

Mr. Speaker, even now, we find it difficult to explain to those who live outside the area the disruption in the lives of so many people in southern California caused by this devastating earthquake. It not only destroyed homes and schools and roads, but also caused permanent job losses in an area that was already racked by a severe recession.

Yet, we have made remarkable progress in recovering from a disaster that caused nearly 60 deaths, left thousands homeless, and caused property damage estimated at more than $20 billion. The Federal Emergency Management Agency, which so splendidly coordinated the network of some 13 Federal agencies and 3,600 employees in responding to the damage caused by the quake, estimated that 92,000 buildings were damaged and 20,000 dwelling units had to be vacated. So far, over 500,000 individuals and businesses have received in excess of $5 billion in Federal aid, a figure that surpasses Federal assistance after any previous U.S. disaster.

I cannot adequately describe for my colleagues what a magnificent job FEMA and other Federal, State, and local agencies have done overall in responding to this disaster. At a time when Government is so often criticized, we should be extremely proud of all these Government agencies, programs, and employees. As the Los Angeles Times recently said, Government agencies responded "with the most splendid emergency assistance program in U.S. history." It marked a first for disaster officials who had never been called upon to provide emergency assistance to so many people. In fact, the over 20,000 dwellings that were made uninhabitable by the quake were the equivalent of an entire mid-size American city being wiped out.

And, while the Federal Government responded efficiently to the mounting challenges caused by the earthquake to help rebuild a region that is so crucial to the entire Nation, we were all especially impressed by the volunteers from all over the country who came to our area in the San Fernando Valley and in Ventura County to help. Individuals from the Red Cross, the Salvation Army, and from many religious organizations in every region of the country provided food, shelter, clothes, day care, and help in cleaning up. All Members should be proud of the response of their own constituents to our constituents in their time of need.

Mr. Speaker, Federal aid was urgently needed to ensure that victims of this massive earthquake were able to recover—and the great majority of individuals and businesses have been able to do so, or at least make a very good beginning, within the year since the quake hit. We have been able to rebuild our badly damaged transportation infrastructure, repair our schools and homes, and revive the economic health of our area.

Of course, much work remains to be done. But the words most often used to describe the residents of the area are resilience and confidence. Even as another natural disaster—the third that has affected my district within 15 months—struck our area, my constituents have rebounded; they are helping each other, just as they did following the firestorms and the earthquake, because as we all know, the Government simply cannot rescue everyone. This is one of the most significant lessons of this major disaster.

Mr. Speaker, I commend my colleagues, the thousands of volunteers from all over the country, the local, State, and Federal governments, and most of all, the residents of the San Fernando Valley and Ventura County for every effort made to rebuild and reconstruct our area and bring us back from the costliest natural disaster ever in North America.

BISHOP HEAD CELEBRATES ANNIVERSARIES

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. QUINN. Mr. Speaker, I rise today in honor of Bishop Edward D. Head as he celebrates his 50th anniversary as a priest and 25th anniversary as a bishop.

In commemorating this occasion, we honor a man of towering strength and dignity, a man who, through his years of dedicated service to his church and his community, has earned a reputation for leadership, compassion and generosity. He has led the diocese of Buffalo through the difficult and tumultuous years of the last decades with unwavering faith and commitment.

His devotion to the values and traditions of the Catholic Church in the changing times has only strengthened the bond the church has in western New York, and has provided a haven for those in need.

Bishop Head was ordained a Catholic priest on January 27, 1945, in St. Patrick's Cathedral, New York City, by the late Cardinal Francis Spellman.

Pope Paul VI named him a bishop in 1970, and he served as auxiliary bishop of the Archdiocese of New York until he was appointed bishop of Buffalo in 1973.

Bishop Head was born and raised in New York State. He studied at Cathedral College in New York City, did graduate work at Columbia University and studied theology at St. Joseph's Seminary.

After his ordination, he taught sociology and did parish work until he was appointed to the staff of Catholic Charities of the Archdiocese of New York in 1947. A year later, he received a master's degree in social work from the New York School of Social Work. He continued his work with the Catholic Charities until his ordination as auxiliary bishop in 1970.

Mr. Speaker, Bishop Head is a man who has generously devoted his life to working toward the betterment of his community. He is a tribute to the people he serves in western New York, and it is only fitting that we honor him today.

COMMENDING BRUCE AIKEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to Bruce Tansill Aiken, a native of Brownsville, Texas, who has dedicated his life to teaching the history between Mexico and the United States. In light of the fact that the Mexican-American War is often omitted from the time lines of this country's history, this is a particularly painful time for those of us who live in the American Southwest.

This reality makes the illumination of the relationship between the United States and Mexico pivotal to understanding our future together. As an educator with a specialty in military history, Bruce Aiken has been the leading teacher of local history and area military history for our entire community.

Many of those who occupy the Southwest are descended from families who have occupied this place for hundreds and hundreds of years—long before the American Revolution, much less the war for Texas' independence or the War with Mexico. Still others are descended from the immigrants who came to the United States from Mexico in search of a better social and economic life. Mexico has played a role in shaping our country since the beginning of our history—and Bruce Aiken has spent his life teaching people how to understand that integral relationship.

After his service in the U.S. Army, Bruce served the Brownsville community as Administrator of the Brownsville Independent School District. From there, he joined the faculty of the University of Texas at Brownsville—and later became the executive director of the Historic Brownsville Museum, an association for which Bruce was the founding director.

He is a widely recognized resource on local history for other authors, as well as an author in his own right. His outstanding work was recognized by Governor Ann Richards in 1993 by his appointment to the Texas Historical Records Advisory Board. In 1982 he was appointed to the Texas Professional Practices Commission by Governor Dolf Briscoe. In 1985 the Texas Historical Commission awarded Bruce a Citation for Distinguished Service.

Bruce and I worked together on a project that was of great importance to me—establishing the Palo Alto National Battlefield Historic Site, just outside of Brownsville. Palo Alto was the only site of battle waged north of the Rio Grande between the U.S. and Mexico during the War.

In 1993 Bruce was the co-host of the first annual Palo Alto Conference. This historic conference brought together academics, anthropologists, historians, political scientists, sociologists and military research analysts from both Mexico and the United States. It was the first time such a gathering occurred, and the lessons we all learned were monumental.

Mr. Speaker, Bruce Aiken is a special man who has taught the Brownsville community much more about our history than anyone could have ever imagined. He has added to the history of our area, and our community is grateful to him for his efforts to bolster our education so that we will be better able to understand our future. January 19, 1995, has been declared "Bruce Aiken Day" by the

Board of Directors of the Historic Brownsville Museum Association. I hope my colleagues will join me in paying tribute to Bruce Aiken, a very special patriot, historian and teacher.

WILKES-BARRE SOCIAL SECURITY CENTER FOR DATA OPERATIONS CELEBRATES 50TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to commemorate the 50th anniversary of the Wilkes-Barre Center for Data Operations of the Social Security Administration. This facility provides employment for more than 1,000 residents in my district.

Although the facility is now housed in a brand-new, state-of-the-art complex, this was not always the case. In the early 1980's, the Social Security Administration sought to consolidate and modernize its operations in Wilkes-Barre, which at that time were scattered about several buildings in the area. The operation needed more space and the possibility existed that the entire operation would leave northeastern Pennsylvania.

After several setbacks in finding a location for a new facility, I testified before the Appropriations Committee on the need for funding a new building. In the fall of 1986, the House and Senate approved my amendment to provide funding for a brand new facility in the Wilkes-Barre area.

For almost 2 years, problems were encountered in finding an appropriate site for the new facility. Then, in late 1988, I worked with Governor Robert Casey and State senators and representatives to draft legislation to sell 200 acres of land in Plains Township to the Greater Wilkes-Barre Industrial Fund which would convey 35 acres to the GSA for construction of the building. In the months to follow, GSA determined that the construction of the new facility would actually save more than $9 million over the life of the facility. More funding was appropriated for the project in 1990. In continued partnership between the Commonwealth of Pennsylvania and the Federal Government, the appropriate State legislation was passed, and in late 1990, the legislation for the transfer of the land from the Commonwealth to the industrial fund was signed into law. In 1991, the site for the new building was announced to the public.

Mr. Speaker, one of the proudest moments of my tenure in Congress came on November 29, 1993 when I joined Federal, State, and local officials in dedicating the new Social Security Center in Plains Township. Dedicating the facility signified the realization of a goal which I set when I was first elected to Congress. This new building assured the continued presence of the SSA in my district and secured more than 1,000 jobs for my constituents.

The building stands today as a tribute to the work ethic of the people I serve. It is also a monument to the cooperation and partnership possible among the Federal, State, and local governments. I am extremely pleased to congratulate the WBDOC on its 50th anniversary and to have this opportunity to thank the Social Security Administration again for its continued faith in the people of northeastern Pennsylvania.

INTRODUCTION OF THE NEVADA FOREST PROTECTION ACT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mrs. VUCANOVICH. Mr. Speaker, 6 years of persistent drought has produced large areas of dead and dying trees and other accumulated fuels in Nevada's forested lands. The 1994 wildfire season was the worst in history, and extreme wildfire danger still exists in many of the forested lands in Nevada, including the Lake Tahoe area which, in addition to the drought, has suffered years of insect infestation, resulting in a dangerous overloading of fuels.

Last year, over 780 wildfires occurred throughout Nevada, involving well over 215,000 acres affecting areas near Caliente, Hallelujah Junction, Panacea, Lone Mountain, Bull Run, Mahogany Springs, Holbrook Junction, and Verdi. Both Federal and State resources were stretched to the limit fighting fires across Nevada as well as helping out in other States.

The risk of intense wildfires threatening the safety of people and property, like the ones that flared across Nevada and other Western States last year, can be significantly reduced by removing excessive fuel accumulations including slash piles and dead trees that become fuel ladders.

Today I am reintroducing the Nevada Forest Protection Act to preserve the health of Nevada's forested lands and to protect the lives and property of those who live in or near forested lands. This legislation requires the U.S. Forest Service and the Interior Department, working with State officials, to identify high-fire-risk Federal forested lands and to clear the forest fuels in those areas. My bill also calls for a long-term fire prevention plan to be designed by the Forest Service and Interior so that the dangerous buildup of fuels will no longer continue unchecked.

Preemptive action now will be cost effective in the long run, since the cost of fighting fires as they occur is significant. This legislation is vital in the process of preventing wildfires and improving the health of our Federal forested lands. I hope all my colleagues will support my efforts to ensure responsible management of these invaluable lands.

ALICE SPEARS TO CELEBRATE HER 100TH BIRTHDAY

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. LAHOOD. Mr. Speaker, Saturday, January 21, 1995, will be a very special day in the lives of a wonderful family living in Peoria, IL.

Alice Agnes Spears will be celebrating her 100th birthday.

Her three sons, Joseph, George, and Bill, along with 13 grandchildren; 23 greatgrandchildren; and 2 great-great grandchildren, with family and friends, will celebrate a life of caring and inspiration for those whose lives have been touched by this devoted lady.

I ask my colleagues to join me in wishing Alice Agnes Spears a very happy 100th birthday.

TRIBUTE TO WOODROW W. WOODY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Woodrow W. Woody, president of Pontiac Motor Sales, Inc., parent company of the Woody Pontiac auto dealership in Hamtramck, MI.

Woodrow Woody is a remarkable person who has earned an impeccable reputation for hard work and service. In commemoration of Woody's 55 years of service, I am sharing a recent article from the Oakland Tech News that highlights Woody's American dream:

> Never mind the Detroit Institute of Arts or Greenfield Village—the real treasure trove of local history is stored at the Woody Pontiac dealership in Hamtramck.
>
> Woodrow W. Woody, president of Pontiac Motor Sales, Inc., parent company of Woody Pontiac, turned 87 years young on November 15 and his dealership celebrated 55 years of service on January 2.
>
> After being honored by the Automotive Hall of Fame with its Distinguished Service Citation award recently, Woody, a friend of presidents and popes, took a few moments at his second-story office to talk about his career.
>
> Woody finds great irony in being considered a civic institution in Hamtramck, where his Woody Pontiac dealership has been located at the northern end of Joseph Campau since January 2, 1940. Ironic because Hamtramck has been known as Detroit's Polish enclave while he was born in Lebanon in the Middle East.
>
> "When I first applied for the dealership, the district manager said, 'Hamtramck is all Polish and you're not Polish, so what do you want to go there for?'" Woody recalled. "I said, 'well, I'm dating a Polish girl so if you give me the franchise I'll marry her.'"
>
> Franchise? Yes. Girl? Ditto.
>
> Almost 55 years later both the dealership and his marriage to the former Anna Martes are still going strong. In between, Woodrow and Anna have had a life that most only dream of—owners of the Hillcrest Country Club in Mount Clemens, world travelers and they swim with a social crowd that is definitely upper crust.
>
> Play a "famous name" word-association game with Anna Woody and here's what you get:
>
> Pope John Paul II?
>
> "Oh we knew him before he was the Pope."
>
> Richard Nixon?
>
> "He used to write us the nicest cards and letters."
>
> John DeLorean?
>
> "We knew him even before he went to school."
>
> The photographic "wall of fame" known as Woody's Gallery takes up much of the second floor of the dealership. A short list of some of the celebrities that the Woodys have had their picture taken with includes: Pope John Paul II, Dwight Eisenhower, Rocky Mariciano, Helen Thomas, George Bush, Dan Quayle, Bill Milliken, Bob Hope, Gerald

Ford, Bob Dole, Phyllis Diller, Jack Nicklaus, and Ronald Reagan.

Among the notable photos:

Woody and Anna in the Oval Office of the White House in 1973, presenting then-President Nixon with a petition full of signatures of encouragement. (Nixon was sinking under the weight of Watergate at the time.)

A 1975 photo of the Woodys with Frank Sinatra and Danny Thomas, the late comedian who was a Detroit native and was also Lebanese.

Pope John Paul II visiting Hamtramck in 1987, traveling down Joseph Campau in the "popemobile" with the Woody Pontiac dealership in the background. (Alas, the popemobile is a Mercedes and not a Pontiac.)

A foursome-photo of Woodrow Woody together with Charles Dalgleish, Ed Rinke and Babe Krajenke. (Doug Dalgleish Sr. says it was the last photo taken of his father before he died.)

"And all four of us were 75 years old when that photo was taken," Woodrow Woody noted of Detroit's most famous car-dealers.

Mona Louis was recently named general manager of the dealership and she says that not much will change because of the legacy Woody established.

"He has fun doing it (working at the dealership) and he comes across just the way he really is," she said. "People like him and trust him, because he might've sold a car to their parents or maybe even their grandparents."

Even at 86, Woody videotapes a new 30-second TV commercial every six months or so and they still travel as much as is practical, having just recently come back from Memphis where they attended a function supporting St. Jude Children's hospital program started by Danny Thomas.

Woody reflects that his dealership has been so successful over the years because of a good product to sell, whether it was the Catalinas and Torpedos of the 1940s and '50s or the Grand Ams and Grand Prix of today. (Woody himself drives a Bonneville.)

"In my opinion," Woody said, "the Pontiac car is in a class by itself because it's loved by young people, middle-aged people, and older people. You can't really say that Pontiacs are only for the younger buyers. Our customers' ages vary across the board."

The secret to Woodrow W. Woody's success? Woody himself provides the answer when a phone call comes in asking him where he'll be next week.

"Right where I've been for the last 55 years," he said. "From 9:00 a.m. until 6:00 p.m., from Monday through Friday, I'm at the dealership and there's nowhere else in the world I'd rather be."

HONORING FRANK N. LIGUORI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with the constituents of my district in honoring Mr. Frank N. Liguori, chairman and chief executive officer of Olsten Corp., for his exceptional contributions to Long Island.

Mr. Liguori was recently profiled in the Long Island magazine for his outstanding accomplishments. It gives me a great deal of pride to reprint this article below for the benefit of my colleagues who do not know Mr. Liguori.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in honoring Mr. Frank N. Liguori for his many years of leadership on Long Island.

Reprinted from the Long Island magazine:

[From Long Island, January 1995]

SATISFYING BOTH SIDES

(By Christa Reilly)

A coin has two distinct sides, but it is valuable only as a complete unit. Frank Liguori, chairman and CEO, Olsten Corporation, North America's leading human resource services company and one of Long Island's top corporations, views the relationships between personnel and clients in a similar way. "A good deal is good only if both parties are satisfied. We run our business with this kind of approach," he says.

When Olsten places an assignment (temporary) employee with one of its clients, it seeks to fulfill the needs of both parties involved, with the intent of "custom matching" the employee's skills to the right assignment. "In essence, we have two customers—not only the client, but the employee assigned to the client," Liguori explains, "and we must maintain a good balance. The industry has matured so that staffing agencies, such as Olsten, are viewed by business as a partner in managing their biggest cost—labor. And Olsten has customized its services to address this need."

Olsten's Partnership Program weaves temporary staff into the fabric of a client's daily operations by managing entire departments or functions. Liguori explains, "We place supervisory personnel on the client's site and, in effect, become part of the clients human resources department. We are already doing this for 150 major corporations." Liguori also applies a similar principle to the home health care side of Olsten's operations, Olsten Kimberly QualityCare. "Our home health care staff blends in with the family as much as possible. They become an integral part of the patient's and family's daily life," he says.

Olsten's home health care business has mushroomed, thanks to a 1993 merger with Lifetime Corporation, doubling the size of the company, and Liguori's decision in the early '80s to have the health care side run autonomously by managers with health care expertise. "The home health care business is driven by demographics—an aging population and the related cost of services. The need for cost-effective care plus advances in medical technology that allow more patients to convalesce at home make a compelling combination."

When Liguori joined Olsten as a controller in 1971, the company had already begun testing the market for home health care, but it wasn't until the late 1970s, when Liguori had become chief financial officer, that the company established a full-fledged home health care business. Olsten built the business into a $100-million-a-year enterprise before acquiring Upjohn's home health care business in December 1990 and Lifetime Corporation's Kimberly QualityCare in 1993. As chief executive officer, Liguori steered Olsten through the Lifetime acquisition that included not only the health care business, but a major staffing services company in the United Kingdom. Olsten plans to explore additional staffing services opportunities in Europe this year.

If Liguori had a chance to negotiate a few deals regarding Long Island, he would like to see consolidation of overlapping bureaucracies and the reduction of costs. "The quality of life is wonderful * * * but the high tax structure and overall cost of living make it very difficult for this region to recruit businesses, and for young people to grow up and stay on the Island," Fortunately, being a board member of the Long Island Association gives Liguori the means to provide input toward those ends.

Liguori is also on the board of trustees of the New York Institute of Technology, a board member of the Home Health Services and Staffing Association, a member of the American Institute of Certified Public Accountants, and on the consultant board of the Epilepsy Foundation of Long Island.

HONORING DETECTIVES WILLIAM CRAIG AND DONALD DIECIDUE, OFFICERS OF THE YEAR

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mrs. MEEK of Florida. Mr. Speaker, Detectives William Craig and Donald Diecidue of the North Miami Police Department's homicide unit were recently chosen to share the title of 1994 Officers of the Year.

I want to join with our community in congratulating these outstanding law enforcement officers on their selection for this great honor. Detectives Craig and Diecidue are truly community assets.

Life-long residents, Detectives Craig and Diecidue are each veterans with over 20 years of investigative experience. They are described by North Miami Police Chief Kenneth Each as highly dedicated professionals who consistently perform to the highest law enforcement standards.

Detectives Craig and Diecidue have worked together very effectively to solve some of the more serious crimes in North Miami, and due in great part to their bravery and diligence, our community is a safer place in which to live.

Thank you, Detectives Craig and Diecidue, for a job well done.

TRIBUTE TO LIZ KNISS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to the Honorable Liz Kniss, outgoing mayor of the city of Palo Alto, CA, for her contributions to our community, particularly her extraordinary service as mayor during Palo Alto's centennial year of 1994.

Mayor Kniss made it a priority to use Palo Alto's leadership in high technology to better serve her constituents. As a highly effective advocate of using cutting edge technology in city government, she was successful in making Palo Alto the first city in the Nation to be on the Internet and help its citizens to connect with the White House on the information superhighway.

Liz Kniss knows the value of a strong, vital local economy and is an ardent promoter of the Palo Alto business community. During her tenure the city council passed the economic resources plan, a guide to making Palo Alto a place that will be attractive to businesses.

Liz Kniss is a powerful advocate on behalf of children and families. And because of her leadership, a family resource center has been introduced and is destined to become a reality under her persuasive guidance.

It's been a privilege to work with Mayor Kniss and have the honor of representing her and the city she so ably serves. Mr. Speaker, Liz Kniss was an outstanding mayor of an outstanding city and continues to serve with distinction as a city council member. I ask my colleagues to join me in saluting her for her exemplary performance of her mayoral duties during Palo Alto's centennial year of 1994.

CONGRATULATIONS TO THE U.S. NAVAL SHIP REPAIR FACILITY ON GUAM: 50 YEARS OF EXCELLENCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. UNDERWOOD. Mr. Speaker, 50 years ago, in January 1945, the U.S. Navy formally inaugurated the Naval Ship Repair Facility on Guam. In the years that have followed, SRF-Guam has demonstrated a standard of excellence and of service beyond the call of duty.

SRF-Guam was originally established during World War II as the industrial department of the naval operation base to meet the defense needs of the Western Pacific. It played a vital role in U.S. military successes to end the war in the Pacific by giving the U.S. Navy the flexibility and speed to meet its repair needs.

By the close of World War II, the naval operating base was staffed by over 4,000 personnel, utilized 11 floating drydocks and had as many as 166 commissioned vessels undergoing repairs at any given time. These repairs ranged from minor operational maintenance to rehab of major battle, storm and collision damage on aircraft carriers, battleships and cruisers. Since 1945, SRF-Guam has continued to perform these functions both in times of crises, such as the Korean and Vietnam conflicts, and peace.

Today, SRF-Guam is under the immediate command of Commander in Chief, U.S. Pacific Fleet and under the area coordination of Commander, U.S. Naval Forces Marianas. With its strategic location in the Western Pacific, SRF-Guam contributes vital repair, maintenance, overhaul, and shore support, including phased maintenance capabilities to the U.S. 7th Fleet, U.S. Coast Guard, Military Sealift Command and local Federal activities. Additionally, SRF-Guam provides authorized repair and shore support services to the Government of Guam and private agencies.

SRF-Guam is the only facility of its kind on U.S. soil in the Western Pacific. The jobs at SRF-Guam are being performed by U.S. citizens, and the investment we make in the workers is an investment in our future competitiveness.

The SRF-Guam Apprenticeship Program is a perfect example of an investment that has paid off and where the role of government has been constructive. Over the years, hundreds of young men and women have benefited from the skills they acquired during their training, which has enabled them to secure high-paying jobs that would not have been available to them otherwise.

On this 50th anniversary, I heartily commend the men and women who have served at SRF-Guam. Congratulations on your 50th anniversary and for a job well done.

LT. FLORENCE STARZYNSKI WASHINGTONIAN OF THE YEAR

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. LAFALCE. Mr. Speaker, I rise today to congratulate and acknowledge the achievements of Arlington Police Lt. Florence Starzynski who, through her tireless commitment to the community, has been honored as one of the 1994 Washingtonians of the Year by Washingtonian magazine. Each year, the magazine chooses from hundreds of candidates who have demonstrated a long-standing dedication to improving the Washington area community. Since 1971, nearly 400 individuals have been honored as Washingtonians of the Year.

Lieutenant Starzynski, a native of Buffalo, NY, attended Annunciation Grade School on the west side of Buffalo and the Holy Angels Academy in North Buffalo. Her commitment to others was apparent soon after her graduation from Oneonta State College when she began teaching at Kensington High School. Her subsequent service in the Peace Corps further illustrated her desire to improve the lives of others. Lieutenant Starzynski presently serves in the Arlington Police Force in Arlington, VA. I wish to thank Sister Louise Alff of the Franciscan Missionary Sisters of the Divine Child in suburban Buffalo, who informed me in advance of her sister's selection by Washingtonian.

As we acknowledge Lieutenant Starzynski's achievements here today, I wish to thank her for the compassion and selflessness she has shown towards her fellow citizens. By opening her heart and her home to the less fortunate, she has succeeded in making her community a better place for all.

I believe we would all do well to emulate such service. She has touched many individuals throughout her life and I wish her continued success.

LT. FLORENCE STARZYNSKI: 1994 WASHINGTONIAN OF THE YEAR

It was one of the most poignant moments of Florence Starzynski's career as an Arlington police officer. "We went to this little clapboard house just off a main street and there was a man in there, mean as a snake and drunk as could be, carrying on and throwing stuff around. There were holes in the walls and this violent domestic fight and this poor, beaten-down woman trying to endure. And amidst this fury, this absolute fury, sat this little girl about 6 years old trying to do her homework. That image sticks with me."

That's how Starzynski explains what drives her to do what seems to be nonstop volunteer work.

"When I get a call asking me to help someone out, I find it hard to think of a reason I can't. It always seems do-able."

No matter what the request, Starzynski is always up to the challenge. When her kids had grown and left home, she added bedrooms to her house and started taking in homeless families, giving them a set of keys and letting them stay for as long as three months. She has three foster children: Ayalew, from Ethiopia, who is shown here, and two brothers from Cambodia.

She has driven patients to mental-health counseling or dialysis appointments; taught classes for the Offender Aid and Restoration program; visited nursing home residents; and negotiated complaints for the Better Business Bureau. She also collects and distributes clothes and furniture, when necessary borrowing trucks and enlisting the aid of able-bodied helpers.

How does she find the time to help so much when she's working full-time?

"It just becomes a part of what you do. Last night I got a great big bag of clothes from somebody, so after dinner I went through the clothes, I made two or three phone calls, and this morning on the way to work I dropped off a bag here, a coat there. It's not a big deal. You get into a routine, you end up leaving 10 minutes early, and it's done."

UNFUNDED FEDERAL MANDATES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. MANZULLO. Mr. Speaker, today we have the opportunity to take action on an issue that we are all concerned with—unfunded Federal mandates on State and local governments and the private sector.

H.R. 5 restricts the ability of the Federal Government to impose unfunded mandates on State and local governments, and private-sector entities, without providing the necessary funds to fund them. Specifically, the bill establishes a Commission on Unfunded Mandates to make recommendations about existing mandates; requires Federal agencies to develop procedures to minimize unfunded mandates and to publish cost-benefit analyses of any new regulations expected to cost States and localities, or the private sector, more than $100 million annually; requires the Congressional Budget Office to prepare cost estimates of proposed mandates and requires congressional committees to report whether the mandates will be funded or unfunded; and establishes automatic points of order against legislation imposing unfunded mandates greater than $50 million.

I have heard from State, county, municipal officials, and employers in my home State of Illinois about this issue. These people live with the effects of unfunded mandates everyday. They see the costs in their communities every day in houses priced out of reach for first time homebuyers, in libraries reducing hours or closing doors entirely, and in the trade-offs that they have to make between police officers, health inspectors, firemen, refuse services, and every increasing taxes on their constituencies. For local and State governments, this is not a theoretical political science discussion—it determines in large measure how they do their job.

I am proud to come to the floor today and voice my support for H.R. 5, the Unfunded Mandate Reform Act. I care about this issue because I firmly believe that the Federal Government should have a limited role in our lives. Before being elected to Congress, I was a family lawyer in a small town for over 20 years. I had the opportunity to see up close and personal how my community was being destroyed by unfunded mandate after unfunded mandate from the Federal Government.

When I came to Washington in 1992, I came committed to doing what I could to end this unprecedented, unwarranted, and unfunded intrusion by the Federal Government into the affairs of local government.

While this bill does not repeal previously enacted mandates, at least it starts us on the path toward putting procedural roadblocks to unfunded Federal mandates.

This legislation is desperately needed because the Federal Government must adopt a coherent and fair policy regarding unfunded Federal mandates. That policy should be that the Federal Government should fund its mandates. That policy should further reflect the philosophy that if the Federal Government is going to weigh in on a problem or issue and propose remedies and requirements, then the Federal Government must set priorities and find a way to pay for them.

H.R. 5 embodies this philosophy. If adopted, it will establish a new, more responsible relationship between Washington and State and local governments that says the Federal Government will provide them with the necessary resources whenever it asks them to meet or satisfy any Federal standard. That is why the enactment of this bill is so important.

You can imagine my surprise when this bill is described as radical and revolutionary. One opposition group describes it as an effort to roll back most of the great social gains our Nation has made in the past 50 years. It isn't and it won't—and the people who oppose our bill know it.

What is truly radical is the way Congress currently handles mandates. There is no authorization and appropriation process, and therefore no priorities are set. Over 200 years ago, the Founding Fathers figured out that there would be more good ideas than money. Unfortunately, a number of my colleagues have not.

When Washington faces a serious problem, it only has three options available to it. It can increase revenues to fund new programs. It can eliminate old programs to fund new ones. Or it can pass on the costs of new programs to others: State and local governments. This is just a form of indirect taxation. Guess which one is most politically expedient in Washington, DC?

Unfunded Federal mandates are also the most expensive way to accomplish these good and sometimes not so good ideas. There is no incentive to discover the most cost-effective way to implement a program if some one else is paying for it. In fact, the regulations can be as cumbersome and inefficient as the Federal bureaucracy wants because they are not responsible for compliance. State and local governments are. Washington gets to feel good—and local governments get to pay the tab. It is like your friend making a big show of buying your dinner at a fancy restaurant, but when the bill comes, he is nowhere to be found, and you get stuck with the tab.

Around the Nation, some State legislatures have begun convening joint sessions with their Federal representatives, asking them to explain the how and why of their positions and their voting record on mandate issues. Even the news media is beginning to cover this issue. It does not have, as Philadelphia Mayor Ed Rendell puts it, the sexiness of many other issues, but its impact cannot be understated.

However, our day has come. If the new Congress is going to show real leadership, this bill must pass. I urge my colleagues to pass this bill and oppose all weakening amendments.

AWARD WINNERS FOR THE DALE CITY CIVIC ASSOCIATION AWARDS BANQUET

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure today to rise and bring the attention of my colleagues to some very special and important people in my district, the 11th District of Virginia. These are the people who put the good of their community, Dale City above their own needs, not only performing their jobs, going above and beyond the call of duty, becoming role models to others in their professions and to other volunteers. They will be honored on Saturday January 21, 1995 by the Dale City Civic Association, one of the largest, most active and accomplished citizens associations in the Commonwealth of Virginia. I would like to offer my congratulations to the following award recipients.

Middle School Teacher of the Year—Ms. Cheryl "Tonie" Lorson. Ms. Lorson has been an educator at the Mills E. Godwin Middle School for over 10 years. Her dedication and love of her work is reflected in the children of the community.

High School Teacher of the Year—Ms. Emily O'Connor. Ms. O'Connor is a teacher who is currently head of the work and family studies department at Garfield Senior High School. She is one who gives generously of her time and demonstrates the highest levels of professionalism and competence.

Elementary School Teacher of the Year—Mrs. Kathy Letsky is a devoted teacher at Christa McAuliffe Elementary School. She is also the head of McAuliffe 2000, the early childhood demonstration school grant that McAuliffe Elementary School received in 1992. This grant has let the school be a demonstration school site. Her devotion has made the program a success.

The Young Citizen of the Year—Ms. Krista Weathers Mann. This young lady has done many things in a very short time. She has been a Girl Scout for the past 12 years, involved in the Adopt-a-Grandparent Program, is a musician, dancer, and Thespian. Despite all of these activities she has maintained a 4.0 grade point average.

Police Officer of the Year—Officer M.H. Hustwayte. Officer Hustwayte was selected to serve in the Residential Police Officer Program in February 1994. Since that time the crime rate in that community has fallen due to his bridge building in the community.

Nurse of the Year—Ms. Joanne Grant. Although she moved to the area 4½ years ago she has been involved in many community programs for the betterment of the community.

The Community Service Award Winner—Mr. Adolphus "Doc" Nelum. Mr. Nelum has been extremely active in the Dale City Lions Club as well as the Dale City Civic Association for many years.

Citizen of the Year—Ms. Earnestine White. Ms. White's work as a mother, nurse, and church member has made her a very busy woman. But, her dedication to all of these tasks has made her a role model and someone deserving all of our admiration and respect.

The Firefighter of the Year—Lt. Eric Wyatt. Lieutenant Wyatt has been with the Dale City Fire Department for over 5 years as an unpaid volunteer. Over the years he has gained the respect of his peers and members of the community.

The Emergency Technician of the Year—Mr. Desmond Miller. Mr. Miller has been with the Dale City Fire Department since 1991. He has put in many long hours providing emergency services to the citizens of Dale City.

Mr. Speaker, I also know my colleagues join in with me in congratulating these outstanding citizens for their tireless efforts to make Dale City a better place to live.

The Dale City Civic Association was created nearly 30 years ago and hosts an annual service awards banquet. In addition, the association awards a number of scholarships for college bound students from Dale City and monitors development and serves as a sounding board for citizens and businesses.

HAPPY 25TH, OIC OF METROPOLITAN SAGINAW

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to the Opportunities Industrialization Center of Metropolitan Saginaw on its 25th anniversary. OIC of Metropolitan Saginaw has been of invaluable assistance to its more than 7,000 graduates and 32,000 other individuals who have obtained jobs over the past quarter century as a direct result of the outstanding devoted assistance provided by the most capable personnel of OIC who serve under the direction of their chairman, Martin H. Stark, and its executive director, Frederick Ford. OIC of Metropolitan Saginaw serves people in Saginaw, Bay, and Midland counties.

Mr. Speaker, in these times of economic fluctuations, people see their careers changing several times. Sometimes the change is a matter of choice, taking advantage of a new opportunity. Other times the change is a matter of necessity because of what is happening with existing industries. In either case, programs like OIC of Metropolitan Saginaw are invaluable to the people in the community.

Everyone is excited about the opening of a new OIC center in Saginaw later this year. It will provide additional space for many important programs, including Project Rescue, which helps out-of-school teenagers to improve their school work ethic so that they can return to our regular school system. It will also be a unique OIC facility having a chemistry lab that will be supported by an important business neighbor in the Saginaw metropolitan area, Dow Chemical.

Opportunities Industrialization Centers are well known to our colleagues. They operate throughout the country and they have helped many get their high school diploma, or their graduate equivalency degree with its Comprehensive Competencies Program. OIC of Metropolitan Saginaw is a national leader in the success that it has with this program.

Our colleagues will agree, Mr. Speaker, that a double problem we face today is having job skills that meet job opportunities, and a work ethic that meets the demands of a competitive work place and a competitive economy. As our industries have retooled and refocused their objectives, so to have many of our workers. Much of what we have accomplished in the past several years with reducing unemployment and making our workers more productive could not have been accomplished had it not been for community-based, citizen and business supported OIC's. I personally congratulate the Opportunities Industrialization Center of Metropolitan Saginaw for its many, many fine accomplishments since its inception in June 1969, and I look forward to doing what I can to join with the Saginaw metropolitan community in supporting this excellent entity and its committed leadership and staff for continued success in the years to come.

REGARDING THE TAIWAN-MAINLAND CHINA RELATIONS UNDER PREMIER LIEN CHAN

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to bring to my colleagues' attention to an excellent article by Dr. Winston L. Yang, chairman of the department of Asian studies at Seton Hall University in South Orange, NJ, discusses the Taiwan-Mainland China relations under Premier Lien Chan of Taiwan.

Mr. Speaker, it is my hope that my colleagues will refer to this article when issues related to the future of Taiwan and the Republic of China are debated on the House floor.

The article follows:

TAIWAN-MAINLAND CHINA RELATIONS UNDER PREMIER LIEN CHAN

(By Winston L. Yang)

Since his appointment as Premier of the Republic of China (ROC) on Taiwan in early 1993, Lien Chan has been advocating more people-to-people exchanges between Taiwan and Mainland China in the media, culture and art, economy and finance, and science and technology. He attaches special importance to the free exchange of information between the two sides of the Taiwan Straits to promote better understanding and cooperation in these fields. Lien calls upon the Communist authorities to leave behind the "It's you or me" zero-sum conflict, and to join the ROC in creating a "win-win" situation. A win-win policy is the best guarantee, in his view, for achieving national reconciliation and eventual reunification.

Lien Chan has repeatedly stressed that the ROC is entitled to enjoy international recognition prior to reunification. The ROC's decision to participate in the U.N. is not intended to create a permanent split between the two sides. On the contrary, the ROC's membership in this world body would increase its confidence in the principle of reunification of China and trigger more active measures to pursue eventual reunion. The Chinese Communists would be enlightened if they would turn to the case of East and West Germany, which were coexisting members of the United Nations and later unified. North and South Korea serve as another example of full participation by a divided country in the United Nations and as solid evidence that separated political entities can simultaneously belong to an international organization. The ROC's efforts to participate in the United Nations must be carried out in line with the principle of a unified China, and will, Lien Chan believes, have positive effects on eventual reunification.

Reversing separate foreign and mainland policies independent of each other, Premier Lien has established links between the two. Taiwan has taken a number of actions to improve relations with Peking, including the renunciation of the use of force to achieve national reunification and the lifting of extensive restrictions on people-to-people exchanges. But until and unless the mainland responds positively to Taipei's good-will overtures, the ROC will not initiate official links and formal negotiations with the mainland. Peking must first halt its efforts to isolate Taipei internationally and renounce the use of force against Taiwan.

The Premier has obviously injected new and innovative ideas into the ROC's established policy toward the mainland. Taiwan has demonstrated a new sense of pragmatism and flexibility, which has won broad support both at home and abroad.

While maintaining a firm stand on the principles of the Mainland China policy, Lien's pragmatism is well reflected in his approach to the 1993 Koo-Wang talks. In view of the growing problems arising from the contacts and exchanges between Taiwan and the mainland in the early 1990s, the ROC Government established the Mainland Affairs Council (MAC) and a "private" Straits Exchange Foundation (SEF) to resolve emerging difficulties. The SEF has been authorized to make contacts and conduct negotiations on non-political issues of mutual concern with its Chinese Communist counterpart, the Association for Relations Across the Taiwan Straits (ARATS). Encouraged by the Premier and President Lee, the chairman of SEF, Koo Chen-foo, reached four agreements with his mainland counterpart, Wang Tao-han, the ARATS chairman, in their meetings in Singapore in April 1993. However, a number of Taiwan independence advocates and DPP leaders firmly opposed these agreements and initiated actions in both Taiwan and Singapore to block their signing. Keenly aware of the importance of these agreements to any future improvement in Taiwan-mainland exchanges, the pragmatic Premier, despite his strong anti-Communist stand, rejected the opposition, clearing the way for the signing of these historic agreements, which are the first such accords between Taiwan and the mainland since 1949. In August 1994, the Premier allowed both sides to meet in Taipei and again encouraged Taipei's representatives to reach important agreements with the mainland's delegates.

SENATE—*Friday, January 20, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our opening prayer this morning will be delivered by the Reverend Mark Dever, pastor of the Capitol Hill Baptist Church.

PRAYER

The guest chaplain, the Reverend Mark E. Dever, offered the following prayer:

Let us pray:

Lord God, before the debates and disputes, the committees and compromises which may fill our day, we would stop and confess publicly that You are a good God. You have provided all we need, and so much more. We praise You for the freedom from want which marks off this land from so many others.

Thank You for the wise and just leaders who work in this place, and for the people who honor law and pray for our elected officials.

Thank You for all the good motives which move the hearts of those present to undertake these duties of governance. We ask that where their hearts are stubborn to You, You would subdue them, where they are mistaken, You would teach them, where they are discouraged, You would comfort and strengthen them.

Help them in their service to this Nation, to discern their service to You.

Lord God, bless America, we pray. Forgive us for our callousness to Your blessings. Forgive this Nation particularly we pray for the ways in which we abuse our leaders. Give this Nation a sense of the hope for justice and prosperity that America still is to many around the globe today. We ask that You would give us a renewed sense of Your bounty in this land, an appreciation of the wealth You have given us in the abundance of natural resources, in the hard work of so many people, in the stability of our society.

Give us a nation marked by gratitude for Your blessings, and stewardship of them in kindness and compassion and self-control. We pray that this Chamber would reflect Your character in this.

And along with a renewed sense of Your bounty, we pray for a renewed sense of our accountability. Remind all who work here, in massive buildings which seem so permanent, remind them of the brevity of life, and the certainty of judgment.

We ask this in the name of Jesus Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, let me just indicate for our colleagues that there will be a period for the transaction of morning business throughout the day, with Senators permitted to speak for not to exceed 15 minutes each. And I remind Senators and members of their staff that under the unanimous-consent agreement entered last night, there will be no rollcall votes today and no rollcall votes on Monday, prior to 4 p.m.

Today Senators may discuss their amendments to S. 1 and have them printed in the RECORD in order to qualify them under the 3 p.m. Tuesday deadline. I do not know how many Senators wish to speak today, but we will be in for whatever period of time it may take.

Mr. FORD. Mr. President, will the distinguished majority leader yield?

The PRESIDENT pro tempore. The distinguished acting minority leader.

Mr. FORD. Mr. President, I think it might be appropriate, I say to my friend, that we review a little bit your understanding with our leader as to the offering of amendments so that we will not get into—it is a gentlemen's agreement, and we want to uphold our part of it. But I want to be sure everybody understands that, if you do not mind.

Mr. DOLE. Right. As I indicated, we entered into the agreement last night and we have listed in the RECORD all the amendments on both sides of the aisle. I think they total around 67 amendments. To offer the amendment, you simply have to send it to the desk. If there is an amendment pending, you have to, of course, set that amendment aside.

We also agreed that if for some unusual circumstance someone was prevented on either side of the aisle from offering their amendment before the 3 o'clock deadline, the two leaders could agree that one of our colleagues, or more, could then offer the amendment, or amendments, in any event.

The importance of the agreement is to get a finite list of the amendments. There are no time agreements on any of the amendments. I hope not all the amendments are offered. But even if all the amendments are offered—that means sent to the desk—they may not be called up. It is my hope we can complete action sometime maybe on Wednesday of next week. I suggest to my colleagues who have any other questions that in the Calendar of Business on pages 2 and 3, we have outlined the agreement.

I think the highlights are that we will start considering S. 1 again on Monday at 10 a.m., with no votes until 4 o'clock, if any votes are ordered. There will be no business today, except you can send your amendments to the desk.

Mr. FORD. May I further ask, one of the points the majority leader made last evening is the fact that an amendment may be filed but that is not sufficient to cover the unanimous-consent agreement. It must be offered. It can be set aside and that constitutes an offering and it can be taken up later but, nevertheless, a Senator must offer his amendment or by unanimous-consent one of the leaders or the floor manager can do that.

So there was concern last night, and I want to make that clear again this morning, that if an amendment has been filed for cloture, it is not sufficient to accommodate this unanimous-consent agreement.

Mr. DOLE. The Senator is correct. There are a number of amendments, I think 117 amendments were filed when we were getting into cloture. In order to qualify under this agreement—Senator BYRD from West Virginia made it clear—the Senator himself must offer the amendment, himself. I think we can accommodate everyone, but hopefully they will be able to accommodate us, too, and not offer all these amendments.

Mr. FORD. I have three on there that could go away. I thank the majority leader.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 15 minutes each.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Mississippi.

TRIBUTE TO RUBYE ELIZABETH STUTTS-LYELLS

Mr. COCHRAN. Mr. President, on December 22, Mississippi lost one of its most outstanding citizens when Mrs. Rubye Stutts-Lyells passed away. She was a personal friend of mine, but she was also a friend of many, and was one of the real leaders in our State in many areas of activity and interest. She took a very active role in helping to improve the opportunities for everyone in our State through her work in civic, cultural, religious, and political endeavors.

While I was not able to attend her funeral, which was described as "The Celebration of Triumph," and was held in Jackson, MS, members of my staff did represent me on this occasion and sent me a copy of the program which contains a very fine and sensitive obituary.

Mr. President, in conclusion, let me say that one mark of the courage and interest in the political development of our State was illustrated by Mrs. Lyells' active and conspicuous participation in the development of the modern Republican Party in Mississippi.

As an African-American, she took a stand and defended it with grace and with dignity and with intelligence, in a way that reflected credit on many of us who were actively involved in trying to build a new political party as a vehicle for political expression for our State and the citizens of our State at the national level. For that, I also will be forever grateful to her and to her family.

In memory of Mrs. Lyells, I ask unanimous consent, Mr. President, that a copy of the obituary and the program, "The Celebration of Triumph, Mrs. Rubye Elizabeth Stutts-Lyells," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CELEBRATION OF TRIUMPH—MRS. RUBYE ELIZABETH STUTTS-LYELLS

1:00 p.m.: Special Ceremonies conducted by Beta Delta Omega Chapter, Alpha Kappa Alpha Sorority, Inc., Mrs. H. Ann Jones, President.

PROGRAM

ORDER OF SERVICES

(Dr. Lelia Gaston Rhodes, Presiding)

Prelude

Processional

Scriptures: Old and New Testaments, The Reverend Dr. Leon Bell, Pastor, New Mt. Zion Baptist Church, Jackson, Mississippi.

Prayer.

Solo: Mr. L.L. Knowles.

Tributes:

Alcorn State University, Dr. Walter Washington, President Emeritus' Dr. R.E. Waters, Interim President.

"As a Friend and Physician," Robert Smith, M.D., Director and Chief of Staff, Mississippi Family Health Center.

Alpha Kappa Alpha Sorority, Inc., Mrs. Mildred B. Kelly, Beta Delta Omega Chapter.

Solo: Mrs. Rose Knowles White.

Acknowledgements: Ms. Renalda Jaynes.

Obituary, Interlude: Read Silently.

Solo: "The Lord's Prayer," Mr. Jobie Martin.

The Christian Science Message: Mr. Harold Karyes, reader.

Funeral Directors of Peoples in Charge.

Recessional.

Postlude: Mrs. Princess B. Gwynn, organist.

ACKNOWLEDGEMENTS

The family of the late Mrs. Rubye E. Stutts-Lyells extends loving gratitude to all friends, neighbors, and church members who have provided ongoing comfort and have displayed innumerable acts of kindness during her illness and our bereavement. We thank you today, tomorrow and always. May God's richest blessings of good health, happiness and hope for 1995 be with you!

OBITUARY

Mississippi's claim to a segment of intellectual prominence, perhaps can be best described in the polished craftsmanship of some of the progenitors who suffered with dignity, with poise, with scholarship and a demeanor of elegance, the complexes, and atrocities of Mississippi's intricate maze of social classes, racial differences, poverty and ignorance.

So to chronicle the life of a scholar, par excellence, who was a major player in the saga of change in Mississippi, historians must thoroughly research data for future generations, the multifaceted experiences of the stature of Mrs. Rubye E. Stutts-Lyells. Mrs. Lyells was born Rubye Elizabeth to the late Tom and Rossie A. Cowan Stutts in Anding, a crossroad village in Yazoo County, Mississippi. Her parents had two sets of twins; one set of whom Mrs. Lyells was the older. All sisters preceded her in death. Mr. Tom Stutts was a prominent progressive farmer known throughout the deep South.

Mrs. Lyells' early education was begun at Utica Institute where in 1923 she completed both the eighth and ninth grades, and in 1924 completed the tenth and the eleventh grades. In 1925 she graduated as Valedictorian of her class.

During the fall semester of the same year Mrs. Lyells' parents enrolled her in the former Alcorn A&M College (now Alcorn State University) where she graduated in 1929 as Valedictorian of her class. Following graduation from Alcorn, she matriculated at Hampton Institute as a Julius Rosenwald Fellow and in 1930 was conferred the degree of Bachelor of Science in Library Science. She immediately returned to her Alama Mater as the first professionally trained African American Librarian in the State of Mississippi. Mrs. Lyells worked assiduously to bring the library in compliance with standards of professional accrediting agencies, both on the state and regional levels. Much of her work became a model for collection development in other Black Land Grant Colleges.

Mrs. Lyells has been at the forefront of almost every significant educational, social, and political advancement made in Mississippi during the past half century. To be on the cutting edge of advancements in the field of librarianship, she took a leave of absence from Alcorn to enroll in the Masters of Arts Library degree program at the University of Chicago where she graduated with distinction in 1942.

Mrs. Lyells' services, as the state's only African American librarian, were in great demand throughout the nation. However, her immediate decision was to stay in Mississippi to serve as a catalyst in helping to raise the standards of academic and public libraries. She served with distinction as head librarian at Jackson State University as the first African American Librarian to head a branch of the Jackson Municipal Library System; acting librarian at the Atlanta Public Library System and Special Assistant Librarian at the Iowa State University Library.

Mrs. Lyells' persistent pioneering efforts for professionalism among African American librarians and her emphasis on quality, available public library resources and facilities for all people were met with apathy, hostility and out-right resistance by those who viewed her "call for change" as threatening to their way of life—as recounted by Clarence Hunter and the editor of the Jackson Advocate, Mr. Tisdale—"Mississippi's Library Heritage—Rubye E. Stutts Lyells—A Woman For All Seasons" She was adamant in her views that librarians should be treated as professionals; that if historically black colleges are to carry out their mission, they should by statutory mandate be funded at a level to acquire and maintain quality libraries.

As a world traveler, noteworthy among her distinguished affiliations were: Executive Director, Mississippi State Council on Human Rights; member of the Mississippi Women League of Voters, President, Mississippi Federated Clubs, President of Terrell Literary Club; a post president of Beta Delta Omega Chapter of Alpha Kappa Alpha Sorority, Inc.; Alcorn State University National Alumni Association, Inc. and the University of Chicago Alumni Association, Inc. She was the recipient of numerous citations and awards. Mrs. Lyells was a candidate for nomination to the Mississippi Senate in 1975; attended the Republican National Convention in 1952 and was invited to the Inauguration of President Dwight D. Eisenhower in 1953. In 1970 she served on the Advisory Committee of the Co-chairman of the Republican National Convention (In 1969 she was a delegate to the Southern Republican Conference in New Orleans). In 1979, Mrs. Lyells was appointed to the Mayor's Advisory Committee in Jackson.

She is listed in numerous scholarly publications which include Marquis Who's Who; The World Who's Who of Women, Cambridge, England, 1978, p. 724. She was a prolific writer. Many of her articles appeared in refereed journals.

Mrs. Lyells served on the Board of Trustees of Prentiss Institute. The Library is named in her honor. The Doctor of Humanities (L.H.D.) degree was conferred on her from Prentiss Institute.

She was married to M. J. Lyells, a longtime professor at Alcorn A&M College and Lanier High School. She was a member of the Christian Science faith having joined the Mother Church in Boston, Massachusetts with local affiliation in Jackson.

Following an extended illness, Mrs. Lyells demise came Friday, December 22, 1994 at Englewood Manor Nursing Home. Survivors include a niece, Mrs. Rose Knowles White, Baton Rouge, LA; grand-nieces: Ms. Angela Denise White, San Francisco, CA, Ms. Ann Rossie White of Chicago, IL; one nephew, Mr. Leon Stutts Knowles, Los Angeles, CA (Dana); brother-in-law, Mr. L. L. Knowles; a special daughter-nieces, Mrs. Alice Stutts Jaynes, Jackson, MS; a special cousin, Mr. Renalda Jaynes of Jackson, MS and additional relatives and friends.

Mr. COCHRAN. Mr. President, in conclusion, let me simply say that one mark of the courage and interest in the political development of our State was illustrated by Mrs. Lyells' active and conspicuous participation in the development of the modern Republican Party in Mississippi.

As an African-American, she took a stand and defended it with grace and with dignity and with intelligence, in a way that reflected credit on many of us who were actively involved in trying to build a new political party as a vehicle for political expression for our State and the citizens of our State at the national level. For that, I also will be forever grateful to her and to her family.

Mr. President, I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. COVERDELL). The Chair would like to make an announcement.

On behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Wyoming, [Mr. THOMAS], to read Washington's Farewell Address on February 22, 1995.

The Chair recognizes the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to address the Senate.

The PRESIDING OFFICER. The Senator has the right to address the Senate.

UNFUNDED MANDATES GRIDLOCK

Mr. INHOFE. Mr. President, in order to properly frame some observations that I made last night and at the risk of being redundant in some of the comments I made on this floor yesterday, let me just make some reflections as to my feelings on unfunded mandates that come from quite a few years back.

Back in 1967, one of my closest political allies and friends, who later became Senator David Boren, and I came to Washington from the State legislature to protest the mandates that came from Lady Bird's Highway Beautification Act of 1965. We made a list of what it would cost the private sector in terms of screening. We made a list of the violations, of what we perceived to be violations of the 14th amendment, property rights, people having their property taken away from them in such areas as outdoor advertising signs and others. But primarily because it was the cost to the municipalities.

The leverage they used at that time was that if you do not comply with the mandates of the Highway Beautification Act of 1965, we will withhold several million dollars of your Federal highway matching funds.

Now, keep in mind, these are funds that emanated originally from the State of Oklahoma, went to Washington and were coming back. Of course, Oklahoma, having been a donor State for quite a number of years, does not get as much money back as it sends to Washington. So I guess what they were saying to us from the Federal Government, in its infinite wisdom, was we have passed a law that says you in Oklahoma cannot have the money you sent to Washington unless you comply with these mandates.

That was my first exposure to mandates. I mentioned yesterday also that there are many fine Members of this honorable body who have differences of opinion philosophically and ideologically. Certainly the very distinguished Senator from California, [Mrs. FEINSTEIN], and I differ on many issues, but we have one thing in common in our background, and that is we were both mayors of major cities.

I remember when we were both serving on the U.S. Conference of Mayors Board of Directors our major concern at that time was unfunded mandates.

Whether it is in the State of Kentucky or the State of Georgia, regardless of who you go to, if you talk to your mayors and your county commissioners and your State legislators and the private sector, they will say the major problem we have is not necessarily crime; it is not welfare; it is unfunded mandates. Because while we are facing fiscal problems here in Washington, the problems are even more severe at the local level.

A lot of people do not realize the genesis of the problem that we have in these mandates. I think it goes back to the Great Society days when we decided Government was going to take on a role that perhaps was outside the boundaries of what our Founding Fathers thought the Government should be doing. At least if I have any understanding of the 10th amendment to the Constitution, it says that powers will be reserved to the States or to the people other than those specifically delegated to the Federal Government; that we have become very greedy at the Federal level, and that this greed emanates from the desire of politicians, an insatiable appetite to give things to people in return for their votes. And realizing that there is not an adequate amount of money there, they, of course, impose those financial hardships on political subdivisions below them. And that is where we have found ourselves today.

I hope that all of the American people were watching what was happening last night and what has happened over the past 6 days. I asked our staff to advise me as to how many hours have we been debating the unfunded mandates bill. According to their calculation, it is 47 hours—47 hours of debate on something that really is not that complicated.

Yes, we can get into the finer details and the amendments that perhaps might make it more workable, and I think our distinguished majority leader, Senator DOLE, has gone far beyond the expectations of the American people in being fair. Those of us who are freshmen—and I think I can speak in behalf of all 11 of us who are newly elected who just came off the campaign trail and listened to the people and were there on November 8 when the mandate came out—do not look at this Contract With America in the cute reference that many other people try to put it, in a demeaning sense. It is a very real thing. People are sick and tired of the games we are playing here in Washington, and for the last 6 days we have been playing games. We have not been legislating. We have been playing games.

I know that a lot of Americans out there are applauding at a statement like that because that is what is happening, and they are sick and tired of it. We have a man who ran for President of the United States, elected in 1992, who used throughout his campaign the word "gridlock." We are going to come to Washington and we are going to change; we are going to eliminate gridlock.

We have created gridlock, Mr. President, in the last 6 days and we have done it willfully. We have created gridlock to stall an issue. And I am going to make a prediction in the Chamber of this Senate that is going to offend a lot of people, I am afraid, Mr. President, but it is something that I think has to be said. I believe that this issue has been stalled for a very good reason. First of all, why would they stall an issue on unfunded mandates? Who is opposed to unfunded mandates except for a few liberal people who want to keep the ability to pour money into social programs or other programs and then let the States and the cities and the counties and the people pick up the tab.

Now, that is a philosophy that is out there, and there are some of those who want to do that. But this is not a Republican or Democrat program; it is not a conservative or liberal program, because if you look at the Senator from California, as I mentioned, Mrs. FEINSTEIN, she is very supportive of this because she has sat in a mayor's seat and knows what it is like to have to pay for these mandates that come down.

Yesterday, in the Chamber, I outlined that in only three cities in Oklahoma the unfunded mandates exceeded $35 million, and this is over a period of time. It is just incredible that you could have this. It is not just in Broken Arrow and Tulsa, OK, and in San Francisco. It is throughout America. So it is something that everyone now wants to do something about. The liberals are for it. The conservatives are for it. Organizations like the U.S. Conference of Mayors are for it; the Municipal League is for it; the NFIB is for it. All organizations out there are for this. And yet it has been stalled and stalled and stalled and stalled. It is a bill, a resolution that could very well have been deliberated for 2 days and passed as everybody wants it.

The reason I do not believe it was passed is because there is a deliberate effort to stall the vote on this until after the State of the Union Message that will take place next Tuesday night. And when that happens, I predict in the Chamber of this Senate right now that the President will stand up, even though he may not like the idea of passing an unfunded mandates bill, which I personally do not think he really wants but he heard that the American people did want it on November 8, and he is going to say, "And I am going to ask this Congress, I am going to ask this Senate to go back into session and pass the unfunded mandates bill." And we will. And it is a bill that we should have passed a week before.

Is this gridlock? Yes, it is gridlock. I think it is intentional gridlock. One time someone put the pencil to how much it costs us to keep this body in. I wish I could recall those figures right now, but it is very, very expensive. So there was a tremendous cost to the American people. There is a lot of inconvenience to a lot of people. There were late nights. There was a dialog. We talked on this floor about every conceivable subject that you could talk about and finally got around to making a few comments about unfunded mandates.

So I am saying, yes, it is going to happen, but it is not going to happen until after the State of the Union Message. I think that is a very sad thing.

Do you know where I got the idea of gridlock and where I am coming up with this? It came from someone who talks to a lot of people. It is my barber. A lot of times we have this beltway mentality here where we talk to bureaucrats and we talk to think tank people and we talk to each other and we forget that there is a real world out there with real people who are sick and tired of what is going on up here. I think we will all have learned a lesson as a result of this.

So, Mr. President, in conclusion, I say I hope the American people have been watching for the last couple of days, because what they saw is something we are going to bring to an end. I think I speak in behalf of certainly all 11 of the freshmen Members of this organization when I make this statement.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

UNFUNDED MANDATES

Mr. FORD. Mr. President, I admire my new-made friend from Oklahoma. I, too, was Governor. I came to Washington about the so-called unfunded mandates. It was a little easier to take care of then than it is now because we had 12 years of Republicans who ran us from $900 million to over $4 trillion in debt in 12 years. It is a little tough for us now to carry that load.

Mr. INHOFE. Will the Senator yield?

Mr. FORD. Not now. I did not disturb the Senator when he was speaking.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. FORD. Then we hear something about gridlock. If the Senator had been here 2 years ago, you would have been part of gridlock—and I say "the Senator" rather than "you"; I want to be careful of my language for the RECORD—because the Republican side would not let us go with pieces of legislation we thought were important. Now they have become part of the Contract With America. The same pieces of legislation, basically, that were filibustered in the last session of Congress are now in the Contract With America. Surprising, is it not? Surprising.

We stand here in the last few days, last couple of weeks, and act like the world has stopped.

We forgot aging in the bill that came out of committee. It would have gone on and we would have excluded aging in the amendment. And the manager of the bill from the Republican side, the majority side, was a cosponsor of that amendment when he found out about it. So we have made some contribution.

We had an amendment last night that was defeated, but utilities—and your State ought to be very interested in utilities—wanted that very badly, because the mandates to private enterprise stick and they do not stick on public entities under this legislation. So it is the business-oriented group here, I guess you would say, who have said to business: We are going to stick it to you. Because the mayors and commissioners out there are raising Cain, we are going to let them off the hook.

So we have incinerators: Private and public. The public does not have to take the mandate but private will, regardless of what it costs.

Landfills: Public and private. The private will have to get stuck with all that.

Schools—think about schools, the mandate on schools. Private will have to be stuck with it; public will not.

Hospitals; in my hometown we have two fine hospitals. Those fine hospitals want to come together—one is public and one is private—and come with an HMO, to merge and try to give better service at lower rates in my community. We better be careful because the private hospital might have to carry out some mandates that the public hospital will not have to.

Why jam this thing through when all those problems are there that should be worked out? We wake up: Oh, I did not know it was in the bill. I will guarantee not a Senator here, with few exceptions, can tell you everything that is in the bill. You get up here and talk about, oh, we are just gridlocked. It may be gridlock, but a couple of things—real, I think—have happened. One, the utilities woke up and business woke up about what is getting ready to happen to them, for one. That is one. Then we found we left out the elderly; we exempted everybody but the elderly. AARP, I am sure, did not know it. But last night it was 99 to zip when you found it, and that was because we said let us look at the bill. And Senator LEVIN, from Michigan, was the individual who found it, brought the amendment up, and the Republican floor leader became a cosponsor of that amendment. That was helpful.

You can stand here all you want to and say we have to get it through because the American people want it. But when small business and major businesses are being hurt, they are not able to be competitive with public—we have local incinerators and private; we have landfills, public and private; we have hospitals, public and private—and you are putting a heavier burden on business and taking it off of their competitor, which is government, I think you ought to take a step back and see what you are doing on this.

We on this side have given you an opportunity to do that. If you want to continue to make the mistake, continue to make the mistake of putting horrendous burdens on business and not on the public entities, then go ahead. When this Senator, 8 years ago, introduced unfunded mandates legislation—the threshold was $50 million then and it has not changed—I got two Senators, two Senators who would be cosponsors.

How times have changed. You said back, I guess in 1967 or 1968, you were here. Where were you when I needed you 8 years ago? Where was all this euphoria for unfunded mandates legislation? I introduced it a year later—nothing happened. So I dropped it. Maybe I should have carried it on. I would have been a part of the Contract With America. But I was there 8 years ago. I was there 7 years ago. The threshold is the same. Now you want to change some from $50 to $100 million. Things are beginning to change. And there are now some changes being made in the bill, I think for the better.

You can fuss at me all you want to. You just give me the devil. Devil take the hindmost, you know? But I am doing what I think is right, and two changes have made this bill better.

It does not go into effect until 1996. Why is the urge here to get something done when mistakes are being made in the bill?

And one other thing, one other thing. Many of you, the new Members, are from the House. Over in the House you could be paid for your travel and be a frequent flier and you take those frequent flier miles and use them personally. That is all right on the House side. We have never done it on the Senate side. I am a chairman of the Rules Committee. I said no, and that is agreeable.

So I had a little amendment here, if you recall, about a week or 10 days ago that said the House could not use taxpayers' money for personal use. They get out here on the floor and every Republican voted against me and said let the House take care of it. If they want to have it for personal use, let them do it.

What is wrong is wrong and what is right is right. If you listened to Sam Donaldson the other night, and the House let the bill go through without making the changes and they are still getting the perk—you are going to get that amendment again. Because 50 million people watched, as they said the House did not take care of that personal perk. So think about it just a little bit.

In this bill you are changing the rules of the House. You are changing the rules of the House in this bill. And I am going to ask you to stop it because you would not—Let them have the perk. So why should you mandate changes in the rules of the House in this bill? All the former House Members, how mad would you get when the Senate did that when you were in the House? You got pretty mad, got pretty upset. You did not want it done. That was the reasoning.

But now in this bill it is all right. It is in your bill that you want to get through immediately, and you are changing the rules of the House. Try a look at page 26, (d), lines 1 through 5. Just take that little section of this bill and see what it does to the House. What is fair for the goose is fair for the gander. And you are going to have that amendment. You are going to say no, we just want to let them have perks. But in this bill, this is the difference. We are going to find out the attitude, and see how you go are going to vote because we are going to get that amendment. And it is coming pretty quickly. Maybe we can get it early Tuesday. But some changes ought to be made in the bill, and they will be offered. We will have a chance. The Senate will have a chance to be for or against this piece of legislation.

Mr. President, I do not know about my time. I do not know whether I can reserve it. But some will not use time, and I will be able to get more time later on.

But let us be reasonable about this. Talk about having comity. We get up and say how bad we are. I can go back and give speeches maybe of months ago almost identical on this side that the other side made. They are almost identical. So as times change, the more they stay the same.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I come here to join my colleague from Oklahoma in his comments concerning what is happening in the Senate. I have a statement, but I want to yield to him for a few moments to respond to the Senator from Kentucky.

Mr. INHOFE. I thank the Senator from Pennsylvania.

Mr. FORD. Mr. President, I might say that under the rules of the Senate, he can get, by asking unanimous consent, all the time he wants. The Senator does not have to yield to him.

Mr. INHOFE. I say to the Senator from Kentucky that we know the rules. But I would like to make one short response, if I may.

First of all, Mr. President, I have a great deal of respect for this institution, and I have studied the background and the history of how we got into a bicameral system. I think there is a very useful purpose for that. I served 8 years in the House of Representatives, and things run through there quickly. The train has slowed down here. But there is a difference between slowing down the train and stopping the train.

When a statement is made about why the urgency since it does not take effect until 1996, the urgency is that we have many other things in a contract, a so-called Contract With America, things that Americans believe they were voting for on November 8. We want an opportunity to present those. We cannot do that if we get bogged down day after day for hours and do not get much done with a bill.

I will make one other statement that I think is very significant. Certainly, I have the utmost respect for the Senator from Kentucky. It is true that when the Republicans were the minority here in this body, that there was filibustering going on. I think even though it may not have technically been a filibuster, what we have been experiencing in the last 6 days certainly is very close to that. The difference is this: The difference is when they were filibustering last year in this body, they were filibustering a bill; for example, the Government takeover of the health care system. That was something that 80 percent of the people did not want.

What we are talking about now is unfunded mandates, which is something that by survey 80 percent of the American people do want, and I draw a major distinction between the two.

I thank the Senator from Pennsylvania for yielding.

Mr. SANTORUM. Mr. President, what I want to do is first respond to the Senator from Kentucky and a couple of points that he made, and then talk in general about the problem I think we are confronting here in this debate on unfunded mandates.

I would agree with the Senator from Kentucky that amendments have been offered to improve the bill. I would agree that the amendments he referred to have in fact improved the bill, and have in fact gotten bipartisan support, and the legislative process in that respect is working.

I also remind the Senator from Kentucky that we are in the first step of the process. We are considering the bill here for the first time. The House is yet to bring it up. They are going to be considering amendments under an open rule which will allow improvement to this bill. We will then in all likelihood pass different versions of this bill. It will then go to conference where different ideas that have been percolated through the legislative process get resolved, and hopefully even a better product will come out with the best ideas of the House and Senate.

I do not think anyone would say that any bill that passes the House or the Senate is perfect. There are always things that are going to come up that could have been improved. We would like to see debate. I would like to see debate on germane amendments that deal with the issue of unfunded mandates. I would like to see improvements to the bill. I would like to hear the concerns of both Republicans and Democrats as to what we can do to make this bill a better and more efficient process for reducing the amount of unfunded mandates that we pass on to the State and local governments.

But that is not what is going on here. What is going on here are amendments that have absolutely nothing to do with unfunded mandates, like frequent flier amendments, abortion clinic amendments, and going on and on, that have nothing to do with the substance of the bill that are in these riders.

I remember when I was running for office, people would come up to me and say, "When you get to the Senate, you get rid of those riders, all of those things that they just throw on these bills that have nothing to do with the bill, that really clog up the legislative process and get all these things thrown in there that we do not like."

What we are seeing here is a classic example of what the American public does not like, which is a bill that has broad public support that is moving through the process, that is continually being derailed on education issues, on abortion issues, and unfortunately we are not getting back to the subject at hand, which is unfunded mandates, and moving that process through which has overwhelming public support.

We are happy to deal with germane amendments and improvements to the bill. That is what we have been striving to do—limit the debate with cloture petitions that the majority leader has sent to the desk. Let us have a full and open debate on unfunded mandates. Let us deal with the amendments that are germane to the bill that could improve the quality of legislation. That is what we are attempting to do with the cloture petition. Let us just deal with the things that are germane, that are improvements to the bill, and let us put all this other stuff—which may be important—let us put it aside and we can bring it up another day.

As many Senators from both sides of the aisle said, we are in early January. We have a lot of time in this session to deal with a variety of issues.

But this is a bill that has the support that has been worked on for at least 8 years, and has had bipartisan support for a long period of time.

I just got off a conference call 2 days ago with mayors all across my State. We did a conference call talking to them. The comments that I got were just overwhelming. I have been getting calls from my county commissioners from both sides of the aisle saying, "Please move this bill forward. We need this help. We need this assurance that you are not going to continue to push more and more costs on local government and State government without providing the needed funds to pay for these programs."

So we have the consensus. I agree the details need to be worked out. The Senator from Kentucky is absolutely right. We have improved the bill. There will hopefully be other amendments on which we can make improvements, at least that we can discuss, to this bill. But let us do that. Let us focus in on that.

I came from the House of Representatives. I have been reminded many, many times that the House and the Senate are different bodies, and they are. I appreciate the difference. I understand the Senate is a more deliberative body. That is a wonderful thing.

I look back at last year, and look at the bills that were stopped here in the Senate that were rammed through the House because of the rules of the House, that were rammed through the House, that came here to the Senate and were slowed down and in many cases changed, and in some cases stopped completely. It was a benefit.

The Senator from Oklahoma referred to the health care bill. He is absolutely right. That process was slowed down dramatically here in the Senate, and I think to the benefit of the American public in the long run.

So the Senate does have an important role to play. But when we have pieces of legislation that have broad support, in fact have broad bipartisan support in this body—we have 60-some cosponsors on this bill—we have, hopefully, more that will actually vote for the bill. When you have that kind of support, when you have the support here, the support in the public, and you have—with this last election—a clear mandate to move, then I think it is the obligation of the people who support this measure, on both sides of the aisle, to stand up and say that it is time to move forward.

So I hope that Republicans and Democrats can join together and push this package forward and limit the debate to amendments that are germane to improving the quality of this bill, so we can produce the best product here in the Senate, so we can come up with the best piece of legislation that the best minds in the country here in the U.S. Senate can work on and craft and send to the House. And maybe if they recognize the great handiwork that we have done here, they will just accept what we have done.

They did that with the congressional accountability bill—another bill that was slowed down for a week with spurious amendments on a whole variety of different topics that had nothing to do with congressional accountability. We did such fine work on the germane amendments, such good handiwork here in the Senate on the underlying bill, that we kept it, in a sense, clean from all these other amendments. And when it came to the House, the House said: You folks did a pretty good job; we will just pass your bill. In fact, it is now on the President's desk.

That is the kind of action the folks in Pennsylvania want. I think that is the kind of action folks all over the United States of America want from this body. They want us to get down to business. They want us to focus in, one by one, on the issues that are important to America. The Senator from Kentucky is absolutely right. The frequent flier issue is an important issue. It is a perk that the House should not have. When I was in the House, I did not accept my frequent flier miles. I did not use them for personal use. It was my office policy. The Senator from Kentucky is right that that privilege is available and it should not be. It should not be. I hope that we can work together and make that happen. I hope the House acts quickly to do that. But I would not be averse to putting some pressure on the House to do that.

Let us focus on what we all now agree should be passed, what needs to be passed to restore to this institution the faith of the American public that we are a body that listens, that we are a body that can act, and that we are a body that understands our obligation to serve the American public. I hope that is what we can do when we return for votes Monday and Tuesday—that we can focus the attention back on the bill, that we can improve the quality of the bill, that we can move the bill forward quickly, that we can get to the other pieces of legislation that are waiting in line behind unfunded mandates, like the balanced budget amendment, that are important pieces of legislation which, again, the public wants us to take up and move in a timely fashion.

I do not want to stop debate on any amendment that improves the quality of this bill, not one. Offer them, debate them. It is needed. The Senator from West Virginia is absolutely right that there are things in this bill that concern a lot of Members and a lot of people in this country, and they should be debated. That is what we want to do with this cloture motion. If we get an agreement to limit the number of amendments and the time in which they can be offered, that is what we want to do.

That is what this side of the aisle is trying to do. We are trying to move the bill forward, trying to be accommodating. We are trying to keep our promise with the American public to move this institution, to get bills passed, to get it done in a prompt fashion, and to deliver on the November election.

I think we can do that, and I hope that with the support of Members on both sides of the aisle, we will be able to accomplish that.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, may I inquire of the Chair, what would be the procedure now since we are limited to 15 minutes and no other Senator is seeking recognition? What would be the parliamentary procedure, so that we might understand that for the rest of the day?

I felt the Senator from Oklahoma could have gotten the floor in his own right without——

The PRESIDING OFFICER. The Chair finds that as long as we are in morning business, any Senator can be recognized for 15 minutes at a time.

Mr. FORD. I ask unanimous consent to speak as in morning business for an additional 5 minutes.

The PRESIDING OFFICER. The Chair would find that every time the Senator is recognized, he would have 15 minutes; it is not necessary to ask unanimous consent.

Mr. FORD. Now, that is clear.

HOW THE SENATE OPERATES

Mr. FORD. Mr. President, it is a new day and I am enjoying it. I remember when I came from Frankfort, KY, as a former Governor, I had a file cabinet, one of those paper file cabinets, drawer size, with projects in it that I was unable to complete. If you remember—maybe you all are not old enough—but if you remember, we had a pocket veto of highway funds and utility funds by President Nixon. A suit was filed, as I recall—do not hold me to every detail, but a suit was filed—and I think Senator Muskie was the chairman of the Budget Committee, and the Governor of Missouri filed suit. The courts held that the President of the United States had to release that money.

Well, we had been held up for a year and we were into the second year of appropriated funds, so we had a lot of money to spend. We were doing well. We got the first and second phases of some projects done—sewer, water, things of that nature. So I came with that box of projects that I wanted to get finished. The senior Members here said to me—you know, I was gung ho. They said, "That is all right, son; you just relax. We will get to it next week, and if we do not get to it that week, we will get to it the week after that."

It was hard for me to take. That has only been 20 years, and I remember it as if it were yesterday. I wanted to move. When I was Governor, I picked up the phone and the highway department would move, or I picked up the phone and somebody else would do something for me. It was something that I felt I would be in a position to do here, but I could not. The rules were different; attitudes were different; the institution was different from the Governor's office.

So, as my learned friend from Pennsylvania said, the House and Senate are different. The Senator from Pennsylvania talked about the nongermane amendments. Well, if you recall, it was on both sides of the aisle yesterday. It was not just Democrats that put up a nongermane amendment. A Republican put up a nongermane amendment which took hours. Even your majority leader offered a nonbinding amendment, a sense-of-the-Senate amendment to that amendment to try to get rid of it. We had another one on our side. It took hours. That proves a point, though, about the Senate.

Every Senator has a right on this floor, and his right is not stymied by a Rules Committee and a vote of the Senate that limits him to 2 minutes or 5 minutes or three amendments, or something of that nature. Every Senator has a right. That makes this body significantly different. So the Republican Senator was within his right to offer a nongermane amendment here. The Democratic Senator was within his right to offer a nongermane amendment, under the rules of the Senate.

So maybe you do not like it, but that was his right and he exercised that right. As far as frequent flier miles, I tried to put that on congressional coverage. I argued strenuously that we were not truly doing what we had told the American people we were going to do about congressional coverage. Congress took care of itself. You are immune. The people out there think you are not.

We set up a commission to study and see what should apply—about $5 million a year. I, as former chairman of the Rules Committee, had set up the Fair Employment Office. That is about $1 million a year just for that office. You are not paying for it; the taxpayers are paying for it. I thought maybe we should lift the veil and let it all apply, instead of being special and Congress taking care of itself again. That was part of my problem.

The distinguished majority leader said at that time that this bill would be accepted by the House and sent to the President.

So I felt it was more incumbent upon me, then, and other Senators here, incumbent upon us to see that that bill was as good a bill as we could pass. Because it was not going to conference, we would not have a second shot at it. And so that became the concern of those that felt that congressional coverage was not adequate and that we were not being fair with the American people. So I just think you have to get it all in the right perspective.

And when your leader says it will be accepted on the House side, I respect that statement. So, therefore, when I respect the individual and the statement he made, I became more concerned that this bill ought to be changed, if it was going to be changed, here, because they were going to accept it and, just like grease, go to the White House.

So that was one of my concerns and one of the reasons I felt that we ought to debate that bill and try to change it and make it as good as possible. Because that was the last chance we were going to have; no other shot at it.

So now on this piece of legislation, unfunded mandates, sure they want it. Oh, do they want it. I had a mayor from Kentucky, who is the retiring president of the National Mayors Association. Oh, do I get calls; do I get fussed at a little bit.

But when you sit down and talk to them and say, "Look, we are getting down to the amendments now that we feel are very important"—and they are—"and we left out the elderly." We exempted everybody else but the elderly. I want to respect the elderly. I think they ought to be given the same kind of respect and coverage as others. So we put in the elderly. It is a good amendment. Everybody voted for it. Even those that are fussing at us because they think we are holding the bill up.

My learned friend from Pennsylvania says we ought to get an agreed list. We have an agreed list. We did it last night. I stayed here until almost 1 o'clock this morning. I do not know where those Senators were when we made that agreement, but we made that agreement. And those amendments have to be offered by the individual Senator unless it is by unanimous consent. He or she has to be here and offer that amendment. We got that agreement. We have a time certain to shut off amendments, and then we go to third reading and that is debatable.

We had a gentleman's agreement last night. And if, in the judgment of one or the other, that gentleman's agreement is breaking down, they have every right, it was said last night, to file a cloture motion.

So I think we have done a decent job here, even though everybody wants to move it a little bit fast.

I am going to vote for the bill. I am very strong for unfunded mandates. But I do not want to jeopardize the mother's milk of the economy, and that is business. If you are going to look at this bill and say you are going to mandate on business and not the public sector when they are in competition with each other, I think you ought to take a step back and look at it. Hopefully, some of these amendments will be taken very seriously. I hope that business will come forward. They are very strongly for the unfunded mandates bill. So I hope that they will look at it a little bit closer. Do they want to take a chance on having a public entity, government entity, to be in a better position to compete than they are? Maybe they already have. But this is another addition.

I wish the Senator from Oklahoma were here. He talked about one filibuster that we filed cloture on.

There were 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 filibusters. Here they are. You voted on them in the 103d Congress.

And now, when we are trying to correct a bill—and even getting Republican support for our changes in the bill—we are being fussed at because there is gridlock. There is no gridlock here.

As the congressional coverage bill was to leave here and never to be considered again, we would never have another shot at it, I think it was incumbent upon us to try to correct it. And filibusters—there they are. There is the record. I will not put it in the RECORD. I do not want the cost of $480 a page.

So Mr. President, I am overwhelmed by the attendance here this morning and those who want to wax eloquent. As I heard my distinguished friend from Arkansas say last night, he was going to wax eloquent. Someone said he was going to wax. He said "no," it is going to be eloquent.

So I am sure there is nothing waxing or eloquent about me. I am enjoying being here this morning and visiting with some of my colleagues and talking about this great institution and how we function here and what is good for the country and how fast we ought to be moving and that sort of thing.

I was out here and someone said, "You're awful nice, FORD." I said, "Yes, I'm a better human being than I was because I want to be good."

A lot of us got stomped on November 8—real good. I listened. I listened 8 years ago on unfunded mandates. I listened 7 years ago on unfunded mandates. I listened in 1991 when we cut off frequent flier miles for personal use. I listened then.

The House Members came over here and wanted it. I turned it down. It was the Rules Committee who said "no." I think we made a good decision under the circumstances. So those House Members came over here; and even the Vice President was interested in it when he was a Senator.

So there are a lot of things. Just remember, it is all down in black and white in the history there. Let us be sure what we say, and I want to be sure what I say is correct.

I see another Senator here who probably would like to have some time.

Mr. President, under the ruling of the Chair that when you are recognized each time, you have 15 minutes, I will yield the floor so I can be recognized again.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Chair recognizes the Senator from Tennessee.

MEDICAL SAVINGS ACCOUNTS

Mr. FRIST. Mr. President, I rise today to discuss the issue of health care in America and specifically the concept of medical savings accounts, sometimes called medical IRA's.

I speak today as an elected official, as a U.S. Senator, but also as a practicing physician having devoted the last 20 years of my life to caring for patients.

I have witnessed first hand the unequalled quality of health care in the United States. But I have also witnessed the problems in health care today—the skyrocketing costs and limitations in terms of access.

Last year, President Clinton addressed the problems of our health care system, but his proposed solutions were fatally flawed. He favored monopolization, not competition. He sought to empower bureaucrats, not individuals. And in the end, he relied on Government, not the private sector.

Fortunately, once the American people heard the truth about the administration's plan, they rejected it. Nevertheless, the problems with our health care system have not disappeared. Make no mistake. There are problems with our health care system in this country today. Instead of scrapping the whole system we must target and fix what is broken.

Mr. President, I believe the use of medical savings accounts is an important first step in that process. A fundamental problem which characterizes every interaction between patient and health care provider is that the provider is not paid directly by the patient but by a third party. On average, every time a patient in America receives a dollar's worth of medical services, 79 cents is paid for by someone else, usually the Government or an insurance company. The result is that we grossly overconsume medical services in this country today.

Imagine if we were all required to pay out of pocket only 20 cents out of every dollar of food that we purchased, or transportation, or clothing. We would all buy more than we need. That is what happens in medicine every day. Since people do not feel they are paying for it out of their own pockets, and everyone does want the very best and the very most at any price. Whether it is the deluxe hospital room, whether it is the MRI scan for a headache, whether it is the latest and the newest in nuclear medical imaging, we all want the best and we overconsume. We must become more cost-conscious consumers of medical services.

Mr. President, there are two methods of doing this. First, as the Clinton administration urged this past year, we can limit technology. We can ration care thereby ultimately destroying the good quality of health care that we have today. The American people outright rejected this alternative. And with good reason. It would have reduced the quality of care in this country.

I saw this happen first hand during a year I spent in England as a medical registrar in heart and lung surgery. I watched over and over again as patients waited months for medical procedures which they would have obtained in a few days or a few weeks in this country. Sadly, in some instances, I watched patients die while they waited.

The second choice, and the one I believe we must follow if we are to stem the skyrocketing cost of health care in this country, is to empower individuals to enable them to purchase their medical services directly, as they do other services in our society today.

Medical savings accounts would encourage patients to become more prudent in their decisionmaking in the purchase of health services. What are medical savings accounts? Medical savings accounts are tax-free personal savings accounts which can be used by an individual to pay his or her medical bills. Take, for an example, an employee of a typical company. Today, an employer might pay $2,000, $3,000, or even $4,000 for a medical insurance policy with a $500 deductible for an employee. But the employee then has no incentive to be cost conscious. In contrast, if medical savings accounts were available, the employer would deposit an amount, say $2,000, in a tax-free personal savings account which would belong to the employee. The employee would turn around and buy an inexpensive catastrophic-type policy which would cover medical expenses greater than $2,000 if they occurred in any single year. For medical expenses incurred up to that $2,000 deductible limit, the employee, using his or her own discretion, would use money from the savings account for these purchases.

Any savings account money not spent on health care over the course of that year would roll over into that savings account and grow tax free. It would accumulate, year after year. At retirement that money—the money not used—could be rolled over into an IRA, into a pension or be used to pay for long-term care or other expenses.

Thus, the individual would have a strong incentive to become a cost-conscious consumer of medical care. He or she will demand quality care at competitive prices. The consumer, the individual, the patient, will then drive the market. The system will respond with better outcome measures, better and lower unit prices for health care broadly. In short, medical savings accounts will give American health care consumers strong incentives to change to modify the way they consume health care services because they are able to keep any money that they do not spend.

We will potentially save billions of dollars in health care costs because individual patients will modify their purchasing habit behavior. Medical savings accounts will also potentially save billions of dollars in administrative costs. In 1992 alone, administrative costs for health insurance exceeded $41 billion. With medical savings accounts, patients will deal directly with health care providers and eliminate many of the third-party intermediaries.

Finally and perhaps most importantly, the use of medical savings accounts will maintain the high quality of care that Americans have come to know. While the Clinton administration would limit technology and force hospitals and doctors to ration care, medical savings accounts will put the individual back in charge of his or her own care and consumption of medical services.

Mr. President, in closing, we in America are fortunate to have the absolute highest quality of health care in the world. When the leaders of the world become seriously ill they do not go to Great Britain or Canada to seek treatment. They come here, to the United States. While there are those who would like to stifle our technological advances and allow bureaucrats to tell people how much and what kind of health care we can receive, the American people have spoken loudly and clearly and rejected this notion.

No one can predict what will happen in the next 50 years of the 21st century in the field of medicine; 50 years ago when my dad was a practicing physician, making house calls day by day, he would not envision that somebody such as myself would be doing heart transplants in the 1990's. The technological advances are simply mind-boggling.

Mr. President, the challenge for everyone is to maintain the highest quality health care in the world, and to continue to make it available to all Americans. This can only be done if we change the basic framework through which medical services are consumed and continue with a market-based system.

I believe the use of medical savings accounts will be a major first step in that direction. Individual patients become part of the solution, not just part of the problem. For this reason I hope that my colleagues in the Senate will support my efforts to pass legislation later in this session to create medical savings accounts.

Thank you, Mr. President. I yield the floor.

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The gallery is reminded not to display any approval or disapproval of remarks on the floor.

Mr. FORD. Mr. President, I have a longtime habit that is hard to break and it is opposed to the rules of the Senate. I should not refer to another Senator as "you." It was not any disrespect at all. So in referring to the two Senators, one, I think, from Oklahoma, the other from Pennsylvania, by using the word "you" I hope that it will not be taken as an affront in any way because I did not mean it that way. I will look at the RECORD and see if I cannot straighten it out by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent I be allowed to address the Senate in morning business.

The PRESIDING OFFICER. The Senator is recognized for up to 15 minutes.

UNFUNDED MANDATES

Mr. KYL. Mr. President, the debate we are engaged in, and have been for 8 days now, is important not only because the American people are tired of the Federal Government telling them what to do—and, in the case of State and local governments and tribal governments, having the additional burden of then having to pay for those Federal mandates. It is important, therefore, not only because the unfunded mandates legislation would put a stop to that in the future and say that from now on the Federal Government is going to have to identify the cost of mandates on the private sector and is going to have to pay for the mandates it imposes on the public sector—it is important not only for that reason, but it is also important because when we pass the balanced budget amendment and send that to the States for their ratification, the State legislatures and the Governors are going to be considering whether or not to ratify that amendment. One of the concerns that they are going to have is that the Federal Government might attempt to achieve its requirement of meeting a balanced budget by simply foisting the costs onto the State and local governments and tribal governments.

I would add as a footnote that in my State of Arizona the business of tribal governments is significant, and they have to bear the burden of some of these mandates. So they are all concerned about this.

In the case of the people in the State legislature, they suggested to me that if we want the balanced budget amendment to be ratified by the State legislatures, we had better make it very clear that the Federal Government is not going to attempt to achieve that balance by laying all of these mandates on State and local governments. We might have done that in the case of the health care legislation that, I think fortunately, was killed last year. One of my friends back in Arizona called it "justifiable homicide." I am delighted we did not pass the kind of bill that was originally proposed because it would have created a huge mandate on the private sector. In fact, it was called employer mandates. And employers would have been required to pay substantial amounts of money. In some cases I believe there were situations where they really could not afford it, which is the reason they do not provide that health care today. So both for the public and private sectors it is important that the Government not impose these mandates. But as I said, it is important not only in its own right but because of the connection to the balanced budget amount.

BALANCED BUDGET AMENDMENT

Mr. KYL. Mr. President, I would like to turn for a moment to the subject of a balanced budget amendment in this overall context that we are debating unfunded mandates, and soon we will be debating the balanced budget amendment because the Joint Economic Committee held a hearing this morning and took testimony from both House and Senate Members on their proposals for achieving this goal.

When we talk about the Federal Government achieving a balanced budget without passing the costs on to the State and local governments in the form of unfunded mandates, the question of course, arises, how are we going to do it? In fact, some people, some Members of the Senate, have challenged those of us who support a balanced budget amendment as to how it is going to be done. They say be specific. Of course, we have said, "You say we don't need a balanced budget to achieve balance. So why don't you tell us how you would do it? Why don't you be specific? You have had 40 years in the case of the House of Representatives and you have not gotten the job done. Give us a chance and we will do it."

First, we want to establish the discipline that requires us to do it. Assume we had passed the balanced budget amendment in the House and it is the version that did not pass but almost passed the House of Representatives and, we believe, has the votes to pass in the Senate now and will pass the House of Representatives. That merely requires that the Federal Government balance its budget. What then? We know that there are people in both the House and Senate who propose that we also limit taxes. I am for a three-fifths vote to raise taxes. That would put an additional constraint on the House and Senate and would make it more difficult for us to try to achieve a balanced budget by raising taxes. The fact is that has never worked.

In March of 1993, W. Kirk Hauser wrote an article, an op-ed piece, in the Wall Street Journal in which he noted that over the last 30 or 40 years revenues to the Federal Treasury have been almost static at about 19 percent of the gross national product or 19.5 percent of the gross domestic product. It has ranged very little, and it does not matter whether we try to raise taxes or lower taxes or whether we have a Democrat President or a Republican President or we were in war or good times or bad times. None of that mattered. Over a few weeks revenues would fluctuate a little bit. But very soon they would stabilize at 19.5 percent of the GDP.

In fact, when we tried to raise tax rates in order to bring in more revenue, for a very short period of time more revenue came in. Then, as people changed their behavior, it settled right back into 19 percent of GNP. When we lowered tax rates momentarily there was a reduction in revenues. But very quickly the increased economic activity that resulted from those lower rates resulted in more taxes to the Federal Treasury even though at a lower rate.

How could that be? It is like a store that has a sale. When you reduce the prices you do not necessarily reduce income. You bring more people into the store. You sell more goods, and you can make more money than if you price the goods at a very high price. It is the same thing with revenues to the Treasury.

So we reduced tax rates. We have not reduced revenues to the Treasury. They have stabilized at 19 percent of the gross national product.

The lesson to be learned from this is this: People change their behavior based upon governmental actions. You cannot expect people to just sit there and take it when the Government does things to them. The result is that if we limited spending to 19 percent of the gross national product we would be limiting spending to the historic level that the American people have been willing to pay in the form of Federal tax revenues. We would also be balancing the budget because our spending would be the same as our revenues. That is what a balanced budget is all about.

The other advantages to this kind of approach—and I have to confess that the very first bill that I introduced as a Member of the House of Representatives was a Federal spending limit as the way to balance the budget and it was also the very first bill that I introduced here in the U.S. Senate; a bill that would require a balanced budget and achieve that by limiting spending as a percent of the gross national product.

There are additional advantages to that approach. In addition to spending the historic amount that Americans have been willing to pay to the Federal Government, we would also be achieving another extraordinarily important objective.

Mr. President, I cannot stress this point too much. People who say that all we have to do is have a requirement for a balanced budget are, in effect, saying that we could balance the budget at twice what it is today, or three times as much or four times as much as long as we bring in the revenues to pay for that.

Would anybody support that? I think not. We have a $6 trillion economy right now. Would anybody suggest that we should have a $6 trillion Government budget and try to raise the money to pay for that budget? We would be in balance if we could do it. But, of course, that would be extraordinarily detrimental to our standard of living, to our economy, and nobody, I think, suggests that there should be an unlimited amount of money that could be spent so long as we raise it.

So it matters as much where we balance that budget as the fact that we require it be balanced. We need to balance it at a sensible level. I suggest that the level is again a historic amount that Americans have been willing to pay to the Treasury, 19 percent of the gross national product. That is where we need to balance the budget.

It also matters how we try to balance the budget. Did we raise more revenues by raising tax rates? The answer is no, because people change their behavior. The luxury tax of a few years ago is a perfect example. Congress thought that by raising the rates on yachts and jewelry, expensive cars, we would rake in more money. Of course, rich people are not necessarily dumb. And they just stopped buying the yachts and the jewelry and the cars. So guess what? The tax revenue did not come in. And there was another very serious unintended consequence. The people who made the yachts, for example, lost their jobs because people stopped buying them. You price yourself out of the market in the private market. Government can do the same thing in the case of tax rates.

So it matters how we achieve a balanced budget, and you cannot do it by artificially raising tax rates. No. You need to do it the simple, straightforward way by getting at the heart of the problem. What is our problem? The problem is Congress spends too much. Is there any other problem? Why are we out of balance? It is because we spend too much. So the simple and straightforward way to deal with that problem is by limiting Federal spending.

There is another very important reason why I believe that a Federal balanced budget amendment and spending limit makes a lot of sense. We need to do things to stimulate economic growth, to provide more jobs in this country. Fortunately, our unemployment rates are low right now. But it is a constant challenge, as the Secretary of Labor would attest, it is a constant challenge for us to keep this economy growing, to keep providing jobs so that future generations will have the same kind of standard of living that we have been able to enjoy.

You do not do that by sucking all of the money out of the private sector for Government revenues. I have never understood how you make people better off by taking more of their hard-earned tax dollars.

It is like the old practice of bleeding a patient with leeches in order to make the patient healthy. They figured out after a while that taking a patient's blood did not make him more healthy. The same thing is true with extracting more tax dollars. If you leave those dollars in people's pockets, they invest them, they spend them on things that are important in their lives; they will send their kids to college, they will put some money in a savings account.

By the way, what happens if they buy a stock or bond? Say they take a little of that and put it into a money market account —that is a stock; it is money that goes to a corporation which needs the money to expand, to build a new plant, let us say. Then they build a new plant. Plants are empty, so what do they do? They hire people to work in them. Putting money to work in the private sector is capitalism. That is what our economy and a free market is all about.

If you leave that money in the private sector, we will have a growing economy. Congress too often has pursued policies that are inimical to economic growth and to sound market principles. I believe if we had a spending limit requirement on a balanced budget amendment, what we would find is—particularly if we tied it to a percent of the gross national product—that Congress all of a sudden got real smart about economic policy. If we said—as my amendment says—Congress can only spend 19 percent of the gross national product, what would Congress' incentive be with respect to the gross national product? It would be to pursue policies to grow the gross national product, because the more the gross national product grew, the more the Congress could spend. If the gross national product grew $100 billion, Congress could spend $19 billion more. What does Congress love to do? It loves to spend money. Let us take advantage of a little human nature here. If we want Congress to promote sound economic policies, to help the economy grow, as measured by the gross national product, we say to the Congress, you can have more money to spend if the economy grows. So why do you not do some things to help it grow?

What are things we can do? We can reduce certain tax rates that are too high to promote economic growth. Studies show that there is $7 trillion locked up in our economy because of our capital gains tax rates today. That means if we were able to reduce the capital gains tax rates, people would say: Now there is incentive for me to turn this piece of property over that I have been holding all these years. I inherited this from Grandma Jones, and we have held onto it because if we sold it, we would have to pay a huge tax on it. But we could use the money and would like to invest it in something.

With reducing the capital gains tax rates, that family might make the decision to sell that piece of land, to reap the liquid result, the liquid capital from the sale, and invest that into something else.

Economists believe that this $7 trillion that is thus locked up could be freed by a reduction of capital gains tax rates in a way that would generate huge economic growth because of the turnover of this capital in our market.

So there is additional incentive to balance the budget by limiting Federal spending as a percent of the gross national product. I believe it would cause Congress to be more responsible in the way we deal with our economy.

Mr. President, these are just a few thoughts that I have regarding my proposal to limit Federal spending as a percent of the gross national product. I realize that this is too tough and, in a sense, it is too sensible, and that it is going to be easier to get the votes to pass a balanced budget amendment if we are not too tight, if we are not too tough, because some people have a view that we should be able to raise taxes, for example. And so the only version that probably has a chance of passing is one that simply requires us to balance the budget. It does not set the level or tell us how to do it. It does not provide incentives to help the economy grow. But we can achieve those objectives by the way we implement the balanced budget amendment.

In conclusion, what I am going to be suggesting here very soon is that as soon as the balanced budget amendment is adopted, we need to come in behind that, in the wake of the passage of the balanced budget amendment, with implementing legislation. A lot of our friends have said, "How are you going to do it? Tell us how." Here is how I would do it. I think if we can provide implementing legislation that limits Federal spending, we can guarantee that we are going to achieve the objective in the right way. There will have to be enforcement provisions, and we will still have to make the tough, specific decisions as to exactly which programs in which to reduce spending, for example. But in terms of an outline of how we will achieve the objective, I think this spending limitation approach is exactly the right approach.

So while I would support the balanced budget amendment that does not have the spending limit requirement in it—because that is all I think we can get passed—I think we have to come in right behind that with a proposal to limit spending as the way to implement the constitutional balanced budget amendment. Of course, as a mere statutory program, Congress can override it. We can always unpass what we just passed. But at least I think it sets forth a blueprint, a guideline for achieving the objective.

Finally, Mr. President, I think almost all of us agree that if we pass this balanced budget amendment and send it to the States for ratification, we have to begin achieving that balanced budget today. We have to go back to last year's budget and see if there is anything in the appropriations we passed last year that we can pull back—money that we can save. We need to look at this year's budget as the first of the budgets that gets us on the glidepath to a balanced budget, and set the outside limit of perhaps 7 years. But we probably ought to try to do it in a shorter period, if we can, so that when the balanced budget amendment has finally been ratified by all of the States, it will not be an impossible task for us; so that we will have already started the process and each year intervening will have brought that budget deficit down another ratchet.

If we do that, in the last couple of years when we actually have to do it as a constitutional requirement, it will be an achievable objective, and in the last year or two, we will be able to make the savings and limit spending in such a way that we can achieve that balanced budget at the time it is called for in the constitutional amendment.

So these are some of the things we are going to have to think about as the balanced budget debate begins to unfold. I think it is important to at least begin to think about them in the context of the debate we are having on unfunded mandates, because as the Governors and State legislators that have to deal with the balanced budget amendment tell us, they know we have to mean business and get on with the balanced budget amendment.

At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

The Chair recognizes the Senator from Georgia for up to 15 minutes in morning business.

NATIONAL SERVICE

Mr. NUNN. Mr. President, I rise today to discuss the national service program which has been the subject of a good bit of discussion in recent media accounts and which President Clinton addressed this last week.

From the outset, I want to make it clear that I join President Clinton in expressing my continued strong support of the concept of national service. The passage of the national service bill in the last Congress was an event that I, along with a number of my colleagues, looked forward to for many years. Since President Clinton signed the legislation into law on September 21, 1993, thousands of Americans have served our country in projects which range from teaching school in inner-city neighborhoods to preventing destruction of lands along our Nation's rivers.

The case for this initiative depends on understanding that it is uniquely a program that offers a triple investment in the future productive capacity of our people and our communities—first of all, in the service performed; the service experience, No. 2; and the postservice benefit for our young people, No. 3. I know that the word "investment" has been much abused in debate on the Senate floor in recent years, and for some it is just a code word for Government spending. We must not, however, become so cynical that we cannot see a real investment with a real payoff when it is staring us in the face.

The idea for this investment came from recognition that many Americans have, for the first time, perhaps, in our history, forgotten the relationship between rights and responsibilities. We often see reports in the news media about various groups proclaiming that this Government service or that Government service is a right. We are so often reminded of the rights all Americans should enjoy that we often lose sight of the other side of the same coin, and that is the responsibilities that we must share in order to make these rights possible. Just as we have rights to freedom, to life, liberty and the pursuit of happiness, those sacred rights carry with them equally sacred responsibilities. The National Service Program was created to provide young Americans with opportunities to fulfill that obligation to give something back to their country and to their communities.

Dr. Martin Luther King, Jr., who dedicated his life to the cause of civil rights and whose birthday we celebrated this past Monday, understood that only through assuming responsibilities that accompany our rights can we help ourselves. He said in the last Sunday morning sermon before his assassination:

> Human progress never rolls in on the wheels of inevitability; it comes through the tireless efforts of men willing to be co-workers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. So we must help time and realize that the time is always ripe to do right.

National Service provides young people a means to meet the challenge to do right while expanding their own horizons and building opportunity for their futures.

Critics have tried to attack the National Service Program in a number of different ways. During the debate on the authorizing legislation, we heard cries of how many more Pell grants we could fund with the money, or how many more job training programs we could fund with the money. Though these criticisms are valid as far as they go, they almost inevitably lose sight of the fact that National Service does not exist for the purpose of simply providing student aid or even job training. National Service exists primarily to provide service. And if the program is not providing service, then it does not deserve to exist. A good analogy is our Nation's Armed Forces. We do not maintain Armed Forces in order to provide valuable skills and develop good character in young men and women. Rather, Armed Forces personnel develop skills and character in the military as they carry out their primary mission of providing our Nation's security.

The same is true of National Service. Would critics have the Senate disregard the benefits to society of national service participants providing employment counseling and tutoring to homeless people in Atlanta? Should we ignore the benefits of the first-time immunization of 33,000 children in Fort Worth, TX, in one month which was carried out by those serving in the national service program?

I could go on and on with the kind of service being provided. That is the true test of national service. Are we really serving people and helping communities? Considering the benefits national service provides at the community level, it is difficult to see why there are so many objections to this program. Indeed, given the debates we have heard on unfunded mandates and we continue to hear that on legislation in this body, I would think that our colleagues would agree that national service represents the type of program that we ought to support.

National service is not a Federal mandate for any specific type of service, nor does it require that communities participate at all. National service gives communities and service organizations and young people the chance, voluntarily, to identify and perform the kind of service which best meets their local needs with the Federal Government providing the funding. So it is almost the opposite of a Government mandate.

At the same time, it provides meaningful work for young people addressing real problems without Federal micromanagement. This real work for real value will ensure a strong payback for the taxpayers' dollar. In the process, national service instills in young people the strong traditional values of hard work and responsibility. They learn those values because they are serving. It is not a program to teach those values. It is a program where the values are learned because of service rendered.

As for the claim that national service is—quoting one of the critics—"coerced volunteerism," I would suggest that critics ask any of the more than 200,000 people who requested applications for last year's AmeriCorps Program or the 20,000 that were selected and are now serving, whether they were coerced. National service is not coercion any more than was the Montgomery GI bill which provides educational benefits for hundreds of thousands of young Americans who serve and have served in our Nation's All-Volunteer Force.

Instead, like the Montgomery GI bill, national service is an opportunity, an opportunity that young people all over America have said they want. Nothing is more evident of that than the overwhelming number of applications. I think we will see even more of the applications in the years to come, assuming this program continues.

As for the benefits of service, and to me this must be the way we judge the program more than any other judgment, although there are, really, as I said, three parts to the program, service is the No. 1 part. In my State alone the excellent works that have been performed by these young people is very impressive. In Georgia, national service participants are working in Atlanta area schools as teaching assistants, tutors, and mentors. They are aiding police in developing a community-oriented police program in Albany, GA. They are helping create an emergency 911 network in Douglas and Coffee County. They are identifying local environmental programs in Decatur, GA, and developing plans to engage youth in solving them. They are tutoring hundreds and thousands of young people every day in elementary school. They are also in some of the rural areas that I visited. They do not have any foreign language teachers in the schools there and they have found that with the immigration that is growing in our State and other States, these young people who are in school that cannot speak English need help. In many cases, in a couple of the rural communities, that help is coming from national service participants who have a second language and who are able to be the only ones in the community that can really communicate with the newly arrived legal immigrants in our school.

All of these efforts are duplicated in national service programs nationwide. From aiding the American Red Cross and providing food and clothing for California flood victims to building homes for needy families in the poorest sections of Miami, with Habitat for Humanity.

In conclusion, Mr. President, national service provides a triple payback in valuable service to the community. Higher skills and lower debts for our young people for attending colleges or getting advanced education after high school and a much stronger sense that we are all in the American enterprise together, bound by mutual respect and mutual obligation.

In the Peace Corps Program in my State the participants begin each day with a chant announcing their readiness to serve, to earn, and to learn. That, Mr. President, is the most eloquent summary of the concept of national service that I think we can offer: To serve, to earn, and to learn.

I urge all Senators to listen to our young people, to visit these programs, to make sure that the criticism of the programs—which is welcome—make sure it is constructive, to make sure we look at whether we are really getting service in the communities where they are serving, rather than simply oppose this program as another governmental program.

I urge all Senators to particularly talk to our young people, listen to them, and see what they say about what they are doing in serving and earning and learning and continuing to give them a chance in this regard. There is room for improvement in the program. There is room for constructive criticism. There is room, perhaps, to even critique the program in a way that would affect the budget. In my view, blind opposition to this exciting concept is simply not the way to go at this point in time.

I think the main measure must be whether we are getting service from these young people and whether they are helping the communities, helping young people, helping those in need. It is my hope that if this program works and I believe it is working, that it will be viewed in the future as not simply an addition to the way we deliver services to those in need in our country and in our communities but rather in lieu of some of the existing programs.

I can think of no better way to deliver social services in this Nation to those in need. We are going to continue to have people in need. We are going to continue to have community demands that cannot be met with nominal funding. I can think of no better way than unleashing the energy, enthusiasm, and idealism of tens of thousands of America's young people in addressing these critical problems. To me this is the way we ought to begin thinking about shaping our social services.

At this point in time this program is in addition to the existing programs. We should look at it more and more as a substitute to some of the programs and a supplement to others.

I thank the Chair. I know the Senator from New Hampshire would like to speak. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

END DELAY ON UNFUNDED MANDATES LEGISLATION

Mr. SMITH. Thank you, Mr. President.

Mr. President, the bill that has been before the Senate for 8 days now basically has been delayed and stalled, is very important business for the people of the United States of America and certainly many communities around the country who suffer from the unfunded mandates that they have to comply with.

I want to discuss that legislation today for a few minutes and also to say that I sincerely hope that in the very near future, hopefully some time early next week, that we will be able to pass that legislation and get it on through the House and the Senate and get it to the President. Hopefully he will sign it. This is a major piece of legislation that the majority, overwhelming majority of the American people support.

I do not understand why we are delaying it. Apparently there seems to be, based on those we talk with, a great number of people on the other side of the aisle who say they support the bill yet when it came down to signing the petition for cloture, we did not get much help at all. Indeed, we only had one vote. I find a strange inconsistency here that those who say they support the legislation cannot bring themselves to bring the legislation to a vote. I think sometimes we get criticized here for not being able to accomplish anything and the American people look at this and say, why is it that a Senator, perhaps my own Senator, would say, "I am for this bill but I do not want us to vote on it."

When we get criticized out there in the public, we really should not wonder why that happens. There is nothing wrong with debate. All Senators have every right to debate this legislation as long as they wish. Certainly, I stand here today before one of the most historic desks in the U.S. Senate. This desk belonged to Daniel Webster, one of the few original desks in the Senate.

Daniel Webster, of course, at one time represented New Hampshire in the House, was born in New Hampshire, and represented Massachusetts in the U.S. Senate, one of the greatest orators of the pre-Civil War time. He certainly stood on the floor of the U.S. Senate before this desk and debated many of the great issues of the day and, I am sure, frustrated a lot of people on the other side. That is the way it should be. That is what the Senate is. There is nothing wrong with that. I do not criticize that in any way.

I will say that this is an issue, the unfunded mandate issue, that is so overwhelmingly supported by the people in this country—I hesitate to say this, but I think it is true—that the American people, I think, are going to exact a price from those who delay it. I think they do it under grave risks.

This legislation places, very interestingly, increased and added responsibilities on those who want to create the new mandate. It would also increase the cost of an existing one. In other words, they must get an estimate of the cost of the new requirement to both State and local government and the private sector and provide the funds needed for the State and local governments to comply with the change. So it puts the responsibility on those who want to produce the mandates.

It is a very important piece of legislation that is going to provide not only relief from the unfunded mandates—that is a very general way of saying it—but it is also going to provide relief for the taxpayers, the local and State taxpayers who have to pay for this when the Federal Government puts the mandate in and does not fund it. Those are the people who are going to benefit from this bill. Those are the people who need relief. When we pass a piece of legislation without funding it and insist that the local community pay for it, what has to happen? Money does not come from heaven. It has to come from the taxpayers. It is extracted involuntarily from those taxpayers in those local communities.

These local communities, Mr. President, all over the country are speaking out to us saying, "Pass this bill." It is enthusiastically endorsed by the U.S. Conference of Mayors, National League of Cities, Council of State Governments, National School Boards Association, U.S. Chamber of Commerce, National Governors Association—and on and on—National Association of Counties.

This information has been stated on the floor during the debate, but it is interesting, one quote comes from John Motley, the vice president of NFIB, who strongly supports S. 1, who said:

> It was not the cities and States who paid roughly $10 billion in unfunded mandates during the 1980's. It was the taxpayers, small business owners as well as everybody else. In June 1994, a poll of all NFIB members resulted in a resounding 90 percent vote against unfunded mandates.

Even the Democratic Governor, who is the chairman of the National Governors Association, Gov. Howard Dean, said:

> We begin the 104th Congress with S. 1, the Unfunded Mandates Relief Act of 1995, which is a major priority for all State and local officials. We have reviewed the new bill, drafted in full consultation with all our organizations, and strongly support its enactment.

So it is bipartisan support that we have—support from communities, from selectmen, from mayors, from Governors, from taxpayers all across America in every State and hamlet. It is one of the most overwhelmingly supported pieces of legislation in recent time. Yet, here it is bottled up in the U.S. Senate for 8 days. We are essentially doing no business today, other than debating it and offering amendments. We are in morning business, which means we do not have to debate it. I choose to debate it because I think it is important. That is why I am here. The majority leader, to his credit, sought on the floor last evening to get support to bring this thing to a head, and I hope that this will happen in the next few days and that we will see a vote.

In talking about unfunded mandates, it really is an interesting dichotomy, just the very fact that we are here to try to repeal unfunded mandates or to stop future unfunded mandates, as this bill specifically does, because we always hear experts, if you will, constitutional experts, telling us what the Founding Fathers intended or what they did not intend. It is always very interesting. I would be fascinated to see people like Thomas Jefferson and James Madison and George Washington and Alexander Hamilton, John Jay, and others come here and listen to the debate that goes on in this Chamber regarding what they thought these gentlemen really believed and what they were saying in the remarks that they made. It is interesting the way we twist and turn these remarks.

If you take them literally, there is not any doubt. Let us listen to Thomas Jefferson:

> When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.

It does not get any clearer than that. Jefferson was saying that we left England, we separated from the Government of England for this very reason. They created a government here where they did not want all of the power in Washington, and they made it very clear in the 10th amendment to the Constitution that all power would not be in Washington. Yet, here we are debating a bill that we want to pass to eliminate unfunded mandates which we really should not have in the first place. That is exactly where we are.

The 10th amendment is the constitutional embodiment of Jefferson's belief in a limited Federal Government, respectful of the rights of the States. How are we being respectful to the rights of the States, Mr. President, when we simply put unfunded mandates on them telling them they must do this without the money? That is not being respectful. With all due respect, that is being disrespectful. Of course it is being disrespectful, and we have been doing it to the States and the communities all across this country for years in education, environment, you name it, we have done it to them and they know it. That is why we have so much support, so much grassroots support from all over America, at the levels that I discussed, coming back and saying to us, "Get this off our backs, we are sick of it, we are tired of it. We want it off our backs."

What does the 10th amendment say? Again, we get all these interpretations. Let us read it. It is very simple:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectfully, or to the people.

Yet somebody somewhere along the line at some course in our history has come up with this terrible idea, stupid idea that this is wrong and that we ought to be able to provide unfunded mandates to the States and communities. This is in direct conflict with the 10th amendment. But all these great legal scholars and constitutional scholars and probably some of our predecessors on the floor of this body thought otherwise and basically took the 10th amendment and tore it up as if it did not exist. And there it goes. So here we are now trying to get this corrected.

That is what went wrong. When did this start happening? We can go back to the New Deal. Ever since then, the

Federal Government has increasingly encroached upon fiscal and constitutional prerogatives of the State and local governments. When you put a mandate on a State, on a community, you force the taxpayers to pay for it. That is where it comes from. The State and local government has no choice but to increase those taxes. So you are mandating a tax increase on a small community, whether it is in Indiana or New Hampshire or Georgia or West Virginia, or wherever.

This is exactly what Jefferson warned us against. Very clearly he warned us against it: Do not draw all the power to Washington, for the same reason they did not want all the power drawn to England or to a monarch or to a tyrant. They were afraid of it. They feared it. That is why they came here and built this country. That is why they wrote the Constitution, because they did fear it. That is why they disseminated the power among the three branches of government as they did, and between the States and the Federal Government.

These States were reluctant to create this country from the Constitution. The Federalist Papers by Madison and Jay and Hamilton were particularly written to convince the people to write the Constitution. They had to be persuaded because they were afraid to give up their State and community rights. That is why the 10th amendment was put in the Constitution, my colleagues.

Unfunded Federal mandates impose enormous costs on the States. Nationwide examples are all over the place. The U.S. Conference of Mayors recently reported that the Clean Water Act alone mandated costs on the cities with populations greater than 30,000 more than $3.6 billion in 1993.

Now, our opponents will say, "What's wrong with the Clean Water Act?" I am not opposed to cleaning up the water in the United States. I do not think there is a citizen in America who wants to drink dirty water or swim in dirty water. The issue is not that. The issue is should this Congress, this Government, pass laws that mandate that be done without providing the dollars? Did they ever stop to think that maybe a community of a few hundred people cannot raise that kind of money out of the taxpayers? It is not there.

That is what is wrong. That is why the American people voted the way they did on November 8, 1994—because they are sick of it. They are sick of it. They want it changed. They made it very clear.

Now, from 1994 through 1998, the Conference of Mayors reports 10 Federal mandates that they studied—10, just 10 Federal mandates, unfunded some of them—will cost $54 billion. The Clean Water Act alone is $29.3 billion; Safe Drinking Water Act, $8.6 billion, and RCRA, Resource Conservation and Recovery Act, $5.5 billion—again, well intended pieces of legislation, some of which do a good job. But should it be mandated without the funds? The answer is no. That is what we are here talking about. That is what is being delayed. That is what the other side, our friends on the other side of the aisle are doing. They are delaying this bill to stop this stuff so it does not happen in the future.

Now, there was a Price Waterhouse survey that said counties are spending $4.8 billion annually—1993, $4.8 billion annually—to comply with just 12 of many unfunded mandates in Federal programs, and that they will spend $33.7 billion over the next 5 years.

Let me give you a couple of examples in New Hampshire.

The city of Berlin, NH, economically depends on one business really for its livelihood, and that is a big paper mill—11,700 residents and declining. It is under an EPA order to construct a new $18 million water supply system pursuant to this Safe Drinking Water Act, mandated $18 million.

Berlin has problems with its water, and it is trying to correct them, and it needs the time to do that. Those citizens, many of whom I know personally, do not want to drink polluted water. But they cannot bond this amount of money within the time that is dictated to them by the EPA. They simply cannot do it. So they are facing fines of $25,000 a day, a depressed community of 11,700 people facing $25,000 a day fines for not complying with the regulations.

I might inquire of the Chair, has my time expired?

The PRESIDING OFFICER. It has. The Senator may seek additional time if he wishes to ask unanimous consent.

Mr. SMITH. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Here we are facing fines of $25,000 a day, trying to fix $18 million worth of problems. Does that make sense? Does it really make sense to fine these people to try to comply?

That is what an unfunded mandate does. Not only is it an unfunded mandate; it is fining for not complying with an unfunded mandate, which compounds it. It makes it worse. You cannot get $25,000 a day from people who do not have jobs, who are worried about the mill closing. It just does not work. Yet, here we go. I have people in those towns tell me, "Senator, why don't you have the Federal Government come up here and take over the town because it will be a lot easier. It will give us less headaches. You run it. You want to tell us what to do, so go ahead and run the town."

Rochester, NH, same thing—mandate under the Clean Water Act. I could mention numerous examples all over my State, and of course every Senator could mention similar horror stories all over America. Because of the enormous costs associated with the removal of these materials, for example, in Rochester, it has been forced to hire lawyers now to fight its case.

Oh, boy, there is always the opportunity to hire lawyers. Get the lawyers involved and stretch it out to cost even more. There is always a lawyer on either side to get a lot of money out of this thing. So we do not spend any money on cleanup; we spend it on lawyers rather than on cleanup, which makes it worse.

Why? You know why? Do you know why we have the lawyers involved in this? Because somebody back beginning approximately in the New Deal era, and built upon since then, has said that the 10th amendment ought to be torn up and thrown in the waste basket and ignored, and that we ought to put mandates on the people of America. That is why lawyers are fighting. And it is ironic that these same lawyers are the ones who are sworn to uphold the Constitution and to work under the Constitution.

I was a local official. I was a school board member for 6 years. I was the chairman of that same school board for 3 years. I know what it is like. I have seen what happened to my school district when an unfunded mandate came in that said: You will do this. I do not care what it costs, you will do it. That forces many small communities to go out and raise additional taxes on that mandate.

But again, we always get the debate off on whether or not what the mandate directs is good or bad. That is not the issue. In most cases, they are good. For example, handicapped children, absolutely, educating the handicapped, helping those people to get mainstreamed, absolutely supported by me and others. But should it be an unfunded mandate? If you want to mandate it, if that is what America wants, then fund it. Do not force a community that cannot pay for it to pay for it.

Do you really want to cut taxes for the middle class? That is what I hear the President say—cut taxes for the middle class. Then, Mr. President, when you get this bill, if you ever get it, if your party ever will let us get it to you, sign it and you are going to save hundreds of millions of dollars—hundreds of millions of dollars on middle-class Americans who carry the load.

Unfunded Federal mandates encroach on the authority of the States in contravention of the 10th amendment.

So what is the solution? The solution has been proposed by my most distinguished colleague, the Senator from Idaho [Mr. KEMPTHORNE], himself a former mayor, who drafted this legislation, who traveled all over the country getting support for it and pulling this thing together and managing it so brilliantly in the Chamber. Some say he has only been here 2 years as a Senator. But he had several years as a mayor on the receiving end of these mandates. He knows what those mandates do to his tax base, as the mayor of Boise, ID, and he knows what it does to the tax base of every community that is impacted by one of those mandates.

This is a vital step. It will end a deplorable practice of Congress imposing unfunded mandates on State and local governments.

Now, S. 1, the bill which we are talking about, sets a tough standard. It is stuff. You bet it is. And it ought to be. We are trying to get back to the Constitution of the United States, which we have ignored. It needs to be tough. This bill provides that it shall not be in order for the Senate to even consider any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the $50 million threshold to be exceeded unless the mandate is paid by the Federal Government.

That is the way it ought to be. We cannot even consider it, let alone pass it. That is how tough it is, and that is good. That is why it is being opposed by some on the other side, because some of our colleagues on the other side—not all—are responsible for the fact that we have these mandates in the first place, and they do not want them to go away. But the American people want them to go away.

Any bill that imposes an unfunded mandate above that threshold of $50 million on State and/or local governments shall be out of order on the Senate floor. You cannot even get a chance to vote on it to pass it. That is tough. That is the way it should be.

There is a further step. I am going to support Senator HATCH's constitutional amendment to prohibit unfunded mandates on State and local governments unless two-thirds of the Houses of Congress decide to do so. And there again is another irony. We have a 10th amendment that says we cannot have unfunded mandates, in my opinion, yet we are now going to probably have to have a 27th or 28th amendment which says we are going to prohibit them.

That tells you where we are at in this country. It tells you that people in this country—some in this Congress—are willing to trash the Constitution of the United States of America. For what? Political gain? I do not know. How do you get political gain out of something the majority of the American people do not want by advocating it? It beats me.

It is unfortunate, and frankly ironic, that S. 1 has become necessary. Our Founding Fathers are probably spinning around in their graves right now. They created a limited Federal Government that would respect the rights of the States and here we are on the floor of the Senate, trying to gain back what the Founding Fathers never wanted to lose in the first place. They made that protection very explicit in that 10th amendment. Frankly, not only the Congress, the Supreme Court as well—let us not let the Supreme Court off the hook here—all these brilliant judges, scholars, over the years who have allowed this to happen. They are responsible, too. They have not afforded sufficient respect to the 10th amendment.

There have been some brilliant people who have served in Government since the Constitution was written, many of them. I stand at the desk of one of them, Daniel Webster. Henry Clay, John C. Calhoun—great orators, great Senators down through the years as well as others in the House and the Senate. And, frankly, out of politics—on the courts: brilliant people. But I have not yet met the match for Thomas Jefferson and James Madison and John Jay and others during that time, our forefathers, who wrote this brilliant document.

They knew what they were doing. I think we made some terrible mistakes. The Senator from Idaho with this legislation is giving us the opportunity to correct some.

The Senator from Tennessee, who is a surgeon, who was talking about health care a while ago on the floor when I was in the Chair—we are going to have to perform corrective surgery. And it is about time. It is about time. That is why the American people changed course on November 8. I hope this Senate will get the message and pass this legislation next week, get it through the House, and get it to the President of the United States so it will become the law—which it already should be under the 10th amendment.

In conclusion, we must never forget—and I think we have—that it was the States, there were only 13 at the time, but it was the States that created this Government. I used to teach history, so forgive me for a moment. The States created this Government. Without the large State-small State compromise, the Senate would not be here. The House would not be here. The Federal Government would not be here. They decided to give certain powers to the Federal Government and created that Government as a result. They never wanted the Federal Government to go beyond the specific powers they were given.

Let us get back to the Constitution. If we do the debate, the integrity of the debate is on our side, and we will win. I think we will. It is just going to take a little time. It is a little frustrating that Senators exercise the right that they have to delay and debate. If you are going to delay to debate to make your point that is fine. If you are going to delay simply to stop the legislation, from us getting a chance to vote on it, I think that is wrong. Especially when you are trying to repeal something that is unconstitutional, in my opinion, to begin with.

Mr. President, I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

FEDERALISM

Mr. SPECTER. Mr. President, I support Senate bill 1 to eliminate unfunded mandates to States and local government. There is no doubt about the onerous imposition of very expensive projects on State and local government which have been decreed out of Washington, DC, and the Federal Government. I think as a matter of fundamental fairness, if we decide something ought to be done as a matter of national policy, then we ought to be paying for it.

Many have spoken about the principle of federalism, which is the concept that the United States was founded on. It is to leave to the States all that was not specifically delegated to the Federal Government in the Constitution on the very obvious point of having the governmental unit closest to the people making the decision. Also, as a matter of federalism and the concept of federalism, the idea is to leave to local government as much as possible so the people closest to the problem may decide what they want to spend their money on.

We have within the bill presently on the floor the principle of the States leaving to local government the maximum amount possible without telling local government what ought to be done. So I think this is a sound bill. I look forward to its early passage as a signal to the American people that the mandate from the last election is being complied with. We have already enacted important legislation which imposes on every Member of the U.S. Senate and the U.S. House of Representatives the same obligations that any other American citizen bears. That is sound as a matter of basic fairness but also sound as part of the regulatory system so we may not overly burden American business and the American people when we have to comply with the same rules.

Mr. President, I now ask unanimous consent that I may make two brief statements as in morning business. There is no one else on the floor to speak to the bill.

The PRESIDING OFFICER. Without objection the Senator from Pennsylvania is recognized as in morning business.

Mr. SPECTER. I thank the Chair and I ask unanimous consent my following remarks be captioned: "Silvi Morton Specter."

The PRESIDING OFFICER. Without objection, it is so ordered.

SILVI MORTON SPECTER

Mr. SPECTER. Mr. President, last night I spoke briefly on the one-year anniversary of the birth of the next generation of the Specter family, on the birth date of my granddaughter, the first grandchild in our family, the daughter of my son Shanin Specter, and his wife, Tracey Pearl Specter. But I could not speak at any length because we were in the midst of working out the unanimous-consent agreement on the disposition of this bill. And as the hour grew late, when we had consecutive back-to-back votes as part of the efforts to reach an accommodation on the bill, I did secure the floor for a few minutes, at 11:25, but spoke only briefly because the managers of the bill were about to present the unanimous-consent agreement and there were many Senators on the floor at the time.

I now speak to an empty Chamber with the exception of the Presiding Officer. But this is a matter, I think, of importance beyond the birth date of one young woman in America because I speak about all of the children of America and Silvi Specter's generation.

We have a heavy burden, the Congress of the United States, and in the U.S. Senate, to see to it that adequate care and protection will be given to her generation. I focus on the balanced budget amendment which has now been reported out of the Judiciary Committee, which will seek to eliminate the deficit Federal spending which now approximates $200 billion a year and a national debt which is climbing toward $5 trillion.

We had debated the deficit and the national debt more in the 14 years-plus that I have been in the U.S. Senate than any other subject.

So frequently there has been agreement that the Federal Government ought to live within its means just as every other unit of government has to. The State governments, the city governments, the county governments, and for that matter any individual has to live within his or her means or they face bankruptcy. But at the same time we have continued to spend. The promise of the balanced budget amendment is to put the same discipline on Congress which every other governmental unit in the past has had and every private citizen has. I think that is very important for Silvi Specter's generation. Certainly, I would not think of borrowing on her account or using her credit card. But that is exactly what we are doing when we run up these deficits.

I think, too, about the primary duty of Government to protect its citizens and the strides which are yet to be made on crime control domestically and national defense on the international scene.

We have a great deal to do, Mr. President, on the basic issue of crime control. It is something that we have to address for the present generation and succeeding generations.

I had the opportunity to serve as district attorney of Philadelphia for some 8 years after having been an assistant district attorney for 4 years where I tried many robbery cases, many rape cases, many burglary cases, and then as the district attorney ran an office which prosecuted 30,000 criminal cases a year including 500 homicide cases.

I believe that we have to tackle the problem of violent crime on many levels. I think to start with, this is a major problem in our criminal justice system in our failure to utilize capital punishment as an effective deterrent against violent crime. It is obvious that the critical aspect of a deterrent is its certainty and its swiftness. But that is not the case with the death penalty. At the present time there are more than 2,800 inmates on death row and in the last year only 38 cases where the judgment of sentence was carried out. The reason for that is the Federal appeals processes which allow the cases to go on virtually interminably forever; some as long as 20 years, on the average 8 years. We have the power to correct that.

My legislation was passed by the Senate in 1990 and has a good chance to be passed this year by the House and the Senate and signed into law if we would make a few basic changes. First, provide that the requirement "upon exhaustion of State remedies" is eliminated because that means the case has to be litigated in the State courts until every possible issue has been resolved before going to the Federal courts. And then there is a ping-pong effect where it goes back and forth.

My legislation provides that there would be Federal jurisdiction attaching as soon as the State supreme court had upheld the judgment of sentence of the death penalty. Then there would be one hearing in the Federal courts taking up all the issues without getting involved in what is a full and fair hearing in the State courts, which leads to interminable litigation, again with the State court taking it up and then coming to the Federal court as to whether there had been a full and fair hearing, which is an aspect of exhaustion of State remedies.

The Federal court ought to hear it once and once alone. If something then arises at a later time which warrants exceptional circumstances and unique Federal review again, that should happen only if the court of appeals approves it; that is, submission to Federal judges.

There also ought to be a time limit of 120 days in the Federal district court, unless the judge is able to put on the record factors which require a longer period of time, and that should be within the discretion of the trial judge. But I have handled these cases in the Federal court on habeas corpus, and 120 days is long enough, providing the judge puts it at the top of the list. That would not be an undue burden where only one of these cases would come before a judge every 18 months. There should be time limits in the court of appeals so that this appellate proceeding could be concluded within 2 years instead of 20 years.

Then, Mr. President, I think it is necessary to look at realistic rehabilitation. It is no surprise when someone leaves jail without a trade or a skill, as a functional illiterate, to go out into society, they are back to a life of crime and a revolving door. What I think we need to do is to have early intervention, especially with juveniles, for literacy and job training to give them a chance. But if they become career criminals—that is, three major offenses—then I think it is fair for society to impose a life sentence and to carry it out with adequate prison space.

Just the day before yesterday in the city of Philadelphia there was an atrocious murder a block and a half from the Philadelphia police station where a car was stopped. Apparently the individual was being followed on a robbery attempt, and a cold-blooded murder at 5:23 in the afternoon a block and a half from the police station at 7th and Vine in Philadelphia. A man was shot down in cold blood.

This happens again and again with drive-by shootings, with people being at risk. Violent crime could be curtailed if we really took the steps necessary to do that. That is something we ought to be looking at for this generation, the next generation, and those which follow.

There is also a major problem in international issues with national security. From the position that I have just taken on as chairman of the Intelligence Committee, there is a real need to do more in the area of nuclear nonproliferation. There is grave concern about the agreement which the administration has just made with North Korea where we will not be inspecting the spent fuel rods for some 5 years; whether this is the best way to protect against whether North Korea is in fact proceeding to build nuclear weapons. It has been disclosed recently that North Korea and Iran are working jointly on ballistic missiles and that North Korea currently has the capacity to send a missile as far as Alaska. When we asked the director of the Central Intelligence Agency in hearings a week ago Tuesday what the prognosis was for reaching the continental United States, there can be no assurance. A great deal more has to be done in that respect.

The issue of nutrition is of enormous importance. I was shocked more than a decade ago on my first occasion to see a 1-pound baby, a human being about as big as the size of my hand weighing 1 pound. That is a human tragedy because those children carry scars for a lifetime, and frequently the lifetime is not too long because of the intensity of the injuries carried. And it is a financial disaster with more than $150,000 in cost for each child and multibillion dollars in costs.

It is a matter which can be corrected with prenatal visits as outlined by Dr. Everett Koop, former Surgeon General, in part of a health care package which I have proposed in Senate bill 18.

As I think about the tragedy of low-birthweight babies or the tragedy of teenage pregnancies, as I think of my granddaughter, Silvi Morton Specter, who lives surrounded by love with her mother, Tracey Pearl Specter—a professional woman in her own right, but her daughter comes first—as I see them playing together—in effect, I say that Tracey is Silvi's best playmate—it is a sight to behold and really a tragedy that all children do not have the affection that Silvi has from her doting mother and doting father, my son Shanin Specter, and her grandparents, Carol and Alvin Pearl and Joan and myself.

So I take a few moments on this Friday afternoon to talk about Silvi Morton Specter's generation and the obligations we have here on personal safety from violent crime at home, the problem of nuclear attack abroad, and the issue of not spending to burden Silvi's generation on the problems which children face everywhere. It is a real burden that we face and a real obligation that we have to do a better job as Senators and Members of Congress as we look forward to the 21st century. It is my own personal view that America has not seen its best and brightest days.

I think of my father, who came to this country as an immigrant from Russia at the age of 18 in 1911 without any formal education, and my mother, who came with her parents from Poland in 1905 at the age of 5, and how much better it has been for my brother, my two sisters and me, and how much better it has been for my two sons, Shanin and Steve, and how much better it can be for Tracey and for Silvi Specter's generation if we do our jobs in the U.S. Congress.

I thank the Chair. I yield the floor.

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 11, 1995, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Indian Affairs.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the committee shall be open to the public except when the committee by majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee at least one week in advance of such hearing unless the Chairman of the committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the committee shall file with the committee, at least 48 hours in advance of the hearing, a written statement of his or her testimony with 25 copies.

(c). Each Member shall be limited to five (5) minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman or Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the committee if a written request for such inclusion has been filed with the Chairman of the committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the committee to include legislative measures or subjects on the committee agenda in the absence of such request.

(b). The agenda for any business meeting of the committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the committee. The Clerk shall promptly notify absent Members of any action taken by the committee on matters not included in the published agenda.

QUORUMS

Rule 6(a). Except as provided in subsections (b) and (c) six (6) members shall constitute a quorum for the conduct of business of the committee. Consistent with Senate rules, a quorum is presumed to be present, unless the absence of a quorum is noted.

(b). A measure may be ordered reported from the committee unless an objection is made by a Member, in which case a recorded vote of the members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only on the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Members, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the committee unless the committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by or confidential material presented to the committee or any report of the proceedings of a closed committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open committee hearing tends to defame him or otherwise adversely affect his reputation may file with the committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the committee in a business meeting of the committee. Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the committee agenda for such meeting at least seven (7) days in advance of such meeting.

MEDICAL SAVINGS ACCOUNTS

Mr. FRIST. Mr. President, I rise today to discuss the issue of health care in America and, specifically, the concept of medical savings accounts, sometimes called medical IRA's.

I speak today as an elected official, but also as a practicing physician, having devoted the last 20 years of my life to caring for patients. I have witnessed first hand the unequalled quality of care that we have in the United States, but also the problems which include skyrocketing costs, uneven access, and inadequate emphasis on prevention.

Last year, President Clinton addressed the problems in our health care system, but his proposed solution was fatally flawed. He favored monopolization, not competition. He sought to empower bureaucrats, not individuals. And, in the end, he relied on Government, not the private sector. Fortunately, once the American people heard the truth about the administration's plan, they rejected it.

Nevertheless, the problems with our health care system have not disappeared. And make no mistake, there are problems with our health care system. But instead of scrapping the whole system, we must target and fix what is broken. Mr. President, I believe the use of medical savings accounts is an important first step in this process.

A fundamental problem which characterizes every interaction between patient and health care provider is that the provider is paid not by the patient, but by a third party. On average, every time a patient in America receives a dollar's worth of medical services, 79 cents is paid for by someone else—usually the Government or an insurance company. The result is that we grossly over-consume medical services. Imagine if we were all required to pay out of our own pockets only 20 cents of every dollar spent on food, clothing, and transportation. We would overconsume—we would buy more than we need. And that's what happens in medicine. Since they don't feel they are paying for it, everyone wants the most and the best—at any price—whether it's the deluxe hospital room, the latest in nuclear medical imaging, or the MRI scan for a headache. We must become more cost-conscious consumers of medical services.

Mr. President, there are two methods of doing this. First, as the Clinton administration urged, we can limit medical technology and ration care, thereby limiting choice of physician and ultimately access. The American people rejected this alternative—and with good reason. It would have severely reduced the quality of patient care. I saw this happen first-hand during the year I spent in England as a registrar in heart and lung surgery. I watched over and over again as patients waited months for medical procedures which they would have obtained in days or weeks in the United States. And sadly, in some instances, I watched patients die while they waited.

The second choice, and the one I believe we must follow if we want to stem rising health care costs without decreasing the availability and quality of patient care, is to empower individuals and enable them to purchase medical services directly, as they do other services. Medical savings accounts would encourage patients to make prudent, cost-conscious decision about purchasing medical services.

What are medical savings accounts? Medical savings accounts are tax-free, personal accounts which can be used by an individual to pay medical bills. Take, for example, an employee of a company: today an employer might pay $3,000 or $4,000 for a medical insurance policy with a $500 deductible. The employee has no incentive to be cost-conscious. In contrast, if medical savings accounts were available, the employer would deposit an amount—say $2,000—tax free in a savings account, which would belong to the employee. The employee would buy an inexpensive, catastrophic-type policy which would cover medical expenses above $2,000 per year. For medical expenses up to the $2,000 deductible limit, the employee using his own discretion would use money from the savings account. Any savings account money not spent on health care that year would grow tax free in the employee's account and would accumulate year to year. At retirement, the money could be rolled over into an IRA or a pension, or could be used to pay for long-term care or other expenses. Thus, the individual has a strong incentive to become a cost-conscious consumer of medical care. He will demand quality care at competitive prices. The consumer will drive the market. The system will respond with better outcome measures and lower unit prices for health care.

In short, medical savings accounts will give American health care consumers strong incentives to change the way they consume health care services because they keep any money they don't spend.

We will potentially save billions of dollars in health care costs because individual patients will modify their health care purchasing habits to consume health care services prudently.

Medical savings accounts will potentially also save billions of dollars in administrative costs. In 1992 alone, administrative costs for health insurance exceeded $41 billion. With medical savings accounts, patients will deal directly with health care providers and eliminate many third parties.

Finally, and perhaps most importantly, the use of medical savings accounts will help maintain the high quality of care that Americans have come to know. While the Clinton administration would limit technology and force hospitals and doctors to ration care, medical savings accounts will put the individual back in charge of his or her own consumption of medical services.

Mr. President, in closing, we in America are fortunate to have the absolute highest quality health care in the world. When the leaders of the world become seriously ill, they don't go to Great Britain or Canada to seek treatment, they come to the United States. And while there are those who would like to stifle our technological advances and allow bureaucrats to tell us how much and what kind of health care we can receive, the American people have loudly and clearly rejected this notion.

No one can predict what will happen in medicine in the first 50 years of the 21st century. Fifty years ago, when my father was a young doctor in Tennessee making house calls, he could not have envisioned what medical practice today would be like. The technological advances are simply mind-boggling. Mr. President, the challenge for us is to maintain the highest quality health care in the world and to continue to make it available to all Americans. But this can only be done if we first change the basic framework through which medical services are consumed, and continue with a market-based system. I believe the use of medical savings accounts will be a major step in that direction. Individual patients will become part of the solution, instead of remaining part of the problem. For this reason, I hope that you and my other colleagues in the Senate will support my efforts to pass legislation later in this session to create medical savings accounts.

Thank you, Mr. President, I yield the floor.

TRIBUTE TO DR. ARCHIE HILL CARMICHAEL III

Mr. HEFLIN. Mr. President, I spoke earlier this month about the untimely death of Dr. Archie H. Carmichael III, a distinguished physician from the shoals area of Alabama, which includes Muscle Shoals, Sheffield, Florence, and my hometown of Tuscumbia.

Dr. Carmichael truly epitomized the high ideals which constitute the medical profession. He was a dear friend to many, including his patients, who he served so diligently for over 30 years. He had a remarkable bedside manner and his patients highly respected him. In short, he was the type of rare individual who can never really be replaced. He had patients from all over northwest Alabama, northeast Mississippi, and southern Tennessee and will be genuinely missed.

Upon learning of his death, Tuscumbia mayor Ray Cahoon remarked that "Archie Hill had done a really great job of serving his community as a physician. He was really well-loved. He was already missed by many because he had to cease his practice due to his illness."

One of his medical colleagues said that he had always treasured his professional and personal association with Dr. Carmichael, and noted that he had loved his work and his patients and had always put them before his personal concerns. He was known as a very pleasant person to work with and a dedicated professional.

Archie Hill Carmichael was an all-state football player from Deshler High School who received a football scholarship to attend the Georgia Institute of Technology. Later, however, the young athlete gave up his football career due to his mother's urging, and finally his own decision, to pursue a career in the field of medicine. He subsequently took his bachelor of science and medical degrees from Vanderbilt University, to which he had transferred from Georgia Tech, and completed his residency in internal medicine at Bowman-Gray Medical School at Wake Forest University. He served in the U.S. Naval Medical Corps for several years. He practiced medicine in Sheffield, AL for 31 years and served as an adjunct professor of medicine at the University of Alabama Medical School for a while.

Dr. Carmichael married Ann Cothran, and they had two children, Lawrence Carmichael, M.D., and Beth Carmichael Riley. Ann Cothran Carmichael predeceased her husband by several years, and he then married Jean Pigford Cleveland. They had a son, Archie Hill Carmichael IV. He was a great family man, a dedicated father, and devoted husband

From a very distinguished family including his grandfather, former Member of Congress Archie H. Carmichael—Archie Hill III, added much to his family's legacy. His Congressman grandfather was succeeded in the House by my own predecessor in the Senate, the legendary John J. Sparkman.

Dr. Carmichael had retired due to a serious illness, and passed away on January 4, 1995. At the time of his retirement, he practiced as a specialist in internal medicine with his longtime partner, Dr. R. Winston Williams. He was a member of First United Methodist Church in Tuscumbia; the Colbert County Medical Society; the Medical Society of the State of Alabama, and the American College of Physicians.

I extend my sincerest condolences to Jean Carmichael and his entire family as they lament this tremendous loss.

TRIBUTE TO JAMES T. FLEMING

Mr. HEFLIN. Mr. President, many of you may have heard that James T. Fleming, a longtime administrative assistant to Senator WENDELL FORD passed away recently.

I had the opportunity to get to know Jim quite well after coming to the Senate. Because of his vast knowledge of the political field, many looked up to Jim and looked to him for advice on a host of issues. His boss stated Jim was "one of the smartest people [he'd] ever known." It is no wonder he achieved a great deal of success over his lifetime.

Jim's career began after graduating from Centre College. After graduating, he was commissioned a lieutenant in the Navy and served in the Pacific during World War II.

Jim then went on to get his master's in political science at the University of Kentucky. It was there that he developed his love for politics.

His political career got off to a start upon joining the legislative research commission staff in 1944. He later became the Kentucky General Assembly's top administrator and director from 1963 to 1972.

Jim served as staff director in the 1960's for Gov. Edward T. "Ned" Breathit. I believe this is worth mentioning since it was around this time the Governor tried to revise the State's constitution. Jim was one of the masterminds behind the project.

Just a few years later, Jim devised a plan on which the modern general assembly is based.

In 1973, Jim was in charge of reorganizing the executive branch of government. This is a noteworthy because it was the first time such an attempt had been made since 1936.

When WENDELL FORD won a Senate seat in 1974, Jim followed him to Washington as his administrative assistant. Here, he planned and coordinated Senator FORD'S legislative staff. The issues he focused on most while an AA were those involving energy and coal.

Up until his last days, he was an adviser to Senator FORD.

The Nation and our friend Senator FORD lost a very respected and intelligent man when James passed away.

My deepest condolences go to Jim's son Michael Fleming, and daughter, Dr. Barbara Fleming Phillips.

TRIBUTE TO DR. LUTHER FOSTER

Mr. HEFLIN. Mr. President, Alabama and the nation lost a prized citizen when Dr. Luther Foster, former president of Tuskegee University, passed away last November.

Luther was known for being intellectual, involved, and achievement-oriented. His hard work and dedication to his studies earned him several degrees and honors from several institutions. He was known by many through the numerous organizations with which he affiliated himself. His qualities led to the type of career and accomplishments many only dream of.

Dr. Foster received his bachelor's degree from Virginia State College, now known as Hampton Institute, his MBA from Harvard University, and his doctoral degree from the University of Chicago.

His honorary degrees include doctorates of civil law, humane letters, and public service.

Dr. Foster was a member of the American Revolution Bicentennial Commission; the Commission on Critical Choices for America; the Council on Financial Aid to Education; the National Advisory Committee on Black Higher Education and Black Colleges and Universities; the President's Advisory Commission on International Educational and Cultural Exchange; the President's General Advisory Committee on Foreign Assistance Programs; the President's Task Force on Priorities in Higher Education; Resources for the Future, and the U.S. Air Force Academy Advisory Council.

In addition, he directed the Center for Creative Learning; the March of Dimes; Norton Simon, Inc.; the Overseas Development Committee; Political and Economic Studies; the Retirement Equities Fund; the United Negro College Fund, and Sears, Roebuck and Co.

He also chaired the Association of American Colleges and the Race Relations Information center.

Dr. Foster served as the budget officer of Howard University from 1937–41. He later relocated to the Tuskegee Institute where he served as business manager from 1941–53. He was then named president of Tuskegee in 1953 and held this position for the next 28 years. At the time of his death, he was chairman and CEO of Robert R. Moton Memorial Institute.

Dr. Foster was a highly intelligent man who was not only known for his scholarly abilities, his many affiliations, or even his lifetime accomplishments. He was most known for his ability to touch the lives around him in meaningful ways.

My deepest condolences go out to his wife of 53 years, Vera Chandler Foster of Alexandria, and their entire family in the wake of this tremendous loss.

SENATE QUARTERLY MAIL COSTS

Mr. STEVENS. Mr. President, in accordance with section 318 of Public Law 101–520, I am submitting the summary tabulations of Senate mass mail costs for the fourth quarter of fiscal year 1994, which is the period of July 1, 1994 through September 30, 1994, to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING SEPT. 30, 1994

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Akaka				
Baucus	12,658	0.01536	$4,145.27	$0.00503
Bennett	13,800	0.00761	2,100.36	0.00116
Biden	325,048	0.47177	55,241.17	0.08018
Bingaman	143,925	0.09103	28,613.04	0.01810
Bond	11,530	0.00222	2,336.03	0.00045
Boren				
Boxer	916,897	0.02970	148,205.94	0.00480
Bradley	2,070,300	0.26580	303,998.16	0.03903
Breaux				
Brown				
Bryan	14,733	0.01110	11,264.42	0.00849
Bumpers		0.00000		0.00000
Burns		0.00000		0.00000
Byrd		0.00000		0.00000
Campbell		0.00000		0.00000
Chafee		0.00000		0.00000
Coats		0.00000		0.00000
Cochran		0.00000		0.00000
Cohen	60,900	0.04931	11,298.73	0.00915
Conrad		0.00000		0.00000
Coverdell		0.00000		0.00000
Craig	97,100	0.09100	17,230.87	0.01615
D'Amato	2,895,300	0.15979	450,881.81	0.02488
Danforth		0.00000		0.00000
Daschle	10,800	0.01519	1,614.20	0.00227
DeConcini		0.00000		0.00000
Dodd	9,132	0.00278	7,240.25	0.00221
Dole		0.00000		0.00000
Domenici		0.00000		0.00000
Dorgan		0.00000		0.00000
Durenberger		0.00000		0.00000
Exon		0.00000		0.00000
Faircloth	78,800	0.01152	14,979.50	0.00219
Feingold		0.00000		0.00000
Feinstein		0.00000		0.00000
Ford		0.00000		0.00000
Glenn		0.00000		0.00000
Gorton	158,265	0.03081	29,313.21	0.00571
Graham		0.00000		0.00000
Gramm	1,326,750	0.07514	237,287.80	0.01344
Grassley	313,000	0.11131	52,336.74	0.01861
Gregg		0.00000		0.00000
Harkin	296,000	892.8900	469.00	0.00017
Hatch		0.00000		
Hatfield	284,250	0.09548	44,964.94	0.01510
Heflin	841,000	0.20334	133,205.78	0.03221
Helms		0.00000		0.00000
Hollings		0.00000		0.00000
Hutchison		0.00000		0.00000
Inouye		0.00000		0.00000
Jeffords	22,843	0.04008	10,920.40	0.01916
Johnston	2,300	0.00054	507.98	0.00012
Kassebaum		0.00000		0.00000
Kempthorne		0.00000		0.00000
Kennedy		0.00000		0.00000
Kerrey		0.00000		0.00000
Kerry	857	0.00014	187.83	0.00003
Kohl		0.00000		0.00000
Lautenberg	2,100	0.00027	670.19	0.00009
Leahy	6,600	0.01158	1,407.07	0.00247
Levin		0.00000		0.00000
Lieberman		0.00000		0.00000
Lott	2,350	0.00090	520.19	0.00020
Lugar		0.00000		0.00000
Mack		0.00000		0.00000
Mathews		0.00000		0.00000
McCain	26,498	0.00691	20,452.71	0.00534
McConnell	393,750	0.10486	68,309.01	0.01819
Metzenbaum		0.00000		0.00000
Mikulski		0.00000		0.00000
Mitchell		0.00000		0.00000
Moseley-Braun		0.00000		0.00000
Moynihan		0.00000		0.00000
Murkowski		0.00000		0.00000
Murray	21,810	0.00425	4,647.34	0.00090
Nickles		0.00000		0.00000
Nunn		0.00000		0.00000
Packwood	66,850	0.02246	12,001.79	0.00403
Pell		0.00000		0.00000
Pressler		0.00000		0.00000
Pryor	1,550	0.00065	488.40	0.00020
Reid	37,200	0.02803	5,621.61	0.00424
Riegle		0.00000		0.00000
Robb		0.00000		0.00000
Rockefeller	14,600	0.00806	2,109.86	0.00116
Roth	46,100	0.06691	6,688.17	0.00971
Sarbanes		0.00000		0.00000
Sasser		0.00000		0.00000
Shelby		0.00000		0.00000
Simon	53,100	0.00457	8,089.17	0.00070
Simpson		0.00000		0.00000
Smith		0.00000		0.00000
Specter	987,000	0.08219	151,718.90	0.01263
Stevens		0.00000		0.00000
Thurmond		0.00000		0.00000
Wallop		0.00000		0.00000
Warner		0.00000		0.00000
Wellstone	4,600	0.00103	8,594.80	0.00192
Wofford		0.00000		0.00000

Other offices	Total pieces	Total cost
The Vice President	0	0.00
The President pro-tempore	0	0.00
The majority leader	0	0.00
The minority leader	0	0.00
The assistant majority leader	0	0.00
The assistant minority leader	0	0.00
Secretary of majority conference	0	0.00
Secretary of minority conference	0	0.00
Agriculture Committee	0	0.00
Appropriations Committee	0	0.00
Armed Services Committee	0	0.00
Banking Committee	0	0.00
Budget Committee	0	0.00
Commerce Committee	0	0.00
Energy Committee	0	0.00
Environment Committee	0	0.00
Finance Committee	0	0.00
Foreign Relations Committee	0	0.00
Government Affairs Committee	0	0.00
Judiciary Committee	0	0.00
Labor Committee	0	0.00
Rules Committee	0	0.00
Small Business Committee	0	0.00
Veterans Affairs Committee	0	0.00
Ethics Committee	0	0.00
Indian Affairs Committee	0	0.00
Intelligence Committee	0	0.00
Aging Committee	0	0.00
Joint Economic Committee	0	0.00
Joint Committee on Printing	0	0.00
Joint Committee on Congressional Inauguration	0	0.00
Democratic Policy Committee	0	0.00
Democratic Conference	0	0.00
Republican Policy Committee	0	0.00
Republican Conference	0	0.00
Legislative counsel	0	0.00
Legal counsel	0	0.00
Secretary of the Senate	0	0.00
Sergeant at Arms	0	0.00
Narcotics Caucus	0	0.00
Subcommittee on POW/MIA	0	0.00

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, as of the close of business on Thursday, January 19, the Federal debt stood at $4,795,323,651,745.86 meaning that on a per capita basis, every man, woman, and child in America owes $18,203.13 as his or her share of that debt.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on January 20, 1995, during the recess of the Senate, received a message from the House of Representatives announcing that pursuant to the provisions of title 15, United States Code, section 1024(a), the Speaker appoints the following Members on the part of the House to serve as members of the Joint Economic Committee: Mr. SAXTON, Mr. EWING, Mr. QUINN, Mr. MANZULLO, Mr. SANFORD, Mr. THORNBERRY, Mr. STARK, Mr. OBEY, Mr. HAMILTON, and Mr. MFUME.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–141. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–142. A communication from the Chief of Staff of the Office of the Nuclear Waste Negotiator, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal years 1992 and 1993; to the Committee on Governmental Affairs.

EC–143. A communication from the Office of Special Counsel, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–144. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–145. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–146. A communication from the Chairman of U.S. Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–147. A communication from the Director of the U.S. Soldiers' and Airmen's Home, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–148. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–149. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–150. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–151. A communication from the Chairman of the Nuclear Waste Technical Review Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–152. A communication from the Armed Forces Retirement Home (U.S. Naval Home), transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–153. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–154. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–155. A communication from the Staff Director of the U.S. Commission on Civil Rights, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–156. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–157. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–158. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–159. A communication from the Secretary of Labor, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–160. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC–161. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–162. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–163. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–164. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–165. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–166. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–167. A communication from the Chairman of the Board of the African Development Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–168. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–169. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–170. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–171. A communication from the Administration of the Environmental Protection Agency, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–172. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–173. A communication from the Attorney General, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–174. A communication from the Secretary of Education, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–175. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–176. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–177. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–178. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–179. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–180. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Governmental Affairs.

EC–181. A communication from the Secretary of Education, transmitting, pursuant to law, the report concerning surplus Federal real property; to the Committee on Governmental Affairs.

EC–182. A communication from the Board of Governors of the U.S. Postal Service, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. Res. 65. An original resolution authorizing expenditures by the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LOTT:

S. 252. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

S. 253. A bill to repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

S. 254. A bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II; to the Committee on Veterans Affairs.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 255. A bill to require the Secretary of the Army to carry out such activities as are necessary to stabilize the bluffs along the Mississippi River in the vicinity of Natchez, Mississippi, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOLE (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. SIMPSON):

S. 256. A bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes; to the Committee on Armed Services.

By Mr. DOLE (for himself, Mr. INOUYE, Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, and Mr. CAMPBELL):

S. 257. A bill to amend the charter of the Veterans of Foreign Wars to make eligible for membership those veterans that have served within the territorial limits of South Korea; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 65. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. PRESSLER (for Mr. GORTON (for himself, Mr. LIEBERMAN, Mr. GRAMM, and Mr. BYRD)):

S. Res. 66. A resolution to prevent the adoption of certain national history standards; considered and agreed to.

By Mr. PRESSLER (for Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. REID, Mr. WELLSTONE, Mr. ROBB, Mr. KOHL, Mr. BRYAN, and Mr. KERRY)):

S. Res. 67. A resolution relating to violence at clinics; considered and agreed to.

By Mr. PRESSLER (for Mr. BRADLEY (for himself, Mr. CHAFEE, Mr. DORGAN, Mr. SIMPSON, Mr. ROBB, Mr. DOLE, Mr. NICKLES, Mr. LAUTENBERG, Mr. KEMPTHORNE, and Mr. WELLSTONE)):

S. Res. 68. A resolution relating to impact on local governments; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT:

S. 252. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

THE OLDER AMERICANS' FREEDOM TO WORK ACT

Mr. LOTT. Mr. President, today I am introducing the Older Americans Freedom to Work Act of 1995 to eliminate the Social Security earnings test for individuals who have attained retirement age.

As the Social Security Act is designed, the Government seems to give little thought to older Americans' ability to make an important contribution to our work force. Senior citizens are subject to taxes such as the Federal Contributions Act [FICA], even in situations where they are receiving Social Security benefits. They are also subject to various Federal, State, and local taxes.

This brings me to the biggest outrage: the Social Security retirement earnings limit. Presently, this limit reduces benefits to persons between ages 65 and 69 who earn more than $11,280 yearly. These reductions amount to $1 in reduced benefits for every $3 in earnings above the aforementioned limit—$1 for $3 withholding rate.

The earnings test is very unfair, but it also poses a serious threat to the labor work force. Demographers tell us that between the years 2000 and 2010 the baby boom generation will be in their retirement years. With fewer babies being born to replace them, this Nation is looking at a severe labor shortage. The skills and expertise of older workers is desperately needed.

An earnings limit for Social Security beneficiaries is an ill conceived idea and an administrative nightmare for the Social Security Administration [SSA]. SSA spends a great deal of money and devotes a full 8 percent of its employees to police the income levels of retirees. For beneficiaries, the income limit is a frustrating experience of estimating and reporting income levels to SSA.

In the 1930's, when the earned income limit was devised, encouraging the elderly to leave the workplace was seen as a positive act, designed to increase job opportunities for younger workers. Today, with our shrinking labor force, such a policy is absurd. We need the skills, wisdom, and experience of our older workers, and my proposal will encourage them to remain in the labor force.

In the 102d Congress, the Senate adopted an amendment to the older Americans reauthorization amendments to repeal the earnings test. While it was dropped from final passage, this legislation has perennial bipartisan interest and support.

It is a pleasure to again sponsor legislation in the Senate to abolish the onerous retirement earnings test. This begins the process of providing employment opportunities for older Americans without punishing them for their efforts. It is my understanding that the President supports lifting the earnings test for retirees, and I urge my colleagues to join me in supporting this vitally important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans' Freedom to Work Act of 1995".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of such Act (42 U.S.C. 403(f)(8)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of such Act (42 U.S.C. (f)(8)(D)) is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years ending after December 31, 1995.

By Mr. LOTT:

S. 253. A bill to repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Member of

Congress, and for other purpose; to the Committee on Governmental Affairs.

POLITICAL RECOMMENDATIONS LEGISLATION

Mr. LOTT. Mr. President, today, I am introducing legislation to allow Member of Congress to once again make political recommendations on behalf of constituents who have applied for Federal civil service employment. We have all been asked or wished to support constituents and friends who seek Federal positions. My bill would simply restore the basic right to make recommendations that Members held previously and would repeal this unnecessary prohibition.

The Hatch Act reform bill passed during the 103d Congress, but it included an onerous amendment that keeps Senators and Representatives from making suggestions. This provision went into effect in February 1994 and has probably caused difficulties for virtually every Member as constituents often ask us for recommendations when they have applied for Federal jobs.

Contacting a Federal agency in the interest of a citizen is the most basic of constituent services. My bill would restore us the ability to recommend those constituents who we feel will do an outstanding job with the Federal civil service. The bureaucracy needs applicants from outside the beltway to effect a change in how the U.S. Government works today. Exceptional candidates recommended by Senators and Representatives can help make these changes.

I urge my colleagues to join me in supporting this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL—Section 3303 of title 5, United States Code, is amended to read as follows:

"§3303. Competitive service; recommendations of Senators or Representatives

"An individual concerned in examining an applicant for or appointing him in the competitive service may not receive or consider a recommendation of the applicant by a Senator or Representative, except as to the character or residence of the applicant.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by amending the item relating to section 3303 to read as follows:

"3303. Competitive service; recommendations of Senators or Representatives.".

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

"(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

"(B) an evaluation of the character, loyalty, or suitability of such individual;".

(c) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of the enactment of this Act.

By Mr. LOTT:

S. 254. A bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II; to the Committee on Veterans' Affairs.

THE MERCHANT MARINERS FAIRNESS ACT

Mr. LOTT. Mr. President, today, it is my pleasure to reintroduce the Merchant Mariners Fairness Act.

My bill would grant veterans status to American merchant mariners who have been denied this status a well as veterans benefits. Similar legislation passed the House last year and related provisions were included in the Coast Guard authorization bill; however, these provisions were not included in the final conference report of that bill.

In 1988, the Secretary of the Air Force decided, for the purposes of granting veterans benefits to merchant seamen, that the cut-off date for service would be August, 15, 1945, V-J Day, rather than December 31, 1946, when hostilities were declared officially ended. My bill would correct the 1988 decision and extend veterans benefits to those merchant mariners who served from August 15, 1945 to December 31, 1946. It would extend eligibility for veterans burial benefits, funeral benefits, and related benefits for certain members of the U.S. merchant marine during World War II.

I urge my colleagues to join me in supporting this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MERCHANT MARINER BENEFITS.

(a) Part G of subtitle II, title 46, United States Code, is amended by adding at the end of the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Qualified service.
"11202. Documentation of qualified service.
"11203. Eligibility for certain veterans' benefits.
"11204. Processing fees.

"§11201. Qualified service

"For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§11202. Documentation of qualified service

"(a) The Secretary shall, upon application—

"(1) issue a certificate of honorable discharge to a person who, as determined by the Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Federal Government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

"(b) The Secretary shall take action on an application under subsection (a) not later than one year after the Secretary receives the application.

"(c) In making a determination under subsection (a)(1), the Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) An official of the Federal Government who is requested to correct service records under subsection (a)(2) shall do so.

§11203. Eligibility for certain veterans' benefits

"(a) The qualified service of an individual who—

"(1) receives an honorable discharge certificate under section 11202 of this title, and

"(2) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs,

is deemed to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(b) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) An individual is not entitled to receive, and may not received, benefits under this chapter for any period before the date on which this chapter takes effect.

"§11204. Processing fees

"(a) The Secretary shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) Amounts received by the Secretary under this section shall be credited to appropriations available to the Secretary for carrying out this chapter.".

(b) The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant Mariner Benefits 11201".

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 255. A bill to require the Secretary of the Army to carry out such activities as are necessary to stabilize the bluffs along the Mississippi River in the vicinity of Natchez, MS, and for other purposes; to the Committee on Environment and Public Works.

NATCHEZ BLUFFS STABILIZATION LEGISLATION

Mr. LOTT. Mr. President, I rise today to introduce legislation to authorize the Corps of Engineers to stabilize sections of the Natchez Bluffs. The deterioration of these bluffs has created a profound danger to both life and property.

These bluffs overlook the Mississippi River and are formed by loess soil, a very fine powdery substance that practically liquefies when it gets wet. Water has infiltrated this soil causing numerous and unexpected mudslides and sloughing. This has put the historic homes on the bluffs and at their base in jeopardy.

Natchez has a long and distinguished history. Not only was this area the ancestral home for the Natchez Indians; it is the oldest settlement in my State. In fact, it is the oldest settlement on the Mississippi River, even older than New Orleans or St. Louis. When my State was a territory, Natchez was our capital, and during the antebellum times it was a major center for cotton trading. Natchez has been designated as a national historical park. The Natchez Trace, which was a major inland trade route during colonial days, historically started at these bluffs.

Last year the National Trust for Historic Preservation put Natchez on its list of America's "Eleven Most Endangered Historic Places." To quote Richard Moe, president of the National Trust:

> The National Trust strongly supports the authorization for the Army Corps of Engineers to stabilize the bluffs. These historic resources are some of the most outstanding in the United States, and they must not be lost when there is an available remedy to the threat.

In March 1980, there was a very serious slide at the Natchez Bluffs that killed two people and injured many more. Last year there was another slide which carried away a significant portion of the bluffs. Clearly, the bluffs are now past the point of makeshift repair measures which the State and the municipality have attempted. Now is the time to have the Government Federal engineer step in. The Corps of Engineers examined the current situation, and their most recent draft report characterizes the deteriorating condition as an emergency.

I encourage all my colleagues to support this bill and the idea behind it. Not just due to the imminent danger posed to life by the real possibility for additional slides, but also for preserving nationally recognized historic property. I introduced similar legislation last year as Senate bill 1492, that would do essentially the same thing.

I am pleased to be joined by Senator THAD COCHRAN, the senior Senator from my State, in cosponsoring this legislation to protect these historically significant properties and to prevent potential loss of lives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STABILIZATION OF NATCHEZ BLUFFS.

(a) IN GENERAL.—In accordance with the recommendations of the reports prepared by the Army Corps of Engineers entitled "The Natchez Bluff Study", "The Natchez Bluff Study: Supplement I", and "The Natchez Bluff Study: Supplement II", dated September 1985, June 1990, and December 1993, respectively, the Secretary of the Army shall carry out such activities as are necessary to stabilize the portions of the bluffs along the Mississippi River in the vicinity of Natchez, Mississippi, designated in figure 4 of the December 1993 report as—

(1) Clifton Avenue, area 3;

(2) the bluff above Natchez Under-the-Hill, area 7;

(3) the bluff above Silver Street, area 6; and

(4) Madison Street to State Street, area 4.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army such sums as are necessary to carry out this section.

Mr. COCHRAN. Mr. President, I am pleased to join my colleague, Senator LOTT, in cosponsoring legislation which would authorize funds to stabilize the river bluffs at Natchez.

Two years ago, at my request, the Energy and Water Appropriations Subcommittee, in its fiscal year 1994 appropriations bill, asked the Corps of Engineers to undertake a technical study of the condition and possible stabilizing actions that could be taken. Last year, we asked the corps to prepare a second report focusing on updated cost estimates and, in light of more recent bad weather and deterioration, on the current severity of the situation. We have seen the corps' second report. In that report, the Corps of Engineers states what the Governor of Mississippi, the mayor of Natchez, and the people of Natchez have known and have been saying for some time: That the Natchez Bluff situation is an emergency.

Last October, the Natchez Democrat editorialized, "Each day that passes without a remedy, sections of the bluffs become more precarious, threatening homes and businesses." Natchez Bluffs is like a deteriorating health problem. Every day that goes by without action means that corrective action will be more complex and more expensive. And so, in this day when budget constraints are the watchword, it is even more imperative to move on truly important projects like this one without delay. More delay will mean more money. More delay will mean more hardship for the people of Natchez.

Therefore, I urge the Senate to approve this authorization for Corps of Engineers work in Natchez. Individuals homes, businesses, and important, historic sections of a grand old American city are at stake.

By Mr. DOLE (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. SIMPSON):

S. 256. A bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes; to the Committee on Armed Services.

MISSING SERVICE PERSONNEL ACT

Mr. DOLE. Mr. President, today I rise, with my colleagues, Senator SIMPSON, Senator LAUTENBERG, and Senator LIEBERMAN, to introduce the Missing Service Personnel Act of 1995. This legislation is similar to that which was introduced last year but which the Congress was unable to consider before adjournment. The legislation would reform the Department of Defense's procedures for determining whether members of the Armed Forces should be listed as missing or presumed dead. Legislation pertaining to those missing in action has not changed in the past 50 years. Since the Vietnam war, the Department of Defense and the U.S. Government have been criticized for their handling of the POW/MIA issue. Some of that criticism is legitimate. Some of it has been brought upon the Government by its own actions or inactions. This bill attempts to correct most of those problems and establish a fair and equitable procedure for determining the exact status of such personnel. At the same time, it is my hope that we might restore some of the Department's credibility on this issue and rebuild faith and trust between the public and our Federal Government.

This bill attempts to ensure that missing members of the Armed Forces or civilian employees accompanying them are fully accounted for by the Government and that they are not declared dead solely because of the passage of time. The legislation would establish new procedures for determining the whereabouts and status of missing persons. Additionally, the bill provides for the appointment of counsel for the missing persons, ensuring that the Government does not disregard their interests and affording them due process of law. The proposal also attempts to remove the curtains of secrecy which often seem to surround these cases by ensuring access to Government information and by making all information available to the hearing officers. Additionally, the missing person's complete personnel file would be made available for review by the family members. Moreover, the legislation attempts to protect the interests of the missing person's immediate family, dependents, and next of kin, allowing them to be represented by counsel and to participate with the boards of inquiry. It is our hope that by allowing more participation by the family, requiring legal representation of the missing persons, and permitting Federal court review of all determinations, we will establish fundamental fairness for all concerned.

We recognize that the Department of Defense has concerns about this legislation. At the same time, we also realize that families of missing personnel raise legitimate issues. However, in my view, we need to look at this issue from the perspective of those brave men and women currently serving in our Armed Forces. As this bill moves through the legislative process, it is our hope that all of these issues and concerns will be addressed.

Mr. President, the men and women in uniform must know that this Nation will do everything possible to return them safely home in the event they become missing while serving in armed conflict. Additionally, we must assure them that a more open and fair procedure will be established to determine their exact status.

In closing, let me note the support that this legislation has already received. I have received letters encouraging the introduction of this bill from the American Legion, the Disabled American Veterans, the National Vietnam Veterans Coalition, and Vietnow.

Additionally, in just the short time between its introduction last year and our adjournment, this legislation gained a total of 23 cosponsors. I am pleased to again sponsor this important legislation with the distinguished Senator from New Jersey, and urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill and letters from each of these organizations be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing Service Personnel Act of 1995".

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that any member of the Armed Forces and any civilian employee of the Federal Government or contractor of the Federal Government who serves with or accompanies an Armed Force in the field under orders is fully accounted for by the Federal Government and, as a general rule, is not declared dead solely because of the passage of time.

SEC. 3. DETERMINATION OF WHEREABOUTS AND STATUS OF CERTAIN MISSING PERSONS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end of the following new section:

"§ 1060b. Missing persons: informal investigations; inquiries; determinations of death; personnel files

"(a) INFORMAL INVESTIGATIONS.—

"(1) IN GENERAL.—After receiving factual information that the whereabouts or status of a person described in paragraph (2) is uncertain and that the absence of the person may be involuntary, the military commander of the unit, facility, or area to or in which the person is assigned shall conduct an investigation into the whereabouts and status of the person.

"(2) COVERED PERSONS.—Paragraph (1) applies to the following individuals:

"(A) Any member of the armed forces who disappears during a time or war or national emergency, or during a period of such other hostilities as the Secretary of Defense may prescribe.

"(B) Any civilian employee of the Federal Government (including an employee of a contractor of the Federal Government) who—

"(i) serves with or accompanies an armed force in the field during such a time or period; and

"(ii) disappears during such service or accompaniment.

"(3) FURTHER ACTIVITIES.—As a result of an investigation into the whereabouts and status of a person under paragraph (1), a commander shall—

"(A) place the person in a missing status;

"(B) submit a notice that the person has been placed in a missing status to—

"(i) in the case of a person who is a member of the armed forces, the officer having general court-martial authority over the person;

"(ii) in the case of a person who is a civilian employee of the Federal Government or contractor of the Federal Government, the Secretary of the department employing the person or contracting with the contractor;

"(C) retain and safeguard for official use any information, documents, records, statements, or other evidence relating to the whereabouts or status of the person that result from the investigation or from actions taken to locate the person; and

"(D) submit to the officer having general court-martial authority over the person, in the case of a member of the armed forces, or to the Secretary of the department employing the person or contracting with the contractor, in the case of a civilian employee of the Federal Government or contractor of the Federal Government, as the case may be—

"(i) not later than 48 hours after the date on which the absence of the person is officially noted, a report that—

"(I) contains information on the absence or disappearance of the person;

"(II) describes the actions taken to locate the person; and

"(III) sets forth any information relating to the whereabouts or status of the person not contained in any previous report;

"(ii) not later than 7 days after such date, a report that—

"(I) summarizes the actions taken to locate the person; and

"(II) sets forth any information relating to the whereabouts or status of the person not contained in any previous report;

"(iii) not later than 30 days after such date, a report that—

"(I) summarizes the continuing actions to locate the person; and

"(II) sets forth any information on the whereabouts or status of the person that results from such actions; and

"(iv) at any other time, a report that sets forth any other information that may be relevant to the whereabouts or status of the person.

"(b) INITIAL INQUIRY.—

"(1) IN GENERAL.—Not later than 7 days after receiving notification under subsection (a)(3)(B) that a person has been placed in missing status, the officer having general court-martial authority over the person, in the case of a person who is a member of the armed forces, or the Secretary of the department employing the person or contracting with the contractor, in the case of a person who is a civilian employee of the Federal Government or contractor of the Federal Government, shall appoint a board to conduct an inquiry into the whereabouts and status of the person.

"(2) SCOPE OF CERTAIN INQUIRIES.—If it appears to the official who appoints a board under this subsection that the absence or missing status of two or more persons is factually related, the official may appoint one board under this subsection to conduct the inquiry into the whereabouts or status of the persons.

"(3) COMPOSITION.—

"(A) IN GENERAL.—A board appointed under this subsection shall consist of at least one individual described in subparagraph (B) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person or persons disappeared.

"(B) REQUIRED MEMBER.—An individual referred to in subparagraph (A) is the following:

"(i) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(ii) A civilian, in the case of an inquiry with respect to a civilian employee of the Federal Government or contractor of the Federal Government.

"(C) ACCESS TO CLASSIFIED INFORMATION.—Each member of a board appointed for an inquiry under this subsection shall have a security clearance that affords the member access to all information relating to the whereabouts and status of the missing person or persons covered by the inquiry.

"(4) ACTIVITIES.—A board appointed to conduct an inquiry into the whereabouts or status of a missing person or persons under this subsection shall—

"(A) collect, develop, and investigate all facts and evidence relating to the disappearance, whereabouts, or status of the person or persons;

"(B) collect appropriate documentation of the facts and evidence covered by the investigation;

"(C) analyze the facts and evidence, make findings based on the analysis, and draw conclusions as to the current whereabouts and status of the person or persons; and

"(D) recommend to the officer having general court-martial authority over the person, in the case of a person who is a member of the armed forces, or the Secretary of the department employing the person or contracting with the contractor, in the case of a person who is a civilian employee of the Federal

Government or contractor of the Federal Government, that—

"(i) the person or persons continue to have a missing status; or

"(ii) the person or persons be declared (I) to have deserted, (II) to be absent without leave, or (III) to be dead.

"(5) INQUIRY PROCEEDINGS.—During the proceedings of an inquiry under this subsection, a board shall—

"(A) collect, record, and safeguard all classified and unclassified facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information relating to the whereabouts or status of the person or persons covered by the inquiry;

"(B) gather facts and information relating to actions taken to find the person or persons, including any evidence of the whereabouts or status of the person or persons that arises from such actions; and

"(C) maintain a record of the proceedings.

"(6) COUNSEL FOR MISSING PERSON.—

"(A) IN GENERAL.—The official who appoints a board to conduct an inquiry under this subsection shall appoint counsel to represent the person or persons covered by the inquiry.

"(B) QUALIFICATIONS.—An individual appointed as counsel under this paragraph shall—

"(i) meet the qualifications set forth in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice); and

"(ii) have a security clearance that affords the individual access to all information relating to the whereabouts or status of the person or persons covered by the inquiry.

"(C) RESPONSIBILITIES AND DUTIES.—An individual appointed as counsel under this paragraph—

"(i) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

"(ii) shall observe all official activities of the board during such proceedings;

"(iii) may question witnesses before the board;

"(iv) shall monitor the deliberations of the board;

"(v) shall review the report of the board under paragraph (9); and

"(vi) shall submit to the official who appointed the board an independent review of such report.

"(D) TREATMENT OF REVIEW.—A review of the report of a board on an inquiry that is submitted under subparagraph (C)(vi) shall be made an official part of the record of the board with respect to the inquiry.

"(7) ACCESS TO MEETINGS.—The proceedings of a board during an inquiry under this subsection shall be closed to the public, including to any member of the immediate family, dependent, primary next of kin, or previously designated person of the person or persons covered by the inquiry.

"(8) RECOMMENDATION ON STATUS.—

"(A) IN GENERAL.—Upon completion of an inquiry into the whereabouts or status of a person or persons under this subsection, a board shall make a recommendation to the official who appointed the board as to the current whereabouts or status of the person or persons.

"(B) RECOMMENDATION OF STATUS AS DEAD.—

"(i) IN GENERAL.—A board may not recommend under subparagraph (A) that a person or persons be declared dead unless conclusive proof of the death of the person or persons is established by the board.

"(ii) DEFINITION.—In this subparagraph, the term 'conclusive proof of death', in the case of a person or persons, means evidence establishing that death is the only plausible explanation for the absence of the person or persons.

"(9) REPORT.—

"(A) REQUIREMENT.—A board appointed under this subsection shall submit to the official who appointed the board a report on the inquiry carried out by the board. Such report shall include—

"(i) a discussion of the facts and evidence considered by the board in the inquiry; and

"(ii) the recommendation of the board under paragraph (8).

"(B) SUBMITTAL DATE.—A board shall submit a report under this paragraph not later than 45 days after the date of the first official notice of the disappearance of the person or persons covered by the inquiry described in the report.

"(C) PUBLIC AVAILABILITY.—A report submitted under this paragraph may not be made public until 1 year after the date referred to in subparagraph (B).

"(10) ACTIONS BY APPOINTING OFFICIAL.—

"(A) REVIEW.—Not later than 15 days after the date of the receipt of a report from a board under paragraph (9), the official who appointed the board shall review—

"(i) the report; and

"(ii) the review submitted under paragraph (6)(C)(vi) by the counsel for the person or persons covered by the inquiry described in the report.

"(B) SCOPE OF REVIEW.—In conducting a review of a report under subparagraph (A), the official receiving the report shall determine whether or not the report is complete and free of administrative error.

"(C) RETURN.—If an official determines under subparagraph (B) that a report is incomplete, or that a report is not free of administrative error, the official may return the report to the board for further action on the report by the board.

"(D) DETERMINATION OF STATUS.—Upon a determination by the official concerned that a report reviewed by the official under this paragraph is complete and free of administrative error, the official shall make a determination of the status of the person or persons covered by the report.

"(11) REPORT TO INTERESTED PERSONS.—Not later than 90 days after the first official notice of the disappearance of a person or persons, the official who appoints a board of inquiry into the whereabouts or status of the person or person under this subsection shall—

"(A) provide an unclassified summary of the report of the board to the members of the immediate family, dependents, primary next of kin, and previously designated persons of the person or persons; and

"(B) inform the individuals referred to in subparagraph (A) that the Federal Government will conduct a subsequent inquiry into the whereabouts or status of the person or persons not earlier than 1 year after the date of the first official notice of the disappearance of the person or persons, unless information becomes available sooner that would result in a substantial change in the official status of the person or persons.

"(12) ADDITIONAL INVESTIGATION.—

"(A) IN GENERAL.—If information on the whereabouts or status of a person or persons covered by an inquiry under this subsection becomes available within 1 year after the date of the first official notice of the disappearance of the person or persons, the official who appointed the board to inquire into the whereabouts or status of the person or persons under this subsection shall appoint an additional board to conduct an inquiry into the information

"(B) CONDUCT OF INQUIRY.—The appointment and activities of a board under this paragraph shall be subject to the provisions of this subsection.

"(c) SUBSEQUENT INQUIRY.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—If as a result of an inquiry under subsection (b) an official determines under paragraph (10)(D) of that subsection that a person or persons retain or be placed in a missing status, the Secretary concerned shall appoint a board under this subsection to conduct an inquiry into the whereabouts and status of the person or persons.

"(B) DEFINITION.—For purposes of this subsection, the term 'Secretary concerned' means the following:

"(i) In the case of a member of the armed forces, the Secretary of the military department having jurisdiction over the armed force of the member.

"(ii) In the case of a civilian employee of the Federal Government or contractor of the Government, the Secretary of the department employing the employee or contracting with the contractor, as the case may be.

"(2) DATE OF APPOINTMENT.—The Secretary concerned shall appoint a board under this subsection to conduct an inquiry into the whereabouts and status of a person or persons on or about 1 year after the date of the first official notice of the disappearance of the person or persons.

"(3) SCOPE OF CERTAIN INQUIRIES.—If it appears to the Secretary concerned that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this subsection to conduct the inquiry into the whereabouts or status of the persons.

"(4) COMPOSITION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a board appointed under this subsection shall consist of the following:

"(i) In the case of a board appointed to inquire into the whereabouts or status of a member or members of the armed forces, not less than three officers having a grade O-4 or higher.

"(ii) In the case of a board appointed to inquire into the whereabouts or status of a civilian employee or employees of the Federal Government or contractor of the Government—

"(I) not less than three civilian employees of the Federal Government whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS-13 of the General Schedule under section 5332 of title 5; and

"(II) such members of the armed forces as the Secretary concerned and the Secretary of Defense jointly determine advisable.

"(B) PRESIDENT OF BOARD.—The Secretary concerned shall designate one member of each board appointed under this subsection as President of the board. The President shall have a security clearance that affords the President access to all information relating to the whereabouts and status of the person or persons covered by the inquiry.

"(C) REQUIREMENTS FOR OTHER MEMBERS.—

"(i) ATTORNEY.—One member of each board appointed under this subsection shall be an attorney, or judge advocate, who has expertise in the public law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

"(ii) OCCUPATIONAL SPECIALIST.—One member of each board appointed under this subsection shall be an individual who has—

"(I) an occupational specialty similar to that of one or more of the persons covered by the inquiry; and

"(II) an understanding of and expertise in the official activities of one or more such persons at the time such person or persons disappeared.

"(iii) EXPERT IN TRANSPORTATION.—If the person or persons covered by an inquiry disappeared in transit, one member of the board appointed for the inquiry shall be an individual whose occupational specialty relates to the piloting, navigation, or operation of the mode of transportation in which the person or persons were travelling at the time such person or persons disappeared.

"(5) ACTIVITIES.—A board appointed under this subsection to conduct an inquiry into the whereabouts or status of a person or persons shall—

"(A) review the report under paragraph (9) of subsection (b) of the board appointed to conduct the inquiry into the status or whereabouts of the person or persons under subsection (b) and the determination under paragraph (10)(D) of that subsection of the official who appointed the board under that subsection as to the status of the person or persons;

"(B) collect and evaluate any documents, facts, or other evidence with respect to the whereabouts or status of the person or persons that have become available since the completion of the inquiry under subsection (b);

"(C) draw conclusions as to the whereabouts or status of the person or persons;

"(D) determine on the basis of the activities under subparagraphs (A) and (B) whether the status of the person or persons should be continued or changed; and

"(E) issue a report to the Secretary concerned describing the findings and conclusions of the board, together with a recommendation on the whereabouts or status of the person or persons.

"(6) COUNSEL FOR MISSING PERSON OR PERSONS.—

"(A) IN GENERAL.—The Secretary who appoints a board to conduct an inquiry under this subsection shall appoint counsel to represent the person or persons covered by the inquiry.

"(B) QUALIFICATIONS.—An individual appointed as counsel under this paragraph shall—

"(i) meet the qualifications set forth in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice); and

"(ii) have a security clearance that affords the individual access to all information relating to the whereabouts or status of the person or persons.

"(C) RESPONSIBILITIES AND DUTIES.—An individual appointed as counsel under this paragraph—

"(i) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

"(ii) shall observe all official activities of the board during such proceedings;

"(iii) may question witnesses before the board;

"(iv) shall monitor the deliberations of the board; and

"(v) shall review the report of the board under paragraph (11); and

"(vi) shall submit to the Secretary concerned an independent review of the recommendation of the board under paragraph (10).

"(D) TREATMENT OF REVIEW.—The review of the report of a board on an inquiry that is submitted under subparagraph (C)(vi) shall be made an official part of the record of the board with respect to the inquiry.

"(7) PARTICIPATION OF CERTAIN INTERESTED PERSONS IN PROCEEDINGS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the members of the immediate family, dependents, primary next of kin, and previously designated persons of the person or persons covered by an inquiry under this subsection may participate at the proceedings of the board during the inquiry.

"(B) NOTIFICATION OF PERSONS.—The Secretary concerned shall notify the individuals referred to in subparagraph (A) of the opportunity to participate at the proceedings of a board not later than 60 days before the first meeting of the board.

"(C) RESPONSE.—An individual who receives notice under subparagraph (B) shall notify the Secretary of the intent, if any, of the individual to participate at the proceedings of a board not later than 21 days after the date of the individual's receipt of the notice.

"(D) SCHEDULE AND LOCATION OF PROCEEDINGS.—The Secretary shall, to the maximum extent practicable, provide that the schedule and location of the proceedings of a board under this subsection be established so as to be convenient to the individuals who notify the Secretary under subparagraph (C) of their intent to participate at such proceedings.

"(E) MANNER OF PARTICIPATION.—Individuals who notify the Secretary under subparagraph (C) of their intent to participate at the proceedings of a board—

"(i) in the case of individuals whose entitlement to the pay or allowances (including allotments) of a missing person could be reduced or terminated as a result of a revision in the status of the missing person, may attend the proceedings of the board with private counsel;

"(ii) shall have access to the personnel file of the missing person, to unclassified reports (if any) of the board appointed under subsection (b) to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

"(iii) shall be afforded the opportunity to present information at the proceedings that such individuals consider to be relevant to the proceedings; and

"(iv) subject to subparagraph (F), shall be afforded the opportunity to submit in writing objections to the recommendations of the board under paragraph (10) as to the status of the missing person.

"(F) OBJECTIONS.—Objections to the recommendations of the board under subparagraph (E)(iv) shall be submitted to the President of the board not later than 24 hours after the date on which such recommendations are made. The President shall include the objections in the report of the board to the Secretary concerned under paragraph (12).

"(G) PROHIBITION ON REIMBURSEMENT.—Individuals referred to in subparagraph (A) who participate in the proceedings of a board under this paragraph shall not be entitled to reimbursement by the Federal Government for any costs incurred by such individuals in attending such proceedings, including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses.

"(8) AVAILABILITY OF INFORMATION TO BOARDS.—

"(A) IN GENERAL.—In conducting proceedings in an inquiry under this subsection, a board may secure directly from any department or agency of the Federal Government any information that the members of the board consider necessary in order to conduct the proceedings.

"(B) AUTHORITY TO RELEASE.—Upon written request from the President of a board, the head of a department or agency of the Federal Government shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

"(i) declassify to an appropriate degree classified information; or

"(ii) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

"(C) TREATMENT OF CLASSIFIED INFORMATION.—

"(i) RELEASE.—If a request for information under subparagraph (B) covers classified information that cannot be declassified, cannot be removed before release from the information covered by the request, or cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to the President of the board making the request and the counsel for the missing person appointed under paragraph (6).

"(ii) USE IN PROCEEDINGS.—The President of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the President of a board in ensuring that classified information is not compromised through board proceedings.

"(9) BOARD MEETINGS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the proceedings of a board under this subsection shall be open to the public.

"(B) EXCEPTIONS.—A proceeding of a board shall be closed to the public at the request of the following:

"(i) The counsel appointed under paragraph (6) for the person or persons covered by the proceeding.

"(ii) Any member of the immediate family, dependent, primary next of kin, or previously designated person of the person or persons.

"(iii) The Secretary who appointed the board, but only if such Secretary determines that a proceeding open to the public could jeopardize the health and well-being of other missing persons or impair the activities of the Federal Government to recover missing persons in the theater of operations or the area in which the missing person or persons are thought to have disappeared.

"(iv) The President of the board, but only for discussion of classified information.

"(10) RECOMMENDATION ON STATUS.—

"(A) IN GENERAL.—Upon completion of proceedings in an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts or status of the missing person or persons covered by the inquiry.

"(B) RECOMMENDATION OF DEAD STATUS.—

"(i) IN GENERAL.—A board may not recommend under subparagraph (A) that a person or persons be declared dead unless—

"(I) conclusive proof of death is established by the board; and

"(II) in making the declaration, the board complies with subsection (f).

"(ii) Definition.—In this subparagraph, the term 'conclusive proof of death', in the case of a person or persons, means evidence establishing that death is the only plausible explanation for the absence of the person or persons.

"(11) Report.—

"(A) Requirement.—A board appointed under this subsection shall submit to the Secretary concerned a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry.

"(B) Classified annex.—The report may include a classified annex.

"(12) Actions by secretary.—

"(A) Review.—Not later than 30 days after the receipt of a report from a board under paragraph (11), the Secretary concerned shall review—

"(i) the report;

"(ii) the review submitted to the Secretary under paragraph (6)(C)(vi) by the counsel for the person or persons covered by the report; and

"(iii) the objections, if any, to the report submitted to the President of the board under paragraph (7)(F).

"(B) Scope of review.—In reviewing the report, review, and objections under subparagraph (A), the Secretary shall determine whether or not the report is complete and free of administrative error.

"(C) Further action.—If the Secretary determines under subparagraph (B) that a report is incomplete, or that a report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(D) Determination of status.—Upon a determination by the Secretary that a report reviewed by the Secretary under this paragraph is complete and free of administrative error, the Secretary shall make a determination of the status of the person or persons covered by the report.

"(13) Report to interested persons.—Not later than 90 days after a board submits a report on a person or persons under paragraph (11), the Secretary concerned shall—

"(A) provide an unclassified summary of the report to the members of the immediate family, the dependents, the primary next of kin, and the previously designated persons of the person or persons covered by the report; and

"(B) in the case of a person or persons who continue to be in missing status, inform the members, dependents, kin, and persons of the person or persons that the Federal Government will conduct a further investigation into the whereabouts or status of the person or persons not later than 3 years after the date of the official notice of the disappearance of the person or persons, unless information becomes available within that time that would result in a substantial change in the official status of the person or persons.

"(14) Reconvening of board.—

"(A) In general.—If the Secretary concerned recommends that a person or persons continue in missing status, or that a missing person previously declared dead be given a missing status, the Secretary shall reconvene the board when information becomes available that would directly lead to a determination of status of the missing person or persons.

"(B) Conduct of proceedings.—The provisions of this subsection shall apply to the activities of a board convened under this paragraph.

"(d) Further Review.—

"(1) Subsequent review.—

"(A) In general.—The Secretary concerned shall appoint a board to conduct an inquiry into the whereabouts or status of any person or persons determined by the Secretary under subsection (c)(12)(D) to be a person or persons in missing status.

"(B) Frequency of appointment.—Subject to subparagraph (C), the Secretary shall appoint a board to conduct an inquiry with respect to a person or persons under this paragraph—

"(i) on or about 3 years after the date of the official notice of the disappearance of the person or persons; and

"(ii) not later than every 3 years thereafter.

"(C) Delimiting date.—The Secretary shall not be required to appoint a board under this paragraph more than 12 years after the end of the time of war or emergency or period of hostilities in which the missing person or persons disappeared.

"(2) Review of probative information.—Upon receipt of information that could result in a change or revision of status of a missing person or persons, the Secretary concerned shall appoint a board to evaluate the information and make a recommendation as to the status of the person or persons to which the information relates.

"(3) Conduct of proceedings.—The appointment of and activities before a board appointed under this subsection shall be governed by the provisions of subsection (c).

"(e) Personnel Files.—

"(1) Information in files.—Except as provided in paragraph (2), the Secretary of the department having jurisdiction over a missing person at the time of the person's disappearance shall, to the maximum extent practicable, ensure that the personnel file of the person contains all information in the possession of the Federal Government relating to the disappearance and whereabouts or status of the person.

"(2) Classified information.—

"(A) Authority to withhold.—The Secretary concerned may withhold classified information from a personnel file under this subsection.

"(B) Notice of withholding.—If the Secretary concerned withholds classified information from the personnel file of a person, the Secretary shall ensure that the file contains the following:

"(i) A notice that the withheld information exists.

"(ii) A notice of the date of the most recent review of the classification of the withheld information.

"(3) Wrongful withholding.—Any person who knowingly and willfully withholds from the personnel file of a missing person any information (other than classified information) relating to the disappearance or whereabouts or status of a missing person shall be fined as provided in title 18, or imprisoned not more than 1 year, or both.

"(4) Availability of information.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to members of the immediate family, dependents, primary next of kin, or previously designated person of the person.

"(f) Recommendation of Status of Death.—

"(1) Requirements relating to recommendation.—A board appointed under subsection (c) or (d) may not recommend that a person be declared dead unless—

"(A) evidence (other than the passage of a period of time of less than 50 years) exists to suggest that the person is dead;

"(B) the Federal Government possesses no evidence that reasonably suggests that the person is alive;

"(C) representatives of the Federal Government have made a complete search of the area where the person was last seen (unless, after making every good faith effort to obtain access to such area, such representatives are not granted such access); and

"(D) representatives of the Federal Government have examined the records of the government or entity having control over the area where the person was last seen (unless, after making every good faith effort to obtain access to such records, such representatives are not granted such access).

"(2) Submittal of information on death.—If a board appointed under subsection (c) or (d) makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under such subsection (c) or (d) the following:

"(A) A detailed description of the location where the death occurred.

"(B) A statement of the date on which the death occurred.

"(C) A description of the location of the body, if recovered.

"(D) If the body has been recovered, a certification by a licensed practitioner of forensic medicine that the body recovered is that of the missing person.

"(g) Judicial Review.—

"(1) In general.—

"(A) Judicial review.—A person referred to in subparagraph (B) may obtain review of a finding described in subparagraph (C) by the court of appeals of the United States for the circuit in which the person resides or in which the finding was made.

"(B) Availability of review.—Subparagraph (A) applies to any of the following persons with respect to a missing person subject to a finding described in subparagraph (C):

"(i) A member of the immediate family of the person.

"(ii) A dependent of the person.

"(iii) The primary next of kin of the person.

"(iv) A person previously designated by the person.

"(C) Covered findings.—Subparagraph (A) applies to the following findings:

"(i) A finding by a board appointed under subsection (c) or (d) that a missing person is dead.

"(ii) A finding by a board appointed under subsection (h) that confirms that a missing person formerly declared dead is in fact dead.

"(D) Commencement of review.—A person referred to in subparagraph (B) shall request review of a finding under this paragraph by filing with the appropriate court a written petition requesting that the finding be set aside.

"(2) Appeal and finality of review.—The decision of the court of appeals on a petition for review under paragraph (1) shall be final, except that it shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28.

"(3) Additional review.—

"(A) In general.—Subject to subparagraph (B), upon request by a person referred to in paragraph (1)(B), the Secretary concerned shall appoint a board to review the status of a person covered by a finding described in paragraph (1)(C) if the court of appeals sets aside the finding and—

"(i) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed;

"(ii) the petition for certiorari has been denied; or

"(iii) the decision of the court of appeals has been affirmed by the Supreme Court.

"(B) DELIMITING DATE.—A person referred to in subparagraph (A) shall make a request referred to in that subparagraph not later than 3 years after the date of the event under that subparagraph that entitles the person to request the appointment of a board.

"(h) PERSONS PREVIOUSLY DECLARED DEAD.—

"(1) REVIEW OF STATUS.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of the Missing Service Personnel Act of 1994, a person referred to in subparagraph (B) may submit to the appropriate Secretary a request for appointment by the Secretary of a board to review the status of a person previously declared dead.

"(B) AVAILABILITY.—A board shall be appointed under this paragraph based on the request of any of the following persons:

"(i) An adult member of the immediate family of a person previously declared dead.

"(ii) An adult dependent of such person.

"(iii) The primary next of kin of such person.

"(iv) A person previously designated by such person.

"(C) APPROPRIATE SECRETARY.—A request under this paragraph shall be submitted to the Secretary of the department of the Federal Government that had jurisdiction over the person covered by the request at the time of the person's disappearance.

"(2) APPOINTMENT OF BOARD.—Upon request of a person under paragraph (1), the Secretary concerned shall appoint a board to review the status of the person covered by the request.

"(3) ACTIVITIES OF BOARD.—A board appointed under paragraph (2) to review the status of a person shall—

"(A) conduct an investigation to determine the status of the person; and

"(B) issue a report describing the findings of the board under the investigation and the recommendations of the board as to the status of the person.

"(4) SUBSEQUENT REVIEW.—If the Secretary concerned is apprised of any information which would directly lead to a determination of the status of a missing person, the Secretary shall reconvene a board to consider the information.

"(5) EFFECT OF CHANGE IN STATUS.—If a board appointed under this subsection recommends placing a person previously declared dead in a missing status such person shall accrue no pay or allowances as a result of the placement of the person in such status.

"(i) RETURN ALIVE OF PERSON DECLARED MISSING OR DEAD.—

"(1) PAY AND ALLOWANCES.—Any person in a missing status or declared dead under the Missing Persons Act of 1942 (56 Stat. 143) or by a board appointed under this section who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

"(2) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Paragraph (1) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in paragraph (1) before the date of the enactment of the Missing Service Personnel Act of 1994.

"(j) EFFECT ON STATE LAW.—Nothing in this section shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of the such State or political subdivision.

"(k) DEFINITIONS.—In this section:

"(1) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

"(2) The term 'dependent', in the case of a missing person, mean any individual who would, but for the status of the person, be entitled to receive the pay and allowances (including allotments) of the person.

"(3) The term 'member of the immediate family', in the case of a missing person, means the spouse, adopted or natural child, parent, and sibling of the missing person.

"(4) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is missing; or

"(B) a civilian employee serving with or accompanying an armed force under orders who is missing.

"(6) The term 'missing status' means the status of a missing person who is determined to be absent in a status of—

"(A) missing;

"(B) missing in action;

"(C) interned in a foreign country;

"(D) captured, beleaguered, or besieged by a hostile force; or

"(E) detained in a foreign country against his or her will.

"(6) The term 'primary next of kin', in the case of a missing person, means—

"(A) the principal individual who, but for the status of the person, would receive financial support from the person; or

"(B) in the case of a missing person for whom there is no individual meeting the requirement of subparagraph (A), the family member or other individual designated by the missing person to receive death gratuities.

"(7) The term 'previously designated person', in the case of a missing person, means an individual (other than an individual who is a member of the immediate family of the missing person) designated by the missing person as the individual to be notified of all matters relating to the status of the missing person.

"(8) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding the end the following:

"1060b. Missing persons: informal investigations; inquiries; determinations of death; personnel files.".

(c) CONFORMING AMENDMENTS.—(1)(A) Section 555 of title 37, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 10 of such title is amended by striking out the item relating to section 555.

(2) Section 552 of such title is amended—

(A) in the second sentence of the flush matter following paragraph (2) in subsection (a), by striking out "for all purposes," and all that follows through the end of the sentence and inserting in lieu thereof "for all purposes.";

(B) in striking out paragraph (2) of subsection (b) and inserting in lieu thereof the following:

"(2) that his death is determined under section 1060b of title 10."; and

(C) in subsection (e), by striking "section 555 of this title" and inserting "section 1060b of title 10".

(3) Section 553 of such title is amended—

(A) in subsection (f), by inserting "under section 1060b of title 10" after "When the Secretary concerned";

(B) by striking out "the Secretary concerned receives evidence" and inserting in lieu thereof "a board convened under section 1060b of title 10 reports"; and

(C) in subsection (g), by striking out "section 555 of this title" and inserting "section 1060b of title 10".

(4) Section 556 of such title is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (3);

(ii) by striking out the semicolon at the end of paragraph (4) and inserting in lieu thereof a period; and

(iii) by striking paragraphs (1), (5), (6), and (7) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(B) by striking out subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively; and

(C) in subsection (g), as so redesignated—

(i) by striking out the second sentence; and

(ii) by striking "status" and inserting "pay".

(5) Section 557(a)(1) of such title is amended by striking out ", 553, and 555" and inserting in lieu thereof "and 553".

(6) Section 559(b)(4)(B) of such title is amended by striking out "section 556(f)" and inserting in lieu thereof "section 556(e)".

SEC. 4. SOLICITATION OF INFORMATION ON DEPENDENTS, FAMILY MEMBERS, AND OTHER DESIGNATED PERSONS.

(a) REQUIREMENT.—Chapter 31 of title 10, United States Code, is amended by adding at the end the following:

"§ 520c. Enlistments: information on dependents, family members, and other designated persons

"(a) The Secretary concerned shall, upon the enlistment or commission of a person in an armed force, require that the person specify in writing the dependents of the person, the members of the immediate family of the person, the primary next of kin of the person, and any other individual that the person shall designate for purposes of section 1060b of this title. The purpose of the specification is to ensure the notification of appropriate individuals in the event that the person is placed in missing status under that section.

"(b) The Secretary concerned shall, upon the request of a person referred to in subsection (a), permit the person to revise at any time the individuals specified by the person under that subsection. The person shall make any such revision in writing.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"520c. Enlistments: information on dependents, family members, and other designated persons.".

THE AMERICAN LEGION,
Washington, DC, January 17, 1955.

Hon. ROBERT J. DOLE,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DOLE: A new calendar year and the convening of a new Congress affords all Americans a unique opportunity to renew their pledge to support all positive efforts to obtain the fullest possible accounting of American prisoners of war and those missing in action from past conflicts and the Cold War. The American Legion is especially appreciative of your personal efforts and concern for the plight of American POW/MIAs. Your introduction of the Dole-Lautenberg bill, The Missing Service Personnel Act of 1955, is both timely and welcome. It directly and substantially supports on-going Legion efforts to seek information about missing Americans from previous wars.

Your sponsorship of this bill is especially significant since it comes at a time when American contacts with foreign governments are more interested in making lucrative business arrangements than in obtaining a full and complete accounting of missing service personnel. With the lifting of the embargo against Vietnam early last year the U.S. lost its last major bargaining lever for POWs and MIAs from the war in Southeast Asia. Your bill, supported by the Senate in the 104th Congress will serve to provide a more equitable basis for making status determinations on missing service personnel from wars past and conflicts yet to be fought.

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director.

DISABLED AMERICAN VETERANS,
Washington, DC, January 17, 1955.

Hon. BOB DOLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: On behalf of the Disabled American Veterans (DAV), I take this opportunity to express our appreciation for your support last year for legislation to establish procedures for determining the whereabouts and status of missing American service members and to require the keeping of certain records on these persons. I understand that you intend to reintroduce a similar bill in the near future, and I therefore also write to express the DAV's full support for your efforts.

Your actions are a recognition of this nation's most important obligation to resolve questions about the fate of those missing-in-action. As a nation, we must do everything possible to account for those who have not returned, those that were captured or killed in the service of their country. Anything less would be an abandonment of our solemn responsibilities to these courageous defenders and would be a concession of defeat in the struggle to recover those who sacrificed so much for our benefit.

The members of DAV are deeply concerned for the nearly 100,000 of our fellow servicemen and women still unaccounted for in the aftermath of World War II, the Korean War, the Vietnam War, and subsequent military engagements, and we hope for a means to better account for our service members in any future conflicts. The delegates to our 1994 annual National Convention adopted a resolution supporting legislation to establish new procedures for determining the status of missing service members. We are confident that our nation's citizens share the DAV's concern and will also fully support any measures designed to improve our ability to account for our missing-in-action.

The DAV commends you and offers its support for your efforts. Please let us know if we can be of assistance to you in this matter.

Sincerely,

DONALD A. SIOSS,
National Commander.

VIETNOW,
Rockford, IL, December 23, 1994.

Senator ROBERT DOLE,
Hart Senate Office Building, Washington, D.C.

DEAR SENATOR DOLE: We, as Veterans of the Armed Forces of the United States of America, realize the importance and the immediate need for "The Missing Service Personnel Act", which is long over due.

The practice of changing the classification of those listed as Prisoner of War or Missing In Action to Killed In Action based on the presumption of death, due solely to the passage of time, is an outrage! In the proposed "Missing Service Personnel Act", "conclusive proof of death" is required to be established and based upon evidence that death is the only plausible explanation for the absence of the missing person.

Important provisions of this legislation, are the inclusion of family members in the review process, their access to information gained during the investigation and a set time frame for the review process.

Passage of the "Missing Service Personnel Act" is vital and will restore a sense of confidence not only to those effected by previous wars, but to those who may become Prisoner Of War or listed as Missing In Action as a result of future wars.

Senator Dole, we thank you for your past efforts and strongly support and encourage you to reintroduce the "Missing Service Personnel Act" as one of the first items to be introduced before the 104th Congress.

Sincerely,

RICH TEAGUE,
VietNow National POW/MIA Chairman.

NATIONAL VIETNAM VETERANS COALITION,
Washington, D.C, January 3, 1995.

Hon. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Re: Missing Service Personnel Act.

DEAR SENATORS DOLE AND LAUTENBERG: The National Vietnam Veterans Coalition, a federation of seventy-eight (78) Vietnam veterans organizations and veterans issue groups, is pleased to support your efforts for long overdue reform of the Missing Persons Act.

The history of the law, as previously administered, has been one of arbitrary decisions based on incomplete information. The administration of the law has produced untold grief among the family members of the missing in action and has angered the Vietnam veteran community. The rote presumptive findings of death have contributed substantially to the ongoing failure of the POW/MIA bureaucracy to meaningfully resolve the issue.

The bill you are introducing provides considerable procedural protections to future MIAs. the provisions for appointment of counsel for the MIAs interests, the counsel's access to classified information, procedures for dealing with classified information, centralization of case information in the MIAs personnel file, the ability to reopen hearings for a period of time and effective reversal of the current de facto presumption of death reflexively applied in hearings mark tremendous progress. The encouragement to combine hearings in group disappearance cases would force hearing panels to weigh the evidence in a broader context.

The opening up of the process to include the right of participation of secondary next of kin is a welcome recognition of the fact that there is more than one person in each family who cares about the fate of a missing relative.

We are proud to endorse this much needed piece of legislation.

Sincerely,

J. THOMAS BURCH, Jr.
Chairman.

• Mr. LAUTENBERG. Mr. President, I am pleased to again join Senator DOLE in an effort to improve the way our government treats military service members and their families by reintroducing the Missing Service Personnel Act of 1995. It is perhaps fitting that two veterans of World War II join together to sponsor this legislation. Senator DOLE and I collaborated in writing this bill in a spirit of bipartisanship. We believe there is no room for politics when it comes to how the Government treats its missing personnel.

Mr. President, The Missing Service Personnel Act of 1995 updates existing law, last written by Congress in 1942. It focuses on how the U.S. Government deals with military personnel and Federal employees who are classified as "missing in action." Our bill also makes some improvements in the way the Federal Government deals with the families of missing persons. They suffer when a loved one is missing and they deserve to have their interests protected and their needs met by their government.

Congressional interest in the issue is extensive, Mr. President. When the Senate Select Committee on POW/MIA Affairs—ably led by Senator KERRY and Senator SMITH—reported its findings to this body, it concluded there has been serious U.S. Government neglect and mismanagement in dealing with missing servicemembers. That's why we're here today—we want to rid the government of neglect and mismanagement in its treatment of Americans who are missing in action.

Having served in World War II, both Senator DOLE and I know first-hand the tremendous sacrifice service men and women make when they face c ombat. We know the terror soldiers face when they consider the prospect of being captured. We also know the anguish our loved ones suffer when a soldier goes into harm's way.

Over the past 25 years, the credibility of the Department of Defense on MIA/POW issues has been seriously questioned. Without substantial reform of its procedures, the American people will continue to question the credibility of DOD in future military operations. Americans expect Pentagon officials to care for our soldiers and their families. They expect DOD officials to do the right thing when a servicemember is reported missing. There should be no curtain of secrecy. There should be no perception of incompetence. There should be no unfair treatment of families.

Our uniformed men and women serve proudly in the Armed Forces on behalf of all Americans. In return for their sacrifice, American servicemembers should be able to expect fairness, honesty, and support from the Department of Defense.

Unfortunately, Mr. President, when we look at recent history concerning the treatment of families of those missing in action, we see a troubling picture. No one in Congress should be content with what has happened in the past. We have seen families become outraged by the treatment they receive from the Government. We have witnessed their disgust toward elected officials. And, we have heard their calls for more information, more interest, and more action to recover their loved ones.

Today, we have an opportunity to respond, to provide better treatment. I believe the time is right to correct the Pentagon's flawed management practices. The cold war is over. The United States is not engaged in a major war, although we still have American men and women serving faithfully around the globe. They are ready for conflict if necessary. And, I suggest to my colleagues that the Pentagon must be ready as well.

Let's take a look at the problems we face now.

Mr. President, existing U.S. law concerning how the Government deals with missing persons is over 50 years old. That law is inadequate—it deals primarily with financial aspects of missing personnel and their dependents. That law is outdated—it doesn't address new issues that have emerged over the past 25 years. And that law is incomplete—it doesn't protect missing servicemembers from bureaucratic inaction.

Perhaps most troubling is the fact that existing law does not protect the rights of missing persons. Right now, missing persons do not have counsel in Government hearings. No one represents their interests. In addition, missing persons lose due process after 1 year. They just go into administrative limbo. They stay there until someone says they're dead. No wonder so many families think Government decisions are arbitrary and capricious.

Another problem deals with access to information. Right now, hearing officers can be denied information about missing persons. In addition, hearing officers can be excluded from reviewing classified information. And further, Government officials can willfully withhold relevant information without penalty. I believe these practices are the root cause for the curtain of secrecy that surrounds Government decisions.

The lack of specified rights for families is another problem with existing law. The Americans with the greatest stake in Government action have the least involvement in those decisions. Moreover, families have no right to appeal. No wonder many families make charges of "cover-up" and "smokescreen." I believe we should have procedures that guarantee families of missing servicemembers honest, fair, and just treatment.

Finally, Mr. President, the old law doesn't create the opportunity for good, just decisions. Right now, officials assigned to conduct hearings may not be qualified. Further, they may have no guidance about making determinations of death. So today, what we have are poor decisions: Missing persons are pronounced dead . . . merely with the passage of time. I believe such determinations constitute disloyalty to our service men and women.

Mr. President, when you look at the problems with existing law in the aggregate, you can see why we've had so many problems over the years. Families are mad. Service men and women are wary. Government officials are frustrated. Senator DOLE and I wrote this bill to correct, once and for all, all these problems.

Unfortunately, Mr. President, when the Pentagon looks at these problems they see a rosy picture. Over the last 5 years, Pentagon officials have reported to Congress that everything is just fine. They have dragged their feet in upgrading government procedures. And despite our efforts to reform existing law, the Pentagon has not come forward with a reform proposal. Mr. President, there seems to be a general lack of will within the Pentagon to update its management procedures regarding missing persons.

In Congress today, there are several POW/MIA legislative initiative that address problems of past wars and conflicts. These initiatives attempt to resolve problems for World War II, Korea, and Vietnam. These are all worthy and should be pursued by both the Congress and the administration.

However, Mr. President, we have only one initiative that looks to the future—to the wars and conflicts not yet fought by Americans. In passing the fiscal year 1995 National Defense Authorization Act, the Senate took the first step in establishing new procedures for the future. In that legislation, we required the Department of Defense to review its procedures and recommend changes to Congress.

I remain skeptical about the Pentagon's response. I haven't seen any enthusiasm to update their procedures. Those in Congress who have dealt with these problems have seen little Pentagon interest in reform. Indeed, last year, an Assistant Secretary of Defense wrote to us with regard to the Pentagon's procedures . . . and I quote:

> I believe that the existing legislation provides adequate protections and venues for participation of all parties with legitimate interest.

Now Mr. President, I ask my colleagues: What should we expect from a Pentagon review of existing legislation? Does anyone in this body believe the Pentagon will come forward with reform legislation? I will tell you I am very skeptical.

This is why we are reintroducing this bill today. I want to lay on the table a proposal with real reform. I want the Pentagon to know that this Senator does not believe existing procedures are adequate. And I suggest the Senate needs to take the lead on this critical issue.

Mr. President, when we wrote this legislation, Senator DOLE and I took a new approach. We asked a simple question: How would a missing soldier want the U.S. Government to respond to his or her situation? What would a missing person want from his government? We wrote this bill from the point of view of American service men and women. When we finished, we had created wholly new procedures—procedures that, for the first time, are designed to serve those who are missing in action.

This legislation accomplishes four goals. First, it corrects management deficiencies for dealing with missing service members. Second, the bill safeguards the rights of missing personnel. Third, our legislation reestablishes a sense of trust between the U.S. Government and the families of missing personnel by raising what many people consider to be a "curtain of secrecy" surrounding Government decisions. And finally, Mr. President, our bill assures fundamental fairness to missing servicemembers by requiring timely Government action and specifying the rights of families and the Government's obligations to them. We hope that families of missing persons are treated fairly in all proceedings.

Let me discuss some of the provisions we are proposing in more detail.

First, the Act will establish new procedures for determining the whereabouts and status of missing persons. These procedures accelerate official action in order to recover the missing. They may even lead to the recovery of some servicemembers.

Moreover, the new procedures will afford missing persons due process well after the first year of their disappearance. Our service men and women should never believe that our Government will abandon them if captured. This legislation guarantees that the Government won't write them off merely with the passage of time.

The second important provision of the Act is that qualified counsel will be appointed for missing persons. This is new. Never before have missing persons been represented by counsel. Our service personnel should not have to worry about their rights, even if they are missing in action. This legislation assures that the Government does not ignore issues and evidence. It assures that the Government affords the missing in action due process of the law.

Third, the act will assure access to Government information. It removes the "curtain of secrecy." It makes all information available to hearing officers. Also, the bill carefully provides access to classified information. And, it makes complete personnel files available for review. These measures guarantee that the Government doesn't make ill-formed decisions about the statute of missing personnel.

The act also specifies the rights of the missing person's immediate family, dependents and next of kin. It ensures that our field commanders will give families updated, accurate information concerning the incident in which their loved one disappeared. The bill assures family participation in Government hearings. They will have access to the personnel file of the missing. They can be represented by private counsel. They can object in writing to a board's recommendations. And last, but not least, they can appeal a Government ruling. These are the basic rights of families—and no one can argue with putting them into law.

The last major provision of the act states criteria for making just decisions about the status of missing servicemembers. It gives guidance to officials about that factors they must consider before making a determination of death. The bill specifically prohibits declaring someone to be dead merely by virtue of the passage of time. I believe these provisions are important as an expression of Government loyalty to all persons who serve in the Armed Forces.

Mr. President, let me close by saying that there remains a strong bipartisan consensus across America in support of this bill. It has been building over the last 3 years. It started partly as a grassroots initiative from New Jersey and elsewhere. And it continues to enjoy the support of several major veterans organizations across the United States.

Mr. President, the good intentions of many Americans, who truly care about the welfare of the men and women in the Armed Services, have been combined into this initiative. They believe it is the right thing to do.

I urge my colleagues to join Senator DOLE and me in supporting this reform legislation when it is considered by the Senate.•

• Mr. LIEBERMAN. Mr. President, I am pleased to be an original cosponsor to the Missing Service Personnel Act of 1995 as I was when this legislation was first introduced in the 103d Congress. I commend the distinguished majority leader for his leadership on this issue and am proud to join him, Senator SIMPSON, and Senator LAUTENBERG in this important effort. This legislation is long overdue and is an important step toward providing the men and women who have served and will serve in our Armed Forces in conflict the protection and rights they and their families deserve, and we as a country owe them.

The current law which governs personnel who became missing in action was written in 1942 in the midst of World War II. We have now had over 50 years of experience with that law and the procedures it established to determine the status of people who became missing, captured, or presumed killed in a conflict. The experiences of MIA's and their families during and long after the Vietnam war provides clear evidence that the existing law is inadequate and revisions are sorely needed.

American citizens in uniform and in civilian clothes are serving our national interests in hostile places around the world even as we speak today. The end of the cold war has not brought an end to the valid need for Americans to serve abroad and sometimes to be placed in harm's way. The legislation we introduce today is an effort to address the legitimate concerns and needs of the men and women and their families who may one day find themselves missing in action because of their service to their country.

This legislation recognizes that a man who becomes missing in action does not surrender their legitimate rights as an American and that we must do everything we can to determine their true status. They will not break faith with America and America must not break faith with them or their families. Thus, the legislation prevents presuming that a missing service man or woman is dead simply because of the passage of time. It places a greater burden on the Government which commits our sons and daughters to conflict to persist in determining the truth about every one of those who became missing. Some may argue that this burden is too great. The mothers and fathers, husbands and wives, sons and daughters of those who are missing will reply that this is not too great a burden to bear for those who have answered the call of their country.

I hope and expect that this legislation will be given a thorough and fair examination both in committee and when it comes to the floor for passage. It is already supported by many veterans groups and organizations of families of the missing in action from the Vietnam war. Those in the Department of Defense who will have to implement this legislation should provide us their counsel on ways to improve it and to make it more effective. We welcome such constructive efforts. But let there be no mistake about out intentions or goals—the clock cannot be turned back. We cannot just tinker at the margins with policies and procedures which have failed in the past to live up to the covenant which must exist between the Government and those it sends off to defend its national interest.

We must never forget those who have served, are serving, or will serve their country. We owe it to them and their loved ones to commit ourselves to a full accounting of all who become missing in action. This legislation is an important step in the direction of returning faith and trust in this important covenant. I invite my colleagues to join us in cosponsoring this legislation and to work for its speedy enactment.•

By Mr. DOLE (for himself, Mr. INOUYE, Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, and Mr. CAMPBELL):

S. 257. A bill to amend the charter of the Veterans of Foreign Wars to make eligible for membership those veterans that have served within the territorial limits of South Korea; to the Committee on the Judiciary.

THE VFW CHARTER LEGISLATION

Mr. DOLE. Mr. President, as a life member of the Veterans of Foreign Wars of the United States, I am particularly honored today to introduce legislation which will amend the congressional charter of the VFW to make those veterans who have served in South Korea eligible for membership.

Since the 1953 armistice, the 170-mile demilitarized zone [DMZ] which separates North and South Korea has been the source of extreme and serious tension. According to the VFW, 89 Americans have been killed and 132 wounded in clashes with North Korea since the armistice was signed.

Across this no-mans-land, North Korea has maintained 70 percent of its 1.2-million-man armed forces. Those forces are in forward deployed attack positions along the entire DMZ, only 30 miles from the South Korean capital of Seoul.

Since the end of the Korean war, the United States has pledged to the Republic of Korea to deter any renewal of the conflict. To fulfill our commitment, we have positioned a 37,000-man force consisting of the U.S. 8th Army, including the 2d Infantry Division and the Air Force's 314th Air Division. The record and performance of our military men and women during the past four decades in meeting that commitment, and in spite of constant danger, has been exemplary.

I wish to commend the leadership of this great veterans service organization, the Veterans of Foreign Wars, for their recognition of those members of our Armed Forces who have served in Korea since 1949. I am honored to introduce this legislation and provide my full support for its consideration and quick passage by my colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 257

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That section 5 of the Act of May 28, 1936 (36 U.S.C. 115), is amended to read as follows:

"SEC. 5. A person may not be a member of the corporation created by this Act unless that person—

"(1) served honorably as a member of the Armed Forces of the United States in a foreign war, insurrection, or expedition, which service has been recognized as campaign-medal service and is governed by the authorization of the award of a campaign badge by the Government of the United States; or

"(2) while a member of the Armed Forces of the United States, served honorably on the Korean peninsula or in its territorial waters for not less that 30 consecutive days, or a total of 60 days, after June 30, 1949.".

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 32

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 32, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells.

S. 33

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 33, a bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities.

S. 159

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 159, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes.

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

AMENDMENT NO. 179

At the request of Mr. DORGAN the names of the Senator from Connecticut [Mr. DODD] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 179 intended to be proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

SENATE RESOLUTION 65—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. THURMOND, from the Committee on Armed Services, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 65

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel; and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $2,948,079.

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $3,015,532.

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 66—TO PREVENT THE ADOPTION OF CERTAIN NATIONAL HISTORY STANDARDS

Mr. PRESSLER (for Mr. GORTON, for himself, Mr. LIEBERMAN, Mr. GRAMM, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 66

Resolved, That it is the sense of the Senate that—(a) the National Education Goals Panel should disapprove, and the National Education Standards and Improvement Council should not certify, any voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of world and United States history, developed prior to February 1, 1995;

(b) voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, on the subject of world and United States history, established under title II of the Goals 2000: Educate America Act should not be based on standards developed primarily by the National Center for History in the Schools prior to February 1, 1995; and

(c) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (b), the recipient of such funds should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world.

SENATE RESOLUTION 67—RELATING TO REPRODUCTIVE HEALTH CLINICS

Mr. PRESSLER (for Mrs. BOXER, for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. REID, Mr. WELLSTONE, Mr. ROBB, Mr. KOHL, Mr. BRYAN, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 67

SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

Whereas there are approximately 900 clinics in the United States providing reproductive health services;

Whereas violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

Whereas organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

Whereas there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

Whereas the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

Whereas violence is not a mode of free speech and should not be condoned as a method of expressing an opinion; and

Whereas the President has instructed the Attorney General to order—

(1) the United States Attorneys to create tasks forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

(2) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

Resolved, it is the sense of the Senate.—That the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

SEC. 2.—Nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first amendment to the Constitution.

SENATE RESOLUTION 68—RELATIVE TO LOCAL GOVERNMENTS

Mr. PRESSLER (for Mr. BRADLEY, for himself, Mr. CHAFEE, Mr. DORGAN, Mr. SIMPSON, Mr. ROBB, Mr. DOLE, Mr. NICKLES, Mr. LAUTENBERG, Mr. KEMPTHORNE, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 68

IMPACT ON LOCAL GOVERNMENTS.

Whereas the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

Whereas cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

Whereas increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in safe, secure community: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 256 and S. 257 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Idaho is recognized for up to 15 minutes.

Mr. CRAIG. I thank the Chair for clarifying that.

(Mr. INHOFE assumed the chair.)

REAUTHORIZE THE ENDANGERED SPECIES ACT

Mr. CRAIG. Mr. President and fellow Senators, I think the American public and even we here in the Congress recognize that the November elections was a profound statement on the part of this country to speak to change.

Since that time, all eyes have been focused on Washington, as we saw the changing of the guard in the House after 40 years of single-party rule, and certainly the change that has occurred here that has resulted with Republicans being in the majority, leading the Senate and chairing the committees. That has also resulted in a very aggressive legislative agenda that has focused most of the attention of the American people on what is going on in Washington. Whether it was the rule changes in the House or the debate on the unfunded mandates bill that still is before this Senate, directed by my colleague from Idaho, DIRK KEMPTHORNE, or whether it is the growing debate that will soon come to the floor on a balanced budget amendment, all eyes remain focused on Washington.

But while that is going on, something very tragic is still happening across America. And that is that there still remains business as usual on the part of the Federal Government and our Federal agencies and our Federal regulators—as was going on and has been going on long before the elections of last November— the treading on the private citizen, the taking away of rights, a Federal Government that is unconcerned, or demonstrating at least little concern, about the impact of their decisions and their activities on the economies of local communities.

So for just a moment this afternoon, I thought I would once again focus on something that is now occurring in my State of Idaho and try to once again impress upon the Congress, and certainly those who might be watching, the magnitude of the job we have before us and the tragedy of this administration failing to be responsive and allowing their agencies to run amok in an unwillingness to be concerned about the human being—the citizen, the taxpayer—but to be all concerned about the Federal regulations and to make sure that every letter of the law is complied with, even laws that no longer work for the American people or demonstrate their fairness or their equity.

Last Thursday, in Boise, ID, Judge David Ezra, with a sweep of his pen, Mr. President, shut down 14 million acres in the State of Idaho. What does that mean? That means that in an area the size of Massachusetts and Connecticut and Maryland combined, this judge said, "Under the auspices of the Endangered Species Act, there will be no logging, no mining, no grazing, no road building or any human activity until the Forest Service can convince me and convince national marine fisheries that all of their activities fit within the confines of the Endangered Species Act," even if not one of those activities can scientifically be proven to harm a species of fish that is now listed as endangered within the watersheds of that region of the State of Idaho.

As a result of that, 56 timber stations, 82 mining operations, 3 road construction projects, and 395 livestock grazing operations—better known as ranches—have been told to cease and desist. Thousands of miners will be out of work as of Monday morning, next Monday morning, not because the mine played out, not because the market for minerals dropped, but because the Federal Government said you can no longer mine, and a Federal judge, again, said last Thursday, with the sweep of his pen, "Walk away. Pull your paycheck. We are not worried about your children and your homes and your families and your communities. We are worried that the law which is now clearly in question be complied with."

Well, Mr. President, you can well imagine, chaos reigns supreme in my State of Idaho at this moment; that in six of the eight Federal forests in my

State, amassing over 14 million acres, all human activity, which is a major part of the economic base of that region of my State, has just been told to shut down, awaiting the action of a Federal bureaucracy that is now days behind in what it should have been doing days ago.

That is why it is so imperative that the Environment and Public Works Committee look at the reauthorization of the Endangered Species Act now—not next year, not 3 years from now, but now—to make sure that these kinds of silly bureaucratic activities can no longer go on and put the average man and woman and small business people in my State or any other State arbitrarily out of business.

We saw it go on in Oregon, with the spotted owl—30,000 loggers in the State of Oregon. Now, in my State of Idaho, thousands—yes, thousands—of people, small businesses that have existed in one family for over 100 years, are being threatened with their very existence.

It is clearly a call to arms. And I think the people of my State recognize that. It is clearly the responsibility of this Congress to change the law, to make it more compatible, to make it more sensitive, to put the human species back into the blend of the Endangered Species Act so that we at least give some credence to the human species, that is the steward of the land, instead of arbitrarily saying to that human being—that mother, that father, that worker, that logger, that miner, that rancher, that small business person—"Step aside. You are no longer important. Step aside to a plant or an animal."

Since when did this Government become so insensitive to the rights of the human being? Since we have ignored our responsibilities to reauthorize the Endangered Species Act, and do these kinds of things that the American people finally in November of last year rose up and said to the Congress of the United States: "Become responsive to our needs or step aside and we will find somebody who will."

Well, I certainly hope this Senate recognizes that call and will become increasingly sensitive to their responsibility to the taxpayer, to the citizens, the law-abiding citizens, of our country.

Let us start with reauthorization of the Endangered Species Act, so that what is going on in Idaho today and next week and throughout this coming year, and what has gone on in the State of Oregon and other places around our country will not be repeated again; that we, as Senators, who agree to take an oath to uphold the Constitution of the United States, will do that constitutional duty to put people back into the equation of being responsible for the stewards of our land.

I yield back the remainder of my time.

ORDERS FOR MONDAY, JANUARY 23, 1995

Mr. CRAIG. Mr. President, under the order entered last night, the Senate will convene at 9:30 a.m. on Monday, January 23, 1995.

I ask unanimous consent that when the Senate convenes on Monday, the time for the two leaders be reserved and there then be a period for the transaction of morning business not to extend beyond the hour of 10:30, with Senators permitted to speak for not to exceed 5 minutes each, with the exception of the following Senators: Senators GRASSLEY and PRYOR, for 15 minutes equally divided; Senator CONRAD, for up to 30 minutes. I further ask that at the hour of 10:30 a.m. the Senate resume consideration of S. 1, the unfunded mandates bill.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, the only change I believe the Senator is making, so that we all understand it, instead of getting on S. 1 at 10 it will be at 10:30, and we are authorizing three Senators to speak in that time. Instead of 10 it will be 10:30, so that our colleagues know.

Mr. CRAIG. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTING THE ADOPTION OF CERTAIN NATIONAL HISTORY STANDARDS

VIOLENCE AT CLINICS

IMPACT ON LOCAL GOVERNMENTS

Mr. PRESSLER. Mr. President, I ask unanimous consent that it be in order for me to send to the desk three resolutions and that they be considered en bloc, agreed to and the motion to reconsider be laid upon the table.

For the information of my colleagues, the three resolutions are the texts of the Gorton amendment, Bradley amendment and Boxer amendment that were offered to the unfunded mandates bill and voted on Wednesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. And without objection, where appropriate, the preambles are agreed to.

Mr. PRESSLER. Mr. President, I send the three resolutions to the desk.

So the resolutions (S. Res. 66, S. Res. 67, and S. Res. 68) were agreed to, as follows:

S. RES. 66

Resolved, That it is the sense of the Senate that—(a) the National Education Goals Panel should disapprove, and the National Education Standards and Improvement Council should not certify, any voluntary national content standards, voluntary national student performance standards, or criteria for the certification of such content and student performance standards, on the subject of world and United States history, developed prior to February 1, 1995.

(b) voluntary national content standards, voluntary national student performance standards, and criteria for the certification of such content and student performance standards, on the subject of world and United States history, established under title II of the Goals 2000: Educate America Act should not be based on standards developed primarily by the National Center for History in the Schools prior to February 1, 1995; and

(c) if the Department of Education, the National Endowment for the Humanities, or any other Federal agency provides funds for the development of the standards and criteria described in paragraph (6) the recipient of such funds should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world.

S. RES. 67

SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

Whereas, there are approximately 900 clinics in the United States providing reproduction health services;

Whereas, violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

Whereas, organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

Whereas, there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

Whereas, the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

Whereas, violence is not a mode of free speech and should not be condoned as a method of expressing an opinion; and

Whereas, the President has intructed the Attorney General to order—

"(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

"(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence: Now therefore, be it

Resolved, That it is the sense of the Senate that the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

(c) Nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first amendment to the constitution.

S. RES. 68

IMPACT ON LOCAL GOVERNMENTS.

Whereas, the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

Whereas, cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

Whereas, increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community: Now therefore, be it

Resolved, That it is the sense of the Senate that

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

RECESS UNTIL MONDAY, JANUARY 23, 1995 AT 9:30 A.M.

Mr. PRESSLER. Mr. President, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:35 p.m., recessed until Monday, January 23, 1995, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Friday, January 20, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember, O gracious God, those who need a special measure of Your grace and protection. We recall the needs of those who do not benefit from the support and love of family and must find their own way through the uncertainties of life. We pray for those whose lives are disrupted and torn apart by the conflicts in our world even as we support all those who work for reconciliation and peace. We remember those whose days are filled with struggles for the basic essentials of life and for those who have little hope. Fill their lives, O God, with the fullness of Your spirit that they may be blessed by Your presence and receive new hope by Your Word. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina [Mrs. CLAYTON] lead us in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that consistent with clause 9 of rule XIV, statements and rulings of the Chair appearing in the RECORD will be a substantially verbatim account of those words as spoken during the proceedings of the House, subject only to technical, grammatical, and typographical corrections.

Without objection, the permanent RECORD of January 18 at pages 301 and 303 will reflect this policy.

There was no objection.

CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, our Contract With America states: On the first day of Congress, a Republican House will: force Congress to live under the same laws as everyone else, cut one-third of committee staff, and cut the congressional budget.

We have done that.

In the next 84 days, we will vote on the following 10 items:

No. 1, a balanced budget amendment and line-item veto;

No. 2, a new crime bill to stop violent criminals;

No. 3, welfare reform to encourage work, not dependence;

No. 4, family reinforcement to crack down on deadbeat dads and protect our children;

No. 5, tax cuts for families to lift Government's burden from middle income Americans;

No. 6, national security restoration to protect our freedoms;

No. 7, senior citizens' equity act to allow our seniors to work without Government penalty;

No. 8, Government regulation and unfunded mandate reforms;

No. 9, commonsense legal reform to end frivolous lawsuits; and

No. 10, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCINNIS). The Chair announces that today we will have 10 1-minutes per side. Any further 1-minutes will be at the conclusion of business today.

GUILTY UNTIL PROVEN INNOCENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, if you are arrested for mass murder and the FBI has videotapes of your mass murder and the FBI has 100 nuns as eyewitnesses and the FBI has the Mormon Tabernacle Choir as eyewitnesses and the FBI has the Waltons and Mr. Rogers as eyewitnesses and they said you killed 100 people, you are innocent until proven guilty. But if you and your grandma and your grandpa go to court on a tax difference of $5,000, they have to prove they are innocent because they are guilty under the laws of this country. Unbelievable.

H.R. 390 that the Republicans helped last year will change that. If it is good enough for the Son of Sam, it is good enough for mom and dad. And let me say this, JOHN, more Americans support H.R. 390 than any other bill before the Congress.

I am asking for your help to cosponsor H.R. 390. If it is good enough for the Son of Sam, it is good enough for grandma and grandpa. Think about it.

A HISTORIC JUNCTION

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mr. CHRISTENSEN. Mr. Speaker, this Nation is at a historic junction. Either we can follow the same course we have followed for the last 40 years, a course of tax and spend, a course of rocketing deficits, or we can steer this flagship America into a new direction, a direction of fiscal responsibility, lower taxation and limited Government.

But in order to avoid the rocks of higher taxation and the shoals of bigger deficits, we must have a balanced budget amendment with a provision that requires a three-fifths super majority of both the House and the Senate to raise taxes. A balanced budget amendment without a tax limitation is like a ship without a rudder, at the mercy of the prevailing winds which may blow.

The three-fifths provision is the rudder that will steer America back in the right direction. For the sake of our children, for the sake of our grandchildren and this Nation, let us set a new course. Let us pass the balanced budget amendment with the three-fifths tax provision. Let us make the magic number 290 instead of 214 to raise taxes in the future.

THE WORKPLACE SAFETY AMENDMENT

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, throughout yesterday's debate, the sponsors of the unfunded mandates legislation told us one thing but in the bill they said something different. They told us that the bill continues to protect workplace safety, yet they do not say that in the bill. They told us in

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the bill it continues to protect the environment, the air we breathe and the water we drink. Yet they do not say that in the bill. Protection against child labor, insurance against workplace firetraps, and security from hazardous equipment on the job are very serious matters. Yet does it mean what it says? Why do they not say it.

We need to say that in the bill. Clean air and safe drinking water are precious to the lives of American citizens. The sponsors of the bill have a duty to explain in clear, unambiguous, and concise language where in the bill do they provide for the vital protection of the health and welfare of American workers.

I intend to sponsor an amendment which in express language will ensure minimum Federal workplace safety standards, will not be abandoned and will be precise.

I urge my colleagues to support my amendment. If they mean what they say, say it in the bill and support the amendment.

THE ONCE MIGHTY PARTY

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, the once mighty party that helped found the Nation now embarrasses itself on station after station. This party of Jefferson, born of ideas, lofty and grand, have been reduced to whining about a book and a man. This party that helped through the Great Depression now fumes and fusses in session after session.

This great party that brought us victory in wars today fights about a book which is not in the stores.

While the American people look to us for inspiration, the party whines on and on about an imaginary publication. The party that for a long this Congress led now acts as if it has gone completely brain dead.

It is sad, Mr. Speaker, but it is easy to see why this once great party is now in the minority.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 38

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 38.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

IN OPPOSITION TO H.R. 5, A BILL TO OPPOSE UNFUNDED MANDATES

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise today to oppose H.R. 5, the legislation regarding unfunded mandates. I believe this is necessary for us to defeat this legislation because it gives benefits to all Americans.

These Federal mandates give benefits to all Americans. Included in these Federal mandates is the Clean Water Act, which is important for us as far as the food we eat, the water we drink, and to millions of Americans whose livelihood depends on working on the waterways in America.

In addition, the Safe Water Act protects the water we drink from the tap. And in addition to that, the Clean Air Act protects the health of every American who lives in the cities. But as we know, pollution knows no geographic bounds. So it is very important for us to have national minimum standards. This is very important for every American, at least every American who eats food, drinks water, and breathes air. I urge my colleagues to oppose H.R. 5.

□ 1010

SUPPORT TRANSPORTATION TRUST FUNDS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, David Broder of the Washington Post recently wrote a column in which he quoted a lifelong Democrat shipyard worker who switched to be a Republican. Here is what that shipyard worker said.

He said, "Except for roads, everything government has done in the last 20 years has degraded our society," except for roads.

Yes, Mr. Speaker, building infrastructure for America's future is something that Government can do. It is something that Government should do. As we tighten our Government belt, we should be very careful not to weaken our rightful commitment to building assets for the future.

Our population continues to grow. People travel more. Highway travel has more than tripled since the interstate was proposed. Air travel has more than doubled in just the last 12 years. Spending highway aviation and trust fund dollars to build America is absolutely essential to the future of our country. Support the transportation trust funds.

MEMO PUTS SPEAKER'S INTERESTS ABOVE NATIONAL INTERESTS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, in a memo to the White House last night, a senior Republican linked our right to raise important and valid questions about the Speaker's book deal to passage of vital legislation. The memo actually seems to put the personal interests of the Speaker above our national interest. It shows that Republicans would rather do the Speaker's bidding than the people's business.

We seem to have crossed a very troubling line. The Speaker's book deal is no longer merely a personal ethical issue. It is now threatening the vital interests of this country. What is more important for America, the North American economy, or a $4.5 million check for the Speaker?

After the election, many pundits told President Clinton he should take a page out of Harry Truman's book and call us the do-nothing Congress. At the rate it is going, he is going to call this Republican group the Keystone Cops Congress.

KEEP THE SUPER MAJORITY PROVISION IN THE BALANCED BUDGET AMENDMENT

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it has been interesting to hear the arguments by the keepers of the old order with reference to a super majority provision in a balanced budget amendment. Some point out that even when it comes to treaties in the other body, a super majority is required there, but that is a very, very special case.

Taking into account that treaties are quite properly the purview of the other body, let me ask this, Mr. Speaker: What is a treaty, after all, if not a compact or a contract?

I humbly propose that our Contract With America is in essence a peace treaty with the hard-working, taxpaying men and women of this country, saying that a super majority should be required to increase taxes. Let us move forward on the balanced budget amendment and enact the Contract With America.

THE IMPERIAL SPEAKERSHIP GOES TOO FAR

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, having worked very hard this weekend, having made a special round trip here to interrupt my weekend in my district to work on the Mexico loan bill, trying in cooperation with other Members to put together a set of conditions that would allow us to respond to a potential crisis in a way that met Members' concerns, I was appalled to see a memorandum from the chairman of the Committee on Banking and Financial Services on the Republican side threatening us that if we did not desist in our speaking about disagreements with the Speaker of the House, this would jeopardize the Mexico loan bill.

Members on the other side have said that we must do the people's business. There is no inconsistency between vigorous debate where we disagree and working together where we agree. This effort to threaten us into silence by telling us that if we continue to express our views on the unrelated issues we have about the Speaker, we will therefore have them pull the plug on negotiations over the Mexico loan, makes it clear who it is that is interested in blocking things. The imperial speakership is being taken much too far.

REPUBLICANS WANT TO CHANGE CONGRESS; DEMOCRATS WANT TO CHANGE THE SUBJECT

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, unfortunately, events on the House floor the last few days may have caused some viewers to think that the people's House is the most expensive day care center in the world. It, of course, is not. The planned disruption by those with no ideas will not keep Republicans from changing the culture of Washington.

Mr. Speaker, the American people elected a Republican majority in November. They sent a clear message: Clean up the way Congress conducts its business.

We promise to bring to the floor issues that the American people want to see, including unfunded mandate legislation and a balanced budget amendment. We are working to change the culture of Washington to bring discipline to Congress.

Mr. Speaker, it is time to get on with the business at hand. I want to change Congress, while some Democrats just want to change the subject.

CALLING FOR OPENNESS AND AN END TO CLOSED DOOR MEETINGS

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, following this past week's events regarding the Speaker's book deal it has become clear to us here in Congress that the Republicans do not want the American people to know about the details.

I ask, is it coincidence that Republican members of the House Commerce Committee met yesterday in a closed door session with the CEO's of major telecommunications companies—among them multimillionaire publishing magnate Rupert Murdoch?

And today's Washington Post reports that Speaker GINGRICH addressed the group at a closed dinner last night.

Is it coincidence that Democrats are being silenced and ruled out of order when questioning the book deal?

The Republicans have stated that they want a more open House—should the American people be shut out from knowing what happened last night behind closed doors?

What happened to letting the sunshine in?

Mr. Speaker, the American people want to know.

CONGRESS MUST STOP QUIBBLING AND GET TO WORK

(Mrs. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Washington. Mr. Speaker, I think what we are seeing here today is majoring in minors. The American people want to hear about the business of this House. They want to hear about the promises we kept, or are keeping, that we have made. They are tired of quibbling.

I went home for a few days and found that they go, "why are you guys fighting? Why aren't you working?" I want to tell the Members, the bill before us today, the most important bill, is unfunded mandates. That bill needs to be passed. We need to get to it.

The simple fact is the Safe Drinking Water act is costing one of my little towns nearly $2 million, and their water already tests clean. Their total budget is less than $3 million. That is what they care about. They are sick and tired of ignoring what is important. That is getting about the people's business, not listening to book deals.

Let us get to work and stop quibbling. They are starting to ask if we are children, and really, I do not think we are.

CHILDISHNESS IN PROTECTING AN IMPERIAL SPEAKERSHIP

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I would just like to make the record straight on this, whether or not we are being childish. This morning I read a woman in Vienna was sent to prison for 3 months for criticizing Maria Teresa, who has been dead for 131 years, because the Austrians will not tolerate anyone picking on their royalty, dead or alive.

We all say "Aren't we glad we are Americans? That cannot happen here," except we now have a memo from the other side of the aisle saying they are going to stop all business here if we do not stop pointing out there are some really troubling conflict of interest issues that we have with the Speaker and his continuing fox hunt as he looks to what he is going to do with this book deal.

That, to me, sounds like it is being childish. That sounds like a tantrum. It looks like a tantrum. I think there is a real question about who is being childish in protecting this imperial speakership.

□ 1020

TIME TO END WELFARE AS WE KNOW IT

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. FUNDERBURK. Mr. Speaker, when Bill Clinton campaigned for President as a new Democrat he promised to end welfare as we know it. But, unfortunately, he talked right and governed left. His first so-called reform expanded welfare spending by $110 billion and jettisoned what was left of workfare.

Mr. Clinton isn't the first liberal to promise reform. Since 1965 we have spent over $5 trillion on welfare and all we have to show is disintegrating families, children having children, burned out cities, and a 30 percent illegitimacy rate.

Last November, the American people said, "enough is enough." They want to stop the vicious cycle of dependence which has morally bankrupted three generations of Americans. Entitlements are not rights. Assistance, if needed, must be temporary—2 years and you're out. We need workfare now. If you can work—but won't—don't ask the taxpayer for help. We can no longer afford a government which subsidizes single mothers who continue to have more children. Unwed mothers must identify the fathers of their children and we must rein in deadbeat dads who refuse to support their families.

Mr. Speaker, time is running out, we must act quickly and forcefully to end the liberal welfare state. For the sake of every American, it really is past time to end welfare as we know it.

CONGRESS SHOULD QUIT BICKERING AND GO TO WORK

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, yesterday I received a call from a very angry constituent who had the unfortunate experience of watching yesterday's House proceedings. His message to me was simply: "Quit your bickering and get on with it."

Mr. Speaker, my constituent is right on the money. We do need to get on with it and that is why the renewed conviction I call on my fellow Members to join me in passing a balanced budget amendment.

Because Congress has for years proven incapable of fiscal discipline, only a strong tax limitation balanced budget amendment will force Congress to kick the habit of reckless spending.

I do recognize that Congress has tried in the past to restrain its voracious spending, but somehow these efforts always prove to be in vain. This must not and cannot continue.

The American people have spoken. They want a leaner and less intrusive government. They want us to put our financial house in order. And, finally, they want us to end politics as usual that leads to partisan bickering and gridlock.

NOT ALL MANDATES ARE CREATED EQUAL

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, unfunded mandates have gotten out of control. State and local governments have every reason to be frustrated. They do need relief. But we were elected and have a responsibility to do this right. Too much is at stake to just pass a bill without adequate hearings, without really listening to the people and say it is the answer and just ignore the consequences.

Not every mandate is the same, but this bill paints them all with the same brush. Under this bill, a mandate to prevent communities from dumping toxic chemicals into rivers that then destroy bodies of water like Long Island Sound and an absurd requirement that New York City has to wash its jail cells three times a day are treated alike. Likewise, the authors of this bill make no distinction between mandates to protect our children from abuse and requirements on the format of government reports.

Not all mandates are created equal, and this bill should not treat them the same. Over the next few days, we are going to discuss this issue.

ME TOO, BUT

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, there are some strange new creatures roaming the Halls of Congress these days. I am going to call them Metoobuts because of the peculiar sound they make. We just heard one.

Let me tell you how to spot a Metoobut. Their habitat is on the minority side of the aisle. To flush them out, just make a statement of Republican principle, for instance, "We want to end unfunded mandates." The Democrats, who have never met a mandate they didn't like, will say, "Me too, but * * *."

Or say that we Republicans want to balance the budget. The Democrats, who approved all the spending that led to the mess we are in, will say, "Me too, but * * *."

We want to shrink the size of Government. "Me too, but * * *."

We want a middle-class tax cut. "Me too, but * * *."

It is not just a case of the tiger changing his stripes, it is more like the tiger has become a vegetarian.

Mr. Speaker, the American people won't buy this phony conservative conversion by the Democrats and after the American people witness the extraordinary effort we are making to change the Congress and keep our promises, I think the Metoobuts may become an endangered species around here.

NO MEMBER IS ABOVE CRITICISM

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, this morning I awakened to a national news report that a Republican chairman of a major committee has threatened the President of the United States of America. That chairman, Chairman LEACH, threatened that Republicans will withdraw their support for the bipartisan provision to bail out the peso in Mexico if Democratic Members do not stop criticizing the Speaker.

No Member is beyond criticism. No Member should be placed in a special position where we cannot unveil to the American public what we think is going on. The truth must be unveiled. Instead of threatening us, we need an independent investigation.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1027

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, January 19, 1995, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 104–2 is considered by titles as an original bill for the purpose of amendment. Each of the first four sections and each title are considered as read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 5

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and House of Representatives before the Senate and House of Representatives votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates;

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process;

(7) to establish the general rule that Congress shall not impose Federal mandates on

States, local governments, and tribal governments without providing adequate funding to comply with such mandates; and

(8) to being consideration of methods to relieve States, local governments, and tribal governments of unfunded mandates imposed by Federal court interpretations of Federal statutes and regulations.

The CHAIRMAN. Are there any amendments to section 2?

☐ 1030

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we are right now working on an arrangement under which my amendment would be withdrawn to this section. I ask unanimous consent to take my amendment out of order at a later time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CLINGER. Mr. Chairman, reserving the right to object, I did not quite hear the gentleman's unanimous-consent request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FATTAH] asked that his right to offer his amendment be protected. He is not quite ready for section 2 and wishes to preserve his right to offer his amendment.

Mr. CLINGER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there amendments to section 2?

AMENDMENT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LOFGREN: In section 2(7), before this semicolon insert the following: ", and that congress shall not impose any Federal mandate on a State (including a requirement to pay matching amounts) unless the State is prohibited under Federal law from requiring, without consent of a local government, that the local government perform the activities that constitute compliance with the mandate".

Mr. CLINGER. Mr. Chairman, I reserve a point of order against the amendment.

Ms. LOFGREN. Mr. Chairman, I have three amendments that are really very similar in three different sections of the bill. For efficiency's sake only, I ask unanimous consent to consider all three at one time, en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. CLINGER. Mr. Chairman, reserving the right to object, I do so to find out which amendments the gentlewoman proposes to offer en bloc.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from California.

Ms. LOFGREN. The three amendments were printed in the RECORD. It is an amendment to section 2(7) to give rights to local government vis-a-vis State governments on Federal matching programs, an amendment to section 102(a)(1) that does the same thing for the Commission study, and an amendment in section 301 that provides for the same rights of local governments.

Mr. CLINGER. Mr. Chairman, I think I would really prefer that they be offered separately because we are dealing there with three different sections, and one of them actually, I understand, was to title III, and we are presently dealing with section 2.

The CHAIRMAN. Objection is heard.

Ms. LOFGREN. Mr. Chairman, I have been a Member of this body for 16 days, but I served in local government for 14 years and understand from that experience the real problems posed by unfunded mandates.

One of the things I hoped to do as a Member of this body was to support some relief from unfunded mandates. I hoped to be able to vote for a well-crafted bill that would, in a thoughtful and targeted manner, provide relief. Unfortunately, the bill before us today needs further work. The definitions of what is covered as a mandate and who is protected needs clarification. It is my hope that after considering various proposed amendments that will be offered to this bill I will be in a position to enthusiastically support it. The amendments which I am offering are part of the effort to improve this bill.

In all honesty, while Federal mandates that were unfunded did sometimes create problems for the local government in which I served, even greater problems were caused by unfunded mandates imposed by the State of California upon county government. The phenomena is the same as that which has sparked the movement to curtail unfunded mandates at the Federal level.

It is easy to posture and look good if you don't have to assume the responsibility for actually paying for what you do.

While we may all condemn Governors and State legislators who engage in such behavior, for State programs this behavior is beyond the jurisdiction of the Congress to curtail.

However, our jurisdiction is clear when the programs being off-loaded to local governments are Federal programs.

Take for example the AFDC program. Much has been said about a Federal-State partnership on welfare, but in California it is counties who administer the AFDC program, hamstrung as they are by State and Federal bureaucratic rules. The non-Federal share of AFDC is not entirely paid for by State government but is instead shifted to county government as an unfunded mandate. Over the years, the county share has increased without additional revenues provided by State government. The State is now discussing shifting the entire non-Federal share to county government. Mr. Chairman, this is exactly the type of action we seek to avoid in this bill.

Let me share some examples of the magnitude of the existing problem. In Santa Clara County, California's fourth largest, less than 5 percent of the county budget is available for local priorities. In Erie County, NY, of comparable size, only 27 cents of every tax dollar raised locally is available for local priorities.

Counties and cities are at the bottom of the political food chain. Under the unfunded mandates bill before us, States could agree to enter into large Federal matching funds in the future by allowing the non-Federal shares to be foisted off on local governments. When this occurs the problems of unfunded Federal mandates will remain unresolved. And, frankly, given the magnitude of change and potential budget cuts looming in our future, it is reasonable to assume that this problem for local governments will get much worse.

The amendment I am proposing would give some protection to local governments from unfunded Federal mandates. It would allow local governments the same rights in dealing with State government as the bill before us give States in dealing with the Federal Government when Federal matching programs are at issue.

All of the polling data I have reviewed indicate that the most popular level of government is local government. There is a reason for this. The average citizen cannot saunter down to the State House or the House of Representatives. They can easily go down to the city council or board of supervisors and be heard. Action can be immediate. There is another reason why the American people have more confidence in the government that is closest to them.

If we are to ameliorate the terrible problems that face our country, we will need to engage the creativity and energy of communities across this great Nation. This cannot be done from Washington and it cannot be done from a State capital. It has to happen right in a community with local leadership. The American people understand this and so should we.

If we allow Federal mandates to travel down the political food chain to local governments we will help to insure that the local creativity we need to deal with problems never has a chance to get moving. We cannot allow local governments to be saddled with the cost and bureaucracy of federally mandated programs that miss the mark when we need them to be creatively and effectively innovating change.

The committee report says that H.R. 5's purpose is to "strengthen the partnership between the Federal Government and State and local governments." Unless we adopt the amendment which I have proposed, we will fail in this mission. There will be no effective partnership with local government created by H.R. 5. That would be a sad mistake and a disappointing missed opportunity. For true partnership, all parties need both responsibilities and rights. This amendment would give rights along with responsibilities to local governments when Federal matching-fund programs are at issue. I urge passage of the amendment.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. CLINGER] insist on his point of order?

Mr. CLINGER. Mr. Chairman, I do not. I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point or order.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, just briefly I would say I certainly am sympathetic with what the gentlewoman is trying to do. I think we have all been frustrated with the fact that the Federal Government has sort of willy-nilly imposed requirements, mandates on States who in turn pass them through to State and local governments. But I do think that this is in effect giving the States a veto power in effect over what we can do here. I think we have extended the reach of what we are trying to do in this legislation much further than I think the intent is, which is not certainly to give the States veto powers in this instance.

So for that reason I would have to oppose the amendment.

Mr. DAVIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one of my concerns is in dealing with the coalitions that put this together, including State governments and local governments together, and this of course cuts right through that coalition and breaks it up. There is a huge problem with States mandating on localities, and a number of States in fact have moved to rectify this over the last years, the State of Florida being one, where by referendum the citizens there have stopped the unfunded mandate flow to local governments.

□ 1040

The commission is going to be able to look at this under this legislation, come back and report to Congress, and at that point, I think we will have a basis on which to operate.

I think although the purpose is good here, this is probably premature at this point, and for that reason I think it should be defeated.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Again, Mr. Chairman, I think all of us are very sympathetic to this purpose in the amendment.

I would point out, however, to the gentlewoman from California that this is in the purposes clause, and I think if we were to accept it it would be, in a sense, misleading in the sense this legislation, of course, H.R. 5, does not, indeed, do what this amendment would state. It does not insure that the States do not pass along those costs to the local government.

So I would think that it would be inappropriate to make such a misleading statement in the purposes clause.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentlewoman from California.

Ms. LOFGREN. My intent in offering it in the purposes clause has to do with making later amendments germane and, secondarily, in the entire committee report and hearings we talked about creating partnerships between States, local governments, and the Federal Government, and my point is, and I understand this is a new proposal, and I was not here to work on the old bill, but unless we give some rights to local government on Federal matching fund programs, we will not create a true partnership.

I think it would be a terrible mistake.

Mr. PORTMAN. Reclaiming my time, again, I think those purposes are noble, and I think some of the gentlewoman's concerns will be addressed in a later amendment that she may well offer with regard to the commission in looking at this issue.

I would say again the purposes of this legislation are to deal with unfunded Federal mandates at every level including at the local level, of course, and I think it would be unwise for us to put into the purposes clause that this legislation insures that States cannot do what is within their purview and not within the purview of Congress which is their dealings, their own partnership, as it were, with the local governments.

I would say this would not be the appropriate place to deal with it. I do plan to support the amendment later, I believe, later that the gentlewoman may offer with regard to having the commission look at this issue.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words.

I, too, am very sympathetic with the statements made by my new local elected official background colleague from California. But I, too, am concerned, as my friends have said, that this could actually be perceived as the Federal Government imposing a mandate, and it strikes me that as we look at the mandates which have been imposed from the State level into local governments, it is true that they have been very onerous, and it is obvious that local elected officials want to do everything they possibly can to dramatically reduce the imposition of those constraints on local governments.

But it seems to me that for Washington to actually dictate that in any way to the State level would be a mistake. While I am sympathetic with the goal, I do not believe that relying on the Federal Government is the proper place to do that.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. I would just answer to my colleague from California that I think there is a legitimate Federal issue here. The proposed amendment would deal only with Federal programs where a matching requirement is in place.

Under the bill, mandates that are matching are really not covered as mandates, and so we can see a phenomenon in the future such as occurred in the past in California and other States where a State will agree to enter into a program; there is a Federal purpose which is why we are discussing it here today, and agree to assume a share of the cost, because it is a helpful program. That is all well and good so long as that State accepts the responsibility for actually paying their share.

If, however, State government is allowed to essentially dump that burden off to local governments, then really the intent of H.R. 5, which is to have the people who are making decisions be accountable, responsible for what they do will be frustrated. We will not achieve the goal which we seek, and that is why the amendment is limited only to Federal matching programs.

Mr. DREIER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from California.

Mr. DREIER. I thank the gentlewoman for yielding.

I will simply say that I do have concerns about what would be still interpreted as the Federal Government being involved, even though these are Federal programs imposing what would be interpreted as a mandate at the State level, and it is for that reason that I am inclined to oppose the amendment, although, as I said, I am very sympathetic with it.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I just want to thank the gentlewoman for yielding.

I rise in support of this. I think this amendment really highlights one of the concerns that we have, and that is to some extent some of the duplicity of the Governors who have come here and talked about unfunded mandates and the burdens that the Federal Government pushes on to the Governors, even if it is for a local purpose and a Federal purpose, and then those very same Governors turn around, do the same to local government in their States. They accept responsibility. Then they decide they cannot handle the financial aspects of it, they turn around to the counties.

In our own State of California, in this last year, we have watched the Governor come and scoop up local revenues, take them to the State level, and then tell the counties that they had an additional burden for mental health and health care of individuals and for probation and all these other programs. They said you have to take care of it, but the money has now gone to the State. That historically has happened in State after State after State. Yet these Governors come to the Federal legislature somehow wanting us to believe that they have clean hands when they come before us and suggest they would never think of such a thing as an unfunded mandate. Yet everybody here who has worked in local government knows it happens to you each and every day.

In California they are so brazen, when the legislature passes an unfunded mandate, they pass boilerplate language that says, "Under S.B. 90, this is not an unfunded mandate, and do it anyway." And that is the situation that the gentlewoman from California is trying to get at is that it is not good enough, if you believe in this arrangement that you are talking about in this legislation.

All you have really done now is made things more difficult for the most local forms of government as they continue to receive these State unfunded mandates, if you will, as the States continue to agree with the Federal Government about the purposes of these programs.

Mrs. COLLINS of Illinois. I would urge all of my colleagues to support this amendment, because if we are really writing this bill to lower the costs of mandates for localities, we just have to recognize that much of these costs are really State mandates, and when States mandate that localities do certain kinds of services without providing those kinds of funds, you do have the passthrough effect that just simply does not make a lot of good sense.

If we are serious about having mandates not imposed on people that are unfunded, then support the gentlewoman's amendment.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

POINT OF ORDER

Mr. VOLKMER. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VOLKMER. Mr. Chairman, has the gentleman previously spoken on the amendment?

The CHAIRMAN. The gentleman is correct.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition, and I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, just one additional point with regard to the comments of the gentlewoman from California.

I think the logical extension of this amendment would then be to say to the counties, for example, that the counties cannot, under Federal law, pass along any mandate to the townships, as an example, and so forth.

I think this gets into an area that is well beyond the scope of the legislation in the sense it is the Federal Government, Congress, mandating what the States do and mandating what the counties do and mandating what the townships do and so on.

I would also say the gentlewoman's amendment would go well beyond this legislation, perhaps beyond at least the way it was described by the sponsor of the legislation, by the sponsor of the amendment, in the sense it prohibits, as I read it, any mandate being imposed on a State. It is a flat prohibition.

As will be discussed later at length in this legislation, this legislation is not a flat ban on all mandates. This legislation sets up a process and provides for a thoughtful debate and then accountability and a majority vote on a waiver of a point of order on a mandate. In other words, there is discussion and informed debate. That is the purpose of the legislation.

Again, I think this amendment in the purposes clause would be misleading at the least, probably more so it would be inconsistent with the rest of the legislation as I read it.

Mr. GOSS. Reclaiming my time, I yield to the distinguished colleague, the gentlewoman from California.

Ms. LOFGREN. I would just say that I think local governments throughout our country place their hopes on us to stand up for them today.

I will offer later today an amendment to ask the commission that is proposed to review this, and I am hopeful there will be support for that and ultimately there will be relief for the cities and counties of America.

□ 1050

But I would argue as well that in the interim we do need to take steps, especially considering the cuts that are likely to occur in this Congress and the very high probability that the budget of those cuts will be shifted to local government and not assumed by the State government and the citizens themselves will be distressed. We will fail in our mission to provide mandates, really which I am very much in favor of after my 14 years on the board of supervisors in Santa Clara County.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GOSS. Reclaiming my time, Mr. Chairman, I yield to the gentleman.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Florida, my friend, for yielding.

Mr. Chairman, I would just point out I think this is one of the pitfalls with the legislation that we have before us. It sort of is the blame game in terms of one unit of government, local, the county governments, and States blaming the other for the challenges and unpleasantness and dilemmas that they face. I think that is one of the problems inherent in this legislation that we have before us with regard to mandates.

I was listening to a debate on public television which my colleague from California was involved in, Mr. MILLER, with the Governor of Ohio, and all of the problems of taxation issues in that State were basically left at the doorstep of the Federal Government, the U.S. Congress. Inherent in this is some of that same aspect. I think, clearly as we deal with Federal law, as States deal with State law, as ordinances in counties deal with the various laws that they have, the issue is there has to be a consideration of the requirements, the expectations that we have, realistically at all of these levels. Quite candidly, as I had stated yesterday on the floor, I think too often the representation is one of confrontation rather than cooperation.

Inherent in our basic documents in the form of Government that we have is the understanding that there is cooperation between the States, between the Federal Government, between the various counties and local governments that make up the response and service to the people that we represent. Unfortunately, I think that this legislation does not, as it is now drafted, come to grips with that. I think it puts in place unrealistic expectations and requirements that simply add layer after layer of bureaucracy. It is as if we are now going to have, instead of working through the local police and State police powers, we are going to have Federal marshals reoccur in these instances. I think it offers real problems.

I think this amendment in the purposes clause is coherent and appropriate. I am surprised the major sponsors of this are reluctant to accept this as one of the purposes, because one of the purposes is, obviously, to try to develop this cooperative attitude, to have a two-way street with regard to the type of responsibilities and roles of local governments as they relate to the States.

We all understand in our Constitution the unique difference between powers reserved to the States, solely reserved to the States, and the local governments really are not even recognized in that. They are an artifice, in fact, of the States themselves. And, of course, they differ from State to State.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

(On request of Mr. VENTO and by unanimous consent, the gentleman from Florida [Mr. GOSS] was allowed to proceed for 3 additional minutes.)

The CHAIRMAN. The gentleman may proceed.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I will yield briefly to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding further.

Mr. Chairman, I wanted to summarize by saying that I think that accepting this as a purpose in terms of recognition and really the complaint and the growth of this has been from the grassroots. It has not—the States are late to this particular process, and I think, in most instances, wrong when we are talking about grants in aid, talking about entitlements, the sort of extraordinary basis. Most of those programs are, in essence, voluntary.

In any case, I think this points up the nature of the problem. I am, you, know stunned that there is no recognition or acceptance, at least in the purposes of this, as a problem, and I think the gentlewoman has a good point here, and I hope the Members would agree.

Mr. CLINGER. Mr. Chairman, will the gentleman from Florida yield?

Mr. GOSS. I am very happy to yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding.

Just briefly to say that the objection here is not the intent of what the gentlewoman is trying to accomplish. It is beyond what we have in this bill, which is a point of order would lie against this. This is an absolute veto over the power of us to do anything in this regard. So it is an extension.

Let me assure the gentlewoman, though, that in the proposal I think she is going to offer later in the day relating to the same issue, I think we could be very helpful in that regard, and I think that makes better sense than what we are dealing with here.

Mr. GOSS. Reclaiming my time, I think the chairman has laid it out well. I, too, am a mayor and former county chairman, and I understand the problem of these mandates. I think we have crafted a way here, and we are going in the right direction to get the desired result.

I am particularly mindful of the two very great benefits we are going to get out of this legislation when we are through with it after this very open debate that we are having, is we are going to start having price tags and start having accountability. Both of those are tremendous pluses. We are also going to have trouble with what are the priorities and how much are we going to spend? I think that is the essence of democracy. I think we set up a pretty good system.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, 2 weeks ago I was elected to represent the Committee on Economic and Educational Opportunities with the Republican Governors on welfare reform. The No. 1 issue among the Governors, Republicans and Democrats, was unfunded mandates.

They went through—there are 366 welfare programs, and under the programs—AFDC, of course, is covered by Ways and Means, then food stamps by the Committee on Agriculture, and work programs and so on by the Economic and Educational Opportunity Committee.

Each one of those organizations has got mandates which go down, and we are trying to block grant those. I understand what the gentlewoman is trying to do. The Governors would have us just give them the money without any accountability or responsibility for what the money is used for. That is why I sympathize, but we do it in a little better direction. We do have to hold them accountable for certain areas. We do have to have accounting for the dollars.

But what the problem is, when we give the State unfunded mandates, we blame the States because they are giving unfunded mandates, they have to literally give State mandates because of our mandate. I mean it is a vicious circle. That is what the Governors, Republicans and Democrats, vowed to eliminate because they can be much more efficient in this process.

We look at well-meaning mandates, that we have given, say, for our States, for California, I say to the gentlewoman from California: The Brady bill, the motor-voter bill, endangered species, clean air, clean water, and, yes, even illegal immigration mandates that we fight. We have got to kill these intrusive mandates and focus. For example, in education we only get 23 cents out of every dollar to the classroom. Why? Because of bureaucracy and the burdensome mandates.

I appreciate what the gentlewoman is trying to do, but I have to oppose the amendment because I think there is a better way to do it and we will come up with the amendment. I will support the gentlewoman's further amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. LOFGREN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. So many as are in favor of taking this vote by recorded vote will stand and be counted.

Mr. WISE. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WISE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Does the gentleman from West Virginia [Mr. WISE] insist on his point of order?

Mr. WISE. Mr. Chairman, I withdraw the point of order.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute maximum vote.

The vote was taken by electronic device, and there were—ayes 157, noes 267, not voting 10, as follows:

[Roll No. 22]

AYES—157

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rose
Roybal-Allard
Rush
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—267

Allard
Andrews
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Archer
Ehrlich
Flake
Gibbons
Levin
Lincoln
Reynolds
Smith (MI)
Smith (NJ)
Yates

☐ 1117

The Clerk announced the following pair:

On this vote:

Mr. Levin for, with Mr. Ehrlich against.

Messrs. SALMON, COLEMAN, LIGHTFOOT, KLINK, McINTOSH, and PETERSON of Florida changed their vote from "aye" to "no."

Mr. THOMPSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. VISCLOSKY, McHALE, and TEJEDA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1120

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from Virginia [Mr. DAVIS] and the gentleman from Pennsylvania [Mr. CLINGER] and also the ranking member from the minority party, the gentlewoman from Illinois. We have come to an arrangement whereby I will be withdrawing amendment No. 12. I would like to then move amendment No. 13. That amendment has been agreed to by all sides.

AMENDMENT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FATTAH: In section 102(a), after paragraph (1) insert the following new paragraphs (and redesignate the subsequent paragraphs accordingly):

(2) investigate and review the role of unfunded State mandates imposed on local governments, the private sector, and individuals;

(3) investigate and review the role of unfunded local mandates imposed on the private sector and individuals;

At the end of section 102, add the following new subsection:

(e) STATE MANDATE AND LOCAL MANDATE DEFINED.—As used in this title:

(1) STATE MANDATE.—The term "State mandate" means any provision in a State statute or regulation that imposes an enforceable duty on local governments, the private sector, or individuals, including a condition of State assistance or a duty arising from participation in a voluntary State program.

(2) LOCAL MANDATE.—The term "local mandate" means any provision in a local ordinance or regulation that imposes an enforceable duty on the private sector or individuals, including a condition of local assistance or a duty arising from participation in a voluntary local program.

Mr. FATTAH. Mr. Chairman, we have a lot of work in front of us so I will not debate this.

I would like to thank the parties on both sides of the aisle for this amendment being agreed to and would ask for its favorable consideration.

Mr. DAVIS. Mr. Chairman, I move to strike the last word.

Let me thank the gentleman from Pennsylvania [Mr. FATTAH] for offering this. Mr. Chairman, we accept this amendment.

This amendment will allow the Commission that is overseeing to make a report to the Congress within 1 year, to come back and look not only at the effect of Federal mandates on State and local governments but also be able to look at the mandates that States can put on local governments and local governments put on individuals. That would be part of their overall report, as they come back to us.

This will allow that Commission the opportunity to address those issues, which I think is very important.

Mandates that are crippling localities today do not all emanate from the Federal Government. A lot of this is trickled down from the States to local governments as well. This amendment really will allow the Commission to report and give us a data base where we can proceed accordingly.

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I do think it is important that we not be opposed to the tyrant but that we be opposed to the tyranny and that if we want to look at this issue that we have, we do it in a broad brush.

I thank the gentleman for his cooperation.

Mr. DAVIS. Mr. Chairman, this addresses many of the concerns of the gentlewoman from California that she had raised on the first amendment. But instead of putting these into the purpose clause, where I do not believe it belongs, it puts it where the Commission can look at that and study these matters and report back to us.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

I seek recognition to speak on behalf of the comments that were made from the gentleman from Virginia.

I do think it is terribly important to set up a structure where we do have constant communication with States and localities. There will be an amendment coming up subsequently where we will ask the Advisory Commission on Intergovernmental Relations to set up that structure.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Virginia, if he sees this as consistent with the points that he was just making.

Mr. DAVIS. Mr. Chairman, I think it is consistent with the points.

Mr. MORAN. Mr. Chairman, I certainly support that. I think it is terribly important, with all of these issues that come before us, that we not operate in a vacuum, that we in fact be guided by State and local leaders to tell us what is working and what is not and how we might make some of these programs work better.

The real motivating force behind this whole unfunded mandate legislation is existing law and existing regulations. So we could accomplish the most by communicating with the people who are most adversely impacted, working with the executive branch to figure out how to most efficiently carry out the original intent of the legislation, not to apply a cookie-cutter approach, not to be unreasonable, not to be unilateral in our decisionmaking up here in Washington without communicating to States and localities.

If we can do that, and I think the Advisory Commission on Intergovernmental Relations is the ideal group to do that because it is bipartisan, it is fully representative of States and localities, then I think we will have accomplished the principal objective of this legislation, which is that kind of communication within the context of federalism.

□ 1130

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I am pleased to yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I would state that I am very sympathetic to the gentleman's concern about the Commission and the ACIR as being the proper receptacle. There will be an amendment offered in this regard. The Senate has already made that change. I think this will be an addition to the bill which will be very helpful.

Mr. MORAN. Mr. Chairman, I am pleased to hear that.

Mr. Chairman, let me just respond to the chairman of the committee, the gentleman from Pennsylvania. When title I of this bill comes up, Mr. Chairman, I plan to, and in fact I think the gentleman from New Mexico [Mr. SCHIFF], the gentleman from Virginia [Mr. DAVIS], and several others, I am one of the sponsors as well of an amendment that will clarify that ACIR would carry out that function.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I want to take the time very briefly to commend the gentleman from Virginia [Mr. MORAN] for his input into this type of legislation for these good many past years. The gentleman is recognized as a former mayor of Alexandria, who did an outstanding job while mayor of Alexandria, and has through the years worked with these kinds of problems and is very knowledgeable and to the impact that Federal mandates, State mandates, and others have on local government.

Mr. Chairman, I want to commend the gentleman from Virginia for all the work that he has done on this type of legislation.

Mr. MORAN. Mr. Chairman, that is very nice of the gentleman from Missouri, and I appreciate it.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding for a brief minute.

Mr. Chairman, as we try to sort out the federalism, the different functions of the State, the Federal Government, and the local governments, I believe that the Advisory Council on Intergovernmental Relations will play a more crucial role as a result of this amendment offered today. I think this goes for all of us in government working together.

In that regard I think we are prepared to accept the amendment.

Mr. MORAN. Mr. Chairman, I thank the gentleman, and agree with his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FATTAH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms "agency", "Federal financial assistance", "Federal private sector mandate", "Federal mandate" (except as provided by section 108), "local government", "private sector", "regulation" or "rule", and "State" have the meaning given those terms by section 421 of the Congressional Budget Act of 1974; and

(2) the term "small government" means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

The CHAIRMAN. Are there any amendments to section 3?

If there are no amendments to section 3, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. LIMITATION ON APPLICATION.

This Act shall not apply to any provision in a Federal statute or a proposed or final Federal regulation, that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of such a government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

(6) the President designates as emergency legislation and that the Congress so designates in statute; or

(7) pertains to Social Security.

The CHAIRMAN. Are there any amendments to section 4?

AMENDMENTS OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer amendments 131 and 132, and ask unanimous consent that they be considered en bloc. Mr. Chairman, I understand Nos. 41 and 42 have been changed to 131 and 132 since last night.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. TAYLOR of Mississippi: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ", or", and after paragraph (7) add the following new paragraph:

(8) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or,", and after paragraph (7) add the following new paragraph:

(8) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by thanking the Committee on Rules and the chairman, the gentleman from Pennsylvania [Mr. CLINGER], for bringing this bill to the floor under an open rule so all points of view could be heard as we try to perfect this legislation. I think that is the key word, is that we are trying to perfect this legislation, not to defeat it, because it is a good bill.

We are here today discussing unfunded mandates because in previous years Congress has hastily passed laws without regard to their effect on State and local governments. Laws that we thought would help people actually hurt them, because we did not take the time to see them through. We appear to be doing that again today.

I offer an amendment to H.R. 5, the Unfunded Mandate Reform Act of 1995, to help prevent this mistake from recurring. This amendment will provide for the protection of public health by including sewage treatment regulation in the language of the bill.

Our citizens pay taxes and they want to see positive results. They receive instant gratification when local governments pave the streets, improve the quality of the drinking water, or increase police protection to provide a highly visible deterrent to crime.

Mr. Chairman, wastewater is a different matter. While sinks, showers, and commodes are draining properly, people do not care where it goes as long as it goes away. Therein lies the problem. It does not go away. It is discarded into streams, lakes, rivers, and oceans that carry the stench, the germs, the filth, to some other community downstream.

The Mississippi River drainage basin services 41 percent of the mainland United States. This includes 31 States as well as two Canadian Provinces, an area of 1.5 million square miles. It is the largest drainage basin of the country and is inhabited by 80 million Americans and over 2 million Canadians. This means that any untreated waste, waterborne disease or filth which enters any body of water in dozens of States will eventually flow past my State and many of your States.

Mr. Chairman, surface filth flows past cruise ships and waterfront recreational areas in towns like Natchez and Vicksburg. Waterborne diseases end up in the drinking water of hundreds of cities who rely on the Mississippi River for their water supply. Small towns, cities, and even large metropolitan areas like New Orleans rely on the Mississippi River for their drinking water.

However, closer to home, those of us who live in Alexandria, VA, should be aware that our drinking water is one tidal cycle away from the wastewater discharge of the city of Washington, DC. If Washington, DC, chooses not to treat its sewage because the mandates have been lifted, it is going in our drinking water tomorrow.

It does not stop there, Mr. Chairman. The most productive commercial shrimping, fishing, and oystering industries in the world are found in the Mississippi River basin. Oysters, for examples, are filter feeders. They pump gallons of water through their bodies every day, and they retain any pollutants in that water. The crabs and shrimp and oysters that are harvested in front of my home town in Bay St. Louis, MS, live in those waters, but they end up on your dinner plates.

As Members can see, there are some things that originate locally but affect us nationally. Just as our Nation should never force its unfunded and unsolved problems on the local communities, nor should the local communities pass their unsolved problems on to communities downstream, and in turn, back to our Nation.

□ 1140

I agree that we have to get a handle on Federal mandates, but to throw them all out makes no sense at all. After all, we could have chosen to be city councilmen, we could have chosen to be State senators, but we chose to be national lawmakers because there is a time and a place for this Nation to make laws to help all of us, to see to it that some of us do not hurt all of us.

The unfunded mandates bill is wise in that we should always know the cost of these laws, but there is a time and a place. After all, when you think about it, the Ten Commandments is an unfunded mandate.

My concern is that since there were no hearings on the bill, clear and concise language needs to be included to ensure that we are not undoing present laws.

These laws exist for a good reason. I was a city councilman when Federal revenue sharing funds were cut back.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. TAYLOR] has expired.

(By unanimous consent, Mr. TAYLOR of Mississippi was allowed to proceed for 3 additional minutes.)

Mr. TAYLOR of Mississippi. Mr. Chairman, I was a city councilman when Federal revenue sharing funds were cut out. The biggest issue we faced back then was upgrading the Bay St. Louis sewage treatment plant. Had it not been for Federal mandate, that all-Democratic board would never have voted to clean up our city's wastewater treatment. It is just that simple. The citizens do not see the reward. The problem is passed downstream.

It is just not fair that my city should poison any other city's drinking water, and it is just not fair that some other city like New York should poison New Jersey and that Connecticut should poison the folks downstream from them.

Chicago's drinking water ends up in the Mississippi River. It goes to Natchez, it goes to New Orleans, and when the spillway is open, it flows in front of my house.

I have made what I think is a reasonable request of the chairman of this committee, to see to it that when the Clean Water Act is finally reauthorized, because it has not been reauthorized, that this somehow does not be considered a new mandate, and because Federal funds are going to be cut, and they will be cut when we pass the balanced budget amendment, that the provisions of the bill that say when we cut back on Federal fundings, that the locals no longer have to abide by the law, do not apply to this law, because this is the kind of law that we need to keep on the books.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

I do so reluctantly, because the gentleman from Mississippi and I have had discussion about this problem that he faces, and it is a real one, but I think that the point needs to be made here that on many of the items we are going to be dealing with this morning and this afternoon asking for exemptions for various statutes from the provisions of this legislation are all well-intentioned. In fact, many of these are programs that clearly are very valuable programs, ones that provide for the health, safety, and environment of the country. But what we are saying here is we are not saying they should be exempt from consideration as to the cost.

What is the cost of imposing a mandate, implementing this legislation, and that is what we are asking for, an analysis of the cost.

To exempt out an entire program, meritorious as it may be, should not exempt it from a fair consideration of the cost involved in a mandate involved in connection with that legislation. That I think has to be stressed.

This is not a bill that is retroactive. It is not going to in any way abrogate any of the provisions of the Clean Water Act.

The gentleman does point out the Clean Water Act is in limbo. It has not been reauthorized. It is going to be reauthorized. The chairman of the committee, the gentleman from Pennsylvania [Mr. SHUSTER], has indicated that that is an early subject for reauthorization.

In an attempt to respond to the gentleman from Mississippi's concern, we did adopt an amendment to the bill which we think does address the concerns that he had, and is concern was that where you have legislation where the authorization has expired, that there be recognition that any mandates included in that legislation when it is reauthorized, if there is a gap between the time it expires and the time it is reauthorized, that any mandates included in that would not be affected by the reauthorization, would not, in other words, be treated as new mandates. They would be considered as a carryover from the existing legislation.

Our intent there was to make it very clear that we are in no way trying to look back and eliminate mandates that were imposed in previous legislation. That was not the intent, and we hope that the language in 425(e) which does represent that adjustment would address the concern.

We think the gentleman's concerns are well-founded, but we do think that this language addressed those concerns and says the Clean Water Act and the mandate that are imposed under the Clean Water Act and will be imposed again when the Clean Water is reauthorized in the next month or so would continue, and the same restrictions that exist on upstream communities now will continue and not be affected.

For that reason, Mr. Chairman, I must reluctantly oppose the gentleman's amendment. And I must indicate that I am going to probably oppose most of these statute-specific amendments to this bill because again I would say most of them are very valuable pieces of legislation, but they should not just because of that, because they are so meritorious, be totally exempt from consideration as to the costs that they impose on local governments. I must oppose the amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. If I have time, I would be happy to yield.

Mr. TAYLOR of Mississippi. Mr. Chairman, again I want to thank the gentleman from Pennsylvania [Mr. CLINGER] for bringing this bill to the floor under an open rule. That in itself is certainly a step in the right direction.

We have had this discussion both in publicly and privately. I remain unconvinced that the language that you inserted is clear enough to keep a high-priced lawyer from going to the different cities and different States and saying, "If you fix your sewage treatment plant, you're going to spend millions of dollars. Why don't you put me on a retainer for $10,000 and I'll keep this tied up in court for so long that it will be past your administration. It will be someone else's problem until you get it fixed."

But we all know it is not someone else's problem. It is someone downstream's problem.

I ask the gentleman from Pennsylvania [Mr. CLINGER] for the sake of the people in this room to read the language that he thinks addresses the problem. Because I think they are going to find it as ambiguous as I did.

Mr. CLINGER. Reclaiming my time, the language that we refer to and which was adopted specifically as a result of your concerns is 425(e), which says that "Subsection (a)2 shall not apply," that is, the unfunded mandate, shall not apply to any bill, joint resolution—I mean the point of order would not lie against "any bill, joint resolution, amendment, or conference report that reauthorizes appropriations for carrying out"——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER], has expired.

(By unanimous consent, Mr. CLINGER was allowed to proceed for 1 additional minute.)

Mr. CLINGER. "That reauthorizes appropriations for carrying out, or that amends, any statute if enactment of the bill, joint resolution, amendment, or conference report—

"(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

"(2)(A) would not result in a net reduction or elimination of authorizations of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

"(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernment mandate by a corresponding amount."

I think our intent here was clearly to make it as crystal clear as we can that we are not intending in this way to abrogate or undercut existing mandates in the legislation whether or not it was reauthorized or not.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I am not questioning your intent. We are a nation of law. It is not our intentions that count.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has again expired.

(At the request of Mr. TAYLOR of Mississippi and by unanimous consent, Mr. CLINGER was allowed to proceed for 5 additional minutes.)

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman continue to yield?

Mr. CLINGER. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I am not questioning the intent of the gentleman form Pennsylvania [Mr. CLINGER] because I know his intent is correct. But we are a nation of law and it is what is in the law books that count. That language is ambiguous, and there will be reductions in Federal funding in the future just as there have been in the past.

In 1980 approximately, the Federal Government was paying 90 percent of the cost of upgrading wastewater treatment plants locally. Today it is 55 percent where and when those communities are lucky enough to get it.

We are going to pass a balanced budget amendment, I will vote for it, and we will then have to reduce the amount of money we give to the States and cities. It is going to happen.

I think it is very important that since you have a provision in there that says this does not count, if funds are reduced, well, then, we know right off the bat that within a short period of time, funds will be reduced, it will not count, and I think it is important that we have clear and concise language on this one issue.

□ 1150

Mr. CLINGER. Reclaiming my time, the problem is there are many Members who want exemptions from this legislation for a variety of reasons and they are all concerned about the implication of this act on it. But if we exempt everybody's concerns, we will have basically exempted the entire, all of the legislation from the impact of this legislation.

I think none of these programs should be exempt from a consideration of what are the costs that are being imposed. It may well be that the concerns that the gentleman has raised rise to a level where the mandates should indeed be passed throughout the funding, because it is of such overwhelming concern. But I do not think we should exempt anybody from a honest analysis of what are the costs involved.

We are not saying we are going to prohibit this; we are just saying it needs to be considered.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding.

The problem is not only what the gentleman from Mississippi has raised that there really will be no more money for any new activity at the Federal level with the balanced budget amendment, pay as you go, et cetera, but that the Clean Water Act, which will shortly be reauthorized, will in fact include new activities. So it will fall under this unfunded mandate legislation.

So the provision that says that if it is simply a reauthorization, that will not apply, and in fact I do now know of any reauthorization that has been a strict, pure reauthorization of the existing activity. So the likelihood is all of these new environmental laws will in fact be applicable to unfunded mandates.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I guess we need to make clear in this debate that what we are talking about is a point of order that could be raised against a new mandate, a new mandate in a reauthorization bill. This legislation does not apply retroactively, it only applies prospectively.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. Reclaiming my time, I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, first of all I come from a city, Albuquerque, NM, in which the Rio Grande runs right through the middle of our city, so I understand the issues that are raised by the gentleman from Mississippi.

But I think this amendment should be the place that we emphasize as strongly as possible that the gentleman from Mississippi's statement that we should not do away with all unfunded mandates is in fact not what we do in this bill.

What we do is to allow for a point of order to be raised so that Members of Congress can be made responsible to identify the cost, and to vote on the record with respect to imposing any unfunded mandate on the States, whether it is with regard to effluent into rivers or any other subject. So there simply is nothing in this bill that prohibits the Congress from imposing an unfunded mandate. So all of the references to certain health protections will not take place because there is no money to fund them and so forth, simply does not ring true. We are just saying in this bill that Congress should justify up front and on the record the actions that it is taking.

Mr. CLINGER. Mr. Chairman, reclaiming my time, let me just say it is my view that the substitute language that we put in here basically protects the concern the gentleman has. It will not be subject to a consideration of the cost, and this is my view. But if that is not the case, it still is not true that the concerns the gentleman had would come to pass because we would then consider the cost as against the benefit, and it very well could be that given the high degree of importance of this legislation that we would not pass it through.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has again expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. CLINGER was allowed to proceed for 2 more minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentleman yield on this very point?

Mr. CLINGER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, what the gentleman is arguing is prospective legislation could have provisions in it that would deal with this problem. But I do want to point out that the existing legislation before us today says that under existing laws if EPA adopts a regulation to enforce the law that regulation has to be pursuant to an analysis as well, and then the agency would go forward with the regulation, and that can be tied up in court.

So what the gentleman has argued and the gentleman from New Mexico [Mr. SCHIFF] has argued ideally does not apply to that kind of circumstance. Under the existing clean water law, under the existing Clean Water Act, Safe Drinking Water Act, whenever we have an interstate problem, whenever we have a regulation that is promulgated to enforce that law that is already on the books, that could be tied up in courts by the polluter, who would then not want the regulations to go into effect, and they would tie it up on the basis of perhaps the analysis was not done as thoroughly as it may otherwise have been done. They do not even have to have a lot of merit on their side to tie something up in court for a long time, during which a great deal of damage would be done.

Mr. CLINGER. I hear the gentleman's concerns, but what we are talking about is no title II regulatory concern. New regulations would indeed be subject to that provision, but looking back at existing regulations promulgated to carry out the intent of the Clean Water Act.

Mr. WAXMAN. New regulations would not come back to this institution on a point of order. New regulations to be issued by an agency would follow an analysis by the budget people as to the cost, and of course that analysis is only one sided, it is only the cost, not the benefits.

Mr. CLINGER. Regulations that have an impact of over $100 million.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have gotten into the guts of our greatest concern over this legislation, so I would like to pursue this a bit.

I think the gentleman from Mississippi [Mr. TAYLOR] may have the most extreme case. Being at the bottom of the Mississippi Delta and having every other State's sludge flow into his district is of understandable concern.

We know how responsible our Representatives are from Missouri and Ohio, for example, but it is entirely conceivable, given the fiscal priorities, that they may not attach as much concern to cleaning waste water and storm water upstream as Mississippi would.

So we can understand the disparity in responsibility. But I would like to use as an example another one that my friend from Mississippi used of the Potomac River, because we almost all of us cross the Potomac twice a day. Many of us drink, in fact I think everybody in the entire Capitol Hill complex drinks water from the Potomac River.

That water is purified at the Dalecarlia plant. We would like to privatize that plant. This legislation will preclude us from being able to do that, because where there will be an option whether or not to abide by Federal regulations for States and localities, in other words the public sector, all those laws and regulations will apply to the private sector, so it precludes our ability to privatize out that function to a private utility.

But even more importantly, let us consider the Potomac River. I see the gentleman from Fairfax County, VA [Mr. DAVIS], who I know realizes that 10 years ago if one fell into the Potomac River they had to get an immediate tetanus shot and probably resign themselves to some disastrous illness, but that is no longer the case. This is an example where clean water, Federal law and regulation worked. In fact they have beavers; you can fish for bass there. It is relatively clean water. I would not suggest we drink from it without it going through the water filtration plant.

□ 1200

But the fact is that fish and animals can live in the Potomac River. That is a result of Federal law, Federal regulation, and an interstate compact.

Now, under this legislation, since the Clean Water Act will authorize new activities, there will not be enough money under any circumstances to fully fund the cost of implementation of the Clean Water Act. It will become optional to localities.

Now, I will address the point of the gentleman from Ohio [Mr. PORTMAN] and the point of the gentleman from New Mexico [Mr. SCHIFF] in a moment.

But assuming that we abide by the intent of this legislation and we do not impose that unfunded mandate on States and localities, then West Virginia, and we all know how clean the water is from that, and the senior Senator from West Virginia would be the first to tell us that, the fact is it would not have worked if West Virginia had not fully participated, but West Virginia had very little incentive. It was extremely expensive for them.

It would not work for the District of Columbia unless Virginia contributed an enormous amount of money, likewise with Maryland. It only works if there is a Federal requirement that every jurisdiction contribute equally according to their respective responsibility.

Now, what you are going to tell me is that do not worry about this, that in fact knowing this, the logic, the compelling arguments will be strong enough that we reauthorize the Clean Water Act regardless of the fact that it is an unfunded mandate, that we, in fact, do not trigger this option. Jurisdictions can decide whether or not they want to abide by it.

Quite frankly, I think it is entirely likely that there will be an effort on the part of States and localities to get Members of this body to commit that when there is a point of order raised on an unfunded mandate that we will vote against imposing unfunded mandates on States and localities regardless of the issue, and we are going to get a large number of the proportion of this body committed to do that.

We do not want to restrict ourselves in that way.

I think it is entirely appropriate, in fact, it is the only responsible thing to do, to know what the cost is we are imposing on States and localities as well as the private sector. We should do it for the private sector, too.

But we should give ourselves the option of exercising the judgment we were elected to do.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words in opposition.

Briefly addressing the concerns of my friend, the gentleman from Virginia, first of all, the gentleman from Mississippi who offered this amendment has been an ally generally in the unfunded mandate debate, and I think he would understand that to begin to exempt major pieces of legislation from this bill would, in fact, gut its purpose.

Let me be very clear as to what this bill does. With regard to reauthorizations, existing mandates would continue to be exempt from the bill. Only new mandates, and by that, I mean new mandates in a reauthorization context, where there is not funding available.

Let me give you an example. The gentleman from Virginia [Mr. MORAN] has spoken about the possibility of reauthorization of clean air and inappropriate funding. You get credit for any existing funds that are in the system. In other words, you may have a situation where there is a 50-percent cut in funding for a specific mandate. That mandate will only be reduced commensurate to that funding.

Let me be very clear as to what this does. More importantly, all we are saying is that the Clean Water Act, just like every other piece of legislation, should be subject to this same discipline of getting that cost information, getting an informed debate, then Congress can work its will.

The Clean Water Act is not perfect. I happen to represent 100 miles of the Ohio River, so I am very sympathetic to the concerns described by the gentleman from Mississippi and the gentleman from Virginia.

I see in this morning's paper, it talks about mandate overboard. Rockville, MD, in particular, is complaining about lack of flexibility in the Clean Water Act and some regulations that simply do not apply appropriately to their situation and have resulted in increased costs which are all passed along to the State and local taxpayer.

The Clean Water Act is not perfect, nor is the Clean Air Act, nor are other pieces of legislation.

Why not subject them all prospectively, and remember, this is all prospective, to this same discipline? It seems to me again if we are to open up this bill to all kinds of exemptions, Clean Water Act, wastewater treatment, and so on, we have gutted the whole purpose of this bill.

This is an informational bill and it is an accountability bill.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Virginia.

Mr. MORAN. Using this example, some bodies of water we have cleaned up. The commitment has been made by the Federal Government, the State, and to some extent local and regional governments. Those bodies of water were cleaned up.

You are saying it only applies to additional efforts. But we are talking about other bodies of water that are not cleaned up.

So, in other words, there are different levels of effort being expended by different jurisdictions.

The Clean Water Act is going to not apply to the Potomac River in the way that the original authorization did, but it will apply to a whole lot of other bodies of water I am not familiar with, but where there will have to be increased levels of effort, expenditures, on the part of States and localities to accomplish what we did for the Potomac River, and all of that will fall under unfunded mandate legislation.

If there is not adequate funding, you do have that provision that the executive branch can then determine what it wants to implement, but we are giving over that power to decide what part of this legislation should be implemented, giving it to another branch of government to choose which priorities, which are not necessarily State and locality priorities.

Mr. PORTMAN. Reclaiming my time briefly, this will be done, of course, at the direction of the committees. That is another issue perhaps for another title.

But the point is well taken. I know the gentleman is concerned about unfunded mandates. This a classic example of where we ought to have these mandates looked at carefully. We ought to have a cost-benefit analysis done. We ought to have an informed debate on the floor of the House, and, yes, we ought to have accountability. We ought to have a vote up or down. That is all we are saying.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Ohio.

Mr. KASICH. I wanted to take a second here this morning, or this afternoon now, and point out to the House and point out to the American people that this work that has been done on this issue, the first substantive and real substantive and meaningful effort to stop unfunded mandates, constructed by the great gentleman from Pennsylvania [Mr. CLINGER], my colleague from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], who has worked tirelessly, a Democrat; I know there are more involved on both sides of the aisle. I mean, you think about that today we are going to pass unfunded mandates legislation that gives that committee and the Committee on the Budget the ability to come to this floor and stop the passing of unfunded mandates onto State and local governments.

It is not about talk anymore. It is about doing, and we are doing it with Republicans and Democrats.

They would be the first ones to tell you that this is a big step. We may do more things. We may have to fix this.

But, you know what the bottom line is? We are keeping our word, and we are delivering exactly what our Governors and mayors and the people across the country have been calling for.

Without CLINGER and PORTMAN and CONDIT and DAVIS and JIM MORAN, it would not have gotten done.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just trying to reflect on my own experience of having served 8 years in local government, including one term as mayor of a city where we grew that city from 400,000 in population to 560,000 in a 4-year period, as well as having had the privilege of serving as chair of the Committee on Public Works and Transportation in the 103d Congress, let me at this point rise in support of the amendment offered by our very fine colleague, the gentleman from Mississippi [Mr. TAYLOR].

As the gentleman from Mississippi has already illustrated very effectively, the impacts of water pollution know no political boundaries, nor should the solutions to continued water pollution in this country be limited by partisan boundaries.

We are all well aware of various situations where Members have already talked, where sewage that is discharged into a river, lake, or a stream adversely impacts citizens of downstream or adjacent localities and States. For example, New York and New Jersey have received national attention surrounding New York's sewage that shows up on New Jersey's shores; sewage discharges from Detroit, MI, into the Detroit River have impacted Lake Erie and residents in adjacent New York, Pennsylvania, and Ohio, and discharges of sewage from combined sewer overflows in the District of Columbia impact the Anacostia and Potomac Rivers and citizens of Maryland and Virginia.

But these are not isolated problems. Half the people in this great country get their drinking water from surface waters, meaning rivers and lakes. For most communities who draw their drinking water from rivers and lakes, there are other communities upstream discharging their sewage into that same water.

How much one community treats their sewage has a very direct impact on many other communities.

The American people want water that is safe to drink, water that is safe to fish in, and water that is safe to swim in, and water that will not make them sick when the tide comes in.

The American people whose jobs depend on water want that water to be of a quality that will continue to support their jobs. H.R. 5, without the Taylor amendment, would limit the Government's ability to continue protecting public health through ensuring adequate wastewater treatment.

□ 1210

For example, even though H.R. 5 is not intended to apply to current laws, by all accounts it would apply to new requirements. So, for example, it would apply to new requirements on municipal discharges that are necessary to protect downstream residents against significant health impact.

If we have a new outbreak of problems such as the cryptosporidium in Milwaukee, which caused over 100 deaths, we would find it more difficult to respond and to respond quickly.

Now, the Taylor amendment would help preserve the benefits that the American public has realized under the Clean Water Act as a result of more than 20 years of hard work and commitment to improving the quality of our lives through cleaning up the Nation's waters and would allow the country to continue to move forward.

This amendment also points out a fundamental flaw in the reasoning behind this bill. This bill is based on the idea that all so-called mandates, including provisions that impose minimum national standards to protect public health, are bad things for State and local governments. Notwithstanding the lengthy new analyses required by this bill, title III does not provide that the benefits to local governments from mandates should be considered.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 1 additional minute).

The CHAIRMAN. Without objection, the gentleman is recognized for an additional minute.

Mr. MINETA. Many Members on the other side have to talk in other contexts about how we should always fully consider the cost versus the benefits before we proceed. But in this bill they would require an analysis of everything except the benefits.

Now, Mr. TAYLOR's amendment is a case in point on how mandates often create enormous benefits for local government. A requirement that my city threat its sewage may be a burden, but the fact that the 400 cities upstream also have to treat their sewage is an enormous benefit to my city and to my citizens, and their bill ignores that benefit.

So from my perspective, I have to protect both our cities and our citizens from those who would discharge sewage upstream. I urge all of my colleagues to vote for the Taylor amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DAVIS. I thank the Chairman.

Mr. Chairman, clean water is a noble purpose, and the current act and its current regulations are grandfathered under this bill. The reauthorization will be grandfathered.

To the extent that the level of funding in the reauthorization or new mandates come in that exceed $50,000,000, they would be subject to the provisions of this act.

Now should that be covered, though, I want to remind my colleagues we still have the flexibility to pass that legislation. We have the flexibility to pass those unfunded mandates.

Nobody is taking away that authority from this Congress. However, we would do this, first, knowing what the costs are going to be, and, second, taking responsibility for sending those costs back down to the States and localities. That is what this act does. But we do not lose the flexibility, the right to do that at all. It is just simply going to be costed out.

It seems to me we will still have the authority to pass the legislation that the gentleman from Mississippi spoke about, but we will know the costs first. More importantly, the cities and the towns in the gentleman's district, my district and other Members' districts are also going to have a preview of what these costs are going to be on them.

Before we shift the burden of paying for these mandates from the Federal Government to local property taxes, we need to understand what those costs are.

What is wrong with making the State and local governments part of the dialogue as we move through this; that is, they look at their respective costs as well?

That is what this does. We do not lose any flexibility to move ahead.

We pass the bill traditionally, and then we pass the buck. There is nothing wrong with any one or two of these mandates taking effect, but what has happened, as the Vice President's National Performance Review showed, in 1992 over 172 unfunded mandates have been taken down to the States and localities.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. I thank the gentleman for yielding.

Mr. Chairman, as I understand the unfunded mandates proposal, the existing Clean Water Act to protect the public will not be diminished in any way, and the fact that this bill is only prospective in nature, if we come back to have any more expenses in this Congress, whether it is clean water or other items that we come back here, this would not diminish in any way the existing strong laws that we have.

Mr. DAVIS. The gentleman is correct.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I thank the gentleman for yielding.

Mr. Chairman, would either of the gentlemen be willing to pay the cost incurred to the Federal Government out of their pocket, should this be brought to the court by some city that does not want to fulfill its obligation to clean up its own mess? Do the gentlemen feel that strongly about the bill? Will the gentlemen tell the American public right now that they personally will incur those costs rather than the taxpayers of the United States? If the gentlemen feel that confident about it, I will not offer my amendment, but I do not feel that the gentlemen feel that confident about it. I certainly do not feel that confident about it.

I am trying to protect the people of this country from facing enormous legal expenses that the loopholes in this bill will create.

Mr. FOX of Pennsylvania. Mr. Chairman, can we retake the time?

The CHAIRMAN. The gentleman from Virginia [Mr. DAVIS] controls the time.

Mr. FOX of Pennsylvania. Mr. Chairman, may we——

The CHAIRMAN. The gentleman from Virginia controls the time.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. I thank the gentleman for yielding.

The fact of the matter is every Member of this Congress, Mr. Chairman, wants to make sure we have clean drinking water, and the fact is we have strong clean drinking water laws in the United States that all of us want to see protected. The fact also is that the American citizens do not want us to continue putting onto the States and local governments mandates of great things that we want to do without paying for it. All we are saying, under this new law that is being proposed, is if we are going to have stronger drinking laws that require funding, and some of them do not, we want to make sure that we come back to the States and vote on them so the States and localities will not have it passed on to their backs.

Mr. CONDIT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from California.

Mr. CONDIT. I thank the gentleman for yielding in order to clarify a point one of my colleagues from California made, trying to be presumptuous enough to tell us what the bill does, that this bill eliminates all unfunded mandates.

Let me assure you this bill does not eliminate all unfunded mandates.

What this bill does is it requires us to have some accountability, for us to have the courage to come to the floor and to waive a point of order if we think it is important enough to do. It also requires us to attach a cost to this stuff.

So you could have an unfunded mandate, you have just got to take some accountability for it. When EPA says something, you have to take the responsibility back home that you passed it. That is what this bill does.

You can have some unfunded mandates if we think it is a national priority, and we probably should. But for someone to tell us that this absolutely says that all unfunded mandates are bad is incorrect and it is a betrayal of this bill.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has expired.

(By unanimous consent Mr. DAVIS was allowed to proceed for an additional 30 seconds.)

The CHAIRMAN. The gentleman is recognized for an additional 30 seconds.

Mr. DAVIS. I thank the Chairman.

Mr. Chairman, the gentleman from California [Mr. CONDIT] is correct, this does not eliminate, in fact, one unfunded mandate. In point of fact, we are simply getting the costs before us. We are once again starting a dialog with the people, the State and local governments, the local taxpayers who are paying for these through local property taxes, which are much more regressive than the Federal income tax when it comes to paying this. We will have that in mind, we will have that on the record before we proceed.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has expired.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. I thank the Chairman.

Mr. Chairman, I rise in strong support of this amendment offered by the gentleman from Mississippi [Mr. TAYLOR]. Mr. TAYLOR is a fine member of the Committee on Government Reform and Oversight, and he has given considerable investigation to this matter. He has looked into it, he has done studies that reach all across this Nation. As a matter of fact, he has discovered, as we all have, that wastewater treatment is fast becoming one of the most important issues facing every State in this country.

In its most recent survey, EPA estimated that the needs of States for wastewater treatment funding have increased from $83.4 billion in 1990 to $137.1 billion in 1992.

☐ 1220

This is an increase of $53 billion over just a 2-year period. This increase is due to population changes, deterioration of old sewers, and better water-quality standards.

I ask my colleagues, "Do any of you realistically believe that, with a balanced-budget amendment looming over us, that Congress will be able to continue funding for wastewater treatment at this current level?" The answer is absolutely no. Unfortunately the States are going to have to pick up an increasing share of these very expensive costs.

H.R. 5 in its current form will mean that Congress will be unable to require States to absorb almost any part of this increasing cost for wastewater treatment. We do not have to be rocket scientists, or any of us, to figure out what this means. It means that people at every district will be helpless to do anything at all about wastewater that is generated by these States.

This bill effectively ties the hands of Congress to do anything about this very, very serious problem. The polluting States will have no incentive to improve the wastewater treatment because Congress will not be able to mandate improvements in wastewater treatment without full funding. This is an absolute outrage.

The amendment of the gentleman from Mississippi [Mr. TAYLOR] will solve this problem by exempting wastewater treatment and other limitations on this bill. I say to my colleagues, "If we can't clean up our watewater, why are we here?"

I think that everybody ought to support the amendment of the gentleman from Mississippi [Mr. TAYLOR].

Mr. MORAN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, to give a specific example, and the gentleman from Virginia [Mr. DAVIS] is the last to raise the point, so let me direct it at him, and he is particularly familiar with the situation that affects all of us in this body because he represented a lot of constituents last year when we had a boiled-water alert. We could not use the drinking water in this area. The Members of Congress that were here last year remember we had to get bottled water. Well, that is because we had excess turbidity in the water.

That problem was not adequately covered by the existing Clean Water Act. It has to be covered by the new authorization. It was due to a runoff upstream, not in the District of Columbia that was affected, not in Fairfax County, who had to drink the water, and it was the District of Columbia and Fairfax and Arlington who had to drink the water, but the problem was in another jurisdiction that really has no particular vested interest in spending the money to prevent that runoff. But that runoff meant that we could not use drinking water in this jurisdiction.

That is the problem, and it was not adequately addressed by the Clean Water Act. It has to fall under the new unfunded-mandates legislation because it is new activity, and we do not have the money to fully fund it. That is what we are trying to get at.

I do not argue with the need for unfunded mandates, and the one argument that we keep hearing is, "Don't worry. When you have a situation like this, the Congress is going to do the responsible thing. We're going to ignore this legislation. There will be a point of order, but don't worry. We'll all vote against the point of order because you can trust us."

We do not want to set up a situation where the American people have to accept that. Trust us. Let us pass this legislation, and then we will ignore it when it is important, when the legislation applies to important things that are in our best interests. We are trying to avoid that situation.

Mr. DAVIS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, let me just say to the gentleman from Virginia [Mr. MORAN], my friend and colleague, that there is nothing in this that will prohibit us from going ahead, going ahead with the authorization just discussed, but we are going to know those costs ahead of time, and there is nothing wrong with that. The local match on that, we will know what that is ahead of time. There is nothing wrong. I think that really is basically adding some truth and some sunlight to the way we do business before the people who pay these bills down the stream get sent the bill, which we so often do.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Mississippi [Mr. TAYLOR], my good friend.

This amendment would create a huge loophole in the bill's protections against unfunded mandates.

I support the Clean Water Act. As chairman of the authorizing committee I can tell my colleagues it has been a very successful Federal environmental program. But we should not exempt the Clean Water Act from this important legislation. In fact, the Clean Water Act is one of the prime examples of unfunded Federal mandates.

The Conference of Mayors tells us that the mandates in place will cost over $29 billion over the next several years, and the Association of Counties says another $6.5 billion will be levied upon them.

Let me make it very clear that the Committee on Transportation and Infrastructure is moving a clean water authorization bill in the coming months. We will have that bill on the floor. That will be the place to have this kind of a debate, and it is very important to emphasize that we may well decide in our deliberations in the committee that there are additional mandates required, and we may well bring those additional mandates to this floor.

But what this legislation today will do for us is it will say that we have got to have a vote. We simply cannot impose upon the American people other unfunded mandates without a vote, and so if in the committee we decide that something is so important that we need an additional mandate, it will be our responsibility to come to this floor and to make that case, and, if we can make that case, then there will be an unfunded mandate, and, if we cannot make that case, we deservedly will be defeated.

So, it is very important that we defeat this amendment, and it is also very important to emphasize that we are only talking in this legislation before us today about future mandates. We are not reaching back and dealing with the mandates that are already on the book. Now some of us think maybe we should be doing that, too, but we are not, and it is very clear to emphasize that we are only talking about future mandates, and indeed there can be future mandates, but only if this House votes in favor of them.

So, Mr. Chairman, I urge the defeat of this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I say to the gentleman, "Mr. SHUSTER, you are a gentleman, and I know that you would in no way ever intentionally mislead anyone. The amendment that I offered does not use the words 'Clean Water Act' because I also am not totally in favor of everything that's in the Clean Water Act. That's why I didn't use the words. I used the words 'effluent limitation.' I made it very specific because there are some things in the Clean Water Act that I would love to see taken out. So when you say"——

Mr. SHUSTER. Reclaiming my time, Mr. Chairman, I would say to my good friend that——

Mr. TAYLOR of Mississippi. I hope you would stand corrected on this.

Mr. SHUSTER. I would say to my good friend, "That is that the effluent limitation; those terms are terms that are established under the Clean Water Act. Therefore, while you may not use the words 'Clean Water Act' in your amendment, by the very definition of effluent terms this will bring the Clean Water Act under this."

That is what the experts tell me, and, therefore, we should be very careful that we do not put this further unfunded mandate on the American people without a vote of this House at the time we bring clean-water legislation to the Congress.

□ 1230

Mr. TAYLOR of Mississippi. That is not correct, I will say to the gentleman from Pennsylvania.

Mr. SHUSTER. I would tell my good friend that we then have a disagreement here.

Mr. TAYLOR of Mississippi. No. As a matter of fact, with the amendment——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] controls the time. Does the gentleman yield to the gentleman from Mississippi?

Mr. SHUSTER. Mr. Chairman, I will say further that my staff on the floor here is indicating that—and these are the experts on clean water, this is the staff that advised us when we wrote the clean water legislation—these experts are confirming to me right now that if this amendment were to pass, then the clean water bill would indeed come under it, and for that reason we should defeat this well-intentioned amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SHUSTER] has expired.

(On request of Mr. TAYLOR of Mississippi, and by unanimous consent, Mr. SHUSTER was allowed to proceed for 2 additional minutes.)

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, let me make this perfectly clear. I do not want this done in a confrontational manner. You are a gentleman. But I do believe some of the things you said would mislead the Members of this body, and I know you would never intentionally do it. So I would like to point out to the body that as very clearly stated in the amendment, we refer to the Federal Water Pollution Control Act, and this is only a very narrow portion of that, which was also sent to every Member's office, so that no one could be misled into thinking that this is the entire Clean Water Act.

Mr. SHUSTER. Mr. Chairman, reclaiming my time, I would say to the gentleman that I thank him for the respect he gives me, and I give him that same respect. He certainly would not intentionally want to mislead anybody either.

I can only report that the experts on our staff, the ones who have advised us as we have written this legislation, because it is the legislation that came from our committee, have advised us that the Clean Water Act would come under this amendment. So I must rely on the advice from those experts, and I very much respect my friend, the gentleman from Mississippi. We simply have a disagreement here.

Mr. TAYLOR of Mississippi. We have a disagreement, and I think those experts also would not accept any challenge, too, where they would personally incur the costs from the flood of lawsuits that the lack of this language would cause.

Mr. SHUSTER. Mr. Chairman, reclaiming my time, my staff points out to me that the Federal Water Pollution Control Act, which the gentleman referred to, is the Clean Water Act.

Mr. KANJORSKI. Mr. Chairman, I move to strike the commensurate number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Mississippi [Mr. TAYLOR].

One of the reasons I think we are having this debate on the floor today is the haste with which this legislation was written. Although Mr. KASICH came to the floor and indicated this bill would not be here except for the movement of this committee, I do not know, but I think the gentleman from California [Mr. CONDIT], the gentleman from Mississippi [Mr. TAYLOR], and the gentleman from Virginia [Mr. MORAN] in previous Congresses have worked to provide for some coverage of unfunded mandates. I think most of the membership on the minority side of the aisle agree that we should do something on unfunded mandates.

What I think is happening here is because of the drafting of this bill, we in the minority are trying to call the majority's attention to the fact that the loose drafting of this could work havoc on existing and future legislation that is unrealized or unrealizable at this time. One of the elements we are all talking about—and this is why it is important—first of all, let me say that this is not a bill that just hands out a procedural rule of the House here to make a point of order. If that is what we are doing, we could have amended the rules to accomplish that.

We are passing a statute into the laws of the United States, one of which affects regulatory accountability and reform, as contained on page 16 of the bill. That provides certain mechanisms that can be undertaken by the public sector and the private sector if they feel the standards we are requiring in this bill have not been met by the Federal regulatory agencies. If we are dealing with the EPA or the Clean Water Act, any individual or any governmental entity can hire an attorney and ask for a Federal injunction and argue the case that they have not met the standards required under the statements that have to be laid out in the promulgation of rules and regulations which affect all types of legislation from clean water to clean air.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. Yes, in one moment I will yield to the gentleman when I have finished.

We tried in committee to strike out the idea that we would not have judicial review. We have an amendment coming up on that. If we knew that we were going to have a denial of judicial review here and we were not going to make it the Lawyers' Relief Act of 1995, we would be a lot saner and satisfied on this side because we were not going to work havoc on the American regulatory system. Unfortunately, we do not have that assurance that that amendment will pass. We have not had the cooperation with the majority that they will address judicial review, and as I understand it from a simple reading of this statute, if there is a regulatory agency involved charged under this law to put out statements as to the cost factor, regardless of whether they are absolutely and meticulously correct in meeting that standard, anyone can go to court and ask for injunctive relief dealing with that issue.

Mr. PORTMAN. Mr. Chairman will the gentleman yield?

Mr. KANJORSKI. I certainly will yield.

Mr. PORTMAN. Personally, I would say that speaking for the majority I am absolutely sure we are going to address that issue, and I am confident that when we get to title II, the gentleman and others will raise that issue, and we look forward to that debate on judicial review. This is probably not the time for it. But let me say also, to make it very clear, that judicial review is of the agency requirement here. It is a very limited requirement. It is for regulations after enactment of the legislation, over $100 million, and it asks for a written statement on costs and benefits.

Mr. KANJORSKI. Mr. Chairman, reclaiming my time, if the city of Philadelphia is mandated to put in a waterworks or cleaning system under existing law and in the future a law is passed that would require the standards to be used by the regulatory agency in the enforcement of that order, and it did or did not comply with the standard, it would allow any corporation or any municipality affected by more than $100 million to move into the Federal court system to bring an injunction. We are faced with the problem over here of trying to find out how large an effect this would have and what the ramifications are.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. Mr. Chairman, will the gentleman yield? I asked the gentleman to yield earlier.

Mr. KANJORSKI. I will take a very quick question, because I promised the gentleman from Minnesota [Mr. VENTO] I would yield to him.

Mr. PORTMAN. Mr. Chairman, does the gentleman agree that the cost-benefit analysis is a good idea for the agency?

Mr. KANJORSKI. Absolutely. There is no question about it.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield for a further question?

Mr. KANJORSKI. Yes, I yield to the gentleman.

Mr. PORTMAN. Mr. Chairman, is the gentleman aware of the fact that the current executive order issued by President Clinton would require even more agency information to be provided and that information is not regularly provided?

Mr. KANJORSKI. We have no problem with forming intelligence and factual information to be good legislators or good regulators. Our problem is that we do not want to establish the Lawyers' Relief Act of 1995 by giving any American an opportunity to go to this section of the statute and then go and apply it to environmental law or any other law that would require the application of the statute.

Mr. VENTO. Mr. Chairman, will the gentleman yield now?

Mr. KANJORSKI. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the gentleman from Pennsylvania makes a very good point with respect to the existing laws as opposed to the prospective application of this particular amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

(By unanimous consent, Mr. KANJORSKI was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, if the gentleman will yield, I think he makes a very good point about what happens to existing law. It is one thing for the executive to revise the rules and regulations process. It is another thing to put this into the law. That is exactly what is being proposed here, 11 or 12. or 13 separate steps in terms of intergovernmental mandates and some 13 or 14 steps with regard to the private sector.

I might say that I do not see dollar limits with regard to the intergovernmental mandates that are in this section that my colleague, the gentleman from Pennsylvania, is pointing out. So these rules and regulations as they apply to the Clean Water Act or the other title that my friend, the gentleman from Mississippi, points out are that we are constantly modifying those. Microcryptosporidium may not have been a problem at one point, but regulations are constantly evolving. In fact, of course, the regulations are the very basis on which the executive implements the laws. Without them, you cannot implement the laws. That is the charge of the administration and the executive branch. As a matter of fact, of course, we are constantly modifying laws.

To suggest that existing laws and existing precepts will be held in place is, I think, either a misunderstanding or misleading to what the effect of what this law and what the effect of this new process is that you are setting up. If this were merely a study—the gentleman has to continue to stand, and I appreciate his yielding—if you were just dealing with existing law and it was static, that would be one thing, but they are constantly evolving, because we do not have perfect knowledge. I think most of us who have worked on this bill have noted that we do not have perfect knowledge.

So in effect you are really setting in place a new framework, and I might say we do not know how it will work. I do not know how CBO is going to fulfill this particular requirement. I think it is extended. I think it needs to be revised, but I do not think it is at all clear that the system you are putting in place is going to develop the type of information effectively.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when we have an interstate pollution problem, it is a uniquely Federal responsibility. You cannot ask a government-owned water system, a government-owned incinerator system, or a government-owned powerplant to want to impose more costs on themselves if the pollution is not going to affect them that affects somebody in another State.

□ 1240

They are not going to want to spend that money. Therefore, as a National Government we have to establish the rules. We establish that through legislation, and if legislation places this burden to install pollution control devices of one sort or another, or take measures to reduce pollution, that will require the expenditure to do so. And if it is government-owned, then they have to spend the money and it is called an unfunded mandate, because this legislation deals with government-owned enterprises.

Well, what does that mean in terms of legislation? We have had a lot of discussion about that. CBO will have to go through an evaluation of the costs. That evaluation, by the way, is all one-sided. It is an evaluation of the costs, but not the benefits. They will have to look at anticipated costs to the States, the effect on the national economy, the effect on productivity, the effect on economic growth, the effect on full employment, the effect on creation of productive jobs, the effect on international competitiveness of the United States, future costs of the Federal mandate, disproportionate budgetary effects on particular regions of the country, disproportionate budgetary effects on urban or rural or other types of communities, and disproportionate budgetary effects on particular segments of the private sector.

That is a hell of an analysis. That is an extensive obligation by CBO, which the head of CBO has already indicated to us they do not think they can accomplish.

Well, they will do the best they can. And if it is legislation, someone can make a point of order, and the argument has been well, we can always overturn that point of order by a majority vote. The reality is it is going to require spending money or overturn it by a majority vote, and a lot of people are not going to want to vote for any overturning of the points of order to impose an unfunded mandate, even though it is a clear Federal responsibility because we have an interstate pollution problem.

This same analysis has to be done if it is a regulation to enforce the law. Agencies have to do this instead of CBO. Agencies will not be able to do this adequately. In some way or other they are going to do something improper, or somebody can claim it is improper. And if it is an entity that does not want to control the pollution because they do not want to spend the money, they will hire a lawyer to go into court, and they will say this agency regulation, even though they have done this analysis, is pursuant to an analysis that is not rigorous enough, extensive enough.

The gentleman from Pennsylvania [Mr. KANJORSKI] made an excellent point, if you allow judicial review to question the analysis of the agency, they can be tied up for years, maybe to the point where all the pollution will continue across interstate boundaries.

My point is, whether it is through legislation or through a regulation of existing law, to require that what is an interstate pollution problem be covered by this bill does not make sense. The proposal before us deals with the Water Act alone, and that would exclude anything in terms of effluents affecting one State versus another. That ought to be exempted from both the requirement that it be considered an unfunded mandate if it is new legislation, or through regulation, especially if we are going to have this ability of regulations to be tied up in court.

At least if it is legislation you can argue, I think a weak one, but an argument, that the House can overturn it by a majority vote. If a regulation is adopted by an agency, there is no majority vote anywhere. That is going to be up to the courts, where we are inviting litigation on any agency regulation as long as there is judicial review.

The best way to deal with these problems, which are uniquely Federal responsibilities because we have interstate pollution problems, is to exclude it. Exclude it from being considered an unfunded mandate.

I think it was an interesting argument that we heard a while ago from the gentleman from Virginia. Many people would argue why should Government agencies and entities be running powerplants? Why should they be running drinking water systems? Let that be privatized.

There is not going to be an incentive to privatize them if the rules are going to be if it is a government-run enterprise the government will have to pay for the costs for that enterprise to reduce pollution.

So I urge support of this amendment. And to keep this in perspective, this should not be covered the way that we would look at other unfunded mandates.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, either this bill is not on the level, or we desperately need the amendment of the gentleman from Mississippi [Mr. TAYLOR]. Because the suggestion is, somehow, when we bump up against the hard question of whether or not we are going to regulate and bring in as a matter of national policy, that effluent be cleaned up from our rivers and our waterways, we will simply overrule the point of order and go on with a majority vote and we will go on about our way, because we recognize national important issues when we see them.

Well, then you cannot have all of the rhetoric about stopping unfunded mandates. Because, in fact, the process that we go through today, the way that we arrived at the Clean Water Act and the 10 years we spent in the reauthorization of the Clean Air Act, is exactly that process. We went through 10 years of hearings, 10 years of combat, 10 years of acrimony, 10 years of scientific studies by the National League of Cities, by the great city mayors, by rural America, by the League of Counties or Organization of Counties. All of these organizations came in and said this is what it is going to cost, you are only paying a part of this, not all of this, back and forth.

But we also knew something else: None of those cities could do it by themselves, and none of them were willing to do it without Federal money. And they also wanted protection from being sued by their neighbor if they could not do it immediately.

So when you look at the Sacramento River or look at San Francisco Bay or the immense problems of the Mississippi, it would make little difference if my hometown of Martinez decided to clean up its sewage before it discharged it into the bay, if the city of Sacramento was not doing that or a huge city like San Francisco was not doing it.

So we wanted to know that if we made this effort, we would benefit from the effort, we would end up with a cleaner bay, as opposed to a cleaner effluent into the bay.

That is why we have national laws that bind us together for this obligation. But we knew and the mayors knew and the county people and the State knew that this was never about the Federal Government paying 100 percent. This was about the Federal Government collecting the taxpayers' money to help these cities meet what was a political problem, an environmental problem in their localities, to clean up the rivers and waterways. And had not the Federal Government provided both the catalyst in terms of the mandate and the catalyst in terms of grants for wastewater cleanup or development block grants that provided additional money or the earmarks in Federal legislation, the rivers and the waterways of this country simply would not have been cleaned up because they were not prepared to go to their local taxpayer and say "We will pick up 100 percent of the cost."

What they were prepared to say to the taxpayer was if you will put up some money, we got a way to get some Federal money. You used to call it free, free Federal dollars for wastewater. What we found out is, they are not free. They are coming out of the same taxpayer's pocket. But let us not suggest there is some attempt here to erase history. This is the process. This is the legislative agenda. This is how it works.

We weighed these competing interests, we balanced them out, and in the case of clean air, in the case of clean water, we determined that it was in the national interest to embark upon a program over several decades to clean up our waterways, to keep them clean, and to be able to respond to advantages in technology and knowledge and threats to the safety of our air supply and our water supply.

Now, under this legislation, the suggestion is you could not really do that by regulation, that that would be an unfunded mandate or certainly be challenged such that you would be back in court. The overruling of the point of order only helps you with respect to the legislation. But that is the process.

What you are telling us is you are going to go through that same process, because you are going to weigh that, have the competing studies, have the reports from the agencies, we will put it all on the table, and we will still make a determination.

So the legislation, what the legislation does is dramatically drag out the process and make it far more complicated rather than stopping unfunded mandates.

Now, the other possible thing to do is simply return it all, add up what we spent, the $60 or $70 billion, give it back to the taxpayers over the next 10 years, and let the mayors and city governments make their own decisions about whether or not they think they should do it. But that is obviously unacceptable to them, and it is unacceptable to the Nation as a matter of national policy.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

□ 1250

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding. I just wanted to point out that 30 years ago or so, when the Federal Government came to this issue of dealing with clean water and clean air and some of the other issues, we had had 200 years of history of States not coming together as compacts in terms of dealing with these issues. Not just that they needed the Federal Government to tell them what to do, but they need us as a framework around which to build the solutions to these particular problems.

As I said yesterday, so often, and again today, so often this is referred to as confrontation as opposed to cooperation. It very much is that. If there was another way to solve this, we are not looking out here, and I do not think this Congress, in the past, has looked for problems that do not exist. They are there. The river, the lake area was on fire. There are problems with the Mississippi River, I know, at the headwaters of it. Even there, there are problems that needed to be dealt with and built around this Federal framework.

What you are doing in this particular legislation is putting special impediments in place. I would further point out that there are numerous exceptions already in this legislation that you find necessary for national security, for accounting purposes. There are seven of them in there, some sort of exclusion for Social Security, whatever that means.

But the fact is, actually presenting this when there is a real history of problems here I think is consistent. I certainly would support the Taylor amendment and thank my friend for his statement and for yielding.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the problem with the supposition on behalf of the Taylor amendment is that it is a supposition that the subject matter is reducing effluent into rivers and streams; therefore, it is automatically good legislation and good policy and not subject to any kind of practical, including financial, review.

As I have indicated, the Rio Grande runs through the middle of Albuquerque. I am entirely sympathetic to what the gentleman from Mississippi is raising, but there have even been other experiences with our location.

Several years ago the Congress of the United States gave native American tribes in pueblos the power essentially to enact the water standards for water that passes along their shores to be enforced by the Federal Environmental Protection Agency. A pueblo just south of Albuquerque said the standard they wanted for the Rio Grande was drinking water standards that you ought to be able to drink the water right out of the Rio Grande, and it ought to be healthy and safe.

According to experts I have talked to, the water in the Rio Grande has never been up to that standard, even before any kind of industrialization or buildup in the area occurred, there would be natural contaminants in the river that would make it unsafe, unsafe to drink raw right out of the river. Nevertheless, the Federal Environmental Protection Agency, based upon its understanding of the law that Congress passed, was prepared to enforce that kind of standard on everybody upstream from the pueblo.

What this comes down to is that this is not a subject, because it is an important issue still does not make it a subject that ought to be beyond the scrutiny of Congress, what is being proposed here, what will be gained and what will the cost be.

If the Congress determines in the area of reducing effluents into rivers, a very important subject, that the Congress ought to move here, it is still free to do so, but only after Congress has been made properly responsible and accountable on the issue.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Mississippi [Mr. TAYLOR] today, and I do share his concerns about the effects on the sewage-flow laws.

While he talks about the one-third of the continental United States flowing through the home State of the gentleman from Mississippi [Mr. TAYLOR], by way of the Mississippi River, I have to tell you, my home State of Florida is the southernmost State in the continental United States. So like Mississippi, we depend heavily on its natural resources to support our tourism, which is our State's No. 1 industry.

Let me give my colleagues an example of some concerns that I have that potentially has an effect on us in this area. In the Big Bend region, the Suwannee River, which flows south into Florida, is the life source for this region's fish nurseries and any kind of degradation would result in the loss of some of Florida's most important areas of salt water fishing, oysters, which many of us enjoy and like, and are known for, as well as, I might add, our water supply. In fact, some of the counties to the south of me are now even looking at the Suwannee River as a source for their water supply.

I would like to just suggest to my colleagues that I think this debate has been a very good debate, and I think we all realize that this is an issue that the Federal Government needs to make sure that we protect ourselves and our citizens. Even though I still would like to reiterate my support for ending unfunded Federal mandates on our State and local governments, but I am acutely aware of what this does, but there are just some responsibilities that we all must share.

There are some mandates that each State should follow to protect every citizen. And by passing this amendment, we will provide an important safeguard for our American citizens.

Mr. Chairman, I yield to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank my colleague for yielding to me. I, too, stand in strong support of the Taylor amendment. I think this is logic. This is the real world.

Virtually every community in the United States is downstream from somebody. And we in Florida are downstream from virtually everybody. And it has cost the State of Florida a great deal. In fact, we have funded for many years, through the Subcommittee on Energy and Water of the Committee on Appropriations, a very special project called the Tri Rivers project, in which we are trying to accommodate the problems that exist within three States, Georgia, Alabama, and Florida, as it applies to three major rivers that ultimately end in Florida, into a very pristine ecosystem that would in fact destroy a large part of north Florida in this case, if we do not find some solutions to this.

The problem is thus, the city of Atlanta is essentially wishing to draw off more water off the Apalachicola River than will allow the sustaining of that ecosystem. So we have to look at this from the standpoint of making sure that we do not end up with a huge judicial problem with the courts loaded up with problems between the various states fighting out who is in charge.

I think this amendment takes us into a solution to that, and we have got to spend some time in making sure that this is heard, that all the questions are answered and that we do not end with something that we cannot change ultimately.

I want to make a point though. This is the problem with a lot of water questions. These are not systems that are being worked on without Federal money. A great deal of Federal money is being used to correct the problems we have in the water problems of the United States in general. In fact, what it takes us to is the pertinent setup of partnerships, local, State, and Federal Government working together to solve a national problem. That is what my friend from Mississippi is really focusing on.

We have to, I think, in the process of being Representatives of the United

States, to look after the needs and the welfare of the entire United States and not just one small constituency.

So I say to the gentleman from Mississippi [Mr. TAYLOR], I applaud the gentleman for spending his time on this, and I thank the gentlewoman for yielding to me.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. THURMAN] has expired.

Mr. PETERSON of Florida. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by complementing our chairman pro tempore on his extremely judicious use of his authority today. It really was refreshing to have a bill come to the floor under an open rule and let Members talk about it. I am saying that as a Democrat.

I am asking my colleagues to judiciously use their authority. This is not an attempt to kill the bill. I am going to vote for the bill. This is an attempt to perfect it, an attempt to perfect it that I made in committee, an attempt to perfect it that I have made privately with the gentleman from Pennsylvania [Mr. CLINGER], an attempt to perfect it in conversations I had with the gentleman from Ohio [Mr. PORTMAN], and in conversations with the gentleman from California [Mr. CONDIT].

□ 1300

It is important, Mr. Chairman, that no one community poisons another community. That is the only point we are trying to make.

The point is that the Clean Water Act was not reauthorized. Because it was not reauthorized, it will have to be reauthorized. When it does, it becomes new language. It there creates, in my mind and in a lot of people's minds, the question: Does that mean the wastewater effluent standards for our Nation go out the window, a very fair question to ask.

All we want to do is put language in the bill that says, "Yes, they will still apply, and all you lawyers out there who would love to sue the Federal Government and get into the taxpayers' pockets by suing them and holding us up in court forever, do not even apply for the funds, because we have made a statement of intent that as far as wastewater is concerned, we will continue to live by the same standards that we have had for about a decade now," a very good standard, a standard that has cleaned up the water in front of my home, in front of the home of the gentleman from Florida [Mr. PETERSON], and in front of homes all across the country.

Wastewater is something that starts locally but affects us nationally, and therefore it is a national issue. It is something that we need to point out. I have brought to the attention of reasonable people a problem that reasonable people should solve before it costs us a heck of a lot of money.

Mr. Chairman, I am asking that the chairman will accept this amendment. I hope he will. Should he not do so, I will ask for a recorded vote.

Mr. PETERSON of Florida. Mr. Chairman, the point being made by the gentleman from Mississippi [Mr. TAYLOR] is that reasonable people must sit down and find reasonable solutions, but we must also be very clear in answering all the questions associated with this. I am very concerned with the rapidity with which we are trying to move something as important as this bill through this body. I do not think we are giving this the due process which the American people desire and deserve.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will speak briefly, and then I will yield to the distinguished gentleman from Pennsylvania [Mr. CLINGER], hopefully to close out this argument.

Mr. Chairman, I would like to congratulate the gentleman from Mississippi [Mr. TAYLOR]. His amendment is a good one, one which should not be accepted, but I congratulate him for initiating one of the greatest arguments on federalism I have heard on the floor in the time I have been here or seen anyplace.

Mr. Chairman, there is a basic fairness doctrine and issue that I think we have to address as we look at this particular amendment, and as we look at a succession of amendments which are going to deal with the environment, which are going to deal with health care, which are going to deal with a variety of issues which people are going to try to exempt from an unfunded mandate statute and say this should not have gone through it because of the importance of the subject, because it is interstate, or whatever it may be.

The bottom line is that this Congress for many, many years, particularly in the last 25 or 30 years, has used the methodology of unfunded mandates to hand back to the State governments in particular, sometimes other governments, certain responsibilities without sharing the burden of paying for them or only sharing it in part. The local governments have said, A, we cannot afford it, and B, in some instances it does not apply where we are.

State governments are responsible, too. They have handed it back to the counties and municipalities as well, and they also have to deal with this particular issue.

The bottom line is this has been going on for far too long. We could argue the exception of any one of these issues if we wished, but we really need to start addressing it in this particular piece of legislation, which essentially is information and accounting which will put before us and the public, and particularly the Governors and the county executives and mayors and those who are concerned about it, what the costs are and what the issues are. Then we can decide do we move forward in that direction or do we come back and say perhaps we cannot afford to fund this, and it is an unfunded mandate, and we should not go forward, and the public would be better served if we did not.

It makes it a fair argument. It is basically fairness and soundness in government. That is what it is all about.

Unfortunately, an amendment like this, which is extremely well intended, which has some good functions, cannot fall any differently than any other aspects of this. Everything should fall into the same category of being examined.

Therefore, no matter how beneficial the arguments are, no matter how strong and compelling the so-called logic may be, we really need to address unfunded mandates in the Congress of the United States. It is my hope that this amendment would be defeated, and any subsequent amendments would as well.

Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Mississippi [Mr. TAYLOR] indicated he hoped I would accept this amendment. Unfortunately, I am unable to do so. This, I think, is a serious gutting, frankly, of what we are trying to do here.

It has already been indicated if this amendment were to pass we would then move on to consider all pollution, all interstate pollution. It would open a floodgate that I think we would be very wrong to do. This is a prospective only bill. It will not affect anything on the books now.

Second, we dealt with the reauthorization problem. We may disagree on whether that answers the gentleman's problem. I think it does.

Third, this act in no way is going to prevent important national laws from being enacted. They will be enacted. We may well pass on some of the mandates without funding, but there will be an analysis of the cost and the benefits that are involved in that.

Finally, I would just say our partners in this effort, the big seven, the National Governors Association, the Conference of Mayors, the National League of Cities, all of these agencies strongly would oppose this amendment, so I must urge a "no" vote on this amendment.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Chairman, I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, to inquire about the schedule for next week.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, we will try to rise today at 3 o'clock. I know Members are anxious to get home to their districts.

On Monday the House will meet at 12:30 for morning hour. Business will begin at 2 o'clock. Any votes ordered on Monday will be postponed until 5 o'clock.

At 5 o'clock the House will resume consideration of amendments to H.R. 5, unfunded mandates legislation. Members should be aware that the House will work late into the night on Monday night.

On Tuesday the House will meet at 9:30 a.m. for morning hour. At 11 a.m. the House will resume consideration of amendments to H.R. 5, and will hopefully complete consideration of the legislation. We will recess at 6 o'clock on Tuesday and reconvene at 9 o'clock for the President's State of the Union Message.

On Wednesday the House will convene at 11 o'clock and we will begin consideration of House Joint Resolution 1, the balanced budget amendment, subject to a rule being adopted.

Mr. Chairman, on Thursday and Friday, if necessary, the House will meet at 10 o'clock in the morning to continue consideration of the balanced budget amendment.

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I would first ask whether or not the gentleman believes there will be votes on Friday. I heard the gentleman say that the balanced budget consideration would go into Friday. If it does not go into Friday, if we are able to finish on Thursday, would there be other legislation that would be brought up on Friday?

Mr. ARMEY. If the gentleman will continue to yield, if we finish the BBA on Thursday, we would expect to go pro forma on Friday, with the possible exception of what is currently unexpected emergency legislation that could come up. I think we need to hold that possibility out. However, at this point we would expect that if we complete on Thursday, we would be pro forma on Friday.

Mr. GEPHARDT. Another question, Mr. Chairman, to the gentleman with regard to the loan guaranty on Mexico.

Mr. Chairman, would the gentleman tell me if that is scheduled for next week, or if not, when it might be scheduled? Is there any general idea?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Chairman, as the gentleman knows, this is a very sensitive legislative issue. There are ongoing negotiations where we are trying to arrive at the language that would make it possible for us to act on that. We have not brought these to the point where we can make an announcement at this time. We will, of course, let Members know as soon as we know something.

Mr. GEPHARDT. Mr. Chairman, two additional questions on the balanced budget amendment.

On the balanced budget amendment, could the gentleman let us know the majority's intention with regard to making amendments in order on the balanced budget amendment?

Mr. ARMEY. Mr. Chairman, if the gentleman will yield further, again, as the gentleman knows, tonight is the deadline for filing. The Committee on Rules intends to meet Monday morning, I believe, and draft a rule. It is our intention, certainly, to grant a rule that is more open and fair than any we have seen on this subject for a long time, but the details of the rule, of course, could not be completed until the Committee on Rules has every request to consider on Monday.

Mr. GEPHARDT. Finally, Mr. Chairman, on the last couple of days the 1-minute speeches have been limited at the beginning of the day. Does the gentleman expect this to continue, or can he tell us if there is a policy?

Mr. ARMEY. Mr. Chairman, if the gentleman will continue to yield, that is, of course, something important to the Members. It is something we are reluctant to do. Our only interest in ever limiting them is only in the interest of getting us quickly to the legislative schedule for the day's work, in the interest of getting Members out as soon as possible. So only when we think it is necessary to facilitate the movement of the day's work for the Members' convenience would we make such a limitation.

Mr. GEPHARDT. I thank the gentleman.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, it was not clear from the statement of the majority leader concerning whether we would be taking amendments on H.R. 5 starting at 2 or shortly thereafter. I think he spoke and said 5 p.m. that he was going to take amendments on H.R. 2. We are not clear on that. I would like clarification. I thank the Democratic leader for yielding to me.

□ 1310

Mr. ARMEY. As the gentleman knows, you cannot postpone or delay votes when you are in Committee of the Whole. If in fact we can work out some understanding regarding the acceptability of amendments that might be offered between 2 p.m. and 5 p.m., we could proceed with that work.

But in the interest of our Members who will be traveling on Monday, we cannot take under consideration an amendment that would require a vote before 5 p.m.

Mr. GEPHARDT. One additional question. Could the gentleman make a prediction on whether or not there might be late votes on Wednesday and Thursday into the evening, or do you know that at this point?

Mr. ARMEY. We will expect to adjourn at a normal hour. I understand there are important time conflicts. I see no reason for us to have any expectation other than a normal adjournment at around 6 p.m. on both those evenings.

Mr. CLINGER. Mr. Chairman, will the minority leader yield?

Mr. GEPHARDT. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. If I may address a question to the majority leader, you indicated that you anticipate that we would be in pro forma session on Friday. In the hopefully unlikely event that we have not concluded action on H.R. 5, would there be any possibility that we would return to H.R. 5 on Friday?

Mr. ARMEY. It is our intention to conclude H.R. 5 before we go to BBA. As we see, there are a great many amendments offered. There are enormous amounts of time being used on each amendment. We stretch out the hours of the working day wherever we can to try to accommodate that.

With the cooperation of the Members, though, it is still our hope and our belief that we can get this matter concluded in a timely fashion, so that it will not postpone our days for consideration of House Joint Resolution 1.

Mr. SOLOMON. Mr. Chairman, will the minority leader yield?

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

I would just like to point out to the membership that the Committee on Rules will be starting the hearing on the balanced budget amendment at 1 p.m. on Monday. I will just point out that already there are more than two dozen substitutes that have been prefiled with the Clerk. That means the hearings are going to last for quite some time. We intend to finish the hearing on the balance budget amendment on Monday, even if we go until midnight.

I would just forewarn the Members about that, because we intend to take up the rule on the balanced budget amendment on Tuesday.

Mr. GEPHARDT. Does the distinguished chairman of the Committee on Rules have any idea at this point of how the rule will be structured, or is that left to the committee?

Mr. SOLOMON. As the Speaker has, I think, confided to you, we want to be as open and as fair as we possibly can. There are almost, I think, two dozen

Democrat substitutes. There are six or seven Republican, I believe, and certainly we would like to take you into consultation and determine what would be a fair rule for the House. We would expect cooperation on both sides.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Taylor amendment.

I was listening very closely to my colleague from Pennsylvania. He has not assured me of the concerns that I have on some very important environmental issues affecting my State.

One issue that has been particularly important to the people of this region has been the work that we have done in trying to reclaim the Chesapeake Bay. The Chesapeake Bay has been the work of many States. The State of Pennsylvania, the State of Virginia, the State of Maryland, and the District of Columbia have all been involved in efforts to try to reclaim the water quality of the Chesapeake Bay. It has involved local governments, it has involved the private sector. There is a lot of cooperation.

But with this legislation, we run the risk of stepping backwards in our efforts to reclaim the bay and all of the work that we have done.

Let me just give an example. The nutrient level in the bay is one of our major problems. Water treatment facility plants directly affect the nutrient level in the bay. The Susquehanna River is a major tributary to the Chesapeake Bay.

Unless we have controls on water treatment that affect the Susquehanna, the work that is done by Maryland could be negated. It is only reasonable that we have certain national standards as it relates to multiple jurisdictional waters, such as the bay.

The bay is absolutely critical to the economic life of my State of Maryland, and it is extremely important to the quality of life of the people who live in this region.

I would hope that my colleagues would not want to do anything that would jeopardize the progress that we have made through sacrificing on land use, on fishing in the bay in order to try and bring back the quality of the bay.

Let us not make a mistake. Let us support the Taylor amendment.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support and emphasize as a representative from the State of Texas the value of some very serious efforts that we have made in our community in Houston, TX, dealing with the broader viewpoint of safe water as well as the ability to maintain a healthy condition as relates to wastewater and sewage.

It is not a popular effort for local government to engage in the monumental task of dealing with the repair and rebuilding and the correcting of sewage or sewer problems. It is not something that our constituents care to hear about. But it impacts greatly the broad view of public health and public safety.

We in the broader community of Houston-Harris County have faced the constant need to clean our water and to provide a kind of system that allows for the treatment of sewage and to provide the adequate wastewater system.

I support an effort to avoid unfunded mandates. I have seen firsthand the burdens on towns and cities and county government. But each time that I have spoken to constituents as it relates to the question of public safety and the wastewater efforts that have been made on behalf of citizens, it is one that they support and advocate, for it clearly is an investment in the long-range improvement of local government and that physical structure.

I would ask the support of excluding those particular needs relating to wastewater, relating to sewage treatment which tend to go unattended to, not because local governments do not care about it because of the multitude of burdens that we have to face, but yet can have long-range negative impact if you have a situation of a violent overrun of sewage in a very poor and improper wastewater system.

Mr. Chairman, let me ask my colleagues to recognize that what we do in this House is long lasting. It remains in place. Let us support being responsive to the issue of unfunded mandates. Let us recognize that there are clear issues that need our special interest and concern.

Mr. BORSKI. Mr. Chairman, I wish to express my strong support for the amendment offered by the gentleman from Mississippi.

This amendment is badly needed and will make this bill work much better.

It is absolutely essential that we give consideration to the damage that can be caused by pollution of the Nation's waters.

The amendment offered by the gentleman from Mississippi would make sure that the health of our Nation's citizens is protected from water pollution.

The health of our citizens is not an issue that should be snarled in legislative wrangling and parliamentary debates.

Instead of subjecting water pollution laws to additional points of order, we should be directing our efforts to make sure that the health of all of our citizens is protected to the greatest extent possible.

Protection from pollution is a basic function of government—all levels of government.

The gentleman from Mississippi deserves congratulations for moving to protect our Nation's citizens from health problems associated with water pollution.

This is an important amendment that has a widespread national impact.

If we fail to adopt this amendment, we will have restricted the ability of Congress—our national legislature—to take action on water pollution. I do not believe the American people want less protection from water pollution.

The Clean Water Act has successfully controlled pollution and cleaned up many of our waterways during the past two decades. We should not be attempting to roll back the clock to the days when many of our Nation's major waterways were dying from pollution.

This amendment means we won't be reducing the protection that has been given to the health of the American people.

Mr. Chairman, I urge support of the amendment of the gentleman from Mississippi.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Mississippi [Mr. TAYLOR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TOWNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a strict 17-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 249, not voting 12, as follows:

[Roll No. 23]

AYES—173

Abercrombie
Ackerman
Baesler
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield

Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—249

Allard
Andrews
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Archer
Callahan
de la Garza
Dicks
Johnston
Lincoln
Livingston
McCollum
Reynolds
Stokes
Walsh
Yates

□ 1334

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. McCollum against.

Mr. BARCIA and Mr. BALDACCI changed their vote from "aye" to "no."

Mr. LAFALCE changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

□ 1340

AMENDMENTS OFFERED BY MR. TOWNS

Mr. TOWNS. Mr. Chairman, I offer two amendments, Nos. 133 and 134, as printed in the RECORD, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. TOWNS: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the amendments be considered en bloc?

There was no objection.

Mr. TOWNS. I thank the Chairman.

Mr. Chairman, let me begin by first commending Chairman CLINGER, the ranking member, the gentlewoman from Illinois [Mrs. COLLINS] and all of those who have been involved in this issue. And of course we were involved in this issue last year. But I would like to first point out that what we are doing this time is very different than what we did last year. So what I would like to do is to offer the amendments that I think strengthen the bill because I am trying to find a way to support the bill.

This en bloc amendment is designed to remedy a serious flaw. It would exempt from the coverage of this bill any Federal law or regulation that regulates States and local governments regarding interstate matters that significantly impact the health or safety of the residents of other States or local governments.

The problem is very simple. Suppose one State is dumping raw sewage from a treatment plant into a water supply that is endangering the health of the residents of an adjoining State. Under this bill, if the Federal Government ordered the polluting State to stop dumping the sewage into the water and orders the polluting State to clean up the mess it created, if the cost of the cleanup was a billion dollars, the polluting State would not have to fully clean up the water unless Congress gave them a billion dollars. This is outrageous.

This is not the kind of law that we should be identified with or sending out to other States or municipalities. If the State is deliberately endangering the health of the residents of another State, why should the Federal Government have to pay for that? Why should not it be the responsibility of the polluting State to pay for the mess it created?

As currently written, this bill contains a perverse incentive for the polluting State not to pay for the pollution and health and safety hazards it creates.

It is a disincentive. I think that is the last thing that we should try to create. We highlighted this problem last year. It is not a hypothetical situation. It is real. Interstate health and safety problems exist now, today, all over this country.

In fact, in Oklahoma they had to get a Supreme Court ruling to protect its water standards against downstream pollution from Arkansas.

Just a few years ago, New Jersey residents rightfully expressed concern about New York's hospital wastes washing up on New Jersey's shores. There is also a problem with incinerators blowing toxic smoke across State lines and adversely affecting the health of citizens in adjoining jurisdictions. States like New Hampshire, Massachusetts, Connecticut, and Rhode Island are constantly complaining that their air quality is negatively affected by air pollutants from New York and Philadelphia.

In conclusion, the State that should be held accountable for the creation of the burden is relieved of their responsibilities. They should have the responsibility and should not be allowed to walk away from it. We should not reward States for wrongdoing.

This amendment would prevent an interstate catastrophe. I would urge its adoption.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Chairman, I rise in reluctant opposition to the amendment.

First of all, I would indicate to the gentleman from New York [Mr. TOWNS] that we have discussed this amendment, we are very cognizant of the problems the gentleman is raising.

Mr. Chairman, we come back to what we were discussing on the previous amendment. That is that this would represent an exception, a broader exception, frankly, than the one we were discussing in the last amendment, because this basically, as I understand it, would apply to any legislation, any existing statute or any new statute that affected the public health and safety. That is a broader exemption than would have been contained in the previous Taylor amendment.

I just would make the same points again.

This does not represent in any way an invasion or abrogation or undercutting of existing legislation having to do with public health, safety, environment, or anything else. It is strictly prospective in application.

Second, it is clear that the sort of unique situations that the gentleman from New York talks about could well be the justification for an exception when the matter is debated.

I would come back to what the core of this is; the core of this is to try to establish a new relationship, a new partnership, if you will, between Federal, State, and local governments. There is no intent here in any way to undermine existing health or environmental or safety legislation. There is a provision where a point of order lies against a mandate that does not provide funding. That does not preclude Congress from passing that mandate through to the local governments, but it would require a debate on that, something we never have had before.

In the earlier debate, this does not take into account any of the benefits that might be derived from the mandate. I suggest at this point the only thing we do take into consideration at this point, what the benefits might be; we do not take into account what the costs on local and State governments have been. What this will do is require the costs to be a part of that mixture.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank the gentleman for yielding to me.

I would simply like to associate myself with the remarks of the distinguished chairman of the Government Reform and Oversight Committee and say what we are creating here in fact is accountability. In the past we have seen the Congress regularly slip provisions into all kinds of legislation, which has imposed a very detrimental—had a very detrimental impact on State and local governments; we in the Congress have no longer been accountable.

As the gentleman says, it is quite possible that this could happen again, but the difference is that we have to say whether we are for it or against it, we have to go on record so that we as an institution and as individuals are accountable to the American people.

I thank my friend for yielding, and I am very supportive of his remarks.

Mr. CLINGER. I thank the gentleman for his contribution.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Virginia.

Mr. DAVIS. I thank the gentleman for yielding.

Mr. Chairman, I just heard a statement that when one State dumps pollution into another State, the polluting State would not have to clean up unless Congress gave them a billion dollars. That is not accurate, is it, under this legislation?

Mr. CLINGER. That would clearly be an overstatement of what might happen.

Mr. DAVIS. It could happen.

Mr. CLINGER. It could.

Mr. DAVIS. That could happen now, could it not?

Mr. CLINGER. Indeed.

Mr. DAVIS. Even without this act.

Mr. CLINGER. Exactly.

Mr. DAVIS. All we are doing here is accounting and that the individuals, whether they be States or localities, would have to pay and we would know what the costs are.

Mr. CLINGER. Yes; that does not come into the equation now. We do not have any requirement under existing law to enter into—to have any consideration of the costs. I would stress this is not about the merits or demerits of any program that we are talking about. The programs that the gentleman is addressing on this matter are all meritorious programs.

☐ 1350

All we are saying is they should not be exempt from, or excluded from, a consideration of what the cost is, and that may well be that the benefits will be so persuasively presented by those that are promoting it that we would, in fact, pass the mandate through without the funding, but it would require us to be—in a judicious way to look at these proposals and make a determination up or down.

Mr. TOWNS. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from New York.

Mr. TOWNS. I ask, "Didn't this bill say that full funding, in terms of from Congress, in terms of the mandate, is supposed to be full funding? So, if it's full funding, then a State could very easily say, 'I will not move to clean this up unless the Federal Government gives me the money.'"

I think that is what the bill actually says, so my amendment would help to correct that, to say, "If you are killing people in another State, then it becomes the responsibility of you to stop doing that," and I think that is what we are talking about.

There are a lot of situations out there like that, so it is not just one isolated situation. We are talking about situations all over this Nation where this exists, and this bill would prevent that from being dealt with.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has expired.

(By unanimous consent, Mr. CLINGER was allowed to proceed for 2 additional minutes.)

Mr. CLINGER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, first let me say to the gentleman from New York I appreciate all the input he has made to this issue. We would not be here today on the floor if it was not for the gentleman from New York [Mr. TOWNS]. Chairman TOWNS last year in his subcommittee held three hearings on this subject, two field hearings, one in Pennsylvania, one in Florida, and a hearing here in Washington, and in those hearings we flushed out a lot of the issues we are now discussing.

Just addressing quickly the notion of full funding. It is true that if there is not full funding, it is subject to a point of order on the floor. Congress can always waive that point of order by a majority vote, and Congress can work its will in that way and give partial funding, or even no funding, to an important national priority.

Mr. TOWNS. Mr. Chairman, will the gentleman yield one more time?

Mr. CLINGER. I yield to the gentleman from New York.

Mr. TOWNS. I say to my colleague, "You know, what you're saying, and I think that we are talking about a health issue here, and I think that's the reason why I become very sensitive; you are saying, 'Trust us.' But you know I don't think we can go totally on 'Trust us,' because if you have a State that's doing harm to people that reside in another State, you know there is no real incentive for them to do anything about it."

So, I think that is the situation we are talking about. So, yes, we would like to trust, but we are talking about people dying, and that is what this issue is all about.

So I would like for the gentleman to think very seriously about adding this amendment because I think it strengthens the bill. I would like to vote for this, but I cannot vote for it knowing that we have this issue out there that could affect a lot of lives if we do not correct it here now.

Mr. CLINGER. I thank the gentleman. I would say to the gentleman that, as the gentleman from Ohio indicated, there is flexibility in the application of this point of order. And I think that the sorts of situations the gentleman talks about could very well be unique situations that would require us to make the kind of decision at the Federal level that he indicates. But at least it would require us, as we are not required to do now, to really look at what we are doing, what the costs are going to be.

That is all we are saying. This is an information vehicle more than anything else.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words

Mr. Chairman, the Constitution assigns to Congress a unique responsibility for regulating affairs among the States. The Founding Fathers correctly anticipated that without a singular Federal power to regulate commerce, travel, and other interstate affairs, this country could not exist as a united nation.

That rational was the genesis of the commerce clause and the supremacy clause in the Constitution. It is also the underpinnings of this amendment. Once Congress abandons its responsibility to protect the health and safety our residents the integrity of our Federal system is jeopardized.

This is why I vigorously support the amendment of the gentleman from New York [Mr. TOWNS]. Under this bill a point of order can be raised against intergovernmental mandates that are not fully paid for by Congress. Thus, a premise behind H.R. 5 is that it is the Federal Government's responsibility to pay States not to pollute.

Under this bill, no State would pay for new requirements mandating it to clean up the air, the water or the environment unless Federal taxpayers foot the entire cost of the cleanup. This turns federalism on its head.

Let me give you a personal observation: The health of my constituents in the seventh district in Chicago was severely effected recently because the city of Hammond, IN, was polluting Lake Michigan, and that polluted water was filtering into the Chicago water supply. If this bill were law, the city of Hammond and the State of Indiana would have no incentive to assist in cleaning up Lake Michigan because sooner or later the Federal Government would mandate a cleanup, requiring full Federal funding.

I for one will not go back to my constituents in Chicago and tell them that I voted to remove my ability to protect them against the polluted water in Lake Michigan.

The supporters of this bill are fond of saying that there is no need to worry about health, safety, and environmental issues since existing mandates on State and local government will not be covered by this bill, but that is only, partially, true. If Congress decides to change essential parts of say our Superfund law to make environmental cleanup more effective, my reading of this bill is that these changes could trigger the bills coverage. The States could then refuse to comply with these changes until Congress pays them to do so.

Let us look at another matter of grave concern in our society. The breast cancer rates in certain cities and areas around the Long Island Sound are some of the highest in the Nation. Studies are now underway to determine the cause. If it turns out, as many believe, that these increases in breast cancer are caused by the deliberate dumping of toxic waste by municipal governments, this bill will severely limit our ability to provide a meaningful remedy. How can we tell women that our hands are tied and cannot help because the Federal Government cannot foot the entire cost of the cleanup. How do we tell pregnant women, like those living at Love Canal, who are still concerned that their unborn children may have birth defects caused by the intentional dumping of toxic waste, that we have legislated away our ability to remedy their problem?

H.R. 5 says that this bill will not apply to laws that are necessary for the ratification of international treaties. Implicitly, this bill says that interstate pollution is less important than treaty ratification. I defy anyone in this House to argue that the ratification of international treaties is more important to the American people than laws designed to protect them from the deliberate dumping of toxic waste from neighboring States.

H.R. 5 exempts from this bill laws that require compliance with accounting and auditing procedures with respect to grants or other money or property. What insane values are we imparting to our children when we say that auditing standards are more important to us than the health or safety of our constituents?

For those of my colleagues who are trying to decide whether to support this amendment, ask yourself this simple question: "Would your constituents want Congress to stop a neighborhood State from deliberately endangering their health?" If the answer is yes, then they should support this amendment.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard a number of scary stories told here that really do not apply to this legislation, if my colleagues take a look at what we are asking here. First of all, what this legislation is about is it forces Congress to finally be honest with the American people about the programs and the regulations it creates. Taxpayers deserve to know the price of a program or a regulation before they are forced to buy into it. This bill for the first time ever will force us to honestly determine the cost of mandates before we push them off onto local taxpayers.

Also this bill is about accountability. What are we afraid of here? Are we afraid to cost out what these new mandates are going to cost our State and local governments? Are we afraid of being accountable for the costs that then go on in terms of local taxes, raises in property taxes that we end up mandating? This bill for the first time is going to hold us accountable for the decisions we make, but we still have the flexibility, and I think we will exercise it in many of the cases proscribed by the other side of the aisle in terms of these interstate problems that are going to need some kind of Federal direction, some kind of Federal mandate, but at that point we will have the costs in front of us. The individuals are going to be able to pay for this downstream, are going to be aware of this and be part of the dialog. This is really true federalism.

Finally, this bill is about accountability and making Members of Congress stand up and cast recorded votes on substantial mandates with the full mileage of their costs by requiring extensive, extensive information on the costs of these mandates. This legislation is going to make us accountable for what we are too often explained as unintended consequences downstream of these actions.

Taxpayers in my jurisdiction are sick and tired of routinely paying for unintended consequences that should easily be foreseeable by Federal lawmakers. These will put this up front, and we will have the flexibility then to make the right decisions in a more cost-accountant manner.

□ 1400

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a part of a pattern which is rapidly becoming clear to all. We are hearing now on the floor legislation which has not been properly considered in the committees, because of an extraordinary level of haste on the part of all who are together in bringing these matters to the floor.

The amendment offered by the distinguished gentleman from New York [Mr. TOWNS] deserves support. The bill as it is drawn, again upon which no hearings have been held, would simply require that the Federal Government would pay States and municipal units of government for cleaning up their pollution which flowed across the boundary lines of States or municipalities into other States.

For example, California. California would be paid under this for cleaning up its pollution which affects people in Arizona, New Mexico, in Oregon, and other adjacent States.

In New York, New York has been complaining for a long time about the fact that they are affected by acid rain and sulfur emissions from States in the Midwest.

Pennsylvania, from which enormous amounts of pollutants flow into the State of New Jersey, would be paid under this because of Federal requirements compelling it to clean up.

The amendment which we have here simply recognizes a number of important facts. The first is that the Governors of the several States over the years have suggested and insisted to the Congress that this be the practice under which we handled our environmental laws, that we set up Federal standards, and then allow and require the States to apply those standards. Nothing is wrong with that. And indeed all we are compelling is the States and the local units of government to do that which the ordinary duties of citizenship require.

We have prevented the bidding of one State against another for industry and jobs and opportunity by cutting corners on environment, by establishing Federal standards.

This amendment says that you do not have to have the Federal Government pay a State for doing that which it should. I have a letter which I will insert later into my remarks from the Governor of Wisconsin pointing out this same problem. I would remind my colleagues that the problem continues to exist today, that the western part of Michigan, a clean air area, is afflicted by the pollution which is coming from Gary and Chicago and from Wisconsin, from States just across the lake.

This amendment says that the Federal Government may protect the afflicted, may address the problems of the transfer across State borders of pollutants to water, groundwater, to air, or to the environment from one State to another.

I believe that is good policy. Failure to adopt this amendment assures that we will have to readdress this amendment again under the same kinds of irresponsible pressure that we confront today; that we will have to try to undo something which has totally rent the fabric of cooperation which we have built since the 1950's on clean air and clean water; and the protections we have had for the environmental protections of the people of this country.

It is not too much to expect that States will clean up their mess without being paid by the Federal Government. We do not require that the Federal Government compensate industry for that kind of action. Why is it that we would then say a State may set up a municipal waste dump, a hazardous waste dump, an electrical utility generating system, or a nuclear facility, without requiring the Federal Government to pay for them to take the steps that they should take simply as good citizens, and as we would impose on any ordinary person, or as we would impose upon any corporation?

I see over there on that side of the aisle many who were supporters of the Clean Air Act in times past. They would come to me and say "DINGEL, why don't you support a stronger piece of legislation in the Committee on Energy and Commerce?" I said because I want to be careful about how we proceed. I want to be sure as we go through this legislation, that we are not going to impose excessive or unwise burdens that are going to impair the competitiveness or the well-being of this country or its industries. But to take the opposite step and say now we are going to compel the Federal Government to pay for this kind of irresponsible conduct on cleanup, is unwise, unnecessary, and establishes a dangerous precedent.

GOVERNOR TOMMY G. THOMPSON,
STATE OF WISCONSIN,
December 15, 1989.

Hon. JOHN DINGELL,
Chair, House Energy and Commerce Committee,
Washington, DC.

DEAR CONGRESSMAN DINGELL: I strongly support Congress' efforts to pass Amendments to the Clean Air Act which will improve air quality throughout the nation. However, I have some concerns about the impact of some of the proposed Clean Air Act provisions currently before Congress on Wisconsin.

Achieving equity and fair treatment for Wisconsin is my primary concern. This underlies many of the concerns I have with H.R. 3030. For example:

1. Proposals regarding measures to attain ambient air standards do not take into account ozone and volatile organic compound transported into Wisconsin from out of state;

2. Toxic substances provisions would, in effect, "penalize" our state for moving ahead with state-mandated control strategies; and

3. Acid rain reduction proposals do not consider Wisconsin's early, independent and substantial acid rain controls.

In addition, I have enclosed a report prepared by the Wisconsin Inter-Agency Clean Air Act Working Group which more fully describes my concerns, the potential impacts of these provisions on Wisconsin, and recommendations for changes. They are as follows:

I. ATTAINMENT OF AMBIENT AIR STANDARDS

1. Congress should formally establish a Lake Michigan Airshed Interstate Transport Commission and require EPA to abide by strategies unanimously agreed by Interstate Transport Commissions.

2. Congress should make EPA promulgation of Federal Implementation Plans mandatory when a state fails in its state plan development and delete the provisions from HR 3030 which would render all previous Federal Implementation Plan agreements moot.

3. Congress should make allowances in mandated ozone reduction requirements for downwind nonattainment areas, such as Southeastern Wisconsin, which are being impacted by transport from more severe upwind areas, such as Illinois.

4. Congress should adopt the Senate version of the volatile organic compound reduction requirements through the year 2001. Congress should also discontinue the annual percent reduction requirements after the year 2001. Instead, based on specific area needs, they should establish emission reduction requirements through the state implementation process.

5. Congress should adopt the Waxman/Dingell compromise language which sets up a two phase tailpipe standard and provides for a 2003 revision based on technical and economic reasonableness. Congress should also adopt provisions for full useful-life emissions control equipment warranties and strengthened new vehicle certification test procedures for evaporative emissions.

II. TOXICS PROVISIONS

1. HR 3030 should be amended to expand the access to alternate emission limits to sources previously required to reduce hazardous emissions under state or local mandate as well as those who voluntarily reduce emissions.

2. HR 3030 should be consistent with the Council of Great Lakes governors Substances Control Agreement. In particular, the listing criteria should be expanded to include the impacts of pollutants on plant and animal life, in addition to human health impacts.

III. ACID RAIN PROVISIONS

1. Congress should not adopt provisions which would require cost-sharing or emission taxes by all states to finance clean up in some states.

2. HR 3030 needs to recognize and make allowances for those utilities which had reduced SO_2 emissions far below 1.2 pounds SO_2 per MMBTU (British Thermal Unit) by 1985. The White House has indicated they are considering changes to address this issue, while maintaining a permanent emissions cap.

3. Provisions on repowering should be broadened to include non-pulverized coal boilers (e.g., cyclone boilers). The White House has indicated they will seek to correct this error before enactment.

4. Language should be added to HR 3030 to provide incentives, including emission allowances, or use of alternate fuels (such as wood), energy conservation, and renewable energy sources as methods to reduce sulfur dioxide and other air emissions, as long as they do not result in a permanent increase in allowable emissions.

5. HR 3030 should clearly delineate the extent to which industrial sources, independent power producers and co-generators are included. Emission restrictions for non-utility sources (if any) should only be considered if cost-effective as compared to other reduction alternatives.

If you have any questions or would like additional information, please contact any of the state agency personnel listed in the enclosed report or fee free to contact Mary Sheehy in my Washington office at 202/624-5870.

Thank you for your consideration of this matter.

Sincerely,

TOMMY G. THOMPSON,
Governor.

Mr. DREIER. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I wanted to applaud the gentleman from Pennsylvania, Chairman CLINGER, and the members of the committee for the great work they have done in bringing this important bill to the floor. And I want to pay special tribute to a couple of Ohioans who have played a critical role in bringing the issue of unfunded mandates to the attention of the American people, our great Governor, George Voinovich, and my colleague and very good friend, the gentleman from Cincinnati, Mr. PORTMAN. With his usual skill, insight and diligence, ROB PORTMAN has made this crucial reform possible.

As a former city councilman and county commissioner, I can tell you that for far too long the Federal Government has imposed its regulatory whims on the State and local governments. Like it or not, fiscally battered or not, our State and local governments have been forced to comply.

Let us be frank: Federal politicians have loved unfunded mandates because they are a way of putting huge new regulatory programs in place while secretly passing the tab along to the States and local governments. They have been taxing and spending while keeping the taxing part hidden.

Local officials know the story all too well. Too often they find that they must reprioritize local spending needs because Washington has given them another mandate that they just cannot afford.

Mr. Chairman, with H.R. 5, the party is over. Congress finally takes a giant step in the right direction. Congress finally takes responsibility for its actions and begins to treat State and local governments like partners, not like subordinates.

If we are going to impose new costs, we ought to at least be honest about it, and we ought to be on the record, and usually we ought not to do it at all.

I urge adoption of the legislation.

Mr. DREIER. Mr. Chairman, I would like to congratulate my friend from Cincinnati for his excellent remarks and to say as we listen to a number of people talk about the Clean Air Act, there is a sense that we are going to be doing absolutely nothing here. That is baloney. Between now and 1988 we are going to be spending $3.6 billion dealing with this, and this level of spending is obviously going to be proceeding. So the sense we are ignoring it is way off base. What we are trying to do is increase the level of accountability.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Towns amendment, which I believe will preserve the proper Federal role in regulating actions by one State that harm another State. Like so many of my colleagues, I strongly believe that the Federal Government should not impose unnecessary mandates or burdens on State and local governments without clear benefits, but the Federal Government should set standards in areas such as health and in safety and environmental protection that prevent one State from doing harm to another State. Without some national standards we would be helpless to prevent powerplants from dirtying the air of States downstream or to prevent polluters in upstream States from contaminating downstream waters.

I know the critical role that the Federal Government plays in meeting interstate environmental challenges from my work to protect the Long Island Sound. For years so many communities along the sound could not afford the modern sewage treatment plants that they needed to stop polluting the sound. With the Clean Water Act, and especially the National Estuaries Program, the Federal Government shared the cost for cleanup efforts with local communities, and we began to get the job done. That is a partnership, that is not a mandate.

But under this bill there is no room for partnership. Either the Federal Government picks up the whole tab, or the Federal Government stays out and lets local communities fend for themselves, even if it means that they keep polluting the air and water, they cannot afford to clean up alone.

□ 1410

Under this bill, the communities along the Long Island Sound would still be waiting to build the sewer plants that they needed. We ought to be expanding opportunities for partnership, as the gentlewoman from New York [Mrs. LOWEY] and I have tried to do with our wastewater protection program. As we learned, these partnerships do much more than help to protect our environment and our quality of life. It is not only the environment. They also help communities to expand local economies, to create jobs. That is an investment and not a mandate.

Yes, we need to reduce unnecessary Federal burdens, but we also need to expand the opportunities for Federal, State, and local partnerships and investment.

The Towns amendment will do just that. I urge a "yes" vote.

Mr. BILBRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I happen to represent an area of the world that has been impacted by pollution for over 14 years. My constituents have lived with the impact of pollution from foreign countries. I do have a problem with the position that somehow the Federal Government has protected the citizens of this country from pollution. It exists today and continues to exist with the oversight of the Federal Government.

I oppose the amendment and support the chairman's position for a lot of reasons. One reason, Mr. Chairman, is because I have served as a member of the State Air Resources Board for the State of California, a small intimate group of 32 million people, and have also served as a member supervising the environmental laws pertaining to hazardous waste for 2.5 million people.

Let me tell you, the biggest problem in protecting the public's health out in the real world, out there in America, is not the fact that we do not have enough Federal mandates but the mandates that are placed down are not based on protecting the public health. Many times the mandates care more about the procedure than the protection.

If my colleagues who have raised this issue that the Clean Water Act has done such great things, frankly, if they think the Clean Water Act is a perfect document, I would debate that to the end. We today have pollution that is flowing, that is federally allowed. I think that one of the things I would ask you to look at is that all we are asking for is we look at the cost-effectiveness, we look at the benefits the public is either getting or not getting and that the well-intentioned and misguided strategies of the past need to be put under the light, the light of reason, to be able to see if they really did do what you mean them to do. Did they accomplish the protection and would the dollars being spent on these programs be better spent on programs that could truly help the public and protect the public health?

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to express my strong support for the important amendment offered by the gentleman from New York.

I compliment the gentleman from New York for recognizing the serious problems that could result if we restrict the Federal Government's ability to take action on pollution that crosses interstate lines.

This issue goes to the very heart of what a national government should stand for.

The Federal Government must have the ability to take positive action to prevent the residents of one State from being devastated by the pollution from another State.

There are numerous and repeated examples of disputes between States about the discharge of pollutants into the water and into the air.

If the Federal Government is stripped of the ability to step into the fray, the result will be total chaos.

Without adoption of the Towns amendment, there will be a strong incentive for upstream States to take every action they can to avoid reducing pollution.

They can save their money on pollution control that does not affect their own residents but hits directly at the residents of downstream States.

My own State of Pennsylvania has been a leader in reducing the nonpoint run-off that has degraded the Chesapeake Bay.

Without passage of the Towns amendment, there is absolutely no incentive for the other bordering States to join us in this effort.

In another well-known case, it was only through the continued enforcement of Federal environmental laws that the beaches of New Jersey were protected from sewage discharged in New York.

These are well-known examples but these problems exist throughout the country—in the Mississippi Valley, in the South, in the West.

If we fail to adopt the Towns amendment, we will be setting State against State. We will be inviting chaos and conflict.

Worst of all, we will be sacrificing the need to protect our environment and all of our citizens from the ravages of pollution.

Mr. Chairman. I urge a "yes" vote on the Towns amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in passionate support of the Towns amendment. I think everybody ought to be for this amendment, if they believe that water flows and wind blows.

Now, no one has proved to me that water does not flow and wind does not blow. And I do not know anywhere where it honors State boundaries. And I must say, for Members saying, oh, wow, but we would not want the big heavy Federal Government to come in and tell States and localities what to do, let us just think about that in another context.

States and localities are all citizens together under this great republic. That flag behind me has a star for each of those States. And I hope that star means each State is trying to be a good citizen.

Now, if we turned it and put it into a family context and we said, this country is also made up of many families and some families do not want to take care of their families, we would not want to have a Federal mandate to do that. What are we talking about? Everybody is supposed to be a good citizen. And this bill is saying, look, we are not going to give excuses to States and localities to pollute.

And then what happens is, someone says, well it just costs too much to clean it all up. You throw up your hands. It would be like child support enforcement. We tell people they ought to pay their child support, but if they do not, we will pay it, the Federal Government will pay it, because we would not want to have an unfunded mandate on a runaway. Oh, no. Why? What do you mean? This is their responsibility. The responsibility of the States and local governments represented by the stars on that flag are that they be good citizens. That is what this whole republic is built on.

I think we all have horror story after horror story. The only Members I can see that vote against this amendment are Members who are at headwaters so they can pollute everybody else and then just say, hey, this is great, have a nice day. Or Members whose wind, they are at the top. They never are downwind. Anybody who is ever downwind of anyone else or downstream of anyone else is crazy not to insist that all of the States sharing either the air or the water behave themselves.

Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the gentlewoman makes a very important point. We are now the recipients of a vast amount of knowledge that is imparted to use because of the advances in photography and in the satellite monitoring. And obviously what we see and what we show our schoolchildren and our families and others and the citizens of this country is the ramifications of local actions that spread far beyond the borders. The areas of Arizona and Colorado and New Mexico receive most of their pollution out of the southern California air basin. The people who travel and spend their hard-earned money to go visit the Grand Canyon cannot see across the rim not because of what happened in Arizona or in the Grand Canyon but what happened hundreds of miles away in southern California.

If you look at the satellite photos and you see the pollution that comes out of Alabama, out of Georgia, moves down to the Florida Bay, moves around into the Florida Keys, and up the other side of Florida, and if it is not treated. And what this legislation says, if those same mayors and those same Governors that do not like unfunded mandates, do not like the cost, do not like timetables and do not like standards prevail, then everybody goes their own way. You put in the pollution at the top of the Ohio River or you put it in in the Mississippi River and then other people who want to try to clean up their water, either because they want to use it or they are responsible in putting it back into the river, find that it is far more expensive for them to do that.

That simply is unacceptable. That is not a nation. That is not a united nation. That is not about citizenship. That is about making individual, little decisions about how you can push it off onto somebody else. Because as we advance, as we find out more about air pollution and water pollution, then if we do not, as a Federal Government, agree to pay that and they can prevail on the point of order, and we do not waive that, I understand the mechanism here.

I also understand this is a democracy. If they prevail on the point of order, then we simply lose the ability to put that technology out there for the benefit.

□ 1420

Let us look at what we have achieved in this country. Under this great burden we have achieved the highest standard of living in the world. We have achieved the cleanest air and the cleanest water in the world.

The point is that those are the ramifications of when 220 million people try to live together. We can look everywhere else in the world and see the ramifications.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, just as we do not allow families or members of families to be dysfunctional, we cannot allow cities, States and counties to choose not to do what is socially responsible for the good of the people of this Nation. We have had these basic fights.

We have had the people of New England fight against the people in the Ohio Valley about scrubbers on coal plants and obligations and fuels to be burned. We have had the struggles between the automobile companies and the manufacturers of gasoline in cities, and in the city of Denver the gentlewoman has been through this.

Why do we do this? Because it is our social responsibility. I thank the gentlewoman for raising this point.

Mrs. SCHROEDER. I thank the gentleman from California for pointing this out, because this amendment is about good citizenship. I think what we should be doing here is encouraging good citizenship in this Republic. This goes right to the core of this; not "Ha, ha, we are upwind, we can do this to you," or "We are upstream, we can do this to you."

There is nothing that makes us angrier in my State of Colorado, where we think we are the lungs of the Nation, to get off the plane and be coughing frantically because stuff is blown in from another State that we cannot do anything about. Now that we know environmentally how interconnected we are, we all must work together through our local governments and through the Federal Government to figure out how to do it. No one can pay for all of it.

We all have to do our fair part. There is blame that goes everywhere for having gotten where w e are, but there is also some blame-sharing and some payment-sharing we are going to have to do, because we just do not have the money to clean it up.

Just to say to the American public "So go buy bottled water, so go get an air mask," that is not a good excuse.

Mr. PORTMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, I appreciate the gentleman from California [Mr. MILLER] altering his statement regarding the point of order.

I think the point needs to be made, because there were some misleading statements earlier, both by the gentleman from Michigan [Mr. DINGELL], the former chairman of the Committee on Energy and Commerce, the gentlewoman from Colorado [Mrs. SCHROEDER], and the gentleman from California [Mr. MILLER] that somehow we could never have national standards again after this bill was passed.

As we know, it does not apply retroactively, only prospectively. Then it simply requires that Congress, through a considered judgment, with information we do not currently have, make a judgment with a 51 percent vote, a constitutional majority. The gentleman talked about——

Mr. MILLER of California. That is the current law.

Mrs. SCHROEDER. That is the current law.

Mr. PORTMAN. That is not the current law.

Mrs. SCHROEDER. Reclaiming my time, Mr. Chairman, coming from a small State, we know how rapidly one could get rolled in this body. If the Members remember, we assign each State the number of Representatives by their population. When we get dirty water from larger States or when we have people taking stuff away from us, or they are blowing air in on us, they could have many more numbers and say "We do not want to spend the money to clean it up, thank you very much."

What I am saying, Mr. Chairman, is the gentleman is putting another barrier in and really not encouraging good citizenship.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just say again, to reiterate the point that has been made several times in these debates over potential exemptions to this legislation, this is not a debate about the merits of individual mandates. This is a debate about whether we have the cost information that we do not currently have.

I would disagree with my colleague from California as to the costs of legislation. This forces CBO, the Congressional Budget Office, to do a detailed accounting of what the costs are.

The committees, incidentally, also have to do a detailed analysis of costs and benefits of the legislation. That legislation then comes to the floor.

We have something in this legislation that is not currently guaranteed, which is a debate, an informed debate on the issue. Can the Members imagine that, in the U.S. Congress actually debating the unfunded mandate issue, and then someone can raise a point of order and that point of order can be waived by a majority vote.

The gentlewomen from Colorado [Mrs. SCHROEDER] may some day be in the other body, and in that case the smaller State would be more represented, but in our current situation, of course, we each represent the same number of constituents, and by majority we constantly enact legislation.

We enacted the Clean Air Act. The Clean Air Act could be enacted again, or similar legislation. All we are asking is that that be an informed decision. That information is not currently available.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I would like to compliment the gentleman on his statement, and then just underscore, my friend, the gentleman from Martinez, CA [Mr. MILLER], talked about the great advances that we have been through environmental legislation which has emanated from this institution.

However, what we are saying is, "Hey, he may be right in some areas, but let us be accountable, and let us make sure that we know exactly what the cost will be to those items as we look toward improving environmental standards and a wide range of other areas," rather than having these things surreptitiously stuck into legislation and then as amazing cost burden passed on to State and local governments.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, one of the problems, again, coming from a smaller State where we have often received the dregs of what other States did not want, one of the groups that I can think of that would be against this amendment would be a group like Mutants for Radioactive Waste, because if you look at Nevada and Colorado and New Mexico, that is where everybody wants to dump radioactive waste. That is where everybody is perfectly willing to dump dirty water or salt water. We have trouble with salinization of water.

Mr. Chairman, let me say that if we take the State of California and the State of Nevada, how much money do Members think the State of California is going to be willing to spend to clean up air for the State of Nevada.

Mr. PORTMAN. Reclaiming my time, Mr. Chairman, I would just say to the gentlewoman that the situation has not changed from the current situation. We passed a Clean Air Act. It affected some States more than others. We did it by constitutional majority. We could do the same thing with regard to the unfunded mandate legislation.

Mr. Chairman, this legislation does not change that. That is a reality in this body, and should be a reality in this body. I would say also that it was interesting listening to the analogies made earlier. Our State and local government partners were being termed to be part of our family, but they were the children. And somehow we had to tell our children what to do and what not to do.

I think we should view them as our true partners. That is the whole idea of this. Let us give them the benefit of having an informed debate on the costs and the benefits of legislation, and the costs and benefits of whether a mandate makes sense. That is all this legislation asks for. It is a very reasonable, balanced approach.

Many people had talked last year and many people had cosponsored legislation that would have banned all unfunded mandates. That is not what this legislation is about. That point has been made several times during the debate over the last 3 or 4 hours. Basically, we have had the same debate.

It needs to be made clear to the people who are watching and other Members of this body, this is about providing cost information. It is about having a debate on the issue and then, yes, accountability, having a vote up-or-down on the issue of the unfunded Federal mandate.

Mrs. SCHROEDER. Will the gentleman continue to yield?

Mr. PORTMAN. Mr. Chairman, I do not have much time, but I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in my part of the country, partners pay their fair share. They cannot say, "Let us be partners, and then you pay." That is not a partnership. Actually what we are talking about, if we do not pass this amendment, is denying that equal partnership where we all sit down and all have the same star in the flag, carrying our same load.

Mr. PORTMAN. Reclaiming my time, Mr. Chairman, I would say that is a debatable point. I would say our partners in local and State government feel they are paying far more than their share.

I would say that the citizens of the United States who are paying hidden taxes, where we take the credit for imposing mandates on State and local government, they pay the taxes, whether it is property taxes at the local level, State income taxes, or State sales taxes, that is not a fair system. That is the current system. I think more than their fair share is being paid at that level.

We need to have an informed debate on the issue. That is all this legislation does. Whether it is health and safety, whether it is environmental issues, we are just asking for the information and a debate on the issue.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been supportive of this type of legislation. I have voted for it when I was in the State legislature. I have been supportive since I have been in Congress.

What is in front of us right now, though, is specifically the Towns amendment, and what it deals with in terms of interstate pollution.

Mr. Chairman, as has been pointed out previously, for Members here who are from upwind States or upriver States, it is not quite the same type of intensity that it has in States like Florida. Florida in many ways is the ultimate downriver state. As far as I am aware, we have no rivers that flow into other States. We are the repository of downstream pollution from other States, whether it be Georgia or Alabama or Mississippi.

In a State like Florida, and in a district like my own, which is the downstream end of the downstream State representing the south end, the tip of the State, Florida Bay and the Everglades area, where it is the downstream end of the downstream State, we have very little control over what occurs upstream.

Specifically, again, Mr. Chairman, if we focus on what this amendment is about, in parts of this country like Florida, without this amendment passing a very well-intentioned bill and a very good bill will have some exceptionally bad results.

Just as we see progress being made, particularly again, in my State, in my district in Florida Bay, some of that progress, and the law is changing on it, and the regulations are changing on a yearly basis, some of that progress will clearly be a detriment.

There are other areas in the country that have similar concerns.

☐ 1430

There are other areas in the country that have similar concerns, and what I would hope is that Members on the other side of the aisle who are in communities and in districts and in States that have these unique type problems focus on their district concerns more than their leadership concerns in the vote when it comes up this afternoon.

Mr. ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that our debate has been moving along and we are trying to get to a vote before our time runs out, but I want to make a point. In listening to the debate from those who are opposing this piece of legislation, I do not believe that disclosure is against the public interest. That is what this bill is all about. It is about disclosure. When we bring this information forward so Members understand what they are voting for, the cost, how much it is going to cost and how that is going to be allocated among the States, I do not think it is bad. In fact, I think it benefits the public interest.

I come from a State legislature where, when legislation came before us, we understood what that piece of legislation was going to cost because we had some estimates before us. We not only understood how it was going to affect our State general fund, but we understood how it was going to impact potentially the special districts that were within the State, to understand what it was going to cost the cities and the school districts. When we became better informed, we began to understand how best to apply the piece of legislation.

In some instances where it may have become too expensive for small communities, then we would provide an exemption. When we looked at what the benefits were to be accrued and what it was going to cost a small community, then we could begin to apply the knowledge to come up with a better piece of legislation.

I am standing here today to support this piece of legislation because I happen to believe that disclosure benefits the public interest. That is what this bill is all about.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Towns amendment. The flaw in this legislation which he is attempting to correct is at the heart of our Federal system of government. There are responsibilities that clearly must be directed by the Federal Government and which, to be effective, must be complied with by State and local governments as well as the private sector.

We should not forget that our Constitution, including the interstate commerce clause, was written in the context of the shortcomings of the Articles of Confederation. Turning to the words of Alexander Hamilton in the Federalist Papers:

> Not to confer in each case a degree of power, commensurate to the end, would be to violate the most obvious rules of prudence and propriety, and improvidently to trust the great interests of the Nation to hands, which are disabled from managing them with vigor and success.

We should not create today, more than 200 years later, the same disability to effectively address compelling interstate problems that the framers of the Constitution intentionally worked to avoid.

In discussing this point, Madison referred to the case of one State disrupting the shipment of goods destined for another State and rightly pointed to the need for the Federal Government to have authority over such matters. Today, the same need exists in many instances where the actions of one State or locality impact on residents of another State. We can all think of instances in our own communities where it only makes sense that Federal policy must be implemented to protect the citizens of our own State against the harmful acts outside our own State's borders.

I have talked before during this debate about the problems confronting the Long Island Sound. The deterioration of that body of water has had a clear harmful effect on the people of New York. The degradation has hurt our economy, costing jobs. It has destroyed a valuable recreational resource. It has undermined property values. And that deterioration has been caused not only by New York, but by activities in Connecticut, Massachusetts and beyond.

If this Congress does not have the authority to require State and local governments in all of those States to bear shared responsibility to address this problem, we will have no choice but to abdicate our constitutional responsibility to achieve a remedy. This is certainly not the answer those I represent would want.

Some of my colleagues might say that this legislation will not stop us from addressing such problems, but will simply require the Federal Government to cover the costs of our mandated policies. But I ask my colleagues, does that indeed make sense? A simplistic answer might be yes, but on reflection we can all see that clean water requirements not only have interstate benefits but also have important and valuable local benefits. In light of that, while Federal help is totally appropriate, a local contribution is justified as well.

As this amendment is considered, I urge my colleagues to reflect on the words of our Founding Fathers about the shortcomings of the Articles of Confederation and to think about problems facing their own constituents. As we work to address legitimate concerns about intergovernmental relationships, the experiences of our Nation's early experience with the Articles of Confederation should not be ignored.

As I have said before, Mr. Chairman, reforms are needed to bring about an end to the senseless unfunded mandates which we all know exist and which can be cleared away. But we should not destroy our Government's ability to effectively fulfill its responsibilities to protect the citizens of one State from harm caused by unwise policies in another State.

As the Articles of Confederation prove, these interstate issues can only be sensible, effectively and fairly resolved at the Federal level.

I urge my colleagues to support the Towns amendment.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of those "I had not intended on making a speech" speech. But it seems to me as I listened to the debate between the gentleman from Ohio [Mr. PORTMAN], the gentlewoman from Colorado, and the gentleman from California in regard to this partnership effort that we have in trying to establish safeguards for clean water and clean air and all of the things that we must do to ensure our country have the cleanup and the safety of every consumer and every citizen.

I think the remark was made about a partnership effort in children as being part of the family. The gentleman from Ohio [Mr. PORTMAN] touched on this just for a moment, but I think it bears some amplification, more especially as it applies to this amendment.

An example I would like to bring is that of a small community in Kansas in my district by the name of Pretty Prairie. Now, Pretty Prairie has under 1,000 people. It has been in a growing dispute with the EPA for the last 4 or 5 years.

The EPA in their infinite wisdom has reduced the level of nitrates in regard to what is safe and not safe from 20 parts per million to 10. And all of a sudden the EPA through the State agency informed this small community that they were out of compliance.

Some 600 to 800 people were forced to try to come up with some kind of a plan to address the EPA dictate, or the mandate. We are talking nearly a million bucks. A million bucks to develop a new waterworks or face all sorts of fines and problems.

This community asked the EPA whether or not bottled water would substitute. Now, why do we have a change in the nitrate level moving from 20 parts per million to 10? That is to prevent the blue baby syndrome. Except there is one problem here that nobody seems to understand from the EPA. Nobody was sick. No child was sick. There has never been a case in Kansas in regard to the blue baby syndrome.

But all of a sudden here is Pretty Prairie having to come up with a million bucks to change their entire waterworks.

□ 1440

So the community said, fine, we will use bottled water, but that does not suit the EPA. We are still in discussion after 4 or 5 years with this mandate that is about to put this town out of business.

That is the kind of parent-child relationship it seems to me is what is wrong about this. This has happened all over my district. I can give case after case after case where there is a growing rebellion in regard to the partnership effort that should be established with all of the alphabet soup agencies that come down with these mandates. In Kansas today in 105 counties, all of the county commissioners have to spend at least half of the budget on these mandates, and in many cases they are counterproductive, they do not apply and they are just downright silly.

Let me give one other example I am worried about in regard to the Towns amendment. I have great admiration of the gentleman. But in St. Francis, KS many senior citizens came to me and signed a petition and said why are you increasing our trash fee three or four times as much as the current fee. These are senior citizens who are now living on fixed income. And the EPA there, through the landfill regulations and through the State agency, said from date certain last October you are going to have to have all of your trash hauled to a regional landfill. There are two problems. One, there was no regional landfill, and there were not any trucks to haul the trash.

There was a suggestion made that we would go to Denver, but Denver did not want it. That would simply go across the State line. The Towns amendment obviously would simply prevent us from really trying to focus on that kind of a mandate.

So here are the senior citizens on fixed income in St. Francis, KS saying to the gentleman from New York [Mr. TOWNS], the gentlewoman from Colorado [Mrs. SCHROEDER], and the gentleman from California [Mr. MILLER], why are we paying for this mandate. I will tell my colleagues what will happen. Every senior citizen there will get the neighbor boy to come and take the trash and put it in a pickup truck and they will dump it in a ditch, and we will have trash blowing all over the Great Plains as a result of this damn fool mandate, and it is interstate.

Let me give one other example if I might. Some time ago the EPA proposed 65 mandates to help clean up all of rural and small-town America.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

(Mr. ROBERTS asked and was given permission to proceed for 2 additional minutes.)

Mr. ROBERTS. Mr. Chairman, -I was very interested in number 16 or 17 in that list. It was an effort by the EPA to control something called rural fugitive dust, rural fugitive dust. So we called down to the EPA and said what on Earth are we talking about and we could not get an answer. It was one of those things where you call one person after another person after another person. Obviously, with the interstate amendment that the gentleman has proposed, rural fugitive dust would go from one State to another.

We finally reached somebody who was able to explain it to me, and I said what is the problem. She indicated to me, "Well, Congressman, you've got a lot of rural dust out there and it is dangerous to your health." I said, "You're telling me that and I am from western Kansas." She said, "Yes, sir." I said, "Well, what do you plan on doing about it?" "Well, we can simply mandate that water trucks go out in the morning and afternoon and spray the country roads, and then you won't have the rural fugitive dust."

This person was serious. If Members do not think that that mandate was a little specious or a little silly, we have mandates like that. What on Earth would the Towns amendment do in regards to preventing us from exposing this kind of ridiculous mandate to force many of our communities to get in water trucks and spray every rural road in Kansas? That is ridiculous.

If in fact this whole entire effort is vague according to the other side who is opposed to this, my word, the gentleman's amendment is as vague and as wide as a barn door.

I urge the defeat of the gentleman's amendment. We should proceed. We should not pass this exemption. This is a killer amendment, and in case if in fact there is any State that is worried about a very pristine and marvelous lake or area or whatever we are trying to protect, all we have to do is come to the floor like we are doing today, debate the issue, waive the point of order, and protect it. All we are asking for is a debate.

So, in that regard I respect the gentleman. I think his amendment should be defeated, and I think we should proceed, especially at this late hour.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of Mr. TOWNS' amendment.

I believe that this amendment addresses a glaring flaw in H.R. 5 as it is now written. The flaw is that the bill, without the Towns amendment, could deprive our constituents of the protection they may need against significant impacts on their health and safety which emanates beyond their borders, and therefore is beyond the control of their State and local governments.

H.R. 5 could strip from our constituents these basic protections, by making it more difficult for the Federal Government to perform its fundamental function of protecting the health and safety of our citizens.

While there is room for legitimate difference of opinion as to the appropriate functions of the Federal, State, and local governments in many arenas, I believe that with respect to at least one matter this issue is well settled:

That the Federal Government does have a role in protecting citizens downstream States from serious health impacts caused by pollution from upstream States and localities.

Water pollution knows no political boundaries.

Without the provisions of the Clean Water Act that place obligations on States and local governments, many downstream States would never have the possibility of clean water.

We have all heard of situations where pollution from one State or locality adversely impacts citizens in downstream or adjacent States.

Many of these examples involve discharges of sewage by municipal governments. For example:

Residents of New York and Connecticut are familiar with interstate pollution of the Long Island Sound caused by discharges of sewage.

Residents of Mississippi and Louisiana have seen the effects of being downstream from dischargers of inadequately treated sewage.

The conditions that gave rise to the boil water advisory in the District of Columbia a little over a year ago were in part the result of conditions in upstream States.

Lakes in upstate New York such as Lake Champlain are being impacted by pollution from Vermont as well as New York.

Even though H.R. 5 is not intended to apply to current laws, it still would make it more difficult and more cumbersome for the Federal Government to fulfill its duty to protect the citizenry from significant health and safety consequences of transborder pollution.

It could do so by limiting the Government's ability to add new requirements where necessary to protect human health, and reducing or excusing those requirements where Federal funding is reduced.

I noted earlier that we should call H.R. 5 The Law of Unintended Consequences. The Towns amendment provides a perfect example of what I can only assume was an unintended consequence of H.R. 5—that the bill restricts the Federal Government's ability to protect downstream citizens from significant health and safety impacts that their State and local governments may be powerless to prevent.

A vote against the Towns amendment is a vote to make it harder to protect the citizens of your State against significant health and safety impacts from upstream State and municipal sources.

I urge my colleagues to support the Towns amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I am pleased to yield to my colleague, the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, what I understand from all this debate and the Towns amendment and also the one that preceded it by the gentleman from Mississippi especially is that it appears to me that this legislation, although well-intended, and having a good goal and a good purpose, still has, like the gentleman says, unintended consequences potentially within it. That concerns me, that there has not been really sufficient development in this legislation.

What I mean by development is I would like to ask the gentleman what various agencies of the Federal Government or of any State government came and testified on this legislation.

□ 1450

Mr. MINETA. On this legislation specifically, as a member of the Committee on Public Works and Transportation, and now the Committee on Transportation and Infrastructure, we have held no hearings on this issue.

Mr. VOLKMER. There have been none whatsoever. And, therefore, we do not have any idea of the possible impact except for those who are proponents of the legislation, what it may actually do.

Mr. MINETA. My good friend from Missouri is correct.

Mr. VOLKMER. But as far as those people who are working with it day in and day out and have done so for years, there has been no input whatsoever?

Mr. MINETA. My good friend from Missouri is correct.

Mr. VOLKMER. I have one other question I would like to ask to me that is something I have thought about ever since this legislation. I am one of those again who believes in States' rights. I do not believe in unfunded mandates necessarily.

But I see consequences of what this legislation may do.

Let us assume that instead of this Congress having this legislation, that 30 years ago another Congress had passed this legislation, what would we have today with our streams and our cities as far as pollution and water and all of these other type of things?

I can remember back when, and I am sure there are other Members in this body who can remember back before we had wastewater treatment facilities and a lot of raw sewage was going right into the streams. Now, if the Federal Government had been required to go out and pay the total amount for all of those and not have the present law, but we had to pay for the total amount of all of those, I question whether that would have been done. The same thing with all of the antipollution that went on.

But was it the Federal Government that caused the pollution? Was it the Federal Government that was causing all of the raw sewage to go into the streams, was causing the chemicals to go into the streams, was it the Federal Government that was causing all of the pollution to go into the air? I do not believe so. I do not believe so, that the Federal Government——

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. MINETA was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. So what we are saying is that the Federal Government should pay for what other people, whether it is private industry, whether it is communities, should pay to do what they should have done anyway, what they should have done on their own without the Federal Government telling them what to do, unless proponents of this bill really believe that we should not do anything on safety, health, as far as pollution itself, and that we should just let the local communities do what they want to do, and if they or the industries, they want to pollute, they can go ahead and pollute, and it is only when the Federal Government says, "We will pay for what you should not do anyway," that it is going to be cleaned up.

So I think this legislation needs a heck of a lot more time than it is getting.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. I thank the gentleman for yielding.

I appreciate that you raised the incident affecting every Member, the water crisis here in the District of Columbia as an example of interstate problems created by this bill.

The Towns amendment, in a real sense, gives us the best case for an exception, because it cures a federalist defect in this bill, and that is interstate wrongdoing.

In a real sense, it is why we created the Federal Government in the first place. The Articles of Confederation left us with no way to deal in an equitable fashion among the States, and we created this federalist system.

I want to say a word about motivation here, because all day we have heard that the point of this bill is information only. Well, let me remind my colleagues that we have had to fix this bill so that there was more than a point of order, so that there will be a point of order vote.

I really wonder why that was not in the bill to begin with, if the point was to provide Members with information before they voted—when you did not even provide a way to vote in the first place. If it was for information only, then why is it not the case that the information would come out in debate, my colleagues?

Are people so afraid of mandates, which they should be, then the kind of debate we are having here today would surely have been enough to deter Members from voting to put mandates on their own people in the States and cities.

I will tell you that you are disguising, and not very well, the real motivation of this bill. You want to now force to have a vote, to have an isolated vote, on costs, because you know that that is the heart of——

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has again expired.

(At the request of Ms. NORTON and by unanimous consent, Mr. MINETA was allowed to proceed for 2 additional minutes.)

Ms. NORTON. Because you know that that is the most difficult vote; having been forced now to vote, you want to have an isolated cost vote, a vote that will force debate on cost alone when we could have had the kind of debate we had here anyway highlighting cost and getting the same result, if that is all you want.

Moreover, the fact is that you are forcing a vote on full funding. You have got a full funding standard in this bill. The fact is that in the federalist system, we have always been about shared funding. We always think that if there is dirty water or dirty air that the State or the city ought to take some part of that cost.

Why have you not put a provision for shared funding in the bill, if that is, in fact, what you mean? You put full funding in the bill, because, again, you want to make it almost impossible to support new bills, and some of you have said as much, have said you want these bills repealed.

This is an interstate compact, my friends. By ignoring or opposing the Towns amendments, you are giving a direct incentive for the States to commit wrongdoing, one against the other. You are creating disputes among the States that will carry them into the courts. You are wiping out a central feature of federalism.

You ought to own up to it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. TOWNS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TOWNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 252, not voting 29, as follows:

[Roll No. 24]

AYES—153

Abercrombie
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Furse
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—252

Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Archer
Barton
Bliley
Burton
Collins (MI)
de la Garza
Diaz-Balart
Dicks
Fowler
Frost
Gephardt
Houghton
Johnston
Lincoln
McCollum
McCrery
McNulty
Menendez
Metcalf
Neal
Ortiz
Quillen
Reynolds
Seastrand
Tauzin
Velazquez
Visclosky
Walsh
Yates

☐ 1511

The Clerk announced the following pair:

On this vote:

Miss Collins of Michigan for, with Mr. Quillen against.

Mr. FOGLIETTA changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill is about unfunded mandates, and one of the mandates that we have in our country is to educate all of our children who wish to attend public schools. This mandate includes the children of military personnel living on military bases all around our country. Their children, like all other children, are entitled to attend local public schools.

The difficulty is that their parents pay no taxes to support those schools, and we have had since 1950 in our law provisions under a program called Impact Aid that provides direct Federal payment in support of local schools that provide and meet the educational mandate for children on military bases. This is a mandate, Mr. Chairman, that has been vastly underfunded. This, to me, is an obligation of the Federal Government, very much like a contractual obligation that the Federal Government must pay to insure that it is paying a fair share of the costs of educating these children.

Mr. Chairman, we have people in my own party who are suggesting that Impact Aid be zeroed out, and I might say, Mr. Chairman, that if Impact Aid were zeroed out, it would create a huge unfunded mandate, and it seems to me that would be totally inconsistent with our policy of not putting unfunded mandates on State and local government. The cost of this unfunded mandate would approach a billion dollars, and I can say to my colleagues in the House that even today, under the Impact Aid program that we have, there are schools in the United States, and those in my own district, that are going bankrupt because we do not provide sufficient support for the education of children of military families. Outside of the Great Lakes Naval Training Facility in north Chicago, IL, in the 10th Congressional District, School District 187 struggles to provide education to children there. Forty-five percent of them come from families at Great Lakes, and the Federal Government provides only 27 percent of the cost of educating each of those children, leaving 73 percent for the local tax base. The difficulty is the local tax assessment base cannot support that mandate.

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So we already have an underfunded mandate, not only in that school, but in schools like it all around the country. I can assure my colleagues that if we were to zero out Impact Aid and have the Federal Government walk away from its obligation to help at least to pay for those children, we would be having school districts going bankrupt everywhere in this country. We would have lawsuits filed against the Federal Government everywhere in this country.

My school district went bankrupt last year, and luckily the State of Illinois came through with funds to help. But if this happens, if we stop funding Impact Aid or reduce our support for Impact Aid, we will have created the greatest unfunded mandate around, and it will lead to chaos in our public education systems in cities and towns all around this country.

Mr. Chairman, I would ask that people understand that there are programs that are ongoing, that there are mandates that already exist, which if they are not fully and responsibly funded, will create the greatest unfunded mandates you have ever seen.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to congratulate the new chairman of the committee that I chaired and served on so well, the gentleman from Pennsylvania [Mr. CLINGER], and to also congratulate the ranking minority member, the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Chairman, the so-called unfunded mandates legislation before us today offers no real protection to the States or local units of government in the event a balanced budget constitutional amendment is adopted. Evidently, this is why the Republican leadership has resisted the efforts by Democrats on the Judiciary Committee and throughout the House to provide an explicit statement about unfunded mandates in the text of any proposed constitutional amendment to balance the budget. By keeping the constitutional amendment and the unfunded mandates statute on separate tracks, we have reached the height of obfuscation of true intent very early, indeed, in the new Congress.

The balanced budget amendment approved by the Judiciary Committee last week places State and local taxpayers at severe risk by allowing State and local governments to bear the brunt of the costs of balancing the Nation's budget through increases in unfunded mandates. Further Congresses would find it much easier to simply override the legislation being considered today and increase unfunded mandates rather than to make painful cuts or increase taxes, the latter of which would require a three-fifths vote of Congress.

It is because of these concerns that the National League of Cities testified in opposition to the balanced budget amendment at hearings last week. Mayor Jeffrey N. Wennberg of Rutland, VT, testified that "any balanced budget amendment would almost certainly increase unfunded mandates on cities and towns as well as decrease what little Federal assistance currently remains to fund existing mandates." He also noted that the "pressure to order State and local spending will grow geometrically under a balanced budget amendment unless an equally powerful restriction on [unfunded] mandates is enacted [in the Constitution]." Mayor Wennberg's concerns have been echoed by representative KAREN MCCARTHY, past president of the National Conference of State Legislatures, and Vermont Governor Howard Dean, chairman of the National Governor's Association.

The projected impact of the balanced budget amendment on the States would indeed be staggering. A recent Treasury Department study concludes that in order to balance the budget by the year 2002, "Federal grants to States would be cut by a total of $97.8 billion in fiscal 2002." Other Federal spending that directly benefits State residents would be cut by $242.2 billion in fiscal year 2002. My own State of Michigan would face a loss of $2.5 billion in Federal funding, which would require more than a 13-percent increase in State taxes.

The only way to protect the State and local governments from the threat of increased unfunded mandates would have been to include a constitutional prohibition in the text of House Joint Resolution 1. Representative FRANK sought to do precisely this at the committee markup, but his amendment was defeated by the Republicans in a 15 to 20 party-line vote.

The Governors, the mayors, the police and other local officials should not be misled. Unfunded mandates legislation will not protect them when the Federal Government is forced to make draconian budget cuts to balance the budget. The only real safeguard would be to include such a prohibition in a constitutional amendment to balance the budget, because then, the States would have such a promise before them in determining whether to ratify such an amendment. But so far, that option has been blocked by the new Republican majority. While a clever ploy, that sleight-of-hand has already been seen for what it really is: A failure of resolve to descend from soaring rhetoric to making a real promise to the States and the American people.

Mr. DINGELL. Mr. Chairman, since late in 1993, State and local government officials have trumpeted a call for Congress to enact legislation to curb the imposition of so-called unfunded mandates on State and local governments, and to ensure that Federal taxpayer funds pay the costs of complying with such mandates, both large and small.

It is worth reviewing some history and some examples.

In the 1970's, there was a considerable public outcry by buyers of used motor vehicles that odometer readings, which consumers use as an index of the condition and value of the car, did not reflect the true mileage. Unscrupulous sellers often turned the odometer back by thousands of miles and States did not uniformly police this fraud. Under the commerce clause of the Constitution, the Congress enacted odometer fraud legislation that imposed duties on the States in the transfer of vehicle titles. Most States complied immediately, though California only recently complied. But all recognized that there was a national need the States were not filing.

Similarly, in the late sixties and early seventies, the public was outraged by oil spills in the Gulf of Mexico and Santa Barbara, CA, and by the pollution of our great and small waterways, such as the Great Lakes, the Hudson, the Potomac, the Mississippi, and many more. One waterway in Ohio caught fire from pollution. Again, it was recognized that this was an interstate problem. National standards were needed so as not to create pollution havens in some States, to the detriment of others. Congress enacted the Federal Water Pollution Control Act, which included mandates on State and local governments, some of which were unfunded. The result has been positive, and clearly the public is now enjoying cleaner waterways.

Last year, as part of the crime bill, Congress heard the concerns of women who were being stalked because of easy access to motor vehicle records that reveal the addresses of threatened women. To address this problem, Congress enacted the Drivers Privacy Protection Act of 1994, patterned after the odometer law with duties imposed on the States. It too is an unfunded mandate. It was needed because all the States were not adequately addressing this serious threat to women.

Another law cited as an unfunded Federal mandate is the Clean Air Act Amendments of 1990.

Congress passed that law in October 1990, by a vote of 401–25 with the support of such prominent Republicans as the Speaker, the Rules Committee chairman, the Appropriations Committee chairman, and many others.

The 1990 amendments culminated a struggle started in 1981 by the Reagan administration. Many of the provisions were recommended by the State and local air administrators with the support of the National Governors Association, mayors, and other local officials. In fact, on December 15, 1989, the Governor of Wisconsin, Tommy G. Thompson, wrote to me saying:

> I strongly support Congress' efforts to pass Amendments to the Clean Air Act which will improve air quality throughout the Nation.

Governor Thompson made several recommendations for change, but he never mentioned a concern about the bill's mandate. In fact, he said:

> Congress should make EPA promulgation of Federal Implementation Plans mandatory when a State fails in its State plan development and delete the provisions from H.R. 3030 which would render all previous Federal Implementation Plan agreements moot.

The Governor noted that Wisconsin had turned to the courts to force a cleanup in Illinois and Indiana and feared that without this authority, these States would shirk their duty.

Congressman KIM has introduced H.R. 304, along with Congressman DREIER, to prohibit EPA from promulgating a Federal implementation plan in California. In 1989, it was good Republican policy, according to President Bush and Governor Thompson, to impose Federal mandates on State and local governments and on the business sector.

Today, the Republican policy is to reverse the Bush-Thompson policy of 1989 for State and local governments, but not the private sector. Today, they want to curb Federal mandates for State and local officials, so, as reported a few days ago, by the Washington Post, the Governors, like Governor Wilson of California, can give tax breaks to their citizens.

However, in the case of private business, which generates jobs for taxpayers, they merely want to provide information on the cost of Federal mandates on the private sector.

In 1989, the Republican Governors did not want to offend environmentalists. They supported all kinds of mandates, whether funded or not. They wanted to be green and closed their eyes to the costs. Today, they think the public is no longer on the green side. They champion reduced costs and tax reductions, not environmental quality. However, their concern does not extend equally to the private sector. Nor do they explain how environmental quality will be improved—or even just maintained—if mandates only extend to the business community.

H.R. 5 is hastily conceived and unfair. It is a political document, not sound public policy. Sure, we must cut costs. Sure, there are mandates that may not be wise, but they affect the private sector as well as State and local governments. We should take more time, hold hearings, fashion a more equitable and sounder bill. Remember, in the case of clean air, State and local governments operate—directly or indirectly—landfills, tunnels, powerplants, airports, vehicles, incinerators, and many other activities that pollute. If they are freed of mandates, who will pick up their slack? Competing private businesses, of course.

Now, H.R. 5 ignores these important considerations. Mr. Speaker, its only focus is on costs to State and local governments. It sets up a legislative hurdle to navigate around if future Congresses are to address the national problems I described, without even considering the reasons for a mandate or its need to be implemented. It is, in essence, designed to give States and local governments veto power over congressional action in either House. The only criterion is costs to these governments. The needs of the consumer or general taxpayer, and the benefits to society, are subsumed.

Those who favor H.R. 5 are apparently oblivious to the very negative consequences of trying this important legislation to a partisan document. Congress owes every government, every business, and every taxpayer a better piece of legislation than a political plank which cannot easily, or quickly, be translated into the public interest.

Mr. RADANOVICH. Mr. Chairman, this is a day for which we have long waited. Those of us who have served at the local level of government have held out hope that one day Congress would awaken to the damage done by unfunded mandates. That day is today.

When I first began public service as a member of a county planning commission, I carried into office what turned out to be a naive notion. I thought that our community's elected officials were free to do what they best believed served the citizenry.

In some respect, that was—and is—the case. However, what I failed to factor was Uncle Sam's ability to determine what's best and to make us pay for it—like it or not. Imposing obligations on local government from distant beltway bureaucracies, but without Federal dollars to pay for them is wrong, wrong, wrong. H.R. 5 will right it.

Mr. Chairman, I have been a county supervisor. My chief of staff here on the Hill, John McCamman, has been the chief administrative officer of two California counties. My constituents and former county government colleagues urge us on every day to end the mandate madness.

Here is what my friend, Garry Parker, chairman of the Board of supervisors of Mariposa County, CA, says:

> One of our most pressing needs in getting to the point that our government structure makes sense to the public is in the area of unfunded mandates. It is very difficult to explain and justify to our constituents that the County cannot afford a service for which there is a well established local need, because we are obliged instead to provide funding for a much lower local priority, simply because it is a federal or state unfunded mandate. We view ourselves as partners with our state and federal counterparts and we need to operate on a much more equal footing. We need to establish sufficient trust between us that some of the more egregious oversight and overkill is eliminated, so that we can move more collaboratively ahead on our common agendas.

I am grateful to another friend, Mike Coffield, county administrative officer of my home and native county of Mariposa for providing my office with Chairman Parker's expression.

From the California State Association of Counties, Steve Keil, its legislative representative, writes from Sacramento:

> It is vital that this legislation pass at once. As you know, the increasing costs of unfunded Federal mandates have imposed an enormous drain on our limited resources. If relief is not granted soon by enacting strong legislation, we fear at some point we will not be able to provide adequate vital services such as fighting crime and illegal drugs, education, jails and corrections, health care and social services for children and the elderly.

In 1993, Price Waterhouse conducted a survey of unfunded mandates affecting county governments. Based upon that study, 1993 costs for counties for just 12 mandates are $4.8 billion. For the 5-year period 1994–98, $33.7 billion of county costs for unfunded Federal mandates will be incurred. Just the 12 surveyed mandates consume an average of 12.3 percent of locally raised revenues.

Unfunded mandates are, in reality, a hidden burden on taxpayers. Whether it is water testing, architectural accommodation, sewage treatment, soil contamination, wetlands regulation, petroleum problems, or farm chemicals, when the Federal Government reaches out, it doesn't touch—it tyrannizes.

Lest we forget, the Founders fought to rid themselves of royal agents who would tax them while denying them any electoral say as to the who and where of that levy.

Today we are considering a reform of the Federalist system itself; a return to a relationship between the Federal Government, and the various State and local governments that reflects a partnership in the activity of governing. A relief from additional Federal mandates on State and local government will take a long stride toward correcting the imbalance of this relationship and conform our system of governance to the system outlined in the Federalist Papers and in the Constitution itself.

It becomes again our opportunity to continue the reform begun when this 104th Congress convened. Our opening day showed the way as we changed rule after rule improving the way the House does business. Now, by lifting the burden of unfunded mandates, we are changing the business Congress does.

The Contract With America continues to be performed, as we keep faith with the 10th amendment in the Constitution's Bill of Rights, reserving to the States and the people all those public powers except those delegated to the Federal Government.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 5, the Unfunded Mandates Reform Act. I am proud to be a member of the Congressional Caucus on Unfunded Mandates, and thank the gentleman from California [Mr. CONDIT] for his leadership.

My legislative background prior to coming to Congress was 4 years of service in the Illinois State Senate. Before that, I was the administrator for educational programs across a multicounty area in southern and central Illinois. I think I have a pretty good idea of why it's necessary to have standards and regulations which govern the use of our tax dollars. But I also have first-hand experience with being told to do something but not being given the resources to follow through.

That is what we seek to correct through this legislation. We recognize that there are legitimate reasons for making States and local governments carry out certain obligations. And, in turn, we say that if it's a program of priority nature, then we have to come up with the way to pay for it.

I represent a large, mostly rural district, dotted by small villages and communities of a couple hundred people each. Their ability to raise funds on a local level to comply with the growing number of regulations which are being imposed is severely limited. This bill will help ease those burdens.

I have letters in my files from Decatur, Herrin, Flora, Coles County, Shelby County, and units of government across my district in support of this effort. This is a bipartisan effort which I strongly support.

Mrs. FOWLER. Mr. Chairman, as a member of the Jacksonville City Council for 7 years, I saw first hand the impact of unfunded Federal mandates and regulations. There are many here today in Congress who bring similar past experiences to the floor. The House membership contains former mayors, county supervisors, State senators and representatives, and other elected officials in both county and State government. In those roles, we all saw first hand the impact of unfunded Federal mandates on the State and local governments.

One of the underlying premises of the Contract With America is that less Federal Government is better. In carrying out that premise, it is necessary to reduce the burden of unfunded Federal mandates on the States and localities. We simply cannot expect our hometown and State officials to bear the burden of Federal laws and regulations without providing the necessary funding to implement them. The legislation we are considering here today, H.R. 5 enforces that view.

One of the worst examples I know of an unfunded mandate occurred in the town of Neptune Beach in my district. Neptune Beach is a small town with a population of 6,500 people. This small town had saved and scrimped to put together the funds necessary to make corrections to their water system. Unfortunately, an EPA safe drinking water fine was handed down and has cost the city $100,000.

The gist of this problem is that the city still has the need for improvements to the water system but cannot afford the cost due to the Federal fine penalizing them for not fixing the problem. This simply makes no sense. Instead of fixing the problem and providing the necessary cure, the Federal Government is actually exacerbating the problem.

Mr. Chairman, as Federal legislators, we can do a lot of good. Unfortunately, as a former local official, I know that the enactment of unfunded Federal mandates can do more harm than good. We cannot continue to pass laws and mandates on to the people back home and refuse to back them up with the necessary resources to get the job done. I strongly support this bill and the beneficial effects it will have on our constituents back home.

Mrs. COLLINS of Illinois. Mr. Chairman, many Democrats favor the concept of treading carefully in placing additional responsibilities on States and localities without providing full funding. In fact, in the 103d Congress, the Committee on Government Operations reported a bill on unfunded mandates by a vote of 35 to 4. It was developed in a bipartisan fashion with the support of both the chairman and ranking member of that committee, and every major organization representing State and local government.

The process by which the bill was considered in this Congress was the antithesis of last year's efforts. There were no public hearings on the bill. The bill was drafted in secret with no consultation with the minority. It was introduced on Wednesday, January 4, and available in print on Friday, January 6. The markup was held 4 days later.

The haste in which this bill was considered left a number of substantive issues unaddressed, which even the authors conceded at markup that they would like to address on the floor. The minority views contained in the report on H.R. 5 detail the procedural faults that took place during the markup, and I encourage all Members to read these views before the bill is on the floor later this week.

Before detailing the substantive issues raised at the markup, we want to establish a few points about unfunded mandates. First, we are keenly sensitive to the issue of unfunded mandates. Governors and mayors are rightfully concerned that efforts such as a balanced budget amendment and other more immediate efforts to reduce Government spending not be a disguised effort to shift the costs of Government programs to States and localities. We concur.

At the same time, we do not necessarily agree that many previously enacted laws that may be characterized as unfunded mandates are necessarily wrong. Indeed, the authors of the bill insist their legislation is intended to be prospective only—although we have concerns that the objective has not been achieved by the statutory language.

Many previously enacted statutes that do impose costs on States and localities were passed only after years of consideration with the broad support of those governmental bodies. Support was based on several concepts. First, many States wanted to do their share, but needed the Federal Government to insure that their neighbors did theirs. Environmental laws dealing with air, water, and sewage, for example, were designed to protect States from potential damage caused by their neighbors.

Second, States were often prepared to assist in solving problems such as developing national databases of child molesters or doing background checks on child care center operators. The benefits from these programs far outweighed any burdens.

Third, in return for certain unfunded mandates, States also received large financial benefits. Cleanups of harbors, construction of bridges, roads, and sewage treatment facilities were largely funded with Federal dollars and greatly improved the lives of American citizens.

Fourth, many of the unfunded mandates placed on localities and the private sector were enacted by State governments. Localities have also imposed unfunded mandates on the private sector. Like Congress, both States and localities have found mandates a convenient way to achieve important goals with limited funds. Thus, resolution of the unfunded mandated dilemma can only be achieved with the cooperation of State and local governments.

While Congress should carefully scrutinize any unfunded mandate, and must be required to evaluate both the costs and benefits of such laws, we must not totally hamstring our ability to pass laws that need to be passed. Unfortunately, the bill as drafted may do just that.

Why shouldn't the bill be made effective upon date of enactment? The bill's effective date is October 1, 1995. Over the coming months, the Congress is likely to consider numerous bills which could drastically cut funds available to States and localities to pay for various Federal programs. These bills, which could likely be considered unfunded mandates, could have exactly the consequences that the bill's authors are attempting to avoid. We can find no explanation for the delay in the effective date.

Why did the sponsors exclude certain mandates, such as national security, but not others? Section 4 of the bill, and the new section 422, of the Budget Act of 1974 list certain mandates, such as those necessary for the national security, as excluded from the application from the bill. Yet during the course of consideration of the bill, only an amendment to exclude Social Security was adopted. Among the amendments that were not adopted were:

An amendment by Representative MALONEY to exclude laws protecting the health of infants, children, pregnant women, and the elderly;

Amendments by Representative KANJORSKI to exclude laws relating to securities regulations, such as the sale of derivatives, and laws establishing data bases that identify child molesters, child abusers, persons convicted of sex crimes, persons under restraining orders, or persons who fail to pay child support;

An amendment by Representative TAYLOR to exclude laws relating to sewage treatment;

An amendment by Representative SANDERS on laws relating to minimum standards for labor protections;

An amendment by ranking member COLLINS of Illinois to exclude laws relating to airport security;

Amendments by Representative SPRATT to exclude laws relating to Medicare and nuclear regulation; and

An amendment by Representative BARRETT to exclude sentencing guidelines.

It is difficult to see the logic in excluding laws which would seek to transfer the burden for our national defense to the States from the application of the bill, but not exclude laws which are designed to protect all Americans such as those described above. During the course of debate, it was contended the law merely requires an affirmative vote for unfunded mandates, but as the discussion above indicates, unless the law is amended, protections of average Americans, children, seniors, pregnant mothers, and others could be jeopardized.

Extending the bill's provisions to laws of general applicability to the private sector could lead to undesired consequences. The definition of an intergovernmental mandate is so broad that many laws directed at the private sector could be thwarted because of their indirect effect upon the public sector. In addition, in cases which the private sector competes with the public sector in enterprises such as power generation, the private sector enterprises could be placed at a competitive disadvantage.

Some examples of these laws were brought up at the hearing. An increase in the minimum wage law could be defeated by a point of order if funds were not provided to pay for the increased costs for State and local employees, unless the law exempted State and local employees.

Laws designed to protect investors in derivatives could be thwarted if they were made applicable to municipal purchasers if it could be found to be an unfunded mandate.

Laws which establish various protections for workplace safety would either have to fund State or local government costs of compliance or exempt those governments from compliance.

These results seem directly contrary to two principles that have broad support in the Congress. First, the House approved H.R. 1, the Congressional Accountability Act to make a variety of private sector laws applicable to Congress. Why are we now passing a law that would provide one set of protections to private sector workers and fewer protections to public sector workers?

Second, why are we giving public sector enterprises, such as power generators, natural gas pipelines, and waste treatment facilities a competitive advantage over private sector enterprises? If this unequal treatment is not resolved, it is foreseeable that private sector enterprises will over time be converted to public sector enterprises.

Mandates designed to protect States from harmful effects caused by neighboring States should be excluded from this act. An amendment by ranking member COLLINS of Illinois was defeated that would exclude from the application of the bill laws that regulated the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

Certain Federal laws that place costs on governments are designed to protect residents of neighboring States. For example, as Representative TAYLOR of Mississippi described during the markup, the people of his district located at the base of the Mississippi River are deeply affected by the ways in which States along the Mississippi treat their sewage. Unless the Federal Government was willing to pay the polluting States for the cost of their waste treatment, the Federal Government could not protect the victims of this pollution in neighboring States.

Why shouldn't the polluter pay? Why should this be the responsibility of the victimized State's residents?

This is not a hypothetical situation. All over the country, there is dumping of raw sewage and hospital wastes. Incinerators are blowing toxic smoke over State lines. Unless the Federal Government can act to protect citizens from the pollution caused by their neighboring States, the health and safety of the American people will be jeopardized.

Why are appropriations acts excluded from the application of the bill? One of the more likely examples of an unfunded mandate is an appropriations bill that fails to fully fund a Federal mandate. Yet the bill excludes appropriations acts from the applicability of the legislation.

It is unclear why we would want to exempt this broad category of laws. To the contrary, Members should receive a full accounting from the Appropriations Committee and the Congressional Budget Office concerning the level to which the appropriations fail to adequately fund mandates on State and local governments.

Why should we create a new Federal bureaucracy to study unfunded mandates? Title I of the bill establishes an entirely new commission with funding of $1 million to study the costs of unfunded mandates. Americans have expressed an interest in less Government, not more Government, yet the first bill that our committee reports establishes another new Government body.

After an amendment by Representative MEEK to eliminate this new commission was defeated, she offered a second amendment to transfer the functions to the already existing Advisory Committee on Intergovernmental Relations. At the request of Chairman CLINGER, Representative MEEK withdrew this amendment.

The new commission would also establish a troubling precedent. The bill calls for the Speaker and Senate majority leader to each appoint three members of the commission, after consultation with the minority leaders. An amendment offered by Representative WAXMAN to have the Speaker and Senate majority leader each appoint three members, and the minority leaders to each appoint one member, as current laws operate, was defeated.

SUMMARY

As described above, many Democrats favor increased scrutiny of unfunded mandates. Particularly at a time, when the Federal Government is seeking to reduce its deficits, the lure of cost shifting to the States must be resisted.

However, in fashioning a responsible bill on mandates, there are important details that have not been carefully addressed. It must be understood that Americans do not wish to see many programs that are designed to protect their health and safety dismantled because they have now been labeled an unfunded mandate.

In the end the advisability of passing any law cannot be solely determined by a cost estimate by the Congressional Budget Office. Not only are such estimates difficult to make, as the Director of CBO has pointed out, but the other side of the equation must be addressed: namely, the benefits that the legislation will yield.

We must legislate responsibly, particularly in this field. We, not the Director of CBO, must ultimately take responsibility for our actions. While we should require as much information as possible in making our decisions, legislation on this subject must be carefully drafted to avoid unanticipated consequences.

One of the purposes of H.R. 5 is "to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance." Unfortunately, in their haste to enact provisions of the Contract With America, the majority has precluded the kind of informed and deliberate decisionmaking process it professes to promote.

Mr. CUNNINGHAM. Mr. Chairman, I want to discuss H.R. 5, the Unfunded Mandates Reform Act and share with the House the observations of San Diego Mayor Susan Golding. Recently, I had the pleasure to meet with Mayor Golding to discuss this bill and other issues before the Congress.

Mayor Golding provided me with a partial list of current Federal mandates placed on the city of San Diego. She said that besides the up-front costs, each mandate contains a hidden burden of paperwork, record keeping, and reporting. Each of these mandates has some Federal agency reviewing compliance. Moreover, most of these mandates carry penalties for noncompliance.

The most egregious example involves the requirements imposed by the Environmental Protection Agency that the city of San Diego move toward secondary treatment of wastewater. The problem is that the regulations were designed to protect rivers and lakes—fresh water. San Diego, however, has a deep discharge into the Pacific Ocean. The world renowned Scripps Institute of Oceanography has concluded that secondary treatment is unneeded in San Diego. Yet the Federal Government still insists that the city of San Diego expend some $1.4 billion to upgrade to secondary treatment, no matter what the best scientists say. After years of litigation, the stalemate continues.

The list of mandates ranges from the obvious to the obscure. To comply with the Americans with Disabilities Act, the city must spend $100,000. Swimming pool operator training costs $1,500. The level of sand in sandboxes at city-run tot centers is monitored by the U.S. Consumer Product Safety Commission, costing San Diego taxpayers $75,000 a year. Reporting requirements for the CDBG program add $20,000 in costs. Monitoring of groundwater at city landfills costs $130,000 annually; gas monitoring adds another $34,000.

No one questions that some Federal regulations are needed. Federal standards for health and safety have saved lives and improved the quality of life for all Americans. If an issue is important enough to demand action by the Congress, then by definition, it ought to be important enough to be funded by the Congress.

The city would meet many of these health and safety standards anyway. The problem arises when the Federal Government issues these mandates, burdening the city with record keeping, paperwork, and the potential for litigation and fines.

We know that H.R. 5 won't solve the problem of existing mandates alone. But it is still vital that Congress pass this legislation. The commission established by H.R. 5 will be chartered to review existing mandates and report recommendations for change to Congress. Further, this bill sends a clear message to our beleaguered cities, counties, and States that this Congress will no longer conduct business as usual.

The experience of San Diego is typical. I know from my discussions with other mayors and local officials that they also shoulder these burdens. In some cases, smaller communities are hit even harder than cities, as they lack the resources and staff to comply with Federal mandates.

Mr. Speaker, as an original cosponsor of the bill, I urge prompt passage of H.R. 5. This bill does nothing to threaten the health and safety of the American people. It is a significant step toward reforming our attitude here in Washington.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the

Union, reported that that Committee, having had under consideration the bill (H.R. 5), to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO MONDAY, JANUARY 23, 1995

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 259

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 259, a bill to amend title 49, United States Code, to eliminate provisions of Federal law that provide special support for, or burdens on, the operation of Amtrak as a passenger rail carrier, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

STATES ARE BEING SHORTCHANGED ON MEDICAID

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. THURMAN. Mr. Speaker, all of us in this Congress should be dedicated to making sure that our scarce resources go to those Americans most in need of assistance.

However, this is not what is happening with Medicaid.

That is right, Mr. Speaker. When it comes to the Medicaid Program, many of our States, including my own home State of Florida, are being shortchanged. We are being shortchanged because the Medicaid funding formula, which is 30 years old, is neither fair nor accurate. Under the formula in use since the Medicaid Program was created, a State's need is based solely on per capita income.

In 30 years, we have developed much more accurate ways to measure true need and we should use them.

The General Accounting Office has recognized the shortcomings of the current formula. In a report the GAO recommended a new formula that takes into account the rate of poverty as well as per capita and corporate income. The GAO has said this will be a much more accurate reflection of a State's ability to finance Medicaid benefits. It would also ensure that assistance went where it is most needed.

The Fairness in Medicaid Funding Act of 1995, which I am introducing today puts in place the GAO's recommendation.

I would urge my colleagues to join me in correcting the Medicaid funding formula.

Mr. Speaker, as is often the case in Washington, the Federal Government does not always target its resources to those individuals who need them the most. Unfortunately, when it comes to how the Federal Government calculates the Medicaid matching fund formula, the existing Federal formula creates an unfair distribution of Medicaid funding to the States.

I am committed to continue the debate over the inequity until we arrive at a fair remedy. Therefore, I rise today to reintroduce the Fairness in Medicaid Funding Act of 1995.

My bill would update the Federal Medicaid funding formula and result in a fair and accurate disbursement to the States. The General Accounting Office [GAO] has evaluated the existing Medicaid formula and has concluded that it does not meet the objectives established by Congress in 1965. The GAO examined the objectives Congress was attempting to achieve and developed an alternative formula to meet these stated goals. My bill, the Fairness in Medicaid Funding Act of 1995, would use the GAO formula not to change policy but only the process by which Medicaid dollars are allocated.

The essence of the existing Medicaid formula has been unchanged for 30 years. Congress had two intentions when they created the formula. First, that Federal matching funds should reflect a State's ability to pay benefits to those in need. And, second, Congress wanted to determine how many residents of each State needed Medicaid benefits.

At the time, the best information available to measure these objectives was an estimate of each State's per capita income. Thirty years ago this information was the best available to Congress. But during the last two decades, the Federal Government has collected more and better economic data.

Mr. Speaker, today there are much better measurements available, and we should use them.

A significant weakness of the current formula is that it does not adequately reflect a State's ability to pay its share. The money a State can pay in Medicaid benefits should also reflect the income its residents and businesses produce. However, a measurement of per capita income reflects only part of the total income produced by a State's residents and businesses.

Per capita income does not include corporate retained earnings, which is a significant share of a State's business income. Therefore, two States with the same per capita income may actually have significantly different capacities to fund Medicaid benefits.

Furthermore, the per capita income formula does not adequately measure the total number of people in need of Medicaid benefits. That need is determined by the number of residents with incomes low enough to qualify for Medicaid. Again, two States with roughly equal per capita incomes can have dramatically different percentages of residents qualifying for Medicaid. Yet, both States would receive the same matching rate from the Federal Government. This just does not make sense any more and it needs to be changed.

My proposal, based on the GAO's recommendations, would base the Federal share for Medicaid on: First, per capita income plus corporate income produced within a State. This is a much more accurate measure of a State's ability to finance Medicaid benefits. Second, the State's poverty rate, which generally indicates the number of persons who are potentially in need of Medicaid benefits.

All these statistics are already complied for other purposes by the Federal Government. Moreover, this proposal does not cost the Federal Government one dollar—it is budget neutral.

Mr. Speaker, the passage of the Fairness in Medicaid Act of 1995 will ensure that States receive, not only what they need, but what they deserve from Washington. This plan is based upon a fair, objective, and contemporary evaluation of each State's needs and capacity.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

REMARKS ON WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, as a member of the Committee on Economic and Educational Opportunities, formerly the Education and Labor Committee, and one who has chaired a subcommittee with jurisdiction over the Job Opportunities and Basic Skills Program, I have spent much of my congressional career dealing with the issue of welfare and the various means this body and that committee has considered for reforming that system.

The welfare system in this country is clearly not achieving the purposes for which it was designed.

When it was originally designed, it was a program designed to protect children from the ravages of poverty that are likely outcomes of the death of the family breadwinner—which in 1935 meant the father.

Since the mid 1960's, when it was reformed under President Lyndon Baines Johnson, it has been extended to cover the children of those whose personal circumstances—whether as a result of a death of the breadwinner, a family breakup or desertion of the family by the breadwinner, the lack of jobs for any adult in the family, or because of an out-of-wedlock birth—prevented them from being economically self-sufficient.

The object was, and continues to be, the children, who are our future.

Welfare in the form of Aid to Families With Dependent Children is based on the belief that our children are our future, and caring for those children so that they can reach adulthood with the necessary education, nurturing, and social skills that will enable them to become productive members of society.

Welfare systems, whether private charities or government support programs, cannot eradicate poverty solely through making monthly payments to poor people.

The eradication of poverty has confounded leaders since before the time of Christ.

Even Christ admitted "You will always have the poor with you." But, while I do not believe that we will ever totally eradicate poverty, that is no reason to give up on the fight to make the lives of poor children safe and supportive.

And that is why I believe in the Federal Government's role in the welfare system, because it is our national duty to ensure that programs are truly supportive of children and that related programs, including nutrition, employment and training, education, child care and housing act in concert with welfare programs to provide the hand up to those in poverty that will enable them to achieve a better life.

There are those who say that our welfare system is not working, and I wholeheartedly agree with that assessment.

Clearly our welfare system needs reform.

I believe that there are a number of things about welfare reform and the current issues being debated in the context of welfare reform on which we can all agree—and I would like to list some of those:

First, the fact that 15 million people in 5 million families have to rely on Aid to Families With Dependent Children is a national disgrace.

Second, most of the recipients of Aid to Families With Dependent Children—in fact 9.6 of the 15 million recipients, have no alternative to AFDC on their own—because they are children.

Third, one of the major failings of the welfare system is that it rewards behavior that it wishes to change, and provides significant barriers to change for the better.

These are things that I see printed in speeches and pronouncements by my colleagues of all political persuasions.

These are what we can agree on.

What I am afraid we do not have as much agreement about is the basic question of how we solve the problems inherent in the system.

H.R. 4, the Personal Responsibility Act, is, I am told, the Republican welfare reform that was promised in the Contract With America.

Well, I have read this bill, and I find absolutely nothing in it that addresses the causes for welfare dependency, nothing that deals with the lack of skills, inadequate education, or other barriers that prevent the welfare parent from achieving economic self sufficiency.

In fact, title 1—dealing with illegitimacy, is even worse.

After determining that the cause for this problem is the breakup of the family and the lack of moral values in society, some of which I can support, we find that the solution is not to deal with preventing these out-of-wedlock births, but rather is to deny benefits to the children produced by these unions.

That is something like arresting the victim because she was robbed.

We must look at the causes for behavior, not the outcomes of that behavior, in fashioning solutions.

This bill does not do that.

I am also interested in the various proposals to pay for this reform—and, of course, achieve deficit reduction at the same time.

Title 4—denying Federal program access to legal aliens—now there is an interesting idea.

After all, these people who pay their taxes, keep up their homes, educate their children, and live next door—in short act like nearly all Americans.

But they suffer from a really serious lack—they are not citizens and, consequently, do not vote to elect the Members of this body.

Why not go the whole way and say to these people who we invite to come to America and to continue to build our country as immigrants have done for over 300 years—fine join us, but if you do not choose to become a citizen—go back home—and then deport them.

The fact that they decide to stay and do not elect to become citizens means that they do not wish to become fully American.

That, I suppose, is reason enough to say—"pay the freight but don't take the ride."

Then, why not deny Federal program benefits to all Americans who failed to vote in the last two elections?

Sixty five percent of the electorate failed to vote last November, we are told.

If they do not care enough to vote—if they do not care enough to become a citizen—they do not deserve to participate in these programs.

It is not like they will vote us out of office.

That makes about as much sense and is about as defensible.

Then we come to title five—which certainly represents a variation on enlightened thinking—nutrition programs should be combined into a one size fits all block grant.

Just last week in the Economic and Educational Opportunities Committee, we heard witnesses talking about our labor laws and assailing the Congress and the Labor Department for failing to recognize that different size businesses have different problems and needs and our one-size-fits-all labor policies need to be changed.

But this week we learn that it would be better to develop a one-size-fits-all nutrition program.

Let us review some of the programs that would be lumped into this block grant:

The Women, Infants and Children Nutrition Program came about because of a national policy to ensure that our children, who are our future, receive the kind of nutrition that starts them on the healthy road of life, ensures that they are not hungry in school, and enables them to learn.

The National School Lunch Program provides nutritious meals at low or no cost to needy children—not just AFDC recipients but also the children of the working poor.

The Older American Act, in its title III nutrition programs, ensures that older Americans, especially those who are economically dependent or otherwise unable to cope with the difficulty of making their own meals can receive nutrition in either a congregate setting, at senior centers, or through a home delivered program, regardless of their status as welfare recipients.

These and the other programs that would be lumped into this gigantic block grant have their separate identities because the nutritional needs of these populations are different and the methods of meeting those needs are different.

Yet, the drafters of H.R. 4 would lump them all into one program.

And then they would allow the States to use the funds for purposes which have nothing to do with nutrition—to fund jobs under the so-called work program for the welfare parent, and provide a bounty of $20-per-head for every one the State does put into these programs.

I see no merit in that proposal.

Beyond what is contained in the bill that would allegedly solve the welfare problem, let me speak briefly about what is not in the program.

First—there are no jobs.

Parents on welfare are required to go to work—but there are no provisions that would stimulate jobs either in the public or private sector.

Thirty-seven percent of the people on welfare are there because of unemployment.

Does that not indicate that jobs must be there if those people are to get back into productive employment?

Even if welfare mom finds a job, there are no provisions for child care.

In hearings I conducted in the 103d Congress, witnesses stated categorically that the single most important barrier to seeking, finding and keeping a job was the lack of safe, affordable, and relatively stable child care.

One member of the Economic and Educational Opportunities Committee, the Honorable LYNN WOOLSEY of California, a former welfare mother herself, has told us that, in the first year that she returned to the work force, she had 13 separate child care situations.

And the situation is worse now than it was then.

Nearly one-half of the women on welfare in 1991 were there not because of the presence of an illegitimate child—they were there because of the breakdown of a marriage and the failure or inability of the father to pay child support.

Yet this bill contains nothing in the way of child support enforcement.

And child support enforcement could raise, we are told by HHS, $32 billion in 1 year.

Oh, I know that the Republicans have another bill that addresses this issue—but why not include it in the right context—welfare reform?

Yes, I have read the Personal Responsibility Act, and I find it wanting.

I hope that the entire House, on both sides of the aisle, will consider the plight of the welfare mother, and the welfare father as well, not as a pest that is to be eradicated, but as a symptom of our failure to provide the hand up that will enable them to get that job and raise their children in dignity and safety.

INVESTMENT IN PUBLIC INFRASTRUCTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, next week the House will most likely take up the balanced budget amendment to the Constitution. This is not an argument for or against the balanced budget amendment. I have supported versions of it in the past. It is an argument, though, an appeal that this House consider the role of investment in many of the economic decisions that it must make in the upcoming months, investment particularly in our public infrastructure. Because many have said that they feel that there needs to be a balanced budget amendment to the Constitution because the Federal Government ought to have to balance its budget like families do. That is a fair analogy. Families do balance their budgets. But we also know that families borrow because there are certain things that they know they need and they consider capital investment.

We all, most of us at least, borrow to buy or build a home. Very few of us can afford to lay out in one year what it costs for this kind of investment. So we figure into our monthly budgets at home how much we have to take out in debt service, in that mortgage payment. That is reflected in our family budget.

We usually borrow for a car. Very few of us, particularly with today's prices, can afford a car, to pay for it cash on the barrel head.

We borrow for probably the most important investment that a family will make, and that is the family's children's education. We know that that is the ticket to success for families in this country. And so American families borrow for that. So there is borrowing that occurs for the mortgage, for the car, for the college education. We know that we get into trouble if we borrow for consumption, to borrow to go to the grocery store, borrow to buy the toys, borrow to go to a game, for instance, borrow for leisure or recreation. So what families do is they put together their family budget with their basic expenses and then they put together as well in that budget the debt service to, against the debt service to cover the cost that they have to borrow for long-term capital expenditures.

I wish the Federal budget did that. It does not. What the Federal budget does instead is to not recognize that one dollar is not the same as another dollar. The Federal budget does not make a difference between the dollars spent for infrastructure for a road or bridge and the dollars spent in immediate consumption. And so what I have urged, and many others, last year, the gentleman from Pennsylvania [Mr. CLINGER] and I cosponsored a bill that would permit capital budgeting for physical infrastructure for the Federal Government.

My hope is that in the discussion of the balanced budget amendment and in the discussion of the various economic moves, economic policies that this country will adopt, in the discussion of budget policy, that we recognize this key role in investment. The fact of the matter is that this country has seen a decline in public infrastructure investment and correspondingly has seen a decline or a flat line at least in productivity increases.

A chart I saw yesterday was quite illustrative. Of the seven major industrial nations in this world, the United States trailed in productivity gains over the past decade and yet also trailed in investment in our public infrastructure as a percentage of gross domestic product.

In other words, the more a country has put into their public infrastructure, their roads, their bridges and so on, the more they gained in productivity increase, almost direct correlation. It makes sense, but it also is being borne out now by statistics. And so that this is a necessary factor.

Some argue you do not need a capital budget for the Federal Government because physical construction, roads and bridges and so on, is such a small part of the budget. That is a self-fulfilling prophecy. It is that because we have made it that way. And one reason is because our accounting system does not reward investment.

Mr. Speaker, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, would the gentleman agree, for those of us who have served in State legislatures, who have served on county councils, who have dealt with budgets at the local level and the State level, that members of county councils, boards of supervisors, State legislators are used to dealing with a capital budget and an operating budget.

Mr. WISE. I thank the gentleman for making the point. He is absolutely correct. In my understanding, every State has a form of capital budget, every county, every State and local government, of course, as well as every business.

Mr. ABERCROMBIE. Would the gentleman further agree, for the enlightenment of those who may be listening in or observing our proceedings and trying to very sincerely take into account the implications of the balanced budget, that in their own local districts, in their own local areas, that over the years, whether through revenue-sharing programs or grant programs, demonstration programs.

Mr. WISE. I think I agree, but our time is up.

Mr. ABERCROMBIE. Thank you very much.

ON MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, good relations with Mexico are essential for this Nation. Mexico now faces a crisis, a financial crisis. We are being asked by the administration to authorize a $40 billion loan guarantee in order to cover the run which has occurred on the peso.

Mr. Speaker, I would like to include the column by Paul Gigot that appeared in last Friday's Wall Street Journal: "On Mexico, U.S. Firemen Play With Matches." I think it outlines what has happened in the administration's thinking over the last several weeks, and I think it is essential to the facts of this case.

[From the Wall Street Journal, Jan. 13, 1995]

ON MEXICO, U.S. FIREMEN PLAY WITH MATCHES

Maybe President Clinton is lucky that Washington is transfixed by Newt Gingrich. It means no one's noticed how his administration has botched the biggest foreign crisis of his presidency.

That crisis is in Mexico, which only last year he could tout as a foreign-policy success. Nafta has been his singular triumph, at home or abroad. Now the collapse of the peso has tarnished even that good news, with wider fallout than anything that's happened in Somalia, Bosnia or even Boris Yeltsin's tumultuous Russia.

This week Mr. Clinton roused himself from his Tony Robbins tapes to assert that he is "committed to doing what we can to help Mexico." This, plus a promise of more U.S. cash, helped to calm financial markets through yesterday, though only after two more days of market carnage in Latin America.

We can hope the worst is over, but the peso remains some 35% below where it was before its December devaluation. In human terms, this means that what used to be a dollar of Mexican purchasing power now buys only 65 cents; expect more Mexican sons and daughters to arrive in San Diego soon.

In political terms, Mexico's crash has begun an ebb tide in global confidence, threatening other currencies, raising doubts about stability in Mexico and inviting Nafta-bashers to stage a comeback. It has also cost American mutual-fund holders billions of dollars. All in just three weeks.

While Mexico's new Zedillo government made the awful call, the Clinton team can't escape blame. At its best the U.S. should be the world's financial fire department dousing crises before they get out of control. This is especially true for Mexico, where turmoil ends up on our front porch. Let's examine Clinton crisis management:

Fire Prevention. It's now clear the peso ran into trouble after the U.S. Federal Reserve abruptly tightened money last year. With the peso pegged to the dollar, Mexico's central bank should have followed suit. But in the middle of an election campaign, it printed pesos instead of mopping them up.

U.S. officials never turned on their Mexican smoke detector. That's the job of Larry Summers, the Treasury international aide who is to humility what Madonna is to chastity. He has more to be humble about now.

Firefighting. The U.S. can't seem to find the hydrant, much less the fire hose. At first, on Dec. 20, Treasury even blessed devaluation; its press release said a cheaper peso "will support the healthy development of the Mexican economy."

Two days later amid market chaos the Clinton Treasury was less thrilled, offering a $6 billion credit line to Mexico while asserting that its "economic fundamentals remain sound." Thus reassured, markets again whacked the peso. This earned them a Dec. 27 lecture from Mr. Summers about "excessive depreciation," which didn't work either.

So on Jan. 3 Treasury increased its credit line to $9 billion, only to see markets raise the bar again until Mr. Clinton promised even more money this week. To be fair, Treasury was vacant at the top, awaiting new Secretary Robert Rubin. But that doesn't explain State, where Warren Christopher is rumored to still be in charge.

The same tail-chasing has taken place at the International Monetary Fund, which is supposed to be the lead fireman. On Dec. 22 it too endorsed devaluation—which it called, in IMF-speak, a mere "exchange rate action."

But after markets pummeled the peso, IMF boss Michael Camdessus took his turn as King Canute lecturing the financial tides. "The depreciation of the peso is bigger than justified by economic conditions," he said on Jan. 3, only to see the peso take another pasting.

Playing With Matches. While incompetence explains a lot, economic policy may explain more. Clinton firemen didn't anticipate the financial firestorm because they've got nothing against devaluation.

Like Mr. Summers, both IMF first deputy managing director Stanley Fischer and the Fed's Ted Truman favor devaluations to correct current account deficits. While history shows this almost never works, these three amigos were undeterred.

Before Mr. Clinton installed Mr. Fischer at the IMF, he was a professor at MIT calling for a peso devaluation. "I don't have second thoughts." Mr. Fischer told me this week. So why the continuing peso rout? "It's a puzzle," he replies, citing "the fact that markets did believe there would not be a devaluation" before it took place. Thus it may take a little longer to restore investor confidence in Mexico, he says.

He's certainly onto something there. As hard-money economists understand, a currency is a contract between the government and its people. When government betrays that contract, trust goes to zero. Especially if a government then compounds the problem by printing more money or imposing wage and price controls. Yet this is the Mexican policy the U.S. Treasury and IMF now endorses as a way out of the mess.

To cover up for these markets, the Clinton team is now seeking a multi-billion dollar loan guarantee for Mexico from Congress. This certainly puts Republicans on the spot, since they won't want to be blamed for further turmoil in Mexico but can expect attacks from their populist right.

If Republicans cooperate, their price in policy, and maybe personnel, deserves to be steep. Hearings would be educational, especially a panel featuring the three amigos of devaluation. Any taxpayer money that goes to Mexico might be deducted from the IMF's next replenishment. Helping a neighbor in need makes sense; subsidizing bad advice is crazy.

That issue will soon be coming before this House and the other body. There are two conditions that are absolutely essential on that loan agreement, if this Representative is to support it.

To the average citizen, $40 billion is a lot of money. And it is also to the average Member of this and the other body. It is essential that American interests also be protected while we are trying to help our friend and neighbor to the south, the Government and people of Mexico.

It is essential that Mexico begin to help us at our border on their side of the border. Every night in the 20-mile sector of San Diego, CA, 2,000 illegal aliens come over the border. Most of them are from Mexico. Some are coming over both the Canadian and the Mexican border and arriving and smuggled in on the east and west coasts, they come from 49 other source countries, in Asia, in Africa, South America, Central America, and North America, and Eastern Europe, among others.

□ 1540

Therefore, the Mexican Government needs to help us at our border, and they should tighten up their border going north as much as they tighten up their border with Guatemala for people going north.

Second, Mr. Speaker, the Mexican Government should agree to what I have described last year, and this year as an agreement on the Criminal Alien Transfer and Border Management Enforcement Act of 1995, where we would help train the Customs officers, the Border Patrol officers, the Border management officers from their country with those in our country, if they agree that the criminal aliens—illegal criminal aliens who are convicted in the State and Federal courts of the United States—would be able to serve out their sentences in the country from which they illegally came.

Mexico provides about 50 percent of the illegal immigrants to this country. However, other countries in Latin America are also substantial in the numbers that are sent to the United States. It is essential that we have that provision, because right now the incarceration of the illegals is costing American citizens, taxpaying American citizens, billions of dollars.

These are underestimates, but the Federal Bureau of Prisons estimates that $1.2 billion a year is being spent to house illegal aliens. The State of California estimates that $350 million a year is being spent to house illegal criminal aliens in our prisons after they have been sentenced by the courts of California. $350 million for California! $1.2 billion nationally!

We need to grapple with that, and we need to have this exchange of prisoners convicted in the United States. I would hope my colleagues would agree, and as I have said, I cannot support the proposed loan agreement unless it takes into account the conditions of this country in this area which have been long overlooked.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. HORN. I am glad to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I want to commend the gentleman for his statement. I also would like to inquire of the gentleman, there have been published reports, and I can't remember whether it was last night or this morning on one of the television stations, the honorable gentleman from Iowa who is chairman of the Committee on Banking and Financial Services used words, and I'm not going to try and quote his exact words, but words to the effect that if the Democratic Members did not desist from speaking out on the Speaker's book deal, that he would be loathe to bring the bill to the floor, the bailout bill for Mexico to the floor. Is that correct?

Mr. HORN. I have never heard of that until just now.

THE PLANNED MEXICAN BAILOUT INVOLVES BACK ROOM DEALS AND BUSINESS AS USUAL

The SPEAKER pro tempore (Mr. LINDER). Under a previous order of the

House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, many seem to think that the $40 billion bailout of Mexico has gone from the business page to the obituary page. If only that were true. We need very much to be on our guard and watch out.

As I speak here on the floor, all across this Capitol and around Washington backroom deals are being cut to put American taxpayers on the line to bail out investment houses on Wall Street, banks, and other speculators that were very lucratively involved in the Mexican market. They were getting 20 percent and more interest.

Don't you think maybe if someone is paying you 20 percent interest or 25 or 30 percent interest, there is a little bit of risk that flows with that investment? Wall Street doesn't think so, nor do other speculators. They think the American taxpayers should bail them out.

Of course, they are not going to give us any of the 20 or 25 percent interest that they collected, thank you very much. They want it all.

Whose money is at risk? Whose money is at risk? A very, very senior administration official yesterday, in a closed door meeting of the Democratic Caucus, laughably tried to tell us that it was middle-income people's money at risk. Their pension funds are invested in Mexico, he said.

Pension funds? Any pension administrator who is investing in junk bonds in Mexico—and that is what these things are, junk bonds that pay 20 to 40 percent interest, from a country that defaulted on all of its loans just 12 years ago, no one thinks they are a good risk. Any pension administrator who has any substantial amount of money down there, there is a cause of action against him by the holders of that pension fund. I don't believe that is true.

If it is true, let's disclose it. We have sent a letter to the Secretary of the Treasury asking "Whose money is at risk here? Who are we bailing out?" There has been no response.

I don't know that we will ever know who we are bailing out, because apparently no hearings will ever be held on this bailout legislation. The largest bailout since the savings and loan crisis, and no hearings are to be allowed.

Mr. Speaker, I have heard my Republican colleagues around here chortling a little bit because Bill Clinton is so closely identified with this issue. At least, although I disagree with him, President Clinton has the guts to go out and say he thinks this needs to be done.

However, remember, the Republicans have an absolute stranglehold on both the House and Senate. Any bill that moves through here has to have their permission, has to have their votes. It is not a Democratic Congress or a Democratic Senate, so they do not want to hold hearings.

No, they do not want to hold hearings. They do not want to be identified with it. They do not want people to really know what is going on. They do not want possibly to upset some of those people on Wall Street who so handsomely provided for their elections.

It is business as usual here in Washington, DC, folks, despite all the hoopla about the contract, despite all the hoopla about the new majority, business as usual, back room deals, $40 billion, U.S. taxpayers on the line, and no hearings. That is even worse than the worst abuse I can think of of my own party in the last Congress.

Now we have even drug in the book deal. Today or yesterday the chairman of the House Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH], sent a note to White House Chief of Staff Leon Panetta tying Republican support of the Mexican $40 billion bailout to the need to get guarantees, guarantees, of kinder treatment by Democrats of House Speaker NEWT GINGRICH of Georgia, so there you have it, folks. If you think this isn't business as usual, in fact it is even worse than business as usual, a $40 billion bailout, for whom, putting the American taxpayers on the line, and the Republican-controlled Congress is going to refuse to hold a single hearing on this, and will try and jam this thing through in the dark of the night some night next week or the week after.

THE SECOND REVOLUTION RETURNS AMERICA TO ITS BASIC VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I am excited to be a part of what I believe is the second American Revolution, because this year I truly believe that the American hour is upon us. It is time for this country and this Congress to decide once and for all which direction we are going to turn.

Are we going to continue down the same failed path of LBJ and FDR, where we turn to bigger and bigger government to answer every question? Or are we instead going to turn back to those simple, basic values that our Founding Fathers laid at the foundation of this great country, values like family and faith and hard work and personal responsibility?

Thomas Jefferson wrote that the government that governs least governs best. James Madison said:

> "We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the Ten Commandments of God."

But Washington has ignored these values for too long. Because of it, we find ourselves $4 trillion in debt in a country were we have, as the Speaker has pointed out, 12-year-olds that are having babies and 15-year-olds that are shooting each other and 18-year-olds that are graduating from high schools with diplomas they cannot even read.

So what is the answer? The answer, Mr. Speaker, lies in many of the proposals that the Republican Party has set forth in the Contract With America, but beyond that, we have to go back to the original Contract With America, the Constitution of the United States, and read the amendments, read the 10th amendment in particular, which states that all powers not specifically given to the Federal Government are reserved to the States and to the individuals.

If we start doing that, then we can return back to what our Founding Fathers intended this country to be, and that is a nation of communities, a nation of communities where families and individuals decide what is best for them, instead of turning to Washington for every single answer, and instead of having Washington dictate what doctor they are going to choose and how they are going to teach their children and how they are going to protect their family.

That is what this unfunded mandate debate is all about. It is about restoring power to States and families and individuals to once again take control of their lives and take control of their families and take control of their business and take control of their communities, without interference from Washington.

□ 1550

We are not trying to jam anything through that every single State and family and individual has not begged for for years, and, that is, to once and for all take the chains off of them and get the Federal Government out of the way.

But when we talk about unfunded mandates, and the fantastic bill that has been put forward that is going to be voted on next week, and when we talk about balancing the budget and finally making the Federal Government do what middle-class families have had to do forever, we are told that we are going to somehow going to make my 91-year-old grandmother go without, or somehow we are going to harm my 7-year-old boy and his education.

We do not need a Department of Education bureaucracy in Washington, DC to teach my child how to read and write and get along in this world. And yet we continue turning back to Washington for bigger and bigger government. That is why I am excited to be part of a reform movement, excited to have signed the Contract With America, excited to be on board with the unfunded mandate bill that should pass, and excited to be supporting the balanced budget amendment with a three-fifths tax limitation.

Let me tell you something. You are going to be hearing a lot of talk about this next week. You can call it what you want, but in the end, that three-fifths requirement is the taxpayers' protection plan, and that is why I am excited about supporting it. That is why I am excited about supporting this unfunded mandate bill. That is why I have not wasted time listening to these charges about GOPAC or hearing these claims about Nazi historians, or hearing this talk about the book deal.

Let me tell you something. It is a sad day when the party of F.D.R. and Harry Truman can bring forth no other proposals other than attacking Members personally.

Mr. Speaker, I ask that we all get together as a country and support the unfunded mandate bill and support the taxpayer protection plan.

ELECTION OF REPUBLICAN MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. HASTERT. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 41) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 41

Resolved, That the following named Members, be, and they are hereby, elected to the Committee on Standards of Official Conduct of the House of Representatives:

Mrs. Johnson of Connecticut, Chairman; Mr. Bunning; Mr. Goss; Mr. Hobson; and Mr. Schiff.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF DEMOCRATIC MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. VOLKMER. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 42) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 42

Resolved, That the following named Members, be, and they are hereby elected to the Committee on Standards of Official Conduct of the House of Representatives:

Mr. McDermott; Mr. Cardin; Ms. Pelosi; Mr. Borski; and Mr. Sawyer.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LET US STRESS CRIME PREVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, the one thing that the Thirteen Colonies knew was that we were all in this together. One of the things that my constituents in the 18th Congressional District of Texas have asked is that I would come to this office and deliberate, cooperate, and consider the concerns of the Nation, but most of all represent them.

I hope that we will have an opportunity to deliberate and consider as we look toward H.R. 3, the take-back-your-streets bill that offers to the American people the suggestion of going forward, but actually it takes us back.

The 1994 bipartisan crime bill spoke to all of the people of America. It provided dollars for law enforcement, some $13 billion, it answered the questions for overcrowded prisons by providing for $9.8 billion and, yes, for the first time historically we committed to prevention. We recognized that we are in this together—hamlets and towns and cities and counties and States.

Rennie Click, the chief of police of Dallas, TX, recognized it when he testified how extensively he supports law enforcement, support of police but he realizes how important it is to address the social needs of those who perpetrate crime. And at the same time the chief of police from the city of Houston, Chief Nuchia, indicated that he is a strong advocate of law and order, like all of us, like I am, and he believed that we must protect ourselves like I had to do as a council member working with local law enforcement, as a former judge. But he was convinced that we could not arrest ourselves out of this situation. It was his belief that adequately funded community-based programs are an important component of the American goal of achieving a healthier, safer society.

What is wrong with prevention? What is wrong with supporting boys clubs and girls clubs? What is wrong with acknowledging the importance of in-school and after-school programs, acknowledging that there are latch-key children who are subject to abuse and or subject to inspiration by others that would not follow the way of law-abiding citizens?

One of our witnesses indicated that most people living in our communities are law-abiding and work every day to help assist the community to stay on a straight-and-narrow track. But yet, now we have a bill that wants to take away the prevention dollars, when a bipartisan Congress put together a package that talks about cops on the streets. No more in this new bill. It talked about prisons, it talked about prevention. No more in this new crime bill.

It is interesting that we would all support prenatal care, immunization, which has helped our children and helped this Nation be a healthier nation. We even joined Nancy Reagan and said, "Just say no to drugs" and there are so many youngsters who can talk about that, but live it every day because the message was pounded in. And how many of us grew up with Smoky Bear? "Only you can prevent forest fires," so we know what not to do in our Nation's precious forests.

But yet do we treat crime differently? We do not want to prevent? We throw the baby out with the bathwater.

I simply ask the Nation to deliberate and consider that we are all in this together, that we are all crimefighters. But if we are going to go into the 21st century, we must focus on the prevention to be able to make this community, for police officers and sheriffs and constables and citizens and children and the elderly and all the towns and hamlets and counties and States and yes, our cities, to make them a safer place, we must have prevention. We must continue to go forward.

Let us go forward and enhance what we are doing. Reaffirm the omnibus crime bill of 1994. Let us have prevention.

COMMENTARY ON HOUSE PROCEEDINGS OF THIS WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized for 60 minutes as the designee of the minority leader.

Mr. VOLKMER. Mr. Speaker, on Wednesday of this week, the gentlewoman from Florida attempted to give a 1-minute speech in regard to the book deal of the Speaker of the House. During that speech, the gentlewoman was interrupted by the gentleman from Pennsylvania who asked that her words be taken down, the last two paragraphs of that 1-minute speech.

Following that taking down, the Chair at the time, the gentleman in the chair from Florida, ruled that the words were out of order and that they should be stricken.

Following that discourse, the following day in regard to that ruling, the Chair in its ruling on Thursday morning, the gentleman from California who was in the chair at the time, acting as Speaker pro tem, said:

> The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

Then it goes on, during that, which we can all find in the CONGRESSIONAL RECORD, where the Chair says:

> On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988.

□ 1600

There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair states as follows:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

But the Chair did not rule in that ruling on that date that such language was not in order but cautioned the Members.

Then the Chair continuing on Thursday, the gentleman from California, stated that:

> Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume II of Hinds' Precedents, at section 1248.

I have reviewed that, Mr. Speaker. At a later time I will ask that that be part of the CONGRESSIONAL RECORD following my comments.

Then the acting Speaker pro tempore continued on Thursday:

> Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.
>
> Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

and the Chair made a quotation.

But the problem, Mr. Speaker, is that the Chair would lead us to believe that the following quote, which I will read that he quoted from Thursday morning, applied to actions by the Speaker similar to actions of our present Speaker, that was that Speaker Reed's actions were similar to those of Speaker GINGRICH's.

It said:

> The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons; first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

Then the Chair on Thursday said:

> Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities.

Mr. Speaker, Members of the House, general public, press, anybody else who cares to listen, I have a copy of Hinds' Precedents right before me, and the incident that occurred on May 13, 1897, did not have anything to do with conduct of Speaker REED outside the Chambers of this body. It only had to do with conduct of Speaker Reed's acting as Speaker. They are two different things. The comments that were made by the gentlewoman from Florida on Wednesday in regard to Speaker GINGRICH were because of his conduct outside of this Chamber, actually preceded his becoming Speaker, before he was ever Speaker, when he was still just a member of the delegation of the delegation from Florida in a previous Congress.

I would like to read, and then I will ask that it be put in the CONGRESSIONAL RECORD, the full context of the Hinds' precedent.

> On May 13, 1897, the question before the House was the approval of the Journal, and Mr. Jerry Simpson, of Kansas, having the floor, was proceeding to comment upon the fact that the Speaker had not appointed the committees, and to discuss the general observance of the rules of the House.
>
> Mr. Nelson Dingley, of Maine, having raised the point of order that the debate was not proceeding in order, the Speaker sustained it, saying that the question before the House was the approval of the Journal, not obedience to the rules; and under the rule directed the gentleman from Kansas to take his seat.
>
> Mr. James D. Richardson, of Tennessee, moved that the gentleman from Kansas be allowed to proceed in order, and the House agreed to the motion.
>
> Mr. Simpson was proceeding, when again, on a point of order made by Mr. Dingley, he was called to order; and the House voted that he be allowed to proceed in order.
>
> Again Mr. Simpson was proceeding, discussing the alleged arbitrary way in which Members were deprived of their rights in the House and reflecting upon the Speaker, when Mr. Dingley again called him to order.
>
> The Speaker, in ruling, said:
>
> "The Chair desires to say to the House in regard to this matter that when an appeal is made to him on a question or order, it becomes his duty to make a ruling upon the question as he understands it. So far as the Chair is concerned, he has only requested the gentleman from Kansas to confine himself to the subject that is under discussion. The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order."

Then it goes on and Members can continue the quotes given to this House by the Speaker on Thursday. That is a lot different. That is when the Speaker was in the chair, operating the House as the Speaker. His actions were actions as Speaker that were questioned by a Member. It had nothing to do with actions of Speaker Reed. Speaker Reed never did anything wrong. Speaker Reed never wrote a book and got a million dollars for it. Speaker Reed never took any money and put it in his back pocket for his actions as Speaker. Speaker Reed never desired to be a millionaire. Speaker Reed was only being criticized for his actions as Speaker, and what he was doing in his job as Speaker.

The gentlewoman from Florida in her 1-minute speech on the floor of this House was only discussing what our present Speaker had done prior to his being Speaker in accepting a book deal, and now alleging that as a result of that book deal was going to get millions of dollars, and he very well may get those millions of dollars.

Before I forget, at this time I will include in the CONGRESSIONAL RECORD the Hinds' Precedents that I have alluded to and that were alluded to by the Speaker pro tempore on Thursday.

The documents referred to are as follows:

> 5188. When a Member is called to order for violation of the rules of debate, it is the practice to test the opinion of the House by a motion "that the gentleman be allowed to proceed in order."
>
> Complaint of the conduct of the Speaker should be presented directly for the action of the House and not by way of debates on other matters.
>
> The Speaker remained in the chair and ruled as to the relevance of language criticizing his conduct as Speaker.
>
> On May 13, 1897,[1] the question before the House was the approval of the Journal, and Mr. Jerry Simpson, of Kansas, having the floor, was proceeding to comment upon the fact that the Speaker had not appointed the committees, and to discuss the general observance of the rules of the House.
>
> Mr. Nelson Dingley, of Maine, having raised the point of order that the debate was not proceeding in order, the Speaker[2] sustained it, saying that the question before the House was the approval of the Journal, not obedience to the rules; and under the rule directed the gentleman from Kansas to take his seat.
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> Mr. James D. Richardson, of Tennessee, moved that the gentleman from Kansas be allowed to proceed in order, and the House agreed to the motion.
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> The Speaker, in ruling, said: The Chair desires to say to the House in regard to this matter that when an appeal is made to him on a question of order, it becomes his duty to make a ruling upon the question as he understands it. So far as the Chair is concerned, he has only requested the gentleman from Kansas to confine himself to the subject that is under discussion. The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order. Not because the Chair is above criticism or above attack, but for two reasons: First, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the

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[1] First session Fifty-fifth Congress, Record, pp. 1067, 1068.

[2] Thomas B. Reed, of Maine, Speaker.

House; and, second, because the Speaker can not reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons such attacks ought not to be made.

If there be any complaint of the conduct of the Speaker it ought to be presented directly for the action of the House, but this continual making of attacks with no proper opportunity for reply every Member must see, whatever may be his relation to the pending question, is not suitable and ought not to be indulged in. If there be any objections to the acts of the Speaker they are not above criticism.

1248. A Member having used words insulting to the Speaker, the House, on a subsequent day and after other business had intervened, censured the offender.

An insult to the Speaker has been held to raise a question of privilege not governed by the ordinary rule about taking down disorderly words as soon as uttered.

When the House was considering a resolution censuring a member for an alleged insult to the Speaker, the Speaker called another Member to the chair.

On July 9, 1832,[3] during debate on a question of order, Mr. William Stanbery, of Ohio, in criticising a ruling of the Chair, said: I defy any gentleman to point me to a single decision to the contrary, until you presided over this body. And let me say that I have heard the remark frequently made, that the eyes of the Speaker are too frequently turned from the chair you occupy toward the White House.

Mr. Stanbery being called to order by Mr. Franklin E. Plummer, of Mississippi, sat down; and the debate proceeded.

The pending question being disposed of, Mr. Thomas F. Foster, of Georgia, moved that the rules be suspended in order to enable the House to consider[4] the following resolution: *Resolved*, That the insinuations made in debate this morning by the honorable William Stanbery, a Member of this House from Ohio, charging the Speaker of the House with shaping his course, as presiding officer of the House, with the view to the obtainment of office from the President of the United States, was an indignity to the Speaker and the House, and merits the decided censure of this House.

The vote being taken there were yeas 95, nays 62; so the House refused to suspend the rules.

On July 10,[5] when the States were called for the presentation of resolutions,[6] Mr. James Bates, of Maine, presented the resolution again, with the slight modification of "words spoken" instead of "insinuations made."

Mr. Charles F. Mercer, of Virginia, made the point of order against the resolution that the words of the gentleman from Ohio, were not taken down at the time they were spoken, nor at the close of the speech of the Member; because other business had occurred since the imputed insinuations were made; and because a day has elapsed since the words were used, without any action or proceeding of the House in relation thereto. Jefferson's Manual was quoted in support of this contention.[7]

The Speaker pro tempore[8] decided that the resolution was in order. This was a question concerning the privileges of the House; therefore the rules of ordinary debate did not apply.

Mr. Mercer appealed; but pending the discussion the hour expired, and although Mr. George McDuffie, of South Carolina, insisted that the pending question had precedence, because it related to the dignity and privileges of the House, the House voted to proceed to the orders of the day. On the next day, however, when the question arose again, the Speaker pro tempore corrected his decision of the day before, and decided that a question of order involving the privileges of the House took precedence of all other businesses.

On July 11[9] debate on the appeal of Mr. Mercer was resumed. Mr. John Quincy Adams, of Massachusetts, said that this seemed to be a case of punishment for disorderly words spoken in debate. But in such a proceeding the words should be taken down, which had not been done in this case, although the Manual specifically provided such a course of procedure. That course was founded in reason and justice, and was, as expressly declared, "for the common security of all."

The decision of the Chair, on Mr. Mercer's appeal, was finally sustained, yeas 82, nays 48.

The question recurring on agreeing to the resolution of censure, Mr. Stanbery justified what he said as parliamentary by quoting Lord Chatham's words, which had passed without a call to order in open Parliament, "the eyes of the Speaker of that House were too often turned toward St. James's."

Mr. Samuel F. Vinton, of Ohio, raised a question as to whether or not interrogatories should not be propounded by the Chair to the Member about to be censured, to ascertain whether he admitted or denied the fact charged in the resolution; but the Speaker declined to do so.

The question being taken,[10] the resolution of censure was agreed to, yeas 98, nays 44.

Several Members asked to be excused from voting, on the ground that they had not heard the words spoken by Mr. Stanbery, but the House declined to excuse them. Mr. Adams, however, refused to vote.

1249. A Member in debate having declared the words of another Member "a base lie," the Speaker declared the words out of order and the House inflicted censure on the offender.

The Speaker having, by order of the House, censured a Member, the words of censure were spread on the Journal.

On January 26, 1867,[1] during debate on the bill (H.R. 543) for restoring to the States lately in insurrection their full political rights, Mr. John W. Hunter, of New York, was called to order by Mr. Ralph Hill, of Indiana, for the use of the following words: "I say that, so far as I am concerned, it is a base lie," referring to a statement by Mr. James M. Ashley, of Ohio.

The Speaker[2] decided the words out of order.

Thereupon Mr. Hill submitted the following resolution:

Resolved, That the gentleman from New York, Hon. Mr. Hunter, in declaring during debate in the House, in reference to the assertions of the gentleman from Ohio, Hon. Mr. Ashley, "I say that, so far as I am concerned, it is a base lie," has transgressed the rules of this body, and that he be censured for the same by the Speaker.

The resolution having been agreed to—yeas 77, nays 33—Mr. Hunter appeared at the bar of the House and the Speaker administered the censure. This censure by the Speaker appears in full in the Journal.

1250. A Member having explained that by disorderly words which had been taken down he had intended no disrespect to the House, a resolution of censure was withdrawn.—On June 1, 1860,[3] on the request of Mr. John Sherman, of Ohio, the following words spoken in debate were taken down:

By MR. CHARLES R. TRAIN, of Massachusetts: "I am not in the habit of troubling the House much, and I never insist upon speaking when I am clearly out of order. I should consider myself guilty of gross impropriety, not only as a Member of the House, but as a gentleman, if I insisted upon addressing the Chair, and interpolating my remarks when I had no right to the floor."

By MR. GEORGE S. HOUSTON, of Alabama: "I wish to know if the gentleman from Massachusetts applied that remark to me?"

By MR. TRAIN: "I mean exactly what I did say, and I stand by what I said."

By MR. HOUSTON: "I mean to say that if he applied that remark to me, he is a disgraced liar and scoundrel."[4]

Mr. Sherman submitted this resolution: *Resolved*, That the gentleman from Alabama, Mr. Houston, be censured for disorderly words spoken in debate.

During the discussion of the resolution the point of order was made that the gentleman from Ohio did not call the gentleman from Alabama to order before asking that the words be taken down.

The Speaker[5] overruled the point of order.

So I want everybody in the House to know that the precedent that was cited was only for actions of the Speaker while in the House, and, therefore, was not for actions of the Speaker outside the House, and what he had done on a question of ethics as it applies to him or any other Member.

My perusal of all of the precedents of the House, not only Hinds' but Cannons', Deschler's, Deschler-Brown, Jefferson, all the way back, there has never been an instance when a person such as the gentlewoman from Florida's words were taken down and ruled out of order for discussing activities of any Member, not just the Speaker, any Member in the past, in over the 200-year history of this House. And what that tells me and other Members is that we now have a rule, new ruling and a new way of deciding what you can say in this body and what you can say about other Members. And what it tells me is that another Member can do a completely illegal activity that is freely reported in the press, outside of these Chambers, and you cannot comment on it here.

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[3] First session Twenty-second Congress, Journal, p. 11113; Debates, pp. 3876, 3877, 3887.

[4] The pressure of business had at this date become such as not to permit the regular order to be interrupted except by unanimous consent or by a vote to suspend the rules; but the system had not been instituted yet of admitting such resolutions as matters of privilege—or at least not in cases of this kind.

[5] Journal, p. 1118; Debates, pp. 3888–3891.

[6] In the order of business at that time an hour was devoted to the presentation of resolutions, etc., before passing to the Speaker's table and the orders of the day.

[7] See Chapter XVII of Jefferson's Manual.

[8] Clement C. Clay, of Alabama, Speaker pro tempore. Mr. Speaker Stevenson had left the chair from motives of delicacy. Debates, p. 3898.

[9] Journal, pp. 1134, 1135; Debates, pp. 3899–3903.

[10] Journal, p. 1141; Debates, p. 3907.

[1] Second session Thirty-ninth Congress, Journal, pp. 271–273; Globe, pp. 785–787.

[2] Schuyler Colfax, of Indiana, Speaker.

[3] First session Thirty-sixth Congress, Journal, pp. 972–981; Globe, pp. 2546, 2548, and 2554.

[4] Those words appear in full in the Journal as taken down.

[5] William Pennington, of New Jersey, Speaker.

□ 1610

You cannot talk about it. We cannot discuss it. I do not see why not.

This is to me, in my many years here, is something that I believe that we should preserve and protect and maintain as a body in which all Members are above reproach.

We serve the public. We are not here to serve ourselves. We are not here to become millionaires as a result of our actions in this body.

We get a salary, and that should be enough for anybody. And I think it is wrong for any Member who uses his office, any Member who uses this office, this, to me, most sacred office, office of the public, to make himself wealthy.

But we are seeing that happen, and yet we are told we cannot comment on it.

I say to you, Mr. Speaker, I believe that if a Member feels that the criticism that comes from other Members of this body as a result of that Member's activities, whether on this floor, in the committees or outside of this, whether back in his home State or anyplace else, he has the opportunity to come down to this body and say anything he wants to say. If it calls for information, he can provide that information. He should feel free to do so.

If it means that there is a contract, let the contract, hold it out, let everybody see it. We owe that much to the public.

I will now yield to the gentleman from New York.

Mr. SOLOMON. Well, I thank the gentleman, and I am going to try to stay nice and calm.

Mr. VOLKMER. I have been nice and calm.

Mr. SOLOMON. Like the gentleman has.

But, you know, sometimes when I hear, you know, this continuation of this issue, it really does get me upset, because, you know, this Congress over the years has done everything in its power to drive businessmen out of this Congress, businessmen like me.

And, you know, I really do resent it. I can recall, you know, when I came here 16 years ago, and I owned an insurance firm, a stock brokerage firm and a real estate firm, and because all of those firms gained their revenue from commissions, I was forced to sell my businesses, and I had to sell them to junior partners at a reduced sum, about half what they were worth, just to come here so I could serve the people.

But you know, it was regulations like that that keeps people from coming into this Congress, people who have been successful in life and who can deal with the Mexican peso issue and know what it is all about.

But getting back to the other point, you know, you seem to be picking on our Speaker, and I really resent that, because when I look at the people that are picking on him, it is the same people that said it was all right to take book royalties 4 or 5 years ago when the now-Vice President of the country, and a former Senator, receives royalties. We have Republican Senators, as well. That happened to be a Democrat over in the Senate. We are not supposed to talk about the other body. He receives royalties. I think he is from Maine. We have my own Senator from the State of New York, PATRICK MOYNIHAN, a real decent guy. He receives royalties.

And the minority whip, the gentleman from Michigan [Mr. BONIOR], when he was a majority whip, served on a committee that was appointed by your Speaker, the Democrat Speaker, that said it was OK to accept royalties, you know, so all of a sudden because this is a large amount of money, all of a sudden you and others want to make issues about it.

Now, I am not impugning your integrity at all. You know that you and I side on a number of issues, especially some that are most important, and I have deep respect for you.

In no way would I impugn, you know, your integrity of why you are doing it. It just seems to me the continuing to let this go on is really just hurting the work of this House.

We have important work to do. We have got the second Reagan revolution to undertake where we are going to shrink this Federal Government, we are going to take away the power of this Federal Government, we are going to put it back into the hands of the people, back into the States, back into local governments and into the hands of the people. We are going to get this Government off the backs and out of the pockets of the American people, and when we see all of this going on, all of this nitpicking, all this does is slow it down.

We have seen it today. When I put out an open rule with the help of the acting Speaker in the chair, so that we could debate unfunded mandates, lo and behold, what do we end up with, 151 amendments were filed to this bill, most of them duplicative and here we spent all day on two or three amendments.

Now, how are we ever going to accomplish the successful passage of that bill if we continue to see these kinds of nit-picking delays take place?

So I again have deep respect for the gentleman from Missouri, but it is about time we got down to business and stopped this foolishness and get on with the people's work.

I really do thank the gentleman for yielding. I just had to get that off my chest.

Mr. VOLKMER. I might answer as far as, and I did not want to discuss the unfunded mandate bill. I had not planned to do that today. But my comment to that is that if the bill had been worked, what I call worked properly, and time had been spent on it in committee that should have been, we would not have all of these amendments.

Now, that is my answer as to why you got all of the amendments. It is in a rush to get here, and it got here, and now you have got all of these amendments. What else did you expect?

You have got people that did not get to offer those amendments in the committee. That is that.

I do not have all day, I will tell you, the gentleman from New York, that I want to finish up. I have got another matter to talk to; if you want to stay, if I have time, I will yield some more.

The gentleman is a friend. We do agree on many things.

But a little difference between the previous book deals. I know of no book deal that he has alluded to where you have a question, and I say a question, and that is why some of us are talking about it, because we do not know the answer, but I think it necessarily needs to be addressed.

The question is: There is a gentleman named Rupert Murdoch and how much influence did Rupert Murdoch have as far as the book deal is concerned in return, in return for possible legislation that would be favorable to Mr. Murdoch. Now, that is little bit different than writing a book and selling it out on the street. That is a heck of a lot different.

Now, if you say, now, wait a minute, that is going too far, well, I suggest that the gentleman from New York go back and look in the CONGRESSIONAL RECORD back in 1988 and see when the gentleman from Georgia who now is our Speaker was talking about Rupert Murdoch and what had to be done and what was being done to Rupert Murdoch, why that was being unfair, all of these other things, I suggest to the gentleman that he look into it a little bit further than just taking on carte blanche that everything is aboveboard.

Mr. SOLOMON. Would the gentleman yield on that point?

Mr. VOLKMER. Very briefly.

Mr. SOLOMON. You know, in other words, we have the rules of the House provide for an ethics committee which we are trying to get appointed.

Mr. VOLKMER. That was done today, done today, done today.

Mr. SOLOMON. That is an issue for the ethics committee to look into it, not for us to waste our time on the floor of this body. We have more important issues to take care of.

Does the gentleman agree?

Mr. VOLKMER. Now that we have the ethics committee and a formal complaint can be filed, I hope it will be done.

And wait a minute though, we have got another little problem, because those of us who see how the ethics committee is structured with the same amount of numbers that—and who appointed the ethics committee on your side? The speaker.

Now, are those people going to find against the Speaker?

Maybe we ought to have an outside counsel, independent outside counsel.

Mr. SOLOMON. The Speaker did not appoint those people.

Mr. VOLKMER. Pardon?

Mr. SOLOMON. The Speaker did not appoint anybody.

Mr. VOLKMER. Yes, but it was done today. It was done today.

Mr. SOLOMON. But it is the same old Members. He has not added anybody to it.

Mr. VOLKMER. Either way, I just say that if we get an independent counsel, I will be feeling a heck of a lot better about it all.

Now, the other thing I want to talk about, and I think it is another thing that again comes back to our Speaker, but this has nothing to do with ethics, and it has nothing to do with personalities. It has to do with a little thing called Social Security and income taxes.

Now, we all know that the Contract on America and that the Speaker says that we are going to exempt Social Security from any cuts; we are not going to raise anybody's taxes.

But then I find that just the other day when I read a newspaper, day before yesterday, that there is an article in there about the CPI.

□ 1620

Now, that is the Consumer Price Index. And that the Speaker, and your floor leader, Mr. ARMEY, especially, says we have got to hold down the CPI, we are going to hold it down. We are going to cut it. We need to get it down at least 1 or 1 percent. And do you know why, folks? Do you know what happens when the CPI goes down and is not at its normal rate? Then the people on Social Security do not get the increases that they are entitled to by law. Yes. And guess what happens to your income tax, because the personal exemption does not go up as much as it should by law and your income taxes go up because you do not have as much of a deduction?

And who does it hit the worst? Well, folks, as far as the family-friendly people, children, families with children, have to pay more taxes because you are getting an exemption for each child. So your taxes, if you make $50,000 or $20,000 and you are by yourself, your taxes will not go up as much as if you have got a wife and four kids or three kids or two kids or 1 kid.

Mr. SOLOMON. I have five.

Mr. VOLKMER. Your taxes will go up. That is the same thing I want to talk about very briefly: When you all talk about in the rules that you are going to make a change, make it three-fifths before you can raise taxes. That is what I kept hearing over there on taxes, before we can raise income taxes. Well, that is not true, folks; here is an example of how you do it. You just change the CPI. It has nothing to do with raising income tax rates, that is what you are saying, three-fifths to raise income tax rates. And here is the Speaker and here is your floor leader saying we change the CPI, reduce Social Security payments to our elderly, and we raise income taxes on everybody, and especially those with children. The more children you have the more you pay.

Mr. SOLOMON. Will the gentleman yield so I can discuss it with him?

Mr. VOLKMER. Surely, in just a moment.

Now, this is just another way by the back door. Where did this idea come from? This idea came from a guy named Greenspan, yes, Chairman Greenspan. He is the one giving the idea. It would save about $200 billion over about 5 years. Now, that is about the amount that you need for the tax cuts for the wealthy.

So we are going to take away Social Security from the recipients, we are going to cut them, we are going to make people who make $25,000, $30,000, who have got two or three kids, pay more taxes. Then for people who make over $200,000, we are going to give them a tax break. Hey, folks, no way do I think that is very fair. That does not sound like a very good Contract With America to me.

Now I will read along that line—and I have one more thing to comment on. I am reading now from an article in just yesterday's USA today.

> House Republicans are considering a plan to pay for $200 billion in tax cuts by taking the biggest amount of cash from programs for the poor and elderly, like Medicare.
>
> The document being circulated quietly among Republicans—is only one of several options. But it indicates the areas the GOP have targeted to pay for tax cuts promised in the GOP Contract with America:
>
> $125 billion would come from programs known as entitlements—Medicare, Medicaid, welfare, food stamps and student loans.
>
> $75 billion would come from programs requiring annual appropriations, such as defense, education, housing and transportation.

So the vast majority is going to come from the elderly, going to come from the poor, and who are they going to give it to? The wealthy.

That is Robin Hood in reverse.

The gentleman earlier said that he wants to get on with Reaganomics II, he wants to get on with Reaganomics. That is old-hand Reaganomics. Take from the poor and give to the wealthy.

Gentleman, ain't no way I am going to agree with you on that one.

Mr. Speaker, I yield to the gentleman from New York.

Mr. SOLOMON. You know what? I think the gentleman is going to agree with me, and I thank him for yielding. I am reading from the Contract With America now as it deals with senior citizens. The Senior Citizens Equity Act will raise the earnings ceiling for recipients of Social Security benefits and lower the portion of benefits that they can be taxed. That is what the senior citizens I represent want.

You know, I come from the Adirondack Mountains in upstate New York, where, incidentally, unemployment is as high as 15 percent today. That is problems, my friend.

You know, those senior citizens want me to do everything in my power to keep inflation down, not to raise it up so they get a little bit more in their Social Security check. They want to take the earnings that they have and they want to be able to at least survive on them. That is what they want.

Here is what Reaganomics is—let me just finish. It will take 3 minutes.

Reaganomics is eliminating 150 programs like the Interstate Commerce Commission, privatizing Government agencies like the Federal Aviation Administration, consolidating 35 Government functions like the Bureau of Indian Affairs, downsizing the Department of Education, which has not done anything to increase education in this country; abolishing the Department of Energy, with 16,000 employees who have never produced a gallon of oil; convert the Department of Commerce down to a bureau, eliminate those 36,000 employees, which has not done anything for the economy of this Nation, and make them a consulting body for business and industry.

We are going to means test things like Medicare, school lunches, and wheat and dairy programs.

This is Reaganomics, this is what the first part of the Reagan administration never could accomplish because we did not have the votes. Now we are going to attempt it.

I will bet you that the gentleman is going to vote for a lot of it.

Mr. VOLKMER. I doubt very much if I vote for some of that, especially if I go back to letting the senior citizens work and still draw their Social Security. Not a bad idea.

But I will tell you why, the reason the gentleman from New York and the Republicans are proposing it, it is very simple: All you have to do is go back and look at what they are proposing to do in the budget, because they are going to cut Medicare. Senior citizens are going to pay more for their health and hospital bills. Where are they going to get the money? They are not going to get it from Social Security, they will have to go out and work for it.

What they are saying is, "Hey, we are not going to help you anymore because we are going to cut you back and you had better go out and work for that minimum wage in order to pay for your own health care." That is what they are saying to you. They are going to make you work in order to get—in order to get paid for what you are now getting paid for.

Mr. SOLOMON. But those are only for people with incomes over $100,000, that is the only Medicare that we are going to cut.

Mr. VOLKMER. Not according to this.

Mr. SOLOMON. Yes, according to that. I have the same thing.

Mr. VOLKMER. Well, I doubt very much if you are only going to cut Medicare expenses for people over $100,000, even though I might agree with that—

Mr. SOLOMON. I thought the gentleman would.

Mr. VOLKMER. And that would be all if those people would pay their full share of Medicare part B. That would be a little better.

I still do not see cutting the rest from the poor and the elderly, especially my students.

You know, I think one of the best benefits we have had in this country over the past few years—the gentleman degrades the Department of Education as not having educated anybody. I agree that it is true they do not go out and educate people. It is not an educational system. but we do have student loans, we have student grants, we have work study.

Now, work study is one of the programs which support the most because I think it is the best because it does not put anybody into debt like a student loan does. It is different from a grant.

But all three of those programs have enabled many Members, I know, in my opinion, and I say there are probably Members of this body right here today who have benefited from a student loan, grant, or work study program who would not have been able to get the higher education elsewhere. I have in my district many people in business, farmers—

Mr. SOLOMON. Those are good programs.

Mr. VOLKMER. Everybody, that is a good program. Why do they want to cut it?

Mr. SOLOMON. We do not.

Mr. VOLKMER. You are talking about Reaganomics now. Reagan's first budget and the second budget, way back in 1981–82, zeroed out, zeroed it out. Oh, yes, yes, go look at it, go look at it. I well remember it because I know what it would have done. What that does, when you cut those student loans, you are telling our young people you get a high school education—unless you are wealthy, and you are the only one that does get a higher education—you get a high school education, you have got to live with it. You try to make a living today with it, you cannot do it. The gentleman from New York would agree with that.

Mr. SOLOMON. I would agree, yes, because some of those are good programs and we would not want to hurt those programs, we would want to continue those programs. And that was all we wanted to do in Reaganomics, that was to take all those categorical aid programs where we here in Washington, big brother government in Washington, was micromanaging education and saying to the local school districts back home, "If do you this, we will give you the money."

We did away with those. We folded all those categorical grant programs into a block grant, gave it to the State of Missouri, and said, "State of Missouri, you will give 80 percent of that money to your local school districts, and you, local school districts, will set the curriculum because you know what is best for the people in the Missouri school districts," just like I know best about the schools in upstate New York school districts.

☐ 1630

That is Reaganomics. That is what we are going to do now. We do not want to bounce those programs, turn it into a block grant, give it to the States, or that the State of Missouri—and your Governor, who I debated on "Good Morning America" the other day, agrees with that. He can do it better he says, and I agree with him.

Mr. VOLKMER. At this time I still say that I guess the proof will be in the pudding when we see the budget as proposed by the majority in the future. I understand, and perhaps the gentleman from New York [Mr. SOLOMON] can correct me; is it going to be two budgets, one budget to make room for the money so you can do the tax bill, and then another budget to do the 5-year budget? Or are you going to try and do it all at one time?

Mr. SOLOMON. I say to the gentleman, "The main thing is to develop a budget that will balance the budget over 7 years. Now, whatever that takes. Then, if there are going to be tax cuts in addition, then there ought to be additional spending cuts beyond that. It takes $800 billion to balance the budget over that 7-year period."

Some of us on the balanced-budget task force that I am the chairman of introduced a budget last year, you know, back in March, that did just that. It balanced the budget. We did not get very many votes for it at the time, but we are going to have the same budget available, and we hope that the majority will accept that budget, and then, if there are going to be tax cuts, make additional spending cuts to go along with it to pay for the tax cuts. That is being fiscally responsible.

Mr. VOLKMER. There will not be any tax cuts without spending cuts; is that correct?

Mr. SOLOMON. Over my dead body will that happen, absolutely.

Mr. VOLKMER. I mean over your dead body there will be spending cuts?

Mr. SOLOMON. There will be no tax cuts without any spending cuts to go with them.

Mr. VOLKMER. I say to the gentleman, "Thank you. We agree on something else."

THE COURAGEOUS RESPONSE TO THE FLOODS IN CALIFORNIA

The SPEAKER pro tempore (Mr. LINDER). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to commend the residents of Sonoma and Marin Counties in California for their courageous response to the floods which ravaged our communities and much of California last week. Law enforcement, county workers, emergency and rescue crews, and the National Guard worked double duty. Businesses, like the Bank of America and Safeway, donated space, clothing, and food, and finally volunteers and neighbors came together in a breathtaking effort to protect homes, streets, stores, and farms, and, most importantly, to save lives.

Mr. Speaker, nobody better exemplifies the spirit of the people of any district than John Alpin, a Red Cross volunteer and manager of the Sebastopol emergency shelter. John spent his first morning away from work after several 24-hour workdays setting up another shelter in Santa Rosa.

Mr. Speaker, the floodwaters may have risen quickly in my district in northern California, but they could not outpace the rapid and generous response of the brave people of Sonoma and Marin Counties.

WHAT WE HAVE ACCOMPLISHED AND WHAT WE WILL ACCOMPLISH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Virginia [Mr. DAVIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. DAVIS. Mr. Speaker, I think what the American people have seen over the last 2 weeks is a Congress that has made some promises and has kept those promises. In the first day this institution instituted many reforms that have been talked about for a number of years but have never been acted on. I always said, "Actions speak louder than words." I think the American people are starting to see some actions, and I am going to talk a little bit today and with some of my colleagues about the unfunded-mandates legislation before this House, but I think it is important that we go back and look back over the last couple of weeks and see what we already have accomplished together.

The reforms of this institution, the first day, included forcing Congress to live under the same laws that everybody else lives under. This is something that has been talked about in the previous Congress but the Shays Act has now been passed by both bodies and sent to the President for signature, and for the first time Congress and its employees are going to live under the same laws: OSHA, the Americans With Disabilities Act, and a number of other laws that we had specifically exempted ourselves from in the past. So, we have accomplished this. We have cut the committee staffs, as we promised, by one-third. We have opened up committee meetings to the general public. No longer are meetings going to be held in private, behind closed doors, where appropriations are going to be zeroed out, where tax bills are going to be marked up, without the full view of the American public and the press. Now there are going to be opened up to the people. Proxy voting is now abolished, so from now on Members are going to have to be there listening to the debate and the arguments before they cast their vote in committee, a recommendation that have been made in the past that has never been brought to fruition until we did this changing our rules in the first day of the Congress.

Over the coming weeks many issues that the American people want considered, but for so long have been blocked from even coming to the floor in many cases, are going to be considered and open to debate in this body:

A balanced budget amendment hopefully will be coming before this body next week with many different amendments and options, open for Members to debate and vote on before we vote on it here and send it to the other body; line-item veto, something that the administration endorses, and many of us in Congress want to work with the administration to being this needed change about, and for once the executive will have the opportunity to look at items of pork and appropriation bills and line those out, and I think this will be a needed check on spending and some of the excessive spending that has actually originated in this body in the past. We will see a real crime bill come before this body, something the American people badly want. Legal reforms are going to be coming before this body in the next couple of months, and congressional term limits, something that we have never brought to the floor of the House before for a recorded vote, will be coming here in several different versions of that.

But today and next week this body, in conjunction with actions in the other body, are considering H.R. 5, the Unfunded Mandate Reform Act. This bill is simply a modest effort to cost out the effects of decisions that we make here in Congress, in Washington, that mandate that State and local governments carry out, force those State and local governments to use local dollars to cost out and spend on our Federal priorities.

Now the opposition has responded with numerous horror stories, scare tactics, and inaccuracies in an effort to portray this legislation as an assault on environmental and health legislation. In point of fact it is nothing of the kind. This bill does not eliminate one current Federal program, but it will force Congress to assess the costs of such programs before we impose them on State and local governments. Many local governments today have to raise their real estate taxes, have to cut their local police, have to cut their school and education funding to comply with mandates that we are putting upon them, priorities that are set in Washington. The last Congress refused to act on this legislation, which is bipartisan once you get beyond the halls of Congress. The groups from the Governors' Association, the National Conference of State Legislators, the National Association of Counties, where I am chairman of their unfunded-mandates task force, but my cochairman, Yvonne Burke, a former Member of this body and a supervisor in Los Angeles County, was just as strong for this legislation when we argued and testified in hearings last year before both bodies of Congress. The National League of Cities, National Conference of Mayors, even the Chamber of Commerce and the National Federation of Independent Businesses [NFIB] have all come together to endorse this legislation which is now before Congress and will be—we have acted today in enacting some amendments, defeating others, and we will be doing this Monday afternoon and evening and Tuesday and, hopefully, wrap this up next week, and the Senate—excuse me, the other body—will be working on this at the same time, will go to conference, and hopefully have this out in the next month or so.

At this point I yield to the gentleman from Oregon [Mr. COOLEY] I think who has some remarks to make on this.

Mr. COOLEY. I thank the gentleman from Virginia [Mr. DAVIS].

Mr. Speaker, in light of the many amendments that have been offered to the Unfunded Mandate Reform Act, I rise at the request of my colleagues to quickly explain my amendments prior to their consideration next week. Briefly I would be offering two amendments that will strengthen this worthy legislation.

My first amendment would strike the mandated grandfather provision, and my second amendment would afford the private sector the same protection States will be given subsequent to intergovernmental mandates that are considered. The grandfather provision, found in section 2425(a), was added during the consideration of the Committee on Rules of the bill to protect all past mandates as long as they do not increase the mandate or decrease the resource allocated to fund it.

□ 1640

In other words, the Clean Water Act, Clean Air Act, Immigration Act, and Endangered Species Act, to name a few, are all protected from the procedural strictures this bill imposes on future mandates.

Quite simply, this is a mistake. The very reason we are addressing this issue is because the pain inflicted by unfunded mandates upon the States has reached critical mass. The support for the GOP Contract With America is a clear sign that, among other things, the people are tired of mandates, especially unfunded ones.

We have other matters to attend to, but passing a stronger version of this bill will send a clear message that this is an active Congress that is attentive to the will of the people and the needs of the States.

If we as a Congress do not address the problem of current unfunded mandates, we will be negligent in our duty. Compliance with just 12 of the most well-known unfunded intergovernmental mandates will cost the States $34 billion over the next 5 years and will continue to strangle nearly every aspect of our economy.

Mr. DAVIS. If the gentleman will yield on that point, I would just note in my own county of Fairfax, we costs out just 10 of those mandates and are paying over $30 million annually in local taxes, that is 6 cents in our local tax rate, and if you total that up, that is over $100 a house just to comply with just those mandates you mentioned. In addition to that, there are over 100 other unfunded mandates from the Federal Government that apply to local governments.

It is exactly this kind of problem, these unfunded trickle down taxes that emanate from Congress, but are foisted, that have to be paid by people at the local level, taxpayers at the local level, that Congress has not fessed up to its responsbility in that.

I think it is important that we take responsibility for that. There is certainly going to be actions, there is certainly priorities that need to be set from the Congress of the United States, and the costs are going to be passed down. But we should have an accounting of that, we should be aware of these, and we should affirmatively say we think this is important enough that we are going to put this mandate on State and local governments. We are not doing that now. It is hidden from view right now. This will be full accountability.

Mr. COOLEY. Thank you for your comments. I would like to say something other than what I prepared to tell you just about how bad this has become in my State of Oregon. I have a small community on the east side by the name of Haines. It has about 120 residents in that community, and it was founded over 150 years ago.

They have had their water checked, and it is clean and has been forever. And yet under the Federal mandate, Clean Water Act, they are going to be compelled to put in a $40,000 system for 120 residents. The people of Haines cannot afford it. Most of the people there live on less than $1,000 a month.

The Mayor of Haines came to the Oregon State Legislature, in which I served as a senator, and told the legislature, come and take the city. We will will you the city. We will deed the property back to the State, and you fill out these Federal mandates.

Of course, the State backed off immediately. But the thing is that this puts a hardship on small communities that they just financially can't afford.

I offer this amendment so that Congress will be forced to address the crucial questions that surround unfunded mandates. When we attempt to achieve the goals of clean air, clean water, a society accessible to the handicapped, and a just immigration policy, we have forgotten to ask "at what cost?"

Like any commodity or service we purchase, the benefits that are derived from the unfunded mandates are subject to the principle of diminishing marginal returns. In other words, the more we receive of a particular item, whether it be clean water or protection of endangered species, the less valuable that final degree of cleanliness or protection becomes.

We can have too much of a good thing.

If you don't believe me, imagine this: Someone offers you a plate of your favorite food. You eat and they give you another. This continues and, depending on your girth and metabolism, sooner or later you are ill.

Water can be clean and safe and still not be pure H_2O—yet certain policies demand prevention and purity where they are neither necessary nor possible. I can't see the rationale and neither can the American people.

It is important to note that laws affecting civil and constitutional rights will remain unaffected by my amendment. Additionally, my amendment will not make the bill retroactive—Congress will address each reauthorization as it comes up for consideration.

Removing the grandfather clause will ensure that as mandates are reauthorized, Congress will reevaluate the real questions that must be answered. I urge my colleagues to carefully consider what I have said and support this and all measures that force Congress to consider the wisdom or folly or our predecessors.

My second amendment is aimed at protecting private industry and the heart of our economy, small businesses.

As written, the bill will subject new intergovernmental mandates to points of order here in the House when those mandates exceed $50 million. While a point of order is not an insurmountable hurdle, it gives the House a moment to pause and consider the magnitude of its actions.

In fact, the point of order may be raised, voted upon, and passed by a comfortable margin without Congress turning aside from its consideration of such a sizable mandate. The heart of the matter, though, is that our bias will be against mandates. More importantly, we will indicate our intention by incorporating this into our procedures.

I seek the same protection for the private sector. If my amendment passes, private sector mandates that exceed $100 million will be subject to this same point of order. We will then be forced to stop and consider our actions in light of the fairness we are trying to impart to the States by passing this bill.

We pride ourselves as a nation on our fairness. When I offer my amendment, I ask that you carefully consider the fairness of the bill as written. Will we erect a double standard or will we protect the private sector as well?

We started this process with the resolve to end unfunded mandates. Let us not lose that resolve by hesitating to protect the private sector in the same manner.

I thank the Speaker and yield back the balance of my time.

Mr. DAVIS. Thank you very much. Let me just ask the gentleman one question if I may. Is it not a fact that the same individuals that elect local and State officials are the same ones who elect us? Is that not correct?

Mr. COOLEY. That is correct.

Mr. DAVIS. Basically they are looking to us to fill different levels of government to work together in the most efficient way to try to take care of their concerns and their problems. And one of the problems it seems to me with the unfunded mandates is we have it all backward. The priorities are set from a group that are not paying for those priorities. That leads to a whole different and inefficient way of doing business than if you are setting the priorities and paying for them. Do you agree?

Mr. COOLEY. We have both served in legislature and in government prior to coming to Congress, and as State legislators and a State senator, we mandated many things which we were forced to pass on to the small communities which we were forced to pass on to the small communities which we knew would not be able to financially afford them. But we had to pass those down. Because in that process, if we didn't, the Federal Government, as you know through the mandate process, has a compromise system, and if you do not follow mandates, sometimes you are penalized by not receiving other returns on Federal funding. So the system is more a system I would say of blackmail than it is of cooperation and spirit, and it should be done in cooperation and spirit, and not in the system that forces people to do it when they really truly want to, but maybe financially cannot, nor is it necessary.

Mr. DAVIS. I thank my distinguished colleague for those remarks. I just would at this point like to yield to the gentleman from Kentucky.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 5, the Unfunded Mandates Reform Act.

Mr. Speaker, people across the country sent this institution a message last November. They said we are sick and tired of big Government telling us how to run our lives. I believe the Unfunded Mandate Reform Act is a vital step toward showing we heard what the people had to say and that we are doing something about it.

If we are serious about reducing the size and intrusiveness of the Federal Government, we should pass this bill. We have to stop passing the cost of our big ideas back to our State and local governments. I don't doubt that many of the unfunded mandates passed by this institution were well-intended.

The American people do need and they do deserve clean air, clean water, and a healthy environment. But it is well past time the Federal Government begins to get a little more honest about the cost of the laws we pass. Our mayors, our county judge executives, our Governors, have been pleading with us to quit passing the buck for many years now.

☐ 1650

Yet the House of Representatives, the people's House, has all too often refused to listen. We need to remember that our actions have an impact on the folks back home. New laws and regulations cost money, and it is not our money we are spending. It is the people's money. And if we are going to spend the people's money, they deserve to know what it is for and why.

Mr. Speaker, it is time to clean up our act. If we need to pass new laws and regulations, let us be honest about their cost. Let us provide the money so that folks back home do not pay higher taxes and user fees. Let us show the leadership that the people sent us here to provide. Let us listen to the people.

Mr. DAVIS. Mr. Speaker, let me, if I could, just sum up for a minute. Mr. Speaker, I just note that one of the issues that came up today during the course of the debate, Members were saying, well, if one State dumped pollution into another State, the polluting

State would not have to clean up unless Congress gave them a billion dollars and funded the mandate. That just is not so.

All we are asking for is a cost accounting to find out what the costs are of imposing these mandates onto the State and local government. Then we can get a clear picture, enter into a dialog with Senate and local governments so that we can act appropriately to make sure that the will of the people is carried out.

The 1991 Intermodal Surface Transportation Efficiency Act, ISTEA, included a provision requiring that highway asphalt in federally funded projects contain a certain percentage of recycled tire rubber, starting with 5 percent in 1994 and increasing incrementally to 20 percent by 1997 and beyond. Governors note that not a single State transportation department, nor the Federal Department of Transportation, nor any engineering trade association endorsed the rubberized asphalt provision when it was proposed here in this body.

They further point out that the requirement had no supportive evidence of any ostensible environmental benefits and potentially disrupts a common State practice of recycling asphalt by introducing an additive without testing its effects on the reclamation process and imposes a requirement that is terribly costly and inefficient.

That came from the Congress. The cost impact is most easily measured. States with effective tire-disposing programs found that disposing of used tires and asphalt was the most expensive method of disposal. The Ohio Department of Transportation, which normally pays $38 per cubic yard of asphalt, discovered that the average cost per cubic yard of rubberized asphalt is $108, almost three times the cost.

The Governor estimates that a 20-percent crumb rubber requirement will cost the State $50 million annually.

My question to my colleagues during this debate has been, what are we afraid of? Are we afraid to cost out these new mandates, to be accountable for the costs that we allocate to State and local governments and they, in turn, pass on to their taxpayers at the local level? Or are we willing to stand up and say, there are going to be measures, many of them environmental measures, that in point of fact call for Federal interference and mandating these costs. But we are not too afraid to face up to these costs up front, to have a dialog with the localities that are being asked to pay for this and then work in the most efficient way we can possibly to clean up the environment and to do whatever health and safety or whatever mandate we feel is so required.

I think that is the issue that is going to be before this body over the next week. I look forward to continued dialog with my colleagues on this, and I think the American people are waiting for action.

RULES OF PROCEDURE FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FOR THE 104TH CONGRESS

(Mr. CLINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLINGER. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Government Reform and Oversight Committee for the 104th Congress as approved by the committee on January 10, 1995.

I. RULES OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS

Rule XI, 1(a)(1) of the House of Representatives provides:

The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

Each standing committee of the House shall adopt written rules governing its procedures. * * *

In accordance with this, the Committee on Government Reform and Oversight, on January 10, 1995, adopted the rules of the committee:

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Reform and Oversight and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10:00 a.m., unless when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed following House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) before the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5.—PROXY VOTES

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

RULE 6.—ROLL CALLS

A roll call of the members may be had upon the request of any member upon approval of a one-fifth vote.

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

RULE 9.—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 10.—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

RULE 11.—STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12.—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours before their appearance.

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17.—TV, RADIO, AND PHOTOGRAPHS

An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, unless closed subject to the provisions of House Rule XI, 3.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent.

RULES OF PROCEDURE FOR THE COMMITTEE ON HOUSE OVERSIGHT FOR THE 104TH CONGRESS

(Mr. THOMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMAS. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on House Oversight for the 104th Congress as approved by the committee on January 11, 1994.

RULES OF PROCEDURE OF THE COMMITTEE ON HOUSE OVERSIGHT, ONE HUNDRED FOURTH CONGRESS

RULE NO. 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule XI, clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means; information distributed by electronic means shall also be printed. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered a year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Oversight shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee, or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3—OPEN MEETING

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: *Provided, however*, That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4—RECORDS AND ROLLCALLS

(a) The result of each rollcall vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such rollcall vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule XXXVI. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

RULE NO. 5—PROXIES

No vote by any member in the committee may be cast by proxy.

RULE NO. 6—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House.

RULE NO. 7—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating committee orders, or changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8—AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in committee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to House Rule X, of clause 2(b)(1) separately set out and clearly identified;

(2) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under House Rule XI, clause 2(l)(3)(D) separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subparagraphs (c)(3) and (c)(4) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the members of the House prior to the consideration of such measure or matter in the House.

(g) The chairman of the committee may designate any member of the committee to act as "floor manager" of a bill or resolution during its consideration in the House.

RULE NO. 11—COMMITTEE OVERSIGHT

The committee shall conduct oversight of matters within the jurisdiction of the committee in accordance with House Rule X, clause 2 and clause 4(d)(2). Not later than February 15 of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it, the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13—BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 3 of House Rule XI, subject to the limitations therein.

RULE NO. 14—COMMITTEE STAFF

The staff of the Committee on House Oversight shall be appointed as follows:

A. The committee staff shall be appointed, except as provided in paragraph (B), and may be removed by the chairman and shall work under the general supervision and direction of the chairman;

B. All staff provided to the minority party members of the committee shall be appointed, and may be removed, by the Ranking Minority Member of the committee, and shall work under the general supervision and direction of such Member;

C. The chairman shall fix the compensation of all staff of the committee, after consultation with the Ranking Minority Member regarding any minority party staff, within the budget approved for such purposes for the committee.

RULE NO. 15—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the Chairman and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel.

RULE NO. 16—POWERS AND DUTIES OF SUBUNITS OF THE COMMITTEE

The chairman of the committee is authorized to establish appropriately named subunits, such as task forces, composed of members of the committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the chairman of the committee. All such subunits shall be considered ad hoc subcommittees of the committee. The rules of the committee shall be the rules of any subunit of the committee, so far as applicable, or as otherwise directed by the chairman of the committee. Each subunit of the committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full committee on all measures or matters for which it was created. Chairman of subunits of the committee shall set meeting dates with the approval of the chairman of the full committee, with a view toward avoiding simultaneous scheduling of committee and subunit meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subunits not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the clerk of the committee.

RULE NO. 17—OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 18—DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today on account of family illness.

Mrs. LINCOLN (at the request of Mr. GEPHARDT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. LATHAM) to revise and extend their remarks and include extraneous material:)

Mr. CLINGER, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. DINGELL.

Mr. HOYER.

Mr. ACKERMAN.

Mr. JACOBS.

Mrs. COLLINS of Illinois in two instances.

Mr. MENENDEZ in two instances.

Mr. SABO.

Mr. WYDEN.

Mr. OLVER.

Mr. PASTOR.

Ms. JACKSON-LEE.

Mr. RAHALL.

(The following Members (at the request of Mr. LATHAM) and to include extraneous matter:)

Mr. HORN in two instances.

Mr. ROBERTS.

Mr. PACKARD.

Mr. CRANE.

Mr. DAVIS.

Mr. GUNDERSON.

Mr. GINGRICH.

Mr. STUMP.

Mr. ROTH.

Mr. RADANOVICH.

Mr. SMITH of New Jersey.

Mr. SCHAEFER.

Mr. NEY.

(The following Members (at the request of Mr. DAVIS) and to include extraneous matter:)

Mr. SKAGGS.

Mr. DORNAN.

Mr. GALLEGLY.

Mr. DAVIS.

ADJOURNMENT

Mr. DAVIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p.m.) under its previous order the House adjourned until Monday, January 23, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

188. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Definiciency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

189. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's annual report for fiscal year 1994 and the 1995 report on foreign policy export controls; to the Committee on International Relations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H.R. 597. A bill to amend the Agricultural Trade Act of 1978 to establish a condition on the provision of assistance under the export enhancement program for the export of durum wheat; to the Committee on Agriculture.

By Mr. BREWSTER (for himself, Mr. DELAY, and Mr. FIELDS of Texas):

H.R. 598. A bill to guarantee the ability of licensed pharmacists to conduct the practice of pharmacy compounding and to ensure their right to the necessary supply of bulk drug products, subject to applicable State and Federal laws; to the Committee on Commerce.

By Mr. DEFAZIO (for himself, Mr. BUNN, Mr. DICKS, and Mr. WILLIAMS):

H.R. 599. A bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System; to the Committee on Resources.

By Mr. WYDEN:

H.R. 600. A bill to allow States to use funds to develop a system which increases the extent of consequences for juveniles repeatedly found guilty of offenses and to construct, develop, expand, modify, operate, or improve youth correctional facilities; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 601. A bill to amend the Higher Education Act of 1965 to revise certain provisions relating to audits of vocational institutions; to the Committee on Economic and Educational Opportunities.

By Mr. GALLEGLY:

H.R. 602. A bill to reform the laws concerning territories and possessions; to the Committee on Resources, and in addition to the Committees on Economic and Educational Opportunities, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR:

H.R. 603. A bill to authorize States to regulate certain solid waste; to the Committee on Commerce.

H.R. 604. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985—relating to fees for certain customs services—to create an exemption from fees for certain small aircraft traveling short distances; to the Committee on Ways and Means.

By Mr. GREENWOOD:

H.R. 605. A bill to amend the United States Housing Act of 1937 to require certain legal aliens to reside in the United States for a period of 5 consecutive years to be eligible for a preference for occupancy in public housing or for the provision of rental housing assistance; to the Committee on Banking and Financial Services.

By Mr. HALL of Ohio (for himself, Mr. HOBSON, and Mr. REGULA):

H.R. 606. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Resources.

By Mr. KLUG (for himself, Mr. BLUTE, Mr. QUINN, Mr. EWING, Mr. RAMSTAD, Mr. ZELIFF, Mr. BILBRAY, and Mr. CONDIT):

H.R. 607. A bill to amend title 23, United States Code, to eliminate penalties for noncompliance by States with requirements relating to the use of safety belts and motorcycle helmets, the national maximum speed limit, and the national minimum drinking age, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MEEHAN (for himself and Mr. HILLIARD):

H.R. 608. A bill to amend the Public Health Service Act to revise the filing deadline for certain claims under the National Vaccine Injury Compensation Program; to the Committee on Commerce.

By Mr. MEEHAN (for himself, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. MILLER of California, Mr. FILNER, Mrs. MALONEY, and Mr. BROWN of California):

H.R. 609. A bill to establish the National Commission on Gay and Lesbian Youth Suicide Prevention; to the Committee on Commerce.

By Mr. MEEHAN:

H.R. 610. A bill to prohibit States from discriminating in the admission to the practice of law of graduates of accredited and certified law schools; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. LIVINGSTON, Mr. TORRICELLI, Mr. LANTOS, Mr. BURTON of Indiana, Mr. ENGEL, Mrs. MEEK of Florida, Mr. SMITH of New Jersey, Mr. WYNN, Mr. ZIMMER, Mr. GUTIERREZ, Mr. WILSON, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. ROMERO-BARCELÓ, Mr. DEUTSCH, and Mr. KING):

H.R. 611. A bill to provide for assistance to the people of Cuba once a transitional government is in power, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 612. A bill to amend title XVI of the Social Security Act to require supplemental security income benefits to be provided in the form of vouchers in the case of a disabled child who is not institutionalized and whose disability is determined solely on the basis of an individualized functional assessment; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 613. A bill to amend the Internal Revenue Code of 1986 to impose penalties on self-dealing between certain tax-exempt organizations and disqualified persons, and for other purposes; to the Committee on Ways and Means.

By Mr. MINGE:

H.R. 614. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; to the Committee on Resources.

By Mr. RAHALL:

H.R. 615. A bill to amend the Black Lung Benefits Act to provide special procedures for certain claims due to pneumoconiosis, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. RANGEL:

H.R. 616. A bill to require the Secretary of the Treasury to redesign the $1 coin to commemorate Dr. Martin Luther King, Jr.; to the Committee on Banking and Financial Services.

H.R. 617. A bill to provide for a program established by a nongovernmental organization under which Haitian-Americans would help the people of Haiti recover from the destruction caused by the coup of December 1991; to the Committee on International Relations.

By Mr. ROBERTS (for himself, Mr. DE LA GARZA, Mr. EWING, and Mr. ROSE) (all by request):

H.R. 618. A bill to extend the authorization for appropriations for the Commodity Futures Trading Commission through fiscal year 2000; to the Committee on Agriculture.

By Mr. SABO:

H.R. 619. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage; to the Committee on Economic and Educational Opportunities.

H.R. 620. A bill to increase the minimum wage and to deny employers a deduction for payments of excessive compensation; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS:

H.R. 621. A bill amend the act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes; to the Committee on Resources.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 622. A bill to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. MONTGOMERY, and Mr. SOLOMON):

H.R. 623. A bill amend the charter of the Veterans of Foreign Wars; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 624. A bill amend section 8 of the United States Housing Act of 1937 to permit the Secretary of Housing and Urban Development to reduce the maximum monthly rents in effect for certain projects receiving assistance under such section to eliminate material differences in the rents charged for similar assisted and unassisted units in the same area; to the Committee on Banking and Financial Services.

By Mrs. THURMAN (for herself, Ms. BROWN of Florida, Mr. CANADY of Florida, Mr. DEUTSCH, Mr. FOLEY, Mrs. FOWLER, Mr. GOSS, Mr. HASTINGS of Florida, Mr. JOHNSTON of Florida, Mrs. MEEK of Florida, Mr. PETERSON of Florida, Mr. SCARBOROUGH, Mr. SHAW, Mr. STEARNS, and Mr. WELDON of Florida):

H.R. 625. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H. Con. Res. 15. Concurrent resolution expressing the sense of Congress that a Member of Congress should be treated to no special retirement benefits than those afforded to any employee of the Federal Government; to the Committee on Government Reform and Oversight.

By Mr. HASTERT:

H. Res. 41. Resolution designating majority membership to the Committee on Standards of Official Conduct; considered and agreed to.

By Mr. VOLKMER:

H. Res. 42. Resolution designating majority membership to the Committee on Standards of Official Conduct; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McDERMOTT:

H.R. 626. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *L.R. Beattie*; to the Committee on Transportation and Infrastructure.

H.R. 627. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Tecumseh*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. SHAW and Mrs. LINCOLN.

H.R. 13: Mr. BONO, Mr. CHRYSLER, Mr. FOLEY, Mr. FRANKS of Connecticut, Mr. SAM JOHNSON, Mr. MCKEON, Mr. MICA, and Mr. SCHAEFER.

H.R. 26: Mr. SANFORD, Ms. LOFGREN, Mr. LIGHTFOOT, Ms. PRYCE, Ms. DANNER, Ms. RIVERS, Mr. JOHNSTON of Florida, Mr. SAXTON, Mr. MARTINEZ, and Mr. KLUG.

H.R. 28: Mr. SAXTON, Mr. PACKARD, and Mr. CANADY.

H.R. 52: Mr. FALEOMAVAEGA, Mr. OBEY, and Mr. MFUME.

H.R. 58: Mr. FORBES, Mr. KNOLLENBERG, Mr. MCHUGH, Mr. PETE GEREN of Texas, Mr. HILLIARD, Mr. ROYCE, Mr. BARTLETT of Maryland, Mr. EMERSON, Mr. SAXTON, and Mr. FOX.

H.R. 62: Mr. LAHOOD, Ms. MOLINARI, Mr. FORBES, Mr. MCCRERY, Mr. SAXTON, Mr. SENSENBRENNER, Mr. PACKARD, and Mr. PARKER.

H.R. 70: Mr. ENGLISH of Pennsylvania.

H.R. 77: Mr. WELDON of Florida, Mrs. SEASTRAND, and Ms. ESHOO.

H.R. 104: Mr. SOLOMON, Mr. FATTAH, Ms. PRYCE, and Mr. ZIMMER.

H.R. 118: Mr. DORNAN, Mrs. MYRICK, Mr. HOLDEN, Mr. FOX, Mr. PETE GEREN of Texas, Mr. PAXON, Mr. STUMP, and Mr. QUINN.

H.R. 120: Mr. KING and Mr. UNDERWOOD.

H.R. 123: Mr. GOODLATTE, Mr. WELLER, Mr. ROYCE, Mr. OXLEY, Mr. PAYNE of Virginia, Mr. BLILEY, Mr. BEREUTER, Mr. TAYLOR of Mississippi, Mr. HASTERT, Mr. BARTLETT of Maryland, Mr. WELDON of Pennsylvania, Mr. NORWOOD, Mr. BAKER of California, Mrs. VUCANOVICH, Mr. SHAYS, Mr. CALLAHAN, Mr. QUINN, Mr. COX, Mr. HALL of Texas, Mr. MCKEON, Mr. SPENCE, Mr. MOORHEAD, Mr. CHRYSLER, Mr. BATEMAN, Mr. COBLE, Mr. COLLINS of Georgia, Mr. HEINEMAN, Mr. LUCAS, Mr. LAHOOD, Mr. SENSENBRENNER, Mr. PAXON, Mr. MCHUGH, Mr. ROHRABACHER, Mr. SCARBOROUGH, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. FOLEY, Mr. ROGERS, Mr. SHUSTER, Mr. INGLIS of South Carolina, Ms. PRYCE, and Mr. BURR.

H.R. 125: Mr. BALLENGER, Mr. DOOLITTLE, Mr. THORNBERRY, Mr. MCINNIS, Mrs. MEYERS of Kansas, and Ms. DANNER.

H.R. 127: Mr. HOLDEN, Mr. TRAFICANT, Mr. GEJDENSON, Mr. COYNE, Mr. ACKERMAN, Mrs. MORELLA, Mr. ROMERO-BARCELÓ, Mrs. MEEK of Florida, and Mr. KLINK.

H.R. 139: Mr. SMITH of New Jersey.

H.R. 142: Mr. NEY and Mr. MONTGOMERY.

H.R. 216: Mr. DOOLITTLE, Mr. PACKARD, Mr. POSHARD, Mr. EMERSON, Mr. TORKILDSEN, Ms. PRYCE, Mr. NEY, Mr. ROYCE, Mr. FOX, Mr. FORBES, Mr. SAXTON, and Mr. DORNAN.

H.R. 218: Mr. ALLARD and Mr. CHRYSLER.

H.R. 240: Mr. RAHALL.

H.R. 259: Mr. ALLARD and Mr. CHRYSLER.

H.R. 304: Mr. GALLEGLY, Mr. BONO, Mr. BAKER of California, Mr. MCKEON, Mr. BILBRAY, Mr. HORN, Mr. RADANOVICH, Mr. LEWIS of California, Mr. RIGGS, Mr. MOORHEAD, Mr. DOOLEY, Mr. ROHRABACHER, Mr. CONDIT, and Mr. THOMAS.

H.R. 311: Mr. RAMSTAD and Mrs. THURMAN.

H.R. 338: Mr. CUNNINGHAM, Mr. GEJDENSON, and Mr. KLECZKA.

H.R. 339: Mr. BEILENSON, Mr. CUNNINGHAM, and Mr. EMERSON.

H.R. 341: Mr. CUNNINGHAM, Mr. EMERSON, and Mr. HANCOCK.

H.R. 357: Mr. KANJORSKI, Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. HALL of Ohio, and Mr. SABO.

H.R. 359: Mr. CONDIT, Mr. PARKER, Mr. PETE GEREN of Texas, Mr. TORRES, Mr. KNOLLENBERG, Mr. SMITH of Michigan, Mr. CANADY, and Mr. MURTHA.

H.R. 370: Mr. EVERETT, Mr. WELLER, MR. CANADY, Mr. LIGHTFOOT, Mr. SAM JOHNSON, Mr. PACKARD, Mr. BLILEY, Mr. BAKER of California, Mr. HANCOCK, Mr. CRANE, Mr. SKEEN, Mr. POMBO, Mr. BURTON of Indiana, Mr. COX, Mr. BUNNING of Kentucky, Mr. TAYLOR of North Carolina, Mr. MCKEON, Mr. SOLOMON, Ms. DUNN of Washington, Mr. LEWIS of California, Mr. HERGER, Mr. COMBEST, Mr. GILCHREST, Mr. GALLEGLY, Mr. SAXTON, Mr. BARTON of Texas, Mr. HASTERT, Mr. COBLE, Mrs. CUBIN, Mr. CALLAHAN, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. SALMON, Mrs. VUCANOVICH, Mr. DOOLITTLE, Mr. HUTCHINSON, Mr. DELAY, Mr. ROBERTS, Mr. HYDE, Mr. HOBSON, Mr. TALENT, Mr. WAMP, Mr. HEFLEY, Mr. MOORHEAD, Mr. HAYWORTH, Mr. MYERS of Indiana, Mr. CHAMBLISS, Mr. GRAHAM, Mr. HUNTER, Mr. STEARNS, Mr. SPENCE, Mr. COOLEY, Mr. LEWIS of Kentucky, Mr. COLLINS of Georgia, Mr. HORN, Mr. BALLENGER, Mr. DUNCAN, Mr. PORTMAN, Mr. KINGSTON, Mr. JONES, Mr. SHADEGG, Mr. FIELDS of Texas, Mr. WALKER, Mr. LIVINGSTON, and Mr. CRAPO.

H.R. 385: Mr. BARRETT of Wisconsin.

H.R. 387: Mr. WELLER and Mr. DOOLITTLE.

H.R. 388: Mr. DELLUMS, Mr. HILLIARD, and Mr. FILNER.

H.R. 390: Mr. ROBERTS, Mr. CLINGER, Mr. RAHALL, Mr. SCHAEFER, Mr. LIGHTFOOT, Mr. GILMAN, Mr. COBLE, Mr. GILLMOR, Mr. DUNCAN, Mr. HOBSON, Mr. STEARNS, Mr. YOUNG of Alaska, Mr. LEWIS of California, Mr. SKEEN, Ms. DUNN of Washington, Mrs. ROUKEMA, Mr. HANCOCK, Mr. HAYES, Mr. WILSON, Mr. ROHRABACHER, Mr. JONES, Mrs. SCHROEDER, Mr. HAYWORTH, Mr. HOLDEN, Mr. THOMPSON, Mr. BOEHLERT, Mr. PETERSON of Minnesota, Mr. WYNN, Mr. LINDER, Mr. DAVIS, Mr. PAXON, Mr. SHAYS, Mr. UPTON, Mr. WAMP, Mr. CLYBURN, Mr. DICKEY, Mr. CHRISTENSEN, Ms. ESHOO, Mr. BARRETT of Nebraska, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. HEFNER, Miss COLLINS of Michigan, Mr. MORAN, Mr. HUNTER, Mr. COOLEY, Mr. ZELIFF, Mr. LARGENT, Mr. BONO, Mr. DOYLE, Mr. KLINK, Mr. TORRICELLI, Mr. NADLER, Mr. MURTHA, Mr. PARKER, Ms. ROYBAL-ALLARD, Ms. PELOSI, Ms. WATERS, Mr. TORRES, Mr. COSTELLO, Mr. KANJORSKI, Mrs. MEEK of Florida, Mr. POMBO, Mr. ABERCROMBIE, Mr. RICHARDSON, Mr. MONTGOMERY, Mr. DORNAN, Mrs. CHENOWETH, Mr. QUILLEN, Mr. TAUZIN, Mr. CALLAHAN, Mr. LIVINGSTON, Mr. WATT of North Carolina, Mr. BURTON of Indiana, Mr. CONDIT, Mr. VOLKMER, Mr. SOLOMON, Mr. WALKER, Mr. MCINNIS, Mr. TAYLOR of Mississippi, Mr. EMERSON, Mrs. CLAYTON, Mr. TOWNS, Ms. BROWN of Florida, Mr. MASCARA, Mr. KINGSTON, Mr. CHAMBLISS, Mr. BARTON of Texas, Mrs. THURMAN, Mr. STUPAK, Mr. MILLER of California, Mr. BLILEY, Mr. MARTINEZ, Mr. ENGEL, Mrs. COLLINS of Illinois, Mr. MFUME, Mr. ACKERMAN, Mr. TANNER, Mr. ROSE, Mr. HASTINGS of Florida, Mr. RUSH, Mr. ROEMER, Mr. VISCLOSKY, Mr. STENHOLM, Mr. PALLONE, Mr. LIPINSKI, Mr. MINETA, Ms. MCKINNEY, Mr. RIGGS, Mr. BORSKI, Mr. ORTIZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 450: Mr. THORNBERRY, Mr. BARCIA of Michigan, Mr. BARTLETT of Maryland, Mr. GALLEGLY, Mr. HOSTETTLER, Mr. PETE GEREN of Texas, Mr. BAKER of Louisiana, Ms. DANNER, Ms. PRYCE, Mr. INGLIS of South Carolina, Mr. SENSENBRENNER, Mr. SKEEN, and Mr. LATOURETTE.

H.R. 452: Mr. LIPINSKI.

H.R. 481: Mr. WELDON of Florida.

H.R. 485: Mr. ROHRABACHER, Mr. SAXTON, and Mr. PACKARD.

H.R. 488: Mrs. MEYERS of Kansas, Mr. MCHALE, and Mr. STUPAK.

H.R. 495: Mr. NEY, Mr. DELAY, Mr. MCHUGH, Mr. SENSENBRENNER, and Mr. PACKARD.

H.R. 519: Mr. FORBES.

H.J. Res. 6: Mr. TATE, Mr. ZIMMER, Mr. ENGLISH of Pennsylvania, Mr. BONO, Ms. MOLINARI, and Mr. DELAY.

H.J. Res. 14: Mr. BURTON of Indiana.

H.J. Res. 53: Mr. BARCIA of Michigan, Mr. BORSKI, and Ms. ESHOO.

H.J. Res. 55: Mr. LIPINSKI and Mr. STUPAK.

H. Res. 15: Mr. OLVER and Mr. ENGLISH of Pennsylvania.

H. Res. 33: Mr. SAWYER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. HILLIARD, Mr. MARTINEZ, Mrs. MALONEY, Mr. FATTAH, Mr. SANDERS, Mr. FARR, and Mr. LANTOS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 38: Mr. MONTGOMERY.

H.R. 259: Mr. RANGEL.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 151: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes standards for the education or safety of students in elementary or secondary public schools.

H.R. 5

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 152: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes standards for the education or safety of students in elementary or secondary public schools.

H.R. 5

OFFERED BY: MR. GREEN

AMENDMENT NO. 153: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

H.R. 5

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 154: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) is necessary to protect against hunger or homelessness.

H.R. 5

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 155: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to Medicaid.

H.R. 5

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 156: Amend title I to read as follows:

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 101. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal Government objectives and responsibilities, and their impact on the competitive balance between States, local and tribal governments, and the private sector; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates;

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(G) establishing procedures to ensure that, in cases in which a Federal private sector mandate applies to private sector entities which are competing directly or indirectly with States, local governments, or tribal governments for the purpose of providing substantially similar goods or services to the public, any relief from unfunded Federal mandates is applied in the same manner and to the same extent to the private sector entities as it is to the States, local governments, and tribal governments with which they compete.

Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) Criteria.—

(1) In general.—The Advisory Commission shall establish criteria for making recommendations under subsection (a).

(2) Issuance of proposed criteria.—The Advisory Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) Final criteria.—Not later than 45 days after the date of issuance of proposed criteria, the Advisory Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Advisory Commission determines will aid the Advisory Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) Preliminary Report.—

(1) In general.—Not later than 9 months after the date of the enactment of this Act, the Advisory Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) Public hearings.—The Advisory Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Advisory Commission under this subsection.

(d) Final Report.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Advisory Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Advisory Commission under this section.

SEC. 102. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) Experts and Consultants.—The Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) Staff of Federal Agencies.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department of agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out its duties under this title.

(c) Administrative Support Services.—Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this title.

(d) Contract Authority.—The Advisory Commission may, subject to appropriations, contract with and compensate Government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 103. DEFINITION.

In this title:

(1) Advisory commission.—The term "Advisory Commission" means the Advisory Commission on Intergovernmental Relations.

(2) Federal mandate.—The term "Federal mandate" means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

H.R. 5

Offered By: Mr. Sanders

Amendment No. 157: Insert the following new paragraphs at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

"(5) Consideration of cost savings from federal mandates.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care and environmental cost savings. Such statements shall include a quantitative assessment of such cost savings to the extent practicable.

"(6) Consideration of benefits of federal mandates.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, the environment, and the economy. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

H.R. 5

Offered By: Mr. Skaggs

Amendment No. 158: In paragraph (4) of section 202(a), insert before "the effect" the following: "estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of".

H.R. 5

Offered By: Mr. Skaggs

Amendment No. 159: At the end of title II add the following:

SEC. 206. DEFINITION.

As used in this title, the term "Federal mandate" does not include a Federal intergovernmental mandate which imposes an environmental standard upon the activities of a State, local, or tribal government and which imposes the same standard on any similar activities of the private sector.

H.R. 5

Offered By: Mr. Skaggs

Amendment No. 160: Paragraph (4)(A)(i) of the proposed section 421 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of subclause (I) and by adding after subclause (II) the following new subclause:

(III) an environmental standard which applies to the activities of a State, local, or tribal government and which applies equally to any similar activities of the private sector; or

H.R. 5

Offered By: Mr. Vento

Amendment No. 161: In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) applies to life threatening public health and safety matters.

H.J. Res. 1

Offered By: Mr. Barton of Texas

Amendment No. 22: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"Article —

"Section 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"Section 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"Section 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"Section 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"Section 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"Section 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"Section 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"Section 8. Congress shall enforce and implement this Article by appropriate legislation.

"Section 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. CONYERS

AMENDMENT NO. 23: At the end, strike the closing quotation marks and the periods and insert the following as a perfecting amendment to whichever substitute version may be adopted:

, if Congress agreed to a concurrent resolution setting forth a budget plan to achieve a balanced budget not later than that fiscal year as follows:

"(1) A budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues.

"(2) A detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change.

"(3) Reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.".

H.J. RES. 1

OFFERED BY: MR. CONYERS

AMENDMENT NO. 24: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which become law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States, except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) for the financing of benefits and administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund for benefits and administrative expenses and the Federal Disability Insurance Trust Fund for benefits and administrative expenses, or any successor funds. The receipts and outlays referred to in the preceding sentence shall be limited to receipts and outlays that provide old-age and survivor cash benefits for individuals based upon their earnings and dependents of such earners or provide disability cash benefits for disabled individuals based upon their earnings and dependents of such earners.

"SECTION 5. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the hole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 6. All votes taken by the House of Representatives or the Senate under this article shall be roll-call votes.

"SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 8. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later, if Congress agreed to a concurrent resolution setting forth a budget plan to achieve a balanced budget not later than that fiscal year as follows:

"(1) A budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues.

"(2) A detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change.

"(3) Reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.".

H.J. RES. 1

OFFERED BY: MR. CONYERS

AMENDMENT NO. 25: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification.

"ARTICLE—

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which a majority of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) for the financing of benefits and administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund for benefits and administrative expenses and the Federal Disability Insurance Trust Fund for benefits and administrative expenses, or any successor funds. The receipts and outlays referred to in the preceding sentence shall be limited to receipts and outlays that provide old-age and survivor cash benefits for individuals based upon their earnings and dependents of such earners or provide disability cash benefits for disabled individuals based upon their earnings and dependents of such earners.

"SECTION 5. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 6. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 7. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later, if Congress agreed to a concurrent resolution setting forth a budget plan to achieve a balanced budget not later than that fiscal year as follows:

"(1) A budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues.

"(2) A detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change.

"(3) Reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.".

H.J. RES. 1

OFFERED BY: MR. FATTAH

AMENDMENT NO. 26: At the end of section 4 add the following:

"The provisions of this Article may also be waived for any fiscal year in which the United States experiences a disaster from natural causes or from causes resulting from the decay of the nation's fiscal or social infrastructure and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law."

H.J. RES. 1

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 27: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) for the financing of benefits and administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund for benefits and administrative expenses and the Federal Disability Insurance Trust Fund for benefits and administrative expenses, or any successor funds. The receipts and outlays referred to in the preceding sentence shall be limited to receipts and outlays that provide old-age and survivor cash benefits for individuals based upon their earnings and dependents of such earners or provide disability cash benefits for disabled individuals based upon their earnings and dependents of such earners.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. FOGLIETTA

AMENDMENT NO. 28: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress. No bill making appropriations for any fiscal year that would reduce the level of funding for any low-income program, project, or activity respecting subsistence, health, education, or employment below the level for the preceding fiscal year shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. GEPHARDT

AMENDMENT NO. 29: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which a majority of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) for the financing of benefits and administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursement of the Federal Old-Age and Survivors Insurance Trust Fund for benefits and administrative expenses and the Federal Disability Insurance Trust Fund for benefits and Administrative expenses, or any successor funds. The receipts and outlays referred to in the preceding sentence shall be limited to receipts and outlays that provide old-age and survivor cash benefits for individuals based upon their earnings and dependents of such earners or provide disability cash benefits for disabled individuals based upon their earnings and dependents of such earners.

"SECTION 5. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

"SECTION 6. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 7. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. HILLIARD

AMENDMENT NO. 30: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. For purposes of this Article, outlays shall not include any sums to carry out the Civil Rights Act of 1964 or the Americans with Disabilities Act of 1990.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriatse legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. HILLIARD

AMENDMENT NO. 31: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consisted with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. For purposes of this Article, outlays shall not include any sums for grants to States for aid to families with dependant children.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 32: Strike all after the revolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. The Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts.

"SECTION 6. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 7. This Article (except section 8) shall take effect for fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.

"SECTION 8. From the date of ratification of this Article until the close of fiscal year 2004 or for the fourth fiscal year beginning after its ratification, whichever is later, no bill to increase revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress. Thereafter, no bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.".

H.J. RES. 1

OFFERED BY: MR. NADLER

AMENDMENT NO. 33: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress. This section shall not apply to any bill providing for more effective measures to enforce the tax laws.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES 1

OFFERED BY: MR. NADLER

AMENDMENT NO. 34: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress. This section shall not apply to any bill repealing or reducing exemptions, deductions, or credits available to corporations.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. NADLER

AMENDMENT NO. 35: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress. This section shall not apply to any bill providing for withdrawal of most favored nation trading status from a foreign nation because of human rights abuses.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. ORTON

AMENDMENT NO. 36: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that fiscal year.

"SECTION 2. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 3. For any fiscal year in which actual outlays exceed actual receipts, the Congress shall provide by law for the repayment in the ensuing fiscal year of such excess outlays. If Congress fails to provide by law for repayment, within fifteen days after Congress adjourns to end a session, there shall be a sequestration of all outlays to eliminate a budget deficit.

"SECTION 4. The provisions of this article may be waived for any fiscal year only if

Congress so provides by law by a majority of the whole number of each House. Such waiver shall be subject to veto by the President.

"SECTION 5. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government, except for those for repayment of debt principal.

"SECTION 6. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. ORTON

AMENDMENT NO. 37: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 3. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. The Congress shall enforce and implement this article by appropriate legislation.

"SECTION 6. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 7. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. SAXTON

AMENDMENT NO. 38: Strike all after the resolving clause and insert the following:

"ARTICLE —

"SECTION 1. For each fiscal year, Congress and the President shall ensure that total outlays do not increase by a rate greater than the rate of increase in national income the second prior year and that total outlays do not exceed total receipts.

"SECTION 2. Congress may provide for a larger increase in total outlays by a vote directed solely to that subject, in which two-thirds of the whole number of each house agrees to a bill providing for such specific additional outlays, and such bill has become law.

"SECTION 3. Congress may provide for a specific excess of outlays over receipts by a vote directed solely to that subject, in which a majority of each house agrees to a bill providing for such specific excess of outlays over receipts, and such bill has become law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing, and total outlays shall include all outlays of the United States except for the repayment of debt principal.

"SECTION 5. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. SCHAEFER

AMENDMENT NO. 39: Strike all after the enacting clause and insert the following:

Proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 40: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. For any fiscal year for which this Article is in effect, receipts and outlays for any trust fund of the United States shall be subject to the provisions of this Article in the same manner as total receipts and total outlays of the United States (except that if a trust fund has an accumulated surplus from prior years, then that surplus may be counted as a receipt for purposes of the statement required by section 1 for the fiscal year to which the statement applies).

"SECTION 3. The limit of the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 4. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 5. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 6. The Congress may waive the provisions of this article for any fiscal year in which a declaration of was is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 7. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 8. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 41: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intends and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. Neither the judicial power of the United States nor of any State shall extend to any case arising under this Article.

"SECTION 10. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 42: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of was is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation,which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. Neither the judicial power of the United States nor of any State shall extend to any case arising under this Article.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 43: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provide revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress. No bill to decrease social security payments shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 44: Amend H.J. Res. 1 as reported by striking Section 2 as follows:

1. Page 5, strike "SECTION 2." and renumber accordingly.

EXTENSIONS OF REMARKS

GUN VIOLENCE ECONOMIC EQUITY ACT OF 1995

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, in recent weeks the GOP leadership has been leading the charge to slash social spending in America, place poor children in orphanages, and punish welfare recipients for their underprivileged status. Many among the Republican ranks would like to eliminate the Departments of Education and Housing and Urban Development, washing their hands of Federal responsibility in these areas. In addition, there is a GOP attack being waged on the vital prevention dollars that my Democratic colleagues and I fought so hard to keep intact in last year's crime bill. My friends on the opposite side of the aisle seem to believe in building walls around our inner-city communities rather than building futures for the youth that are struggling to succeed in those neighborhoods.

The attitude from the GOP and its Contract With America seems to be que será, será, whatever will be, will be. Let's let market forces work and we'll hope for the best. Well, I've got quite a surprise for you Mr. Speaker. Given that approach, you and your Republican friends will probably want to join my Democratic colleagues in cosponsoring a bill of mine, H.R. 174, the Gun Violence Economic Equity Act of 1995.

I think we can all agree in this body that the gun violence plaguing our Nation is way past epidemic proportions and threatens to wipe out the hopes and dreams of all our future generations. Last Congress I was elated that, finally, after years of prolonged struggle with the "just say no" gun lobby, we were able to pass the Brady bill, along with a ban on 19 different types of assault weapons. These commonsense measures should have been in the books years ago and their passage serves the "Not Really Attuned" NRA with a loud wake-up call that the American people no longer stand for their attempts to block any and all rational gun control legislation.

Our children are at risk and we must continue to bring some sanity to our gun regulatory framework. In 1992 alone, in my city of Chicago, 741 youths 19 years of age and under were victims of gun injuries and early reports for 1993 and 1994 indicate rising numbers. At Children's Memorial Medical Center in Chicago, the number of children 16 and under treated for gunshot wounds skyrocketed 250 percent from 1988 to 1993. This is disgraceful tragedy. More can and must be done. I believe H.R. 174 would greatly assist us in our long-running quest to end the madness on our streets.

Mr. Speaker, I still believe the best way to control handguns is to ban them outright. However, if we have decided that gun ownership has some value in our society, then we should allow market forces to dictate the true cost of that ownership. This is the rationale behind the Gun Violence Economic Equity Act.

H.R. 174 would make manufacturers, dealers, and importers of handguns and assault weapons strictly liable for damages resulting in injury and death from the use of these weapons to the victims and survivors of victims.

By holding these parties liable for the damages caused by their products we will make certain that they share their appropriate culpability in the mayhem and destruction that their products inflict in both my congressional district and other communities all throughout America. These gun peddlers should understand that they must also take responsibility for their part in perpetuating the violence we have become all too accustomed to reading about in the daily papers.

This legislation in no way decreases or diminishes the responsibility of individuals who own or use guns in cities and towns. Undoubtedly the appropriate laws or civil actions still apply and should be taken. A person who directly commits an act of violence is responsible for his or her actions, but the manufacturers and sellers of handguns and assault weapons are also partners in these acts and must be viewed as such under the law.

Holding these parties liable also places the heavy economic cost of violence on the appropriate groups. Every one of us pays for gun violence in a myriad of ways. We pay in support to public hospitals whose trauma centers become overburdened with uncompensated care to victims of gunshot wounds. We pay in increased hospital insurance costs. We pay by having to subsidize the costs of increased security measures employed by businesses which we patronize. This list goes on and on.

Successful suits by victims against gun manufacturers and distributors will increase the manufacturer's cost of doing business. In turn, manufacturers will pass on the cost by increasing the price of guns sold in order to be able to cover future court awards. The more injuries a particular weapon causes, the more a strict liability rule will increase the price and reduce the quantity demanded of that type of gun. Hopefully, an increase in the cost of doing business will make a manufacturer think twice about producing dangerous and needless weapons for our communities.

Since there are many different models of guns, a strict liability rule would cause variable pricing of these guns according to the gun's history of being used to cause injury and death. The guns that cause the most net loss would show the sharpest declines in quantities sold. Guns that are safer, or because of type or selective marketing are rarely used in violent acts, would experience a smaller increase in price and a smaller decline in sales.

Mr. Speaker, if we had a strict liability rule in place a long time ago maybe we wouldn't have to argue about the epidemic level of gun violence that we face in the United States today. Maybe we wouldn't have to watch scenes of children attending funerals of their classmates on the evening news or read about police officers killed because they were outgunned by thugs and felons.

The American people are extremely anxious for the 104th Congress to take significant action to confront the most pressing problems facing our society, foremost of which continues to be gun violence. I urge my colleagues, therefore, to join me in supporting the Gun Violence Economic Equity Act of 1995 and signaling to the American people that we are committed to taking decisive and immediate action to bring down the number of deadly weapons in our streets and in our lives.

END SSI ABUSE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. MENENDEZ. Mr. Speaker, today I am introducing a bill to end an outrageous abuse of a program designed to aid our most vulnerable citizens: the aged, blind, and disabled. Reports by the General Accounting Office and the Inspector General of the Department of Health and Human Services tell us that some families teach their children to feign mental illness or retardation so that the parents can collect SSI checks once the children are diagnosed as being unable to function in an age-appropriate manner. Parents are not required to spend these checks to assist their disabled children.

These parents abuse the SSI program's flexibility in the case of a child whose condition does not match one on the published list of medical impairments considered severe enough to preclude any gainful activity.

Yesterday's Washington Post reports bipartisan concern about these abuses by parents who can increase their welfare checks from $6,204 to $11,652 for a single parent with two children, when one child is enrolled in SSI. The Republican plan is to take a meat ax to all SSI checks for disabled children. This is not reform, but a mindless attack on families already under severe stress caring for seriously ill children. We must not solve this problem by eliminating the modest support we pay to parents who are poor because they stay at the bedside of a dying child.

The bill I am introducing today would preserve SSI benefits for disabled children, but in the case of children who become eligible as a result of the alternative process so many are now abusing, the benefits would come in the form of vouchers for services needed by the child in connection with the disability. I urge my colleagues to join with me in enacting a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

humane way of eliminating abuse of the SSI program by unscrupulous parents.

THE DEVALUATION OF THE MEXICAN CURRENCY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. CRANE. Mr. Speaker, in recent weeks opponents of the NAFTA have tried to use the devaluation of the Mexican currency as a way to revive their efforts to undermine this historic trade initiative. To be sure, the devaluation of the peso is of great concern to our country because of the economic dislocation it is causing in Mexico. The devaluation will have the unfortunate effect of raising the price of United States exports to Mexico, and will tend to reduce the trade surplus the United States built up with Mexico during 1994, the first year of the NAFTA.

The current situation facing Mexico is unfortunate, but the United States has a strong interest in helping Mexico weather this downturn in its economy. The United States shares a 2,000-mile border with Mexico and our economies are closely linked. Total trade between the United States and Mexico is in the range of $70 billion a year.

Without NAFTA the current economic situation would be much worse for U.S. businesses and workers. As a comprehensive bilateral free-trade agreement, NAFTA obligates Mexico to solve its economic crisis in ways that ensure that United States products and services will not be shut out of Mexico's market. In the past it was not unusual for Mexico to try to address its currency problems and fiscal difficulties by nationalizing banks and other industries, and otherwise closing the Mexican market to United States goods and services. Because the NAFTA obligates Mexico to maintain an open market, the agreement will serve as a stabilizing force to minimize the effect of Mexico's economic problems on the United States.

United States trade policy towards Mexico as symbolized by the NAFTA, helps to steady a volatile situation for U.S. businesses and workers. NAFTA ensures that President Ernesto Zedillo will address the current situation through greater, not less liberalization of the Mexican market. NAFTA is by no means a cure-all, but it is a highly advantageous agreement for U.S. workers and businesses in this current climate of uncertainty in the economy of our southern neighbor.

REAUTHORIZING THE COMMODITY FUTURES TRADING COMMISSION

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. ROBERTS. Mr. Speaker, today I am introducing by request legislation that reauthorizes the Commodity Futures Trading Commission through the year 2000 at unspecified annual appropriations. I am joined by Messrs. DE LA GARZA, EWING, and ROSE.

The CFTC is the independent agency charged with regulating the Nation's 10 active commodity futures exchanges, the professional brokerage community of futures commission merchants and introducing brokers, commodity trading advisers and pool operators. Futures exchanges for years have met the vital economic needs of price discovery and risk management to U.S. agriculture. And, during the last 20 years, we have seen an explosion of trading in exchange derivative products on industrial and precious metals and energy commodities as well as financial instruments. Interest rate and stock index contracts continue to show phenomenal growth trends as more and more commercial and industrial enterprises understand the benefits of hedging economic risks in the futures and options markets.

Within the past decade, useful off-exchange markets have developed in individually negotiated instruments with characteristics of traditional futures and option contracts.

The CFTC is there to make sure the designated exchanges continue to promote fair and orderly trading, to police legitimate over-the-counter markets and to prosecute with State law enforcement authorities illegal boiler room activities that have operated for years in the gray areas of the Commodity Exchange Act.

My colleagues and I believe a simple, 5-year authorization is appropriate at this time, since the Commission's regulatory activities were thoroughly debated during the last reauthorization, which was concluded in October, 1992. The Commission operated without authorization during fiscal years 1990 through 1992 while the Congress debated several issues of crucial importance to our financial markets. The CFTC has been without an authorization so far in this current fiscal year, and this committee must assume its legislative responsibilities. There still are outstanding issues and questions about competitiveness and regulatory intrusions, but I would hope that we could deal with them, if necessary, in separate legislation.

In that regard, the Futures Trading Practices Act of 1992 required the precise, independent and unalterable recordation of all trade executions to be an industry standard by October 1995. The Congress rightly understood the technological problems involved in attaining this mark and provided some flexibility. I might add here that the House committee report making appropriations for fiscal year 1995 concluded that the exchanges had made good faith efforts to meet the audit trail requirements. The Appropriations Committee said it expected the Commission to grant an extension to the exchanges beyond the 1995 deadline. Although I, as one Member, have not concluded whether or not the Commission should grant the extension, it is up to the Committee on Agriculture to deal with this matter.

Finally, Mr. Speaker, off-exchange derivatives trading has been making headlines recently. Procter & Gamble, Gibson Greeting Cards, and other private companies as well as several public funds, including the now famous fund controlled by Orange County, CA, have lost large sums of money through derivatives investments. Many of these transactions may have been made without adequate understanding of the risks involved in highly leveraged instruments. There may have been breaches of fiduciary responsibilities in some of these cases. At any rate, so far the regulators have held their fire in requesting new authorities. I understand the SEC is asking for some voluntary restrictions of certain unregulated subsidiaries of SEC registrants, but, beyond that and other administrative actions taken recently by banking regulators, I would hope the Congress moves cautiously in this area of financial regulation.

Derivatives are not new even though a casual reading of the business press would lead you to a different conclusion. There is little the Congress can do to legislate against poor judgement. In those instances where fraud is found, then there are appropriate laws to deal with the problem. To restrict the legitimate uses of derivatives—and few doubt their legitimacy whether they are exchange-traded futures and options or over-the-counter hedging and investment instruments—would be a profound error.

TELECOMMUNICATIONS LEGISLATION TO OPEN THE INFORMATION SUPERHIGHWAY TO ALL AMERICANS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, in the last 2 weeks I have introduced a pair of legislative initiatives that are of paramount importance if we in this body are to adequately ensure that all Americans have a genuine opportunity to participate in the information revolution that is now rapidly progressing in our Nation. As we are all well aware, every day in the morning papers another story appears announcing a new telecommunications merger or plans for the development of a new telecommunications technology. The pace of change in this arena is absolutely striking.

But with change comes challenges Mr. Speaker. While we should all look forward to the opportunities presented by new, emerging technologies, we cannot disregard the lessons of the past and the hurdles we still face in making certain that everyone in America benefits equally from our country's maiden voyage into cyberspace.

It is a very well-documented fact that minority and women-owned small businesses continue to be overwhelmingly under-represented in the telecommunications field. In the cellular industry, which generates in excess of $10 billion per year, there are a mere 11 minority firms offering services in this market. Overall, barely 1 percent of all telecommunications companies are minority-owned. Of women-owned firms in the United States, only 1.9 percent fall within the communications category.

Therefore, I have introduced two separate pieces of legislation, H.R. 187 and H.R. 503, the Telecommunications Economic Opportunity Act of 1995, that seek to remedy the aforementioned inequities. It is imperative that minorities and women are drivers, not simply passengers, in the superhighway fast lane. As the statistics point out, too often in the past these groups have been left standing on the shoulder, only to watch the big guys and gals cruise down the road, leaving them in the dust.

I must note that both of these measures passed the full House by a landslide last year as part of H.R. 3626, the Antitrust and Communications Reform Act of 1994, and I look forward to the same bipartisan support for my initiatives in the 104th Congress.

H.R. 187 would require a rulemaking on the part of the Federal Communications Commission, after consultation with the National Telecommunications and Information Administration, on ways to surmount barriers to market access, such as undercapitalization, that continue to constrain small businesses, minority, women-owned, and nonprofit organizations in their attempts to take part in all telecommunications industries. Underlying this amendment is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace.

H.R. 503, which is intended to increase the availability of venture capital and research and development funding for both new and existing small, women, and minority-owned companies, would require all telecommunications providers to annually submit to the FCC their clear and detailed company policies for increasing procurement from business enterprises that are owned by minorities and women in all categories of procurement in which these entities are under-represented. The FCC would then report to Congress on the progress of these activities and recommend legislative solutions as needed.

Mr. Speaker, last year Congress fell short in its attempts to pave the roads of the information superhighway with increased competition and, thereby, assist in promoting greater economic opportunities for more Americans as we head into the 21st century. This year we can ill afford to repeat our past mistakes.

While my measures do not completely solve the long-standing problems that confront so many forgotten entities and enterprises in our communities, their passage will ensure that minorities and women will have a strong role in the fantastic industries of the future as both users and providers of services. Because of this, we all stand to benefit.

I strongly urge my colleagues to support both H.R. 187 and H.R. 503.

STOP ABUSES OF CHARITIES' TAX EXEMPTIONS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. MENENDEZ. Mr. Speaker, Amercians are the most generous people in the world, yet charlatans abuse tax exemptions designed to support worthy charities. Today, I am introducing a bill to stop such abuse of American generosity.

The Tax Exemption Accountability Act would stop self-dealing by the managers of tax exempt organizations and put teeth into requirements that they file accurate annual returns with the IRS and make them readily available to the public. It also creates a national clearinghouse offering copies of returns for a reasonable fee.

The bill also would cap the compensation of officers and directors at the level of U.S. Cabinet members. Churches would continue to be exempt from filing IRS returns and from caps on pastors' salaries, and hospitals could still pay high-cost professionals.

We need greater accountability by tax exempt organizations because they control substantial public wealth that offers a temptation some have been unable to resist.

The share of national revenues going to tax exempts has nearly doubled in the past 15 years, growing at 8 percent per year in constant dollars. The IRS reports that the revenues of tax-exempts rose from 5.9 to 10.4 percent of U.S. gross domestic product from 1975 to 1990. Revenues totaled $578 billion in 1990.

These are substantial revenues. To put them into context, in 1990, taxable service industries had receipts of $1,174 billion. The tax exempts had revenues of just half that amount.

The assets of tax exempt organizations totaled nearly $740 billion in 1990, with real growth at an average annual rate of 7.7 percent over the previous 8 years. These assets accounted for 4.5 percent of private net worth in the United States in 1990, up from 2.9 percent in 1979.

INCOME EQUITY ACT OF 1995 AND MINIMUM WAGE ENHANCEMENT ACT OF 1995

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. SABO. Mr. Speaker, I believe that an increase in the minimum wage is needed to restore equality to salaries for millions of Americans. For that reason, today I am introducing the Minimum Wage Amendments Act of 1995. This legislation will increase the Federal minimum wage to $6.50 an hour—an increase that will help nearly 5 million Americans better provide for themselves and their families.

In today's economy, minimum-wage workers are often unable to support themselves for one simple reason—the minimum wage has not kept up with the cost of living. In the 1960's and 1970's, for example, a full-time year-round worker making the minimum wage earned enough to keep a family of three above the poverty line. Today that same worker falls nearly $3,500 below the poverty line. To supplement their minimum wage, workers are often forced to seek assistance from taxpayer-financed Government programs such as food stamps, housing subsidies, and medical assistance.

Congress has tried to help. In June 1989, Congress passed legislation increasing the minimum wage. Under that legislation, The 1989 Fair Labor Standards Act, the minimum wage was raised from $3.35 to $4.25 per hour.

Still, the minimum wage has not kept pace with the rising cost of living. In fact, the current $4.25 per hour falls almost $2.25 short of the real value of the minimum wage in 1968. This failure to increase the minimum wage to a level that provides a living puts enormous pressure on social programs. In my judgment, all full-time workers should make enough money to live off their wages.

From the time of President Roosevelt, a fair minimum wage helped ensure a responsible relationship between workers and management. Today, a fair minimum wage is critical to millions of working Americans. More than two-thirds of minimum-wage workers are adults, and it is estimated that one in five minimum-wage workers live below the poverty line.

When working Americans are unable to support themselves and their families, they are left scrambling to pay their bills and put food on their tables. Today's minimum wage is too much minimum and not enough wage. We can not be content with an economy that helps those at the top of the economic ladder climb further up while those at the bottom slip further down.

Mr. Speaker, today I am also introducing the Income Equity Act of 1995.

One of the most disturbing trends of the past decade has been the increasing polarization of income in this country. To use a familiar phrase: "The rich have gotten richer and the poor poorer." In fact, the gap between rich and poor families is now larger than at any time since the Government began compiling those statistics.

Put another way, average income of the poorest fifth of the population has fallen from 93 percent of the poverty line in 1973 to 83 percent in 1987. The next poorest fifth has an average income of twice the poverty line. On the other end of the spectrum, the richest fifth has an income that is almost nine times higher than the poverty line. Clearly, the income gap continues to widen.

More single-parent, female-headed households are stuck in the bottom end of the wage scale. Wages for low-income and young workers have been stagnant. These trends have helped contribute to a growing class of working individuals who are having a tough time making ends meet. This poverty is especially damaging because it hits children so hard. Today, an alarming one in five children live in poor families. Poverty and the problems associated with it—malnutrition, inadequate health care, disadvantages at school, and crime—impair a child's ability to perform later in life. Those basic problems erect barriers that make it tough for children to ever achieve. We need to reverse the trend toward growing income inequities.

My bill, the Income Equity Act, would not only raise the minimum wage to $6.50 an hour, but it would also limit the tax deductibility of executive compensation to 25 times that of the lowest paid worker in the same firm. For example, if the lowest paid worker of a business is the clerk who makes $10,000 a year, the business will only be allowed to deduct $250,000 in salary and bonuses for senior employees. This provision simply draws attention to the incredible income gap present in most businesses. Business owners will be forced to take a long, hard look at how they compensate both those at the bottom and those the top of the income ladder.

The bottom line is that Americans who work full time should be able to provide for themselves and their families without turning to the Federal Government for assistance. Both Democrats and Republicans alike want to see individuals excel in the workplace. We want to see families living well and doing so independent of Government intervention. A liveable minimum wage is an essential extension of the work ethic—it tells individuals that work is important and should be rewarded appropriately.

Mr. Speaker and Members of the House, I hope you will join me in supporting an increase in wages for working Americans.

NORTH ST. VRAIN PROTECTION ACT

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. SKAGGS. Mr. Speaker, today, I am again introducing a bill to protect North St. Vrain Creek, the largest remaining roadless canyon along Colorado's Front Range. This bill was almost enacted last year when it was approved by the House and reported by the Senate Committee on Energy and Natural Resources. Unfortunately, the full Senate did not have time to consider the bill before the end of the session.

This legislation will prevent construction of new dams on the North St. Vrain Creek as it flows through Rocky Mountain National Park and the Roosevelt National Forest, and will clear up public land ownership along the creek. The North St. Vrain should be kept free of additional dams and impoundments for all times. This is some of the best meeting of land and water we have in Colorado—and that is saying a lot.

The bill incorporates the recommendations of a citizens' advisory committee, which I appointed in conjunction with the Boulder County Commissioners, and which spent over 5 years developing a consensus proposal on how to protect the creek and canyon while protecting local property and water rights.

This bill represents an astonishing amount of work by Coloradans—especially the 50 people who took part in 103 advisory committee meetings and performed over 300 hours of independent research. Another 600 people attended 12 public hearings on the proposal. With the work that is already been done by all these people to produce this consensus, I hope it will be possible to move this bill through Congress quickly and early in this session and not disappoint them again.

The legislation would prohibit any Federal agency from approving a new dam or reservoir on the North St. Vrain Creek or its tributaries in Rocky Mountain National Park, or on the main stem of the creek below the park and above Ralph Price Reservoir, in the Roosevelt National Forest.

The advisory committee originally recommended prohibiting dams just on the stretch of the creek below the park. However, at a special town meeting I held in Allenspark, CO, to hear comments on the advisory committee's recommendation, I received suggestions that the prohibition on dams also apply within the national park. After getting agreement from advisory committee members, I agreed that the change is an improvement.

To some, I suppose this prohibition might appear to be redundant to existing national park protection. However, dams are not currently prohibited in the national park, just as they are not in the national forest. With the inevitable pressure to supply more water for the Denver metropolitan area, it is possible that there will be new proposals for smaller water supply projects all along the Front Range to meet future urban water needs. As recently as 1979, the city of Longmont considered building a dam on the North St. Vrain Creek that would have inundated part of Rocky Mountain National Park. And, in the early 1980's, we had to deal with the proposed Coffintop Dam on the South St. Vrain. That is why it is important to prohibit dams on this wild stream.

The bill also would direct the National Park Service to negotiate with the city of Longmont to acquire the city lands that would have been used for the city's now-abandoned plan for a dam. The lands are located within the park boundaries but not owned by the Federal Government. Another provision of the bill would direct the Forest Service to pursue negotiations for a proposed land exchange involving other Longmont lands in Coulson gulch, along a tributary of the creek in the adjoining national forest.

This legislation itself is the heart of a larger package of policies and agreements that will protect the distinctive natural features of this area, while assuring the continued enjoyment of privacy and productivity by local landowners and water users. I will again seek to win committee approval of report language, recommended by the advisory committee, to clarify various points.

The North St. Vrain Creek is located 20 miles northwest of Boulder. It is the primary stream flowing from the southeastern portion of Rocky Mountain National Park, arising in snowfields near Longs Peak, and tumbling through waterfalls and cascades in the Wild Basin area of the park. After leaving the park, the creek cuts a narrow, deep canyon until it reaches Ralph Price Reservoir. To watch and listen to the creek's falls, either in the park or downstream in the forest, is to stand silent in wonder—not just because it is difficult to be heard above the roar, but also because just watching and listening to the water is the best of conversations.

The watershed includes habitat for bighorn sheep, deer, elk, peregrine falcons, flammulated owls, and mountain lions. It also provides popular hiking, fishing, and hunting terrain relatively near some of Colorado's larger cities.

I introduce this legislation not only with a belief in the importance of protecting the North St. Vrain, but also with a firm conviction that the hundreds of Coloradans who have worked on its protection have crafted a sound and effective consensus. this is a good bill, a clear and simple proposal, which has strong support among the people in the area.

SPEECH BY HEATHER HIGGINS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. GINGRICH. Mr. Speaker, this speech by Heather Higgins was delivered at the Progress and Freedom Foundation's Conference on Democracy in Virtual America, held on January 10, 1995. Heather Higgins is a senior fellow at the Progress and Freedom Foundation and the executive director of the Council on Culture and Community in New York. I commend it to my colleagues.

Regarding the balanced budget amendment, I would commend to all of you a piece that Milton Friedman had in the Wall Street Journal earlier this week, pointing out that not all balanced budget amendments are equal, that some are singularly pernicious, if they do not have the necessary constraints attached.

I would hope that we would have a balanced budget, and a balanced budget amendment, if it is so written, should be part of a shift in the underlying philosophical premise—one of several that I expect we will see—to accompany this change in thinking, this third wave.

We are rediscovering the understanding that it is not ethical to expect some future generation to pay for you, that the moral thing to do is to pay your own way as you go. And so, within that context, I expect that we will be balancing our budget.

There are other ethical and philosophical shifts which I think will accompany that. Another thing that I think you'll see increasingly discussed in line with this is a flat tax proposal. The reason being that I think that you're going to see a redefinition of what constitutes fairness. Fairness will no longer be taking more money from some people that you do from others because they have more, but fairness will be that all dollars are taxed the same, and it is up to you to decide how much you're doing to earn, and therefore, how much you're going to pay.

That goes hand in hand with another idea: judge programs by their results, not by their intentions. The intentions of a progressive tax, for example, are well-intended, but the results are not necessarily, in terms of revenue, what one would hope.

Similarly, in terms of most of our welfare programs, we have judged people by the policy of good intentions, and the politics of good intentions. In part, I think it is because the left has always assumed that with sufficient will, anything can be changed. And so, it becomes a question of having enough will, enough good intention. And that's part of the reason that people who don't share that will and that intention are castigated and vilified so thoroughly. They are clearly obstructing the progress that is inevitable.

A third area where you could see real change in the underlying philosophy, and I certainly hope that we will, is that you will see that all Americans are treated first as Americans, not as members of groups, not as members of economic classes or particular races or genders. But we have to go back to the idea that we are all Americans, and that this is a land of possibility. And it is stupid to have higher taxes on one group than on another, because ultimately, we are not a static society.

And we need to return to that notion that we are all equal as citizens.

That all falls within the context of a reemphasis on the civil society. I think that you're going to find that reemphasis taking place, in large part, because the understanding is going to come about that capitalism can never have a human face. No economic system can. No government can. Only human beings can have human faces. And that radically will shift how we structure our activities and our organizations.

So, for example, I think that one of the most exciting facets of this change to a third wave is the Jeffersonian vision which required a small community to function when he was writing, now becomes technically possible in a much larger society.

You also will find, for example, within that vision, a shift away from the ideas of entitlements and rights, which are not, and never have been rights at all, to an idea of moral obligation, which is a much higher calling. And I think that that is where your human face will start to come in.

And you will find, too, that compassion will be properly defined as an individual activity, not as a societal or governmental activity which, by definition, becomes a contradiction in terms, and as far as from compassion as one can possibly get.

TURKEY'S ASSAULT ON HUMAN RIGHTS CONTINUES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. SMITH of New Jersey. Mr. Speaker, over the years the Helsinki Commission has closely monitored human rights developments to Turkey. I have supported Commission efforts and have joined my colleagues in speaking out about suppression of free speech, torture, and fundamental human rights questions concerning Turkey's Kurdish citizens. As the new Chairman of the Commission, I will continue to speak out on these and other such developments.

I rise today to protest the arrest of seven leaders of the Human Rights Association of Turkey's Diyarbakir branch. Prosecutors want to jail these individuals for no less than 10 years on charges that a publication they produced which documented human rights cases constitutes "separatist propaganda." One of those detained, Neymetullah Gunduz, an attorney and association leader, had met with members of a Helsinki Commission delegation last October. Just weeks ago, several other human rights leaders were acquitted of similar charges. Mr. Speaker, international scrutiny has and should continue to focus on these draconian speech restrictions and other human rights problems which continue to tarnish Turkey's democratic credentials.

For years now, Human Rights Association members throughout Turkey, but especially in the southeast, have been harassed, gunned down, and have had their offices forcibly closed. The Diyarbakir branch was the last allowed by authorities to function in the region, and now, it too has been silenced. Mr. Speaker, the deteriorating human rights situation facing residents of southeast Turkey can only be described in terms of fear and violence. The freedoms and liberties of all citizens have been stripped in an effort to fight terrorism, and residents are victimized by both terrorist and security forces.

Mr. Speaker, Turkish leaders have expressed dismay at efforts to slow Turkey's integration into the European Union, and yet that Government has continued to pursue policies contrary to accepted international human rights norms. Their protests about congressional conditioning of U.S. aid on human rights performance ring equally hollow given the flagrant disregard for Turkey's stated human rights commitments, including those undertaken with the Organization for Security and Cooperation in Europe.

Mr. Speaker, I call upon the Government of Turkey to immediately drop its case against the seven activists and to release all those political prisoners who presently languish in Turkish prisons simply for expressing their opinions.

TUCSON'S WOMAN OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Ms. Sarah R. "Sally" Simmons who was recently chosen Tucson's Woman of the Year for 1994. This award, given by the Tucson Metropolitan Chamber of Commerce, recognizes outstanding individuals who have selflessly helped others.

Through her career and dedication to the community, Sally Simmons is both a role model and an inspiration to those around her. In 1993, she became the first Tucson woman and second woman ever to become president of the Arizona Bar Association. She is also a partner in the firm of Brown & Bain, where she specializes in real estate law.

In addition to her thriving career, Ms. Simmons contributes her personal time to various boards and community organizations. She serves on the Board of Directors for Southern Arizona Legal Aid, D–M 50, Lawyers Against Hunger, and is on the advisory board of Tucsonians for a Drug Free Workplace. Ms. Simmons is a charter member of the Arizona Women Lawyer's Association and has served on the board of the Alcoholism Council of Tucson.

Again, I would like to take this opportunity to congratulate Ms. Simmons and especially to thank her for all she is doing to improve the lives of the people of Tucson and throughout Arizona.

PROCLAMATION CONGRATULATING THE STEUBENVILLE MASONIC LODGE NO. 45

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the Steubenville Masonic Lodge #45 F. & A.M. has contributed untold volunteer hours in building character, citizenship, and leadership in this community; and,

Whereas, the Steubenville Masonic Lodge #45 F. & A.M. is celebrating 175 years of service to the area's Masons and community; and,

Whereas, members have made in kind contributions of service, financial contributions to the Steubenville area, contributions to the Special Olympics, and to other important needs of the community; and,

Whereas, the local Masonic Lodge has extended the interest of the Masonic Order within this community; and,

Whereas, the members of schools, churches, service clubs, union organizations, and others have been members of the Masonic Order; and,

Whereas, the city of Steubenville and all the surrounding areas of Ohio are better places to live because of Steubenville's Masonic Lodge #45, we join in the celebration of their 175 year anniversary on the twentieth day of January in 1995.

HOLDING OUR FEET TO THE FIRE—THE BALANCED BUDGET AMENDMENT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. PACKARD. Mr. Speaker, several months ago I joined my Republican colleagues to sign a contract with the American people to give them less government, less taxes, and less spending. As part of our new covenant we also promised the American people a more open and accountable Government.

We have invited radio talk show hosts to the Capitol to communicate to their listeners exactly what it is we are doing to keep our promises. I am excited to report that they are taking us up on our invitation.

I want to welcome southern California radio talk show host Roger Hedgecock and almost 200 of his listeners who traveled at their own expense, more than 3,000 miles to hold our feet to the fire and make sure that we work to pass the Barton balanced budget amendment.

I am heartened to see such a devoted group of citizens travel so far to enjoy a more open and accountable Congress committed to keeping its word.

They understand a balanced budget amendment will fundamentally change the way Government works. They know that this amendment is the only way to ensure that their children and grandchildren will not be saddled with a Federal debt which is currently tipping the scales at more than $4.5 trillion.

The American people know that it is time for the Federal spending beast to change its eating habits. As with any healthy diet, discipline is key. The balanced budget amendment imposes just that kind of control.

Anyone who has ever been on a diet knows that the key to success is resisting the temptation to cheat. The three-fifths rule in the Barton amendment will help Congress resist the temptation to cheat by making it more difficult to raise taxes on hard working Americans. It will make it tougher for Congress to continue its unhealthy spending habits.

I urge my colleagues to support the Barton amendment and Roger Hedgecock's listeners to continue holding our feet to the fire.

TRIBUTE TO EDDY JASON

HON. TOBY ROTH

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Friday, January 20, 1995

Mr. ROTH. Mr. Speaker, last weekend one of our communities lost a vibrant personality and talented broadcaster. Eddy Jason, whose radio program was an important part of daily life in Green Bay, WI, passed away at the age of 92.

For 47 years, Eddy entertained, comforted, and informed listeners on WGEE radio with his daily show, "Partyline." He was a lifeline to people in the community, who counted on him for news, information, and just plain old advice. He possessed an amazing amount of common knowledge and common sense. There wasn't any question he couldn't answer.

He played a special role for many seniors in the area, who turned to him every weekday at 9 a.m. for the latest word on current events and happenings around town.

His off-the-air personality was also geared toward helping his community. He was a regular participant in my annual senior seminar, kicking off the proceedings with the Pledge of Allegiance or a brief presentation.

He was a household name in the Green Bay area and enjoyed the recognition. On the street, he was probably more recognizable by his voice than his face, but people felt like they knew him. Eddy was an exercise walker, and his routine consisted of walking one way and busing back. He said he took the bus because he enjoyed getting to know people.

A native of New York, he loved Green Bay and always spoke highly of its friendly, hardworking people. In 1941, Eddy spent 6 years as a military instructor in the Army. He returned to Green Bay in 1947 as a young actor, whose profession had already led him to Chicago and Hollywood, where he starred in a number of silent films.

Eddy made his mark in Wisconsin in the Town Hall Players, an acting group based in LaCrosse that made more than 300 appearances across the State. Eddy fondly remembered the job's best fringe benefit—the free meal offered at many of the engagements.

Eddy broke into Green Bay radio with a noon-time program called "The Farm Hands" that broadcast from the top of the Bellin Building. Every day the show was kicked off by a live, barking dog. It was less than glamorous but he reveled in radio.

"Partyline" debuted in November 1948 on WBAY Radio. With partner Roger Mueller, Eddy began a Green Bay tradition of on-the-air storytelling, joking, and reporting.

Eddy Jason had no plans to retire. He loved his job and his coworkers. He didn't even consider his radio show work. He called it a hobby.

He was on the air 5 days a week and never missed a wedding anniversary or birthday announcement.

Eddy Jason will be remembered by many as not just a broadcasting pioneer, but as an outstanding human being who cared deeply about the community where he lived and worked.

Our thoughts and prayers today are with his son, Wallace McDonald, his six grandchildren, and 16 great-grandchildren.

After 47 years, the airwaves will seem a little empty without Eddy Jason's kind voice. For years to come, the people of Green Bay will not be able to turn on their radios without thinking of him. He will be fondly remembered and sincerely missed.

VFW CHARTER AMENDMENT

HON. BOB STUMP

OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Friday, January 20, 1995

Mr. STUMP. Mr. Speaker, today I am introducing legislation to amend the Congressional Charter of the Veterans of Foreign Wars of the United States [VFW]. My good friends SONNY MONTGOMERY, and JERRY SOLOMON, former chairman and former ranking Republican member of the House Committee of Veterans' Affairs respectively, join me in introducing this bill. It provides that veterans who have served in the Republic of Korea for not less than 30 consecutive days, or a total of 60 days after June 30, 1949, would become eligible for VFW membership.

Now, only veterans of Korea who served during the war itself are eligible to belong to the VFW. The VFW's congressional charter requires its members to have received a campaign medal or badge to be eligible for membership. However, many veterans have served in Korea but did not receive the requisite campaign medal or badge because of narrow DOD eligibility criteria. Consequently, those service men and women are not eligible to join the VFW.

The VFW believes, and I agree, that those veterans who would be covered by this legislation should be eligible to enjoy membership in the VFW. Only Congress can make this change, because the VFW's congressional charter must be amended.

Mr. Speaker, the realities of the United States military presence in Korea, and the current dangers there provide compelling reasons to support the VFW's desire to amend its charter, I strongly urge all Members to cosponsor and support this bill. Thank you, Mr. Speaker.

REFORM OF THE FEDERAL BLACK LUNG PROGRAM

HON. NICK J. RAHALL II

OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, January 20, 1995

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation that I have sponsored for several Congresses now to form the Federal Black Lung Program.

This legislation reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

As it now stands, disabled miners who suffer from the crippling effects of black lung disease are faced with a Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

In fact, today, we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well-being of this Nation.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory commitment Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their Government. And they are people who now see their Government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by this program, the very program that was intended to bring them relief.

In general, this measure contains the following proposals:

First, new eligibility standards. A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

Second, application of new eligibility standards. The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

Third, elimination of responsible operators. All claims would be paid out of the coal industry financed black lung disability trust fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

Fourth, widows/dependents. A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits; and, a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

Fifth, offsets. The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

TURKEY: HERE WE GO AGAIN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. HOYER. Mr. Speaker, last October, the Chairman of the Helsinki Commission, Dennis DeConcini, led a delegation to Turkey to examine human rights issues in that country. While in Diyarbakir, the largest city in the predominantly Kurdish southeast, delegation members visited the offices of the local Human Rights Association [HRA] branch. The delegation had met with HRA leaders in Ankara and the Helsinki Commission has often worked with the HRA and has found its publications extremely useful and reliable.

While meeting with the Commission delegation, HRA leaders explained how the organization's members operated at great risk to their personal safety. HRA members around the country, but especially in the southeast, face constant danger and persecution. Dozens of activists had been threatened, kidnaped, murdered and disappeared. The Diyarbakir HRA branch was the only office in 10 state of emergency provinces allowed to remain open. HRA leaders believed authorities wanted to use the open office to demonstrate their tolerance of human rights organizations. Now, even that Potemkin village has been pulled down by authorities bent on eradicating all criticism of Kurdish polices.

Mr. Speaker, last Tuesday, seven leaders of the HRA chapter in Diyarbakir were arrested and charged with disseminating separatist propaganda. Prosecutors are seeking jail sentences of more than 10 years for these activists because of their publication which detailed human rights cases in 1992. One of those now in prison awaiting trail is Neymetullah Gunduz, an attorney who met with members of Chairman DeConcini's delegation and who visited the Helsinki Commission in 1993 while on a USIA grant. Mr. Gunduz is highly regarded and is considered a dedicated human rights lawyer and reliable source of information concerning rights abuses by both the Government and the PKK.

Mr. Speaker, just recently the Government abandoned a similar case brought against a group of well known Turkish activists. The move was widely hailed as a positive development in an otherwise bleak human rights picture. What this new case seems to indicate is that the recent acquittal stands merely as an aberration as opposed to a genuine effort to dismantle restrictions on free expression. I have said it before, and I reemphasize it now, Turkey cannot be considered a truly democratic nation as long as individuals like Neymettulah Gunduz, Mehdi Zana, Halit Gerger, former parliamentarians and others are jailed for exercising their rights to free expression.

Mr. Speaker, a recent commentary in a large Turkish daily purports that the Government has spent five times more money fighting terrorism than on the giant GAP water project supposed to be the cornerstone of development in southeast Turkey. Tens of billions of dollars have been used to institute policies which have left the region more devastated than ever and its population more resentful than ever. Meanwhile, Turkey continues to face mounting economic and political crises tied directly to failed Kurdish policies. Unless Turkish leaders bite the bullet and seek political approaches to the Kurdish situation, there can be no hope for peace, prosperity or democracy in Turkey. As a friend and ally of Turkey, such a dismal prognosis can bring no happiness to anyone in this country either.

SALUTE TO A CIVIL RIGHTS PIONEER—ERNEST McBRIDE OF LONG BEACH, CA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. HORN. Mr. Speaker, I rise today, during this week in which we commemorate the life and legacy of the Reverend Dr. Martin Lurther King, to honor a gentleman from my District, California's 38th, Mr. Ernest McBride, whose life and work embody the spirit and intent of Dr. King's message. Throughout his half century of residency in our community, Mr. McBride has been a crusader for civil rights and racial justice—and our community is a much better place for his dedication.

Mr. McBride, who is now 85 years of age, moved to southern California when he was 21 to seek a better life for himself and escape the racism and prejudice of his native South. Unfortunately, as an African-American, he did not find the California of the thirties much better. Arriving in a nearby community, he saw a sign that read, "We don't serve coloreds here". But instead of traveling on, Mr. McBride chose to remain. He recently told a Los Angeles Times reporter, "I decided I had to stop and fight somewhere. And I decided Long Beach was where I was going to stop."

Mr. McBride's determination to stay in Long Beach turned out to be a decision which has benefited many people. He fought prejudice and injustice wherever he saw it—not through violence and hatred, but with an attitude of determination and dignity. In 1932, he was hired as a grocery store janitor. Over the 8 years that he worked there, his requests for a raise were continually turned down—until he organized his fellow workers and eventually won a raise and a shorter workweek.

In the early 1940's, when a union at the Long Beach Naval Shipyard refused to allow African-Americans to join, Mr. McBride rounded up 180 people to petition President Franklin D. Roosevelt. The President responded by ordering the union to allow minorities to join or face losing its status as a bargaining agent.

As Dr. King began garnering national attention with his nonviolent efforts to end discrimination and prejudice, Mr. McBride led picketing against local grocery stores that refused to hire blacks and pressured Long Beach city leaders to open up more jobs for African-Americans. He organized a student revolt at a Long Beach high school that forced school officials to abandon minstrel shows and to drop a textbook that depicted African-Americans only as slaves.

Mr. McBride cofounded the Long Beach chapter of the National Association for the Advancement of Colored People [NAACP], and his house was often the chapter's gathering place where members discussed strategies for desegregating housing, ending discriminatory hiring practices, and ridding local schools of racially-biased textbooks.

Recently, Mr. McBride's home of many years—a modest bungalow which he purchased in the 1940's despite racially restrictive covenants and neighbors who petitioned to keep him out—was declared a historical landmark by the city council in honor of Mr. McBride's dedicated efforts to make our community a place that welcomes and encourages peoples of all races.

After the city council's unanimous vote, Long Beach City Council Alan S. Lowenthal, said, "It's certainly too bad we can't designate Ernie and his late wife Lilly as a historic monument. He really is the landmark."

Today I honor Mr. McBride and thank him. He stands as a model of the good that one man—with dedication and compassion—can accomplish for the generations to come.

OUR FOREIGN POLICY REQUIRES BIPARTISAN CONSENSUS BASED ON SOUND INTELLIGENCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. GUNDERSON. Mr. Speaker, our foreign policy must be bipartisan. However useful or inevitable our internal debates or expressions may be for domestic issues, we simply cannot continue to apply many voices to foreign affairs. Our goal in foreign affairs is to positively influence and shape foreign situations to our benefit. That is so whether it is a trouble spot in Chechnya, North Korea, Bosnia, or Iraq. It is so for whatever type of situation—be it impending trouble or opportunity—that may arise somewhere else.

That influence cannot serve U.S. interests, however, if it is founded on, and bespeaks, divisive and often petty partisan agendas. This is especially so when those agendas derive from domestic interests having little relevance to the situation. So doing confuses us. It confuses our constituents. It confuses foreign leaders who look to what we say and do to formulate their own policies and reactions. Confusion about what we are doing, or are likely to do, simply from too many voices, can itself harm the situation, can increase the dangers. Ultimately, many voices confuse—and dissipate—our ability to shape our national future relative to other countries. I submit to you that the more we cast about in the eddies and swirls of partisanship, blown hither and yon by polarization and parochialism, the more we will seem to lack any overarching, unifying vision at all for what we want our own future to be. A ship that has no clear port of embarkation, no compass, no rudder, and no articulated destination—how can it ever arrive? How can we even begin to advance on our national goals of peace and security when they are not what we have set before us?

Colleagues, we must get beyond our partisan differences. Our higher order national interests and visions—spoken with one voice—must guide. Random undertow denies our choices, traps us. Our foreign goals, policies, strategies and objectives—indeed the effects of all those on our future national security—simply cannot be left to such chance. We cannot permit our end points to forever recede.

Instead, we must together do the hard work of shaping foreign policy, and decide our strategy, for the reasons that are relevant to the specific situations at hand. We must begin the process with accurate and expert estimates of those situations, and how they might be affected by various events and courses of action. Our support for this work must come not from vested parochialism, but from U.S. intelligence agencies that we fund for this very purpose.

An additional point may pertain here. These agencies, as we speak, are reviewing and adaption their own visions, goals, and the organizations and processes that should flow from those. They are doing so to more effectively meet requirements that we and others place before them. In envisioning their future uses, purposes, character, and attributes, these agencies surely are telling themselves "if we don't know where we are to be, then we won't get there." Clearly, in better defining their place in the coming decades, they are bound between funding realities and the quickly changing global situations we need them to monitor ever more astutely. Their leadership surely knows that to do this, any mere perpetuation of vested bureaucratic interests can no longer justify them. Circumstances are compelling them to thoughtfully chart their future. They must now navigate with the compass of a clear, overarching, well-articulated, and broadly understood vision of what they will be and what they will do to serve national security. They recognize that their success at relating their means to that end is the standard by which we ultimately will judge them.

My colleagues, can we fairly ask less of ourselves? I submit there is a lesson in some of this for how we carry out our own tasks in foreign affairs and national security. As is true for our intelligence agencies, our efforts must rise above our own bureaucracy. We must look beyond the affiliations and vested interests that are poised to cast us about without aim, reduce our successes, invite failures, trap us. So for us too, the context of our foreign policy pursuit can only be—must be—our larger, enduring goals. These are what unite us as one country. I submit that bipartisanship is absolutely essential to furthering those goals and attaining those attributes that make us one.

CONGRESSIONAL ACCOUNTABILITY ACT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Ms. JACKSON-LEE. Mr. Speaker, I rise in support of this legislation. We all agree that Congress can no longer exempt itself from the legislation it passes. Compliance with such legislation by the rest of this Nation's citizens is mandatory. This congressional body moved forward to pass H.R. 1 on the opening day of legislative business for the 104th Congress by an overwhelming vote of 429 yeas. Now we are left to consider the Senate-passed version of this same bill. What a great opportunity for reform.

But do not let the Republican leadership fool you into thinking that the Congressional Accountability Act is a pillar of Republican reform. As a freshman Member, I must continually do my homework. I am fully aware that this reform effort was attempted in the 103d Congress. This legislation passed the House but was held up by the Republicans in the Senate. Why would the Senate block passage of this legislation in the 103d and pass it without reservation in the 104th? Because they did not want President Clinton to sign this reform into law, giving Democrats the credit for reform-oriented policies. We now know that the Republicans were working hard for 2 years to build a platform for the 1994 mid-term elections by halting action on important pieces of legislation in the Senate. Let us give credit to good ideas where credit is due.

And while we are revisiting this corrective measure, why not look more closely at a provision the Senate has added for itself concerning frequent flier miles? This issue has not received enough attention from this congressional body. I urge further dialog and consideration of these reform measures as well.

SUBMISSION OF BIPARTISAN BALANCED BUDGET AMENDMENT FOR PRINTING

HON. DAN SCHAEFER

OF COLORADO

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. SCHAEFER. Mr. Speaker, in anticipation of the debate on the balanced budget amendment next week, we are submitting the text of House Joint Resolution 28, the bipartisan, bicameral balanced budget amendment that we have introduced with 143 other Members, to be printed in the RECORD for Members to review. House Joint Resolution 28 is identical to Senate Joint Resolution 1 introduced by Senate Majority Leader BOB DOLE. We are submitting our language both in the form of a substitute to House Joint Resolution 1, the balanced budget amendment reported by the House Judiciary Committee—authored by Representative SCHAEFER—and as a freestanding bill—House Joint Resolution 28.

This language is the product of years of hard work by numerous Members of the House and Senate on both sides of the aisle. Senator LARRY CRAIG had an instrumental role in developing this amendment when he was a Member of the House, and continues to play a leadership role in the Senate. Former Representatives Bob Smith of Oregon, Tom Carper, Jon Kyl, Jim Moody, Olympia Snowe, Jim Inhofe, as well as current House Members JOE KENNEDY, MIKE CASTLE, L.F. PAYNE, and NATHAN DEAL have made contributions to the effort. On the Senate side, Senators ORRIN HATCH and PAUL SIMON have provided leadership on this amendment. Senators STROM THURMOND, PHIL GRAMM, HOWELL HEFLIN, and PETE DOMENICI, as well as former Senator Dennis DeConcini have also been actively involved in developing this amendment.

The amendment has been improved over the years based on the advice of constitutional scholars, budget experts, other Members of Congress, and others. Changes were made in the amendment to address criticisms that were raised in the numerous hearings on the amendment. This review process has produced an amendment that is workable, flexible, and enforceable.

House Joint Resolution 28 meets the constitutional standards of simplicity and support by a broad consensus of the American public. It would require the President to submit and Congress to enact a balanced budget beginning in 2002, unless three-fifths of both Houses vote to authorize a deficit. A three-fifths vote would be required to raise the debt limit. The amendment would make it more difficult to raise taxes by requiring a constitutional majority to pass bills increasing taxes. The amendment would be waived in the event of a declared war, and could be waived in the event of a military conflict that posed an imminent and serious threat to national security. The amendment would allow Congress to use estimates in planning budgets, but would require a balance of actual outlays against actual receipts.

We understand that Rules Committee Chairman GERALD SOLOMON has indicated that the Rules Committee report a rule bringing House Joint Resolution 1 to the floor under a "queen of the hill" process in which the substitute that receives the most votes in the Committee of the Whole would be reported to the House. For this reason, Representative SCHAEFER is submitting the text of the bipartisan, bicameral amendment in the form of a substitute. We understand the Rules Committee may also consider reporting a rule that provides for consideration of House Joint Resolution 1 and House Joint Resolution 28 as separate freestanding bills. This process would ensure clean votes on both proposals without forcing Members to choose between two popular amendments and maximize the chances of passing a balanced budget amendment. In this event, we are submitting the text of House Joint Resolution 28.

We look forward to the debate on the balanced budget amendment next week. We encourage all members to participate in this debate and vote to send the balanced budget amendment to the Senate and the States.

H.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

ARTICLE —

SECTION 1.—Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2.—The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3.—Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

SECTION 4.—No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5.—The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6.—The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

SECTION 7.—Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 8.—this article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

HONORING DR. JAMES GLOVER SITES

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to honor a man who has given so much for his community, Dr. James Glover Sites. Dr. Sites was born in Gladstone, VA, attended Appomattox High School, American University, and earned an M.D. from the George Washington University in 1947.

He has been a practicing physician in many Washington area hospitals including Gallinger Hospital, D.C. General, and the George Washington University Hospital. He has authored and coauthored over 38 papers covering gynecology and obstetrics, been instructor, assistant professor, and later as chairman of obstetrics and gynecology at Fairfax Hospital.

While chairman, he oversaw the growth of their OB–GYN department: from 3,000 deliveries in 1977 to over 9,000 deliveries in 1994. His vision took the department into the development of subspecialities such as perinatology, endocrinology, infertility, and gynecological-oncology.

Perhaps his greatest contributions, however, was presiding over the construction and opening of the Women's and Children's Center at Fairfax Hospital, combining total care for women, infants, and small children. This combined facility is one of the premier facilities of its type, in the country.

On Sunday, January 20, 1995, many of Dr. Sites' friends and colleagues are joining with him to celebrate his many accomplishments and honor him.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. James Glover Sites for his many contributions to the families of northern Virginia, and for future beneficiaries of his handiwork.

TRIBUTE TO CHARLES W. "BILL" DINN—THE 1995 GRAND MARSHALL HOLYOKE ST. PATRICK'S DAY PARADE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to Mr. Charles W. "Bill" Dinn of Holyoke, MA on being named the 1995 Grand Marshall of the Holyoke St. Patrick's Day Parade.

Mr. Dinn and his wife Patricia have been married for over 30 years. They have five children, Carol, Kathleen, Paul, William, and Michael.

He is a graduate of the Holyoke public schools and is a recent inductee to the Holyoke High School Hall of Fame.

Mr. Dinn is a well respected member of the community and successful businessman. Bill and his brother Paul started Dinn Brother Trophies in 1956 and have led it to become a major retailer of awards both locally and internationally.

Bill is a veteran of the U.S. Army and is a reserve police officer. He is a member of the Elks, trustee of Peoples Bank, and has been honored by Jericho with a Humanitarian Award.

Mr. Speaker, on Friday the 20th of January a reception will be held in honor of Mr. Dinn and I would ask that my colleagues join me in saluting, Mr. Charles W. "Bill" Dinn as the 1995 Grand Marshall of the Holyoke St. Patrick's Day Parade.

CONSEQUENCES IN SENTENCING FOR YOUNG OFFENDERS ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. WYDEN. Mr. Speaker, in searching for a strong, practical strategy for reducing crime, both Democrats and Republicans have given short shrift to the growing problem of violent crime perpetrated by juveniles.

The growth rate of violent crime committed by juveniles now exceeds that of adults. For example, in my home State of Oregon on May 24, 1994, The Oregonian reported that "adult crime statistics have flattened out, but the number of violent juvenile crimes increased by 80 percent between 1988 and 1992."

Nationally, according to a 1994 Department of Justice report, youth arrests for murder increased 85 percent, while adult arrests only increased 21 percent between 1987 and 1991. More generally, the violent crime index for juveniles increased 50 percent over the same period, while the adult violent crime index only increased 25 percent.

Despite the dramatic increase in violent crimes by juveniles, both the 1994 crime bill and the crime provisions in the Republican Contract With America are business as usual with respect to juvenile crime.

The 1994 crime bill allocates $7.9 billion for correctional facilities and a relatively paltry $150 million for alternative juvenile correctional facilities. The Republican Taking Back Our Streets Act contains nine law enforcement titles but doesn't once address the issue of violent juvenile crime.

To their credit, the Clinton administration is trying to fill the gaps in the 1994 crime bill provisions. Despite controversy, they have interpreted the Violent Offender Incarceration and Truth in Sentencing Act to be applicable to juveniles. However, the clear thrust of the violent offender provisions in the 1994 crime bill is to reform the adult system and guarantee that our communities are safe from violent adult offenders. In fact, the bigger law enforcement challenge for our country is to reduce juvenile crime.

My legislation, the Consequences in Sentencing for Young Offenders Act, pursues a fresh strategy against juvenile crime and sends a straight-forward message: young people who commit a crime will face real consequences for each criminal act and those consequences will increase each time they commit an additional offense.

At present, juvenile criminals face few if any consequences. For the first offense—and often many thereafter—there is likely to be probation at best. A bit of history is in order.

At the turn of the century, States began to separate the juvenile system from the adult system because of a belief that children who committed crimes could be rehabilitated. The States introduced the concept of parens patriae or a system that might act in the interests of the child. By 1925, all but two States had juvenile courts separate from adult courts. As long as this system was dealing with kids who used bad language and shoplifted, the system got by.

In the 1960's and 1970's, with escalating rates of juvenile crime, new standards for juvenile justice were developed with an emphasis on placing juveniles in the least restrictive situation and on counselling instead of punishment. This system was based on a medical model approach grounded in the theory that young people could be cured of their criminal habits. However, little convincing evidence has emerged to show that programs based on the idea of rehabilitation have been effective in reducing recidivism and in protecting our communities.

In reality, the understandable anger Americans direct at the juvenile justice system stems from the fact that the medical model has often ended up putting our communities at serious risk from young offenders.

Several cases from Portland, OR illustrate what is wrong with the medical model: In 1993, 9 months after being convicted of raping a 4-year-old and facing absolutely no penalty for this crime, a 15-year-old youth and another juvenile who also had a record of violent crime and had faced few penalties, assaulted an Oregonian who was left permanently brain-damaged by the attack. In another case, described in The Oregonian, a child committed 50 crimes, 32 of which were felonies, before the juvenile justice system took action to protect the community.

Nationally, only 50 percent of juvenile cases even go to juvenile court. Most cases are handled by some form of social services division. The majority of juveniles who do go to court are given probation. Incredibly, there is little follow up: many jurisdictions do not collect data on what happens to youths referred to the local juvenile services division.

In Portland, until recently it was common practice for a juvenile to commit three crimes before being referred to juvenile court. When an offender was diverted from court they were required to sign a contract specifying what they would do to help themselves change their ways. This contract included such basic elements as attending drug or alcohol counselling programs, community service or restitution, or participating in a Big Brother/Big Sister Program.

An audit of this system found that only 40 percent of the juveniles ever completed their contracts. Ten percent partially completed them, and the other 50 percent just slipped through the cracks. The major reasons for nonparticipation given were that the families were not responsive, or they just refused to participate.

This system in Oregon was actually profiled in 1990 as being a model for the Nation by the Federal Office of Juvenile Justice and Delinquency Prevention!

According to New York Magazine, the situation in the Empire State is far worse. Thirty thousand juveniles picked up for misdemeanors in 1993 were issued youth division cards and then released—essentially the paperwork was filed and the child walked out.

The Consequences in Sentencing Act that I introduce today seeks to address the glaring shortcomings in juvenile justice by giving incentives to States to adopt a new philosophy of juvenile justice—one built on a system of meaningful sanctions that increase with each juvenile offense.

This concept has been endorsed by the likes of James Q. Wilson from the University of California at Los Angeles who states that "the juvenile courts ought to manage the young people brought before them by a system of consistent, graduated sanctions that attach costs to every offense, beginning with the first." Dr. Wilson has been good enough to counsel me with respect to the legislation I offer today, and I would like to thank him for his suggestions and years of outstanding scholarship.

Additionally, I have worked closely with Oregon's attorney general, Ted Kulongoski who chairs the National Attorney General's Association task force on juvenile justice, and prosecutors, judges, law enforcement, and juvenile services directors both in Oregon and across the country. I would especially like to commend and thank Attorney General Kulongoski, Portland district attorney Michael Schrunk, Bend juvenile services director Dennis Maloney, Judge Stephen Herrell, and Portland Police Chief Charles Moose for their commitment to juvenile reform and their assistance in drafting this legislation.

Under the first part of my bill, I would amend the 1994 crime bill to give States with a system of graduated sanctions preference in receiving discretionary grants under the violent offender incarceration provisions. Additionally, these States would be able to access unused truth-in-sentencing funds for juvenile correctional facilities. The second part of the bill allows States with graduated sanctions the option to use any future funds allocated for adult correctional facilities for juvenile facilities.

This approach gives States willing to put new accountability in their juvenile justice systems the opportunity to secure additional Federal resources. States are given considerable flexibility as to how they devise their own systems, but must show that they have adopted a system of meaningful graduated sanctions with the following characteristics:

First, every offense carries a sanction of at least reimbursing the victim for the crime and for the bureaucratic cost of dealing with the crime.

Second, juveniles will move up a scale of increasingly severe sanctions if they break probation or commit a repeat offense.

Third, violent juveniles should be efficiently remanded to adult court.

Fourth, all juveniles who enter the juvenile justice system should answer to the court.

Fifth, to the extent practicable, parents should be held responsible for their child's conduct.

Sixth, the juvenile system should be periodically audited for its effectiveness in protecting the community safety, reducing recidivism and ensuring compliance with sanctions.

For the most part, there is a consensus among judges, prosecutors, police and people working in youth services, that any new philosophy of juvenile justice should place emphasis on community safety, individual accountability, work, restitution to victims and community, parental involvement and responsibility, certainty and consistency of response and sanctions, zero-tolerance for noncompliance and the highest priority given to community safety.

My sense is that some States are beginning to integrate these objectives in their juvenile justice systems—the Federal Government needs to provide States with the incentives and resources to continue in this direction. Incentives and resources for these purposes is what my bill is about, and I hope others will join me and the police, prosecutors, judges and juvenile services directors in a national effort to rethink our juvenile justice systems' philosophy and priorities.

WHY WE NEED THE "NATIONAL SECURITY REVITALIZATION ACT"

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. DORNAN. Mr. Speaker, I strongly recommend to my colleagues and all the citizens of our country the following testimony given yesterday to the House National Security Committee. Norm Augustine's comments are right on target regarding the direction we should be taking with defense spending.

STATEMENT BY NORMAN R. AUGUSTINE, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, MARTIN MARIETTA CORP.

Mr. Chairman and Members of the Committee:

I am Norman Augustine, chairman and chief executive officer of the Martin Marietta Corporation. I appreciate the opportunity to present views on several critical defense issues related to legislation which this Committee is considering and which will directly impact the nation's ability to achieve both defense and budgetary objectives in the years ahead.

Today, I represent a consortium of 13 associations whose members comprise a broad cross section of companies and individuals with experience in many different aspects of America's defense needs. THe organizations are the Aerospace Industries Association, the Air Force Association, the American Defense Preparedness Association, the American Electronics Association, the Association of Naval Aviation, the Association of the United States Army, the Association of Old Crows, the Contract Services Association, the Electronic Industries Association, the National Security Industrial Association, the Navy League of the U.S., the Professional Services Council, and the Security Affairs Support Association.

Needless to say, it is not possible to speak on behalf of so large and diverse a group of organizations on other than rather broad, generic issues. This I will do, but I can also tell you that there is in fact wide agreement among these organizations on the most critical issues relating to the National Security Revitalization Act. With regard to more specific matters, I will share with you views that I must characterize as my own. In this latter regard, I speak from the personal perspective of one who has spent a decade in five different assignments in the Pentagon serving under Presidents from both parties, and another 25 years in various defense-oriented companies in the private sector. Over the course of these assignments, I have seen enormous changes in the defense establishment—but nothing like the tectonic shifts we are facing today.

Having observed from both the private and public perspectives the way America funds, equips and fields its armed forces, I can say with some degree of authority that somehow it works. In the last decade alone, America's defense apparatus helped stimulate the favorable conclusion of the Cold War, helped crush a well-equipped aggressor in the Persian Gulf, and contributed to America's reign today as the world's only "full-service" superpower. Indicative of this success, our military hardware is sought by virtually every nation in the world.

In short, America's defense establishment—its armed forces and the industry that underpins them—has served the people of the

United States successfully and with distinction. This establishment is, in my judgment, well led today by both the civilian and military leadership in the Pentagon. Nonetheless, the very fact that we are here points to the fact that there are serious issues facing all of us, and if we fail to address these issues in a timely fashion, we will surely pay a price in terms of opportunities lost in the future. These issues generally focus on the adequacy of resources we devote to our military and to the manner in which we expend these resources.

Let me observe at the outset that in my opinion—and it is strictly my own opinion—this nation owes nothing to its defense contractors with regard to future business or prosperity. We as a nation can set forth a variety of alternative defense strategies that might require small, medium or large defense industrial bases to underpin them. The choice among these alternatives is a policy decision to be made by government leaders and not by industrial executives, and should be made on the basis of national objectives, the price we are willing to pay in meeting those objectives, and the degree of risk we are willing to accept in so doing.

But I do believe that once this choice has been made, it behooves our government to make certain that its policies affecting the defense industrial base are consistent with the national security objectives which have been established. To do otherwise is in fact to *maximize* risk . . . and brings us not the best but the *worst* of all possible worlds. And I further believe that, whatever may be our established set of national security objectives, we should maintain a *balance* of force structure, readiness and modernization.

Finally, I believe that we should view the capability of the defense industrial base much as we view the need to provide capable armed services. A nation cannot prevail, or at least not prevail without heavy casualties, in modern warfare without a strong defense industrial base. Such an industrial base, as I will discuss further, is not self-generating . . . it must be consciously nurtured.

There are two general points I would like to make this morning—the first relating to the private sector participants I represent and how they have been responding to the new realities of the post-Cold War defense environment. The second point has to do with the government's reaction to the same circumstances, both in Congress and in the Department of Defense.

Let me begin by briefly reviewing the events that have brought us to this committee room today. More than five years after the fall of the Berlin Wall, rapid and fundamental changes continue to ricochet throughout the world political order. Ironies abound: Consider, for example, that among the differences today between the United States and many of the former Warsaw Pact states is that the U.S. has a legal Communist party. Or that each of the recent times I have visited Moscow there were longer lines at McDonald's than at Lenin's tomb. Or that in one trip to what was then Leningrad, I met a very distraught politician who was exceptionally curious about the democratic political system. It turned out that he had just run for re-election unopposed—and lost. And a former Soviet state archivist recently observed, "The state property being privatized most rapidly is KGB files—and they're not for sale."

The new world order—or disorder—could perhaps be summed up by Saudi Arabian General Khalid bin Sultan bin Abdul-Aziz, who said, "If the world is going to have one superpower, thank God it is the United States of America."

But now that we've reached this almost unimaginably hopeful end of a wrenching period in the history of mankind, another almost equally wrenching question emerges: Where do we go from here?

Sometimes it seems that the principal effect of the end of the superpower conflict has been to make the world safe for smaller wars—"smaller," that is, except for those who happen to fall in their path.

Less than 10 days ago, the Director of Central Intelligence testified before a Senate hearing that "[E]thnic, religious, or national conflicts can flare up in more than 30 countries over the next two years." Such a plethora of current and potential conflicts poses an excruciating dilemma as we as a nation seek to balance America's aversion to human suffering with the impracticality of becoming "911-America."

Added to this volatile mix are the sobering facts that states that formerly were part of the Soviet Union still have an estimated 26,000 nuclear weapons in their arsenals, that three other nations have publicly confirmed they have "atomic devices," and an estimated nine additional countries either covertly have or are working to develop their own nuclear capabilities. A reminder of the world we are entering was suggested by the Indian Minister of Defense in his comment a few years ago that the real lesson which many may learn from Desert Storm is: "Never fight the Americans without nuclear weapons."

With the end of the Cold War, America embarked on a path that markedly scaled back our defense expenditures and the forces they support, for example, reducing the size of our army to the point where it will soon be the ninth largest in the world. Let me add that this reduction in defense expenditures has made it possible for our nation to reap a long-sought peace dividend. One measure of this dividend is that by a conservative calculation more than $400 billion in real purchasing power has already been diverted from defense budgets to other purposes since the fall of the Berlin Wall.

Disappointment over what some have characterized as the seemingly modest impact of this reduction on the overall federal budget stems from the fact that non-defense government spending is now growing at a rate which far outstrips any plausible reductions in defense spending. The entire defense budget is now only slightly larger than the interest on the national debt or about one-fourth of the cost of health care. America should, of course, spend no more on national security than it needs, but America can afford whatever national security resources it does need. Today, we spend more on legalized gambling than we do on defense, more on beer and pizza than we do on the Army, more on tobacco and soft drinks than we do on the Navy.

The budgetary reductions that have already taken place have had a substantial impact on the defense industry. The overall Department of Defense budget has been reduced by some 35 percent in real terms from its peak in the mid-1980s. But that part of the defense budget that underwrites equipping our military forces and has provided the underpinning of the defense industry—the procurement budget—has been reduced by 68 percent, thus far. The research and development budget—while experiencing much less of a reduction—has been scaled back well in excess of what had been planned just a few years ago. But a major concern is that the cost of defense infrastructure has not been curtailed accordingly.

One of the complicating factors in defense budgetary planning is that the time horizons are so distant. It is useful to recall that the systems that performed so well in the Persian Gulf largely represented the technology of the 1960s, the development of the 1970s, and the production of the 1980s—all utilized by the people of the 1990s. That is, decisions made in the 1970s to a considerable extent determined the casualties suffered in the Persian Gulf. Similarly, the decisions we make today will to a considerable extent determine the casualties we will suffer in carrying out our national security objectives in the early part of the next century. This is a very great responsibility for each of us.

That America's defense industrial base is becoming increasingly tenuous is becoming increasingly evident. The major firms making up that industry sell at a 30 percent discount to the S&P 500 index, and the discount was closer to 80 percent until a few mergers raised hopes that part of the industry might yet survive and provide viable. The combined market value of the top four aerospace firms is less than that of McDonald's, meaning that Big Macs and Egg McMuffins are judged by the market to have greater immediate reward than stealth aircraft and "smart" weapons.

Current plans call for the defense budget to decline to less than three percent of GDP in 1999, half of what it was in the mid-'80s, and the lowest level since immediately prior to Pearl Harbor. Of course, these reductions are not news to the members of this Committee. But there may not be wide understanding of the challenges that rapidly declining U.S. military procurement budgets are posing to the defense industrial base as well as to the military forces themselves.

In the middle of this century, our armed forces were called upon to perform a clear mission—to fight and win a global war. For most of the latter half of this century, the American public looked to our forces to successfully prepare for war—and by so doing to deter war. Today, and for the foreseeable future, the public is looking to our military to "wage peace"—that is, to deter small wars as well as big ones—a challenge that is turning out to be daunting. Nonetheless, this is the challenge the American people have given the defense establishment in the last decade of the 20th century. And, properly, those entrusted with the management of this establishment are expected to carry out the challenge efficiently and with the minimum required funds.

This brings me to the very important point which I alluded to earlier: I believe, and the evidence seems to support, that the private sector—the defense industrial base which I represent today—has moved deliberately and decisively to respond to the challenge of "waging peace." Just as America's commercial industry has been undergoing a wrenching realignment and downsizing over the past decade, prompted by the presence of Japan on the world scene, I believe America's defense industry is experiencing a similar process of realignment and downsizing, prompted by the absence of the Soviet Union on the world scene. The defense supplier base has imploded; some numbers suggest a shrinkage from about 120,000 firms a decade ago to 30,000 today. Whatever may be the precise numbers, the impact is being felt far beyond the board rooms of America's defense companies. The basic fabric of the defense industrial base is undergoing profound change as corporations restructure, consolidate or altogether depart the industry.

I have noted on previous occasions that the one-millionth defense industry job was eliminated on about July 4th of last year, including direct employment only. We will lose at least another half million jobs before the bottom is reached. Many of these were well-paying scientific and technical jobs which employed some of the most talented and motivated people in our national work force. The disruption of the lives of these individuals has been deep and wide and unrelenting * * * but the inescapable fact is that the threat to America has changed and downsizing of the industrial base was mandatory.

Our industry has been closing plants and selling properties at an unprecedented pace. In the case of the company I serve, we have already shuttered five million square feet of plant space and another wave is yet approaching. But by so doing, we will have saved the taxpayer next $2 billion over the next five years alone.

The private sector has thus responded to the changing needs of the nation. We have taken the painful actions and made the difficult decisions. And we are not yet finished: More wrenching decisions lie ahead. But I believe we have faced the tough challenge given us by the American people in a disciplined and pro-active way.

Drawing upon my service in both the government and in the private sector, I am acutely aware of how much more difficult it is to reduce infrastructure in government. Anyone who has watched the courageous but prolonged deliberations of the Base Closing and Realignment Commission can grasp the difficulties of reducing the physical plant of the Department of Defense. When I worked in the Pentagon I observed the extraordinary difficulty of "rightsizing" the public sector, how many impediments were encountered with every proposed job reduction. Companies in the private sector consistently have made such reductions quickly as an understandable necessity of remaining in business. The market forces are working in this regard.

This, then, leads to the other important point I wanted to make today: namely, that whatever may be the correct size of our military establishment, we are in fact creating a highly unbalanced force by neglecting to maintain that force in a modern condition. The same temptation exists in business where one can for a time neglect to buy new machines for the factories or new equipment for the laboratories or replace obsolescent buildings. But the trap is that sooner or later this practice catches up with itself in an avalanche of future costs which must be met near-simultaneously.

I mentioned before that the defense procurement budget has been reduced by 68 percent in real purchasing power in less than a decade. This contrasts with an overall defense budget reduction of 35 percent. Infrastructure costs associated with operations and maintenance have only been reduced by about 18 percent. The consensus within the industry is that the elements of the defense budget have fallen out of balance.

If one takes today's asset value of equipment owned by the Department of Defense and divides that number by the annual investment in modernization—namely the procurement budget—one derives a number that indicates we are now on a replacement cycle of about 54 years. Stated otherwise, the average item of equipment provided our armed forces has to last 54 years. This is in a world where technology generally has a half-life of anywhere from two to 10 years. I believe that no private company pursuing such a policy would long survive.

We saw in the Gulf War the consequences of modern military technology—for example, precision guided weapons delivered within inches of their targets, stealth, the ability to see at night and to navigate within a few meters even on a desert. The result was that the war was won quickly, decisively and with relatively few American casualties.

What is so often overlooked is the fact that in today's era of the "come as you are" war, where outcomes can be decided in a matter of days or even hours, the only equipment available to our troops will be that which was planned for and acquired during the decades before the actual conflict occurred.

As I stated at the outset, it is not the role of those of us from the private sector to prescribe the size—that is, force structure—of our armed services. But it is within our competence to suggest that whatever that force structure may be, it should be balanced in terms of both readiness and modernization. To the great credit of those bearing the grave responsibility of providing for America's armed forces, the nation has, in this recent downsizing, to a considerable extent avoided the trap of building a so-called "hollow force" in terms of its readiness to fight. But what we must also assure ourselves is that we do not gradually build a force engendering a new kind of hollowness, namely the lack of modernization needed to fight effectively.

Thus, we must be concerned both with readiness and with modernization. Lack of attention to the former produces near-term casualties, to the latter produces future casualties

Given these considerations, what steps are appropriate to assure the adequacy and efficiency of America's defense forces? I would like to offer six suggestions for your consideration.

First, the defense budget should be stabilized. The recent Administration initiative to add $25 billion over several years to the DoD budget is a constructive step, but does not address the full range of the challenge the nation's defense establishment faces nor does it significantly do so in the near term. It should be noted that the lag time between authorizations and outlays in the procurement budget virtually assures several more years's erosion in the defense industrial base.

Second, the balance among procurement, R&D and O&M funding must be restored. We must provide greater funding for exploratory development and prototyping—particularly high-risk/high-payoff pursuits of the type which helped make American defense technology the best in the world and which is central to our stated defense strategy. And in so doing, we must be prepared to accept the occasional failure that necessarily accompanies any effort to push the edges of the state of the art. We must invest more in procurement so that our forces are well equipped to protect themselves and our national interests. This is important not only for the active forces but also for the Reserve and National Guard since they are shouldering more and more of the burden for achieving national security objectives.

Third, we must continue the effort to reform the acquisition process. Secretaries Perry and Deutch and the Congress deserve broad acclaim for the first successful initiative in memory to reform the much-maligned defense acquisition process. The Federal Acquistion Streamlining Act of 1994 demonstrates that it is possible to revise the acquisition process which for many years has been needlessly complex, inefficient and resilient to change. We must now turn our attention to assuring that the regulations implementing this new act carry out the legislation's intentions. In so doing, we need to reform the entire acquisition culture, and having done so, we must recognize that the recent legislation is barely a first step toward full procurement reform.

Fourth, we must eliminate the turbulence in the acquisition process. The principal cause of inefficiency in the acquisition process is not the infamous coffee pot, hammer or even toilet seat; it is the perpetual motion of requirements, people, schedules, and funding. What is needed is to make it much more difficult to start new programs, but once started, to grant very few people the authority to change them. In this regard, the time has come to appropriate funds by the project, not by the year. A true biennial budget cycle would be a reasonable first step.

Fifth, we need to restore fidelity to the defense budget. The American public might be genuinely surprised by the findings of the Congressional Research Service, which noted that the defense budget is being used more and more to underwrite programs—sometimes very worthwhile programs—that have little or nothing to do with national defense. General Dennis Reimer of the U.S. Forces Command recently told a Senate Subcommittee, "We spend more on environmental programs than we do training the 1st Cavalry Division."

Additionally, U.N. operations and other types of peacekeeping and "nation-building" costs should be budgeted incrementally as they occur—some perhaps even under the Department of State budget. Contingency military operations should be separately funded under the Department of Defense budget as such activities take place. Further, restoring "firewalls" in the DoD budget would allow more disciplined allocation of costs to national defense.

Sixth, we should reverse the trend of shifting work from the defense industry to government facilities. Any expansion of the government in maintenance and repair operations only intensifies the decline of the defense industrial base. This trend, minor at first, has accelerated in recent years as military installations seek funds to sustain infrastructure. Maintenance and repair operations increasingly are being conducted by the government itself at the expense of the private sector. This trend toward greater government involvement in functions generally allocable to the private sector flies in the face of trends almost everywhere else on earth.

In summary, Mr. Chairman and members of the Committee, I believe that both the armed forces and the defense industrial base warrant fresh attention by our national leadership. America may be the only surviving "full-service" superpower, but the future is still extraordinarily difficult to predict. General Schwarzkopf, toward the end of this autobiography, included the following passage: "If someone had asked me on the day I graduated from West Point where I would fight for my country during my years of service, I'm not sure what I would have said. But I'm damn sure I would not have said Vietnam, Grenada and Iraq."

And that's the problem in trying to forecast the need for national defense and the industrial base that underpins it, a problem which is exacerbated by the 10-to-20-year lead time for most products of the defense industrial base. For in this age of "come-as-you-are wars," the casualties we suffer in combat may depend more on our preparedness prior to the initiation of combat than on anything we do during combat—a point writ bold in contrasting the initial battles in, say, Korea and the Persian Gulf.

America is blessed with the finest men and women in its Armed Forces of any nation on earth. It has been my privilege to have personally accompanied them—from Berlin to Saigon, from Panama to Panmunjom—from the ocean's depths in submarines to the surface of the sea in attack carriers—from the dusty heat of Abrams tanks on the desert to the cockpits of jet aircraft in the sky. I have seen for myself just how capable these people are—and this is reflected in public opinion polls which show the high level of confidence America today holds in its military.

Our opportunity as a nation is to build upon this advantage, an to underpin it with a right-sized, high-quality defense industrial base. This will require considerable effort on the part of those of us who bear a fiduciary responsibility for America's military capability; because as marvelous as is the free enterprise system, there are no forces in that system to assure the preservation of an adequate defense industrial capability. This is the underlying dilemma of the defense industry.

Thank you for your attention. I would welcome the opportunity to answer any questions you might have.

TRIBUTE TO MYRA SELBY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

Mr. JACOBS. Mr. Speaker, the important thing about Myra Selby is not that she is a woman and is not that she is an African-American. The important thing is that she is one of the most competent citizens ever placed on the Indiana Supreme Court. And she carries on a tradition of the Evan Bayh administration which, in a word, is excellence.

[From the Indianapolis News, Jan. 5, 1995]

IN HISTORIC MOMENT, STATE COURT WELCOMES NEW JUSTICE

In a brief but historic ceremony, the five justices of the Indiana Supreme Court recessed, then returned with a new member—Myra C. Selby, the first woman and first black justice to serve on the court.

"I'm a little bit nervous today," Selby said Wednesday in her first minutes on the bench. "I hope that means I'm ready."

The 102 justices who have served on the high court since Indiana became a state in 1816 have all been white males.

Mindful of her role in Indiana history, Selby said she did not seek to be distinguished as a jurist by her race or gender.

"What I did seek was the opportunity to serve the citizens of the state of Indiana on this esteemed court," she said moments after taking her place on the Supreme Court bench in the north wing of the Statehouse.

The courtroom was jammed with hundreds of well-wishers, including members of Selby's family, friends, law and government colleagues and state lawmakers in the capital for the first 1995 working day of the General Assembly.

Selby, a former law firm partner and government lawyer, pledged that her service on the court would be marked by "diligence, thoughtfulness, fairness and patience . . ."

She replaced Richard M. Givan, who retired after serving two days short of 26 years, including 13 years as chief justice.

"It's been a lot of fun," said Givan, gesturing to Selby seated in the audience below the bench before the swearing-in and adding, "Myra, I wish you well."

At 39, Selby is the third youngest justice to serve, after Justice Roger O. DeBruler, who joined the court in 1968 at 34, and Chief Justice Randall T. Shephard, who was a few months younger than Selby when he joined the court in 1986.

Selby was formally introduced by state Budget Director Jean S. Blackwell, who attended law school with her at the University of Michigan in the 1970s. Blackwell spoke to the fact of Selby's "firsts" as a woman and black on the court. "Some feel this shouldn't matter, but it really is a giant step for Indiana," she said.

Harry T. Edwards, a federal appeals judge in Washington who once was Selby's law professor, said the new justice's career has been characterized by "intellect, experience and commitment."

"She will be a wonderful addition to this distinguished court," he said.

Selby was appointed by Gov. Evan Bayh, who administered the oath of office with a Bible held by her husband, Bruce Curry.

Her father, attorney Ralph Selby, and mother, Archie, of Bay City, Mich., and her 9-year-old daughter, Laureen, helped Selby don the black robes of a justice.

The five-member court then stood in recess. When the justices returned to the courtroom a few minutes later, Givan was absent and Selby sat to Shephard's left.

[From the Indianapolis News, Dec. 22, 1994]

SELBY WINS HIGH COURT SEAT

Congratulations are in order to Myra C. Selby, the first woman and first African-American to be appointed to serve on the Indiana Supreme Court.

Selby, 39, who has served as Gov. Evan Bayh's director of health care policy since July 1993, was one of three female finalists for the seat. The other two women were Indiana Court of Appeals Judge Betty A. Barteau and Charlestown attorney Anne M. Sedwick.

Selby said she hopes her historic appointment will help all children "reach for that highest star" and dream of lofty accomplishments.

"I hope to be able to become a symbol for young girls and boys of all colors, shapes and sizes," added Selby, who, before working for Bayh, served at Ice Miller Donadio & Ryan for 10 years as a private attorney specializing in health care cases.

Selby will replace Justice Richard M. Givan, scheduled to retire at month's end. She will be the youngest justice on the five-member court.

Some have criticized the governor for choosing for the third time in as many appointments a close aide as an Indiana Supreme Court justice. Bayh appointed his personal attorney, Jon Krahulik, to the high court in 1990. When Krahulik resigned, Bayh appointed Frank Sullivan Jr., his executive assistant for fiscal policy, to take his place.

But Bayh said he selected Selby for the $81,000-a-year post because of her record of excellence in academics, intellect, practice of law and ethics. Additionally, he long has expressed his intent to diversify the all-white, male court.

We particularly applaud Selby's sentiment that the Indiana Supreme Court should hear more oral arguments of cases and better educate the public about its role in state government.

We welcome the opportunity she will have to promote this philosophy and wish her a successful term in office.

[From the Indianapolis Recorder, Dec. 24, 1994]

SELBY WANTS TO SET EXAMPLE ON HIGH COURT

(By Stephen Thomas)

Traditions pertaining to culture and gender have been erased and diversity has been injected into Indiana's highest court.

Gov. Evan Bayh appointed attorney Myra C. Selby to fill a vacancy on the Indiana Supreme Court, Monday. Selby has become the first woman as well as the first African American to serve on the high court, as the replacement for retiring Justice Richard M. Givan.

The 39-year-old Selby said she has understood the ground-breaking significance of her appointment and that she would hope to set a shining example for young people who have dreamed of venturing into high-prestige career paths.

"I hope to become a symbol for young children, girls and boys (of) all colors, shapes and sizes," Selby said, "so they, too, can reach for that highest star that they might dream of."

Selby has exemplified excellence in the legal profession, as evidenced by her consideration by the Indiana Judicial Nominating Commission, which named Selby one of three finalists for the governor's contemplation. Selby has started her judiciary career at the top of the state's ladder, for she has not served as a judge hitherto her historic appointment.

"Two elements that have impressed me most about Myra would be her intelligence and her thoughtful, considered demeanor," said Bayh, "I'd even go so far as to say her judicial demeanor. I believe she is the kind of person who will hear all parties, weigh all the evidence and look to the law and do what is just."

Selby, the 103rd justice and youngest member of the high court, has been the governor's health care policy director for more than a year. Professional skepticism for her lack of bench experience, her political ties to the governor who appointed her as well as attention magnified by her race and gender would not become performance obstacles, Selby said.

"I hope I'll handle it well," Selby said. "I think that anticipating that it will occur will make it a little easier. Whenever one is in public life, one realizes that one has a responsibility to the public for the role that you're in. I'm fully aware of that and appreciate it."

Selby would not necessarily be remembered solely for her appointment's obvious diversification of the high court. Bayh was impressed with Selby's zeal to be recognized for those aspects of her life over which she has had control, notably her accomplishments as a lawyer.

"I want to be chosen for anything I accomplish because of what I am and because of my accomplishments and my abilities," Bayh said Selby once told him. "It seems to be that that is what we honor (in Selby's appointment).

"The fact that she agreed to an enormous cut in pay to step down as the partner of one of the most prestigious law firms, not only in our state but in the country, to serve the people of Indiana is not something that should be held against her."

Selby was a partner in the law firm of Ice Miller Donadio and Ryan, a position she took after serving as an associate in the Washington-based law firm of Seyfarth Shaw Fairweather and Geraldson. She has specialized in health care law and labor law.

Selby in 1993 and '94 has served as an associate professor of health sciences at the Finch University of Health Sciences, Chicago Medical School, one of her several academic positions.

The 1980 University of Michigan Law School graduate has written articles for numerous legal journals, also. She earned a bachelor's degree in 1977 from Kalamazoo College.

Selby, perhaps prophetically, was honored as "A Breakthrough Woman" in 1990 by the Coalition of 100 Black Women.

Selby, her husband of 16 years Bruce Curry and their daughter Lauren reside in Indianapolis.

[From the Indianapolis Star, Jan. 5, 1995]

NEWEST JUSTICE TAKES HER PLACE, BREAKS BARRIERS

Ever since Indiana became a state in 1816, the Supreme Court has looked very much the same: all white and all male. On Wednesday, Myra C. Selby changed all that.

Selby, a former law firm partner and government lawyer, took the oath of office to become the 103rd justice to sit on the high court—and its first woman and first black member.

While mindful of her role in Indiana history, Selby said she did not seek to be distinguished as a jurist by her race or gender.

"What I did seek was the opportunity to serve the citizens of the state of Indiana on this esteemed court," she said moments after taking her place on the Supreme Court bench in the north wing of the Statehouse.

The courtroom was jammed with hundreds of well-wishers, including members of Selby's family, friends, law and government colleagues and state lawmakers who had come to the Capitol for the first 1995 working day of the Indiana General Assembly.

Selby pledged that her service on the court would be marked by "diligence, thoughtfulness, fairness and patience . . ."

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Selby was formally introduced by State Budget Director Jean S. Blackwell, who attended law school with Selby at the University of Michigan in the 1970s. Blackwell acknowledged Selby's "firsts" as a woman and black on the court. "Some feel this shouldn't matter, but it really is a giant step for Indiana," she said.

Harry T. Edwards, a federal appeals judge in Washington and former law professor of Selby's, said Selby's career has been characterized by "intellect, experience and commitment."

Selby was appointed by Gov. Evan Bayh, who administered the oath of office with a Bible held by her husband, Bruce Curry.

Her father, attorney Ralph Selby; mother, Archie, of Bay City, Mich.; and her 9-year old daughter, Lauren, helped Selby don her black robe.

The five-member court then stood in recess. When the justices returned to the courtroom a few minutes later, Givan was absent, and Selby sat to the left of Shepard. "I'm a little bit nervous today," she said. "I hope that means I'm ready."

SENATE—*Monday, January 23, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Senator KENNEDY and the whole Kennedy family in the loss of the remarkable, resilient, Rose Kennedy.

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

Eternal God, omnipotent (all powerful), omniscient (all-wise), and omniscient (everywhere at once), we come to Thee on behalf of the Senators and their legislative staffs. Decisions are often difficult to make, even when they involve only ourselves or our families; but decisions made here impact States, counties, cities, and millions of people.

Gracious, all-knowing Lord, grant to these decisionmakers, aware of their limitations and fallibility, wisdom from above as they struggle to fulfill the mandates which they believe were expressed by the people in the last election. Grant the Senators grace to commit their works unto Thee, that their thoughts may be established in the light of truth.

We pray in His name who is the Light of the World. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. Mr. President, this morning the time for the two leaders is reserved.

SCHEDULE

Mr. LOTT. Mr. President, there will be a period for the transaction of routine morning business until 10:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each with the exception of the following Senators: Senators GRASSLEY and PRYOR for 15 minutes equally divided; Senator CONRAD for up to 30 minutes.

At 10:30, the Senate will resume the consideration of S. 1, the unfunded mandates bill. Under the previous consent agreement, there will be no rollcall votes prior to 4 p.m. today. Also, I wish to remind the Senators that under the agreement Senators who have amendments on the list that was agreed to have until 3 p.m. Tuesday to offer their amendments.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR and Mr. GRASSLEY pertaining to the introduction of S. 258 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAMS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from North Dakota [Mr. CONRAD] is recognized to speak for up to 30 minutes.

Mr. CONRAD. I thank the Chair.

FEDERAL FARM PROGRAMS

Mr. CONRAD. Mr. President, I rise today to issue a warning to those in Congress who are suggesting we eliminate or deeply slash the Federal farm programs.

These programs have given American consumers the lowest price and highest quality food in the world. These programs have helped make America's farmers preeminent among the world's food producers. They have helped agriculture produce a $17 billion surplus in trade, one of the largest of any American industry. These programs are the foundation of a $950 billion industry employing over 23 million Americans that delivers food and fiber to American families.

To those who would kill our farm programs, I say this amounts to unilateral disarmament in the battle for world agricultural markets. It is an unwise dismantling of our successful national food policy. Our agriculture programs are the foundation on which much of our ability to meet international competition is based. They are also the foundation for our national food policy, which has helped us become the most richly abundant nation in the world. No one would have suggested we do away with our missile defenses during the cold war. Yet some now suggest we do away with the farm programs that work for millions of Americans in the food industry and for all American consumers.

Let me just explain very clearly why U.S. farm policy is right for America. First, our agriculture policy is vital for preserving our international competitiveness. Second, agriculture is a fundamentally unique type of business. Third, Federal farm programs are crucial for American consumers.

Despite these compelling arguments, some people assume farm programs are an appropriate place to slash and even eliminate America's commitment to our most basic industry. Why do they assume this? Mr. President, I believe it is complacency. We have been so well fed and blessed with food security for so long that we have forgotten why we created the system.

I am here to remind America that the farm programs are part of an extraordinarily successful strategy to bring ample, affordable food to consumers and help us compete in a tough international fight for markets. Yet there remains a gap between our Federal agricultural policy and an appreciation for the food on our tables.

Complacency has allowed critics to create myths about agriculture. Myth 1 is that farm programs are not necessary in the world economy. Myth 2 is that agriculture is like every other type of business. Myth 3 is that consumers will benefit from the elimination of farm programs.

I am here today to dispel those myths. I say to those who are pointing their finger at agriculture, they should think twice. They are suggesting a reversal of the policy that has made our Nation the world leader in agriculture. They are seeking to dismantle the policy that has provided American consumers with the highest quality, lowest priced food in the world. They are jeopardizing an American industry that is the envy of every other country in the world. They must explain why we should fix a system that is not broken.

Mr. President, myth 1 about agriculture is that we do not need farm programs to compete in the world market. What many critics do not understand is that today there is an intense worldwide battle for agriculture market dominance. Our primary competitor is Europe. They have a plan. They have a strategy to win the world agricultural trade battle. They provide high levels of support to their producers to encourage surplus production. They dump those surpluses on the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

world market, undercutting our producers and grabbing international market share. They are on the march. They are on the move. Make no mistake.

Meanwhile, we sleep. We are blissfully unaware that our markets are being stolen from us day by day. One day we may awaken to learn that Europe has done to us in agriculture what Japan has done to us in automobiles and electronics. The Europeans understand that there is a war being waged for markets, and they believe ultimately there will be a cease-fire. They believe there will be a cease-fire in place, and they want to occupy the high ground. The high ground is dominating world market share. And, oh, how well their strategy is working. In a few short years, Europe has transformed itself from the largest net importer of wheat to the No. 2 exporter.

This chart shows precisely what has happened from 1960 to 1992. The red line shows European exports of wheat. The blue line shows imports. As one can see, Europe that was once the largest importer has now moved to the No. 2 exporter in the world. They have a plan. They have a strategy.

Let me just tell you what we are up against. The Europeans support their producers at rates 2 to 20 times the level of support we give our farmers. For example, the Europeans spend $119 per metric ton to support their wheat producers; 2½ times the U.S. level. This chart shows the difference. This is just government levels of support. Europe, $119 per ton, the United States, $46 per ton; over 2½ times our level of support. It does not stop with wheat.

The same is true for beef producers. Again, they support their producers at 2½ times the level we support our producers. Again, not surprisingly, Europe is No. 2 in beef exports.

This chart shows European support versus U.S. support for beef. This is in dollars per metric ton. Europe is $2,274 per metric ton. The United States is $878 per metric ton. Europe is supporting their producers at 2½ times the level that we are supporting our producers.

If that is not bad enough, Mr. President, let us look at oilseed. They give their oilseed producers 23 times the level of support we give our oilseed producers. While world oilseed demand and acreage have increased over 40 percent in the past 15 years, U.S. oilseed plantings have increased a minute 0.3 percent. European plantings have skyrocketed 330 percent.

Mr. President, this chart shows European support in oilseeds versus U.S. support—a dramatic difference. It is $329 a metric ton in Europe, $15 a ton in the United States. And we wonder why Europe is capturing market after market.

Mr. President, I hasten to point out that these examples demonstrate how much the European governments are supporting their producers. It does not count European consumer subsidies to their producers, which would make the levels of producer subsidy much higher.

Mr. President, this is not a level playing field. This means that American farmers must not only compete against French and German farmers. American farmers must compete against the French Government and the German Government. This means that Europeans take income from American farmers. This means that Europeans take jobs from Americans working in processing, transportation, and the input industry.

We can see how well this European strategy is working in trade negotiations, as well. While Europe supports their farmers at high levels, we consistently slash agriculture spending in this country. My colleagues should remember the early stages of the Uruguay round of GATT. The European GATT negotiators sat back, watched us cut our own programs and then toughened their negotiating position. We could have won more for our farmers and our agribusiness industry if we had not unilaterally cut our farm programs.

Instead of a level playing field, Europe held out for equal percentage reductions from these unequal levels of support. That assures they will remain on top.

Mr. President, again, I emphasize to those who are listening, the Europeans have a plan and a strategy to dominate world agricultural markets. Their plan, their strategy is to continue high levels of support—much higher levels than ours—on the assumption that at some point in this world trade battle, there will be a cease-fire. They believe there will be a cease-fire in place. They want to occupy the high ground. So in area after area, we see the European strategy playing out. Oh, how well it is working. We let them take advantage of us. We cannot allow that to happen again.

The Europeans support their producers at high rates for simple yet compelling reasons. They've been hungry. They know what it is like to go through war and not have a stable food supply. They have made conscious decisions to avoid that ever happening again. They also know that every field of wheat and every field of sunflowers creates jobs and processing, transportation and input industries. I admire them for their foresight and commitment.

Against these odds, agriculture in America is still one of the few sectors of the economy that contributes positively to our balance of trade. While the rest of the economy is heading for a $180 billion trade deficit, agriculture is producing a $17 billion trade surplus. The farm programs are the foundation on which our farmers are able to compete against these overwhelming odds. Remember, if American farmers do not grow it here, American workers do not transport, process and market it here.

I repeat, we are in a worldwide battle for market dominance. The Europeans hope the United States will give up and give in. They hope we will roll over. They hope we will flinch.

Mr. President, I am here to deliver a message. We must not back down. We must not unilaterally disarm. We must not retreat. We must fight if we are to preserve jobs and economic activity in this country.

The current battle in this global market is crucial for millions of American jobs. That is precisely what is at stake—American jobs. The question is this: Will we stay in this fight? We cannot win the battle with our hands tied behind our backs. If we give in, we lose. This is not a question of subsidies. It is a question of whether we are going to stand behind our farmers in this global market battle. It is a question of whether we are going to stand for American jobs.

Today, we are at a crossroads. We are beginning debate on the 1995 farm bill, a bill that will set American agriculture and food policy into the 21st century. At the same time, debate on another round of GATT will begin in the next few years. The choice is ours. We engage, or we retreat.

Mr. President, myth two about agriculture is that it is like every other type of business. That is simply not the case. Unlike any other sector, farmers produce a basic human need: food. To sustain that abundant food supply, we maintain a reserve of basic commodities to fulfill our food and feed needs in times of shortfall. The reserve is a national food security system, an insurance policy for consumers against shortfalls in crop production. Inherently, reserves depress prices and reduce farmers' incomes.

For many decades, the people of this Nation have believed that maintaining a stable reserve of critical commodities is in our national interests. For decades, we have believed that we should maintain producers' incomes at levels sufficient to sustain a stable supply. That is why we have farm programs.

Not only do farmers produce a basic human need and maintain large inventories, but farmers must also deal with a highly volatile factor—the weather.

In other parts of the world, droughts have killed hundreds of thousands of people. Thankfully, our Nation has always been spared famine. We have had a rational food policy. Americans need not think long to recall the last time weather had a disastrous impact on U.S. agricultural production—the last time we made a claim on our national food insurance policy. The 1993 flood reduced corn production by one-third. Luckily for the American consumer, we had stocks of grain on hand, a land reserve to increase plantings, and favorable weather in 1994 to replenish our supply.

How much would consumers have spent on higher food costs without a farm program? The answer is billions of dollars. On top of the billions of dollars consumers saved in 1993, food stocks in hand during the 1988–1989 drought saved consumers some $40 billion in higher food costs. That is how a national food policy should work, and that is how our national policy does work.

Moreover, the research that agriculture supports has given consumers a second insurance policy. Insects and disease have always presented formidable and destructive problems to agriculture. For example, 1993 wheat production in some counties in North Dakota was cut 50 percent by disease. Farmers burned literally millions of acres of wheat destroyed by that disease. Researchers are now hard at work to prevent the spread and find a cure.

We can remember what happened in other times, in other countries that did not have such a vigorous effort, such an insurance policy.

The potato famine of the mid-19th century in Ireland provides a dramatic example of the importance of disease research. One single fungus destroyed Ireland's potato crop, forcing many into starvation. Fortunately for U.S. consumers today, food production research in the U.S. targets disease early, limits the spread, and prevents that type of human devastation.

Mr. President, myth three about farm programs is that their elimination will benefit consumers. The purveyors of myth three ignore clear evidence to the contrary.

First, American citizens enjoy a safe, high-quality, abundant, and stable food supply. Second, we spend less of our disposable income on food than any other consumers in the world.

I have brought this chart to show what we pay in this country versus what other consumers in other countries pay. I think it is very revealing. This shows the percentage of income that goes for food. In Italy, 26 percent of their country's income goes for food—26 percent. In Australia, 23 percent; in Japan, 19 percent; Germany, 19 percent; France, 16 percent; the United Kingdom, 12 percent; Canada, 11 percent; and in the United States, 8 percent of our income goes for food, the lowest cost food in the world. And there are those who suggest we eliminate the underlying programs that make this possible. Mr. President, that makes no sense.

We have been in a time when we spend less of our income for food than do the consumers of any nation, but at the same time we have achieved that result, we see food prices continuing to fall. According to the USDA, consumer spending has dropped from 10 percent of income in 1970 to 8 percent today. So not only have we achieved the lowest cost food in the world, but we have also kept food costs going down. In 1970, 10 percent of the average American's income went for food. In 1991, it was down to 8 percent.

And of that declining percentage, only 22 cents of each dollar goes to the American farmer. Further, the cost of marketing food has been the principal factor affecting consumer costs.

Let us just look for a moment at the price of bread. This chart shows what has happened with U.S. wheat prices versus what happened to bread prices. Wheat prices have been relatively stable. Bread prices have continued to rise. In other words, there is virtually no relation between the consumer cost and the price the farmer receives. Clearly, the increase is not going into the farmer's pocket. To further illustrate, from 1983 to 1993, 85 percent of the rise in consumer food costs went to the marketing bill, not to farmers.

Returning to our examples of the 1993 flood and the 1988–89 droughts, while production dropped sharply, consumer prices remained stable. Again, this is how the farm programs are supposed to work and it is how they do work—protecting consumers against the dramatic fluctuations in supply that can occur because of weather-related and disease-related disasters.

What would happen if farm programs were eliminated? Very likely, reserves of grains would be reduced, prices would fluctuate, and consumers' cost of food would increase. Does that sound like something that is good for the American consumer? Absolutely not.

Mr. President, we are now engaged in a debate about how to reduce the budget deficit. I support a balanced budget. I have not only voted for deficit reduction measures, I have offered my own plans, as a member of the Senate Budget Committee, every year I have been in the U.S. Senate.

But let us look at what you get if you eliminate agriculture spending. You do not get much. Agriculture represents less than 1 percent of the entire Federal budget.

This chart shows Federal outlays from 1996 to 2002, the period about which we are talking about balancing the Federal budget. Here is interest on the debt, nearly $2 trillion over that period; defense, over $2 trillion; Social Security is nearly $3 trillion; domestic discretionary spending, just over $2 trillion; Medicare, almost $2 trillion. Where is agriculture? Where is agriculture, Mr. President? It is this little, tiny slice right here. You almost cannot see it.

That is because, of the $13 trillion that we are projected to spend over the next 7 years, $87 billion is for agriculture—$87 billion out of $13 trillion, far less than 1 percent of Federal spending.

Mr. President, I repeatedly encounter press reports of someone suggesting we cut agriculture and that cutting agriculture will somehow solve our deficit problems. It simply will not.

Not only is it a small pot of money, it is a dwindling pot. Agriculture spending has suffered dramatic cuts in recent years. In constant dollars, farm spending dropped a full two-thirds since 1986. Still, some continue to point their finger at agriculture as the cause of our deficits. Nothing could be further from the truth.

Mr. President, this chart shows in constant dollars agriculture program spending: In 1986, expressed in 1994 dollars, $35 billion; in 1994, down to less than $12 billion, a dramatic reduction. In fact, if other parts of the budget had suffered the same reductions that agriculture has experienced, there would be no deficit problem. We would be in surplus.

Mr. President, many critics of farm programs suggest that because some forms of agriculture production in the United States survive without Government programs, all commodities should be able to operate in that manner. Most often mentioned are livestock and fruits and vegetables.

Let us just take livestock off the table right away. Anyone who suggests the livestock industry operates without the benefit of feed prices stabilized by our farm program is sorely misinformed.

Fruits and vegetables are another case. Fruits and vegetables are perishable. While a reserve would be highly impractical, the prices of many such commodities are stabilized through marketing orders administered by USDA. So, in fact, we do have price stabilization programs for the vast majority of agricultural commodities. That is why consumers enjoy stable supplies, high quality, and modest food prices.

Mr. President, I believe I have demonstrated how important farm programs are to consumers. Now let us take a hard look at how the elimination of farm programs would affect producers.

Who are these producers? They are good citizens. They are hardworking people. They get up early. They work late. They support their communities. They pay taxes. And, Mr. President, far from the media-generated image of wealthy folks, the average net farm income in North Dakota is $20,000 a year. I know that is hard to believe when one sees portrayed over the media these images of wealthy farmers who are farming the mailbox.

Mr. President, that is not the way it is. I come from North Dakota. I go across the State of North Dakota, through cities and towns, visiting farmsteads. I get a chance to see what the condition is in rural America.

The hard reality is that the average farmer in my State is earning $20,000 a year. They have strong families. Farming is a family business. They raise good children; children that grow up with a strong work ethic, a good education, and good values.

But those children rarely come back to farm because they do not see a future in it. They do not see a good opportunity. They do not see a secure and profitable profession. They see a struggle. They see a struggle to raise a good crop, a struggle to withstand low prices, a struggle to persevere through hail, drought, or flood.

They watch their parents struggle and they ask why.

Mr. President, I think we find farm families staying on the land not because it makes sense financially, because the rate of return for agriculture is as low as any industry one can find. I believe they stay with it because it is a way of life.

What will the cuts that some people are suggesting do to this way of life? In North Dakota, the effect would be dramatic. According to USDA statistics, in 1993, farm program payments represented 82 percent of net farm income—82 percent of net farm income represented by Federal farm program payments. Nationally, startling statistics from the U.S. Department of Agriculture provide a clear picture of what is happening on the farm. Let me quote:

> * * * recently, entry has fallen fastest for farms operated by those under 35.

They go on to say:

> * * * the most noticeable change in the 1992 census (of Agriculture) was among 35-to-44 year-old farmers. Farm exits for this age group increased * * *

What does this tell us? It tells us that farming is not an economically attractive business. It is high risk, not high income.

Again, according to USDA:

> Approximately 90 percent of all farm operator households received some income from off-farm sources.

If farming were such a profitable business, far fewer households would have to search for alternative sources of income to meet their needs.

Finally, the difference between the Consumer Price Index and the prices received for farm commodities clearly portrays the pressure that farmers face.

Mr. President, this chart shows the farmers' financial squeeze. The Consumer Price Index rises much faster than farm prices. This chart shows from 1982 to 1993 the relationship between the Consumer Price Index, the prices that farmers pay for things, and farm prices, the prices that farmers get. This chart tells us a very clear story:

From 1982 to 1993, the red line shows farm prices. It has been relatively stable. The blue line shows what has happened to the Consumer Price Index. It has risen each and every year on a steady course. So the gap between what farmers pay and the prices they receive has steadily grown.

Farmers are being squeezed by low farm prices and rising costs. Further, agricultural program cuts will damage rural America in profound and irreversible ways. At a time when we need sustained economic growth in both rural and urban areas, the needs of rural America cannot be ignored. It would be flawed economic policy.

In conclusion, let me restate why we need to maintain our agriculture policy. First, agriculture programs are the foundation for our international competitiveness. Without them, we unilaterally disarm in the world trade battle. That would harm American farmers, eliminate American jobs and threaten America's economic security.

Second, agriculture programs are insurance policies for consumers. Without farm programs, consumers lose security over a basic human need: Food.

Finally, agriculture is a fundamentally different form of business. To work properly, it must maintain a reserve, but that reserve depresses prices for farmers and benefits consumers. Because of agriculture's differences, farm programs are essential.

We as a nation have maintained an agriculture policy for decades to protect producers and consumers. This is not blind generosity. This is not aimless policymaking. This is not luck. Those who seek to destroy the farm program must demonstrate why their way is right for America. The burden of proof is on them. I think the facts prove they are dead wrong.

Our agriculture policy works. We have proof that it works. We must not destroy a program that is proven to deliver an abundance of low-cost, high-quality food. We must not destroy a program that has made America the world leader in agriculture. We must not destroy a program that has worked. We must not unilaterally disarm.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, is leader's time reserved?

The PRESIDING OFFICER. It has been reserved.

TRIBUTE TO JOHN WHITE

Mr. DOLE. Mr. President, the official State motto of Texas is just one word. And that word is "Friendship."

That word was also the motto of John White, one of the great sons of Texas, who passed away on Friday.

John was a Democrat through and through. But John knew that partisanship is not as important as friendship. He knew that partisanship is not as important as decency. And he knew that partisanship is not as important as patriotism.

Friendship. Decency. Patriotism. These were the hallmarks of John White's career in public service. It was a career that saw him serve for over a quarter of a century as Texas Agriculture Commissioner, as Deputy Secretary of the U.S. Department of Agriculture, and as Chairman of the Democrat National Committee.

But John's influence extended far beyond the jobs he held. Former Congressman Jake Pickle said,

> John was a small-town man who grew into national prominence because he had a lot of just plain common sense.

Almost from the day he arrived in Washington, Presidents, Senators, Congressmen, and countless others called upon John for counsel and for common sense.

And no matter how busy he was, John always answered the call.

Mr. President, I know that all Members of the Senate who had the privilege to know John, join with me in extending our sympathies to his wife, Nellie, and to his entire family.

TRIBUTE TO ROSE KENNEDY

Mr. DOLE. Mr. President, along with all Members of the Senate—and all Americans—I join today in mourning the passing of a true American treasure, Rose Fitzgerald Kennedy.

Services for Mrs. Kennedy will be held tomorrow in Boston, and our thoughts and prayers are with Senator KENNEDY and his entire family.

Rose Kennedy's remarkable life was full of hills and valleys. And through moments of triumph and tragedy, Rose Kennedy exhibited a seemingly endless supply of grace, grit, and courage.

There were two enduring principles at the center of Rose Kennedy's life. The first was love of family—and what a remarkable family it is. Over the past half-century, the Kennedy name has become synonymous with public service.

Indeed, during Rose Kennedy's life, she would see three of hers sons serve in the U.S. Senate—one of whom, of course, became President of the United States.

One daughter currently serves as Ambassador to Ireland; another is regarded as one of the great humanitarians of our time.

Two grandsons currently serve in the U.S. Congress; and just last week a granddaughter was sworn-in as Lieutenant Governor of Maryland, and a grandson became a member of the Maryland House of Delegates.

The other principle at the center of Rose Kennedy's life was love of God. And it was that love that enabled her to survive through the deaths of four of her children.

Many words will be written and spoken in the coming days about Rose Kennedy, but none will be more eloquent than those of our colleague, Senator EDWARD KENNEDY, who said, "She was the most beautiful rose of all."

ROSE KENNEDY

Mr. KEMPTHORNE. Mr. President, I want to join my voice with so many other voices in expressing sorrow at the loss of Rose Kennedy, a woman who epitomized, I think, strength and class and grace; and say to Senator KENNEDY and all the members of the Kennedy family that our thoughts and our prayers are with them as we celebrate the life of that remarkable woman.

THE PASSING OF GREATNESS

Mr. BYRD. Mr. President, as one of millions upon millions of Americans mourning today the passing of a great woman, I want to extend to our colleague Senator EDWARD KENNEDY from Massachusetts, and to his extended family, my wife Erma's and my condolences on the death yesterday of his mother, Mrs. Joseph P. Kennedy—Rose Fitzgerald Kennedy, as we knew her best.

Some Americans have expressed a regret that our representative democracy precludes the granting of titles of noble recognition as is common among our British cousins.

To be certain, if titles were granted in America to those most worthy, Rose Fitzgerald Kennedy would long, long ago have been known affectionately as "Lady Kennedy."

Indeed, given her innate intelligence, political acumen, and enviable sense of self, had Rose Kennedy been born perhaps 50 years later than she was, she might well have been the first United States Senator in her family.

Instead, being born 104 years ago, from her childhood and youth, Rose Kennedy imbibed the air of the politics of Boston, of Massachusetts, and of America, and learned to play magnificently the role of wife to her husband and mother to her sons and daughters as she brought her incomparable strengths and graces to bear on their successes.

Rose Kennedy's life spanned more than half the history of the Republic of the United States. For much of that history, Rose Kennedy was a frontline participant in the great events of our era, and in more than a peripheral fashion.

Where else in American history can be recorded that one woman was the wife of an Ambassador to the Court of St. James, the mother of an American President, the mother of three United States Senators, mother of the Attorney General of the United States.

And, perhaps, above all else, Rose Fitzgerald Kennedy will live on in the hearts and memories of untold millions of Americans who witnessed her fortitude and faith in the face of pitiless tragedy in the loss of three of her sons in the service of our country—her son Joe, Jr., in World War II, and her sons John and Robert to the mindless hatred of the previously nameless assassins on whom infamy will forever rest through the sins against our country and history itself that they committed in murdering these two outstanding men.

Mr. President, I hope that the members of the Kennedy family will experience some degree of comfort in the condolences that we offer them today, and, more importantly, that the Kennedy family will find increased strength in consolation in recalling the strength and character that Rose Kennedy embodied and in realizing the affection and reverence in which she was held by the American people and by people around the world.

Let Fate do her worst, there are relics of joy,
Bright dreams of the past, which she cannot
 destroy;
Which come, in the night-time of sorrow and
 care,
And bring back the features that joy used to
 wear.
Long, long be my heart with such memories
 filled!
Like the vase in which roses have once been
 distilled,—
You may break, you may shatter the vase, if
 you will,
But the scent of the roses will hang round it
 still.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to compliment the Senator from West Virginia for a beautiful tribute to a remarkable woman. I know that will be of great, soothing comfort to the family.

I think on behalf of many people, I say how much we appreciate the tribute.

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I, too, would like to associate myself with the remarks of the Senator from West Virginia. It is hard to believe that Rose Kennedy in her 104 years comes close to encompassing almost half the time period that this country has been in existence—a little short of that, but not very much.

It has been my pleasure to know her from some years ago. I have not see her in recent years, but we were visitors with the Kennedy family on a number of occasions years ago when she was there. We got to know her as a very gracious lady.

I think Senator BYRD has very properly given the accolades that he has, that she has so well deserved. And I associate myself with his remarks at this time.

Mr. BYRD. Mr. President, I thank the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Rhode Island.

ROSE FITZGERALD KENNEDY

Mr. PELL. Mr. President, I wish to extend my wife's and my deepest sympathy to our colleague, the senior Senator from Massachusetts [Mr. KENNEDY], on the death of his mother, Rose Fitzgerald Kennedy. I extend condolences also to two of her grandsons, my Rhode Island colleague Representatives PATRICK KENNEDY and Representative JOSEPH KENNEDY of Massachusetts.

No other woman in American history can match the distinction of Rose Kennedy in nurturing progeny for distinguished service to the Nation. Three sons who became U.S. Senators, one of them a President, and now in the next generation two grandsons in the House of Representatives, a granddaughter who is a Lieutenant Governor, and another grandson in a State legislature.

History will look back in wonder and admiration at such a family and especially at the woman who instilled it with so much vitality and high sense of purpose.

Rose Kennedy was privileged to savor the highest of life's triumphs but she also had to bear the burdens of tragedy of almost unbearable weight. Where lesser mortals would have been crushed by such adversity, Rose Kennedy remarkably kept on course, guided, as it were by some strong inner compass.

We know now that the compass was steadied by her own great faith and religious commitment, and that these were the sure cornerstones on which she built her extraordinary family.

Rose Kennedy left a legacy like no other to the Nation, and the Nation will always be grateful.

Mr. President, there is only one other woman in history that comes anywhere near Rose Kennedy, in my memory or in my view. That is the mother of Napoleon, Madam Le Mere. She ruled the known world at the time, most of Europe and the countries there. And she, herself, gave her imprimatur to all kings and queens and rulers around Europe.

I send all my sympathy to Senator KENNEDY.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The legislative clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCERN OVER MEXICAN DEBT

Mr. PRESSLER. Mr. President, I would like to rise to say a few words about the Mexican debt situation and about our relationship with Mexico. I have been very troubled that our leadership has agreed to support this loan guarantee package with Mexico without further analysis.

There are two things that give me great trouble, and as a member of the Finance Committee I will be asking some very hard questions. First of all, why can we not get this package collateralized? Why can it not be attached either to the Mexican oil resources or to some other collateral, because I am afraid the American people may not get their money back.

Many who are advocating this are going around saying it will not cost us anything. But I have been in this body since 1978, and the House since 1975, and I have heard this again and again, and the U.S. taxpayers frequently end up paying the bill.

The second thing that troubles me a great deal is the Chile example. Economists tell me that the example of what happened in Chile in the early 1980's is almost perfectly analogous to what is happening in Mexico. For example, in Chile in the early 1980's they had a similar economic crisis where their money had been devalued and Chile was unable to get any assistance from the United States at that time because General Pinochet, the dictator, was not approved by the United States and the United States had cut off all aid and even economic relations with Chile so Chile had nowhere to turn.

Under General Pinochet's leadership Chile made economic reforms. They tightened their belt, they went through the steps necessary to restore their economic health internally, and today Chile is one of the most prosperous and booming countries in the world. Indeed, Chile is emerging like one of the supereconomies that we have seen emerge in Asia. Chile is the first such supereconomy of South America. And Chile now seeks to join in a trade agreement with the United States. Its businesses are competing around the world.

If we roll history back and imagine that in the early 1980's Chile had been a democracy and we had been giving aid to Chile, we would have given Chile a series of loan guarantees and aid and Chile would not have made the necessary economic reforms. And Chile would probably still be a struggling Third World country today.

So I say the same is true with Mexico at this time, 1995. Mexico has not taken many of the strong measures necessary. I had great hopes for the last Salinas government. It seemed, as it got toward the end of that time, Mexico, and the PRC, in wanting to win the election, took softer and softer economic policies, devaluing, trying to create artificial wealth, printing money, and doing all the things they are not supposed to do in terms of sound economic decisions.

Now should the American taxpayers be asked to pay for that? Once again we are in one of these circumstances where a lot of aid would be going to some of our large bond funds and banks in the United States. Mutual bond fund types who bought a lot of the Mexican paper would be bailed out. We would be bailing out a lot of our own mutual bond funds, banks and others.

We are also bailing out the Mexican politicians who did not make the right decisions and the hard decisions, who did not tell their people the truth in their speeches as they went about Mexico. But the worst part of the whole thing is, aside from bailing out private groups who maybe do not deserve it, the worst of all is that we may well be delaying real reform in Mexico. Would it not be better to let 6 months or 1 year pass and observe that Mexico is taking some of those tough economic measures? Why do we have to act on this so quickly?

I think Mexico should be required to make internal economic reforms and also to collateralize the loan guarantee. The Mexicans refuse to sell their publicly owned oil fields and oil industry, which was nationalized at one point. It is a socialistic endeavor and a very unhealthy one in terms of what it produces for Mexico. Here we are, a free-enterprise country, giving a noncollateralized guarantee to Mexico while not requiring them to sell their oil industry. The economists tell me if they were willing to privatize their oil industry, they could have far in excess of the billions of dollars they are seeking from the United States.

So in closing I would like to say, let us call this what it is. It is a bailout. There are many arguments that are made—the specter of refugees coming across the border, et cetera, et cetera. But we are going to have the same problem again in 2 or 3 years unless Mexico makes the economic reforms that are necessary. Let us look at the Chile example, the example of a country that made the reforms, did not get any aid from anybody, and is one of the healthiest countries in the world today.

In terms of foreign aid, I have observed over the years the countries that have developed the most economically in the world have been those that have not received economic aid from the United States—with one or two exceptions. All the tigers of the Far East did not receive aid packages from the United States. They did it themselves. Many of the countries that we have consistently given foreign aid to have faltered, have not made internal decisions, have expected a handout, and have remained very, very poor. So we have not done these poor people a favor. As Chile, when they needed help and they were looking for international grants and aid—nobody gave it to them. They have become the most prosperous country in South America as a result of it.

So I think there is something to be learned here. I know it may sound harsh. Maybe it sounds cold and calculating. But if we really want to help people, sometimes we should require they make reforms before we give them aid, or we should try to give them trade rather than aid. Also, I point out the huge budgetary deficit we have in our own country and the number of people we have in need of some kind of small business assistance here within the United States.

So, I have made it known to the leadership I was disappointed that both sides, both the President and Republican and Democratic leadership, endorsed this plan without further consulting and assessing the feelings of other Members of the Congress. As a member of the Finance Committee, I do not feel obligated to support this until I see much more collateralization, until I see much more performance on the part of the Mexicans in terms of getting their house in order, and until I see the American taxpayers reassured.

Recently I have been in on some debates about privatizing public broadcasting in this country, and I have been criticized for things I have never said. I find that privatizing sounds bad to some people inside the beltway. The fact of the matter is, there are ways that public television can make a great deal of money through programming rights, through working with regional communications companies, and through working with other communications companies. In terms of marketing the product that they have, they can make a lot of money and they can save the taxpayers money. But in the whole debate the taxpayer is almost forgotten.

So it is with the Mexican debt issue. Let us think about the taxpayers of this country as we consider the Mexican debt situation.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that?

Mr. PRESSLER. Yes.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayer.

Many politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress, which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Friday, January 20, 1994, the Federal debt stood—down to the penny—at exactly $4,796,537,934,595.60, or $18,207.74 per person.

Mr. President, it is important that all of us monitor, closely and constantly the incredible cost of merely paying the interest on this debt. Last year, the interest on the Federal debt totaled $190 billion.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

A TRIBUTE TO SEATTLE'S BRAVE FIREFIGHTERS

Mrs. MURRAY. Mr. President, 2 weeks ago, four Seattle firefighters died in the line of duty: Lt. Walter Kilgore, Lt. Gregory Shoemaker, and firefighters Randall Terlicker and James Brown. They are heroes in the truest sense of the word. Jon Gillis, president of the Seattle Firefighters Union, said these four men gave their lives for the noblest of causes, for the safety and protection of others. I join him in that sentiment.

In the midst of this tragedy, the community came together to pay homage to these fallen firefighters. But the pain of this loss extended beyond Seattle: More than 10,000 firefighters, police officers, paramedics, and citizens from across North America and from as far away as Australia, came to Seattle to honor these firefighters.

Too often, we fail to say thank you to these brave men and women who serve us as firefighters, police officers, and members of the Armed Forces. The professions they have chosen are full of risk. Seattle Mayor Norm Rice recently reminded us these guardians of our society play a special role, and, tragically, sometimes pay the ultimate price for their service. They are extraordinary individuals and make a real difference in our lives and in our communities. They are quiet heroes who deserve our respect, our admiration, and our gratitude.

Their families also share the hardships and pain that come along with these jobs. I know because one of my brothers is a firefighter in Tacoma, WA, and I can tell you the danger inherent in his job is felt by his immediate and extended family. I would like to take this opportunity to personally thank the men and women, and their families, who dedicate their lives to protecting our communities.

I am deeply saddened by the death of these four firefighters, and want to pay tribute to the sacrifice these extraordinary individuals have made. Lt. Walter Kilgore, Lt. Gregory Shoemaker, and firefighters Randall Terlicker and James Brown truly represent what is best about America.

ON THE LIFE OF MARIYAMA DOROTHY COLE

Mr. DODD. Mr. President, it is my great pleasure to take this opportunity to remark on the life of Mariyama Dorothy Cole, who passed away this month.

Mariyama, a resident of Windsor, was an inspiration and joy to her family and friends. She was Marie to all who knew her. Marie was a girl of unique and distinctive beauty, but it was her inner strength and serenity that were most remarkable.

To understand what made Marie a person so deserving of recognition one must know the awesome changes Marie helped inspire and the incredible perserverance she demonstrated on a daily basis.

Today, because of Marie, children in the State of Connecticut who have complex health care needs of disabilities are better able to live at home with their families. Mariyama and her family challenged existing policies that were contrary to family unification. She was instrumental in the passage of several pieces of legislation that will foster better services for families and children. She was the first child with special needs to attend totally inclusive classes in her hometown high school.

Throughout her 18 years of life, Marie gave more love and educated more people than most individuals do in two lifetimes. Mariyama's determination was mighty; her courage and fortitude fierce; her presence impossible to ignore. She asked for nothing and yet taught her family and friends how to give and share with others the love that overflowed from her.

Marie has left an indelible mark on my State. Thousands of children have already benefitted from Marie's life, and many more will benefit from her legacy.

MEDICAL EMERGENCY FOR SENATOR PATRICK LEAHY

Mr. DASCHLE. Mr. President, I would like to inform my colleagues that Senator LEAHY was not present for votes Thursday evening due to a family medical emergency. On behalf of the Senate, I extend our prayers to his entire family and our hopes that he will be able to resume his official duties very soon.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PELL. Mr. President, this year marks the 30 year anniversary of the establishment of the National Foundation on the Arts and the Humanities. In 1965 Senator Jacob Javits and I sponsored this legislation to foster the development of excellence in American art and culture. After a long and distinguished history of nurturing the arts in our Nation, the National Endowment for the Arts has in recent years become the subject of some controversy concerning the funding of certain works which many of our citizens consider offensive. In light of this, I would like to explain why I believe that the National Endowment for the Arts has been a tremendous boon to our Nation and should continue as a viable entity for the support of American culture.

Our Nation's Arts Endowment provides critical assistance for cultural works and presentations in music, theater, literature, dance, design arts, and folk arts around the country. This year, in my own State of Rhode Island, the Endowment provided funds to renovate painting and sculpture facilities in the Museum of Art at the Rhode Island School of Design, supported an after-school arts education program for minority neighborhood youth in the fourth and fifth grades, and funded the Trinity Repertory Theater, one of the Nation's premier theaters. In other areas, the NEA funded a Music in our Schools program in Providence and aided a folk arts apprenticeship program. Without this funding, Mr. President, many of these programs would simply not exist. In this context, I ask unanimous consent that these editorials from the Providence Journal and others from around the country in support of the National Endowment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Jan. 15, 1995]

WE NEED THE NEA

The Newt Congress has cast a cold eye on the National Endowment for the Arts, the federal agency that provides grants to arts organizations and individual artists.

As federal budget items go, the NEA is no behemoth. Its allotment this year is $167.4 million, nearly $3 million less than the endowment had to work with a year ago, and an annual outlay of roughly 65 cents for every man, woman and child in America. (When was the last time you could get into even a neighborhood puppet show at that price?) Compared with governments in most Western European nations, ours expends a pittance on art. And the NEA budget is dwarfed by the $9 billion Americans give privately to the arts each year.

Yet despite its modest draw on federal revenues, the NEA has for some time been a favorite target of some conservatives, who like to focus on the few projects they consider obscene, and an offense to family values, while ignoring the much greater sums that help keep small orchestras, ballet troupes and less controversial artists going.

In Rhode Island, $829,700 in NEA money went to 15 artists and arts groups in the fiscal year that ended last September. The bulk went to the Rhode Island Council on the Arts, which distributes support to a variety of projects. Other stipends went to four individual artists (in visual arts, dance, literature and translation), and to such groups as the Rhode Island Philharmonic, Trinity Repertory Theater, RISD, Brown and the Langston Hughes Center for the Arts.

Massachusetts, during the same cycle, garnered 153 grants worth $4.9 million.

A legitimate philosophical question lies beneath the often vituperative attacks on the NEA. That is, should the federal government play any role at all—however small—in supporting the arts? In an era of deficits and taxpayer discontent, the question has new urgency. Certainly no program should be shielded from a rigorous appraisal of cost-effectiveness; and all agencies must share in overdue federal fiscal discipline.

In the 1960s, when the NEA was conceived, the rationale seemed simple. Most popular forms of entertainment (movies; TV; recordings) paid for themselves. But what about the artistic and cultural experiences that many people had less contact with?

Who would make opera accessible to more than just the wealthy; assure that painters received training and a chance to paint; and help keep classical musicians playing? The government saw a role for itself in nourishing work that might not instantly withstand the judgment of the marketplace but might enrich culture over time.

Minus certain Cold War distortions, the rationale for subsidizing the arts was little different from that for supporting academic and scientific research. Not every American should have to agree with the worth of each individual project; it was the idea that the general category was a good to an advanced society.

But why not simply turn all of this over to the private sector—nonprofit institutions supported by business and individuals? First, such institutions are simply not equipped now to shoulder what for them would be such a heavy transfer of obligation. Many arts organizations would be left foundering during the interim. Additionally, federal arts dollars function as seed money, attracting extra financing from local governments and the private sector. The federal imprimatur lends legitimacy, and helps to guide private involvement. As a result, it is easier for artists and arts groups to raise the money they need than if they had to appeal solely to the private sector.

But finally, a federal arts program has important symbolic value. Merely by existing, it makes a statement about what we as a nation vlaue—in this case, something beyond getting and spending. If values truly are the fundamental crisis in this country, as conservatives suggest, eliminating the NEA would send exactly the wrong message. Congress should spare it.

[From The New York Times, Jan. 13, 1995]

DON'T AX FEDERAL SUPPORT FOR ART

The National Endowment for the Arts, now in its 30th year, has been a brilliant though sometimes controversial success. At a modest cost to the taxpayers, $167 million this year, it has helped channel private donations to an impressive variety of nonprofit arts institutions across the country. Institutions report that each dollar granted by the Endowment generates an average of $11 in matching private funds. As a result, many more Americans have been able to experience original art firsthand, and talented artists have been encouraged to pursue their work.

This is just what the Endowment was created to do. But now, for a variety of reasons, some conservative Republicans want to use their new Congressional majorities to cut off funds for the Endowment and shut it down. They should not be allowed to succeed.

The Endowment has some devoted conservative Republican defenders, for example Senators Orrin Hatch and Alan Simpson. But other conservatives remain ideologically opposed to public subsidies for the arts. Yet subsidies by governments and wealthy patrons are an ancient and necessary tradition. Even artists whose greatness has been acknowledged by posterity have had to struggle to support themselves during their lifetimes, particularly if their originality consisted in challenging received tastes. Enlightened societies all over the world recognize that there is a clear public interest in supporting such talents and to sustaining the traditions represented by museums, libraries, symphonies and dance, opera and theatrical companies and making them available to wider audiences.

This is a wise and historically validated role for governments. The real risk of government subsidies lies not in overgenerous use of the taxpayers' money but in the the potential for political interference or censorship. The Endowment's designers wisely guarded against this danger by leaving initial grant-making decisions to panels of people knowledgeable about the arts. The awards are then subject to two higher levels of expert review. Most grants are awarded not to individual artists or productions but to institutions with a good track record. But a good track record in the arts includes a willingness to take the occasional risks on a promising new or controversial talent.

It is these risks that have gotten the Endowment in trouble with demagogic politicians like Jesse Helms who will seize on provocative aspects of particular exhibits or performances put on by institutions receiving some Endowment support to caricature the whole of the Endowment's work. The most recent controversy, for example, centered on a bloodied paper towel flung by a performance artist, Ron Athey, at the Walker Arts Center in Minneapolis. The Endowment had awarded some $100,000 to the Walker to help support its entire season. The Walker in turn awarded about $150 of this money to Mr. Athey.

Not all great art is controversial and not all controversial art is great. But themes like eroticism, homosexuality and the provocative use of religious imagery that so upset the Endowment's critics have been entwined with great art for centuries. In recent years, the Endowment has tried to play it safe on these issues to appease its Congressional critics. But excessive caution shortchanges an important part of the Endowment's mission.

The zealous and small-minded are always willing to attack art and artists. But there is no reason to elevate their attacks to general Government policy. To do so would be a distortion of the mandate of the November election. To be blunt about it, prominent New York Republicans with ties to the city's extraordinary cultural institutions have an obligation to see that their more rambunctious members of Congress do not destroy the National Endowment for the Arts.

[From the Chicago Sun-Times, Jan. 13, 1995]

MAINTAIN SUBSIDIES TO SUPPORT THE ARTS

American voters say they want a leaner, more effective government. And like most federal programs, the National Endowment for the Arts could survive with less. But it would be a mistake to eliminate the NEA and its $167 million budget.

Attacking the NEA has become good symbolism for political conservatives. They believe the federal government has no business subsidizing the arts and they object to the choices the NEA makes in choosing which artists to subsidize.

We disagree on both counts. In our view, government can play a legitimate role in subsidizing the arts, and political disagreement over which artists to subsidize is both inevitable and worth it.

By any definition, the arts are important to the nation's quality of life. There is no evidence that self-interested consumers, corporations and foundations can adequately meet funding needs.

Since the NEA was founded in 1965, grants have been awarded to traditional as well as avant-garde artists. These grants often serve as vital seed money for artists, projects and arts organizations. For every $1 individual artists and groups get from the NEA another $11 in private donations is raised.

The arts also have positive economic impact. Museums, art galleries and theaters attract tourists and conventions. On an annual basis, the arts generate $37 billion in revenues, employ 1.3 million people and pay $3.4 billion in various taxes.

Eliminating federal subsidies also would cripple state and local arts programs which get 35 percent of their funds from the NEA. The Illinois Arts Council for example, will get $896,000 or 11.7 percent of its $7.6 million budget, from the NEA.

The world would not come to an end if the NEA were eliminated. But all that would be satisfied are the political aims of today's congressional leadership. In the real world, the federal government is running an annual budget deficit of $203 billion. Cutting $167 million for the arts would do much more harm than good.

[From the Wall Street Journal, Jan. 13, 1995]

SHUNNING THE YAHOO POINT OF VIEW

(By Raymond Sokolov)

As the new Congress starts to debate whether to zero out the pitifully small ($176 million) budget of the National Endowment for the Arts, everyone should take a look at the section of "Gulliver's Travels" where Gulliver visits the Houyhnhnms and the Yahoos. The Houyhnhnms are equine intellectuals, the Yahoos hairy, uncouth louts in human form. In our day, while the cultivated Houyhnhnms whinny and prance in futile protest, we are well on the road to becoming a nation of Yahoos.

Christina Jeffrey's appointment as historian of the House of Representatives was a warning. Speaker Gingrich was rewarding her because in 1993 she had supported his attempt to keep his course at Georgia's Kennesaw State College alive while other faculty there were protesting it as improperly contaminated with politics. But Ms. Jeffrey, an associate professor of political science, was not just a complaisant right-winger at a

Podunk college. She was already on record in 1986 denouncing a federal history program about genocide because it did not include the Nazi point of view on the Holocaust. When this statement resurfaced a few days ago, Speaker Gingrich said he hadn't connected Ms. Jeffrey with its author because she had used her maiden name back then (before he met her). So, to stem the tidal wave of furious public outrage, he up and canned the lady.

This flaplet raises several interesting questions, but the most interesting is, What kind of intellectual milieu could bring Speaker Gingrich and Ms. Jeffrey into contact as historians?

Wishing to believe in the good faith of all parties, I accept that the speaker did not know about the Nazi memo, that he agrees with the angry protesters, and that the intellectual milieu in Georgia where this odd couple found common cause is exactly the kind of unenlightened backwater in which the Holocaust can be blithely dismissed by a professional historian as a subject primarily of interest for religious discussion (as Ms. Jeffrey argued to the federal government).

Anyone who thinks that way is an unreconstructed anti-Semite, of course, but, worse still, such a person has managed to remain completely untouched by the overwhelming facts of history as they have been documented, discussed and accepted by historians and others in the overwhelming majority of mainstream America and the rest of the world. It is one thing to hate Jews. Any moral dwarf can do that. But it takes an especially ignorant and fact-resistant sort of historian to believe that there is a viable Nazi point of view on the subject.

But let's stop for a moment and try to take Ms. Jeffrey seriously. What would the Nazi point of view on the Holocaust be? Why obviously it would be a positive point of view. Unlike most of us who think the sadistic incineration of six million people because they had at least one Jewish grandparent was among the great crimes of history, the Nazis believed it was a great and necessary achievement. The Nazi point of view must have been that annihilating Jews was a social good for Nazi Germany and the world. And, on reflection, I agree with Ms. Jeffrey that any good course on the dynamics of genocide would have to include this point of view, expressed as vividly as possible with documents and photographs. This is actually the approach that the Holocaust Museum on the Mall in Washington takes, and it is an extremely effective method of discrediting the Nazi point of view.

The trouble with Ms. Jeffrey's point of view about the Nazi point of view is that she thinks the Nazi point of view has real merit worth airing in a classroom. Ms. Jeffrey has obviously not considered the unusual facts of the Nazi record, or she wasn't interested in them. She is therefore a historian outside history. She is a Yahoo.

Does that sound like the harrumph of a member of the cultural elite? I certainly hope so, because I think that the Jeffrey affair obliges people committed to the preservation of our heritage to defend the idea of cultural elitism against the Yahoos. If we who speak for culture retreat from the fray now, we really are an effete corps of impudent snobs, in Spiro Agnew's immortal phrase.

What we should be saying, as the fight for the National Endowment budgets and their survival begins, is that the arts are everybody's province, that their health is a matter of highest national interest.

Speaker Gingrich, no doubt trying to look like a non-Yahoo in an effort to assume presidential stature, recently expressed his admiration for the Metropolitan Museum of Art in New York and for Atlanta Opera. He should go further, if he wants to shake off the hairy mantle of Georgia Yahoo. He should put his (our) money where his mouth is.

Newt, get down and support the arts. Don't zero out the NEA budget. Increase it manyfold under wise and stringent supervision, to put our cultural heritage in museums, libraries and concert halls on a solid footing for the future. Help America join the rest of the world in making sure that the treasures of the past—and the arts education system that makes that possible—will prosper. Otherwise, we will all be provincial Yahoos with no point of view worth having.

[From the Atlanta Constitution, Jan. 10, 1995]

MAKING A CASE FOR THE ARTS

Chairwoman Jane Alexander of the National Endowment for the Arts believes House Speaker Newt Gingrich is crusading to abolish her agency—a sandbox for the cultural elite, he calls it—because he doesn't understand how it works.

And so, much in the same manner as first lady Hillary Clinton, Alexander has invited the Georgia Republican to a get-acquainted meeting to answer his questions and, she hopes, to dispel his misgivings.

The opportunity to enlighten is narrowing. The tentative date for hearings on reauthorizing the endowment is Jan. 20, and the 104th Congress is loaded with newcomers eager to cut government spending who look to Gingrich for guidance.

First, Alexander ought to disabuse Gingrich and his following of the misconception that a significant blow can be struck for deficit reduction with the demise of the endowment. As vital as its support is to needy arts groups, its budget—$167 million or about one ten-thousandth of all federal spending in fiscal '94—is minuscule by comparison with the billions in cuts required to restore fiscal sanity in Washington.

Second, Alexander needs to counter the fiction that the endowment is a plaything of the affluent and the avant-garde. True, some cultural colossi, like New York's Metropolitan Opera, receive funding from the endowment and have enough wealthy patrons that they might be weaned without great sacrifice. True, too, a few experimental artworks funded by the endowment have turned out to be highly offensive, but the chances of recurrences should be minimized thanks to new accountability procedures instituted by Alexander.

The point for Alexander to stress is that if the endowment were terminated, the real victims would be medium-size and smaller arts organizations scattered throughout the country, too little appreciated except in their own back yards. In Gingrich's bailiwick, that would include Marietta's splendid Theatre on the Square and by extension a host of Atlanta assets—the Symphony, the Opera, the Ballet, the Center for Puppetry Arts, the High Museum, the Alliance Theatre and so on.

What these institutions have managed to do ought to be celebrated by the GOP costcutters as a triumph of public-private partnerships—leveraging each dollar of endowment funding into $11 from private and other public sources. They are able to attract that support mainly because recognition by the endowment is widely viewed as a national seal of artistic merit.

There are other good reasons to save the endowment—its youth education mission, its anti-crime programs, even the beneficial economic spinoffs from the arts attractions it supports. But the clincher ought to focus on this generation's legacy to posterity.

John Boehner of Ohio, chairman of the House GOP conference, opposes the endowment because he calls it "living high off the hog and passing on the bills to our kids and grandkids." But what kind of country will our kids and grandkids inherit if the quality of our serious music, art and drama is diminished and concert halls, theaters and galleries go dark for want of the endowment's precious seed money?

No one disputes that the endowment must maximize its efficiency. But above all, the NEA deserves to survive.

[From the Washington Edition—Los Angeles Times, Jan. 11, 1995]

GOP HAS A SONG FOR NEA: TAPS—SOME CONGRESSIONAL REPUBLICANS SEEK TO ABOLISH FEDERAL ARTS ENDOWMENT

What kind of art should our hard-earned tax dollars go to support, traditional American folk art or sexually explicit avant-garde art? "Neither," the new Republican majority in the House seems poised to answer. That's a shame.

Two years ago, the arts-funding question was shaped by the scandal of Andres Serrano's "Piss Christ," Robert Mapplethorpe's homoerotic photographs and Karen Finley's nude performance art, all of which had enjoyed some degree of support from the National Endowment for the Arts. But even though the Supreme Court struck down a "decency clause" that the NEA imposed under pressure, the entire controversy subsided as the federal agency, under the leadership of Jane Alexander, simply exercised better discretion in selecting artworks to endow.

This year, however, the philosophical ground has shifted. The House Republican leadership wants to abolish the NEA on principle. Its claim, a familiar conservative one, is that, in the words of House Majority Leader Dick Armey (R–Tex.), "there is no constitutional authority for this agency to exist." This year, as a result, federal funding for all art is in equal jeopardy, including funding for such mainstream, old-fashioned arts festivals as "Masters of the Folk Violin" and "Masters of the Steel String Guitar," both sponsored by the National Council for Traditional Arts.

Plain-folks art does not cost as much money as fancy-folks art. Putting together an evening of "Sacred Harp Singing," another NCTA effort, or the annual "Cowboy Poetry Gathering" does not cost as much as mounting a great classical ballet. But it doesn't come free, either, and the NEA has spent much of its modest appropriation as seed money: small matching grants and other sensible efforts to help groups like the NCTA, Chicago's Old Town School of Folk Music and Los Angeles' Craft and Folk Art Museum find their way to private support.

The argument that there is no constitutional authority for an educational agency such as the NEA rests on the truth that the Constitution makes no provision for public education of any kind. If from that fact we must infer that there can be no funding for an arts endowment, then there can also be none for a National Endowment for the Humanities, a National Science Foundation or any other federal initiative in higher education.

Armey and the Republican majority can argue against funding the NEA even if the constitutional authority for the agency exists. But if and when they do so, we hope they will not pretend that only a wealthy elite has been served by the NEA, for the opposite is the case. Through the NEA, the spirits of millions of ordinary Americans have been lifted through the traditional craft, song and story of their native land. Those Americans will be spiritually poorer, and the American tradition weaker, if the budget line of the NEA is spitefully reduced to zero.

[From the Boston Globe, Dec. 17, 1994]

AMERICA'S ART AND SOUL

Conservatives looking for Government fat to trim say they can't wait to take a cleaver to the National Endowment for the Arts—That naughty, left-wing frill in the federal budget. They should look and think before they chop, because the NEA is hardly a luxury. It's American bedrock, as solid as the summer concerts on the town green, or dance programs at the local high school, or the puppet shows at the community center.

While the NEA has hit the headlines for controversies, most notably the funding for photographer Robert Mapplethorpe, the endowment's primary business is supporting family-oriented entertainment, about which it has received little publicity since it was founded in 1965.

In Boston the NEA money goes to such places as the Handel and Haydn Society, the Berklee College of Music, the Huntington Theater Company, the Boston Ballet, the Chinese Culture Institute, the Boston Center for the Arts and Boston Dance Umbrella, to name a few. The list reflects a national portrait of community involvement and grassroots culture that is as vitial to a country's strength as the defense budget or a jobs program.

The NEA's budget is $167 million—approximately 65 cents for every American. This investment provides 5,000 grants, which put up seed money to be matched by local funding. It also stimulates the economy, for the arts put 3.2 million people to work and provide $3.4 billion in federal income taxes. According to the NEA one study showed that the arts generated $37 billion to local businesses around the country.

A wise investment, not only for the psyche but also for the bottom line. Members of Congress eager to wield the axe should consider the real work and economics of the NEA rather than the aberrations that have made news. Since 1965 it has provided 11,000 individual artists with fellowships—42 Pulitzer Prize winners, 47 MacArthur grant recipients and 28 National Book Awards authors. The grants came to people as they were struggling to create their art. A country that fails to encourage this loses its genius and its soul.

Mr. PELL. Mr. President, I fully understand that many Americans are troubled when they hear of works distasteful to them that are funded in part with their tax dollars. Nevertheless, while the Endowment has awarded well over 100,000 grants, fewer than 40 have resulted in any controversy whatsoever—a success rate of 99.96 percent. Over the last year Chairman Jane Alexander has instituted a series of most valuable changes in the agency's procedures. The agency will no longer accept applications from organizations, other than the State arts councils, which subgrant Endowment funds out to other projects. In addition, the Endowment will now require that progress reports be submitted before the release of the final third of a grant award. Permission from the agency will be necessary before a grantee can modify its activities from those approved by the Endowment. These changes give the chairman greater oversight over Endowment grants and I believe they will go a long way toward addressing the concerns of many of our citizens.

Chairman Jane Alexander has increased the Endowment's focus on rural communities and the inner cities. The Underserved Communities Program grants $8.7 million specifically to broaden public access to the arts. Even the very limited funds appropriated for the Endowment help keep ticket prices reasonable, thus enabling lower income citizens, young people, the elderly, and the disabled to gain access to our common culture.

Nothing could be further from the truth than the suggestion that support for the arts provided by the National Endowment constitutes a subsidy for the wealthy. One of the primary missions of the Arts Endowment has been to encourage the spread of American culture beyond those individuals, communities, and regions affluent enough to afford it on their own. Uncharacteristically among Federal programs, Endowment dollars multiply and foster national support for the arts. Yearly Endowment grants draw matching grants of approximately $1.4 billion from private, State, and local patrons. Thus, before the National Endowment for the Arts came into existence, there were only 22 professional theaters in the entire country and 1 million people attended each year. Today, our Nation boasts 420 and 55 million attend. There were 58 orchestras before the agency, today, there are over a 1,000. Fifteen million more Americans attend symphony performances each year.

I think it is rather unfair to our citizens for some individuals to assert that only wealthy Americans are interested in the development of the arts. I firmly believe and the evidence supports the fact that Americans from every walk of life, from every economic level, strongly desire and seek access to cultural events in their communities for themselves and for their children. The National Endowment for the Arts is a testament to the continuing development of our unique culture, to our enduring faith in our own creativity and to our world leadership in artistic achievement.

From an economic point of view, the dollars sent by the Arts Endowment to communities around the Nation have been an extraordinarily successful investment. For every dollar the Endowment invests, there is created a tenfold return in jobs, services, and contracts. The arts fostered by the National Endowment encourage national and international tourism, attract and retain businesses in our communities, stimulate real estate development, increase production of exportable copyrighted materials and contribute to the tax base. Governors and mayors from around the country can attest to the manner in which Endowment-supported projects have breathed new life into the downtown areas of their towns and cities. New businesses and tourists congregate in those areas which have a developed cultural life. San Antonio, TX; Cleveland, OH; Greenville, MS; Oklahoma City, OK; and Birmingham, AL are among the cities whose studies have shown the enormous economic contribution of the arts.

Mr. President, every parent knows that the arts are crucial in our school curricula because they teach young people creativity, increase self-discipline, and are a critical means of passing on an understanding of American culture and civilization to the next generation. Study of even a single artistic discipline is of immense value to a child, who may go on to become an avid amateur or patron. Last year, the Arts in Education Program distributed millions of dollars in partnership grants to the States to pay for artist residencies in schools and art teacher training.

I am most gratified that Chairman KASSEBAUM and Chairman JEFFORDS will be holding hearings over the next few weeks on authorization of the Endowments. I urge my colleagues on both sides of the aisle to share with those of us on the committee their concerns and ideas so that we can work together to shape the Endowment's future role in our society as effectively as possible. This tiny investment in our Nation's culture makes a statement to ourselves and to the world that we view the development of American culture and its availability to our citizens as of significant importance. We must not become the only Western industrialized nation to declare that our Government cares nothing for the development of our culture. National support for the arts fosters the creation of community—locally and on the national level. Regardless of our differences of wealth, race, religion, and political belief, our cultural development binds us together, develops our character as Americans, and establishes our common heritage. As President John F. Kennedy once said:

> Art and the encouragement of art is political in the most profound sense, not as a weapon in the struggle, but as an instrument of understanding the futility of the struggle between those who share man's faith. Aeschylus and Plato are remembered today long after the triumphs of imperial Athens are gone. I am certain that after the dust of centuries has passed over our cities, we too will be remembered not for victories or defeats in battle or politics, but for our contributions to the human spirit.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I look forward to the beginning of this week and beginning debate on S. 1, our efforts to curb these unfunded Federal mandates.

I have comments I would like to make which give an overview of the bill itself, what an unfunded mandate is, a couple of examples, why we are now on our sixth day of debate, what has transpired to this point, and what is the likelihood as we proceed.

Mr. President, because the Senator from Oregon has a time constraint, I would like to yield so the Senator from Oregon could make his comments on S. 1 and following that then I would like to give the overview of this legislation.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President. I am speaking today as a supporter and original cosponsor of the Unfunded Mandate Reform Act of 1995. I feel very strongly that this legislation before us strikes a balance between the Federal Government's responsibilities: First, to acknowledge the burden that unfunded mandates have on State and local governments, and, second, to ensure the rights of all persons contained in the U.S. Constitution are protected.

The Federal Government has imposed over 170 unfunded laws on State and local governments which have resulted in thousands of unfunded Federal regulations. The Federal Government has not viewed itself as dependent on State and local governments in the past two decades.

I want to underscore that point, Mr. President, because we have been talking about dollar obligations that are involved in these unfunded mandates. But much of that is because of the thousands of regulations that follow these mandates. In fact, it has been estimated that perhaps as much as $500 billion is expended each year to administer at the Federal, State, and local levels mandates initiated and adopted by the Federal Government.

The major policies of the Federal Government have reflected a Washington D.C.-based arrogance; "we"—"we" the Federal legislators and "we" the bureaucrats—know best how to solve the problems of the country. In many respects, the Federal Government has overstepped its bounds in its relationship with State and local governments, and the intergovernmental system has ceased to function. This problem became very clear over the recent debate over health care. Washington believed it could prescribe a solution with a single piece of legislation. This approach was not the answer to health care problems and it is not the answer to any issue that requires intergovernmental cooperation.

I have received numerous letters from national organizations praising this legislation for making the decisionmaking process for future Federal proposals and regulations more open, accountable, and informed. The number of letters and the diversity of groups which have written in support of this legislation speak to its importance to our Nation.

More importantly, this national support is joined by hundreds of letters of endorsement from local governments throughout the State of Oregon. In the past few years, officials from local governments have written to me about the problems that unfunded mandates pose for Oregon communities. While the letters ask for support of mandate relief, they also note the need for Congress to make more informed decisions related to mandates for State and local governments. The Unfunded Mandate Reform Act of 1995 addresses both of those issues.

My support for this legislation does not mean I will turn my back on my responsibility to uphold the Constitution to ensure all persons are treated equally in this country or protected from health and safety risks, and, of course, civil rights. We must not forget what good the Congress has done for people throughout history, including passing civil rights laws, voting rights laws, and ensuring the rights of the disabled through the Americans With Disabilities Act. Some—and I would say probably most—may view these bills as unfunded mandates, technically. I view them as the Federal Government playing its proper role in ensuring persons that their rights, their constitutional rights and their civil rights, as guaranteed under the Constitution prevail.

We must also remember that the same Federal Government which has mandated certain actions in the past, is also ready to help citizens who have suffered enormous loses in the recent flooding in the State of California and earthquakes in California. It was not so long ago that my State was hit with an earthquake which caused severe damage—and that same Federal Government provided relief and assistance to literally thousands of people in need. The Federal Government does have an important role to play in this country, and we should not dismiss it lightly.

Mr. President, while the Unfunded Mandate Reform Act looks into the future at new unfunded mandates, it does not look back at the current regulatory burdens that are imposed on State and local governments in addressing the needs of their citizens. We must look back as well as forward, and that is why I introduced S. 88, the Local Empowerment and Flexibility Act of 1995, on the first day of this Congress. The need to provide flexibility to local and State governments is enormous, and that is why I submit S. 88 as an amendment to the unfunded mandates bill before us.

AMENDMENT NO. 181

(Purpose: To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 181.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATFIELD. Mr. President, the Local Empowerment and Flexibility Act is designed to create a new spirit of cooperation among Federal, State, and local governments. It is important to remember that the solution to the problems in our intergovernmental system is a recognition that all of our bodies of government—Federal, State, local, and school districts—are interdependent. Each part of our system brings special talents, special skills, and special needs to the service of the people of the United States. It is time to transform the Federal-State-local relationship. This transformation must build on the strengths of all of the different governments in our country and must be based on trust, cooperation, and flexibility.

The Local Empowerment and Flexibility Act will lead to strategic and realistic decentralization and deconcentration of power throughout the Government. The idea behind this legislation has four key aspects.

First, different governments of this Nation have different strengths. The Federal Government does two things well: Effectively establishing broad goals that tie us together as a Nation; and achieving certain economies of scale which cannot be attained at the local level. The Federal Government often forgets that local governments bring a great deal of resources to the table. Perhaps the greatest strength is that States and local governments are innovators. Local and State governments have demonstrated again and again that they find the most creative ways to tackle problems in solutions that fit the local context. This legislation recognizes the fundamental interdependence of governments and builds on the strengths of all governments that deliver services.

I might note that many of our national laws that we feel today perhaps even originated at the national level did not do so. They were tried. They were experimented with. They were created by local governments at the State level, particularly Social Security, unemployment compensation, industrial accident compensation, and civil rights. Many of these things were tried at the local level as part of the creative nature of our federalism, our whole idea of federalism.

Second, the Local Empowerment and Flexibility Act will not only permit variation in how local governments meet national goals, but will encourage solutions that best fit the local context. Federal laws and regulations have tended to treat every area of the country the same. Universal requirements force Congress to legislate to the lowest common denominator, and consequently, few governments perform to their full capability.

We are penalizing the progressive States like my own State in order to find that common denominator. We all strive to meet the average instead of to excel. Politically, socially, structurally, local and State governments are very different from one another. Why should the Federal Government declare that citizens in Oregon have the same needs as people in Florida, Kansas, or Maine? Adding flexibility to the Federal-State relationship will encourage local governments to find solutions that fit the local context. In addition, providing flexibility will eliminate regulations that force local governments to solve problems that they do not have.

Third, this legislation will create a new system of accountability. Currently, the Federal Government holds State and local governments accountable through regulation, procedures, and paperwork. The existing accountability structure is very good at determining where Federal money is spent, but it tells us very little about whether we are actually achieving results. Hundreds of hours and dollars are invested in complying with these regulations, and the investment in bureaucratic processes does nothing to improve the quality of services that we deliver to citizens. Moreover, our current structure of accountability has made us very responsive to each other. That is, we are responsive bureaucrat to bureaucrat at all levels of our government, rather than to the people who we serve. We need to reorient our system of government and to view taxpayers as investors and our citizens as customers.

Fourth, we must help retool all new governments for this new relationship. We need to reequip our Nation's governments to function in a new, cooperative environment. The Federal bureaucracies need to recreate the ability to listen to local governments. In the 1980's, we witnessed the destruction of the intergovernmental affairs offices at most Federal agencies. They were supposed to be the focal point of cooperation, of listening. The Federal Government must actively solicit and use the ideas and experience of State and local governments.

I believe these two bills, Senate bills No. 1 and No. 88, strive to accomplish many of the same goals, including better informing the legislative process in Congress, stressing the need for flexibility for State and local governments to better meet the needs of the people they serve in an efficient and effective manner, and making it a goal that the Federal Government actively seek out and consult with State and local governments through the legislative process.

Mr. President, I commend those who have worked so diligently in bringing this legislation before us, especially the author, Senator KEMPTHORNE of Idaho. It is important that the balance contained in this legislation I alluded to earlier be kept intact. It is equally important that we pass this legislation.

As it is not my intention to bog down this important bill, I want to indicate that at a particular moment in time I will withdraw my amendment. I will, however, pursue action on Senate bill No. 88 at the earliest opportunity. I am very hopeful that I can get the ear and the attention of the Governmental Affairs Committee. I will personally visit with Senator ROTH, the chairman of that committee, and the ranking member, in order to get some assurance that this proposal, which has had its experience proven by the experience in my State of Oregon.

I thank the Chair and yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to commend the Senator from Oregon [Mr. HATFIELD], for the common sense and wisdom of what he just stated. I know in our case, in Idaho, we know that Atlanta, ID, of a few hundred people is quite different from Atlanta, GA, of a million people. We have to have flexibility. The requirements have to fit. I have met with Senator HATFIELD in his office and discussed the proposal and I was taken by the common sense of it, and by the enthusiasm by which he is proceeding with this. Again, I thank the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we now have before us Senate bill No. 1, our efforts to curb unfunded Federal mandates.

This begins now the sixth day of debate on this bill. During the course of the debate, we had concerns that were expressed because committee reports were not available. That has been rectified. So all Members of the Senate now have committee reports in their possession, which they have had the opportunity to read. It is, through the process, necessary for us to deal with any committee amendments that were added in through either the Governmental Affairs Committee or the Budget Committee. We have taken those. Whereas, in some instances, committee amendments will be agreed to, en bloc, with this particular bill, it was necessary because of concerns expressed by Members of the Senate that we take them one at a time. We have now dealt with all of those committee amendments, so that we now have the actual language of the bill before us and we can begin discussing the amendments that Members of the Senate would like to suggest be made part of this bill. There are something like 60 amendments that we have been notified may be brought forward.

We talk about an unfunded mandate, but what does that really mean? Well, the definition is that it is an enforced, nonvoluntary duty imposed by the Federal Government on State and local governments, tribal governments, or the private sector. Enforced, nonvoluntary.

In doing that, the Federal Government has not followed the practice of providing the funds to carry out those responsibilities of those new Federal programs. The reality is that it precludes State and local officials from being able to set their own priorities. Again, as a former mayor, I know when we would begin a new year and talk about our priorities, we knew full well that those priorities that we thought were important at the local level would be impacted by what the Federal Government then sent down as an unfunded Federal mandate saying, "You will do this." You do not have a choice and you will provide the funds to do it. Oftentimes, cities and counties, for example, have no recourse but to use local property taxes to pay for these unfunded Federal programs.

It is estimated that anywhere between 10 and 15 percent of a local community's budget right off the top goes to pay for the Federal programs. At the State level, I have heard numbers as high as 25 and 35 percent right off the top that must go to pay for these Federal mandates. What are the costs of these mandates? Well, I think the American public has now come to realize that while we have practiced the imposition of these unfunded mandates, Congress has not been required to ask before making a decision, "How much do these cost?" They are multimillion and multibillion dollars in size and, yet, our practice has been that someone might ask as we are voting during that 15-minute period, "Does there happen to be a mandate in here and does anybody have an idea as to how much it might be?" because it was not required.

I find it amazing because I cannot think of businesses or many other entities that can make multimillion-dollar decisions and not know the impact or dollar amount before they make those decisions. So, really, these take on the nature of a hidden Federal tax paid for by local property taxes. In Moscow, ID, it was pointed out that during 1994, local property taxes and user fees went up 73.5 percent because of unfunded Federal mandates; a 73-percent increase. In Boise, ID, at a water treatment facility it was determined by the Federal Government that the standards needed to be adjusted. In order to do that, it required that that treatment facility had to be reconstructed at a cost of $15.5 million. Now, that cost of the reconstruction was not done because of any health risk, because of any increase in customer load, and was not done for any greater efficiency for the delivery of water; it was done because a Federal standard was adjusted. And so the ratepayers had a 30-percent rate increase.

From Kooskia, ID, which is a community of just a few hundred people, I received this letter the other day from Inge Stickney, who is the mayor of Kooskia, ID. She started off by saying:

> On C-SPAN today, I listened to you as did a lot of my neighbors. Many phone calls later, all of us agreed that you served us and the State of Idaho very well today.
>
> The unfunded mandates are not only an impossible burden for all of us to carry, most of them are senseless.
>
> Nobody wants to cut down the last tree, we all want clean air and good, clear water. Reality is that more and more people are going to require that much more of those precious resources. No amount of preservation will save this planet for humankind until we face the facts, all of which you well know.
>
> I am mayor of Kooskia, a small logging town in Idaho county. It is of the greatest concern to me to where we are headed in the 21st century. Our small town has spent thousands of dollars on water tests which do not reflect our geological area. With our revenue declining, we struggle to be in compliance with State and Federal laws, some of which make no sense and cost too much.
>
> As a private small trailer court owner, I am facing the loss of a business which was supposed to see us through our older years. I am 68 years young now. I cannot afford water testing costs in excess of thousands of dollars yearly. We have 15 trailer spaces and three one-bedroom apartments. We charge $50 per trailer space and $125 for the apartments. Most of our renters have been there for many years. They are old people who live on a monthly income averaging below $500 per month. We do not make enough money off this small court to pay for the expensive tests. We have an excellent well with beautifully clean water, never had trouble with the well water. The EDQ people told me to raise the rent. Well, for our renters, even $5 more a month is a problem. The EDQ people told me to sell * * *, well, where will those people go?
>
> Because we have another income, we have chosen to maintain status quo for now. We are willing to do everything we can to comply with all laws, as long as we can afford it.

I think this drives the point home, Mr. President. In Kooskia, ID, a small business operator who happens to be the mayor of Kooskia, with a trailer community of 15 trailers, and some people in Government are saying, "Well, if you can't afford it, then you should sell." Well, if Inge sells, the next owner is going to have to raise the cost of the rental on those trailer spaces and then, really, these people that live there and have lived there for years, many of whom are retired loggers and farmers, will not have much choice. It will push it beyond their income. It may push it to the point that they then need to have Government help in order to continue their livelihood.

But, that shows you the extent of the decisions that we make here at the Federal level. Therefore, I think it is incumbent upon us to have as much information as is meaningful before we cast these votes. So that is what S. 1 is all about.

To give you just an overview of the process, the first thing that happens is that the committee considering this proposed legislation will notify the Senate Budget Committee of its intent to consider the legislation so that the Congressional Budget Office can begin the process of assembling the statistical data to develop cost estimates.

Next, at the request of the chairman or ranking member of any House or Senate committee, the Congressional Budget Office shall study this legislation for its cost impact. In doing that study, CBO will consult with State and local elected officials—the very people that are going to be impacted—firsthand so that we have their input at that stage of the process.

Also, Federal agencies are to provide the Congressional Budget Office with the information and assistance it needs to fulfill its cost-estimating responsibilities. I expect that most committees would take advantage of this provision because they will be charged with cost information that they will need to ultimately write the bill. That is why S. 1 enhances this whole process.

Next, the committees will have hearings, and all interests, both public and private, will have an opportunity to express their views. Both public and private interests will make known if they have concerns about this proposed legislation that the committee is considering.

At any time during the process, committees have a choice. They can either seek to comply with the provisions of S. 1, meaning that they will get the cost estimates and funding for public sector mandates; or they can decide that they wish to have a waiver of this process. And if a majority of this body agrees with that, then the waiver is granted.

Committees will then markup the bill. And for the first time, committees will know that the Congressional Budget Office has looked at cost mandates to both the public and private sectors and that State and local officials were consulted in that process. Armed with this information, committees can decide, again, either to seek the waiver of the point of order, or it can decide to provide direct spending for each fiscal year or to provide an increase in receipts or to identify a subsequent and specific appropriations bill that will fund the mandate.

I want to emphasize a key point here. S. 1 says that authorizing committees should be responsible for funding the mandates that they establish. We keep the responsibility for the funding of these mandates on the authorizing committees, which is where the mandates originate.

Suppose the appropriators—we have the authorizers and then, of course, the appropriators—that provide the actual money do not fund the mandates? S. 1 takes that issue into account. In the authorizing bill, committees need to do two additional tasks: Designate the agency responsible for establishing procedures for imposing less costly responsibilities on State and local governments to meet the objectives of the mandate to the extent that appropriations may pay for the mandate; or designate a responsible Federal agency and establish the criteria and procedures to declare the mandate ineffective on October 1 of the fiscal year.

Once committees have approved legislation that includes Federal mandates, they must submit the legislation to the Congressional Budget Office and identify mandates contained in the bill.

Once committees have approved legislation that includes Federal mandates, they must submit accompanying committee reports that identify and describe the Federal mandates in the bill.

The committee report must also state the degree to which a Federal mandate affects both the public and private sectors, the extent to which Federal payment of public sector costs would affect a competitive balance between State and local governments and the private sector, and whether there are any adverse impacts to the private sector as a result of the funding modification or termination of public sector mandates.

Next, if the bill contains any intergovernmental mandates, the committee report must include a statement of the amount, if any, of an increase or decrease in the amount of authorization of appropriations to pay for the mandate, whether the committee intends for the mandate to be partly or entirely funded, and sources of funding to pay for the mandate.

Again, if it is a mandate on the public sector that exceeds $50 million annually, then the Federal Government should provide the funds for that.

Committees must also include a cost estimate from the CBO director in committee reports.

The Congressional Budget Office must estimate the direct costs of all intergovernmental mandates that exceed $50 million in any of the 4 fiscal years following the first year funds are provided; the amount, if any, of increase in authorization or appropriations under existing Federal financial programs that will be used to pay for the mandates that are contained in the bill; and the amount of private sector mandates in excess of $200 million a year.

If the committee fulfills all of these requirements, then this point of order does not lie against the bill.

I will also make the point, Mr. President, that the point of order is not self-initiating. A Member of the Senate must proceed in making the point of order.

Mr. President, a very important point, and that is, this bill is not retroactive. It does not affect existing mandates that are currently in place and on the books.

While I say that, Mr. President, I would like to make this point. When we say this bill is not retroactive, I think the debate has been retroactive. I have found so often while we have debated this bill, the different occasions when you may have Members on this side of the aisle or Members on that side of the aisle who will stand up and say, "But don't you remember back in 1974 when your side did this?" "Oh, yes, but don't you remember back in 1979 when your side did this?" "Yes, but that is because you had done this to us previous to that."

Mr. President, I think that the debate should not be retroactive. This piece of legislation is bipartisan. We have 63 Senators that have put their name on this bill saying this is a bill they are proud of and they want to go forward. It was developed by the chairman and ranking member of the Governmental Affairs Committee, the chairman and ranking member of the Budget Committee, my office, and many, many people from both sides of the aisle.

Mr. President, I will close by just issuing this invitation to all Senators that have amendments that have been filed at the desk, or notified us of amendments, that, to the extent and as early as possible, you make copies of those amendments available to us so that we could determine those amendments that we find acceptable, that make improvements to this bill, so that we could move on through this list of 60-plus amendments and get to the point that we can have the final discussion and final vote on S. 1, our efforts to curb unfunded Federal mandates.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I had noticed three amendments to this legislation and had sent them to the desk early Friday morning. So they have been properly filed and called relative to a unanimous-consent request.

I inquire of the Senator from Idaho and the Senator from Ohio—I would very much like to proceed, as well. I think the points made by a number of Senators are well taken. I am very interested in proceeding to debate the amendments that I have offered and vote on those amendments.

Let me ask if it is appropriate to call up one of the amendments and we could set it aside. I know there is at least one other Senator who wishes to speak on at least one of my amendments. If other Senators are interested in speaking on the amendment I would call up first, then we could call for a vote on that amendment and have it after 4 o'clock.

Mr. GLENN. Parliamentary inquiry. As I understand our situation, amendments can be called up today, we can debate them during the day, but it is just that no votes will occur until after 4 o'clock.

The PRESIDING OFFICER. The Senator is correct, but there is an amendment by Senator HATFIELD.

Mr. GLENN. Mr. President, has that order been set aside?

The PRESIDING OFFICER. Not at this point.

Mr. GLENN. Would we need to formally set that aside?

The PRESIDING OFFICER. Unanimous consent would have to be requested.

Mr. GLENN. So that we can get on with the business of the Senate on this, I ask unanimous consent that the Hatfield amendment be temporarily set aside so we can continue with debate on other amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 180

(Purpose: To provide for the treatment of Federal requirements for the utilization of metric systems of measurement)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) for himself, Mrs. KASSEBAUM, and Mr. REID, proposes an amendment numbered 180.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38 after line 25, insert the following:

SEC. 205. TERMINATION OF REQUIREMENTS FOR METRIC SYSTEM OF MEASUREMENT

(a) IN GENERAL.—Subject to subsections (b) and (c) and notwithstanding any other provision of law, no department, agency, or other entity of the Federal Government may require that any State, local, or tribal government utilize a metric system of measurement.

(b) EXCEPTION.—A department, agency, or other entity of the Federal Government may require the utilization of a metric system of measurement by a State, local, or tribal government in a particular activity, project, or transaction that is pending on the date of the enactment of this Act if the head of such department, agency, or other entity determines that the termination of such requirement with respect to such activity, project, or transaction will result in a substantial additional cost to the Federal Government in such activity, project, or transaction.

(c) SUNSET.—Subsection (a) shall cease to be effective on October 1, 1997.

On page 41, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be unfunded Federal mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

Mr. DORGAN. Mr. President, let me describe this amendment. But before I do, let me also explain that I intend to speak and, hopefully, offer two amendments today. I have three amendments that I have noticed, one of which I will hold until tomorrow. The two amendments I hope we can consider today—and I would like to receive a vote on both—are this amendment, which is the issue of mandating the metric system requirements on State, local, and tribal governments. I will discuss this amendment in a moment.

The other amendment relates to the ultimate mandate which may occur this week: That is, the Federal Reserve will meet again and mandate increased interest rates in our country. And my amendment with respect to the Federal Reserve is very simple. It simply says that when the Federal Reserve Board meets, as always in secret, and mandates an increase in interest rates that will affect virtually all Americans, that within 30 days of taking that action they shall submit to the Congress and submit to the President a report assessing how much that mandate has cost the Federal Government in interest payments on the debt, and has cost State and local governments and the rest of the private sector. So that will be the second amendment I will offer.

Again, I have no intention of delaying these things. I would very much like to offer them and debate them. There are a number of Senators who want to speak on the Federal Reserve Board amendment. My intention will be to move forward these two amendments, and vote on them.

Let me, if I can, describe the metric system amendment that I have called up.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. DORGAN. I yield.

Mr. KEMPTHORNE. Based on your comments—and I appreciate them—this is how we need to proceed. Would the Senator be willing to enter into a time agreement?

Mr. DORGAN. Mr. President, I would enter into a time agreement on both amendments, but before I do that, give me a little time to check with the other folks who want to speak. I would not expect either amendment to take a great length of time. Let me, if I might, speak on the amendment I have called up first. Senator KASSEBAUM and Senator REID may wish to speak and I do not know who else wants to speak on the metric system amendment. I do not expect to consume a great deal of time. At the conclusion of both amendments I will ask for a recorded vote on each.

Let me describe the amendment with respect to the metric conversion. This country, some many years ago, decided that it wanted to proceed to enforce the utilization of the metric system of measurement in our country. I do not have any strong feelings one way or the other about the metric system of measurement. I do have some feelings about the Federal Government's enforcement of it in a manner that really defies common sense.

We can, it seems to me, get to the point where the Federal Government says we shall move toward the metric system of measurement and we will enforce that by requiring the Federal Government to be the leader. What we do at the Federal level is tell the Department of Transportation we would like the Department to go out in the country and tell all the States to take down all their green highway signs that say how many miles it is to the next rest stop or how many miles it is to the next off ramp on the highway. We replace those signs with signs that tell the American people how many kilometers it is to the next rest stop or to the next exit or ramp.

I have been in Congress for 14 years and I have yet to have a constituent write to me and ask if we could not please make some adjustment in the road signs. I have not had a constituent tell me it bothers them they cannot get into their car and access information about kilometers to the next rest stop or fuel stop. Not one constituent has ever indicated to me that that is a major problem.

But the Federal Government says that there is a problem and here is the solution. The solution is we spend money to take down the English signs and put up metric signs.

This controversy brings me to the floor today. I will give another example of one little project. We are trying to build some houses, the money for which has already been appropriated to house health service workers on the Turtle Mountain Indian Reservation, workers that are desperately needed to staff a health service center that is being built to address very serious health problems on this Indian reservation.

The problem is that they do not have housing available and we need to build some housing units. So, money was appropriated to do that. The plans, then, to build the houses proceeded. But then we discover that these houses, I believe it is some 20-housing units, to house health service workers, have to be built in the metric system on the Turtle Mountain Indian Reservation.

Why? Because a Federal agency says they must. It is an enforced mandate. What is the consequence of that? The consequence is that it will cost more and it will take longer. The consequence is that if we have contractors up there that do not have workers skilled in using metric measurements, we have to get contractors from somewhere else. If we have suppliers that cannot supply in metric units, we buy from somewhere else.

This does not make any sense. Does it make sense for General Motors to use the metric system when it is engaged in commerce in other countries, selling products where the metric system is standard? Of course it does, and they do. The market system tells them what to do and when to do it. But there is no market system I know of that says the Federal Government ought to enforce a metric system when building a few houses on an Indian reservation in a manner allowing us in the end to say this cost more and took longer because we want to satisfy a requirement that someone had some time ago to say we want to enforce the Metric Conversion Act.

Senator KASSEBAUM, Senator REID and I are proposing a 2-year moratorium on any Federal department or agencies requiring State, local, and tribal government to use the metric system of measurement.

I am not suggesting we go back and revisit everything that has been done, but I am saying that in the next 2 years we should ask the commission that will study all Federal mandates to also evaluate the consequences and the costs of requiring the metric system of measurement on State, local, and tribal governments and who will bear those costs.

My amendment would impose a moratorium on metric mandates to State, local, and tribal governments for a 2-year period. During that period the Commission that is called for to study mandates in this legislation will study and evaluate and report to Congress the cost of metric mandates.

There are some who will argue that "we have been through this debate and the metric system makes good sense." I will not contest that. The point I am making today is not that there are not some areas in this country where we already have moved to the metric system and where we will continue to convert to the metric system in the future. My point is when we are short of money and when we are discussing unfunded mandates, I would like us at the same time to at least put the brakes on this conversion—a conversion manifested by virtually every Federal agency with a metric enforcement officer.

From my perspective, requiring the few little houses up on the Turtle Mountain Indian Reservation to use the metric system is a good example why some good ideas do not make much sense and have an impractical impact on some small projects out in the country.

My hope is that the Senator from Idaho and others reviewing this amendment will decide that a 2-year moratorium will make some sense. Again, I am not repealing the Metric Conversion Act nor am I suspending all metric conversion activities in the Federal Government. I am simply asking for a 2-year moratorium to have the very Commission we are describing in this bill study it and report back to us.

This is a classic mandate, one which I think we should address. As I have said before, Senator KASSEBAUM and Senator REID will be over to support this legislation, as well. I will be happy, after I consult with their offices, to reach a time agreement so we can get a time certain on this.

I will be happy to yield the floor at this point.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, if the Senator will yield for a question, is there any estimate as to how much costs have been sent to the States to comply with the metric law as passed and as now being administered?

Mr. DORGAN. I say to the Senator from Ohio, I have no estimate of that. That is part of the problem and part of what has caused this legislation to come to the floor today. We have very little information about who does what and on whom our various costs are imposed. That is why I simply want to just suspend metric mandates for 2 years.

I should say to the Senator from Ohio, there is an exception here. If you have an agency or other entity of the Federal Government with a project that is well down the road, and the termination of the metric requirement they now have with respect to that project would result in substantial additional costs, the project would be able to continue. I do not intend to interrupt that at all. I do not know what metric mandates are costing State and local governments. That is precisely why I think it would be useful to have this Commission study it for 2 years.

Mr. GLENN. Mr. President, I will look at this later today, and we will listen attentively as others speak on this subject pro and con, but let me give you my impression of the metric bill that was passed some years ago.

I supported it then, for a very good reason; I thought and still think that we have to become more metric literate in this country and more competitive in this particular area in our worldwide commerce. So it takes on a new relevance to me when we are moving with GATT and all the increased international trade that expands every year that we have more of our businesses, particularly small business, for example, that become metric literate so they can compete in the international marketplace.

My distinguished colleague mentions some of the manufacturing that goes on. I think where you have the big international manufacturers of Ford and GM and Chrysler, and others, they already have moved into metric because it is required in the international marketplace, and to do business, they have to have metric.

So they have moved in that area. One reason I supported this legislation earlier—and, in fact, was interested enough in it I made a nomination to the metric board—one of our newspaper editors in Ohio, Paul Block out of Toledo, the Toledo Blade, was very interested in this metric conversion. He was a scientist in his own right, a chemist, and was concerned that we be competitive in the international marketplace and that we move to metric as most of the rest of the world has; that we are not completely alone in our adherence to the old English measuring system, and so on. We are certainly in the minority of the major manufacturing areas of the world in not basing our manufacturing on a metric system.

We have seen our major industries convert, but I have been encouraged that we seek more metric literacy so that our students and our people growing up understand it better and understand how a kilogram relates to a pound and all the other measures and the number of screw threads per inch or per centimeter that is important in manufacturing. So I have supported this.

I would be interested if there are any figures, or if other speakers today on this particular amendment can provide any figures as to cost estimates of how much costs have been increased to the States by this particular piece of legislation.

It was my impression, and I would have to go back and check the law on this, that the road signs that were referred to by my colleague were only required to have metric on them if replaced. It was not a requirement that the States take down every road sign and go out and have metric on every single road sign. I thought that it was as those road signs had to be replaced, which was over a period of time, that then metric had to be included on them. I may be wrong on that. We have to go back and check the requirements on it.

I would be particularly interested in any cost estimates as to how much this has cost the States to comply with this mandate.

Let me say something else. I visit schools in Ohio on a reasonably regular basis. I have been encouraged to go into some of these classrooms and find out now for the first time they are requiring students to get into the metric system and really understand it, not just as some passing thing where you can look up in a book how to convert, but actually use it and understand it.

That bodes very well for the future because as these students come out and move into business themselves, they are far more literate in this area and much more able to conduct business in the area of international commerce than they otherwise would be.

So I would be interested in any estimates of costs that have been incurred or estimates thereof that we could use in this debate today.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I observe that the appetite for agencies to enforce is a never-ending appetite. I would not expect the Senator from Ohio has a great deal of faith in the bureaucracy looking at enforcing mandates and then deciding, "Well, let's do this in a commonsense way; let's do this only when the highway sign wears out so we have one highway sign that says 'Next exit 30 kilometers' and then 2 miles later, another highway sign that says 'Next exit 18 miles.'"

What happened there? One sign had worn out and the other sign had not. So you have a highway that has kilometers and miles.

The fact is, the Department of Transportation and the enforcement officers intent on enforcing this have a scheme in mind of tearing down the highway signs that exist and putting up metric signs accross the country. The problem is, that costs an enormous amount of money. It costs the American taxpayers a substantial amount of money they ought not have to spend.

All of the things the Senator from Ohio said I largely agree with. It is in this country's best interest, where it is engaged in international trade, to trade in units where those with whom we are trading are using those common units. In many cases, that is the metric system. In trade-sensitive industries, they have long since converted to metric. But you get a perverse result, it seems to me, when we have an enforcement mechanism in the Federal Government to require State, local, and tribal governments to convert to metric.

That is my only point. I really believe that every good idea is taken to the end of its pendulum swing by someone whose belief it is to be an enforcement officer. I would like us to find out what is the answer to the question the Senator from Ohio raised. What is the ultimate cost to the taxpayer? And then maybe we can evaluate the cost-benefit with respect to a mandate.

So that is the purpose of my amendment. Again, I have no quarrel with the notion that in order to trade internationally we ought to deal in those units. Last week, we discovered with last month's trade figures that this year we well have the worst trade deficit in the history of civilization. Not just this country, but the worst trade deficit anyone in the world has ever known. So it may just be that with that kind of trade strategy and those kinds of trade deficits, we will someday, of course, be directed to do certain things by others who now have enough American dollars in their pockets to order mandates in this country that they choose. But my hope is that we will straighten out this trade mess and redefine what global responsibilities are long before we get to that point.

I thank the Senator from Ohio for his comments and think that we do not disagree on the merits of using the metric system where it is important and where it is useful for the interests of this country or, conversely, the merits of using the English system of measurement where that is important and where that is useful to the interests of this country.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, in response, I do not know who the Senator referred to as those who are scheming, as he put it, to go beyond what was originally intended with this law. If there are those in the agencies who are doing exactly that, then we have to disabuse them of that and bring them up short in a very short period of time.

I am interested in what the law actually provided, period. What we required the States to do, what we required schools to do, universities, whatever. We gave some latitude to the metric board, the commission that was formed to administer this. But as far as other people being able to scheme to force the States to take highway signs down or to force action like that, quite apart from what was provided in the law, then I think we ought to be very careful of that. We all could give chapter and verse of examples where the people over in the agencies writing the rules and regulations pursuant to well-intentioned legislation passed here in the Congress go too far and they have to be brought up short.

There are two ways we do that in our regular, normal scheme of things in Government. One, all the regulations are to be submitted to the Office of Management and Budget and the Office of Information and Regulatory Affairs, and they are to pass on what rules and regulations are legitimate and permit them to go forward and make sure at that point, at OMB and OIRA, the requirements of law are being carried out and nothing more.

So we do not propose to let the people over in the executive branch of Government in a particular agency administer the laws up here to their own liking. And if that is being done, then I will join my distinguished colleague today or any time in the future in seeing that we bring them up short on that and make sure they do not go beyond the realm of what was in the law itself as written here and what the legislative history shows is the intent of the law. If they are going beyond that and requiring things that the law as written and signed into law by the President did not provide, then we should stop them immediately.

So I would join him in that effort here. But I have not seen any evidence yet that that really is a major problem. I have not heard any real major complaint from the States in that regard.

I yield the floor.

Mr. DORGAN. Mr. President, if I might make one additional comment, there are some areas where the mandate will require someone to pay more and take more time because there is a conversion and some areas where it will not. Let me give you an example with respect to the highway signs.

The taxpayer is the one who pays for the replacement of the highway signs. Whether it is the taxpayer paying Federal taxes or State taxes probably has less importance to the taxpayer because they still have to pay the taxes.

In August 1993, DOT announced in a notice in the Federal Register that ISTEA now permitted Federal aid to reimburse States for costs that will be incurred when they install the metric highway signs.

What they said is we are now prepared to give you funds for converting those signs. They are not talking old signs or new signs. They are saying here are the funds available, and of course what they will do is find devices to say there are no funds, there is no cost to this mandate. But this is a mandate. Go do this.

My point is I do not want the American taxpayers to have to be paying out of any pocket for any mandates that are not mandates considered by this Congress. And that is the reason I bring this to attention in this piece of legislation. The fact is they are paying for an activity the American taxpayer should not have to bear at this point. We do not have to take down perfectly good highway signs and put up new signs with kilometers. That is an enormous waste of money, in my judgment.

I just have, I guess, enough experience to know that the bureaucratic system, left to its own devices, will try to find the end of this pendulum swing, and I think it will end up costing the taxpayers money. That is why I would like to put on the enforcement brakes for 2 years and have this commission study it. Now, if the study determines that this is not imposing any significant costs on anyone, is not very troublesome, then that is fine. That is an answer, I guess, that we would have then that we do not now.

If they find, on the other hand, that this can impose a substantial amount of additional costs with very little additional gain, I say let us step in here on the part of the American taxpayer and give them a little help. At least let us get the facts before someone runs ahead with the mandate.

That is the point I am making in the amendment.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent I might speak in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATES

Mr. SIMPSON. Mr. President, if urgent work comes up on behalf of the managers, I will step aside. But I just want to make some brief comments about a fascinating activity observed here by me on the Senate floor for these past several days.

I noted this with some whimsy, because I recall that after the November election returns there was a great deal of speculation as to how the minority party would act, now, in its wake. What would the President now try to do to, say, out-Republican the Republicans? Would the Democrats hop on board the Republican train or would they lie down on the tracks?

Interesting questions, all of them. Questions were also asked about how the Republicans would deal with having the majority. Would the House Republicans provide for a more open process, more consideration of minority views, or would they resort to the same ramrod tactics that the Democrats employed with some apparent relish, at least as I have observed it for 16 of the past 40 years?

Somehow lost to the media amid all of this questioning is a fundamental difference between Republicans and Democrats as to how, really, willing the two parties are to be on record, to have their votes scrutinized, and to be held up to the folks back home. Anyone who has watched the proceedings here in the Senate or the House the last several years has witnessed the strain and the energy that the Democratic Party has had to employ to avoid being put on record on any number of sensitive issues. Let me just cite a few examples I could not help but think of.

When we had the pullout from Somalia, and that was considered, the House Rules Committee attempted to protect the Democrats by adopting a "King of the Hill" rule. You remember that one—the rule that enables you to vote for one pullout date and then immediately following another one, a different one that supersedes it. We have another name for those. The Democrats seem to truly, truly enjoy those "CYA" amendments, one after another, so you can send the press release home, still having not done anything, but cover yourself nicely.

Then you remember the balanced budget amendment. Do you remember that one? We had enough cosponsors to pass that one last time around. But every manner of contortion was used to enable the Democratic sponsors of the balanced budget amendment to find some reason to vote against the balanced budget amendment which they had cosponsored—a little bit of hypocrisy; just a touch.

I think we recall the vexations facing the House Rules Committee last year when they were confronted with health care legislation of the type which the

Republicans favored more than did the President. They had to keep it from getting to the House floor because they knew it would pass.

You name the issue—whether it is the death penalty, gun control, term limits, balanced budget—the list is endless. And the struggle in this Chamber for years has been between Republicans trying to force votes on these issues and the Democrats attempting to prevent them, with all sorts of rationale, all thinly veiled, and all of that veil remarkably pierced on November 8.

So the Democrats would shriek "gridlock" when we would introduce one of these amendments for Senate consideration. But it was nothing of the sort. Those bills favored by the majority—virtually every one of them—did eventually pass but not before Senators had put themselves on record on a number of issues. Finally, all the chickens came home to roost in November. Finally voters across the country realized that the man or woman they had sent to Washington really did not believe in the death penalty after all, did not really believe in lower taxes, did not really believe in spending cuts, did not really support the balanced budget amendment, and they sent them all packing.

Why do I review this litany of activity? Because it is highly relevant to the situation we find ourselves in and found ourselves in this past week. I found in speaking to my Republican colleagues on the House and Senate side that the question has come up as to how open and inclusive our legislative process should be. Invariably, the answer has been, "Of course. Of course, we can keep it as open as is humanly possible because unlike the previous Democratic overlords of years past, we have precious little to fear from the Democrats forcing votes on various issues. What can they possibly make us vote on that we are less willing to confront than are the Democrats? Where, precisely, are we out of step with the body politic, while they are in step, especially with our constituents?"

Put that way, it becomes clear that the Republican majority have precious little to fear from the various stonewalling tactics from the other side. So I personally, having watched the Democratic minority at work here, am not in the least troubled by this remarkable strategy. It has deprived me of some light rest, but not of any certainty that we in the majority will prevail. In fact, I wonder with which political consultants they are working? Has someone advised the Democrats that there is a political benefit to be gained from trying to block the unfunded mandates legislation, congressional accountability legislation, and the balanced budget amendment, or any one of a host of measures so eagerly awaited by the American public? If my Democratic friends wish to be shown to be on the wrong side of those issues, while at the same time pretending to support them, by all means I would hope they would be my guest because I will enjoy watching it.

I feel many of those measures are going to pass anyway because of the overwhelming support they enjoy from the American public and the majority in both Chambers. Many are going to pass.

I must say it astonishes me—and somewhat amuses me and bemuses me greatly—that somehow the opposing party has found someone who is willing and who is telling them to be seen as a party of trying to delay this train, to continue to support endless Federal mandates on States, counties, localities—and that means local taxpayers. We all know the saying: Lead, follow, or get out of the way. The Democrats seem to want to add a fourth option—lie down on the tracks.

I actually read in the paper the other day that the Democrats were considering making a court challenge to the rule recently passed in the House requiring a supermajority to raise taxes. Now there is a political masterstroke. Sue the Representatives and the American public in order to be able to raise their taxes. How stunningly brilliant that is.

So let me just close by thanking my colleagues on the other side of the aisle for tactics employed this week and last on the unfunded mandates legislation for a piece of legislation that has been requested by most thoughtful people who administer local government. I think it makes me even more certain that the Republicans will enjoy a majority for many years to come.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I have to rise to comment on the statements just made by my distinguished colleague from Wyoming.

I think we need to review what has happened here. This revisionist view that was just expressed of what happened last year, and what so far has occurred this year, is a little strange to me having lived through last year and what has happened this year.

You know, we voted it out of committee. I was chairman of the Governmental Affairs Committee last year. We voted out in August the unfunded mandates legislation. Senator Mitchell wanted to bring it to the floor. We tried to bring it to the floor. There was so much delay, I think we had 20 some cloture votes filed against the Republicans last fall. It was a scorched-earth policy and they were taking great pride—some, not all—on the other side. Some absorbed what was going on to their credit. But on the other side there was a scorched-earth policy of, "Don't let anything get through." And we found objection and all sorts of procedural matters being brought up just to delay, to delay. To say now that after November 8 there is some great mandate that says that we move forward on all these things that we considered last year and wanted to bring up and could not because of the Republican filibusters on the floor of the U.S. Senate, and now to blame us for not getting these things through, is about as clearly a revisionist view of what happened last fall as anything could be.

The statement was made that the Democrats enjoy this kind of delay, and we are putting through what was referred to as CYA amendments. And I think we all know on the floor what that means. Those are not my words. Those are the words of the Senator from Wyoming.

No one enjoys delaying anything on our side that I know of around here because most of the people on our side of the aisle are in favor of the unfunded mandates legislation. We just want to see it go through in a form that it can be administered and be good.

It was said that we put out our press releases on this thing, and talked about how we ignored completely the fact; that the reason we did not have congressional coverage legislation last year and unfunded mandates last year was somehow the fault of Democrats. Nothing could be further from the truth. We had them on the calendar ready to be brought up. That is fact. That is not a revisionist view of what happened last year.

Now somehow my colleague from Wyoming indicates that the Republicans are trying to force this and the Democrats are opposing it as though the Democrats were not for it last year, and we were being opposed by the Republicans last year.

He talks about Democratic gridlock of the past. He says that November 8 brought all of this home, that all the chickens came home to roost. Why bring up this litany? Well, he said the situation of the past week where the Democrats were somehow—and I think I wrote down the words correctly—were trying to continue their policy of being "overlords" of years past. Those are harsh words. And the "stonewalling"—that is another word—"stonewalling" of the Democrats, and that the majority would eventually prevail; and that the Democrats seem to think with their gurus that there is some political benefit to blocking unfunded mandates.

Mr. President, those remarks are about as ridiculous as I can think of here after we tried last year to get congressional coverage and get unfunded mandates through and were blocked repeatedly because of procedural steps taken on the Republican side to block us even from consideration. We did not have time to consider unfunded mandates. We brought them out of committee in August.

There were statements about we were trying to delay their train. No. That is not true. Let me just recount for the record so we get the facts straight. S. 993 was introduced last year in the Senate. That is what we were trying to get through. After the November 8 election it was felt that the House was probably going to come up with a stiffer, tougher bill than S. 993, although all parties, including the big seven of State, county and, local officials—the big seven different groups, as they are called—were in favor of S. 993 last year, and we had some 67 cosponsors. We could have passed it, just like that, if we had not had the delay occasioned by the Republican's scorched-earth, do-not-let-anything-go-through policy of last fall. We could have gotten it through last fall.

But what happened then after the election this year? I will tell you what happened after the election this year. They said the House is going to come up with a tougher bill and we had better move our bill here to make it a little bit tougher so that perhaps the Senate bill can prevail, something the whole Congress can get behind and get passed because we need to deal with unfunded mandates. So I did not fight that. Our staffs all worked together and came up with some new proposals here, and there are some tougher mandates here. Maybe we have gone a little far in some of the consideration of our people that were one or more of the 67 cosponsors of last year. But we came up there with a new bill, S. 1.

(Mr. THOMAS assumed the chair.)

Mr. GLENN. Senator DOLE, the majority leader, went before the Governors Association and said he thought this was important enough that he would make it S. 1, the prime bill before the Senate, to be brought up as the first bill this year. I agreed with that. I have been an advocate of correcting this unfunded mandates problem for a long time. We worked on this for the better part of 2 years with my distinguished colleague from Idaho, Senator KEMPTHORNE, the floor manager on the other side. I did not quarrel with that. But now we are being blamed somehow for not going ahead with this. That is just not right.

But what happened this year? Let us follow this thing through. Because of the priority accorded this legislation, it was referred to committee on the following timetable: Voted off the Senate floor to committee; sent to committee. It was introduced on the floor one day, and sent immediately to committee with a hearing to occur the following day, with the agreement that the markup on the bill would occur the next day—one, two, three; introduction, committee hearing, committee markup. Just like that, and bring it back to the floor in short order.

Now what happened? We got it over and had the markup, and a lot of people had some legitimate concerns about some of the things that had been put into the bill when it became S. 1 this year—using the basis of S. 993, but going beyond that. There were concerns about this. So I requested that the committee markup not be done, as I recall, on a Friday. We asked that this be put off over the weekend so people could find out what the changes were; so we would know what we were voting on. This was not going to be a rubber stamp. There was no mandate that came out of the November election that said we now have to approve everything the Republicans now suggest because they are in the majority. We wanted to know what the changes were and let everyone else know what the changes were. That was the purpose of asking that this be put off over the weekend.

So it was put off over the weekend. We had the markup on Monday. Then what happened? We went to the committee and we had a number of substantive changes—these were not frivolous or delaying items at all. They were amendments that we had prepared. I had some and Senator LEVIN, in particular, who did a real analysis of this legislation, had substantive amendments about how specific parts of this bill would be applied. He wanted to clarify some of those things. Do you know what happened in committee? In committee, we were not even permitted to bring up our amendments. We requested to bring up amendments and were told, "No, leadership wants this back up on the floor right away and any amendments will be dealt with on the floor." We thought this was not the way to go. We objected and we had some rollcall votes on different substantive things. These were not delay items, they were substantive items to be brought up in committee.

On a straight party-line vote, it was said, no; we cannot consider those things. Those will be considered on the floor. We were voted down on a party line basis. We got rolled on every single one of them. Then it was stated, "We are going to send this to the floor without a committee report." The importance of a committee report—if anybody has ever read through one of these bills with the technical language, the whereases and therefores, and everything that makes it conform to the whole United States Code, to the average layman, it is virtually unintelligible, and to a lot of Senators, too.

So what do we have? Normally, as a requirement, we have a committee report, and it is carefully written. It explains in layman's language, going through each section of the proposed legislation, exactly what it means, giving the pros and cons on it so every Member and staff member working on a particular piece of legislation, when it comes to the floor, will be able at that point to have an understanding of what the legislation provides.

By and large, we rely on those committee reports. That is the importance of them. We objected to sending the legislation to the floor from the Governmental Affairs Committee without the committee report being filed. In fact, we thought it was important enough that after some discussion of it, and we were still being denied that right, it was brought up where we finally insisted on a record rollcall vote on it, and, once again, we got rolled—still with the provision that we could bring up anything we wanted on the floor. So over our objection, it was voted out.

I understand that our committee chairman, Senator ROTH, was under considerable pressure from leadership to bring this to the floor that day, no matter what. I appreciate his position on that. Let me just say this. I have been around the Senate now for over 20 years, and I was chairman of the committee 8 years. Never in the 8 years I was chairman did I ever have our majority leader say: I want you to roll this through committee no matter what, and bring it out to the floor without a report on any piece of legislation.

Occasionally, we sent legislation from the Governmental Affairs Committee to the floor without a report, but only with the agreement of the minority, and then usually only on bills that were comparatively innocuous and not major pieces of legislation, as this is.

This is landmark legislation. This changes the way we have operated for 60 years and starts moving things back in a different direction, to a different Federal responsibility, a different relationship, Federal, State, and local. That is the reason I call this landmark legislation. It makes the first steps—it is the first major piece of legislation that makes steps in that direction.

What happened? We got to the floor, the bill is called up, and all at once there is a move to try to curtail amendments, keep them to a minimum, saying "We have to get this through; we have to beat the House," as though this was a legislative drag race, and more important than the substance of this legislation.

I predicted in committee before this was voted out—first, I will give a little bit of background. Usually, in committee, you try to take care of all of the substantive amendments anybody has and they are focused on that piece of legislation. Usually, you do not have a lot of extraneous amendments come up in committee because people are focused on that piece of legislation. We were not permitted to do that this time around. Then when a bill comes to the floor, if it has had all that kind of due consideration in committee, what happens on the floor? Then you are on good grounds to say we have dealt with the substantive matters as we see it in committee, and we brought this out as a pretty good, clean bill.

If somebody really has something that deals with substance, let us consider it. But other than that, we are going to try to defeat other amendments that can be put on in the State, extraneous amendments that can be put in, because the Senate has no germaneness rules, unless we are under cloture or for certain applications on certain appropriations bills. But we are going to say that—we will try to say, OK; whichever side of the aisle puts on extraneous amendments, we have dealt substantively with this in committee, and so we are going to oppose all those, no matter how meritorious they might be on their own freestanding bill, if it was put in as such. We are going to oppose it in legislation on the floor.

I predicted in committee that if we brought this bill out without the substantive amendments being taken care of in committee, this bill—I think my words in committee were that this bill was going to draw amendments like flies to honey. And it sure has. We got to the floor—and I think it is important that everybody understand this so the remarks of the Senator from Wyoming of a few minutes ago are understood. His revisionist view of what happens does not square with the facts.

We got to the floor and what happened? Senator BYRD objected to the fact that we had not had the committee report. I indicated the importance of that a few moments ago for legislation like this, which is landmark legislation. Senator BYRD very properly objected. He said that this was important legislation, he wanted to see the committee report. When could we have that committee report available?

That is what the debate was about, for about 2 days here. The debate was not about the substance of whether unfunded mandates problems should be corrected or not corrected. The debate was about the procedure that was used in bringing this to the floor and whether we should have a report so all Members would have the benefit of the thinking of committee members and would be permitted to put minority views in that committee report.

Now, in committee they said that they would put the committee report in the CONGRESSIONAL RECORD. We said, "What about the minority views that usually goes along with it?" They said, "You could also put those in the CONGRESSIONAL RECORD if you wanted." That is a very, very poor substitute for our normal procedures here. That is exactly what Senator BYRD disagreed with and what we fussed about back and forth on the floor here for 2 days.

At the end of that time was when the majority leader decided that he felt that there was delay on this and he filed a cloture motion. What did that do? What did that do? Just as I predicted in committee, it flushed out more amendments than anybody thought. Why? Because if your amendment is going to be considered and cloture is going to be voted, your amendment has to be filed at the desk before cloture is invoked.

And do you know what happened? We had 117 amendments—117 amendments—put forward to try to beat that cloture deadline, largely because of the procedure that had been used up to that time. Now that really threw things in a cocked hat.

I did not know where we were going at that time, because I knew that the Republicans—and both sides knew this—did not have the votes for cloture; did not have the votes for cloture. Did this mean, then, without having the votes for cloture with 117 amendments, was this going to kill our consideration of unfunded mandates? I did not know whether it would or not.

It was in that context that I mentioned to my distinguished colleague from Idaho, who has been on this for a long, long time—and he and I have dealt very straightforwardly with each other on this—I mentioned to him, if things really got bogged down—and it was bogged down over the lack of a committee report and the fact we did have all the new provisions in S. 1 that had not been in S. 993—that this was going to delay things and it looked like we might not get it through the Congress at all—and I think it is important we are getting legislation through the Congress; I reiterate that I support this legislation, fought for it as chairman of the committee, brought it out of the committee last fall as S. 993—I suggested to my colleague from Idaho that if push came to shove and it looked like we were not going to get cloture and it was going to be a long stalemate on this and maybe even have to pull the whole thing down eventually, we might want to consider dropping back to S. 993 so we get something through. I think it is important we do that.

And while the big seven that I referred to a little while ago certainly does want S. 1 more than they wanted S. 993 last fall—they were happy with that; now that they have gotten more, the chance of getting more, they are very much enamored of S. 1. I understand that—any drop back in that position to S. 993 would have been something that they would abhor.

I mention this only in the context of where we were in the legislative process at that time, with the possibility that there was going to be an inability of the Republicans to invoke cloture, which requires 60 votes, and they only had 53 for sure and what they could peel off on our side. But that meant they had to get another seven votes off the Democratic side and they could not do that, at least not in the early round on this. If it meant this was going to be delayed too much, then we were going to have to consider what we would do. Would we pull down S. 1, as I saw a possibility of at that time, and go back to passing something which everyone thought was adequate last fall, although they liked the additional provisions of S. 1 now? That was the context of where I talked to my distinguished colleague from Idaho about that possibility.

The cloture vote was held. Cloture was not invoked. And so here we are, with all of the delay of the past week, with nothing having really substantively happened on this legislation.

Meanwhile, while all this was going on, we did have a group meeting, both sides trying to define what amendments were important, which ones were not, who really wanted to put their amendments in or who had put in frivolous amendments of the 117 that we had submitted at the time before the cloture vote. Fortunately, that group finally made some progress on this. And so, after the Republican side did not invoke cloture, we fell back to what was reality, I guess, and said, "OK, we will now try to get a unanimous-consent agreement that only about 60 of those ones that people said yes, they really wanted to put them in, only about 60 of these would be eligible to be placed in consideration as amendments on this legislation."

Meanwhile, we had gone through on the floor, during another 2 days or 2½ days, we had worked our way through a number of amendments. But the way those had been structured, they had been submitted as second-degree amendments by the parliamentary situation we were in at that time, so before we went to this unanimous-consent agreement, Senator DOLE moved to strike through a series of five amendments that he proposed. We went through the stripping of everything we had done there. And that was probably the best thing to do. I do not quarrel with that.

So now we start over with this finite list of amendments that can be considered, and those are all to be submitted by 3 o'clock tomorrow afternoon.

Now, today, we can get on with these amendments. We can debate amendments today, but no votes will occur before 4 o'clock today.

Why do I go into all this detail? It is beginning to get a little aggravating. I do not normally get up and gripe back and forth. I usually stay out of these back-biting things, where these inflammatory words are used here. And I think my record on the Senate floor would show that I only rarely get up and try to respond when some of these things are said. I leave it to other people who sort of enjoy getting locked into that kind of verbal combat, I guess, for whatever partisan purposes it may provide on either side of the aisle.

But for my distinguished colleague to come in this morning and talk about us opposing this legislation when we tried to get it out last fall and were blocked by the Republicans; tried very hard to get it out. I was still trying down to the last 2 days of the session last year to get it out on a unanimous-consent request and could not do it. We had objections on both sides. The final objection did fall on the Democratic side, let us be fair about this.

But the reason we got down to even considering it on a UC basis was because there had been this scorched-earth, do-not-let-anything-through policy on the other side that had prevented consideration of a lot of bills, of which this and the congressional coverage bill were two.

To come on the floor and say that we are creating gridlock on the Democratic side and say that we are using tactics we used when we were "overlords of years past" and to talk about the Democrats stonewalling this legislation is about the biggest revisionist view of history that I can think of.

That there are political beliefs being pushed for unfunded mandates by our political gurus, our advisers, somehow advising us in this area that we are trying to delay—"trying to delay this train" was another quote—that just is not true.

The reason I have taken this time to lay out what happened on this bill is because I think it is important that everyone know exactly what has happened. This is not a filibuster of S. 1 this year. The filibuster, if there has been anything to be construed as a filibuster on the floor of the Senate this year, is objections to the ramrod procedures that were used to roll the minority in committee and not even permit a regular committee report to be sent to the floor with this legislation. Now, that was flat wrong. I have never seen that done. I have been here 20 years. I have never seen that done before on any committee I have been on where at the specific request of the minority, even a record rollcall vote that the minority requested, to try to say a report will accompany this legislation, did I ever, ever, hear the majority say, "No, it has to go. We cannot have a committee report. We will just put something in the Congressional Record. If we want minority views they can be put in the Record. This is such a fast track we have to bypass everything. We are in a legislative race with the House of Representatives so we do not get behind the people in the House somehow.

If this was some little innocuous bill that made no difference whether it passed or not or of very little importance, I would not think it is worthy of even standing up to correct the statements made on the floor a little while ago that I am responding to.

This is not that kind of legislation. The days when I was growing up, days of the Great Depression, were tough days. Okies headed west. People headed for soup kitchens and so on. There was unemployment of over 20 percent for 4 years, 25 percent for 1 year. They were tough days.

Families had taken care of families up until that time, a Norman Rockwell type of existence. In the days of the depression, people could not do that anymore. People were hungry. There were soup kitchens. People were moving out of whole sections of the country because communities and States could no longer take care of their own and do it in an adequate fashion. Either could not or would not. What has happened? The New Deal came in. FHA was put in. There were a lot of programs. I will not try to detail all of those.

Starting with that premise—that States and local communities were unable to take care of their own—was the premise of the New Deal, and it moved into a whole new area of Federal activity.

Now, have some of the programs over the last 60 years built up and gone too far? I would be the first to say that certainly we should correct those. There is a move now to go back to let the States take over a lot of these things that the Federal Government has been doing. I think that is OK in some areas but not completely. I would not agree with all of it. We need to do this carefully to make sure that the social safety net that has been put together over the last 60 years and that people have come to depend on, we can say rightly or wrongly, depending on Democrat or Republican view, if that social safety net is just thrown out and we let some States take up these services and some States not, that will deal very unfairly with millions of Americans.

Now, I am all for unfunded mandates legislation. I support it. I supported S. 993 last year and am a cosponsor of S. 1 this year. Do we need to consider it carefully? Yes, we absolutely do, to make sure that we do not do some damage while we are trying to do good and prevent these unjustified mandates. Many of them are being just heaped upon the States, heaped upon the States, at the same time, over the past 5 or 6 years, that we have been cutting down on some of the programs—community development block grants, things like that. We have been cutting down on programs that have sent much money back to help the States.

So we have to do this very carefully. And to think that somehow the minority is going to roll over and play dead and say, "Yes, whatever you want to do we will do it," without consideration of important pieces of legislation, important amendments to correct some of these matters.

Let me just very briefly—and I know I am taking a long time and people are waiting—but let me just say this. Senator Byrd wants to have an amendment, which was listed the other day, which would say, basically, that as part of this bill where we say to an agency if the emergency is not there but there is less money available, the agency, then, can bring this up or can somehow judge how the money will be spent and so on.

In other words, the question he raises is a good one. I am in support of S. 1. I repeat that again. What he raises is a question: Are we passing our legislative authority over to unnamed bureaucrats over there; and what guarantee do we have that they will not go too far with them. That is just one.

I have a series of some of the things that were left out with regard to color and age discrimination. That was one. Another as to when the point of order would lie. Are we going to permit it on every single amendment? Are we going to have a point of order lie to begin with or at the end of the amending process before final passage of whatever the legislation is?

There is some uncertainty as to who would determine applicability where we have a judgment is something a mandate or not. Is that justified by the way the bill provides now with the presiding officer—for example, meaning the Parliamentarian—who would determine what a mandate is, or should that be by the Governmental Affairs Committee? We have an amendment on that. That is substantive.

We have some that would clarify the differentiation between what would apply in a public sector—that is, governments—as opposed to what would apply in the private sector at the same time. We have another one that would clarify that where a bill is reauthorized from a past provision of law, a bill comes up at the end of its time to be reauthorized—as the bill is now, it is not clear enough; it says that this could not be challenged if it is over $50 million. We clarify that the $50 million would only apply if a reauthorization went $50 million beyond its previous requirements, which makes it compatible with the rest of the bill.

Senator Levin has some amendments. He wants to propose that this is important legislation, maybe we ought to sunset it so we are forced to reconsider the implementation at the end of a certain time period. He would have another one that, if a committee determines that there is a significant competitive disadvantage to the private sector—for instance, where there are competing electric generating plants between the government and private sectors—should we clarify whether we are beginning to have to move in and subsidize a requirement on the public sector and not do the same thing on the private sector, which would give a major advantage in some areas of light generation, sewer provision, water, whatever, where there are competitive interests between public and private businesses. I think that should be corrected also.

We have a number of others here. I will not go through the rest of them. I want to show that these are substantive.

Now, some put in over on the Republican side deal with judicial review, when there is any question about a particular provision of the bill, if a person could file suit in Federal court right off the bat. Can we figure any way to possibly bring the Government to a halt faster than that? By allowing everybody that disagreed with a particular item to say, "We will file suit." What is substantive is the point I am making. I do not want to argue the merits. It is substantive. That would be proposed by Senator BROWN, I believe.

Motor-voter has been brought up again as a cost to the States. We will have to go through motor-voter. Is that substantive? It certainly is.

Impact analysis for independent agencies by Senator DOMENICI would ensure analysis for impacts included for certain independent regulatory agencies as FCC, FERC, FTC, and the Interstate Commerce Commission.

One on our list at this point that Senator GRAMM may bring up is an amendment requiring three-fifths of the Senate, making it much more difficult to waive a point of order and get on with consideration of a certain bill.

CBO estimates on conference reports would be required by another amendment.

Senator GRASSLEY has one that is on our list, at this point at least, and I do not know whether he intends to push it, which would extend application of the act to past and current mandates. I do not know, if we went back on all previous Federal mandates without some limitation, I do not know how many trillion dollars that might involve. That is an amendment and it certainly is substantive.

I will not go on with these. There are a number of others like this. The point I want to make by listing just some of these is that these are very substantive amendments. They are things that are important to iron out so that this landmark legislation, when it is enacted—I hope it will be enacted—is done with all the best thinking of the Senate and the House of Representatives so it can be as workable as possible, can be used for, really, changing the direction of the relationship between the Federal, State, and local governments.

Now, Mr. President, there are some others that I could list here also, but I will not go through them. That is the reason I wanted to go through this and explain exactly what happened and how we got to where we are. And the fact of the argument so far, the debate back and forth, has been about 90 percent on consideration of procedure and whether we are adequately protecting everyone who might want to make substantive changes to this piece of legislation, changes that might be very valuable and be good and that all the big seven and everybody can agree with are good.

And so being prevented from doing that in committee and the attempt made here to push very rapidly once we got to the floor, that has been the heart of the debate so far. That has been the disagreement so far.

So when I hear words that the Democrats are the ones delaying—it is Democratic gridlock; it is just Democrats trying to be "overlords of years past," we are trying to stonewall—nothing could be further from the truth. I do not care how many statements are made on the floor to that effect.

The statements that were made previously which triggered my response here just were flat not true. I know from my personal experience in caucuses on this side, what happened in committee last year, and having been in committee this year where this big, unnecessary push was made to push this stuff through too fast. We need to consider this. It is very, very important legislation. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you, Mr. President.

Mr. President, I have listened to what my friend from Ohio has said. I listened to what my friend from Wyoming had said. I just go back to what I am trying to say, and that is, just as one of the critical elements of the Senate bill before us, S. 1, is the fact that it is not retroactive. I hope that we will refrain from being retroactive on the history of what may or may not have happened with this bill, that bill, what this side did, what that side did.

One of the benefits of S. 1 is the fact that there are 63 Senators who sponsor this bill. I am proud to be a primary sponsor, but I would not be here if I had not had the tremendous assistance of the Senator from Ohio, and I would not be here if we did not have, during the recess, the great assistance of Senator ROTH, Senator DOMENICI, and Senator EXON. Just in naming those individuals, I think we all realize it is bipartisan. So here is an opportunity for this new Congress to take up this vehicle which has been developed in a bipartisan fashion. It is what our partners in the State and local and tribal governments have said they want. It is what the private sector says they want.

So I ask all—and I am speaking to my side also—let us start looking forward and not backward so that we can move this. I am committed to the passage of S. 1, and I appreciate what the Senator from Ohio said as to why he was discussing S. 993. But I think we all agree that is not an option at this point.

This is the legislation for this Congress to consider, to pass, and we will take what time is necessary through the amendment process to perfect this so that a majority of Senators will know that this is exactly what should come out of this body.

UNANIMOUS-CONSENT REQUEST

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there be 30 minutes for debate on the pending amendment, to be equally divided in the usual form; and that no amendments be in order prior to the disposition of the pending amendment; and that following the conclusion, or yielding back of time, the Senate proceed to vote on or in relation to the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho retains the floor.

Mr. KEMPTHORNE. Was a question put to me?

Mr. REID. I was just attempting to seek recognition.

Mr. KEMPTHORNE. Mr. President, I should point out that apparently there has been an agreement that there will be no votes until 4 p.m. tomorrow, so that any votes that we establish will have to be after 4 o'clock tomorrow.

Mr. GLENN. The 4 o'clock limitation was 4 o'clock today, was it not?

The PRESIDING OFFICER. Under the previous order, the 4 o'clock applies to tomorrow.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

Mr. REID. Will the Senator withhold?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. GLENN. I withhold.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I wonder if I could go ahead with my statement and they can work out the problem.

Mr. GLENN. That will be agreeable to the Senator from Ohio and the Senator from Idaho with the provision the Senator's remarks not be in the middle of our conversation about when the votes are going to occur.

Mr. REID. My remarks are on the amendment that is pending.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I am in support of the legislation now before this body. I listened closely to what the Senator from Ohio and the Senator from Idaho said, and I agree. This is bipartisan legislation. I not only appreciate what the Senator from Idaho said, but the manner in which he said it: That this legislation is sponsored by a majority of the U.S. Senate and, as a result of that, the legislation should pass.

But one reason it will pass is that there is ample opportunity for amendment, and that is what is now going on. There are amendments pending. The amendment that is now before this body asks that the Mandate Commission analyze the costs associated with mandating States convert to the use of metric measurements. It does not prohibit the metric system or our efforts to convert to the metric system. It simply recognizes that these efforts cost money and this cost is often borne by State and local governments. This amendment requires the Mandate Commission examine these costs and report on their amounts.

The reasons I support this legislation are myriad. But one main reason why I support this legislation is that I have worked for a number of years, going back to 1992, with Senator NICKLES, from Oklahoma, on legislation that would require that when bills come before this body, there would have to be a cost estimate as to how much this legislation would cost.

In addition to that, Mr. President, Senator NICKLES and I would have required that before regulations were promulgated by a Federal agency, they would have to affix the cost to that regulation. That seemed reasonable. Senator NICKLES and I worked on this for a number of years. In fact, it passed this body last year and was killed during the conference aspects of the legislation. The previous year, it almost passed.

The legislation that Senator NICKLES and I sponsored would have required the General Accounting Office to do the things I mentioned: Report on costs to consumers and business, impact on national employment, ability of U.S. industries to compete internationally, cost to State and local governments, cost to the Federal Government, and impact on gross domestic product.

So the unfunded mandate issue has been approached in a number of different ways. The way that Senator NICKLES and I approached the legislation was a way of handling the congressional mandate issue. This legislation, S. 1, is a more direct method, which I support.

However, I believe that the amendment process is going to make this a better piece of legislation.

The amendment that is now before this body dealing with the metric system is highly pertinent to this legislation. When Federal regulators say to State and local governments, "You utilize the metric system," they are saying a lot, because without question, Mr. President, that is an unfunded mandate.

What costs must the State of Wyoming bear as a result of changing all the road signs? It is a cost. The State of Nevada has the same problem, and every other State. Federal regulators may impose this requirement for the most well-intentioned reasons, but it can cost States a significant amount of money to comply. We must recognize the significance of requiring adherence to this new form of measurement and recognize that there are increased costs associated with this transition.

Are the costs necessary? That is what we are saying. These costs ought not be shifted to State and local governments, and that is where the cost is now being shifted.

While the amendment does not address this, maybe they really ought not to be borne by private contractors also who do business with the Federal Government. And they also will have to bear this burden.

The amendment now before this body that is pending would remedy this cost shifting by establishing a 2-year moratorium on any Federal entity requiring State or local governments to use the metric system of measurement. It would allow agencies to continue pending projects if suspension of the requirement would result in a significant increase in costs.

This amendment, like the underlying legislation, is really about unforeseen costs. It is about the unforeseen costs associated with the implementation of legislation that, if passed, would really be burdensome. And there may be some meritorious reason for the underlying mandate—unfunded, I might add, requiring the metric system conversion—there may be some meritorious reasons for that, but should we not know the costs before we decide the merits of that issue? Under this legislation that is now before this body, there is a mandate commission which will study these types of costs and we will better understand them in the future. Under the amendment now before this body, the Commission will be required to study the costs associated with the Federal Government's mandating the use of metric measurements.

Metric conversion is costing my State money. If the Federal Government provides highway funds to Nevada, it can require that all work be performed in conformity with metric requirements. I think that is a waste of money. It require metric measurements regardless of the costs borne to carry out this mandate.

We are building a new courthouse in Reno, NV. I think it would have been a shame, as will be the requirement in the courthouse we are going to build in Las Vegas, that they submit their bids using metric measurements. The Las Vegas courthouse will require that. The Reno courthouse that is now under construction did not require the contractors to submit bids using metric measurements.

Mr. President, not only would this cost additional money for Nevada and the city of Las Vegas and the city of Reno, but it would also cost money to the local contractors. Indeed, this type of mandating needlessly drives up costs of construction and frustration of the people seeking these contracts. For these contractors that are unable to convert, too bad; their bids are deemed unacceptable because they do not employ a measuring system which they were never taught or never knew would be required in the first place.

The State of Nevada and its cities are already suffering from the imposition of costly unfunded mandates. And one reason I support this legislation is because I hear from so many Nevadans about these costs. Look, for example, to a small entity like Carson City, NV. According to Price Waterhouse, the cost of Federal mandates for the fiscal year 1993 is over $4 million; for north Las Vegas, NV, about $1.5 million for 1993. These costs have consequences because State and local governments are required to pay for them. Other programs, local in nature, are basically laid aside because the money has to be spent on the mandate. There is a limited amount of money to go around, and therefore there are a limited number of projects they can undertake—worthwhile projects.

Requiring metric conversion is just an added unfunded mandate. In north Las Vegas, the money that was spent in 1993 for unfunded mandates could be used to hire additional police to operate a safety key program for children. That is one of the things they want but have not the money to do; to improve and enhance maintenance of the waste water treatment system in north Las Vegas; provide additional parks or renovation of parks, maybe even hire some people to make sure the parks are being operated correctly and are safe.

We could go on and on with the list of things that have not been done as a result of the unfunded mandate money that had to be spent. Why should we add the metric system conversion as another unfunded mandate? Because that is what it is. If it is important enough to do the unfunded mandate after the studies we require in the amendment, then we will go ahead and do it. We can balance whether or not we need additional police, more public works inspectors, improvement in our parks, all these things, or we could waive those. But if left unchanged, these costs simply will be used for things that the local governments feel are unnecessary.

So, Mr. President, I congratulate and applaud my friend from North Dakota for his wisdom in being the author of this amendment. As soon as it was mentioned to me, I knew it was something I wanted to get involved in because it is the right thing to do. This is what unfunded mandates are all about. We have identified an unfunded mandate. Why not examine the costs of this mandate?

AMENDMENT NO. 180, AS MODIFIED

Mr. DORGAN. Mr. President, I appreciate very much the support of my friend from Nevada, Senator REID. Again, to restate it in one sentence, I am not opposed to the metric system. I am opposed to the Federal Government imposing mandates across this country on the metric system in a way that does not make any common sense. I guarantee you, without some intervention from this Congress in the past, we would already have had road signs replaced all across this country that tell people how many kilometers it is to the next rest stop because that is where the bureaucracy goes with a mandate.

My only point is that I do not think we ought to spend taxpayers' money pushing a mandate that makes no sense. If the private sector wants to use the metric system to compete in the European countries or wherever, fine. That is what they are doing; that is what the market system would direct them to do. I do not want us to spend precious taxpayers' money doing things that do not make common sense, and that is the concern I have about the current mandate conversion act.

Now, Mr. President, I visited with the Senator from Idaho, and I think the Senator from Ohio also understands—I visited with him as well—I am willing to modify the amendment in a manner that I think is acceptable to the Senator from Idaho and the Senator from Ohio. I would like, if appropriate at this time, to say that my modification is at the desk and ask the desk to report the modification of my amendment.

The PRESIDING OFFICER. The Senator has a right to modify it. If there is no objection, the clerk will read the modification.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 180, as modified.

Mr. DORGAN. I ask unanimous consent the modification be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 41, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be Federal mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

Mr. DORGAN. Mr. President, I will simply observe that what I have done with this modification is removed the moratorium portion of the amendment but retained the portion of the amendment that will require the Commission on Unfunded Mandates to give us the information in the 2-year study of these costs so the next time we come with this kind of amendment, we have the data necessary to support it.

I do not expect to cease and desist in my efforts to prevent the Federal Government from leading in a direction that I think is unwise. I admit, and I think others admit, we do not know what this costs. That is the point of it. Retaining that portion of the amendment will require the study be done to give us the information so that we do know what it will cost, and in 2 years I hope we can come back and squash the requirement that exists for the Government to want to do things that are unreasonable.

I might also say, in the middle of all this, we will intend once again to prohibit DOT from doing anything that spends the taxpayers' money to convert road signs in the meanwhile. So with that, I ask that the two managers of the bill support this modification.

Mr. GLENN. Mr. President, I compliment my friend for moving in this direction. I think this makes a lot of sense. Since there are a lot of questions about this, to do a study of it I think is fine.

I would like to clarify in the legislative history here on the floor, though, as to whether it is the Senator's intent that the study being done will include the estimated costs? After all, that is what this bill deals with and unless the costs were going to be above $50 million it would not be a threshold item for this particular item.

Mr. DORGAN. That is my intention.

Mr. GLENN. In the remainder of the legislation, outside the part that was stricken, I do not see any specific reference to costs. It said it will consider requirements for a metric system of measurement to be Federal mandates. I would like the legislative history to show that would include in this study that will come back to us an estimate, if at all possible, of the costs to the Federal, State, local, and tribal governments.

Mr. DORGAN. Mr. President, it is written in a manner designed to overcome any problems that would have been imposed by the threshold of the bill. This would require the Commission to study it irrespective of the threshold.

Mr. GLENN. But I ask my colleague, is it his understanding this would include an estimate of the cost of executing this Federal mandate?

Mr. DORGAN. That is the purpose of it. That is correct.

Mr. GLENN. That is fine. I am willing to accept it.

Mr. KEMPTHORNE. Mr. President, I want to commend the Senator from North Dakota because, again, as I listened to the points he has raised, this is exactly why we need to have a bill like S. 1. I listened to my friend from Nevada, and I will have to paraphrase, but very close to this: Senator REID said that there may be merit to this unfunded Federal mandate, but should we not know the cost before we implement it? And he is absolutely right.

That is why with S. 1, once it is enacted, we are going to have that process so Congress will know the cost, any adverse impact to the competitive balance between the public and private sector, before we cast our votes.

Again, I appreciate what they have said. I think they are helping us to lay out the fact that there is a need and the fact, too, that S. 1 fills that need.

So I am happy to accept the amendment as modified from the Senator from North Dakota, and thank him for his amendment.

Mrs. KASSEBAUM. Mr. President, I rise today in support of Senator DORGAN's amendment, which seeks to address burdensome metric mandates. As my colleague from North Dakota has stated, metric requirements impose serious burdens on State, local, and tribal governments and offer a perfect example of the careless practice that the underlying legislation seeks to address.

I became involved in the metric debate during the last Congress, when I introduced legislation that would have prohibited Federal agencies from requiring State and local governments to convert highway signs to metric units. At that time, the Federal Highway Administration was considering plans which would have, in effect, forced financially strapped State and local governments to cancel or postpone highway and infrastructure improvements in favor of metric sign conversion.

Literally thousands of Kansans contacted me to protest this unnecessary and costly change and to ask why we in Washington write laws and then pass the costs along to State and local governments. Fortunately, their opposition and our efforts in Congress were successful in convincing the Federal Highway Administration to abandon its plans for metric sign conversion.

While I was pleased with that decision, I remain concerned about the prospect of similar metric mandates and believe that we must act to ensure that their effect on State, local, and tribal governments is fully understood. This amendment would accomplish that goal, and I urge my colleagues to adopt it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 180), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I would also like to note Senator KASSEBAUM, I know, has an interest in this issue. So we would like to certainly note that. And, too, in S. 1, there will be a process, the ACIR, which will look at existing mandates such as this mandate. So again we have laid out a process that I think will be effective.

I yield the floor.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 178

(Purpose: To require the Board of Governors of the Federal Reserve System to submit a report to the Congress and to the President each time the Board of Governors of the Federal Reserve System or the Federal Open Market Committee takes any action changing the discount rate, the Federal funds rate, or market interest rates)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. HARKIN, and Mr. REID, proposes an amendment numbered 178.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE V—INTEREST RATE REPORTING REQUIREMENT

SEC. 501. REPORT BY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) REPORT REQUIRED.—Not later than 30 days after the Board or the Committee takes any action to change the discount rate or the Federal funds rate, the Board shall submit a report to the Congress and to the President which shall include a detailed analysis of the projected costs of that action, and the projected costs of any associated changes in market interest rates, during the 5-year period following that action.

(b) CONTENTS.—The report required by subsection (a) shall include an analysis of the costs imposed by such action on—

(1) Federal, State, and local government borrowing, including costs associated with debt service payments; and

(2) private sector borrowing, including costs imposed on—

(A) consumers;

(B) small businesses;

(C) homeowners; and

(D) commercial lenders.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Board" means the Board of Governors of the Federal Reserve System; and

(2) the term "Committee" means the Federal Open Market Committee established under section 12A of the Federal Reserve Act.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might, I would like to describe very briefly this amendment. I know Senator REID would like to speak on behalf of the amendment, as well, and I think there are a couple of other Senators, also. I would like to, following that, get a recorded vote ordered on this amendment. This is an amendment I shall not modify and I very much intend to get a recorded vote on.

This amendment deals with the Federal Reserve Board. The mere mention of the Federal Reserve Board puts students to sleep, at least in high school and in college. Start to study issues of the Federal Reserve Board and monetary policy and you very soon have a class that is fast asleep. Yet, the Federal Reserve Board and its conduct of monetary policy in this country has a substantial impact on virtually every American. The Federal Reserve Board controls America's money supply.

Why am I talking about it in the context of a bill on mandates? Very simply, because the Federal Reserve Board will meet in a closed room, shut the door, and make a decision about America's money supply and mandate—it has at least in the last six instances—an increased interest rate be paid by the American people.

That is kind of the mother of all mandates, if you think about it. Every American will have their lives changed as a result of a decision made by folks who portray themselves as a bunch of chaste economic monks who get in this room and make decisions about money. What they are is a bunch of economists and bankers who find themselves a room down in the Federal Reserve Board. They convene in the room, incongruously named the Open Market Committee, in a room that is closed. So I would like to call it the Closed Market Committee. Let us no longer call it the Open Market Committee. These folks go into the Open Market Committee in a closed room, lock the door, and make decisions about America's money supply. And at least in the last six instances over the last year, they have decided to increase interest rates. That is, as I said, the mother of all mandates.

You do not enjoy the opportunity of saying, "I am sorry, I disagree; I am not going to pay increased interest rates." Everybody pays them. The Federal Government pays them. I will bet there are not many Members of the Senate who know how much the Federal Reserve Board's six interest rate increases will have increased the Federal deficit in the coming 5 years. Any guesses? Somewhere about $125 billion.

About 1½ years ago, we wrestled in this Chamber with this issue of deficit reduction. We had massive debates. The American people were involved. Some were upset and incensed and sending letters and calling. Others were supportive. We were trying to reduce the Federal deficit in a democratic way: Increasing taxes, decreasing spending. All of it very controversial, and all of it subject to great emotional debate in the open. But the Federal Reserve Board goes into a room, shuts the door, and in a secret process decides we are going to mandate six interest rate increases, and they have imposed an additional cost on serving the public debt of close to $125 billion.

In other words, they took back with no public debate one-fifth of all that we did—one-fourth to one-fifth of all that we did—in this deficit reduction debate that we had in Congress.

They did not ask us if they could do that, they just did it. But that is not the half of it. It is not just the $125 billion increase in serving the debt, debt service costs, that we will have experienced in the next 5 years. It is the private sector. Everybody who has a home with an adjustable rate mortgage is now paying more.

I had a fellow come up to me this weekend and tell me he is paying $125 more for his house payment than he did a year ago. Why? Magic? Voodoo? No. The Federal Reserve Board, that is why. They made decisions that affect the lives of virtually every American. I mentioned what the public sector cost is, just for the Federal Government, of the decisions by the Fed, the mandate in interest rate increases: a $125 billion increase in 5 years. What about the private sector? Mortgages they pay, all kinds of other consequences? Mr. President, $218 billion in increased costs over 5 years for the private sector.

So the plain fact is the Federal Reserve Board imposes, by its mandate on interest rates, enormous costs on the American people. My amendment is very, very simple. No one—not the slowest thinker—can allege not to understand this. My amendment says when the Federal Reserve Board meets and increases interest rates—incidentally, they are meeting in the next week or so and some suggest they will probably increase interest rates again—they have a responsibility within 30 days to send to the Congress and to the President their evaluation of how much additional cost they have imposed on, yes, the public sector, the Federal Government, State and local governments, and also the private sector.

I asked Alan Greenspan in hearings some while ago: Do you, before you make these decisions, assess how much you are going to impose on others in terms of costs? If they do, it is not available to us. So I do not know. But I submit that they ought to. If someone will be making decisions in this country that will increase the Federal deficit by $125 billion in 5 years, or lay on additional costs in the private sector of $218 billion over 5 years, they ought to be telling us that.

The Senator from Idaho, when he talks about mandates, or the Senator from Ohio—you can describe dozens of mandates—I defy anybody, and I am going to listen for the next week, I defy anybody under any circumstance to describe for me any mandate that comes even close to this mandate, comes even close to imposing $218 billion in added costs on the private sector. You will not find one. This is the big mandate. This is the big one. This is the one that imposes enormous costs, and it is done in secret; done really without very much debate. It is interesting. Very few people want to talk about interest rates in the Federal Reserve Board. Alan Greenspan, Chairman of the Fed, came up here the other day, and, he said, "I think that the Consumer Price Index really boosts inflation one-to-one and a half-percent beyond where it really is." I guess he said one-half of 1 percent to 1 percent. He said it overstates what inflation is.

We have had four successive years of decreased inflation. This year it is 2.7 percent. If Alan Greenspan thinks maybe that is a percent and a half over where it ought to be, that means the real inflation is 1.2 percent. Then I would ask him, if that is the case, what on Earth are you doing increasing interest rates six times putting your foot on the brakes to shut down the American economy and throw this country into a recession if inflation is at 1.2 percent? What on Earth are you doing? On whose behalf are you doing it?

We have different constituencies in this country. The Federal Reserve Board serves it. I might say its constituency represents the large money center bank interests. In fact, the open market committee that goes into the room and makes decisions there are people who are voting on those decisions who are each regional Fed bank presidents that are appointed by no one that I am aware of except their private boards of directors which are controlled by bankers in their region. They are not confirmed by anyone. So they are making public policy decisions in a manner designed—I assume in a manner designed—to serve their interests. Do you think they will come to town and say, "The heck with my board of directors, I could care less about those folks, and I am going to serve somebody else's interests?" I have great trouble with the whole concept of the way the Fed has been structured, and the way it has been behaving.

But my amendment in this circumstance is very clear and very simple. When the Federal Reserve Board takes action to increase interest rates, that is the big mandate in this country. Let us have them within 30 days send a report to the Congress and a report to the President saying here are the costs from our assessment, here are the added costs that we have imposed on governments and on the private sector.

I intend to seek a record vote on this. I would hope very much that it might be accepted. To those who are concerned about mandates, I say let us not be concerned about the little ones, not the nuisance mandates so much. Let us be concerned about the biggest one. Let us be concerned about the center pole in the mandates, the center pole Federal Reserve Board mandating mandates aside from the wisdom of the fact that what they are doing is completely out of sync with what they should be doing. When they do it any time in the future, it seems to me they have an obligation to report to us who will bear the cost of these mandates.

Mr. President, I yield the floor. I note my colleague, Senator REID from Nevada, is also going to speak on this issue.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I would like to extend my congratulations to the Senator from North Dakota of course for offering his amendment of which I am a sponsor, but more importantly for speaking out about the Federal Reserve.

For years I have sponsored legislation that would call for an audit of the Federal Reserve system. I have offered that amendment every year. Every year the legislation gets nowhere.

I think it would be interesting to know about the Federal Reserve. I think we should audit the Federal Reserve. It is taxpayers' money that is being used there. But we do not do that.

Senator DORGAN spoke out on the secrecy of the Federal Reserve system. He has spoken out on the Federal Reserve more than anyone that I know in either body. But even though there is no entity in the world that controls our lives more than the Federal Reserve System, his speeches go unnoticed. And I am sorry to say that. People just do not care it seems about the Federal Reserve. Maybe it is because it is a subject that is not very interesting. It is not pornography. It is not murder. It is not an issue that deals with the Wild West water, grazing. It does not deal with issues that we talk about here a lot. But we do not talk enough about the Federal Reserve and the impact it has on our lives.

So I acknowledge the work that my friend from North Dakota has done on this issue. I am sorry that his very lucid statement have received very little attention.

I was thinking as the Senator from North Dakota was outlining the secrecy of the Federal Reserve System that maybe what we should do—the Central Intelligence Agency has received a lot of criticism lately for not doing a real good job; one reason maybe is that they are not secret enough in some of the things they do—maybe we should combine them with the Federal Reserve Board. What the Federal Reserve Board does nobody knows. Nobody knows what they are doing. It seems that everyone has some idea what the CIA is doing. Maybe we could combine the two. It might not be a bad idea.

Mr. President, the Federal Reserve has raised interest rates six times since February 1994. If someone likes this legislation generally speaking—that is, we are going to try to stop unfunded mandates—then they should love this amendment. If the principle of unfunded mandates being stopped sounds good to Senators, then they should jump with joy and run over here and cosponsor this legislation because this really overshadows all other unfunded mandates because these go on all the time. Not only do they affect government because of the moneys that governments borrow, but they also affect the private sector significantly.

There is not a person that is listening to this debate who is not impacted as a result of higher interest rates. It does not matter if they are homeless or making a multimillion-dollar transaction on Wall Street as we speak. Higher interest rates affect everybody in this country. What we are saying is that the Federal Reserve Board should provide a report to Congress and to the President about anticipated costs of changes in interest rates on the public and private sectors so we are aware each time the Fed raises interest rates of how much more we pay. We should have a little foundation as to what really we pay.

This amendment requires the Fed to prepare a report. This report will detail the costs imposed by interest rate changes within 30 days after the Fed decision to change those rates. The report will include an analysis of the aggregate costs that interest rate changes would impose on Federal, State, and local governments. It will provide a cost analysis of interest rate changes on the private sector borrowing. This will allow us to see the increases in borrowing costs for consumers, small business, homeowners and conventional lenders.

I am glad that there has been a rollcall vote called on this matter. I think it is important to people who are in favor of doing away with unfunded mandates—because they support the largest unfunded mandate we have in America today.

Mr. HARKIN. Mr. President, I rise in strong support of the Dorgan amendment regarding the Federal Reserve. Actions by the Federal Reserve, most notably the six interest rate increases in the last year, have a huge effect on our economy. In impact, it is an independent powerful fourth branch of Government, a branch of Government that has effectively been able to deflect reasonable examination. The impact of the Federal Reserve's actions needs to be better understood by the public and by the Congress. This amendment is a very rational and well thought out step in that direction.

Many would argue that one of the most significant changes in Government policy was the passage of the 1993 Reconciliation Act which among other things reduced the deficit by $500 billion over 5 years, about one-third of the way we needed to go to get to balance. Dozens of articles appeared on front pages of newspapers as that controversial hard fought measure went through the legislative process. The $500 billion sum, was in fact, an amount suggested by Alan Greenspan, the Chairman of the Federal Reserve. Each component was scrutinized by some degree. Many parts of the measure involving less than 5 percent of the whole were bitterly fought over.

In 1994, the Federal Reserve took what might be the second most significant Government action of the last 2 years. Six times, they increased the interest costs on everybody from the Federal Government and local governments, to families with mortgages and credit cards, to almost every business in the Nation.

While many fought bitterly against the tax increases that were included in 1993 Reconciliation Act, there was barely a word from most about the huge tax increase that resulted from the Fed's rate increases. While the first measure cost a typical family under $20 a year in higher taxes, the second cost many modest income families with an adjustable mortgage over a $1,000 in a year, 50 times the impact.

This wave of interest rate increases has been estimated to cost the Federal Government $107 billion over 5 years. And, the cost to the private sector is probably a lot higher. That is a huge impact with minimal public discussion on a governmental decision so significantly affecting both the Federal Government, local governments, and the private sector.

This amendment would help us to understand the impact of the Fed's actions and that would be a significant improvement.

The six increases in interest rates were largely justified by the Fed on the basis of their fear of rising inflation. In 1994, the CPI increased by a meager 2.7 percent, exactly last year's rate of inflation. When more volatile food and fuel costs were taken out, the rate increased by 2.6 percent, the lowest level of inflation since 1965. And, Alan Greenspan, the Fed's Chairman said he believed that the CPI was actually overstating inflation by .5 to 1.5 percent. If he were right about the CPI, and I have my doubts, Greenspan has pushed a huge burden on our economy when he believes that inflation has been under 2 percent a year over the past 2 years.

Where is this inflation that the Fed has been expecting?

Now, there are indications put out by the Fed's rumor mill that they will raise interest rates for a seventh time by another half percent or more on February 1.

The Fed says it takes a long time for the pain of their interest rate increases to work their way through the economy and cause the economy to slow down; that is, to cause enough people to be fired and for enough unemployed people to stay that way. It may take from 6 to 18 months.

I would like to ask: Is it logical to rush forward with a seventh increase in interest rates when we have not seen the impact of the earlier increases? If the Fed Chairman believes inflation has been running at less than 2 percent, I would think he would want to wait.

I would think the Fed would not want the slope of interest rates to rise too quickly. Because the higher we climb, the harder it will be for the economy to have the soft landing that we all want.

Some say that the Fed has an economic model that assumes that whenever unemployment drops to a certain point, it will put pressure on employers to provide some wage increases. And those wage increases will cause inflation. So, under this model, every time employment levels are good and people are working, the Fed fights to get that favorable situation reversed.

The Fed seems to work to create a guaranteed minimum level of unemployment and to minimize any general increase in wages.

I believe the Fed is, to some extent, fighting the last war.

Some have suggested that the tremendous growth in discount stores and the growing willingness of consumers to use private labels creates a real difficulty of manufacturers and retailers to raise prices. Some people see a new culture developing in many manufacturing areas which place considerable pressure on suppliers to avoid cost increases and to develop new lower cost methods of producing goods. To some extent, gains in computer design are providing methods to accomplish that goal.

And, as our country is more and more integrated in a world economy, the ability to raise the price of many U.S. goods and the ability to seek wage increases not related to greater productivity are declining.

Coming back to the analysis required by this amendment, clearly, this is important information that the public and policymakers should have about our economy and the effect of Federal Reserve actions.

Lastly, I wanted to comment on why this amendment should be on this bill. The Fed's interest rate increases are a mandate, a mandate on every city, county, and State in the Nation that issues bonds. It is a mandate on every business in the Nation that has loans based on the prime rate. It is a mandate on every family with a variable rate mortgage and many other kinds of loans. As Senator DORGAN said, the Fed's interest rate hikes are the mother of all mandates.

I commend Senator DORGAN for all of his work in this important area and urge adoption of his amendment.

Mr. SHELBY. Mr. President, I feel compelled to rise in opposition to the Senator from North Dakota's amendment—an amendment, which in my view is misplaced, unwise, and dangerously myopic.

The independent role of the Federal Reserve in setting monetary policy remains critical to the long-term stability of this country.

Cries for more public input in monetary policy decisionmaking misapprehend the necessary role of a central bank in our market system and jeopardize a carefully crafted balance between independence and public accountability.

Public accountability, in contrast to public input, already exists under the current structure of the Federal Resource.

The Fed and its activities are already highly scrutinized by both Houses of Congress pursuant to the Humphrey-Hawkins Act—and I dare say that Chairman Greenspan spends about as much time on the Hill testifying before one committee or another than he does at the Federal Reserve engaging in monetary policy decisionmaking.

This amendment is not about public accountability, Mr. President. Rather, this amendment is about a trade-off between long-term stability and short-term gain.

This amendment represents a rough attempt to influence monetary policy for short-term political purposes.

And yet even if it were successful in its purpose—to try and keep interest rates artificially low—it would still be ineffective, Mr. President, because long-term interests rates are not determined by U.S. monetary policy alone.

The Fed does not make decisions in a vacuum. Long-term bond and currency values reflect international confidence in the conduct of our monetary policy, not simply the Fed's pegged Federal funds rate. And a loose monetary policy, set through a politically influenced decisionmaking process would send a strong message to the rest of the world.

It would basically be telling our international neighbors that we are more concerned with macroeconomic gain than price stability and strong, long-term economic growth.

Mr. President, soft money means a soft economy. Adopt the view endorsed by this amendment and we won't have to worry about bolstering the Mexican economy through billion-dollar subsidies—we can make the peso look good by encouraging a lack of confidence in United States monetary policy and the dollar.

This amendment is not only unwise and myopic, it is misplaced.

It would force the Fed to report to Congress and the White House what costs are imposed on the market every time it raises interest rates. How do you define what comprises costs on the public and private sector? Do you net costs and benefits?

Would the proponents of this amendment agree the way many of them did during the health care debate that the short-term costs are outweighed by the long-term benefits? It would appear so.

Even if you could quantify such costs—which I nonetheless believe would be a specious exercise at best—this amendment is an unnecessary regulatory nightmare.

Congress already has the ability to ask the Fed about the costs of raising interest rates and it has, both through committee oversight and by individual Member queries to the Fed.

So what is the purpose of this amendment? To bog the Fed down in more reporting requirements and politicize its decisionmaking process by triggering the reporting requirements only when the Fed decides to increase interest rates.

Mr. President, the amendment also misapprehends its populist appeal.

It seems to me that on November 8 the American people were pretty clear about a couple of things—one of which is that they can rarely trust Congress to conduct the responsibilities it already has, like making fiscal policy.

I'm quite sure that such a healthy skepticism for this body's abilities would certainly extend to any ideas of Congress extending its reach further into Fed monetary policymaking.

I bet the American people would be much more interested in seeing the Congress report on the costs to the public and private sectors every time it votes to raise taxes.

I like low interest rates, too, Mr. President, but I'm not willing to sacrifice the long-term health of our economy to obtain them.

Mr. President, this amendment has nothing to do with unfunded Federal mandates, but instead is strictly about challenging the role of the Fed in setting monetary policy by making it more politically accountable to Congress.

Costs imposed by rising interest rates are not unfunded Federal mandates. As I've stated before, the Fed can only do so much to affect interest rates, the market will influence the rise or fall in interest rates no matter what the Fed does.

If anything, this amendment is about imposing new mandates by requiring the Fed to comply with new and extensive reporting requirements.

Mr. President, this bill is not the appropriate piece of legislation for this amendment and I would urge my colleagues to support the Senator from Idaho's motion to table the Dorgan amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. What is the present parliamentary situation? Is there an amendment to be voted on?

The PRESIDING OFFICER. The amendment by the Senator from North Dakota is pending.

Mr. HOLLINGS. Are we going to stay on that until 4 o'clock when we vote? Is that the ruling of the Chair?

Mr. President, while I do have the floor, could I put up an amendment or how can that be arranged? Will there be no more amendments?

The PRESIDING OFFICER. The Senator may ask consent to set aside the pending amendment.

Mr. HOLLINGS. I ask unanimous consent that we temporarily set aside the pending amendment so that I can introduce one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair. I thank the distinguished managers of the bill.

Mr. President, I want to talk about the biggest unfunded mandate of all, which is not just interest costs on the Federal debt, but the entire Federal budget. We just heard—and I want to join the leadership of the distinguished Senator from North Dakota and the distinguished Senator from Nevada in their concern relative to interest costs. I will momentarily put into the RECORD a table that will show my colleagues exactly where we are.

Prior to that, let me speak to some of the problems facing our Nation. We are really in crisis, Mr. President, with respect to our fiscal situation and also in crisis in our cultural situation.

We all know the litany: There are some 40 million Americans in poverty. Some 10 million are homeless, sleeping in the streets; another 12 million children are hungry. The cities are a cesspool of crime and violence; the land is drug infested; the schools have turned into shooting galleries. Even more alarming, we now find that of those between the age of 17 and 24, 73 percent cannot find a job out of poverty. In sum, we are dividing into a two-tiered society, the haves and the have-nots.

The middle class that everybody seems to want to address is disappearing. Rather than offering up a State of the Union, rather than coming up with contracts premised on the dismantlement of Government, what we need is a plan to start the Government back up again, for it is only the Federal Government that can solve these problems. With all 50 States joining hands and pulling together, we can work our way out of this dilemma.

Mr. President, our security is like resting upon a three-legged stool. We have the first leg, the values we have as a country, and those are very strong. We readily sacrificed lives to feed the hungry in Somalia; we sacrificed lives again trying to promote democracy in Haiti; and we are now willing to send earthquake relief aid to Japan. We, as an American country—not as a middle class or lower class or underclass or rich class—willingly sacrifice and give assistance where it is needed.

Similarly, the second leg of our security rests on the leg of military power, and the strength of that is unquestioned. Finally, the third leg is that of our economic security, and that leg is fractured, in disrepair, and about to break because of the very litany that we have all enunciated on the floor.

We act as if it is the best of times, and all we need to do is give to the various interest groups their wants. For those in California, we will now finally have a program on immigration after we just passed a multibillion-dollar bill on that subject. It makes a difference. But we have never even given the additional border patrols and everything else a chance to work, including the new offices that were set up. The thrust of such pollster-driven policies would be to say, "We have not done anything," and "Let us start doing something there," because California is important in the Presidential race.

Of course meanwhile, both sides are trying their dead-level best to flatter the middle class with gifts such as tax cuts. Mr. President, we do not have anything to give. The tenor and tempo of the moment should rather be that of John F. Kennedy back some 30 years ago when he said, "My program is not a set of promises of what I intend to give the American people, but rather a set of challenges of what I intend to ask of the American people."

Rather than facing challenges and bringing reality, we are off on a toot, chasing around in a veritable contest, a foot race, if you please, trying to dismantle the Government and saying that the Government is the enemy. The truth of the matter is that the Government is a friend. We have valid programs working which need to be expanded upon—women, infants, and children feeding, 50 percent receive funding and 50 percent go wanting. But for every dollar I spend on women, infants, and children feeding, I save $3. For if I do not spend that money on nutritional supplements, I have, by account, an increase in low birthweight infants. The average stay in an incubator for the low birthweight infants is 30 days, at $1,000 a day, or $30,000.

Getting to the needs of the hour, we need to embellish the WIC Program and the Head Start Program. We can furnish the studies that show for every $1 that we invest in Head Start—not to the cities or to the States or to get it back to the people or to dismantle it and all the other gobbledygook they are giving us—Head Start saves $4.50 for every $1 we spend. We ought to extend that to the other 40 percent of Americans that are not participating.

With respect to funding for the disadvantaged, half of those eligible are not receiving benefits, but for every $1 we spend there, $6.25 is saved. Biomedical research, which is a distressing thing to me, we have cut back under President Clinton's administration on top of the cuts that we have had under Reagan-Bush. But for every $1 we spend in biomedical research out at NIH, we save $13.50.

Indeed, the Federal Government has a lot of good roles to perform. Welfare reform—you are getting another unfunded mandate, Mr. Governor, I can tell you now. Some will get welfare and some will not. Those recipients in the "have-not" States with the bigger burden will start moving to those "have" States. In fact, that is what brought about the Federal program.

I can tell you, once they get to welfare reform and try to set up those jobs to make people work, no money is going to be saved. It is going to cost more. Welfare reform is going to cost more. Name the odds and I will take all bets.

Similarly with health reform. Yes, we can slow down the growth of rising health costs, but the savings that we achieve through reductions in all of the entitlements will leave us far short of our goal. My point is while we may save some, we will not save enough. So, it is important that we come and start looking, if you please, at what we really need in this land of ours. And I will get into that on another occasion, because I want to address the problem of this unfunded mandate, the Federal budget.

Mr. President, we need a Marshall plan for America. If we are going to have a capital gains tax cut, we need to have it for inner-city investment to industry, not just for the rich just to write off. In addition, we need to promote savings. We need targeted IRA's and incentives to promote investment in research and development investment here in the United States. With respect to technology, we need the advanced technology program, which is subject to peer review by the National Academy of Engineering and devoid of any political pork.

Regrettably, you see some shouting in the contract that these are pork barrel programs. We have to get into competition with a competitive trade and industrial policy. We can go down the list of the needs, but we do not have any money.

Looking at what is available, I find myself much like the famous character in "Alice In Wonderland," where to stay where I am, I have to run as fast I can; to get ahead, I have to run even faster.

Let me turn momentarily to the interest costs on the public debt. I can tell you, before Chairman Greenspan raised interest rates, the CBO estimated $311 billion for the 1995 gross interest costs on the public debt. Now, comes January, it has jumped some 28 billion bucks to $339 billion and is projected to rise to $408 billion by 2002.

So what I have tried to do in this particular exercise is to bring into focus the magnitude of our current fiscal situation. I have been in a drill now all this month with my staff and the best of minds. I have summarized it on one sheet of paper. And I will ask my staff to distribute this sheet to our friends on the floor and any others who are interested. Yes, statistics are boring, but it is a reality.

We start, Mr. President, with reality check No. 1, that it will require approximately $1.2 trillion in spending cuts to execute item No. 1 of the Contract With America; namely, to balance that budget.

Now, balancing the budget is not a new thing. I have tried dutifully as a Member—and Senator DOMENICI and I are the only remaining Members since the initiation over 20 years now of the Budget Committee—and as a former chairman, I have conscientiously tried freezes. I have tried Gramm-Rudman-Hollings—which, incidentally, my colleagues, Mr. GRAMM and Mr. Rudman, joined in abolishing in 1990 when we went from fixed to floating targets. We had the discipline. We needed to maintain that discipline, but in October of 1990, I guess it was—we will find out the exact date—at around 20 minutes to 1:00 in the morning, I will never forget making the point of order; the point of order was appealed and Gramm-Rudman-Hollings, for all intents and purposes, was abolished.

Do not say, "It did not work." That is what I hear is said in these meetings and seminars, that Gramm-Rudman-Hollings did not work. The fact of the matter is that it was not the law that failed, but rather a bipartisan failure on the part of Congress to meet the targets.

The problem continues to worsen—and I emphasize, Mr. President, "worsen"—because if we had had the freezes that my distinguished friend on the other side of the aisle, the majority leader, Howard Baker of Tennessee, and I once offered, we would have a balanced budget this very minute.

After failing with freezes, I then came with taxes. Now, I have been in public service 40 years and I am not some loon who is off trying to get a headline. I do not need it. Instead, I try to make headway.

And I know that taxes are unpopular. Because of pollster politics in this land, every politician is told, whether Republican or Democrat, conservative or liberal, that Americans are all against taxes. Uniquely and ironically, we are in such a position that the only way we can stop increasing daily interest taxes by $1 billion is to raise taxes. Now think about that statement. I said to stop increasing daily interest taxes of $1 billion. Or save a few Sundays, we pushing gross interest up to $339 billion. That interest cost to me is the worst tax of all, because it cannot be avoided. That is the first thing that comes off the top. So, we have spending on automatic pilot and tax increases on automatic pilot. That is why I say our country is in crisis.

The truth of the matter is that we have not paid for the Congress in years. We have not paid for the FBI in years. We have not paid for the DEA in years. We have not paid for the Departments of Commerce, the Interior, Agriculture, and other Departments in years. Why? Because if we look to see domestic discretionary—not defense—domestic discretionary spending right this minute is $253 billion. Defense spending is $270 billion; international affairs is $21 billion for a grand total in discretionary spending of $544 billion.

Get that figure in your mind and turn to the size of the deficit. The true deficit figure for 1995 is $283 billion and not the $176 billion that the press continues to report. They do not want to speak the truth in budgeting. I offered the amendment along with my late friend, Senator Heinz, to prevent us from using the Social Security trust fund to mask the size of the deficit. They do not adhere to it. OMB and CBO give two figures, one using the trust funds, one not using them.

As an aside, I might mention that Social Security is paying its way. It is not in the red. In fact, by the end of the century we will owe Social Security $1 trillion. One trillion dollars we have borrowed. We are using these little IOU slips in the trust fund drawer to mask the true size of the deficit.

Now we will jump back to the $253 billion we spend on domestic discretionary programs. The courts, the Congress, the President, the FBI, the judges—all of these Departments of Government add up to $253 billion. Similarly, at the present time we have a deficit of $283 billion. Thus, we could eliminate all of Government and we would still be facing a deficit.

When we come around with the Contract with America and say we will balance the budget with spending cuts, eliminate the Government, so to speak, we will still have a deficit. This is the unpardonable crisis we have worked our way into. I have continued to search for ideas. I appeared with the best of experts, Mr. Charles Walker, former Undersecretary of the Treasury, Dr. Cnossen of the Netherlands, who helped write the Japanese value-added tax, the United Kingdom's value-added tax.

I have been to countries like Argentina that are operating on a balanced budget. I have been to Chile where they are operating on a balanced budget, and I am lecturing them? I am embarrassed. I have the biggest foreign debt. I have gross interest, the biggest domestic account that we can possibly think of, and we act like all we are here to do is make the headlines with contracts, identify with the family, identify with the middle class, identify with California on immigration, and get past, if you please, the election.

I have tried to work on those entitlements. I wish Senators could have been at some of the meetings that I had with Claude Pepper. I learned that senior citizens were willing to sacrifice as long as everyone shared in shouldering the load. At a meeting with Claude and some senior citizens, I asked everyone to raise their hands if they were willing to just hold the line, freeze Social Security not cut it, but not get any increase so long as no one else got any increase. I would pick up half of Claude Pepper's audience. They would raise their hands and some would stand. After that, the distinguished Congressman from Florida and chairman of that particular committee quit inviting me to the meetings.

I have stood the fire on COLA freezes. Someone on the other side might try and say, "Oh, you did not vote that way in September 1985, when they wheeled in Pete Wilson for the Republican freeze of Social Security." That's true, I did not because it did not apply to every other particular program.

In addition, I have tried to reduce other entitlements. Along with the Senator from Kansas, now majority leader, I attempted to reduce the waste and inefficiencies in the Food Stamp Program, but the promised savings never materialized. Instead, we saw more and more children qualify for the program. I can tell Members here and now what causes latchkey children. It is that the average family's income has steadily declined. So both parents have to get out and they both have to hustle. That is the case in my family and perhaps in your families and everybody's family. That is the fact of life.

Some of them have to get out in order to support their children. The child is left at home.

And there it is. If you think you are going to save on aid for dependent children, look at what the distinguished majority leader said in the morning paper that I read: Babies having babies we deplore, but we are not cutting the children off. I agree with him. It is a child problem, it is not a political problem with the next election to identify: "I got hold of those riding around in Cadillacs and buying T-bone steaks with their food stamps". I have heard that ad nauseam for years and have written a book on hunger. We will talk on that at length on a different occasion.

My point in this whole particular amendment is that we are really in a crisis condition relative to spending on automatic pilot, and the need of the hour is not a delay for a constitutional amendment.

The time for the discipline has passed, so to speak. What we need to do is do it. We all are like a bunch of players that have run up into the grandstand hollering, "We want a touchdown; we want a touchdown; we want a touchdown." Darn it, get down on the field and score a touchdown. We are the players.

I remember when Ronald Reagan came to town. He said he was going to balance the budget in 1 year. When he got here, after he had gotten elected on that pledge, he said, "Oops, this thing is way worse. It's going to take me 2 years."

We went back, thinking he was serious, in the Budget Committee and said, "All right, we'll make it 3 years so it will be realistic and we can get it done."

That was 1981, and by 1985, we had not done anything. In fact, we had this growth, growth, growth. We were supposed to grow out of our problems and give the people back their money so they can spend it better than Washington. We have been through that.

But the fact of the matter is, by 1985 in Gramm-Rudman-Hollings, we had to make a 5-year plan. Now they are jumping it to 7 years. If you agree to that, I can tell you the next Congress is going to come for 10 years. Up, up, and away, just so long as you do not face the music.

I am saying now is the hour to face that music. We cannot do all we want done. But we can make a good start of providing a Marshall plan to rebuild the economy of this land so that we can go back to providing jobs for Americans.

The reality is that you cannot save enough on entitlements. What about defense? There are those who want to increase it inordinately. There are those who want to decrease it inordinately. I think the best judgment at this hour is to hold the line on defense and let the Defense Department really stabilize under the Bottom-Up Review.

With respect to domestic discretionary spending reductions, they have to come from freezes and cuts. But once you go over the list, you find out that there are not enough savings to balance the budget.

Mr. President, I ask unanimous consent this cover sheet, with the list of the cuts, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Non-Defense discretionary spending cuts	1996	1997
Space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	1.0
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Department funding and end miscellaneous activities	0.1	0.2
End Public Law 480 titles I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the bureau of mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate Untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for Energy Technology Development	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for non-profits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice State-local assistance grants	0.1	0.2
Reduce export-import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close Veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate small business development centers	0.056	0.074
Eliminate minority assistance score, small business institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate Int'l Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the United Nations	0.873	0.873
Eliminate participation in U.N, peacekeeping	0.533	0.533
Eliminate Byrne Grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.028	0.140
Reduce Coast Guard 10 percent	0.208	0.260
Eliminate manufacturing extension program	0.03	0.06
Eliminate Coastal zone management	0.03	0.06
Eliminate National Marine sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate State weather modification grant	0.002	0.003
Cut weather service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003
Eliminate minority business development agency	0.022	0.044
Eliminate public telecommunications facilities program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate national information infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Reduce chapter 1 20 percent	0.173	1.16
Reduce special education 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345

Non-Defense discretionary spending cuts	1996	1997
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce Agricultural Research Service	1.579	1.735
Reduce WIC 50 percent	1.579	1.735
Eliminate TEFAP:		
Administrative	0.024	0.040
Commodities	0.025	0.025
Reduce cooperative State research service 20 percent	0.044	0.070
Reduce animal plant health inspection service 10 percent	0.036	0.044
Reduce food safety inspection service 10 percent	0.047	0.052
Total:	36.942	58.407

Mr. HOLLINGS. I thank the distinguished Chair.

I been trying to put us on a reasonable path to get our deficit down to zero. But to do that through spending reductions alone requires $1.2 billion in cuts over 7 years and $37 billion in the first year.

Thirty-seven billion dollars in domestic discretionary looks attainable until you try it on. That is why I have listed them, doing my dead-level best to get up to the $37 billion. I have listed the space station, eliminate it; the community development block grants; the lower-income home energy assistance; the arts funding, the funding for campus-based aid; the funding for impact aid; the funding to control drugs; SBA loans should be eliminated; the Federal aid to mass transit; eliminate the Economic Development Administration; reduce the Federal rent subsidies; reduce overhead for university research; repeal Davis-Bacon—I am going down a list of all these things they have been thinking about.

I am going down a list of all these things they have been speaking about.

Reduce the State Department funding and end miscellaneous activities, end P.L. 480 title I and title III sales, eliminate the overseas broadcasting, the Bureau of Mines, eliminate expansion of the rural housing assistance, eliminate U.S. Trade and Tourism and Travel Administration, the advanced technology program, the airport grants in aid, the Federal highway demonstration programs, eliminate Amtrak subsidies, eliminate the RDA loan guarantees, the Appalachian Regional Commission, the untargeted funds for math and science, cut Federal salaries by 4 percent, charge Federal employees commercial rates for parking, reduce agriculture research extension activities, cancel the advanced solid rocket motor, eliminate Legal Services Corporation, reduce the Federal travel by 30 percent, reduce the energy funding for energy technology development, reduce the Superfund cleanup costs, reduce the REA subsidies, eliminate the postal subsidies for nonprofits, reduce the NIH funding, eliminate the Federal Crop Insurance Program, reduce the Justice-State local assistance grants, reduce the export-import direct loans, eliminate library programs, modify the service contract, eliminate the HUD special purpose grants, reduce housing programs, eliminate community investment programs, reduce strategic petroleum program, eliminate the senior community service program, reduce the U.S. Department of Agriculture spending for export marketing, reduce maternal and child health grants, close the veterans hospitals, reduce the number of political employees, reduce the management costs for the VA health care, reduce the PMA subsidy, reduce below-cost timber sales, reduce the legislative branch 15 percent, eliminate the small business development centers, eliminate the minority assistance on SCORE, technical assistance programs for women's business assistance, international trade assistance and import zones—all that is minority assistance gone, just like they did the caucus over across the hall there—eliminate new State Department construction projects, eliminate the International Boundaries and Water Commission, eliminate the Asia Foundation, eliminate the International Fisheries Commission, eliminate the Arms Control Disarmament Agency, eliminate the National Endowment for Democracy, eliminate Fulbright and other international exchanges, eliminate the North-South Center, eliminate the United States contribution to the World Health Organization, Organization of American States, and the other international organizations, including the United Nations, eliminate participation in U.N. peacekeeping, eliminate the Byrne grants, eliminate community policing programs, a moratorium on new Federal prison construction, reduce the Coast Guard 10 percent, eliminate manufacturing extension program, eliminate coastal zone management, the national marine sanctuaries, the climate and global change research, the national sea grant program, eliminate the State well and modification program, cut the Weather Service operations 10 percent, eliminate the regional climate centers, eliminate the Minority Business Development Agency, eliminate the public telecommunications facilities program grant, eliminate children's educational television, eliminate the national information infrastructure grant, cut Pell grants 20 percent, eliminate education research, cut Head Start 50 percent, eliminate the meals and services for the elderly, eliminate title II social service block grant, eliminate community services block grant, eliminate rehabilitation services, eliminate vocational education, reduce chapter 1 20 percent, reduce special education 20 percent, eliminate bilingual education, eliminate JTPA, eliminate child welfare services, eliminate CDC breast cancer program, eliminate the CDC AIDS control program, eliminate the Ryan White AIDS program, eliminate maternal and child health, eliminate family planning program, eliminate the CDC immunization program, eliminate the tuberculosis program, eliminate Agriculture Research Service, reduce WIC 50 percent, eliminate TEFP administrative commodities, reduce cooperative State research 20 percent, eliminate animal/plant health inspection services 10 percent, reduce food safety inspection service 10 percent, and you have in outlays for the year 1996, $36.942 billion.

Incidentally, Mr. President, it would be good at this time to include in the RECORD a letter the distinguished Senator from New Hampshire dated January 11, 1995, to his colleagues saying, "As part of this process * * * to head up an effort to find dramatic spending reductions in entitlements," and list of reductions in entitlements be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 11, 1995.

DEAR COLLEAGUE: As you know, we are aggressively proceeding to address the development of next year's budget under the leadership of Senator Dole and Senator Domenici. As part of this process, I have been asked to head up an effort to find dramatic spending reductions in entitlements. I would appreciate your help in this effort.

We are going to attempt to identify entitlement savings in the range of hundreds of billions of dollars over the next five years. To accomplish this, we are using the following documents:

(1) Last year's Republican budget which entailed nearly $215 billion in entitlement savings (Appendix A);

(2) An allocation formula of additional savings based on the approximate percent that various spending categories represent of total entitlement spending (Appendix B) and;

(3) A working draft of potential areas for savings (Appendix C).

Social Security is not to be included in any of this activity.

Using the enclosed documents and any other materials or ideas that you may have, I would appreciate it if you or your staff would get back to us no later than January 17th as to any specific suggestions or proposals that you would like to make.

Thank you for your attention to this issue.

Sincerely,

JUDD GREGG.

CHAPTER 1: PROPOSALS TO REFORM THE CIVIL SERVICE RETIREMENT SYSTEM

I. OPTIONS TO REDUCE REPLACEMENT RATES FROM THE START OF RETIREMENT FOR CSRS AND FERS

A. Modify the salary used to set pensions:

Cost Savings: $510 million over 5 years. (CBO projections from 1995–1999).

II. OPTIONS TO RETAIN INITIAL REPLACEMENT RATES BUT REDUCE BENEFITS DURING RETIREMENT THROUGH COLA RESTRICTIONS FOR CSRS AND FERS

A. Limit COLAS to one-half percentage point below inflation for CSRS:

Cost savings: $2.45 billion over 5 years. (CBO projections from 1995–1999).

B. Defer COLAS until age 62 for all non-disabled employees who retire before that age for those under CSRS:

Cost savings: $1.210 billion over five years. (CBO projections from 1995–1999: No savings in 1995).

III. OPTIONS TO INCREASE THE CSRS AND FERS RETIREMENT AGE

A. Raise the retirement age from 55 to 65 prospectively for all new hires after 1993:

Cost savings: Because of the prospective implementation, there would be no immediate savings.

B. Raise the age of civilian retirement to 62:

Cost savings: $14 billion over 5 years (1994–1998).

IV. OPTIONS TO RAISE DEFINED BENEFIT CONTRIBUTIONS IN CSRS AND FERS

A. Increase employee contributions to Retirement Fund in CSRS from 7 percent to 9 percent over two years:

Cost Savings: $4.180 billion over 5 years. (CBO Projection from 1995–1999).

V. OPTIONS REGARDING CSRS AND FERS SURVIVOR BENEFITS

A. Conform the maximum entitlement age for CSRS/FERS child-survivor benefits to that of Social Security:

Cost savings: $50 million over 4 years. (1994–1997).

B. Base survivor annuity on the retiree's reduced annuity:

Cost savings: $350 million over 4 years. (1994–1997).

VI. OPTIONS TO DECREASE THE EMPLOYER MATCHING RATE FOR VOLUNTARY THRIFT SAVINGS PLAN (TSP) CONTRIBUTIONS

Option 1: Eliminate the 50-cents-per-dollar match for the fifth percent of salary available under the current thrift savings plan for all new hires:

Cost savings: $144 million over 5 years.

Option 2: Eliminate the 50-cents-per-dollar match for new employees:

Cost savings: No saving over 5 years.

Option 3: Limit the Federal match to a federal matching rate of 50 percent against the first five percent of pay:

Cost savings: $2.34 billion over 5 years. (CBO projections from 1995–1999).

Option 4: Reduce the Federal matching contributions from one dollar to 50 cents for contributions above the first one-percent of pay contributed by employees:

Cost savings: Does not indicate separate cost savings.

CHAPTER 2: PROPOSALS TO REFORM THE MILITARY RETIREMENT SYSTEM

I. OPTIONS TO REDUCE REPLACEMENT RATES FROM THE START OF RETIREMENT

A. Modify the salary used to set pensions:

Cost savings: $110 million over 5 years. (CBO Projections from 1995–1999).

II. OPTIONS TO RETAIN INITIAL REPLACEMENT RATES BUT REDUCE BENEFITS DURING RETIREMENT THROUGH COLA RESTRICTIONS

B. Defer COLAs:

Option 1: For those who enlist after 1993, defer the COLA on their retirement benefits until age 62:

Cost savings: None over 5 years. (1994–1999).

Option 2: Defer COLAs for all future military retirees until age 62:

Cost savings: $4.45 billion over 5 years. (CBO projections from 1995–1999: No savings in 1995).

B. Limit COLAs:

1. Limit COLAs to one percentage point below inflation for all the future military retirees.

Cost savings: $2.77 billion over 5 years. (CBO projections from 1995–1999).

CHAPTER 3: PROPOSALS TO REFORM MEDICARE

Part 1: Proposals To Reform Medicare Part A, Hospital Insurance (HI)

I. PROSPECTIVE PAYMENT SYSTEM (PPS)

A. Eliminate Medicare payments to hospitals for enrollees' bad debts:

Cost savings: $1.75 billion over 5 years. (CBO Projection for 1995–1999).

B. Eliminate Medicare's additional payments to sole community hospitals (SCHs).

Cost savings: $1.33 billion over 5 years. (CBO projection for 1995–1999).

II. PPS—UPDATE FACTOR PROPOSALS

Cost savings: $17.76 billion over four years. (HHS projection for 1997–2000).

A. Update Medicare payments to hospitals for inpatient care on a calendar-year basis:

Cost savings: $4.6 billion over 4 years. (HHS projection for 1994–1997).

B. Freeze Medicare's part A payment rates and limits for 1 year:

Cost savings: $8.45 billion over 5 years. (CBO projection for 1995–1999).

C. Extend OBRA–93 skilled nursing facilities (SNFs) savings:

Cost savings: $920 million over 5 years. (HHS projection for 1996–2000).

III. CAPITAL PAYMENTS

A. Mandated reduction in capital reimbursement payments to hospitals:

Cost savings: $4 billion over 5 years. (HHS projection based on $800 million savings annually).

B. Reduce capital payments by the following three changes:

Cost savings: $6.2 billion over 5 years. (HHS projection for 1996–2000).

IV. INDIRECT MEDICAL EDUCATION

A. Reduce Medicare's payments for the indirect costs of patient care that are related to hospitals' teaching programs:

Option 1: Lower teaching adjustments to 6 percent:

Cost savings: $4.79 billion over 5 years. (CBO projection for 1995–1999).

Option 2: Lower teaching adjustments to 3 percent:

Cost savings: $13.55 billion over 5 years. (CBO projection for 1995–1999).

Option 3: Lower teaching adjustments to level supported by HCFA's empirical data, or 5.65 percent:

Cost savings: $5.225 billion over 5 years. (HHS projection based on annual savings of $1.045 billion).

Option 4: Lower teaching adjustments to 3.2 percent:

Cost savings: $8.71 billion over 5 years. (GAO projection 1992–1996).

B. Replace indirect medical education adjustments with a transfer support system:

Cost savings: $18.45 billion over 5 years. (HHS projection for 1996–2000).

Part 2: Proposals to Reform Medicare Part B, Supplemental Medical Insurance

I. FEE SCHEDULES—PHYSICIANS SERVICES

A. Relative value units:

1. Payments to medical staffs would be limited.

Cost savings: $2.45 billion over 3 years (HHS projection for 1998–2000; no savings in 1995–97).

B. Geographic adjustment:

There are no current options that affect the geographic adjustment.

C. Conversion factor:

1. Reduction in conversion factor for 1994.

Cost savings: $2.85 billion over 6 years. (HHS projection for 1995–2000).

D. Update factor:

1. Beginning in fiscal year 1996, use the change in real gross domestic product (GDP) to adjust the volume and intensity factors of the MVPS calculation.

Cost savings: $5.775 billion over 4 years. (HHS projection for 1997–2000).

2. Set cumulative growth targets for MVPS.

Cost savings: $5.475 billion over 4 years (HHS projection from 1997–2000) Note: includes $75 million cost in 1997.

V. MEANS-TESTING

A. Phase in an increase of the deductible from $696 to $2000 for hospital stays under Medicare Part A for individuals with AGIs above $70,000 (couples above $90,000):

Cost savings: $1.6 billion over 5 years. (1995–1999).

VI. DISPROPORTIONATE SHARE HOSPITAL ADJUSTMENTS

A. Eliminate the disproportionate share adjustment for hospitals in Medicare's prospective payment system:

Option 1: Eliminate the DSH payment immediately.

Cost savings: $20.3 billion over 5 years. (CBO projection for 1995–1999).

Option 1: Phase out the DSH payments over 5 years.

Cost savings: $12.55 billion over 5 years. (CBO projection for 1995–1999).

B. Reduce DSH payments:

Cost savings: $17.25 billion over 5 years. (HHS projects an additional 1.5 percentage points would be added for primary care services. Projection for 1996–2000).

VII. ADMINISTRATIVE SAVINGS OPTIONS

A. Do not reimburse Medicare providers for substandard medical care:

Cost savings: $550 million over 5 years. (HHS projection based on annual estimated savings of $110 million).

II. CLINICAL LAB SERVICES-FEE SCHEDULES

A. Include laboratory services in outpatient or office visits in the charges:

Cost savings: $6 billion over 5 years. (HHS projection).

B. Change the way Medicare pays for clinical laboratory test:

Cost savings: $2.13 billion over 5 years. (HHS projection).

C. Permanently extend the 2 percent annual update of Medicare reimbursement rates for clinical lab services:

Cost savings: $740 million over 4 years. (OMB projection for 1994–1997).

III. OUTPATIENT TREATMENT/SERVICES

A. Treat hospital admissions as outpatient services when there is no overnight stay:

Cost savings: $1.05 billion over 5 years. (HHS projection based on annual savings $210 million).

B. Bring outpatient-services payments in line with ambulatory service center (ASC) approved insurance:

Cost savings: $645 million over 5 years. (HHS projection).

C. Continue Medicare's transition to prospective rates for facility costs in hospital outpatient departments:

Cost savings: $340 million over 5 years.

D. Require Medicare payments to equal the blended amount less any amount the hospital may charge as coinsurance:

Cost savings: $9.75 billion over 7 years. (HHS projection for 1994–2000).

E. Reasonable cost reimbursements:

1. Increase the 5.8 percent reduction of payments for hospital outpatient services to 10 percent reduction.

Cost savings: $2.6 billion over 4 years from 1993 estimate. (OMB estimate as reported in Medicare: FY94 Budget (Updated December 13, 1993)).

IV. CO-INSURANCE FOR PART B

A. Increase the part B coinsurance rate to 25 percent on all services that are currently subject to a coinsurance rate of 20 percent:

Cost savings: $16.25 billion over 5 years. (CBO projection for 1995–1999).

B. Clinical lab services:

1. Collect 20 percent coinsurance on clinical lab services under Medicare.

Cost savings: $6.18 billion over 5 years. (CBO projection for 1995–1999).

V. DEDUCTIBLE

A. Increase Medicare's deductible from $100 to $150 and index for inflation:

Cost savings: $9.29 billion over 5 years. (CBO projection over 1995–1999).

VI. PREMIUMS

A. Increase the part B premium to 30 percent of program costs:

Cost savings: $17.37 billion over 5 years. (CBO projection for 1995–1999). (Note: Savings is actually over 4 years because no change in 1995).

VII. MEANS-TESTING

A. Phase out the premium subsidy for higher income beneficiaries:

Option 1: Gradually reduce the Medicare part B premium subsidy for high-income enrollees with AGIs beginning at $70,000 for individuals ($90,000 for couples). The subsidy would be phased out completely at AGI of $95,000 for individuals ($115,000 for couples).

Cost savings: $7.34 billion over 5 years.

Option 2: Phase out part B subsidy through gradual reduction in subsidy for enrollees earning more than $50,000 ($65,000 for couples):

Cost savings: $16.3 billion over 5 years.

Option 3: Raise the part B premium to cover 75 percent of costs for individuals with incomes exceeding $90,000 ($115,000 for couples):

Cost savings: Not Available.

Option 4: Raise the premium for physicians' services under Medicare to cover 75 percent of costs for individuals with incomes exceeding $75,000 ($100,000 for couples):

Cost savings: $8 billion over 5 years. (CBO projection for 1996–2000).

Option 5: Raise the part B premium to cover 50 percent of costs for individuals with incomes exceeding $60,000 and for couples with incomes exceeding $80,000:

Cost savings: $6.02 billion over 5 years.

Option 6: Income-related premiums would cover 100 percent of costs for individuals with incomes exceeding $125,000 and for couples with incomes over $150,000:

Cost savings: $5.375 billion over 5 years. (CBO projection for 1995–1999).

Option 7: Raise the premium for physicians' services under Medicare to cover an additional one-third of program costs for individuals with incomes exceeding $100,000 ($125,000 for couples):

Cost savings: Not Available.

VIII. MISCELLANEOUS

A. Charge a fee for supplementary medical insurance (part B) claims that are not billed electronically:

Cost savings: $550 million over 4 years. (CBO projection 1994–1998).

B. Competitive bids:

1. Require the Secretary of HHS to establish competitive acquisition areas for the awarding of contracts to furnish selected items or services, effective January 1, 1995.

Cost savings: $980 million over 6 years. (HHS projection for 1995–2000).

2. Require the Secretary to reduce lab fee schedule payment amounts if competitive acquisition did not result in a 10 percent reduction in payments that would otherwise have been made.

Cost savings: $1.55 billion over 6 years. (HHS projection for 1995–2000).

IX. EXTEND CURRENT LAW

A. Permanently extend OBRA–90 5.8 percent reduction of Medicare reimbursement for hospital outpatient department (OPD) reasonable costs beyond 1995:

Cost savings: $950 million over 4 years. (OMB projection for 1994–1997).

Part 3: Proposals Affecting Part A and Part B

I. MEDICARE SECONDARY PAYMENT (MSP)

A. Extend MSP provisions for beneficiaries whose Medicare eligibility is based on end stage renal disease (ESRD) from the current law limit of 18 months to the duration of treatment of the disease:

Cost savings: $3.018 billion over 5 years.

II. HOME HEALTH SERVICES

A. Home health co insurance:

Option 1: Establish 20 percent coinsurance for home health services under Medicare from beneficiaries with Adjusted Gross Income (AGI) above 150 percent of the Federal poverty level. (The 150 percent poverty level in 1992 was $10,094 for individuals age 65 or over and $12,730 for two-person families with a head age 65 or older):

Cost savings: $13.675 billion over 5 years.

Option 2: Establish 10 percent coinsurance on home health services under Medicare from beneficiaries with AGI above 150 percent of the Federal poverty level. (The 150 percent poverty level in 1992 was $10.094 for individuals age 65 or over and $12,730 for two-person families with a head age 65 or older):

Cost savings: $7 billion over 5 years. (1994–1998).

Option 3: Establish a 10 percent copayment from those receiving home health services:

Cost savings: $11 billion over 5 years.

Option 4: Establish a 10 percent copayment for all home health services, except for those received within 30 days of discharge from a hospital for inpatient care:

Cost savings: $8.02 billion over 6 years. (HHS projection for 1995–2000).

Option 5: Collect 20 percent coinsurance on all home health and skilled nursing facility (SNF) services under Medicare:

Cost savings: $20.45 billion over 5 years. (CBO projection for 1995–1999).

B. Other home health proposals:

1. Extend OBRA–93 home health saving.

Cost savings: $2.1 billion over 4 years. (HHS projection for 1997–2000).

2. Establish home health median limit.

Cost savings: $600 million over 4 years. (HHS projection for 1997–2000).

III. GRADUATE MEDICAL EDUCATION

A. Reduce Medicare's direct payments for Medical education:

Option 1: Base Medicare direct medical education payments on a national per resident amount derived from the national average of salaries paid to residents in 1987, updated annually by the Consumer Price Index (CPI) for urban areas:

Cost savings: $1.07 billion over 5 years. (CBO projection for 1995–1999).

Option 2: Base Medicare direct medical education payments on a national per resident amount derived solely from the average of salaries paid to residents:

Cost savings: $1.4 billion over 4 years. (OMB projection for 1994–1997).

Option 3: Reduce teaching and overhead payments for non-rural, non-primary care residents in their initial residency period and eliminate these payments beyond the initial residency, but continue to pay salaries and fringe benefits:

Cost savings: $1.225 billion over 5 years. (1994–1995).

IV. ELIGIBILITY AGE

A. Raise the Medicare entitlement age to 67:

Cost savings: Savings would begin in the year 2000 and build as the increase is phased in over 26 years. The potential savings would be approx. $60 billion per year immediately after the entitlement age reaches 67 in 2027. This amount is between $4.7 and $14.6 billion per year, depending on the measure used.

V. MEANS TESTING

A. Establish an income-tested deductible for the sum of payments under part A and part B of Medicare:

Cost savings: $55 billion annual savings. The authority of this option (CATO) estimate that it would reduce the growth of outlays from medical care by at least one percentage point.

VI. HEALTH MAINTENANCE ORGANIZATIONS (HMOS)

A. Standardize payments to HMOs:

Cost savings: $1.285 billion over 6 years. (OMB projection for 1995–2000).

VII. EXTEND PROVISIONS OF CURRENT LAW

A. Medicare secondary payment (MSP):

Cost savings: $2.680 billion over 2 years (HHS projection for 1999–2000; no savings in 1995–1998 because the current system covers up to 1998).

B. Permanently extend the data program to identify Medicare secondary payment (MSP):

Cost savings: $465 million over 2 years. (HHS projection; no savings before 1999 because current system is in effect through 1998).

VIII. ADMINISTRATIVE SAVINGS OPTIONS

A. MSP Overpayments:

Cost savings: Savings from this proposal depend on administrative action, including the allocation of sufficient discretionary funding to the HCFA to collect the estimated overpayments. While the maximum savings would be $961.6 million in the first year, it is unlikely that all of this sum would be collectable.

B. Increase Medicare oversight funding for the contractors that do claims processing:

Cost savings (savings in mandatory spending, but costs in discretionary spending):

Heritage Foundations—$5.4 billion over 5 years.

GAO—stated that CBO does not make estimates of this type of savings but does not disagree with GAO.

CHAPTER 4: PROPOSALS TO REFORM MEDICAID

1. Institutionalized care.

A. Nursing facility care (NFC):

1. Mandate state regulation of growth in the number of nursing home beds.

Cost savings: $625 million over 5 years. (CBO projection for 1995–1999).

B. Institutions for the mentally retarded:

1. Reduce to legally authorized levels of Medicaid payments to institutions for the mentally retarded.

Cost savings: $3.415 billion over 5 years. (HHS projection based on annual savings of $683 million).

MISCELLANEOUS

A. Managed care:

1. Require states to phases in managed care programs for Medicaid patients.

Cost savings: $10 billion over 5 years. (1995–1999).

B. Merge Women Infants and Children (WIC) with Medicaid:

Cost savings: $4.4 billion over 4 years. (1992–1996).

C. Impose higher premiums on Medicaid recipients with incomes over 100 percent of poverty:

Cost savings: $600 million over 4 years. (1992–1996).

D. Eliminate Medicaid transition benefits for AFDC recipients:

Cost savings: $750 million over 4 years (1992–1996).

E. Eliminate Federal matching in the Medicaid Program for the State Medicare buy-in:

Cost savings: $3.6 billion over 6 years. (1992–1996).

Chapter 5: Proposals To Reform Federal Health Care Programs

I. FEDERAL EMPLOYEES HEALTH BENEFITS

A. End the pay-as-you-go policy for Federal employees health benefits program and prefund Federal retirees' health insurance (pay-as-you-earn policy):

Cost savings: $11.6 billion over 5 years. Estimates of savings could vary greatly, depending on CBO's estimate of the timing of a Postal rate increase to finance this proposal. The recorded deficit would not change by adopting this proposal because the increased agency payments would simply represent transactions between accounts within the budget. But the option's coverage of government enterprises, primarily the Postal Service, would reduce the Federal budget deficit in the near term. The option would increase agencies' current costs, but the agencies could offset these increases by absorbing the costs through program reductions, or by increasing the postage and utility rates and thus decrease the budget deficit. Almost all of the savings would come from the Postal Service because it is highly labor intensive. Rate increases could not be effective before late 1996 or early 1997.

II. HEALTH CARE BLOCK GRANTS

A. Reduce funding by 50 percent for the maternal child health (MCH) block grant and the preventive health services block grant:

Cost savings: $1.7 billion over 5 years. (1992–1996).

Chapter 9: Proposals To Reform Means-Tested Programs

Part 1: Proposals To Reform Supplemental Security Income (SSI)

I. PROGRAMMATIC REFORM

A. Reduce the $20 exclusion from income in SSI:

Cost savings: $1 billion over 5 years.

B. Replace cash benefits with medical vouchers for SSI benefits to disabled children:

Cost savings: Not Available.

C. Review status of SSI child disability recipients upon eighteenth birthday:

Cost savings: Not Available.

II. ADMINISTRATIVE PROPOSALS THAT REQUIRE NO CHANGE IN LAW

A. Overpayments and debts:

1. Report the admission of SSI recipients to nursing homes in a timely fashion in order to stop overpayment of benefits.

Cost savings: $110 million over 5 years.

2. Use income tax offsets to recover SSI overpayments.

Cost savings: $82.5 million over 5 years.

3. Improve recovery SSI overpayments by offsetting reductions in Social Security payments.

Cost savings through legislation: $120 million over 5 years.

Cost savings without legislation: $46.5 million over 5 years.

Part 2: Proposals To Reform Welfare

I. NON-CITIZENS/ALIENS

A. Restrict eligibility for recipients of welfare assistance:

Option 1: Rescind the PRUCOL standard for AFDC, SSI, and nonemergency Medicaid and replace with a uniform standard for programs with a restricted list of eligible recipients.

Cost savings: Not Available.

Option 2: Deny all aliens, except refugees and elderly permanent residents, from eligibility for 61 programs, not including emergency Medicaid:

Cost savings: Not Available.

Option 3: Deny all aliens, with limited exception, from eligibility for 58 programs, not including emergency Medicaid:

Cost savings: Not Available.

II. FAMILIES AND CHILDREN

A. Cap the AFDC-emergency program:

Cost savings: $1.6 billion over 5 years.

B. Reduce benefits to AFDC families who also receive public housing benefits:

Cost savings: $3 billion over 5 years.

C. Eliminate the $50 child support payment to AFDC families:

Cost savings: $630 million over 5 years.

D. Decrease Head Start funding by 50 percent:

Cost savings: Not Available.

E. Limit Federal participation in States' costs for administering the Foster Care Program:

Option 1: This option would limit annual increases in payments to each state for administrative costs to 10 percent a year:

Cost savings: $150 million over five years (CBO Cost projections).

Option 2: This option would limit annual increases in payments to each state in the four following ways:

Cost savings: $1.793 billion over 5 years.

F. Require States to develop criteria and implement procedures for assuring that foster care agencies refer appropriate cases to State child support agencies:

Cost savings: $55 million over 5 years.

Part 3: Proposals To Reform the Food Stamp and Child Nutrition Programs

I. ADMINISTRATIVE PROPOSALS

A. Merge AFDC, food stamps, public housing assistance, the earned income tax credit (EITC), and other welfare programs into a cash assistance program requiring recipients without children to work for assistance:

Cost savings: $10 billion over 5 years.

II. CHANGES IN FEDERAL REIMBURSEMENT PROCEDURES

A. Change Federal administrative-cost reimbursements in welfare programs:

1. Reduce the reimbursement rate for administrative costs in AFDC, Medicaid, and Food Stamps to 45 percent.

Cost savings: $5.7 billion over 5 years.

2. Consolidate the administrative costs of AFDC, Medicaid, and Food Stamps into a single system, requiring states to pay at least half of all administrative costs and placing a cap on total reimbursable expenditures.

Cost savings: $6.3 billion over 5 years.

3. Require states to reimburse the Federal government for all food stamps overpayment errors caused by state administrators.

Cost savings: $5.6 billion over 5 years.

4. Deny Federal matching of administrative costs for expenses related to states appealing quality control sanctions in the Food Stamp, AFDC, and Medicaid programs.

Cost savings: Not Available.

III. PROGRAMMATIC REFORM

A. Eliminate food stamps, public housing, and other welfare benefits for all able-bodied adults:

Cost savings: $6 billion over 5 years.

B. Require all employable food stamp recipients to engage in workfare or job search:

Cost savings: $600 million over 5 years.

C. Food Stamp Benefits:

1. Eliminate small food stamp benefits.

Cost savings: $300 million over 5 years.

2. Limit child nutrition program subsidies.

Option 1: Increase targeting of school lunch and child and adult care food program on low-income persons by eliminating subsidies for children from families with relatively high incomes:

Cost savings: $3.07 million over 5 years.

Option 2: Restrict child nutrition and school lunch subsidies to families below 185 percent of the poverty threshold:

Cost savings: $5.7 billion over 5 years.

Option 3: End all child nutrition program subsidies for children with family income above poverty:

Cost savings: $1 billion over 5 years.

D. Count certain non-cash benefits in determining housing and food stamp assistance:

Cost savings: $6.15 billion over 5 years.

Part 4: Proposals To Reform the Unemployment Compensation Program

I. UNEMPLOYMENT COMPENSATION (UC)

A. Deny UC benefits to military personnel who leave voluntarily:

Cost savings: $1.4 billion savings over 5 years (1994–1998).

B. End unemployment compensation benefits for individuals with taxable income execeeding $120,000 a year:

Cost savings: $361 million over 5 years (1994–1998).

C. Substantially reduce unemployment benefits by delaying benefits for 1 month and reducing the benefit by 5 percent per week for 20 weeks:

Cost savings: $5.0 billion savings over 5 years (1994–1998).

D. Require a two-week waiting period before unemployment compensation benefits begin:

Cost savings: $4.6 billion savings over 5 years (1993–1997).

II. TRADE ADJUSTMENT ASSISTANCE

A. Eliminate trade adjustment assistance, including training and cash benefits:

Cost savings: $990 million over 5 years (1995–1999).

B. Eliminate trade adjustment assistance cash benefits:

Cost savings: $660 million over 5 years (1995–1999).

C. Congressional proposals:

1. Reemployment Act of 1994.

Cost savings: Not available.

2. Job Training Consolidation Act of 1994 (Sen. Kassebaum).

Cost savings: Not available.

III. PRIVATIZATION OF UNEMPLOYMENT BENEFITS

Cost savings: Not available.

Part 5: Proposals to Reform Veterans' Programs

I. GENERAL BENEFIT PAYMENTS

A. Eliminate subsidy for administrative costs of life insurance programs:

Cost savings: $113 million over 4 years.

B. Restore GI Bill Education Program funding ratio to 9:1:

Cost savings: $339 million over 4 years.

II. FACILITIES

A. Close or convert inefficient or underused VA facilities:

Cost savings: $1.2 billion over 5 years.

III. HEALTH CARE

A. Adopt a prospective payment system for veterans health care (Similar to the Medicare system):

Cost savings: $2.25 billion over 5 years.

IV. DISABILITY PAYMENTS

A. End VA disability compensation for non-service-related injuries and illnesses:

Cost savings: $950 million over 5 years.

B. Eliminate disability payments to veterans with diseases presumed not to be related to military service:

Cost savings: $616 million over five years.

Chapter 10: Proposals To Reform the Pension Benefit Guaranty Corporation

I. ELIMINATE THE VARIABLE RATE PREMIUM CAP BY 1997 AND RAISING THE VARIABLE RATE PREMIUM FROM $9 TO $18 FOR * * *

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3. Extend authority to recover costs from health insurers of veterans for non-service-related conditions.

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C. Restrict eligibility for disability compensation benefits:

Option 1: End payments to veterans with low-rated disabilities.

Cost savings: $3.25 billion over 5 years.

Option 2: Phase-out payments to veterans with non-service related or low-rated disabilities.

Cost savings: $2.6 billion in 2000.

V. LOANS

A. Loan fees:

1. Raise the loan fee for housing loans guaranteed by the VA.

Cost savings: $1.4 billion over five years.

B. Require down payment and fee for multiple use of loan guaranty:

Cost savings: $68 million over four years.

C. Permanently extend resale loss provision:

Cost savings: $80 million over four years.

VI. EXTEND PROVISIONS OF CURRENT LAW

A. Eliminate all "sunset" dates on certain provisions for veterans:

1. Permanently extend income verification through IRS.

Cost savings: $25 million in 1999.

2. Permanently extend pension limit to veterans receiving Medicaid care.

Cost savings: $190 million in 1999.

Chapter 11: Proposals to Reform Farm Programs

I. CONSERVATION

A. End the Conservation Reserve Program:

Cost savings: $9.3 billion over 5 years.

(While the program costs about $1.8 billion per year it is estimated that the program saves about $1 billion in Federal expenditures in other farm programs. The $9.3 billion estimate probably does not account for this. Thus, the actual savings could be only $800 million per year, or $4 billion over 5 years.)

II. FARM SUBSIDIES

A. Crop subsidies

1. Phase out agricultural crop subsidies over 5 years at a rate of 20 percent each year.

Cost savings: $6.5 billion over 4 years.

2. Lower target prices subsidized crops.

Option 1: Reduce prices by 3 percent annually starting in 1995.

Cost savings: $11.2 billion over 5 years.

Option 2: Reduce prices by 1.5 percent in 1995 and 1996, and 3 percent for 4 years thereafter.

Cost savings: $4.5 billion over 5 years.

3. End Federal subsidies for rice and cotton.

Cost savings: $6.8 billion over 5 years.

4. Eliminate the 0/85 (formerly 0/92) and 50/85 (formerly 50/92) programs for participants in USDA commodity programs, which pay farmers to leave land idle.

Cost savings: $1.34 billion over 5 years.

5. Reduce the CCC outlays by lowering the number of acres eligible for deficiency payments from 85 percent to 75 percent of base acreage.

Cost savings: $3.94 billion over 5 years.

6. Increase assessments on "non-program" federally-subsidized crops starting in 1996.

Cost savings: $900 million over 4 years.

7. Require specific "Endings-Stock-To-Use" ratios for setting acreage reduction programs for feed grains.

Cost savings: $600 million over 5 years.

B. Livestock subsidies:

1. Dairy subsidies and supports.

a. End all Federal dairy subsidies.

Cost savings: $1 billion over 4 years.

b. Reduce costs for the dairy price support program by increasing the assessment on producers.

Cost savings: $1.2 billion over 5 years.

c. Reform milk marketing orders to reduce milk price support outlays.

Cost savings: $1.05 billion over 5 years.

2. Eliminate Federal support for honey.

Cost savings: $32 million over 4 years (assuming restrictive appropriations language does not continue in the future).

C. Means testing of subsidies:

1. Restrict eligibility for benefits from price support programs and reduce the payment limitation.

Cost savings: $2.73 billion over 5 years:

Limit farm price support payments to $50,000/person: $670 million over 5 years.

Limit farm price support payments to $40,000/person: $1.28 billion over 5 years.

Disqualify people whose Adjusted Gross Income exceeds $100,000: $300 million over 5 years.

Disqualify people whose gross revenue from commodity sales exceeds $500,000: $670 million over 5 years.

2. End Federal farm subsidies for individuals with annual net taxable income of more than $120,000 and corporations with annual net taxable income of more than $5 million.

Cost savings: $1.04 billion over 5 years.

3. Target CCC farm subsidy payments to farmers with off-farm incomes below $100,000.

Cost savings: $470 million over 5 years (1994–1997).

D. Cash repayments of USDA commodity loans:

1. Require cash repayment of USDA commodity loans and allow program administrators to set local repayment rates closer to prevailing market prices so the Federal Government no longer covers additional, unnecessary costs.

Cost savings: $320 million in 5 years.

III. AGRICULTURAL EXPORT PROGRAMS

A. Export subsidies:

1. Eliminate the Export Enhancement Program.

Cost savings: $4.16 billion over 5 years.

2. End EEP for individuals with annual net taxable income of more than $120,000 and corporations with annual net taxable income of more than $5 million.

Cost savings: $6 billion over 5 years.

B. USDA's Export Credit Programs; reduce loan guarantees made and eliminate loans to high-risk borrowers:

Cost savings: $1.14 billion over 5 years.

C. The Market Promotion Program:

1. Eliminate the Market Promotion Program.

Cost savings: $500 million over 5 years.

2. Permanently extend MPP at the lower OBRA–93 level.

Cost savings: $2.6 million over 5 years.

3. End Federal MPP subsidies for individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million.

Cost savings: $500,000 over 5 years.

IV. DISASTER ASSISTANCE AND CROP INSURANCE

A. Replace the Federal Crop Insurance Program with standing authority for disaster assistance:

Cost savings: $1.6 billion over 5 years.

B. Require the FCIC to set premiums and pay indemnities based on an area's performance rather than that of an individual farmer:

Cost savings: $551 million over 5 years.

Chapter 12: Proposals To Reform Miscellaneous Entitlement Programs

GENERAL SCIENCE, SPACE, AND TECHNOLOGY

A. Charge market prices for electricity sold by power marketing administrations:

Cost savings: $4.8 billion over 5 years.

II. NATIONAL RESOURCES AND ENVIRONMENT

A. Improve pricing for commercial and recreational uses of public land:

1. Reform Federal water policy.

Option 1: Allow farmers who grow agricultural commodities that are in surplus to receive only one of the Federal subsidies: either crop price support payments or Federally subsidized water.

Option 2: Require that farms of more than 960 acres be charged the full cost of Federal irrigation water. Although current law contains this requirement, it is often circumvented because of the vague definition of the term "farm."

Cost savings: $110 million over 5 years.

2. Raise recreation fees at Federal facilities.

Cost savings: $720 million over 5 years.

B. Change the revenue-sharing formula from a gross-receipt to a net-receipt basis for commercial activities on Federal land:

Cost savings: $880 million over 5 years.

C. Index nuclear waste disposal fees for inflation:

Cost savings: $255 million over 5 years.

D. Charge royalties for hardrock mining on Federal lands:

Cost savings: $280 million over 5 years.

III. COMMERCE AND HOUSING CREDIT

A. Increase FCC user fees to cover all costs currently financed through the general fund:

Cost savings: $575 million over 5 years.

B. Charge a user fee on commodity futures and options contract transactions:

Cost savings: $310 million over 5 years.

C. Grant the Government an option to buy shares of depository institutions that convert from mutual to stock form:

Cost savings: $310 millon over 5 years.

IV. TRANSPORTATION

A. Establish charges for airport takeoff and landing slots:

Cost savings: $1.5 billion over 5 years.

B. Establish user fees for ATC services:

Cost savings: $7 billion over 5 years.

C. Impose user fees on the Inland waterway system:

Cost savings: $3.14 billion over 5 years.

V. EDUCATION

A. Reduce subsidies to students for Stafford loans:

1. Require students to pay in-school interest.

Cost savings: $9.56 billion over 5 years.

2. Raise the Loan Origination Fee.

Cost savings: $1.53 billion over 5 years.

B. Reduce Stafford loan spending by including home equity in the determination of financial need:

Cost savings: $400 million over 5 years.

VII. ALLOWANCES

A. Charge a penalty for early redemptions of saving bonds:

Cost savings: $240 million over 5 years.

Mr. HOLLINGS. Now, Mr. President, if you want your knees to buckle, read that. DICK ARMEY is right. If you want your knees to buckle, read that one, or listen to the discretionary cuts. I would not favor half of these. I probably would not favor 70 percent of these cuts. I have not gone down and said what I would cut.

I am trying, as I would, when I was chairman of the Budget Committee, to pose to the colleagues here the art of the possible. Here is what is necessary. Here is what has to be done. And then, assuming it is done, the key point here is those are 1996 outlay amounts. That amounts in 1997 to only $58.407 billion in cuts. If you look at 1997, you have to have $74 billion in spending cuts, so you are still $16 billion shy next year when you work on the budget. The same will be true the year after that, and the year after that, and the year after that.

You see, this is what my colleagues have to understand. If they do not put the budget on a glidepath to zero now, you will always be playing catch-up. The next thing you know, you'll be moving the targets.

Now, let us not talk fancifully. I will never forget, Mr. President, when the distinguished Senator from New Mexico—we all act like government started up when GINGRICH came to town. We have been in government for quite a while, and several items in the contract, of course, we not only have favored, we cosponsored 10 years ago. The line-item veto. I used the line-item veto as a Governor 35 years ago. So it is not an invention in a contract. Last year, the distinguished Senator from New Jersey, Senator BRADLEY, and I tried again. We got 53 votes. The idea is separately enroll individual items so the President can veto legislation like we do at the State level.

Many of these so-called new ideas have been tried before. Back in 1986, the distinguished chairman and ranking member of the Budget Committee got nettled in the debate because colleagues on both sides of the aisle were chastising him saying, "Why don't you put in the cuts? Why don't you put in the cuts?" So in a fit of, let us call it, sobriety, the Domenici-Chiles modified amendment was introduced expressing the sense of the Senate that some 44 programs be terminated. And I will ask that the list be included in the RECORD. You hear the same song in the Contract With America. We are going to do away with the ICC. We are going to do away with weatherization assistance. We are going to do away with the community services block grants and the travel and tourism administration.

Mr. President, I ask unanimous consent that those programs be reprinted at this particular point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REAGAN BUDGET CUTS—1986

Work incentive program (WIN).
General revenue sharing.
Conrail.
Trade adjustment assistance to firms.
Appalachian Regional Commission.
Economic Development Administration.
Urban development action grants.
U.S. Travel and Tourism Administration.
Export-Import Bank direct loans.
Community services block grant.
Rental housing development action grant (HODAG).
Section 312 rehabilitation loan fund.
Postal Subsidy.
FEMA supplemental emergency food and shelter.
Advanced communications technology satellite.
OPIC insurance programs.
Amtrak.
Interstate Commerce Commission (terminations and transfers).
Washington Metro construction grants.
Maritime cargo preference expansion.
EPA sewage treatment grants.
Impact aid (type "b" students).
Library programs.
Small higher education programs.
State student incentive grants.
College housing loans (new loans).
Public Health Service (health profession subsidies).
Legal Services Corporation.
Certain soil conservation programs.
Federal crop insurance program.
Rural housing loans/grants.
Small Business Administration (eliminations and transfers).
Rental rehabilitation grants.
Section 8 moderate rehabilitation.
Section 202 elderly and handicapped housing.
Section 108 loan guarantee program.
Rural development program.
Rural Electrification Administration subsidies.
Weatherization assistance program.
LANDSAT (eliminate future subsidies for contractors).
Sea grant and coastal zone management grant programs.
Juvenile justice grants.
Justice State-local assistance grants.
Public debt reimbursements to Federal Reserve Banks.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from South Carolina.

Mr. HOLLINGS. So the Senator from New Mexico, under the best of the best dismantlers of Government, President Ronald Reagan, made the motion that we terminate these programs. In other words, what he did was take the Reagan spending cuts.

Everyone has said, "Oh, if they only took the cuts." They have claimed that Congress went ahead with increases in defense and other programs, but never enacted the cuts like we were supposed to do. We tried with a sense-of-the-Senate. Do you know how many votes they got? Mr. President, 14 votes out of the 100.

So we have a track record. We have tried it before, 10 years ago. We will try it again. But we have to face the facts as the facts face us. We could not get it done then and I am sincerely concerned that we will not get it done now. But that is no reason not to try. I am not trying to mislead the colleagues. I am willing to consider every spending cut offered by my colleagues. But my colleagues must realize that every dollar in savings we fail to achieve through spending reductions, we must make up through taxes.

With a 5-percent VAT, we can get the job done. We had eight votes for this particular initiative in the Budget Committee. The distinguished Senator on the other side of the aisle from Minnesota, Senator Boschwitz, and the distinguished Senator from Missouri, Senator Danforth, joined with the Senator from South Carolina and we were conscientious about our charge. And none of us wanted to vote for taxes. If you want to run for reelection on this particular platform, do not come to South Carolina. I tried it, and barely survived. I was known as "High Tax HOLLINGS" for putting out such proposals.

Nowhere did the press say I was trying to cut interest taxes. Nowhere did the press say I was trying to cut spending. You cannot get that explanation on a 20-second sound bite. So they take advantage of the printed RECORD and they distort what you are trying to do.

If we exclude the trust funds, cut spending by $406 billion, and enact a 5-percent VAT, we can finally eliminate the deficit by 1999. Even then, though, we will still have annual gross interest costs of $368 billion—that is more than a billion a day—on interest costs on the debt. So interest taxes are still on automatic pilot. It is not until the year 2002, when you have dropped from $368 billion to $354 billion, that you have finally have gross interest costs on a downward path. But it has to be done.

I have one sheet of paper here that outlines the scope of the problem. Here it is. This does not include the billions necessary for middle-class tax cuts. Both sides have been misguided in pandering to the middle class. Brother, this is no time for middle-class tax cut or any other tax cut. The problem is a shortage of revenues. The only way to stop spending on automatic pilot, the only way to stop raising interest taxes is to make the spending cuts you can and to raise taxes. I have outlined one way of doing it.

I am going to introduce this amendment but I want to remind my colleagues what we have created is a matter of record. It is what the distinguished Presiding Officer has come into town to confront.

We were here and we went through this charade. We dignified it with a commission. This Senator went through with it with President Richard Milhous Nixon. He said get rid of the Government and send it back in block grants.

Then came President Reagan and he had appointed a Presidential Advisory Committee on Federalism and the Coordinating Task Force on Federalism. This Senator, at the appointment of the distinguished President, served with other Senators.

I ask unanimous consent that we have printed in the RECORD this list of commission members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL ADVISORY COMMITTEE ON FEDERALISM

GOVERNORS

Gov. George Busbee (D-Georgia).
Gov. Scott M. Matheson (D-Utah).
Gov. Lamar Alexander (R-Tennessee).
Gov. James R. Thompson (R-Illinois).
Gov. Pierre S. DuPont IV (R-Delaware).
Gov. Richard A. Snelling (R-Vermont).

STATE LEGISLATORS

Representative T. W. (Tom) Stivers (R-Idaho).
Senator Ross O. Doyen (R-Kansas).
Senator Ann Lindeman (R-Arizona).
Speajer Benjamin L. Cardin (D-Maryland).
Speaker John J. Hainkel, Jr. (D-Louisiana).
Assemblyman Dean Rhoads (R-Nevada).

MAYORS

Mayor Edward I. Koch (D-New York City).
Mayor William H. Hudnut III (R-Indianapolis).
Mayor Margaret Hance (R-Phoenix).
Mayor Ferd Harrison (R-Scotland Neck, N.C.).
Mayor Tom Moody (R-Columbus, Ohio).

COUNTY OFFICIALS

J. Richard Conder (D-Richmond County, N.C.).
Roy Orr (D-Dallas County, Tex.).
William Murphy (R-Rensselaer County, N.Y.).
Sandra Smoley (R-Sacramento County, Calif.).
Bruce Neslande (Nonpartisan-Orange County, Calif.).
Donald L. Smith (R-Anchorage Municipality, Alaska).

MEMBERS OF THE U.S. SENATE.

Senator William V. Roth, Jr. (R-Delaware).
Senator David Durenberger (R-Minnesota).
Senator Pete V. Domenici (R-New Mexico).
Senator David L. Boren (D-Oklahoma).
Senator Ernest F. Hollings (D-South Carolina).
Senator Paul Laxalt (R-Nevada).

MEMBERS OF THE HOUSE OF REPRESENTATIVES

Representative Richard T. Schulze (R-Pennsylvania).
Representative Richard Bolling (D-Missouri).
Representative L. H. Fountain (D-North Carolina).
Representative Clarence Brown (R-Ohio).
Representative Frank Horton (R-New York).
Representative Jack Brooks (D-Texas).

PRIVATE CITIZENS

F. Clifton White.
Dr. Robert B. Hawkins.
C. D. Ward.
Former Senator Clifford Hanson.
Former Gov. Otis Bowen.

THE COORDINATING TASK FORCE ON FEDERALISM

Senator Paul Laxalt, Chairman.
Secretary Terrel Bell.
Secretary Samuel Pierce
Secretary Donald Regan.
Secretary Richard Schweiker.
Secretary James Watt.
Director David Stockman.
Edwin Meese III.
James A. Baker III.
Richard S. Williamson.
Martin Anderson.
Robert Carleson.

Mr. HOLLINGS. We went into the Cabinet room and sat around the table. You could see the beginning of unfunded mandates for the cities, the counties, and the States. They said get rid of the Government, get rid of it, send it back to the cities, the counties, the States. But what they did was eliminate the money in October 1986. The first bill that the distinguished Senator from Tennessee, Senator Howard Baker, introduced was a revenue sharing bill. I had already introduced mine on February 1, 1967. We had both come from State governments and we were complaining then about unfunded mandates.

So this has gone on from 1971 to 1995, some 24 years. I came to Washington and identified with the problem. We did get revenue sharing. But then, we unfunded the edicts of the Congress in October 1986, when we did away with revenue sharing.

Coming right to the point, I want to refer to the former director of the Office of Management and Budget, David Stockman. In the spring of 1992 he had an article that appeared in a magazine called the New Perspective entitled "America Is Not Overspending." That ought to throw everybody into shock.

The distinguished Congressman from Georgia along with our friend, Congressman KASICH are putting government on trial. But I do not mean to tuck tail and run, as Lyndon says. I mean to try the case.

Where we can get a line-item veto, where we can get a balanced budget amendment, where we can get progress on reducing the deficit, they will have my vote. If we do not adulterate the legislation, like the unfunded mandates bill. I did not realize many of the changes made in S. 1 until the distinguished Senator from West Virginia came here and brought them to my attention.

I publicly stated that I favored the legislation to address the problem of unfunded mandates. Such a bill was brought to the floor last year.

Unfortunately, in their zeal to demonstrate how they can really run government up here, the Republicans have been overreaching. I want to help them. But I do not want to end up with a problem worse than the one we started with. If we do not move in at this particular hour in history, how will we ever get on top of this spending hemorrhage?

Let me get back to David Stockman. I quote:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction Republicans have willfully denied this giant mistake of fiscal governance and their own culpability in it ever since. Instead, they have incessantly poisoned the political debate with the mindless stream of antitax venom while pretending that economic growth and spending cuts alone could cure the deficit. It ought to be obvious by now that we cannot grow our way out.

Mr. President, very quietly, let me read that first sentence because it is almost heretic. "The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability." That is exactly what we have going on now. History repeats itself. As Ronald Wilson Reagan says, "Here we go again."

As Governor of South Carolina, my first order of business was to raise some taxes, balance the budget, and get for the first time in our history a triple-A credit rating. Moody's has raised us back to us a triple-A credit rating. We had lost it for the past couple of years. Standard and Poor's still has yet to do so. But the need to get that triple-A credit rating reveals a funny juxtaposition of politicians running for office. I cannot run for Governor of South Carolina unless I promise to pay the bill; I cannot run for Senator of South Carolina unless I promise not to pay the bill.

As a House Member of the South Carolina House of Representatives in 1950 I was trying to catch up with North Carolina. They had passed their sales tax for education in 1936. Following suit, I authored the sales tax. I heard arguments about its regressivity. But if we had not passed that 3-percent sales tax—which now is at 5 percent—we would never have had the schools. In addition to balancing the State budget, we would never have had the educational system to attract investment, to attract blue chip corporations, to attract Japanese and German industries.

I was here in Washington the last time we had a balanced Federal budget. We called back over to Marvin Watson and said, "Ask the President if we can cut another $5 billion." The entire budget—Medicare, defense, domestic discretionary, everything else, interest on the national debt—was $178 billion. Watson called back and said, "President Johnson said cut it another $5 billion." We cut it and gave President Richard Milhous Nixon a balanced budget.

I am hearing all this stuff about a revolution 40 years in the making. They are getting away with a lot of flourish and rhetoric and headlines. But I have listened now since the beginning of the session, and somehow, some way we have to develop some bipartisanship. We are never going to do that unless we can get some truth in budgeting.

If they do not want to raise taxes and want to balance the budget only through spending cuts, then they are whistling Dixie. You have to do both. You have to freeze everything to begin with, obey the caps, and then follow with additional spending cuts. And even with the spending cuts and the 5-percent VAT, you do not really get into the black until 1999.

Mr. President it is a very, very difficult thing that the contract has taken up. That is why this Senator is not trying to out-headline the Republicans on the other side of the aisle. I prefer headway to headlines. I will continue to work with my friends on the other side of the aisle. I worked last year with Republicans on the telecommunications superhighway. We have had hearings galore on the subject and we had a bipartisan bill 18 to 2 out of the committee.

The overwhelming majority of Republicans, with an overwhelming majority of Democrats, in a bipartisan information superhighway bill that had been worked out with various groups who all wanted these services to be extended to the poor and to the public education systems. That was ready to be passed. But the distinguished majority leader—and it is of record—the Senator from Kansas held it up. I do not say that lightly. I can show it to you in the RECORD. We were ready to go bipartisan then, and I am ready to go bipartisan now. Let us not come with just the headline and no headway. As Tennessee Ernie Ford sang, "Sixteen tons and what do you get, another day older and deeper in debt."

Mr. President in closing I ask unanimous consent that a table entitled "Senator Hollings on Truth in Budgeting" which I have been referring to throughout my speech be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATOR HOLLINGS ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts necessary.

Reality No. 2: Not enough savings in entitlements. Yes, welfare reform but job program will cost; savings questionable. Yes, health reform can and should save some, but slowing 10 percent growth to 5 percent—not enough savings. No, none on Social Security; off-budget again.

Reality No. 3: Hold the line budget on Defense—no savings.

Reality No. 4: Savings must come from freezes, cuts in domestic discretionary—not enough to stop hemorrhage in interest costs.

Reality No. 5: Taxes necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds) ...	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on the debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note.—Doesn't include billions necessary for middle-class tax cut.

AMENDMENT NO. 182

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 182.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET

It is the Sense of the Senate—

(A) that the Congress should move to eliminate the biggest unfunded mandate—interest on the national debt, which drives the increasing federal burden on state and local governments, and

(B) that prior to adopting in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced budget—

(1) the Congress set forth specific outlay and revenue changes to achieve a balanced federal budget by the year 2002; and

(2) enforce through the Congressional budget process the requirement to achieve a balanced federal budget in the year 2002.

Mr. HOLLINGS. Mr. President, they always say, "He who seeks equity must do equity." If we are asking the other side to lay it out, then I think it is our duty over here to lay it out, too. That is what I have attempted to do.

So, Mr. President, I see my distinguished colleague wants to come back and be recognized. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, first of all, I want to commend my colleague from South Carolina for this amendment. I know there will be those who will argue that this amendment is an inappropriate amendment on this particular bill because we are dealing with unfunded mandates. But I suggest, Mr. President, that the amendment offered by the distinguished Senator from South Carolina is consistent fully with the matter before us—unfunded mandates. In the likely event that we adopt a constitutional amendment requiring a balanced budget, particularly one that includes a requirement that three-fifths of the Congress approve new tax increases, we will be imposing a huge mandate on States and localities. It may not be a de jure mandate, but it will be a de facto mandate.

What Senator HOLLINGS is suggesting with this amendment is a radical notion, I suppose, in the minds of some. It is an outrageous idea that we should have some idea of how this constitutional mandate requiring a balanced budget in 7 years is going to be achieved. I know there are those who think it is unfair to be asking such questions, but they are questions we are asked as Members of the U.S. Senate by our constituents all the time.

Many of our constituents are telling us, too, that they support a constitutional amendment to balance the budget. We all know the polling numbers on this issue. Eighty percent of the American public supports a balanced budget amendment as long as it remains a slogan or a simple statement of principle. They are all for the concept of the balanced budget. But what happens when people are presented with various spending cut options?

If you say, "Do you want a constitutional amendment to balance the budget?" They say, "Absolutely, we want that." But if you then say, "You understand, of course, that may include some cuts in Social Security." They say, "Well, now, wait a minute, you did not tell me that." You say, "How about Medicare?" They say, "Wait, you are getting a little far afield here. I said I want the budget in balance. That is what I want. I did not say I wanted Social Security or Medicare cut." You say, "How about education?" They say, "That is not what I meant either. Just balance that budget." Then you start talking about how you get there from here, and you start to get what you always get. It is like the old saying that "Everyone wants to go to Heaven, but no one wants to die." So we all want a balanced budget but we are all very nervous about how you get there.

Let me back up a bit, because I listened to my colleague from South Carolina talk about his history on this issue, and he has a distinguished one, going back to the very days the Budget Act was adopted. He is one of only two people who served on the original committee and chaired the Committee on the Budget.

Mr. President, I am familiar with the Senator's record because I worked with him on a number of important budget issues going back to my first days here in the early 1980's. I was the second Democrat after the Senator from South Carolina to cosponsor the Gramm-Rudman-Hollings legislation. Really, it was the Gramm-Rudman-Hollings-Dodd bill. I thought that the Senator from Texas and the Senator from New Hampshire and the Senator from South Carolina had a good idea, to try statutorily to get our arms around the budget of the United States. I will not take a back seat to anybody in our efforts in try to achieve that goal.

In 1982, I offered a requirement that any new increase in spending must be paid for fully—a pay-as-you-go budget. I offered this amendment from the very last chair in the far corner of this floor when I was the most junior Member of this body. I got 22 votes. I was in the minority in those days, not unlike today. Had we done it then, we are told we could have actually had the Federal budget in balance by 1986 or 1987. With all the talk about the need for constitutional amendments, there are those of us who have been through these battles, trying all sorts of ways to inject discipline into the process.

I hope, as we examine the constitutional amendment, we would answer our constituents' questions. They want to know how we are going to do this. That's what this amendment requires. It simply says if you're going to talk the talk of balanced budget, you've got to walk the walk of how you get there. I hope it will be adopted so that we will be able to lay out to the taxpayers in our communities exactly how we are going to keep the promises that a balanced budget amendment would require.

The GOP spending cut plan is like Forrest Gump's box of chocolates—you don't know what you're going to get when you dip your hand in.

All the Senator from South Carolina is suggesting is that we have a description of the chocolates before we put them in our mouths. Otherwise, we're talking about a huge potential stomach ache.

That is all this amendment asks. It does not say, "Do not cut in these areas." It just says, "Tell us. If this is what you are going to do, at least somebody outline it."

I might point out, there are some significant proposals outlining how we might do some of this. I would like to lay one of these out, if I may.

Mr. President, this is a chart based on the Republican budget staff proposal reported in the Washington Times earlier this month. This is the so-called Republican path to a balanced budget amendment in the year 2002.

The deficit estimates are lower then CBO and Treasury projections, but they are still useful.

As you can see, the proposal estimates that it will cost more than $1 trillion to balance the budget over 7 years. The GOP tax cut proposal, according to the Republican staff analysis will cost $346 billion more.

The Treasury Department estimates that the tax increases will be somewhat higher. I am not going to use these numbers, though, Mr. President. I will use only the staff numbers from the majority side of the Budget Committee so that no one can accuse me of using biased numbers prepared by a Democratic administration.

The GOP proposal also says that we are not going to reduce Social Security. That has been said over and over and over again by the majority. In fact, we are told that Social Security will go up $12 billion in the next 7 years.

We have been also told that there will be an increase in defense spending of $82 billion.

So if you take all of these numbers together—again, not numbers from the Democratic Policy Committee, or the Department of the Treasury, or even the Congressional Budget Office, but from the Republican Budget Committee staff—then the price tag for all of these promises is $1.53 trillion. This is the total cost that will have to be made up by the year 2002 if we are going to achieve a balanced budget in that year.

How will we pay for all of these promises? Where will they be made up? If we increase defense and Social Security spending, cut taxes, and balance the budget, what will we cut?

This second chart shows where the cuts to pay for these promises will come from. According to the Republican staff numbers, more than $970 billion will come from Medicare cuts, Medicaid cuts, and other mandatory spending. And $386 billion will come from nondefense discretionary spending.

If we make these cuts, then we should get a debt service reduction of $164 billion. So that number in green here, is the number which would depend upon these other two numbers being achieved. And that would get you to $1.53 trillion, equaling the amount I mentioned earlier. That is how we reach balance.

All this amendment says is, "Would you mind giving us some idea so we can go back to our taxpayers and constituents and tell them specifically how we are going to achieve more than $1.5 trillion in spending cuts? Where will the cuts come from? Don't go around asking us to support a conclusion without giving us some idea of how we are going to achieve those results."

Earlier the Senator from South Carolina introduced into the RECORD, Mr. President, a list that was put together by our distinguished colleague from New Hampshire, Senator GREGG outlining options for spending cuts. They include reducing student loan subsidies, means testing Medicare, cutting in half funding for Head Start—maybe one of the finest programs for children and early education ever devised—the maternal child health block grants, and preventive health services block grants, deferring military COLA's, cutting veterans benefits, and eliminating Medicaid transition benefits for AFDC recipients. The list is 50 pages long.

I am not suggesting that these items should not be touched at all, but it seems to me you are beginning to get some sort of a blueprint here of what is involved.

As the Senator from South Carolina pointed out, when you start counting whether or not you have 51 votes here for cutting out student loans—at the very time when working families are trying to make it more feasible for their kids to afford higher education—you are going to realize you cannot pass these cuts.

Nor do you have the votes for cutting Head Start. I was responsible for the reauthorization of the Head Start Program last year. There was not a dissenting vote or voice out of 100 U.S. Senators on the reauthorization of Head Start—not one. It was passed unanimously by voice vote. And yet now some are talking about cutting that program in half.

I do not know many Senators here who honestly believe you ought to be cutting Head Start in half. And if there are some, there may be 3 or 4 or 5 or 10. I do not think there are 51 here who studied the program and believe it should be cut. Head Start has not been a Democratic program, or a Republican program—it has always enjoyed broad, bipartisan support.

The distinguished Senator from Kansas [Mrs. KASSEBAUM] worked tirelessly to put together a good Head Start Program last year. Without her support, we would not have gotten it done. I am not going to speak for her here. But again, there was not some great battle out here on the floor of the U.S. Senate to reauthorize and fund Head Start.

Does anyone really believe there are 51 votes to cut veterans benefits? Are we going to defer military COLA's—at a time when we are trying to strengthen the military budget, and attract and retain the most talented people we can find. Are there 51 votes? I do not think so.

It seems to me, before you start jamming this into the Constitution we ought to think through all of these important issues. If a balanced budget amendment is adopted and we are unable to balance the budget, then we will turn the Supreme Court of the United States into a Budget Committee deciding every major budget choice. The Supreme Court will be deciding whether or not the legislative branch achieved the constitutional requirement of a balanced budget, and then they will decide how to allocate funding levels.

I remember a few years ago people railing, and I think rightfully so, against an unelected, lifetime appointee sitting on a bench legislating—legislating. I do not know how many speeches I heard in this body objecting to the nine members of the Supreme Court legislating.

That is the business of this body, to legislate. And yet, in effect, we will be asking the Supreme Court of the United States to legislate on the budget when we do not achieve, if we do not achieve, the balance which is required by an amendment in the year 2002.

So I again suggest and emphasize here what the distinguished Senator from South Carolina is proposing makes some sense. We are likely to create a train wreck, an absolute train wreck. An absolute train wreck. Now, we have done that in the past. But the problem in the past was not as significant because it was a statutory train wreck. It did not go to the organic law of the United States. What is being talked about here is changing the organic law of the United States. Of course we know when we do that we run the risk of having a far more difficult time adjusting if we are wrong.

In the 1980's, we did things by statute. We had the Gramm-Rudman-Hollings proposal, and a number of freezes and the like. We found out they did not quite work as expected. When tested, the theories did not add up. We went back and changed the statutes and began to get on our feet.

The people who paid the greatest price, of course, for our mistakes were middle-income workers. They always do. And, they will be undoubtedly called upon to do so again when the next train wreck occurs. We always go back to the people that fight the wars and raise their taxes. They are the ones who will pay the bill if this does not work.

The difference here is organic law. When we change organic law and then discover a mistake, it is very difficult to correct. I think we should proceed cautiously and carefully and ask the types of questions that our constituents are asking of us.

Where will the cuts be made? How will you do this? Are you really going to go after Medicare? We saw what happened on the surveys conducted on the balanced budget amendment, 80 percent or so are for it. But when we talk about cutting student loans, education, Medicare, Social Security, et cetera, the support for that amendment drops dramatically. I am not suggesting these programs should never be reduced. I would not want to suggest that we should never make changes in any of these programs. I would not subscribe to that view.

I have been here long enough to know what happens when we try to make difficult budget choices. As I mentioned a while ago, I offered a pay-as-you-go proposal. I did not pick out a particular program. I said how about paying for everything? We had 22 votes for paying for things. Now when we start requesting details, people start trying to take things entirely off the table. Forget Social Security some will say. That is off entirely. Others will say take defense spending off the list of any potential cuts. Although there is an argument being raised by some that we can do with a lot less, I, for one, would raise some reservations about that. The world is changed, more complicated, requires different thinking in this area.

I do not know of anyone who really believes, at least not a majority, that we ought to take a meat axe to the defense budget. We have heard over and over again from the military leadership that it is difficult to retain good people. We do not have a draft any longer. We have to recruit, and we need the best educated, sophisticated people in the military that this country has to produce. And it does not make sense to be talking about slashing COLA's for people in the military.

Let me again point out if I can, Mr. President, what these cuts may mean. A recent study by the children's defense fund reports that the costs of balancing the budget alone—while protecting Social Security and defense spending—would result in: 7.6 million children losing federally subsidized school lunches—I do not think there are 51 votes here to do that; 6.6 million children losing health care coverage through Medicaid; dropping more than 5 million child support cases that hold absent parents accountable for supporting their children; 4.3 million children losing food stamps; and 2 million young children and pregnant women losing nutritional assistance through the WIC Program—one of the strongest supported programs in Congress. The Women, Infants, and Children Program historically has had strong bipartisan support.

This analysis does not consider the costs of financing the Contract With America tax breaks at all—more than 30 percent of which would benefit households with incomes of greater than $200,000.

So, Mr. President, I suggest we look through the eyes of a child at what this means. We should face the realities here. I do not know of anyone in the body who honestly believes that children ought to be asked to pay the price. We ought to be seeing to it that they will not be disadvantaged. We are not talking about luxury items here. We are talking about basic essentials that they need. So, again, I emphasize that a good hard analysis of what all of this means, I think, is critically important for all of us.

There is an old advertisement on television that may say it best. That advertisement for a Wall Street firm says, "We make money the old-fashioned way." Well, maybe we ought to reduce the deficit the old-fashioned way. That is, we ought to roll up our sleeves and go to work on it.

I heard a lot of talk here over the last number of weeks about reducing the deficit. This administration over the past 2½ years has achieved through the budget process real reduction in the deficit. That is not my conclusion. That is the conclusion of the Congressional Budget Office and others who have no particular ax to grind. They have concluded that we have achieved 3 consecutive years of deficit reduction, the first time since the Truman administration, to the tune of $700 billion in deficit relief. That is pretty significant.

We must continue on this path. We must look at current programs, and ask these questions. How can we do a better job? Where can we cut back? We must roll up our sleeves and do the job.

The one thing people are tired of and they expressed it strongly on November 8 is gimmickry. The blue smoke and mirrors, three-card monte, now-you-see-it, now-you-do-not, kind of approach. Dynamic scoring. Threatening to do away with the Bureau of Labor Statistics if they do not come up with the right numbers on inflation. That is not the way we achieve a balanced budget. We must not cook the books and make up the numbers. People want Members to be honest and do the real work.

I would just warn those who are strong advocates for the constitutional approaches, we have gone through more than 200 years of history. We have amended the Constitution, Mr. President, 27 times. I see the distinguished Senator from West Virginia and I will watch him carefully because if I am wrong on my numbers he will correct me with a nod; 27 amendments in 200 years, and I believe roughly 11,000 proposals to amend the Constitution of the United States in that same 206-year-period. Some 11,000 ideas. And never once have we decided to inject into the Constitution economic theories that may be terribly wrong.

We have been through a great Civil War. We have been through two world wars, and a Great Depression in this century. For a period of 15 years we have had growing deficit difficulties. The last President to submit a balanced budget was Jimmy Carter. That was the last submission by a President of a balanced budget. In 1969, Lyndon Johnson submitted the last budget with a surplus.

In 1981, the deficit was around $35 billion with a national debt of under $1 trillion. After 200 years, we had a national debt of less than $1 trillion. In the last 15 years, 12 years of the administrations of President Reagan and President Bush, we have quadrupled the national debt, and brought us to annual deficits hovering around $200, sometimes $300 billion a year.

We all want to do what we can to balance the budget. But I would strongly urge, Mr. President, that we ought not to take 15 years of troublesome deficit spending and deny 205 years of constitutional history in the process. We should go through the statutory process, come up with whatever ideas we can. But, Mr. President, in my view, we will deeply regret monkeying around with the Constitution of the United States in trying to solve an economic problem that has been created over the last 15 years that is not insolvable. It is solvable.

By writing this into the Constitution and inviting the courts to become involved in deciding these matters we will only complicate the problem, not make it easier. We are told all the time, some 42 States require a balanced budget in their State constitutions. Mr. President I would suggest to Senators that without exception those States have come up with all sorts of ideas to avoid that responsibility.

Everyone knows about bonding. We bond things or create a capital budget on the side so we do not have to meet that obligation. Every imaginable gimmick is used to avoid making the difficult decisions. I can well imagine that future Congress' will employ some new dynamic scoring technique, or some new threat to the Bureau of Labor Statistics that, if they do not come up with an inflation number they like, they will cut off your budget. That is not healthy. That is not the way to be proceeding, not the way to be proceeding at all. It poses serious, serious problems.

So, again, I strongly urge that we endorse unanimously the proposal of the Senator from South Carolina. I think it sends a positive message to people that we are concerned about what happens. I will tell you right now that it is not at all reassuring to hear the majority leader of the House of Representatives say that we cannot tell people out there how we plan to balance the budget because their "knees will buckle." That is not a reassuring quote. I am sure my constituents are going to love to hear that one. We cannot tell you because your knees may buckle. Well, I do not mind a politician's knees buckling, but I do not think my constituents who depend upon Medicare should have to have their knees buckle or some child out there that needs a school lunch or Head Start Program should have to have their knees buckle in the process. Do they not have a right to hear from their elected representatives in advance what we intend to do to them?

Is it a radical notion that somehow our constituents ought to get at least some blueprint of how this is going to work and who is going to be asked to pay? Is it outrageous of them—are they being insolent for demanding of their elected representatives that we give them some idea of how this is going to be achieved? Should we not tell them because they might not like what they hear? That is what we are saying, in effect, we should not tell them because they might not like what they are going to hear.

This is not a base closure commission we are talking about; we are talking about making major changes to basic programs that people need to survive.

Again, if the pain is going to be shared, let us do it in an equitable fashion. But when you take off Social Security and take out defense and you talk about huge tax cuts—30 percent of which go to people making in excess of $200,000—are you being fair? I am not opposed to giving people in the upper incomes a tax break. I do not like this class-warfare language. But in the distribution of pain, you have to ask if 30 percent of the tax cuts should come from the people in that income bracket. I do not think so if it is going to be fair and equitable.

The Senator from South Carolina, I think, has proposed a reasonable amendment. I urge my colleagues to support this effort to inform the American public of the important budget decisions this body intends to make in the years ahead.

Mr. President, we are going to have wonderful opportunities, I presume, in the next few weeks, when the constitutional amendment on the balanced budget comes to the floor, to engage in some significant debate about that alone. But before we get there, I think we should lay out the details of how we plan to pay for our trillion dollar plus promises.

I strongly urge my colleagues to support the Hollings amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I know that we do have those Senators who wish to address this issue. I know that the chairman of the Senate Budget Committee also would like to address this particular amendment that we have before us. I have discussed the following unanimous-consent request that I will be making with the sponsor of the amendment.

Mr. HOLLINGS. Will the distinguished Senator yield? Can we make it 40 minutes? Instead of 30 minutes to a side, 40 minutes to a side?

UNANIMOUS-CONSENT REQUEST

Mr. KEMPTHORNE. All right.

Mr. President, I ask unanimous consent that there be 80 minutes for debate prior to a motion to table the pending amendment, to be equally divided in the usual form; that no amendments be in order prior to the motion to table the pending amendment; that following the conclusion or yielding back of time, the majority manager, or his designee, be recognized to make a motion to table the pending amendment; and that the vote on the motion to table the pending amendment occur after 4 p.m. tomorrow.

Mr. BYRD. Reserving the right to object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. HOLLINGS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Also the yeas and nays. I am sure the distinguished Senator from Idaho, if it is agreed to—and I am perfectly willing to agree to it as he stated it—will also ask for the yeas and nays on the motion to table.

Mr. KEMPTHORNE. That would be my intent.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Reserving the right to object, and I do not think that I will, Mr. President, I have an amendment that is similar. It is very much within the same framework, though without reference to date. I do not think it would take me more than 10 or 15 minutes to offer this. I wonder whether I could, as a part of this unanimous-consent agreement, have the opportunity to offer this amendment after this debate since it is exactly within the same framework. I would not take a great deal of time with it.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. And I will object because I think there are some Senators who are probably not here this afternoon who may want to discuss this amendment.

Also I note that no other amendments would be in order prior to the motion to table this amendment. I thought we would have a time in which we could offer amendments, possibly get some action on some of them and with the understanding and the request being, which was ordered, that such amendments would have to be offered——

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. By no later than 3 o'clock——

Mr. GLENN. Offered by 3 o'clock tomorrow, no votes until after 4 o'clock tomorrow.

Mr. BYRD. Yes.

Mr. KEMPTHORNE. If the Senator will yield.

Mr. BYRD. Yes.

Mr. KEMPTHORNE. This specific unanimous-consent agreement is that there are to be no other amendments offered to this pending amendment of Senator HOLLINGS.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Reserving the right to object. Knowing that we have to have our amendments offered before 3 o'clock tomorrow, would it be possible that there could be a short window to allow those of us who only wish to offer amendments in order to meet that 3 o'clock deadline to do so and thus be assured that we will not end up inadvertently being precluded from offering our amendment?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I think that would be very appropriate. Also, I will note that we have had other amendments sent to the desk this morning which we have laid aside. In the event, for example, some of those Senators who wish to speak on the pending amendment are not here, I think it would be very much in order to lay it aside so we can continue to facilitate the Senators who wish to lay their amendments down.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I first would like to thank the Senator from West Virginia. I am really intending to make the same request. I think the Senator from Washington has the same interest. I would like the opportunity, now that I think I have clarification on this unanimous-consent agreement, to at least be able to offer the amendment and have it laid aside.

The PRESIDING OFFICER. Is there objection to the Senator's original request?

Mr. BYRD. Mr. President, I object. I would like Senators to have an opportunity to further study this amendment. There may be some of us who wish to speak on this amendment. Not many Senators were going to be around this afternoon because there was an understanding we would have no votes today. This does not keep the Senator from renewing the request on tomorrow or making the motion any time he wishes after the hour of 4 o'clock.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NOS. 183 AND 184, EN BLOC

Mr. GRAHAM. Mr. President, I send to the desk two amendments and ask that they be considered as offered under the unanimous-consent agreement of last week and then to be set aside.

The PRESIDING OFFICER. There is an amendment pending.

Mr. GRAHAM. I ask unanimous consent that the pending amendment be set aside for purposes of offering the two amendments which I have just sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there objection to proposing the amendments en bloc? Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes amendments numbered 183 and 184, en bloc.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 183

On page 16, between lines 12 and 13, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government.

AMENDMENT NO. 184

(Purpose: To provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government)

On page 6, strike line 3 and all that follows through line 10, insert the following:

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the exercise of powers relating to immigration that are the responsibility or under the authority of the Federal Government and whose reduction or elimination would result in a shifting of the costs of addressing immigration expenses to the States, local governments, and tribal governments; or

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 185

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. BOND). The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 185.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

"( ) It is the sense of the Congress that the Congress shall continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, must accompany it with financial information on its impact on the budget of each of the States."

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Is there a sufficient second?

Mr. KEMPTHORNE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEMPTHORNE. Will the Senator restate what his request was?

Mr. WELLSTONE. Just asking for the yeas and nays on the amendment.

Mr. BYRD. Is the amendment pending?

Mr. WELLSTONE. Yes. I just asked for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GLENN. Mr. President, parliamentary inquiry.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

Mr. GLENN. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I believe we set aside the Hatfield amendment this morning, and would that not have to be disposed of as the pending business before we could move on to another amendment?

The PRESIDING OFFICER. It is the understanding of the Chair that the unanimous consent agreement this morning was that the Hatfield amendment was set aside for other amendments to be offered.

Mr. GLENN. To be offered. That does not answer my question, I do not believe. Do we have to do anything to deal with the Hatfield amendment before we can bring up other amendments?

The PRESIDING OFFICER. The Hatfield amendment has been set aside and thus does not need to be disposed of.

Who seeks the floor?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Yes, there appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 186 TO AMENDMENT NO. 185

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 186 to amendment No. 185:

The amendment is as follows:

Strike all after "( ) It" and insert the following: "the sense of the Congress that the Congress should continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, should accompany it with financial information on its impact on the budget of each of the States.

Mr. WELLSTONE. Mr. President, I will be less than 2 or 3 minutes. I know the Senator from Washington would want this amendment set aside, but if I could give the background for just a couple of minutes.

I met with the legislative leadership back in Minnesota several weeks ago, and the legislature passed a resolution. I just want to read one paragraph:

Be it resolved by the Legislature of the State of Minnesota that it urges the Congress of the United States to continue its progress at reducing the annual Federal deficit, and when the Congress proposes to the States the balanced budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

Mr. President, this resolution was also signed by the Governor on January 20. And, again, this is very much in the spirit of what the Senator from Connecticut was talking about and the Senator from South Carolina. I will, of course, take the opportunity to speak about this amendment at some length but not today.

I yield the floor.

AMENDMENT NOS. 187 AND 188, EN BLOC

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order that I can send two amendments to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to send to the desk two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes en bloc amendments numbered 187 and 188.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 187

(Purpose: To exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy)

At the appropriate place in the bill, insert the following:

The provisions of this Act and the amendments made by this Act also shall not apply to any agreement between the Federal Government and a State, local, or tribal government, or the private sector for the purpose of carrying out environmental restoration or waste management activities of the Department of Defense or the Department of Energy.

AMENDMENT NO. 188

(Purpose: To require time limitations for Congressional Budget Office estimates, and for other purposes)

On page 21, insert between lines 13 and 14 the following new paragraph:

"(2) TIME LIMITATIONS FOR STATEMENTS.—(A) The Director of the Congressional Budget Office shall provide the statement as required by this section—

"(i) relating to a bill or resolution ordered reported by a committee, no later than one week after the date on which the bill or resolution is ordered reported by the committee; and

(ii) relating to an amendment or conference report, no later than one day after the date on which the amendment is ordered or the conference report is submitted.

"(B) Failure by the Director to meet the time limitations in subparagraph (A) of this paragraph shall vitiate the provisions of subsection (c)(1)(A) of this section.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, let me just comment that of the two amendments I sent to the desk, one of them assures that we would not be creating a big, new, powerful bureaucracy at the Congressional Budget Office, and the other one relates to the effect of this bill on nuclear waste cleanup efforts. I am especially concerned about some at the Hanford site in my own State. I will be speaking on these amendments later, but I did want to submit them today under the previous unanimous consent.

I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, has the Pastore rule run its course for the day?

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. Mr. President, can I introduce a measure without the Pastore rule applying?

The PRESIDING OFFICER. Will the Senator repeat his inquiry?

Mr. PELL. Does the Pastore rule still apply or can I talk on another subject?

The PRESIDING OFFICER. The Pastore rule has expired.

AMENDMENT NO. 180, AS MODIFIED

Mr. PELL. Mr. President, I would like to commend and thank the able Senator from North Dakota on modifying his metric conversion amendment. While I opposed the provisions of the amendment that would have imposed a 2-year moratorium, I am comfortable with asking the Commission on Unfunded Mandates, which would be created under this legislation, to look into the impact on States and localities of using the metric system.

As many of my colleagues know, I have been a longtime proponent of conversion to the metric system. I believe we can't afford not to convert to the metric system. Not converting has already cost this Nation a great deal.

The United States is one of three nations in the world, along with Burma and Liberia, yet to change to metrics. More importantly, the United States is the only industrialized nation in the world that is not a metric country. With a growing global economy, thanks in part to NAFTA and GATT, how can we as a nation expect to sell our products to the rest of the world when those products literally don't measure up with the rest of the world?

The United States stands to gain untold millions of dollars in exports that we are currently losing, because our nonmetric goods are almost excluded from international markets. In fact, the U.S. Department of Commerce estimates that U.S. exports could increase by as much as 20 percent by offering metric-sized goods.

Three instances of international trade problems caused by the production of non-metric goods highlight the difficulties caused by our nation's reluctance to go metric.

Saudi Arabia rejected a shipment of General Electric appliances because the power cords were 6 feet long rather than 2 meters as required by Saudi law.

A middle-eastern company was forced to rewire all the electronic equipment it imported from the United States because standard American wire sizes are different from international standards.

Countries around the world have great difficulty locating American lumber mills willing to produce cut lumber in metric sizes.

Mr. President, I agree that the Federal Government should not require States to do that which it is unwilling to do. In that regard, I have and will continue to work to see that all portions of the Federal Government comply with laws already on the books and that it leads the way in converting to the metric system.

I am confident that the more we study the value of the metric system, the more we will find that not joining the rest of the world will only cost us more in the long run.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 182

Mr. GLENN. Mr. President, I rise to take just a very few minutes to address the Hollings amendment. It is a sense-of-the-Senate amendment. It talks about the importance of interest on the national debt as far as being an unfunded mandate. But in part B, it says that prior to adopting, in the first session of the 104th Congress, a joint resolution proposing an amendment to the Constitution requiring a balanced budget, a sense-of-the-Senate, then one, that the Congress set forth specific outlay in revenue changes to achieve the balanced Federal budget by the year 2002; two, enforce the congressional budget process, the requirement to achieve a balanced budget by the year 2002.

Let me address that briefly. I thought originally maybe that this did not have any place being addressed on the unfunded mandates legislation. This just says that we want to know in advance what the impact is going to be. In other words, it is truth in legislating, as best we can tell that truth, in advance.

I submit that is what this unfunded mandate legislation is all about. We are trying to determine what the impact is in advance, and tell States and local communities just exactly what Federal mandates are going to do to them in advance. And we require the Congressional Budget Office to actually spell out the dollar impacts on them in advance.

That is what Senator HOLLINGS is proposing with this legislation. Why should we not do this? Why should we not, to the best of our ability, say how a balanced budget amendment, if it goes into effect, will be dealt with? That is exactly what we are trying to do with this unfunded mandates legislation as it deals with the States and local communities.

Apropos to this, I think when we come to consideration of a balanced budget amendment, I read some figures over the weekend, I believe in one of the columns, that if we take the things that everyone seems to say are off limits in the House and here also—Social Security, Medicare, interest on the national debt, and defense, those four items—I do not know whether those can all be taken out and made exempt from any consideration when we get into budget cutting or not. If we cannot, if some of those come in, I say to the Social Security recipients that some of your benefits are in danger. The same thing is true with Medicare. We know we have to pay interest on the national debt. We do not want to cut defense. We feel it has been cut enough already.

So if you leave Social Security, Medicare, interest on the national debt, and national defense off budget, or off limits, what does that leave? As was pointed out in the column I read over the weekend, that then would require approximately a little over a 30-percent cut in all the other functions of Government; a 30-percent cut in all the other functions of Government. If you take Social Security, Medicare, interest on the national debt, and national defense off budget, it would be a 30-percent cut in every other program.

If we applied that across the board, this means that next time you climb on an airliner after this, maybe, you will know that 30 percent of FAA funds; 30 percent of National Transportation Safety Board funds; 30 percent of CDC, the Centers for Disease Control funds, trying to deal with the AIDS problem, an enormous problem; 30 percent of NIH funds, the National Institutes of Health dealing with cancer problems; FDA, trying to see what drugs are safe, are cut. You may say: We will not deal with any of those; we would leave those fully funded. What else gets cut? What else gets cut in that situation?

How about immigration? Do we want additional restrictions on immigration? Do we want to provide the people to firm up the borders? Would that get its 30-percent cut? How about farm subsidies? There is an attractive one. We are going to cut these 30 percent or more to make up for keeping something else from this 30-percent cut. Then there are prisons, and we could go on and on. We are dealing in this unfunded mandate legislation mainly with the impact on the States and local communities.

What do the States get right now? States, right now, under discretionary and entitlement funding, receive about $230 billion a year, about 70 of that in discretionary funding and about 160 in entitlements. This is broken down into Medicaid, for instance, and $173 billion goes into Federal and State, total, for Medicaid; 57 percent of that is Federal, and 43 percent is State; that is $230 billion total.

I use that figure for this reason. If we pass something that says that we are not going to say what we are going to cut, we are just going to do that after we, in effect, threaten ourselves and say, OK, we are going to force ourselves to buy a balanced budget amendment to make these decisions but we are not going to say in advance where the decisions are made, then I submit that the States with what they receive now, what is given to them now for all these various programs, that $230 billion is going to be a very, very attractive target for budget cutters looking for some way to balance the budget without getting into cuts on Social Security, Medicare, interest on the national debt, or defense.

What Senator HOLLINGS has proposed is a how-to piece of legislation—knowing what we are going to do, giving us an idea of what we are going to do in advance to get to a balanced budget. All of us want to get to a balanced budget. Certainly, I do. I do not think there is anybody here who does not want to get to a balanced budget. What Senator HOLLINGS says is let everybody, the States included, know in advance whether they will be the ones who will be unfairly dealt with in this other area if we pass a balanced budget amendment. Will the efforts to balance the budget then come out of the State's hide of $230 billion that we send from the Federal Treasury to the States every year?

Surely we would not take the other tack and say on Senator HOLLINGS' amendment that we would adopt in the first session a joint resolution proposing an amendment to the Constitution requiring a balanced budget, one, the Congress should not set forth specific outlay and revenue changes. Surely we would never add that should not and prohibit anyone from saying exactly how this is going to affect anyone by prohibiting the listing of what the outlay and revenue effects would be. So all he said is that in the Constitution requiring a balanced budget, the Congress set forth specific outlay and revenue changes to achieve a balanced Federal budget by 2002. It seems to me that we are just trying to predict and make forecastable what is happening between the Federal Government and the States with this unfunded mandate legislation.

All Senator HOLLINGS is asking in his proposed amendment, it seems to me, is that we do the same advanced kind of planning in trying to get where the cuts or where the revenues would come from, what the impact would be, the amounts, and trying to determine these things in advance.

So, Mr. President, I rise in support of Senator HOLLINGS' amendment.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. President, earlier I had offered two of the three amendments which I have reserved for the purposes of having them before the Senate prior to the 3 p.m. deadline tomorrow.

I, therefore, ask unanimous consent that the pending amendment be set aside for the singular purpose of allowing me to offer the third amendment for consideration at a later date.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 189

(Purpose: To change the effective date)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 189.

The amendment is as follows:

On page 33, strike lines 10 through 12 and insert the following:

This title shall take effect on the date of enactment of this Act, and shall apply to legislation considered on and after such date.

Mr. GRAHAM. Thank you, Mr. President.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. LEVIN. Mr. President, I wonder if the Senator from Iowa will yield.

Mr. HARKIN. I ask unanimous consent that I may yield to the Senator from Michigan without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendments 172 to 177, which I sent to the desk last Thursday night, be called up at this time, stated, and then be immediately set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NO. 172 THROUGH 177

Mr. LEVIN. Mr. President, I send a group of amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes amendments numbered 172 through 177, en bloc.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 172

(Purpose: To provide that title II shall apply only after January 1, 1996)

On page 38, after line 25, insert the following:

"**SEC. 205. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect with respect to regulations proposed on or January 1, 1996."

AMENDMENT NO. 173

On page 26, between lines 5 and 6 insert the following:

(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct cost of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment, or motion of such Member.

AMENDMENT NO. 174

(Purpose: To provide that if a committee makes certain determinations, a point of order will not lie, and for other purposes)

On page 17, insert between lines 17 and 18 the following new paragraph:

"(7) COMMITTEE DETERMINATION OF MANDATE DISADVANTAGEOUS TO PRIVATE SECTOR; WAIVER OF POINT OF ORDER.—If a committee of authorization of the Senate or the House of Representatives determines based on the statement required under paragraph (3)(C) that there would be a significant competitive disadvantage to the private sector if a Federal mandate contained in the legislation to which the statement applies were waived for State, local, and tribal governments or the costs of such mandate to the State, local, and tribal governments were paid by the Federal Government, then no point of order under subsection (c)(1)(B) will lie.

AMENDMENT NO. 175

(Purpose: To provide for Senate hearings on title I, and to sunset title I in the year 2002)

On page 33, strike out lines 9 through 12 and insert in lieu thereof the following:

SEC. 107. SENATE JOINT HEARINGS ON UNFUNDED FEDERAL MANDATES.

No later than December 31, 1998, the Senate Governmental Affairs Committee and the Senate Budget Committee shall hold joint hearings on the operations of the amendments made by this title and report to the full Senate on their findings and recommendations.

SEC. 108. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on January 1, 1996;

(2) apply only to legislation considered on or after January 1, 1996; and

(3) have no force or effect on and after January 1, 2002.

AMENDMENT NO. 176

(Purpose: To clarify the scope of the declaration that a mandate is ineffective)

On page 24, line 18, strike out "mandate to be ineffective" and insert in lieu thereof "mandate to be ineffective as applied to State, local, and tribal governments".

AMENDMENT NO. 177

(Purpose: To clarify use of the term "direct cost")

On page 14, line 19 strike "expected".

On page 22, line 12 strike "estimated".

On page 22, line 22 strike "estimated".

On page 23, line 2 strike "estimated".

On page 23, lines 4 and 5 strike "a specific dollar amount estimate of the full" and insert in lieu thereof "the".

On page 24, line 8 strike "estimated".

On page 24, line 15 strike "estimated".

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, Mr. HARKIN, is recognized.

AMENDMENT NO. 190

(Purpose: To express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution)

Mr. HARKIN. Mr. President, while I know we are not considering it today, there is much discussion going on around this town and the country about our upcoming consideration of the balanced budget amendment. I do not want to delay action on the bill before us, but I believe it is critical that we ease the fears of millions of older Americans who are worried about their security.

I have long supported a balanced budget amendment, and I expect to do so again this year. There have been a number of issues raised concerning the amendment—should there be a supermajority requirement for tax increases; should there be truth in budgeting to require that the cuts necessary to reach a balanced budget by 2002 be specified; should we make provision for times of recession when there are more demands on the Federal Government and tax receipts are down? Each of these questions is very important and should be given the attention they deserve. But, Mr. President, the one issue that is of greatest concern, and the one I think necessary to address immediately by this body, is whether Social Security should be allowed to be cut as part of the balanced budget amendment.

Should Social Security funds be included along with all the receipts and debits in calculating whether we have a balanced budget? I believe we need to set the record straight about where the Senate stands on this critical point. I hope the Senate could go on record unanimously on this so that we can allay the fears that literally millions of older Americans have.

I have received hundreds of calls, and even more letters, from older Iowans who are scared to death that their Social Security is going to be cut to balance the budget. Almost all of them subsist on little or nothing more than their monthly Social Security check. They live on fixed incomes and are struggling to meet the basics—pay their food, utilities, and medical bills. A cut in Social Security would literally mean for many not enough to eat or enough to pay heating, phone, medical bills, and transportation.

To bring this home, I would like to read excerpts from letters a few Iowans have written me. I have a letter here dated January 2, from Lime Springs, IA:

> DEAR SENATOR HARKIN: Will you please vote against any more cuts in Medicare and Social Security. I am an 87-year-old widow with Social Security of $440 a month, and I am trying to stay off welfare. It is almost impossible for old people who depend on Social Security to live anymore. Please help us.

Another letter is dated January 4.

> * * * I am a widow, age 78. I have been alone for 29 years and never able to accumulate an estate, bonds, CDs, et cetera. My income is $650 a month Social Security, and out of that I must pay rent, electric, food, health insurance, medical bills, doctors, prescriptions, et cetera, and I am just barely able to cover the above expenses. There is no money left over for clothes, recreation, et cetera, and I would appreciate it if you would reject any cuts in Social Security and Medicare.

Another letter is dated January 5 from Jefferson, IA. It says:

> * * * We are semi-retired farmers facing higher property tax, higher crop expenses and lower prices. If we don't have money, we go without. Because my health has forced my retirement at 62 years of age, I am now receiving a "very generous" $334 a month Social Security. Now subtract $46.10 for Medicare, $56 Blue Cross supplemental, and then try to spread it thin enough to pay for heart, diabetes and arthritis medication at $3,000 per year.
>
> We have worked hard, still paying on some farmland, knowing that if either of us need to enter a nursing home, it will be gone. Social Security is not welfare.

Well, I have a lot of letters like this and I am sure, Mr. President, you and other Senators are receiving letters like this from your constituents.

Mr. President, the amendment I am about to send to the desk I believe is eminently reasonable and should be quickly passed by this body. It is relatively short and straightforward.

I will not read the whole thing.

It is a sense-of-the-Senate resolution. It is supported by findings that over 42 million Americans receive Social Security benefits, including 3 million children, and 5 million disabled workers; that Social Security is only the pension program for 60 percent of older Americans. Almost 60 percent of the older beneficiaries depend on Social Security for at least 50 percent of their income; 25 percent of recipients depend on it for 90 percent of their income. Without it, 15 million Americans will be thrown into poverty.

Basically, it is just a sense of the Senate that any joint resolution providing for a balanced budget amendment to the U.S. Constitution passed by the Senate shall specifically exclude Social Security from the calculations used to determine if the Federal budget is in balance.

Mr. President, when you talk about the average Social Security recipient, you are talking about people of very modest means. The average monthly Social Security payment now is $679 a month. That is $8,148 a year, just above the poverty level for a household of one. As I said, for many senior citizens, Social Security represents 90 percent or more of their entire income and it is particularly true of older widows. For the majority of older widows, Social Security represents the bulk of what they have to live on. So I understand them writing me letters saying they are fearful of these cuts.

Mr. President, I should also note that I am not just hearing from the elderly. I am also hearing from middle-age workers who are concerned about the surplus in the Social Security trust funds that will be necessary to pay the benefits when they retire. They are worried because they know it may be just too tempting for politicians to dip into the growing Social Security trust fund surpluses to pay down the deficit. And they have every reason to be worried.

Today, the Social Security surplus stands at about one-half trillion dollars. That is right. The Social Security trust fund has a surplus of one-half trillion dollars,—$500 billion. By the year 2010, the Social Security surplus is projected to reach $2.1 trillion. And by 2020, the Social Security trust fund will grow to an astounding $3 trillion. That surplus, nearly two times the entire Federal budget for this year, will be very tempting to dip into to pay down the deficit.

Some will say a little out will not hurt us. But, in fact, Mr. President, in the coming years, we will need to add to that surplus, not take away from it.

The current projections are that even with a $3 trillion surplus in the year 2020, the system will go bankrupt by around the year 2030, after paying benefits to the baby boomers who will be retiring. So about 35 years from now—and we have time within that 35 years to make the necessary adjustment. So we need to make adjustments within the next 35 years to further build up the surpluses after 2020 so that those who are working now can be assured that their Social Security will be there when they retire. So we need to add to the surpluses later on, not take away from them.

Mr. President, I am certain that the amendment I am offering will be supported by an overwhelming majority of Americans. Poll after poll has indicated opposition to the cuts in Social Security benefits by the elderly and by those now working.

So, Mr. President, it is a modest amendment. It is a sense-of-the-Senate resolution. I think we ought to express ourselves on this bill. Even though it does not have anything to do, I know, with unfunded mandates, I think we have to express ourselves as soon as possible, especially now in the middle of winter when so many elderly people are concerned about Social Security cuts. And I think, if I am not mistaken, that we will be on the balanced budget amendment right after this bill is disposed of.

So, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 190.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, add after line 6 the following new title:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(a) FINDINGS.—The Senate finds that—

(1) social security is a contributory insurance program supported by deductions from workers' earnings and matching contributions from their employers that are deposited into an independent trust fund;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) without social security an additional 15,000,000 Americans, mostly senior citizens, would be thrown into poverty;

(6) 138,000,000 American workers participate in the social security system and are insured in case of retirement, disability, or death;

(7) social security is a contract between workers and the Government;

(8) social security is a self-financed program that is not contributing to the current Federal budget deficit; in fact, the social security trust funds currently have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(9) this surplus is necessary to pay monthly benefits for current and future beneficiaries;

(10) recognizing that social security is a self-financed program, Congress took social security completely "off-budget" in 1990; however, unless social security is explicitly excluded from a balanced budget amendment to the United States Constitution, such an amendment would, in effect, put the program back into the Federal budget by referring to all spending and receipts in calculating whether the budget is in balance;

(11) raiding the social security trust funds to reduce the Federal budget deficit would be devastating to both current and future beneficiaries and would further undermine confidence in the system among younger workers;

(12) the American people in poll after poll have overwhelmingly rejected cutting social security benefits to reduce the Federal deficit and balance the budget; and

(13) social security beneficiaries throughout the nation are gravely concerned that their financial security is in jeopardy because of possible social security cuts and deserve to be reassured that their benefits will not be subject to cuts that would likely be required should social security not be excluded from a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal budget is in balance.

Mr. HARKIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask the manager, did the Senator intend to proceed with additional amendments now or prefer that we wait?

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. KEMPTHORNE. Mr. President, in discussing with the Senator from Iowa, we do not have a problem laying aside the pending amendment while we get additional information, and would note that the Senator from Iowa has, I believe, a unanimous-consent request. I believe it would be appropriate to lay the pending amendment aside and proceed with the amendment of the Senator.

Mr. BINGAMAN. Mr. President, if it is in order, I ask unanimous consent that I set aside the pending amendment and any pending unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 191

(Purpose: To provide that certain legislation shall always be in order)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 191.

Mr. BINGAMAN. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, add after line 25 the following new section:

"(4) DETERMINATION BY REPORTING COMMITTEE OF APPLICABILITY TO PENDING LEGISLATION.—Notwithstanding any provision of paragraph (1)(B), it shall always be in order to consider a bill, resolution, or conference report if such report includes a determination by the reporting committee that the pending measure is needed to serve a compelling national interest that furthers the public health, safety, or welfare.

Mr. BINGAMAN. Mr. President, the amendment that I have offered today will allow a reporting committee—that is, any of the authorizing committees—to ensure that a measure that committee determines is necessary to serve a compelling national interest be given full consideration by the Senate.

Mr. President, last week I raised several issues with my colleagues from Idaho and Ohio regarding Senate bill 1. Specifically, we discussed the fact that under S. 1, it would be out of order to proceed on any legislation that imposes a cost of more than $50 million on other levels of government unless the Federal Government is willing to pay the full costs incurred by those other levels of government. I realize a point of order would have to be raised by a Senator for the legislation not to be considered. Nevertheless, if the point of order is raised, then consideration of such a bill shall not be in order as I read the unfunded mandates legislation we are considering today.

Mr. President, I believe that we go too far when we say that the Senate should not consider a measure, regardless of its importance, unless the Federal Government can cover all public costs associated with that measure. We can all think of cases of a compelling national interest with which we should proceed even if the Federal Government does not intend to cover all the costs.

Some examples are control of nuclear waste, minimum wage laws, and the control of terrorism. These are clear examples that I think most Senators will agree with. In those cases, it is appropriate to provide a mechanism through which a committee reporting a measure, armed with the Congressional Budget Office cost estimate required by this legislation, can make a determination that it should be in order for the full Senate to consider the matter, and that no point of order should prevent that consideration.

Our Federal system functions best when there is a partnership of effort by local, State, and Federal Government, and tribal government, in some cases. Many of the most successful programs that we have in this country have been pursued as a result of just such a partnership, constructed by the Federal Government. Examples are the Interstate Highway System, Federal housing assistance, and the unemployment insurance system.

If partnerships involving cost sharing by the different levels of government are to occur, then under our Constitution, the Federal Government is set up as the final arbiter of the terms of those partnerships. It makes no sense for us to abdicate that responsibility entirely. Clearly, in any activity we choose to pursue in partnership with the States, local government, or Indian Tribes, the Federal Government should do its best to cover the costs that relate to the benefits that the country as a whole is to receive. Surely, the Federal Government should do a better job than it has in many cases in being sensitive to other governmental entities about costs they may occur.

But we should not, in my opinion, make it out of order to consider any and all legislation that requires action by other levels of government unless the Federal Government agrees to pay the full cost of that action. Partnerships between the Federal, State, and local governments and Indian tribes will be needed in the future, and it may be appropriate in some cases for some of the costs of those partnerships to be borne by others than the Federal Government.

Under my amendment, the cost estimates would still be done, and no one in the Senate would enter into the debate ignorant of the full costs. Indeed, if the full Senate felt that the cost should be paid for entirely by the Federal Government, an amendment to this effect could be offered. If the funding was not provided for all the costs, an estimate of which would be required under the amendment, the full Senate could vote the measure down after actual debate. A measure that a committee determined to be needed to serve a compelling national interest, however, would be assured a debate on its merits if it reached the floor of the Senate.

Mr. President, this seems to be an imminently reasonable adjustment to the procedures outlined in S. 1. I urge the managers to support the amendment. I urge my colleagues to agree to its adoption. I may speak again in reference to this prior to final vote on the issue. I did want to put my colleagues on notice as to the import of this amendment.

I have two other amendments, Mr. President, that I have reserved the right to offer, and I intend to offer those later this afternoon or early tomorrow. I do not have those with me at this moment.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. In response, Mr. President, to the Senator from New Mexico, I think it is necessary to point out that if at any point during this process, there truly is a compelling argument, that the committee, the chairman of that committee, may come to the floor and seek a waiver of this process of S. 1, and need not go through the remaining steps of that process.

But the idea, as I understand the proposed amendment, is to say that the committee itself could exercise the jurisdiction of the full Senate, which I do not think is appropriate and is really a real short circuit of what we are trying to do here with this process.

Earlier today we heard from the Senator from Nevada and the Senator from North Dakota on another issue, but they were saying that with this particular Federal mandate that has been put into place a year or two ago that there may be merit to this unfunded Federal mandate, but it would have been so nice to have known all the implications and the costs before this unfunded Federal mandate was implemented. What they were describing is how nice it would have been to have S. 1 in place before that particular mandate had been imposed.

So, again, I think that S. 1 provides the process and rather than allowing the committee to have that sort of jurisdiction to say that because there is a compelling interest here we need not comply is not the route that we should go. If that is the case, if there truly is a compelling reason, then they can seek that waiver immediately.

Mr. BINGAMAN. Mr. President, could I just respond to the concern that the Senator from Idaho has raised.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, by my amendment by its language I am not exempting any piece of legislation from the requirements of cost estimates or reports from the CBO. What I am saying is that once those cost estimates and reports are obtained by the appropriate committee, if that committee determines that there is compelling national interest that needs to be considered here, then it has the right to say that in its report and to have the legislation considered on its merits on the Senate floor. And it does not have to get past any procedural hurdle that this proposed legislation would impose in terms of language that says it is out of order to consider the proposed bill.

In my opinion, it is not wise for us to be writing legislation stating it is out of order to consider any and all Federal legislation where the Federal Government fails to pay the full cost of implementing the legislation. There are too many examples in our Nation's history where it has been appropriate for the Federal Government to proceed with legislation of that type and where there has been a well-designed partnership between the Federal Government, State government, and local government to accomplish a recognized national purpose.

I am trying to make it clear that where there is such a circumstance in the view of an authorizing committee, then that authorizing committee should have the right to have its legislation, its reported legislation, considered on its merits without having to overcome procedural points of order to do so.

That is the intent of my legislation. It does not exempt any reported legislation from the requirements of reports or cost estimates by the CBO. I do believe those are appropriate, and clearly the failure to have those in some cases has worked a hardship on local governments, on State governments, on Indian tribes.

I wanted to clarify what the import of my legislation is. And with that clarification, I hope that the Senator from Idaho, and all other Senators, can support it.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

IN BEHALF OF A CULTURAL CUTTING EDGE

Mr. BYRD. Mr. President, we live in an era of technological miracles—inventions, phenomena, and developments whose inventors and initiators might have been burned at the stake as witches and warlocks in the so-called "Dark Ages" for even suggesting, much less producing or conducting, such things.

Automobiles, jet aircraft, space vehicles, CD records, microwave ovens, telephones, artificial hearts, organ transplants—inventions, opportunities, and creations that some of our ancestors only a century ago might have found unbelievable, if not unimaginable.

But, Mr. President, perhaps the one modern invention that has had, and will have, the greatest impact on human life is television.

Imagine, if you will, the astonishment of George Washington, Thomas Jefferson, or even Benjamin Franklin if any one of those men were able to sit down with us today in front of that vast wasteland, as Newton Minow referred to it—a television set.

Imagine being able to tune in with them on a one-on-one conversation across the Atlantic with British Prime Minister John Major or German Chancellor Helmut Kohl, to discuss Trans-Atlantic alliances or international trade issues, for example.

Or imagine the astonishment of U.S. Grant or Robert E. Lee had they been able in their time to sit before a television set and view the actual progress of the Siege of Vicksburg or the Battle of Gettysburg, as so many millions of everyday Americans viewed the progress of the Gulf War or the shooting down of "Scud" missiles incoming over Tel Aviv or Riyadh, Saudi Arabia.

Interestingly, perhaps even the Founding Fathers of the television did not foresee the scope of television or grasp the possibilities that this miracle offered in its earliest, fuzziest beginnings.

In those primeval days of television broadcasting—roughly, the late 1930's and pre-World War II 1940's—the biggest star attractions consisted primarily of telecast images of "Felix the Cat" and local station test patterns, which fascinated people even though they offered the crudest of images and practically no motion.

But following the end of the Second World War, several radio programs began "simulcasting"—that is, broadcasting both on infant television networks and on the established radio networks at the same time.

Thus, in time, millions of Americans were enabled both to see and hear "The Voice of Firestone," "The Bell Telephone Hour," and "The NBC Orchestra," conducted by Arturo Toscanini. Increasing numbers of American families were exposed to the music of Beethoven and Schubert, and to the considerable talents of the finest musical figures of the Metropolitan Opera or La Scala.

In time, NBC introduced plays by some of America's leading playwrights on "The Philco/Goodyear Playhouse," and CBS on "Studio One"—plays many of which went on to be reproduced into classic movies, and plays that introduced some of today's leading actors and actresses to millions upon millions of Americans who had been unable to witness their Broadway and off-Broadway debuts.

For children in those early days of television, "Howdy Doody," "Romper Room," "Miss Frances" on "Ding Dong School," and "Captain Kangaroo" provided often brilliant exposure to experiences and information unavailable to them anywhere else—experiences and information that conveyed values, taught serious while camouflaged knowledge, stretched tiny minds—tiny minds—and imaginations, and helped untold millions of preschool children prepare for the serious business of entering school and beginning their formal educations.

The apparent goal of television executives in those early days seemed to be to reach growing numbers of middle-class and upper-middle-class American consumers whom sponsors wanted to attract to buy their automobiles, bath soaps, refrigerators, and dish detergents—consumers with high incomes and relatively good educations, and men and women of all income and educational levels who hungered for good music, compelling drama, and intellectually challenging entertainment and diversion.

Likewise in those days, sponsors were eager to have their names and trademarks associated with "quality culture," in hopes of winning and keeping consumer loyalty and gratitude, both valued intangibles in the supermarkets and department stores when viewers contemplated their purchases.

But as time passed, advertisers more and more craved only higher and higher audience numbers. In the search for those numbers, sensation drove out substance, and action cancelled out content.

In time, in pursuit of ratings, television producers lost their nerve.

If a single "cowboy" show caught the public's fancy, dozens of cowboy shows appeared, crowding out most other programming. If the next season a single detective show garnered high ratings, off the television range fled the cowboys, and detective shows proliferated across the dial. The same held true of variety shows, quiz shows, "sit-coms," or spy shows.

In the process, children's programs with substance vanished, to be replaced, hour after hour, with crudely composed "action" cartoons, in which scarcely believable and primitively drawn comic book "heroes" exposed children to eternities of violence, mayhem, and pointless fantasy.

Expert television analysts assert that, by the time an American child reaches his or her late teens, commercial television has exposed that child to literally thousands of murders and other acts of violence, an exposure that predictably deadens that child to real-life violence and that overtly and subliminally teaches that violence, in itself, is an effective means of solving problems and getting one's own way in this world.

Should we, then, be surprised that here in the inner-city neighborhoods of Washington, or in Baltimore or New York or other great urban centers—and even in our comfortable suburbs—children are literally murdering other children over the possession of sneakers, team jackets, or over real or imagined slights? After all, again and again without number, these child-murderers have witnessed the effective use of such solutions on commercial television, and a few weeks later, they had seen the same guy who gets shot or stabbed or pushed out the window or strangled with a copper wire on some other show in perfectly good health.

From the beginning of the adulteration of television, thoughtful people have sought alternatives to the trash and vulgarity that have increasingly contaminated the airwaves of this miraculous medium of communication.

And, to the relief of millions of thoughtful Americans, in time, "educational television" laid the foundations for today's public broadcasting stations.

As a result, as the public television network grew, children in our inner cities and in rural States like West Virginia and eastern Kentucky could be reached by television images that stretched their imaginations, taught them stories by great authors, exposed them to initial concepts in science and arithmetic, and challenged them with mainstream values such as telling the truth, respecting other children, obeying their parents, and becoming good citizens.

At the same time, the Public Broadcasting System, the Corporation for Public Broadcasting, and National Public Radio increasingly filled the voids left by the commercial networks when they turned their backs on people in our society who crave good music, who hunger for good drama, who desire to hear and see good public debates on important questions of our time, who are eager for good documentaries, and who yearn for substance and challenge in their entertainment.

Indeed, the Public Broadcasting System has evolved into a kind of cultural cutting edge—the pioneering network—that carved the frontiers and plowed the first fields that have proved the market that such operations as the Arts and Entertainment network, the Discovery, and Learning Channels, the History Channel, Bravo, and other increasingly culturally oriented systems are now exploiting.

But even in these commendable enterprises, PBS has been the pioneer to which these new cultural channels must look for guidance. As welcome as their entry into the cultural scene is, so much of their offerings were first offered or grubstaked on public television.

The lamentable truth is that, in commercial television, the bottom line is money, and until certain kinds of programming prove themselves, most commercial cable networks are unwilling to take risks on most types of programming—that is, until public television demonstrates the existence of a market for that kind of programming.

Ken Burns' "Civil War" was an enormous gamble on which no one outside public television would have been willing to take a chance, until WETA made a leap of faith and underwrote a classic that will live for decades. Millions upon millions of Americans have seen "The Civil War," and millions upon millions more will see it in coming generations. As a result, countless millions of Americans yet unborn will understand in ways previously impossible the significance and the scale of the greatest conflict in American history—a conflict that still defines us in many ways roughly 130 years later.

Currently, the hunt dogs are baying at the heels of PBS and the public broadcasting network across our country.

We are informed that PBS is too liberal, too radical, too un-American, elitist, left-wing.

Do these critics mean to say that William F. Buckley's "Firing Line" is an example of liberal programming?

William Buckley has been appearing on "Firing Line," a program produced admirably by South Carolina public broadcasting for years. Indeed, to follow William Buckley is to be disarmed by one of the most rational, intellectually charming, and persuasive conservative personalities in American history, a man who has exploited "Firing Line" brilliantly in a committed effort to force millions of Americans to rethink, or to think for the first time, the seminal principles of their own political, economic, and social positions.

Or do the critics mean to include in their criticisms of the liberal and elitist descriptions of PBS the reruns of the "Lawrence Welk Show," reproduced by Oklahoma public television, to the absolute delight of millions upon millions of Middle Aged and Older Americans who await each week the replay of some of the most beautiful music ever composed and performed in America?

Or do they mean "Wall Street Week," presided over by one of the most urbane and persuasive capitalists ever to advocate the free enterprise system anywhere and at any time?

Or do those critics include among left-wing elitists the conservative Ben Wattenberg, whose weekly panels present a wide spectrum of challenging intellects, right and left, in a balanced discussion, in understandable terms, of some of the most arcane issues of our day?

Or are we to assume that "The Collectors," "This Old House," "Cats and Dogs," concerts by the Boston Pops Orchestra, LeVar Burton's "Reading Rainbow," or reruns of such classics as "Casablanca" or Marlene Dietrich's "Blue Angel" are examples of elitist programming?

Or what of "Washington Week in Review" which we see every Friday evening here in Washington, by tuning in at 8 o'clock?

Year after year after year we watched Paul Duke, and we still watch "Washington Week in Review." It provides some of the most perceptive, thoughtful, and penetrating analysis available anywhere.

To be sure, much on public television rankles me, as I am sure it rankles people who do not share my values and philosophy of life.

But to stifle, shut down, starve, emasculate, or cripple our public broadcasting system, by denying it the seed money that guarantees its very survival in some of our most isolated rural communities, would be to kill one of the finest golden-egg-laying geese on the American cultural scene. To speak many truths is to risk making many enemies. Likewise, to speak many truths is to risk making many friends, as well. And because our public broadcasting system provides such a variety of truths, it can boast mobs of both friends and detractors.

Mr. President, I hope that we will think long and sincerely before we punish, dismantle, or destroy one of the most valuable assets in our national cultural treasury, and risk reducing the Public Broadcasting System, the Corporation for Public Broadcasting, and National Public Radio to bad and ineffectual imitations of our commercial broadcasting networks, complete with underarm deodorant commercials and paeans to dog food and kitty litter.

I yield the floor.

[Disturbance in the visitors' gallery.]

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator will suspend for just a moment.

The gallery must not show approval or disapproval to actions on the floor of the Senate.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent we set aside whatever the pending business is. Is there a pending amendment?

The PRESIDING OFFICER. Amendment 191, The Senator's own amendment.

Mr. BINGAMAN. I ask unanimous consent my own amendment be set aside temporarily, while I offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 192

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 192.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, add after line 25, the following new section:

"(4) APPLICATION TO REQUIREMENTS RELATING TO THE TREATMENT AND DISPOSAL OF RADIOACTIVE WASTE—

Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to a requirement for the treatment or disposal of—

(A) high-level radioactive waste, low-level radioactive waste, or spent nuclear fuel (as such terms are defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)); or

(B) byproduct material or transuranic waste (as such terms are defined in section 11 of the Atomic Energy Act of 1954, (42 U.S.C. 2014))."

Mr. BINGAMAN. Mr. President, the amendment I am offering here is an amendment to exempt measures concerning the treatment and disposal of nuclear waste from S. 1. It is my understanding that the agency primarily responsible for this issue is the Nuclear Regulatory Commission. It is one of the agencies that is not covered by title II of this legislation.

This amendment I have offered here would have the effect of ensuring that both the NRC, the Nuclear Regulatory Commission, and the Congress can continue to have authority to take necessary action in this very important policy area. Without this amendment I have offered here, we are leaving the NRC with power to act in an area where it would also be out of order for this Congress itself to consider legislating. If a bill or an amendment is offered to increase the requirements to obtain a license under the Nuclear Regulatory Commission, that bill would be subject to a point of order. The NRC could do that by regulation without there being any objection raised.

But if the Congress tried by statute to raise the requirements on a licensee under the authority of the Nuclear Regulatory Commission, that would be subject to a point of order. As the bill now stands, my amendment would correct that. I believe it is important to look at this issue in a historical context.

Research on nuclear energy started without congressional approval and in fact in great secrecy, and only a few select Members of Congress were kept informed about the Manhattan project during World War II, even though a large amount of taxpayer money was being spent to build the facilities needed at Los Alamos in my own home State, in Hanford, and at Oak Ridge.

Moving quickly to assert its control over the nuclear program, Congress passed the Atomic Energy Act of 1946, which created both the Atomic Energy Commission in the executive branch, which was charged with managing the program, and it created a Joint Committee on Atomic Energy within Congress to oversee and direct the program. Moreover, because private ownership was prohibited in the 1946 act, the Federal Government maintained absolute control over nuclear materials and facilities. Consequently, the prospect of the nuclear program being transitional to the civilian sector was very faint, and, therefore, Congress was enforced to enact legislation to develop the civilian nuclear power program in 1954 with the Atomic Energy Act of 1954.

Because that act was extremely vague in its efforts to define safety considerations and in its overall regulatory program, the AEC, the Atomic Energy Commission, was responsible for promulgating safety regulations, and they had broad discretion. In fact, the U.S. Court of Appeals for the District of Columbia noted years later that the 1954 act created—here is a quotation from one of their decisions:

> The 1954 act created a regulatory scheme which is virtually unique in the degree to which broad responsibilities should pose in the administrative agency.

And it has a prescription in its charter as to how it shall proceed in achieving the statutory objectives. Mr. President, today that same very broad discretion resides in the regulatory agency.

The initial administrative regulations parallel the 1954 act, and the two were very loose. Nuclear power has proven to be extremely complex and increasingly demanding. Nuclear power plants have grown larger and more sophisticated, and they are requiring capable safety systems and backups.

Very simply stated, the more complex these nuclear power systems have become and plants have become, the more things can go wrong. As a result, nuclear regulation has had to keep pace with industry advances in order to protect the public health and safety. Recent accidents only serve to remind us of the potential of not maintaining close scrutiny of this industry. Chernobyl raised the awareness of Russia and Eastern Europe where dozens of unsafe plants exist that fall way below the Western safety standards that have been promulgated by our own Federal Government.

Under the provisions of the pending unfunded mandates legislation, many of the valuable laws that were created specifically in response to the public health and safety concerns in this area would have been improper for consideration. For instance, the Low Level Radioactive Waste Policy Act could not have been considered by Congress absent the waiver of this unfunded mandates act. The low level waste act, passed in 1980, makes the States responsible for nuclear waste disposal; that is, waste that was generated within that particular State's borders. No Federal funding is provided in this program.

Moreover, I must note that the National Governors Association requested this legislation. Indeed, the National Governors Association provided much input into it. Essentially, the Governors believed that the States were in a better position to select disposal sites within those States. Nonetheless, under S. 1, the low level waste program would come under the definition of a Federal mandate and would be subject to the requirements of title I of the bill.

Additionally, in the Nuclear Waste Policy Amendments Act of 1987, we authorized the Office of Nuclear Waste Negotiator to find a State or an Indian tribe to host a permanent repository for a monitored, retrievable storage facility for nuclear waste.

This legislation we are considering today could frustrate his efforts if he were successful in identifying a potential host for such a facility. In my home State of New Mexico we are seeing an effort to site a nuclear waste repository facility on tribal land. And I feel strongly that we in the Congress must preserve our ability to legislate and regulate in this area to protect public health and safety.

The reasons for this amendment are self-evident. Although I believe that the Senate should always keep in mind the costs incurred by the private and the public sectors by any of its actions, I believe, as reporting committees apparently do, that in some areas of the law they are simply too important to create points of order against consideration of legislation. I further believe that the treatment and disposal of nuclear waste falls within that category.

Clearly, we have a responsibility to act and exert national leadership in an area that could have a profound impact on the health and safety of the American people, and in the future we may very well be called on to do so. We need to be sure that we will be able to do so and that procedural roadblocks cannot be raised.

For this reason, I urge my colleagues to adopt this important amendment. I understand that the managers of the bill are agreeable to a time limit for additional discussion of this bill prior to its being voted on.

I am glad to yield the floor or yield to questions.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I think I understand what the Senator from New Mexico is trying to do, but I am not sure I understand exactly how this would work. I would like to clarify. Let me make a statement. Then I would ask the Senator from New Mexico to respond.

If what the unfunded mandates bill is trying to do, of course, is to say where we are putting a mandate on a State, we will consider the costs up front, we will deal with those costs and either provide for it by passing those costs and saying, States you have to do it, or we would provide the money. That is the purpose of this, so we will not build up these huge bills and put all of these costs on the States occasioned by what we do here with legislation involving the States.

It would appear to me that if we exempt the nuclear industry from this process, you would set up the possibility that, if the proposal, whatever it is, is exempted from the point of order, that you might find the Federal Government is just going back and saying, States do it, with no money or no consideration of money required up front or anything else.

I cannot believe that is what the Senator from New Mexico would intend. Maybe I am wrong. But this would mean someplace like Hanford that has all the problems out there at Hanford in Washington, with all the problems of the so-called semiexplosive silos out there that we have been concerned about for a couple of decades now, and all the other problems from that area as well as some 17 major nuclear sites in the nuclear weapons complex in 11 different States, that we can in effect say to those States, just take care of it. We put a mandate on you. You take care of it out there. Whether it is Hanford, or in my home State of Ohio, or wherever, we would just say, States, take care of it.

I do not believe that the Senator from New Mexico intends that be the situation. But I would submit, if I understand the amendment correctly, that would be a possibility under this. It would seem to me that the States are better protected by saying we stay under this point of order, if it lies, and then say we have considered the cost up front and here is how we will take care of those costs and help the States comply with Federal law, which is what we do with other environmental concerns, not just nuclear, clean air, clean water, and everything that we provide mandates for around here.

All these environmental mandates so far are the biggest thing under the unfunded mandates. What we set up is a point of order with regard to those where we either work out an arrangement where we share in the costs that we are imposing to accomplish that good end, or we say we are not going to do that up front. But we have to consider the costs up front on what our responsibilities are.

It would seem to me that in the nuclear industry in particular, and particularly the nuclear weapons program, that we are still trying to recover from all those secrecies that went into effect during the cold war that let us build up huge stocks of material that now need to be taken out and disposed of someplace. I would not think that we would want to have that out from under the Government saving in the cost of doing that. Yet, if I read the amendment correctly, that is exactly what it is. Am I wrong in my understanding?

Mr. BINGAMAN. Mr. President, let me respond to the question. I do think the Senator is wrong in his understanding.

First of all, let me make clear, my amendment does not exempt anything from the reporting requirements. The reporting requirements in the bill, where you have to estimate the costs and estimate where the costs would fall, remain in place. Those have to be obtained before any legislation comes to the floor, and none of that is changed under my amendment.

What my amendment does say, though, is that in this very important area related to treatment or disposal of nuclear waste, in that very important area, if the Federal Government determines that some action should take place, you cannot raise a point of order that says it is out of order to consider the legislation, absent full funding by the Federal Government. That is all my proposed amendment does.

The Senator was saying this would open up the possibility of the Federal Government saying to the States: Washington State, you are responsible for Hanford.

That possibility exists today. That possibility will exist in the future. Theoretically, we could do that at any point, just to the same extent we do it today. That is the way the Constitution set up our Federal system. So that possibility is always there for the Federal Government to step in and do that kind of a thing. Clearly, though, that is not consistent with the way this country has viewed responsibility, sharing the responsibility for nuclear power.

Mr. GLENN. If the Senator will yield. I am not sure I understand yet what he is proposing, or if that is his interpretation, because the point of order is supposed to make certain that the Federal Government shares in the mandate they are sending to the State. If we do away with that point of order, and as your amendment says, "notwithstanding any other provision," paragraph 1(b), "it shall always be in order to consider a bill, joint resolution, amendment, or conference report, if it relates to the requirement for the treatment or disposal of," and it goes into radioactive waste and so on. That means a point of order would not lie dealing with nuclear waste or disposal. That means the States would have to pick up the bill. That is what we are trying to prevent, as there was too much in the past with clean air, clean water, and all the requirements we have put on the States without providing any Federal funding, if I understand this correctly.

Mr. BINGAMAN. Let me try to respond using another example which I raised, I believe, a week ago to the Senator from Ohio and the Senator from Idaho both. That is a circumstance we have in my home State, where you have an Indian tribe negotiating now with various utilities to put in a nuclear waste repository, a monitored retrievable storage site. Under the legislation as drafted and as presented here to the Senate, any effort by the Congress to impose requirements on an Indian tribe with regard to the running of a site, the way that a facility such as that would be conducted, if those requirements added up to more than $50 million, it would be out of order for us to consider the legislation unless we paid for it.

In my view, it should not be out of order for us to consider that legislation. In my view, that is exactly the kind of legislation we ought to be considering.

Mr. GLENN. Mr. President, I respond to my friend that in a situation like that, where it obtains strictly to an Indian tribe that is trying to have some of this activity on their reservation, that should be brought up just like everything else, and the Senate, in considering that then would waive that requirement if it was appropriate in that case.

Mr. BINGAMAN. Mr. President, let me clarify that I think maybe the disagreement here is—I have an instinctive reaction against putting language in law that says a point of order can be raised against consideration of any bill which meets the following requirements.

It seems to me that it should not be out of order to consider legislation in an important field such as the treatment and disposal of nuclear waste. That is what the Congress was constituted to do, to consider that kind of legislation. And here we are about to pass legislation, the unfunded mandates act, which says that it is out of order for us to consider it. It strikes me that, at least in this area, where clearly there is a Federal interest, clearly there is a history of responsible Federal action —maybe not as responsible as some would like, but at least the main action that has taken place here has clearly been Federal—I believe it is appropriate for us to say to do the reports, but if you are going to legislate in this area, go ahead and bring that legislation to the floor and let the Senate dispose of it, either pass it or defeat it.

Mr. GLENN. Let me address another concern I have here and that is this: This bill is designed to deal with Federal mandates imposed on other entities—State and local, whatever—to take care of those costs up front or say why we are not going to, and require the States or local communities to address what ever it is the proposal is we are making.

It would seem to me that what you are addressing is something else. Where an Indian tribe on a reservation is initiating a plan on their own, that does not really have anything to do with what we are imposing from the Federal level, is that correct?

Mr. BINGAMAN. No. Mr. President, let me respond that under the act as it now stands, as I understand it, the act does not apply to independent regulatory agencies. They are exempted from the unfunded mandates act.

The Nuclear Regulatory Commission is such an independent regulatory agency and, therefore, the Nuclear Regulatory Commission can impose obligations on a tribe, on a local government, on a State, by regulation, and the cost of that can exceed $50 million, or whatever figure it has to exceed.

What we are doing, though, in the legislation as it now stands, is we are saying although the Nuclear Regulatory Commission is vested with authority to impose those kinds of obligations, we are denying ourselves that authority. We in the Congress are denying ourselves that authority, and that strikes me as totally illogical. It strikes me that if we are going to have that authority vested in the Federal Government, clearly Congress should retain its ability to deal with this in a responsible way.

Mr. KEMPTHORNE. Mr. President, the Senator from New Mexico stated that his amendment would in no way require anything other than the reporting requirements. They would still have to abide by the reporting requirements. The key point is that his amendment would, again, disavow that a point of order could lie against the legislation.

In this very, very important issue of nuclear storage facilities—for example, spent nuclear fuel rods—we know that we have a number of commercial sites all over the United States. We know that there are certain repositories. We know that there are certain States that may be receiving the spent *naval fuel, as is the case in Idaho. This sort of discussion, as you begin to get a flavor of it here, is exactly the sort of discussion that ought to take place on the floor of the Senate. So, again, this is another exclusion from the presumption that this legislation says we are in favor of State and local governments receiving the funds in order to carry out these Federal mandates. At any point, you can come and seek a waiver. It is a majority vote that would allow that waiver of the point of order at any point during the process.

But I really believe that if we send this sort of a signal, you will find that States are saying: If you are not going to abide by this, if we do not have any likelihood that there will be Federal funds to carry these things out, it will continue to be an unfunded Federal mandate in the area of nuclear storage. For example, I do not think you will see any States that will want to step forward and say they would like to be considered as a possible solution for the long-range storage or disposition of nuclear material. I would not blame them.

So, again, I just say let us not disavow the point of order. Let us allow not only the reporting requirements, the costs associated with that and the impact, but let us also have a discussion so that a point of order could lie and we would have this sort of discussion on the floor of the Senate instead of allowing the committee to have the jurisdiction to say we do not need to allow Congress to consider this any further.

Mr. BINGAMAN. Mr. President, I ask the Senator from Idaho this: One concern I have had here is under the language of the bill which he is proposing to the Senate, we exempt independent regulatory agencies from the purview of the bill. So we are saying that if the Nuclear Regulatory Commission wishes to impose expensive, onerous requirements on a State, town or tribal government, to ensure safety in the handling of nuclear waste, that is fine. We have no objection. No point of order can be raised. And we are certainly not suggesting one in this bill.

But Congress cannot do that. Congress cannot consider legislation to do that unless it is willing to waive a point of order. So we are essentially denying to the Congress the very powers that we are leaving in the independent regulatory agency at the Federal level.

I have great difficulty understanding the logic of denying Congress the very authority which the Constitution gives it to this area and requiring somebody who comes to the Senate floor or some committee that reports legislation to the Senate floor requiring them to overcome a procedural hurdle before they can, in fact, have their proposed legislation considered on its merits.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the arguments that were made by the Senator. But drawing the distinction with Congress, he is dealing with legislation. With a regulatory agency, you are dealing with regulations. It may be that that regulatory agency is then, through those regulations, carrying out the will of Congress as established in that legislation.

Also, I know that Senator ROTH, chairman of the Governmental Affairs Committee, will be holding hearings on regulatory relief to determine if, in fact, there are some areas in which we should be making modifications.

But I do not believe that, by saying what the Senator may be describing as a problem with the regulatory process, we, therefore, should make sure that Congress also follows that same process.

S. 1 is a process to give us accountability. Again, I believe that it will give us the information that we need up front, so that we can have these sort of meanings full discussion and not preclude that sort of discussion by agreeing to the Senator's amendment as proposed.

Mr. BINGAMAN. Mr. President, I am beginning to doubt that I am going to persuade the sponsor of the bill of the merits of my amendment.

But let me at least conclude by saying that again my amendment does not in any way take away the requirement that the information be obtained. It says the information must be obtained so that discussion can and should take place on the Senate floor. I just doubt the wisdom of us putting in a Federal statute that it is out of order for us to consider legislation dealing with the treatment and disposal of nuclear waste. It should not be out of order for us to consider that legislation. And a person who wants to consider legislation in that area should not have to come to the floor and overcome a procedural hurdle in order to have his proposed legislation considered on its merits.

Mr. President, I yield the floor, or I am glad to respond if there is further discussion of the amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I have the utmost respect for the Senator from New Mexico, and that is why I take very seriously his suggested amendment.

But I believe, in that last statement, I say to the Senator from New Mexico, maybe there is a semantics problem. Because when the Senator says that he does not feel we should have some process that makes it out of order for Congress to be discussing potential legislation dealing with the nuclear issue, I agree with the Senator.

But this process does not just automatically say it is out of order. It says, here are the steps you must follow and if you follow those steps as prescribed there is nothing that says you will be out of order. And you will be dealing with that very important issue of nuclear material or storage.

If, however, you find that one of those steps is illogical, onerous, at that point, then you can come and seek a majority vote to say we agree with you. We now waive this point of order, but the Senator's amendment takes that away. It disavows the point of order, and that is my concern.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, just to make it clear, I am focused on the semantics and I think the Senator from Idaho is right. I am focused on line 16 and 17, page 21, where it says, "It shall not be in order in the Senate to consider" and then it goes on and says any bill or joint resolution, et cetera, et cetera, et cetera. That to me is not semantics. That is more than semantics to say "it shall not be in order in the Senate to consider."

I think the whole purpose of the Congress in our Federal system is to consider legislation of this type dealing with major national issues. Treating and storage of nuclear waste is just one of those. But I consider that to be an area of concern peculiarly in the purview of the National Government.

So I do think I have a concern when we pass legislation, as we are getting ready to do here, as I understand it, that says, "It shall not be in order for the Senate to consider" various pieces of legislation.

So there is a basic disagreement. I think it is more than semantics. I think it is the language of the statute.

Mr. President, I appreciate the chance to discuss it. I have another amendment. I know there is another Senator ready to offer an amendment.

I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent the pending amendment be set aside for the purposes of offering my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 193

(Purpose: To provide that any State, local, or tribal government that already complies with a new Federal intergovernmental mandate shall be eligible to receive funds for the costs of the mandate)

Mr. KOHL. Mr. President, I send an amendment to the desk and I ask that it be considered as offered for the purposes of the deadline tomorrow.

The PRESIDING OFFICER. The clerk will report

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 193.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of title I, insert the following: Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from considerations for Federal funding for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

Mr. KOHL. Briefly, Mr. President, this amendment clarifies a possible problem in the bill that we are creating or will be creating a disincentive for States to take action. Some States may well decide to delay action on necessary and important measures in the hope that Congress passes a Federal law to do the same thing that they are considering doing and then provide some money to do it which otherwise would not be available. This amendment will ensure that States are not ineligible to receive funds if they are already meeting a Federal mandate under existing State law.

We are going to be discussing this tomorrow. I am not asking that the amendment be accepted at this time, of course, but I wanted to present it. I think it is important that we not provide clear disincentives to States to do things environmental or with regard to health care or welfare reform or in any way. Should we be giving the States a message that we want them to just sit around and not do anything if they anticipate that down the road a Federal mandate may be passed that would provided the money for them to do it? It seems to me that is not what we are trying to accomplish here with this bill.

My amendment simply indicates that States will not be ineligible to be considered for funding if, in fact, they are acting in a way that is progressive and that, if a mandate then is passed, they will be eligible to be considered for any money that they may have spent in complying with that mandate.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I had some discussion with the Senator from Wisconsin about this, and I understand the intent and I appreciate the intent of this.

It sounds to me like it may be an incentive for States to continue to be progressive and know that there may be ways of doing things in their particular State that do not apply to other States and they ought to proceed.

I would like to have the opportunity later to have a meeting with the Senator from Wisconsin and with the Senator from Ohio and see if we could not work out some language that we could all agree to.

Mr. KEMPTHORNE. Mr. President, again, I think the intent is very appropriate.

Mr. KOHL. Mr. President, I thank the Senator. As the Senator from Idaho and I both know, we have been working together and will continue, I am sure, to work together along with Senator GLENN and Senator ROTH, Senator EXON, to find language that clarifies the purpose and that satisfies all of our needs. I simply want to bring that to the floor. I appreciate your consideration and willingness to work with me on this.

Mr. KEMPTHORNE. I thank the Senator from Wisconsin. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as if in morning business for a period 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN IDAHO

Mr. CRAIG. Mr. President, last Friday at about this hour I stood on the floor of this Senate to describe a crisis that my State of Idaho and its citizens were at the brink of, a crisis that had resulted from a Federal judge's order to immediately halt all economic activity on nearly 14 million acres of my State.

At the time I spoke, Idaho families and communities stood on the brink of financial ruin, through, frankly, no fault of their own, but because the Federal Government had failed to perform its responsibilities in a framework that was required by the law. Since I spoke on Friday many of my colleagues have asked me about the situation in my State.

I rise this afternoon to give Members a status report to the Senate and, frankly, to the Nation. I say to the Nation, because we will not find this story reported on the front page of any newspaper outside the State of Idaho, probably because nobody would believe the magnitude of the potential catastrophe that was at hand in my State.

This action was taken in the name of saving an important Idaho resource—the salmon, three species of salmon—on the Snake and Columbia River systems of the Pacific Northwest, an anadromous fish that spawns in the headwaters of my State of Idaho and listed as threatened or endangered under the Endangered Species Act.

But surely it was not necessary to shut down virtually all activities on six national forests with only 1 day's warning to save these species of fish. This action occurred because a Federal agency, National Marine Fisheries, had not finished its review of another Federal agency's work. The so-called consultation process was being mired down inside the bureaucracy, whether it was because of staff time or inadequate funding or simply they just had not gotten to it. The bottom line was that it had not been done and a Federal judge reacted.

I received from local officials worried about a situation of nearly 2,000 people being put out of work, a population frightened that on Monday morning, this day, they would not have the jobs to go to that they had demanded immediate action. That injunction was to go through on Friday.

Now our problem was to be, what would happen? So on Friday I got in touch with National Marine Fisheries, Rollie Schmitten at his agency and he assured me the work would be completed on January 31—that is a week from now—that it would satisfy National Marine Fisheries concerned about Forest Service activities and that it might well address the consultation process in its conclusion.

What is important to remember is that the court injunction issued over a week ago was not issued because salmon were being endangered by folks at that moment in time. They were not being placed in jeopardy at that moment in time. But a judge reacted with an injunction that could have stopped jobs in the area and would have threatened thousands of families at this moment in time. In other words, the bureaucratic gridlock could have put my State of Idaho out of business and put thousands of people's jobs on the line.

This brings to the forefront, I think, the most recent example of the balancing act we must pursue when saving a species of plant or animal. Unfortunately, I believe it is the Endangered Species Act that is out of balance, not the people of my State of Idaho, and not their actions, inside the law, inside the Federal rules and regulations of the Forest Service of course now being examined by the National Marine Fisheries.

In the coming days and weeks I will be working with Members of the Senate, and the Idaho delegation will be working to try to resolve this issue. Here is what the problem is in the short-term: National Marine Fisheries must expedite that consultation, accepting the decision of the Forest Service on some of these areas. I have asked the Clinton administration to enact emergency regulations to resolve the problems between the two departments, the National Marine Fisheries and the Forest Service. Rollie Schmitten is going to live up to his deadline of January 31. I trust they will get that done.

Now, of course, in the long term, the legislation of reauthorization of the Endangered Species Act is what is critical and what has to be done.

Well, did anybody lose their job today? The answer is no. In the last hour, the Justice Department asked for us a stay through the Forest Service, and it was granted by the judge. We have 1 week's breathing room.

But the reason I bring this, of course, is just to give you an idea of the kind of crisis, the frustration, the anger, the depression that the citizens of my State went through. Men and women calling my office crying, frightened that their very jobs would be destroyed and taken away from them because of a bureaucratic boondoggle? Absolutely. It is going on in my State of Idaho right now, it has gone on in other States, and it will continue to go on as long as this Congress closes its eyes, turns its back, and walks away from the responsibility of reauthorizing the acts of Congress, the laws of the land, and in that process, reexamining whether they work or do not work, whether they comply or are out of compliance with the intent of Congress and whether, in fact, they truly address the needs of the American people and the wants, and that is to save plants and animals who are endangered. But we in the Senate know today that that is not the way the act is working.

While for the short term, the Idaho congressional delegation has solved an immediate crisis in Idaho, the clock ticks. What happens on Friday or Saturday of this week if these deadlines are not met, if there is no reality to the human compassion that ought to be expressed by these agencies in carrying out the mandate of their laws or their regulations within the law?

I will continue to report to the Senate as the Idaho congressional delegation and I continue to act to try to resolve this immediate crisis. Mr. President, we have a responsibility in the U.S. Senate now to address the Endangered Species Act so that we can say once and for all, "Yes, we're concerned about the protection of or the development of a mitigating plan to save a given species of plant or animal that may be endangered. But while we are doing it, let us not endanger the lives or well-being of thousands of citizens across this country who, through no fault of their own, have fallen on the tracks of a Federal law that is out of control and the train that rides on those tracks now bears down upon them with the risk of destroying them."

I yield back the remainder of my time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BINGAMAN. Mr. President, under the unanimous consent agreement that we are operating under, I had reserved three amendments to be offered to this bill, and I now ask unanimous consent that we set aside the pending business so that I can offer the third of those three amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 194

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 194.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, add after line 25, the following new section:

"(4) *Application to provisions relating to or administrated by independent regulatory agencies.—*

Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to or will be administered by any independent regulatory agency.

Mr. BINGAMAN. Mr. President, I will reserve my discussion of this amendment until an appropriate time later in the debate, and I look forward to presenting it at that time.

Thank you, Mr. President. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might be able to address the Senator from Idaho and the Senator from Ohio, it was my desire at this point on the amendment that had previously offered by myself, by Senator HARKIN, and others, on the Federal Reserve Board issue, my understanding is Senator HARKIN has submitted a statement for the RECORD. We are concluded on this side. I would like to get the yeas and nays ordered on that amendment, if that is acceptable.

The PRESIDING OFFICER. The Chair advises that it would take unanimous consent to request the yeas and nays at this time.

Mr. DORGAN. Mr. President, I make such request. I ask unanimous consent to order the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I move to table the amendment, with the unanimous consent then that no further amendments be in order to that particular amendment and that the vote will occur tomorrow. The first vote will be at 4 p.m.

I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is in order to request them at this time.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to table will occur under the previous order.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask the Senator from Idaho and the Senator from Ohio, I have one additional amendment which the Senator from Iowa has joined me in offering. It is amendment No. 179, which is at the desk. Inasmuch as the Senator from Iowa is here and ready to speak on the amendment, it may be that we could very quickly dispose of that amendment.

I intend also to ask for a recorded vote on that amendment. That amendment deals with the Consumer Price Index and the calculation of the Consumer Price Index and a mandate required, or at least seeming public mandate required, of the Bureau of Labor Statistics of at least one prominent Member of Congress.

We are willing to discuss that, offer it, and seek a recorded vote, and follow the first recorded vote that has already been ordered, if that would satisfy the desire and interests of the two Senators who are managing the bill.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I think that would be very advantageous for us to keep moving forward on the progress of this bill. So I welcome that sort of discussion.

Mr. DORGAN. Mr. President, is that satisfactory with the Senator from Ohio?

Mr. GLENN. That is satisfactory.

AMENDMENT NO. 179

(Purpose: To express the sense of the Senate regarding calculation of the Consumer Price Index)

Mr. DORGAN. Mr. President, I ask that amendment No. 179 that I sent to the desk be reported, and I ask unanimous consent to set aside any current amendment that is pending in order to do that.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 179.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CALCULATION OF THE CONSUMER PRICE INDEX.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chairman of the Board of Governors of the Federal Reserve System has maintained that the current Consumer Price Index overstates inflation by as much as 50 percent.

(2) Other expert opinions on the Consumer Price Index range from estimates of a modest overstatement to the possibility of an understatement of the rate of inflation.

(3) Some leaders in the Congress have called for an immediate change in the way in which the Consumer Price Index is calculated.

(4) Changing the Consumer Price Index in the manner recommended by the Board of Governors of the Federal Reserve System would result in both reductions in Social Security benefits and increases in income taxes.

(5) The Bureau of Labor Statistics, which has responsibility for the Consumer Price Index, has been working to identify and correct problems with the way in which the Consumer Price Index is now calculated.

(6) Calculation of the Consumer Price Index should be based on sound economic principles and not on political pressure.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue; and

(2) any change in the calculation of the Consumer Price Index should result from thoughtful study and analysis and should be a result of a consensus reached by the experts, not pressure exerted by politicians.

Mr. DORGAN. Mr. President, my colleague, Senator HARKIN, from Iowa, who will speak on this, had to leave the floor for a moment to take a telephone call. Let me make a few comments on this amendment, which I offer on my behalf, on behalf of Senator DODD, and on behalf of Senator HARKIN.

This amendment deals with an issue that is technical but very important. The amendment deals with the Consumer Price Index. We saw about a week ago a story in Washington, DC, in the press, that the chairman of the Federal Reserve Board came to the Congress and he testified on one thing or another. In his testimony, he opined that the Consumer Price Index probably, in his judgment and in the judgment of the Federal Reserve Board, actually overstates the rate of inflation by anywhere from one-half of 1 percent to 1.5 percent.

Shortly after the Chairman of the Federal Reserve Board made that statement, some others in Congress began to climb in and say, well, if that is the case, if the Consumer Price Index overstates inflation, then let us force the Bureau of Labor Statistics to get active and do something about it. In fact, one prominent Member of Congress indicated that we will give them 30 days down at the Bureau of Labor Statistics to either change it or we will zero them out, get rid of them.

Well, Mr. President, here is the consequence of what seems like an innocent sounding recommendation. If someone—the Fed—says we think the Consumer Price Index actually overstates inflation, it does not sound like it means very much, does it. Leave aside for just a moment the question of if that in fact is what the Fed thinks, if in fact that is what they believe, what on Earth has the Federal Reserve Board been doing down there. They have increased interest rates six times because inflation rates were too high. We have low rates of inflation for 4 straight years, and if inflation is overstated by 1.5 percent of the Consumer Price Index, that means the real rate of inflation is only 1.2 percent.

By what justification could these folks down at the Federal Reserve Board be imposing on America a mandate of increased costs by higher interest rates across the board? What justification could they have for that?

Well, I will debate that another time. They have no justification. It is a wrongheaded policy that injures this country, puts the brakes on the economy, and will send this country into a recession. The Fed, unfortunately, does not know what it is doing. What it is doing is the wrong thing for our country. But that is a debate for another day, and a debate I have already had and one I will have again, I am sure.

The proposition is this. If you say that the Consumer Price Index really overstates inflation, what are the consequences of that? Well, the consequences are you are able to reduce the spending on Social Security because you have a smaller COLA adjustment on Social Security recipients' cost-of-living adjustment. So you save money by not giving as much in a cost-of-living adjustment to those folks who live on Social Security.

In fact, the estimates are we are talking around $27 billion, I believe, on the Social Security issue. If one assumes the Federal Reserve Board's calculations, the decrease to Social Security recipients would be very substantial. And if one assumes the Federal Reserve Board's calculations, it also means that you have other consequences in the Federal budget. And the Federal budget deficit, which the Federal Reserve Board should care about, is increased by this.

So what the Senator from Connecticut, and the Senator from Iowa and I are concerned about is this discussion about this subject in the context of politics rather than science. The question of what is the Consumer Price Index and how should it be changed, if it should be changed, is a technical question, to be sure.

Most of the discussions about whether the Consumer Price Index is accurate or not come from the Bureau of Labor Statistics. In fact, most of the information for any studies that exist come from the Bureau of Labor Statistics. So someone who sees this on a comment by the Chairman of the Fed to say, "Let's change the Consumer Price Index immediately and if they don't do it, we will in 30 days zero them out," they are saying we are going to impose a mandate, a political mandate on the Bureau of Labor Statistics.

I say that is the wrong way to do things. We have developed a resolution, a sense of the Senate, that says a precipitous change in the calculation of the Consumer Price Index that would result in both an increase in income taxes—and the reason for that is that the personal exemption has to do with the Consumer Price Index. As the Consumer Price Index goes up, the personal exemption is indexed to it so that goes up. If it is shown not to go up so much, the personal exemption does not go up as much, and therefore one's taxes are increased. So you have two consequences here. One is increased income taxes and second is a lower Social Security payment by changing the calculation of the Consumer Price Index.

But our sense-of-the-Senate resolution says a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue. Any change in the calculation of the Consumer Price Index should result from thoughtful, studied analysis and should be a result of consensus reached by experts, not pressure exerted by politicians.

Our point is we have had two major political figures seize on a comment by the Chairman of the Fed to suggest we are going to impose a mandate on the bureaucracy to change the calculation of the Consumer Price Index, and our point is this. This has consequences. Words have consequences and so do actions, and actions to change the Consumer Price Index for political purposes might well reduce the Federal deficit but how is it done? By increasing taxes and by cutting Social Security benefits.

We would never have raised the subject in this context except that some leading figures say this must be done and must be done now and soon and, if not, we will zero out funding for the Bureau of Labor Statistics.

There is no evidence that what the Chairman of the Fed has said is correct. Some say the Consumer Price Index overstates inflation. Some say it is about right. And there are some who will allege that it understates inflation through a series of five or six very complicated questions that are debated aggressively among economists.

I am not here today to try to debate that or resolve that. I am only here to say that the final lesson in what the Consumer Price Index ought to be ought to be a lesson that we study from scientists and from those who know and from economists and others who do a thoughtful analysis, not from pressure brought by politicians.

That is the issue, and that is why I hope we will have a vote on this and the vote will say that the Senate concurs: we do not believe a precipitous change in the Consumer Price Index should result from political pressure. It ought to result from thoughtful analysis by those who know and who study and who give us their expert recommendations.

Mr. President, I see my colleague from Iowa is in the Chamber, and I would be happy to yield the floor.

Mr. President, might I make one other unanimous consent request while I am on my feet. The Senator from North Dakota [Mr. CONRAD] asked to be included as a cosponsor of the amendment that I offered on the Federal Reserve Board, and I would ask unanimous consent to achieve that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I congratulate and thank my colleague from North Dakota for offering this amendment, for his thoughtful insight into what some people in the Republican party over on the other side are calling a technical correction in the Consumer Price Index or CPI, our basic measure of the rate of inflation. I think that is what the leaders of the other body called it, a technical correction. Well, you know, some people said ketchup was a vegetable once, too. These technical corrections at some time have very serious consequences.

So while you can call it a technical correction, it is nothing less than two things. It is a stealth tax on the middle class, and it is a cut in Social Security benefits for the elderly, both of which I might add are just the opposite of what my friends in the Republican Party have said they want to do.

So I think this amendment would help my friends on the other side clear up the issue. It would make it clear that we do not in any way want to put pressure on the independent Bureau of Labor Statistics to somehow come up and rush through and make a finding on the basis of political pressure but that, indeed, it ought to be thought through very carefully.

The Senator from North Dakota is absolutely right that this change in the CPI has consequences, big consequences—about $21 billion in higher taxes annually by the year 2000 and $27.5 billion cut in Social Security in that same year. And that has to do with the fact that when you pay your income taxes, the personal deduction, the standard deductions that we all get, that middle-income families get are all adjusted by the CPI, and so if you ratchet down that CPI, you may say, well, it is technical, but it is a 1 percent reduction. And what that would mean is that every year the amount that you could claim for deductions in the standard deduction would be less, so you would pay more in income taxes. And, as I said, after 5 years, the Federal Reserve estimates about $21 billion in higher taxes. And that would mostly come from moderate and middle-income taxpayers.

Now, I wish to be as fair as I can, Mr. President. On the merits, there may be—and I use the words "may be"—an overestimation of inflation in the CPI statistics. This has been known for many years.

Now, the technical reasons are very complex, and the Bureau of Labor Statistics has and is accurately working on making adjustments. A couple of small adjustments are planned for next month and a key change is scheduled to take effect in 1998.

And funds for part of a 6-year effort to improve the CPI were approved in the fiscal year 1995 Labor-HHS appropriations bill which I chaired and which was supported on both sides of the aisle.

I also want to point out, Mr. President, that in 1987 Congress required the BLS, the Bureau of Labor Statistics, to set up an alternative CPI weighted for the elderly. We asked them to do that in 1987 because the elderly pay much more for health care. And that CPI for the elderly now shows a higher level of inflation for the elderly every year.

I ask unanimous consent to have printed at this point in the RECORD an article that outlines the results of the experimental CPI authored by Nathan Amble and Ken Stewart in the May 1995 monthly Labor Review.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Labor Review, May 1995]

EXPERIMENTAL PRICE INDEX FOR ELDERLY CONSUMERS

(By Nathan Amble and Ken Stewart)

An experimental consumer price index for older Americans rose somewhat faster than each of two published BLS Consumer Price Indexes; as might be expected, expenditures for medical care accounted almost entirely for this difference.

The Consumer Price Index (CPI) of the Bureau of Labor Statistics measures the average change in prices over time for a fixed market basket of goods and services for two population groups. The CPI for All Urban Consumer (CPI–U) represents the spending habits of about 80 percent of the population of the United States. The CPI for Urban Wage Earners and Clerical Workers (CPI–W) is a subset of the CPI–U and represents about 32 percent of the total U.S. population.

The 1987 amendments to the Older Americans Act of 1965 directed BLS to develop an experimental index for a third population of consumers: those 62 years of age and older. In its 1988 report to Congress, BLS observed that from December 1982 to December 1987, the experimental consumer price index for older Americans rose slightly faster than the CPI–U and CPI–W.[1] (See table 1.)

This article updates the analysis of the behavior of the experimental index for older Americans for the period from December 1987 through December 1993. Over this 6-year period, the experimental price index rose 28.7 percent, slightly more than the increases of 26.3 percent for the CPI–U and 25.5 percent for the CPI–W.

METHODOLOGY, DATA, AND LIMITATIONS

Although the study discussed in this article indicates a higher overall inflation rate for older Americans compared with the rates for the official CPI population groups, any conclusions drawn should be used with caution because of the various limitations inherent in the methodology.

Expenditure weights. For each CPI population group, item strata are weighted according to their importance in the spending patterns of the population. The population of older Americans used for the experimental price index was defined to be all urban noninstitutionalized consumer units that were either

1. unattached individuals who were at least 62 years of age; or
2. members of families whose reference person (as defined in the Consumer Expenditure Survey) or spouse was at least 62 years of age; or
3. members of groups of unrelated individuals living together who pool their resources to meet their living expenses and whose reference person was at least 62 years of age.

In the 1982–84 Consumer Expenditure Survey, which is used as the source of expenditure weights in the current CPI, 19 percent of the total sample of eligible urban consumer units (3,135 out of 16,500) met this definition. Because the number of consumer units used for determining weights in the experimental index was relatively small, expenditure weights used in the construction of the experimental price index have a higher sampling error than those used for the larger populations.

For each population group, the base expenditure weight of any component represents the actual expenditure on that component in the base period. The relative importance of any component is its expenditure weight (updated for changes in relative prices) and represents the proportion of that weight to total expenditures for the population. The relative importances of selected components for each of the three population groups are shown in table 2 for December 1987, the first month of the study.

Areas and outlets priced. The experimental consumer price index for older consumers is a weighted average of price changes for the same set of item strata collected from the same sample of urban areas as are used in calculating the CPI–U and CPI–W.

Retail outlets are selected for pricing in the CPI based on data reported in a separate survey representing all urban households. The experimental index also uses the same retail outlet sample. Thus, the outlets selected may not be representative of the places where older persons purchase their goods and services.[2]

Items priced. As with retail outlets, a major limitation of the experimental index is that the categories of items to be priced are selected using expenditure weights calculated from the expenditure surveys for the urban population. As a result, the specific item classes selected for each stratum may not be representative of those classes used by the older population.

Prices collected. A final source of uncertainty about the appropriateness of using the CPI–U prices for the index of the older population concerns the availability of discount prices for older Americans. For example, senior-citizen discount rates are used in the CPI–U in proportion to their use by the urban population as a whole. To the extent that senior-citizen discounts take the form of a percentage discount from the regular price, this may not be a problem. If, however, the discount is not a fixed percentage of the price, the scarcity of senior-citizen discount prices in the current CPI could lead to error in the experimental index.

Because of the preceding limitations, any conclusions drawn from the analyses presented in this article should be treated as tentative.

RELATIVE BEHAVIOR OF PRICE INDEXES

Table 3 gives the annual price changes in the all-items CPI–U, CPI–W, and experimental price index during the period 1988–93. Table 4 shows the behavior of these three indexes at the major component levels during the same period.

Over the 6-year period from December 1987 through December 1993, the reweighted experimental price index for older Americans rose 28.7 percent. This compares with increases of 26.3 percent for the CPI–U and 25.5 percent for the CPI–W.

Examining the indexes in more detail, we see that medical care prices during the period rose slightly more than twice as fast as the average for all items in each population group. Because the elderly typically spend more on medical care than does the population as a whole (see table 2), the medical care component accounted for most of the difference between the experimental index and either of CPI–U and CPI–W. In the experimental index, this component increased 59.4 percent during the period 1988–93. By contrast, inflation for the medical care component of the CPI–U was 53.3 percent and that for the CPI–W was 53.3 percent.

The price change for each major expenditure component varied by population because the expenditure weights of the items that comprised the major components varied among the three population groups the indexes served. The expenditure weight that an item had in a particular population reflected the importance of that item as a proportion of the total expenditures of that population. For example, the relatively high expenditure weights of the medical care component of the experimental index may largely be attributed to the differences in the nature of the demand for medical care services by the elderly, compared with the demand for such services by all urban consumers or by urban wage earners and clerical workers. Within the medical care component, the elderly had larger out-of-pocket costs relative to both of the other groups chiefly because those groups had employer-provided health care benefits more readily available to them. An analysis of the relative importance of the various subcomponents making up the medical care component for the elderly and for all urban consumers indicates that older Americans devote a substantially larger share of their medical care budget to physicians' services, followed by hospital room stays and commercial health insurance coverage.

Of the seven major expenditure components, the apparel category registered the smallest price change for all three population groups over the 1988–93 period.

Within the transportation component, public transportation items such as airline fare, intercity bus fare, intercity train fare, and taxi fare had higher relative importance for the elderly than for all urban consumers. These items contributed to the observed overall higher inflation rates in the transportation component of the experimental index.

Like medical care, another expenditure component that rose significantly in all three indexes during the study period was the "other goods and services" category. However, unlike medical care, this component recorded the smallest increase in the experimental price index (41.8 percent), compared with the CPI–U (47.0 percent) and the CPI–W (46.2 percent). The reason for the lesser rise could be found in differences in the composition of the three populations. For instance, the CPI–U and CPI–W, with their relatively larger concentration of younger people, had a significantly higher relative importance for college tuition, which increased faster than the average of all items in each year of the study. In addition, the populations of all urban consumers and urban wage earners and clerical workers spend proportionately more for tobacco and other smoking products, which have also typically increased faster in price than the "other goods and services" component, of which they are a subcomponent. These items have thus contributed to the faster rise in the "other goods and services" component of the CPI–U and CPI–W relative to the experimental price index for older Americans.

COST-OF-LIVING ADJUSTMENTS

Adjustments to Social Security Benefits are currently based on the percentage change in the CPI–W, measured from the average of the third quarter of one year to the third quarter of the succeeding year.

While the Senate Special Committee on Aging stipulated that the current study cover persons 62 years of age and older, this population is not likely to be the most appropriate one for defining and developing an index for use in indexing Social Security benefits.

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[1] Footnotes to appear at end of article.

The reason is two-fold. First, many Social Security Beneficiaries are younger than 62 years and receive benefits because they are surviving spouses or minor children of covered workers or because they are disabled. The spending patterns of this younger group are excluded in the weights for the experimental index for older Americans. Second, a substantial number of persons 62 years of age and older—especially those 62 to 64 years—do not receive Social Security benefits at all. Although these older consumers are included in the population covered by the reweighted experimental index, they presumably should be excluded from an index designed to reflect the experience of Social Security pensioners. In short, an index designed specifically to measure price changes for Social Security beneficiaries—that is, one that excludes older persons who do not receive benefits, but includes younger persons who receive survival and disability benefits—might well show price movements that differ significantly from those of the experimental index set out in this article.

TABLE 2.—COMPARATIVE ANALYSIS OF RELATIVE IMPORTANCES OF SELECTED COMPONENTS OF CONSUMER PRICE INDEXES, DECEMBER 1987

Component	CPI–U	CPI–W	Experimental index for older Americans
All items	100.00	100.00	100.00
Food and beverages	7.61	19.45	15.49
Food at home	9.86	11.14	9.79
Food away from home	6.19	6.65	4.57
Alcoholic beverages	1.55	1.66	1.13
Housing	42.48	39.95	48.30
Owners' equivalent rent	19.26	16.84	25.47
Apparel and upkeep	6.34	6.36	4.68
Medical care	5.98	4.95	9.47
Transportation	17.45	19.41	14.43
Motor fuels	3.29	4.03	2.67
Entertainment	4.37	4.04	3.34
Other goods and services	5.93	5.84	4.31
College tuition	1.13	.84	.46
Tobacco and other smoking products	1.29	1.70	1.02

TABLE 3—PERCENT CHANGE IN ALTERNATIVE CONSUMER PRICE INDEXES, ALL ITEMS, 12 MONTHS ENDED DECEMBER, 1988–93

Year	CPI–U	CPI–W	Experimental index for older Americans
1988	4.4	4.4	4.5
1989	4.6	4.5	5.2
1990	6.1	6.1	6.6
1991	3.1	2.8	3.4
1992	2.9	2.9	3.0
1993	2.7	2.5	3.1
Cumulative change, December 1987–December 1993	26.3	25.5	28.7

TABLE 4—PERCENT CHANGE IN ALTERNATIVE CONSUMER PRICE INDEXES, BY MAJOR COMPONENTS, DECEMBER 1987–93

Component	CPI–U	CPI–W	Experimental index for older Americans
All items	26.3	25.5	28.7
Food and beverages	24.8	24.8	25.0
Housing	23.1	22.4	25.1
Apparel and upkeep	17.7	16.6	16.6
Transportation	22.8	21.9	25.0
Medical care	54.2	53.3	59.4
Entertainment	25.9	25.0	28.2
Other goods and services	47.0	46.2	41.8

CONCLUSIONS

This article examined changes in three distinct Consumer Price Indexes—the Index for All Urban Consumers (CPI–U), Index for Urban Wage Earners and Clerical Workers (CPI–W), and experimental index for Americans 62 years of age and older—for the period December 1987 through December 1993. Analysis of the relative behavior of the three indexes at the all-items level reveals that the experimental index rose slightly faster than the two published indexes.

The experimental price index, reweighted to incorporate the spending patterns of older consumers, behaves more like the CPI–U than the CPI–W. This is to be expected, because the CPI–U comprises the expenditures of all urban consumers, including those 62 years of age and over. The CPI–W, on the other hand, is limited to the spending patterns of families of wage earners and of clerical workers and, therefore, specifically excludes the experience of families whose primary source of income is from retirement pensions.

As an estimate of the inflation rate experienced by older Americans, the experimental index has several limitations. One of these is that the samples from which expenditure weights for the index were calculated are substantially smaller than those used in either the CPI–U or the CPI–W. This means that the experimental price index is subject to larger sampling errors than either of the two official indexes.

To produce a more precise CPI for older Americans, sample sizes would need to be strengthened for the Consumer Expenditure Survey to reflect the spending habits of the elderly more accurately. In addition, the point-of-purchase survey and the pricing surveys would need to be improved to reflect which retail outlets and items should be sampled for older Americans. These improvements in the sample design could yield altogether different results from those obtained in the study described in this article. Finally, it should be noted that the medical care component of the CPI has a substantially larger relative weight in the experimental index than in the CPI–U or CPI–W. As a result, this component of the experimental index tends to have a larger impact on the elderly than it does on either all urban consumers or urban wage earners and clerical workers.

FOOTNOTES

[1] Charles C. Mason, "An Analysis of the Rates of Inflation Affecting Older Americans Based on an Experimental Reweighted Consumer Price Index," report presented to Congress, June 1988. During the period from December 1982 through December 1987, the CPI–U rose 18.2 percent, the CPI–W increased 16.5 percent, and the experimental index for older Americans grew 19.5 percent. Over the 11-year period from December 1982 through December 1993, the CPI–U rose 49.4 percent, the CPI–W increased 46.2 percent, and the experimental CPI for older Americans grew 53.8 percent.

[2] The sample size of the current point-of-purchase survey is not adequate to determine whether older Americans typically shop in different types of outlets from those frequented by the general population.

Mr. HARKIN. So, while some say the CPI is overestimating inflation, we now know that for the elderly the CPI underestimates inflation. So if you are now going to arbitrarily cut back the CPI with this sort of technical correction, by 1 or 1.5 percent, without some further study and analysis and finely tuning it, not only will you have the increase in taxes that we talked about, you will have the Social Security cuts. It will hit the elderly the hardest, because they rely most heavily on Social Security for their basic needs. And on top of that their costs for prescription drugs and Medicare and their supplemental insurance and things like that continue to rise much faster than the basic rate of inflation.

I have not addressed myself directly to the issue that Senator DORGAN spoke about, but he is absolutely right. This idea of somehow threatening the Bureau of Labor Statistics to come up with the desired results within 30 days or their funding would be cut off was a threat made by the Speaker of the House. He was quoted widely in newspapers as saying he would cut off their funding if they did not come up with the results in 30 days.

I hope the Speaker will reflect upon his words and come up with a more moderate statement, because efforts to threaten professional staff with budget cuts if they do not come up with the results desired by elected officials I think is very dangerous. We need nonpolitical, objective career professionals producing statistics that Government and the private sector use to develop their policies. I think we have that now. If each party that wins an election puts in people who only give the answers they want regarding economic statistics rather than the best professionally developed figures possible, then I think we are going to be in real big trouble. Fortunately, I hope we are going to back off this so-called dynamic scoring, the justifications that were used to quadruple the public debt in the 1980's. I think they are backing off of that. I am hopeful now my friends on the other side of the aisle will back off from any attempt to improperly pressure the Bureau of Labor Statistics.

Again, I congratulate Senator DORGAN for his amendment. I am proud to be a cosponsor. We must maintain the highest professional standards for statistical services in the Bureau of Labor Statistics, which produces the CPI and other statistics on which the Federal Government and our entire economy depend. They must continue to operate without any political interference.

I urge all Senators to support the amendment of Senator DORGAN. Again, first, to send a clear signal we are not going to politically interfere; and, second, that we need to proceed very cautiously on this to get the best information possible for any future adjustments in the CPI; and, third, to state clearly that any adjustments in the CPI, of course, ought not to lead to arbitrary cuts in Social Security or taxes on the middle class.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, if I may, in the midst of this interesting debate, I would like to return the focus of the debate to S. 1 itself; to unfunded mandates, to the impact that those mandates have had on State and on local governments, and to the urgent necessity of seeing to it that this bill is passed and it becomes law.

I have gotten a great deal of correspondence from local governments and the State of Washington on the subject of unfunded mandates. But I would like to start with one the focus of which is a little bit different than many of the particular complaints about unfunded mandates.

The mayor of the city of Kennewick wrote to me and said:

> Congress needs to understand the long range impacts of its actions when it passes amendments [to legislation].

I agree. But I am inclined to think that the mayor of Kennewick could have gone considerably further. And I also reflect on why it is that a mayor of a city some 2,500 miles from here should have to say this to us. Of course, the Congress of the United States should have to understand the long-range impacts of the laws that it passes. That is a responsibility we ought to take on ourselves, not one we should have to be reminded of by mayors or Governors or county commissioners. Yet it has been my experience that very frequently we attempt to avoid understanding long-range impacts in passing feel-good legislation, sometimes legislation for valid social purposes but social purposes which we are unwilling to fund.

In my case, I think I would make the statement somewhat stronger than the mayor of Kennewick does. I would revise it to say: "Congress needs to be responsible for the long-range impacts of legislation that it passes."

No group of individuals is likely to be responsible when they can do something that pleases other groups or other individuals without any consequences for the cost of pleasing those individuals or groups. When one separates the authority to make requirements, to pass mandates, to set policy, from the responsibility to pay for the consequences of those actions, one inevitably is led to irresponsibility. And it is responsibility and accountability that this legislation is all about.

In dealing with this legislation I, in common with many of my colleagues, have asked my local governments to report to me the impact of mandates which we have already imposed on them without understanding the consequences and without taking responsibility for the consequences. I should like to share a few of them with my colleagues and with the record here this afternoon.

The mayor of Colfax, WA, wrote to me that the money spent to comply with Federal mandates—and I am now quoting him—

> * * * no matter how well intentioned, will inhibit the city's ability to provide a pump station to supply the community hospital, provide wellhead protection for our primary water source, and to repair a critical reservoir. These are only a few of the most important projects that may be delayed or not completed.

It does seem to me to be self-evident that the citizens of Colfax ought to be allowed to determine whether those are higher priorities than priorities imposed upon them by Members of Congress in a general fashion all across the country. And to a very significant degree that is what this debate is all about.

The board of county commissioners of San Juan County wrote to me to say:

> The excessive testing and monitoring required by [environmental mandates] puts such a burden on the limited financial capabilities of small water systems that they don't have the money left to maintain their systems! The effect is greater and greater cost with no improvement in service or public safety.

This particular letter, of course, applies to the Safe Drinking Water Act, a subject on which this Senate debated in the last Congress and did, in fact, remove at least a number of unjustified, unfunded mandates.

Unfortunately, the Congress as a whole was not successful in passing amendments to the Safe Drinking Water Act, and those mandates remain to this day in full force and effect.

The mayor of Tenino says that the city has been:

> forced to shift revenue desperately needed for social services and programs to pay for the costs associated with [mandates]. Although we have not raised taxes to pay for these services, this action will soon become our only recourse.

This is a small rural town, the jobs of many of whose citizens have been affected by grave restrictions on harvests in our national and in our private forests, where unemployment is high or where extra money is hard to come by.

In the city of Langley, the mayor says that compliance with the Safe Drinking Water Act alone will cost each water user an additional $54.

The mayor of South Bend, a very poor community in monetary terms, at least, of less than 2,500 people, wrote in to say that:

> Last year our water department was in compliance with every phase of its operation while serving approximately 900 customers. Today, we are considered out of compliance and the costs to bring us back in with the Clean Water Act by 1996 will cost us over a million dollars. How we are going to finance this, God only knows.

The clerk of the town of Fairfield wrote to say:

> The effect [of mandates] is, in one word, Disaster! * * * These mandates will do the same thing to small communities as they'll do to small businesses—they will bankrupt them. There is just no way to come up with the dollars these mandates will require. Congress has to come to the realization that the taxpayer's purse is not a bottomless pit.

The chairman of the county commissioners of Asotin County described Federal mandates by saying:

> Frustration is the real issue I guess. We do not know with any degree of certainty which way to go. A small county with a limited revenue base, a population of only 18,000 people and a per capita income of nearly $17,000 has very few alternatives.

Finally, the mayor of a very small town, Washtucna, wrote in to say:

> * * * any federal mandate legislation that requires a local government to comply with, but allows no funds to implement these mandates, places small communities in a financial crisis. In fact, many cases could be prohibitive to the point to force some small towns into bankruptcy and unincorporation. Many of the federally mandated regulations have little or no positive consequence to small rural farm communities and therefore are not beneficial to a community that can ill afford the added tax. If it were possible for our small community to afford an additional tax, we would prefer a new water supply tank, new water lines, sidewalks and street improvements.

I am absolutely certain that mayors of small towns and large towns, county commissioners and State governments, have written to each and every Member of this body with similar stories. They come down to one major point: We in our communities want to set our own priorities. We are not necessarily objecting to national priorities or national mandates. But if you Members of Congress and members of the executive wish to impose these mandates on us, please pay for them.

By an overwhelming majority, these men and women who constitute our State and local governments have written to us and called to us to ask us to pass this bill. My only fear with respect to this bill, with all of the admiration I have for the two Senators who are managing it, is that it is likely to be a disappointment to these local officials because, of course, it is not retroactive. We are having enough difficulty with the bill as it is. It would be impossible to pass it if it were retroactive. So it will not solve a single one of the specific problems created by mandates already in existence. Nor will this bill guarantee that there are no further unfunded mandates. It will still be possible, even if this bill becomes law, to impose an unfunded mandate of a considerable nature on our local communities if we simply waive the point of order which is appropriate to present in the case of a bill carrying with an unfunded mandate, and we will be able to grant that waiver by a mere 51-vote majority here in the U.S. Senate, a simple majority here and in the House of Representatives.

Does this mean that the bill is of little or no meaning? No, Mr. President, I do not think that is the case. I think this is an important piece of legislation because at the very least, that waiver vote will mean that Members who vote for the waiver must be conscious of the fact that they are imposing an unfunded mandate. In most cases, they will have a fiscal note attached to it that will indicate just how much that unfunded mandate is likely to cost. And they therefore will be accountable to the people of our States, our counties, and our local communities for having imposed that unfunded mandate. They will lack the excuse that they did not know what they did. Those mandates will be imposed consciously and deliberately.

As a consequence, Mr. President, I think while unfunded mandates will not end in the Congress, people being what they are, they will probably be somewhat less frequent in the future. If this Congress succeeds in passing some of the priorities which led to this Congress having such a different face as its predecessors and removing at least some of the present unfunded mandate burdens, we will have more of our States and communities able to set their own priorities in the way which has been so important in the development of the United States of America throughout its entire history.

So I know that the sponsors would like an even stronger bill. I believe that they are to be congratulated on doing as much as they have done in connection with this bill. While I find the other debates which are going on in connection with this bill, those on consumer price indexes, on the metric system, and on the Federal Reserve Board to be most interesting, it seems to me at least in the third week of debate upon this bill, on this charter of independence, on this liberation for our States and local governments, that the time is nigh on us that we should deal squarely and directly with the subject matter of this bill, that we should pass it and settle any possible minor differences with the House of Representatives, send it to the President, and liberate our States and local governments from the immense burden of unfunded mandates, at least as far as the future is concerned.

Mr. REID. Mr. President, I ask unanimous consent that we turn to amendment No. 190, the amendment that is in the form of a sense-of-the-Senate resolution, offered by Senator HARKIN, at this time and lay the amendment now pending aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I will speak briefly on the sense-of-the-Senate resolution offered to this body. I do it because last year I offered an amendment to the balanced budget amendment that would have exempted Social Security. I did not prevail at that time.

There has been, since that time, a significant amount of debate on the balanced budget amendment. And without exception, everyone who has been asked what should happen to Social Security in relation to the balanced budget amendment has said "leave it alone"—Democrats and Republicans, the Democratic leaders, Republican leaders, and even those new leaders, like Speaker GINGRICH, have stated Social Security should not be part of the balanced budget amendment.

I felt it was appropriate that I speak on this legislation offered by the Senator from Iowa, because I have held a press conference earlier on saying that I am a supporter of the balanced budget amendment. But I am going to have everyone stick to what they have said: The balanced budget amendment should exempt Social Security. Why? We have gone to a lot of trouble to make Social Security an independent agency.

They are in the process of now appointing the board of directors, in effect, of that agency, this new Social Security agency. Its funds will no longer be part of the general funds of this country. The program should stand or fall on its own merits. This year, there will be about a $70 billion surplus in the Social Security fund. By the year 2002, the surplus will reach about $800 billion.

I had the pleasure of serving with Senators Danforth and KERRY on the entitlement commission. I know—we all know—that Social Security is something we must watch very closely to make sure it is actuarially correct and sound. I repeat that Social Security should rise and fall on its own merits. If we had to pick a contract with America, the original, the most important contract with America, has been the Social Security system.

Mr. President, I will speak more at length about this when the amendment comes up. But as a young boy, one of the first things I remember about Government is that my grandmother could not walk from here to that wall, as she was always infirm, but her only independence was she got what she referred to as her old age pension check. I was a little boy and did not realize that Social Security was a new program at that time. It gave my grandmother, who was born in England, independence and some security.

I want to make sure that my children and my children's children have the ability to enjoy the benefits of Social Security. I do not know whether this sense-of-the-Senate resolution will pass or not. We all know that sense-of-the-Senate resolutions, in the overall scheme of legislative activities, are not the most important things. But they do send a message. I think we should send a message to the American people that we are going to try to save Social Security, and this is a prelude to the amendment that will be offered by this Senator, Senators CONRAD, DORGAN, HARKIN, and FEINSTEIN, at the time the balanced budget amendment is brought up.

The Social Security program we have in America is a simple, binding contract. Individuals collect Social Security payments after paying into a trust fund with their employer over a period of years. I want to make sure, Mr. President, that the Social Security trust fund is a trust fund and not a slush fund. We should not be able to use the moneys out of Social Security to pay for highways in New Hampshire or highways in Nevada. We should not be able to use the Social Security trust fund to pay for subsidies for farmers in Iowa or in Missouri. Those moneys that we collect into this trust fund should be used only for Social Security recipients, and that is all.

When I practiced law, I had a trust fund that I set up. I had to do that; we were required by the rules of the bar association. If I had a check that came for settling a case, as an example, the money went into the trust fund and I had to be very careful what I did with those moneys. It was different than moneys that were in my general account that I could use to pay rent and salaries of my employees. I could not use that trust fund money to pay anything other than what was allowed by law. If I did anything else, I violated that trust that was established, and then I could be disbarred or even criminally prosecuted. So the Social Security trust fund, I believe, Mr. President, should be treated the same way.

Congress has an obligation to uphold its end of the contract. So this unique, binding contract upon which millions depend should be protected, and it should not be a giveaway or an entitlement, even though it is not and even though people lump it into the entitlement category.

I congratulate my friend, the junior Senator from Iowa, for offering this sense-of-the-Senate resolution. I hope that all Senators will give this very serious consideration, as I know they will. We understand that this is a prelude to the real debate that will take place, which will be substantive law, and that is to exempt Social Security from the balanced budget amendment.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF A NEW CIA DIRECTOR

Mr. SPECTER. Mr. President, I have sought recognition this afternoon to speak briefly about the pending appointment of a new Director of the Central Intelligence Agency and how we ought to structure a new term to really strengthen that position and, in effect, professionalize the position of Director of Central Intelligence.

I have talked to a number of my colleagues about the idea of legislation which would create a 10-year term for the Director of Central Intelligence, just as the Director of the FBI has a 10-year term. That legislation for the FBI was enacted relatively recently to strengthen the hand of the Director and to give independence and strength to that position.

It is my view, based on the experience that I have had on the Intelligence Committee—and I now serve as chairman of the Senate Intelligence Committee—that there is a real need for additional strength in the position of the Director, as we have seen what has happened to the CIA with the Aldrich Ames case, and as we take a look at the role of the Central Intelligence Agency and the national security interests of the United States into the foreseeable future.

The Director of the Central Intelligence Agency, I believe, has to come to that position in the Central Intelligence Agency, in that unique culture there, and say to the establishment: Look, I am going to be here longer than anybody else who was here, and it is my responsibility to do what is necessary to correct the problems of the agency and to do what is necessary to reorder the priorities and set the agency on a course which will protect the security interests of the United States.

We had the threat assessment hearings the week before last where the Director, James Woolsey, testified about the threats to the United States and responded, to some extent, about the Aldrich Ames case. There is no doubt that the unique culture of the CIA—I prefer to call it their "unique culture," rather than the slang expression the "old boy's network"—was at work in allowing Aldrich Ames to stay in a position where he could abuse the trust of the CIA and really do great damage to the United States' national security interest, even though there were many signs which should have led to his ouster. He failed a lie detector test, he was living beyond his means, he was drunk on duty, he had classified documents, he visited foreign agencies and foreign embassies without any justifiable reason. Many of the CIA contacts were killed as a result of what he had done. Many were placed in jeopardy. And that should have been corrected long before it finally came to light.

I believe that if we had a Director who had tenure, 10 years, in effect, being able to say, "I am going to be here longer than the people I am confronting with," that kind of strength would do a great deal to enhance our national security.

We are facing some very perilous times. People ask, is there a real role for the Central Intelligence Agency? Based on the experience I have had on the Intelligence Oversight Committee, and now as chairman of that committee, I say, absolutely "yes."

We are looking at some very critical intelligence operations in assessing, for example, what is happening with North Korea with their development of nuclear weapons. I, frankly, have grave reservations about the agreement which exempts the North Koreans from inspection on the fuel rods for some 5 years, which is the best way to tell what they are doing with nuclear weapons. And as the hearing the week before last with Director Woolsey showed, the North Koreans now have the capacity to hit Alaska. The North Koreans are working with Iran on ballistic missile tests. When asked what is the potential for reaching the continental United States, nobody could give assurances that that is not an imminent problem.

When you take a look at the dismantling of nuclear weapons in the old Soviet Union, there are real problems to see to it that organized crime in Russia does not take over and place those weapons at the disposal of rogue nations. When you take a look at the role of CIA in terrorism or drugs or economy issue, where many intelligence agencies of government help the trade deficit, there is a vital role in the intelligence agency.

There has to be reform, first, of not having a repeat of the Aldrich Ames case and doing the job of the future.

I intended to introduce this legislation and to comment on it this afternoon and not to unduly interrupt the flow of this legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 195

(Purpose: To propose a substitute amendment)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending being amendments will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 195.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

(Mr. INHOFE assumed the chair.)

Mr. GLENN. Mr. President, this amendment—and I do not want to scare anybody who may be watching and listening to this and I will give my reasons for submitting this amendment—this amendment is the old S. 993 that we brought out last year. I wanted it to be on file and be available to be considered if we reach a point where that might be necessary. But I hasten to add immediately that, at least the way we are going right now, I do not think that will be necessary.

The situation we had gotten into here on the floor last week was such—and I will not go through all of what led up to it, but it was at a point where the majority leader filed cloture and did not have the votes to invoke cloture. There were some 117 amendments that had been put in from both sides of the aisle—mainly, about two to one, from the Democratic side, but from both sides of the aisle—and we found ourselves in a situation where it looked as though there might not be any move out of that parliamentary situation that we were in.

What would we do in that situation? What had happened was that S. 993 that came out last year with approval by the big seven, and we were happy to get it to the floor, but the situation that developed was we could not get it through last year.

Over the holidays, with the changed political climate, it was determined that what the House was liable to do and the movement that we would have to make toward what the House might do to enable a Senate bill to have a chance at passage meant that S. 993 should be amended or changed and somewhat toughened up. Now that was done with S. 1, using S. 993 as the basic structure from which to start.

The situation we found ourselves in, though, last week, the parliamentary situation, was that I could see the possibility that maybe nothing was going to move. S. 1 had generated some opposition for various reasons. Cloture, which was filed, could not be invoked. We had the vote on that. And there we sat in basically a stalemate.

I am committed to getting through unfunded mandate legislation. I do not want anyone to think that I am not.

But I would rather, if we got ourselves into another quagmire like that, I just want S. 993 refiled as a potential amendment—and I say potential; I am not planning to bring it up—but I want it filed so that if we reach another situation like that—and I hope we do not—that we would have that as a fallback position which would be better than getting nothing through; certainly much better, because we all viewed S. 993 last year as being fine legislation.

I understand where the Governors and the County Commissioners, mayors, and so on are coming from now in support of S. 1. It is tougher from their standpoint. But it also has some opposition.

Now, what would I foresee as a situation that might develop where we might want to drop back? Obviously, there are a number of different things that could happen on that. If we wound up with a filibuster on S. 1, which I do not anticipate we will, but if there were some provisions voted in here on the Senate floor that may be unpalatable, then we might have something like that required.

The amendment that I am putting in or will put in today and another one after this one and probably a couple more tomorrow morning address very substantive changes in the bill, procedures in the bill that I think should be corrected. They were things we were not able to bring up in the committee because of the rush to get it to the floor, which was another situation we talked about earlier today for a little while.

But you have several other concerns that do address specifically how this bill would operate, and I think those are important things to be considered. Those are not show stoppers, as I see it. Failure to put those things in are not basically things that would require us to go back to S. 993.

But let me just bring up some of the amendments that have been put in or proposed, some from the other side, as a matter of fact, some Republican-proposed amendments, such as judicial review.

Now, I think if judicial review was lodged against this where anyone who felt that the estimate on a particular proposal was not adequate and they would have the right in that case to file a case in Federal court and in effect stop legislation in its tracks, if judicial review was put in and passed, to me would be a way of stopping almost all legislation or a very high percentage of legislation that comes before the Senate. So I think if judicial review came in, was voted in here, this would result in such concern that I think—I am the last one that is going to threaten a filibuster—but I think that would cause a great, great deal of concern.

Now, another one that is coming up that would be very controversial, and I understand is going to be called up, were amendments that were proposed dealing with motor-voter, as it is called. There is a lot of passion involved with motor-voter, as we know from the very extended debate that took place on the Senate floor when motor-voter was put in last year. That would draw serious opposition.

Another one, a supermajority point of order requiring a 60-vote point of order. In other words, 60 votes would be required to grant a waiver to proceed with a bill. Now that sounds great, because it says, well, you are getting a supermajority of the Senate. But it does something else. It puts a great deal of power in the minority if you can garner 41 votes.

I do not want to see us get into a situation where we would have, in effect, a tyranny of the minority.

We had another one that would be a very, very important amendment, if brought up and if possibly passed, one that we would have to really take very, very seriously, and that is an amendment that I understand may be proposed which would extend the application of the act to past mandates as well as current mandates. If we did that, I do not know whether we would be getting into trillion dollar estimates and funding requirements if we passed that with no sorts of other restrictions on it than those I am aware of at this time. That is another one that would be a real threat to passage of this bill.

Now, I am not saying any one of these by itself would be a complete show stopper and block to passage of the bill. The reason I put S. 993 back in is to cover a combination of possibilities. Say that some of the corrections we wanted to put in committee are voted down here, and say that some of these amendments that I understand are going to be put in—I do not believe they have been put in yet—amendments on the Republican side that deal with the things that I just mentioned such as 60-vote point of order and the motor-voter and judicial review and the retroactivity. Say that several of these things passed. I think in that situation the view of S. 1 would change rather dramatically, and I might add, probably on the Republican side as well as on the Democratic side.

I wanted to point out the possibilities just to point out the reason why I am putting S. 993 back in, as a possible substitute amendment. It would be a fallback in case we have some of the dire things I have talked about happen, and got into a situation here we could not get out of, which we thought we were in last week when I mentioned the possibility of this. I am putting it back in, but do not plan to bring it up at this time.

I think we are in a whole different situation than we were in last week because last week we were faced with a situation where cloture could not be invoked. The votes were not there. There were great concerns about S. 1. There were some 117 amendments that were filed in advance of the cloture vote, because if cloture would happen to be invoked then amendments cannot be put in. Cloture was defeated. The number of provisions we debated last week have been stripped back. We have now under the new agreement, some 60 slots, I believe, 58 or 60 slots, available for amendments that have to be filed by Tuesday afternoon at 3:00. Votes, then, will start not later than 4 o'clock tomorrow afternoon.

This is much more manageable now. People have been coming to the floor and offering their amendments. We will have votes on them. We are in a whole different situation. I am not putting S. 993 back in as any scare tactic but there are possibilities that loom out here that this would be a last-gasp stopgap measure we could put in if really necessary. I want to stress that. I know there was a considerable amount of discontent in some quarters last week when I even brought this up. I wanted to make sure it was not misunderstood now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KEMPTHORNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS

AMENDMENT NO. 179

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the Dorgan amendment numbered 179.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENTS NOS. 178 AND 179

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that no amendments be in order to either the Dorgan amendment numbered 178 or 179, and that the vote occur on the motion to table amendment numbered 178 at 4 o'clock p.m. tomorrow, to be followed by a vote on or in relation to the Dorgan amendment numbered 179.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 191 AND 192

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that it be in order for me to make a motion to table both Bingaman amendments numbered 191 and 192, and I be able for ask for the yeas and nays, and it be done with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. I move to table amendments 191 and 192 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, I now ask unanimous consent that no amendments be in order to either Bingaman amendments prior to the vote on the motion to table and that the two Bingaman votes occur in sequence following the vote with respect to the second Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 182

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that no amendments to the Hollings amendment numbered 182 be in order prior to the vote on the motion to available that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 196 TO AMENDMENT NO. 190

(Purpose: To modify the sense-of-the-Senate provision)

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment numbered 190, and I send an amendment to the desk to the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes amendment numbered 196 to amendment numbered 190.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "that" and insert the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a "firewall" to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, I yield the floor.

AMENDMENT NO. 197

(Purpose: To have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate)

Mr. GLENN. Mr. President, I ask unanimous consent that the previous amendment be set aside, and that I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 197.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike beginning with line 16 through line 4 on page 22 and insert the following:

"(1) IN GENERAL.—

"(A) STATEMENT REQUIRED FOR REPORTED BILL.—It shall not be in order in the Senate, after third reading or at any other time when no further amendments are in order, to consider any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration.

"(B) LEGISLATION OR THRESHOLD.—(i) It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report—

"(I) after third reading or at any other time when no further amendments are in order, if the enactment of such bill or resolution as amended; or

"(II) if such bill or resolution in the form recommended by such conference report differs from the bill or resolution as passed by the Senate, and if the enactment of such bill or resolution in the form recommended in such conference report, would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless the conditions specified in clause (ii) as satisfied.

"(ii) The conditions referred to in clause (i) shall be satisfied if—

Redesignate the clauses following accordingly."

Mr. GLENN. Mr. President, this takes care of what I think is a difficulty in the bill. It would correct what I think is something we probably should have dealt with earlier on. That is this: The bill deals with points of order and when they will lie against legislation coming to the floor, to have the overall expense or the cost to the States and local communities considered in advance of considering the legislation and whether Congress will fund those costs.

As now crafted, as now structured, the bill would permit a point of order when the bill with Federal intergovernmental mandates first comes to the floor. Then there would be no more points of order that would lie against the bill but there could be points of order invoked any amendment that may or may not contain an intergovernmental mandate. If we think about how a bill normally works its way through the Senate, a number of amendments can be brought up here on the Senate floor. They may well change completely the nature of the bill by the amendments and the cost of amendments that are incurred during the amending process here on the floor.

Now, I think it would be more appropriate the bill be subject to a point of order after we know what all the amending process has done to it. To have the point of order apply to possibly every amendment all the way through creates a situation that could be used if a Senator really wanted to filibuster something. He or she could put in a dozen different amendments containing Federal intergovernmental mandates, each maybe over $50 million, that might not even apply and might not be germane or relevant to the bill being considered and would then go through all the process of point of order on everything that was brought up in each of the amendments. I could see this as a possibility of a means of really creating a lot of delay.

What we are really interested in, it seems to me, is the final bill as amended on the floor before we vote on it. And at that point, we either say yes, we go ahead with these unfunded mandates because it is important for everybody in the whole country for whatever reason and therefore we waive the point of order. Or we say no, all these total of amendments here plus what the cost of the original bill should be subject to the points of order requiring cost estimates and funding.

It seems to me that is a more appropriate way to go than having the point of order lie on all amendments.

Mr. President, my amendment would apply the points of order in two places, not at the start of consideration on the floor as S. 1 requires, but it would apply at the end of consideration of legislation on the floor—just prior to third reading—and, at a second point, when it comes back from conference, because when it comes back from conference, sometimes it might be a completely changed bill from what went to conference with the approval of the Senate.

So my amendment would apply points of order at those two places. As I said, my concern in applying the point of order requirements for CBO cost estimates and State and local funding of floor amendments, as S. 1 currently does, is that it may unnecessarily bog down the legislative process, particularly for the first year or two when this act goes into effect. It is possible someone might raise points of order, as I said, on almost every amendment that is offered to any one bill.

I understand points of order can currently be raised under the Budget Act on amendments that affect Federal direct spending but have not been scored by CBO. However, the Budget Act scoring process has been in place for some time and the procedures in S. 1, on the other hand, are brand new. So we should not overload the Senate with these new procedural requirements on floor amendments, as I see it.

As I said, the amendment would see that the points of order lie in two places: First, just prior to final passage and then on the conference report. That way, only amendments that have been adopted would have to be scored by CBO, rather than having them score all amendments prior to their being offered, as would have to be done under S. 1. So the burden on CBO might be reduced. Only amendments adopted would be required to be scored, not amendments offered. Of course, Members bringing an amendment to the floor may wish to have a CBO cost estimate in order to know precisely what the effect of the amendment will be. My amendment will ensure conference reports will also still be scored, as is the case under S. 1.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that at 3:30 p.m. tomorrow, the Senate resume consideration of amendment No. 182, the Hollings amendment; that there be 30 minutes for debate prior to a motion to table, to be equally divided between Senators HOLLINGS and DOMENICI; that following that debate, it be in order for the majority manager, or his designee, to move to table the Hollings amendment; and that the vote occur on the motion to table immediately following the disposition of the Bingaman amendment No. 192.

Mr. GLENN. Mr. President, reserving the right to object, and I will not, where is the Bingaman amendment in the hierarchy now? Is that No. 4 that we have on our list?

Mr. KEMPTHORNE. Mr. President, that is correct. This will be No. 5.

Mr. GLENN. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. I yield the floor. I thank the Chair.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 198

(Purpose: To modify the exemption for matter within the jurisdiction of the Committees on Appropriations)

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may send an amendment to the desk and ask it be considered as offered as required under the unanimous consent agreement under which the Senate is currently operating.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 198.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, strike lines 7 through 10, and insert the following:

(3) Committee on Appropriations.—Paragraph (1)—

(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

(B) shall apply to—

(i) Any legislative provision increasing direct costs of a federal intergovernmental mandate contained in any bill or resolution reported by such Committee;

(ii) any legislative provision increasing direct costs of a federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

(iii) any legislative provision increasing direct costs of a federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

(iv) any legislative provision increasing direct costs of a federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

(C) Upon a point of order being made by any Senator against any provision listed in Paragraph (3)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

Mr. McCAIN. Mr. President, this amendment is very basic. It would extend a provision of the Unfunded Mandate Reform Act to cover appropriations bills. As reported by the Governmental Affairs Committee, appropriations legislation was exempted from S. 1. I wish to repeat, appropriations legislation was exempted from this legislation.

This amendment would establish that any legislative provisions contained in an appropriations bill or conference report that create an unfunded mandate would also be subject to the point of order called for by this bill.

Clearly, Mr. President, this important legislation sponsored by Senator KEMPTHORNE is a proposal that warrants swift passage. Over the last year, every Member of Congress has likely heard pleas for assistance from State and local officials in their home States for relief from the steadily increasing burdens of unfunded Federal mandates, and understandably so.

As the Governmental Affairs Committee noted in a report on this issue, State and local officials from across the country sent a powerful and unified message to Washington that:

> * * * unfunded Federal mandates imposed unreasonable fiscal burdens on their budgets; limited their flexibility to address more pressing local problems; forced local tax increases and service cutbacks; discouraged innovation at a local level; and hampered their ability to effectively govern.

The burdens which have been placed on the shoulders of States, cities, and counties in America have become intolerable. The CBO estimated the cumulative costs of Federal regulatory mandates on States over a 7-year period are as high as $12 billion.

A study released by the Environmental Protection Agency in 1990 estimated that the total annual costs of environmental mandates to State and local governments would rise a total of 67 percent by the year 2000.

The mayor of one of America's largest cities said that:

> When you pass a mandate down to us and we have to pay for it, the police force goes down, the firefighting force goes down. Recreation departments are in disrepair * * * because our capital budget is being sopped up by * * * the need to pay for federal mandates.

I strongly sympathize with these views and those that I have heard from so many city and town officials in my State of Arizona. The cumulative weight of the involuntary spending requirements that the Congress has been foisting upon State and local governments has finally reached the breaking point, and it is important that we pass this legislation to address the problem early in the 104th Congress.

There is, however, a significant omission in the bill we have before us. S. 1 applies only to legislation emanating from authorizing committees, and exempts appropriations bills. This is a big loophole, Mr. President, and given the tendencies of many Members of Congress, I fear it is a loophole that will be taken advantage of in short order.

If we exempt appropriations bills from the point of order procedure of this unfunded mandates bill, we will be tacitly allowing a process where Members will be tempted or pressured into using appropriations bills as vehicles to levy mandates upon State and local governments. Such an exemption would undermine the important objectives of what S. 1 is so admirably trying to achieve. This amendment to subject any legislative language in spending bills to a majority point of order regarding unfunded mandates will help ensure that doesn't happen.

The intent and impact of this amendment is simple, straightforward, and entirely reasonable, Mr. President. If a bill reported out of the Environment and Public Works Committee or the Labor Committee which creates a new mandate on State or local governments, those committees are required to authorize funding to pay for it. A point of order would lie against the bill if it were not properly funded. Surely we should establish this same procedural hurdle for appropriations bills if they contain new unfunded mandates.

I fully recognize, Mr. President, that existing Senate rules already bar appropriations bills from being used as vehicles for authorizations. If this restriction was uniformly adhered to, appropriations bills would only factor into concerns about unfunded mandates to the degree that they were adequately delivering Federal funds to State and local governments.

As all of my colleagues well know, however, this is often not the case. Appropriations bills can and have been used by the Senate for legislative purposes. This fact necessitates the amendment I am proposing here today.

It is surely not an unwarranted leap of faith, Mr. President, to anticipate that Members and staff in the Congress might be tempted to utilize appropriations bills as a vehicle for unfunded mandates in the future. Minds far sharper and more creative than my own could craft language into an appropriations bill that in effect would impose a new unfunded mandate on a State, local, or tribal government.

Indeed, Mr. President, if past experience on legislative language being inserted in appropriations bills is a guide, we should expect this to happen. I am concerned that exempting appropriations measures from S. 1 will be akin to locking the barn door while leaving a ground-floor window wide open. This exemption is a loophole that will surely prove too tempting for enterprising Members of Congress to leave untested, and we should act to close it before they do.

Furthermore, for my colleagues who may question whether this amendment is necessary, I would like to note the dilemma we already face in the case of appropriations legislation passed by the House of Representatives. According to Senate precedent, appropriations bills containing legislative language sent over from the House is deemed germane, and is not subject to a point of order.

We already experience problems with exceptions being made to the Senate rule that prohibits legislative language on an appropriations bill, so I hope we will not exacerbate this situation by creating a special new exemption for appropriations bills regarding unfunded mandates. Let us not miss this historic opportunity to stem the tide of oppressive Federal mandates by allowing them to be imposed by way of appropriations bills or conference reports.

Mr. President, if the basic rules of the Senate are followed and appropriations measures contain no new unfunded mandates, then this amendment would not affect them in any way. We should improve this important bill to curb the Congress's penchant for passing on millions of dollars of mandatory spending requirements onto States and local governments by adopting this amendment. To leave appropriations legislation exempted from the provisions of S. 1 is to leave a sizable loophole in the bill, and I urge my colleagues to support this amendment to remedy it.

I again thank my friend from Idaho who has probably had enough praise over the last week to last him for a long period of time, but he deserves every bit of it. I must say he has done a magnificent job. But I also point out to my friend from Idaho and remind him that when I asked him why were appropriations bills exempted from this bill language, his response was, "Well, we could not get the bill passed."

Then my question is, to him and to the other sponsors of this bill: Why is it, then, if we are not concerned about legislation being enacted on an appropriations bill and it not being subject to a point of order, then why should there be any objection whatsoever to this amendment? It seems to me by the very act of exempting appropriations bill from this point of order procedure we are tacitly saying we do not want to tangle with the Appropriations Committee and we do not want to make sure that there is not a loophole in this legislation by allowing legislation on appropriations bills.

I also say to the sponsors of this bill, if you do not think we have legislated on appropriations bills then I have a lot of legislation to show you. We have. It has happened time and time again where appropriations bills have been the vehicles for authorizing legislation which are stuffed into bills, many times in the dead of night, or in a conference committee, a conference between the two Houses so the rest of us who are not Members of that conference are unable to know about it.

This is a very serious issue. And I have to say after my 9th year, if I have grown a little bit cynical it is because I think I have reason to be so. We cannot allow authorization on appropriations bills. If we do not allow it then this amendment should cause no problem for anyone. The only reason you can assume why this bill exempted appropriations bills is because of the possibility in the future of authorizing legislation on appropriations bills.

I think I have made my point. There may be a desire to engage in extended debate on this issue. I do not intend to leave a loophole of this size in this unfunded mandates bill, which is a very critical bill, and then go back to the people I represent and say everything is fine. Because it is not going to be fine if we allow people to authorize on an appropriations bill and not be subject to the same point of order that there is on the authorizing legislation.

I again thank Senator KEMPTHORNE for his outstanding work on this very important and critical piece of legislation. If I could just tell him, I met with the mayors of my State a couple of months ago, I met with the county supervisors of my State, and there was one issue and one issue only they wanted to talk about and that was Senator KEMPTHORNE's legislation. So he is even famous in the State of Arizona as well as the State of Idaho.

So I thank my friend from Idaho and I yield the floor.

Mr. KEMPTHORNE. Mr. President, I just wish to thank the Senator from Arizona for his kind remarks and also to acknowledge his strong and enthusiastic support to curb these unfunded Federal mandates. He is one of the stalwarts in this effort. So I thank him.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I would like to use my leader time, if I could.

The PRESIDING OFFICER. The Senator is recognized.

MRS. ROSE FITZGERALD KENNEDY

Mr. DASCHLE. Mr. President, I join my colleagues in extending my sincere sympathy to my friend and colleague, Senator TED KENNEDY on the death of his mother.

Mrs. Rose Fitzgerald Kennedy lived a life that saw more than its share of public tragedy and private sorrow. Her courage and her profound faith in her church and her God gave her the strength to be the support of her children and an inspiration to all Americans.

Mrs. Kennedy's passing is a loss to our Nation. No one old enough to remember will ever forget the fortitude with which she bore the assassination of two beloved sons, President John F. Kennedy and Senator Robert Kennedy.

Her public strength helped the Nation endure, as her private strength has always been, in the words of her son John, "the glue that held the Kennedy family together."

The tragedies she suffered did not diminish her sense of service. Into an age where no one would have questioned a desire to retire from public life, she traveled tirelessly, promoting the work of the Joseph P. Kennedy Jr. Foundation, to aid the mentally retarded.

Her spirit and work earned her the admiration of the entire world and made Americans very proud.

So today I know that I express the sentiment of all of our colleagues in saying that our prayers are with her son, our colleague, TED, and her other children and grandchildren on this occasion.

I yield the floor.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to yield to the Senator from New Jersey, by the way, whose birthday it is today, and this is not in lieu of a birthday present I say to the Senator from New Jersey, I would ask unanimous consent that I be allowed to yield to the Senator from New Jersey for the purpose of his offering an amendment without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the Senators and friends who are on the floor to wish me well on my birthday. It is one of those things, a time we would like to pass without notice, but, on the other hand, being here to recall it is something of value as well.

AMENDMENT NO. 199

(Purpose: To exclude from the application of the Act, provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency)

Mr. LAUTENBERG. Mr. President, pursuant to the unanimous-consent request, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment to meet the terms of the unanimous-consent agreement. I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 199.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 5, strike out "or".

On page 13, line 8, strike out the period and insert in lieu thereof a semicolon and "or".

On page 13, insert between lines 8 and 9 the following new paragraph:

(7) limits exposure to known human (Group A) carcinogens, as defined in the Environmental Protection Agency's Risk Assessment Guidelines of 1986.

Mr. LEVIN. Mr. President, last week we began a colloquy with the managers of the bill on some of the uncertain provisions and ambiguous provisions in the bill. I thought we could pick that colloquy up this evening. I have a number of amendments that have been offered. There are two additional amendments to be offered that have been listed for me. I think the number of the issues which have been raised, even though amendments both are filed and to be filed, could be clarified if I could discuss with the managers of the bill some of the provisions which I consider to be ambiguous. In order to do that, I thought I would again use the same hypothetical. If I could get copies of this to the two managers of the bill, this hypothetical Senate bill is the one I used last week. We went into the first ambiguity and then after about 3 hours of debate clarified it with an amendment.

This bill, hypothetical, to be offered after the effective date of this law mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005. Under this hypothetical bill the EPA is designated to determine what constitutes a mercury level dangerous to human health. The first question is when is this bill effective? That is not a theoretical question. That is a very critical question because there must be an estimate of the cost of an intergovernmental mandate the first year that it is effective. When a bill or amendment is effective becomes a critical issue and could mean the life or death of the bill or amendment because if the estimate of the mandate is more than $50 million in any year starting the first year it is effective, for 5 years, then certain things are triggered. Very significant things are triggered. Estimates, authorizations, language relative to appropriations, all must be in the bill. Agencies have to be designated to pull back from or to relieve the local governments of the mandate. That estimate and its effective date are absolutely central to this new version of the bill.

Last year we had a bill which had broad cosponsorship, including myself, where there was an estimate required but there was less hanging on it, on its specificity, on its certainty, on its length, and as to when it is first effective, when the mandate was first effective. A lot less was hanging on that because you did not have this mechanism, this new point-of-order mechanism, relative to the appropriation of funds. That is one of the things which is new this year. Unless we do it right it is going to complicate this process beyond anyone's wildest dream or nightmare. So that is the area that I want to discuss with my friends.

Last week I asked the Senator from Ohio what is the effective date of this mandate in my hypothetical bill. He basically said, well, it would have to be sometime before October 1, 2005. So I thought to clarify the situation I would give an actual or a hypothetical CBO estimated direct cost of the local government in my hypothetical so we can get some clarification and some legislative history as to what is intended by the mandate.

The chart that I have up gives the following CBO estimated direct costs for these 87,000 State, local, and tribal governments. In this hypothetical in fiscal year 1996, the estimated direct cost is $6 million. In fiscal year 1997, the estimated direct cost is $8 million; in 1998, $10 million; 1999, $15 million; 2000, $20 million; 2001, $25 million; 2002, $30 million; 2003, $50 million; 2004, $100 million; 2005, $200 million. Let us assume that is the way the estimate comes back.

How they can make this estimate is a different question. Last week the Senate decided that if it was impossible to make the estimate that we would allow them to say it is impossible. That took an awful lot of debate on this floor and had been rejected in committee on a party-line vote. But we ought to be grateful for progress. We made some progress on that narrow issue. The CBO can be honest. The way the bill was originally written they were allowed to be honest relative to the private sector, but they were not allowed to admit it was impossible to estimate the direct cost of a mandate relative to the intergovernmental sector if it was. The amendment that was adopted last week permits them to make an honest statement if it is impossible to make an estimate in either or both sectors.

OK. You make an estimate. It comes back the way this is laid out on this chart.

Now my question to the managers of the bill, and last week again the Senator from Ohio saw the dilemma that we are all in, and said well, it has to be earlier than October 1, 2005, because if that is the effective date of the mandate within the meaning of the bill there will never be any cost because it sounds like October 1 is the effective date of 2005. The way I read it sure sounds like it because under my hypothetical bill it says it mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005. That sounds like the effective date is October 1, 2005. Most of us, and I think most ordinary readers of that language would say the effective date is October 1, 2005. But if it is 2005, if that is the first effective date, there will not be any costs. Nothing would ever be triggered because all the money would have been spent before that in order to make sure it complies by that date.

The Senator from Ohio said that would be troubling and he said there would be some years prior to that that the CBO would have to make some estimate. I do not know how. But somehow or other, it would have to make an estimate. An awful lot is hanging on this. The life or death of a bill or amendment can be hanging on this because you must have the estimate in order to get by the point of order. In order to pursue this issue and to get the thinking of the managers who are the prime sponsors of this bill, I thought I would give them this hypothetical estimated direct cost.

My question to both Senators would be, in this chart what would be the first fiscal year that this mandate would have a direct cost? What is the fiscal year to trigger that 5-year issue? If I could go through the Chair to ask the managers if they would be able to engage me in a colloquy on this issue.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, in response to that—and again, this is the first time that I have seen this scenario—one of the things that I would caution everyone, including myself, is that it can be difficult in a debate situation to take a hypothetical or a scenario and then try to answer all of the questions here.

My initial view of this is that when we look at the bill, it clearly states that we will consult with our State and local elected officials. I do not know that we can answer that question based upon what the Senator has in front of us.

Mr. LEVIN. If the Senator will yield. This is the CBO estimated cost. They have now consulted. By the way, that raises a whole other series of issues which we will get to later. This assumes that all that consultation has taken place, and this is the document that comes back to us, the estimated direct cost. This is the piece of paper which CBO hands to us.

Mr. KEMPTHORNE. Then I believe, again, based upon input from the State and local officials, that input, in addition to this document, if it is——

Mr. LEVIN. This is the document created, if I may say so, following all of the input. The CBO has done its work and has consulted with State and local officials. After consultation, it then tells us that this is their best estimate. This is what is going to determine now all the points of order. They come back to us saying we have consulted and we have talked to the 87,000 State and local governments in the last week, and this is our best estimate.

Mr. KEMPTHORNE. The CBO is to make a 5-year estimate. Based upon the input from State and local officials, I would think the committee would then ask either CBO, or based upon the input from those State and local officials: What is the effective date? Again, I do not know that we can derive that from this document.

Mr. LEVIN. If I may say so, we are introducing a tremendous ambiguity, because we are saying in the bill that the first fiscal year after the effective date, and each 4 fiscal years thereafter, we will determine a critical estimate. I am giving the managers and the sponsors of the bill what the CBO tells us. I am laying it out. I cannot be clearer than that. The CBO comes back and says these are the 10 years prior to that effective date of October 1, 2002. We just cannot simply say, well, they will determine the effective date. The sponsors of the bill would have an intent, I hope, as to what is the effective date for the purposes of this bill.

I think it is going to be absolutely essential that we get an answer to that question because there is an awful lot that is going to hinge on when the effective date is. The way I wrote the hypothetical, it said: You must reduce dangerous levels of mercury from incinerator emissions after October 1, 2005. That is the way the bill hypothetical states it. When I asked the Senator from Ohio last week when is the effective date, the Senator said—and I happen to agree with him, since much of the costs are going to be before 2005, probably all of the costs, because they want to be in compliance by the October 1, 2005, date. So over the weekend, I decided we would come up with an actual CBO estimated direct cost. Here it is.

The sponsors of the bill, it seems to me, should say what the intent of the bill is. We know there are costs in each of the 10 years. The first year that there are direct costs is 1996. That is what the CBO tells us. That is the first year. The second year is 1997. If we are to take this legislation on its face, it says the first year that it has a direct cost will be the first year it is effective. The next 4 years thereafter, if any of those 5 years are above the $50 million threshold, it triggers certain very critical things. This sounds technical and dry, and it may, indeed, be almost impossible for people studying the legislative process to know what it is that is going to happen. But surely we have an obligation to clarify, to the extent we can, what is the intent of this bill.

I have laid it out. So now I am asking the managers as to whether or not it is the intent of this bill that 1996 be the first year, since there is a direct cost, according to the CBO estimate, in that year. That is my question. Is that the first fiscal year, since there is a direct cost in that year?

Mr. KEMPTHORNE. Mr. President, in response to that, again, I do not know that we can answer that just based on this. Again, I have to go back to what S. 1 is all about. It is a process. Is the requirement to remove mercury a current mandate? That would be a question. Is the requirement to remove mercury a current mandate?

Mr. LEVIN. Current before the hypothetical laws if this is adopted?

Mr. KEMPTHORNE. Yes.

Mr. LEVIN. The point is that you are asking the CBO to make an estimate. I am telling you what their conclusion is. I am telling the Senator what the conclusion of the CBO is so we can have a discussion. It makes no difference in my hypothetical whether there is a current mandate or not. The only thing that is important is this CBO estimate. I am giving the Senator the estimate and now asking the Senator if that is their estimate.

Mr. KEMPTHORNE. Mr. President, I am trying to determine what went into coming up with this CBO list and the analysis. But, again, is the requirement to remove mercury a current mandate in your hypothetical?

Mr. LEVIN. It would make it a relevant hypothetical because CBO is mandated in the bill to come up with the direct cost. In order to have a discussion of when the first fiscal year is triggered, I am saying this is the CBO conclusion.

Assume for the moment that you do not disagree with the conclusion. Assume for the moment that there is no basis to disagree with the CBO. Assume for the moment that everybody accepts it. This is the given I want to debate. This is the conclusion of the CBO. And I add further that every single Member of the U.S. Congress says: That sure looks good to us; they have really done their work, and they have consulted with every 1 of the 87,000 local governments in the last 2 weeks. They have taken into consideration all of the factors that could be taken into consideration. Is there a current mandate or is there not? They have done everything perfectly right, and this is their conclusion.

My question is: What is the first fiscal year? I can understand if the Senator says, well, maybe the CBO is wrong. But that is a different issue. My assumption is that the CBO is correct, that they have done their homework and everybody concludes that is a very good, solid estimate. They have done their work and they have read the bill correctly. So much hangs on when is the first fiscal year that this mandate is effective, and we better understand going in that we are going to have points of order on this floor. We are going to ask that poor Parliamentarian up there to rule. Do we want the Parliamentarian to rule as to when the first fiscal year is that the mandate is effective? Do we want the Parliamentarian to rule whether there is a mandate? I guess so. But in order to have some clarity of congressional purpose here, I am simply giving the CBO estimate, and I want you to assume, if you will, that it is correct and that we all concede that this is the correct CBO estimated direct cost. We must know when that first fiscal year starts. When does that clock start running? If we do not know it now when we are passing the legislation, we are never going to be able to figure it out later.

This is where folks will come back for guidance. What was the legislative intent? This is it. This is where we are trying to create legislative intent, to the extent it is relevant these days—and it still is relevant—this is the moment where we have to lay out what our intentions are.

The reason this is different from last year's bill, in last year's bill there had to be an estimate. That was fine. If there was not, it was subject to a point of order. That was fine.

And, by the way, last year's bill had the support of the Governors and the support of local officials. And, as far as I am concerned, that was fine, too.

But in this year's bill, we have a new point of order. And in this year's bill, an awful lot is going to hinge on that estimate, including some critical appropriations language that did not exist last year.

And I will repeat, the life and death of an amendment or a bill can be determined by the answer to this question. And it is a straightforward question.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. KEMPTHORNE. In the report of the Committee on the Budget with regard to S. 1, when you look at this, you have the CBO estimate, and that is what we are talking about here. And, Mr. President, as you can see, you have all of the information, the steps that CBO would go through in order to get this, which may look similar to what the Senator's large chart looks like.

But, again, in this hypothetical, the Senator is not allowing us to go through this process. The Senator has simply gone to the conclusion of numbers by year. But, again, I do not think you can conclude this based on that because you are not allowing us to go through what a CBO process would go through.

Mr. LEVIN. If my good friend will yield again, the only way we are going to clarify congressional intent is if we state, as I have stated, that after you go through the CBO process, after the CBO goes through all of their process, after they have consulted with 87,000 local governments, after they have considered whether there is a current mandate or not a current mandate, they have done everything right, and everyone in the Senate concludes CBO is right and this is their conclusion.

Now, if that is their conclusion, my question is, when is the first fiscal year that that mandate is effective?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, again I would be interested in this and we would have to reconstruct this whole scenario. We would have to continue with more hypothetical points. What does CBO recommend? Does CBO recommend what the effective date would be?

Mr. LEVIN. Is that the intent of the sponsors, that the CBO recommends? We do not give them any guidance? That the sponsors of the bill just throw it off to the CBO?

We are writing a bill here. What are we urging the CBO to do?

Mr. KEMPTHORNE. Mr. President, the legislation would identify the effective date, but it would be based, again, upon input from a whole variety of resources and sources. Again, with all due respect, I do not think you could simply take one chart, numbers, and say, "Now, go back and reconstruct this whole scenario and tell me what it all concludes."

Mr. LEVIN. Well, I think there is a serious ambiguity here and, to some extent, an abdication if we let this go without clarification. The abdication is that we must, as a Senate and a House, later on know what the legislation intended. It is central to the bill that the first fiscal year in which a mandate is effective is a critical date in the bill. A new point of order is created based upon it.

Last week, I asked the question whether or not the language in my hypothetical meant that the mandate was effective October 1, 2005. And I am going to read that again, because one sentence says yes, it is 2005. In the hypothetical, the Senate mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005.

Now, the average reader, the average person reading that bill, would say that is the effective date of the mandate. If it is, again, and I think my friend would agree with me, as the Senator from Ohio agreed with me last week, if the effective date of the mandate is October 1, 2005, when all emissions must comply, then it will never be triggered because all the money is going to be spent before October 1, 2005.

But I do not think we can have it both ways. We cannot say "Well, it is not the date in the statute, October 1, 2005, because all the money is going to be spent before that date, in order to have the emissions be in compliance." And that is correct. I think that is a logical response. If it is going to have any effect at all and any meaning, you cannot say that the date in the statute, October 1, 2005, is the effective date for the purpose of the point of order. You have to find the effective date prior to that.

And, according to this bill—and I am just reading the bill—the first fiscal year that there are direct costs to local and State governments is year 1. That is year 1. And you go 5 years. And if, in any of those 5 years, this mandate costs more than $50 million, certain very, very significant things happen. And if they do not happen, very serious points of order lie.

I do not think we can have if both ways. We cannot say the effective date that is in the bill is not the one that governs because it has to be before that date and, on the other hand, we are not going to give any guidance down the road as to what the first fiscal year is.

I think that we cannot have it both ways; that we are leaving a massive ambiguity in the law. It is an example of where the new bill, because it places so much importance on the mandate, goes too far.

Unlike last year's bill, which had more balance to it and which did not link the appropriations of that estimate together, this year's bill makes an estimate in the year 1995 that is going to have an impact 10 years down the road or 20 years down the road. And I believe there is a lot of uncertainty and ambiguity, and that means legislative mischief, because there is no clarity on just this one point.

This is just one point.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. KEMPTHORNE. I believe what the Senator has described—and I must give him a great deal of credit, because he has been very thorough and meticulous on this legislation. For that, I think we have already made some perfecting language that has been helpful.

But, really, he is providing us one piece of a puzzle and then he is saying, "Well, because with this one piece of the puzzle you can't tell us the whole picture, then the picture does not exist."

This scenario, for example, I think lacks the actual legislative language. It lacks information from State and local governments and the Federal agency on the impact of the legislation. It lacks the text of the CBO letter indicating the basis of the estimate, including CBO's assumption on the effective date based on the legislation when a regulation is written.

We could continue to construct this scenario and somehow try to back into it. But I would add that, through this process, it is on an individual basis. These will be devised by the authorizing committee based upon not strictly one piece of paper, but based upon much of what I just went through in the list. And again, it resides with the authorizing committee.

Mr. LEVIN. Mr. President, my understanding, if the Senator would yield, that the Congressional Budget Office is the one that makes the estimate. Is that correct? Is that the intent of the statute, that the Congressional Budget Office makes the estimate?

Mr. KEMPTHORNE. For the legislation, yes.

Mr. LEVIN. Mr. President, now, under my hypothetical the Congressional Budget Office has made an estimate. It has taken into consideration each of the items that have been mentioned in the authorizing bill. I could not agree more with the Senator from Idaho that there are many items in the authorizing bill that affect these direct costs. There could be hundreds of them. The CBO is mandated by this bill to make an estimate. I would not only hope but it is the assumption of this chart that the CBO has taken all of the authorizing bill's factors into account. After taking them all into account, which it is required to do, and after consulting with the State and local and tribal governments, it has reached this conclusion that I set forth on this chart.

I do not think it is accurate to say there is a puzzle here of which this is a part. This chart is the conclusion of the CBO after putting together the puzzle. They have taken each piece of the puzzle and put the puzzle together and that puzzle leads them to this conclusion. The CBO under my hypothetical has each piece of that puzzle together and reached the conclusion that has been set forth on this chart. It is true that there are many pieces. It is the CBO that has to consider those pieces and then give an estimate. Unless we can tell them now, in a hypothetical such as this, when is the first fiscal year in which that estimate is effective, we are closing our eyes to a major ambiguity and we are going on to the next ambiguity. We are throwing up our hands. We are not defining the first fiscal year in which a mandate is effective.

I do not think that that is a way to legislate that will give guidance to folks who will be bedeviled by the points of order unless they understand what the legislation means and what the intent is of the folks that wrote it.

Now, again, I emphasize, there was a requirement in last year's bill for the CBO to make an estimate. I support that. But last year's bill was very different from this year's bill in that it did not contain this additional requirement relative to the appropriations of funds. Much more hangs on the accuracy of this mandate in this year's bill than in last year's bill. In last year's bill there had to be an estimate, there had to be an authorization for an appropriation to meet the estimate.

What last year's bill did not have and what this year's bill does have, is a point of order which makes it improper to consider a bill that does not have additional language in it which directs that if an Appropriations Committee after the mandate is effective does not appropriate money at least equal to the estimate that then a bill must direct an agency to cut back on that mandate or eliminate it or be subject to a point of order. That is one of the places where this year's bill goes too far. The fact that there is no answer to this question on this chart is evidence of the fact that this bill goes too far in that respect.

Now, I will press forward because I know that there are folks that are trying to end this session at a reasonable hour tonight. Again, I raise these hypotheticals as somebody who has had local government experience, and frankly had the same frustration with the Federal mandates that I think just about everyone has, whether they had local experience or not. My good friend from Idaho had greater local experience than I did. I was a mere council president but I was frustrated, deeply frustrated by mandates that the Federal Government imposed.

I want to act but act in a way which is practical, which works, which will reduce the number of mandates, which will force the Senate to consider mandates, but which will avoid plunging the legislative process into this pit of ambiguity.

Next question, and I welcome any guidance from the other manager of the bill on this issue. We spoke last week. I am happy to yield to the Senator from Ohio.

Mr. GLENN. Mr. President, I will be very brief because I do not have a ready answer, as the Senator knows from our previous conversations on this.

I think the things he brings up here as to the implementation of this bill are very, very good. And I do not want to rub salt into old wounds. We have talked about it enough. These are the kind of things that normally we should have worked out in committee. That is where it is normally worked out. I do not have a ready answer for this.

Ordinarily if we are lumping a program or putting some program on to Federal, State, or local governments, we would look at what the total impact of this would be. Now, that is one way to look at it. The other way to look at it is 10 years out, nobody can make an estimate that far out. There may be some new technical development that enables us to take away mercury in a new way that is cheaper; or an intractable problem that winds up more expensive. A nuclear cleanup at the 17 different major sites all around the country in 11 different States in our nuclear weapons complex, the original estimate of cleanup as I recall in committee, we would take care of the whole thing for $8 to $12 billion. That was in 1985, I believe. Here we are in 1995 and 10 years later it has gone up to $300 billion and it may go higher than that. That is how indefinite some of these estimates are.

So, while I would like to say that a CBO estimate of costs, whatever the total cost of the project is, that would trigger the point of order. Then we come up with the uncertainty of 10 years and we may be knocking a lot of things out that should be considered.

So, here we are on the floor working out things like this and trying to make acceptable language where we should have been able to do this in committee. I will not belabor that because we have already talked about it some today. I think we should take whatever time is necessary on the floor to work these things out because they are very, very real.

Now, on the other hand, too, let me make another caveat. That is this: This bill was never intended, nor was S. 993, the predecessor, intended to take care of absolutely every possible permutation, every possible what if that we could dream up. They were meant to, in most legislation where there were estimates and we knew what the estimates were within some factor of confidence, that in those which are probably 90 percent of the bills that go through here, we would have a process set up for CBO estimates and points of order to lie.

The distinguished Senator from Michigan who has gone into this legislation in, really, a lot more detail, I think, than almost any other Senator, I think is to be commended for bringing this up. And where possible we should work things like this out. I would come back to the original intent of unfunded mandates legislation, and that was to get our best estimates and if there were problems like this we bring them to the floor.

If a point of order lay because the total cost to this was $200 million and we had to have a point of order, fine, we would do that and get on with the conclusion of the bill in the best judgment of the Senate as to what should happen.

I do not know that we will be able to answer every what-if type problem on this. Certainly not now. And I only say one more time I wish we had more time to work this out in committee. That is where details like this are normally worked out rather than here on the floor taking up the time of the Senate.

Mr. LEVIN. Mr. President, the Senator from Ohio raises another issue. I want to discuss with him this question, and that is the outyears. As I understand this legislation, the Congressional Budget Office must estimate the direct cost of the mandate in all years in which the mandates are effective, once the threshold has been exceeded of $50 million in any of the first 5 years after its effective date. I am wondering if the Senator from Ohio would agree with me on that.

Mr. GLENN. I agree with that statement. I think that is correct.

Mr. LEVIN. If we can imagine a mandate which does not have a sunset provision or is not a 10-year authorization or not a 5-year authorization, it is just a permanent authorization, somehow or the other the CBO has to estimate the cost forever—forever—of that mandate on local government.

I want to ask the Senator from Ohio, who has perhaps had a better view of infinity than anyone in this body, whether he can conceive of forever, and how would the Congressional Budget Office possibly estimate the direct cost of a mandate, assuming that the threshold has been met, on local government for an indefinite period of time?

Mr. GLENN. Obviously, the answer is that nobody, not the Congressional Budget Office or anyone else, can go to infinity on their estimates. Normally around here, we do it for 5 years, and we rely on those estimates. Under the Budget Act, you have a number of points of order lie there. The 5-year estimates are what would normally be made here or whatever the mandate was, the length of time.

As far as how much it is going to cost out in the indefinite future, there is no way the Budget Office or anyone else can estimate that because of inflation, changes in technology, and a whole host of things.

Mr. LEVIN. My question then of the Senator from Ohio is, since this is not an estimate of the 5-year costs, once that threshold has been reached—strike the five. I want to change my 5-year time. I do not want to get two 5-year periods in here. It would just be confusing.

There is a 5-year threshold. If, in any of the first 5 years after the mandate is effective, there is a $50 million cost to State and local governments, at that point an estimate is triggered. The estimate, though, is not just for the 5 years.

Under the bill—and I think the Senator from Ohio just concurred with me on this—under the bill, the estimate is for all of the years that the mandate is in effect, and that is on page 23, lines 6 and 7: You must identify a specific dollar estimate of the full direct cost of the mandate for each year or other period during which the mandate shall be in effect under the bill.

There is no 5-year limit, there is no 10-year limit, there is no 20-year limit, there is no 50-year limit. If the authorization bill has no limit, then somehow or another the CBO is supposed to estimate the direct cost to local government for every year during which the mandate shall be in effect under the bill.

My question of the managers is, would they consider changing or amending this bill so that there would be some finite limit on that estimate, even if the authorization bill itself is not limited? I am wondering if either of the managers might comment on that question.

Mr. KEMPTHORNE. Mr. President, I am one who would advocate that Congress should not just establish some mandate in infinity.

Mr. LEVIN. Or without a limit of years.

Mr. KEMPTHORNE. I think Congress ought to revisit these issues a little more often than simply saying now that we impose this mandate, it is here for infinity.

Mr. LEVIN. I am wondering if the Senator is going to cosponsor my 10-year sunset on this bill.

Mr. KEMPTHORNE. No, but that is an interesting point. You make the point as to why we should not sunset S. 1, because we need to keep this process in place to deal with these issues. It is an interesting point. Again, I would be willing to sit down with you and pencil out what perhaps you are suggesting and see if there is some way to craft this.

Mr. LEVIN. I agree with my friend from Idaho, by the way, that authorization bills should have limits. But there is no saying that Senators cannot offer a bill that does not have a limit on the length of the authorization. They do it all the time. And if they do, under this bill, the Congressional Budget Office is required to make an estimate. The managers may not like those bills, I may not like those bills, but everyone has a right to introduce those bills, and if they introduce those bills, presumably they have a right to get an estimate.

My question is, how can the CBO make an estimate for each year during which the mandate shall be in effect if there is no 5-year or 10-year limit in the bill on the mandate? That is the question that I have of the managers. I am wondering if the Senator from Ohio might also be willing to entertain some kind of a limit on how far out the CBO has to estimate a mandate if there is no limit in the bill on the length of time that the authorization will be in effect.

Mr. GLENN. I say to my friend from Michigan, I do not have any answer to it right now. I think what you are bringing up is a very good point. Let us say, for instance, that we are not going to repeal the Clean Air Act, we are not going to say it only applies for a certain length of time and then take it off.

As the States get into implementation of the Clean Air Act, Clean Water Act, or whatever, their costs may be completely different from what was originally estimated. If so, they come back to us again and the appropriate committee should be cognizant of that and take action to make sure that is corrected so the States are not unfairly dealt with.

I tend to think that in most cases, on most legislation we would deal with, a 5-year estimate would be OK. You can bring up something else, though. What if we got into a situation like we were in about a decade ago—a little over a decade ago, about 15 years ago—where we had an inflation rate that ran 17 percent for a while? What if we got into a situation like that and the value of $50 million changes? We might have to come back with additional legislation to change that.

Right now, you are talking about, looking at your 10-year chart on the mercury problem and taking it over a 10-year period, as that $50 million threshold now becomes in actual current dollars worth $25 million, or something like that. I do not believe that has been addressed here either. I do not want to argue against our own bill.

There are problems like that, too, we do need to address in committee or either make corrections in this legislation that is on the floor or provide something that takes care of those variables for the future also.

Mr. LEVIN. Mr. President, the Senator from Ohio raises a very important question. I may offer an amendment to basically have an inflation factor built in so that we would reestimate every few years what that $50 million or $100 million or $200 million is to the nearest $10 million.

I have reserved a number of amendments, and one of those amendments will probably be that feature of factoring in the inflation factor, if needed, so we do not 10 years out from now have the same number.

The next question has to do with the range, the issue of range.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. Sure, I am happy to yield.

Mr. KEMPTHORNE. I would be happy to sit down and see what perhaps we could design here because if in fact what the Senator is suggesting is that rather than trying to have CBO give an estimate that is many, many years down there, that there can be updated reestimates by CBO so that we are being realistic in the funds that we are providing to the State and local governments to carry out that mandate. If that is what the Senator is suggesting, then I think we are headed in the right direction.

Mr. LEVIN. That is actually a related but somewhat different idea. If I have enough space on my amendments list, I intend to offer an amendment on this matter.

The Senator from Ohio raised the same question, and this is what it is. Let us assume the estimate is that it is going to be $50 million in each of the 5 critical fiscal years, and therefore the threshold has been met. Therefore, the language must be in the bill or it is subject to a point of order. That could be 10 years away, that period that is being estimated. And let us assume that 10 years down the road there is new technology, as my friend from Ohio said. Instead of it costing $50 million to address the mercury problem in these incinerators, there has been a whole new technology designed and now all of a sudden it is $5 million.

By the way, a lot of the previous estimates of costs to State and local governments have been overestimates. This is not new, totally new what is going on here. We have already required by law that there be estimates of costs to State and local governments, and there have been hundreds of them, approximately 800 of them, in the last 12 years. A lot of those estimates have been overestimates.

Now I wish to get back to the topic because I am going to try to draft an amendment which would address this issue.

Mr. GLENN. Will the Senator yield just for a correction?

Mr. LEVIN. I am happy to yield.

Mr. GLENN. I said a moment ago it raised questions about its inflation impact.

That is provided for in this legislation. The $50 million goes up with a correction for inflation each year.

Mr. LEVIN. I am wondering whether or not the $200 million figure also goes up as well?

It does. All right. That is fine if there is an inflation factor already built in. I thank the Senator from Ohio.

Now, getting back to this question, let us assume that there is an estimate that the first affected year, the first fiscal year in which the mandate is in effect, let us say it is the year 2001. That is what CBO says. We have no better information. It is a guesstimate probably at best, the way a lot of these are going to be. But that is it. And so the threshold is now triggered.

At that point we have to put the critical language in the bill that, unless the Appropriations Committee in the year 2001 puts in $50 million to fund this particular mandate, an agency 5 years from now must reduce the level of this mandate or, if no money is appropriated, must take the local and State governments off the hook totally. That language must be in the authorization bill that is passed now for 10 years from now.

OK, now the CBO scores it, and they decide it is going to cost $50 million in the year 2001. That is their estimate—$50 million. Now, the fiscal year 2001 comes. The Appropriations Committee says: Wait a minute. There has been new technology for the last couple of years on the question of mercury. That will cost one-tenth of what they thought 5 years ago it was going to cost. There is brand new technology. And they ask the CBO in the year 2001 to rescore it. CBO says absolutely this thing is not going to cost $50 million; this thing is going to cost $5 million.

Under this bill, the agency is still required to reduce the mandate. Now, that is wasteful of taxpayers' dollars. I do not think we ought to be appropriating $50 million to anybody if $5 million will do the job. We are trying here presumably to create incentives to reduce costs to Government. In everything we do, we are trying to drive down costs to Government.

This language says unless we address it in some way that the Appropriations Committee has to appropriate $50 million in that year way down the road even though the CBO in that same year down the road tells us it only costs $5 million now because of new technology.

I ask my friends whether they will work with me on language which would allow the Appropriations Committee down the road to appropriate less if they have a CBO estimate down the road which says that circumstances have changed and it will not cost as much as was thought way back then when the estimate was originally made. I am wondering if the managers would work with me on such language.

Mr. KEMPTHORNE. Mr. President, if we were to work out the language, would the Senator then support the bill and vote for it?

Mr. LEVIN. If we could work out enough of these amendments, I would like to vote for this bill. I can assure my friend from Idaho that I supported the bill last year because I wanted to do something about these mandates. But we have to do it in a way which is effective, which does not waste taxpayers' dollars, because that is the last thing my friend from Idaho wants us to do, and in a way which allows us to function effectively as a legislative body.

So my answer is if we can work out enough changes in the bill that we have discussed, I would like to be able to support this bill.

Mr. KEMPTHORNE. Mr. President, as the Senator described it, if it is a situation where we are in essence providing more funds than are necessary to carry out the mandate, then, yes, we need to have a mechanism because that is taxpayers' precious money, and we do not want to abuse that by having it somehow go to purposes for which it is not intended.

Mr. LEVIN. I thank my friend for that, and I will be submitting language to the managers along this line.

Mr. KEMPTHORNE. One other point, if I may. There is a process there which is the rescission process by the agencies. The agency that has been duly noted by the authorizing committee would deal with that issue.

Mr. LEVIN. The rescission process is a complicated process, but there is that possibility.

The next question relates to range. Is the CBO allowed to estimate a range of cost?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. No; the intent is for the CBO to give us a specific on that number on that.

Mr. LEVIN. The reason I asked that question is because the Budget Committee on page 11 says that the committee—this is near the top of page 11 of the committee report.

> The committee is concerned about and recognizes the difficulty of making outyear estimates, particularly beyond the 5-year window. The committee notes that the new enforcement procedures are based on thresholds being exceeded. However, if a range of estimates is made and that range of estimates is less than to greater than the threshold, the committee believes the enforcement procedure should apply.

Which means that at least one of the two committees thinks that apparently a range is going to be made at times and is going to be provided instead of a specific dollar.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I know it was the Governmental Affairs Committee, and there seemed to be a concurrence and certainly a statement that you would take the higher number. So, again, you are not going to be dealing with a range but you take the higher number. That is why I think in this scenario they are saying if you have a threshold and someone is suggesting numbers that are less than or greater than the threshold, it is the larger number that you deal with. That would be the number that we would take.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, that is what this one committee report says. But last year, that was not agreed to in the Governmental Affairs Committee, may I say. That was the subject of great discussion in Governmental Affairs. There never was a resolution of that issue.

But there are two issues. First, is a range allowed and, if so, what is the number? And if we are saying if a range is given by CBO that, No. 1, it is going to be allowed, then we have to figure out what the number is and the bill should be explicit on that question. My understanding is that a specific amount is required in this bill. That is the language in the bill. Yet, we got a committee report that talks about the possibility of a range. So I think we have an inconsistency between the bill and the committee report.

But if a range is going to be permitted, then it seems to me the bill must be explicit as to what will be that magic, specific amount upon which a point of order is going to either lie or not lie. I must say, I do not see any logic in saying that if the range is from $10 to $60 million, we are going to assume for purposes of the point of order it is $60 million. Why not take the midpoint of the range?

I do not think there is any logic in saying the high point will govern anymore than there is in saying the low point will govern. It seems to me the best approach will be to say the middle will govern. But it seems to me in any event this bill is not clear on the question of whether or not a range is going to be permitted, and that it is important that we do so. Otherwise, we could have wild ranges where the CBO—in some of these cases, believe me, it is not beyond the realm of imagination that the CBO is going to say this is somewhere between $10 million and $100 million.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I will be happy to.

Mr. KEMPTHORNE. In that hypothetical where you say it is between $10 million and $60 million, that you take the midrange, the reason that I would be an advocate that you take the larger range is because S. 1 is based upon the presumption we are going to provide the funds to State and local government, and therefore in order to protect them, you would take the larger range. Otherwise, we have a real possibility that we are underfunding.

Mr. LEVIN. The other possibility, if I may ask the Senator to yield, is that we are overfunding. We do not want to be appropriating more money or requiring the appropriation of more money than is needed to do the job. They are both unacceptable, either to appropriate less money, if it is our determination to fund the mandate, or to appropriate more money than required.

Mr. KEMPTHORNE. If the Senator will yield, then we do have a rescission procedure that is in place.

Mr. LEVIN. We also have subsequent appropriations which are possible, as well. We are trying to legislate now on the basis of an estimate. There is no logic in an estimate to say we are going to go with the high point of a range anymore than there is to say the low point of a range. But the important point is that the legislation be clear, and it is not.

If I can say to my friend from Idaho, if we want to allow a range, we should say so. If a range is going to be allowed, we should say what it is our intent that the estimate will be. That is simply my point. This bill is not clear on a very critical issue, which has been the subject of great debate.

Finally, on this issue, in last year's Governmental Affairs Committee, the committee agreed that the range issue would need to be resolved on the Senate floor when S. 993 was brought up for consideration. I urge the managers to clarify the range issue.

Mr. KEMPTHORNE. If the Senator will yield? I have been advised that CBO, with regard to the Budget Act, rarely uses ranges. And also, I remind all of us, with this process you do have the waiver. If there is something that comes up that you feel, therefore, you should bring to the floor to convince a majority of Senators that there is a reason to waive this point of order and those steps involved, you may do so. There is flexibility in this legislation.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, contrary to S. 993, I think this piece of legislation on which we had a debate last year—and I recall the Senator from Michigan was going to have a debate that dealt with some of this, this legislation—I believe what we provide here is that CBO will make an estimate. If they cannot make an estimate, they say they cannot make an estimate and that is it. And we do not provide for a range here, specifically. I think that is the way it should be.

If the range is of such order that CBO cannot estimate whether it is going to be above $50 million or not, then tell us that and that is part of the information we need, that it is that uncertain. So I think to try to force them into making an estimate of ranges, I would not favor that. I think it would be better this way, in this bill, where we provide for an estimate. If they cannot make an estimate that they say is within some range of being probable, then they tell us that and say they cannot make an estimate and that is part of our fact pattern here on the floor.

Mr. LEVIN. Is it then the intent of the Senator from Ohio that if the range estimate is made by the CBO, that that would be the same as no estimate?

Mr. GLENN. I think it would be very infrequent they would run into that type of situation where it would spread over our threshold. That is the question you are talking about. We are not talking about whether on a $50 million threshold the estimate is $75 or $100 million.

Mr. LEVIN. There are two questions.

Mr. GLENN. In either case. As long as CBO can tell us in their best judgment it is going to exceed the threshold, that is what we need to know, and have some estimate of that and give a figure. I think when we get into these ranges and you say what if the range is $10 million to $1 billion, for instance—just to pick numbers—then it is they could not possibly do that and it would be of no use to us here on the floor, anyway. So I think we are on solid ground saying either pick an estimate and that is the figure we hopefully rely on, or if they do not have any confidence in that figure, tell us that and they just cannot make an estimate.

Mr. LEVIN. Mr. President, I am wondering whether the Senator from Idaho would agree we should prohibit ranges in this legislation? What the Senator from Ohio is saying is we do not provide for ranges in this legislation. It was a much-discussed issue.

I know a lot of time has been taken this evening on this issue, probably 15 or 20 minutes already. More time was taken in committee and it was unresolved on last year's bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. The bill now is silent on this thing of ranges. It says CBO will make an estimate. That means to me they will make an estimate.

Mr. LEVIN. No range.

Mr. GLENN. No range, is the way I interpreted that myself. If they cannot do that, then they just tell us that and we take that into consideration.

Mr. LEVIN. I am wondering whether the manager of the bill and chief sponsor agrees with the interpretation of the Senator from Ohio?

Mr. KEMPTHORNE. Mr. President, again we are not plowing new ground here. We are following the procedures of the Budget Act. Again, I have been advised that rarely do they come up with a range.

If you have a range that is a wide range, from CBO, then I think perhaps the authorizing committee has not provided enough information so they can zero in on what that actual figure should be.

Mr. LEVIN. I am wondering whether the Senator from Idaho agrees with the Senator from Ohio that in effect a range is not permitted or authorized under this bill? And that if they cannot give a specific amount, that they must then say it is impossible to give a specific amount?

That is what the Senator from Ohio said. I am wondering whether the Senator from Idaho agrees with that interpretation of the manager on this side?

Mr. KEMPTHORNE. Again, right now, I do not think this legislation states what a range is—it is silent on that question.

Mr. LEVIN. The Senator from Ohio said in his judgment a range is not permitted under this bill and that if they cannot give a specific amount and can only give a range, that the CBO must tell us it is impossible to give a specific amount. That is what I understood the Senator from Ohio to be saying.

I am wondering whether or not the Senator from Idaho agrees with that interpretation?

Mr. KEMPTHORNE. No, I—again, I do not know if that is encouraging some vagueness. I think the authorizing committee would say narrow that range. If CBO comes back and says this is the figure or the figures, then that is their estimate. It does not create the presumption that they have not been able to provide an estimate.

Mr. LEVIN. One last question on the range. I think the sponsor of the bill is basically saying the bill is silent. The cosponsor of the bill, the Democratic manager, is saying in his view the bill would not allow for it. And I do not think that is the right way for us to legislate. I think this is the time to clarify that issue. It is an important issue, I can assure my colleague. It has been brought up in committee at some length.

In the event, I ask my friend from Idaho, there were a range given by the CBO, and that range were $100 million to $500 million, what then would be the specific amount that would have to be authorized in the bill in order for a point of order to be avoided?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, again, I would be more than happy to defer to a Senator who is on the Budget Committee to respond to this because again this is simply following that. So while this legislation is silent, CBO continually has been providing specific numbers. So I do not know to what extent this is going to really create that unusual problem and how many times. But in that event, again that number, or the CBO's estimate, comes back to the authorizing committee where they can deal with that and determine if they want to provide more information so CBO can then narrow it.

Mr. LEVIN. I thank my friend.

This is a very different process, may I say. The CBO would never have to determine whether or not there was a mandate that applied to local government, what year it is effective, and it was never required to create with the specificity that is going to be needed here to avoid a point of order, and involving appropriations what the estimate is of the cost to 87,000 jurisdictions.

Sure, the CBO has made estimates before. I mean we know they have made estimates for the cost to the Federal Government. But in this case there are 87,000 jurisdictions. They may have to do this in a matter of hours.

OK. Let me just plow on here.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. LEVIN. I would be happy to.

Mr. GLENN. Mr. President, the way this is set up now is we are supposed to get our estimate from the CBO. They give that estimate then to the Budget Committee. The Budget Committee then has authority, as a range as I understand it—staff can correct me, if I am wrong on this—if the Budget Committee wished to, if the Budget Committee wanted to pick a figure in their wisdom, then that would be up to them to do that and recommend it to the Senate. I think that is the way it is provided for in the bill.

Mr. LEVIN. If the Senator will yield on that, when we are in committee before we get to the floor, all we have is the CBO's estimate.

Mr. GLENN. That is correct. But if the CBO has difficulty making an estimate or giving us a figure to go on, then it would be up to the Budget Committee to decide whether to give us the exact figure or to say there can be no figure. I think that is the way the bill is structured right now.

Mr. LEVIN. Then the bill would have to be amended to provide that the Budget Committee would get involved prior to the markup of the bill in committee. Because as I understand it, it is CBO that makes the estimate and the Budget Committee does not become involved until the bill gets to the floor.

Mr. GLENN. If the Senator will yield, I think he is correct. I think the way it would work is in the committee, when you are considering the bill, the Budget Committee would not be involved at that point. You would have a CBO estimate. There would be a range on that, and I would say the figure would apply. It is when you come to the floor. Then the Budget Committee is required to put their judgment, their imprimatur, their approval on what the CBO has given to the Budget Committee.

Mr. LEVIN. Unless the amendment of the Senator from Ohio is adopted that says that the point of order is at the end of the process instead of the beginning—in other words, the way the bill is currently, it would be out of order even to bring the bill to the floor with a range. There is not a specific amount in the bill.

Let me just keep going to the next ambiguity. Let us assume that the CBO has made an estimate. Somehow or other they make an estimate that a bill in each of the five fiscal years is going to cost $40 million. That is what the CBO estimates before the markup of the bill in committee, $40 million, in each of the five fiscal years. Nothing is triggered as I understand it. Is that correct?

A Senator now wants to offer an amendment in my hypothetical that says the following: This amendment that is in front of each of the managers says that because of a health emergency no new incinerator may be built within 300 yards of a school or hospital after October 1, 2005. That is an amendment to the bill. Again, the bill has to do with the levels of mercury.

Question No. 1. Can a Senator even get an estimate under this bill? Do we have a right as individual Senators to get CBO's estimate as to what that amendment could cost? And would the managers of the bill support language which would indicate that individual Senators have a right to get estimates since our amendments can live or die depending on whether we can get an estimate? If you cannot get an estimate, your amendment is out of order. You do not even get to the point of the amount of the estimate. If you cannot get an estimate, your amendment is out of order.

So will the Senator's support language which will allow an individual Senator or Member of the House to get an estimate so that his or her amendment can be in order?

Mr. KEMPTHORNE. Mr. President, yes. I would agree to that.

Mr. LEVIN. I thank my friend. That language is being worked on as we speak.

The next question is this: That amendment, let us say, is to be offered. I am an individual Senator. I get the CBO to give me the estimate, and, by gosh, it comes back that that amendment is going to cost $20 million per year in each of the fiscal years. Here is the situation we are now in. The bill says that mercury emissions change is going to be done by a certain year. CBO has scored it at $40 million a year. It is not above the threshold, and nothing is triggered. I come along now and offer this amendment on the setback. That is going to add $20 million in each year, and if adopted in committee by the committee. Now it comes to the floor.

My question is: Is the bill coming to the floor subject to a point of order for being above the threshold? CBO has scored the mercury emissions change at $40 million. The amendment adopted in committee would add $20 million. The question is, Is it in order for the Senate to consider that bill?

Mr. GLENN. Mr. President, it would be my opinion that once you exceed that threshold, that is a cost to the State that exceeds our Federal mandate for the threshold that is set and the point of order should apply, would be my opinion. I have not gone back to the fine print. But that would be what I think would be right because it would finally be going over the threshold of the State. That is what was set as our limit.

One other comment on the Senator's hypothetical. I would think the health emergency that he mentions here, bona fide emergencies, are exempted from consideration of a point of order under this. If this was let us say a Presidentially-declared emergency, that we have learned something new about mercury and whatever, and the distance from a school or whatever, if it was a Presidentially-declared kind of an emergency, then I think it would all be exempted from any requirements.

Mr. LEVIN. I would like to get to that issue of the emergency in a moment.

I am wondering if the Senator from Idaho would agree that that $20 million committee amendment would push this above the threshold so it would not be in order to bring this bill to the floor of the Senate, if a point of order was raised, without raising that point of order.

Mr. KEMPTHORNE. Yes, I would agree with that.

Mr. LEVIN. That raises two questions. One is, this is just a committee amendment, it has not been adopted by the Senate yet.

Mr. KEMPTHORNE. Would the Senator repeat that?

Mr. LEVIN. The committee has adopted the amendment that costs $20 million, but the Senate has not. Why would it be out of order to bring the bill to the Senate floor?

Mr. KEMPTHORNE. Yes, perhaps I can clarify. I do not believe it would be out of order to bring the bill up. A point of order could lie against the amendment.

Mr. LEVIN. Well, the amendment is $20 million, and $20 million is under the $50 million threshold.

Mr. KEMPTHORNE. But it is the mechanism that causes the threshold to be exceeded.

Mr. LEVIN. Is the answer, then, if the amendment is adopted, then the bill would be subject to a point of order, or the amendment itself would be subject to a point of order?

Mr. KEMPTHORNE. It is my understanding that the amendment itself would be subject to a point of order.

Mr. LEVIN. Would the Senator from Ohio be willing to comment on that?

Mr. GLENN. State your question again, please.

Mr. LEVIN. The bill that comes out of the committee has a $40 million annual price tag in each of the 5 key years. There is a committee amendment which would add $20 million to each of the 5 fiscal years, if that amendment were adopted by the Senate, but it has not yet been adopted. The committee amendment is now offered in the Senate. Is that amendment subject to a point of order?

Mr. GLENN. No, it would not be. What my proposed amendment I put in earlier today would say is that we would have a point of order lie at the end of all consideration of the bill before a final vote. If there is a cumulative effect of exceeding the $50 million, then that would be voted on as a point of order at the end of the process.

Mr. LEVIN. Well, there seems to be two different opinions on this issue. I think that it is important that the language of the bill be clear as to whether or not a point of order would lie against a bill coming out of the Committee, which does not violate the threshold, before a committee amendment is considered.

Second, is the amendment of the committee subject to a point of order before it is even adopted? There are two different opinions on that issue from the managers, and I think that ought to be clarified. May I say that, in any event, it would be another reason why the amendment of the Senator from Ohio putting the point of order at the end is, I think, a wise approach to this.

Mr. President, on the emergency issue—and I see that the majority leader is on the floor, and I have a hunch that means he would like to see this colloquy come to an end. I think the managers may join him in that feeling because it has been a long day for them.

I will just ask this last question and we will pick this up tomorrow. If a bill says that there is an emergency situation, for instance, on the setback issue on the school, how would a President declare an emergency? In other words, if the bill itself says that there is an emergency and the President signs the bill, does that meet the test of this emergency requirement? The language on page 13 says "that the President designates as emergency legislation." I do not know of any mechanism for that to happen. "And the Congress so designates in a statute."

My question is: If the statute states that this is emergency legislation, would not the signature of the President to it satisfy subsection 6 on page 13? That is my question. If the answer is no, would the sponsors tell me how does a President designate legislation as emergency legislation? Does that mean we could not induce the legislation, that we would have to wait for some kind of a designation from the White House?

Mr. KEMPTHORNE. Mr. President, again, following the Budget Act, Senate bill No. 1 goes under the Budget Act. The current process is that the President would send a letter to Congress stating that there is an emergency. The Congress would then include in the legislation the statement that an emergency exists.

So it is a two-pronged approach. First, a letter from the President, and then the legislation which would include the acknowledgement of an emergency.

Mr. LEVIN. Then my understanding of the answer of the distinguished manager is that in order for this subsection to be invoked, and an exception to the point of order requirement or language be applicable, the President must initiate by letter legislation and designate it as emergency legislation, and we as individual Senators, or Members of the House, could not introduce legislation with that designation and avoid the point of order in the absence of that prior letter; is that correct?

Mr. KEMPTHORNE. Mr. President, that is the current procedure with the Budget Act. But I state to the second part of that, could not Congress initiate something—again, you could seek a waiver of the point of order. That may be your justification.

Mr. LEVIN. Mr. President, there have been a number of statements on the floor which are going to help me shape amendments. I think what I would like to do—again, I see the distinguished majority leader on the floor. I would at this point thank the managers of the bill for engaging in these colloquies. I think they are absolutely critical to clarify legislation which is going to affect just about every amendment and bill that comes to the floor, and new points of order are being created. We should think these through and make sure they are clear. Some of the amendments which I think now can be offered—some of which I believe will now have the support of the managers—perhaps will clarify that.

I yield the floor.

Mr. GLENN. Mr. President, I know the distinguished majority leader wants the floor shortly. But let me comment briefly here. I think Senator LEVIN has brought up a number of very good points. They are excellent points and things we should have worked out before we go ahead with this landmark legislation. It is landmark legislation. We are reversing a trend here of some 60 years, and we better do it right and make sure it is going to work.

When we talk about this on the floor—and I will not go through all of the arguments at this hour of the evening, but I doubt very much if we are going to be able to answer all of the very good questions with amendments by 3 o'clock tomorrow afternoon. I do not see how that is possible. We may want to think about this overnight and perhaps address this tomorrow. I am not saying this is an effort to delay this. These have been honest-to-goodness questions on how this would operate. There have been 5 or 6 points made to things we do not have the answers to, and we should try to get answers for as many things as possible.

I do not think we can take every possible "what if" and make sure everything is covered perfectly, because this bill was designed to be a general guidance-type bill. On the other hand, where specifics are brought up that indicate there would be a problem, I think it is incumbent upon us to address these things when we can. I am not proposing that we extend the time tomorrow for proposals that would deal with what the Senator from Michigan has brought up this evening. But I wanted to raise this as a possibility, because I do not think we are going to be able to put this all together by 3 o'clock tomorrow morning. Maybe the staffs can get together and we can talk about this tomorrow and see how we can work it out. I do not know whether the majority leader has been listening in his office or working on other things. I think he would have to agree that there are real questions that should be worked out before we lock this up for final passage. I open that up as a possibility for tomorrow that we want to consider some time tomorrow morning or tomorrow afternoon.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Ohio. We will work hard overnight as well to try to cast language for the additional amendments to address some of these issues and do our very best to meet the timetable.

Mr. DOLE. And, of course, if the amendments are offered, we can have a discussion after 3. I guess the question would be whether there are some amendments that did not get offered. But if it is some critical amendment, then I think, under the order, the two leaders could agree to make an exception to the 3 o'clock cutoff, which, if it is a legitimate amendment, I think that is what we should do.

AMENDMENT NO. 178

Mr. MACK. Mr. President, the Senator from North Dakota raises some worthwhile points.

The formulation of monetary policy ought to be of interest to all of us, and he is right to raise questions.

I, too, have questions about the Fed's operation of monetary policy. I've been concerned for a long time that the Fed, despite its independence, was forced to meet more policy goals than it is capable of meeting.

In fact, Chairman Greenspan has told me in a public hearing that the Humphrey Hawkins Act forces the Fed to act in such a way that he believes is not in the long-term best interest of American jobs and the economy.

For this and other reasons, I plan to hold hearings in both the Joint Economic Committee and the Banking Committee to examine amendments to Humphrey Hawkins. The Senator from North Dakota will, I'm sure, be very interested in changing Humphrey Hawkins because such changes should keep interest rates much lower than we have been used to.

We ought to save this debate for a few more weeks and not delay passing the unfunded mandates bill. I can assure the Senator from North Dakota that the issue of monetary policy will be aired fully.

The Dorgan amendment should be tabled, and I encourage my colleagues to do so.

Mr. MACK. Mr. President, State and local governments have been paying billions of dollars to comply with unfunded Federal mandates since the 1970's. As the Federal budget gets tighter it becomes more tempting to pass legislation telling State and local governments how they must spend more and more of their resources. According to the Congressional Budget Office roughly 10 to 20 bills that are reported out of committees every year contain unfunded Federal mandates of over $200 million each. This seemingly endless stream of legislation imposing greater burdens on our cities and States is what prompted me to introduce legislation in the 102d Congress similar to what is being considered today.

The time is long overdue to focus attention not only on the benefits bestowed by legislation we pass, but also on the burdens imposed by the legislation. Some of this legislation, while noble and well-intended, has had the effect of thrusting Federal policymakers into the limelight as champions of a cause, while leaving the price tag for implementation with the State and local governments. Unfunded mandates place an unbearable strain on local budgets that are already burdened by local demand and, in effect, force backdoor tax increases to cover mandated costs.

State and local resources don't automatically rise whenever the Federal Government requires new spending. As a result, State and local priorities get subordinated. For example, suppose the top priority for the city of Tallahassee is combating drugs and crime, or they need to replace wornout firefighting equipment. When the Federal Government mandates that Tallahassee spend *x* dollars on housing and asbestos removal, or face heavy fines for noncompliance, they effectively scuttle the city's top priority. The dollars used to build housing or remove asbestos are not available for addressing drugs and crime or fighting fires.

Some local governments have responded to the crush of mandates by raising revenue through imposing greater fee for building permits, water and sewer hookups, and subdivision approvals. Localities have also imposed development impact fees that total thousands of dollars. The National Association of Home Builders estimates that the impact fees in the State of Florida total $5,000 per home.

In a State like Florida, the issue of unfunded Federal mandates is even more serious given the tendency by the Federal Government to ignore Florida's growth when determining the State's share of Federal funds.

This legislation will help us focus on a problem that has been growing for decades. In the future we will not pass legislation without knowing what it costs and who is going to pay for it. It is simply unfair to force State and local governments to choose between complying with Federal mandates and their more immediate local needs. I urge the swift passage of this important bill.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLAND'S OUTREACH TO THE EAST

Mr. PELL. Mr. President, recently, I had the pleasure of meeting with Mr. Michal Strak, the chief of the Office of the Polish Council of Ministers. Mr. Strak brought to my attention Poland's activities with regard to Poles living in the former Soviet Union, and I would like to share some of that information with my colleagues today.

With the end of the cold war, Poland has been able to reestablish links with ethnic Poles throughout the former Soviet Union. The Polish community in the New Independent States is comprised of descendants of Poles who were exiled there during the 1930's. Poles suffered great losses during World War II, due in part to the mass deportation of Polish citizens. Many were pressed into forced labor and others died of hunger and disease. Those who survived became victims of the Soviet system, isolated from their homeland. Until recently, their descendants have had few opportunities to learn the Polish language or culture.

Poland, which itself is undergoing major reform, maintains an active outreach program to the Polish community in the former Soviet Union—particularly Kazakhstan where more than 100,000 people of Polish origin reside. Many of these activities focus on language training, with Polish nongovernmental organizations providing Polish language teachers and textbooks, and the Polish Government offering scholarships for ethnic Poles to study in Poland. The Polish Government is also seeking to encourage and support business links between the Polish community in countries such as Kazakhstan and Poland.

These activities play an important role in helping the people of the New Independent States establish ties with the West. The Government of Poland is to be commended for its efforts to assist the Polish communities in their democratization and economic reform efforts.

TRIBUTE TO GERALD F. HAMRA

Mr. PRYOR. Mr. President, I would like to take a few minutes to pay tribute to a good friend and a favorite son of my home State of Arkansas. I am referring to Gerald "Jerry" Hamra, a man known as much for his charity and his devotion to family as he is for his success in the competitive world of fast-food franchising.

Jerry Hamra grew up as the son of a clothing salesman in Steele, MO. He likes to joke about his upbringing and his Lebanese heritage by referring to himself as "the rag merchant's son." Today, as chairman of the board and CEO of Wendy's of Little Rock, Inc., Jerry owns 33 Wendy's hamburger franchises in Arkansas—not bad for a rag merchant's son.

I once asked Jerry what led him to get into the hamburger business. He told me "I didn't have any choice—I had just gone belly up in a swimming pool franchise business and I needed the work." That statement belies the savvy and business acumen that we in Arkansas have come to equate with Jerry Hamra.

Jerry first came into Little Rock in 1974 and opened his first Arkansas-based Wendy's in 1975. It was the beginning of a remarkable success story. He has been recognized time and again by Wendy's International for his commitment to excellence. In 1990, he received the business' highest honor when he became the first franchisee to be inducted into the Wendy's Hall of Fame.

Those of us who have known him for so long also know that the success of Jerry Hamra, the businessman, is directly linked to the life of Jerry Hamra, the human being. Jerry once told me that his priorities are "God, family, and then business—and business is way down on the list." His concern for people dictates his outlook on business. He is a big believer in hard work, and his pet peeves are a wrong order and an unclean facility. But on the opposite side, his favorite way of dealing with employees is to find a way to compliment them.

Jerry is also known for his love of children—other people's as well as his own. Locally, he is what you might call the pied piper of hamburgers. He always carries coupons for free burgers in his back pocket and passes them out to children wherever he sees them. But he has also shown that generosity and compassion for children on a much larger scale. In 1987, Jerry donated and dedicated the therapeutic pool at Arkansas Children's Hospital, the only one of its kind in Arkansas. In 1992 he was named Citizen of the Year by the Arkansas chapter of the March of Dimes.

Jerry Hamra is truly known in Arkansas as much for his benevolence and his many kindnesses to other people as he is for anything he has accomplished in the business world. He once told me he was so charitable because, as he put it, "Arkansas has given me so much, I can never fully pay it back." Well, on behalf of all Arkansans, I want to tell Jerry how grateful we are that, 20 years ago, he chose Arkansas as his home. Jerry is currently battling cancer, and I want him to know that he and his fine family are very much in the thoughts of the Pryor family and of countless people across the State of Arkansas. I know my colleagues join me in wishing Jerry a speedy recovery and continued success.

UNIVERSITY OF VIRGINIA CAVALIERS SOCCER TEAM

Mr. REID. Mr. President, approximately 1 year ago, on February 23, 1994, Senator WARNER remarked for this RECORD that the University of Virginia soccer team had reached an athletic pinnacle never before achieved: three successive NCAA national championships. I joined Senator WARNER and Senator ROBB in recognizing this team's achievement with special ceremonies in the U.S. Capitol and with President Clinton and Vice President GORE at the White House.

I mention this as a prelude to the Cavaliers' most recent achievement. On December 11, the Virginia Cavaliers soccer team defeated the Indiana Hoosiers by a score of 1–0 to claim an unprecedented fourth consecutive National College Athletic Association title.

The Washington Post reported that:

> The Cavaliers (22–3–1) certainly had a lot to overcome. Top ranked Indiana University (23–3) was considered to have the best chance at knocking off fifth-ranked Virginia, which some felt wasn't as strong as previous years. Midfielder Claudio Reyna, the nation's top player the previous two seasons, had left a year early to play for the 1994 U.S. World Cup team and then professionally in Germany.
>
> Indiana, on the other hand, had eight seniors who were hungry for a title after falling short of expectations in previous years. Its midfield also was rated as the nation's best [with two All Americans]. But none of that seemed to matter once the game started.

I was fortunate to attend the NCAA championship played at Davidson University in North Carolina. I can report without equivocation that the UVA Cavaliers showed grit, determination, and heart as they successfully defended their NCAA championship. Each team member displayed courage time and again in a season marked with obstacles and during a championship game described as "more like a rugby match than a soccer game."

The significance of this team's triumph was best summed up by head coach Bruce Arena, who commented that the team "accomplished something that may never be accomplished in Division I men's athletics again. We knew that things were a little tough going in, but great teams rise to the occasion, and that's what happened here."

Coach Bruce Arena and his fine staff—assistant coach George Gelnovatch graduate assistant coach Bob Willen, trainer Sue Foreman, and managers Elizabeth Williams and Brighid O'Donnell—are to be commended for their dedication and hard work.

Special recognition and attention must, Mr. President, be focused on the team's seniors. Each senior—a winner of four national titles—will long be remembered as the finest. A.J. Wood and Nate Friends as strikers were the best combination of speed, power, and finesse in the Nation. Clint Peay overcame injuries and a changed position to remain a star. Tain Nix played steady, stellar soccer all year.

The fine young men who make up the team are true role models for our youth, and they also deserve recognition and commendation. The names of all members of this great soccer team are to be included in the CONGRESSIONAL RECORD where they will become a permanent part of our Nation's history:

Tom Baker, defender, Plymouth, MI.

Ryan Borst, midfielder/defender, Ridgefield, CT.

Diallo Bryan, forward/midfielder, Silver Spring, MD.

Sean Feary, midfielder/defender, Fairfax Station, VA.

Mike Fisher, midfielder, Doylestown, PA.

David Fitzmaurice, midfielder, Arlington, VA.

Sam Franklin, midfielder, Arlington, VA.

Nate Friends, forward, Great Falls, VA.

Scott Hodge, goalkeeper, Oakton, VA.

Adam Jacoby, goalkeeper, Clifton, VA.

Stephen Johnson, forward/defender, Lexington, KY.

Matt Laughlin, midfielder, Fairfax Station, VA.

Matt Leanard, forward, Fairfax Station, VA.

Christian Nix, midfielder, Fairfax, VA.

Clint Peay, defender, Columbia, MD.

Mark Peters, goalkeeper, Winchester, VA.

Brandon Pollard, defender, Richmond, VA.

Key Reid, midfielder, Searchlight, NV.

Yuri Sagatov, goalkeeper, Fairfax, VA.

Andriy Shapowal, midfielder, Chagrin Falls, OH.

Damian Silvera, midfielder, Huntington, NY.

Joaquin Targhetta, midfielder, Reston, VA.

Billy Walsh, midfielder, Chatham Township, NY.

A.J. Wood, forward, Rockville, MD.

REGARDING PUBLIC TELEVISION FUNDING

Mr. INOUYE. Mr. President, I am deeply concerned about the statements made by Bell Atlantic and others concerning the so-called privatization of public broadcasting. In my view, the so-called privatization of public broadcasting could bring an end to the system of public broadcasting as we know it. While this may be the goal of certain legislators, this is not what the American people want. Three recent polls have concluded that the overwhelming majority of Americans support continued funding for public broadcasting.

I have always supported efforts to make public broadcasting more efficient and less costly. In the last Congress, I introduced a bill calling for a freeze in the authorized levels of funding for public broadcasting. Placing public broadcasting in the hands of private, corporate entities, however, would simply turn public broadcasting into more of the same advertising-driven, profit-motivated commercial broadcasting that we have today. Americans

already receive too much violence and profanity on the commercial broadcast stations. What America needs is more educational programming, more children's programming, more family-oriented programming. This is what public broadcasting provides.

There is no substitute for the programming provided by public broadcasting today. Cable television is received by only 60 percent of Americans, while public broadcasting reaches 98 percent of the American public. Almost twice as many children watch public television than watch similar programs on cable.

Congress spends only $1 per American per year on public broadcasting. This is a small price to pay for the education of our Nation's children and adults.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF DISASTER ASSISTANCE TO JAPAN—MESSAGE FROM THE PRESIDENT—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

I have directed the Secretary of Defense to provide appropriate disaster assistance to the Government of Japan in response to the devastating earthquake of January 17, 1995. As required by section 404 of title 10, United States Code, I am notifying the Congress that the United States commence disaster relief operations on January 18, 1995, at 11:06 p.m., eastern standard time. To date, the U.S. military has provided 37,000 blankets. In addition, the following information is provided:

1. Disaster relief assistance is being provided in response to an earthquake affecting Kobe and Osaka, Japan.

2. Reports indicate at least 3,100 people have died, nearly 900 are missing, over 16,000 are injured, and an estimated 240,000 are homeless. The destruction of basic physical infrastructure poses a threat to the lives of the survivors.

3. Currently, U.S. military involvement has been limited to 15 U.S. Air Force C–130 Hercules sorties. Further requests for U.S. military assistance in the form of transportation, supplies, services, and equipment are unknown at this time.

4. Switzerland is providing search and rescue dog teams. Assistance by other countries is unknown.

5. Anticipated duration of disaster assistance activities is unknown.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 20, 1995.*

MESSAGES FROM THE HOUSE

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution resolving that the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–183. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC–184. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC–185. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–186. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–187. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–188. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–189. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–190. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–191. A communication from the Chairman of the National Employment Opportunity Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–192. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–193. A communication from the Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–194. A communication from the HUD Secretary's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–195. A communication from the Deputy and Acting CEO of the Resolution Trust Corporation and the Chairman of the Thrift Depositor Oversight Protection Board, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–196. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report relative to unvouchered expenditures potentially subject to audit by the Comptroller General; to the Committee on Governmental Affairs.

EC–197. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–198. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–199. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–200. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–201. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–202. A communication from the Office of the Public Printer, Government Printing Office, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–203. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–204. A communication from the Secretary of the Interior, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–205. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–206. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–207. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–208. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–209. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–210. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–211. A communication from the Director of Selective Service, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–212. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–213. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–214. A communication from the Chairman of the U.S. Commission For the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–215. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–216. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–217. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–218. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–219. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–220. A communication from the Chair of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–221. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–222. A communication from the Chairman of the Corporation For Public Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–223. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–224. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–225. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–226. A communication from the Chairman of the U.S. Nuclear Waste Technical Review Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–227. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–228. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–229. A communication from the Chairperson of the Appraisal Subcommittee, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–230. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–231. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–232. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–233. A communication from the Chairperson of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–234. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–235. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–236. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–237. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–238. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-239. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-240. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-241. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-242. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the semiannual report of the Inspector General for the period from April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC-243. A communication from the Chairperson of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. GRASSLEY, Mr. REID, Mr. BRYAN, Mr. HATCH, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. NICKLES, Mr. EXON, Mr. COCHRAN, Mr. GLENN, Mr. COHEN, Mr. JOHNSTON, Mr. LOTT, Mr. KERRY, Mr. SMITH, Ms. MIKULSKI, Mr. SARBANES, Mr. SIMON, Mr. KYL, and Mr. DASCHLE):

S. 258. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Finance.

By Mr. INOUYE:

S. 259. A bill for the relief of the Persis Corporation; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 260. A bill to provide for the protection of books and materials from the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. 261. A bill to authorize the Secretary of Commerce to permit the use and occupancy of certain lands within the jurisdiction of the National Oceanic and Atmospheric Administration for recreational and public uses; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself, Mr. GRASSLEY, Mr. REID, Mr. BRYAN, Mr. HATCH, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. NICKLES, Mr. EXON, Mr. COCHRAN, Mr. GLENN, Mr. COHEN, Mr. JOHNSTON, Mr. LOTT, Mr. KERRY, Mr. SMITH, Ms. MIKULSKI, Mr. SARBANES, Mr. SIMON, Mr. KYL, and Mr. DASCHLE):

S. 258. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Finance.

THE TAXPAYER BILL OF RIGHTS II

Mr. PRYOR. Mr. President, I am very sorry my colleagues and chief cosponsor of the Taxpayer Bill of Rights II, Senator GRASSLEY of Iowa, has been detained. He is at the White House. I think later in the day he will speak on this subject matter.

Mr. President, over the past several years, there has been extensive debate over ways to achieve tax fairness for middle-income Americans. Proposals are most often costly, and very, very partisan. But there is one legislative package helping taxpayers, Mr. President, that transcends political boundaries and costs very little—we call it the Taxpayer Bill of Rights II.

So, as the debate once again heats up on ways to achieve tax fairness for middle-income Americans, I want to draw attention to this legislation which will help bolster taxpayer confidence in dealing with the Government by ensuring taxpayers are treated fairly by the tax collector—the Internal Revenue Service.

Mr. President, many of my colleagues in the Senate today were not here in 1988 when Congress passed, and President Reagan signed into law, the first Taxpayer Bill of Rights. That bill was the first ever comprehensive piece of legislation enumerating the rights of taxpayers. For example:

The right of the taxpayer to be informed of their rights;

The right of the taxpayer to rely on written advice of the IRS;

The right of the taxpayer to representation; and

The right of the taxpayer to recover civil damages and attorneys fees from the IRS.

I might note that this particular legislation, the Taxpayer Bill of Rights, which was signed into law in 1988, was the very first piece of legislation throughout recorded American history that gave the taxpayers of America their due rights.

Mr. President, these basic, commonsense provisions were codified by the first Taxpayer Bill of Rights. The battle waged by a strongly bipartisan coalition for their codification was hard fought and their ultimate enactment was a giant first step for the American taxpayer. But the time is overdue to more fully develop and expand these rights.

Mr. President, the Taxpayer Bill of Rights II is the next natural step which builds on the first effort in 1988.

In 1992, I first introduced the Taxpayer Bill of Rights II with a considerable bipartisan backing of 52 of my colleagues. The bill passed Congress twice that year but was ultimately vetoed because it was included as part of two large tax bills with which President Bush did not agree.

Since these two bills were vetoed, the Senate has not had the opportunity to consider the Taxpayer Bill of Rights II. However, Mr. President, I believe the time is now to enact this legislation, and I am committed to work along side my friend and colleague Senator GRASSLEY to push taxpayer rights forward and in the coming months to look for additional ways to ensure the IRS treats taxpayers with respect.

Today, Senator GRASSLEY and I come to the floor, once again, with a strong bipartisan contingent in support of this bill—20 cosponsors—12 Democrats and 8 Republicans—a bill which builds on the foundation laid by the original Taxpayer Bill of Rights and is the next natural step in requiring the IRS to achieve higher standards of accuracy, timeliness, and fair play in providing taxpayer service.

The Taxpayer Bill of Rights II achieves these new standards through 27 provisions, including:

First, expanding the authority of the taxpayer advocate to prevent hardships on taxpayers.

Second, create the right in small taxpayers to an installment agreement, and further, rights when installment agreements are denied or terminated.

Third, require the IRS to abate interest when it has made an unreasonable error or delay, and enable the courts the power to review the interest abatement determination.

Fourth, increase the rights of taxpayers to recover civil damages against the IRS when it has acted negligently or recklessly.

Fifth, strengthen the code so a taxpayer may recover out-of-pocket costs incurred in a case in which the IRS position was not substantially justified.

Sixth, and, prohibit the IRS from issuing retroactive proposed regulations unless the Congress provides otherwise.

These are some of the examples of the 27 provisions that Senator GRASSLEY and our 20 cosponsors in the Senate in a bipartisan effort will bring to this body for action later in this session.

Mr. President, the Taxpayer Bill of Rights II contains many more commonsense provisions designed to safeguard the rights of taxpayers, and I believe, will work to instill some confidence into our system of taxation.

Mr. President, joining me later in the day, as I have mentioned, is my friend and colleague, Senator GRASSLEY. We worked very hard on these provisions in the past, and we look forward to our work in the future.

Let me name one other individual who has worked very, very hard in this field and that, of course, is Senator HARRY REID of Nevada.

Senator REID came from the House of Representatives to the Senate. Mr. President, one day I was presiding in the chair when the Democrats had control of the Senate. I noticed over to my far extreme right that Senator REID of Nevada was making his very first maiden speech in the Senate. And it was about taxpayers' rights. I, too, had been interested in this issue. I called for a page to come up, and I handed the page a note. I said, "HARRY REID, I want to work with you on this provision that you are so concerned about." Ultimately, Senator REID, Senator GRASSLEY, Senator LEVIN, and many of us worked through the course of that year in developing the Taxpayer Bill of Rights I, which was in fact signed into law.

So it has been a great pleasure and honor to have worked with these fine Members of the Senate, I must say in a very bipartisan way. As the Finance Committee continues its march of progress, let us say during the next several months, I look forward to the development now of Taxpayer Bill of Rights II and working with my colleagues on both sides of the aisle.

Mr. President, I think there are other Senators who seek recognition.

• Mr. BRYAN. Mr. President, I am pleased to once again sign on as a cosponsor to the bill introduced by Senator PRYOR, the taxpayer bill of rights II. I was a cosponsor of this important legislation in both the 102d and 103d Congress.

Over the years, many have cited abuses by the IRS during tax audits and collection. Aware of these types of problems, Congress passed the taxpayer bill of rights in 1988. While the original bill was in many ways successful, it is clear that further action is necessary.

The taxpayer bill of rights II builds on the success of the original bill, and provides taxpayers with expanded protections against improper collection techniques. This legislation expands protection for taxpayers by requiring the IRS to pay legal fees when it loses in court, increases from $100,000 to $1 million the cap on damages a taxpayer can collect from the IRS, and revokes the agency's authority to issue retroactive regulations.

The bill also establishes a better taxpayer advocate within the IRS who will have the authority to intervene and help taxpayers' cases, and increases taxpayers' ability to get a fair hearing in disputes with the IRS.

It is unfortunate that this bill is necessary; however, in such a monumental task as collecting taxes it is inevitable that there will be mistakes made. This bill will help to ensure that taxpayers are not forced to pay for the mistakes for which they had no control over.

I have heard too many times from anguished constituents in Nevada regarding their dealings with the IRS. While dealing with discrepancies with the IRS is never an enjoyable experience, once this bill becomes law taxpayers will finally have their rights protected.

In past sessions of Congress, this bill has received overwhelming bipartisan support. I am hopeful that we can again join together, pass this bill and give taxpayers the rights that they deserve.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.•

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXPAYER BILL OF RIGHTS II (T2)

A.—TAXPAYER ADVOCATE

Section 101. Establishment of Position of Taxpayer Advocate within Internal Revenue Service. The Office of the Taxpayer Ombudsman was statutorily created in 1987 in the Omnibus Taxpayer Bill of Rights. The Ombudsman is presently hired by and reports directly to the IRS Commissioner.

T2 will replace the Ombudsman with the new Office of Taxpayer Advocate which will have expanded authority as provided in A.2 below. The Taxpayer Advocate will continue to be hired by and report to the IRS Commissioner.

Presently, the Office of the Taxpayer Ombudsman carries out its duties and responsibilities in the local field offices through the Problem Resolution Office (PRO). However, PROs are hired, supervised, reviewed, and promoted by the local IRS District Director, not the Ombudsman. T2 will provide that the PRO will report directly to the Office of Taxpayer Advocate.

T2 will require the Taxpayer Advocate to provide the Committee on Ways and Means of the U.S. House of Representatives and the Committee on Finance of the U.S. Senate two annual reports. The first report is on the activities of the Taxpayer Advocate during the previous fiscal year. The report must identify the initiatives the Taxpayer Advocate has taken to improve taxpayer services and IRS responsiveness, contain recommendations received from individuals who have the authority to issue a TAO, contain a summary of at least 20 of the most serious problems which taxpayers have in dealing with the IRS, describe in detail the progress made in implementing these recommendations, include recommendations for such administrative and legislative action as may be appropriate to resolve such problems, and to include other such information as the Taxpayer Advocate may deem advisable. The Commissioner is required to establish procedures that will ensure a formal IRS response to all recommendations submitted by the Taxpayer Advocate. The first report is due not later than December 31 for each fiscal year after September 30, 1995.

In the second report, the Taxpayer Advocate must furnish to the tax writing committees its annual objectives, not later than December 31 of each calendar year after 1994.

All reports should contain full and substantive analysis, in addition to statistical information.

Effective Date.—The provision is effective on the date of enactment except for the specified due dates of the above reports.

Section 102. Expansion of Authority of the Taxpayer to Issue Taxpayer Assistance Orders. Under current law, section 7811(a) authorizes the Taxpayer Ombudsman to issue a Taxpayer Assistance Order (TAO) if, in the determination of the Ombudsman, the taxpayer is suffering or about to suffer a "significant hardship" as a result of the manner in which the tax laws are being administered by the Secretary.

T2 eliminates the qualifier of "significant" hardship from section 7811 to allow PROs to assist taxpayers in avoiding hardship before it occurs since the standard of "significant" hardship presupposes that a taxpayer must be some degree of hardship before any relief can be afforded.

Currently under section 7811(b), a TAO allows a PRO to "cease any [IRS] action" with respect to a taxpayer. However, section 7811(b) does not allow the terms of a TAO to authorize affirmative steps to help a taxpayer.

T2 will authorize the terms of a TAO to "cease any action, take any action" with respect to a taxpayer, and therefore, allow a TAO to both stop IRS action and to take affirmative steps with respect to a taxpayer. For example, the Taxpayer Advocate's new scope of power will specifically include, but not be limited to, the authority to (1) abate assessments, (2) grant refund requests, and (3) stay collection activity. Further, a TAO may specify a period of time within which the TAO must be followed. The Taxpayer Advocate will have the power to grant authority to his or her designees (i.e., the Problems Resolution Officers).

Current law provides that a TAO may be modified or rescinded by the Ombudsman, a district director, a service center director, a compliance center director, a regional director of appeals, or any superior of such person.

T2 provides that a TAO may be modified or rescinded only by the Taxpayer Advocate and/or the IRS Commissioner.

Effective date.—The provision is effective on the date of enactment.

B.—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS

Section 201. Taxpayer's Right to Installment Agreement. T2 amends section 6159 to provide that, upon request, an individual taxpayer has an automatic right to an installment agreement if the taxpayer has not been delinquent in the previous 3 years and the liability is under $10,000.

Effective date.—The provision is effective for installment agreements entered after the date of enactment.

Section 202. Running of Failure to Pay Penalty Suspended During Period Section 111 Installment Agreement in Effect. Under present law, a taxpayer is subject to "failure to pay" penalties even though he of she has agreed to pay his or her tax liability with interest by entering into an installment agreement.

T2 will amend current law to prevent the IRS from imposing the "failure to pay" on installment agreements, under section 111 above, where the taxpayer requests an agreement on or before the due date of the tax return.

Effective date.—The provision is effective for installment agreements entered after the date of enactment.

Section 203. Notification of Reasons for Termination of Installment Agreements. Section 6159(b)(3) presently requires the IRS to give the taxpayer a 30-day notice before terminating an installment agreement, if it is determined that the financial condition of the taxpayer has significantly changed. However, no notice is required if the taxpayer defaults for any other reason. In these cases, the IRS may unilaterally terminate the installment agreement with no notice to the taxpayer.

T2 will require the IRS to provide a taxpayer with a 30-day notice before terminating an installment agreement for any reason except when the collection of the tax is determined to be in jeopardy. In addition, T2 will require the notice to include the reason(s) why the IRS considers the installment agreement to be in default.

Effective date.—The provision is effective six months after the date of enactment.

Section 204. Administrative Review of Termination or Denial of Request for Installment Agreement. Under present law, a taxpayer has no right to an independent review of a termination or denial of his request for an installment agreement.

T2 will require the IRS to establish procedures for an independent administrative review of a termination of or denial of a request, for an installment agreement. T2 will also require the IRS to provide a written response to a taxpayer who requested an installment agreement. The written response must state the decision of the IRS and the basis for such decision. Finally, T2 will require the IRS to include in the instructions for filing Federal income tax returns the rules and procedures for requesting installment agreements.

Effective date.—The provision is effective January 1, 1996.

C.—INTEREST

Section 301. Expansion of Authority to Abate Interest. Section 6404(e)(1) (Assessment of interest attributable to errors and delays by the IRS) provides "the Secretary may abate" interest on "any deficiency in whole or in part to [due to] any error or delay by an officer or employee of the IRS (acting in his official capacity) in performing a ministerial act".

The ministerial act requirement too narrowly limits the possibility of relief to the taxpayer with the result that the IRS does, not abate interest even if it is the IRS' fault. Further, IRS rejection of a taxpayer request to abate interest cannot be reviewed because section 6404(e)(1) provides no authorization for courts to review an IRS rejection and no appropriate standard of review. The resulting interest assessment may be especially onerous on small taxpayers who do not have cash on hand to invest in anticipation of paying future tax assessments.

T2 will provide that for qualified small taxpayers, as defined in section 7430(c)(4)(A)(iii), the Secretary must abate or refund interest when the IRS has made an unreasonable error or delay. This will allow courts to review the IRS determination on the abatement of interest issue for small taxpayers. For nonqualified "larger" taxpayers, courts will still not be allowed to review the IRS determination on the interest abatement issue, however, the new standard of review will allow the IRS more flexibility in providing relief.

Section 302. Extension of Interest-Free Period for Payment of Tax After Notice and Demand. When the IRS sends a first notice requesting payment to a taxpayer, section 6601(e) provides a 10-day interest-free period from the date of the notice. The 10-day requirement is virtually impossible to meet given delivery time to and from the taxpayer attempting to timely remit payment.

T2 will extend taxpayers' interest-free period for payment of the tax liability reflected in the first notice from 10 days to 21 days, when the total tax liability on the notice of deficiency is less than $100,000.

Effective date.—The provision applies in the case of any notice and demand given six months after the date of enactment.

D.—JOINT RETURNS

Section 401. Disclosure of Collection Activities. Present law does not allow the IRS to inform either spouse as to the efforts of the IRS to collect the tax liability from the other spouse.

T2 will permit that, if either spouse or former spouse makes a written request, the IRS is required to disclose in writing whether the IRS has attempted to collect the deficiency from his or her spouse or former spouse, the general nature of such collection activities, and the amount collected. The IRS may refuse such request in cases where disclosure of such information may result in the threat of physical danger or harassment to a taxpayer.

Effective date.—The provision is effective on the date of enactment.

Section 402. Joint Return May Be Made After Separate Returns Without Full Payment of Tax. Under section 6013(b)(2), taxpayers, who file separate returns and subsequently determine that their tax liability would have been less if they had filed a joint return, may not reduce their tax liability by filing jointly unless they are able to pay the entire amount of the joint return liability before the expiration of the 3-year period for making the election.

T2 will repeal the provision requiring full payment of the tax liability as a precondition to taxpayers switching from married filing separately to married filing jointly status.

Effective date.—The provision applies to taxable years beginning after the date of the enactment.

E.—COLLECTION ACTIVITIES

Section 501. Modifications to Lien and Levy Provisions. A Notice of tax lien provides public notice that a taxpayer owes the government money. Section 6326(b) requires the IRS to issue a Certificate of Release for such notices for erroneous liens only. This extremely narrow language prevents the IRS from issuing the Release on premature or incorrectly filed liens.

T2 will give discretion to the IRS to remove such liens without prejudice when (1) the filing of the notice was premature or not in accordance with administration procedures of the IRS; (2) the taxpayer has entered into an installment agreement for the payment of the tax liability with respect to the tax on which the lien is imposed; (3) the withdrawal of the lien will facilitate the collection of the tax liability; or (4) the withdrawal of the lien would be in the best interest of the taxpayer and the United States (with the best interests of the taxpayer to be determined by the Taxpayer Advocate).

T2 will require that, upon written request by the taxpayer in the 4 cases cited above, the IRS shall make prompt efforts to notify the credit reporting agencies specified that the notice has been withdrawn. T2 will also require the IRS to return levied-upon-property to the taxpayer in the 4 above cited cases.

T2 will raise the levy exemption amounts of $1500 for personal property and of $1100 for equipment and property for a trade, business, or profession, which were set in 1990, to the present indexed amounts of $1750 and $1250, respectively.

Effective date.—The provisions are effective on the date of enactment.

Section 502. Offers-in-Compromise. Section 7122 provides that the IRS may settle a tax debt pursuant to an offer-in-compromise. Amounts over $500 can be accepted only if the reasons for the acceptance are documented in detail and supported by an opinion of the IRS Chief Counsel. Further, section 6103(k) requires public disclosure of the names of taxpayers whose tax debts are compromised, as well as the amount owed and the amount accepted by the Government. These burdensome requirements result in the IRS not pursuing the offer-in-compromise route in settling even small tax disputes.

T2 will provide that, in cases where the unpaid tax assessment is less than $50,000, the opinion of the IRS Chief Counsel is not required. However, the IRS shall subject these offers-in-compromise to an IRS quality review. Further, T2 will amend 6103(k) to provide that in cases where the unpaid tax assessment is less than $50,000, the offer-in-compromise will not be subject to public disclosure.

Effective date.—The provision is effective on the date of enactment.

Section 503. Notification of Examination. Presently, in many cases, the IRS is approaching taxpayers, requesting books and records, but not notifying taxpayers of examination. If the taxpayer is contacted and the agent requests to review the taxpayer's books and records, a written notice, followed by an examination report, should be required.

T2 will amend section 7605 to require that the IRS give the taxpayer written notice that the taxpayer is under examination. The notice will be required for examinations under all sub-titles of the Code. Such notice will include an explanation of the process as described in section 7521 (explanation of examination process, right to be represented by an attorney, etc.).

Effective date.—The provision is effective on the date of enactment.

Section 504. Increase in Limit on Recovery of Civil Damage. Section 7433 caps civil damage awards for unauthorized collections actions against the IRS at $100,000. Section 7433 also limits recovery to reckless and intentional" actions of the IRS.

T2 will increase the $100,000 cap for "reckless and intentional actions" to $1 million, and in addition, T2 will include recovery for "negligent" actions of the IRS capped at $100,000.

Effective date.—The provision applies to actions by IRS employees that occur after the date of enactment.

Section 505. Designated Summons. T2 requires that issuance of any designated summons with respect to a corporation's tax return be preceded by review of such issuance by the Regional Counsel, Office of Chief Counsel to the IRS, for the Region in which the examination of the corporation's return is being conducted.

In addition, T2 requires that the corporation whose return is in issue be promptly notified in writing in any case where the Secretary issues a designated summons (or another summons, the litigation over which suspends the running of the assessment period under the designated summons procedure) to a third party. It is expected that the IRS generally will meet this requirement by issuing such notice on the same day that it issues such summons, and by transmitting such notice to the corporation in a manner reasonably designed to bring it to the prompt attention of an agent of the corporation responsible for communicating with the IRS in connection with the examination.

Effective date.—This provision applies to summonses issued after date of enactment.

F.—INFORMATION RETURNS

Section 601. Phone Number of Person Providing Payee Statements Required to be Shown on Such Statement. Taxpayers frequently need to contact payors issuing information returns in order to resolve disputes. Presently, information returns (e.g. W-2s, 1099s, etc.) require only the name and address of the payor.

T2 will require the payor to also provide the phone number of the payor's information contact. Payors may have the option of providing the name of its customer service department, if appropriate, an Form 1099.

Effective date.—The provision applies to statements required to be furnished after December 31, 1993 (determined without regard to any extension).

Section 602. Civil Damages for Fraudulent Filing of Information Returns. Some taxpayers have suffered significant personal loss and inconvenience as the result of the IRS receiving fraudulent information returns. These false returns have been filed by payors whose intent is to defraud the IRS or to harass taxpayers.

T2 will provide that, if any person files a false or fraudulent information return with respect to payments made to another person, with the intent of either defrauding the IRS or harassing another person, the other person may bring a civil action for damages against the person filing such return. Further, T2 will provide that damage awards in such cases be at least $5000, and that the plaintiff must bring action within 6 years from the time the fraudulent return was filed with the IRS.

Effective date.— The provision applies to false or fraudulent information returns filed after the date of enactment.

Section 603. Requirement to Conduct a Reasonable Investigation of Information Returns. Section 6212(a) authorizes the IRS to determine tax deficiencies. The term "determine" is not defined in the Code, and until recently, courts have declined to inquire whether or not, and how, the IRS made its determination. Further, courts have begun to chip away at the long-standing presumption of correctness afforded deficiency notices.

T2 will amend section 6212(a) to provide that a "determination" must be "a thoughtful and considered determination that the United States is entitled to an amount not yet paid." *Portillo* v. *Commissioner*, 832 F. 2d 1128 (5th Circuit 1991). If the IRS fails to make a thoughtful and considered determination, then the notice of deficiency will be invalid.

T2 will provide that where the taxpayer asserts a reasonable dispute with respect to any item of income reported to the IRS on an information return, the IRS, not the taxpayer, will bear the burden of proof in any deficiency or refund proceeding absent a showing that the IRS conducted a reasonable investigation of the facts surrounding the taxpayer's return.

Effective date.—The provision is effective on the date of enactment.

G.—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX

Section 701. Preliminary Notice Requirement. Section 6672 imposes personal liability on those persons who are required to collect employment taxes ("responsible officers") and who willfully fail to pay over these taxes to the IRS. The Code additionally provides for a 100% penalty on responsible officers failing to pay over such taxes. Taxpayers who may be responsible persons are assessed the taxes owed and the penalty without the right to an administrative review.

T2 will require the IRS to issue a preliminary notice which will give the taxpayer the right to an administrative appeals hearing.

Effective date.—The provisions applies to failures occurring after the date of enactment.

Section 702. Disclosure of Certain Information Where More Than One Person Subject to Penalty. The IRS may recover more than the amount owed under section 6672 (since each responsible person is jointly and severally liable). There is no procedure to ensure that the IRS does not collect more than 100% of what is owed.

T2 will require that a person liable for a section 6672 penalty may request, in writing, that the IRS disclose any other person who is liable for such penalty along with general nature of the IRS' collection activities.

Effective date.—The provision is effective on the date of enactment.

Section 703. Penalties Under Section 6672. Under current law, unpaid, volunteers, who serve on boards of tax-exempt organizations, may be held liable for the 100% penalty depending on the duties and roles of the individual involved.

T2 provides that the 100% penalty will not be imposed on unpaid, volunteer members of any board of trustees or directors of a tax exempt organization.

T2 will also require the IRS to develop materials to better inform employees and volunteers of their responsibilities under the law.

H.—AWARDING OF COSTS AND CERTAIN FEES

Section 801. Motion for Disclosure of Information. Once a taxpayer has substantially prevailed in his case with the IRS, he may file a petition for an order requiring the disclosure of all information and copies of relevant records in the possession of the IRS with respect to the taxpayer's case and the substantial justification for the position taken by the IRS.

Effective date.—The provision is effective for notices made and proceedings commenced after the date of enactment.

Section 802. Increased Limit on Attorney Fees. T2 will amend section 7430 to provide that reasonable fees incurred for the services of qualified taxpayer representatives shall not be indexed for inflation occurring since 1981, currently $110 per hour, and this amount shall be indexed to inflation in the future.

Effective date.—The provision applies to notices made and proceedings commenced after the date of enactment.

Section 803. Failure to Agree to Extension not taken into Account. Section 7430 requires the taxpayer to exhaust all administrative remedies before costs may be awarded. T2 provides that a taxpayer's failure to agree to an extension of time shall not be taken into account in determining whether a taxpayer has exhausted his or her administrative remedies.

Section 804. Authority for Court to Award Reasonable Administrative Costs. Section 7430 provides for the recovery of administrative costs incurred on or after the earlier of the receipt of the final decision of IRS Appeals or the statutory notice of deficiency. Because, generally, no administrative costs are incurred after this period, the provision is ineffective.

T2 remedies the statute by deleting the time limitations on the recovery of costs and by providing that the court may in its discretion determine the commencement date of the running of administrative costs on a case by case basis.

I.—OTHER PROVISIONS

Section 901. Required Content of Notices. Section 7522 (Content of tax due, deficiency, and other notices.) requires the IRS to clarify certain notices by identifying and describing the basis for any tax due, as well as any interest and penalties assessed. However, the IRS is not required to separately set forth, in the notice, the components and explanation for each adjustment.

T2 will amend section 7522 to require that the IRS set forth the components and explanation for each specific adjustment which is the basis for the total tax deficiency.

Section 902. Relief from Retroactive Application of Treasury Department Regulations. T2 will generally require that temporary and proposed regulations issued by the Treasury Department are to effective prospectively from the date of filing with the Federal Register except: (1) temporary or proposed regulations may take effect from the date any notice which substantially describes the regulation is issued to the public, (2) Congress may explicitly authorize Treasury to prescribe the effective date, (3) Treasury may issue retroactive temporary or proposed regulations to prevent abuse of the statute, (4) Treasury may issue retroactive temporary, proposed, or final regulations to correct a procedural defect in the issuance of a regulation, (5) Treasury may provide that taxpayers may elect to apply a temporary or proposed regulation retroactively.

Effective date.—The provision applies with respect to any temporary or proposed regulation published on or after January 5, 1993, and any temporary or proposed regulation published before January 5, 1993, and published as a final regulation after that date.

Section 903. Required Notice of Certain Payments. T2 will provide that, if the IRS receives a payment from a taxpayer and cannot associate that payment with any outstanding tax liability, then the IRS must make reasonable efforts to notify the taxpayer of such inability within 60 days after receipt of such payment.

Mr. GRASSLEY. Mr. President, as many taxpayers are struggling in the midst of the current tax filing season, the issue of taxpayer's rights takes on a special importance. Although most IRS employees provide valuable and responsible service, taxpayer abuse by the Government is an ongoing problem. With this in mind, I am very happy to be joining Senator PRYOR and others in reintroducing the taxpayer bill of rights II. This is very necessary legislation that builds upon the original taxpayer bill of rights that we passed into law in 1988.

I was unable to be here earlier today when the bill was introduced because I was taking part in the President's signing ceremony of the Congressional Accountability Act, of which I am the lead Senate sponsor. But, I'm glad to be here now to offer my strong support to this ongoing effort.

Mr. President, for me, the long process of trying to ensure taxpayer protections began in the early 1980's, when I was a member and then chairman of the Finance Subcommittee on IRS Oversight. We made progress, but it was only the beginning.

Senator PRYOR continued the cause when he succeeded me as chairman in 1987. At that time, he took the initiative and asked me to work with him in pushing for a taxpayer bill of rights by expanding legislation I and others had introduced. It took nearly 2 years, but we ultimately succeeded in achieving this goal.

We now have a 6-year record of implementation regarding the taxpayer bill of rights. Great strides toward taxpayer protection were achieved through this legislation. However, the taxpayer bill of rights of 1988 was never expected to be the final chapter of the book on taxpayer protection. It was a major step in the continuing process of stamping out taxpayer abuse. And that process continues today, as we look into ways to improve the current law.

In reviewing the record, it's clear that much more needs to be done. There's no question that breakdowns in implementing the law have occurred, and there are gaps in the law that need to be filled. For instance, we believe the current ombudsman position is too limited and too beholden to IRS insiders. Our legislation will turn the ombudsman into a more independent office of taxpayer advocate that will have expanded powers to help taxpayers.

We were successful in passing a very similar proposal through the Congress in 1992. However, the underlying legislation that the proposal was attached to was vetoed by President Bush. So, we're back again in this new Congress.

Since 1987, Senator PRYOR and I have worked in a cooperative, bipartisan effort to further taxpayer rights. As our roles change somewhat in this new Republican-controlled Congress, I hope to continue our successful teamwork.

Beyond the introduction of this bill today, Senator PRYOR and I will be working on further improvements and even more protaxpayer provisions that will be offered at a later date.

I urge my colleagues to join us in this effort to help make the IRS more responsible and more accountable to the taxpayers of this country.

By Mr. MCCAIN:

S. 260. A bill to provide for the protection of books and materials from the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

THE LIBRARY OF CONGRESS BOOK PROTECTION ACT

• Mr. MCCAIN. Mr. President, I introduce legislation to help protect the valuable resources of the Library of Congress. The Library of Congress Protection Act will help the Library of Congress stop abuses of its free book loan program by authorizing the Library to impose fines for books that are long overdue.

I am reintroducing this legislation to empower Library of Congress officials to crack down on individuals who seriously abuse their Library privileges, by keeping books too long or failing to return them. Library of Congress officials should not have to tolerate the fact that many individuals are apparently unconcerned about returning the books that taxpayers provide for them. Congress should not prevent the Library from instituting strengthened policies to hold severely delinquent borrowers responsible for their tardiness.

This legislation will enable the Library of Congress to implement a reasonable overdue book charge policy similar to those of most public libraries across America. By doing so, the many Members of Congress, congressional staffers, and executive branch employees who benefit from this magnificent institution will have an added incentive to comply with the generous loan policies of the Library of Congress.

This proposal is very basic, but it will afford Library officials the leverage and flexibility they need to address this problem. This bill will help Library of Congress officials keep better track of their resources, and will spur many delinquent borrowers to return the books that taxpayers provide for them completely free of charge.

The Library of Congress Book Protection Act would direct the Library to implement an overdue book charge policy for books improperly held over 70 days. These individuals or offices will have their privileges suspended until their fines are paid in full. Library of Congress officials will, however, be able to waive such penalties when appropriate. The Library would also be authorized to retain the funds received from late book fines, as well. Finally, the offices of severely delinquent borrowers and the fines they owe will be published in the annual report submitted by the Library to its oversight committees.

Figures published by the Library during the 103d Congress showed that out of the 20,000 books that were out on loan, over one-third were listed as overdue. One half of the 4,200 books on loan to congressional staff and the media were listed as overdue, and one in five books out on loan to Members, committees, and congressional support agencies had been overdue for more than 2 months. Library of Congress officials state that over 300,000 books are missing from their collections dating back to 1978, and the estimated cost of these thefts is $12 million.

I am concerned about the fact that it is all too easy for individuals to disregard their responsibility to return books to the Library of Congress in a timely manner. This negligence is not only unfair to the other users of the Library, but it also drains the Library's resources in chasing down overdue or missing books.

In addition to Members of Congress and congressional staff, the Library of Congress also makes loans to executive branch departments and agencies, the judiciary and diplomatic corps, the press, and other institutions. As I have mentioned, Mr. President, the Library of Congress is barred from charging late fees for overdue books in contrast to virtually every other publicly funded Library in America. Furthermore, the Library cannot retain any funds that might be collected due to the loss or damage of loaned books. It's clearly time to change these unwise restrictions and strengthen the Library's ability to protect its resources, and I hope Members of the Senate will support this legislation to do so.

Surely it's not asking too much of the individuals and offices fortunate enough to the use the Library of Congress to do so in a responsible manner. Even under the new borrowing guidelines that would be instituted by this legislation, there really is no reason for any well-intentioned borrower ever to have to pay late fines or have their privileges suspended. I'm optimistic that the mere specter of having to pay overdue book fines will coax delinquent borrowers into responsibility renewing their book loans or returning the books.

I hope that the Senate will adopt this legislation to implement prudent new guidelines in the book loan policies of the Library of Congress.•

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 11, a bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 108

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax.

S. 121

At the request of Mr. GRAMM, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 121, a bill to guarantee individuals and families continued choice and control over their doctors and hospitals, to ensure that health coverage is permanent and portable, to provide equal tax treatment for all health insurance consumers, to control medical cost inflation through medical savings accounts, to reform medical liability litigation, to reduce paperwork, and for other purposes.

S. 172

At the request of Mr. JEFFORDS, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 172, a bill to authorize the Secretary of Tansportation to issue a certificate of documentation for the vessel L. R. Beattie.

S. 190

At the request of Mr. PRESSLER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 190, a bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

S. 205

At the request of Mrs. BOXER, the names of the Senator from Nevada [Mr. REID], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 239

At the request of Mr. SHELBY, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 239, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 242

At the request of Mr. DASCHLE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 242, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of tuition for higher education and interest on student loans.

S. 249

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 249, a bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching identification system in order to prevent multiple enrollments by an individual for benefits under such Act, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year.

SENATE JOINT RESOLUTION 16

At the request of Mr. BROWN, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Arizona [Mr. KYL], the Senator from Alabama [Mr. SHELBY], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 16, a joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the names of the Senator from Maine [Mr. COHEN] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 17, a joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*.

SENATE JOINT RESOLUTION 19

At the request of Mr. BROWN, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. PACKWOOD], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 19, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

AMENDMENT NO. 178

At the request of Mr. DORGAN, the names of the Senator from Nevada [Mr. REID] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Amendment No. 178 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

AMENDMENTS SUBMITTED

THE UNFUNDED MANDATE REFORM ACT OF 1995

HATFIELD AMENDMENT NO. 181

Mr. HATFIELD proposed an amendment to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes; as follows:

At the end of the bill add the following new title:

TITLE V—

LOCAL EMPOWERMENT AND FLEXIBILITY

SECTION 501. SHORT TITLE.

This title may be cited as the "Local Empowerment and Flexibility Act of 1995".

SEC. 502. FINDINGS.

The Congress finds that—

(1) historically, Federal programs have addressed the Nation's problems by providing categorical financial assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of services;

(3) the Nation's local governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery of many kinds of services;

(4) the Nation's communities are diverse, and different needs are present in different communities;

(5) it is more important than ever to provide programs that—

(A) promote more effective and efficient local delivery of services to meet the full range of needs of individuals, families, and society;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede local governments' ability to effectively deliver services; and

(D) empower local governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals; and

(6) many communities have innovative planning and community involvement strategies for providing services, but Federal, State, and local regulations often hamper full implementation of local plans.

SEC. 503. PURPOSES.

The purposes of this title are to—

(1) enable more efficient use of Federal, State, and local resources;

(2) place less emphasis in Federal service programs on measuring resources and procedures and more emphasis on achieving Federal, State, and local policy goals;

(3) enable local governments and private, nonprofit organizations to adapt programs of Federal financial assistance to the particular needs of their communities, by—

(A) drawing upon appropriations available from more than one Federal program; and

(B) integrating programs and program funds across existing Federal financial assistance categories; and

(4) enable local governments and private, nonprofit organizations to work together and build stronger cooperative partnerships to address critical service problems.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "approved local flexibility plan" means a local flexibility plan that combines funds from Federal, State, local government or private sources to address the service needs of a community (or any part of such a plan) that is approved by the Flexibility Council under section 505;

(2) the term "community advisory committee" means such a committee established by a local government under section 509;

(3) the term "Flexibility Council" means the council composed of the—

(A) Assistant to the President for Domestic Policy;

(B) Assistant to the President for Economic Policy;

(C) Secretary of the Treasury;

(D) Attorney General;

(E) Secretary of the Interior;

(F) Secretary of Agriculture;

(G) Secretary of Commerce;

(H) Secretary of Labor;

(I) Secretary of Health and Human Services;

(J) Secretary of Housing and Urban Development;

(K) Secretary of Transportation;

(L) Secretary of Education;

(M) Secretary of Energy;

(N) Secretary of Veterans Affairs;

(O) Secretary of Defense;

(P) Director of Federal Emergency Management Agency;

(Q) Administrator of the Environmental Protection Agency;

(R) Director of National Drug Control Policy;

(S) Administrator of the Small Business Administration;

(T) Director of the Office of Management and Budget; and

(U) Chair of the Council of Economic Advisers.

(4) the term "covered Federal financial assistance program" means an eligible Federal financial assistance program that is included in a local flexibility plan of a local government;

(5) the term "eligible Federal financial assistance program"—

(A) means a Federal program under which financial assistance is available, directly or indirectly, to a local government or a qualified organization to carry out the specified program; and

(B) does not include a Federal program under which financial assistance is provided by the Federal Government directly to a beneficiary of that financial assistance or to a State as a direct payment to an individual;

(6) the term "eligible local government" means a local government that is eligible to receive financial assistance under 1 or more covered Federal programs;

(7) the term "local flexibility plan" means a comprehensive plan for the integration and administration by a local government of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs;

(8) the term "local government" means a subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(9) the term "priority funding" means giving higher priority (including by the assignment of extra points, if applicable) to applications for Federal financial assistance submitted by a local government having an approved local flexibility program, by—

(A) a person located in the jurisdiction of such a government; or

(B) a qualified organization eligible for assistance under a covered Federal financial assistance program included in such a plan;

(10) the term "qualified organization" means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986; and

(11) the term "State" means the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

SEC. 505. PROVISION OF FEDERAL FINANCIAL ASSISTANCE IN ACCORDANCE WITH APPROVED LOCAL FLEXIBILITY PLAN.

(a) PAYMENTS TO LOCAL GOVERNMENTS.—Notwithstanding any other provision of law, amounts available to a local government or a qualified organization under a covered Federal financial assistance program included in an approved local flexibility plan shall be provided to and used by the local government or organization in accordance with the approved local flexibility plan.

(b) ELIGIBILITY FOR BENEFITS.—An individual or family that is eligible for benefits or services under a covered Federal financial assistance program included in an approved local flexibility plan may receive those benefits only in accordance with the approved local flexibility plan.

SEC. 506. APPLICATION FOR APPROVAL OF LOCAL FLEXIBILITY PLAN.

(a) IN GENERAL.—A local government may submit to the Flexibility Council in accordance with this section an application for approval of a local flexibility plan.

(b) CONTENTS OF APPLICATION.—An application submitted under this section shall include—

(1)(A) a proposed local flexibility plan that complies with subsection (c); or

(B) a strategic plan submitted in application for designation as an enterprise community or an empowerment zone under section 1391 of the Internal Revenue Code of 1986;

(2) certification by the chief executive of the local government, and such additional assurances as may be required by the Flexibility Council, that—

(A) the local government has the ability and authority to implement the proposed plan, directly or through contractual or other arrangements, throughout the geographic area in which the proposed plan is intended to apply; and

(B) amounts are available from non-Federal sources to pay the non-Federal share of all covered Federal financial assistance programs included in the proposed plan; and

(3) any comments on the proposed plan submitted under subsection (d) by the Governor of the State in which the local government is located;

(4) public comments on the plan including the transcript of at least 1 public hearing and comments of the appropriate community advisory committee established under section 509; and

(5) other relevant information the Flexibility Council may require to approve the proposed plan.

(c) CONTENTS OF PLAN.—A local flexibility plan submitted by a local government under this section shall include—

(1) the geographic area to which the plan applies and the rationale for defining the area;

(2) the particular groups of individuals, by service needs, economic circumstances, or other defining factors, who shall receive services and benefits under the plan;

(3)(A) specific goals and measurable performance criteria, a description of how the plan is expected to attain those goals and criteria;

(B) a description of how performance shall be measured; and

(C) a system for the comprehensive evaluation of the impact of the plan on participants, the community, and program costs;

(4) the eligible Federal financial assistance programs to be included in the plan as covered Federal financial assistance programs and the specific benefits that shall be provided under the plan under such programs, including—

(A) criteria for determining eligibility for benefits under the plan;

(B) the services available;

(C) the amounts and form (such as cash, in-kind contributions, or financial instruments) of nonservice benefits; and

(D) any other descriptive information the Flexibility Council considers necessary to approve the plan;

(5) except for the requirements under section 508(b)(3), any Federal statutory or regulatory requirement applicable under a covered Federal financial assistance program included in the plan, the waiver of which is necessary to implement the plan;

(6) fiscal control and related accountability procedures applicable under the plan;

(7) a description of the sources of all non-Federal funds that are required to carry out covered Federal financial assistance programs included in the plan;

(8) written consent from each qualified organization for which consent is required under section 506(b)(2); and

(9) other relevant information the Flexibility Council may require to approve the plan.

(d) PROCEDURE FOR APPLYING.—(1) To apply for approval of a local flexibility plan, a local government shall submit an application in accordance with this section to the Governor of the State in which the local government is located.

(2) A Governor who receives an application from a local government under paragraph (1) may, by no later than 30 days after the date of that receipt—

(A) prepare comments on the proposed local flexibility plan included in the application;

(B) describe any State laws which are necessary to waive for successful implementation of a local plan; and

(C) submit the application and comments to the Flexibility Council.

(3) If a Governor fails to act within 30 days after receiving an application under paragraph (2), the applicable local government may submit the application to the Flexibility Council.

SEC. 507. REVIEW AND APPROVAL OF LOCAL FLEXIBILITY PLANS.

(a) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a local flexibility plan under this title, the Flexibility Council shall—

(1) approve or disapprove all or part of the plan within 45 days after receipt of the application;

(2) notify the applicant in writing of that approval or disapproval by not later than 15 days after the date of that approval or disapproval; and

(3) in the case of any disapproval of a plan, include a written justification of the reasons for disapproval in the notice of disapproval sent to the applicant.

(b) APPROVAL.—(1) The Flexibility Council may approve a local flexibility plan for which an application is submitted under this title, or any part of such a plan, if a majority of members of the Council determines that—

(A) the plan or part shall improve the effectiveness and efficiency of providing benefits under covered Federal programs included in the plan by reducing administrative inflexibility, duplication, and unnecessary expenditures;

(B) the applicant local government has adequately considered, and the plan or part of the plan appropriately addresses, any effect that administration of each covered Federal program under the plan or part of the plan shall have on administration of the other covered Federal programs under that plan or part of the plan;

(C) the applicant local government has or is developing data bases, planning, and evaluation processes that are adequate for implementing the plan or part of the plan;

(D) the plan shall more effectively achieve Federal financial assistance goals at the local level and shall better meet the needs of local citizens;

(E) implementation of the plan or part of the plan shall adequately achieve the purposes of this title and of each covered Federal financial assistance program under the plan or part of the plan;

(F) the plan and the application for approval of the plan comply with the requirements of this title;

(G) the plan or part of the plan is adequate to ensure that individuals and families that receive benefits under covered Federal financial assistance programs included in the plan or part shall continue to receive benefits that meet the needs intended to be met under the program; and

(H) the local government has—

(i) waived the corresponding local laws necessary for implementation of the plan; and

(ii) sought any necessary waivers from the State.

(2) The Flexibility Council may not approve any part of a local flexibility plan if—

(A) implementation of that part would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under covered Federal financial assistance programs included in that part, over the amounts of such obligations and outlays that would occur under those programs without implementation of the part; or

(B) in the case of a plan or part that applies to assistance to a qualified organization under an eligible Federal financial assistance program, the qualified organization does not consent in writing to the receipt of that assistance in accordance with the plan.

(3) The Flexibility Council shall disapprove a part of a local flexibility plan if a majority of the Council disapproves that part of the plan based on a failure of the part to comply with paragraph (1).

(4) In approving any part of a local flexibility plan, the Flexibility Council shall specify the period during which the part is effective. An approved local flexibility plan shall not be effective after the date of the termination of effectiveness of this title under section 513.

(5) Disapproval by the Flexibility Council of any part of a local flexibility plan submitted by a local government under this title shall not affect the eligibility of a local government, a qualified organization, or any individual for benefits under any Federal program.

(c) MEMORANDA OF UNDERSTANDING.—(1) The Flexibility Council may not approve a part of a local flexibility plan unless each local government and each qualified organization that would receive financial assistance under the plan enters into a memorandum of understanding under this subsection with the Flexibility Council.

(2) A memorandum of understanding under this subsection shall specify all understandings that have been reached by the Flexibility Council, the local government, and each qualified organization that is subject to a local flexibility plan, regarding the approval and implementation of all parts of a local flexibility plan that are the subject of the memorandum, including understandings with respect to—

(A) all requirements under covered Federal financial assistance programs that are to be waived by the Flexibility Council under section 508(b);

(B)(i) the total amount of Federal funds that shall be provided as benefits under or used to administer covered Federal financial assistance programs included in those parts; or

(ii) a mechanism for determining that amount, including specification of the total amount of Federal funds that shall be provided or used under each covered Federal financial assistance program included in those parts;

(C) the sources of all non-Federal funds that shall be provided as benefits under or used to administer those parts;

(D) measurable performance criteria that shall be used during the term of those parts to determine the extent to which the goals and performance levels of the parts are achieved; and

(E) the data to be collected to make that determination.

(d) LIMITATION ON CONFIDENTIALITY REQUIREMENTS.—The Flexibility Council may not, as a condition of approval of any part of a local flexibility plan or with respect to the implementation of any part of an approved local flexibility plan, establish any confidentiality requirement that would—

(1) impede the exchange of information needed for the design or provision of benefits under the parts; or

(2) conflict with law.

SEC. 508. IMPLEMENTATION OF APPROVED LOCAL FLEXIBILITY PLANS; WAIVER OF REQUIREMENTS.

(a) PAYMENTS AND ADMINISTRATION IN ACCORDANCE WITH PLAN.—Notwithstanding any other law, any benefit that is provided under a covered Federal financial assistance program included in an approved local flexibility plan shall be paid and administered in the manner specified in the approved local flexibility plan.

(b) WAIVER OF REQUIREMENTS.—(1) Notwithstanding any other law and subject to paragraphs (2) and (3), the Flexibility Council may waive any requirement applicable under Federal law to the administration of, or provision of benefits under, any covered Federal assistance program included in an approved local flexibility plan, if that waiver is—

(A) reasonably necessary for the implementation of the plan; and

(B) approved by a majority of members of the Flexibility Council.

(2) The Flexibility Council may not waive a requirement under this subsection unless the Council finds that waiver of the requirement shall not result in a qualitative reduction in services or benefits for any individual or family that is eligible for benefits under a covered Federal financial assistance program.

(3) The Flexibility Council may not waive any requirement under this subsection—

(A) that enforces any constitutional or statutory right of an individual, including any right under—

(i) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(ii) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(iii) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(iv) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); or

(v) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) for payment of a non-Federal share of funding of an activity under a covered Federal financial assistance program; or

(C) for grants received on a maintenance of effort basis.

(c) SPECIAL ASSISTANCE.—To the extent permitted by law, the head of each Federal agency shall seek to provide special assistance to a local government or qualified organization to support implementation of an approved local flexibility plan, including expedited processing, priority funding, and technical assistance.

(d) EVALUATION AND TERMINATION.—(1) A local government, in accordance with regulations issued by the Flexibility Council, shall—

(A) submit such reports on and cooperate in such audits of the implementation of its approved local flexibility plan; and

(B) periodically evaluate the effect implementation of the plan has had on—

(i) individuals who receive benefits under the plan;

(ii) communities in which those individuals live; and

(iii) costs of administering covered Federal financial assistance programs included in the plan.

(2) No later than 90 days after the end of the 1-year period beginning on the date of the approval by the Flexibility Council of an approved local flexibility plan of a local government, and annually thereafter, the local government shall submit to the Flexibility Council a report on the principal activities and achievements under the plan during the period covered by the report, comparing those achievements to the goals and performance criteria included in the plan under section 506(c)(3).

(3)(A) The Flexibility Council may terminate the effectiveness of an approved local flexibility plan, if the Flexibility Council, after consultation with the head of each Federal agency responsible for administering a covered Federal financial assistance program included in such, determines—

(i) that the goals and performance criteria included in the plan under section 506(c)(3) have not been met; and

(ii) after considering any experiences gained in implementation of the plan, that those goals and criteria are sound.

(B) In terminating the effectiveness of an approved local flexibility plan under this paragraph, the Flexibility Council shall allow a reasonable period of time for appropriate Federal, State, and local agencies and qualified organizations to resume administration of Federal programs that are covered Federal financial assistance programs included in the plan.

(e) FINAL REPORT; EXTENSION OF PLANS.—(1) No later than 45 days after the end of the effective period of an approved local flexibility plan of a local government, or at any time that the local government determines that the plan has demonstrated its worth, the local government shall submit to the Flexibility Council a final report on its implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under those programs.

(2) The Flexibility Council may extend the effective period of an approved local flexibility plan for such period as may be appropriate, based on the report of a local government under paragraph (1).

SEC. 509. COMMUNITY ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—A local government that applies for approval of a local flexibility plan under this title shall establish a community advisory committee in accordance with this section.

(b) FUNCTIONS.—A community advisory committee shall advise a local government in the development and implementation of its local flexibility plan, including advice with respect to—

(1) conducting public hearings; and

(2) reviewing and commenting on all community policies, programs, and actions under the plan which affect low income individuals and families, with the purpose of ensuring maximum coordination and responsiveness of the plan in providing benefits under the plan to those individuals and families.

(c) MEMBERSHIP.—The membership of a community advisory committee shall—

(1) consist of—

(A) persons with leadership experience in the private and voluntary sectors;

(B) local elected officials;

(C) representatives of participating qualified organizations; and

(D) the general public; and

(2) include individuals and representatives of community organizations who shall help to enhance the leadership role of the local government in developing a local flexibility plan.

(d) OPPORTUNITY FOR REVIEW AND COMMENT BY COMMITTEE.—Before submitting an application for approval of a final proposed local flexibility plan, a local government shall submit the final proposed plan for review and comment by a community advisory committee established by the local government.

(e) COMMITTEE REVIEW OF REPORTS.—Before submitting annual or final reports on an approved Federal assistance plan, a local government or private nonprofit organization shall submit the report for review and comment to the community advisory committee.

SEC. 510. TECHNICAL AND OTHER ASSISTANCE.

(a) TECHNICAL ASSISTANCE.—(1) The Flexibility Council may provide, or direct that the head of a Federal agency provide, technical assistance to a local government or qualified organization in developing information necessary for the design or implementation of a local flexibility plan.

(2) Assistance may be provided under this subsection if a local government makes a request that includes, in accordance with requirements established by the Flexibility Council—

(A) a description of the local flexibility plan the local government proposes to develop;

(B) a description of the groups of individuals to whom benefits shall be provided under covered Federal assistance programs included in the plan; and

(C) such assurances as the Flexibility Council may require that—

(i) in the development of the application to be submitted under this title for approval of the plan, the local government shall provide adequate opportunities to participate to—

(I) individuals and families that shall receive benefits under covered Federal financial assistance programs included in the plan; and

(II) governmental agencies that administer those programs; and

(ii) the plan shall be developed after considering fully—

(I) needs expressed by those individuals and families;

(II) community priorities; and

(III) available governmental resources in the geographic area to which the plan shall apply.

(b) DETAILS TO COUNCIL.—At the request of the Flexibility Council and with the approval of an agency head who is a member of the Council, agency staff may be detailed to the Flexibility Council on a nonreimbursable basis.

SEC. 511. FLEXIBILITY COUNCIL.

(a) FUNCTIONS.—The Flexibility Council shall—

(1) receive, review, and approve or disapprove local flexibility plans for which approval is sought under this title;

(2) upon request from an applicant for such approval, direct the head of an agency that administers a covered Federal financial assistance program under which substantial Federal financial assistance would be provided under the plan to provide technical assistance to the applicant;

(3) monitor the progress of development and implementation of local flexibility plans;

(4) perform such other functions as are assigned to the Flexibility Council by this title; and

(5) issue regulations to implement this title within 180 days after the date of its enactment.

(b) REPORTS.—No less than 18 months after the date of the enactment of this Act, and annually thereafter, the Flexibility Council shall submit a report on the 5 Federal regulations that are most frequently waived by the Flexibility Council for local governments with approved local flexibility plans to the President and the Congress. The President shall review the report and determine whether to amend or terminate such Federal regulations.

SEC. 512. REPORT.

No later than 54 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress, a report that—

(1) describes the extent to which local governments have established and implemented approved local flexibility plans;

(2) evaluates the effectiveness of covered Federal assistance programs included in approved local flexibility plans; and

(3) includes recommendations with respect to local flexibility.

SEC. 513. CONDITIONAL TERMINATION.

This title is repealed on the date that is 5 years after the date of the enactment of this Act unless extended by the Congress through the enactment of the resolution described under section 514.

SEC. 515. JOINT RESOLUTION FOR THE CONTINUATION AND EXPANSION OF LOCAL FLEXIBILITY PROGRAMS.

(a) DESCRIPTION OF RESOLUTION.—A resolution referred to under section 513 is a joint resolution the matter after the resolving clause is as follows: "That Congress approves the application of local flexibility plans to all local governments in the United States in accordance with the Local Empowerment and Flexibility Act of 1995, and that—

"(1) if the provisions of such Act have not been repealed under section 513 of such Act, such provisions shall remain in effect; and

"(2) if the repeal under section 513 of such Act has taken effect, the provisions of such Act shall be effective as though such provisions had not been repealed.".

(b) INTRODUCTION.—No later than 30 days after the transmittal by the Comptroller General of the United States to the Congress of the report required in section 512, a resolution as described under subsection (a) shall be introduced in the Senate by the chairman of the Committee on Governmental Affairs, or by a Member or Members of the Senate designated by such chairman, and shall be introduced in the House of Representatives by the Chairman of the Committee on Government Operations, or by a Member or Members of the House of Representatives designated by such chairman.

(c) REFERRAL.—A resolution as described under subsection (a) shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives. The committee shall make its recommendations to the Senate or House of Representatives within 30 calendar days of the date of such resolution's introduction.

(d) DISCHARGE FROM COMMITTEE.—If the committee to which a resolution is referred has not reported such resolution at the end of 30 calendar days after its introduction, that committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) VOTE ON FINAL PASSAGE.—When the committee has reported or has been deemed to be discharged from further consideration of a resolution described under subsection (a), it is at any time thereafter in order for any Member of the respective House to move to proceed to the consideration of the resolution.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

HOLLINGS AMENDMENT NO. 182

Mr. HOLLINGS proposed an amendment to the bill, S. 1, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET

It is the sense of the Senate—

(A) that the Congress should move to eliminate the biggest unfunded mandate—interest on the national debt, which drives the increasing federal burden on state and local governments, and

(B) that prior to adopting in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced budget—

(1) the Congress set forth specific outlay and revenue changes to achieve a balanced federal budget by the year 2002; and

(2) enforce through the Congressional budget process the requirement to achieve a balanced federal budget by the year 2002.

GRAHAM AMENDMENT NO. 183

Mr. GRAHAM proposed an amendment to the bill S. 1, supra; as follows:

On page 16, between lines 12 and 13, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government.

Mr. GRAHAM. Mr. President, I rise today to offer a technical, yet extremely important, amendment to S. 1. My amendment would require committees that choose to pay for their public sector legislative mandates to report as to "how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government."

If the Congress chooses to pay for its mandates, and I believe the strong presumption should be that it do so, certainly the intent of this bill would be to have the funding reach those State, local, and tribal governments that will be impacted by the mandate rather than allocate funding State, local, and tribal governments through a random or arbitrary process.

For example, if a mandate is imposed on local school districts, it would make more sense to ensure the money reaches local school districts rather than to State education agencies. If a mandate were to have an impact on State and local government in rural areas, it would make little sense to allocate the funding to our Nation's cities.

On the other hand, if a mandate were to specifically impact the cities of our country such as Philadelphia, Seattle, Louisville, Baltimore, Houston, and New York City, why would funding be allocated to the State capitals of Harrisburg, Olympia, Frankfort, Annapolis, Austin, or Albany? To do the latter would undermine the entire purpose of this bill. While Governors Ridge, Lowry, Jones, Glendening, Bush, and Pataki might love to receive such a windfall to their State budgets, the cities could very well receive the mandate but none or very little of the funding. In fact, to pay for the mandate, the committee may very well have eliminated a Federal aid program in which cities are largely the recipient. As a result, the cities could have Federal funding cut and also receive an unfunded mandate.

In such a case, Congress may have had great intentions in funding the mandate but fail miserably in actually achieving such a worthy goal. Mayors, Governors, or whomever receives the hard mandate but phantom funds will be far angrier at the Congress than they ever were before we passed this legislation. Certainly such circumstances would undermine both this bill and our Nation's system of intergovernmental relations.

Mr. President, I am a cosponsor of this legislation and fully intend to vote in favor of its passage. Some may argue that asking the committee to review and report how and whether its allocations are made in a reasonably consistent manner with the expected costs is unnecessary. They might argue that the various committees will do the right thing and accurately distribute funding.

Based on the Congress' track record of both unfunded mandates and outdated formula allocations, more attention needs to be placed on both areas by Congress. While we have heard over the last week about problems with unfunded mandates, no attention has occurred or been placed on how the Federal Government will go about compensating State, local, and tribal governments. However, as noted before, such attention is critical and fundamental to the success of this legislation.

To give you just one example, what if last year's crime bill had a requirement that all States must implement mandatory drug testing and treatment of all its imprisoned felons?

If the committee or the Congressional Budget Office were to anticipate increased numbers of imprisoned felons over a period of time and therefore increased costs over a period of years, would the funding allocation reflect the anticipated growth in the individual States? It not, what would be the impact on the budgets and policy implications for States that actively attempt to put and keep violent criminals behind bars and off the streets of this Nation? The law of unintended consequences would arise. In an attempt to get people off of drugs and squelch their propensity to commit crimes by mandating drug testing and treatment, the funding formula could effectively have the contrary effect for unfairly impacted States.

And finally and most importantly, what if the funding formulas are arbitrary or fail to allocate funding in a manner reasonably consistent with expected costs? I offer this specific example because, in last year's crime bill, the allocation formula for "Residential Substance Abuse Treatment for Prisoners" effectively allocated to some States substantially more dollars per inmate than to other States. Without compelling evidence that the former States prison inmates are more drug addicted or expensive to treat, such a formula makes no sense.

If this were to happen in a circumstance of funding a mandate rather than a block grant, the impact could be devastating. To have a partially funded mandate imposed on some States while others receive several times the funding in comparison to the cost of its mandate would undermine the intent of this legislation. While funding formulas for block grants are important and should always strive to be as fair as possible, it is imperative they be consistent with the intergovernmental location and scale when funding mandates, if we are at all concerned with achieving the stated intent of this legislation.

As a result, while my amendment would not require "fair" formulas to be established, it would require the committee to consider and explain the allocation formulas established to pay for the public sector unfunded mandates in their committee reports. Due to the importance of such allocations and need for thorough consideration by both the committees and Congress, I urge this amendment's adoption.

GRAHAM AMENDMENT NO. 184

Mr. GRAHAM proposed an amendment to the bill S. 1, supra; as follows:

On page 6, strike line 3 and all that follows through line 10, and insert the following:

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the exercise of powers relating to immigration that are the responsibility or under the authority of the Federal Government and whose reduction or elimination would result in a shifting of the costs of addressing immigration expenses to the States, local governments, and tribal governments; or

Mr. GRAHAM. Mr. President, I want to first reaffirm my support for the objectives to S. 1 and look forward to voting for it on final passage. Many of my colleagues have discussed at length the financial impact that mandates have on their individual States or localities. I would add that mandates tie the hands of or effectively displace the priorities of political leaders in State and local government. As Office of Management and Budget Director Alice Rivlin wrote in her book entitled "Reviving the American Dream,"

> The Federal Government's own weakness has not made it any less eager to tell States

> and localities what to do. Indeed, when its ability to make grants declined, the Federal Government turned increasingly to mandates as a way of controlling state and local activity without having to pay the bill.

Furthermore, unfunded mandates create a situation whereby voters cannot accurately ascertain where responsibility lies for certain Government actions. As Rivlin adds,

> Mandates add to citizen confusion about who is in charge. When the Federal Government makes rules for State and local officials to carry out, whether or not they have the resources to do so, it is not clear to voters who should be blamed, either when the regulations are laxly enforced or when the cost of compliance is high.

As a result, I strongly support this legislation and offer the following amendment with Senators MACK, BRYAN, and BOXER to close an important loophole in the bill with respect to immigration and its impact on State and local government.

My amendment would require Congress to recognize and address the cost shift to State and local governments for any action on the floor that would delete or preempt the authorization of any Federal reimbursement program for immigration costs, such as in the Criminal Aliens Federal Responsibility Act. The amendment does not address funding levels for such programs in appropriations bills or address past immigration-related costs absorbed by State and local governments.

However, the amendment would place immigration reimbursement programs in the same circumstance as Medicaid, the social services block grant, the Vocational Rehabilitation State Grants Program, child nutrition, and three other Federal programs. In this bill, if any of these programs are financially capped or the Federal Government's responsibility to provide funding to State and local government is reduced and State and local government lack the authority to amend their financial or programmatic responsibilities, then such an action would trigger the definition of an unfunded mandate in the bill.

These are precisely the circumstances relating to immigration reimbursement programs such as the Criminal Aliens Federal Responsibility Act. As you will recall, the Criminal Aliens Federal Responsibility Act was successfully included in the crime bill last session by a bipartisan group of Senators in an effort to have the Federal Government address its responsibility for immigration and the costs imposed on States and localities of incarcerating criminal aliens.

According to a recent report by the Urban Institute, more than 21,000 criminal illegal immigrants are incarcerated in U.S. prisons at an annual cost of $471 million. Educating undocumented immigrants is even more costly. More than 640,000 undocumented children are enrolled in primary and secondary schools in the United States at a cost of $3.1 billion a year.

In a policy brief from the Governor's office this week on the impact of unfunded mandates to the State of Florida, it is estimated that State costs relating to illegal aliens including education, emergency health care, prosecution and incarceration of criminal aliens and public infrastructure. In fiscal year 1993 this unfunded mandate cost the State of Florida $884 million.

An elimination of the authorization of such program would clearly reduce the Federal Government's responsibility to provide funding to State and local governments, while those entities have virtually no authority or ability to amend their financial or programmatic responsibilities.

In a letter to the Congress last year, the National Governors' Association wrote,

> The Nation's governors have been in strong agreement that immigration policy must be based on Federal responsibility and fairness to State and local governments. As you well know, immigration policy is solely a Federal concern. Yet Federal law mandates the States to provide emergency health care and education to undocumented immigrants who reside in our States. State governments also are forced to pay for the costs of incarcerating undocumented alien criminals.

Immigration is clearly much more like mandatory or entitlement programs such as Medicaid than other discretionary programs such as transportation and housing. State and local governments do not have the discretion to amend or restrict their financial obligations for mandatory or entitlement programs.

In fact, I would argue that the status of unreimbursed Federal immigration-related costs as an unfunded mandate is actually stronger than that of programs such as Medicaid because the Federal Government's plenary role and responsibility for immigration and border control is unchallenged. In Traus versus Raich, the Supreme Court ruled in 1915 that "[t]he authority to control immigration—to admit or exclude aliens—is vested solely in the Federal Government." States cannot make treaties, hire border patrol, establish naturalization policy or even set much in the way of policy with respect to providing services to illegal immigrants. Border protection and immigration are clearly Federal obligations.

The implications of my amendment would be to allow Members of Congress to raise a point or order against legislation that would reduce or eliminate the authorization of Federal immigration reimbursement programs.

For example, if legislation were introduced that imposes a Federal mandate that the Congressional Budget Office estimates to cost State and local governments $350 million, the author of the bill could attempt to offset such costs by eliminating the authorization for the Criminal Aliens Federal Responsibility Act. Such an action would effectively pay for a federally imposed Federal mandate by shifting the full costs and responsibility for incarcerating criminal aliens to State and local governments. Such a circumstance would certainly run counter to the intent of S. 1. My amendment would clarify this loophole and allow a point of order to be raised for creating yet another unfunded mandate.

As a result, I urge the amendment's adoption.

Mr. MACK. Mr. President, it has consistently been my position that the Federal Government must assume greater responsibility for the costs associated with immigration, both legal and illegal. My colleague from Florida has offered an amendment which recognizes the problem of immigration costs as an unfunded mandate, and I believe this amendment is a positive addition to the bill. Absent this amendment, S. 1 categorizes only a select few immigration costs as unfunded mandates and ignores the myriad other expenses which accrue to the States, such as education and incarceration costs. These expenses and many others would not be borne by the States. Only because the Federal Government has failed to fulfill their duty to enforce our immigration laws is this amendment necessary. I urge the adoption of the Graham amendment as an essential step in recognizing the burdens which the Federal Government's policy of abdication and default has placed upon the backs of the States.

WELLSTONE AMENDMENT NO. 185

Mr. WELLSTONE proposed an amendment to the bill, S. 1, supra; as follows:

> At the appropriate place, insert the following: ( ) it is the sense of the Congress that the Congress shall continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balance-budget amendment, must accompany it with financial information on its impact on the budget of each of the States.

WELLSTONE AMENDMENT NO. 186

Mr. WELLSTONE proposed an amendment to amendment No. 185 proposed by him to the bill S. 1, supra; as follows:

> Strike all after "( ) It" and insert the following: "the sense of the Congress that the Congress should continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balance-budget amendment, should accompany it with financial information on its impact on the budget of each of the States."

MURRAY AMENDMENTS NOS. 187–188

Mrs. MURRAY proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 187

> At the appropriate place in the bill, insert the following: The provisions of this Act and

the amendments made by this Act also shall not apply to any agreement between the Federal Government and a State, local, or tribal government, or the private sector for the purpose of carrying out environmental restoration or waste management activities of the Department of Defense or the Department of Energy.

AMENDMENT NO. 188

On page 21, insert between lines 13 and 14 the following new paragraph:

"(2) TIME LIMITATIONS FOR STATEMENTS.—(A) The Director of the Congressional Budget Office shall provide the statement as required by this section—

"(i) relating to a bill or resolution ordered reported by a committee, no later than one week after the date on which the bill or resolution is ordered reported by the committee; and

"(ii) relating to an amendment or conference report, no later than one day after the date on which the amendment is offered or the conference report is submitted.

"(B) Failure by the Director to meet the time limitations in subparagraph (A) of this paragraph shall vitiate the provisions of subsection (c)(1)(A) of this section.

GRAHAM AMENDMENT NO. 189

Mr. GRAHAM proposed an amendment to the bill, S. 1, supra; as follows:

On page 33, strike lines 10 through 12 and insert the following:

This title shall take effect on the date of enactment of this Act, and shall apply to legislation considered on and after such date.

HARKIN AMENDMENT NO. 190

Mr. HARKIN proposed an amendment to the bill, S. 1, supra; as follows:

On page 50, add after line 6 the following new title:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

(a) FINDINGS.—The Senate finds that—

(1) social security is a contributory insurance program supported by deductions from workers' earnings and matching contributions from their employers that are deposited into an independent trust fund;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) without social security an additional 15,000,000 Americans, mostly senior citizens, would be thrown into poverty;

(6) 138,000,000 American workers participate in the social security system and are insured in case of retirement, disability, or death;

(7) social security is a contract between workers and the Government;

(8) social security is a self-financed program that is not contributing to the current Federal budget deficit; in fact, the social security trust funds currently have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(9) this surplus is necessary to pay monthly benefits for current and future beneficiaries;

(10) recognizing that social security is a self-financed program, Congress took social security completely "off-budget" in 1990; however, unless social security is explicitly excluded from a balanced budget amendment to the United States Constitution, such an amendment would, in effect, put the program back into the Federal budget by referring to all spending and receipts in calculating whether the budget is in balance;

(11) raiding the social security trust funds to reduce the Federal budget deficit would be devastating to both current and future beneficiaries and would further undermine confidence in the system among younger workers;

(12) the American people in poll after poll have overwhelmingly rejected cutting social security benefits to reduce the Federal deficit and balance the budget; and

(13) social security beneficiaries throughout the nation are gravely concerned that their financial security is in jeopardy because of possible social security cuts and deserve to be reassured that their benefits will not be subject to cuts that would likely be required should social security not be excluded from a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is a sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal budget is in balance.

BINGAMAN AMENDMENT NO. 191

Mr. BINGAMAN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, add after line 25 the following new section:

"(4) DETERMINATION BY REPORTING COMMITTEE OF APPLICABILITY TO PENDING LEGISLATION.—Notwithstanding any provision of paragraph (1)(B), it shall always be in order to consider a bill, resolution, or conference report if such report includes a determination by the reporting committee that the pending measure is needed to serve a compelling national interest that furthers the public health, safety, or welfare.

BINGAMAN AMENDMENT NO. 192

Mr. BINGAMAN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, add after line 25, the following new section:

(4) APPLICATION TO REQUIREMENTS RELATING TO THE TREATMENT AND DISPOSAL OF RADIOACTIVE WASTE.—Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to a requirement for the treatment or disposal of—

(A) high-level radioactive waste, low-level radioactive waste, or spent nuclear fuel (as such terms are defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)); or

(B) byproduct material or transuranic waste (as such terms are defined in section 11 of the Atomic Energy Act of 1954, (42 U.S.C. 2014)).

KOHL AMENDMENT NO. 193

Mr. KOHL proposed an amendment to the bill, S. 1, supra; as follows:

At the end of title I, insert the following:

Nothing in this Act, shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution amendment, motion, or conference report from consideration for Federal funding for the cost of the mandate, including the costs the State local or tribal government is currently paying and any additional costs necessary to meet the mandate.

BINGAMAN AMENDMENT NO. 194

Mr. BINGAMAN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, add after line 25, the following new section:

(4) APPLICATION TO PROVISIONS RELATING TO OR ADMINISTRATED BY INDEPENDENT REGULATORY AGENCIES.—

Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision relates to or will be administered by any independent regulatory agency.

GLENN AMENDMENT NO. 195

Mr. GLENN proposed an amendment to the bill S. 1, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Mandate Accountability and Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate before the Senate votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instances;

(5) to establish a point-of-order vote on the consideration in the Senate of legislation containing significant Federal mandates; and

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL INTERGOVERNMENTAL MANDATE.—The term "Federal intergovernmental mandate" means—

(A) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that—

(i) would impose a duty upon States, local governments, or tribal governments that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty; or

(B) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority (as defined in section 3(9) of the Congressional Budget Act of 1974 (2 U.S.C. 622(9))), if—

(i)(I) the bill or joint resolution or regulation would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the bill or joint resolution or regulation.

(2) FEDERAL PRIVATE SECTOR MANDATE.—The term "Federal private sector mandate" means any provision in a bill or joint resolution before Congress that—

(A) would impose a duty upon the private sector that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program); or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of complying with any such duty.

(3) FEDERAL MANDATE.—The term "Federal mandate" means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

(4) DIRECT COSTS.—

(A) FOR A FEDERAL INTERGOVERNMENTAL MANDATE.—In the case of a Federal intergovernmental mandate, the term "direct costs" means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate, or, in the case of a bill or joint resolution referred to in paragraph (1)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) FOR A FEDERAL PRIVATE SECTOR MANDATE.—In the case of a Federal private sector mandate, the term "direct costs" means the aggregate amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate.

(C) NOT INCLUDED.—The term "direct costs" does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations adopted before the adoption of the Federal mandate; or

(II) to continue to carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities established at the time of adoption of the Federal mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) ASSUMPTION.—Direct costs shall be determined on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations.

(5) AMOUNT OF AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL FINANCIAL ASSISTANCE.—The term "amount" with respect to an authorization of appropriations for Federal financial assistance means—

(A) the amount of budget authority (as defined in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A))) of any Federal grant assistance; and

(B) the subsidy amount (as defined as "cost" in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(a))) of any Federal program providing loan guarantees or direct loans.

(6) PRIVATE SECTOR.—The term "private sector" means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

(7) OTHER DEFINITIONS.—

(A) AGENCY.—The term "agency" has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(B) DIRECTOR.—The term "Director" means the Director of the Congressional Budget Office.

(C) LOCAL GOVERNMENT.—The term "local government" has the same meaning as in section 6501(6) of title 31, United States Code.

(D) REGULATION OR RULE.—The term "regulation" or "rule" has the meaning of "rule" as defined in section 601(2) of title 5, United States Code.

(E) SMALL GOVERNMENT.—The term "small government" means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

(F) STATE.—The term "State" has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of any of them;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as he may reasonably request to assist him in performing his responsibilities under this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) COMMITTEE REPORT.—

(1) REGARDING FEDERAL MANDATES.—

(A) IN GENERAL.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character that includes any Federal mandate, the committee shall issue a report to accompany the bill or joint resolution containing the information required by subparagraphs (B) and (C).

(B) REPORTS ON FEDERAL MANDATES.—Each report required by subparagraph (A) shall contain—

(i) an identification and description, prepared in consultation with the Director, of any Federal mandates in the bill or joint resolution, including the expected direct costs to States, local governments, and tribal governments, and to the private sector, required to comply with the Federal mandates; and

(ii) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the enhancement of health and safety and the protection of the natural environment).

(C) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required by subparagraph (A) shall also contain—

(i)(I) a statement of the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to the Federal intergovernmental mandates; and

(II) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention;

(ii) any existing sources of Federal assistance in addition to those identified in clause (i) that may assist States, local governments, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(iii) an identification of one or more of the following: reductions in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified clause (i)(I)).

(2) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) IN GENERAL.—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 102(c), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available soon enough to be included in the printed report.

(2) IF NOT INCLUDED.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 102. DUTIES OF THE DIRECTOR.

(a) STUDIES.—

(1) PROPOSED LEGISLATION.—As early as practicable in each new Congress, any committee of the House of Representatives or the Senate which anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on States, local governments, or tribal governments, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall request that the Director initiate a study of the proposed legislation in order to develop information that may be useful in analyzing the costs of any Federal mandates that may be included in the proposed legislation.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Director shall—

(A) solicit and consider information or comments from elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and such other persons as may provide helpful information or comments;

(B) consider establishing advisory panels of elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and other persons if the Director determines, in the Director's discretion, that such advisory panels would be helpful in performing the Director's responsibilities under this section; and

(C) consult with the relevant committees of the House of Representatives and of the Senate.

(b) CONSULTATION.—The Director shall, at the request of any committee of the House of Representatives or of the Senate, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(1) a significant budgetary impact on State, local, or tribal governments; or

(2) a significant financial impact on the private sector.

(c) STATEMENTS ON NONAPPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will not equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(ii) ESTIMATES.—The estimate required by clause (i) shall include—

(I) estimates (and brief explanations of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates;

(II) estimates, if and to the extent that the Director determines that accurate estimates are reasonably feasible, of—

(aa) future direct costs of Federal intergovernmental mandates to the extent that they significantly differ from or extend beyond the 5-year time period referred to in clause (i); and

(bb) any disproportionate budgetary effects of Federal intergovernmental mandates and of any Federal financial assistance in the bill or joint resolution upon any particular regions of the country or particular States, local governments, tribal governments, or urban or rural or other types of communities; and

(III) any amounts appropriated in the prior fiscal year to fund the activities subject to the Federal intergovernmental mandate.

(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will not equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation by the Consumer Price Index) any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(ii) ESTIMATES.—Estimates required by this subparagraph shall include—

(I) estimates (and a brief explanation of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by the private sector for activities subject to the Federal private sector mandates;

(II) estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(aa) future costs of Federal private sector mandates to the extent that they differ significantly from or extend beyond the 5-year time period referred to in clause (i);

(bb) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(cc) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services; and

(III) any amounts appropriated in the prior fiscal year to fund activities subject to the Federal private sector mandate.

(C) FAILURE TO MAKE ESTIMATE.—If the Director determines that it is not reasonably feasible for him to make a reasonable estimate that would be required by subparagraphs (A) and (B) with respect to Federal private sector mandates, the Director shall not make the estimate, but shall report in his statement that the reasonable estimate cannot be reasonably made and shall include the reasons for that determination in the statement.

(3) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If the Director has prepared a statement that includes the determination described in paragraph (1)(B)(i) for a bill or joint resolution, and if that bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the language of a bill or joint resolution from the other House) or is reported by a committee of conference in an amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director prepare a supplemental statement for the bill or joint resolution. The requirements of section 103 shall not apply to the publication of any supplemental statement prepared under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Congressional Budget Office to carry out the provisions of this Act $6,000,000, for each of the fiscal years 1995, 1996, 1997, and 1998.

(e) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 103. POINT OF ORDER IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by any committee of authorization of the Senate unless, based upon a ruling of the presiding Officer—

(1) the committee has published a statement of the Director in accordance with section 101(c) prior to such consideration; and

(2) in the case of a bill or joint resolution containing Federal intergovernmental mandates, either—

(A) the direct costs of all Federal intergovernmental mandates in the bill or joint resolution are estimated not to equal or exceed $50,000,000 (adjusted annually for inflation by the Consumer Price Index) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, or

(B)(i) the amount of the increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates is at least equal to the estimated amount of direct costs of the Federal intergovernmental mandates; and

(ii) the committee of jurisdiction has identified in the bill or joint resolution one or more of the following: a reduction in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified in clause (i)).

(b) WAIVER.—The point of order under subsection (a) may be waived in the Senate by a majority vote of the Members voting (provided that a quorum is present) or by the unanimous consent of the Senate.

(c) AMENDMENT TO RAISE AUTHORIZATION LEVEL.—Notwithstanding the terms of subsection (a), it shall not be out of order pursuant to this section to consider a bill or joint resolution to which an amendment is proposed and agreed to that would raise the amount of authorization of appropriations to a level sufficient to satisfy the requirements of subsection (a)(2)(B)(i) and that would amend an identification referred to in subsection (a)(2)(B)(ii) to satisfy the requirements of that subsection, nor shall it be out of order to consider such an amendment.

SEC. 104. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, and 105 are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 105. EFFECTIVE DATE.

This title shall apply to bills and joint resolutions reported by committee on or after October 1, 1996.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, assess the effects of Federal regulations on States, local governments, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL GOVERNMENT, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (including their designated representatives) and other representatives of States, local governments, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) IN GENERAL.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input pursuant to subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION.—There are hereby authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandates that may result in the expenditure by States, local governments, or tribal governments, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to States, local governments, and tribal governments of complying with the Federal intergovernmental mandates, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of Federal intergovernmental mandates; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandates upon any particular regions of the country or particular States, local governments, tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandates (such as the enhancement of health and safety and the protection of the natural environment); and

(4)(A) a description of the extent of any input to the agency from elected representatives (including their designated representatives) of the affected States, local governments, and tribal governments and of other affected parties;

(B) a summary of the comments and concerns that were presented by States, local governments, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required by subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall collect from agencies the statements prepared under section 202 and periodically forward copies of them to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) In General.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) Program Focus.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—BASELINE STUDY

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of the Census, in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to States, local governments, and tribal governments of compliance with Federal law.

(b) Considerations.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to States, local governments and tribal governments.

(c) Authorization.—There are authorized to be appropriated to the Bureau of the Census to carry out the purposes of this title, and for no other purpose, $1,000,000 for each of the fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW; SUNSET

SEC. 401. JUDICIAL REVIEW.

Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review. The provisions of this Act shall not create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination under this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

SEC. 402. SUNSET.

This Act shall expire December 31, 1998.

KEMPTHORNE AMENDMENT NO. 196

Mr. KEMPTHORNE proposed an amendment to amendment No. 190 proposed by Mr. Harkin to the bill S. 1, supra; as follows:

Strike all after the word "That" and insert the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a "firewall" to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

(b) Sense of the Senate.—It is the sense of the Senate that any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

GLENN AMENDMENT NO. 197

Mr. GLENN proposed an amendment to the bill, S. 1, supra; as follows:

On page 21, strike beginning with line 16 through line 4 on page 22 and insert the following:

"(1) In general.—

"(A) Statement required for reported bill.—It shall not be in order in the Senate, after third reading or at any other time when no further amendments are in order, to consider any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration.

"(B) Legislation or threshold.—(i) It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report—

"(I) after third reading or at any other time when no further amendments are in order, if the enactment of such bill or resolution as amended; or

"(II) if such bill or resolution in the form recommended by such conference report differs from the bill or resolution as passed by the Senate, and if the enactment of such bill or resolution in the form recommended in such conference report,

would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless the conditions specified in clause (ii) are satisfied.

"(ii) The conditions referred to in clause (i) shall be satisfied if—

Redesignate the clause following accordingly.

McCAIN AMENDMENT NO. 198

Mr. McCAIN proposed an amendment to the bill S. 1, supra; as follows:

On page 25, strike lines 7 through 10, and insert the following:

"(3) Committee on Appropriations.—Paragraph (1)—

"(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

(B) shall apply to—

(i) Any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any bill or resolution reported by such Committee;

(ii) any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

(iii) any legislative provision increasing direct costs of a federal inter-governmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

(iv) any legislative provision increasing direct costs of a federal inter-governmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

(C) Upon a point of order being made by any Senator against any provision listed in Paragraph (3)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

LAUTENBERG AMENDMENT NO. 199

Mr. LAUTENBERG proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, line 5, strike out "or".

On page 13, line 8, strike out the period and insert in lieu thereof a semicolon and "or".

On page 13, insert between lines 8 and 9 the following new paragraph:

(7) limits exposure to known human (Group A) carcinogens, as defined in the Environmental Protection Agency's Risk Assessment Guidelines of 1986.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a markup session on the Commodity Futures Trading Commission reauthorizaton (S. 178). The markup will be held on Wednesday, February 1, 1995, at 9:30 in SR–332.

For further information, please contact Chuck Coner at 224–0005.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT ON THE STATE OF THE UNION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now proceed to House Concurrent Resolution 16, just received from the House, regarding the State of the Union Address; that the concurrent resolution be deemed agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 16) was agreed to.

Mr. DOLE. Mr. President, I understand that all these requests have been approved by the Democratic leadership.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–2

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance on Criminal Matters, treaty document No. 104–2, transmitted to the Senate by the President today; and ask the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 6, 1994, with a related exchange of notes signed the same date. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records, and evidence; (3) the service of legal documents; (4) the location or identification of persons; (5) the execution of requests for searches and seizures; and (6) the provision of assistance in proceedings relating to the forfeiture of the proceeds of crime and the collection of fines imposed as a sentence in a criminal prosecution.

I recommend that the Senate give early and favorable consideration to the Treaty, and related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995.*

AUTHORITY FOR JUDICIARY COMMITTEE TO FILE A REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the Judiciary Committee have until 8 p.m. on Tuesday, January 24, 1995, to file a report to accompany Senate Joint Resolution 1, the Constitutional balanced budget amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF A COMMITTEE TO ESCORT THE PRESIDENT

Mr. DOLE. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States to the House Chamber for the joint session to be held at 9 p.m. on January 24, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Tuesday, January 24, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each, with the following Senators to speak for up to the designated times: Senator GRASSLEY, 5 minutes; Senator ROTH, 5 minutes; and Senator CAMPBELL, 10 minutes.

I further ask unanimous consent that at 10 a.m. the Senate resume consideration of S. 1, the unfunded mandates bill, and that the Senate stand in recess between the hours of 12:30 to 2:15 p.m. for the weekly party luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, let me just explain to my colleagues that there will be five consecutive rollcall votes, beginning at 4 p.m. tomorrow, on or in relation to amendments to S. 1, the unfunded mandates bill. Additional votes are expected after this series of votes. Under the unanimous-consent agreement entered last week, Senators have until 3 p.m. Tuesday to offer their amendments.

As a reminder, Senators should assemble tomorrow in the Senate Chamber at 8:30 p.m. so we may proceed as a body at 8:35 p.m. to the Hall of the House of Representatives in order to hear an address by the President on the state of the Union.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. DOLE. Mr. President, if there is no further business to come before the Senate and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:24 p.m., recessed until Tuesday, January, 24, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 23, 1995:

THE JUDICIARY

JANET BOND ARTERTON, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE JOSE A. CABRANES, ELEVATED.

WILLIS B. HUNT, JR., OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE HORACE T. WARD, RETIRED.

SUSAN Y. ILLSTON, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE BARBARA A. CAULFIELD, RESIGNED.

CHARLES B. KORNMANN, OF SOUTH DAKOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE JOHN B. JONES, RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOHN L. BRYANT, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997, VICE HELMUTH J. NAUMER, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DALE W. THOMPSON, JR. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JERRY R. RUTHERFORD [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN A. LOCKARD [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

U.S. NAVAL RESERVE

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) KENNETH LEROY FISHEI [redacted]
REAR ADM. (LH) JOHN HENRY MCKINLEY, JR. [redacted]
REAR ADM. (LH) JOHN FRANCIS PADDOCK, JR [redacted]

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (LH) ROGER GEORGE GILBERTSON [redacted]

DENTAL CORPS OFFICER

To be rear admiral

REAR ADM. (LH) JAMES CONLEY YEARGIN [redacted]

SUPPLY CORPS OFFICER

To be rear admiral

REAR ADM. (LH) ROBERT CAMERON CRATES [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWERHALF) IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

U.S. NAVY

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LH) CHARLES STEVENSON ABBOT [redacted]
REAR ADM. (LH) MICHAEL LEE BOWMAN [redacted]
REAR ADM. (LH) FRANK MATTHEW DIRREN, JR. [redacted]
[redacted]
REAR ADM. (LH) MARSHA JOHNSON EVANS [redacted]
REAR ADM. (LH) HENRY COLLINS GIFFIN III [redacted]
REAR ADM. (LH) LEE FREDERIC GUNN [redacted]
REAR ADM. (LH) MICHAEL DONALD HASKINS [redacted]
REAR ADM. (LH) HENRY FRANCIS HERRERA [redacted]
REAR ADM. (LH) FRANCIS WILLIAM LACROI [redacted]
REAR ADM. (LH) THOMAS FLETCHER MARFIAK [redacted]
REAR ADM. (LH) RICHARD WILLARD MIES [redacted]
REAR ADM. (LH) ROBERT JOSEPH NATTEF [redacted]
REAR ADM. (LH) ROBERT MICHAEL NUTWELI [redacted]
REAR ADM. (LH) JAMES GREGORY PROUT II [redacted]
REAR ADM. (LH) JAMES REYNOLDS STARK [redacted]
REAR ADM. (LH) ROBERT SUTTON [redacted]
REAR ADM. (LH) JAY BRADFORD YAKELEY I [redacted]

ENGINEERNG DUTY OFFICER

To be rear admiral

REAR ADM. (LH) PAUL MATTHEW ROBINSON [redacted]

THE FOLLOWING-NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

U.S. NAVAL RESERVE

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. KENNETH PETER BARAUSKY [redacted]
CAPT. MARTIN EDWARD JANCZAK [redacted]
CAPT. PIERCE JARVIS JOHNSON [redacted]
CAPT. MICHAEL ROBERT SCOTT [redacted]

INTELLIGENCE OFFICER

To be real admiral (lower half)

CAPT. LARRY LAFAYETTE POI [redacted]

PUBLIC AFFAIRS OFFICER

To be rear admiral (lower half)

CAPT. RICHARD HARRY WELLS [redacted]

MEDICAL CORPS OFFICER

To be rear admiral (lower half)

CAPT. JOHN BERT COTTON [redacted]
CAPT. JOHN CONANT WEED, JR [redacted]

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. FRED JOSEPH SCHUBER II [redacted]

CHAPLAIN CORPS

To be rear admiral (lower half)

CAPT. PETER HESS BECKWITH [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OR RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL CORPS

To be lieutenant colonel

ALAN L. CHRISTENSEN [redacted]
JAMES L. RODGERS [redacted]

To be major

DEAN F. CONNORS [redacted]
EDWARD A. WOLFF III [redacted]

DENTAL CORPS

To be colonel

GARDNER G. BASSETT [redacted]

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 12203 AND 3385:

ARMY PROMOTION LIST

To be colonel

HOSIG, RODGER T. [redacted]
OLIVA, JOSEPH R. [redacted]
PALAZZO, FRANK J. [redacted]
SIKES, JAMES M. [redacted]
SPAIN, EDWIN E. III [redacted]
STEWART, THOMAS E. [redacted]
STOUT, EDWARD L. IV [redacted]
UMBARGER, ROY M. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

DECATO, ROGER P. [redacted]
REISDORFF, STEVEN J [redacted]
SCHNEIDER, WILLIAM D. [redacted]
SKELTON, JOSEPH R. [redacted]
SMITH, JAMES P [redacted]

MEDICAL CORPS

To be colonel

GELB, DONALD M. [redacted]
HANCOCK, THOMAS J. [redacted]
HILL, PURVIS W. JR [redacted]
ROGERS, LEO F. [redacted]

CHAPLAIN CORPS

To be colonel

BROUSSARD, ANDRE R., JR. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

MARTINE, PETER A. [redacted]
MCADORY, CLARENCE M., JR. [redacted]
NELAN, DANIEL J. [redacted]
NELSON, JOHN R. [redacted]
NESBIT, WILLIE A [redacted]
RUSSELL, MICHAEL H. [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

LAMPTON, DUNNICA O. [redacted]
PUGLISI, RICHARD L. [redacted]
SPEARS, RONALD D. [redacted]

MEDICAL CORPS

To be lieutenant colonel

ALLELY, ERIC B. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

LOWE, SARA M. [redacted]

THE FOLLOWING-NAMED INDIVIDUAL FOR A RESERVE OF THE ARMY APPOINTMENT, WITH CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203, 12204, AND 12320:

MEDICAL CORPS

To be lieutenant colonel

FREDERICK B. BROWN [redacted]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JAMES P. SCREEN III [redacted]
ELISSA J. SMITH [redacted]
JASON R. J. TESTA [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

DENTAL CORPS

To be colonel

BADER, BARRETT W. [redacted]
BOLGER, WALTON L. [redacted]
CORNELIUS, CLIFFORD W. [redacted]
CUMMINGS, DONALD E. [redacted]
EDWARDS, RICHARD C. [redacted]
ENG, RONALD W. [redacted]
FANCHER, JAMES P. [redacted]
GREENE, PAUL D., JR [redacted]
HILTON, THOMAS J. [redacted]
NAYLOR, WILLIAM P. [redacted]
NELSON, CRAIG L. [redacted]
OSBORNE, PAUL B. [redacted]
PALMER, DAVID S. [redacted]
PEMBLE, CHARLES W., III [redacted]
SHAEFER, JEFFRY R. [redacted]
SHANNON, MICHAEL D. [redacted]
SHULMAN, ELLIOT R. [redacted]
WESTERHOLM, HAROLD S., II [redacted]
WYMAN, BARRY M. [redacted]
ZOLLARS, MICHAEL D. [redacted]

MEDICAL CORPS

To be colonel

ABERNATHY, SUSAN P. [redacted]
ARROYD, LUIS C. [redacted]
BAGGERLY, GREGORY C. [redacted]
BARBERA, RAYMOND T. [redacted]
BEECHIE, CARLA A. [redacted]
BERG, JACK L. [redacted]
BISSON, ROGER U. [redacted]
BLACK, JERROLD G. [redacted]
BOHANON, KATHLEEN, S. [redacted]
BUNTINGBLAKE, GERALD F. [redacted]
CHASTAIN, DAVID O. [redacted]
CHRISTENSEN, ALAN, W. [redacted]
CLARK, WILLIAM D. [redacted]
COVASMALDONADO, IVAN [redacted]
DREHNER, DENNIS M. [redacted]
DURNING, JAMES P. [redacted]
EXSTRUM, TERRY D. [redacted]
GILLIAM, PAUL E., JR [redacted]
GLIFORT, KENNETH, F. [redacted]
GOODWIN, DEBORAH V. [redacted]
HAGAN, LARRY L. [redacted]
HEMPHILL, VIRGIL E., JR [redacted]
JOHNSON, THOMAS G. [redacted]
KING, THOMAS H. [redacted]
LEE, BRADFORD H. [redacted]
LEVITT, MORTON H. [redacted]
LOPEZVALENTIN, PEDRO H. [redacted]
MARRERO, GREGORIA [redacted]
MARSHALL, JOHN A., II [redacted]
MCCARTHY, DAVID A. [redacted]
MCCAULEY, KATHLEEN M. [redacted]
MEINHARDT, MILTON A. [redacted]
MESSINGHAM, MARK L. [redacted]
MONROE, SCOTT W. [redacted]
MORK, MICHAEL R. [redacted]
MORRIS, FRANCIS M. [redacted]
MORTON, PAUL E. [redacted]
PIETRZAK, MICHAEL P [redacted]
RAM, PRATHIBA [redacted]
RAMLER, JOHN M. [redacted]
REEVES, JAMES D. [redacted]
SABOE, GERALD W. [redacted]
SAMMONS, JAMES H., JR [redacted]
SANDERS, GEORGE L. [redacted]
SAYERS, ROBERT E. [redacted]
SCOTT, THOMAS E. [redacted]
SNYDER, RUSSELL R. [redacted]
STOCK, DONALD H. [redacted]
SUTTERFIELD, THOMAS C. [redacted]
TRUSS, HUBERT N. [redacted]
UCHMAN, STANLEY F. [redacted]
WHITE, MICHAEL J. [redacted]
WOLF, EARL G., JR. [redacted]
YANCEY, FORREST C., JR [redacted]
YASUHARA, THOMAS T. [redacted]
YOUNG, WILLIAM W.C. [redacted]

DENTAL CORPS

To be lieutenant colonel

ALEXANDER, JOEL B., II [redacted]
ANDERSON, DENNIS M. [redacted]
ATWOOD, MICHAEL J. [redacted]
BATES, CHRISTOPHER F. [redacted]
BEESON, THOMAS J. [redacted]
BRENDLINGER, ERIC J [redacted]
BROWN, GRAIG D. [redacted]
BURNETT, ROBERT R. [redacted]
DEVINE, SARA M. [redacted]
ESQUIVEL, CARLOS [redacted]
FLORES, SALVADOR, JR [redacted]
GOEHRING, WILLIAM J. [redacted]
GONZALES, DAVID A. [redacted]
GRACE, THOMAS W., JR. [redacted]
GULBRANSON, STEVEN D [redacted]
HEIT, JAMES M. [redacted]

IMBERY, TERENCE A. [redacted]
JAMES, WALTER J. [redacted]
KELLY, DENNIS W., JR. [redacted]
KOCH, MICHAEL A. [redacted]
LEIST, JOHN C., III [redacted]
LINDEMUTH, JAMES S. [redacted]
LINEHAN, ALLAN D. [redacted]
MACPHERSON, JEFF R. [redacted]
MEDLEY, CHRISTOPHER C. [redacted]
MERRILL, STEPHEN W. [redacted]
MIKOTOWICZ, JOHN J. [redacted]
NOALL, KEVIN M. [redacted]
RAWLEY, DANIEL J. [redacted]
ROGERS, PAUL M. [redacted]
SEDBERRY, DONALD C. [redacted]
TABATCHNICK, LARRY [redacted]
THOMAS, WALTER L. [redacted]
TOWNSEND, JULIA H. [redacted]
VANDEWALLE, KRAIG S. [redacted]
VILLA, RICHARD H. [redacted]

MEDICAL CORPS

To be lieutenant colonel

ALLEN, ROBERT C. [redacted]
BEHESHTI, MICHAEL V. [redacted]
BELENY, CHARLES G. [redacted]
BERRO, EVA T. [redacted]
BIEDIGER, WILLIAM D. [redacted]
BLOOD, ROBERT L. [redacted]
BROCKWAY, LEAH W. [redacted]
CHAMBERLAIN, DONALD H. [redacted]
CHAPMAN, STEVEN F. [redacted]
CHESHIRE, BRIAN D. [redacted]
CHONG, CHRISTOPHER L. [redacted]
CHOU, TIMOTHY Y. [redacted]
CLEMS, JAY A. [redacted]
CORCORAN, TIMOTHY S. [redacted]
COX, KENNETH L. [redacted]
DEFRANCIS, DOMINIC A. [redacted]
DICKEY, KIMBERLY J. [redacted]
DONIGIAN, ARAM M. [redacted]
DOUGHERTY, RAYMOND S. [redacted]
DUNN, CORY D. [redacted]
DYE, JOSEPH D. [redacted]
DYKES, THOMAS M. [redacted]
EGGERT, RUSSELL W. [redacted]
FACINOLI, JOHN F. [redacted]
FOX, KAREN A. [redacted]
FRIES, MELISSA H. [redacted]
GELORMINI, RUSSELL G. [redacted]
GILLIS, JOHN F. [redacted]
GINGRICH, MARI J. [redacted]
GOODWIN, DAVID A. [redacted]
GORDON, TRACY A. [redacted]
GRAY, THOMAS E. [redacted]
HANKINS, THOMAS C. [redacted]
HARRIS, SHARON G. [redacted]
HENRY, BRYAN L. [redacted]
HEPBURN, BYRON C. [redacted]
HERMAN, NORMAN L. [redacted]
HOCOTT, WILLIAM B. [redacted]
HOUGAS, JAMES E., JR. [redacted]
HUFFMAN, JOHN W. [redacted]
HURLEY, LEO D. [redacted]
JOHNSON, ROBERT [redacted]
KIM, JEROME HAHN [redacted]
KING, JAMES A. [redacted]
KLINK, BRIAN K. [redacted]
KNOWLES, JAMES R. [redacted]
KUIVILA, THOMAS E. [redacted]
LAFON, EVERETTE D. [redacted]
LASHLEYALDER, PHYLLIS J. [redacted]
LENOACH, PHILIP M. [redacted]
LITTLEFIELD, WILLIAM G. [redacted]
LOCKIE, SHIRLEY, R. [redacted]
LONG, JAMES, M. [redacted]
LORUSSO, FRNAK, J. [redacted]
LOVICH, STEPHEN, F. [redacted]
MACISAAC, KATHLEEN, A. [redacted]
MAKI, LANCE, A. [redacted]
MANUSOV, ERON, G. [redacted]
MASON, JAMES, S. [redacted]
MCLAUGHLIN, THOMAS, J. [redacted]
MENDEZ, EVELYN [redacted]
MICKLE, THEORDORE, A., JR. [redacted]
MITCHELL, JOHN, P. [redacted]
MONTANY, PAUL, F. [redacted]
MOORE, VERGA, A. [redacted]
MORALES, CARLOS, F., [redacted]
MURPHY, EMMET, P., [redacted]
MURPHY, KENT, R., [redacted]
MURPHY, SEAN, L. [redacted]
MUSKAT, PETER, C. [redacted]
NELSON, ANTONIO [redacted]
NEVILLE, JAMES, S. [redacted]
NOLTE, JOHN, M. [redacted]
ODEGARD, KEITH, J. [redacted]
OHSIEK, CATHERINE, C. [redacted]
O'NEAL, JONATHAN, F. [redacted]
PANDS, REED, G. [redacted]
PARSA, BRIAN, B. [redacted]
PAUL, DAVID, L. [redacted]
PELTON, JEFFREY, J. [redacted]
PEREZBECERRA, JOSE, L. [redacted]
PETERS, KURT, R.L. [redacted]
PHILBRICK, KEMUEL, L. [redacted]
PHILLIPS, PAUL, A. [redacted]
PLAGA, BRADLEY, R. [redacted]
PORTALATIN, MANUEL, B. [redacted]
PRESTIDGE, BRADLEY, R. [redacted]
RAMIREZ, HECTOR, A. [redacted]
ROBB, DOUGLAS, J. [redacted]
SANDERS, TIMOTHY, G. [redacted]
SCHAFFRINNA, MICHAEL, G. [redacted]
SCHULTZ, CURTIS, D. [redacted]
SHEA, KEVIN, S. [redacted]
SIHAU, DAVID, W. [redacted]
SLAWINSKI, KIMBERLY, A. [redacted]
SMART, RANDALL, W. [redacted]
SORRA, ENDEL, A. [redacted]
STANCOMBE, BRADLEY, B. [redacted]
TAPPEL, JOHN, J. [redacted]
TASHIRO, KEN, M. [redacted]
TAYLOR, CYNTHIA, N. [redacted]
TIDABACK, DALE R. [redacted]
TIPTON, DAVID J. [redacted]
TONG, ANDREW, [redacted]
TRACY, JAMES M. [redacted]
TUBB, RICHARD J. [redacted]
TURNER, RUSSELL A. [redacted]
VANVALKENBURG, SCOTT W. [redacted]
VERAZIN, GARY THOMAS, [redacted]
VOGT, ROBERT P. [redacted]
WALLACE, DAVID F. [redacted]
WALSH, PETER T. [redacted]
WALZ, JON H., JR. [redacted]
WARREN, DOUGLAS C. [redacted]
WATSON, JOHN W. [redacted]
WEBB, HAROLD J. [redacted]
WEMPE, JOSEPH M. [redacted]
WOODWARD, KELLY H. [redacted]
WOOTEN, JOHN D. III [redacted]
WRIGHT, GARTH B. [redacted]
WYMAN, DANIEL O. [redacted]

DENTAL CORPS

To be major

BENDER, DAVID M. [redacted]
BERGERON, BRIAN E. [redacted]
BOESTER, RUSSELL G. [redacted]
BRANDYS, ROBERT F. [redacted]
BROTHERTON, LEN D. [redacted]
BRUNSON, DAVID Z. [redacted]
CHILDRESS, ROGER W. [redacted]
CRISP, CHARLES B. [redacted]
DELUNA, JEFFREY F. [redacted]
DRAPER, SCOTT A. [redacted]
EVANS, DARRELL J. [redacted]
FORD, DOUGLAS E. [redacted]
FULSAAS, LEE A., [redacted]
GREENING, SCOTT R. [redacted]
HANIGAN, JAMES B., [redacted]
HARRELL, CHARLES J., JR. [redacted]
HELM, STEVEN H. [redacted]
JENKINS, DENVER D., JR. [redacted]
KIRKPATRICK, TIMOTHY C., [redacted]
KLYN, STEVEN L. [redacted]
LACKLER, KARL P. [redacted]
LEVEY, JONATHAN A. [redacted]
MARCK, ANDREW J. [redacted]
MAY, VALENCIA D. [redacted]
MEIER, ALLEN W. [redacted]
NILL, MARK D. [redacted]
NOVY, CHARLES K. [redacted]
PARKE, ALLAN S. [redacted]
POTH, MICHAEL E. [redacted]
POWERS, DAVID B. [redacted]
RECTOR, TIMOTHY M. [redacted]
REINHART, ROBERT V., JR. [redacted]
RICE, WILLIAM E. [redacted]
SCHUH, TIMOTHY J. [redacted]
STANIFER, KENNETH C. [redacted]
TERRY, GLENN L. [redacted]
THEKEN, JAMES E., JR. [redacted]
TIGCHELAAR, DONALD C. [redacted]
UYEHARA, MARK Y. [redacted]
VANSURKSUM, RODERICK D. [redacted]
VASTAFALLDORF, FRANCESCA [redacted]
WIMSATT, JAMES A., III. [redacted]
WONG, LOLO [redacted]
YACCINO, JOHN M., [redacted]

MEDICAL CORPS

To be major

ADAMS, STEPHEN R. [redacted]
AGNER, DALE R., 534-80-9420
AHADIAN, FARSHAD M. [redacted]
AKAKA, GERARD K. [redacted]
ALMY, CYNTHIA C., [redacted]
ANDERSON, JOSEPH B. [redacted]
ANDERSONROJAS, ELIZABETH R. [redacted]
ANDO, KERRY J. [redacted]
ANDREWS, TODD L. [redacted]
ANDRUSS, ROBERT J. [redacted]
ANG, DAVID P. [redacted]
ARNESS, MARK K. [redacted]
ARNOLD, JEFFREY L. [redacted]
ASHBURN, ELIZABETH L. [redacted]
AULTMAN, CHAD J. [redacted]
BAILEY, JODI L. [redacted]
BAISDEN, BETH A. [redacted]
BALSON, SCOTT A. [redacted]
BAMBER, JOHN JOSEPH [redacted]
BARAD, JAMES P. [redacted]
BARADZIEJ, MARK E. [redacted]
BAYLOR, KATHY E. [redacted]
BEDNAR, JOHN M. [redacted]
BENEDETTI, GARY E. [redacted]
BENKE, THEODORE T. [redacted]
BENNION, JAMES R. [redacted]
BENSON, MICHAEL K. [redacted]
BENTS, ROBERT T. [redacted]
BERKHEIMER, WALTER R. [redacted]
BERTAGNOLI, MARK W. [redacted]
BEST, DARRYL B. [redacted]
BEST, HENRY J., IV [redacted]
BIANCO, MICHAEL J. [redacted]
BIAS, JOHN G. [redacted]
BLOUNT, JAMES J., III [redacted]
BOMALASKI, JOHN J. [redacted]
BONAR, JAMES P. [redacted]
BOONE, MELCHOR M., JR. [redacted]
BORER, JOSEPH M. [redacted]
BORKOWSKI, MICHAEL A. [redacted]
BOUFFARD, JOHN P. [redacted]
BRADLEY, DEBORAH K. [redacted]
BRECH, KILIAN H., II, [redacted]
BREETZKE, CECIL B., [redacted]
BRINGHURST, DIRK C. [redacted]
BRINKMAN, MARK J., [redacted]
BROWN, SCOTT D., [redacted]
BROWNBRATSCH, JANELLE E. [redacted]
BROOOWNE, LINDA J., [redacted]
BRUNSELL, SUSAN C. [redacted]
BUENAVENTURA, RICARDO M. [redacted]
BURDETTE, DAVID D. [redacted]
BUTCHER, ROBERT P. [redacted]
CALDERWOOD, CAROL A., [redacted]
CARDENAS, DIEGO G., [redacted]
CARROLL, CHARLES L., II, [redacted]
CARROLL, KEVIN W., [redacted]
CARTER, BRUCE M. [redacted]
CASEBOLT, MARK A., [redacted]
CHAMBERLAIN, DAVID G. [redacted]
CHARLES, WILBERT E. [redacted]
CHEESEMAN, MELISSA M. [redacted]
CHENEVERT, LISA S. [redacted]
CHESNUTT, JAMES C. [redacted]
CHINEA, CARLOS E., [redacted]
CHING, ANGELA, [redacted]
CHLEBOWSKI, JAMES E. [redacted]
CHOZINSKI, JOSEPH P. [redacted]
CHRISTENSEN, KENNETH E. [redacted]
CLARKSON, THOMAS A. [redacted]
CLAYTON, ANNA S., [redacted]
COHEN, AARON H., [redacted]
COLLAER, REBECCA A. [redacted]
COOKE, SHANNON E., [redacted]
COPLEIN, CLAUDIA R., [redacted]
CORDES, DAVID J., [redacted]
COUDREAUT, MICHAEL F. [redacted]
CRAIG, DONNA J., [redacted]
CROUSE, BRENT A. [redacted]
CROWLEY, MICHAEL A. [redacted]
CURRISTON, MICHAEL P., [redacted]
CURRY, CHARLES E., JR. [redacted]
CUSICK, JEFFREY M. [redacted]
CZUBA, KAREN M., [redacted]
DAGOSTINO, MARK A. [redacted]
DAHLHAUSER, KEITH F. [redacted]
DAIDONE, MARA J., [redacted]
DALEY, JOSEPH C., III [redacted]
DAMOUR, PAUL L., II, [redacted]
DANZEISEN, DAVID J. [redacted]
DASSOW, PAUL L. [redacted]
DAVIDSON, BRADLEY K. [redacted]
DAVILA, JEFFREY N. [redacted]
DEGUIDE, JOHN J., [redacted]
DEMBSKI, DAVID M. [redacted]
DIAMOND, KENNETH C., [redacted]
DIDIER, MARK E. [redacted]
DINENBERG, ARTHUR S. [redacted]
DOLISTER, MICHAEL J. [redacted]
DOOLITTLE, DANIEL S. [redacted]
DOOLITTLE, THOMAS P. [redacted]
DOSMANN, MARK A., [redacted]
DOWSE, ROBERT K., [redacted]
EASON, WILLIAM A., [redacted]
EBENROTH, ERIC S., [redacted]
EHRNSTROM, PETER G. [redacted]
ELTON, THOMAS J., [redacted]
EMIG, MIMI, [redacted]
ENSIGN, BRUCE G., [redacted]
EWENS, JOSEPH D. [redacted]
EYRE, JOHN C., [redacted]
FAUSEL, EDWARD D. [redacted]
FEDRIZZI, RUDOLPH P. [redacted]
FIRNHABER, JONATHON M. [redacted]
FISHER, JOHN H., JR. [redacted]
FLESHER, MARK D. [redacted]
FLETCHER, REX A., [redacted]
FORSLUND, DARREL R., JR., [redacted]
FRANKLIN, MICHAEL D. [redacted]
FRECKLETON, MICHAEL W., [redacted]
FREEL, PAUL D. [redacted]
FREESTONE, DAVID J. [redacted]
FRIEDRICHS, PAUL A. [redacted]
FULLERTON, BRIAN D. [redacted]
FUSCO, MARK A., [redacted]
GAGLIAND, NICHOLAS C., [redacted]
GALKE, CURTIS L. [redacted]
GANONG, KEVIN D., [redacted]
GANZI, LOIS L., [redacted]
GEANON, JOHN D., [redacted]
GEE, MATTHEW R., [redacted]
GIANNINI, JACQUELINE K., [redacted]
GIBBONS, MARION L., [redacted]
GLASS, TODD F. [redacted]
GLOVER, RICHARD A. [redacted]
GOLDBERG, KENNETH W., [redacted]
GOLDSTEIN, BRIAN S. [redacted]
GOOD, ROBERT B., [redacted]
GOODRICH, DEBORA A., [redacted]

GOODRICH, MICHAEL D. [redacted]
GOODWIN, JANET T. [redacted]
GOODWIN, MARK D. [redacted]
GOOTOS, PETER J [redacted]
GOULD, PETER J. [redacted]
GRANT, WALTER K., III [redacted]
GREEN, JEFFREY S [redacted]
GREENWOOD, JOHN M. [redacted]
GRIDER, DOUGLAS J. [redacted]
GRINAGE, BRADLEY D. [redacted]
GRINKEMEYER, MICHAEL D. [redacted]
GUERRA, HORACIO P., IV [redacted]
HALL, BRIAN H. [redacted]
HALL, CURTIS R. [redacted]
HALOW, KEVIN D. [redacted]
HARKER, DAVID L. [redacted]
HARMON, CHRISTOPHER B. [redacted]
HART, CAROL ANN [redacted]
HARTER, STEVEN B. [redacted]
HARVEY, TODD J. [redacted]
HARVICH, JANA R. [redacted]
HASKE, TERRY L [redacted]
HAUSER, STEPHEN H [redacted]
HAYES, BRIAN P. [redacted]
HAYES, PATRICK R. L [redacted]
HEIDENREICH, ERIC J. [redacted]
HELMS, JEFFREY R [redacted]
HEMMELGARN, LORI M. [redacted]
HERD, EDWIN P. [redacted]
HICKMAN, TIMOTHY N. [redacted]
HO, ALBERT F. [redacted]
HOFFMAN, KRISTINA M. [redacted]
HOLDER, CURTIS H. [redacted]
HOLDER, KATHRYN K. [redacted]
HOLE, DONALD J. [redacted]
HOLLAND, SWEND [redacted]
HOLTHOUSE, MARK E. [redacted]
HORN, JAMES K. [redacted]
HOWARD, DONALD S. [redacted]
HURWITZ, GARY LEE [redacted]
JABLON JEFFREY H [redacted]
JACOBS, JOSHUA S. [redacted]
JAMES, MICHAEL W. [redacted]
JOHNSON, CHRISTOPHER C. [redacted]
JOHNSON, STEPHANIE J. [redacted]
JOHNSON, TROY E. [redacted]
JONES, ROBERT C. [redacted]
JONES, WOODSON S. [redacted]
JORDAN, LEANNE E. [redacted]
JOSEPH, FREDERIC B [redacted]
JOYNER, KRISTIN M. [redacted]
KAAN, DARYL J. [redacted]
KALMAR, STEPHEN R. [redacted]
KAMMERER, WILLIAM F. [redacted]
KARTCHNER, KEVIN E. [redacted]
KARTCHNER, WADE E. [redacted]
KEARNEY, PATRICIA A [redacted]
KEARNEY, PATRICK J [redacted]
KEENE, MATTHEW S. [redacted]
KELLEHER, INEZ M [redacted]
KENDALL, BRIAN S. [redacted]
KENNEDY, KAREN D. [redacted]
KING, BRYAN C. [redacted]
KLINE, ROBERTA L. [redacted]
KNIGHT, KENNETH K. [redacted]
KOOIMA, RICK A. [redacted]
KUNTZ, CARIN CAIN [redacted]
KURIAN, LEONARD S. [redacted]
LANE, ALEXIS G. [redacted]
LARSEN, DENNIS E. [redacted]
LAW, GEORGE S. [redacted]
LAWRENCE, BILL B. [redacted]
LEGAN, JOSEPH J [redacted]
LEVASSEUR, JOHN G. [redacted]
LEVI, MARC L. [redacted]
LIEVENS, MICHAEL W. [redacted]
LISKE, MICHAEL R. [redacted]
LIU, JOSEPH C [redacted]
LOCASTRO, DAVID P. [redacted]
LOESCHEN, STEVE K. [redacted]
LORBER, RICHARD O. [redacted]
LUNDAHL, ROBERT E. [redacted]
LUNT, CHAD C. [redacted]
MAGOON, MICHAEL R. [redacted]
MAHLER, DAVID S. [redacted]
MAILLET, MATT W. [redacted]
MANN, MICHAEL D. [redacted]
MANSFIELD, JOHN T. [redacted]
MARSHALL, DEANNA L. [redacted]
MARTIN, WILLIAM R. [redacted]
MASRI, ADDAM [redacted]
MATSUMOTO, MAVIS N. [redacted]
MATSUNO, STANFORD K. [redacted]
MCALPINE, BRIAN H. [redacted]
MCCAIN, STEFANIE B. [redacted]
MCCOY, KEITH E. [redacted]
MCCRARY, JAMES E. [redacted]
MCDONALD, LYNN A. [redacted]
MCGUIRE, LAURA A. [redacted]
MCKENNA, DAVID S. [redacted]
MEARS, DIANA L. [redacted]
MEURER, KAREN J [redacted]
MILLER, FRANK R., IV [redacted]
MITCHELL, MICHAEL J. [redacted]
MOKULIS, ELIZABETH C. [redacted]
MONATH, JAMES R. [redacted]
MOORE, NICOLE N. [redacted]
MORAN, ANDREW M. M. [redacted]
MOREHOUSE, JOSEPH D. [redacted]
MORGAN, MARY J. [redacted]
MORRISON, PETER A. [redacted]
MURPHY, BELINDA A. [redacted]
MUSE, ROGER K. [redacted]
NAGY, ANNAMARIA [redacted]
NEAL, RANDALL H. [redacted]
NEELD, JOHN B. [redacted]
NELSON, RONALD A. [redacted]
NGUYEN, DUKE [redacted]
NISHIOKA, LUCAS I. [redacted]
NORRIS, SCOTT B. [redacted]
NORTH, HEATHER H. [redacted]
OLIVER MALCOLM B. [redacted]
ONEIL, MARY M., 122–50–6514
ORMANOSKI, MARGARET H. [redacted]
OROURKE, TERENCE L., JR. [redacted]
OUWELEEN, JENNIFER A. [redacted]
PAGAN, RAFAEL A. [redacted]
PARKER, DAVID K. [redacted]
PECKHAM, ROBYN H. [redacted]
PERRY, WILLIAM B. [redacted]
PETER, THOMAS C. [redacted]
PHILLIPS, SCOTT E. [redacted]
PO, WILLIAM D. [redacted]
POLLARD, THOMAS W. [redacted]
RADACK, MATTHEW C. [redacted]
RANALLI, MARK A [redacted]
RAPHAEL, HOWARD J. [redacted]
RAYBON, KELVIN B. [redacted]
RAYMOND, JULIE T. [redacted]
REED, JOHN B. [redacted]
REHAK, CHRISTOPER S. [redacted]
REIMER, ALEXIS B. [redacted]
RICHARDSON, KENNETH J. [redacted]
RIEGEL, DARRYL L. [redacted]
RIZZO, ANNE G. [redacted]
ROANE, DOUGLAS W. [redacted]
ROBINETTE, TIMOTHY D. [redacted]
ROCK, DOUGLAS B. [redacted]
RODRIGUEZ, LORA B. [redacted]
ROLLO, VINCENT J. [redacted]
RUDER, CRAIG R. [redacted]
RUFF, THEODORE A. [redacted]
RUSSELL, TOD S. [redacted]
RUSSO, MAGNO PATRICIA M. [redacted]
RYDEN, JOHN M. [redacted]
SAKURADA, CRAIG H. [redacted]
SALATA, MICHAEL P. [redacted]
SANCHEZ, MICHAEL J. [redacted]
SANDOVAL, WILLIAM [redacted]
SANTERINI, KRISTINE, R. [redacted]
SARKISIAN, EDWARD C., JR. [redacted]
SATTERLY, MARY F. [redacted]
SAWAY, WILLIAM C. [redacted]
SCHEFFER, MARK M. [redacted]
SCHILLING, RUSSELL A. [redacted]
SCHMITZ, ROBERT A. [redacted]
SCHOENBERGER, JOSEPH A. [redacted]
SELLMAN, DANIEL C. [redacted]
SHERWOOD, LORAN D. [redacted]
SHULER, KURT J. [redacted]
SHUTTER, LORI A. [redacted]
SKIDMORE, BRETT D. [redacted]
SKYE, ERIC P. [redacted]
SLOAN, RANDY M. [redacted]
SMIDT, WESLEY R. [redacted]
SMITH, DEANE L., II [redacted]
SMITH, STEVEN L. [redacted]
SNOW, STEVEN P. [redacted]
SODD, ANTHONY N. [redacted]
SOEHNER, DAVID F. [redacted]
SOTO, CECILIA [redacted]
ST CLAIR, DOUGLAS A. [redacted]
START, ROBERT J. [redacted]
STEELE, ANDREW C. [redacted]
STEEPY, KATHLEEN A. [redacted]
STEPHAN, KEVIN T. [redacted]
STOKES, GARY N. [redacted]
STONE, ALAN B. [redacted]
STORROW, ALAN B. [redacted]
SUMRALL, RICHARD W. [redacted]
SUTHERLIN, RALPH M. [redacted]
SWAN, MICHAEL C. [redacted]
SWAN, REBECCA R. [redacted]
TAKATA, JAY A. [redacted]
TAYLOR, JANINE D. [redacted]
TAYLOR, LISA J. [redacted]
TEDDER, CHARLES S. [redacted]
TEMOFEEW, RICHARD K. [redacted]
THELEN, GREGORY L. [redacted]
THOMASON, RONALD W. [redacted]
THOME, JUDENE M. [redacted]
THOMPSON, WILLIAM C. [redacted]
TOWNE, LAURA E. [redacted]
TREBIAN, KATHLEEN M. [redacted]
TRICK, WILLIAM E. [redacted]
TUCHER, JOHN J. [redacted]
TURNER, LISA CAROLE [redacted]
VALLETTE, ERIKA R. [redacted]
VANASSCHE, SIDNEY T. [redacted]
VANDIVORT, DANIEL L. [redacted]
VARGAS, CHERYL P. [redacted]
VETTEL, KENNETH L. [redacted]
WAGENHORST, BRET B. [redacted]
WAGNON, DONALD W. [redacted]
WAISEL, DAVID B. [redacted]
WARREN, LEO C. [redacted]
WATSKY, JAY G. [redacted]
WEAVER, DANIEL C. [redacted]
WEBER, PAUL W. [redacted]
WEHRLY, SCOTT R. [redacted]
WEIGAND, JOHN M. [redacted]
WELLER, DONALD A. [redacted]
WELTON, RANDON S. [redacted]
WEST, ANDREW J. [redacted]
WESTERHEIDE, CHRISTOPHER J. [redacted]
WESTFALL, LORNA A. [redacted]
WETZEL, ROBERT J. [redacted]
WHITE, THOMAS C. [redacted]
WHITNEY, CHARLES C. [redacted]
WIERSMA, DONALD S. [redacted]
WIEST, GERALD V. [redacted]
WILCOX, WILLIAM D. [redacted]
WILKINSON, JANET L. [redacted]
WILLARD, KIRK E. [redacted]
WILSON, SCOTT W. [redacted]
WIPRUD, JOHN M. [redacted]
WITKOWSKI, EDMUND [redacted]
WIXOM, WILLIAM L. [redacted]
WOLF, KATHLEEN M. [redacted]
WONG, CEDRIC L. [redacted]
WOODS, DANA P. [redacted]
WOODYARD, THOMAS C. [redacted]
YANG, LINDA [redacted]
YOUNG, ERIC T. [redacted]
YU, LARRY M. [redacted]
ZEMIS, JOSEPH N. [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 12203, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JONATHAN E. ADAMS [redacted]
JAMES W. APPLE, JR [redacted]
THOMAS W. BATTERMAN [redacted]
EUGENE T. BEASLEY [redacted]
JOHN W. CARLSON [redacted]
HARRISON S. CARTER [redacted]
SAMUEL A. COLEMAN [redacted]
DAVID L. COLWELL [redacted]
CHARLES G. CORNELIUS [redacted]
LLOYD T. CRUMRINE [redacted]
ROSS C. DETWILER [redacted]
LAWRENCE M. DICUS [redacted]
MYRON N. DOBASHI [redacted]
HENRY B. FOSTER, III [redacted]
GREGORY GARDNER [redacted]
RICHARD A. GROBEN [redacted]
JOHN B. HANDY [redacted]
DARRELL E. HART [redacted]
WILLIAM E. HAYMES, JR [redacted]
SHUFORD HAZEL [redacted]
ALAN R. HEERS [redacted]
MELVIN K. HONDA [redacted]
CLIFFORD W. LANDES [redacted]
GARY W. LOGAN [redacted]
DENNIS G. LUCAS [redacted]
LESTER S. MARRINER [redacted]
JAMES F. MCCARVEL [redacted]
CRAIG R. MCKINLEY [redacted]
LOUIS A. MEIER [redacted]
DAVID B. MOREMEN [redacted]
JOHN C. MOSBEY [redacted]
RANDALL F. MOY [redacted]
JAY D. NIELSEN [redacted]
ROBERT E. PARISH [redacted]
VERNON V. PATE, JR [redacted]
JOSEPH J. POLITO [redacted]
JERRY W. RAGSDALE [redacted]
HAROLD E. REED [redacted]
CHARLES D. RESTIVO [redacted]
LYNN V. RITCHIE [redacted]
RICHARD G. ROSE [redacted]
ROBERT A. ROSE [redacted]
RICHARD L. ROTH, JR [redacted]
GARY L. SAYLER [redacted]
ROBERT O. SEIFERT [redacted]
DAVID E. B. STROHM [redacted]
MARVIN L. TOOMAN [redacted]
JAY W. VANPELT [redacted]
TOMMY L. WEEMS [redacted]
RANDAU F. WIMMER [redacted]

CHAPLAIN CORPS

To be colonel

JOHN B. ELLINGTON [redacted]
DANIEL N. LEININGER [redacted]

JUDGE ADVOCATE

To be colonel

REESE L. HARRISON, JR [redacted]

MEDICAL CORPS

To be colonel

JOHN T. DIEGEL [redacted]
WILBURN E. GEORGE, JR [redacted]
HARRY J. HECK, II [redacted]
STEVEN D. KNIGHT [redacted]
JOSEPH M. ZOMPA [redacted]

NURSE CORPS

To be colonel

JUDITH L. CUMMINGS [redacted]
SHARON G. FREIER [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF

SECTIONS 12203, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

TIMOTHY L. ANDERSON [redacted]
DOYLE W. ARGO [redacted]
JAY M. AUGUSTENBORG [redacted]
KIRK A. BAKER [redacted]
JOSEPH W. BARNES [redacted]
WILLIAM J. BARNES [redacted]
KIRK D. BENTSON [redacted]
GERALD O. BOLME [redacted]
DIANE M. BOULWARE [redacted]
NICK F. BOWMAN [redacted]
SHARON L. BOYNTON [redacted]
GERALD J. A. BOYUM [redacted]
ROBERT L. BROWN [redacted]
DREW W. BROWNING [redacted]
LEE J. BRUNDAGE, [redacted]
DANIEL J. CAREY [redacted]
WILLIAM J. CLEARY, JR [redacted]
PATRICK A. COLLINS [redacted]
RICHARD C. COLLINS [redacted]
CHARLES R. CONEWAY, JR [redacted]
WAYNE F. CONROY [redacted]
WARNEY L. CROSBY, JR [redacted]
JAMES R. CURRY [redacted]
LOUIS C. CUSIMANO [redacted]
ELIZABETH A. DENNARD [redacted]
WILLIAM H. DOBSON, JR [redacted]
ROBERT F. DODSON [redacted]
JOHN B. DOOLITTLE [redacted]
PETER J. DOWNES, JR [redacted]
JAMES R. DUNN [redacted]
THOMAS A. DYCHES [redacted]
WILLIAM T. EVES [redacted]
GEORGE A. FISHER [redacted]
RONALD E. FISHER [redacted]
DAVID G. FRY [redacted]
ROBERT L. GARDNER [redacted]
GENE E. GARTON [redacted]
GEORGE W. GERING, III [redacted]
THOMAS M. GISLER, JR [redacted]
RODNEY C. GLOVER [redacted]
BRENDAN B. GODFREY [redacted]
JUNIOR R. GOLDEN [redacted]
ROBERT A. GUALTIERI [redacted]
HAROLD A. GUNN, JR [redacted]
RONALD B. HALL [redacted]
JOHN S. HARLAN, JR [redacted]
STEVEN L. HEAD [redacted]
ROY W. HEADRICK [redacted]
FREDDIE M. HEGLER [redacted]
CALVIN W. HICKEY [redacted]
SYDNEY G. HILL [redacted]
CHRISTOPHER B. HITCHCOCK [redacted]
WERNER E. HOLT [redacted]
ROBERT B. HUNTER [redacted]
PHILIP E. JOHNSON [redacted]
LARRY E. JUDAY [redacted]
WILLIAM P. KANE [redacted]
EDWARD KELLY [redacted]
ROBERT D. KIM [redacted]
GREGORY F. KLINE [redacted]
HOWARD J. KNAGGS, JR [redacted]
ROSALIND P. KRAWIEC [redacted]
EDWARD M. LAVIN, JR [redacted]
OLIS L. LEWIS, JR [redacted]
CATHERINE F. LICK [redacted]
MICHAEL J. LIERLEY [redacted]
GILES A. LIGHT, JR [redacted]
ROBERT P. LINDSETH [redacted]
DONALD T. LOPEZ [redacted]
DENNIS E. MAPLE [redacted]
GARY P. MARTINDELL [redacted]
WILLIAM V. MASLYK [redacted]
PAUL W. MCDONALD [redacted]
CRAIG A. MCELROY [redacted]
GARY M. MCKENZIE [redacted]
RICHARD W. MCLELLON [redacted]
MARTIN J. MCNAMARA [redacted]
BRIAN P. MEENAN [redacted]
BETTY L. MULLIS [redacted]
ROBERT J. NEE [redacted]
CHARLES W. NEELEY [redacted]
GARY L. NEWHOUSE [redacted]
FRED S. PETER, JR [redacted]
WILLIAM R. PFEIL [redacted]
MARK A. PILLAR [redacted]
KENNETH R. PLAKE [redacted]
PHILIP D. POLAND [redacted]
JAMES D. PRICE [redacted]
JAMES C. QUICK [redacted]
ROBERT F. RAUB [redacted]
ROBERT J. RAUK [redacted]
DONALD J. RHEINSTEIN [redacted]
JON J. RHYNARD [redacted]
JASON J. RIVET [redacted]
DAVID A. ROBINSON [redacted]
ALFRED J. RONDINA, JR [redacted]
TERRY F. ROYLANCE [redacted]
WILLIAM E. SCARBORO, JR., [redacted]
DAVID L. SCHILDMEYER [redacted]
KENT SCHLUSSEL [redacted]
JAMES W. SCHULTZ, JR [redacted]
CHARLES O. SCHULZ [redacted]
RUDOLPH C. SCHWARTZ, JR [redacted]
DEAN W. SEDLACEK [redacted]
HARVEY T. SEKIMOTO [redacted]
JOSEPH L. SHAEFER [redacted]
TIMOTHY E. SHARPE [redacted]
GARY L. SMITH [redacted]
MICHAEL L. SMITH [redacted]
ROBERT E. SMITH, JR [redacted]
DENNIS E. STEPHENS [redacted]
GARY G. STERZINGER [redacted]
MILES H. STRALY [redacted]
JACK R. SUGGS [redacted]
HARRY A. TALBOT [redacted]
JOHN R. THOMAS [redacted]
FREDERICK M. THURMAN [redacted]
PAUL G. TUCKER [redacted]
GERALD C. VONBERGE [redacted]
NICKI J. WATTS [redacted]
JOHN H. WEED [redacted]
RONALD L. WEIGHT [redacted]
LLOYD C. WELKEN [redacted]
ROBERT D. WELSH [redacted]
THOMAS J. WESLOH [redacted]
EDWARD C. WHALEN, JR [redacted]
THOMAS H. WOLFF [redacted]
CARMEN R. YURIS [redacted]
KEETON D. ZACHARY [redacted]
KARL J. ZAUNER [redacted]
JOHN D. ZUBER [redacted]

CHAPLAIN CORPS

To be colonel

LAWRENCE J. DOYLE [redacted]
LELAN D. MCREYNOLDS [redacted]
ROBERT D. PARLOTZ [redacted]
WILLIAM G. RUPRACHT [redacted]

DENTAL CORPS

To be colonel

FRANK J. FOREMAN, 312–50–1900
MICHAEL N. KLEIN [redacted]
EDWARD M. WISE [redacted]

JUDGE ADVOCATE

To be colonel

RONALD A. BARRETT [redacted]
ROCKNE J. BURAGLIO [redacted]
MALCOLM L. BURDINE [redacted]
JON H. BURROWS [redacted]
WILLIAM F. CLORAN [redacted]
JAMES D. FREEDMAN [redacted]
DON R. GORDON [redacted]
ROBERT T. LEE [redacted]
TIMOTHY J. MURPHY [redacted]
ANTHONY J. PERFILIO [redacted]
NICHOLAS E. PHILLIPS [redacted]
MARK C. RAMSEY [redacted]
JOHN W. RANBY [redacted]
ANDREW F. REISH [redacted]
STEPHEN H. ROVAK [redacted]
SCOTT W. STUCKY [redacted]
GORDON O. TANNER [redacted]
JOSEPH A. WILHELM, III [redacted]

MEDICAL CORPS

To be colonel

LARRY M. ALLEN [redacted]
PETER T. BEAUDETTE [redacted]
DAVID W. BECKER, JR [redacted]
JOHN E. CARROLL, JR [redacted]
PAYTON NANCY J. COPELAND [redacted]
GEORGE P. COSTANZO [redacted]
NENITA B. DAQUIPA [redacted]
SHAMMAA NABIL A. EL [redacted]
ROBERT E. HARVEY [redacted]
HWA ING KANG [redacted]
IQBAL M. KHAN [redacted]
BERTRAM G. KWASMAN [redacted]
WILLIAM A. MCDOUGALL [redacted]
JAMES L. NELSON [redacted]
JAMES E. OSTRANDER [redacted]
MUNI S. POLSKY [redacted]
JEHANGIR R. SETHNA [redacted]
LEWIS WETSTEIN [redacted]

NURSE CORPS

To be colonel

ANNIE P. ANDERSON [redacted]
JANET S. BARBER [redacted]
KATHRYN A. BOOM [redacted]
LINDA JEAN CARSKADON [redacted]
JEAN Y. DIEBOLT [redacted]
JULIA T. GORDON [redacted]
BONITA J. HEFFNER [redacted]
LINDA S. HEMMINGER [redacted]
PATRICIA A. HONG [redacted]
MARTHA A. MISKER [redacted]
BRENDA L. REITER [redacted]
ROBERT A. REYNOLDS, JR [redacted]
RITA B. RICHARDSON [redacted]
PATRICIA A. RIESBRONZO [redacted]
MARY C. ROSS [redacted]
GWENDOLYN L. SMITH [redacted]
MARY C. SMOLENSKI [redacted]
MARGARET A. WOODS [redacted]

MEDICAL SERVICE CORPS

To be colonel

BARTON L. ASPLING [redacted]
ALAN I. BASKIN [redacted]
MICHAEL F. HUBBELL [redacted]

BIOMEDICAL SERVICE

To be colonel

WILBUR W. ALBERTSON [redacted]
NEIL G. ANDERTON [redacted]
RICHARD B. FORD [redacted]
MICHAEL L. HORTON [redacted]
RODNEY L. LINK [redacted]
MARILEE A. NELSON [redacted]
RAYMOND E. RATAJIK, JR [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

RONNIE ABNER [redacted]
DAVID L. ABPLANALP [redacted]
SAM K. ACREE [redacted]
BLAKE B. ADAMS [redacted]
DENNIS L. ADAMS [redacted]
GEORGE F. ADAMS [redacted]
HUBERT E. ADAMS [redacted]
JOHN A. ADAMS [redacted]
STEVEN A. ADAMS [redacted]
DEBRA J. ALBERT [redacted]
BOYD L. ALEXANDER [redacted]
DONALD A. ALF [redacted]
IVA ALFONSOMORALES [redacted]
DAVID F. ALLEN [redacted]
SERAFIN P. ALORRO [redacted]
WILLIAM A. AMBROSE [redacted]
RONALD D. ANDERSON [redacted]
RONALD L. ANDERSON [redacted]
STEVEN D. ANDERSON [redacted]
FRANK D. ANDREWS [redacted]
WILLIAM L. ANDREWS [redacted]
WANDA A. ARCENEAUX [redacted]
JOHN M. ATKINS [redacted]
ALMA T. AUGUSTUS [redacted]
MERRILL D. AUSTIN [redacted]
MILTON G. AVERY [redacted]
JUAN B. AVILES [redacted]
MILTON R. AYALA [redacted]
PATRICIA F. AZLIN [redacted]
DARRELL D. BACKHAUS [redacted]
GREGORY P. BAILEY [redacted]
BRUCE H. BAKER [redacted]
KENNETH J. BAKER [redacted]
PANDU BALARAM [redacted]
THEODORE BALTES, JR [redacted]
ROBERT W. BANKS [redacted]
PAUL BARABANI [redacted]
JOSHUAH L. BARBER [redacted]
METTRO E. BARBER [redacted]
MICHAEL J. BARBIERI [redacted]
KENNETH P. BARDEN [redacted]
NEWTON R. BARDWELL [redacted]
RAYMOND J. BARNARD [redacted]
LEWIS BARNES, JR [redacted]
STEPHEN E. BARNES [redacted]
WILLIAM E. BARNETT [redacted]
OWEN M. BARNHILL [redacted]
MICHAEL BARNHOUSE [redacted]
MARY C. BARNSTEAD [redacted]
WAYNE C. BARR [redacted]
ROBERT D. BARTA [redacted]
PERRY E. BARTH [redacted]
LARRY S. BASSETT [redacted]
WINFRED W. BATCH [redacted]
PETER J. BAUM [redacted]
EDWARD G. BEACH [redacted]
HERBERT W. BEAM, [redacted]
RICHARD C. BEAN [redacted]
FLOYD A. BEARDEN [redacted]
VERNON BEARDEN [redacted]
THOMAS K. BEATY [redacted]
RAYMOND A. BEAZLEY [redacted]
JAMES K. BECKER [redacted]
CARL B. BECKMANN, JR [redacted]
RONALD C. BEGAY [redacted]
STEVEN E. BEHOUNEK [redacted]
PAUL J. BEHRENS [redacted]
RICHARD R. BELANGER [redacted]
MARVIN L. BELL [redacted]
ROY C. BENNETT [redacted]
STEVEN J. BERG [redacted]
GEORGE C. BERGERON [redacted]
WILBERT BERRIOS [redacted]
LEONARD E. BERRY [redacted]
BRUCE R. BETHERS [redacted]
LLOYD C. BEVER [redacted]
STEPHEN C. BEVILL [redacted]
PETER A. BIANCHI [redacted]
WILLIAM G. BICKEL [redacted]
JAMES C. BICKFORD [redacted]
LETTIE J. BIEN [redacted]
FREDERICK BIESTEK [redacted]
STEPHEN A. BILLINGS [redacted]
DONALD J. BILLONI [redacted]
LAWRENCE BINKOSKI, [redacted]
EDWARD J. BINSEEL [redacted]
JOHN A. BIRZNIEKS [redacted]
BRANT L. BISHOP [redacted]
GARY B. BISHOP [redacted]
ALAN C. BITTING [redacted]

WILLIAM C. BLACK [redacted]
GARY W. BLACKLEDGE [redacted]
VERNON C. BLAND [redacted]
RONALD BLANKENSHIP [redacted]
ROBIN P. BLOCH [redacted]
FRANCIS A. BLOOM [redacted]
JUSTIN F. BLUM [redacted]
WOODROW M. BOHANNAN [redacted]
DAVID C. BOHL [redacted]
PHILIP C. BOHLEN [redacted]
JOALLYN BOHN [redacted]
THOMAS C. BOLTON [redacted]
TIMOTHY N. BOLYARD [redacted]
WILLIAM M. BOND [redacted]
EUGENE L. BONOS [redacted]
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JOHN A. CHUBB [redacted]
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ROBERT N. COULTER [redacted]
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COX R. CRIDER [redacted]
REED R. CRITCHFIELD [redacted]
KEVIN CROSTHWAITE [redacted]
WILLIAM CRUTCHFIELD [redacted]
JUAN CRUZ [redacted]
RITA K. CUCCHIARA [redacted]
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NEIL DIAL [redacted]
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PAUL D. FOREHAND [redacted]
BRIAN A. FORZANI [redacted]
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RICHARD R. GAARD [redacted]
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JOHN H. GAMSBY [redacted]
RAYMON GARAYRIVERA [redacted]
ROQUE GARCIA, JR [redacted]
DAVID W. GARLAND [redacted]
JOHN B. GARVER [redacted]
JERRY T. GASKIN [redacted]
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DARRELL G. GEE [redacted]

PAUL C. GENEREUX [redacted]
NORMAN P. GENTIEU [redacted]
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KEITH GLICKENHAUS [redacted]
SAMUEL B. GLOVER [redacted]
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URS R. GSTEIGER [redacted]
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CHARLES C. JUSTICE [redacted]
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KEITH E. KUDLA [redacted]
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EMBE E. KUGLER [redacted]
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SHEILA A. KUSCHKE [redacted]
SUSAN E. KUWANA [redacted]
POLYDEF KYPRIANDES [redacted]
NORMAN M. LABUTTI [redacted]
DAWN M. LAKE [redacted]
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DONALD E. LEBKISHER [redacted]
THOMAS LEBOVIC [redacted]
WILLIAM D. LECHER [redacted]
JERRY G. LEDOUX [redacted]
DAVID L. LEE [redacted]
JOHN C. LEE [redacted]
DONALD D. LEETH [redacted]
LAWRENCE T. LEPAK [redacted]
GARY D. LERCH [redacted]
DAVID L. LESCH [redacted]
LEO S. LESKO [redacted]
GLENN J. LESNIAK [redacted]
PAUL L. LEVERETTE [redacted]
MORRIS H. LEW [redacted]
DONALD L. LEWIS [redacted]
HERMAN P. LEWIS [redacted]
MICHAEL LEWIS [redacted]
RICHARD D. LEWIS [redacted]
SALVATORE J. LICARI [redacted]
MARK P. LINTZ, [redacted]
RICHARD L. LITTLE [redacted]
DAVID A. LIVELY [redacted]
STEPHEN M. LLOYD [redacted]
DAVID B. LOBB [redacted]
JOHN W. LOCKHART [redacted]
BRAD G. LOEWEN [redacted]
WALTER C. LOHMAN, [redacted]
RAMSEY LONGBOTHAM [redacted]
WALTER E. LORCHEIM [redacted]
JONATHAN D. LORD [redacted]
ORLANDO C. LOVELL [redacted]
RHETT M. LOWERY [redacted]
ROBERT L. LOWERY, JR [redacted]
VERNON L. LOWREY [redacted]
GILBERT LOZANO, JR [redacted]
JAMES C. LUBS [redacted]
JOHN M. LUCACOS, [redacted]
GABRIEL S. LUM [redacted]
WILLIAM J. LUPTON [redacted]
JOHN D. LYBRAND [redacted]
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STEVEN L. LYNE [redacted]
DAVID L. MAAS [redacted]
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MICHAEL E. MACK [redacted]
JAMES D. MACKENZIE [redacted]
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JOHN V. MADDEN [redacted]
DAVID L. MADSEN [redacted]
CRAIG R. MAEFS [redacted]
JEFFREY S. MAGERS [redacted]
MICHAEL H. MAGGARD [redacted]
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PAULINE J. MALLORY [redacted]
THOMAS O. MANCOSKE [redacted]
BRIAN C. MANDEVILLE [redacted]
JEANNE M. MANGIONE [redacted]
NOEL R. MANN [redacted]
WINSTON E. MANN [redacted]
ANTHONY R. MARKET [redacted]
DOUGLAS M. MARKLEY [redacted]
WAYNE D. MARLETT [redacted]
CHESTER M. MARTIN [redacted]
JAMES C. MARTIN [redacted]
JAMES R. MARTIN [redacted]
JOHN R. MARTIN [redacted]

KENNETH D. MARTIN	[redacted]
MARTYN A. MARTIN	[redacted]
PETER A. MARTINE	[redacted]
PABLO MARTINEZ	[redacted]
HECTOR M. MARTIR	[redacted]
ERIC D. MARTZ	[redacted]
MATTHEW G. MASNIK	[redacted]
PAUL E. MASTERS,	[redacted]
TOM O. MATCHIN	[redacted]
JOSEPH A. MATCZAK	[redacted]
ROGER L. MAXWELL	[redacted]
STEPHEN R. MAXWELL	[redacted]
ALBERT E. MAYNARD	[redacted]
FRANKLIN E. MAYO	[redacted]
CLARENCE M. MCADORY	[redacted]
BILLY J. MCALISTER	[redacted]
ROYETTA A. MCBAIN	[redacted]
MICHAEL MCCALISTER	[redacted]
GREGORY N. MCCALLON	[redacted]
DENNIS P. MCCANN	[redacted]
TIMOTHY G. MCCARTHY	[redacted]
CECIL L. MCCLARY	[redacted]
STEPHEN MCCONNELL	[redacted]
WALTER D. MCCORMICK	[redacted]
JOHN W. MCCOY	[redacted]
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DANNY MCDANIEL	[redacted]
JOHN E. MCDONALD	[redacted]
WILLIE G. MCGAHA, JR	[redacted]
DENNIS J. MCGLONE	[redacted]
CORTIS U. MCGUIRE	[redacted]
ROBERT P. MCKEEVER	[redacted]
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GARY A. MCKOWN	[redacted]
JOHN R. MCLAUGHLIN	[redacted]
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JEFFERY A. MCNARY	[redacted]
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TIMOTHY R. MCNEESE	[redacted]
JERRY L. MCNINCH	[redacted]
ALDEN W. MCPIKE	[redacted]
TERESA L. MCSWAIN	[redacted]
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HARRY E. MEADE	[redacted]
NOLAN R. MEADOWS	[redacted]
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ROBERT J. MEIER	[redacted]
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MUREL C. MILLER	[redacted]
SCOTT D. MILLER	[redacted]
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DAVID W. MITCHEM	[redacted]
HOMER B. MOFFITT	[redacted]
ROBERT A. MOGOR	[redacted]
WILLIAM MONK III	[redacted]
XAVIER A. MONTALVO	[redacted]
CHARLES E. MOORE	[redacted]
GREGORY A. MOORE	[redacted]
JAMES W. MOORE	[redacted]
RANDALL C. MOORE	[redacted]
ALFRED MORALESOLAN	[redacted]
MICHAEL E. MORAN	[redacted]
JOHN B. MORGAN	[redacted]
JUAN E. MORGAN	[redacted]
JILL MORGENTHALER	[redacted]
JOHN J. MORIARTY	[redacted]
DOMINIQUE J. MORIN	[redacted]
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RAYMOND E. MORREN	[redacted]
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WILLIAM R. MORRIS	[redacted]
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ANTHONY J. MOSKAL	[redacted]
FRANCIS V. MOULTER	[redacted]
SPENCER T. MUKAI	[redacted]
DANIEL J. MULLEN	[redacted]
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EDWARD R. MURDOUGH	[redacted]
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EDWARD J. MURRELL	[redacted]
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JORGE L. MUSKUS	[redacted]
ALAN R. MYERS	[redacted]
GARY R. MYERS	[redacted]
MARGARET E. MYERS	[redacted]
ROBERT S. MYERS	[redacted]
THOMAS H. MYLAN	[redacted]
WALTER H. NAGEL	[redacted]
JOSEPH S. NAVARRA	[redacted]
WAYNE M. NEAL	[redacted]
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LINN G. NEIDENGARD	[redacted]
JOHN R. NELSON	[redacted]
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PATRICK G. NELSON	[redacted]
JERRY A. NEPODAL	[redacted]
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ROBERT NEWMAN	[redacted]
HOMER I. NEWTON,	[redacted]
DONALD R. NICHOLS	[redacted]
JAMES H. NICHOLS	[redacted]
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JAMES D. NICHOLSON	[redacted]
JAMES R. NITZSCHE	[redacted]
GORDON D. NIVA	[redacted]
JESSE L. NOBLES	[redacted]
MICHELE H. NOEL	[redacted]
JOSEPH F. NOFER	[redacted]
RONALD NORMANDEAU	[redacted]
BARRY D. NORTON	[redacted]
CHARLES M. NORTON	[redacted]
STANLEY J. NOVAK	[redacted]
VINCENT OBERHOFER	[redacted]
CRAIG F. ODELL	[redacted]
JOE P. ODOUL	[redacted]
RIC B. OLSEN	[redacted]
DOLAN E. OLSON	[redacted]
JAMES F. OLSON	[redacted]
STEWART O. OLSON	[redacted]
WILLIAM H. ORANGE	[redacted]
FERNANDO ORNELAS	[redacted]
ANG ORTIZRODRIGUEZ	[redacted]
BRETT W. OSBORN	[redacted]
MARTI OSHAUGHNESSY	[redacted]
HENRY J. OSTERMANN	[redacted]
THEODORE G. OSUNIGA	[redacted]
JEFFREY D. OUS,	[redacted]
BENJAMIN F. OVERBEY	[redacted]
DARREN G. OWENS	[redacted]
MARTY D. OWENS	[redacted]
DUANE L. PACE	[redacted]
JAMES A. PAHDOCO	[redacted]
ERNEST S. PALASSIS	[redacted]
JAN G. PAPRA	[redacted]
JOSEPH E. PAQUIN	[redacted]
KEVIN J. PARDUS	[redacted]
PETER P. PARIS	[redacted]
COLLEEN P. PARKER	[redacted]
DAVID M. PARQUETTE	[redacted]
GARLAND W. PARRISH	[redacted]
LYNN M. PARROTT	[redacted]
ROBERT PASCOCELLO	[redacted]
JAMES L. PATRICK	[redacted]
RICHARD PATTERSON	[redacted]
WILLIAM PATTERSON	[redacted]
STEPHEN L. PAULI	[redacted]
JAMES K. PAYNE	[redacted]
CHRISTIAN PEARSON	[redacted]
GEORGE J. PECHARKA	[redacted]
PAUL A. PEDERSEN	[redacted]
WALTER S. PEDIGO	[redacted]
VINCENT F. PEDULLA	[redacted]
JOHN E. PEMBERTON	[redacted]
JOHN L. PENSINGER	[redacted]
DAVID C. PERKINS	[redacted]
LAWRENCE M. PERNA	[redacted]
ARTHUR E. PETERSEN	[redacted]
KARL F. PETERSON	[redacted]
WILLIAM R. PETERSON	[redacted]
FRANCIS P. PETRELLI	[redacted]
STEVEN C. PFAFF	[redacted]
MICHAEL D. PHELAN	[redacted]
GREGORY W. PHELPS	[redacted]
JERRY L. PHILLABAUM	[redacted]
CHARLES C. PHILLIPS	[redacted]
FREDERICK PHILLIPS	[redacted]
JAMES F. PHILLIPS	[redacted]
JOSEPH C. PHILLIPS	[redacted]
SHELDON H. PHILLIPS	[redacted]
JAMES V. PIANELLI	[redacted]
JOSEPH A. PIASTA	[redacted]
MARK H. PIEKLIN	[redacted]
LEWIS E. PINSON	[redacted]
RAYMOND P. PLAGGE	[redacted]
STANLEY C. PLUMMER	[redacted]
PATRICK P. PNACEK	[redacted]
GEORGE W. POGGE	[redacted]
URSULA S. POLK	[redacted]
JAMES M. POLLOCK	[redacted]
PAMELA J. POLMATEER	[redacted]
WALTER R. POSEY	[redacted]
KAREN POSPISIL	[redacted]
BRICCA PRESTRIDGE,	[redacted]
ROBERT M. PREVETTE	[redacted]
RICHARD J. PREVOST	[redacted]
LESTER K. PRICE	[redacted]
WILLIAM C. PRICE	[redacted]
RICKY L. PRUETT	[redacted]
RICHARD L. PUGLISI	[redacted]
DANIEL M. PURCELL	[redacted]
CORTEZ M. PURYEAR	[redacted]
JAMES I. PYLANT	[redacted]
ANTHONY H. QUAN	[redacted]
WESLEY R. QUERNS	[redacted]
GRANDVIAL H. QUICK	[redacted]
ALLEN E. QUILLEN	[redacted]
GREGORY A. QUIRIN	[redacted]
WAYNE P. RAKETT	[redacted]
STEVEN R. RANKIN	[redacted]
LARRY F. RATLIFF	[redacted]
DANIEL RAWSTHORNE	[redacted]
JOSEPH M. REA	[redacted]
EDWARD J. RECKE	[redacted]
CAROLYN RECKOWENS	[redacted]
LARRY D. REESE	[redacted]
ELDON P. REGUA	[redacted]
RICHARD REID	[redacted]
WILLIE V. REID, JR.	[redacted]
DENNIS E. REILAND	[redacted]
EDWARD F. RENNIE	[redacted]
BRUCE C. RESSNER	[redacted]
DANIEL M. REYNA	[redacted]
EDWARD RHEINHEIMER	[redacted]
JOHN C. RICE	[redacted]
JACKIE L. RICHARDS	[redacted]
JAMES L. RICHARDS	[redacted]
DOUGLAS RICHARDSON	[redacted]
JEROME RICHARDSON	[redacted]
MARK A. RICHARDSON	[redacted]
RAJ L. RICHARDSON	[redacted]
MARK C. RICKETTS	[redacted]
DREW S. RICKS	[redacted]
WILLIAM F. RIDLON	[redacted]
DARRELL RIEKENBERG	[redacted]
JOHN S. RILEY	[redacted]
JOYCE A. RILEY	[redacted]
TOD H. RINGENBERG	[redacted]
LINFORD E. RINIKER	[redacted]
GEORGE W. RIPPEE	[redacted]
DAVID RITTENHOUSE	[redacted]
JAMES H. RITTER	[redacted]
JOSE RIVERANAZARIO	[redacted]
ROBERT F. ROACH	[redacted]
MICHAEL K. ROBEL	[redacted]
DAVID L. ROBERTS	[redacted]
DANNY L. ROBERTSON	[redacted]
MONROE I. ROBERTSON	[redacted]
CARTER J. ROBINSON	[redacted]
CHARLES J. ROBINSON	[redacted]
CHARLES M. ROBINSON	[redacted]
DAVID P. ROBINSON	[redacted]
JAMES C. ROBISON	[redacted]
CHARLES P. ROCCO	[redacted]
LARRY L. ROCHAT	[redacted]
JOHN L. RODDY	[redacted]
ROBERT G. RODRIGUEZ	[redacted]
GUY A. ROGERS	[redacted]
JAMES E. ROGERS	[redacted]
JOSEPH L. ROGERS	[redacted]
LARRY E. ROGERS	[redacted]
KEITH C. ROGERSON	[redacted]
RANDY C. ROLAND	[redacted]
ALLYN D. ROLEY	[redacted]
DEBRA A. RONDEM	[redacted]
JAMES A. ROSEBROCK	[redacted]
DANNY R. ROSS	[redacted]
JOHN L. ROSS	[redacted]
THOMAS W. ROUND,	[redacted]
REX C. RUDY	[redacted]
FRANKLIN J. RUPLE	[redacted]
SALVATORE J. RUSSO	[redacted]
LARRY D. RUTHERFORD	[redacted]
RICHARD A. RUTLEDGE	[redacted]
LARRY E. RYALS	[redacted]
THOMAS M. RYAN	[redacted]
DAVID S. RYDER	[redacted]
STEPHAN E. RYECZEK	[redacted]
WILLIAM T. RYERSON	[redacted]
PAMELA M. SABONIS	[redacted]
JOSEPH T. SAFFER	[redacted]
WILLIAM D. SAILERS	[redacted]
LLOYD F. SAMMONS	[redacted]
RAFAEL SANCHEZ	[redacted]
DENNIS J. SANDBOTHE	[redacted]
DAVID R. SANDERS	[redacted]
JOSEPH R. SANDERS	[redacted]
RICHARD A. SANDERS	[redacted]
ROBERT SANKNER	[redacted]
DONALD V. SAPP	[redacted]
MERRIEL E. SAVAGE	[redacted]
DAVID L. SCHAAB	[redacted]
ALAN L. SCHANTZ	[redacted]
STEPHEN F. SCHARF	[redacted]
ESTHER S. SCHAU	[redacted]
KENNETH G. SCHIEMAN	[redacted]
MARCIA S. SCHIFF	[redacted]
ROGER R. SCHLEIDEN,	[redacted]
BENJAMIN SCHLEIDER	[redacted]
TERRY R. SCHMALTZ	[redacted]
MICHAEL E. SCHMIDT	[redacted]
PAUL G. SCHMITT	[redacted]
GREGORY L. SCHMITZ	[redacted]
PAUL A. SCHNEIDER	[redacted]
CLIFFO SCHOLLMEYER	[redacted]
GARRY G. SCHOONOVER,	[redacted]
EDWARD W. SCHORK,	[redacted]
MELV SCHUCKENBROCK,	[redacted]
JAMES D. SCHULTZ	[redacted]
BARBARA A. SCHWARTZ,	[redacted]
BRION L. SCHWEBKE	[redacted]
RICHARD D. SCIASCIA	[redacted]
TRAVIS F. SCOGIN	[redacted]
DAVID O. SCOTT	[redacted]
MICHAEL E. SCOTT	[redacted]
THOMAS D. SCOTT,	[redacted]
SHERWOOD SEAGRAVES	[redacted]
RICHARD D. SEAMAN	[redacted]
DENNIS S. SEARS	[redacted]
MICHAEL B. SEELEY	[redacted]
STEPHEN R. SEITER	[redacted]
PETER A. SEITZ	[redacted]

CHRISTOPHER SERPA, [redacted]
BARBARA A. SERVE [redacted]
STEVEN M. SEYFRIED, [redacted]
JONATHAN H. SHAFFER, [redacted]
DAVID L. SHAKES [redacted]
CRAIG SHARP, [redacted]
JOHN M. SHAUGHNESSY [redacted]
TROY C. SHAVER, [redacted]
THOMAS M. SHEA, [redacted]
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SAUL J. SIEMASKA, [redacted]
RAYMON SIENKIEWICZ [redacted]
MARK P. SIINO, [redacted]
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KELLY L. SIPLE, [redacted]
CHRISTINE SKIBBIE [redacted]
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WILLIAM SOBOTKA, [redacted]
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MATTHEW STCLAIR, JR [redacted]
BRYAN F. STEARNS, [redacted]
THOMAS STEINBRUNNER, [redacted]
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FRANK M. SWETT, [redacted]
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DEREK C. SWOPE, [redacted]
FRANK A. SZYMANSKI, [redacted]
DORIS P. TACKETT, [redacted]
RICK W. TAGUE, [redacted]
BRIAN J. TALASKE, [redacted]
VINCENT C. TAMY, [redacted]
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JOHN C. TAYLOR, [redacted]
REGINALD A. TEAGUE, [redacted]
DWYANE L. TEAL, [redacted]
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MICHAEL L. TEMPLE, [redacted]
NICHOLAS TEODOROU, [redacted]
DOUGLAS P. TERRY, [redacted]
STEVEN L. TETREAULT [redacted]
RONALD H. TEUFEL, [redacted]
ANNA L. THACKER, [redacted]
NANCY A. THOMAS, [redacted]
CAREY G. THOMPSON, [redacted]
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DAVID W. THOMPSON, [redacted]
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WILLIAM R. THOMSON, [redacted]
COLUMBUS THORNHILL, [redacted]
RODERICK THORNTON, [redacted]
RONALD L. THORSETT, [redacted]
EMELIO K. TIO [redacted]
SHERRY L. TOBERMAN, [redacted]
ALBERT TOCZYDLOWSKI, [redacted]
JOHN A. TODD, [redacted]
JAMES TOLBERT, JR, [redacted]
WILLIAM G. TOLLESON, [redacted]
FREDERICK TONSING, [redacted]
LEN E. TONTZ, [redacted]
JEFFREY A. TOTARO, [redacted]
LEWIS B. TOWNSEND, [redacted]
CHARLES A. TRAFFORD, [redacted]
JOSEPH V. TRAHAN, [redacted]
WILLIAM D. TROUT, [redacted]
PATRICK M. TUCKER, [redacted]
VERLYN E. TUCKER [redacted]
LEWIS T. TURNER, [redacted]
KARL W. UCHRINSCKO, [redacted]
MICHAEL ULEKOWSKI, [redacted]
CHARLES B. UPSHAW, [redacted]
MICHAEL S. UPTON, [redacted]
DANIEL P. VALENTINE, [redacted]
ROBERT VANDERMALE, [redacted]
RUSSELL VANHOUTEN, [redacted]
ROBERT W. VAUGHAN, [redacted]
JANIS K. VAUGHN, [redacted]
JAMES B. VAUGHT, [redacted]
WILLIAM V. VEJCIK, [redacted]
WILLIAM H. VENEMA, [redacted]
ERIC C. VERBER, [redacted]
JAMES W. VERMASON, [redacted]
ROGER A. VERNON, [redacted]
FERNAND R. VERRIER, [redacted]
GARRY L. VEST, [redacted]
RAYMOND B. VIETS, [redacted]
JOSEPH F. VISKOCIL, [redacted]
DALE T. VITALE, [redacted]
DALE L. VOLLEY, [redacted]
OTTO VONOETTINGEN, [redacted]
WILLIAM D. WAFF, [redacted]
MICHAEL D. WALDROP, [redacted]
JAMES B. WALK, [redacted]
DAVID M. WALKER, [redacted]
DOLTON G. WALKER, [redacted]
LOYA W. WALL, [redacted]
SALLY WALLACE, [redacted]
JAMES R. WALLEY, [redacted]
KILFRED WALLEY, [redacted]
GLENN H. WALTON, [redacted]
MATTHEW J. WANCHENA, [redacted]
DOUGLAS J. WARD, [redacted]
MELINDA L. WARD, [redacted]
ARLON I. WARNER, [redacted]
CLYDE C. WARNICK [redacted]
JOHN H. WARREN, [redacted]
TOM E. WARREN, [redacted]
WILLIAM A. WARREN, [redacted]
PAUL V. WATERBURY, [redacted]
DIANE K. WATERS, [redacted]
LEACLE W. WATERS, [redacted]
FELTON WATKINS III, [redacted]
JOYCE I. WATSON, [redacted]
HENRY L. WAY, JR, [redacted]
MICHAEL R. WEAVER, [redacted]
CRAIG A. WEBBER, [redacted]
GEORGE L. WEBSTER, [redacted]
JOHN K. WEEMS, [redacted]
LEE L. WEISHAR, [redacted]
THOMAS WEISSMILLER, [redacted]
JOHN WEISZ, [redacted]
DICK WELCH, [redacted]
ROBERT E. WELCH, [redacted]
ROBERT F. WELCH, [redacted]
JOHN L. WELLS [redacted]
WAYNE A. WELLS, [redacted]
KENNETH E. WELTY, [redacted]
BEAUREGARD A. WENDT, [redacted]
JAMES E. WEST, [redacted]
DONALD G. WESTBROOK, [redacted]
MARTIN A. WESTMAN, [redacted]
JIM B. WESTMORELAND, [redacted]
MARY WESTMORELAND, [redacted]
AMELIA J. WESTON, [redacted]
GRANT L. WHITE, [redacted]
RICHARD K. WHITE, [redacted]
ROBERT M. WHITED, [redacted]
MICHAEL WHITEHEAD, [redacted]
FLOYD G. WHITNEY, [redacted]
ROGER D. WIEDEMAN [redacted]
JAMES A. WIEGEL, [redacted]
DELANCE E. WIEGELE [redacted]
JACK I. WIER, [redacted]
DOUGLAS WILKINSON, [redacted]
MICHAEL WILLBANKS, [redacted]
CHARLES L. WILLCOX, [redacted]
BARRY J. WILLIAMS, [redacted]
FREDDIE L. WILLIAMS, [redacted]
GUY T. WILLIAMS, [redacted]
JAMES A. WILLIAMS, [redacted]
JAMES R. WILLIAMS, [redacted]
SAMUEL T. WILLIAMS, [redacted]
EDDY WILLIAMSON, [redacted]
DELLOYD WILSON, [redacted]
JOEL W. WILSON, [redacted]
LEON E. WILSON, [redacted]
WILLIAM T. WILSON, [redacted]
CALVIN B. WIMBISH, [redacted]
WILLIAM R. WING, [redacted]
GARY L. WINSPER, [redacted]
ANTHONY E. WINSTEAD, [redacted]
GEORGE A. WITHROW, [redacted]
TED E. WITTE, [redacted]
ROYCE L. WITTIE, [redacted]
CHARLES D. WOHLRAB, [redacted]
ANTHONY A. WOLF, [redacted]
RUSSELL S. WOLFE, [redacted]
CHRISTIN WOLFFRAMM, [redacted]
WILLIAM E. WOOD, JR, [redacted]
KENNETH W. WOODARD, [redacted]
DANNY L. WOODYARD, [redacted]
JAMES H. WOOLEY [redacted]
PAUL D. WOOLMAN, [redacted]
HOWARD N. WOOSTER, [redacted]
DUNCAN W. WORTMANN [redacted]
DOUGLAS R. WRIGHT, [redacted]
FRANK M. WYCKOFF [redacted]
NEIL YAMASHIRO, [redacted]
MERRILL K. YEE, [redacted]
EDWIN G. YOCHER, [redacted]
BARBARA YOERG, [redacted]
JAMES W. YOUMANS, [redacted]
KENNETH ZABIELSKI [redacted]
JOHN A. ZERILLO, [redacted]
GARY M. ZICKEFOOSE, [redacted]
VINCENT A. ZIKE, [redacted]

HOUSE OF REPRESENTATIVES—*Monday, January 23, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. CAMP].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 23, 1995.

I hereby designate the Honorable DAVE CAMP to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON] for 5 minutes.

TAX REVENUE BELONGS TO THE TAXPAYER, NOT TO GOVERNMENT

Mr. SOLOMON. Mr. Speaker, yesterday's Washington Post carried a story bemoaning all the benefits and grants that States receive from the Federal Government which will supposedly be taken away under a balanced budget amendment. Members ought to read this article. Included in these grants, according to this writer, are the Federal tax exemptions of State and municipal bonds, and the deductibility of State and local taxes.

The fact that we do not tax people on their property taxes is a grant to the States? Under this way of thinking, anything somebody is able to keep of their hard-earned paychecks would be grants or gifts from the Government.

Did Members ever hear anything so outrageous in their lives? When, oh when, will the inside the beltway, anti-family, tax-increasing, and bureaucratic-spending intellectuals in this city finally realize that tax breaks and lower taxes for the people back home are not grants and subsidies from the Government that we give them from the graciousness of our hearts?

It is preposterous to call a tax exemption for an individual or a family a grant or subsidy from the State. Taxed revenues belong to the taxpayers, not to this or any other part of the government. It is about time we realize that.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I just wanted to ask the gentleman about the other point they made in that article that I read with interest, too. That was about the fact that one of the Governors that is beating up on us the most also has not paid that State's 10 percent toward disaster relief, and is back here with his tin cup asking for the next round of disaster relief.

I think it pointed out that Governor Wilson of California took all the disaster relief last year without putting up the State's 10 percent that it was supposed to, it is a deadbeat on that, and that they also were giving back taxes at the State level.

I just thought maybe, since the gentleman is on this side of the aisle, maybe that is one thing he and I could agree on, that the State of California certainly should pay its old debts before it comes back here with its tin cup for the next time around.

Mr. SOLOMON. Mr. Speaker, California certainly has their problems. I come from the Adirondack Mountains in the Northeast and, you know, we have our own disasters up there with bad weather. We have never come asking for help.

However, that is beside the point. The point I was making is just because we do not tax people does not mean it is a grant or that it is a gift that we are giving to the American people. That in no way is any kind of a grant.

They say in this article that we give $230 billion in grants to the States, and they include about $80 billion in this. The gentlewoman I think agrees with me that is not a grant from this Congress.

INTRODUCING THE WOMEN'S RIGHT TO KNOW ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, today what I wanted to talk about was the fact that the gentleman from Connecticut, CHRIS SHAYS, and I and any number of bipartisan Members will be introducing today the Women's Right To Know Act.

We feel that this is a very, very critical bill that unequivocally asserts that women are adults and that they have the right to receive information about the full range of their reproductive health choices, and the Federal Government should do nothing to either gag their medical professionals that are dealing with them or put cotton in the ears of the women and say that they are not able to hear it.

As Members know, this goes right to the gag rule which right now is very shaky. President Clinton lifted the gag rule when he came into office, but this Congress has never lifted it through legislation, so what this is saying is that no government, be they Federal, State, or local, can dictate to doctors or to any medical professional what women can hear nor tell women that they cannot hear it.

We introduced this bill on this very historic 23d anniversary of Roe versus Wade, which the Supreme Court upheld and has continued to uphold. We also know that in the Republican contract for a while the gag rule repeal was being overridden. They were putting the gag rule back on. I am very pleased that the Republican contract decided that was not where they were supposed to be, and that came away, but it makes us all feel a little uncertain.

We think the time has come for Members to rally around in a bipartisan manner, stand up very firmly, and say that if women are going to have responsibility for their lives, we have to treat them like responsible adults. I am very pleased that many members of the medical profession obviously agree with us: no more gag rules for women and no more gag rules for doctors.

We have the American College of Obstetricians and Gynecologists agreeing with us, we have the American Medical Association agreeing with us, and I could go on and on with people saying women should be treated equally at all levels in their doctor-patient relationship.

This is important to move forward on, and I think it is also an interesting time to pose it, because we saw yesterday the death of Rose Kennedy. Here is a woman who, when she was born, could not vote, and just a few days before she died, saw her granddaughter sworn into office. What a change that woman saw in her life.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I think we have seen women becoming more and more empowered under this Government, but I think the gag rule goes right at that empowerment of women and says we are not mature enough to hear what is out there, or hear what different choices are. If we are going to hold women accountable, we have to treat them as adults.

Mr. Speaker, I hope many Members of this body will join with the gentleman from Connecticut and I and the other bipartisan cosponsors and get on with this, because it is time once and for all that we legislatively join with the President in saying that the gag rule should not be there, the Federal Government should not deny the right to hear information on health to any American citizen, nor should the Federal Government or any U.S. section of government dictate to the medical profession what they can say to different people within our society.

That is wrong, and that is un-American. That certainly is turning back the clock, not moving the clock forward, as many people have cheered in seeing it moving forward, whether it was Rose Kennedy or many of the rest of the women.

Mr. SHAYS. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I just want to thank the gentlewoman from Colorado for moving forward on this important legislation. It is just absolutely essential that a woman know of her rights, and never be denied because of a government law from knowing of her rights.

I just want to thank the gentlewoman for introducing this bill. We will be working on a bipartisan basis to have the will of the Chamber be recognized.

Mrs. SCHROEDER. I thank the gentleman from Connecticut, and I thank the gentleman from Connecticut for his courage in standing up on this issue. There are strong supporters on both sides of the aisle. This should not be a partisan issue.

This is an American issue. It is about free speech, it is about responsibility, and it is about the right to know different health options that are out there. Therefore, I thank the gentleman for carrying the banner on this. We will aggressively do it on this side, and let us have a race to see who can get the most cosponsors.

Mrs. SCHROEDER. Mr. Speaker, today Representative CHRIS SHAYS and I are introducing legislation with bipartisan support for the Women's Right To Know Act, a bill that unequivocally asserts American women's right to receive information about the full range of their reproductive health options.

The Women's Right To Know Act amends the Civil Rights Act of 1964 and simply says that government, Federal or State, cannot restrict a doctor's right to give or a woman's right to receive information about her reproduction health options, including family planning, prenatal care, adoption, and abortion services.

We introduce this bill on the 23d anniversary of Roe versus Wade, the case in which the U.S. Supreme Court ruled that the right to choose abortion is protected by the Federal Constitution.

It's also a time when the gag rule stands on shaky ground. The original Republican contract included a gag rule on information welfare recipients could receive about abortion. We then heard that was a mistake. It wasn't supposed to be in there.

I don't want to leave anything to chance. It's time for this Congress to stand firm and say no more gag rules for women and no more gag rules for doctors.

That's what this bill says. We say it's a doctor's right to give information about reproductive health and a woman's right to receive that information. Very simple.

I would like also to remind my colleagues that the American Medical Association and the American College of Obstetricians and Gynecologists strongly condemn Government interference with the freedom of communication between physicians and patients. That is what this legislation outlaws: Government interference with the doctor-patient relationship.

In 1991, the Supreme Court in Rust versus Sullivan maintained that the Government can censor health information in Federally funded family planning clinics. That has made it more imperative than ever for Congress to enact the Women's Right To Know Act. Passage of this act would make it clear that censoring information about women's reproductive health options violates a women's right to know accurate information about her health.

IN SUPPORT OF THE UNFUNDED MANDATE REFORM ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Unfunded Mandate Reform Act. I rise today to argue that the time has come for us to reign in the unfunded mandates and the misguided notion under which they operate. By voting for this bill, we can show the American people that we mean business by reducing the dictatorial power that Congress has exercised over the States through unfunded mandates.

I think we should take a moment to consider the idea of the unfunded mandate. In essence, with an unfunded mandate, the Federal Government goes to State and local governments and says you must do this, and you must pay for it yourself. How incredibly arrogant. How did this Government grow so arrogant as to pass such dictates onto the States? We can not wisely set the priorities for spending the limited funds a county has to operate with. We should not try to micromanage 159 Georgia counties.

If we are going to dictate to the States, we must also have the guts to raise the taxes that pay for the dictates or mandates—not pass that responsibility onto State and county officials. If the Federal Government cannot afford these programs, the programs should be passed onto the States as strong suggestions—not unfunded mandates.

But we all know that there is more to the arguments against this bill than fear of cutting certain Federal programs. Underneath all that they say is a simple refrain—a tired, failed, liberal refrain—that says to the people we are the Federal Government, we know what is best for you, we are the Federal Government, we must take care of you. Why? Because you can't take care of yourself.

What made us so smart? Do we really believe we want clean air and clean water more than the folks at home? How did we become so endowed with the knowledge of what is right and what is wrong for America? We are simply 435 men and women who won elections on November 8. We have the power to pass laws that force State action, but we should use that power in moderation. Remember the words of the 10th amendment to the Constitution—"the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." Those words should not be treated lightly. The goal of the 10th amendment was to limit the powers of the Federal Government. Could we have moved any farther away from the intent of the 10th amendment than with unfunded mandates? We should be searching for ways to return control to the States and local governments. But when we must use our power to write laws that will force State action, we most certainly should pay for it.

The Unfunded Mandates Reform Act is the first important step toward reevaluating what Congress should do. It will put us in a position to reconsider the value of some of the dictates that have been passed onto State and local governments already. Maybe it is a good idea for Sheriff Berry of Oconee County, GA, to have to devote one of his few officers to stake out convenience stores in an effort to stop youngsters from buying cigarettes. Maybe Columbia County, GA, should have to meet such rigorous standards in their landfill that it makes the cost per acre go up by 1,000 percent. Maybe these unfunded mandates are good for the people, but can they afford all of our good ideas? But when the sheriff has to cut back patrols in certain areas of his county to meet a Federal mandate, or local property taxes go up to pay for landfill improvements because of a Federal mandate, do we not have a responsibility for our actions?

The bottom line is that one word—responsibility. Mr. Speaker, the Unfunded Mandates Reform Act will make Congress take responsibility for its actions. If we see fit to force the States to act, then we must bear the responsibility of paying for that action. This act forces Congress to make the hard choices that have been too easily avoided. This act will provide much needed relief to State and local governments. I urge my colleagues to support H.R. 5, the Unfunded Mandates Reform Act, and return responsibility to Congress.

INTRODUCING A FAIR BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, by the end of this week we will have under consideration a balanced budget amendment to the Constitution. That is fine. West Virginia has a balanced budget requirement, as do most of the States in the Union. I myself have introduced a proposal for a balanced budget amendment.

Mr. Speaker, however, before the House undertakes that, and particularly before it begins debate on something so serious, it should definitely spell out, though, exactly how it intends to make the cuts to balance the budget, because that is the concern many of us have, and indeed, many West Virginians have contacted me about. Yes, the idea of a balanced budget within 7 years is an excellent proposal. It sounds good, looks good on a bumper sticker, but how do you actually propose to balance the budget? What is it that gets cut? Do you cut Social Security? "Oh, no," recoil many in horror, "Oh, no." Well, if you are not going to cut that, do you cut Medicare? What health care do you cut? What education programs? Is it Head Start? Is it WIC? Is it the defense budget? What is it that gets cut by the roughly $700 billion that is estimated to balance the budget by the year 2002?

West Virginians alike tell me "We don't buy a pig in a poke." By the same token, if we go and we are looking to buy a house, we ask details about the mortgage: What are the interest payments going to be over the next 7, 10, 20 years? Does anyone walk on a car lot and say "Just give me any car off the lot; don't show me the invoice, don't show me the payment terms"?

Does anyone go and authorize major work to be done to their house by a contractor without having it spelled out in advance before you start what it is you hope to do? You set the goal: "I want the house painted, or I want the furnance put in," but don't you also ask how you are going to get there and how much it is going to cost?

So before signing off on a balanced budget amendment, I would hope that all of us in the public and the Congress alike would say "how are you going to get there?" We have asked the Republican leaders bringing this to the floor for their budget, for their 7-year proposal of how you balance the budget. Don't just put it in the Constitution, write out how you get it, what it is that gets cut, what programs get rearranged. So far we are waiting to see that.

I myself have introduced a balanced budget amendment, Mr. Speaker. Mine is a little different than some of the others, but it has much the same goal, to require a balanced budget by the year 2002. It does several things. First of all, it takes Social Security off budget. It cannot be considered. It is gone. Everyone says they want to protect Social Security. Fine. Adopt my amendment and you will protect Social Security. It has self-generating funds that are paid by every employee in this country. It runs a surplus. Social Security does not need to be in the budget process.

The second thing my amendment does is it encourages investment. My concern about many of the balanced budget requirements is that they will encourage, they will reward cuts in vital programs, like highway construction, water and sewer construction, airports, infrastructure, that make us stronger economically, not weaker.

Therefore, what my amendment does is to permit capital budgeting and permits you to treat the cost of physical infrastructure like roads and bridges differently than you do other expenditures.

Is that something new or novel? No, Mr. Speaker, every State has some form of capital budgeting along these lines. Every homeowner knows that you pay for your house on a mortgage and that the debt service is what is figured in your budget, not the actual cost of the house. Everybody knows that when they buy a car they buy it on a payment plan and they spread that cost out over the life of the car. That is all that my amendment does.

What my balanced budget amendment to the Constitution would do, which I hope will be made in order to be considered this week, is it will take Social Security off budget and it will encourage investment by permitting capital budgeting.

What we are asking, Mr. Speaker, is that as the House moves toward a balanced budget discussion this week, that if it is going to bring up the balanced budget amendment, that first of all we be honest with the American people and we tell the people where we are going to make the cuts and how deep those cuts are going to be.

Second, we say that we take Social Security off budget, because it does not have any business being involved in the overall budgeting of the Federal Government, since it has already been paid for and there is a surplus.

Third, Mr. Speaker, that the balanced budget amendment encourage investment, not discourage it; that we put in the balanced budget amendment those things that will make the economy grow, not shrink. That is what a fair balanced budget amendment needs if it is to be considered this week.

□ 1250

SUPPORT CONTRACT WITH AMERICA'S BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of January 4, 1995, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized during morning business for 2 minutes.

Mr. CHRISTENSEN. Mr. Speaker, over the course of the last week, the American people have seen a great deal of discussion in the Chamber about book deals. They have seen partisan posturing and parliamentary tricks designed to slow down if not halt completely the course that we have set out to make the Contract With America the people's agenda.

Mr. Speaker, this is the only book that we should be talking about, the "Contract With America." I was noticing on page 23 of this book that it talks about the balanced budget amendment and the line-item veto.

"Isn't it time we hold Congress accountable?" it says.

It goes on to say, "Just as every American sits at the dinner table, and as they do, they balance their own books, they balance the budget of a family, a business, it's time that the American people hold Congress accountable to balancing the books."

This week we will be taking up the balanced budget amendment, a piece of legislation that is long overdue.

We have already started giving the voters of America what they said they wanted in the Contract and now it is time to focus on the job at hand and get on with the people's business.

As a freshman Member of the 104th Congress, I was sent here by the people to make real change, to make this happen for the first time in 40 years.

Let us not continue backsliding toward politics as usual, but let us give the American people what they sent us here to do, and, that is, to pass a balanced budget amendment.

CALL FOR AN INDEPENDENT COUNSEL IN SPEAKER'S ETHICS CASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 5 minutes.

Mr. BONIOR. Mr. Speaker, we Democrats are anxious to get on with the business before this House. I was pleased on Friday that the Speaker appointed his Members of the Ethics Committee and Minority Leader Gephardt appointed Members from the other side of the aisle as well. To avoid a conflict to interest, they each chose Members from the preexisting ethics panel. This was a wise move because the only complaint before the Ethics Committee right now is a complaint involving Speaker GINGRICH. Clearly the Speaker would have had a conflict of interest appointing new Members who would sit in judgment on his own case. Unfortunately, even with Friday's announcement, the Speaker still has a conflict of interest problem. The subject of the ethics complaint and the essence deals with the relationship of GOPAC, which is a political action committee controlled by Mr. GINGRICH, to Mr. GINGRICH'S other enterprises.

GOPAC is an organization which has raised over the last 9 years anywhere between $10 and $20 million in contributions. Its contributors included people who have direct interest in what we do in the People's House here. Direct interest. They have contributed to over 100 Republican candidates and campaigns. Yet we do not know who contributed the money or how the money was spent, because GOPAC still refuses to disclose the names of its past donors, and, I might add, its past expenses as well.

The ethics complaint involves questions about the relationship of this multimillion-dollar political slush fund to Mr. GINGRICH'S alleged nonpartisan college course. Clearly any person who has had dealings with GOPAC has a serious conflict of interest in this case. Yet in this morning's Wall Street Journal, we learned that 2 of the 5 Members appointed to the Ethics Committee by Mr. GINGRICH on Friday have had past dealings with GOPAC.

Mr. Speaker, this will not do. The only way we are going to get on with the business of this House and to get past this ethical cloud swirling around the Speaker's head, from his book deal to GOPAC, to his supposedly nonpartisan college course, is to have a professional, nonpartisan, independent outside counsel appointed to this case.

I would urge in the strongest way possible that that is the course that this body and that the Ethics Committee take.

QUOTES FROM THE PAST SUPPORT BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, we are getting to the point in the balanced budget debate where the volume is being turned up, the heat is being turned up, we are starting to hear a lot of gnashing of teeth and beating of chests and wailing and wringing of hands, and I thought that it might be a good idea at this point to remind ourselves of the words of George Santayana who said that those who refuse to study history are condemned to repeat it, especially as we hear, and I talked last week a little bit, about the new species on the floor this year in Congress called the Metoobut.

The Metoobuts are known by their talking about a particularly positive and popular Republican principle, for example, in this case the balanced budget amendment, which the people of this country have said overwhelmingly that they want this Congress to enact, and they will say, "We absolutely have to have a balanced budget amendment, I support it completely, it's the best thing in the world, it's the greatest thing since sliced bread, but," and then launch into 55 reasons why we ought to have it maybe in the next millennium but not in this one.

I thought it might be instructive if we could just look a little bit at what other people in other times have said about the ability to spend the national treasury.

Going backward quite a way, I thought maybe we could start with the Roman statesman Cicero when he spoke in the Roman Forum in 63 B.C. Listen closely, because this has particularly special relevance to today, Mr. Speaker:

> The budget should be balanced, the Treasury should be refilled, public debt should be reduced, the arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed lest Rome become bankrupt.

Then we move closer to our own era, and we find a gentleman named Alexander Fraser Tyler who wrote about the decline and fall of the Athenian Republic. He was a Scotsman, a scholar, a historian and a professor, and he wrote this book in 1805. He said that a democracy "can only exist until the voters discover that they can vote themselves money from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the Public Treasury with a result that a democracy always collapses over loose fiscal policy always followed by dictatorship. The average age of the world's greatest civilizations has been 200 years. These nations have progressed through the following sequence." This is all according to Mr. Tyler:

> From bondage to spiritual faith;
> From spiritual faith to great courage;
> From courage to liberty;
> From liberty to abundance;
> From abundance to selfishness;
> From selfishness to complacency;
> From complacency to apathy;
> From apathy to dependency;
> From dependency back into bondage.

Mr. Tyler's assessment is not very positive and I think I will take issue with his notion that every democracy will collapse over loose fiscal policy followed by a dictatorship. That is one of the reasons that we are not going to allow that to happen here at this time in the history, in the life cycle of our own Republic.

Let us go back to what one of our own Founding Fathers said, one of the greatest Founding Fathers, Thomas Jefferson, in 1789. He had one reservation about the Constitution, this document that he personally had had so much to do with authoring. He said, and this is 1789 he wrote this, "If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of the government to borrow money."

That is what our balanced budget amendment is all about. It is about requiring a supermajority, a three-fifths vote of the House, in order to borrow more money. The operative working section of this constitutional amendment is the requirement that 60 percent, that is the restriction right there, 60 percent of the House of Representatives and the Senate must vote in order to pass a raising of the debt service, or the debt limit, the ceiling on the debt. That is the restriction that Thomas Jefferson was talking about, right there.

Finally, I would like to quote from the founder of our party, Abraham Lincoln. He wrote, "As an individual who undertakes to live by borrowing soon finds his original means devoured by interest and next to no one left to borrow from, so it must be with a government."

Let us learn from the past and not repeat these same mistakes to the detriment of our future generations.

APPOINTMENT OF OUTSIDE COUNSEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. MILLER] is recognized during morning business for 5 minutes.

Mr. MILLER of California. Mr. Speaker, at the end of last week, the makeup of the Ethics Committee was announced by the Speaker and by the minority leader. We know as Members of this House that that is among the most difficult task Members can be called upon to perform, and, that is, to sit in those rare occasions when they must in judgment of their colleagues in this House for actions or allegations of behavior. The difficulty of that task was recognized by Speaker GINGRICH back in 1988 when the conduct and questions of the former Speaker was called into question, and he said that the Speaker of the House, a position which is in third line for succession to the presidency and the second most powerfully elected position in America, this investigation has to meet a higher standard of public accountability and integrity.

I think he is probably correct. It certainly must meet the same standards as for Members of the House, but clearly sitting in judgment of the Speaker is a far more difficult task than sitting in judgment upon regular Members of the House because of his position of power and prestige and his integral being to the workings of this House and to the success of Members of his own party and of the House generally.

It is for that reason that while we applaud finally that there is an Ethics Committee in place, that we must raise the issue of the appointment of an outside counsel. Serious allegations have been made against the Speaker in his dealings with the potential publication of his book, the funding of his college class, the solicitation and the disbursement of fundings for GOPAC, a PAC which he controls and which many Members of the House have benefited from or been involved in over the last year. It now turns out that three of the Members, or two, maybe three of the Members on the Republican side of the Ethics Committee have had dealings with GOPAC and been involved in one fashion or another with that.

I think again unfortunately in this House we do not get to deal with simply the facts. We must also deal with the appearance when we do the public's business. And the appearances of a conflict within the Ethics Committee must be dealt with and they must be dealt with in a timely fashion and they must be dealt with immediately.

As the Wall Street Journal pointed out in its discussion of the makeup of the Ethics Committee and about the potential conflict of the members of that committee, it went on to quote Senator DOLE, the Republican leader in the Senate, who said on "Face the Nation" that "the American people want us to move forward. We are not doing that. All the focus is on NEWT GINGRICH."

I think that is quite clearly the mood in this body and the mood in the public and that is that we must move forward with the agenda, whether it is the contract as represented by the Republican Members of the House or the plight and the well-being of the American working family as represented by Democratic Members of the House, we must go forward with that agenda. We will not be able to do that until this issue is resolved, and this issue must be resolved in favor of the House of Representatives as an institution and must be resolved in favor of the confidence of the American people in this House and it must be resolved in a fair, full disclosure of these allegations and a fair and full investigation. That cannot be done when we have members of the Ethics Committee who have been involved with the organization called into question.

This should be done sooner rather than later and it must be done by resorting to an outside counsel as Speaker GINGRICH recognized when he was embroiled in a conflict with the previous Speaker of the House. It simply requires the appointment of an outside counsel so we can remove it from the floor of the Congress, we can remove it from our daily workings. We have already seen where Speaker GINGRICH has suggested that this would be tied up in the issue of Mexico, that somehow the issue of the bailout or the loan guarantees to Mexico could not be properly considered if this issue continued to be raised.

This issue must continue to be raised until it is settled. And the way you can keep it from being raised on the floor of the Congress is to have it put into the hands of an independent and outside counsel to remove it from this institution.

This issue was raised in the telecommunications policy where we see the Speaker as a beneficiary of the contract with a company owned by Rupert Murdoch, has now met with Mr. Murdoch, with his lobbyist about telecommunications policy, then engaged in a private meeting for Republicans only on telecommunications policy, and then threatened to tell the owners of these companies that they ought to get their reporters in line. So this conflict is spilling over onto the floor of the Congress, onto public policy. It must be separated. The only way it can be separated is with the timely and immediate appointment of an independent and outside counsel in the matter of the gentleman from Georgia [Mr. GINGRICH] versus the questions of his operation and GOPAC and in the funding of his college class and his book contract.

A CALL FOR OPENNESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 5 minutes.

Mr. DURBIN. Mr. Speaker, I returned to my district in Springfield, IL this weekend as I do virtually every weekend, and it was interesting that some of my friends when I came across them at a party on Saturday night said, "What in the world was going on in the House of Representatives last week? We tuned into the news and we saw grown men and women shouting, red in the face, emotional. What was it all about?"

What it was all about was a 1-minute speech, like those given every day, by the gentlewoman from Florida, CARRIE MEEK, in which she raised the question of the Speaker's book contract. It led to a ruling by the Chair concerning which words were appropriate to be spoken on the floor and a reaction from my Democratic side of the aisle where there was a feeling that perhaps this ruling, which relied on a precedent almost a century old, had perhaps gone too far.

People in the ordinary course of life with their families may find it hard to imagine why grown men and women would get so exercised and so emotional over something which appears as inconsequential as what words can be spoken on the floor of this House. But frankly, ladies and gentlemen, I think when we take an oath of office to uphold the Constitution, including therein our freedom of speech, that this House probably as much if not more than any other place in the United States should be the situs where free speech is respected. As a result, our emotions ran high, on the Republican side in defense of their Speaker, on the Democratic side in defense of the concept of free speech.

I did not come to make this comment this morning on the issue of free speech, but merely to let you know as previous speakers have how much time has been focused in the last weeks on this floor of the House of Representatives on Speaker GINGRICH's financial dealings. I would like to make a suggestion this afternoon as to how we can really start focusing instead on some of the critical issues facing this country and move away from that

Last week, of course, we were embroiled for an entire day on the question of what could be said on the floor of the House about the Speaker's multimillion-dollar book deal. Then in sequence every nightly news Tuesday, Wednesday, Thursday, and Friday, all of the major networks were consumed with variations on that theme:

Did in fact the Speaker meet with the lobbyist to discuss policies relative to telecommunications? The same lobbyist for the same magnate, Mr. Murdoch, who owns the publishing company the Speaker is doing business with, did in fact Mr. Murdoch come to the Capitol and so forth.

In fact by Friday of last week, the Republican chairman of the House Banking Committee sent a letter to the administration and said that he was not prepared to consider the Mexican financial crisis as long as Mr. GINGRICH's ethical problems were being discussed on the floor. He did not think that was a political environment that he could in good conscience discuss the Mexican financial crisis in.

I think that is unfortunate and it suggests how much business on Capitol Hill is now being subsumed into the Speaker's financial situation.

We have seen reaction across the country. In the Midwest, my hometown of Springfield and in Chicago, major newspapers have editorialized that the

Speaker has to get away from this book deal and get back to focusing on issues important to America. Virtually every editorial writer with the politically predictable exception of Rush Limbaugh has said it is time for the Speaker to do something about this and get it behind him. It went to far this morning as to have an article in the Wall Street Journal questioning the members of the House Ethics Committee on the Republican side.

Let me say at the outset that I know all three of the gentlemen referred to in the article and I have absolutely the highest confidence in their honesty and integrity. I would gladly have them sit in judgment of myself should a question ever be presented. But in this situation, where they have been involved with GOPAC, the Speaker's political action committee, there is a legitimate question about conflict of interest.

□ 1310

I think it goes to the point raised by the gentleman from California. It is time for us to take this whole swirl of controversy about GOPAC, the Speaker's foundations, the book deal and such, and take it off of the floor of this House, off of Capitol Hill and put it in the hands of an outside counsel, someone who is chosen on a bipartisan basis to look into the facts and report to this body as well as to the American people.

We can then step aside from this and get down to the real business that is before us. It is certainly important that we be concerned about the ethics and integrity of the House of Representatives. I think the outside counsel is the best way to go. It will not be a Republican or Democratic choice, it will be a bipartisan choice. It has been done before and it should be done in this instance. We can put this behind us. We can stop focusing on it and move forward on important issues which we will continue.

This week we are considering unfunded mandate legislation and tomorrow night, right here at this podium, the President of the United States will have the opportunity, as others have before him, to speak to the American people. Then we will go on to consider a balanced budget amendment. These are all critically important issues for the Nation.

In order that we give our full attention, as we should, to them, an outside counsel should be called immediately to take this ethics question involving the Speaker off of our agenda and put it in the hands of a nonpartisan source that can make a decision as to whether or not anything has happened.

AID TO MEXICO

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. DEFAZIO] is recognized during morning business for 2 minutes.

Mr. DEFAZIO. Wall Street, the influential lobbyists in Washington, DC, and Republicans in Congress prattle on about free markets and free trade until it is their speculative investments and profits on the line. If NAFTA were really about free trade, and free markets, then it would mean a free fall for both the Mexican tax market and a free fall for the peso.

Heaven forbid that we should let the free market work when Wall Street's major financiers, Mexico's 24 billionaires, multinational corporations, big brokerage houses, and international investment bankers have gambled and lost.

Fred Bergsten, director, Institute for International Economics, says of Members of Congress such as myself who oppose the bailout Mexico, "They don't realize they could cause what might be like an accidental nuclear war."

Out of such outrageous hyperbole is born the idea that the bailout of Mexico's billionaires and international speculators is an issue of national security which requires the United States to put its full faith and credit, that is read exactly, more specifically, United States taxpayers at risk.

In the spirit of openness and sunshine, demanded by the new Republican majority in Congress and adopted in their rules, let us have some hearings on this issue. Let us have hearings before the Republican leaders jam the Mexican bailout through in the dark of the night, without any deliberation by this House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

(Whereupon, at 1 o'clock and 13 minutes p.m., the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O almighty God, that we will be faithful to that which marks our purpose and reason for living, that we will be steadfast in our allegiances and in our vision, that we will be worthy of the high calling that is ours. Yet, O gracious God, may we not only be devoted to our mission, but may we also listen to others, to hear their voices, to sense their purpose, to discern their motivations so that together we will testify to the good purposes of our Nation and bear witness to our unity as Your people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Illinois [Mr. LAHOOD] will lead the House in the Pledge of Allegiance.

Mr. LAHOOD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 16) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 16

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assembled in the Hall of the House of Representatives on Tuesday, September 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

READING THE CONTRACT WITH AMERICA

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, our Contract With America states on the first day of Congress, a Republican House will force Congress to live under the same laws as everyone else, cut one-third of committee staffs, cut the congressional budget. Mr. Speaker, we have done that.

In the next 81 days, we will vote on the following 10 items:

No. 1, a balanced-budget amendment and line-item veto;

No. 2, a new crime bill to stop violent criminals;

No. 3, welfare reform to encourage work, not dependency;

No. 4, family reinforcement to crack down on deadbeat dads and protect our children;

No. 5, tax cuts for families to lift Government's burden from middle-class people;

No. 6, national-security restoration to protect our freedoms;

No. 7, Senior Citizens Equity Act to allow our seniors to work without Government penalty; and

No. 8, Government regulations and unfunded mandates;

No. 9, commonsense legal reform to end frivolous lawsuits; and

No. 10, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

CIVILITY DUE TO, AND FROM, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, as one of the three Members of Congress representing Fort Worth, TX, home of former Speaker Jim Wright, I rise to urge that Speaker GINGRICH take down his own words.

Last Friday, speaking to a Republican audience here in Washington, Speaker GINGRICH referred to former Speaker Wright as a "crook." In my opinion, such a comment does harm to the office of Speaker—both past and present.

The truth of the matter is that former Speaker Wright served this body with dedication during his 34 years as a Member and 2½ years as Speaker.

Contrary to the remarks made last Friday, Speaker Wright was never convicted of a crime nor was he even ever charged with a crime in court. Additionally, though ethics charges were lodged against him with the House Committee on Standards of Official Conduct, that committee never ruled against him on the merits of those charges.

It is my opinion that the current Speaker, Mr. GINGRICH, would serve both his own party and this House by desisting from making such references as he did when in the minority.

The country expects a degree of civility from the presiding officer of this body.

I, for one, have always respected the leaders of the opposition party even when I disagreed with them on the merits of an issue. It would serve the Nation if our Speaker would do the same.

TIME TO DO AWAY WITH BURDENSOME REGULATIONS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, history was made on the opening day here in Congress.

We passed sweeping reforms to not only change the rules of the House but also to make Congress adhere to laws governing the rest of the country.

But now the question is, Mr. Speaker: Do we really need so many regulations? Compliance under some of these strict rules and regulations which are mandated by OSHA, the Americans With Disabilities Act, and all of this massive legislation we passed in the last 150 years is forcing companies to either downsize their work force or go out of business entirely, as we speak.

Many small business are struggling under the yoke of overburdensome regulations and rules. They make it virtually impossible for them to operate.

Mr. Speaker, I applaud the action taken thus far by Congress to bring this body into the mainstream, but I also think the time is now to do away with many of these needless rules and regulations that are already in existence.

WATCHING OUT FOR THE SPECIAL INTEREST OF MA AND PA CITIZEN

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, Will Rogers always had a down home way of making light of politics and particularly Members of Congress. Mr. Rogers held no punches for either party saying of the Democratic party, "you've got to be an optimist to be a Democrat, and you've got to be a humorist to stay one." He also had this to say of the Republican party, "Republicans take care of the big money, and big money takes care of them. It takes nerve to be a Democrat, but it takes money to be a Republican." This quote rings so clearly today.

Mr. Speaker, who was invited to the Republican gala for the Contract With America? Was it ma and pa citizen? No, it was Mr. and Mrs. special interest.

Mr. Speaker, who was invited to the gentleman from Georgia's closed door telecommunications dinner? Was it ma and pa citizen? No, it again was Mr. and Mrs. special interest.

So as we debate legislation here in the people's House, it is time to look who has the special interest of ma and pa citizen at heart and who just has special interests.

STAND UP AND BE COUNTED

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, with children dying in our Nation's streets, liberal Democratic leaders lament a book deal that even the Washington Post admits is proper, and while working men and women across the land struggle to survive until their next paycheck, liberal Democratic leaders ignore their plight and, instead, chatter incessantly over contrived, imaginary scandals.

And while conservatives on both sides of the aisle boldly forge ahead into a new frontier of federalism, liberal Democratic leaders continue to engage in a desperate, ham-fisted attempt to create a crisis, change the subject, and obstruct the latest great piece of congressional reform.

Mr. Speaker, it is time for all Members of Congress to step forward regardless of what aisle they stand on, stand up, be counted, and debate the issues that will actually affect the lives of those men and women that sent us to Congress to make a difference.

PASS THE UNFUNDED MANDATE REFORM BILL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a woman was arrested in Sweden for smuggling. She had 65 snakes in her brassiere. She said she was going to start a reptile farm.

Now, imagine if that happened in America: The IRS would declare her brassiere a small business and tax it, the OSHA would fine the bra-holder for an unsafe workplace, EPA would mandate a wastewater treatment plant in her brassiere, and the Interior Department would take the bra-holder to court for an illegal snake sanctuary, violating the Endangered Species Act.

But it is not all bad. The bra-holder may qualify for dairy subsidies under the ag bill.

The bottom line is, Mr. Speaker, let us pass the unfunded mandate bill and give business and Government the support and comfort they deserve before Wonder Bra takes all members of Congress to court.

WHAT IS THE GOAL OF THE ADMINISTRATION?

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, last week a Member of the President's Cabinet declared that balancing the budget was not the goal of the Clinton administration.

So what is the administration's goal, if it is not a balanced budget? Is it to continue mortgaging our children's future? Is it to continue financing a Government that is too big and too intrusive into our lives?

Mr. Speaker, my constituents sent me to Washington with a clear message: Balance the budget, reduce the size and scope of this place.

□ 1410

So those have become my goals, and I found the best way to accomplish these goals is to pass a balanced budget amendment.

So, Mr. Speaker, when the time comes this week, I hope all my colleagues will vote for the people's goals of a balanced budget amendment and return some common sense back to the people's House.

BALANCED BUDGET AMENDMENT WOULD BE A STRAITJACKET ON FUTURE GROWTH

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute.)

Mrs. MINK of Hawaii. Mr. Speaker, all 50 States enact two budgets: one, an operating budget which pays for the day-to-day expenses; and, two, a capital improvements budget which pays for things like buildings, roads, airports, land acquisitions. The capital budget is paid for by borrowing, usually through the sale of bonds.

States functions as families do. Families budget to pay for living expenses; but things like a home, car, or furniture, families must go into debt. Families assume such long-term debts in order to acquire these assets, the same as the Federal Governments.

The balanced budget amendment to the U.S. Constitution, if passed, would deny the Federal Government the power to borrow for the purpose of acquiring needed physical assets, such as military hardware, a space station, highways, and the like. A balanced budget amendment translates into zero deficit. This proposal is a straitjacket which will cripple the future of our country.

TALK ABOUT ISSUES, NOT JUST BOOK DEALS

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, after sitting here and listening to my Democrat colleagues on the floor last week and this morning, I think I have a good idea of what issues the President will bring up in the State of the Union Address tomorrow night: book deals.

Yes, it seems the only thing on Democrats' minds right now is book deals and other trivial distractions. Forget the important things in the world today, like a balanced budget amendment and passing the unfunded mandates legislation. Book deals are the only thing worth talking about if you are a Democrat.

So, it should be a short State of the Union Address, probably the shortest in history, because if the President acts anything like his fellow Democrats on the Hill, he will not talk about the real issues, he too will try his hardest to change the subject and talk about book deals. I hope he talks about issues because that is what the American people want him to talk about.

THE 22D ANNIVERSARY OF ROE VERSUS WADE

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, on this anniversary of the landmark Roe versus Wade decision I want to express my disgust at the recent outbreaks of violence at our Nation's family planning clinics. Roe versus Wade affirmed that the women in this country have a right to reproductive choice. This right to choose, like every other constitutional rights, must be vigilantly guarded regardless of one's individual beliefs.

The outbreaks of violence we have seen recently at family planning facilities are chilling reminders of the violence we saw surrounding polling places in the 1950's, 1960's, and 1970's, as African-Americans attempted to exercise their constitutional right to vote.

We must not allow any constitutional right to be abridged through campaigns of violent intimidation.

REPUBLICANS REMAIN COMMITTED TO CHANGING CONGRESS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, over the weekend President Clinton said the Democrats and Republicans should be committed to tackling problems larger than our partisan squabbles. I agree. The new Congress should be committed to balancing the budget, ending crime, and reforming Government.

But the sad fact is the rhetoric on that side of the aisle and the actions that follow rarely line up. While Democrats may talk about putting aside partisanship, they seem obsessed by ghost historians, book deals and personal attacks.

Despite this partisan maneuvering, Republicans remain committed to the promises we made to the American people. We will stop forcing the States to pay for policies we implement and we will transform the culture of Washington by passing the balanced budget amendment.

It should be quite obvious to all that Republicans want to change this Congress and our friends on the other side of the aisle just wanted to change the subject.

UNFUNDED MANDATES AND THE CONTRACT WITH AMERICA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. RICHARDSON. Mr. Speaker, this morning I read a letter from Delilah Gonzales, a seventh-grader from New Mexico, asking me to protect her from water contamination. Can we assure Delilah that this legislation we are passing on unfunded mandates will protect her and many other children from water contamination?

In the haste to meet political deadlines, we must not take away safeguards to public health and environmental safety for all Americans.

Although like many I support cutting redtape and bureaucracies in State and local governments, I believe it must be done without harm to children and their families.

I do not want the American people to be faced with pollution in the air and disease-bearing organisms in public water systems because of legislation that was hastily passed in the Congress.

We have to protect the people, and Congress must make sure that they are safe in their own homes.

Mr. Speaker, my constituent, Delilah Gonzales, wants clean water to drink and clear streams in which to fish. Nothing we do in this body should be at the expense of her health.

The letter referred to follows:

JOHN ADAMS MIDDLE SCHOOL,
Albuquerque, NM, December 11, 1994.

Congressman RICHARDSON,
Washington, DC.

MR. RICHARDSON: My 7th grade class is studying water use, over-use and contamination. We would like to know what things you do in your personal life to help conserve and protect our nation's water supply.

Please send us a short note telling us what you do to save water.

Thank you.

Sincerely,

DELILAH GONZALES.

LET'S HELP OUT OUR STATES

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise an extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, today the House continues debate on H.R. 5, a bill which will provide for the examination of past and future unfunded mandates and regulations, imposed on State and local governments, as well as the private sector.

This bill has the potential to be one of the greatest legislative relief bills for our State and local governments in recent memory. H.R. 5's mandate commission will review and make recommendations on modifying, terminating, or suspending current unfunded mandates.

The focal point of this issue is not how well-intentioned or constructive these unfunded mandates are—the real issue here is paying for these constructive ideas. It is a matter of fiscal responsibility and control.

Mr. Speaker, the Federal Government has created a sea of redtape and an ocean of mandates that are drowning our States and communities, and past attempts to break the tide simply have not worked.

The bill has broad, bipartisan support at all levels of government, and the private sector. I urge my colleagues to support H.R. 5, an oppose any amendments that would weaken the thrust of this legislation.

STENHOLM-SIMON BALANCED BUDGET AMENDMENT

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, 130 years ago, President Lincoln, in addressing a troubled nation, said, "The dogmas of the quiet past are inadequate for the stormy present. As our problems are new, we must think anew."

The unprecedented deficits that this government has incurred year after year in the last 1½ decades have created a national debt of staggering proportions. The balanced budget amendment is a new approach to the stormy financial burden afflicting this Nation. We have a firm, respected bipartisan balanced budget amendment which the Congress came close to passing 6 months ago. It is the Stenholm-Simon proposal. Let us act promptly to pass this bipartisan amendment in 1995.

CHILDREN AT RISK THROUGH INEQUITABLE DIVISION OF FEDERAL RESEARCH DOLLARS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, last week, I returned to my district to attend a very sad funeral. Little Kelsey O'Niel was more than a neighbor girl; she was like a member of the family. She was the embodiment of the term "cute as a bugs ear." She died suddenly last Sunday night as the result of an acute asthma attack.

Not even an act of Congress can bring Kelsey back.

But, we can bring some equity to the division of research dollars that the Federal Government provides. Diseases that take our children must be a much higher priority. We can also loosen the regulations that the Food and Drug Administration [FDA] and other agencies impose on new treatments and technologies.

If we can prevent even a few future such sad events, then our efforts will be more than worth it.

Kelsey I will never forget you.

PROTECTING A WOMAN'S RIGHT TO CHOOSE

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I have just seen a shocking AP bulletin. It tells that three fine Oregon doctors have been targeted for harassment by antichoice groups who have created a deadly dozen list identifying 12 doctors, 3 of them from Oregon, to be the target of intense harassment. This is the kind of terrorism that leads to murder at abortion clinics.

□ 1420

This must be stopped. Abortion is legal, and it is a right that must be protected. Antiabortion groups that refuse to condemn acts of terrorism and murder are encouraging violence. This lawlessness is extremely frightening to me, and it should be to all of us.

In addition to the Federal laws we have protecting clinic entrances, I call upon my colleagues to support the resolution offered by the gentleman from Massachusetts [Mr. MEEHAN) requiring Federal law enforcement officials to act swiftly to protect clinics.

I support freedom of speech, but not harassment, not murder. Regardless of one's position on choice, we must stand against the escalating lawlessness at our clinics.

LISTEN CLOSELY TO CICERO

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, the idea that the budget should be balanced is not new; although judging from the gnashing of teeth and wringing of hands that we have heard from the other side of the aisle it is downright revolutionary; but in fact it is an idea that is older than the Founding Fathers. Listen closely to what the Roman statesman Cicero had to say on the subject in 63 B.C. It sounds like it was written today:

> The budget should be balanced, the treasury should be refilled, public debt should be reduced. The arrogance of officialdom should be tempered and controlled, and the assistance to foreign lands should be curtailed, lest Rome become bankrupt.

I would say to my Democrat colleagues to pay special heed to Cicero's words concerning the arrogance of officialdom, as it was that, as much as anything else, that led to their party's decline and fall, and as for us Republicans, we must keep in mind that we are the agents of the people who sent us here, not their masters, and we must keep our promises to them to pass a balanced budget amendment, pass an unfunded mandates bill, and reduce the size and power of government.

WE NEED FULL DISCLOSURE OF CUTS IN THE REPUBLICAN BALANCED BUDGET

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as my colleagues know, later this week the House will be voting on a Republican balanced budget amendment which does contain a three-fifths supermajority requirement but does not contain any listing of the cuts necessary to balance the budget. Members of Congress are being asked to buy a pig in a poke. The Congress and the American people need disclosure, and the Republicans have been unwilling, or unable, to list the cuts that will be required. Without the facts, the American people support the balanced budget amendment 4 to 1, until they learn that Social Security, Medicare, education, et cetera, may be cut. Then the amendment is opposed 2 to 1.

Mr. Speaker, if indeed our Republican colleagues do not intend to cut Social Security, why did they defeat the amendment to build a constitutional wall between Social Security and the rest of the budget? Why did they defeat the amendment to disclose a balanced budget blueprint before sending the balanced budget amendment to the States? It is clear that the American people need full disclosure of the cuts in the Republican balanced budget. They should not be handed a pig or a piglet in a poke.

DR. SEUSS ON THE BALANCED BUDGET AMENDMENT

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, with apologies to Dr. Seuss I must confess that as a former elementary school-teacher I have tried my hand at trying to explain what is going on in Congress this week in language that even a child can understand:

> They will not try a balanced budget, Sam I am. They will not try it with a mouse, they will not try in the House. They will not try a balanced budget, Sam I am.
>
> But can we fund it on the States? Or we stop it and make them wait? If we can fund it on their backs, they will never find out what we lack.
>
> But no, we can't fund it on the States, we can't stop it and make them wait. We must try the balanced budget, Sam I am.
>
> A balanced budget is good you'll see. No mandates, no deficit is where we'll be.
>
> You should try it, it's no slouch, you should try it with a mouse, and Mr. Speaker, I'd like to see it in this House. Sam, I am.

MR. GINGRICH'S PERSONAL ATTACKS ON FORMER SPEAKERS OF THE HOUSE

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. WILLIAMS. Mr. Speaker, 3 days ago Speaker NEWT GINGRICH referred to former Speaker Jim Wright as, quote, a crook. Formerly Congressman NEWT GINGRICH had alternatively referred to former Speaker Tom Foley, former Speaker Jim Wright, and America's beloved Speaker Tip O'Neil as traitors, thugs.

Jim Wright was asked for a response to the current Speaker's most recent attack and, although I do not have time in this 1 minute to read former Speaker Wright's account, I will herein place it in the RECORD and would read the first sentence which said, "It would demean the office of the Speaker and the institution of Congress itself for me to respond in kind to Mr. GINGRICH, and I shall not do so."

Mr. Speaker, the remainder of former Speaker Wright's speech is calm and measured, and I place it in the RECORD so my colleagues may see it:

STATEMENT OF JIM WRIGHT

It would demean the office of the Speaker and the institution of Congress itself for me to respond in kind to Mr. Gingrich, and I shall not do so. It is not for me to call him ugly names or attribute dishonesty to his business transactions. I guess I'm just not a piglet who likes to wallow in the mud.

So far as my personal integrity is concerned, it needs no defending from remarks by Mr. Gingrich who seems to devote a great portion of his career to trying to malign other people. That's not my style, and I like to think my 72 years of living and serving speak for themselves.

When I resigned from the Speakership in 1989, I expressly offered up my job "as a propitiation for this season of ill will," thus hoping to help Congress move forward without the distractions of the bitter name calling and "mindless cannibalism" which had characterized a series of deliberate personal attacks that I regarded as unworthy and most people realized were untrue.

I am saddened by the lack of dignity and civility which any Speaker must endeavor by example to instill.

SUPPORT THE UNFUNDED MANDATES REFORM ACT

(Mr. BURR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR. Mr. Speaker, today we will continue consideration of H.R. 5, the Unfunded Mandate Reform Act. I am pleased to be a cosponsor of this legislation that is embodied in the Republican Contract with America.

I have received letters from the U.S. Conference of Mayors, the National Conference of State Legislators, as well as the Democratic Governor of my home State, North Carolina, the Honorable Jim Hunt, all expressing strong support for this legislation. Governor Hunt articulated the problem well when he said, "While these mandates may reflect well-intentioned policy goals, they often imposed substantial costs and regulatory burdens on the States that deny them the right and responsibility to set the priorities that best meet the needs of our citizens."

For too many years we in Congress have made laws that we did not hold ourselves accountable to and then mandated to both the State and local governments, as well as the private sector, that they not only abide by the laws, but also come up with the money to pay for them.

UNFUNDED MANDATES DEVASTATING TO RURAL COMMUNITIES

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I rise to discuss how unfunded mandates are particularly devastating to rural communities throughout the country. In Michigan, for example, the estimated costs for fiscal year 1994 as a result of 12 major unfunded mandates was nearly $400 million.

For example, municipal water systems in my district are required by the EPA to follow the same drinking water tests as Hawaii to monitor for a herbicide used on pineapples, which are grown only in Hawaii. Municipal water systems in Michigan are not only required to report these chemicals not found in the water supply, but they have to pay for it as well. This is wrong.

This example is just one of hundreds of costly, unnecessary, unfunded Federal mandates that leave Washington and fall into our backyards at home.

If there is one theme, one goal of the 104th Congress, it must be to become more accountable. No longer should we be able to pass legislation, pat ourselves on the backs, and pretend it did not cost the taxpayers a dime. The reality is that we leave it to our States and our communities to shoulder the burden and those days must end.

□ 1430

IN SUPPORT OF THE BALANCED BUDGET AMENDMENT

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, this new Congress is working hard to fulfill its promises to the American people. The most significant change this Congress must make will be done through passage of the balanced budget amendment with its three-fifths tax provision. Right now, every American's share of the national debt is over $18,500—for my family of five that's $92,500. Today, the deficit stands at $176 billion. That is about $700 for every man, woman, and child in this country. Something must be done to balance the budget. This Congress needs to act now by passing the balanced budget amendment.

The Barton amendment will ensure that the Federal Government cannot spend more than it takes in, and Congress cannot add to the Federal debt unless approved by a three-fifths majority vote of Congress. We need the discipline of a balanced budget amendment to completely change the spending culture of Washington.

I urge my colleagues to pass the balanced budget amendment, not for ourselves, but for the future of our children and grandchildren.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

BALANCING THE BUDGET

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today in strong support of the balanced budget amendment that this body will soon consider. The American taxpayers demand it. It is our duty to pass the balanced budget amendment and answer their outcry.

Mr. Speaker, if we pause and listen carefully, we can hear the giant sucking sound of the special interests draining the American people's money from Capitol Hill. I say it is time to plug that drain by passing the balanced budget amendment.

No longer should Americans be asked to stand by and watch their tax dollars be wasted away. No longer should hard-working citizens be forced to hand over their paychecks, only to see them thrown into the abyss of big bureaucracy.

I am proud to support this greatly needed balanced budget amendment and urge my colleagues to join me.

RURAL COMMUNITIES AMONG THOSE TO BENEFIT FROM PASSAGE OF UNFUNDED MANDATES REFORM ACT

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I rise today to express my strong support for H.R. 5, the Unfunded Mandates Reform Act.

On November 8 the American people sent a clear message that they were tired of having Washington pile ever-increasing mandates on their backs. The types of smaller rural communities such as those I represent bear the heaviest proportional burden of unfunded mandates. Instead of using their tight budgets to improve schools, police forces, or infrastructure, they have increasingly found themselves spending scarce dollars to satisfy Federal rules and regulations that have no positive impact on their communities.

Mr. Speaker, we owe them our prompt support of this important reform bill. I hope we can lay aside the gutting amendments that have been filed on this bill, pass it promptly, and move on to the next important item on the people's agenda, the balanced budget amendment.

BIG CHANGE PROMISED 2 YEARS AGO

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, 2 years ago President Clinton was sworn in to office promising big change. But it became clear that the change America wanted was not going to come from the Clinton White House. So tomorrow the President delivers his State of the Union speech to a historic 104th Congress and a country that is no longer waiting for change to come from 1600 Pennsylvania Avenue.

With an unquestionable mandate from the American people, this Congress is responding to the call for smaller, less intrusive government. We are going to reverse the trend of the Federal Government handing down rigid, one-size-fits-all mandates to our States and localities without even considering the costs we are passing on to them.

Mr. Speaker, we are going to set ourselves on a course to a balanced budget. We are doing that now. We are going to make government smaller and more responsible and more attractive. America is going to keep watching. They are going to keep watching this Congress because this is where the change is happening.

THE GANGSTERS OF CHINA AND BURMA AND THE TRADE ISSUE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. ROHRABACHER. Mr. Speaker, America is grasping for principles to guide our foreign policy decisionmaking in the post-cold-war world. Let me suggest two simple standards. We should be for freedom, and we should be against aggression.

The current administration has decoupled any discussion about trade with any consideration of human rights. This is wrong, and it does not work. By winking at the dictator in Beijing, we have encouraged that gangster regime to go on to even further criminal activities.

I am placing into the RECORD an editorial of the Wall Street Journal detailing the results of an alignment between the gangster regimes in Peking, China, and in Burma.

As for America, we should be on the side of those who are struggling for freedom in Burma and China. In the long run, it is not only what is right but it is what will work for the betterment of the entire world.

Mr. Speaker, the information from the Wall Street Journal to which I referred is as follows:

[From the Wall Street Journal, Jan. 11, 1995]

ASIA'S DRUG WAR

Trade and information aren't the only things that have gone global. Try drug addiction. Around the world, the U.S. is often portrayed as a society sinking under the weight of drug abuse. But where the U.S. has about 600,000 heroin addicts, Thailand probably has that number in Chiang Mai and Chiang Rai provinces alone. According to the Straits Times, Singapore is treating 7,700 addicts (up from 5,700 in 1990). Assuming, improbably, that these are the only ones, Singapore still has an addiction rate 12% higher than the U.S. Malaysia claims about 100,000 addicts, Taiwan about 50,000, and the standard estimate for Vietnam is 500,000.

Without much doubt these figures understate the severity of the problem in some countries. When Taiwan seized 1,114 kilos of heroin in 1993, officials claimed the bulk was for domestic consumption. Hong Kong clinics have registered a 50% jump in female addicts since 1993, which they attribute to the price of a gram of heroin plummeting to $40, half the price of three years ago.

While the big money is made on the streets of New York and Los Angeles, most of Asia's opium is consumed in Asia. So the explosion in production in the Golden Triangle, especially Burma, is deeply troubling. Opium output has trebled since 1988, to about 3,500 tons, according to Asian officials. Prosecutions are still launched against longtime traffickers in places like Thailand, but in fact the business has rapidly migrated into the hands of new Chinese gangs.

The quality has gone up, and the purity has improved by a factor of 1,000% or more. To understand why, look no farther than Burma's emergence as China's economic satellite.

In the late 1980s, China began courting the Burmese regime, then in bad odor with the rest of the world for slaughtering hundreds of demonstrators. Beijing dropped its support of the Communist Party of Burma and other ethnic rebel groups and opened the long Sino-Burmese border to trade. That pried the lid from a Pandora's Box whose contents are now spilling out into the world through China.

The ex-insurgents, led by the Wa tribal followers of Burma's Communists, nowadays devote themselves to the heroin business. Dozens of refineries have opened along the border, with the drugs moving overland by courier through China and finally out via Hong Kong and Taiwan. These mainland routes have already eclipsed Burmese drug warlord Khun Sa and the Thai export routes under his control.

For the time being, the Rangoon government has reached cease-fires with most of the ethic rebels in the north, Rangoon leaves them to their drug trafficking, and probably even rakes off a share of the profit, while concentrating its main energies on building up the army and crushing urban dissent. No doubt these cease-fires are temporary: The Burmese military is reportedly set to renew its offensive against the Khun Sa operation, armed with a fresh supply of weapons from Beijing. In time, the army probably hopes to subdue the rest of Burma's minorities as well.

But that goal has eluded the Burmese military for 50 years and for now the local militias still call the shots in the mountainous north, Poppy cultivation has boomed under the spur of competition for buyers. For their part, the Chinese see their Burmese clients as an economic and military bridgehead into Southeast Asia. What they got in the bargain was an opium bridgehead into China.

Junkies are suddenly proliferating along the drug routes through Yunnan and Guangxi, in the inland provinces and even among Beijing's yuppies. China recently admitting to having 300,000 "registered" addicts and called the situation "very grim." Health officials put the real number at 2.5 million. In 1992, the People's Armed Police was sent in to clean out a smuggling center protected by corrupt Yunnan officials. The battle lasted 11 weeks and netted nearly 1,000 kilos of drugs.

China hasn't forgotten that tens of millions were junkies early in the century. Biochemistry being what it is, the simple fact of drugs being available is likely to produce a growing addiction crisis. When Lee Brown of the U.S. Office of National Drug Control Policy toured the region last June,. several governments urged him to restart anti-narcotics cooperation with Burma. But the Burmese regime is still in the doghouse with Congress over its human rights record and the detention of Nobel Peace Prize winner Aung San Suu Kyi.

In any case, the old school, which sees U.S. and European consumers as the main drivers of the heroin trade, may be out of date. Malaysia recently nabbed a high-school-age heroin dealer. Police suspect that pushers are trying to lock in a new clientele among upwardly mobile young users. Asia's wealth is driving a big part of the business these days. And while the U.S. can help, China is the real key to Asia's developing drug crisis.

PROVIDING DISASTER ASSISTANCE TO JAPAN IN RESPONSE TO EARTHQUAKE OF JANUARY 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. COMBEST) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on National Security and ordered to be printed:

To the Congress of the United States:

I have directed the Secretary of Defense to provide appropriate disaster assistance to the Government of Japan in response to the devastating earthquake of January 17, 1995. As required by section 404 of title 10, United States Code, I am notifying the Congress that the United States commence disaster relief operations on January 18, 1995, at 11:06 p.m., eastern standard time. To date, the U.S. military has provided 37,000 blankets. In addition, the following information is provided:

1. Disaster relief assistance is being provided in response to an earthquake affecting Kobe and Osaka, Japan.
2. Reports indicate at least 3,100 people have died, nearly 900 are missing, over 16,000 are injured, and an estimated 240,000 are homeless. The destruction of basic physical infrastructure poses a threat to the lives of the survivors.
3. Currently, U.S. military involvement has been limited to 15 U.S. Air Force C–130 Hercules sorties. Further requests for U.S. military assistance in the form of transportation, supplies, services, and equipment are unknown at this time.
4. Switzerland is providing search and rescue dog teams. Assistance by other countries is unknown.
5. Anticipated duration of disaster assistance activities is unknown.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 20, 1995.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

CONSIDERATION OF THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Utah [Mr. ORTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. ORTON. Mr. Speaker, I rise today to discuss the balanced budget amendment, which will be coming up later this week and possibly continuing into next week. It is a very critical issue which we will be facing in the Congress, and I feel it important that we discuss it in greater detail than we will have time during the formal debate on the floor of this House to discuss and compare the various amendments which are going to come before us. I will talk about some of the similarities and the differences.

□ 1440

I recognize that right now going on on network television are the opening statements of the O.J. Simpson trial. It will take someone who is very dedicated and very interested in the balanced budget issue to actually be watching at this point in time, but I hope that my colleagues are watching and that in fact they and others interested in this debate will get a copy of what I am going to talk about, to analyze the amendments in depth and in detail prior to our debate coming up later this week.

There has been a great deal of debate over whether or not we should balance the budget. I am not going to enter into that debate today. I personally believe that our country balance its budget, that we cannot continue with several hundred billion dollar deficits each year, and that in fact if we fail to balance the budget, at some point in time we will reach an economic crisis wherein devaluation of our currency or hyper inflation rates or high interest rates, some economic meachancism will in fact make up for the problem which we have today in not balancing our budget. So I am not going to focus on that part of the debate.

It has also been argued even by those who agree that we must balance the budget that in fact there are two different ways to do it. One, requiring in the Constitution by amending the language of our Constitution that we must balance the budget. The other is to do it through statutory reform, by changing statutes themselves, changing the budget process itself, so that in fact we might be able to, through the regular committee action and floor action in this body and the other body, that we might be able to agree to a balanced budget.

It is argued that you do not need to amend the Constitution to balance the budget. In fact, that is correct, you do not. But I also believe that by requiring in the Constitution that we must balance our budget, it will give us that additional impetus, the additional force necessary, the commitment necessary, to actually accomplish that balanced budget. So I favor a balanced budget amendment to the Constitution, and this discussion is not going to go through the arguments of whether we should or should not file a balanced budget amendment to actually require it.

This is a very serious issue, amending our Constitution. It was created over 200 years ago, and over that time has served us very well and has been amended very few times. In fact, now to change the actual wording in our Constitution is indeed very serious and very critical that we must do it right.

Our first rule in government should be first to do no wrong, to do no harm. We must be certain that the changes we place into our Constitution do not create greater havoc or do greater harm or prevent us from being able to govern this great Nation.

So really the issues I would like to discuss here today come down more to the questions of if we do place into our Constitution a requirement to balance the budget, what wording should we use and how would in be enforced? What type of enforcement mechanism should we include in the Constitution to require this Government to balance its income and outgo, or its outlays and receipts, was we call it in the various amendments. There are very technical issues and I am going to attempt over the next little while in plain English to outline a comparison of the various amendments that have been filed, so that we can identify where there are similarities and where there are differences.

I plan on focusing on three principal amendments, all three of which have been filed as legislation in this Congress. They are the Barton-Tauzin constitutional amendment, which I believe has the support of the majority leadership in the body. They are also the Schaefer-Stenholm amendment, which is the amendment that has been filed by Senator DOLE, Senator HATCH, and Senator SIMON in the Senate. And also a balanced budget amendment which I have filed in this body, and I would like to compare the three of them.

I would like to analyze the alternative approaches being used in these three different amendments, the approaches and the mechanisms used for enforcement. I would like to identify the differences in these amendments, and there are several. There are some differences in what numbers we are going to be relying upon in balancing the budget. Some of these amendments requires or allow us to use or rely upon estimates of receipts and outlays. Other amendments will require us to deal with actual receipts and outlays. There are significant differences between estimates and actual numbers, and I would like to talk about those.

Also, some of these amendments require the creation of, or do create in the Constitution, a new supermajority requirement for legislative action, while the other relies upon the existing constitutional majorities and the existing supermajority identified in overriding a Presidential veto.

Also the enforcement mechanisms specifically. Some of these, two of these amendments rely upon future implementing legislation in order to set up an enforcement mechanism. The other sets up an enforcement mechanism in the language of the amendment itself.

Also with regard to waiver, two of these amendments allow the Congress to waive the provisions of this article for any year in which the country is in war or military conflict. The other provides a more broad waiver opportunity.

Finally, I would like to outline a possible—rather a probable—constitutional crisis which in fact may be created under the terms and implementation of two of these particular amendments. So those are the things that I would like to talk about.

First of all, let me compare the similarities in these amendments. The reason I have chosen these three amendments is because two of them are almost certain to have a vote on the floor of this House. The Barton-

Tauzin amendment is indeed the amendment that the leadership has indicated we will have a vote on. The Stenholm-Schaefer amendment, the Committee on Rules will decide today whether to allow a vote on that amendment, and that amendment I believe should and will have a vote, because that is the amendment as filed in the other body, in the Senate. Third is the alternative amendment which I have filed, and it is obvious the reason I would like to talk about that is to show the difference between the language in the amendment I have filed and the language in the amendments that have been filed and almost certainly will be voted upon.

Now, I will be asking the Committee on Rules later this afternoon to allow my amendments to be put forward for debate and a vote here on the floor of the House, and for that purpose I want to outline and explain the similarities and differences between all three of these amendments for my colleagues, so that as we look at these amendments in the future debate, that there will be understanding as to what each amendment does and does not include.

First of all, the similarities. All three of these amendments provide for four very basic and substantive things to occur, and each do so very similarly.

Now, they use slightly different language, but the language is not opposing or contradictory. Some of it is a little more artful than others in my opinion, but all three of these provide first that total outlays shall not exceed total receipts. That is the basic substantive criteria for the amendment, total outlays shall not exceed total receipts. Also, all three of these amendments would require that the President of the United States must submit to the Congress a proposed budget in which total outlays do not exceed total receipts.

So it is saying that Congress must adopt a balanced budget, it is saying that the President must submit a balanced budget request to the Congress.

Third, all three of these agree in the definition of what is total outlays and total receipts.

□ 1450

Fourth, all three of them provide that this amendment would go into effect as of fiscal year 2002, or the second fiscal year following ratification by the necessary number of States, should that be later than 2002.

Therefore, Mr. Speaker, those issues are really in common with all of the amendments. Each amendment contains somewhat different language, but each amendment concurs with those principles.

Now, Mr. Speaker, let us outline the differences in these amendments; first of all, the issue of estimated receipts and outlays as opposed to actual receipts and outlays.

Here I would like to refer specifically to the language of the Spratt amendments. In the Schaefer-Stenholm amendment, section 6, the language says "Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts." Specifically, in the language of the amendment it allows the Congress, in implementing a balanced budget, to rely upon estimates of revenue and estimates of expenditures.

In the Barton-Tauzin amendment, I would like to refer to section 1 of the Barton-Tauzin amendment. I will read it in its entirety, but the appropriate language is in the center: "Prior to each fiscal year Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. This is a statement of," and it's prior to the fiscal year, so it must be an estimate. "Congress may, by law, amend that statement, provided revised outlays are not greater than revised receipts, and Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess." So this Barton-Tauzin amendment also states that Congress would adopt a statement of receipts.

On the other hand, in the Orton amendment, section 3, the Orton amendment requires that for any fiscal year in which actual outlays exceed actual receipts, Congress shall provide by law for the repayment in the ensuing year. Therefore, only the Orton amendment identifies the determination by Congress of actual outlays and actual receipts to ensure that the budget is actually balanced.

What happens if we rely on receipts? To be fair, let me read the last sentence of section 1 of the Barton-Tauzin amendment, which says "Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement."

That is only dealing with actual outlays. What about actual receipts? There is no guaranty mechanism that the receipts which we project to receive will actually be received by government, and there is no mechanism in either of these other two amendments to deal with the possibility, in fact likelihood, that actual receipts will not match or mirror estimated receipts.

Just to give some idea of the extent of the problem we are talking about, I would like to refer you to the Congressional Budget Office records of the last 14 fiscal years in estimating actual receipts. How far have they been off?

This chart shows, beginning in 1980 and going through 1993, the amount by which the Congressional Budget Office estimates of receipts differed from actual receipts. The zero line is the amount of actual receipts that came in. The hashed marks here show the amount of overestimate or underestimate of receipts from the CBO's projections.

If we look in 1980, CBO forecasted, projected that the Federal Government would generate almost $40 billion more in revenue than it actually received in 1980. In 1981 they overestimated receipts by $58 billion; in 1982 by $73 billion; in 1983 by $91 billion.

Look here, in 1990, the Congressional Budget Office estimated that receipts would actually be $119 billion more than they actually were. Those are estimates. Those are the Government's best guess at how much revenue would be coming into the budget during that fiscal year.

We have to estimate at the beginning of the year. That is how we create the budget. Without the possibility of estimating revenue and expenditures, we have no budget. That is what the budget is, is an estimate.

The problem, however, is unless we have some requirement to come back and match those actual outlays with actual receipts, we do not have a mechanism that requires a balanced budget. If all we require are expenditures or outlays to be actual, we still can end up not balancing the budget because we have overprojected revenues.

Let me show you what would have happened if in fact the Congressional Budget Office over the last 14 years, if they had projected the actual receipts. We would have had no deficit. We would have had balance in what was projected.

We would, indeed, have had an annual deficit each year because the estimates of expenditures always exceeded the estimates of receipts. I'm not saying that it is Congressional Budget Office's fault that we had deficit spending, but the Congressional Budget Office estimated that expenditures would be a certain level, and estimated that receipts would be a certain level.

If in fact we had had a balanced budget requirement in 1980, and we had held receipts to only the amount that we have projected them to be, as the Barton-Tauzin amendment would do, but did not have a mechanism for ensuring that receipts reached the level that we had estimated, this is what would have happened. In that 14 years, we still would have had a national debt or deficit spending over that period of time of over a half a trillion dollars.

Therefore, unless we have a mechanism in this amendment to require somehow the balancing of actual receipts and actual expenditures, there is no guaranty that these amendments will provide or even require a balanced budget. That is a critical failing in both the Barton-Tauzin and the Stenholm-Schaefer amendments.

Neither of them require us going back at the end of the year and comparing what we spent with what we brought it. Both of them allow us, in fact, to project receipts and expenditures. Both of them would allow this kind of overstatement of receipts with no mechanism to require us to go back and do anything about it.

The Orton amendment, on the other hand, as I read, requires actual receipts and actual outlays to be compared, and if they are different, requires Congress to provide by law for the repayment of the actual outlays over the actual receipts. There are other differences in these amendments.

The next major difference is the difference of super majority status, or super majorities. This came about as an effort or an attempt to create an enforcement mechanism in the balanced budget amendment.

The critics of a balanced budget amendment said "So you say in the Constitution that you have to balance the budget, but if all you do is say it and have no enforcement mechanism, how can the public trust government, rely upon government, to actually balance the budget as the Constitution requires?" And if government simply ignores the requirement to balance the budget as required, does that not create public cynicism and distrust of government?

In an effort to make it more difficult to ignore this requirement, both the Barton-Tauzin and the Stenholm-Schaefer amendments have in fact created the requirement of constitutional super majorities; in other words, more than 50 percent, significantly more than 50 percent. In both these cases 60 percent of the House and Senate would be required to take certain congressional or legislative action.

□ 1500

Again I would like to read specifically from the various amendments.

The Barton-Tauzin amendment. First of all, section 1 states, "Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess."

So there is a three-fifths majority required in order to estimate that outlays would be greater than receipts. I do not know any politician who is willing to estimate that outlays would be greater than receipts and I do not know why Congress would want to estimate outlays greater than receipts if in fact they have a balanced budget requirement, but under the provisions of this balanced budget amendment, they would have to have a three-fifths majority in order to file a statement, or a budget in which outlays exceeded receipts.

In section 2, the Barton amendment also says, "No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress."

So to raise taxes, it requires a three-fifths majority.

Then finally, in section 6, "The amount of Federal public debt as of the first day of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law."

So under Barton it requires a three-fifths majority to project that your budget would be out of balance, a three-fifths majority to increase taxes, and a three-fifths majority to increase the debt limit of the United States.

Under the Stenholm bill, it does the same thing, requiring a three-fifths majority to estimate that your expenditures would exceed your receipts, and it requires a three-fifths majority for you to raise the debt limit but does not require a three-fifths majority to increase taxes.

There lies the major philosophical difference between those two amendments which you will see debated on this floor over the coming days, and it is an ideological argument. Do you want to require a supermajority of the body in order to increase revenue? Or do you want to say, no, we will leave it a constitutional majority, which is 50 percent plus one, and then the President would have to sign that into law or veto it, thereby bringing in the constitutional majority necessary for an override of the veto to ensure that in fact taxes could only be increased with the agreement of both Houses of Congress and the President in the executive branch.

But those are the supermajority requirements outlined in both of these other two constitutional amendments.

In the Orton amendment, it does not set up the requirement of supermajorities at all. It allows all of the current actions that are taken in Congress, or the actions under this amendment to be taken with the standard constitutional majority but it also requires that in the event Congress does not balance the budget, in other words, in the event outlays exceed receipts in any particular year, they must provide by law for it to be paid back. That brings the President into this activity, thereby bringing into play the constitutional supermajority necessary to override the President's veto.

Under the Orton amendment, it does not create a supermajority. It allows a majority of the House and a majority of the Senate to act in concert with the President. If the President disagrees with the Congress, he may veto the legislation, in which case the Congress in order to enact the legislation over the veto would be required to get the supermajority necessary to override the veto, which is greater than three-fifths.

Next there is a difference in waivers. Under the Barton amendment and the Stenholm amendment, both of these constitutional amendments would only allow the Congress to waive the requirement of a balanced budget in a year "in which a declaration of war is in effect" or, and now I am paraphrasing, the United States faces an imminent and serious threat of international security which would be declared by a joint resolution.

The Stenholm amendment identifies engaged in a military conflict which presents a serious threat to the national security.

These are very narrow waiver provisions. In reality, there are many, many, different forces outside and internal forces which could impact the U.S. economy, making it detrimental to the United States to require a balanced budget in any specific year, such as economic depression, the cyclical events which occur in economies. There are times in which balancing the budget which would require either substantial decrease in Federal expenditures or increase in taxes would bring upon economic calamity.

This can viewed in historic detail by looking back to President Hoover who at the end of his term in fact did cut spending and substantially increased taxes which was followed by the economic depression.

The Orton amendment simply provides that "the provisions of this article may be waived for any fiscal year only if Congress so provides by law by a majority of the whole number of each House. Such waiver shall be subject to veto by the President."

Therefore, the Orton amendment relies upon the Constitution as it currently is drafted and in effect relies upon the requirement of majorities in both bodies supported by the concurrence of the President through signature on the legislation in order to waive the requirement for a balanced budget.

I personally believe that if you have got both Houses of Congress and the President saying it is necessary to waive the provisions of that balanced budget amendment for the good of the Nation, then we probably should have the power to waive it; and if the public disagrees, in the next election they can say so and they can vote those people out and vote in people who promise not to do that type of thing.

So the waiver is the third major difference.

The fourth has to do with enforcement, the enforcement mechanism itself.

Under the Barton version of the amendment, section 8 reads, "Congress shall enforce and implement with appropriate legislation." That legislation is not currently even drafted. It is contemplated to be future legislation.

Under the Stenholm version of the bill, section 6 reads, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

Again, that legislation implementing the balanced budget, telling the country how we are going to enforce this amendment, has not yet been drafted.

The theory is that we will first pass the constitutional amendment requiring us to do it, we will then somehow find the wisdom and the courage to come back and actually do it.

Under the Orton version of the amendment, it is a fairly simple enforcement mechanism which relies upon the current balance of powers between the legislative, executive, and judicial branch, and it states simply under section 3, "For any fiscal year in which actual outlays exceed actual receipts, the Congress shall provide by law for the repayment in the ensuing fiscal year of such excess outlays."

□ 1510

If Congress fails to provide by law for repayment, within 15 days after Congress adjourns to end a session there shall be a sequestration of all outlays to eliminate a budget deficit.

This is a very, very hard enforcement mechanism, but it places the burden squarely on the shoulders of the Congress and the President to either find a way to balance the budget, and state it by statutory law, or to say to the public we cannot find a way; we believe it would be detrimental to the public to balance the budget and here is why.

If Congress neither balances the budget nor waives the balanced budget requirement, the Constitution would place in it a hard sequester enforcement mechanism that simply cuts spending across the board to balance the budget in the next fiscal year, to pay back the deficit that we incurred, probably through estimating rosy scenarios, as has been done in past years.

If we want to ensure to the public that in fact the Government will balance its budget, I submit the Orton amendment is the only amendment which has been filed which contains an enforcement mechanism to require Government to accomplish what is set forth in this article. So there is a significant difference in enforcement.

Finally, I told you I wanted to outline the possibility or even probability of a constitutional crisis if in fact we adopt either the Stenholm-Schaefer or the Barton-Tauzin amendment, and it is my opinion that one or the other will be adopted. By the way, before I explain the crisis, let me say I have in two Congresses in the past supported and voted for the Stenholm-Schaefer language, which is the same language which has been proposed in the Senate, and it is, in fact, my intention to vote for the best balanced budget amendment that we can get through this House, this time. What I am attempting to do is to raise the debate to these issues which I believe must be addressed in order to develop the best constitutional amendment.

Let me point out a scenario which I believe can and will lead to constitutional crisis if we do not change the language of these amendments before adoption. Assume the following facts: Let us assume that we pass the amendment. The year 2003 rolls around, the amendment is in place, it is part of the Constitution. Let us assume that it is the Barton-Tauzin amendment which has been passed. We follow the amendment to the letter.

The amendment requires us to set forth a statement, a proposed budget in which outlays do not exceed receipts. We do that. We identify through our priorities where we are going to cut, where we are going to increase, and that statement of outlays and expenditures is in balance.

We go along and we revise those statements of outlays and expenditures through the year, if necessary. It is in balance and, in fact, Congress and the President have "insured that actual outlays do not exceed the outlays set forth in such statement." They have kept a padlock on the purse strings, they have not spent 1 cent more than outlined in the projected budget.

But, the fiscal year ends September 30, the new fiscal year begins October 1. On September 10 or September 1 we discover, the Treasury Department tells us we over estimated revenues, because of a cyclical down turn in the economy, because unemployment went higher, because something happened, dumping from a foreign country into our markets, we lost employees, we have lost revenue. Some unforeseen occurrence has taken place, and revenues do not match what we had estimated.

Let us say that the budget in 2003 is the same as the budget this year, approximately $1.5 trillion. We estimate $1.5 trillion of expenditures; we estimate $1.5 trillion of receipts. We only spend $1.5 trillion, but we only bring in $1.49 trillion. We are short $100 billion of revenue, or we are short $100 million of revenue, or we are short $100,000 of revenue. It does not matter. So long as the revenue is less than the receipts or the expenditures, we are not in balance, we are now in violation.

What happens? First of all it takes a three-fifths majority to waive this and to cut or lower our estimate of expenditures or raise our estimates of revenues. But estimates are not going to do us any good in September of the fiscal year if we have already spent the money. There is not any money we can cut. It was spent through the fiscal year. In fact, it says you cannot raise revenue without a three-fifths majority.

It would not do us any good to raise revenue anyway, because in September of the fiscal year we could not get a bill passed and implemented, signed and gear up the Internal Revenue Service to go out and collect more money. Therefore, what happens is, the Government is in deficit spending, not because we spent more than we thought, but because we did not bring in the revenue we thought, and section 6 comes into play.

Section 6 says the amount of Federal public debt, as of the first of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

What you have done is, the only option that the Federal Government has at the end of that fiscal year is to increase the debt limit, if they have overestimated revenues, and those revenues do not come in, and we have seen the likelihood of overestimating revenues. This chart shows that in every year but 1 in the last 14 years we overestimated revenues.

So if we follow history and overestimate revenues, only spent the amount we said we would spend, we have not balanced the budget, we cannot borrow more money to make up that difference, unless three-fifths of the House and the Senate vote. If my math is correct, that only takes 40 Members of the Senate or 178 Members of the House to make up 40 percent.

Therefore, what you have done by creating a super majority requirement is you have placed control of that decision in the hands of a minority of Members in this body or the other body. In other words, 40 percent could hold the 60 percent hostage for some other action or refuse to allow the debt limit to be increased.

People say, "Oh, well, so what? So you do not allow the debt limit to be increased; you just cannot borrow more money." If I go to the bank, my bank tells me, "Sorry, you have hit your debt limit. We are not going to loan you any more money." Why should we not do that with the Government?

The problem, is, the Government has Treasury notes, Treasury bills, and so on, which are actually out there, people have purchased them. Over 80 percent of the money we have borrowed has come from we, the people of the United States.

□ 1520

It is from our savings and checking accounts, et cetera.

Those T-bills come due. We have already spent the money of the fiscal year. We brought in less than we thought.

If we do not increase the debt limit and borrow that $100 billion or $100,000 or whatever the difference is, we are in technical default.

So what happens if the Government is in technical default? You just go in, file chapter 11 bankruptcy, your creditors will give you some time to work it out, and pay it back, and all is well? No. If the Government goes into technical default, the most likely scenario is an immediate devaluation of the dollar which causes an immediate spiraling of inflation, an immediate increase in interest rates, would cause turmoil not only in the stock market in this country, the stock market and financial markets would cause turmoil throughout the entire world.

It is not a feasible alternative to force the U.S. Government into bankruptcy, into technical default on its loans. Therefore, the Congress would be required to act to increase that debt limit, and if you get 40 percent of either body refusing to increase the debt limit, unless you deal with this specific issue, now you have placed control of the Government in the hands of the few rather than in the hands of the majority.

This could happen on either side of the aisle. You could have some from the right-hand side of the political spectrum, those who believe that we have been spending far too little on national defense, those who believe that, in fact, the budget should be spending more on national defense; they could group together and get 40 percent of either body and say, "We will not agree to increase the debt limit of the United States unless we not only borrow what we have to borrow to cover last year's expenditures, we want to borrow more. We want another $200 billion, and we want a $200 billion supplemental appropriation today passed before we agree to increase the debt limit, in order to put $200 billion more into national defense."

You could get 40 percent of the people from the left-hand side of the political spectrum who believe that we are not spending enough on job training and education and welfare benefits or retirement benefits who may come to the floor of this House or the other house and say, "Sorry, we have not spent enough on these programs. I am not going to vote to increase the national debt and prevent the country from going into technical bankruptcy and default unless we also borrow enough money, and you give me a supplemental appropriation right now to increase welfare payments or retirement benefits or health care," or any of the other benefits that they feel very strongly about.

You might also have some people who care more about getting a highway or a bridge built in their district who demand more appropriations for pork-barrel spending, for a clock tower in their State or some other type of spending which the rest of this body would not go along with but for the fact a gun is being held to the head of the country.

I say to my colleagues and suggest going back and reviewing the Federalist Papers wherein Madison, the draftsman of our Constitution, and Hamilton, and Jefferson, and Jay debated and discussed among themselves and others the wisdom of creating supermajority requirements to act in this or the other legislative body. They concluded, and I believe rightly so, that supermajorities should be used very, very limited, only to situations of overriding a veto or adopting a treaty or expelling Members from the body, instances wherein the Constitution requires supermajorities.

And so I submit that if, in fact, we include the language of supermajorities and specifically the language of a supermajority requirement to increase the debt ceiling, that, in fact, you are inviting a constitutional crisis. You are inviting just the exact scenario that those supporters of a balanced budget amendment in this body have fought so hard against. You are inviting the types of calamity that we must avoid.

Now, I am going to be asking the Committee on Rules to make in order two specific amendments. First is the constitutional amendment which I have filed as a separate, freestanding amendment. It also has been filed, and I believe is identified in the RECORD, as an amendment to the balanced budget amendment in the form of a substitute. It is that amendment which I have outlined which does not create constitutional supermajorities but relies upon the current majority and the veto of the President in order to enforce the provisions of a balanced budget. It broadly allows waiver, but again with the Congress and the President agreeing to that waiver by law.

It does not create provisions for a supermajority to either increase spending or revenues or to increase the debt limit.

It is the simplest version which I know of which has been filed in as plain English as we could put it and the only version of the constitutional amendments filed, to my knowledge, which has in it a real enforcement mechanism in the body of the amendment itself. Others rely upon future legislation to enforce.

So I will be asking for that amendment to be made in order so that we can come here to the floor of the House and debate that amendment and the provisions in it.

I will also be asking to be made in order a substitute which in essence is the wording of the Stenholm-Schaefer amendment, but deleting two particular provisions, deleting from their section 6 the words that allow the Congress to rely upon estimates of outlays and receipts, and also deleting entirely section 2 of that particular amendment which creates the constitutional supermajority of three-fifths in order to increase the debt limit.

It is my hope that the Committee on Rules will allow these amendments in the nature of a substitute to be brought forward. I have agreed many times with my colleagues on the other side of the aisle over the last 4 years that I have been selected as a Member of this body wherein they came to the floor of this House and complained that the then Democratic Rules Committee was being unfair, was not allowing the system to work, was not allowing this body to work its will on legislation, was not allowing full, free and open debate on the issues, was not allowing us to draft the best legislation we could possibly draft, and they called for open rules. They said:

> You put us in the majority, and when we bring legislation to the floor, it will come under an open rule, so that any Member of this body can come to the well of this floor and propose amendments to perfect the language of the legislation, to make it better, to use the brilliance and the genius of our system, free and open debate, so that the will of the people can be determined in this body.

That was their pledge.

They are now in power. They have an opportunity to keep that pledge. And I would urge them to do so by providing an open rule of debate on this very critical and important constitutional amendment. I cannot conceive of a more critical piece of legislation to consider in this or any other Congress than amending the very words of the Constitution itself.

I cannot conceive of bringing that type of legislation to the floor of this body under a closed rule preventing free and open debate, preventing us to raise these questions.

□ 1530

I would ask anyone who would support a closed rule to come to the floor of this House and explain to the people how they are going to avoid the very constitutional crisis I have just outlined. It is necessary to bring these issues to the floor for full and open debate in order to work the will of the people, in order to get the best legislation we can possibly get.

So I thank my colleagues for their patience, their listening to these issues, and I thank them for their consideration of the balanced budget amendment, which I support, and I thank them for their consideration of the amendments which I hope to propose and encourage this body to proceed very cautiously as we contemplate and move toward amending the very language which is the foundation of our system, the Constitution of the United States.

TECHNICAL CORRECTION TO HOUSE CONCURRENT RESOLUTION 16, PROVIDING FOR STATE OF THE UNION ADDRESS

The SPEAKER pro tempore (Mr. COMBEST). Without objection, the reference of House Concurrent Resolution 16 to the date in 1995 shall be corrected to be a reference to January 24, 1995.

There was no objection.

The text of House Concurrent Resolution 16, as corrected, is as follows:

H. CON. RES. 16

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

A CRIME BILL WITH TEETH

(Mr. BARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR. Mr. Speaker, at the beginning of this session, I introduced with several of my colleagues The Taking Back Our Streets Act of 1995. Last week, my colleagues and I on the Judiciary Committee's Crime Subcommittee completed 2 days of hearings on this bill.

These hearings, which featured law enforcement officials from across the country, revealed how desperately this legislation is needed. There is an overwhelming sense in this country that violent crime has robbed the citizens of a sense of safety and security that they have a right to enjoy. That is what my crime bill will help accomplish.

Not too long ago, a popular preventive crime ad campaign encouraged citizens to take "A Bite Out of Crime." After decades of one Democratic-controlled Congress after another jawboning the problem of crime with lots of taxpayer money but little to show in the way of results, we are finally on the way to passing a crime bill with real teeth.

BALANCED BUDGET AMENDMENT

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I rise in opposition to the balanced budget amendment House Joint Resolution 1. I support fiscal responsibility. However, I do not think an issue such as balancing the Federal budget should be handled too hastily. The current proposal for a balanced budget amendment as outlined in the Republican Contract With America is a knee-jerk approach to a complicated and mutlifaceted problem.

For instance, if Social Security is not specifically exempted, this measure would allow for drastic cuts in Social Security. We must not forget our responsibility to provide for our Nation. To make Social Security subject to this measure will result in devastating results that will be felt in the years to come.

During this year alone, Social Security will take in $31 billion more than it pays out in benefits. Social Security is not the cause of our national debt. To cut Social Security because it is a significant portion of the national budget is an easy way out for those who simply want to achieve their political goals by any means necessary. We should not put ideology before people.

THE TRAGIC EARTHQUAKE IN JAPAN

The SPEAKER pro tempore (Mr. COMBEST). Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, my district in San Francisco, indeed the entire State of California, is blessed with a very large Japanese-American population. On behalf of my constituents, the Japanese-Americans, and indeed all of them, I rise today to extend my sympathies to the people of Japan now that we are in day 7 of the tragedy that struck Kobe last week.

As you know, last Tuesday Japan was struck by the deadliest quake in more than 70 years. Today's AP wire has an update on some of the tragic statistics. The death toll is topping 5,000, with more than 100 people still listed as missing. More than 26,000 people were injured, 300,000 people were left homeless, and 56,000 buildings were damaged or destroyed. There are 1,000 relief centers trying to house the 300,000 people left homeless. Indeed 2 million survivors of the earthquake in that area have been impacted very negatively as well.

Mr. Speaker, today, Monday in Japan almost yesterday now, there have been strong aftershocks in buildings in Japan. They had three aftershocks at about 4.0, and I have been told aftershocks of up to 6 points on the Richter scale are possible.

In addition to that, there is the physical toll, in addition the personal toll. Japan has different construction standards for highways and for buildings. The huge pillars supporting raised roads consisted of concrete cores surrounded by vertical steel rods that are then wrapped with vertical steel hoops and surrounded by another coat of concrete.

Mr. Speaker, just as a sign of how fierce this earthquake was in Kobe, many of the structures ruptured and the reinforcing rods snapped like matchsticks.

The economic toll is great. Kobe is a major manufacturing center, the country's busiest container shipping port and an important transportation hub for moving component parts to factories throughout Japan and abroad. That is having a tremendous impact on the economy there.

Estimates of the economic impact vary widely. The Transport Ministry estimated it would cost $4.12 billion to repair damaged railway lines and stations alone. The head of the Japanese Chamber of Commerce estimated the overall cost of the quake would amount to more than $100 billion.

Of course, these are staggering statistics, but the worst of all is, of course, the personal toll. Today's AP wire carries a story about a father who lost his daughter in the earthquake. He says, "My daughter's voice, 'Dad, dad, please help me,' sticks in my ear." He lost his teenage daughter when their house collapsed. "It just doesn't go away," he said. "I just couldn't save her."

Mr. Speaker, that is just one of many, many similar stories. Another, of a young man whose house collapsed, his mother was in the house. The neighbors and others decided to help where they heard voices, and they were able to save the lives of some. But since they heard no sounds coming from his house, that did not become a priority, and his mother—he said, "I wanted to save my mother, but was not able to."

The list of these stories goes on and on.

So. Mr. Speaker, it is with great sorrow—of course, in our area, Mr. Speaker, we had the experience 5 years ago of the Loma Prieta earthquake in San Francisco, and just eerily, just 1 year before this earthquake, the Northridge earthquake shook Los Angeles. So we all have our own memories of personal devastation and personal loss from earthquakes. That is why we have so much sympathy for those in Japan.

It is with great sorrow I convey on behalf my constituents, both Japanese-Americans and others as well, to the Japanese ambassador the condolences of the people of San Francisco and wish for him to convey our condolences to the people of Japan, especially those affected by the earthquake, but to all the people of that area. They must be assured that they are in our prayers.

A BIPARTISAN BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from Virginia [Mr. PAYNE] for 60 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, on Friday of last week there was a press conference held. That press conference was to talk about an important event, important because for the first time in the history of our country we know there are enough people in the House of Representatives who are committed to vote for a balanced budget amendment to ensure that a balanced budget amendment can be passed.

This press conference was among the Democratic Caucus, and some 66 members of our Caucus signed a letter to our Speaker. The Speaker was notified that 66 Democrats were prepared to vote for a balanced budget amendment this week, and the 66 Democrats, along with the Republican Caucus, would give you enough votes for the required two-thirds' majority or the 290 votes to pass this balanced budget amendment.

□ 1540

I think this is good news in that we have a bipartisan agreement now so that Democrats and Republicans alike can do what is best for America. This comes at a time when our debt is now $4.7 trillion, when our interest payments will equal $300 billion as a nation; $300 billion we paid last year alone as interest on our national debt. This is money that, had we not had debt and we balanced our budget for many years before this, we would have had that same $300 billion to use to cut taxes. We could have used that money for other purposes such as fighting crime, such as improving education. But instead we do not have that, and in fact we are spending more money each year than we take in, and last year we spent $300 billion in interest payments.

Now this balanced budget amendment, as my colleagues will hear from others today, is extremely important to the future of our country and to the future generations, but it is also extremely important to all of us today because it is all of us that pay this interest, and last year for every American more than $800 in interest was paid, and to the extent that we can find a way to balance our budget and to begin then to reduce our debt, that is the only way that we will ever begin seeing less interest paid in a timely fashion.

So at this time it gives me a great deal of pleasure to yield to my colleague, the gentleman from Texas [Mr. EDWARDS], who has worked very hard over the years on this balanced budget amendment.

Mr. EDWARDS. I want to thank the gentleman from Virginia [Mr. PAYNE] for allowing me the chance to talk about the balanced budget amendment, and I want to express my gratitude for the strong leadership of the gentleman from Virginia [Mr. PAYNE] over the years in keeping this issue alive before this Congress and the American people.

Mr. Speaker, this week the House will vote on the balanced budget amendment to the Constitution. I believe this issue is the single most important issue that the 104th Congress will face. Why? Because the balanced budget amendment is not just about this year's deficit. It is about saving our children and grandchildren from drowning in a sea of national debt.

I am proud of the fact that 66 Democrats have now committed to voting for the Schaefer-Stenholm balanced budget amendment. For the first time in the history of our country we now have a two-thirds vote in this House to pass a constitutional balanced budget amendment if all Republicans in this House will vote for it. The fate of the balanced budget amendment now lies in the hands of our House Republican colleagues with whom many of us have worked for many years.

Mr. Speaker, I will most likely vote for the Barton amendment as well, the amendment which requires a three-fifths vote to increase taxes, because I see nothing greatly wrong with the idea of making it more difficult for this system to raise taxes on our voters and our constituents. But let no one in this body or in this country be misled. There clearly are not enough votes to pass the Barton budget amendment in this House. My Republican friends know it. My Democratic friends know it. House Members know it. Senators know it. And the American people deserve to know it. For anyone to suggest otherwise is simply pure partisan politics.

Mr. Speaker, opponents of the balanced budget amendment constantly say, "Why do we need to put this budget amendment in the Constitution?" I would like to begin by offering two answers. The first is very simply: Nothing else has worked. It has been since 1969 that the Federal Government saw a balanced budget. It has been over 25 years since this body passed a balanced budget. Twenty-five years of debt is simply too long, and we cannot stand for it.

Second, I think the balanced budget amendment is about an important issue, an issue no less important than the fundamental right of property rights, but by requiring a balanced budget amendment we are basically saying we want to protect the future property rights of our children and grandchildren from being spent by today's Congress. In the history of the writing of our Constitution few rights could have been considered more important then, or even now, than the protection of property rights. Clearly the protection of the property rights of our grandchildren deserves a sacred place in our Constitution.

Finally, there are many other reasons, specific reasons, why we should pass this balanced budget amendment, but let me simply say on a practical note to those American families that I cannot relate to a trillion dollar debt, and now we are facing a $4.7 trillion debt. Let me put it terms that the average American family can understand. This year we will pay $238 billion in interest on the debt alone. That is more than the entire Federal budget in 1972. In personal terms, for working families, every man, woman, and child, regardless of age this year, on average will have to pay $887 in interest, in interest, and national debt. Not a dollar of that $887 goes to building a new schoolhouse, helping a child get a better education, building roads and infrastructure in our country, or providing for our national defense. An average family of four in America, a working family, will pay the equivalent of $3,500 in taxes this year simply to pay for interest on the national debt.

The time to pass a balanced budget amendment is now, and with the support of Democrats and House Members working together, as we have worked for years, I am confident, Mr. Speaker, and with the leadership of the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER], and the gentleman from Virginia [Mr. PAYNE], and others that will speak today, I am confident we will do the right thing for the future of America and pass a balanced budget constitutional amendment.

Mr. PAYNE of Virginia. I will now yield to the gentleman from Colorado [Mr. SCHAEFER] who is a cosponsor of the Stenholm-Schaefer balanced budget amendment, and as well he is a cochairman of the Caucus for the Congressional Leaders United for a Balanced Budget.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman from Virginia [Mr. PAYNE] for yielding me a bit of time here today, and I cannot say enough how much I have appreciated the work of the gentleman from Texas [Mr. STENHOLM] over the years on this terribly important issue that we are about to tangle with this week.

As the gentleman from Virginia so eloquently stated, we are in potential serious problems in this country, economic problems, if we do not handle this runaway budget situation that we have on our hands now.

When I first came into Congress some 11 years ago, I could recall very well voting on an amendment to increase the national debt to $1.5 trillion, 1.5. Some 10 years, 11 years, later we are now at $4.7 trillion, 3 trillion over a period of 11 years. Now what is it going to be in the year 2000? Ten trillion dollars? Pretty soon it get to the point where there is not any way that we are going to be able to come back and try to even out not only our deficit, because we have to get at that one first, but to then start to build down on the national debt.

And so one would ask, "What is the best way to do this?" Well, back in 1974, they passed a Budget Act at that time that was supposed to handle all the problems that we were going to have in the future years. We have waived it over 600 times since 1974. We could go back to 1990 where we were supposed to try and figure out a way by capping spending that we were going to balance this budget out, and what happens? Here we are today, and we do have a slight decrease in the deficit temporarily. However, if we really look at the figures, by the year 2000 it is going to be up to $400 billion again.

□ 1550

So it is clear to me that what we have now is not working. Five times in legislation, in statutes, we said we are not supposed to spend more than we take in. But do we adhere to it? No, we do not. It is too easy to say "yes" to too many issues, and it is too difficult to say "no," and sooner or later we are going to have to start saying "no" on these particular issues.

So I again want to thank very much my Democrat colleagues who have agreed to go along with this, recognizing for the future of this country and for the future of our generations, that we do not want to give them a United States of America that is in the dump. We want to give them something they can pick up and run with over the years.

Mr. Speaker, I thank the gentleman for yielding to me in these few minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman for all the good work that he has done as a leader on the balanced budget amendment over the years, and I look forward to working with him this week as we work our way toward a victory.

My colleague pointed out that when he first came to Congress, we had a debt of $1.5 trillion. Now, just 11 years later, it is $4.7 trillion. We have seen this debt explode in the last 11 years, over $3 trillion in that period of time, and that tells the story of why we so badly need to have the kind of amendment we are speaking of here and the kind of discipline that will force us to reach a balanced budget.

Mr. Speaker, I now yield to my colleague, the gentleman from Florida [Mr. PETERSON], a leader in the fight for a balanced budget amendment.

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman from Virginia for yielding.

At the onset, I, along with my other colleagues, want to go on record to thank the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER] for helping us to take this through the many years and the many battles that have been fought for the balanced budget amendment.

This is not the first time this issue has been on the floor of the House of Representatives. I would remind the folks that just in the 4 years I have been here I have voted for it in various forms at least three times. We came very close. We came within 9 votes, I think, on one occasion and, I believe, 12 on the other. This time I think we are on the go-ahead. We are going to make it. we are going to make this a reality and make this a proposal for an amendment to the Constitution of the United States.

Why a constitutional amendment? Because it is my feeling now that we can only, through this action, acquire the discipline we need to really, in fact, balance the budget.

We have had through statute any number of budget bills that have been vacated for one reason or another, basically because the pain was too great. The pain has gotten to the point of realizing that if we do not balance the budget, we will actually explode the pain. If we do not balance the budget of these United States, the very people who we have been saying we are protecting, that is, the poor and those who have not made it out, if you will, will be the first victims. So we have got to go back and renew our fight to balance the budget. We must protect our children and our grandchildren. We must keep from borrowing from future generations. We have got to make tough decisions, and with the balanced budget process we can do that.

But I would add that the American people have to appreciate their role in the balanced budget process which we are proposing. The American people must agree to make the sacrifices and assume the pain associated with balancing the budget. We all know we have had conflicting reports from our own constituencies as to how on one hand we need new roads, we need new programs, we need this, and we need that, and at the same time they are saying we must balance the budget. It is a conflict that we cannot resolve until we get the appreciation and the assistance of our own constituencies.

This amendment that has been proposed by the gentleman from Texas [Mr. STENHOLM] for many years now, contains no gimmicks. There are no shell games associated with this. There are no back doors. The gentleman from Texas knows something about that, because I do not believe the Alamo had a back door.

We have got to associate ourselves with that very fact. We have got to go ahead and make this happen with the realities and the associated pain it is going to bring through a certain process, not ultimately to the Nation, because in fact to the Nation it is going to bring strength, and we have got to have the courage to take us to that point.

The last point I want to make is that we do not want to wait until 2002 to do this. We want to start balancing the budget of the United States today with the very process of rescissions for 1995 and the very appropriations process of 1996. Failure to do that will prolong the agony and take us to the point when the pain becomes too great. I, along with many of my other Democratic colleagues, feel very strongly about that issue. It is not a partisan issue. This is a national issue of great magnitude, and it is one where Republicans and Democrats can agree and do agree that we must do the right thing and balance the budget of the United States and enhance the future of this Nation for our children and our grandchildren.

Mr. Speaker, I thank the gentleman for yielding.

Mr. PAYNE of Virginia. Mr. Speaker, I thank the gentleman very much for his comments and also for the work he has done over the years for the balanced budget amendment.

Mr. Speaker, I will now yield to my colleague, the gentleman from Georgia, Mr. NATHAN DEAL. The gentleman is a Democratic cochairman of the Congressional Leaders United for a Balanced Budget, and he has also been a real leader in this fight to get a balanced budget passed.

Mr. DEAL of Georgia. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for yielding, and I thank him for his efforts in this regard. I extend my appreciation also to the Members from across the aisle, including the gentleman from Colorado [Mr. SCHAEFER], and I thank the gentleman from Texas [Mr. STENHOLM], on the Democratic side for his leadership in undertaking this effort to pass the balanced budget amendment.

We are going to hear a lot of reasons over the next few days and into next week as to why this balanced budget amendment should be passed. Many of the Members who will speak are like me; they come from a legislative background, working in State legislatures, and most of those legislatures have constitutional requirements in their States that say that they cannot spend more money than they take in in revenue. My State of Georgia is one of those that has such a constitutional requirement, and I have had the privilege of serving on the budget committees and on the appropriation committees of our State and have faced the possibility of actually being called back into special session after having passed a legislative budget anticipating revenue and then finding some 6 months into the legislative year that the revenues were not coming in as rapidly as we had anticipated.

When you have a constitutional mandate that you have to take in as much money as you spend, you are called back into open session, and you go back in through the budget and you decide what you can cut in order to conform with your constitutional requirement.

I think there would be nothing at all wrong with this body having to do the same.

We have heard the statistics. The last year we had a balanced budget in this country was the last year President Lyndon Johnson served, in 1969.

For 25 straight budget years we have taken in less than we have spent. For 55 of the last 63 years we have not had a balanced budget in this country. The $4.7 trillion of accumulated debt is staggering.

We will hear arguments made that we can just simply do it if we have the will power; we can do it statutorily. We have tried it statutorily. Gramm-Rudman I, Gramm-Rudman II, the Budget Act of 1990, and the Budget Act of 1993 have all made statutory efforts to try to bring this spending crisis under control.

□ 1600

But since 1985, when they first began, we have added over $2 trillion to our national debt, in spite of those legislative efforts. With all of the little things like pay-as-you-go and sequestration, we have still not been able to bring it under control.

There have been those who argue well, we do not really need to do this because it is not that significant. I would suggest to you that it is.

As much concern and debate as you hear about people being concerned about foreign aid and spending for helping other countries, it is staggering to believe that we send $41 billion overseas to those overseas investors in terms of interest on those foreign-held securities of our country, more than twice the amount of our entire foreign aid budget.

The situation is serious. Now is the time to come to grips with it. I am sure you have all ridden up and down the highways of our country and seen the travel trailers that have the rather humorous bumper sticker on it that says we are spending our children's inheritance. WE all look at that and laugh about it, and we think, well, that is a couple who have worked hard, they have earned money, and they have a right to spend what they have accumulated, and they do not have any obligation necessarily to pass it on to their children or to their grandchildren.

We are doing far worse than that, ladies and gentlemen. What we are doing is we are not only spending the money that goes to buy the travel trailer and the luxuries that we are enjoying and the trip we are taking, we are asking our children and grandchildren to cosign the note with us, and at our death, as our generation passes away, they will not even inherit the travel trailer. All they will inherit is a past-due note that right now is $4.7 trillion.

That is just not right. That is not the kind of generational attitude that we need to leave. It is one we need to begin to change. I for one believe the only way we will do it is with a constitutional mandate in the form of a balanced budget.

I look forward to the debate that will proceed this week and hopefully to the final passage of a version of the balanced budget amendment. I am one of those who likewise will probably vote for the Barton version that requires a three-fifths vote in order to raise taxes, because I don't think that is the way we should balance our budget. I think we should balance it through cutting our spending programs. But whatever version it is, and I think that the Stenholm and Schaefer version is the most likely one to have the necessary and requisite number of votes, it is important that we do it, that we do it now, that we send it to the Senate, and they in turn send it to the States for ratification.

I thank the gentleman for the time.

Mr. PAYNE of Virginia. I thank my colleague for his words, Particularly the words about the future generations and how important this is certainly to them.

I now yield to someone who is a true leader in the House of Representatives in terms of fiscal responsibility, a gentleman who has fought this fight for many years, the cosponsor of the Stenholm-Schaefer amendment, CHARLIE STENHOLM, of Texas.

Mr. STENHOLM. I thank the gentleman from Virginia for yielding and for taking this time today to allow a preliminary discussion of a subject that I too appreciate his leadership on over the years, as we have brought ourselves again to this week where we will have a vote on whether or not to amend the Constitution for purposes of balancing the budget here on the floor of the House, and we are cautiously optimistic we will have the 290 votes to do so.

Before I do that, I want to remember a few other names for us today that go back in this battle. LARRY CRAIG, now Senator CRAIG, has been one of the real leaders in the effort that is behind House Joint Resolution 28 and Senate Joint Resolution 1, the subject of our discussion today.

Also Bob Smith of Oregon, now retired, but Bob, as you remember, worked tirelessly with us the last Congress to a futile defeat by some 12 votes. But then we have some others. Tom Carper, now Governor Carper of Delaware, was one of the original Democrats that has taken on the leadership of this effort, and now as Governor has continued to offer us encouragement along the lines of this bipartisan, bicameral budget amendment that we talk about today.

MIKE CASTLE, who has joined us now, MIKE from Delaware on the Republican side of the aisle, will be joining us in this effort this week. So Delaware has done their share.

JON KYL, now Senator JON KYL, OLYMPIA SNOWE, now Senator SNOWE, JIM INHOFE, of Oklahoma, now Senator INHOFE, have all played unique roles in bringing us to what we affectionally call the bipartisan, bicameral balanced budget amendment.

I would like to take now a little time to just talk about two or three major points that we are going to hear a lot about. One is that we should not be doing this through the Constitution, that we ought to be doing this the old-fashioned way, by cutting spending, to which I answer absolutely.

I did not come and do not come today to this well with a great deal of happiness as to being here suggesting that we ought to amend the Constitution. I reluctantly, in fact almost never, have supported constitutional amendments, and I have reluctantly come to supporting this for one reason, and you mentioned that in your opening remarks, and that is I am now convinced this is the only tool that we need to put in our arsenal that will help us do the job that we must do, and that is balance the budget.

I wish we did not have to do it that way, but I am convinced the only way you can do this with Congress after Congress, succeeding Congresses, is to put into the Constitution the requirement that we do live within our means.

I would remind people, and will do so over and over this week, that this year's budget is the first year's installment, and I anticipate with a great deal of confidence that the budget that this House will prepare this year will give us the first year's installment, with a 7-year projection, not a 5-, but a 7-year projection, so that we can honestly say to the people this year, we will in fact set ourselves on the course to balance in 2002, and this year is the first year, and then next year we will come back again with a budget resolution, with reconciliation, which should and I anticipate and hope will be in this year's budget resolution, that we will do so.

But then comes one of the major reasons why a constitutional amendment is necessary, because this Congress can get elected to do that. But what about the next Congress? This President can suggest we ought to do that, and we ought to have a budget on the line of getting to balance, which we have got it going in the right direction after the first 2 years of the current administration. But what about the next President? What about the next Congress? And that is where we have always run into difficulty.

So let me say to those that suggest that we ought to get the cart before the horse, that we ought to have the 7-year budgets first. We have tried that, it does not work. Let's take a 1-year budget this year, prove with good faith we are sincere about it, but let us also set in concrete the fact we cannot wiggle out of it this Congress, next year, or succeeding Congresses.

Another point that I want to emphasize over and over, I am getting a little bit put out with those who every time we bring up the balanced budget constitutional amendment seem to have the next word in their vocabulary, Social Security, and then sending convincing letters, which some group is doing to constituents in the 17th District, that if we pass the balanced budget constitutional amendment, Social Security will be wrecked. That could not be further from the truth. They ought to be saying unless we balance our budgets, Social Security is going to be wrecked, and that is for our children and grandchildren, and there is nothing in this amendment that will have one slight, negative effect on Social Security for the current recipients. Nothing in this amendment has ever, does now, or will ever have anything negative. And to those who continue to politicize and frighten senior citizens around the country, I say shame on you.

We are going to talk more about that as we get into this week's debate. I appreciate the opportunity to come before you today to share this hour, Mr. PAYNE of Virginia, with you and others, as we talk about the bipartisan, bicameral balanced budget amendment, the only amendment that has a chance of getting 290 votes.

I am proud to say it is Senate Joint Resolution 1, it has tremendous support on the Senate side, and now we believe that we have the votes on the House side, and I believe that after the debate this week, we will be able to prove that. But I am a great believer in not counting our chickens before they are hatched. Therefore, I commend you again for taking this hour to talk, so that all of our colleagues, those not in the House today, will begin to focus on the merits of what we are to talk about.

Thank you very much for allowing me this privilege.

Mr. PAYNE of Virginia. Thank you very much, and thank you especially, CHARLIE, for all the work you have done on the balanced budget amendment, and thank you for mentioning all of those, both Republicans and Democrats, over the years who have gotten us to where we are today in terms of being able to pass the balanced budget amendment this week.

I now yield to my colleague, MIKE DOYLE from Pennsylvania, a new Member just elected in November, but already has joined in the fight and has proven himself to be a leader in this fight for a balanced budget amendment.

□ 1610

Mr. DOYLE. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise to join in this special order supporting House Resolution 28. I have joined scores of my colleagues in cosponsoring this resolution because it is the only bipartisan, bicameral balanced budget amendment, and I would urge all of my colleagues to vote for this resolution when it comes up later this week because we cannot wait any longer to address this country's budget deficit.

I signed on as a cosponsor of this balanced budget amendment last month while I was still a member-elect because I already considered this issue a priority for my first term in Congress. As I spoke to people throughout Allegheny County, PA, while I campaigned for this office last year; their message came through load and clear. They felt the Congress must undertake significant measures to address our country's expanding budget deficit. The vast majority of my constituents believe a balanced budget amendment is the proper, and most effective means to tackle this deficit problem and that the Congress should not wait any longer to exact this measure.

It's no wonder that the folks back home—in all of our homes—feel such a sense of urgency. The statistics are not unfamiliar to anyone, but certainly warrant repeating. Our national debt currently exceeds $4.3 trillion—17,495 dollars' worth for every man, woman, and child in the United States. It is any wonder people feel a sense of urgency?

The last time this House voted on a balanced budget amendment was last March when the amendment was narrowly defeated. Unfortunately, a near miss is not close enough and the debt has continued to skyrocket, increasing by more than $160 billion since last March. Is it any wonder people feel a sense of urgency?

And as the debt increases, the interest payments on this debt increase as well. Interest payments that continue to devour larger and larger portions of the budget—from 6 percent in 1960, to 14 percent of the entire budget today. The gross interest payments on this debt cost us $816 million dollars per day. I ask again—is it any wonder that people feel a sense of urgency?

These interest payments, by consuming more and more of our annual budget, are crowding out funding for discretionary programs. This is the insidious nature of our deficit debacle. Unless we take control of this problem now, we will cripple the ability of future generations to make the investments in discretionary programs that are necessary to keep this country moving forward.

My constituents back home in western Pennsylvania certainly understand this need. Many of the communities I represent have not recovered from the severe recession they experienced throughout the 1980's. During this time, much of the steel industry engaged in aggressive ownsizing—many plants were closed and jobs were lost. The Mon-Valley needs the help of innovative and intelligent Federal programs to assist in the retraining of these displaced workers so they are prepared to join new, high-technology industries. Programs are needed to clean up the abandoned industrial sites so fresh businesses will locate there bringing with them secure jobs in growing industries. And we must improve our public education systems so future generations will have the knowledge and training they need to be prepared to work and flourish in a high-technology environment.

These are the types of discretionary programs that are being crowded out by the increasing interest payments on our debt. This year alone the interest payments will be 8 times higher than expenditure on education and 50 times higher than expenditures on job training. This is just the type of help my district needs—but as our interest payments increase, our ability to help will be severely curtailed.

It is for these reasons that I support this balanced budget amendment, House Resolution 28. Lets pass this amendment and send it to the States for ratification. During the ratification process, people throughout the country should be afforded the opportunity to closely examine how the amendment would work, and what specific actions would be necessary to achieve a balanced budget early in the 21st century. Then the people can either reaffirm or withdraw their support of the balanced budget amendment through their State legislators. But we must afford the people of this country that opportunity by first passing the balanced budget amendment on the House floor.

The Stenholm-Schaefer balanced budget amendment is our best hope for passage. It is the only version that has been offered with substantial bipartisan and bicameral support. Myself, and at least 65 other Democrats stand ready to joint our Republican colleagues in voting for H.R. 28. This is the only version of the balanced budget amendment that can claim this type of support and that can anticipate receiving the requisite 290 votes needed for passage.

Because passing a balanced budget amendment is so crucial to our country's future well-being; I urge all of my colleagues, from both sides of the aisle, to join us in support of the Stenholm-Schaefer amendment because it is the best way to ensure that this House finally passes a balanced budget amendment.

Mr. PAYNE of Virginia. Mr. Speaker, I want to thank my colleague from Pennsylvania for the leadership that he has already displayed in terms of supporting the balanced budget amendment. It is much appreciated and much needed. Thank you very much.

Mr. Speaker, this week the House of Representatives is pleased to make history when we take up the balanced budget amendment to the Constitution. I, along with others who you have heard today, urge our colleagues on both sides of the aisle to join us in supporting House Joint Resolution 28, the Stenholm-Schaefer amendment.

This bipartisan and bicameral amendment is as simple as it is vital to our Nation's future. By the year 2002, it will bring to an end, once and for all, the staggering tide of deficit spending and red ink which has so dominated Washington. It does so by placing limits on the power of the Federal Government to spend and borrow money with impunity and to pass along the bill to our future generations without a plan to pay it back.

Let there be no mistake, Mr. Speaker, these sustained and uncontrolled deficit spendings in Washington pose a grave threat to American productivity and to a prosperous future for our people.

Beside me is a check, and this check is a check from the typical American taxpaying family. It is made out to the order of the U.S. Treasury in the amount of $3,100. And this is the interest that each family of four paid on the national debt last year.

Now, this is not a total tax bill, nor is it even the family of four's portion of our national debt. Because a portion of the national debt, the $4.7 trillion national debt for each family of four, is in excess of $70,000. But this $3,100 represents the interest payment for last year for a family of four.

This is money that will not be saved to buy a new home or to put into a retirement plan or for a family vacation or for the education and training of children. Nor will it be spent by the Government for health care or for public safety or education. It is money that will be used to pay investors who purchase debt obligation to the United States. Many of these investors are foreign investors. The time has come to free American families from this enormous burden of debt. The balanced budget amendment offers the best hope of doing just that.

It is a legal restriction similar to that contained in 49 of our 50 States. And it is embraced by State and local officials from my district and from around this Nation. House Joint Resolution 28, the Schaefer-Stenholm balanced budget amendment, is identical to other amendments which have narrowly failed to gain approval in the House in 1992 and again last March. This amendment has been debated and studied and written about as much as any other issue that has come before the Congress in the 7 years that I have been a Member of Congress and it has stood the test of time.

It is the one balanced budget amendment which has gained strong bipartisan support, cosponsorship by 64 Democratic Members of the House, some of whom you have heard speak here this afternoon. It is the one amendment that has strong support in the Senate.

□ 1620

Senate Joint Resolution 1, the Senate companion to Stenholm-Schaefer, was introduced by Majority Leader DOLE and is cosponsored by 40 Senators. Of the amendments we will debate later this week, Stenholm-Schaefer clearly stands the best chance of becoming the law of the land.

Would it be better for the President and Congress to come together and agree to a balanced budget amendment without a constitutional mandate? Of course it would, but experience teaches us that this is not likely to happen.

Even since last year, last March, when the Stenholm-Schaefer amendment failed very narrowly to pass in this House, we have added more than $150 billion to the national debt, and there is no end in sight to the red ink coming out of Washington. The American people are tired of waiting. We are all tired of waiting, and we need to support a balanced budget amendment to put us on a downward glide path to balance this budget in the year 2002.

Is the balanced budget amendment a substitute for decisive action to reduce the deficit? Of course it is not.

Congress, 2 years ago, did approve a 5-year, $500 billion, tough deficit reduction plan, and the House and Senate approved a 5-year freeze on discretionary spending starting in 1993, at levels using no inflation. Largely because of that legislation, our deficit has come down and the Nation has enjoyed 3 straight years of deficit reduction, the first time that has happened since Harry Truman was our President.

I supported that plan last year. It was a tough vote, but like many of my colleagues, I knew it was not an end to our deficit reduction efforts, but only one part of a larger effort to balance our budget and to restore fiscal responsibility to this Capitol.

The same is true of this balanced budget amendment. We will vote on this this week, on Thursday or Friday. We will have a vote in the Senate, and I believe that the amendment will then go to the States for ratification.

But nothing in the process changes our basic responsibility here in Congress to go back to our committees and to our subcommittees next week and to continue to achieve real savings and spending reduction. This is our responsibility.

Mr. Speaker, one of my congressional district's most famous citizens, Thomas Jefferson, once said "To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude." Although we are almost 200 years late, Congress and the States have the opportunity to affirm the truth of Jefferson's observation by adopting the balanced budget amendment to the Constitution.

It is an opportunity that we should seize, and I urge my colleagues to support House Joint Resolution 28, the Stenholm-Schaefer balanced budget amendment to the Constitution. We must work together in a bipartisan fashion to pass this important amendment for our country and for our future. We cannot wait any longer.

RECESS

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4:45 p.m. today.

Accordingly (at 4 o'clock and 24 minutes p.m.), the House stood in recess until 4:45 p.m.

□ 1652

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COMBEST] at 4 o'clock and 52 minutes p.m.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1652

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The CHAIRMAN. When the Committee of the Whole rose on Friday, January 20, 1995, the amendment offered by the gentleman from New York [Mr. TOWNS] had been disposed of, and section 4 was open for amendment at any point.

Are there further amendments to section 4?

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

As we continue debate on H.R. 5, I want to address some concerns I have about where we are going and how we are going to get there.

Mr. Chairman, last Friday we spent almost 5 hours debating just four amendments to this legislation. We have presently at least, at last count, about 160 amendments pending, and this is under an open rule, and it is an open rule that I think is well merited in this instance. But I think, Mr. Chairman, if we proceed as we have been going at the very, very slow pace we have been going, we could be here for months on this particular piece of legislation.

I think that perhaps one of the reasons we have seen so many amendments offered is because there is a fair amount of misrepresentation and misinformation circulating about the bill which may account for some of these amendments. I do not question the motives of anybody who has introduced any amendment, although I know that there are some who in very good faith believe that this bill represents a very, very dramatic step back from where we are in terms of regulatory control.

Nevertheless, we do have these amendments, and I think there is misinformation and perhaps it might be helpful to reemphasize just some basic facts about this bill. This bill has very strong support.

The bill has very strong support, I would point out again, not only from the seven major public interest groups, but also the major groups representing the private sector, and among others the legislation is strongly endorsed by the National Governors' Association, the National Conference of Mayors, the National Conference of State Legislatures, National Association of Counties. This legislation is also endorsed by the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Association of Realtors, the National Association of Homebuilders, among others.

So, Mr. Chairman, the list really does go on and on. This has very broad-based support.

The bill also, I would point out, did not arrive just sort of out of the blue. It represents many, many years of hard work by Members on both sides of the aisle, and passed by the Committee on Government Reform and Oversight by a voice vote. I know there were serious concerns about the process that got us to this point, one reason that I supported the open rule, so that we would have a full and open debate on many of the issues that have concerned some Members.

But given the fact that we have this very broad support, I guess the question is: Why would there be this kind of resistance?

The problem is that there seems to be, as I say, misinformation about what the bill does and does not do. This bill does not, I would stress again, and as will be stressed throughout this whole debate, undo environmental and social legislation that is already on the books. The bill does not stop future environmental and social legislation from being passed or costs imposed on State and local governments.

This bill does not stop future reauthorizations or, indeed, it would not convert existing unfunded mandates into mandates subject to a point of order through the reauthorization process.

What this bill does do is provide a lot of much-needed information about the costs of future legislation, about what we are doing to State and local governments, and what we have done over the years. We in Congress will become accountable and be forced to make informed choices about how legislation impacts State and local governments and ultimately the American taxpayer. That is really it in a nutshell.

We find ourselves at this juncture with over 50 amendments that would exempt all types of programs from this bill. I would say to the chairman if I were to accept all of these amendments they would literally gut the heart of the legislation and render it totally useless.

It is not that we do not, all of us, support these programs. I think many of them are very meritorious and obviously have won and deserve the support of the American people. So it is not we do not support these programs. It is just that we believe Congress and the American people have a right to be, and need to be, informed about what the costs of these programs are and what they are doing to State and local governments.

It does not preclude us from imposing the requirement on State and local governments. It just says we are going to know what we are requiring them to spend to do them.

Mr. Chairman, for these reasons, I must say, and I hope the majority of my colleagues will continue to oppose all amendments, all amendments seeking exemption under section 4 with the exception of ones that may clarify what is already contained in the legislation. These amendments are unnecessary to protect future and existing mandates and would simply preclude analysis of future mandates to State and local governments.

So I will still resist all of the amendments to section 4 except those that I think clarify what we intended to have in there. We do have, I think you know, we have a number of amendments that are going to be offered to other sections of the bill. These are going to deal with very substantive, very important issues that need to be fully debated on judicial review, on the impact on private and public-sector mandates, the effective date of the legislation, the threshold below which or above which we should impose a mandate. There are a number of very substantive issues.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. CLINGER] has expired.

(By unanimous consent, Mr. CLINGER was allowed to proceed for 3 additional minutes.)

Mr. CLINGER. Mr. Chairman, we have had a thorough debate on two of the proposed exemptions, both of which were rejected by substantial votes. So I think we have made it pretty clear we do not intend to accept these.

Hopefully some of these would be withdrawn or not offered so we can move on to consider some of the other very important issues that need to be debated.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the chairman of my committee, the gentleman from Pennsylvania [Mr. CLINGER], expressing his concern about the reason there are a number of amendments, and I would not use the term misinformation as much as considering our committee had one weekend to look at this bill and never even had a public hearing during this session of Congress. So what we are doing during this floor debate is actually developing legislative intent.

A lot of these amendments that we are talking about in the debate that you are going to hear and we heard last week and this week was to establish legislative intent on this bill, because we did not have the time in the committee.

Now, I understand our chairman was told he had to move the bill. But that does not mean that we should short-circuit the legislative process, and so when we do that in our committees, and maybe we can learn for our other committees, that by doing that in our committee process, we are going to make it longer on the floor. Instead of just our committee members dealing with it, now we have 435 Members who want to have questions and answers to this bill.

□ 1700

So we are establishing legislative intent.

Let me talk a little bit about—just today in the Houston paper, and I was going to say the Post, but it was not the Washington Post, it was the Houston Post, so we will not get confused with inside the beltway or outside the beltway. They had an editorial about the unfunded mandate bill that says, "No easy answers." This is daily newspaper. It talks about—again, it is not inside the beltway—it says, "Unfunded mandates is a term that is overly used and often misunderstood when we talk about misinformation." And it is part of the Contract with America or on America or for America or whatever.

But State and local officials across the country complain about Washington being too quick to tell them what to do, whether it is clean air, fair labor standards, family leave. But is it fair, and let us go back and use their analogy, again from the Houston Post. It says,

> An analogy of a teenager in his car. Clearly, it is wrong for his parents to force him to

use his money to pay for gas to run errands. But what if they simply order him to repair his transmission so it does not leak in the driveway? Instead of saying, "We want you to clean up your driveway, son or daughter, and that is what we are talking about." That is a mandate that parents give to their child, they are not telling him to use his money to pay for gas to go run errands, they are just saying, "Well, if you want to keep that car in the driveway, we want the transmission not to leak on it, at least." So we are unfunding that mandate for you to clean up your transmission.

It is easy to talk about unfunded mandates, and I agree that the bill needs to be passed, but I also think we would be doing a disservice to our constituents and to the people of this country if we do not recognize what we are doing by taking as much time as we need, if not in committee then on this floor for the whole world to see, about the unfunded mandate issue.

We are 1 country, but we are 50 States. What we come together on as a country is important to us. It may be called an unfunded mandate, it may be a national issue instead of a local issue. But I still think it deserves the time on this floor of this body to consider it judiciously. I think that is what we are doing.

AMENDMENTS OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer amendments numbered 112 and 115 and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments, numbered 112 and 115, is as follows:

Amendments offered by Mr. SKAGGS: Section 4 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; or" and by adding after paragraph (7) the following new paragraph:

"(8) pertains to air pollution abatement or control.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado that the amendments be considered en bloc?

There was no objection.

Mr. SKAGGS. Mr. Chairman, stated very simply, this amendment would exempt clean air laws and regulations from this bill. Without this exemption, the bill, I think, will hurt the environment and actually unwittingly promote a kind of socialism in this country, a fact that may come as a surprise to my colleagues.

I am utterly astonished at this, I assume, unintended consequence of the bill. But it would certainly be one of its effects, which I will explain in a moment.

Clean air laws can be an unfunded mandate, primarily when local or State governments own and operate major sources of pollution. Just like other entities and persons, they run power plants, they drive vehicles, and operate other sources of pollution. State and local governments own almost 600 electric utilities, which generate something like 4 million tons of air pollutants a year. They operate untold thousands of motor vehicles. In my area in Denver, for instance, the regional transportation system has over 800 buses, and no one should doubt that they can be a source of air pollution.

When Congress or the EPA adopts a nationwide air pollution standard, it applies to all power plants or landfills or all vehicles. Such a standard would be considered an unfunded mandate on States and local governments under the bill that is now before us.

If it were to pass in its current form, Congress would have three basic choices of how to deal with a future clean air bill. The first choice would be simply to exempt State and local governments from any new clean air mandates. We could just let them off the hook and not require them to comply to the extent that others in our society would have to follow the same rules.

If we make that choice, then we would have condemned American citizens to breathe dirtier, more unhealthful air. And—and this gets to the socialism question—and we would have given State and local governments a great competitive advantage. A power plant that happened to be owned by a public utility, a publicly owned utility, would not have to make the same pollution control expenditures that power plants owned by the private sector would have to. That is certainly unfair to the private sector. In the highly competitive power industry, avoiding the full costs of clean air compliance would give publicly owned plants a great advantage.

So, without this amendment, this bill would create a kind of perverse incentive to socialize the utility industry. This is the type of ironic and amazing result of trying to push a bill like this through without taking the time, or holding any hearings, to think it through.

Letting State and local governments off the hook wouldn't be our only choice. The second option would be for the Federal Government to pick up the tab, making them funded mandates. Then it would be the Federal taxpayers, however, who would be paying for the pollution of publicly owned utilities, transportation districts, or whatever. This second option is also absurd. Why should all the taxpayers in the country pay for pollution cleanup at a power plant that happens to be municipally owned? It has always been the rule that the polluter should pay for his pollution.

If taxpayer dollars are spent this way, then State and local governments would still have an economic advantage over their competitors in the private sector, and, again, we would be headed down the road to socialism.

The only other option we have, the third choice, would be to vote to overrule the point of order that this bill would create as an obstacle to passing any new clean air legislation.

That, I gather, is what those who wrote this bill and who are managing it on the floor today claim it will do. Fine, if that is what we are going to do, let us do it now. If everybody is in agreement that we do not really want to make it impossible or much more difficult to pass future clean air legislation, then let us go ahead and vote that way today by putting this exemption in the bill.

Let us remember it is already plenty difficult to pass a clean air bill. Last time we did it, it took over a decade to work out the details.

Let us remember the American people want us to do more, not less, to clean up the air they breathe. Why should we make it harder to pass a clean air bill? I do not think we should.

So, I urge this House to make the decision now that we are not going to create a new procedural obstacle to clean air bills. I urge adoption of the amendment.

Mr. Chairman, I have an amendment at the desk, No. 112. I ask for its immediate consideration.

I ask unanimous consent to have amendments No. 112 and No. 115 be considered en bloc.

Stated simply, this amendment would exempt clean air laws and regulations from this bill. Without this exemption, the bill will hurt the environment, and it will unwittingly promote socialism.

It may not be surprising that this second bill brought forward by the new majority would hurt the environment, by making it more difficult to pass laws and adopt regulations to clean up the air and otherwise protect the environment.

But I'm utterly astonished the new majority party would support a measure that would actually promote socialism. I trust this is not an intended consequence of the bill, but it certainly would be its effect. And if the people who wrote the bill don't want to do that, then, I hope they'll support the change which this amendment would make.

Let me explain.

Clean air laws can be an unfunded mandate primarily because State and local governments own and operate major sources of pollution, just like any entity or person who runs a powerplant, drives a car or bus, or operates any other source of air pollution.

State and local governments own 590 electric utilities, which operate powerplants that put out nearly 4 million tons of air pollution a year.

State and local governments also operate untold thousands of motor vehicles. In the Denver metropolitan area, for example, the regional transportation district operates 825 buses. And anybody who has been stuck in traffic behind a bus knows that buses pollute.

When Congress or the Environmental Protection Agency adopts a nationwide air pollution standard that applies to all powerplants, or all landfills, or all buses in this country, that standard would be considered an unfunded mandate on State and local governments, under the bill as is now written.

If the bill were to pass in its current form, Congress would have three basic choices when considering a future clean air bill.

The first choice would be simply to exempt State and local governments from any new clean air mandates. We could just let them off the hook, by not requiring them to clean up these sources of pollution to the extent others in our society would be required to clean up identical powerplants, cars, and trucks. The 590 powerplants owned by State and local governments could be allowed to pollute freely at higher levels than everyone else, without any regard to the effect on public health, acid rain, or anything else. The 20 million tons of emissions from some 2,500 municipal landfills would not be subject to the same constraints that apply to BFI or waste management. In Colorado, the regional transportation district could be allowed to buy and operate buses that didn't meet the emission standards that apply to a private charter company.

If we make that choice, then we would have condemned American citizens to breathe dirtier, more unhealthful air.

And we would have given State and local governments a great competitive advantage. A powerplant that happen to be owned by a public utility wouldn't have to make pollution-control expenditures that powerplants owned by the private sector would have to. That's certainly unfair to the private sector. In the highly competitive power industry, avoiding the full costs of clean air compliance would give publicly owned plants a great advantage and ability to expand.

So, without my amendment, this bill would create a perverse incentive to socialize the utility industry. The new majority, according to their words, wants to privatize government operations, not have the government take over private sector operations. But this is the type of ironic and amazing result of trying to rush a bill through, without taking the time or holding any hearings to think it through.

Letting State and local governments off the hook by exempting them wouldn't be our only choice. A second option would be to mandate cleanup State and local governments, but have Federal taxpayers pick up the tab. This would make them funded mandates. Then, it would be the Federal taxpayers would pay for pollution controls on publicly owned powerplants. And it would be the Federal taxpayers who would pay for the costs of the pollution controls on the buses the regional transportation district buys, and for the maintenance of the buses so they meet clean air standards.

This second option is also absurd. Why should all the taxpayers in the country pay for pollution cleanup at a powerplant? Why should all taxpayers in the country pay for emission controls on RTD buses? It's always before been the polluter who pays in this country.

And if taxpayer dollars are spent this way, then State and local governments would still have an economic advantage over their competitors in the private sector, and again we'd be headed down the road to socialism.

The only other option we'd have, the third option, would be to vote to overrule the point of order that this bill would create as an obstacle to passage of a new clean air bill. That, I gather, is what those who have written this bill and who are managing it on the floor today claim is what we will do.

Fine, I say. Let's just do it now. If everybody is in agreement that we don't really want to make it impossible, or even more difficult, to pass a new clean air bill, then let's go ahead and vote that way now.

One way an automatic point of order would jeopardize the next clean air bill is to thwart the need to respond to science as it finds that pollution is increasing. This seems to be true for ozone and particulates in particular. Current science is indicating that these problems may be getting worse, not better. As a result, we may need to respond by tightening the national standards for these pollutants to protect the health of our constituents. The automatic point of order in H.R. 5 would pose an enormous obstacle to doing the right thing.

Let's remember that it's already plenty difficult to pass clean air legislation. The last time we did so, it took a full decade of strenuous debate and negotiation.

And let's remember that the American people want us to do more, not less, to clean up the air they breathe. Whey should we make it harder to pass a clean air bill?

I don't think we should, and so I urge this House to make the decision now that we are not going to create a new procedural obstacle to clean air bills.

The Clean Air Act also includes unfunded mandates on State governments as governmental bodies, as opposed to those they face as the owners and operators of sources of pollution. For example, States are required under the act to prepare State implementation plans to meet the national air quality standards. But in the absence of the national framework for cleaning up the air that the Clean Air Act represents, each State would still have its own air pollution cleanup program, anyway. In any event, ti's worth remembering what State and local leaders said about this mandatory national framework when Congress last reauthorized the Clean Air Act, including:

> The Governors * * * have unanimously agreed that the Congress must take tough measures.—The National Governors Association.
>
> Reauthorization of the Clean Air Act is one of the National League of Cities' top priorities.—The National League of Cities.

Let's not kid ourselves. Without this amendment, we will put at some serious risk continued progress in cleaning the air our fellow Americans breathe. There's no reason to take that risk. I urge my colleagues to adopt the amendment.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

I do so reluctantly because the gentleman from Colorado is one of the more thoughtful Members and contributes a great deal to our debate.

But I think it is fair to say we all want clean air. There is no disagreement about the fact that we are all interested in preserving the quality of air throughout out Nation. That is certainly not the question.

H.R. 5 in no way is going to abrogate that. It is about having information on the costs of clean air programs.

Among others, they will work with Federal, State, and local governments to provide solutions that will work for everyone, as opposed to the current pattern of Federal dictates. So a majority is needed to pass the Clean Air Act, that is not going to change under H.R. 5. What will change is that Congress will have adequate cost information and debate on the unfunded mandates issues. The alternative is to legislate as we have been doing, which is with a blind eye toward the impact of these mandates on States and localities. It is no exaggeration to say that some communities will vote for putting policemen on the streets and improving all other services in order to afford compliance with the environmental mandate. They will have to make very tough decisions, faced with the mandates imposed by the Federal Government and the needs they have in their local communities.

Counties are going to spend over $2.6 billion to comply with the Clean Air Act in fiscal 1994 through 1998. This is money that could be used for other purposes: For education, for housing, and other community priorities.

So I must oppose the gentleman's amendment.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding.

Mr. Chairman, do I understand your position correctly—and I have great regard for the gentleman from Pennsylvania—that he believes that we should have essentially a presumption here that a municipal-owned power plant or a municipal bus company or a county-owned landfill should not be held to the same clean air standards as their private sector counterparts.

□ 1710

Mr. CLINGER. The debate on private/public sector issue, and there is an issue there that I think will be debated, is going to go forward. I do think—we are not suggesting that this is in any way going to undermine, or impede, or undercut existing mandates imposed on the very entities—and indeed on the private sector as well—

Mr. SKAGGS. But if the gentleman would yield further, we can assume, given the evolution of the science of air quality and air pollution, that at some point this Congress will consider in the future tightened standards, and that is really what we are speaking to, and I am talking prospectively. At that time in the future is the gentleman standing for the proposition that publicly owned utilities, vehicles, landfills, should have to adhere to a lesser standard than everyone else?

Mr. CLINGER. Certainly not——

Mr. SKAGGS. Then why do we not go ahead and write that into the bill today?

Mr. CLINGER. What I am suggesting is that there is language in the bill now that will require an analysis of what, in fact, the impact would be and what the—that this equilibrium that might be developed by a private/public sector——

Mr. SKAGGS. If the gentleman would continue to yield, I have no problem with the informational requirement. It is the point of order that would have to be overcome by a majority vote in the body that stands as a real impediment to again holding publicly owned polluters to the same standard as privately owned polluters, and why do we not go ahead, and clear that up, and get rid of that problem now?

Mr. CLINGER. This is an issue that I think deserves to be debated, but I do not think it needs to be debated at this point. What we are talking about here are exemptions, total exemptions, from the existing law. We are going to have, I am sure, a very spirited debate about the implications as to private and public sector. At this point, this is asking for a total exemption from the application of the point of order to an entire statute, and I just cannot accept that.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think it is inappropriate to discuss these issues and discuss them right now. What has been inappropriate, in my estimation, is the way this bill has been steamrolled through this Congress without even hearings in committee.

We pass legislation with all sorts of consequences; a lot of them are unintended consequences and the best way to avoid negative, unintended consequences is to know what we are doing to the best extent possible.

It is ironic that the legislation, which claims to give the Congress more tools through all the analysis of what may be an unfunded mandate to what extent it will put a burden on the taxpayers of local and state governments; information that would be useful is being pushed through so that we will not have the full information available to us in understanding what this legislation would in fact do.

Now the best—one of the best examples of what are clearly unintended consequences is to look at the environmental area. The legislation before us would say that, if there is a mandate on local governments, it has to be paid for by the Federal Government. But there are environmental laws that apply across the board, whether the polluter is a government owned polluter or a privately owned polluter. first of all, people's lungs do not know the difference, if it is a toxic pollutant coming from a municipal owned incinerator or a privately owned incinerator. The laws should be the same if we are going to require pollution reductions, whoever may own that particular facility. But this legislation would deem the costs for a publicly owned polluting source, incinerator, power plant, whatever, to be an unfunded mandate.

What are the consequences of that? The government would have to pay the costs that would be borne by the publicly owned entity or say that they are not obligated. Well, we would have the privately owned polluting source regulated, but the publicly owned one not regulated. That makes no sense because pollution is pollution, and, second, it puts a disadvantage to the privately owned enterprise when it is in competition to that which is publicly owned. That, seems to me, makes no sense.

We have interstate air pollution and environmental problems, and because of that reason we have to look to the Federal Government to set the standards, and for that reason we ought not to consider these unfunded mandates. Why would any local government want to spend the money to reduce pollution that affects somebody else? And there are a lot of examples of this:

Probably the best is what we fought over for so many years dealing with the acid rain problem. We have power plants in the Midwest, some of which are publicly owned power plants that emit SO_2 pollution that is carried long distances into the northeastern part of the United States and comes down in that area in the form of acid precipitation. Well, we adopted legislation to use market forces to reduce that pollution. Some of those existing laws are going to be affected by this legislation. We have heard over and over that is not the case because this is only prospective, but it is going to be retroactive to existing laws like the Clean Air Act because a lot of those laws have not yet been implemented through regulations. When regulations are adopted in the future to enforce these existing laws like the Clean Air Act, the Safe Drinking Water Act, the Clean Water Act, then there is going to be this unfunded mandate obligation that will be triggered, and those regulations can be tied up in court for years, an issue we are going to discuss sometime down the road as we look at this bill. But we have acid rain coming from States like the Midwest, Ohio, and Pennsylvania. New York in the Northeast will be affected.

The Long Island Sound is another good example. In Long Island there is pollution from sewage discharges from New York City. Under this bill the Clean Water Act provisions controlling these discharges by New York City would be considered unfunded mandates. So, if we do not pay New York City to stop polluting, the people in Connecticut are going to suffer, and, when we have these competitions between the privately owned and the publicly owned polluting sources, we should have a level playing field. These are things that one would not ordinarily think about when they hear about a bill called unfunded mandates, but in fact that is what is going to occur, and that is why I think the gentleman from——

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. That is why the amendment that is being offered today that would say, "Let's look at environmental issues as one where we are not going to consider it an unfunded mandate in order to make sure that we don't put private enterprise at a disadvantage to publicly owned enterprise; secondly, that we can deal with interstate problems; and, thirdly, so we can protect the public from environmental hazards which can be great indeed when these environmental hazards can cause lung problems, can cause cancer, can cause very serious diseases that we hope can be prevented through wise policies."

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just quickly correct a couple of statements that my colleague, the gentleman from California, made with regard to this legislation to make clear what we are doing here this evening. He said that the options would be, No. 1, to pay the public utilities; or, 2, to not have the mandate take effect as the chairman of the committee has noted. This evening, and many times in the debate on Friday, that is in fact not the sole option before this Congress under this legislation.

Let me be very clear. This forces a cost accounting which is not currently available. It then forces a debate on the floor as to the new unfunded mandate and finally forces a vote. It is a majority vote. So by a majority Congress could continue to exercise its judgment and continue to have the mandate take effect with or without funding.

Another correction needs to be made, and that is with regards to existing laws where regulations are not yet promulgated. The gentleman from California said that the unfunded mandate process would be triggered by that. That is not correct. Existing laws are not covered by this legislation in terms of the point of order being raised against unfunded mandates. New regulations, which would be promulgated pursuant to existing statutes, would not be covered by the point of order on the floor of the House that we have talked about many times now. There are certain requirements on the Federal agencies. They are reporting requirements as to the costs, again of the new regulations being promulgated, if they are above a threshold of $100 million.

□ 1720

I think it is important, Mr. Chairman, to continue to emphasize that this bill is not the broad-based bill that the opponents to the legislation or the proponents of this amendment and other amendments which exempt whole areas of the law would have us believe. This is a carefully crafted measure. This is a measured response. This is something that gives us information and accountability.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I rise in opposition to any amendment that would exempt the Clean Air Act and other environmental laws from the unfunded mandates. Mr. Chairman, I represent the 16th District of Illinois. One of our counties is McHenry County, part of the Chicago metropolitan statistical area. That area has been denominated as a severe ozone nonattainment area, which means that any company which has in excess of 100 employees is forced to carpool. It is called employee commute option. This is a mandate from the U.S. Congress through the amendments in 1990 to the Clean Air Act.

The CRS has put out a report showing a cost-benefit analysis. The EPA administrator herself, Carol Browner, stated in a meeting this past week here on Capitol Hill that as far as she is concerned and as far as Mary Nichols is concerned, and Mary Nichols is the assistant EPA Administrator, that car pooling simply does not work under any circumstances. It is not proved to be cost efficient. But we are stuck with it. It is in the law.

To exempt the Clean Air Act from the unfunded mandates bill simply is saying we are going to take a bill, a provision of a law, that does not work, but because it relates to environmental quality, therefore, it should not be looked at with the scrutiny of an unfunded mandate.

The Chicago Tribune this past Saturday headlined, "U.S. Car Pool? Never Mind." This is the EPA administrator urging Members of Congress to ignore an existing statute. The only thing we can do at this point, aside from opening up the Clean Air Act, is to ask that the Clean Air Act, along with other statutory enactments, be looked at by the Unfunded Mandates Commission for the purpose of saying this simply does not work, we should do away with it, and allow people the ability to drive to work as opposed to being forced to carpool.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, let me be very clear: This new legislation does not apply to the Clean Air Act, it does not apply retroactively, it applies prospectively only. The discussion here on this amendment is as to new mandates that might arise under clean air and other environmental statutes.

Again, to emphasize the point, the Clean Air Act which was passed by this Congress by a majority vote would not be covered under the provisions of the point of order that we discussed earlier.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the reason why I disagree with the gentleman is not because we are going to have the Clean Air Act on the floor. If we were to have it on the floor and made some changes, it might be affected by prospective consideration of unfunded mandates.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has expired.

(By unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. PORTMAN. Mr. Chairman, I yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, whenever EPA wants to revise their regulations to meet problems that were not otherwise foreseen which are consistent with existing law, those regulations would have to undergo the analysis as to whether they constitute an unfunded mandate.

Now, I have no problem with the analysis. What I find difficult is the fact that those regulations can be held up ad infinitum because of the judicial review that anybody who disagrees with the regulation could use to say that they did not want it go into effect, the analysis was not good enough. That seems to me to allow a situation that we would not tolerate if it were a prospective piece of legislation, because we would reserve to ourself a point of order which can be voted on by a point of order overturned, but could not be overturned except through lengthy court legislation. I think that makes no sense.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, to reclarify again, because we are beginning to fuzz the lines between the point of order and the regulatory requirement. The regulatory requirement is simply a requirement that before new regulations are promulgated, there be an assessment of the costs. Those costs will go into a written report which will be provided to the OMB and the Congress.

It seems to me that is a very sensible approach. It is actually not even as general and broad as the current Executive order that President Clinton has issued to the Federal agencies in these sorts of situations. All we are asking is there be judicial review of those assessments of cost. Let us be very clear on that. I understand now the gentleman's point, which you had not made previously, which is it really is the judicial review section that troubles you. That, of course, will be subject to considerable debate, I believe, later this evening or perhaps tomorrow. But with regard to judicial review, it is only as to the agency action, and, again, the agency action is information on an assessment of the costs and benefits.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, there are two ways we are going to have an unfunded mandate provision apply. One is if it is legislation to be brought up, not existing legislation but new legislation, and if it is brought up in the Congress, it will have the cost analysis of an unfunded mandate and we will permit a point of order if there is an unfunded mandate above a certain amount of money, but we reserve the right of the Congress by majority vote to allow that legislation to go into effect anyway and to impose the unfunded mandate anyway.

That is the congressional route. But there is another separate route where unfunded mandates can stop prospective actions, and that is in terms of regulations enforcing existing laws. So I take issue with the statement that existing laws are not going to be impacted. They are definitely going to be impacted.

For example, if the Environmental Protection Agency wanted to adopt a regulation dealing with toxic emissions, emissions that are hazardous, that can cause cancer, can cause birth defects, if they want to under the existing Clean Air Act adopt regulations dealing with these toxic emissions, and if the source of the toxic emissions is a publicly owned facility, then the EPA has to do this long analysis about how much it is going to cost the publicly owned polluter.

Now, I have no problem with that requirement. But let us understand what will be imposed upon the EPA to do this. They are going to have to look at the anticipated cost to the States, what impact it is going to have on the national economy, on our national productivity, on economic growth, on full employment, on productive job creation, international competitiveness, all of these things, which I do not think the Environmental Protection Agency is equipped to do. But they will do it, because we want to have them know, and the Office of Management and Budget and others involved in the administration, know the full cost impact.

But after they have done that, it is not enough, because there is no point of order that can be made, there is no majority vote that will say it is in the best interests of the country to have the regulation go forward. What happens then is they issue the regulation because they think it is appropriate, but the judicial review that can be then used to second-guess whether they did this analysis adequately can lend itself to anybody who disagrees with the regulation, and by anybody I mean a polluter, a corporate polluter, an industry that does not want to be regulated, can go into court and say they really did not look adequately at the international competitiveness of the United States if this particular hazardous pollution emitter is going to have an unfunded mandate that is going to be a burden upon them.

There are facts that are going to have to be determined under this legislation by the Environmental Protection Agency, as an example, that are going to be rigorous, and so rigorous that one may not be adequately done and, because it cannot be done adequately, becomes a loophole for the polluting source to tie it up.

Then we have to recognize, as the gentleman from Colorado so well pointed out, we are talking only about a polluting source that is publicly owned. We will have to say at that point that the regulations will not go into effect for that polluting source because it is publicly owned, but the privately owned polluting source would be regulated. It is unfair competition between the two, and it strikes me as peculiar for Republicans particularly, who argue they want more private initiative, to tilt things in favor of the publicly owned polluting source.

So I think that it makes good sense to exclude these environmental issues from the requirement of an unfunded mandate. They should not be considered unfunded mandates, especially since it is going to be such a burden to allow a regulation in the national interest, in the interests of protecting the public health, of protecting the environment, from being put into effect prospectively.

□ 1730

I take issue with the idea that this bill only applies to future law. It will apply to existing law because of this provision that applies to regulations. I stand in support of the amendment offered by the gentleman from Colorado.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have just a couple of questions I wanted to ask, if I could, the chairman of the committee.

As I have heard the discussion, first, the bill does require, does it not, for the first time that the public and private sector competition issue be considered by Congress before it enacts such legislation?

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. The gentleman is correct. This is really the first time that we have that provision in here. Heretofore there has been no such requirement or no such mandate to in fact make that determination or to study the impact of it on the private-public sector dichotomy.

Mr. DAVIS. In point of fact, does not this legislation specifically require the committee reports to include an analysis of how funding a mandate would affect the competitive balance between the public and the private sector?

Mr. CLINGER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is absolutely correct.

Mr. DAVIS. Also it is my recollection that the U.S. Chamber of Commerce, the NFIB, the National Association of Home Builders and Browning-Ferris, all private sector entities that could be adversely affected through this public-private competition, that the gentlemen on the other side of aisle are concerned about, are all endorsing this legislation in its present form?

Mr. CLINGER. That is correct. In fact, the language really was done in consultation with private sector interests to ensure that they would not be disadvantaged by the language of the statute.

Mr. DAVIS. Mr. Chairman, I thank the gentleman.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I, like the gentleman from California [Mr. WAXMAN], represent the Los Angeles Basin and was a strong supporter of the Clean Air Act, as he knows. In fact, several years ago, while I never had the privilege of serving on the powerful Committee on Energy and Commerce, I did spend time with the gentleman from California [Mr. WAXMAN] and other members of the Committee on Energy and Commerce dealing with this very important issue.

In fact, the area which I represent in southern California happens to have the highest number of first stage smog alerts in the entire country. It is the Inland Empire area, the eastern suburbs of Los Angeles. I say that simply to underscore my strong commitment to improving air quality.

But in looking at that, we have to realize that the Clean Air Act over a five-year period, which began last year, is imposing a cost on cities throughout this country of $3.6 billion. Our city of Los Angeles alone is shouldering a burden of $787 million.

I had breakfast this morning with Mayor Richard Riordan, mayor of Los Angeles. We were talking about this. Mayor Riordan and I and others of the area are strongly, strongly committed to improving air quality. But the fact of the matter is, this cost burden is overwhelming, extraordinarily onerous, and I have to rhetorically ask the question, at what level of spending will we possibly be able to attain a level of satisfaction for every Member of this House?

It seems to me, from my perspective, we have reached that point.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Skaggs amendment. Let me say, my colleague from Illinois who was here earlier and talked about his frustration with the trip reduction, I was in that meeting with him last week with the EPA because we were concerned about emissions tests in Texas, the system that the State of Texas had set up.

But one of the problems he may recognize though is that that was a state plan that was established. And it was a state plan that put so much weight on emissions, so much weight on industry, and also the trip reduction, although EPA did come in and give him some flexibility on trip reduction just like I think they are doing with us on our emissions testing in Texas. But it was a state plan.

In 1990, the Clean Air Act was passed here with bipartisan support and signed by a Republican President, and I am sure it had a vote somewhere on it on the floor that said, this gives the flexibility of the States. It may be a mandate on the States to reduce your pollution, but it is giving the States the ability to make that decision on their own.

Pollution knows no boundaries. We are just fortunate in the State of Texas that if we pollute in Houston it is all within our boundaries most of the time. We do not have that in other parts of the country, whether it be the Midwest or the Northeast or California to the mountain States.

So that is why I think it is important that we prioritize and say we are against unfunded mandates. We recognize that it is wrong. But there are also things that bring us together as a country. Pollution does not know state lines or county lines or city lines. And that is why oftentimes in Congress we have to address it, and the Clean Air Act is one of those examples. But they can be fine tuned by our States to recognize whether it is emissions or by the trip reduction, and my colleague from Illinois has had so much trouble with it. They have responded in there and they are working on it here in Washington.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from California.

Mr. WAXMAN. I think he makes an excellent point. We do give the States the flexibility in that responsibility that they take to devise their own plans for reducing emissions so that the health of the public will be protected. But I would suggest that when we hear about all these private enterprises like the chamber of commerce, thinking that they are not going to be at a competitive disadvantage, I suspect that some of these private industries think, well, if it is going to be an unfunded mandate the government-owned polluter, perhaps we will not put any regulations on either of them.

I suspect that that is what a lot of them would like. They do not see themselves ever being at a competitive disadvantage. They think that none of the polluters will have regulations placed upon them.

I think that would be a disservice to the people whose lungs are going to have to breathe in pollution when we deal with these air pollution problems.

Mr. GENE GREEN of Texas. Reclaiming my time, Mr. Chairman, the people who breathe that do not know whether it comes from a municipal waste incinerator or a commercial weight incinerator. And so if we are going to, by this bill, create disparity in the regulations, that is the concern that we need to recognize.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as somebody who was involved with the Clean Air Act, I rise in strong support of the Skaggs clean air amendment. I think what the gentleman from California [Mr. WAXMAN] has done is pointed out the tremendous potential for us, if we pass this legislation, to seriously usurp the Clean Air Act. If we move ahead with this bill, what is going to happen with the various states and some of the standards? 50 different clean air standards? No uniform protections from automobile factory manufacturing emissions?

And unless we pass this amendment, I think this whole issue is going to be unclear. We need to make sure that we are exempting clean air regulations from this unfunded mandates legislation. Otherwise, we are going to have a lot of angry people, angry communities and you are going to have a public asking us immediately to revoke this ill-timed legislation.

Many of us were here in 1990, when the House passed the Clean Air Act by 401 to 25. The vote was clearly representative of the American people's public desire for effective responsible federal regulations. But that is not what other advocates of the unfunded mandates legislation are telling us. They must think that the American public does not care about the quality of air that we breathe. And they must think that a double standard is okay.

As currently written, the unfunded mandates legislation exempts only state and local governments. That is right. Despite all the rhetoric about relief from regulation for the American people, the bill would continue to subject individuals and businesses to any new laws. I do not know what that means, but I can only guess that the backers of the bill think that states and local governments should be given unfettered power to do whatever they want to public health and safety standards for clean air.

And yes, mayors and county commissioners are powerful and they are elected, but we should not give them the green light to do whatever they want. That is not right. The American people want protection. They want responsible action, not legal loopholes and weekend federal standards.

□ 1740

In survey after survey the public has said they overwhelmingly support strong, effective environmental regulations, the last one being in December of 1994: "Sixty-two percent of the American people feel that environmental laws and regulations do not go far enough or strike the right balance for protection for public health and safety."

When we passed the Clean Air Act amendments in 1990, we culminated a decades-long struggle to pass meaningful legislation to protect our air. The new requirements we overwhelmingly endorsed were supported by everybody, elected officials included.

In fact, in 1989 the National Governors' Association wrote to Congress that they "unanimously agreed that the Congress needed and did take tough measures." In the same year the National League of Cities told Congress that "As a national municipal policy, reducing air pollution to safe levels is equal in importance with employment, housing, and economic development, and revitalizing and conserving cities."

According to the Clean Air Network, "Despite the tremendous progress we have already made towards cleaner air, nearly 100 million Americans live in areas that still have unhealthy levels of one or more of the six major pollutants."

So how many more of our constituents are we going to put at risk if we pass this legislation without proper safeguards and proper and extended debate?

Mr. Chairman, we just passed laws mandating that Congress live under the same laws as the rest of the country. We all voted for it. That is a good idea. However, I find it ironic that while we increased the application of the laws to ourselves, we are reducing the application of public health protections that the American public holds dear.

We keep hearing that the 1994 elections delivered a message of change for the American people. That American people have spoken loudly and clearly. What is important to them? Are we going to have legislation that comes at the expense of their health and their air? Will we ignore this message again?

If this amendment is so bad, and I have heard some of my colleagues on the other side say that we are not exempting the clean air legislation, why do we not pass the Skaggs amendment to make sure it is correct? We are giving the green light to courts and other arbitrative bodies around the country to say "Well, you passed the unfunded mandates legislation, so City of San Diego, of Albuquerque, and others, you do not have to meet clean air standards. You can let the pollution come in, as long as it is going to bring jobs."

Mr. Speaker, this is a good amendment. Let us not rush too fast. Let us make sure that we are doing the right thing. Let us pass this very good amendment and move on to ensure that the public is protected.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to support the Skaggs amendment, which I believe is a necessary improvement to H.R. 5. While I am sensitive to the burdens that Federal legislation may impose on State and local governments, I believe that the responsibility which is borne by all levels of government to protect the environment, defend worker safety, prevent worker discrimination, and secure basic rights for all citizens is paramount and must be met by our government.

As I listened to our colleagues debate this legislation and the various amendments to it, it sounds as if what some people would like to see is unmandated funding, rather than unfunded mandates, so I think we have to have more balance than H.R. 5 presents.

I commend the gentleman from Colorado [Mr. SKAGGS] for bringing this important issue to the floor, which would restrict the scope of H.R. 5 in terms of the Clean Air Act. Last week, sadly, this body rejected amendments from the gentleman from Mississippi [Mr. TAYLOR] and the gentleman from New York [Mr. TOWNS] which would have restricted the scope of H.R. 5 in terms of the interstate ramifications for the public health and safety of residents in other States.

I think this was unfortunate, because those amendments, like those of the gentleman from Colorado [Mr. SKAGGS] today I think were necessary improvements to the legislation. In our clamor to get Government off our backs, we risk a great loss, the loss of environmental protection that we have struggled for decades to ensure.

We hailed the industrial revolution and later the arrival of dramatic new technology as great advances in our civilization. However, with this progress came the realization we were risking massive depletion of the resources responsible for our success.

In reaction to this, the Federal Government sought to strengthen our environmental laws, so that future generations would not inherit a crippling environmental debt that threatened their security and their lives. Today in our 100-day stampede we are putting at risk the fundamental environmental protection laws we struggled, as I mentioned before, for decades to bring about.

The Federal Government, in its direction to the States, has provided the continuity necessary for our environmental laws. A national problem deserves a national plan. Our States do not exist autonomously. They are State united by common, often overlapping, problems and national solutions. Many of my colleagues, and most recently the gentleman from Texas [Mr. GENE GREEN] pointed out that pollution, et cetera, knows no geographic boundary.

On December 21 the results of a national poll and voter attitudes towards environmental protection were released. They showed that by over 2 to 1 the American public believed the current environmental protection laws do not go far enough, as opposed to 18 percent who believe that the laws go too far. Even the voters who voted for Republican congressional candidates indicated that they do not want environmental laws rolled back.

In explaining this poll, the National Wildlife Federation stated "The poll demonstrates that when the American people voted for change in the congressional leadership in last month's election, they did not endorse an attack on 25 years of environmental protection."

I heard my colleagues talk earlier about many ideas which I associate myself with, which I have concerns about in H.R. 5. The gentleman from California [Mr. WAXMAN] talked about the judicial review, and I know we will be getting around to that later, but I also want to associate myself with his remarks in that regard.

Others of our colleagues have talked about measuring the amount of money, assessing the amount of money that this legislation, the amendment of the gentleman from Colorado [Mr. SKAGGS], would cost. It is impossible for us to talk about money and the environment without understanding how costly it will be for us not to protect the environment.

The need to clean up pollution and mitigate other environmental problems should translate into a backlash against the pollution, not against the programs implemented to clean them up. The direct costs of mitigating pollution reflect only part of the price society must pay for environmental degradation.

Environmental problems impose significant costs on society: disease and death, lower fishing yields, reduced recreational activities, loss of jobs, and the list goes on. Toxics and pollution pose a major threat to human health. Pollution has been linked to chronic respiratory problems, cancer, and even birth defects. In addition, numerous studies have shown that environmental damage can significantly harm the Nation's economic performance.

The debate today is not about relieving States of an unnecessary burden. It is about dismantling environmental laws that protect the health of our Nation's citizens.

Federal mandates serve an important purpose in motivating States to perform responsibly, as parts of the whole, and with the same requirements we have for the private sector. Without these mandates to ensure environmental protection, the health and lives of our future generations of Americans will be at risk.

Once again, I urge my colleagues to support the Skaggs amendment, at least all of our colleagues who would like to breathe clean air.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is indeed heartwarming to have heard the impassioned pleas on behalf of private industry from the other side of the aisle. They have suggested that if we pass this act as is, private industry will be at a competitive disadvantage with publicly owned, say, utilities, for example, because the utilities will be in some way exempt from a mandate and private enterprise will not be exempt.

Mr. Chairman, I would point out that one solution to that would be to pass a similar piece of legislation, exactly applying the unfunded mandate of this legislation to private enterprise, just as we are now proposing to do so with State and local government, and that would level the playing field. I submit, however, that that would make sense both ways.

Such legislation would actually make sense for both State and local government and for private enterprise because, once again, we are proposing a point of order with respect to new and future legislation that would raise the cost. It does not prevent the Congress from in fact proceeding to enact such legislation.

Second of all, addressing in particular the Clean Air Act, there is, again, a supposition that if a Government action with respect to clean air is proposed, it must be good, it must be beneficial, and there is no reason to examine it, either at the legislative or at the rulemaking level.

Mr. Chairman, I submit that is not the case. This is the same debate we had about clean water last week. With respect to clean water, and we all want clean water, the Environmental Protection Agency was prepared to back up a proposed rule that would have required the city of Albuquerque to make the Rio Grande, which passes through the city of Albuquerque, up to drinking water standards. The Rio Grande has never been up to drinking water standards, and it is an impossibility to place a requirement on a municipal government or anyone else to achieve something which has never been achieved, but the Environmental Protection Agency was prepared to do it in the name of clean water.

Similarly, I can turn to the city of Albuquerque again as an example.

□ 1750

We have achieved Federal clean air standards for the last several years. Assuming legitimacy of placing Federal clean air standards across the country, the city of Albuquerque is still under the belief that they may have to upgrade at cost the way they do vehicle emissions to further please the Federal Environmental Protection Agency.

If in fact the city of Albuquerque has attained clean air standards, why should there be further compulsion on the city of Albuquerque to take further actions? It does not make any sense.

It is for those reasons that there is nothing about clean air and clean water regulation or legislation that should put it above analyzing the cost of what is being required versus the benefits.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our Constitution contains an interstate commerce clause. It does so because our Founding Fathers recognized that this Government in Washington, DC had in fact an obligation to make laws and to set order in the operations of the various States of the Nation which may from time to time come in conflict with one another.

I rise in opposition to the amendment offered today to the unfunded mandates bill. I do so because, most importantly, this amendment raises the question of the entire debate of unfunded mandates I think as clearly as any other amendment might raise it.

Yes, this Government has a responsibility to write clean air laws. It has a responsibility to write clean water laws. It has a responsibility to protect wetlands. It has a responsibility to protect endangered species. In short, it has a responsibility to do good environmental things for this country which may not be able to be done by the various States because they are sometimes in conflict.

The issue here is not whether we ought to do those things. The issue is here whether we believe in them enough to pay for them or whether we want to do those good things and leave it to somebody else to pay for them. Who else? Somebody at home.

Whether we as politicians who get elected and come serve in this Congress should set the rules for these good environmental causes and then ask somebody else to bear the burden. That is it in a nutshell.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I will yield when I finish the entire thought. If I do not have time, I will ask for more time to yield to the gentleman from Colorado [Mr. SKAGGS].

Mr. Chairman, the issue here is not whether we should have good environmental law for the country. The issue is when we decide to have a general environmental policy for the country whether we believe in it enough to pay for it here. Or whether we ask some other taxpayers to bear that burden, or worse yet, some other citizen to bear that burden who may be a private property owner, may be a private business person in this country. That is the only issue here.

So this bill prospectively by the way, not retroactively, not affecting the old Clean Air Act, only affecting what reauthorizations we might pass for it, says to all of us, "Be careful. Before you pass a law that leads to a regulation that compels someone to do something that you think is good, you had better be ready to raise the money and to spend it here in Washington, not make someone else spend it at home in your various States."

Yes, indeed clean air is a good and worthy goal. I supported the last Clean Air Act. But let me tell you something: If you don't have to pay for what you do, what restrains you from being excessive? What restrains the regulators here in Washington from being extraordinarily excessive, demanding much more than is required in cleanup if they never have to put up the money to pay the bills, if somebody else has to put up the money? What restrains the agencies of Government, for example, from declaring that 60 percent of the State of California is a wetland, and they almost did in 1989, or that 80 percent of the State of Louisiana is a wetlands, and they almost did in 1989, if they don't have to worry about the cost of that decision?

You see, if we in Washington really believe in a clean air law or a wetlands policy or an endangered species policy, and we should, if we really believe it, we ought to be ready and willing to raise the resources and to spend those moneys to carry out these interstate, these national programs as we see fit. And when we do not believe in them enough to do that, we ought to leave it to the States and the communities to write their laws affecting their local environments, their local policies, as they see fit as they can afford them.

That is what this bill is all about. If you go around excepting this particular area of environmental law, if you want to except this one and except the next one and except the next one, you have got no unfunded mandates bill. You have blown the principle. If you believe in the principle that when we make a mandate, and very often we need to, we have to believe in it enough to pay for it here in Washington, DC, then you will reject the Skaggs amendment as you will reject similar amendments trying to gut this bill, and you will live as we should live in the future by the principle that when we believe enough in an environmental law, we raise the money and we pay for it here in Washington. If we do not believe in it enough to pay for it, then we should leave it to the States and the local communities to make their own decisions about just what they want to do with their own environments.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I will be happy to yield to my friend the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I appreciate the gentleman yielding. Let me just engage you for a moment if I may on this proposition because it seems to me what you are saying is, and I want to make sure I understand you——

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(At the request of Mr. SKAGGS and by unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. SKAGGS. When the gentleman from California pointed out accurately a few minutes ago that there are publicly owned powerplants in the Midwest putting out what may be found to be excessive quantities of SO_2 that are affecting the quality of life in New England, why should my constituents in Colorado or yours in Louisiana be forced to help that local government comply with a national clean air standard on its public powerplant when their public powerplants are in compliance?

Mr. TAUZIN. And here is the answer. The answer is that if we want to protect one State from doing damage to another State as the interstate commerce clause predicted we would have to be doing when it came to commerce among the States, then we need a national law that mandates a standard that we all live by. And when we need one of those national laws that mandates a national standard so one State cannot hurt a neighbor, we, in Washington, have to have the courage and the will and the commitment to that national standard to raise the money and pay for it. So that all taxpayers, those who live in the State where the pollution may be originating and those who will receive the benefit of the program we pass here in Washington, all taxpayers share in the public duty to pay for that cleanup.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield further?

Mr. TAUZIN. I yield to the gentleman from Colorado.

Mr. SKAGGS. Then you fundamentally disagree with the proposition that the polluter should pay?

Mr. TAUZIN. Oh, no.

Mr. SKAGGS. Why should that publicly owned powerplant not pay for cleaning up its own pollution?

Mr. TAUZIN. I do not fundamentally disagree with the proposition.

Mr. SKAGGS. That is what you just said, that they should not have to pay.

Mr. TAUZIN. No; I do however believe that when pollution runs across State boundaries that you need a national law to regulate that situation and in those cases the people of the Nation benefit collectively as we all do when we clean the air of the Nation and we ought to be willing to pay for that here in Washington by raising sufficient sums to pay for the mandates.

Mr. SKAGGS. Why does it not make sense for the owners of that dirty powerplant to pay the cost of controlling emissions?

Mr. TAUZIN. If the gentleman will let me complete the answer. If on the other hand something is occurring in Louisiana that does not go across State lines and Louisiana wants to regulate——

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. TAUZIN. And Louisiana wants to regulate it a different way than when the National Government regulates it, let us say for example oilfield waste which is a pretty common problem in the Southwest, in Louisiana, in Arkansas, Oklahoma, New Mexico, and Texas, particularly a problem in our area, not a big problem nationally, a big problem regionally.

We have got laws now in Louisiana dealing with oilfield waste, we have a standard right now, a regime for regulating that that is a model for other States. We developed it at home and we pay for it at home and we make the polluters at home pay for it. We set that standard up in our own State.

But if on the other hand we had a problem that affected the air of the United States, and that required a mandate here in Washington for us to require that all polluters, all persons affecting the air of the United States be part of a program, what this bill says is that in the future we should have the courage of our convictions and say that this is something good for all Americans, it affects the air that we all breathe, we are going to set down a mandate to clean it up and we will raise the money and pay for it in Washington.

That is what this unfunded mandates bill is all about. The day you make an exception because you happen to like one set of mandates instead of another is the day you begin to unravel the principle of unfunded mandates which ought to be something we all agree upon here in Washington.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Colorado.

Mr. SKAGGS. I would assume then that the gentleman would make no distinction between the publicly owned and the privately owned powerplant that pollutes in the Midwest?

Mr. TAUZIN. If this gentleman had written the law, I promise I would have applied it to private mandates as well as public mandates. I think we should. I like the part of the law that says we are going to evaluate the effects on private individuals and businesses. I think we probably ought to someday decide here in Washington that we are not going to create mandates out there for the good of the public at large that we make anyone individually pay for by themselves.

☐ 1800

For example, I am fighting, as Members know, a battle to make sure private property owners do not have to bear the burden of wetland protection or endangered species protection.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. If you really want to use my property, if you really need my property to accomplish this national goal of wetlands protection or endangered species protection, my position is you as a people, all of us as a people ought to be willing to compensate me for that property taken from me. I ought not to have to bear that cost as a little landowner in my own State.

So when a national policy is designed to protect something we all need protected cross State lines, this law, as it is now proposed, and as we should pass it, should simply say if we want to do that, we can and we should. We simply ought to put the money up to accomplish those purposes.

Mr. SKAGGS. I appreciate the forthcomingness of the gentleman, which makes it very clear that he fundamentally disagrees with the proposition that those who cause pollution should pay to clean it up, and he holds to his position consistently and I think would carry it through consistently.

Mr. TAUZIN. If I can reclaim my time, the gentleman is not going to get away with characterizing my words or my philosophy. I do not and have not said that polluters should not be responsible.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 30 additional seconds.)

Mr. TAUZIN. What I have said, Mr. Chairman, is when we make a standard that is good for all of the people of country and that requires us to pass a law affecting all of the States, we ought to have the courage to put up the money to carry it out, as we do in Louisiana. When we set a policy protecting something in Louisiana, we very carefully make sure the persons responsible for polluting actually pay for it.

I do not consider taking my land away to protect a wetland, by the way, an instance of pollution. I consider that an instance of good public policy that ought to be compensated for.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and I would like to say first of all on unfunded mandates, most of us have been fighting the battle for the last few years. It is not only a question of costs, but it is a question of States rights.

I look at an unfunded mandate and I look at the document we have here on those that want to exempt hundreds and hundreds of different organizations and groups from unfunded mandates. That is what the problem is. Governor Pete Wilson from California has stated that it is breaking his State.

Illegal immigration is a classic one of an unfunded mandate that the Government has refused to fund or have a current policy to change.

We take a look at States rights, and I know even AL GORE, our Vice President, made a statement, "Let us get government off our backs and walk beside the American people." But for too long Government has been using a bullwhip on the backs of those American people.

I look at the costs. The problem most of us have on this side of the aisle is Members on the other side of the aisle have supported continuously extremist views, and those extremist views, that is a weapon. I look at the California clean water problems we have. We have a sewage problem like a lot of other areas in the United States. The Scripps Oceanographic Institute has made statements time and time again that secondary treatment is not necessary; the law was written for sewage effluents going into rivers and lakes. We have it going into the ocean, but it is the other side, and clean water and EPA have been unreasonable enforcing that which would cost just the city of San Diego over $3 billion.

If they do that, if they are forced for those $3 billion, then you will hear arguments of we need more money for education and law enforcement. But when you do not have the money, there is only one thing you can do to obtain it and that is raise taxes to pay for it.

What we are saying is take a reasonable look at unfunded mandates. Look at the costs of the motor-voter in the State of California. The people who blew up the World Trade Center could vote under motor-voter. It is an unfunded mandate. In the State of California there were hundreds of documented cases in the last November 8 election, but yet there is no funding there to take care of the oversight of the motor-voter.

I look at the California desert bill that we passed last year. Property rights. There was even on the other side of the aisle arguments against the protection of someone receiving a fair price for their property. They did not want the Government to have to pay a higher price or estimated value.

I look at the environment, the Endangered Species Act, and wetlands. We have wetlands at 12,000 feet that are frozen, and we take a look, we cannot change that or even define under a lot of people's views, wetlands. We need reasonable laws and reasonable ascertations to help the planet.

We take a look at the same thing with the wetlands. We had a pig farmer in Arkansas, the President's own State, that over the last decade has raised thousands of pigs. They hollowed out an area; it was wet. They wanted to build on it; no, he could not, because that area had become a wetlands.

It is not only property rights and States rights but America's rights, and I think Americans need to have a cost assessment tied in with every unfunded mandate that is forced on them by this Government.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

There is a very practical consideration on why every bill should not end up at the Federal desk, even though it may make good sense as national policy, and I will give two examples.

I grew up in Connecticut, and one of the great advantages of being an old State in a nation is that we have very small geography, but we are broken up into hundreds of political subdivisions. We have 169 towns in an area less than the size of El Paso County, and when board of education members make decisions on whether or not to educate kids with special needs, the long-term benefits of educating those kids that face the challenges really does not come back to the community necessarily, because that child may grow up and get a college education and get to be a productive member of society, but moves on to the next community. The same thing happens if that child does not turn out so well. If that child does not get an education and goes on to jail, those dollars come from the State treasury.

So what we do is we try to set a standard. An example would be curb cuts. If we wanted to make something accessible not just for the handicapped but it also benefits parents with strollers and what have you, and we set that standard nationally, it makes sense. We ought to have that same standard across the country. A person with a handicap, with a challenge that needs a wheelchair or a parent with a child in a stroller should not be limited to selected States.

But if we sent the bill back to the Federal Government, it would be a far more expensive process. As a local responsibility, they find the most efficient way to pay for it, the most inexpensive way to provide that service and that opportunity.

So the danger of what we are doing here is, we will either break down into a country with not just 50 standards for our citizens, but thousands of standards. As the same kind of attitude rolls back to the States, the towns will then say to the State that the State should not tell us what to do unless they are willing to pay for every standard and protection.

In Connecticut the Connecticut River and the Thames River, both of which run through my district, are cleaner today because of Federal mandates and they did not necessarily provide every dollar, although they helped immensely in the cleanup of water that came from Massachusetts and other northern States.

We have a responsibility as a Nation not to mandate things that do not make sense, to make sure that we do not place burdens on people simply for the sake of passing laws. But if it is the right thing to do, we need to make sure that this legislative body that represents all of the citizens of the country comes here and passes the legislation.

Oftentimes we do pay for it. Most communities, when they add up the dollars that come from the Federal Government, find they get much more from the Federal Government than they send here, especially for the kind of things that help people with special needs.

We need to make sure that this country does not turn back to creating obstacles for people in wheelchairs or people with educational needs. Federal mandates have cleaned up the air and the water in this country. We have given people more opportunity. Simply a closed mind to passing reasonable legislation that is voted on by a majority of the elected representatives, because it fits into this newly created category of mandates does not make any sense. The laws that pass here, pass here because we do represent the people of the country, we listen to their voices and we bring their challenges here, and they should not be rejected wholesale, because it seems to me what happens here is you cannot argue these on their merits, so you are trying to lump them into one big category. On the merits, they have passed the House, they have passed the Senate, they have been signed into law by Presidents, Republicans and Democrats. The same goes for the future and it is that categorization where Members try to undercut national support for things that make sense and have been good for the country.

□ 1810

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to follow on with the words of the gentleman from Connecticut, because as I have listened to this debate last week and today, it becomes very apparent to me that this legislation, although attempting to do well, really has put the apples and the oranges and the bananas and the kiwi fruit and everything else all together in one box and says it is all the same.

Ladies and gentlemen, that is not true. All Federal mandates are not the same thing.

I just listened to the gentleman from California, from San Diego. He talked about the various ones, the different ones that applied to California and how they applied differently. There is no question that we should recognize that, but this legislation does not recognize that. This legislation applies to all mandates. It applies to local governments and State governments the same. It makes no distinction about the purpose of that mandate. It makes no distinction about why that mandate originally first came about.

That brings me right to where we are with this amendment. Because I, as one, can reflect back to this country, at least my community, my Mississippi River, not mine, but our Mississippi River, the Missouri River, the Ohio, all the major streams of this Nation, the Rio Grande, and all where they were 40 and 50 years ago and where they were going, and without the legislation that we have today, I dare say, I mean, without the legislation that is on the books, clean water acts, those things, I dare to say you would not be drinking the water even though it is well treated from any of those streams.

Because what was happening, and the gentleman in the chair may happen, I do not know if they did in Cape Girardeau, but I know along the Mississippi River in my area and in my hometown years ago every bit of the waste was dumped right into that river, and then we built a treatment plant. It did not work. Sometimes the water, when it flooded, et cetera, went right into the river, too, and it was later on through the EPA funds that we built a brandnew one. It cost us 10 percent of the funds, if I remember right.

But we now have a real good wastewater treatment plant, and we do not put any effluent into that Mississippi River. You can go to other towns along the Mississippi like Louisiana, MO; Quincy, IL; Clarksville, MO; and I can go on and on all the way along up to Iowa, up to Minnesota, all the way down to New Orleans, none of that is taking place anymore, and that is all over the United States.

That is a little bit different than motor-voter, but this bill makes no difference, no distinction.

I can well remember when I was back in the 1950's when I was going to school at Saint Louis University down in Saint Louis, I was working my way through and would have to go out of the dormitory to go to work downtown, and taking a bus to get there, waiting on the street corner for the bus, and my hair would get sooty. That is right, folks, my brow would get sooty. What was that from? That was from pollution, folks. That was from pollution in the city of Saint Louis.

So there are times you could not hardly see the Sun in daylight even, in the summer, just not in the winter, because industry and others used it.

Now, the question is now, would all of these changes that have taken place in this country that are beneficial to all of us have taken place if we would have had this legislation on the books 30 or 40 years ago and the Federal Government would have been prohibited from passing this legislation that has been passed except if we funded it all, we had to fund every bit of it?

That leads me to my last argument as to why this bill has serious defects, and it should have been taken more time with in committee.

What incentive would there have been and will there be if this bill becomes law for any community in the future to do anything on their own, to improve either the air, water, or other polluting areas? What incentive? None. In fact, the incentive is all the other way under this bill. As long as you do not do anything, the Federal Government is not going to require you to do it unless the Federal Government pays for it.

So there would be no incentive, none whatsoever. The incentive is the other way.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, this bill builds in for States and local governments not to do anything, to let the Federal Government come in and tell you to do it, and then they are going to give you all the money. So why should you? The cities, local governments, the States are all strapped just like we are strapped. They will not do anything just like they did not do it before.

As the gentleman from Louisiana earlier spoke, he said, "Well, we should make all of this apply to private as well as public." I dare say that if you did do that, then why should the chemical companies anymore have to put pollution devices on? Because the Federal Government is gong to pay for it, not the private companies. They are not going to worry about generating power and dumping it all in the rivers and streams. Why should they worry about it? Because if they have to correct it, the Federal Government is going to pay for it. They should not have to pay for it. Their stockholders will not have to pay for it. So what we have here is a box full of all kinds of fruits and vegetables, all mixed in.

And I have the sponsors tell me they are all the same. Well, to me it is a fruit salad, and it is not one apple or a whole bunch of apples in the box. You have got a fruit salad, and it is all messed up.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Colorado [Mr. SKAGGS].

The amendments were rejected.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer two amendments. They are amendments Nos. 69 and 70.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments, numbered 69 and 70, is as follows:

Amendments offered by Mrs. COLLINS of Illinois: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) provides for aviation security or airport security.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) provides for aviation security or airport security.

Mrs. COLLINS of Illinois. Mr. Chairman, I ask unanimous consent that the amendments numbered 69 and 70 be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman airport security is one of the most important concerns in the public's mind. Nearly a decade ago, there were a number of incidents involving airport and aviation security, including hijackings, the carrying of weapons on board aircraft, and other lapses that give cause for great concern to those of us who fly. Several years ago when I was chair of the Government Operations Subcommittee on Transportation, we held numerous hearings on lax security procedures at our Nation's airports.

During those investigations, we found that doors to ramps leading to airplanes were often not locked. That unauthorized person had easy access to the tarmac. We found that it was extraordinarily easy for weapons to be smuggled onto aircraft because security personnel were often lax, inadequately trained and/or supervised.

We brought these facts to light, and as a result there is much better security at our Nation's airports today. What would happen if we couldn't require local communities to improve their airport security unless the Federal Government paid all of the tab? Perhaps many, or most, of them would simply ignore sound security measures. Isn't this an issue that is comparable to national security? I believe it is.

This is not an issue which pertains just to Chicago, where I am from, and its O'Hare Airport. Airport and aviation safety is an issue for all of us who fly any place. We, the flying public, has a right to feel secure when they enter an airport or when they fly on any type of aircraft. The security standards are imposed by the Federal Government. They are not and should never be allowed to become discretionary on the part of local governments who happen to run their municipal airports.

Mr. Chairman, aviation safety is on everyone's minds lately and the Federal Aviation Administration has been extremely responsive to those concerns. Last year's crashes of commuter prop planes due to icing on their wings was tackled by the FAA through tough restrictions on flights until more tests could prove conclusive of the causes of those disasters.

We cannot and must not let this type of authority by the FAA to be taken away. If that were to happen, airline safety would become merely a matter of convenience, not a requirement. The public would lose all confidence in the Nation's aviation system and people's lives would be needlessly endangered.

Under this legislation, the ability of Congress to authorize an agency like the FAA to impose standards for aviation safety are placed in great jeopardy. I do not believe any of my colleagues would like for this sensible responsibility to be taken away.

Therefore, Mr. Chairman, I urge Members to support my amendment so that aviation and airport security does not become a victim of this legislation.

□ 1820

Mr. CLINGER. Mr. Chairman, I rise in reluctant opposition to the amendments.

Mr. Chairman, for several years I served as ranking member on the Aviation Subcommittee, serving under Mr. OBERSTAR's chairmanship. Like him, I would indicate I stand second to no one in my desire to ensure the safety of the traveling public. But I would say again that this amendment is based upon a fundamental misunderstanding of what the bill does. The bill does not prevent Congress from passing laws, or the FAA from issuing rules and regulations to protect passenger safety. It merely requires that Congress and the agency to think about the costs of what they do. It will not in any way undercut or dilute existing rules, regulations, and laws on the books to protect aviation safety, to protect against terrorism or anything else.

Mr. Chairman, a little more than a year ago President Clinton's National Airline Commission identified the cost of complying with regulations as one of the main reasons for the airline industry's financial problems. It recommended a number of actions to address that problem.

This bill, Mr. Chairman, goes a long way toward implementing that recommendation. However, the amendment that is proposed would undercut that. The fact is, Mr. Chairman, that he airline industry has lost over $12 billion in recent years, in the last 2 or 3 years. That is a loss that you cannot sustain forever.

So all we are saying is yes, safety is paramount, has to be paramount, has to be a very top consideration of what we do. But clearly, if the proposed mandate on airline safety comes forward and the case is made that this is a necessary addition to the regulations and rules and mandates already in effect, something that is very definitely needed, I think I would be the first one to support passing that through without Federal funding. But at this point it would not require that.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, the gentleman just mentioned that the airline industry has lost a great deal of money. That is certainly true. But the airline industry has also caused a great number of people to lose their lives. I do not think that could be equated in dollars at this point or any other point in time, as a matter of fact. It seems to me that all these rules and regulations that we have and may need to be imposed in the future that deal with the security and safety of our aviation industry and our airports is just too important not to become a part of this particular legislation in the exclusion section of this bill.

Mr. CLINGER. Reclaiming my time, I was certainly not in any way suggesting that a mandate that was clearly going to improve the safety of passengers in this country should not be passed through. But what I am saying is that, given the perilous condition the airline industry today and the fact that they have lost a great deal of money and we are potentially putting our employees at risk, that just to approve every potential safety-improving mandate without at least considering the cost I think would be a mistake. For that reason I would have to oppose the amendments of the gentlewoman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have thousands, tens of thousands of flight hours both in the military and civilian aircraft, and in the future I plan to get thousands of more flight hours.

Mr. Chairman, the gentlewoman is correct that we have lost a lot of lives in aviation. If I thought for 1 minute that we could pass something that would prevent that, then I would pass the amendment, but I rise in opposition to the amendment. There is nothing that stops this body from passing a funded mandate onto States or Government agencies. If we feel it is important, whether it is endangered species, clean water, clean air, or, in the case of the gentlewoman's amendment, then we should fund it. It is only logical, when we fund it we should have a cost assessment to help all the Members figure out what those costs are going to be to the States, because if we pass on an unfunded mandate, then I imagine the States, and I imagine the State of the gentlewoman and the State of California, none of us has enough money to do all of the things we want to do in the other services that we talked about, in education, law enforcement, social services and the rest.

But when we pass that unfunded mandate, it makes the States take a look at a priority, and quite often those priorities are not in agreement with the individual Members passing on the mandate. So I would suggest to the gentlewoman that a funded mandate of this type—and I would support a funded mandate, but not an unfunded mandate, to the organization because I do think we need oversight in availation safety. I personally do, and I know the gentlewoman flies home, plus I fly privately and in the military; so I think in all of those cases it is not too much off the wall to ask that we, A, have a cost assessment and, B, to fund the mandates that this body regulates on enterprise or on the States.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Representative COLLINS of Illinois is talking about her amendment mainly on airport safety and talking about airline safety. Let me bring up another point.

Just like my colleague from California, though he has a little bit further to go, but I go home every weekend to be in my district in Texas, which is just halfway to California.

But I also feel a lot safer when I have to go through that airport security and those scan devices, simply because it makes me safer in the Houston airports. That was not put there because the city of Houston, our airport authority, did that out of the goodness of their heart. They did that because there were Federal mandates to do that. Also, they utilized enterprise funds, local funds that are made up of money that we pay as passengers to provide that airport security. We have some of the best, secure airports in the world because a lot of us have been to a lot of other places and we know we are really concerned about walking through some of those machines and we do not know if they work or not. But we know in our airports they do because they have to.

Again, if we could compete, whether it be Houston, San Diego, Los Angeles, or somewhere else, we might have different standards for each of them if we do not have some kind of recognition nationwide of airport security needs, not just from terrorism, or pilot training or private pilot training. That is a mandate. It is in some ways funded because I am sure FAA provides some funding for it. But some of it is unfunded because it is also made up of local tax dollars and local money paid for out of airline tickets that pays for that. So it is unfunded from the Federal Government. We may vote for that next week, if there is some new technology that comes out, but what is going to happen if we pass this without recognizing that the next Congress may say we are in a bad budget, we are in a $4 trillion debt. But I am willing to pay for funded mandates, sure I will, but I am not sure that there are going to be 218 Members of Congress who will do it. So we will see the standards in our airports possibly go down because of the threat of terrorism. Also, we do not have to go very far to know some countries only pay lip service to it whereas in the United States we put teeth into it. It is paid for most of the time by local funds because they also benefit by having a major airport in their community.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank my friend for yielding.

Mr. Chairman, I agree with the gentleman. Airport safety, especially in times when we had fundamentalist problems, for example, during Desert Storm, those things are required. But I say to my friend, if it is important enough—and I believe there is not a Member here who is not going to support it, I do not believe there is—that will not support safety in airports, since we all ride those things, that we would not fund that.

□ 1830

Our only request is that, when we think something is important enough to mandate it, let us fund it, and I will support the gentleman.

Mr. GENE GREEN of Texas. And I understand that, and, reclaiming my time, we will, we very well may do that some future time, if we find some new technology. It may cost a million dollars to provide new technology to discover some new type of weapon that somebody may try and smuggle in our airport. We must fund it from here, but also those local communities benefit from having that airport there, so they should also participate in. That is what we are doing now.

I just want to say we all are supporting, and I support, the bill. I just want to make sure that we recognize that some future Congress may say, "Oh, no, that's an unfunded mandate," and the standard of living that we have become accustomed to in these great States will go down because some future Congress may say, "Well, we have to take an unfunded mandate vote," and I am so against unfunded mandates, but we cannot increase the national debt because of that. We are just going to have to take our gamble, and may be some terrorism from wherever else in the world may be able to slip through. We need to recognize that today when we are debating this bill because it will have an impact on the gentleman's and my constituents.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. I would like to engage for just a minute the gentleman from California, if I can, because, when I look at the section on the limitation of application, I am looking at particularly there is a requirement that would eliminate the required compliance with accounting and auditing procedures for prospective grants and other——

The CHAIRMAN. The time of the gentleman from Texas [Mr. GENE GREEN] has expired.

(On request of Mrs. COLLINS of Illinois and by unanimous consent, Mr. GENE GREEN of Texas was allowed to proceed for 3 additional minutes.)

Mrs. COLLINS of Illinois. It requires compliance with accounting and auditing procedures with respect to grants or other money for property provided by the Federal Government; No. 4, provides for emergency assistance or relief at the request of any State and local government, or tribal government, or any official of such a government; or No. 5, is necessary for the national security, or the ratification or implementation of international treaty applications, and so forth.

It just seems to me there is nothing more important than the national security of the people who have to live in this country, and who will fly on these airplanes and make their living through going on airplanes, vacationing. I would just hate to see a situation where the flying public feels they are not going to be safe, they are not going to be secure, they are not going to be provided for in any kind of way to make sure when they board a plane, or when they go through an airport, they are not going to be able to come off that plane safely or even get on the airplane safely.

As my colleagues know, some of the problems that we have when we were doing these investigations, that we actually put FAA officers, people who work for FAA, along with our investigators, to walk through airports, and, when we go through an airport now, we see little numbers on these doors before we get ready to get on the plane. Those have numbers on there. That is a result of the kind of mandates they had to do. It was necessary because people were walking right on.

We also found that there were actually—we put toy guns, if my colleagues will, at that time on luggage, and the FAA officials were with us when they did it, and they passed right through the security screening every single time. They were surprised. We even were able to walk on the tarmac of airports, not just small municipal airports, but huge international airports in our country. We were able to do those things, and the FAA, because it had the responsibility that we gave it, we mandated that these airports be made safe and secure.

For us to ignore that kind of national security, it seems to me, is just to disregard all that has been done. Because of that we do not have the number of hijackings that we had a number of years ago. We do not have the number of planes falling out of the sky every other day that we had before. We do not have possible bombings as we have had in other countries where people were walking in an airport, and the whole thing goes up in smoke. As my colleagues know, we do not have that because of the fine work of the FAA and because we in Congress mandated these kinds of security measures.

Mr. GENE GREEN of Texas. Let me just mention that there are some exceptions in the bill that we are amending on section 4, and, as the gentlewoman from Illinois [Mrs. COLLINS] mentioned, No. 5, it is necessary for national security, ratification or implementation of international treaty. This amendment may be under this bill right now. But since we did not have a public hearing, we could not ask those questions of the experts in the FAA. We were not able to find out, and so that is why we are having to take this time on the floor of the House tonight.

Mrs. COLLINS of Illinois. The gentleman is absolutely right.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, colleagues, there are two areas of unfunded mandates issues that are of great concern to me in the field of aviation. One is security; the other is safety.

Security measures should not be subject to a mere point of order, that they could be stricken by a single point of order made against a measure that would improve security for American air travelers at home and abroad, at our airports and abroad, our airlines and foreign airlines. Certainly an issue of that matter ought to be subject to a majority vote, but not by a simple point of order. A motion to strike is always in order. But a point of order against a matter so important as security, this legislation would undermine, would gut, the ability of Congress and Federal agencies to impose needed security and safety measures on airport operators and on United States and foreign airlines. All major airports are now run by agencies of State or local government. When we consider laws that we have enacted in the past, that would have been jeopardized by a provision such as this had it been in effect at the time we enacted or brought on to the floor such legislation.

On December 21, 1988, terrorists succeeded in blowing PanAm 103 out of the skies over Lockerbie, Scotland; 270 of our fellow citizens died in that tragedy. As a result of the breach of security and the devastating results, President Bush asked for, and the Congress enacted, legislation creating a commission on security and terrorism, on which I served and of which our former colleague, John Paul Hammerschmidt on the Republican side, served, and produced a report with 64 recommendations which we then drafted in a legislative form, introduced in the House and the Senate, and got enacted into law, and the President signed all of those provisions into law. Now I look back on the work that we did in that legislation, and I shudder to think what would have happened had we brought that bill to the floor, and any one of those provisions could have been subject to a mere point of order.

Now there is no way that we could fully fund with Federal funds all the requirements that were necessary to go into effect to protect security, protect the security of American travelers on U.S. airlines at U.S. airports and protect the security of American travelers overseas, at foreign airports, aboard foreign airlines. They, too, have a responsibility to security. They, too, have a responsibility to the people that travel aboard domestic and foreign airlines, and to say that, no, that that responsibility can be knocked out on a point of order does not make sense without even subjecting it to a matter of debate on the House floor. When millions of flights take off, nearly 40 million a year in this country, when they take off and land safely, when there is no loss of life because of terrorist action, which there has not been in the domestic United States since 1969, we do not see headlines about it, but we know that lives have been saved because of the legislation that we have enacted. But this Congress has had the responsibility to come forward and deal with, and that we have accepted that responsibility, and we have acted, and I say, "But if you have one hijacking aboard a domestic airliner, or one airport invaded by terrorists because of a breach of security, and you go back and find, well, it happened because we didn't have sufficient laws in place, because we didn't have sufficient security measures in place, and then if you were to go back further and say, 'Yes, we tried, but it was stricken on a point of order on the House floor,' sure doesn't make sense to me."

It certainly seems to me that the provisions in this unfunded mandate legislation undermine the responsibility we have to our fellow citizens to ensure that aviation be maintained safe and secure. The same argumentation applies to the safety side of aviation.

□ 1840

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, we have enacted legislation to provide for safety aboard American airlines and at American airports, and there is already a very heavy burden of responsibility on the FAA to undertake in conjunction with each safety rule making a benefit-to-cost study as they proceed in the rulemaking process.

That has enormously bogged down the FAA. One of the most important considerations now in light of tragedies that happened last year in the commuter airline sector is to have a single standard of safety between part 121, the major airlines, and part 135, the commuter and regional airline operators. It has taken months, it will soon be over a year, for the FAA to issue regulations in this area, where the commuters are agreed and that majors are agreed that those safety regulations ought to go into effect.

Now, they have been bogged down because of this need to conduct the cost-benefit analyses for 15 different signoffs within the FAA and DOT and the Office of Management and Budget. If you add to that someone can stand up on the floor and make a point of order, and say no, you can't do that, what are you doing to safety?

I just think it is an egregious affront to safety to provide this kind of procedure, where on a simple point of order, in initiatives such as emergency escape path markings, seat cushions that will not catch fire readily, protective breathing equipment for use by flight attendants in emergency, improved cabin interior materials that burn less readily and do not put out toxic fumes aboard new aircraft.

When FAA went to move on those safety improvements, they had to run a gauntlet of procedural hoops and second guessers in the Department and the Office of Management and Budget. Please do not add another hoop and another gadget and another hostility here on the House floor to safety and security in aviation. You travel also, each one of us travels aboard aircraft, and we want it safe for ourselves and our constituents.

Mr. MINETA. Mr. Chairman, I rise in strong support of the amendment.

The pending bill will make it far more cumbersome and time-consuming to adopt needed new laws and regulations to ensure the security of air transportation. A delay in security regulations might result in a tragedy which could have been prevented. The Collins amendment will correct this unfortunate consequence of the bill by exempting laws and regulations promoting aviation security.

It already takes FAA far too long to adopt needed security regulations. To cite just one example, a few years ago we lost an airliner over Lockerbie, Scotland and the terrorism threat soared. In response we passed a law, the Aviation Security Improvement Act of 1990, making extensive improvements in security, including a directive to FAA to develop regulations to require that persons with access to airline aircraft undergo employment investigations, and criminal history checks. More than 4 years have elapsed and the necessary regulations are still not in place.

The recent bomb threats in East Asia have shown that there continues to be a substantial threat that bombs will be placed on-board aircraft. We cannot tolerate further delays in the background check regulations which are designed to prevent terrorists from gaining access to parked aircraft. New regulations might prevent another Lockerbie tragedy.

The extensive delays in the FAA rulemaking on safety and security are partially attributable to the existing requirements for extensive studies of the costs and benefits of regulations, their impact on State and local government, and their impact on small businesses. The additional studies required by the pending bill would produce little valuable information, while further delaying a process which is already too slow.

Title II of the bill before us is going to make it much slower and more difficult for FAA to issue new standards to respond to aviation safety and security problems as they arise. It will tie the FAA up in more redtape and make it harder to act to protect the public interest. And that would also be true for new safety standards such as the new commuter airline safety standards which FAA is working on.

Title III of the bill before us would make it harder and slower to respond to aviation safety and security threats when a legislative response is necessary. New redtape and studies would be required before we could bring the bill to the floor, and additional points of order and votes would be required. The aviation security bill we passed in 1990 would have been subject to a point of order if this unfunded mandate bill had been law then.

Both title II and title III would make it unnecessarily difficult and slow to respond to aviation security issues. There is no good reason why aviation security should not be exempted from H.R. 5.

I strongly urge adoption of the pending amendment to prevent further delays in laws and regulations which would enhance aviation safety and security.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Illinois [Mrs. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 9, as follows:

[Roll No. 25]

AYES—169

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
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Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
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Mascara
Matsui
McCarthy
McDermott
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McKinney
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Miller (CA)
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Moran
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Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Rahall
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Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
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Watt (NC)
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NOES—256

Allard
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Baker (CA)
Baker (LA)
Baldacci
Ballenger
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Barrett (NE)
Bartlett
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Bateman
Bereuter
Bevill
Bilbray
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Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
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Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
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Collins (GA)
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Diaz-Balart
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Dooley
Doolittle
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Emerson
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Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
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Funderburk
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Geren
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Hostettler
Houghton
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Hyde
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Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
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Lewis (CA)
Lewis (KY)
Lightfoot
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Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
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Orton
Oxley
Packard
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Paxon
Peterson (MN)
Petri
Pickett
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Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
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Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
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Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bishop
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Livingston
Quinn
Rush
Slaughter
Tiahrt

□ 1857

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Tiahrt against.

Mr. EDWARDS, Mr. SCHUMER, and Mr. RANGEL changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. GENE GREEN OF TEXAS

Mr. GENE GREEN of Texas. Mr. Chairman, I offer amendments 73 and 153 and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. GENE GREEN of Texas:

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

Mr. GENE GREEN of Texas. Mr. Chairman, the amendments that we are considering now would exclude regulations on licensing, construction, and operations of nuclear reactors, and also on disposal of nuclear waste from the point of order procedure in this bill. We have actually two amendments that deal with two sections of the bill.

The NRC is a national agency. Very seldom do States get involved in some of the regulation. However, Mr. Chairman, many States, not only my State of Texas but also New York, South Carolina, and a great many other States, have nuclear powerplants that are often either locally owned, State-owned, or in our case in Texas, are actually cooperatively owned by private business, ratepayer companies.

Mr. Chairman, the issue at hand is whether we should have national regulation of nuclear reactors and nuclear waste disposal, or whether it should be exempted from the unfunded mandate issue. The Nuclear Regulatory Commission is a national agency; in fact, an independent agency.

The problem where it comes in is that in south Texas and in other States we have cooperative nuclear power plants that are owned by investor-owned companies, but also by local municipalities. The issue that it brings up in this bill is what happens if we have, as in our case in south Texas, the managing partner who is an independent company, investor-owned utility, but the owners of it or partial owners of it are municipalities who provide electricity to their citizens in different parts of the State. How do we differentiate?

The concern I have, and that is why this is an amendment to section 4 of the bill, would exempt out that. Very seldom do we have State regulation of nuclear facilities, although we have an example of a bill now that has been introduced by the gentleman from Texas [Mr. FIELDS], that I have cosponsored, that would provide for waste disposal in a cooperative effort.

When I was in the Texas Legislature 3 years ago, we had to pass enabling legislation for that. The concern I have is that we are going to have nuclear reactors or nuclear waste that really should be a national issue. The Three Mile Island, the Pennsylvania tragedy back years ago, did not know State lines, any more than Chernobyl knew international lines. We need to have a regulatory commission that is not subject to the whim or a point of order procedure here on the floor of the House. They should not be shielded from that, whether it be on the power or the waste disposal.

Mr. Chairman, as the bill presently reads, a competitive advantage could be accrued to publicly owned utilities, often publicly owned facilities. That point of order procedure would block the mandates on States and localities, but not those local entities.

How does it affect the part-owned, part-public owned and part-private owned, as I first mentioned? The point of order standards place a new hurdle to pass on the safety regulations for nuclear power.

I am not anti-nuclear. I have been pro-nuclear. I think nuclear power plays a part in our energy policy, and it should, but it should not be to the whim of local governments or even States. It should be a national issue and not something that we deal with on 50 jurisdictions, or maybe hundreds of thousands of jurisdictions, based on our locality.

Mr. Chairman, this bill had no public hearings on it. The only person we could hear from was the sponsor of the bill, the gentleman from Ohio [Mr. PORTMAN], who is very knowledgeable on unfunded mandates, but we could not ask any questions on how it affected nuclear power or nuclear waste disposal, because we needed to have a hearing to discuss it so we can find out. We did not have that. That is why we have to run with not only this amendment but a number of amendments here on the floor.

Mr. Chairman, we need to learn the impact of how this is happening. That is why we are having not only this amendment but other amendments, to develop a legislative history so somebody down the line can say "This is what the intent of Congress on unfunded mandates was."

I mentioned earlier today an editorial in the Houston Post, and again, for those who were not here earlier, it is not the Washington Post, it is an outside-the-beltway paper, that Republicans and many Democrats support the unfunded mandate bill, but we also realize it is not a panacea, and we need to realize what we are doing with this.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GENE GREEN] has expired.

(By unanimous consent, Mr. GENE GREEN of Texas was allowed to proceed for 2 additional minutes.)

Mr. GENE GREEN of Texas. In brief, let me say Republicans and many Democrats are going along with this effort, and want us to believe most mandates of Federal Government are not reasonable simply because the Feds love to meddle in our lives. While there is no denying that Congress and Federal bureaucracy do have a tendency to overregulate, that is not always the case.

The point needs to be remembered that many of the regulations were adopted in response to lack of action by local or State officials to protect people's lives and rights.

□ 1910

If we do not do this on nuclear power, what can we do with waste disposal?

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, I would also like to add to the list a situation where, for example, the Federal Emergency Management Agency of the Department of Energy is also promulgating nuclear safety rules.

Let us take the case of Seabrook, where Seabrook is on the Maine, New Hampshire, and Massachusetts borders. What if there is a decision made with regard to nuclear safety that the State of New Hampshire does not want to comply with because of their own budgetary constraints? What recourse does the State of Massachusetts or Maine have with regard to a nuclear safety decision which could clearly affect large areas of both of those States if in fact there has been a budgetarily driven decision with regard to whether or not a safety or health-related decision should be implemented?

I thank the gentleman for raising this very important health and safety issue, and I would urge support for the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. GENE GREEN]. This amendment would preserve strict safety standards at nuclear facilities and maintain vital emergency evacuation plans around nuclear sites.

As we consider ways to reduce burdensome Federal mandates, we must not weaken the ability of the Federal Government to ensure a safe and secure environment for all Americans. This amendment is prosafety, not antinuclear.

The issue here is only the ability to protect citizens around nuclear facilities, nothing more. As accidents at Three-Mile Island and Chernobyl should remind us, laws and regulations designed to improve safety and evacuation procedures around nuclear plants must not be compromised in a dangerous scorched Earth policy to do away with Federal regulations.

I do not believe we have adequately examined just how this bill would affect the health and safety of Americans:

For example, what would happen if a State or local government owns and operates a nuclear powerplant? What regulations would the State be mandated to follow? In New York, the State purchased the Shoreham nuclear powerplant for the purpose of dismantling it. What Federal regulations would New York State or any potential State-owned nuclear facility have to follow if it ran a nuclear plant? What obligations would a State-run nuclear facility have in disposing of nuclear waste?

In the future, would weak safety and disposition regulations be permitted simply because they were cost-effective? I ask my colleagues to examine the human costs of passing this legislation unamended.

I understand that regulations promulgated by independent agencies such as the Nuclear Regulatory Agency are exempt from provisions in the bill. However, are important nuclear safety and evacuation guidelines established by the Energy Department and the Federal Emergency Management Administration [FEMA] subject to the bill's restrictions?

And how about a nuclear powerplant that sits on a State border? The Seabrook plant site in New Hampshire between Maine and Massachusetts. If New Hampshire refuses to meet a Federal nuclear safety standard, Massachusetts and Maine are exposed. Are these multi-State decisions solely subject to the budgetary constraints of a single State?

This amendment would alleviate concerns that the bill would hinder the Federal Government's ability to establish important safety protections. Mr. Chairman, I urge my colleagues to support the Green amendment.

Mr. GENE GREEN of Texas. I thank the gentleman from Massachusetts [Mr. MARKEY].

Mr. Chairman, in the last minute or so that I have, he made a great point. The Department of Energy plays a role in regulating nuclear waste disposal and it needs to be considered as important even though it is not an independent agency that may or may not be exempted under this bill. But again since we had no public hearings, we do not know whether it is or not.

I ask for a positive vote on the amendment.

Mr. Chairman, I include the following for the RECORD:

NO EASY ANSWERS: ISSUES AROUND UNFUNDED MANDATES NOT SO SIMPLE

Unfunded mandates—the term has become one of those overly used but often misunderstood catch phrases.

The new Republican majority in Congress has made eliminating unfunded mandates part of their battle cry. It can even be found in the House Republicans' Contract with America. Both houses are considering bills to make more difficult enacting legislation imposing costs of more than $50 million on states and municipalities.

If you have trouble understanding what it's all about, picture a teen-ager complaining about his parents' ordering him to run errands for them without providing the money for his car's gasoline. While the concept is that simple, the issue is not so simple.

For years, local and state government officials across the country have complained that Washington is too quick to tell them what to do but that it hardly ever provides them the money to help them comply.

The Clean Air Act, the Fair Labor Standards Act, the Family and Medical Leave Act—all were imposed on state and local governments by Washington. While some have come with federal grants, much of the billions it has cost states and cities to implement them has to be raised locally.

Is that fair? It depends. Going back to the analogy of the teen-ager and his car, clearly it is wrong for his parents to force him to use his money for gas to run their errands. But what if they are simply ordering him to repair his transmission so that it won't leak on their driveway?

It is the kid's car and his problem, but it is damaging the family's property. Should the parents have to pay for the repair just because they ordered him to get it fixed?

Suddenly it's not so simple, is it?

Now apply this to the government level. What if, as has happened repeatedly across the country, a city refuses to repair its sewage system to prevent the pollution of a local waterway? When the federal government finally steps in and says, "Look, you have to quit endangering people's lives with your raw sewage," should the federal government be required to pay for the sewage-treatment plant repair?

Obviously not.

The Republicans—and many Democrats who are going along with them—want us to believe that most mandates from the federal government are unreasonable orders issued simply because the feds love to meddle in our lives. While there is no denying that Congress and the federal bureaucracy do have a tendency to overregulate, that is not always the case.

The point that needs to be remembered is that many of the regulations were adopted in response to lack of action by local and state officials to protect people's lives or rights.

A second point that bears remembering is that regardless of whether the money comes from Washington or Austin or Houston, it originates in our pocketbooks.

The only difference is that we lose a lot of it when we send it to Washington first because it goes through so many bureaucratic layers.

Finally, we should recognize that the point of the war on unfunded mandates is not to get Uncle Sam to pay for mandates, but to keep it from making mandates in the first place. It's part of an intense anti-regulation campaign.

The unfunded mandates solution being considered by Congress is like the balanced-budget amendment to the Constitution and other quick-fix ideas in that it helps lawmakers avoid hard decisions on specific issues.

While seeking to ease the burden on cities and states is a good idea, there is nothing keeping Congress from doing that right now.

Congressional proponents of the unfunded mandates measure have the votes to pass it, but it deserves careful scrutiny before it becomes law.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, once again in proposing an amendment, the gentleman has raised a very important issue, just as the issues that have already been raised dealing with airline security, dealing with clean water are important issues.

I would point out at least insofar as this particular issue is raised, however, that in the definition section, an agency does not include an independent agency like the Nuclear Regulatory Commission.

So I believe that there is an exemption in the bill stated for the Nuclear Regulatory Commission identified by the gentleman.

Further, where there are licensing procedures, there is nothing in this bill that prevents the revocation of a license for not being in compliance with any requirement that one had to be in compliance with in order to receive a license in the first place.

Mr. Chairman, my point is that I believe that there are already exemptions in this bill which go a long way in addressing the issues that the gentleman from Texas has raised. But with respect to other issues that might remain, it still comes down to the fact that Congress should be accountable for those mandates it is passing on to State and local government.

Once again, we have to reiterate as supporters of the bill that there is nothing in this bill that prevents Congress from in fact passing unfunded mandates on to State and local government. There are those, and we may see an amendment before consideration of this bill is finished in this committee which would change the bill to make that requirement. But as the bill stands now, there is a requirement to identify costs and upon a point of order force the Congress to vote independently on whatever mandate is proposed if it does not include funding.

Just as with the other important issues that have already been debated on this floor, there is simply no reason why this particular issue should make Congress exempt from accountability if it is going to make State and local government take action at the expense of the State and local government.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened closely to what the gentleman from New Mexico said and also the gentleman from Massachusetts, and I think there is even more reason based on their comments to support and pass the Green amendment.

The issue basically of the safety of our Nation's nuclear facilities, of disposal of waste and the other regulation that goes along with it I think is too important really for us to question exactly how this legislation will impact that area.

For that reason, I think that we need to pass this amendment. I think that H.R. 5 affects a lot of important public policy concerns and deserves the careful consideration that we have been giving it on the floor, but as has been mentioned by the gentleman from Texas [Mr. GENE GREEN] and others, it has been pushed through the legislative process in a manner I think that leaves a lot of questions unanswered.

The way the bill is currently drafted, it seems to set up an inequity between publicly owned and privately owned nuclear facilities. I think it can be interpreted that way. It can provide less protection to citizens living near publicly owned nuclear reactors or disposal sites than for those who live around privately owned facilities. This is a kind of patchwork effect that I think is unjustifiable. How are we going to explain to our constituents who are concerned about nuclear waste and nuclear safety that the relative safety or their peace of mind where they live is going to depend on who owns the nearby power plant?

In terms of business equity also I do not think we can justify creating an unequal playing field for different types of utilities, one which allows publics to escape certain costs while privates have to pay full freight for the safety.

I hope my colleagues will support the Green amendment to ensure that nuclear safety will not be compromised.

As you know, the bill provides similar protection for a lot of other important societal values like civil rights, Social Security, and national security. It seems to me that environmental protection, particularly in this sensitive area of nuclear safety, deserves the same degree of uniform application and bottom-line assurance as these other important concerns.

I know there is going to be a lot of talk about how if you read the bill a certain way that certain agencies are exempted and that one of these includes the Nuclear Regulatory Commission. But I still think there are a lot of questions there and the issue of nuclear plants and the safety of those facilities is too important in my opinion that it should be left alone. We have to in my opinion support the Green amendment because this area is so important and so sensitive.

Mr. SCHAEFER. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I certainly do understand the intention of the gentleman from Texas. However, with the NRC, whenever we are looking at the construction or the safety aspects of nuclear facilities throughout this country, they have certainly done a good job. We have not had one single death attributable to nuclear power in this country. The one thing I do not think we should be even talking about is a difference in the regulation of a private and a public utility, particularly when it comes to nuclear.

Our particular subcommittee deals with all of these issues and I think that when we start talking about a difference and a different type of law that they would have to follow or rule that they have to follow, fine. Now if there is something out there that is unfunded as far as the safety or the construction or the operation of a particular power plant, then the Federal Government certainly should be involved in the funding of that particular mandate. But I think this goes along the same way as the Clean Air Act, the airport safety, and everything else, that if indeed it is unfunded, it should be funded by the Federal Government. When it comes to nuclear power facilities, they should all be treated the same. We should look at public and private the same for the safety of the people in our country who live around these.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. I thank the gentlewoman from Florida [Mrs. MEEK] for yielding.

Mr. Chairman, let me respond to some of the concerns that were raised by the other side of the aisle. One, and I understand that they say that the NRC is not included, but it is. The point of order on this floor still applies to the NRC or to the Department of Energy.

Also if we are going to regulate nuclear energy and the disparity to my colleague from Colorado is that we have local agencies, local units of governments, the city of Austin. Some of them wish they did not own portions of nuclear power plants now, but they do. And how are they going to be treated when the managing partner is a private investor-owned utility that would have to be paying part of a mandate if it is not included?

That is the problem with the bill. I think the bill in the definition section even though it does pull out independent agency, the point of order still lies here on the floor and that is the concern. It could slow up responsiveness by this Congress to a nuclear disaster, whether it be Chernobyl or Three Mile Island or whether it be something in the future that we on this floor may not know tonight.

□ 1920

It affects not only this amendment, but it affects airport security mentioned in earlier testimony. It mentioned even the Clean Air Act, because even though we all may have questions about the Clean Air Act, particularly those of us in Texas about the emissions, we still know that we have an ability to deal with that through the EPA, as some of us did last week from the State of Texas. But a point of order still applies on this no matter what this bill says on the floor.

Again, expanded even more, even though NRC may be an independent agency, and it is under the definitions, but the Department of Energy also has input into and has regulations on disposal of nuclear waste, and they are.

Granted, I want them all to come under the provisions of the bill. Most of the time they do. In fact, I do not know of a case where they have not consulted with local units of government that are impacted, and that is great, and that is why I support generally the bill.

But I also know we have to look into the future and say there are some exceptions that need to be made, and we are talking about nuclear waste, nuclear power, because again we have not only a national track record but an international track record to know that when we need to respond, we do not need to throw any other roadblocks in the way.

Mr. SCHAEFER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, I know the gentleman understands the fact that the NRC has absolute authority over nuclear facilities, and the thing that I have been certainly concerned with is if an independent nuclear operation is moving in a different direction from which all others are, that if something did happen out there that there would be less response time, and that is the concern I have with the gentleman's amendment.

Mr. GENE GREEN of Texas. If the gentlewoman will continue to yield, my concern is that we are throwing up more roadblocks to respond and not listing them, and we may just have a difference of opinion on this, but I think when we require the NRC to go through it or the Department Energy or even on the floor of this Congress to have a separate point-of-order vote against something, one Member can require it, and we are run by majority, as the gentleman well knows. But we could still slow up the responsiveness to a nuclear incident or nuclear accident.

Mrs. MEEK of Florida. I commend the gentleman on his amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is regrettable that we have to go through this extensive, long, drawn-out process of seeking to correct some of the problems in this bill. I will point out, as many others have, that we could have avoided this through a more careful process of hearings and more extended consideration in committee. That same point has been made by others.

Most of us agree that some unfunded mandates can be bad, can adversely impact State and local governments, and can be difficult to defend on rational grounds. Most of us would like to correct that situation to the fullest extent possible. But the question, is how do we go about that process of correcting it?

The bill before us, H.R. 5, proposes a draconian solution by making all mandates more difficult and in many cases impossible, even when they have an obvious value to the public welfare and to the quality of life in this country.

While I am supportive of reasonable efforts to correct the problems of unfunded mandates, the bill before us does not meet that goal, and, as I said, this is reflected in the large number of the amendments proposing reasonable improvements to the bill.

One of these is the amendments that we have before us by the gentleman from Texas [Mr. GENE GREEN]. I commend him for offering this amendment.

There are many reasons why the nuclear industry should not be within the purview of this bill, including the reasons that it is going to be next to impossible for the Congress or the OMB to estimate either the cost or the benefits of regulation of the nuclear industry.

Literally thousands of man-years have been spent trying to evaluate the possibility of an accident, for example, and that is a key consideration in determining whether or not to regulate. If there is a possibility that some practice or some activity in the nuclear industry is going to cause serious problems, we need to know how serious, what is that possibility, and frankly, we are not in a position to provide that information with any degree of accuracy.

I doubt very seriously if most of the Members of Congress are going to be able to actually understand what the possibilities of serious accidents are and what the importance of correcting that accident through a proper regulatory measure are. I know how we have acted in the past. We have tended to use the best judgment that was available from experts who appeared before our committees and gave us that information, and then we have distilled that and provided the necessary authority to the NRC to take the actions that it would require.

I do not think that this bill represents any improvement on the processes we have been following. My guess is we should not have put it into the bill in the first place.

So I urge support for the amendment offered by the gentleman from Texas [Mr. GENE GREEN] largely because I am so uncertain about the range of its implications.

I might indicate there is a difference here on the floor of whether even the NRC is included within the purview of this bill. That is certainly one of the simpler things that should have been explored before the bill was bought to the floor, so we could get a definitive answer on that question.

I am also uncertain of the range of questions that the regulatory review and point-of-order procedures included in H.R. 5 will have on our ability to deal with legislative regulatory issues in the nuclear industry. H.R. 5 is not the appropriate legislative vehicle to cope with issues of this sort.

I urge the adoption of the Green amendment.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Quickly, to clarify points made by the gentleman from California and respond to the gentleman from Texas on the Nuclear Regulatory Commission again, it says it will be very difficult to mandate in the future. In fact, it says impossible in some cases. I do not know where that comes from.

Again, this allows us to have a cost estimate, allows us to have a debate on the floor, a vote up or down. It will not be an impossible task simply to have a majority of this body simply consider whether the new mandates make sense.

With regard to Nuclear Regulatory Commission, it is very clear under title II of the bill it is in fact an independent agency and thus is exempt. That is under title II of the bill. That point was made previously.

With regard to the legislation itself and the existing exemptions, and this is in response to the gentleman from Texas's earlier concern about emergencies, there is a specific exemption for emergencies, and that is found in section 4.

Finally, as the gentleman from Colorado [Mr. SCHAEFER] said previously with regard to the NRC, they certainly currently have statutory authority to react to an emergency.

So I think, Mr. Chairman, the points that have been raised, although they are important and that is a very important issue that has been addressed, I think this legislation is a measured approach. I say to the gentleman from California, it is not draconian. It does allow us to mandate in the future. We just have to be thoughtful about it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas [Mr. GENE GREEN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 162, noes 259, not voting 13, as follows:

[Roll No 26]

AYES—162

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt

Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal

Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—259

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder

Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer

Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes

Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Molinari
Montgomery
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Baldacci
Bishop
Burton
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Luther
Miller (FL)
Moorhead
Oxley
Rush
Slaughter
Tauzin

□ 1942

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Miller of Florida against.

Mrs. CHENOWETH changed her vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendments Nos. 107 and 108.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. SANDERS:

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a mimimum wage, or establishment of minimum standards for occupational safety.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent that amendments Nos. 107 and 108 be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I offer this amendment along with my colleagues, Mr. CLAY from Missouri, and the gentleman from California [Mr. BECERRA].

Mr. Chairman, this amendment is simple and not controversial. It exempts Federal legislation that establishes minimum labor standards, including prohibition of child labor, establishment of a higher minimum wage, and establishment of minimum occupational safety standards. State and local governments are employers just like the private sector. So minimum labor standards are unfunded Federal mandates. This bill could have very serious consequences on the health, safety, and fair treatment of American workers.

Mr. Chairman, in the 102d, 103d, and in this Congress, I have introduced bills that increase the minimum wage. They provide for a moderate increase from the current $4.25 to $5.50 an hour and index future increases to the annual cost of living.

Mr. Chairman, today the minimum wage buys only 65 percent of what it did 10 years ago. At its current level, it is a hunger rate that results in full-time workers earning just $8,840 per year and falling well below the poverty level for a family of four. Any attempt to raise the minimum wage in this and future Congresses would be banned under this unfunded mandate legislation. This amendment protects hard-working Americans who deserve a livable wage.

□ 1950

Occupational safety and health standards that protect State and government employees, as well as private sector employees, are also considered as unfunded mandates that are banned by H.R. 5. This amendment would permit the establishment of minimum occupational safety and health standards that respond to newly discovered occupational hazards. Without this amendment, no minimum standard for indoor air quality relating to tobacco smoke, toxic dust, asbestos, radioactive and other cancer causing chemicals could be established for work areas. This amendment protects the safety of working America.

Mr. Chairman, more than 50 years ago, at the urging of President Franklin D. Roosevelt, the Congress established a basic minimum working age of 16 nationwide. This was done as a societal commitment that young Americans should be getting a good education in school rather than working in factories or sweatshops. Now the commercial exploitation of children in America is back with a vengeance in the 1990's, and this legislation would preclude the Congress from doing anything about it.

Consider these alarming facts:

Reported child labor violations are up more than 150 percent in the past decade,

There are fewer than 40 Federal investigators and compliance officers to enforce child labor laws and 50 other fair labor standards nationwide,

In the 1980's the average fine leveled on unscrupulous employers of minors who were killed on the job was all of $740.

In short, the scourge of child labor is spreading all across America again. If this amendment is not approved, this legislation would hamstring the Congress from doing anything to extend fundamental protection to young Americans in the workplace at a time when many of them are struggling to strike a good balance between getting a good education and gainful employment.

Mr. Chairman, every civil society on Earth has seen fit to extend fundamental rights and to establish minimum labor standards for working people. The United States and more than 160 other nations are legally obligated to adopt and enforce laws promoting respect for internationally recognized worker rights and labor standards. If this amendment does not pass, the United States would signal our wholesale retreat from fundamental worker rights and minimum international labor standards. It would be a serious scar on America's credibility if we do not set minimum Federal standards that affirm our commitment to treat American workers with the same fundamental dignity and respect that they deserve.

There is another aspect of H.R. 5 that I believe is ambiguous. As costs increase, the cost of States and localities to meet the same standards also increase. Thus, if it costs States more money to enforce the same occupational safety standards——

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Thus, if it costs States more money to enforce the same occupational safety standard, there is arguably a new unfunded mandate that can be banned. I am seriously concerned that current minimum labor standards are in serious jeopardy.

I offered this amendment during the committee markup. Many of my colleagues have voted against the adoption of the amendment, said that they did not want H.R. 5 to apply to minimum labor standards. They were in agreement. I find it disingenuous that these same colleagues claims to support my amendment, yet voted against it. Let us make it clear today that we value the safety and well-being of working Americans. I urge all Members to support this amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have to say once again the gentleman from Vermont, like other people, have offered amendments on the House floor, and the committee before him, have selected an important area of consideration. I would point out, first, however, that there is nothing in this bill that retroactively repeals any bill already enacted into law by Congress. This obviously would include present child labor laws. I think the meat of the amendment goes to the Occupational Safety and Health Administration, [OSHA] and future rulemaking that they might do or future legislation that Congress might make with respect to worker safety.

Giving a personal note, Mr. Chairman, I understand the importance of worker safety, as we all do, but close up because I was an OSHA inspector for the Air National Guard. For 6 years of my more than 20-year career in the New Mexico Air National Guard I was a ground safety officer, and among other duties with that responsibility was inspecting the facility for worker safety under the Air Force's version of OSHA. But I want to say that, although I understand the importance of labor standards and being concerned about worker safety, I have seen and heard my share of horror stories. Business after business has come to me since I was elected to Congress with regulations imposed by the Occupational Safety and Health Administration which appear to be imposed without any regard to how practical they are, how needed they are, what their costs are, oftentimes apparently by people who have never worked in the workplace themselves and hardly have the qualifications to be imposing that on either State government and its employer or anyone else, and therefore, what this comes down to is there is simply no reason why the issue of worker safety should be exempt from the consideration of this bill.

If the Congress upon due consideration, if this bill is enacted into law, decides that the cost of a particular new piece of legislation is warranted, and if Congress does not have the funds to pay for it, then by majority vote we can still enact it. Once again we are requiring accountability. We are not precluding any action on the part of the Congress.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman I am pleased to offer this amendment, along with my colleagues, the gentleman from Vermont and the gentleman from California.

The sponsors of the bill acknowledge in section 4 that some matters are of such fundamental Federal interests that they should be exempt from the bill. In my view laws protecting the health, safety, and welfare of American workers belong in that category, as well as laws covering the minimum wage, the Family and Medical Leave Act, OSHA, and the Employee Polygraph Protection Act.

H.R. 5 creates needless procedural hurdles to the ability of the Federal Government to regulate the conduct of State and local governments. There is no conceivable justification for treating State and local governments differently with respect to laws designated to protect our workers. Yet, if the proponents of this bill think that the Congress has not given due consideration to the impact of labor statutes on public employees, let me correct that faulty assumption.

Mr. Chairman, I was a member of the Committee on Education and Labor when the Congress extended the Fair Labor Standards Act to State and local governments. I was actively involved in the enactment of the Family and Medical Leave Act and the Employee Polygraph Protection Act, and in every instance throughout the entire legislative process the views of public employees were fully considered by the Congress. We do not need the unfunded mandate bill to force us to continue careful consideration of the impact of our decisions.

State and local public employees face the same pressures to provide for themselves and their families. The fact that one may work for a public employee does not lessen the need to earn a living wage. The public employee does not age differently than one in the private sector and should be accorded the same protection under the age discrimination law. Those working for a public employer are no more immune from occupational disease or accident than those who work for private employers and should be afforded the same protection under our worker safety laws. H.R. 5 could well force us to adopt inequitable workplace statutes.

Mr. Chairman, the Congress does not enact labor statutes in order to impose costs upon employers. The Congress enacts labor statutes because it has determined that the need to protect the American workers is a matter of great national interest, and I urge my colleagues to support this amendment.

□ 2000

Mr. DREIER. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I believe that my friends from Vermont and from Missouri and from California are very sincere in offering this amendment, and I think it is well-intentioned all the way around. But the fact of the matter is we once again have come to the point where we are imposing another mandate on State governments.

Before I was elected to the Congress and I had the privilege of serving here, the only elected office I ever held was that of student council officer in high school. But the fact of the matter is, there are very many distinguished former State legislators who serve here. I look at my friend, the gentleman from California [Mr. MARTINEZ], who had a distinguished career as a member of the California Legislature, and I have to say as I look at this amendment, we were basically saying to legislatures that you cannot make this kind of decision.

Well, on the issue of labor and minimum wage standards, 36 States have minimum wage laws which have a rate that is equal to or higher than the Federal minimum wage standard.

I happen to be one who has a great deal of confidence in those State legislatures. My State legislature out in California right now is going through more than its share of problems, but, nevertheless, I do believe very sincerely that those States should have the opportunity and really the power to make these kinds of decisions.

So while I congratulate my friends for offering this amendment, I believe that it once again moves in a very, very bad direction, jeopardizing the rights of States. For that reason I am opposed to it.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I am very happy to yield to my friend from Monterey Park.

Mr. MARTINEZ. Mr. Chairman, as my colleague from California knows, I served on the local level in the State legislature, but I also served as a council member and mayor for the city of Monterey Park.

Now, let me tell you what happens with us and our budgets as a local elected official when we try to develop our priorities and how we are going to serve our constituents. Let me tell you something: There are certain things we have a responsibility to, but we will ignore them because we feel that the higher priorities for that money are what is going to make our constituents happy to get us elected. All right, that is a simple fact of life at every level of government.

Mr. DREIER. Not here.

Mr. MARTINEZ. So what we are doing here, even here we are gaining votes on many of the actions we take. But even so, somebody has to determine, and I think it is the Federal Government's responsibility, the responsibilities that we have in regard to civil rights or in fact to the point where people, their rights are being violated and they are being treated in an abusive way.

Sometimes it is easier for us to make a decision because we are farther removed than those local elected officials are, and we have to live up to that responsibility.

I would say to my friend that there are certain things that we in the Federal Government are going to have to mandate, but we do not necessarily have to provide the money for, because actually they are the responsibility of the local governments and the State governments.

Mr. DREIER. If I could reclaim my time to respond to my friend, this legislation does not eliminate unfunded mandates. It simply creates a requirement that we be accountable for those decisions. I know my friend would be very supportive of that. We have to go on record here, rather than sneaking provisions that have been snuck in in the past into legislation, imposing unfunded mandates on State and local governments, we have to stand here and say yea or nay, which is I believe is what the American people want us to do.

Mr. MARTINEZ. If the gentleman will yield further, let us say that we could agree that there are certain things that the Federal Government does mandate to local governments, that since it is their idea, they ought to pay for them. There comes a question of us being able to raise the taxes. Now, if you have the supermajority that everybody is talking about passing, it is going to be very difficult for us to raise the taxes for it. So we are not going to be able to.

So when it comes to judging whether or not there is a cost involved, the idea of measuring the benefit versus the cost is going to be a very subjective thing, because there are people that do not see any value in a lot of things we do, like for example ombudsmen to take care of frail people and elderly people in nursing homes, and 20/20 just did an hour on that.

But we are not going to be able to do that if we say we are going to have to raise the taxes. So we have to say that the State governments have that responsibility and have to do it.

More than that, if we say that this is a Federal mandate, but you have to do it on the local basis, and we are going to say weigh the benefit in an objective way, not a subjective way, and I still maintain that will be done subjectively here, because in the first place the only reason you want an unfunded mandate law that says you have to weigh those benefits before you make that decision it is to be able to have some reason to deny. And that is the plain and simple truth.

The CHAIRMAN. The time of the gentleman from California [Mr. DREIER] has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 1 additional minute.)

Mr. DREIER. Mr. Chairman, I would simply respond to my friend by saying again that he had the privilege of serving as a city council member, a mayor of a great city in California, and as a member of the State legislature. The unfortunate thing for me is I, having not done that, I have so much confidence in your successors in those bodies that I believe we should give the right to make those decisions to them at the State and local level, and if we make the decision that they cannot handle it, we still can impose that unfunded mandate. We just have to be accountable in doing it.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to my friend, the gentleman from St. Louis.

Mr. CLAY. Will the gentleman cite for the RECORD which bills we sneaked through here?

Mr. DREIER. Well, sneaked through, I am thinking of a wide range of legislation in which, for example, the Clean Air Act——

Mr. CLAY. We sneaked that through, sir?

Mr. DREIER. I am talking about the unfunded mandate aspect.

The CHAIRMAN. The time of the gentleman from California [Mr. DREIER] has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for one-half additional minute.)

Mr. DREIER. Mr. Chairman, I would like to ask my friend from St. Louis if he knew that during this 5-year period that we would be imposing on States the responsibility of paying $3.6 billion to comply with the Clean Air Act? We did not know that. So all I am saying is that while many unfunded mandates have been included in legislation in the past, when I say "snuck in," it meant that we have not been accountable for them because we have not been required to have an up or down vote on whether or not that mandate should be imposed. And that is what I meant by that.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this evening in strong support of the amendment sponsored by the gentleman from Vermont [Mr. SANDERS]. I think this is an opportunity in which we in Congress define our role. Not too long ago we stood and raised our hands and took an oath, and the essence of that oath was that we would protect the national interests. That is the interests of all Americans. And I submit that in the areas of occupational safety, minimum wages, and, most importantly, child labor laws, that this is an appropriate area for national decisionmaking and that we have in fact an obligation to protect the Nation's best interests.

Let me say, it was interesting listening to the discussion a few moments ago, that I too served in the State legislature for 10 years. And in the State legislature I was a strong advocate for limiting unfunded mandates. I support the concept today, but I feel strongly that the bill can be improved, and that is why I am supporting this amendment.

Mr. Chairman, my colleagues on the other side have attempted to paint themselves as the advocates of the working class. Well, I will tell you, working class people are in trouble and the issue is wages. The bill in its current form makes this situation worse.

The current minimum wage of $4.25 an hour has only increased $4 since its creation under the Fair Labor Standards Act in 1938. At this rate the average family of two is just above the poverty level at $8,840. This minimum wage only buys 65 percent of what it could buy 10 years ago. The problems of homelessness, poverty, all go back to the question of wages.

I think when I listen to some of the opponents of this amendment that they would have us resort to the levels of under developed countries and eliminate all wage standards.

It was interesting, Mr. Chairman, in a recent show the question of the minimum wage was discussed. Opponents of the increase in the minimum wage said this would cause us to cut jobs. Then they talked to a seamstress who did piecework and asked her, you are a minimum wage worker, and if they increase the minimum wage, could this cost you a job? You know what she said? She was a mother with children. She said I will take my chances with the increase in the minimum wage. I think there are jobs out here, but I need a decent wage.

So we at the Federal level have a responsibility to respond to that seamstress. If we take on that responsibility, we should not have our intentions abrogated or intercepted by virtue of this bill.

I think it is very important, therefore, Mr. Chairman, that we support the gentleman's amendment. Similarly in the area of child labor laws, we got into the business of child labor laws about 50 years ago when someone said, you know, it might make sense for us to impose some national standards on what age children should be allowed to work and under what conditions.

□ 2010

And I find it hard to believe that some of the Members in this Chamber would say we should turn back the clock 50 years and say the Federal Government has no role. Yes, as a State legislator, I, too, have a great deal of confidence in the judgment of State and local officials, but I feel when I stood up and took that oath, I said, I was going to look out for the national interest. I was going to make sure we had fair minimum standards for occupational safety and minimum wages and child labor laws, and I think, in order to keep my oath, I have to support this amendment. And I certainly urge my colleagues to do similarly.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a cosponsor of this amendment with the gentleman from Vermont [Mr. SANDERS] and the gentleman from Missouri [Mr. CLAY] to urge its adoption. I think we all know that we have one of our jobs here to protect those of our workers in America who are out there producing for America.

But let me focus my attention, if I may, on one particular aspect of our labor force. And that is our children, the most vulnerable group of people in our society that are out there sometimes working.

As currently drafted, H.R. 5 would pull the rug out from under these members of our society that are not yet prepared to go on and become as productive and fully participatory in our society as we would like. This unfunded mandate bill makes no effort to preserve our children's future health and safety through child labor laws. Under H.R. 5, any new child labor laws would be suspect.

This amendment that we are proposing here today would simply exclude child labor laws from the effects of this unfunded mandates bill. Across the country exploitation of child labor is unfortunately making a vicious comeback. From New York to California, employers are breaking the law by hiring children who put in long hard hours and often work in dangerous conditions.

In 1990, the Department of Labor detected over 42,000 child labor violations, an increase of over 340 percent since 1983. And that is just what was detected. Who knows how many child labor violations actually occurred during those years?

Rising injuries, lack of labor law enforcement, rampant child labor law violations in agriculture and elsewhere all contribute, if anything, to the need for a renewed Federal attention to child labor.

Let me give some quick examples: In Los Angeles, many children who should be in school are instead working in garment industry sweatshops that are dirty, crowded and often contain hazards like locked fire doors. In California and Texas, young children work beside their parents for up to 12 hours a day as migrant farmers. Augustino Nieves, at age 13, was picking olives and strawberries in California. He missed months of school that particular year, working from 6:30 a.m. until 8 p.m. with a 20-minute lunch break, 6 days a week at less than minimum wage.

This is not an anomaly. It happens all the time across the country.

Another situation that is becoming more common is the hiring of children for candy selling scams. Candy sellers hire children, sometimes as young as 7 years of age. They pile them into a van; then they drop them off in unfamiliar neighborhoods to go door to door. These children sell their candy for $5 and usually they get to keep about a dollar. Brandy, a girl who started selling candy at age 11, said, "On a good night, I could sell 10 boxes. Sometimes the kids drank in the van or used drugs. One time the driver left a boy in Napa," that is in California, "and he had to walk 15 miles home at night. Another night I waited for 2 hours on the corner to get picked up."

This is frankly embarrassing. It is disgraceful that in the United States of America, the model for developing countries, we have kids who should be on the playgrounds but who are instead waiting on the corners of some strange street for a stranger to remember to pick them up and take them home.

Since 1990, several States have updated their child labor laws, making significant advances in protecting minors. Unfortunately, the vast majority of States have not updated their laws in close to 50 and, in some cases, 80 years. It seems ironic that H.R. 5 would stymie Federal regulation of child labor laws, which were originally requested by the States themselves.

Walter Trattner wrote, in 1933, in his reform-oriented study called Crusade for Children.

> Sweatshops and fly-by-night plants were exploiting children for little or no pay, moving at will across State lines to take advantage of laws of nearby States. The individual States were unable to halt these abuses which had far-reaching effects, including the complete breakdown of wage scales.

Trattner then concludes by saying the following: "Everywhere people were looking to Washington for help and direction."

The massive illegal employment of children damages the United States in two major ways: First, it has a negative impact on the education and thus the future of our young people. Who are they but the Nation's future work force. And we should be doing what we can in this particular work force that we will be counting on so tremendously to be able to say that they will get educated. And second, this massive illegal employment has as a result, in many cases, the death and serious injury of many young workers.

According to the Children's Defense Fund, young people who work more than 20 hours a week have diminished investment in school.

The CHAIRMAN. The time of the gentleman from California [Mr. BECERRA] has expired.

(By unanimous consent, Mr. BECERRA was allowed to proceed for 1 additional minute.)

Mr. BECERRA. According to, as I was saying, the Children's Defense Fund, young people who work for more than 20 hours a week have diminished investment in school. They are more likely to be delinquent in school and are more likely to use drugs. Over one-third of working adolescents in a study said they took easier classes in order to manage their school work while they were employed.

In a hearing before the Committee on Government Relations or Government Operations last session, real life horror stories were relayed by the victims or survivors of accidents which occurred as a result of child labor violations, whether it was a pizza delivery young man who ends up dying because he is trying to drive around and he is lucky enough to have a license or unlucky enough to his life or whether we are talking about the boy who lost his leg because it was torn off by a dryer which did not have a safety lid, in which case the company paid a $400 fine, we find that there are violations that are occurring.

We must change this. The States have asked us to do this, and what we should do today is understand that in unfunded mandate legislation, we should not abandon our children.

Mr. FOX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make it clear in this body tonight that there are 170 unfunded mandates over the last 5 years, and this is according to the President's National Performance Review.

As a former State representative for 7 years and a county commissioner for 3 years, I can tell Members that they are looking to us for assistance in not sending more unfunded mandates.

The fact of the matter is, every Member of this Congress wants to make sure we have safe child labor laws. We have safe labor laws on the books now. This is only prospective in nature. We need to make sure that everyone who is voting on this will realize that section 4 of the bill does not in fact provide for emergency assistance relief and any other kind of presidential emergency legislation, should that be necessary. But we cannot have another vote for another unfunded mandate when in fact this matter should be handled separately. And the legislation that we have here today that is going to protect America so we know that we have what the costs are upfront. And by making sure we have this bill passed we will know up front at any time in the future what the costs will be.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. FOX. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I just wanted, since I did not want 5 minutes, I thank the gentleman for yielding.

I just want to rise and say that one of the things what has been fascinating about this debate is that we have learned a lot, I think, from each other during the course of the days that we have had what is truly an open rule. It is the first time in my time in Congress where we have actually had a give and take and a dialog between and among Members.

I just want to say to my colleagues that as someone who has a record of supporting environmental laws and health laws and safety laws and labor laws, including my intention, if it is a reasonable increase in minimum wage, to support the President, if he requests a rise in the minimum wage, if it is logical and meaningful.

I just make a point to my colleagues on the other side of the aisle, this mandate bill that was designed really by Members on both sides of the aisle, allows us the opportunity to have the full kind of debate we are having right now.

□ 2020

If a minimum wage is desired by more than a majority of the Members of Congress, or OSHA safety laws, we simply can override the point of order by a simple majority.

It seems to me, Mr. Chairman, that some of the dialog we have been having is a dialog that would legitimately happen when those particular bills come before us. However, at least then we know the cost of the legislation if we do not want to fund them.

I thank my colleague, the gentleman from Pennsylvania [Mr. FOX], for yielding to me, but I also oppose this amendment. This amendment, like any other amendment that has been offered, would really kind of gut the concept of the bill. If we have a mandate bill, a simple majority can override the mandate requirement point of order.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FOX. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would like to respond to the gentleman from Connecticut [Mr. SHAYS], because repeatedly this has been said this is prospective in nature. I think that is not with regard to reauthorization, which obviously could affect many laws that we have that have a term in terms of time.

However, in addition to that, on page 18 of the bill, and the gentleman is very familiar with it, this statement to accompany significant regulatory actions, here it goes through 13 separate steps. It says "Any final rule that indicates any Federal mandate that may result in expenditures of States", and here we are dealing with the rules that are promulgated by the agencies, "any rule that has an intergovernmental nature or any rule this has an effect of having $100,000."

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. FOX. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, it is just, in that instance, an assessment of cost. That is the point.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I would suggest that he look at this, and this section, section 202, is not prospective in nature. It is retroactive. It affects any new rule that is promulgated that deals with the types of labor law problems we are talking about here.

We are talking about any reauthorization. Therefore, at the very least I think this is what concerns many of the Members here. We are really putting in place a vehicle that we do not know how it will work.

Mr. FOX. Mr. Chairman, reclaiming my time, I yield further to the gentleman from Connecticut.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I just want to finish my statement.

Mr. FOX. Mr. Chairman, reclaiming my time, I yield further to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, we are new at this. We are learning the process.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman operating in good will, if he will continue to yield to me, just to finish my sentence.

Mr. FOX. I have lots of good will, Mr. Chairman, but I want to make sure that my colleague, the gentleman from Connecticut [Mr. SHAYS], could finish his thought.

I yield to the gentleman from Connecticut.

Mr. VENTO. I think this is not prospective. It is very significant. It is a vehicle we have not tried. It is untried. There are 13 separate steps here. Some are questions like how many angels can dance on the head of a pin.

I think as we look at this, they are much more complicated. The whole vehicle has never been tried. Show me an example.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOX] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. FOX was allowed to proceed for 1 additional minute.)

Mr. FOX. The fact of the matter, what people of America want us to do is, if we are going to pay for an additional item, we want to have it voted up or down in this Chamber. This bill allows us to do that. The fact is that we need to pass H.R. 5.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if it is the objective of the gentleman from Connecticut [Mr. SHAYS] to know the cost of the legislation, and not have any unintended effects, I believe he will have an opportunity later during the consideration of this bill to vote on the Moran bill which passed out of committee in the last Congress, which in fact does that without complications. It will be offered as a substitute.

Another gentleman rose earlier, Mr. Chairman, to talk about his experience in local government. I was a county commissioner in the early 1980's. There are a couple of ways to put burdens on local government.

One is unfunded mandates, and I believe we should address that problem. The second is to jerk funds out from underneath counties and local governments, which was done by President Reagan and the Congress when they killed revenue sharing and used the money for Star Wars.

We have to look out for both of those things. We have to get our priorities straight around here. Where is the money better spent?

Mr. Chairman, beyond that, during this last week I have heard a lot said about book deals here on the floor. However, if we fail to pass this amendment, Mr. Chairman, we are taking a page out of another book, a book by Dickens. We will be turning back the clock to an earlier and dark time when children were exploited and oppressed for their labor.

I know it is certainly not and could not be the objective of the authors of this bill to turn back the laws to the days of abuse of child labor or the days of Sinclair Lewis and The Jungle, with unsafe and unsanitary workplaces, or finally to prevent the imposition of a Federal minimum wage, where the various States, if we saw this new vision, could perhaps engage in a bidding war. Perhaps we could drive down wages to the level of Mexico, and then we would no longer have to fear the loss of our jobs under the NAFTA agreement.

Child labor, unsafe and unsantiary workplaces, sweatshops, subpoverty wages, those certainly could not be the objectives of the authors of this bill. I would urge them, Mr. Chairman, since that is not their objective, to adopt this amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our Democrat friends seem to have ignored one of the major factors that they have introduced into labor law in this Congress in the last four years. It is called an earned income tax credit. It actually was invented by our friend, the gentleman from Wisconsin [Mr. PETRI], but they thought it was such a great idea that in this last session of Congress we put in the earned income tax credit.

The nice part about the earned income tax credit is the Federal Government pays the cost. If we take the minimum wage today and add to it what could be the additional income that the people at the bottom of the wage scale get, there is $1.21 an hour that people could add to the minimum wage right now because of the beneficence of this Congress, the Democrats and Republicans.

If they want to continue this and they want to help out local government without mandates, all they have to do is increase the earned income tax credit. The great part about that is the local government does not pay it, the State government does not pay it, the Federal Government pays it in an earned income tax credit.

This is a wonderful idea they have invented, and all of a sudden now the minimum wage has become the great wonderful thing. It does not get the aid to the people that need it, Mr. Chairman. The majority of people that earn the minimum wage are not poor people, they are a bunch of young kids working and getting into the whole labor market.

Mr. Chairman, when we increase the minimum wage, we increase the level of the beginning. The people that are really hurt there are people that are looking for jobs, the ones that cannot cut it anyhow. Why not put in the earned income tax credit?

The major idea is, the earned income tax credit is something that has been invented. It is a good idea and does a great deal more.

One other thing I would like to bring up: OSHA, which I am sure has been discussed already, OSHA, which is administered by 23 States at the present time on a voluntary effort on their part, has nothing to do with this bill at all. They have already voluntarily accepted OSHA, and nothing happens in this bill that is going to change that, unless the Federal Government forces some sort of new regulation and they give over $500 million more to bring that about. OSHA is safe. The earned income tax credit solves the problem they are speaking about.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate my colleague, the gentleman from North Carolina [Mr. BALLENGER], bringing up the earned income tax credit. Last session of Congress not one Republican Member voted for that earned income tax credit. To take credit for it tonight, maybe it was their idea, but to put it into existence, the people on this side of the aisle did that. That is why minimum wage is so important.

I appreciate my colleagues, the gentleman from Vermont [Mr. SANDERS], the chairman of the EEOC Committee, and my ranking member, introducing this amendment.

The case for minimum wage, and we hear that we are not talking about issues tonight, we are talking about unfunded mandates, but we are talking about issues, because to deal with safe drinking water, to deal with nuclear regulatory issues, to deal with minimum wage, we are putting up the roadblocks tonight to deal with those issues. To say we are not doing it, Members are casting aspersions and making the American people not realize what has actually happened. That is why this amendment is so important.

The case for minimum wage needs to be made tonight and hopefully, when we get a bill, here on the floor. We cannot raise a family on minimum wage, even with the earned income tax credit.

Many people in my district are required to live on that. At $4.25 an hour as a single person they make $8,840. It is barely above the poverty line for individuals. That is $7,360. If they have one child, the poverty line is $9,840. That puts them below the poverty level, even at minimum wage.

□ 2030

The purchasing power of the minimum wage measured in constant dollars is about the same as it was in the 1950's. Teenagers and young adults make up about half the minimum wage population. The gentleman from North Carolina [Mr. BALLENGER] was correct, according to the Economic Policy Institute. But the other half of hardworking adults, working Americans who need to have that increase, if we throw up another roadblock tonight for public employees not be paid a higher minimum wage, then that is doing a disservice to those people.

I also served many years in the Texas Legislature, 20 years in the legislature, so I know about unfunded mandates. I also know that in a minimum wage issue, it is a national issue and should not be dealt with on the State level.

Why should we be excluded from this bill? We have been discussing raising the threshold for passing the income tax. This Congress 2 weeks ago and maybe this week will make it a three-fifths requirement to require an income tax increase. Particularly in 1993 we raised taxes on the 2 percent of the wealthiest income earners. Yet we are going to make it even harder to pass a minimum wage on the people who are the lowest hardworking workers?

Why should we put procedural hurdles to raise the income of working Americans when we are putting a procedural hurdle to where it is harder to raise the taxes on the richest? We are protecting the people at one end of the earning scale but we are making it harder to help those at the other end.

It was a few years ago when I made minimum wage and I was glad Congress raised it then from $1.25 an hour. I remember where I come from. I hope that a lot of Members of Congress remember where we come from and recognize that we do not need to throw additional hurdles, particularly for public employees to make an increase in minimum wage.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Minnesota.

Mr. VENTO. I want to commend the gentleman for his statement and the point about minimum wage. I want to commend my colleague from North Carolina for his statement about the earned income credit. I would like to have had more support 2 years ago when we passed it, but that is no excuse.

We believe in the private enterprise system in providing some minimum opportunities for people to get adequate compensation. We should not have to unless there are unusual circumstances to rely on the Tax Code and the income transfers that go in that direction. In fact, we are going to be talking about those income transfers a little later this week. I thought maybe some of our colleagues were anticipating that debate.

The earned income tax credit is necessary, but it is limited in terms of what we can do. We want the private sector to pay adequate wages and compensation and benefits so that people can support their families.

I support the gentleman's statement and his concern, he is doing it with great aplomb, and I credit him for it.

Mr. GENE GREEN of Texas. I thank the gentleman.

Let me remind Members the earned income credit was a great bill and it passed in 1993. But that does not mean we should not also consider what we need to do with the minimum wage, and to separate out public employees, whether they work for cities, counties or States, to treat them separately from private individuals or private companies is wrong because they have to support families just like private employees have to.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I move today in support of the amendment of the gentleman from Vermont.

All of us believe that we must find ways to ease the budget burden on States and municipalities. That is not, however, what we are really debating today. We are not deciding whether we will make a serious effort to get our budget under control and legislate more reasonably. We are deciding whether in a frantic, unreasonable rush to claim that we are not passing on costs to localities, whether the Congress of the United States will completely abandon its vital role in protecting American working people.

A vote for H.R. 5 without this amendment is an unconditional surrender, an unconditional surrender of our obligation to ensure that American workers earn a decent wage and that they work in decent conditions.

Is our drive to congratulate ourselves and pretend we are helping States and localities so great, so immense that we are willing to risk the safety of working people all across our Nation?

Is our desire to take credit for so-called accountability so great that we are willing to risk child labor and minimum wage standards?

If, Mr. Chairman, in this committee, in the People's House we will not stand up for American workers, stand up so that they are paid a decent salary, stand up so that their children will not be forced to work, stand up so that they can all work in safety, then, Mr. Chairman, who will stand up for the American working men and women?

We all want to help States and localities. I want to help the city of Chicago. But we should not do it by risking the health, the safety, and the protection of American workers.

This is not an abstract problem, Mr. Chairman. The dangers are real.

In 1990, there was a 177 percent increase in child labor violations. If we pass this bill ignoring this important amendment, we will not be able to take steps to remedy this growing crisis.

My friends, we do not have to say no to workers, especially on a day like today when we have seen tens of thousands of marchers for pro-life. Is it not pro-life to guarantee that a mother can raise and feed and clothe and educate a child? Is it not pro-life that once that child is here with us, that we guarantee that that child is able to work under some reasonable conditions of safety and not at a young and tender age?

Is it not pro-life, and I see my colleagues on the other side smiling. They deny a woman's right to choose and then say we will not protect the children once they are here with us. Is it not pro-life to guarantee that people can smell the air and drink decent water and that our environment is not contaminated? Is that not what life is really all about? That we can raise our children, educate them and live in peace.

Mr. SHAYS. Will the gentleman yield?

Mr. GUTIERREZ. Excuse me, I have not spoken on this House floor in 2 years and I am going to speak today.

It seems to me, Mr. Chairman, that if we are truly going to be about life and the sanctity of life, it should be at all phases, at all steps along the way, not merely here on a debate. And it seems incredulous to me that we will pass a law that will make it more difficult to guarantee minimum wage and the same proponents will say to the richest, the wealthiest Americans here in the United States of America, we are going to give you a tax cut on your capital gains, on your investments, but we are not going to make a real investment in American men and women in this country by affording them a decent salary.

Mr. Chairman, that is what this debate should be all about. We were sent here to do the people's work. I do not know, there may be young people, I see them, flipping hamburgers and trying to make a living in high school so they can help their parents and their economy of their household along. But I also see them early in the morning, Mr. Chairman, grown men and women working very hard.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. GENE GREEN of Texas and by unanimous consent, Mr. GUTIERREZ was allowed to proceed for 1 additional minute.)

Mr. GUTIERREZ. Mr. Chairman, if we are going to guarantee, if we are going to talk about fairness in this the People's House, then we should not say that while we have a deficit here in this country, that while we have a looming deficit that is going to affect the children of this country, that is going to affect the families of this country, that the only tax cut that we can give is a capital gains tax cut; that the only way that we can ensure that men and women earn more money, lift themselves from poverty, is the earned income tax credit.

Mr. Chairman, just to finish, we have been into striking words of Members when we do no like them here. We should probably have a new rule.

When we use the word "we" as I heard it expressed by one of my colleagues from Texas on the other side of the aisle in reference to the earned income tax credit, when the "we" on that side of the aisle, not a single "I" on that side of the aisle contributed to the "we" for the American men and women, I think that we should move to strike those kinds of words, also.

□ 2040

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment before us goes to the core of the proper role and responsibility of the Federal Government. Not that many years ago, industrial centers like New York City were notorious for sweatshops and deathtraps. Thousands of workers, many of them children, toiled before dangerous machinery and equipment for long hours, for little pay, and with few rests. Many were killed or injured. Those who complained were shown the door and tainted with a black mark that might prevent them from ever working again.

This body eventually assumed its responsibility to protect citizens and residents and enacted landmark legislation—what many would now criticize as unfunded mandates. Many of the most extreme abuses were reversed with the Fair Labor Standards Act, the National Labor Relations Act, and OSHA.

Things improved for working people. However, problems remain, and where there is abuse, there is a proper Federal rule. Indeed, many of the abuses that gave rise to our labor protection laws and regulations persist. The sweatshop, one of the most common symbols of abuse, persists in New York, Los Angeles, and elsewhere.

In 1989, the GAO documented a steady rise in sweatshops, which they defined as business that regularly violate both safety or health and wage or child labor laws. Three-fourths of the Federal officials interviewed at that time said that sweatshops were a serious problem in at least one industry in their geographic area. They found too few inspectors and inadequate penalties.

This past November, the GAO revisited the issue. They found that the sweatshop problem in the garment industry had not improved. In many cases it had worsened. It found deplorable working conditions when it accompanied Federal and State authorities on raids in New York and Los Angeles. It is estimated that there are between 2,000 and 2,500 illegal garment factories in my home city that operate outside of the law and its protections.

Our labor standards are being circumvented at an alarming and rising rate. The solution may be tougher regulations, or improved legislation. Without this amendment and similar ones offered this evening, the Federal Government puts itself into a straightjacket. The cumbersome procedures and points of order erected by this bill slow this body's ability to act swiftly, decisively, and effectively. In this time of rising competition, child labor is growing, minimum wages and maximum hours are being ignored, and occupational safety and health corners are being cut. Now is not the time to cut back on our ability to maintain minimum workplace standards. I urge my colleagues to support this crucial amendment.

Mr. FARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. However, I am advised that we should never amend a bad bill, and tonight I feel like a legislative cop on the highway of unfunded mandates. And I am asking my colleagues to slow down, stop, look, analyze even before they vote on this important bill.

The bill before Members is not, is not an unfunded mandates bill. It is a gridlock bill. It designs gridlock.

I do not think there is a Governor in the United States that if they had this bill before them would sign it.

Yes, there States and local governments want unfunded mandates legislation. But they do not want H.R. 5. California, the State I represent, has a constitutional requirement to fund unfunded mandates. The State has over 6,000 subunits of local government. Each keeps track of unfunded consequences of State action, and if it costs them money then the local government may make a claim for reimbursement. Unlike H.R. 5, the burden is not on the State legislatures to prove before they enact legislation that it will cost local governments money.

The legislature's job is to make good law and to pay for its consequences. This bill puts all of the burden on Federal agencies and on partisan congressional staff to determine the costs before they are incurred.

I would rather have cops on the beat, teachers in the classroom, nurses in the hospital determine the costs than people here in a partisan political arena.

The intent of this bill is to stop Federal legislation, to prevent having an equal playing field, to allow each State to go in their own direction on the environment, on job safety, and on many other social issues.

I ask the Governors of the States supporting this bill if they would sign such legislation in their own States. Look for example on page 18, line 9 which reads and I quote,

> Effects on the Private Sector.—Before establishing any regulatory requirements, agencies shall prepare estimates, based on available data, of the effect of Federal private sector mandates on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

If that does not swell the size of the Federal bureaucracy, what will?

Next time your Governors wonder why legislation enacted to help your State has not been implemented, it is because the studies of the regulations necessary to implement your legislation are tied up in trying to determine the effect of mandates on the national economy, on productivity, on economic growth, on full employment, on creation of productive jobs, and on international competitiveness of U.S. goods and services. Do not hold your breath while hired lawyers and economists dispute these issues over the draft of a simple regulation.

Yes, my colleagues, we need unfunded mandates legislation, the same legislation that California and other States have adopted. But not H.R. 5 as it is on the floor today.

How do we put a price tag on saluting the flag, on the value of military music, on the cost of leaving a stream unpolluted? Our role in Congress is not only understanding the cost, but also explaining the benefits.

Please, Mr. Chairman, do not turn this place into a Congress that knows the price of everything and the value of nothing.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the pending amendment.

It is interesting as we proceed to discuss many issues in this House, we talk about being family friendly, we talk about emphasizing the idea of allowing people to seek an opportunity. As we look to the future we realize that people are desperate for work, we realize as we talk about welfare reform that the cornerstone of the proposals is to put people to work.

If we are to send people out into the work force and then disallow the safety in the workplace, we are then throwing the whole issue in support of family friendly, the encouragement of welfare reform, to put people to work, we are abandoning the tenets of this House and commitment to make sure they are safely provided for.

I think as we go forward on unfunded mandates, many of us have different opinions. I come from local government and understand the burden that has been borne by cities and States alike. But I cannot offer and support welfare reform, encouraging people in to the workplace, realizing the children that are already in the workplace, and then take away the responsibility of a safe workplace.

Mr. Chairman, I think it is very important that as we seek to be responsible in this House that although we share viewpoints on not burdening our respective jurisdictions, we cannot allow them to move away from the clarity of the importance of assuring when the American people go into the workplace that it is a safe place.

□ 2050

And certainly as it relates to children, we must understand that it is important for statements to be made that do not allow for sidestepping of responsibility for child labor laws.

And so, Mr. Chairman, I think it is very important, as we look forward to resolving the unfunded-mandates issue in this House, that there are certain guidelines that must be kept and those guidelines must include the safety of our working men and women and certainly the protection of our children.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SANDERS. Mr. Chairman, I know something about unfunded mandates and municipal government. I was the mayor of the largest city in the State of Vermont for 8 years.

But I also know something about the responsibility of the Federal Government and the responsibility of the U.S. Congress to all the people in the United States.

There may be some people in this Chamber and there may be State legislatures in America who are not concerned that we have millions of Americans working for starvation wages. There may be no concern on that area. But it does seem to me to be appropriate that here, in the U.S. Congress, we stand by boldly and say that if you are going to work in the United States of America, you should be working for a wage that can provide adequately for your family.

A gentleman earlier talked about the earned-income tax credit. Well, you know what, I voted for that bill. But I will tell you something, I do not believe that the working people of America and the middle class through increased taxes should be subsidizing McDonald's and Burger King and other low-wage employers in America.

If somebody is going to employ somebody, they should be paying a living wage and not a starvation wage, and this Congress should not put roadblocks in the way of those of us who want to raise the minimum wage to a living wage.

Now, there may be some people here in Congress who are not concerned that in terms of worker safety we have one of the worst records in the industrialized world in terms of the number of accidents and the death that takes place for workers in America. There may be some mayors and State legislatures that are not concerned about that issue.

But we are in the U.S. Congress, and our job is to make laws which protect all of the people in America, and I think we should make sure that we have the highest standards for worker safety in the world, and not put roadblocks in the way of those of us who want to protect worker safety.

Several of my colleagues have already alluded to the fact that child labor exploitation is growing in America. This, colleagues, is not 1910 or 1870. We are talking about 1995 and children being exploited all over America. Some of us want to protect those children.

This issue, Mr. Chairman, really comes down to what those of us believe is the proper responsibility of the U.S. Government. We understand unfunded mandates. We are against unfunded mandates, but we are not going to take away the responsibility of this Chamber to protect those people who are hurting the most, those people who are the weakest, those people who are the most vulnerable.

I urge support for this very important amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No 27]

AYES—161

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—263

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bishop
Fields (LA)
Flake
Graham
Jefferson
Kennedy (MA)
Kennedy (RI)
Rangel
Rush
Slaughter

☐ 2106

Mr. DEUTSCH and Mr. SPRATT changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) regulates the generation, transportation, storage, or disposal of toxic, hazardous, or radio-active substances.

Mr. SPRATT. Mr. Chairman, I offer this as a perfecting amendment so that H.R. 5 will not apply to the regulation, to any regulation, with respect to the generation, transportation, storage or disposal of toxic, hazardous or radioactive substances.

Mr. Chairman, 2 weeks ago some 1,800 containers of hazardous waste, waiting to be incinerated in my district, caught fire and burned out of control, burned so intensely that they virtually melted the metal building in which they were contained. This waste came to Rock Hill, South Carolina, from Fishkill, New York. Eighty to ninety percent of all the wastes that comes to this particular incinerator comes down the eastern seaboard or up the eastern seaboard from out of state to this location, and there is precious little South Carolina can do about regulating the inflow of that waste because virtually any regulation we try to impose pretty quickly runs into the interstate commerce clause or into Supreme Court decisions like New Jersey versus Philadelphia in a case called "Don't Dump on Washington."

There is very little we can do, and so in South Carolina we have hazardous waste landfill, one of the largest in the Southeast, two substantial commercial incinerators, a medical waste incinerator and landfill, a low-level, or two low-level, nuclear waste disposal facilities—at one time we would take in half or more of this Nation's low-level nuclear wastes—and several solid waste disposal facilities where garbage from out of state comes to our State. Much of this waste comes from private business, but a good part of it comes from city, and county, and State owned hospitals, burnt oils from city transit authorities. PCBs from municipal electrical distribution operations, low-level wastes from State universities and hospitals, and there is very little, as I said, a State like mine, a waste importing State against its will, can do about all this waste except look to the Federal Government.

Mr. Chairman, as I was saying, there is very little that a State like South Carolina can do about all this waste which comes from out of State except look to the Federal Government which has preemptive authority under the Constitution and the laws we have adopted, look to the Federal Government and hope that the Federal Government will be rigorous, and vigilant, and fair and firm, and now we have a bill which purports to help States, all States, but really breaks faith with States like mine because it sets up a double standard, and this amendment goes to that standard and goes to a fundamental flaw in this bill which has been raised by other amendments that we have already considered. It goes to two basic problems in this bill:

First of all, many State and local governments, as I said, generate, transport and dispose of toxic waste, hazardous waste and radioactive substances. This amendment ensures that when Congress passes new laws that control the generation and disposal of hazardous, toxic and radioactive wastes, in the handling of these substances these laws will apply to the public and private sector alike equally, in the same manner to each. Without this amendment, Mr. Chairman, any bill in the future that steps up the regulation of these dangerous substances, many of which end up in States like mine, will be subject to a point of order unless, one, we exempted State and local government; or, two, we paid out of the Federal Treasury for the cost of complying with these new and additional regulatory mandates.

To my way of thinking, either option has problems. It would be a mistake to pass laws governing radioactive waste, in my opinion, but to exempt State and local governments. We would be saying it is all right to expose the public to dangers from radioactive wastes so long as the waste is publicly generated, and I think it would be a mistake, too, to give publicly owned facilities that generate the disposal of this type of waste a clear advantage over the private sector, which would be given if we allowed them to operate without these restrictions.

So, this simply tries to level the playing field. It says there are some matters, some dangers such as the disposal and handling of toxic and nuclear wastes, where State and local governments should be held to the same strict standards as anybody else who undertakes to operate in this area.

I urge my colleagues to recognize that this is not a weakened amendment. This is a perfecting amendment. It goes to a fundamental problem in this bill.

Join me in supporting this amendment to protect the public against the risk of hazardous, toxic and radioactive wastes regardless of whether they are generated and disposed of by public or private facilities.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Carolina [Mr. SPRATT] and would be very brief in my opposition.

Mr. Chairman, I am sympathetic to the problem the gentleman from South Carolina raises, and it is one we have discussed with him, but again this is an issue, an exemption, and the question we have to ask ourselves is:

Are any of the programs or statutes that have been suggested should be exempt from the provision of this law, do they rise to the level that there should not even be any discussion of the costs or the implications for State and local government?

□ 2120

I would point out that we have now dealt with about eight out of 50 proposed exemptions to the H.R. 5, eight out of 50. Every Member I think who has spoken on this matter, particularly those on the other side who have been introducing the amendments requesting exemptions, every Member has indicated they support unfunded mandates, that they support eliminating the opportunity for the Federal Government to pass through these things, and are in support of their local and State governments in opposition to unfunded mandates. Yet they are against them except for the program which they ask to be made exempt.

If we were to exempt all of the 50 or so that have been suggested here to rise to a level where they should not be allowed to even debate the cost that they would impose, we would basically have gutted the bill.

So I think, Mr. Chairman, the question is, is any program that has been suggested here so sacrosanct, so immune from consideration, so far above the pale, that we cannot even discuss or consider what the cost of that program will be, what the cost will be imposed into State and local governments?

I would stress again this is a bill that is only prospective in its operation. It will not in any way affect reauthorizations of existing programs, unless there are additional added mandates included in it, and it does not preclude us, after due consideration and debate, it would not preclude us from passing through that mandate without providing the funds. It just requires us to consider carefully what we are doing and making sure we are not going to impose unnecessary burdens on State and local governments.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, in the bill itself you have some exemptions. The bill says if it is a statutory right that prohibits discrimination, we will not look at the cost of that. That, of course, involves civil rights laws and the Americans With Disabilities Act, which do involve costs.

The bill provides an exception where it is emergency assistance or relief at the request of any State or local government, or necessary for the national security or the ratification of implementation of international treaty obligations.

Why should an international treaty obligation not even be considered for the costs involved, but yet some of these interstate environmental problems, where the Federal Government has a clear responsibility, should be blocked by this legislation?

Mr. CLINGER. Reclaiming my time, we did indeed as the gentleman indicated provide certain exceptions. One very important one is those matters that do affect civil rights. I think the gentleman would agree that that has a constitutional implication that we should not be tampering with.

I think the reason for the exemption in terms of treaty obligations was that we would be extending perhaps the authority of this body to affect international authorities, and that would be an exemption we should not engage in.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are limits in this bill on the application of the legislation. I do not want to disagree with them. I think there are reasons why we ought to have exceptions for the application of the bill, enforcing constitutional rights of individuals, enforcing statutory rights that prohibit against discrimination, and requiring compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government. Now, that last one is sort of interesting. I could see the rationale for it. There are rationales for all of this.

But the amendment before us seems to me to have a very compelling rationale. If we are talking about an interstate problem of toxic pollution, why should a State be forced to look at the prospect of either not having the regulation in effect because it is an interstate problem, or that the Federal Government should have to pay for it? We are really talking about situations where there is a publicly run business versus a privately owned business. They ought to be treated the same. We ought not to say because it is publicly owned we are going to consider it something where the Government would have to and taxpayers would have to pay the costs.

I think that the argument by the gentleman from South Carolina [Mr. SPRATT] was a compelling one. I think this too ought to be made an exemption, along with others in the bill, and I rise in support of the amendment.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I think it is important to clarify a statement made by the gentleman from South Carolina [Mr. SPRATT], and also by the gentleman from California [Mr. WAXMAN] with regard to the options we would be facing. The two options that the gentleman states and the option Mr. SPRATT stated, were, No. 1, to fully fund the mandate, and, No. 2, not to impose the mandate.

Again, to be very clear, there is also a third option. The third option is for

Congress to exercise its will on an issue of importance to the Nation, and that is to go ahead and impose the mandate. I think sometimes I feel as though we are not talking about the same legislation. But it is very clear in this bill, and I think it is very important in the context of Mr. SPRATT'S amendment.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, if I might respond, the gentleman is absolutely correct. There is the option of waiving the point of order and requiring a vote on the House floor. But that could have been the same application for the exception in section 4 on page 4 of the legislation. We could have said that if it requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government, that we could get the analysis, have a vote and a point of order, that it would have to be overcome by an affirmative vote of the majority. The same for emergency assistance or relief or national security or emergency legislation.

I do not disagree with the exceptions that are in the legislation. But it seems to me that since we have a publicly owned enterprise competing against a privately owned enterprise, unless we apply the same rules to both, we may well find ourselves in the situation where we might well vote to overcome the point of order, but we may not. In that case, a privately owned toxic waste facility would be treated much more harshly in terms of regulations than a publicly owned one.

Mr. PORTMAN. If the gentleman will yield further, not only will Congress have that issue before it and Congress will be able to debate that issue, much as we have debated the issues tonight, but the committees under this legislation are specifically required to consider the public-private ramifications of any new mandate legislation that comes through the process. In many respects, I would say to the gentleman from California, this bill strengthens existing law with regard to that public-private distinction.

Mr. WAXMAN. It does not prohibit existing law. It strengthens what would otherwise be in the legislation itself.

Mr. PORTMAN. If the gentleman would yield further, I would say it strengthens existing law to the extent that is not currently considered by the authorizing committees.

Mr. WAXMAN. It without this legislation becoming law does not make a distinction between privately and publicly owned. If there is a regulation to protect the consumers or environment or to protect public health, it would apply equally. There is no reason why we ought to even put them in a position where one ought to be regulated and the other not, if the reasoning for the regulation is sound.

Mr. PORTMAN. If the gentleman will continue to yield, I would say currently when an authorizing committee such as your own might consider new legislation, there is no requirement to consider the very issue that the gentleman from South Carolina [Mr. SPRATT] raises. Where this bill improves this process is that it specifically requires the committees for the first time to consider in passing new mandates the issue of the competition between the public and the private sector.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. Mr. Chairman, I would indicate this is not an improvement to have a committee have to consider public versus private owned operations to see whether they ought to be put in the same competitive situation. Except for this legislation, we would have never tried to put one against another. Specifically I cannot imagine that we would want to aid a publicly owned business, so-to-speak, in competition with a privately owned one. I do not think this legislation is an improvement in that regard. The improvement would be if we exempted these very clear Federal responsibilities of dealing with interstate environmental problems, especially one as serious as hazardous nuclear waste disposal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No 28]

AYES—161

Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—263

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon

Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Abercrombie
Bishop
Fields (LA)
Flake
Kennedy (MA)
Kennedy (RI)
Martinez
Metcalf
Rush
Williams

□ 2142

Mr. NEAL of Massachusetts changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

Mr. PACKARD. Mr. Speaker, just like old wild west outlaws dodging the law, the Federal Government uses unfunded mandates to dodge responsibility for their expensive regulatory schemes. But the American taxpayer voted in a new sheriff, and we have a new weapon to fight this sneaky crime. The Unfunded Mandate Reform Act will stop the Federal Government from riding off into the sunset, leaving expensive regulatory dust in their wake and passing the buck to State and local government.

In the State of California alone, mandates cost the taxpayer over $8 billion annually. Blanket, one size fits all mandates, eat up precious local and State resources, reducing flexibility and adaptability. State and local governments must sacrifice scarce funds to pay the Federal tab.

The people want control of their own lives—not Federal Government "Dos and Don'ts." Unfunded mandates rob Americans of prosperity and freedom. The Federal Government must stop these reckless acts of intrusion. Abolishing unfunded Federal mandates will restore trust and accountability in the Federal Government. I urge my colleagues to vote in favor of H.R. 5.

Mr. CLINGER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker pro tempore (Mr. THOMAS) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 25–27 this evening. Had I been present, I would have voted "yea" on rollcall votes 25, 26, and 27.

PERSONAL EXPLANATION

Mr. QUINN. Mr. Speaker, I am entering these remarks in response to rollcall vote 25 which took place Monday night, January 23. I have been recorded as not voting. This is due, however, to problems with my voting card rather than my absence from the floor.

My colleague from Illinois had offered an amendment to H.R. 5, the Unfunded Mandate Reform Act. This amendment would have exempted from the provisions of the bill my Federal mandate that protects aviation or airport security.

Mr. Speaker, had my vote been accurately recorded it would have reflected a nay vote. I believe that we can not exempt numerous programs from the provisions of H.R. 5.

H.R. 5 does not restrict mandates such as ones which aim to protect aviation or airport security. Rather it requires a cost-benefit analysis and strives to minimize the burden of unfunded mandates. We must thoroughly examine the mandates that we pass on to our States and localities. I do not find this unreasonable.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, during consideration of amendments to H.R. 5, the Unfunded Mandates Reform Act of 1995, I was recorded as voting aye on rollcall vote 26. This vote was on an en block amendment offered by Mr. GREEN (D–TX), and my vote should have been recorded as a nay in this instance. I would ask that the record reflect my opposition to the Green amendment numbered 26.

MOTION TO PERMIT COMMITTEES AND SUBCOMMITTEES TO MEET DURING THE 5-MINUTE RULE FOR THE BALANCE OF THE WEEK

Mr. ARMEY. Mr. Speaker, I move that all the committees of the House and their subcommittees may have permission to sit for today and the balance of the week while the House is meeting in the Committee of the Whole House on the State of the Union under the 5-minute rule.

The SPEAKER pro tempore. This is a privileged motion. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, I understand this motion is debatable for 1 hour. Will the gentleman from Texas [Mr. ARMEY] yield the customary time to the minority for the purpose of debate?

The SPEAKER pro tempore. It is the Speaker's understanding that the 1 hour is to be held in its entirety by the majority leader, the maker of the motion, and time will be sought from the majority leader.

Mr. BONIOR. Continuing my parliamentary inquiry, Mr. Speaker, will the gentleman be willing to yield half the time for the minority for a discussion of this issue?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The request will be made.

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Members know, the House Republicans have an ambitious legislative agenda for Congress' first 100 days. In order for the House to complete the action on the contract items, the committees and subcommittees have their work cut out for them. The purpose of this resolution is to allow this important work to take place and to move legislation to the floor for further debate.

Mr. Speaker, this resolution allowing committees to meet during the 5-minute rule is not a new policy for the House. In the last Congress, blanket authority for committees to meet during the amendment process was standard procedure.

In this Congress, we have changed our rules, and therefore it is necessary within our rules for me to have sought this exception to our rules. It is not something that I expect will be a commonplace practice on the part of the majority, but during this contract period, for our committees and subcommittees to be able to carry out our work, I have made this request.

□ 2150

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. I thank my friend from Texas for yielding.

Mr. Speaker, just 2 weeks ago, the House approved a bipartisan package of sweeping reforms that the other side touted as major reform in this Congress on the first day. Now what we are finding this evening is that the Republicans are backtracking on that reform just 2 weeks into this session.

Mr. Speaker, Members cannot be in two places at one time. They cannot be on the floor voting while they are voting in committee and they should not have to run back and forth from committee to the Capitol every 5 minutes.

Now it would not be so laughable, Mr. Speaker, if this was not the centerpiece that we are going to be discussing next week, the balanced budget amendment, of their contract. While they are asking us to be here on the floor discussing the contract, they want to have the line-item veto in the Government Reform Committee. They want to deal with the Mexican loan bailout in the Banking Committee.

Mr. Speaker, we have over 160 amendments on this mandate bill, over 40 substitutes on the balanced budget amendment. We worked hard for those reforms that you were so proud of: ban proxy voting, eliminate the three committees, restrict the number of subcommittees.

All of a sudden we are into 2 weeks of the session and backtracking we go. I do not think the American people will agree with the reforms that you have put forward and the backtracking that you are about to undertake in this very first 2 weeks. Therefore, Mr. Speaker, I hope my colleagues will vote against this ill-conceived resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I disagree with the majority leader's statement that this last year and the year before was blanket permission.

As I understand the rule, unless the House granted such permission, any Member in a committee that was sitting in a markup could have objected. Any Member could have objected. If you sat during the 5-minute rule to mark up a bill in committee, the objection of a single Member in committee ended that meeting. You had to come to the floor, and any 10 Members could block it.

This is an arrogation to the majority far beyond what we had. I sit on the Banking Committee. I do not want to be forced to choose between debating safeguards for the American people on the Mexico loan and protecting Social Security in the balanced budget amendment.

What you have done is a brandnew procedure. The intolerance for debate is already starting to rise, shout them down, don't yield time. The gentleman has an hour.

May I ask the gentleman from Texas how much time he plans to allow us to debate this?

The SPEAKER pro tempore (Mr. THOMAS). The time of the gentleman from Michigan [Mr. BONIOR] has expired.

Mr. ARMEY. Mr. Speaker, once again I would say the people's business requires prompt attention to their work from the committees and the subcommittees.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

How much time of the hour did the gentleman from Texas consume?

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] consumed 5 minutes of his time and he yielded 3 minutes, which the gentleman from Michigan [Mr. BONIOR] consumed.

Mr. FRANK of Massachusetts. And yielded back 55 minutes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 17-minute vote maximum.

The vote was taken by electronic device, and there were—ayes 232, noes 187, not voting 15, as followings:

[Roll No. 29]

AYES—232

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Yates
Young (AK)
Young (FL)
Zimmer

NOES—187

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kleczka
Klink
LaFalce
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—15

Abercrombie
Bishop
Fields (LA)
Flake
Ford
Hall (OH)

Kennedy (MA)
Kennedy (RI)
Lantos
Martinez
Metcalf
Rush
Spratt
Wicker
Zeliff

□ 2207

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 25 through 28. I would have voted "no" on rollcall vote 29.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, I was unavoidably detained in my return to Washington from my congressional district on Monday, January 23, 1995. I was therefore not available to vote for rollcall Nos. 25, 26, 27, 28, and 29.

Had I been present I would have voted "aye" on No. 25; "aye" on No. 26; "aye" on No. 27; "aye" on No. 28; and "aye" on No. 29.

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. WATTS of Oklahoma). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STAND UP AND BE COUNTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, it is an honor to be part of a process where we can actually start talking about bringing about real reform and once again changing the relationship back between the Federal Government and the States and the individuals the way our Founding Fathers intended it to be over 200 years ago.

James Madison wrote 200 years ago as he was framing the Constitution, "We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the Ten Commandments of God." And Thomas Jefferson wrote that the Government that governs least governs best, and our own 10th amendment to the Constitution said, "All powers not specifically granted to the Federal Government are reserved to the States and individuals."

It feels great to be a part of this process where we can bring this new type of federalism back to Washington and to bring about real reforms, and one of the most important reforms is one of the most commonsense reforms, to make this Government do what middle-class citizens and businesses and States have had to do for over 40 years, and that is balance their checkbooks and spend only as much money as they take in.

Unfortunately, as we brought forward reforms on unfunded mandates, on balanced budget amendments, and on other important matters that the American people voted us in to take care of, we have been meeting with resistance from Members of the other side of this House who, instead of bringing forth positive proposals, are creating straw men and then knocking them down.

With children dying in our Nation's streets, liberal Democratic leaders lament a book deal that even the Washington Post calls proper, and while working men and women across the land struggle to survive until their next paycheck, liberal Democratic leaders ignore their plight and instead chatter incessantly over contrived imaginary scandals, and while conservatives on both sides of the aisle boldly forge, go ahead, into a new frontier of federalism, liberal Democratic leaders continue to engage in a desperate hamfisted attempt to create a crisis, change the subject, and obstruct the latest great piece of reform.

Mr. Speaker, it is time for all Members of Congress to step forward, stand up and be counted, and to debate real issues that will actually affect the lives of working men and women of this country who elected us to make real reforms in the 104th Congress.

RULES OF PROCEDURE FOR THE COMMITTEE ON AGRICULTURE FOR THE 104TH CONGRESS

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the committee on January 11, 1995.

Appendix A of the committee rules includes excerpts from the rules of the House relevant to the operation of the committee. Appendix B includes relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE

I. GENERAL PROVISIONS

a. Rules of the U.S. House of Representatives.—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. (See Appendix A for the applicable rules of the U.S. House of Representatives.)

b. Applicability to Subcommittees.—The following rules shall apply to meetings, hearings, and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. Regular and Additional Meetings.—The Committee shall meet on the first Tuesday of each month while Congress is in session. The Committee also shall meet at the call of the Chairman at such other times as the Chairman considers to be necessary, subject to advance notice to all Committee Members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee Member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by the chairman need not be held, the Chairman shall give all Members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI. e. for provisions which apply to meetings of Subcommittees.

b. Special Meetings.—If at least three Members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure or matter, the Chief of Staff shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the Members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure or matter. If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Chief of Staff shall notify all Members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure or matter. Only the measure or matter so specified in the meeting notice as filed by the majority of Committee Members and transmitted to all Committee Members may be considered at a special meeting.

c. Vice Chairman.—The Member of the majority party on the Committee ranking immediately after the Chairman of the Committee shall be the Vice Chairman of the Committee, and the Member of the majority party on each Subcommittee ranking immediately after the Chairman of the Subcommittee shall be the Vice Chairman of that Subcommittee.

d. Presiding Member.—If the Chairman is not present at any Committee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking Member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any Subcommittee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking Member of the majority party who is present shall preside.

e. Open Business Meetings.—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public including to radio, television and still photography coverage, except as provided by House Rule XI, clause 3(f)(2), except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House. No person other than Members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public. This clause does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

f. Records and Roll Calls.—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a roll call is demanded. A roll call vote shall be ordered on demand by one-fifth of the Members present. The record of such action and the results of the roll call votes during each session of Congress shall be made available by the Committee, on request, for public inspection during regular office hours in the Committee offices and on telephone request. The information so available on roll call votes shall include a brief description of the amendment, motion, order, or other proposition; the name of each Member voting for and each Member voting against such amendment, motion, order, or other proposition; and the names of those Members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and thereafter may be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, other than roll call votes, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee.

g. Quorum For Reporting Measures.—No measure or recommendation shall be reported from the Committee or Subcommittee unless a majority of the committee is actually present.

h. Quorums—General.—A majority of the Members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided*, That the Chairman of the Committee may determine that one-third of the Members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if the Chairman gives written notice to that effect to the Members prior to the meeting.

i. Prohibition on Certain Committee Meetings.—Without special leave, neither the Committee nor any Subcommittee may sit while the House is reading a measure for amendment under the five-minute rule. (See Appendix A, House Rule XI clause 2(i).)

The Committee or Subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

j. Prohibition on Proxy Voting.—No vote by any Member of the Committee or Subcommittee with respect to any measure or matter may be cast by proxy.

k. Location of Persons at Meetings.—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area during a meeting of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

l. Consideration of Amendments and Motions.—A Member, upon request, may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present: *Provided*. That such amendment shall remain pending before the Committee or Subcommittee and may not be voted on until the requirements of this section have been met.

m. Submission of Motions or Amendments in Advance of Business Meetings.—The Committee and Subcommittee Chairman may request and Committee and Subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member twenty-four hours before a Committee or Subcommittee business meeting.

n. Points of Order.—No point of order against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. See Rule VI. e. for provisions relating to Subcommittee hearings and meetings.

b. Announcement of Hearings.—The Chairman of the Committee or Subcommittee shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Chief of Staff shall notify the office of the House Daily Digest for publication of the notice of the hearing in the Congressional Record, and the office of the Official Reports to the House Committees relating to such notice as soon as possible after such public announcement has been made and enter the announcement onto the Committee scheduling service of the House Information systems.

c. Power to Subpoena.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a roll call vote of the majority of the Members of the Committee, a majority being present. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other member of the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all Members of the full Committee by 5 p.m. of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. Scheduling of Hearings and Witnesses.—Except as otherwise provided in this clause, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee on any measure or matter, the Committee's or Subcommittee's minority party Members shall be entitled, on request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of the hearing.

e. Witnesses' Statements in Advance.—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Chief of Staff a written statement of the witness's prepared testimony at least two working days in advance of the witness's appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee Members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee Members, staff, and the news media. The Committee or Subcommittee staff shall distribute such written statements to all Members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. Testimony of Witnesses.—The Chairman of the Committee or Subcommittee or any Member designated by the Chairman may administer an oath to any witness. Each witness who has been subpoenaed, on the completion of the witness's testimony, may report in person or in writing to the Chief of Staff and sign appropriate vouchers, if any, for the cost of travel-related expenses as authorized by the Rules of the House and other relevant laws. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the testimony and the length of time available.

g. Questioning of Witnesses.—Committee or Subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each Member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise, no person shall interrogate witnesses other than Members and Committee or Subcommittee staff.

h. Open Hearings.—Each hearing conducted by the Committee or Subcommittee shall be open to the public including to radio, television and still photography coverage except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public, because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives: *Provided*, That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate Rule III. k., or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to Members by means of the above procedure.

i. Quorum.—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. Record of Hearing.—The Committee shall keep a complete record of all committee action which shall include—

(A) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(B) a record of the votes on any question on which a roll call vote is demanded. Any public witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may examine the transcript of his or her own testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff the Chairman designates, and the Chairman of the Committee or Subcommittee or the Chairman's designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. Investigative Hearings.—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of Clause 2 of Rule XI of the house Rules, regarding investigative hearing procedures, a copy of which appears in Appendix A) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of Rule III. h., if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; or

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee or Subcommittee, a majority begin present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee or Subcommittee shall afford such person any opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

l. Broadcasting and Photography.—Television, radio and still photography coverage of all or part of any Committee or Subcommittee hearing or meeting shall be permitted, except as provided in House Rule XI clause 3(f)(2): *Provided*, That when such radio coverage is conducted, written notice to that effect shall be placed on the desk of each Member. No Committee or Subcommittee Chairman shall limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized). Any television, radio, or still photography coverage of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI, clause 3(f), which appear in Appendix A.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Chief of Staff of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Chief of Staff of the Committee shall notify the Chairman immediately when such a request is filed.

b. Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of each roll call vote on any amendment in the Committee or Subcommittee and on the motion to report such bill or resolution, including the total number of votes cast for and the total number of votes cast against such amendment or motion;

(4) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in

connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Reform and Oversight or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year or reporting, whichever period is less, together with a comparison these estimates with those made and submitted to the Committee by any Government agency (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(b) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. Supplemental, Minority, or Additional Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Chief of Staff of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee on that measure or matter shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of clause 2(l)(3) of House Rule XI are included as part of the report.

This clause shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this clause or the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

d. Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearing printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its Subcommittees shall include a record of the attendance of the Members.

e. Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

V. OTHER COMMITTEE ACTIVITIES

a. Oversight Reform.—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight. In developing such plans the Committee shall, to the maximum extent feasible—

(A) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committee in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(C) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

The Committee shall include in the report filed pursuant to House Rule XI clause 1(d) a summary of the oversight plans submitted by the Committee under House Rule X clause 2(d), a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendation made or actions taken thereon.

b. Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

c. Budget Act Compliance: Views and Estimates (See Appendix B).—The Committee shall, within 6 weeks after the President submits a budget under section 1105(a) of title 31, United States Code, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

d. Budget Act Compliance: Recommended Changes (See Appendix B).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those Members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority Members to minority party Members on the Committee. In making recommendations of minority party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. Committee Records.—All Committee or Subcommittee hearing materials, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Chief of Staff shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

g. Archiving of Committee Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decisions, pursuant to clause 3(b)(3) or clause 4(b) of the Rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

VI. SUBCOMMITTEES

a. Number and Composition.—There shall be such Subcommittees as specified in clause b. of this rule. Each of such Subcommittees shall be composed of the number of Members set forth in clause b., including ex officio Members.[1] The Chairman may create additional Subcommittees of an ad hoc nature as the Chairman determines to be appropriate.

b. Jurisdiction.—The Subcommittees shall have the following general jurisdiction and number of Members.

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[1] The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See clause d. of this Rule).

COMMODITY SUBCOMMITTEES

General Farm Commodities (20 Members, 11 majority and 9 minority):

Wheat, feed grains, soybeans, oilseeds, cotton, cottonseed, rice, dry beans, peas, and lentils, Commodity Credit Corporation, and trade matters related to such commodities, generally.

Livestock, Dairy, and Poultry (14 Members, 8 majority and 6 minority):

General livestock, dairy, poultry, meat, seafood, and seafood products, and the inspection of those commodities, aquaculture, animal welfare, and domestic and foreign marketing related to assigned commodities, including dairy marketing orders and trade matters related to such commodities, generally.

Risk Management and Specialty Crops (18 Members, 10 majority and 8 minority):

Commodity futures, crop insurance, peanuts, tobacco, sugar, honey and bees, family farming, fruits and vegetables, domestic and foreign marketing related to assigned commodities, and related marketing orders, generally.

OPERATIONAL SUBCOMMITTEES

Department Operations, Nutrition, and Foreign Agriculture (24 Members, 13 majority and 11 minority):

Agency review and analysis, special investigations, pesticides, nutrition, food stamps, hunger, consumer programs, and trade matters not otherwise assigned, including foreign agriculture assistance programs, generally.

Resource Conservation, Research, and Forestry (24 Members, 13 majority and 11 minority):

Water, soil and natural resource conservation, small watershed program, research, agriculture credit, rural development, forestry and energy matters, generally.

c. Referral of Legislation.—In the case of any measure or matter not specifically described above, or that includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by the Chairman for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks, except that the Chairman of the Committee, after consultation with the Ranking Minority Member of the Committee, may determine that consideration of the legislation or other matter is to be by the Committee.

d. Service on Subcommittees.—The Chairman and the Ranking Minority Member shall serve as ex officio Members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearing or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such Member is a Member of such Subcommittee.

e. Subcommittee Hearings and Meetings.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Chief of Staff. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the dates for hearings and meetings of the Subcommittee during the period between the date of vacancy and the date the vacancy is filled. The provisions of Rule II. a. regarding notice and agenda of Committee meetings and of Rule II. b. regarding special meetings shall apply as well to Subcommittee meetings.

f. Subcommittee Action.—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee Member authorized to do so by the Subcommittee. Upon receipt of such report, the Chief of Staff shall promptly advise all Members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. Subcommittee Investigations.—No investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. Committee Budget.—The Chairman, in consultation with the majority Members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittees thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. Committee Staff.—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee Members seeking assistance from the staff shall make their request through the Chairman or Ranking Minority Member. The chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. Committee Travel.—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purposes of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(1) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

RULES OF PROCEDURE FOR THE COMMITTEE ON RULES FOR THE 104TH CONGRESS

(Mr. SOLOMON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SOLOMON. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Rules for the 104th Congress as approved by the committee on January 5, 1995.

RULES OF THE COMMITTEE ON RULES

Rule XI, 1(a)(1) of the House of Representatives provides:

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

Each standing committee of the House shall adopt written rules governing its procedure.* * *

In accordance with the foregoing, the Committee on Rules adopted the following Rules of Procedure on January 5, 1995.

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Rules (hereafter in these rules referred to as the "Committee") so far as applicable, together with the rules contained herein.

RULE 2—SCHEDULING AND NOTICE OF MEETINGS AND HEARINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A Tuesday meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair or by the filing of a written request, signed by a majority of the Members of the Committee, with the Chief of Staff of the Committee.

Notice for regular meetings

(b) The Chair shall notify each Member of the Committee of the agenda of each regular meeting or hearing of the Committee at least 48 hours before the time of the meeting or hearing and shall provide to each such Member, at least 24 hours before the time of each regular meeting or hearing—

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of (A) the bill or resolution, (B) any committee reports thereon, and (C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda, a copy of (A) the bill, resolution, report, or materials relating to the other matter in question, and (B) any report on the bill, resolution, report, or other matter made by any subcommittee of the Committee.

Emergency meetings and hearings

(c)(1) The Chair may call an emergency meeting or hearing of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the Ranking Minority Member, or, in such Member's absence, the next ranking minority party Member of the Committee.

(2) As soon as possible after calling an emergency meeting or hearing of the Committee, the Chair shall notify each Member of the Committee of the time and location of the meeting or hearing.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting or hearing and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting or hearing was a regular meeting or hearing.

RULE 3—MEETING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the Member designated by the Chair as the Vice Chair of the Committee, or by the Ranking Majority Member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each Member of the Committee has had an opportunity to question the witness.

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each Member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Voting

(b)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the Members of the Committee is actually present, except as otherwise specified in these rules.

(2) A rollcall vote of the Committee shall be provide on any question before the Committee upon the request of any Member of the Committee.

(3) A record of the vote of each Member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any rollcall vote on any motion to amend or report, shall be included in the report of the Committee on the bill or resolution.

(4) The Members of the Committee, or one of its subcommittees, present at a meeting or hearing of the committee or the subcommittee, respectively, may, by majority vote, limit the duration of debate, testimony, or Committee or subcommittee consideration with respect to any measure or matter before the Committee or subcommittee, respectively, or provide for such debate, testimony, or consideration to end at a time certain.

Media coverage of committee and subcommittee proceedings

(c) Any meeting or hearing of the Committee or any of its subcommittees that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of the House rule XI (which are incorporated by reference as part of these rules).

Quorum

(d)(1) For the purpose of hearing testimony on requests for rules, five Members of the Committee shall constitute a quorum.

(2) For the purpose of hearing and taking testimony on measures or matters of original jurisdiction before the Committee, three Members of the Committee shall constitute a quorum.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any Member designated by the Committee, and may be served by any person designated by the Chair or such Member.

(4) The Chair, or any Member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

General oversight responsibility

(f)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(2) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

Application of House and committee rules

(a)(1) As provided by clause 1(a)(2) of rule XI of the Rules of the House of Representatives, subcommittees of the Committee are a part of the Committee and are subject to its authority and direction.

(2) Subcommittees of the Committee shall be subject (insofar as applicable) to the Rules of the House of Representatives and, except as provided in this rule, the rules of the Committee.

Establishment and responsibilities of subcommittees

(b)(1) There shall be two subcommittees of the Committee as follows:

(A) *Subcommittee on the Legislative Process*, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) *Subcommittee on Rules of the House*, which shall have general responsibility for measures or matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(2) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Reference of measures and matters to subcommittees

(c)(1) In view of the unique procedural responsibilities of the Committee—

(A) no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee, and

(B) all other measures or matters shall be subject to consideration by the full Committee except for those measures or matters referred by the Chair to one or both subcommittees of the Committee.

(2) The Chair may refer a measure or matter, which is within the general responsibility of one of the subcommittees of the Committee, jointly or exclusively to the other subcommittee of the Committee where the Chair deems it appropriate.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair or the Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(d) The size and ratio of each subcommittee shall be determined by the Committee at its organizational meeting at the beginning of each Congress, and Members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses.

Subcommittee Meetings and Hearings

(e)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may, without the Chair's approval, meet or hold a hearing on the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

(4) A Member of the Committee who is not a Member of a particular subcommittee of the Committee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

Quorum

(f)(1) For the purpose of taking testimony, two Members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the Members of a subcommittee, except as otherwise specified in these rules.

(3) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining Members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—BUDGET AND TRAVEL

Budget

(a) The Chair, in consultation with other Members of the Committee, shall prepare for each session of Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any Member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of Members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Oversight.

RULE 6—STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and investigative staff of the Committee shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) All professional, and any investigative, staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee and shall work under the general supervision and direction of such Member.

Associate Staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the Ranking Minority Member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House rule XI.

Subcommittee Staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 5(d) of House rule XI, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the Ranking Minority Member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of Staff

(d) The Chair shall fix the compensation of all professional and investigative staff of the Committee, after consultation with the Ranking Minority Member regarding any minority party staff.

Certification of Staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that Member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the Member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's supervision and direction.

RULE 7—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or Acting Chair shall report it to the House or designate a Member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any Member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing.

Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The minutes of each executive meeting of the Committee shall be available to all Members of the House of Representatives in compliance with clause 2(e)(2) of rule XI of the Rules of the House of Representatives.

(3) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chair shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any Member of the Committee.

Calendars

(c)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other Committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each Member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a Member of such committee authorized to act on

the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(d) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees.

RULE 8—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. BISHOP (at the request of Mr. GEPHARDT), for today, on account of family illness.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for Monday, January 23, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. LINCOLN, for 5 minutes, today.

(The following Member (at the request of Ms. PELOSI) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. ROBERTS, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, on January 27.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Mr. DIXON.

Ms. PELOSI.

Ms. KAPTUR.

(The following Members (at the request of Mr. CHRISTENSEN) and to include extraneous matter:)

Mr. DAVIS.

Mr. BEREUTER.

Mr. HORN.

Mr. LATHAM.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. PACKARD.

Mr. SOLOMON.

Mr. FRANKS of New Jersey.

Mr. KILDEE.

Mr. ANDREWS.

Mr. THOMPSON.

Mr. BECERRA.

Mr. WAXMAN.

Mr. ROSE.

BILL APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following date he had approved and signed a bill of the following title:

On December 8, 1994

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

ADJOURNMENT

Mr. WELDON of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 24, 1995, at 9:30 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of January 2, 1995]

Mr. ROSE: Committee on House Administration. Report on the Activities of the Committee on House Administration During the 103d Congress (Rept. 103–893). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. FATTAH, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FROST, Mr. PETE GEREN of Texas, Mrs. JOHNSON of Connecticut, Mr. KING, Mr. LEACH, Mr. NEY, Mr. POSHARD, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Texas, Mr. TUCKER, Mr. WALSH, Ms. PELOSI, and Ms. ESHOO):

H.R. 628. A bill to amend title 18, United States Code, to extend certain protections now accorded various Federal officials to the staffs of those officials; to the Committee on the Judiciary.

By Mr. ALLARD:

H.R. 629. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Mr. BURTON of Indiana:

H.R. 630. A bill to amend title 18, United States Code, to provide the death penalty for the intentional transmission of the Human Immunodeficiency Virus to an innocent victim of a Federal offense; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself, Mr. DORNAN, Mr. SOLOMON, Mr. BAKER of Louisiana, Mr. HANSEN, Ms. DUNN, Mr. HANCOCK, Mr. BALLENGER, Mr. NEY, Mr. FUNDERBURK, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. COOLEY, Mrs. VUCANOVICH, Mr. STUMP, Mr. CREMEANS, Mr. HALL of Texas, Mr. HOKE, Mr. FOX, Mr. SCARBOROUGH, Mr. SENSENBRENNER, Mr. POMBO, Mr. ROYCE, Mr. WILSON, and Mr. GRAHAM):

H.R. 631. A bill to impose limitations on the placing of U.S. Armed Forces under the operational control of a foreign national acting on behalf of the United Nations; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FROST:

H.R. 632. A bill to enhance fairness in compensating owners of patents used by the United States; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 633. A bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself and Mr. PASTOR):

H.R. 634. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, and Mr. HANCOCK and Ms. DUNN):

H.R. 635. A bill to amend the Internal Revenue Code of 1986 to expand the excise tax exemption for air transportation for the purpose of providing medical care; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 636. A bill to amend section 207(m) of the Fair Labor Standards Act of 1938 to eliminate the partial overtime exemption for employees that perform services necessary and incidental to the sale and processing of green and cigar leaf tobacco; to the Committee on Economic and Educational Opportunities.

By Mr. KIM:

H.R. 637. A bill to limit eligibility of aliens for public welfare assistance to aliens permanently and lawfully in the United States; to the Committee on Commerce, and in addition to the Committees on Economic and

Educational Opportunities, Agriculture, Ways and Means, Banking and Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. STARK, Mr. SHAYS, Mr. GONZALEZ, Mrs. COLLINS of Illinois, Mr. MEEHAN, Mr. TORRICELLI, Mr. YATES, Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. CLAY, Mr. NADLER, Mr. FOGLIETTA, Ms. ESHOO, Ms. WOOLSEY, Mr. EVANS, and Ms. VELAZQUEZ):

H.R. 638. A bill to abolish the National Board for the Promotion of Rifle Practice and to eliminate the promotion of civilian marksmanship by the Department of Defense; to the Committee on National Security.

By Mr. RAHALL:

H.R. 639. A bill to make technical amendments relating to three units of the National Park System in the State of West Virginia; to the Committee on Resources.

H.R. 640. A bill to modify the boundaries of three units of the National Park System in the State of West Virginia; to the Committee on Resources.

By Mrs. SCHROEDER (for herself, Mr. SHAYS, Mrs. LOWEY, Mrs. MORELLA, Mr. WAXMAN, and Mr. TORKILDSEN):

H.R. 641. A bill to amend the Civil Rights Act of 1964 to protect first amendment rights, and for other purposes; to the Committee on the Judiciary.

By Mr. STUMP:

H.R. 642. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to an amount equivalent to a $1 million exclusion; to the Committee on Ways and Means.

Mr. THOMPSON:

H.R. 643. A bill to extend the effectiveness of an exemption from the requirements of the Depository Institution Management Interlocks Act; to the Committee on Banking and Financial Services.

H.R. 644. A bill to amend the Appalachian Regional Development Act of 1965 to include additional counties in the State of Mississippi as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. DORNAN (for himself, Mr. BURTON of Indiana, and Mr. CALLAHAN):

H.J. Res. 61. Joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*; to the Committee on National Security.

By Mr. FRANKS of New Jersey (for himself, Mr. CONDIT, and Mr. GILLMOR).

H.J. Res. 62. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 16. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union; considered and agreed to.

By Mr. FLANAGAN (for himself, Mr. HAYWORTH, Mr. DREIER, Mr. LAHOOD, Mr. EWING, Mr. PAXON, Ms. MOLINARI, Mr. LARGENT, Mr. BARR, Mr. TALENT, Mr. WATTS of Oklahoma, Mr. LATHAM, Mr. LATOURETTE, Mr. FRISA, Mr. WAMP, Mr. ENGLISH of Pennsylvania, Mr. HOSTETTLER, Mr. HASTERT, Mr. MCINTOSH, Mr. ENSIGN, Mr. NETHERCUTT, Mr. CRANE, Mr. DELAY, Mr. ROHRABACHER, Mr. MOORHEAD, Mr. HANCOCK, Mr. EHRLICH, Mr. FUNDERBURK, Mr. NEY, Mr. WELLER, Mr. CAMP, Mr. FORBES, Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. BOEHNER, Mr. SCHIFF, Mr. BRYANT of Tennessee, Mr. MARTINI, Mr. HASTINGS of Washington, Mr. DAVIS, Mr. HYDE, Mr. LEACH, Mr. CHABOT, Mr. BROWNBACK, Mr. HILLEARY, Mr. MCCOLLUM, Mr. WALKER, Mr. SOLOMON, Mr. ARMEY, Mr. GRAHAM, Mr. GANSKE, Mr. LONGLEY, Mr. CHAMBLISS, Mr. NORWOOD, Mr. HEINEMAN, Mrs. CUBIN, and Mr. CHRYSLER):

H. Con. Res. 17. Concurrent resolution relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget; to the Committee on Rules.

By Mr. SOLOMON:

H. Res. 43. Resolution to amend clause 2(g)(3) of House rule XI to permit committee chairman to schedule hearings; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BAKER of Louisiana, Mr. CHABOT, Mr. CONDIT, Mr. LIVINGSTON, Mr. LUCAS, Mr. MEEHAN, Mr. MOORHEAD, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. RAMSTAD, Mrs. SEASTRAND, Mr. SOUDER, Mr. WALKER, and Mr. KLUG.

H.R. 5: Mr. MILLER of Florida.

H.R. 8: Mr. DREIER, Mr. ROBERTS, and Mr. POMBO.

H.R. 13: Mr. WELDON of Florida and Mr. WELLER.

H.R. 28: Mr. MCKEON.

H.R. 42: Mr. JEFFERSON, Mr. HINCHEY, Mr. MCDERMOTT, and Mr. KLECZKA.

H.R. 47: Mr. DELAY, Mr. DOOLITTLE, Mr. FORBES, Mr. NEY, Mr. JONES, Mr. LAUGHLIN, Mr. ROYCE, Mr. SAXTON, and Mr. FOX.

H.R. 65: Mr. GEJDENSON and Mr. LATOURETTE.

H.R. 103: Mr. HASTINGS of Florida, Mr. JOHNSTON of Florida, and Mr. MARTINEZ.

H.R. 104: Mr. SENSENBRENNER and Mr. KINGSTON.

H.R. 109: Mr. LIPINSKI, Mr. JOHNSTON of Florida, Mr. LATOURETTE, Mr. HEFNER, Mr. SKELTON, and Mr. GRAHAM.

H.R. 127: Mr. KNOLLENBERG, Mr. FROST, and Mr. SAWYER.

H.R. 139: Mr. BUNNING of Kentucky and Mr. EVANS.

H.R. 142: Mr. PETERSON of Florida, Mr. BUNNING of Kentucky, Mr. SKELTON, and Mr. STUMP.

H.R. 201: Mr. FROST, Mr. BALLENGER, Ms. DANNER, Mr. NEY, Mr. SOLOMON, Mr. PETE GEREN of Texas, Mr. FORBES, Mr. PACKARD, Mr. HALL of Texas, and Mr. BLUTE.

H.R. 217: Mr. MOORHEAD.

H.R. 218: Mr. LATOURETTE.

H.R. 303: Mr. LATOURETTE.

H.R. 325: Mr. HOSTETTLER, Mr. NEUMANN, and Mr. DAVIS.

H.R. 326: Mr. MARTINEZ.

H.R. 359: Mr. SERRANO, Mr. CHRYSLER, Mr. LATOURETTE, and Mr. RICHARDSON.

H.R. 393: Mr. SMITH of New Jersey.

H.R. 449: Mr. FATTAH.

H.R. 450: Mr. MARTINEZ and Mr. HOEKSTRA.

H.R. 452: Mr. EVANS.

H.R. 483: Mr. GEJDENSON, Mr. PORTMAN, Mr. CRANE, Mr. BARTON of Texas, Mr. FIELDS of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DE LA GARZA, Mr. HANCOCK, Ms. PRYCE, Mr. STEARNS, Mr. PETE GEREN of Texas, Mr. SENSENBRENNER, Ms. ESHOO, Mr. GENE GREEN of Texas, Mrs. LOWEY, and Mr. LAZIO of New York.

H.R. 485: Mr. COX and Mr. BILBRAY.

H.R. 489: Mr. CALVERT and Mr. HEFLEY.

H.R. 490: Mr. CALVERT, Mr. LUCAS, and Mr. ROBERTS.

H.R. 512: Mr. LIPINSKI.

H.R. 519: Mr. STUMP.

H.R. 521: Mr. WELLER.

H.R. 558: Mr. BALDACCI and Mr. LONGLEY.

H.R. 587: Mr. BERMAN.

H.R. 599: Mrs. SMITH of Washington and Ms. FURSE.

H.R. 613: Mr. STARK.

H.J. Res. 24: Mr. GOSS, Mr. SOLOMON, and Mr. CHRISTENSEN.

H.J. Res. 28: Mr. BACHUS, Mr. BILBRAY, Mr. BUNNING of Kentucky, Mrs. JOHNSON of Connecticut, Mr. LEWIS of California, Mr. SHAW, Mrs. SMITH of Washington, Mr. UPTON, and Mrs. WALDHOLTZ.

H. Res. 33: Mr. EVANS, Mr. BERMAN, and Mr. BOUCHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. LEVIN OF MICHIGAN

AMENDMENT NO. 162: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) relates to controlling, deterring, preventing, prohibiting, punishing, or otherwise mitigating child pornography.

H.R. 5

OFFERED BY: MR. LEVIN OF MICHIGAN

AMENDMENT NO. 163: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) relates to controlling, deterring, preventing, prohibiting, punishing, or otherwise mitigating child pornography.

H.R. 5

OFFERED BY: MR. PALLONE

AMENDMENT NO. 164: (1) In Sec. 301, in the proposed Section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the coastal waters of the United States.

H.R. 5

OFFERED BY: MR. PETERSON OF MINNESOTA

AMENDMENT NO. 165: In section 301, in the proposed section 424(a)(2)(A) of the Congressional Budget Act of 1974, strike "$100,000,000" and insert "$50,000,000".

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 166: In section 301, in the proposed part B of the Congressional Budget Act of 1974, strike section 425 (and revise the subsequent proposed sections and references thereto accordingly).

H.J. RES. 1

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 45: At the end of section 4 add the following:

"Total receipts shall not include receipts (including attributable interest) of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund, or any successor funds."

H.J. RES 1

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 46: At the end of Section 4 add the following:

"No legislation to enforce or implement this Article may impair any payment or other benefit under the Medicaid program."

EXTENSIONS OF REMARKS

PROPOSED HISTORY STANDARDS CRITICIZED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. BEREUTER. Mr. Speaker, there has been much controversy surrounding the national history standards proposed by the National Center for History in the schools at the University of California, Los Angeles. As many others have pointed out, these proposed standards contain many obvious omissions and present a slanted view of American history. This Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on January 19, 1995.

HISTORY STANDARDS ARE FAR OFF THE MARK

The academic committee that produced national standards for teaching history will take another look at its work. Certainly another look is in order. A number of historians and teachers have condemned the standards as anti-European and anti-American.

Two sets of standards were produced, one for American history and one for world history. Both have been widely criticized. Gary Nash, a University of California at Los Angeles history professor who was involved in both projects, said, "We will look for examples of ideological bias or imbalance and will make appropriate changes."

The group shouldn't have to look far. Liberal academics in the project snuffed attempts by others on the committee to include time-honored mileposts in U.S. history and world history. The resulting standards consist of a dizzying list of politically correct concepts, including detailed attention to marginal events and people who seem to have been included mainly as examples of white, European, male imperialism.

A gathering of early feminists in Seneca Falls, N.Y., is mentioned nine times in the U.S. history standards. Nowhere do the standards acknowledge the first meeting of Congress. The Ku Klux Klan is mentioned more frequently than George Washington. Sen. Joseph McCarthy, whose memory is hated because of his often-imprecise charges of communist infiltration in American institutions, receives more attention than Thomas Paine and other early leaders whose words continue to inspire freedom fighters around the world.

However, other societies escape the harsh criticism directed at the United States. In the world history standards, the Aztec culture is praised for its achievements in astronomy and agriculture. But the historians give the Aztecs a free pass on the subject of their practice of human sacrifice. It isn't mentioned.

The world history standards focus disproportionately on long-dead cultures that contributed little to life as it is currently lived in most parts of the world. But the standards treat almost as an afterthought the main sweep of civilization that stretched from the Fertile Crescent through Greece and Rome, through the Middle Ages and the Renaissance and the Enlightenment to the ultimate flowering of democracy across much of the globe.

Defenders of the standards say that they are only a guide. Even if adopted by President Clinton's Goals 2000 program, the defenders say, the standards are merely advisory.

But "advisory" standards have a way of becoming mandatory. They need to be reviewed before they take effect.

Eliminating anti-Western and anti-American bias, even if the original authors were able to do that, wouldn't solve all the problems. The standards also sneer at the traditional process of learning facts about important people, ideas and events. Rather, a sloppy, game-playing approach is encouraged. Students are to "learn" by making up imaginary conversations among historical figures. Or they are to speculate about what it was like to be a member of an oppressed group in the Middle Ages. One suggestion is to conduct a mock trial of John D. Rockefeller.

It is absurd to suggest that accurate historical insights can be achieved by people who don't have their facts straight.

Indeed, as one critic suggested, the standards appear to be "seriously flawed in concept, in tone and in content throughout." The drafters of the standards have far to go in addressing the serious concerns that have arisen.

TRIBUTE TO NEWTON AND ROCHELLE BECKER

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. WAXMAN. Mr. Speaker, we ask our colleagues to join us in recognizing Newton and Rochelle Becker for their generous support of the House of Justice, Bet Tzedek Legal Services in Los Angeles.

Newton and Rochelle Becker have made the largest single private contribution to Bet Tzedek in its 20-year history. They have specifically earmarked this gift for the purchase of state-of-the-art computer equipment and software to bring Bet Tzedek's quality legal services to an even higher level of excellence. In honor of their profound commitment and generosity, Bet Tzedek is naming its library in their honor.

Newton and Rochelle Becker have a tremendous devotion to quality legal representation for the disadvantaged and have played a significant role in providing legal services for tenants, consumers, employees, and victims of fraud. They believe that equality before the law is an empty slogan as long as access to quality legal services is denied those without financial means. Their work for Bet Tzedek has advanced in a most tangible way the ideal of equal representation under the law.

We ask our colleagues to join us in thanking the Beckers for their great contribution to our community and in wishing them great success in all future endeavors.

IN HONOR OF CHIUNE AND YUKIKO SUGIHARA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Ms. PELOSI. Mr. Speaker, I rise today to bring to the attention of the Congress the work of an extraordinary couple, Chiune and Yukiko Sugihara, who against their own government and amid a sea of hostility, saved the lives of thousands of Jewish men, women, and children from the horrors of the Holocaust. Together, they will be remembered, as Raoul Wallenberg and Oskar Schindler are, for their isolated acts of defiance and extraordinary courage and resistance against the Nazi horrors.

In the summer of 1940, Chiune Sugihara, a minor official in Japan's Foreign Ministry, was stationed in the Japanese Consulate in Kaunas, Lithuania. After the Nazi blitzkreig of Poland, thousands of Jewish refugees fled to that tiny country. In Kaunas, rumors began that the Consulate was issuing transit visas, and crowds of hopeful applicants gathered outside the consulate gates. At this time, it is unclear what the Sugiharas were feeling. According to the Holocaust Oral History Project, it is possible that Sugihara was introduced to the brutality of the Nazi regime and to the plight of the Jewish refugees in Lithuania after befriending a young Jewish boy, named Solly Ganor, who had gone to the consulate asking for stamps. Whatever the motivation, the need for action, in the Sugiharas' mind, was clear: without action, many of the Jewish refugees would die.

Chiune Sugihara cabled his government three times, asking permission to grant visas. Each time, permission was denied. After consulting with his wife, Sugihara simply chose to issue the visas on his own authority. His wife recollects: "He told me, 'Yukiko', I'm going to issue the visas. I'm going to go against the Foreign Ministry. On this, my husband and I were one." The record of his actions is undeniable: the records of the Japanese Foreign Ministry show that Sugihara issued 2,139 visas in the time between July 9 and August 31, 1940. Each visa was for a household, and it is estimated that between 6 to 10 thousand people may have received passage out of the path of the darkness befalling other Jewish populations throughout Europe. Those who received the precious paper left Lithuania by way of the Trans-Siberian Railway, then by ship to Japan, where most stayed only briefly before leaving, via China, to other destinations.

When the Soviets invaded Lithuania, all the consulates were ordered closed, yet Sugihara obtained an extension to continue his work. He issued visas from a nearby hotel. His wife massaged his hands to enable him to continue writing each handwritten visa. Even as he and his wife were finally forced to leave Kaunas, he continued writing visas on the train platform. His wife remembers: "Even as the train

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

started going, he continued writing, leaning out of the window. Finally, he said 'Forgive me. I cannot write any more. I pray for your good luck.' People started to run alongside the train, and one of them shouted, 'Sugihara, we will not forget about you. We are going to see you again.'"

It was not until 1968, however, before this would happen. After the war, he was fired from his post with the Foreign Ministry, and worked at odd jobs before working in Moscow for a Japanese trading company. Finally, he was tracked down by one of the refugees whose life he had saved. Finally, nearly 30 years later, he was honored in Israel as a righteous gentile, an honor bestowed upon those who had worked to save Jews from the Holocaust. Though Sugihara died in 1986, his wife, Yukiko, has been honored in Japan by Jewish-Americans who benefitted from his visas, as well as by surviving members of the famed Japanese-American combat battalions who liberated Dachau and, finally, by the Japanese Government. On Sunday, January 22, Yukiko Sugihara will be honored in San Francisco for the bravery, compassion, and humanity exhibited by her and her husband.

Mr. Speaker, it is difficult to truly express the legacy of the Sugiharas. But the best legacy cannot be expressed in words, but seen in their good works: the lives of the people they saved. Their continued presence, and their families' presence, gives inspiration and hope to future generations of humanity.

AMENDING HOUSE RULES TO PERMIT CHAIRMEN TO SCHEDULE COMMITTEE HEARINGS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. SOLOMON. Mr. Speaker, today I am introducing a change in House rules designed to restore what has been the practice in this House for as long as I have been here, and that is to allow committee, and by implication, subcommittee, chairmen to schedule hearings of their committees and subcommittees.

Clause 2(g)(3) of House rule XI requires each committee to announce hearings a week in advance unless the committee determines there is good cause to schedule a hearing sooner. While it has been the standing practice of committees to defer to the discretion of their chairmen to make this decision in setting hearings, according to the Parliamentarian's Office, committee should mean committee. Under clause 2(g)(5) of rule XI, if a point of order is made against any improper hearing procedure in a timely manner in committee, and is improperly overruled or not considered, then it may be renewed on the floor against consideration of the bill that was the subject of the improper hearing.

Such an instance has arisen already in this Congress, and, as far as we can determine, is the first time that a chairman's authority to schedule hearings has been challenged. As a result, we will have to waive that point of order to consider the bill in question.

Mr. Speaker, in checking on the legislative history behind this rule, there is no explanation as to why the word "committee" is used regarding the announcement of hearings as opposed to "chairman." The fact is that clause 2(c)(1) of rule XI already authorizes committee chairmen to call committee meetings without any prescribed advance notice. Certainly committee meetings, at which bills are marked-up and reported, are far more important than hearings.

Finally, Mr. Speaker, I would think that Members would want to encourage chairmen to hold hearings as opposed to not doing so for fear of inviting points of order; or, in the alternative, of having to convene a committee meeting with a quorum present to first authorize any hearing.

It would be my expectation that committee chairmen would not abuse this new rule by calling spur of the moment hearings under their authority to give less than a week's notice, and that this will only be done in the most urgent of circumstances.

But I do think it is important that we allow committees to proceed with hearings on measures whenever possible, and that we not put obstacles in the way of chairmen who want to hold hearings prior to marking-up and reporting legislation.

I intend to hold a markup on this rule change later this week so that we can proceed in an orderly fashion with hearings in this Congress.

The text of the resolution follows:

H. RES. 43

That, in rule XI of the Rules of the House of Representatives, clause 2(g)(3) is amended clause to read as follows:

"(3) The chairman of each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the chairman of the committee determines that there is good cause to begin the hearing sooner, the chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.".

THE STAFF PROTECTION ACT OF 1995

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. HORN. Mr. Speaker, today I have introduced, on behalf of myself and 18 of my colleagues from both sides of the aisle, the Staff Protection Act of 1995, H.R. 628.

This title speaks directly to the nature of this legislation. Currently, under the United States Criminal Code, our staff members are not protected from assault, threats, or violence caused to them while performing their official duties.

I learned of this breach in the law through personal experience. In 1993, I and members of my District office staff, were threatened repeatedly by a person with a record of violence. Several staff members were forced to endure this harassment on a daily basis and became fearful of their physical safety. After making direct threats on the lives of staff members, this person was indicted by the U.S. attorney and arrested. I was subpoenaed to testify in Federal court in Los Angeles about the threats made against me and members of the staff. Due to my appearance in court, I missed five important votes.

Unfortunately, the only attainable evidence was of this person physically threatening my district director and not me personally. Since the United States Code does not protect members of one's official staff, the judge dismissed the case. As a result, this individual was released, and the staff's safety and peace of mind have continued to be placed in jeopardy.

My staff is not the only one to suffer from this kind of harassment. Many of us know of other offices where violence to the staff has been threatened and/or acted upon. This measure will ensure that congressional staff and their families have the same legal protection afforded to Members of Congress and their families. There is no reason why Federal law should not protect members of our staffs while they are serving in an official capacity.

Mr. Speaker, this proposal has received broad, bipartisan support. It costs nothing to change the law. The benefit is the safety of those who serve this institution and our constituents with immeasurable dedication and loyalty.

I enclose the text of H.R. 628:

H.R. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Staff Protection Act of 1995".

SEC. 2. PROTECTIONS FOR STAFF OF CERTAIN OFFICIALS.

Section 115 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting "a member of the staff or" before "a member of the immediate family";

(2) in subsection (a)(1)(B), by inserting "or a member of the staff of such an official, judge, or law enforcement officer;" after "under such section,";

(3) in the matter following subparagraph (B) in subsection (a)(1), by striking "or law enforcement officer" each place it appears and inserting "law enforcement officer, or member of the staff"; and

(4) in subsection (c)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) 'member of the staff' includes any person acting in a staff capacity, whether on a paid or unpaid basis.".

SAUDI ARABIA'S UNFAIR TREATMENT OF GIBBS & HILL, INC.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to express my continued disappointment and frustration with the Government of Saudi Arabia and its ongoing unfair treatment of the American company Gibbs & Hill, Inc. [GHI]. In the late 1970's and 1980's GHI was decimated by financial losses incurred on the design of a desalination project in Saudi Arabia as a result of the kingdom's failure to honor its contractual obligations. In an effort to bring about a fair and expeditious settlement for GHI and other American companies with claims against Saudi Arabia, Congress established a special claims process following hearings before the House Foreign Affairs Committee. GHI is the last remaining company whose claim has not been paid by the Saudi Arabian Government under this process.

For more than a year, a bipartisan coalition in both the House and Senate, as well as the administration, have worked to fairly resolve the GHI claim. At several points during this process, Saudi Ambassador Bandar and other high-ranking Saudi officials made commitments to Congress and the administration that the GHI claim would be resolved in a fair and expeditious manner and that no effort would be spared in resolving the GHI claim. During this time, Congress and the administration have been lead to believe that the Saudi Government was committed to working toward a fair settlement of the GHI claim. As recent as 3 months ago, Ambassador Bandar meet with, and gave assurances to, Senator FRANK LAUTENBERG and GHI's chairman that a shared commitment existed to achieve a prompt and fair resolution of the claim. This was followed by explicit commitments from high-level Saudi officials in both Washington and Riyadh that this claim would be paid. Unfortunately, in a recent communication to GHI, the Saudi Embassy contradicts these explicit commitments.

I am dismayed by the delaying tactics of the Saudi Embassy. It is my belief that what should have been an open and closed issue is beginning to grow into a significant strain on United States-Saudi relations. The Saudi Government's disregard for this American company that has provided services to the kingdom is unacceptable.

The time is now for the Saudi Government to live up to its commitments to me, my colleagues, the administration, and GHI. My colleagues and I require a full and prompt payment of this claim to successfully conclude this important claim issue.

TRIBUTE TO SAM IRMEN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Ms. KAPTUR. Mr. Speaker, today I rise in tribute to a man who for 46 years has represented the very best traditions of citizenship, corporate involvement, and support for his community.

Sam Irmen began his career at a time when employers and companies were truly involved in their communities and served as a base of support and stability for their communities.

Sam began his career with the Andersons of Maumee, OH, 46 years ago, and rose to the position of vice president and group manager of the grain division. And for those 46 years, he sought to share with his community and advantages his position gave him and the resources that his company could utilize to better his community.

To Sam and his wife Charlee and their seven children, both his company and his community, Maumee, OH, were there home. Sam never stopped contributing. He served on the elementary school board, as president of the church's parish council, and as president of the school board at St. John's High School. He also served as a member and past vice president of the Maumee Chamber of Commerce.

Good men and women can contribute endlessly when their companies encourage participation. Over the course of his 46 years with the Andersons, Sam's business participation stretched throughout the business community. He is a member of the board of directors at Mid Am National Bank & Trust Co., a member and past president of the National Grain and Feed Association and past chairman of the Grain Grades and Weights Committee, a member and past international president of the Grain Elevator and Processing Society, and a member of distinction of the Grain Elevator and Processing Society.

In addition to these contributions and responsibilities, Sam has led numerous government and trade task forces, served three terms as president of the Toledo Board of Trade, and was a designated representative of agriculture on Ohio Governor Celeste's 1984 Ohio Trade Mission to the Far East.

Simply put, Sam Irmen's career and contributions to his community deeply reflect the bonds that should join every company to its community.

I would like all my distinguished colleagues to join me in congratulating Sam, his wife Charlee, and their wonderful family for 46 years of service and contributions to his company and his community. My fervent hope is that his career will become a lesson for future employees and their companies. His is an example we should all emulate.

INTRODUCTION OF A JOINT RESOLUTION PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce, with Representatives CONDIT and GILLMOR, a joint resolution proposing a balanced budget amendment to the Constitution. I plan to offer this legislation as an amendment in the nature of a substitute to House Joint Resolution 1, when the House considers that bill later this week.

Mr. Speaker, this legislation is substantially similar to House Joint Resolution 1, but with two crucial differences. First, this legislation strikes the three-fifths provision to raise taxes contained in section 2 of House Joint Resolution 1. While I am steadfastly opposed to raising taxes, the controversy surrounding this provision could hamper passage in the Senate and make it more difficult to achieve the requisite two-thirds vote in the House of Representatives.

Second, this legislation includes a provision prohibiting new unfunded Federal mandates. We strongly believe that a ban on unfunded mandates is essential to prevent a future Congress from balancing the Federal budget merely by shifting costs and responsibilities to State and local governments.

The supporters of the other versions of the balanced budget amendment contend that there are only two ways to balance the budget—either by cutting spending or increasing taxes. But the truth is there's a third, more insidious option where the Congress would mandate expensive Federal programs onto State and local governments and require local taxpayers to pick up the tab. Judging from the past, it is clear that Congress will use any means available to avoid hard budget choices. I believe that closing the unfunded mandates loophole is imperative to preserve the integrity of the balanced budget amendment and ensure protection for local taxpayers.

Mr. Speaker, including an unfunded Federal mandates provision as part of the balanced budget amendment is the only ironclad way to protect local taxpayers. Although I welcome and support efforts to solve the unfunded mandates issue by passing a statute, the sorry fact is that Congress is adept at finding ways to circumvent statutory law in order to escape from fiscal accountability.

Additionally, it is important to note that Republicans and Democratic Governors have rightly expressed their reluctance to encourage their State legislatures to ratify a balanced budget amendment without a provision specifically prohibiting new unfunded Federal mandates. Inclusion of a provision to ban unfunded Federal mandates will markedly improve chances of ratification by the States.

Mr. Speaker, this legislation has the support of the National League of Cities and the National Conference of State Legislatures [NCSL]. The support of NCSL is especially noteworthy, as it is their members who will be ultimately deciding the fate of the balanced budget amendment.

Consideration of the balanced budget amendment presents Congress with a unique and historic opportunity to permanently resolve the issue of unfunded Federal mandates. Moreover, it provides assurance that Congress will not meet its obligations under the balanced budget amendment by imposing unfunded mandates on State and local governments. I urge my colleagues to support the Franks-Condit-Gillmor balanced budget amendment, which I believe represents the version of the balanced budget amendment that will be most enthusiastically ratified by three-fourths of the States.

HONORING THE RETIREMENT OF WILLIAM BEHAN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to honor Mr. William (Bill) Behan, a resident of Woodbridge, VA, a dedicated American and outstanding public servant. Mr. Behan has officially announced his retirement from the Federal Aviation Administration, and will retire on February 3, 1995.

Mr. Behan will have accumulated over 33 years of combined Federal service, starting with the U.S. Marine Corps in 1961 and 24 years with the FAA beginning in 1971. In his 24 years with the FAA Mr. Behan has held many different positions in numerous States. During the past 4 years, Mr. Behan has been assigned to FAA headquarters in Washington, DC, as Manager of the Air Traffic Plans and

Programs Division, where he has done an outstanding job.

Over the years Mr. Behan has received many awards and recognition for his services to the flying public. He was recently recognized by the Secretary of Transportation for accomplishments on the Level I Contract Tower Management Team and received the FAA Administrator's Superior Accomplishment Award in 1994 for excellence for increasing representation of women and minorities in GS–13 and above positions from 10 percent to more than 60 percent. Mr. Behan is regarded by his friends and coworkers alike as a public servant dedicated to ensuring the flying public the highest quality of safety and service. His dedication and devotion to duty will be sorely missed.

Mr. Speaker, I know the rest of my colleagues join me in recognizing Mr. Behan for his many years of selfless public service and wish him well in his retirement.

TRIBUTE TO THE WEST ANGELES COMMUNITY DEVELOPMENT CORP. AND ITS EXECUTIVE DIRECTOR, LULA BAILEY BALLTON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. DIXON. Mr. Speaker, I rise today to recognize and salute the West Angeles Community Development Corp. [West Angeles CDC] and its executive director, Mrs. Lula Bailey Ballton. Under Mrs. Ballton's outstanding and innovative leadership, West Angeles CDC is working to empower residents of the Los Angeles community. Located in my congressional district, the West Angeles CDC was established for the purpose of promoting, developing, and fostering economic development, social justice, and community transformation opportunities in and around the Crenshaw community.

West Angeles CDC's approach to economic development is simple: to attain and maintain local control of capital and management of community assets. Progeny of the West Angeles Church of God in Christ and its spiritual leader—Bishop Charles E. Blake—West Angeles CDC understands that the key to an economically secure future rests in achieving economic parity. To help residents of the community accomplish this goal, West Angeles CDC forms new partnership arrangements with the private sector to create new jobs and stimulate economic activity in the community.

West Angeles CDC offers several important training initiatives to help the community prepare for the new jobs that come into the area as a result of the organization's outreach. Through its Adult Learning Center, classes are offered in computer applications, clerical training, English as a second language, and business skills critical to enhancing employment opportunities for residents. Nearly 100 trained tutors, operating under the auspices of the West Angeles Literacy Empowerment Team [WALET], work to improve the reading and comprehension skills of students.

West Angeles CDC's executive director, Mrs. Lula Bailey Ballton, has been instrumental in steering the organization toward its goals. Under her leadership, a program is being developed to rehabilitate low-income, mixed-income, and affordable housing in communities surrounding the West Angeles Church. Future plans call for the development of a senior low-income housing project and providing comprehensive services such as housing rehabilitation mortgage counselling, and housing development.

Educator, businesswoman, and attorney, Lula Bailey Ballton brings a wealth of experience to her position. She has served on the faculties of several colleges and universities, including city colleges of Chicago, Los Angeles City College, and El Camino College. She also served as director of education for the Chicago Urban League, and founded the Whitney M. Young Scholarship and the Edwin Berry Loan Fund. In 1984, she founded SCHOOL SEARCH, Inc., a school finders service. She chairs the corporation's board of directors.

Mrs. Ballton received a juris doctorate in 1990 from the UCLA School of Law. She served as an attorney in the civil rights division of the California Department of Justice, and prior to joining West Angeles CDC, was with the law firm of Bryan, Cave, McPheeters, and McRoberts.

Residents in and around the Crenshaw community are indeed fortunate to have an individual of Mrs. Ballton's statute at the helm of West Angeles CDC. Her skills are formidable and will be a tremendous asset to the organization as it moves to launch several other programs, all designed to bring self-sufficiency and economic parity to the community.

Mr. Speaker, I am very pleased to have this opportunity to salute the fine work being done by the West Angeles Community Development Corp. and Mrs. Lula Bailey Ballton. I ask my colleagues to join me in extending to them best wishes for continued success as they persevere to fulfill a commitment to community empowerment.

TRIBUTE TO COL. GEORGE M. MATTINGLEY, JR., USAF

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. FIELDS of Texas. Mr. Speaker, I rise today to pay tribute to Col. George M. "Matt" Mattingley, Jr., as he retires after more than 24 years of distinguished service with the U.S. Air Force.

Colonel Mattingley is retiring from his position as the Chief of the Inquiry Division, Office of the Secretary of the Air Force. In this capacity, he was responsible for the preparation of replies in behalf of the Secretary of the Air Force to constituent inquiries from all Members of this Chamber as well as our colleagues in the Senate. Equally significant was his responsibility to the White House and the Office of the Vice President for similar constituent services.

As a spokesman for the Secretary of the Air Force, he made numerous visits to Capitol Hill to confer personally with Members of Congress on a broad range of topics—personnel management, entitlements eligibility, health care administration, and military justice. He established and fostered positive working relations with our district military caseworkers, enabling us to work on sensitive constituent issues in a timely manner.

Many Members have traveled with Matt, who led numerous delegations worldwide. Matt and his subordinates went to great lengths to make them comfortable, frequently working long hours to accommodate their changes in itinerary and unique travel requirements.

The freshman of the 103d Congress got to know Matt particularly well as Matt was the Department of Defense and Department of the Air Force representative who provided the logistics and protocol support for their orientation here in Washington and at Harvard University.

Mr. Speaker, I join my colleagues in expressing our sincere appreciation not only for outstanding service to the legislative and executive branches, but also as one of the consummate executives of the Air Force.

TRIBUTE TO DALE LAURANCE

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. WAXMAN. Mr. Speaker, we ask our colleagues to join us in saluting Dale Laurance, executive vice president of Occidental Petroleum Corp., for the great contribution he has made to the nonprofit "House of Justice," Bet Tzedek Legal Services of Los Angeles.

Dale Laurance became deeply involved in the work of Bet Tzedek through his close friends, Jerry Coben and Jerry Stern. He has brought tremendous energy and an abundance of talent and creativity to this work. He has also enlisted the assistance of a vast circle of businesses and professionals, who were drawn to Bet Tzedek by his persuasive presentation of its goals, accomplishments, and effectiveness. A great amount of the service that Bet Tzedek is able to provide the poor and the elderly in Los Angeles can be traced directly to Mr. Laurance's tireless efforts on Bet Tzedek's behalf.

Mr. Laurance also deserves our recognition for a distinguished career in petroleum engineering, and for his signal contributions to the arts as a major sponsor of the Armand Hammer Museum and Cultural Center and as managing director of the Joffrey Ballet.

We ask our colleagues to join us in expressing our great appreciation to Mr. Laurance for putting valuable time and effort into the work of Bet Tzedek and in congratulating for the honor that Bet Tzedek is conferring on him.

HONORING CONGRESSIONAL PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 103d and 104th Congresses.

We all recognize the important role that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

The Fall 1994 class of pages witnessed many important and historical events and debates, including the approval of the General Agreement on Trade and tariffs, President Clinton's address to Congress and the Nation on his health care reform proposal. The pages also were present for the historic speech by President Nelson Mandela of South Africa to the joint session of Congress, and had the opportunity to meet and speak with President Mandela. The pages also witnessed the orderly transfer of power in the House from the Democrats to the Republicans—a tribute to the strength of American democracy.

I am sure the departing pages will consider their time spent in Washington, DC to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

DEPARTING PAGES: FALL 1994–1995

Amy E. Accavitti, Seth A.G. Andrew, Matthew D. Atkinson, Bart M. Bartlett, Robecca H, Berkun, Jacqueline A. Bethea, Joanna L. Bowen, Jessica Brater, Allison Burdick, Erin C. Carney, Michael A. Carter, Krista Clarkson, Keyundah Coleman, Janey C. Crawford, Amy J. Crocker, Robert Cuthbert, Anastasios C. Drankus, Kathleen K. Duffy, Michael D. Ellison, Cathryn Caroline Fayard, Michael P. Fierro, Kristin M. Francis, Janine D. Geraigery, Jennifer C. Gerard, Melissa, A. Hayes, Joseph R. Hill, Derek J. Johns, La Toya Johnson, Julia C. Kelly, Lisa N. Konitzer, Marcos A. Lopez, Ross C. Maradian, Sabrina M. Meier, Ryan D. Offutt, Neil A. Reyes, Hannah R. Riordan, Claudia V. Rocha, Michael J. Ryan, Estevan O. Sanchez, Tarik D. Scarlata, James D. Stone, Rosalind V. Thompson, Corey S. Tucker, Lakisha M. Vaughn, Emily J. Waldon, Brian R. Wellman, Hubert E. Wells, Vincent G. Wilhelm, John C. Williams, Aaron B. Willimson.

TRIBUTE TO WILLIAM "W.C." GORDEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. THOMPSON. Mr. Speaker, I stand today to recognize the outstanding achievements of William "W.C." Gorden of Jackson, MS. Gorden, a long-time instructor, coach and athletic administrator at Jackson State University, is an outstanding educator, civic leader, and mentor to many young people. He has a national reputation for his athletic accomplishments and community involvement.

During his extensive professional career, he has been recognized by his peers as one of the top football coaches in the National Collegiate Athletic Association [NCAA] Division 1–AA. When he retired from coaching in 1991, he ranked third among active NCAA Division 1–AA football coaches in winning percentage. During the decade of the 1980's, he led Jackson State University to eight Southwestern Athletic Conference [SWAC] football championships. He has been named "Coach-of-the-Year" by the Clarion Ledger newspaper, the Sheridan Broadcasting Network and the National Sports Foundation.

During his tenure as Head Football Coach, many players have been drafted into the national Football League. Another measure of his success is the fact that several members of his former coaching staff are currently serving as Head Football Coaches at other universities.

Under his leadership of the Athletic Department, all of Jackson State University's sports programs have been strengthened, the football program has led the nation in home attendance among NCAA Division 1–AA teams, and the university has received several awards from the SWAC conference for its outstanding athletic programs.

Coach Gorden's community involvement is very extensive. He lectures at numerous youth clubs and organizations and elementary and secondary schools. He has also been active in the local Easter Seal telethon and has organized free football clinics for underprivileged youths. He has also encouraged JSU athletes to register to vote and become active in civic affairs. I salute Coach Gorden for his outstanding accomplishments at Jackson State University and in the Jackson community.

TRIBUTE TO GOOD CITIZEN SCHOLARSHIP WINNER MARY ELLEN GREER

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1995

Mr. ROSE. Mr. Speaker, I rise today to recognize a great achievement by a young person from North Carolina's 7th Congressional District, Ms. Mary Ellen Greer.

On Saturday January 21, I had the pleasure of attending a luncheon in Southport, North Carolina, sponsored by the National Society of the Daughters of the American Revolution. This purpose of this luncheon was to honor the winners of the Good Citizens Scholarship Competition. I cannot tell you how encouraging it was to see so many patriotic young people with such a clear understanding of the responsibilities of citizenship.

The winner from District IX was a young lady named Mary Ellen Greer, of Whiteville, North Carolina. Ms. Greer wrote an extraordinary essay entitled "Our American Heritage and Our Responsibility to Preserve It." Mr. Speaker, I would like to share this essay with all of my colleagues, and, therefore, ask that it be printed in the RECORD.

OUR AMERICAN HERITAGE AND OUR RESPONSIBILITY TO PRESERVE IT

(By Mary Ellen Greer)

In the early sixteenth century, a group of weary British pilgrims landed on the Eastern shore of the New World. The voyage had been a difficult one, the first of a long series of hardships that would define the establishment of these people as inhabitants of the New World. Starvation, Indian attacks, and disease wreaked havoc on the lives of these settlers. Nevertheless, they pressed on, inspired by the promises of this new land. They wanted to have a fresh start, to create a way of life for themselves free of religious persecution and oppressive royal rule. And they did survive, sowing the seeds of a nation that would come to represent throughout the world freedom, optimism, and equality.

Well over three centuries have passed since these pilgrims, full of hopes and dreams for the future, settled this new land. During this time, a nation has emerged, larger and more complex than its early settlements, but with the same dreams. The United States of America has been built upon a foundation of hard work, optimism, and trust in God. Its citizens are valued as individuals, but it is cooperation that has made it great. And now it has survived the test of time, standing as a testament to the power of its dreams for all to see.

Americans today not only have the responsibility to preserve this rich heritage, but to learn from it also. Unfortunately, as the nation has grown larger, so have its problems. Today's Americans do not necessarily possess the concern, hard work, and optimism of their forefathers. Many have become apathetic, concerned only about their own lives and believing that they cannot aid in the solutions to bigger problems. The government has begun to lose touch with the people, creating feelings of hostility and distrust between citizens and their leaders. Persecution, too, exists here. Americans are judged and treated unfairly by their fellow Americans because of their religion, their color, or their economic status. It seems as if, in some ways, America has become just the thing from which its forefathers wished to escape.

There is hope, however, for there is one thing that this nation cannot lose. And that is its heritage. This "heritage" is not just a group of historical events. It is not about wars, or presidential terms, or laws passed. Yes, these events, good and bad, are important. They have shaped this nation. But it is something much deeper, much more timeless, that has really created this nation and kept it alive through the centuries, and that is the American spirit. The American spirit is a desire and a commitment to improve, it encompasses qualities such as determination, cooperation, integrity, and most of all, hope. It was alive in the hearts of those first settlers even before they landed on this continent, for the American spirit is not about the land, or about the government and the historical events. It is about the people, and that is the heritage of the United States of America—the people.

It is each person's realization of his or her individual importance to this nation that will preserve this heritage and enable the spirit of America to live on. Therefore, it is every American's duty to support and aid in the institutions that instill this heritage and responsibility—families, schools, churches, civic groups, and the government itself.

However, learning from the past does not mean living in the past. Changes may be needed as the United States enters into the twenty-first century, individual changes, and perhaps more widespread changes also. Americans will not be abandoning the past by considering small, or even radical changes, for that is exactly what its forefathers did when they created this nation. It is by applying the attitudes and dreams of our forefathers to ourselves today that we can truly preserve the American heritage.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 24, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 25

9:30 a.m.

Budget

To hold hearings to review the Congressional Budget Office annual report.

SD–608

Finance

To hold hearings to examine the national economic outlook.

SD–215

Governmental Affairs

To hold hearings to examine Federal Government reform issues, focusing on welfare reform.

SD–342

Rules and Administration

Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business.

SR–301

10:00 a.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings on S.J. Res. 19, proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

SD–226

2:00 p.m.

Foreign Relations

To continue hearings on the United States-North Korea Nuclear Agreement.

SD–419

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

JANUARY 26

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.

SR–332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To resume hearings to examine the management and budgetary situation at the Department of Housing and Urban Development.

SD–192

Armed Services

To hold hearings on the security implications of the Nuclear Non-Proliferation Agreement with North Korea.

SR–222

Budget

To hold hearings on the nation's economic and budget outlook.

SD–608

Finance

To hold hearings to examine the Federal budget outlook.

SD–215

Labor and Human Resources

To hold hearings on activities of the National Endowment for the Arts.

SD–430

10:30 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

2:00 p.m.

Commerce, Science, and Transportation

To hold oversight hearings on activities of the National Railroad Passenger Corporation (Amtrak).

SR–253

Foreign Relations

To continue hearings to examine the Mexico economic situation and U.S. efforts to stabilize the peso.

SD–419

JANUARY 27

9:30 a.m.

Budget

To hold hearings to examine government restructuring proposals.

SD–608

FEBRUARY 1

9:30 a.m.

Governmental Affairs

To continue hearings to examine Federal Government reform issues, focusing on information management systems.

SD–342

MARCH 2

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.

SD–192

MARCH 9

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.

SD–192

MARCH 16

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.

SD–192

MARCH 23

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).

SD–192

MARCH 30

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.

SD–192

APRIL 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.

SD–192

MAY 4

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.

SD–192

CANCELLATIONS

JANUARY 26

10:00 a.m.

Foreign Relations

To hold hearings to examine the Mexico economic situation and U.S. efforts to stabilize the peso.

SD–419

SENATE—*Tuesday, January 24, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal.—I Corinthians 13:1.

Loving God, let Thy love be shed abroad in our hearts. Thy Word declares that love is the fulfilling of the law. Help us to love Thee with all our hearts and our neighbors as ourselves.

As the Congress settles down to the demanding work of legislation, energize them mentally and physically and emotionally. Deliver them from discouragement and frustration. Help them in their deliberations and debate to distinguish between substance and semantics—between rhetoric and reality. Free them from personal and partisan preoccupation that would defeat their aspirations and deprive the people of just and equitable solutions.

Lead us, O God of Love, in the way of peace and unity. Bind us together that we may be strong as a nation and provide for the world the leadership which the Divine economy intends. Guide us in Thy way and in Thy will.

We ask this for Thy glory in the name of Thy Son whose love and sacrifice encompasses all people. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the time for the two leaders has been reserved, and there will now be a period for the transaction of morning business until 10 a.m., with Senators permitted to speak for up to but not to exceed 5 minutes, with the following Senators recognized for up to the designated time: Senator GRASSLEY for up to 5 minutes; Senator ROTH for 5 minutes; Senator CAMPBELL, for up to 10 minutes.

At 10 a.m., the Senate will resume consideration of S. 1, the unfunded mandates bill, and the Senators will be on notice at this time that there are five consecutive rollcall votes scheduled to begin at 4 p.m. today. No further rollcall votes are anticipated after this series. Senators are reminded that we have until 3 p.m. today to offer their amendments for S. 1 to qualify under the unanimous-consent agreement.

The Senate will recess between the hours of 12:30 and 2:15 for the weekly party luncheons to meet. Also, a reminder to our colleagues that the Senators will assemble at 8:30 this evening in the Senate Chamber so we may proceed at 8:35 to the Hall of the House of Representatives for the State of the Union Address.

Mr. President, just one note. We will, as I indicated, be returning to the unfunded mandates bill at 10 a.m. this morning. There will not be any recorded votes until 4 o'clock. I hope the Senate will now really move forward in dispensing with amendments and getting to the point where we can pass this legislation this week, hopefully by Thursday night.

I think there is an outstanding bipartisan support for it. I think any further delays or unnecessary distractions would reflect very poorly on the Senate. I hope that we will move forward on this very important piece of legislation.

Mr. President, I yield the floor at this time.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Iowa is recognized to speak for up to 5 minutes.

Mr. GRASSLEY. Mr. President, I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 262 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. Mr. President, I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 262 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed for 5 minutes.

UNFUNDED MANDATES BILL

Mr. THOMAS. Mr. President, I simply rise to express my concern about the lack of progress that we have made in the last several days on a bill that I think is generally supported in this body, certainly is supported by me and I know is supported by almost all of the leaders in local governments throughout the country.

I have watched the progress or, indeed, the lack of it on S. 1 for 7 or 8 days now. I have listened with a good deal of interest and watched the process, and I must tell you that it is an exasperating process. We have had, I think, more than 100 amendments, many of which were not germane to the issue that is before us. They certainly have to be considered as stalling tactics. I have heard Senators review endlessly the same kinds of issues on the floor which leads one to conclude that nothing more than stalling is happening.

We have heard discussions about previous years and the things that have happened in previous bills that have little, if any, relevance to what we are doing here.

I support the unfunded mandates bill. I think most people in the Senate support this bill, and I think the American people generally support this bill. I have come, as others have, from the House. I served in the Wyoming Legislature, and I have not seen a process which has no apparent purpose or goal be executed as has this one over the last several days.

I do not fully understand yet all of the intricacies, of course, of the U.S. Senate, but I do understand that there is a need to have a process by which people can insist upon more detail, can insist upon more time being taken so that everyone does understand, so that everyone has an opportunity.

But I must tell you that I have not been able to detect that there is any particular goal, that there is any particular purpose being served by the time we have taken here.

I think it is very important that we come to this place after having been through an election recently in which people in this country expressed themselves, I think, very clearly, expressed themselves in terms of wanting this Government to proceed, wanting this Government to move forward, wanting this Government to deal with the issues that are there, that are so apparent.

I think people are tired of unproductive maneuvers throughout the Congress, stalling tactics, and I think this is an example of that.

Mr. President, it seems to me that this delay over unfunded mandates is ultimately useless. The bill will ultimately pass. This will not change the outcome.

The bill is a flexible bill. It does not simply impose unfunded mandates on issues or on people, but it simply says there will be an accounting for what the impact of these proposals will be. It simply says that when there is an accounting that demonstrates an expenditure of over $50 million, that there will be cause for a point of order and a vote so that this Senate will take a look at it. Processwise, if the Senate continues to lag, action will be criticized.

Again, make no mistake, the bill will eventually pass. Changing Washington and changing the way we do business has been called for. It is a long process, but it is happening and it is happening now. Indeed, it should happen. Procedural changes such as a balanced budget amendment, such as limiting unfunded mandates, such as line-item veto, and, indeed, term limits are the kinds of procedural changes that will have an impact over time on the way we govern.

So we are witnessing the first protests of a huge change, and I understand that. Unfunded mandates will be banned. Washington will change. Some will not like it but the people in the country will. I urge us to move forward. I urge us to move forward and do the business of the people of this country.

I thank the Chair. I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

DEATH OF THOMAS YAGI

Mr. INOUYE. Mr. President, I want the people of this Nation to know about the passing of Thomas Yagi, a caring and passionate man who sparked Maui's labor movement nearly a half century ago. He was a good friend and one of Hawaii's great native sons. I ask unanimous consent that the following editorial from the Maui News, dated January 12, 1995, entitled "Tom Yagi: A True Giant of His Times," be submitted for inclusion in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

[The Maui News, Jan. 12, 1995]

TOM YAGI: A TRUE GIANT OF HIS TIMES

In the past decade alone Maui County's population has grown by more than 40 percent, which means a good many people living here now don't know just how big a figure Tom Yagi was in Hawaii's labor movement. Without question, he was as big as they come.

Mr. Yagi, who died Monday at the age of 72, remains unchallenged as Maui's most esteemed labor leader. Through sweat, persistence and undying commitment to his cause in the face of powerful opposition, he rightfully earned that status. No part of his struggle came easy.

Back in the 1940's the word "union" was a dirty word to the owners of the giant plantations and their pawns in state government. Tom Yagi was a plantation warehouseman with a young family determined to make a better life for himself and those workers like him. He knew that wasn't going to happen on paychecks of a dollar a day.

He linked up with the International Longshoremen's and Warehousemen's Union and began to organize meetings, although most had to be held in secret, shielded from the vengeful plantation supervisors. The enemies of labor tried to equate the word "union" with the word "communist," and congressional committees attempted to summon Hawaii's ILWU leaders to testify about their "subversive" activities. Tom Yagi, like his union colleagues, refused.

The success of the labor movement in Hawaii stands among the most significant social revolutions in this country's history, and it's not possible to overstate the role Tom Yagi played in it. For 30 years he led the Maui division of the ILWU, and never during that time did he change the focus of his mission—better wages, better health care, better education and a better life for the working class.

And he did it all in a rather mysterious fashion, commanding respect even from those on the opposite side of the table from him. While many union activists embraced militancy, Mr. Yagi somehow managed to achieve his objectives more so with diplomacy. He never shied from confrontation, no. But most often his keen ability to see more than one side to every dilemma led to solutions that averted conflict. For this he was as revered by those he fought against as by those he fought for.

Despite all his many accomplishments in the labor movement, the greatest source of pride for Tom Yagi was his family. In addition to his wife Miye, he also leaves behind two sons, six daughters, 22 grandchildren and two great-grandchildren. That the Yagi family has long been synonymous with community service on Maui is yet another testimony to the greatness of the man, Thomas Seikichi Yagi.

Maui has truly lost one of its most favorite sons.

SPEECH OF JACK VALENTI

Mr. COHEN. Mr. President, I recently read a speech that I believe deserves the attention of all Senators. Jack Valenti, the president and chief executive officer of the Motion Picture Association of America, a former aide to President Lyndon B. Johnson, and one of the most articulate and thoughtful people I know, delivered the speech in New York City, as the first in the Louis Nizer lecture series.

Jack Valenti's words that evening carry a special resonance for me and I think they will for others. They are words of optimism about our future, in a time when too many in our country do not feel optimistic. But they are also words of caution, directed toward all of us in this body and all of us in this city, who create the policies under which Americans live. They stress the importance of the family, of education, of appropriate moral conduct, of individual—not governmental—responsibility.

They are words to which we should all give careful consideration.

I ask unanimous consent that, following my remarks, the full text of Jack Valenti's speech be included in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WILLIAM FAULKNER'S OLD VERITIES: IT'S PLANTING TIME IN AMERICA!

(By Jack Valenti)

The issues of liberty and the replenishment of community values stirred restlessly within Louis Nizer. He and I talked often about the compass course of the society. We both had read the purifying speech of William Faulkner when he received the Nobel Prize for Literature, on December 10, 1950. Like me, Louis found in Faulkner's words a dark punishing wisdom, a plain, spare design for civic conduct. It is from Faulkner's vision that what I say tonight has taken wings. I think Louis would approve. Let me begin, then, by admiring this man, Louis Nizer, who has drawn so many of you here tonight.

In the muscular and musical English language which Louis knew so well, loved so much and illuminated so elegantly, there exits two words which perfectly describe him.

They are "polymath" and "fidelity."

Polymath means an artisan of immense learning in many fields.

Francis Bacon once said he had taken all knowledge to be his province. For Bacon it was not an immodest objective. But such were Louis Nizer's vast and diverse talents, he is the only man I know or knew who could come close to matching Francis Bacon. Lawyer, courtroom genius, public speaker, best selling author, painter, composer, lyricist, historian, counselor to presidents and public officials, he was all of these and more. And in each he performed with excelling intellect and ascending success.

Fidelity means faithfulness to obligations and observances.

Louis Nizer gave special meaning to the word "fidelity." In his binding to the law, fidelity took on a richer meaning. The law in all its glory was the core of his life. It was the reservoir from which his daily tasks drew nourishment.

I first met Louis Nizer almost twenty-nine years ago when he came to visit with me in my office in the White House. I was about to resign as Special Assistant to the President, to become the President of the Motion Picture Association of America. He was to become the MPAA general counsel. Our paths that day not only crossed, but became intimately interwoven and forever sealed in friendship and trust.

His long, fruitful life is now over. Death, as it does to every mortal, has finally came to Louis Nizer. I can say that I am so grateful to a beneficent God that I was given to know Louis so intimately, so gloriously, so lovingly. He was a noble man. There are so few of his kind.

Any enterprise that bears Louis' name is valuable to me. This evening then, to me, has great worth. May the Louis Nizer Lecture series flourish in the decades ahead. May I do it as little damage as possible tonight.

I have been fortunate to spend my entire working career in two of life's fascinations, politics and movies. I have worked the precincts of my native Texas, within City Hall and county courthouses and the state capitol. I have been privy to decision making in the White House, at the side of a brave, extraordinary President. And I have for a long time been among and within the creative and executive communities of Hollywood and the world cinema.

Both arenas, movies and politics, sprung from the same DNA. Their aims are the same: to entice voters and audiences to yield to their persuasions. What is the value of those persuasions? What is real? What is right? What is truth? Who determines it? Who furnishes the boundaries for the daily moral grind of a functioning society? How is that society to be governed? How do you shape a foundation for a nation's prime objective to endure, always striving to reach for the ascending curve?

These are ancient queries. Answers are available but often they are porous, not readily translated into specific behavior. Sometimes they are cast in different shapes to different people. Which answer is true? "What is truth," said jesting Pilate, and would not stay for an answer.

I have thought a lot about this, though thinking about these matters is like trying to pick up mercury with a fork. It is maddeningly elusive. But we have to keep trying.

Herodotus tells the story of Athenians so emotionally affected by the drama, "The Capture of Miletus", by the poet Phrynichus, that the whole theater wept openly. When their passions had cooled, Athenian officials passed a law forbidding Phrynichus ever again to offer this play to the public. He was fined a thousand drachmas for reminding his fellows citizens of their own sorrows. It is an apt metaphor for our current scene. Nothing so much describes the perversity of political and social conduct, and calls to judgment the resorting to morality by public officials as an instrument of domestic and foreign policy.

It's a dicey political game to play. Like the Athenians we are deeply involved in that which tugs at both our practical minds and our moral conscience. Also like the Athenians we find the real world, the morning after, not so desirable as we had previously thought.

If morality is a rostrum from which we survey our lives, then it is also a principle on which we stand. Principles, unless one rises above them, are cruelly steadfast. If a principle is ignored, for whatever practical reasons, or bent, for whatever seemingly rational decision, then it is no longer a principle. It becomes a weak reed on which we lean at our own peril.

So it is that Presidents and Members of Congress, as well as officials of state and local governments, find themselves dealing with morality on a "yes, but" logic. If you tried to draw up a catalogue of the good guys and the bad guys, you wind up with public officials from the President down being judged on the same basis as that well known medieval monarch, Philip the Good, renowned in his time for both the number of his bastards and the piety of his fasts. Too often our officials, in both political parties, see issues through their own personal prism. To that end, the historian Procopius wrote about the Emperor Justinian: "He didn't think that the slaying of men was murder unless they happened to share his own religious view."

We are poised for a great debate in this land. It has to do with the reach of government, how wide, how narrow. But I daresay the debate will be waged on the wrong platform. Emerson may have gotten it right when he wrote: "God offers to everyone his choice between truth and repose. Take what you please, you can never have both." Emerson is also speaking to this generation as well.

I am not a pessimist. Never have been. Don't intend to start now. This country did not survive more than 200 years of cruel disjointings to be undone at this particular moment by discomforts cataloged at length, mainly by TV commentators and political consultants. These are the new political Druids who convince their viewers and their clients that they alone are capable of inspecting the entrails of a pig and thereby are solely in possession of the bewitchery which will lead voters to a proper decision.

But this scrambling, unquiet, violent time is one of the rare moments in our history when those who govern us and those who are governed are in concert. Fear is the scarlet thread which runs like a twanging wire through the nation. Fear of tomorrow; fear of losing one's job; fear that children will find their future less attractive than did their parents; fear of crime, in the neighborhoods and in the home; fear that the old bindings which held the nation together are snapping: in too many cities there are too many broken homes, too much loss of the affection which thickens family ties, too much crazy drug use and users, too many guns in the hands of too many children, too many babies having babies, abandonment of the church, schools without discipline, life without hope, anger fed by imagined slights and bigoted blights.

No wonder there is fear. The first thing we have to do to combat fear is understand that no matter how well intentioned we are, unless we are guided by a basic moral compass, we will neither begin nor finish the journey. Make no mistake, the politicians are listening. There is nothing so compelling to a public official as the angry buzz of the local multitudes.

Therefore (ah, 'Therefore' is a wondrous word. It says enough of the rhetoric, what do you do tomorrow morning?), Therefore:

We ought to start with William Faulkner. In his speech in 1950, he cited what he called "the old universal verities and truth of the heart, the old universal truth lacking which any story is ephemeral and doomed—love and honor and pity and pride and compassion and sacrifice. He might have added "and duty and loyalty and service to one's family and friends and country."

Faulkner's old verities have weight because they are what an enduring nation is all about. Old fashioned words? Yes, they are. Long-living words? Yes, they are. All the more reason why words which have sustained themselves in myth and reality are never out of date. These words describe neither religion nor ideology nor political affiliation. No group or faction or political party has a monopoly on interpreting their meaning.

What Faulkner's verities represent is a code of conduct between human beings, between the citizen and the state, between neighbors, friends, associates. They are better guides than a political poll, or the blatherings demagogues, or those earnest folks who insist they alone possess God's wisdom. We have an old prayer in Texas when we encounter these human repositories of divine Truth: "Dear Lord, let me seek the truth, but spare me the company of those who have found it." Nice prayer. I say it often.

So, we begin with Faulkner's proposition that there are basics deep rooted in those crevices where each of us stores our beliefs and our passions. Without them we are barren of aim or cause or reason. Or as Faulkner said, without them we "labor under a curse."

Government cannot, ought not, be a national nanny, nor the custodian of our faith nor the divine arbiter of our lives. Each citizen must be responsible for his or her actions, fathers, mothers, sons, daughters. Parents must be responsible for their children. Adults responsible for there decisions. Young people responsible for what they do. Playing "victim", copping a plea that "the Devil made me do it," these are mocking charades in which the foolish listen to the dunces and the dimwits lead the mob.

Taking responsibility for one's life, for one's action, does not mean turning away from the helpless and the hopeless. What it does mean is that if there is not a civic commitment to be individually responsible, the future is pockmarked with detours and disappointment. But we must be wary in the months ahead. Strenuous efforts will be made to amputate the national government's intervention in the lives of those pressed against the wall because of circumstances over which they have no control. It would be tragic to do that. It would be worse than a crime. It would be a blunder. It cannot be allowed to happen.

To give Faulkner's old verities a communal reality, we have to begin within the family, for parents to care enough, believe enough, do enough to begin the process. Parents, sufficiently armed with passion, can do the most.

Alongside this familial commitment has to be a zealous attention to teachers and schools. We have to be willing to pay for first class public education or it continues to be lousy education. We can't build enough prisons, or wield enough judicial sabers, or legislate enough tough death penalty laws to compensate for the collapse of discipline in the classroom, or the graduation from high school of too many who can't read or write or the total loss of Faulkner's verities. In a time when our national obligations are larger than our capacity to fulfill them all at the same time, our leaders must make it clear—painful, discomforting, frustrating as it may be—that we have to reinstall the family and the school and the church as the central teaching centers for young people. We have to begin the journey back into ourselves before we can go forward into our future. Too idealistic? Too namby-pamby? too impossible? 'Yes,' to all of those descriptions if you think a society can just amble along and keep its liberties alive when so much of its core convictions are in a state of decay. I don't. Every day liberty must be guarded, because like virtue it is every day besieged.

Then, why am I optimistic? Because all things are always in flux. Nothing lasts forever, neither triumph nor tragedy, nor the omissions of the human spirit. So long as we understand who we are, why we are what we are, and how we became so, then we will always be able to know where it is that we ought to turn and where we must go. Of course, this requires a national conviction. Without conviction, said Lord Macaulay, a man or woman will be right only by accident.

President Kennedy supposedly told the story of a French general in Algeria who wanted to plant a special kind of tree to line the road to his chateau. "But," protested his gardener, "that tree takes a 100 years to bloom." The general smiled and said: "Then we have no time to lose. Start planting today."

It's planting time in America. Faulkner's old verities will take root again much sooner than the General's trees.

TRIBUTE TO FRED MUDGE

Mr. MCCONNELL. Mr. President, I rise today to recognize the career accomplishments and community leadership of Mr. Fred N. Mudge upon his retirement as president and CEO of Logan Aluminum, Inc., in Lewisburg, KY.

Mr. Mudge began his career 32 years ago as a plant manager with Anaconda Aluminum. Later, his aptitude for innovation and demand for quality guided him in his progress from site manager for Anaconda's Alpart facility in Jamaica to the position of vice president of technology for Anaconda and ARCO Metals of Chicago. In 1985, Fred Mudge invested his tenacity and experience in the position of president and chief executive officer for a new Kentucky company, Logan Aluminum, Inc. Through his foresight and hard work, Logan Aluminum today is a world leader in aluminum can sheet stock production.

Mr. Mudge's personal quest for excellence is not limited to the worksite. As a member of the Lewisburg community, he contributed to the revitalization of the local chamber of commerce and the establishment of an economic development commission. In addition, he assisted in the founding of Lewisburg's junior achievement program. Today, Mr. Mudge continues to work on behalf of his community as a member of the Logan Memorial Hospital board and the Western Kentucky University board of regents.

Mr. President, Fred Mudge's work as an industry leader and dedicated community volunteer demonstrates the essential skills and determination our Nation needs to successfully meet the future challenges of job creation and community development. While his daily leadership at Logan Aluminum will be missed, I am confident that the Logan County community will continue to enjoy the benefits of his energy and insight well into the future.

TRIBUTE TO DOROTHY A. HARDY

Mr. GREGG. Mr. President, today I rise to recognize one of my constituents, Mrs. Dorothy A. Hardy, for her many contributions to the town of Pelham, NH over the past 25 years.

Mrs. Hardy's distinguished services to the town of Pelham have included: dispatcher for the Pelham New Hampshire Police Department since 1970; active organizer with the Pelham Good Neighbor Committee; supervisor of the checklist chairman for over 25 years; long-time Republican Party activist, including 1980, 1988, and 1992 town chairman for President George Bush; member of the Pelham American Legion Post 100 Auxiliary, and Pelham newspaper correspondent for the Lowell Sun.

I would like to take this opportunity to highly commend Mrs. Hardy for her dedication, commitment, and numerous contributions to the town of Pelham and its citizens.

Mrs. Hardy has always been a source of great pride to her family, friends, and coworkers and will be sorely missed as she begins her retirement. I would like to extend a special thanks for her outstanding services and wish her all the best for a healthy and prosperous retirement.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in a trillion dollars? When you arrive at an answer, remember that it was Congress that ran up a debt exceeding $4½ trillion.

To be exact, as of the close of business yesterday, Monday, January 23, the Federal debt, down to the penny, at $4,796,793,782,628.86—meaning that every man, woman, and child in America now owes $18,208.71 computed on a per capita basis.

Mr. President, to answer the pop quiz question—how many million in a trillion?—there are a million million in a trillion, and you can thank the U.S. Congress for the present Federal debt of $4½ trillion.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate continued with the consideration of the bill.

Pending:

Hatfield amendment No. 181, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans.

Dorgan-Harkin amendment No. 178, to require the Board of Governors of the Federal Reserve System to submit a report to the Congress and to the President each time the Board of Governors of the Federal Reserve System or the Federal Open Market Committee takes any action changing the discount rate, the Federal funds rate, or market interest rates.

Hollings amendment No. 182, to express the sense of the Senate concerning Congressional enforcement of a balanced budget.

Graham amendment No. 183, to require a mechanism to allocate funding in a manner that reflects the direct costs to individual State, local, and tribal governments.

Graham amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Wellstone amendment No. 185, to express the sense of the Congress that the Congress shall continue its progress at reducing the annual Federal deficit.

Wellstone amendment No. 186 (to amendment No. 185), of a perfecting nature.

Murray amendment No. 187, to exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy.

Murray amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Graham amendment No. 189, to change the effective date.

Levin amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Levin amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate.

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Levin amendment No. 177, to clarify the use of the term "direct cost".

Dorgan amendment No. 179, to express the sense of the Senate regarding calculation of the Consumer Price Index.

Harkin amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Bingaman amendment No. 191, to provide that certain legislation shall always be in order.

Bingaman amendment No. 192, to establish the application to requirements relating to the treatment and disposal of radioactive waste.

Kohl amendment No. 193, to provide that any State, local, or tribal government that already complies with a new Federal intergovernmental mandate shall be eligible to receive funds for the costs of the mandate.

Bingaman amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Kempthorne amendment No. 196 (to amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

McCain amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations.

Lautenberg amendment No. 199, to exclude from the application of the Act provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency.

Mr. KEMPTHORNE. Mr. President, today we begin the seventh day of debate on S. 1, the bill to curb unfunded Federal mandates. I believe we are beginning to see progress. We have had good discussion on this. I think Senators from both sides of the aisle feel that we have an atmosphere where they can make their statements, offer their amendments. Yesterday, 27 Democratic amendments were filed; 4 Republican amendments were filed. Today after 4 o'clock there will be votes on four amendments that had been presented.

I know that we have a number of Senators today who will be filing their amendments and I encourage them to do so, so we can get to those who have amendments, ensure that they are properly before us so we can deal with them and have the discussion.

I would like to read, Mr. President, one paragraph from the 1995 National League of Cities' opinion survey report. I ask unanimous consent that the entire report be made part of the RECORD, and I will only read the first paragraph which says:

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cities and towns, according to the National League of Cities' annual opinion survey of municipal officials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1995 NLC OPINION SURVEY NEWS RELEASE

Assuring public safety, curbing unfunded federal mandates, and building strong local economies are the most important priorities for America's cites and towns, according to the National League of Cities' annual opinion survey of municipal officials.

"This agenda—safety, governmental accountability and a sound economy—reflects what is most important now and for the future well-being of our nation's cities and towns. It represents a "Contract for Americans" that unites local government leaders throughout the country," said NLC President Carolyn Long Banks, councilwoman-at-large of Atlanta.

The NLC survey, conducted in October and November, found that public safety dominated the assessment of current problems and future concerns. The findings, are based on responses by 382 elected municipal officials drawn from a random sample in cities with populations or 10,000 or more.

Five of the top six most deteriorated conditions reported by local officials involved crime and violence: youth crime, gangs, violent crime, drugs, and school violence. Three of the ten "most important conditions to address" in the next two years relate to public safety: violent crime, youth crime and gangs.

Unfunded mandates—laws or regulations imposed on cities, but without funding by federal or state governments—continued as the top single issue adversely affecting local governments. Mandates led the list of conditions which worsened in 1994, which deteriorated the most over the past five years, and which were most important to address in the next two years.

Nearly half of the survey respondents reported improving local economic conditions for the second year in a row. At the same time, attention to economic matters remained a major concern for the future, appearing in four of most important issues to address in the next two years.

"These are the big, pervasive issues that affect the quality of life and the ability to govern responsibly and responsively in our hometown communities," said Banks.

"Making progress with them will make the most difference, for the most good, for the most people, more than anything else, including tax cuts. That's because these are the essential ingredients for a real and lasting empowerment of our citizens and our communities, and that's where the future strength and prosperity of our nation begins," she said.

THE STATE OF AMERICA'S CITIES: ELEVENTH ANNUAL OPINION SURVEY OF MUNICIPAL ELECTED OFFICIALS

(By Herbert L. Green, Jr.)

HIGHLIGHTS

NLC's 1994 survey results are dominated by concerns about public safety and unfunded mandates. Local economies also remained an important concern. Three hundred and eighty two (382) of the nation's municipal officials responded to the survey, which was mailed out before the November elections.

Public safety

Nearly two out of three (63.4 percent) of city officials say that your crime worsened in their locality in 1994.

Crime and violence dominate the "most deteriorated conditions" over the last five years. Five out of the top 6 most deteriorated conditions reported by local officials focused on public safety concerns.

Three out of 10 of the "most important conditions to address" in the next two years relate to public safety.

More municipal elected officials (63.6 percent) selected "strengthening and supporting family stability" as one of the top five measures most likely to reduce crime than any other. The next four items on the list are: jobs and targeted economic development (48.4 percent, more police officers (39.8 percent), after-school programs (33.0 percent), and neighborhood watch programs (33.0 percent).

Fifty five percent of elected officials reported that police/community relations improved in 1994. Thirty seven percent of local officials reported that police/community relations was one of the "most improved conditions" over the last five years.

Unfunded mandates

Seventy-five percent (74.6 percent) of municipal elected officials indicated that the impact of unfunded mandates worsened in 1994.

Mandates topped city officials' list of the ten "most deteriorated conditions" over the last 5 years. Thirty-five percent (35.1 percent) of officials indicated that unfunded mandates were the most deteriorated condition over the last 5 years.

Forty-two percent (41.9 percent) of local officials reported that citizens understand well or somewhat the issue of unfunded mandates in 1994. This was a 15 percentage point increase from the 27.5 percent reported by local officials in 1993.

Local economies

Four of the top 10 "most important conditions to address" in the next two years are related to local economies. More than one-fifth of local officials reported that city fiscal conditions (25.2 percent) and economic conditions (21.1 percent) were most important to address during the next two years.

Forty-eight percent (48.3 percent) of local officials reported improved local economic conditions in 1994, and 46.4 percent of local officials reported that local unemployment conditions improved in 1994.

At the same time, about one-fifth of other municipal officials reported that the economic conditions and unemployment had worsened in their locality (21.7 percent, and 18.8 percent respectively).

Local governance

Fifty three percent (53.3 percent) of local elected officials indicated that municipal service levels were maintained in 1994. Two-thirds (64.4 percent) of these officials reported that even if city tax rates and fees are not increased in 1995, they will be able to maintain service levels.

Seventy-one percent of mayors, city council members and other elected officials indicate that their cities and towns are involved in local education reform/improvements efforts.

Ten percent (9.5 percent) of responding officials indicated that their cities and towns have a formal telecommunications policy for participation on the "information superhighway." Seventy-eight percent of officials indicated that they are either working on or thinking about putting a telecommunication policy in place.

More than four-fifths (85.6 percent) of local elected officials believe that regional cooperation is important in helping local government achieve its goals.

MANDATES

"So we must keep saying over and over again until the members of the 104th congress heed our cry. 'No check, no mandate . . .' For we must accept the challenge our constituents have set before us; the challenge to balance our budgets without expected and uncontrolled costs; the challenge to be in charge of our destiny."—keynote address, Mayor Sharpe James, President, National League of Cities, Annual Congress of Cities Conference, Minneapolis, MN (December 2, 1994)

Forty two percent of local officials reported that the citizens in their community understood the issue of unfunded mandates either well or somewhat in 1994. Twenty seven percent of local officials reported that citizens in their communities understood the issue of unfunded mandates either well or somewhat in 1993. Fifty eight percent of officials reported that citizens in their community either understand little about the issue or they do not understand the issue.

OVERALL CONDITIONS AND MANDATES

Municipal elected officials (see Chapter 2) reported that overall conditions related to mandates worsened in 1994. Seventy four percent of local officials indicated that unfunded mandates worsened in 1994.

Unfunded mandates also topped city officials list of "most deteriorated conditions," over the last 5 years. When local officials were asked about the most deteriorated conditions in the last five years, 35.1 percent of them indicated that unfunded mandates was one of the most deteriorated conditions. From a list 26 "conditions" unfunded mandates was most often mentioned by city officials.

When local officials were asked about the most important conditions to address during the next two years, 28.7 percent picked unfunded mandates. Unfunded mandates and (violent crime at 28.4 percent) topped city officials list of the "most important conditions" to address in next two years.

Mr. KEMPTHORNE. Mr. President, this whole study reflects the reason the National League of Cities, the U.S. Conference of Mayors, the National Governors Association, the National School Board Association, and others are so supportive of the efforts of Senate bill 1, as well as the variety of entities in the private sector.

With that, I know that we have Senators who are here to file amendments.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments will be set aside.

The clerk will report.

AMENDMENT NO. 200

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 200.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

"(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

"(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress."

Mr. BYRD. Mr. President, I ask unanimous consent that further consideration of the amendment be delayed until later at such time as I may wish to call up the amendment. I offer the amendment simply to qualify under the agreement.

I ask unanimous consent that my amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 201, 202, AND 203, EN BLOC

Mrs. BOXER. Mr. President, I send to the desk three amendments en bloc for the purpose of complying with the unanimous-consent agreement of Friday, January 20, and ask that they be temporarily laid aside for debate at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 201, 202 and 203) are as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;
(2) incarceration; and
(3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike "or" after the semicolon.

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following:

(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.

AMENDMENT NO. 203

On page 13, line 5, strike "or".

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following new paragraph:

"(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.".

Mrs. BOXER. Mr. President, I want to thank the managers of the bill. They have been cooperative with me. They know that I care a lot about these amendments.

I would like to make a couple of comments about issues that do not have to do with S. 1 and then return to that.

ROSE FITZGERALD KENNEDY

Mrs. BOXER. Mr. President, I send my condolences to the Kennedy family. The Kennedy family has given this country great men and women. They have been profiles in courage in so many ways, and Rose Kennedy certainly was one of those profiles in courage.

I just want to send my deepest sympathy to my friends in the Kennedy family. In behalf of the people of California, we send our condolences to the family.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, I was very pleased that last week the Senate took a little time out to pass a very important amendment regarding violence at health care clinics around this country. I know it was difficult for some of my Republican friends to stop other business and pending matters. They have a contract they want to get through. But as I pointed out, the world goes on, contract or no contract, and we need to respond.

I think the fact that we did respond before the anniversary of Roe versus Wade was very important in terms of timing. I went to a clinic in California in Riverside County. I want to tell my friends in the Senate on both sides of the aisle that those doctors, those nurses, those patients that came out to commemorate Roe versus Wade were very grateful to the U.S. Senate, and very grateful to the Attorney General because marshals were sent there to ensure their safety.

As I said to those who came to the commemoration of Roe versus Wade, this is the greatest country on Earth because we settle our problems peacefully and we are not like Bosnia and other countries where we decide issues through the barrel of a gun. There are going to be very many issues that we face in our Nation that are going to divide us. The beauty of America is that we are tolerant, or should be tolerant, of each other's views, and we will decide these issues with the rule of law.

Unfortunately, yesterday we heard from some of the organizations that want to make abortion illegal in this country. We heard that they put out a hit list of a dozen physicians. They handed out the names of these physicians, their addresses, their photos, and the stalking continues. The stalking goes beyond the physicians, to their families, their children, their loved ones at their churches, synagogues, at their homes, places where one should be at peace.

So I will call on all sides in this very difficult debate to condemn violence. When we speak to each other, speak in terms that do not insight violence. We cannot on the one hand say this is murder and then take no responsibility when someone takes those words literally.

I again want to thank my colleagues in the U.S. Senate on both sides for that overwhelming vote on that resolution, which I understand has been extricated from this bill and stands on its own as a sense of the Senate. I think it is very meaningful. I think we have to keep our eye on that issue.

Mr. President, violence seems to be so common in the world today. The tragedy that took place in Israel must be condemned as we have condemned such terrorism before. If peace talks are abandoned in the Middle East because of violence, then the terrorists will have won. That is another area where I hope we can perhaps take off our green eyeshades for a few minutes and let the world know that the U.S. Senate condemns that kind of international terrorism.

Mr. President, I have been waiting a long time to speak about S. 1. I am a member of one of the committees of jurisdiction, the Budget Committee. At the time that the Budget Committee took up S. 1, my chairman, Senator DOMENICI, and my ranking member, Senator EXON, asked if I would delay my amendments until we got to the Senate floor. I feel very strongly about these amendments, but I agreed to that because I like the thrust of S. 1. I was in local government myself. This is a good bill. I want to see this bill passed. I think it is a good bill. I believe the amendments that I offered will make this bill a better bill. I believe many of the amendments offered by Senator LEVIN will also improve the bill, and I must praise him for his incredible work on this bill. I watched until the last moment last night as Senator LEVIN asked both managers for their views on certain important issues surrounding S. 1.

I think it is fair to say both managers were very articulate but in some cases did not exactly agree with each other on some provisions in S. 1. These are the things that we need to work out so that we have a good bill, so that we do not have a bill that is going to paralyze this U.S. Senate and hurt the people of this country. That is not anyone's intent. But I think we have to examine this bill and see what it does. I am going to go over these charts that explain exactly what happens under S. 1 and whether we feel it has not crossed the line and become paralysis by analysis.

Again, I want to say that I am in agreement with the thrust of this bill. I was a local government official for 6 very proud years, a member of the board of supervisors of Marin County, CA. I won my first seat in 1976, and I saw many laws that were passed down from the State, and Federal Governments that we had to deal with. By the way, some of them were excellent laws. Some of them were paid for. Some of them called for partnerships between Federal, State and local government. I, frankly, grew up in politics with the understanding that there should be a partnership here.

When someone comes to the U.S. Senate, it does not make them a bad person. I am the same person I was when I was a local elected official. I am just a little bit older and a little bit grayer and perhaps, hopefully, a little bit wiser.

But the bottom line is that I am that same person that wants to make life better for my constituency. I think it is important that we discuss who our constituency is. Every day I hear letters from Governors and so on, that they love this bill. I understand that. I was not sent here by the Governors, I was sent here by the people of my State. As much as I want to work with Governors and local officials—and I have an excellent relationship with them—I have to make sure that what we do is not to make life better for Governors, but rather to make life better for all Californians.

As I was on the local board of supervisors, we got a mandate that came down from the Federal Government that, in case of nuclear war, we had to have a plan to evacuate our citizens because we were very close to a targeted area; namely, San Francisco, and all of the ported ships there. San Francisco was on the Soviet Union's target list for a nuclear bomb. So, sitting as a member of the board of supervisors—and at the time, there were three Republicans and two Democrats on that board—we got a mandate down from FEMA saying we had to figure out a way to get our people out of town in case there was a nuclear war. By the way, they were counting on a 24-hour notice for the bomb to drop. We were told that we had to evacuate to the county to the north of us, and they named that county, Sonoma County, the host county. We were the evacuees. We were supposed to go to the host county. FEMA said, "You better make sure your people bring cash because they are going to have to fill up their cars with gasoline, and the attendants at the gasoline stations are going to be too busy to take credit cards.

That was the most incredible mandate I had ever seen. That board of supervisors, on a 5–0 vote, said: We do not want this mandate and this money; this makes no sense at all. We never took the money and we never planned it, because we know the only way to survive a nuclear war is not to have one. That ought to be where the efforts went, not trying to figure out ways to get people out of town because you could not escape the range of the kind of nuclear bomb that we were talking about.

So, yes, I understand the problem with these mandates. I hear stories like that wherever I go. So there is no question about it that we must address the problem of unfunded mandates. We should step back and look at what we are proposing, make sure it serves the national purpose, and if it is appropriate for State and local government to be involved in this. And certainly if it is an expensive mandate, we should figure out how to pay for it.

I am disturbed by some aspects of this bill. This bill is not the same bill that was before us last year—a bill that I supported, a bill that was not bureaucratic, a bill that was simpler to understand. But I think we can fix this bill. I am extremely hopeful that my amendments will pass, and I am going to explain what they are and that many other amendments will pass with this bill, so that it is a good bill.

We have to be careful not to prescribe a cure that is going to hurt our people unintentionally. I want to make a point about what the American people want. There is always talk after an election about what they want. I think it is fair to discuss the ramifications of this election. But there is a Wall Street Journal-NBC News poll that shows in many areas, including protecting the environment, protecting civil rights, strengthening the economy, improving the health care system, and reforming welfare, the public believes the Federal Government should play a larger role than State or local governments. And those percentages in this poll were rather dramatic. So the people are not saying to us, "Do nothing"; the people are saying to us, "Get it right." They are saying, "We send you back there to care about the environment, to care about our jobs, to care about the economy, to care about crime, to care about welfare, but get it right." I do not think they sent us here to create a bureaucracy and a system here that could well paralyze us as we try to meet those needs of the environment, health care, welfare reform, and all of the things people think we ought to address.

I also want to make a comment about the Democrats voting against the cloture motion so that we can continue debating this bill. I have listened very carefully to the debate, and having witnessed 2 years of Republican filibusters—and as BOB DOLE says, you are the experts, my Republican friends; the Republicans taught the Democrats how to do it. I know a filibuster when I see one and when I am in one, and we are not in one, and this is not a filibuster.

This bill needs amending. This Senator said in a very bipartisan spirit in the Budget Committee that I would withhold my amendments. I offered one amendment to sunset the bill, and it was voted down three times on party line votes. But as far as my amendments of substance, this Senator said she would put off her amendments until we got to the floor. And I voted for the bill, to move the bill forward, because I like the thrust of it and I want to fix it, and I hope I can vote for it.

The distinguished majority whip called me, and he said, "Senator can you drop some of your amendments." Mr. President, I did not want to drop any of my four amendments, but I agreed to drop one of the four amendments in a bipartisan spirit. I said, "All right, I think Senator WELLSTONE has a similar amendment to mine on the benefits of some of these mandates, and so I will work with him and I will drop my amendment." We have done that, and I will talk more about that later.

I agreed to drop one of my amendments in good spirit, because I knew that we want to move this process forward. So we are not seeking delay, we are seeking answers to questions—unanswered questions. I thank Senator BYRD, once again, for insisting on committee reports. It was very important that all views be known on this bill. I was rather stunned when on another party line vote the Budget Committee and the Governmental Affairs Committee voted not to issue committee reports. I do not ever remember that happening when the Democrats were in the majority. I could be wrong, but I have certainly no personal memory of that.

Mr. President, I would like to show the Senators and the public the kind of process that we are now dealing with currently under S. 1, a process that is quite different from where the bill was last year. I am going to go over this chart, not read everything on it, but try to make it clear as to why I have some concerns.

Mr. WELLSTONE. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. WELLSTONE. Mr. President, I wonder if I could ask the Senator whether I could, in less than 20 seconds just offer two amendments, en bloc. That is all I need to do, given the unanimous consent agreement. Will the Senator consent to that?

Mrs. BOXER. Mr. President, I ask unanimous consent that I may yield for the Senator to put forward his amendments without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 204 AND 205

Mr. WELLSTONE. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes amendments numbered 204 and 205.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 204

Insert at the appropriate place the following:

"( ) The term "direct savings"—

"( ) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, or tribal government as a result of compliance with the federal intergovernmental mandate.

"( ) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate.

"( ) shall be interpreted no less broadly than the terms 'Federal mandate direct costs' and 'direct costs.'"

AMENDMENT NO. 205

Insert at the appropriate place, the following:

"( ) Notwithstanding any other provision of this Act, no point of order under paragraph (1)(A) of Section 408(c) shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director reasonably to carry out the Director's responsibilities under this Act."

Mr. WELLSTONE. I thank the Chair, and I thank the Senator from California.

Mrs. BOXER. Mr. President, it was my pleasure to yield time to expedite the business of the U.S. Senate.

I want to now start explaining this chart, or I should say, these two charts. We could not fit all of these procedures onto one chart, so we actually had to make up two charts to show what goes on here with S. 1.

And, again, I am not going to go through every step, but I am going to try to take you through a little bit of it because here we are about to pass this bill, and I venture to say not too many people in the U.S. Senate are aware of what we are about to do here unless there are some changes.

The legislative committee proposes the bill that will likely impact State and local governments or the private sector. It then goes to the committee which, if it approves the bill, now has to take two tracks. The committee sends the bill to the Congressional Budget Office with identification of any Federal mandate, and CBO, the Congressional Budget Office, sets its whole process in motion. That is the red. The committee is the yellow. This is the red for CBO, and I will get back to that in a minute.

While the CBO is making its analysis of the costs, the committee prepares its report. It has to wait, really, until CBO gives them the number but, hopefully, if all works right—and around here, in my memory, I do not know that all works right most of the time—but assuming we will give it every break, everything works right, and the CBO, after talking to, I assume, hundreds if not thousands of folks, because they do talk to and interview people all over to make their analysis, now comes in with the cost.

So the committee report comes in with the expected direct cost to State and local governments and the private sector, a qualitative and quantitative assessment of benefits expected, and how you get to the benefits is a whole other issue.

How will CBO quantify the benefit of immunizing a child? The benefit of cleaning up the air? What is the benefit if people do not get asthma and they can come to work more? That is a whole other question that this bill does not really answer. What is the benefit of cleaning up the water, taking the lead out, the mercury out, the bacteria out? Just ask the people in Milwaukee, where 400,000 of them got sick and 120 died because of cryptosporidium, a parasite which got into the water supply.

But those benefits, frankly, are not going to be calculated as part of the net costs under the bill currently before us.

CBO will also analyze the impact on the private and public sectors and report on the extent of change to competitive relationships between State and local government and private business, and add a statement of whether the bill preempts State and local law.

Now this could take a year. But it is going to be pushed through.

Under the best of circumstances, and if the mandate is less than $50 million, the bill moves to the floor and it gets to the Parliamentarian. So that is where I am up to.

Now, first, if the bill is more than $50 million, there are additional committee statements on an increase or decrease in Federal assistance or of authorization of appropriations; second, whether mandates are fully or partially funded and the rationale; and third, whether the bill preempts State, local, or tribal law.

And then those additional committee statements come here to the floor.

Now, this is where the Parliamentarian gets into it. Now, Mr. President, I think the Parliamentarians are terrific. I had the joy of sitting where you sit for 2 years when we were in the majority. These Parliamentarians are brilliant. There is not one question you ask them that they will not come up with the right answer. I never had an experience like that.

But these Parliamentarians are not elected by the people and they are not accountants. For all of their standing and the fact that their faces are on CNN and C-SPAN, people do not know these Parliamentarians. They do not, in California, vote for these Parliamentarians. And yet, the Parliamentarians have the life-or-death power over not only every bill that may impact State and local government, but every amendment that any Senator sends up.

So here is where we are. We now have the Parliamentarian having about as much power as the committee. If you look at the green, the Parliamentarian determines whether the point of order under S. 1 applies to the bill. The Governmental Affairs and the Budget Committee might be consulted at this point. But they do not have to be, and it goes and it moves. A point of order cannot be raised if the bill contains costs that are less than $50 million; or if the bill contains costs that are greater than $50 million to State and local governments but increases direct spending.

So, in other words, if we raised the taxes, a point of order cannot lie against it. A point of order cannot lie if the bill increases receipts to meet the full costs of the mandate. A point of order cannot be raised if the bill contains costs that are greater than $50 million to State and local governments and increases appropriations to meet the direct costs of the mandate. The bill must, one, state the yearly total amount, state the source of the funds, and state the minimum amount necessary in each appropriation, and provided that the appropriations are not made available in the future, the mandate would expire or the mandate would be reduced by the corresponding drop in funding.

So there would be no point of order in that scenario. If there is no point of order, the bill continues on the floor, Mr. President. But then, the bill is open to amendment.

Now, the amendment process around here is greatly valued by every single Senator. It is our opportunity to bring our priorities for our people to the floor of the Senate.

So here we go. The bill manages to make it through all this, if it is still alive and on its feet. If it is amended, the whole process starts all over again.

Can you imagine that? Every floor amendment is subjected to this entire process, and you start all over again. Every single amendment.

I daresay, if you look at the amendments that have been offered to bills over the last year, Republican and Democratic amendments alike, they probably number into the thousands. Imagine this bureaucratic nightmare being repeated for every single amendment?

Now, when the bill was first written last year, it provided for a CBO cost estimate and if it did not have it, a point of order could be raised on the floor. That was sensible, because we wanted to make sure that our people were aware, if we were proposing laws, that there was going to be a cost.

But all these new layers were added. And, by the way, I hasten to add, Mr. President, this is all repeated on the House side. And if you have a House bill and a Senate bill that are not the same, guess what happens? It starts all over again with the conference report. We are back to square one. With the conference report, it starts all over again, and I have not even gone into all the steps CBO has to take.

They have to talk to everyone you can imagine to come up with their estimate because, after all, this is a great responsibility on unelected bureaucrats. We are putting so much power in this bill on unelected bureaucrats, CBO, Parliamentarians, these may be the best people in America, for all I know. But they were not elected by the people of California. And if we pass a bill that says we found out from the Kobe earthquake that we need to seismically upgrade our bridges and our highways, and we decide that it makes sense to make sure that the planners keep this in mind, and we want to pass such a law, but we cannot get the votes to waive the point of order, the bill dies. Yes, it may be a cost on State and local government. But do you know what the savings would be?

Know what the savings would be? Mr. President, when I was on that board of supervisors we were in a beautiful Frank Lloyd Wright building. It was his last building that was constructed before his death, the last public building. Unfortunately, it was very unsafe from earthquakes. When I found out about it, I went to my colleagues and said, "We sit in a beautiful, magnificent building that houses 1,200 people; in case of an earthquake they will be history."

Some of my colleagues said, "Do not talk about it, Barbara. Do not talk about it. We do not have the $5 million to do this."

I said, "We have to do it because $5 or $10 million of investment to save 1,200 lives is a very important investment, and in the end if we save 1,200 lives we have saved countless millions of dollars, and we have saved heartbreak and distress."

And we did it. So, yes, certain things have an up-front cost but they have a payoff, by the way, not adequately reflected in S. 1.

Mr. President, I hope I have shown what this bill would do. Now, that does not even get into what Federal agencies have to do if this bill passes.

The orange shows all the things that agencies are required to do. Assessment of the effects on regulations, State and local governments and the private sector, minimizing the burden on governmental entities, continued regulatory functions, a pilot program to reduce compliance and reporting requirements on small government. All these things are good. I support them all. But all these are burdens on agencies, and seems to me, while we are doing this, now we are laying over this whole structure a legislative process which does not even wait for the outcome of these other, very expensive, analyses. Agency consideration of a proposed rule, agency determination of cost, cost to local, tribal, State governments of less than $100 million aggregate cost. It moves on and on, all the things they have to do before they can go forward with a rule.

Then there is this Advisory Committee on Intergovernmental Relations, ACIR. They are reviewing existing mandates. This is all the work they have to do. Well, I am glad that they are looking at this. I think this is very useful.

But it seems to me when we put this all together into one bill, we are placing additional layers of complication on top of Government processes which are already unwieldy. We complain about it. At least many Senators do. We are laying on hundreds of steps, if not thousands of steps—hundreds of millions of dollars of work. Reports, paper, shuffling, unelected people having power. Therefore, I think since this bill has changed so dramatically from the very straightforward bill of last year, which I supported, I think we have to be very careful and consider these amendments which are going to make this bill better.

I would ask the Senator from Kentucky, is he interested in sending any amendments to the desk at this time? I would be happy to pause while he does that.

Mr. FORD. Mr. President, may I answer that question from the distinguished Senator from California without her losing the right to the floor. I have an amendment, I say to my friend from California, we are now attempting to work it out. It may be acceptable.

So I thank the Senator for her courtesy, as always, but we may have to ask at some point, but not now.

Mrs. BOXER. Mr. President, I thank the Senator, and this Senator stands ready to yield at any point without losing her right to the floor so we can expedite the bill. It is not my purpose to slow down, but to get on the record my feelings about where we are and why I think these amendments are entitled to be heard and why they are so important.

There are so many unanswered questions and so many ambiguities. Again, I want to mention that Senator LEVIN has really done this U.S. Senate a service. If Members watched his questioning of the managers, some of the questions he asked. How does the bill cover floor amendments? I have just explained to Members the way I believe it covers floor amendments, that when an amendment is presented to the bill, we have to go over the same ground again.

By the way, I think that Senator LEVIN raised a very good point, does a Member have a right to get a CBO estimate if a Member of the Senate believes that he or she wants to offer an amendment, is that Member entitled to get an estimate and not have to go through an authorizing committee? How can that Member come to the floor? There will be prejudice against that amendment if these things are not costed out. I was heartened to see that both managers, I believe I am correct, and I ask the Senator from Ohio, both managers agree this is a problem. The Senator is indicating yes. These are ways we can improve this bill.

We also have to make sure that we know if a reauthorization lapses and it is later taken up by Congress, would that reauthorization be considered a new mandate. How would the less money/less mandate drawdown provision work in the real world? How will the bill's exclusions work?

Let me bring one out. Would the Freedom of Access to Clinic Entrances Act that Congress passed last year have been exempted under the civil rights exclusion? No one has been able to answer that question. If it would not meet the exclusion, would we have to then have a vote on whether or not to provide the States with all the funds they might need?

Will the CBO analysis be an obstacle to efforts to protect the health and safety of our people? For example, will it put a dead stop to the Safe Drinking Water Act? To worker safety, earthquake safety? Will it put a dead stop to things that people need? The Governors may like it, but what abut the people we represent?

The bill says direct savings to a State or local government from a mandate will offset the mandate cost amount. I applaud that. But the bill does not define "direct savings." What about the costs of not enacting health and safety protections? Do the savings that accrue to the American people from such protections offset direct costs from the bill? For example, if a child's lung capacity is lower because of air pollution and that child is chronically ill, what are the savings associated with cleaning up the air? I want Senators to know, my friends here in the Senate, that a child living in Los Angeles has a significantly lower lung capacity than a child born in a clean air area. That is wrong. We cannot put ourselves in a bureaucratic nightmare when we want to protect kids' health. Or retrofit bridges so they do not collapse in the next earthquake.

Now, I plan to offer an amendment to prevent the bill from weakening our ability to protect the most vulnerable members of our society. There are many who say the measure of a society is the way it treats its most vulnerable. Not its powerful. Not the healthy. Not the vigorous. That is easy. Because those of us who are healthy, we do not need much help. We will make it through. But the most vulnerable, the children, pregnant women and the frail elderly—this amendment would add bills that protect children and others to the list of mandates not subjected to the procedural hurdles that are created by S. 1 right here. It would be a statement.

It would say when we say we are for the children, and we are for the elderly, and we want healthy pregnant women so they have healthy babies, that we mean it. And the Boxer amendment will give a chance to everyone, Republicans and Democrats, to go on the record in that regard.

Look, there are exceptions in this bill. And they are very important. I submit that if there were no exceptions put into this bill then I would take that as a signal that the bill really is easy to administer.

But the bill is difficult to administer. By the way, I think that is part of the idea, you make it tough, make it tough to spend money in the future. But it is so tough, this new version of this bill—very different from last year's version—that there is an exception section, and I am suggesting we add some things to it, among them the protection of our most vulnerable populations.

All it says is:

> Any bill which provides for the protection of the health of children under the age of 5, pregnant women or the frail elderly would not be subject to S. 1's point of order and other requirements.

As I said, there are exceptions to S. 1, and I support them. S. 1 currently shields bills that help secure our constitutional rights, that prevent discrimination, that ensure national security and implement international agreements, such as NAFTA, from its requirements.

The bill makes exemptions, and let me quote:

> To ensure Congress' and the executive branch's hands are not tied with procedural requirements in times of national emergencies.

That is a direct quote from the Governmental Affairs Committee chairman's report on S. 1. So there are exceptions "to ensure that Congress' and the executive branch's hands are not tied with procedural requirements in times of national emergencies."

I submit to my colleagues that there are other things that are worthy of not tying the hands of this U.S. Senate with this kind of procedural nightmare, and that ought to be protecting our most vulnerable citizens.

Why should we deny our children, pregnant women and the elderly protections? Our most vulnerable people should not be treated like guinea pigs. We must ensure they will not be put at risk, and they should be exempted from S. 1.

Environmental science shows us that children, pregnant women and the elderly are uniquely vulnerable to environmental hazards. And by the way, one of the things that people are saying since this election, "environment" is a bad word, it is no longer in vogue, people do not care. I do not believe that. People continue to want clean water and clean air. People continue to want a clean and safe working environment and living environment for themselves and their families.

The overall incidence of childhood cancer has increased, and I want to say to my colleagues—listen to this—the overall incidence of childhood cancer increased 10.8 percent between 1973 and 1990. That is a huge increase. Cancer is now the No. 1 disease killer of children from late infancy through early adulthood.

Mr. FORD. Mr. President, will the distinguished Senator from California allow me to make a unanimous-consent request, that I might be recognized without the Senator losing her right to the floor?

Mrs. BOXER. I fully support that as long as I retain the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 206

(Purpose: To strike a provision relating to the House of Representatives)

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 206.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 26, strike beginning with line 11 through line 8 on page 27.

Mr. FORD. Mr. President, S. 1 contains an entire section, section 102, on enforcement of this legislation under the House rules which create specific points of order under the House rules. This section directly amends also rule XXIII of House rules. Therefore, my amendment strikes the balance of section 102, and that relieves the Senate of the responsibility of directing the House as to what they should or should not do.

It is my understanding that the distinguished manager and ranking member have agreed to this amendment. I hope that it can be accepted.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we are more than willing to accept this amendment as offered by the Senator from Kentucky. Also, I have discussed this with the leaders in the House of Representatives. They understand the rationale for this. Again, we are ready to accept this.

Mr. GLENN. Mr. President, I accept it on our side, also.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 206) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. I thank the Chair, I thank the Senator from California. I am very pleased to have this amendment accepted.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

AMENDMENTS NOS . 201–203

Mrs. BOXER. Mr. President, I want to congratulate my colleague from Kentucky on getting his amendment adopted. I hope that my amendments will have the same fate; that they would, in fact, be adopted because I believe that every Member in this Senate, at one point or another, has said they believe that our children must be protected, our pregnant women, our frail elderly, and we are giving our Senators a chance to say, yes, that is an important priority and should not have to go through this kind of procedural hassle should there be an important law that affects their health.

I was saying, and I will repeat it, that the overall incidence of childhood cancer has increased 10.8 percent between 1973 and 1990, almost an 11-percent increase in America of childhood cancers. Cancer is the No. 1 disease killer of children from late infancy through early adulthood. In 1993, a National Academy of Sciences report found that children are uniquely vulnerable to the harmful effects, for example, of pesticides. Young children are more susceptible to environmental health threats because of their behavior. They often play at ground level where pollutants can concentrate. Their biology makes them more susceptible because young children drink more water, breathe more air and eat more food as a percentage of their body weight than do adults.

It is common sense. It is common sense. And a lot of the standards that today we have for water and for food are based on a healthy male adult, a 170-pound healthy male adult. Mr. President, you probably fit that category. I do not know for sure, but a 170-pound healthy male adult is where we set the standard. A little baby is not considered sometimes, and it is not that we have been purposely trying to harm our children. Of course not. We are trying to be intelligent about how we set standards. But we are now learning more that we did not know before; that children are different, just as children who get AIDS react differently than adults.

We have to look at children, the frail elderly and pregnant women in a different category than 170-pound healthy male adults. And if we find out that they are being harmed—and we have had colleagues on the other side, right now I know of two, whose children have cancer, one a little baby, one a young adult. I bet all of us can think in our own lives of people we know who are young who are getting cancers.

Pregnant women and the frail elderly are particularly vulnerable. A recent American Lung Association study cited their increased susceptibility to air pollution. Again, I will raise the issue of Milwaukee, WI, a 1993 drinking water disaster. Cryptosporidium found its way past the Milwaukee water treatment plant and went into the city's drinking water. The parasite wreaked havoc with the people of Milwaukee causing over 400,000 serious illnesses, over 100 deaths and $54 million in damages.

So here we are talking about getting a bill to clean up the water from these parasites as having to go through this hurdle when, in fact, if we would just clean it up, we would save probably more than it costs to fix the problem. But it is unclear how those benefits would be accounted for under S. 1. Many benefits may not be counted at all.

I want to make a point about those deaths in Milwaukee, over 100 deaths. As I understand it, most of those deaths occurred in the most vulnerable populations: the children and the frail elderly.

Will the provisions of S. 1 give Congress the freedom to act with all needed speed to shield our most vulnerable populations? Obviously not, unless we add them to the exceptions, and I hope my Republican friends will agree to this amendment because there is new information that the standards that are set for drinking water, for air, for other safety issues have not been set for these populations.

My amendment will ensure that S. 1 does not hobble the ability of Congress to protect these populations.

Let me talk a little more about children because it gets to my second amendment, and I have three, so, Mr. President, mercifully, I am winding down.

The second amendment is one I think should have broad support. Senator DODD is my leading cosponsor, and I am very proud of that because he has been, in the Senate, a protector of children.

I plan to offer a second amendment that excludes this law from laws that protect our children from pornography, sexual assault and exploitative labor practices. My amendment says that any bill which is intended to study, control, deter, prevent, prohibit, or otherwise mitigate child pornography, child abuse and illegal child labor would be exempt from S. 1's point of order and other requirements.

As I said before, S. 1 currently shields bills that help secure constitutional rights, prevent discrimination, ensure national security, and implement international agreements from its requirements. I support that section, but it is not enough because if there is a bill that deals with child pornography, child abuse, and child labor which is intended to protect our children, it will have to go through these unbelievable hurdles as will every amendment. Even if the bill goes through all the way to here, if there is an amendment, the amendment has to go back to square one. And I think it is time this Senate stood up—we have before—and said we think child pornography is a problem, we think child sexual abuse is a problem, and we intend to protect our children from sexual assault and from child labor policies that may harm them.

Now, let me put some facts on the table. People might say, well, is this really a problem in America? The answer is yes. In 1992, 2.9 million children were reported abused or neglected, about triple the number reported in 1980. That same year there were over 300,000 reports of abuse or neglect in California. Let me repeat, in my home State 300,000 reports of abuse or neglect, nationwide 2.9 million.

Now, of those children, of that universe of 2.9 million children in America, 49 percent suffered neglect, 23 percent physical abuse, 14 percent sexual abuse, 5 percent emotional abuse, and 3 percent medical neglect.

Under the National Child Protection Act signed into law by the President in 1993, States are required to place child abuse crime information in the FBI's criminal records system so that others can do background checks. This, my friends, is a mandate to protect our children, and I daresay every single Senator supports it. The crime bill passed last year requires States to register the current addresses of sexually violent offenders with a State law enforcement agency upon their release from prison or risk loss of Federal funding. I support that. I daresay everyone I know in this Senate and many over in the House do. As I remember, Congresswoman MOLINARI, who was very active in this issue, supported this.

This, too, is a mandate to protect our children. There are mandates that also protect our children from exploitation in the workplace. Now, let me tell you about that. We thought that fight was over. But in 1994, the Department of Labor found over 8,000 illegally employed minors and assessed over $6 million in civil penalties to employers. By law, State and local government as well as private businesses are prohibited from hiring children younger than 14 years of age, and teens between 14 and 16 may work after school only in nonhazardous jobs. This, too, is a mandate to protect our children, a mandate that I do not want to see taken away.

Now, will the provisions of S. 1 allow Congress to act quickly in the future to strengthen these mandates for the sake of our children? Let us look at some examples. According to studies conducted by the Institute of Occupational Safety and Health, over 64,000 teenagers sought treatment in hospital emergency rooms for job-related injuries in 1992.

Let me repeat that: In 1992, over 64,000 teenagers sought treatment in hospital emergency rooms for job-related injuries; 670 16- and 17-year-olds died from workplace injuries between 1980 to 1989. Let me repeat that to the mothers and fathers of this country and to the mothers and fathers in this Senate, of which I am one, soon to be a grandmother: 670 16- and 17-year-olds died from workplace injuries from 1980 to 1989.

Now, in response to these trends, Congress could decide to improve our child labor laws so that kids are not working in dangerous or life-threatening jobs. If so, we should be able to enact legislation quickly without going through this nightmare process that we have in this bill which we did not have in last year's bill.

Child labor violations are escalating. In 1990, the Department of Labor detected over 42,000 child labor violations, an increase of 340 percent since 1983. My friends, if we do not act, we are derelict. There is a 340-percent increase in child labor violations—38,000 illegally employed children. Congress could decide there needs to be more vigorous enforcement of this law, and we could not act fast unless we were in the exceptions clause.

That is why I am offering this amendment, to protect our children. We should not have to jump these hurdles. The crime bill passed last year contained a sense-of-the-Congress resolution suggesting that States which have not done so enact legislation "prohibiting the production, distribution, receipt, or possession" of child pornography. According to the National Center for Missing and Exploited Children, Kansas, Florida, and Georgia have no laws against child pornography. Mississippi and Michigan have no laws making it a crime to possess child pornography. Congress could well find that not enough States have enacted antichild pornography laws and require States to do so. If so, we should be able to act fast.

To make matters worse, those who traffic in child pornography have found a new method—the computer bulletin board. Pornographic images are transmitted by computer and some adults have used online communications to lure young children and abuse them. Let me explain. The following incident was reported in the April 18, 1994, issue of Newsweek.

A 27-year-old computer engineer in California used his computer to prey upon a 14-year-old boy. After many online conversations, he persuaded the boy to meet him in person. The boy was handcuffed, shackled, blindfolded, and taken to the man's apartment.

I do not want to go into everything that happened to this child because of the sensitivity of those things, but they were despicable. They were despicable. And then that 27-year-old forced the 14-year-old to write about the abuse. The man was arrested when the boy's father discovered this.

In response to stories like this one, Congress could require State and local law enforcement agencies to spend more on tracking and preventing such abuse. Could we act fast on such a bill under S. 1? No, we could not. No, we could not unless we exempt laws that deal with child abuse, child pornography, and child labor laws from these hurdles and put them into the exceptions along with the one on vulnerable populations. Otherwise, they are going to be caught up in a bureaucratic nightmare which, I add, was not part of last year's bill.

So I want to put my colleagues on record. Do they think the fight against child pornography ought to be bogged down in the bureaucracy of S. 1? Do they think the fight against child sex abuse should be bogged down in this? Or the fight to make sure that our kids are healthy, that our newborns are healthy, that our frail elderly are not killed because we have not acted quickly enough—for example, to clean up a water supply. We have documentation of what happened in Milwaukee. These are not horror stories or scare tactics. Mr. President, 120 people died in Milwaukee—120 people died in Milwaukee because cryptosporidium got into the water supply.

There are other dangers lurking out there. We should not be bogged down in S. 1, a bill that has the right thrust. As a former county local official, I do not want people telling me what to do on an ad hoc basis whenever they get the urge. But let us not walk away from our responsibility to protect people and realize that what we do has benefits and that S. 1 fails to adequately account for those benefits.

We must vote on these amendments. Let us see where my colleagues come down on these issues. I think it is going to be very interesting, because I have listened to many great speeches by politicians who are Democrats and Republicans and independents. I do not think I ever heard one politician who was loved, or elected, who did not talk about the importance of our children and protecting their health and their safety and making sure they can grow up and get a shot at the American dream. We may differ on how to get there, but I do not know of anyone who wants to expose our kids to abuse of any sort.

So my amendments are very straightforward in this. I think this cost issue is important. Senator WELLSTONE has the amendment I am supporting that will deal with that. How could you ever find out the benefits of making buildings and freeways and highways earthquake proof? Just ask the people of Los Angeles. The buildings that were strong withstood that earthquake. The freeways that were strong withstood that earthquake. Benefits? How can you put a number to the fact that we lost a law enforcement official because he was answering the call of the earthquake and he did not see that the freeway had collapsed, and he died? Can you measure what it would have been worth to his family, to society, if he had lived and provided guidance for his family, and paid taxes to the Government and all the things we do as good citizens?

This bill is deficient in that it fails to define direct savings. So there is an amendment offered by Senator WELLSTONE that will deal with that. The amendment would require CBO to take all such savings into account.

The last issue, and then I will yield the floor, that I deal with in my amendments which will be brought up at a later time is the issue of illegal immigration. I say to my friend in the chair, his State is beginning to feel a little of the problem. The border States right now are feeling a tremendous amount of the problem. I asked the GAO to do a study. It took Governor Wilson's numbers on the cost of serving illegal immigrants in our State, it looked at other cost estimates, and it subtracted the revenues that the illegal immigrants do in fact provide. We came up with a net cost of $1.4 billion a year to the State of California.

I know it is awfully difficult for people from other States to understand this, but half the illegal immigrants in the country wind up in my State; $1.4 billion is a conservative number of what it will cost. The Governor will tell you it is over $2 billion. I tried to be as fair as I could and subtracted some of the revenues. It is at least $1.4 billion.

We say this is the unfunded mandates bill. What could be a greater unfunded mandate than illegal immigration, where we in our State have to provide certain services because the Constitution says we must provide them. Of course we are going to provide health care to people if they are bleeding on the street or if they have a disease that could cause an epidemic.

Prop. 187 expressed the people's views on this subject. They are very upset. We have to control our border. I hope we will use this Mexico agreement to take steps in that regard. I have put it out there very strongly, that if Mexico is going to have us underwrite a $40 billion line of credit, that Mexico has to take steps to equal our effort at the border. I have worked in a bipartisan fashion with Congressman STEPHEN HORN in the House and with the administration. I am hopeful we will make progress.

Be that as it may, we have a problem and it is costing my State and other States. This is an unfunded mandates bill. If we ignore repaying States for this biggest unfunded mandate of them all, then I think this bill has lost its meaning. We have 300,000 illegal immigrants enter and take up residence in the United States every year. Our illegal immigrant population is about 1.7 million. We are getting half of the illegal immigrants.

So my amendment is very simple. It basically says we are powerless to reduce these costs and we want to make sure there is a section of the bill which sets up a mechanism whereby States can be reimbursed for these costs. By the way, we do not leave it open. We do not say: Whatever Governor Wilson says; or other Governors. We say there is a commission set up under the bill called the Advisory Committee on Intergovernment Relations. That is in the bill—here it is. We are saying they should find out a way to reimburse the States and come in with the plan. I think it is a very reasonable amendment, and I am very hopeful it will pass.

So, in closing, I want to restate that I think this bill can be made into a good bill. But it cannot tie us in knots and still be a good bill. People do not want us to be tied up in knots. There are some who think they do. They want to make this United States irrelevant.

I read the Constitution, perhaps not as often as the Senator from West Virginia, who carries it in his breast pocket. I do carry it in my briefcase and I do read it. I know what our job is. We are supposed to provide for the common defense, promote the general welfare, ensure domestic tranquility, establish a system of justice. It does not say we are supposed to do one thing, provide for the common defense, and nothing else. Or one thing, establish a system of justice, and nothing else. It says we have to do it all, and we have to work with other levels of government.

According to the Wall Street Journal poll, a vast majority of citizens want us to act when it comes to the environment; they want us to act when it comes to crime; they want us to act when it comes to this economy. They do not want us to be tied up in knots. They want us to act, act wisely, act sensibly; do not waste money; do not put unfunded mandates on the States that really make no sense, that have no benefit. But they do not want to tie us in knots.

Last year's bill would not have tied us in knots. The reasons I am adding exceptions, and other Members are adding exceptions, is we want to make sure when this bill becomes law, there are enough exceptions so things that are really crucial to our people do not get tied up in knots. If we do not even need them and perhaps we will change our mind on them—that is fine. But if it is so important that the life and death of our children depends on it, or if our frail elderly depends on it, we ought to be able to move.

We ought to be able to reimburse States that have these terrible costs associated with the failure of Federal Government to enforce the laws at the border.

By the way, I have to say I have worked with the Bush administration and the Clinton administration on this. We are making some progress. We finally have some reimbursement for incarcerated illegals. I believe that President Clinton is going to announce, from what we see in the newspaper, a good initiative to get more Border Patrol. But we are so far from where we have to be to control the border and it is costing us so much money that we need to stop the promises and deliver to these States on that unfunded mandate.

So I like S. 993, which was authored by the Senator from Idaho last year. I think it was a better bill. With that bill we would not have had to amend so much. We would have just taken that bill. This bill creates a lot of hurdles, and, therefore, I think we need to get more exceptions. I do not think S. 993 went too far. This bill may go too far. If these amendments do not pass, we will just have another layer of gridlock on top of the gridlock we already face. There are legislative hurdles here that are worse than unnecessary. But we can fix them if we add some exceptions, if we move in these areas, if we listen to Senator LEVIN and to Senator GLENN and to others who have been, I think, so informed on this.

I do not want Congress paralyzed. I do not think that was the message of this election. It was to get on with our work and to do it right and to get it right.

If I am convinced, after we vote on these amendments, that this bill will be good for California and its people, I will be very proud to vote for it. I want to be able to vote for it. But if it really is not improved and it becomes a mask for another agenda, which is the dismantling of the protection and laws that help the people of my State or leads to paralysis in the U.S. Senate that already suffers from enough paralysis, I will not vote for it.

Again, I know the Governors love this. We do not work for the Governors. We work for the people. The Governors always hand down unfunded mandates to local government. As a matter of fact, it is one of the biggest complaints I get from boards of supervisors, that they are constantly being handed mandates from the State. So it is not as if the Governors have not done this themselves.

We all have to shape up. We all have to stop passing laws that cost so much money that do not have a benefit. But if they do have a benefit, we had better calculate that into our formula. We represent the people here, and I think, if we support some of these amendments, this is going to become a great bill, not just a good bill but a great bill. But if we vote lockstep against these amendments, I think history will show—and history will unfold as soon as this bill takes over—that this was just a mask for stopping the protections that our people deserve, hurting environmental laws that protect our citizens, and tying us up in knots.

So I want to thank both managers. They have been extremely patient. I withheld all my debate and all my amendments until I got to the floor at the request of the Budget Committee. I feel very pleased that I had a chance to lay out these issues. When my amendments are called up, I will not need an hour to go into all of them because I will have laid this out on the record and I will be able to summarize my charts and my feelings on my amendments.

I again thank the managers. I wish them well.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I want to commend the Senator from California, who, as always, has a thoughtful discussion as to her points. I know that she indicated that it may be her view that this bill goes too far. I must note that I have a number of

Senators who think this bill does not go far enough.

So I think maybe we have found something here which is a bill that can accomplish what we need to have done. That is why both the public and private sectors are so supportive. I think everyone would say, yes, we can make some changes, what have you, but also what we think about all of the concerns of what these unfunded mandates have done for years to our cities, to our counties, to our States, and many times I think they have exacerbated the very problems that you have pointed out this morning. I appreciate that.

I appreciate, too, that the Senator from California stated she felt she had the opportunity now to lay out her case. When we call her amendments up for debate—there are some Senators who would like to discuss them, and I have comments I would like to make specific to them—at that point would she be willing to enter into a time agreement?

Mrs. BOXER. I reserve my right to agree or disagree depending on how many people on this side wish to speak on my amendments. I assure the manager that I will attempt to find that out and be very reasonable. I think the Senator has been most reasonable. I greatly appreciate it.

I am not here to slow down this bill. I am here to make it a better bill. I have to say to my friend that this is a different bill from last year's bill. The Senator knows that. I would say that is why the exceptions are so crucial because we have made it much more difficult to get legislation through. As I pointed out on the charts, the red, the yellow, and the green, if someone has an amendment, it has to go back through the process and this all happens. There is a difference.

In the original bill it stopped right here with CBO. The exceptions part of the bill, which I commend the Senator for, really has to be looked at because we do not represent the Governors, we do not represent local government or the private sector. We represent all the people, people of all walks of life and people in local government, people in the private sector. To me what is crucial is that we look at how this is going to affect the average citizen of our Nation.

I have to tell you, I say to the managers, if you ask one of the families that lost its member because of cryptosporidium in the water—and the Senator and I are working on safe drinking water, we are on the Environment Committee together—if you ask one of those people, should the Government have acted to prevent cryptosporidium from getting into the water supply that their grandma, grandpa, a child died from, they would have said it would have been a real benefit.

I want to make sure, as a Senator from California, that we do not get some of these laws bogged down in such a way that we have more of those tragedies. I know the Senator from Idaho has no interest in having that outcome; absolutely none. He and I have been working hand in hand to make sure it does not happen. I am just pointing out that when we do this legislation in the name of preventing unfunded mandates, let us get to the real issues of the people, which is, are they going to live or die by this. In some cases there may be some legislation that gets caught up in this, such as child pornography, sexual abuse, clean water standards, that we may not want to have to get caught up in this. That is why I offered my amendments today.

I assure you I took a long time just zeroing in on those two areas. I could have had 10 amendments for other issues. I just picked the issues that I feel are so crucial to the health and safety of our people that we do not want to get tied up in this process if we can avoid it.

Mr. KEMPTHORNE. Mr. President, as we talk about this process, it was at the urging of the mayors and Governors that we took S. 993, which was last year's bill and is the core of this introduced bill. It was a great first step. But we have taken it another step, again at the urging of the mayors, the county commissioners, the school boards, the Governors, and the private sector. So I think as we take these steps forward, they are all forward.

I would also note that when we look at the legislative process—and Senate bill 1 is a process—that at any point, if you feel you have a compelling argument—and the Senator from California has a good knack for making compelling arguments—you can come to the floor and just seek a waiver at that point or at any point during the process. If a majority of the Senators agree with you, then you have waived that point of order.

Yesterday, I read a letter from Inge Stickney, who is the mayor of Kooskia, ID—she is 68 years young—a community of just a few hundred people. In addition to being the mayor, she and her husband have a small trailer court where they have, as I recall, about 15 spaces. They rent them for $50 per space. They are continually having problems with requirements of Government for further studies of the water which has served them for generations there. The water does not pose a health risk. They continue to have this escalating cost to the point that some bureaucrat has now suggested to them, "Well, you should just sell the trailer court." That is what Government is saying: "You ought to just sell." Well, if Inge and her husband sell, then new owners would have to increase the costs of the rental for those trailer spaces all because of the requirement to spend more on testing water that does not have a problem.

As she pointed out, a $5 increase to many of these people, who are retired farmers and retired loggers who have lived there for their entire lives, would pose a real hardship to the point that if she were just to sell, wash her hands of it, it could really put in peril many of those people who live in that trailer court because the costs would go up. They will not have the funds to cover it.

They then might have to look to government to provide for their livelihood, for their well-being. Thank goodness we have people like Inge Stickney and her husband, who, while being good business people, also have a heart and determined that, while they can make a profit, they would just as soon retain that trailer court because that is good for those people who are relying on them.

But that is part of what the Senator from California is talking about, the elderly. And Inge Stickney is a strong supporter of S. 1, as is virtually every mayor in the country.

I appreciate the arguments of the Senator from California.

I see the Senator from Texas is here, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to speak on the amendment that Senator BOXER from California has put forward.

I, like the main sponsor of this bill, am a former State official. He was a former mayor. I know what it is like to have to make those decisions on a State budget when you are getting mandates from the Federal Government and you have to say, "Do I increase the elderly's light bill or the water bill of an elderly person because I have this mandate from the Federal Government?" It is very difficult for elderly people to make ends meet.

So when we are talking about eliminating a category of the elderly or children and their effects, I wonder if we have considered the effects of raising a water bill because of an environmental mandate that perhaps does not meet a cost-benefit analysis. All of these things that we are trying to prevent the Federal Government from passing to the States are going to have an impact for the good on children and the elderly. In fact, I think we have to say what this amendment really is. It is an amendment that will gut the bill.

Now, I know that the Senator from California is sincerely interested in the elderly and the welfare of children. She has expressed that many times, and I have no doubt of her sincerity. But I do think this amendment is going to have the opposite effect from what she wants.

The purpose of this bill is to set up a process. The process has really two results. One is to give us the information that we need so that we can judge how much a bill we are going to pass will cost. If it is going to be passed to State and local governments, that will then be passed on to their constituents in the form of new taxes or increased fees. That is one part of the bill.

And then the second part of the bill is to determine what is that impact and to say, this Congress has a policy we are not going to pass these bills without sending the money. If it is over $50 million, we are just not going to do it because the State and local governments cannot absorb it. So it is finding out what the costs are and then saying we are not going to do this unless we pay for it.

Now, we have the option of paying for it. If we decide that something is very important and it fits within the budget priorities, I think the Federal Government should pay for it. I may vote against a point of order or vote to uphold a point of order and override the point of order later because it is important to me that we do what the bill before us would do that would be beneficial to the elderly or to children or to the working people of this country.

So we have the option of overriding the veto. We have the option of saying we think this is important and we are going to put a mandate on the States.

But the purpose of this bill is to say we are going to decide what the Federal priorities are within a budget and we are going to have the integrity to say, if we think something is important, that we will pay for it. Or we will not tell the States they have to do it; we will say to the States we suggest you do it but we will not mandate they do it. So we have a choice. If it is a good program, we can tell the States we are going to override all of the things we have said and require you to pay for it, or we can step up to the line, which is what we should do, and pay for it ourselves.

So I think it is very important that we not pass an amendment that will, in effect, gut the bill. Because everything we do is going to affect the elderly and the children. And if we say anything that effects them is not going to be eligible for this bill, it means we can pass everything we have already passed which causes—let us take the clean drinking water bill. Let us just take that for an example.

We are talking about testing for certain carcinogens or certain elements that might be in water. Now, what we are saying in this bill is, we want to make sure that if we require the city of Plano to test for elements in their water, that it is something that is relevant to the water supply of the city of Plano. That is not the case today. The case today is that the city of Plano and the city of Columbus, OH, may be having to test for a solvent or something used to eradicate bugs in pineapples, and they do not have pineapple plants in Plano or Columbus, OH. So the people of Columbus, OH, and Plano, TX, are having to pay for a test that is not relevant to them.

Well, what happens? What happens when that occurs? It increases the water bill for that elderly person who is having a hard time making ends meet. That is what we are trying to prevent with this bill. That is what we are trying to change. The impact on the elderly is every bit as much, with a mandate on clean drinking water that does not make sense, as it is for a social program that would be a welfare check.

The bottom line is, we all want to make sure that we do the best for the people who cannot help themselves in this country; in many instances the elderly, in many instances the children. But I think we differ on the way to best come to the end of the line.

This amendment by the Senator from California will gut this bill, and it will allow the continuing increases of water bills and electricity bills, utility bills, rent, property taxes that hurt the elderly and hurt the children of this country, when what we are trying to do is say, "No, we are not going to tell the local governments that they have to raise property taxes and water bills and electricity bills. We are going to have the integrity of the process." If my colleagues agree that we must keep the integrity of the process and the integrity of this bill, it is very important that we defeat this amendment. Thank you, Mr. President. I yield the floor.

Mr. KEMPTHORNE. Mr. President, I certainly thank the Senator from Texas for her statements and for her strong support. She was one of the original cosponsors, both of Senate bill 1 and the effort last year. From her experiences as the former State treasurer of the State of Texas she has just demonstrated time and again her total understanding of this issue and the fact that we need to curb these unfunded mandates. I thank the Senator from Texas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 207

(Purpose: To express the sense of the Congress that Federal agencies should evaluate planned regulations, to provide for the consideration of the costs of regulations implementing unfunded Federal mandates, and to direct the Director to conduct a study of the 5-year estimates of the costs of existing unfunded Federal mandates)

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 207.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—Not later than January 1, 1998, the Director shall submit a report to the Congress including—

(1) an estimate of the costs of regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall provide to the Director of the Congressional Budget Office data and cost estimates for regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

Mr. GRASSLEY. Mr. President, my amendment just read expresses the sense of Congress that Federal agencies should issue regulations with costs that are in keeping with the Congressional Budget Office's estimated cost.

In addition, my amendment just read will require that the CBO submit a report 2 years after this bill by Senator KEMPTHORNE, S. 1, goes into effect. That report should detail whether agency regulations are in line with the CBO's original estimates when the legislation is passed.

If I could engage in discussion with the Senator from Idaho, Mr. President, I would like to at this time also present another amendment that I would like to have before this body. It is my understanding that both of these amendments will be discussed after the midafternoon deadline.

Mr. KEMPTHORNE. Mr. President, I would yield, but that is correct.

AMENDMENT NO. 208

(Purpose: To require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates)

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment that I just presented be set aside so that I can offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 208.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsection (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting "408(c)(1)(A)," after "313,".

Mr. GRASSLEY. Mr. President, this amendment will require 60 votes to waive the requirement in S. 1 of a published statement on the direct costs of the Federal mandates.

I want to make something clear to my amendment so that it does not get confused with a much stronger amendment, what is my understanding will be offered by Senator GRAMM. Because my amendment does not require 60 votes to waive the requirement in S. 1 to pay for unfunded Federal mandates, that is the goal of other amendments, I am sure, we will be discussing. My amendment might be confused because it does have a 60-vote requirement in it. That requirement is to the simple waiving of the requirements in S. 1 to obligate what is a much more simple approach, the original estimate from the Congressional Budget Office of the costs of the Federal mandates.

In other words, let me make clear: it is one thing to have an amendment before this body that we would have to have majority to waive the requirement of a mandate; but it is quite another thing to have a 60-vote requirement just to waive the CBO doing the estimate of what might be the cost of a mandate.

My amendment does the latter, not the former. I do not oppose the former. I understand that there is lots of opposition to going to the 60 votes. I presume that there is even opposition to have a have majority to even waive having CBO even do some estimating.

It seems to me, Mr. President, that it is one thing to have a supermajority that we are going to go ahead even though we do not fund the mandate. But it seems to me that we cannot intellectually and honestly approach the subject of public policy without knowing what that cost is.

My amendment would simply make it more difficult for this body to avoid even finding out what a particular mandate is going to cost. I would like to have that be a supermajority because it seems to me that there is no way we can defend passing mandates or maybe even any other public policy without knowing what that cost is.

I will have, Mr. President, further to say on each of these amendments at a future time this afternoon and particularly on the first amendment that I have sent to the desk. Senator SNOWE, the new Senator from the State of Maine, has been very helpful to me on this amendment and she would like to speak a few minutes on that amendment. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WELLSTONE. Mr. President, if there is no other Senator on the floor to offer an amendment, I ask unanimous consent to speak no more than 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? Without objection, it is so ordered.

CONVEYING SADNESS, SYMPATHY, AND OUTRAGE

Mr. WELLSTONE. I thank the Chair. Mr. President, sometimes we speak on the floor of the Senate—Democrats and Republicans—not because we have an amendment to offer, not because it is our legislative agenda, but because we just cannot be silent and we feel that it is important as Senators, given the honor of being Senators, to speak about those issues and those peoples that we feel very strongly about.

In today's New York Times, there is a picture that tells more than a thousand words:

A friend of Sgt. Maya Kopstein, a 19-year-old victim of a suicide bombing, mourned at her grave yesterday and held the flag from her coffin.

Mr. President, 19 Israelis were murdered in a Palestinian suicide bombing. All but one of these soldiers were barely old enough to vote.

This one young woman over here in this picture, as I talked with a very close friend of mine—we become close with the staff we work with—my legislative director, Mike Epstein, said: "Just look at her face, this young woman, young girl. It looks as if she's saying, 'What kind of a world do I live in?'"

Israelis murdered, "* * * all but one of them soldiers barely old enough to vote."

I have three children, and my youngest is now 22. These were children who were murdered. I do not know when all this violence will stop, but I want to speak on the floor of the Senate today—and I did have a chance to also talk to the Israeli Ambassador—to convey not only my sadness and sympathy but also my outrage. I believe that this is a sentiment that I express for all Senators, and I send this to the people of Israel. I want them to know that all of us care fiercely about what has happened, that all of us, on both sides of the aisle, condemn murder.

And, Mr. President, I today hope and pray—I use those words carefully but I think those words apply—I hope and pray that the Israelis, Palestinians, all of the peoples in the Middle East, find a way, first of all for security and protection, to stop this, and, second of all, a way to move forward—to move forward—with the peace process. There has to come a day when children are not murdering children. There has to come a day when this violence ends. There has to come a day of reconciliation.

The sad thing is that the extremists have figured out the most effective way of trying to destroy this process. The extremists have figured out perhaps the most effective way of trying to make sure that there never will be peace. But my hope and my prayer today is for all of the families of all of these young people that have been murdered. My hope and prayer today is for the Israelis and the Palestinians, and for all the people in the Middle East—that there will be reconciliation. And as an American Senator and as an American Jewish Senator, I want to speak on the floor to express these sentiments. I want my country to be as helpful as possible, our Government to be as helpful as possible at this time. I want us to extend our friendship and our support to Israel. I never want any of us to turn our gaze away from this kind of outrageous slaughter of young people, of children.

Murder, Mr. President, is never legitimate. Murder by anyone is never legitimate.

I yield the floor.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NOS. 209 AND 210, EN BLOC

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may send to the desk two amendments, which I will send en bloc. Discussion on these will occur at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes amendments numbered 209 and 210, en bloc.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 209

(Purpose: To provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to State, local, and tribal governments)

On page 26, after line 5, insert the following new subsection:

"( ) LIMITATION ON APPLICATION.—This section shall not apply to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute if adoption of the bill, joint resolution, amendment, motion, or conference report—

"(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

"(2)(A) would not result in a net reduction or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

"(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by a corresponding amount."

AMENDMENT NO. 210

(Purpose: To make technical corrections, and for other purposes)

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. KEMPTHORNE. Mr. President, we will discuss those two amendments or call them up at a later time.

AMENDMENT NO. 211

(Purpose: To make technical corrections, and for other purposes)

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent to send to the desk an amendment by Mr. KEMPTHORNE for Mr. DOLE.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. DOLE, proposes an amendment numbered 211.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. KEMPTHORNE. Again, Mr. President, I ask unanimous consent that these now be laid aside and we bring the pending amendment back before us so we can discuss these at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 212

(Purpose: To clarify the baseline for determining the direct costs of reauthorized or revised mandates, to clarify that laws and regulations that establish an enforceable duty may be considered mandates, and for other purposes)

Mr. GLENN. Mr. President, I am sending an amendment to the desk. Because the amendment makes changes at more than one place in the bill, I ask unanimous consent that consideration of this amendment shall be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Without objection, the pending amendment is set aside.

The clerk will report the amendment.

Mr. GLENN. I thank the Chair.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 212.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 19, strike "impose" and insert "establish".

On page 7, line 11, strike "impose" and insert "establish".

On page 8, line 5, before "amounts" insert "new or additional".

On page 8, line 15, before "amounts" insert "new or additional".

On page 9, line 7, strike "or".

On page 9, between lines 7 and 8, insert the following:

"(II) to comply with or carry out the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; or".

On page 9, line 8, strike "(II)" and insert "(III)".

On page 9, line 22, strike "or".

On page 10, line 4, strike "and" and insert "or".

On page 10, between lines 4 and 5, insert the following:

"(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments, or the private sector from levels that would be required under the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; and"

On page 10, between lines 14 and 15, insert the following:

"For purposes of determining amounts not included in direct costs pursuant to subparagraph (C)(i) and amounts of direct savings pursuant to subparagraph (C)(ii), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced before January 1, 1996, or by Federal regulations adopted before such date shall be calculated without regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements. Notwithstanding the provisions of subparagraphs (C)(i)(II) and (C)(ii)(III), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced on or after January 1, 1996, or by Federal regulations adopted on or after such date shall be calculated with regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements.

Mr. GLENN. Mr. President, this amendment clarifies how the provisions of S. 1 will treat reauthorizations of existing laws that contain mandates. Our understanding all along, with both myself and Senator KEMPTHORNE, is that S. 1, as did S. 993 last year, shall apply only to future mandates that add new costs, and this amendment clarifies that intent. There has been some confusion about that. Basically, the amendment does the following. It ensures that reauthorizations which do not change existing laws but merely extend them are not covered under S. 1. So if a law is simply extended for several years without any substantive change, it is not covered under the mandate legislation.

Second, if a reauthorization amends the mandate and imposes new costs on State and local governments and the private sector but in another part of that reauthorization bill the costs of existing requirements are reduced, then those savings are credited against the new costs imposed.

Third, this language makes clear that in reauthorization bills, it is new costs that will be scored and that the baseline of existing costs are not part of the CBO or Budget Committee calculations. So direct costs are net costs.

Finally, this amendment covers situations that may occur when an existing law expires and there may be a short gap in time before it is extended. I believe this amendment is noncontroversial and clarifies what has been our intent all along, that S. 1 apply to the new mandates imposing costs.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent to speak on amendment No. 201 offered by the Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 201

Mr. KYL. Mr. President, I make this statement on behalf of the Senator from Wyoming, the chairman of the Immigration Subcommittee of the Judiciary Committee, relating to the Boxer amendment which would require an advisory commission report on immigration-related unfunded Federal mandates.

Mr. President, I have discussed this amendment No. 201 with Senator SIMPSON, who as I said is chairman of the Immigration Subcommittee. As he noted, the issue of the cost of illegal or legal immigrants to State and local governments is very complex. As a matter of fact, it is not the result of a mandate by the Federal Government but, rather, because the Federal Government has failed to carry out its obligations to secure our international borders.

The congressionally established Commission on Immigration Reform is examining this issue at the present time. The Subcommittee on Immigration will be looking at this issue in its oversight capacity. I strongly urge my colleagues to table amendment No. 201, and, if necessary, the Congress can deal with it later when some of these complexities are resolved.

Senator SIMPSON has assured me that the Subcommittee on Immigration will hold hearings on various immigration reform proposals, and it is clear that this issue will be raised and considered in these hearings.

I might add, Mr. President, that as a Senator from a border State, this is an issue of vital concern to me and to my State.

Senator SIMPSON has noted that the Congress has not ignored the costs to State and local governments resulting from immigration legislation. In the 1986 Immigration Reform and Control Act, Congress included $4 billion for assistance to States that were impacted by the legalization program in that legislation. The Congress was responsive and provided assistance where immigration legislation was likely to create new costs for State and local governments then, and Senator SIMPSON assures me he would support similar assistance in the future.

To require the advisory commission to provide a report and a plan at the same time the Commission on Immigration Reform is examining and preparing to report on the same issue would be duplicative and unnecessary. So I suggest, Mr. President, that we wait for the findings and report of the Commission on Immigration Reform this spring and not require this advisory commission to go over the same ground as would be called for in amendment No. 201. I urge my colleagues when this amendment is considered by the Senate to table it. I would again indicate that this is a reflection of the Senator from Wyoming [Mr. SIMPSON].

AMENDMENT NO. 213

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I offer an amendment which I send to the desk. I ask unanimous consent that the reading of the amendment be dispensed with and that it merely remain at the desk to be called up at a later time, thus qualifying the amendment under the agreement previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment by number only.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 213.

Mr. BYRD. Mr. President, I thank the Chair.

The amendment is as follows:

On page 23, line 17, strike "(IV)(aa);" and insert "(III)(aa); and".

On page 23, strike line 18 through line 6 on page 25 and insert the following:

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not alter than 30 days after the recommendations are submitted to Congress; and

"(cc) provides that such mandate shall be ineffective until such time as Congress has completed action on the recommendations of the responsible Federal agency.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside and the Senate resume consideration of amendment No. 186, which I offered yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 186, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to modify amendment 186.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. WELLSTONE. Mr. President, I send the modification to the desk.

The amendment (No. 186), as modified, is as follows:

Strike all after "( ) It" and insert the following: "is the sense of the Congress that the Congress should continue its progress at reducing the annual federal deficit and, if the Congress proposes to the States a balanced-budget amendment, should accompany it with financial information on its impact on the budget of each of the States."

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 201–203

Mr. BURNS. Mr. President, I would just like to comment on the amendments that have been sent to the desk by the Senator from California and the schematic she offered to the rest of the body to illustrate what would happen if this piece of legislation were to pass without her amendments.

I have often said, before we can attain success in what we are trying to do in bringing down the size of Government, in trying to make it more efficient, there are probably three areas of reform: Regulatory reform, budget reform, and spending reform.

There is a very simple bottom line to that. Regulatory reform—regulations have to be reviewed, as S. 1 does review those, for impact on not only the economy but upon the way we do our business with our State and local governments.

Budget reform—inasmuch as we have to get away from, I think, baseline budgeting. We have to go back to the old situation of starting at ground zero and building a budget, or at least based on previous years' expenditures, to bring some kind of honesty and integrity and accountability to the American people.

And in spending reform—I have a feeling inside me that maybe we should only spend money on those programs that have been authorized and not delve into some things that have not been authorized.

But let me talk about specifically S. 1. If you look real closely at that schematic, it is kind of scary because it has legislation going in many directions. To some it would seem very confusing. But basically we do all of those things that are on that schematic now—a vast amount of it. The problem is in our hearings we take testimony from Governors and from mayors and from county commissioners and people who have to administer local government, and we only choose that information that we agree with. So we vote sometimes not exactly taking into account some of the testimony. We only accept that which we agree with and what we do not agree with we cast aside when making a decision on unfunded mandates.

I am a former county commissioner. There were three of us. It is wonderful to be a county commissioner because there were three of us. You are the budgeteers, you are also the appropriators, and you are also the spenders. And you also have to make some pretty tough decisions because we have to operate in a balanced budget. In fact, we have to maintain reserves. Whether it is the bridge fund or the road fund or the county welfare or whatever—but we have to make some decisions every day when we appropriate and spend and develop programs, whether we can afford them and where the money is going to come from. And, yes, maintain the reserves for the carryover months that are in front of us.

Montana had an initiative called 105 that froze everything because taxpayers got a little cranky up there in 1986 and we could not raise the mill levy. We could not deal with it. So basically we go through everything that is on that schematic. The problem is we only accept that testimony from those Governors, those mayors, those county commissioners that we choose to accept.

Unfunded mandates: Of course, right now the news is the motor voter law that has been levied against some States. In Montana we have had a motor voter law for a long time. It is not as extensive as the one passed by this body. But nonetheless, that is a perfect example of an unfunded mandate.

So do not be scared of this schematic that shows where the whole works gets all balled up and nothing happens in Government. If I had my way, I would say that after we passed legislation, if you want to look at regulatory reform, getting way over here on this side of the world, maybe, before a final rule is issued on any law that is passed by Congress and signed by the President, that rule should come back to the committee of jurisdiction to make sure that rule does what the intent of the legislation was. We see a lot of legislation that is passed and then once it hits the street it looks nothing like the intent of the legislation.

So, yes. It is slower. There is nothing wrong with that. I would agree with the Senator from California. If we are going to do it, let us do it right. I agree with that. If it takes a little longer, then so be it because I think this is a piece of landmark legislation that is going to maybe bond the relationship between the Federal Government and its duties, its requirements, and the actions that we take with those of local governments which have to administer most times that legislation that is passed by this Federal Government.

If it takes a little longer, do not let the schematic scare you. We understand that. If it slows the process down, then so be it.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 214

Mr. SARBANES. Mr. President, I send an amendment to the desk in behalf of Mr. D'AMATO and myself, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland [Mr. SARBANES], for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 214.
>
> On page 12, line 3, strike the period after "Code" and insert ", or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.".

Mr. SARBANES. Mr. President, I rise to offer this amendment on behalf of Senator D'AMATO and myself. The amendment makes what we consider to be a technical but important change to S. 1.

Section 3 of S. 1 exempts independent regulatory agencies as defined in the United States Code from the regulatory impact analysis and reporting requirements of title II of the bill. The effect of this provision already in the bill is to exempt from title II three of the five Federal agencies which regulate federally insured deposit institutions, in effect the Federal Reserve, the FDIC, and the National Credit Union Administration. However, the provision does not, as currently written, exempt two of the other Federal agencies which regulate Federal deposit insurance institutions, the Comptroller of the Currency, the OCC, and the Office of Thrift Supervision, the OTS. The OCC regulates nationally chartered banks and the OTC regulates savings and loan institutions.

The concern is that imposing requirements of title II of section I on Federal financial institution regulatory agencies could delay the prompt issuance of safety and soundness rules that affect federally insured financial institutions.

It is my understanding it was not the intent of the sponsors of the legislation to draw a distinction among the Federal agencies which supervise federally insured deposit institutions. In fact, it is not logical since these agencies carry out essentially similar functions and should be treated similarly for the purposes of this legislation.

Furthermore, distinguishing amongst the agencies could create problems for their operations. For example, the agencies issue many regulations jointly in order to assure consistent regulatory standards for federally insured institutions.

The bill, as now written, would interfere and possibly delay the issuance of these rulemakings for two of the agencies, while the other three are exempt.

This amendment will simply provide that all five of the regulatory agencies which have supervisory responsibilities for federally insured depository institutions be treated in the same way by this legislation. It would therefore ensure, this amendment would ensure that the agencies can act jointly and expeditiously in the public interests to ensure the safety and soundness of the federally insured institutions.

Mr. D'AMATO. Mr. President, I rise today in support of a Banking Committee amendment to S. 1, the Unfunded Mandate Reform Act of 1995. This amendment is supported by both myself, the chairman, and the distinguished ranking minority member, Senator PAUL SARBANES.

This amendment, Mr. President, would protect the safety and soundness of insured depository institutions. Specifically, the amendment would amend section 4 of the bill to provide that this bill does not apply to any proposed or final Federal regulation that ensures the safe and sound operation of an insured bank or thrift or that protects the deposit insurance funds.

S. 1, as introduced, would have an anomalous effect of exempting three of the five Federal financial institution regulatory agencies—the Federal Reserve, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. Two others, the Comptroller of the Currency and the Office of Thrift Supervision, are not exempted. There is no justification for this different treatment. Because the FDIC, Federal Reserve, and NCUA are not covered by this legislation, this exemption would apply only to regulations issued by the OCC and OTS.

All of these agencies have the same supervisory responsibilities and need the same ability to act expeditiously in the public interest. The Office of the Comptroller of the Currency and the Office of Thrift Supervision, the two agencies that are subject to the bill, supervise the institutions that hold most of the assets of the U.S. financial system. These two agencies exceed the assets held by the other three combined. Treating two of the agencies differently from the others will hinder congressional intent to reduce regulatory burden.

Mr. President, I am concerned that imposing the requirements of S. 1 on these Federal financial institution regulatory agencies could delay the prompt issuance of safety and soundness rules that effect federally insured financial institutions and credit unions and their deposit insurance funds.

I strongly urge the adoption of this amendment.

Mr. ROTH. Mr. President, I rise in support of the amendment of the Senator from Maryland to clarify that this legislation is not intended to address the role of our banking regulatory agencies. I do so because the major purpose of S. 1 is to focus on Federal unfunded intergovernmental mandates and to establish a process for treating them. In contrast, the banking regulators regulate banks, not governments. They impose no direct costs—a defined term under S. 1—on State, local, or tribal governments.

The problem the banking regulators have brought to our attention arises from the somewhat indefinite scope of title II of S. 1. Originally intended to focus only on agency regulations involving the public sector, the title has been extended in certain respects to the private sector as well. The result might very well leave banking regulators in a situation where they are required to perform analyses producing little benefit to either the public or the private sector. In fact, the provisions of title II may need to be revisited in the near future as a general matter to make sure that its provisions are cost effective.

The banking regulators have requested exemptions from the legislation arguing that the Treasury regulators should be accorded the same status as independent regulators that are exempt. In my analysis I never need reach the question of equal treatment since it appears to me that there is little, if any, overlap between the scope of this legislation and the domain of any of the banking regulators.

It is my intention, as chairman of the Committee on Governmental Affairs, to move regulatory reform legislation later in this Congress. It may be that such legislation, even though general in its scope, would more directly address the responsibilities of banking regulators to the American people and the institutions they regulate. It seems to me entirely appropriate to wait until such legislation is fashioned and understood in order to resolve questions how regulatory reform might impact banking regulators.

Mr. SARBANES. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 214) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Madam President, I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATION FOR PUBLIC BROADCASTING

Mr. PRESSLER. Madam President and Members of the Senate, I was concerned this morning to see in the Washington Post a story that was critical, essentially, of companies that might be interested in purchasing, acquiring, or partnering with the Corporation for Public Broadcasting and other public broadcasting entities. In fact, the story highlighted or used as a headline, referring to these companies as "vultures moving in," and quoting one public broadcasting executive as referring to them in that way.

I think it is most unfortunate that fine, honest, telecommunications companies or other companies who might be interested in purchasing or running or managing the Corporation for Public Broadcasting and other public broadcasting entities or contributing the same amount of money the Federal Government now contributes in exchange for certain program and commercial rights with conditions of children's programming and conditions of rural radio and rural TV, to refer to them as "vultures" indicates the mentality of the insider group at the Corporation for Public Broadcasting and the so-called public broadcasting family.

This family consists of inside-the-beltway crowd at the Corporation for Public Broadcasting, the Public Broadcasting Service, National Public Radio, the Association of Public Television Stations, et cetera. It includes groups and certain foundations that surround the Corporation for Public Broadcasting such as the Children's Television Workshop. It includes some of the stations that get the lion's share of the funds such as WNET, which gets at least 20 times as much Federal money as my huge geographic State gets. This group is very defensive to any change.

Madam President, I am chairman of the committee that has oversight over the Corporation for Public Broadcasting and related agencies. We are supposed to think of some new ideas. There has been a telecommunications revolution since 1967. I think it was good that public radio and TV were created. It is now up and running.

There are several other privately funded areas that are producing the same kind of programming at a great profit, including Nickelodeon in children's television, including the Learning Channel, including the History Channel, and so forth. Granted these are on cable. Some say that they do not reach everybody.

We are also in an age when we have the computer Internet and many other exciting telecommunications and information technologies which did not exist in 1967.

We have VCR's, we have a number of additional new telecommunications and information technologies that will be coming if my Telecommunications Competition and Deregulation Act of 1995 is enacted. We will have an explosion of new telecommunications and information technologies. It is time that the Corporation for Public Broadcasting and other public broadcasting entities in this country be reformed and reinvented.

So I put these suggestions forward in the most sincere of fashions, but every time I make a suggestion, somebody in the public broadcasting family comes back with a very critical comment, discrediting it without any discussion of the facts.

The facts are that the American taxpayer is now providing a free public platform for many performers who make great profits, and I have nothing against profits, but the taxpayer is left out.

So I want the quality programming. It could be sold with conditions. Telecommunications in this country is privately owned, but they have conditions for universal service and certain rules on telephones and telecommunications devices. Railroads in this country are sometimes sold with public conditions, such as the Conrail sale a few years ago. Airlines have public conditions under which they operate.

We have reached a time when the Corporation for Public Broadcasting must rethink its role, it must rethink its relationship to some of the other communications technologies. It can profit from them. It can get along without a Federal subsidy, and it would be operated much better if it were privatized.

I have spoken to several privatization experts in the last week. I find the only people opposed to this are those inside the beltway, the people in that public broadcasting family who get salaries of between $200,000 and $600,000 a year, in some cases, whose salaries exceed the Members of this body. But these people cloak themselves in the public robe, saying that they are public servants. Well, if they want to be public servants then they should be paid like public servants, I suppose, in the opinion of some, if they do not want to be private.

They want to have their cake and eat it, too. They now have advertising on public radio and television. They get all sorts of grants. They have private-sector salaries, but yet they want the taxpayers' money.

So I say decide what you are or who you are, but get caught up with the telecommunications revolution, in any event. And the fact that several telecommunications companies are interested in buying, acquiring, or partnering with the Corporation for Public Broadcasting and other public broadcasting entities indicates a synergistic relationship in this day and age. How wonderful it would be if public broadcasting would synergistically interact with the other new telecommunications, with computer Internet, with VCR's, cable TV, and with lots of other technologies. For example, Nickelodeon, which produces so much good children's programming that it is being sold in France.

PRIVATIZING PUBLIC BROADCASTING

If one message is clear from November's elections, it is that Americans want deep cuts in Federal spending, without gimmicks or special pleading. As chairman of the Committee on Commerce, Science, and Transportation, I expect to propose cuts of tens of billions of dollars from current levels of spending—and to privatize wherever possible. The Clinton administration as well is calling increasingly for spending cuts and for privatizing government agencies and subsidized enterprises.

A prime candidate for privatizing is the America's public broadcasting system. I want to wean public broadcasting from the $300 million annual subsidy it gets from Federal taxpayers. I am convinced that the service public broadcasting is intended to provide could be better offered without costly Federal spending on posh Washington headquarters and legions of high-salaried bureaucratic personnel.

As the Senate is well aware, we in America continue to face a severe fiscal crisis. With an annual budget deficit projected at $175 billion and a national debt of over $4.6 trillion—with a "T"—we simply cannot afford to pay for all the good and worthy sounding projects which vie for American's tax dollars.

This past Sunday on the CBS news program "Face The Nation," I announced that several telecommunications companies, including Regional Bell Operating Company Bell Atlantic, had expressed an interest in helping to fund public broadcasting in a partnership or acquisition of assets arrangement. Under such an arrangement, the private company would step into the role now played by the Federal Government. As I have indicated a number of other telecommunications companies have expressed interest. In particular, since that time Glen Jones of Jones Intercable and Brian Roberts of Comcast have publicly expressed interest.

As in past efforts to privatize, such as the privatization of Conrail, such a deal could be approved with public service conditions. For instance legislation to privatize public broadcasting could include conditions that children's programming and rural broadcasting would be continued. As Bell Atlantic's President James Cullen stated in the Wall Street Journal yesterday, Bell Atlantic, under such an arrangement, would be "looking for ways to keep public broadcasting whole, and maybe even enhance the quality" by crafting better licensing arrangements.

As the Wall Street Journal also pointed out, public broadcasting is not unfamiliar with making deals with big business. On the contrary, it is a regular occurrence. Last month, Liberty Media Corp., a subsidiary of TCI, the Nation's largest cable operator, agreed to purchase a two-thirds stake in MacNeil-Lehrer Productions, the producer of PBS' nightly news program, MacNeil/Lehrer NewsHour.

Yet to hear the smug and sanctimonious executives of public broadcasting tell it, a privatization proposal is "not necessarily in touch with reality." Another of the pious managers of the current system declared that the system would be "sold off for scrap to the highest commercial bidder." Alarmists who profit from the current scheme under which America's hard working taxpayers provide a subsidized platform for commercial entities hysterically point to the "vultures * * * circling over the endangered species of public television." Still another suggests an even more horrifying and devious explanation: a desire by these unworthy and dirty commercial entities to curry favor with me so as to influence the telecommunications legislation. As one of the profiteers stated: "It would seem to me that the commercial interests would be looking at the telecom legislation and want to be cooperative."

Such flashes of rhetorical excess are quite extreme even by the standards set by the always pompous beltway operatives and high-priced producers of public broadcasting. No one should be surprised to see those who profit the most from the current taxpayer supported system whining and wailing the loudest.

Given these trying budgetary times I am wondering what CPB and leaders of public broadcasting propose for the future. I am anxious to hear CPB's, PBS', NPR's, Pacifica's, and APTS' plans for dealing with this problem. I want to see public broadcasting devise a privatization plan of its own. Technologies, markets, and Federal budgetary realities have changed drastically since CPB was created in 1967. In today's budget climate, the $300 million annual subsidy simply cannot be justified. CPB officials must face this reality and reinvent their system. Let's see a serious restructuring plan from CPB and the leaders of public broadcasting.

Federal Government funding represents only 14 percent of the total public broadcasting budget. The other 86 percent comes from private contributions, grants, sponsorship, and State government funding.

Public broadcasting subsidies are frills we can longer afford. It is impossible to argue that America does not have enough TV or radio or that it is a basic function of Government to satisfy every programming taste underserved by commercial stations. It is also hard to imagine that public broadcasting's most popular programs, "MacNeil/Lehrer," "Wall Street Week," "Sesame Street," or "All Things Considered," would disappear without taxpayer subsidies. Indeed, these programs today already feature advertising—also known by the code word "underwriting" by the public broadcasting crowd. The audiences for this advertising are among the wealthiest in America, and much of this advertising is highly sophisticated.

The very size of the deficit and national debt has now become an excuse for irresponsibility, because no single step is sufficient to make a major difference. If every single program is sacrosanct, then the cause is hopeless. Typically, public broadcasting officials claim that the taxpayer subsidy for public broadcasting is so small that it does not matter. We can simply no longer tolerate this casual cynicism.

Public broadcasting can best be described as one of Government's ornamental activities—pleasant but not essential. It clearly does not have as strong a claim on some of Government's and taxpayer's scarce resources as the National Institutes of Health, child immunization, national defense, and a thousand other competing causes.

Public broadcasting is mired in waste and duplication. A Twentieth Century Fund study found that 75 cents out of every dollar spent on public television is spent on overhead. In 1983 an FCC staff study estimated that 40 percent of all public TV stations had signals that overlapped with another public TV station. CPB itself estimates that over one quarter of the PBS stations are duplicative.

Another very troubling development is the illegal use of taxpayer funds to lobby for yet more taxpayer funds. Since the 1870's there has been a prohibition against any federally appropriated funds being utilized for lobbying for more taxpayer dollars. Yet there are numerous reports of on-air "call your Congressman" lobbying. Additionally, how do we segregate taxpayer funds from private donations or advertising dollars when it all goes into the same pot of money?

When CPB was created during the heyday of the Great Society over 25 years ago, market failure was the fundamental, underlying premise for Federal funding of the public broadcasting system.

Most Americans in 1967 had access to only a handful of broadcast stations. Since that time there has been an absolute explosion in the number of media outlets and sources of information for the American people. For instance:

Broadcast TV stations increased from 769 to 1,688.

Broadcast radio more than doubled from 5,249 to 11,725.

The percentage of TV homes subscribing to cable TV grew from 3 percent to 65 percent—cable is available to 96 percent of TV homes.

CNN, C-SPAN, Arts & Entertainment, Discovery, The Learning Channel, Bravo, The History Channel, and many other cable channels have programming that's a substitute for public broadcasting without Government subsidy.

Direct Broadcast Satellite is now available everywhere in the 48 contiguous States with over 150 channels of digital video and audio programming.

Wireless Cable has several million subscribers.

Over 85 percent of American homes have a VCR—VCR's were not available in 1967.

Close to 40 percent of American homes have a PC—a product which was not available until the early 1980s.

Multimedia CD-ROM sales are flourishing with educational titles particularly popular.

The Internet and computer on-line services such as Prodigy, American On-Line, Compuserve are reaching over 6 million homes.

Most important, this is just the beginning of a new era of information plenty. With the passage of the new Telecommunications Competition and De-Regulation Act of 1995 which we will introduce and pass early in the 104th Congress, an explosion of still more media and information outlets will be unleashed.

Telephone companies, electric utilities and other new players will enter the media programming field. And with digital compression technology, broadcasters, cable companies, satellite, and other traditional media outlets will significantly expand their channel and program offerings.

As a result, the days when Americans watched the same TV shows day in and day out, as they did in 1967, is history. As a result, the original justification for taxpayer funding of public broadcasting due to market failure no longer holds water.

At a minimum there should be a rational discussion as to the appropriate role, if any, for public broadcasting in the digital, multimedia age—to determine how best to reinvent and liberate public broadcasting given the age of information plenty.

Equally troubling is the fact that public broadcasting provides a free, publicly subsidized platform for the promotion of related products and paraphernalia. Yet the American taxpayer who makes it all possible does not participate in this windfall.

Forbes magazine recently listed Barney, the loveable purple dinosaur, as the third richest entertainer in America after Stephen Spielberg and Oprah Winfrey. Barney is estimated to gross almost $1 billion a year. Sesame Street is close behind with $800 million.

How much of those hundreds of millions of dollars are paid as dividends to America's taxpayers? The answer is: scarcely a penny.

There is in many respects a shopping channel mentality for public broadcasting including Bill Moyer's books, Ken Burns' "Civil War" and "Baseball" videos, Louis Rukeyser newsletters, and Frugal Gourmet cookbooks.

Millions of dollars which could be returned to the taxpayer are diverted to private parties, with nonprofit entities fronting for profit making enterprises.

Since 1968, actual appropriations to the Corporation for Public Broadcasting have totaled almost $3 billion. This Federal support has produced a system of 340 public TV stations and more than 1,000 noncommercial radio stations—about two-thirds of which are CPB-qualified and get Federal money.

But Federal appropriations, large as they have been, are only a fraction of the total Federal support package. Under the FCC's channel set aside program, adopted in 1952, many extremely valuable TV channels were allocated to public broadcasting. Included are VHF—channels 2 to 13—stations in several major markets like WNET-Channel 13 in New York, WTTW-Channel 11 to Chicago, KETC-Channel 9 in St. Louis, and WYES-Channel 12 in New Orleans.

These stations and many others are worth literally hundreds of millions of dollars. There is a similar set aside allocation scheme for public broadcasting in the FM radio spectrum band as well.

Non-Federal support of public broadcasting totals about $15.5 billion to date. A good portion of that total comes from State college and university funds which, in turn, derives it money from Federal sources in some cases. Much of it is also tax deductible gifts and grants. Under current budget accounting, these would be counted as tax expenditures.

The Commerce Department's NTIA administers the Public Telecommunications Facilities Program [PTFP]. Over the decades, PTFP has distributed more than $½ billion in equipment and facilities grants. That is an enormous amount of money for a business like broadcasting which is not considered very capital intensive.

In addition, Congress has largely funded the development of a nationwide satellite interconnection system for public broadcasting. More recently, NTIA has been given funds to help stimulate the development of children's programming.

The question is this: How much seed money is enough. Tens of billions of dollars have been spent to date to help get public broadcasting started. But are we now locked into a long run Federal dependency situation?

Alternatives are available. Let us not forget that from 1981 to 1984 there was a congressionally authorized Temporary Commission on Alternative Financing for Public Telecommunications [TCAF]. It included the Republican and Democratic members of the House and Senate Communications Subcommittees, the FCC, the Reagan administration, and the industry. TCAF authorized a test of advertising on public TV stations. Public radio was also authorized to participate but they boycotted the experiment.

As part of the 18-month experiment with advertising on public broadcasting, TCAF was required to conduct viewer polls—10,000 interviews were conducted. There was virtually no negative viewer response to advertising. The majority of the respondents were of the opinion that public broadcasting should have advertising and the majority disagreed that advertising would hurt the programs or that people would stop watching public broadcasting that ran advertising.

One of the viewers in Chicago, for example, when asked before and after the experiment, replied, "Well, I am not sure I liked the commercials—but I sure liked them more than the old kind." She was, of course, referring to "Pledge Week", also known as Beg-A-Thons.

The public broadcasting audience and contributor lists are an extremely attractive group for many, many advertisers. According to the viewer magazine of WETA in Washington, its viewers have an average household net worth of $627,000 plus an average investment portfolio of $249,000. One out of eight contributors is a millionaire, one out of seven has a wine cellar, and one out of three spent time in Europe in the past 3 years. This is the target audience for PBS' prime time programming.

As a WETA fundraiser told Washingtonian magazine, the corporate giants that underwrite the most popular shows "know that during prime time, public television can deliver the demographic they want: affluent, highly educated, the movers and shakers, the socially conscious and well informed."

Moreoever, the wealthy donors to public broadcasting could rather easily make up the 14-percent funding. For instance, if the 5.2 million PBS members were to contribute only $55 more a year it would equal the Federal share for CPB. It is clear that those donors are the very people who can afford to contribute an additional $55 a year.

Today, the American public clearly agrees that something should be done. A Louis Harris poll conducted for Business Week this month put CPB third on the list of Federal agencies Americans want abolished. Only the National Endowment for the Arts and the Department of Housing and Urban Development ranked higher among the public's priorities for elimination. Meanwhile the PBS taxpayer funded poll has been completely discredited by the leading polling firm in America—Times Mirror. Moreover, the CNN/Gallop poll found support for funding only at some level. What none of these polls has asked yet is "do you favor continuation of public broadcasting as a privatized enterprise"? The overwhelming majority of Americans would answer with a resounding yes.

Faced with this sort of sentiment, defenders of taxpayer spending for CPB have put up two heat shields they hope will preserve the subsidy—rural service and children's programming.

As a Senator from South Dakota, a State with smaller cities and many farms, I have heard all the scare tactics about rural and smaller city broadcasting service before. But rural service can be sustained—even improved—through measures that actually save money to the taxpayers.

The key is leaner management. As I mentioned earlier, in Washington and throughout the system, reports the Twentieth Century Fund, 75 percent of public broadcasting funds go to overhead. CPB requires rural stations to hire full-time paid staff in many instances where students and volunteers are willing and available. This needlessly drives up the cost of rural community broadcasting.

Let us not also forget for a moment that current funding formulas favor the large urban, elite stations which get the lion's share of the funds because CPB matches private donations. In addition, as of 1992, of the 340 local TV stations in the public broadcasting network, only 7 get part of the $100 million programming fund to produce programs for the PBS network. Of those seven, only two stations, New York and Boston, produce by far the lion's share.

One TV station in New York, WNET, for example, gets eight times as much from CPB as the entire State of South Dakota for all TV and radio—South Dakota: $1.7 million; WNET: $9.3 million. This does not include the additional millions received by WNET and other elite stations through the $100 million programming fund.

In addition, private sector-like salaries are paid to personnel in public broadcasting. While I have no problem with people in the private sector making large salaries, I do have a problem with private sector salaries being paid to those who cloak themselves in public service, especially when my State gets so little of the Federal money. While CPB and PBS salaries do generally follow congressional caps, the highest salaries in the system are routed through stations, producers, and performers.

For instance, as Senator DOLE pointed out in 1992, WNET of New York reported paying Executive Director Lester Crystal $309,375 in compensation plus a package of $92,000 plus in benefits; George Page a director gets $184,000 plus $55,000 in benefits; Robert Lipsyte a host gets $184,000 plus $54,000 in benefits. KCET of Los Angeles had a salary package of over $250,000 per year in 1992. According to the Wall Street Journal, the president of Pittsburgh's WQED resigned in disgrace in 1993 when it was revealed he was receiving a second salary of $300,000 from a station contractor. Other stations still permit other sources of income. Station perks often include cars, travel, service on other boards etc.

Children's Television Workshop, the producer of Sesame Street, reported a top salary plus benefits package totalling some $625,000 in 1992.

The biggest unknown is payments to PBS stars—since stations contract with private companies to pay the talent. As a result, we do not currently know what MacNeil, Lehrer, Ken Burns, Bill Moyers, or the Frugal Gourmet make. It has been reported that Norm Abrams, the carpenter on "This Old House", makes over $250,000 a year.

CPB's campaign on children's television is even more alarmist. At a public relations event this month in Washington, CPB trotted out the president of the local PBS station from New Orleans, who gave his dire prediction of what would happen at his station without Federal taxpayers' funds.

"Early morning broadcasts of Barney and Lamb Chop's Play-Along would go away," the station president said emotionally. "It would be a huge step backward for America."

That's what I call a "close the Washington Monument" strategy: Threaten to shut down the most popular and visible attraction when threatened with a marginal loss of tax dollars. And for public broadcasting, the end of Federal subsidies would be but a marginal loss. To reiterate a point made earlier, only 14 percent of public broadcasting's revenues comes from Federal taxpayers. The other 86 percent comes from private contributions, corporate underwriting and State government grants.

Any decently managed organization should be able to sustain a loss of one source accounting for 14 percent of revenues—especially when its horizons are wide open for revenues from other sources.

High quality children's programming is available now through free market media that did not even exist when CPB was chartered and its taxpayer spending began to grow. The Learning Channel, the Discovery Channel, the Disney Channel are but a few. Another, Nickelodeon, has fared so well both critically and commercially that it has sold programming to television in France—an exceedingly hard market for U.S. cultural offerings to penetrate.

Profit and commercialization are treated as obscenities by sanctimonious public broadcasting executives. These prim people remind me of the "sportin' house" piano player who swore he had no idea what was going on upstairs.

As I mentioned before, profit certainly isn't a dirty word to the creators and licensees of such successful shows as Barney and Sesame Street. While hundreds of millions of dollars were being made, thanks to the contracts negotiated by CPB's pious managers, CPB failed to reap a penny in return.

Restructured and truly privatized, CPB could be a clearinghouse for quality programming from our highly creative competitive marketplace. And it would have the right incentives to prevent squandering opportunities and resources.

The American people are right on target in making it a priority to halt taxpayer spending for the CPB bureaucracy, to privatize the public broadcasting industry and bring it up to date with today's markets and technologies. This is one of my top goals as the new chairman of the Senate Commerce Committee.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OSHA RULES GOVERNING LOGGING OPERATIONS

Mr. BAUCUS. Madam President, Washington bureaucrats are at it again. On February 9, the Occupational Safety and Health Administration, otherwise known as OSHA, will impose rules governing logging operations out in the woods. Now, logging can be hazardous and there are certain rules that do make sense and should be enforced to ensure that folks are not subjected to unnecessary risks. But people who work in the woods are not dummies. They know they do dangerous work, and they know which rules make sense and which ones do not.

Unfortunately, the OSHA folks back here in Washington, DC, got carried away with their rulemaking because they issued a host of logging regulations that, I must tell you, simply defy common sense and they hurt the people who are trying to make a living rather than helping them. You can tell whoever wrote them works at a desk, probably in Washington, DC, and not with a chain saw.

For example, these new regulations require loggers to wear foot protection that prevents penetration by chain saws. That means steel-toed kevlar boots. While requiring loggers to wear these boots sounds like a good, sensible rule, the fact is, it is not. As Montana loggers will tell you, steel-toed boots are impractical when it comes to steep terrain—and I can tell you, we have a lot of that—and in cold weather. We have some of that, too. Since they reduce comfort and significantly reduce flexibility, they make it easier to slip and to fall, not a good thing when you are carrying a chain saw. Uncomfortable and inflexible boots might make the job more dangerous, not less dangerous. We have to, I think, let the logger make that call.

Furthermore, chain-saw resistant work boots would have to be made out of exotic material like kevlar. These boots are not readily available from manufacturers. It seems impractical to me then to ask loggers to take a vacation while their new up-to-standard boots are on back order.

Another provision requires loggers to wear both eyeglasses and face protection. Eye protection does make common sense. It is a regulation that loggers have strictly followed for many years. The additional requirement of face shields, however, will only cut down on loggers' peripheral vision; here, again, a regulation that creates more of a hazard than it alleviates.

A third provision requires health care providers to review and approve logger first aid kits on a yearly basis; a doctor's appointment for a first aid kit. OSHA has to be kidding. I would think that OSHA could perhaps list the required contents for an aid kit and just leave it at that.

These, Madam President, are but three examples that demonstrate just how bad these regulations are going. They are tough and violators are subjected to stiff penalties. They also make no sense and will needlessly put hardworking men and women out of business come February 9 when they go into effect.

Sometimes it seems to me the Feds have it in for people who work in the woods, or just like to go camping. For example, last year, I persuaded the Forest Service to withdraw a set of regulations that told folks what they could and could not do in the woods. These were the rules that outlawed people from carrying firearms, picking up rocks, or shouting out loud in our national forests.

The Forest Service finally came to their senses and withdrew those regulations, and I hope that the Department of Labor will do the same here. I have asked the Secretary of Labor to suspend implementation of these regulations for 180 days.

Madam President, during this time, OSHA should go back to the drawing board and talk to the people with actual logging experience. These folks can help OSHA create rules that are specifically tailored to the region, compatible to the nature of the work and help, rather than hinder, the logger.

I urge my colleagues to support my call for a halt to the implementation of these regulations as they are currently written.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Madam President, I applaud the Senator from Montana, and I hope that OSHA will pay attention to his letter. I own a small tree farm in Vermont. In fact, I live on it. We harvest mixed types of trees, mostly hard wood, some soft woods, doing probably 25 to 35 acres a year. The man who does the harvesting was named a couple years in a row as the best forester in Vermont.

He did not get that way by taking unnecessary risks. He has a very good logging business, hires a number of people, logs primarily in the wintertime when the ground is frozen, and moves things out.

Frankly, I would trust him to make some of these judgments, some of the things the Senator is describing. They make no sense in our State, either.

I remember one day walking down the road last winter. It was between 30 and 35 degrees below zero. He was standing with his truck. He really loved it because the roads were frozen and he could move. And he had the roads to himself. But I can see him trying to walk with the type of boots the Senator is talking about. I can see him just breathing into any kind of face mask the Senator is talking about, where it is 30 to 35 degrees below zero. You are going to have nothing but sheer ice on the inside of that face mask. I wonder what kind of safety factor that is going to be.

So, Madam President, I would ask the distinguished senior Senator from Montana, one who has paid more attention to these issues than just about anybody I know in this body, if he would share with me the response to his letter because I think he raises a valid point.

Mr. BAUCUS. Madam President, I very much would like to and will share the response I get.

I am curious whether they are going to apply windshield wipers on the face shield.

Mr. LEAHY. Defrosters.

Mr. BAUCUS. Defrosters. I wonder whether, if they are battery powered, the logger will have to carry a battery pack for the windshield wiper on the face mask or the defroster on the face mask because, as the Senator said, and as you know, Madam President, in your State of Maine—our States are northern States—snow falls in the winter. It gets a little cold when we are out in the woods. They could easily fog up. So I am not sure whether the OSHA people are thinking only about dead of summer logging or whether they are also thinking about logging operations the time of the year when it sometimes gets a little cooler.

But I thank the Senator for his observations and I will give him a copy of the letter I get.

HOLDING THE COURSE TOWARD MIDDLE EAST PEACE

Mr. LEAHY. Madam President, we all know that making peace has never been easy. It is hard to forget the pain of having lost loved ones. It is hard to abandon the image of an enemy as fundamentally evil and begin to recognize that same enemy as a fellow human being. It is hard all of a sudden to forget the vocabulary of hatred and recrimination and start using words like "goodwill" and "trust" and "cooperation."

It is even harder to lead others to do these things. The risks are enormous. The enemy leader may doublecross you, or his followers may try to do that. You may be branded as weak and gullible. In fact, extremists on each side may try to undermine the process. And then, if you are the peacemaker, extremists on your side may prevent you from keeping your promises or, worse yet, attack you. The chances are great that you will end up being blamed for any bloodshed rather than being praised for the bloodshed you prevented.

Madam President, I wish to take a moment today to recognize one who, despite all the risks, embarked on the road to peace and who, despite all the efforts to derail him, remains on it. I am speaking of the Prime Minister of Israel, Yitzhak Rabin.

Sunday, Israel was shaken by yet another bomb attack: 19 Israelis were killed and dozens injured. And once more, understandably, families are grieving. Once more, they are wondering what peace with the Palestinians means. And once more, the voices of those who oppose peace are raised high, many calling for Prime Minister Rabin's resignation.

I hope he does not resign. Israel needs him. The Palestinians need him. We Americans need him. In fact, we all need leaders who are willing to take risks for peace wherever that might be in the world.

We grieve, obviously, for the most recent victims of terrorism. A victim of terrorism is a victim of terrorism no matter who initiated it. How tragic that even now, a year after President Clinton brought Prime Minister Rabin and Chairman Arafat to the White House to shake hands, there are still people who cannot put the pain of past losses behind them, people who still fail to see that continuation of confrontation only brings more pain, people who are still not ready to work together for a better future for their children.

Madam President, as we here in America grieve, I hope we do not lose our bearings. I hope we keep sharply focused on what is the goal, which is peace in the Middle East.

Madam President, I say this because over the past several months, we have seen some interesting activity here on Capitol Hill. I know in my case, and in others, we have had a group of Israelis coming to our offices informing us what American national interests are. Not Israeli interests they would like us to support—in fact, no reference to Israel or the interests of the Israeli Government. They say they are doing us the service of helping us figure out what American interests are.

Frankly, Madam President, I think that is what I was elected for; that is what I am paid for. And I will try to make that determination without someone from another country coming in and telling me what our interests are. I am referring here to those Israelis who are waging a campaign to have Congress in advance forbid American participation in any eventual peace monitoring force in the Golan Heights between Israel and Syria. Why are they doing this? Is there a peace agreement between Israel and Syria? No. Has the Israeli Government asked us to commit ourselves to participate? No. In fact, on the contrary, Madam President, Prime Minister Rabin and Israeli Ambassador to the United States Itaman Rabinovich have made clear that their Government is very anxious to have United States participation in a Golan Heights peace-monitoring force, assuming that at some point possibly one is created, just as the United States has participated and continues to participate effectively in the Sinai force monitoring the peace between Israel and Egypt, something that we have done for years, since the time of the Camp David Accords.

So, why, Madam President, would anyone want the U.S. Government to forbid American participation in a venture even before we know what the venture is? There will be time enough to make that determination once and if there is a peace agreement and we are asked to help. In fact, I ask why would Israelis be working in Washington to persuade the United States Government to act against the wishes of their own Government?

I assume they are here to oppose their own Government, and they would like Americans to help bring down their Government. I am opposed to that. And I am opposed to those who come here who really want to stop the peace process.

Madam President, I do not envy Prime Minister Rabin having to negotiate with Syrian President Assad. He is not a person to whom I take very kindly, President Assad, the same President Assad who has been responsible for terrorist attacks against the Israeli people for decades. This is the same President Assad who aided the attack on the barracks in Beirut almost 15 years ago, when dozens and dozens and dozens and dozens of brave U.S. marines died needlessly. I am a father of a former marine myself. When I remember that, I have great difficulty in contemplating reaching engagement with such a person. I am sure, because of his own personal experiences, Prime Minister Rabin has even more difficulty.

But Prime Minister Rabin has gone forward. He knows that continued confrontation with Syria will just bring more attacks, more deaths, more suffering. He knows that. In order to create a world in which Israeli children can grow up without guns all around them, without the prospect of new attacks, he swallows his anger.

Madam President, as angry as I feel towards President Assad, I know that my anger is mild compared to that of Prime Minister Rabin. But in order to have peace, you do not negotiate with your friends, you negotiate with your enemies. It has always been that way. We Americans have always yearned for peace in the Middle East. Prime Minister Rabin is working for peace, and I for one applaud him.

Madam President, I see others in the Chamber seeking recognition, so I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 215 AND 216

Mr. GRAMM. Madam President, under the previous unanimous consent request, all amendments have to be submitted before 3 o'clock, so I ask unanimous consent that I might send two amendments to the desk for immediate consideration.

The PRESIDING OFFICER. If there are no objections, the Senate may set aside the pending amendment. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes amendments numbered 215 and 216.

Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 215

(Purpose: To require that each conference report that includes any Federal mandate, be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate)

On page, 21, between lines 13 and 14, insert the following:

"(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form."

AMENDMENT NO. 216

(Purpose: To require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct cost of Federal mandates)

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting "408(c)," after "313,".

Mr. GRAMM. Madam President, let me just make a couple of points. First of all, one of these amendments is technical, one is substantive. One is trying to strengthen the mandate bill. Under the mandate bill we are now considering, if someone wanted to impose an unfunded mandate on local government, county government, or State government, there would have to be an estimate of the amount of cost. And if that cost exceeds $50 million, the unfunded mandate would be subject to a point of order and a 50-vote margin—50 votes plus 1, a majority, would have to be achieved in order to waive that point of order.

I have gone back and looked at what 50-vote points of order have done under the Budget Act. In fact, you have to go back to 1988 to actually find 50-vote points of order that anyone raises. In 1987–88 we had five 50-vote points of order raised. This was under the Budget Act, for busting the budget.

Four of them were waived, and no one has raised one since that time, the reason being if you only have to get 50 votes to waive the point of order, since it takes 50 votes to pass the bill, almost anything that is going to pass will get the votes to waive the Budget Act. That is why we went to a 60-vote point of order, to make the point of order have some meaning and substance.

I have offered an amendment that would change the bill in one fundamental respect, and that is it would require 60 votes to waive the point of order in the Senate to allow us to impose an unfunded mandate on local government.

Madam President, I want to make one observation about this bill. I understand obstruction. I have engaged in it myself. It is an important part of the American system and, while those who are being obstructed are unhappy about it, in fact it is the guaranteed right of those who serve in the Senate to obstruct.

I would like to note one observation that I think is relevant to this process. I engaged in obstructing the passage of the President's health care bill. For 7 months I was engaged, with other Members of the Senate, in relentlessly trying to prevent the President's health care bill from being passed. I would say, however, that I had no qualms about standing up and saying I oppose the President's health care bill and it is going to pass over my cold, dead political body, which fortunately, such as it is, is alive today. The President's health care bill is deader than Elvis. And unlike Elvis, it would not be welcomed if it came back.

But I would note it is very strange to me that, though we are in our second week of deliberation on this bill, we have been unable to get cloture to go on and pass the bill when we have 63 cosponsors. My question is this: If so many people are for this bill, why do we have so much trouble in passing it?

So I think obstructing is an important part of the process. I think it allows us to analyze, to discuss, to reason. And I think ultimately if you have a determined minority that is opposed to a bill, that you ought to be able to show voter strength in the Senate in order to override that minority. But I do continue to be puzzled by the fact that so many people say they are for this bill, and yet we cannot seem to get on with the job of passing it.

I think that is an important point to make and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

AMENDMENT NO. 217

(Purpose: To exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation, and for other purposes)

Mr. BYRD. Madam President, I send to the desk an amendment for the purpose of qualifying under the original unanimous-consent order. I have a spot on the list. I ask the number only be stated at this time and that it lie at the desk for call-up during the debate later.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

The clerk will state the amendment by number.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 217.

The amendment is as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

"(I) a condition of Federal assistance;

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty that establishes or enforces any statutory right of employees in both the public and private sectors with respect to their employment; or

AMENDMENT NO. 213, AS MODIFIED

Mr. BYRD. Madam President, I now have three amendments that have been entered in accordance with the order that was previously entered. One of those amendments I wish to modify.

I ask unanimous consent I may be permitted to modify amendment No. 213.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BYRD. Madam President, I ask unanimous consent the modification not be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 213), as modified, is as follows:

On page 23, strike line 18 through line 6 on page 25 and insert the following:

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress; and

"(cc) provides that the mandate shall cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa) unless Congress has completed action on the recommendations during the 60 day period.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Madam President, parliamentary inquiry, is it necessary to ask unanimous consent to set aside the pending amendment in order to send up an amendment under the UC?

The PRESIDING OFFICER. Yes, that is correct.

Mr. LEVIN. Madam President, I ask unanimous consent the pending amendment be set aside temporarily so it would be in order for me to offer two amendments under the unanimous-consent agreement that is now in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 218

(Purpose: To propose a substitute amendment)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 218.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEVIN. Madam President, I now ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 219

Mr. LEVIN. Madam President, I send another amendment to the desk pursuant to the pending unanimous-consent agreement, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 219.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 25, insert before "and" the following: "but no more than ten years beyond the effective date of the mandate".

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. BROWN. Madam President, I ask unanimous consent the pending amendment be set aside so I may offer some amendments under our unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 220

(Purpose: To express the sense of the Senate that the appropriate committees should review the implementation of the act, and for other purposes)

Mr. BROWN. Madam President, I send to the desk an amendment dealing with a sense of the Senate regarding a review of this process, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 220.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, insert between lines 13 and 14 the following new section:

SEC. 6. REVIEW OF IMPLEMENTATION.

It is the sense of the Senate that before the adjournment of the 106th Congress, the appropriate committees of the Senate should review the implementation of the provisions of this Act with respect to the conduct of the business of the Senate and report thereon to the Senate.

AMENDMENT NO. 221

(Purpose: To limit the restriction on judicial review)

Mr. BROWN. Madam President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself and Mr. HATCH, proposes an amendment numbered 221.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike title IV of the bill and insert the following:

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under title I or III of this Act, and any compliance or noncompliance with the provisions of title I or III of this Act, and any determination concerning the applicability of the provisions of title I or III of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of title I or III of this Act or amendment made by title I or III of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of title I or III of this Act or amendments made by title I or III of this Act shall be considered by any court in determining the intent of Congress.

Mr. BROWN. Madam President, the first amendment deals with a sense-of-the-Senate, suggesting that by the 106th Congress, this legislation be reviewed. I think it is important that, while we are not able to bind future Congresses, and while I think it would be a mistake to set an automatic sunset on this legislation, it is important that future Congresses review that. My hope is that the body will want to go on record as urging future Congresses to provide the right kind of overview that will enable us to perfect the legislation.

The second amendment is an important one. I recognize, as I think most Senators do, it is important not to have a judicial review of things that are internal within the Congress. But it is also important, I think, to provide that outside regulatory agencies that are assigned responsibilities under this act be subject to judicial review just as they are in all the other things they do.

So what my amendment does is make it clear that title I and title III are not subject to judicial review, in that the regulatory agencies under title II are treated, in this act, the same way as they are in all other acts that apply.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 222

Mr. ROTH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 222.

Mr. ROTH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, strike all on lines 10 through 12, and insert the following:

This title shall take effect on January 1, 1996, and shall apply to—

(1) bills and joint resolutions reported, and to amendments and motions offered, on and after such date, and

(2) conference reports on such legislation.

Mr. ROTH. Madam President, I ask unanimous consent to temporarily lay this amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

ORDER OF PROCEDURE

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that at 3:15 today there be 30 minutes for debate on the Grassley amendment No. 207 to be equally divided in the usual form, and that no second-degree amendments be in order to the Grassley amendment No. 207, and that the vote occur on the amendment following the stacked votes already ordered to begin at 4 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the consent agreement governing the Hollings amendment No. 182 be postponed to now occur immediately following the stacked rollcall votes at 4 p.m..

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the 3:15 time for the debate and vote on the Grassley amendment be postponed, to occur at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, before we start five rollcall votes I thought I would just review for those who have been involved in this, and others who may have an interest, just sort of what has happened.

First of all, we started on this bill on Thursday, January 12, at 10:30 a.m.. We have had 10 full days of debate on this one. I do not want anybody suggesting this bill has been rushed. It should have been passed probably in a couple of days. We have had 21 rollcall votes taken on this bill. Of those, 5 were unanimous. Of those 21 votes, 9 were taken on committee amendments that had been adopted unanimously in committee.

We have had just about 41 hours and 48 minutes on the bill. Colleagues on the other side have used 26 hours and 41 minutes. On this side, we have used 15 hours and 7 minutes. We reached an agreement last Thursday to limit the number of first-degree amendments to 62 amendments. But then 50 amendments have been offered. I am not certain we gained anything. We probably could have disposed of 12 on Friday. So we really did not gain anything with the consent agreement.

So, of the 50 amendments which are pending, 37 amendments were offered by our colleagues on the other side and 13 were offered by my colleagues on this side of the aisle. We have accepted three by a voice vote, which means that after 10 days of debate and entering into these unanimous consent agreements, we still have 47 amendments left.

I just say to my colleagues that we hope to finish action on this bill this week. So I can say definitely tomorrow night will be a late, late night. Thursday night will be a late, late night, and I assume Friday night will be a late, late night because at the rate we are going we have only disposed of—I do not know how many amendments in the last 10 days—not very many. We have had 21 rollcall votes. So that is an average of two rollcall votes a day.

We obviously have the right to file cloture, in effect, because there is no time agreement on any of these amendments. Even though there are 47 amendments left, there is no time agreement on any of the amendments. They could take 1 hour apiece or 1 day apiece. So it may be necessary to file cloture. If not, it may be necessary to start tabling the amendments because we need to complete action on this bill.

I do not believe anybody can say that this bill has been rushed. I have read statements where people say it has been rushed, that they are not going to be rushed and we are going to take our time. And I do not quarrel with that, except it would be a stretch by anyone to suggest we have not taken enough time on this bill. The bill has broad support on both sides of the aisle.

I hope that the President tonight in his State of the Union Message will just urge my colleagues on the other side of the aisle to speed up action on this bill. He is for it and indicates he is for it. There will be no action on Mexico until this bill is disposed of, and maybe—we have wasted so much time—maybe not until a balanced budget amendment is disposed of. We will have to make that decision later. This has been a priority, and we would like to dispose of it as quickly as possible. That would mean no later than the end of this week.

I want to thank both managers of the bill. I know that they have been working diligently. But it seems to me we have about reached the place where we should agree on some of the key amendments, offer the amendments, have the debate, and then have the vote.

I ask unanimous consent that all the votes except the first vote be limited to 10 minutes in duration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. So the first vote will be a 20-minute rollcall vote, 15 plus 5; the remaining votes will be 10 minutes, plus 5. We hope we can complete many amendments in 10 minutes. But the first will be 20 minutes, then the others will be 15-minute rollcall votes.

VOTE ON AMENDMENT NO. 178

The PRESIDING OFFICER. Under the previous order, the question recurs on the motion to table amendment No. 178, offered by the Senator from North Dakota [Mr. DORGAN]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—63

Abraham
Ashcroft
Bennett
Bond
Bradley
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—34

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dorgan
Exon
Feingold
Harkin
Hollings
Inouye
Johnston
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Heflin
Kennedy
Simpson

So the motion to lay on the table the amendment (No. 178) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 179

Mr. DODD. Mr. President, I rise in support of this amendment and commend my colleague from North Dakota for his work on this issue.

We are still in the first weeks of the 104th Congress, and already it appears that some Members of the Republican leadership are going back on their promises to our seniors and our middle-class taxpayers. They promised not to touch Social Security and they promised to cut taxes. Now they are strongarming bureaucrats to approve a technical change that would reduce Social Security benefits to millions of seniors and raise taxes to millions of others.

Mr. President, may I suggest that this is no way to fulfill the meaning of the words that formed the backdrop at the Republican National Committee meeting this weekend? The banner read: "Republicans: Keeping Our Promises: Building Your Trust."

I support this sense-of-the-Senate resolution because I believe fine tuning our calculation of inflation is too important an issue to be exploited or politicized. Any adjustments to the consumer price index must be left—not to the whims of political leaders—but to the thoughtful analysis of our Nation's leading economists.

Federal Reserve Chairman Alan Greenspan and others have raised a concern that the consumer price index may overestimate inflation by inaccurately measuring consumer spending habits. No consensus has emerged, however, on how to remedy this problem. None.

The calculation of the CPI has significant policy ramifications, principally for senior citizens who rely on Social Security cost-of-living adjustments.

Before we cut their benefits, we owe our Nation's seniors the benefit of consulting with the experts.

Speaker GINGRICH disagrees. He has threatened to cut off funding for the Bureau of Labor Statistics if the agency "can't get it right" within 30 days. What does "getting it right" mean? If the agency does not adjust the CPI calculations to fit the Speaker's political ends, are economists going to lose their jobs?

One thing is for sure—browbeating bureaucrats will not create a more reasoned analysis of this issue.

There is simply too much at stake for Congress to rush to judgment on this matter without the thoughtful review and recommendations of our economic experts.

A PATTERN OF GIMMICKS

I am concerned that this latest flap over the CPI is part of a disturbing pattern. Some of my Republican colleagues are seizing upon any gimmick they can to justify their tax cuts for the wealthy. It does not seem to matter who they run over in the process.

Dynamic scoring—otherwise known as dynamic dreaming—was the last flavor of the week. CPI changes are the newest flavor.

A balanced budget amendment will be the next. The Republicans' attempt to politicize the CPI shows that even with a constitutional amendment, Congress will use gimmicks to pass a budget that balances on paper, but bounces in the real world.

We have seen this before.

For 12 years, Ronald Reagan and George Bush advocated a balanced budget amendment while submitting budgets with rosy economic scenarios, inaccurate assumptions, and magic asterisks in the place of specified spending cuts.

These actions have left a legacy of large deficits and a quadrupling of the national debt. Today every American man, women, and child owes almost $13,500 on the publicly held debt. In inflation-adjusted terms, that's about 2½ times what they owed in 1980.

Time after time we have seen gimmicks used to support economic theories for political reasons. We are in serious jeopardy of returning to these dangerous tricks.

We all know—and experience has taught—who bears the greatest cost of this gimmickry—the middle-class. At the end of the day, it's middle-class Americans who are called upon to clean up the effects of mistaken economic theories.

If we misjudge this theory, and err in recalculating the CPI—it's middle-class Americans and vulnerable seniors who will lose the most.

I urge my colleagues to reject these quick fixes and gimmicks and act cautiously and conservatively. The American public deserves no less.

VOTE ON AMENDMENT NO. 179

Mr. KEMPTHORNE. Mr. President, I move to table the Dorgan amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 179 of the Senator from North Dakota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BRADLEY (after having voted in the negative). On this vote, I have a pair with Senator SIMPSON, of Wyoming. I have voted "no." Senator SIMPSON would have voted "aye." I withdraw my vote.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

On this vote, the Senator from New Jersey [Mr. BRADLEY] is paired with the Senator from Wyoming [Mr. SIMPSON].

If present and voting, the Senator from Wyoming would vote "yea" and the Senator from New Jersey would vote "nay."

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bradley, against

NOT VOTING—3

Heflin
Kennedy
Simpson

So the motion to lay on the table the amendment (No. 179) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 191

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 191 offered by the Senator from New Mexico [Mr. BINGAMAN].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—58

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feingold
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Feinstein
Ford
Graham
Harkin
Hollings
Inouye
Johnston
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor

Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Heflin
Kennedy
Simpson

So the motion to table the amendment (No. 191) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment No. 192 offered by the Senator from New Mexico [Mr. BINGAMAN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—57

Abraham
Ashcroft
Bennett
Bond
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Graham
Harkin
Hollings
Inouye
Johnston
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Heflin
Kennedy
Simpson

So, the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 182

Mr. GLENN. Mr. President, what is the next order of business before the Senate?

The PRESIDING OFFICER. Amendment No. 182, offered by the Senator from South Carolina [Mr. HOLLINGS] with 30 minutes, equally divided.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President it is my hope that in this amendment we can sort of burst the bubble of false hope that permeates the Government in Washington with so-called contracts. All around town we seem to hear "The Government is the problem; let's get rid of the Government." Unfortunately, both sides participate in this charade. We will be fighting all year to bring reality into the picture. Specifically, let me refer, to an amendment that I introduced on the Senate floor in 1990, an amendment that is now the solemn law of the land. It says:

"Notwithstanding any other provision of law receipts, disbursements and Federal aid, survivors' insurance trust fund, and the Federal disability insurance trust fund shall not be counted as new budget authority outlays, receipts, deficit, surplus, for the purpose of the budget of the U.S. Government as submitted by the President or the congressional budget or the Balanced Budget and Emergency Deficit Control Act.

In reality, the administration and the other side continue to use surplus funds when they refer to the size of the deficit. When Vaclav Havel was inaugurated as President of Czechoslovakia, he said:

> For 40 years we have been lied to, and for 40 years we have grown sicker because we have been saying one thing and believing another. I assume that you did not elect me President to continue this 40 years of lying. We have to deal with our problems. Nobody else can solve our problems but us.

That goes double for the problems that confront this Government at this hour.

We have, as the President speaks tonight, some 10 million Americans laying on the streets homeless, 12 million children hungry, and 40 million in poverty.

Mr. President, we need to be candid with the American people. All this resolution asks Congress to do, is to tell the American people up front the truth about our fiscal situation. Specifically, the deficit right now is not $176 billion; it is $283 billion. We can look at the $253 billion that we spend on domestic discretionary programs against the $283 billion projected deficit and readily see that we could eliminate Government and still be in the red. My point is that in addition to spending cuts we will need to increase revenues.

I ask unanimous consent at this point to include in the RECORD a chart outlining one possible path to balancing the budget along with a list of approximately $37 billion in nondefense discretionary spending cuts.

There being no objection, the table is ordered to be printed in the RECORD, as follows:

HOLLINGS RELEASES REALITIES ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts is necessary.

Reality No. 2: There aren't enough savings in entitlements. Have welfare reform, but a jobs program will cost; savings are questionable; health reform can and should save some, but slowing growth from 10 to 5 percent doesn't offer enough savings; social security won't be cut and will be off-budget again.

Reality No. 3: We should hold the line on the budget on Defense; that would be no savings.

Reality No. 4: Savings must come from freezes and cuts in domestic discretionary spending but that's not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes are necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note—Figures are in billions. Figures don't include the billions necessary for a middle-class tax cut.

Non-defense discretionary spending cuts	1996	1997
Space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	1.0
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Department funding and end miscellaneous activities	0.1	0.2
End Public Law 480 title I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate USTTA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate Untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for energy technology development	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for non-profits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice, State, local assistance grants	0.1	0.2
Reduce export-import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate small business development centers	0.056	0.074
Eliminate minority assistance score, Small Business Institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate International Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the United Nations	0.873	0.873
Eliminate participation in U.N. peacekeeping	0.533	0.533
Eliminate Byrne grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.028	0.140
Reduce Coast Guard 10 percent	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate coastal zone management	0.03	0.06
Eliminate national marine sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate State weather modification grant	0.002	0.003
Cut Weather Service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate public telecommunications facilities program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate national information infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Reduce chapter 1 20 percent	0.173	1.16
Reduce special education 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce WIC 50 percent	1.579	1.735
Eliminate TEFAP:		
Administrative	0.024	0.040
Commodities	0.025	0.025
Reduce Cooperative State Research Service 20 percent	0.044	0.070
Reduce Animal Plant Health Inspection Service 10 percent	0.036	0.044
Reduce Food Safety Inspection Service 10 percent	0.047	0.052
Total	36.941	58.402

Mr. HOLLINGS. Mr. President, the path that I have outlined would include $406 billion in spending cuts over a 4-year period. In reality, I doubt that the Congress could cut $406 billion. I doubt that you could cut $37 billion in the first year to put us on schedule. But as my list of cuts shows, even if that were done, we would have to make additional cuts in the second year, and the third year, and so on. Moreover, after all these cuts we will still need a 5 percent value-added tax to bring us into the black by 1999. But wait, there's more. Having gotten into the black, we will still be spending $368 billion in interest costs on the gross debt. In short, we will be on automatic pilot for increased spending of $1 billion a day. The only way I know to get off of this binge is to start talking honestly about the budget.

Some of the elected officials in this town act like they are not part of the Government. It is like going to the Super Bowl and watching the Forty-Niners and the Chargers run into the stands hollering, "We want a touchdown. We want a touchdown." But to do that, they've got to get out of the bleachers and onto the field. Let us get down on the field and balance the budget.

Mr. President, David Stockman, the Republican Director of the Office of Management and Budget, said 10 years ago:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it ever since. Instead they have incessantly poisoned the political debate with a mindless stream of anti-tax venom while pretending that economic growth and spending cuts alone could cure the deficit. That ought to be obvious now that we cannot grow our way out of it.

That is what we are getting here, 1995. It is time to stop this charade today. I retain the balance of my time.

Mr. DOMENICI. Mr. President, how much time does Senator HOLLINGS have remaining?

The PRESIDING OFFICER. Six minutes and 18 seconds remaining. The Senator from New Mexico has a full 15.

Mr. DOMENICI. Do you want to proceed with some of that, Senator? Do you want him to go now?

Mr. HOLLINGS. Go right ahead and then I will yield to Senator DODD.

Mr. DOMENICI. I have 15 minutes and would like to yield up to 5 minutes for Senator SIMON from Illinois. I would use the balance.

Mr. SIMON. Mr. President, I thank you.

I am going to oppose this amendment. I have great respect for Senator HOLLINGS. Frankly, if we had more FRITZ HOLLINGS in the U.S. Senate we would not need a balanced budget amendment. FRITZ HOLLINGS has shown more courage in the Budget Committee—and I have served there along with Senator DODD and others—in talking about revenue, talking about cuts, talking about the needs of our country and that is essential.

I think there will be a lot of votes on this side supporting it in part because there is some resentment to the Contract With America and it is pie-in-the-sky we can cut taxes and spend more on defense, and it is just unrealistic.

I, however, oppose it for this reason, and that is, if it were popular to balance the budget, we would have done it a long time ago, the FRITZ HOLLINGS votes in the Budget Committee would have passed. The reality is we need a straitjacket to force us to do the right thing, and that is why it is essential for the country that we have a balanced budget.

The principle has to be established, and once we establish the principle, then we can argue among ourselves how to go about it. But we have not established the principle. I will just give you one quick illustration.

Back about 3 years ago, I introduced a bill for long-term care with a ½ percent increase in Social Security to pay for it. Two of my colleagues in the Senate, one of whom is still serving here now, came to me and said they thought it was a great bill, they would like to cosponsor it if I would just drop the ½ percent tax to pay for it. We can do that now. We can spend money, not pay any attention to whether it balances or not.

The reality is, if we want long-term care, we have to have the revenue. Senator HOLLINGS is correct—and I know I differ with some of my colleagues on the other side on this—he is absolutely correct when he says this is going to have to be a combination of spending cuts and revenue increases. I do not think there is any way to do it without that. And I do not favor just putting this thing off. If this passes, and I believe it will, if this passes in a few weeks, then I want to move on that glidepath right away, and I will join Senator HOLLINGS and any other Senator. We cannot wait until the States act; we have to move immediately.

But, frankly, we do not need to spell out how many toes we are going to step on when we have a balanced budget amendment. It is not going to be easy. It is going to be tough, but not to do it is going to be infinitely tougher on the future of this country.

So I, with great respect for the sponsor, am going to be voting on the other side on this particular motion.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I thank the distinguished Senator from Illinois for his statement, but I also thank him for his strong support for a constitutional amendment for a balanced budget. It is obvious some Democrats support this. It is obvious the President of the United States does not. Very few Republicans do not support it.

Having said that, the issue tonight is not whether we favor a constitutional amendment for a balanced budget, but rather after all these years of saying in order to balance the budget you need a constitutional amendment to force a total change of attitude on the part of the American people, the Congress, Democrats, Republicans and, yes, Presidents, that is why we need the amendment, so nobody in the position of leadership can any longer be for an unbalanced budget. The Presidents in the future are going to have to tell us how they get there.

I can guarantee you that when this constitutional amendment passes the U.S. Senate and House, the implementing legislation that will be part of it will not permit the executive branch of Government to say, "I don't want to do it, I don't like it."

Do you not think the first sentence in that implementing language will say: "The next budget that the President of the United States sends to us, be he Democrat or Republican, will be in balance?" We do not have that luxury today.

We have my very good friend and distinguished budgeteer and one who has proposed many healthy things to get the deficit under control, Senator HOLLINGS—and I thank him for his complimentary statements this morning—we have him suggesting that somebody, presumably the Republicans, ought to produce the details of a balanced budget before the sovereign States tell us we have to have it. Or it is some kind of gimmick, somebody says, if we do not.

Why is that? We are all suggesting and the American people have finally agreed that until the substantive, relevant, basic, underlying law of the land is changed, we will not get to a balanced budget.

Mr. President, let me tell you, I am not one who 14, 15 years ago was for a constitutional amendment. In fact, you might find something in the RECORD of this institution where I was not. But I have come full circle, and the very reason that I have is the reason we cannot do what Senator HOLLINGS is recommending in this amendment, because we have never been able to produce a balanced budget, and until we have a constitutional amendment, we will not. When we do, I say to Senator SIMON, everything will change.

Now, you say to me, "What are you going to tax? What are you going to cut?" Everything will be changed because the entire attitude of Congressmen will constantly be saying, "How do we get a balanced budget?" The entire demeanor of the fiscal policy and U.S. Congress is to solve every problem with a $20 million, $30 million or $50 million program, or a new entitlement.

I say to the Senator from South Carolina, Senator HOLLINGS, we pass in reconciliation bills—not the Senator, not me—but in reconciliation bills in which we are supposed to save money, we spent $150 billion because somebody found a loophole. They cut in the first year and then they pass 12 new programs in the second, third, fourth, and fifth. That happens to be how social services block grants, for those who are wondering, how the price went up. We never passed a free-standing bill. Believe it or not, we increased that spending by putting it in a budget-cutting bill.

We cannot stop all of that, but we will stop it all when we have a constitutional amendment.

Incidentally, we will not have a President of the United States giving a speech tonight on the State of the Union without including in it how we are going to get to a balanced budget, or I have sent you a balanced budget, or saying to the people of the United States, "I sent it last year and they did not follow it because they still think they have 5 more years to play games."

We are not going to have that now, I say to my friend from Connecticut, the new chairman of the Democratic Party, because this President is not obligated to. As a matter of fact, I believe sooner or later we ought to vote here and we probably ought to vote that the President should submit a balanced budget next year. That might be a good way to handle this. Maybe he ought to. He is the primary developer of budgets—the executive branch, not Congress, not Republicans because they are in the majority by a few votes.

So I want to close tonight by saying we do not need anybody telling us we have to produce a balanced budget in advance of a constitutional amendment. I say to the Senator from South Carolina, he is going to be there. He is the second ranking on the Budget Committee. I am the chairman. He is free to offer any amendments he wants in that timeframe, and he knows that.

I am going to offer plenty, and I am going to offer a budget that dramatically reduces the deficit. I welcome every Democrat who is pushing this issue. I welcome them to vote for all the cuts we are going to propose. That is the first start. That is the downpayment. If you are looking for an analogy in a football game, what we are going to have in 3 or 4 weeks is the game that just precedes the playoff. The Senator from South Carolina referred to the Chargers and San Francisco 49'ers. We are not at that game yet in the budget resolution this year. We are two games before the playoff because we still have to build the foundation for getting the deficit down with a big downpayment.

I say to the American people, just wait, in 4 or 5 weeks we will give you that downpayment and we will start that trend line down so that in the fifth year, the budget will not be going up, it will be coming down.

Now, is this the way to do business? Let me close. I want to quote from Laurence Tribe, a liberal constitutional lawyer, on what kind of games we are playing with our children when we do not tie our own hands with a constitutional amendment. Listen carefully:

> Given the centrality in our revolutionary origins of the precept that there should be no taxation without representation, it seems especially fitting in principle that we seek somehow to tie our own hands so we cannot spend our children's legacy.

That is why we need the constitutional amendment. It will tie our hands. Until then, we can only say to the American people for the first time in 40 years, there is a Republican House and a Republican Senate, and I do not believe you are going to have to be worried about whether we will cut enough. What we have to be worried about is how many Democrats will help us as we propose very significant cuts in entitlements, in every discretionary program, in all kinds of expenditures of the Federal Government and privatization. We welcome your help.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

Mr. HOLLINGS. Mr. President, I understand I have 6 minutes left. I want to divide it between the distinguished Senator from North Dakota and the distinguished Senator from Connecticut, unless they can yield some time to our distinguished friend from Wisconsin.

Let me just make a few brief points. One, we are on the unfunded mandates bill which argues that the Federal Government should consider the costs imposed on State and local governments up front. The Senator from New Mexico in his opposition seems to say, "Do not consider the cost up front on the biggest unfunded mandate," namely the Federal budget.

Two, I am not so sanguine about the balanced budget amendment to the Constitution. I remember the 18th amendment was passed and people kept on drinking. I think this crowd in Washington could delay and cook up plenty of ways to avoid the discipline of a balanced budget amendment.

Three, President Bill Clinton has already given us the downpayment by offering a plan that will reduce the deficit over $500 billion in 5 years. It's time now to finish the job.

I yield 3 minutes to the Senator from North Dakota and 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. CONRAD. I thank the Chair and I thank the Senator from South Carolina as well.

Let me just say that talk is cheap in this body. We have heard a lot of examples of this as we talk about a balanced budget. I think perhaps the American people deserve to know the gap between Republican rhetoric and Republican reality with respect to a balanced budget.

Mr. President, I brought this chart to show what is required to balance the budget over the next 7 years. The blue line shows what is needed if we do not do anything to make the problem worse before we start solving it—1 trillion 35 billion. That is not million, that is not billion. That is 1 trillion—1,000 billion —in cuts that are necessary if we do not do anything to make it worse.

But the Republican Contract With America says the first thing to do is cut taxes $364 billion. That makes it a $1.4 trillion problem. And then they say spend another $82 billion on defense. That makes it a $1.48 trillion hole to fill.

Mr. President, the Republican credibility gap, as I calculate it, is shown by the difference between what is necessary to balance the budget over 7 years—nearly $1.5 trillion—and the paltry $277 billion of spending cuts they have come up with in their Contract With America. They are $1.2 trillion short.

Mr. President, let me just end with this chart that talks about famous gaps. Famous gaps. We have the Grand Canyon. That is a mile deep. That is a big gap. But the biggest gap we have in America today is the Republican credibility gap. It is $1.2 trillion, the difference between what is needed to balance the budget and what they have identified by way of cuts. That is one of the most famous gaps in America today, the Republican credibility gap. They need to fill it in.

I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I yield myself 30 seconds?

I forgot in my remarks to indicate to the Senator from South Carolina, he would agree that the famous Stockman quote that he read into the RECORD——

Mr. HOLLINGS. Right.

Mr. DOMENICI. That in that book he excludes Senator DOMENICI from that definition, is that not right?

Mr. HOLLINGS. I am sure he did.

Mr. DOMENICI. Yes, indeed, he did. By definition he did. He said, "I exclude," and he gave about three people. I was one of them.

Mr. HOLLINGS. Well, he said Republicans.

Mr. DOMENICI. I am a Republican.

Mr. HOLLINGS. The Senator is not leaving the party, is he? Is he going to join me?

Mr. DOMENICI. No. We have been wondering when the Senator is coming over here.

I wish to make one last point and save my time and yield a minute or so to the new Senator from Pennsylvania.

First, Mr. President, let me say to the Senator from North Dakota, let us wait around for a couple months and see what the gap is. Let us see how many of the Senators on the other side vote to help with that gap. That really is not the Republican gap. That is the spending gap. And we are going to try to fix it. Instead of it being the Grand Canyon, it is going to be some little gap in New Mexico that in a couple years we can pole-vault over.

I also want to tell you, with the big cuts we are talking about, the budget this year will spend $1.5 trillion, and the budget when we are through making all the cuts will spend $1.950 trillion. So we are really not cutting very much. I mean if you look at these trend lines, we are still going to be at a $1.950 trillion, which is about $400 billion more than now, even after all the cuts.

Mr. President, I will yield to the Senator from Pennsylvania in just a moment. Let us let them finish so the Senator can kind of wrap up.

Mr. HOLLINGS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from South Carolina has 3 minutes 5 seconds.

Mr. HOLLINGS. I yield 1 minute to the distinguished Senator from Wisconsin and the remaining 2 minutes and 5 seconds to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I will see if I can do 22 years in 1 minute.

First, there were 12 years of Republican Presidents who said they were going to provide a balanced budget. Instead, they brought us up to the biggest deficit and debt in the history of this country. Then there was a 4-year period which we are in the middle of now where a Democratic President provided the kind of glidepath and direction that the Senator from South Carolina is talking about.

What happened? The deficit, for the first time since Harry Truman, went down for 3 years in a row. Those are the facts. Not a single Republican in either House of this institution voted to help us on these specifics.

Now we go to the third stage, a 7-year period when the States will get to decide whether or not they want to have a balanced budget amendment, as the majority party in both Houses here increases taxes for everybody in the country to the tune of hundreds of billions of dollars and increases the defense budget and tries to tell you that is going to balance the Federal budget.

The fact is that the President is going to give his speech tonight. He is the only President who has provided a true, specific path and true progress in the direction of deficit reduction, and no matter how much the Republicans say that is not the case, it is a fact.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, I just want to commend again the Senator from South Carolina for this proposal. Again, I will emphasize what I said the other day. This is a radical idea that the Senator from South Carolina is suggesting, the radical idea that we might try to lay out for our constituents and taxpayers how we are going to achieve this "straitjacket" as it has been called.

Frankly, I never thought of the Constitution of the United States as becoming a straitjacket, particularly when it comes to the economy of the country. But to suggest somehow that this is a dreadful notion to try to spell out, not in the details the Senator from New Mexico has described, but at least in some broad picture—I will take any numbers you can give me. Give me some general idea here so that my elderly, my young people, my defense contractors, my businesses will have some notion of how we are going to achieve the Holy Grail of a balanced budget when they look at the bridges that have to be crossed, the gaps that have to be breached. How do you get there? And the fact that we are just saying lay that out for us in some detail here for us, and again not for us so much as it is for the people we represent, I do not think is asking too much.

Frankly, until we do that, I think this amendment proposal is going to be in serious question. I say to my friend from Illinois, the Constitution should never be a straitjacket. That is not what the Founding Fathers had in mind. They specifically left out economic policy because they knew that future generations would have to confront problems that they could not imagine.

And so I hope that before we decide to get to this balanced budget debate, our friends on the other side will lay out at least in some detail for us where we are going to go with that, and again not to fall prey to the idea suggested by the distinguished majority leader of the other body that we cannot do this because, if we do, the "knees will buckle" of Members of Congress.

Well, as I said the other day, it is not the Members of Congress whose knees I worry about buckling; it is those out there who look to us to see to it that we do a job that makes sense, is rational and thoughtful. Asking for some details on this proposal I do not think is radical, and it certainly ought to be done if we are going to succeed with this proposal.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 1½ minutes to the junior Senator from Pennsylvania and 30 seconds for wrap-up to Senator GORTON.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the Senator for yielding.

I wanted to pick up on the analysis of this amendment by my distinguished colleague from South Carolina, relating it to a football game, a Super Bowl, because I thought it was a keen analogy. I am not too sure he got it quite right.

What he suggested is that members of the football team be up in the stands rooting for different ideas instead of being on the field fighting it out and putting those cuts into place.

Let me tell you what the constitutional amendment is to balance the budget. It is the clock. You see, the game will not start unless the clock starts, and that makes the teams get on the field. It makes them get on the field and start fighting it out. Otherwise, they would spend all their time sitting in the stands enjoying life, running around with the cheerleaders. They are going to be on the field now because the clock starts; the game has begun.

Now, the Senator from Connecticut said, well, we need the game plan. I know George Seifert would love to have Bobby Ross's game plan, and I know Bobby Ross would like to have Mr. Seifert's, but they are not going to give it to each other.

You see, that is what the game is all about and it has to be played. But you have to start the clock. That is what the balanced budget amendment does, it starts the clock. It gets us on the field and makes us perform before the people of the United States of America. That is what this game is all about. And all this other stuff is just hype. All these gaps and canyons and where is it coming from, where do you tax it—it is all hype. Just pick up a paper and look at the hype.

When the clock starts the game begins. I yield.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, one fact is crystal clear as a result of this debate. Our friends and colleagues on the other side of the aisle, with a few notable and courageous exceptions, do not want a balanced budget. They want an outline which will make it more difficult to get a balanced budget. Their President has never proposed one. They have not proposed one. They do not plan to propose one. They fear the constitutional amendment because it will require them to be in that game as well.

The difference is this side may not know every detail of how it is going to get to a balanced budget, but it wants to get there and will try to do so. The other side does not even want to start the journey.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

The Chair reminds the Senator all time has expired.

Mr. DOMENICI. Mr. President, I move the Hollings amendment be tabled. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, have the yeas and nays been ordered on the pending motion?

The PRESIDING OFFICER. They have.

Mr. DOLE. Mr. President, following this vote, there will be a resolution condemning terrorist attacks in Israel. I will have that resolution read after this vote so we can accommodate the Members.

I ask for the yeas and nays on that resolution. It has been agreed to by leaders on both sides, and many others.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. That will be the last vote. There will be one more vote. The vote on the resolution will be the last vote.

I remind my colleagues that we have a little dinner over here in S–211, if they would like to partake.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment numbered 182 offered by the Senator from South Carolina [Mr. HOLLINGS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Indiana [Mr. COATS] and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes

NOT VOTING—4

Coats
Heflin
Kennedy
Simpson

So the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONDEMNING TERRORIST ATTACKS IN ISRAEL

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Resolution 69.

The legislative clerk read as follows:

A resolution (S. Res. 69) condemning terrorist attacks in Israel.

Thereupon, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Indiana [Mr. COATS] and the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber deserving to vote?

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—96

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—4

Coats
Heflin
Kennedy
Simpson

So the resolution (S. Res. 69) was agreed to as follows:

S. RES. 69

Whereas on January 22, 1995 a brutal and cowardly terrorist attack near Netanya, Israel killed 19 Israelis and wounded dozens more;

Whereas the terrorist group "Islamic Jihad" claimed credit for the January 22, 1995 attack in a statement issued in Damascus, Syria;

Whereas on December 25, 1994, a "Hamas" terrorist attack in Jerusalem wounded 13 civilians, including 1 American citizen;

Whereas on October 19, 1994, a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 48 more;

Whereas 110 Israeli citizens have been killed and hundreds more have been wounded in terrorist attacks since the Declaration of Principles was signed on September 13, 1993;

Whereas the Declaration of Principles obligates the Palestinian Authority to publicly condemn terrorist attacks, and to bring to justice perpetrators of such acts in territories under their control;

Whereas no perpetrators of these terrorist attacks have been brought to justice for their acts of violence by the Palestinian Authority;

Whereas the governments of Syria and Iran continue to provide safe haven and support for terrorist groups, including Islamic Jihad and Hamas, among others;

Whereas continued acts of terrorism threaten the peace process in the Middle East; Therefore, be it

Resolved by the Senate that—

(1) the terrorist attacks in Israel are condemned in the strongest possible terms;

(2) condolences are extended to the families of all those killed, and hopes are expressed for the rapid and complete recovery of all wounded in the January 22, 1995 attack;

(3) Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis, take immediate steps to bring to justice those responsible for such acts, and implement steps to prevent future acts of terrorism in all territory under his control;

(4) President Assad should immediately end all support for terrorist groups, including safe haven, material and financial support, in all territory under his control;

(5) The administration should undertake strong efforts to end the safe haven, training, and financial and other support granted terrorists by Iran, Syria and other states.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 181

Mr. HATFIELD. Mr. President, I would like to withdraw my amendment No. 181.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 181) was withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 193

Mr. KOHL. Mr. President, I ask unanimous consent that it be in order to consider the Kohl amendment No. 193.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I am offering this amendment to address an unintended consequence in the bill before us.

I am concerned that in the process of trying to end the practice of placing onerous unfunded mandates on States and countries, we are actually discouraging States and counties from passing necessary laws. Some States may decide to delay action in the hope that Congress passes a Federal law to do the same thing and then provides the money to do it.

Health care reform is a good example. How many States put off health car reforms last year anticipating action here in Washington? We do not want States saying, "Why should we take action today, when the Federal Government may be taking action tomorrow and paying us in the process?"

If we do not address this problem, we may actually be creating a new kind of gridlock at the State and local level, with State and local officials trying to second guess where Congress is going on a whole variety of issues, so as not to miss out on their share of Federal funds.

Although I am confident that State and local leaders will take the necessary steps to address crime, health, poverty, environmental, or other problems within their own borders, I do not want them to fear that they are doing their constituents a disservice by missing out on Federal dollars to address these same problems. We must ensure that their proactive efforts are not necessarily held against them in the future when the Federal Government catches up.

What of States that decide to begin the implementation of Federal mandates before they are passed into law, sensibly trying to spread the costs out over several years because they are unsure as to whether Congress will decide to waive the funding requirement under this bill? Do we want to penalize them for trying to ease the burden on the taxpayers?

No, and this amendment sends them an important signal to proceed.

Furthermore, this legislation should not discourage innovation at the State and local level. Many interesting ideas and creative solutions to public problems emerge from the State and local level. We must be careful not to put a damper on these true laboratories for public policy innovation.

An example is the issue of welfare reform. There have been proposals offered here in Congress suggesting that States should be required to track the paternity of children on the welfare rolls so that the fathers can be forced to pay child support. If States are contemplating similar actions, they ought to be encouraged, rather than discouraged, from taking these actions prior to Federal action.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate so much the sensitivity of the Senator from Wisconsin to the issue of the amendment which he has offered. It was a pleasure to work with the Senator on the language of that amendment.

With regard to this side of the aisle, we are happy to accept the amendment.

Mr. GLENN. Mr. President, I, too, would like to congratulate the Senator from Wisconsin. I think he has done an excellent job on this. We talked about this earlier. We worked back and forth across the aisle. He was willing to compromise and put in the language. I think it is excellent. I compliment him on what he has done. We are glad to accept it on our side of the aisle and urge we move to a vote.

Mr. KOHL. I thank Senator KEMPTHORNE and Senator GLENN.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 193) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask there be a period for morning business not to extend beyond 7:05 p.m. and Members be permitted to speak for 5 minutes, with the exception of the Senator from New Hampshire permitted to speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And the Senator from Pennsylvania 7 minutes. That makes it a little beyond 5 after 7.

SALUTE TO LORNA SIMPSON

Mr. DOLE. Mr. President, on Sunday, we lost an American Treasure, with the death of Rose Kennedy. This morning, we have lost another, with the passing of Lorna Simpson, the mother of our colleague from Wyoming.

Married to Milward Simpson in Sheridan, WY in 1929, Mrs. Simpson devoted the next 65 years of her life to her family, her community, and the entire State of Wyoming.

Even before her husband's election as Governor of Wyoming in 1954, Lorna Simpson was always reaching out to help others. She volunteered at the local hospital, served as president of the Cody Red Cross, and was appointed to the local planning commission.

During this time, she also was raising two sons, and serving as a full partner in her husband's many business ventures, which included a newspaper, a radio station, and a dairy.

Mrs. Simpson served as the first lady of Wyoming from 1954–58, where she was personally responsible for remodeling and restoring some of the beauty and historical value of the old governor's mansion. Thanks to her leadership, a building that was once closed to the public, now stands as a monument to Wyoming's history.

When her husband was elected to the U.S. Senate in 1962, Lorna continued her tireless devotion to others by serving as the Representative of the Women of the United States to the Organization of American States, and as a delegate to the interparliamentarian union in Australia.

When Milward retired from the Senate in 1966, he and Lorna returned to Cody, where they dedicated themselves to their community and to each other. They had been married 64 years when Milward passed away in 1993.

Senator SIMPSON has told me of a Wyoming chapel that was remodeled under the leadership of Milward and Lorna. For the inscription on the stained glass window in the chapel, they chose the words "I am with you always."

Milward and Lorna Simpson will now be "together always" in the hearts of their family, and the many others who loved them.

I know the Senate joins with me in extending our sympathies to Senator SIMPSON, to Ann, and to their entire family.

Mr. President, I ask unanimous consent that a biography—"On the Passing of Lorna Kooi Simpson"—be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ON THE PASSING OF LORNA KOOI SIMPSON

Lorna Kooi Simpson was born on August 19, 1900 in Chicago, IL to Mary Helen Kooi and Peter Kooi. Mr. Kooi was a Dutch immigrant who came to the United States from Holland. He was orphaned at an early age and went to work as an employee of the Burlington Northern Railroad. After working for many years as a railroad clerk in Chicago, he then "went West" with the railroad, and later became a very successful businessman and eventually the founder of the town of Kooi, Wyoming—a coal mining community near Sheridan.

After attending schools in the Chicago area and the Lewis Academy, Lorna was a student at Miss Mason's Castle School in Tarrytown, NY for 2 years. At the school, Lorna was a classmate of Clare Boothe Luce and Better Greene Bond, the mother of former governor and now U.S. Senator Kit Bond. At the Castle School, Lorna studied art, music, history and sculpture. Lorna went on to attend the University of Illinois.

As a young girl, Lorna traveled extensively with her parents. In 1919 and the early 1920's she visited Egypt, France, England, the British Isles, Europe, Turkey, Greece, Algiers, South America, the Andes, Brazil, Chile, Argentina and Peru. She even flew in a single-engine aircraft over Sugar Loaf Mountain in Rio de Janeiro in those early days—such extensive travels were rather uncommon in those years for either an adult or a child! She loved to travel and visited many historical and archaeological sites over the years.

On June 29, 1929, in Sheridan, Wyoming, Lorna married a young lawyer from Cody, Wyoming, Milward L. Simpson. Milward had been a member of the Wyoming Legislature from Hot Springs County in 1927. They began their life together in Cody, Wyoming, where Milward went into private practice with his father, William L. Simpson. In Sheridan, on July 31, 1930, a son, Peter Kooi, was born and on September 2, 1931, a son, Alan Kooi was born.

Kooi was a marvelous homemaker, a creative and inspirational mother who was strong and talented, fair and firm. In her home she had a Hammond organ and a piano—and she played both beautifully. Early in her marriage, there was a contest conducted throughout the state to determine an original University of Wyoming "pep song." Lorna's sister, Doris Kooi Reynolds, urged her to enter, but Lorna was reluctant to do so. Finally at Doris' urging, she went forward to finish the work and sent it on to the contest officials. As she said later, to her absolute astonishment, she won! The winning song was called "Come on Wyoming." The band director of the University of Wyoming at the time, urged her to play the song and he set it to a band arrangement. The cover of the sheet music of the piece was illustrated by the great western artist Bill Gollings, at the request of Lorna's father, who was a personal friend of Mr. Gollings.

Lorna instructed her son, Peter, on the violin. She had a beautiful singing voice and she conducted the choir at the Christ Episcopal Church in Cody. She also served as the assistant organist for a very dear lady, Mrs. Henry Pool, who served for many years as organist in that church. Among her many talents, Lorna was also a talented amateur artist and sculptor, and a member of the Cody Country Art League.

With her great humanitarian spirit, Lorna served as a Gray Lady at the W.R. Coe Hospital, which later became the West Park Hospital. Lorna was a charter member of that organization. During the war, she was one of the Presidents of the Red Cross Chapter in Cody, in charge of Civil Defense. Lorna was the chairman of the "Blackout Committee" which ensured that all lights within the city were properly out of view during "air raid alert" activities during World War II. She was also the chairman of the scrap metal drive and always met every quota set. Lorna was asked to hold a position on the National Board of the Red Cross, but rejected that to travel with her husband to Israel on behalf of the Husky Oil Company, while Milward served as a member of the Board of Directors of that company.

In Israel, Lorna assisted her husband, Milward, in his official capacity as a representative for the Board of Husky during the creation of ISRAM, a joint venture oil company between the United States and Israel. She was instrumental in assisting Milward in negotiations with the new state of Israel in establishing new laws and regulations on oil and gas development.

In 1940, Mrs. Simpson campaigned vigorously with her husband in an unsuccessful race against a very popular Senator Joseph C. O'Mahoney for the United States Senate. Senator O'Mahoney served 26 years for Wyoming.

Lorna was active in all aspects of community life. In 1940, she was appointed by Mayor Hugh Smith to the Cody Planning and Zoning Commission. The commission originally submitted to the city council and mayor the final bond issue for all of the streets, curbs and gutters of Cody. The city then presented that to the citizens on a ballot. The people of Cody twice rejected the bond issue, until Lorna, along with others, immediately activated a "person-to-person" campaign in order to raise community awareness on the bond issue. Under her urging, leadership and participation, instead of just simply "paving the streets of Cody," it was determined to proceed with curbs, sidewalks and gutters. She was instrumental in seeing the bond issue pass in 1950. Even today, Cody remains one of the most beautiful cities in Wyoming.

Lorna helped obtain the first national network association (ABC) while she and Milward were co-owners of the local radio station, KODI. She often did some of the programming and radio work. She was also the acting editor for a time during the war, of the local paper, the Cody Enterprise. Milward and Lorna were also co-owners of the Cody Inn—the old Burlington Inn—with Les Carter of Billings and Joe Fitzstephens of Cody. Together they helped to restore the Inn to its former grandeur.

Lorna was also involved in other business activities. She encouraged the first pasteurization of milk in Cody through investment in the Sani-dairy (a local dairy). Later, she became involved in the support of a local cheese making industry.

In 1954, Lorna once again vigorously campaigned with her husband in a successful race for the governorship of Wyoming. She graciously served as the First Lady of Wyoming from 1954 to 1958. She was known for her many projects and assistance to various youth groups and organizations in Cheyenne and through the entire State of Wyoming.

Mrs. Simpson was personally responsible for remodeling and restoring some of the beauty and historical value of the old Governor's Mansion. The Mansion had been closed to the public for many years—the heating system, the carpets and the furniture had seriously deteriorated and portions of the ceilings and the floors had fallen. It stands today as a State and National historical site and also as a tribute to her creativity. The State Legislature responded generously to the request to ensure that the residence would serve as a remarkable showcase of Wyoming's history.

While serving as First Lady, Lorna worked extensively to assist and entertain various Wyoming groups and organizations, such as Girls' State and Boys' State. She hosted many state functions, teas and receptions for the citizens of the State of Wyoming. After returning to Cody in 1959, Milward continued his law practice with his son, Alan, and later with partner, Charles G. Kepler.

Milward was one of the founding fathers and trustees of the Gottsche Foundation Board in Thermopolis. With Board approval, she asked permission to remodel an old abandoned storeroom on the Foundations' property and constructed a Chapel for the patients. It is a functional non-denominational chapel with a beautiful stained glass window. Milward and Lorna selected the quotation for the window—"I am with you always"—a most appropriate biblical reference with reference to the sorrows and joys of illness and healing.

Milward and Lorna also began a small endowment fund which they used to restore the old Episcopal Church in Cody and its original pipe organ in the old "Poker Church." The citizens of Cody, in the early years of the city, felt there were far too many gambling establishments and bars and not enough churches! The citizens spread the word to the "city fathers" of that day. At this time, a rather remarkable poker game took place, and the pot increased to a rather staggering sum. Those gathering around the table that night stated that the one who "wins that pot" (about $2,200) would agree to start a new church of the denomination of their choice in Cody. A remarkable pioneer of the community, a man known as "Governor" George T. Beck won it all and saw to the building of the "Poker Church"—Christ Episcopal Church.

Through the years, the marvelous pipe organ suffered vandalism and decay and eventually became inoperable. Milward and Lorna restored the organ to its original luster. They later donated 27 town lots to the Episcopal Church, which erected a new church upon the site. The old "Poker Church" was also moved to this site. The two churches are gloriously compatible on the beautifully landscaped property.

In the small chapel of the "Poker Church"—or the "little Church"—many of the windows were donated by Milward and Lorna. The original window, "the Dr. Francis Lane window,"—the "Lady Doc"—is over the altar. It was donated by many loving friends at the urging of Margery Ross, who came from the East with Dr. Lane. It replaced the oldest window, now behind the choir—bearing the inscription "God is love." The third window to the far right portrays the healing of the blind. It was given by a Denver attorney and his wife, George and Sally Hopper. Arch Hopper, George's father, was the rector of the church at one time.

In 1962, it was back on the campaign trail as Milward ran a successful United States Senate race for the unexpired term of Keith Thomson, who tragically died in late 1960 after his election to the U.S. Senate in November of that year.

Lorna and Milward lived in Washington, D.C. from 1962 to 1966 and greatly enjoyed entertaining Wyoming people who were in the capital city. In 1962, Milward was diagnosed as being afflicted with Parkinson's Disease. Lorna's care, nurturing and support encouraged him through the Senate experience. He retired from the Senate in 1966. He died June 13, 1993.

Lorna was designated by the Senate to be the Representative of the Women of the United States to the Organization of American States, which met at the former Pan American Building. President Lyndon Baines Johnson appointed Lorna as a delegate to represent the U.S. women participating in the Interparliamentarian Union in Australia. Mrs. Simpson was also instrumental in the refurbishment and extended use of the Senate Chapel in the United States Capitol.

Throughout this remarkable career of service, love and the nurturing of others, Lorna always emphasized the importance of home. It was here there was a haven of support, love and nurturing for her two sons, Peter and Alan.

During the time the two were in high school, four different boys from the Cody community often lived with the Simpson family in their home. Those boys were practically "raised up" by them, all having gone on to great things in their own lives—all receiving a college education, having families, children and grandchildren and being very productive citizens. They all think of Milward and Lorna as their "Second Mom and Pop."

Pete married Lynne Livingston of Cody on June 18, 1960. They have three children, Milward Allen and his wife Amy, Margaret Ann and her husband Chris Pinto, and Peter Kooi. Al Married the former Ann Schroll of Greybull on June 21, 1954. They also have three children: William Lloyd and his wife Debbie, Colin Mackenzie and Susan Lorna and her husband John Gallagher Lorna is also survived by five great-grandchildren, Sara, Elizabeth, Alexander, Daniel, and Eric.

Peter Presently serves as the University of Wyoming's Vice President for Development and Alumni and University Relations. Al is in his third term as a United States Senator from Wyoming.

Upon Milward's voluntary retirement from the Senate because of ill health in 1966, they retired to Cody. Lorna remained active in Gray Lady community work and above all else, the nurturing and care of Milward. For many years, when the winter winds were kicking up in Wyoming, Milward and Lorna joined many Wyoming citizens—the "Snow Birds"—in Sun City, Arizona. The last few years they spent between Cody and the South Fork of the Shoshone River at their beloved Bobcat Ranch. Milward and Lorna lived in a seamless bond of affection, love and support sewn with strong sinews of faith and belief in God. they were truly an extraordinary pair. They are now joined anew.

These were the things that brought great pride and inspiration to Lorna Simpson. She was a very special woman who did not seek the limelight and did not wish to boast of her activities. On once being nominated for "Wyoming Woman of the Year" she said, "When I received notification they had nominated me for 'Woman of the Year', I felt so completely inadequate and unworthy of ever being mentioned as a possibility for the award, that I did not reply. But I must say when I saw the rather sparse account of my accomplishments in a booklet sent to me explaining the qualifications of candidates, I felt I owed it to those who organizing the entire project to detail some of the these activities that they might have it for their records. "I was always taught one should never 'boast' of any charitable activities, but on the other hand," she smiled, "the Bible does say, 'Let your light so shine before men that they may see your good works, and glorify your Father which is in Heaven.' So, as a small justification for the honor bestowed upon me, I shall then "boast" a bit about some of the fine things that have touched my life." That life ended peacefully at 7:45 a.m. on January 24, 1995.

TRIBUTE TO GREGORY CARDOTT AND TOMMY DAVIS

Mr. DOLE. Mr. President, this past week, Americans lined up outside the Library of Congress for the chance to view an original copy of one of the great documents of our time—the Gettysburg Address.

In that famous speech, Lincoln said that when brave men die, "It is their deeds, not our words," that should be remembered.

Today, Mr. President, I ask all Senators and all Americans to not remember my words—but to remember the deeds of Sfc. Gregory Cardott, who was killed January 12 in Haiti.

To the family and friends of Sergeant Cardott, including his wife, Darlene, whom I spoke with recently, and their two children, I say that America shares your sorrow.

And America also knows that with your sorrow, you can take great pride.

Pride in the fact that when his country called, Greg answered.

Pride in fact that although Greg knew full well his journey would be dangerous, he made it willingly, with courage and commitment, as so many others have throughout America's history.

As a nation, we also take pride in the courage and commitment of S. Sgt. Tommy Davis, who was wounded in the right arm during the same attack that killed Sergeant Cardott.

Mr. President, the bible says that "greater love than this has no man, than to lay down his lives for his friends."

Gregory Cardott laid down his life for his friends, and for his country. His deeds will always be remembered by this Senator, and by all those who love America.

(The remarks of Mr. SMITH pertaining to the introduction of S. 270 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

RESOLUTION CONDEMNING TERRORIST ATTACKS IN ISRAEL

Mr. SPECTER. Mr. President, a few moments ago the Senate unanimously passed a resolution by a vote of 96 to nothing, condemning the terrorist attacks 2 days ago which killed 19 Israeli soldiers and wounded dozens more.

There was not time prior to that vote to speak about that subject, which I would like to do briefly at this moment. I believe that it is very important the PLO, the Palestinian Liberation Organization, and its chairman, Yasser Arafat, act, and act promptly, to fulfill the obligations of the PLO under the Declaration of Principles, to see to it that the perpetrators of those terrorist acts are brought to justice and to immediately condemn those terrorist acts.

It is obviously not easy to find terrorists and to punish them. But in no uncertain terms, Yasser Arafat and the PLO ought to condemn those atrocious acts of terrorism, promptly and in the strongest terms. This resolution says in paragraph 3:

> Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis.

There is absolutely no excuse for that not to happen. Senator SHELBY and I introduced an amendment last year which became law, which requires the PLO to change its charter which up to the present time calls for the destruction of the State of Israel, and to take all steps to stop acts of terrorism as a condition for United States aid.

The United States has agreed to support the efforts of the PLO to govern certain territories, pursuant to the Declaration of Principles, and that was an historic meeting, back on September 13 of 1993, when President Clinton, in the Rose Garden, put his left arm around Arafat's shoulder and his right arm around Prime Minister Rabin's shoulder to bring those two men to shake hands. I found it a difficult moment, to see an international terrorist like Chairman Arafat honored at the White House, considering the fact he was personally implicated in the murder of the charge, the second of command in the United States Embassy in the Sudan in 1974, and considering his involvement in the murder of Leon Klinghoffer on the Achille Lauro.

But in those Declarations of Principles, and in the aid which the United States is giving to the PLO, there is that obligation for that firm condemnation. And Yasser Arafat and the PLO have an obligation to do that and they have not done it. There is no excuse for that. The second clause of paragraph 3 calls for taking "immediate steps to bring to justice those responsible" for those acts. That is more difficult. But that ought to be done as well. Then the third clause is to "implement steps to prevent future acts of terrorism in all territory under * * *" the control of Chairman Arafat and the PLO.

Mr. President, there is obviously a pattern of terrorism at work. On December 25th, not a month ago, a Hamas terrorist attack in Jerusalem wounded 13 civilians, including an American citizen. On the October 19th of last year a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 10 more. Mr. President, 110 Israeli citizens have been killed and hundreds more wounded in the last few months. It is just indispensable that Arafat and PLO live up to their obligations.

The resolution additionally calls for President Assad to immediately end all support for terrorist groups, including safe haven and material and financial support in all territory under his control.

As there have been efforts to try to improve relationships between the United States and Syria, that is an obligation which, or action which the Syrian government and its President, Hafez Assad, ought to undertake.

But at an absolute minimum, at an absolute minimum, Arafat and the PLO have an absolute obligation to condemn this act of terrorism 2 days ago in the killing of 19 Israeli soldiers, 18 of whom were barely old enough to vote.

The U.S. Senate has spoken unanimously in this resolution, and the PLO and Chairman Arafat ought to be on notice that when the foreign aid bill comes up this year—and this Senator sits on the Foreign Operations Subcommittee—that there will be a move to cancel U.S. aid unless the PLO lives up to its obligations and the mandates of U.S. law: To change their charter, which calls for the destruction of Israel, and their obligation to seek out the terrorists and at a minimum to make a forceful condemnation of this atrocious conduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

LORNA SIMPSON

Mr. KEMPTHORNE. Mr. President, I would like to add my voice to that of many others in expressing our heartfelt thoughts and prayers for Senator SIMPSON at the loss of his mother Lorna.

I know that Lorna Simpson had a wonderful life. I know how much pride ALAN SIMPSON brought to both his mother and his father.

So to Alan and Ann Simpson, and all of the family, again our thoughts on the passing of a remarkable woman.

IDAHO'S NATIONAL FORESTS

Mr. KEMPTHORNE. Mr. President, just 2 weeks ago—on January 9—a Federal judge issued a decision which threatens all approved and ongoing activities within six of Idaho's national forests. Working men and women in Idaho face losing their jobs in mines, lumber mills, and throughout the service industry by direct order of the U.S. Forest Service. Within a few days, many of these families may not be able to feed themselves or their children, or even heat their homes in the middle of winter.

Mr. President, 18 of Idaho's 44 counties lie within the scope of this order. Twenty-eight million acres—more than half of the State of Idaho—are in danger of being shut down along with the natural resource jobs which provide the economic base of my State.

Do you know what this means to Idaho, Mr. President? This single court action was the equivalent of telling Detroit that they could no longer make cars. It was like telling Hollywood that they could no longer make movies. It was as if Iowa were no longer allowed to grow corn.

Absent a 1-week stay by the judge, issued late last Friday, the judge's order would have, and still may, immediately lay off hundreds of Idahoans from their jobs in mines and lumber mills. It will savage the economy of the State by removing any hope for thousands of Idahoans in the service industries that depend on the loggers, miners, and ranchers for their livelihood.

What could possibly bring on a disaster of this nature, Mr. President? Was it an earthquake? Was it a famine? Was it a flood? No, it was the Federal Government issuing pink slips to its citizens.

It was a disagreement between two agencies of the Federal Government on how to proceed in a timely manner on consultation issues under the Endangered Species Act. Consultation is sometimes referred to as the "Interagency Cooperation" provisions of the Endangered Species Act. What is wrong here is that the agencies have failed to cooperate, and the people of Idaho are the ones who suffer because of it.

The irony of all of this is that one agency of tax supported bureaucrats is locked in disagreements with another agency of tax supported bureaucrats while the very people who pay the taxes are being put out of work. The residents of these counties should not be getting pink slips from their Government.

The Idaho delegation and the Governor continue to work with the Federal agencies involved to reach a resolution that will not threaten the working men and women of Idaho. All of this points to the fact that we need to bring some balance into the Endangered Species Act. I am committed to that, Mr. President, because the one species the ESA ignores is the human species. And the people of my State are seeing and feeling that in a very real way.

ELECTING DR. LLOYD JOHN OGILVIE, OF CALIFORNIA, AS CHAPLAIN OF THE U.S. SENATE

Mr. KEMPTHORNE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) electing Dr. Lloyd John Ogilvie, of California, as Chaplain of the U.S. Senate.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 70) is as follows:

Resolved, That Doctor Lloyd John Ogilvie, of California, be, and he is hereby, elected Chaplain of the Senate as of March 11, 1995.

Mr. KEMPTHORNE. I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF CHAIRMEN OF CERTAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

Mr. KEMPTHORNE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 71) designating the chairmen of certain Senate committees for the 104th Congress.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 71) is as follows:

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen:

Committee on the Budget: Mr. Domenici, Chairman.

Committee on Veterans' Affairs: Mr. Simpson, Chairman.

Committee on Indian Affairs: Mr. McCain, Chairman.

Committee on Intelligence: Mr. Specter, Chairman.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF 2 U.S.C. SEC. 61H-6

Mr. KEMPTHORNE. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 273) to amend 2 U.S.C. Section 61h-6.

The PRESIDING OFFICER. Without objection, the bill is considered read three times and passed.

So the bill (S. 273), was considered, deemed read for the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPORT OF THE STATE OF THE UNION ADDRESS—MESSAGE FROM THE PRESIDENT—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was ordered to lie on the table.

Mr. President. Mr. Speaker. Members of the 104th Congress. My fellow Americans:

Again we are here in the sanctuary of democracy, and once again our democracy has spoken. To all of you in the 104th Congress, to you, Mr. Speaker: Congratulations.

If we agree on nothing else, we must agree that the American people voted for change in 1992 and 1994. We didn't hear America singing—we heard America shouting. Now, we must say: We hear you. We will work together to earn your trust.

For we are the keepers of a sacred trust, and we must be faithful to it in this new era. Over two hundred years ago, our Founders changed the course of history by joining together to create a new country based on a powerful idea Declaration of Independence: We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are Life, Liberty and the Pursuit of Happiness. It has fallen to every generation since to preserve that idea—the American idea—and to expand its meaning in new and different times. To Lincoln and his Congress: To preserve the Union and end slavery. To Theodore Roosevelt and Woodrow Wilson: To restrain the abuses and excesses of the Industrial Revolution, and to assert America's leadership in the world. To Franklin Roosevelt: To fight the failure of the Great Depression and our century's great struggle against fascism. To all our Presidents since: To fight the Cold War. Especially to two, who struggled in partnership with Congresses of the opposite party. To Harry Truman, who summoned us to unparalleled prosperity at home and constructed the architecture of the Cold War world. And to Ronald Reagan, who exhorted us to carry on until the twilight struggle against Communism was won.

In another time of change and challenge, I became the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and insecurity for ordinary Americans.

I came to this hallowed chamber two years ago on a mission: To restore the American Dream for all our people and to ensure that we move into the 21st Century still the world's strongest force for freedom and democracy.

I was determined to tackle tough problems, too long ignored. In these efforts I have made my mistakes and learned again the importance of humility in all human endeavor. But I am proud to say that, tonight, our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and a force for peace and freedom throughout the world. We have almost six million new jobs since I became President.

We have the lowest combined rate of unemployment and inflation in over 25 years. We have expanded trade, put more police on our streets, given our citizens more tools to get an education and rebuild their communities. But the rising tide is not lifting all boats.

While our nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more competitive, too many of our people can't be sure of even having a job next year or even next month. And far more than our material riches are threatened: Things far more precious—our children, our families, our values.

Our civil life is suffering. Citizens are working together less, shouting at each other more. The common bonds of community which have been the great strength of this country from its beginning are badly frayed.

What are we to do about it? More than 60 years ago, at the dawn of another new era, Franklin Roosevelt told the nation: "New conditions impose new requirements on government and those who conduct government." From that simple proposition, he shaped the New Deal, which helped restore our nation to prosperity and defined the relationship between Americans and their government for half a century.

That approach worked in its time. But we today, we face a new time and different conditions.

We are moving from an Industrial Age built on gears and sweat, to an Information Age that will demand more skills and learning. Our government, once a champion of national purpose, is now seen as a captive of narrow interests, putting more burdens on our citizens, instead of equipping them to get ahead. The values that used to hold us together are coming apart.

So, tonight, we must forge a new social compact, to meet the challenges of our time. As we enter a new era, we need a new set of understandings, not just with our government, but more important, with one another.

That is what I want to talk to you about tonight. I call it a New Covenant, but it is grounded in a very old idea: That all Americans have not just a right, but a responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return.

Opportunity and responsibility go hand-in-hand. We can't have one without the other. And our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, in our government and in ourselves.

Let us rise to the occasion. Let us put aside partisanship, pettiness, and pride. As we embark on a new course, let us put our country first, remembering that regardless of our party labels, we are all Americans. Let the final test of any action we take be a simple one: is it good for the American people?

We cannot ask Americans to be better citizens if we are not better servants. We've made a start this week by enacting a law applying to Congress the laws you apply to the private sector. But we have a lot more to do.

Three times as many lobbyists roam the streets and corridors of Washington as did 20 years ago. The American people look at their nation's capital, and they see a city where the well-connected and the well-protected milk the system, and the interests of ordinary citizens are too often left out.

As this new Congress opened its doors, lobbyists were still at work. Free travel, expensive gifts . . . business as usual. Twice this month, you have voted not to stop these gifts. Well, there doesn't have to be a law for everything.

Tonight, I challenge you to just stop taking them—now, without waiting for legislation to pass. Then, send me the strongest possible lobby reform bill, and I'll sign it.

Require the lobbyists to tell the people who they work for, what they're spending and what they want. And let's curb the role of big money in our elections, by capping the cost of campaigns and limiting the influence of PACs, and opening the people's airwaves to be an instrument of democracy, by giving free TV time to candidates.

When Congress killed political reform last year, the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, let's change the government—let's make it smaller, less costly and smarter—leaner, not meaner.

The New Covenant is an approach to governing that is as different from the old bureaucratic way as the computer is from the manual typewriter. The old way protected the organized interests. The New Covenant looks out for the interests of ordinary people. The old way divided us by interests, constituency or class. The New Covenant unites us behind a common vision of what's best for our country.

The old way dispensed services through large, hierarchical, inflexible bureaucracies. The New Covenant shifts resources and decision-making from bureaucrats to citizens, injecting choice, competition and individual responsibility into national policy.

The old way seemed to reward failure. The New Covenant has built-in incentives to reward success. The old way was centralized in Washington. The New Covenant must take hold in communities across the country.

Our job here is to expand opportunity, not bureaucracy: To empower people to make the most of their own lives; to enhance our security at home and abroad.

We should not ask government to do for us what we should only do for ourselves. But we should use government to do those things that we can only do together.

We must go beyond the sterile debate between the illusion that there is a program for every problem and the illusion that government is the source of all our problems.

Our job is to get rid of yesterday's government so our people can meet today's and tomorrow's needs.

For years before I became President, others had been saying they would cut government, but not much happened. We did it. We cut over a quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the federal bureaucracy in the last two years alone. Based on decisions we have already made, we will have cut a total of more than a quarter million positions, making the federal government the smallest it has been since John Kennedy was President.

Under the leadership of Vice President GORE, our initiatives have already saved taxpayers $63 billion. The age of the $500 hammer is gone.

Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by more than 1,200 offices. Slashed the Small Business loan form from an inch-think to a single page and thrown away the government's 10,000 page personnel manual. FEMA—the federal disaster agency—has gone from being a disaster to helping people. Government workers—hand-in-hand with private business—rebuilt southern California's fractured freeways in record time and under budget. And because the federal government moved fast, all but one of the 650 schools damaged in the earthquake are back in business educating our children.

University administrators tell me that they are saving weeks of time on college loan applications because of our new college loan program that cut costs to the taxpayers, cuts costs to students, and gives people a better way to pay back their college loans, and cut out bureaucracy.

Previous government reform reports gathered dust. We are getting results. And we're not through. There is going to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three. Getting rid of over 100 programs we don't need—like the Interstate Commerce Commission and the helium reserve program.

These programs have outlived their usefulness. We have to cut yesterday's government to help solve tomorrow's problems.

And we need to get government closer to the people it's meant to serve. Where states and communities, private citizens and the private sector can do a better job, we should get out of the way. We're taking power away from federal bureaucracies and giving it back to communities and individuals. And it's time for Congress to stop passing on to the states the cost of the decisions we make here in Washington.

For years, Congress has concealed in the budget scores of pet spending projects—and last year was no different: A million dollars to study stress in plants, $12 million for a tick-removal program that didn't even work. Give me the line item veto and I'll save the taxpayers money.

But when we cut, let's remember that government still has important responsibilities: Our young people hold our future in their hands; we owe a debt to our veterans who were willing to risk their lives for us; the elderly have made us what we are. My budget cuts a lot, but it protects education, veterans, Social Security, and Medicare and so should you.

And when we give more flexibility to the states, let's remember certain fundamental national needs that should be addressed in every state.

Immunization against childhood disease; school lunches; Head Start; medical care and nutrition for pregnant women and infants—they're in the national interest.

I applaud your desire to get rid of costly, unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families; safer toys for our kids; safer nursing homes for our parents. Safer cars and highways. And safer workplaces. Clean water and clean air.

Do we need more common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic waste dumps. And we ought to do it. Should we cut the deficit more? Of course, we should. We must bring down spending in a way that protects the economic recovery and does not punish the middle class or seniors.

I know many of you in this chamber support the balanced budget amendment. We all want to balance the budget. Our administration has done more to bring the budget closer to balance than any one in a long time. But if you're going to pass this amendment, you have to be straight with the American people. They have a right to know what you are going to cut and how it would affect them. And you should tell them before you change the Constitution. Everyone should know, for example, whether this proposal will endanger Social Security, which I would oppose.

In the New Covenant there are problems we have the responsibility to fact.

Nothing has done more to undermine our sense of responsibility than our failed welfare system. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying child support.

That is why I have worked so long to reform welfare. We have made a good start. In the last two years, my administration has given more states the chance to find their own ways to reform welfare than the past two administrations combined. Last year, I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be: a second chance, not a way of life. We'll help those on welfare move to work as quickly as possible, provide child care and teach skills if they need them for up to two years.

But after that, the rule will be simple: Anyone who can work must go to work.

If a parent isn't paying child support, we'll make them pay. We'll suspend their driver's licenses, track them across state lines and make them work off what they owe. Governments don't raise children. Parents do.

I want to work with you to pass welfare reform. But our goal must be to liberate people and lift them up—from dependence to independence, welfare to work, mere childbearing to responsible parenting—not punish them because they happen to be poor. We should require work and mutual responsibility, but we shouldn't cut people off because they are poor, young, unmarried.

We should promote responsibility by requiring young mothers to live at home with their parents or in other supervised settings and finish school, not by putting them and their children out on the street. We shouldn't punish poor children for the mistakes of their parents.

Let this be the year we end welfare as we know it. But let this also be the year we stop using this issue to divide America. No one is more eager to end welfare than the people that are trapped on it. Let's promote education, work, good parenting. Let's punish bad behavior and the refusal to be a student, a worker, a responsible parent. Let's not punish poverty and past mistakes. All of us have made mistakes. None of us can change our yesterday's, but all of us can change tomorrow's.

Just ask Lynn Woolsey, who worked her way off welfare and is now a congresswoman from California.

I know it has become fashionable to embrace Franklin D. Roosevelt. So let's remember exactly what he said: "Human kindness has never weakened the stamina or softened the fiber of a free people. A nation does not have to be cruel in order to be tough."

I know members of this Congress are concerned about crime. But I would remind you that last year we passed a very tough crime bill—longer sentences, three strikes and you're out, more prevention, more prisons, and 100,000 more police. And we paid for it all by reducing the size of the federal bureaucracy and giving money back to local communities to lower the crime rate.

There may be other things we can do to be tougher on crime and to help lower the crime rate, and let's do them. But let's not create a raucous political debate in an effort to take back the good things we've already done. That's what local community leaders think. And that's what the police who put their lives on the line every day think.

Secondly, the last Congress passed the Brady Bill and the ban on nineteen assault weapons. I think everybody in this room knows that several members of the last Congress who voted for the assault weapons ban and the Brady Bill lost their seats because of it. Neither the bill supporters or I believe anything should be done to infringe upon the legitimate right of our citizens to bear arms for hunting and sporting purposes.

Those people laid down their seats in Congress to try to keep more police and children from laying down their lives in our streets under a hail of assault weapons' bullets. And I will not see that ban repealed.

NATIONAL SERVICE

We shouldn't cut government programs that help to prepare us for the new economy, promote responsibility, and are organized from the grass roots up, not by federal bureaucracies. The best example of that is the national service program—Americorps—which today has 20,000 Americans, more than ever served in one year in the Peace Corps, working all over America, helping people—person to person—in local volunteer groups, solving problems and earning some money for their education. This is citizenship at its best.

It's good for the Americorps members and good for the rest of us. It's the essence of the New Covenant. And we shouldn't stop it.

ILLEGAL IMMIGRATION

All Americans are rightly disturbed by the large numbers of illegal immigrants entering this country. The jobs they hold might otherwise be held by our citizens or legal immigrants, and the public services they use impose burdens on our taxpayers. That's why our administration has moved aggressively to secure our borders by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal aliens who try to take American jobs, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will do more to try to speed the deportation of illegal aliens who are arrested for crimes, and to better identify illegal aliens in the workplace, as recommended by the commission headed by former Congresswoman Barbara Jordan.

This is a nation of immigrants. But it is also a nation of law. And it is wrong, and ultimately self-defeating, for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years.

THE NEW ECONOMY

The most important job of government is to empower people to succeed in the new global economy. America has always been the land of opportunity, a land where if you work hard you can get ahead. We are a middle class country.

Middle class values sustain us. We must expand the middle class and shrink the underclass, while supporting the millions who are already successful in the new economy.

America is once again the world's strongest economy. Almost six million jobs in two years. Exports booming. Inflation down. High wage jobs coming back. A record number of American entrepreneurs living the American dream. If we want it to stay that way, those who work and lift our nation must have more of its benefits.

Today too many of those people are being left out. They are working harder for less security, less income, less certainty they can even afford a vacation, much less college for their children or retirement for themselves. We cannot let this continue.

If we don't act, our economy will probably do what it's done since 1978: Provide high income growth to those at the top, give very little to everyone in the middle, and leave the people at the bottom to fall even farther behind, no matter how hard they work.

We must have a government that can be a partner in making this new economy work for all Americans—a government that helps each and every one of us get an education and have the opportunity to renew our skills.

That's why we worked so hard to increase educational opportunity from Heard Start, to public schools, to apprenticeships, to job training, to making college loans available and more affordable for 20 million people. That's the first thing we have to do.

The second thing we can do to raise incomes is to lower taxes. In 1993, we took the first step with a working family tax cut for 15 million families with incomes of under $27,000 and a tax cut to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited. And we had to get economic growth up. We have done both.

Now we can cut taxes in a more comprehensive way. Tax cuts must promote and reinforce our first obligation, empowering citizens with education and training to make the most of their lives. The tax relief spotlight must shine on those who make the right choices for their families and communities.

I have proposed the Middle Class Bill of Rights—which should be called a Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children or to improve their own lives. It will, therefore, give needed tax relief and raise incomes in the short and long runs in a way that benefits all of us.

There are four provisions: First, a tax deduction for all education and training after high school. Education is even more important now than ever to the economic well-being of America, and we should do everything we can to encourage it. If businesses can get a deduction for investing in factories, why shouldn't families for investment in their future?

Second, a $500 tax credit for all children under thirteen in middle class households.

Third, an individual retirement account with penalty-free withdrawal rights for the cost of education, health care, first time home buying, and care of a parent.

And fourth, a G.I. Bill for American workers. We propose to collapse nearly 70 Federal programs and offer vouchers directly to eligible American workers. If you are laid off, or make a low wage, you will get a voucher worth $2,600 a year for up to two years to go to your local community college or get private or public job training to raise your job skills.

Anyone can call for a tax cut, but I will not accept one that explodes the deficit and puts our economic recovery at risk. We must pay for any tax cuts, fully and honestly. Two years ago, it was an open question whether we would find the strength to cut the deficit.

Thanks to the courage of many people here, and many who did not return to take their seats in this House, we began to do what others said they would do for years.

We Democrats cut the deficit by over $600 billion—that's nearly $10,000 for every family of four in this country. The deficit is coming down three years in a row for the first time since president Truman was in office.

In the budget, I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts, cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double the tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare. And I will oppose any attempt to pay for tax cuts with Medicare cuts.

I know a lot of you have your own ideas about tax relief. I want to work with you. My test for any proposal is: Will it create jobs and raise incomes? Will it strengthen families and support children? Will it build the middle class and shrink the underclass? Is it paid for? If it does, I will support it. If it doesn't, I will oppose it.

That's why I will ask you to support raising the minimum wage. It rewards work. Two and a half million Americans, often women with children, work for $4.25 an hour. In terms of real buying power, by next year, that minimum wage will be at a 40 year low.

I have studied the arguments and evidence for and against a minimum wage increase.

The weight of evidence is that a modest increase does not cost jobs, and may even lure people into the job market. But the plain fact is you can't make a living on $4.25 an hour, especially if you have kids to support.

In the past, the minimum wage has been a bipartisan issue. It should be again. I challenge you to get together and find a way to make the minimum wage a living wage.

Members of Congress have been on the job less than a month. But by the end of the week, 28 days into the new year, each Congressman has already earned as much in Congressional salary as people who work under minimum wage made in an entire year.

And everyone in this chamber has something else that too many Americans go without: health care. Last year, we almost came to blows over health care, but nothing was done. But the hard, cold fact is that, since we stared this debate, we know that more than 1.1 million Americans in working families have lost their coverage. The hard, cold fact is that millions more, mostly workers who are farmers, self-employed, and in small businesses, have seen their coverage erode with higher premium costs, higher deductibles, and higher co-payments.

I still believe we must move our nation towards providing health security for every American family. Last year, we bit off more than we could chew. This year, let's work together, step by step, and get something done.

Let's at least pass meaningful insurance reform so that no American risks losing coverage or facing skyrocketing prices when they change jobs, or lose a job, or a family member falls ill. We could start with the proposals Senator DOLE made last year. Let's make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. Let's help families provide long-term care for a sick parent or a disabled child. Let's help workers who lose their jobs keep health insurance coverage for a year while they look for work. And let's find a way to make sure our children have health care. Let's work together. This is too important for politics as usual.

NATIONAL SECURITY

Much of what is on the American people's mind is devoted to internal security concerns—the security of our jobs and incomes, our children, our streets, our health, our borders. Now that the Cold War is past, it is tempting to believe that all security issues, with the possible exception of trade, reside within our borders. That is not so.

Our security depends upon our continued world leadership for peace, freedom, and democracy. We cannot be strong at home without being strong abroad.

The financial crisis in Mexico is a powerful case in point. We have to act—for the sake of millions of Americans whose livelihoods are tied to Mexico's well-being.

If we want to secure America's jobs, preserve American exports and safeguard America's borders, we must pass our stabilization program and help put Mexico back on track. And let me repeat—this is not a loan, this is not foreign aid, this is not a bail-out. We'll be giving a guarantee, like co-signing a note with good collateral that will cover our risk. This legislation is right for America, and together with the bipartisan leadership, I call on Congress to pass it quickly.

Tonight, not a single Russian missile is aimed at our homes or our children. And we, with them, are on the way to destroying missiles and bombers that carry 9,000 nuclear warheads.

We've come so far so fast in the post-Cold War world that it is easy to take the decline of the nuclear threat for granted. But it is still there, and we are not finished yet.

This year, I am asking the Senate to approve START II—and eliminate weapons that carry 5,000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-Proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop, and roll back, North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It's a smart, tough deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combating terrorists, whether they strike at home or abroad.

As the cowards who bombed the World Trade Center can testify, the United States will hunt down terrorists and bring them to justice.

Just this week, another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people I extend our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard to go forward. But the terrorists are the past, not the future. We must—and we will—persist in our pursuit of a comprehensive peace between Israel and all her neighbors in the Middle East. Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the Middle East peace process and prohibits financial transactions with these groups.

Tonight, I call on our allies, and peace-loving nations around the world, to join us with renewed fervor in the global effort to combat terrorism.

From my first day in office I have pledged that our nation would maintain the best equipped, best trained and best prepared fighting force on Earth. We have—and they are. They have managed the dramatic downsizing of our forces since the Cold War with remarkable skill and spirit. To make sure our military is ready for action—and to provide the pay and quality of life that the military and their families deserve—I am asking this Congress to add $25 billion more in defense spending over the next six years. Tonight I repeat that request. We ask much of our armed forces. They are called to service in many ways—and we must give them and their families what the times demand and they deserve.

Time after time, in the last year, our troops showed America at its best; helping to save hundreds of thousands of lives in Rwanda. Moving with lightning speed to head off another Iraqi threat to Kuwait. And giving freedom and democracy back to the people of Haiti.

The United States has proudly supported peace, prosperity, freedom and democracy, from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All these endeavors make America's future more confident and more secure.

This, then, my fellow Americans, is our agenda—expanding opportunity, not bureaucracy, enhancing security at home and abroad, empowering people to make the most of their own lives.

It is ambitious and achievable, but it is not enough. We need more than new ideas changing the world, or equipping all Americans to compete in the new economy. More than a government that is smaller, smarter and wiser. More than all the changes we can make from the outside in. Our fortunes and our posterity also depend upon our ability to answer questions from within, from the values and the voices that speak to our hearts, voices that tell us we must accept responsibility for ourselves, for our families, for our communities and, yes, for our fellow citizens.

We see our families and our communities coming apart. Our common ground is shifting out from under us.

The PTA, the town hall meeting, the ball park—it's hard for many overworked Americans to find the time and space for the things that strengthen the bonds of trust and cooperation among citizens. And too many of our children don't have the parents and grandparents who can give them the experiences they need to build character and strengthen identity.

We all know that while we here in this chamber can make a difference, the real differences in America must be made by our fellow citizens where they work and where they live. More than ever before, as we move to the twenty-first century, everyone matters and we don't have a person to waste.

That means the new covenant is for everybody. For our corporate and business leaders: We are working to bring down the deficit and expand markets and to support your success in every way. But you have an obligation when you are doing well to keep jobs in our communities and give American workers a fair share of the prosperity they generate.

For those in the entertainment industry: We applaud your creativity and your worldwide success, and we support your freedom of expression. But you have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive and mindless violence, and irresponsible conduct that permeates our media. Not because we will make you, but because you should.

For our community leaders: We've got to stop the epidemic of teen pregnancies and births where there is no marriage. I have sent Congress a plan to target schools all over the country with anti-pregnancy programs that work. But government can only do so much. Tonight, I am calling on parents and leaders across the country to join together in a National Campaign Against Teen Pregnancy—to make a difference.

For our religious leaders: You can ignite your congregations to carry their faith into action, reaching out to all our children, to those in distress, to those who have been savaged by the breakdown of all we hold dear. Because so much of what has to be done must come from the inside out. You can make all the difference.

Responsibility is for all our citizens. It takes a lot of people to help all the kids in trouble to stay off the streets and in school, to build the Habitat for Humanity houses, to provide the people power for all the civic organizations that make our communities grow. It takes every parent to teach their children the difference between right and wrong, and to encourage them to learn and grow, to say no to the wrong things in life and to believe they can become whatever they want to be.

I know it is hard when you are working harder for less money and you are under great stress to do these things.

I also know it's hard to do the work of citizenship when for years, politicians in both parties have treated you like consumers and spectators, promising you something for nothing and playing on your fears and frustrations. And more and more of the information you get comes in very negative ways, not conducive to real conversation. But the truth is, we have got to stop seeing each other as enemies, even when we have different views. If you go back to the very beginning of this country, the great strength of America has always been our ability to associate with people who were different from ourselves and to work together to find common ground. And in the present day, everybody has a responsibility to do more of that.

That is the first law of democracy, the oldest lesson of most of our faiths: That we are stronger together than alone. That we all gain when we give. That is why we must make citizenship matter again. Here are five shining examples of citizenship:

Cindy Perry teaches second graders to read in AmeriCorps, in rural Kentucky. She gains when she gives: She is a mother of four, and she says that her service "inspired" her to get her high-school equivalency last year. Now, like thousands of other members, she will use her scholarship from AmeriCorps to go to college to equip herself to compete and win in the new economy.

With so many forces pulling us apart, we cannot stop a force like AmeriCorps that's pulling us together.

Chief Stephen Bishop gains when he gives: He has worked with AmeriCorps to build community policing in Kansas City—and has seen crime go down because of it. He stood up for our Crime Bill and the Assault Weapons ban, and knows that the people he serves and the people he leads are all safer because of it.

Corporal Gregory Depestre gains when he gives: He went to Haiti as part of his adopted country's force to help secure democracy. And he saw the people of his native land—Haiti—are restoring democracy for themselves.

Reverend John Cherry * * *

And Jack Lucas gained when he gave. Fifty crowded years ago, in the sands of Iwo Jima, he taught and he learned the lessons of citizenship. February 20, 1945 was no ordinary day for a small-town boy. As he and his three buddies moved along a slope, they encountered the enemy—and two grenades at their feet. Jack Lucas threw himself on them both, and, in that moment, saved the lives of his companions. And what did he gain? In the next instant, a medic saved his life. He gained a foothold for freedom. And he gained this: Jack Lucas—at 17 years old, just a year older than his grandson is today—became the youngest Marine in our history, the youngest man in this century, to be awarded the Congressional Medal of Honor.

All these years later, here's what he says about that day: "It didn't matter where you were from, who you were. You relied on one another. You did it for your country."

We all gain when we give. We reap whatever we sow. That's at the heart of the New Covenant: Responsibility. Citizenship. Opportunity. They are more than stale chapter headings in some remote civics book. They are the virtues by which we can fulfill ourselves and our God-given potential—the virtues by which we can live out, the eternal promise of America, the enduring dream of that first and most sacred covenant: That we hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. And that among these are Life, Liberty and the Pursuit of Happiness.

This is a very great country. And our best days are yet to come. God bless you, and God bless the United States of America.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF EXECUTIVE ORDER RELATIVE TO THE MIDDLE EAST—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process and to issue an Executive order that:

—Blocks all property, including bank deposits, of foreign persons or organizations designated in the Executive order or pursuant thereto, which is in United States or in the control of United States persons, including their overseas branches; and

—Prohibits any transaction or dealing by United States persons in such property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have designated in the Executive order 12 foreign organizations that threaten to use violence to disrupt the Middle East peace process. I have authorized the Secretary of State to designate additional foreign persons who have committed, or pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or who assist in, sponsor, or provide financial, material or technological support for, or services in support of, such acts of violence. Such designations are to be made in coordination with the Secretary of the Treasury and the Attorney General.

The Secretary of the Treasury is further authorized to designate persons or entities that he determines, in coordination with the Secretary of State and the Attorney General, are owned or controlled by, or acting for or on behalf of, any of the foreign persons designated under this order. The Secretary of the Treasury is also authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these measures in consultation with the Secretary of State and the Attorney General and to coordinate such implementation with the Federal Bureau of Investigation. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective at 12:01 a.m., eastern standard time on January 24, 1995.

I have authorized these measures in response to recurrent acts of international terrorism that threaten to disrupt the Middle East peace process. They include such acts as the bomb attacks in Israel this past weekend and other recent attacks in Israel, attacks on government authorities in Egypt, threats against Palestinian authorities in the autonomous regions, and the bombing of the Jewish Mutual Association building in Buenos Aires, as well as the car bomb at the Israeli Embassy in London.

Achieving peace between Israel and its neighbors has long been a principal goal of American foreign policy. Resolving this conflict would eliminate a major source of instability in a part of the world in which we have critical interests, contribute to the security and well-being of Israel, and strengthen important bilateral relationships in the Arab world.

Attempts to disrupt the Middle East peace process through terrorism by groups opposed to peace have threatened and continue to threaten vital interests of the United States, thus constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Terrorist groups engaging in such terrorist acts receive financial and material support for their efforts from persons in the Middle East and elsewhere who oppose that process. Individuals and groups in the United States, too, have been targets of fundraising efforts on behalf of terrorist organizations.

Fundraising for terrorism and use of the U.S. banking system for transfers on behalf of such organizations are inimical to American interests. Further, failure to take effective action against similar fundraising and transfers in foreign countries indicate the need for leadership by the United States on this subject. Thus, it is necessary to provide the tools to combat any financial support from the United States for such terrorist activities. The United States will use these actions on our part to impress on our allies in Europe and elsewhere the seriousness of the danger of terrorist funding threatening the Middle East peace process, and to encourage them to adopt appropriate and effective measures to cut off terrorist fundraising and the harboring of terrorist assets in their territories and by their nationals.

The measures we are taking demonstrate our determination to thwart acts of terrorism that threaten to disrupt the Middle East peace process by attacking any material or financial support for such acts that may emanate from the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995.*

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-2. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

"ASSEMBLY CONCURRENT RESOLUTION NO. 96

"Whereas, California is still, at best, in the early stages of recovery from our most serious economic downturn since the Great Depression of the 1930's; and

"Whereas, our generating a sustaining recovery depends upon our being visionary and smart and collaborative in preparing ourselves to be competitive in the ever changing world in which we live and operate and do business; and

"Whereas, our overall challenge is to realize the promise of our multicultural democracy in the emerging global economy in the age of technology and knowledge; and

"Whereas, it is especially incumbent upon each and all of us in the entire California public sector to become thoroughly informed regarding the latest developments that affect our economic competitiveness and prospects for our future well-being, so that we can operate collaboratively and smartly and effectively; and

"Whereas, the public and private sectors of California have been for far too long much too unfamiliar with and uninformed about each other's realities and challenges, and even more failing to collaborate smartly and effectively in all the ways required by the new world into which we are moving; and

"Whereas, as repeatedly heard by the Assembly Democratic Economic Prosperity Team in its rounds of 70 consultations with business and other leaders over the past 14 months, the California private sector consistently complains about the failure of the various levels and agencies of California's public sector to understand and appreciate the value and realities and problems and challenges of California's various private sector endeavors, including the public sector's failure to appropriately educate Californians for employment in those private sector endeavors in public sector operations; and

"Whereas, it is ever more essential that all the agencies of the public sector of California become and remain apprised of the latest developments regarding the foremost industries which will contribute to California's economic recovery and future economic prosperity and well-being; and

"Whereas, a creative and systematic vehicle for mutual dialogue and learning would prove of enormous value as we seek to prepare ourselves as a state to be competitive in this emerging global economy and age of technology; now, therefore, be it

"*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That California, as a state and especially throughout the various levels and agencies of its public sector, commit itself to becoming a learning enterprise, so as to prepare our public sector to act and respond more smartly and effectively in a timely fashion to the emerging problems and challenges of our times; and be it further

"*Resolved,* That the State of California, in particular, immediately initiate the designing and implementation of a systematic vehicle that will serve to further assure this learning, and particularly now in our time of economic crisis, assure this learning with respect to the causes and cures of our economic crisis; and be it further

"*Resolved,* That California create an "Industry of the Month" program, which will, every other month until June 30, 1996, feature one leading California industry for a day-long intensive dialogue in the State Capitol; and be it further

"*Resolved,* That the audience for each intensive day-long learning experience is to be comprised of the leadership of all the relevant agencies of California's public sector, including, but not limited to, the Governor of California, the Secretary of Trade and Commerce, both houses and both parties of the Legislature, the County Supervisors Association of California and the League of California Cities, the University of California and the California State University, the California Community Colleges, and the California public school system; and be it further

"*Resolved,* That the agenda for that day is to be determined and designed by the leaders of the particular featured industry, and to include other leaders with any concerns regarding the industry; and be it further

"*Resolved,* That the agenda include an assessment of at least each of, but not limited to, the following: the character of the industry and its value and potential to California's economic well-being, the current status and challenges and problems of the industry, and ways in which the various levels and agencies of California's public sector are failing to serve or utilize the industry, and ways in which they could better facilitate the healthy success of each industry; and be it further

"*Resolved,* That the convening of each day-long intensive learning experience shall be coordinated by a team of five leaders of the state government or the designee of each: the Governor of the State of California, the President pro tempore of the Senate, the Speaker of the Assembly, and the minority leaders of both houses of the Legislature, with the Governor, or his or her designee, to serve as convener and chair of this coordinating team, and five leaders of the particular industry; and be it further

Resolved, That it is the intent of the Legislature, in initiating this program, to engage especially the principals in both the public and private sectors, whose knowledge, commitment, and action are essential to California's future economic well-being and therefore it is not to be deemed sufficient that staff persons from the public sector or advocates from the private sector be centrally involved in the actual conduct of each event itself; while they are necessarily to be involved in the planning of each event, it is the intention of the Legislature that they be involved as members of the presenting team and immediate audience; and be it further

Resolved, That the day shall be smartly designed, in consultation with the Californians who are experts in the design of group learning experiences, so as to most profoundly facilitate the mutual learning and trust and team building of all parties concerned, both public and private; and be it further

Resolved, That the coordinating team make every effort to broadly publicize the proceedings so that the California public can watch and listen and learn as well, including, but not limited to, presentation on Cal-Span; and be it further

Resolved, That the following key California industries shall especially be considered by the selection team, and chosen in an order to be determined by the design team: agriculture, apparel industry, biotechnology, defense and space, electronics, entertainment, international trade, petroleum, software, telecommunications, environmental technology, and tourism; and be it further

Resolved, That the design team create and operate a process, including explicit criteria, whereby other California industries can also compete for "Industry of the Month" slots in each two-year cycle; and be it further

Resolved, That the Secretary of Trade and Commerce shall disseminate copies of this resolution to at least the 100 foremost trade and industry associations in California, and shall, for the consideration of the coordinating team, seek its advice regarding how best to effectively conduct, and their active endorsement and support of this "Industry of the Month" program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California and the Secretary of Trade and Commerce."

POM-3. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

"ASSEMBLY CONCURRENT RESOLUTION NO. 139

"Whereas, due to its convenience, adaptability, and low cost, plastic is a ubiquitous material in modern life, and a variety of plastic materials are used to make a vast array of products; and

"Whereas, according to the 1993 Annual Report of the California Integrated Waste Management Board, more than 2.6 million tons of plastics are disposed of annually in California, and less than 3 percent of this amount is recycled; and

"Whereas, many products made from plastics are designed to be disposed of after limited use, rather than being reused or recycled; and

"Whereas, despite the technical capability for some products containing plastics to be recycled, the vast majority of those products cannot be recycled conveniently by consumers; and

"Whereas, the improper disposal of plastics can damage the environment and pose life-threatening hazards to birds, fish, and other wildlife; and

"Whereas, plastic materials that are degradable by exposure to earth, water, or sunlight have been developed for a wide variety of commercial applications; and

"Whereas, state and local governments are the single largest purchasers in the state, accounting for approximately 8 percent of California's gross product; and

"Whereas, the state has established programs to increase state purchasing of products made with recycled materials, including plastic, but there is no specific program to encourage state purchasing of biodegradable plastics; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That state agencies act expeditiously to increase their purchase of biodegradable plastics to the maximum extent feasible; and be it further

"*Resolved,* That the California Integrated Waste Management Board and other appropriate state agencies analyze the efficacy of biodegradable plastics, including an analysis of potential impacts resulting from the mixing of biodegradable plastic resins with other plastic resins, as one means of reducing the state's solid waste stream and protecting public health and safety and the environment; and be it further

"*Resolved,* That the board adopt standards and specifications, as appropriate, for biodegradable plastics to ensure that the state continues to benefit from new technological development of those plastics; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the California Integrated Waste Management Board, and the Office of Procurement within the Department of General Services."

POM-4. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

"ASSEMBLY CONCURRENT RESOLUTION NO. 138

"Whereas, the California Code Enforcement Council is celebrating Code Enforcement Week during the week of September 24 through September 30, 1994; and

"Whereas, it is the purpose of the California Code Enforcement Council:

"(1) To build and maintain a statewide organization of code enforcement officials who represent cities, counties, state government, and other related agencies;

"(2) To foster standards, both professional and educational, for all persons employed in or performing duties which relate to or depend upon knowledge of code enforcement procedures and regulations;

"(3) To administer periodic and regular training and educational opportunities for its members;

"(4) To promote certification of members who meet minimum educational, training and other requirements; and,

"(5) To foster mutual support among members and to promote and develop the code enforcement profession; and

"Whereas, the code enforcement profession plays an integral role in maintaining a high quality of life for Californians by increasing the public's safety, preventing deterioration and blight in neighborhoods, and protecting property values throughout the state; and

"Whereas, by calling attention to the purpose of the California Code Enforcement Council and the effects the code enforcement profession has on improving the quality of life in our communities, Californians will recognize the code enforcement profession's worthy commitment to the future of our state; now, therefore, be it

"*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature hereby proclaims the week of September 24 through September 30, 1994, as Code Enforcement Week and urges all Californians to recognize and support code enforcement officials statewide for their efforts to improve the quality of life in our state."

POM-5. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

"ASSEMBLY CONCURRENT RESOLUTION NO. 127

"Whereas, during World War II, thousands of Italian American immigrants in California were arrested, and hundreds were interned for the duration of the war in military camps; and

"Whereas, during World War II, the freedom of more than 100,000 Italian-born immigrants in California and their families was restricted by government measures than included carrying identification cards, curfews, travel restrictions, and seizure of personal property; and

"Whereas, during World War II, more than 10,000 Italian citizens living in California were forced to leave their homes and were prohibited from entering California's coastal zones; and

"Whereas, thousands of Italian Americans performed exemplary service and sacrificed their lives in defense of the United States during World War II; and

"Whereas, at the time, Italians were the largest immigrant group in California and in the entire United States; and

"Whereas, Italian immigrants were among the earliest pioneers of California and have contributed greatly to the development of the state; and

"Whereas, Italian Americans today are the fifth largest ancestry group in the United States, numbering over 15 million people, and more than 1.5 million Italian Americans live in California; and

"Whereas, the impact of the wartime experience was devastating to the Italian communities in California, the effects of which are still being felt; and

"Whereas, these federal and state government actions were based on the Italian nationality and citizenship of these Californians; and

"Whereas, this story needs to be told and included in our state's history books to acknowledge that these events happened and to help repair the damage to the Italian community of California; now, therefore, be it

"*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature welcomes the exhibit "Una Storia Segreta—The Secret Story" to the Capitol Rotunda from April 16 to May 8, 1994; and be it further

"*Resolved,* That the Legislature encourages all Californians to view the exhibit to promote greater awareness of this painful period in the experience of California's Italian population; and be it further

"*Resolved,* That the Legislature recognizes these events of 1942 and the effects of those whose lives were unjustly disrupted and whose freedoms were violated; and be it further

"*Resolved,* That the Legislature encourages teachers and professors, school and university administrators, governing boards, and the State Department of Education to include the study of the Italian American experience in the public schools and universities of the state; and be it further

"*Resolved,* That the Legislature encourages the California Arts Council to promote Italian American historical, artistic, and cultural projects; and be it further

"*Resolved,* That the Legislature study the feasibility of establishing an Italian American Museum to give attention to the many contributions of Italian Americans to California's rich history; and be it further

"*Resolved,* That the Legislature join with the Governor to establish an Italian American Task Force to address the concerns of Italian Americans in California."

POM-6. A petition from citizens of the District of Columbia relative to defense spending; to the Committee on Armed Services.

POM-7. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 92

"Whereas, the national security interests of the United States are constantly changing in response to changing world conditions and threats; and

"Whereas, the Armed Forces of the United States must adapt to these changing circumstances and be prepared to respond to them with resourcefulness and innovation; and

"Whereas, the Southwest Complex consists of China Lake and Point Mugu Naval Air Weapons Station, the Naval Air Warfare Center Weapons Division (China Lake and Point Mugu) (NAWCWPNS), the Naval Air Weapons Station, Point Mugu, Edwards Air Force Base, National Training, Center-Fort Irwin (Army), Marine Corps Air Ground Combat Center (MCAGCC) at Twentynine Palms, all in California plus Nellis Air Force Base and Fallon Air Naval Station in Nevada, and the Utah Test Training Center; and

"Whereas, the retention of these facilities that comprise the Southwest Complex is vital, not only to the State of California, but to national security; and

"Whereas, the Southwest Complex contains the largest protected military air corridor and flight zone in the United States. The climactic conditions of the complex permit more than 350 flight and test days annually; the corridor is not endangered by community encroachment, and the operations involve all military services in a cooperative effort; and

"Whereas, the National Aeronautic Space Agency (NASA) Dryden Flight Research Center at Edwards Air Force Base is the agency's premier installation for aeronautical flight research and also supports the space shuttle program as the primary and backup landing site; and

"Whereas, Edwards Air Force Base, with its Rogers and Rosamond Dry Lake Beds within 68 miles of runway, the largest being seven and one-half miles long, provides the longest emergency landing field in the world; and

"Whereas, Edwards Air Force Base, with over 20,000 square miles of uninterrupted air space for flight testing over numerous unpopulated areas cannot be duplicated in the United States; and

"Whereas, the Benefield Anechoic Facility at Edwards Air Force Base is the largest radar and electronic threat testing system in the world; and

"Whereas, Edwards Air Force Base is home to the Air Force Flight Test Center, NASA Dryden Flight Research Center, the Army Aviation Flight Test activity, and the Phillips Laboratory; and

"Whereas, the 21,000 plus employees provide a combined economic impact of approximately $2.2 billion per year to the Antelope Valley and southern California; and

"Whereas, Point Mugu controls and operates a 36,000 square mile sea test range for the purpose of testing weapons and targeting systems over a sea environment stimulating at-sea conditions; and

"Whereas, located within the sea test range are radar and communication facilities located on Santa Cruz and San Nicolas Islands and the Navy operates an outlying landing facility on the Navy-owned San Nicolas Island; and

"Whereas, these islands as well as a 1,457 foot nearby peak next to Point Mugu provide for a unique geographic location to conduct the highly instrumented tests and record the precise measurements necessary in the development and testing of new weapons; and

"Whereas, no other test site offers this unique geographic setting of island-sea-mountains with this kind of sophisticated measuring and tracking capabilities; and

"Whereas, the NAWCWPNS (Point Mugu and China Lake) mission is to be the premier facility for the development and testing of air warfare systems and missile weapons systems for the Fleet and Joint Department of Defense efforts; and

"Whereas, the Naval Air Warfare Center Weapons Division with principle sites at China Lake and Point Mugu, California provides the Department of Defense with product-focused full life cycle management; and

"Whereas, the China Lake R-2506 restricted and instrumented air space of 17,000 square miles and the sea range at Point Mugu of 36,000 square miles allow earth to infinity testing and evaluation of airborne weapons systems, missiles, and missile subsystems; and

"Whereas, the Naval Air Warfare Center Weapons Division at China Lake is the site of the Navy's largest research and development laboratory consisting of 38 percent of the Navy's land holdings; and

"Whereas, most of the airborne weapons used in the Gulf War had developmental or test and evaluation roots in China Lake, 75 percent of all weapons used in Vietnam were developed or tested at China Lake; and

"Whereas, the estimated worth of the China Lake physical plant is $2 billion including more than $50 million of construction now underway or scheduled for groundbreaking this fiscal year. The budget for the China Lake site in the 1993-94 fiscal year is between $1 and $2 billion and the total China Lake payroll is $242 million for the 1994-94 fiscal year; and

"Whereas, the National Training Center (NTC) was selected by the United States Army as the best of 11 possible sites and was activated at Fort Irwin, California in 1960, and became the Army's first combat training center. The NTC contains 400,000 acres for maneuver areas and favorable weather conditions; and

"Whereas, all of the units committed to combat in Iraq during the recent Persian Gulf War had been trained at the NTC. These units took only 100 hours to subdue the world's fourth most powerful Army while sustaining minimal American casualties thus making the Persian gulf War the best illustration of the importance of the NTC; and

"Whereas, NASA operates its Goldstone Deep Space Communication Center on 32,000 acres of property at Fort Irwin; and

"Whereas, the NTC with over six million square feet in real property and two complete fleets of armed battlefield equipment operates annually on a combined budget that approached $180 million, and with an average payroll of nearly $120 million responsible for approximately 20 percent of the greater Barstow area's economy; and

"Whereas, the NTC is home to 4,500 soldiers, nearly 6,000 Army family members with Department of the Army civilian workers and base operations contractors, making the NTC similar to a city of 12,000; and

"Whereas, the NTC of today prepares combat maneuver task forces, battalions, brigades, divisions, and corps for combat for an environment that permits individuals and units to sharpen their skills in the most realistic environment short of actual combat; and

"Whereas, the Marine Corps Training Center (MCTC) at Twentynine Palms, occupies 932 square miles of the Southern Mojave Desert and each year trains one-third of the Fleet Marine Reserve units; and

"Whereas, the MCTC's two major tenant commands are: the 7th Marines (Reinforced) whose mission is to prepare combat ready units and serve as a source of desert and mountain operations experience, as well as to provide the ground combat element for the Marine Air Ground Tax Force (MAGTF) and to maintain in amphibious readiness capability as part to the 1st Marine Division; and

"Whereas, there are more than 350 Marine and Navy officers and nearly 6,000 Marines and Sailors within the 7th Marines (Reinforced); and

"Whereas, the Marine Corps Communication-Electronics School (MCCES) which evaluates new communication and electronic systems trains Marines in electronic fundamentals, operational communication, air control, antiair warfare, and maintenance of communication-electronics equipment. The MCCES is the Marine Corps' largest formal school graduating 6,000 Marines a year; and

"Whereas, the Marine Corps Training Center is the site of the thousands of yearly aircraft operations associated with training exercises; and, now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature acknowledges and supports the southwest complex; and be it further

"*Resolved.* That the Legislature memoralizes the Base Realignment and Closure Commission, the president, and the Congress of the United States to support the Southwest Complex; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to each member of the Base Realignment and Closure Commission, to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-8. A resolution adopted by the Bar Association of Puerto Rico relative to Cuba; to the Committee on Energy and Natural Resources.

POM-9. A resolution adopted by the Bar Association of Puerto Rico relative to the militarization of Puerto Rico; to the Committee on Energy and Natural Resources.

POM-10. A resolution adopted by the Bar Association of Puerto Rico relative to political prisoners; to the Committee on Energy and Natural Resources.

POM-11. A resolution adopted by the Bar Association of Puerto Rico relative to the death penalty; to the Committee on Energy and Natural Resources.

POM-12. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 90

"Whereas, the Presidio Army Base, which was originally founded in 1776, is a unique national resource that is rich in the history and beauty of the State of California; and

"Whereas, the entire 1,480 acres of the Presidio Army Base was declared a national historic landmark in 1962, in recognition of its Civil War architecture, its place in the history and development of the frontier that became the State of California, its subsequent use as the Army's Fort Scott which provided protection to the western United States, and its recent designation as the central part of the Golden Gate National Recreation Area which serves nearly 20,000,000 visitors a year; and

"Whereas, in 1972, the Congress of the United States designated the Presidio Army Base, if the site is determined to be nonessential to the Army's needs, to be designated a national park, and since 1989, with the announced closure of the Presidio Army Base, the National Park Service and the Army have worked together to facilitate the transition and improvement of the site for greater public use; and

"Whereas, in recent years California has been struggling, with the announcement of a number of United States military base closures, including three bases that are located in the City and County of San Francisco, thereby necessitating the development of close cooperation between the state, and local governments affected by the military base closures, and requiring that federal, state, and local officials work together to ensure that each site is used in a way that maximizes its potential; and

"Whereas, the National Park Service, after a long series of public discussions and debates, has been preparing for the conversion of the Presidio Army Base into a national park, and has proposed a plan for the Presidio National Park that will be a model for future national parks, and, using unique real estate management expertise, requires a federal public corporation to manage, lease, maintain, and finance capital improvements to the Presidio properties; and

"Whereas, legislation now pending before the Congress of the United States (H.R. 3433 and S. 1639) provide for the establishment of the federal public benefit corporation to reinvest lease income in the preservation, restoration, maintenance, repair, and improvement of the Presidio properties, and ensure a unique public/private partnership approach to the newest national park; and

"Whereas, the enactment of H.R. 3433 and S. 1639, and the development and implementation of the public benefit corporation, will require an operating budget consistent with the operating budgets of the nation's larger national parks: and

"Whereas, the State of California has a strong interest in the passage of that legislation, which, by designating the Presidio National Park, would create a tourist attraction for millions of visitors and ensure that an essential piece of California's history and an area of significant natural resources and environmental values will be preserved; and

"Whereas, Governor Wilson has called for bipartisan support for the designation of the Presidio National Park and the enactment of H.R. 3433 and S. 1639; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California hereby supports the designation of the Presidio National Park as proposed in H.R. 3433 and S. 1639; and be it further

"*Resolved*, That the Legislature of the State of California memorializes the Congress of the United States to enact H.R. 3433 and S. 1639 and urges the Congress and the President of the United States to support the full implementation of these measures; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the National Park Service, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States."

POM-13. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY CONCURRENT RESOLUTION NO. 94

"Whereas, in the decade of the Gold Rush, miners, farmers, and merchants of the Counties of Shasta and Siskiyou were unable to communicate with the outside world or bring their produce to market except over dangerous pack trails due to the rugged terrain in the Sacramento River Canyon; and

"Whereas, after other wagon road building efforts failed, Elias B. Stone and his sons secured a state franchise to build a wagon road; and

"Whereas, with brawn, black powder, mules, and oxen, the Stone family built nine bridges across the Sacramento River, 15 bridges across creeks and gulches, and a narrow road notched into the Sacramento River Canyon's walls, running 43 miles, from the Siskiyou-Shasta county line to the Stone family's ferry boat and landing on the Pit River, a few miles above that river's junction with the Sacramento River; and

"Whereas, the Stone family completed the Stone Turnpike in the Sacramento River Canyon in 1861; and

"Whereas, in 1861, after only a few months of collecting tolls on the Stone Turnpike, disaster, in the form of the worst winter storm known in the area to that time, destroyed most of their work; and

"Whereas, the Stone family mortgaged all of its property and rebuilt a better toll road despite several legal entanglements; and

"Whereas, other parties finally gained full control of the Stone family's company and the Stone Turnpike in 1868; and

"Whereas, in the 1870s, the Stone Turnpike became the major north to south stage route to Oregon; and

"Whereas, in 1887, the steel rails of the Central Pacific Railroad displaced the Stone Turnpike in some sections to complete the rail link into southern Oregon; and

"Whereas, in 1915, the dusty old stage road became Shasta County's part of the Pacific Highway, the predecessor of U.S. Highway 99, remaining sections of which have been recently recognized as "Historic U.S. Highway 99"; and

"Whereas, it is fitting that the people of California recognize the persevering efforts and contributions of the Stone family in successfully completing their historic turnpike, whose route is the basic route of Interstate Route 5 through the Sacramento River Canyon; now, therefore be it

"*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the portion of Interstate Route 5 between the Pit River Bridge in Shasta County and the Shasta-Siskiyou County line is hereby officially designated the Stone Turnpike Memorial Freeway; and be it further

"*Resolved*, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation."

POM-14. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY CONCURRENT RESOLUTION NO. 92

"Whereas, it is appropriate that California recognize the sacrifices of those citizens who distinguished themselves in their community and in combat in the Vietnam War; now, therefore, be it

"*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the O'Neill Forebay Bridge on State Highway Route 152 is hereby officially designated the Celano-Norris Memorial Bridge; and be it further

"*Resolved*, That the bridge on State Highway Route 152 east of the intersection with Interstate Highway Route 5 is hereby officially designated the Sandvig-Scanlon Memorial Bridge; and be it further

"*Resolved*, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation."

POM-15. A Concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY CONCURRENT RESOLUTION NO. 62

"*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That, in honor of the Nisei Soldiers of World War II who served in units of the United States Armed Forces comprising the 100/442/MIS triad, the segments of State Highway Routes 23 and 99 described herein are hereby officially designated as follows:

"(a) State Highway Route 23, from Highway 101 to Highway 118, as the Military Intelligence Service Memorial Highway.

"(b) State highway Route 99, between the Cities of Fresno and Madera, as the 100th Infantry Battalion Memorial Highway.

"(c) State Highway Route 99, between the Cities of Salida and Manteca, as the 442nd Regimental Combat Team Memorial Highway; and be it further

"*Resolved*, That each of the signs carrying those designations also include, in the lower right-hand corner, the following notations:

"A unit of the 100/422/MIS traid; and be it further

"*Resolved*, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designations and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation."

POM-16. A concurrent resolution adopted by the Legislature of the State of California to the Committee on Environment and Public Works.

"ASSEMBLY CONCURRENT RESOLUTION NO. 79

"Whereas, H. Dana Bowers served with distinction as this state's first supervising landscape architect for the Division of Highways, having served in that capacity from 1936 until his retirement in 1964; and

"Whereas, in that capacity, Mr. Bowers was the creator of the highway beautification program as we know it today; and

"Whereas, during his tenure as the division's supervising landscape architect, H. Dana Bowers was responsible for developing and overseeing the Division of Highways' statewide roadside development and highway planting programs; and

"Whereas, H. Dana Bowers established a world standard for highway design with the landscaping and aesthetic enhancement of the Arroyo Seco Parkway in 1940 and subsequent work on the Four Level Interchange in Los Angeles; and

"Whereas, H. Dana Bowers personally directed the design of California's urban freeway landscaping, rural tree planting, and median planting installed in the 1940s, 1950s, and early 1960s, to mitigate the impacts of highway construction on the environment, thereby beautifying the State of California; and

"Whereas, the landscaping techniques and developments of Mr. Bowers have spread throughout the nation and have contributed significantly to making highway driving more pleasurable today; and

"Whereas, Mr. Bowers was instrumental in the design of many prominent highway landmarks, including the vista point located on United States Highway 101 at the north end of the Golden Gate Bridge; now, therefore, be it

"*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the highway vista point located immediately north of the end of the Golden Gate Bridge on United States Highway 101 be officially designated the H. Dana Bowers Memorial Vista point; and be it further

"*Resolved*, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation."

POM-17. A concurrent resolution adopted by the Legislature of the State of California;

to the Committee on Environment and Public Works.

"ASSEMBLY CONCURRENT RESOLUTION NO. 54

"Whereas, the Honorable Frank P. Belotti, a Member of the Assembly from 1950 to 1972, was an effective advocate of preserving the unique scenic beauty of the redwood groves and was instrumental in securing the legislation that made possible the freeway bypass of the groves and the preservation of the existing state highway designated as the "Avenue of the Giants"; and

"Whereas, the Assembly of the State of California resolved in 1961 to designate the portion of the State Highway Route 101 bypass from Sylvandale to Englewood, a distance of approximately 21 miles, as the Frank P. Belotti Freeway; and

"Whereas, the Senate of the State of California, the Assembly thereof concurring, resolved in 1972 to designate the bridge numbered 04-212, located on State Highway Route 101 over the South Fork of the Eel River as the Frank P. Belotti Bridge; and

"Whereas, the Frank P. Belotti Bridge is situated approximately 10 miles south of the southerly end of the Frank P. Belotti Freeway; and

"Whereas, the Honorable Frank P. Belotti passed away in 1972, and is survived by his wife, Delphine Moranda Belotti; and

"Whereas, the Honorable Frank P. Belotti worked side by side with various district engineers of District I of the California Department of Transportation to expedite the construction of the Redwood Freeway, including Mr. Sam Helwer, the District Engineer of District I from 1957 to 1967; and

"Whereas, Mr. Sam Helwer, who was born in Russell, Kansas, on August 23, 1913, passed away in 1991, and is survived by his wife, Cordy, and his children, Paul and Joan; and

"Whereas, Mr. Helwer served his country in the United States Army Air Corps, and was an active member of the Rotary Club of Eureka; and

"Whereas, his first engineering job was as chief of a construction survey party for the Civilian Conservation Corps in Sequoia National Park in 1933; and

"Whereas, his first job with the then California Division of Highways was as an Under Engineering Aide in District III at Marysville on a survey party in 1936; and

"Whereas, during his early career, he worked in District I in Eureka, District XI in San Diego, District X in Stockton, District VII in Los Angeles, and Headquarters Office, Sacramento, in the Bridge Department and the Design Department; and

"Whereas, during his tenure in the Headquarters Office in the Design Department from 1948 to 1952, Mr. Helwer served as the Division's acknowledged expert on freeway interchange design, and he lectured throughout the state, including the Institute of Transportation and Traffic Engineering at the University of California; and

"Whereas, he served as District Engineer in District I from 1957 to 1967, and during that period, all units of the nearly 30-mile long segment of the Redwood Freeway (State Highway Route 101) from north of Garberville to south of Scotia were completed or placed under construction; and

"Whereas, during Christmas week of 1964, the north coast of California was rocked by a record storm that caused unprecedented flooding, with a frequency of occurrence of once in 1,000 years, causing severe damage to 55 miles of state highway and 40 bridges, 18 of which were totally destroyed, including bridges across the Eel, Klamath, Salmon, Smith, Trinity, and Van Duzen Rivers; and

"Whereas, entire towns were destroyed, 11 lives were lost in the Eel River delta flooding alone, and nearly $8.5 million was spent on emergency openings and an additional $26 million was spent on restoration work; and

"Whereas, within one month after the beginning of the storms, all state highways, except for one, were opened to at least one-way traffic, under the dynamic leadership of District Engineer Sam Helwer; and

"Whereas, in 1967 Mr. Helwer returned to Headquarters Office, Sacramento, as a Deputy State Highway Engineer; in 1972 he transferred to District III in Marysville as a District Director, 36 years after starting there as an Under Engineering Aide; and

"Whereas, in 1975 he retired from the California Department of Transportation, and for a three-month period in 1976 and in 1977, he served as Executive Secretary of the California Highway Commission; and

"Whereas, it is proper that the late Sam Helwer be recognized for his contributions to the principles of good design, beauty, utility, and outstanding transportation leadership that are the hallmark of the streets and highways system of California; and

"Whereas, it is also proper that in order to memorialize the close friendship and working relationship between these two outstanding individuals, the Honorable Frank P. Belotti, a legislator, and Mr. Sam Helwer, an engineer, adjoining segments of the Redwood Freeway be dedicated to each; now, therefore, be it

"*Resolved, by the Assembly of the State of California, the Senate thereof concurring,* That the portion of State Highway Route 101 in the area known as the Redwood Freeway, from the Bridge numbered 04-241, over the South Fork of the Eel River at Smith Point, to Myers Flat, a distance of approximately 22 miles, which includes the Frank P. Belotti Bridge, is hereby officially designated as the Frank P. Belotti Memorial Freeway; and be it further

"*Resolved,* That the portion of State Highway Route 101 in the area known as the Redwood Freeway, from Myers Flat to Stafford, a distance of approximately 20 miles, is hereby officially designated the Sam Helwer Memorial Freeway; and be it further

"*Resolved,* That the Department of Transportation is directed to determine the cost of, and to erect, appropriate plaques and markers consistent with the signing requirements for the State Highway System, showing these official designations, upon receiving donations from nonstate sources to cover the cost of erecting those plaques and markers; and be it further

"*Resolved,* That the California Transportation Foundation, a nonprofit, public benefit organization, may serve as the recipient of funds from nonstate sources donated to cover the cost of purchasing and erecting the plaques and markers; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to Delphine Moranda Belotti and Cordy Helwer, and to the Director of Transportation, the Secretary of the Business, Transportation and Housing Agency, and the California Transportation Foundation."

POM-18. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY CONCURRENT RESOLUTION NO. 137

"*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the portion of Interstate Highway Route 10 extending five miles to the east and five miles to the west of mile marker number 84 located east of the Chiriaco Summit is hereby officially designated the Veterans' Memorial Freeway; and be it further

"*Resolved,* That the Department of Transportation is requested to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation."

POM-19. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

"ASSEMBLY RESOLUTION NO. 11

"Whereas, the federal Clean Air Act Amendments of 1990 require the State to achieve certain reductions in air pollution by 2005 through the implementation of complex and costly programs such as the enhanced inspection and maintenance program for automobiles; and

"Whereas, the provisions of the federal law and the rules and regulations adopted by the United States Environmental Protection Agency pursuant to the law allow very little flexibility in the implementation of these programs; and

"Whereas, the State is being asked to commit upwards of $1 billion over 10 years for the implementation of the enhanced inspection and maintenance program alone, and is attempting to develop ways to address the law's requirements in a timely, cost-effective and environmentally beneficial way but has been unable to implement the program rapidly while addressing these concerns; and

"Whereas, failure to implement the enhanced inspection and maintenance program by February 2, 1995 will result in the freezing of certain federal transportation funding, which promises to eliminate the 6,200 jobs anticipated to be generated by projects funded by those federal moneys; and

"Whereas, because the State has not been given the opportunity to develop a reasonable alternative to the draconian program currently being imposed on the State, the State anticipates further sanctions of 2 to 1 offsets to be imposed on industry in the State on August 2, 1995, costing the State more jobs and increasing the economic hardships of State businesses and employers; and

"Whereas, the Commissioner of Environmental Protection has stated, and representatives of the United States Environmental Protection Agency have agreed that it may be the case, that even if the State implements all the programs and restrictions required by the Clean Air Act Amendments of 1990, the State will still not be in compliance with the National Ambient Air Quality Standards imposed by federal law; and

"Whereas, in large part, the inability to meet the federal standards is due to the pollution generated in other states, whether from plants, factories or other stationary sources of air pollution, and the transported pollution is further contributed to by vehicles coming from other states that pass through New Jersey, the state with the densest population and the highest daily volume of motor vehicle traffic in the country; and

"Whereas, it is unfair and unreasonable to require burdensome, costly programs of New Jersey, if the air pollution from other states render these programs ineffective and futile; and

"Whereas, it is altogether fitting and proper for the General Assembly of the State of New Jersey to respectfully memorialize the President and Congress of the United States to enact legislation amending the federal Clean Air Act Amendments of 1990 to provide the State with more flexibility in complying with the requirements of the act and avoid the severe economic hardships threatening the State; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. The President and the Congress of the United States are respectfully memorialized to enact legislation amending the federal Clean Air Act Amendments of 1990 to provide the State with more flexibility in complying with the requirements of the act because the current law imposes an undue economic hardship on the State.

"2. Copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President and Vice President of the United States, the Administrator of the United States Environmental Protection Agency, the Regional Administrator and the Deputy Regional Administrator for Region II of the United States Environmental Protection Agency, the Speaker of the House of Representatives, every member of Congress elected from the State, the Governor of the State, the Commissioner of Environmental Protection, the State Attorney General, and the Director of the Division of Motor Vehicles within the Department of Law and Public Safety."

POM–20. A resolution adopted by the Texas and Southwestern Cattle Raisers Association relative to the United Nations' Convention on Biological Diversity; to the Committee on Foreign Relations.

POM–21. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 88

"Whereas, on April 29, 1993, the Legislature of the State of California, through Resolution Chapter 23 of the Statutes of 1993 (Assembly Joint Resolution 28), called upon the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of the Republic of Armenia and called upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armenia; and

"Whereas, since that time, the blockades imposed officially by Azerbaijan and de facto by Turkey have been continued in flagrant violation of international law, resulting in thousands of additional deaths and untold suffering falling disproportionately to infants and elderly persons within the Republic of Armenia; and

"Whereas, the blockades against the Republic of Armenia constitute an extension of the ethnic cleansing perpetrated by Azerbaijan against the inhabitants of the independent, ethnically Armenian enclave of Nagorno Karabagh; and

"Whereas, Azerbaijan has not responded to repeated calls by the international community to cease its attacks on Nagorno Karabagh, but has instead, with the assistance of Turkey, recruited foreign mercenaries and military advisers in an escalation of the conflict which threatens to destabilize the entire region; and

"Whereas, the Republic of Armenia is not at war with any other country, makes no territorial claims against any other country, and has continuously called for an unconditional cease fire and for a peaceful resolution of the conflict involving neighboring Nagorno Karabagh; and

"Whereas, the Republic of Armenia is among the first democracies to emerge from the former Soviet Union and has undertaken the most comprehensive legal, economic, political, and social transformation to a Western-oriented free market economy; and

"Whereas, the Republic of Armenia's transformation to democratic and free market institutions is supported through advice and assistance from the United States, which has joined with Armenia as its partner in development through most-favored nation trade relations, through establishment in the Republic of Armenia of the first United States foreign aid mission to the former Soviet Union, and through representation of numerous American governmental, educational, and private sector institutions; and

"Whereas, the State of California is a particular partner in the transformation and development of the Republic of Armenia through the assistance of University of California extension programs, and a broad range of public and private educational, agricultural, and institution-building activities, as well as considerable private investment and cooperative undertakings linking the business communities of California and the Republic of Armenia; and

"Whereas, the continuing blockades of the Republic of Armenian by Azerbaijan and Turkey, along with the recruitment of foreign mercenaries and military advisers, threatens the peace and stability of the entire region and undermines the policies, interests, and ongoing efforts of the United States to bring about a peaceful resolution of Azerbaijan's conflict with Nagorno Karabagh; and

"Whereas, the continuing blockades of the Republic of Armenia undermine efforts of the United States and the State of California to further the Republic of Armenia's continued peaceful economic development and transition to Western-oriented democratic and free market institutions; and

"Whereas, California remains vitally concerned with the survival and well-being of the democratic Republic of Armenia and its people; and

"Whereas, California remains unwilling to bear witness to the second genocide of Armenians in this century, especially at a time when the United States can exercise significant influence on Azerbaijan and Turkey to comport their conduct with international law; and, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California once again respectfully memorializes the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of the Republic of Armenia and calls upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the Republic of Armmenia, to respect international calls for a comprehensive cease fire in Nagorno Karabagh, and to remove foreign mercenaries and advisers at once; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–22. A resolution adopted by the City Council of Passaic, New Jersey relative to pending legislation entitled "The Language of Government Act"; to the Committee on Governmental Affairs.

POM–23. A joint resolution adopted by the Legislature of the State of California; to the Committee on Indian Affairs.

"ASSEMBLY JOINT RESOLUTION NO. 96

"Whereas, Gabrielino tribal territory encompasses the entire Los Angeles Basin area and the Channel Islands of Santa Catalina, San Nicholas, and San Clemente; and

"Whereas, the Gabrielino were, at one time, one of the most prosperous and generous Native American tribes of southern California. Long before European contact, the Gabrielinos already had a major society in place with a government, laws, religion, music, dance, art, a monetary system, and cultural exchange; and

"Whereas, the State of California has had consistent interaction with the Gabrielinos, known originally as the San Gabriel Band of Mission Indians; and

"Whereas, the State of California recognizes that the Gabrielino Indian community existed and has continued to exist without interruption to the present day; and

"Whereas, the State of California recognizes that the Gabrielinos have held general membership meetings in the San Gabriel, California region for over 100 years; and

"Whereas, the State of California recognizes that Gabrielino members participate consistently in tribal affairs; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the State of California recognizes the Gabrielinos as the aboriginal tribe of the Los Angeles Basin and takes great pride in recognizing the Indian inhabitance of the Los Angeles Basin and the continued existence of the Indian community within our state; and be it further

"*Resolved*, That the California Legislature respectfully memorializes the President and Congress of the United States to likewise give recognition to the Gabrielinos as the aboriginal tribe of the Los Angeles Basin; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States."

POM–24. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY CONCURRENT RESOLUTION NO. 110

"Whereas, the State of California is committed to improving geographic literacy and cross-cultural understanding among its pupils; and

"Whereas, since 1961, over 19,000 Californians have served overseas as Peace Corps volunteers, the largest number of volunteers from any state. Many thousands of those volunteers have returned to California with valuable experience to share; and

"Whereas, currently the Peace Corps has over 6,000 volunteers serving in nearly 100 countries around the world, many of whom are eager to share their experiences with American pupils; and

"Whereas, the Peace Corps established the World Wise Schools program in 1989 with three goals: to promote the study of geography, to enhance awareness of the world's many cultures, and to demonstrate the value of volunteer service; and

"Whereas, since 1989, the World Wise Schools program has provided a linkage between individual volunteers and classes to help pupils in the United States understand other cultures and improve their performance in geography and other subjects through the exchange of ideas, experiences, artifacts, photographs, and stories, either via correspondence or personal visits after the volunteers' return; and

"Whereas, the World Wise Schools program produces award-winning educational videotapes and study guides, featuring countries served by the Peace Corps, which have provide valuable to teachers all over the country; and

"Whereas, in sharing the Peace Corps experience, good citizenship and the spirit of volunteerism is exemplified for pupils; and

"Whereas, three hundred forty-three California teachers, in both public and private schools, participate in the World Wise Schools program; and

"Whereas, in a changing world that is increasingly interdependent, it is very important that our pupils learn all they can about the people and countries outside of our borders; now, therefore, be it

"*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature endorses the goals of, and supports the concept and philosophy of, the Peace Corps' World Wise Schools program; an be it further

"*Resolved*, That the State Department of Education, and other public and private educational entities are urged, to the best of their ability, to expand the scope of the program in this state, to make the World Wise Schools program's productions accessible to every school in California, and to make teachers aware of this unique educational opportunity."

POM-25. A concurrent resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"Assembly Concurrent Resolution No. 90

"Whereas, between 800,000 and 1,200,000 commercial buildings are estimated to have some form of "sick building syndrome" due to indoor air quality problems, according to the Occupational Safety and Health Administration; and

"Whereas, these problems manifest themselves in employee complaints of headaches, nausea, dry eyes, and respiratory infections; and

"Whereas, energy conservation measures instituted during the 1970's have minimized the infiltration of outside air and contributed to a buildup of indoor air contaminants; and

"Whereas, a World Health Organization committee estimates that up to 30 percent of new and remodeled buildings may have this problem; and

"Whereas, as more and more work is done indoors in sealed high-rise office buildings, the number of persons subjected to harmful indoor air over long periods of time may grow; and

"Whereas, indoor air can be as much as 100 times as polluted as the air just outside, according to the Environmental Protection Agency, which estimates that indoor air pollution costs the nation tens of billions of dollars each year in lost work time, medical costs, and decreased productivity; and

"Whereas, the Environmental Protection Agency has ranked indoor air pollution as one of the top five environmental risks to human health and has classified environmental tobacco smoke as a Group A carcinogen; and

"Whereas, indoor air quality may be improved significantly by ensuring an adequate fresh air supply and maintaining ventilation rates and temperature ranges a suggested by A.S.H.R.A.E. guidelines; and

"Whereas, indoor air quality may also be improved significantly by controlling factors other than ventilation rates and levels of fresh air supply, including factors that may produce detrimental effects upon public health, such as vapors from building materials; and

"Whereas, the Occupational Safety and Health Standards Board has jurisdiction to adopt an indoor air standard that would protect the health of California workers from "sick building syndrome," now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Occupational Safety and Health Standards Board is requested to adopt an occupational safety and health standard for indoor air quality, including the elimination of environmental tobacco smoke, and the Division of Occupational Safety and Health is requested to work in consultation with representatives of labor, management, the National Institute of Occupational Safety and Health, the Environmental Protection Agency, the California Council of the American Institute of Architects, the Building Owners and Managers Association of California, the California Hotel and Motel Association, and the California Council for Interior Design Certification, and indoor air specialists to prepare a draft indoor air quality standard for presentation to the board on or before December 31, 1995; and be it further

Resolved, That the Division of Occupational Safety and Health is to coordinate with the California Building Standards Commission to ensure that the draft standard takes into account the effect of building standards on indoor air quality; and be it further.

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Occupational Safety and Health Standards Board."

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget (Rept. No. 104–5).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. Roth, Mr. Dole, and Mr. Pryor):

S. 262. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. CAMPBELL:

S. 263. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Armed Services.

By Mr. AKAKA:

S. 264. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the dollar limitations on the dependent care credit; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 265. A bill to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 266. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself, Mr. Kerry, Mr. Gorton, Mrs. Murray, and Mr. Murkowski):

S. 267. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS:

S. 268. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOLE (for Mr. Simpson):

S. 269. A bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. Simpson, Mr. D'Amato, Mr. Cochran, Mr. Reid, and Mr. Gregg):

S. 270. A bill to provide special procedures for the removal of alien terrorists; to the Committee on the Judiciary.

By Mr. BROWN:

S. 271. A bill to ratify the States' right to limit congressional terms; to the Committee on Rules and Administration.

S. 272. A bill to limit congressional terms; to the Committee on Rules and Administration.

By Mr. KEMPTHORNE (for Mr. Dole):

S. 273. A bill to amend section 61h–6, of title 2, United States Code; considered and passed.

By Mr. McCONNELL:

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second amendment relating to Presidential term limitations; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. Daschle, Mr. Helms, Mr. Pell, Mr. D'Amato, Mr. Packwood, Mrs. Boxer, Mr. Robb, Mr. Ford, Mrs. Feinstein, Mr. Wellstone, Mr. Specter, Mr. Grassley, Mr. Lieberman, Mr.

MCCONNELL, Mr. COHEN, and Mr. BROWN):

S. Res. 69. A resolution condemning terrorist attacks in Israel; considered and agreed to.

By Mr. KEMPTHORNE (for Mr. DOLE):

S. Res. 70. A resolution electing Doctor John Ogilvie, of California, as Chaplain of the United States Senate; considered and agreed to.

S. Res. 71. A resolution designating the Chairmen of certain Senate committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. ROTH, Mr. DOLE, and Mr. PRYOR):

S. 262. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

THE SELF-EMPLOYED HEALTHCARE DEDUCTION ACT OF 1995

Mr. GRASSLEY. Mr. President, today, along with Senators ROTH, DOLE, and PRYOR, I am introducing a bill to restore and increase the health care deduction for the self-employed.

Most of the major health care bills introduced in the last Congress called for an increased extension of the 25-percent health insurance deduction for the self-employed. There's a broad consensus that an increased health insurance deduction would contribute to tax fairness and would also lead to a significant reduction in the number of uninsured Americans.

Unfortunately, as we all know, the self-employed health insurance deduction expired on December 31, 1993, with the understanding that an extension, and possible expansion, would be part of health care reform in 1994. However, we all know what happened to President Clinton's disastrous health care reform effort. And, unfortunately, the self-employed deduction went down with it.

Mr. President, if the 25-percent deduction is not retroactively reinstated, the self-employed will be hit with a sizeable tax increase. Moreover, it would be a tax increase on predominantly middle-income persons, since about 73 percent of those persons who pay self-employment tax earn under $50,000 in adjusted gross income.

Mr. President, our bill will reinstate the 25-percent deduction for the 1994 tax year, and then increase the deduction to 50 percent this year, 75 percent next year, and 100 percent the year after.

Organizations as diverse as the Farm Bureau, the National Federation of Independent Businesses, the Association for the Self-Employed, and the National Restaurant Association support this legislation.

I understand the House Ways and Means Committee will be holding a hearing this Friday on restoring this deduction, at least for 1994. I look forward to the Congress dealing with this problem in the near future for 1994, and then expanding the deduction up to 100 percent for future years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) DEDUCTION MADE PERMANENT.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Section 162(l) of such Code, as amended by subsection (a), is amended—

(1) by striking "25 percent" in paragraph (1) and inserting "the applicable percentage", and

(2) by adding at the end of the following new paragraph:

"(6) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

For taxable years beginning in:	The applicable percentage is:
1994	25
1995	50
1996	75
1997 and thereafter	100."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

By Mr. CAMPBELL:

S. 263. A bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes; to the Committee on Armed Services.

THE MINERAL LEASING ACT AMENDMENT ACT OF 1995

Mr. CAMPBELL. Mr. President, trapped beneath the naval oil shale reserves, two of which are located in Garfield County, CO, are billions of cubic feet of natural gas. I am sending legislation to the desk that will:

Allow the Department of the Interior and the Department of Energy to work cooperatively to establish a program to competitively lease or sell this resource;

Allow the Secretary of the Interior, acting through the Bureau of Land Management, to manage the surface of these lands pursuant to the Federal Land Policy and Management Act of 1976; and to require that a royalty be paid to the Federal treasury.

Two Executive orders, in 1916 and 1924, withdrew public lands for the purpose of establishing three naval oil shale reserves. The purpose of the reserves was to ensure the military sufficient oil from the oil shale in the event of a cutoff of oil supplies during a war.

Naval Oil Shale Reserve Nos. 1, 40,760 acres, and 3, 14,130 acres, are located in northwest Colorado near Rifle, and Naval Oil Shale Reserve No. 2, 90,400 acres, is in eastern Utah. Profitable development of shale oil currently is considered to be decades away.

The reserves are owned by the Federal Government and are operated by the Department of Energy [DOE]. Management of the reserves was transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act in 1977. The Department of Energy has a cooperative agreement with the Bureau of Land Management to manage the surface resources of the reserves.

Under the Naval Petroleum Reserves Production Act of 1976, the Secretary of Energy has discretionary authority to undertake certain activities, such as oil and gas development in the reserves, but only as necessary to protect, conserve, maintain, or test the reserves. Production for other purposes may take place only with the approval of the President and Congress.

The reserves located in Colorado are situated on portions of three large natural gas producing fields, the Parachute, Rulison, and Grand Valley, and are estimated to contain substantial natural gas hydrocarbons. There has been significant private natural gas drilling and extraction activity on the southern border of the third reserve since 1978. Since 1980, 277 private wells have been drilled contiguous to the boundaries of reserve Nos. 1 and 2; and through fiscal year 1992, 89 commercial producing gas wells were drilled by private industry within 1 mile of the boundary of the reserves.

The Department of Energy determined in 1983 that the potential existed for drainage of natural gas from the reserves due to the private development outside of the reserves. To prevent drainage of public resources, the Department of Energy began a protection program, drilling 35 offset and communitization wells. According to the Department of Energy's Annual Report of Operations for Fiscal Year 1992, natural gas production between fiscal years 1977 and 1992 totaled 5.4 billion cubic feet. Revenues from the reserves totaled $5 million between fiscal years 1977 and 1992; expenditures for the same period totaled $24.8 million.

This legislation does not specify what royalty should be collected. The royalty could be anywhere between 12.5 and 25 percent. The Secretary will have the discretion to decide what that royalty should be. There is no evidence, however, supporting a royalty rate at higher than 20 percent. Leases outside the reserve that mandate a royalty above this rate have not been executed. The royalty rate that is eventually chosen should reflect fair market value. It should not be set too high, discouraging development, nor too low, depriving the Government of needed revenues.

It has clearly been Congress' intent to make oil and gas leasing a profitable enterprise. It is time for the DOE to get out of the gas producing business. The Vice President's Performance Review is seeking to avoid duplication and save money. Requiring the DOE and the Department of the Interior to cooperatively lease the resources of the naval oil shale reserves will generate revenue, save money, help private industry, enrich local governments, and protect the environment.

By Mr. AKAKA:

S. 264. A bill to amend the Internal Revenue Code of 1986 to adjust for inflation the dollar limitations on the dependent care credit; to the Committee on Finance.

THE WORKING FAMILIES TAX RELIEF ACT OF 1995

• Mr. AKAKA. Mr. President, today I am introducing legislation to provide a measure of tax relief to working families throughout America. My bill would restore value to the child and dependent care credit by allowing an annual adjustment of the credit for inflation.

Mr. President, economic security is the paramount concern for millions of American families. For the first time in our Nation's history, living standards are not keeping pace with economic growth and new job creation. Median family income, after almost two decades of stagnation, is now declining. Many Americans are working harder and longer to make ends meet for their families.

The availability and affordability of adequate child care is an increasingly important consideration for many middle-income working parents. Many families are forced to patch together a network of child care providers to secure care for their children. My legislation responds to the critical need for affordable, quality child-care services without creating costly new Government programs or agencies. It is a simple, flexible solution that will reestablish the full benefit of the child and dependent care credit for millions of working families.

The evidence in support of improving the child and dependent care credit is clear. The number of single mothers working outside the home has dramatically increased in recent years. More than 56 percent of all mothers with children under 6 years work outside the home, and over 70 percent of women with children over age 6 are in the labor market.

The percentage of Hawaii households in which both parents work outside the home is even higher than the national average. According to projections developed by the Bank of Hawaii based on the 1990 census, 61.8 percent of all Hawaii families have both parents employed, and 71.3 percent of all households have at least two individuals in the work force.

The increased participation of single mothers in the labor market and the large number of two-parent families in which both parents work outside the home have made the dependent care credit one of the most popular and productive tax incentives ever enacted by Congress. Unfortunately, the value of the credit has declined significantly over the years as inflation has slowly eroded the value of this benefit. Measured in constant dollars, the maximum credit of $2,400 has decreased in value by more than 45 percent since it was enacted in 1981.

The maximum amount of employment-related child care expenses allowed under current law—$2,400 for a single child, and $4,800 for two or more children—has simply failed to keep pace with escalating care costs. Unlike the earned income tax credit [EITC], the standard deduction, the low-income housing credit, and a number of other sections of our Tax Code, the dependent care credit is not adjusted for inflation.

The purpose of this credit is to partially offset the expense of dependent and child care services incurred by parents working outside the home. While the cost of quality child care has increased as demand exceeds supply, the dependent care credit has failed to keep up with the spiraling costs. The bill I introduce today corrects this problem by automatically adjusting the dependent and child care credit for inflation. Under this legislation, both the dollar limit on the amount creditable and the limitation on earned income would be adjusted annually.

Mr. President, in the past 12 years, the average middle-class family with children has seen its income fall 5 percent, almost $1,600 after inflation. A family of four earning $35,000 a year has seen its tax burden increase since 1981. In part, this is due to the diminished value of the child and dependent care credit. In 1981, the flat credit for dependent care was replaced with a scale to give the greatest benefit of the credit to lower income working families. Since that time, neither the adjusted gross income figures employed in the scale, nor the limit on the amount of employment-related expenses used to calculate the credit, has been adjusted for inflation. Our bill provides a measure of much needed relief to working American families. It would index the child and dependent care credit and restore the full benefit of the credit.

The average cost for out of home child care exceeds $3,500 per child, per year. Child care or dependent care expenses can seriously strain a family's budget. This burden can become unbearable for single parents, almost invariably single mothers, who must balance the need to work with their parental responsibilities.

Numerous economic studies have shown that the economic policies of the 1980's had a disastrous impact upon the incomes of middle-income families. Inflation adjusted wages for the median worker fell 7.3 percent from 1979 to 1991. Working Americans have been losing ground in their struggle to preserve their standard of living. To compensate, American families have been forced to work longer hours, deplete their life savings, and go deeper into debt. There is an urgent need to enact changes in our Tax Code that are pro-family and pro-children. The Working Families Tax Relief Act meets both of these goals.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Families Tax Relief Act".

SEC. 2. INFLATION ADJUSTMENT OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Subsection (e) of section 21 of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended by adding at the end the following new paragraph:

"(10) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1995, each dollar amount contained in subsections (c) and (d)(2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.•

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 265. A bill to amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Research Natural Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE BISTI AND DE-NA-ZIN WILDERNESS EXPANSION AND FOSSIL FOREST PROTECTION ACT

• Mr. DOMENICI. Mr. President, I introduce legislation that will amend the San Juan Wilderness Protection Act of 1984. This legislation will combine two existing wilderness areas in New Mexico, designate additional lands as wilderness, and establish the Fossil Forest Research Natural Area.

In December 1991, approximately 10,750 acres between the Bisti and the De-Na-Zin Wilderness Areas were transferred by exchange to the Bureau of Land Management, with the Bureau of Indian Affairs acting in trust for the Navajo Nation. These newly acquired lands are immediately adjacent to the existing boundaries of the Bisti and De-Na-Zin Wilderness areas and are of high wilderness quality. The area appears to have been affected primarily by the forces of nature with the imprint of human activity substantially unnoticeable.

The acquired lands are included in the approximately 16,674 acres that will be designated by this legislation as wilderness, and join the Bisti and De-Na-Zin into one wilderness area. This bill includes additional lands that will require further exchanges with the State of New Mexico and the Navajo Tribe. Both parties indicate that they are willing to enter into agreements to consummate the exchange of lands.

The joining of the Bisti and De-Na-Zin Wilderness Areas will enhance the wilderness experience for visitors and help ensure continued protection of this resource for future generations of Americans. The two wilderness areas previously designated and the expansion area will be combined into one wilderness area with more manageable boundaries. The joint wilderness area will include a large, striking, and open natural landscape.

The scenic badlands that dominate this area provide an outstanding opportunity for solitude as well as activities such as hiking, backpacking, photography and geological sightseeing in an unconfined and primitive environment. The badlands topography of the expanded area naturally bridge the two wilderness areas into one picturesque expanse with a variety of rich colors and landform.

The establishment of the Fossil Forest Research Natural Area, named for the abundant petrified tree stumps and logs which lie exposed on its surface, provide a wealth of data and fossil material that are found within the Fossil Forest. Many of these stumps are preserved in place with root systems still intact. Four major dinosaur bone quarries and several microvertebrate and invertebrate localities have been excavated over the past decade, including a critically important Cretaceous Age—75 million years ago—mammal quarry. The occurrence of this diverse assemblage of fossil fauna and flora provides a unique opportunity to peek through a small window of time, 70 to 80 million years ago, to examine an important episode of geological and biological change.

Mr. President, I urge the Senate to move rapidly on this important legislation in an effort to enhance the National Wilderness Preservation System and to conserve a unique paleontological area that represents an important period of time and space in our country's natural history.•

By Mr. AKAKA:

S. 266. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes; to the Committee on Labor and Human Resources.

THE HAWAII PREPAID HEALTH CARE EXEMPTION ACT

• Mr. AKAKA. Mr. President, I reintroduce legislation to exclude the Hawaii Prepaid Health Care Act from the Employee Retirement Income Security Act of 1974, known as ERISA.

As we have witnessed during the opening weeks of the session, reinventing Government will be a major legislative theme for the 104th Congress. In the months ahead, Congress will examine unnecessary restrictions that the Federal Government imposes on States.

Hawaii's experience with ERISA is an excellent example of a Federal restriction that should be curtailed so the State can improve access to affordable health care. ERISA is the major constraint on Hawaii's ability to improve health care coverage. My bill would give the State the flexibility it needs to find creative and cost-effective ways of delivering high-quality health care.

Ensuring that all Americans will have access to affordable health care is the most profound challenge facing our country. As the cost of providing care is growing at an alarming rate, the number of uninsured or underinsured individuals continues to rise.

State governments have a major stake in financing and providing health care. A growing portion of State budgets are devoted to health care. But budgetary problems are not the only constraints facing the States. Federal laws and regulations often conspire to make health care more expensive or less universal. A case in point is the State of Hawaii's experience with the Hawaii Prepaid Health Care Act and ERISA.

In 1974, Hawaii became the first State to require employers and employees to share responsibility for the cost of health insurance when it enacted the Prepaid Health Care Act [PPHCA]. By dramatically reducing the number of uninsured, this measure allowed Hawaii to implement a system of near-universal health care coverage.

In a 1980 decision, the Ninth Circuit Court of Appeals held that ERISA preempts the State from enacting minimum health care requirements for employers governed by ERISA. The court determined that in the absence of an expressed exemption for the Hawaii statute, Federal law governs. The U.S. Supreme Court affirmed the lower court ruling, and concluded that relief could come only from Congress.

Soon thereafter, I sponsored legislation to grant an exemption for the Hawaii statute. After considerable congressional debate, a limited ERISA exemption was signed into law on January 14, 1983. However, the exemption was not prospective, and only permitted Hawaii to require the specific benefits set forth in the State's 1974 statute.

An unfortunate consequence of these events is that the Hawaii Prepaid Health Care Act has been frozen in time, and the State is prevented from making changes other than those that would enhance effective administration.

In recognition of Hawaii's determined effort to provide universal health care, my bill would exempt the State's prepaid health care act from restrictions contained in ERISA. Such an exemption would give Hawaii greater flexibility to improve both the quality and scope of health coverage for working men and women and their families. Among other things, the State could reevaluate the employer-employee cost sharing levels, examine the feasibility of requiring dependent coverage, and explore measures to assist businesses in providing health benefits.

Since 1974, Hawaii has had a mandated employer health benefits program, the first and only one of its kind in the United States. Nearly all of Hawaii's employers are required to provide employee health insurance, with the employee paying up to half the premium cost, but no more than 1.5 percent of monthly wages, and the employer providing the balance. Eligible employees must work at least 20 hours a week. Employers may offer one or two basic plans—a fee-for-service plan or a designated health maintenance organization plan.

The results of Hawaii's innovative approach are impressive. Hawaii has led the Nation in ensuring that basic health care is available to all its people. This system delivers high-quality care at relatively low cost, despite a cost of living that is 30 to 40 percent higher than the rest of the country.

Of all the States, Hawaii is the closest to achieving universal health care coverage. The Hawaii State Department of Health estimates that between 2 and 4 percent of Hawaii's residents lack health insurance. This compares with national estimates that between 14 and 17 percent of U.S. residents are not covered.

Today, Hawaii has one of the lowest infant mortality rates and one of the highest life expectancy rates in the Nation. Although the incidence of chronic diseases, such as cancer and heart disease, is similar to that of other States, the death rates from these diseases are lower. The substantial investment Hawaii has made in the prepaid health care law has clearly paid off.

Yet, there is an urgent need to bring the State statute up to date. We need to allow a State that has been at the forefront of innovative approaches to health care to make changes which better reflect the needs of today's population and their employers. Hawaii should not have to resort to back-door approaches in order to ensure basic health care to its citizens. My legislation will permit the State to address these issues and upgrade its successful health care programs for the 1990's and beyond.

Although we must continue the quest for national health care reform, we should not allow a dynamic State like Hawaii to remain hobbled by Federal limitations on a truly innovative program with a proven record of success.

I urge my colleagues to support this bill, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREEMPTION OF HAWAII PREPAID HEALTH CARE ACT.

Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

"(5)(A) Except as provided in subparagraphs (B) and (C), subsection (a) shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. Chapter 393, as amended) or any insurance law of the State.

"(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefits plans.

"(C) If the Secretary of Labor notifies the Governor of the State of Hawaii that as the result of an amendment to the Hawaii Prepaid Health Care Act enacted after the date of the enactment of this paragraph—

"(i) the proportion of the population with health care coverage under such Act is less than such proportion on such date, or

"(ii) the level of benefit coverage provided under such Act is less than the actuarial equivalent of such level of coverage, on such date,

subparagraph (A) shall not apply with respect to the application of such amendment to such Act after the date of such notification.".•

By Mr. STEVENS (for himself, Mr. KERRY, Mr. GORTON, Mrs. MURRAY, and Mr. MURKOWSKI):

S. 267. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FISHERIES ACT OF 1995

• Mr. STEVENS. Mr. President, I am pleased to introduce a bill which contains a number of provisions important to the conservation of fishery resources on the high seas.

Senators KERRY, GORTON, MURRAY, and MURKOWSKI join me in introducing this package today, which is titled, the "Fisheries Act of 1995."

The High Seas Fisheries Licensing Act of 1995, title I of the bill, would provide for the domestic implementation of the agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

This agreement was adopted by the U.N. Food and Agriculture Organization in 1993.

The implementing legislation would establish a system of licensing, reporting, and regulation for all U.S. vessels fishing on the high seas.

It will set an example for other nations to the agreement to follow, and will begin to allow the United States to obtain information from other countries about their fishing vessels on the high seas.

The Northwest Atlantic Fisheries Convention Act, title II of the bill, would implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

This convention calls for establishment of the Northwest Atlantic Fisheries Organization [NAFO] to assess and conserve high seas fishery resources off the coasts of Canada and New England.

Among other provisions, this title of the bill would provide for: First, U.S. representation in NAFO; second, coordination between NAFO and appropriate regional fishery management councils; and third, authorization for the Secretaries of Commerce and State to carry out U.S. responsibilities under the convention.

Title III of the bill would extend the authorization of appropriations for the Atlantic Tunas Convention Act through fiscal year 1998.

It would also: First, provide for the development of a research and monitoring program for bluefin tuna and other wideranging Atlantic fish stocks; second, establish operating procedures for the International Commission for the Conservation of Atlantic Tunas [ICCAT] Advisory Committee; and third, clarify procedures for dealing with nations that fail to comply with ICCAT recommendations.

Title IV of the bill would reauthorize and amend the Fishermen's Protective Act of 1967 to allow the Secretary of State to reimburse U.S. fishermen forced to pay transit passage fees required by a foreign country that are regarded by the United States as inconsistent with international law.

Similar legislation was passed in both the Senate and House last year in response to the $1,500, in Canadian dollars, transit fee charged to United States fishermen last year for passage off British Columbia.

Title V of the bill would prohibit United States fishermen from fishing in the Central Sea of Okhotsk, known as the "Peanut Hole", except where such fishing is conducted in accordance with a fishery agreement to which both the United States and Russia are parties.

This provision is intended to provide assistance to Russia in conserving the fish stocks in the Sea of Okhotsk, which is bordered by Russian waters.

Title VI would prohibit the United States from entering into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the U.N. global moratorium on large-scale driftnet fishing.

The intent is to ensure that the United States takes every opportunity to assist in the full implementation—and to strengthen where possible—the U.N. moratorium on driftnet fishing.

The final section of the bill, title VII, authorizes the entry into force of a Governing International Fishery Agreement [GIFA] between the United States and the Republic of Estonia.

I would like to thank Senator KERRY for his help in putting this package together.

This is a noncontroversial bill with bipartisan support, and I hope my colleagues on the Commerce Committee and in the full Senate will support its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—HIGH SEAS FISHERIES LICENSING

Sec. 101. Short title.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Licensing.
Sec. 105. Responsibilities of the Secretary.
Sec. 106. Unlawful activities.
Sec. 107. Enforcement provisions.
Sec. 108. Civil penalties and license sanctions.
Sec. 109. Criminal offenses.
Sec. 110. Forfeitures.
Sec. 111. Effective date.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

Sec. 201. Short title.
Sec. 202. Representation of United States under convention.
Sec. 203. Requests for scientific advice.
Sec. 204. Authorities of Secretary of State with respect to convention.
Sec. 205. Interagency cooperation.
Sec. 206. Rulemaking.
Sec. 207. Prohitibed acts and penalties.
Sec. 208. Consultative committee.
Sec. 209. Administrative matters.
Sec. 210. Definitions.
Sec. 211. Authorization of appropriations.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

Sec. 301. Short title.
Sec. 302. Research and monitoring activities.
Sec. 303. Advisory committee procedures.
Sec. 304. Regulations.
Sec. 305. Fines and permit sanctions.
Sec. 306. Authorization of appropriations.
Sec. 307. Report and certification.
Sec. 308. Management of Yellowfin Tuna.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

Sec. 401. Findings.
Sec. 402. Amendment to the Fishermen's Protective Act of 1967.
Sec. 403. Reauthorization.
Sec. 404. Technical corrections.

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

Sec. 501. Short title.
Sec. 502. Fishing prohibition.

TITLE VI—DRIFTNET MORATORIUM

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Prohibition.
Sec. 604. Negotiations.
Sec. 605. Certification.
Sec. 606. Enforcement.

TITLE VII—GOVERNING INTERNATIONAL FISHERY AGREEMENT

Sec. 701. Agreement with Estonia.

TITLE I—HIGH SEAS FISHERIES LICENSING

SEC. 101. SHORT TITLE.

This title may be cited as the "High Seas Fisheries Licensing Act of 1995".

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term "Agreement" means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term "FAO" means the Food and Agriculture Organization of the United Nations.

(3) The term "high seas" means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term "high seas fishing vessel" means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term "international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term "length" means—

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "vessel of the United States" means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

(B) a vessel owned in whole or part by—

(i) the United States or a territory, commonwealth, or possession of the United States;

(ii) a State or political subdivision thereof;

(iii) a citizen or national of the United States; or

(vi) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individial in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms "vessel subject to the jurisdiction of the United States" and "vessel without nationality" have the same meaning as in section 1903(c) of title 46, United States Code Appendix.

SEC. 104. LICENSING.

(a) IN GENERAL.—No high seas fishing vessel shall engage in harvesting operations on the high seas unless the vessel has on board a valid license issued under this section.

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

(3) The restriction in paragraph (1) does not apply if the Secretary makes a determination that issuing a license would not subvert the purposes of the Agreement.

(4) The Secretary may not issue a license to a vessel unless the Secretary is satisified that the United States will be able to exercise effectively its responsibilities under the Agreement with respect to that vessel.

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

(A) the vessel's name, previous names (if known), official numbers, and port of record;

(B) the vessel's previous flags (if any);

(C) the vessel's International Radio Call Sign (if any);

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires for the purposes of implementing the Agreement.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States Under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) Fees.—

(1) The Secretary shall by regulation establish the level of fees to be charged for licenses issued under this section. The amount of any fee charged for a license issued under this section shall not exceed the administrative costs incurred in issuing such licenses. The licensing fee may be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) DURATION.—A license issued under this section is valid for 5 years. A license issued under this section is void in the event the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 104, including all information submitted under section 104(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any license granted under section 104(b)(3), including the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to use a high seas fishing vessel on the high seas in contravention of international conservation and management measures described in section 105(e);

(2) to use a high seas fishing vessel on the high seas, unless the vessel has on board a valid license issued under section 104;

(3) to use a high seas fishing vessel in violation of the conditions or restrictions of a license issued under section 104;

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(5) to refuse to permit an authorized officer to board a high seas fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation issued under this title;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection described in paragraph (5);

(7) to resist a lawful arrest or detention for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or license issued under this title; or

(10) to violate any provision of this title or any regulation or license issued under this title.

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or license issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by paragraph (6), (7), (8), or (9) of section 106;

(ii) board, and search or inspect, any high seas fishing vessel;

(iii) seize any high seas fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this title or any regulation or license issued under this title;

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

(v) seize any other evidence related to any violation of any provision of this title or any regulation or license issued under this title;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(e) LIABILITY FOR COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any living marine resource or other property seized in connection with the violation.

SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(b) LICENSE SANCTIONS.—

(1) In any case in which—

(A) a vessel of the United States has been used in the commission of an act prohibited under section 106;

(B) the owner or operator of a vessel or any other person who has been issued or has applied for a license under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent licenses;

(ii) suspend such license for a period of time considered by the Secretary to be appropriate;

(iii) deny such license; or

(iv) impose additional conditions and restrictions on such license.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any license that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the license upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if the person commits any act prohibited by paragraph (6), (7), (8), or (9) of section 106.

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to—

(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, unless such provisions are inconsistent with the purposes, policy, and provisions of this title.

(d) PROCEDURE.—

(1) Any officer authorized to serve any process in rem that is issued by a court under section 107(b) shall—

(A) stay the execution of such process; or

(B) discharge any living marine resources seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.—For purposes of this section, all living marine resources found on board a high seas fishing vessel and which are seized in connection with an act prohibited by section 106 are presumed to have been taken or retained in violation of this title, but the presumption can be rebutted by an appropriate showing of evidence to the contrary.

SEC. 111. EFFECTIVE DATE.

This title shall take effect 120 days after the date of enactment of this Act.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Northwest Atlantic Fisheries Convention Act of 1995".

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experience concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United State Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specific by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meeting of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 208.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b)(1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—

(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the

seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) Terms and Reappointment.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) Duties of the Committee.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) Relationship to Other Law.—The Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.) shall not apply to the consultative committee established under this section.

SEC. 209. ADMINISTRATIVE MATTERS.

(a) Prohibition on Compensation.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 208.

(b) Travel and Expenses.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) Status as Federal Employees.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) Authorized enforcement officer.—The term "authorized enforcement officer" means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) Commissioner.—The term "Commissioner" means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) Convention.—The term "Convention" means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) Fisheries commission.—The term "Fisheries Commission" means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) General council.—The term "General Council" means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) Magnuson Act.—The term "Magnuson Act" means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) Organization.—The term "Organization" means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) Person.—The term "person" means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) Representative.—The term "Representative" means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) Scientific council.—The term "Scientific Council" means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) Secretary.—The term "Secretary" means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, 1997 and 1998.

TITLE III—ATLANTIC TUNAS CONVENTION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Atlantic Tunas Convention Authorization Act of 1995".

SEC. 302. RESEARCH AND MONITORING ACTIVITIES.

(a) Report to Congress.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) Research and Monitoring Program.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by striking the last sentence;

(3) by inserting "(a) Biennial Report on Bluefin Tuna.—" before "The Secretary of Commerce shall"; and

(4) by adding at the end the following:

"(b) Highly Migratory Species Research and Monitoring.—

"(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

"(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

"(B) provide for appropriate participation by nations which are members of the Commission.

"(2) The program shall provide for, but not be limited to—

"(A) statistically designed cooperative tagging studies;

"(B) genetic and biochemical stock analyses;

"(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

"(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

"(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

"(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

"(G) integration of data from all sources and the preparation of data bases to support management decisions; and

"(H) other research as necessary.

"(3) In developing a program under this section, the Secretary shall provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards. The Secretary through the Secretary of State shall encourage other member nations to adopt a similar program.".

SEC. 303. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following:

"(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations.

"(2) The advisory committee shall elect a Chairman for a 2-year term from among its members.

"(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State. Meetings of the advisory committee shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

"(4)(A) The Secretary shall provide to the advisory committee in a timely manner such administrative and technical support services as are necessary for the effective functioning of the committee.

"(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

"(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

"(6) The advisory committee shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. §1 et seq.).".

SEC. 304. REGULATIONS.

Section 6(c)(3) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding "or fishery mortality level" after "quota of fish" in the last sentence.

SEC. 305. FINES AND PERMIT SANCTIONS.

Section 7(e) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

"(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.".

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

"(1) For fiscal year 1995, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

"(2) For fiscal year 1996, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

"(3) For fiscal year 1997, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

"(4) For fiscal year 1998, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.".

SEC. 307. REPORT AND CERTIFICATION.

The Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended by adding at the end thereof the following:

"ANNUAL REPORT

"SEC. 11. Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

"(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

"(2) identifies those fishing nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

"(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

"(4) describes actions taken by the Secretary under section 12.

"CERTIFICATION

"SEC. 12. (a) If the Secretary determines that vessels of any nation are harvesting fish which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the convention area in a manner or under circumstances which would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Secretary shall certify such fact to the President.

"(b) Such certification shall be deemed to be a certification for the purposes of section 8 of the Fishermen's Protective Act (22 U.S.C. 1978).

"(c) Upon certification under subsection (a), the Secretary shall promulgate regulations under section 6(c)(4) with respect to a nation so certified.".

SEC. 308. MANAGEMENT OF YELLOWFIN TUNA.

(a) Not later than 90 days after the date of the enactment of this act, the Secretary of Commerce in accordance with this section shall publish a preliminary determination of the level of the United States recreational and commercial catch of yellowfin tuna on an annual basis since 1980. The Secretary shall publish a preliminary determination in the Federal Register for comment for a period not to exceed 60 days. The Secretary shall publish a final determination not later than 140 days from the date of the enactment of this section.

(b) Not later than June 1, 1996, the Secretary of Commerce shall implement the recommendations of the International Commission for the Conservation of Atlantic Tunas regarding yellowfin tuna.

TITLE IV—FISHERMEN'S PROTECTIVE ACT

SEC. 401. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the "Inside Passage" off the Pacific Coast of Canada;

(2) Canada recently required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a "license which authorizes transit" through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen's Protective Act of 1967 provides for the reimbursement of vessel owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay cannot be reimbursed under the Fishermen's Protective Act;

(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

(12) the President should continue to immediately convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

(13) the United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

SEC. 402. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is amended by adding at the end the following new section:

"SEC. 11. (a) In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall reimburse the vessel owner for the amount of any such fee paid under protest.

"(b) In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

"(1) a copy of the receipt for payment;

"(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

"(3) a copy of the vessel's certificate of documentation.

"(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

"(d) such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Guaranty Fund established under section 7 and the Fishermen's Protective Fund established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a).

"(e) The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

"(f) For purposes of this section, the term 'owner' includes any charterer of a vessel of the United States.

"(g) This section shall remain in effect until October 1, 1996.".

(b) The Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) is further amended by adding at the end the following:

"SEC. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

"(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

"(c) For the purposes of this section, the term 'fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

"(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a).".

SEC. 403. REAUTHORIZATION.

(a) Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by striking the third sentence.

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "October 1, 1993" and inserting "October 1, 2000".

SEC. 404. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103-238 is amended by striking "April 1, 1994," and inserting "May 1, 1994,".

(2) The amendment made by paragraph (1) shall be effective on and after April 30, 1994.

(b) Section 803(13)(C) of Public Law 102-567 (16 U.S.C. 5002(13)(C)) is amended to read as follows:

"(C) any vessel supporting a vessel described in subparagraph (A) or (B).".

TITLE V—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 501. SHORT TITLE.

This title may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1995".

SEC. 502. FISHING PROHIBITION.

(a) ADDITION OF CENTRAL SEA OF OKHOTSK.—Section 302 of the Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended by inserting "and the Central Sea of Okhotsk" after "Central Bering Sea".

(b) DEFINITION.—Section 306 of such Act is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.".

TITLE VI—DRIFTNET MORATORIUM

SEC 601. SHORT TITLE.

This title may be cited as the "High Seas Driftnet Fishing Moratorium Protection Act".

SEC. 602. FINDINGS.

The Congress finds that—

(1) Congress has enacted and the President has signed into law numerous Acts to control or prohibit large-scale driftnet fishing both within the jurisdiction of the United States and beyond the exclusive economic zone of any nation, including the Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (Title IV, P.L. 100-220), the Driftnet Act Amendments of 1990 (P.L. 101-627), and the High Seas Driftnet Fisheries Enforcement Act (Title I, P.L. 102-582);

(2) the United States is a party to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention;

(3) the General Assembly of the United Nations has adopted three resolutions and three decisions which established and reaffirm a global moratorium on large-scale driftnet fishing on the high seas, beginning with Resolution 44/225 in 1989 and most recently in Decision 48/445 in 1993;

(4) the General Assembly of the United Nations adopted these resolutions and decisions at the request of the United States and other concerned nations;

(5) the best scientific information demonstrates the wastefulness and potentially destructive impacts of large-scale driftnet fishing on living marine resources and seabirds; and

(6) Resolution 46/215 of the United Nations General Assembly calls on all nations, both individually and collectively, to prevent large-scale driftnet fishing on the high seas.

SEC. 603. PROHIBITION.

The United States, or any agency or official acting on behalf of the United States, may not enter into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of the global moratorium on large-scale driftnet fishing on the high seas, as such moratorium is expressed in Resolution 46/215 of the United Nations General Assembly.

SEC. 604. NEGOTIATIONS.

The Secretary of State, on behalf of the United States, shall seek to enhance the implementation and effectiveness of the United Nations General Assembly resolutions and decisions regarding the moratorium on large-scale driftnet fishing on the high seas through appropriate international agreements and organizations.

SEC. 605. CERTIFICATION.

The Secretary of State shall determine in writing prior to the signing or provisional application by the United States of any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that the prohibition contained in section 603 will not be violated if such agreement is signed or provisionally applied.

SEC. 606. ENFORCEMENT.

The President shall utilize appropriate assets of the Department of Defense, the United States Coast Guard, and other Federal agencies to detect, monitor, and prevent violations of the United Nations moratorium on large-scale driftnet fishing on the high seas for all fisheries under the jurisdiction of the United States and, in the case of fisheries not under the jurisdiction of the United States, to the fullest extent permitted under international law.

TITLE VII—GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 701. AGREEMENT WITH ESTONIA.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the government of the Republic of Estonia as contained in the message to Congress from the President of the United States dated January 19, 1995, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.•

• Mr. KERRY. Mr. President, today I am pleased to join my friend, the senior Senator from Alaska, in introducing the Fisheries Act of 1995. This legislation addresses an issue of great importance to the people of Massachusetts, the Nation and, indeed, the world—the promotion of sustainable fisheries on a worldwide basis.

One of the world's primary sources of dietary protein, marine fish stocks were once thought to be an inexhaustible resource. However, after peaking in 1989 at a record 100 million metric tons, world fish landings now have begun to decline. The current state of the world's fisheries has both environmental and political implications. Last year, the U.N. Food and Agriculture Organization [FAO] estimated that 13 of 17 major ocean fisheries may be in trouble. Competition among nations for dwindling resources has become all too familiar in many locations around the world.

The bill before us today will strengthen international fisheries management. Among the provisions reinforcing U.S. commitments to conserve and manage global fisheries, are the following: First, implementation of the FAO Agreement To Promote Compliance With International Convention and Management Measures by Fishing Vessels on the High Seas; second, implementation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries; third, improved research and international cooperation with respect to Atlantic bluefin tuna and other valuable highly migratory species; fourth, reimbursement of United States fishermen for illegal transit fees charged by the Canadian Government; fifth, a ban on U.S. fishing activities in the central Sea of Okotsk; sixth, a prohibition on U.S.

participation in international agreements which undermine the U.N. moratorium on large-scale driftnet fishing, and seventh, approval of the governing international fishing agreement between the United States and the Republic of Estonia.

The measures of this bill will make a substantial contribution to U.S. leadership in the conservation and management of international fisheries. I encourage my colleagues to join with me to support its passage.•

By Mr. BUMPERS:

S. 268. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Environment and Public Works.

THE TRIPLOID GRASS CARP CERTIFICATION ACT OF 1995

• Mr. BUMPERS. Mr. President, these days we hear a lot about the need to reinvent Government and make it more responsive and less costly. Today, I am introducing legislation along with Senator PRYOR that will help the Fish and Wildlife Service achieve both these goals.

For many years, the Fish and Wildlife Service has conducted a triploid grass carp certification program. The triploid grass carp is a sterile fish that is used by 29 States to help control aquatic vegetation in lakes, ponds, and reservoirs. This fish has proven to be both effective and economical and many States prefer using it over chemicals and pesticides.

As more and more States have legalized the use of the triploid grass carp, they have adopted regulations requiring that the Fish and Wildlife Service verify through certification that these fish are sterile. If a reproducing triploid grass carp was to accidentally enter a pond or river ecosystem it could seriously damage the habitat of existing fish species. Certification by the Fish and Wildlife Service ensures that the fish are ecologically sound and clears the way for them to be shipped to various States by private producers.

Last year, the Fish and Wildlife Service conducted 550 triploid grass carp certifications, free of charge. The cost for providing this service was $70,000. Unfortunately, because of severe fiscal constraints, the agency can no longer afford to absorb the costs associated with the certification process and is moving to discontinue the program in the next 60 days. The producers of the triploid grass carp have informed the Fish and Wildlife Service they are willing to pay the agency for this service, provided that the money comes back to the agency and is used only for the triploid grass carp certification program. The agency supports this "fee for service" concept but needs congressional authorization before it can be instituted.

Mr. President, the bill I am introducing today, will give the Fish and Wildlife Service the authority it needs to charge a user fee and apply it to the triploid grass carp certification program. Without this legislation, a valuable program that benefits the public will be terminated.

I urge my colleagues to join me in support of this legislation and look forward to its speedy passage.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLLECTION OF FEES FOR TRIPLOID GRASS CARP CERTIFICATION INSPECTIONS.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service (referred to in this section as the "Director"), may charge reasonable fees for expenses to the Federal Government for triploid grass carp certification inspections requested by a person who owns or operates an aquaculture facility.

(b) AVAILABILITY.—All fees collected under subsection (a) shall be available to the Director until expended, without further appropriations.

(c) USE.—The Director shall use all fees collected under subsection (a) to carry out the activities referred to in subsection (a).

By Mr. DOLE (for Mr. SIMPSON):

S. 269. A bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel; improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens; to the Committee on the Judiciary.

THE IMMIGRANT CONTROL AND FINANCIAL RESPONSIBILITY ACT

• Mr. SIMPSON. Mr. President, I introduce legislation which will provide the Immigration Service with some badly needed tools to further the goal of achieving control over immigration. The bill will also reduce the abuse of the public welfare system by immigrants.

For years, as chairman or ranking member of the Immigration Subcommittee, I have advocated strong measures to control illegal immigration so that we can maintain a legal immigration program that will have the support of the American people. This legislation will continue that effort by authorizing additional Border Patrol officers and an increase in the personnel who investigate alien smuggling and the hiring of unlawful aliens. Most important, the bill will provide for the establishment of a new verification system to enable the Immigration Service, and employers, to verify the work authority of new hires. The system will also verify the eligibility of applicants for public assistance.

Alien smuggling has become a serious and growing problem. This measure will provide new authority to the Justice Department to assist them in combating what the U.N. High Commissioner for Refugees has referred to as a "modern day slave trade."

The manufacture and use of fraudulent documents has reached such proportions that one can obtain high quality Social Security cards, driver's licenses, voter registration cards, or whatever, simply by placing a morning order on a Los Angeles street corner and picking up the documents later that day for less than $100. My legislation will increase the penalty for such document fraud. It will also provide new penalties for false statements in documents required by the Immigration Service.

To combat the abuse of our immigration laws by persons who arrive at our ports-of-entry with no documents, or with fraudulent documents, the bill will provide for the expedited exclusion of such aliens. To more effectively remove persons found to be unlawfully in the United States, the bill will streamline our deportation proceedings.

In recent months we have seen the Attorney General's parole authority being used to admit groups of persons for permanent residence in the United States. This is an abuse of the spirit, if not the letter, of the law allowing the Attorney General to parole aliens into the United States in certain circumstances. This bill will limit the use of parole authority to individual cases for humanitarian reasons or significant public benefit, and will require that the number of parolees who remain more than a year must be offset by a reduction in regular immigration.

In recent years many unlawful aliens have discovered the key to extending their stay in the United States. By claiming fear of political persecution at home, they are able to delay their departure for years as they remain here and work while awaiting their hearing. There are over 400,000 persons in the backlog of such asylum claimants. This legislation will make clear that asylum claimants are not necessarily entitled to work authority, and it will provide increased resources for addressing the asylum application backlogs.

The Refugee Act, passed nearly 15 years ago, set the "normal flow" of refugees to be resettled in the United States at 50,000 per year. But the number of refugees resettled here in those 15 years has exceeded that number by hundreds of thousands. Every single year since the Refugee Act passed in 1980 refugee admissions have far exceeded the "normal flow." This legislation will require congressional approval for the admission of more than

50,000 refugees in a fiscal year—except in a refugee emergency.

Thirty years ago, in order to provide a legal status for the hundreds of thousands of Cubans who had fled Cuba after Castro's Communist intentions became clear, Congress passed the Cuban Adjustment Act. This allowed those Cubans who had fled the island in the 1960's to adjust to permanent resident status after 1 year in the United States. The persons for whom this extraordinary legislation was enacted have long since regularized their status in the United States. Yet, the Cuban Adjustment Act remains on the books as an anachronism that is both unfair and unnecessary. While nearly 4 million persons await their immigration visas in our vast immigration backlogs, some for as long as 20 years, any Cuban who gets to the United States, legally or illegally, can get a green card after 1 year. This special treatment is no longer justifiable and is not right. This bill will repeal the Cuban Adjustment Act.

It has been the tradition of the United States for more than 100 years that newcomers to this country should be self-sufficient. Our laws have long provided that those persons who are "likely at any time to become a public charge" are inadmissible, and that those immigrants who later do become "public charges" are deportable. These provisions have proven to be unenforced, or unenforceable. This legislation will make clear that an American resident or citizen who sponsors his or her relatives will be financially responsible for them until they become citizens. The bill also makes clear that those immigrants who do become "public charges" become deportable. My bill will not deny legal immigrants access to our public welfare system—the safety net will be there—but those immigrants who become dependent upon public assistance will run the risk of deportation. Under this legislation any immigrant who receives public assistance for more than 12 months will be deportable. Illegal immigrants will be denied all public assistance except certain emergency and child health and nutrition benefits.

Finally, this bill will impose a border crossing users fee to help offset the cost of maintaining our border controls. This fee will raise moneys that can be used to improve our border crossing facilities and deter the entry of unlawful aliens.

There will be other comprehensive legislation introduced in the Senate. And I understand the Clinton administration is working on their own legislative package on immigration reform. I intend the legislation I introduced today to be the basis for hearings at which we will consider all other responsible proposals.

The Commission on Immigration Reform has provided us with serious and thoughtful recommendations. Those that were not already in legislation I introduced in the last Congress, I have included in this legislation, such as a new system to verify eligibility to work in the United States. This bill also follows the Commission's recommendation for an enforceable contract of support, signed by the person in this country who sponsors any immigrant relative for immigration to the United States. This will require such a sponsor to reimburse governments which provide the immigrant with welfare or other assistance.

The bill I introduce today focuses on illegal immigration control issues. Our legal immigration program is also in need of thoughtful reform and revision. I am presently drafting the legislation to accomplish these needed reforms. I understand the Commission on Immigration Reform will present us with their recommendations on legal immigration reform in the early spring. I look forward to those.

To be sustainable, immigration must always serve the national interest. We must be able to assure the American people that whatever other goals our immigration policy may further, its overriding goal is to serve the long-term interest of the majority of our citizens.

We have much to do on immigration reform. The election last November demonstrated clearly that the American people wish us to "get on with the job." This bill I introduce today is the first step and other serious steps will soon follow.●

By Mr. SMITH (for himself, Mr. SIMPSON, Mr. D'AMATO, Mr. COCHRAN, Mr. REID, and Mr. GREGG):

S. 270. A bill to provide special procedures for the removal of alien terrorists; to the Committee on the Judiciary.

THE ALIEN TERRORIST REMOVAL ACT OF 1995

Mr. SMITH. Mr. President, we have a major opportunity early in this Congress to enact vitally important legislation to protect our Nation against the scourge of international terrorism. On behalf of myself, the distinguished chairman of the Immigration Subcommittee, Senator SIMPSON, and Senators D'AMATO, COCHRAN, GREGG, and REID, I introduce the Alien Terrorist Removal Act of 1995.

Mr. President, one of this Senator's greatest disappointments about last year's crime bill was that certain members of the conference committee from the House side insisted on stripping from it the Smith-Simpson alien terrorist removal amendment. Apparently at the instigation of a number of aliens' rights organizations, they killed a sorely needed antiterrorism measure that had been proposed by the Reagan Justice Department and actively promoted by the Bush Justice Department. In her letter to the conferees regarding the crime bill, in fact, Clinton administration Attorney General Janet Reno said that our amendment is both constitutional and addresses a problem that needs to be solved.

FBI Director Louis Freeh has now made clear that he shares our disappointment. A December 2, 1994, article in the Los Angeles Times quotes Director Freeh as saying that the Justice Department should make resurrecting the Smith-Simpson amendment one of its highest antiterrorism legislative priorities in the 104th Congress.

Let us explain briefly what our proposal is all about. The Alien Terrorist Removal Act of 1995 would establish a special procedure under which classified information could be used to establish the deportability of alien terrorists. It is designed to safeguard national security interests, while at the same time according appropriate protection to the constitutional due process rights of aliens.

THE PROBLEM ADDRESSED BY THE BILL

Under current law, classified information can be used to establish the excludability of aliens, but not their deportability. Thus, when there is insufficient unclassified information available to establish the deportability of a terrorist alien, the Government faces two equally unacceptable choices.

First, the Justice Department could declassify enough of its evidence against the alien to establish his deportability. Too often, however, that simply cannot be done because the information in question is so sensitive that its disclosure would endanger the lives of human sources or compromise highly sensitive methods of intelligence gathering.

The Government's second, and equally untenable, choice would be simply to let the terrorist alien involved remain here. Unfortunately, that is not just a hypothetical situation. It happens in real cases. Recently, in fact, we understand, it happened in the case of an alien terrorist who is a high-ranking member of a notorious Middle Eastern terrorist organization. Due to the unavailability of the procedure that would be established by our bill, that terrorist had to be allowed to remain at large in the United States.

HOW THE BILL WOULD SOLVE THE PROBLEM

Utilizing the existing definitions of terrorism in the Immigration Act of 1990 and of classified information in the Classified Information Procedures Act, our bill would establish a special alien terrorist removal court made up of sitting U.S. district judges that is modeled on the special court created by the Foreign Intelligence Surveillance Act. The special court procedure established by our bill could only be invoked when the Justice Department certifies under seal that: First, the Attorney General or the Deputy Attorney General has personally approved invoking the special procedure; second, an alien terrorist is physically present in the United States; and third, the removal of the alien in normal public immigration proceedings would pose a risk to the national security because it would disclose classified information.

Under our bill, once the Justice Department made those certifications, a U.S. district judge would determine whether the invocation of the special procedure is justified. In order for the procedure to be invoked, the district judge would have to determine that: First, the alien involved has been correctly identified; second, a public deportation hearing would pose a risk to the lives of human sources or the national security because it would disclose classified information; and third the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm to American citizens.

Our bill provides that if the U.S. district judge makes those determinations, a special removal hearing would be held. The alien would be provided the right to be present at the hearing and to be represented by counsel, at public expense if necessary. The alien also would be given the right to introduce evidence on his or her own behalf and to ask the judge to issue subpoenas for witnesses. For its part, the Justice Department would provide the U.S. district judge with the classified information, in camera and ex parte, to establish the need for the alien terrorist's removal.

Under our legislation, the U.S. district judge then would review the classified information in chambers. Where possible, without compromising the classified evidence, the Federal judge would give the alien an unclassified summary of the evidence and/or the facts established by that evidence. Ultimately, the Federal judge would determine whether, considering the record as a whole, the Justice Department has proven, by clear and convincing evidence, that the alien is a terrorist and should be removed. Finally, under our bill, the alien involved would be given the right to appeal to the U.S. Court of Appeals for the Federal Circuit and to petition for a writ of certiorari from the Supreme Court.

WHY THE BILL IS CONSTITUTIONAL

When the Bush Justice Department was in the process of deciding whether to adopt the Reagan administration proposal that our bill embodies, the Justice Department's Office of Legal Counsel reviewed its constitutionality. As a result of that review, the OLC determined that the proposal is constitutional and the Bush administration subsequently endorsed it. When the Senate considered the Smith-Simpson amendment late in 1993, our colleague, then-Senate Judiciary Committee Chairman JOSEPH BIDEN, agreed. Calling the case for the constitutionality of this proposal irrefutable, Senator BIDEN commented that nothing in the proposal rises to the level of being unconstitutional. Finally, as we have noted, when the Senate adopted our amendment and sought the Clinton Justice Department's comments, the Department wrote to members of the conference committee that it continues to regard our proposal as constitutional.

The constitutionality of our bill would be determined under the test set forth by the Supreme Court in *Mathews* v. *Eldridge*, 424 U.S. at 335. The Court set forth these three factors to inform a court's decision, in a given case, whether due process has been satisfied:

> First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Given the compelling nature of the national security interests at stake in the rare cases in which the need for this special procedure would arise and the protections that are afforded to the alien by our bill, we have no doubt that our proposal is fully constitutional.

Mr. President, I urge the Judiciary Committee to hold prompt hearings on this important measure. I would hope that it can be passed and sent to the President in the early months of this historic 104th Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alien Terrorist Removal Act of 1995.".

SEC. 2. REMOVAL OF ALIEN TERRORISTS.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

"REMOVAL OF ALIEN TERRORISTS

"SEC. 242C. (a) DEFINITIONS.—As used in this section—

"(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

"(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(4) the term 'special court' means the court described in subsection (c) of this section; and

"(5) the term 'special removal hearing' means the hearing described in subsection (e) of this section.

"(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

"(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

"(2) an alien terrorist is physically present in the United States; and

"(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(c) SPECIAL COURT.—

"(1) The Chief Justice of the United States shall publicly designate up to seven judges from up to seven United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

"(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—

"(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified;

"(B) a deportation proceeding described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

"(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

"(e) SPECIAL REMOVAL HEARING.—

"(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (5)(A) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person, then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—

(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) APPEALS.—

"(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte.".

By Mr. McCONNELL:

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

JOINT RESOLUTION TO REPEAL THE 22D AMENDMENT

• Mr. McCONNELL. Mr. President, it is not without a sense of irony that I am introducing legislation today contrary to the spirit of one of the more notable provisions in the renowned Republican Contract With America. This resolution I put forth would repeal the Presidential term limit—the 22d amendment to the Constitution which Republicans hastily, and regrettably, passed nearly 50 years ago.

This is, in my view, the only term limits bill which should pass Congress.

As we all know, the Contract With America, signed by Republican candidates for the House of Representatives last year, included a call for congressional term limits. Term limits are wildly popular in some areas of the country. But term limits also are misguided, undemocratic and a particularly bad idea for some sparsely populated States where the clamor for them is greatest.

Fortunately, the contract promised a House vote on term limits, not passage. That vote is a promise the House should keep. And for the Nation's sake, it is my hope that the vote result will be a resounding "no."

The popular sentiment for term limits is the ultimate and, perhaps, inevitable manifestation of public disdain for government. It is what Congress gets for being irresponsible on the fundamentals—principally money matters. People justifiably do not feel they are getting a return on their investment in government. As their elected tax money managers, so to speak, we are in the crosshairs. And they are coming after us with term limits—a very blunt instrument of electoral revenge.

Term limits are the legislative translation of voters leaning out their windows screaming: We're mad as hell and not going to take it anymore.

Fifty years ago, there was such a sentiment, confined primarily to the Republican caucus, contained in the 1940 and 1944 Republican Party platforms, and directed at the architect of the New Deal—President Franklin Delano Roosevelt. In 1947, a Republican congressional majority, fresh from a virtual political exile, passed the 22d amendment to the Constitution to limit Presidents to two terms in office. They were determined that history not repeat itself—there would be no more four-term Roosevelts. They would see to it.

Mr. President, not a single Republican in the House or Senate voted against that term limit amendment in 1947. It was a brash, ill-conceived, hastily executed and strictly partisan response to the unprecedented tenure of President Roosevelt. As constitutional scholars have observed, this was the first constitutional modification that constricted voter suffrage. And Republicans should take heed, for it is we who have been hoisted by their petard. It is poetic justice, in a sense, that Presidents Eisenhower and Reagan are the only ones, thus far, who have been constrained by the 22d amendment.

The Presidential term limit does not, as some have contended, argue for congressional term limits. The 22d amendment was a mistake, Mr. President, and that is why I am introducing today a Senate Joint Resolution to repeal it. It would be fitting, and in the national interest, for the Republican majority of 1995 to rectify a mistake made by the Republican majority of 1947. Democrats hesitant to change that which has been the status quo for half a century may want to review President Harry S. Truman's words in favor of repeal:

> What have you done? You have taken a man and put him in the hardest job in the world, and sent him out to fight our battles in a life and death struggle. And you have sent him out to fight with one hand tied behind his back, because everyone knows he cannot run for reelection.
>
> He is still the President of the whole country, and all of us are dependent upon him to do his job. If he is not a good president, and you do not want to keep him, you do not have to reelect him.

Mr. President, it is that simple. The vote gives voters the power to limit terms. Term limits, Presidential and congressional, are unnecessary and unwise.•

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. KYL], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 92

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.

S. 94

At the request of Mr. COVERDELL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 94, a bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 191

At the request of Mrs. HUTCHISON, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. KYL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 191, a bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes.

S. 205

At the request of Mrs. BOXER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 17, a joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*.

AMENDMENT NO. 178

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of amendment No. 178 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 178 proposed to S. 1, supra.

SENATE RESOLUTION 69—CONDEMNING TERRORIST ATTACKS IN ISRAEL

Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. PELL, Mr. D'AMATO, Mr. PACKWOOD, Mrs. BOXER, Mr. ROBB, Mr. FORD, Mrs. FEINSTEIN, Mr. WELLSTONE, Mr. SPECTER, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. COHEN, and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 69

Whereas on January 22, 1995 a brutal and cowardly terrorist attack near Netanya, Israel killed 19 Israelis and wounded dozens more;

Whereas the terrorist group "Islamic Jihad" claimed credit for the January 22, 1955 attack in a statement issued in Damascus, Syria;

Whereas on December 25, 1994, a "Hamas" terrorist attack in Jerusalem wounded 13 civilians, including 1 American citizen;

Whereas on October 19, 1994, a Hamas terrorist attack in Tel Aviv killed 22 Israelis and wounded 48 more;

Whereas 110 Israeli citizens have been killed and hundreds more have been wounded in terrorist attacks since the Declaration of Principles was signed on September 13, 1993;

Whereas the Declaration of Principles obligates the Palestinian Authority to publicly condemn terrorist attacks, and to bring to justice perpetrators of such acts in territories under their control;

Whereas no perpetrators of these terrorist attacks have been brought to justice for their acts of violence by the Palestinian Authority;

Whereas the governments of Syria and Iran continue to provide safe haven and support for terrorist groups, including Islamic Jihad and Hamas, among others;

Whereas continued acts of terrorism threaten the peace process in the Middle East;

Therefore, be it *resolved* by the Senate that—

(1) The terrorist attacks in Israel are condemned in the strongest possible terms;

(2) Condolences are extended to the families of all those killed, and hopes are expressed for the rapid and complete recovery of all wounded in the January 22, 1995 attack;

(3) Chairman Arafat should, consistent with the obligations of the Declaration of Principles, publicly and forcefully condemn acts of terror against Israelis, take immediate steps to bring to justice those responsible for such acts, and implement steps to prevent future acts of terrorism in all territory under his control;

(4) President Assad should immediately end all support for terrorist groups, including safe haven, material and financial support, in all territory under his control;

(5) The administration should undertake strong efforts to end the safe haven, training, and financial and other support granted terrorists by Iran, Syria and other states.

Mr. DOLE. Mr. President, I rise in support of this resolution condemning the brutal terrorist attack in Israel. Any peace process must show benefits if it is to work. Unfortunately, average Israelis are seeing increased terrorism and increased insecurity as extremists seek to use violence to derail peace. If the Israeli population concludes that the peace process is not in their interest, the process will halt.

Since September 13, 1993, when the Declaration of Principles was signed, 110 Israelis have been killed in acts of terrorism. Hundreds more have been wounded. And despite requirements for the Palestinian authority to bring those responsible for acts of violence to justice, not one terrorist has been convicted and sentenced.

Just as troubling as Chairman Arafat's inaction in the face of terrorism is the continued refusal of Syrian President Assad to crack down on terrorist groups operating from Syria and Syrian-controlled Lebanon. It is a sad fact that the statement claiming credit for last Sunday's barbaric attack was issued by Islamic Jihad from Syria. Syria and Syrian-controlled Lebanon remain the address of choice for many of the most bloodthirsty terrorists in the world.

The peace process in the Middle East is at a crossroads. Israel is divided over the best course to protect its future. We in the United States cannot and should not get involved in the internal Israeli debate. We can and should, however, express our condolences to those murdered, and our hope that those injured recover completely. We should also express our outrage that these acts continue—without adequate responses from Syria or the PLO. I am pleased to be joined by my colleagues in passing this expression of the Senate's views. I ask unanimous consent that a list of Israelis killed in terrorist attacks since September 13, 1993, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Israeli deaths from terrorism since September 13, 1993

Deaths since September 13, 1993 (as of Jan. 24, 1995)	110
Civilian deaths	70
IDF deaths	40
1995 Deaths (as of Jan. 23)	20
Civilian	2
IDF deaths	18
1994 Deaths	70
Civilian	35
IDF deaths	35
Deaths between Sept. 13 and Dec. 31, 1993	20
Civilian	15
IDF deaths	5
Deaths Since May 4, 1994	64
Civilian	32
IDF deaths	32
Deaths between Jan. 1 and May 4, 1994	26
Civilian	23
IDF deaths	3
Deaths between Sept. 13 and Dec. 31, 1993	20
Civilian	15
IDF deaths	5
Deaths between Sept. 13, 1993 and May 4, 1994	46
Civilian	38
IDF deaths	8

Mr. PELL. Mr. President, I watched with utter revulsion and horror the news accounts of the terrorist attack in Netanya, Israel. The casualties now stand at 19 dead and more than 60 injured, all apparently at the hands of the radical Islamic Jihad organization.

Once again, Israelis are reminded of the human costs of pursuing peace with the Palestinians. Once again, the Islamic radicals have demonstrated their capacity to seize the initiative with their craven acts of terror. Once again, Israel is forced to seal off the territories and reexamine its willingness to participate in the Palestinian experiment with self-rule. And once again, in a perverse twist of logic, the enemies of peace become the beneficiaries of a horrible tragedy.

The Israeli Government, to its enormous credit, has concluded that it will not allow the terrorists to dictate Israel's decision to implement its peace agreement with the Palestinians. Prime Minister Rabin has, in my opinion, made the right and courageous decision to stand by his pledge.

What concerns me most, Mr. President, and what I wish to highlight today, is the price to be paid for that decision. All of us who follow events in Israel know that Prime Minister Rabin has a limited mandate to reach peace with the Palestinians and Israel's other neighbors. With each act of terror, with each addition to the list of casualties, the Prime Minister's political standing, and his ability to take risks for peace, are eroded.

Even more important, there is a real danger that the Israeli public will change its fundamental view of the peace process. In Israeli minds, last year's moving images of White House signing ceremonies and hopeful talk of peace and understanding have been replaced by the bloody carnage of the bombing site and the mournful cries of the victims' families.

Although opposition to the peace process—even violent opposition—is to be expected, my fear is that is that we are fast approaching a point of no return, a point where Israeli government calls to continue the peace talks will fall on deaf ears. In order to maintain their support for the peace process, Israelis have to know that they will be secure, and that the Palestinians are making a good faith effort to ensure that is the case. Otherwise the Israeli public will see no reason to make other difficult concessions for peace.

If the Palestinians do not take dramatic steps to reign in Hamas and the Islamic Jihad, then the simple fact is that more terrorist acts will occur. At some point in the not too distant future, Israelis—and even the Israeli government—could decide that adherence to the process is no longer worth the effort. It is up to all interested parties—the Israelis, the United States, the Syrians who provide support and safe haven to the terrorists, and, more to the point, to the Palestinians themselves, to see that does not happen.

Mr. President, I am pleased to cosponsor a resolution condemning the acts of terrorism, which will be offered shortly by Senators DOLE, DASCHLE, and others.

SENATE RESOLUTION 70—ELECTING CHAPLAIN OF THE U.S. SENATE

Mr. KEMPTHRONE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 70

Resolved, That Doctor Lloyd John Ogilvie, of California, be, and he is hereby, elected Chaplain of the Senate as of March 11, 1995.

SENATE RESOLUTION 71—RELATING TO THE DESIGNATION OF COMMITTEE CHAIRMEN FOR THE 104TH CONGRESS

Mr. KEMPTHRONE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 71

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen: Committee on the Budget: Mr. Domenici, Chairman; Committee on Veterans' Affairs: Mr. Simpson, Chairman; Committee on Indian Affairs: Mr. McCain, Chairman; Select Committee on Intelligence: Mr Specter, Chairman.

AMENDMENTS SUBMITTED

UNFUNDED MANDATE REFORM ACT OF 1995

BYRD AMENDMENT NO. 200

Mr. BYRD proposed an amendment to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes; as follows:

On page 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

"(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

"(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress.

BOXER AMENDMENTS NOS. 201–202

Mrs. BOXER proposed two amendments to the bill, S. 1, supra, as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike "or" after the semicolon.

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following:

"(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly."

BOXER (AND DODD) AMENDMENT NO. 203

Mrs. BOXER (for herself and Mr. DODD) proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, line 5, strike "or".

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following new paragraph:

"(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.".

WELLSTONE AMENDMENTS NOS. 204–205

Mr. WELLSTONE proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 204

Insert at the appropriate place the following:

"( ) The term 'direct savings'—

"( ) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs or burdens to any State, local government, or tribal government as a result of compliance with the federal intergovernmental mandate;

"( ) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs or burdens to the private sector as a result of compliance with the Federal private sector mandate;

"( ) shall be interpreted no less broadly than the terms 'Federal mandate direct costs' and 'direct costs.'"

AMENDMENT NO. 205

Insert at the appropriate place, the following:

"( ) Notwithstanding any other provision of this Act, no point of order under paragraph (1)(A) of Section 408(c) shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director reasonably to carry out the Director's responsibilities under this Act."

FORD AMENDMENT NO. 206

Mr. FORD proposed an amendment to the bill, S. 1, supra; as follows:

On page 26, strike beginning with line 11 through line 8 on page 27.

GRASSLEY AMENDMENTS NOS. 207–208

Mr. GRASSLEY proposed two amendments to the bill, S. 1, supra; as follows:

AMENDMENT NO. 207

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—Not later than January 1, 1998, the Director shall submit a report to the Congress including—

(1) an estimate of the costs of regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall provide to the Director of the Congressional Budget Office data and cost estimates for regulations implementing each Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

AMENDMENT NO. 208

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 as amended by inserting "408(c)(1)(A)," after "313,".

KEMPTHORNE AMENDMENTS NOS. 209–210

Mr. KEMPTHORNE proposed two amendments to the bill S. 1, supra; as follows:

AMENDMENT NO. 209

On page 26, after line 5, insert the following new subsection:

"( ) LIMITATION ON APPLICATION.—This section shall not apply to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute if adoption of the bill, joint resolution, amendment, motion, or conference report—

"(1) would not result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates; and

"(2)(A) would not result in a net reduction or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use to comply with any Federal intergovernmental mandate; or

"(B) in the case of any net reduction or elimination of authorizations of appropriations for such Federal financial assistance that would result from such enactment, would reduce the duties imposed by the Federal intergovernmental mandate by as corresponding amount."

AMENDMENT NO. 210

Strike out all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(f) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

"(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(C) If the Director determines that it is not required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

"(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

"(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year;

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

"(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

"(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

"(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

"(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

"(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

"(e) EXCLUSIONS.—This section shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

"(1) enforces constitutional rights of individuals;

"(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

"(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

"(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

"(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

"(6) the President designates as emergency legislation and that the Congress so designates in statute.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon State, local, or tribal governments, except—

"(I) a condition of Federal assistance; or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

"(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

"(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

"(4) The terms 'Federal mandate direct costs' and 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

"(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall not include—

"(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

"(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

"(5) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

"(6) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

"(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United States Code.

"(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

"(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform.".

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation introduced on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) In General.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) Program Focus.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) Considerations.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) In General.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) Criteria.—

(1) In general.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) Issuance of proposed criteria.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) Final criteria.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) Preliminary Report.—

(1) In general.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) Public hearings.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) Final Report.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) Experts and Consultants.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) Detail of Staff of Federal Agencies.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) Contract Authority.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) In General.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) Rule of Construction.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

DOLE AMENDMENT NO. 211

Mr. KEMPTHORNE (for Mr. Dole) proposed an amendment to the bill S. 1, supra; as follows:

Strike out all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(f) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

"(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(C) If the Director determines that it is not required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

"(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

"(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year;

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

"(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

"(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

"(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

"(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

"(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

"(e) EXCLUSIONS.—This section shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

"(1) enforces constitutional rights of individuals;

"(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

"(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

"(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

"(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

"(6) the President designates as emergency legislation and that the Congress so designates in statute.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon State, local, or tribal governments, except—

"(I) a condition of Federal assistance; or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

"(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

"(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

"(4) The terms 'Federal mandate direct costs' and 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

"(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall not include—

"(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

"(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

"(5) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

"(6) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

"(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.

"(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

"(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform.".

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price

Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

GLENN AMENDMENT NO. 212

Mr. GLENN proposed an amendment to the bill, S. 1, supra; as follows:

On page 5, line 19, strike "impose" and insert "establish".

On page 7, line 11, strike "impose" and insert "established".

On page 8, line 5, before "amounts" insert "new or additional".

On page 8, line 15, before "amounts" insert "new or additional".

On page 9, line 7, strike "or".

On page 9, between lines 7 and 8, insert the following:

"(II) to comply with or carry out the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized reenacted replaced or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as though such terms and requirements were retained and extended without change; or.

On page 9, line 8, strike "(II)" and insert "(III)".

On page 9, line 22, strike "or".

On page 10, line 4, strike "and" and insert "or".

On page 10, between lines 4 and 5, insert the following:

"(III) any reduction in the duties or responsibilities of States, local governments, and tribal governments or the private sector from levels that would be required under the terms and requirements of any Federal law or regulation (whether expired or still in effect) that is to be reauthorized, reenacted, replaced, or revised by the same bill or joint resolution or proposed or final Federal regulation containing the relevant mandate, calculated as through such terms and requirements were retained and extended without change; and

On page 10, between lines 14 and 15, insert the following:

"For purposes of determining amounts not included in direct costs pursuant to subparagraph (C)(i) and amounts of direct savings pursuant to subparagraph (C)(ii), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced before January 1, 1996, or by Federal regulations adopted before such date shall be calculated without regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements. Notwithstanding the provisions of subparagraphs (C)(i)(II) and (C)(ii)(III), the amounts that would be needed to comply with or carry out the terms and requirements established by Federal legislation introduced on or after January 1, 1996, or by Federal regulations adopted on or after such date shall be calculated with regard to any sunset, expiration, or need for reauthorization applicable to such terms and requirements.

BYRD AMENDMENT NO. 213

Mr. BYRD proposed an amendment to the bill, S. 1, supra; as follows:

On page 23, line 17, strike "(IV)(aa);" and insert "(III)(aa); and".

On page 23, strike line 18 through line 6 on page 25 and insert the following:

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress; and

"(cc) provides that such mandate shall be ineffective until such time as Congress has completed action on the recommendations of the responsible Federal agency.

D'AMATO (AND SARBANES) AMENDMENT NO. 214

Mr. SARBANES (for Mr. D'AMATO, for himself and Mr. SARBANES) proposed an amendment to the bill, S. 1, supra; as follows:

On page 12, line 3, strike the period after "Code" and insert ", or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.".

GRAMM AMENDMENT NO. 215

Mr. GRAMM proposed an amendment to the bill, S. 1, supra; as follows:

"(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form."

GRAMM AMENDMENT NO. 216

Mr. GRAMM proposed an amendment to the bill, S. 1, supra; as follows:

On page 26, line 6, redesignate subsection (b) as subsection (c), and insert the following:

(b) WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting "408(c)," after "313,".

BYRD AMENDMENT NO. 217

Mr. BYRD proposed an amendment to the bill, S. 1, supra; as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

"(I) a condition of Federal assistance;

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty that establishes or enforces any statutory right of employees in both the public and private sectors with respect to their employment; or

LEVIN AMENDMENT NO. 218

Mr. LEVIN proposed an amendment to the bill, S. 1, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Mandate Accountability and Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate before the Senate votes on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instances;

(5) to establish a point-of-order vote on the consideration in the Senate of legislation containing significant Federal mandates; and

(6) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL INTERGOVERNMENTAL MANDATE.—The term "Federal intergovernmental mandate" means—

(A) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that—

(i) would impose a duty upon States, local governments, or tribal governments that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty; or

(B) any provision in a bill or joint resolution before Congress or in a proposed or final Federal regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority (as defined in section 3(9) of the Congressional Budget Act of 1974 (2 U.S.C. 622(9))), if—

(i)(I) the bill or joint resolution or regulation would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the bill or joint resolution or regulation.

(2) FEDERAL PRIVATE SECTOR MANDATE.—The term "Federal private sector mandate" means any provision in a bill or joint resolution before Congress that—

(A) would impose a duty upon the private sector that is enforceable by administrative, civil, or criminal penalty or by injunction (other than a condition of Federal assistance or a duty arising from participation in a voluntary Federal program); or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of complying with any such duty.

(3) FEDERAL MANDATE.—The term "Federal mandate" means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

(4) DIRECT COSTS.—

(A) FOR A FEDERAL INTERGOVERNMENTAL MANDATE.—In the case of a Federal intergovernmental mandate, the term "direct costs" means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate, or, in the case of a bill or joint resolution referred to in paragraph (1)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) FOR A FEDERAL PRIVATE SECTOR MANDATE.—In the case of a Federal private sector mandate, the term "direct costs" means the aggregate amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate.

(C) NOT INCLUDED.—The term "direct costs" does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations adopted before the adoption of the Federal mandate; or

(II) to continue to carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities established at the time of adoption of the Federal mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) ASSUMPTION.—Direct costs shall be determined on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations.

(5) AMOUNT OF AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL FINANCIAL ASSISTANCE.—The term "amount" with respect to an authorization of appropriations for Federal financial assistance means—

(A) the amount of budget authority (as defined in section 3(2)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A))) of any Federal grant assistance; and

(B) the subsidy amount (as defined as "cost" in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(a))) of any Federal program providing loan guarantees or direct loans.

(6) PRIVATE SECTOR.—The term "private sector" means all persons or entities in the United States, except for State, local or tribal governments, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

(7) OTHER DEFINITIONS.—

(A) AGENCY.—The term "agency" has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(B) DIRECTOR.—The term "Director" means the Director of the Congressional Budget Office.

(C) LOCAL GOVERNMENT.—The term "local government" has the same meaning as in section 6501(6) of title 31, United States Code.

(D) REGULATION OR RULE.—The term "regulation" or "rule" has the meaning of "rule" as defined in section 601(2) of title 5, United States Code.

(E) SMALL GOVERNMENT.—The term "small government" means any small governmental jurisdiction as defined in section 601(5) of title 5, United States Code, and any tribal government.

(F) STATE.—The term "State" has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, age, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of any of them;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as he may reasonably request to assist him in performing his responsibilities under this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) COMMITTEE REPORT.—

(1) REGARDING FEDERAL MANDATES.—

(A) IN GENERAL.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character that includes any Federal mandate, the committee shall issue a report to accompany the bill or joint resolution containing the information required by subparagraphs (B) and (C).

(B) REPORTS ON FEDERAL MANDATES.—Each report required by subparagraph (A) shall contain—

(i) an identification and description, prepared in consultation with the Director, of any Federal mandates in the bill or joint resolution, including the expected direct costs to States, local governments, and tribal governments, and to the private sector, required to comply with the Federal mandates; and

(ii) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the enhancement of health and safety and the protection of the natural environment).

(C) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required by subparagraph (A) shall also contain—

(i)(I) a statement of the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to the Federal intergovernmental mandates; and

(II) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention;

(ii) any existing sources of Federal assistance in addition to those identified in clause (i) that may assist States, local governments, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(iii) an identification of one or more of the following: reductions in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified clause (i)(I)).

(2) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) IN GENERAL.—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 102(c), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available soon enough to be included in the printed report.

(2) IF NOT INCLUDED.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 102. DUTIES OF THE DIRECTOR.

(a) STUDIES.—

(1) PROPOSED LEGISLATION.—As early as practicable in each new Congress, any committee of the House of Representatives or the Senate which anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on States, local governments, or tribal governments, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall request that the Director initiate a study of the proposed legislation in order to develop information that may be useful in analyzing the costs of any Federal mandates that may be included in the proposed legislation.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Director shall—

(A) solicit and consider information or comments from elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and such other persons as may provide helpful information or comments;

(B) consider establishing advisory panels of elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and other persons if the Director determines, in the Director's discretion, that such advisory panels would be helpful in performing the Director's responsibilities under this section; and

(C) consult with the relevant committees of the House of Representatives and of the Senate.

(b) CONSULTATION.—The Director shall, at the request of any committee of the House of Representatives or of the Senate, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(1) a significant budgetary impact on State, local, or tribal governments; or

(2) a significant financial impact on the private sector.

(c) STATEMENTS ON NONAPPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will not equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(ii) ESTIMATES.—The estimate required by clause (i) shall include—

(I) estimates (and brief explanations of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates;

(II) estimates, if and to the extent that the Director determines that accurate estimates are reasonably feasible, of—

(aa) direct costs of Federal intergovernmental mandates up to 10 years beyond the effective date to the extent that they significantly differ from the 5-year time period referred to in clause (i); and

(bb) any disproportionate budgetary effects of Federal intergovernmental mandates and of any Federal financial assistance in the bill or joint resolution upon any particular regions of the country or particular States, local governments, tribal governments, or urban or rural or other types of communities; and

(III) any amounts appropriated in the prior fiscal year to fund the activities subject to the Federal intergovernmental mandate.

(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or of the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) DIRECT COSTS AT OR BELOW THRESHOLD.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will not equal or exceed $200,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(B) DIRECT COSTS ABOVE THRESHOLD.—

(i) IN GENERAL.—If the Director estimates that the direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state and shall briefly explain the basis of the estimate.

(ii) ESTIMATES.—Estimates required by this subparagraph shall include—

(I) estimates (and a brief explanation of the basis of the estimates) of—

(aa) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(bb) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by the private sector for activities subject to the Federal private sector mandates;

(II) estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

(aa) costs of Federal private sector mandates up to 10 years beyond the effective day to the extent that they differ significantly from the 5-year time period referred to in clause (i);

(bb) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(cc) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services; and

(III) any amounts appropriated in the prior fiscal year to fund activities subject to the Federal private sector mandate.

(C) FAILURE TO MAKE ESTIMATE.—If the Director determines that it is not reasonably feasible for him to make a reasonable estimate that would be required by this section with respect to Federal intergovernmental or private sector mandates, the Director shall not make the estimate, but shall report in his statement that the reasonable estimate cannot be reasonably made and shall include the reasons for that determination in the statement.

(3) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If the Director has prepared a statement that includes the determination described in paragraph (1)(B)(i) for a bill or joint resolution, and if that bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the language of a bill or joint resolution from the other House) or is reported by a committee of conference in an amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director prepare a supplemental statement for the bill or joint resolution. The requirements of section 103 shall not apply to the publication of any supplemental statement prepared under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Congressional Budget Office to carry out the provisions of this Act $4,500,000, for each of the fiscal years 1995, 1996, 1997, and 1998.

(e) TECHNICAL AMENDMENT.—Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)";

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 103. POINT OF ORDER IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill or joint resolution that is reported by any committee of authorization of the Senate unless, based upon a ruling of the presiding Officer—

(1) the committee has published a statement of the Director in accordance with section 101(c) prior to such consideration; and

(2) in the case of a bill or joint resolution containing Federal intergovernmental mandates, either—

(A) the direct costs of all Federal intergovernmental mandates in the bill or joint resolution are estimated not to equal or exceed $50,000,000 (adjusted by the Director annually for inflation using the Consumer Price Index to the nearest $10,000,000) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, or

(B)(i) the amount of the increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates is at least equal to the estimated amount of direct costs of the Federal intergovernmental mandates; and

(ii) the committee of jurisdiction has identified in the bill or joint resolution one or more of the following: a reduction in authorization of existing appropriations, a reduction in direct spending, or an increase in receipts (consistent with the amount identified in clause (i)).

(b) WAIVER.—The point of order under subsection (a) may be waived in the Senate by a majority vote of the Members voting (provided that a quorum is present) or by the unanimous consent of the Senate.

(c) AMENDMENT TO RAISE AUTHORIZATION LEVEL.—Notwithstanding the terms of subsection (a), it shall not be out of order pursuant to this section to consider a bill or joint resolution to which an amendment is proposed and agreed to that would raise the amount of authorization of appropriations to a level sufficient to satisfy the requirements of subsection (a)(2)(B)(i) and that would amend an identification referred to in subsection (a)(2)(B)(ii) to satisfy the requirements of that subsection, nor shall it be out of order to consider such an amendment.

SEC. 104. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, and 105 are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 105. EFFECTIVE DATE.

This title shall apply to bills and joint resolutions reported by committee on or after January 1, 1996.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, assess the effects of Federal regulations on States, local governments, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL GOVERNMENT, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (including their designated representatives) and other representatives of States, local governments, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) IN GENERAL.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input pursuant to subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION.—There are hereby authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandates that may result in the expenditure by States, local governments, or tribal governments, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to States, local governments, and tribal governments of complying with the Federal intergovernmental mandates, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of Federal intergovernmental mandates; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandates upon any particular regions of the country or particular States, local governments, tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandates (such as the enhancement of health and safety and the protection of the natural environment); and

(4)(A) a description of the extent of any input to the agency from elected representatives (including their designated representatives) of the affected States, local governments, and tribal governments and of other affected parties;

(B) a summary of the comments and concerns that were presented by States, local governments, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required by subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall collect from agencies the statements prepared under section 202 and periodically forward copies of them to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

TITLE III—BASELINE STUDY

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations, in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to States, local governments, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to States, local governments and tribal governments.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Advisory Commission on Intergovernmental Relations to carry out the purposes of this title, and for no other purpose, $1,000,000 for each of the fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW; SUNSET

SEC. 401. JUDICIAL REVIEW.

Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review. The provisions of this Act shall not create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination under this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

SEC. 402. SUNSET.

This Act shall expire December 31, 1998.

LEVIN AMENDMENT NO. 219

Mr. LEVIN proposed an amendment to the bill, S. 1, supra; as follows:

On page 18, line 25, insert before "and" the following: "but no more than ten years beyond the effective date of the mandate".

BROWN AMENDMENT NO. 220

Mr. BROWN proposed an amendment to the bill, S. 1, supra; as follows:

On page 13, insert between lines 13 and 14 the following new section:

SEC. 6. REVIEW OF IMPLEMENTATION.

It is the sense of the Senate that before the adjournment of the 106th Congress, the appropriate committees of the Senate should review the implementation of the provisions of this Act with respect to the conduct of the business of the Senate and report thereon to the Senate.

BROWN (AND HATCH) AMENDMENT NO. 221

Mr. BROWN (for himself and Mr. HATCH) proposed an amendment to the bill, S. 1, supra; as follows:

Strike title IV of the bill and insert the following:

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under titles I or III of this Act, and any compliance or noncompliance with the provisions of titles I or III of this Act, and any determination concerning the applicability of the provisions of titles I or III of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of titles I or III of this Act or amendment made by titles I or III of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of titles I or III of this Act or amendments made by titles I or III of this Act shall be considered by any court in determining the intent of Congress.

ROTH AMENDMENT NO. 222

Mr. ROTH proposed an amendment to the bill, S. 1, supra; as follows:

On page 33, strike all on lines 10 through 12, and insert the following:

This title shall take effect on January 1, 1996, and shall apply to—

(1) bills and joint resolutions reported, and to amendments and motions offered, on and after such date, and

(2) conference reports on such legislation.

NOTICE OF MEETING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Tuesday, January 31, 1995, at 9:30 a.m., to receive testimony on S. 91 and S. 218.

For further information concerning this business meeting, please contact Mark C. Mackie of the Rules Committee staff on 224–3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, January 24, 1995, at 9:30 a.m. in open session to discuss the requirements for ballistic missile defenses.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, January 24, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the methods of estimating the impact of Federal fiscal policies on Federal revenues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 24, 1995, at 10 a.m. to hold a hearing on the North Korea Nuclear Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the National Endowment for the Arts, during the session of the Senate on Tuesday, January 24, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, January 24, 1995, at 9 a.m., in Senate Dirksen Room 226, on The Line-Item Veto: A Constitutional Approach.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RULES OF THE APPROPRIATIONS COMMITTEE

• Mr. HATFIELD. Mr. President, pursuant to rule XXVI(2) of the Standing Rules of the Senate, I ask that the rules of the Appropriations Committee for the 104th Congress be printed in the CONGRESSIONAL RECORD. These rules were adopted by the full committee membership on January 11, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES[1]

I. Meetings:

The Committee will meet at the call of the Chairman.

II. Quorums:

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by

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[1] Adopted pursuant to Rule XXVI, paragraph 2, of the "Standing Rules of the Senate."

the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.●

COMMENDING THE JEWISH FEDERATION OF GREATER BRIDGEPORT

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Jewish Federation of Greater Bridgeport for their extraordinary efforts to provide for the Jewish population in the State of Connecticut.

For nearly 55 years, the Jewish Federation of Greater Bridgeport has served and represented Jews in need in its service cities and towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull by providing health, social, and educational opportunities to their citizens through agencies such as the Greater Bridgeport Jewish Community Center, the Jewish Home for the Elderly, Jewish Family Service, and Hillel Academy and Merkaz Community Hebrew High School.

The Jewish Federation of Greater Bridgeport, through the continuing national work of the United Jewish Appeal, has aided both with social and humanitarian services countless hundreds of thousands of Jews in Israel and in 40 countries the world over.

The tide of peace in 1994 has rolled in and washed over the nations and peoples of the Middle East as never before, witnessed by the signing of a treaty ensuring peaceful cohabitation in the region between the people of Jordan and Israel, limited self-rule of the Palestine Liberation Organization in Jericho and the Gaza Strip, and the final emigration of Jews from Syria while talks continue between those two nations toward a comprehensive peace.

The annual combined super Sunday telethon campaign of the Jewish Federation of Greater Bridgeport, and the United Jewish Appeal will take place on Sunday, February 5, 1995, in order to raise vitally needed funds to continue providing these worthwhile services here at home, in Israel, and around the world.●

MR. EDELMAN'S QUALIFICATIONS

● Mr. SIMON. Mr. President, I read George Will's column attacking Peter Edelman. It was a column written by someone who, obviously, has not had a chance to get acquainted with Peter Edelman. Knowing both George Will and Peter Edelman, my instinct is that if the two of them got acquainted, George Will would be one of his enthusiastic supporters, or at least a supporter.

John Douglas, who headed the Civil Division of the Justice Department under Robert Kennedy, is the son of our former colleague Senator Paul Douglas. Paul Douglas was one of the finest people who ever served in the U.S. Senate, and John is cut from the same cloth.

I believe my colleagues would be interested in his letter to the editor, which appeared in the Washington Post.

I join in the sentiment it expresses.

I've known Peter Edelman for a number of years, and I've always regarded him as a solid, substantial, well-balanced person, who would be a great judge.

I ask to insert the John Douglas letter into the RECORD at this point.

The letter follows:

MR. EDELMAN'S QUALIFICATIONS

(By John W. Douglas)

I write in response to George Will's attack on Peter Edelman's qualifications to be a judge on the U.S. Court of Appeals here, an attack centering on a law review article he wrote some years ago on the 14th Amendment [op-ed, Dec. 18].

I have known Mr. Edelman for more than 30 years and have the highest opinion of his character and competence. He worked as my special assistant in 1963 and 1964 when I was an assistant attorney general in charge of the Justice Department's Civil Division. He performed in outstanding fashion in a variety of matters, including litigation for which he was directly responsible, handling his work with skill, excellent judgment and high standards.

He has earned equally high marks for his subsequent work as an assistant to Sen. Robert Kennedy, a vice president of the University of Massachusetts and a law professor at Georgetown. This long record of distinguished and principled service commends him strongly for nomination to the federal judiciary.

Thus, it would be a shame if his critics' attacks on his article's treatment of theoretical constitutional issues were allowed to preclude his nomination. I am confident that at a confirmation hearing Mr. Edelman would be able to convince the committee that, if confirmed, he would faithfully follow the law, as is required of all federal judges, and that he fully understands that neither the due-process clause nor any other constitutional provision guarantees subsistence, or any level of subsistence, to its citizens; consequently, these are matters for the political branches, particularly the legislatures, to deal with and decide.

In any event, this particular question should not be decided in advance of a hearing and in a vacuum without giving due weight to Mr. Edelman's impressive record.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that during the past week, 17 people were killed with firearms in New York City, bringing this year's total to 44.

I should point out to my colleagues that the average age of those murdered with firearms in New York City so far this year is approximately 25. Some have been as young as 16 years old. Consistently, those between the ages 15–24 comprise the largest percentage of those murdered with firearms, according to mortality statistics compiled by the Centers for Disease Control and Prevention. In 1993, according to the F.B.I.'s Uniform Crime Report, 6,244 of the 16,189 people murdered with firearms were between the ages of 15–24. That is nearly 40 percent. A similar percentage of murder offenders in 1993 were between the ages of 15–24. These are, in many cases, children killing children.

Mr. President, as I have often reminded the Senate, we must begin to recognize the epidemic nature of gun violence in America. Homicide is the second leading cause of death among our youth and the leading cause of death among our black youth. A disproportionate number of these murders are carried out with firearms.●

TRIBUTE TO JONATHAN H. WOODWARD

● Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's most devoted civic servants, Mr. Jonathan H. Woodward. Mr. Woodward was educated in private schools from the 1st grade. After attending St. Paul's School in New Hampshire, Mr. Woodward studied at Harvard College. There he excelled both in the classroom and on the baseball field. Following his graduation Mr. Woodward joined the Army Air Force and served under a wide variety of different posts until the end of the war in 1945.

Following his service in the military, Mr. Woodward went to work at, and ultimately purchased, the J.M. Layton Company. Indeed, his business sense would propel Mr. Woodward to such positions as director of the Merchant's Bank and Trust Company, South Norwalk Savings/Gateway Bank, Greater Norwalk Chamber of Commerce, Connecticut Public Expenditure Council, and Maritime Center at Norwalk. As stated by his son David, Mr. Woodward, "Believed that in hiring good people and having them serve the clientele to the best of their ability both the firm and the individuals would prosper."

In 1953, Mr. Woodward was elected to Norwalk Hospital's Board of Trustees. He would later be elected and serve as the hospital's president from 1966 to 1970. His involvement in the development of this hospital was capped by his efforts to raise nearly $20 million to expand the facility in 1991. Through this astounding effort, the Norwalk hospital has been able to greatly increase its service to the state of Connecticut.

Counterbalanced by his strong business prowess, was his undeniable desire to serve the public good. "He was a towering figure in the city both psychically and civically . . . he was very proud of his heritage and equally interested in the good of all citizens in the city." Through this desire to serve the populace, Mr. Woodward became the director of such charitable institutions as the Norwalk YMCA, Norwalk Community-Technical College Foundation, and United Way of Norwalk.

John Woodward lived a life that should be an example to all of us. He loved and provided for his family while at the same time excelling both in the workplace and in his service to the environment. He will forever be remembered as a man who touched many and helped countless others. The state of Connecticut has much to remember him by. We are grateful for his good work and for his dedication to the people of our fine state.•

ORDERS FOR THIS EVENING AND TOMORROW

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 8:35 p.m. tonight, and that upon reconvening at 8:35, the Senate assemble as a body and proceed to the House of Representatives for the purpose of receiving such communication as the President wishes to make during the joint session; that at the close of the joint session, the Senate then stand in recess until the hour of 9:30 a.m., on Wednesday, January 25; that on Wednesday following the prayer, the Journal of proceedings be approved to date and the time for two leaders be reserved; that there then be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with the time between 9:30 and 10:30 under the control of Senator CRAIG or his designee; I further ask that at the hour of 10:30, the Senate resume consideration of S. 1, the unfunded mandates bill.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of title 20, United States Code, sections 42 and 43, reappoints the Senator from New York [Mr. MOYNIHAN] to the Board of Regents of the Smithsonian Institution.

RECESS

Mr. KEMPTHORNE. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 8:35 p.m. this evening.

There being no objection, the Senate, at 7:06 p.m., recessed until 8:34 p.m.; whereupon, the Senate reassembled when called to order by the PRESIDENT pro tempore.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon, at 8:34 p.m., the Senate, preceded by the Secretary of the Senate, Sheila P. Burke; the Deputy Sergeant at Arms, Joyce A. McCluney; and the President of the Senate (Vice President AL GORE), proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL TOMORROW AT 9:30 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:41 p.m. the Senate recessed until Wednesday, January 25, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 24, 1995:

THE JUDICIARY

MAXINE M. CHESNEY, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE JOHN P. VUKASIN, JR., DECEASED.

KAREN NELSON MOORE, OF OHIO, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ROBERT B. KRUPANSKY, RETIRED.

SECURITIES INVESTOR PROTECTION CORPORATION

MARIANNE C. SPRAGGINS, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1997, VICE THOMAS J. HEALEY, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, January 24, 1995*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 24, 1995.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. VISCLOSKY] for 5 minutes.

IN SUPPORT OF A BALANCED BUDGET AMENDMENT

Mr. VISCLOSKY. Mr. Speaker, I do not believe that the President and the Congress will find the collective courage necessary to balance the budget without a constitutional imperative. I, therefore, rise today in support of the Stenholm-Schaefer balanced budget amendment to the U.S. Constitution because I have run out of patience.

America has always been the land of opportunity. The assumption of a better life for each generation was one of the defining characteristics of our Nation. Throughout our history, people just like my grandparents have come here to build a better life for themselves and their children. Each generation's hard work paves the way so those who follow could travel farther down the road of prosperity.

Unfortunately, Mr. Speaker, in recent decades the economic policies of this country have caused us to lose our way. We have borrowed to achieve a false sense of prosperity today, leaving the bills for our children to pay tomorrow.

In 1992, our Government spent $290 billion more than it had. This means that in 1992 alone, $1,150 was borrowed from every single person in America. Over the past 20 years, the average budget deficit has grown from $36 billion in the seventies to $156 billion in the eighties, to the unprecedented $248 billion hole we have dug for ourselves in the 1990's.

This hole, our debt, is a money pit where we throw taxpayers' dollars. In fact, interest payments on the national debt, which is the accumulation of our deficits, now surpass the annual deficit. During the current fiscal year, the projected deficit of $176 billion will be significantly less than the $213 billion we must pay in interest. In other words, we are taking in more than enough money to pay for all the programs and activities of the Federal Government. We just do not have enough money to pay off our previous bills.

Previous budget deficits soak up our private savings and eat away at our economic well-being, resulting in reduced wage rates and fewer jobs, often hitting the highly paid manufacturing sector the hardest.

Economics professor Benjamin Friedman writes:

> At the deepest level, an economic policy that artificially boosts consumption at the expense of investment, dissipates assets, and runs up debt, flies in the face of essential moral values that have always motivated each generation's sense of obligation to those that follow. We are enjoying what appears to be a higher, more stable standard of living by selling our children's economic birthright.

I am absolutely convinced that the best thing we can do for today's men and women and for their children is to begin balancing the budget now. In the past I have steadfastly opposed amending the Constitution for this purpose, because it has always been within our power to balance the budget without a constitutional mandate. However, the trend of increasing budget deficits has demonstrated three administrations' and Congress' lack of resolve to make the tough decisions required to achieve a balanced budget.

The rhetoric I hear today does nothing to convince me that we will change our buy-now-and-pay-later ways. Many talk about balancing the budget, while also calling for increased defense spending and lower taxes. These are the same misguided economic policies that tripled our national debt during the past 12 years. Republican George Bush called it voodoo economics. Sadly, a constitutional amendment may be the only way to force us to reexamine our priorities, to balance the budget, and cease mortgaging our Nation's future.

In 1798 Thomas Jefferson said that if he could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money.

In a 1992 congressional hearing, Lawrence Tribe said:

> The Jeffersonian notion that today's populace should not be able to burden future generations with excessive debt, does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution.

Since I was elected to Congress, we have asked young men and women to give their lives to defend the ideals of our country. Compared to this, I do not believe that asking the people of our Nation to receive just a little bit less of an increase in the Government payments they receive is to great a sacrifice to guarantee the future of our country. The time has come to enshrine the fundamental value of a balanced budget in the Constitution, and to distribute short-term sacrifice fairly and equitably among Americans of all ages.

We must remember, however, that voting for a balanced budget amendment is the easy part. The amendment has overwhelming public support, and simply voting yes puts each of us on the right side of public opinion without having to make the tough choices that will put the budget into balance.

It would be a cruel hoax on the American people to pass a balanced budget amendment without beginning to actually balance the budget now. If we start our work today, the impact will be less painful and our decisions less difficult than if we continue to postpone tough decisions.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Missouri [Ms. MCCARTHY] is recognized during morning business for 1 minute.

Ms. MCCARTHY. Mr. Speaker, on Wednesday we will begin debate on a resolution to add an amendment to the Constitution to require a balanced budget.

The fiscal mismanagement that has existed at the Federal level has compelled this body to seek a constitutional remedy to our exploding debt problem. Over the years, attempts at statutory discipline have failed miserably. The succession of such failed statutory remedies—from Gramm-Rudman-Hollings in 1987 to the Budget Enforcement Act of 1990—litters the legislative landscape and affirms the need for a balanced budget amendment. It appears obvious that we need the discipline of a constitutional amendment to control Federal spending.

However, notwithstanding the need for the procedural discipline that a constitutional amendment will bring, we are fooling ourselves if we think the votes we will cast this week for the balanced budget amendment are the difficult votes. No, the truly tough votes will occur this spring and summer and in subsequent springs and summers when we turn to the budget and appropriations process. At that time we will see whether we are serious about cutting the deficit and whether we will make the sacrifices necessary to end the days of deficit spending.

During the course of last year's campaign I pledged support for the balanced budget amendment; I am committed to keep that promise. However, of equal importance will be my commitment to find ways to cut government spending without transferring that burden to the States or the elderly. Reducing government spending should be the goal of every Member in this body, but that goal has to be reached without shifting the costs to other levels of government or those least able to pay.

THE 84TH CONGRESS, AN AUSPICIOUS MARKER FOR A PROUD DEMOCRATIC LEGACY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. FATTAH] is recognized during morning business for 4 minutes.

Mr. FATTAH. Mr. speaker, I am interested to hear that, from the point of view of some, the past 40 years of Democratic leadership in the Congress has been disastrous. The Democrats have squandered public resources, destroyed national institutions, and in general presided over the complete destruction of that ideal called the American Way of Life.

As I look back on those 40 years, a very different picture unfolds for me as the legacy of the Democratic Party. And since nothing is so liberating or enlightening as a simple statement of the truth, it would be useful for this body in general, and for my Democratic colleagues in particular, to review the historical reality, and from time to time, to remind ourselves what it has meant, and what it still means today, to be the Party of the people.

Let us start with 1955, Mr. Speaker—exactly 40 years ago. That was the 84th Congress, and even then Democrats were pursuing peace among nations, while building the physical, economic, and social infrastructure which this great nation requires to support the lives of its people.

Most significant among all the actions taken during the 84th Congress was the increase in the minimum wage from 75 cents to $1 per hour. It is important to mark that point in history—that in the very beginning of this much maligned 40 year period, the Democratically-controlled Congress took action to improve the lot of the broadest possible base of our society. This was not an action which benefited only a few of the wealthiest individuals—like a capital gains tax. This was an action which benefited the entire Nation, because it lifted the boats stuck at the bottom and set a new and higher minimum standard of living for all Americans. Far from destroying the American way of life, Mr. Speaker, Democrats have defined the American way of life and brought it within reach of us all.

To normalize relationships with potential international partners, working with the President, the 84th Congress ratified the Southeast Atlantic Treaty Organization, established peace with Austria, and liberated Germany from Allied occupation.

To secure the nation, they established the national reserves.

In order to stimulate economic development, they built four major dams which provided electricity to the upper Colorado River region.

In order to stimulate economic development, they built four major dams which provided provided electricity to the upper Colorado River region.

To stabilize the agriculture industry, they established the soil bank program which insulated farmers from fluctuations in farm prices.

To connect this vast Nation from sea to shining sea, the Democratic 84th Congress initiated a 41,000-mile interstate superhighway program, and established the user-fee-financed highway trust fund to help pay for it.

To protect the quality of our environment for future generations, they passed and funded the Water Pollution Control Act of 1956.

A simple assertion of the truth, Mr. Speaker. I cannot imagine a more auspicious marker for our proud Democratic legacy than that provided by the 84th Congress. A self-governing people cooperatively managing their society, meeting their immediate needs, and providing for their future through the processes of government.

From this podium during the coming year, I will demonstrate by such simple statements of the unvarnished truth, that the American way is the way of the Democratic Party. Democrats have served this Nation well. We must claim and proclaim and embrace it as our mission to carry this great, but not yet perfect Nation forward as one Nation, under God, with liberty and justice for all.

TWO PROVISIONS WHICH BELONG IN BUDGET LEGISLATION, NOT IN A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, I want to speak this morning about the balanced budget amendment that we are going to begin consideration of either later today or tomorrow.

This body is going to consider a bill which has two very, very important features in it. The one is a three-fifths majority to raise the debt ceiling of the Federal Government, and the other is a three-fifths majority to increase taxes, both of which are needed and are absolutely good policy and should be enacted.

In addition, Mr. Speaker, there are other issues and there are other sections of the amendment that we are going to consider that really do not belong in a balanced budget amendment to the Constitution. The ones I am thinking of specifically have to do with, first of all, a requirement that the President of the United States submit to the Congress a budget that purports to be in balance, or that the Congress of the United States should adopt a budget that purports to be in balance.

Mr. Speaker, I want to talk about why those two ideas do not belong in the Constitution, because although, as well-intended as they are, as needed as they are with respect to the adoption of that kind of a balanced budget, the fact is that they belong in budget legislation and not in the Constitution.

In order to create a budget, when the President creates a budget, what he does, and when the Congress creates a budget through the Committee on the Budget, of which I am a member, what we do and what the President does is, he relies on the CBO, the Congressional Budget Office, or OMB, Office of Management and Budget, or Joint Tax Committee, to come up with projections about what we are going to spend, what we are going to receive in revenues, and then to make recommendations about what the budget should be based on those things.

The fact is that all of those projections made by OMB, CBO, or Joint Tax are, by definition, wrong. They must be wrong, unless by some incredible, extraordinary chance of luck they should be on the dollar.

However, what we are asking in this constitutional amendment, the way it is worded, is that the President and the Congress should determine in advance what will be in balance, what will not be in balance, what exactly every agency is going to spend, and how much money we are going to raise. It is impossible to do that.

What we do know absolutely is how much money the Government has borrowed and what the debt ceiling is. This is the absolute brick wall that will stop, except with a supermajority. Remember, this is not a complete stop sign. It is merely a hurdle you have to go over. It is a 60-percent hurdle in order to continue this binge of deficit spending we have been on, but it is a very, very important hurdle.

That requirement, that you must have a supermajority, a three-fifths majority in order to raise the debt ceiling, that is the linchpin of this constitutional amendment from the spending side, because what it means is that you cannot deficit spend without a three-fifths majority. That is the one that will work.

Bill Barr, former Attorney General under President Bush, has made that clear in his testimony. Dr. William Nescanin, former head of the Council of Economic Advisers under President Reagan, has made that point, and other judicial scholars and constitutionalists agree that it is the three-fifths supermajority to raise the debt ceiling which is the true linchpin that will finally at least create the resistance that Thomas Jefferson talked about in 1789 to borrowing money.

Jefferson said in 1789 he had one concern about this Constitution that he had been so instrumental in crafting and then adopting. His concern was that it did not create any resistance on the part of the Federal Government to borrowing money. That is what this constitutional amendment will do, it will create the resistance of a three-fifths majority to borrowing more money and increasing the debt service, or increasing the debt ceiling.

What I am urging today, Mr. Speaker, is as we consider this balanced budget amendment there will be, I hope, in order a substitute that I took to the Committee on Rules yesterday, that is in all parts identical to the bill that was reported out, and I urge that Members will support that substitute that will be on the floor.

FORMER REPRESENTATIVE GINGRICH WOULD URGE ETHICS INVESTIGATION OF PRESENT SPEAKER GINGRICH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. DEFAZIO] is recognized during morning business for 2 minutes.

Mr. DEFAZIO. Mr. Speaker, there are those on the other side of the aisle who make light of the pending investigation on ethics of Speaker GINGRICH. I believe they do so at their own peril, and in contradiction of the position taken by Representative GINGRICH in July 1988.

In July 1988, Speaker GINGRICH, or at that time Representative GINGRICH, waxed very eloquent in a press release regarding the duties and the burdens of the Speaker and the duties and burdens of the House in investigating the Speaker of the House, and the fact that it should not be done by peers in the House of Representatives but in fact by an outside counsel, because it is so important to assure the integrity of that office.

Now, Mr. Speaker, we are confronted with a situation where several Members, several Republican Members of the Ethics Committee, have past associations with GOPAC, the secret and multi-million-dollar slush fund which is the subject of the ethics complaint.

Here we are, we have members of the committee who have a conflict of interest, who should recuse themselves, but if they recuse themselves, only new members could be appointed by the Speaker, so the Speaker in effect would be appointing his own judge and jury.

There is only one way out of this for Speaker GINGRICH. That is for Speaker GINGRICH to take the advice of Representative NEWT GINGRICH in 1988 and appoint an outside counsel, so the American people can be assured that the integrity of this office is upheld and the integrity of the U.S. Congress is upheld without any possible assertion of undue influence.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 16. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

□ 0950

CAN'T WE ALL JUST GET ALONG?

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. EHLERS] is recognized during morning business for 5 minutes.

Mr. EHLERS. Mr. Speaker, I have given some thought to the events of the past week, the discussions and the debates. Through it all I am reminded of something I learned from my father years ago, and, that is, that great minds debate issues, average minds discuss events, and small minds talk about other people.

I have been dismayed that of all the many issues facing this Congress, particularly as we debate the Contract With America, that we find the other side, the minority party, concentrating on personal attacks on a Member of the Republican side.

Perhaps there is some basis for that, although I do not believe so. But the point I am making is, we have a number of major issues facing the Congress in the first 100 days and beyond. Furthermore, I believe the philosophy underlying the Contract With America deserves discussion and debate on behalf of the American people.

I believe it is important for us to engage in a dialog with the American people and discuss these issues with them, both Republicans and Democrats. I find it personally dismaying that so much emphasis during the 1-minute speeches and the 5-minute speeches has been concentrated on one particular person and one particular aspect of what that person has done.

I do not believe that this is behavior befitting the institution of the Congress. I believe that we have better things to do, we have more important things to do, and we have more important issues to discuss.

I urge my colleagues on both sides of the aisle to join in debating the issues that face this country, and the issues that are being presented to us daily on the floor.

There are certain things we can discuss during these 1-minute and 5-minute speeches which cannot or do not lend themselves very well to debate during the specific bills which are brought before the body. I think that we should take the opportunity during these 1-minute and 5-minute discussions to in fact debate the philosophy underlying this. I would also like to see more discussion about foreign relations during these periods of time. We face very difficult issues and choices, particularly as it relates to the Russian involvement in Chechnya, the battle going on in Bosnia, the devaluation of the Mexican peso and the implications for us.

We do not need more rancorous debate about individuals and persons and their behavior. We need positive, constructive debate about the issues facing this Nation and what we as a Congress are going to propose to do about those problems.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. EHLERS. Just one moment, please.

Finally, I am reminded of the comments of Mr. Rodney King, whom I did not think I would ever quote on the floor of Congress, but give his famous statement, "Can't we all just get along?"

Can't we all just get along for the good of the American people and for the purpose of debate in this body?

I would be pleased to yield the remainder of my time to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's speech because I think those of us on this side want to make sure the body moves forward, too. We are sent here to do the Nation's business. But I hope the gentleman read yesterday's Newsweek story because I think that is why some of us on this side are so concerned. I hope that the gentleman reads that because I think if he reads that, he too will join us in saying there are some serious questions here that need to be asked and need to be dealt with.

I would hope we could get these questions about the book deal outside of this arena, to independent counsel, or get it out of here so we could move on to those topics. But in the Newsweek yesterday, they came out and showed that this is not the first incident where Mr. Murdoch has been called into question. That in the last 10 years, there have been at least 6 suspicious book deals when he needed to get special privileges in other legislative bodies for his publishing empire. I think that raises some very serious questions that we should ask.

The gentleman is right, we should not debate them here, but should we not get them outside this body to an independent counsel somewhere to get this solved and raise the cloud?

I yield back to the gentleman. Would you not agree on that?

Mr. EHLERS. As I understand it, you are suggesting an investigation of Mr. Murdoch. But that is not what I have heard the discussion about during the past week.

Mrs. SCHROEDER. If I may reclaim my time, what I am asking is that we have an investigation of the Speaker's book deal with Mr. Murdoch.

Mr. EHLERS. Mr. Speaker, I yield to the gentleman from Georgia.

Mr. LINDER. I thank the gentleman for yielding. I appreciate your point. I do not take my advice on politics from——

The SPEAKER pro tempore. The gentleman's 5 minutes has expired.

Mr. LINDER. There should be an investigation of Mr. Murdoch. I appreciate your point.

WELFARE REFORM: BEYOND SLOGANS TO ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized during morning business for 4 minutes.

Mrs. KENNELLY. Mr. Speaker, right now as we go forward on our work in this new Congress, there is no debate on whether we should reform welfare. That debate is over and both sides of the aisle agree that we should and the taxpayers have reached a consensus that the system does not work as we know it today. But saying that, it is not enough. It is time for all of us to understand that real reform is not a matter of finding the best slogans. In fact, it is a cruel hoax to the American people to say that we can do welfare reform easily. In fact, it is going to be very difficult to carry out welfare reform.

Today I would challenge my colleagues on both sides of the aisle to move beyond the slogans that we have adopted these last few months to get that message out and get down to the real work of doing welfare reform.

Let us begin to deal with the realities of what real reform will mean and come to grips with some of the most difficult issues.

Let me give some examples. Slogan 1: "Those who refuse to accept responsibility should not receive a free ride."

We all agree. But when I take a very good read of the contract, I see that if in fact a woman establishes the paternity of her child, gives the name of the father, gives the address of the father, and yet that paternity does not get legally established by the State organization or an agency that is dealing with this thing, that child will not receive any assistance.

The contract states that any child whose paternity is not established would be in fact ineligible for benefits. This would be in any case unless in fact paternity was established. Yet we know in real life that State agencies often take up to 6 months to establish paternity. We also know that there are those who have fathered children, leave the State, cannot be found and paternity cannot be established. That makes no difference. The child will not in fact receive any help.

Slogan 2: "Welfare reform must aim at keeping families together."

My heavens, that is exactly what all of us want. Without a family, it is very, very difficult to grow up and be able to take care of yourself in life. Yet we tell this as a fact. But if we look at the contract, we see very little reference other than that area about paternity about what responsibilities the father carries.

Therefore, many of us in this Congress want very deeply to have the welfare reform bill move along quickly, as rapidly as it can, being well-done, and have child support enforcement move along with it.

Child support enforcement is a necessary vehicle to go along with welfare reform so in fact two people, those two people that had the children, are involved in supporting that child and the taxpayer does not get left.

We know that if we do this, there is a much better chance that that child will grow up and be able to feel good about itself.

I think that we should continue to ask that those that are doing the welfare reform have child support enforcement happen at the same time.

Some say there are acceptable alternatives to letting the young, often immature mothers raise their children in inadequate surroundings with insufficient support. We all agree on that. But let us not also be fooled by the idea that everybody who has a child out of wedlock establishes an apartment and is on their own. Ninety percent of those people, those young women, live with a member of the family or a relative, with a mother, a father or a relative.

When we go beyond that, we have to be very careful that we do not let others fall through the cracks, and I mean fall through the cracks by not having adequate support that we all say we want. Not orphanages, of course not. But we certainly should look at group homes.

I will continue this later because there are other things we are trying to do that are simplistic. It is going to be hard to do welfare reform. We want to do it, but we should do it right.

REDUCTION URGED IN ROLE OF FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. RADANOVICH] is recognized during morning business for 2 minutes.

Mr. RADANOVICH. Mr. Speaker, even though the State of the Union speech is still to come, given the advance reports of the President's remarks, I am not hesitant to comment.

Separate from any specific White House proposal, it is the general inside-the-beltway, business-as-usual approach that concerns me. That attitude doesn't just come from the White House; but it permeates both the public and private sectors of Washington.

I was elected, Mr. Speaker, to reduce the role of the Federal Government, to rid us of regulation, and to put an end to Federal formulas for everything from cradle to grave.

What I expect to hear the President say later today will not make that happen. His message will speak of a lofty reinvention of government, when what we need is restructuring of government—from the bottom up.

A State of the Union Message is called for by the Constitution. So is the concept of limited powers to be exercised by the Federal Government, and a federation of States to exercise the bulk of government powers. The 10th amendment in the Bill of Rights says all those powers not allowed to Uncle Sam belong to the States or the people.

Our message to the administration must be "before you get another taxpayer penny for the programs you propose, you must first satisfy us in Congress that you have constitutional authority to conduct it in the first place."

SPEAKER'S BOOK DEAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized during morning business for 2 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, later in this session the House will consider the Personal Responsibility Act. Is it not time for the Speaker and all of us to take some personal responsibility for our own actions?

When the flap came up over what the Speaker's mother said to Connie Chung concerning the First Lady of our Nation, he turned the issue to Connie Chung and not what was said. When the issue came up on the $4.5 million book deal that was negotiated, the debate in the House was censored last week. And then over the weekend, our Speaker lashed out at the First Lady again and at a former Speaker. He repeated the charge that made him famous when he called former Speaker Jim Wright a crook. Never mind the fact that the former Speaker's book deal was worth $12,000 versus our current Speaker's $4.5 million deal. Even our most successful writer in this country does not command $4.5 million of up-front money. Or the fact that it was simply unprofessional, undignified, and impugned the character of a former Speaker when he is retired and gone and cannot defend himself.

Much has been written about our Speaker's book deal, particularly the meeting with Mr. Murdoch and political apparatus, GOPAC, The Progress and Freedom Foundation, et cetera.

The Capitol Hill newspaper Roll Call has written in the Speaker's eloquent words from 1988 about another book deal, an outside counsel on ethics should be brought in for a "complete and thorough" investigation. We have a saying in Texas, what goes around comes around.

I ask today as Representative GINGRICH did in 1988 that the outside counsel investigate these ethical matters and clear up these questions once and for all, because just like the Energizer bunny, this issue will keep on going and going and going until we put it to rest.

Mr. Speaker, I include the following for the RECORD:

AN OUTSIDE COUNSEL

Much has been made in the last week of Members' speech. Consider this choice of words: "The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House, a position which is third in line of succession to the Presidency and the second most powerful elected position in America. Clearly, this investigation has to meet a higher standard of public accountability and integrity." So wrote Rep. Newt Gingrich (R-Ga) in a July 28, 1988, press release calling for an outside counsel in the House ethics probe of then-Speaker Jim Wright (D-Texas).

Now, the shoe is on the other foot, and Democrats are clamoring for (in Gingrich's nearly decade-old words) a "complete and thorough" investigation of a variety of allegations against the new Speaker. Unfortunately but predictably, the situation has grown ugly. And, as witnesses on the House floor for two days last week, it is now creating a spectacle before the American public. Which is perhaps the best reason for an outside counsel.

But there are others. The charges against Gingrich range from conflicts of interest and use of office for personal gain in connection with his Harper-Collins book deal to improper use of funds from his tax-exempt outside groups.

Ironically, the book deal, which has drawn the most attention both from the media and Democrats, raises the less serious ethical questions. The facts: Gingrich agreed to and then canceled a $4.5 million advance for two books to be published by HarperCollins, the company owned by Rupert Murdock, who is currently lobbying to alter laws restricting foreign ownership of broadcast properties such as his Fox TV network. Despite urging from fellow Republicans to abandon the book deal, Gingrich holds onto it. Even though he's rejected the advance, he still could make millions from the book—partly depending upon how heavily HarperCollins promotes it, a decision ultimately in Murdoch's hands.

More serious are the allegations of the funding of Gingrich's college course, "Renewing American Civilization," and the extensive connections between Gingrich's political action committee, GOPAC; his Congressional office; and his outside educational arm, the Progress & Freedom Foundation. It is these charges that are the subject of the ethics case now pending against him. The Speaker's elaborate political dynasty appears to be constructed in a manner in which he can conduct political activities while skirting contribution limits and disclosure laws. The entire structure must be probed.

We do not fully agree with what Gingrich said in 1988; an investigation of the Speaker should not be held to any higher standard than one of any other Member. Whether a Speaker should be held to a higher standard of conduct is a separate question. At the very least, he should set that standard, and as Gingrich himself said so eloquently in 1988, an outside counsel would offer the most "complete and thorough" investigation.

THE AMERICAN PEOPLE WANT REAL ISSUES DISCUSSED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I look forward to the President's speech tonight. Not because he is going to deliver a great speech, because he always does, and not because of the excitement I am going to feel as an average citizen who 1 year ago was knocking door to door in a grassroots campaign to get here, because I will be excited, and not because his speech will reflect undoubtedly the conservative revolution of the 1994 election, because it will.

I look forward to the President's speech tonight because I am really curious and genuinely want to know if there is a member of the old guard out there that actually has a new idea on where to take this country.

For the past 3 weeks, since I have been here, I have been hearing speeches about Connie Chung and book deals and Nazi historians and now Energizer bunnies, when the fact of the matter is all of those things are nothing more than a smokescreen to deflect attention away from the fact that we as Republicans are putting forward an aggressive agenda that America wants.

I am curious. What does the Connie Chung debate do for children in inner cities that are hungry? What is the Speaker's book deal going to do for the average citizen, middle-class citizen that is having trouble going from paycheck to paycheck paying their bills, trying to put aside a few dollars for their children's education, trying to put aside a few dollars for retirement? What does it do? It does absolutely nothing.

What does it do to answer the difficult questions that are going to be facing us on how we balance our budget, how we make this Federal Government do what average middle-class citizens have had to do forever, and, that is, balance their checkbooks. It does absolutely nothing.

I cannot believe that the party of F.D.R. and the party of Harry Truman and of J.F.K. and of Bobby Kennedy, I cannot believe they cannot come up here and speak to the issues that will affect this country and this land.

I understand about partisan politics. I understand that it certainly happened on both sides of the aisle. But I would ask Members of the Democratic Party to follow the example of the gentlewoman from Connecticut, who came up a few short minutes ago and actually discussed welfare reform and talked about why she believed the Republicans' version of welfare reform did not make sense. Did I agree with her? No. Did I get something out of her discussion, though? Yes. It is a starting point for us to debate the issues.

I am not overstating the issue when I say that there are children that are literally starving in our inner cities. I am not overstating the issue when I say you can go across this world to Third World countries and find Third World country citizens that are living better than many citizens in the South Bronx, that are living better than many of our citizens in South Central L.A., that are living better than many Americans across this country that go to bed every night fearing for their lives, wondering whether they will wake up in the morning alive, whether their children will wake up in the morning alive, what will happen to their children when they go to school, when they have to pass drug dealers to go to school and make the decision every step along the line. Do I play by the rules, do I play fair? What do I do?

Those are the questions that are supposed to be brought to the floor of this House. And when you talk about a book deal and compare it to Speaker Wright's book deal, what are you doing? Read the Washington Post. The Washington Post this week editorialized that the book deal was not the same as Speaker Wright's book deal, that it may have been bad politics but it was not inherently illegal, or improper, or unethical.

Mr. Speaker, it is time in 1995 for us to turn our eyes and ears and open our minds to the real issues that are facing this country? That as we are $4 trillion in debt, as our inner cities are crumbling, it is time to address the issues that really matter. That is what Americans demand of us and that is what we want.

RENEWED CALL FOR INDEPENDENT COUNSEL IN SPEAKER'S ETHICS CASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, I concur with my colleague who was up here a moment ago, that in fact what we are about here is the people's business and that we need to talk about the issues that affect middle-class families, working families every single day.

As a Democrat, I have done that in the 2 terms that I have been here and I submit to you this evening that the President will build on what he said several weeks ago on a middle-class Bill of Rights that will include a minimum wage.

I would like to find out from my colleagues if that is something that he will support because in fact people in this Nation are not looking at an increased higher standard, but that is an important issue.

Education and training. Not cutting Social Security for families. And when we look at the balanced budget and what that is going to do, when my friends on the other side of the aisle would not in fact exempt Social Security from the balanced budget amendment.

There is rhetoric and there probably is rhetoric on both sides. But let me tell you what is important and what my Republican colleagues do not want to talk about.

□ 1010

That is a need for an outside counsel to answer questions. That is what is being asked, answer questions about Speaker GINGRICH's financial empire.

The last 2 weeks have been filled with press revelations. We are not making these things up about this multi-billion-dollar book deal but, more importantly, about a private meeting with publishing magnet Rupert Murdoch. Any appearance of impropriety could have been voided if the contents of the book had been disclosed.

My colleague from Colorado talked about a Newsweek report. This week Americans read in Newsweek this is not the first time Rupert Murdoch has published a book by politicians, promoting them huge sums of money. In 1990 while seeking special rules to allow his Australian company to expand his empire in Great Britain Rupert Murdoch asked the help of the Thatcher government, and not long after Margaret Thatcher signed an eye-popping $5.4 million book deal. This appears to be a pattern for Mr. Murdoch.

We need to have an outside counsel take a look at it.

BALANCED BUDGET AMENDMENT EFFECTS

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. TUCKER] is recognized during morning business for 2 minutes.

Mr. TUCKER. Mr. Speaker, this is an interesting day today. We are not only going to hear from the President of the United States later on tonight, but we have heard from our colleagues on the other side of the aisle who have offered us some interesting accolades.

First, we heard one of our Republican colleagues quote Rodney King. As long as I live I did not think I would hear one of my illustrious conservative colleagues quote Rodney King, but I have heard it today. And as we say in South Central, "Don't go there," because I do not think that he certainly understands the pain of a Rodney King.

Then we heard another one of my colleagues on the other side of the aisle, Mr. Speaker, indicate that he had some empathy for South Central and for South Bronx and for the people across this country who are wallowing in the inner cities. I do not know if he has ever been to South Central, but I represent some of South Central and let me say, Mr. Speaker, when you hear the voice of those people talk on the one hand about their concern about the people of South Central and on the other hand exempt Social Security from a consideration in the balanced budget amendment, then I say, Mr. Speaker, that my colleagues speaketh with forked tongue because, Mr. Speaker, the balanced budget amendment is going to cause a great deal of pain for people in the South Central and South Bronx and parts of inner cities all across this country.

Indeed, when we get down to the details of what a balanced budget amendment is going to mean, we have to be honest and we have to be truthful with the American people and let them know that the people who are speaking about their concerns for the poor are going to try to balance the budget on the backs of poor people. And this is where the real debate is going to come in, Mr. Speaker. How are we going to balance that budget?

They say they are going to exempt Social Security, but when BARNEY FRANK offered an amendment in the Committee on the Judiciary, they did not support that amendment. So we can see, Mr. Speaker, that they talk the talk, but they are not walking the walk.

The balanced budget amendment is a good idea. A lot of politicians like to stand in line and say so. This is the right thing and it is a constitutional amendment in its time, but it is not a time to take away the money of those who have been putting into Social Security all their lives.

THE SEARCH FOR A BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. FILNER] is recognized during morning business for 2 minutes.

Mr. FILNER. Mr. Speaker, 2 years ago, a Democratic President and Congress passed a budget that cut the deficit by more than $600 billion over 5 years and produced real deficit reduction for 3 consecutive years—the first time this has happened since World War II.

The question today is: How should we build on this success? Should we now pass a balanced budget amendment to the Constitution?

Seeing the passionate fervor that was driving this amendment's sponsors, I began to ask my Republican colleagues the magic formula for achieving this budget miracle. With envy, I assumed my colleagues had already concocted the recipe for balancing our budget and were now simply applying the finishing touch: A constitutional requirement to do that which they had already devised.

My envy turned to curiosity. Like Roger Moore from the movie "Roger and Me," I set out through the Halls of the Capitol searching for the magic budget plan. I checked in the offices, the cloak rooms, and the chambers. I cornered my colleagues and begged them to show me the secret plan. But it soon became clear: There is no plan behind the balanced budget amendment.

"How can we say what we will do, if we cannot say how we will do it?" The means are at least as important as the ends. Unless the end is simply the next reelection campaign.

Mr. Speaker, I cannot support an amendment that presents a bottom line without a plan to get us there.

When faced with a constitutional requirement, how will the Congress feel about ensuring the construction of the vital international sewage treatment plant being built on the United States-Mexico border in my district? Or protecting seniors from drastic cuts in Social Security? Or retaining San Diego's status as a navy mega-port? Or funding vital infrastructure to handle United States-Mexico commerce? Or keeping our promise to our area's veterans?

We all want a balanced budget. But that budget should not destroy our economy or attack our children, our senior citizens, our veterans.

THE ENVIRONMENTAL CONSEQUENCES OF LAND TRANSFERS AFTER BASE CLOSURES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 2 minutes.

Mr. UNDERWOOD. Mr. Speaker, one of the many proposals floating around these days is the idea of eliminating the so-called nontraditional defense spending, which includes items such as the environmental cleanup of military bases. This is not only bad policy, but it is irresponsible. It will create not an unfunded mandate as much as an "unfunded liability."

As DOD closes numerous bases throughout the Nation, one of the biggest challenges that they face is how to transfer land to the local communities in the same condition in which they received it. However, environmental conditions on many of these facilities are abominable, and it will get worse if we put off cleanup for some unspecified date in the future. What is needed is more not less attention to the environmental concerns on these bases.

Gutting the funds for these programs sends the wrong message to our local communities. If this happens, local governments will be forced to pick up the tab for fixing a disaster that they had no part in creating in the first place.

Mr. Speaker, this is not the time to run away from our obligations. Instead, the Department of Defense should live up to their responsibility to clean up after themselves. By maintaining funding for "nontraditional" defense spending, this Congress can stand by our commitment to make our government more accountable to the people it serves, and that is the right thing to do in my book.

Earlier we have heard a discussion about trying to point to issues. Well, there are issues and there are issues.

But the seriousness of these issues cannot be addressed as long as the leadership of the institution is under a cloud—and it is the responsibility of the majority to clean it up and a legitimate right of the minority to point it out.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the spirit of thanksgiving, O gracious God, be ever in our hearts and may the significance of gratitude be written in our souls. Of all the attributes and virtues to which we aspire, of all the merits and worthiness to which we yearn, may the appreciation of thanksgiving and gratitude be in our thoughts at the beginning of the day and in our words at eventide.

For these and all Your gifts to us, O God, we offer this prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. VOLKMER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 135, not voting 21, as follows:

[Roll No. 30]

YEAS—278

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Coyne
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torricelli
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Young (FL)
Zeliff
Zimmer

NAYS—135

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Becerra
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Cramer
Crane
DeFazio

DeLauro
Dellums
Deutsch
Dicks
Doggett
Doyle
Durbin
Eshoo
Evans
Farr
Fazio
Filner
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hunter
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meek
Menendez
Miller (CA)
Mineta
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Stark
Stupak
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—21

Bishop
Burr
Chapman
Conyers
Cox
de la Garza
Engel
Fattah
Fields (LA)
Graham
Kennedy (MA)
Kennedy (RI)
Markey
Meehan
Mfume
Moakley
Paxon
Riggs
Torkildsen
Waxman
Wilson

☐ 1117

Mr. HALL of Ohio, Mrs. SCHROEDER, Mr. FOGLIETTA, and Mr. REED changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SHAYS). Will the gentleman from Massachusetts [Mr. NEAL] come forward and lead the House in the Pledge of Allegiance.

Mr. NEAL of Massachusetts led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

READING THE CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, our Contract With America states that on the first day of Congress the Republican House will force Congress to live under the same laws as everyone else, cut one third of the committee staffs, cut the congressional budget, and we have done that and many more changes on our opening day.

In the next 80 days, Mr. Speaker, we will vote on the following 10 items: a balanced budget amendment and line-item veto, a new crime bill to stop violent criminals, welfare reform to encourage work, not dependence, family reinforcement to crack down on deadbeat dads and to protect our children, tax cuts for families to lift government's burden from middle income Americans, national security restoration to protect our freedoms, Senior Citizens Equity Act to allow our seniors to work without penalty, government regulation and unfunded mandate reforms, commonsense legal reforms to end frivolous lawsuits, and congressional term limits to make Congress a citizen legislature once again.

My colleagues, this is our Contract With America.

☐ 1125

VOTE ON PERMITTING COMMITTEES TO MEET DURING 5-MINUTE RULE SEEN AS WRONG AND UNDEMOCRATIC

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise today to voice my strong opposition to a motion that was forced through this House last night by the Republican majority. While this may seem like nothing more than a trivial, administrative matter, it speaks to the very heart of our purpose here as Representatives of the people in this country.

Last night the Republican majority pushed through a motion that said the committees of this House can meet to consider urgent legislation even while there is urgent legislation on the floor of the House.

In other words, Members of Congress have to be in two places at one time, and if that means we have to miss crucial votes, if that means that on some of those dangerous and potentially devastating proposals, the voices of our districts will be missing in action, then that is just too bad.

When we tried to object to a motion which is impractical, illogical, and just unfair, we were gagged. We were told that we only had 3 minutes to speak, and we were defeated by one of our closed, no-discussion, no-debate votes that have come to define the Republican Congress.

This is not just a partisan issue. I think Republican members should be as concerned and outraged as Democrats. What do we tell our constituents? That we wanted to fight to protect Social Security or Medicare but we missed the vote because we were running from one room to another, that we wanted to preserve clean air and clean water, but there was a scheduling conflict and we were missing in action?

I know the Republicans want this to be the Hundred Days That Shook the World, but we have an obligation to stand up for those who may be shaken.

This motion last night was wrong, it was undemocratic, and I call upon all of my colleagues to resist it and denounce it for what it is, a gag rule on the people of this House.

THE PEOPLE'S BUSINESS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, we are here doing the people's business on a regular basis, and what we have just heard is a great hyporisy coming from the other side of the aisle. The fact that I, in the 103d Congress, which is the only Congress I have had the privilege of being a party to—

Mr. ACKERMAN. Mr. Speaker, I request that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will please be seated.

☐ 1128

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, do not the rules of the House forbid Members from impugning the motives of other Members?

The SPEAKER pro tempore. There is a point of order that the words be taken down. The gentleman will suspend. The Chair will not anticipate his ruling by a parliamentary inquiry. With due respect to this Chamber, the Chair is a new Member of the House at taking this chair, and ask for your indulgence and cooperation. This is a very serious situation, of which the chair will ask the Clerk to report the words.

Mr. HOKE. Mr. Speaker, I would ask unanimous consent to withdraw my previous words.

Mr. ACKERMAN. Mr. Speaker, reserving the right to object, I will not object, providing there is an apology to the previous speaker.

Mr. HOKE. Mr. Speaker, I request unanimous consent to remove the words that I spoke before.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, if the gentleman apologizes for his words, which were directed at the previous speaker, I will not object.

Mr. HOKE. Mr. Speaker, I did not refer to anyone with my words, and, I will repeat, that I would ask unanimous consent to withdraw my words.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, I request that the gentleman's words be read by the reporter.

The SPEAKER pro tempore. The Clerk will report the words.

The CLERK. "Mr. Speaker, We are here doing the people's business on a regular basis, and what we have just heard is a great hypocrisy coming from the other side of the aisle. The fact that I, in the 103d Congress, which is the only Congress I have had the privilege of being a party to."

Mr. VOLKMER. Mr. Speaker, I object.

Mr. ACKERMAN. Mr. Speaker, further reserving the right to object, the gentleman claims to have heard and therefore claims that it was spoken, a hypocrisy, by the previous speaker. If the gentleman does not apologize for those words, I will object to his withdrawing them.

Mr. HOKE. Mr. Speaker, I would like to apologize for the use of the word "hypocrisy," and ask unanimous consent to remove those words.

Mr. ACKERMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Ohio [Mr. HOKE]?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HOKE] may proceed in order.

Mr. HOKE. Mr. Speaker, I think it is a great curiosity that the previous speaker, who presided over this body as the majority leader in the 103d Congress, knows full well that during that Congress we were under the 5-minute rule many, many, many times, and during that time we never, never once suspended under the 5-minute rule so that we would not be able to sit in committee. So I think it is a great curiosity that today we should hear that this is a complete undermining of all of the reforms that we are bringing forward, that we are somehow going back on the business of the people's House, when in fact that is the only way that this place was run during the 103d Congress. It was never run another way.

DO NOT GAG AMERICA

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I have here the fundamental contract with America, the Constitution of the United States. And the first amendment of that contract says that the Congress shall make no laws abridging the freedom of speech. But what is going on in this House in the past 2 weeks is a clear violation of the spirit of that contract.

Last night the Republican leader reneged on one of the first promises of reform and instituted a policy that will make it impossible—impossible—for Members of either party to be on the floor or to be in committee to debate important issues. This is just one, just one in a series of efforts by the Republican majority to shut down debate and gag the voices of the American people. Committees are being adjourned prematurely, the right to hearings is being refused, and minority Members are being denied the right to question witnesses.

Mr. Speaker, the Contract With America cannot be used as an excuse to gag America or shut down the Constitution, and we will not stand for it.

SEALY TIGERS WIN TEXAS CLASS 3A STATE FOOTBALL CHAMPIONSHIP TITLE

(Mr. FIELDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Speaker, I have a unique 1-minute in that this is a positive 1-minute.

Mr. Speaker, I want to take a moment today to salute the members of the Sealy High School Tigers football team, who recently won the Texas class 3A State football championship before a cheering crowd of 12,000 people in Houston's Astrodome.

Sealy defeated Atlanta, TX, to win its first State title since 1978. When this year's season was complete, Sealy had attained a 16 and 0 record, the best in school history. While the excellent coaching staff and the tenacious players themselves are responsible for this outstanding season, news reports indicate that Sealy had a secret weapon that its opponents lacked. Before each game, Sealy's football team listened to a motivational speech from the movie "Patton."

I am proud of the young men of this football team, and I know you, Mr. Speaker, will join with me in saluting the Sealy High School Tigers on their Class 3A State football championship title.

OBSERVE NORMAL RULES OF PARLIAMENTARY PROCEDURE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last night something happened that has never happened in my 12 years as a Member of this body: The Republican majority totally shut out the minority for debate on a bill, unprecedented and incredible.

Mr. Speaker, speaking out against this incredible transgression is not obstructionism; it is called democracy, civility, the normal rules of parliamentary procedure.

☐ 1140

If this type of gag rule continues, I can assure Members that the minority will not stand for this, and neither will the American people. If the majority thinks that a king and his court were elected to do anything they wanted, they will soon discover that the family friendly Congress will only be a dream.

BALANCING THE GOVERNMENT'S CHECKBOOK

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, every month millions of Americans go through the same ritual. They take out their bank statement and the records they have kept and they balance their checkbook. It can be a difficult task, and occasionally the numbers just do not add up right. However, for the Federal Government, the numbers have not added up right for over a quarter of a century.

The rest of America understands what it is like to live within a budget. They understand that they cannot spend more money than they make.

Mr. Speaker, every American household must balance their checkbook. It is time the House balanced its checkbook. When the time comes, I hope my colleagues on both sides of the aisle will join me in voting yes for the balanced budget amendment and restoring a sense of reality to this House.

WHERE IN AMERICA IS FREE SPEECH IF NOT ON THE HOUSE FLOOR

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, free speech, free debate, the free flow and exchange of ideas, has once again been denied the American people by the majority party.

Last night our Democratic leader asked to debate the majority leader. As is customary, 1 hour was set aside for debate. The new majority leader only granted our leader 3 minutes to debate, 3 minutes to debate.

Why will the majority not engage in debate on this floor? Why can we not debate the Democratic alternative to a balanced budget amendment? Why can we not debate the Democratic line-item veto, which was passed twice in the last session? Why will the majority not let America debate the Contract with America?

If there is no free speech, if there is no free debate, if there is no free exchange of ideas on this floor, then I must wonder where in this great Nation will the majority leader allow any free speech?

URGING THE PRESIDENT TO EMULATE GOVERNOR WHITMAN AND FIND A WILL AND A WAY TO REDUCE GOVERNMENT SPENDING

(Mr. MARTINI asked and was given permission to address the House for 1 minute.)

Mr. MARTINI. Mr. Speaker, tonight Gov. Christie Todd Whitman will give the response to the State of the Union Address. She was chosen because of her determination to work for a smaller, smarter, less costly government in New Jersey.

It has been said "for democratic nations to be virtuous and prosperous, they require but the will to do it." Governor Whitman has displayed that will by her actions in making the tough decision. I can only hope tonight the President will come to Capitol Hill with that same determination to work with the new majority in Congress to once and for all transform the Federal Government.

Since January 4 the new Congress has demonstrated that type of will. This was apparent in the passage of the Congressional Accountability Act, as well as our willingness and determination to move forward to pass the Unfunded Mandates Reform Act and the balanced budget amendment.

Mr. Speaker, after the speeches are done tonight, what the American people will be looking for is not more talk, but rather for our President to cooperate and reaffirm the simple but effective lesson taught to us by Governor Whitman of New Jersey: Where there is a will, there is a way.

TIME TO PLACE FAIR VALUE ON THE PRESIDENT'S ACCOMPLISHMENTS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, tonight our President will come to this Chamber to speak on the state of our Union. Many pundits have suggested that this is a time to re-evaluate our President. Let me suggest that perhaps it is time to place fair value on what he has accomplished.

In the storm of myths and misrepresentation, much of it from the other side of the aisle, we lose sight of real accomplishments that affect real people.

President Clinton, despite partisan opposition, fought for an earned income tax credit that brought tax relief to 40,000 families in my congressional district alone, and millions in this Nation.

President Clinton, despite partisan opposition, has achieved the largest deficit reduction plan in history, while still creating almost 6 million jobs.

President Clinton, despite partisan opposition, has expanded Head Start for the children of Chicago and America.

And President Clinton, despite partisan opposition, has battled to take guns off our streets and put more police officers on them so we can be safer.

Mr. Speaker, I urge President Clinton not to re-evaluate but to continue to work for working people.

WHILE REPUBLICANS TRY TO CHANGE GOVERNMENT, DEMOCRATS TRY TO CHANGE THE SUBJECT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the biggest bankruptcy in the world today is not occurring in Orange County or even in Mexico, but on the minority side of the aisle right here in this Chamber. With their petty parliamentary pranks, the Democrats are driving themselves into the intellectual bankruptcy.

However, while the Democrats are busy committing slow political suicide, Republicans are making good on their promises to the American people to pass an unfunded mandate bill and a balanced budget amendment to the Constitution.

I have news for my friends on the other side of the aisle. No amount of partisan sniping is going to distract us from doing the real work the American people sent us here to do.

After we finish blowing the dust off the 10th amendment the Democrats for years have ignored, by passing an unfunded mandates bill, we are going to pass a balanced budget amendment as an encore.

While we are trying to change the Government, the Democrats just want to change the subject.

CALLING FOR MEMBERS' ASSISTANCE REGARDING FEDERAL INVESTIGATION OF WEAVER FAMILY KILLINGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1992 Federal agents attacked the Weaver family in Idaho. They killed 14-year-old Sammy Weaver. They shot him in the back. They then shot an unarmed Mrs. Weaver and killed her, shooting her right between the eyes as she held her infant baby. They even killed the dog. Court documents now prove the FBI lied in court. Federal agents fired first. Weaver was entrapped into a gun violation.

Mr. Speaker, is this the Justice Department or is this the KGB? I always thought in America our Government does not shoot 14-year-olds in the back. Our Government does not shoot unarmed mothers while they hold their infant.

Mr. Speaker, I have asked for a Federal investigation of this matter, and both sides of the aisle need to provide some oversight to the agencies of our Justice Department. I would appreciate the Members' help.

THE REPUBLICAN MAJORITY CONTINUES TO PURSUE THE GOALS OF THE CONTRACT WITH AMERICA

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, I have read a few news reports in recent days that suggest the Republicans are cooling on their commitment to the Contract With America. Let me just say, speaking for this newly elected Republican Congress, that just ain't so. Any reports that the Republican majority is backing away from the contract is wishful thinking on the part of those who support the status quo.

The fact is the new Republican majority is here to bring revolutionary change to the Congress. The Congressional Accountability Act has already been signed into law, making applicable to Congress laws from which Congress had exempted itself for years.

We will soon pass the bill to restrain unfunded mandates. Later this week or next we will take up and pass a balanced budget amendment containing, I fervently hope, a restriction on additional taxes. One by one we will work our way through the contract and fulfill our pledge to the American people.

Mr. Speaker, the Washington establishment and many of the guardians of the old order in this House may wish that the Republican majority failed, but we will not. The American people will not allow it to happen.

CONGRESS SHOULD STOP PARTISAN QUIBBLING AND PASS REFORMS SOUGHT BY THE AMERICAN PUBLIC

(Mrs. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Washington. Mr. Speaker, I have been in this office now for 20 days, and I have been keeping a list of all of the things that are supposed to be kept in the budget, as the minority has listed day by day just about everything to be left in the budget.

Mr. Speaker, I think what I find is they did not get the message this last November. Balancing the budget and getting rid of the national debt was the No. 1 issue the American people sent us here to do. We cannot spend our way to recovery.

Let us talk about what people really want. They want a strong America, an America in the future that will be able to pay its debt, and not have an America that cannot take care of its children; an America that can take care or paying the Social Security commitments that we have made to the elderly, not a bankrupt America that cannot take care of its commitments.

Mr. Speaker, what I say today is to do that, we have to pass a balanced budget amendment. We have to get done with the quibbling, the talking about unimportant things, and pass a balanced budget amendment with a three-fifths tax increase vote.

IN MEMORY OF ROSE FITZGERALD KENNEDY

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to Rose Fitzgerald Kennedy, the matriarch of America's most celebrated political family, who passed away on Sunday surrounded by family and friends at her home in Hyannis Port, MA. She was 104. Her remarkable life spanned a century and saw great triumph and despair, but through it all Rose Kennedy always carried herself with the characteristic grace, style, and dignity that became her trademark.

Born in 1890, Rose Elizabeth Fitzgerald was introduced to politics at an early age by her father, the former Congressman and mayor of Boston, John F. "Honeyfitz" Fitzgerald. A gifted student who spoke several languages, she graduated from Convent of the Sacred Heart in Boston and at age 24 married businessman Joseph Patrick Kennedy.

In the next 18 years Joseph and Rose Kennedy had nine children. One would be elected President of the United States. Two served in the Senate. And another became Ambassador to Ireland. But with every great victory, there always seemed to be an even greater loss—in Dallas in 1963, and again in Los Angeles 5 years later.

It was during these times of great sorrow that Americans saw the strength of Rose Kennedy, the deep convictions, and the intense and unyielding dedication to her faith. In her quiet manner she inspired millions of Americans, and helped us overcome our collective grief.

She will be remembered as an outgoing daughter, a caring wife, a loving mother, grandmother, and great-grandmother. In the words of her son, John Kennedy, "She was the glue that held the family together." She is being buried in Boston today. May she rest in peace.

CALL FOR REDUCED FEDERAL GOVERNMENT

(Mr. BARR asked and was given permission to address the House for 1 minute.)

Mr. BARR. Mr. Speaker, during the recently concluded campaign, which culminated in the landslide victory for myself and many other candidates all across this land, we heard a message loud and clear. That message was: less government, lower taxes, and less regulation.

Mr. Speaker, let us not engage as we have seen in recent days up here in the old Chinese torture of death by a thousand cuts, to engage in death by a thousand amendments.

We have heard that message. The message is, we the people of these United States want lower taxes, less Government, and less regulation. We will have the opportunity to stand tall before the American people this week and pass the unfunded mandates bill and pass a balanced budget amendment with a set of teeth in it; namely, the three-fifths majority to raise taxes.

This is what the people want. Let us give the people what they want, and they have spoken oh so eloquently. Let us take up that charge and do them proud.

CONTRACT WITH AMERICA DOES NOT ADD UP

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, much ado has been made about the Republican Contract With America, especially the pie in the sky balanced budget amendment.

This publicity stunt demonstrates the mastery of soundbites by Republicans. But it is obvious that they are not masters of another area, and, that is, arithmetic. The contract just does not add up.

When the Republicans led the minority party, they had noting to lose. They could proposes all sorts of empty, feel-good reforms because everybody knew they would not pass in this House. Even the great Houdini cannot cut taxes, increase defense spending, and balance the budget all at the same time.

But now you have the responsibility, my friends, to lead as the new majority. The bottom line on the budget is not whether you support it but how do you achieve it.

Mr. Speaker, President Clinton and the Democrats have worked hard to make the tough choices to cut the deficit and worked toward a balanced budget, all without a Republican vote.

Let us govern with integrity, not with gimmicks and soundbites.

SUPPORT OF H.R. 5 WOULD END UNFUNDED MANDATES

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, this week the House will continue consideration of the second major piece of legislation outlined in the Contract With America, the prohibition of unfunded mandates.

The overwhelming feeling in Georgia's Eighth District is that this Federal Government has grown too large. How have the people come to this conclusion? They see the obvious overreaching in the form of higher taxes and increased regulation.

But, Mr. Speaker, they also see the more subtle signs of a bloated, arrogant bureaucracy; namely, the unfunded mandate.

Mr. Speaker, there was a time in this country when the understood role of our Federal Government was to work at the will of the States that created it. It is high time we return to that understanding and put back into practice the system of Government that our forefathers intended for this great Nation.

Mr. Speaker, I urge Members to show the American people we are committed to changing the way this Congress does business. Support H.R. 5 and put an end to unfunded mandates.

SUPPORT UNFUNDED MANDATE REFORM ACT AS AMENDED

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute.)

Ms. MCCARTHY. Mr. Speaker, H.R. 5, the Unfunded Mandate Reform Act, creates a process that ensures and recognizes that the Federal Government should not pass its obligations down to the State and local governments without adequate funding for its mandates.

As a cosponsor of the legislation and a former State legislative leader, I am very sensitive to the potential financial and administrative burdens that Federal unfunded mandates place on State governments.

Mr. Speaker, I believe that during this bipartisan debate, one should consider the scope and cost of these unfunded mandates. In the State of Missouri, for example, an analysis of estimated costs of unfunded mandates reveals that for fiscal year 1994, the costs were $205 million, which represents a 57 percent increase since 1992.

The National Conference of State Legislatures finds that there are 172 Federal laws that require State and local governments to spend money on Federal mandate programs.

Further, estimated cost of unfunded mandates to States could be as high as $500 billion annually. Similarly, the cost to cities could be $54 billion over the next 4 years and counties across this country are spending close to

$5 billion a year complying with 12 specific mandates.

H.R. 5 responds to the growing concerns about the number and the cost of Federal mandates imposed on States and local governments by ensuring careful congressional consideration before the enactment of new mandates.

I support a number of very good amendments introduced to strengthen H.R. 5 while still retaining the basic thrust and affirming the determination to establish a new partnership with our States and local government.

The standards designed to protect the environment, as well as the health and safety of Americans in the Unfunded Mandates Reform Act are the first step in restoring the balance to our Federal system.

THE AMERICAN PEOPLE OPPOSE MEXICO BAILOUT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the American people do not want us to vote for a $40 billion bailout for Mexico.

We should listen to William Seidman, former head of the FDIC, who wrote in yesterday's Wall Street Journal, that a market judgment mistake was made by investors and lenders who did not properly evaluate the situation.

Mr. Seidman asked: "Why should anyone be bailed out by the U.S. Government . . . for a business mistake?"

He said Mexico was like a kid in a candy store and simply did too much short term borrowing.

But, if we place too many conditions on Mexico, as we should to protect United States taxpayers, it will cause tremendous resentment among average Mexican citizens. Lawrence Kudlow, the economics editor for National Review summed it up best:

> * * * if the GOP goes along with the extravagant and unsound plan put forward by the Clinton administration, it should get ready for electoral backlash. Voters who want smaller and more frugal government at home, with a new emphasis on personal responsibility, expect no less in our policy dealings abroad. Broken Mexican promises on trade, money and free-market reforms should not be rewarded with a big government bailout. Sound money and sound fiscal policies are the only lasting answers.

MEXICO BAILOUT STRONGLY OPPOSED

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to the $40 billion Mexican bailout which is supported by President Clinton, Speaker GINGRICH, and other congressional leaders.

Mr. Speaker, at a time when Members of Congress are proposing cutbacks in Social Security, Medicare, Medicaid, veterans' needs, nutrition programs for hungry children, grants and loans for middle-class college students, and the elimination of public broadcasting, I regard it as insane to put $40 billion of taxpayer money at risk through this loan guarantee project with Mexico.

Mr. Speaker, we have enough problems taking care of the needs of America without trying to run Mexico.

Mr. Speaker, if large banks and Wall Street investment houses want to purchase Mexican bonds at 19 percent interest rates, they have every right in the world to do so. But these great proponents of the free enterprise system who lecture us every day on the value of risk should not go running to Congress for a guarantee on their investments.

END UNFUNDED MANDATES

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, I had hoped to come to the floor today and vote for yet another essential part of the Contract With America, the limits on unfunded mandates. Since it appears that stall tactics are working, we will not be voting on this important provision today. But I felt it necessary to give a simple example of the term unfunded mandates.

An example is worth a thousand definitions. In my home State of California, the California Department of Finance estimates that one piece of legislation alone, the National Voter Registration Act, more commonly known as motor voter, will cost our State $3.8 billion alone in 1994 and 1995.

They further go on to point out that the cost to California in unfunded and underfunded mandates for 1993–94 and 1994–95 will cost more than $15 billion.

I know that might not seem like too much money to some that serve in this House. However, we should adhere to the words of the late Everett Dirksen who said, "A billion here, a billion there and sooner or later we're talking about real money."

□ 1200

A CHILDREN'S TALE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, since the Republicans have decided that in their so-called open house that Democrats are not allowed to say certain things, I would like to relate the following children's tale.

Once upon a time, there was a little piglet who spent most of his days rolling around in a filthy ditch, throwing mud and insults at the giraffes walking around outside. He was so good at doing this, he started an organization called GOPIG, which distributed tapes to his piggy friends teaching them how to use such words as "sick," and "grotesque" to describe the giraffes.

One day, the piglet came out of his ditch and the giraffes began to chase after him. As he ran, the little piglet squealed and squealed that what they were doing was unfair and that he might get an infection.

Mr. Speaker, the moral of this story is, it is time for an outside counsel to put the book deal to rest once and for all.

MINIMUM PROGRESS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it is ironic that President Clinton will likely urge tonight that we raise the minimum wage as we debate unfunded mandate reform in the House.

This proposal is another unfunded mandate that will kill jobs and hurt productivity.

Does he believe that bigger government, better mandates, and more spending is what the American people really want?

Perhaps that is why he is opposed to a balanced budget amendment to the Constitution.

Mr. Speaker, Republicans disagree. We want to cut spending. We want to cut taxes. We will curtail unfunded Federal mandates. And we will change the way this Congress does business.

Tonight the President will reveal his plans for the next 2 years. Sadly, those plans will continue the same old tradition of big government and big spending. He may talk about the minimum wage, but that kind of talk, will lead to minimum progress.

VOTE AGAINST MEXICAN BAILOUT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, if Members have not decided how to vote on the $40 billion Mexican bailout package, let me refer them to yesterday's U.S.A. Today business page which says that mutual fund speculators in emerging markets earned 66 percent yields on their investments since 1990. Would my colleagues not like to earn some of that money?

Then today on the Washington Post editorial page Robert Dunn, an economist at George Washington University advises against a $40 billion bailout of Wall Street by saying the proposed bailout is really a rescue package for investment bankers and mutual fund managers in New York and other financial centers who took huge risks in exchange for very high-interest rates in Mexico.

We now have a wonderful recipe for prosperity on Wall Street. When risky assets pay, keep the money and complain about high taxes; but when such high risk assets approach default, get the U.S. treasury and taxpayers to cover the losses.

Vote against the Mexican bailout.

AMNESIA BY THE DEMOCRATS

(Mr. LaHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LaHOOD. Originally, Mr. Speaker, I was going to say something about the balanced budget amendment, but I think amnesia has set in here in the House. I am absolutely amazed that the distinguished minority leader and distinguished minority whip would come to the House and castigate and chastise Republicans for the open rules that we have given them on unfunded mandates, over 150 amendments? Gosh, I can never remember when the Democrats were in charge that they ever had an open rule on a major piece of legislation.

Well, amnesia has been cured. The American people will now have debated a balanced budget amendment, unfunded mandates, term limits, line-item veto. We have been cured. We do have open rules, Members have not been gagged.

Get with it. We are in charge, and we will set the agenda.

BALANCED BUDGET AMENDMENTS

(Mr. WATT of North Carolina asked and was given permission to revise ad extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I first read it in the Washington Post and I had my doubts about it. Then I read it in the Farm Journal. This is a quote. "We have to explain to people in advance what a balanced budget amendment is going to mean. I am for it, but you got to tell people you can't have it without giving something up." Our Senate majority leader, a Republican.

He needs to tell the people on this side in the House the same message. Unlike his Republican counterparts over here who steadfastly refuse to discuss the actual cost of the balanced budget amendment, claiming that if Americans knew the real costs, their knees would buckle.

The balanced budget amendment may be good political public relations. but it is not integrity and open government, which is what the Republicans say they want.

We have to be honest with the American people about the balanced budget amendment.

VOTE FOR UNFUNDED MANDATES BILL

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute.)

Mr. CHRYSLER. Mr. Speaker, I rise today to urge the Members to vote for the Unfunded Mandates Reform Act. This measure would dramatically alleviate the devastating impact Federal mandates have levied on the States for decades. Additionally, we must protect the private sector from overbearing mandates and regulations. This measure will show the American people that this congress is providing real leadership and is sincere in this efforts to create a streamlined and more efficient and responsible Federal Government.

Coming from the great State of Michigan, one of America's strongest industrial and agricultural communities, I have seen how such mandates and Federal regulations often result in lost jobs or impede job creation.

The effects Federal mandates have on the private sector are no less devastating and should be analyzed on equal levels as those affecting States and local governments.

A BALANCED BUDGET YES, BUT NO THREE-FIFTHS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, in this body as well as the other body we have people with different ideas. Ideas are what make legislation. We are seeing that with the unfunded mandate bill. That is all it is, a question of ideas. We are going to see it with the balanced budget amendment.

I have supported a balanced budget amendment since I have been here, 18 years. I have never supported however, in that time, the principle that you should have a three-fifths majority in order to increase revenues. I will never support a constitutional amendment that has that.

I believe in my principles. I just wonder how many freshmen Members on the other side of the aisle believe in their principle of a three-fifths majority and how many of them will actually stand by that principle, or how many of them will, just for expediency, decide that they want a balanced budget amendment and they do not care what is in it. I am just curious to see who really stands by their ideas.

STOP THE BICKERING

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, tonight, as the President addresses the Nation, I urge my colleagues on the other side of the aisle to reflect on what they have done to reform the government.

Have they come out in support of a tax-limitation, balanced budget amendment?

Have they fought to reform unfunded mandates, have they embraced the Republican-led changes in the way the Congress does business?

Or have they fought the reforms put forth? Have they tried to filibuster, delay, and destroy the Contract With America?

Mr. Speaker, many House Democrats, guardians of the failed past, have come to the floor today and in the past weeks for one reason, to stop needed reform of this Congress.

They attack Republicans on irrelevant issues. They complain about fair procedures, they whine when we make necessary cuts.

The time has come to stop this silly bickering, this endless partisanship. Let us work together to complete the Contract With America and restore the people's faith in their Congress.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, I did not say anything when the gentleman was in the well and just spoke, but as I said earlier, and I was asking about one of the previous speakers, the House rules do not permit the impugning of motives.

□ 1210

The SPEAKER pro tempore (Mr. SHAYS). Will the gentleman state his inquiry, please?

Mr. VOLKMER. The inquiry is, Do the House rules forbid the impugning of motives of the Members of the House, either party, anybody?

The SPEAKER pro tempore. The Chair would point out to the gentleman that personal motives are out of order. Political motives are not.

Mr. VOLKMER. All right. Fine.

SAVE SOCIAL SECURITY

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE. Mr. Speaker, my constituents asked, as I came to the U.S. Congress, that we engage in deliberation and serious debates on the problems of the American people.

I have been reading in my office letters that have come, handwritten, notably by aged individuals, who asked me simply to save their Social Security.

I went home almost the very first week, not to tell people what I was going to do but to ask them what they would have the U.S. Congress do. In a hearing, one after another pleaded and begged that we would respond to the needs of those who needed Social Security.

Mr. Speaker, a balanced budget amendment that does not protect Social Security violates the rights of needy citizens across this Nation.

In recognition of this great tragedy, those of us on the Committee on the Judiciary offered an amendment, a simple bipartisan amendment, to save Social Security. This was soundly defeated by the Republican majority.

We have already heard over 100,000 million dollars will be taken out of Medicare and Medicaid. Texas will lose 35 percent of its benefits.

I simply ask that we own up to our responsibility and save Social Security.

PASS THE BALANCED BUDGET AMENDMENT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, you know, each month, sometimes at the beginning of the month, sometimes at the end of the month, but surely during the course of the month, the American middle-class families must sit down and assess their finances, and as a result of these assessments, many new dresses and suits and weekends out and stereos and want-to-have type purchases yield to such mundane purchases as new dryers, new washing machines, automobile repairs, new roofs for the house, other type things like that.

The American middle class must do this, because their expenses cannot exceed their revenues. It is essential. It is common sense.

And now the U.S. Congress can join them in this effort. We have ignored this for too long. The last balanced budget was in 1969.

This week we can change everything by the passage of a balanced budget amendment. Let us pass it and do what middle-class America has to do each month.

A PICTURE SPEAKS A THOUSAND WORDS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I read with great sadness and sorrow in this morning's papers that the new chairman of the Rules Committee has replaced the portrait adorning that committee's wall.

The portrait that had hung on that site was of Claude Pepper, one of the most revered and respected Members ever to serve in this institution, a man long associated with protecting the rights and dignity of senior citizens.

The portrait that replaces it, one of Howard W. Smith, a man perhaps best remembered for his obstruction in passing the country's civil rights laws. A man who in his own words "never accepted the colored race as a race of people who had equal intelligence and education and social attainments as the white people of the South."

Mr. Speaker, it has been said that a picture speaks a thousand words. I know the gentleman from New York meant no offense, meant no harm. He should change his mind. Symbols in our society are important. We do not need angels on our walls, but certainly we can do better. Mr. Chairman, please take down that picture. Take it down now.

NO TIME TO STALL

(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, this is no time to stall. For 40 years the House leadership on this side of the aisle stalled reform from Congress. For 40 years the House leadership resisted passing a balanced budget amendment. They refused to reform our welfare system. They passed unfunded mandates on to the States.

And now there are those who are trying to put off reform again. That is why they use dilatory tactics to slow the legislative process. It is why they concentrate on issues that have nothing to do with changing this Congress. They wish to stall in order to deny the American people a real chance to change business as usual.

Well, Mr. Speaker, if the last election was any indication, this is no time to stall. I urge my colleagues on the other side of the aisle to stop stalling and to start working with us to reform this Congress.

THE BALANCED BUDGET AMENDMENT

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, passage in its current form of the House joint resolution, the balanced budget amendment, would reshape the political landscape and impact the American people in ways that have never been felt before.

To avoid that result, I urge two changes: One, that we should not punish those who have given all of their lives—the aged; we should exempt Social Security from the balanced budget calculation.

Social Security is, indeed, the contract that the older Americans have with their country. That contract should not be breached. It should not be broken. It should not be modified, particularly for those who are in the sunset of their lives who have come to realize that this is their only hope for a quality of life.

Second, Mr. Speaker, we should tell the people what we will cut and what we will not. It is undemocratic to say that we are fiscally responsible and fail to tell the people what we will do.

America wants reform, but America wants reform knowing what they are doing.

WELCOMING THE PRESIDENT TO THE CONTRACT WITH AMERICA

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, in his campaign for the White House, President Clinton said that he favored tax relief for the middle class. Well, Republicans in the new Congress agree that the Federal Government taxes and spends too much and that taxpayers should have their tax burden reduced.

Through his Reinventing Government, President Clinton also supports efforts to reduce the size of Government. Republicans in the new Congress will work with the President to achieve a smaller, efficient Government.

You see, Mr. Speaker, there really are areas of agreement. In our Contract With America, Republicans have promised to accomplish many of the things that the President says should be done. But there is one slight difference: Instead of just talking about these things, Republicans have and will continue to deliver on our promises. And, we welcome the President to our agenda of lower taxes and less government.

THE AMERICAN PEOPLE HAD BETTER PAY ATTENTION

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker and Members, I am worried about this Congress, and the American people had better pay attention.

This Congress is rushing to pass a constitutional amendment to balance the budget, and most people do not have any idea how their lives are going to be impacted by this vote.

Did you understand the words of the Members who came before me when they talked about Social Security and the fact that it could be on the chopping block?

But let us not dwell on that, as bad as that could be. I want to talk about a children's program today. I want to talk about Head Start, that program which has proven to be an excellent program, that gives little children a head start, that gets them involved with education, that helps introduce them to books, that builds self-esteem. It is in rural communities. It is in urban communities. It is for the working class.

This is a program that could be cut, that could be eliminated.

American people, get involved and understand what is about to happen.

THE PRESIDENT SHOULD READ THE CONTRACT WITH AMERICA

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, I have no doubt that the President's State of the Union Address tonight from the rostrum behind me will be a great speech. The President always gives a great speech.

But, Mr. Speaker, the President is a little late. The voters sent a clear message last November to Washington, "Clean up your act and get your fiscal house in order."

The voters elected a Republican majority to disassemble the big Government bureaucracy that the Democrats built up over the last 40 years.

Republicans are keeping their promise with the American people through the Contract With America, despite the delaying and occasionally obstructionist tactics we see on the other side of the aisle.

We are working to reduce the size and scope and cost of government.

Mr. Speaker, I would like to suggest to the President that for his State of the Union Address tonight he should just read the Contract With America. These are the issues concerning the people, and these are the issues they want to hear the President support tonight.

□ 1220

FREEDOM OF SPEECH STIFLED

(Mr. KLINK asked and was given permission to address the House for 1 minute.)

Mr. KLINK. Mr. Speaker, for 24 years I was a journalist. I did stories on and about murderers, rapists, drug dealers, politicians that were in trouble, even police officers who had crossed the line. And I was threatened many times, told not to carry a story or threatened if I was to move forward.

Never in 24 years was my freedom of speech stifled until last night. And it did not happen in a dark alley, it happened on the floor of the U.S. House of Representatives. Only two Members of the minority side were allowed to speak last night about a very controversial issue, and they were only given 3 minutes.

Never in my time in the House have I seen this. 202 Members were told, "You can't speak, you can't debate."

In all those years when I was threatened, in all those years when someone tried to stop the debate, the free flow of ideas, I learned one thing about it: that they were afraid of the exposure of that idea. They did not want to have a debate. And when you are afraid of debate, it shows the weakness in your philosophy and a weakness of where you are coming from.

Ladies and gentlemen, I think we have got to continue pushing for our rights to at least have a debate on these issues, win or lose.

THE CHOICE IS CLEAR: SMALLER, MORE EFFICIENT, LESS COSTLY GOVERNMENT

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, in the last election people gave this Congress a specific mandate: they want a smaller, more efficient and less costly government. This week Members of this body will have the opportunity to begin fulfilling that mandate by voting "yes" on a balanced budget amendment.

I believe most Members would agree that this Government is too intrusive in our lives. By forcing ourselves to balance the budget, we can begin downsizing the Federal Government.

The choice is clear, and the American people know it. If you want smaller, more efficient, and less costly government, then you will vote for the balanced budget amendment with tax limitation provision. But if you want to maintain the status quo of intrusive, big-government solutions, then you will vote against this amendment.

I urge my colleagues to vote with the American people and for the balanced budget amendment.

LET US WORRY ABOUT THE BUDGET NOW, NOT IN 2002

(Mr. MASCARA asked and was given permission to address the House for 1 minute.)

Mr. MASCARA. Mr. Speaker, as a former county commissioner and an accountant, I know what it means to balance a budget. I have balanced 16 of them. I know what it means to make sure that the numbers add up correctly. It means sitting down and setting priorities, deciding whether to build bridges, build a jail, or to build new drains down Main Street. It means seeing if revenues equal the needed outlays, and it means doing something about it if they do not.

My colleagues on the other side of the aisle would like us to believe that the budget can be balanced by magic. They say if we pass a balanced budget amendment and it goes into effect in the year 2002, well, we will worry about it then somehow. I say we had better worry about it now. We have to start laying out a roadmap that will lead us to the balanced budget. We must let the American people know now what they are in for; namely, some very tough times and very difficult decisions. My friends on the other side of the aisle say we just cannot predict what will happen in 5 years. I have been predicting for years as a county commissioner what will happen 20 years later.

MORE ON UNFUNDED MANDATES

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, soon the House of Representatives will wrap up debate and vote on H.R. 5. But since debate on the floor began, it is clear the bill's opponents just do not get it. The supporters of unfunded mandates continue to argue that if there was no big brother, a Federal big brother, America's children would be subjected to all sorts of horrible things. They seem to be saying Washington cannot trust the State Governors and legislators with these responsibilities. Well, the taxpayers know better.

It is time to change that same mentality that has governed this town for the last 40 years. State Governors and elected officials were chosen, and the taxpayers are being belittled by Members of this body for those choices.

Apparently, the only people who know how to clean the water or take care of the children are those whose credentials are backed by the Federal bureaucracy. How unthoughtful to those State and local officials and to the voters who decided to change to a new way of thinking at both the State and Federal levels. It is time to give local officials a little credit and adopt the unfunded mandates legislation.

BOOKGATE

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, we have heard a growing number of conflicting and disturbing reports over Bookgate, the Speaker's book deal. Here is the bottom line, though: If the Republicans want to close the books on this episode, it is time for them to open up the books to the book deal and accept the call for an independent counsel to investigate these mysterious dealings.

Some Republicans are hoping that this issue will quietly disappear. But, Mr. Speaker, it will not go away, for a simple reason: America does not know what there is to "go away."

As recently as last week, the Speaker and Republican leaders met with media moguls in this country, including tycoon Rupert Murdoch. Murdoch is pushing the Congress to eliminate the ban on foreign ownership of America's TV and newspaper companies. Murdoch's publishing company, by the way, was the one that gave the Speaker the $4.5 million book deal. Do not forget also that Murdoch and his lobbyists had a private meeting with the Speaker prior to the announcement of that lucrative book deal. Last week's meeting could have been just a friendly get-together, or there might have been a lot more to it than that.

It is time to, Mr. Speaker, open up the process and find out exactly what did happen.

PROCEEDINGS OF THE HOUSE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the people of this country spoke last November. But it is apparent to anyone who is paying attention to what is going on in this House that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

Mr. NADLER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will be seated. The Clerk will report the words.

□ 1230

The Clerk read as follows:

> But it is apparent to anyone who is paying attention to what is going on that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

The SPEAKER pro tempore (Mr. SHAYS). The Chair is prepared to rule.

It would be out of order for the gentleman to make reference to a particular Member, but precedent suggests that reference to procedures, or amendments, or to parties is not out of order.

The House will proceed in regular order, please.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NADLER. The second half of the statement of the distinguished gentleman made reference to the hypocrisy of the Democrats. The context clearly indicated that it was the Democratic Members of the House that he was referring to. My parliamentary inquiry, therefore:

Since the rules prohibit the impugning of motives of Members of the House, and the gentleman impugned the motives of a group of Members of the House, just under half the Members of the House; so is it not permitted under the rules then to impugn the motives of an individual Member of the House, but to impugn the motives of a group of Members of the House is permitted?

The SPEAKER pro tempore. The Chair believes that collective political motivation can be discussed and it was not discernible that it was relating to any particular Member.

The House will proceed in regular order, please.

CALLING FOR A RENEWED COMMITMENT TO AMERICORPS

(Mr. WARD asked and was given permission to address the House for 1 minute.)

Mr. WARD. Mr. Speaker, I rise today in support of the President in his efforts to strengthen our communities and enable young Americans to further their education through the National Service Program, AmeriCorps.

As a former Peace Corps volunteer, I know the value of serving our community here in the United States as well as around the world.

Despite its short existence, President Clinton's National Service Program has already achieved remarkable results in terms of participation, serving our communities, and extending the invaluable benefits of higher education to tens of thousands of young Americans.

In my hometown of Louisville, the 22 volunteers of the ACME Program, which is affiliated with AmeriCorps, serves at-risk youths in local schools through safety and education programs. Also in Kentucky, AmeriCorps sponsors a housing and homeless program. This program seeks to provide affordable housing for those in need.

I believe that programs such as AmeriCorps can only make our Nation stronger and bring our people closer. Mr. Speaker, I call for a renewed commitment to AmeriCorps.

THE TIME TO DELIVER IS HERE

(Mr. BROWNBACK asked and was given permission to address the House for 1 minute.)

Mr. BROWNBACK. Mr. Speaker, I rise to address the body to comment about the elections on November 8 and the clear statement the American people spoke of at that point, which was to reduce the size, the scope, and the intrusiveness of the Federal Government. It has come that time to stand and deliver.

I call on the administration to put forward proposals looking at all Federal agencies for their continued work and their efforts in questioning whether or not we should reduce the Federal role in these areas, and I ask the administration to address that and to examine whole roles of agencies and programs. This body has been continually focused on the costs of these programs. I would ask the body to consider the responsibility of us to our children and the enormous deficit that has been put forth, the enormous debt that has been accumulated and what responsibility we have to the children of this country to free them of that debt.

Mr. Speaker, it is one thing to spend our children's inheritance. It is quite another to spend them in debt, as we have, and also the opportunity we have to free the society of these strains.

GET THE FACTS STRAIGHT

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute.)

Mr. ABERCROMBIE. Mr. Speaker, to correct the record, I believe the gentleman from the 18th District of Illinois [Mr. LAHOOD] who surely is no rookie to the process here, perhaps unintentionally mischaracterized what has happened in terms of the history of the House. He said, if I understood him correctly, that no piece of major legislation has ever passed under open rules while the Democrat majority was in power.

As a member of the Committee on Armed Services and as a member of the Committee on Natural Resources, Mr. Speaker, I can tell my colleagues that the gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. MILLER] conducted every single piece of legislation under open rules. Every single hearing, including the budget hearings, were open. Every single Member of the then-minority who wanted to offer an amendment was able to do so, no matter how long, no matter how lengthy. That was the case.

Also, Mr. Speaker, I think it is a mischaracterization not to indicate to the American people and to new Members of the House here that time was equally divided always under the chairmanships of the gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. MILLER].

Get the facts straight, get the process right, and good legislation will follow.

□ 1240

U.S. INVENTORS THREATENED BY NEW REQUIREMENT OF GATT IMPLEMENTATION LEGISLATION

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, pardon me for talking about legislation for a few moments.

Mr. Speaker, I am asking my colleagues today to join with almost 100 Members of this body in cosponsoring H.R. 359. This legislation is aimed at preventing a crime against the American people. That crime was made possible by a provision, not required by GATT but snuck into the GATT implementation legislation, that will have the effect of decreasing the number of years of patent protection enjoyed by American citizens.

H.R. 359 ensures that Americans will have the 17 years of protection that has traditionally been our right. Almost 100 Republicans, Democrats, protectionists, free-traders, liberals, and conservatives have joined together to prevent this rip-off that could see billions of dollars that should go to American inventors and investors instead ending up in the bank accounts of foreign and multinational corporations.

Mr. Speaker, I ask the Members to please join in cosponsoring H.R. 359.

THE NEW ANTIFEMININE TRENCH INFECTION PILL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, last week I addressed the House on the Speaker's college course about the sexes, and since then we have learned a lot more.

The Speaker at that time had made some comments about how men did so much better in trenches than women because men were like little piglets and liked to roll around and women got infections every 30 days.

Well, since then, the Defense Department has spoken, medical science has spoken, and all sorts of people have spoken, and they seem to be very contrary to what the Speaker has talked about.

But in the interim, from my district comes good news. Father Marshall Grouley has brought forth the new antifeminine trench infection pill, and I think this is going to be the answer for those who are still doubting unbelievers. He also notes there are some possible side effects for women taking this—that, No. 1, they might find sudden urges to roll around in trenches as piglets; No. 2, they may suddenly decide they have to hunt giraffes; and No. 3, they may have a compulsive need to sell a book.

MEXICAN BAILOUT SAID TO DEPEND ON HILL APPROVAL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, unlike the allegations of the earlier speaker, the gentleman from Indiana, I do not want to slow down the contract. I am eager to debate the contract on the floor. I would even like to debate it in the committee. I would even like to have an open process, as has been promised in committee and on the floor, and let the sunshine in. But we are going to have to remove some of the gag rules being imposed by the new Republican majority before we can do that.

But there is one thing I do want to stop dead. I want to stop dead the misbegotten bailout of the Mexican economy and those who have been speculating so lucratively in Mexico. It was proposed by President Clinton, but now it is being quietly manipulated through Congress behind closed doors by Speaker GINGRICH and Majority Leader DOLE.

Here is the headline in the Washington Times: "Gingrich Sees Hill Approval of Mexican Bailout."

If this bailout passes this body, it will be Speaker GINGRICH's version of a bailout, not President Clinton's. I ask the Members to defeat the bailout, no matter whose it is.

A REDEFINITION OF THE REPUBLICAN ROLE IN GOVERNMENT FOR THE LAST 40 YEARS

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, I say to my colleagues that for 2½ months now Republicans have been engaged, as they were in 1-minutes this morning, in trying to convince either themselves or the Democrats or perhaps the American people that for the first time in 40 years the Republicans are in the majority in this Congress.

Well, during those 40 years, we had the following Republicans as President: Eisenhower, Nixon, Ford, Reagan, and Bush—all during those 40 years. For more than half of those 40 years Republicans were elected to the highest office in the land. And just taking former President Reagan, during three-fourths of his administration, Republicans controlled the United States Senate.

Mr. Speaker, my purpose here is to do nothing but to lay the facts out. Republicans have not been excluded from the Government for the past 40 years; they have run it for more than half of that time.

MEXICAN LOAN GUARANTEE PROGRAM REMAINS A WHITE HOUSE INITIATIVE

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. President, the gentleman from Oregon has indicated that the Republican leadership in the House has some sort of an agenda to move forward the Mexican loan guarantee program. That is not factual. The Republican majority has a responsibility, which we are exercising, to listen to the President of the United States when he proposes a legislative initiative, and that is what the Republican majority has done.

Obviously, the President has not made his case well or sufficiently with respect to the Mexican loan guarantee for both minority and majority Members. The ball is back in your court, Mr. President; it is not a Republican initiative in the House.

A MESSAGE TO THE MAJORITY: "DON'T TREAD ON ME"

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, it appears that the Republicans are already reversing their own reforms. First they say that committees should not meet on the floor during debates under the 5-minute rule because Members cannot effectively be in two places at the same time. Actually, they had a pretty good idea. Unfortunately, they decided to renege on it last night.

What they said is, "Well, we're going to change the rules." I know they take offense at the parliamentary skirmishes that are going on right now, but when you change the rules and try to silence the Democrats, when you say, "We'll take 58 minutes or 67 minutes and give you 3 minutes," we are not going to stand for it.

I think the message we want to transmit this morning is that there will be comity on this floor—not comedy, but comity—fairness and a sharing of the time, or else. I conclude with the words cited in the American Revolution, quite simply, "Don't tread on me."

THE TIME ALLOCATION ON YESTERDAY'S MOTION TO ALLOW COMMITTEES TO SIT DURING 5-MINUTE RULE

(Mr. CRAPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAPO. Mr. Speaker, I think it is important that the record be set straight. Twice today we have heard it alleged that yesterday the Republicans took 57 minutes and gave the Democrats 3 in debate. The fact is that the debate took 8 minutes. The Republicans happened to use 5 minutes, and the Democrats used 3 minutes.

Now, when we counted them up afterwards, it was not exactly balanced, and maybe it should have been. It certainly was not 57 to 3, and those kinds of facts need to be set straight.

THE ROLE OF FEDERAL REGULATION AS IT RELATES TO THE UNFUNDED MANDATES ISSUE

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise to comment on some remarks from my distinguished colleague on the other side of the aisle, whose name I do not yet know.

He commented that opposition to the bill on unfunded mandates arises from distrust of the capability or wisdom of State governments, that they cannot make decisions and, therefore, we must make the decisions for them.

The fact is, Mr. Speaker, that in many cases the Federal Government must come to the aid and assistance of State and local governments because they are unable to protect themselves, either because rivers know no State boundaries and a polluter in one State causes pollution in a second, a third, and a fourth, and it demands Federal legislation to protect States because they cannot do it themselves, or, second, a State may wish to regulate an economic activity which harms its people but is told, "You cannot regulate that activity because if you have that regulation, the large corporation will move and take its jobs and taxes to another State," not because the regulation is not a good and fair one but because they have the power to do so. The Federal Government must protect the States in that instance.

□ 1250

DO NOT DECLARE OPEN SEASON ON HYPOCRITS

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, I come from the State of Pennsylvania, and we are famous for hunting. I know our chairman on the other side comes from an area not distant from mine, and some of our counties have more deer than people. In Pennsylvania when we have an over population of game, we declare an open hunting season. It seems we may have a lot of hypocrisy and a high population of hypocrits in the House. I hope that does not mean we are going to declare an open season.

INSIST ON OPPORTUNITY TO DELIBERATE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I hope that the Chair and others understand what the concern of Democrats is today about last night. It is not about whether there were 3 minutes on one side and 5 minutes on the other. The concern is that on a very important motion that changed procedure and in fact abrogated the very reforms that were voted through this House on a bipartisan basis only a week earlier, that on that very important measure, the majority did something relatively unprecedented in my memory, which is instead of yielding as something routinely is done half the debate time on that motion to the other side, instead the majority made us grovel for 3 minutes, and it did not matter whether the majority was speaking for 5 or 50 minutes, the message was clear. Three minutes is all you get, wham, bang, and we are out of here, and you are rolled. Unfortunately, that is not going to wash.

I just want everybody to know, I do not mind voting on the Contract With America. I am not here to delay the Contract With America, but I am here to deliberate. So it is not delay that is at issue, it is whether we get to deliberate, and we are going to insist on that.

ARTIFICIAL DEADLINES

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, first I wanted to correct a mistake which I made last night. I referred to prior rules which prohibited at the objection of any one Member the meeting of a committee while the 5-minute rule was in process. I had not mentioned, in fact I was incorrect in not mentioning, that had been changed in the last Congress. I want to correct that error of mine. But that does not change my unhappiness with this procedure, particularly now that proxy voting has been done away with.

I face a situation where as a member of the Committee on Banking, Finance and Urban Affairs, I may be asked to be at a hearing and perhaps a markup on the question of guaranteeing the Mexican debt and pushing for the kind of social and taxpayer safeguards I think are important. As a member of the Committee on the Judiciary, I want to be on the floor fully to participate in the balanced budget amendment.

What we are facing is an artificial deadline made as part of a campaign approach, and it is one thing to as part of a campaign approach, and it is one thing to try and meet that. It is quite another to degrade the legislative process to meet this arbitrary deadline. I hope the other side will stop doing that.

ON THE STATE OF THE UNION

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, in the midst of a good deal of pettiness that has taken place on the House floor today, my Republican colleagues and I look forward to welcoming the President of the United States to the Chamber tonight to deliver his view of the State of the Union. It is most beneficial at the beginning of the legislative year to hear what the President has to say about where we should be going as a Nation and what his program is for the upcoming year.

We would hope that the President would reference what the American people said in November in the way of approving a new Congress, because they said specifically at that time that the Contract With America was something that they believe should be a part of the national agenda.

So some of the way that I will measure and I think a number of my colleagues will measure the President's remarks tonight is how much of the agenda of the Contract With America does the President set forward in his speech this morning. Where is he willing to cooperate with us in moving the Nation ahead. We are hopeful that there will be a large area of cooperation between the President and this Congress so that we can in fact move a national agenda and get away from pettiness and partisanship.

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO THREATENED DISRUPTION OF MIDDLE EAST PEACE PROCESS BY COMMISSION OF GRAVE ACTS OF VIOLENCE BY TERRORISTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. SHAYS] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process and to issue an Executive order that:

- —Blocks all property, including bank deposits, of foreign persons or organizations designated in the Executive order or pursuant thereto, which is in the United States or in the control of United States persons, including their overseas branches; and

—Prohibits any transaction or dealing by United States persons in such property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have designated in the Executive order 12 foreign organizations that threaten to use violence to disrupt the Middle East peace process. I have authorized the Secretary of State to designate additional foreign persons who have committed, or pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or who assist in, sponsor, or provide financial, material or technical support for, or services in support of, such acts of violence. Such designations are to be made in coordination with the Secretary of the Treasury and the Attorney General.

The Secretary of the Treasury is further authorized to designate persons or entities that he determines, in coordination with the Secretary of State and the Attorney General, are owned or controlled by, or acting for or on behalf of, any of the foreign persons designated under this order. The Secretary of the Treasury is also authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these measures in consultation with the Secretary of State and the Attorney General and to coordinate such implementation with the Federal Bureau of Investigation. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order was effective at 12:01 a.m., eastern standard time on January 24, 1995.

I have authorized these measures in response to recurrent acts of international terrorism that threaten to disrupt the Middle East peace process. They include such acts as the bomb attacks in Israel this past weekend and other recent attacks in Israel, attacks on government authorities in Egypt, threats against Palestinian authorities in the autonomous regions, and the bombing of the Jewish Mutual Association building in Buenos Aires, as well as the car bomb at the Israeli Embassy in London.

Achieving peace between Israel and its neighbors has long been a principal goal of American foreign policy. Resolving this conflict would eliminate a major source of instability in a part of the world in which we have critical interests, contribute to the security and well-being of Israel, and strengthen important bilateral relationships in the Arab world.

Attempts to disrupt the Middle East peace process through terrorism by groups opposed to peace have threatened and continue to threaten vital interests of the United States, thus constituting an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

Terrorist groups engaging in such terrorist acts receive financial and material support for their efforts from persons in the Middle East and elsewhere who oppose that process. Individuals and groups in the United States, too, have been targets of fundraising efforts on behalf of terrorist organizations.

Fundraising for terrorism and use of the U.S. banking system for transfers on behalf of such organizations are inimical to American interests. Further, failure to take effective action against similar fundraising and transfers in foreign countries indicate the need for leadership by the United States on this subject. Thus, it is necessary to provide the tools to combat any financial support from the United States for such terrorist activities. The United States will use these actions on our part to impress on our allies in Europe and elsewhere the seriousness of the danger of terrorist funding threatening the Middle East peace process, and to encourage them to adopt appropriate and effective measures to cut off terrorist fundraising and the harboring of terrorist assets in their territories and by their nationals.

The measures we are taking demonstrate our determination to thwart acts of terrorism that threaten to disrupt the Middle East peace process by attacking any material or financial support for such acts that may emanate from the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 23, 1995*.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1256

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, January 23, 1995, the amendment offered by the gentleman from South Carolina [Mr. SPRATT] had been disposed of and section 4 was open for amendment at any point.

Are there further amendments to section 4?

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we prepare to return to the unfunded mandates bill or, as some would say, the Son of California Wilderness, I would remind our colleagues that we have now been on this bill for some measure of time, over 10 hours, on nine amendments. I would also point out there has been some discussion here this morning about the majority gagging of the minority. I would emphasize again this is an open rule, a truly open rule, something that we rarely saw in the 103d Congress.

Having said that, though, I think with the fact we have dealt with only nine amendments in over 10 hours and the fact that we have pages of amendments just to section 4 of the bill still pending, I would exhort my colleagues to recognize that there must be an end to this process at some point in time.

I think there are certain major issues that we need to deal with in this legislation. We have been dealing with only one of those major issues thus far, and that is the issue whether certain programs or statutes or dealings in the Federal Government should be exempt from a cost analysis of what they may cost.

That is one issue, and we have debated that at great length over a number of different issues. But I think we have fairly well resolved the fact that the majority has prevailed in saying very little should be exempt from the provisions of this law, except those things that would provide sort of technical reassurance that certain areas were in fact exempt under civil rights laws or whatever.

This is only one issue. We have other issues like, should the regulations issued by the Government be subject to judicial review, should the effective date be changed, and what do we do with public-private issues. These are all major issues.

So I would hope that we might be able to move this along. And in hopes that we might be able to do that, I ask unanimous consent that debate on all of the exemption amendments to section 4 of the bill be limited to 20 minutes, 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, I reserve the right to object because I do not believe that such a request would be appropriate at this time.

□ 1300

Mr. Chairman, in the committee we had no hearings.

The previous question was ordered on an amendment that had not even been heard or read. We were told to hold off on amendments until we reached the floor. When we agreed not to make a point of order to the bill that would have delayed consideration, the chairman assured us that there is no intent at all to in any way proscribe or limit the ability of Members to offer amendments.

Further, when we went to the Committee on Rules, we were told that we were going to have open debate. Many Members on the other side of the aisle very proudly said, and have even said so today, that, "We are now having open debate. There is going to be no closed rule."

Mr. CLINGER. Mr. Chairman, I sense some resistance on the other side, and I withdraw my unanimous consent request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] withdraws his request.

Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer amendments Nos. 30 and 31 at the desk, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BECERRA:

In section 4(2) insert "age," before "race".

In the proposed section 422(2) of the Congressional Budget Act of 1974, insert "age," before "race".

Mr. BECERRA. Mr. Chairman, I have spoken on this floor about my concerns with H.R. 5, the unfunded mandates legislation, for a number of reasons, least of which, of course, is the fact that the State and local governments are taking on burdens.

More to the point, however, we do not take into account in H.R. 5 numerous provisions to protect those very States and local governments and neighborhood communities that we say we are about to protect through this particular legislation. One specific example to me, Mr. Chairman, which is very glaring, is that the legislation we have before us today does nothing to protect our American people against discrimination based on age.

Today we have before us H.R. 5, that says nothing about preserving the rights of people, based on their age, to work, to live freely, and I believe it is important that at least something like this be included in H.R. 5. The Federal laws prohibiting age discrimination provide protection for millions of older Americans from arbitrary and unjust discrimination.

As with all laws prohibiting discrimination, the laws prohibiting age discrimination set basic standards for fair treatment in a workplace and other areas of American society. The right to work free of age discrimination is a fundamental right.

However, age-based employment discrimination remains prevalent, despite the Age Discrimination in Employment Act, the ADEA. The problem is particularly severe for persons who have lost jobs in declining industries such as heavy manufacturing. I know in Los Angeles, Mr. Chairman, we have a lot of unemployed engineers and scientists who are getting on in age, and they are finding it very difficult to find jobs, even as qualified as they may be.

Mr. Chairman, once unemployed, older workers face sharply limited employment opportunities. Persons aged 45 to 64 are unemployed longer, on average, than younger workers in America, and they become what we term under the law discouraged workers. In other words, they are those who give up the job search because they feel it is futile.

Mr. Chairman, the arguments for preserving our important civil rights laws are the same regardless of whether the laws concern age, race, religion, or ethnicity. The authors of H.R. 5 have recognized that civil rights laws are deserving of special protection from any burdens that may impede their force and effect.

It is our job now, Mr. Chairman, to ensure the inclusion of age discrimination laws among those civil rights laws to be exempted from H.R. 5's impact.

Mr. Chairman, along with the amendment that I have, the gentleman from Pennsylvania [Mr. KANJORSKI], who has worked tremendously on these issues, also had an amendment. He has agreed, we have all agreed, to join together on this particular subject, along with the chairman of the committee, and I thank the chairman for having done that.

However, Mr. Chairman, I do want to make sure that I do acknowledge that the gentleman from Pennsylvania [Mr. KANJORSKI] graciously allowed me to go first on this particular amendment. He has worked tremendously on this as well.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. Of course, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, as the gentleman said, this amendment would add age to the list of antidiscrimination statutes that would not be covered by H.R. 5. There are certainly no intent to exclude this. We certainly want to make sure that the antidiscrimination would apply to this measure. This particular amendment has already been accepted by the Senate, and I am pleased to accept the amendment.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I simply would like to compliment my friend, the gentleman from California [Mr. BECERRA] for noticing this and inserting this very important aspect on the issue of discrimination. I compliment him on his diligence in addressing this issue.

Mr. KANJORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think this is a very important amendment, and we discussed it at the committee markup. However, it points up the very reason that we are here today and that we have been involved in 10 hours of debate, and we have 100-some-odd amendments, because this amendment should have been readily seen as valuable to this piece of legislation at the markup level. If it had, we would not have spent hours of staff time and hours of Members' time preparing for this occasion.

Mr. Chairman, I keep hearing, and I just want to refer to the chairman of the committee on the other side, who treats this piece of legislation as if it is only a procedural piece of legislation for a point of order.

However, Mr. Chairman, this bill has two particular sections, one affecting the right here on the floor to raise a point of order, and two, allowing citizens of any type for any reason to raise a legal question in a district court throughout America, challenging any rule or regulation by a Federal agency.

Mr. Chairman, it is just so clear, I think, by the acceptance of the Committee on Rules, that this should have been put in this bill early on, just as we were fortunate enough when the bill was originally drafted, and it did not have in it an exemption for Social Security, we were fortunate enough to win that single amendment of 40 or 50 amendments offered in committee markup. Social Security did win, I think, by a vote of 39 to 3.

Mr. Chairman, I am certain if we had had the opportunity to really sit down and with open minds discuss this legislation, not only this age discrimination amendment but several others that I offered today would have been part of the markup that came to the floor, thereby saving a great deal of debate time. What some Members of the House, and I will not say whether it was on the other side or on our side, seem to indicate is that there is some dilatory action here. However, if a person is over 65 years of age, and if we were not successful in having this amendment made today, their protection as an American citizen could be denied on the basis of the unfunded mandate legislation we are about to pass in this Chamber. That would be criminal to my constituents and criminal to the constituents throughout America.

Therefore, Mr. Chairman, I do want to say, joining with the gentleman from California [Mr. BECERRA], that I think we have contributed materially to the fairness of this legislation, so that when it is finally adopted by this House, and I have no suggestion it will not be, it will be overwhelmingly accepted, at least we know there will not be an allowance for age discrimination in this bill.

Mr. Chairman, further, I would just like to suggest that maybe we could have some cooperation with the chairman and the Majority on the other side to look a little bit more at these amendments that we are about to offer, to recognize that they are not prepared and offered here today to waste our time but are very germane, very important, and are very substantive.

For the legislation to pass this House in less than its best form, as we can provide it, says that this Congress is not ready to rise.

One further point, Mr. Chairman. The gentleman in the chair and I are probably the only Members of this body that were here in the last Republican leadership of the Congress of the United States. We do not pretend to have been Members at that time. We were lowly back bench pages, but we know that that 83d Congress was very successful because there was a tendency to have open debate, because there was not ducking of issues or questions as we have in this government, and it is not only in the 104th Congress, but it has happened in many past Congresses.

Mr. Chairman, what I hope we can eventually come out of this legislation with is recognizing that too often on this House floor we are passing laws that allow for the Secretaries of the executive branch of government to promulgate rules and regulations. It may be one paragraph of legislation and 10,000 pages of rules and regulations.

It is time that the Congress of the United States, and particularly the House of Representatives, takes back its responsibility of oversight and investigation, so that we participate to a large extent in the type of regulations and rules we are going to be subjecting our constituents to, and not delegating that away to some unnamed, unknown bureaucrat, and then come back here and argue that we are hypocrites because we did not know what we were empowering some bureaucrat to do in the name of the Congress of the United States.

Mr. Chairman, I hope that we can proceed now with a few of these amendments and test them for their viability and for their substance and have them accepted.

□ 1310

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. KANJORSKI was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. I appreciate my friend from Missouri. I know how Missourians are eminently fair, no matter what side of the aisle they sit on and do not delay actions by the House.

I want to congratulate the gentleman from Pennsylvania [Mr. CLINGER], the chairman, that we have acceptance of this amendment and my friend who is cosponsor of this amendment. I think we are having a breakthrough here. I can say I hope over the next several amendments we offer that my friends on the other side recognize that these are not done to delay and pass time but are very substantive in nature and can have dire effects on the American people in the future.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Missouri.

Mr. VOLKMER. The gentleman has been in this body for a good many years and has operated very effectively as one of the best-respected Members of this House and his committees.

I understand from what you made during your presentation and since I am not a member of the committee and I was not there, I would just like to go back and take a little bit of the House time because I think it was very important because of things that are being said on this floor today, earlier in the 1-minutes, and I heard a gentleman out in the lobby doing an interview talking about delaying tactics.

I want to go back to that committee meeting and just find out how many—did the gentleman offer this amendment in committee?

Mr. KANJORSKI. Yes.

Mr. VOLKMER. Was this amendment debated in committee?

Mr. KANJORSKI. No.

Mr. VOLKMER. It was not debated? Just tell me what happened.

Mr. KANJORSKI. I had a series of four or five amendments that I thought were particularly important because of the possibility of regulations being propounded in the future that could be objected to in court. And since we could not get the judicial review section straightened out, we recognized we had to have certain exemptions.

The Chair had suggested that because he was under a calendar direction from the Speaker to proceed with the markup of the bill that we would have an opportunity between the markup and the floor time to consider these amendments. We tried to contact the majority leadership and the majority chairman and we were not successful in accomplishing that.

I heard of course yesterday for the first time that this particular amendment would be received. But our problem here was the speed at which the markup was made. No hearings were held. Some of those, myself, a new member of the committee, although having been in the House for 10 years now, was not aware of the process of this new committee, knew this legislation was important and felt that it was not proper for us to draft legislation on the House floor. That is what the committee system is all about.

Mr. VOLKMER. That is correct.

Mr. KANJORSKI. If we are to go about drafting legislation on the House floor, we could end up on this bill and many of the other substantive bills that the majority undoubtedly will be properly presenting to the House, spending weeks or months of what some people may consider delay time. But if you are over 65 years of age and you have been discriminated in your job and you go to sue your employer and he is able to walk into court and enjoin you from taking action, that is pretty substantive.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to take a long time on this amendment, but I think as the gentleman from Pennsylvania has said, it is one that is very, very important.

What my major concern is, is that for the last several days, at least today and yesterday, this gentleman heard Members of the opposite party talking about us on this side wanting to delay this bill, that the only reason that we have these amendments is just to delay the bill.

Mr. Chairman, I do not believe that is true. I think it is because this bill did not have the time in the committee, not because of what the chairman may have wanted done but because of the orders the chairman got from his leadership, and not sufficient time was given in committee.

This is a major piece of legislation affecting almost every law of the United States that has an impact on State or local government, and all future laws for sure, and the regulatory process, as well.

And yet the short time that it was given to Members in committee has resulted in the number of amendments that we have here before us.

It is not because anybody wants to delay the bill. It is because, as I said in my 1 minute today, legislation is made up of ideas. And the people who proposed this legislation had ideas of what they thought should be in the legislation, what the Federal relationship should be to State and local governments. No one else had any input into that legislation up to that time.

The first time that any other Member of this House had an opportunity to have an input into that legislation was in the committee. And when you got to the committee on this very far-reaching bill, and I am sure there are other amendments there, too, you did not have the time really to work on the amendments.

The bill had to come to the floor because the leadership has decided that this bill has to be passed before we do a balanced budget amendment. They put themselves in a straitjacket. It is a very, very, very poor way to legislate.

As one who has been in the legislative business for not 18 years but 10 years in the State body before I came here, this is one of the worst ways to legislate that I have ever seen in my 28 years.

What we have seen is the gentleman from Pennsylvania, the chairman, earlier wanted to shrink the time that Members would have to debate the other amendments that are just as important as this amendment.

It may be that the idea that is in those other amendments does not meet the criteria of the gentleman from Pennsylvania, the chairman of the committee, and therefore he will not accept them as he has accepted this one. But they are still just as important to the Member who is offering that amendment, just as the previous amendments that took 10 hours to do nine amendments, those were very important, Mr. Chairman.

Everyone in this House, all Members, should have the right to express their ideas as to legislation. They should not be told, "No, you can't do that because we don't have time to do it."

The legislation, even when passed, will not take effect until October 1, 1995. That is almost 9 more months.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. May I say to the gentleman, it was not my intent to in any way try to shut off debate. I asked unanimous consent. The unanimous consent was rejected. But in no sense was I trying to shut off debate.

What I was trying to say is that one of the major issues in this debate is whether there should be any exemptions to the overall impact of the bill. I think we have debated that issue, that overriding issue very thoroughly and generally have rejected the idea that there should be exemptions granted. If we grant a series of exemptions, we might as well do away with the bill, and I think there are some that perhaps would like to see that happen. But in no sense am I attempting to gag anybody or attempting to shut off debate.

This is an open rule, we intend to continue to operate under an open rule so the issue can be debated.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I would like to reiterate, and I think the gentleman from Pennsylvania, one of the cosponsors of the amendment, has really pointed out that this way of doing legislation is a very poor way of doing legislation. We should not do legislation on the floor of the House and deprive other Members of doing other things they could. The legislation should have been perfected and time should have been taken to perfect this legislation in committee and, therefore, we would not have all this time on the floor.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I say to the gentleman from Missouri [Mr. VOLKMER], we could save a great deal of time if the other side would realize what our big worry is here and, that is, they do not address the question of judicial review. As long as judicial review is not addressed and we can infer that you have a right to appeal to a district court if you are dissatisfied with the application of this legislation, every regulatory rulemaking body of the U.S. Government that is not independent is subject to judicial review.

□ 1320

That is why it is so important to craft the exemptions in this bill. If it was just a procedural role of a point of order on this floor, we are going to lose that point of order anyway.

There is a majority and there is a minority. Our problem, we are arming every corporation and every individual who does not want to comply with a rule or regulation of a Federal agency or U.S. Government to stop the impact of that legislation by merely moving to file an injunction in Federal district court.

As I said in committee, if there ever was a piece of legislation that should have had the title of Lawyers Relief Act of 1995, it is this piece of legislation.

Mr. VOLKMER. I thank the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. BECERRA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery

McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1339

The CHAIRMAN. Four hundred eleven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. VOLKMER] for a recorded vote. This is a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 17, as follows:

[Roll No. 32]

AYES—416

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn (WA)
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
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Moakley
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Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
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Pickett
Pombo
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Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
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Tanner
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Taylor (MS)
Taylor (NC)
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Thornberry
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Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—1

Young (AK)

NOT VOTING—17

Bachus
Bishop
Buyer
Chenoweth
Coble
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Markey
Mascara
McIntosh
Meehan
Packard
Parker
Stockman
Torkildsen
Wilson

□ 1345

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COBLE. Mr. Chairman, I will take the lead from the gentleman from New York [Mr. ACKERMAN], and I will insert some civility. I am sure the Chair and my colleagues will be delighted to know that I was giving a speech at Fort Myer a few moments ago. I was unavoidably detained when the vote on the amendments offered by the gentleman from California [Mr. BECERRA], rollcall No. 32, was cast. Had I been present, Mr. Chairman, I would have voted "aye."

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it should be apparent to every Member of this body that the chairman of the committee who is handling this bill agreed to accept the amendment that was just voted upon, they agreed to accept it. And then they allowed the minority 20 minutes to debate it after having said they would accept it. Once again, they said they would accept the amendment, and then the minority called not only for a rollcall vote but also a quorum call. This is a deliberate attempt on the part of the minority to drag this debate out, to hold up the Contract With America, and the people across this country are not going to accept it. They are going to know it.

I do not want to belabor this and take the full 5 minutes, but I just want to say to my colleagues in the minority: If there is a need for a vote on an amendment, let us vote on it. I would just like to say to my colleagues, do not use these kind of tactics when we accept the amendment. If we accept the amendment, let us get on with the business of the House and the Contract With America. If you do not have anything to say, do not drag it out.

I would like to point out one more time the committee chairman and the committee said they would accept the amendment. There was no controversy about the amendment. There was no need for debate. There was no need for a vote. And yet they called not only one vote——

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Briefly I would be happy to yield to my colleague.

Mr. KANJORSKI. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Indiana [Mr. BURTON] has brought up a great point and it is a point I have been trying to make over several days now. If we had taken the time in committee to consider this, we could have considered that last amendment in a matter of 10 minutes, it could have been reported like the exemption for Social Security that I introduced in committee, which was accepted in 5 minutes, and we would have not only not delayed a half hour or 45 minutes here and 20 minutes in debate, but we also would not have delayed the times of our staffs and Members who have been waiting this week to prepare for this debate.

□ 1350

Mr. BURTON of Indiana. If I may reclaim my time, I would just like to say it has just been brought to my attention that the gentleman's amendment was not presented before the committee, but I would like to say, and I do not want to prolong this because we have to get on with the business of the House, if an amendment——

Mr. KANJORSKI. If the gentleman will yield for a correction——

Mr. BURTON of Indiana. I will not yield.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] controls the time. He may or may not yield, as he chooses.

Mr. BURTON of Indiana. I would not yield. I would just like to say that if we accept the amendment, there is no necessity to waste the House's time on two votes that are not necessary to drag this thing out. The people of this country want us to get on with the Contract With America, and I wish the minority would let us do what the people of this country want, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it seems to me that on the first day that we convened this year we met until 2 o'clock in the morning and only had two votes. It seems to me that last night the majority party sought to limit the right of the minority to debate.

Is the gentleman now trying to limit our rights to vote?

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Chairman, I thank the gentleman from New York [Mr. ACKERMAN] for yielding because I think the gentleman raises a good point as we can sit around, and the interesting thing which the gentleman from Indiana has done is he has now gotten us fighting over what we were fighting over. But the interesting thing on this is that we were not permitted to have full discussion of the amendment, we were not permitted to have full discussion of the amendment that the gentleman from Pennsylvania offered in the committee. We were warned that this would be the problem.

Second is I understand the gentleman from Indiana's concern. Some of our side might have said in the last session of Congress that the gentleman from Indiana [Mr. BURTON] sometimes might have been—I would never have done that of course—might have been involved in some delaying tactics. It seemed to me that we were voting unnecessarily from time to time when the Republicans, then the minority, wanted to make a point. The fact is we want to move ahead as well.

We are concerned about what happens tomorrow. We are concerned about what happens if we are being asked to sit, for instance, in the Committee on House Oversight on a line item veto at the same time we have the balanced budget amendment on the floor or if we are being asked to sit in a Committee on Banking and Financial Services hearing on the Mexican loan guarantees at the time that we have the balanced budget amendment on the floor. So there are legitimate concerns, and perhaps we are going to have to discuss about ways we express those concerns.

And finally, as I recall, it was the fact that we could not get a vote from the other side that forced us to go to a quorum call that then forced us to go on a vote. We could have shortcut this procedure if a few more on the other side would have been willing to rise.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, for the new Members here on both sides of the aisle:

I can remember scores of times, scores of times, that amendments were accepted on this side offered by the now-distinguished chairman of the Committee on Rules, as one example, scores of times, and we accepted amendments, but they wanted to get votes on those amendments. They wanted to get votes on those amendments so they could score us so they could take it to the interest groups and say, "See how they voted?"

Not one voice was raised in opposition to amendments on a voice vote, but they asked for rollcalls. That is the facet of this democracy. They wanted to have rollcall votes in committees. They wanted to have quorums present in committees. They wanted to make sure that everybody was present, no proxy voting.

Mr. Chairman, we understand that. Very frankly I think on proxy voting they probably were correct. But the fact of the matter is on our side of the aisle understand we think it to be somewhat ironic that a party that time after time after time asked for rollcall votes when there was not a dispute, when committee chairs were willing to take it, is not now really in a position to criticize those on this side of the aisle who seek to have rollcall votes so Americans can know whether we are voting with senior citizens, whether we are voting with children, whether we are voting with the environment, whether we are voting against hazardous waste in communities.

Mr. Chairman, we think those are legitimate votes, and they did as well, apparently until just recently.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. Mr. Chairman, I yield 1 of my 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman from New York, and I will take only 1 minute.

Also for the new Members here: I hope you understand that the Committee of the Whole, which we are now in; we are not in the House, but we are in the Committee of the Whole. It is a committee, and we carry on the amending process in the Committee of the Whole.

I have sat through a number of weeks in which, for example, legislation from the Committee on Armed Services had hundreds of amendments that were presented here on the floor, and the question was: "Why in the world didn't they deal with them in the committee?"

The fact of the matter is, I was told by their side, "We are dealing with them in committee, the Committee of the Whole," and that is exactly what we are doing here.

I would tell my friend and colleague from Maryland that, if they are going to look for particular rollcall votes to begin to draw a line between the majority and minority so the American people will know where they are, we have had a lot of practice——

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. THOMAS. Because the last rollcall vote was 416 to 1, and I fail to understand where the gentleman differentiates on a 416-to-1 rollcall vote.

Mr. ABERCROMBIE. Will the gentleman from New York yield?

Mr. ACKERMAN. Mr. Chairman, reclaiming my time, I would just like to ask that we return to some civility and comity, and I would like to remind——

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, I remind my colleagues who were here at the time and the many of us that are also new, just picking a date from the Journal of September 21, and my colleagues could pick any page almost at random; at 12:45 the gentleman from Wisconsin [Mr. SENSENBRENNER] asked for a vote, a recorded vote. It was 390 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:21; the vote was 425 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:41; the vote was 426 to 1.

The gentleman from New York [Mr. SOLOMON] at 5:50; the vote was 423 to 2.

The gentleman from Indiana [Mr. BURTON] at 6:07; the vote was 422 to 4.

It goes on and on. Nobody sought——

Mr. ABERCROMBIE. Will the gentleman yield for a correction?

Mr. ACKERMAN. I am sure that there is an error in here. It could not have been——

Mr. ABERCROMBIE. Mr. Chairman, would the gentleman yield for a correction?

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(On request of Mr. ABERCROMBIE and by unanimous consent, Mr. ACKERMAN was allowed to proceed for 2 additional minutes.)

Mr. ACKERMAN. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, again for the benefit of new Members, and it should not have to be for old Members:

As a member of the now-National Security Committee and the Armed Services Committee, can we at least have the record straight about someone who has conducted himself—I believe I can state factually on behalf of both sides of this aisle as, if not the fairest among the fairest chairmen that have ever presided over any committee, and that is the gentleman from California [Mr. DELLUMS]. Members, Republican and Democrat, will agree that when the gentleman from California [Mr. DELLUMS] became chairman, and I believe that if the gentleman from California [Mr. THOMAS] will check with the members of the Committee on Armed Services—the then-Committee on Armed Services, every single amendment, every single statement, every single request for time, was honored by the gentleman from California [Mr. DELLUMS], and to state that hundreds of amendments had to come to this floor because they are unable to be delivered or unable to be presented in the Committee on Armed Services is utterly and totally false and against the factual record. Amendments came on this floor because the gentleman from California [Mr. DELLUMS] and the majority recognized the opportunity and, in fact, the obligation of the minority to offer amendments under an open rule.

I say to my colleagues, "If you would do the same, you would do well to follow Mr. DELLUMS' example instead of trying to lecture us on history"——

Mr. ACKERMAN. In conclusion, Mr. Chairman, I just ask that we please observe some sense of civility in this House. We understand the mathematics. We understand that they have a majority. It may be very wide, but it is very narrow, but they have a majority, and under the old math or new math we understand what the vote is going to be.

I say to my colleagues, "Will you let me just offer this to you? With the majority, please, don't be afraid to debate your ideas, please don't be afraid to allow us our say, and don't be afraid to allow us to record the votes."

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, I would like to yield half my time to the gentleman from Pennsylvania [Mr. CLINGER].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 30 seconds.

Mr. CLINGER. Mr. Chairman, as a point of clarification and to sort of correct the record here:

Every amendment that was offered was considered by the committee. All of section 4 was open for amendment in committee. So, every amendment that was offered, every Member had an opportunity to offer amendments to those sections of this bill which were in the jurisdiction of the Committee on Government Reform and Oversight so there was no limitation on the ability to offer this amendment. This amendment was not offered; I think the gentleman from Pennsylvania would agree. This amendment was not offered in the committee——

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, so that the record is correct, if the Chair recalls, we had a list of seven or eight amendments which we thought were extremely important to be considered. We went under—because the committee was trying to mark up the bill that day and get it ready to come to the floor, we had one vote on the Social Security amendment, which passed 39 to 3, if I recall, and the other amendments, at my request, were packaged so that we could work with the majority to see if they could be included in the bill as an en bloc amendment when it came to the floor to facilitate——

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

AMENDMENT OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KANJORSKI: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) requires State governments and local governments to participate in establishing and maintaining a national database for the identification of child molesters, child abusers, persons convicted of sex crimes, persons under a restraining order, or persons who have failed to pay child support.

Mr. KANJORSKI. Mr. Chairman, I would urge all the Members of the House to perhaps remain on the floor. This is a very important amendment that both the gentlewoman from New York [Ms. SLAUGHTER], my colleague on the committee, and I had put in a package to offer at the full committee markup.

□ 1440

Mr. Chairman, at the end of the 103d Congress, this Congress adopted the crime bill, as we all know. A major part of the crime bill called for the creation of a database that would record sex offenders in all 50 States so that that information could be readily available to local police and State police of the various municipalities and States in these United States.

It is my understanding that the Justice Department has not promulgated the rules and regulations pursuant to that bill as of this moment, and that potentially that database will not be able to be constructed for several reasons, one of which is that it does not comport with the statement of standards required in this bill. Further, if we get over that objection, that it was previously passed legislation which had not yet had promulgated rules, we run into the problem that for every sex crime in the United States that would come under that jurisdiction, if the sex offender was discovered because of that database, it would give him a cause of action under the judicial review of this bill to allow him to charge that he is improperly charged because of information developed illegally against him and to set aside the regulations as they pertain to him.

Now, I know that the Members of the minority party have long been well recognized for the fact that they want to do away with vicious sexual crimes in this country. We also know that in order to protect our citizens and protect the privacy of many citizens and the safety of most of our families, our wives and our children, it is essential that we are able to disseminate multiple sex offenders by having some database exist in this country. If we pass this unfunded mandate as it is presently constructed and written, it will not allow for this database information to go forward.

I think that it is this type of exemption that should have been considered at the level of the committee in markup, and in a matter of 15 or 20 minutes the reasonableness and the rationality would have been clearly understood by both the majority and the minority.

This is our last attempt to have that database secure so that it can be implemented by proper rules and regulations and not to give every sex offender in this country the opportunity to vitiate his criminal conviction.

So I urge all my colleagues to take one step back.

This is just good, sane legislation. Let us allow an exemption here for the database that we had originally anticipated and all voted for in the crime bill of the 103d Congress.

Mr. Chairman, I now yield to the cosponsor of the amendment and a member of the committee on the minority side, the honorable gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Pennsylvania [Mr. KANJORSKI] has already made a very compelling argument about the crime that is committee against a victim twice by allowing the perpetrator to have an edge in court. I would like to speak about the personal side. First, I am not trying to stall this bill. I know it is going to pass. The votes are there, but I do not want it to pass until I have a chance to speak for the victims of rape, or children, and women.

The national statistics show us that rapists are 10 times more likely to repeat their crimes than any other offender. The American people have felt outrage, and expressed it many times, over sensational cases where the sexual predators were released in their communities and neither the police nor the community knew they were there. Polly Klaas in California and Megan Kanka in New Jersey are two recent examples of young children allegedly abused and murdered by released sex offenders.

In my home town of Rochester, NY, Arthur Shawcross went on a rampage of serial rape and murder while he was on parole for having murdered two young children.

Mr. Chairman, the parole board in the State of New York lost track of Mr. Shawcross, and not even the police investigating his crimes knew about his past or where he was.

Communities across the Nation have similar horror stories. Last year this database on sexual predators was passed with heavy support on both sides of the aisle. Senator FEINSTEIN introduced the bill in the Senate where it passed.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, why do we want to collect this information nationally? We know a lot of things about sexual predators. One thing is that we cannot treat them as other criminals, that they are very apt to be repeat offenders. We know they cross State lines.

We had the full support of all the police agencies in the country. They feel in the cases of Polly Klaas and Megan Kanka that had they had prior record information at their fingertips, they might have been able to save Polly Klaas who was alive when the police stopped the car she was allegedly in.

□ 1410

One of the things I would like to say to the people of the country is when we talk about the unfunded mandate it is as though they were a four-letter swear word. Unfunded mandates has a ring to it of something almost repugnant. In truth this bill really says that the Federal Government cannot pass any legislation if we are not going to give all the money the legislation requires; that States and local governments will no longer be required to make any contribution of their own.

That means we could no longer pass bills as we have over the history of the United States such as mine safety. There we said that the people who go down in the coal mines of the United States, the most dangerous job, to meet our energy requirements, they should be able to be safe in that work and certain conditions had to be met so that their lives were more likely to be kept out of danger. We did the same thing with child labor laws, when we said OK, maybe little fingers are wonderful in the textile mills and to clean out the machines, but American children should not be exposed to that kind of hazard. And we said the same thing about children in the coal mines.

The same thing happened when we said American children are all going to be educated. These are all called unfunded mandates; as are airline safety, highway safety, and clean water. We are going to have to reauthorize clean water. It is going to come under this law after it is passed.

What we are saying is if the Federal Government does not spend enough money to provide clean water for every family in the United States, that bill's requirements will be repealed or action will be optional. So you may have clean water if you want to in Virginia, but you do not have to have it in Alabama.

Is that what people in the country are looking for with the unfunded mandates? Do they want to let sexual predators go? Do they want to let the polluters go ahead and pollute? We must not lose this opportunity to do everything we can to stop that menace, that horror, of sexual predators preying on the children of the United States. I would venture that there is not a single district represented in Congress that has not had a case where someone has come in from across the State line or someone has been released with a prior record as long as your arm, and yet unless we act other people will be victimized either with rape or with death. Do we have to learn this lesson over and over again?

In this day of communications is it too much to ask that State and local governments help to provide this information, and, yes, help to pay for it? Because, believe me, in the long haul, if you really want to bring this down to dollars and cents and not to human dignity and lives, if you want to just put it down to dollars, it is obviously going to be cheaper for us to prevent these kinds of things than to go through the costs of the court cases and trials we will have to suffer.

Let me close with one example where this could have made an incredible difference. Two years ago investigators in the State of Virginia were puzzled because there was a maintenance man on the loose who raped 18 women, all with the same modus operandi. He got access to the apartments by claiming to be a repairman

Tragically, that man, Eugene Dozier, had already been convicted for a string of rapes in New York State in which he used the very same tactics, and he was released from prison in New York and moved right down into Northern Virginia. If we had had the nationwide data base, law enforcement in Northern Virginia could have gone right to his door.

What kind of a thing is it that we are saying is too much? What is it that makes that so expensive that we cannot continue to do that so we can try to keep people safe? Well, I am sure that anybody in this country who has been victimized or lost someone would tell you that it is not too much. And when we talk of unfunded mandates, we have got to remember that what we are doing is providing for the health and the safety and, yes, indeed, saving the lives of many of our people.

I urge that this be exempted from the unfunded mandate bill.

Mr. DAVIS. Mr. Chairman, I rise on behalf of the committee to oppose this bill and move to strike the last word.

Mr. Chairman, for reasons that we have opposed other amendments to this section, we would oppose this amendment at all. I think we are all against rape or all against child molestation, and as a father of three, I do not want to have sexual predators go free either. But I will tell you what, there is nothing in this bill that prohibits this data base from going forward and that is going to cripple our efforts in these areas.

Mr. Chairman, I am just becoming increasingly frustrated at the pace and content of the debate on this Unfunded Mandate Reform Act. Over the past several days there has been large amount of disinformation on the bill coming out from its opponents and many mischaracterizations about the competence of State and local governments to fulfill their duties in a number of areas.

The American people know that all knowledge and competency does not reside in Washington, DC, in the Congress. In fact, if you look around, some of the most dynamic and innovative programs for the homeless, for the hungry, for protecting the environment, fighting sexual predators and child molestation, are emanating from local and State governments.

The federalist system has traditionally challenged State and local systems to experiment and invent new programs and policies to meet the needs of the citizens. Other levels of the government have a great opportunity to gain insights to benefit from these experiments and from these programs. But there is a certain arrogance in believing that Congress and only Congress has the knowledge of what laws and programs should become public policy. This arrogance is intensified when Congress does not have the guts to put our money where our mouth is. That is, to pass the bill, and then we pass the buck on to States and localities to fund what we feel are the priorities.

I keep hearing the argument that Congress is only trying to help and assist State and local governments to provide functions that it otherwise could not. But that is ridiculous. In this particular case the big seven, including the National Governors Association, National Conference of Mayors, National League of Cities, National Association of Counties, and a number of private sector entities, including the U.S. Chamber of Commerce, support this bill and oppose this amendment, because they recognize these amendments are basically gutting the bill.

I served in local governments for 15 years prior to any election to this body. What I think Members need to understand is that local and State officials want the same things that Members of this body want. But we were increasingly frustrated at the local level by having the Federal Government take a larger share of our local dollars from our local efforts to cut crime, to sexual predators, to fight the whole crime area, to improve the environment, to house the homeless and feed the hungry, because we had to take those dollars and pay for mandates Congress thought were most important, but not important enough to send the dollars to go with it.

As I see exemption after exemption proposed in from the other side of the aisle, it is important to put these amendments into perspective and into context. A core of Members have consistently supported exempting from this bill not just sexual predators in this case in those actions, but also the Clean Air Act, wastewater treatment, aviation and airport security, licensing, construction, and operation of nuclear reactors, disposal of nuclear waste and toxic substances, health of individuals with disabilities, child labor and minimum wages, and OSHA. You put these together, there is no bill. There is no bill if you put that altogether, and this bill would have no teeth at all. Taking these amendments together, the proposals would in fact, the bill would become worthless.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, the programs, as the gentleman from Virginia [Mr. DAVIS] pointed out eloquently, are all worthy. As a former assistant district attorney in Pennsylvania, I can tell you a national data base is certainly a program worthy of being explored and worthy of being adopted, but at the right time. What we have before the House right now is a bill, H.R. 5, which will provide the cost analysis of what it is going to be for imposing a mandate that we have put on State and local governments. And H.R. 5 is why we are here in the House today.

Those are all worthy programs, as the gentleman from Virginia [Mr. DAVIS] discussed. But before we vote them up or down, we need H.R. 5 passed, to make sure this House does not pass on to States and local government any bill, any cost, without knowing what it is going to cost ahead of time, and this House approving it.

Mr. DAVIS. Mr. Chairman, reclaiming my time, let me try to sum up, if I may. Keeping these items in the bill does not mean Congress will pass no more laws on these matters or even any unfunded mandates. What it does is nothing in this act nullifies any existing law or regulation. But in this case, child molestation laws and regulations, they can still move forward on a prospective, and any act that is currently, of course, in effect, is not affected. But we will either pay for it or know what the costs we are putting on to our States and localities will be before we can proceed and have all of that information in front of us.

The real issue is not the relative merit of any single mandate; the issue is who should pay, and if Congress does not pay, what will the costs be to those with whom we are passing the bill. What is wrong with obtaining the cost to the States and localities before we act. What are we afraid of?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has expired.

(By unanimous consent, Mr. DAVIS was allowed to proceed for 1 additional minute.)

Mr. DAVIS. Mr. Chairman, if a mandate is required and we believe the costs should be allocated to someone else, why not vote on it? Why not overrule a point of order and take some responsibility for our actions as we send that dollar down to the States and localities.

□ 1420

Let us remember this: unfunded mandates are basically a cost shift from a progressive income tax to more regressive property taxes. I believe it is in everyone's interest to know these costs before we pass them onto States and localities in taxes.

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding to me.

Did I hear the gentleman say that if this bill passes, that we could still go ahead and pass unfunded mandates?

Mr. DAVIS. Of course. We have the flexibility under this act to go ahead with that, but we would have the costs in front of us. And we would have to affirmatively waive the point of order.

Ms. SLAUGHTER. Does the bill not say that if we do pass an unfunded mandate, it is optional?

Mr. DAVIS. What would happen with the bill is——

Ms. SLAUGHTER. If the State says, "I don't want to cooperate with you and this river that runs between my border and yours and I am going to pollute my side and I am sorry about that."

The CHAIRMAN. The time of the gentleman from Virginia [Mr. DAVIS] has again expired.

(By unanimous consent, Mr. DAVIS was allowed to proceed for 1 additional minute.)

Mr. DAVIS. We would still have that option, but we would have the costs in front of us and identified before we could act on that instead of being automatic. This is not a no-money-no-mandates bill. There may be an amendment offered to that later. This would simply put those costs in front of us, and we would have to affirmatively vote to waive the point of order before we could go forward with an unfunded mandate.

Ms. SLAUGHTER. The point I am trying to make, Mr. Chairman, is, what in the world would be the point of passing one if everybody could opt out of it?

Mr. DAVIS. They do not have an option of opting out of this. We have the same authority we would, but the costs would be identified up front. We would have to affirmatively waive that point of order. The responsibility would still lie with the counties.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I fully support this amendment. I find it absolutely incomprehensible that we would debate a bill of such significance as this that clearly exempts such provisions as compliance with the county and auditing practices or procedures but failed miserably by not exempting the requirement that State and local governments participate in establishing and maintaining a national data base for the identification of child molesters and child abusers and other persons convicted of sex crimes and persons under a restraining order and those who fail to pay child support.

Anyone who supports tougher measures against crime and anyone who supports reforms in welfare would just have to support this amendment or an amendment just like it. It just makes good sense to do so.

Far more frequently than I or any of us want to know, the media constantly brings us the heart-rending news of some little boy or some little girl who has been sexually abused or has been even ravaged or has been, even worse, been killed by some sex predator. Even when they are not killed, they are frequently mentally and physically abused in horrible fashions.

Serial rapists and repeat offenders who sexually abuse women are equally perpetrators of various heinous crimes. We just have to know who these criminals are. That is all we are saying. We have to know who these people are.

Without this amendment in H.R. 5, we cannot—if we had this amendment, we would be able to have a data base so that we could know who they are. Without it, we would allow States to refuse to maintain data that would enable us to track these very criminals, thereby undermining efforts of other States to keep track of individuals in our neighborhoods who may threaten our women and children.

Why, for example, should the kids, the little kids who live in the State of Illinois, not be secure as the kids who live in, say, Michigan or Iowa that is contiguous to our State? Because that State is doing less than it should to fight these terrible crimes by creating a data base. Or to let us know through a reciprocal agreement or the sort of thing with the data base who these people are who injure our little kids.

In Illinois we will have a stalker law which attempts to address the plight of women who are helpless against individuals who terrorize and intimidate them. If other States are not required to track these individuals who are under restraining orders, then the Illinois law is far less effective. It just seems to me, Mr. Chairman, that a data base of this kind is something that we simply must have, and not to have it would be doing the human thing that Americans do.

All of us here, most of us here are mothers and fathers or grandfathers and what have you. If anything were to happen to one of our children or one of our friends or one of our grandchildren, we would certainly want to know who those who have done this to other children or who are likely to move across a State border and do the same thing to another child. How can we in good conscience not support this amendment?

Mr. Chairman, I support this amendment to exempt laws and regulations which require State and local governments to participate in the establishment of national data bases to identify child molesters and abusers, as well as sex offenders, individuals under restraining order, and persons who have failed to pay child support payments.

Far from empowering States, without this amendment, H.R. 5 could actually lessen the ability of a State to protect itself from these kinds of crimes.

Almost everyone agrees that enforcing the payments of child support is one of the most important elements of true welfare reform. But without a national database, those who try to avoid child support responsibilities, or who molest a child or rape a woman can just move to another State and keep on committing these crimes. In this sense, failing to pass this amendment, could cost the States, and the Federal Government millions in unnecessary welfare payments.

I urge you to support this amendment.

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I do not know if the gentleman from Virginia [Mr. DAVIS] is still on the floor. I wanted to direct something to him.

I think, Mr. Chairman, if I may, this amendment really structures what the issue that the minority and myself have been trying to make now for several days, and maybe I could have a colloquy with the chairman of the committee, so that we could get an understanding of where the problem is.

Mr. Chairman, as I read the legislation, there is no section denying judicial review, is that correct?

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. No section denying judicial review, that is correct.

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, so that by inference it is open and common practice, when a Federal statute is in play, judicial review usually lies as a matter of jurisdiction in the Federal court; is that not correct?

Mr. CLINGER. Mr. Chairman, that is correct.

Mr. KANJORSKI. So we have no exemption. We have no denial of judicial review here. So anyone subjected under this bill has a right to go to a Federal district court to raise the question of whether the rule or regulation that they are being charged under or arrested under, whether or not that stands.

Now, what we are addressing ourselves to here is the question of section 221, the regulatory process. The criminal bill was passed last year. In that bill it authorized the Attorney General and the Justice Department to promulgate rules and regulation to bring about the intentions of that legislation, of which was to establish a national database.

They have not promulgated those rules and regulations.

First question, that because it follows this legislation it could be contended in a judicial review process that they acted contrary to this legislation because it was promulgating a rule and regulation after the enactment of this act.

If that were the case, any information derived from that database would be challengeable as having interfered with the privacy or the rights of that criminal defendant and could have breached his constitutional protection under the law.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. Mr. Chairman, if the gentlewoman will continue to yield, what the majority has not paid attention to is because we have not denied judicial review, section 202 sets forth a statement that is required to accompany every promulgation of every rule and regulation by every Federal agency of the U.S. Government. If the Justice Department then promulgates these rules and regulations, even though to the best of their ability they comply with the litany of tests, of costs and all the other matters, it still does not deny every defendant, after a full trial, to go into court and enjoin to reverse his conviction because of the violation of the Justice Department in promulgating the rules and regulations and creating the database that caused his original detention or arrest.

We do not want that to happen. Every criminal sex offender in this country will be able to say 2 years, 3 years from now after this database is created that I was caught and my privacy was invaded or my constitutional right was denied me and my statutory protection under this act, unfunded mandate act, was not properly carried out in the promulgation of rules and regulations by the Justice Department that are laid in great detail.

We, by inference, by not denying judicial review, allow judicial review to occur in that area.

What we are saying is, why do we want to raise that tremendous question out there? Why can we not just—this is a very limited part.

I want to say, there are 50 States in the Union, thousands of counties, and 32,000 municipalities. Unless we get compliance of every one of those units of government, this database is useless. We are not going to have voluntarily, as the gentleman from Virginia [Mr. DAVIS] suggested in his debate, every element of government.

There are communities in the United States that could care less about the crime problem of Washington, DC, Virginia, New York, Pennsylvania, or Illinois. There are many municipalities in the country that—and I will tell Members, I have dealt with some of the officials—when they get a vicious sex offender, it is a lot cheaper for them to take him down to the bus station, buy his ticket and ship him out of town than to go through the trial, prosecution and incarceration of that offender.

I have got counties in my State that because they prosecute the sex offender from New York in Pennsylvania, they incur the liability of incarceration, health care and every other factor that applies to that person. It is much cheaper for them to pay him to get out of town.

Now, I wish that were not the case, but that is the reality.

All we are asking for is, why do we not write this legislation in such a way with a small exemption that no sex offender in the future could ever raise that defense, could ever go into a Federal court to get an injunction or could ever raise any violations of his constitutional rights propagated on the fact that some regulatory agency did not comply with what some future court may consider the act intended.

□ 1430

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, the way we avoid that problem is merely by exempting out this position in the bill.

It goes back to what we earlier argued, Mr. Chairman. If in committee we had had the opportunity to call the Attorney General, or their representative, or law enforcement officials across this country, we could have found and created a provision that would have protected the database and the ability to prosecute sexual criminals.

Now we have put that all in question, and some jurisdictions of this country, just as we had with the motor-voter legislation, will take an action in court to deny their duty to comply with the information required for the database.

Mr. Chairman, I think that is foolish. This Congress wants to work right. We are going to, and we will try on this side to support unfunded mandates from being improperly imparted on the States and the municipalities of this country, but let us do it right. This is our only chance.

If we miss it and for some reason the conference committee does not cover it, it will be the law of this land and all of us here today, regardless of how we vote on this amendment, are going to be guilty of the fact that sex offenders, and rapists, and murderers involving sex crimes will be free in the land, because we failed to take the opportunity and the rationality and the reasonableness to make sure this legislation says what we intend it to say.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, in response to the concerns of the gentleman from Pennsylvania [Mr. KANJORSKI], let us back up a minute and talk about what the real subject of the debate is.

No. 1, Mr. Chairman, there is no point of order against the database. I think that should be made clear.

Mrs. COLLINS of Illinois. Mr. Chairman, reclaiming my time, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order provisions.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 1 additional minute.)

Mrs. COLLINS of Illinois. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are not talking about the point of order. The point of order question is a procedural question in the House in passing legislation. Section 201 is the regulatory power.

Mr. PORTMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, just to be very clear, I would say to the gentleman from Pennsylvania [Mr. KANJORSKI], because the gentlewoman from New York [Ms. SLAUGHTER] raised this point earlier, this is not a question of applying this legislation in terms of the point of order to the existing statute which is in place, which in turn has the promulgation of the database. We are talking about the Federal agency action. That comes in title II of this legislation.

Let me be very clear, Mr. Chairman. We mentioned this last night in the debate. If in fact the database is going to be subject to the very limited requirements in title II of this legislation, that means necessarily that such regulations are already subject to the Presidential Executive order issued by President Clinton on October 4, 1993.

I just counted up the words a little while ago. The Clinton Executive order is 6,020 words. It is far broader, far more extensive, far more comprehensive than anything in title II.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 3 additional minutes.)

Mr. PORTMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, that is far more extensive than anything in title II to this legislation.

Let us be clear. Anything in this regulation and the database may or may not be covered by this. It has to be over $100 million to be covered by title II, but any regulation that could possibly be covered by title II, which again is far less broad than the executive order, and in fact it is 925 words versus over 6,000 words, would be subject to the existing Executive order.

Mr. Chairman, then the question becomes, should the database, as an example, if it were in fact covered under either the Executive order or title II, and it is necessarily under the Executive order currently in place, if it is going to be covered by title II, should the agency, in this case the Department of Justice, as I understand it, be required to comply with the Clinton Executive order?

Let me ask the gentleman a question. Is the gentleman from Pennsylvania [Mr. KANJORSKI] saying that the Executive order is not appropriate? This asks for a written statement of the costs and expenses. Is that not appropriate?

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, if I may respond, if the Attorney General determines that the Executive order in some way impacts upon the promulgation of these rules and regulations, it takes one man with one pen 1 minute to vitiate that. If we pass a statute, and we have points of order that could be raised in future legislation——

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think that is precisely why we need to have it in statute. I thought there was an agreement in this body, a consensus that the costs and benefits of legislation ought to be known, and in addition, that when new regulations were promulgated that agencies ought to have a requirement, as the Executive order provides, and in fact it goes much further than our bill, that the agency provide an assessment of what the costs are going to be. That is all we are asking here.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I do not care how excellent the administration operates or the executive agency operates. Every individual American, if we do not deny the right of judicial review, will have the opportunity to go into court and raise all these legal issues after the conviction of a criminal.

Mr. PORTMAN. Mr. Chairman, every individual has that right now.

Mr. KANJORSKI. No, Mr. Chairman.

Mr. PORTMAN. Absolutely. Anyone can challenge an agency action, absolutely.

Mrs. COLLINS of Illinois. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, every individual cannot challenge whether or not the estimate of costs of an unfunded mandate were complied with, whether the future costs of the mandate have disproportionate effects on State and local government budgets. That is not the law today. That is not what a felon can do in determining whether or not his name can reside in a database in the Justice Department.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman form Ohio.

Mr. PORTMAN. Mr. Chairman, the gentleman's statement was that the agency action cannot be challenged. It indeed can be challenged. What this does is put into statute the written assessment of the cost of agency action.

Mr. KANJORSKI. No. No.

Mr. PORTMAN. I do not know why you would not want that to be enforced. The fact is the Executive order currently in place goes well beyond what we are asking for in this legislation. If it is routinely waived, then——

Mrs. COLLINS of Illinois. Mr. Chairman, I reclaim my time, and I yield to the gentleman from Pennsylvania [Mr. KANJORSKI] to answer the question.

Mr. KANJORSKI. Mr. Chairman, what it does is, it gives every convicted sex offender in this country another bite at the apple, when we are talking about the court system that we have.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Just a brief response, Mr. Chairman, to the gentleman from Pennsylvania [Mr. KANJORSKI], if he could remain standing, to his question.

Mr. Chairman, this new legislation would provide in statute some, not all, of the requirements that are currently in the Clinton executive order with regard to what the agencies are required to do in terms of saying what the costs of new regulations will be to State and local government and to the private sector.

Mr. Chairman, it has a $100 million threshold. In other words, anything under $100 million would not be subject to these requirements. The gentleman's concern is that judicial review would somehow cause additional rights to individuals to raise a concern about this.

This is not going to result in a stay of the regulation. The regulations will go forward. The database will go forward, should in fact somebody challenge the fact that a written statement of the cost to State and local government was not compiled.

Mr. Chairman, all we are trying to do in this legislation is to put some teeth in the existing standards, and the standards we have even relaxed, so the agencies actually carry out this very important responsibility.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, as I read section 202, that is not true. Any rules or regulations not presently promulgated fall under this act. It is not like for all present existing rules and regulations, these are yet unpromulgated rules and regulations.

Therefore, the crime bill, having the rules and regulations in the database not having been established and the rules promulgated, they fall subject to this act, and what we are doing in statute now is requiring a standard that has to be complied with. Whether it is complied with——

Mr. PORTMAN. Mr. Chairman, reclaiming my time, the gentleman may have misunderstood me. I am not saying that prospective regulations would not come under this very limited title II of the bill. Absolutely, they should. That is the whole point, is to get a written assessment of the cost of new regulation.

What I said, and where the gentleman perhaps misunderstood me, was that does not stay the promulgation of new regulations. All it says is we want to have written costs of benefits.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to this debate for several days. One of the things that has become increasingly clear to me as I rise in support of the amendment is the failure to follow the orderly rules and procedures of this House, the failure to have hearings on this legislation, the excessive haste in which this matter is brought to the floor, the unwillingness of my colleagues on this side of the aisle to consider amendments, or indeed, to have a fair analysis made on the House floor of what this legislation in fact does to a wide spectrum of laws enacted by this Congress by overwhelming votes. This makes a prophet and a correct prophet of my colleague on this side of the aisle who made the observation if we were to adopt the amendments on the environment, on health, on crime, on the problems of the aged, on the problems of the young, on clean water, on air, on health, that there would be no point in passing this bill.

☐ 1440

I think that Member has pointed very sagely the course that should be taken here. Here we are finding that because of inattention in the processing of this legislation in committee, failure to have hearings, failure to get testimony of witnesses and experts, failure to properly analyze, we now are jeopardizing one of the provisions of the crime bill in the last Congress which was enthusiastically supported by all. That is, a register of serious criminals who have engaged in sexual activities prohibited by law against innocent and defenseless women and children. That leaves us in position to add another reason for voting against this bill.

What are the other defects that this debate has shown? The defects that this debate has shown are that the unfunded mandates in the area of clean air which were adopted at the request of all the governors and all the States and local units of government who came forward and demanded that we follow the traditional pattern and practice that we have had in this country, whereby the Federal Government lays down standards and the States enforce those standards on clean air, to protect people in other States, to protect the health and the well-being of all the people, and to follow the practice that was set up back in the 1950's before the governors came in and they said we want the Federal Government to lay down standards, so that we can then enforce them by delegation of that responsibility.

The governors were concerned because the Federal Government had all of a sudden realized that if you flush a toilet in Minneapolis, or Kansas City, or Denver or in other places, that that is going to impact somebody in New Orleans at the mouth of the Mississippi River.

And here is where we begin to understand that we had to do things like this so that we could keep intact the Federal system. I never heard a word of complaint from governors when we were passing the Clean Air Act or any of the drinking water legislation or any of the clean water legislation, that we were imposing unfair and improper burdens upon them. They all came in and they said, "You are doing something which is necessary for the protection of the environment and to protect the citizens in one State against wrongdoings in another place."

All of a sudden we have come to this great sensitivity on unfunded mandates on the States. We are not paying heed to the fact that the Federal Government gives the States about $750 billion a year and that in many of the programs about which we are hearing complaints, that there are major grants to States and local units of government. States are going to get large sums of money for construction of prisons under the crime bill. Local units of government are going to get large sums of money to hire police.

We never hear a word about that. But we hear great complaints about the unfunded mandates that are going to be imposed. What and why? To do something that every citizen in this country except the criminals want to be done, and, that is, to address the problems of not knowing who these people are that travel about committing crimes in a repetitive fashion. These are repeaters. These are serial killers, serial rapists. All we want to do is know who they are.

The mandate killing that we are doing here would not only prevent the administration from promulgating the regulations but would afford those criminal wrongdoers the opportunity to persist and to defend themselves with a new procedural defense.

I say the amendment is a good one, the bill is a bad one. Vote against the bill. Vote for the amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I understand the amendment offered by the gentleman from Pennsylvania correctly, he is suggesting that we make an exemption in this bill if the Federal Government requires data bases to keep track of sex offenders, and if that is not the case and if judicial review is allowed of agency actions, then the argument is that every sex offender will go to court and prevent this legislation from taking place, or stop any regulation from taking place.

First of all, I want to say again that our bill goes to a cost accounting, and a cost accounting it seems to me is not going to be very subject to challenge from any part.

But let me specifically talk about this issue of a data base and sex offenders. In the first place, as we put this issue in the crime bill at the present time, it is the requirement for Sates to have a data base to identify sex offenders, so that they can exchange information.

As I recall, as a member of the Committee on the Judiciary, it is a condition of a grant, and it is not an unfunded mandate, it is to participate in the grant programs that we set up in the bill for the States which they can elect to participate in or not to participate in as they choose. There is no requirement for States to participate in federal grant programs.

More important on this particular issue is the issue of standing to file any kind of lawsuit seeking judicial review in Federal court. Not everyone can go into court and raise a question of judicial review of the propriety of every act of Congress or even every act of a State legislature or every regulation. There must be the standing to go into court to show among other things how the person aggrieved or the institution aggrieved is affected by the argument that the regulation was not adopted in compliance with the law.

In this particular case, we require State and local government, particularly state Government, to maintain this data base. We do not require citizens as individuals to maintain this data base.

I submit that the only bodies that could even try to bring about a challenge in judicial review, which I do not think would be successful, anyway, given the limited requirements we put on agencies just to identify costs, but I submit the only ones that would have standing before a Federal court would be the States themselves and not every individual and therefore not every sex offender who does not want such legislation to take effect.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself in an usual position of rising in opposition to this amendment and in the process to point out the irrationality of the underlying bill and what is happening in this body.

I was one of the few people in this body who actually spoke against this provision in the crime bill when it was inserted. I think the provision is unconstitutional. It is counter everything that our criminal laws have stood for in this country, the presumption of innocence. It is counter the notion that I learned all the way through law school and in 22 years of practice that once a person has served his or her time, they have done the time, they should be given a new start, and I expressed this concern.

So I have consistently been of the position that this provision in the crime bill is unconstitutional.

But what is happening here on this bill is irrationality. There is a marching in lockstep without regard to the public policy consequences of what is being done. Even people who are on the opposite side of me philosophically on this issue and want to keep this bill intact do not want to amend it even when it makes good sense from a public policy perspective and in support of their own position, and that is unforgivable. We should not be here just kind of marching, keeping every amendment from going forward.

I think we ought to defeat this amendment, because I think the speakers before are absolutely right. People who now believe this provision to be unconstitutional are going to have another day in court to come and assert that right which they ought to have.

My colleagues on the other side of the aisle in order to keep any amendments from going forward on this bill, even though they do not want that right to happen, do not want that right to be real, are marching lockstep just to show their muscle on this issue.

□ 1450

I am telling Members that it does not make sense. In all respects, this probably should be the endorsement of a no vote that gets this passed, but I tell Members, I think the provision in the underlying bill was unconstitutional and I think we ought to stand up and vote against it and I intend to vote with you.

Mr. KINGSTON. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, I have been impressed with the brilliance of the lawyers on both sides of the House on this, and I must admit while I am impressed with the brilliance, I am not a lawyer myself and have gotten a little bit muddled down in some of the jargon here. So I would like to engage in a colloquy with my friend, the gentleman from New Mexico [Mr. SCHIFF].

Let me ask, if I was a rapist in the State of Georgia, which I represent, and I moved to California, right now am I tracked on a database?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, right now the answer to the gentleman's question is no.

Mr. KINGSTON. If I understand the gentleman from Pennsylvania [Mr. KANJORSKI], if I move from Georgia to California as a rapist, under the crime bill then very soon, when everything is promulgated and the rules are in place, I will be tracked, is that correct?

Mr. SCHIFF. If the States and local government choose to participate in the programs offered in the crime bill, and for their part, among other things, establish a database as required by the conditions for grants, yes, tracking of sex offenders across the country will begin.

Mr. KINGSTON. One final question. If this bill passes, and I as a rapist move from Georgia to California, under this bill, when it becomes law, will I still be tracked, with or without the amendment?

Mr. SCHIFF. In my judgment, the gentleman will continue to be tracked without the amendment. The judicial review, in my opinion, would not be successful in any event, because the regulatory limitation is very limited. But there would be no standing by anyone but a State or local government to bring a challenge in the first place. So you would still be tracked even without this amendment.

Mr. KINGSTON. I appreciate the learned gentleman's advice on that.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. Yes; I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I thank my friend on the other side who is an excellent lawyer. He will agree, however, the rapist in California, after the entire prosecution goes through and everything is done, will have a cause of action to go into the Federal District Court to set aside his arrest or conviction based on the fact that he was found in a database that was improperly constituted, because they did not comply with the standards set forth in this act, and if anyone should determine that to be a fact, he will be released.

Mr. KINGSTON. Let me reclaim my time and yield to the gentleman from New Mexico. What I was really trying to do, ladies and gentlemen, is not get bogged down in legalese at this point, but bring it back home to the crime victims. And if I am hearing correctly, the crime victims will still be able with this amendment to have their offender tracked, is that correct?

Mr. SCHIFF. If the gentleman will yield to me, we will still have the offender tracked.

If I can respond to the question of the gentleman from Pennsylvania, that is now stretching things beyond, in my judgment, beyond a reasonable argument here. At the very least we are not raising issues of a constitutional level, which anybody could use to set aside their conviction because an institution might have been set up outside of regulatory compliance which led to their conviction.

I was a prosecutor for 14 years and as a defense attorney for 2 years, I am entirely confident there is no basis to that argument.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I would simply want to inquire of the gentleman, if you support this or you do not support it, do you want to leave this question up in the air or do you want it resolved? Because if you want it resolved, then the only way too resolve it is to pass the amendment. Now if you want it up in the air, as I do, then you should vote with me, and leave it unresolved, so that, as the gentleman from New Mexico [Mr. SCHIFF] knows, every criminal defendant will take every opportunity they can to raise any conceivable constitutional or legalese right they can. So if we want to resolve it, then I would think we would want to vote "yes" on this amendment. If we want to leave it mushy and up in the air and unresolved, then I would say Members ought to be voting against this amendment.

Mr. KINGSTON. If I can reclaim my time, it sounds to me as if we have mush one side and maybe mush on the other. But in terms of certainty, the gentleman just said if I voted for the amendment then I would have some uncertainty, whereas the gentleman over here, the 14-year veteran prosecutor, says that there would be no certainty or less uncertainty.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

(By unanimous consent, Mr. KINGSTON was allowed to proceed for 1 additional minute.)

Mr. KINGSTON. Again, just to do my duty to the constituents back home, particularly victims of crime, what I am concerned about, if a rapist moves from Georgia to California under current law, he is not tracked. Under the crime bill, he will be tracked. And under this bill, without that amendment, he will still be tracked. We may need to come back, as we always have to, and revisit something down the road.

But I do not think that this legislation will diminish the fact that that rapist would be tracked moving from California to Georgia.

Mr. PETE GEREN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make one clarification. This rapist that is the subject of this discussion is not the subject of a criminal prosecution at the point we are discussing. We are talking about someone who has already been prosecuted, already been adjudged guilty of the crime and who has moved to California. So all of this concern about this person being able to interject this bill into his defense in a criminal prosecution is really totally off the point. This has nothing to do with the prosecution. The prosecution would have already happened. This person would have been found guilty. And we are merely talking about keeping track of him as he moves around the country posing a continuing threat to children around the country.

So for those who have any concern at all that the bill as written without this amendment would somehow jeopardize the successful prosecution, really have been led down a path that is not the subject of this bill.

I oppose this amendment, and believe strongly that we will continue to be able to have this tracking system in place with the bill as written.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 255, not voting 7, as follows:

[Roll No. 33]

AYES—172

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Whitfield

Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—255

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bishop
Cardin
Fields (LA)
Kennedy (MA)
Kennedy (RI)
Pomeroy
Wilson

□ 1516

Mr. McKEON and Mr. YOUNG of Alaska changed their vote from "aye" to "no."

Ms. HARMAN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Chairman, I was unable to be present today for rollcall vote No. 33. During this vote, I was at a meeting at the Pentagon. Had I been present, I would have voted "yea."

AMENDMENTS OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mrs. MALONEY: in section 4, strike "or after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

Mrs. MALONEY. Mr. Chairman, I asked unanimous consent that my amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, my amendments would add to the list of exemptions, children. Surely if we are exempting seniors and social security, we should give the same support protection to our children.

I regret, Mr. Chairman, that a bill of this magnitude was not given one single public hearing before being rammed through the Committee on Government Reform and Oversight.

Few people in this Chamber today would dispute the need to provide for relief from unfunded Federal mandates to our cities and States, but instead of taking a scalpel to this problem, we are attacking it with a meat cleaver.

□ 1520

No one knows exactly what the consequences may be, particularly for our most vulnerable citizens, our children. Mr. Chairman, it makes no sense to exempt auditing and accounting procedures, treaties like NAFTA, and special emergency legislation such as flood relief, and not provide an exemption for children. Our children cannot vote, cannot speak for themselves, cannot spend millions of dollars to lobby Congress. Maybe that is why our children are in such a deepening crisis.

According to the Children's Defense Fund, every day in America three children die from child abuse, 9 children are murdered, 43 children are either murdered or injured by guns, 207 children are arrested for violent crimes. In 1992, 2.9 million children were reported as abused and neglected. We will debate this legislation at least for 3 days, and during that time 10 children under the age of 5 will die of abuse and neglect. Despite this urgent crisis, Mr. Chairman, this House is about to pass legislation that could make it much more difficult to address the severe health and safety threats facing our children. How much more must our children suffer until we decide that the costs of assisting them should enjoy the same exemption as accounting?

Mr. Chairman, my amendment would rectify this deficiency by adding legislation and regulation directly affecting the health and safety of children to the list of exempted categories. Are children not as worthy of protection as accountants, treaties, and flood relief as a national emergency? In our haste to pass a bill within an arbitrary time without an exemption for children and not knowing the ramifications of the impact of this legislation on children we could seriously jeopardize the health and safety of millions of American children.

Mr. Chairman, a Member of the other body referred to this bill as an experiment. Do we really have the right to make our children the guinea pigs of that experiment? I do not think so. The health, safety and general welfare of our children should be a national priority. I urge my colleagues to adopt this amendment.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Here again, Mr. Chairman, the proponent of the amendment is asking for an exemption basically to deny the House information about the costs of what we are proposing to do. It seems to me that many of these proposed exemptions, and this being another in a long line of exemptions that we have been dealing with over these many days, are based on the false assumption that States and localities somehow care less about kids and know less about what is best for our children than does the Federal Government, and yet I would say that the record that we have before us over the many, many years that we have had Federal programs in effect to protect the health and safety of children, nearly 15 million American children continue to live in poverty, which is a 6 percent increase since 1979.

So, with such a record, Mr. Chairman, I am not convinced that the Federal Government knows better, or indeed as well, when it comes to the welfare of our children as might be done by localities. H.R. 5 is going to force Congress to know what the costs are that we might impose on States and localities. If these costs are high enough, I can only hope that Congress will stop to ask itself whether what we are proposing to do is going to be better for the children of the communities, towns and cities of our country than what the communities might do themselves.

Maybe we should give thought to the fact that communities know pretty well what to do with their own children and not have the Federal Government always telling them what they must do without telling them what to do it with.

Mrs. MALONEY. Mr. Chairman, I would like to respond to the statement of the gentleman from Pennsylvania [Mr. CLINGER] very briefly.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. MALONEY] has expired.

(By unanimous consent, Mrs. MALONEY was allowed to proceed for 1 additional minute.)

Mrs. MALONEY. Mr. Chairman, I agree very much that we should know the costs of mandates and programs. I voted for a bill last year in the committee that required a cost analysis for every single program. But if the gentleman is so certain that the waivers and the procedural hurdles that one must overcome are flawless, then why did the authors of this bill find it necessary to create any exemptions at all? Obviously the authors are not so sure that the waiver will work for national security, auditing and accounting, emergency legislation, and Social Security.

Mr. Chairman, I am just asking that children, our most vulnerable resource that cannot vote, cannot speak for themselves, be added to this list of exemptions.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to point out that what the gentlewoman from New York [Mrs. MALONEY] is saying is absolutely correct. What higher priority should we have in this country than our children? And we should not put any more barriers in the way of trying to work at both a cooperative level with the Federal Government, and the State and local governments, and nonprofit organizations, to serve those kids particularly who are coming from poor homes, and there are exemptions in this legislation, and I cannot see why any of those exemptions are more deserving than having one for the children of this Nation.

So, Mr. Chairman, I want to commend the gentlewoman from New York for this amendment. I think it is a wise one, and I urge all of my colleagues to support it.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I also want to add my support that if we give exemptions, and we cannot find the rationale for giving exemptions to our children, and we can still find reason where we can get accountability of the costs—now it simply says that for children, those we hold precious, we will find a way to support them and not have them subject to a point of order. I think it says something about us, we as a Nation, when we fail to not respond when there are not politics concerned.

We just responded to senior citizens. I am a card-carrying member. Why did we respond? Because they vote.

Children do not vote. They are vulnerable. My colleagues know that. They are the most vulnerable of our population and need more help.

The general welfare of our country is indeed dependent on us helping our children. I urge my colleagues to consider supporting this amendment.

Mr. WAXMAN. Reclaiming my time, Mr. Chairman, we have heard over and over again that we will have a chance to vote on these issues after we get this analysis of the cost. But my colleagues know what will happen is a lot of people will say, "I'd like to be for this program for kids, but I can't vote for an unfunded mandate. I'd like to be for an increase in the minimum wage, but I can't vote for an unfunded mandate. I'd like to be for environmental protection, but I can't vote for an unfunded mandate."

Mr. Chairman, we are going to hear that over and over again. It is going to be a way for people to hide their true feelings and act as if they are really for protecting kids when in fact what they are doing is not willing to put their votes really up front.

So, I rise in support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY], and I urge all my colleagues to vote for it.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in very strong support of the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Mr. Chairman, I must say to my colleagues that I think, as Americans look at this, they would think this is the most commonsense thing we could do because, as we look at every American kitchen table, I do not care what State it is in, and I do not care what background the family has, but take every American kitchen table where the family is gathered around trying to figure out how to make those budget dollars do what they have to do. When things are tough, the one thing every American family agrees on is to hold the children harmless as long as possible.

Mr. Chairman, no one puts the children out there first and says, "Gee, things are tough so we won't take them to the doctor, and we won't give them their immunization, and we won't feed them, and we won't give them milk, and we won't do any of these things," and yet over, and over, and over again in this body we do it just in reverse. It is part of why the American people cannot understand what is wrong.

□ 1530

We do it just in reverse. The first ones out of the budget are kids. They are always first out of the budget because they do not vote. They do not vote. They do not have political action committees. They cannot go to $5,000-a-head dinners. They cannot do books. They cannot do anything, except count on us, who should understand they are the most important natural resource this country has.

Our most important natural resource is not coal and it is not oil and it is not any of those. It is our children. And there is no question, we all know the statistics. We get terrible grades on this. I do not want to see States standing up and saying we are not going to do anything about the kids because the Federal Government will not do totally everything for the kids. And the Federal Government says we are not going to do anything for the kids because the States will not do anything for the kids. That should not even be on the table when it comes to these issues.

I must say for so long I have always wished, my great dream was that there was a group that had once a year an accountability thing on who is for kids and who is just kidding by how they vote. This ought to be the number one thing. If you are really kidding about kids, then, of course, vote no, because that is really what you are doing. You are giving one more excuse.

No one in this Chamber, no one I have ever known in the history of my being in politics, has ever run against children. W. C. Fields could not get elected. We all know how important they are. We all know how we think family values are the rock of this place.

So let us look at the most essential family value which every family groups around the children, and does not use any excuses to shortchange them until they have absolutely no other alternative. That is what we are talking about here. We are talking about kids' health.

My goodness, what are they going to do if they come into a family that cannot afford health care for them? It is not their fault. You do not get to pick when you are laying in that little bed in the hospital. You do not get to say there is the parent I want. It has already been preselected, and should your health care depend on that? This is talking about eating, this is talking about education, and this is also talking about taxpayers.

So whatever we do here, it is the best thing we can invest in, because we get it back over and over and over again.

So if for once we could just stop thinking that we are in the most powerful capital of the most powerful nation where we all want to be on power trips, and do the right thing, do the kind of trip every family does when they trip in to try to make their checkbook balance at the end of the month, and for crying out loud, hold America's children harmless. Hold them harmless in every State, hold them harmless nationally, and say no more excuses.

I hope this body votes for this amendment. I cannot believe that we all voted to protect the elderly, which of course we should do, and then, if we run and throw our children overboard, what we are really saying is we are only going to vote to protect those who will vote to protect us.

Well, our children will not vote to protect us when they get to be electoral age if we are going to be so quick to throw them over.

So I salute the gentlewoman from New York for her courageous amendment. I really am glad she is here. And I hope we do another good thing here today. We voted to help those in the sunset of their life. This is in the sunrise. Please vote "yes."

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we in Washington have witnessed a stark display of hypocrisy over the last 2 days. Yesterday a few blocks from here 45,000 so-called pro-life demonstrators marched against reproductive freedom. They demanded the protection of fetal life from conception to birth. Many Members of this body offered their support.

Today, Congress debates a Federal responsibility of the highest order, the duty to protect the child from birth to the grave. Where are the marchers? All gone home. And what of my colleagues? Will each of them who spoke in support of yesterday's demonstration rise today in support of this amendment? Is the protection of the child of lesser value than the alleged right of the fetus?

I believe that the protection of the child after birth is a national priority of the highest order. It is a sacred duty above all others. This amendment will ensure that it remains so. It will allow the Federal Government to continue to enact and enforce legitimate child protection measures without undue restraint. It deserves the support of every Member of Congress, pro-life and pro-choice alike.

Lead exposure is one important area where the Federal Government has moved to protect our kids. It is also an area where women need to act again. The problem is particularly apparent in my home State of New York.

In New York, 65 percent of the housing stock was built prior to 1965 when lead paint was used extensively. Thirty years later, more than 30,000 kids were identified with high levels of lead in their blood. Another 1.5 million children under the age of 6 were potentially at risk of exposure. Lead remains a serious threat to our children's health.

Many of these same children face another grave risk, exposure to asbestos. Again, we have enacted legislation and regulations to combat the problem. Again, the problem continues. On at least two occasions in recent years, children in my district and elsewhere in New York were exposed to asbestos dust in their schools, years before the city had contracted for the removal of asbestos from school buildings. Little follow-up ensued. As a result, cracks developed in ceilings and walls, sending chips and dust into classrooms. Some areas had to be closed off. Other schools had to be shut down.

Both of these examples illustrate the fact that the protection of our children is an ongoing responsibility as science develops the scope of toxic contamination unfolds.

It was only a few years ago that we understood that substances like lead and asbestos were dangerous. Today we realize just how much danger they present. The process for controlling dangerous substances is likewise an evolving one. Standards for asbestos and lead protection and removal adopted only a few years ago may tomorrow prove to be inadequate. New regulations may need to be enacted.

The lesson here is that we as servants of the people must be able to enact any measure necessary to protect our kids in their school and in their homes. This bill jeopardizes this ability. Its procedural hurdles and points of order create delay and gridlock where none can be justified.

Is the drum beat of unfunded mandates so loud that it drums out the cries of children in need? Who here will stand up today and state for the record that the cost of saving lives is too high? Have we as a nation sunk so low?

I urge my colleagues to uphold our most sacred duty, and exempt child protection laws and regulation from this bill.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an open debate. If we had been debating this in past years we probably would have been done by now and had two or three amendments and would be on to some other issue. I think it is important we are going through this process. But as I count the amendments, I know that we had a debate on the clean water, and we wanted to exempt that. We then wanted to exempt the clean air, and had very impassioned reasons why we should do that. The we wanted to exempt airport aviation security. Then we wanted to exempt child labor laws and the minimum wage, and so on. Then we wanted to exempt nuclear reactors and nuclear waste. Then we wanted to exempt toxic, hazardous, or radioactive substances.

□ 1540

Then we wanted to exempt the national data base for tracking child molesters and now we want to exempt issues dealing with children.

I am convinced we will have voted on every exemption and if every one had passed, we would not have a bill.

Now, I do think children are very important. And for some to make the assumption that when we would pass a bill that we would not come up with the money to pay for it suggests to me that we must not think children are important. If we think they are important, we will come up with the money to pay for it. If we do not think we can come up with the money to pay for it but we think it is a mandate that is required, then we will logically make a motion to overrule the point of order, because we think children are important.

We are debating this bill today because Republican and Democratic Governors and Republican and Democratic mayors and Republican and Democratic legislatures throughout the country have said, "You have got to stop putting mandates without knowing the cost. And in some cases, you simply have got to stop doing the mandates, even if you know the cost.

In my judgment this bill is extraordinarily fair. It strikes me as a situation that we need to just wake up from. And I just hope that we do not go through the process of continuing to ask ourselves to exempt ourselves from this mandate bill, because we will have no bill left.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

This amendment is not about protecting children. This amendment is about protecting the rights of so many here who want to take away the rights of parents and local governments and State governments to have their own input into how children should be cared for. We all believe in protecting the rights of children. But when we make a decision in one place about what we are going to do and in another place about how we are going to pay for it, that is a very bad way to handle things. And it takes away rights of people who care the most about children, and that is their parents.

I thank the gentleman for yielding to me. I urge the defeat of this amendment.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I just want to make the point that if we really cared about children, we would be spending more money on children now. The gentleman indicated he thought it was a high priority, and we will want to spend money. Yet we do not fund health care for all kids who are poor. We do not fund adequate immunizations for them. The fastest growing poverty group in this country are children. We are not doing what we should be doing now.

Mr. SHAYS. I get the gist of my colleague's comments. I think it is very well taken. There are people who feel passionate on this issue, and we do not spend the money. That is very true.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, the gentleman raised the point that this would not protect children but it would actually provide those of us in Congress with the ability to somehow obstruct families from caring for their children.

I have the amendment before me. I am trying to figure out where the gentleman takes from this particular amendment all those things that he ascribed to it.

All this amendment says is that along with the other nine exemptions that we currently provide in the bill, including Social Security being exempted, including civil rights laws that protect against age discrimination, that protect against racial discrimination, ethnic discrimination, we have no provision, and this is the entirety of the amendment, that says we would exempt as well those provisions which provide for the protection of the health of children.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, the answer to the question is very simply that we have consistently, in the course of the last few days, had amendments offered to exempt more and more categories. There is no need to have any exemption because we have a very simple process. A simple majority allows the will of this Chamber to override a point of order even if money has not been appropriated to provide for the legislation that as been argued on the other side.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Maloney amendment to H.R. 5. This amendment will rectify a glaring oversight on the part of the drafters of this legislation. This amendment will protect children who are among our most vulnerable citizens.

Mr. Chairman, I have traveled throughout this world, and I have not seen the kind of love and devotion that the Japanese, the Chinese, the Russians, Europeans, Africans give to their children. I have not seen that same kind of reverence and devotion right here in America. Instead I hear Members talking about balancing the budget.

I have not seen Members love the children in this House, Mr. Chairman. Instead, I hear them talk about the rights of States and parents for children.

We must not pass legislation that will put the health of children and babies, both inside and outside of the womb, at risk. H.R. 5 currently exempts bills that secure constitutional rights, prevents discrimination, ensure national security, implement treaties and provide for the auditing or accounting of Federal funds. Surely the health of our children is just as important as the aforementioned.

We must protect our children. They have no voice, no vote. So we must speak out for them and keep their well-being at the forefront as we cast our votes.

I hear Members saying that there are so many exemptions. There are so many amendments. Maybe it is because H.R. 5 is flawed. It needs to be cleaned up. Sometimes I would like the Members across the aisle to know that we should take the moral high ground, not the low ground, not gravel. They are talking about cutting the budget, cutting the deficit. Let us talk about saving kids. Let us talk about doing our duties as the custodians of the United States of America by protecting the people.

You say Clean Air Act, that is an amendment. Yes. Because if you do not have it, you do not breathe. Think about it.

You talk about exempting the old people. Yes, you are supposed to exempt them. If you had moral fiber in your body, they would have been in the bill in the first place, same thing as discrimination, same thing as children.

There are 4 million children growing up in American communities that cannot assure them the childhood and the hopes to which all American kids are entitled. Therefore, it is our obligation to protect our children.

Otherwise, we run the risk of dismantling our status in this world as a superpower. But most importantly, ensuring a strong and productive future for America.

Take the high ground. Take the moral ground. Protect our children, yours and mine. That is what we are here for. That is what we are about.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the amendment of the gentlewoman from New York [Mrs. MALONEY] to protect the children. I support the Maloney amendment because it makes children a national priority.

Listening to the debate yesterday and today, we have had a number of initiatives which have addressed children and the priority we give them in our society. And let us just say right out that I think we can all agree and stipulate that every single Member of this body on both sides of the aisle cares very deeply about the children of our country.

So this is not about what we care about. It is how we make decisions and come down on the side of supporting children.

We have often heard quoted in this body and in our country the famous statement of President Kennedy that child are our greatest resource and our best hope for the future. They are, indeed. And so it is not only about the compassion and the love and care we feel for children that this amendment is important, but it is about our country that this amendment is important to the future of our country, as President Kennedy so eloquently stated.

None of us would be here and our country would not be the great country that it is today, if generations before us did not decide in favor of future preference, that we will say that our highest priority is the next generation, that we spend and invest in our children as our families each did, that we in this society have done and that we must continue to do.

□ 1550

Mr. Chairman, while I supported the Clean Air Act amendment, the clean water, safe drinking water, et cetera, because they are all very important, and in fact, very important to the children of our country, I believe I can say without any hesitation the amendment of the gentlewoman from New York [Mrs. MALONEY] today is the most important amendment that we will have to deal with in this unfunded mandates legislation, because it says that the first dollar we spend should be on children.

Yes, we all have sympathy for the localities, the Democratic Governors and Republican Governors and mayors, but all levels of government must share in the responsibility for preparing our children for their futures and investing in their health and well-being. Every level of government has that strong responsibility.

Mr. Chairman, I believe that the amendment of the gentlewoman from New York [Mrs. MALONEY] should take precedence over everything else in the bill, all the exemptions that are already listed and any other consideration that the Governors and the mayors may present, because it says who we are as a society, that we believe in future preference, that we understand that we have a responsibility to these children, and that we understand that our country depends on us honoring that responsibility.

Mr. Chairman, other countries have social programs that are different from here and they provide a great deal more for children right off the bat, without any question, and no debate. We have the debate on this issue. They will be watching what we do. The country will be watching what we do here today.

More importantly, Mr. Chairman, the children are listening. The children are listening. Let there be no doubt in their minds about their importance as individuals and their importance as resources to the future of our country.

Mr. Chairman, our colleagues on the Republican side have the votes. They may win this vote today and defeat the Maloney amendment, although I hope not, because as I say, I recognize and respect the regard and concern that they have for children as well.

They may win the vote, but they must not win the debate about what is the most important resource to our country and what should be the very first dollar that we spend. I have repeated that a couple of times, Mr. Chairman, because I want to reinforce and make the point.

Mr. Chairman, I serve on the Subcommittee on Labor-Health and Human Services-Education of the Committee on Appropriations. We certainly do not do enough for the children of our country. We jokingly say it is a committee where it is, lamb eat lamb, because every single program is very important to the children of our country.

We do not have enough money to spread around. Therefore, we must say that as much as we possibly can will be spent on the children at the national, at the State, and at the local levels. That is why this amendment is so important, because it says in recognition of the fact that unfunded mandates may be a problem to them, and in recognition that resources are limited, in recognition of all of that, children come first.

Mr. TOWNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by first thanking the gentlewoman from New York [Mrs. MALONEY] for this very fine amendment. I think it is the kind of amendment that would make this bill better.

Also, Mr. Chairman, let me just sort of respond to my friend, the gentleman from the State of Connecticut [Mr. SHAYS], who indicated that we keep asking for exemptions. There is a reason why we keep asking for exemptions.

The reason we keep asking for exemptions is that this bill did not have any hearings. Therefore, there are a lot of things that we feel need to be corrected. There should have been some input. Some questions should have been asked along the way.

I have been here 13 years. I have been here 13 years. I can never recall a piece of legislation of this magnitude to come before this body without having one public hearing, and then want to know as to why we want to ask for exemptions, why do we want to ask for amendments.

It is very obvious that we want to strengthen it, we want to make it better, we want to get as much input into it as possible, because we are talking about the lives of people.

We voted earlier, and we were able to exempt the senior citizens. I think that was a very wise vote. I think that those of the Members that made that vote, it was an important vote and they should have done it. However, I also would like to say that here is another one that we need to vote in favor of, because the children are extremely important.

Mr. Chairman, if we want to save money, this could be referred to as the save money amendment, because when we look at the problems that we have with children in terms of their health, if we do not have some protection for them, they will end up in emergency rooms, they will end up with all kinds of problems, and it will cost us more in the long run than it would to correct it now.

If someone is going to say, "What about a point of order," think about the amount of children that will die while we are waiting for a point of order. I think that the time has come for us to wake up and to address this problem and address it now.

Mr. Chairman, we are sending the wrong message out there. I do not think that we should be guilty of doing that. I think unfunded mandates give us an opportunity to correct a lot of things that are going wrong.

Mr. Chairman, some people want to increase the defense budget. If we do not protect our children, who are we going to draft? Who are we going to put in the military? Who is going to go? I think we need to make certain that we have a healthy population, and we need to do that with our children.

Mr. Chairman, let me just say to my friends on the other side, yes, they said to me earlier that they have the votes, and they are right, they probably have the votes. However, let me say, they could win the battle but they will lose the war if they do not move to protect the children of this Nation. I say that is important.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. TOWNS. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my good friend from Brooklyn for yielding me this time.

Mr. Chairman, I simply will respond by saying that at the outset of the gentleman's remarks, and I should also say that we are all very sympathetic to the plight and the challenges children face, but at the outset of my friend's remarks he said there were no hearings held on this whatsoever.

I know there are many new Members of Congress who were not able to benefit from the very extensive hearings that were held in the 103d Congress, but there is a sense that no hearings were held in this 104th Congress, which is 3 weeks old tomorrow. We in the Committee on Rules had a briefing, a lengthy briefing, and hearings. We heard from a wide range of Members and groups.

I would simply say to my friend that to argue there were no hearings whatsoever held on this issue is incorrect, and not the kind of assessment of the deliberation that has just for years gone into that process.

Mr. TOWNS. Reclaiming my time, Mr. Chairman, in the 103d Congress, yes, there were hearings, but this bill is not the bill that was brought in the 104th Congress.

Mr. DREIER. Mr. Chairman, we had hearings in the 104th Congress, too.

Mr. TOWNS. Mr. Chairman, it is my time. Let me say to the gentleman, so that he will be aware of the fact, more than 50 percent of the people that serve on the committee now are brand new. They were not even on the committee in the last Congress.

I am saying to the gentleman that these are the new Members in the Congress, this is not the same bill that was dealt with last year, so therefore, for the gentleman to say that we had hearings on this bill, that is not accurate. This is a new bill. It was not the bill last year.

Let me just say to the gentleman, further, the bill last year was sponsored by me so I know what the bill said versus that this bill says. I am saying to the gentleman that his Contract With America does not mean that he should ignore input coming from America. I think if that is the contract the gentleman had, he had better divorce himself from it.

Mr. DREIER. Mr. Chairman, we are not saying that at all.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think this is really a debate on the issue of unfunded mandates. We all are cognizant and aware of the issues that have come forth from our local governments.

However, I do rise now to support the amendment of the gentlewoman from New York [Mrs. MALONEY] because I think she has raised an issue that all of us have faced firsthand, we have faced it with our neighbors, our constituents, the sadness of mothers who are trying to raise their children alone, simply trying to make a way.

Across this Nation we are hearing that voices are being raised for us to be children-friendly. State and local governments struggle with funding for children's programs. Children suffer from violence against them and violence among them. Our children need to be protected.

Mr. Chairman, I have struggled with this issue on a local basis when we have fought at city hall to try and find monies to immunize our children, when we fought at city hall to determine, do we borrow from Peter to pay Paul, when we try to make sure that we tend to children in our well-care programs that are over the age of 5. Time and time again we have had to turn away children and say: "No, you cannot come into our clinics, we do not have enough money to serve you." It is important that we work with the Federal Government when it comes to protecting children.

□ 1600

There is no shame in that. Why have commercial advertisements across this Nation with television stations telling us be aware of your children, be friendly to your children and we in the U.S. Government cannot protect them?

I think about the woman named Delores in my community, living in the many housing developments, raising five children, attempting to survive on any kind of benefits she may get. Not lounging around, not taking welfare because she just wants to take it but trying to raise five children, trying to make sure they are healthy, trying to make sure that they are strong and yet we do not provide the extra "mph," if you will, to protect the children of this country, to help that mother preserve her home, to help that mother keep that home together.

I simply say that we need involvement. We need to protect our children. We need to support the amendments of the gentlewoman from New York which simply say our children must be protected.

I ask this House to rise to the level of serving all the people and support our children.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like also to support the amendment before us today to look after the interests of children.

I have been a Member of this body for not very many days and I have heard a lot in the last few weeks about the 100-day deadline. But I would like to talk today not about 100 days from now, but 20 years from now, and the things that we do today, how it will affect the world that we live in and our children live in 20 years from now.

All of us who are parents, and I think that includes most of us in this House of Representatives, love our children and I know that is true of all of the Members here, whether they are voting in favor of this amendment or not in favor of this amendment. We know that our children are the most precious things that there are in the world, and our own families, and I think at some level as parents and as community members, we know that all of the children in the country really carry the future of our country in their small hands.

I think if we look at what our economic competitors are doing around the world, not just what should we do, what do we feel we should do but economically what we should do as a country, we know that our competitors are literally betting the farm on the next generation. They are throwing everything they have got to make sure that their future work force is going to be topnotch and they are going to be competitive and they hope will be the next generation work force.

I have been prepared to offer in the Committee on the Judiciary an amendment to the balanced budget amendment that would have exempted investments in childhood education, in childhood health for the same reasons I am supporting this amendment. If we do not make these long-term investments and remove every impediment there is to investing in the young people in this country, then we are not going to have a good country in the future and we are not going to have an educated work force, we are not going to have a healthy work force, we will not have a good country. I know that I care about that and I know that every Member of this House cares about that.

I would therefore urge adoption of this amendment.

Mrs. SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am amazed at how emotional this issue has become. I have been involved in, you might say, politics for years, and I thought this was a pretty generic, reasonable bill coming from a State government. The bill just says establish and consider the cost you require of local governments. That is pretty simple.

Let us review in general what the bill does. It is not retroactive. You would think by the conversation on the floor today that it went back and wiped out all the protections for children, for the elderly, and for our communities. It is not retroactive. It requires cost information.

I have a history of being a budget person. I also have been involved in budgets and politics. The best thing you do for the people is find out what it costs. If you ignore those costs, they are still there, and they come out somewhere else.

It requires informed debate, what we have all been talking about. I am amazed at how many people stand up and say they have been gagged and then talk for 5 minutes. It just says informed debate on the question of funding, and that debate is required, so that we do not wake up 1 day and find out Washington State ends up with a multibillion-dollar cost that this Congress passed. And it requires separate votes on imposing unfunded mandates to local governments. That is not so difficult. It seems to me that that makes some sense.

This bill is about taking the high ground, telling the truth, all the truth up front, debating it, deciding what it is and working with real figures, not emotions.

This is about truth, a reasonable bill about accountability and good government, and I think it is time we stop playing around the corners of this and say, "States, we are going to be honest with you and we have every intention of passing this accountability bill that just tells the truth."

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Maloney amendment. I have strong concerns about the negative impact the unfunded mandate bill will have on children, the Nation's most valuable resource.

As a Florida State representative for 10 years, I am personally aware that States and local government need flexibility and are facing increasing fiscal constraints. We must not eliminate the government historical role of protecting all citizens, especially children and the elderly.

What has worked well is a partnership between all branches of government, at the Federal, State and local level. One branch cannot do it alone. Without these partnerships, we jeopardize clean water, clean air, and food safety. The results will be high levels of cancer from toxic air and polluted waters.

Without these partnerships, we jeopardize the welfare of our children. The rate for childhood shots for some children is only 30 percent. Some Third World countries have higher rates.

In the rush to pass a bill, Congress has endangered the health of our children. Let us not rush to pass an imperfect bill that would destroy a partnership and hurt those who most need our help.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to respond to the gentlewoman from Washington and maybe to a lot of other Members on the other side of the aisle who are not aware of something, where they say this is not retrospective and that it is only going to take into consideration new laws as we do this cost analysis or cost versus benefit.

Let me make you very aware of something, that almost every bill needs to be reauthorized, and all the programs. So the Juvenile Justice Delinquency Prevention Act, and minority programs we passed, those programs in the crime bill, will all have to be reauthorized at some point in time, and when we go to reauthorization, we are going to then determine that a study has to be done in order to determine if the benefits outweigh the costs in what we are mandating to the States.

Let me tell you something. It is very hard to measure the benefit of a compassionate act or responsible act. It is very hard to determine just what benefit you get from feeding children, hungry children, so they can learn. Not until those children have grown into adults and have shown the benefit by being taxpaying citizens of this country can you measure the benefit of that nutrition program in that school.

There is no way on God's good earth that you can do that. So I am afraid that when you start measuring the benefit versus the cost in many of these programs, it gives easy justification to those people who would consider cost above the necessary thing to do to ensure that our young people are given and afforded every opportunity to succeed in these United States.

Let me tell you something. There is no issue that more defines us as a people or us as parties than what we do regarding the children of our country. Earlier someone said these are our future and I have never heard a politician who has not at one time or another uttered that phrase, "Our children are our future."

Well, are they really if we are going to consider what it costs to feed them nutritional lunches? Are we going to measure what it costs to mandate that in States, in jail situations when a lot of times these children are put there for their own protection because they were abandoned by a parent or a guardian or because they are there because they were abused, and say, "We're not going to mandate that States separate those from sight and sound of the adult population because the benefit doesn't outweigh the cost"?

That is the problem we have with this legislation, is that we are protecting right now those laws that exist because we are saying it is not going to affect any of those laws.

I guarantee you it will affect those laws as we move forward to reauthorization and that is something we really ought to consider, especially as it concerns the children of this country.

□ 1610

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, I want to clear up some comments that were just made for the record. First of all, nothing in this bill cancels any current mandate or prevents us from passing future unfunded mandates. We would of course have to cost these out if they were over $50 million across the rest of the country, and we could then decide, recognizing those costs that we would pass on the State and local governments, whether we would want to fund that mandate or impose an unfunded mandate on those other jurisdictions.

Also this bill does not apply to authorizations, unless in that reauthorization there is a new mandate over $50 million that will be passed on to State and Federal governments or a reduction in funding for existing mandates.

I just want to set the record straight on that, Mr. Chairman.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I feel compelled to come here and respond to some things my colleagues from the other side of the aisle have said. I read this bill and I read the amendment, and to those on the other side of the aisle who say that this bill is adequately written, that as it is written it will protect children, my response to them is, if it does that, then what is the problem with accepting an amendment that just makes it implicitly clear.

If the response is, well, we do not need it because it is already there, then I turn to the actual bill itself and I see that the bill must not have been drafted that well, because there are at least seven different distinctions made and explicit references made for exemptions to this bill to make sure that those exemptions are identified as being protected.

In the case of Social Security we see it here under subsection 7. We see it for emergency legislation that the President might pass. We see it for national security. We see it for emergency assistance to State and local governments in the cases, for example, of a natural disaster. We see it in the case of our constitutional rights.

If this is such a well-drafted bill, why do we explicitly ensure our constitutional rights are protected? I would think that would be automatic.

There is also an exemption for our statutory rights that prohibits discrimination. If that is there, clearly there are needs for exemptions and we have to stop fooling ourselves and admit to that.

Then I turn to the amendment and I read the amendment and I look at the actual text of the amendment and it is one phrase. So what it would do is, add one additional phrase to those seven exemptions I listed, and all it does is say we would exempt as well any laws or regulations that provide for the protection of the health of children. Simple. But yet we have objections to that.

Why do we have objections? In response to what the gentlewoman said a few moments ago about how this bill would provide for informed and deliberate debate, H.R. 5 takes care of that. We have had years of informed and deliberate debate, but on many occasions when we have had a chance in this House to support Head Start for children, we have not done so, at least not everybody. Some of us have supported it. I am today prepared to support Head Start. I know some of my colleagues from the other side of the aisle, though, would not.

We have had an opportunity to provide full funding for immunization of our children in this country and I know Members of the other side of the aisle have not done so and have not done so at a time when at this stage of this country's development less than 60 percent of this Nation's children are immunized, and in some cases, in poor areas, you are talking about less than 30 percent of the children in this country immunized.

Remember, that unimmunized child will ultimately cost that local government and the neighborhoods more money because, when that child does become infected or sick, chances are it will cost a lot more to heal that child.

So we have no protections and we cannot count on what someone will do prospectively. We need to know now, and if we do care about children, if we do wish to protect them, then add a simple amendment to this bill that would do so.

I find it ironic. We have the Republicans in this House who have proposed a Contract With America, I say a contract on America, and they say that they will increase by billions of dollars military spending, they will increase the deficit by cutting taxes on the wealthiest of Americans, and somehow with all of that they will still find a way to balance the budget to the tune of $1.2 trillion.

We will have to find cuts. We cannot cut entitlement programs, so we have to go to discretionary programs. What kind of discretionary programs? That is where we find all of the children's programs, discretionary cuts to the tune of around something like 30 percent. Head Start, immunization, child nutrition programs at our schools, health care for children, 30 percent, folks, across-the-board in some cases, unless, of course, the Republicans are willing to tell us how they would otherwise cut.

So why are we concerned, and why do we want to have explicit language that says you will protect the health of a child? Because there is no guarantee and this is not the time to play with the lives of our children.

Now just about an hour or two ago we voted on an amendment that would protect seniors or elderly, our older Americans from discrimination based on age. There was only one single vote out of this House of 435 Members, one single vote against that amendment.

There was no problem explicitly exempting seniors from age discrimination and specifying it in this bill.

But now we talk about kids. There is a clear distinction between someone who is a minor and someone who is a senior. Most of us get elected by seniors, and it is unfortunate that we find that we cannot protect a child here, and in some cases you have to wonder why.

One of my colleagues from California on the other side of the aisle said we have sympathy for what you are doing and for the kids. The kids do not want sympathy. They do not want any of our sympathy. They want a fighting chance to grow up and succeed and let them prove themselves, but let us do our part in having them do that. Let us help the children, help, not hurt our children.

Pass the Maloney amendment.

Mrs. MEEK of Florida. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Maloney amendment and to call the conscience of this group to the needs of children in our society and to know that any bill that has not really researched this in its fullest, I would just like to have a few minutes to talk about some reality therapy that we must think about. That we can sit here and pass any number of bills and write any number of amendments, but to my knowledge, no one has researched not only the fiscal impact and the cost of lives and societal causes that this bill is going to get us into if we do not look at what happens to children in this country.

We hear a lot of rhetoric regarding save the children, save the oceans, save the rivers, but I am here today to say to each of my colleagues that of all of the assets this country has, our children are our most important assets. So the Maloney amendment is just trying to prick the conscience of this group to look at the children.

Look at what this bill does. I am on the Committee on Government Reform and Oversight. I am a new member. I came to that committee with all kinds of gung-ho enthusiasm. But I have yet to be able to analyze or look at or to research or look at what we are doing in that committee.

What we are doing in that committee is going to have far-reaching impacts on the lives of the citizens of this country, and these are the children that we are talking about today. These are the children that are going to pull each of us down if we do not do what is right for them up front.

We talk about criminality. If we do not look at what is happening to our children, if we do not look into our communities and find out how can we help the health of the children, how can we get them immunized, how can we get them educated, how can we help them become better citizens?

I want to tell my colleagues something: If we do not look at unfunded mandates in such a way as to tear it down to the smallest community and to the smallest child and even to the unborn children, we are going to leave something out.

This amendment that my colleague, the gentlewoman from New York [Mrs. MALONEY], has put up here today is not anything meant to cripple the bill. It is something meant to supplement the bill and to put in something that is so very important, and I really encourage my colleagues on the other side of the aisle to look at this just as they did the amendment for the aging and elderly.

☐ 1620

The children are just as important as elderly people, and we have left them out, so that is what the gentlewoman from New York [Mrs. MALONEY] is trying to do.

Because of these hearings, we do not know how poorly this bill will work, but by any standard, we have not researched this bill, and we have not looked at the impact of it.

Now, a lot of children in this country are not as fortunate as some of our Members would have you think, and you do not need to read a magazine to find it out. You just need to go into some of the homes in both urban and suburban and both rural and otherwise to see these children. We rank in such a dismal category in terms of infant mortality. With all of the scientific discoveries we have made, we are 19th in countries in infant mortality. Our children are dying before the first year of life is over.

So you mean to tell me you are not going to look at this in terms of do you think any State legislature is going to do it? I spent 14 years in the State legislature, and I see what is happening here. There is a terrible syndrome happening here.

What is going to happen is after the contract is passed, after the 100 days, we are going to push all of this down to the State level. You are going to get some block grants or any kind of whatever configuration you want to call it, geometric, whatever it is; you are going to lump all the money in one big pile and ship it to the States, and that relieves you of the responsibility of saying to these mothers, people throughout this country, "We do not care that much about you enough to look at the impact of these amendments and bills that we are writing now."

You know what the States are going to do with that. They are getting their committees and their priorities that come first, where the most of the voters are. That is what they will fund first. It does not take a Ph.D. to figure that out, Mr. Chairman, as to what they are going to do with the money.

So the children will probably be left out, because it will not be the top priority of every State legislature. I know, I have been there.

A lot of people have not been on the street where these people are, where these people have children who are not being cared for.

I beg you to realize that one-quarter of the children born in this country are born in poverty. Think about it. They are not born with a silver spoon in their mouths.

So when you think about where the money is going when it leaves here to the State, to people who do not really realize where our problems are. One of every six children under the age of 6 is not covered, Mr. Chairman, by health insurance.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, I want to go back to say vote for the Maloney amendment, because it does, it helps us keep intact this safety net which has been placed there for the people who deserve it the most, our children. They are our future, and we cannot come to this floor and forget them.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New York [Mrs. MALONEY].

The question was taken; and the chairman announced that the ayes appeared to have it.

Mr. DAVIS. Mr. Chairman, I demand a recorded vote.

Mrs. MALONEY. I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

Mrs. MALONEY. I withdraw my point of order.

The CHAIRMAN. The gentlewoman cannot withdraw her point of order at this juncture.

Mrs. MALONEY. I request a recorded vote, a rollcall vote.

The CHAIRMAN. The Chair has already stated that a quorum is not present.

Mrs. MALONEY. I withdraw it.

The CHAIRMAN. Members will record their presence by electronic device.

Any recorded vote that is ordered after the quorum call will be a 5-minute vote.

The following Members responded to their names:

[Roll No. 34]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)

Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bishop
Fields (LA)
Frank (MA)
Frost
Kennedy (MA)
Kennedy (RI)
Neal
Oxley
Stark
Wilson

□ 1644

The CHAIRMAN. Four hundred twenty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Virginia [Mr. DAVIS] for a recorded vote.

Pursuant to clause 2 of rule XXIII, this will be a 5-minute vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 261, not voting 12, as follows:

[Roll No. 35]

AYES—161

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—261

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Parker

Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Bishop
Fields (LA)
Hoyer
Kennedy (MA)
Kennedy (RI)
Lazio
McIntosh
Neal
Oxley
Stark
Wilson
Wise

☐ 1648

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer two amendments, numbered 4 and 5, printed in the RECORD, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. OWENS: In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and inset "; or", and at the end add the following new paragraph:

"(8) provides for protection of the health of individuals with disabilities.

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following:

(8) provides for protection of the health of individuals with disabilities.

Mr. OWENS. Mr. Chairman, my first amendment excludes from the unfunded mandates legislation any statute or regulation that acts to protect the health of individuals with disabilities. My second amendment applies the same protection for individuals with disabilities in relation to the Congressional Budget Act provisions in the same legislation.

Mr. Chairman, there is a high level of anxiety in the community of people with disabilities about this piece of legislation. Forty-nine million people have disabilities, and the number continues to grow because any one of us could be a candidate, and certainly as people get older, they end up in large numbers in the category of people with disabilities.

Mr. Chairman, people with disabilities have a high level of anxiety for good reason. They feel that they have been targeted in this legislation, that they are a particular target because for years now there have been expressions of concern about the high cost at the local level of programs for people with disabilities, particularly the program IDEA, Individuals With Disabilities Education Act, better known to you as special education. That program has been targeted, and there are constant complaints from mayors and Governors, from school administrators and school board members about its high costs.

There are other programs related to the Americans With Disabilities Act which provide civil rights for people with disabilities. But those civil rights sometimes have costs attached to them, especially in the area of public accommodations and transportation. It costs money to meet the requirements of the ADA bill. For that reason, they feel that they are particularly targeted here, and they would be the victims of this legislation.

This is an opportunity for us to clarify what we mean when we say that people's civil rights will not be affected. ADA, Americans With Disabilities Act, did elevate the rights of people with disabilities to the same level as other civil rights. It is a fact that they have some economic requirements attached to them that makes for a lot of confusion. There are many cases right now in litigation. The Equal Employment Opportunity Commission has a large number of cases related to people with disabilities because of this gray area.

Here is an opportunity to clarify and let it be known whether this act is particularly targeted at people with disabilities.

Traditionally, State and local governments have been hostile or indifferent to these people with disabilities, and the Federal Government has had to lead the way. In the case of vocational education and vocational rehabilitation, we have led the way. In the area of special education, it took the Federal Government's mandate to provide for children who needed education who had disabilities. The Federal Government has had to lead the way. The States have always complained. So if the mandate is taken away, they have good reason to believe they may be victimized.

In the area of health, individuals with disabilities chronically experience problems in remaining employed, and therefore they have fewer resources and have a higher number who are taken care of by Medicaid. Many of the 49 million Americans with disabilities are dependent on Medicaid. If we pass the unfunded mandates and that results in cuts in Medicaid, Medicaid services would be on the chopping block. Inpatient services or outpatient hospital services, physician services, the case would have to be made as to which of those are cut. If such services are cut, the parents of children with disabilities would not be able to gain access to needed services which allows them to keep their children at home, instead of an institution, which is much cheaper to all of us.

Another Medicaid service jeopardized by this legislation would be the early periodic screening diagnostic and treatment, which allows for low income children up to age 21 vital health screening, gives them vital health screening to prevent the possibility of long-term disabilities. Cuts in this program which will result from the passage of this legislation would especially be harmful to children with disabilities.

I do not want to repeat all the arguments that have been argued already for other children, but children with disabilities have a particular problem. Of course, this particular amendment covers more than just children; it is all people with disabilities, including adults.

We tried very hard last year to pass health care legislation that might have made my amendments unnecessary. But since the obstructionists prevailed, the pharmaceutical industry, the insurance industry, the medical industry, Harry and Louise, all of those prevailed; we did not get a health care bill which would provide for the needs of people with disabilities. It is important that we in this legislation make certain that they are not victimized unnecessarily.

Mr. Chairman, many of the organizations of people with disabilities also support this vitally needed legislation.

The CHAIRMAN. The time of the gentleman from New York [Mr. OWENS] has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 2 additional minutes.)

Mr. OWENS. Mr. Chairman, among the organizations that have supported this legislation and feel they are in jeopardy are many organizations that have had bipartisan support in the past. In fact, the Americans With Disabilities Act had strong bipartisan support. Our great worry is that that bipartisan support will no longer be there.

In the former Committee on Education and Labor, now called the Committee on Economic and Educational Opportunities, the one committee that dealt with the interests of the people with disabilities all in one place, found that it was broken up and the various functions related to people with disabilities were spread through three different committees.

☐ 1700

We considered that a dangerous and hostile sign of the kind of things that are about to happen. Many of the signers of the Contract With America have indicated that they think that President Bush signed the Americans With Disabilities Act in a weak moment. In fact, one of the signers of the Contract With America has stated that the President signed that bill in a weak moment, and they want to undo the kind of rights that are provided in the legislation for people with disabilities.

So it is very important that a clarification is gained here. I hope that all of the numerous Members on both sides of the aisle who do support programs for people with disabilities will vote for this amendment and send a message to the people with disabilities that they still have friends on both sides of the aisle, that they are not being targeted, that they will not have their programs taken away because they do require funding at the local level.

The special education, for example, the Federal Government promised that they would fund it 40 percent and they only fund about 7 or 8 percent. There have been complaints about that since it began. So we need an indication with this vote that people with disabilities will not suffer needlessly, that when we say civil rights statutes are exempt, we mean that programs for people with disabilities, including the programs which directly affect their health and their children's health, are also exempt from this, these mandate requirements.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment just very briefly to say, Mr. Chairman, that I think the gentleman is correct, that Members on both sides of the aisle have great concern for the disabled in this country. The Americans With Disabilities Act, which the gentleman referred to and which is now law, is unaffected by this legislation in any way, shape or manner. This is not in any sense a retroactive bill. The Americans With Disabilities Act, which I must say there are some who would like to amend because it in fact has imposed some rather heavy burdens on our States and local communities to comply with the act in terms of retrofitting various things to comply with the act, but that is not the point.

The point is that this is not going to in any way reach back into the Americans With Disabilities Act to affect the rights of the disabled, nor will it preclude us from in any way passing through a mandate for the benefit of the disabled in the future.

All we say is that this area should not be anymore exempt from consideration of the cost that is being imposed than any other area. And for that reason, Mr. Chairman, I must oppose the amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people with disabilities represent the most vulnerable and poorest group in America. People with disabilities are disproportionately minorities and have the most health problems. Yet disabilities touch us all. One in three Americans has a family member that has a disability. I myself had a family member that had a disability and know firsthand the kinds of other health problems that can be created when one has a disability and that might be directly caused by that particular disability.

Conditions for people with disabilities varies greatly from State to State and the people with disabilities therefore have looked to the Federal Government to help them to improve their quality of life and to make the quality of life equal for people who live in Michigan, or Illinois, or New York, or Mississippi, or Colorado, or any other State, giving them an equal opportunity to have, if you will, the kind of help that they certainly deserve to have.

One example, for example, is when we have all gone through and seen these ramps on the side of curbs so that people with disabilities who have to use wheelchairs are able to get about, to do things that we take for granted because we can walk, for example. We have also cases where it is absolutely essential that we provide for people who have lost their eyesight, who have certain kinds of disabilities. We want people not just in one State to have those provisions made for them. We want people in all the States to have those provisions for them so that every person who has a loss of eyesight can equally enjoy the quality of life no matter where they happen to live or in which communities they happen to live. With so many States entering into experiments in the Medicaid Program, the health centers of people with disabilities is certainly at great risk.

The move toward managed care as a device to control costs in Illinois and other States increases the likelihood that people with disabilities will end up in appropriate care settings with disastrous consequences. Studies show clearly that managed care does not work well for people with disabilities who often require specialized medical care on a very routine basis.

Without this exclusion, H.R. 5 could prevent the Federal Government from the insurance that Medicaid programs in the States are appropriate to the needs of the people with varying disabilities. We wisely chose to exclude antidiscrimination laws, including those that protect people with disabilities, from this bill, but what good is it, if there is an exclusion for the disabled, if we by some same action undermine their rights to decent health.

It just does not make any kind of sense at all, Mr. Chairman.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Owens amendment to exempt from the impact of the unfunded mandates legislation any provisions designed to maintain the health of individuals with disabilities. This is not only the compassionate thing to do, it is also the sensible and fiscal thing to do.

As a direct result of the advancement in medicine, many individuals with disabilities are able to maintain an independent life as productive, contributing citizens.

The absence of medical care for such individuals is, therefore, not simply a health problem but one of loss of general functionality as well.

To take away health care for most of us means that we have to prioritize resources. For individuals with disabilities, there are no other priorities. They must have health care for anything else to exist.

Moreover, it also means that we will have to pay a lot more for other support costs once the independence of an individual with disabilities is lost.

What this amendment says, Mr. Chairman, is that we should not treat individuals in totally different circumstances as if they were the same. Without this amendment, individuals with disabilities would be dramatically affected.

As the gentleman from New York has indicated, Congress has passed many bills affecting the rights and independence of individuals with disabilities and without this amendment, it would be virtually impossible for Congress to take any action to protect this vulnerable group in the future.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I would like to clarify the fact that this amendment is primarily about health, mandates which affect the health of people with disabilities. But I deliberately included other matters because the gray area there is always there for people with disabilities.

Their health is affected if they cannot get proper transportation and the ADA gives them the right to transportation, which has to be provided by local governments. And many local governments have refused to take the steps to provide the necessary transportation.

There are numerous areas which are gray, which have led to a great deal of litigation about the civil rights that are supposed to be protected under this statute, which always, not always, but usually affect the health and the welfare directly of people with disabilities.

So it cannot be separated. The gray areas are such that it would be, a great service would be rendered by, in this legislation, passing this amendment and clarifying once and for all the fact that anything affecting people's health, people with disabilities' health, is also part of the overall protection that is provided for people with disabilities.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by my colleague, the gentleman from New York [Mr. OWENS]. Mr. OWENS, who shepherded the ADA legislation and the IDEA legislation last year, did a commendable job in attempting to preserve the rights of people who are handicapped.

I heard one of the colleagues on the other side say it was a heavy burden on our poor States and our local government. It was a heavy burden on our transportation companies that they had to make way for people with a handicap to have their civil rights so that they could go to work, to be productive citizens, so that they could live a quality of life that we who are fortunate enough to be unencumbered with a handicap have.

I think that it is relatively callous when we look at the burden that is imposed because we are attempting to make the quality of life more livable for other individuals. These amendments are essential to many individuals in this nation who suffer from disabilities. Individuals with disabilities experience more problems with retaining employment. They have more problems and more expense and fewer resources, in many instances, when they attempt to get to their places of employment than most Americans have.

□ 1710

Many of the 49 million Americans with disabilities are dependent on Medicaid for their basic health care. If this unfunded mandates legislation is passed without these amendments, and we also have entitlement caps, then the list of mandated health services in the current Medicaid Program would have to be cut in relation to the decreasing amount of funds in State governments.

Moreover, Mr. Chairman, if these services are cut, parents of children with disabilities will not be able to gain access to needed services which enable them to keep their children at home. Instead, these parents will be forced to place their children in institutions, institutional settings, thereby promoting more dependency rather than independent living.

Mr. Chairman, I though one of the contract's provisions was to make people more independent, to make them more self-reliant, but by some of these moves, we will make people more interdependent on the system, not more independent.

Mr. Chairman, last year we made a concerted effort to pass health care legislation that might have made these amendments unnecessary, as the gentleman from New York [Mr. OWENS] mentioned. However, since we could not accomplish this effort, it is now more important than ever before that we support these amendments, so that we do not take away what little access to health care individuals with disabilities currently have.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to reemphasize what we are doing here today. We are here, Mr. Chairman, to pass an unfunded mandate bill that puts a stop to federally unfunded mandates. All the amendments we have heard on the floor today would not be impacted by this. This is prospective. The ADA, the amendment we are talking about right now in civil rights, everything is prospective. Civil rights is exempted.

What we are doing here today is talking about accountability again. Let me tell the Members, we have heard a lot of amendments. Most of them really I think are portrayed incorrectly, but the majority of the Members in this House are getting it, because when we count the votes today and yesterday, the majority of Members in this House are voting down these amendments. They clearly understand that local government is watching what we are doing. We are putting some accountability in this House.

The things that the Members advocate are good and I am supportive of that, but let me say, if we want to do those things, all we are saying is if they are good enough for us to debate, good enough for us to talk about, good enough for us to pass, then they are good enough for us to pay for. That is simply what we are doing here today.

All the things we are debating right now sound good, are good, in my opinion, but they have little to do with the unfunded mandate bill because most of this is about prospective legislative. The civil rights has been exempted.

Mr. Chairman, it is a great debate to have, I guess, but let us remember what we are doing. We are trying to put some accountability in the House. We are trying to get people to say if they are for something and they feel that strong about it, take the accountability and responsibility to pay for it.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, is the gentleman aware of the fact that there is a well-documented history of the State and local governments being indifferent and even hostile toward the needs of people with disabilities? If the Federal Government had not moved, most of these people would never have been helped at all.

Mr. CONDIT. I understand there have been times that local government has been slow to respond to things, and the Federal Government frankly has not been perfect in responding to certain things as well, but I have much more faith than some of these people who have come to this floor, with local governments.

We have heard stories that "We would not have cleaned up sanitation facilities, we would not have built curb cuts." We act as though local government officials have no incentive. They represent the same people we represent. They are trying to do good for their people as well.

Mr. Chairman, I think it is a disservice for us to come here and suggest that they have no incentive to do the right thing for their people. Yes, they are slow. I can tell you why they are slow today, because they do not have much money. They are just about like we are. They are that far from the poorhouse.

What we need to do, Mr. Chairman, is be cooperative and work with them and not put unfunded mandates on them. If we think it is a good idea, then let us just pay for it. Let us help them out, because I think their agenda is the same as my agenda, to do what is right for the American people, to do what is right for their constituents.

If Members have never sat in a city hall chamber at a city council meeting, they do not know what the heat is, because the people come down there and they want things done. They want their wastewater treatment clean. They want their drinking water safe. They want clear air, and they let you know it, and they let you know it on Monday night at the city council meeting. Therefore, I think that local government is more responsible than we are giving them credit for here today.

All I am saying, Mr. Chairman, let us put some perspective on this. We are talking about accountability here. We are talking about if we think it is good enough for us to debate, pass, then it is good enough for us to pay for. That is it. That is what we are doing here. Mr. Chairman, I just want us to focus on that.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 275, not voting, 10 as follows:

[Roll No 36]

AYES—149

Abercrombie
Ackerman
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—275

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bilirakis
Bishop
Chenoweth
Fields (LA)
Gekas
Kennedy (MA)
Kennedy (RI)
Neal
Wilson
Young (AK)

☐ 1733

Mr. SCHUMER changed his vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. COMBEST] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 32, 33, 35, and 36. I would have voted "no" on rollcall vote 30.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 17, RELATING TO TREATMENT OF SOCIAL SECURITY UNDER CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET AND HOUSE JOINT RESOLUTION 1, PROPOSING BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–4) on the resolution (H. Res. 44) providing for consideration of the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any Constitutional amendment requiring a balanced budget and providing for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2. I was erroneously listed as supporting this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

COMMENDING SAMOAN NFL PLAYERS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, on the positive side, I want to offer my congratulations and commendations on behalf of some 150,000 citizens of our country whose roots are found in a group of islands in the South Pacific—the Samoan Islands—a special recognition of five outstanding Samoan football players in the National Football League who recently participated in the final two games that were televised nationally two Sundays ago.

Mr. Speaker and my colleagues, these Samoan NFL players are—Mr. Suilagi Palelei, defensive end with the Pittsburgh Steelers, and also with the Pittsburgh Steelers is defensive lineman Mr. Ta'asē Faumui. There is also offensive tackle Mr. Mark Tuinei of the Dallas Cowboys and offensive guard Mr. Jesse Sapolu of the San Francisco 49ers. And last but not least, Mr. Junior Seau, middle linebacker for the San Diego Chargers.

Mr. Speaker, I also want to call to the attention of our colleagues three of the above gentlemen have been selected as members of the NFL All-Pro Team this year: Mr. Seau, Mr. Sapolu, and Mr. Tuinei.

I also want to commend Mr. Alfred Pupunu, tight end of the San Diego Chargers—who hails from the Polynesian Island Kingdom of Tonga.

Mr. Speaker, because Mr. Jesse Sapolu and Mr. Junior Seau are both going to be playing their hearts out in this week's Super Bowl game—I can only say, may the best team win.

Mr. Speaker, I include for the RECORD two articles from the New York Times:

SEAU VERY GOOD WITH ONE GOOD ARM

(By Timothy W. Smith)

PITTSBURGH, Jan. 15.—As he stepped onto a podium for a post-game interview session, Chargers linebacker Junior Seau rolled his left shoulder slightly and then winced. The grimace was quickly replaced by a smile when someone asked how he felt about his first Super Bowl trip.

"I can't tell you, to tell you the truth," Seau said. "It's a time where you go through hills and valleys in the course of 60 minutes. At the end of the game, it comes down to that last play. You don't know whether to cry or yell or smile. All I know is we're going to the Super Bowl."

Since the New England game on Nov. 20, Seau has been playing with a pinched nerve in his neck that has deadened his left arm. He has played the last eight games with one good arm, and early on against the Steelers here this afternoon it looked as if Seau was going to single-handedly deliver the Chargers a victory.

On the 13 plays on Pittsburgh's opening drive for a touchdown, Seau was involved in 5 of the tackles—3 of them solo, including one in which he stopped running back Barry Foster for no gain on a screen pass. For the game Seau finished with 16 tackles (12 solo) and one pass defense.

"I've never seen him play a better game," said Chargers free safety Stanley Richards. "I've seen him make more tackles, but I've never seen him make more big plays. He was all over the field today. It felt good being out there with Junior Seau today.

"He had in his mind that there was no reason we were going to lose this football game. You could see the intensity and the fire he had from the start of the game."

The Chargers came in with a defensive game plan of stacking eight people at the line of scrimmage to stop Pittsburgh's rushing attack, which led the league with an average of 136.6 yards a game. They were successful in that regard, holding the Steelers to 66 yards rushing.

Seau played a pivotal role in helping the Chargers' defense keep the Steelers off balance. With his speed and athleticism, Seau was able to blitz and drop back into pass coverage. And when the Steelers did try to run sweeps around the corner, Seau was there to greet the runners.

"I felt the Steelers altered their game plan to pass more," he said. "Once you see that from a smash-mouth football team, you know that they're doing something different that they're not used to."

On the Steelers' final offensive drive, which started at their 17 with 5 minutes 13 seconds to play and was down to the Chargers' 9 at the 2-minute warning, Seau tried to convince San Diego defensive coordinator Bill Arnsparger to be more aggressive and attack Pittsburgh quarterback Neil O'Donnell. That would have meant the Chargers would have had to switch out of their zone coverage and into man. Arnsparger held firm and stuck with the zone.

The Chargers' defense yield a 7-yard reception by the fullback John L. Williams, but produced two deflected passes by linebacker Dennis Gibson, and the last one on fourth-and-goal from the 3 sealed the victory.

"I have to give him credit for sticking to that," Seau said. "Playing zone, if they caught the ball, we would have someone to tackle them. And that's exactly how we did it.

Seau, who aggravated his injury again in the second quarter, has one more game to play before he can rest the pinched nerve and get the feeling back in his left arm.

"It's pain, but after what happened here, it's worthwhile," he said. "You never play this game 100 percent healthy and you should never expect to."

SEAU'S GUILT AND PAIN ARE STILL FRESH

(By Tom Friend)

SAN DIEGO, Jan 12.—His neck burns like a forest fire, and his left arm sleeps on the job. Junior Seau can tackle you with his pinched nerve, but he cannot maim you.

He needs a month off, ultrasound around the clock and more days at the beach with Dennis Hopper. He needs to listen to his mother and send his uniform on vacation. He needs a new Sunday activity, such as stopping off to see his brother in jail. He needs bad directions to Three Rivers Stadium.

But he will not miss Sunday's American Football Conference title game for the world, or for his mom. She has asked him to quit this contact sport since grade school, but he tells her this contact sport paid for her new house, her new car and the beds her children never had growing up. That quiets her down. He tells her there is no harm in a little numbness he can't feel it anyway.

Junior Seau, in a nutshell, is the San Diego Charger defense, and he has a private pact with himself: play or die.

The linebacker is motivated by the thought of a Super Bowl, the thought of his guilt and the thought of his father still doing custodial work. Against the Steelers on Sunday, he will drape a town over his head and seem inconsolable. But underneath that veil, where no one else can travel, he will be pumping himself up in a personal ceremony that allows him to play over the speed limit.

"I have got to sell out," he said today.

His avenue to this defining championship game has had many potholes. The home he knew as a child, the one that lacked bedrooms, stirred his original hunger and was an important frame of reference. His roommates were a brother, a car and a dishwasher.

"We didn't know any different," Seau said. "We thought everybody slept in the garage."

They resided in a poor Samoan section of Oceanside, Calif., and jobs were to be hunted, cherished. Every Seau son—all three of them—were to contribute to the family pot, although Junior sparred with his father over the work edict. It was Junior's preference to play high school sports—where no one else could run as fast or leap as high—but it took much explaining at home. Tiania Seau was a stern taskmaster someone Junior was afraid to cross. He knew if he was not going to share in the bread-winning, he had better do some winning elsewhere.

"I wanted to preform well for my mom and dad, because in high school. I didn't have a job," Seau said. "My brothers, they worked at Pizza Hut or places like that, but sports, that was my way of giving back."

Either out of guilt, or natural-born ability—or both—Seau became the area's premier football and basketball player. Nothing could deter him. Literally 48 hours after undergoing abdominal surgery, he bled through his basketball uniform and still led his team to the high school championship.

Seau's parents, sensing their son's commitment, began attending games with the entire family. Junior had enough uncles, aunts and cousins to fill the bleachers, and they chipped in to make him perhaps the first high school athlete with incentive clauses.

"For an interception, they gave him $10 and for a sack, $10" said one of his high school coaches, Bill Christopher. "One day, they paid up, and he had a wad of bills that could choke a horse."

After sitting out his freshman season at Southern Cal because of Proposition 48—"If you know Junior, that's worse than taking a hammer to his head," Christopher said—Seau was obsessed with paying his family back, tenfold. And once he signed a first-round contract with his hometown Chargers five years ago, he retired the childhood shack he grew up in.

"Bought them a house and car with the first check," he said.

But his father still would not quite his custodial job at the local high school; Seau decided then he would never turn complacent, either.

On the second snap of his first preseason game, he was ejected for fighting the Raiders' Steve Wisnieski, and he was feared from that moment on.

The Pro Bowl became his annual vacation stop, he sponsored a clothing line called "Say Ow," and he became the Chargers' only media darling. On the "Tonight Show" this season, he bench-pressed Jay Leno and said, "Jay was heaver than I thought.' He also filmed a sneaker commercial on the Santa

Monica Pier and Dennis Hopper and called it "the highlight of my career."

The lowlight had to be the day his brother Tony was arrested and charged with attempted murder. Tony, younger and less focused, joined a gang after struggling in Junior's shadow. After shooting his way into a house and nearly killing a man with a baseball bat, he is serving 10 years in prison. It alternately frightens Junior and validates him.

"We're allowed to visit him once a week, and I try to get there as much as possible," Seau said. "But we're in season now, and Sundays are his visiting hours. And you know what I'm doing Sundays."

But on one particular Sunday, six weeks ago, Seau pinched a nerve in his neck, apparently on one of his team-high 155 tackles. His left arm has deadened sporadically, since, and he has essentially been a one armed linebacker. Football experts have said he should sit out, should move into a whirlpool turned up to top speed. But if he could move his neck freely, he would shake it a thousand times no. Because of the guilt, because of a workaholic father.

"I play out of fear," he said. "Fear of failure."

The stark result, of course, is that he may be a target on Sunday—for the first time in his career.

"The Steelers have to decide whether or not they're going to attack me with my one arm or run away from me," Seau said. "It's a big challenge for me."

And what would it take for him to sit it out?

"Break my legs, he said.

□ 1740

RECESS

The SPEAKER pro tempore (Mr. COMBEST). The Chair declares the House in recess until approximately 8:40 p.m. for the purpose of a joint session to receive a communication from the President of the United States.

Accordingly (at 5 o'clock and 40 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 40 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 16 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas [Mr. ARMEY];
The gentleman from Texas [Mr. DELAY];
The gentleman from Ohio [Mr. BOEHNER];
The gentleman from California [Mr. COX];
The gentleman from Arkansas [Mr. DICKEY];
The gentleman from Arkansas [Mr. HUTCHINSON];
The gentleman from Missouri [Mr. GEPHARDT];
The gentleman from Michigan [Mr. BONIOR];
The gentleman from California [Mr. FAZIO];
The gentlewoman from Connecticut [Mrs. KENNELLY];
The gentleman from Arkansas [Mr. THORNTON]; and
The gentlewoman from Arkansas [Mrs. LINCOLN].

The VICE PRESIDENT. The President of the Senate at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the President of the United States into the Chamber:

The Senator from Kansas [Mr. DOLE];
The Senator from Mississippi [Mr. LOTT];
The Senator from Mississippi [Mr. COCHRAN];
The Senator from Florida [Mr. MACK];
The Senator from Oklahoma [Mr. NICKLES];
The Senator from New York [Mr. D'AMATO];
The Senator from South Carolina [Mr. THURMOND];
The Senator from Oklahoma [Mr. INHOFE];
The Senator from Tennessee [Mr. THOMPSON];
The Senator from South Dakota [Mr. DASCHLE];
The Senator from Kentucky [Mr. FORD];
The Senator from Maryland [Ms. MIKULSKI];
The Senator from Massachusetts [Mr. KERRY];
The Senator from West Virginia [Mr. ROCKEFELLER];
The Senator from Louisiana [Mr. BREAUX];
The Senator from Nevada [Mr. REID];
The Senator from Nebraska [Mr. KERREY]; and
The Senator from North Dakota [Mr. DORGAN].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Charge d'Affaires of foreign governments.

The Ambassadors, Ministers, and Charge d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Assistant to the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 8 minutes p.m., the Sergeant at Arms, Hon. Bill Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the 104th Congress, my fellow Americans. Again we are here in the sanctuary of democracy and once again our democracy has spoken. So let me begin by congratulating all of you here in the 104th Congress and congratulating you, Mr. Speaker. If we agree on nothing else tonight, we must agree that the American people certainly voted for change in 1992 and in 1994. As I look out at you, I know how some of you must have felt in 1992. I must say that in both years, we did not hear America singing, we heard America shouting. And now all of us, Republicans and Democrats alike, must say we hear you. We will work together to earn the jobs you have given us. We are the keepers of the sacred trust, and we must be faithful to it in this new and very demanding era.

Over 200 years ago our founders changed the entire course of human history by joining together to create a new country based on a single powerful idea: We hold these truths to be self-evident, that all men are created equal, endowed by their creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness.

It has fallen to every generation since then to preserve that idea, the American idea, and to deepen and expand its meaning in new and different times, to Lincoln and to his Congress, to preserve the union and to end slavery; to Theodore Roosevelt and Woodrow Wilson to restrain the abuses and excesses of the Industrial Revolution, and to exert our leadership in the world; to Franklin Roosevelt, to fight the failure and pain of the Great Depression and to win our country's great struggle against fascism; and to all our presidents since, to fight the Cold War. Especially I recall two, who struggled to fight that Cold War in partnership with Congresses where the majority was of a different party. To Harry Truman, who summoned us to unparalleled prosperity at home and who built the architecture of the Cold War, and to Ronald Reagan, who we wish well tonight and who exhorted us to carry on until the twilight struggle against communism was won.

In another time of change and challenge, I had the honor to be the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and in security for the American people.

I came to this hallowed Chamber two years ago on a mission, to restore the American dream for all our people and to make sure that we move into the 21st Century still the strongest force for freedom and democracy in the entire world. I was determined then to tackle the tough problems too long ignored. In this effort I am frank to say that I have made my mistakes, and I have learned again the importance of humility in all human endeavor. But I am also proud to say tonight that our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and we are a force for peace and freedom throughout the world. We have almost 6 million new jobs since I became president, and we have the lowest combined rate of unemployment and inflation in 25 years. Our businesses are more productive, and here we have worked to bring the deficit down, to expand trade, to put more police on our streets, to give our citizens more of the tools they need to get an education and to rebuild their own communities.

But the rising tide is not lifting all boats. While our Nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more productive and competitive, too many of our people still cannot be sure of having a job next year or even next month. And far more than our material riches are threatened, things far more precious to us: Our children, our families, our values. Our civil life is suffering in America today. Citizens are working together less and shouting at each other more. The common bounds of community which have been the great strength of our country from its very beginning are badly frayed.

What are we to do about it? More than 60 years ago at the dawn of another new era, President Roosevelt told our Nation new conditions impose new requirements on government and those who conduct government. And from that simple proposition, he shaped a New Deal, which helped to restore our Nation to prosperity and defined the relationship between our people and their government for half a century. That approach worked in its time, but we today, we face a very different time and very different conditions.

We are moving from an industrial age built on gears and sweat, to an information age demanding skills and learning and flexibility. Our government, once the champion of national purpose, is now seen by many as simply a captive of narrow interests, putting more burdens on our citizens rather than equipping them to get ahead. The values that used to hold us altogether seem to be coming apart.

So tonight we must forge a new social compact to meet the challenges of this time. As we enter a new era, we need a new set of understandings, not just with government, but, even more important, with one another, as Americans.

That is what I want to talk with you about tonight. I call it the New Covenant. But it is grounded in a very, very old idea, that all Americans have not just a right, but a solemn responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return. Opportunity and responsibility, they go hand in hand. We can't have one without the other, and our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time, and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, our government, and ourselves.

My fellow Americans, without regard to party, let us rise to the occasion. Let us put aside partisanship and pettiness and pride. As we embark on this new course, let us put our country first, remembering that regardless of party label, we are all Americans, and let the final test of everything we do be a simple one: Is it good for the American people?

Let me begin by saying that we cannot ask Americans to be better citizens if we are not better servants. You made a good start by passing that law which applies to Congress all the laws you put on the private sector, and I was proud to sign that yesterday. But we have a lot more to do before people really trust the way things work around here. Three times as many lobbyists are in the streets and corridors of Washington as were here 20 years ago. The American people look at their Capitol and they see a city where the well-connected and the well-protected can work the system. But the interests of ordinary citizens are often left out.

As the new Congress opened its doors, lobbyists were still doing business as usual. The gifts, the trips, all the things that people are concerned about haven't stopped. Twice this month you missed opportunities to stop these practices. I know there were other considerations in those votes, but I want to use something I have heard my Republican friends say from time to time, there doesn't have to be a law for everything. So tonight, I ask you to just stop taking the lobbyists' perks. Just stop.

We don't have to wait for legislation to pass to send a strong signal to the American people that things are really changing. But I also hope you will send me the strongest possible lobby reform bill, and I will sign that too. We should require lobbyists to tell the people for whom they work, what they are spending, what they wanted. We should also curb the role of big money in elections by capping the costs of campaigns and limiting the influence of PAC's.

As I have said for three years, we should work to open the airwaves so that they can be an instrument of democracy, not a weapon of destruction, by giving free TV time to candidates for public office. When the last Congress killed political reform last year, it was reported in the press that the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, I think we all agree that we have to change the way the government works. Let's make it smaller and less costly and smarter, leaner.

I just told the Speaker the equal time doctrine is alive and well.

The New Covenant approach to governing is as different from the old bureaucratic way as the computer is from the manual typewriter. The old way of governing around here protected organized interests. We should look out for the interests of ordinary people. The old way divided us by interests, constituency or class. The New Covenant way should unite us behind a common vision of what is best for our country. The old way dispensed services through large top-down inflexible bureaucracies. The New Covenant way should shift these resources and decision making from bureaucrats to citizens, injecting choice and competition and individual responsibility into national policy.

The old way of governing around here actually seemed to reward failure. The New Covenant way should have built-in incentives to reward success. The old way was centralized here in Washington. The New Covenant way must take hold in the communities all across America, and we should help them to do that.

Our job here is to expand opportunity, not bureaucracy, to empower people to make the most of their own lives, and to enhance our security here at home and abroad.

We must not ask government to do what we should do for ourselves. We should rely on government as a partner to help us to do more for ourselves and for each other.

I hope very much that as we debate these specific and exciting matters, we can go beyond the sterile discussion between the illusion that there is somehow a program for every problem on the one hand, and the other illusion that the government is the source of every problem we have. Our job is to get rid of yesterday's government so that our own people can meet today's and tomorrow's needs, and we ought to do it together.

You know, for years before I became President, I heard others say they would cut government and how bad it was. But not much happened. We actually did it. We cut over one-quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the Federal bureaucracy in the last two years alone. Based on decisions already made, we will have cut a total of more than a quarter of a million positions from the Federal Government, making it the smallest it has been since John Kennedy was President by the time I come here again next year.

Under the leadership of Vice President GORE, our initiatives have already saved taxpayers $63 billion. The age of the 500 dollar hammer and the ashtray you can break on David Letterman is gone. Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by reducing it by more than twelve hundred offices. We have slashed the small business loan form from an inch thick to a single page. We have thrown away the government's 10,000 page personnel manual. And the government is working better in important ways. FEMA, the Federal Emergency Management Agency, has gone from being a disaster to helping people in disasters.

You can ask the farmers in the Middle West who fought the flood there or the people in California who dealt with floods and earthquakes and fires, and they will tell you that.

Government workers working hand in hand with private business rebuilt Southern California's fractured freeways in record time and under budget. And because the Federal Government moved fast, all but one of the 5,600 schools damaged in the earthquake are back in business.

Now, there are a lot of other things that I could talk about. I want to just mention one, because it will be discussed here in the next few weeks. The university administrators all across the country have told me that they are saving weeks and weeks of bureaucratic time now because of our Direct College Loan Program, which makes college loans cheaper and more affordable with better repayment terms for students, costs the government less, and cuts out paperwork and bureaucracy for the government and for the universities. We shouldn't cap that program. We should give every college in America the opportunity to be a part of it.

Previous government programs gathered dust. The reinventing government report is getting results. And we are not through. There is going to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three, and rid of over 100 programs we do not need, like the Interstate Commerce Commission and the Helium Reserve Program.

And we are working on getting rid of unnecessary regulations and making them more sensible. The programs and regulations that have outlived their usefulness should go. We have to cut yesterday's government to help solve tomorrow's problems, and we need to get government closer to the people it is meant to serve. We need to help move programs down to the point where states and communities and private citizens in the private sector can do a better job. If they can do it, we ought to let them do it. We should get out of the way and let them do what they can do better.

Taking power away from Federal bureaucracies and giving it back to communities and individuals is something everyone should be able to be for. It is time for Congress to stop passing on to the states the cost of decisions we make here in Washington.

I know there are still serious differences over the details of the unfunded mandates legislation, but I want to work with you to make sure we pass a reasonable bill which will protect the national interests and give justified relief where we need to give it.

For years Congress concealed in the budget scores pet spending projects. Last year was no different. There was $1 million to study stress in plants, and $12 million for a tick removal program that didn't work. It is hard to remove ticks. Those of us who have them know. But I will tell you something, if you will give me the line item veto, I will remove some of that unnecessary spending. But I think we should all remember, and almost all of us would agree, that government still has important responsibilities. Our young people, we should think of this when we cut, our young people hold our future in their hands, we still owe a debt to our veterans, and our senior citizens have made us what we are.

Now, my budget cuts a lot, but it protects education, veterans, Social Security and Medicare, and I hope you will do the same thing. You should. I hope you will.

And when we give more flexibility to the states, let us remember that there are certain fundamental national needs that should be addressed in every state, north and south, east and west. Immunization against childhood disease, school lunches in all our schools, Head Start, medical care and nutrition for pregnant women and infants, all these things are in the national interest.

I applaud your desire to get rid of costly and unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families, safer toys for our children, safer nursing homes for our parents, safer cars and highways, and safer workplaces, cleaner air and cleaner water. Do we need common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic dumps, and we ought to do it.

Should we cut the deficit more? Well, of course we should. But we can bring it down in a way that still protects our economic recovery and does not unduly punish people who should not be punished, but instead should be helped.

I know many of you in this Chamber support the balanced budget amendment. I certainly want to balance the budget. Our administration has done more to bring the budget down and to save money than any in a very, very long time.

If you believe passing this amendment is the right thing to do, then you have to be straight with the American people. They have a right to know what you are going to cut, what taxes you are going to raise, how it is going to affect them.

We should be doing things in the open around here. For example, everybody ought to know if this proposal is going to endanger Social Security. I would oppose that, and I think most Americans would.

Nothing has done more to undermine our sense of common responsibility than our failed welfare system. This is one of the problems we have to face here in Washington in our New Covenant. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying their child support. It keeps a minority, but a significant minority, of the people on welfare trapped on it for a very long time.

I have worked on this problem for a long time, nearly 15 years now. As a governor I had the honor of working with the Reagan Administration to write the last welfare reform bill back in 1988. In the last two years we have made a good start at continuing the work of welfare reform. Our administration gave two dozen states the right to slash through Federal rules and regulations to reform their own welfare systems and to try to promote work and responsibility over welfare and dependency. Last year I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be, a second chance, not a way of life. We have to help those on welfare move to work as quickly as possible, to provide child care and teach them skills, if that is what they need, for up to two years. But after that, there ought to be a simple hard rule. Anyone who can work must go to work. If a parent isn't paying child support, they should be forced to pay. We should have their driver's licenses, track them across state "lines, and make them work off what they owe. That is what we should do. Governments do not raise children, people do, and the parents must take responsibility for the children they bring into this world.

I want to work with you, with all of you, to pass welfare reform. But our goal must be to liberate people and lift them up from dependence to independence, from welfare to work, from mere child bearing to responsible parenting. Our goal should not be to punish them because they happen to be poor. We should require work and mutual responsibility.

But we shouldn't cut people off just because they are poor, they are young, or even because they are unmarried. We should promote responsibility by requiring young mothers to live at home with their parents or in other supervised settings, by requiring them to finish school. But we shouldn't put them and their children out on the street.

I know all the arguments pro and con, and I have read and thought about this for a long time. I still don't think we can in good conscience punish poor children for the mistakes of their parents.

My fellow Americans, every single survey shows that all the American people care about this, without regard to party or race or region. So let this be the year we end welfare as we know it.

But also let this be the year that we are all able to stop using this issue to divide America. No one is more eager to end welfare. I may be the only President who has actually had the opportunity to sit in a welfare office, who has actually spent hours and hours talking to people on welfare. And I am telling you, the people who are trapped on it know it doesn't work. They also want to get off.

So we can promote together education and work and good parenting. I have no problem with punishing bad behavior, or the refusal to be a worker or a student or a responsible parent. I just don't want to punish poverty and past mistakes. All of us have made our mistakes, and none of us can change our yesterdays. But every one of us can change our tomorrows. And America's best example of that may be Lynn Woolsey, who worked her way off welfare to become a Congresswoman from the State of California.

I know the Members of this Congress are concerned about crime, as are all the citizens of our country. I remind you that last year we passed a very tough crime bill, longer sentences, three-strikes-and-you're-out, almost 60 new capital punishment offenses, more prisons, more prevention, 100,000 more police. And we paid for it all by reducing the size of the Federal bureaucracy and giving the money back to local communities to lower the crime rate.

There may be other things we can do to be tougher on crime, to be smarter with crime, to help to lower that rate further. Well, if there are, let's talk about them and let's do them. But let's not go back on the things that we did last year that we know work, that we know work because the local law enforcement officers tell us that we did the right thing, because local community leaders who have worked for years and years to lower the crime rate tell us that they work.

Let's look at the experience of our cities and our rural areas where the crime rate has gone down and ask the people who did it how they did it. And if what we did last year supports the decline in the crime rate, and I am convinced that it does, let's not go back on it. Let's stick with it, implement it. We have got four more hard years of work to do to do that.

I don't want to destroy the good atmosphere in the room or in the country tonight, but I have to mention one issue that divided this body greatly last year. The last Congress also passed the Brady Bill, and in the crime bill the ban on 19 assault weapons. I don't think it is a secret to anybody in this room that several members of the last Congress who voted for that aren't here tonight because they voted for it. And I know, therefore, that some of you who are here because they voted for it are under enormous pressure to repeal it.

I just have to tell you how I feel about it. The Members of Congress who voted for that bill and I would never do anything to infringe on the right to keep and bear arms to hunt and to engage in other appropriate sporting activities. I have done it since I was a boy and I am going to keep right on doing it until I can't do it anymore.

But a lot of people laid down their seats in Congress so that police officers and kids wouldn't have to lay down their lives under a hail of assault weapon attack. And I will not let that be repealed.

I would like to talk about a couple of other issues we have to deal with. I want us to cut more spending, but I hope we won't cut government programs that help to prepare us for the new economy, promote responsibility and are organized from the grassroots up and not by Federal bureaucracy. The very best example of this is the National Service Corps of America. It passed with strong bipartisan support, and now there are 20,000 Americans, more than ever served in one year in the Peace Corps, working all over this country, helping people person-to-person in local grassroots volunteer groups, solving problems, and in the process earning some money for their education.

This is citizenship at its best. It is good for the AmeriCorps members, but it is good for the rest of us too. It is the essence of the New Covenant, and we shouldn't stop it.

All Americans, not only in the states most heavily affected, but in every place in this country, are rightly disturbed by the large numbers of illegal aliens entering our country. The jobs they hold might otherwise be held by citizens or legal immigrants. The public service they use impose burdens on our taxpayers.

That is why our administration has moved aggressively to secure our borders more by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal hiring, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will try to do more to speed the deportation of illegal aliens who are arrested for crimes, to better identify illegal aliens in the workplace as recommended by the commission headed by former Congresswoman Barbara Jordan.

We are a nation of immigrants, but we are also a nation of laws. It is wrong and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years, and we must do more to stop it.

The most important job of our government in this new era is to empower the American people to succeed in the global economy. America has always been a land of opportunity, a land where if you work hard, you can get ahead. We have become a great middle class country. Middle class values sustain us. We must expand that middle class and shrink the under class even as we do everything we can to support the millions of Americans who are already successful in the new economy.

America is once again the world's strongest economic power, almost 6 million new jobs in the last two years, exports booming, inflation down, high wage jobs are coming back. A record number of American entrepreneurs are living the American dream. If we want it to stay that way, those who work and lift our Nation must have more of its benefits. Today too many of those people are being left out. They are working harder for less, they have less security, less income, less certainty that they can even afford a vacation, much less college for their kids or retirement for themselves.

We cannot let this continue. If we don't act, our economy will probably do what it has been doing since about 1978, when the income growth began to go to those at the very top of our economic scale, and the people in the vast middle got very little growth, and people who worked like crazy but were on the bottom end fell even further and further behind in the years afterward no matter how hard they worked.

We have got to have a government that can be a real partner in making this new economy work for all of our people, a government that helps each and every one of us to get an education and to have the opportunity to renew our skills. That is why we worked so hard to increase educational opportunities in the last two years, from Head Start, to public schools, to apprenticeships for young people who don't go to college, to making college loans more available and more affordable. That is the first thing we have to do. We have got to do something to empower people to improve their skills.

The second thing we ought to do is to help people raise their incomes immediately by lowering their taxes. We took the first step in 1993 with a working family tax cut for 15 million families with incomes under $27,000, a tax cut that this year will average about $1,000 a family, and we also gave tax reductions to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited and we had to get economic growth up.

Now we have done both, and now we can cut taxes in a more comprehensive way. But tax cuts should reinforce and promote our first obligation, to empower our citizens through education and training to make the most of their own lives. The spotlight should shine on those who make the right choices for themselves, their families, and their communities.

I have proposed a Middle Class Bill of Rights, which should properly be called the Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children and to educate themselves. It will therefore give needed tax relief and raise incomes in both the short run and the long run in a way that benefits all of us.

There are four provisions. First, a tax deduction for all education and training after high school. If you think about it, we permit businesses to deduct their investment. We permit individuals to deduct interest on their home mortgages. But today an education is even more important to the economic well-being of our whole country than even those things are. We should do everything we can to encourage it, and I hope you will support it.

Second, we ought to cut taxes $500 for families with children under 13.

Third, we ought to foster more savings and personal responsibility by permitting people to establish an independent retirement account and withdraw from it tax-free for the cost of education, health care, first-time home buying, or the care of a parent.

And, fourth, we should pass a GI Bill for America's workers. We propose to collapse nearly 70 Federal programs and not give the money to the states, but give the money directly to the American people, or vouchers to them, so that they, if they are laid off or if they are working for a very low wage, can get a voucher worth $2,600 a year for up to two years to go to their local community colleges or wherever else they want to get the skills they need to improve their lives. Let's empower people in this way. Move it from the government directly to the workers of America.

Any one of us can call for a tax cut, but I won't accept one that explodes the deficit or puts our recovery at risk. We ought to pay for our tax cuts fairly and honestly. Just two years ago it was an open question whether we would find the strength to cut the deficit. Thanks to the courage of the people who were here then, many of whom didn't return, we did cut the deficit. We began to do what others said would not be done. We cut the deficit by over $600 billion, about $10,000 for every family in this country. It is coming down three years in a row for the first time since Mr. Truman was president, and I don't think anybody in America wants us to let it explode again.

In the budget I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double the tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare, and I will oppose any attempts to pay for tax cuts with Medicare cuts. That is not the right thing to do.

I know that a lot of you have your own ideas about tax relief, and some of them I find quite interesting. I really want to work with all of you. My test for our proposals will be, will it create jobs and raise incomes, will it strengthen our families and support our children, is it paid for, will it build a middle class and shrink the under class? If it does, I will support it. But if it doesn't, I won't.

The goal of building the middle class and strengthening the under class is also why I believe that you should raise the minimum wage. It rewards work. Two-and-a-half million Americans, two-and-a-half million Americans, often women with children, are working out there today for four and a quarter an hour. In terms of real buying power, by next year that minimum wage will be at a 40 year low. That is not my idea of how the new economy ought to work.

Now, I have studied the arguments and the evidence for and against a minimum wage increase. I believe the weight of the evidence is that a modest increase does not cost jobs, and may even lure people back into the job market. But the most important thing is, you can't make a living on $4.25 an hour, especially if you have children, even with the working family's tax cut we passed last year.

In the past the minimum wage has been a bipartisan issue, and I think it should be again. So I want to challenge you to have honest hearings on this, to get together to find a way to make the minimum wage a living wage.

Members of Congress have been here less than a month, but by the end of the week, 28 days into the new year, every Member of Congress will have earned as much in Congressional salary as a minimum wage worker makes all year long.

Everybody else here, including the President, has something else that too many Americans do without, and that is health care. Now, last year we almost came to blows over health care. But we didn't do anything. And the cold hard fact is that since last year, since I was here, another 1.1 million Americans in working families have lost their health care, and the cold hard fact is that many millions more, most of them farmers and small business people and self-employed people have seen their premiums skyrocket, their co-payments, deductibles go up. There is a whole bunch of people in this country that in the statistics have health insurance, but really what they have got is a piece of paper that says they won't lose their home if they get sick.

Now, I still believe our country has got to move toward providing health security for every American family. But I know that last year, as the evidence indicates, we bit off more than we could chew. So I am asking you that we work together. Let's do it step by step. Let's do whatever we have to do to get something done. Let's at least pass meaningful insurance reform, so that no American risks losing coverage for facing skyrocketing prices, that nobody loses their coverage because they face high prices or unavailable insurance when they change jobs, or lose a job, or a family member gets sick.

I want to work together with all of you who have an interest in this, with the Democrats who worked on it last time, with the Republican leaders like Senator DOLE, who has a long time commitment to welfare reform and made some constructive proposals in this area last year.

We ought to make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. We ought to help families provide long-term care for a sick parent or disabled child. We can work to help workers who lose their jobs at least keep their health insurance coverage for a year while they look for work.

We can find a way. It may take sometime, but we can find a way to make sure that our children have health care.

I think everybody in this room, without regard to party, can be proud of the fact that our country was rated as having the world's most productive economy for the first time in nearly a decade, but we can't be proud of the fact that we are the only wealthy country in the world that has a smaller percentage of the work force and their children with health insurance today than we did 10 years ago, the last time we were the most productive economy in the world.

So, let's work together on this. It is too important for politics as usual.

Much of what the American people are thinking about tonight is what we have already talked about. A lot of people think that the security concerns of Americans today are entirely internal to our borders. They relate to the security of our jobs and our homes and our incomes and our children, our streets, our health, in protecting those borders.

Now that the Cold War has passed, it is tempting to believe that all the security issues, with the possible exception of trade, reside here at home. But it is not so. Our security still depends upon our continued world leadership for peace and freedom and democracy. We still can't be strong at home unless we are strong abroad.

The financial crisis in Mexico is a case in point. I know it is not popular to say it tonight, but we have to act, not for the Mexican people, but for the sake of the millions of Americans whose livelihoods are tied to Mexico's well-being. If we want to secure American jobs, preserve American exports, safeguard America's borders, then we must pass the stabilization program and help to put Mexico back on track.

Now, let me repeat, it is not a loan, it is not foreign aid, it is not a bailout. We will be given a guarantee like co-signing a note with good collateral that will cover our risk. This legislation is the right thing for America. That is why the bipartisan leadership has supported it, and I hope you in Congress will pass it quickly. It is in our interest, and we can explain it to the American people, because we are going to do it in the right way.

You know, tonight this is the first State of the Union address ever delivered since the beginning of the Cold War when not a single Russian missile is pointed at the children of America. And along with the Russians we are on our way to destroying the missiles and bombers that carry 9,000 nuclear warheads. We have come so far so fast in this post-Cold War world that it is easy to take the decline of a nuclear threat for granted, but it is still there and we aren't finished yet.

This year I will ask the Senate to include START II, which will eliminate weapons that carry 5,000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop and roll back North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It is smart, it is tough, it is a deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combatting terrorists, whether they strike at home or abroad. The cowards who bombed the World Trade Center found out this country will hunt down terrorists and bring them to justice.

Just this week another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people and all of you, I send our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard for the people in the Middle East to go forward, where the terrorists represent the past, not the future. We must and we will pursue a comprehensive peace between Israel and all of her neighbors in the Middle East.

Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the peace process and prohibits financial transactions with these groups. Tonight I call on all our allies and peace loving nations throughout the world to join us with renewed fervor in a global effort to combat terrorism. We cannot permit the future to be marred by terror and fear and paralysis.

From the day I took the oath of office, I pledged that our Nation would maintain the best equipped, best trained, and best prepared military on Earth. We have, and they are. They have managed the dramatic downsizing of our forces after the Cold War with remarkable skill and spirit. But to make sure our military is ready for action and to provide the pay and quality of life the military and their families deserve, I am asking the Congress to add $25 billion in defense spending over the next six years.

I have visited many bases at home and around the world since I became President. Tonight I repeat that request with renewed conviction. We ask a very great deal of our Armed Forces. Now that they are smaller in number, we ask more of them. They go out more often, to more different places, and stay longer. They are called to service in many, many ways. And we must give them and their families what the times demand and what they have earned.

Just think about what our troops have done in the last year, showing America at its best, helping to save hundreds of thousands of people in Rwanda, moving with lightning speed to head off another threat to Kuwait, giving freedom and democracy back to the people of Haiti.

We have proudly supported peace and prosperity and freedom from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All of these endeavors are good in those places. But they make our future more confident and more secure.

Well, my fellow Americans, that is my agenda for America's future. Expanding opportunity, not bureaucracy, enhancing security at home and abroad, empowering our people to make the most of their own lives. It is ambitious and achievable, but it is not enough. We even need more than new ideas for changing the world or equipping Americans to compete in the new economy, more than a government that is smaller, smarter and wiser, more than all the changes we can make in government and in the private sector from the outside in.

Our fortunes and our prosperity also depend upon our ability to answer some questions from within, the values and voices that speak to our hearts as well as our heads, voices that tell us we have to do more to accept responsibility for ourselves and our families, for our communities, and, yes, for our fellow citizens.

We see our families and our communities all over this country coming apart, and we feel the common ground shifting from under us. The PTA, the town hall meeting, the ballpark, it is hard for a lot of over worked parents to find the time and space for those things that strengthen the bonds of trust and cooperation. Too many of our children don't even have parents and grandparents who can give them those experiences that they need to build their own character, their sense of identity. We all know that what we hear in this Chamber can make a difference on those things, that the real differences will be made by our fellow citizens, where they work and where they live. And they will be made almost without regard to party. When I used to go to the softball park in Little Rock to watch my daughter's league and people would come up to me, fathers and mothers, and talk to me, I can honestly say I had no idea whether

90 percent of them were Republicans or Democrats.

When I visited the relief centers after the floods in California, in Northern California last week, a woman came up to me and did something that very few of you would do. She hugged me and said, "Mr. President, I am a Republican, but I am glad you're here."

Now, why? We can't wait for disasters to act the way we used to act everyday, because as we move into this next century, everybody matters. We don't have a person to waste, and a lot of people are losing a lot of chances to do better. That means that we need a New Covenant for everybody. For our corporate and business leaders, we are going to work here to keep bringing the deficit down, to expand markets, to support their success in every possible way. But they have an obligation when they are doing well to keep jobs in our communities and give their workers a fair share of the prosperity they generate.

For the people in the entertainment industry in this country, we applaud your creativity and your worldwide success, and we support your freedom of expression. But you do have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive, mindless violence and irresponsible conduct that permeates the media all the time.

We have got to ask our community leaders and all kinds of organizations to help us stop our most serious social problem, the epidemic of teen pregnancies and births where there is no marriage. I have sent to Congress a plan that targets schools all over this country with anti-pregnancy programs that work. But government can only do so much. Tonight I call on parents and leaders all across this country to join together in a national campaign against teen pregnancy to make a difference. We can do this, and we must.

And I would like to say a special word to our religious leaders. You know, I am proud of the fact that the United States has more houses of worship per capita than any other country in the world. These people who lead our houses of worship can ignite their congregations to carry their faith into action, can reach out to all of our children, to all of the people in distress, to those who have been savaged by the breakdown of all we hold dear, because so much of what must be done must come from the inside out, and our religious leaders and their congregations can make all the difference. They have a role in the New Covenant as well. There must be more responsibility for all of our citizens.

You know, it takes a lot of people to help all the kids in trouble stay off the streets and in school. It takes a lot of people to build the Habitat for Humanity houses that the Speaker celebrates on his lapel pin. It takes a lot of people to provide the people power for all the civic organizations in this country that made our communities mean so much to most of us when we were kids. It takes every parent to teach the children the difference between right and wrong and to encourage them to learn and grow, and to say no to the wrong things, but also to believe that they can be whatever they want to be.

I know it is hard when you are working harder for less, when you are under great stress to do these things. A lot of our people don't have the time or the emotional strength they think to do the work of citizenship.

Most of us in politics haven't helped very much. For years we mostly treated citizens like they were consumers or spectators, sort of political couch potatoes who were supposed to watch the TV ads either promising something for nothing or playing on their fears and frustrations, and more and more of our citizens now get most of their information in very negative and aggressive ways that are hardly conducive to honest and open conversations. But the truth is, we have got to stop seeing each other as enemies just because we have different views.

If you go back to the beginning of this country, the great strength of America as de Tocqueville pointed out when he came here a long time ago, has always been our ability to associate with people who were different from ourselves, and to work together to find common ground. And in this day everybody has a responsibility to do more of that. We simply cannot wait for a tornado, a fire, or a flood to behave like Americans ought to behave in dealing with one another.

I want to finish up here by pointing out some folks that are up with the First Lady that represent what I am trying to talk about, citizens. I have no idea what their party affiliation is or who they voted for in the last elections. But they represent what we ought to be doing.

Cindy Perry teaches second graders to read in AmeriCorps in rural Kentucky. She gains when she gives. She is a mother of four. She says that her service inspired her to get her high school equivalency last year. She was married when she was a teenager—stand up, Cindy—she was married when she was a teenager, she had four children, but she had time to serve other people, to get her high school equivalency, and she is going to use her AmeriCorps money to go back to college.

Stephen Bishop is the police chief of Kansas City. He has been a national leader—stand up, Stephen—he has been a national leader in using more police in community policing, and he has worked with AmeriCorps to do it, and the crime rate in Kansas City has gone down as a result of what he did.

Corporal Gregory Depestre went to Haiti as part of his adopted country's force to help secure democracy in his native land: And I might add, we must be the only country in the world that could have gone to Haiti and taken Haitian Americans there who could speak the language and talk to the people, and he was one of them, and we are proud of him.

The next two folks I have had the honor of meeting and getting to know a little bit. The Reverend John and the Reverend Diana Cherry of the A.M.E. Zion Church in Temple Hills, Maryland. I would like to ask them to stand. I want to tell you about them. In the early eighties they left government service and formed a church in a small living room in a small house in the early eighties. Today that church as 17,000 members. It is one of the three or four biggest churches in the entire United States. It grows by 200 a month. They do it together, and the special focus of their ministry is keeping families together.

Two things they did make a big impression on me. I visited their church once, and I learned they were building a new sanctuary closer to the Washington, D.C. line in a higher crime, higher drug rate area, because they thought it was part of their ministry to change the lives of the people who needed them.

The second thing I want to say is that once Reverend Cherry was at a meeting at the White House with some other religious leaders, and he left early to go back to his church to minister to 150 couples that he had brought back to his church from all over America to convince them to come back together to save their marriages and to raise their kids. This is the kind of work that citizens are doing in America. We need more of it, and it ought to be lifted up and supported.

The last person I want to introduce is Jack Lucas from Hattiesburg, Mississippi. Jack, would you stand up?

Fifty years ago, in the sands of Iwo Jima, Jack Lucas taught and learned the lessons of citizenship. On February 20th, 1945, he and three of his buddies encountered the enemy and two grenades at their feet. Jack Lucas threw himself on both of them.

In that moment, he saved the lives of his companions and miraculously, in the next instant a medic saved his life. He gained a foothold for freedom, and at the age of 17, just a year older than his grandson—who is up here with him today, and his son, who is a West Point graduate and a veteran—at 17, Jack Lucas became the youngest marine in history and the youngest soldier in this century to win the Congressional Medal of Honor.

All these years later, yesterday, here is what he said about that day: "It didn't matter where you were from or who you were. You relied on one another. You did it for your country."

We all gain when we give, and we reap what we sow. That's at the heart of this New Covenant: Responsibility, opportunity, and citizenship. More than stale chapters in some remote civic book, they are still the virtue by which we can fulfill ourselves and reach our God-given potential and be like them, and also to fulfill the eternal promise of this country, the enduring dream from that first and most sacred covenant.

I believe every person in this country still believes that we are created equal, and given by our Creator the right to life, liberty and the pursuit of happiness.

This is a very, very great country, and our best days are still to come.

Thank you, and God bless you.

[Applause, the Members rising.]

At 10 o'clock and 35 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Charge d'Affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two houses now dissolved.

Accordingly, at 10 o'clock and 40 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. SOLOMON. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

RULES OF PROCEDURE FOR THE COMMITTEE ON THE JUDICIARY FOR THE 104TH CONGRESS

(Mr. HYDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HYDE. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House, I submit for publication in the CONGRESSIONAL RECORD, the Rules of Procedure for the 104th Congress adopted by the House Committee on the Judiciary on January 5, 1995.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY, RULES OF PROCEDURE, ONE HUNDRED FOURTH CONGRESS, ADOPTED JANUARY 5, 1995

RULE I

The Rules of the House of Representatives are the Rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the House is in session.

(b) Alternative meeting dates and additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal holidays when the House is not in session) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, other than taking testimony or receiving evidence, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h) A complete transcript shall be made of any full Committee meetings, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays when the House is not in session.

RULE III. HEARINGS

(a) The Committee or any subcommittee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or subcommittee before which such hearing is scheduled determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

RULE IV. BROADCASTING

Any meeting or hearing of the Committee or any of its subcommittees that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 3 of House rule XI.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: antitrust, tort liability issues, including medical malpractice and product liability, and such other legislative or oversight matters as determined by the Chairman.

(b) There shall be five standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts and Intellectual Property: copyright, patent and trademark law, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, Federal Rules of Criminal Procedure, prisons, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration and Claims: immigration and naturalization, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation private immigration and claims bills, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each subcommittee to which such Chairman or ranking Minority has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairman shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. TORKILDSEN (at the request of Mr. ARMEY) until 3 p.m. today, on account of attending the funeral of Mrs. Rose Fitzgerald Kennedy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. WISE) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mrs. WALDHOLTZ) to revise and extend their remarks and include extraneous material:)

Mr. CHAMBLISS, for 5 minutes, on January 27.

Mr. WELLER, for 5 minutes, on January 26.

Mr. BROWNBACK, for 5 minutes, on January 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. WYDEN.

Mr. RUSH in two instances.

Mrs. LINCOLN.

Mr. PASTOR.

Mr. KANJORSKI.

Mr. OBERSTAR.

Mr. CARDIN.

Mr. HOLDEN.

Mr. TRAFICANT in two instances.

Mr. BONIOR.

Mr. MURTHA.

Ms. MCCARTHY.

Mr. POMEROY.

Mr. LANTOS.

Ms. RIVERS.

Ms. SLAUGHTER.

(The following Members (at the request of Mrs. WALDHOLTZ) and to include extraneous matter.)

Mr. FIELDS of Texas.

Mrs. VUCANOVICH.

Mr. GILMAN.

Mr. CRAPO.

Mr. ARCHER, in two instances.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 25, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

190. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

191. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the U.S. Army Troop Support Command, St. Louis, MO, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

192. A letter from the President and Chairman, Export-Import Bank of the United States; transmitting the annual report on its operations for fiscal year 1994, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking and Financial Services.

193. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the administration's report entitled, "Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1994," pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

194. A letter from the Chairman, Board of Governors of the U.S. Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 44. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget and providing for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States (Rept. 104–1). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. MATSUI, and Mr. SPRATT):

H.R. 645. A bill to amend the International Revenue Code of 1986 to provide for nonrecognition of gain on the sale of eligible small business stock if the proceeds of the sale are reinvested in other eligible small business stock; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 646. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain capital assets for purposes of determining gain or loss; to the Committee on Ways and Means.

H.R. 647. A bill to amend the Internal Revenue Code of 1986 to provide incentives for awards to an employee under a performance-based reward plan and to direct the Administrator of the Small Business Administration to establish a program to promote implementation of performance-based reward plans and employee decisionmaking participation programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 648. A bill to improve small business export assistance; to the Committee on International Relations.

By Mrs. LINCOLN:

H.R. 649. A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H.R. 650. A bill to amend the Immigration and Nationality Act concerning exclusion from the United States on the basis of membership in a terrorist organization; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. WELDON of Pennsylvania, and Mr. HOYER):

H.R. 651. A bill to direct the President to establish a commission for making recommendations to improve the Federal emergency management system; to the Committee on Transportation and Infrastructure.

By Mr. BATEMAN:

H.R. 652. A bill to authorize the Secretary of the Interior to provide a grant to the board of directors of the George Washington Boyhood Home Foundation for the Stabilization, preservation, and interpretation of the archeological resources and visual integrity of Ferry Farm, boyhood home of George Washington, America's first President; to the Committee on Resources.

By Mr. ENGEL:

H.R. 653. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. HOLDEN:

H.R. 654. A bill to provide for the conversion of the assistance for the Tamaqua Highrise housing project in Tamaqua, PA, from a leased housing contract to tenant-based assistance; to the Committee on Banking and Financial Services.

By Mr. WALKER:

H.R. 655. A bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes; to the Committee on Science.

By Mr. KING:

H.R. 656. A bill to authorize the Secretary of Housing and Urban Development to make organizations controlled by individuals who promote prejudice or bias based on race, religion, or ethnicity ineligible for assistance under programs administered by the Secretary, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. LINCOLN:

H.R. 657. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas; to the Committee on Commerce.

By Mr. MCDERMOTT (for himself, Mrs. MORELLA, Mr. MINETA, Mrs. MINK of Hawaii, Ms. PELOSI, and Mr. MATSUI):

H.R. 658. A bill to amend the Civil Rights Act of 1991 with respect to the application of such act; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 659. A bill to amend title 18, United States Code, to permit Federal firearms licensees to conduct firearms business with other such licensees at out-of-State gun shows; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. BONO, Mr. CALVERT, Mr. GOSS, Mr. LEWIS of California, Mr. CANADY, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. EMERSON, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Mr. MILLER of Florida, and Mrs. SCHROEDER):

H.R. 660. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; to the Committee on the Judiciary.

By Mr. THORNTON:

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself and Mr. ENSIGN):

H.R. 662. A bill to amend the Internal Revenue Code of 1986 to repeal the 50 percent limitation on the amount of business meal and entertainment expenses which are deductible; to the Committee on Ways and Means.

By Mr. ZIMMER (for himself, Mr. STUMP, Mrs. MYRICK, and Mr. ROHRABACHER):

H.R. 663. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to prevent luxurious conditions in prisons; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 664. A bill to amend chapter 5122 of title 42, United States Code, to ensure Federal disaster assistance eligibility for certain nonprofit facilities; to the Committee on Transportation and Infrastructure.

By Mr. FIELDS of Texas:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Mr. DEFAZIO, and Mr. MILLER of California):

H. Con. Res. 18. Concurrent resolution expressing the sense of the Congress that United States investors, lenders, and corporations should assume the full measure of risk and responsibility for their investments and loans in Mexico since the devaluation of the peso on December 21, 1994, and that loan guarantees that are backed by the full faith and credit of the United States and that could result in any direct or indirect financial obligation on the part of United States taxpayers should not be provided to the Mexican Government; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. NORWOOD, Mr. BURTON of Indiana, Mr. MOORHEAD, Mr. CUNNINGHAM, Mrs. VUCANOVICH, Mr. WALKER, Mr. SAM JOHNSON, Mr. CONDIT, Mr. COLLINS of Georgia, Mr. ROBERTS, Mr. BRYANT of Tennessee, Mr. TALENT, and Mr. PETERSON of Minnesota.

H.R. 11: Mr. DREIER, Mr. DELAY, Mr. POMBO, Mr. PETERSON of Minnesota, and Mr. SALMON.

H.R. 24: Mr. FOX.

H.R. 26: Mr. DEFAZIO and Mr. ZELIFF.

H.R. 43: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. DEUTSCH, Mr. EVANS, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOWEY, Mr. MINETA, Mrs. MORELLA, Mr. NADLER, Ms. PELOSI, and Mr. RANGEL.

H.R. 58: Mr. WELLER.

H.R. 70: Mr. TAUZIN and Mr. BALLENGER.

H.R. 78: Mrs. MYRICK.

H.R. 104: Mr. FIELDS of Texas and Mr. LIGHTFOOT.

H.R. 110: Mr. LIPINSKI.

H.R. 117: Mr. BONO and Mr. SENSENBRENNER.

H.R. 123: Mr. YOUNG of Florida, Mr. POMBO, Mr. JONES, Mr. FUNDERBURK, and Mr. SMITH of Texas.

H.R. 127: Mr. HUTCHINSON, Mr. VENTO, Mr. MCDERMOTT, and Mr. FRANK of Massachusetts.

H.R. 139: Mr. GENE GREEN of Texas.

H.R. 142: Mr. FOX.

H.R. 218: Mr. TEJEDA, Mr. METCALF, Mr. HEINEMAN, Mrs. THURMAN, and Mr. EMERSON.

H.R. 221: Mr. BORSKI, Mr. LIPINSKI, Mr. MENENDEZ, Mr. UNDERWOOD, Mr. SCOTT, Mr. MARTINEZ, Mr. EVANS, Mrs. MINK of Hawaii, Ms. DELAURO, and Ms. KAPTUR.

H.R. 230: Mr. INGLIS of South Carolina.

H.R. 259: Mr. BONO.

H.R. 260: Mr. EMERSON and Mr. GALLEGLY.

H.R. 305: Ms. PELOSI, Mr. TOWNS, Mr. MCHUGH, Mr. ROHRABACHER, Mr. FATTAH, Mr. CANADY, Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. LIPINSKI, Ms. MOLINARI, Mr. GEJDENSON, Mr. BEILENSON, Mr. PACKARD, Mr. KLUG, Mr. POMBO, Mr. EVANS, Mr. FILNER, and Mr. FOX.

H.R. 353: Mrs. MEYERS of Kansas and Mr. YATES.

H.R. 354: Mr. KNOLLENBERG, Mr. MANZULLO, Mr. LIPINSKI, and Mr. ROHRABACHER.

H.R. 359: Mr. THORNTON, Mr. HAYWORTH, Mr. EWING, Mr. DAVIS, Mr. HYDE, Mr. TIAHRT, Mr. DOYLE, Mr. WILLIAMS, and Mr. HEFLEY.

H.R. 370: Mr. CHRYSLER, Mr. PAXON, Mr. BILBRAY, Mr. EMERSON, and Mr. SMITH of Texas.

H.R. 372: Mr. EVERETT and Mr. HEFLEY.

H.R. 373: Mr. EVERETT, Mr. LIGHTFOOT, Mr. MYERS of Indiana, and Mr. HEFLEY.

H.R. 375: Mr. EVERETT and Mr. HEFLEY.

H.R. 394: Mr. SAXTON, Mr. LATOURETTE, Mr. BILBRAY, and Mr. KOLBE.

H.R. 436: Mr. BONILLA, Mr. BEREUTER, and Mr. PAXON.

H.R. 447: Mr. SERRANO, Mr. BARTLETT of Maryland, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. HUNTER, Mr. BROWN of Ohio, Mr. TOWNS, Mr. SABO, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. LAUGHLIN, Mr. SCOTT, Mr. BREWSTER, Mr. PARKER, Ms. PELOSI, Mr. VISCLOSKY, Mr. LIPINSKI, Mr. GUNDERSON, Mr. MOAKLEY, Mr. FAZIO of California, Mr. WILSON, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. DEFAZIO, and Mr. CHAPMAN.

H.R. 464: Mr. SCARBOROUGH, Mr. BUNN of Oregon, Mr. HOSTETTLER, Mr. SOUDER, and Mrs. VUCANOVICH.

H.R. 482: Mr. HEFLEY, Mr. KINGSTON, Mr. NEY, and Mr. PACKARD.

H.R. 491: Mr. STEARNS, Mr. ROYCE, Mrs. MYRICK, Mr. BLUTE, Mr. SMITH of New Jersey, and Mr. HAYES.

H.R. 502: Mr. HALL of Texas, Mr. BILBRAY, Mr. HYDE, Mr. PAXON, Mr. WALKER, Mr. LIPINSKI, Mr. LEWIS of California, Mr. HERGER, Mr. PACKARD, Mr. BAKER of California, and Mrs. VUCANOVICH.

H.R. 519: Mr. FOX, Mr. STEARNS, and Mr. ZELIFF.

H.R. 521: Mr. SMITH of New Jersey.

H.R. 522: Mr. SMITH of New Jersey.

H.R. 523: Mr. SMITH of New Jersey.

H.R. 588: Mr. MEEHAN, Mr. MCDERMOTT, and Mr. ENGLISH of Pennsylvania.

H.J. Res. 2: Mr. HAYES, Mrs. MEYERS of Kansas, Mr. WALKER, Mr. DEUTSCH, Mr. COBURN, and Mr. GOODLING.

H.J. Res. 3: Mr. MCINTOSH.

H.J. Res. 5: Mr. HAYES and Mr. MINGE.

H.J. Res. 14: Mr. FOLEY.

H.J. Res. 16: Mr. MONTGOMERY.

H.J. Res. 28: Mr. MCINNIS.

H.J. Res. 48: Mr. WATTS of Oklahoma, Mr. SAXTON, Mr. PACKARD, Mr. CHRYSLER, Mr. GUNDERSON, Mr. WELLER, and Mr. LUCAS.

H.J. Res. 53: Mr. SAWYER and Ms. WATERS.

H.J. Res. 55: Mr. POMEROY and Mr. GENE GREEN of Texas.

H. Con. Res. 17: Mr. FOX.

H. Res. 33: Mr. SERRANO and Mr. BARRETT of Wisconsin.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2: Ms. COLLINS of Michigan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 167: In the proposed section 426 of the Congressional Budget Act of 1974, strike "10 minutes" and insert "20 minutes".

H.R. 5

OFFERED BY: MR. OXLEY

AMENDMENT NO. 168:

SECTION 205. CLARIFICATION OF MANDATE ISSUE AS TO GREAT LAKES WATER QUALITY GUIDANCE.

Section (c)(2)(C) of the Federal Water Pollution Control Act (33 U.S.C. Section 1268(c)(2) is amended by adding at the end thereof the following new sentence:

"For purposes of this subparagraph, the requirement that the States adopt programs 'consistent with' the Great Lakes guidance shall mean that States are required to take the guidance into account in adopting their programs for waters within the Great Lakes System, but are in no event required to adopt programs that are identical or substantially identical to the provisions in the guidance."

H.J. RES. 1

OFFERED BY: MR. FATTAH

AMENDMENT NO. 47: At the end of section 4 add the following:

"The provisions of this Article may also be waived for any fiscal year in which the United States experiences a disaster from natural causes or from causes resulting from the decay of the nation's physical, fiscal, or social infrastructure and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law."

EXTENSIONS OF REMARKS

INTERNAL REVENUE CODE SECTION 911—FOREIGN EARNED INCOME EXCLUSION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. ARCHER. Mr. Speaker, I am introducing the legislation to significantly increase and index the amount of earned income U.S. taxpayers working overseas may exclude from Federal income taxation.

Currently U.S. taxpayers working overseas may exclude up to $70,000 of earned income annually from Federal income taxation.

As contemplated in the Economic Recovery Act of 1981, the foreign income exclusion originally was scheduled to increase to $95,000. However, due to revenue considerations, the intended increases never became law.

The current $70,000 exclusion is not indexed for inflation and is woefully inadequate. It has the effect of discouraging U.S. taxpayers from working overseas and this puts U.S. companies doing business overseas at a competitive disadvantage as compared to their foreign competitors.

The legislation I am introducing today would immediately increase the foreign earned income exclusion to $100,000 from $70,000 and would index the $100,000 amount to allow it to keep pace with inflation. The increased foreign earned income exclusion will encourage U.S. taxpayers to seek employment with U.S. companies overseas, which in turn will help increase U.S. exports and jobs in the United States.

The legislation benefits all segments of our society and I welcome support of it from Members on both sides of the aisle.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service Agent Joseph Occhipinti, I submit into the RECORD a document I received from the Drug Enforcement Administration in response to a Freedom of Information Act request I filed last year for all DEA documents related to any investigation of a company called Seacrest Trading. Through my investigation, I have come to learn that Seacrest Trading may be tied to all of the bodega owners who testified against Mr. Occhipinti in his 1991 civil rights trial. The document is an October 16, 1992, memorandum regarding a meeting of the Drug Enforcement Task Force Group. While the document does not mention Seacrest Trading, the file title at the top of the document reads simply "Seacrest Trading Corp."

SEACREST TRADING CORP.

MEETING IN REGARD TO NTOC MONEY TRANSMITTED/WIRING SERVICES

Details

1. On October 5, 1992, at the offices of the New York State Banking Dept., 2, Rector Street, New York, New York, a meeting took place between the members of the Drug Enforcement Task Force/Group I-63, Assistant District Attorneys of the Special Investigation Bureau—Special narcotics Court, and members of the Criminal Investigation Bureau—New York State Banking Dept.

2. The meeting was held in regards to Non-Traditional Organized Crime (NTOC) Money Transmittal/Wiring Services which are mostly operating illegally and which are sending approximately over $500,000,000.00, most of which are believed to be proceeds from drug sales, out of the Washington Heights, New York area to the Dominican Republic. This amount is only representative of the actual documented figures. This is not represented to include illegal amounts that have been sent and not documented.

3. As of the aforementioned date, there are approximately ten (10) licensed money Transmittal/Wiring Services in the Washington Heights area. These particular businesses then sublease their license to agents and then the agents sublease the license to other subagents. In turn, numerous money services have saturated the area and fall under a single license.

4. All the business under a single license can then collect all revenues and restructure the amounts of each transaction to fall under the specified limits of $100,000.00. Each transaction over $10,000.00 has to be documented and reported to the U.S. Government on a Currency Transaction Report (C.T.R).

5. At this time, if is a federal obligation to prosecute violators of CTR infractions, but it is not being enforced by the Federal Banking agencies. If in fact these laws are enforced, only a small fine is imposed as compared to the large amount of profits that are made to justify the criminal risk involved.

6. Special Narcotics Court as actively looking to empanel a Special Grand Jury to propose legislative changes within the New York State laws to regulate and prosecute these illegal Money Transmittal/Wiring Services.

7. California and Arizona have already moved to strengthen their State Banking laws. Their laws have lowered the risk of illegal activity and have forced CIR's to also be filed within the state level. The penalties and forfeitures seized have made the State Agencies self sufficient and excess profits have also returned to the state government to be used as seen fit for other state programs and state and local law enforcement.

8. Special Narcotics would want the state to better screen potential licensees and reduce the number of agents/subagents. This can be done through the issuance of a license to someone who had filed a more detailed application to enhance a better background check; no subagents would be allowed under this license to pinpoint accountability, and larger criminal financial penalties would be imposed to deter criminal activity; and to change the language of the statutes to become applied enforceable under the charge of money laundering of criminal proceeds.

9. At the present, the State Attorney General's office working with the State Police have formed a Crime Proceeds Task Force unit to enforce the weak New York State Banking Con Laws and prosecute these criminal money agencies, but they have been hampered and legislatively fought by certain interest groups and not a single case has been initiated.

10. It was believed by all the agencies present, that by working together evidence can be compiled to introduce new legislation to strengthen state laws. These laws will forcibly prosecute and deter the existing easy ability of these criminal money agencies to send proceeds of criminal activities and launder these amounts to overseas accounts with no fear of law enforcement and our courts.

SAVE USTTA!

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. OBERSTAR. Mr. Speaker, the U.S. Travel and Tourism Administration promotes America as a destination for foreign travelers. Its annual budget is minuscule by Federal standards, but the return on this investment is immense.

In 1993, some 46 million foreign visitors came to the United States. They spent $74.2 billion here, producing a $22.2 billion positive balance of trade in travel and tourism.

Incoming international travel generates 909,000 jobs and a payroll of $14.5 billion—not including jobs generated by the $16.6 billion that foreign visitors spend to travel on U.S. airlines.

This October the first-ever White House Conference on Travel and Tourism will be held under the management of USTTA. Preliminary conferences will be held in all States to develop the national agenda; several State conferences have already been held. The very existence or USTTA is the Federal Government's recognition that travel and tourism is indeed an important sector of our economy.

To terminate this valuable, productive, cost-effective agency would reduce the Federal deficit by a factor of one ten-thousandth—one one-hundredth of 1 percent—point-zero-zero-zero-one. It would not make a dent on the deficit. In fact, it would make hardly a blemish. The benefits of this agency's work vastly outweight its costs.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, USTTA has proven its value to America. It should be allowed to continue its good work.

INTRODUCTION OF LEGISLATIVE PACKAGE TO BOOST SMALL BUSINESS GROWTH, PRODUCTIVITY, AND JOB CREATION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. WYDEN. Mr. Speaker, today I am introducing a package of four bills to help small businesses fulfill their potential as the engine of U.S. economic growth and job creation. This package is designed to overcome structural barriers that limit small businesses' ability to raise capital, attract and motivate skilled employees, and export to fast-growing foreign markets.

These are three important challenges that face small businesses today, but too often these companies are victimized by Government indifference. Consequently, literally thousands of promising small companies die each year, not because they lack a good product or skilled management, but simply because they are too small to have the same opportunities for money, workers, and markets that larger companies take for granted.

Mr. Speaker, if the U.S. economy is to continue to grow and create jobs, small business will have to be out front. Statistics clearly show that, despite the barriers they face, small companies are the key to the economy's future. In the 1980's, large companies lost a net 2 million jobs while small companies created a net 20 million. Moreover, in my home State of Oregon, perhaps the most predominantly small business State in the country, 98 percent of the businesses employ fewer than 100 workers, and the State government projects that fully 70 percent of the State's job creation in the 1990's will come from those small firms.

Mr. Speaker, the legislative package I am introducing today will give small businesses a fair chance to grow and prosper. It will not give small companies any special breaks; rather, it will clear away some of the structural impediments that prevent them from competing on an equal footing.

These are the four bills in the package:

1. THE ENTREPRENEURSHIP PROMOTION ACT

At some point in its development, nearly every small business faces a crisis in finding the capital necessary to finance continued growth. Nearly every company gets caught in the awkward position of being too large to be financed internally, but not yet large enough to tap the public capital markets or adequate bank financing. Capital is the lifeblood of every small company, spreading nutrients throughout its operations, and without sufficient capital, an otherwise healthy small company with a great product line will be doomed to wither away.

Companies caught in this position frequently turn for help to so-called angels—venture capitalists willing to invest their own money in companies they think have a real chance to succeed. Today, there is just not enough venture capital money available for these companies. Investing in new firms is risky, and most investors would rather take the more predictable returns of blue-chip stocks or Government securities than take a flyer on a small company. Moreover, in those parks of the country not near a financial center, there is frequently not a sufficient mass of potential investors who know the local companies well enough to risk an investment.

Again, in my home State of Oregon, with its fast-growing software, computer, environmental, biotech, wood products, and other industries, numerous companies that could be global competitors and create thousands of jobs are at risk, simply for want of venture capital funds.

It is imperative, Mr. Speaker, to pump more funds into the venture capital pipeline and to direct more of those funds to the companies that really need them. The Entrepreneurship Promotion Act is designed to do that by creating a tax incentive to get more investors involved—and keep them involved—in starting and growing job-creating small businesses.

This bill would create a tax rollover, similar to the one available to homeowners, to enable an investor who sold his stake in a qualified small business to reinvest the money in another qualified small business and defer paying taxes on the capital gain.

With this bill, investors would have an incentive to keep their money in the productive sector of the economy, rather than simply cashing out their investment. Moreover, the bill would target the incentive at investments in firms with less than $20 million in annual sales—those companies with the fewest financing alternatives and therefore most in need of venture funds.

I am especially grateful to have Mr. MATSUI and Mr. SPRATT join me in sponsoring this initiative today.

2. THE FAMILY SAVINGS AND INVESTORS PROTECTION ACT

A second vital step to increasing the availability of capital to small business is to increase the return on investments and thereby draw more funds into the investment sector.

Currently, investors who hold long-term assets get taxed on both the real gain in value of their investment and on the gain due solely to inflation. When the Government taxes paper profits, not real profits, the added tax burden can be so great that investors can actually end up paying a higher effective tax on capital gains than even the top income tax rate.

The message this backward tax policy sends to investors is, "don't save, don't invest, just consume." That is the opposite of what is needed to nurture a healthy, inflation-free environment in which small businesses can grow and prosper.

The Family Savings and Investors Protection Act would index capital gains prospectively so that investors would pay taxes only on the real gain in their investment and not on the phantom gains due to inflation.

A recent report by the Institute for Policy Innovation calculated that lowering the cost of capital by prospectively indexing capital gains would, by the year 2000, increase capital formation in the United States by $995 billion and create 260,000 jobs. Reflecting the higher economic growth, and resulting tax payments, net Federal revenue would increase by over $40 billion.

Combined with the tax rollover bill, indexing capital gains would provide significant relief to those small businesses that have good products and good management but are starving to death for lack of capital.

Mr. speaker, capital gains tax policy has been caught in fearsome partisan debate for many years but I believe it is time to move beyond old divisions and recognize that indexing capital gains is good for small business, good for investors, and good for the Federal Government.

3. THE EMPLOYEE PARTNERSHIP REWARD ACT

If Americans are going to enjoy long-term economic growth and more well-paying jobs without triggering inflation, it will be vital to raise productivity. Without rising productivity levels, long-term living standards will stagnate and American jobs will be increasingly vulnerable to global competition.

One proven way to increase productivity at a firm is to put in place a performance-based reward plan, in which workers receive direct benefits based on their success in achieving certain measurable goals for the firm.

Those goals can vary depending on the priorities of the firm at a given time. For example, a young company may want to boost sales or market share, a company making major new investments may want to raise productivity, and a more mature company may simply want to increase profits. All of those goals are valid—the crucial issue is that those goals must be communicated clearly to workers and the rewards must be tied directly to the firm's performance relative to those goals.

These types of plans come under many different names—profit sharing, gain sharing, performance pay, and so on—but they all share the key characteristic that employees have a stake in the success of their firms and that they will share in that success with managers and investors.

The results where such reward plans have been put into place are dramatic. One comprehensive study found that the average productivity improvement in firms that implemented such plans was 7.4 percent—significantly higher than recent economywide productivity growth rates of 1 to 3 percent. Moreover, in Japan, where about 25 percent of a worker's pay is tied to the performance of the company, fully 93 percent of the workers feel they benefit from an increase in the company's productivity, compared to just 9 percent in the United States.

Performance-based reward plans also help make labor costs more flexible. This flexibility encourages firms to create more jobs, because the marginal cost of hiring an additional worker is less. Moreover, layoffs are less likely because when a firm goes through a bad spell and cash is short, its fixed labor costs are lower, as well.

One great example of this benefit is a company called Lincoln Electric, a Cleveland-based manufacturer of welding machines and motors. This company suffered a 40-percent decline in revenues during the 1981–83 recession, yet it laid no one off, and has not done so since the early 1940's. And, in Japan, the unemployment rate has stayed around 3 percent through the recent recession—about half the level in the United States during the recovery.

The Employee Partnership Reward Act would provide firms and workers with tax incentives to implement performance-based reward plans. Firms would be able to deduct 110 percent of their payments to workers under such a plan, while workers would receive a tax credit of $100–$500, depending on how much of their salary came from payments under the plan.

It is entirely appropriate for the Federal Government to encourage such plans through tax incentives because increased productivity and new job creation are good for the whole economy.

Today, the Federal Government offers billions of dollars of tax incentives for deferred pension plans, which help people save for retirement but have been shown to have little effect on productivity or job creation. The United States also offers incentives for investments in machinery—in effect, encouraging firms to replace workers with machines. Last year, such capital investments received $22 billion in tax breaks, while investments in workers got just $2 billion.

Surely, there is room within the budget to reorder priorities so there can be an incentive for firms to implement plans that benefit the whole economy by boosting productivity and creating new jobs.

4. THE SMALL BUSINESS EXPORT ENHANCEMENT ACT

Mr. Speaker, even if a firm succeeds in attracting sufficient capital and boosting productivity, it will in many cases still need to compete in fast-growing foreign markets in order to prosper.

Exports are becoming an increasingly important part of the U.S. economy. Nationally, exports are growing three times as fast as overall economic growth. Over the past 40 years, the rate of job creation in trade-related fields grew three times faster than overall job creation. One in six U.S. manufacturing jobs is now related to exports, and those jobs pay 22 percent more than the average U.S. wage.

The lesson is clear: As the global economy continues to develop, successful exporting will make the difference between a good economy and a great economy.

While the U.S. economy overall has reached world-class exporting status, small businesses in the United States still lag behind. Smaller companies face special challenges in getting into foreign markets, but export assistance generally has not been provided in a way they find useful.

The trade statistics clearly show that small business has not fully shared in the global bounty. According to the Commerce Department, only 10 percent of U.S. firms are regular exporters. A few large firms account for the bulk of U.S. exports, despite the fact that 90 percent of U.S. manufacturers are small- and mid-size firms.

Clearly, small businesses remain a large untapped resource of potential export growth for the U.S. economy. However, small businesses with competitive products frequently face high transactions costs and inadequate information about foreign markets, which limit their ability to export. They need some additional help, but Government is not successfully providing it.

The Federal Government is the major provider of export assistance, spending over $3 billion a year. A quick look at its export assistance program reveals why small businesses are having such a hard time.

There are over 150 Federal export promotion programs fragmented among 19 different Federal agencies. These programs are characterized by duplication of effort, overlap, inefficient dissemination of services and information, turf battles, and confusion among both providers and users of assistance. The Trade Promotion Coordinating Committee concluded that "for many small- and medium-sized firms, getting through the bureaucracy may be as great a hurdle as foreign market barriers."

While Federal programs trip over each other and frequently miss their intended targets, many State-based export assistance providers—including State departments of trade, local industry associations, international freight forwarding companies, local and regional banks, chambers of commerce, and world trade centers—have established good local networks that can effectively deliver timely, accurate, and useful assistance to would-be small business exporters.

For example, in Oregon the State department of trade, working closely with the private sector, has set up an admirable model. It is focused on identifying specific, targeted trade leads, doing outreach to companies to inform them of opportunities, and working closely with the companies to help them through the export process. It is a classic example of local leaders who know the local economy working cooperatively to get the most out of the State's export potential. Unfortunately, in Oregon as in other States, those providers of export assistance are woefully short of resources.

The Small Business Export Enhancement Act would redirect millions of dollars from the Federal Government to State-based export providers. For the most part, this money will be used to fund partnership programs, designed to combine the resources of the Federal Government with the local networks of State-based export providers. The bill also directs the trade promotion agencies to offset this new spending by identifying in a report to Congress savings of at least $100 million to be achieved through consolidating or eliminating some of those 150 Federal programs that provide overlapping or duplicative services.

Mr. Speaker, the report of the National Performance Review stressed that the Federal Government needs to reallocate its export assistance resources to sectors that have clearly shown growth potential while it works to make its services more accessible to clients. Clearly, small business is the obvious place to turn to boost U.S. export growth, and the best way to help small business to export is through State-based providers that know the local companies and their particular needs.

If the United States can successfully turn the small business sector into a source of export strength, it can provide a structural economic boost that can put the country on a permanently higher plane of income growth and job creation.

THE HYDROGEN FUTURE ACT OF 1995

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. WALKER. Mr. Speaker, today I am introducing legislation to authorize and fund the hydrogen research, development, and demonstration programs of the Department of Energy.

Hydrogen holds the greatest promise as an environmentally benign renewable energy source. It is readily available from water and when it combusts it leaves no noxious residues, but again only water. What we have is a replacement fuel for our fossil-based economy, because hydrogen can be used in as many ways, and more, as any available fossil fuel now being used without the environmental cost associated with cleanup. Hydrogen will play a major role in the energy mix of the future and it is up to us to see that we begin this integration wisely, economically, and efficiently.

Hydrogen offers the potential for a limitless supply of clean, efficient energy. However, its use faces large technical hurdles, particularly in production and storage, that must be overcome. The Department of Energy's Hydrogen Program has also been plagued in the past by rather erratic funding profiles, which have limited its effectiveness.

The Hydrogen Future Act of 1995 will focus Federal hydrogen research on the basic scientific fundamentals needed to provide the foundation for private sector investment and development of new and better energy sources and enabling technologies without adding to the budget. The bill, while allowing modest increases in the hydrogen authorization, requires corresponding offsets to pay for this research by freezing the overall Department of Energy research and development account.

The Hydrogen Future Act of 1995, will give added direction and funding stability to a most worthwhile energy research and development program.

MAYOR LOUIE VALDEZ

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Louie Valdez who was recently elected mayor of Nogales, AZ. At the age of 23, Mr. Valdez has been recognized by the U.S. Conference of Mayors as the youngest mayor of an incorporated city currently holding office in the United States.

Mr. Valdez graduated from Nogales High School in 1989 and later attended Pima Community College in Tucson, AZ. He is currently a senior at the University of Arizona studying political science. In 1992, he was elected to the Nogales School Board and on January 3, 1995 he was sworn in as the 32d mayor of the city of Nogales.

While being the youngest mayor in the United States is certainly an impressive accomplishment, serving as the mayor of Nogales will be even a greater challenge. Nogales, a city with a colorful and proud history, is home to approximately 20,000 citizens. Its uniqueness stems from its location. Nogales shares its border with its sister city in Mexico, Nogales, Sonora: Los Ambos Nogales, as the two cities are often called, share much in common. Families, friends, and cultures crisscross the border and create a truly unique international community. Unfortunately, Nogales, AZ is often impacted by numerous environmental and immigration problems that originate in its sister city.

With his dedication, skills, and abilities, I am confident that Mayor Valdez will succeed in leading Nogales to unparalleled growth and prosperity. I wish him luck in his new undertaking.

MAJ. GEN. JOSEPH F. PERUGINO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. KANJORSKI. Mr. Speaker, on January 28, our community will gather to pay tribute to my good friend, Maj. Gen. Joseph F. Perugino, to acknowledge his many accomplishments—most recently his appointment as commanding general of the 28th Infantry Division (mechanized) of the Pennsylvania Army National Guard.

General Perugino was born in Wilkes-Barre where he attended and graduated from local schools. Joe received his bachelor's degree in business from Cumberland University in Tennessee. His military career began in 1955. He was commissioned a second lieutenant on June 12, 1966, upon his graduation from the Pennsylvania Army National Guard Officer Candidate School. As he rose through the ranks in the National Guard, he successfully completed all of the required courses for artillery staff officers. Joe served as assistant adjutant general of the Pennsylvania National Guard, Fort Indiantown Gap, from August 1988 to 1991; then commanded the 28th Infantry Division Artillery, Hershey, PA. In 1992, Joe was made major general while he was deputy State commander and in 1994, was appointed commanding general of the 28th Infantry Division. Joe's outstanding service has been rewarded with many medals and ribbons, including the Meritorious Service Medal, the Humanitarian Service Medal, the Pennsylvania Distinguished Service Ribbon with four silver stars, and the Pennsylvania 20-year Service Medal with two silver stars.

General Perugino's service to our Nation is well documented. He also deserves recognition for his dedication to our local community. Professionally, Joe serves as vice-president of the Pennsylvania Gas and Water Co., marketing and gas supply division and as president of Pennsylvania Energy Resources, Inc. He serves as a member of the advisory board of Penn State Wilkes-Barre; chairman of the Luzerne County Community College Foundation; trustee of the Wilkes-Barre and Wyoming Valley Veterans Hospital fund. Joe is also a member of the Wilkes-Barre Chamber of Commerce, National Guard Reserve Officers Association and the Association of the United States Army. He served in a leadership capacity for the Family Service Association, Greater Wilkes-Barre Jaycees, Kingston Businessmen's Association, Kingston Lions Club, and Leadership Wilkes-Barre. In 1982, General Perugino was named a Distinguished Pennsylvanian by the William Penn Society.

Mr. Speaker, Joe Perugino has proven himself to be an outstanding leader. It is only fitting that his many achievements and contributions to our country and northeastern Pennsylvania be recognized. I am honored to participate in our community's tribute to him.

PROTECTING OUR NATIONAL SECURITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. MURTHA. Mr. Speaker, on January 10, the Defense Department testified before the House Judiciary Committee on the balanced budget amendment. The Defense Department's testimony should set off alarm bells for anyone who cares about America's Armed Forces.

According to the Defense Department's Comptroller, a balanced budget amendment which all but ends the congressional ability to even modestly increase revenues would force defense spending cuts over the next 7 years of between $220 billion in the best case to $520 billion in the worst case. The $220 billion reduction is projected if entitlements are not exempt from cuts. But if Social Security and Medicare are shielded from reductions, the defense share of necessary spending cuts grows close to the half trillion dollar figure.

To put the magnitude of these cuts into perspective, the GAO tells us we are already $150 billion short over the next 5 years in paying for the severely downsized force structure and modernization plan set in place by President Clinton. What does it mean for America's security if we are to double, treble, or even quadruple the size of this problem? How will we come up with an additional quarter or half trillion dollars in domestic program cuts just to maintain our current force? What if we can't?

Defense Department officials say life under the cuts this version of the balanced budget amendment would mandate would be characterized by a hollow, demoralized force which cannot be modernized and which quickly loses its technological edge. It would mean further base closings, further personnel cuts, and further hardships on our remaining troops. It would certainly change our ability to project force globally and would leave a potentially dangerous vacuum around the world.

Everyone agrees we must move toward a balanced budget and proceed with deficit reduction. We can and we must do this through careful thought-out proposals that are fully debated in Congress. But to force further draconian cuts on our Armed Forces through an inflexible balanced budget amendment risks our troops' ability to defend our Nation, risks our standing in global affairs, and risks the entire defense structure of the United States.

During my 20 years in Congress I've consistently worked with Members on both sides of the aisle to make sure we didn't have a hollow force.

My advice now is to slow down and think carefully about what the balanced budget amendment will do to our national security.

At the very least, the impact of a balanced budget amendment on the Armed Forces should receive full hearings in the House National Security Committee and House Budget Committee. But if we vote before these hearings take place, I hope every Member of the House will carefully consider how the implementation of a balanced budget amendment would affect our Armed Forces and the most important duty we have as Members of Congress—protecting the national security of the United States.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service Agent Joseph Occhipinti, I submit into the RECORD a document I received from the Drug Enforcement Administration in response to a Freedom of Information Act request I filed last year for all DEA documents related to the Occhipinti case. The document is a memorandum written by a DEA special agent on April 16, 1991.

> On April 5, 1991 Special Agent [deleted] met with Investigators [deleted] in the Southern District of New York at the request of [deleted]. The 12 p.m. meeting was arranged in order for [deleted] to meet with the two Assistant U.S. Attorneys and above investigators handling the impending trial after indictment of Immigration and Naturalization Service Special Agent Joseph Occhipinti. He was charged with various counts of violating civil rights through illegal searches and theft of money found during certain searches.
>
> [Deleted] arrived for the interview and met with [deleted] who was alone in the eighth floor office. He explained that [deleted] and the two assistants were involved in other business at that time. [Deleted] obtained a copy of the twenty five page indictment and briefly read through it as [deleted] asked [deleted] about a company by the name of Sea Crest, a firm that was under investigation by D.E.A. and the Manhattan District Attorney's Office in a joint investigation of Capital National Bank (C1–90–0101). [Deleted] explained the role of Sea Crest in suspected skylocking, extortion, and drug smuggling in the Bronx and Washington Heights area. The scheme involved numerous "bodegas" in the aforementioned areas and [deleted] explained how this led to his meeting S/A Occhipinti. Occhipinti had started a project called "Operation Bodega", involving the use of bodegas in the illegal immigration of various Hispanics and their employment by such

stores which are also "fronts" for illegal gambling money laundering, food stamp violations and drug dealing.

[Deleted] stated that Occhipinti had been indicted on several searches which he allegedly had performed without the consent of the store owners but had reported them to INS as consent searches [deleted] advised [deleted] that [deleted] had briefly explained the background over the phone.

[Deleted] had stated that Occhipinti was in charge of a group of "young kids" and that they had very little experience in such searches. [Deleted] further stated that some "green assistants" handling the cases had raised doubts about the validity of the searches. He said the cases were then referred to the Department of Justice O.I.G. The O.I.G. found no evidence of wrongdoing and returned the cases to the Southern District of New York. The "Southern District" felt that the O.I.G. investigation was inadequate because they had done "desk investigations" rather than "field interviews". [Deleted] said they then broke down the cases into three groups. Cases involving arrests of those with criminal records were put aside. Cases where no arrest was made but a criminal record was found were put aside. Only cases where no arrest occurred and no criminal record appeared were selected for interviews. These people were "assumed" to be "legitimate" bodega owners. [Deleted] stated that it could also be assumed that these individuals were possibly smart enough not to have been caught in the past. This conversation occurred on April 4, 1991 over the telephone with [deleted].

As the interview with [deleted] continued [deleted] referred [deleted] to the indictment. Count Six alleges that on or about January 17, 1990, Occhipinti conducted a warrantless non consensual search of a grocery store at 2262 Jerome Avenue and another count charges an illegal search of the residence of the grocery manager [deleted] advised [deleted] that [deleted] and I.R.S. [deleted] were present at the grocery store and also accompanied the manager and Occhipinti to the manager's apartment to obtain his passport. [Deleted] noted [deleted] surprise on learning that [deleted] were present [deleted] said he didn't know these facts, as he was under the impression that another INS agent had gone to the apartment. [Deleted] stated that the manager [deleted] had voluntarily gone to the apartment and invited the agents to accompany him in [deleted] own vehicle. [Deleted] further stated that no search had been performed by Occhipinti at the apartment.

Shortly after this exchange [deleted] entered the office and the interview continued following a summation by [deleted] of the conversation up to that point.

[Deleted] reiterated that the January 17th search had not occurred and that due to the fact that Occhipinti did not know [deleted] that well, it would be bizarre to believe that Occhipinti would perform an illegal search in their presence. [Deleted] expressed amazement that a charge was brought against Occhipinti on the strength of an unsubstantiated allegation without an attempt to verify the truth. [Deleted] stated that allegations were made by several bodega owners in the Washington Heights area [deleted] stated that the bodegas in Washington Heights are very often fronts for gambling and other criminal activity such as drug trafficking and money laundering. [Deleted] stated that when one sees a huge Pathmark Supermarket in the neighborhood and three bodegas directly across the street, one can assume that they are not just selling groceries. [Deleted] stated that it was indeed possible. [Deleted] stated that gambling was a common occurrence in Washington Heights and that [deleted] should not make a blanket statement about the entire neighborhood. When [deleted] asked [deleted] why he had not interviewed law enforcement personnel prior to the indictment [deleted] replied that they did not want to come up against "the blue wall of silence" that occurs where a "cop" is being investigated. [Deleted] replied that [deleted] was now blanketing the law enforcement profession in the same way he accused [deleted] of doing to Washington Heights.

Following this exchange it was revealed by [deleted] that they had interviewed all of the complainants in regard to their relationship with Sea Crest [deleted] expressed shock and dismay that they had seen fit to compromise an official investigation in the Southern District without any consultation with the agencies conducting the investigation [deleted] further stated that Occhipinti had apparently caused much uneasiness on the part of certain interests in Washington Heights and perhaps there was pressure exerted to eliminate the threat. [Deleted] stated that both he and [deleted] expressed their opposition to personally conducting an investigation of Occhipinti due to the fact that they both knew him previously but that they were overruled and ordered to conduct the probe.

[Deleted] asked if [deleted] had given an itemized list of suspect bodegas to Occhipinti [deleted] said no, that the Capital Bank case involved obtaining a list of Currency Transaction Reports from the bank and these contained numerous forms showing cash transactions in excess of $10,000 by several bodegas. Certain targets may have resulted from referrals of such listed businesses to the Manhattan D.A.'s detectives also involved in the case. [Deleted] one of the detectives had stated that [deleted] implicated [deleted] in cocaine trafficking. [Deleted] further stated that if the rest of the indictment was based on the kind of reliability attributed to [deleted] a grave injustice was being done by indicting Occhipinti. Incredibly, at this point [deleted] stated that "he can be unindicted too." [Deleted] said he had not realized in twenty years of dealing with the law that such a phenomenon existed. [Deleted] then asked if [deleted] would check D.E.A. files for records on the businesses listed as complainants in the indictment. [Deleted] was also asked if [deleted] could be reached at [deleted] office [deleted] replied in the affirmative and the interview was terminated.

It should be noted that although [deleted] was briefly introduced to one of the two Assistant U.S. Attorneys assigned to the case neither he nor the other A.U.S.A. took any part in the interview. [Deleted] was also informed that [deleted] was not a target of the investigation.

THE RECONFIRMATION OF FEDERAL JUDGES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. FIELDS of Texas. Mr. Speaker, today I am introducing a proposed amendment to the Constitution requiring that Federal judges be reconfirmed by the U.S. Senate every 10 years.

Presently, Mr. Speaker, Federal judges serve life terms once they are appointed. The only constitutional mechanism for removal of these judges is impeachment. As we all know, impeachment is a long and arduous process. Historically it has been exercised on only 10 occasions, resulting in actual removal from office of only 5 judges.

In the absence of any other effective formal procedure for removal, Federal judges have been elevated to a stature unprecedented and unequaled by any other Federal official. Consequently, and to the citizenry's misfortune, there is no procedure for the removal of a judge who may be dysfunctional, dishonest or in any other way unfit to fulfill his or her constitutional responsibilities.

According to article III of the Constitution, Supreme and lower court judges are appointed to office for a term of good behavior. I certainly recognize and compliment the wisdom of the Framers of the Constitution who, by separating judicial officials from the political process, preserved and defined the principle of separate, but equal, branches of Government.

However, I continue to believe that this separation has resulted not in a more effective judicial system, but rather in a greater disparity between the various branches of Government. The life tenure of these judges has them less, not more, accountable for their actions and decisions.

Moreover, the increasing use by these judges of their judicial power as a means of effecting social policy is troubling. Our judicial system was established to interpret the law, not to formulate national policy. However, within the past 15 years, many of our Federal judges have taken to "backdoor legislating" on such controversial issues as school prayer, busing, and abortion. In my own State of Texas such "backdoor legislating" has occurred on such issues as prison overcrowding and the provision of educational services to illegal aliens.

I sincerely believe that neither this legislative body nor the American citizenry can stand by and watch this transgression of constitutional authority. National policy decisions should not be promulgated by our courts, but rather should be duly deliberated and decided by the people's elected representatives in Congress.

Mr. Speaker, I urge expeditious consideration of this legislation so that our Nation can once again be assured of three separate, but equal, branches of Government.

INTRODUCTION OF THE TRIPLOID GRASS CARP CERTIFICATION PROGRAM

HON. BLANCHE L. LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to introduce legislation that epitomizes the partnership between the Federal Government and private industry that we all strive so hard to achieve.

For the past several years the Fish and Wildlife Service has conducted a certification program for the triploid grass carp. This beneficial fish is utilized by 29 States to help control aquatic vegetation in lakes, ponds, and streams. The triploid grass carp provides an effective, economical method of caring for these environments without the use of chemical agents.

As the use of the fish has increased over the years, a number of States have adopted regulations which require the grass carp to be certified as sterile. If a reproducing carp were introduced into these environments it could cause serious damage to the existing fish species. The certification process assured States that the fish were sterile, thereby allowing their shipment by private aquaculturists.

In the past year the Fish and Wildlife Service conducted 550 triploid grass carp inspections at no charge to the producer. The cost of the program was $70,000. However, this year because of the dire fiscal situation that faces many agencies, the Fish and Wildlife Service has indicated that it will suspend the program within the next 60 days unless a solution is reached. The producers who have utilized this program have agreed to pay a fee that would cover the entire cost of the program with the understanding that the funds would be utilized for this purpose only. The Fish and Wildlife supports this arrangement but lacks the authority to implement it without congressional authorization.

This bill will accomplish that goal and provide for the continuation of a valuable program. I urge my colleagues to support this legislation.

THE CAPITAL FORMATION AND JOBS CREATION ACT OF 1995

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. ARCHER. Mr. Speaker, I am introducing the Capital Formation and Jobs Creation Act of 1995. I am proud that its provisions have been incorporated into the Contract With America. Speedy enactment of this bill will encourage investment in America, create jobs, reduce the cost of capital, and lead to greater short-term and long-term economic growth.

Compared to our major trading partners, Americans invest and save far too little. The Tax Code's poor treatment of savings and investment is a large reason why. We can best help American workers and businesses compete in the international marketplace by sweeping away these counterproductive tax disincentives. My bill does just that.

It contains three important capital gains incentives: First, a 50-percent capital gains deduction, second, indexation of the basis of capital assets to eliminate purely inflationary gains, and third, a provision to treat the loss on the sale of a home as a capital loss. The 50-percent capital gains deduction and the home sale capital loss provision would apply to sales on or after January 1, 1995. The capital gains indexation would apply to inflation, and sales of capital assets, occurring after December 31, 1994. All three of these provisions would make the Tax Code fairer by removing anti-taxpayer, anti-investment provisions.

The bill would substantially cut—at all income levels—the tax rate on capital gains by allowing taxpayers to deduct one-half of the amount of their net capital gains. Currently, capital gains are taxed at the same rate as ordinary income, subject to a tax rate cap of 28 percent. Thus, there is a modest capital gains differential for the upper tax rate brackets, but principally because the 1993 Clinton tax plan raised income tax rates. All taxpayers need a capital gains break, and not just one created by raising income tax rates. Unlike the 1993 Clinton tax plan, the bill would provide a middle-class tax cut by halving the capital gains tax rate for lower- and middle-income taxpayers. The new effective capital gains tax rates would be 7.5 percent, 14 percent, 15.5 percent, 18 percent, and 19.8 percent for individuals. Corporations would be subject to an effective top capital gains tax rate of 17.5 percent.

In addition, my bill would end the current practice of taxing individuals and corporations on gains due to inflation. Currently, taxpayers must pay capital gains taxes on the difference between an asset's sales price and its basis—the asset's original purchase price, adjusted for depreciation and other items—even though much if not all of that increase in value may be due to inflation. The bill would increase the basis of capital assets to account for inflation occurring after 1994. Taxpayers would be taxed only on the real—not inflationary—gain.

Finally, the bill would correct a wrong in the Tax Code by treating the loss on the sale of a principal residence as a capital loss. Currently, if a homeowner has to sell his or her home at a loss, that loss is not deductible—even though future sales may be taxable. This is heads-the-government-wins tails-the-taxpayer-loses. By treating the loss on the sale of a principal residence as a capital loss, the loss would be deductible subject to the capital loss deduction and carryover rules.

In the last election, the voters spoke clearly. They want less government and lower taxes. The Capital Formation and Jobs Creation Act of 1995 does both: it cuts taxes and shifts investment decisions from the Government to individuals and businesses. My bill sends a clear and unmistakable message that Congress is determined to dismantle barriers that are holding back the American economy.

HONORING THE NEIGHBORHOOD HOUSING SERVICES OF BALTIMORE ON ITS 21ST BIRTHDAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. CARDIN. Mr. Speaker, I rise today to honor the Neighborhood Housing Services of Baltimore on its 21st birthday. This outstanding organization is dedicated on helping low- and moderate-income residents of Baltimore become first-time homeowners. I also want to take this opportunity to extend my best wishes to John R. McGinn, an inspirational leader who is retiring as NHS chairman.

The NHS has an impressive record. It has been involved in rehabilitating more than 620 vacant houses and has helped convert more than 900 renters into first-time home buyers. Since 1974, NHS has been an important force in providing adequate housing in the neighborhoods of Govans, Coppin Heights, Patterson Park, and Irvington/St. Joseph/Carroll. In addition, since 1993 NHS has instituted the Closing Cost Loan Program to provide from $500 to $5,000 in loans to help prospective home buyers with settlement and closing costs. They have successfully used $300,000 of NHS capital to leverage more than $4 million in conventional financing.

Much of this could not be accomplished without the help and advise of John McGinn, who has been a dedicated and inspired chairman of the NHS board for the past 3 years. In the past decade, in addition to being chairman, John McGinn has given many hours of this time serving on different NHS boards. His advice and professionalism has been a big part of NHS's success and its branching out into new projects.

I hope that my colleagues will also join my fellow Baltimoreans and me in congratulating NHS and John McGinn on a job well done. Our housing crisis is very serious, but the efforts of NHS and John McGinn have done much to help others realize their dream of home ownership.

H.R. 5, UNFUNDED MANDATES REFORM ACT OF 1995

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. RUSH. Mr. Speaker, today we continue to debate H.R. 5, the Unfunded Mandates Reform Act. This measure comes at a time that is critical for State and local governments, which have been struggling over the past several years to balance their budgets while coping with ever-increasing costs. As a result, State and local governments have requested that we in the Congress establish a process to reexamine the fiscal implications of requirements that may be imposed on them by Federal initiatives.

In my district, the mayors of several suburban municipalities have strongly urged me to consider the impact that Federal laws may have on the financial stability of their governments. That is why I was a cosponsor of a bill introduced by my colleague, Mr. CONYERS, in the 103d Congress, H.R. 5128, which received broad, bipartisan support.

Mr. Speaker, this legislation today seeks to answer some of these apprehensions. I would, however, point out how deeply concerned I am about the haste in which this legislation was brought to the House floor. While I recognize the importance of what we are to do today, I am very troubled that certain important issues were not fully considered in committee. In their rush to pass their so-called Contract With America, the Republican majority has run roughshod over the democratic, deliberative process which we have been sworn to uphold. My Democratic colleagues in the Government Operations Committee, which I proudly served on last Congress, can attest to the outlandish manner in which this bill was handled in markup. This calculated attempt by my friends on the other side of the aisle to stifle thoughtful debate cannot and will not be ignored.

It was my hope that we in the House would debate the unfunded mandates issue in the normal manner in which legislation of this importance is considered. This debate today, however, is a culmination of a Republican-dominated legislative process that makes a mockery of this noble institution. Despite the modified open rule under which this bill is being considered, it is my understanding that my good friend, Chairman CLINGER, is opposed to any amendments other than those that are clerical and technical in nature. This is in order to pass a bill quickly to the other body. This is most unfortunate; I was looking forward to supporting and passing amendments that would protect our health, labor, and safety laws; that would protect the Clean Air and Clean Water Acts; and that would ensure the protection and strength of our social contracts with the elderly and the needy in this country. This will not happen today if the Republican majority has their way.

These and other critical concerns will not be addressed in this legislation because the majority party wishes to ram this into law just to say to their supporters that they can get things done in Washington. Well, Mr. Speaker, while I advocate the general intent of this legislation, I cannot support the manner in which the Republican majority has brought this bill to the floor. Therefore, Mr. Speaker, I urge my colleagues to stop our Republican friends from handcuffing our democratic institution, and I urge all my fellow Democrats to stop this Contract With America from undermining the democratic and deliberative principles that this institution has functioned under for the past 200 years.

BRINGING BACK THE DEDUCTION FOR LEGITIMATE BUSINESS EXPENSES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation to restore the business meal tax deduction to 100 percent. In 1993, as part of the President's economic plan, Congress passed legislation reducing the tax deduction for business meals and entertainment from 80 percent to 50 percent. I didn't see the wisdom of that $16.3 billion tax increase then, and I don't see it now.

Anyone who has owned a business or been involved in management can testify to the legitimacy of using meals and entertainment as a marketing tool. Yet we single out this particular business expense, penalizing the restaurant industry, the tourism and entertainment trades and the foodservice industry, to name only a few. When this deduction was reduced from 100 to 80 percent in the Tax Reform Act of 1986, it greatly impacted these industries—industries which are crucial to Nevada. Now, because of the reduction from 80 to 50 percent, it is estimated that almost three-quarters of mid-sized companies in America have made policy changes resulting in reductions in meal and entertainment expenses.

I can tell you from conversations I've had back home that many of Nevada's businesses rely heavily on the business meal and entertainment deduction as a marketing tool to solicit clients. Moreover, restoring the deduction is essential to the tourism trade—which employs almost a third of the State's labor force—in my home State of Nevada. Restoring the business meal deduction will increase restaurant patronage and convention business and help fill hotels and motels not only in Nevada, but across the country. I'm sure it would have a similar effect across the Nation, and I urge my colleagues to support my efforts to restore the 100 percent deductibility of business meal and entertainment expenses.

A TRIBUTE TO HIS MAJESTY KING BHUMIBOL ADULYADEJ (KING RAMA IX) OF THAILAND

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. ROHRABACHER. Mr. Speaker, I rise today to acknowledge King Rama IX of Thailand on the occasion of the Royal Golden Jubilee celebration which commences this month and continues through 1997. His Majesty will enter his 50th year of reign on June 9th.

His Majesty has been an extremely positive influence on his people and continues to be a constructive force in Southeast Asia and the world. His Majesty's influence can be discerned in his numerous projects, his lifelong interest in public health, his efforts to bring peaceful solutions in times of conflict, and his generosity in helping refugees in neighboring countries, especially the Karenni of Burma. His contributions have made King Bhumibol the prime source of inspiration, pride and joy among the Thai people.

TERRORIST EXCLUSION ACT, H.R. 650

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. GILMAN. Mr. Speaker, I am pleased today to reintroduce a bill I originally cosponsored and helped author in the 103d Congress under the leadership and efforts of our former colleague now in the other body, Ms. SNOWE. That bill, H.R. 2730, excluded from the United States any individual on the basis of mere membership in a terrorist organization, as such a group is defined by the Attorney General in consultation with the Secretary of State.

The bill I am reintroducing today, H.R. 650, is identical to H.R. 2730 from the last session of Congress. It will end the ridiculous situation we now have where we often have our State Department officials wringing their hands and spending countless hours trying to determine the nature of the visa applicant's membership and level of activity within a terrorist organization or group.

Similar provisions as were in H.R. 2730 passed the other body under the leadership of Senator HANK BROWN during the 103d Congress. However, unfortunately, they did not become law; nor did the House get an opportunity to act to close this glaring loophole in the immigration laws and the State Department's interpretation of those laws today.

Today we often see time-consuming State Department analysis made to determine whether to deny a visa to an individual who is a mere member of a terrorist group, but hasn't yet been convicted of an act of terrorism in an appropriate court of law and with some consular officer's view of appropriate due process.

Under our State Department's view of current law, mere membership alone doesn't automatically create a presumptive basis for denial of a visa, therefor the protracted analysis and soul searching I mentioned, often follows.

The bill I introduce today shifts the burden of proof and makes the denial of the visa presumptive based upon mere membership by the visa applicant in a terrorist organization alone, as defined by the Attorney General and the Secretary of State based upon available data.

The visa applicant, not the State Department consular officer, must make the case for his or her right to travel to the United States.

The Secretary of State in a recent JFK School of Government speech said that the State Department was going to get tough on international terrorism and international criminals. In fact, as part of the administration's plan of action, the Secretary said "* * * we will toughen standards for obtaining visas for international criminals to gain entry to this country."

Surely, to the average American, those who are members of overseas terrorist groups, as such groups are determined by the Attorney General and the Secretary of State under by bill, would clearly fit the category of international criminals.

International criminals, whether yet formally convicted or not of terrorism, or who we may or may not know want to travel to the United States to engage in possible terrorist acts ought not get U.S. entry visas. It is as simple as that, and my bill will bring that about.

The public would demand our State Department exercise the visa issuance discretionary function and authority in the best interests of the United States, and denial should be in order in such membership cases, one would hope. The benefit of the doubt should go to the U.S. interests. However, let us not rely on hope or ambiguity; my bill gives the State Department clear authority, the ability, and the direction to deny visas in the case of mere membership in these overseas terrorist organizations, as determined by the Attorney General along with the Secretary of State.

The administration, which has wisely stepped up the activity and rhetoric against terrorism, should also ensure that the rhetoric it uses on international crime, terrorism, and efforts to protect U.S. interests, fully matches their actions. My bill, which I introduce today, gives them a chance to support additional and needed real reform to thwart a growing and dangerous new terrorist threat aimed at America's interests and security, here at home.

I ask that the full text of the bill be printed here at this point in the RECORD.

H.R. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)(II) by inserting "or" at the end;

(2) by adding after clause (i)(II) the following:

"(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity,"; and

(3) by adding after clause (iii) the following:

"(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Attorney General, in consultation with the Secretary of State.".

ANDREÁ MARION: A LIFETIME OF INNOVATION AND INTEGRITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. LANTOS. Mr. Speaker, I rise to bring recognition to an extraordinary man on the occasion of his retirement as the president of Applied Biosystems, Inc., in Foster City, CA. Mr. André F. Marion has been a pioneer in the emerging and important field of biotechnology and a pioneer in employee and customer relations. As Mr. Marion moves on to the next stage in his life, his intelligence and creativity will be sorely missed.

Mr. Marion, with a handful of associates, essentially began the biotechnology industry. In 1991 he left the research and development staff of the Hewlett Packard Co. to build the first DNA sequencer that began the biotechnology revolution. But even the tremendous financial and business success of his company is not Mr. Marion's true legacy.

During his 12 years as president, chief executive officer, and chairman of the board of Applied Biosystems, Inc., Mr. Marion ran his company with what he himself called "Values for Success," which included absolute attachment to integrity, consideration of the customer, and the highest achievable level of quality. He shared with his employees equally in the profits, stock options, and even the physical setting of the company's campus.

André Marion is a model for all entrepreneurs, executives, and those involved in business and government to follow. I commend him in the strongest possible terms and wish him a long and happy retirement.

COMPEER, INC. COMPEER FRIENDSHIP WEEK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mrs. SLAUGHTER. Mr. Speaker, this year 117 Compeer programs across the Nation will celebrate Compeer Friendship Week from April 23 to April 29, 1995. The goal of Compeer Friendship Week is to provide an opportunity for each Compeer program to increase its name recognition, gain community support and recruit volunteers. Compeer programs will be hosting many special events during this week.

The Compeer Program, which originated in my home district of Rochester, NY, is now in its 22nd year of existence in Rochester, and its 12th year nationwide. Begun as an adopt-a-patient program at the Rochester Psychiatric Center in 1973, Compeer matches caring, sensitive and trained volunteers to those who are isolated, lonely or persons who, because of a mental illness, experience difficulty in coping. Compeer is based on the concept that, through the sharing of friendship, volunteers can offset the sometimes systematized isolation and loneliness of those diagnosed with mental illnesses, and relieve families of their continuous focus on care.

In the past, persons with a mental illness have been discharged into communities where, in theory, they would lead richer, more productive lives than they would in institutions. The reality proves otherwise. People who suffer from illness, who are living both in and out of hospitals, suffer from isolation and loneliness. The majority lack a support system of either friends or family.

Compeer has helped to change this. A unique partnership between volunteer, client, therapist and Compeer staff has enabled hundreds to become fully integrated into society as mentally and emotionally healthy individuals. In an era of health care cost containment, decreased funding for mental illness, skyrocketing costs of psychiatric hospitalizations, and deteriorating traditional support systems, Compeer addressed a national problem by providing cost-effective utilization of volunteers as an adjunct to therapy. Compeer has made a tremendous difference in our country—fostering and nurturing new friendships, filling the gaps of loneliness, and building bridges of understanding and hope.

I ask my colleagues to join me in celebrating Compeer Friendship Week from April 23 to April 29, 1995, and in congratulating the volunteers, clients, therapists, and staff of Compeer for their selfless and tireless efforts.

SSI REFORM

HON. BLANCHE L. LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1995

Mr. LINCOLN. Mr. Speaker, I rise today to begin a series of discussions over the direction of a program that began with the noblest of intentions, but is rapidly turning into a mockery of the Government's ability to help its citizens. I am speaking of the Supplemental Security Income program for children.

The SSI program was created as a part of the Social Security Amendments of 1972 in order to assist aged, blind, and disabled individuals with supplemental cash assistance. At the time that the law was being written, there was debate over whether or not to include children. The House believed that children should qualify and wrote that, ". . . disabled children . . . are deserving of special assistance in order to help them become self-supporting members of our society." The other body disagreed, arguing that the needs of disabled children were no greater than the needs of non-disabled childern—with the exception of health care costs, which were covered under the Medicaid program. Ultimately the House prevailed and disabled children were included.

Mr. Speaker, that was over 23 years ago. After the program was established, 71,000 blind and disabled children received SSI. Today over 700,000 children receive SSI and the question over whether or not they should be eligible is still unresolved.

When the program was implemented both adults and children were eligible after the Social Security Administration compared their disability against a "Medical Listing of Impairments." Adults who did not qualify under the medical listings were entitled to another test called the residual functional capacity test which measured their ability to engage in "substantial gainful activity"—or work. Because most children did not work, they were not given the option of a second test and were simply denied benefits if they did not meet the medical listings.

For 16 years the process worked in this manner until February of 1990 when the Supreme Court ruled in favor of a plaintiff, a child who had been denied benefits because he did not meet the medical listings. That decision in Sullivan versus Zebley proved to be a watershed moment in the history of SSI for children.

As a result of the Zebley decision, the Social Security Administration was ordered to develop a process that would allow a child to have a separate test administered in the case that they did not meet the medical listings. Experts were called in and meetings were held for months on end. And when the meetings were over, the SSA had created a process known as the Individualized Functional Assessment or IFA.

Because children could not be judged on an ability to work, the IFA was intended to cover specific age-appropriate activities and developmental milestones. Five different so-called developmental domains were established to determine disability which included motor functioning, communicative skills, cognition, socialization, and behavior.

Mr. Speaker, let me say at this point that I agree with the Zebley decision—because I believe that in the context of the original statute, the Supreme Court acted appropriately. My concerns therefore center around the wisdom of that original statute.

I came to this issue because numerous constituents of mine, including doctors, teachers and parents came to me with allegations of "coaching"—which is the term applied when parent encourages a child to misbehave or perform poorly in class in order to receive SSI benefits. As a result of these concerns I asked the GAO to investigate these allegations as well as the overall soundness of the program.

It is exactly the soundness of the program that has prompted me to become interested in this issue. Individuals that qualify for SSI receive a minimum cash payment of $434—higher in some States. In the case of children there are no requirements that the money be spent to improve the quality of life for the child. It's a strict cash payment—no strings attached, and to an extent, no questions asked.

But I have questions. I question the good that this program can deliver through cash payments. I wonder whether medical and therapeutic services might be a more appropriate and beneficial means of addressing the needs of a disabled child. And I doubt the ability of the IFA—which is at least largely subjective—to best determine who is truly needy.

Mr. Speaker over the next 2 nights I will continue this dialogue and explain in detail the problems that I have discovered over the past few months that I have been involved in this program. I look forward to the coming debate and yield back the balance of my time.

SENATE—*Wednesday, January 25, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Senator ALAN SIMPSON and his family in the loss of his beloved mother. Two great mothers have gone from us recently.

Beloved, let us love one another: for love is of God * * *.—I John 4:7.

Our Father in Heaven, we thank Thee for the beautiful differences in the human family—for its varied shapes and sizes, its features and colors, its abilities and talents. We thank Thee for Democrats and Republicans and Independents. We thank Thee for liberals and conservatives, for moderates and radicals. Deliver us from the forces which would destroy our unity by eliminating our diversity.

Help us to appreciate the glorious tapestry of life—the harmonious symphony which we are together. Help us to respect and love each other, to listen and understand each other. Grant us the grace to work together in the strategic mix that is the United States of America.

We ask this in the name of the Lord of Life and History. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with the time until 10:30 a.m. under the control of the Senator from Idaho [Mr. CRAIG], or his designee.

The Senator from Idaho is now recognized.

SCHEDULE

Mr. CRAIG. Mr. President, thank you very much. Following the 10:30 special order, the Senate will resume consideration of S. 1, the unfunded mandates bill, and rollcall votes are to be expected throughout the day, and a late night session should be anticipated, according to our leader.

(Mrs. HUTCHISON assumed the chair.)

THE NEED FOR A BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, I have requested and gained an hour of morning business under a special order today to discuss the beginning of what I believe will be one of the most historic debates that the Congress of the United States will engage itself in and most certainly that the 104th Congress will become involved in. That debate will begin in the House today and will begin in the Senate early next week.

What I am talking about is an issue that many of us for a good number of years have believed is the most important issue to bring our Government back on track and to focus it on the priorities that the American people want us to focus on and that, of course, is the issue of our fiscal matters and our spending under a balanced budget amendment to the Constitution of the United States.

In November of this year, as for a good many years, the American people have spoken very loudly about their desire to see this Congress, and all past Congresses, move in a fiscally responsible way. Our failure to do so over the last good many decades has produced our Nation's largest Federal debt of now 4.6-plus trillions of dollars. It has produced an annualized deficit of nearly $200 billion and an interest on debt—now the second-largest payment in our Federal budget—of nearly $300 billion a year.

I think the American people spoke with fright and alarm this year, that this Congress and its political leaders seem to be unsensitive to the continued mounting of a Federal debt and the potential impact that debt will have on future generations.

Before the President pro tempore opened the Senate this morning, I asked him if he would address us on this issue briefly before he resumed his duties as chairman of a very important committee in the Senate. Certainly, for all of his political life, Senator THURMOND has led this issue, has offered the American people and the Congress of the United States the foresight to focus on the issue of balancing the Federal budget, and he was the first, some 30-plus years ago, to introduce the concept of a constitutional amendment for a federally balanced budget.

At this time, I yield to Senator THURMOND such time as he might consume.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

A BALANCED BUDGET AMENDMENT

Mr. THURMOND. Madam President, I am very pleased to say a few words on behalf of the constitutional amendment to balance the budget. I have been in the Senate 40 years now and for 36 of those years I have favored a constitutional amendment to balance the budget. I worked with Senator Harry Byrd, Sr., Senator Styles Bridges, Harry Byrd, Jr., and many others in the past, in an effort to get this amendment adopted.

As chairman of the Judiciary Committee a few years ago when President Reagan was the President, I was chairman of the Judiciary Committee and was the author of a constitutional amendment to balance the budget. We got that amendment through the committee and we got it through the Senate. We sent it to the House and the House killed it. The Speaker of the House and the majority leader led the movement to kill that amendment.

Evidently, they did not want to stop spending. And the spending has gone on year after year after year. We have not balanced this budget but one time in 32 years. We have not balanced this budget but eight times in 64 years. That is a disgrace to this Nation. We should not spend more than we take in in any year. And if we do spend more, it should be made up immediately.

Under the South Carolina law and constitution, we have to balance the budget every year, and we do it. If we can do it in South Carolina, we can do it in the United States. It is nothing but reasonableness and fairness and exercising foresight that will balance the budget.

I am very anxious to see us pass this amendment. I think it would be the greatest step we could take.

There are two threats to this Nation that we must realize. One is that we must keep strong armed services. We have threats now throughout the world. We have hot spots in North Korea, Iran, Iraq, and other places. We must keep a strong defense if we are going to remain free.

President Clinton has taken steps to reduce our strength in defense. I am hoping we can rebuild that strength. We need to make the 1996 budget for defense equal to the 1995 budget. We must take steps to rebuild defense so that this Nation can remain free and strong and preserve all that this country has stood for.

The other threat is the fiscal threat, and that is a serious threat. When we have not balanced this budget but one time in 32 years, that means it is a threat. How are we ever going to balance it if we do not take steps? I remember a statute was passed years ago to balance the budget. Before the end of the session, we had passed appropriations to overcome that statute. The statute did not amount to anything. It will not amount to anything now.

The only way, in my judgment, to stop spending more than we take in and to balance this budget is to pass a constitutional amendment to mandate, to make, the Congress do it. The Congress has not shown the attitude to do it. They have not shown the will to do it.

How are we going to handle it? I do not know of any other way under the Sun to do it except to pass this constitutional amendment. I urge my colleagues to go forth and show the courage and take the steps necessary to balance this budget. The best way I know to do it is to pass this constitutional amendment.

First, I want to commend the able Senator from Idaho for the great interest and leadership he has shown on this important question. He is a very fine representative. He represents his State and Nation well. On this particular question he has shown unusual leadership and is to be commended.

Mr. CRAIG. Madam President, let me thank the Senator from South Carolina and once again recognize his early and continued leadership on this most critical issue. I thank him for making those opening comments this morning on this special order as we begin to debate the balanced budget amendment.

As I mentioned in my opening comments, Madam President, the House begins debate on House Joint Resolution 1. Under the rule reported from the Rules Committee, six substitute amendments are in order from the following Members: Mr. BARTON, Mr. OWENS, Mr. WISE, Mr. CONYERS, Mr. GEPHARDT, and SCHAEFER-STENHOLM. In other words, the House is looking at a variety of approaches to offer an amendment through the resolution process to our American citizens.

Of course, we must recognize that any one of those resolutions, as is true of the resolution here in the Senate, has to gain the necessary two-thirds vote for final passage. There will be about 3 hours of general debate and 1 hour of debate on each one of the substitutes.

The reason I bring this up, Madam President, is because early next week we will begin debate on a very similar resolution to the Schaefer-Stenholm resolution. Already there is talk that that debate could go on for 2 weeks, 3 weeks. There could be 200 or 300 amendments, all dealing with different aspects of Federal spending that some Members of the Senate think ought to be exempt from the rule or the constitutional requirement of a balanced budget.

Whatever time we take in the House and in the Senate, I believe the most significance to that time will be reflective on the importance of this debate and the attention the American people are giving it. There will be a good many arguments about whether we should or should not balance the Federal budget, whether we should exempt certain portions of the budget, whether we should clearly establish priorities of spending within the Constitution, or whether we ought to be sensible, as I think the Senate resolution is, to establish the ground rules of a constitutional requirement for a balanced budget and then to recognize, as I think all Americans recognize, that over the length and breadth and strength of a Constitution now having directed the Senate for over 208 years, that it is the Congress itself what must establish the spending priorities from one generation to another.

It is clearly important that we establish the rule of a balanced budget and the dynamics of how we get to a balanced budget through a procedure. Certainly, it is the responsibility of the House and the Senate, of the Congress of the United States, to establish the spending priorities. That certainly is what the Senator from South Carolina was referring to this morning when he placed high on the list of priorities for the strength and stability of our Nation in a world of nations our national defense and a concern that that ought to be, as our Founding Fathers said, one of the primary responsibilities of a Federal central government: providing for our national defense and our human freedoms. That is a priority that the Senator from South Carolina would establish. It would be a priority similar to the one that I would want. It would list high on a number of items that I might place as priorities for spending.

What is reality today is that there is no fiscal discipline within the bodies of the Congress of the United States, so there need not be the listing of priorities, there need not be the responsibility of turning to the American citizen and saying, "Here is the money we have to spend; here is where we are going to spend it" because we believe that is the best priority outline that we can offer to the American people at this time.

Second, under our Constitution, we have clear obligations, and that is, of course, to provide for the common defense and, in the words of our Constitution or the preamble, to promote our Nation's welfare.

I am pleased to be joined this morning with the Senator from Wyoming, and I ask at this time if he would like to participate in our special order. I yield to the Senator from Wyoming such time as he may consume.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

A BALANCED BUDGET IS NOT A NEW IDEA

Mr. THOMAS. Madam President, I thank the Senator. I am pleased to have the opportunity to join in to talk about a balanced budget amendment.

There has been a great deal of talk about it. There continues to be a great deal of talk about it. There is a great deal of interest in this matter, as there should be. I think most of all, as evidenced by the leadership of the Senator from Idaho, there is a great deal of dedication to getting this job done.

Voters supported the idea in November. It is not a new idea. Somehow some of the discussion seems to center on what will we do with such a thing. The fact is that it is not a new idea. It is not a new idea for the Congress. It is not a new idea for the Nation. Indeed, it is used by 48 States now, and used successfully in my State of Wyoming. We have a constitutional balanced budget amendment. The legislature and the government live by that constitutional amendment without a great deal of problem, as a matter of fact.

So, it seems to me that it is terribly important. It is important because it will result in a balanced budget amendment and a balanced budget that we all agree should happen.

It is also a symbol of responsibility, both morally and fiscally. So it is something that we really ought to do. There are, of course, a couple of questions that are always asked. The first question and the basic question we ought to ask ourselves and voters ask themselves and citizens ought to ask themselves is: Should we, in fact, balance the budget? Should we in the Congress spend more than we take in? Should we live on the same basis as our families must? As our businesses must? As local governments must? And that is, that we have to have a balance between revenue and expenditures, a reasonable thing. That first question is: Should we do that? The answer is, I think, almost unanimous, not only among Members of the Congress, but among voters and among citizens: Yes, indeed, we should do that.

So, a citizen in Greybull, WY, says: What is the discussion about? I do not quite understand this. Of course we ought to balance the budget.

The fact is we have not balanced the budget and we need to do something about it.

He says: Gosh, everyone says they are for a balanced budget. Do you know of anyone who says, no, we should not balance the budget? Of course not. Everyone wants to balance the budget. And yet we find more and more people who are saying, "What is the hurry? Let us delay this. I am not sure about this. Let us talk about it," as if we had not talked about it before.

They oppose the amendment saying we do not need an amendment; we have the tools. The Director of OMB was on TV the other day in sort of a debate about it and saying, "Gosh, we do not need an amendment; we can balance the budget. We have the tools." The fact is, the evidence is, that that is not true. We have not balanced the budget. We have balanced the budget once, I think, in 26 years or something and just a few times out of the last 50 years.

So the fact is that there does need to be some discipline. The idea that we want to balance the budget does not just make it happen. I understand why it does not happen. There is always a reluctance to raise revenues and there is always a willingness on the part of politicians to want to do things for their constituents. And I understand that. The result, of course, is that we spend much more than we take in. The result is that we have nearly a $5 trillion deficit that you and I and our children and our grandchildren must live with.

So then some say, "Well, what about the details? We want to know precisely how you are going to do this." Obviously, that is almost an impossibility. It is going to be done over a period of time and, I must tell you, I am not concerned about the fact that it is 5 years or 7 years or, personally, if it is 10 years. If we are in a course toward balancing the budget, moving without deviation to that, if it takes longer, let it take longer.

But who knows what the economy will be in 5 years? Who knows? So the idea that you can lay out in detail how you are going to do it does not seem to be reasonable. It seems to me, rather, to be a way of saying, "Yes, I am for a balanced budget, but unless you can give the details, then I am not for it." It is simply a way of saying I am for it and not for it, which is not a new technique in this place, by the way. It is done quite often.

The other interesting thing about that is the same person will say, "We can balance the budget without the amendment, but I want to know the details if you are going to have an amendment; tell me the details of how you are going to do it without an amendment." The cuts are going to have to be about the same.

Then I heard someone this morning on TV say, "We want to know about Social Security." We have clearly said Social Security is not to be a part of the reduction. We have clearly said that Social Security is an obligation that we have to Social Security recipients.

We hear a great deal about cuts, as if there would be draconian cuts to do this. The fact of the matter is that what we are really talking about is a reduction in the growth. That is what it takes, the discipline to have a reduction in the growth.

I noticed there are others on the floor who want to talk about this. I feel very strongly about the balanced budget amendment. As I indicated, as a member of the Wyoming Legislature, I was involved with this process. I think it works. I think it should work for us on the national level. I think we have a great opportunity to do that now.

I think this is one of the procedural changes that we really need to have if you want to have a change in Government. Procedural changes are, in the long run, more important than are the specific changes that we will make in this year or any other year because they change the way that the Congress deals with problems.

Procedural changes, like the one that we have already passed on making the Congress accountable, to live under the same rules that we expect everyone else to live under, changes like line-item veto are very important, it seems to me.

It is almost impossible for Members of this body or the House to reach into bills and make changes on the floor. But the President is the only person who has the kind of political structure on which to stand to make those sorts of cuts in pork. The line-item veto is very important.

I happen to believe that unfunded mandates is one that we have to pass. Procedurally, that will change the future of how this Congress behaves. I personally believe we ought to have term limits. These are the procedural changes that will impact the decisions we make.

I am persuaded—I think most people in this country are persuaded—it is morally and fiscally correct to balance the budget. I am persuaded the evidence shows we have not and cannot do it without the discipline of an amendment. I am persuaded that the States and the people, through their legislatures, ought to have a chance to deal with it on a constitutional basis.

I urge that we move forward and give the people of America an opportunity to deal with this issue through their legislatures.

I yield the remainder of my time.

(Mr. JEFFORDS assumed the chair.)

Mr. CRAIG. Mr. President, I thank the Senator from Wyoming for participating with us this morning in the discussion of the debate that, as I mentioned earlier, is beginning today in the House and will commence next week in the Senate, one of the most important debates, I think, any of us who are privileged to serve in this Chamber will engage in in the course of the next good many years.

Let me now yield such time as he would desire to the Senator from Georgia for comments on the balanced budget amendment.

A GREAT ISSUE BEFORE THE NATION

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho for the opportunity to share thoughts on this great issue before the Nation called a balanced budget amendment.

I really do not think we would be in this debate this year except for one thing: I believe this would have passed the U.S. Senate last year. We had a very strong debate and very narrowly failed to pass a balanced budget amendment a full year ago.

Why did we not pass it? In my judgment, it failed because the President of the United States chose to oppose it. When it was clear that the President would not throw his weight behind this idea, I sensed the energy in letter after letter coming in from one special interest group after another that had become dependent upon the Federal Government and its largess, stacks upon stacks upon stacks, in an effort to frighten the American people about the consequences of a discipline machinery to deal with the financial health of our Nation.

Fair tactics—will somebody be affected? Will there be less there for them if we manage the financial health of the Nation?

In my judgment, we would have passed it had the President assisted.

This is important as we begin this debate, Mr. President, because shortly thereafter—shortly thereafter—the Nation had a chance to reflect on that debate and this Presidency, and the contest that has been waging in our Nation's Capital about governance, how are we going to govern ourselves? As we have, or are we going to change our ways in the Nation's Capital?

The election of November 8 probably is only paralleled maybe four other times in American history. Four other times in the entire history of this Nation has the whole of the Nation come so forcefully to an election. I think much of it was shaped by that balanced budget debate which was defeated with the weight of the Presidency against it.

Then we have a public opportunity to comment and the public says, "We want the way things are done in Washington changed and we are going to change the people who represent us there." And they did, in overwhelming numbers.

At the center of the debate, over and over, was the balanced budget amendment. The people who were sent here are supporters of the balanced budget amendment. Many of the people who opposed it were not returned. Today, between 7 and 8 out of 10 Americans across the land support the balanced budget amendment.

In the last few weeks, we have heard talk about "reinventing the President." From my point of view—I am sure my advice is not adhered to down at the Pennsylvania Avenue White House—you really cannot reinvent people who have been in public life a quarter of a century. I do not think it is a useful term. But in any event, "reinventing the President."

Last night, we were to have our first view of the new look. I think it has all paled and will all be forgotten and will all be set aside except for two paragraphs of the speech; a 1½-hour speech and about a 3-minute piece will be the substance that will be remembered.

That is when the President about midway through the speech said, "I do not support the balanced budget amendment," having supported a balanced budget. But that is the routine we have been playing for the last 30, 35 years. We all support a balanced budget, but we never get to one.

To me, the President defined and made vivid his decision about the next 2 years of his administration when he decided: "I do not support the balanced budget amendment." That means that the message of November 8 has not been embraced by this President. Anything that was so core to the election, so overwhelmingly supported, to be rejected in the face of all this, to be set aside, that he will stand in the way of that yet again as he did last year, defines his view of this capital city. What it says is I think things are just fine the way they are. I do not think we need to change the rules. We do not need to change the rules to balance the budget. The reason so many Americans support it is they do not believe that anymore. And why should they? We never do.

Mr. President, the American people realize that we must change the process and the procedures by which we deal with governance in this country. They believe the Federal Government has become too big; that it exacts too much of the fruit of their labor. They work from January to June, some of them August, before they get to keep the first dime for their own dreams. They feel the Federal Government has become too intrusionary, too much in their face.

The balanced budget amendment is symbol and substance—symbol and substance. It symbolizes that we are going to change; that we are going to reorder the way we manage our financial health; that we are going to come to grips finally with the setting of priorities; that we are going to force ourselves to pick that which we can do and that which we cannot do.

When the President decided he would not support it, he was saying, loud and clear, we are going to keep on doing things just the way we have been, and I am not going to listen to the message of November 8.

Then he went a step further; he began using the same techniques that have been used historically to frighten America, to frighten her about a discipline and a new set of rules, to start picking out different groups of people and saying, now, wait a minute. If we start setting priorities, this may affect you.

It had been that technique over the years that has blocked, time and time again, our coming to grips with our priorities. You know what I would say to those groups? I would say that if this Nation does not find a way to discipline its financial management, it will be unable to care for anyone.

Have you ever known a family, have you ever known a business, have you ever known a community, a State or a nation that was able to effectively provide for its needs and its priorities if it was financially weakened or unhealthy or it had been undisciplined in the process by which it governed itself, that it had mounted debt it could no longer control?

We only need to look south of the border, not far from here, to know what happens when you do not have sound financial management. Who is impacted by that? By every report, the disadvantaged, the poor. Those who are on the margin are the ones who are going to suffer from that crisis in Mexico.

The balanced budget amendment is a fundamental core process that forces our Nation to set priorities and assures us that we will always maintain financial integrity, and that integrity is fundamental to our ability to take care of our responsibilities for ourselves and our responsibilities as the leader of the free world and civil order in that world.

Mr. President, I yield the floor to my colleague from Idaho.

Mr. CRAIG. Mr. President, I thank our colleague from Georgia for those well-placed comments and pointing out some of the stark reality of the debate and the support and the opposition for this most important issue.

I was in the Chamber of the House last night for the State of the Union speech, and I was very disappointed when our President used the old argument: well, if you are going to balance the budget, show us where you are going to cut.

That is like saying to a man or a woman who is terribly overweight and they are just getting ready to start a diet, tell me every bite of food you are going to take over the next 4 or 5 years to lose all of your weight—every bite, every kind of food.

You and I know that is not possible. What we do know, when someone announces they are on a diet and has consulted a doctor and is beginning to work, they have started a process, and they have begun to work toward a goal and they have put themselves on a regimentation.

Mr. President, that is a phony argument, and you used it last night, and you know it is. Over the next 5 or 6 or 7 years, as the Senator from Wyoming spoke, as we balance the Federal budget, priorities may shift, they may change a little, and we may choose to spend less in one area and more in another because we have seen that is where the American citizenry needs their tax dollars spent.

So as the Senator from Georgia said, what we speak about today and what begins in the House today and on this floor next week is the debate about putting into the Constitution a process requiring a procedure through a process that gets us to a balanced budget and begins to build the enforcement of what we hope would become a standard discipline in this Congress, and that would be to balance the budget on an annual basis.

Mr. President, we are now joined by our colleague from Michigan who just in the past few months has campaigned on this issue and others. The people of Michigan decided to send him here to work in their behalf on issues like the balanced budget, and I would now yield to that Senator such time as he might consume.

BALANCED BUDGET AMENDMENT

Mr. ABRAHAM. Mr. President, as Congress prepares to take up a balanced budget amendment, I would like to offer to my Senate colleagues the perspective of a new freshman Senator who ran on an aggressive platform to reform Congress and limit the size of Government.

In my view, the balanced budget amendment to the Constitution embodies the spirit of the electorate that voted for a Republican Congress for the first time in 40 years last November. We in the Senate should not let them down.

The Founding Fathers recognized that persistent Government deficits and the growth of Government has consequences for the long-term stability of our democracy and implications for our individual freedoms.

The reason why the Founding Fathers did not include a balanced budget requirement in the Constitution is because they felt it would be superfluous. Paying off the national debt and balancing the budget was considered a high priority of the early administrations.

Consider the following comments by some of our Nation's early leaders:

Thomas Jefferson: "The public debt is the greatest of dangers to be feared by a republican government."

John Quincy Adams: "Stewards of the public money should never suffer without urgent necessity to be transcended the maxim of keeping the expenditures of the year within the limits of its receipts."

James Monroe: "After the elimination of the public debt, the Government would be left at liberty to apply such portions of the revenue as may not be necessary for current expenses to such other objects as may be most conducive to the public security and welfare."

From 1879 until about 1933 the Federal Government operated under an implicit balanced budget requirement.

Spending remained low—and rarely exceeded revenues. To the greatest extent possible, the existing debt was reduced.

As a consequence, Federal spending as a share of GNP never rose above 10 percent. In the mid-1930's, the rise of Keynesian economics gave politicians the economic rationale to increase Government spending to solve the Nation's economic problems. As a consequence, the balanced budget discipline was abandoned—and Federal spending exploded.

Today, Federal spending as a share of our national income stands at 22-23 percent—near historic levels. In effect, deficit spending has become the norm.

Because there are no limits to the availability of deficit spending, Members of Congress find it extraordinarily difficult to resist such spending. On the one hand, every dollar of deficit spending creates some measure of political advantage by pleasing parts of a Member's constituency; on the other hand, there is no need for Members to incur equivalent political disadvantage by having to raise anyone's taxes.

All the balanced budget amendment does is eliminate from our system this built-in bias toward spending caused by the unlimited access to deficit spending.

Critics of the amendment charge that it is a hollow gimmick, a substitute for making real choices about how to balance the budget. Perhaps the best way to respond to this charge is to examine how balanced budget constraints have worked on the State level. Every State except Vermont has some sort of statutory or constitutional requirement to balance its budget.

According to economist Bruce Bartlett, in 1933 total Federal spending was $3.9 billion and total State and local spending was $7 billion; 60 years later, however, the situation was almost reversed. By 1993, Federal spending had risen to $1.5 trillion, while total State and local spending had risen to $865 billion.

The fact that State governments were required to make real choices and balance their budgets, while the Federal Government did not, was the major reason why Federal spending has dramatically outraced State and local spending.

Without a balanced budget amendment, this Nation could be looking at Federal deficits in the trillions of dollars within 15 years. I was sent here by people who will not accept such a fate.

The proposed amendment does not read into the Constitution any particular level of spending or taxation, or mandate particular economic policy outcomes. It only restores the historical relationship between levels of public spending and available public resources. National solvency is not—nor should it be—a partisan political principle. It should be a fundamental principle of our Government.

Mr. President, I yield the floor.

BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, let me thank my colleague from Michigan for saying that a balanced budget amendment should be a fundamental principle. It was historically. While it was not embodied in our Constitution, it was a fundamental principle of our Founding Fathers. And it was a fundamental principle of many Congresses for well over a century.

This Congress, this Government recognized there might be times of deficit. But during the good times, after you had overspent—whether it was for war or for other extraordinary purposes—you paid off your debt. In fact you ran a surplus.

That was an important part of the way our Nation kept its fiscal house in order. Of course we have lost that principle and now, for many decades, we have run deficits that mounted the debt I referred to earlier. Over the course of the next good many weeks there will be a variety of arguments about why we cannot balance the Federal budget.

I ask unanimous consent to have printed in the RECORD an article from Business Daily that appeared this morning entitled "A Balanced Budget Myth Bared: Economic Cycles Unlikely To Worsen Under Plan."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Investors Business Daily, Jan. 25, 1995]

A BALANCED BUDGET MYTH BARED; ECONOMY CYCLES UNLIKELY TO WORSEN UNDER PLAN

(By John Merline)

A balanced budget amendment will either restore fiscal sanity to a town drunk on deficit spending or lead the country toward economic ruin.

Those, at least, are the stark terms typically used by supporters and opponents of a constitutional amendment outlawing deficit spending.

And, while passage of a balanced budget amendment is almost a sure thing this year, debates over its merits remain fierce—with critics from all sides of the political spectrum lobbing grenades at it.

Democrats don't like the rigidity it imposes while conservatives fear it may bias Congress towards tax increases.

One of the principal criticisms of the amendment is that it would short-circuit the federal government's ability to fight recessions, either with "automatic stabilizers" or with stimulus spending like temporary tax cuts or spending hikes. Yet there is little evidence to support this view.

"When purchasing power falls in the private sector, the budget restores some of that loss, thereby cushioning the slide," said White House budget director Alice Rivlin in testimony before the Senate Judiciary Committee earlier this month.

"Unemployment compensation, food stamps and other programs fill the gap in family budgets—and in overall economy activity—until conditions improve," she said, defending the budgetary "automatic stabilizers."

In addition, because of the progressive income tax code, tax liability falls faster than incomes drop in a recession, slowing the decline in after-tax incomes.

The result, however, is typically an increase in the deficit.

Mandatory balanced budgets would, she argued, force lawmakers either to raise taxes or cut spending in a recession to counteract increased deficits.

"Fiscal policy would exaggerate rather than mitigate swings in the economy," she said, "Recessions would tend to be deeper and longer."

Other economists agree with Rivlin.

Edward Regan, a fellow at the Jerome Levy Economics Institute in New York, argued that the amendment would "restrict government efforts to encourage private sector activity during economic slowdowns."

The assumption, of course, is that these automatic stabilizers actually work as advertised, an assumption not all economists share.

"If anything, I think the government has made economic cycles worse," said James Bennett, an economist at George Mason University.

Bennett, along with 253 other economists, signed a letter supporting a balanced budget amendment introduced last year by Sen. Paul Simon, D-Ill.

Ohio University economist Richard Vedder agrees. "If you look at the unemployment record, to use that one statistic, it was more favorable in the years before we began automatic stabilizers than in the years since," he said.

Much of the countercyclical programs were implemented in the wake of the Great Depression.

Unemployment data show that in the first three decades of this century the average jobless rate was roughly 4.5%.

PROLONGING SLUMPS

In the four decades since World War II, the rate averaged 5.7%. And, from 1970 to 1990, it averaged 6.7%.

In addition, some of the stabilizers may actually keep people out of the work force for longer periods of time, possibly prolonging economic slumps.

A 1990 Congressional Budget Office study found that two-thirds of workers found jobs within three months after their unemployment benefits ran out—suggesting that many could have found work sooner had they not been paid for staying home.

Other data suggest that, at most, federal fiscal policy has had only a small stabilizing effect on the economy, despite the sharp increase in the economic role played by government.

A study by economist Christina Romer of the University of California at Berkeley found that economic cycles between 1869 and 1918 were only modestly more severe than those following World War II.

Romer corrected what she said were serious flaws in data used to suggest that the pre-war economy saw far larger swings in economic cycles.

The finding runs contrary to conventional wisdom—which posits that government fiscal programs enacted after the Great Depression have greatly reduced the magnitude of boom and bust cycles.

"I think there are plenty of arguments against the balanced budget amendment," said Christina Romer is an interview. "I would not put much emphasis on taking away the government's ability of having countercyclical fiscal policy."

PRIVATE INSURANCE

Other economists argue that, even if economic stabilizers made a difference at one time, vast changes in the economy have diluated the importance of government efforts.

"All this policy was formulated before the days of easy access to credit cards, two-earner families, and so on," said Bennett.

Finally, some economists note that the stabilizers Rivlin points to don't have to be a function of government.

Private unemployment, farm or other insurance could provide needed cash during economic downturns, they say, replacing the government programs as the provider of these funds.

While the effectiveness of automatic stabilizers is doubted by some, straightout antirecessionary stimulus spending has few outright backers—for one simple reason.

Every major stimulus package since 1949 was passed after the recession was already over.

These packages typically consisted of temporary tax cuts or spending hikes designed to boost economic demand and artificially stimulate growth.

The problem has been that, by the time Congress recognizes the economy is in a slump and approves a package, it's too late.

TOO LITTLE, TOO LATE?

Clinton's failed stimulus package, for example, was proposed nearly two years after the 1990–91 recession ended, and half of the money wouldn't have been spent until 1994 and 1995.

A study of the 50-year history of stimulus-packages by Bruce Bartlett, a senior fellow at the Arlington, Va.-based Alexis de Tocqueville Institution, concluded that "without exception, stimulus programs have failed to moderate the recessions at which they were aimed, and have often sowed the seeds of the next recession."

"These programs have not been simply worthless, but harmful," Bartlett wrote. "It would have been better to do nothing."

Further, even assuming the economic stabilizers or stimulus spending work as intended, a balanced budget amendment would have little bearing on the government's ability to pursue these policies during recessions.

First, the amendment allows Congress to pass an unbalanced budget, as long as it can muster 60% of the votes.

And, lawmakers could avoid that by simply running a budget surplus during growth years.

"The best technique is to aim for a modest budget surplus, of about 2% of GDP, over the course of the business cycle," Fred Bergsten, director of the Institute for International Economics, told the Judiciary Committee.

"This would permit the traditional 'automatic stabilizers,' and perhaps even some temporary tax cuts and spending increases, to provide a significant stimulus to the economy," he said. Interestingly, Rivlin herself made similar arguments in her book, "Reviving the American Dream," which was published shortly before she joined the Clinton administration.

In that book, Rivlin said that the federal government should run annual budget surpluses—increasing national savings and, in turn, economic growth.

At the same time, Rivlin said the federal government could strengthen federal "social insurance" programs designed to mitigate economic swings.

To accomplish this, she proposed shifting whole blocks of federal programs down to the states, including education, welfare, job training and so on.

Whether the amendment should contain a tax or spending limitation provision is another subject of debate.

"Absent a three-fifths majority provision, there will be significant tax increases if a balanced budget amendment is approved," said Allen Shick, a budget expert at the Brookings Institution in Washington, at a recent Brookings-sponsored budget briefing.

That is precisely what worries conservatives who insist that the supermajority language is included in the amendment.

A SUPERMAJORITY ON TAXES

"The supermajority requirement is premised on the fact that there is an intrinsic bias in favor of tax increases," said Rep. Joe Barton, R-Texas, who co-sponsored the tax limitation amendment.

While benefits go to specific groups who can effectively lobby Congress, taxes as spread more widely, he said.

A balanced budget amendment without a supermajority might, Barton and others argue, exacerbate this bias—requiring a supermajority to borrow money but only a simply majority to raise taxes.

He points out that in states with tax limitation laws, taxpayers saw taxes decline 2% as a share of personal income between 1980 and 1987. States without such protection saw taxes climb a comparable 2% over those years.

Sen. John Kyl, R-Ariz., argues that a spending limit, rather than a tax limit, should be included in the amendment.

"It's very important both how you balance the budget and at what level you balance it," he told Investor's Business Daily.

"If all you have is a requirement to balance the budget, Congress can fix the level of balance at too large a percentage of gross national product," he said.

SPENDING LIMIT AMENDMENT

Kyl proposes a constitutional limit on federal spending at 19% of gross national product—roughly equal to the average level of federal revenues over the past several decades.

Not everyone things these limits need to be in the amendment.

"The balanced budget rule should stand alone on its own merits," said James Buchanan, Nobel Prize winning economist at George Mason University, at the Judiciary committee hearing. "To include a tax or spending limit proposal . . . would, I think, make the proposal vulnerable to the charge that a particular economic attitude is to be constitutionalized."

Buchanan argues that such limitations should be passed as separate laws.

Others argue that even without a supermajority tax requirement, voters will not stomach more tax hikes. They point to the recent election outcomes as proof of the punishment leveled against tax-raising lawmakers.

"That's the true tax limitation," said Sen. Larry Craig, R-Idaho.

Mr. CRAIG. Mr. President, the writer of this article suggests that one of the standard arguments we are hearing, and we have now heard before both the committees—the Judiciary Committees in the House and the Senate—that have taken testimony on a balanced budget amendment, have come from people like Alice Rivlin who, in testimony for the White House as the Budget Director, suggests that we cannot possibly strive to balance the budget because, she suggests, that when purchasing power falls in the private sector—in other words referencing a recession—that the Federal budget must be there to stimulate, to cushion the slide, to cushion the downfall. She and others have used that as a standard argument, that under the "straitjacket of a balanced budget amendment, the Federal Government will not have that kind of flexibility. As a result, recessions will become deeper, verging on to depressions. Certainly our citizens will suffer as a result of it."

That is what she and other economists believe. They would argue that is largely the substantial majority of belief embodied in the community of economists in our Nation today.

I would like to argue differently. James Bennett, who is an economist at George Mason University, along with 235 other economists, have signed a letter supporting a balanced budget amendment of the very kind that the Judiciary Committee here in the Senate has brought forth that we will begin debate on next week.

Ohio University economist Richard Vedder agrees that the automatic stabilizers, if you will, that Alice Rivlin talks about, really are not necessary if you treat the economy of this country and if you treat the budget of our Government in an interesting way, and that is to keep it balanced and in the good years run a little surplus like they used to do, a good many years ago, and use that surplus in the more difficult times or recessionary times, to provide the cushion, and that in fact you will have fewer recessions, fewer radical swings in the economy, because you have created a much more stable private sector with a much stronger private sector financing base than to constantly be pulling from the private sector ever larger sums into the Federal package.

Every major stimulus package, this article says—which I think is fascinating—every major stimulus package that the Federal Government has passed to soften a recession since 1949 was passed after the recession was over.

If you remember, last year our President brought a stimulus package to the floor of this Senate, and to the Congress of the United States, arguing that this was going to be a cushion in the recession. Yet we were out of the recession. We had been out of the recession a year and a half. Last night this President touted that in his 2 years of Presidency so far we have had the strongest economy, we have created the largest number of jobs, that our economy is stronger now than at any other time in the Nation. How could, just a year ago, this President have been offering a stimulus package to pull us out of a recession because we were still in one? Mr. President, you cannot have it both ways. Because what you were suggesting last night was true, or what you were suggesting last year was true, but both cannot be true.

This article points out that historically, every time we have used a stimulus package since 1949 it has been at least 1 year after a recession was over with, and in the case of last year, nearly 2 years after the recession was over with.

What that references then is that it was not necessary, that, in fact, it created a deficit and it created debt, and it may well have brought on the next recession by pulling an excessive amount of money out of the private sector at just the time it was lifting off, growing, and creating jobs.

Mr. President, at this time let me yield to my colleague from Montana to use such time as he may desire.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized using the time of the Senator from Idaho which expires at the hour of 10:30.

THE BALANCED BUDGET AMENDMENT

Mr. BURNS. Thank you, Mr. President. I want to thank my friend and neighbor from Idaho, not only for this time but also for his leadership on this particular issue. It is not just this year that he has been involved in this. I think he has been involved in the balanced budget debate ever since he served in the House of Representatives, and he still works very closely with our friends in that body.

I just need a couple of minutes to remind the American people about, basically, representative government and the debate on priorities. If we ever worked in local government where the law says you will balance a budget and you will retain reserves on each line, no matter what the county government or what part of county government you look at, there was always a reserve. You were by law given a cap on how much reserves you could keep, but you also maintained those reserves.

So, basically, that is what we are talking about when we talk about a balanced budget amendment. It is the old self-governed philosophy as we pick our priorities and what is important to the survival of a free society.

We worked in Montana under an initiative called 105. We could not levy any more mills to raise taxes. In a time of declining property values when your entire budget almost was set on property values, the mills that you collected and put in your coffers and delivered the services that people then wanted, it was a wrenching experience to go through and say, "We just cannot find enough money for our museums, for our libraries, for our schools, for roads and bridges." Then we had to go back and sort of survey exactly the mission of government. What is government for? We had to reidentify. What is our mission here? What is our primary consideration? What are our second considerations if we have the money?

I would suggest that those primary considerations would be, first, public safety. That is our fire, our police, our emergency. I say that is the first consideration of government, public safety. Then I would go to probably transportation because we have to get farm-to-market roads; to provide, in other words, transportation, that highway of commerce that leads to all other elements of government. Then I would have to say it has to be education. They do not have to be in that order. But that is the primary purpose of government.

Then, when you move off of that—you are talking about dollars—if we have some, it is nice to add some amenities. Then we have to start looking at utilities, water, public health.

But I think we have to reevaluate why we have government. That is what this debate will be about; where we set our priorities. After all, is not that the debate of a free people? We will have to redefine the mission of government as we go into this debate called a balanced budget amendment. It forces us to take a look at those priorities, to set them and fund the ones we can. Yes. If the public wants more, then we should say it will cost such and such dollars. Are you willing to pay those dollars for that particular program?

I have said all along we can get to where we want to go in this debate if we have some reform. We need regulatory reform and spending and budget reform. The balanced budget amendment makes us go to those reforms and makes us take a look at them. In fact, as our good friend from Pennsylvania said yesterday in a small debate on a balanced budget, it starts the clock. It puts us on the field. It makes us look at our priorities.

So I thank my friend from Idaho. I just wanted to make those comments this morning. But we must not take our eye off of the ball. It forces us to set priorities. I think that is what the American people say. I think that is why they sent us here, to say, look at your priorities.

We heard the discussion about public radio and the NEA, the National Endowment for the Arts. I am saying, if my particular area of great interest is the ability to feed and clothe this great Nation, where are our priorities? Where are our priorities to maintain a free society and to bring together those elements that create a standard of living that is unmatched by any other society to this date in our history, and to take care of this little piece of mud that happens to be whirling through the universe? What this does is set priorities. I support it wholeheartedly.

I thank my friend from Idaho.

I yield the floor.

Mr. CRAIG. Mr. President, in my concluding minutes, let me thank my colleague from Montana for his strong support and for the always strong dose of good common sense he brings to the floor of the U.S. Senate, which sometimes does not prevail here when we debate fiscal matters, when we work in setting the priorities that he so clearly spelled out are the responsibilities of legislators like ourselves in meeting the mandates of a constitution and of the kind of government we have.

I think we all recognize that our Government cannot be all things to all people, and yet for well over three decades we have had a Congress that largely believed we could continue to spend and get involved in almost every aspect of American life, stimulating, offering, providing, adding to and always directing and controlling ultimately when we put the Federal tax dollar there. That has amounted, as I mentioned in my opening comments, to a $4.7 trillion debt that is now more than $18,500 of debt for every man, woman, and child in the United States.

In just a few moments we will resume debate of S. 1. That again is symbolic of a Congress and a government that has lost its vision of what our Government and country ought to be like. Our State Governors said, if you are going to pass a balanced budget, then pass S. 1 first so that you will not have the ability of a central Federal Government to push through to us mandates and then require that we raise the taxes. In other words, S. 1 really forces the priority process that my colleague from Montana so clearly talked about, which is part of the debate that is very much important in the whole of what we plan to do in the reorganization and redirection of our Government that was demanded of us by the electorate on November 8.

But, once again, let me remind my colleagues that as we begin this debate, there will be loud cries of: Show us your nickel and show us your dime, show us where you are going to spend, show us every bite of food you are going to take as you scale down your diet and you plan to lose weight.

Let me remind my colleagues we are talking about, with this Senate resolution, a balanced budget amendment to the Constitution. That is a process. That then requires a procedure to be adopted by the Congress of the United States to establish the priorities and spending and to bring us to a federally balanced budget.

So let the debate begin. Let us recognize over the next several weeks that this is only the beginning, that if this Congress sends forth a constitutional amendment, it must go to every State capital in this Nation and every legislator. And I hope every citizen becomes involved in what could be one of the most unique national debates in the history of our country as the citizens determine whether they want to ratify by 38 States the balanced budget amendment and begin to require the Congress of the United States to live within the parameters of a process that we will soon begin to debate and hope to establish.

I yield the remainder of my time.

THE STATE OF THE UNION ADDRESS

Mr. DOLE. Mr. President, last night was a time for rhetoric. And no doubt about it, President Clinton knows how to give a good long speech.

And now that the President has delivered his speech, the Republican Congress will continue to deliver on the promises we made to the American people.

For we know that the success of this Congress—as well as the future of our country—does not depend on our words. They depend on our actions.

And now it is time to act. It is time to carry out the mandate the American people gave us on November 8. And that means limited Government, less spending, fewer regulations, lower taxes, and more freedom and opportunity for all Americans.

As Governor Whitman said last night in the Republican response, if President Clinton is ready to help us achieve those goals, then we welcome him aboard. But we won't wait long to see if he means what he says. The train is pulling out of the station. Republicans are getting on with the business of changing America.

If President Clinton is truly committed to change, I hope he has a talk with with congressional Democrats—many of whom are devoting themselves to derailing Republican efforts to give government back to the people.

And while I do not begrudge anyone standing firm against legislation they oppose, some of my Democrat friends are doing their best to block legislation they support.

The American people are in a demanding mood—and rightfully so. They are watching us very closely. And they will know who is responding to the message they sent, and who is restoring to 100 percent pure partisan politics.

The President spoke again last night about Americans he terms as "middle class" and those he terms as the "under class."

We have a basic fundamental disagreement in philosophy here. Republicans do not believe we should create factions of Americans competing against one another for the favors of Government. Instead, we believe we should lead by taking actions that instill hope and restore freedom and opportunity for all Americans.

So, this Congress will carefully consider the President's so-called middle-class bill of rights,—but our actions will flow from the real Bill of Rights—the one that contains the 10th amendment to the Constitution.

The President did not mention that amendment last night, so let me read it for the record. It is very short.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

End of quote. That is all there is. That is the 10th amendment.

Let me close by saying how exciting it was for some of us, particularly me, to look up last night and see a Republican Speaker sitting behind the President. We have waited—some almost a lifetime, 40 years—to see this happen. In fact I think it was a sight I was beginning to loose hope of ever seeing.

But now it is a fact. And the President well knows that this Congress is much, much different from those in the recent past. He talked about yesterdays. This is not yesterday's Congress. This is a new Congress. This is not a big taxing, big spending Congress. This is not a Congress that has a government-mandated solution to every problem.

Rather, this is a Congress that has a very specific mandate from the American people. President Clinton said last night that despite his liberal policies of the past 2 years, he accepts and understands that mandate.

Republicans and all Americans who support our efforts to return Government back to the people hope that is a reality, and not just rhetoric.

So, Mr. President, it seems to me the President has spoken. He has every right to. He spoke as most Presidents do, laid out the best that has happened in the administration. That is true whether you are a Republican or Democrat President. The President talked about lobbying. He did not mention how many lobbyists contributed to his legal defense fund. So if we are going to stop and give it all back, maybe we will hear that announcement today that all that money is going to go back, the $1 million raised from lobbyists around the country for his legal defense fund.

We are prepared to work with the President. I must say I did not hear any cheers go up on the other side of the aisle when Mexico was mentioned. I do not know where the Democrats are on Mexico. The President said it is not foreign aid, it is not a loan. Maybe there is something we are not aware of.

But I would say as far as that issue is concerned, we told the President in good faith at this meeting at the White House, which Secretary Rubin has talked about a number of times, that we understood there was a problem and we wanted to help. But we are not going to help on just this side of the aisle. Unless there is some help on the other side of the aisle, forget it; it is not going to happen.

I do not see much support. I did not see any applause last night when the President talked about our special relationship with Mexico and our boundaries and the history of the two countries. But I would say to the President that we are still prepared to work out some arrangement—maybe a different arrangement than has been proposed so far. But it must be bipartisan. It cannot be Republicans in the House and the Senate providing the votes while the Democrats vote the other way.

If that is the case it will never be brought up in the U.S. Senate.

Mr. HOLLINGS. Mr. President, as I passed through the Chamber and heard the distinguished majority leader, I remembered the words of John Mitchell, the former Republican Attorney General. He said, "Watch what we do, not what we say."

As I heard the distinguished Republican leader, he asked that we not resort to class warfare. Yet almost in the same breath, he waxed eloquently about the "Contract With America" and sank into the very game he indicted. Yes, President Clinton has put forward a proposal to cut middle-class taxes. But let us not forget that an important part of the Republican "Contract With America" is none other than a middle-class tax cut. It is ironic, if nothing more, that Republicans would attack the President for something they themselves have done.

Having said that, I feel strongly that the formulation of public policy should not be based on class, or age, or race, or anything of that sort. We are Senators for all the people, in our State and throughout the entire country. Unfortunately, we too often fall into the trap of conducting politics by poll numbers and forgetting that fact.

We need to get out of that habit and start doing what is best for the American people. Otherwise we end up admonishing each other about lobbyists on the one hand, and then accepting contributions from them on the other, as might the distinguished majority leader when he establishes his committee for the Presidency. In the end, we haven't done anything, and the electorate simply grows angrier and angrier.

We should not resort to demeaning the Government. That is what I heard in the majority leader's speech today and in the President's last night. Sometimes I feel like Republicans and Democrats are in a footrace to see who can demean the Government the most, to which I take strong exception. After all, we are never going to work together and be effective, if we are always finding fault and pointing fingers.

Mr. President, let me briefly turn to another subject, namely, the crisis in Mexico. I shall have more to say on this issue at a later time, but let me make a few brief points. It is my opinion that the risk subsidies which the administration is seeking on the $40 billion in loan guarantees would require the Mexican Government to pledge some of its oil revenues. While that may be a good business decision to secure the loan guarantee, my fear is that we will be taking the wherewithal from the Mexican people to recover as a country. In essence, in a year or two, the United States of America will not be seen as a friend, but as an enemy. In that sense, I think it is a bad, bad policy.

Furthermore, the President should not be obligated to get Democrats together.

It is a Republican program to bail out the billionaires. Former President Salinas was given tremendous credit for privatizing. But if you look at Forbes magazine last year, you will see that of the 24 to 25 billionaires, 22 were created under the Salinas administration. What we saw was the good old boys system where the newly privatized companies were farmed out to political allies.

If the Mexican Government really needs money, they should tell that crowd to give some of the money back. The people need it badly down there. But what we don't want is to get into a situation where we bail out Wall Street and the billionaires in Mexico but breed resentment from the Mexican people.

Supporters of the loan guarantees have taken pains to stress that it does not cost the United States anything. While that may be true on paper, I immediately recall the $7 billion we guaranteed to Egypt, the $14 billion to India, and the $2 billion to Poland. I do not mean to question the need for that assistance, but I merely raise that point to illustrate that when this crowd in Washington says it won't cost anything, it is the taxpayers who ends up holding the bag when loan forgiveness occurs.

Mr. President, I did not intend to talk at length. I only wanted to comment on the tone of today's political discourse which paints Government as the enemy. It isn't new. I heard the same singsong when I was a member of the Federalism Commission under President Reagan. "Get rid of the Government." Indeed, 15 years ago, President Reagan came to town pledging to slash Federal programs and send Government back to the States. Five years later, what we slashed was the funding by eliminating revenue sharing. That is what has caused the dilemma that brings this bill before the Senate today.

It is time for elected officials to quit blaming the Government in Washington and acting as if we were not part of the Government. Instead, we need to get down on the floor of the Congress and do the job, which the distinguished Senators from Ohio and Idaho are attempting to do. I thank them for their courtesy in yielding.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt"; or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control federal spending. We'd better get busy correcting this because Congress has failed miserably to do it for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,799,369,247,041.81 as of the close of business Tuesday, January 24. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,218.49.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. The hour of 10:30 having arrived, under previous order, the Senate will resume consideration of S. 1.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Levin amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Levin amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate.

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Levin amendment No. 177, to clarify the use of the term "direct cost".

Graham amendment No. 183, to require a mechanism to allocate funding in a manner that reflects the direct costs to individual State, local, and tribal governments.

Graham amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Wellstone amendment No. 185, to express the sense of the Congress that the Congress shall continue its progress at reducing the annual Federal deficit.

Wellstone modified amendment No. 186, (to amendment No. 185), of a perfecting nature.

Murray amendment No. 187, to exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy.

Murray amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Graham amendment No. 189, to change the effective date.

Harkin amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Bingaman amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Kempthorne amendment No. 196 (to amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

McCain amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations.

Lautenberg amendment No. 199, to exclude from the application of the Act provisions limiting known human (group A) carcinogens defined by the Environmental Protection Agency.

Byrd amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

Boxer amendment No. 201, to provide for unreimbursed costs to States due to the imposition of enforceable duties on the States regarding illegal immigrants or the Federal Government's failure to fully enforce immigration laws.

Boxer amendment No. 202, to provide for the protection of the health of children, pregnant women, and the frail elderly.

Boxer amendment No. 203, to provide for the deterrence of child pornography, child abuse, and child labor laws.

Wellstone amendment No. 204, to define the term "direct savings" as it relates to Federal mandates.

Wellstone amendment No. 205, to provide that no point of order shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director to reasonably carry out his responsibilities under this Act.

Grassley amendment No. 207, to express the sense of the Congress that Federal agencies should evaluate planned regulations, to provide for the consideration of the costs of regulations implementing unfunded Federal mandates, and to direct the Director to conduct a study of the 5-year estimates of the costs of existing unfunded Federal mandates.

Grassley amendment No. 208, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Kempthorne amendment No. 209, to provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to States, local, and tribal governments.

Kempthorne amendment No. 210, to make technical corrections.

Kempthorne (for Dole) amendment No. 211, to make technical corrections.

Glenn amendment 212, clarify the baseline for determining the direct costs of reauthorized or revised mandates, and to clarify that laws and regulations that establish an enforceable duty may be considered mandates.

Byrd modified amendment No. 213, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

Gramm amendment No. 215, to require that each conference report that includes any Federal mandate, be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate.

Gramm amendment No. 216, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Byrd amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order employer-related legislation.

Levin amendment No. 218, in the nature of a substitute.

Levin amendment No. 219, to establish that estimates required on Federal intergovernmental mandates shall be for no more than ten years beyond the effective date of the mandate.

Brown amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the Act.

Brown-Hatch amendment No. 221, to limit the restriction on judicial review.

Roth amendment No. 222, to establish the effective date of January 1, 1996, of title I, and make it apply to measures reported, amendments and motions offered, and conference reports.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I notice that the managers are not present. I know the Senator from Minnesota is present to offer an amendment. But since the managers are not present, I ask unanimous consent to speak as if in morning business for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. DORGAN. Mr. President, I recognize that the Senator from Minnesota would like to offer an amendment that I think is actually related to the discussion just held on the floor of the Senate, as soon as the floor managers are here.

The Senator from Idaho, a friend of mine, has, along with his colleagues, been discussing an issue for the past hour that is very important for this country, the issue of a constitutional amendment to balance the budget. He knows and understands that there is not necessarily a partisan difference on that subject in the Senate. Many of us, myself included, have voted in the past for a constitutional amendment to balance the budget and are prepared to do so again.

I think most people believe that it would be desirable to move this country toward a point when we are spending only the resources we have. There may need to be some exceptions to that. If you run into a depression, you might want to have a stimulative kind of fiscal policy. But generally speaking, we ought to balance what we spend with what we raise. We are nearing $5 trillion in debt. I have a couple of children who will inherit that debt, as will all of America's children. We have a responsibility, it seems to me, to address this question and address it in the right way.

I do want to talk a little about the nuance of the discussion. Some have been suggesting that Federal spending is out of control because there are folks who swagger over to the Chambers of the House and the Senate and propose wildly irresponsible spending schemes and programs for which they have no idea where the resources will come. The Senator from Idaho and others know, of course, that this is not the case. And I am not saying that the Senator suggested that. I am saying that people who understand the system know that what is causing these substantial run-ups in the deficit are——

Mr. CRAIG. Will the Senator yield for a moment?

Mr. DORGAN. Retirement programs and health care programs, Medicare and Medicaid. Each year more people become eligible for Medicare because they have reached the age of 65. Each year, Medicare becomes more expensive and so does Medicaid. So each year these programs grow in cost without anyone having done anything to increase their costs. I am happy to yield at this point.

Mr. CRAIG. Very briefly. I thank my colleague for engaging in this issue this morning. I will say that clearly the balanced budget amendment is a bipartisan issue. I have always appreciated the support of my colleague in this issue. It must be bipartisan. This is a national debate that involves all partisan interests. I thank my colleague for coming to the floor this morning and making that very important point.

Mr. DORGAN. I appreciate the Senator's comments. I want to make this point again and again. It is not a basket full of new and irresponsible Federal programs, being offered by Members of either side of the political aisle, that are causing this problem. The cause is entitlement programs, whose costs increase very substantially year after year and therefore claim an increasing amount of money out of the Federal budget and run-up the Federal deficit.

The question for those who want to address this, whether in the Constitution or through a statute, is: Exactly how do you do it? What do you choose to cut? What do you keep and what do you get rid of? We could change the Constitution 2 minutes from now, if procedures would allow it, and it would not make a one-penny change in the Federal deficit. Two minutes from now, we could change the Constitution to read that, from this moment forward, there would not be a one-cent increase in the Federal deficit, and yet this would not reduce the deficit by one penny. Why? Because changing the Constitution does not solve the problem. Changing the Federal budget is what solves the problem.

I have seen the sunny side of this little thing called the budget fracas. It came to us from Art Laffer and a bunch of folks in the early eighties. These folks believe that you can double defense spending and cut the revenue base and there would be nirvana around the corner, and the budget would be balanced. We have heard that. That was about $3.5 trillion ago. Of course, it was preposterous when it was proposed and when it was implemented. They saddled this country with an enormous debt. Supply side economics they called it. Some have said that is where the other side gets all the supplies. But it is a little more complicated than that. Now we have some who are saying again let us increase defense spending, cut taxes again, and let us change the U.S. Constitution to require a balanced budget.

Well, I happen to support a constitutional provision requiring a balanced budget. I did not come to Congress thinking I would support this, but that was about $3.5 trillion ago. I would support virtually anything requiring that there be a sober and serious solution to this problem because, frankly, I think this fiscal policy very much limits our country's opportunities in the future.

Two years ago, we had a vote here in Congress on a budget bill. It was a terrible vote. People talk about politicians not caring and not being connected, not having any courage. The vote was "shall we increase some taxes?" That was unpopular. And the vote was "Shall we cut some spending?" That was unpopular. "Shall we do that in a significant combination to reduce the Federal deficit?" Enough people in this Chamber—by one—voted yes to pass the deficit reduction bill. There was a one-vote margin here and a one-vote margin in the other body. I regret to say that not one Member of the Republican side voted with us on that bill. It was not an easy vote. It was an awful vote. If one were just going to be a politician, one would say, "Count me out, I am not going to cast a tough vote. This increases taxes and cuts spending. Count me out. I am not involved in this." But enough people voted yes to say we are willing to do this. It might not be popular or the political thing, but we are willing to do it for the benefit of this country.

When we pass—and I think we will—a constitutional amendment to balance the budget, the question becomes even more intense. How do you, with a specific series of changes in taxes and in spending, reach a balanced budget by the year 2002? I voted for, and intend to vote for again, a constitutional amendment to balance the budget. But I would say this: When we have people who propose a constitutional amendment to balance the budget and at the same time say increase defense spending and cut the revenue base, I say they need to spell it out. We understand that this is the point on the map you want to get to. I want to find out the route, especially if you are going to stop near the bridge of "increased defense spending" and go down the hollow called "a cut in taxes." How do you reach that destination in the year 2002? I think the American people want to know that, as well.

Are you going to cut Social Security? Not with my support. Why? Social Security is paid for by every single person in this country who works and by everyone who employs the people who work. This money is taken from paychecks and put into a very specific account, a trust fund. We have said that we are going to take this amount from your paycheck and put it into a trust fund so that it will be safe for the future. This problem is a solemn one, a compact among those who work and those who retire and the system that funds it.

Are we going to raid the trust funds to balance this budget? Not with my vote. Not one cent of this deficit is caused by Social Security. This year, a $70 billion surplus will occur in the Social Security trust fund. We will have collected, in other words, $70 billion more in the Social Security System than we will have paid out. Can anybody reasonably claim that Social Security has caused this problem? So when the constitutional amendment to balance the budget comes up, we will have an amendment that says you will not balance the budget by raiding the Social Security trust funds. This program has not caused one cent of the deficit, and we will not allow a raid of the trust funds to accomplish the goal of this amendment.

Second, we say we have a right to know what route you will take to reach a balanced budget. There is a special right to know, and it seems to me an obligation on the part of those saying we want to increase one of the largest areas of public spending and cut the revenue base to tell us how they plan to get there. Show us a 7-year budget and tell us the result. Then we and the American people and the States and local governments know what the plan is. Share with us the plan. That is the issue.

I have mentioned Social Security. Does one get to a balanced budget by cutting Social Security? Not with my support. It does not cause this problem.

Does one get there by cutting defense? No. A large number in this Chamber now say they want to increase defense spending. That is one of the largest areas of spending in the Federal Government.

Well, if not defense, then what? Interest on the debt? No, we pay interest on the debt. There is no way of avoiding it. And the folks on the Federal Reserve Board, meeting in secret, have increased the interest rate six times and are set to do so again. There is not much we can do about that. Interest on the debt is another of the largest areas of public spending.

How about Medicaid and Medicare? There is considerable support for Medicaid and Medicare.

And for health care, are the requirements for these programs any less this year than last year? Hardly. Health care costs are going up, not down. So are we going to cut health care spending? If so, how? How do you do that when health care costs are rising, more people are becoming eligible for Federal health programs, more people are growing older, America is graying?

Or, I guess, if that is the plan, then tell us who is not going to get the health care that was promised? If that is part of the plan, let us hear it.

Medicaid. Forty million people live in poverty in this country. Which poor people are going to be denied access to health care?

Interestingly enough, health care costs are increasing. Yet we do not address the causes for the increases in health care costs. If we do not do this, in my judgment we do not have a chance to deal with this budget deficit problem.

What about veterans issues. Do you propose that we cut veterans' compensation, veterans' hospitals? I do not think so. I do not think somebody is going to say that those soldiers who put their lives on the line for this country will now have to discover that the promises this country made to them will not be kept. I do not think that is going to be the case.

So I guess the question is not with respect to intent; the intent around here is wonderful. And I am going to join those who intend to do this, and I will vote for a constitutional amendment to balance the budget, but with two caveats.

One, I am not going to let anybody under any circumstance raid the Social Security trust fund to do it because the Social Security trust fund is a solemn compact between generations and has not caused one penny of this deficit. If that is the fight we have to have, that is the fight we are going to have.

Two, it seems to me—and I think the Senator from Minnesota has an amendment on this issue coming up next on this floor—that there is an obligation—especially given the circumstances these days of saying we want to increase spending on one hand and cut the revenue base on the other, while saying we want a constitutional amendment to balance the budget—to tell us how that is achieved. The American people and State and local governments should be able to make judgments: Does this make sense? What will this do to us? What does it mean to our revenue base out in the States? What programs will we have to assume? What programs will people do without?

Having said all that, a lot of strange things go on. All of us know that. This is reform time, and when you deal with reform, there are a lot of nutty ideas bouncing all over the walls. There are also some timeless truths in this country. One of the timeless truths for me as a public servant is that we want to help people who need help in this country, to provide opportunity and hope. In this country, a lot of people who do well and who will do better next year have opportunities, wonderful opportunities. But we have a lot of people who, through no fault of their own, find themselves in circumstances where we need to reach out a hand and help them up.

There ought not to be a board of values in this country as we discuss what we do about all these issues. We ought to understand that one reason for our country's success has been the largess in helping all of our people achieve the opportunities they can achieve with their God-given talents.

I mentioned some of the ideas floating around here. You know, several people say, "Well, we do not want to ever talk about taxes when we talk about fiscal policy, so let us talk about charging admission fees to the U.S. Capitol." That was a nutty idea from last week. Conservative think tanks up here say, "Let's charge the people of America," who own the U.S. Capitol, "an admission price to see the U.S. Capitol."

I might be old fashioned, I suppose, coming from a town of 400 people, to think you ought not to charge citizens an admission fee to enter a building they own.

We need to separate the nutty ideas from the decent ideas. And there are some good reform ideas, some good ideas, but there are a lot of strange ones bouncing around here as well.

It seems to me that, as we try to separate the good ideas from the bad, we ought to try to figure out where we are and follow it down the line. Let us try to understand what it is that is necessary for our future, what we need to invest in order to achieve the kind of growth and opportunity we want.

But it seems to me that we should not, as we begin talking about the constitutional amendment to balance the budget, leave an impression that the Federal budget deficit has been caused by a bunch of folks trooping in that door and concocting a new program last March. That is not what has caused this. That is not what has caused this at all.

We have massive entitlement programs whose costs are linked to the Consumer Price Index and whose costs go up every year. We have a revenue base linked to changes in the Consumer Price Index so that revenues are kept down by that same indexation. So you have one indexing approach that moves costs up and another indexing approach that keeps revenues down. And the result is a mismatch that anybody taking arithmetic can understand very quickly.

The Senator from Idaho and others are absolutely correct that we share a goal. That goal is that this country ought to put its budget in order and it ought to do it soon.

I suppose one area of disagreement occurs when some say let us increase spending in one of the biggest budget items and then cut our revenue, but they do not believe they have an obligation to tell people how they will then get to a balanced budget 7 years from now. We disagree on that. There is, in my judgment, an obligation to tell the American people how they are going to achieve that.

So, Mr. President, I appreciate the opportunity to say a few words about this subject. I know some have spoken about it for an hour or so. We will have hour after hour after hour of debates, probably weeks of debate on this subject. It is very important. The American people want us to control our fiscal policy in a reasonable and responsible way. I intend to join in that effort. But I intend also to see that we do it in the right way.

Some say, "Well, you know, let us keep building Star Wars and let us cut out some critically needed investments" like education and training that I think are vital for achieving the full human potential in this country. I say, "I'm sorry. I don't share your goals. I do not share your priorities."

So those are the kinds of debates I think we will be having in the coming weeks. This will allow the American people to not only understand that we share a common goal of where we want to go, but also to recognize that we have some disagreements about how to get there. And that is politics. Someone once said, "When everyone in the room is thinking the same thing, no one is thinking very much."

There is going to be a lot of diversity of thought about how we reach the destination of a better fiscal policy so that we unsaddle the American children of the heavy burden of deficits they now have to assume.

I know that, as I said before, the Senator from Minnesota is now waiting and has an amendment that I think will follow this discussion in an appropriate way. So, with that, Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 185

Mr. WELLSTONE. Mr. President, I assume we are no longer in morning business.

I ask unanimous consent that the pending amendment be set aside and that the Senate resume consideration of amendment 185.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. Thank you, Mr. President.

I thank the Senator from North Dakota.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. KEMPTHORNE. I appreciate the Senator's courtesy.

What I would like to do is offer a unanimous-consent agreement so we can then proceed with his amendment.

Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 185 and that there be 1 hour, equally divided, on the amendment, and following the conclusion or yielding back of time, the majority manager or his designee be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank the Senator from Minnesota very much.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, today we are considering S. 1, the unfunded mandates bill, a bill designed, as my good friend from Idaho, the main sponsor of this bill, has said repeatedly, to ensure that information is available to Members of Congress before they vote to impose a mandate on a State or local government.

As I understand the basic premise of this piece of legislation, which I will say to my colleague from Idaho I am very much in agreement with, it is really twofold. No. 1, we ought to be very clear about the kinds of mandates we are imposing on State and local governments and we ought to be accountable for our votes; No. 2, I think this piece of legislation is about the right to know. It is about the right to know both for Senators and Representatives and State and local government officials about a proposal's economic impact before we pass it.

Mr. President, I think that is good government reform. I have said that to my colleague from Idaho several times. I think it is good instinct. I think this instinct by the Senator from Idaho is on the mark, but I think it might be missing for some of our colleagues. In particular, I want to talk a little bit about this balanced budget amendment, and in particular I want to give some context by talking about some of the comments of the House Republican Leader ARMEY.

Mr. President, let me first of all be clear about the amendment that I have already sent to the desk that we are now considering. This is a sense of the Congress that the Congress should continue its progress at reducing the annual Federal deficit, and if the Congress proposes to the States a balanced budget amendment, it should accompany it with financial information on its impact on the budget of each of the States, so that States know what exactly the impact of this piece of legislation will be on them.

Let me begin at the beginning. This unfunded mandates bill operates on the premise that information should be available to Senators and Representatives and to State and local government officials about the financial impact of legislation we are proposing and attempting to pass.

Mr. President, I think that that is a very important standard for any piece of legislation. Mr. President, it is also true, operating on that premise, and that is what this amendment speaks to, that if we pass a balanced budget amendment we ought to be clear with States, and I want to talk about this really because it comes from Minnesota.

In that sense, I have a mandate from Minnesota today regarding what the impact of a balanced budget amendment would be on Minnesota or any other State. If we are not clear about where these cuts are going to take place and what the impact is going to be on our States, then what has been called the Contract With America becomes not a contract but a con. I mean, if there is a mood piece in the country, it is that we should be honest, straightforward and direct with people, and not try to finesse people; tell them what we are doing and tell them what the impact of what we are doing will be on their lives.

Now, in the House, House Republican Leader ARMEY has said about the balanced budget amendment, "I am profoundly convinced that putting out the details would make passage virtually impossible. The details will not come out before passage. It's not possible." The Washington Post, January 7, 1995. Another quote: "Because the fact of the matter is once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get a balanced budget, their knees will buckle," January 9, 1995, the Washington Post.

Mr. President, people in Minnesota and people in Vermont and people around the country did not send us here to sign on to any piece of legislation without being clear with them as to what the impact of that legislation will be on their lives. Let me repeat that one more time, because that is the premise of this amendment: People in Minnesota, people in Vermont, people in Ohio, did not send us here to pass legislation without understanding the implications of the legislation we pass on their lives. What will the impact be of a balanced budget amendment on Vermont, on Minnesota?

Mr. President, people in Minnesota want to know what passage of this balanced budget amendment will mean to them in personal terms. In fact, there is a considerable amount of apprehension in my State, and I think in every State. I have met with not just statewide officials, but local—county and city—officials from small towns in Minnesota, and people are worried that if we pass a balanced budget amendment but do not spell out where we will make the cuts or what the impact will be, then later on they will find that they may have to assume the costs.

For example, what would happen—and by the way, I will have figures that may spell out that this very well may happen—if we have cuts, the Senator from North Dakota spelled out the context, the $1.3 trillion cut. We are in a bidding war to raise the Pentagon budget; in another bidding war to cut taxes, taking some large programs off the table. We know where the cuts will be. So where will the additional funding be for our young people to go on to afford higher education? Who will assume the cost of nutrition programs for children? What about veterans programs? What about Medicaid-Medicare? And if a person lives in a State like Minnesota—I know the people in my State—we will not walk away from citizens who need some support so that they can become independent. Thus, we will end up having to pick up this cost.

The Governor from Vermont, Governor Dean, has made this same point. This could become one big shell game, transferring the costs back to State and local units of government, I fear, relying on the property tax.

Well, Mr. President, given this context, on January 12, about a week after I went home and met with legislative leadership and local officials, the Minnesota State Senate—and I would like for my colleagues to be very clear about this, because I think their State Senate may well do the same thing—passed a resolution urging the U.S. Congress to provide these details before sending the balanced budget amendment to the States for ratification.

This resolution reads, from Minnesota:

Resolved by the Legislature of the State of Minnesota That it urges the Congress of the United States to continue its progress at reducing the annual Federal deficit and, when the Congress proposes to the States a balanced budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

This resolution was passed unanimously in the State Senate by Democrats and Republicans alike. This really does not have anything to do, as a matter of fact, with the position we take on a balanced budget amendment. The resolution then went—this was January 12—it then went to the House of Delegates and on January 17, the Minnesota House of Delegates also passed this resolution, I think, with only three dissenting votes. Then it went to the Governor and last Friday, January 20, Minnesota's Republican Governor signed the resolution.

Mr. President, from the State of Minnesota, I ask unanimous consent that this resolution be included as a part of the RECORD. And as the Senator from Minnesota, I am proud to send this resolution from the Minnesota State Legislature, signed by the Governor of Minnesota, to the U.S. Senate.

There being no objection, the resolution was ordered to be printed in the RECORD as follows:

RESOLUTION NO. 1

Whereas, the 50 States, including the State of Minnesota, have long been required by their state constitutions to balance their state operating budgets; and

Whereas, the States have long done so by making difficult choices each budget session to insure that their expenditures do not exceed their revenues; and

Whereas, without a federal balanced budget, the deficit may continue to grow within the next ten years from $150 billion gross domestic product (GDP) per year to $400 billion GDP per year, continuing the serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

Whereas, achieving a balanced budget by the year 2002 will require continued reductions in the annual deficit, averaging almost 15 percent per year over the next seven years; and

Whereas, it now appears that the Congress is willing to impose on itself the same discipline that the States have long had to follow, by passing a balanced-budget amendment to the United States Constitution; and

Whereas, the Congress, in working to balance the federal budget, may impose on the States unfunded mandates that shift to the States responsibility for carrying out programs that the Congress can no longer afford; and

Whereas, the States will better be able to revise their own budgets if the Congress gives them fair warning of the revisions Congress will be making in the federal budget; and

Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual deficit must continue without a break; and

Whereas, these major reductions will be more acceptable to the people if they are shown to be part of a realistic, long-term plan to balance the budget: Now, therefore, be it

Resolved, by the Legislature of the State of Minnesota, That it urges the Congress of the United States to continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, to accompany it with financial information on its impact on the budget of the State of minority for budget planning purposes. Be it

Further resolved, That the Secretary of State of Minnesota shall transmit copies of this memorial to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the presiding officers of both houses of the legislature of each of the other States in the Union, and to Minneosta's Senators and Representatives in Congress.

Mr. WELLSTONE. Mr. President, based on the Minnesota resolution, I therefore have offered this amendment to the unfunded mandates bill, a sense-of-the-Congress resolution that if the balanced budget amendment is sent to the States, it should be accompanied by financial information on the impact it will have on each State's budget. This is a very simple and straightforward amendment.

Mr. President, I cannot emphasize this enough. In my State of Minnesota, the thing that is being asked of Members, whether we are Democrats or Republicans, is: Please be clear and straightforward with the State and please spell out for the State the kind of cuts we will have to make within this balanced budget amendment mandate, and please spell out what the impact will be on our States.

We want to know which people are going to be affected by this. We want to know how much of this we are going to have to pick up through our own State budgets. Are we going to have to raise taxes? What kind of communities are going to be hurt? Let us know what the impact will be on our States. That is, if you will, the mandate that I take from the State of Minnesota to the floor of the Senate today.

Mr. President, obviously this balanced budget amendment—and I think this was the meaning of Mr. ARMEY's quotes, is going to necessitate some deep cuts. In the words of House Judiciary Committee Chairman HYDE, once Social Security is taken off the table the "effect on other Federal programs will be Draconian."

I did not say this, the Chair of the Judiciary Committee in the House, Representative HYDE, said this: The "effect on other Federal programs will be Draconian."

I think that statement is an understatement. The arithmetic of this equation is harsh, as we know full well. That is why I believe too many of my colleagues are unwilling to be straightforward with the people we represent. We are going to raise the military budget, we are going to have more tax cuts, we clearly are not going to be cutting into Social Security. And we know what programs are left, we know the importance of those programs and we know the kind of cuts that are going to take place.

We are talking about aid to States for State and local law enforcement agencies. We are talking about highway maintenance and construction. We are talking about education. We are talking about college and small business loans. And we are talking about hungry children and the elderly.

Mr. President, let me just lay out some Treasury Department estimates for my State of Minnesota, and other Senators, I think, have this data as it pertains to their States.

The Treasury Department estimates that Minnesota will have to increase State taxes by 9.4 percent across the board to make up for the loss in grants. This is even before factoring in what would be the effect of additional offsets in cuts if we do a lot of tax cuts or we dramatically increase the Pentagon budget.

The loss of this grant assistance to the State of Minnesota would mean that in the year 2002, the Treasury Department estimates, we would have a loss of $679 million in Medicaid.

Mr. President, I remind my colleagues that half of Medicaid expenditures go into taking care of older people in nursing homes; $679 million less in Medicaid; $102 million less for highway trust fund grants; $83 million less in AFDC, and, by the way, Mr. President, because sometimes I think some of my colleagues do not understand it, aid to families with dependent children goes, by definition, mostly to children. We are talking about parents, often a single parent—almost always a woman—and children.

And $314 million cuts in funding for education, job training, the environment, housing and other areas.

The Department of Commerce estimates that Minnesota over 7 years, leading up to 2002 as potential impact: Education would lose $1.5 billion; environmental protection could lose $74.6 million; disease control and prevention would lose $9.8 million; Fish and Wildlife Service would lose $16.7 million, law enforcement would lose over $143 million.

Mr. President, children's defense fund estimates that the cuts in Minnesota in 2002 would result in the following, just in Minnesota:

Almost 30,000 babies, preschoolers and pregnant women would lose WIC nutrition supplements;

Over 51,000 children would lose food stamps; over 154,000 children would lose free or subsidized lunches; over 93,000 children would lose Medicaid health coverage.

Over 59,000 children would lose State child support agency help in establishing paternity or collecting child support; almost 38,000 children would lose welfare benefits; over 2,400 blind and disabled children would lose SSI, that is supplemental security income; 3,900 children would lose Federal child care subsidies; over 2,500 children would lose Head Start early childhood services; and 28,000 children would lose child and adult food care programs.

Mr. President, this is the point: I will not even preach about what all these statistics mean in personal terms. I will not even argue with my colleagues, if they are so inclined, over these figures. We do not know the exact figures, and that is what Minnesota has said in this resolution, passed unanimously by the House, passed almost unanimously by the Senate, signed by the Governor. I bring it here to the floor of the Senate, and this amendment that I have offered, which is this resolution from Minnesota, says if we pass the balanced budget amendment, then at least we ought to include with that balanced budget amendment a financial analysis of its impact on our States. This is a reasonable amendment.

Mr. President, I reserve the remainder of my time waiting for other colleagues who may want to respond.

Mr. KEMPTHORNE. Mr. President, I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER (Mr. KYL). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I first want to comment on the amendment of the Senator from Minnesota. It seems to be an amendment with the primary purpose of stopping cutting and spending in this country. The balanced budget amendment and the unfunded mandates are closely tied.

We have not even passed the balanced budget amendment and yet we are saying what great damage it is going to do to the States. We are, in effect, planning the funeral during the birth. We need to wait and see.

For 30 years, that I am well aware of, we have passed law after law after law—this Congress has—that has had an irrevocable and permanently damaging effect upon the fiscal condition of the States, counties, and cities of this Nation. New taxes, new rules,and new mandates and not one time have we ever made a study, or I have even heard it suggested, that we let the States, the citizens of the counties know what we are going to do to them. For 30-plus years, we simply did it, and then it hit and they had to figure out a way to cover it.

There has not been a local budget that has really been accurate in this country in 30 years, because every year, particularly the counties have had to go back and increase taxes to take care of the mandates that we have placed on them.

Now, all of a sudden from the other side of the aisle, it becomes absolutely necessary that we do a definitive fiscal analysis of what effect this might have upon cities and counties and States.

Certainly we need to be sensitive and cognizant of what effect it might have on the cities and counties, but first let us get on with stopping spending instead of thinking of ways to keep on spending. We are going in debt at something like $800 million a day. We already have a $5 trillion debt, so let us get to what we ought to be doing and that is stopping spending.

The thing we have to do first is to cut the spending. If we will take the mandates off of the local governments, then they can handle their problems. They will know what to cut and what not to cut because they know. But the first thing we have to do is get rid of the mandates.

Now, I came to the Senate after 45 years in the private sector as a businessman and farmer. I watched and literally for the last 35 years not one time has the Congress convened and adjourned that they did not pass rules, regulations and laws making it more difficult to operate a business. The intent of these laws, we heard, was that they were going to help business, but not one single one of them ever did or has. They hurt people in the private sector.

I can think of no better example of this same rule going to the public sector than the mandates we have been dictating to State and local governments without providing any money to pay for them. The unfunded mandates have been a fiscal disaster for local governments. We simply tell them what the problem is and for them to find the money to cover the solution. It amounts to something that the Constitution says we cannot do, and that is for one branch of Government to levy a tax upon another. And we are doing it blatantly when we tell the counties of this Nation that they simply have to come up with this money and their only source of it is ad valorum taxes or local sales tax. We should not be telling them how and where and when to levy a tax.

In typical fashion, Federal Government bureaucrats and Congress think they have all wisdom of what should be done at the local level. The Federal Government and its bureaucrats think that the local government has come to Delphi, and they have the wisdom and will tell us what to do. All they have to do at the county level is pay the bills.

That is wrong, Mr. President.

A recent editorial described it pretty accurately:

> In recent years, as deficits have cramped Washington's style, legislators have taken to issuing commands to State and local governments. Those lower governments are forced to pick up the tab, while Federal legislators take credit for enlightened policy. (That means more spending.)

This severing of decisionmaking from the paying of the bill is what has gotten us the trouble we are in today, and it has invited undisciplined spending. It has encouraged the spending of money we do not have. It has encouraged entitlement programs that, if the Federal Government had to pay the total bill, would not be out there.

It burdens State and local governments, and it takes away the discretion of county commissioners, city councilmen and State legislators to decide where the money should be spent that they bring in in taxes, that they tax the people for. The decision has already been made in Washington.

In some of these counties it is absolutely ludicrous. I will take the county I live in, and if you will look at a lot of counties around the State you will see they are not a lot different. But I am going to take one federally mandated program in the county in which I have spent my life. This is Sampson County, a rural county in eastern North Carolina. The total ad valorem taxes collected in that county are, more or less, $10 million. This is the total county tax collection. Would you believe that the Medicaid Program for that county is $30 million a year, of which the county has to put up 5 percent? We have not had a budget in the last 10 years that we have not had to go back and adjust to pick up the increases in the cost of Medicaid.

Now, if you will look at the counties, in particular the more rural and agrarian counties, you will find this same pattern, that the total county ad valorum tax collection is often only half or even, as in our case, a third of what is the Medicaid program in the county and what is our percentage of these unfunded mandates.

Mr. WELLSTONE. Will the Senator yield?

Mr. FAIRCLOTH. This bill will fix the problem by requiring the Congressional Budget Office to estimate the costs to the lower governments before we pass prospective legislation.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FAIRCLOTH. Yes.

Mr. WELLSTONE. I thank the Senator from North Carolina.

Mr. KEMPTHORNE. Will the Senator yield? Would the question be on the Senator's time?

Mr. WELLSTONE. No. But that is not why I asked the question.

Mr. KEMPTHORNE. I appreciate that.

The PRESIDING OFFICER. Does the Senator from North Carolina yield on his time? The Chair might advise the Senator he has less than 30 seconds.

Mr. FAIRCLOTH. When I finish, I will yield for the Senator's question.

Currently, the Congressional Budget Office estimates that 12 percent of all bills that Congress has passed since 1983, nearly 800, contain unfunded mandates with a cost per bill of the 800 of over $200 million.

It is long past time that those in the Congress—us, we—should take responsibility for these actions and stop issuing the mandates.

The PRESIDING OFFICER. The Chair would indicate that the Senator has used his 10 minutes. The Senator was yielded 10 minutes and that time has expired.

Mr. KEMPTHORNE. I would be happy to yield the Senator an additional 2 minutes so he can conclude his remarks and in that time if he wished to respond to the Senator from Minnesota. Two minutes.

The PRESIDING OFFICER. The Senator is further recognized.

Mr. FAIRCLOTH. Yes. I ask unanimous consent to be allowed 5 minutes additional time.

The PRESIDING OFFICER. Does the Senator from Idaho yield 5 minutes?

Mr. FAIRCLOTH. I will not need 5.

Mr. KEMPTHORNE. The Senator will yield 3 minutes.

Mr. FAIRCLOTH. Three minutes. Good enough.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. FAIRCLOTH. Simply, we are writing these laws and sending them to the States COD. It is time we send them with the bills paid when we pass the law. The States are tired, the cities are tired, and the counties are broke paying for mandates that we send from here.

Mr. President, I do want to thank the Senator from Idaho [Mr. KEMPTHORNE] for the leadership he has taken in it. When he came to the Senate, it was one of the first things he talked about. He has followed it. He has followed it closely. I know that he served for many years as mayor of Boise, ID. He has firsthand knowledge of how it works, whatever goes on. And he has done an excellent job of presenting the bill to the floor and to the Senate, and for that I wish to thank him. I think it is fitting that he be the leader in ending an abuse that has gone on far too long.

Mr. President, I thank the Chair, and I will be glad to answer the question of the Senator from Minnesota, if he will speak loud enough so I can hear him.

Mr. WELLSTONE. Mr. President, I think the Senator has probably run out of his time so I will not ask him to yield. I will just comment very briefly.

The PRESIDING OFFICER. The Senator from Idaho has 17½ minutes remaining on his time.

Mr. KEMPTHORNE. Will the Senator from Minnesota allow me, then, to proceed with the next speaker so in your summary——

Mr. WELLSTONE. Mr. President, since the Senator from North Carolina no longer has any time to yield, I might just quickly respond. I will take 2 minutes. Then I will be pleased to reserve the rest of my time.

Mr. President, just very briefly, I appreciate what the Senator from North Carolina said. But I do want colleagues to know, who are about to vote on this, that this amendment does not say no to S. 1, to unfunded mandates. This amendment does not say no to a balanced budget amendment. This amendment, as a matter of fact, based upon the Minnesota resolution, memorializes Congress for continuing its work on Federal deficit reduction. The only thing this amendment says—and I do not think the Senator really responded to this amendment—was that if we pass a balanced budget amendment, we ought to accompany this with financial information on its impact on the budget of each of the States.

This came from Minnesota. It was passed unanimously by the Senate, Democrats and Republicans alike. It was passed almost unanimously in the House. It was signed by the Republican Governor.

It focuses on deficit reduction, but it says: Look, Federal Government, in the spirit of unfunded mandates, tell us what the impact is going to be on our States of a balanced budget amendment. That is all this amendment says. So I think the Senator from North Carolina had some interesting comments, but I do not think they spoke directly to this amendment.

I reserve the remainder of my time.

Mr. KEMPTHORNE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Idaho has 17 minutes and 17 seconds.

Mr. KEMPTHORNE. Mr. President, I will be happy to yield 5 minutes to the Senator from Illinois.

Mr. SIMON. Mr. President, it is rare that I differ with my colleague from Minnesota. He is one of those who has really brought compassion to this body and I have great respect for him. One of the best things that has happened in the U.S. Senate since I have been here is the election of PAUL WELLSTONE to the U.S. Senate.

I differ with him on this for two basic reasons.

No 1, the argument that is made against the balanced budget amendment by those who oppose it is that we can do this, we can balance the budget, without a balanced budget amendment. Therefore, the pain inflicted would, in theory, be the same, whether we have the balanced budget amendment or whether we do not, with one exception. And that exception is this: Every econometric study shows if we pass the balanced budget amendment, we are going to have lower interest rates. If you have lower interest rates, you will have an easier time balancing the budget with a constitutional amendment. If you have lower interest rates, you are going to stimulate investment and employment; you are going to stimulate revenue for the Federal Government, for State and local governments. That is No. 1. So I think you cannot make an argument both that this is going to hurt and we can balance the budget without the constitutional amendment.

Second, we have to ask as we look at States and local governments, what will happen if we do not have a balanced budget amendment? You look at that GAO report of 1992—and it would be modified some, thanks to the vote of the Senator and mine in passing that budget in August 1993—but they say, in that report that if we follow the basic path we are on now that by the year 2020 their projection is, because of interest growth and entitlement growth, that social services would be cut by one-third and defense cut by two-thirds.

Frankly—my colleague from Minnesota has been around here long enough. I do not think that is the way the pie would be cut. I think it is much more likely that it would be closer to 50-50, on both sides. But that assumes—the GAO report assumes, optimistically—that we do not monetize the debt, that we do not just start the printing presses rolling.

The history of countries—and we may hope we will be an exception to this history—but the history of nations is, when you get around 9 percent of deficit versus GDP, except for a wartime situation, you start monetizing the debt. We are going to go beyond that.

I ask the Members of this body just to take a look at what happened in New York City. This was before my colleague from Minnesota was here as a Member of this body. New York City faced bankruptcy. New York City was rescued by the U.S. Government. But New York City had to cut its programs for poor people up to 47 percent.

There is no United States of America, no big umbrella, to rescue this country. We are one-fifth of the world's economy. If we go down the tube economically, there is nobody out there to rescue us. The International Monetary Fund cannot begin to deal with our problem. The International Monetary Fund, in the case of Mexico, is offering to help to the tune of about $2 or $3 billion in guarantees. They cannot go further than that.

So, though I have great respect for my colleague from Minnesota, I do believe this amendment should be defeated.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota is recognized.

Mr. WELLSTONE. I will yield a minute to myself to respond.

May I ask how much time I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 10 minutes and 48 seconds.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, it is certainly rare the Senator from Illinois and I are in disagreement on an issue. I am hoping to persuade him to change his mind before the final vote because I want the Senator to know that, No. 1, when he talks about econometric models he is absolutely right; there are a variety of different variables, including factoring in the effect of lower interest rates, that would be included.

This is not an amendment against the balanced budget amendment. I mean, many State senators and representatives who signed this resolution, or voted for this resolution, are for it, I say to my colleague from Illinois. The only thing they are saying is, if or when—your choice—you pass a balanced budget amendment, please accompany it with a financial analysis so we can have some sense of what the impact will be on the States.

I say to my good colleague, that is where your econometric model would be figured in. We should do that. It is a matter of State and local government officials having the right to know—which is very much within the framework, I might say, of the unfunded mandates legislation.

And finally, I have to say this to my colleague, and this is our honest and profound disagreement: My colleague from Illinois is willing to make the difficult choices, which means he is not going to be involved in a bidding war to raise the Pentagon budget. He is not going to be involved in a bidding war for yet more tax cuts. He is not going to take everything off the table. And he is not just going to do deficit reduction according to the path of least resistance, focused on those citizens with the least amount of political clout.

But there is every reason in the world to believe that is precisely what we are going to do here and that is what people are worried about back in the States. That is what people in the States are worried about, and they want us to be clear with them. That is all this amendment says.

If we pass it, let us accompany it with a financial analysis of its impact on the States. That is from Minnesota, passed unanimously by the State Senate, passed almost unanimously by the House, and passed and signed into law by a Republican Governor. I do not think this is unreasonable.

So Senators should understand this is all they are voting on.

Mr. SIMON. If my colleague will yield?

Mr. WELLSTONE. If I may yield on the other side's time?

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. May I have 1 minute?

Mr. KEMPTHORNE. Yes. I yield 1 minute to the Senator from Illinois.

Mr. SIMON. Just for 1 minute. I thank my colleague, and if this passes, if the balanced budget amendment passes—and I believe it will—then I think we have to at that point let State and local governments know, let everyone know what kind of a glidepath we are on. I do not think we need to do that prior to passage. I think that compounds the problems of passage—very candidly.

Mr. WELLSTONE. Mr. President, I will take my own time.

The PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. This amendment reads, after we pass it, we should do this. That is the way this amendment reads.

Mr. SIMON. If that is correct, then I withdraw my opposition.

Mr. WELLSTONE. Then we should do the analysis.

Mr. SIMON. Then I withdraw my opposition. In that case, I have no objection to the amendment. Once again, I am on the same side as my colleague from Minnesota.

Mr. KEMPTHORNE. Mr. President, I want to acknowledge and thank the Senator from Illinois, who certainly has been one of the leaders on the balanced budget amendment, and also two Senators that will now be speaking, the Senator from Utah [Mr. HATCH] and the Senator from Idaho [Mr. CRAIG], again leaders on this balanced budget amendment.

So I yield 5 minutes now to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. Mr. President, I cannot see a reason in the world why on legislation regarding unfunded mandates we should have an amendment like this or why we should spend 2 minutes on it.

We all know the balanced budget amendment is going to come up within days on the House floor and within a week on the Senate floor, that is if we ever get through this unfunded mandates bill. If we do not get through this legislation pretty quick, we will not get through the Mexican loan guarantee legislation with all its problems, which are very, very serious.

As I say, I am not sure why we are here debating this issue now. We are supposed to be passing a bill to provide relief to the States from unfunded mandates. Everyone knows we are going to have ample time to debate the balanced budget amendment on the floor of the U.S. Senate, and we should not hold up this bill to debate an amendment like this.

The provision that the Senator would like us to have—I know he is sincere; I have watched the distinguished Senator from Minnesota for his whole Senate career, and I know he is sincere—but this amendment puts the cart before the horse. It puts the cart before the horse in two ways: First, in time since this debate should happen on the balanced budget amendment itself, not here; and second, this amendment cannot be complied with as it is written. The balanced budget amendment requires the Congress of the United States to work to balance the budget. It does not write a particular mix of cuts or taxes into the Constitution. It is for the Congress to work toward resolution of those particular issues and to set the priorities within the budget from year to year.

If we could get back to the business at hand and pass the unfunded mandates bill, it will give the States a measure of protection against Washington's mandates, and if the statutory route is insufficient, then the States may want us to pursue a constitutional amendment on unfunded mandates. But let us pass the unfunded mandates bill first. Let us get on to debate the passage of the balanced budget amendment and get the Nation's fiscal house in order by balancing the budget without first burdening or binding the States. We need to get on with it, but we need to do it in a reasonable order.

The problem—just to spend a minute or two on this amendment—and I note that the Senator is very sincere. What he would like in this sense-of-the-Congress amendment is that when Congress proposes to the States a balanced budget amendment—assuming a balanced budget amendment is passed through both Houses of Congress by the requisite two-thirds vote—then Congress must accompany it with financial information on the impact on the budget on each of the States.

I would point out that we have trouble even getting CBO and other budget baseline scoring mechanisms to give us sound and timely information on what we are doing, let alone having them analyze what each and every State in the Union has to do. Under this amendment, we would be spending all our time trying to understand a continually shifting set of State problems and how our budget might impact on them. I think we need to worry about how the Federal budget can be reduced between the time of the passage of the balanced budget amendment and the year 2002, if that is the effective date of the amendment. I do not want to get into a situation where we must also worry about the choices of each of the States, and we complicate passing the balanced budget amendment while attempting to get information like this that could cost us hundreds of millions of dollars to get.

Again, this amendment is just another unnecessary provision. The minute we pass the balanced budget amendment, this Congress will have to start working on coming up with a mechanism to get to a balanced budget. I might add not just the Congress; the President is going to have to work on coming up with the mechanism beyond the balanced budget amendment to bring us into fiscal balance by the year 2002. I have to tell you, nobody in Congress and the Congress as a whole will be able to do that without the leadership of the President of the United States. That has been the problem up to now. We have not had Presidential leadership to tell us what we have to do to balance the budget, short of increasing taxes.

Mr. WELLSTONE. Will the Senator yield?

Mr. HATCH. If I could just finish. The fact of the matter is this amendment would cloud the whole issue. It would require us to do continual budgetary analysis of State budgets—there are 50 of them; we cannot even handle the Federal budget—and thousands of Federal programs tailored to each State and how it impacts each State. We would have to put in place, before ratification, not only the budget for each year until 2002, which of course we cannot do because we cannot bind future Congresses, but we must analyze what we guess each of the 50 States would do in each of those years in response to our assumptions about what future Congresses would do. And since we cannot either bind future Congresses, nor should be attempt to tell the States how they should respond, we would have a continually shifting process, with continually changing information. We just do not have the capacity to comply with this amendment. And I do not know how we would ever get 535 Members of Congress to agree on all these forecasts of future Congressional actions and the responses of and effects on each of the 50 States.

Furthermore, this amendment assumes that the States, which are very capable, would be unable to do their own analysis and make its own decisions about its budget priorities and come to its own decision about ratification. I think the States should participate in the process of setting the national budget priorities, especially as it will affect their own freedom to set priorities for themselves.

Mr. President, this is the wrong way to proceed. We need to get the mechanism in place that will require Congress to balance the budget before we can balance the budget. And before that we cannot tell what a balanced budget would look like. We cannot tell the States what they should or may do in response to either the balanced budget amendment or a balanced Federal budget. This unfunded mandates bill that we are supposed to be debating has the purpose of curbing such Washingtonian imperialism. And finally, we cannot project what future Congresses will do. In fact we often cannot project very far into the future the effects of our present budgetary decisions. We cannot bind future Congresses to a particular budget. Nor should we. It is the right and duty of each Congress to set its own national priorities in the budget while complying with a balanced budget rule.

I hope this amendment is voted down. It is unnecessary and unwise, and adds an unnecessary cost to our society.

Mr. WELLSTONE. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. What I just heard the Senator say—and, by the way, it is part of the response to the discussion I had with the Senator from Illinois. What this amendment says, a sense of the Congress, coming right from Minnesota is that if we pass a balanced budget amendment, then before we send it to the States we ought to have for the States a financial analysis of the impact. What I am hearing the Senator say is it is too hard for us to do that.

So do you not think, I would say to my colleague from Utah, or my colleague from Idaho, or Ohio, or Georgia, our States have the right to know? Do you not think our States have the right, as Minnesota as a State, to say to us, "Look. After you pass this, if you pass it, before you send it to us, will you please give us an analysis of its impact on our States?" And now I hear the Senator from Utah saying it is too hard. We are talking about all sorts of amendments and all sorts of legislation in the unfunded mandates bill making sure that an analysis is done. We did not say it is too hard for that. We are talking about the right to know for our colleagues and for people back at the State and local communities. Now, when it comes to a huge decision we are going to make, we are saying it is too hard, that we cannot, after we pass this, let our States know what the impact of this legislation will be on that.

I find that to be an interesting argument. But I certainly hope my colleagues will not be swayed by it.

Mr. HATCH. Mr. President, will the Senator yield on that?

Mr. WELLSTONE. I would be pleased to yield on the time of the Senator from Utah, if I could.

Mr. GLENN. Mr. President, will the Senator yield to me 1 minute?

The PRESIDING OFFICER. Does the Senator from Idaho yield?

Mr. CRAIG. I yield 1 minute to the Senator from Utah for purposes of responding.

Mr. HATCH. Now, look. I guess there is nothing that is too hard if we have enough money and enough time and enough bodies and enough people and enough economists to do it. The question is, is it prudent, is it warranted, is it worth the cost? The fact of the matter is we cannot get CBO scoring the way we need to have it on time in order to do the things that we need to do in this body. Do we need to add to it a continually shifting set of State budgetary priorities, for each of 50 States, and have us be on top of every one of those priorities, and spend all the money to do that? No. What we have to do is get our own fiscal house in order. The States will adapt to it, each in its own way guided by the wisdom and needs of its own citizens. But I would add that we have to have Presidential and congressional leadership for us all to do so.

Finally, Mr. President, everybody knows that this type of amendment is for one purpose; that is, to undermine the balanced budget amendment. That is the sole and specific reason for it.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I would be pleased to yield to the Senator from Ohio, but if I could just respond.

First of all, I do not want Senators to be able to vote on the basis of a dodge. This amendment in no way, shape, or form is opposed to the balanced budget amendment. Senators have different views on that. I can assure my colleague from Utah, my good friend, that the Minnesota House of Representatives and the Minnesota State Senate passed it by overwhelming votes and it was signed by a Republican Governor there. There is strong support by many of these colleagues, Democrats and Republicans alike, for a balanced budget amendment. The only thing they have said is, from our perspective in Minnesota, I think from the perspective in Utah and other States, how are we going to know whether or not to ratify this unless we know what the impact is going to be? If we are going to pass something that is so far reaching, it is our right to know. Can you not provide specific information? Can you not provide specific analysis? That is all this amendment says.

I yield 1 minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank the Chair, and I thank my colleague.

I just say that I hope the same logic is used by the Senator from Utah when Senator GRASSLEY's amendment comes up because the interpretation of his amendment would mean we go back 21 years and require a study of all mandates—all mandates, period. It does not have a $50 million threshold to it, as I understand it.

It would be such an enormous study that we requested CBO to give us figures on how much it would cost them to do such a study, and they cannot give us an estimate right now. In other words, we are putting an unfunded mandate on CBO. He is concerned about CBO and I am, too, but I think the logic of what the Senator is trying to do should also be carried over to the consideration of Grassley, which would be an enormous study, beyond anything I would see proposed here.

Mr. WELLSTONE. I have not referenced CBO. I have said it is up to us in our Budget Committee to come up with an analysis.

Mr. CRAIG. I yield a few moments to the Senator from Utah to respond.

Mr. HATCH. Last year, at the height of one of the most important debates last year, the battle over health care, we could not get the economic analysis of just health care in sufficient time for our analysis, and that involved just the President's and one or two other health care programs. There were all kinds of other programs to be considered, but there was no time to get the full economic analysis. The fact of the matter is that what the Senator from Minnesota is asking for would cost an arm and a leg and would not get us closer to a balanced budget anyway—indeed it would place us further away because of the increased costs in performing the analysis.

I will look at Senator GRASSLEY's amendment, because I think we have to look at what these costs are. But, really, this type of an amendment does not have an efficacious effect. It is going to cost us. We do not have the facilities or the resources to do it. We have to determine here what we can do to reach a balanced budget by the year 2002. It is going to take time to do it and it is going to be costly in and of itself, without worrying about 50 States, and we should let future Congresses and each of the States make up its own mind about how it wishes to comply with a Federal rule of fiscal responsibility.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho. I believe my good friend from Minnesota did not vote for the balanced budget amendment. I have to conclude that the essence of this amendment is to reinforce a message we heard last night from the President when he defined, in my judgment, his decision about the new Democrat and old Democrat, when he decided to oppose the balanced budget. He wanted things to stay the same in Washington.

He underscored his dispute with the balanced budget amendment by beginning to raise the specter of fear across the land, and began pointing to specific groups. This is but an extension of that context, to try to suggest to the States that there is something for them to fear about this Nation finally taking charge and putting in motion a discipline to govern its financial affairs.

That is what this amendment is designed to do—to suggest that there is something to be feared. I might say, following on the remarks of my good colleague from Utah, it goes beyond a question of the consumption of analysis as to how this would impact States. The point is that there is no way to determine what the judgments of future Congresses might—not even including all the august Members that are here—do in order to arrive at a balanced budget. This presupposes that you could suggest what is going to happen in the future, and you cannot.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. Mr. President, let me conclude the time on our side by looking at what past Congresses have done when they proposed amendments to the Constitution.

What the Senator is suggesting in his amendment is that the first Congress would have been able to anticipate that in the first amendment we would have said that yelling "fire" in a crowded theater is against that amendment. But that is not what the first Congress said about the first amendment, because they did not know at the time. They did not understand, or they could not anticipate, what a court would suggest.

What this is saying is that in the second amendment we would have said it was intended to keep guns out of the hands of juveniles. That is not what our Founding Fathers said at the time. They did not know.

Or we could have said the fourth amendment required reading aspects of the Miranda rights into the decision. Or maybe we would have said, in a post-Civil War Congress, that we knew 100 years subsequent how we would anticipate all of the civil rights that would have come under the Constitution. No, I do not think that was intended, and I do not believe that any Congress can anticipate what a constitutional amendment will do beyond the clarity of the language of the Constitution itself, and that is that we will have a balanced budget amendment in a period of time.

Now it would then be the responsibility of Congresses following the enactment of an amendment as they begin to shift the priorities of Government, as they begin to downsize the rate of growth in Government, to turn to States and say: These kinds of impacts could occur. I think that would be the responsibility.

I hope the Senate will vote down this amendment in a tabling motion, because I do not believe it is possible for us to project 7 years out into the future what future Congresses might do and what impact it would have upon the States.

Mr. WELLSTONE. Mr. President, with all due respect to my colleagues that it is my joy to serve with, I think a lot of these arguments just miss the central point. I want all of my colleagues to be clear on what they are voting on.

This is not a sense-of-the-Congress amendment that says we should not pass a balanced budget amendment. They are not voting on that. This is not a sense-of-the-Congress amendment or sense-of-the-Senate amendment that says we should be voting against unfunded mandates at all. In fact, the unfunded mandates legislation says that senators and representatives in our State and local governments are entitled to information, entitled to a right to know before we pass legislation and do not tell them anything about the impact or come up with the money.

This amendment is a mandate from Minnesota, strong bipartisan support in a resolution that emphasized deficit reduction. Then it ended up saying:

> . . . *be it Resolved by the legislature of the State of Minnesota*, that it urges the Congress of the United States to continue its progress in reducing the annual Federal deficit, and when the Congress proposes the balanced budget amendment, to accompany it with financial information on the impact on the budget of the State of Minnesota.

My amendment says if we pass a balanced budget amendment before we send it to the States, which by definition would be after we pass it, we should do an analysis of its financial impact on our States. How can our States then make decisions about whether or not to ratify it unless we are willing to provide them with the information?

Mr. President, I am just amazed by some of the arguments that have been made on the floor of the Senate because they do not speak to the central issue.

I say to my colleagues that this vote on this amendment is all about accountability. This is all about being direct with people. It is all about responding to our States. It is all about the concern that people have, about where will $1.2 trillion or $1.3 trillion in cuts take us between now and 2002. What will be its effect on citizens in Minnesota, Idaho, Georgia, Utah, all across the country? Minnesota State legislators, Republicans and Democrats alike, and the Republican Governor, are bipartisan and have sent a resolution here. I translated that into an amendment. It is an eminently reasonable request that I think will come from all of our State legislatures and Governors, which is: If you pass the balanced budget amendment, then before you send it to the States, please do an economic analysis of it so we will know the impact on our States and on our people. Are we going to have to raise taxes at the State level? Is that what we are afraid to tell our colleagues at the State level? Are our local governments going to have to rely more on the property tax? Is this going to become the biggest unfunded mandate of all, where we just transfer costs back to State and local governments? Is that why we are unwilling to pass this amendment, a sense-of-the-Senate amendment, that we at least, before we send this to the States, have an accompanying financial analysis?

I hope that this amendment will attract strong bipartisan support. It is all about the rights of people back in our States to know what we are doing. It is all about accountability. It is all about good government. It is all about being direct and straightforward with people, and this amendment should pass by a huge vote in the U.S. Senate.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. CRAIG. Mr. President, I move to table the amendment of the Senator from Minnesota, and ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired.

The question is on the second-degree amendment numbered 186 of the Senator from Minnesota to the first-degree amendment No. 185.

Does the Senator from Idaho wish to table the first-degree amendment or the second-degree amendment?

Mr. CRAIG. I wish to table amendment No. 185.

The PRESIDING OFFICER. The motion is to table amendment No. 185.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho [Mr. CRAIG] to table the amendment of the Senator from Minnesota [Mr. WELLSTONE]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER (Mr. COVERDELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Wellstone

NOT VOTING—1

Simpson

So the motion to lay on the table the amendment (No. 185) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me state for the benefit of my colleagues, we do have a meeting at 2 o'clock today. Hopefully, everybody will come—Senators only, no staff—to talk about a number of things that affect us, not as Senators, as Republicans or Democrats, but as people who live around here.

I think during that period, we will not recess because I think there will be an amendment offered. But I want to point out, we still have 39 amendments. This is the 11th day and we still have 39 amendments to this bill. We are going to finish the bill this week, if it takes all day today until midnight, all day tomorrow until midnight, all day Friday, and all day Saturday. We are going to finish the bill this week.

So I hope that Members are prepared to offer amendments and give us time agreements, or not offer amendments. I cannot believe that every one of the 39 amendments, whether they are on this side of the aisle or that side of the aisle, needs to be offered. So we will finish this bill this week sometime. We may file cloture if we do not get some action on some of the amendments. It is 12:15. We disposed of one little amendment. We have 39 left.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, in response to the majority leader's comments, we are working very hard trying to get just as many lined up with time agreements as short as possible so we can move it along. I know the majority leader's desire to end this this week. We are certainly cooperating in that endeavor to that end. We are trying very hard to line things up just as fast as we can, to get them tailored with the shortest time agreement as possible. I think we are making some progress, and we will continue.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 274 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I will be very brief. I ask unanimous consent that at 1:30 p.m. the Senate turn to the consideration of amendment No. 202 by Senator BOXER and there be time for debate prior to a motion to table divided in the following fashion: 90 minutes under the control of Senator BOXER, 30 minutes under the control of Senator KEMPTHORNE. I further ask unanimous consent no amendments be in order to amendment No. 202, and that following the conclusion or yielding back of time, the majority manager or his designee be recognized to move to table amendment No. 202 and that upon the disposition of amendment No. 202 the Senate turn to the consideration of amendment No. 187.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

ORDER OF PROCEDURE

Mr. GLENN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PERFORMANCE

Mr. GLENN. Mr. President, I will not direct my address to the President's speech last night. But I have been planning for some time to make a few remarks regarding the President's performance, with emphasis on the things that I think are important to the future of this country.

We get so bound up here in our considerations on the Senate floor, in our committee work, and in our speeches back home that I think we sometimes do not really sort out the wheat from the chaff and try at least in our mind's eye to go 10, 15, or 20 years in the future, and look back to see what was really important to the people that was passed by any administration. What has effect 15 years down the road for every family, every child, the elderly, the young —everyone in our whole society? What then should be relegated to trivial footnotes of history? It seems as though quite often we concentrate on things that in history's 20-20 hindsight will be but trivia, while in the future we will live with the important things that were passed in any administration. I think we need to consider the Clinton administration in that light.

The October 24 issue of Time magazine had a little graph that showed that this President, President Clinton, had passed and signed into law more of his stated agenda than any other President since Lyndon Johnson and before that back to Dwight Eisenhower. In other words, it was the most successful first 2 years—not quite 2 years, but the first 20 months—of accomplishing an announced agenda since President Dwight Eisenhower.

That is a proud record quite apart from all the trivia and all the ups and downs of charges against the President that I think will wind up as small print footnotes later, trivia, in history.

What we are talking about here is doing rather than talking. It seems to me people tend to ignore the record of what was done, what has been accomplished in this first 2 years. Too many on the other side keep talking about doing some of these things that are already under way, that are already being accomplished by this administration.

I can go through some examples of this. The economy has never been better. We have the lowest unemployment in 4 years, and the budget deficit has come down 3 years in a row. That is not something for the future. This is being done now with the economic policies of this administration. We remember the reconciliation vote in August of the first year of this President's tenure in office. There was not a single Republican vote, not one, that we could get here in the Senate to pass that reconciliation. In fact, the Vice President had to break the tie on that vote. There were dire predictions by some on the other side that there was going to be massive unemployment. In fact, all the other things that were brought up at that time that have not occurred. The economy remains in good shape. I repeat this is the first time we will have reduced the budget deficit since the administration of Harry Truman—3 years of reducing the budget deficit.

How about the size of Government? When this administration came in, we had a lot of publicity and talk about reinventing Government. But it was not all talk; a lot of things were also put into effect. Some 300 different programs have been cut in the last 2 years. We talk about reducing the size of Government, getting the Government down-sized. The objective stated last year was that within 3 years we would be able to reduce the size of the Federal work force by some 272,000 people. At that time, a lot of people clucked a little bit, put their tongue in their cheek and said, "We will believe it when we see it." Well, we are seeing it.

Right now, the current figure of reaching that goal of reducing the Federal work force by 272,000 is being accomplished. 98,000 people have already been cut from the Federal work force. Along with those cuts—and I worked with the administration on this as chairman of the Governmental Affairs Committee—has come something else. Formerly, the Federal work force was all skewed to bosses and there was not enough employees in many departments and agencies. In other words, the boss-to-employee ratio was not what it is in private business, academia, or anywhere. In businesses across the country, the ratio of managers to employees is 1 to 12 or 1 to 15. The Federal Government has drifted over the years to a point where it is top heavy. We have about a 1-to-7 manager-to-employee ratio.

At the same time we are down-sizing by 272,000, how do we manage to adjust the manager-to-employee ratio? We put in buyout legislation along with early retirements. This encourages the GS—the civil service ratings—GS-13's, 14's, and 15's, who are basically the managers, to get out. So we are simultaneously down-sizing and correcting this imbalance that is very wasteful and adjusting it back to a better ratio that will compare favorably with what is done in private industry and private business. We do not hear that mentioned very often. When we get cut down to the 272,000 level, we will have the lowest Federal employment since John F. Kennedy was President.

What other things have been done during the first 2 years of this administration? With the administration's support, the Congress put through a family leave bill. Everybody talks about making a more family-friendly administration here in Washington, a more family-friendly Nation. What could be more family friendly, I ask you, than allowing employees to have time off when there is a bereavement in the family, when somebody is sick, or when there is a birth in the family? These are times when a person's attention should flow to the family and be concentrated on the family.

Once again, there were all sorts of dire predictions of what would happen if we passed this legislation. So there was one exemption put in that said if you have key employees, and taking those key employees out for family leave would hurt the business, they were exempted. But the regular rung of employees in a company that can be filled in for on a temporary basis, they would have the right to help take care of their families if there is sickness, or a mother or father needs help, or if a child is ill, or whatever.

This administration is expanding Head Start. We now have an extra 200,000 young people in this country that have access to the benefits of the Head Start Program. Last evening the President talked about his National Service Program. This program is a helping hand. It is a program where people are doing constructive things for their community and reaping some benefit for it. I have talked to some of those people and they are proud of what they are doing under these Government programs.

I submit that, once again, going into the future some 15 or 20 years, we will look back and many of those people will be in productive work because of the opportunity they were given at this time. I would be very surprised, if we took that view in the future and actually determined the past cost, if this program had not been something of benefit for the Government. Those people will be so much more productive. They will be paying taxes and will be productive citizens. Even more important will be the fact that their lives have been enriched, and they will be participating citizens in the future of this country. What can be more important than that?

In another area, the college loan program has been expanded. The potential is there for some 20 million people to have the advantage of a college education over the next few years.

For communities, there is a community development bank that has been provided. These are not things where we are just talking about it as though we had to do something in the future; these are things actually being done. They are being accomplished now. They are accomplishments of the first 2 years of this administration. These are not pie-in-the-sky things. These are things where the new administration made these proposals, worked with Congress, and we got them through.

I think the news media concentrate on the trivia of history to the exclusion of some of the good things that have gotten through for which the President should get due credit as accomplishments achieved during the administration's first couple of years. Yet, too often we find the other side talking as though nothing has been done in these areas.

We want to cut the size of Government. It is being done, my friends. It is being done now—and ahead of schedule. There has been a 98,000 reduction in the Federal work force already, but 272,000 was the goal, and that is coming.

Have we gotten everything done? Not by a long shot. We are just seeing the beginning of GATT. I have not mentioned that. International trade is now being addressed. This is controversial. We have a lot of people in my State of Ohio, and some were for GATT and some were against GATT. I submit that we have moved into such an economic situation in the world that had we not finally terminated negotiations and gotten an agreement on GATT, we would have placed ourselves at a great disadvantage down the road.

To give an example of what I am talking about, if we went back to a New England village 100 years ago or so, it probably made very little difference whether anyone came through that village from one year to the next. The buggy-maker was on one corner, the cobbler or the shoemaker was over on another corner, most people had a garden out behind the house, and there were vegetables grown out in the valley. It was basically a self-sufficient community that took care of itself. People took care of people; the community took care of its local community. Now, what happened? Then we developed out of that village, and the cobbler, in effect, became all of New England and parts of the South. The buggy-maker became Detroit, and the Imperial Valley in California became the supplier for the whole Nation, as our means of shipping were expanded. Then we developed even further, and what happened? The buggy-maker that was in Detroit became 30 percent Japanese, and the cobbler became Korea and Italy, and our food was sent all over the world, with hundreds of millions of tons being shipped everywhere.

In other words, we became, whether we like it or not, a worldwide community. And the question is, are we going to move into GATT and participate and be the competitive Americans that we have always been, or are we going to ask for protection in a world that is moving toward international relationships?

I think it is to the President's credit that he moved us into GATT. GATT was not something that was supported by just this President alone, but he brought it to its final culmination, and we got it through. GATT had been going on over the last two Republican administrations. It has been negotiated over a lengthy period of time. But it was brought to fruition, and now we have this agreement that I think will be a pattern, not perfect, that we can follow into the future.

Now, have we accomplished everything that needs to be accomplished? Certainly not. There was a lot that did not get done in the first 2 years. Certainly health care is one that always comes up about what a great failure it was. Well, I think, in looking back on what happened here, the concentration on health care last year was not all a disaster, for this reason:

For the first time we had a concentrated debate, concentrated attention on health care reform. Because of the efforts of the President and the First Lady, there was attention focused on health care all through last year. Maybe it excluded some other things.

But was it a total loss? No; I do not think it was. Because what happened was the health care community, the health care providers, those in the health care industry, took a new look at themselves. They took a new look at themselves and said, maybe we can do better, and felt that they should do better or something was going to happen to them.

So we find HMO's being formed and we find hospitals cooperating for the first time with other hospitals, not just in competition but working together to see whether they cannot share equipment and cut costs down. We find doctors' groups moving to HMO's. We find all sorts of things going on in the medical industry, the health provider industry, that are good, largely as a result of the concentration on health care during the past year.

I do not want to be a Pollyanna about this and say that we solved our health care problems. Far from it. We have yet to address many problems, and they are still out there waiting to be addressed, because we have many millions of Americans that do not have health care insurance yet. But I would say that the costs are beginning to level off a little bit from what some of the predictions indicated because of the attention that was put on the industry last year and because of the action they have taken to try to reduce health care costs. So that is one that we have yet to deal with.

There are environmental concerns that we have not yet addressed. Last night, the President spoke of several other issues that have not been addressed such as lobbying reform, political reform and campaign finance reform.

There are two other issues that we are in the process of addressing. One of the two other objectives set early on in the administration was congressional compliance with the laws that apply to everyone. We voted that out of here. It went to the White House and the signing was just the day before yesterday. I participated in that signing. This legislation is something that I have pushed on the Senate floor since 1978 and it has taken all this time to get it through. Senator GRASSLEY and Senator LIEBERMAN took the lead in drafting this legislation through our Committee on Governmental Affairs last year and we almost had it through last fall.

Those who would somehow seem to eliminate all past considerations as though this legislation was something brand new that was passed just because there was a change of political leadership in the Congress have not looked back to see the long history of what has happened in getting to the point where we are now. Had there not been some of the delays occasioned in the last 10 weeks of the past session, where nothing was being let through, we probably would have had congressional coverage legislation last fall.

I would say the same with unfunded mandates, the bill that is on the floor right now. Unfunded mandates is another one that my colleague Senator KEMPTHORNE from Idaho has taken a lead on. I have worked with him on this. We had a bill through committee last fall, S. 993, but, once again, because of the delays, we could not get it on the floor. We even finally tried to do it by unanimous consent. We could not do that last fall in the last few days of the session, so that did not get passed. So we are addressing that now.

This legislation also has a long history over the last couple of years of being addressed under the leadership of the distinguished Senator from Idaho. And he has done a great job. It has been an honor for me to work with him on this legislation. We remain as committed as ever to getting it passed. We are involved now in some of the difficulties in getting it through.

There were delays in committee. We were not permitted to bring up amendments in committee, so we are trying to address those amendments here on the floor right now to correct some discrepancies in the bill and to make the bill better and workable. So we will work through this.

But I wanted to take this opportunity, since there were some comments made about the President's speech last night, to make these few remarks here today on the floor about the accomplishments of the first 2 years of this administration. I personally think the President can be very proud of these first 2 years.

As I started off saying, Time magazine in the October 24 issue showed a bar chart of accomplishments of the announced agenda of Presidents going clear back to Dwight Eisenhower, since World War II. This President has the best record of getting through what he said he would do since Lyndon Johnson, who came in on the heels of the Kennedy assassination, had a great wave of support at that time, and going beyond that back to Dwight Eisenhower, who was trying to reform things after World War II and had the support of the people in that effort.

So I think this is a Presidency in which we can be proud of its accomplishments. Did the administration accomplish everything they wanted? No, certainly not. There was a mammoth effort on health care last year that did not result in everything they wanted, and we still have to deal with that.

But I wanted to set the record straight on what I think will be in the mind's eye, looking back 20 years from now or 15 years from now, as to what is affecting my family, your family, our children, our mothers and fathers, and so on. What, in this first 2 years, will be the important things that are affecting lives across this country? And if we look at it from that vantage point in the years to come, it seems to me that we will be living with a lot of very, very important things. We will have had a stable economy during this time; we will have had a new relationship in trade that we can expand; the crime bill—I did not mention that; that is one that affects us everywhere we live—family leave, Head Start, national service. These are programs that are good. They are programs that I have been glad to be a part of helping put through here in the Congress.

Mr. President, I believe we are ready to move on some other items here. I yield the floor.

Mr. President, I had asked that we go into morning business. I ask that we return to regular order.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I was going to call up amendment No. 173. It was my understanding that the managers of the bill were prepared to accept this amendment, and now I am not certain if that is true. Since that uncertainty exists, I will withhold asking to move to consideration of this amendment, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Ohio, Mr. GLENN, has been making some comments with reference to the President's State of the Union Message, I believe.

Mr. President, has Pastore rule run its course?

The PRESIDING OFFICER. The Chair advises the Pastore rule will expire at 1:30, beginning at 10:30 this morning.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

Mr. BYRD. Mr. President, I listened to a goodly number of our colleagues earlier today as they came to the floor to speak about the constitutional amendment on the balanced budget. I was glad to see the President last night give some time to that subject matter. I was glad that he stated that the proponents of a constitutional amendment to balance the budget have a responsibility to let the American people know up front the details as to just how the proponents propose to achieve that balanced budget over the next 7 years.

I listened to my friends with a great deal of interest this morning on the floor, and I just have a few comments to make in regard to this subject. Many colleagues who support such a constitutional amendment are sincere in their belief that such an amendment is the answer to our budget deficits and is necessary to impose discipline on ourselves. I do not quarrel with their sincerity. They have a right to their viewpoints just as I have a right to mine.

I heard it said earlier today that Members of the House and Senate should show courage by voting for a constitutional amendment. Mr. President, courage is not needed to vote for a constitutional amendment to balance the budget. Courage is needed to oppose the constitutional amendment to balance the budget. We read public polls that 80 percent of the American people support a constitutional amendment to balance the budget. Courage is not needed to vote for something that the polls say 80 percent of the people want. Courage is needed to take the time to try to convince the American people that they are being misled. So those of us who vote against a constitutional amendment to balance the budget are swimming upstream, and going against the grain.

I believe it was Talleyrand who said, "There is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of state present and to come."

I subscribe to that view. There is more wisdom in the people, but the people have to be informed in order to reach considered and wise judgments. The people have to be correctly informed if they are to form wise opinions. They also have a responsibility to do what they can to inform themselves.

It does not take courage, Mr. President, to vote for this constitutional amendment on the balanced budget. It just takes a politician's view of what is best for him or her politically at the moment. I urge Senators to show courage in taking the time to debate this matter fully and voting against a constitutional amendment on the balanced budget, at least until the proponents show Senators what is involved here—what is in this poke, along with the pig.

I hear it repeated over and over again that we need a constitutional amendment to balance the budget, so that we will be forced to discipline ourselves. Mr. President, no constitutional amendment can give us the political spine to make the hard choices necessary to balance the budget. Constitutional amendments cannot impose spine or courage or principle where those things may be lacking to begin with.

We do not need a constitutional amendment. If the proponents of a constitutional amendment have two-thirds of the votes in the House and Senate, and I would say they are very close to that, I would say they would need 67 votes in the Senate and 290 votes in the House. If they have 67 votes in the Senate and 290 votes in the House for a constitutional amendment, they can pass any bill, now. It only takes a majority to pass a bill. If all Senators are here, it only takes 51 Senators to pass a bill, and only a majority of the House to pass a bill. So if the votes are in both Houses to adopt a constitutional amendment to balance the budget, the votes are here to produce simple majorities to pass bills and resolutions that will get the job done now. We do not have to wait 7 years.

In the final analysis, the discipline that is needed now will still be needed 7 years from now if this amendment goes into effect. That constitutional amendment will not cut one program nor will it raise taxes by one copper penny. In my judgment it will have to be a combination of both in order to deal with the extremely serious problem of balancing the budget.

The responsibility of balancing the budget 7 years from now will rest where it rests now: With the President of the United States and with the Members of the House and the Senate. If we lack the discipline now we are not likely to have much more spine, if any, 7 years from now. It will come right back here. Of course, many of those who vote for a constitutional amendment to balance budget today probably will not be around, some of us, in the House and Senate, 7 years from now.

Mr. President, an immense hoax—that is what this is, in my judgment, a colossal hoax. It is supported by a lot of well-intentioned, well-meaning people. But in the final analysis, that is what it will prove to have been—a hoax. It is about to be perpetrated on the public at large.

It is this Senator's hope that the people will get quickly about the business of informing themselves of the ramifications of the so-called balanced budget amendment before it is too late. In my opinion, the American people could do themselves no better favor than to become very intimately involved as fast as they can with the details. And they should insist on their representatives in these two bodies to give them the details, and the probable impact of this proposal.

For almost every benefit being claimed by the proponents of this ill-conceived idea, the exact opposite of the bogus claim is, in fact, the truth. For example, the proponents claim that the balanced budget amendment will remove the burdening of debt from our children and leave them with a brighter future. This balanced budget amendment will do nothing of itself. The amendment would do nothing of the kind that is being stated. Even if we were somehow able instantly to be able to bring the current budget into balance, our children, our grandchildren, and their children would still be in debt and they would still be paying interest on that debt. Bringing the budget into balance so that there is no deficit this year or next year, or the next year, is child's play compared with wiping out this Nation's $4.6 trillion national debt.

What we pay interest on is our debt. The people should be made aware that the deficit is not the debt. The debt is an accumulation of the deficits built up over a period of years. A constitutional amendment does absolutely nothing about retiring the national debt.

The American people are being told that by passing a constitutional amendment, we will somehow be relieving generations to come of the obligations to pay for the debt of past generations. Well, until the day that the national debt is completely retired, there will still be interest that has to be paid, and then there will be the principal, which future generations will have to eliminate.

That is not to say that getting our deficits down is not important. It is. And we went down that track in 1990 when, under President Bush, we met at the so-called budget summit and a Republican President, President Bush, and the Democratic Congress, made up of both Houses, not just one, enacted legislation to reduce the deficit over a period of 5 years.

The same thing happened again in 1993. President Clinton and a Democratic Congress passed a reconciliation measure which laid out a 5-year glidepath to bring down the deficits, and the deficits are coming down.

That was a tough bill to vote for. Not one of our Republican friends on the Senate side—not one—not one of those who are proposing today that we have a balanced budget amendment to the Constitution, not one voted for that bill in 1993, and I believe I am correct in saying that not a single Republican in the House voted for that package. I could be wrong in that. But not one vote came for that bill from the other side of the aisle. There was an opportunity for courage. Why was it not demonstrated then by the proponents on the other side of the aisle?

There was some pain in that package—some increased taxes, some cuts in programs. We are operating right today with a freeze on discretionary spending. We are operating below a freeze in our discretionary spending, because we passed that package and because, subsequently, we have passed measures that are in keeping with the promise that we made when we passed that budget reduction measure. That is the course we ought to continue on: Bring the budget deficits down but do not tamper with that fundamental organic document, the fundamental law of our country which trumps any other law of the land.

So let us not buy the claim that the balanced budget amendment will somehow take your grandchildren off the hook. These deficits and that debt can never be wished away, nor can they willy-nilly, over a period of any number of years, be erased through a simple provision that is inscribed into the fundamental law of the land: The Constitution.

That balanced budget amendment will not take our grandchildren off the hook. It cannot and will not.

As for leaving future generations with a brighter future, this balanced budget amendment is more likely to snuff out any possibility for a brighter future for many of America's children than to brighten such future.

Getting the details about how the proponents would actually get to a balance by the year 2002 is like extracting blood from a turnip. The President said we ought to have that. But if the broad outlines of such a plan to get to balance are to be believed, America's future may be dim, indeed.

According to reports, some proponents of the balanced budget amendment want to exempt Social Security and exempt defense spending from any cuts. Regardless of whether one agrees with those exemptions or not, let us just look at the arithmetic.

If one adds to that list the interest on the national debt, which cannot be cut and which must be paid, then more than half of the Federal Government's budget will have been excluded from any effort to balance the budget by constitutional amendment, if those items, defense and Social Security and interest on the debt, are taken off the table.

When we take those items off the menu, slide them off the table and totally insulate them from any review or analysis as to whether or where they should be cut, what have we done to the remainder of the Federal budget? The prime candidate then left to feel the budget ax becomes the domestic discretionary budget.

Discretionary spending is made up of both domestic and defense spending. If we eliminate defense from the equation, then the prime candidate to feel the budget ax becomes the domestic discretionary budget. That portion of the budget is the portion left to fund education, veterans' medical care, pensions, protect our people's health and safety, fund research and development projects, build roads and bridges, fund crime-fighting efforts, foster U.S. economic competitiveness in global markets, and generally invest in our people, their talents, and their future.

Obviously, if we take most of the Federal budget off limits for cuts, then the portion that is still eligible for cuts is going to be pretty badly devastated. One-point-three trillion dollars is not change for the streetcar or the bus.

What then happens to the quality of life in America that we are going to bequeath to our children? That ought to be a prime consideration in our debate here on the floor, and it ought to be a prime consideration on the minds of the people.

Are we really doing our children and our grandchildren a favor by embracing this amendment to balance the budget? We are all for a balanced budget. Those Senators who spoke in support of a balanced budget amendment this morning said we are all in favor of balancing the budget, and we are. If we devastate the part of the budget that keeps our kids educated, protects our health, advances our research, helps to keep our Nation competitive in the world, keeps our infrastructure in good repair—in other words, minds the basic needs of the Nation—what are we actually doing?

Mr. President, is there an order that at 1:30 we go back——

The PRESIDING OFFICER. Yes, the Chair will state to the Senator from West Virginia, under a previous order, we will be considering an amendment at the hour of 1:30.

Mr. BYRD. I thank the Chair. I ask unanimous consent that I may proceed out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, so what we are actually doing is walking away from these responsibilities at the Federal level and relegating them to the States and counties and municipal governments. Some would say, "Yahoo, get the Federal Government off our backs." That is the standard talk show answer. But let us give that a little more thought.

With the passage of this balanced budget amendment, we will actually be shifting traditional Federal responsibilities, many of them, to the States and to the State houses. We will be creating a patchwork quilt of a nation with some States able to meet the increased responsibilities dumped on them by the Federal Government's withdrawal of funds due to steep budget cuts and other States not being able to do so.

We will have some States with enormous unemployment, some States with extremely dilapidated and deplorable transportation systems, some States booming, maybe, and others busting. Do we want that result?

I hear the Governors boasting of having cut taxes. I heard some of that last night. They are cutting taxes at the State level. And they have further tax cuts planned. Just wait until this constitutional amendment goes into effect. Those Governors will not cut taxes anymore. They will have to increase taxes because much of the burden is going to be dumped on them from the Federal Government. We will have trickle-down mandates. The Federal Government will offload the problems on the State governments. State governments will offload those problems on the county governments and municipal governments, and in the final analysis the same people who pay the taxes now are going to continue to pay the taxes.

Do we want to have parts of America looking like a Third World country? I have not heard those concerns addressed by anyone. The American people are not being told about the very dark and dismal side of this balanced budget amendment. Why is not anyone talking about these probable results of enacting such a proposal? In the opinion of at least one leader of the other body, the answer is, because if we talk about these things, the proposal will not pass. The knees of Members will buckle.

Now, think of that. Are we going to hide these things from the people in order to pass this ill-conceived idea?

There are other aspects of this proposal that are being hidden from the American people as well. All the while we are slashing away at the funds we have used to invest in our own people, some of the proponents of this amendment are busily signing on to some of the biggest tax cuts in our history. The U.S. Treasury Department indicates that Congress will have to come up with another $300 billion in cuts over the next 7 years to pay for the tax cuts reported to be embraced by the so-called Contract With America.

Now that, my friends, is not small change, either. Well, some would say, what is wrong with that? I want a tax cut.

Now we have the leaders of both parties advocating tax cuts.

Well, with a constitutional amendment to balance the budget, we need to reduce our deficit. We do not want any cuts in defense. We say no cuts in Social Security. We want to balance our budget, but we also want to cut taxes.

I said to Mr. Reagan, when he was President, you cannot do all these things and balance the budget. You cannot cut taxes in the situation we are in; you cannot have a massive buildup in defense spending; you cannot do all those things at the same time you cut taxes and still balance the budget. And we saw an accumulation of $3.5 trillion added to the nearly $1 trillion national debt which was in existence when President Reagan was elected—an almost $1 trillion national debt—and now we have a $4.5 trillion debt.

Look again at those tax cuts in the context of the budget cuts. It does not make sense. All that additional chopping at the budget to pay for tax cuts puts even more pressure on the States to fill in the gaps left by the cuts in the Federal budget.

There is some very clever sleight of hand going on here, Mr. and Mrs. Taxpayer. You may get the Federal tax cuts, but your State taxes are going to go through the roof as a result of this constitutional amendment on the balanced budget. And that ought to infuriate every thinking American taxpayer and inflame every Governor of the Nation. But many of the Governors are saying: No, give us a constitutional amendment to balance the budget. We are cutting taxes in the States. Why do we not have a balanced budget amendment? Get the Federal Government off our back.

Once that constitutional amendment takes effect, the Governors of the States will not be cutting taxes. The load is going to shift to them. They are going to be increasing taxes. Federal taxes will be cut and paid for with cuts in Federal programs, but that means the States will be left holding the bag, and the States' taxes will likely climb through the ceiling. The poor, unwitting believer in the balanced budget will be given the double whammy of increased taxes and reduced services.

When one takes more than half the Federal budget off the table—makes it off limits for cuts under the balanced budget amendment—then fully one-third of the remaining Federal programs are composed of grants to State and local governments and those are obviously going to be brutalized under this balanced budget amendment regardless of our passing this unfunded mandates bill that is presently before the Senate.

I hope the Governors will listen. I hope the Governors are eager to raise taxes to pay for essential needs, because the Federal Government is going to have to take a powder under this balanced budget amendment.

Nobody is leveling with the American people about these matters. I say to the American people, if there is ever a time to utilize your well-honed distrust for politicians, utilize it now. Demand to know what balancing the budget really means and how the proponents plan to balance it. Do not let the politicians get away with this rabbit in a hat, with this sleight of hand.

What is going on here is simply politicians falling all over each other to embrace something that is momentarily popular. Sloganeering has taken the place of serious legislating and only you, the American people, can turn that around. I urge the American people to look beneath the slogans before it is too late. Demand to understand what will really happen to your taxes, to your quality of life, to your local economy, to your children and grandchildren if we constitutionalize this slogan. Demand to know the details. Understand that when Federal taxes are slashed in this instance, State taxes are likely to soar, likely to go up. Understand that when necessary Federal programs are slashed, services decline.

I am not saying that there should not be some programs slashed—that is what we did in 1993; it is what we ought to do—or services decline. Each State then has to try to pick up the slack.

Understand that reducing the deficit is not the same as reducing the debt, and do not be disappointed to learn that even after we devastate the only pot of money we have from which to invest in ourselves, in our Nation, and in our children by way of infrastructure and investment in the Nation's infrastructure, those children and their children will still be paying interest annually on the national debt.

Also understand that the unfunded mandates legislation does nothing to protect States from Federal mandates already in place.

Understand that the balanced budget amendment straitjackets the Nation when it comes to dealing with the economy. In a recession when economic activity falls and revenues fall, unless the Congress can get a three-fifths vote to agree to run a deficit, then the Government will be forced to aggravate the problem by cutting public expenditures, which is the easiest way I know to turn a recession into a depression.

Fiscal policy needs to be flexible because we cannot accurately predict economic fluctuations. Engraving fiscal policy and political ideology on the marvelously flexible United States Constitution is like putting an ugly tattoo on the forehead of a beautiful child. It is inappropriate, will mar the child forever, and it serves no purpose whatever except to destroy something inherently fine and to deface it.

I implore the American people to make the powers-that-be tell the American public how—exactly how—they intend to get the budget into balance by 2002. What are the proponents hiding? What about this sleight of hand on the subject of tax reduction? What else is there that we do not want the American people to know?

I also hope to remind the American people that television and radio talk shows are entertainment, not hard news and not hard facts. Do not let the colorful talk show hosts obscure real issues by exploiting public anger. If you are really angry about public policy, demand to know the details of the so-called cures for the ills of public policy from the proponents. Do not buy three-line formulas as a blueprint for some so-called American revolution, some Contract With America.

Here in my hand is my "Contract With America," the Constitution of the United States of America. If revolutions are contemplated, let us remember Lenin's words:

"We shall destroy everything, and on its ruins we shall build our temple." Does that sound like some of the talk that is making the rounds lately?

It might be well to remember Lenin's words in these days of talk about revolution.

If revolutions are contemplated, let the public clearly understand what the final results may be before we so wound the Constitution and the Republic that they may never recover.

We are only just now recovering from the fiscal hangover left the Nation by the Reagan revolution. As I recall balanced budgets, tax cuts, budget cuts, and sacrosanct defense budgets were all prime features of that last revolution and we are still paying the tab for that one. Let us not overdose on a frenzy of dimly understood procedural reform to the point where we take the insane step of writing fiscal policy into the U.S. Constitution.

We are on the road to balancing the budget, and it is an important and laudable goal to do so and we cannot let up. We have passed important and significant deficit reduction measures in 1990 and in 1993, the latter without a single vote, as I say, from the Republican majority in either House. What does that tell the people about the reality of expecting to get votes on measures that will be required to reduce the budget, measures that inflict pain?

What does that tell the people?

An informed and active citizenry is essential for the workings of a representative democracy. It is up to the people to exercise their right to know by demanding explanations to the many unanswered questions about this proposal, and it is my hope that they will be relentless and ruthless in their pursuit of knowledge in this particular case.

Mr. President, I call attention to a poll. Mr. President, the poll shows that 86 percent of the people think that the balanced budget amendment's backers should be required to specify what cuts they would make before the amendment is adopted.

I ask unanimous consent that the poll released by the Los Angeles Times on Monday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times Poll, Jan. 23, 1995]

SELECTED RESULTS FROM THE TIMES NATIONAL POLL, RESPONSES ARE AMONG ALL ADULTS

A full results summary with question wording and full question text will be available through the Los Angeles Times Poll at a later date.

Note: Not all numbers add to 100% because in some cases the "Don't know" answer category is not displayed.

AMBIVALENCE ABOUT REPUBLICAN PROPOSALS

Do you think the Republican "Contract with America" is a realistic or unrealistic set of proposals?

[In percent]

	1/95	10/94
Realistic set of proposals	31	30
Unrealistic set of proposals	54	55
Some are realistic, some are unrealistic	4	3
Don't know	11	13

As you may know, Congress is considering a proposal for a constitutional amendment to require that the federal budget be balanced by the year 2002. Those in favor say this is the only way to force the government to bring the federal budget deficit under control. Those opposed say it would require increased taxes and cuts in Social Security, Medicare, and Medicaid programs. Do you favor or oppose the proposal for a constitutional amendments to require a balanced federal budget?

	Percent
Favor	40
Oppose	53

Do you think the balanced budget amendment's backers should be required to specify what cuts they would make before the measure can be passed, or should the amendment be passed first, leaving the details until later?

	Percent
Specify cuts first	86
Leave until later	10

Right now, the Constitution allows Congress to pass tax increases by a simple majority vote, that is, by just over half of the members voting. Do you favor or oppose a proposal for a constitutional amendment that would require income tax increases to be passed by a larger, three-fifths majority of the members voting.

	Percent
Favor	69
Oppose	24

Do you favor or oppose giving the President a line-item veto, which would allow him to reject individual parts of a spending bill, rather than having to accept or reject the entire bill as current law requires?

	Percent
Favor	73
Oppose	20

As you may know, under the current income tax system, high-income people are taxed at a greater rate than low-income people. There is a proposal to replace that system with a "flat tax," under which everyone, rich and poor, would pay 17% of their income in taxes. Under this plan, income from capital gains and interest on savings would be tax exempt, but the current deduction for interest paid on home mortgages would be abolished. Do you favor or oppose this proposal for a flat tax?

	Percent
Favor	40
Oppose	48

	Percent
Don't know	12

As you may know, in 1993 Congress raised the percentage of Social Security benefits that are subject to income tax, from 60% to 85% for elderly couples with annual incomes of 44,000 dollars or more. There is a proposal to repeal that increase and restore the rate to 50%. Do you think the percentage of Social Security benefits subject to income tax should remain at the current 85% for these couples or should it be cut to 50%.

	Percent
Remain at 85%	43
Cut to 50%	49
Neither/Other	2

Do you think the federal government should spend a great deal more money on national defense, or somewhat more, or somewhat less, or do you think the federal government should spend a great deal less money on national defense?

	Percent
Great deal/Somewhat more	32
Somewhat/Great deal less	60

Do you approve or disapprove of a constitutional amendment which would limit to 12 years the time any member of the U.S. Senate or House of Representatives could serve?

	Percent
Approve	75
Disapprove	21

Do you think the term limits amendment should apply only to those elected after its approval or should it also apply to lawmakers who are in office now?

	Percent
Apply to new members	17
Apply to current members	74
Oppose term limits	3

On another subject, do you favor or oppose allowing U.S. troops to serve under United Nations commanders in some circumstances?

	Percent
Favor	66
Oppose	35

CRIME/WELFARE/TAX CUTS

On crime:

Which version of the crime bill do you prefer?

	Percent
The original bill which had money for crime prevention programs	72
A revised bill with no crime prevention funds	20
Neither/Other	4

On welfare:

There are two proposals being considered in Washington for reforming welfare. One proposal would require welfare recipients to find work after 2 years on the rolls, and would guarantee them a public sector job if they couldn't find one in the private sector. The other proposal would simply allow states to cut off a recipients' benefits after two years with no guarantee of a job. Which of these proposals do you prefer: the one that guarantees recipients a job or the one that includes no guarantee of a job?

	Percent
Version that guarantees job	66
Version that does not guarantee job	29
Neither/Other	2

There are two other welfare reform proposals being considered in Washington. One proposal would require welfare recipients under the age of 18 who have children out of wedlock to live at home in order to receive benefits. The other proposal would cut off all benefits to recipients under 18 who have children out of wedlock. Which of these proposals do you prefer: the one that requires recipients to live at home in order to get benefits, or the one that cuts off their benefits altogether?

	Percent
Version that requires living at home	58
Version that would cut off all benefits	28
Neither/Other	9

On tax cuts:

There are two proposals for cutting taxes being considered in Washington. One proposal would provide families with annual incomes of up to 75,000 dollars with a tax credit for children under 13, and families with incomes of up to 100,000 dollars with a tax deduction for their children's college tuition. The other proposal would provide families with an income of up to 200,000 dollars with a tax credit for all children, as well as a 50 percent cut in the capital gains tax. Which of these proposals do you prefer, and I can repeat them if you wish.

	Percent
Version for families with incomes under 75,000/$100,000	55
Version for families with incomes under $200,000	23
Neither/Other	10
Don't know	12

VARIOUS POLICY PROPOSALS

Do you approve or disapprove of President Clinton's national service program called "AmeriCorps" which provides students grant money for college it they agree to perform two years of national service?

	Percent
Approve	72
Disapprove	19

In order to reduce the federal budget deficit, some have proposed that higher-income people over the age of 65 pay extra for Medicare, the government health insurance program for the elderly. Do you favor or oppose this proposal?

	Percent
Favor	48
Oppose	46

As things stand now, the age when people become eligible for Social Security benefits will be raised from 65 to 70 in the year 2034. In order to reduce the federal budget deficit, some have proposed raising the eligibility age earlier than 2034. Do you favor or oppose this proposal?

	Percent
Favor	27
Oppose	67

In order to reduce the federal budget deficit, some have proposed a reduction in the annual cost of living increases given on the pensions of retiree's from the military and federal government. Do you favor or oppose this proposal?

	Percent
Favor	42
Oppose	49

UNFUNDED MANDATES

As you may know, the federal government often requires state and local governments to adopt regulations and programs without providing funding to pay for them. There is a proposal in Congress which would bar the federal government from imposing these unfunded mandates on states and localities unless the federal government provided the money to pay for them. Do you favor or oppose this proposal?

	Percent
Favor	64
Oppose	23
Don't know	13

As you may know, currently the federal government requires state governments to build sewage treatment plants so that water used by residents meets federal cleanliness standards. Do you approve or disapprove of the federal government requiring state governments to do this, even if the state must pick up the costs?

	Percent
Approve	68
Disapprove	25

As you may know the federal government requires local school districts to provide special education for mentally challenged students. Do you approve or disapprove of the federal government requiring local school districts to do this, even if the localities must pick up the costs?

	Percent
Approve	68
Disapprove	28

Do you approve or disapprove of the federal government requiring state governments to provide citizens an opportunity for registering to vote when they get a driver's license or apply for some form of public assistance, even if the state must pick up the costs?

	Percent
Approve	49
Disapprove	42

MINIMUM WAGE

As you may know, the federal minimum wage is currently $4.25 an hour. Do you favor increasing the minimum wage, or decreasing it, or keeping it the same?

	Percent
Increase	72
Keep the same	24
Decrease	1
Eliminate	1

AFFIRMATIVE ACTION

Do you think affirmative action programs designed to help minorities to get better jobs and education go too far these days, or don't they go far enough or are they just about adequate now?

[In percent]

	1/95	9/91
Go too far	39	24
Don't go far enough	23	27
Adequate now	32	38
Don't know	6	11

As you may know, a measure has been proposed in Congress that would make it unlawful for any employer to grant preferential treatment in hiring to any person or group on the bases of race, color, religion, sex or national origin. Do you favor or oppose this proposal?

	Percent
Favor	73
Oppose	23

MEXICO LOAN GUARANTEES

As you may know, Mexico faces an economic crisis which has forced it to sharply devalue its currency. In response, private American banks plan to loan that country up to 40 billion dollars, and the U.S. government has agreed to pay back those loans in the event Mexico doesn't repay them. Do you favor or oppose the U.S. government guaranteeing those loans made to Mexico by private banks?

	Percent
Favor	15
Oppose	81

SPENDING CUTS

As you may know, there is much discussion in Washington about which programs should be cut back in order to reduce the federal budget deficit.

Do you think the government should cut back spending:

	Yes	No
On the arts?	69	25
On Amtrak, the federally subsidized passenger railroad?	65	26
For public television and public radio?	63	32
On food stamps for the poor?	48	45
On subsidies for farmers?	39	63
On Aid to Families with Dependent Children, which is the government's principal assistance program for poor families?	38	64
On unemployment insurance programs?	30	64
On the environment?	27	67
For Medicaid, which is the government health insurance program for the poor?	20	73
On Social Security?	12	86
For Medicare, the health insurance program for the elderly?	9	88

MOOD OF THE COUNTRY

Do you think things in this country are generally going in the right direction or are they seriously off on the wrong track?

[In percent]

	1/95	10/94
Right direction	35%	26%
Wrong track	66	66
Don't know	10	8

Do you think we are in an economic recession or not?

[In percent]

	1/95	9/91
No recession	49%	41%
Mild recession	16	17
Moderate recession	18	23
Serious recession	11	13

CLINTON VS. REPUBLICANS

Do you approve or disapprove of the way Bill Clinton is handling:

	His job		The economy		Foreign affairs	
	1/95	10/94	1/95	10/94	1/95	10/94
Approve	54%	44%	51%	43%	46%	48%
Disapprove	40	50	38	50	44	46
Don't know	6	6	11	7	10	6

Who do you think has the better ideas for how to solve the problems this country currently faces:

	Percent
President Clinton	31
The Republicans in Congress	36
Both equally	7
Neither	14
Don't know	13

Do you think (Clinton/the GOP Congress) is working hard to bring fundamental change to the way government is run or is (he/it) governing in a "business as usual" manner?

[In percent]

	Bill Clinton	Republicans in Congress
Bring change	49	41
Business as usual	45	47
Don't know	6	12

As you may know, the Republicans now control both houses of Congress for the first time in 40 years. Because of that, do you expect the country to be better off, or worse off, or don't you expect Republican control of Congress to change things very much either way?

	Percent
Better off	32
Worse off	18
No change either way	39
Too early to tell	6

When dealing with the Republican Congress, do you think President Clinton should compromise to get things done even if he has to sacrifice some of his beliefs, or should Clinton stand up for his beliefs even if that means less might be accomplished?

	Percent
Compromise	56
Stand up for beliefs	38

What is your impression of:

[In percent]

	Bill Clinton	Hillary Clinton	Bob Dole	Newt Gingrich
Favorable	64	47	41	26
Unfavorable	38	36	28	39
Don't know	8	17	31	36

ASSAULT WEAPONS BAN

Congress has passed legislation banning the future manufacture, sale or possession of rapid-fire assault weapons. The measure does not affect those weapons already in existence and exempts many types of guns used by hunters and other sports enthusiasts. Some people in Congress would like to repeal this assault weapons ban. Do you favor or oppose maintaining a ban on the future manufacture, sale and possession of rapid-fire assault weapons?

	Percent
Favor	67
Oppose	16

HOW THE POLL WAS CONDUCTED

The Times Poll interviewed 1,353 adults nationwide by telephone, Jan. 19 through 22. Telephone numbers were chosen from a list of all exchanges in the nation. Random-digit dialing techniques were used so that listed and non-listed numbers could be contacted. Interviewing was conducted in English and Spanish. The sample was weighted slightly to conform with census figures for sex, race, age and education. The margin of sampling error for the total sample is plus or minus 3 percentage points. Selected questions were asked of a half sample of approximately 675; these carry a sampling error margin of 4 points. For certain other sub-groups the error margin may be somewhat higher. Poll results can also be affected by other factors such as question wording and the order in which questions are presented.

Mr. BYRD. Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 173, and that the amendment that was scheduled to be debated at 1:30 be set aside for 5 minutes so we can proceed to the consideration of amendment No. 173.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I just want to make it clear we will not lose 5 minutes from our side because we have many Senators who wish to debate my amendment. I have no objection if the unanimous consent request includes the fact that we will not lose 5 minutes from the 90 minutes that we have been promised on our amendment.

The PRESIDING OFFICER. The Chair will observe to the Senator from California that under the previous rule that has been adopted the time would not be deducted from her time.

Mrs. BOXER. I thank the Chair and thank the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 173

Mr. LEVIN. Mr. President, amendment No. 173 corrects a problem in this bill. The bill does not provide that individual Members can seek an estimate from the CBO that is so critical to the survival of their amendments and bills. This is a different bill from last year. This bill creates a new point of order which was not in last year's bill. It basically keeps the points of order that were in last year's bill, but it adds a new, critical point of order that makes a bill out of order if the estimate of the CBO is not in the bill, if there is not an authorization estimated for what it will cost local governments. But the new point of order has severe ramifications relative to the appropriations process.

Because there are such severe ramifications in this year's point of order, it is critical that individual Members have the power to seek an estimate from the Congressional Budget Office because if that estimate is not there—if certain other things are not there—there is going to be a point of order against our amendments and our bills. And even though it is a point of order and a procedural matter, that stands for something. Points of order mean things, they are not just little procedural hurdles. They can make the difference whether or not an amendment is considered or not considered, and whether or not a bill is considered or not considered.

On page 14 and on page 18 there are references to committees of authorization obtaining the estimates from the CBO in two different provisions. And there is also a provision on page 29 for the chairman or the ranking member of the minority of a committee of the Senate or the House, to the extent practicable, to obtain a study of a Federal mandate. There is no provision in here for an individual Member to obtain that estimate from the CBO, which is so critical for that Member's amendment or bill to survive a point of order.

So the amendment which I have asked unanimous consent now be considered, amendment No. 173, would correct that problem with the bill. I hope this will be adopted by the Senate.

At this point, with the understanding of the managers, I ask unanimous consent that it be in order to seek a rollcall on this amendment at this time, and that the rollcall occur prior to a rollcall, if ordered, on the Boxer amendment, which will come immediately after this amendment.

I am not sure if the manager heard my unanimous consent—whether either manager heard that. I am seeking unanimous consent that it be in order to seek a rollcall on this amendment at this time, but that the rollcall be delayed until immediately preceding the rollcall on the Boxer amendment if one is ordered.

I will modify the unanimous-consent request so that it read immediately after the vote on the Boxer amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent-request? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to very strongly support the amendment proposed by my colleague from Michigan. I do not think any Senator here wants to give up his or her rights to request the same information that anybody else has—whether a committee chairman or not. I think this is a key amendment here. I do not see this as any small amendment.

To say that only chairmen of committees or only ranking minority members are the only ones who could ask CBO for a budget estimate gives up a right for a Senator to represent his or her State. And I do not think that is right. I think this was more of an oversight in the bill. It was not intended that Senators' rights be trampled on, but that would be the effect of this. So I see this as a very, very important amendment.

Every Senator representing his or her State has a full right to ask for whatever information may be required to get an amendment through or to propose legislation. In this case, that means that Senator has to go to the Congressional Budget Office and get an estimate. Otherwise, when they try to bring something up in committee and it is brought up and someone says what is the estimate on this, that Senator would not be able to have an estimate. So they would be precluded, in effect—they would be precluded from putting in amendments that other Senators could put in, if the other Senators were committee chairmen or ranking minority Members.

I do not think there was any intention to take away the rights of individual Senators. But lest there be any doubt about it I think we should pass this amendment. I hope it will be unanimous, if we pass it. To me it makes such common sense. So I rise in strong support of this and hope it could be accepted. If it cannot be accepted on the other side I hope the leadership on the other side could support this. We will have an overwhelming vote of support for this particular amendment because this really does correct something that needs to be corrected, something we should have done in committee but we did not have that opportunity. So here we are on the floor doing it, and I think this is a very important amendment. I yield the floor.

Mr. KEMPTHORNE. Mr. President, I appreciate the amendment of the Senator from Michigan. I am supportive of that amendment. I will encourage my colleagues on this side of the aisle to support that amendment.

Mr. President, I ask unanimous consent that no second-degree amendment be in order to the Levin amendment prior to its disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair. I want to thank the managers of the bill for their support of the amendment.

I yield the floor.

AMENDMENT NO. 202

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 202 offered by the Senator from California. Pursuant to that order, there will be 2 hours of debate; 90 minutes of debate will be controlled by the Senator from California, and 30 minutes of debate will be controlled by the Senator from Idaho.

The Senator from California.

Mr. BYRD. Mr. President, will the Senator from California yield for a unanimous-consent request?

Mrs. BOXER. I am happy to yield.

AMENDMENT NO. 217, AS MODIFIED

Mr. BYRD. Mr. President, I ask unanimous consent to modify my amendment which has already been entered and is qualified, amendment No. 217. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 217), as modified, is as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

"(I) a condition of Federal assistance;

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty required under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); or

AMENDMENT NO. 202

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President. I want to again thank the managers of the bill for agreeing to a time limit which I believe will be sufficient so that Senators who wish to be heard on my amendment can come to the floor and be heard.

My amendment will ensure that this unfunded mandates bill will not threaten the health of children, of pregnant women and of the frail elderly. If we stand for anything in this Chamber, I hope it would be to stand up and be proud to defend the health of our most vulnerable populations.

I want the U.S. Senators to know that I support the thrust of this bill. I thought last year's bill did exactly what it should do. It was an important move forward. I myself, coming out of local government, had experiences which I had detailed on this floor which basically said to me that local and State officials certainly have brains, certainly know what their priorities are and certainly should not be treated in a way that is unfair to them or to their budgets.

Having said that, I think it is important that we not go too far in this bill, that we have a bill that makes sense, that essentially says we will not put unfunded mandates on the States but, in fact, we will let them know the cost and, to the greatest extent possible, we will provide the dollars.

Having said that, I think it is important to note that many of the things we do around here are for the good of the people. I will bring that out as I put forward my arguments.

I feel I must at this point speak to something the majority leader said, the distinguished majority leader, the Republican leader. He said today that Democrats were trying to block a bill they support. I personally feel that is a very unfair statement. I am on one of the committees of jurisdiction, Mr. President. I am on the Budget Committee. And my committee chairman, Senator DOMENICI, for whom I have the highest regard, and the ranking member, Senator EXON, for whom I have the highest regard, asked me if I would withhold most of my amendments until I came to the floor. I agreed to do that, with the exception of a sunset provision which we debated very swiftly in committee, and on a party-line vote the Republicans voted not to sunset this legislation. But I agreed to hold off.

What I came up with were four amendments that I thought were important. I had a call from my good friend, the majority whip. He said, "Senator, can't you try to cut down your four amendments to two amendments?" I said, Look. I think all four of my amendments are important. They protect the children, the elderly, they deal with benefits, and they deal with illegal immigration. But, I said, let me see if I can do it. I am happy to say that I was able to cut back on one of the amendments because Senator WELLSTONE had a similar amendment, although really the amendment that he had, in my opinion, does not go as far as I wanted to in terms of weighing the benefits of some of our laws. But I agreed in the spirit of bipartisanship to cut back.

Today, I have agreed to time limits on two of my amendments, and the third one I think we can dispose of very, very quickly.

So I want to make the point to the majority leader, if he happens to be listening, or to those who are perhaps monitoring the floor so that he can know what is being said, that truly I know of no Democrat who is trying to stall this bill. We want it to be a good bill. We want to be able to vote for this bill.

I also think it is important to note that my Republican friends have voted lockstep against every single amendment the Democrats have offered. I have gone back through the record book to the last Congress and I could not come up with more than one or two occasions when that has happened.

So we have our Republican friends voting lockstep against amendments that could make this bill a better bill, in my opinion. The Senator from Idaho authored the bill in the last Congress. I supported that bill. But I very briefly want to tell you what this bill does because I have gone through this once before on the floor. I will not take a lot of time going over this chart. But I think, if you just look at this chart, you can see the kind of hurdles that we are putting our legislation through should this bill pass as it is without amendment.

In the initial bill, we asked for a Congressional Budget Office statement on cost, and a point of order would lie against any bill that did not detail that cost. That made sense. We are adults here in this Chamber, and we should know what we are doing. And when we have the facts to know what the numbers are we ought to determine if the benefits are worth the cost. That makes sense.

If that bill had been before us, this chart would have ended, Mr. President, essentially right here. All of this would not have been added. All of this green deals with the legislative process and the power of the Parliamentarian here in the Senate. No matter how fine and wonderful the Parliamentarians are—and, by the way, I think they are fine and wonderful—the people of California who I represent, 31 million of them, did not send me here to abdicate my responsibility to unelected Parliamentarians and to unelected bureaucrats at the CBO, faceless, nameless people who, if they are politicized—and that has happened in the past—one way or the other may come up with a number that is questionable. And there is not much we can do about it. In any event, we set up a huge hurdle. That does not even get into this chart, which is what our Federal agencies must do regarding this issue of unfunded mandates.

So the reason I have these charts here is to make my argument, Mr. President, that there are certain priorities that we will not want to send through this incredible maze. By the way, this chart looks like it is describing a one-shot process. It is not. This process may be repeated 10 times for one bill. Let me explain what I mean.

The bill starts here. It goes through all of this rigamarole through CBO, it goes through the committee, it passes to the Parliamentarian, all kinds of points of order may be heard, may be waived, and then it goes to a vote. But guess what? If anyone offers an amendment, you start all over again. Thank God for CARL LEVIN pointing out that not one U.S. Senator had a right to find out what his or her amendment would cost, to come to the floor with a CBO estimate and try to compete to get an amendment. Only the authorizing committees have that right under the bill.

So this is a nightmare. I have to smile because I remember when my Republican friends had charts like this on some of the Democratic proposals.

(Mr. COATS assumed the chair.)

Mrs. BOXER. I have to smile. This makes that look like a birthday party, because if I was really being totally straightforward, I would have 10 of these charts, because every time you have an amendment, you have to start all over again. By the way, every time you have a conference report, you have to start all over again. And by the way, every time the House takes up a bill, they have to start all over again. So this does not even really reflect the bureaucratic maze we are putting legislation through. That is why the exceptions clause in this bill is so very important. That is why I am so pleased that the bill, as it now stands, makes certain exceptions for national security, for emergencies, for international agreements. But since we have set up this maze, it seems to me that we better be darn sure that we are not stopping legislation that protects the health and the safety of our most vulnerable populations, and that is what my amendment is about.

I am very proud to tell colleagues that we have today received a letter from Carol Browner, who heads the U.S. Environmental Protection Agency. I would like to read it into the RECORD.

DEAR SENATOR BOXER: I applaud your efforts to ensure that sensitive subpopulations such as the elderly, infants, and pregnant women are protected in statutory and regulatory decisionmaking.

A growing body of scientific evidence indicates that some subpopulations may be disproportionately affected by some contaminants. For example, it is well documented that high levels of lead exposure contribute to learning disabilities in children. The National Academy of Sciences has published two reports confirming the need to consider differing effects in subpopulations when performing risk assessment and in regulatory decisionmaking.

Your amendment to S. 1 will ensure that Congress is free to act to protect the health of our children, pregnant women and the elderly and it has my full support.

Sincerely,

CAROL M. BROWNER.

Mrs. BOXER. Carol Browner comes out of State government. She is very sensitive to the need not to put burdensome regulations on our States. In fact, she is very well supported by people in State government. But she agrees that my amendment is necessary. Why? Because she knows that if in fact S. 1 passes as it is, without amendment, and we do not fix it up, bills that deal with the health and safety of the frail elderly, children under 5, and pregnant women, will go through this maze. I think we owe it to our children and their children, and the children after them, to stand up and be proud and vote for this amendment.

I want to tell you that we are in a time when we keep trying to simplify issues. Somebody said, "Oh, the President's speech was long." It was long last night, but do you know what? There are a lot of issues that need discussion, intelligent discussion. The American people are a lot smarter than 30-second sound bites and they deserve to hear more. Do you know what is happening in this country? They are hearing it. They are hearing it. Yes, there is a contract—a Republican contract—that somebody said they are going to get through in 100 days. Well, I am going to tell you that where I agree with that contract, I will walk hand-in-hand with my Republican friends. But if it hurts the children, if it hurts the frail elderly, if it hurts pregnant women, if it hurts the economy, if it hurts job creation, if it hurts deficit reduction, I am going to be on this floor and this is one of those times I personally, as one individual Member of the Senate in my 90 minutes that I have, and I will be joined by others, we are going to stand here and say "no", because this legislation sets up unbelievable hurdles to legislation.

This chart is just a hint of it because every amendment goes through it again and every conference report goes through it again. And it happens in two legislative bodies. I think the least we can do is exempt from that, in addition to the other things that are exempted in this bill, the most vulnerable people in our society.

Mr. President, there was a recent poll in the Wall Street Journal that I would like to share, a national poll that asked: "Which do you think should have more responsibility for achieving the following goal, Federal or State government?" Protecting the environment. Fifty percent of the people say it ought to be our responsibility; 38 percent say the State. Protecting civil rights? Sixty-seven percent say Federal Government; 26 percent say the State. Strengthening the economy? Sixty-four percent say the Federal Government; 24 percent say the State. When I ran for this office, I was very honest with the people in my State and I said, "I am going to fight for you, and I am going to fight for what you believe is right and what is best for you and your children." They trust me to do that. There are many other Senators who did the same. So I am very proud to offer this amendment.

I would like to retain the remainder of my time. I know there is opposition on the other side of the aisle. I would like now to yield the floor and retain the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, on behalf of the bill manager, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. LOTT. Mr. President, this is good legislation—trying to have a process to get some control on the incredible burden of Federal unfunded mandates. It has broad support at the local level —the mayors, county commissioners, Governors, and the private sector. All across America people are saying this needs to be done and asking, "Will you not at least have a process to look at the burden that is being created by Federal unfunded mandates, the burdens you are passing to individuals and to county and city governments, the taxes you are putting on people?" This is good legislation. It has had broad support, building over a period of months—in fact, years.

I understand there are 62 or more cosponsors of this legislation. Republicans and Democrats have joined together in drafting this legislation. We had the bill last year. The bill that got to the final hours of the session last year has been improved on. Changes have been made that make it better. It has been brought to the floor with this broad base of support across the country and in this Chamber.

Even the President, last night in his remarks, singled this out and said we may have some disagreements and maybe some improvements can be made, but this is something that we can have and he supports it. Great. We are going to find things we can work together on, such as congressional accountability, line-item veto, unfunded mandates. We are making progress. The American people are going to be the beneficiaries. We are working together. And then what happened?

A funny thing happened on the way to passage, on the way to the President's desk. Every amendment conceived by the minds of men has been pulled up and has been offered or is pending to be offered to this legislation.

This is the ninth day on this noncontroversial, bipartisan bill. This is delay. This is not just finding ways to improve it. It has a purpose. Now, I am not real sure what the purpose is. I presume it is to try to delay the taking up of the constitutional amendment on the balanced budget. That is the only thing I can figure. Maybe it is just to try to score points along the way.

When the President says, "Let's work together," he gets applause on both sides. But he needs to convey to his agents in the Congress that we need a little help. We cannot make progress if we are going to have these amendments that are unrelated, nongermane, that are not going to be accepted. Let us get to the end of this process and pass this legislation.

The ninth day already, and it looks to me like it is going to be all day today and into the night and all day tomorrow and into the night, perhaps Friday, Saturday. But I think we need to get used to it. The leader said we are going to vote this week. The only way we are going to get to a vote is if we begin to dispose of these amendments.

Now, what kind of amendments are we talking about here over the past 9 days? We have had amendments on both sides of the aisle, I admit that, that have dealt with history standards, abortion clinic violence, one on Social Security, I understand one on pornography, now this one on elderly and children.

And, again, as has been said on this floor, I am not diminishing the importance of any of those, but on most of them I ask, why here? Why now? They do not relate to this bill.

This is just making points, Mr. President. And I think it is damaging the image of this institution, and it is certainly, at a very minimum, delaying this bill.

Now, there are those who say, "Wait a minute. I'm not talking about damaging this bill. Even if it is unrelated or nongermane, or maybe if it is germane, I just want to try to improve it. Could we exempt this little thing? Could we add this or that to the little list of exemptions?"

Well, after a while, if you exempt this, you exempt that, what are you going to have left? If it is going to in any way affect anybody or any group of individuals, then we want to exempt them.

And this bill has exemptions, carefully selected exemptions drafted by the committee, by the Members most intimately involved and knowledgeable in this legislation, that have already been worked out and put in the bill.

In fact, there are at least six categories of exemptions in the bill. In addition to the ones that came to the floor originally in this bill, a couple have been added—age, color. But we have the exemption if it involves enforcing the constitutional rights of individuals; we have an exemption if it establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicap or disability status—and now we have added age and color. We have an exemption of any provision in the Federal laws that requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the U.S. Government; that provides for emergency assistance or relief at the request of any State, local or tribal government or any official of a State, local or tribal government; that is necessary for the national security or the ratification of or implementation of international treaty obligations; or the President designates as emergency legislation and the Congress so designates in statute.

This has been worked out. It has been carefully crafted in the committee. The exemptions that really need to be in the bill are in here. We cannot keep adding to it and adding to it and adding to it. We can all come up with some category that maybe we would like to say, "Oh, exempt that." I can certainly think of some I would like to have in my State of Mississippi.

But I think the committee has done a good job. I think the managers of the bill have done a good job. They have been willing to accept a couple of additions, a couple of changes.

I think we have to stop that process where we keep adding to it. And remember this: This is a process. It has been said over and over again, but I repeat it again. This is not saying that it must be this way or that way. It sets up a process for Congress to be able to think about what we are doing with these mandates, to know what the impact is, so that we can raise a point of order. What is the cost analysis? Who would be affected? And it allows us to have a process or forces us to consider what the impact is and deal with it. And if it unfairly deals with the frail elderly, there will be a way to deal with that.

You know, when the American people realize that we pass all these bills and all these mandates and that we do not know what the costs are, we do not know what the impact is on individuals and cities and counties and States, they are horrified. They cannot believe it.

But at least now we will have a process to analyze what the impact would be, what the cost would be. We can make a decision that this is in the national interest and we are going to go forward with it. And that decision could include providing the money or not providing the money if that decision is made by the Congress. But it forces us to deal with this issue.

So you do not need to add every possible, conceivable exemption that you can possibly dream up because they are not being cut out. We would still have a process to review it and think about it.

It will help all of the people, including people of all races and colors and age and children, if we pass this legislation. This legislation will begin, hopefully, to get a grip on stopping some of the burdens we have dumped off on individuals, on cities, that leads to tax increases, causes the loss of jobs.

What about the people that want a job that cannot get one because of Federal unfunded mandates? We are going to at least force ourselves to think about those things.

There are a lot of groups and individuals that have written us in favor of this legislation as it was drafted in the committee—business groups, industrial groups, groups of private individuals, governmental associations, the National Federation of Independent Businesses. I have a long list of supporters.

Mr. President, if my time has expired, I yield myself 2 more minutes to wrap this up.

The PRESIDING OFFICER. The Senator from Mississippi yields himself 2 more minutes.

Mr. LOTT. There are groups that are on record as supporting this.

But, also, to again clarify the depth of the support and that there is a lot of Democrat and Republican support for this, I have letters in my hand here. I ask unanimous consent, Mr. President, to have these letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
Chicago, IL, January 18, 1995.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to urge your support for the Mandate Relief Legislation (S. 1) currently being debated on the floor of the Senate and I encourage you to work with your Democratic colleagues to oppose any weakening amendments. I am pleased that the new Congress is acting quickly, with bipartisan support, to move this legislation.

My support for effective mandates legislation goes back several years. Along with countless other mayors, governors and county officials, I have long tried to make clear to the Congress and the Administration the adverse impacts unfunded mandates have on our ability to conduct the people's business and be accountable to our taxpayers. Chicago's 1992 study, Putting Federalism to Work for America, one of the first comprehensive studies of this issue, conservatively estimated that mandates cost the City of Chicago over $160 million per year—a figure that has only increased since then.

The legislation being considered in Congress will begin to address this problem by setting up a strong process to discourage the enactment of new mandates, and to require that new mandates be funded if they are to be enforced. I recognize that it does not cover existing mandates, an issue which I believe Congress also needs to address.

Fundamentally, this issue is all about giving local governments the flexibility to make the best use of local and federal dollars. The importance given the mandates issue gives me hope that the new Congress—Democrats and Republicans alike—will be paying close attention to the real issues that face our communities and our citizens. Please work to expeditiously enact a strong, effective version of S. 1.

Sincerely,

RICHARD M. DALEY,
Mayor.

NATIONAL LEAGUE OF CITIES,
Washington, DC, January 11, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the elected officials of the nation's cities and towns, I thank you for sponsoring the Unfunded Mandate Reform Act and for working against amendments that threaten the effectiveness and bipartisan spirit of this legislation. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for a long time. We will not have such an important relief opportunity again if this measure is thwarted in the final hour by special interests or partisan politics.

We urge you to oppose amendments that would provide blanket exemptions of certain types of mandates from the points-of-order contained in S. 1. We believe that exemptions for labor mandates and/or environmental mandates (sometimes termed as legislation relating to "protecting public health and safety") would undercut the fundamental purposes of S. 1, as well as reduce the capacity and flexibility of the nation's cities to focus our resources to protect public safety. Historically the most onerous unfunded mandates to local governments have fallen into the two categories of environment and labor.

We also strongly oppose amendments that would exempt mandates related to services which both the public and private sectors provide. The argument that S. 1, as it is currently written, gives the public sector a "competitive advantage" over competing private sector entities is an unfounded fear, as the private sector entities and the U.S. Chamber of commerce, who support S. 1, would likely confirm. Furthermore, we would note that the "Motor-Voter" bill is one of the very few bills we are aware of which imposes mandates upon the public but not the private sector. Therefore, we are apprehensive that any so-called "competitive advantage" amendment would largely eviscerate your NLC-supported legislation.

Our strongest objection to such "competitive disadvantage" amendments is that they contradict the purpose of S. 1—to provide relief to state and local governments from unfunded mandates. The legislation and its sponsors recognize that the public sector is distinctly different from the private sector, both in the services each provide and how they are affected by unfunded mandates. Local governments have the responsibility to provide services such as clean water, drinking water, public safety and garbage disposal. In contrast, providing these same services are an option for the private sector—which can provide such services, for a profit, to those who can afford to pay. Local governments act, not as a matter of choice or motivated by profits, but as a duty to all citizens. In the case of private entities, the motivation is to gain a profit.

It is one issue to set certain standards so that any private corporation can understand the rules before it chooses to ply a trade. It is a different issue when the federal government requires a local government to provide a service in a one-size-fits-all manner to every citizen. This distinct difference between the two sectors means that the federal government must be sensitive to mandates it imposes on state and local governments.

Thank you for your continued efforts to maintain the integrity and bipartisan spirit of S. 1.

Sincerely,

CAROLYN LONG BANKS,
President, Councilwoman-at-Large, Atlanta, GA.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of The United States Conference of Mayors, I want to thank you for your continued leadership in our fight against unfunded federal mandates and to express strong support for the new bill, S. 1.

S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle-down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to restore the partnership which the founders of this nation intended to exist between the federal government, and state and local governments.

S. 1 which was developed in bipartisan cooperation with the state and local organizations, including the Conference of Mayors, is even stronger than what was before the Senate last year in that it requires Congress to either fund a mandate at the time of passage or provide that the mandate cannot be enforced by the federal government if not fully funded. However, the bill is still based upon the carefully crafted package which was agreed to in S. 993 and which garnered 67 Senate cosponsors in the 103rd Congress. The ill would not in any way repeal, weaken or affect any existing statute, be it an existing unfunded mandate or not. This legislation only seeks to address *new* unfunded mandate legislation. In addition, S. 1 would not infringe upon or limit the ability of the Congress or the federal judicial system to enforce any new or existing constitutional protection or civil rights statute.

The mayors are extremely pleased that our legislation, which was blocked from final passage in the 103rd Congress, has been designated as S. 1 by incoming Majority Leader Bob Dole. We also understand and appreciate the significance of the Governmental Affairs and Budget Committees holding a joint hearing on our bill on the second day of the 104th Congress at which our organization will be represented.

I remember the early days in our campaign when many questioned our resolve. How could a freshman Republican Senator from the State of Idaho move the Washington establishment to reform its beloved practice of imposing federal mandates without funding? We responded to these doubters by focusing the national grass-roots resentment of unfunded mandates into a well orchestrated political machine, and by joining with our state and local partners in taking our message to Washington.

The United States Conference of Mayors will continue in its efforts to enact S. 1 until we are successful. We will not let up on the political and public pressure. And we will actively oppose efforts to weaken our bill.

The time to pass our bill is now. Those who would seek to delay action will be held accountable, and those who stand with state and local government will know that they have our support and appreciation.

Thank you again for all of your hard work and commitment, and rest assured that we will continue to stand with you.

Sincerely yours,

VICTOR ASHE,
Mayor of Knoxville,
President.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National Conference of State Legislatures enthusiastically supports S. 1, the Unfunded Mandate Reform Act of 1995. We join you in urging your colleagues to cosponsor this bill and approve this legislation in Committee and on the floor of the Senate. The National Conference of State Legislatures commends your efforts, along with those of Senator Bill Roth, incoming Chairman of the Senate Governmental Affairs Committee, and Senator John Glenn, the outgoing Chairman of the Senate Governmental Affairs Committee, in forging the bipartisan mandate relief bill that is to be presented to the Senate next week as S. 1. We deeply appreciate your leadership in developing legislation that takes significant steps toward correcting the problem of unfunded federal mandates and for your openness to listen to our concerns during the negotiation process.

Your bill is a fitting first step in restoring the balance to our federal system by recognizing that the partnership with state and local governments has been significantly weakened by the growing federal practice of imposing unfunded mandates. No government has the luxury of unlimited resources, and the taxpayers of this country, our shared constituents, recognize that having the federal government pass its obligations down to the state and local governments does nothing to reduce their overall tax burden.

This bill is about information and accountability. The cost estimate, points of order, rules changes and other provisions contained in this legislation are absolutely necessary to get us back on track and have the federal government take responsibility for its actions. To make responsible decisions, members of Congress need to be fully aware of the financial burdens that federal legislation often places on state and local governments, and to understand the implications of those burdens.

As has been said often over the past year, the level of cooperation among state and local governments and members of the United States Senate during the negotiation process is unprecedented. Again, we appreciate your efforts, and those of the other Senators who helped forge this compromise, and wholeheartedly support passage of S. 1, the Unfunded Mandate Reform Act of 1995.

Sincerely,

JANE L. CAMPBELL,
President, NCSL, Assistant House
Minority Leader, Ohio.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing on behalf of the elected officials of the nation's cities and towns to commend you for sponsoring the Unfunded Mandate Reform Act of 1995. Of all the measures introduced to date, this legislation is undoubtedly the strongest, best crafted, and most comprehensive approach to provide relief for state and local governments from the burden of unfunded federal mandates.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we represent. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for too long. We will not have such an important relief measure thwarted in the final hour by special interests.

We commend you for continuing to foster the bipartisan support which your original mandate relief bill so successfully garnered in the last Congress. We will work hard to gain bipartisan support for mandates relief in the 104th Congress, because, as you are well aware, this bill will benefit all states, all counties, all municipalities, and all taxpayers, regardless of their political allegiance.

Again, please accept our sincere gratitude for your efforts.

Sincerely,

CAROLYN LONG BANKS,
President, Councilwoman-at-
Large, Atlanta, GA.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 30, 1994.

Hon. DIRK KEMPTHORNE,
Dirksen Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National School Boards Association (NSBA), on behalf of the more than 95,000 locally elected school board members nationwide, would like to offer its strong support for the "Unfunded Mandate Reform Act of 1995" (S. 1). This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year to comply with unfunded federal mandates. We commend you and your unending leadership on this critical issue.

Today, school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that local school boards are directed to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our nation's public school children must not be made to pay the price for unfunded federal mandates.

S. 1 would prohibit a law from being implemented without necessary federal government funding. S. 1 would allow school districts to execute the future programs which are required by the federal government without placing an unfair financial burden on the schools.

Again, we applaud your leadership in negotiating and sponsoring this bill which would allow schools to provide a quality education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

If you have questions regarding this issue, please contact Laurie A. Westley, Chief Legislative Counsel at (703) 838-6703.

Yours very truly,

BOYD W. BOEHLJE,
President.
THOMAS A. SHANNON,
Executive Director.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, December 29, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the National Association of Counties, I am writing to express our strong support for S. 1, the Unfunded Mandate Reform Act of 1995. We sincerely appreciate the leadership you have provided in crafting this new, strong bipartisan bill to relieve state and local governments from the growing burdens of unfunded federal mandates. Our NACo staff has reviewed the latest draft and they are convinced it is much stronger than S. 993, the bill approved in committee last summer.

While this legislation retained many of the basic principles from the previous bill, there were many improvements. Most significant among them is the provision that requires any new mandate to be funded by new entitlement spending or new taxes or new appropriations. If not, the mandate will not take effect unless the majority of members in both houses vote to impose the cost on state and local governments. Although the new bill will not prevent Congress from imposing the cost of new mandates on state and local taxpayers by holding members accountable we believe it will discourage and curtail the number of mandates imposed on them.

Again, thank you for your leadership on this important legislation. County officials across our great nation stand ready to assist you in anyway we can to ensure the swift passage to S. 1. If you have any questions, please contact Larry Naake or Larry Jones of the NACo staff.

Sincerely,

RANDALL FRANKE,
Commissioner, Marion County, OR,
NACo President.

Mr. LOTT. I have a letter from Mayor Richard Daley of Chicago; another one from the National League of Cities. They support the legislation. But there are some key words in here. They support the legislation without weakening amendments. And that is what this is. It is a weakening amendment.

I will just read the first sentence in the letter from Mayor Daley.

> I am writing to urge your support for the Mandate Relief Legislation (S. 1) currently being debated on the floor of the Senate and I encourage you to work with your Democratic colleagues to oppose any weakening amendments.

That letter was to the minority leader, TOM DASCHLE.

In a letter to the manager of the bill, the Senator from Idaho, Senator KEMPTHORNE, from Carolyn Long Banks, president, and councilwoman-at-large, Atlanta, GA, on behalf of the National League of Cities, the first sentence of the second paragraph:

> We urge you to oppose amendments that would provide blanket exemptions of certain types of mandates from the points-of-order contained in S. 1.

Right on point with this amendment—"oppose amendments that would provide blanket exemptions of certain types of mandates."

And this is from a city officeholder in Atlanta on behalf of the National League of Cities, not your basic, you know, Republican organization. Mr. President, I really think that we should defeat this amendment, all other similar amendments. Let Senators bring this thing to closure. Let Senators pass this bill tomorrow night and celebrate, having done the right thing for all Americans with this unfunded mandates legislation.

I reserve the time.

Mrs. BOXER. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from California has 74 minutes and 30 seconds.

Mrs. BOXER. Thank you, Mr. President. I will speak for about 1 minute in response to the Senator from Mississippi, and I plan to yield 10 to 20 minutes to the Senator from Connecticut, whatever time he might wish to consume.

Mr. President, I want to say to my friend from Mississippi, and he is my friend, that I am rather distressed at his comments. But I am not surprised. It is the intent of the Republicans to make it look as if the amendments we are offering are so-called frivolous amendments. They are not important amendments. They are only meant to slow things up.

I understand he has a Contract With America that he likes. Hey, I like some of the things in the contract. I will help him when I agree with him. But I will not be railroaded so that he can make his 100-day deadline, when the people of California sent me here to protect the children, protect the frail elderly, to make sure that I stand up and fight for my State to get reimbursement for illegal immigration, the biggest unfunded mandate of them all that is not even addressed in this bill.

I liked the bill as it came out last year. As a matter of fact, it did exactly what the Senator from Mississippi, the distinguished whip, says this bill does. Today he said, "We want a process to look at the burden we are putting on the other levels of government." I agree. That is exactly what the bill did last year. It stopped right there. CBO came in with the estimate. If we did not have an estimate there was a point of order against the bill. This whole green area here was added this year. It is a bureaucratic nightmare.

I believe we should think very carefully before we pass a law that will impact local and State government. I served on local government. I come out of local government. I had some mandates that were ludicrous that came down from the Reagan administration. Ludicrous. But I do not want to go too far because we can take a good bill with a good concept, which is what this bill is, and we can destroy it if the real agenda is to stop this U.S. Senate from acting in behalf of the people.

I am very clear in my mind that the people sent Senators here to do something. They did not send us here to walk away from our responsibility. Now, every day I hear of letters from mayors of cities, small cities and big cities, and members of boards of supervisors, and that is great. But I do not represent mayors and Governors and city councils and boards of supervisors. I like them a lot. I have a responsibility to the people that elected me. There were, as I remember, 6 million of them. And the others who voted for my opponent, they want me to work, too.

I find it interesting, because the majority leader last week said, "What is wrong with the Democrats? You do not want to work. We are ready to work." First he says we do not want to work in January; then he criticizes us for having 100 amendments. It is work to put together an amendment that we believe in and fight for it as I am doing and others are doing. It is not fun and games, especially since the Republicans are voting lockstep against us on every single amendment.

I urge the American people to look at that. On the Congressional Accountability Act, they even voted in lockstep—lockstep—to allow lobbyists to continue to take them out to dinner and pay for their weekends. They voted in lockstep against the Lautenberg amendment that said if there is an across-the-board cut, we should take a cut in pay. They voted against that. They are voting in lockstep. There is a contract, and I am not here to help them get a contract through which, in part, I think will hurt Americans.

I think this bill is a good one, but we have to make it better. I am very glad to see that the managers of the bill support Senator LEVIN's amendment, which will allow an individual Senator to get an idea of what his or her amendment will cost so that they can participate in what is now becoming a nightmarish scenario of how to get a bill into law.

When I was a kid I read how a bill becomes a law. It was complicated enough then. Wait until the kids have to learn about this. They will wonder what are we up to. So, I could say to the mayors who are listening and the city councils, I do not intend to vote on anything that will lay an unfair burden on you. But I say to the mayor of Milwaukee, and I don't know if anyone has heard from him, but when cryptosporidium killed 100 people in his city and caused 400,000 serious illnesses because a parasite got into the water, he would have been glad if we had passed a law here that told them they had to get rid of cryptosporidium which killed his constituents.

So, I will yield time to the Senator. I will reserve my time to continue to debate this very important amendment. I am proud that the EPA, the person in charge of the environment in this great Nation has sent a letter to every Senator, asking for this amendment. I am very proud that the Senator from Connecticut is here now. He will talk not only about this amendment on protecting the frail elderly, children under 5, and pregnant women from this bureaucratic maze, but also on my amendment on child pornography that he supports. I yield to him at this time, 15 minutes.

Mr. DODD. Thank you, Mr. President. Let me thank my colleague from California. I may not need all 10 minutes, and I will reserve the balance of time if I do not use it.

Let me first of all commend the Senator from California for offering the amendment that is before the Senate, and, as I understand it, a second amendment which she will offer later this afternoon involving vulnerable constituencies.

The first amendment, the one which is before the Senate now, would provide protection for the health of children under 5, pregnant women, or the frail elderly. They would not be subjected to the procedural hurdles imposed by S. 1. The second amendment, which the distinguished Senator from California will be offering, would exempt laws that protect our children from pornography, sexual assault, and exploitive labor practices. And I think both are very sound and responsible amendments.

Let me just echo the comments of my colleague from California. First of all, I am a supporter of this bill, the unfunded mandates bill. I was a supporter of the bill that we could have passed last September, had it not been stopped through the gridlock and filibusters that took place here.

I do not know if there is much debate, there may be some who are opposed to the idea of amending the present situation which allows unfunded mandates to foist incredible burdens on our State and local governments. As the Presiding Officer knows, and others, a year ago I offered an amendment on this floor with the support, I might point out, of my distinguished colleague from Mississippi, on the Budget Committee and again on the floor.

We tried to do something about the cause of special education, which today the Federal Government contributes about 7 percent of the cost of educating a child with special needs, despite we made a commitment some 20 years ago that we would make up to 30 or 40 percent of the cost. I tried a year ago to get this body to support an amendment that would have raised our commitment to the costs of special education to 30 percent. That failed at the time. But that was again an unfunded mandate, in a sense, by saying special needs children must be educated. We said that should be the case, and yet we are not willing to back up that mandate with the kind of resources to support the States deferring those costs. That is one example.

Here we are talking about a generic law dealing with a lot of issues. I do not take a back seat to anybody in my support for the concept of trying to be more of a partner in meeting the desirable goals of our Nation. That, I do not think, is in debate. The question is, are there certain areas that we ought to exempt from those procedures?

Now, when we are sitting here debating a situation where there are absolutely no exemptions. We were taking the position, or there was a position of the majority here, that there should be no exemptions. Discrimination laws, national security issues, we are going to subject every mandate to the same standard and test. Then I think the argument that we should not be accepting or supporting the Boxer amendment would have value because we are applying the same standard to every single constituency and every single issue that comes before this body where a mandate is involved.

Mr. President, that is not the case. We have already decided to exempt some areas. And I agree with them, by the way. I am not disagreeing with the exemptions that have been made. We said, for instance, on the basis of sex or race or national origin, that you cannot require a procedural process dealing with the funding or the mandates in those areas.

We have already taken categories of people based on their gender, their national origin, and their race, and we have said, "If there is a mandate here to the States that involves those issues, then you are exempt from the procedures." I think that is wise. I think that is right.

We have also done that in the area of national security and international agreements, again I think for good cause. We said, "Look, this is a very sound idea. Unfunded mandates, we ought to be funding them, helping our States or not requiring them. But there are areas in which we think that these procedures should not apply for certain constituencies. Certain people, certain circumstances ought to be exempt from that process."

What the Senator from California has said is we agree. We also think there are some other people here, in addition to the ones mentioned, that we think also fall into that category, and circumstances that fall into that category. Not every State has laws which prohibit the mailing or communication of pornography. I know which States they are. I will not bother listing them here today, but there are States that have no laws in this area whatsoever.

So if we do not fund these things, it is conceivable through the computer practices today—and all of us have read the stories about Internet, and so forth, how you can cross State lines very quickly. The days of just only affecting your neighborhood in these areas is long since behind us. In fact, there are some horrid stories involving the use of computers, on-line computers, Internet, and what happens to young children who get caught up in this.

What the Senator from California is saying, when it comes to pornography and to child abuse and neglect, is that we ought to also carve out an exception, as we have carved it out for the others. Now that we are no longer being pure on the issue, we are carving out exemptions, this is one we think also ought to be carved out.

In addition to the question of children under 5 and frail elderly, I do not think any of us want to be in the position of having some huge procedural hurdles put in front of us despite our commitment to dealing with the unfunded mandates issue. This idea that we have to be so pure when it comes to the process, the process becomes more important, far more important than the constituencies we are trying to serve.

I think we have to get some balance here. Try to have an intelligent, thoughtful process, but let us not lose sight of what happens. The process becomes, in a sense, the Holy Grail, rather than the people who are supposed to be served by the process. I think we lose sight of that. It is possible to have a sense of equilibrium here, where you move forward in the process, you try to make it work better, far more efficiently, far more effectively. But when you turn to certain constituencies, as we have done in this bill—we have said on the basis of race, gender, or national origin, you are different; we are not going to apply the process to you because we honestly believe we should not be turning the clock back in certain of these areas.

What the Senator from California is saying, when it comes to the frail elderly and children under 5, and pregnant women, that we ought to, as well, say "Look, this is not a matter, folks, that we can argue about how much we want to do," and so forth, but in these areas, it would be a major setback to become so distracted, so embracing of the process, that we are willing to walk away from constituencies in these particular cases.

I would certainly not stand up here and support constituency group after constituency group after constituency group that seek to avoid the process. This has been carefully crafted by the Senator from California—carefully crafted. She talks about a series of constituencies and circumstances in which some of those vulnerable citizens in our society could be affected.

Protecting children from pornography, that is a very important issue. This body has debated and discussed this issue over the years, and we have taken strong positions on the issue. I do not know of anyone here who wants to be on the side of coming out and saying, "I'm sorry, but the process of unfunded mandates is more important than what happens to a child through the use of pornography through the mails and computers."

We have to make a choice here: Is the process more important than the issue? I suspect if the American public had an opportunity to vote on that issue, they would say, "Do not make the mistake of becoming so wedded to your process around here that you have neglected or failed to deal properly and forcefully with the issue of child pornography."

The same could be said with sexual assault and exploitative labor practices included in this piece of legislation. Children under 5, pregnant women, frail elderly—those are the constituents. If we cannot find a way to have an intelligent bill on unfunded mandates—and I am confident we will—as well as intelligently carving out certain areas of constituencies that need our national protection, then I think we have lost sight of what our role is here to be a body that does try to be far more efficient and effective, make Government smaller, make it work better. All of us, I think, are wedded and determined to do that and also, as I said a moment ago, to maintain that sense of equilibrium, which is critically important, in my view.

Mr. President, I will just mention here, because someone may say, "How bad is this problem in certain areas," let me just point out—I know the Presiding Officer knows these numbers, as the chairman of the Subcommittee on Children and Families, on which I have the pleasure of serving with him—but reports of child abuse and neglect have risen 40 percent between 1985 and 1991. Too many cases of child neglect and abuse are reported annually now. One in three victims of physical abuse is a baby less than 1 year of age, and almost 90 percent of the children who died of abuse and neglect in 1990 were under the age of 5.

Unfortunately, these numbers seem to be getting worse. I do not know if anybody has simple answers to it, but I think as we try to deal with these questions, we ought to try to get to the heart of it as quickly as we can and not set up, as I say, an arbitrary set of hurdles here in our desire to intelligently do something about a process that needs reforming.

So, again, I emphasize, Mr. President, the fact that we have already carved out constituencies because we feel and have felt that they were important and essential and should not be subject to the whim of a simple majority here, a 51–49 vote that could roll back our support in these areas.

I suggest in the areas the Senator from California has outlined, we should do likewise. This will not do great violence to the underlying bill on unfunded mandates. Quite the contrary. I think it says that this is a body that has dealt with an issue that needed dealing with and dealt with it effectively, and had a sense of balance and equilibrium about the constituencies out there that deserve to be singled out because of their vulnerabilities. I think we ought to be able to do both.

If we do, I think we strengthen the legislation and build a stronger base of support, because we have shown a heightened degree of sensitivity about these people, these children, particularly, because most of the categories we are talking about are the youngest children, the ones who have little or no protection at all but look to us and look to others to make sure that at least there are laws on the books which allow those who are responsible for enforcing them to have some tools in their hands and not watch some endless debate down here that gets caught up in filibusters as to whether or not we are willing to come up with the money in these areas and watch the issue die.

I urge the adoption of these amendments. I hope we will get away from this notion that any suggestion—any suggestion—to try to improve this bill is rejected because of some drag-race mentality. We are not involved in the business of a goldfish-swallowing contest around here, to see how many we can put down our throats in what period of time. This is the Senate of the United States in the business of trying to legislate. I think these are good ideas.

Under normal circumstances, were we not sitting around here trying to meet some date that has been set out in front of us, I think these amendments would be debated, modified a bit, and I think they would be accepted. In the normal course of amending a bill, these amendments would be accepted.

But because there might be a conference with the House working out some of the differences, it might delay the calendar on adopting this legislation, no one can support it on the other side. I think that is a huge mistake. I do not think we are being well served by that mentality.

As I say, this is not a drag race to see who can beat the clock. We are dealing with a very important bill, a good bill—I will say, a good bill, a good bill—that will change the process in this country and provide assistance to States and localities. It is a good bill. I think it can be made a better bill, and that is our business through the amendment process.

Let us get rid of this calendar/clock idea. Let us get our business done quickly, but let us also engage in the kind of discourse that the Senate requires when good ideas are raised; Members can support or object. But to go through a process, no matter how good your idea is, no matter how many people may agree with you, we say, "Sorry, we cannot accept it because, you see, it is far more important we have a clean bill without a conference to get it done than it is what we write and what we ask the American people to support."

So, again, I commend the Senator from California. These are good amendments. I think I can predict what is going to happen. They are going to be defeated mindlessly because it does not fit the drag race to get the bill done.

My view and hope would be that some might begin to at least say look, I think these are pretty good ideas. I think the House might accept them.

Let us not get bogged down in rejecting every idea that comes along here merely because it is going to upset the 100-day calendar, whatever else it is we are dealing with.

That is not what the American people are interested in. They could care less about the politics of what kind of timeframe you are going to build on. They want us to do a good job here—not a fast job, a slow job but a good job. I think we have a wonderful opportunity to do a good job. It can be a better job with the adoption of these amendments.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Connecticut yields back his remaining time.

The Chair advises the Senator from California the time under her control is 53 minutes and 30 seconds.

Mrs. BOXER. I thank you very much, Mr. President.

Is there a desire on the other side to take some time?

Mr. LOTT. Mr. President, I inquire of the time remaining on this side.

The PRESIDING OFFICER. The Chair advises the Senator from Mississippi there are 17 minutes remaining.

Mr. LOTT. Since there are 50 minutes on the other side and only 17 on this side, I will reserve the remainder of our time at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator from Connecticut leaves the floor, I want to thank him for taking time to speak. It is very difficult for Senators to come and talk on another Senator's amendment. That is why I am so pleased I have a number who will be doing that.

I could not be more pleased than to have the Senator who has really stood for protecting the children of this country to be here on these amendments. I think it is clear that he has been the leader in this regard. I think he makes the points very clearly. We are setting up hurdles in this bill, many more hurdles than in last year's bill. Some of us may still decide it is a bill worth voting for, but we do have a chance to make it easier.

I say to my friend, under last year's bill, the hurdles stopped about at this point, because at that time we just said CBO had to let us know how much our amendments or bills would cost State and local governments. And then we would make intelligent decisions because hopefully we have the ability to do that.

What has happened in this year's bill, S. 1, which some say goes too far, is that we added all this part here which deals with giving power to the Parliamentarian to decide whether or not the amendment or bill as it comes to us is fully funded, and there are points of order and all kinds of confusion.

I might say to my friend, after we even get a bill down here to the floor, every amendment has to start all over again with this procedure. That is why the exceptions clause is so critical to us. It is not as important as it was under last year's bill, but because of these hurdles, we have to be careful that we do not tie our hands behind our back, blindfold ourselves, and put earplugs in so we can really do nothing.

I am very fearful, if we do not get these amendments through, then the children of our country, who do not put on pinstriped suits or come up here and treat Senators to dinners and breakfasts, will not be heard.

So I thank the Senator for adding his important voice to this amendment. I repeat that Carol Browner of the EPA supports us on this, of which I am very, very proud.

At this time, I would like to yield 7 minutes to my colleague from Minnesota, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair, and I thank the Senator from California. I am pleased to be an original cosponsor of this amendment.

Mr. President, to me, the operative language in the amendment says that any bill which "provides for protection of the health of children under 5, pregnant women, or frail elderly would not be subject to S. 1's point of order and other requirements."

I had a meeting back in Minnesota before the beginning of this session. It was really a very powerful meeting. It was with a large number of people from the disabilities community in Minnesota—Justin Dark came out—and people were really both terrified and I think indignant about what this unfunded mandates bill would mean to them.

I think it was very, very important it be made clear that there would be an exemption as it applied to the Americans With Disabilities Act.

I really view this amendment in the same framework, and I would say to my colleague from California and the Senator from Washington, with whom I have worked closely as well, that actually, as I have had discussions with people in my office about this piece of legislation, some have been surprised at really what is, by and large, with my strong support, the premise of this bill, but my view is that we should be accountable.

I think that when we vote legislation and we are requiring State or local governments to follow through and implement certain policy and there is an expense, and we might decide that we cover the expense or we might decide that it is appropriate for State or county or city government to also be providing some of the funding, we should go on record.

In many ways, that is what we do now. Someone can challenge a particular through an amendment and call for 51 votes right now. I like the idea of our being accountable, and in that sense I think the premise of this piece of legislation is extremely important. I have said that to Senator KEMPTHORNE. But I also worry about what Senator BOXER has so ably pointed out on the chart.

What I worry about is that we get into a kind of morass where there is the complexity and the multiple veto points which end up leading to a process where we literally cannot move forward with important legislation where there are needs that cry out to us. I would say that those needs cry out from children and from frail elderly and from women expecting children.

I know one of the most poignant gatherings I have been involved with here in Washington was when a group of citizens, to make a connection to the environment, came from around the country. They were mainly poor and they came to talk about environmental justice. Their point was that all too often the environmental degradation has a disparate impact on their communities. And they are right.

So when it comes to situations where women really cannot eat fish out of lakes or rivers close to where they live, nor can their small children, or when you go into a classroom—this happened to me in Minneapolis—and meet with students—I think there is no alternative to meeting with elementary school kids; it is wonderful how eager they are. It is sort of like the world all of a sudden of magic is before you. But to leave this meeting and then have a teacher say to you afterwards: You know, Senator, these kids are wonderful, but I really worry about the lead they have in their bloodstream—environmental degradation, whether it be in the paint or whether it be in the soil—there are needs that cry out in this country.

I cannot think of an amendment that does more to really strengthen this piece of legislation because by passing this amendment I think what we say in one stroke of public policy is we are committed to being accountable; we are committed to making sure that we do not impose legislation on State and local governments without making an effort to either provide the funding or be clear that they should provide the funding, but we go on record, we are explicit about what we do, but at the same time in the framework of the Americans With Disabilities Act, we understand that there are some compelling needs in this country, there are important populations that, unfortunately, are not so important here, not as important as they should be, that really do need support and protection.

We do not want to see some legislative process we have designed that has become so convoluted, so complex, so full of opportunities for people to block to prevent us from moving forward where we really need to take action.

I think that is what this amendment does. I think it strengthens the bill, and I am very pleased to support it.

I yield the remainder of my time. I thank the Senator from California for her leadership.

Mrs. BOXER. Mr. President, I thank the good Senator for coming over and joining in this debate. Again, it is an honor for me to have so many of my colleagues make the time. He has consistently worked since this bill began to try to strengthen the ability of this Senate to respond to the needs of populations that simply cannot get on a plane, come over here, take us to dinner, and plead their case eloquently. And many times these populations are in fact little kids, pregnant women, and the frail elderly.

What we are saying in this amendment is very clear. This bill has turned into somewhat of a bureaucratic nightmare. Maybe it is worth it all, to make the Governors happy. But we better stand up and look out for regular people. Is that not why we are here?

At this time I am going to yield to the Senator from Washington who I think, more than anyone in this place, stands up in the most direct way to protect those people, average Americans. I yield 7 minutes to my friend from Washington, Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from California, Senator BOXER, for bringing this very important piece of legislation, this amendment, in front of us today, because I think it points out who some of the critical citizens we are representing in this debate are and what attention we need to bring to them. Certainly I, like all of my colleagues, have received letters from mayors and city councilmen and women who are saying you have to pass this unfunded mandates bill.

As a former State Senator I certainly was the recipient of mandates from the Federal Government, and I said, "Who are they to pass this along to me?" However, I think in the process we have forgotten the people whom we are here to represent. My constituents in the State of Washington sent me back here to represent their interests at the Federal level. Certainly some of the most important people I represent are the people who are spoken to in this amendment: Children, pregnant women, and the elderly. I look at this bill very critically. How will that affect those, the most frail in our society, people who do not have much of a voice here in the U.S. Senate?

There certainly are no children here, no pregnant women, and very few elderly. I think it is important we speak out for them and I thank the Senator from California for bringing this to our attention.

As we look at this bill in front of us, I look at the charts of the Senator from California that say what we will have to go through in order to pass a bill or amendment in the future, once the unfunded mandates bill comes before us. I have to say, as a mother I have a great concern about what this may do in case of a national crisis in the future. I want to point out an example of an issue I think might be severely impacted by this legislation as it is now in front of us without Senator BOXER's amendment.

Last year in my State there was an outbreak of E. coli. E. coli is a bacteria that is in meat, and if the meat is not cooked properly it can cause severe illness and in some cases death. In my State of Washington, some children had hamburgers from a restaurant where the meat was not cooked sufficiently. Several children died, many were ill, several of them still ill, and the outbreak of that has very much affected me as a mother thinking about buying meat and purchasing things.

We responded very quickly, putting out new regulations about how long meat should be cooked. Certainly public awareness has become greater on the issue. But I say to all my colleagues, and to people listening, that E. coli is an emerging bacteria. It was not here several decades ago. It is now something we are seeing more and more of, and there may be a time in this country where it is not just isolated to my region. Where we see more of it, we will need to respond quickly and directly with national legislation to ensure that we deal with this crisis.

I look back at the charts of my colleague from California that show us the legislative process we have to go through and I ask what would happen if we had to bring an amendment forward to deal with an issue like E. coli. What strikes me very much is it will no longer be our decision about whether or not this is a critical issue to the country and one we will be able to fight for. It will end up at CBO, and CBO will decide whether or not, if they have the manpower or the womanpower to decide how much this is going to cost, how long it will take them to put together the impacts, if they can, of the passage of the legislation. We will have some nonelected bureaucrat sitting in a back room, looking at a stack of paper on his or her desk deciding whether or not they have the time to decide the impacts of my E. coli amendment that is before the U.S. Senate.

I have a serious concern with that. I was elected by the people in my State to come back here and to bring to the attention of this Government important issues that we have to address. To know that I would be stymied by somebody who is not elected, who is a CBO bureaucrat in the maze of the Senator from California back there—that I could not react quickly really concerns me. It especially concerns me when the issue affects children or pregnant women or the elderly.

I think the amendment of the Senator from California is very important for several reasons. It points out very specifically how this can have a dramatic impact on some of our populations, some of our amendments—the process. Kids are small. Their tolerance level is very low. They cannot take a lot. We cannot wait for a bureaucrat to decide whether or not this is an important issue. Maybe they are not a mom and they do not have the kind of feeling I have about it. We need to be able, as elected officials—the people we have—to be able to move legislation quickly.

I commend again the Senator from California for bringing this very important amendment before us that will simply say when the issue affects children, pregnant women and elderly, that we can move it through this body quickly and effectively. I believe, as the Senator from Connecticut said, this strengthens the bill. This touches the concern I have, and says we can act as who we were elected be, to be legislators, to make legislation. We can do it responsibly. And it is an important amendment for this body to consider and to move forward.

I again thank my colleague, the Senator from California, for bringing this amendment before us and I yield back my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. We do not have much time remaining on our side but I will just try to give a little balance to the debate. I would like to take 4 minutes of our time to make a couple points.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 4 minutes.

Mr. LOTT. Mr. President, after the last three statements we have heard I want to emphasize this point. This bill hurts no one. This is a positive bill. The results of this bill will be to help people, all people, including—and I believe especially—the elderly who now have to bear the burden of so many of the Federal regulations through additional taxes and in many cases property taxes. This is a way to begin to help the American people by getting the onerous mandates of the Federal Government and all the problems it creates and all the taxes off the backs of people.

We should not be trying to anticipate, in this legislation, S. 1, any and all of the types of circumstances that would justify a waiver in future legislation. This legislation fully anticipates that such circumstances will exist, probably, and allows the full Senate to judge those cases on a case-by-case basis.

Several amendments have been offered. I guess others will be offered that would remove additional categories from coverage by the bill. I have a lot of questions about this.

How do you define frail elderly as distinguished from sick elderly or just elderly? My mother, heaven help her, is 82 years old. She has a bum knee. She does not get around too well. The bill already has an exemption for age. Would that not take care of this problem?

There is this other little exemption in the bill that I read earlier. If there is a real problem the President of the United States can designate this is an emergency and can take care of the problem also.

There is no end to the list of groups or categories of individuals or circumstances we might conjure up that might come forward. The bill will take care of that. There are at least three problems with adding all these exemptions.

First, it is a slippery slope and there is no limit to the interests that arguably ought to be protected through an exclusion.

Second, creating entire categories of blanket exclusions invites real problems of interpretation. Would a mandate that deals with infants and pregnant women, but also includes many nonexcluded circumstances or categories, be exempt from the requirements of S. 1? That is a question we really would have to think about.

Third, the more categories that are excluded, the more loopholes in the bill that will invite creative construction of mandates, in order to avoid the intent of the law.

The real answer to these pleas for additional exclusions lies in the waiver provision. Remember, S. 1 does not decide which mandates will be funded by the Federal Government and which ones not. Instead it establishes a process. Is it a magical process? Are we wedded to that? Can we make changes? Yes, we can. But this is not a mandate. This is a process by which we can virtually look at all Federal mandates. They will be judged on their individual merits as to whether or not the Federal Government ought to fund them or not.

S. 1 fully anticipates the concerns of Senators like the distinguished Senator from California, Senator BOXER, by allowing the Senate to make a case-by-case judgment on which mandates are so compelling that they ought to be imposed even without Federal funding.

A big advantage of such case-by-case determinations is that it allows Congress to prevent creative uses of exemptions from turning into unintended loopholes. It also allows us to still require that the cost of a mandate be scored by CBO, under the provisions of S. 1, while then having the option of waiving the requirement that the Federal Government fully fund it. Remember, exclusions from this act are exempt from both requirements. That is the way they should be considered.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. FRIST). All time which has been yielded has expired.

The Chair reminds the Senator from Mississippi that he has 13 minutes 43 seconds left under his time, and the Senator from California has 38 minutes 2 seconds.

Who yields time?

Mrs. BOXER. Thank you very much, Mr. President.

Mr. President, I thank my colleague from Mississippi. I want to respond to some of his points.

The Senator says, "What do you mean by frail elderly? It is confusing to me." Let me tell you why we decided to go with frail elderly. We wanted to make this a narrow exception. We did not want to make this an exception that will hurt this bill. We said children under 5, because those are the ages recognized by the World Health Organization as the years when children are particularly vulnerable to environmental pollution. We did not want to say "elderly." That would mean everyone over 65 or 62 or 70, because I have many friends of that age group who are in better shape than some of us who are younger. We are trying to make an exception for the most vulnerable in our society.

It is really extraordinary to me that my good colleague would send out one of the members of the leadership to fight this amendment. I am very flattered that the majority whip himself is here with all of his experience in debate. But I think it speaks to the fact that this is an important amendment.

I hope that my Republican friends will not march lockstep to some 100-day plan to pass a contract and say we have to vote against every amendment because if this bill is different than the House bill we will have to go to conference, and, God forbid, it will slow it down and take time.

I hope the American people are listening to this debate. I hope they get involved in it because we are going to vote on this issue pretty soon. I think anyone who has followed this debate, who has seen how bureaucratic this law is, will well understand why we need to exempt some of our priorities from the maze it creates. If children are not our priority, where are we as a nation? Every Senator from every party, Republican, Democrat, Independent, I do not know of one who has not made a great speech and gotten great applause for our wanting to protect our children or our future. Well, let us show that we mean what we say.

We are setting up a new procedure that is very confusing. I daresay I listened to this debate. The two managers could not agree on some of the provisions. There is no explanation of one of the key points in the bill, the term "direct savings." There is no definition. The Senator from Mississippi says, well, the Senator from California does not define what frail elderly means. In this bill there is no definition of direct savings. If we pass an environmental law and kids do not get poisoned from lead and they can concentrate in school and they can get into high school and college and earn a living, was it worth it that we said to the States get the lead out of the water? You bet.

I ask you, my friends, my Republican friends who voted in lockstep against every one of these amendments, to ask the people in Milwaukee if they would have wished we would have acted to take the cryptosporidium out of the water, or my friend from Washington, my good friend, who said she had to deal with the effects of E. coli in the meat supply.

This bill sets up a bureaucracy. Make no mistake about it, it is here. No one disputes it because this is it. This picture, I say to my friends, does not even show the whole nightmare that it is because this is just what the Senate does to get the bill. Every amendment goes right around and through all of these steps again at every single conference report that may come to us. It goes right through it again. You can hear the arguments on this amendment. They have accused us of slowing things up. I have news for them. They are on a 100-day course. My people did not send me here to march in tune to a contract that some politician wrote. They sent me here to fight for the people of California, to stand up for what I believe in, and especially for those without a voice because kids do not come here in pin-striped suits and treat us to dinner. They expect, and they should expect, of their elders that we will look out for them.

I have made this amendment very narrow. I have made this amendment so narrow that the exception is the frail, elderly, children under 5, and pregnant women, because I do not believe it is right, I do not believe the American people want us to tie that kind of legislation into knots and later on be offering an amendment that says if it is a law that deals with child pornography, child sexual abuse, child labor law infraction, that we do not subject those kinds of laws to this bureaucratic nightmare.

If that is what this contract is all about, fine. I have to say that my friend from Mississippi, and he is my friend, says this bill hurts no one, that this helps all people. Let me tell you something. I will be unequivocal about this. I used to be in local government. I did not like it when the Reagan administration told me what to do, and they did it time after time. So I want to support a bill that takes the mandates off our backs. I supported the original bill. This one goes too far. It sets up a maze. I am here to tell you. What good is it for the people of California to send me here and I cannot even offer an amendment to save the children—to save the children from chemicals that go into the water, from bacteria that goes into the food, from dirty air?

Do you know that the children in Los Angeles today have a 15 percent lower lung capacity than children born in clean air areas? The San Francisco Chronicle, which in the past has supported many Republicans, says as follows about this bill:

> Clearly none of the major environmental protections passed over the past 25 years could have withstood this bill.

So let us be careful. Let us vote for the Boxer amendment, supported by the head of the Environmental Protection Agency, and in a new poll the vast majority of people believe we should have an Environmental Protection Agency. And Carol Browner has sent to every Senator a letter today saying vote for this amendment. This is smart. She says:

> Your amendment, Senator BOXER, will ensure that Congress is free to act to protect the health of our children, pregnant women, and the elderly, and it has my full support.

This bill sets up a process. This is not about helping anybody. It is about a process. It is not about helping anybody. I hope that we will add an exception. That is an exception for the frail elderly, the children, and the pregnant women. I ask my friend from New Jersey if he is prepared at this time to make a few remarks on this amendment, or would he rather the Senator from Texas take her time now? I have the right to the floor, and I am glad to yield if he wishes.

Mr. LAUTENBERG. I thank the Senator from California. I hope the Senator from Texas will excuse my taking advantage of the time offered now. I will not be long.

Mrs. BOXER. Would the Senator like 10 minutes?

Mr. LAUTENBERG. That would be the most that I would need.

Mrs. BOXER. I yield 10 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to make sure that as we pursue the objective of S. 1, one that I think almost all share here, which is to get rid of assigning States tasks that cost them lots of money without having a good and sufficient reason, that we take important national matters into consideration. One issue that I have mentioned in previous statements is interstate pollution. I am concerned about my ability to persuade the citizens of New York to take on an extra tax so that beaches in my State could remain free of pollution. Yet that is exactly what may happen, because under S. 1, States would not have to comply with Federal mandates unless we pay them to—or unless I am able to persuade a majority of my colleagues to help my State.

As I examined this bill, I came to the conclusion that, while in concept and principle it is an excellent idea, there are certain national interests that are so important that they ought not to be subject to the S. 1 point of order. I commend the Senator from California, whose always thoughtful review of legislation enables her to have a certain uniqueness about finding that one spot or a place in a bill that really calls out for unique or special attention.

In this case she is absolutely right. These exemptions, such as the one that is being proposed by the Senator from California, include Federal mandates relating to national security, discrimination, and international agreements.

So today, I am trying to help secure support for the amendment of the Senator from California, to add the protections of children, pregnant women, and the frail elderly to the list of vital national interests.

Mr. President, I cannot believe that any of my colleagues would act in a way to endanger the welfare of already vulnerable Americans. Yet, this bill, as it now stands, would do just that.

Mr. President, if we leave Federal environmental laws to the States, we risk a situation where some States will enact much stricter legislation than others and in that situation, by way of example, our Nation's children could be placed at terrible risk. Scientific studies have shown that children, pregnant women, and the elderly are all particularly vulnerable to environmental threats. The overall incidence of childhood cancer, which induced, frankly, the review of the Superfund statutes that are on our books, has increased 10.8 percent over the last decade. Noting that, the incidence of childhood cancer has increased 10.8 percent over the last decade. Cancer now is the No. 1 disease killer of children from late infancy through early adulthood.

Unlike legislators and regulators, the disease of cancer does not know State lines. If just one State were to loosen its environmental laws, the fallout could lead to even higher rates of childhood cancer, both in that State and throughout the region.

In his State of the Union Address, the President cautioned that we must maintain our sense of responsibility and compassion as we move to trim the Federal Government.

As it now stands, S. 1 would allow States to decide whether or not, on their own, to protect citizens from serious environmental threats. I am concerned that passing this bill in its current form might be neither compassionate nor responsible.

The Federal Government has a moral responsibility to protect American citizens—especially our most sensitive populations—from grave dangers to their health and well-being. We have a moral responsibility to tackle national problems with national solutions. And we have a moral responsibility to make sure that our national environment is habitable and safe.

Later this afternoon, I plan to offer another amendment that addresses concerns not dissimilar to those raised by the Senator from California. My amendment would exempt from the requirements of this bill, legislation seeking to limit exposure to group A carcinogens. In other words, very simply, if a mandate was issued that one State had to rid itself of the emission of carcinogens to protect another State's interest as well as its own, I do not think it is unreasonable to ask that polluting State to pay for it, particularly if the effects, like the wind blowing or currents flowing, would be in another State.

Mr. President, I am particularly sensitized now to the well-being of children, as I expect a phone call any minute from my youngest daughter, who is ready to deliver my second grandchild. It is an exciting time, as all know. Also, it is a daunting one. I want to make sure that my children and your grandchildren, Mr. President—you are young and do not have them yet, but you will get them, God willing—and all the children in this land grow up in a safe healthy environment.

I want to make sure that they can breathe in the air without also breathing in toxins of death, that they can drink the water without imbibing lead, and that they can grow up as healthy, productive adults, free from scars of serious birth defects and childhood diseases. That is why I am here and joining the Senator from California to support this amendment.

It is thoughtful, purposeful, and it belongs in this piece of legislation as an exemption. Otherwise, Mr. President, we are going to be putting the children of America and the elderly at dangerous risk. There is nothing more beautiful, in my mind, than my pregnant daughter. We ought to be concerned about pregnant daughters across the face of this Nation. We all instinctively want to protect and admire that cycle of life.

So, Mr. President, I hope this is an amendment that is going to carry by weight of its value and by the persuasive presentation from the Senator from California.

I yield the floor.

Mrs. BOXER. Mr. President, I understand that the Senator from Texas is prepared. I will only take 1 minute of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes 33 seconds.

Mrs. BOXER. I will take, at maximum, 2 minutes to say to my friend how much I appreciate his coming over here. He has been a stalwart in terms of protecting the environment of the State of New Jersey and the health and safety of all Americans. He just faced the voters in a very tough race, where he stood on that record of environmental strength. And I think the fact that he is out here today supporting this very important amendment—which, I tell my friend from New Jersey, Carol Browner, the head of EPA, supports and has sent us a letter which is on everyone's desk—and the fact that he took the time out of his busy schedule says to me he meant what he said to the people of New Jersey and he is very magnanimous to the Senator from California for helping her.

I want to share a personal note with my friend. I, too, have a daughter who is going to give me, if all goes well, my first grandchild in June. And it is quite an experience to those people who have not had it yet. Your feelings for life and children and future come right to the forefront. What we do here now is going to affect those grandchildren of yours and mine, because if we set up such hurdles that makes it impossible for the Senator from New Jersey to fulfill the pledge he made to his people in his election and impossible for the people to look to me and say, "Please, BARBARA, you said you want to act to help the young people and elderly in our environment." Children who live in Los Angeles have on average 15 percent lower lung capacity than children living in clean air areas. That is wrong.

This bill is a good idea that may well go too far. We are trying to fix this and make it better. I am stunned at my colleagues, that they did not say to me, this is reasonable, let us work it out, let us change two or three words, and let us make your idea part of this bill.

No. No. I have never seen anything like it; vote after vote along partisan lines against amendments that are going to make this bill better. The majority leader said, "They like this bill. Why are they offering these amendments?"

Because we want to make it better. We did not come here to roll over and play dead because there was an election and somebody has a 100-day contract. You know, my contract with my people goes far past 100 days. It goes to the next generation.

I really believe that the Senator from New Jersey spoke eloquently to that point. I am so proud to have his support, and also have the support of the Senator from Connecticut and the Senators from Washington and Minnesota. I thank them all.

I retain the remainder of my time to close debate at a later point.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I certainly appreciate the concern of the Senator from California about pregnant women and children and the elderly, and the Senator from New Jersey talking about carcinogens.

A vote today against this amendment or against the Senator from New Jersey's amendment does not mean that we are for carcinogens in the water. It does not mean that we do not want to take care of the young children and the elderly. We all want to make sure that our young children and our elderly people who need help have it.

In fact, that is the purpose of the bill. The purpose of the bill is to bring the issue down not to whether we take care of people or not but how do we take care of them? What is the best way to make sure that our children have a future, that our elderly are able to be taken care of, that we do not have carcinogens in the water?

The question is who makes the decision and who pays for it?

What we are saying today is that the Government that is closest to the people should be making those decisions and they should pay for it after they make the decisions.

The whole concept of our Government is that we do not have taxation without representation; that if we are going to have a program whoever decides that we are going to have that program should pay for it. That is the issue today. It is not whether or not we are going to take care of the people in this country who need help.

I am a former State treasurer. I have been a State officeholder. My colleague from Idaho has been the mayor of his city in Idaho, Boise. So I think we have to look at the issue of who can best do this job.

We know the impact of these mandates. We know the tough choices unfunded mandates force States and cities and counties to make. And the issue is, are they going to raise taxes or are they going to cut services, services to the elderly and children? That is the question.

Passage of this bill sends a clear message to our State and local government leaders that have cried to us time after time after time. We want to work with them to reduce the pressures on the taxpayers of America. It will also send a message to them that we intend to return to the proper role of Federal Government.

In my own State, almost one-third of the increase in the State budget over the last 3 years has been the result of unfunded Federal mandates—one-third. It is a stealth tax. The taxpayers of Texas and California and Ohio and Idaho are paying taxes but we do not get the blame for those taxes because it is a stealth tax. It comes from unfunded Federal mandates through the States and local governments. We just cannot afford it anymore. The taxpayers of this country cannot afford it anymore.

Yesterday, I spoke about an amendment and I said these unfunded mandates mean that we may have to increase and have increased the light bill or the water bill or the sewer bill for the very elderly people that the Senator is trying to protect. I think you have to look at the overall picture to determine what the effects are going to be on the people that we are going to try to protect.

Gov. George Bush of Texas, who just got sworn in last week, in his inaugural address said, "Texans can govern Texas. Thank you very much, Federal Government. We can do it ourselves."

Well, I am sure Tennesseans can govern Tennessee. I am sure Californians can govern California. They are quite competent to do it. In fact, they are better able to make the decisions, because they would not put a mandate on the local governments to test the water supply for proposed carcinogens that that water supply has never had and will never have because they know what the potential carcinogens are in Boise, ID, or Amarillo, TX, or Memphis, TN. They know better than the Federal Government and they do not need to send their money to Washington to have them launder it through their bureaucracy and send 80 cents on the dollar back. They have figured that out.

So the issue is not are we going to protect the elderly and the children and the working people and the jobs in this country. The issue is how is the best way to do it. And the best way to do it is to pass this bill without amendments that are going to gut it as this amendment will, pass this bill to say to the State and local governments: We are not going to tell you what is best for your locality because we know you can make that decision. We know that you are the best source to determine what the quality of air is and what the priority programs to clean up the air is for your area. And it is different in Los Angeles than it is in El Paso. It is different in Houston than it is in Memphis.

That is why we want to pass this bill, so that the local governments can more efficiently protect the people that we are here to protect, because they can do it best at the government level that is closest to the people and they can determine what the priorities are and they will do it in a much better way than the Federal Government, the bureaucrats that may or may not have ever visited Los Angeles or Memphis. They can do it better.

So that is why I am supporting this bill. And that is why I am very concerned about an amendment that would essentially start to take out segments of the potential mandates because when you do that you are saying, "We will be able to continue telling you how you will do your business, State government and local governments."

And I think the people of America understand that. And I think they understand that this is a bill that will fulfill a commitment that we have made to downsize the Federal Government, to go back to our roots, which is State and local governments have all of the responsibilities in the Constitution except those specifically reserved to the Federal Government. Not the opposite. It is not the Federal Government saying we are going to do everything and we will let the States and local governments do a few things that we decide they might be competent to do. The Federal Government did not create the States in this country. The States created the Federal Government. That is the way our Founding Fathers decided to do it because they knew, they knew, that States and local governments were best able to deal with our problems. They knew that we should have a very limited Federal Government. That is what we are trying to return to with this bill.

Thank you, Mr. President. I yield back the remaining time.

Mrs. BOXER. Mr. President, may I inquire as to what the timeframe is on both sides?

The PRESIDING OFFICER. It is 17 minutes and 10 seconds, and 5 minutes and 13 seconds.

Mrs. BOXER. I would be glad to ask the manager if he wishes to retain his time.

Mr. KEMPTHORNE. Mr. President, to the Senator from California, I believe I will use the remaining 5 minutes to make closing comments.

Mrs. BOXER. I say to the Chair, it is my plan to close the debate since it is my amendment, so at this time I would like to take 10 minutes of time. I would like the President to inform me when I have reached that 10-minute timeframe.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I am really glad that the Senator from Texas came over here to talk about her philosophy of government because, really, it goes to my amendment in many ways.

The Senator comes over here and talks about her philosophy of government. I am talking about people, people who are going to be impacted by a bill that is based on an excellent idea. The Senator from Texas talked about how she was in State government. I was in local government. I come out of the grassroots. In my first campaign, I knocked on every door in my county. I lost that one. But I won the second one, 4 years later. And I have won every one since.

The reason I think I won these elections, sometimes unexpectedly, is because I said to the people of my State, "I will go and fight for you. I will walk hand in hand with the Republicans when I agree with them, but when they go too far, I will fight for you." So the Senator from Texas talks about her philosophy of government. I want to talk about the people. I like the idea of looking at costs when we write laws.

I loved S. 993, which the Senator from Idaho wrote in the last Congress. It had very strong bipartisan support. It forces Members to look at the costs. On this chart, it ended over here. It was very doable and workable. And now it has been changed. We have hurdles set up, not only for the bills but for every single amendment. Maybe there are some here who think that everything we do here is bad. I do not think that everything we do here is bad. Some of the things maybe, but there is a lot we do that is good.

I found it interesting that the Senator from Texas says, "Texans can take care of Texas." That was not the case when they had a flood, as I remember it. And I was happy to help her constituents. I say to my colleagues, be careful in your rhetoric. There may be times when you will have floods in the Midwest, tornadoes, storms. There was a horrible one in Tennessee, I remember, after my friend who is in the chair was elected. It was a terrible problem.

I believe that all levels of government should work together. We are not enemies of each other; we are not enemies of each other. We are all in it for the same purpose. Sometimes, it will make sense for the local government to be in complete control of everything that goes on. Sometimes it should be a partnership.

My friend from Texas talked about the founders. If the founders took a look at these charts, they would roll over in their graves. They were very clear thinkers; they were very clear thinkers. Why we want to set up these hurdles on every single U.S. Senator is something I find hard to understand.

That is why I am offering my amendments. I would not have offered the amendments to the former bill because that bill made sense. This bill goes too far. If there is an outbreak of E-coli in the meat supply, as Senator MURRAY said, she wants to act. If there is cryptosporidium in the water supply, it kills people. Who does it kill? The frail elderly, the children, and it harms the pregnant women and the children they are carrying. All we are saying is: Make another exception. You have made other exceptions in this bill. If we mean that our children are important, make an exception for those children.

Let me read for my friends here from a very important paper, "Health Effects of Ambient Air Pollution." As I understand it, my friend from Texas has a bill that would postpone implementation of the Clean Air Act. What does that mean to one part of my State? It would, in fact, reverse the progress we are making and we would see a continuation of the costs of dirty air approach $9 billion, just in Los Angeles. If we clean up the air, we will save $9 billion. Does that go into this formula? No, it does not. We do not believe that savings is in this.

I also have to say to my friend, she says Texans can govern Texas and Californians can govern California. Of course, we can. There is a role for State government, and there is a role for local government and a role for Federal Government. But I have news for her. We had a Civil War. We decided we were one Nation under God. We are not enemies of one another. I love to work with Governors and State-elected officials and local officials, of which I was one. We are not enemies.

The American people, in a recent poll in the Wall Street Journal, a couple of days old, said it is up to this Government to act to protect the health of the people, the environment; only 9 percent of the people think there is no use for the Environmental Protection Agency. Let me repeat that: Only 9 percent of the people think there is no use for the EPA, the Environmental Protection Agency, and the Environmental Protection Agency supports my amendment. It is unusual for them to send a letter. They sent it on this amendment, because Carol Browner, who comes from the State of Florida, who understands the role of State government, who supports deregulating, says this is an important amendment.

Listen to what the American Lung Association says:

> The young, the old and the chronically ill are usually assumed to be at high risk for many forms of air pollution. Much experience leads us to expect that immature, growing bodies will be highly vulnerable to all sorts of environmental stresses in comparison to healthy adult bodies. A more specific concern is that children breathe more air for a given volume of lung tissue than do adults; likewise, much experience leads us to expect that bodies debilitated by disease (that is the frail elderly) or by the inevitable loss of function with advanced age will be highly vulnerable.

My friend from Mississippi says, "What do you mean by the frail elderly?" I tell you, read the American Lung Association. "* * * bodies debilitated by disease or by the inevitable loss of function with advanced age will be highly vulnerable."

They cannot put on a pinstriped suit and come in here and take me to lunch and tell me why it is so important to protect them. They just want to be grandmas and grandpas and great grandmas and great grandpas, and live in peace and drink the water, breathe the air, and kiss their great grandchildren, and pass on the family values that are so important to everyone in this Senate. I have yet to hear a Member who did not talk about family values. We better value the family of humanity here in America because if we cannot act with speed, deliberate speed, when there is an outbreak of some poison in the water, some chemical in the water, we are putting those people at risk.

Maybe you will change your mind if it happens to be your mother or your father or your pregnant daughter. I hope we are never in that situation where I have Members coming to the U.S. Senate floor saying: Senator BOXER, you were right; we should have done this. We cannot act. We are tied up in knots. I cannot even offer an amendment.

Why are we here? We are not here to please Governors. We are not here to just deal with the process.

That is why I like last year's bill. It was sensible, it was sound. It treated us like grownups. Let us get a cost estimate. If we do not have it, there is a point of order against the bill and we have to stand up and be counted if we, in fact, pass a law that costs some money.

By the way, I am very willing to put the money behind anything I believe in. I think that is the right way to be. I think we should move in that direction, but to tie us up in knots?

By the way, I also have to make a point here. In the committee, I say to my friends, I offered a sunset amendment. I said, "Look, this may be a great bill, but let's analyze it in a few years." They said, "Oh, no, no, no, we do not want to do that."

I said, "OK, I'll offer an amendment for 3 years," and then I sunsetted it at 5 years, then I sunsetted it out in 2002. No, Republican party-line straight vote, no sunset.

So when I hear my friend say, "If this doesn't work, we'll change it," I think it is a little disingenuous because we offered a sunset provision out as far as 7 years and could not get a Republican vote.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I yield the floor and reserve the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, will you please notify me when I have spoken for 4 minutes?

I just came from a press conference. That is why I had to leave for a few minutes. At that press conference, we had mayors from around the country. We had Victor Ashe, from Knoxville, TN. We had Greg Lashutka, who is Senator GLENN's mayor, from Columbus, OH; Rich Daley, the mayor of Chicago—all of them in strong support.

The press conference was to announce strong support for S. 1 and the fact they appreciated S. 1 has as its core S. 993. But that we have taken a good step forward. That is what S. 1 is.

At any point during this process, if you truly have an emergency situation, you can seek a waiver. These points of order are not self-executing either, Mr. President. Someone will have to raise that point of order, and if you truly have some true national emergency, I really do not perceive someone is going to try to stop the process of dealing with it.

I do not want the Senator to feel that those who may oppose the language of her amendment are against in any way the elderly and children. I appreciate the sensitivity by which she has addressed the issue of the elderly and the children.

I have said many times that S. 1 is a carefully balanced bill. It is a bill that has bipartisan support because we have addressed these issues. A number of Senators have expressed concern that exemptions need to be added to the limited few that are in S. 1. But I do not share that view and for a number of reasons.

First, remember this is a bill that is prospective in nature. It only applies to new mandates contained in legislation considered in Congress after next year. So it is impossible that this bill would harm the current environment, public health, and safety.

S. 1 is a process bill. It reforms the process by which Congress considers legislation imposing mandates. It is a process bill for making better decisions in the future about issues that affect State and local governments and the private sector. So nothing in this bill affects in any way the current health, job safety, or the environment of any citizen.

Let me emphasize a provision in this bill that directs committees to report on the costs and benefits on health and safety and protection of the natural environment. We will have more information to make better decisions. S. 1 is not a ban on mandates. As the sponsor of this bill, I may well vote to waive this point of order sometime in the future.

With respect to the issue of the elderly and children, let me mention what I think is quite straightforward. State and local officials, more than Congress, work on these issues hands on. These are the real world day-to-day facts of life that State and local officials care about. They want clean water, clean air, safe working conditions just as we do. They want to care for their neighbors, their elderly and those who need help.

Unfunded mandates, unfortunately, keep State and local officials from taking meaningful action to improve public health and safety. Examples of that are boundless and have often been cited on the Senate floor.

The reason why unfunded mandates are counterproductive is simple: States and cities have to use discretionary dollars that would have been spent on other programs to pay for mandates. States and cities have fixed costs that they must pay. They have to pay for sewers and roads and police and fire.

I noted with keen interest the comments made by the other distinguished Senator from California, Senator FEINSTEIN, when we began debate on this bill. And she said, and I quote:

> Let us take Los Angeles County. To meet Federal mandates and still balance its budget, the County of Los Angeles has to curtail significantly other programs. For example, this year—

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. KEMPTHORNE. Thank you, Mr. President.

> For example, this year, Los Angeles County employees would have to forgo cost-of-living and other wage adjustments, and aid to indigents will be substantially reduced. Several libraries are being closed * * *. Recipients of welfare and public health services will face longer waits due to minimal county staff.

Let me read a quote from the National School Board Association, President Boyd Boehlge:

> The very children Congress is trying to protect are the ones who are hurt most often by proliferation of unfunded mandates.

To accept further some unfunded mandates to the process or exemptions in S. 1 seems it could lead to the imposition of more unfunded mandates in the future. It is a process so that we can have these discussions. This is where those discussions should take place, recognizing that we do have State and local officials who realize their responsibility and are looking for a partnership instead of just dictates from their Federal Government.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five seconds. The Senator's time has expired.

Mr. KEMPTHORNE. Mr. President, I yield back the remainder of my time.

Mrs. BOXER. Mr. President, how much time do I have to close?

The PRESIDING OFFICER. You have 6 minutes 14 seconds.

Mrs. BOXER. Thank you, Mr. President. I am going to close debate at this point. I want to thank my colleagues on both sides of the aisle who participated in this debate. I think this was a very important debate, and I think the vote is very important as well.

I want to say to my friend from Idaho that, again, he talks about how the mayors want this. My mayors like the impact of this as well, but when I met with them and I explained the amendment that I had offered, they did not object to what I am trying to do. They understand that we have to be reasonable people.

My friend says, "Oh, its real easy, you come to the floor and you just get everything waived and everything works fine." I say to my friend from Idaho, the author of this bill, that if it is so easy, why does he have any exemptions whatsoever? I think it is a very important point that he address in his own mind. If this is such a straightforward bill, if any Senator can get on this floor and say, "Look, this is so important, I want a waiver," why does he have any exemptions in this bill? And he does have exemptions in this bill. It currently shields constitutional rights, discrimination, national security, and implementation of international agreements such as NAFTA.

Now let me say something. It shields international agreements, such as NAFTA.

What about children? Are our American children as important as an international agreement such as NAFTA? Are our pregnant women as important as an international agreement such as NAFTA? I think so. If there were no exemptions in this bill, I think that the manager of the bill would be intellectually correct when he says it is easy; any Senator can get a waiver. Then why did he put exceptions in the bill? And why does he oppose our adding a very narrow group of people who cannot come here and lobby, of people who do not have a powerful voice but are the most vulnerable of populations?

Now, I read to you before that the lung association feels very strongly that children are very vulnerable to chemicals, to pesticides, and to other things in the environment that harm them more than they harm adults.

Right now, when our agencies set limits on chemicals and pesticides, they use a healthy 170-pound man as their model. But now we know that children are more vulnerable than a 170-pound man, that the frail elderly are more vulnerable than a 170-pound man, and certainly a child who is 5 years old or less is vulnerable and they are getting cancers in greater numbers. And we are setting up hurdles here that my friend from Idaho says is just a process. It is just a process.

Well, we know what process means around here. We had enough filibusters from the other side last year. We know what happens to bills when there is a process. The bills die. So therefore when we have a process bill that sets up all this bureaucracy, we have to say to ourselves, well, wait a minute, there are some people in our society that really should not be impacted by this process, by endless chitchat, by unelected officials in the CBO and the parliamentarians.

I say to them, I think you are great, but the people of California did not elect you to decide whether my amendment would get to the floor without a point of order. They want me to be able to offer my amendment. If I can persuade the people here, fine. If I lose the fight, at least I waged it. They do not want me stopped by process. If I am stopped by substance, that is fine. That is why we want to add to the exceptions this very narrow group.

Now, listen to what is stated in this book. I told you before, I lost one of my constituents to cancer, a little girl, Colette Chuda, and her parents are working very hard so that other little babies, our children, our grandchildren, do not have the same fate, and they funded an environmental study. I wish to quote from it in part.

> An estimated 8,000 children under the age of 15 are diagnosed with cancer in the United States each year. Brain cancer and leukemia are the most common childhood cancers.

My friends, I want to tell you right now as we speak I have two friends in the House of Representatives, one who has a little tiny baby with brain cancer and the other who has a youngster about 19, or in his 20's, with leukemia; perfectly beautiful children.

> Incidence rates have increased for the majority of these malignancies with the greatest reported increases occurring for acute lymphatic leukemia and brain cancer.

These are the biggest increases. You can talk about mayors; you can talk about Governors; you can talk about a contract. I admire you. I am talking about kids. I do not want to get them caught up in this maze. You did not have it last year, but you have it this year.

The PRESIDING OFFICER. All time on the amendment has expired.

Mrs. BOXER. I hope you will join with me and vote for this amendment.

I yield back the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I appreciate the arguments made by the Senator from California.

I move to table her amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Also, Mr. President, I ask unanimous consent that when the Senate turns to amendment No. 187, it be considered and debated along with No. 188; that there be 30 minutes total equally divided in the usual form for debate on both amendments; that no amendments be in order to either amendment; and that following the conclusion or yielding back of time the majority manager or his designee be recognized to move to table amendment No. 187.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Also, Mr. President, I ask unanimous consent that following the disposition of amendment No. 188, the Senate resume consideration of the Graham amendment No. 183; that there be 10 minutes for debate to be equally divided in the usual form, and that no second degree amendments be in order to amendment No. 183, and that following the conclusion or yielding back of time the Senate proceed to vote on the Graham amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. No objection.

Mr. GRAHAM. Mr. President, reserving the right to object, and I shall not, I just wanted to clarify, there will be agreed-upon substitute language offered for No. 183, and I wanted to clarify that the managers understand that and that will not be inconsistent with the prohibition on second-degree amendments.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I say to the Senator from Florida, I am not sure I have seen the modified language.

Mr. GRAHAM. I think the Senator's staff has seen the modification.

Mr. KEMPTHORNE. All right. Mr. President, then I would vitiate my unanimous-consent request with regard to the Graham amendment until I am sure I have seen the language.

The PRESIDING OFFICER. The request is withdrawn.

VOTE ON MOTION TO TABLE AMENDMENT NO. 202

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—55

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone

NOT VOTING—1

Simpson

So the motion to table the amendment (No. 202) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 173

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that we vitiate the yeas and nays on the next Levin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not object. I just want to be certain about this. I do support vitiating the yeas and nays and then we would proceed to the consideration of the amendment, is the Senator correct?

The PRESIDING OFFICER. That is the order.

Without objection, the yeas and nays are vitiated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 173) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 183, AS MODIFIED

Mr. GRAHAM. Mr. President, I send a modification to the desk on my amendment No. 183.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 183), as modified, is as follows:

On page 16, between lines 7 and 8, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of state, local, and tribal government.

Mr. GRAHAM. I ask unanimous consent that there be 10 minutes of debate, equally divided, on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, as modified, the amendment has been reviewed by both managers, and I believe it will be accepted. I will not ask for a rollcall vote on this amendment.

Mr. President, this amendment, I believe, closes the loop to the extent possible on an issue within this bill. A fundamental purpose of this bill is to identify mandates which the Federal Government might, at a future date, be proposing to impose upon States, local governments, or tribal governments, and then as the preferred option, to have the Federal Government pay the cost of those mandates.

This amendment goes to the issue of how that appropriation to fund the mandate will then be allocated back to the States, local governments, or tribal governments, which had created the need for that funding in the first instance because they were the object of the mandate. There are at least two issues which I believe this amendment will deal with. One is the issue of where the mandate is imposed on a particular level of government. For instance, a mandate is imposed on school districts because of requirements made to them that relate to the educational or noneducational activities that are conducted by schools. If school districts are the level of government upon which the mandate falls, then school districts should be the level of government that receives the funds which we appropriate for the purpose of alleviating the financial impact on that unit of government of the mandate which we have imposed. A commonsense approach.

Second is the distribution among units of government. We know that from time to time we will impose mandates that are not uniform across the country. They may be mandates that relate, peculiarly, for instance, to border States that have immigration problems, northern States that have heating problems, States that have specialized geological problems, such as those that would relate to earthquakes.

There should be a connection between the distribution of funds and where the mandate falls.

So this amendment states that if a mandate is funded in whole or in part, then the committee which has the responsibility for that particular legislation will contain in its final report a statement of whether the committee chose to allocate the money in a relationship to where the need was. They might indicate that they did not do so because of a deficiency of data upon which to make that judgment, or because they felt that the Congressional Budget Office's assessment of the locus of the need was irrational and, therefore, for good and sufficient reasons, adopted a different approach. Or should they have adopted the approach which the Congressional Budget Office utilized, how the committee has created a mechanism to allocate the funding in a manner which is reasonably consistent with the expected direct cost among and between the respective levels of State, local, and tribal government.

So, in summary, Mr. President, the purpose of this amendment is to link the mandate and the cost of that mandate to the method by which Federal funds will be allocated. I fear that if we do not have that linkage, we are going to end up with a school district—to use my first analogy—which had a mandate that costs that school district a million dollars, but because funds were not distributed in a manner consistent with how the need was assessed, they might only receive a fraction of that million dollars. So while we can say we funded the mandate on a global basis, as it relates to that school district, they are still carrying a heavy burden of an unfunded mandate.

I yield the remainder of my time.

Mr. KEMPTHORNE. Mr. President, I commend the Senator from Florida for his comments and for his diligence in working through the amendment which he has offered. I think his experience both as a former Governor and as a Senator has been very helpful in getting to this point.

On behalf of our side, I certainly will accept this amendment.

Mr. GLENN. Mr. President, I, too, want to accept on behalf of our side this amendment. I think the Senator from Florida has made a very good point here. He is fleshing out some of the things that needed to be spelled out better in this language. I compliment him on that. One of the things we want to make certain is that this is a workable document when it passes. He is addressing that problem. So we are happy to accept this on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 183), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am pleased to rise as an original cosponsor of S. 1, the Unfunded Mandate Reform Act of 1995. As a long-time supporter and cosponsor of related legislation in the previous session of Congress, I welcome the leadership of the majority leader, Senator DOLE, and the bill's very able manager, Senator KEMPTHORNE, for bringing S. 1 before the Senate so expeditiously.

In addition to unduly burdening our local governments, Congress, in its Big Brother role, often ignores States' rights in determining what is best for the States. It also demands that the States figure out how to pay for those unwanted mandates.

In the last Congress, officials in my own State of Virginia made a clear case concerning the enormous burden of unfunded mandates. Virginia's finance committee staff conducted a review on Federal mandates and the burdens they exact. I would like to share some of those findings with my colleagues today.

While Federal mandates are in general the result of well-intentioned congressional action, State governments are all too often left holding the bag. Virginia views the pervasive Federal influence on its budget as a two-edged sword: Federal restrictions on the use of funds hamstring the Commonwealth's ability to determine spending priorities or respond to changing economic conditions.

In the Commonwealth of Virginia, at least 20 percent of the State budget is either driven, defined, or constrained by Federal laws, regulations, or Federal agency decisions. And, bear in mind, this is a conservative estimate—it does not take into account the impact of laws for which no systematic survey has been done.

Let's take a look at the ways in which the Federal Government impacts the Commonwealth of Virginia's ability to set budget priorities.

Recently, the Virginia Department of Environmental Quality estimated that it will cost local governments at least $1.8 billion over the next 20 years to build the waste management facilities that comply with Federal requirements. In addition to solid waste, the department has estimated that local governments will need at least $4.2 billion over the same period to construct new facilities or upgrade existing ones to satisfy the requirements of the Clean Water Act. And that's not the end of the crunch. The Safe Drinking Water Act will cost localities some $2 billion by the year 2000. Together, those mandates will demand approximately $700 million per year from local governments.

In Virginia, the greater Lynchburg area has a population of 165,000. Studies conducted by the Virginia Department of Environmental Quality indicated that the combined sewer overflow requirements of the Clean Water Act for this area will cost an estimated $200 million. The city of Richmond is similarly impacted.

According to a recent survey conducted by the Virginia Municipal League of Cities, the city of Danville, population 55,000, will be required to spend an estimated $1,058,000 to comply with the Safe Drinking Water Act for fiscal year 1995. Included in that estimate are monitoring costs, capital costs, and operation and maintenance costs for surface water treatment, lead and copper regulation, the total coliform rule, the fluoride rule, and standards under the national primary drinking water regulations.

ISTEA, section 1038 imposes a mandate to use waste tires—crumb rubber—in hot mix asphalt [HMA] and it will require Virginia to use approximately 4 million pounds of crumb rubber in 1997 and beyond. The average cost of hot mix asphalt in Virginia is about $27 per ton; the mandate to use crumb rubber will elevate the cost to approximately $55 per ton. And, while the requirement will use only 4 percent of the waste tires generated in Virginia, it will impose an annual cost of $6 million.

In addition to must do, no Federal funds, the infamous unfunded mandates, there are may do, must match and may do, must maintain programs, including education and health-related programs such vocational training, substance abuse and mental health block grants. These problems are largely voluntary, but Virginia participates wherever it can.

Finally we have may do, no match, which are largely grants—but Federal funds used for these programs may not supplant general funds provided for similar purposes.

And it is important to note that, unlike the Federal Government, Virginia has no choice but to balance its budget. Congressional good will and benevolence often translates into unexpected and unfunded burdens.

Two areas in which Virginia is constantly challenged are education and health care.

The Education for All Handicapped Children Act, passed in 1974 to mainstream special education students in public schools, was a vastly ambitious undertaking. Congress committed itself to providing 40 percent of total program cost. In reality, during fiscal year 1993, the Federal Government provided less than 8 percent of the funding necessary to fully meet the mandate.

The jointly funded Medicaid Program presents a particular dilemma for my State. Because of the relative affluence of Virginia, the Commonwealth must provide 50 percent of program costs.

But Congress determines minimum eligibility standards for Medicaid recipients, as well as the level of required service. While certainly well intentioned, congressional expansion of Medicaid is projected to cost Virginia more than $300 million over the next 2 years alone.

Virginia must also foot 50 percent of the bill for Aid to Families with Dependent Children [AFDC], and State costs should be close to $115 million per year over the 1994-96 biennium.

Unfortunately, the Federal Government continually uses its own fiscal problems to impose additional mandates on the States. There seem to be few, if any, incentives for Congress to halt the trend: mandates are almost magical, allowing Congress to fund costly programs without raising taxes or cutting other services.

Federal mandates continue to proliferate. In the 102d Congress, 15 bills were passed with mandates; the 103d had over 100 bills which include such edicts.

Several new mandates loom. For example, the Motor-Voter Act, which is expected to cost over $100 million in the next 5 years nationwide. I opposed the National Registration Act of 1993 and have cosponsored S. 91, to delay its implementation and put the brakes on a project for which there is no money in the pot.

Recognizing the unbearable burdens imposed by unfunded mandates is not enough. We must take steps to require the Federal Government to either shoulder its share of the burden or relieve the States from theirs. The measure before us seeks to accomplish this by requiring either full funding for costly new mandates or scaling them down commensurate with the level of available resources.

This is reasonable, rational policy which will not only be welcomed by the State and local governments—it will also provide Congress with a better, more structured framework in which to design new laws.

Mr. President, I urge my colleagues to give S. 1 the broadest possible support and move the bill towards final passage.

AMENDMENTS NOS. 187 AND 188

Mrs. MURRAY. Mr. President, I ask unanimous consent to proceed en bloc to amendments numbered 187 and 188.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments en bloc numbered 187 and 188.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendments are printed in the RECORD of January 24, 1995, under "Amendments Submitted.")

Mrs. MURRAY. Mr. President, I rise this afternoon to discuss amendments I have filed on S. 1. I came to the floor last week to raise questions about the possible unintended consequences of this bill. I am not certain all my concerns have been addressed, so I want to talk about them a little more today.

My first amendment proposes that nuclear waste cleanup by the Department of Energy be exempted from S. 1. I filed this amendment because I am very concerned about the implications of this bill for cleanup of former weapons facilities that now pose environmental cleanup challenges.

Mr. President, Hanford Nuclear Reservation is in my State. It has nine shut-down reactors on the Columbia River. It has four processing plants. It has 177 nuclear waste tanks, 45 of which may be leaking. It has numerous waste dumps scattered around the facility. Of all our pollution problems, nuclear weapons plants like Hanford pose the greatest dangers to the environment. They have the greatest potential threats to human health and safety.

Mr. President, we won the cold war at this site. Now the bill is due; cleaning up Hanford is serious business. For the community; for the region; and for the country.

As many of our colleagues know, there is a process underway at Hanford—and many other DOE facilities—that governs the cleanup schedule. In Washington State, that process is embodied in the tri-party agreement between DOE, the State, and EPA. As a coordinating tool, this agreement works pretty well. It ensures everyone has a seat at the table. It sets cleanup goals. It emphasizes economic transition for the community. It gives people in my State access to DOE decisionmakers.

In reality, there are no unfunded mandates at Hanford. It is safe to say my State issues—and enforces—the largest hazardous waste permit in the world using voluntary authority under RCRA. For these activities, the State levies a tax on low-level waste producers. For its responsibilities under the Superfund law, Washington receives direct funding from DOE.

But these laws—RCRA, CERCLA, Federal Facilities Compliance Act, and others—do contain some mandates. And some day, Congress must act to reauthorize them. What happens if we reauthorize RCRA? If S. 1 is enacted, even the most modest changes in current law could unravel the triparty agreement. As I understand it, this would be possible because the occupant of the chair—or some bureaucrat at CBO—would have the power to:

Bring Senate action to a halt over a point of order; and

Force all kinds of studies and delay that would only confuse the cleanup situation.

What would happen if CBO intervention stalled consideration of the reauthorization, and the law lapsed? Would the Hanford permit expire, and the cleanup stall?

The people of Washington State do not want some unelected CBO bureaucrat arbitrarily deciding the pace of Hanford cleanup in the context of a budget point-of-order on the Senate floor.

My amendment is simple. It exempts nuclear waste cleanup from the procedures in S. 1, from points-of-order, from CBO review, and from any procedural wrangling that might jeopardize the orderly process of cleanup—for any reason. When we act to reauthorize RCRA, I want to be able to tell people in Washington State that we will have a law on the books to support cleanup. When we push through a reconciliation, or an appropriations bill, I want my constituents to know their interests will not fall victim to vagaries in new Senate debating procedures.

I offered this amendment for one simple reason: Some things are too important to subject to a new set of debating rules that we do not know will function as ordered. The bill acknowledges this in section 4, where it excludes a series of critically important areas of Federal law. It exempts civil rights and nondiscrimination laws. It exempts national security. It exempts emergency relief. These things are critical to the national well-being, and therefore kept out of S. 1.

Why not add to this list our most serious environmental challenges? It would seem to me a sensible precaution.

Mr. President, yesterday, the Senator from New Mexico [Senator BINGAMAN] offered an amendment very similar to mine. I want to thank him and commend him for bringing this very important issue to our colleagues' attention. He knows a tremendous amount about these issues.

Unfortunately, the Senate defeated his amendment, in spite of the very strong arguments he made. It is clear, therefore, my amendment will probably meet a similar fate.

I was disappointed to see the result of last night's vote on Senator BINGAMAN's amendment. He was raising very real questions about important, sensitive, high-risk areas of Federal law. Both his amendment and mine point out the potential uncertainties in imposing an arbitrary new set of debating rules on the U.S. Senate.

At the very least, I am hoping the managers of this bill can provide some clarification of their intentions vis-a-vis defense waste cleanup. I will pose these questions, and then yield the floor in hopes of getting some answers that will allay the concerns of people in my State.

First, do the managers intend that S. 1 have any adverse effects on DOE waste cleanup efforts, and the ability of affected States and communities to participate therein?

Second, do the managers contemplate that S. 1 will lead to the change, repeal, or substantive alteration of any current law that enables DOE cleanup to move forward?

Finally, do the managers believe that consideration of current or prospective mandates pending on the Senate floor should delay consideration provisions in the same bills affecting DOE waste cleanup programs?

I assume no such onerous consequences are intended by the managers. But I do not see it written anywhere, and I would like to have verbal clarification of those issues.

Mr. President, I will conclude by saying the basic idea of S. 1 is good: That the Federal Government ought to help make Federal laws easier and less costly to implement. I support this basic idea, and I want to work with the managers to pass a good bill. But, like so many other broad-brush solutions we are hearing about these days, it is not as simple as it sounds. I look forward to hearing the answer to those questions and I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not speak for the managers in response to the questions the Senator asks, but I might ask her to clarify a little further for me why anything has to be exempted here. We have an agreement, is that not right, that exists now?

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I think the manager yielded me time. I apologize.

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Maybe the Senator could explain to me, if you have an agreement out there now, how do you see this bill affecting that agreement? There is nothing in this bill that says this bill calls the agreement to be vitiated, canceled, or changed.

Mrs. MURRAY. I thank the Senator for his question. My question to the managers on this bill is if they see anything in this bill that would cause consideration for us and we do have to reauthorize RCRA, CERCLA, other bills coming up in the future, if at that time a bill has both mandates in it and nonmandates in it and the mandates cause the bill to be stalled in any way because we are waiting for something back from CBO, how will this affect cleanup efforts such as exist in my State and others?

Mr. DOMENICI. Well, they exist in my State also at a different level.

But I would just say to the managers of the bill and in particular the manager on our side of the bill, but I have spoken with Senator GLENN also, it seems to me we cannot say that any agreement predicated upon the laws of RCRA or any other environmental laws, that if those are changed in the future, we will hold anything exempt from it. That is future activities, to future agreements and understandings, but if RCRA is deemed to need reauthorization, we surely could not predict for the State of Washington, the State of Oregon, the State of New Mexico, many States that have DOD and DOE cleanup based on standards, we cannot say it will not have any effect on those. That is my position.

I hope the managers would say we are not exempting anything yet under this agreement or this bill. I do not think we should exempt things we do not even understand. I leave that up to the managers. I would surely recommend we not accept the amendment, and if the Senator desires that we have a clear exception for her State, that she work with the managers in some other way, but not exempt entire situations such as this, that we do not understand. We do not know the consequences of changing RCRA on your State or any other State. I yield back the remaining time.

Mr. KEMPTHORNE. Mr. President, I yield myself 4 minutes.

Mr. President, I would like to respond to the questions that were posed. Do the managers intend that Senate bill 1 have adverse effects on DOE waste cleanup efforts and the ability of affected States to participate therein?

No, I have no intention, whatever, that this would have any adverse affects on DOE waste cleanup.

I say that, Mr. President, as a resolution of the State of Idaho, which also has significant DOE waste cleanup problems. So I would not be an advocate that in any way would adversely affect DOE getting on with the cleanup of Hanford, for example, or projects in the State of Idaho.

The second question that was asked, do you contemplate that Senate bill 1 will lead to the change, repeal or substantial alteration of current law that enables DOE cleanup to move forward? No, Senate bill 1 will not lead to that. Senate bill 1 is simply a process. It would be a different motivation. Senate bill 1 also is prospective so that those mandates that are on the books now, even under reauthorization, those that are currently on the books would not come under the process of Senate bill 1. Any changes to that, to those mandates, yes, they potentially would be subject to Senate bill 1 and then we would have to go through the process. But, no, S. 1 would not be the impetus to cause that to happen.

On the third point, I am not sure that I understand it so I would be more than happy to have our respective staffs get together and discuss that. Again, I understand your concerns with the Hanford facility. I have concerns with similar situations in the State of Idaho.

I yield to my colleague from Ohio 2 minutes.

Mr. GLENN. Mr. President, I would respond in much the same way. There was this in here, nothing in S. 1, that gives anyone any authority to go change any agreement that is in affect. It could not be interpreted that way to the best of my knowledge.

In the amendment that was proposed by the Senator, the provisions of this act and the provisions made in this act shall not apply to any agreement between the Federal Government, State and local tribal for the environment restoration and waste management.

Nothing in here could change, nothing does change, nor could it change any agreement that is in effect right now. I hope that takes care of concerns.

The cleanup efforts which the Senator from Idaho mentioned just a moment ago, that it would not affect cleanup efforts, is a little bit different than the agreements that were specifically addressed. Cleanup efforts are something that are going on under those agreements, slightly different. But this would not change either the level of cleanup efforts that are provided for by other budgeting and other laws, nor would it change any agreements between the Federal Government, State, local, or tribal governments which the Senator is addressing.

I want to compliment the Senator for looking at this. I know the problems in the State of Washington. Hanford is one of if not the very largest problem areas we have in the way of nuclear cleanup. I have been involved with that ever since 1985 when we started some of the studies at Fernald in Ohio, some of the difficulties in the nuclear weapons plants all over the country and wound up with some 17 different sites in 11 different States of which Hanford is one of the most important sites. It has more problems there for environmental restoration than almost any other site in the country. Many, many, billions of dollars.

I would only add since the cleanup effort was mentioned here, when we first started this back in 1985 and had the first surveys run of all the 17 sites all over the country, it was indicated by the Department of Energy that they thought we could probably clean these up at an expenditure of $8 billion to $12 billion.

Unfortunately, we have taken a new look at this whole thing. It has gone up and up and up, and the current estimate is right around $300 billion over a 20- to 30-year period to do the cleanup that is necessary. And the major place that will need cleanup is in the State of Washington at Hanford. I compliment the Senator for looking out for this and would not want to do anything that would mean we would have lesser expenditures or anything in that legislation would change the agreements that are in existence now between the Federal Government, State, and local governments in that area.

I think, that we have addressed in this colloquy the concerns that the Senator from Washington had. I yield the floor.

Mrs. MURRAY. Mr. President, I thank the managers of the bill for their responses to these questions and for their obvious concern for continuing cleanup at the Hanford site in my State. It is, indeed, a deep concern to the people of the State of Washington that we do this. We built this facility, used it for a national purpose, and we want to be assured that it is going to continue to be cleaned up and share your concerns about the costs. But we want to know that we are not going to be at some point unable to continue that cleanup. I appreciate your concerns.

I understand the managers are willing to prepare a colloquy for the record to respond to my questions, to protect cleanup at Hanford. I will be prepared to withdraw this amendment after I speak to my other amendment.

Mr. KEMPTHORNE. Mr. President, I would yield myself 1 minute. In responding to my friend from Washington, not only are we neighboring States, but the concerns that the Senator just expressed, again, echo many of the concerns that we in Idaho have.

I think on this nuclear issue in the future, nuclear waste, et cetera, there ought to be an opportunity for these Senators to begin to forge a partnership to deal with this issue. So I would look forward to that opportunity because I think we understand one another.

Mrs. MURRAY. Mr. President, I thank the Senator from Idaho, and I look forward to working with the Senator on this very important issue.

Mr. President, I will continue speaking to my second amendment, I want to be assured as we go through this debate that we will not be creating a big, new, powerful bureaucracy at the Congressional Budget Office. Mr. President, I believe that most of my concerns were addressed through the adoption of the Levin amendment and through the defeat of the committee amendment that would have severely curtailed the Budget Committee's role in this process.

In order to make sure that all my concerns have been thoroughly understood, I do want to make a statement now about what those concerns are. Mr. President, I am troubled by the fact that S. 1 might give CBO tremendous new powers to dictate the Senate's legislative agenda. I have listened very carefully to the debate on this bill and I think it is fair to say that we all agree it is our responsibility, our responsibility as legislators, to act carefully as we set policy for the people we represent.

I would like to support a bill on unfunded mandates that is reasonable and reflects common sense. Mr. President, before the adoption of the Levin amendment and several others, this bill went too far. The people of this country should understand exactly what this bill does. Everyone of us here in this Chamber, everyone of the people in the galleries, everyone watching us on C-Span, and everyone in this country has to realize that this bill will create a new bureaucracy at the Congressional Budget Office. It will have wide-ranging powers.

The staff of that huge new bureaucracy will not be elected by anyone. They will not be accountable to the American taxpayers but they will have enormous power to control this legislative process. They can bring Senate debate to a halt on amendments or a bill or even dictate legislative schedule.

This vast new power should give everyone of us pause. That is why I asked outgoing CBO Director Robert Reischauer about this this morning at the hearing in the Budget Committee. Dr. Reischauer is a fair man, a fine public servant. So I asked him how this bill will affect the operations of CBO. I asked him how the CBO would prioritize requests for cost estimates that will come from the Senate and from the other body. Dr. Reischauer responded that the Congressional Budget Office staff was working "flat out"—those are his words, not mine—trying to fulfill their obligations to the Congress at this point.

Dr. Reischauer said that the CBO would need more resources if we enact this bill. Then, Mr. President, I repeated my question about prioritizing requests. I asked the Director how he would decide which mandate to estimate first. His reply, frankly, troubled me. He said the CBO would rely on the guidance of the bipartisan leadership of the Congress to decide which one to do first. And then he added that the CBO has tried that approach with the health care debate last year, and it was a failure. That should concern every one of us in this country.

Dr. Reischauer's response has raised even more questions in my mind, questions like: If I offer an amendment that does not have a CBO cost statement, what happens?

If a point of order is raised against my amendment, is my understanding correct that the procedure is for the Parliamentarian immediately to seek the advice of the Budget Committee on the cost statement?

Am I further correct that the Budget Committee will turn to CBO for its advice on the cost estimate?

Of particular importance to me is what sort of timeframe is provided for these cost statements?

Does the bill provide for any time limits on the Budget Committee and CBO's preparation of cost statements?

If the bill does not impose any time limits on the Budget Committee and, more importantly, CBO, what does the manager envision as reasonable time limits for this work?

How long does the manager envision the process taking?

How long, for example, does the Budget Committee have to get a reply from CBO?

How long does CBO have to reply?

More importantly, what happens while the Budget Committee and CBO are trying to prepare a cost statement? Is my amendment laid aside? For how long? Does the Senate keep working on underlying bills? If so, for how long?

Mr. President, I want to be able to assure my friends and neighbors that this bill will not take away their voice in setting priorities of the issues this body considers. They do not want unelected bureaucrats to determine which bills or which amendments will be brought up on this floor.

For example, the people of my State may feel that education reform should be Congress' top priority. But if the CBO analysts over in the office do not work on that bill, if they do not score it, Congress cannot consider it. The people of my State or your State, Mr. President, might want Congress to consider safeguards for school buses so they know their kids are safe riding on those buses to school everyday. But the bureaucrats at CBO might say, "Tough, I'm too busy; I don't want to score the bill for"—this Senator or that Senator. I have not gotten any guidance on that one.

The people of my State want to know that no matter where they go in this country, they do not have to worry about E. coli, but the budget bureaucrats can say, "Sorry, Senator MURRAY, we don't have time to score that amendment of yours which deals with a public health emergency."

I do believe we need reform. I believe Congress should be honest and up front with the American taxpayers about the cost of the laws it passes. But I do not believe that we should be creating new bureaucracies or putting American families in jeopardy.

Mr. President, it is my hope that the Levin amendment will go far in addressing some of the concerns I have raised, but I also hope that we are all taking into account this new bureaucracy that will emerge as a result of this legislation.

I thank the Chair, and I reserve the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes remaining.

Mr. KEMPTHORNE. Mr. President, I would like to respond to some of the points raised by the Senator from Washington.

In this bill, we provide for additional funds to the Congressional Budget Office, knowing that we are giving them more assignments in the future to carry out.

Also, I will point out that the Commission that dealt with the staffing levels of the different committees that was headed by Senator DOMENICI and Senator MACK, at the very outset, we made sure that they knew there would be these new requirements on the Congressional Budget Office and, therefore, when they considered cuts across the board, that that is one area we had flagged for them.

Also, in determining the amount of money that we included in this legislation, that was done through the Budget Committee in continual consultation with the Congressional Budget Office, so they provided us the funds. That dollar amount came from the Congressional Budget Office as to what they felt was necessary in order to accomplish the requests and the requirements that we would put on them.

I appreciate the concern and the aspect about trying to bring about great efficiency for Congress, but I am afraid that the amendment offered may improve the efficiency, but it would make it much easier for Congress to go ahead and inadvertently impose mandates on States and cities.

The amendment says that if cost estimates are not available within 1 week for committee bills, the point of order does not lie against the bill. In other words, delay for whatever reason by CBO will moot the relief States and cities need from unfunded Federal mandates. If CBO needs time to do a good estimate, then there would be no estimate at all.

I think in this case it is better to inconvenience Congress than to impose mandates on States and cities that taxpayers must pay.

Mr. President, I reserve the remainder of my time, because the chairman of the Budget Committee was here and was going to respond to some of the specifics that the Senator had. He is not here at the moment. So, again, we reserve the remainder of our time.

Mr. LEVIN. Mr. President, I am wondering if the manager will yield for a question. I am afraid it will have to be on his time because I do not know if I can use the time of the Senator from Ohio, relative to this amendment. If the Senator will yield.

Mr. KEMPTHORNE. Yes, I yield.

Mr. LEVIN. Is it the intention, first of all, that the point of order apply to amendments that are on the floor that do not have the estimate?

Mr. KEMPTHORNE. I am sorry; will you repeat the question?

Mr. LEVIN. Is it the intention that this bill's point of order apply to amendments that do not contain the estimates?

Mr. KEMPTHORNE. With regard to mandates?

Mr. LEVIN. Yes.

Mr. KEMPTHORNE. Yes.

Mr. LEVIN. And is it the intention then, for instance, if somebody offers an amendment and it has an estimate in it but nobody knew that amendment was going to be offered, and then somebody wants to come and offer a second-degree amendment and then asks the CBO to score that or estimate the second-degree amendment, is it the intention of the manager that the Congress, as he put it, be inconvenienced, hold up consideration of the bill until the estimate can be obtained from CBO? Is that the intention, that we hold up consideration of the bill until an estimate can be obtained from CBO?

Mr. KEMPTHORNE. Mr. President, in response to that, the burden of proof in this case would be upon the Senator raising the point of order. The originator of the amendment is not required to get the CBO estimate. I think that it would be good government for anyone bringing an amendment that potentially could exceed the $50 million threshold in the public sector and $200 million threshold in the private sector, again, through the budget process. I know that has been the normal practice.

Mr. LEVIN. I say, if the Senator will yield, there has never been a point of order based on this kind of an estimate, costs on 87,000 jurisdictions, local governments. There is nothing like this in existence. That is why I phrased my question the way I did.

Somebody could offer a first-degree amendment and have an estimate because he or she knew they were going to offer a first-degree amendment, but nobody else in the body knew, and now with a first-degree amendment with an estimate being offered, somebody may say, "Well, wait a minute; I want to offer a second-degree amendment, and I better go get an estimate or my second-degree amendment is out of order."

I am just wondering whether or not, if a point of order is raised with that second-degree amendment, is it the intention of the managers then that the body hold up consideration of that second-degree amendment until an estimate could be obtained from the CBO?

Mr. KEMPTHORNE. Mr. President, again—

The PRESIDING OFFICER. The time for the Senator from Idaho has expired.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent for 2 minutes so I can complete the thought.

Mrs. MURRAY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mrs. MURRAY. May I suggest we add 10 minutes for debate, 5 on each side, in order to clarify this question?

Mr. KEMPTHORNE. Mr. President, what I would prefer—and first let me ask unanimous consent for 2 minutes so we can resolve this.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. What I will suggest, because I would like to confer with the chairman of the Budget Committee, if the Senator will provide me those questions that she raised, I will be happy to then have a colloquy so we can go into those and deal with it.

But what we are doing in S. 1 is not anything new from what we do with appropriations where, if you have a second-degree amendment, you have the Budget Committee staff that is here make a telephone call to try to get an estimate by phone from the Congressional Budget Office.

So again the process itself is not new that we are suggesting.

Mr. LEVIN. I have no time to yield to myself and comment on that other than to simply say that this is a new estimate, the likes of which has not been made before, involving costs indefinitely into the future on 87,000 local governments. That is very different from any kind of a scoring that the Budget Office has done for a Federal expenditure up to now. I think my friend from Idaho would agree this is a different kind of estimate than has ever been done by the Budget Committee.

Mrs. MURRAY addressed the Chair.

Mr. LEVIN. I thank my friend.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. I thank the Chair.

I have very serious concerns because I heard my colleague from Idaho, the manager of the bill, say that CBO had, indeed, requested, I believe, $4.5 million additional to take care of this bill.

It is my understanding—I see the chairman of the Appropriations Committee is in the Chamber; perhaps he can respond—that the legislative branch is going to have to reduce its budget by $200 million, and here we are telling everybody up front that we are going to ask for $4.5 million more for CBO just under a guess estimate of what this might have in the way of an impact on CBO, and I do think that is an important consideration we need to look at.

I appreciate the Senator's response that you would go into a colloquy with me and answer some of the questions raised both by myself and Senator LEVIN. I had intended to withdraw this amendment, but I would like to instead ask the manager—I intend to withdraw my first amendment—if he would agree to let me lay aside this amendment until we have the responses for my questions.

Mr. KEMPTHORNE. Mr. President, I have no problem with that.

Mrs. MURRAY. Mr. President, I ask unanimous consent then to lay aside amendment No. 188 and unanimous consent to withdraw amendment No. 187.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 187) was withdrawn.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, as we move forward on the mandates legislation, I would like to read a portion of a newspaper article that appeared in the Omaha World Herald on January 24. The headline reads: "States Fear Mandates, Expert Says; Balanced Budget Could Mean More," by David C. Beeder, of the Omaha World Herald Bureau in Washington, DC.

The story reads:

> States will not support a constitutional amendment to balance the Federal budget unless it includes a guarantee they won't have to assume more Federal programs, a former assistant attorney general said on Monday.

Charles Cooper, who practices consitutional law in Washington, said: "The States are already groaning under the cost of implementing Federal policies."

It goes on to say:

> Cooper, who served in the Justice Department during the Reagan administration, said he supports a balanced budget amendment.

I ask unanimous consent that, at the conclusion of my remarks, Mr. President, the full article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, I would simply point out that I am not sure that the States, the Governors or, for that matter, maybe some of the people in the United States recognize and realize the difficult financial circumstances that the Federal Government—that they are a part of—is in.

I am an original cosponsor and am strongly for passing the mandates bill. I have been one of the floor leaders on this piece of legislation. I predict that we will pass this legislation. I will protect the rights of those who wish to offer amendments. I think they have that right under the rules of the Senate, and I will do everything I can to protect that.

But I would simply say, on a very important bill like this, every Senator, regardless of which side of the aisle, should have the right to get up and offer amendments as they see fit. Then the body as a whole has to vote as to whether or not that is a good concept.

The mandates bill is going to be followed, I suspect, in reasonably short order by some kind of a discussion on the balanced budget amendment. And they are somewhat tied in. While the States are now moaning and groaning—and I think justifiably so—with regard to so-called unfunded mandates, unfunded mandates, unfortunately, have taken on a very big life of their own.

The facts of the matter are that many of the States of the Union, including my State of Nebraska, get more money back from the Federal Government than the State of Nebraska pays in. The last figures I saw are that Nebraska gets back about $1.17 for every $1 that Nebraska citizens pay into the Federal Government in the form of Federal taxes.

Now, one could argue, and probably justifiably so, that the total amount of taxes could be reduced if the Federal Government would go back and reduce some of their spending. And I would agree with that. That is what we are about with the constitutional amendment to balance the budget, when and if that becomes a part of our Constitution.

I simply am rising, Mr. President, to send a signal very loud and very clear that this is not a one-way street. If we are going to exempt the States and hold them harmless, if we are going to start down the list and begin to exempt a whole lot of other people, then it will make it totally "Mission Impossible" to ever balance the Federal budget, let alone by the year 2002.

Everyone should recognize and realize that, when we get spelled out in considerable detail a 7-year budget plan that I think can and should be developed by the Budget Committee and presented to the Senate floor, it will be very evident there is going to be a lot of pain and suffering, a lot of disappointments. And I would simply say that, by and large, I am not interested in starting down this road of exempting this and exempting that, because I think this is going to be a painful enough process.

Therefore, I salute those who are bringing up questions about the mandates. Those of us who have long supported a constitutional amendment on the Federal budget recognize and realize that there are two legitimate points of view. There are those who strongly oppose the mandate legislation and there will be even more that will strongly oppose the follow-on piece of legislation known as the constitutional amendment to balance the budget.

I think those who do not agree with this Senator perform a very worthwhile service, because, as is usual with most discussion and most propositions, there are two sides. All is not white and all is not black or vice versa.

With that, Mr. President, I just want to say that there are some people, including Mr. Cooper who I have quoted from this story, who simply do not understand the situation. And when he says he is for a balanced budget amendment so long as the States are protected, then that is a caveat that I think we cannot accept.

I still am a strong supporter of the bill before us, but I am pleased to see there are some who do not agree with this piece of legislation and have pointed out some shortcomings with this legislation. They are providing a great public service. I suspect that there have been few, if any, bills that we have ever passed in the U.S. Senate, regardless of how well-sounding they are, that are perfect legislation. The mandate legislation is not perfect legislation. It will not cure all of our ills.

When and if we pass a constitutional amendment to balance the budget by the year 2002, and if that is ratified by 75 percent of the States, that is not going to cure all of our problems. The devil is definitely going to be in the details when we get down to such matters as a constitutional amendment to balance the budget.

I thank the Chair and I yield the floor.

[EXHIBIT NO. 1]

[From the Omaha World Herald, Jan. 24, 1995]

STATES FEAR MANDATES, EXPERT SAYS

(By David C. Beeder)

WASHINGTON.—States will not support a constitutional amendment to balance the federal budget unless it includes a guarantee they won't have to assume more federal programs, a former assistant attorney general said Monday.

"The states are already groaning under the costs of implementing federal polices," said Charles Cooper, who practices constitutional law in Washington.

Cooper, testifying before the Joint Economic Committee, said approval by three-fourths of the states will require a constitutional guarantee against giving state and local governments programs without the money of pay for them.

He said passing a law barring unfunded mandates would be inadequate protection for the states.

"The requirements of a balanced budget amendment would increase exponentially the incentives for shifting federal financial burdens to the states," Cooper said.

Cooper, who served in the Justice Department during the Reagan administration, said he supports a balanced budget amendment.

Cooper's testimony was followed by a warning from Assistant Attorney General Walter Dellinger, who said a constitutional amendment to balance the budget could not be forced.

"It would be wonderful if we could simply declare by constitutional amendment that from this day forward the air would be clean, the streets would be free of drugs and the budget forever in balance," Dellinger said.

"In the absence of enforcement mechanisms such as presidential impoundment of funds or judicial involvement in the budgeting process, a balanced budget amendment is unlikely to bring about a balanced budget," Dellinger said.

Sen. Connie Mack, R-Fla, said Dellinger's arguments were not "of such magnitude that we should not move forward" with an amendment that would require a balanced budget by 2002 and a three-fifths vote to increase taxes.

Mack said he would recommend enforcement of the balanced budget amendment by a spending-reduction commission resembling a presidential commission that decided on military base closing two years ago.

If Congress did not balance the federal budget by 2002, as required by the amendment, the commission would recommend spending reductions to meet the requirement. Congress would accept or reject the recommendations without debate, Mack said.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. SPECTER. Mr. President, I note that there is no other Senator seeking recognition at the moment. I would like to comment briefly about the President's State of the Union speech last night.

I thought that the President received the most applause of the evening when he talked about reducing the size of Government. And I think if there is one message which has come out of last November's election it is that the people of the United States want to reduce the size of the Federal Government. That is right in line with the pending legislation which refers to eliminating unfunded mandates so that if the Federal Government has legislation which the Congress wants to pass and that it represents a worthy Federal objective, let the Federal Government pay for it. Let us not keep putting one after another requirements on the States for the States to pay for what we decide what we want them to do. That, of course, is in accordance with the basic principle of federalism that we should have a central Government of limited powers.

When the President read that line in his speech last night about smaller Government there seemed to be the greatest unanimity in the Chamber than there was on any other point.

A number of things that the President had to say I thought hard to achieve. I believe it will be very difficult when he talks about a tax cut which is obviously, very, very popular, to do so in the context of still cutting the deficit and in the context of increasing other governmental expenditures, as, for example, the defense budget. I believe that the defense budget is now too lean. I would like to see a tax cut. But I am not prepared to enter into the competitive bidding on a tax cut if it will mean adding to the deficit. The way we are looking at this budget, realistically when we talk about a middle-income tax cut and we figure how much it is on a per person basis, that it is more important to avoid increasing the deficit in the United States today.

I was a little more than surprised when the President talked about the North Korean agreement and talked about continuous inspections. That is not the agreement that I have read. The agreement that I have read puts a 5-year moratorium on inspections on spent fuel rods, which is the best way for determining whether there is the development of nuclear weapons by North Korea. I have grave reservations about that agreement as to its substance, and that line particularly, and also the way it has been adopted.

As I read that agreement it has all the indications of a treaty, and under the Constitution the treaty has to be ratified by the U.S. Senate. There have been a number of concerns raised in a number of quarters but so far it is an executive agreement and it has very, very profound implications for the United States. Now only $4 billion is involved and the United States is the guarantor of that, but the moratorium on inspections, I think, poses very, very substantial risks.

When we had hearings in the Intelligence Committee, the Senate Intelligence Committee, a committee which I Chair, I was very concerned when the intelligence officials could not give any assurances or any real ideas as to how long it might be before North Korea would have sufficient ballistic capability to reach the continent of the United States. In the course of that hearing, it was disclosed that North Korea could now reach Alaska. It was disclosed further that North Korea and Iran are working jointly on testing ballistic missiles.

I was very much concerned, Mr. President, about the very limited attention given in the President's very long speech, very limited attention given to foreign policy. He spoke for 1 hour and 21 minutes, which some may have considered a little long. A little easier when you are watching C-SPAN 2 or watching the national networks. You have greater control over the length of speakers. You have the "off" button. Perhaps many people are using it now on C-SPAN 2 as I make these few comments. The paucity, the scarcity of comments about foreign policy I thought was revealing and rather indicative of the lack of experience, lack of capability, and, perhaps, lack of interest that is coming out of the administration on this very important issue.

I think in toto, Mr. President, the most telling aspect of the speech last night was the partisanship in the Chamber. That was the 15th State of the Union speech that I ever heard. I have not seen so much partisanship with one side clapping virtually at every sentence and the other side in stony silence on so many of the ideas which were advanced. When I sense that kind of partisanship, it looks to me like we are going to be in for a very tough year. I am hopeful that we will be able to put aside partisanship and really move toward centralism with both parties in addressing the really tremendous problems which confront the people of this country: crime control, nuclear proliferation, health care reform, just some of the problems which we have to address in the national interest.

I thank the Chair and I yield the floor.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 198

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate considers amendment numbered 198, that there be 20 minutes for debate to be equally divided in the usual form, that there be no second-degree amendments in order, and that following the conclusion or yielding back of time, the Senate vote on the McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. I yield the floor.

Mr. McCAIN. Mr. President, I thank both my friend from Idaho and the Senator from Michigan for their cooperation on this amendment. I believe it is an important amendment. I talked about it at length yesterday, Mr. President, and I know there is significant pending business before the Senate. I believe we now still have about 30 more amendments to consider, so I would be more than happy to yield back the balance of my time if that is acceptable to both managers of the bill.

Mr. President, I ask unanimous consent to request if the Senator from Michigan or the Senator from Idaho have any further discussion on this amendment?

Mr. LEVIN. Mr. President, I wonder if my friend from Arizona would yield for a question.

Mr. McCAIN. I would be glad to yield.

Mr. LEVIN. A question has arisen as to whether the words "any legislative provision" on line 7 of his amendment are intended to mean, in effect, authorizing language.

Mr. McCAIN. It clearly means any authorizing language.

Mr. LEVIN. I thank the Senator from Arizona. My understanding is that the manager on this side supports the amendment. I understand that Senator BYRD is supportive of the amendment, and I would be happy to yield back any time that I might control.

Mr. MCCAIN. I yield back the balance of my time.

The PRESIDING OFFICER. All time is yielded back. The question is agreeing to the amendment.

So the amendment, No. 198, was agreed to.

Mr. KEMPTHORNE. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I want to thank the Senator from Arizona for his efforts and his diligence in that. I think it is a particularly important amendment that he has offered. I appreciate the manager on the other side of the aisle and his support on this.

Mr. LEVIN. Mr. President, on Monday night I had a lengthy colloquy with the managers, the principal sponsors of the bill, the Senators from Idaho and Ohio. A number of important questions were left unanswered. In some cases, the answers were conflicted. Those questions concern issues that are central to the way this bill will work. They need to be answered, I believe, before we conclude our work on this legislation.

These are the questions which I have, and I have given a copy of these questions to my friend from Idaho. I want to read them, put them in the RECORD, in effect, and ask they be answered by tomorrow at some point. I am not seeking an answer, one-by-one at this point, because they take some time, I would think, to attempt to answer, if, in fact, they can be answered.

Here are the ones that we had left outstanding. First, the effective date of the mandates. When is a mandate effective? That is an absolutely critical issue because that date sets off a 5-year time period and if during any one of those 5 years there is an estimate that the cost of the mandate is over $50 million, certain very significant things are triggered.

So it is critical to know when is a mandate effective, and we had a long discussion on that on Monday night with a chart.

If that is determined on a case-by-case basis, then who makes that decision and when is that decision made?

The second group of questions relates to the question of whether an estimate can be given in the form of a range; could an estimate be that that will cost from $20 million to $80 million a year, or any other range? And here the questions are as follows:

Can the CBO estimate be in the form of a range?

Can it be in the form of a range for the purpose of the threshold?

Can it be in the form of a range for purposes of the total cost estimate?

If the CBO reports a range, what is the "specific dollar amount" for purposes of the point of order? And who makes that decision?

Then there are a series of questions that relate to amendments and their coverage under this bill.

First, are the direct costs of an amendment, added to a bill in committee, to be included in the estimate of direct costs of the bill as reported?

What if the Senate rejects the committee amendment? For instance, let us say a bill is estimated to cost $30 million a year for each of the 5 fiscal years, so it is not over the threshold. But there is a committee amendment that has been adopted in committee that adds another $30 million a year to the bill.

If the $30 million committee amendment is added to the $30 million cost to the bill that was taken up by committee, that would put it over the $50 million and breach the threshold and the bill would not be in order to even be considered by the Senate. But is the committee amendment cost to be included in the cost of the bill before it is adopted by the Senate? It is technically not part of the bill until the Senate adopts it, even though the committee has adopted it.

If it is included in the bill, what happens if the Senate rejects the committee amendment?

Is an amendment offered on the floor subject to a point of order based on the estimate of direct costs of the amendment alone, or the amendment if added to the bill?

Is an amendment offered on the floor out of order if it does not have a CBO estimate of direct cost?

Then there are some questions relating to the exclusions:

Who will decide whether a bill is subject to one of the exclusions? We have a number of exclusions here and there are always going to be questions of interpretation as to whether or not an exclusion applies.

Who will decide that?

What will specifically be required to meet the terms of the bill with respect to a finding of emergency?

And then the final set of questions relates to the length of the estimate, and here, rather than addressing the problem through a series of questions, I will be seeking consideration tonight of one of my amendments which would place a time limit on the estimate.

I have given a copy of a modification to my amendment to the majority manager. I do not know if they have had a chance to look at the modification yet. But I will seek to get that issue resolved by a modified amendment.

The issue here is a kind of fundamental one. Once that threshold is breached, then you have to have an estimate of the direct costs of the bill or the amendment to State and local governments for as long as there are costs. Unless there is a sunset provision in that authorization bill, those costs have no time limit.

Then the CBO would be in the position of trying to estimate cost to State and local governments for decades, 50 years, 100 years. It is an impossible burden which will raise even greater questions about the accuracy of the estimate. An awful lot rides on these estimates. The life or death of a bill or amendment may ride on the estimate.

So I will be offering an amendment in this area to put a limit of 10 years on that estimate so we can get something, hopefully, a little more practical from the Congressional Budget Office.

But those are the questions which I would appreciate having answers to tomorrow. They go right to the question of whether this is a workable piece of legislation. Its goals are very admirable. I supported its predecessor. There is a whole new point of order that has been added this year which is going to create a real different situation on the floor relative to bills and amendments, and we have to think through this process in advance.

We are putting tremendous burdens on the CBO to suggest that they are going to be able to come up with estimates in a matter of hours, perhaps minutes, on amendments, and some people say, "Well, if you know you are going to offer an amendment, get it to the CBO a day before, 2 days before, 2 weeks before." Of course, some of these estimates can take months.

But there is also an answer to that, and that is that, in many cases, we do not know and cannot know that we are going to offer an amendment because an amendment could be a second-degree amendment. We are not all privy to everybody's first-degree amendments around here. We do not have amendments printed in advance. I would like to see a rule, by the way, which would require amendments to be printed in advance, but we do not have any such rule.

So you do not know who is going to call up an unprinted, unfiled amendment to a bill. Somebody can call one up without previous notice, and then, if you want to offer a second-degree amendment, in order for it to be in order, you have to have an estimate from the CBO.

Now, what do we do? Do we hold up the processing of the whole U.S. Senate while the CBO tries to estimate the costs forever, maybe, on 87,000 jurisdictions? We have to work through this in advance. It is a complicated issue and, again, when we had last year's bill, we did not have that final point of order that had such an appropriations impact embedded in it, as we do in this year's bill.

So if the estimate was wrong last year, it did not have serious consequences. It had consequences; the bill would be subject to a point of order if it did not have the estimate. But it did not have this additional point of order with this appropriations aspect to it that this year's bill has.

So, Mr. President, at the appropriate time, I will offer, when the majority is ready, this amendment putting a 10-year time limit on the estimate of the CBO because I think that is a relatively practical length of time for which we can get an estimate.

The modification that I will seek unanimous consent for on this is that the 10-year limit on the estimate apply to both the private sector estimate as well as the public sector estimate. I believe the way my amendment was written and filed, it only applied to the public sector estimate. We should seek practicality and workability for both the private and public sector estimates.

I did not mean to rush the manager on the majority side. I know they may not have had a chance yet to look at this, but whenever he is ready, I am ready to offer this amendment.

Again, I also appreciate his engaging in these colloquies on this bill. He is performing a very important function by trying to clarify the legislative intent, and the questions which I have read and which I will now submit to the desk are questions which I would appreciate your attempting to answer by tomorrow.

I thank the Chair, and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the spirit in which the Senator from Michigan has provided these questions, and I appreciate the fact he is not requiring an immediate response. I always appreciated take-home exams instead of pop quizzes, but I will be happy to provide the answers, to the extent I am capable, sometime tomorrow. I appreciate his effort as we work through this bill.

Mr. President, I know that the Senator from Iowa is here and will be calling up his amendment. I would like to inquire, I believe on the previous unanimous-consent agreement, we had a time agreement of 30 minutes equally divided?

The PRESIDING OFFICER. That is correct.

Mr. KEMPTHORNE. And that no second-degree amendments were in order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Will the Senator yield just for one moment, for a parliamentary inquiry? Is there a unanimous-consent agreement in effect on the Grassley amendment? Is there a time agreement?

The PRESIDING OFFICER. Yes, there is.

Mr. LEVIN. Is there a unanimous-consent agreement indicating when the Grassley amendment will be called up?

The PRESIDING OFFICER. No, there is not.

Mr. LEVIN. At that point, I would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, some of the Members are inquiring about the schedule for this evening. It is slow, I can tell you that. We are not making any progress. On the 11th day on this bill, we have had only three votes. Two votes. It is worse than I thought.

Now, if this is not delay, I do not know what delay is. So we are going to be here a long time tonight, I am fearful. There will not be any window. We are going to vote as the amendments come up. We just have to stay here and do it.

I regret that I cannot accommodate some of my colleagues on both sides of the aisle. We are spending 90 minutes on immigration amendments. A lot of things have nothing to do with this bill at all. Anything anybody can think of has been offered as an amendment—Social Security amendment having to do with a balanced budget. We have to debate that again on this bill.

I have about reached the point where we will either file cloture tonight or start tabling these amendments unless they are offered and you have limited debate. We do not need 40, 50, 60 minutes on some of these amendments or rollcall votes on some of these amendments.

So I must say that I do not know any other alternative. If somebody stands back here and banters back and forth for a day, that is not my idea of progress. Eleven days ought to be enough. We could have finished this bill in 4 or 5 days.

We will finish the bill this week. If it takes until 10 o'clock tonight, 11 o'clock tomorrow night, and 11 o'clock the next night, we will finish the bill this week. But we may file cloture in the meantime if we continue. We may do that this evening. We have been all day long. Now it is dark outside. People want to be home with their families, so we are going to start voting at 6, 7, 8, 9, 10 o'clock.

So I hope my colleagues will accommodate us—not the leader; I will be here in any event, but accommodate our other colleagues who would like to be home with their children and families. But we have not accomplished much today.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I can appreciate the wishes of the majority leader to move this through, but I would submit that we have disposed of about 12 amendments today.

If I could address the majority leader just a moment, we have disposed of about 12 amendments today. We have worked with them. They have gotten some withdrawn. We have some we have gotten agreement on, and I thought we had been making very good progress today. We are moving right along on this. I had hoped we would be able to—I think we are making a great deal of progress.

Mr. DOLE. How many amendments remaining?

Mr. GLENN. I do not know how many are remaining. I do not know exactly. We have disposed of about 11 or 12 today. Not all of them had votes on them. They either were withdrawn or we had some agreement on them or they were accepted.

Mr. DOLE. We had 39 yesterday, and now we have 34 so I do not know—unless there are some that have not been properly cataloged on our side that have been disposed of. But we still have 34 amendments after 11 days on a bill. We were told last week that there were maybe 30 amendments. Then we got up to 67, and 49, and now we are down to 34, 3 days later. So if that is progress, it is very slow progress. But, again, it is up to our colleagues. If they want to spend Saturday here, that is fine with me.

Mr. GLENN. The procedures by which this bill was brought to the floor, I would submit, are ones that engendered a lot of amendments. We are still trying to work out some of the things we normally would have taken care of in committee had we been permitted to do so. We were not permitted to do any of the amendments in committee. It was sent back to the floor. Had we been able to do that, I think we would have saved an awful lot of trouble and saved much of that 11 days we have been out here in the Chamber, whatever it is now.

I suggest the absence of a quorum.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. GLENN. I withhold.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. GRASSLEY. Mr. President, I will yield the floor if the manager wants it. I reserve my right to get the floor back after he is completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 207, AS MODIFIED

Mr. GRASSLEY. Mr. President, I presented yesterday an amendment of mine. It has been modified, and I would like to send it to the desk and ask unanimous consent that the modification be made.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. GLENN. Will the Senator yield for a question, please?

Mr. GRASSLEY. Yes, Mr. President, I will yield.

Mr. GLENN. The modified language of his amendment, I do not believe we have a copy of that. Does the Senator have a copy he can give us so we will know?

Mr. GRASSLEY. We sure do. Just so the Senator knows I am not pulling a fast one, it has been well known about what we are doing and we will get the Senator a copy so he can be sure of that.

Mr. GLENN. Would the Senator restate the unanimous-consent request, please. Was there a unanimous-consent request?

Mr. GRASSLEY. Yes. Mr. President, the unanimous-consent request I made is for the modification according to the changes that have been made at the request of various staff.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. I have no objection. I believe the Senator can modify his amendment anyway, can he not?

The PRESIDING OFFICER. It requires unanimous consent under the circumstances.

Mr. GLENN. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

Mr. GRASSLEY. Mr. President, as I indicated yesterday, Senator SNOWE is working with me on this approach.

This very simply expresses the sense of the Congress that Federal agencies should review and should evaluate planned regulations to ensure the costs of Federal regulations are within the cost estimates that are provided for the statute by the Congressional Budget Office.

Then there is a second part that is not a sense of the Senate. The second part would allow any Senator to request that CBO provide an estimate of the cost of regulations and compare them with the cost estimates provided by CBO as required for the statute that we are passing under S. 1.

This is just a commonsense amendment that when agencies implement a Federal mandate they should take steps and make a good-faith effort to keep regulatory costs within the CBO estimates called for under S. 1. We do not want to pass legislation, in Congress, thinking when we pass the legislation that it might only be a $1 billion unfunded mandate and then, after several months have passed—in some cases I suppose years could pass—the agency unnecessarily implements regulations that would raise that cost, something above the $1 billion estimate?

I hope we could all agree to this amendment. I know at least on our side of the aisle, after discussing it with our distinguished floor manager, Senator KEMPTHORNE, he had some concerns about it. I think the modifications will satisfy his concerns.

I think it ought to be stated as well that CBO has no problem with the costs of carrying this out. And from that standpoint, this is language similar to what was in the amendment of the Senator from Michigan [Mr. LEVIN] when he called up a previous amendment he got adopted, calling for a report at the instigation of any particular Senator.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield such time as he might need to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate what the Senator from Iowa is proposing here. To me it seems like a very reasonable request, so again I thank him for his diligence. I will be supporting this amendment. I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that immediately following the next rollcall vote the Senate proceed to vote on a resolution expressing our condolences to the nation of Japan, and I ask it be in order to ask for the yeas and nays at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Parliamentary inquiry, whose resolution is this?

Mr. KEMPTHORNE. Mr. President, it is a Dole-Daschle-Bingaman bipartisan resolution.

Mr. LEVIN. This is relative to Japan?

Mr. KEMPTHORNE. It is.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I say to my colleague from Iowa, the agencies are already under strictures that come under the President's Executive order to examine costs and benefits before issuing regulations. It seems to me that should really be the test for any regulation—do the benefits outweigh the costs? If they do, the regulations should go forward. If not, the regulations should be killed.

It seems to me the proposed Grassley amendment adds another stricture without taking benefits into account. If a benefit far outweighs a cost, why should the CBO cost estimate become a ceiling?

In other words, what we are doing here is saying CBO—as I understand it—CBO is to make an estimate of the cost. Then once that cost estimate is made, which at best is an estimate, then the cost of implementing whatever the proposal is could not exceed the CBO cost, no matter what? Is that the intent of the Senator from Iowa?

Mr. GRASSLEY. Mr. President, I will be glad to attempt to answer. I am not sure I can, because I am not sure I understand the question of the Senator. But implicit in his question, I believe, is a feeling that the purpose of my amendment is to stop the regulation from going into effect. That is not the purpose of the amendment. There is nothing in the wording of the amendment that does that.

The purpose of the amendment is that if we pass a statute in the year 1996, and CBO says it is going to cost $1 billion, and then 2 years later—it takes a long time to get these regulations written—2 years later the agency might issue regulations that cost something more.

My amendment does not make CBO study that, except at the request of a Senator. But if I would decide, looking at department X's regulations, it looks to me like these are a lot more expensive in unfunded mandates than what we anticipated when we pass the legislation, I want CBO to take a look at those regulations.

CBO takes a look at those regulations and they might say, no, this is not over the $1 billion; or they might say it is $2 billion, it is going to make this statute cost $2 billion instead of $1 billion. My amendment will not in any way keep those regulations from going into effect. But I surely think we ought to have a track record by which we can measure whether or not an original estimate and intent of statute is realized. And if it is not, then at least we know that and it is a matter of public record.

The other thing that might come as a benefit of my regulation is that the regulation writers, if somebody might ask for a review, may be just a little more careful to stay within the cost intent of the statute. I think that is legitimate. I think if we write a statute that we think is going to be an unfunded mandate costing $1 billion, we should not allow some faceless bureaucrat to write regulations that make it cost much more and not be in keeping with congressional intent. That is all I am trying to do. I hope I have answered the Senator's question.

Mr. GLENN. I would have another question I would like to ask, too. That is, it says, "an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act"—and then goes on, "a comparison of the costs of such regulations with the cost estimate provide for such Act by the Congressional Budget Office."

Would this mean that these would all be still prospective? Or does this mean that, because we go back and reference the Congressional Budget and Impoundment Control Act of 1974, that the CBO would be expected upon written request to go back and estimate mandates and how they worked out compared with CBO estimates, clear back over the last 21 years?

Mr. GRASSLEY. Mr. President. It is a very good question. And the answer is it is prospective, and it just covers whatever S. 1 covers.

Mr. GLENN. I have a further question. Would the Senator be willing to have the benefits and costs evaluated at the same time?

Mr. GRASSLEY. No.

Mr. GLENN. The President's Executive order, I would say, covers that and I think that is a necessary part of this thing, to consider the benefits as well as just the costs.

Mr. GRASSLEY. Mr. President, I see the cost-benefit analysis as a very worthwhile procedure. I think I supported that. I have not had a chance to vote on it in past Congresses. But I support the concept. I think, as the Senator said, the concept is to end the rulemaking process. I happen to think that is not a very effective process that we go through. I think it is not refined well enough. I do not think there is a bureaucratic inclination to abide by it in good faith. I support that concept, but I do not think it has any relationship to what I am trying to accomplish by my amendment.

It is a worthy goal the Senator suggests, but it is a little more. I believe it is much more in depth and serves a whole different purpose than what I am trying to serve by my amendment.

Mr. GLENN. Mr. President, if I might add another question in part A, sense of the Congress, it is the sense of the Congress that the Federal agency should review and evaluate planned regulations. And then the next part is to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

It seems to me that sets a ceiling beyond which you could not go. The CBO is at best making estimates. I do not see how you can say that the agency, trying to implement something that may be very involved, should be limited to no more than the estimate of the Congressional Budget Office. I do not know whether that was the intent or not.

What we would be doing is saying with the legislation we pass, we are in effect passing our legislative responsibilities on to the CBO and saying whatever they come up with is the absolute ceiling, when they are required on a rapid basis to give us their best estimates. That does not mean when it gets over to the agency, they get it in more detail. It might exceed a little; it might go under some. But I think to make CBO the final authority on what the ceiling will be, with their rapidly arrived-at estimate of costs, I just do not see how that would work.

Was not the intent to make the estimate of the Congressional Budget Office a ceiling that could not be exceeded in the executive branch when they try to implement the law that we just passed, or implement a mandate?

Mr. GRASSLEY. Mr. President, before I answer this question, there is one further response I want to give to the Senator on his question about the cost benefit. A more explicit answer to the question is, as I said, we only want to do what S. 1 does, and S. 1 deals just with cost.

On the point that the Senator from Ohio just made, there is not a real solid answer I can give because of the very basis of my language being sense of the Senate. I think sense of the Senate implies, first of all, that the bureaucrats and regulation writers do a good-faith effort to be within the congressional intent of whatever the ceiling is of the unfunded mandate.

Second, sense of the Senate is not binding because it is only sense of the Senate. It is not statute. I would feel that the Congressional Budget Office, in making this estimate, could do no more under my amendment than just simply say in a quantifiable way that the agency cost will be so much. That could be higher or lower. The extent to which it is higher, their statement that it is higher in no way, under the statute or under the intent of my amendment, is going to keep the regulation from going into effect.

If I could be perfectly candid with the Senator from Ohio, I think if unfunded mandates legislation is going to mean anything, eventually you have to get to that point where the regulation writers are within the intent of Congress on what the cost is, or else we do not have a very effective statute. But I cannot do that now. I do not know whether now is the time to do that because this legislation is a pioneering piece of legislation. So we ought to feel our way along to that point. I think my sense of the Senate ought to be looked at as giving Congress some additional tools down the road, a track record by which we can make better judgments if this statute needs to be refined.

Mr. GLENN. Mr. President, the Senator treats sense of the Senate just a little more lightly than I think a sense of the Senate should be treated in this regard. Legislative history is made here on the floor, and we talk about sense of the Senate and all the other things that go on in debate. All of these things give the regulation writers the sense of the Senate as to where we want to go. They follow this. They are supposed to follow it.

This is used in its entirety, of course, and sense of the Senate is not as binding as regular legislation. But we are telling the agency that the agencies should review and evaluate planned regulations, not just to think about it. We are saying to ensure that the costs are within the cost estimates provided by CBO.

That is a mighty potent statement, it seems to me. If we are saying it is sense of the Congress, but we really do not mean that, and you people over there just go ahead and do what you think ought to be done, then that is a different thing. But what we are saying is we are telling them it is our sense of the Senate and the Congress to ensure that they stay within the CBO estimate.

Mr. GRASSLEY. Mr. President, will the Senator yield?

Mr. GLENN. Certainly.

Mr. GRASSLEY. Mr. President, this would require further modification. But first of all, before I suggest something, I do not want it to be suggested that I think my amendment does more or is intended to do more than what I said I wanted it to do. I did not doctor up the sense-of-the-Senate language because I do not know how much weaker you can get in any statement of public policy that this body makes in sense-of-the-Senate language. Maybe the Senator from Ohio puts it on a higher plane than I do. But I do not think it deserves such a high plane.

So I did not think about adjusting it any, because I do not think you can be much weaker than a sense of the Senate. But if it would help the Senator, we could put in the same words that we put in the second part of the amendment, and say "to the extent practicable."

Mr. GLENN. I am not exactly sure how that would change it that much, Mr. President. I think when you are trying to direct them to ensure that whatever they do with regard to rules and regulations will not go beyond the Congressional Budget Office estimate, no matter what we passed on the floor here, and how many amendments we had, and all the other provisions we may have put on the floor, we are in effect going back to CBO and saying: You are the legislating authority on this because your estimate that you gave us, that might be very sketchy, arrived at in a few hours at best, we are saying that becomes the definitive figure on this thing as far as guidance for the Federal agencies goes, and we want to ensure that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. I want to save some of my time, so I do not want to yield. I ask unanimous consent that the Senator have 1 additional minute.

Mr. GLENN. I am sorry we did not know the time here. That is my fault. I ask unanimous consent that Senator LEVIN be granted an additional 5 minutes.

Mr. GRASSLEY. Then I want 5 minutes on this side.

Mr. GLENN. We have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, may I yield myself such time as I might consume to respond?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, again, I did not make my suggestion very clear to the Senator from Ohio because he kept concentrating on the word "ensured." We could eliminate "ensured" and put in there "to the extent practicable" and that may solve the problem. I do not want to do that unless it will solve the problem because I think this is about as weak as you can get.

I yield the floor and reserve the remainder of my time.

Mr. LEVIN. Mr. President, the trouble with this sense-of-the-Senate language is that it delegates the legislative responsibility to the Congressional Budget Office. This is what the Senator from Ohio was alerting us to in his last couple of minutes.

The Congressional Budget Office, if we are lucky, is going to be able to make an estimate of what the cost will be to 87,000 State and local governments for some period, which could last forever, the way the bill is currently worded. But it is going to be decades into the future. These are, at best, going to be guesstimates. We have example after example that they have told us where they cannot make a good estimate. These are not scientific statements of costs; these are guesstimates that are going to be coming out of the CBO. We cannot take that guesstimate and say that it is the sense of the Senate that the agency should ensure that a regulation complies with that guesstimate instead of law.

Let us say we pass a law that says airports must introduce security devices that will pick up levels of metal down to a certain amount. We are doing that for the safety of the passengers of the United States, the American citizens that walk through metal detectors and get on airplanes want to feel safe. We pass a law that says you must get down to a certain level of detection in these metal detectors. That is the law. We have adopted that law. Now we get an estimate. The CBO gets us an estimate as to how much that is going to cost State and local government. Their estimate comes out that it is going to cost $50 million for all these jurisdictions in one of those years. We have written a law saying you have to do something for the safety of the American people, but we have a CBO guesstimate over there that says $50 million.

It turns out, down the road, that when those detectors are put in, they are going to cost more than $50 million. Are we going to say tonight that we want the agency to abide by the estimate of the CBO instead of our law? Are we putting a CBO guesstimate on a pedestal so that it will take precedence over what we have said is essential for the safety of the American people? Is that our intent? It is not my intent. I am not going to put that guesstimate on a pedestal. I am troubled about the ambiguities of these guesstimates.

We surely do not want that guesstimate of the unelected CBO, for some period out in the future, to supersede the elected representative of the people of the United States. If we say the law is that there must be metal detectors that can capture metal or other material down to a certain level, that is our intent. And we have a guesstimate that says it is going to cost a certain amount in a certain year, OK, that will give us some guidance. But do not give that precedence over what our decision is as to what the law should be, because you are just delegating to the CBO what we as elected officials are responsible to do.

That is one of the difficulties with my friend's amendment. When he says that agencies should evaluate planned regulations to ensure—the key word is "ensure"—that they are within cost estimates in the budget office, he is just giving the legislative authority away to the budget office and saying, yes, we want those metal detectors to capture a certain level of metal, but we are not really saying that. So I would suggest that we let the staff try to work out some language here. I think I know what the Senator is driving at. I think this language goes too far. I suggest that his staff and the staff of Senator GLENN, and perhaps mine, and any other interested Senator, might get together to work out language to avoid the result that this could otherwise lead to.

Mr. GRASSLEY. Mr. President, first of all, the Senator from Michigan wants us to believe that the sense-of-the-Senate resolution is going to bind every regulator who is working under the constitutional authority of the President—that they will not perform their responsibilities; that a sense-of-the-Senate resolution will somehow amend the Constitution, take away statutory authority of the bureaucrat. No sense-of-the-Senate amendment can or will do that or ever has done that.

The other point is that Congress does not turn anything over to the Congressional Budget Office through this sense-of-the-Senate resolution. This is our decision to make. There is no regulation that in any way can be stalled by either part of my amendment. It is not intended to do that. For the Senator from Michigan, it is not intended to take, nor will it take away any statutory responsibilities or constitutional responsibilities of any employee or officer of the executive branch.

I am always willing to work something out, but I think we have reached a point where yesterday and today we have tried to work out things in this area. One of the very concerns that the Senator from Michigan had previously with my amendment, in some of the discussions before, was the extent to which CBO could do this within their budget. From that standpoint, the Senator from Michigan just got an amendment adopted by this body that, within the same budget limitation of the CBO, asked them to do exactly what I am doing with my amendment.

So I think it is a little bit wrong for the Senator from Michigan to come here and say that I am asking too much of the Congressional Budget Office, or that a sense-of-the-Senate resolution will reduce the statutory responsibilities or the congressional responsibilities of any person within the executive branch.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. LEVIN. If the Senator will yield for a question, I have not objected to your part B which relates to the statement of cost of the Congressional Budget Office. I have not raised an objection.

Mr. GRASSLEY. I think it is because we have satisfied you with our changes in our language.

Mr. LEVIN. For whatever reason, I have not objected to the Senator's amendment as it relates to the additional duty of the CBO.

Will the Senator yield for a question?

Mr. GRASSLEY. I stand corrected from the standpoint that that may have referred to the entire language of the bill.

I yield for a question.

Mr. LEVIN. Under your language, it is the sense of the Congress that the Federal agency should do something to ensure something, and I want to give the Senator a hypothetical.

Assume that the estimate of the CBO was that the metal detector would cost $50 million. But the way the agency reads our law requiring them to get these new metal detectors installed to protect the American people, it turns out that those metal detectors required by our law will cost $75 million. Should the agency ensure the $50 million in that event, even though they read our law to require metal detectors which as it turns out a couple years down the road will cost $75 million? Or is it your sense that they should go with the cheaper $50 million metal detector, which will not do the job, because that was the CBO estimate? Or is it the Senators intention that they comply with our law because the better metal detector will be better?

Mr. GRASSLEY. I think it is a relatively easy question to answer. First of all, S. 1, as far as the unfunded mandates are concerned, the statutory authority that the regulator has to fulfill their responsibilities to protect the public is binding. That is not the sense of the Senate. But I am not saying that because I want to bring less significance to my sense of the Senate. I am saying that because that is the role—that is the place of sense-of-the-Senate resolutions in policymaking in our constitutional system of Government.

The regulator would go ahead and put in the more expensive product to protect the public. But, if I, Senator GRASSLEY, 6 months later said, "Well, you know, I have some doubts about this. Is it within the cost?" I ask the CBO to study what the cost is. Let us suppose CBO comes up with the fact that it is over the unfunded mandate estimate.

That is a quantifiable fact that does not affect the decision of the regulators. And that is the intent. But, to be perfectly candid to both of my colleagues who have spoken in opposition to this, I would expect maybe at reauthorization time that that fact could be a basis for maybe tightening up some of the statutes so that regulations cannot circumvent the original intent of the statute.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes remaining.

Mr. GRASSLEY. And the other side has?

The PRESIDING OFFICER. No time remaining.

Mr. GRASSLEY. Mr. President, I would like to ask a question of the Republican manager of the bill. Is it the Senator's desire, then, if I would yield back my time, that we would immediately go to a vote on my amendment?

Mr. KEMPTHORNE. Mr. President, that would be my intent.

Mr. GRASSLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that, with respect to the Lautenberg amendment numbered 199, there be 40 minutes of debate prior to the motion to table, to be divided in the usual form; and that, upon the expiration or yielding back of time, the majority manager or his designee be recognized to make a motion to table. I also ask unanimous consent that there be no second degree amendments in order to the Lautenberg amendment prior to the motion to table the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

AMENDMENT NO. 207, AS FURTHER MODIFIED

Mr. GRASSLEY. Mr. President, we have been able to arrive at some language that satisfies myself and satisfies the Democratic side of the aisle. Pursuant to that, I will have to ask unanimous consent that my amendment be modified as written on this paper.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

Mr. GRASSLEY. Mr. President, I will yield back my remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 207, AS FURTHER MODIFIED

The PRESIDING OFFICER. The vote now occurs on the amendment No. 207, as further modified, offered by the Senator from Iowa [Mr. GRASSLEY].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn

Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Simpson

So the amendment (No. 207), as further modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSION OF SUPPORT FOR THE PEOPLE OF JAPAN

The PRESIDING OFFICER. Under the previous order the Senate will proceed to consider Senate Resolution 72, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 72) expressing support for the nation and people of Japan and deepest condolences for the losses suffered as the result of the earthquake of January 17, 1995.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the resolution (S. Res. 72). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chanmber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

Bond
Simpson

So the resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 72) and its preamble are as follows:

S. RES. 72

Whereas on the morning of January 17, 1995, a devastating and deadly earthquake shook the cities of Kobe and Osaka, Japan killing more than 5,000 people, injuring more than 25,000 and leaving more than 300,000 temporary homeless;

Whereas the earthquake of January 17, 1995, has left more than 46,440 buildings in ruin, destroyed highways, train lines and other infrastructure and has caused losses of as much as $80 billion in Kobe alone;

Whereas the tradition of strength, courage, determination, and community of the people of Japan has been displayed time again by the citizens of Kobe and Osaka and, indeed, all of Japan since the earthquake and has served as an inspiration to all of the world;

Whereas the nation's and people of the United States and Japan share a strong, decades old history of friendship and mutual interests and respect; and

Whereas the people of the United States, having suffered a similar tragedy almost a year ago to the day of the Kobe and Osaka earthquake, share in the pain and hope of the people of Japan: Now, therefore, be it

Resolved by the Senate that—

(1) The Senate expresses its deepest sympathies to the Nation of Japan and the citizens of Kobe and Osaka for the tragic losses suffered as a result of the earthquake of January 17, 1995.

(2) The Senate expresses its support to the people of Japan as they continue their noble efforts to rebuild their cities and their lives.

(3) The Senate expresses its friendship to the people of Kobe and Osaka and pledges its support for their efforts in the face of this disaster.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield to the majority leader?

Mr. LAUTENBERG. Absolutely.

Mr. DOLE. Mr. President, there is not a "no more vote" sign out there because I did say—and I am reminded by the Senator from Kentucky—that we would be here until 11 o'clock tonight, tomorrow night, whatever it took.

I assume now we will debate this amendment and two additional amendments. We will probably be here until about 9:30. The question is whether we want to have a vote at that time, or have the vote tomorrow morning. I am prepared to do it either way. There are a number of our colleagues at a press dinner. Some would not be displeased if they were called back about 9 o'clock. Others who are on the program would be; but whatever the wishes of the Senator from Kentucky.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I did not know it was all left up to me.

Mr. DOLE. No. I said we have not said that there would be no more votes. I am prepared to do it either way.

Mr. FORD. Mr. President, I say to the majority leader that I understand the problem that he got into, and he probably will not get in this deep again for awhile. The Senator from New Jersey has an amendment. I am willing to debate him tonight and stack the votes until tomorrow. I would prefer that we have 40 minutes tomorrow in the morning, that we debate it tomorrow, and then have the motion as proposed by the distinguished Senator from Idaho. That is my preference. In order to accommodate the leader, I am perfectly willing to debate it tonight. However, we can vote on it tomorrow, and the votes apparently are going to be stacked. Two or three votes will be stacked, and I will be part of that. I am willing to acquiesce to that.

Mr. DOLE. Or we give you 5 minutes each before the vote tomorrow.

Mr. FORD. That would suit me fine, but I am trying to be—like my daddy told me, "When you sell it and they ask you when do you want to be paid for it, say right now is fine." I have tried to accommodate the leader. Now you are trying to stick me over to tomorrow and divide me up. Let us debate it tonight and put the vote off until tomorrow. But do not have it too early. Those fellows over at the press dinner probably are going to have such a good time they will want to sleep in the morning.

Mr. DOLE. I am still sleepy from last night. In any event, that press dinner does last a while. It is live on C-SPAN. If you are not able to go, but you would like to watch it—which I prefer—it will be on about from 9:45 until 10:30.

So if that is agreeable, I appreciate the consideration by my friend from

Kentucky. There will be the debate on the Lautenberg amendment, which is 40 minutes, I understand, equally divided. Two Levin amendments will be offered. I do not know of any time on that. If there are any rollcall votes ordered on any of the amendments, they will be postponed until tomorrow morning.

At 9 o'clock there will be an immigration amendment, we hope. I guess the point is that none of the votes will occur until disposition of the immigration amendment, and we will try to stack the votes, probably after 10, maybe later than that.

Mr. FORD. Mr. President, may I ask the distinguished majority leader, are we coming in at 9?

Mr. DOLE. We will come in at 9.

Mr. FORD. Then morning business?

Mr. DOLE. We are not going to have morning business. We will get right on the bill.

Mr. FORD. But you will go to the immigration amendment?

Mr. DOLE. There is an hour agreement on that. So that will be at least 10 o'clock. That vote will occur at 10, followed by a vote on Lautenberg, or any other votes ordered.

Mr. FORD. At 10 o'clock, or a minute or two after that. After the prayer and so forth, there will be an hour, which will take us to a few minutes after 10, when the first vote will occur.

Mr. DOLE. There will be no votes before 10, if that is all right with the Democratic leader. If that is agreeable to everybody, there will be no more votes this evening.

Mr. GLENN. The majority leader mentioned immigration. We are trying to work on differences on both sides on immigration. Did you not have that as part of any agreement?

Mr. DOLE. I did not make a request. But we can put it in writing if it works out. We still will not have any votes before 10, I can assure the Senator from Kentucky.

Mr. GLENN. Is that when we go back on the bill?

Mr. DOLE. That will be at 9.

AMENDMENT NO. 199

Mr. LAUTENBERG. Mr. President, I would like to turn to the consideration of my amendment No. 199 at this time.

The PRESIDING OFFICER. Amendment No. 199 is the pending business.

Mr. LAUTENBERG. Mr. President, I felt like a spectator as I was watching this debate occur. The majority leader knew that he had my good will as part of his dialog here. Since I was not asked, I just kind of shook my head. I was glad to be here. Obviously, those of us without a sense of humor are here because tonight is the funny night down there. It may be funnier here.

Mr. President, I thank my colleagues, the managers of the bill, the distinguished Senator from Ohio and the distinguished Senator from Idaho, for their interest in moving this legislation. I marvel at their patience and their good temperament, because it has not been easy, especially when there are those of us who think that the legislation is appropriate, but at the same time want to amend it to make it as good as we can in our own views and our own perspectives.

So I rise to speak for the fourth time on the subject of unfunded mandates. I understand I have 20 minutes, and I do not know whether I will use it all—probably not. But I will use sufficient time to discuss the subject now.

I offer this amendment which is as simple as it is compelling. I offer it because I believe that some laws are so important to the well-being of our citizens that regardless of whether the Federal Government fully pays for them, State and local governments should be required to implement them.

The authors of this bill recognized this fundamental truth, and that is why they created exclusions to S. 1. Federal legislation designed to enforce the constitutional rights of individuals are exempt from the strictures of the unfunded mandate law. So is legislation designed to protect statutory rights when they are threatened by discrimination. So is legislation deemed to be necessary to protect our national security.

Mr. President, my amendment would expand the list of exemptions to S. 1 to include limits of or on exposure to known human carcinogens. The Environmental Protection Agency has a list of substances which are believed to be causally connected to cancer in human beings. Evidence from human studies confirms a relationship between exposure to these substances and cancer.

These known carcinogens include: arsenic, asbestos, benzene, nickel, radon, and environmental tobacco smoke.

I ask unanimous consent that EPA's complete list of Group A carcinogens be printed in the RECORD at this time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EPA'S GROUP A CARCINOGENS

Group A: known human carcinogens: "This group is used only when there is sufficient evidence from epidemiologic studies to support a causal association between exposure to the agents and cancer". (EPA's Risk Assessment Guidelines of 1986)

Arsenic.
Asbestos.
Benzene.
Benzidine.
Bis(chloromethyl)ether.
Chromium VI.
Coke oven emissions.
Diethylstilbestrol.
direct black 38—benzidine-based dye.
direct blue 6—benzidine-based dye.
direct brown 95—benzidine-based dye.
Environmental tobacco smoke (ETS).*
2-naphthylamine.
Nickel.
Radon (and other radionuclides).
Vinyl chloride.

*ETS is the only carcinogen in Group A for which the cancer risk in humans was detected at environmental exposure levels, rather than occupational or pharmaceutical levels.

ETS is also the only Group A carcinogen which is not subject to regulation by EPA.

Mr. LAUTENBERG. My view is that protecting our citizens from avoidable risks is an essential responsibility of government. It is an obligation which State and local government must accept and discharge—even if the Federal Government does not pay all the costs of doing so.

On another level, though, I recognize that States and cities are often unable to afford the cost of Federal mandates. They need the flexibility to set their own priorities and implement Federal mandates efficiently. There is a commonsense appeal to this statement.

But we must also recognize that problems which cross State borders can only be effectively addressed at the Federal level.

Pollution, for example, knows no State borders. If each State develops its own pollution policy, some States will adopt stricter laws than others. As a result, a State with strong environmental laws, such as New Jersey, might fall victim to pollution from a nearby State with weaker standards. The cost of dealing with this foreign pollution would be unfairly borne by New Jersey taxpayers.

During the last few weeks, I have discussed the problem of State shopping that might result from this bill. With a patchwork of differing standards across the States, why wouldn't companies build factories in States with the least stringent environmental standards? In order to remain competitive, why wouldn't States with higher standards, lower them? This dangerous race to the bottom would lower the quality of life for all Americans. And I believe the Federal Government has a moral responsibility to discourage it.

The cancer-causing group A substances identified in my amendment are so deadly, and the Federal role in efforts to reduce our exposure to them are so important that I believe efforts to restrict human exposure to them should be exempt from the points of order in S. 1.

I commend the Senator from Idaho for his tenacity which ensured unfunded mandates would be a priority. I also want to commend the Senator from Ohio for his hard work in committee and on the floor to improve this bill. Together, they have forged a bill that would create better intergovernmental relations.

But central to this bill is the recognition that certain laws are so important to our Nation's welfare that they must be enacted and enforced—regardless of whether State and local governments will have to pay to implement them.

Mr. President, I think legislation to control known human carcinogens is so important that it warrants special consideration. Certainly, protection from deadly exposure to cancer-causing substances is as critical as any of the exclusions currently found in S. 1. Those who have lost loved ones to this disease can tell you that.

I believe this bill, as currently drafted, could hamper congressional efforts to protect the public from cancer-causing agents. Let me explain why.

Some of my colleagues might say that once the EPA determines something to be a group A carcinogen, there would be a broad consensus to protect children from it. But that is not the case at all.

Consider the case of radon. Radon, an invisible, toxic gas, is very threatening. Radon is one of the most serious environmental health risks facing the country. In my State, radon is the most prevalent environmental cause of cancer. Nationwide studies show elevated radon levels in 25 percent of our homes and in 20 percent of our schools. Radon testing and mitigation are relatively inexpensive. Still, because this problem is so widespread, a mandate to test for and reduce radon levels in schools would certainly pass the $50 million threshold contained in S. 1.

Last year, I offered, and the Environment and Public Works Committee reported, a bill to do radon testing in schools. It was never considered on the floor of the U.S. Senate. And one of the reasons is was not, was because some objected to the cost that would have to be assumed if tests revealed unacceptable levels of radon.

S. 1 would institutionalize those concerns and roadblocks. It would tie our hands and prevent us from passing legislation that requires radon testing and mitigation in schools. Someone would argue that radon is just a medium-risk hazard. And, as a result, progress in the fight against radon-related disease would be threatened. After smoking, radon is the second leading cause of lung cancer. Is not protecting our children from this risk important enough to support Federal legislation?

Again, I ask my colleagues: Are we prepared to surrender to all the different States the basic obligation of protecting the health—and in this case, the lives—of American citizens? Are we prepared to allow thousands of American children to be exposed to proven carcinogens? Is it a defense—or even an excuse—to say we are leaving this up to the States? I hope not.

I will conclude my remarks, Mr. President, to allow others to speak about my amendment. But I would ask my colleagues to think about the children whose health might be affected if we are unable to effectively regulate group A carcinogens. My youngest daughter is about to give birth to my second grandchild and I cannot help wondering how this bill, as written, might affect his or her health.

I feel that it is my obligation to protect that child with all of the might and the power that I can muster. I am sure that everyone else feels similarly about their children and grandchildren and the generations that follow.

As a consequence of that, I hope that we will have the support to amend S. 1 to include this very important exemption.

Mr. President, I ask unanimous consent that Senator BRADLEY from New Jersey and Senator BOXER from California be listed as cosponsors of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time that we are in a quorum call be equally charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Mr. President, I will not object, but I must note that the time that I used was because I was here and prepared to speak on the amendment.

I hope that my colleague from Kentucky is ready to speak.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, will the distinguished Senator from Idaho yield me at least 5 minutes?

Mr. KEMPTHORNE. Mr. President, I am more than happy to yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. That is probably twice what I will need. I usually like to work and not talk.

Mr. President, the amendment offered by my colleague from New Jersey is unwise. Since the proposed amendment would give the Environmental Protection Agency authority in deciding what causes are worthy of exemption from this bill, I feel it deserves closer attention than could be afforded a floor amendment on an unrelated bill. The amendment before the Senate is a powerful amendment. It adds to a list of special exemptions for items that are so important to the fabric of our Nation that they should receive preferential treatment.

I question why we should give an agency whose credibility is in such question. I am not the first to raise the issue of the EPA falling down on the job. By some people's judgment, if it was not for rash and politically motivated regulations and decisions by the EPA, we might not even need the unfunded mandates bill.

I have a report here that outlines the problems at the EPA. It is called "Safeguarding the Future: Credible Science, Credible Decisions." It was produced by an expert panel on the role of science at EPA. The reason that the EPA needed such a report was simple: The agency has been unable to base its actions on unpoliticized science. Its findings are nothing short of startling.

Furthermore, the EPA is not even sure what is a class A carcinogen. I submit a letter from the EPA that states that putting an "exact number of chemicals on this unofficial 'A' list is tricky * * *." Some chemicals are grouped with others, some don't appear on EPA's risk hotline called IRIS, with this kind of information coming out of the EPA, we have no idea what this amendment could lead to down the road.

Mr. President, I ask unanimous consent that a letter from the U.S. Environmental Protection Agency dated June 21, 1994, to my office, be included in the RECORD at this point.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, June 21, 1994.

To: Matthew Rapp.

From: Jeanette A. Wiltse, Ph.D., Deputy Director, Office of Health and Environmental Assessment (8601).

Re: EPA Classification of Suspected Carcinogens.

Attached is the information that you requested on substances identified by EPA as Class A carcinogens. We have provided both use and health effects information.

Please be aware that the exact number of chemicals on this unofficial "A" list is tricky depending on how they are grouped. Often you will see just nickel listed, while on IRIS two nickel compounds are listed separately. Also, you may see radionuclides and radon listed separately or just radon mentioned as a catch-all for the whole group. As you know, there are at least 300 different radionuclides.

If you need additional information please call me at 202-260-7315.

Mr. FORD. Mr. President, a prime example of what could happen is chlorine. Chlorine, according to a recent newspaper article:

> * * * is found in such diverse products as Teflon, compact discs, photographic film, sofa cushions, linoleum and lawn chemicals. It is used in 85 percent of all pesticides, purifies 98 percent of all U.S. drinking water, and directly affects 1.3 million American jobs. Chlorine is so important, in fact, that it is used in 60 percent of all chemical transactions—which amounts to 40 percent of our total gross national product.

Guess which product is likely to get on EPA's unofficial group A list? Chlorine. The EPA stated last year that it should "develop a national strategy for subjecting, reducing, or prohibiting the use of chlorine and chlorinated compounds."

Mr. President, to me this proves we should not give the EPA this new authority, and should not by our actions condone its behavior.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eight minutes and 56 seconds.

Mr. LAUTENBERG. I ask the manager of the bill at this point whether there are additional speakers?

Mr. KEMPTHORNE. Mr. President, in response to my friend from New Jersey, no. I would have a quick comment at the conclusion of this. I think that will be all the speakers tonight.

Mr. LAUTENBERG. Mr. President, I yield myself such time as I need, and in the interest of trying to reduce this debate to its shortest possible period I want to respond to the distinguished Senator from Kentucky by just saying that I understand why he is raising those questions. Certainly there is a lot there that can be questioned.

In this case, Mr. President, I, too, have a letter and I assume it is not the same letter that the Senator from Kentucky submitted for the RECORD because he ascribed a June date to that and this letter is January issue. It is addressed to me from Miss Browner, who is the Administrator of the EPA, and she says—and I will put the full letter in the RECORD:

> Group A carcinogens are, as explained at length in EPA's Risk Assessment Guidelines, those which have, in fact, caused cancer in humans. Group A classification does not derive from laboratory studies and inferences, assumptions or other uncertainties. These are instances which have resulted in cancer.

That is a pretty specific statement. When actions are needed to effectively limit exposure to these substances, EPA should be able to move expeditiously to do so.

She goes on further to say, "Your amendment would provide an exemption from the procedural and other requirements of S. 1 that could delay or prevent congressional or other actions to limit exposure to known human carcinogens," signed Carol M. Browner, Administrator for EPA.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 25, 1995.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: I applaud your effort to ensure there is no hindrance to Environmental Protection Agency regulatory actions to limit human exposure to Group A carcinogens.

Group A carcinogens are, as explained at length in EPA's Risk Assessment Guidelines, those which have in fact caused cancer in humans. Group A classification does not derive from laboratory studies and inferences, assumptions, or other uncertainties; these are substances which have resulted in cancer. When actions are needed to effectively limit exposure to these substances, EPA should be able to move expeditiously to do so.

Your amendment would provide an exemption from the procedural and other requirements of S. 1 that could delay or prevent Congressional or other actions to limit exposure to known human carcinogens.

Sincerely,
CAROL M. BROWNER.

Mr. LAUTENBERG. I just say this to the distinguished minority whip, and that is that chlorine is now under question review. Despite its omnipresence, we know the material is used effectively all over. But we do not know the full health effects. It is, I think, appropriate to review it.

I think back to the days when asbestos was used for installation in every conceivable type of product: Wallboard, ceilings, pipes, et cetera. Then one day a terrible discovery was made. That was that asbestos is, in fact, cancer-causing material. There have been lawsuits that confirm that. Lots of people whose health was injured and, as a matter of fact, their lives terminated.

So the fact that something has been used extensively does not mean, of course, that it is, therefore, acceptable from a science or health-based review.

I conclude, Mr. President, and would yield the floor at this moment. If there is no further discussion I would be happy to yield back the balance of my time, but that depends on what happens with the opponents' statement.

Mr. KEMPTHORNE. Mr. President, I appreciate the concern that my friend from New Jersey has expressed. I enjoy serving on the Environment and Public Works Committee with him. I know of his sincerity in this issue. I appreciate his concerns about class A carcinogens and I share that concern. I may vote with my friend from New Jersey to waive a point of order on this when and if it comes to the floor. However, I do not support the amendment.

For example, we have the issue of radon on safe drinking water. What was the cost of that? Some estimate $10 billion. But should we know that cost up front? Was there a less costly alternative? This is exactly the purpose of Senate bill 1, to provide this process so that the issues that have been raised concerning this amendment can be brought to the floor to allow informed debate, accountability. And I believe that a complete exemption not only prevents us from knowing cost but prevents us from agreeing if, in fact, a waiver is deserved. Again, there may be a time in the future that I would support him in seeking a waiver of the point of order, but I cannot support the idea of an exemption. So we could never get to that part of the process.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask the manager of the bill whether he is going to ask for the yeas and nays for the purpose of tabling the motion.

If that is the end of the discussion, I am happy to yield back the remainder of my time.

Mr. KEMPTHORNE. Mr. President, an inquiry. Is it now in order for me to move to table the amendment?

The PRESIDING OFFICER. The Senator from New Jersey has yielded back his time. It would be in order for the Senator to do so.

Mr. LAUTENBERG. Mr. President, I yield back the remainder of my time.

Mr. KEMPTHORNE. I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, just to make this certain so that everybody knows and they know it in the offices also, it was understood that the vote on this would occur in the morning, if a rollcall vote is requested.

The PRESIDING OFFICER. That is correct, the agreement was that the vote will be not prior to 10 in the morning. If the Senator would propound a unanimous-consent in that regard.

Mr. GLENN. Mr. President, I ask to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

AMENDMENT NO. 177, AS MODIFIED

(Purpose: To clarify use of the term "direct cost")

Mr. LEVIN. Mr. President, I first ask unanimous consent that I be allowed to modify amendment No. 177.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

Mr. LEVIN. I thank the Chair. I believe the majority has a copy of that modification.

Mr. President, I believe the modification is at the desk now.

The amendment, with its modification, is as follows:

On page 14, line 19 strike "expected".
On page 22, line 12 strike "estimated".
On page 22, line 22 strike "estimated".
On page 23, line 2 strike "estimated".
On page 23, line 5 strike "estimate" and "full".
On page 24, line 8 strike "estimated".
On page 24, line 15 strike "estimated".

Mr. LEVIN. Mr. President, I think it is also required that I ask unanimous consent that the Senate return to consideration of amendment No. 177.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this amendment may seem like a technical amendment, but it has substantive ramifications to it. There are eight places in the bill where the term "direct costs" is used, and that is a very critical term in the bill. But in five of those eight instances, there are some adjectives which are used which confuse the bill. For instance, sometimes it is referred to as "estimated direct costs," even though the word "estimate" is already in the definition of direct costs in the definition section.

Once it is referred to as "expected direct costs." Another time it is referred to as "full direct costs," which raises an implication about, well, on those other occasions when you refer to direct costs, are they something other than full direct costs.

So in order to clear up these ambiguities and potential problems with those times direct costs is referred to in the bill, this amendment strikes the adjectives which I have indicated which are in the amendment and just simply leaves the words "direct costs." That would then be as defined in the definition section of the bill.

I understand that the floor managers will accept this amendment. It is, frankly, a good reason why it is important that we take some time to make sure this bill is as clear as can possibly be achieved, and while there has been some suggestion by some that there has been an effort to delay this bill, there is no effort that I know of to delay this bill. The effort is being made to improve this bill in a number of very important ways, to clarify the bill where there are ambiguities, and this is one instance where there are ambiguities which need to be cleared up.

I believe the managers of the bill concur in this and, if so, this does not require a rollcall vote, as far as I am concerned. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we view this as a technical amendment which eliminates several redundancies in the language of the bill, as the Senator from Michigan pointed out. Because the term "direct costs" is defined to mean aggregate estimated amounts, there really is no need for the word "estimated" to be used elsewhere in the bill with the term "direct costs." Therefore, this amendment strikes such usage.

This side of the aisle is ready to accept this amendment. Again, we appreciate the Senator from Michigan for his efforts.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, once again, I think the Senator from Michigan has shown his dedication to making this a good piece of legislation by going into some of the details and defining before we pass this, and correcting some of the things that might give trouble a little later on or that could be misinterpreted.

I want to congratulate him on that, and I am glad it has been accepted on the other side. We are happy to accept it on this side, also.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 177, as modified.

The amendment (No. 177), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

Mr. KEMPTHORNE. Mr. President, I withhold.

HOW TO BALANCE THE FEDERAL BUDGET

Mr. GRAMM. Mr. President, we have heard recently requests from a number of colleagues and the President for an explanation of exactly how those of us who support the balanced budget amendment to the Constitution propose to achieve that goal after the States have ratified the amendment.

Frankly, the demand for details has come from some of the same individuals who opposed the balanced budget constitutional amendment when it was considered last year and it is my belief that no matter how detailed a plan was presented, they would find fault with it.

However, I do believe it is worth demonstrating to my inquiring colleagues that there is a specific, legislative path that we can follow in order to balance the Federal budget—S. 149, the Balanced Budget Implementation Act, which I introduced on January 4 of this year, the first day of the 104th Congress and which I originally introduced on February 16, 1993, as S. 377.

The legislation outlines the procedures necessary to bring the Federal budget into balance, including such reforms as a requirement that the annual budget resolution be signed into law by the President, the implementation of zero-based budgeting which requires the reauthorization of most current Federal spending programs in order for them to remain eligible for funding; the application of the Social Security spending formula to other entitlement programs; and an extension to the year 2002 of the limits placed on discretionary spending. These requirements will be enforced with 60-vote points of order and other mechanisms.

This is the path to a balanced budget. I hope those of my colleagues who have requested such guidance will join me in following it.

I ask unanimous consent that a more detailed explanation of the legislation be printed at the conclusion of my remarks.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

BALANCED BUDGET IMPLEMENTATION ACT—OUTLINE

(By Senator Phil Gramm)

A bill to require and implement a balanced budget by the year 2002.

TITLE 1.—REQUIRE A JOINT BUDGET RESOLUTION TO FORCE JOINT ACTION BETWEEN CONGRESS AND THE PRESIDENT

(A) Joint resolution on the Budget: To remedy the lack of cooperation and coordination between the President and Congress resulting from the Congressional Budget and Impoundment Control Act of 1974 which created two budgets—one Executive and one Congressional—the Balanced Budget Implementation Act converts the present concurrent resolution on the budget into a joint resolution on the budget which must be signed by the President, ensuring joint Congressional and Executive branch consensus on and commitment to each annual budget.

TITLE 2.—ZERO-BASED BUDGETING & DECENNIAL SUNSETTING

(A) For FY 1996 and FY 1997, Congress must re-authorize all discretionary programs and all unearned entitlements: The Balanced Budget Implementation Act adopts President Carter's zero-based budgeting concept, mandating that before FY 1996 begins, the spending authority for all unearned entitlements, and the spending authority for the most expensive one-third of discretionary programs will expire. Entitlements earned by service or paid for in total or in part by assessments or contributions shall be deemed as earned, and their authorization shall not expire. Entitlements not sunsetted include Social Security, veterans benefits, retirement programs, Medicare and others. Before FY 1997, the spending authority of the remaining discretionary programs will expire.

Specifics

By the beginning of FY 1997, all unearned entitlements and discretionary programs will be subject to re-authorization. If a specific unearned entitlement or discretionary program is not re-authorized in a non-appropriations bill, it cannot be funded and will be terminated.

(B) Unauthorized programs cannot receive appropriations: The Balanced Budget Implementation Act creates a point of order in both Houses against any bill or provision thereof that appropriates funds to a program for which no authorization exists.

Specifics

Such point of order can be waived only by the affirmative vote of 3/5ths of the whole membership of each House. Appeals of the ruling of the Chair on such points of order also require a 3/5ths affirmative vote of the whole membership of each House.

A 3/5ths point of order shall lie against any authorization that is contained in an appropriation bill.

(C) All discretionary programs and unearned entitlements must be reauthorized every ten years: In the first session of the

Congress which follows the decennial Census reapportionment, the spending authority for all unearned entitlements and the most expensive one-third of all discretionary programs will expire for the fiscal year that begins in that session. In the second session of that Congress, the spending authority for the remaining discretionary programs will expire for the fiscal year that begins in that session. This provision will be enforced by the points of order contained in Section B) above.

TITLE 3.—LIMIT THE GROWTH OF ENTITLEMENTS TO THE GROWTH RATE OF SOCIAL SECURITY

(A) The Balanced Budget Implementation Act adopts President Bush's proposal to limit the aggregate growth of all entitlements other than Social Security to the growth rate formula of Social Security for the period FY 1996 to FY 2002: The aggregate growth of all entitlements other than Social Security is limited to the growth rate formula of Social Security, which is the consumer price index and the growth in eligible population.

(B) The Balanced Budget Implementation Act provides flexibility in the growth rate of entitlement programs: An individual entitlement program can grow faster than the overall entitlement cap as long as the aggregate growth in all entitlements (other than Social Security) does not exceed the entitlement cap.

(C) From FY 1996 to FY 2002, the aggregate spending growth cap on entitlements will be enforced by an entitlement sequester: The Balanced Budget Implementation Act provides that if aggregate spending growth in entitlements exceeds the total growth in consumer prices and eligible population, an across-the-board sequester to eliminate excess spending growth will occur on all entitlements other than Social Security. A 3/5ths vote point of order lies against any effort to exclude any entitlement from this sequester. This sequester would be in effect until Congress passes legislation which brings the entitlement program back within the cap, and the President signs the bill.

TITLE 4.—ESTABLISH FIXED DEFICIT TARGETS, RESTORE AND STRENGTHEN GRAMM-RUDMAN, AND REQUIRE A BALANCED BUDGET BY 2002

(A) Restore the fixed deficit targets of Gramm-Rudman (GR) enacted by President Reagan: The Balanced Budget Implementation Act modifies the existing GR maximum deficit amounts and extends the GR sequester mechanism to balance the budget by FY2002 and annually thereafter.

The Fixed deficit targets established for the next seven fiscal years will result in a balanced budget by the fiscal year 2002:

Fiscal year:	*Billions*
1996	$145
1997	120
1998	97
1999	72
2000	48
2001	24
2002	0

The new maximum deficit amounts will be enforced by the existing GR deficit sequester. After reaching a balanced budget, the GR sequester mechanism will become permanent to ensure the budget stays in balance.

(B) Strengthen the GR points of order: The Balanced Budget Implementation Act requires the strengthening of the existing GR budget points of order.

Specifics

A point of order will lie against all actions that 1) increase the deficit or 2) increase the limit on national debt held by the public beyond the deficit levels required in Section A & B (above). This point of order will lie in both Houses, and may be waived only by a 3/5ths vote of the whole membership of each House. An appeal of the point of order can only be waived by a 3/5ths vote. No rule in either House can permit waiver of such a point of order by less than 3/5ths affirmative vote of the whole membership of such House nor can such point of order be waived for more than one bill per vote on such point of order.

Once the budget is balanced, all points of order will become permanent to ensure the budget stays in balance.

(C) Protect Social Security: Social Security will be protected fully by 1) preserving the existing points of order to protect the Social Security trust fund; an 2) providing expedited procedures in 2002 for consideration of additional legislation to balance the budget excluding the Social Security Trust Fund.

(D) Extend the Discretionary Spending Caps: President Clinton proposed extending the existing caps on total discretionary budget authority and outlays to cover the fiscal years 1999 and 2000. That cap will be extended to also apply to the fiscal year 2001 and 2002, at the same level of President Clinton's proposed extension.

Outlays

Fiscal year:	*Billions*
1998	$542.4
1999	542.4
2000	542.4
2001	542.4
2002	542.4

(E) Look Back Sequester: In the last quarter of every fiscal year, a "look back" sequestration is required to eliminate any excess deficit for the current year. This look back sequester will guarantee that the actual deficit target set for that year is achieved.

Specifics

On July 1 of every fiscal year, the Office of Management and Budget (OMB) will order an initial look back sequester based on the most recent OMB deficit estimates. On July 15, the OMB Mid-Session Review will update and finalize the sequester order. The final order will stay in effect unless offset by appropriate legislation to bring the deficit into compliance with that year's target.

APPOINTMENTS BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Senate Resolution 105, adopted on April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments and designations to the Senate Arms Control Observer Group:

The Senator from West Virginia [Mr. BYRD] as minority administrative cochairman; and

The Senator from Georgia [Mr. NUNN] as cochairman for the minority.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Bill Roth, J.M. Inhofe, Paul D. Coverdell, Bill Frist, Slade Gorton, Olympia Snowe, Spencer Abraham, Rick Santorum, Bob Smith, Jon Kyl, Dan Coats, Craig Thomas, Conrad Burns, Phil Gramm, Thad Cochran, Mitch McConnell, Richard Shelby, Fred Thompson.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, although progress has been made today, there are still approximately 30 amendments on the list to be considered. The managers say many of those approximately 30, at least some of them, will not be offered. But until they are formally stricken from the list, there is still the risk they could each be called up. The majority leader has made it very clear. He has been very patient in trying to work through this bill and the amendments thereto. The bill's managers certainly have been working very assiduously to try to reduce the amendment list and bring this to closure.

Also, the leader has made it clear he intends for us to complete this bill this week. In order to do that we have to work through this list, either have them stricken or acted on. If we do not get them completed tomorrow at a reasonable time, then it would go beyond that.

I understand there are only a few issues that still really need to be resolved. However, if they cannot be resolved amicably then it may be necessary to close off debate. If cloture is invoked, I am not sure exactly how many of these amendments are not germane, but those that are not germane would then be dealt with through the cloture motion and we could move on to the remaining amendments.

If going through cloture appears to be necessary tomorrow afternoon, it will be agreeable to this side of the aisle to waive the intervening day and have the cloture vote tomorrow. But I know there would be discussion between the majority leader and the minority leader before that would be done. I just wanted to put that out on the RECORD tonight. Perhaps we can get this thing really moving tomorrow, and it will not be necessary. But in order to deal with the time requirements, it was essential we put the cloture motion down at this time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the hour is late. I do not plan to debate this. In fact, there is no debate on a cloture motion, obviously. It can be filed at any time.

I am sorry it has to be filed or the majority feels it has to be filed in that I think we have had a very productive day here. We have worked very hard all day today. I just asked staff to total up what we had done today. We had five amendments accepted, one was withdrawn, and one was set aside. In that breakdown of five that were accepted, three were Democratic ones and two Republican. We had one amendment debated that was put over for vote tomorrow, and that vote will occur tomorrow morning. And we had three amendments tabled.

That is 11 effective actions on this bill today. I think that is rather good progress. I would say to my friend from Mississippi—we will not go into the whole litany of how we got to where we are—but we lost the first several days working on this bill basically because of what happened in committee, where we had actions taken in committee to speed this to the floor that prohibited any amendments. We were guaranteed once this reached the floor there would be plenty of time for all the amendments, to take them up on the floor. Now we get to the floor and the attempt is made to restrict or at least discourage amendments from coming up. That violates at least the spirit of what we were told in committee.

In committee also, the action there that caused us to lose quite a bit of time was the action wherein there was not a committee report sent. For those who are not familiar with how important a committee report is, it is what in layman's language explains to all the Senators and their staffs what the technical legalese language is in the bill itself. So on something like this that really is landmark legislation, that report was very important. We objected to the bill being filed without the report. We were voted down on that, and that was the issue that Senator BYRD took up—and quite successfully. On that issue alone, we spent some 2 or 2½ days.

Then we are finally told we can get the report, but then when the time came for the report to be filed it was not filed and we lost another day. Then we found out the Budget Committee, which also has jurisdiction over this, had not filed their report and that took another day.

So about the first 5 days, in fact the first week that this legislation was up, I submit we lost that time basically because of the actions that were taken in committee that I have never seen—in my 20 years here, I have never seen actions like that, where the minority was denied a report.

I know I chaired the Committee on Governmental Affairs for some 8 years, and the only time we ever sent a bill to the floor without a report was with the complete acceptance of that move by the minority. So I think the first 5 days we can mark off as being days, rancorous though they were here on the floor, that were caused by the attempt to bypass the normal procedures of the Senate.

I think with all that behind us, we are back on track now. We are dealing with this. I want to move as forcefully and as fast as possible. We had a good day yesterday. I do not have a summary of what happened yesterday, but today we have had 11 effective actions and I just hope we can continue moving tomorrow and I hope we do not have to exercise a cloture motion. I just wanted to spell that out.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, I want to say again I know the distinguished Senator from Ohio has worked very hard to try to move it forward. I know it has not been easy. I know he worked on it last year and great progress was made last year. That effort made it possible for us to have a bill this early in this session. I acknowledge that, and I want to take this opportunity on behalf of all his colleagues to commend him, and certainly our distinguished colleague from Idaho, Senator KEMPTHORNE, who has really been very diligent in trying to work through this, also.

But I do want to point out a couple of things. This is the 9th day that we have been on this bipartisan, I thought relatively noncontroversial, bill. There have been some actions that have been taken that have added some language to the bill. I believe the Senator would say he has made some improvements as he has gone along.

Mr. GLENN. Will the Senator yield?

Mr. LOTT. Sure.

Mr. GLENN. As I pointed out a moment ago, 9 days is correct that we have been on this bill. The first 5 days we lost, as far as effective action on the bill goes, because of what happened in the committee and the speed of putting in the bill in the Senate one day, having a hearing the next day, the markup the third day, no report, and over our objections in the minority. We had repeated votes in committee, and it was a wrangle over that here on the floor—my distinguished colleague from West Virginia was involved. It was that wrangle on the floor about the filing of reports that were not filed when they were supposed to be, even after agreement they would be filed—it was that issue alone that caused us to lose the first 5 days.

The last 4 days, where we have really been operating on this bill, especially the last 2 days, we have made excellent progress. As I said—we read off the list that we had today—we have had 11 effective actions on this bill today.

Mr. LOTT. Mr. President, if the Senator will yield on that, when you say 11 effective actions, do you mean 11 amendments? Or seven amendments? How many amendments were disposed of?

Mr. GLENN. As I said a while ago, Mr. President, we had accepted five amendments; there were three on the Democratic side and two on the Republican side that were accepted—effective actions. We had one that was withdrawn. We had one that was set aside. We had one that was debated with the vote to occur tomorrow, and three were tabled. That is 11 effective actions, as I total them up.

So we are moving on this, is my point. I know cloture has been filed. This is not the time to debate cloture.

I just want to balance all of the blame we have been getting and the heat around us over here. I think it is not justified. At least the first 5 days that this was on the floor were not effective days for other reasons. They were noneffective days because of what happened in committee, which I think was unwarranted.

Mr. LOTT. Mr. President, I certainly understand what the Senator has said. I would like to note that, while I think progress was made today, we would all acknowledge that, at that pace, since we dealt with I guess 5 amendments today, on that basis it would still take us another 5 or 6 days with approximately 30 amendments pending. Even though we made good progress, if we are able to dispose of five or six a day, this thing could keep going on down the line. Certainly in the first couple of days a lot of discussion was delivered or exchanged on reports.

I point out that objection was heard, and an effort was made to get the reports filed. I have before me the two reports. In fact, the report from the Governmental Affairs Committee was available on the 12th of January. That is a Thursday. It is 45 pages long. I am sure the Senators have had more than ample time to review that in these succeeding days. Then the report from the Budget Committee was available on Friday the 13th. There are 38 pages there. Certainly there was time to review that.

So the objection was made, and the reports then were printed and made available in a way that everybody could have a chance to review them. I want to make sure that point is made, that the reports have been available now for 12 or 13 days.

Then also just one other point. Talking about the time lost the first couple of days, I think it is fair to note that the majority leader properly and because of his appreciation for the family and the need for various Senators to attend a funeral earlier this week, we in fact did not have any votes. There was not a lot of action on Monday even though we were scheduled to have votes any time after 4 p.m. In fact, they did not occur until late on Tuesday to accommodate a lot of Senators. We do not blame anybody for that. Those things happen. A compassionate leader would always honor that.

There are arguments on both sides. But I think the leader wanted to make sure that he took action to try to deal with this problem. For instance, if maybe we could get some information as to how many of these amendments will be stricken from the list, that would help. I understand that has not been available. If it is not approximately 30, if in fact it is 15, then that would make a lot of difference.

Mr. GLENN. The Senator is absolutely correct. I agree with that. We have already asked that be checked on our side to see how many will probably not be called up so we will know what is on the list. There are serious amendments left. And I am hoping the same thing can be done on the Republican side so we can combine things and maybe start getting some time agreements and so on.

Just one further statement on this. One of the reasons I think there were some amendments filed on this is because when people finally had a chance to read the reports and understand what was in the legislation, they had some concern about it. So they started filing their amendments. These have been substantive amendments which we have been considering.

Mr. LOTT. Does the Senator mean today or yesterday?

Mr. GLENN. Most of them yesterday and today. The ones that Senator LEVIN put in and several others here today. Some not dealing directly with this would have been accepted in committee. I grant that. But I think because we finally got the report people had a chance to look at it and understand what was in the bill. That is one reason we had so many amendments. Had we been permitted to do this in committee, I think there would not be nearly the number of amendments when we got to the floor.

Mr. LOTT. One response, if I could, I understand. Like the Senator from Ohio, I do not want to go on at great length. A lot of these amendments in that long list of about 100 certainly were not germane and not relevant to this bill. We spend a lot of time on both sides on things like history standards, the abortion clinic violence, and maybe the pornography—a lot of amendments in which it would be a huge leap to say that they really were urgent right now and that they were really relevant to this bill. But I think maybe we have been through that exercise and now we are down to really trying to deal with the amendments that have been offered that really are of concern.

I hope maybe we can complete that, and maybe in the spirit that the distinguished Senator from Ohio was exhibiting here tonight we will move right along tomorrow and be able to bring it to a conclusion.

Mr. GLENN. We will do our best.

Mr. LOTT. Mr. President, I will have a final closing statement, unless any other Senator would like to be heard at this time.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-244. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the report on unauthorized appropriations and expiring authorizations dated January 15, 1995; to the Committee on Appropriations.

EC-245. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-16; to the Committee on Appropriations.

EC-246. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, notice of a cost comparison of base operating support; to the Committee on Armed Services.

EC-247. A communication from the Chair of the Defense Environmental Response Task Force, Under Secretary of Defense, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Armed Services.

EC-248. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the B-1 Conventional Mission Upgrade Program; to the Committee on Armed Services.

EC-249. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Advisory Board on the Investigative Capability of the Department of Defense; to the Committee on Armed Services.

EC-250. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Tunisia; to the Committee on Banking, Housing, and Urban Affairs.

EC-251. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-252. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-253. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-254. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's annual report for fiscal year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-255. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of sales and advertising expenditures data for calendar years 1992 and 1993; to the Committee on Commerce, Science, and Transportation.

EC-256. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC-257. A communication from the Administrator of the National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of the study of the safety impact of permitting right-turn-on-red; to the Committee on Commerce, Science, and Transportation.

EC-258. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the comprehensive program management plan; to the Committee on Energy and Natural Resources.

EC-259. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report for fiscal year 1993 entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition"; to the Committee on Energy and Natural Resources.

EC-260. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Outer Continental Shelf Natural Gas and Oil Leasing and Production Program for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-261. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled "The Clean Air Act Ozone Design Value Study"; to the Committee on Environment and Public Works.

EC-262. A communication from the President of the United States, transmitting, pursuant to law, the Executive Order relative to the seismic safety of Federally-owned or leased buildings; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Rules and Administration, without amendment:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate (Rept. No. 104-6).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 274. A bill entitled the "Old Faithful Protection Act of 1995"; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. Bond, Mr. Burns, Mr. Helms, Mr. McConnell, Mr. Pressler, and Mr. Nickles):

S. 275. A bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 276. A bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on the Judiciary.

S. 277. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN (for himself, Mr. Daschle, Mr. Dole, Mr. Rockefeller, Mr. Pell, and Mr. Robb):

S. Res. 72. A resolution expressing support for the nation and people of Japan and deepest condolences for the losses suffered as the result of the earthquake of January 17, 1995; considered and agreed to.

By Mr. STEVENS:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MURKOWSKI (for himself, Mr. Simon, Mr. Helms, Mr. Robb, and Mr. Thomas):

S. Con. Res. 4. A concurrent resolution expressing the sense of the Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 274. A bill entitled the "Old Faithful Protection Act of 1995"; to the Committee on Energy and Natural Resources.

THE OLD FAITHFUL PROTECTION ACT

Mr. BAUCUS. Mr. President, Americans first heard about Yellowstone National Park back in the 1850's, from an old mountain man by the name of Jim Bridger.

Bridger told about a place where water ran so quickly it heated the stream bed through friction. He said steam rose up from the edges.

He told folks about how you could cook a trout without taking it off the line—just catch the fish in the Firehole River and swing it into one of the steam cauldrons on the bank.

Folks back then were a little hard pressed to believe Jim Bridger. But when they saw it for themselves, they were convinced. President Ulysses S. Grant made it our first national park on March 1, 1872.

Today, millions of Americans have visited Yellowstone to see the geysers and mudpots and hot springs that make this a unique place. And I think we all want to make sure we keep it forever.

That is why today, I am introducing the Old Faithful Protection Act of 1995. This legislation guarantees that Yellowstone—our Nation's first national park—will remain the marvel that it was, is, and should always be.

Why am I doing this? Because while Jim Bridger was a great man, he was no geologist. Yellowstone has geysers, paint pots, and steam cauldrons not because of fast-running streams, but because of the geothermal characteristics of the underlying rock formations.

These structures are fragile. In the past, some have been tempted to tap into them for energy. And when that has happened elsewhere the geysers have vanished.

A 1991 National Park Service report found that geothermal development has dried up 7 of the world's 10 major geyser systems. Systems have disappeared in China, Russia, Chile, and Iceland. Next door in Nevada, 30 geysers were active as recently as 1958. Extensive geothermal development has dried them all up. They are gone forever.

The same thing could happen in Yellowstone. And as the Park Service report concludes, "any risk, no matter how small, to Yellowstone's geothermal resource is too much risk."

The Old Faithful Protection Act guarantees complete protection to Yellowstone's world famous geysers, paint pots, mud volcanoes, and hot springs.

It forbids geothermal development on Federal lands within approximately 15 miles of Yellowstone's boundaries.

It lets Montana, Idaho, and Wyoming regulate geothermal development on State and private lands within this 15-mile buffer zone provided that each State develops a regulatory program that adequately protects Yellowstone.

In summary, the Old Faithful Protection Act makes sure that Yellowstone is protected, private property rights are respected, and the appropriate role of the States in managing the water resource is recognized.

We owe it to future generations to preserve Yellowstone so that they can see the same wondrous sights that Jim Bridger saw 140 years ago.

And we owe it to the many people whose jobs depend on Yellowstone—guides, small businesses, nearby hotels and more—to keep their livelihood safe.

And I want to put my colleagues on notice about this bill. Last Congress, my friend and colleague Congressman Pat Williams brought this through the House on an overwhelming vote.

Unfortunately, it was held up here in the Senate. I will not let that happen again. I have written to the chairman of the Energy and Natural Resources Committee, asking for an immediate hearing and rapid action on the bill. And if that does not happen, I will bring this bill to the floor at every opportunity, because I believe Yellowstone is that important to me and to Montana.

As Teddy Roosevelt said 90 years ago:

> There can be nothing in the world more beautiful than the Yosemite, the groves of giant sequoias and redwoods, the Canyon of the Colorado, the Yellowstone * * * and our people should see to it that they are preserved for their children and their children's children forever, with their majestic beauty all unmarred.

Yellowstone compares with Yosemite National Park, one of Teddy Roosevelt's favorites.

Mr. President, no risk to the park is too small to ignore. I consider this bill a top priority. And I urge my colleagues to give it their strong support.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, January 25, 1995.

Hon. Frank H. Murkowski,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: Today I am introducing the "Old Faithful Protection Act of 1995." This legislation is intended to protect the hydrothermal systems associated with Yellowstone National Park, an objective I have long been a strong advocate of. I have gone to great lengths to tailor this legislation so that it protects Yellowstone, while respecting private property rights and the important role of states in managing their water.

The importance of this legislation to maintaining the integrity of Yellowstone National Park cannot be understated. It is my intention to do everything I can to see this bill to final passage during this Congress, and I would very much appreciate your assistance. Toward that end, I ask that you hold a hearing on this legislation at as early a date as possible.

I look forward to hearing from you in the near future on this matter.

With best personal regards, I am

Sincerely,

Max Baucus.

U.S. Senate,
Washington, DC, January 25, 1995.

Hon. J. Bennett Johnston,
Committee on Energy and Natural Resources, Washington, DC.

Dear Mr. Johnston: Today I am introducing the "Old Faithful Protection Act of

1995." This legislation is intended to protect the hydrothermal systems associated with Yellowstone National Park, an objective I have long been a strong advocate of. I have gone to great lengths to tailor this legislation so that it protects Yellowstone, while respecting private property rights and the important role of states in managing their water.

The importance of this legislation to maintaining the integrity of Yellowstone National Park cannot be understated. It is my intention to do everything I can to see this bill to final passage during this Congress, and I would very much appreciate your assistance. Toward that end, I ask that you hold a hearing on this legislation at as early a date as possible.

I look forward to hearing from you in the near future on this matter.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

By Mr. D'AMATO:

S. 276. A bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on the Judiciary.

THE SMALL BUSINESS FINANCIAL INSTITUTION PROTECTION ACT

• Mr. D'AMATO. Mr. President, I introduce legislation to address the problem of bank fraud that is being perpetuated against the U.S. Small Business Administration [SBA]. The SBA besides specializing in small business loans also gets heavily involved in loans for disaster relief areas. Currently there are over 5,000 loans in default with the SBA. These defaulted loans represent a loss over $1.8 billion to the SBA and the financial institutions that processed the loans. Since 1990, the SBA has repurchased in excess of $878 million of these defaulted loans yielding a direct loss to the U.S. Government. The remaining $300 million lost in this process was incurred by the federally insured financial institutions that processed the loans. The SBA guidelines for approving loans are adopted by the financial institution, these guidelines are clearly deficient. The background investigation and financial checks for SBA loan approval are basically nonexistent. The amount of fraud associated with SBA loans is extraordinary.

In addition to the internal loan approval problems present in the SBA, there are several problematic areas within the prosecution of these violations. Currently SBA violations are prosecuted under title 18 USC, section 1001 (False Statements) and section 287 (False, fictitious or fraudulent claims). Both of these sections are merely 5-year counts. The U.S. Attorney's offices nationwide, due to the large caseload, have to prioritize their prosecutions. Five-year violations are usually declined due to lack of prosecutive merit. Furthermore, this meager judicial penalty allows for these violations to be cost effective for the defendants. Most of the SBA defaulted loans are over $100,000. These violations rarely result in prison terms, therefore crime truly does pay.

The second problematic area within the prosecution of these violations is that neither of these sections have asset forfeiture provisions. Therefore, the SBA must make a business decision to prosecute or proceed civilly.

My legislation will address all these issues. First, by incorporating SBA violations under title 18 USC, section 1344—(Bank Fraud) prosecutive thresholds will be met in virtually all U.S. attorney's offices. Second, this section will raise the penalties associated with these violations. This in effect will send the message out that we will not tolerate abuses against our financial systems of the U.S. Government. The current penalties for violation of section 1344 impose a fine of not more than $1 million or imprisonment of not more than 30 years, or both. This increased exposure tells would-be defendants that crime does not pay. And lastly, section 1344 has asset forfeiture provisions. This allows both for the return of the illegally gained proceeds to the Government and the victim financial institutions and for the prosecution of those involved. As is clearly demonstrated by the above figures, SBA fraud is already a form of bank fraud in that federally insured financial institutions share in the losses when SBA loans are defaulted. The recent indictment in Los Angeles of 16 defendants, highlights the necessity for this change. These defendants were responsible for approximately $10 million in losses. Just in my State alone during the last 4 years over $20 million in losses were incurred by defaulted SBA loans.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Financial Institution Protection Act".

SEC. 2. CRIMINAL PENALTIES.

Section 1344 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "or the Small Business Administration" after "financial institution"; and

(2) in paragraph (2), by inserting "or the Small Business Administration" after "financial institution,".•

By Mr. D'AMATO:

S. 277. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

THE COMPREHENSIVE IRAN SANCTIONS ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce the Comprehensive Iran Sanctions Act of 1995. This act will institute a total trade embargo between the United States and the Islamic Republic of Iran. This embargo will also include a prohibition on all trade engaged in by a U.S. national abroad, but exempt all humanitarian supplies.

This legislation is modeled after a provision in the Cuban Democracy Act, and forbids any United States-owned foreign subsidiary from doing business with Iran. Moreover, it will end the ability of United States oil companies to buy Iranian oil and then resell it on the open market. We must stop subsidizing Iranian terrorism. Our purchase of Iranian oil does just that. In 1993, oil purchases by United States companies of Iranian crude oil bought and resold in foreign markets amounted to $3.5 billion, or 25 percent of all Iranian crude oil sales.

United States companies supply annually over $750 million in exports to Iran. In the first 6 months after the imposition of the sanctions in October 1992, $461 million in exports to Iran required G-DEST or General Destination licenses. Companies using G-DEST licenses do not submit individual license applications, thereby removing the State and Defense Departments from the review process. This process makes it easier to slip dual-use material through the oversight process and for Iran to continue receiving exports that it can convert for use in its military and nuclear program. This is exactly what Iraq did during the 1980's and we allowed it to happen. We cannot allow the same mistake to be repeated.

Iran is arming itself to the teeth, and we are simply ignoring it. Iran conducted a $12 billion shopping spree for arms in 1990, and is stockpiling Chinese and North Korean Scud missiles. In 1991, Iran purchased Chinese nuclear technology and a nuclear reactor. This, in addition to its ongoing receipt of U.S. dual-use exports, portends a very dangerous situation.

Iran set forth 2 years ago, an arms budget estimated at over $50 billion for the following 5 years. This should make it clear to all that Iran aims to build itself into a regional nuclear power intent on spreading its will by force. We cannot sit back and allow this bloodthirsty band of terrorists to grow into a monster too big for anyone to handle.

Moreover, Iran's territorial expansion into North Africa and Central Asia is seemingly being ignored. Iranian-supported terrorists are active in Algeria, Tunisia, Morocco, Egypt, Yemen, and in Israel. Iran is also making serious efforts at spreading its influence into Afghanistan and Tajikistan. While this may seem tangential, Iran's spreading influence is indicative of a wider, more dangerous effort, designed to build an anti-American bloc. This much has even been alleged, regarding suggestions of some Sudanese role in the bombing of the World Trade Center.

Iran's actions, speak louder than words and its continued effort at obtaining weapons of mass destruction, as well as its pursuit of an Islamic fundamentalist, anti-American bloc, speak volumes about its intent in the world today.

With Iran's goals in mind, the United States should not be providing it with the capabilities to build such weapons to fulfill its aims. Unfortunately, the Commerce Department has found no illegal exports, but is investigating some potentially suspect cases. I would suggest that if the administration is sincere about true export control, it should reexamine its policy vis-a-vis Iran. Over a year ago, Secretary of State Christopher announced an American intention to isolate Iran, yet the continued export of dual-use material to this country and the American purchase of Iranian oil, seems to run counter to this pronouncement.

If the world community wishes to avoid another Middle Eastern war, we must join together to take any and all steps necessary to prevent Iran from its goal of nuclear domination of the Middle East. In 1981, Israel foresaw the danger in Iraq. In 1995, let us not ignore the danger again with Iran and miss an opportunity to stop this problem before it gets too big.

We must sever any remaining trade between the United States and Iran, to ensure that we do not provide them with anything that will come back to haunt us. We must take the lead and begin a worldwide effort at halting all exports to Iran until it sheds its violence and antagonism towards the West. When Iran agrees to join the rest of the civilized world, then we can consider lifting sanctions.

I urge my colleagues to join me in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Iran Sanctions Act of 1995".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hezballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(3) the term "Iran" includes any agency or instrumentality of Iran;

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).•

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 9, a bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003.

S. 47

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 50

At the request of Mr. LOTT, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 141

At the request of Mrs. KASSEBAUM, the names of the Senator from Arizona [Mr. KYL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 165

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 165, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 174

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 174, a bill to repeal the prohibitions against political recommendations relating to Federal employment and United States Postal Service employment, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 194, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 198

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

S. 200

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 200, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in handgun and is capable of penetrating police body armor.

S. 205

At the request of Mrs. BOXER, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 208

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 208, a bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States.

S. 226

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 226, a bill to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. BROWN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 241

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 241, a bill to increase the penalties for sexual exploitation of children, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

SENATE JOINT RESOLUTION 1

At the request of Mr. DOLE, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. HELMS], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 16

At the request of Mr. BROWN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 16, a joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the names of the Senator from Washington [Mr. GORTON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 17, a joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*.

SENATE JOINT RESOLUTION 22

At the request of Mr. GRAMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 22, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

AMENDMENT NO. 199

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from California [Mrs. BOXER] were added as cosponsors of amendment No. 199 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

AMENDMENT NO. 201

At the request of Mrs. BOXER, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of amendment No. 201 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

AMENDMENT NO. 202

At the request of Mrs. BOXER, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of amendment No. 202 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

SENATE CONCURRENT RESOLUTION 4—RELATIVE TO THE KOREAN PENINSULA

Mr. MURKOWSKI (for himself, Mr. SIMON, Mr. HELMS, Mr. ROBB, and Mr. THOMAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 4

Whereas the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula";

Whereas the Agreed Framework also states the "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue";

Whereas the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

Whereas the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

Whereas the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.

It is the sense of the Congress that—

(1) the executive branch should take steps to ensure that the implementation of the Agreed Framework between the United States and North Korea, dated October 21, 1994, is linked to substantive and rapid progress in dialogue between North and South Korea; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the executive branch should develop specific timetables for achieving measures to reduce tensions between North and South Korea, such as—

(A) holding a North Korea-South Korea summit;

(B) the prompt dismantlement of North Korea's nuclear reprocessing facility;

(C) the initiation of mutual nuclear facility inspections by North and South Korea;

(D) the establishment in both North and South Korea of North-South Liaison Offices;

(E) the establishment of a North-South joint military commission to discuss steps to reduce tensions between North and South Korea, including—

(i) the mutual notification and control of major troop movements and major military exercises;

(ii) the relocation of troops to positions further from the demilitarized zone;

(iii) exchanges of military personnel and information;

(iv) the installation of a telephone "hotline" between military authorities; and

(v) phased reductions of armaments and troops, and verification thereof;

(F) the expansion of trade relations between North and South Korea;

(G) the promotion of freedom to travel between North and South Korea by citizens of both North and South Korea;

(H) exchanges and cooperation in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(I) the establishment of postal and telecommunications services between North and South Korea; and

(J) the reconnection of railroads and roadways between North and South Korea.

SEC. 2. PRESIDENTIAL ENVOY.

The President should appoint a senior official with appropriate experience to represent him in communicating directly with the North Korean government regarding the steps and measures set forth in section 1, and to consult with South Korea and other concerned allies regarding such communications.

SEC. 3. REPORT TO CONGRESS.

The President should report to the Congress, within 90 days after the adoption of this concurrent resolution, regarding the progress made in carrying out sections 1 and 2.

SEC. 4. DEFINITIONS.

As used in this concurrent resolution—

(1) the term "North Korea" means the Democratic People's Republic of Korea; and

(2) the term "South Korea" means the Republic of Korea.

SEC. 5. DELIVERY OF RESOLUTION TO PRESIDENT.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

- Mr. MURKOWSKI. Mr. President. I submit a concurrent resolution that expresses the Sense of the Congress regarding the serious issue of North Korea-South Korea dialog as part of the United States-North Korea Agreed Framework on the nuclear issue. I am joined today by my colleagues Senator SIMON, HELMS, ROBB, and THOMAS in submitting this resolution. Several of our colleagues on the House side have submitted a similar resolution today.

I do not intend at this time to launch into a lengthy critique of the agreed framework signed between the United States and the Democratic People's Republic of Korea [DPRK]. I chaired a hearing last week in the Senate Energy and Natural Resources Committee to examine the agreement in greater detail. Other hearings on the agreed framework are being held in the Senate Foreign Relations Committee and Armed Services Committee this week. And I believe this body will have an opportunity to debate the entire agreement in detail when the administration seeks additional funding to carry out the provisions of the agreed framework.

Today, however, I want to focus on a specific, and critical, element of the agreed framework: the necessity of a meaningful North-South dialog. Without such a dialog, I am convinced that implementation of the agreed framework is unworkable.

Section III(2) of the agreed framework specifies that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula." The agreed framework goes on to say in section III.(3) that "[t]he DPRK will engage in North-South dialogue, as this agreed framework will help create an atmosphere that promotes such dialogue." Yesterday, in testimony before the Senate Foreign Relations Committee, Secretary of State Warren Christopher had this to say about these provisions: "As part of the framework, North Korea has pledged to resume dialogue with South Korea on matters affecting peace and security on the peninsula. We have made clear that resuming North-South dialogue is essential to the success of the framework—so important that we were prepared to walk away from the framework if North Korea had not been willing to meet that condition."

I am gratified that the United States negotiators held firm on including references to these two North-South issues, but I am greatly concerned that the requirements were not spelled out in greater detail in the agreement. For instance, what is the time line for progress? At what point will the United States stop fulfilling its commitments under the agreed framework if there has been progress in North-South relations.

It is this lack of specificity that has led me and my colleagues to introduce this resolution. The resolution calls on the executive branch to take steps to ensure that the implementation of the agreed framework is linked to substantive and rapid progress in the dialogue between North and South Korea, including developing timetables for achieving measures to reduce tensions between North and South Korea. Although not a comprehensive list, positive measures could include: First, hold a North-South summit; second, prompt dismantlement of North Korea's reprocessing facility; third, initiation of mutual nuclear facility inspections; fourth, establishment of North-South Liaison offices; fifth, establishment of a North-South joint military commission; sixth, expansion of trade relations; seventh, promotion of freedom to travel; eighth, exchanges and cooperation in science and technology, education, the arts; health, sports, the environment, publishing, journalism, and other fields of mutual interest; ninth, establishment of postal and telecommunications services; and tenth, reconnection of railroads and roadways.

The resolution also calls on President Clinton to appoint a senior official to communicate directly with the North Korean Government regarding the steps and measures, and to consult with South Korea and other concerned allies regarding such communications. In addition, the resolution calls on the President to report to Congress within 90 days regarding the progress made in the specific steps.

Mr. President. I do not need to remind my colleagues that 37,000 American soldiers stationed on the demilitarized zone remain in harm's way. We all received a grim reminder of this when a U.S. helicopter was shot down on December 17, 1994, killing one U.S. airman and detaining another on false charges of American espionage.

These American troops are part of the nearly 2 million troops who face each other across a heavily fortified demilitarized zone. Three decades of on-again, off-again talks between Pyongyang and Seoul have produced no significant progress in reducing tensions. Although a cease-fire ended the Korean war in 1953, the two sides technically remain at war. The agreed framework does not adequately address the underlying tensions between North and South Korea. Nor do I believe that North and South Korea will simply work everything out without some outside assistance. For that reason, I believe that the Clinton administration must take specific steps to ensure that North Korea lives up to its commitment under the agreed framework.

I hope this resolution will take us a step in the right direction.•

• Mr. SIMON. Mr. President, there are many trouble spots in the world. But there may be no more dangerous border right now than the one that divides North and South Korea. Approximately 1 million troops, North Korean, South Korean, and United States, are arrayed along either side of that 150-mile-long line. And yet, with all that firepower ready to use, there is practically no communication across that line. It is one of the most hermetic borders in the world, rivalled, perhaps, only by those of Albania in its heyday.

Last December my colleague Senator FRANK MURKOWSKI and I saw that formidable border with our own eyes, when we crossed the demilitarized zone from North to South. And that same month we all saw some of the consequences of the lack of communication, when a United States helicopter was shot down over North Korea. What in other circumstances might have been handled as a routine incident became a protracted war of nerves, with the freedom of one U.S. airman and the remains of another hanging in the balance. Why? Because there are so few trusted channels of communication between North and South.

When Senator MURKOWSKI and I visited Asia last month, the agreed framework between the United States and North Korea was the focus of our discussions in both Pyongyang and Seoul. The agreement, while not perfect, offers an important opportunity to end North Korea's nuclear program. It also—and this is extremely important as well—can open new channels of communication between North and South, and thereby reduce tensions in northwest Asia.

The sense of the Senate resolution that I am proud to submit today with my colleague Senator MURKOWSKI expands the channels of communication envisaged in the agreed framework. The resolution calls for the executive branch to establish timetables for a range of tension-reducing measures between North and South Korea. Dismantlement of North Korea's nuclear reprocessing facility would be a major step, but only one step, in that area. Other important measures connecting North and South would be: liaison offices; a joint military commission with a particular focus on information exchange and threat reduction; expanded trade relations; freedom of travel between the Koreas; scientific, cultural, educational and sports exchanges; postal and telecommunications services between North and South; and reconstruction of road and rail links between the two countries. The President should appoint a senior official to work on all those steps with North and South Korea.

All the measures I just listed add up to communication. Opening North Korea to outside influences will not be easy, will not happen overnight, and will not bring overnight results. It is an effort, though, that we should make, because the payoff in reduced tensions on the Korean peninsula could be very great indeed. This resolution aims to support the nuclear accord, and build on it in constructive, positive ways.●

SENATE RESOLUTION 72—RELATIVE TO JAPAN

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. DOLE, Mr. ROCKEFELLER, Mr. PELL, and Mr. ROBB) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas, on the morning of January 17, 1995 a devastating and deadly earthquake shook the cities of Kobe and Osaka, Japan killing more than 5,000 people, injuring more than 25,000 and leaving more than 300,000 temporarily homeless:

Whereas, the earthquake of January 17, 1995 has left more than 46,440 buildings in ruin, destroyed highways, train lines and other infrastructure and has caused losses of as much as $80 billion in Kobe alone:

Whereas, the tradition of strength, courage, determination and community of the people of Japan has been displayed time again by the citizens of Kobe and Osaka and, indeed, all of Japan since the earthquake and has served as an inspiration to all of the world:

Whereas, the nations and people of the United States and Japan share a strong, decades old history of friendship and mutual interests and respect:

Whereas, the people of the United States, having suffered a similar tragedy almost a year ago to the day of the Kobe and Osaka earthquake, share in the pain and hope of the people of Japan.

Therefore be it resolved by the Senate that—

(1) The Senate expresses its deepest sympathies to the Nation of Japan and the citizens of Kobe and Osaka for the tragic losses suffered as a result of the earthquake of January 17, 1995.

(2) The Senate expresses its support to the people of Japan as they continue their noble efforts to rebuild their cities and their lives.

(3) The Senate expresses its friendship to the people of Kobe and Osaka and pledges its support for their efforts in the face of this disaster.

Mr. BINGAMAN. Mr. President, I rise today to submit Senate Resolution 72 expressing the Senate's deepest sympathies to the people of Kobe and Osaka, Japan.

Mr. President, by now we are all aware of the frightening devastation that was caused by the earthquake that struck Kobe and Osaka in the early morning of January 17, 1995. We have seen the terrible destruction of homes and businesses, we have heard the enormous numbers of dead and wounded and we have read the remarkable stories of courage and hope that have sprung daily from the rubble and ruins of Kobe and Osaka.

Mr. President, the memories of the earthquake that struck California almost a year ago to the day of the Kobe and Osaka earthquake have not diminished in the short period of time that has elapsed. We remember all too well the feelings of disbelief and loss as we learned of the destruction that the California earthquake reeked on our own citizens. As it was a year ago, so it has been throughout the past week as we watched the events unfold in Kobe and Osaka.

Mr. President, we do not need a disaster to remind us of our friendship and mutual commitment with the people of Japan; however, at a time of tragedy such as this, we do have an opportunity to again reaffirm that friendship and to say to the people of Japan that America does care.

Mr. President, I hope that my colleagues will join with me today in supporting Senate Resolution 72 and will join with all of America in expressing our deepest sympathies and pledging our support and friendship to the people of Japan.

SENATE RESOLUTION 73—ORIGINAL RESOLUTION REPORTED AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. STEVENS, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

S. RES. 73

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1995, through September 30, 1996, in the aggregate of $49,394,804 and for the period March 1, 1996, through February 28, 1997, in the aggregate of $50,521,131 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1995, through September 30, 1996, and March 1, 1996, through February 28, 1997, to be paid from the appropriations account for "Expenses of Inquires and Investigations" of the Senate.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,708,179, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,746,459, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,823,586, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,931,401 of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,641,704. For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,702,669.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,778,802, of which amount (1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,851,936, of which amount (1) not to exceed $850, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $3,032,295, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,103,181, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $3,369,312, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,445,845, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,579,566.

(c) For the period of March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,636,292.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,376,346, of which amount (1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,430,379, of which amount (1) not to exceed $8,000, be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expanded for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,960,173, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,026,449, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,647,720, of which amount (1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,708,841, of which amount not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,429,312, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,530,725, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1995, through February 28, 1997, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 71 of the One Hundred Third Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,260,450, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act.)

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,359,828, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,018,406, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,111,256, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,309,439, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,340,234, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,059,861, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,083,793, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,097,451, of which amount not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,122,714, of which amount not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,108,255.

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,132,974.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1995, through February 29, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,064,860, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,133,120, of which amount not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Committee on Indian Affairs is authorized from March 1, 1995, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the Services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,119,088.

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,143,036.

SPECIAL RESERVES

SEC. 22. (a) Of the funds authorized for the Senate committees listed in sections 3 through 21 by Senate Resolution 71, agreed to February 25, 1993, as amended (103rd Congress), for the funding period ending on the last day of February 1995, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b). During March 1995, obligations incurred but not paid through February 28, 1995, shall be paid from the unexpended balances before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances transferred to the special reserves.

(b) The reserves established in subsections (a) shall be available for the period commencing March 1, 1995, and ending with the close of September 30, 1995, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1995, and which were not deducted from the unexpended balances under subsection (a), and (2) meeting expenses incurred after such last day and prior to the close of September 30, 1995.

SEC. 23. (a) It is the sense of the Senate that space assigned to the respective committees of the Senate covered by this resolution shall be reduced commensurate with the reductions in authorized staff funded herein. The Committee on Rules and Administration is expected to recover such space for the purpose of equalizing Senators offices to the extent possible, taking into consideration the population of the respective states according to the existing procedures and to consolidate the space for Senate committees in order to reduce the cost of support equipment, office furniture, and office accessories.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, January 25, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the economic outlook for the Nation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 25, 1995, at 2 p.m. to hold a hearing on the North Korea Nuclear Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, January 25, at 9:30 a.m. on the subject of Reinventing Government I: Welfare Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, January 25, 1995, at 9:30 a.m., to markup a resolution for Senate Committee Funding for 1995 and 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 25, 1995 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday January 25, 1995, at 10 a.m., in Senate Dirksen room 226, on congressional term limits.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE ELKAY MANUFACTURING CO.'S 75TH ANNIVERSARY

• Mr. SIMON. Mr. President, I would like to recognize the Elkay Manufacturing Co. which is celebrating its 75th year in business today. Elkay has enjoyed steady growth and solid achievements throughout its existence, including many industry innovations.

Over the past 75 years, Elkay Manufacturing has grown from a small father-and-son manufacturer of handmade German silver sinks to the world leader in the sales of stainless steel sinks and water coolers. As a result of this continued success, employment at Elkay Manufacturing has grown from 3 employees in 1920 to 2,300 employees today.

Elkay Manufacturing has consistently been able to recognize positive opportunities and respond to them. This strong awareness of both industry and customer needs is what has enabled Elkay to become a leader in the industry.

I am proud to recognize the achievements of Elkay Manufacturing and its commitment to high standards, quality, and continuing innovation in the products it manufactures in Illinois and across the Nation.●

TRIBUTE TO ROBERT H. GRASMERE

● Mr. LAUTENBERG. Mr. President, I rise today to honor Robert H. Grasmere, former mayor of Maplewood Township in New Jersey.

Robert Grasmere has served the Maplewood community for 34 years. He was first elected to the township committee in 1960 and was subsequently reelected for 11 more 3 year terms. His contributions, however, do not end there. Mr. Grasmere also served Maplewood Township as mayor for 23 years from 1970 until 1993.

His leadership and hard work earned him recognition from the citizens of Maplewood and the State of New Jersey. The New Jersey State League of Municipalities awarded Mayor Grasmere the Presidential Citation for Extraordinary Service in 1988 and in 1991, he was the recipient of Elected Official Award from the American Public Works Association for his outstanding public works.

Mr. Grasmere's dedication to the Maplewood community led him to be a founding member of the Durand-Hedden House and Garden Association, an organization who's many causes concluded the restoration of a prerevolutionary property in Maplewood. It has since been designated as Grasmere Park in honor of this outstanding person.

Robert H. Grasmere is an exceptional citizen who has dedicated his life to the people of Maplewood and the State of New Jersey. I congratulate him on his numerous past successes and what I am sure will be many more successes yet to come.●

CHILDREN AND TELEVISION

● Mr. SIMON. Mr. President, I would like to insert a statement by Keith Geiger in the CONGRESSIONAL RECORD.

The statement follows:

[From the National Education Association]

CHILDREN, TV, AND THE PUBLIC GOOD

(By Keith Geiger)

Do you believe that "Super Mario Brothers," the cartoon based on the popular video game, teaches children self-confidence? Would you call television broadcasts of "G.I. Joe," "The Flintstones," and "The Jetsons" educational programming?

Welcome to the world of children's television—where these and other equally astounding assertions are made regularly by TV stations applying to the Federal Communications Commission for license renewal. Even more remarkable,the FCC agrees that these programs serve "the educational and informational needs of children" as required by the Children's Television Act.

Here we are, a nation deeply concerned about the lack of values, the level of violence, and the academic achievement of our children and youth. But flip through the channels and Saturday morning or weekday afternoon. You'll find program after program glorifying space-age shoot-em-ups, ninja warriors, brutality and mayhem. Many of the shows are nothing more than promotional vehicles for toys.

With a very few—immediately obvious—exceptions, television aimed at children is the domain of toy manufacturers. In the words of Shari Lewis of Lamb Chop fame, "Our kids are very much for sale to the highest bidder."

This isn't a new phenomenon. It's the reason the Children's Television Act was passed four years ago. The problem is, this act hasn't changed children's programming. It was written very broadly, and the FCC rules governing its implementation are weak. There's no definition of what constitutes educational programming—or of how much of it a station must provide.

So "G.I. Joe" and "Super Mario Brothers" become "educational." And millions of U.S. children watch "Mighty Morphin Power Rangers," which has been taken off the air in Canada and New Zealand because of excessive violence.

When asked recently to define quality children's television, Shari Lewis replied: "You must role model for kids the kind of behavior you want. If the intention is to do a program that seduces children to watch through explosions, chases, crashes, verbal and physical hostility, and aggression, I don't care if you tack on a pro-social message at the end of the show."

That is exactly what has happened under the Children's Television Act. Broadcasters have produced some so-called educational programs. But what many of these programs do, in the words of a Christian Science Monitor editorial, is to "hide a smidgen of educational nutrition inside a candy bar of frenetic entertainment." And the truth remains that children learn far more from all the action and freneticism than they do from the moralistic words.

The FCC is currently deciding if it should strengthen the regulations that implement the Children's Television Act. The National Education Association is one of more than a dozen education and children's advocacy organizations urging the Commission to put real teeth into its rules. We want the FCC to define educational programs and to require that stations schedule at least one hour of such programming for children each day. These programs should be of standard length (not announcements or shorts) and be shown between 7 a.m. and 10 p.m. (nearly half of educational programs now air between midnight and 6:30 a.m.).

Given the fact that 70 million children in our country watch an average of four hours of television a day. I'd like to issue a challenge. Let every station agree that from 8 a.m. to 10 a.m. on Saturdays, all its children's shows will be truly educational. That should take care of any competitive worries. And it would give our children two options: watch an educational show or turn off the TV. Whichever they choose, America wins.

Television wields immense influence over children. It defines the games they play, the clothes they wear, the way they view their world. It's time we confront the power of this medium and insist that those who profit from it also have a social responsibility to use it to contribute to the public good.●

THE BETHEL NEW LIFE ORGANIZATION

● Mr. SIMON. Mr. President, I would like to recognize the achievements of the Bethel New Life Organization of Chicago, IL. Bethel New Life has been chosen as one of the 24 winners of this year's Renew America for Environmental Sustainability Award.

Bethel New Life is dedicated to reversing the trend toward urban decay and has focused its efforts in Chicago's west side neighborhoods. Building on established community resources, Bethel has developed several job-creation programs. Bethel also concentrates on the needs of Chicago's elderly by sustaining a home-based elder care program that will create 325 new jobs in the area.

Additionally, Bethel is working with Argonne National Laboratory to develop a local recycling and manufacturing center with a materials processing plant already in operation. Community involvement is crucial to the success of Bethel's program, and this is accomplished through Bethel's support of neighborhood block clubs where local high school students improve math and science skills by learning to monitor the local air quality.

I commend the Bethel New Life Organization for its dedication and commitment to job creation and enrichment in Chicago's urban areas. It is my hope that Bethel will serve as a model for other community organizations working to better their neighborhoods.●

AMENDMENT OF TITLE 2, UNITED STATES CODE, SECTION 61H–6

The text of the bill (S. 273) to amend title 2, United States Code, section 61h–6, as passed by the Senate on January 24, 1995, is as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 61h–6 of title 2; The Congress, Chapter 4—Officers and Employees of Senate and House of Representatives; United States Code, is amended to read as follows:

"§ 61h–6. Appointment of consultants by Majority Leader, Minority Leader, Secretary of the Senate, and Legislative Counsel of the Senate; compensation

"(a) The Majority Leader and the Minority Leader, are each authorized to appoint and fix the compensation of not more than four individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Secretary of the Senate is authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Legislative Counsel of the Senate (subject to the approval of the President Pro Tempore) is authorized to appoint and fix the compensation of not more than two consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section. The provisions of section 8344 of title 5 shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the President Pro Tempore, Majority Leader, Minority Leader, Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be.

"(b) The Majority Leader, and the Minority Leader, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.".

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I understand that the distinguished Democratic leader may be here momentarily to participate in the closing.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Thursday, January 26, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that the Senate then immediately resume consideration of S. 1 and pending will be the Boxer amendment No. 201. I further ask unanimous consent that immediately following the conclusion of the Boxer amendment, the Senate proceed to vote on the motion to table the Lautenberg amendment No. 199.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that following the conclusion of the minority leader's statement, the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STATE OF THE UNION ADDRESS

Mr. DASCHLE. Mr. President, last night the President spoke to the Congress and to the Nation. He set out an agenda for action. He told us where he wants to take the country and how he will accomplish his goals.

While the audience in the House chamber looked somewhat different from last year's audience, the President's message remained the same: We must help working families who are squeezed between rising prices and stagnant incomes.

The President spoke for all Democrats when he said we believe in opportunity for every American willing to work hard enough to earn it.

We believe in political reform that puts regular people ahead of lobbyists and special interests.

We believe in recasting Government to make it leaner and more responsive to society's contemporary needs.

And we believe that middle-class families are the backbone of this Nation and that Government actions should reflect their values and beliefs.

That agenda responds directly to the Nation's needs, and many of his goals have bipartisan support:

Providing tax cuts for middle-class families that are paid for with real spending cuts; implementing health insurance reforms to protect people against the arbitrary denial of health benefits for which they have paid premiums; replacing welfare as we know it with work as most of us know it; securing our border against illegal entrants; reducing the size of Government, and shifting resources and decision making from bureaucrats to citizens.

On other goals the chance for bipartisan support is unclear, but I am hopeful we can achieve it:

Addressing fundamental national needs like immunization against childhood disease, school lunches, Head Start, medical care and nutrition for pregnant women and infants, and meeting Government's responsibilities to its people by promoting educational opportunity and protecting veterans, Social Security, and Medicare.

We know that there will be partisan fights ahead. Some will reflect principled differences of belief. Some will probably reflect maneuvering for short-term political advantage.

Americans are used to that. It is inevitable in a competitive political system such as ours.

What was more compelling about the President's speech, however, was his reminder to all of us, private citizens and members of Congress alike, that, in many cases, none of us has to wait for the Government or anyone else to tell us how to do the right thing.

He is talking about citizenship. And that is a tenet and responsibility to which all of us subscribe, but sometimes forget.

Members of Congress must adopt true congressional reforms that address the undue influence of lobbyists and special interests. And, as the President said, that reform must include campaign finance reform.

The President asked businesses whose sales are up and whose profits are healthy to share their good fortune with their workers; to keep American plants open in America; to give workers a bonus when the company does well. Every employer in this country knows what the President was talking about.

We who have been blessed beyond others in our Nation know that we didn't achieve our successes alone. Each and every one of us can remember the helping hand, the encouragement, the push when we needed it—from a parent, a teacher, a colleague, a fellow American.

The President spoke to our greatest national tradition as a people, the tradition of giving back. I think he spoke wisely and well, to Americans in private life as well as to government officials.

The President's address was important. But what we do over the next 2 years in the critical issue. Democrats and Republicans need to work together, and Democrats are ready to do that.

It is my hope that Republicans will join the President and us in the effort to address the real world concerns of the middle class and bring genuine reform to Washington.

On behalf of my colleagues, I congratulate the President on his State of the Union Address. We look forward to the challenging agenda he has set out for all of us this year.

Mr. President, I ask unanimous consent that the full text of the President's address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT WILLIAM JEFFERSON CLINTON'S STATE OF THE UNION ADDRESS, JANUARY 24, 1995

Mr. President. Mr. Speaker, Members of the 104th Congress. My fellow Americans:

Again we are here in the sanctuary of democracy, and once again our democracy has spoken. To all of you in the 104th Congress, to you, Mr. Speaker: Congratulations.

If we agree on nothing else, we must agree that the American people voted for change in 1992 and 1994. We didn't hear America singing—we heard America shouting. Now, we must say: We hear you. We will work together to earn your trust.

For we are the keepers of a sacred trust, and we must be faithful to it in this new era. Over two hundred years ago, our Founders changed the course of history by joining together to create a new country based on a powerful idea: We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are Life, Liberty and the Pursuit of Happiness.

It has fallen to every generation since to preserve that idea—the American idea—and to expand its meaning in new and different times. To Lincoln and his Congress: To preserve the Union and end slavery. To Theodore Roosevelt and Woodrow Wilson: To restrain the abuses and excesses of the Industrial Revolution, and to assert America's leadership in the world. To Franklin Roosevelt; To fight the failure of the Great Depression and our century's great struggle against fascism. To all our Presidents since: To fight the Cold War. Especially to two, who struggled in partnership with Congresses of the opposite party. To Harry Truman, who summoned us to unparralled prosperity at home and constructed the architecture of the Cold War world. And to Ronald Reagan, who exhorted us to carry on until the twilight struggle against Communism was won.

In another time of change and challenge, I became the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and insecurity for ordinary Americans. I came to this hallowed chamber two years ago on a mission: To restore the American Dream for all our people and to ensure that we move into the 21st Century still the world's strongest force for freedom and democracy.

I was determined to tackle tough problems, too long ignored. In these efforts I have made my mistakes and learned again the importance of humility in all human endeavor. But I am proud to say that, tonight, our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and a force for peace and freedom throughout the world. We have almost six million new jobs since I became President. We have the lowest combined rate of unemployment and inflation in over 25 years. We have expanded trade, put more police on our streets, given our citizens more tools to get an education and rebuild their communities. But the rising tide is not lifting all boats.

While our nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more competitive, too many of our people can't be sure of even having a job next year or even next month. And far more than our material riches are threatened: Things far more precious—our children, our families, our values.

Our civil life is suffering. Citizens are working together less, shooting at each other more. The common bonds of community which have been the great strength of this country from its beginning are badly frayed.

What are we to do about it? More than 60 years ago, at the dawn of another new era, Franklin Roosevelt told the nation: "New conditions impose new requirements on government and those who conduct government" From that simple proposition, he shaped the New Deal, which helped restore our nation to prosperity and defined the relationship between Americans and their government for half a century.

That approach worked in its time. But we today, we face a new time and different conditions. We are moving from an Industrial Age built on gears and sweat, to an Information Age that will demand more skills and learning. Our government, once a champion of national purpose, is now seen as a captive of narrow interests, putting more burdens on our citizens, instead of equipping them to get ahead. The values that used to hold us together are coming apart.

So, tonight, we must forge a new social compact, to meet the challenges of our time. As we enter a new era, we need a new set of understandings, not just with our government but more important, with one another.

That is what I want to talk to you about tonight. I call it a New Covenant, but it is grounded in a very old idea: That all Americans have not just a right, but a responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return.

Opportunity and responsibility go hand-in-hand. We can't have one without the other. And our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, in our government and in ourselves.

Let us rise to the occasion. Let us put aside partisanship, pettiness, and pride. As we embark on a new course, let us put our country first, remembering that regardless of our party labels, we are all Americans. Let the final test of any action we take be a simple one: is it good for the American people?

We cannot ask Americans to be better citizens if we are not better servants. We've made a start this week by enacting a law applying to Congress the laws you apply to the private sector. But we have a lot more to do.

Three times as many lobbyists roam the streets and corridors of Washington as did 20 years ago. The American people look at their nation's capital, and they see a city where the well-connected and the well-protected milk the system, and the interests of ordinary citizens are too often left out.

As this new Congress opened its doors, lobbyists were still at work. Free travel, expensive gifts . . . business as usual. Twice this month, you have voted not to stop these gifts. Well, there doesn't have to be a law for everything. Tonight, I challenge you to just stop taking them—now, without waiting for legislation to pass. Then, send me the strongest possible lobby reform bill, and I'll sign it.

Require the lobbyists to tell the people who they work for, what they're spending and what they want. And let's curb the role of big money in our elections, by capping the cost of campaigns and limiting the influence of PACs, and opening the people's airwaves to be an instrument of democracy, by giving free TV time to candidates.

When Congress killed political reform last year, the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, let's change the government—let's make it smaller, less costly and smarter—leaner, not meaner.

The New Covenant is an approach to governing that is different from the old bureaucratic way as the computer is from the manual typewriter. The old way protected the organized interests. The New Covenant looks out for the interests of ordinary people, the old way divided us by interests, constituency or class. The New Covenant unites us behind a common vision of what's best for our country.

The old way dispensed services through large, hierarchical, inflexible bureaucracies. The New Covenant shifts resources and decision-making from bureaucrats to citizens, injecting choice, competition and individual responsibility into national policy.

The old way seemed to reward failure. The New Covenant has built-in incentives to reward success. The old way was centralized in Washington. The New Covenant must take hold in communities across the country.

Our job here is to expand opportunity, not bureaucracy: To empower people to make the most of their own lives; to enhance our security at home and abroad.

We must go beyond the sterile debate between the illusion that there is a program for every problem and the illusion that government is the source of all our problems. Our job is to get rid of yesterday's government so our people can meet today's and tomorrow's needs.

For years before I became President, others had been saying they would cut government, but not much happened. We did it. We cut over a quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the federal bureaucracy in the last two years alone. Based on decisions we have already made, we will have cut a total of more than a quarter million positions, making the federal government the smallest it has been since John Kennedy was President.

Under the leadership of Vice President Gore, our initiatives have already saved taxpayers $63 billion. The age of the $500 hammer is gone. Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by more than 1,200 offices. Slashed the Small business loan form from an inch-thick to a single page and thrown away the government's 10,000 page personnel manual. FEMA—the federal disaster agency—has gone from being a disaster to helping people. Government workers—hand-in-hand with private business—rebuilt southern California's fractured freeways in record time and under budget. And because the federal government moved fast, all but one of the 650 schools damaged in the earthquake are back in business educating our children.

University administrators tell me that they are saving weeks of time on college loan applications because of our new college loan program that cut costs to the taxpayers, cuts costs to students, and gives people a better way to pay back their college loans, and cut out bureaucracy.

Previous government reform reports gathered dust. We are getting results. And we're not through. There is going to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three. Getting rid of over 100 programs we don't need—like the Interstate Commerce Commission and the helium reserve program.

These programs have outlived their usefulness. We have to cut yesterday's government to help solve tomorrow's problems.

And we need to get government closer to the people it's meant to serve. Where states and communities, private citizens and the private sector can do a better job, we should get out of the way. We're taking power away from federal bureaucracies and giving it back to communities and individuals. And it's time for Congress to stop passing on to the states the cost of the decisions we make here in Washington.

For years, Congress has concealed in the budget scores of pet spending projects—and last year was no different: A million dollars to study stress in plants, $12 million for a tick-removal program that didn't even work. Give me the line item veto and I'll save the taxpayers money.

But when we cut, let's remember that government still has important responsibilities: Our young people hold our future in their hands; we owe a debt to our veterans who were willing to risk their lives for us; the elderly have made us what we are. My budget cuts a lot, but it protects education, veterans, Social Security, and Medicare and so should you.

And when we give more flexibility to the states, let's remember certain fundamental national needs that should be addressed in every state. Immunization against childhood disease; school lunches; Head Start; medical care and nutrition for pregnant women and infants—they're in the national interest.

I applaud your desire to get rid of costly, unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families; safer toys for our kids; safer nursing homes for you parents. Safer cars and highways. And safer workplaces. Clean water and clean air.

Do we need more common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic waste dumps. And we ought to do it.

Should we cut the deficit more? Of course, we should. We must bring down spending in a way that protects the economic recovery and does not punish the middle class or seniors

I know many of you in this chamber support the balanced budget amendment. We all want to balance the budget. Our administration has done more to bring the budget closer to balance than any one in a long time. But if you're going to pass this amendment, you have to be straight with the American people. They have a right to know what you are going to cut and how it would affect them. And you should tell them before you change the Constitution.

In the New Covenant there are problems we have the responsibility to face.

Nothing has done more to undermine our sense of responsibility than our failed welfare system. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying child support.

That is why I have worked so long to reform welfare. We have made a good start. In the last two years, my administration has given more states the chance to find their own ways to reform welfare than the past two administration combined. Last year, I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be: a second chance, not a way of life. We'll help those on welfare move to work as quickly as possible, provide child care and teach skills if they need them for up to two years. But after that, the rule will be simple: Anyone who can work must go to work.

If a parent isn't paying child support, we'll make them pay. We'll suspend their driver's licenses, track them across state lines and make them work off what they owe. Governments don't raise children. Parents do.

I want to work with you to pass welfare reform. But our goal must be to liberate people and lift them up—from dependence to independence, welfare to work, mere childbearing to responsible parenting—not punish them because they happen to be poor. We should require work and mutual responsibility, but we shouldn't cut people off because they are poor, young, unmarried. We should promote responsibility by requiring young mothers to live at home with their parents or in other supervised settings and finish school, not by putting them and their children out on the street. We shouldn't punish poor children for the mistakes of their parents.

Let this be the year we end welfare as we know it. But let this also be the year we stop using this issue to divide America. No one is more eager to end welfare than the people that are trapped on it. Let's promote education, work, good parenting. Let's punish bad behavior and the refusal to be a student, a worker, a responsible parent. Let's not punish poverty and past mistakes. All of us have made mistakes. None of us can change our yesterday's, but all of us can change tomorrow's. Just ask Lynn Woolsey, who worked her way off welfare and is now a congresswoman from California.

I know it has become fashionable to embrace Franklin D. Roosevelt. So let's remember exactly what he said: "Human kindness has never weakened the stamina or softened the fiber of a free people. A nation does not have to be cruel in order to be tough."

I know members of this Congress are concerned about crime. But I would remind you that last year we passed a very tough crime bill—longer sentences, three strikes and you're out, more prevention, more prisons, and 100,000 more police. And we paid for it all by reducing the size of the federal bureaucracy and giving money back to local communities to lower the crime rate. There may be other things we can do to be tougher on crime and to help lower the crime rate, and let's do them. But let's not take back the good things we've already done. That's what local community leaders think. And that's what the police who put their lives on the line every day think.

Secondly, the last Congress passed the Brady Bill and the ban on nineteen assault weapons. I think everybody in this room knows that several members of the last Congress who voted for the assault weapons ban and the Brady Bill lost their seats because of it. Neither the bill supporters nor I believe anything should be done to infringe upon the legitimate right of our citizens to bear arms for hunting and sporting purposes. Those people laid down their seats in Congress to try to keep more police and children from laying down their lives in our streets under a hail of assault weapons' bullets. And I will not see that ban repealed.

We shouldn't cut government programs that help to prepare us for the new economy, promote responsibility, and are organized from the grass roots up, not by federal bureaucracies. The best example of that is the national service program—Americorps—which today has 20,000 Americans, more than ever served in one year in the Peace Corps, working all over America, helping people—person to person—in local volunteer groups, solving problems and earning some money for their education. This is citizenship at its best. It's good for the Americorps members and good for the rest of us. It's the essence of the New Covenant. And we shouldn't stop it.

All Americans are rightly disturbed by the large numbers of illegal immigrants entering this country. The jobs they hold might otherwise be held by our citizens or legal immigrants, and the public services they use impose burdens on our taxpayers. That's why our administration has moved aggressively to secure our borders by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal aliens who try to take American jobs, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will do more to try to speed the deportation of illegal aliens who are arrested for crimes, and to better identify illegal aliens in the workplace, as recommended by the commission headed by former Congresswoman Barbara Jordan.

This is a nation of immigrants. But it is also a nation of law. And it is wrong, and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years.

The most important job of government is to empower people to succeed in the new global economy. America has always been the land of opportunity, a land where if you work hard you can get ahead. We are a middle class country. Middle class values sustain us. We must expand the middle class and shrink the underclass, while supporting the millions who are already successful in the new economy.

America is once again the world's strongest economy. Almost six million jobs in two years. Exports booming. Inflation down. High wage jobs coming back. A record number of American entrepreneurs living the American dream. If we want to stay that way, those who work and lift our nation must have more of its benefits.

Today too many of those people are being left out. They are working harder for less security, less income, less certainty they can even afford a vacation, much less college for their children or retirement for themselves. We cannot let this continue.

If we don't act, our economy will probably do what it's done since 1978: Provide high income growth to those at the top, give very little to everyone in the middle, and leave the people at the bottom to fall even farther behind, no matter how hard they work.

We must have a government that can be a partner in making this new economy work for all Americans—a government that helps each and every one of us get an education and have the opportunity to renew our skills.

That's why we worked so hard to increase educational opportunity from Head Start, to public schools, to apprenticeships, to job training, to make college loans available and more affordable for 20 million people. That's the first thing we have to do.

The second thing we can do to raise incomes is to lower taxes. In 1993, we took the first step with a working family tax cut for 15 million families with incomes of under $27,000 and a tax cut to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited. And we had to get economic growth up. We have done both.

Now we *can* cut taxes in a more comprehensive way. Tax cuts must promote and reinforce our first obligation, empowering citizens with education and training to make the most of their lives. The tax relief spotlight must shine on those who make the right choices for their families and communities.

I have proposed the Middle Class Bill of Rights—which should be called a Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children or to improve their own lives. It will, therefore, give needed tax relief and raise incomes in the short and long runs in a way that benefits all of us.

There are four provisions: First, a tax deduction for all education and training after high school. Education is even more important now than ever to the economic well-being of America, and we should do everything we can to encourage it. If businesses can get a deduction for investing in factories, why shouldn't families for investment in their future?

Second, a $500 tax credit for all children under thirteen in middle class households.

Third, an individual retirement account with penalty-free withdrawal rights for the cost of education, health care, first-time home buying, and care of a parent.

And fourth, a G.I. Bill for American workers. We propose to collapse nearly 70 federal programs and offer vouchers directly to eligible American workers. If you are laid off, or make a low wage, you will get a voucher worth $2,600 a year for up to two years to go to your local community college or get private or public job training to raise your job skills.

Anyone can call for a tax cut, but I will not accept one that explodes the deficit and puts our economic recovery at risk. We must pay for any tax cuts, fully and honestly. Two years ago, it was an open question whether we would find the strength to cut the deficit. Thanks to the courage of many people here, and many who did not return to take their seats in this House, we began to do what others said they would do for years.

We Democrats cut the deficit by over $600 billion—that's nearly $10,000 for every family of four in this country. The deficit is coming down three years in a row for the first time since President Truman was in office.

In the budget I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts, cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare. And I will oppose any attempt to pay for tax cuts with Medicare cuts.

I know a lot of you have your own ideas about tax relief. I want to work with you. My test for any proposal is: Will it create jobs and raise incomes? Will it strengthen families and support children? Will it build the middle class and shrink the underclass? Is it paid for? If it does, I will support it. If it doesn't, I will oppose it.

That's why I will ask you to support raising the minimum wage. It rewards work. Two and a half million Americans, often women with children, work for $4.25 an hour. In terms of real buying power, by next year, that minimum wage will be at a 40 year low.

I have studied the arguments and evidence for and against a minimum wage increase. The weight of evidence is that a modest increase does not cost jobs, and may even lure people into the job market. But the plain fact is you can't make a living on $4.25 an hour, especially if you have kids to support.

In the past, the minimum wage has been a bipartisan issue. It should be again. I challenge you to get together and find a way to make the minimum wage a living wage.

Members of Congress have been on the job less than a month. But by the end of the week, 28 days into the new year, each Congressman has already earned as much in Congressional salary as people who work under minimum wage make in an entire year.

And everyone in this chamber has something else that too many Americans go without; health care. Last year, we almost came to blows over health care, but nothing was done. But the hard, cold fact is that, since we started this debate, we know that more than 1.1 million Americans in working families have lost their coverage. The hard, cold fact is that millions more, mostly workers who are farmers, self-employed, and in small businesses, have seen their coverage erode with higher premium costs, higher deductibles, and higher co-payments.

I still believe we must move out nation towards providing health security for every American family. Last year, we bit off more than we could chew. This year, let's work together, step by step, and get something done.

Let's at least pass meaningful insurance reform so that no American risks losing coverage or facing skyrocketing prices when they change jobs, or lose a job, or a family member falls ill. I want to work together with the Democratic leadership and Republications like Bob Dole, who have a longtime commitment to health reform.

Let's make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. Let's help families provide long-term care for a sick parent or a disabled child. Let's help workers who lose their jobs keep health insurance coverage for a year while they look for work. And let's find a way to make sure our children have health care. Let's work together. This is too important for politics as usual.

Much of what is on the American people's mind is devoted to internal security concerns—the security of our jobs and incomes, our children, our streets, our health, our borders. Now that the Cold War is past, it is tempting to believe that all security issues, with the possible exception of trade, reside within our borders. That is not so.

Our security depends upon our continued world leadership for peace, freedom, and democracy. We cannot be strong at home without being strong abroad.

The financial crisis in Mexico is a powerful case in point. We have to act—for the sake of millions of Americans whose livelihoods are tied to Mexico's well-being. If we want to secure American jobs, preserve American exports and safeguard America's borders, we must pass our stabilization program and help put Mexico back on track. And let me repeat—this is not a loan, this is not foreign aid, this is not a bail-out. We'll be giving a guarantee, like co-signing a note with good collateral that will cover our risk. This legislation is right for America, and together with the bipartisan leadership, I call on Congress to pass it quickly.

Tonight, not a single Russian missile is aimed at our homes or our children. And we, with them, are on the way to destroying missiles and bombers that carry 9000 nuclear warheads.

We've come so far so fast in the post-Cold War world that it is easy to take the decline of the nuclear threat of granted. But it is still there, and we are not finished yet.

This year, I am asking the Senate to approve START II—and eliminate weapons that carry 5000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-Proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop, and roll back, North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It's a smart, tough deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combating terrorists, whether they strike at home or abroad. As the cowards who bombed the World Trade Center can testify, the United States will hunt down terrorists and bring them to justice.

Just this week, another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people I extend our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard to go forward. But the terrorists are the past, not the future. We must—and we will—persist in our pursuit of a comprehensive peace between Israel and all her neighbors in the Middle East. Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the Middle East peace process and prohibits financial transactions with these groups. Tonight, I call on our allies, and peace-loving nations around the world, to join us with renewed fervor in the global effort to combat terrorism.

From my first day in office I have pledged that our nation would maintain the best equipped, best trained and best prepared fighting force on Earth. We have—and they are. They have managed the dramatic downsizing of our forces since the Cold War with remarkable skill and spirit. To make sure our military is ready for action—and to provide the pay and quality of life that the military and their families deserve—I am asking this Congress to add $25 billion more in defense spending over the next six years. Tonight I repeat that request. We ask much of our armed forces. They are called to service in many ways—and we must give them and their families what the times demand and they deserve.

Time after time, in the last year, our troops showed America at its best; helping to save hundreds of thousands of lives in Rwanda. Moving with lightning speed to head off another Iraqi threat to Kuwait. And giving freedom and democracy back to the people of Haiti.

The United States has proudly supported peace, prosperity, freedom and democracy, from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All these endeavors make America's future more confident and more secure.

This, then, my fellow Americans, is our agenda—expanding opportunity, not bureaucracy, enhancing security at home and abroad empowering people to make the most of their own lives.

It is ambitious and achievable, but it is not enough. We need more than new ideas changing the world, or equipping all Americans to compete in the new economy. More than a government that is smaller, smarter and wiser. More than all the changes we can make from the outside in. Our fortunes and our posterity also depend upon our ability to answer questions from within, from the values and the voices that speak to our hearts, voices that tell us we must accept responsibility for ourselves, for our families, for our communities and, yes, for our fellow citizens.

We see our families and our communities coming apart. Our common ground is shifting out from under us. The PTA, the town hall meeting, the ball park—it's hard for many overworked Americans to find the time and space for the things that strengthen the bonds of trust and cooperation among citizens. And too many of our children don't have the parents and grandparents who can give them the experiences they need to build character and strengthen identity.

We all know that while we here in this chamber can make a difference, the real differences in America must be made by our fellow citizens where they work and where they live. More than ever before, as we move to the twenty-first century, everyone matters and we don't have a person to waste.

That means the new covenant is for everybody. For our corporate and business leaders: We are working to bring down the deficit and expand markets and to support your success in every way. But you have an obligation when you are doing well to keep jobs in our communities and give American workers a fair share of the prosperity they generate.

For those in the entertainment industry: We applaud your creativity and your worldwide success, and we support your freedom of expression. But you have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive and mindless violence, and irresponsible conduct that permeates our media. Not because we will make you, but because you should.

For our community leaders: We've got to stop the epidemic of teen pregnancies and births where there is no marriage. I have sent Congress a plan to target schools all over the country with anti-pregnancy programs that work. But government can only do so much. Tonight, I am calling on parents and leaders across the country to join together in a National Campaign Against Teen Pregnancy—to make a difference.

For our religious leaders: You can ignite your congregations to carry their faith into action, reaching out to all our children, to those in distress, to those who have been savaged by the breakdown of all we hold dear. Because so much of what has to be done must come from the inside out. You can make all the difference.

Responsibility is for all our citizens. It takes a lot of people to help all the kids in trouble to stay off the streets and in school, to build the Habitat for Humanity houses, to provide the people power for all the civic organizations that make our communities grow. It takes every parent to teach their children the difference between right and wrong, and to encourage them to learn and grow, to say no to the wrong things in life and to believe they can become whatever they want to be.

I know it is hard when you are working harder for less money and you are under great stress to do these things. I also know it's hard to do the work of citizenship when for years, politicians in both parties have treated you like consumers and spectators, promising you something for nothing and playing on your fears and frustrations. And more and more of the information you get comes in very negative ways, not conducive to real conversation. But the truth is, we have got to stop seeing each other as enemies, even when we have different views. If you go back to the very beginning of this country, the great strength of America has always been our ability to associate with people who were different from ourselves and to work together to find common ground. And in the present day, everybody has a responsibility to do more of that.

That is the first law of democracy, the oldest lesson of most of our faiths: That we are stronger together than alone. That we all gain when we give.That is why we must make citizenship matter again. Here are five shining examples of citizenship:

Cindy Perry teaches second graders to read in AmeriCorps, in rural Kentucky. She gains when she gives: She is a mother of four, and she says that her service "inspired" her to get her high-school equivalency last year. Now, like thousands of other members, she will use her scholarship from AmeriCorps to go to college to equip herself to compete and win in the new economy.

With so many forces pulling us apart, we cannot stop a force like AmeriCorps that's pulling us together.

Chief Stephen Bishop gains when he gives: He has worked with AmeriCorps to build community policing in Kansas City—and has seen crime go down because of it. He stood up for our Crime Bill and the Assault Weapons ban, and knows that the people he serves and the people he leads are all safer because of it.

Corporal Gregory Depestre gains when he gives: He went to Haiti as part of his adopted country's force to help secure democracy. And he saw the people of his native land—Haiti—are restoring democracy for themselves.

And Jack Lucas gained when he gave. Fifty crowded years ago, in the sands of Iwo Jima, he taught and he learned the lessons of citizenship. February 20, 1945 was no ordinary day for a small-town boy. As he and his three buddies moved along a slope, they encountered the enemy—and two grenades at their feet. Jack Lucas threw himself on them both, and, in that moment, saved the lives of his companions. And what did he gain? In the next instant, a medic saved his life. He gained a foothold for freedom. And he gained this: Jack Lucas—at 17 years old, just a year older than his grandson is today—became the youngest Marine in our history, the youngest man in this century, to be awarded the Congressional Medal of Honor.

All these years later, here's what he says about that day: "It didn't matter where you were from, who you were. You relied on one another. You did it for your country."

We all gain when we give. We reap whatever we sow. That's at the heart of the New Covenant: Responsibility. Citizenship. Opportunity. They are more than stale chapter headings in some remote civics book. They are the virtues by which we can fulfill ourselves and our God-given potential—the virtues by which we can live out, the eternal promise of America, the enduring dream of that first and most sacred covenant: That we hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. And that among these are Life, Liberty and the Pursuit of Happiness.

This is a very great country. And our best days are yet to come. God bless you, and God bless the United States of America.

RECESS UNTIL THURSDAY, JANUARY 26, 1995, AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. Thursday, January 26, 1995.

Thereupon, the Senate, at 9:04 p.m., recessed until Thursday, January 26, 1995, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, January 25, 1995*

The House met at 11 a.m.

Rev. Elmer N. Witt, retired Lutheran pastor, Tacoma, WA, offered the following prayer:

God of Sarah and Abraham, whose name is Wonderful, Counselor, You are our nourishing Mother, our compassionate Father. Before the awesome responsibilities of this day and this life, we turn to You for our bearings and Your blessings. We depend on Your commitment to humanity and to creation: to hear our pleadings, to right our wrongs, to heal our failures, to fill our needs, to empower our discussions, and our decisions with Your love. In the midst of increasing hopelessness, enable us to invest our lives in our words and Your strength in our deeds. We ask this for the well-being of all people, in this Nation among nations. Lead us to be the best we can be, Gracious God, in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington [Mr. METCALF] come forward and lead the House in the Pledge of Allegiance?

Mr. METCALF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, our Contract With America states that on the first day of a Republican House we will force Congress to live under the same laws as everyone else, that we will cut one-third of the committee staff, cut the congressional budget, and Mr. President, we have done that.

Mr. President, in the next 79 days, we will vote on the following 10 items: A balanced budget amendment, which begins today, and a line-item veto, a new crime bill to stop violent criminals, welfare reform to encourage work, not dependence, family reinforcement to crack down on deadbeat dads and to protect our children, tax cuts for families to lift government's burden from middle-income Americans, national security restoration to protect our freedoms, Senior Citizens' Equity Act to allow our seniors to work without government penalty, government regulation and unfunded mandate reforms, commonsense legal reforms to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature once again.

This, Mr. Speaker, is our Contract With America.

THE BALANCED BUDGET AMENDMENT, A CULMINATION OF LEGISLATION AND WORK BY DEMOCRATIC AS WELL AS REPUBLICAN MEMBERS

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, January 4, 1965, my first day in the Congress of the United States as a Democratic Member from Texas, I introduced a balanced budget amendment.

Mr. Speaker, few cared and less listened to me at that time. Through the years, though, it has evolved into now that every freshman I run into asks me "Do you want to join my balanced budget amendment?"

The fact is, Mr. Speaker, that I want to show my colleagues what we have done. In the 12 years in which I was chairman of the Committee on Agriculture, we reduced the budget by $65 billion. If every committee had done the same way, we would not be talking about balancing the budget today.

I want to thank my colleague, the gentleman from Texas, CHARLIE STENHOLM, because the years when I was serving as chairman, my time was limited and he took over the job and has done an excellent job. Today will be the culmination of my original legislation and his work through the years.

CONGRESS MUST SPEND TRANSPORTATION TRUST FUNDS TO BUILD INFRASTRUCTURE FOR AMERICA

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, our transportation needs in America are increasing. Passenger travel on our highways is growing at a rate of about 3 percent a year. By the year 2000, not too far away, we will experience a 30-percent increase in freight travel on our highways.

Also, Mr. Speaker, airline travel continues to grow. It has doubled in the past 12 years, from 250 million passengers a year to 540 million passengers this past year, and at a 4-percent growth rate in the next 17 years, we will experience 1 billion passengers traveling on commercial airlines every year.

We need to spend our highway and aviation trust funds to keep building infrastructure for America. These transportation trust funds are deficit proof. They are the keys to building for the future, for getting ready for the 21st century. Our transportation trust funds are the foundation upon which a more productive and prosperous America can be built.

SOCIAL SECURITY EXEMPTION REDUCED TO SENSE-OF-CONGRESS RESOLUTION

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I take the floor this morning to expose a caper which will be unfolding later today. A couple days ago I and several of my colleagues went to the Committee on Rules to ask to be made in order a balanced budget amendment which would exempt Social Security.

However, the Committee on Rules did not report favorably on that, and will deny us a very clean vote on exempting Social Security from the balanced budget amendment. What they did was produce a sense-of-Congress resolution, House Concurrent Resolution 17, which would exempt Social Security from any bills coming out of committees.

Know full well, this is the same mechanism, Mr. Speaker, that we declare National Pickle Week around here, so the Republicans are treating the trust fund for Social Security as if it were National Pickle Week. Know full well, it is becoming very clear to me and other people that the $423 billion surplus that currently is in the trust fund will be on the table once this balanced budget amendment passes.

I support the balanced budget amendment, but let us not take that contract we have made with our seniors and destroy it because of this. The end result,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, is that once this balanced budget amendment goes to the States, it will be defeated.

TRIBUTE TO THE SAN DIEGO CHARGERS

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I cannot tell the Members the disdain I have for some of my colleagues for not supporting the San Diego Chargers. I rise today to pay tribute to the new champions of the American Football Conference, the San Diego Chargers. It is no secret that America's finest city has now America's finest football team.

Mr. Speaker, I want to salute president Alex Spanos and general manager Bobby Beathard, who have defied skeptics and produced a world class team through perseverance, hard work, and a little luck and a little stealth; to coach Bobby Ross and his team of coaches who are proven motivators; and, finally, to the players, the San Diego team, a team who the Nation's experts picked to finish last.

I would say to the minority, Mr. Speaker, never ever not support your home team, but always take the point spread, and I would say to the gentlewoman from California [Ms. PELOSI], the Sees candy is going to taste great.

AMERICANS GUILTY UNTIL PROVEN INNOCENT IN DISPUTES WITH THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I say to my colleagues, tell me, Congress, when did the IRS waive the Bill of Rights? Check this out. In Colorado, the IRS said that David and Millie Evans owed them $42,000 in back taxes. Three weeks later they said it was a mistake, it is $100,000, so they settled it for $22,000.

Evans sent a check. IRS stamped it, received it, and IRS called them and said, "We don't have your check prove it." They took them to court. They liened their house. They sold their business. They took their retirement account, all their bank accounts.

It went to court, the court said the Evanses were not guilty. The IRS appealed the decision, saying the judge wrongfully instructed the jury by saying the burden of proof was on the IRS. They said, "You must overturn this because the tax code is quite clear, the burden of proof is on the Evanses." The case was overturned.

□ 1110

Unbelievable, Congress. If there is a Contract With America, the American people do support much of your contract. They support this contract, the basic tenet of our Bill of Rights: you are innocent until proven guilty, and damn it, if it is good enough for the Son of Sam, it is good enough for mom and dad.

The SPEAKER pro tempore (Mr. DUNCAN). The Chair would advise the gentleman from Ohio that he should avoid profanity in his remarks.

TIME TO KEEP THE PROMISE OF A BALANCED BUDGET AMENDMENT

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, last night in response to President Clinton's State of the Union Message, New Jersey Governor Christine Todd Whitman did not need equal time to get her message across. That message was clear.

Governor Whitman did not just promise change, she delivered.

In New Jersey we cut spending and taxes. In New Jersey we have a balanced budget. In New Jersey we have kept our promises.

Just like New Jersey, Americans want a smaller smarter government. They want us to make the tough decisions here. The time for making excuses is over. The time to act on our promises is now. It has worked in New Jersey and it can work here in Washington.

TRUTH-IN-BUDGETING AMENDMENT

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, last night in the President's State of the Union Message he laid out his challenges for this Congress and for the American people to fulfill in the next year. The President asked that these challenges be met in an open, honest bipartisan debate on all of the issues like the balanced budget amendment.

As the President mentioned in his remarks, we Democrats support a balanced budget amendment, with a full and honest debate, not just between majority and minority Members but with the American people.

The American people want to know, as we begin this debate, how are we to balance this budget by the year 2002.

Today we will have an opportunity as we begin this debate to vote for a truth-in-budgeting amendment by the gentleman from Michigan [Mr. CONYERS]. I urge all of my colleagues to support the truth-in-budgeting amendment which will tell us how we get to a balanced budget by the year 2002.

How else can we assure the American people they will have a opportunity to participate in this debate, to know whether or not there will be cuts in Medicare, to know whether or not there will be cuts in Social Security? The only way to guarantee it is truth in budgeting.

Support the Conyers amendment.

PASS A BALANCED BUDGET AMENDMENT TO PROTECT OUR CHILDREN'S FUTURE

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, I would like today to welcome some young people from my district from the Athens Academy in Georgia who are here in the gallery.

I rise today in support of the balanced budget amendment for young people just like these folks here and young people across the Nation, and my granddaughter.

The SPEAKER pro tempore. The gentleman should avoid references to those in the gallery.

The gentleman may proceed.

Mr. NORWOOD. We need the balanced budget amendment to force discipline on this body. This Nation is $5 trillion in debt. It is a debt that we are going to pass on to these young people unless we act now. It is a debt that continues to grow. It is not enough to say that we would like to have a balanced budget. Were it that easy, we would have done it at least once during their lifetime.

It is clear after 25 years, that we must pass the balanced budget amendment to force this body to act.

Mr. Speaker, we must protect their future. We must take a stand here today so that the next generation will not bear the burden of our mistakes.

I urge my colleagues to support the balanced budget amendment.

DIFFERENT APPROACHES TO A BALANCED BUDGET AMENDMENT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, after all of the smoke and hot air clears from the debate on the balanced budget amendment, what is the difference between the two parties on this issue?

First, we Democrats support a balanced budget, many of us a constitutional amendment, but unlike the Republicans, we want to specify where the cuts are so that the American people know and the States can plan adequately.

We Democrats support the Constitution and will oppose a supermajority that is clearly unconstitutional. The Republicans do not.

We Democrats believe Social Security should be excluded, and have an amendment clearly stating that. Republicans have an innocuous amendment that better should be known as the "Endangered Chicago Seat Protection Act."

Mr. Speaker, the President last night was bipartisan. He was positive, and we should do the same in this body.

TEN REASONS WHY THE AMERICAN PEOPLE DESERVE A BALANCED BUDGET AMENDMENT

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, the top 10 reasons why the American people deserve a balanced budget amendment:

No. 10, fiscal discipline alone does not work.

No. 9, we need to make it as difficult to get into debt as it is going to be to get out of it.

No. 8, the national debt is $4.6 trillion and climbing.

No. 7, 80 percent of the American people want it.

No. 6, since the people cannot raise their annual income just to meet their bills, Congress should not be able to either.

No. 5, contrary to Democratic rhetoric, tax increases have never balanced the budget.

No. 4, it is in the Contract With America.

No. 3, businesses balance their budgets, families balance their budgets. Now it is time for the House of Representatives to balance the budget.

No. 2, if we do not pass a balanced budget amendment, even Big Bird will not be able to teach our young children to count as high as the debt is going.

And the No. 1 reason why the American people deserve a balanced budget amendment: Because it would protect the Social Security trust fund from tax-and-spend bureaucrats.

FEEL GOOD RESOLUTION

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, it is interesting, when I reviewed this morning House Resolution 44 brought up by the Rules Committee, that I find that the first order of business is not a balanced budget amendment but it is really a fraud on the House of Representatives and the American people, which is known as House Concurrent Resolution 17. It is a feel gooder. It does not have any effect. It is not even ever going to be signed into law. It is supposedly going to tell the people, our senior citizens who receive Social Security, that they are not going to be touched. Well, folks, that is not the effect of a concurrent resolution. That basically is a fraud.

The other thing I find in this rule, this is very interesting, is that the other body, the Republican Party, the majority have now admitted that the House Committee on the Judiciary did not follow the rules when they marked up the budget resolution for a balanced budget. Right in here it says, "Points of order against consideration of the joint resolution for failure to comply with clause 2(g)(3) of rule XI are waived."

That is an admission, that is an admission that the Committee on the Judiciary did not follow the rules of the House when they marked up the balanced budget amendment.

Why should we waive that rule? Why should we say that the Committee on the Judiciary does not have to follow the rules of the House?

BALANCED BUDGET

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, at the end of every month Americans sit down with a checkbook in one hand and a stack of bills in the other. They realize that you cannot continue to spend what you do not have.

But Congress has never fully accepted that concept. Mr. Speaker, for decades Congress has led this Nation into a sea of red ink. Clearly a constitutional amendment is now the only way to rescue Congress from itself, and to force it to do what 80 percent of our constituents would have us do; that is, balance the budget.

Some say we do not need an amendment to balance the budget, we just says "no" to the special interests.

☐ 1120

They say just balance the budget. They are wrong, tragically wrong.

Jefferson said, "let no more be said of confidence in men but bind them down from mischief by the chains of the Constitution."

TWO MEN WORTHY OF PRAISE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to commend two individuals who yesterday performed acts worthy of praise, one a Democrat, and one a Republican.

The first, Mr. Speaker, is President Clinton, who last night delivered a State of the Union Address in this Chamber that laid out a vision for our Nation. It is a vision in which lawmakers put aside their partisan differences and work together for the common good, for the well-being of the American people. It is a vision he calls the new covenant.

The second individual I want to commend, Mr. Speaker, is Congressman GERALD SOLOMON, the chairman of the Committee on Rules in this House. Yesterday, in the spirit of the new covenant, Mr. SOLOMON decided to remove from the wall of his committee room the portrait of Howard W. Smith, a portrait that many Members of this House felt was unworthy to hang in a place of such distinction.

I want to thank Chairman SOLOMON. He is a man of honor, integrity, and good will.

These two men, President Clinton and GERALD SOLOMON, deserve our thanks and our praise.

THE STATE OF THE UNION SPEECH

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, my good friend, JOHN LEWIS, the only two in either Chamber that were there the day Martin Luther King gave his stirring speech, I hate to disagree with him on anything, but I was offended by Clinton's speech last night on 15 points.

I will do a 5-minute special order tonight I have just signed up for. I can only mention four.

The first one is new covenant. The Ark of the Covenant was the Old Covenant. The New Covenant was the Son of God, Jesus Christ. I was offended when he used that term in New York at the Democratic Convention. He repeated it over and over and over again last night.

No. 2, to put a Medal of Honor winner in the gallery that joined the Marine Corps at 16, fudging his birth certificate, that pulled that second grenade under his stomach, miraculously surviving and saving his four friends, he did that 6 days past his 17th birthday.

Does Clinton think putting a Medal of Honor winner up there is not going to recall for most of us that he avoided the draft three times and put teenagers in his place possibly to go to Vietnam?

No. 3, the line on the cold war, ...

By the way, Mr. Speaker, the second amendment is not for killing little ducks and leaving Huey and Dewey and Louis without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away.

Thank you, Mr. Speaker.

Mr. FAZIO of California. Mr. Speaker, I move the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. DUNCAN). For what purpose does the gentleman rise?

Mr. FAZIO of California. You cannot just do that.

The SPEAKER pro tempore. All Members will suspend. The Clerk will report the words spoken by the gentleman.

□ 1125

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, a number of Members were not on the floor, including myself, when the gentleman uttered his words. Is it possible to have those words read back so that we can all hear it?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman is correct.

The Clerk will report the words.

The Clerk read as follows:

Even Andrea Mitchell of NBC took note that is Ronald Reagan's prerogative, George Bush's and all of us who wore the uniform or served in a civilian capacity to crush the evil empire. Clinton gave aid and comfort to the enemy.

The SPEAKER pro tempore (Mr. DUNCAN). In the opinion of the Chair, that is not a proper reference to the President. Without objection, the words are stricken from the RECORD.

Mr. FAZIO of California. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. Without objection, the words are stricken from the RECORD.

Mr. FAZIO of California. Mr. Speaker, reserving the right to object, I think the gentleman from California [Mr. DORNAN] owes the entire institution, the Congress, and the President an apology.

Mr. DORNAN. Hell no; hell, no.

Mr. FAZIO of California. We have a Commander in Chief. We have to have a certain decorum here and respect for the body, if not for the individual. We have a respect for the person who is our Commander in Chief.

I would like to know that the gentleman from California [Mr. DORNAN] not only understands that but will apologize to his colleagues and to the President for his behavior.

Mr. DORNAN. Unanimous consent to proceed for 15 seconds?

Mr. LINDER. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] has the floor at this moment.

Mr. FAZIO of California. I would be happy to yield to my colleague from California, since I have the time, to hear his response.

Mr. DORNAN. Will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. DORNAN. To my distinguished friend and colleague, Maj. Earl Kolbile, Lt. Comdr. J.J. Connell was beaten to death in Hanoi. I have had friends beaten to death in Hanoi, tortured and beaten. You have not.

Mr. FAZIO of California. I have asked the gentleman——

Mr. DORNAN. I will not withdraw my remarks. I will not only not apologize, . . . I will accept the discipline of the House.

Mr. VOLKMER. I ask that the words of the gentleman from California be taken down.

Mr. DORNAN. Good, I will leave the floor, no apology, and I will not speak the rest of the day. The truth is the truth.

The SPEAKER pro tempore. The House will be in order. The gentleman's words have already been taken down——

Mr. VOLKMER. Those words, those words.

Mr. FAZIO of California. The gentleman is challenging the words that were uttered in response to my question.

The SPEAKER pro tempore. The Chair rules that those words as follows "I believe the President did give aid and comfort to the enemy, Hanoi," were also out of order. The Chair has ruled that, based on the precedents of the House, the words of the gentleman from California were out of order, and without objection, both sets of words will be stricken from the RECORD.

Mr. BONIOR. Mr. Speaker, reserving the right to object, and I will not object unless I do not get a satisfactory answer to my concerns, my concerns were with, frankly, more than just the words that were read. I was particularly concerned with the last sentence or two of the gentleman from California's statement, and I would like those words as well to be read to the House.

The SPEAKER pro tempore. The Chair has just ruled that those words were the same words essentially as those earlier taken down and previously ruled out of order.

The Chair has ruled that those words were also out of order.

Mr. BONIOR. Mr. Speaker, reserving the right to object, I think the Chair misinterprets my comments, and perhaps I was not clear. The words I am referring to were the original 1-minute statement by the gentleman from California [Mr. DORNAN], and I am particularly concerned with the last two lines of it, and I would like them read back to the House.

□ 1133

PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman will state his parliamentary inquiry.

Mr. BONIOR. The Speaker in previous days has asked that the gentleman in question, upon words being taken down, be seated.

Would that not be a proper request to be made at this point?

The SPEAKER pro tempore. That is correct. The gentleman from California [Mr. DORNAN] should be seated at this point.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman from California [Mr. DORNAN] did say that he understood the rules of the House, that he had been censured under the rules of the House for what he said, and he will not speak for the next 24 hours on the floor of the House, and it strikes me that we are operating under the rules.

Mr. BONIOR. Mr. Speaker, I think the request made by the gentleman from California [Mr. FAZIO] is still a valid and much-needed request and, in addition to that, I would certainly like to hear the last two lines of the gentleman's original statement.

Mr. FAZIO of California. I have a parliamentary inquiry of the Speaker at this point.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FAZIO of California. When the Speaker rules that the gentleman should not be allowed to speak for 24 hours, does that encompass remarks that might be placed in the RECORD, participation in special orders, and other activities that might not involve the gentleman speaking on the floor?

The SPEAKER pro tempore. It is the House's determination as to whether or not the Member should be allowed to proceed in order for the remainder of the day. That determination shall not be made by the Chair.

Mr. FAZIO of California. In other words, is the House required to vote on whether or not remarks should be placed in the RECORD?

The SPEAKER pro tempore. Unparliamentary remarks cannot be inserted in the RECORD.

Mr. FAZIO of California. But remarks that are not ruled unparliamentary may be placed in the RECORD if they are not uttered on the floor; is that the ruling of the Speaker?

The SPEAKER pro tempore. Unparliamentary remarks should not be inserted in the RECORD in any manner or form.

Mr. FAZIO of California. They should not be inserted at any time, but there is a particular provision that we are dealing with here which removes the Member from the ability to communicate with his colleagues here.

Is that communication written as well as oral?

The SPEAKER pro tempore. In the RECORD the gentleman is correct.

Mr. FAZIO of California. So in other words, just to confirm the Speaker's ruling, we will not read or hear from the gentleman from California [Mr. DORNAN] for the next 24 hours; is that correct?

The SPEAKER pro tempore. Unless the House permits him to proceed in order, the gentleman is correct.

Mr. FAZIO of California. And for the House to permit that would require a majority vote?

The SPEAKER pro tempore. It would require either unanimous consent or a majority vote of the House to permit the gentleman to proceed in order.

Mr. FAZIO of California. I appreciate the Speaker clarifying the situation.

Mr. BONIOR. Mr. Speaker, the gentleman from California [Mr. DORNAN] is on his feet. Is he not supposed to remain seated until the determination?

The SPEAKER pro tempore. The gentleman can either be seated or leave the Chamber.

Mr. BONIOR. He chose to leave the Chamber; OK.

The SPEAKER pro tempore. Is it the Chair's understanding that the final words in the original 1-minute are included in the gentleman's request?

Mr. BONIOR. The Speaker is correct.

The SPEAKER pro tempore. The Chair is attempting to have them transcribed at this moment.

The Clerk will report the words in the original 1-minute.

The Clerk read as follows:

> By the way, Mr. Speaker, the Second Amendment is not for killing little ducks and leaving Huey, Duey and Louie without an aunt and uncle. It is for hunting politicians, like Grozny, 1776, when they take your independence away. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair sees nothing unparliamentary about those words.

Without objection, the words already ruled out of order will be stricken from the RECORD.

There was no objection.

TAKE A LOOK UNDER THE HOOD OF THE BALANCED BUDGET AMENDMENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, it is very hard to take the well after such an emotional time. I think Americans all wish we could get on with business and stop this kind of partisan fireworks, and yet today is the day where I think, if a lot of Americans knew what kind of business we were going to do, and we were really going to be giving them the business, they would want this partisan fireworks to continue.

We are going to take up a balanced budget amendment. I say to my colleagues:

"When you read the rule, you will find out that in the Judiciary Committee we didn't have proper notice. As you know, the major amendments were never dealt with. We rolled it out here to the floor, and the very first thing we are going to do today is take up a resolution saying, 'Oops. Well, we really don't mean Social Security to be included.' But if you think that resolution is going to outweigh a constitutional amendment, you're wrong. This kind of haste is going to make people very, very angry. You don't buy a car without looking under the hood, and don't buy this today. It really is not what you think it is."

THE AMERICAN PEOPLE DEMAND A BALANCED BUDGET AMENDMENT

(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, change is scary, especially for the folks who liked things the way they were. But my job is to do the people's work.

Mr. Speaker, the American people have spoken. They want a leaner and less intrusive government. They want us to put our financial house in order. And finally, they want us to end politics as usual.

Congress has been on a spending binge that has clearly lasted too long. This binge has created a huge national debt that is costing our country $816 million every day in interest alone.

The American people demand that we get our financial house in order. It is time to end the bickering and get down to work. It is time to show the courage needed to pass a balanced budget amendment. For too long Congress has spent and spent, passing the bill on to our children and our grandchildren. This has got to end.

I recognize that the road ahead will be tough. I also recognize there will be resistance. We must pass a balanced budget amendment.

THE GREATEST INCENTIVE TO WORK IN AMERICA IS THE ABILITY TO EARN A DECENT WAGE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this morning to say that the President got it right last night. He talked about empowering people, and critically he said, "You've got to pay a decent wage." He suggests that the greatest incentive to work in America is the ability to earn a livable wage.

Mr. Speaker, I recall commenting about a seamstress who, when told, "If you got an increase in the minimum wage, you might lose your job," told a reporter, "Look. I'll take my chances with a job. I want a better wage."

There are young people all throughout my district who say the same thing:

"Congressman, we want to work, but it's got to pay a decent wage."

The President pointed out last night that at the current minimum wage level of $4.25 an average American makes $8,840 a year, less than we make in 1 month. I think that is very telling because subsequent to his speech last night the American people in poll results said by a margin of 72 percent that they wanted a livable wage.

Ladies and gentlemen of America, there is a difference. The President has got it right. Let us pay a decent wage.

HAS THE PRESIDENT BECOME A REPUBLICAN?

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, I say to my colleagues, "Don't get excited, everyone. I don't want to cause any parliamentary problems here today, and I certainly don't intend to impugn anyone's motives or integrity, but after listening to the President's speech last night, I have to ask the question that all of America wants to know: Has the President become a Republican?"

Mr. Speaker, some in the Chamber might not take kindly to that label, but to most of us we consider it to be a badge of honor, and I say to my colleagues, "If you've read recent polls, it appears that, as the President has, the American people are demanding the same Republican principles of smaller, less costly government, greater individual freedom based on personal responsibility."

That is exactly what the President embraced last night, and that is exactly the premise of our Republican Contract With America. Mr. Speaker, it is good to see the President has joined with a majority of the voters in supporting the Republican agenda. We are the party of forgive and forget, and we welcome him to our cause.

THE REPUBLICAN MAGIC MASSAGE TO BALANCE THE BUDGET

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the day that Congress votes on the balanced budget amendment I am troubled by the fact that the Republicans still have not told the American people where the cuts are coming from. One thing the Republicans are telling us, however, is that they want to change the Consumer Price Index with smoke and mirrors. They want to change the way the Consumer Price Index is calculated.

What does that mean? It means that Social Security benefits will be cut by $27 billion, cutting benefits for 42 million senior citizens. Republican recalculation of the Consumer Price Index means taxes will be increased by $21 billion, raising taxes on 114 million families.

Wait a second. Are these the two steps Republicans promised not to take, cutting Social Security and raising taxes? Republicans again want to magically massage budget numbers to balance the budget. Perhaps, Mr.

Speaker, we can now expect Republicans to name David Copperfield as the new CBO Director.

Mr. Speaker, Republican smoke and mirrors will not fool the American public.

□ 1148

MINIMUM WAGE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, last night we heard President Clinton call for an increase in the minimum wage. Leon Panetta claims such an increase will "keep people interested in work rather than in welfare."

It must have been a busy week for the writers over at the White House. Not only did they have to write a State of the Union Address, but they had to rewrite basic economic theory as well.

Last Wednesday, Mr. Carlos Bonilla, an economist at the Employment Policies Institute, testified before the Opportunities Committee. He argued that low wage jobs, not job training programs, provide the best means to break the cycle of dependency. He also warned that raising the minimum wage would deprive many welfare recipients of the opportunity to work their way off welfare.

I urge my colleagues, who believe that raising the minimum wage rate will help the poor, to review Mr. Bonilla's testimony. The President's intentions may be good, but raising the minimum wage is bad policy.

As the House begins to consider legislation that will move welfare recipients toward self-sufficiency let us not lift the bottom rung of the occupational ladder beyond their reach.

SOUND FAMILIAR?

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, can anyone seriously tell me what was different in last night's State of the Union Address from what the President has done in his previous two addresses, I mean besides the fact that it was longer?

There is nothing wrong with the President's words; it is not the President's speeches that have put him in the fix he is in, it is his actions, and the quicker the President figures that out the better off we all will be.

The President says he wants less Federal spending and a smaller, more efficient Government. If that is the case, I hope he supports the tax limitation balanced budget amendment that we will vote on today.

The President says he wants to reduce unfunded Federal mandates on State and local governments. If that is the case, he should tell our Democrat colleagues to stop these obstructionist tactics we have seen that have stalled the reform bill that we have been working on all week.

The President says he wants to end welfare as we know it. If that is the case, then he should support the Republican contract bill which will fundamentally change the role of welfare in our society. But the President probably will not do that, and next year he will come back with a speech that will sound familiar to us all.

MIDDLE CLASS PROMISED PROTECTION IN PRESIDENT'S POSITIVE AGENDA

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, last night the American people heard President Clinton present a positive agenda for America's long forgotten middle class. He held out an olive branch to my colleagues on the other side of the aisle and said the Democrats and Republicans must come together for the public good.

But the President also made it very clear that we will not allow the new Republican majority to undermine the progress we have made in fighting crime, protecting the environment, and improving education. When the Republicans propose radical ideas like eliminating the FDA, federalizing divorce laws, criminalizing abortions, and slashing Medicare and Social Security, we will oppose them every step of the way. We want to move this country ahead to the 21st century, not go back to the 19th.

We are going to continue to fight for our hard-working families. We will work to pass a middle class tax cut to help families pay the mortgage and send their children to school. We will continue to reinvent government and cut bureaucracy, and we will not slash Social Security and Medicare. Can our Republicans say the same?

THE REPUBLICAN PROMISE TO THE AMERICAN PEOPLE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, some of the President's remarks last night gave us reason to hope. The President has done that before. However, let us remember that hopeful rhetoric does not always lead to action.

I know what kind of action the American people want. Back in November the voters sent us a message—it is time to change Congress, no more overbloated, big spending, big government status quo. The American people demand change.

Republicans are working to keep our promise to the American people. We are committed to reducing the size, scope, and cost of our Federal Government. We are passing unfunded mandates legislation and balancing the budget because that is what the American people want.

They want no rhetoric, just action. I hope the President's party will join us in a bipartisan way to deliver the people the action they want.

A NEED TO SPECIFY WHERE THE CUTS TAKE PLACE

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, at the finest moments of the State of the Union speech last night the President stressed bipartisan responses to the problems which face this country.

I believe the new majority is making a serious mistake in its tough partisan response to his and other viewpoints. This partisanship is evidenced in many ways, including the wholly inappropriate words uttered by the gentleman from California a few minutes ago.

It is also evident in majority efforts to stop this House from considering requirements that the balanced budget amendment specify where the cuts will come from. Every single balanced budget amendment proposal considered by this body should specify where the cuts will come. I favor a balanced budget amendment, but I deeply regret that the new majority has not even allowed us to vote on whether every proposal should specify where the cuts will be.

OFF TO A GREAT START ON THE CONTRACT WITH AMERICA

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, Americans want change. They want a balanced budget amendment, unfunded mandate reform, a line-item veto, and a middle class tax cut. People want change to make their lives easier and to get government off their backs. People want less government, lower taxes, and more control over their lives.

Just look at the November election results. Last night I was listening to President Clinton express the same ideas. He suggested that we stop imposing mandates on States, that we adopt a line-item veto to slash pork-barrel spending, and that we work together for a $500 middle class tax cut.

Mr. Clinton, welcome to the Republican philosophy.

This is the Contract With America. The Republican Party campaigned for and the American people supported our contract. We are off to a great start, so let us begin working together to achieve these goals for the people by starting with the balanced budget amendment.

RUSH TO JUDGMENT ON MEXICAN LOAN GUARANTEE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the Contract With America does not include a $40 billion bailout provision for Mexico, and, therefore, I cannot fathom the need to rush to judgment that we are seeing in this House.

This proposal is moving faster than a bullet train without brakes, and we are talking about $40 billion of U.S. loan guarantees.

Now, there is a hearing today, but it is only with administration witnesses. No dissenters need apply. The International Relations Committee, I understand, is holding no hearings. They are going to go direct to the Rules Committee and on to this floor.

Each Member has a fiduciary responsibility to the taxpayers of this country, and it is not to rush to judgment on $40 billion of loan guarantees. We heard the Mexican Government say they want no conditions. I cannot go to a bank, you cannot go to a bank and say you want to impose the conditions under which you get a loan.

Mr. Speaker, let us not rush to judgment. Let us think about what we are doing. Let us exercise our fiduciary responsibility.

□ 1200

GIVE PEOPLE CHANGE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, it was an honor last night to sit in this Chamber and listen to all three of the President's speeches: The one to the Republicans, the one to the Democrats, and the one to the people. Clearly the President has heard the real State of the Union, which was given by the people last November 8.

However, the President failed to comprehend how serious the people are about passing a balanced budget amendment with a strong tax limitation. Without a supermajority to raise taxes, Congress will be tempted to balance the books on the backs of working families and the middle class, and they just cannot afford for that to happen again.

Instead, each of us needs to make a commitment to spend the people's money as if it were our own. We need to sit down in a bipartisan manner and get the scalpel out and begin to cut government. Like the President said last night, let us change the government; let us make it smaller, less costly, and smarter, leaner, not meaner.

I am here because the people of Kansas wanted real change. Now let us put it into action. Let us given it to them, with a balanced budget amendment and a strong tax limitation.

DO NOT RETURN TO UGLINESS OF THE PAST

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, yesterday members of the Congressional Black Caucus took a stand against allowing a symbol of segregation and racial division to be honored in the House of Representatives. I refer to the decision which was made earlier by Members of the new majority party to replace the portrait of Claude Pepper, a great humanitarian and champion of civil rights and older Americans, with a painting of a renowned segregationist and outspoken defender of slavery, former Representative Howard W. Smith. I commend Representative LEWIS of Georgia for speaking out on this issue, and let me also point out that the new chairman of the Rules Committee, our colleague GERALD SOLOMON of New York, to his credit, heard our grievance and agreed to remove the portrait. We appreciate his response, but I am disturbed by what appears to be a pattern of turning back the clock on the progress in racial relations. This incident comes on the heels of the controversy over the hiring of the House Historian, Christine Jeffrey, who insisted that schoolchildren must be fair to the Ku Klux Klan, a secret society who appears in white sheets and who have terrorized African-Americans, Jews, Roman Catholics, and others they find unacceptable.

Mr. Speaker, I hope these incidents are just the result of errors made in haste during the rush of the first 100 days, and not a more sinister campaign to return to the ugliness of the past.

ACT NOW ON CONTRACT WITH AMERICA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, last night President Clinton gave a great marching speech. Left-right, left-right, left-right. At times he was Reagan, at times he was Dukakis. But in the end it was the same old stuff, the White House weather vane rides again. In the final analysis of his 1½ hour vague, meandering, heartwarming tales of innuendo, insinuations and soft truths, we were led to nowhere.

In contrast, New Jersey Governor Christine Wittman said "Actions will always speak louder than words."

Let us today start with actions by passing the balanced budget amendment, go on to prohibit unfunded mandates, follow it up with the line-item veto, and the rest of the elements of the Contract With America, which is what the American people wanted and how they spoke November 8.

SPELL OUT PLAN FOR BALANCED BUDGET

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, amending the Constitution is always very serious business. The balanced budget amendment is particularly serious when, as proposed in the contract, it is to be joined with an increase in military spending, a cut in taxes, and a promise not to touch Social Security. And, to boot, we are supposed to make it almost impossible ever to consider even an emergency tax increase on upper income Americans if that were necessary to reach balance. In other words, it is all to be done, all $1 trillion-plus, by 2002 by cuts in spending.

Now the advocates of this approach say it can be done. Assuming they are speaking in good faith, that must mean they have some plan for getting it done, and if they have such a plan, it seems to me they ought to let the American people know what is in it.

Let us know where this road leads before we start down it, promising to get to the other end. And if they do not have a plan, then let us know that now too.

Unfortunately, however, the Committee on Rules refused to make in order an amendment that would give the American people the right to know.

ACTIONS SPEAK LOUDER THAN WORDS

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, last night this Chamber was treated to quite a speech. At times it sounded as though the President had finally heard the message that the American people sent last November. Americans want smaller government and less taxes. In fact, there were times I was expecting the President to pull out his copy of the Contract With America and put his signature on it.

But, Mr. Speaker, actions speak louder than words. If the President is truly serious about reducing the burden and size of the Federal Government, I challenge him to join with the new Republican majority and help pass the balanced budget amendment. Only with a balanced budget amendment will Congress have the backbone and discipline to end the irresponsible and wasteful spending that has engaged this body in the last 2½ decades.

WE NEED TO GET OUR OWN HOUSE IN ORDER

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, last night the President was gracious in his calls for bipartisanship whenever possible in doing the people's business. One area for such bipartisan approach is the areas he suggested for tax deductions for postsecondary education. This is in the best tradition of this country, because we know that the surest route to success is education.

However, before we can do the people's business, we have to get our own house in order. It does no one any good to have someone come to this floor and impugn the patriotism of the President of the United States. Freedom of speech is the basis of our Government. It is what every one of us stands for. But when someone unfairly attacks the President of the United States on this floor, we weaken our Government, we weaken each and every one of us on whatever side of the aisle. It should end, it is unacceptable, and it is wrong, and the people do not want it.

PASS THE BALANCED BUDGET AMENDMENT

(Mr. BUNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BUNN. Mr. Speaker, today, the House of Representatives takes up the balanced budget amendment again. This House has repeatedly rejected the balanced budget amendment. In that time our Government has grown ever larger, our taxes continue to increase, and the crushing burden of debt has reached the breaking point. Either this House will pass the balanced budget amendment, or we will continue to condemn future generations of Americans to a lifetime of penance for our mistakes.

Mr. Speaker, the American people have grown cynical about the ability of their Government to control spending, and why should they not? For decades we have raised taxes rather than making the tough decisions necessary to cut spending and balance the budget. Now we have one last chance to force the Government to live within its means. We must pass the balanced budget amendment and save our grandchildren from a debt they did not run up and they do not deserve.

PROTECT SOCIAL SECURITY IN BALANCED BUDGET AMENDMENT

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, while some Republicans talk about buckling knees, President Clinton's stance last night was bold and firm: Cut the deficit and balance the budget, but not on the backs of our senior citizens and children.

The Republicans' so-called balanced budget amendment requires $1.2 trillion in cuts. But get this, they will not tell us how they are going to get there. We do know one thing for sure: Republicans will not exempt Social Security and Medicare. In fact, during a recent hearing on the balanced budget amendment in the Committee on the Judiciary, every Republican but one voted against an amendment to protect Social Security from the budget ax.

I understand that Speaker GINGRICH has said in an interview recently that Social Security is off the table. If this is so, then why are his Republican colleagues voting against such an amendment and why in the past has Speaker GINGRICH himself said that "everything is on the table"? Everything includes Social Security.

Mr. Speaker, the President's words rang very true last night when he said the elderly have made us what we are. And unlike the Republicans, the President's words were very clear and unequivocal when he said "My budget cuts a lot, but it protects education, veterans, Social Security, and Medicare."

Mr. Speaker, rather than just talk about balancing the budget, I challenge the Republicans to bring their real budget cleaver out from underneath the table.

DEMOCRATS ADJUSTING TO MINORITY STATUS

(Mr. LaHOOD asked and was given permission to address the House for 1 minute.)

Mr. LaHOOD. Mr. Speaker, I must say that the Democrats are adjusting well to their new minority status. I thought it would take them at least several months to completely marginalize themselves in this Chamber, but they appear to have accomplished this in record time.

While Republicans have busied ourselves at making good on out promises to the American people to end unfunded mandates and pass a balanced budget amendment, the Democrats have put all of their energy into creating an atmosphere of cynicism and mistrust.

But the delay tactics of the Democrats will not prevent us from working the will of the American people. We Republicans will pass an unfunded mandates bill, and, we will pass a balanced budget amendment.

Someone once noted that cynicism is frustrated idealism. Last November, the Democrats witnessed the total repudiation of their ideals. Now, they have reduced themselves to a cynical display of class-envy and obstructionism.

□ 1210

BALANCED BUDGET AMENDMENT

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, last night President Clinton spoke of a covenant of rights and responsibilities between Government and the American people. Today we begin again the renewal of our responsibility to manage our Nation's money with common sense and discipline.

The issue of balancing the budget is not a conservative or liberal one, nor is it an easy one, but it is an essential one for us in this House, for the American people, and most assuredly, for future generations.

The 1980's saw an explosion of debt in Government, in business, and in personal finances. It threatened our economic health and strength. We dramatically addressed this crisis in 1993, and the debt is receding, but we must ensure that the competing demands for Federal resources do not erode our fiscal covenant of responsibility. That is why I believe it so important for us to adopt the Stenholm-Schaefer balanced budget amendment.

CONGRESS NEEDS A THREE-FIFTHS TAX LIMITATION ON THE BALANCED BUDGET AMENDMENT

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, the families in my home area, Suffolk County, must live within their means and spend only what they take in. They have to live on a balanced family budget, and in the seven towns and the villages and the school districts, they also must live within their means and on their budgets as well.

Only in the Nation's Capital is the notion an oddity, living within a balanced budget. For decades now the Congress only seems to know about increased spending, and to feed that addiction with increased taxes.

The Republican majority, in response to the American people and in concert with them, have charted a new course, a course that embraces a balanced budget with a tax limitation provision. This is a course that seems unique only in Washington, DC, but commonplace everywhere else in the country.

Like an errant child who needs discipline, Congress needs a three-fifths tax limitation for that discipline. Let us pass it before over taxes again.

CONGRESS SHOULD ACCEPT THE PRESIDENT'S CHALLENGE AND BEGIN TODAY TO GET TO WORK FOR AMERICA

(Mr. LUTHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUTHER. Mr. Speaker, President Clinton's message last night was the message I heard from the Minnesotans I represent throughout last fall's campaign: If you work hard and play by the rules, you should be rewarded by a chance at achieving the American dream.

As a new Member of this body, Mr. Speaker, I came here to achieve results on a bipartisan basis for the people of my district. I applaud this Congress for its quick action on congressional reform but, Mr. Speaker, I say to the Members, that is just the beginning.

We must now get to work and fight to improve the lives of everyday Americans. Middle-class families are crying out for jobs that pay a liveable wage, for an education that provides the tools for the future, for affordable health care for themselves and their kids, and for streets free of violence and drugs. These are the reasons we were elected, to improve the lives of our fellow Americans.

Mr. Speaker, let us accept the President's challenge, stop the gridlock and bickering, and get on with making a better tomorrow. Let us begin today.

THE TAX LIMITATION BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, today is a historic day. We are going to consider the tax limitation balanced budget amendment to the Constitution.

No one, perhaps except President Clinton and some of his senior economic advisers, seriously questions whether we should balance the budget anymore. The question is how to do it.

In the Contract With America, the Republican majority says we should balance the budget with a three-fifths requirement to raise taxes, and put the emphasis not on raising taxes but on cutting spending. Why is this?

If we look at Federal spending over the last 40 years, there has been no year in which Federal spending went down. Every year Federal spending has gone up. In the years that we have had major tax increases, and we have had 16 major tax increases in the last 30 years, Federal spending has gone up and the deficit has gone up also.

Therefore, the American people want a real change. They want a tax limitation balanced budget amendment that puts the emphasis on balancing the budget by cutting spending, not by raising taxes.

Mr. Speaker, I hope my colleagues will vote for the Barton-Hyde-Dade-Geren balanced budget amendment to the Constitution with the three-fifths requirement for a tax increase.

CONGRESS MUST BALANCE THE BUDGET, BUT DO IT IN THE RIGHT WAY

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, last night the President addressed us. We have heard some of our colleagues indicate that he was equivocal, that he had one speech for the left and one speech for the right.

Indeed, however, Mr. Speaker, the President was very lucid last night. He was very clear. What he said is that he believes in balancing the budget, but the devil is in the details.

What he said, Mr. Speaker, is that yes, he embraces some of the principles in the Contract With America, but, Mr. Speaker, as every good lawyer and, indeed, as every good lawmaker should know, a contract is only as good as its terms and conditions. You must look at the specificities.

The Republicans have not offered us any specificities on how they intend to balance the budget. All they can tell us is if we do not balance the budget, we will indeed be paying for it with our children's future. If we balance the budget on the backs of our children, on the backs of our Social Security recipient, they will indeed by paying for it in their future.

Mr. Speaker, we must be conscientious. We must listen to the President of the United States. We must do it right, but we must do it rightly.

CONGRESS MUST PASS THE BALANCED BUDGET AMENDMENT TO PROTECT THE AMERICAN WAY OF LIFE

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, history puts so much in perspective and in context. We are going today to bring forth before this House a constitutional amendment to require that our Federal budget be balanced.

Very prosperous countries in the past, very wealthy countries, even in this hemisphere, for example, Argentina, if we look at the history in the early part of this century, Argentina was among the most prosperous countries in the world. If we look now at the dilemma that we are faced with in Mexico, an economy that is part of NAFTA, and it is a very thriving economy, these instances in our recent history and in the recent history of this hemisphere point to the fact that fiscal irresponsibility can destroy even prosperous, even very growing economies.

When we realize that even Keynes, Mr. Speaker, never envisioned permanent deficit spending, we realize that we must put our budget under constraints. We must put ourselves under constraints, as every family in America has to. We must pass this amendment to balance the budget.

URGING THE PRESIDENT TO HELP IMPLEMENT REFORMS CONTAINED IN THE CONTRACT WITH AMERICA

(Mrs. WALDHOLTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WALDHOLTZ. Mr. Speaker, Republicans in this Chamber have vowed to keep faith with the American people. The Contract With America lays our specific guidelines to reform the way the Federal Government conducts its business.

By ending unfunded mandates, our Government will stop the process whereby the Federal Government simply dictates policy to the States, whatever the cost. And, by passing the balanced budget amendment, the Federal Government will be forced to live within its means, a responsibility that American families accept everyday.

Mr. Speaker, Americans have overwhelmingly endorsed this reform agenda. We urge the President to help implement this agenda to restore to the Federal Government the basic values of accountability, responsibility, and individual liberty.

□ 1220

BATTLE OF THE CONTRACTS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, stay tuned America for the battle of the contracts today on the floor of the U.S. House of Representatives. In one corner the Republican contract, which will bring us today the balanced budget amendment. And what is included in the amendment which my Republican colleague applauds? Opportunities to make deep, slashing cuts in Social Security and in Medicare. In fact, every version of the Republican contract on the balanced budget amendment leaves

Social Security and Medicare vulnerable.

How vulnerable? In my home State of Illinois some 30 percent in cuts in Medicare are projected, reducing the benefits for senior citizens, more out-of-pocket payments and the closing of rural and inner-city hospitals.

And in the other corner the Roosevelt Democratic contract. Roosevelt's contract for Social Security, 60 years now of dignity and independence for senior citizens, and a Democratic contract on Medicare, which makes sure that seniors do not have to worry, as they did in the past, about the payment of medical bills.

As Speaker GINGRICH and others reminisce about FDR, they might want to reflect on his values and the time-honored contract he made with the American people, today, in this debate.

HOW TO SHRINK THE FEDERAL BUDGET

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, here is a balanced budget, not a balanced budget amendment, but a balanced budget that we voted on last March. Do my colleagues know what? This budget did not raise taxes, did not cut Social Security, did not cut into veterans' contracts or obligations that we owe them.

What it did was shrink the size of the Federal Government. It eliminated 150 programs like the Interstate Commerce Commission. It privatized 25 government agencies like the Federal Aviation Administration. It downsized the Department of Education, which has not produced anything in education, from 5,000 employees down to 500. Thirty-six thousand Commerce Department employees have not produced one nickel of profit in America, and we cut them from 36,000 down to 3,000.

That is how to shrink the size of the Federal Government. We do not cut Social Security; we do not have to, and my colleagues know that.

BALANCE THE BUDGET WITHOUT A CONSTITUTIONAL AMENDMENT

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, balancing the budget is a good idea, but using our country's most precious and time-honored document, the Constitution, to do it is a bad idea. It is unnecessary. It would delay the budget balancing, and could impede rather than advance economic growth. And the 60-percent supermajority on budget matters, revenue, and public debt policy would mean the minority, not the majority, would control, and gridlock over our most important fiscal decisions would result.

During the last Congress we adopted a budget to cut a record $500 billion from the deficit. Contrast that with the new Republican majority proposal to put off the budget balance in exchange for a promise in the Constitution to do it after 7 years and two presidential elections.

And in fact, the new majority has steadfastly refused to put its budget-cutting numbers on the table. We know why. Our knees would buckle, the States' knees would buckle, but most importantly, the American citizens' knees would buckle.

CUTTING THE FEDERAL BUDGET

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, my Democrat colleagues make a strange argument against the balanced budget amendment. They say do not pass it because if we do, we will have to cut spending.

The corollary of that is that they think it is wise to continue to increase the deficit $100 to $300 billion every year for the next decade.

Two, this year the estimates are down, but Members know a well as I do it is only a couple of years until they zoom up to $400 billion a year.

Yes, a balanced budget amendment will mean that we will have to cut spending, and to the extent that we do it honestly by downsizing agencies, by raising the retirement age so that Federal employees retire when the rest of the world retires, by means testing Medicare premiums, by doing sensible, realistic, honest changes in Federal public policy, to that extent, you bet we will be able to protect Social Security, health care security for our seniors, and those programs critical to the American people.

TRUSTING THE AMERICAN PEOPLE TO MAKE DECISIONS ON A BALANCED BUDGET

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, earlier this year the Republicans got quite upset when people called their Contract With America a contract on America. Today we are finding out, in fact, those who called it a contract on America were more accurate, because it is a contract on our senior citizens, both to their Social Security payments and to their health care coverage given to them under Medicare.

The gentleman held up a budget just a minute ago that he said would balance the budget. The only problem was only 73 Members voted for that. The fact of the matter is that the people were not prepared to vote for it.

What we see now is the effort of them to rush the balanced budget amendment through, but not have the courage of their convictions to tell Americans in advance where they will cut the budget. The last time they tried to do this only 73 Members voted for it. So what do they want to do now? They want to rush the balanced budget through, not have the courage, the ultimate cynicism of not trusting, not trusting the American people to look at their plan and make a decision whether they want it or not.

It is balanced budgeting in the dark, not in the open as they pledged to do.

KEEPING AMERICANS IN THE DARK ABOUT THE BALANCED BUDGET AMENDMENT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, last night the President said that his budget "protects against any cuts in education."

But, the President's determination to preserve education funding is on a collision course with the Republican Contract on America. This contract promises to balance the budget, cut taxes, and increase military spending, all at the same time. Clearly this contract is a puzzle which is missing most of its pieces.

Today on the House floor we will be debating one piece of this devious puzzle—the balanced budget amendment. Mr. Speaker, if Republicans stick to their contract, they will have to cut more than $1.3 trillion in nonmilitary programs in the next 7 years.

I ask the Republicans—why won't you educate the American people about the cuts you plan to make in our children's education? Mr. Speaker, our children and their parents have a right to know the fine print of the contract.

The Republicans say they want openness in government, that they want to shine some light on this institution. But in this week's debate on the balanced budget amendment, they are keeping America in the dark about the future of children.

BALANCED BUDGET AMENDMENT

(Mr. DOYLE asked and was given permission to address the House for 1 minute.)

Mr. DOYLE. Mr. Speaker, I rise in support of the only bipartisan, bicameral balanced budget amendment. I speak of the Stenholm-Schaefer amendment, House Resolution 28, of which I am a cosponsor. I cosponsored this resolution because I believe it is absolutely imperative that the 104th Congress pass a balanced budget amendment this year.

Today, we will begin the debate on several different proposals that have been introduced as possibilities. All of these proposals have merit—and I believe that all of them are serious efforts at formulating the best possible amendment to the Constitution.

However, I am concerned that we do not lose sight of our goal. As we engage in this debate, and examine the strengths and weaknesses of the various proposals, I urge my colleagues to remember how important it is to pass a balanced budget amendment. Our debt currently exceeds $4.3 trillion. Since this House last voted on a balanced budget amendment last March, our debt has increased by more than $160 billion.

This country needs a balanced budget amendment and the Stenholm-Schaefer amendment is our best hope. While all other proposals will be dead on arrival in the Senate—the Stenholm-Schaefer amendment has the bipartisan support needed to actually pass in the Senate and I urge my colleagues to support it.

□ 1230

THE BALANCED BUDGET AMENDMENT

(Ms. McCARTHY asked and was given permission to address the House for 1 minute.)

Ms. McCARTHY. Madam Speaker, as debate begins on the balanced budget amendment, there are two issues we need to keep in mind.

First, the mere ratification of the balanced budget amendment will not balance the budget. Between ratification of the amendment and the year 2002—when the amendment would come into force—we will continue to face yearly deficits of $200 billion. That is why it is imperative that we stipulate how the deficit will be reduced and why we need to be up front with the American people and explain the detailed steps we will take in balancing the Nation's books.

Second, we have to guarantee that we will not balance the budget on the backs of the States. Shifting spending from the Federal Government to State and local governments is not the answer and—despite the Rules Committee not placing in order my amendment on cost shifting-our State and local governments deserve to be protected from any such attempt to do so.

THE CONSTITUTION: A DOCUMENT INTENDED TO ENDURE FOR AGES TO COME

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Madam Speaker, over a period of more than two centuries, we have amended the Constitution 27 times, 27 times in more than 200 years.

Madam Speaker, the text of the 27th amendment was prepared September 25, 1789, and was not ratified until May 19, 1992, 203 years later.

With this amendment and the amendment for term limits, the majority proposes to ratify the Constitution two times in 100 days. The House Committee on the Judiciary approved the balanced budget amendment in exactly 1 week after we convened the 104th Congress. The Senate Judiciary Committee approved it 1 week after the House did.

Now, 3 weeks after we have convened, we are being asked to actually amend the Constitution and send it to the States. This impetuous pace, this haste, is a far cry from John Marshall's of the Constitution as the document intended to endure for all ages.

Madam Speaker, amending the Constitution is a serious matter. It is not to be done in haste.

CREATE LOAN GUARANTEES HERE AT HOME

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, this morning we have spent a great deal of time in Banking talking about a $40 billion potential guarantee to Mexico. We heard arguments that the reason we ought to do this is because it is good for America; it is good for Mexico, because Mexico is on our borders; it will create jobs.

As I listened to the discussion, and I give consideration to the fact that so many of us are talking about reductions in various programs, welfare and other programs, I could agree with that if we could also make the same kind of passionate arguments for the creation of loan guarantees in this Third World nation within our borders. If we could conglomerate those communities, give loan guarantees to create small businesses, then those persons we bring off of welfare would have job opportunities in the communities in which they live. When the loans are repaid, we take that money, reinvest it in those communities, create more jobs, create more job opportunities, and then we do not have to worry about growing welfare or other entitlement programs.

Madam Speaker, I believe if we are looking for a way to be able to solve the probelm of the growing budget in this area, then the best way to do it is let us talk about loan guarantees, not just for Mexico. If it is good for Mexico, it ought to be good for America to do it here at home.

THE NATIONAL DEBT AND THE BALANCED BUDGET AMENDMENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, we cannot go on as a nation piling debt on debt year after year. The national debt is nearly five times higher today than it was when Ronald Reagan became President in 1981. That is a disgraceful, bipartisan legacy of irresponsible spending and tax giveaways.

The total debt of the Federal Government totals more than $4.6 trillion, more than $16,000 for every man, woman, and child in America. Interest alone will total more than $225 billion, more than 10 times all the Federal funds spent on all education programs and assistance by the Federal Government.

Some oppose the balanced budget amendment over genuine concern for the fate of Social Security, child nutrition, education funding, or other meritorious programs. An honest assessment of these programs shows us they have not done well while we accumulated $4 trillion in debt these last 12 years.

There is not a penny in the Social Security trust fund. It has all been borrowed and spent, replaced by a pile of IOU's.

Twenty percent of my State's children live in poverty and go to bed hungry every night.

We all know the shortfall in education funding. It is time to balance the Federal budget.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 17, TREATMENT OF SOCIAL SECURITY UNDER ANY CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET, AND PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1, PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 44 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 44

Resolved, That at any time after the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget, if called up by the majority leader or his designee. The concurrent resolution shall be debatable for one hour equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

SEC. 2. At any time after the disposition of the concurrent resolution made in order by the first section of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States. The first reading of the joint resolution shall be dispensed with. Points of order against consideration of the joint resolution for failure to comply with clause 2(g)(3) of rule XI are waived. General debate shall be confined to the joint resolution and shall not exceed three hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the joint resolution shall be considered as read, shall be debatable for one hour equally divided and controlled by Representative Barton of Texas and an opponent, and shall not be subject to amendment while pending. No further amendment shall be in order except those designated in section 3 of this resolution. Each amendment may be offered only in the order designated, may be offered only by the named proponent or a designee, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted, except that if the amendment in the nature of a substitute recommended by the Committee on the Judiciary is one of the amendments receiving the greater number of votes then it shall be the amendment considered as finally adopted. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. The further amendments that may be offered after disposition of the amendment in the nature of a substitute recommended by the Committee on the Judiciary are those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII with the following designations: (a) the amendment numbered 4 by Representative Owens of New York; (b) the amendment numbered 1 by Representative Wise of West Virginia; (c) the amendment numbered 25 by Representative Conyers of Michigan; (d) the amendment numbered 29 by Representative Gephardt of Missouri; and (e) the amendment numbered 39 by Representative Schaefer of Colorado.

□ 1240

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the very distinguished gentleman from Massachusetts [Mr. MOAKLEY] pending which I yield myself such time as I may consume.

During consideration of this resolution, all time is yielded for the purpose of debate only.

Madam Speaker, today we begin consideration of what may well be the most important matter this Congress will consider over the next 2 years, a balanced budget constitutional amendment. In order to make it perfectly clear right up front that the budget is not to be balanced by cutting Social Security, this rule first makes in order a resolution designed to protect Social Security.

The concurrent resolution directs the committees which will be proposing legislation to implement the requirement for a balanced budget to leave Social Security alone.

The concurrent resolution will be debated for 1 hour, and then the House will vote on that issue.

Next, the rule provides the most open and the most fair process that has ever been used by this House to consider a balanced budget amendment.

The record shows that very clearly.

The rule provides 3 hours of general debate on the balanced budget amendment. After general debate, the rule provides first for a vote on the committee amendment in the nature of a substitute. This is the Barton version of the balanced budget constitutional amendment. It the version which includes the requirement for a three-fifths' vote to increase tax revenues; it is this version that I strongly support.

We need to balance the budget, but we need to do it without making it easy to raise taxes. That really is what this debate is all about. After the vote on the committee substitute, there will then be votes on the five additional substitutes, four of which are to be offered by the Democrats.

This process is much more fair to the minority than at any other time the House has considered a balanced budget amendment. Each of the six substitutes will be debated for 1 hour, with a separate vote taken on each one. And the one that receives the most votes is the version that will be put to a final vote; that is, requiring a two-thirds majority, or 290 votes, to pass.

Finally, the rule provides a motion to recommit, which will give the minority one final chance to offer any amendment which complies with the standing rules of the House.

Mr. Speaker, the numbers of the national debt in this Nation have grown so large that they have become difficult for most of us to really comprehend, even those here, those of us who deal with it every day, much less the American people.

Madam Speaker, the Federal debt has tripled during the last 10 fiscal years to almost $5 trillion in accumulated debt.

How much debt is that? It is just almost incomprehensible. It is a thousand billion dollars, not a thousand million dollars but a thousand billion dollars five times over. That is how much the accumulated debt is in this country.

The interest alone is projected at $235 billion for the current fiscal year. That is almost as much as we spend on the national defense of this country, which is the primary reason we formed this Republic of States in the first place, to provide for a common defense.

Here we are spending just on the interest alone $235 billion this year. And if interest rates rise, heaven help us. But even if they do not, in just 4 or 5 years the interest we pay out annually to foreign countries, like the Netherlands and Great Britain and other countries that hold our national debt, the interest will rise to $400 billion a year. What are we going to do to help people who are truly in need then, when all the money is going out either for national defense or just to pay the interest on the annual debt service?

Madam Speaker and Members, the deficit for this year is projected at $176 billion, and that is underestimated. Next year it is projected to rise to $207 billion, and that is underestimated. And by the year 2000 it is projected to be almost $300 billion unless we do something about it. That is in spite of that huge tax increase in 1990 under President Bush and that huge tax increase in 1992 under President Clinton. We are still running debts annually of $300 billion. What is going on around here?

Madam Speaker, the first step we can take is enacting a real balanced budget amendment.

Now, you have heard these 1-minute speeches here today. The opponents of these constitutional amendments will say that amendments are not necessary because Congress can control the problem any time it wants. That is a true statement.

Well, let me just tell you this: In the last Congress I offered an alternative, and here it is right here. I offered an alternative budget resolution which would have reduced the deficit to zero in just 5 years, and listen to this: Without raising taxes, without cutting Social Security, and without cutting contractual obligations to our veterans.

We balanced the budget and are left with an $8 billion surplus at the end of 5 years. Let me tell you something: That budget provided for tough spending cuts. It included language saying if Congress did not like the specific spending cuts that are in there—and they are specific and scored by the Congressional Budget Office—Congress could do whatever it wanted. Congress could always substitute those cuts for others. That is what we are going to have to be doing after we enact this constitutional amendment.

But was that adopted? No, this budget was not passed, not on your life. It only got 73 votes; 55 or 56 Republicans and 17 Democrats.

Madam Speaker and Members, we have come to a point where those of us who care about our children and care about our grandchildren—and I have 4 grandchildren, along with 5 children—we are going to have to take a very serious step to put an end to the irresponsible deficit spending that we have been talking about here this morning and which is drowning this country in a sea of red ink. And it is totally, totally irresponsible. A balanced budget amendment will do just that.

Madam Speaker and Members, no one proposes that such a solution be taken lightly. The problem requires drastic action, and the time is now, it is right now today. The longer we wait the deeper in debt this Nation will be and the more difficult it will be to get out of it. It is almost too late now.

Madam Speaker, Congress has repeatedly shown that it is not prepared to deal responsibly with the problems without some kind of a prod. The enactment of a balanced budget amendment will help to give Congress—and this is the point—it will help to give Congress that prod, that spine, that backbone and, for some who need it, the excuse to do what the American people have to do, and that is to live within our means.

I urge you to vote "yes" for this rule and then for the American people, please vote for the balanced budget amendment. Let us give it to the people to let them ratify it.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my good friend from New York, Mr. SOLOMON, for yielding me the customary 30 minutes.

Madam Speaker, I rise in strong opposition to this very closed rule.

Madam Speaker, I am hearing a lot of double talk these days, especially around the word "open." When my Republican colleagues were in the minority, they said that nearly every rule we granted was closed, including rules that provided for time caps and required amendments to be printed in the RECORD. But now that they are in the majority, Republican Members have changed the meaning of the word "open" 180 degrees.

Now a rule that cuts off debate, restricts amendments and refuses to allow Members to work together as the President urged us last night is not just called an open rule but a most open rule. I do not know what that means.

Madam Speaker, Republican flipflops are enough to give a weather vane whiplash.

I have heard my colleagues compare this rule to other balanced budget rules, but what they do not tell you and they do not tell the American people is that every one of the balanced budget rules is the result of either a discharge petition or reported to preempt discharge, and closely imitated the discharge rule.

What they do not say is that I opposed those rules too because they were too restrictive. Check the record.

The last time the discharge rule allowed only the amendments that were made in order the Congress before, I led the opposition because I knew that new Members and other people had new ideas on the topic and were being stifled. Unlike my Republican colleagues, my position has been consistent.

Madam Speaker, the Republicans would have us believe that constitutional amendments must be considered under a gag rule, that they always are considered under a gag rule. I would like to take this opportunity to say to the American people that this is not true.

☐ 1250

In fact, constitutional amendments are usually considered in the Committee of the Whole under an open rule. This tradition, Madam Speaker, began in the very first session of the First Congress when the Bill of Rights was considered. People offered amendments, including perfecting amendments. Some were accepted, some were rejected, and none of them were printed in advance in the RECORD. If an open rule worked for the first 10 amendments to the U.S. Constitution, Madam Speaker, if an open rule worked for our Founding Fathers, it should work for us here today with the balanced budget amendment.

Over the past 30 years, Madam Speaker, every single rule reported from the Committee on Rules on a constitutional amendment has been an open rule except those that arrived as a result of a discharge petition or rules designed to preempt discharge. I am talking about rules for amendments dealing with Presidential succession, direct election of the President, granting the vote for 18-year-olds, the Equal Rights Amendment, D.C. congressional representation, and let me repeat, Madam Speaker:

Every one of those rules were open.

But today things have changed. I ask my colleagues to look at what has been excluded by what the Republicans call a most open rule. Look at the new ideas denied debate:

A bipartisan substitute on unfunded mandates; a substitute offered by the gentleman from Alabama [Mr. HILLIARD] protecting civil rights legislation; a substitute offered by the gentleman from Wisconsin [Mr. OBEY] excluding Social Security and allowing Congress to waive the requirements in case of a recession; a substitute offered by the gentleman from Arkansas [Mr. THORNTON] excluding capital investments providing long-term economic returns; a substitute offered by the gentleman from Colorado [Mr. SKAGGS] on judicial review; a substitute offered by the gentleman from Pennsylvania [Mr. FOGLIETTA] requiring a three-fifths vote to reduce funding for low income health, education and employment programs; an amendment offered by the gentleman from Pennsylvania [Mr. FATTAH] on natural disasters; amendments offered by the gentleman from New York [Mr. NADLER] clarifying the phrase "increasing tax revenues; an idea offered by the gentleman from Utah [Mr. ORTON] to use sequestration to bring us back to balance.

Madam Speaker, the list goes on, and on, and on.

Let me tell my colleagues all is not lost. There is a chance really to fix this rule. If we defeat the previous question, I will then offer a germane amendment to the rule that will be an open rule and will give us an opportunity to consider a truth-in-budgeting perfecting amendment.

In closing I urge all my Members to vote no on the previous question and then vote yes on the amendment to consider balanced budget under an open rule and to allow the truth-in-budgeting perfecting amendment.

Madam Speaker, I reserve the balance of my time.

Mr. SOLOMON. Madam Speaker, I yield myself 30 seconds to respond to the gentleman from Massachusetts [Mr. MOAKLEY] my good friend.

As my good friend knows, A Democrat Member on his side of the aisle had a balanced budget amendment pending before our Committee on Rules in both the 102d and 103d Congresses, and our committee deliberately stalled it and never let it come to the floor.

Madam Speaker, I yield such time as he may consume to the very fine gentleman from Kingsport, TN [Mr. QUILLEN], the chairman emeritus of the Committee on Rules.

Mr. QUILLEN. Madam Speaker, in my 32 years here in this House, I have always tried to be helpful in passing a constitutional budget amendment. I think it is absolutely necessary that we act today favorably, and that we pass this constitutional amendment without any delay. The people of this Nation demand it, the majority of this House demands it, and I think the majority of the States will ratify it, not only the majority in total, but the majority required. Some of the 50 States today have some kind of a balanced budget amendment, meaning that they cannot spend any more than they take in.

Madam Speaker, Tennessee is a good example of that. We have had it for years, and it works. The Federal Government should have it, and it will work. We should give it a try, and today is the day that we are going to do just that.

I commend the members of the Committee on Rules in the majority for bringing this to the floor of the House, and I know that these amendments, which will be discussed in full, embrace all of the ideas that were introduced that the gentleman from Massachusetts [Mr. MOAKLEY] alluded to. I know that we will have an opportunity to discuss those issues, and in the end I certainly hope that this House will act responsibly and favorably and pass this constitutional budget amendment without delay.

Mr. MOAKLEY. Madam Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip of the Democrat Party.

Mr. BONIOR. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], my friend, for yielding this time to me, and I thank my colleagues on the Committee on Rules and on the other side of the aisle for the good work they have done so far this year.

Madam Speaker, the American people have a right to know how we are going to balance the budget, and they are not going to be fooled by fig leaves. They are not going to be distracted by simple solutions. As my colleagues know, in a poll that was released just yesterday, 86 percent of the American people said that Republicans should specify what they intend to cut before passing a balanced budget amendment, and in the President's State of the Union Address that night one idea that went off the charts was the idea that we should be honest with the American people and spell out exactly what is going to be cut to balance the budget.

I say to my colleagues:

"Now the question isn't whether or not you support a balanced budget. The question is, and always has been, how do you intend to get there?"

Now balancing the budget is going to require a mammoth cut totaling over $1.2 trillion. This will affect every man, every woman, every child in this country for years to come. The American people have a right to know:

"How are you going to get there?"

"How much are you going to cut from Social Security?"

"How much are you going to cut from Medicare?"

"How much are you going to cut from student loans?"

"How much are you going to cut from veterans' benefits?"

Madam Speaker, the American people want to know.

My friend, Madam Speaker, the gentleman from New York [Mr. SOLOMON], just went like this, and we are not going to cut anything. But then he offered a substitute on the budget just last year, let me tell my colleagues what he did cut:

He wanted to eliminate all ag subsidies except for dairy, he wanted 50 percent cut in job training, and he had $140 billion over 5 years cut in Medicare. I say to the gentleman, "We need to know what you're about doing with this balanced budget amendment."

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I will when I finish with my statement.

Now, Republicans say it is unreasonable, unreasonable to ask us where these cuts are going to come from. Madam Speaker, I guess I was brought up under a different set of rules. I was taught if I were going to do something, I ought to have the guts to say how I am going to do it.

I say to my colleagues, "It's cowardly to say that you're for a balanced budget and then to leave it to future Congresses to figure out how that budget is going to be reached. It's like something a retired auto worker in my district once told me. He said, 'Think about this in common sense terms.' He said, 'I wouldn't sign a mortgage without first knowing how much the monthly payments are going to be. I wouldn't like a mechanic to do major work on my car without first getting an estimate on what the repair bill is going to be.' So he said, 'I don't see why it's so unreasonable to say that before we have a constitutional amendment to require a balanced budget, we first have some idea how that budget will be balanced.' "

Madam Speaker, I know the majority leader says that, if the American people saw the details, that our knees would buckle. Well, I say to my colleagues, "I would guess that, if your bank gave an estimate on your monthly mortgage payments that would cause your knees to buckle, you might think twice about buying that home."

We all know what is going on here. We all know why knees would buckle. My colleagues do not want to come clean with the American people because they do not want them to know the truth, and the truth is they are going to slash Social Security, they are going to slash Medicare, they are going to slash veterans' benefits, they are going to pick the pockets of our seniors and balance the budget on the backs of senior citizens and children because that is what the Republicans have done traditionally, and if that is not true, if I am wrong, then show us it is not true. I say to my colleagues, "Show us your hand. Show us how you intend to balance the budget."

Each and every one of these substitutes that we have before us today and tomorrow should be forced to reveal exactly what cuts they intend to make to balance the budget.

□ 1300

Madam Speaker, they way this rule is written right now, that is not the case. I urge my colleagues to defeat the previous question and let us bring an open rule that applies a truth test to every substitute that is before us today. The American people deserve better than what I think this gutless bill we have before us now provides. They want to know, and they deserve to know, the truth.

I think, Madam Speaker, it is way past time that we gave it to them.

Mr. DIAZ-BALART. Madam Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. GOSS], a very distinguished member of the Committee on Rules.

Mr. GOSS. Madam Speaker, I thank my distinguished colleague, the gentleman from Florida [Mr. DIAZ-BALART], for yielding me this time, and I congratulate the chairman of the Committee on Rules for revealing the true specific plan to achieve a balanced budget, showing that it can be done.

Madam Speaker, on November 8 of last year, the American people elected us to fulfill a contract. That contract includes allowing a vote on a balanced budget amendment to the Constitution. And not just any balanced budget amendment, but specifically one that would permanently protect the American taxpayer from further unwarranted tax hikes—tax hikes like the one in President Clinton's 1993 reconciliation—that come in the name of deficit reduction. The American people signaled on November 8 that they want us to vote on the Barton amendment, and to require a three-fifths supermajority to raise taxes. And that's what we will do here today—as promised. Today's modified open rule is fair. It provides guidance to navigate through the 44 substitutes offered—including many overlapping proposals—by bringing forward four Democrat substitutes and one bipartisan alternative. There was ongoing consultation with the minority, and the minority leader was given the opportunity to designate priority amendments. There is some merit in all of the proposals—notably the Schaefer substitute, which offers a well-known balanced budget amendment that this House has come close to adopting several times in the past. But make no mistake, this debate focuses on the version of the balanced budget amendment that Americans said they wanted, the one included in the Contract With America. Some in this minority will no doubt complain that one or another specific proposal is left out of the process. But the American people understand that this debate should focus on the big ideas—and we won't be sidetracked by those who oppose balancing the budget and are using every excuse to slow down passage of the balanced budget amendment. American's did not vote for delay—they voted for action—now.

Madam Speaker, as a member of the bipartisan Commission on Entitlement Reform and as a Representative from Florida, I am quite familiar—if not acutely aware—with the situation facing Social Security. According to all the experts, the Social Security trust fund will continue to run a surplus until at least 2012—and it is not expected to add to the deficit until 2029. The idea that passage now of the balanced budget amendment will mean immediate and drastic cuts in Social Security benefits is a scare tactic pure and simple. That is just not the truth. In fact, as demonstrated by the Entitlement Commission findings, the greatest threat to Social Security comes from our annual red ink and mounting debt—if allowed to continue, interest payments on the debt alone could eventually squeeze all other programs—Social Security included—out of the picture. Make no mistake, Social Security is off-budget, and it will stay that way. The Flanagan resolution—House Concurrent Resolution 17—made in order under the rule, shows our firm resolve in this respect. The situation is serious: We are currently in debt to the tune of $4.6 trillion, a figure that continues to grow by over $200 billion a year. Madam Speaker, in light of this I was startled to hear the ranking minority member of the Judiciary Committee testify to the Rules Committee that the national debt is currently being reduced. I'm not sure how he arrives at this, since every year that we run a deficit, we add to our national debt. Surely the minority is not advocating still bigger debt for our children to bear. In closing I urge my colleagues to support the rule and the Barton amendment.

Mr. MOAKLEY. Madam Speaker, I yield 4 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], former chairman of the Rules Committee, and our ranking member, who has so ably helped us protect the rights of the minority and the citizens of our country through his work on this committee. I thank the gentleman very much for yielding me this time.

Madam Speaker, this is certainly not the open rule that we had been promised, and while it is not entirely closed, we are all disappointed in the restrictive nature of this resolution for the consideration of a measure so momentous as an amendment to the Constitution of the United States.

As has been well noted by the gentleman from Massachusetts [Mr. MOAKLEY], the history of the manner in which constitutional amendments have been considered, clearly shows that the use of the open rule is the wisest approach, and the one that appears to have been most often used when the threat of a discharge petition was not pending, as is currently the case.

Even more disappointing, under this rule no perfecting amendments are allowed. If even a few of the proposed perfecting amendments had been made in order, we could have accommodated most of the major concerns about the legislation, and given Members of the House a chance to express their feelings on a number of very important additional issues—issues which are precluded from considering under this proposed rule.

This is an immensely significant matter that we are dealing with, and we should do everything in our power to ensure that we take this step—if, in fact, we are going to do it—as carefully, and as thoughtfully, as possible.

There clearly were a handful of very fundamental and important issues that should have been allowed to be considered as perfecting amendments, such as one to consider alone the three-fifths requirement to increase tax revenue—a perfecting amendment proposed by Mr. VOLKMER—and another to require truth in budgeting proposed by the gentleman from Michigan [Mr. CONYERS].

In addition, several substitutes that were not made in order would have provided us with the opportunity to further improve the final product of this debate.

I refer particularly to the substitute offered by the gentleman from Arkansas [Mr. THORNTON], which sought to define capital budgets by going beyond investments for physical infrastructure alone, to include also investments in developmental capital such as education and training.

We should also have been allowed to consider, either as a perfecting amendment or as a substitute, the suggestion of the gentleman from Ohio [Mr. HOKE] for keeping the minutiae and complexity of changes in the budget process itself out of the Constitution, allowing it to be handled separately as legislation, and thus providing us with a choice for a simpler constitutional amendment.

And, the gentleman from Colorado [Mr. SKAGGS] offered several good proposals, including one that would allow Congress to approve an unbalanced budget during a time of national security emergency, short of a declaration of war, which is required in the pending proposal.

This rule, unfortunately, does not give us that opportunity, and it should be rejected.

Madam Speaker, through the course of this debate, however, I hope that it will become abundantly clear why the House should not give final approval to any of the alternative versions of this legislation.

As a longstanding proponent of eliminating Federal budget deficits, and as a Member who has acted to achieve that result by supporting and voting for many, many unpopular measures to reduce deficits over the past dozen years, I share the feelings of frustration which have led most of our colleagues to conclude that amending our Constitution is our only hope for solving the Federal Government's persistent budget deficit problem.

The enormous deficits the Government has run for the last decade and a half are, without a doubt, the leading policy and political failure of our generation. By running huge deficits, we have produced a soaring debt which requires that we spend 14 percent of annual Federal budgets on interest payments. We have done a grave disservice to future generations of Americans who will be saddled with that debt; and we have damaged our Nation's economic prospects by allowing the debt to consume more than $200 billion a year that could otherwise be used for much-needed investment, in both the private and public sectors.

These huge deficits, and the debt they create, are also a large part of the reason why voters are angry at Congress and why so many feel that our political process just does not work.

But the solution to the deficit problem is not to amend the Constitution; writing a balanced budget requirement into our Constitution does nothing in and of itself to bring revenues and spending into balance. The solution is to act to cut spending and, if necessary, raise taxes. That is what the President and Congress did successfully in 1993, and that is what we should do this year and in the years ahead until the Federal budget is finally balanced.

Voting for a constitutional amendment to balance the budget is easy; it does not require cutting any spending program or raising anyone's taxes. It sounds good, and it allows us to say that we are for balanced budgets. But the truth is, it is bad policy.

Passing a constitutional amendment to balance the budget would give Congress an excuse not to reduce the deficit until the year 2002. It would allow us to say that we have done something about the deficit when, in fact, we will have done nothing real about it.

In fact, if the House and Senate approve any of these proposals, what we will have done is relegate the responsibility for deciding Federal budget policy to the States. They will have to debate whether they want to ratify this amendment; they will have to decide if Congress is capable of bringing Federal revenues and spending into balance; they will have to guess how Congress is likely to act in response to a balanced budget requirement. At a time when we are trying to reach out and improve relationships with our counterparts at the State level, passing this amendment will undermine all of our efforts to come to terms with which responsibilities to our citizens should be handled at the Federal level, and which by the States.

I believe that it is highly unlikely that three quarters of our States will ratify any version of this constitutional amendment. They know that if the Federal Government is under a balanced budget requirement, they are likely to face deep cuts in Federal aid—cuts which will require them to make substantial cuts in spending or to raise taxes at a time when most of them already face that unpalatable choice.

Moreover, States will realize that the balanced budget requirement for the Federal Government will be far more onerous than those that the States themselves operate under. Most States require a balanced operating budget, but allow borrowing for capital spending. To the extent that they are able to categorize spending as part of their capital budget, they are able to borrow extensively. Unless the substitute offered by Mr. WISE is adopted, there will be no such distinction for the Federal budget.

But if, in fact, enough States ratified the amendment, Congress would undoubtedly go to great lengths to find ways not to comply with it. Recall what happened under the Gramm-Rudman-Hollings Act, which Congress passed in 1985; when the President and Congress operated under a requirement to reduce deficits to specified levels each year and produce a balanced budget within 5 years, we did everything possible to circumvent the requirement and avoid hard choices. We used unrealistic economic assumptions to produce inflated estimates of revenues, we moved programs off budget, and we delayed payments into future years. When we ran out of creative bookkeeping methods, we changed the deficit-reduction requirements and, finally, abandoned the requirements altogether.

Just as our inability to comply with Gramm-Rudman-Hollings in an honest way fueled public cynicism toward Congress, so too would our almost-certain response to a constitutional requirement to balance the budget.

The reason that Congress would try to find ways to avoid complying with a balanced budget requirement is the same reason we did not comply with Gramm-Rudman-Hollings, and the same reason we are not voting to balance the budget right now: there is no political support for the deep program cuts and large tax increases that would be required to bring spending and revenues into balance. We may agree, in the abstract, that want to balance the budget, but we also realize that the draconian spending cuts required—if the budget is balanced through spending cuts alone—are not supported by most Americans.

A constitutional requirement to balance the budget is not going to suddenly give us the political support and the political will to cut spending cuts and raise taxes. In fact, I would point out that many of the Members of the House who are most enthusiastic about a constitutional amendment to balance the budget are the same Members who are equally, if not more, enthusiastic about cutting taxes. And, not surprisingly, they are finding themselves unable to develop a plan to show how we can produce a balanced budget by the year 2002.

Even if all tax-cut proposals were abandoned, Congress would need to cut spending or raise taxes from projected levels by more than $1 trillion between now and 2002 to balance the budget. There is no doubt in my mind that if we were voting on an amendment which also contained the actual measures—the spending cuts and tax increases—which would balance the budget by 2002, there would be very few votes for it.

There is another reason we ought not to enshrine a balanced budget requirement in the Constitution: A balanced budget is not always good economic policy. A requirement that would force Congress to cut spending or raise taxes in the middle of a recession could be disastrous for our economy. We need flexibility in Federal budget policy to counter the swings in the economy and the negative effects they cause. Some of the alternatives before us would allow Congress to override a balanced budget requirement by majority vote; but, if that is the case, what is the purpose of such a constitutional amendment?

On the other hand, the alternative proposed by Representative STENHOLM anticipates the possible need for deficit spending by allowing expenditures to exceed revenues if three-fifths of both Houses of Congress vote to approve deficit spending. That provision, however, would enable a minority of Members—whether partisan, regional, ideological, or otherwise—to control the outcome of a decision on this matter, just as the Barton alternative, requiring a three-fifths vote to raise taxes, would do on that question.

By giving minorities in both Chambers the power to demand concessions in return for their votes—and the power to veto, in effect, legislation supported by a majority of Members—this provision would make it extraordinarily difficult for Congress to govern. It would severely constrain Congress in its ability to respond effectively, and in a way supported by a majority of Americans, to the problems facing our Nation.

Finally, we have little understanding of how a constitutional amendment requiring a balanced budget would be enforced—what would happen if Congress failed to match revenues and spending. It is not clear whether the President or the courts will enforce this—or whether it could be enforced at all. If the resolution of a budget imbalance is left to the courts, it would put unelected Federal judges in the position of deciding our Nation's fiscal policy.

Mr. Speaker, for all of these reasons, the proposals before us to amend the Constitution to require a balanced budget should be rejected, and the rule before us, as I said at the beginning of my statement, should be rejected as well. Let us resolve, instead, to build on the work we began last Congress when we enacted legislation that is, in fact, reducing deficits by half a trillion dollars over 5 years.

Ms. PRYCE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Claremont, CA [Mr. DREIER], a member of the committee.

Mr. DREIER. Madam Speaker, I would like to begin by thanking my friend, the gentlewoman from Columbus, OH [Ms. PRYCE] for yielding me this time, and I rise to congratulate the gentlewoman as well as the gentlewoman from Utah [Mrs. WALDHOLTZ], the gentleman from Florida [Mr. DIAZ-BALART], and the other new members of the Rules Committee for the superb work they are doing, joining the force of SOLOMON, QUILLEN, GOSS, and so forth.

Let me say that on this issue of the balanced budget amendment, it is fascinating to listen to the arguments that are being made in opposition to this rule by a number of my friends. I think it is important for us to take an historical perspective in looking at this issue.

□ 1310

I know my friend, the gentleman from Florida [Mr. GOSS], raised a number of these points. But it is worth noting that over the past 14 years, we have seen the balanced budget amendment brought up to the House floor on four different occasions. Never once, never once did the Committee on Rules report out a rule that provided the wide range of options that are being provided under this rule.

The other thing, there was a fascinating argument made upstairs, and my friend, the gentlewoman from Colorado [Ms. SCHROEDER], raised great concern about this. The Committee on the Judiciary only had an 8-hour markup on this measure when they met. In previous Congresses, they did not allow 8 minutes of markup, much less 8 hours. So to argue that there was not an opportunity for wide ranging debate in this markup is preposterous.

I think when we listen to the overwhelming hue and cry that has come from across this country to balance the budget, we have the President who spoke here last night, and most of us concluded that it was not the President's finest hour. In fact, it was not the President's finest 2 hours here last night. It seems to me that we need to note that they are all calling for us to immediately provide a list of exactly how we plan to balance the budget.

Well, I say to my friends on the other side of the aisle, they are well aware of the way the budget process works. We have a Committee on the Budget. The responsibility for outlining those things lies with that committee, not with a particular piece of legislation like this amendment.

Clearly we know that we have the responsibility to bring those proposed cuts forward, and it is going to be done under the standing rules of this House, something which tragically in the past have been ignored, but something which we are doing our darnedest to stick to just as well as we possibly can.

I also am concerned about the fact that behavior in the past has seen the other side use that ridiculous king-of-the-hill procedure, whereby the last standing measure, the last one voted on, even though it may not have gotten the greatest number of votes in the House, is carried. We have modified that so-called king-of-the-hill procedure so that the provision which has the highest number of votes will be the one that carries. It seems to me that we need to realize that we are, were the deliberative process, bringing this forward in a fair way, and I urge my colleagues to support this balanced approach to the balanced budget amendment.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Madam Speaker, I too rise in opposition to this rule. My colleagues on the other side of the aisle claim that this rule is some sort of move toward openness. But let us look at what the rule actually does.

This is a closed rule. The Committee on Rules received 44 requests for amendments from Members of this body, yet only 5 were made in order, in addition to the committee substitute.

Debate is choked off on many, many issues that directly affect the American people. People want to know what the programs are that will be cut under this amendment. Will they lose their Social Security, what is going to happen to Medicare, what about programs like disaster relief, education benefits, or crime prevention? How much are we going to have to cut defense?

I have part of one of the largest air bases in the world in my district. What is going to happen to that air base under this particular amendment?

We need to be fair and up front with ourselves and with the American people. Therefore, I am going to vote against the previous question, which allows us to bring up a resolution known as the truth-in-budgeting resolution. This resolution simply requires us tell the American people what programs will be cut in order to achieve a balanced budget.

I do not think that is too much to ask. I am particularly concerned with the effects of this balanced budget amendment on some of our successful antipoverty programs. According to the Children's Defense Fund, a balanced budget amendment could result in approximately 7.6 million children losing school lunches, 6.6 million children losing Head Start opportunities, and 231,000 blind and disabled children losing basic income supports through SSI. And the list goes on and on.

There is no doubt that balancing the budget requires tough cuts and very difficult choices. But that debate should take place in an open forum, truthfully, and up front.

I offered a number of amendments to the rule yesterday in the Committee on Rules, allowing Members' ideas to be brought to the floor and debated. Those amendments had to do with Social Security, taxes, low-income programs, civil and human rights and the disabled. They were defeated every time by a partisan vote.

Let us really show the public we can have an open and fair debate. Vote against the previous question, and vote "no" on this closed rule.

Ms. PRYCE. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, today marks another historic day in the life of the 104th Congress as the new Republican majority continues working to fulfill its promises to the American people. On opening day, we adopted a sweeping set of congressional reforms to make the House more open, efficient, and accountable. Last week, we overwhelmingly approved a long-overdue measure to bring this institution into compliance with the same laws it imposes on the rest of society.

Last Thursday, as part of our plan to reduce the burden of Federal regulations, we began debate on discouraging the practice of imposing costly, unfunded, Federal mandates on States, local governments, and the private sector. And today, as we proudly begin debate on this historic rule, the House moves one step closer toward adopting a constitutional balanced budget amendment, the very cornerstone of our contract's plan to restore fiscal sanity to the congressional budget process.

Madam Speaker, Congress can and should balance the budget without being forced to do so. But the fact remains, it hasn't. And with a Federal debt nearing $5 trillion and budget deficits in 33 of the past 34 years, it is clear that Congress is unable to solve the Nation's fiscal crisis entirely on its own. Some Members just don't have the stomach or the desire to make the tough decisions.

The time has finally come to give constitutional expression to a policy practiced by thousands of families and businesses across America every day: learning to live within our means. Without constitutional constraints to deficit spending, future generations of Americans will be forced to bear the costs of our excesses. We should be ashamed to leave this legacy to our children and grandchildren.

Madam Speaker, let me say that I fully appreciate the seriousness of this legislation. And the rule which we have recommended is abundantly fair as it allows the House to consider six different versions of the balanced budget amendment, four sponsored by Democrat Members, one by Republicans, and one bipartisan proposal.

The fact that the House will soon consider a balanced budget amendment just 3 weeks after opening day is proof positive that the new Republican majority is serious about keeping its promises to the American people. I congratulate Chairman SOLOMON and the leadership for bringing this fair rule to the floor today. In terms of fairness it is light years ahead of what we've seen in Congresses past. I strongly urge its adoption by the House.

Mr. MOAKLEY. Madam Speaker I yield myself such time as I may consume.

Madam Speaker, I would like to read a statement: "With every closed rule, millions of voters are disenfranchised when their duly elected representatives are prevented from offering relevant amendments to bills we consider."

These are the words stated by the gentlewoman from Ohio [Ms. PRYCE] at a press conference held by the Rules task force on April 23, 1993.

Madam Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Madam Speaker, for some time I have been a supporter of a balanced budget amendment to the U.S. Constitution. In the 16 years I have served in this body, I have seen the public debt triple to well over $4 trillion and have watched as the Congress has struggled to bring the Federal budget and the deficit under control. Until recently, we in the Congress, working with Presidents both Republican and Democratic, have had only limited success in curbing the spiraling growth of Government spending. Thanks to the policies instituted in the last Congress, we are now witnessing a steady downward path of the deficit, but I remain convinced that stronger measures are called for if we are to finally, once and for all, bring the budget of this Nation into balance. And, for that reason, I will support passage of a constitutional amendment when the House votes tomorrow.

However, Madam Speaker, in spite of my record of support for just such a constitutional amendment, I must rise in opposition to this rule. My Republican colleagues made a number of points yesterday during our markup of this rule saying that it provides for the consideration of more options than have been considered in the past few years.

□ 1320

But I would like to clarify a point. In the past the rules providing for consideration of balanced budget constitutional amendments have not been reported from the Committee on Rules. Rather, they have been considered by discharge petition or the Committee on Rules has simply reported a rule tracking the provisions of a discharge petition about to reach the floor, thereby limiting the terms of debate.

My Republican colleagues will respond by saying this rule provides for the most free and open debate ever granted to a constitutional amendment to balance the budget. But I would like to say that this rule does not really provide for the free and open debate promised by Republican candidates for election to the 104th Congress. This rule reported by the Republican majority has limited the opportunities for Members to express their views on how to bring about fiscal restraint. The chairman notified the Members of the House that the committee might limit the consideration of amendments to those printed in the CONGRESSIONAL RECORD last Friday as well as to those amendments submitted in the form of amendments in the nature of a substitute. Yet the Republican rule contains a provision providing for the consideration of a concurrent resolution which not one Democratic member of the committee saw until yesterday, just prior to our markup.

The Republican majority on the Committee on Rules recommended a rule that included consideration of five substitutes to the joint resolution. The Republican majority on the Committee on Rules rejected 23 amendments offered to the rule by the Democratic members of the committee during our markup. Not one single amendment was agreed to during the markup by the Republicans.

A variety of reasons were offered. Time constraints prevented additional debate on further amendments. The rule makes in order four Democratic alternatives as well as one bipartisan alternative. Debate in previous Congresses was far more restrictive.

Madam Speaker, I do not understand the need to limit debate.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, with all due respect, and the gentleman is one of the most respected Members of this House, in the Congresses that he has been here for 16 years, he has voted for every one of those restricted rules that far more restrict Members on both sides of the aisle.

Mr. FROST. Reclaiming my time, Madam Speaker, I point out to the chairman that his party ran on a platform of open rules. I know that this gentleman is sincere. I know that this gentleman intends to have open rules. But for some reason we did not have an open rule in this particular case.

For that reason, I must oppose the rule.

Mrs. WALDHOLTZ. Madam Speaker, I yield 2 minutes to the gentleman from Miami, FL [Mr. DIAZ-BALART], a member of the committee.

Mr. DIAZ-BALART. Madam Speaker, as we debate this fair rule for consideration of this very important constitutional amendment, I ask the question: Why is there a very serious financial crisis in Mexico today that we are dealing with precisely in this Congress because of its worrisome effects? Because of lack of confidence by the international financial community on the ability of Mexico to pay on debt that will shortly be coming due. Investors will no longer buy bonds there due to uncertainty regarding whether they will be paid, whether those bonds will be paid when they mature. In other words, when they come due.

Now, if our own debt continues to increase indefinitely, even though, for example, even economists like Keynes, who believe in stimulation of the economy through deficit spending occasionally, he never, for example, supported permanent deficit spending.

If our debt would continue to grow indefinitely, $4 trillion, $5 trillion, $6 trillion, $7 trillion, theoretically, and then there would one day be doubt as to our creditworthiness, God forbid if that ever happened, who would bail us out, Madam Speaker? Who would bail us out? The International Monetary Fund? No, we pay more into the International Monetary Fund than anybody else? Germany, Saudi Arabia? Who would bail the United States of America out, Madam Speaker? Is it acceptable to depend on other countries to theoretically bail us out? No, it is not.

We must stand on our own for our children and for their children and their grandchildren, and we owe it to them to be able to stand on our own and maintain due to fiscal responsibility now and an end to fiscal irresponsibility, the economic security into the future that we require, that is why we need to pass this rule and this constitutional amendment.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Speaker, I would like to put this debate in perspective for the American people. The Constitution empowers the Congress of the United States to balance the budget. But the Congress evidently cannot do that or does not want to do that anymore. So the Congress wants to empower the Constitution to balance the budget.

Now, Members would think by now Congress might have learned. It started out with Gramm-Latta, then it went to Gramm-Kemp, then it went to Gramm-Rudman. Now it is going to be Gramm-constitution in a 2-minute drill no less.

I say to the Congress, this is going to turn into Gramm-bankrupt. Because Congress has to balance the budget. And let us look at the facts. The American people are saying, OK, we gave the Republican Party the authority.

You are in charge. You want a balanced budget. You chair the committees. Bring out the balanced budget. We know you cannot do that with a $300 billion deficit, $5 trillion debt and $300 billion of interest payments. But in 10 years from now the Constitution is going to balance the budget with $7 trillion of national debt, $500 billion in interest on that payment, but the Constitution is going to do it.

It is not the Constitution, Congress. It is the Tax Code. It is not the Constitution, Congress. It is the trade laws.

The President did not mention the $153 billion record trade deficit yesterday and 20,000 jobs for every $1 billion in deficit, that is 3 plus million jobs at $30,000 a piece.

Congress should be wise to remember history. There was a popular saying during the depression by working people that said, Harding blew the whistle, Coolidge rang the bell, Hoover pulled the throttle, and all American jobs went to hell.

By the way, if Thomas Jefferson had a constitutional requirement to balance the budget, Thomas Jefferson would not have been able to consummate the Louisiana Purchase.

It is the Tax Code and trade policies, Congress. We are killing jobs. We are penalizing achievement. We are rewarding dependency, and we are insulting the intelligence of the American people.

Let me say this: No Hail Mary pass at the last minute to empower the Constitution to balance the budget is going to solve our problems. It is jobs. You will find them in our Tax Code and our trade laws. And why do we not start dealing with it.

Mrs. WALDHOLTZ. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, today we have an opportunity to prove that we hear the people's voice demanding real change in this Congress and could keep our commitment to them. As families sit down to plan their household budget, to pay the rent or the mortgage, to buy back-to-school clothes for the kids, or to repair the car, they want to know why Congress does not have to do what they have to do, balance their budget.

Families make priorities. They give up some things they would like to do for things they need to do. And as Congress moves to balance its budget, as we must do, we are going to have to make some difficult choices.

But I have great faith in the American people that not only do they expect us to make these decisions but they will support us in making these decisions if we work with them and talk with them and listen to them and spend their money wisely on things they value most.

We need to pass a balanced budget amendment to give this Congress the fiscal discipline it has repeatedly proven it does not have.

The rule that we have reported provides for the most inclusive, open, honest debate on a balanced budget amendment in the history of the Congress.

Of critical importance, this rule will allow us to reaffirm, through Concurrent Resolution No. 17, our commitment to our seniors that we will not use Social Security to balance the budget.

□ 1330

Seniors will not pay the price for this Congress' past mistakes. The fearmongering by those less concerned about the peace of mind of our seniors than their own political agenda should end.

At the same time, Madam Speaker, this rule will allow us to protect our children by ending Congress' reprehensible habit of spending away their future. Madam Speaker, it is long past time to pass a balanced budget amendment, and this rule will allow us to do that. I urge my colleagues to join with me in keeping our word to the people who sent us here, and to support this rule and pass a balanced budget amendment

Mr. MOAKLEY. Madam Speaker, I yield 1 minute and 20 seconds to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member, for yielding time to me.

Truth in budgeting is important. It is important to know what programs will be cut and priorities will be protected.

Last night President Clinton told us of the heroic act of Jack Lucas and commended all veterans who are willing to risk their lives for us, and he said, "We owed them a debt we could never repay." He then challenged us, as we make cuts in Government spending, to remember our obligations to our children, parents, and others who have risked their lives by protecting education, Social Security, and Medicare, and veterans' benefits from those cuts.

Madam Speaker, my proposed amendment would have accomplished those goals. Last night, Madam Speaker, I was pleased that this suggestion received a standing ovation from both sides of the House, for these are truly nonpartisan goals.

That is why I am so puzzled by the Committee on Rules' decision not to allow a vote on this balanced budget amendment, which has bipartisan support and would accomplish all of these goals. I find it truly amazing that even though our veterans put their lives on the line in defense of our democracy, we are not allowed today to even have a vote on whether to honor our commitment to those who have risked their lives for our democracy.

Madam Speaker, I wanted to point out that truth in budgeting is important. We need to know where the cuts will fall.

The refusal to allow a vote to protect education, Social Security, Medicare, and veterans' benefits means that those benefits are fair game for the budget ax. We need an open rule so we can have truth in budgeting.

Mrs. WALDHOLTZ. Madam Speaker, I yield 2 minutes to the gentleman from Lakewood, CO [Mr. SCHAEFER].

Mr. SCHAEFER. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I rise in support of House Resolution 44. Madam Speaker, I want to commend the leadership and the Committee on Rules for putting together a rule that fulfills two items that, I believe, are the cornerstone of our party's Contract With America.

The first is an early vote on the balanced budget amendment, and for the first time ever, we have not had to resort to end-running a reluctant leadership for trying to get a balanced budget amendment on the floor. I think this rule does that.

It is the first item of business that brings up the contract version of the BBA sponsored by my good friend, the gentleman from Texas [Mr. BARTON]. I strongly urge every one of my colleagues to support the three-fifths tax limitation version of the amendment.

The rule also fulfills another cornerstone of the contract, and that is of open and fair rules. This carefully crafted rule ensures that we let the American people know who does and does not support tax limitation, while at the same time maximizing the likelihood that this body will send a balanced budget amendment to the States for ratification.

Mr. STENHOLM. Madam Speaker, will the gentleman yield?

Mr. SCHAEFER. I yield to my good friend and colleague, the gentleman from Texas [Mr. STENHOLM], who has worked long and hard on this issue.

Mr. STENHOLM. Madam Speaker, I rise in support of the rule today. While I had offered a suggestion for a little different kind of a rule, I believe on close analysis this is a fair rule for purposes of debating the relevant issues that will come before us today.

Madam Speaker, I would say, as one of the coauthors of the Schaefer-Stenholm amendment, to those who are concerned about Social Security benefits, education, and all of the other extremely important endeavors, there is nothing in our substitute that has anything to do with a negative effect on any of those issues. That will be brought out in general debate.

Madam Speaker, I rise in support of House Resolution 44 allowing for the consideration of House Joint Resolution 1, as well as five substitute amendments to that language.

I want to commend the Republican leadership for its prompt consideration of this critical matter. As this body knows, it has taken herculean efforts on the part of many Members, both Democrat and Republican, to bring this issue to the floor during the last three Congresses. In each case, we filed discharge petitions to the rules allowing for the consideration of these matters. In each case, we crafted rules which granted a fair and open debate on the major contending approaches to amending the Constitution for purposes of requiring a balanced Federal budget. And in each case we, unfortunately, fell just short of the two-thirds support necessary for passage.

I am supporting this rule because I believe it allows for debate on those relevant issues of greatest concern to House Members. While I had suggested an alternative way to handle the rule which the committee did not adopt, I believe that this rule is fair and I am pleased, Chairman SOLOMON, to be able to support it today.

My great, great hope is that this year, at last, will be the final time to deliberate this issue. It is time for us to get the amendment behind us so that all of this energy can be focused, instead, on the actual process of achieving a balanced budget.

All of the hours my staff and I, not to mention so many others, have been required to put into this issue notwithstanding, I know that our forbears showed remarkable wisdom and foresight when they made it so difficult for us to amend the Constitution. This is no minor task we will be undertaking for the next 2 days.

When we Representatives take our oath of office, we swear to uphold the Constitution of the United States. That oath must not be taken lightly. This is no place for games-playing. It is no place for seeking political advantage. It is no place for irresponsible, short-sighted self-interest.

I hope that the remarks which fill the debate of the next 2 days, regardless of whether the speaker be favorably or negatively inclined toward the amendments, reflect the seriousness of our endeavor.

Because when these 2 days are over, regardless of the final outcome of these votes, we will find ourselves still facing the cancer of debt which is destroying the fiscal flesh and bones of our country. Regardless of whether you vote yea or nay on House Joint Resolution 1 or on any of the amendments, each individual Member must be willing to say, "This is what I did today to make our country a better place."

I appeal to both sides, let us deliberate this issue straightforwardly and honestly. Especially to the freshmen Members I would say, please evaluate this issue on its merits, not on its internal or external politics. There is no such thing as an easy vote on a constitutional amendment.

I come here prepared to work hard these next 2 days and my hope is that the hard work will pay off with 290 votes on final passage. But as I said last year at the beginning of this debate, come Friday I'll have the same gameplan whether the BBA wins or loses and whether the tax limit wins or loses. Regardless of how many votes there are, I'll be working hard for the rest of the year to chip away at our monstrous deficit. Next week I'll be working with PETER VISCLOSKY to develop a revised enforcement implementation plan. This spring I'll be working with Chairman KASICH amd Ranking Democrat SABO on the first installment of the 7-year glidepath to a balanced budget. Teaming up with JANE HARMAN and CHET EDWARDS, I will push for some of those budget process reforms that we believe will make a difference in the way business is done around here. Joining with DAVID MINGE, DAN MILLER, and other porkbusters I will seek to keep our appropriations bills clean and lean.

My wish is that even those who vote against the constitutional amendment—in fact, especially those who vote against a constitutional amendment—are ready to join me in saying, "This is what I did this Congress, this year, this day, to take the debt off of my children's shoulders."

Again, Madam Speaker, I urge my colleagues to support this rule and, subsequently, to support the balanced budget amendment.

Mr. SCHAEFER. Madam Speaker, I urge support of the rule.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Madam Speaker, I rise to oppose the rule proposed for House Joint Resolution 1, the balanced budget amendment. I support balancing the Federal budget, but I believe, as an elected Representative of the people, that I owe them the responsibility and respect to tell them how I will do so. This balanced budget amendment does not do that.

The Republican leadership, as the new majority, made a commitment to procedural rules for open debate and fairness. But sadly, the rule before us now is closed. Closed.

I have an amendment that I would like to offer. It provides for rainy day funds for purposes of emergencies, natural disasters. But I cannot offer it on the floor of this House today, even though I think it is a very worthy amendment, especially for folks in California, where I am from, where we are suffering tremendously. We cannot do that. That is a closed rule.

Madam Speaker, we have to admit that we really have entered the world of Alice in Wonderland when Democrats end up fighting harder than Republicans to keep Republican promises.

It is time, Madam Speaker, that we try to do the people's work and give the people their day in court. It is a slap in the face to our constituents when we cannot even come up here and to propose amendments that are valuable and will affect the Nation's course of history, because we are talking about an amendment to the Constitution.

Madam Speaker, I urge everyone to vote against this rule.

Mr. SOLOMON. Madam Speaker, I yield 1½ minutes to the gentleman from Georgia [Mr. LINDER], a member of the Committee on Rules.

Mr. LINDER. Madam Speaker, this is an extraordinary day for those of us who have held dear to the Reagan-Bush axiom that the Federal Government is too big and it spends too much. For too long Government has been incapable of managing its finances in a responsible manner, and the passage of a balanced budget amendment is an important first step in assuring that this Nation is fiscally sound as we move into the 21st century.

Madam Speaker, I also strongly support the rule, which will allow consideration of a constitutional amendment to balance the budget. Many duplicate amendments were offered to the Committee on Rules, but I am pleased that six distinct constitutional amendments will be considered on the House floor in the coming days.

Madam Speaker, it is important to note that in the past the House refused even to hold a markup on this bill. I believe that the Committee on Rules has been extraordinarily fair and prudent in approving twice as many minority amendments as majority amendments in this debate.

The balanced budget amendment with the three-fifths tax limitation provision will force Congress to curb its spending, and will go a long way toward eliminating Government waste and Government abuse of taxpayer dollars.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Madam Speaker, I rise in strong opposition to this closed rule. In this and the last two Congresses, I have filed a balanced budget amendment which is not a dilatory amendment. It is a substantial amendment which the Committee on Rules refuses to allow to be brought here to the floor and voted upon.

Madam Speaker, it is a unique concept. It is the only amendment which requires actual receipts and outlays to be balanced, the only amendment with an actual enforcement mechanism. When presented to the Committee on Rules, the chairman said "We have 46 amendments. We can't possibly take them all to the floor." Why not? Why not? Is it because there are other issues in the contract to discuss?

This is the Contract With America, the Constitution of the United States. Only 16 times in the last 200 years have we amended this Constitution. There is nothing more important.

Suppose that Thomas Jefferson had taken, then, the floor of the Constitutional Convention and said "We don't have time to listen to all of you. We are going to take 5 ideas, debate them, and then vote."

□ 1340

We would have never have had the opportunity to hear of the great compromise which created the House and Senate. We would have never had this Constitution.

Oppose the rule. Vote against the rule. Allow us to bring all of the ideas about changing this document.

Mr. SOLOMON. Madam Speaker, yielding myself 30 seconds, I would point out to the gentleman from Utah that Thomas Jefferson was not at the Constitutional Convention; he was the Ambassador to France at the time. The gentleman from Utah last year voted for the very closed restrictive rule. Now he is complaining about it.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. I thank the gentleman for yielding.

Mr. Speaker, I would like to recognize the gentleman's leadership for the fight in the balanced budget amendment. He has been a very dedicated soldier in this regard.

Madam Speaker, I rise in support of the rule. The deficit this year is forecast to be $176 billion. This is actually down from several years of deficits well in excess of $200 billion.

The accumulated national debt is now $4.7 trillion. This includes both debt held by the public and debt owed to the trust funds. If we do nothing, the deficit situation will grow far worse. Current CBO projections show the annual deficits increasing to over $300 billion a year after the turn of the century.

Madam Speaker, I strongly support the balanced budget tax limitation amendment included in the Contract With America, the Barton language. If that version fails to garner 290 votes, I will support the alternative language offered by my good friend from Colorado, DAN SCHAEFER.

The current amendments before this House are directed at ending annual deficits. This is great. It means that in 2002 we will at least have stopped adding to the accumulated debt. But by then, we will still have an accumulated national debt of over $6 trillion, and our children will have to pay interest on this accumulated debt for every year in the future. That interest will force Federal taxes to be higher than they should be.

Under current CBO forecasts, Federal spending will grow an average of 5.3 percent a year. In order to achieve a balanced budget, we must hold that rate of growth at 2 percent, and we can still pay for the tax cuts. This means that instead of spending $2.5 trillion more than if we froze spending, we can spend $1 trillion more. It is clear to me that we can and must do this for our children.

Last November the American people sent a clear message to Congress. They want us to pass the toughest balanced budget amendment that we can. This is how I will cast my vote.

Mr. SOLOMON. Madam Speaker, might I inquire as to the time remaining on both sides of the aisle?

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 4 minutes remaining.

Mr. SOLOMON. I would just say to the gentleman from Massachusetts [Mr. MOAKLEY] that we will be closing on this debate.

Mr. MOAKLEY. Madam Speaker, I yield 4 minutes to the minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. SOLOMON. Madam Speaker, may I inquire, is the gentleman yielding his remaining time to the minority leader?

The SPEAKER pro tempore. Yes. The gentleman from Massachusetts had 4 minutes remaining and has yielded 4 minutes to the gentleman from Missouri.

Mr. GEPHARDT. Madam Speaker, I urge my colleagues to defeat this gag rule so that we can shred the veil of secrecy that shrouds this amendment and tell the American people what is really at stake in this debate.

My colleagues, when we talk about tacking amendments on to the Constitution of the United States, we are talking about the most sacred responsibility we have as legislators: To ensure that the document that has steered our ship of state for more than two centuries advances the goals we share as a nation, openness, fairness, opportunity for all. That is why I think it is crucial that a balanced budget amendment, an amendment that would touch on every aspect of the lives of our constituents, is considered in an open, fair, and honest manner.

I would urge and urged yesterday an open rule for this debate, one that allows every amendment that has been presented to be considered by the House, every argument that has been presented to be heard, and every avenue for having a constitutional amendment to be understood.

How else will the American people know that we looked before we leapt? You see, for Democrats, the question is not whether we balance the budget, the question is how we balance the budget, and who is affected and how they are affected.

When we ask our friends on the other side of the aisle what gets cut, whose belt will be tightened, to borrow the words of my good friend the Republican leader, "Their knees buckle."

So we say we are not signing this contract until we can read the fine print. That is why I asked for a vote during this consideration of the balanced budget amendment on a statute that I call the honest budget bill that would force the Congress to say in a budget resolution exactly how we want to balance the budget before the amendment is sent out to the States. But this rule refuses to allow us to consider that legislation.

So my question is, is there a hidden agenda here? Is there something in here a veiled attack on Social Security or Medicare which some of our friends on the other side have threatened in the past? Our States have a right to know. And our people, most importantly, have a right to understand how this budget will be balanced.

I know the Republican majority is trying to move fast on the contract. I think it is because the contract is losing ground with every passing opinion poll. The reality is the more that the people know about the contract, the less they like it, and I sympathize.

But is this not what democracy is all about? Giving people the information that they deserve to make informed, educated, choices about their own lives? Even if it means sometimes our contracts, our ideas, our proposals, are rejected and we have to go back to the drawing board.

I urge Members, vote for the previous question, defeat this gag rule. If this amendment is not good enough to withstand the bright light of truth, then, my friends, it is not good enough for the American people.

Mr. MOAKLEY. Madam Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I think the minority leader misspoke. We want to vote against the previous question.

Mr. GEPHARDT. Vote no on the previous question. The gentleman knew what I meant.

Madam Speaker, let me end with this last point. This is perhaps the most important legislation we will consider in our whole time in the Congress. There is not a more important, far-reaching bill or bills than this set of proposals.

I urge Members to allow the fullest possible debate. This bill will affect our people's lives more than anything we will vote on in the time we are in the House of Representatives.

Vote no on the previous question, vote against the gag rule. Let all of the alternatives be debated in a completely open rule.

Mr. SOLOMON. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. SOLOMON. Madam Speaker, I would just say the distinguished minority leader is absolutely right, this is probably going to be the most important vote we will cast in our career in this Congress. The balanced budget amendment is going to do what the American people want us to do for a change.

I would just have to take exception with the minority leader calling this a gag rule. He has been here longer than I have, but for the last 4 successive, preceding Congresses, he has voted personally, as has everyone on his side of the aisle, for a much more restrictive gag rule than this one will ever be.

□ 1350

This is a fair rule in which we took into consultation the minority leader and other Members of his party.

Let me just say this, Madam Speaker, the Democrat minority leader is using the faulty argument that we should not require a balanced budget until Congress adopts a detailed plan for balancing that budget.

Using that kind of logic, if today's House Democrats had been in charge at the time of Pearl Harbor, we would still be debating today over a detailed plan for winning the war in the Pacific, before we could vote on a declaration of war.

That is what this is, the same analogy, the deficit is the war we are fighting today. We are not going to be forced to deal with it until we recognize we are under attack, declare war on it, and then set about mobilizing and planning to win that war.

Having said that, Madam Speaker, before I close and move the previous question, let me explain that since we reported the rule yesterday, it has been called to our attention that there is a discrepancy in the Committee on the Judiciary report between the total votes cast for and against amendment No. 6 on the actual number of the Members listed by name as voting for and against the amendment. I appreciate the minority calling this to our attention so we can correct this mistake by way of an amendment to this rule.

We hope we can work cooperatively in insuring that our new accountability rules will work for the good of the House and for the public.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: On page 2, at line 19, insert after "clause (2)(g)(3)" the following: "or clause 2(l)(2)(B)".

Mr. SOLOMON. Madam Speaker, out of courtesy to the minority, I ask unanimous consent for 10 additional minutes for this rule, and that I be permitted to yield 5 minutes of that time to the gentleman from Massachusetts [Mr. MOAKLEY] for the purposes of controlling that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I have already explained the amendment, and I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the proposed amendment to this rule waives clause 2(l)(2). This clause reflects changes made on opening today to require that committee reports accurately reflect all rollcall votes on amendments in committee.

Madam Speaker, the point of order that lies against the Committee on the Judiciary report is the very same point of order that applied to the unfunded mandates bill.

The Committee on Rules majority also failed to waive the point of order on the unfunded mandates bill.

On January 19 the gentleman from Pennsylvania [Mr. KANJORSKI] made a parliamentary inquiry to establish for the RECORD that the point of order applied, but he did not press in that point of order.

The minority does not wish to obstruct, but it is our responsibility to call the majority as it tries to circumvent the very rules we adopted on opening day.

If the new majority believes it is important to require an accurate tally of each rollcall vote on amendments in committee, they should do it. At a minimum they should include a waiver in the rule when they do not live up to their own requirements.

To depend on our good graces not to press points of order week after week just cannot be acceptable.

I thank the gentleman from New York for yielding me the time.

Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Madam Speaker, I rise in opposition to the rule. This restrictive rule did not allow many important and substantive substitutes.

One of the substitutes offered and not allowed was one that I offered.

My substitute mirrored other balanced budget substitutes requiring the Federal Government to achieve a balanced budget. It would have required a three-fifths majority to raise taxes. However, it contained one important difference. It would also have required a three-fifths majority to cut spending for programs supporting the safety net for the poor.

Specifically, it would have protected these programs respecting subsistence, health, education, and employment. It is my belief that these programs which comprise the safety net for America's most vulnerable citizens deserve protection.

Programs likely to be slashed include LIHEAP, Head Start, mass transit, and the list could go on and on. Too often poor families and their children are the least heard in Washington. They deserve to be heard and they deserve to be heard on my substitute.

I urge my colleagues to defeat this rule.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Madam Speaker, I thank my friend from Massachusetts for yielding me the time.

Madam Speaker, I want to point out to my friends and colleagues here this afternoon, we started off this session with the first two rules being closed, and then we adopted a package of rule reforms, some of which we agreed with, some of which we did not.

Our point here today is to make it clear to you that we intend to make you live by the rules and the reforms that we instituted on that first day of session.

We had one other chance to do what we are raising this afternoon and that is to raise a point of order on the rule as it came out of the committee on the unfunded mandates bill. We did not do that because we knew it would delay, and we could not go on with the business of the House, and we let it go. The issue was basically the same as it is today, that the report language coming out of the Committee on Rules was not complete, in fact it was inaccurate.

So, I just want to make it very clear this afternoon that we are determined to speak up and to protect the rule reforms that were instituted in this House and to prevent our Members from being gagged, from discussing these important issues as they come before this body. We are not going to tolerate further points of order requests without proper consultation and consideration for the needs of the people on our side of the aisle.

Mr. MOAKLEY. Madam Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The gentleman from Massachusetts [Mr. MOAKLEY] has 30 remaining seconds.

Mr. MOAKLEY. Madam Speaker, I yield 30 seconds to the gentleman from New Mexico [Mr. RICHARDSON], our Ambassador to Korea.

Mr. RICHARDSON. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I wish to add my voice to the opposition to this rule for two reasons that have been stated very eloquently. First, the rule does not protect programs important to the public, from severe cuts; and, second, I think that truth-in-budgeting provision is critically important to have.

Madam Speaker, I rise in opposition of the rule for two reasons: Although I support a balanced budget, this rule does not protect programs like Social Security and Medicare, important to the public from severe cuts. Second, this rule precludes the truth-in-budgeting pension—we need to explain what programs we are cutting and be honest about what a balanced budget means.

Madam Speaker, when we are facing a possible total of $1.2 trillion in cuts from this amendment over the next 7 years, an open rule to fully examine the impact of those cuts and to protect important programs is certainly in order. Many of the substitutes denied by the Rules Committee would have helped protect Social Security and other programs important to health and education. Apparently, the Rules Committee would like to continue the illusion that passing a balanced budget amendment will mean no pain for any parts of our population in actually getting to a balanced budget.

Madam Speaker, what is wrong with leveling with the American people about what programs could be cut while balancing the budget? Many hard-working Americans rely on programs such as Medicare and Social Security to give them economic security and a safety net in times of trouble.

Madam Speaker, we should defeat this rule and allow for one that would bring about careful consideration of the impact of this amendment and help protect programs important to the public from deep budget cuts. We need a rule that reduces the rhetoric and increases honesty in cutting the budget. That's what the public wants to see.

Mr. MOAKLEY. Madam Speaker, I just will say, when the gentleman makes the motion on the previous question I hope that the Members will vote no on it, so we can get an open rule that the gentleman from New York will be proud of. If he thinks this is the most open rule, we are going to give him a most, most, most open rule.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I might consume.

But let me just say to my good friend, this may not be a completely open rule, but it is the most fair rule that ever came to this floor for a balanced budget amendment.

Let me just say the minority whip had mentioned that the report coming out of the Committee on Rules was in error. It was not a report from the Committee on Rules. We do not make errors. It was out of another committee. Second, I would just point out that what this is all about is that there was a miscalculation on counting the yeas and nays on a recorded vote in the Committee on the Judiciary. This simply is to take care of that little miscalculation.

Second, we want to abide by these rules. You know, we have one which now requires committee reports coming out of the committees to simply record the yeas and nays of the individual members and how they voted. That is part of Speaker GINGRICH's orders to this House to be open and fair and accountable and let the American people, and I will use the word again, "be accountable." Let the American people know how we vote here on the floor of this House and in committees.

There were a great many proposals developed by the gentleman from California [Mr. DREIER] and the committee that I served on concerning the reform of Congress that went on to, as you know, to shrink the size of this Congress itself by a third, cutting off 700 jobs and shrinking it, shrinking this Congress, setting the example of what we are going to do to the Federal Government in shrinking Government and returning it to the private sector.

There were a whole slew of these. I will not get into all of those now. I do appreciate the consideration of the gentleman.

Mrs. SCHROEDER. Mr. Speaker, it is particularly important that we have full and open debate on the balanced budget amendment on the floor of the House, because we most assuredly did not have full debate in committee. Amending the Constitution is a step we should not take either lightly; I cannot think of a matter which is more deserving of our most thoughtful and careful deliberation.

The Subcommittee on the Constitution gave this amendment less than 7 hours of time in actual debate and markup. We spent less than 6 hours, if you exclude the time the majority spent with amendments perfecting their own version of the bill. This is astounding—I have spent more time making my children's Halloween costumes than I was allowed to spend in committee debating an amendment to our fundamental document of governance. The Constitution of the United States deserves better from all of us.

When debate in subcommittee was arbitrarily cut off, without any advance notice that there would be a limit to debate, significant issues had yet to be debated by the committee, including:

The effects of the amendment during times of recession, and whether the amendment would result in pro-cyclical, rather than counter-cyclical, spending;

The role of the courts in interpreting and enforcing the amendment, including questions of standing; and

What changes the amendment would bring about in terms of Presidential authority.

Further, the debate the committee did engage in left very significant questions unanswered. We ended the committee process without clear answers to questions of basic definition and implementation, including what is a tax revenue, and what isn't, and what is an outlay.

The most fundamental question that remains unanswered is one that every American is entitled to have answered, because every poll on this issue shows that it determines whether or not Americans support this amendment, and that is what cuts will be made to balance the budget. Polls show that Americans support this amendment if it means cuts in defense, but not if it means cuts in Social Security or Federal support for education. What are we saying to the American people? "Trust us; we'll tell you about the cuts later?" That is paternalism, not democracy. And we Members of Congress cannot know what those cuts might be, because our knees will buckle. Instead, we hear only that they will be draconian if Social Security is off the table, as everyone says it will be. Mr. Speaker, it is indefensible to ask the Members of this House to vote on a matter before we have the details.

We need full and open debate, and must guarantee that Americans will have the details on how the budget will be balanced before the constitutional amendment goes to the States for ratification.

Our duty to the Constitution is paramount. It is essential that the floor debate provide us with what the highly abbreviated committee process did not: a thorough examination of what this amendment would mean to the American people in terms of the budget cuts it would bring about. I urge my colleagues to vote against this rule.

Mr. SOLOMON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. MOAKLEY. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MOAKLEY. How does the gentleman go about getting a vote on the previous question, a separate vote on the previous question?

The SPEAKER pro tempore. The motion is not divisible.

Mr. MOAKLEY. I am sorry, on the amendment to the rule.

The SPEAKER pro tempore. The Chair is putting the previous question by voice vote. Those in favor will say "aye," those opposed will say "no."

In the opinion of the Chair, the ayes have it.

Mr. MOAKLEY. I have a further parliamentary inquiry.

The SPEAKER pro tempore. The previous question is ordered.

Mr. SOLOMON. Are we now putting the question on the amendment to the resolution and not on the resolution itself or on the previous question?

Mr. MOAKLEY. I object. I am sorry.

The SPEAKER pro tempore. The previous question has just been ordered by voice, and the gentleman from Massachusetts is on his feet.

Mr. MOAKLEY. I object to the vote, Madam Speaker, on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from Massachusetts objects to the vote on the ground that a quorum is not present, makes a point of order that a quorum is not present. A quorum is not present, and under the rule, the yeas and nays are ordered.

Pursuant to clause 5(b)(1) of rule XV, the Chair may reduce to a minimum of 5 minutes the time for any electronic vote, if ordered, on the amendment to the resolution and on the resolution. Those in favor of the question will vote aye, those opposed will vote nay.

Members will record their votes by electronic device on the question of ordering the previous question on the amendment and the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 196, not voting 5, as follows:

[Roll No. 37]

YEAS—233

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—196

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams

Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Bishop
Cubin
Fields (LA)
Gibbons
Smith (MI)

□ 1420

Mr. WILSON changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mrs. JOHNSON of Connecticut). Accordingly, the previous question is ordered on the amendment to the resolution and on the resolution.

The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON] to the resolution, House Resolution 44.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. As announced earlier, this is a 5-minute vote, and the Chair may reduce to a minimum of 5 minutes the time for electronic voting if the next vote is called for.

The vote was taken by electronic device, and there were—ayes 253, noes 176, not voting 5, as follows:

[Roll No. 38]

AYES—253

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—176

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Bishop
Cubin
Fields (LA)
Gibbons
Rose

□ 1430

Mr. MEEHAN and Mr. SKELTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to rule 5(b)(1), this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 255, noes 172, not voting 7, as follows:

[Roll No 39]

AYES—255

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh

McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—172

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Bishop
Chenoweth
Cubin
DeFazio
Fields (LA)
Norwood
Stark

☐ 1439

Mr. CRAMER changed his vote from "no" to "aye."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. FATTAH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman will state it.

Mr. FATTAH. Mr. Speaker, I am a duly elected Member of this House, and I am a member of the Committee on Government Reform and Oversight, which is ably chaired by a fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. CLINGER]. We have been in a markup for a good part of today on a line-item veto, a very serious legislative matter to come before the House. We just recessed so that we could come to the floor in response to the bells ringing.

I would like to know whether there is some opportunity or protection in the rules that would allow Members like myself to be here for the debate on the floor on what is an important matter and hear the debate so that we are casting votes that are informed votes rather than to be handling one matter of business someplace else and then rushed to the floor.

I think this is a matter than should be of concern to Members on both sides of the aisle. I admit that I am new. I come from the Pennsylvania Senate, but this is at least, in my perception, no way to run a railroad.

The SPEAKER pro tempore. The gentleman from Pennsylvania will be advised that yesterday the House adopted a motion permitting committees to meet during the 15-minute debate.

Mr. FATTAH. Mr. Speaker, I thought that was in the Committee of the Whole.

The SPEAKER pro tempore. It is the responsibility of the gentleman from Pennsylvania to vote in the House, and how he works out his time otherwise between his committee and the floor is a matter for him to decide.

Mr. FATTAH. Mr. Speaker, further parliamentary inquiry. I thought that the motion that was handled in the House yesterday that the Chair referred to had to do with the carrying on in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman is correct.

Mr. FATTAH. Mr. Speaker, are we in the Committee of the Whole?

The SPEAKER pro tempore. No, we are not in the Committee of the Whole. This is the House meeting.

It is the responsibility of the gentleman from Pennsylvania to cast his vote in the House. It is his responsibility to decide how he allocates his time between committee and the House floor.

Mr. FATTAH. Mr. Speaker, I thank the Chair. I hope that the House will consider my comments.

TREATMENT OF SOCIAL SECURITY UNDER ANY CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET

Mr. FLANAGAN. Mr. Speaker, pursuant to House Resolution 44, as designee of the majority leader, I call up the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 17 is as follows:

H. CON. RES. 17

Resolved by the House of Representatives (the Senate concurring), That, for the purposes of any constitutional amendment requiring a balanced budget, the appropriate committees of the House and the Senate shall report to their respective Houses implementing legislation to achieve a balanced budget without increasing the receipts or reducing the disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to achieve that goal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] will be recognized for 30 minutes and the gentleman from Michigan [Mr. BONIOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are those who claim that adding a balanced budget amendment to the U.S. Constitution would jeopardize Social Security benefits. The truth is the other way around, failure to pass a balanced budget amendment is what will harm Social Security.

It is the evergrowing Federal debt and interest payments that truly threaten Social Security. The balanced budget amendment is a way to put a halt to the spendthrift ways of Congress. Dr. Robert Myers, Social Security's former chief actuary and deputy commissioner has given his support to a balanced budget amendment as a means to protect Social Security. Dr. Myers has stated the case clearly as to how the Government's fiscal irresponsibility threatens Social Security. Dr. Myers said:

> In my opinion, the most serious threat to Social Security is the federal government's fiscal irresponsibility. If we continue to run

federal deficits year after year, and if interest payments continue to rise at an alarming rate, we will face two dangerous possibilities. Either we will raid the trust funds to pay for our current profligacy, or we will print money, dishonestly inflating our way out of indebtedness. Both cases would devastate the real value of the Social Security Trust Funds.

Mr. Speaker, Mr. Jake Hansen, the vice president of government affairs for the non profit organization, the Seniors Coalition, recently elaborated on Dr. Myers' comments in a speech he gave to the National Taxpayers Conference. Mr. Hansen's speech, entitled, "The Balanced Budget Amendment: Key to Saving Social Security," was published in the January/February 1995 issue of the Senior Class, a bimonthly publication of the Seniors Coalition.

But more to the point today, Mr. Speaker, I bring to the House floor Concurrent Resolution 17, a resolution that places Members of Congress clearly on record as being committed to fulfilling the promises of the past when the Federal Government established Social Security.

Specifically, this resolution directs the Congress to leave the Federal Old Age and Survivors Insurance trust fund and the Federal Disability trust fund alone when it is forced to comply with the balanced budget amendment.

House Concurrent Resolution 17 is a straightforward resolution that does two things: First, it directs the appropriate committees of the House and Senate to report to their respective Chambers implementing legislation to achieve a balanced budget amendment; and second, it requires that in doing so, the committees shall not do anything to increase Social Security taxes or reduce benefits to achieve that goal.

Mr. Speaker, what that means is that the budget cannot be balanced on the backs of those currently paying Social Security taxes or on the backs of those currently receiving Social Security benefits.

The majority leadership thought it appropriate to report my resolution to the floor today before the House considers House Joint Resolution 1, the balanced budget amendment. Their reasoning, with which I completely agree, is that this resolution is necessary to fend off attacks by the critics of a balanced budget who claim that somehow proponents of a balanced budget amendment have secret plans to slash Social Security. Mr. Speaker, this has no basis in fact. Most Members of this body, including myself, have already been on record as pledging to protect the retirement benefits of the elderly. My resolution simply ensures that Members of Congress keep their Social Security protection pledge.

As an original cosponsor of House Joint Resolution 1, I believe the best way to ensure retirement benefits are safe from the budgetary ax, now and in the future, is for the Congress to pass and the States to ratify a balanced budget amendment to the U.S. Constitution.

Mr. Speaker, many of us, on this side of the aisle, felt that it was necessary to bring forth this resolution as a way to offset the incorrect claims of critics who portray proponents of the balanced budget amendment in a false light. We were afraid that their fear mongering about the balance budget amendment would disseminate into the public as fact. The truth is, Mr. Speaker, a balanced budget amendment will be the first step toward guaranteeing the financial security of American retirees.

Some Members of Congress support a version of the balanced budget amendment which specifically carves out Social Security. This may be smart politics on the surface, but it is certainly not sound public policy.

Because Social Security is a program established by statute and not referred to in the Constitution, amending that historic document to provide an exclusion from balanced budget computations just creates an opportunity for potential, future mischief. Since Congress possesses the legislative authority to change statute, irresponsible lawmakers could, at some point in the future, by-pass balanced budget requirements by merely redefining future spending programs as, quote, "Social Security." Under this loophole, Congress could evade its responsibilities to balance the budget by making all manner and forms of spending Social Security programs.

Mr. Speaker, Members of Congress do not have to meddle with the Constitution in order to protect the Social Security trust funds. Instead, they could support House Concurrent Resolution 17 and vote for the balanced budget amendment. Mr. Speaker, I note that when I yield, it is for the purpose of debate only.

Mr. Speaker, I reserve the balance of my time.

□ 1450

Mr. BONIOR. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this resolution is definitive proof that the Republicans intend to cut Social Security. There is no question about it.

However, if they really wanted to exempt Social Security from the balanced budget chopping block, they would have written that promise into their constitutional amendment. They would make it explicit that Social Security would not be cut. However, this resolution does no such thing. In fact, the resolution before us is more remarkable for what it does not do than what it does.

The Flanagan resolution does not exempt Social Security from the chopping block. It does not bind the House to exempt Social Security. It has no point of order to prevent cuts in Social Security. It does not ask the President to sign legislation to say Social Security will not be cut, and it does not impose sanctions if Social Security is cut. It has no teeth to prevent Social Security from being cut.

In fact, Mr. Speaker, there is nothing in this resolution to prevent Social Security from being cut at all.

Mr. Speaker, this resolution is nothing but one big, giant fig leaf, one, big, giant fig leaf. It is one great big, trust me. All it says to the seniors of America is "Take our word for it, we won't slash Social Security."

I am sorry, Mr. Speaker, that is not good enough. Republicans have proven time and again in the past that we cannot take their word on Social Security.

During the 1980's two Republican Presidents tried to slash Social Security and Medicare time and time again. In 1986, the gentleman from Georgia [Mr. GINGRICH] himself offered a bill to eliminate Social Security as we know it. As recently as 2 weeks ago, Mr. GINGRICH said he expects Social Security to be on the table in 5 years.

In 1984 the gentleman from Texas [Mr. ARMEY] called Social Security a bad retirement, a rotten trick, and said it should be phased out over time. Mr. Speaker, this is from a man who based his first campaign for office on abolishing Social Security. This year, on the 27th of September, Mr. Speaker, the gentleman from Texas [Mr. ARMEY] said "I would never have created Social Security in the first place."

This mind-set that I have just described has trickled down through the Republican ranks. Social Security is not exempted from the Republican balanced budget amendment. In fact, in the one chance, the one chance that Republicans had to exempt Social Security in this Congress, in the Committee on the Judiciary 1 week ago, every Republican but one voted to keep Social Security on the chopping block.

Now, Mr. Speaker, they come here with this empty resolution and they ask the American people to take their word for it. Mr. Speaker, I may have been born at night, but I was not born last night. If Members truly want to exempt Social Security, the language must be in the amendment. It is that simple.

The way to do that is to support the Gephardt balanced budget amendment. Unlike this resolution, the Gephardt amendment explicitly takes Social Security off the table.

Mr. Speaker, 60 years ago Franklin Roosevelt made a solemn, a solemn promise to the American people. He called Social Security a sacred trust that must never, never be taken away.

The senior citizens of this country have given a lot to America. They fought in our wars, they built our economy, they struggled to give us a better life, and now many of them are struggling on $680 a month on their Social Security check.

We are not going to let the other side balance this budget on their backs. We are not going to let the other side pick their pockets to fulfill this Contract. The American people are not going to be fooled by this fig leaf.

I suspect all of us are going to support this meaningless amendment, but the true test, the true test of whether we are serious about protecting Social Security is whether or not we vote to make that promise part of the constitutional amendment.

Mr. Speaker, I urge my colleagues, vote for this amendment, but do not be fooled by a fig leaf, because the American people will know where Members on the other side stand, and it will be in a few days.

Mr. FLANAGAN. Mr. Speaker, I thank the gentleman for his comments and his support.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I rise today in strong support of this resolution, and I want to congratulate the gentleman from Illinois [Mr. FLANAGAN] for bringing it to our attention, and bringing it here to this House.

It is important that the seniors in this country know that we are not going to touch their Social Security with the balanced budget amendment. Republicans have said this over and over again. I come to the well today to say it again, because we hear so much rhetoric from the other side which is totally inaccurate.

This says nothing about cutting Social Security. In fact, we have proposed repealing the tax that the President and his party helped put on the senior citizens last year.

There is no reason for Social Security to be touched to balance the budget. We can easily balance the budget if we control spending. If we would grow our spending only 3 percent a year, instead of 5.4 percent, we could balance the budget.

Mr. Speaker, I wonder if most seniors know that in fact today the deficit is really the greatest threat to their continued receipt of Social Security. We are getting a surplus every year in the Social Security fund, but we use it to apply to the deficit.

Mr. Speaker, we have in the Social Security trust fund a giant drawer full of IOU's from the Federal Government. We are going to need those investments in the year 2013 to try and pay Social Security as it comes due. It will not be there if we have these continued deficits.

Mr. Speaker, it is a cruel hoax on the American senior citizens to continually bad-mouth the attempt to balance the budget as a way to cut Social Security.

I would say to the gentleman from Illinois [Mr. FLANAGAN], I reiterate that this is a good resolution. It states our purpose. I thank the gentleman for bringing it to us.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, we must consider four questions if this is to be considered as a serious and compelling force to constitutionally bar cuts in Social Security benefits.

First, is it true that Social Security is currently off budget? Answer: Yes. In 1991 the Budget Enforcement Act did that.

Second, it is not true that the Balanced Budget Act puts the Social Security trust fund back on budget? Answer: True, it does.

Third, is it not true that even with the Flanagan amendment, Congress could subsequently raid the trust fund to balance the budget under the Balanced Budget Act without penalty? Answer: True.

Is it not true that the only ironclad protection for the Social Security trust fund is to write it into the balanced budget amendment, into the text, that Social Security would not be counted as either outlays or receipts?

Unless we do that, Mr. Speaker, what we are doing here is merely a rhetorical exercise of stating good intentions that will lead us no further along this compelling question, in the resolution of it, than we were before this concurrent resolution was adopted.

Please, Mr. Speaker, let us wait for the Gephardt amendment that would actually take care of this problem.

□ 1500

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HASTERT]

Mr. HASTERT. Mr. Speaker, I am particularly pleased to rise in support of this concurrent resolution. I have long been a supporter of the balanced budget amendment. But one of the nagging concerns of some of my constituents and myself has been Social Security.

Although the record of the Republican Party has clearly shown that we have no intention of harming the Social Security program, it seems like not everyone believes us. The passage of this resolution will show the American people that we are serious when we say we are going to balance the budget and we are not going to do it by robbing the Social Security trust fund.

Mr. HASTERT. Here is what the resolution says:

> "That, for the purposes of any constitutional amendment requiring a balanced budget, the appropriate committees of the House and the Senate shall report to their respective Houses implementing legislation to achieve a balanced budget without increasing the receipts or reducing the disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund to achieve that goal."

We also are not going to raise taxes to do it. That is the other part of the resolution.

Mr. Speaker, balancing the budget is a day-by-day, step-by-step process. If we start today by trimming away useless and wasteful programs, we are going to succeed in balancing the budget without resorting to new taxes.

I want to thank my good friend, the gentleman from Illinois, for offering this resolution. The American people have been demanding a balanced budget amendment for a long time. When the House passes that amendment this week, Americans will know that we do not need to raise taxes and that we do not intend to cut Social Security.

I strongly urge my colleagues to support the resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 3 minutes to the wonderful new freshman, the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, as I look at this resolution, it is a little flimsy. It is a little short. It is only a sentence long. I do not think it is big enough to cover what is happening with reference to this resolution.

I thought it particularly curious to learn in the rather unyielding remarks of my colleagues from Illinois that the majority leader had suggested this resolution to guarantee that once again the Republicans are not going to have their fingers in the Social Security system, that the majority leader was the one who inspired House Concurrent Resolution 17.

For it was only a few months ago, on an important day in the history of this country, September 27, 1994, when so many of our colleagues were out smiling on the steps of the Capitol with their contract that the majority leader was asked to take the pledge in public not to cut people's Social Security to meet these promises that were made here on the Capitol steps, and his response on public television September 27 was, "No, I'm not going to make such a promise."

The Republican Party has had a record of looking at the Social Security system askance and this is simply a way to cover for what is about to happen with the balanced budget amendment.

It was particularly unusual that—I think it is particularly curious that a Republican Member, a freshman Member would come forward with a commemorative resolution of this type, because this resolution will have the same effect as some of the other resolutions that Republicans have offered to this body.

I refer to National Quilting Day, Travel Agent Appreciation Day. These are commemorative resolutions very much like this document. They have absolutely the same effect. They will not allow for a point of order to stand. They are purely political cover and not real protection for those with Social Security.

You can tell how serious our colleagues are on the subject of protecting

Social Security because they did not even bother to print it in TV Guide which we have learned to be the source of most of what we know about the future of government in the United States today.

There are, of course, different versions of this resolution that may come about. I understand the final copy will be on the finest parchment in the land, will be read, interlined, will be in the archives of the United States. Perhaps a copy will be available to mount on the wall of the gentleman from Illinois to point to with everyone who has a Social Security card in this country, that they will have protection as a result of this resolution, a testament to the skill of his legislative hand.

But I would suggest that today in America, there are other people out there working with their hands. Men and women, many of whom have only a Social Security check to look for. And those people and their hands are left out of this resolution.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Speaker, I am pleased to support House Concurrent Resolution 17 of my friend, the gentleman from Illinois [Mr. FLANAGAN] to help fulfill the promise of the Contract With America by pledging to protect Social Security.

Mr. Speaker, the minority is at it again. Once again they are doing their level best to scare senior citizens into thinking that Republicans are out to destroy Social Security.

Mr. Speaker, that ploy did not work in November and it will not work now.

Even though the American people have changed managers of this House, the minority is still trying to use every available opportunity to make Social Security a frightening wedge issue. It should be said again that the Republican Party has taken Social Security off the table. The budget can and will be balanced by the year 2002 without touching the program most vital to our senior citizens.

The balanced budget amendment will protect Social Security because there will be no more borrowing from the trust funds which truly protect our Nation's retirees.

Compare that to what is happening now. Skyrocketing budget deficits guarantee that the Government will continue to borrow from trust funds to mask the deficit. Sooner or later we will have to begin paying back the trillions we have borrowed. Every dollar we borrow further burdens Medicare and other priority programs. Each time we borrow, the Congress feels more of an urge to raise working people's taxes to make up for its fiscal irresponsibility.

While the other side talks a good game about protecting seniors, it was their 1993 budget which imposed $25 billion in higher Social Security taxes on senior citizens. Now they want to create more mischief. If Social Security is excluded from budget calculations, it means that Congress will have to raise payroll taxes and make serious adjustments in Medicare and other senior programs to make up for the shortfall.

Let there be no mistake. A balanced budget is the first step toward guaranteeing the financial security of retirees. It puts a stop to trust fund borrowing and stops the deficit explosion. The best way, Mr. Speaker, to protect seniors and Social Security is to balance the budget now.

Mr. Speaker, I rise in support of the Flanagan resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the wonderful gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the item that we are discussing right now is a concurrent resolution to protect Social Security. Yet as every Member on this floor knows, this resolution is powerless if this body decides to cut Social Security.

I also remember when many new Members were paying allegiance to the contract that some of them did have a caveat, and that caveat was that Social Security is off the table. That is because they realize that Social Security is a contract with the American people. There are benefits that the American people worked for week in and week out, and they expect to collect on their retirement.

That means that the Congress does not have the right to balance the budget at the expense of Social Security. Social Security did not bring about this deficit and Social Security should not be used to eliminate the deficit that we have before us and is so troublesome to all of us.

Let us protect Social Security. I think we all agree that that is a good thing to do. But let us do it for real, and we will have an opportunity later to, in this debate. But do not do it by a concurrent resolution. No matter how good is sounds, it is powerless to protect Social Security.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to salute the gentleman for the introduction of this resolution and try to clarify apparently some misunderstandings about where Republications are coming from. We appropriately have taken the Social Security trust fund off budget and that is where it should always reside. That does not mean it is a sacred trust, because we have to remember that we have done this with other trust funds and we must remember our Democratic colleagues slashed $56 billion out of Medicare funding and we have got to remember our Democratic colleagues put that tax increase on Social Security without a single Republican vote in support of either of those two positions.

□ 1510

So, we are going on record, we have made it clear where we are coming from, and I simply want to congratulate my colleague, the gentleman from Illinois [Mr. FLANAGAN], for introducing this resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the dynamic gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, last night, in an eloquent State of the Union Address, President Clinton asked Americans to forge a new covenant based on inalienable rights and solemn responsibilities.

The President urged Members of this body to work together to pass welfare reform, tax relief, and reduce wasteful spending. He also emphasized the need to balance the budget. We agree.

But, like the President, we're here to draw the line. We will not balance the Federal budget on the backs of seniors. We will not cut Social Security and Medicare to balance the budget.

Senior citizens built this country. They have worked hard, raised families, fought wars, and forged strong communities. Our senior citizens have lived up to their responsibilities. And, they have earned the right of a decent and dignified retirement.

We need a leaner, not a meaner Government. That's where Democrats and Republicans part company. While the Speaker has promised to spare Social Security, the Republican balanced budget amendment shows Social Security no mercy.

Instead, the Republicans have put forth the Flanagan fig leaf resolution we now have before us. This resolution does nothing to protect Social Security—it has no force of law. It does not ensure we will achieve a balanced budget that does not attack Social Security, because it does not guarantee a constitutional bar against cuts in Social Security benefits. So the Social Security trust fund surplus will still be used to mask the real size of the deficit.

The President was right last night. The final test of everything we do should be a simple one: Is it good for the American people? All of the American people. The Republican balanced budget amendment does not pass that test, and our senior citizens will not be fooled by this Flanagan fig leaf resolution.

Mr. Speaker, we are not trying to make Social Security a wedge issue. My Republican colleagues are trying to fool seniors into believing that this resolution will protect their benefits.

This resolution ought to be called: Seniors beware, your benefits are in trouble.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time and for introducing this bill.

Mr. Speaker, I listened with great interest to the comments from the other side of the aisle. One of the previous speakers was quite correct to point out that before there was this contract there was enacted a solemn contract with the American people that we call Social Security. And I rise in strong support of the Flanagan resolution. In contrast with my colleagues on the other side of the aisle, I cannot classify this as a fig leaf, for I remember, though I was not a Member of this body, in the 103d Congress, I remember a very clear record in that Congress, when the former majority rose and struck down benefits for seniors and taxed seniors' benefits, and strove to cut Medicare.

Friends, that is the real history of what has transpired, and this resolution serves to guide us always, to make sure that we understand the solemn commitment of the intergenerational contract with this Nation's seniors.

Mr. Speaker, actions speak louder than words. We saw terrible actions in the last Congress. This Congress has a strong commitment to preserve the rights of seniors.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I rise in strong opposition to the resolution under consideration. It represents, in my opinion, the worst aspects of politics, even as we deliberate an issue as central to this country as amending the Constitution to require a balanced budget, what we are considering is a fraud.

Mr. Speaker, I favor a balanced budget amendment with one essential precondition and that is that the Social Security trust fund be placed off limits, not used to bail out unrelated Government spending.

In words alone, both parties agree, all Members are saying Social Security is off limits. Indeed, however, there are deep divisions within this body. Some of us will only support a balanced budget amendment if the Social Security trust fund, independent status of this vital program is protected. Unfortunately, the majority opposes this independent status.

If we all agree Social Security is off limits, let us get it in writing. If we buy a car, we buy a house and promises are made, we get them in writing. We get them in writing so that we can bind the contract in the future.

That is why the balanced budget amendment test has to clearly protect Social Security. It is the only way we can bind this Congress, let alone a future Congress. The resolution is despicable, because it pretends to put in writing a Social Security commitment, but it does nothing, nothing at all. It is not worth the paper it is written on.

This amendment is politics at its worst because what it says in reality is you have a point on Social Security. You have every reason to be concerned about Social Security, but we are not going to deal with your problem. We will pass a meaningless resolution, we will pretend to deal with your problem. It could just as well say we think those of you who care about Social Security can be tricked. We can fool you into thinking we have protected Social Security when we have done nothing, nothing at all for your concerns.

Well, the people are not tricked by this resolution, Mr. Speaker. The National Committee to Save Social Security, the second largest advocacy group for seniors in the country, has called the Flanagan resolution meaningless and they state, and I quote "Seniors will not be fooled."

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois, Mr. HENRY HYDE, chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman for the 1 minute and I congratulate him for this resolution. I would just suggest to my friends who think this is a waste of time and the equivalent of a commemorative resolution, that they vote "no." They put their money where their mouth is and vote "no" on this and send a message that they are intellectually honest. You are not going to condemn it as a nothing and then vote for it, surely.

As far as I am concerned, I am going to vote for it, because it is in writing and when I vote that is my signature to the writing that says we are not going to touch Social Security. That is a solemn promise. It is an undertaking of mine that I would recommend my next opponent or the next six of them call me to account on if I break my word.

This is something. This is a statement of policy for all of those who sign it and for those who sign, know, it is a statement of their policy.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding me this time.

Let me answer the prior speaker that was in the well.

The reason that it does not matter how anybody votes on this is because this side of the aisle is going to go on and do the real thing. We are really going to take Social Security off the chopping block. Obviously, if Social Security were not on the chopping block, we would not need this resolution at all. And we know that this little piece of paper, this House Concurrent Resolution which is nothing more than what we use to declare National Pickle Day, has exactly the same impetus as National Pickle Day.

For those of us who have been around a long time, it took us a long time to get Social Security out of the general budget. We got it out of the general budget in 1991. And this resolution is a concession that this balanced budget amendment puts it back in the whole thing for the deficit. And that is, in other words, you would not need it.

Mr. HYDE. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just have a higher regard for the gentlewoman's vote than perhaps the gentlewoman does herself. When you vote for this, you are making a statement you are not going to touch Social Security. I believe you. I believe you.

Mrs. SCHROEDER. I tell my chairman I not only am not not going to vote for this resolution, I am going to do it; and I am going to go on and vote for a real amendment that says we are not going to let any constitutional amendment do it, because as a parent I know what this is about. This is about the theory of Congressmen saying later on to Social Security recipients, but the Constitution made me do it, and they are hoping that the people will not figure out how the Constitution made them do.

Today is the day we are voting on the amendment that will say that the Constitution will make us do it and nothing will change that unless we vote for a real amendment to that constitutional amendment that takes Social Security out.

I hope all Members vote for the real thing. This is a play thing, and let us be perfectly clear, we are just playing with a play thing.

□ 1520

The SPEAKER pro tempore. The Chair will advise the Members the gentleman from Illinois [Mr. FLANAGAN] has 16 minutes remaining and the gentleman from Michigan [Mr. BONIOR] has 12 minutes remaining.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Speaker, I rise in support of the Flanagan resolution and thank my colleague from Illinois for bringing this issue into the balanced budget amendment debate in a productive manner.

The same special interests who have for years tied up the balanced budget amendment debate are now resorting to scare tactics to try to get older Americans on their side in opposition to the balanced budget amendment. They have scared seniors in my district by saying that balanced budgets will require cuts in their Social Security benefits, cuts in their fixed incomes, and threaten their way of life.

But this is not true. In fact, the Seniors' Coalition, a national organization, supports the balanced budget amendment, because they know that spiraling deficits are the biggest threat to our national well-being.

We can achieve a balance without touching Social Security. Our party and our leadership are on record opposing cuts in Social Security—opposing cuts—and so am I.

Now, passage of this resolution would do three things. First, it would hold our feet to the fire in passing budgets under the balanced budget amendment that do not use the Social Security trust funds to mask the deficit or to raid those funds for other purposes, whether increased spending or deficit reduction.

Second, it would force each Member of this House to go on record by voting their intent to leave Social Security off the table once a balanced budget is passed.

And, third, it would allow us to debate the merits of a balanced budget amendment in this Chamber without restrictions from the distortions our opponents would like to throw at us about how this is all some evil attempt to steal someone's Social Security benefits. It is not.

What better guarantee can we give older Americans and all Americans that we have the political will and the strength of our convictions to balance the Federal budget without affecting Social Security or raising taxes than to pass this resolution first, then proceed to passing the Barton version of the balanced budget amendment?

I respectfully urge your "yes" vote on both measures.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, the prior speaker, asked the appropriate and relevant question: What better guarantee can we give our senior citizens that Social Security will be taken off the table? This is not the better guarantee, Mr. Speaker. The better guarantee is the Gephardt amendment to the constitutional amendment.

Now, we understand that there are going to be many Members who are going to vote for this to put their intent on the record. It is a pledge, it is a promise or a note. But what we want to see, Mr. Speaker, is for them to step up to the plate and them to really put their intent into purposes and into effect; that is on the Gephardt amendment which says we will have an amendment to the constitutional amendment that will emphatically and unequivocally take Social Security off the table.

They talk about their intent, Mr. Speaker. We have heard their intent flop back and forward. They said it was on the table, they said it was off the table. Now it is time for them to put their money where their mouth is.

They say the are the party of action and not the party of words. Let us take action not on a mere symbolic commitment, not on a mere symbolic one, Mr. Speaker, like the Flanagan amendment, but a real-teeth amendment, enforceable amendment, like the Gephardt amendment.

Mr. FLANAGAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, it is important that today we shed light on the scare tactics that are being used by some in the political arena to frighten America's senior citizens. Broadcasting false cuts in Social Security, these fearmongers are needlessly scaring our society's most vulnerable citizens by tying Congress' efforts of balancing the budget to alleged efforts to cheat seniors out of their hard-earned Social Security. This is inaccurate information purposely being delivered to the elderly in an attempt to conjure up false images of bone-chilling results at the cost of our American senior citizens.

These individuals who are painting the dark, inaccurate picture are doing so in an attempt to confuse and scare America's senior citizens of the reality, the true changes, that are taking place here on Capitol Hill.

Mr. Speaker, I strongly support the balanced budget amendment and commend my colleague, the gentleman from Illinois [Mr. FLANAGAN], of the Land of Lincoln, the State of Illinois, for his initiative to put everyone's name with an "aye" or a "nay" and put us all on the record in saying whether or not we want to protect Social Security.

Republicans have made it clear that Social Security msut not be touched as we work to balance the budget.

I urge my colleagues on the Democratic side of the aisle to join with us in our commitment to America's senior citizens by voting to adopt the Flanagan resolution to protect Social Security.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the wonderful gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am very grateful for every opportunity I get to protect Social Security.

But I want to do it with law, not with smoke and mirrors. Now, this is a feel-good resolution. But, of course, it means nothing, absolutely nothing.

Now, I like to do things that feel good, but I am paid to legislate. If my colleagues want to protect Social Security, let them do something real; let them vote for the three balanced budget amendments that protect Social Security.

Let us, all of us, earn our pay, not just feel good.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, and I commend him for bringing this important resolution to the floor.

Mr. Speaker, with the Flanagan resolution we resolve that in our efforts to bring fiscal responsibility to this institution we will not balance the budget upon the backs of older Americans.

Let us not forget that America's older citizens have borne great burdens for this country. It was my mother's generation who won World War II. Their stout hearts crushed the twin evils of fascism and communism and built a half century of prosperity at home. It is that generation of older retired Americans we have to thank for advancing this country to her rightful place of leadership in the world. They have served this country valiantly and have planned their retirement based on the Social Security system.

We shall not repay their sacrifices by threatening the incomes of older Americans. The real party that wants to cut Social Security is the party of Alice Rivlin, the Democratic Party.

The only plan to cut Social Security that came out in the last election was in President Clinton's secret memo to drastically cut that program. The Clinton administration's record is clear. They taxed Social Security. No Republican voted for that. They cut Medicare. No Republican voted for that.

Let us set the record straight: Democratic fearmongers are wrong. This Republican Congress will never, never, never, vote to cut Social Security benefits.

We can and will balance the budget without touching Social Security. If my colleagues in the Democratic Party are sincere, they will quickly vote unanimously to pass the Flanagan resolution and protect older Americans and then pass the balanced budget amendment to protect the country from runaway debt caused by 40 years of tax-and-spend policies.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, this resolution has no more meaning and no more use than side pockets on a cow. This is a fraud. This is a sham.

My Republican colleagues are suddenly concerned that the senior citizens have discovered that nowhere in this amendment to the Constitution which they are pushing is there any protection for senior citizens on Social Security. So all of a sudden they come forward with this wonderful document, but this document means nothing. It has no more significance than the soup made from the shadow of a pigeon which stood in place yesterday.

It affords no protection to the senior citizens of this country whatsoever. It can be ignored at any time the Congress chooses. It has no enacting clause. It has no force and effect on the rules of the House or Senate.

□ 1530

It has no constitutional meaning, it is absolutely nothing, it is a sham, it is a fraud, it is nothing.

I will tell my Republican colleagues: You can run but you cannot hide. And, you assuredly cannot hide behind this nonsensical piece of hooey.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. I thank the gentleman for yielding this time to me.

Mr. Speaker and ladies and gentleman, I do not know a politician anywhere in America, not one, not one Democrat, not one Republican anywhere in this House that wants to cut Social Security. The biggest fig leaf is to have the distinguished Democratic whip come on the floor and offer 4 minutes and 50 seconds of remarks speaking against the resolution and then tell us he is going to support it. He does not want to cut Social Security; I do not want to cut Social Security, no Republican wants to cut Social Security. The gentlewoman from Colorado does not, I know. Nobody does. So do not stand there, do not come to the floor, do not accuse us of wanting to do that.

Help us pass the resolution.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, it seems to me that it is very revealing that when my Republican friends feel strongly about the budget, they enshrine their views in the Constitution. But when it comes to protecting senior citizens, for the last half hour we have heard every manner of argument as to why Social Security really does not need constitutional protection.

I am of the view that on a bipartisan basis Social Security deserves legally binding, constitutionally protected safety. Unfortunately, this resolution does not do that.

Senior citizens deserve better, and on a bipartisan basis we should make sure that it gets done.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. WYDEN. I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

I really appreciate what the gentleman was saying because he is absolutely right. We all do not want to touch Social Security, and there is one way we can guarantee it, and that is to vote for the amendment that says in the Constitution it is not on the chopping block. When it comes to these resolutions, we have a statement from Mr. CLINGER about a prior resolution of this order, who said it was totally devoid of substance and offered little more than a parliamentary parlor game. That is what resolutions are, they are something that you hide behind but they do not stop a budget knife.

So we may not want to touch it, but the budget knife can go ahead and touch it unless we do the real thing.

I really thank the gentleman from Oregon [Mr. WYDEN] for yielding and for pointing that out because we want to make that point. We want to do the real thing, and that is to protect Social Security with a protecting amendment.

Mr. FLANAGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, when I was elected to this Congress in November, I felt a tremendous sense of honor and pride to have the opportunity to represent the many good people of Georgia's Eighth District. I was excited to advance the contract that I made with the people of my district, in particular the piece of legislation we will take up today, the balanced budget amendment.

Poll after poll reflects the same truth, Mr. Speaker: The people want this Congress to deal with the deficit, and they want us to pass a balanced budget amendment.

Mr. Speaker, the American people elected a new leadership that will take up the critical issues that will effect the type of change demanded in every town hall and around every kitchen table in America.

Now that the former leadership is reduced to a minority status, they have taken on a new strategy for killing the amendment: scare tactics. It seems odd that the Democrats are such experts in telling the American people and the new majority what programs it must cut to balance the budget when it has been utterly incapable of doing so in recent memory. I have a news flash for the old leadership: We can balance the budget, and we will balance the budget. But make no mistake about it, we will not sacrifice the future of our senior citizens to do it.

I commend the gentleman from Illinois for offering this well-meaning resolution as our way of assuring the elderly of our society that this leadership will not renege on this Government's contract to provide for seniors, one of whom is my mother, in their sunset years.

I would also like to personally take this opportunity to assure the seniors that I represent, seniors in my home town of Moultrie, and in towns like Cochran, Eastman, and Pearson that our Contract With America is for real and that this balanced budget amendment is for real. We will not turn our backs on the men and women who worked so hard to make this country the greatest democracy the world has ever known, and so I urge Members to adopt this resolution.

Mr. Speaker, let us send a message of assurance to seniors of this great Nation.

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the dynamic gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

Mr. Speaker, I offered a free standing substitute that would have protected Social Security and would have met the argument that, "Oh, you could then call anything Social Security."

I offered an amendment to the Committee on Rules which would have taken the Barton amendment and simply added language that said, "When you calculate whether or not there is a surplus or a deficit, you exclude Social Security," and defined it to be an old age and survivors program with payments.

So it was not open to that.

The Committee on Rules said "No." I know now why they took Claude Pepper's picture down. They did not want Claude Pepper looking on when they killed an amendment that would have protected Social Security. But then they had second thoughts. They came up with about as meaningless a resolution as I have ever seen. Members keep saying, "We don't want to cut Social Security." But you are trying to pass a constitutional amendment that will create an incentive to cut Social Security because under the amendment being offered, if there is a deficit elsewhere, it could be offset by a Social Security surplus.

We have had the Speaker of the House say that we must recalculate the consumer price index so that it provides less. That is primarily a means of reducing cost-of-living increases for Social Security recipients.

Put the two together.

The Speaker threatens the Bureau of Labor Standards and says, "You had better cut the CPI." The main fiscal impact of reducing the consumer price index is to reduce the cost-of-living increase for Social Security recipients, which then swells the surplus, which you then, under your constitutional amendment, without our language, will use to hold down that deficit.

So this piece of paper, being on Social Security and knowing that you are going to create a constitutionally driven incentive to reduce benefits to help with the surplus, is like being on the Lusitania and getting word that the Titanic has just set sail to save you.

You have an entirely meaningless resolution, not binding on anybody, that is supposed to offset a constitutionally created incentive that people will have to cut Social Security.

Mr. FLANAGAN. Mr. Speaker, I thank the Titanic speaker for his remarks.

Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. BRYANT.]

Mr. BRYANT of Tennessee. Mr. Speaker, in the debate over a balanced budget amendment, we are hearing from the opposition a worn-out and failed argument. They use it every time we try to bring spending under control.

They are trying to prevent fiscal responsibility and change.

The opponents of a balanced budget amendment are now saying it will cut into Social Security.

Mr. Speaker, that just is not true and is misleading.

Mr. Speaker, our budget can be balanced without touching Social Security.

Social Security benefits will not be affected by a balanced budget amendment. I would not support one if it did.

I do not want to hurt the 900,000 people in my State who benefit from Social Security.

Mr. Speaker, we owe those who have paid their hard-earned dollars into Social Security their benefits.

Mr. Speaker, for those out there who would like to vote for this, I commend this resolution to my colleagues for their full support.

☐ 1540

Mrs. SCHROEDER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, Members, I thank the gentlewoman from Colorado [Mrs. SCHROEDER] for yielding this time to me.

Mr. Speaker, Members, all this rhetoric this afternoon would not be necessary if, in fact, the Committee on Rules would have adopted the amendment offered by the gentleman from Massachusetts [Mr. FRANK] or my amendment to the Barton bill which would provide an exclusion from Social Security in the balanced budget amendment. So, all this talk of protection and all the other rhetoric we are hearing, would not have been necessary, but let me quote for my colleagues from some senior citizen organizations which have written to us in the past couple of days. Probably the most respected is the Association of Retired Persons, AARP.

They indicated that the House Committee on the Judiciary voted to keep Social Security on the table. To exclude it, according to its chairman, would require us to make spending cuts more sweeping than currently contemplated. This scare tactic is a quote from our chairman of the Committee on the Judiciary, and it is from a senior citizen group who represents seniors throughout the country who received a news release here from the National Committee to Preserve Social Security. They indicate that this rule shows, and I quote:

"This rule shows it's gimmicks as usual. Instead of allowing a simple up and down vote on Social Security, the House instead will vote on the meaningless Flanagan concurrent resolution. Seniors will not be fooled."

Here is a senior group indicating that.

Another senior group did a poll nationally, not of only seniors, but of all Americans, and they indicated that a national poll shows that 80 percent of the voters want Social Security excluded from the balanced budget amendment. So, these are people who are asking us to include it as part of the balanced budget amendment and not this meaningless resolution.

What is a sense-of-Congress resolution? As the gentlewoman from Colorado indicated, the way that we made this pickle National Pickle Week was to pass a resolution just like this. So the resolution we are going to vote on shortly has the same effect as making this pickle National Pickle Week.

The seniors will not be fooled. That is what the effect is.

Does this go into the statutes? No.

Does the President sign it? No.

I am reminded of the commercial of kids sitting around the table. The leadership looked, and they found out they needed to have this introduced, and they said, "Let Mikey do it."

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Speaker, my colleagues on the Democrat side of the aisle continue to engage in political maneuvering, but, Mr. Speaker, the facts are very simple. For 25 years the Democrats could not or would not balance our budget. For 25 years the Democrats played games with America's books. For 25 years they recklessly placed Social Security in jeopardy.

Well, at long last there is finally some good news because we Republicans will stand firm for all of our people, especially our seniors. Republicans will ensure we have a real balanced budget in place and that Social Security will be soundly protected. We are not going to play games and flap at the jaw like the Democrats who could not produce in 25 years.

I say to my colleagues, "Work with us, and watch us do it right before your eyes now, in real time, so that all of our people, especially our seniors, folks like my mom and dad who are counting on Social Security, will say, 'Thank goodness we have a new Republican majority'."

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Speaker, I rise in strong support of the House Concurrent Resolution 17 and congratulate the gentleman from Illinois [Mr. FLANAGAN] for raising this important issue.

The folks in my district have been frightened by some interest groups into believing that the balancing of the Federal budget will mean cuts in Social Security benefits. Social Security actually takes in more taxes than it pays out in benefits. The real threat to the future of the Social Security system is the annual budget deficits of $200 billion.

As long as the Federal Government continues to fund wasteful and inefficient programs, the Social Security trust fund, which had a surplus of over $50 billion in 1994, will continue to fund wasteful projects. The best way to protect the trust fund is to restrain deficit spending and to balance the Federal budget.

This legislation before us makes it clear that the Congress cannot touch Social Security benefits as it makes the tough decisions to cut programs and balance the budget. Our job, my colleagues, is to support this resolution.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in support of the resolution offered by my colleague from Illinois.

During my campaign, Mr. Speaker, I promised the voters in my district that I would work to balance the Federal budget. The new reform Congress has an unprecedented opportunity to put a decisive end, once and for all, to the Government's unlimited power to spend and borrow. It is time we apply to the Federal budget the common discipline of the family budget. I have yet to meet a single individual in my district who does not agree that Government spending is out of control and that something needs to be done about it.

We actually hear Members of this body who will argue that a balanced budget amendment is a dangerous idea. How do they justify this argument? They will prey on the vulnerabilities of the voters. They will say that those in favor of this amendment will balance the budget at the expense of older Americans by cutting Social Security. This is simply nonsense.

We need to streamline Government in areas which have been abused, inflated and mismanaged before even considering sacrificing a fragile vital program like Social Security. At a time when some are talking about a new covenant we should signal our clear intent to honor our social contract with those who have participated in and contributed to the Social Security system.

I support this amendment.

Mr. FLANAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise in strong support of this resolution offered by my neighbor, the gentleman from Illinois [Mr. FLANAGAN].

Before we recess tomorrow, Mr. Speaker, this body should pass a strong balanced budget amendment. Passage of the Flanagan resolution will help ensure the balanced budget amendment meets its goal of protecting senior citizens.

Mr. Speaker, it is our enormous national debt that places Social Security at tremendous risk, not a balanced budget amendment. It is the trust fund behind that debt that allows Congress to mask the true size of that debt, and big spenders in Congress are too often tempted to dip into these critical reserves to fund their big government initiatives. This resolution makes clear that Congress will work toward a balanced budget amendment that ultimately protects, not endangers, American senior citizens.

I join my colleagues in supporting this resolution to ensure that the budget will not be balanced on the backs of seniors, and it will ensure that future retirees will have Social Security.

Mrs. SCHROEDER. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, this is a trust. This is a trust we have with the American people.

In talking to a person in my district who worked in a simple, hard-working job; he asked if he would be able to have the confidence that Social Security exists when he retired. Mr. Speaker, I think it is most important that we uncover the coverup. We really need to talk about bipartisanship. We can get to the bottom of this by supporting the Gephardt-Bonior Social Security protection.

Mr. Speaker, it is so very important that we acknowledge that this could be easily repealed. Mr. Speaker, let us support the Gephardt-Bonior amendment.

Mrs. SCHROEDER. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], our distinguished Democrat leader.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Missouri is recognized for 2½ minutes.

□ 1550

Mr. GEPHARDT. Mr. Speaker, I urge my colleagues to defeat the Flanagan resolution, to defend one of the greatest acts of Government that this Nation has ever known, the Social Security Act. Social Security needs to be defended, because Republican Members of the House are pushing a balanced budget amendment that could open the floodgates to devastating cuts in this program.

Let us be clear about what is at stake: Social Security is not just another line on a spreadsheet. It is not just a poker chip to be bargained away while Republicans renegotiate their faulty contract. Social Security is every American's guarantee of dignity and decency and security in their golden years.

That is why this party, the Democratic Party, fought to create it 60 years ago. And now, six decades later, it is incomprehensible that an elderly American would die in poverty. That is our contract with the American people, a contract not forged in a focus group, but on the bedrock of decency and humanity that has always been at the heart of this country.

For years now we have been saying let us balance the Federal budget. Let us pass a constitutional amendment even to do it. But let us not balance our books on the backs of the senior citizens of this country.

The fact is Social Security pays its way. And if we try to use it to close the deficit, we threaten the program's very solvency and integrity.

When we ask Republicans what gets cut, who gets hurt, they squirm in their seats. When we say promise us you will not cut Social Security, they say trust us. They give us the Flanagan resolution, a nonbinding, noncommittal, and in my view, nonsensical fig leaf that promises nothing and accomplishes nothing.

We can do this. We can defeat this see-through resolution and include an amendment that will truly exempt Social Security. If we want to pass a resolution, if Social Security is so important that we need this resolution, why would we not put this in the Constitution? If it is important enough to say in the Constitution we are going to balance the budget, let us put into the Constitution we will not balance the budget on the backs of the senior citizens of this country.

Do not vote for a fig leaf. Do not vote for a see-through resolution. Vote for the real thing. Vote for the Gephardt amendment and put the exemption in the Constitution of the United States of America.

Mr. FLANAGAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 2½ minutes.

Mr. FLANAGAN. Mr. Speaker, we have heard the arguments for and against this resolution and, in my opinion, the proponents have won the day. I see no reason why anyone would object to this piece of legislation which states in a loud and clear voice, that the Social Security trust fund is off limits when complying with the balanced budget amendment.

My resolution, along with House Joint Resolution 1, the Barton-Hyde-Tate balanced budget amendment, are important first steps in guaranteeing that the retirement benefits of the elderly are preserved and protected.

Mr. Speaker, never-ending deficit spending compels Congress to keep piling more annual budget deficits on top of the current $4.6 trillion national debt. Consequently, the Government must continue to borrow from the Federal old-age and survivors insurance trust fund and Federal disability insurance trust fund. If that trend continues through 2013—the year Social Security benefit payments are projected to exceed what the system collects in payroll taxes—Congress then will have to decide what benefits will be reduced or which payroll taxes are raised.

Mr. Speaker, we must stem that tide now and affirmatively state that these trust funds will be held harmless in budget balancing considerations.

The only way Congress can keep its promises to the American people, including Social Security, Medicare, student financial aid, and a whole host of other Federal programs, is for the Congress to balance the budget. House Joint Resolution 1 will do just that, and House Concurrent Resolution 17 will help ensure that senior citizens will not have to be sacrificed to obtain deficit reduction.

The important thing is that we protect Social Security against being altered solely for the purpose of balancing the budget. And that's exactly what this resolution does.

Mr. Speaker, I urge all my colleagues to support my resolution, as well as the Barton-Hyde-Tate balanced budget amendment.

Mr. REED. Mr. Speaker, I rise in support of protecting Social Security, but I would like Rhode Island's senior citizens to realize that the Flanagan resolution, House Concurrent Resolution 17, is weak, nonbinding, and political cover.

Supposedly, House Concurrent Resolution 17 puts the Congress on record as opposing cuts in Social Security to achieve a balanced budget. However, nothing could be further from the truth.

Unfortunately, House Concurrent Resolution 17 is the same kind of nonbinding resolution that was used in past Congresses to commemorate "National Pizza Week"—concurrent resolutions are not law and they certainly do not supersede the Constitution of the United States.

If Members truly want to protect Social Security from the cuts needed to achieve a balanced budget, they should vote for the WISE, GEPHARDT, OWENS, or CONYERS versions of the balanced budget amendments. These proposals would really protect Social Security because they would prohibit Social Security cuts under the Constitution.

Indeed, if resolutions and laws are enough to protect Social Security, why aren't they sufficient to force Congress to balance the budget. As a wise person once said, "what's good for the goose is good for the gander."

Mr. Speaker, I will vote for the Flanagan resolution, but more importantly I will suppor those versions of the balanced budget amendment which provide constitutional protection for Social Security.

Mr. YOUNG of Florida. Mr. Speaker, as one who has protected the fiscal integrity of the Social Security Program as vigorously as any Member in this House, I rise in strong support of this resolution.

Social Security is a self-financing program where the payroll taxes paid by employees and employers go into a separate, actuarially sound trust fund and can only be use to pay retirement benefits to retired and disabled workers and their families. The Social Security trust funds cannot be used to provide for our national security, to pay for health care, or to build roads or bridges or anything else—except—Social Security. They can only be used to pay the benefits promised to retired workers.

This resolution expresses the sense of this Congress that in implementing a constitutional amendment providing for a balanced Federal budget, the Social Security Program and trust fund should be off limits. It reaffirms what I have long said and supported that in reducing the Federal budget deficit we should look to cutting spending in those areas which are driving our Nation deeper into debt. That certainly is not the Social Security trust fund which actually runs an annual surplus, last year which totaled $61 billion.

The passage of this legislation prior to the general debate on the balanced budget amendment reaffirms our commitment to protect our Nation's Social Security recipients from attempts to balance the Federal budget at their expense. Instead, with the passage of the balance budget amendment, Congress will be forced to make the tough choices to reduce Government spending, the kind of votes I have made time after time in this House, instead of succumbing to the temptation to raid the Social Security trust funds.

As a Member who probably represents more Social Security beneficiaries than any Member of this House, I am well aware of the tactics that have been used by those who want to kill the balanced budget amendment by scaring older Americans into believing that it will have a severe impact on the Social Security program. As I said time after time, I believe a balanced budget amendment actually ensures the financial security of the Social Security trust fund and benefits for current and future retirees.

Without the fiscal discipline imposed by a balanced budget amendment, Congress will allow the national debt to continue its upward spiral, driving our Nation deeper into debt as the annual interest payment to finance our deficit spending continues to be the fastest growing component of the Federal budget.

These rising interest payments, estimated to be $339.1 billion in the current fiscal year, coupled with the past inability of Congress to set fiscal priorities and make the tough decisions about which programs to fund and which programs to eliminate, are the real threat to older Americans, not the balanced budget amendment.

Rather than cast the tough votes to cut spending and reduce the reach of the Federal Government required to get our fiscal house in order, Congress has continued to spend now and worry about the deficit later. The day of reckoning, however, that I have long warned about has arrived as our Nation faces a rising mortgage payment on our Nation's debt. The discipline imposed on Congress by a balanced budget amendment will force the House and Senate to once and for all eliminate those programs our Government can no longer afford, to permanently reduce spending and bring the Federal budget into balance. This relieves the future threat to the Social Security Program because Congress will wean the Federal Government off American tax dollars by cutting spending on programs, rather than by cutting Social Security benefits or raising Social Security payroll taxes.

There are those who say that the balanced budget amendment should include a reference to the Social Security trust fund. Just the opposite is true, however. By writing into the Constitution an exemption for the Social Security Program, Congress will leave a loophole to shelter a whole host of other programs for scrutiny. Congress could later move program after program under the veil of the Social Security trust fund to provide protection from the reach of the balanced budget amendment. In the end, the fiscal integrity and independence of the Social Security Program would be violated, not protected. Equally important, Congress would once again avoid casting the tough votes on those programs that are the cause for our rising national debt.

As the founder and chairman of the bipartisan Social Security Caucus, I have long led the battle to preserve the long-term financial stability of the Social Security trust fund and ensure that the promised retirement benefits will be available to current and future generations of American workers. A constitutional amendment to require a balanced Federal budget will remove any incentives for Congress to tamper with Social Security benefits, by finally forcing Congress to make the tough decisions required to address the threat posed to all of us by an ever-increasing national debt. Social Security is not the cause of our Nation's growing debt. It certainly should not be and will not be a part of the solution as long as this Member serves in the House.

Mr. Speaker, I support this legislation today to reaffirm the commitment of this Congress to protect the Social Security Program while at the same time taking definitive action to eliminate Federal deficit spending with the enactment of a balanced budget constitutional amendment.

PARLIAMENTARY INQUIRY

Mr. FATTAH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman will state it.

Mr. FATTAH. Mr. Speaker, I would like to know the legal effect of the resolution in front of us. Is it binding?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. FATTAH. I am trying to understand the distinction between a concurrent resolution as it is presently before the House.

The SPEAKER pro tempore. Pursuant to House Resolution 44, the previous question is ordered on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLANAGAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 18, not voting 4, as follows:

[Roll No. 40]

YEAS—412

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn

Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly

Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—18

Clay
Dingell
Fattah
Gephardt
Geren
Kennedy (MA)
Kleczka
Moran
Murtha
Pelosi
Poshard
Scott
Skaggs
Stenholm
Tucker
Visclosky
Watt (NC)
Williams

NOT VOTING—4

Bishop
Fields (LA)
Thornton
Torricelli

□ 1613

Mr. MORAN and Mr. KENNEDY of Massachusetts changed their vote from "yea" to "nay."

Mr. HASTINGS of Florida and Mrs. MALONEY changed their vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall vote 40. I would have voted "no" on rollcall votes 37, 38, and 39.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 44 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 1.

□ 1615

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as read the first time. Under the rule, the gentleman from Illinois [Mr. HYDE] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 1½ hours.

The chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is clear, judging from the minority party's reactions, that our quest to achieve a balanced budget has already encountered fierce resistance. This is evidenced by the cascade of amendments they have offered to the legislation barring unfunded mandates and to the balanced budget amendment itself.

Why this lip service to the concept, Mr. Chairman, but genuine obstruction to the process? Mr. Chairman, as I was asking, why do the Democrats give lip service to these concepts of banning unfunded mandates and having a balanced budget amendment, but yet the process seems to be strewn with land mines?

Mr. Chairman, I think, and this is just my personal opinion, they do not want a balanced budget amendment, despite what they say, nor do they want to forego unfunded mandates, because it is through their mandates and deficit spending that Government grows bigger and bigger and bigger. The minority party has a long-standing romance with big Government, and unfunded mandates and deficit spending are the flowers and the candy they keep bestowing on their beloved.

Why do we need a balanced budget amendment? The current statistics, the figures, the money, are both inescapable and staggering. Federal debt is now $4.7 trillion and growing; the 1995 deficit, $176 billion, and by the year 2005 the deficit will be, if current expenditure rates continue, $421 billion. As a matter of fact, Mr. Chairman, the Federal Government has run deficits in 33 of the last 34 years.

Mr. Chairman, interest on the national debt is 14 percent of Federal spending. It is the third largest item in the budget after Social Security and defense. It now totals $235 billion, and next year debt service will jump to $260 billion. By the year 2000 it will be $310 billion and still counting, and still mounting.

□ 1620

Foreign creditors now own 20 percent of our debt. That is the reality lurking behind this romance with ever-bigger Government that seems to consume the Democrats.

The balanced budget amendment is much more than a mere symbol. It would establish a binding, legal framework, a disciplined structure requiring Congress to make the tough choices with a bias toward cutting spending, not increasing the debt and not increasing taxes.

In 1982, I wrote an op-ed piece expressing skepticism about a balanced budget amendment. Thirteen years later, that skepticism has dissipated. I am convinced nothing is going to work short of a balanced budget amendment. To date we have rejected all serious efforts to hold back this tidal wave of red ink that threatens to inundate us all. In the past 10 years, three major legislative efforts have sought to reverse our chronic deficit pattern. Two of them have failed and the third is destined to do so. I am convinced only a long-term permanent legal commitment provided by a constitutional amendment will harness a runaway Congress in pursuit of a balanced budget amendment.

In short, this amendment is essential to force Congress to make the kind of difficult choices it has evaded for years. It is a last gasp of a fiscal policy suffocating from overspending.

The balanced budget amendment is a procedural enforcement tool. It is not a detailed plan.

Much has been made about the failure of our amendment to specify where the cuts are going to come and when they will be made.

I suggest that a constitutional amendment should never include a laundry list of spending cuts. It is a statement of general principles, not an inventory of details. It is irresponsible for balanced budget amendment critics to demand in a single legislative vehicle a specific balanced budget plan covering the next 7 years as a precondition for passing the amendment. Making complete and accurate spending and revenue projections covering the entire 7-year timeframe is impossible at this time and they know it. It would be the sheerest speculation and more misleading then informative.

As George Will has said, "The Constitution stipulates destinations. It doesn't draw detailed maps."

This year as part of the annual budget process, Congress will begin to identify what specific cuts need to be made between now and 2002. Passing the balanced budget amendment will give Congress the opportunity to reexamine virtually every function of Government. Like the base closing commission, it will impose a systematic reform that will force elected officials to make those tough decisions. The result will be what the voters said they want, a smaller, less intrusive Government and more power to reside where it belongs, with the States, with local communities, and with American families.

The long-neglected 10th amendment will be resuscitated and so will our economy. What we need to do is to convince America that we will make the cuts and that we have the will to make the cuts necessary to bring the budget into balance. That was the clear signal of November 8 last year.

We have heard so much about Social Security and we have heard it from the party that has taxed Social Security in the last budget, taxed the Social Security benefits that they so cavalierly refer to as sacred. It seems to me that was a violation of sanctity, but nonetheless, that is their problem.

Social Security is off-limits. It is not on the table. The Republican Party, the Republican leadership has made it clear that Social Security will not be cut.

The budget can be balanced by the year 2002 without touching Social Security.

One of my authorities for that is the distinguished gentleman from Texas and a fine Democrat named CHARLES STENHOLM.

It should be noted that a balanced budget amendment will provide greater protection for each American's investment in Social Security because by balancing the budget, no additional Government bonds will have to be issued to finance the deficit. Thus, there will be no more borrowing from the trust fund which truly protects the future of our Nation's retirees.

In contrast, if there is no amendment, starting in the year 2013, the Federal Government will have to begin paying back from general revenues the trillions it will have borrowed by then from the trust funds. Congress will then have to face the inevitable task of raising payroll taxes and/or reducing benefits.

The Contract With America clearly supports senior citizens. It helps seniors in several ways. It raises the Social Security earnings limit to $30,000 over 5 years. It repeals the onerous Clinton/Democrat tax increases on Social Security retirees. It provides a $500 elder care tax credit and tax incentives to help individuals purchase private long-term care insurance.

Not only will the balanced budget amendment protect our seniors but it will protect our children and their children as well. We steal from them by thrusting the metastasizing Federal debt on their shoulders. We will continue to commit generational larceny if we fail to reduce the debt. It can only be done with the help of a balanced budget amendment.

One of the most interesting lines last night in the President's State of the Union speech was this: "None of us can change our yesterdays, but all of us can change tomorrows." Well we better be careful how we change tomorrows, by lightening the debt on our grandchildren's backs or by exacerbating it. If we do not have a balanced budget amendment, you know what is going to happen and it is no present our grandchildren or future generations.

Slowing the rate of growth of spending is the answer. Under current policies, spending will increase by 5.4-percent annually over the next 7 years and total spending during that period amounts to $13 trillion. We can balance the budget by 2002 if we hold spending growth to about 3-percent annually.

If we do not act, what is going to happen? The longer we put this off, the tougher it gets. Where will we find the money for essential Government services and programs when the debt service grows to 30 percent or 40 percent of Federal spending? How will the private sector finance business startups, job creation, with debt service eating up almost half of the private investment funds generated each year? What will we do when the foreigners close their checkbooks?

The American taxpayer deserves and demands relief. We need bold action to regain the confidence of the investment community here and abroad. More dollars will be available to the private sector. Savings rates will increase. Interest rates will be lower. Capital investment will be encouraged. More jobs available for more Americans.

If the last election did not convert you, perhaps you are beyond redemption. But to the rest I say, seize the day, and now is the day.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to House Joint Resolution 1 and have long opposed the concept a constitutional amendment to balance the budget because it seeks to trivialize our most fundamental document by inserting an ill-defined and unenforceable promise about budgetary policy. The Constitution deals with real—not illusory—promises to safeguard the rights and liberties of all Americans. And while many are quick to point to simplistic Gallup polls indicating widespread support for such an amendment, they severely underestimate the real desire of the American people to see their Government take real responsibility for reducing the deficit—rather than simply taking credit for promising to do so after two more Presidential elections have passed into history by the year 2002.

Make no mistake. All Members of this body want to see the Federal budget balance. Its crushing weight will dampen the dreams of our children, constrain capital flows, increase interest rates, and exert often regressive influences on the economy. Only using the Constitution both tivilializes that precious document and delays action for 7 years. In the past 2 years, President Clinton and the Congress didn't delay but acted on a budget that has brought us 3 consecutive years of deficit reduction for the first time in modern history.

That is the way it should be, but that is not what House Joint Resolution 1 is all about. The proposed amendment is the epitome of "trust me" politics. It rightfully is the heart of the Republican Contract With America—because it is all style and symbolism, and no substance.

Most significantly, the new majority refuses to put its money where its mouth is by supporting the truth in budgeting concept. Not only that, they blocked our right to offer that measure as a perfecting amendment. Why is that? Are Republicans hiding the real numbers because as one of their leaders said that the "Congress may buckle," or because as one of the majority members in the Judiciary Committee said that the "States may buckle?"

What I object to most is the fact that I believe that its proponents, relying largely on public opinion polls, are trying to buy their budget cutting wings on the cheap. And because they are not answering fundamental questions raised by the amendment, they are selling the American people a pig in a poke. Well, I am from Detroit, and we know that when buying a car, we first need to look under the hood.

This budget is going to force over $1 trillion in cuts, but no one will say from where. Will our military have to be cut in half? Will Medicare be on the chopping block. Will veterans' benefits be up for grabs? How about student loans. When we tried to provide protections for these programs in the Judiciary Committee, the Republicans in lockstep said no. And, yes, what about Social Security?

Upon taking office, the new majority promised that Social Security would be protected from the hemorrhagic budget knife which must surely follow if the proposed balanced budget amendment to the Constitution passes.

Less than 7 days later, one of its chief lieutenants, the respected Judiciary chairman, HENRY HYDE, said during committee markup of the measure, that Social Security couldn't be taken off the table because if it was, the cuts in other programs would be "too draconian?"

Senior citizens of America beware. The balanced budget amendment removes current "off-budget" protections of Social Security and places the program on the chopping block. It is clear and simple. House Concurrent Resolution 17, a Republican proposal to provide implementing legislation without touching Social Security is a mirage, totally unenforceable, without any sanction if Congress fails to do it. The only way, I repeat the only way to protect Social Security from cuts under this amendment, is to put it in the text of the constitutional amendment.

Proponents, and particularly Republican proponents, are telling Governors and other States' representatives that any fears that Washington will cascade Federal responsibilities to States in the form of unfunded mandates—a scenario many consider inevitable if the amendment becomes law—are magically resolved by the imminent passage of unfunded mandates legislation.

You've got to be kidding. In the 103d Congress I chaired the committee with jurisdiction over unfunded mandates. So I know that whatever unfunded mandates legislation Congress passes now, can and most likely will be superseded with subsequent legislation passing the responsibilities—but not the bucks—to the States. The amendment, in fact, is the mother of all unfunded mandates. The only way to stop that from being so is to say in the text of the constitutional amendment. But Republicans in lockstep said no to that. They stopped us from an amendment on the floor to that effect also. Starting to get the picture?

It's great to say we'll balance the budget in 6 or 7 years—well after two more Presidential elections—but how are we going to do it? Is defense going to be cut in half—even as Republicans state they'll seek increased funding? Will Medicare, veteran's benefits, student loans, or agricultural subsidies be reduced and by how much?

That evasiveness may make for good politics but do not make for good economic policy and could turn a mild recession into a dramatic economic downturn. Many countercyclical entitlement program for instance, such as unemployment benefits, require budgetary flexibility to keep our economy strong when its runs sour. Today a 1 percent increase in unemployment would increase the deficit by $57 billion—both because of declining taxes and increasing demand for benefits. With such a proposed constitutional amendment, the Federal Government would be forced to increase taxes or cut benefits by $57 billion during an economic contraction. This would dramatically aggravate the economy, create economic pressures increasing rather than decreasing the deficit, and generally make a bad situation far worse.

Had the constitutional amendment been ratified in 1991 when the recession combined with the savings and loan crisis created a $116 billion shortfall in receipts, the amendment would have plunged this country into a devastating economic contraction which would have been bad for all our goals, including deficit reduction.

And the amendment's failure to provide definitions for "receipts" and "outlays" would only mean more chaos. Are loan guarantees or contingent liabilities of Government corporations considered "outlays"? We do not know from the text of the amendment. What about zero coupon bonds on the revenue side? Does Congress have the prerogative to declare certain items off budget, or outside the traditional "receipts" and "outlays" categories. It's unclear.

Further the mechanics of such an amendment are not spelled out. The budget identified in the amendment requires only estimates of overall spending and revenues, which are always inaccurate because of unanticipated economic circumstances. So what happens if revenues fall short, or there are overages in entitlement outlays at midyear? Does Congress enact a supplemental appropriations bill? Does the President impound funds despite statutory requirements to provide outlays? Do the courts step in?

Finally, there is nothing in the proposal before us to explain what the enforcement mechanism will be if Congress fails to honor its promise to balance the budget. Do the courts step in on their own initiative and start making budget decisions will-nilly? Do impacted States and taxpayers have the right to bring suit to make Congress keep its Contract with America? Does a sequestration procedure kick in which would cut back all expenditures by a fixed amount? Do the capital markets "go on hold" while the international monetary system is kept in suspense about whether the U.S. Government will be brought to a halt? I think what this amendment does is to pass the buck ultimately to a unaccountable Federal judiciary whose role is not to decide how much the American people should be taxed and on what tax dollars should be spent. Isn't it ironic that one of the first promises of the Republican contract is to abdicate budgetary responsibility to another branch of Government. Make no mistake, if the amendment is ratified, critical decision about taxes and Federal spending could be made in a secret chamber without any checks whatsoever.

Do individuals affected by any of the above courses of action have the right to sue? Much of our information about the level of outlays on the mandatory side of the budget are not even calculable until 3 months after the fiscal year.

In the past weeks the Republican leaders have publicly admitted that they will not spell out what cuts will be necessary to bring the budget into balance because Congress' knees would buckle, or because the States' knees would buckle or because the American taxpayer's knees would buckle. Well buckle or not, the American people have a right to know. And the amendment I will be offering later will require Congress to specifically enumerate how it will eliminate the deficit in the next 7 years before it will go into effect.

Well, do not fear: By passing the amendment before us, we are on a "glide path" to a balanced budget, because that's what the Republicans say—but do not vote to specify—about the effect of the proposed amendment after only 2 weeks of consideration by Congress.

This effort is not serious, and by its snake oil promises, does not augur well for the accountability which Americans have demanded in this new Congress.

□ 1640

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, the balanced budget amendment is a question of discipline. It is a question of financial discipline on a Congress which has had none.

Amending the U.S. Constitution is strong medicine, and in past history has occurred only to correct deficiencies in the Constitution, which was adopted in 1787, to abolish slavery, to give women the right to vote, and in other important matters such as the Bill of Rights.

I would submit the strong medicine is in order to force Congress to put America's fiscal house in order. Congress has tried and failed in the past to put discipline on itself in a statutory manner.

In 1990 we had the Bush budget agreement with discretionary spending caps and firewalls. That lasted 3 years before it was replaced by the 1993 Clinton agreement.

In 1985 we had the Gramm-Rudman law, which was amended twice before it was repealed, because the shoe started to pinch too hard.

In 1981 we had the Gramm-Latta, and in 1978 we the Harry Byrd law that required Congress to balance the Federal budget by 1981.

To my knowledge that law still is on the books, and since 1981 the national debt has increased by almost $3½ trillion. So we do need a constitutional amendment to force the people who serve in this Chamber and the one down the hall to start reducing the Federal budget deficit to zero so that we do not mortgage our children and grandchildren's future.

It is no secret that many of the most vocal opponents of the balanced budget amendment have big-spending records on issues of taxing and spending, and they are the ones that do not want to put this constitutional discipline on the House of Representatives so that they can go on spending as usual.

The time has come to put a stop to that, and that is why House Joint Resolution 1 should pass.

Now, tomorrow the biggest item of controversy will be the three-fifths vote that would be required both to raise taxes and to increase the national debt. I favor a three-fifths supermajority in both cases and hope that the House of Representatives will approve it.

Why should we not make it harder to increase taxes on the American people and to raise the national debt? We ought to do that so that a balanced budget amendment simply is not complied with by increasing taxes.

But also a three-fifths supermajority will require bipartisanship for future tax increases and national-debt increases. No longer will a partisan majority be able to ram a tax increase down the throats of the American people such as happened in August 1993. It will require a consensus in order to achieve a tax increase or in order to increase the national debt.

The President last night called for consensus. We have not had consensus in these areas in the past. We ought to have consensus in the future, and the three-fifths vote will require that consensus to be had.

I would hope that this amendment would pass and be sent to the States with the three-fifths vote.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me this time.

I appreciate your leadership on our committee.

I must say, as I listen to this debate, I hear people accusing this side of the aisle of being political, and it would be much easier for us to say, "Oh, let us just go along; let us just vote yes, let us take up this new idea of government by windsock or government by the slogan of the day." Clearly we would be more popular.

But it seems to me that when you deal with the Constitution, we are not talking about popularity, and our forefathers and foremothers in the past restrained themselves and did not just throw everything they could think of into this Constitution.

I must say, as the ranking member on the subcommittee that dealt with this amendment, I have been shocked by the whole process. As we saw today in the rule, they had to waive points of order because of some of the violations that went on during the markup, improper notice, the problems we had of not having, or of having very short hearings. We had less time to mark this bill up than it takes me to make a costume for my children for Halloween.

You know, I always thought of a constitutional amendment as being real serious. Yet it was like, "No, no, no, we have got to have it out here, we have got to have it now because it is on our slogan, and there was some ad or something in a TV journal and we have got to have it now." So here we are.

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Some of the amendments that we never dealt with in committee I think are the most serious amendments of all and go right to the core of this amendment. There are things like who has standing to sue. Now, that sounds like a technical thing. Obviously, the average guy is not too interested in it. Unless you can figure out what standing to sue means, it is finding out can anybody enforce this thing. Are we passing something and throwing it into the Constitution, and if the President has an unbalanced budget or we have an unbalanced budget, something can be done about it?

Then I think the American people can be mad about it; we cluttered up the Constitution and nobody had any enforcement. But we never got to the issue of standing. In fact, most of the witnesses said they felt, the way this was drafted, no one had standing. So I have real questions as to whether this is really worth anything.

Then, second, if you got over the standing hurdle and somebody could challenge this and it went to court, what could the court review?

What we are saying today is the Presidents have not been able to balance the budget, we have not been able to balance the budgets, so now we are going to give it to the courts. The courts have the right to decide we are leaning too heavily on defense and can take it away? Or do the courts look at our estimates? What do the courts do?

Of course, we never got to those amendments. That was one of the over 20 amendments sitting at the desk that we never got to.

Are insurance funds in this? Yes. You buy crop insurance, you think you have got crop insurance. Surprise, the money goes to balance the budget. Social Security funds are on the table, as we well know from the prior debate. Let us be honest, they are on the table. So are all the trust funds.

You pay for gasoline, and you think that tax is going to buy highways. No, we are going to put it into a budget balancing. Maybe that is what we should be doing. But we ought to tell the American people what we are doing.

But let me tell you the real reason I do not think this belongs in the Constitution: I was one of the Members on this side, and there were only Members on this side, who voted for the last budget, the last few budgets that have brought this deficit down. It is easy to deplore the deficit, but we do not find very many votes to vote for real cuts that really turn it around. We prefer rhetoric to reality.

So, being one of the realists who voted to bring it down, and also being an airplane pilot, let me tell you what I feel our challenge is in this body. Every year when we do a budget, it is like bringing an airplane down to the ground. We are trying to bring the deficit down to zero, but we know we cannot bring it down to zero, blam, or we crash just like an airplane.

We were up in the airplane, and we want to bring it down to the ground, boom. No. You have to find a way to bring an airplane down, just as we try every year to find what is the right angle of descent for this deficit so that we do not throw this economy into a spiral or into a tailspin and have a depression. And yet we also are able to bring the deficit in the right direction.

Many of us have been voting for what we thought was the right angle and have not been joined by very many people and have been beaten up for doing that. But that to me is what our mission is, trying to assess that angle. And putting it in the Constitution or demand we do a crash into the Constitution is not where I think we want to go.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the balanced budget amendment, and I do so for several apparent and vivid reasons.

First, just to put it in the Constitution and have it as a discipline for the Members of Congress is reason enough to support the balanced budget amendment. But if one looks at it more analytically, one will find even additional rationale for strong support of this amendment.

In my judgment, and it has been said in various ways throughout the parts of the debate that have preceded this, our Social Security funds, our trust funds to which there has been reference, our pension system, our budgetary problems, our deficit, everything is on the table and will be helped when we reform a balanced budget. Social Security, actuarially, will be even more sound than it is today. Veterans' benefits will stay in place and be strengthened when we reach that balanced budget. So why do we clamor for a balanced budget? To solidify our economy, to stabilize our debt situation, to make it possible in the near future, 2002, borrowing power on the part of citizens will be greater. Mortgaging and lending that will allow the building of homes and the building of businesses will be made easier once a balanced budget has arrived.

Why? Because everyone in America knows that when the Federal Government comes to a point that it will cease to borrow from the private sector in order to finance debt, then that money no longer required by the Federal Government because we have reached a balanced budget, that money will remain in the private sector. And lo and behold, the banks and lending institutions and all who are interested in the availability of private capital for creation of jobs, for reduction of unemployment, for increasing workers' benefits, for then considering the raising of the minimum wage, all those other matters that come with prosperity will be given a yeoman's chance if we reach—and I say when we reach—the balanced budget in the year 2002.

We must balance the budget not just to insert into the Constitution, as valuable as that is, the language of balanced budget, but rather to do so for the spirit of America in reaching financial sanity through the balanced budget that will free us all, including our citizens, for the enterprise of the future.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes and 45 seconds to the former Chair of the Subcommittee on Crime, the gentleman from New York, CHARLES SCHUMER.

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment, the Barton amendment, the amendment that is on the floor.

You know, ladies and gentleman, I guess the balanced budget amendment is something that the closer you get the worse it looks.

You look at a couple of lines, "let us have an amendment in the Constitution to balance the budget," and everyone says, "Great idea, let's do it." Then you look at the mechanism of how to do it, and it does not look that good.

And, finally, you look at the specific proposal and the kind of cuts that it would entail, and it looks very bad altogether. My guess is that a number of the strategists on the other side who have put together this amendment hope it fails. It is a great campaign issue: "We are for a balanced budget amendment." But there is no way to do this amendment even if you should take our advice and leave Social Security off the table, without decimating programs like Medicare, like transit, et cetera.

I believe we must balance the budget. But I believe we should be on a gradual glide path down, not a severe drop and not a constitutional amendment that mandates that once you are in there you can never get out.

I talked to a number of financiers on Wall Street, "Wait until we are able to make the cuts." And yet we are unable to raise the debt ceiling. This nearly happened a few years ago, and Wall Street tremored. Wait until it happens now.

The people who devised this amendment did not really know what government is all about. They did not think it through. They did not go step by step by step. They rather said, "Let's find something that sounds good. The polls back us up. Eighty percent of America are for a balanced budget amendment." But when told it would cut Medicare by about one-third, which is about the cut that I understand the majority on the Budget Committee are considering, 76 percent say, "No, forget about it." So I say to the Members on our side who know it is a bad idea but are a little worried about opposing the big headline-grabbers, just wait, the closer the scrutiny, the closer we get to actuality, the less good this idea will be.

I think, in fact, that if you wanted to make sure our side retakes the majority, make sure the balanced budget amendment becomes law, and a few years after that we will have total change and total revolution. Good politics, maybe on the surface, although I say "no" after a long period of time. Good substance? No way.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. Mr. Chairman, I would be happy to yield to my friend, the gentleman from Texas [Mr. STENHOLM], who has pursued this with such sincerity and is one of the few who is willing to make the tough cuts required and who supports this amendment.

Mr. STENHOLM. Mr. Chairman, I was just going to ask for a point of clarification because I wanted to be sure that I did not hear the gentleman saying that those who support the balanced budget amendment do not have a plan or cannot get there. I would take very strong exception to that on behalf of a lot of folks on both sides of the aisle. We do, and we can, and we will.

Mr. SCHUMER. I would say to the gentleman that my guess is I certainly think the gentleman understands the severity of the cuts. He is willing to cut Social Security——

Mr. STENHOLM. No, sir.

Mr. SCHUMER. My guess is 90 percent of the supporters of the balanced budget amendment are not. Once we have taken Social Security off, the cuts are at least one-third.

I make the point that my analysis is, and I think it is uncontroverted, that it would require about a one-third cut in all discretionary programs. I do not think most people are willing to take that kind of cut.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, this is truly an historic debate, and I do not think there is any question about where the sentiment lies in this House relative to a balanced budget amendment. I think there is a huge majority that favor a balanced budget amendment, probably 300 or more Members. The question is which one will we support. Will we support a balanced budget amendment that makes it easier to raise taxes, or will we support a balanced budget amendment that makes it more difficult to raise taxes to accomplish the goal that we want to accomplish?

I favor the bill that was reported from the Committee on the Judiciary. It requires a 60 percent majority, or three-fifths, in order to raise taxes to balance the budget, and I have come to that conclusion after looking, at great length, to what has happened in our efforts to balance the budget over the last couple of decades.

In 1991, Mr. Chairman, the Democrat leaders of the House, the Democrat leadership of the House, and the Republican President got together, and they worked out an arrangement where we would have a tax increase, and for every dollar of tax increases we would have $2 in spending cuts. I say to my colleagues, "Well, if you asked yourself what happened, you probably guessed it. We got the tax increases, but we never got the spending cuts."

And history repeated itself in 1983 because the same kind of arrangement was arrived at with the same kind of results, and then in the middle of the 1980's we passed the Gramm-Rudman bill, and the Gramm-Rudman bill began to work, and we began to see the level of spending ratchet down, even if it was ever so slowly, but, as it ratcheted down, it became very painful to make those spending cuts, and we repealed the Gramm-Rudman bill.

Then our next major effort in 1990 was when George Bush got together with the Democrat leadership, and went out to Andrews Air Force Base, and came back here with a deal and said, "We're going to have a $170 billion deficit remaining in 1995," and that happens to be this year, "if we don't do something," and we imposed—I did not, but the House collectively imposed—the largest tax increase in the history of our country on the American people to solve the deficit problem. Well, it did not do it either.

And in 1993 President Bill Clinton came to the House and said we have to do something about the deficit, and once again we raised taxes, once again the biggest tax increase in the history of our country imposed on the American people, and guess what? Next year our projected deficit is not $170 billion which was projected in 1990. It is $180 billion.

So, Mr. Chairman, not only did we not take the easy out to increase taxes, but it also can be said quite clearly, "It didn't work.

Now this is bad tax policy, creates a lot of bad things, and particularly it has a bad effect on our economy, and I know that we like to do things around here on a bipartisan basis, and I know that if the three-fifths provision passes, Mr. Chairman, it will pass on a bipartisan basis.

So, I look at the history of tax increases, look at the effect that they have had on our deficit, and I ask for support for the three-fifths provision.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, just as I felt compelled to challenge the statement of my colleague from New York regarding those of us who support the balanced budget being unwilling to make the tough cuts, I found it very, very difficult to restrain myself from the gentleman from New Jersey [Mr. SAXTON] a moment ago in asking for time because, when I look at some of the tough votes that were cast last year, like the Solomon amendment on the budget, he did not vote for it. When I look at the entitlement cap, he did not vote for it. The gentleman from Colorado [Mr. SCHAEFER] did, but not other Members.

We have a lot of rhetoric on this floor today that has no standing with reality, and I would hope in our bipartisan spirit we could start understanding that we are serious, in the serious mode now, regarding amending the Constitution of the United States, and just as my colleague stated on the floor a moment ago that CHARLIE STENHOLM is for cutting Social Security, that is not true. I voted against the previous amendment for the merits of the amendment. I am not for cutting Social Security one penny, and no one can ever find anything in the RECORD that suggests that our amendment that we will offer tomorrow does that either. But yet the rhetoric flows free in this House today, and that is what is wrong with the political rhetoric involved in this issue.

I am pleased to stand here today and rise in support of sending to the States an amendment to the Constitution. I have not come to this position lightly. I have come reluctantly because I would rather be doing almost anything than amending the Constitution for any purpose, but I am convinced that we must do so for the reasons that we will hear amplified over and over. But I have three simple reasons for wanting to amend the Constitution for purposes of requiring a balanced budget. Those reasons are Chris, Cary, and Courtney Ann, my three children, and I have just this month learned that by the end of August, God willing, I will have a fourth reason: our first grandchild. Motivations do not come much stronger than that.

Our Constitution has always, in large measure, been about protecting the unrepresented from the abuses of government. The threat to unrepresented, future children from continued deficit spending is the type of governmental abuse appropriately proscribed by the Constitution. This point was made by Thomas Jefferson who said, "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of the government."

Our bipartisan, bicameral consensus balanced budget amendment that the gentleman from Colorado [Mr. SCHAEFER] and I will offer tomorrow we believe is based exactly on the same principle as the rest of the Constitution. It will protect the fundamental rights of the people by restraining the Federal Government from abusing its powers, from borrowing money day after day as we incessantly debate who is for cutting spending and who is for raising taxes. The easiest vote for any of us to cast is to vote "no" on everything and watch the deficit go up.

The amendment which I introduce with Representatives DAN SCHAEFER, JOE KENNEDY, MIKE CASTLE, L.F. PAYNE, NATHAN DEAL, and 132 others on January 4, the amendment now numbered House Joint Resolution 28, is consensus language that has been developed over the past decade.

This same language was introduced on opening day as Senate Joint Resolution 1 by Senate Majority Leader DOLE, Senators PAUL SIMON, LARRY CRAIG, HOWELL HEFLIN, ORRIN HATCH, and others. Obviously, this language has strong bipartisan, bicameral support.

Requiring a higher threshold of support for deficit spending will protect the rights of future generations who are not represented in our political system but will bear the burden of our decisions today.

The language of the Schaefer-Stenholm amendment is the product of years of careful review and refinement. The amendment has been improved over the years based on the advice of Constitutional scholars, budget experts, numerous Members of Congress, and others. Changes were made in the amendment to address criticisms that were raised in the numerous hearings on the amendment. This exhaustive review process has produced an amendment that is workable, flexible, and enforceable.

I do have some concern that the hearings held in the Judiciary Committee this year were just the start of any such review on the language incorporated in House Joint Resolution 1. Nonetheless, I have always supported my friend and colleague, JOE BARTON, in his effort to bring this language before the House of Representatives. I included his amendment in every discharge rule which I filed in each of the past three Congresses. I also know that JOE is sincere about his desire to reduce the Federal deficit. JOE was one of the 37 brave souls to vote for the entitlement cap amendment I offered last year.

The horrors conjured up when opponents talk about balanced budget Constitutional amendments are not really aimed at those amendments, but rather against what those amendments will require: significant deficit reduction. To those who assert that deficit reduction will wreak havoc on the economy, I must ask, "What do you think the deficit is doing to our economy?" More importantly, what do you think it will do to the lives of our grandchildren?

Reaching a balanced budget will require discipline, but it is a far cry from the doom-and-gloom scenario portrayed by many opponents of the constitutional amendment. Federal spending is increasing now at about 5 percent, or about $75 billion per year. Trimming that growth in spending to 3.1 percent would balance the budget by fiscal year 2002.

But the hard truth is that the budget won't be balanced without passing the amendment first.

I am committed whole-heartedly and single-mindedly to passing the constitutional amendment which can garner two-thirds support in the House, two-thirds support in the Senate, and ratification by three-fourths of the States.

With the House scheduled to consider six different balanced budget amendment proposals from Members covering the political spectrum, it is clear that the overwhelming majority of the House supports the principle of amending the Constitution to mandate a balanced budget. The question therefore is not whether we should pass a balanced budget amendment, but whether the amendment that we pass will be effective and enforceable.

There are three fundamental tests of whether an amendment will provide effective fiscal discipline and is an appropriate addition to the Constitution. First, an amendment must have enforcement to make it more difficult for Congress to borrow money. Second, the amendment must not include any loopholes that could be used to circumvent the amendment. Finally, a constitutional amendment should be timeless and reflect a broad consensus, not make narrow policy decisions.

Let me first address enforcement. Allowing Congress to waive the balanced budget requirement by a majority vote would gut the amendment. To be effective, an amendment must require a substantially higher threshold of support to deficit spending. A requirement for a super majority vote to increase the debt limit is critical to ensure that gimmicks are not used to circumvent the amendment.

Second, taking the Social Security trust fund or capital expenditures out of budget calculations would open up a tremendous loophole in the amendment. This loophole makes it possible for the Government to fund any number of programs off-budget by redefining them as Social Security or capital expenditures. This would make the constitutional amendment meaningless.

Finally, we must ensure that the language of any approved amendment passes constitutional muster. A balanced budget amendment reflects a consensus that Congress and the President should set priorities through the regular legislative process. Items such as capital budgeting, the treatment of the Social Security trust fund, and specific budget plans represent narrow policy issues on which there is not necessarily a consensus. These issues do not belong in the Constitution. It would be particularly inappropriate to place the concept of capital budgeting in the Constitution when there is no consensus on what should be included in a capital budget.

We face a historic opportunity to add a solid, credible, meaningful amendment to the Constitution, at last responding to Thomas Jefferson's concerns. I urge my colleagues to take responsibility for the future we will hand our children and grandchildren. Vote for the balanced budget amendment.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, in the years I have watched this body at work, I have concluded that only a constitutional amendment requiring a balanced Federal budget will force the consensus necessary for real deficit reduction.

Opponents of the amendment are pressing its supporters to present a plan to eliminate the deficit at the same time Congress considers the amendment itself.

The debate over amending America's founding document should not be a divisive quarrel about narrow special interest spending programs, as opponents are seeking to make it. Rather, I believe the discussion should be elevated above politics, to a thoughtful and long over due discussion of the more fundamental issues of the appropriateness and necessity of adding a balanced budget requirement to the Constitution.

The Constitution both enumerates and limits the powers of the Government to protect the basic rights of the people. The Framers of the Constitution saw balancing the budget and promptly repaying debt as moral imperatives fitting squarely within that framework. Permitting the Government to abuse its power over debt was not simply considered economic folly, but a violation of a basic right of the people—the right to be free from the massive indebtedness of a wasteful government.

Our Constitution currently protects the people from the excesses of Government that might infringe on their freedoms of religion or speech, right to keep and bear arms, be secure in their persons, homes, and papers and other rights. In exactly this same spirit, the balanced budget amendment would protect the American people—today and in future generations—from the burdens and harms created when a Government amasses an intolerable debt.

Amending the Constitution means dealing with the most fundamental responsibilities of the Government and the broadest principles of governance. Scaring up special interest opposition only cheapens the debate and drags the Constitution through the gutter of politics.

Demanding to see specific spending cuts before supporting a balanced budget amendment is little more than a poorly supporting a balanced budget amendment is little more than a poorly disguised argument against a balanced budget itself. It is like demanding a list of every kind of speech which will be protected before agreeing to support the first amendment.

Mr. Speaker, the freedom from the harms of excessive Government debt, like free speech, is a right of the people that is absolute, not contextual.

There are literally hundreds of plans to balance the budget out there—one, in fact, for every Member of the House and Senate. There are countless ways to balance the budget. What is lacking is an overriding moral imperative—backed up with the might of the Constitution—to force consensus.

After all, if we could have consensus on how to balance the budget right now, we would not be needing to debate a constitutional amendment.

Mr. Speaker, the primacy of fiscal responsibility in the Government's affairs, once taken as an unwritten given, should be explicitly returned to its rightful place among America's first principles. I urge my colleagues to support the balanced budget amendment.

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In closing, I would say that I want to give a lot of credit, much credit, to my good friend, the gentleman from Texas [Mr. STENHOLM] and his work over the years, as well as all the other people who have worked on this specific issue so long and so hard. And over the years we have been able to sort out the arguments that would be rallied against the language of the amendment that the gentleman from Texas [Mr. STENHOLM] and I have proposed.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I think the gentleman for yielding.

Mr. Chairman, we are engaged in particularly serious business this evening. In the 206 years of the Republic we have amended the Constitution some 27 times. There have been over 11,000 proposals.

Yes, indeed, we need to bring the Federal budget, the operating budget of the Federal Government, into balance. It is not a question of whether we do it, but how we do it. We need to do it through a sensible process, not through an amendment to the Constitution that I believe will prove unworkable and detrimental to the national interests. And let me explain why I think the proposals that have been brought to the floor will run into those kinds of problems.

First, those proposals with supermajority requirements: the reason we have a Constitution is that the Articles of Confederation required supermajorities for spending and taxing decisions, and they proved unworkable and brought the early version of this Nation into gridlock. We should not repeat that mistake by passing an amendment that would give 41 Senators, theoretically representing only 12 percent of the people of this country, the power to bring Government to a grinding halt.

Second, the enforcement problem: The amendments that are before us are silent on how we deal with living up to the promise that we are making. Now, some assert that the courts could not get involved. I have no reason to believe that that is the case. The courts have authority under the Constitution to deal with matters arising under the Constitution. Do we really want unelected and unaccountable judges making decisions about spending and taxation?

Third, these proposals depend upon budget estimates, notoriously—through our recent experience—problematic and unreliable, and especially difficult when the economy may be going into recession. Recall when we were dealing with 1981 with the fiscal 1982 budget, the Reagan administration estimated growth of 4.2 percent. That year ended up going into recession, a decline in GDP of 1.9 percent. What would that have done if this amendment were in effect?

The distinction, fourth, between capital and operating: We need to be able to make investments. This amendment hamstrings any ability of the Congress in the future to make the necessary investments that will save operating costs in the long run.

Finally, the effort to fashion an escape clause for national security: Is "an imminent threat to national security" going to be whatever a future Congress says it is, or are we again inviting the Judiciary to get involved? I do not know. No one can know. It is an invitation to an intrusion by the Judicial Branch that is absolutely inappropriate.

We evidently are not going to deal with these very substantial problems. My prayer is that our colleagues in the State legislatures, with the time that they will have to examine the ramifications of this, will find the faults and turn this down.

Today we are being called upon to take the extraordinary step of amending to the Constitution. In the 206 years that this Nation has been governed by that charter of our democracy, about 11,000 possible amendments to it have been introduced in Congress, with only 27 approved. There's good reason for this conservative approach to our Constitution. Amendments to the Constitution must be presumed to be for all time.

It isn't just a reverence for the document as now constituted, however, that leads me to oppose the proposed amendments before us today. I do consider it essential to get our Government's financial house in better order, and I have devoted much of my effort here in Congress to that end. But to achieve that end I am not willing to sacrifice the ability of our Government to function. We must act to eliminate the deficit, but not by putting shackles on the democracy. To varying degrees, that is what each of the six versions of a balanced budget amendment before us today would do. Each would create more problems than it would solve.

Let me illustrate in five ways.

To begin with, the amendment proposed by Representative BARTON and supported by the Republican leadership, would require a three-fifths vote in both the House and the Senate to approve an unbalanced budget, raise more revenue through taxes, or borrow more money. This would be constitutional lunacy. It violates the basic constitutional principle of majority rule and would effectively place control of the budget in the hands of 41 Senators—who might represent as little as 12 percent of the American people.

All of us, I believe, recognize that there are times when it will be necessary to spend more, to tax more, or to borrow more. We could not have won the Revolutionary War, or World War II, or the cold war, without doing so. It can be hard enough here to achieve a simple majority vote on budgetary matters. That's the nature of a representative democracy, which is inherently constrained in making decisions.

To raise the threshold for a decision by requiring three-fifths supermajorities in both the House and the Senate is a prescription for gridlock and failure. As a practical matter this amendment would act as a straitjacket in those times when swift action will be most needed. We could well be stuck with a policy-by-default that would turn an economic downturn into a depression, or a manageable threat to our security interests into a major conflict.

In fact, it was precisely this weakness with the Articles of Confederation—its requirements for supermajority votes in Congress to make basic budgetary decisions, and the resulting national paralysis—that led to the convening of the Constitutional Convention and the drafting of the Constitution. In that Philadelphia convention, the delegates repeatedly considered, and rejected, proposals to require a supermajority for action by Congress, either on all subjects or on more subjects than the five eventually specified in the original Constitution. Those are for overriding a veto, ratifying a treaty, removing officials from office, expelling a Representative or Senator, and proposing amendments to the Constitution. Amendments to the Constitution later added two others: restoring certain rights of former rebels, and determining the existence of a Presidential disability. None of those constitutional requirements for a supermajority threaten the basic functioning of the Government the way the three supermajority requirements of the Barton amendment would.

It's not difficult to imagine the problems that could be created. In the midst of a recession or some other national emergency, an attempt to raise the debt ceiling or raise additional revenue could be supported by strong majorities in both bodies, but be blocked by a minority of only 41 Senators, aligned by some particular regional interest or political ideology.

Imagine a situation in which a badly needed measure was blocked by the Senators of the 21 least populous States. Senators from States with fewer than 30 million people—less than 12 percent of the country—could effectively thwart the will of the remaining 88 percent. The amendment, in short, would give exaggerated power to small States, and would effectively give 41 Senators the power to hold the country hostage. Recent experience gives us plenty of evidence that there are those who are willing to do so.

We can't let this provision, which is essentially an act of political gamesmanship, back us and future Congresses into a legislative corner that would be difficult, if not impossible, to get out of when our country most needs decisive and timely action.

A second major problem with all the different versions of a balanced budget amendment before us today is the possibility that judicial interpretation and enforcement of an amendment could turn basic taxing and spending decisions over to unelected judges. If a deadlock in Congress or some other development were to lead to an unbalanced budget, no enforcement mechanism has been specified to resolve the issue. I would hope that this would not lead to the Federal courts stepping in and writing budgets, cutting spending, or raising taxes. But that possibility is not ruled out by any of the texts before us. And therefore, the general authority of the courts to consider cases arising under the Constitution would apply. Anybody who is concerned about unelected judges making decisions that should be left to elected legislatures should be greatly alarmed about this possibility.

A third concern is an example of subtler, but no less troubling, problems of definition and workability.

We should ask ourselves, for instance, about the meaning and effects of these words that appear in both the Barton and Stenholm-Schaefer versions: that deficit spending is possible only if the United States faces "an imminent and serious military threat to national security." Would this be a Grenada-type situation? Panama? The Gulf War? What about times of national economic crisis, or major natural disasters? How can we respond in times of crisis if the Constitution itself tells us that we cannot so act?

A fourth problem has to do with the inherent weakness of budgetary estimates on which all of the proposed amendments rely. The level of accuracy we've seen in revenue and spending projections is rarely equal to the job of making budgets to which we must adhere, on penalty of judicial enforcement, during the course of a fiscal year. There are Members here who well remember 1981, when we started to dig this deficit hole in earnest. The first Reagan budget rosily forecast economic growth of 4.2 percent in the year ahead. The economy, apparently not in a mood to obey the President, proceeded to decline by 1.9 percent.

The relevant lesson is that when we make projections, often 18 months or more into the future, our actions are based on economic models that are not perfect. And a lot can happen in the space of only 18 months to overtake the best projections. Given the difficulty we would face in marshalling the supermajority required for us to take corrective action, a balanced budget amendment could well leave us stranded.

Finally, it's impossible to make the investments we need in roads, bridges, airports, and the rest of the facilities that are vital to our economic health if we don't differentiate between an operating budget and a capital budget. Families, businesses, and State and local governments can do that, the Federal Government should also have that ability.

Balancing an operating budget makes sense. That's the kind of balanced budget States are typically required to achieve. The more difficult issue is capital spending and investment: something that all States, municipalities, and individuals borrow to do regularly when they build a bridge or buy a house. We regularly borrow from future revenues to invest in future well-being. By effectively prohibiting borrowing for investment on the Federal level, we'd force a wholesale shift in investment responsibility to the States and localities. Or worse, we'd force a foolish limit on needed investment that would only increase operating costs in the long run.

Each of the proposed amendments before us now all fail for one or more of these reasons. That is why I have to reject all of them. But let no one mistake my rejection of these proposals for a desire to keep the budget unbalanced. The Federal deficit, which has more than quadrupled since 1980, continues to act as a drag on the Nation's economy, compromising our efforts to deal with our fiscal problems and indenturing our children, and their children, for decades to come.

I do understand why most people believe that the moral authority of the Constitution is necessary to force us to act to correct our fiscal problems. And I know that the pressure to pass something will likely lead to a proposed amendment being passed by the House. So I tried to examine the proposals being put forward to see if there were ways I would amend them in a responsible manner to make them more workable and legitimate. I found two ways to amend—to improve—the six versions before us today, to reduce or eliminate the problems that I see with them. Unfortunately, the Rules Committee decided not to let me offer any of those amendments.

My first proposed change would have made it clear that the courts would not be brought into budget writing by litigation on the enforcement of a balanced budget amendment. I would have done so by adding a clause stating, "Neither the judicial power of the United States nor of any State shall extend to any case arising under this Article."

We should make it clear in this way, I believe, that a balanced budget amendment doesn't turn into a wholesale abdication of Congress' basic responsibility, as the people's elected representatives, to make the final decisions on vital budget choices. It is irresponsible of us to create any possibility of letting these choices be assumed by unelected judges, and any amendment to the Constitution should clearly state that it is Congress that will continue to be responsible and accountable for the Federal budget.

The second amendment I tried to be able to present to the House was an alternative, simple amendment stating that Congress must pass a budget in which "total operating expenditures . . . for any fiscal year shall not exceed total operating receipts" except in times of national security or economic emergency, as determined by majority vote. It also would have required the President to send Congress a budget in which total receipts exceed operating expenditures for every fiscal year, and would have given Congress the power to enforce and implement the provision by appropriate legislation.

This alternative would have avoided the gridlock of supermajority requirements, would have left us with the flexibility to make capital investments, and would have placed the burden on Congress to find the appropriate mechanisms to enforce the new balanced operating budget requirement. I'm not sure that even this would have ultimately proven acceptable in light of my serious reservations about amending the Constitution, but this simple approach certainly would be far less troublesome than any of the other choices we face today.

I'm deeply concerned, all of us are, about the growing national debt. It has brought us to this point, where we consider exercising one of our most solemn powers, the power to amend the Constitution itself.

The irony of this is that after a dozen years of profligate spending, we're finally moving in the right economic direction. Over the past 2 years, we've finally achieved a level of fiscal discipline that hasn't been seen around here in a long time. We've approved a hard freeze on discretionary spending. We've reduced the rate of increase in most entitlements, and actually cut some. It would truly be a shame if, at this promising moment, we were to wave the rhetorical wand, pass this amendment, and allow ourselves to believe that we've won the battle, only awaiting State ratification of that amendment. Rather, there can be no letup in the hard work needed to produce sensible budgets, with reduced deficits, over the next several years.

In the end, we should be mindful that when we amend the Constitution, history will judge our actions with an especially critical eye. The Constitution grants primary responsibility for the budget to Congress for a reason: the decisions we make ultimately reflect the needs and preferences of the people we represent. The progress we're finally making is proof of the ability of this body, at its best, to discharge its responsibilities. We must continue and strengthen the discipline recently shown here. That is the best way for us to honor both our fiscal responsibility and our obligation to preserve and protect the Constitution.

I urge my colleagues to continue the hard work we've already begun to discipline our spending habits and reject the seductive and popular gimmickry of these balanced budget amendments.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, for 40 years, 40 years, this body failed to pass a balanced budget amendment. No line-item veto. And yet the Gephardt bill tries to scare you with the Social Security card.

Well, if you are so concerned with the Social Security card, all those arguing with the gentleman from Missouri [Mr. GEPHARDT], then why not support the three-fifths to raise taxes, because it would take a three-fifths vote to increase the tax on Social Security.

But no, it is smoke and mirrors. You want to raise taxes at will. You want to be able to pass on unfunded mandates, the big tax and spenders. I would say there is not a Member of the Black Caucus except the only Republican that did not vote in the last Congress to increase the taxes on Social Security. No Republican voted for it. There is not a Member that is arguing here today, except maybe the gentleman from Texas [Mr. STENHOLM], that did not cut Medicare by $56 billion, and not a penny went for health care. Why? Because not a single Republican or Democrat voted for it in the Committee on Ways and Means.

Do you get the picture? Why not vote for Gephardt? Because GEPHARDT kills the rule of three-fifths in his bill to raise taxes. He kills the limitations to raise the debt ceiling. They want to be able to raise the debt. Does that tell you something about the real issue on the balanced budget amendment?

What about the limit on cutting spending. GEPHARDT kills that. And that is why we do not support it. And we are asking him to support the three-fifths that would stop those things and also the unfunded mandates.

Why does the gentleman from New York [Mr. SCHUMER] and the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Missouri [Mr. GEPHARDT], the last Congress they voted to cut Medicare, they voted to cut Social Security, and they also voted to increase the marginal tax rate of every middle-income American. All of them. But yet now they switch their story. I guess it is easier to switch than fight.

Take a look at the leadership and the Rivlin memo to GEPHARDT and the Rivlin plan. The plan is to cut Social Security. The plan was to cut Medicare. The plan is to cut veterans benefits and further dismantle the military. But yet now we are talking about protecting Social Security. I will bet you will not find hardly anyone, if anybody, that wants to touch Social Security in here.

□ 1720

Then support the three-fifths, let us not have the smoke and mirrors. The gentlewoman from Colorado says we had hard choices in the Clinton tax package, that the liberal leadership twisted arms and only passed by one vote last Congress, one vote. Well, she did. She cut Medicare and Social Security. Those were the hard choices. They cut in 1986 IRA's. Now they want to support them back. They cut the annuities for senior citizens.

Get a life.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today, to urge my colleagues to support the Gephardt and Wise substitute amendments to the Barton balanced-budget amendment.

I have supported a balanced-budget amendment before my election to Congress, and I am going to support one today. But as long as I have believed in a balanced-budget amendment, I have also believed that Social Security is a sacred contract between the Government and its people. That is why I offered my own substitute balanced budget amendment. While not made in order by the House Rules Committee, my substitute, like the Gephardt and Wise proposals, specifically exempted Social Security from budget cuts and eliminated the unconstitutional and unworkable super majority requirement for raising revenue.

Not specifically exempting Social Security in the text of a balanced budget amendment—as the Republicans fail to do in their proposal—is to place this contract directly in the path of the uncertainty of the annual budget process and subject the program to possible cuts. That is irresponsible and unacceptable.

My constituents in northern Michigan understand that balancing the budget will require difficult choices and painful cuts. Almost to a person, they have indicated to me that they are willing to make the tough choices. But people in Michigan also understand a promise. Simply put, cutting Social Security is the same as cutting the Federal Government's credibility. Social Security is not just statistics—it is the only thing which stands between thousands of elderly Americans and true poverty. In Michigan, more than 1.5 million people receive these benefits—that is 1.5 million real people with real bills to pay and very real obligations to meet.

The Republican leadership claims that the adoption of House Concurrent Resolution 17, offered by the gentleman from Illinois, Congressman FLANAGAN, would protect Social Security from cuts. But, Mr. Chairman, if the Flanagan resolution were currency, it would be the peso—not worth a heck of a lot.

As we all know, this resolution has no force of law, and is really nothing more than saying to our Nation's senior citizens "I know we've pointed a loaded gun at you, but we promise we won't pull the trigger—at least not until the Nation's bill for the tax breaks for the rich and spending in the GOP Contract With America comes due."

Mr. Chairman, the Gephardt and Wise substitutes are tough and responsible and keep the promises that our Nation has made. I urge my colleagues to support these balanced-budget substitute amendments.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT], a member of the committee.

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I come before you today behalf of the people of my district to support a balanced budget amendment with three-fifths supermajority tax increase provisions because, Mr. Chairman, most every one of them is demanding relief:

Relief from a Congress that has strapped each and every one of them with a debt of over $4.5 trillion. Relief from a Congress that has taken away from many of them the incentive to save and invest as a result of burdensome and stiff taxes. And relief from a Congress that has created more than ever a sense of distrust of this institution.

A balanced budget amendment with three-fifths majority tax provisions will give them this relief, Mr. Chairman. We have before us the opportunity to restore the trust in this institution, the opportunity to bring about an economic climate that will encourage savings and investment, and an opportunity to begin addressing the problem of our ever-increasing debt by slowing spending.

We can do all of this by supporting a balanced budget amendment with a three-fifths majority for tax increases.

Mr. Chairman, it is my strongest belief that the tax burden placed on our society has created the circumstances I have mentioned. As a result of raising taxes, we have decreased the ability of the American people to save and invest, thereby damaging our economy.

Mr. Chairman, it makes it difficult for someone to save and invest when they wake up every morning knowing that Congress is making them work from January to May to pay their taxes.

Clearly, Mr. Chairman, raising taxes has not been the answer. There are the nine States which have similar supermajority requirements in order to raise their taxes. And in those nine States, State taxes have gone down an average of 2 percent. Compare those numbers, Mr. Chairman, to the 41 other States without some type of supermajority requirement to raise State taxes. Their State tax burden has gone up 2 percent. I repeat, Mr. Chairman, nine States have supermajority tax requirements for tax increases, and these nine States have lower tax burdens.

Mr. Chairman, today this country is at a crucial crossroads of its history. Now we have at the time opportunity to change the way Congress goes about its business of taxing and spending. Opponents of the idea of a balanced budget amendment with a three-fifths provision scoff at that idea. They say it will not work. I say nonsense. Having a balanced budget amendment with the three-fifths provision for tax increases will work.

Do we want to keep raising taxes and borrowing money we do not have? I do not think so, because either way the taxpayer gets stuck with the tab. Taxpayers know it, and they are sick and tired of it.

Mr. Chairman, we were sent here to make some tough decisions. We were sent here to reform the way we do business. It is something that should and rightfully be expected of us. Requiring a three-fifths majority for tax increases in a balanced budget amendment will invariably bring about the necessity of slowing spending. So it will ultimately force this body to make some long overdue decisions about how we are spending taxpayers' dollars and whether they should or should not be spent.

Some do not want to confront these decisions but they must be confronted. Otherwise, we are only saddling ourselves and our future generations with more debt and more red ink.

The American people are demanding a balanced budget. They expect Congress to curb its spending. They want to trust us and deserve that tax relief. Passing House Joint Resolution 1 will give them all.

I urge my colleagues to support this.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Nation's future and for the protection of our children and grandchildren's well-being. Right now both are in jeopardy because of the tremendous national debt that we continue to accumulate. Why do we keep borrowing from future generations?

I will answer my own question: because the Government has not made the tough decisions necessary to balance the budget and because of conflicting signals from the American people to cut spending but not from their favorite programs.

To stop us from passing the buck and to force the Nation to commit to making the sacrifices necessary for the long-term in economic security, I will join many of my Democratic colleagues in supporting the constitutional amendment to the balance the budget.

The bipartisan balanced budget amendment generally referred to as the Stenholm-Schaefer amendment, which I cosponsored when I first was elected to this House 4 years ago, contains no gimmicks and no shell games. It simply requires that total outlays not exceed total receipts.

I along with many of my fellow Democrats have led the fight for this amendment long before the Republican contract was drafted. We have pushed to bring this amendment to the floor each Congress and continually voted for its passage. And we came very close to passing this amendment previously.

Today, I reaffirm my support for the Stenholm-Schaefer balanced budget amendment and join my colleagues on both sides of the aisle in taking aggressive action now to protect the Nation's economic security and our children and grandchildren's future.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Florida. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I planned to take a couple of minutes to talk, but basically about the same thing that gentleman has mentioned. Some of us have been here, and I have been here 18 years. I voted on the constitutional amendment for a balanced budget back in 1982.

We have consistently voted on it. I have supported it. I am a cosponsor of the amendment of the gentleman from Colorado and the gentleman from Texas. Some of us have struggled and fought. We came close, 9 votes one year, 12 votes, if I remember right, last year. We may see a culmination. If we don't, we are going to continue to fight.

It was not a contract with America that started us on this effort. It was because some of us feel that we need to have a constitutional amendment for a balanced budget, but a sound one, one that makes sense, not a three-fifths majority, and that we need to do that in order to arrive at balancing the budget in the future.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. PETERSON of Florida. Mr. Chairman, reclaiming my time, I will once again compliment my colleague the gentleman from Texas [Mr. STENHOLM] for leading this battle, along with my friend over here, the gentleman form Colorado [Mr. SCHAEFER] who really intently feel seriously about this to the point of making the hard decisions necessary to balance this budget.

We stand with them in this fight.

□ 1730

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, every year, we hear the same arguments used against the balanced budget amendment: it is unnecessary, binding, and a blot on the Constitution. We are told we need to tighten our belts, make the tough choices, stand up to special interest groups.

There is one word you'll never hear used against the amendment though: commitment.

That is because opponents here in Congress do not share our commitment for cutting spending and reducing the deficit. As Robert Reich made it clear last week, neither does the administration. It is just not important to them.

But it is important to the American people. It is important to our future. It is important to our children.

Mr. Chairman, Congress does not lack for choices, it lacks commitment. The balanced budget amendment represents a commitment to the American people to make the tough choices and cut spending. It's the one budget agreement Congress can't repeal.

As a long-time cosponsor of the balanced budget amendment, I am excited this legislation is before us, and I look forward to successfully passing it, here and on to the States for ratification.

Last night, Bill Clinton told America that he was working to cut spending and reduce the deficit. He said his budget would cut $130 billion over the next 5 years. What he did not say was that spending will continue to rise and the deficit will continue to climb.

In fact, the legacy of the Clinton tax increase of 1993 is higher spending, lower growth, and higher deficits. The 1993 reconciliation bill was just one in a long line of budget agreements designed to balance the budget through tax increases and spending constraints. Each time, the taxes were gathered, but the spending cuts never materialized.

We are presented today with the unsavory picture of Congress and the executive branch piling fiscal failure upon failure. The situation is intolerable and it cries out for change. In my mind, that change can begin with passage of the balanced budget amendment. Not an end unto itself, the BBA will create a bulwark of fiscal discipline to the congressional budget process, beyond which neither Congress nor the President can tread.

The BBA will reform the budget process by forcing Congress to make decisions between increasing taxes and cutting spending. If the tax cap provisions are included with the BBA, then Congress will have no choice but to prioritize its spending decisions. Even without the cap, however, the BBA will provide a line of defense for the American taxpayers that simply doesn't exist today.

A balanced budget amendment is an idea whose time has come. While it is not the final answer to our fiscal problems, it will provide a measure of discipline that does not exist now, and it will instigate reforms that otherwise would not occur. For that reason, I applaud this effort and support the balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's yielding time to me.

Mr. Chairman, beside asking Americans to give their lives for their country, there is nothing more profound that any of us can do than to amend the Constitution of the United States.

After serving in this House for 10 years, I have come to the conclusion that without an amendment, the budget will never be balanced. That is why I support the balanced budget amendment offered by the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER].

Mr. Chairman, I support a balanced budget amendment because I do not believe that the President and the Congress will find the collective courage necessary to balance the budget without a Constitutional imperative. It is my sincerest hope that the weight of the Constitution will force the balanced budgets necessary to secure a prosperous future, our nation's sovereignty, and a government that makes smarter decisions.

America has always been the land of opportunity. A better life for each successive generation is one of the defining characteristics of our nation. Each generation's hard work paved the way so that those who followed could travel farther down the road of prosperity. Unfortunately, in recent decades, the economic policies of this country have caused us to lose our way. Nations, just like families, must plan for the future. As a nation we have failed to plan. We have borrowed to achieve a false sense of prosperity today, leaving the bills for our children to pay tomorrow.

In 1992, our government spent $290 billion more than it had. In 1992 alone, $1,150 was borrowed from every single person in America. Over the past 20 years, the average budget deficit has grown from $36 billion in the 1970s, to $156 billion in the 1980s, to the unprecedented $248 billion hole we have dug for ourselves so far in the 1990s. This irresponsible spending has resulted in a debt hole so deep that this year's interest payment ($213 billion)—just the interest payment—will be larger than this year's deficit ($176 billion).

Today's talk about balancing the budget, while also calling for increased defense spending and lower taxes sadly assures me that fiscal responsibility will be trumped by politics as usual. These are the same misguided economic policies that tripled our national debt during the past 12 years. Republican George Bush called it "Voodoo Economics."

In 1798, Thomas Jefferson said that if he could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money: "We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." Our recent history makes it clear we should heed Jefferson's wisdom.

Our current spending spree cracks the foundations of our nation's sovereignty. At the beginning of the 1980s, foreigners owed Americans much more than we owed them. Today, we are the world's largest debtor nation. We owe foreigners much more than they owe us. And foreigners are collecting these debts by buying our office buildings, our companies, and our farms. We are selling our nation to anyone who will bankroll our outrageous spending. In an era when economics plays a larger role in the global order, our spending binge threatens our sovereignty and ability to influence international events. It's much harder to get Japan to tear down its trade barriers when we our indebted to them.

A message sent loud and clear in the 1994 elections was that Americans want us to make wise decisions. A balanced budget will force the achievement of this goal because the decisions made depends on the amount of money you have to spend. This is proven true in our daily lives. A person with $3 to spend on lunch will make an entirely different set of decisions than that same person with $10 to spend. The Government just puts it on a credit card.

We must remember, however, that voting for a balanced budget amendment is the easy part. The amendment has overwhelming public support and simply voting "yes" puts each of us on the right side of public opinion without having to make the tough choices that will put the budget into balance.

It would be a cruel hoax on the American people to pass a balanced budget amendment without beginning to actually balance the budget. If we start our work today, the impact will be less painful and our decisions less difficult than if we continue to postpone tough decisions.

To ensure that we make good on our commitment to balance the budget, I am working to draft the Balanced Budget Enforcement Act of 1995. This bill would force us—today—to begin bringing the budget into balance by the year 2002, while the ratification process proceeds. It would do so by setting spending caps and using across-the-board cuts if the caps aren't met. I don't believe this bill is the only answer to our budgetary problems, but it is an answer and it will lead to a balanced budget.

There is little argument that balancing the budget is essential to the future of our country. However, the bickering begins and political courage fades when we begin to talk specifics. It is time to summon the courage and start today.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me. Mr. Chairman, I rise today in support of the balanced budget amendment.

Our current financial crisis is due to overspending pure and simple, and I firmly believe that a balanced budget amendment will impose discipline on Congress and the executive branch to live within defined means.

Having worked under a similar mandate in the State of New Jersey as a State legislator, chairing the appropriations process, I am fully prepared to work within the same spending and taxing restraints on the Federal level to make those serious decisions.

Mr. Chairman, I urge my colleagues to vote in favor of the Barton amendment to provide, finally, discipline to the Federal budget process.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, Harry Truman used to say, in an earlier and perhaps better era here in D.C., "The buck stops here." In today's Washington, D.C. your buck barely gets a chance to wipe its feet before it is back out the door in the form of some new Federal spending.

Without the fiscal discipline of a balanced budget amendment, I doubt this Congress will be able to make the tough choices that are required, no matter what party is in charge. It is time to quit passing the buck, or in this case, the debt, to future generations and put our fiscal house in order.

The national debt is nearly 5 times higher today than it was when Ronald Reagan became President in 1981. That is a disgraceful bipartisan legacy of irresponsible spending and tax giveaways.

The total debt of the Federal Government totals more than $4.6 trillion, $16,000 for every man, woman and child in America. Interest alone will total more than $225 billion this year. That is 10 times more than all the funds spent by the Federal Government on all education programs and assistance this year.

Some oppose the balanced budget amendment over genuine concern for the fate of Social Security, child nutrition, education funding, or other meritorious programs. An honest assessment of those programs shows us they have not done well during this decade of spend and debt. We accumulated $4 trillion of debt, but there is not a penny in the Social Security Trust Fund. It is full of IOUs. How are we going to cash those IOUs in when we need them?

Twenty percent of Oregon's children live in poverty. Many go to bed hungry every night. We know of the shortfall in education funding. It is time to get our priorities straight, make some tough decisions. As we make those tough choices, I am confident these programs, the programs I care about, will do better than they did during the spendthrift decade.

My home State of Oregon has a balanced budget amendment, as do most other States. Every local government in Oregon is required to balance its books every year, as does every responsible family. The Federal Government can do the same.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute and 30 seconds to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in favor of the Barton balanced budget amendment. Some say that to propose a balanced budget amendment without proposing how we would get there is wrong. I say nonsense.

The American people are pleading with us to set aside bickering and at least agree on the goal of living within our means. We must take that first step toward a balanced budget amendment, with or without the support of the President. Then we can debate the spending cuts necessary to achieve that goal.

Mr. Chairman, my colleagues on the other side of the aisle have had 40 years to control the power of the purse and prove that Congress could be fiscally responsible. The result: Congress has left this country with a crippling debt and with higher taxes. Americans can no longer afford this sort of behavior from their Congress.

Mr. Chairman, now the burden of proof should be on the Congress to justify dipping further into the taxpayers' wallets. That is why we must pass the Barton substitute that requires a three-fifths majority to raise taxes. We must force this Congress to make tough choices in spending cuts, not taxing our way to a balanced budget. Protect the taxpayer. Pass the Contract With America version of the balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise in strong support of a balanced budget amendment. I am disappointed that the majority will not allow us to vote on mine and other amendments which I believe solve some of the problems, but there are many similarities between the amendments we will look at.

There is, however, a real problem: How do we enforce it? We have looked to a super majority in various amendments as a way to enforce it, or future legislation as a way to enforce it. Will it work? The problem I see with these amendments is that they rely upon estimates, not actual. Will it actually require us to balance the budget? No. Why?

Mr. Chairman, I read in the Barton amendment, section 1, the last line "Congress and the President shall ensure that actual outlays do not exceed outlays set forth in this statement." What about receipts? How do we guarantee that the projection of revenue is actually going to show up?

If we say "Well, it will," look at the last 14 years. CBO has missed in every one of those years by an average of, overestimating revenue, an average of $25 billion per year. What is going to happen? At the time we figure out that receipts did not come in, it is too late to cut spending. We have already spent it. It is the end of the fiscal year. Even if we could get three-fifths to raise taxes, it is too late to do that.

□ 1740

There is one option and one option only, that is, increase the debt limit. You are going to put a permanent ceiling on the debt limit and you cannot raise it without three-fifths.

What you have done is in contravention of the Founding Fathers' intent, you will have placed control in 40 percent of this body or the other body to hold us hostage.

Let us say they decide they want more welfare spending, and they are not going to vote for increasing the debt limit unless you give them a higher debt limit to spend more money on welfare, or defense, or anything else.

We had better back up. I will vote for and support the best constitutional amendment we can get, but I certainly hope the other body can do a better job and perfect this before we have to send it to the State legislatures.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. HOKE].

Mr. HOKE. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of the Barton balanced budget amendment.

We are going to vote either tonight or tomorrow on this amendment and we are going to have the opportunity to complete 2 pieces of work that were begun 200 years ago and about 100 years ago. One is the Constitution itself.

Thomas Jefferson wrote in 1789 very clearly and very well. He said:

> If there is one omission that I fear in the document called the Constitution, it is that we did not restrict the power of the government to borrow money.

What this constitutional amendment does is it puts into the constitution the restriction that the Founding Father and founder of the Democratic party, Thomas Jefferson, wanted to have put in the Constitution, the restriction on borrowing money. It is the three-fifths majority that is required to raise the debt ceiling. That is the operative language that makes it very, very difficult, not impossible—by no means impossible—but it creates the hurdle over which we have to jump in order to borrow more money to make it possible to deficit-spend. It is the essential element of this constitutional amendment with respect to spending.

On the taxing side, we are going to complete the 16th amendment to the Constitution which allowed the income tax in the first place. That is, that we are going to require that there be a three-fifths majority to raise taxes as well.

These two together will complete the spending and taxing limitations and restrictions that were begun 200 years ago and need to be completed, need to be fulfilled in the Constitution of our country.

Our country was founded on limited government, not unlimited borrowing. To limit government, we need that supermajority. To limit borrowing, we need a supermajority to increase the debt. And the BBA will reinforce the theme of the Constitution.

The other thing that the BBA does is it will change the way that the American people have been cheated out of the definition of government. The proper definition of government is what the people are willing to pay for on a pay-as-you-go basis.

We really have no idea what we as a Nation believe our Government should be, what the size and scope of it should be, what its role should be, what its definition should be, because just as in a family you do not know how you want to define your lifestyle except by what you are willing to pay for, just as in a company you do not know what you are willing to do, what you want to do in terms of defining the direction of your company and where you want to go, the same is true with respect to our Nation and our national identity and what we are willing to pay for in terms of defining what our Government is going to be.

We have been cheated out of that as a Nation. We do not know what that is. Until we are required to match revenues against expenditures, until that happens, we will not know as a Nation what it is that we want our Government to do.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise today in strong support of the balanced budget amendment. I have been for the balanced budget amendment for the last several years, because I do not believe that we can find the will to make the necessary cuts to save the future generations of this country without the support of the American people through a balanced budget.

The fact is the people say:

> Listen, JOE, you are a liberal Democrat, how can you possibly be for a balanced budget amendment? It is going to cut the very programs that much of your family and others have stood for generations.

I say to them that those very programs that stand up for the working people and the poor and the senior citizens of this country have suffered the worst cuts over the course of the last 15 or 20 years in this country as a result of budget deficits.

Look at the housing budget. Cut by 77 percent over the course of the last 15 years. Look at those who have press conferences that say they want to protect fuel assistance for the poor. Look at what has happened to the fuel assistance program. Cut by 30 percent.

Aid to education. All of the programs that are designed to assist the very poor, our vulnerable citizens, are the programs that get cut.

And after all, who pays the debt? It is the working families of America that pay the lion's share of America's taxes. We see a greater and greater percentage of those taxes going for one particular item, and, that is, to pay the interest on the debt.

What accounts have gone up in the last 15 years? National defense. We have seen the budget doubled. We have seen a fantastic increase, from $70 billion a year to $240 billion a year on the interest payments alone on the national debt.

Does a working family get to educate their kid? Do they get to take care of a senior citizen, a parent? Do we see the bellies of our poorest children filled as a result of interest payments on the national debt?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUNNINGHAM) having assumed the chair, Mr. WALKER, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, had come to no resolution thereon.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 1, the balanced budget constitutional amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON TOMORROW, THURSDAY, JANUARY 26, 1995

Mr. HYDE. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

LEGISLATIVE PROGRAM

Mr. CONYERS Mr. Speaker, reserving the right to object, and I do not intend to do so, let me just take this opportunity to clarify the schedule for the remainder of the evening and for tomorrow.

Can we confirm that the only remaining legislative business for today is to complete general debate, not going into the Barton amendment?

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. I believe that is correct. I have not been instructed otherwise, so it is correct.

Mr. CONYERS. Will the gentleman indicate to us whether we plan to finish the balanced budget amendment tomorrow or carry some of the bill over until Friday?

Mr. HYDE. I hope with the superb cooperation I have come to expect from the distinguished gentleman from Michigan, we could finish it tomorrow.

Mr. CONYERS. Then, finally, on behalf of the Democratic leadership, I have been asked to confirm that the Democratic side will be assured of at least 20 1-minute speeches tomorrow morning preceding our activity.

Mr. HYDE. At most, the gentleman is exactly correct.

Mr. CONYERS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to House Resolution 44 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 1.

□ 1749

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, with Mr. WALKER in the chair.

The Clerk read the title of the joint resolution.

□ 1750

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Illinois [Mr. HYDE] had 52 minutes remaining in the debate, and the gentleman from Michigan [Mr. CONYERS] had 47 minutes remaining in the debate.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

PARLIAMENTARY INQUIRY

Mr. HOKE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOKE. Mr. Chairman, when the Chair or the Speaker grants unanimous consent that someone may revise and extend their remarks, does that mean, is that implicit that that means within the rules, or does that actually mean that the remarks themselves can be revised in the RECORD?

The CHAIRMAN. It means revisions and extensions within the meaning of clause 9 of rule XIV.

Mr. HOKE. That have been adopted by this House in the 104th Congress?

The CHAIRMAN. The gentleman is correct.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am pleased to yield 1½ minutes to another distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time.

Mr. Chairman, there have been many efforts made in this Chamber to try and balance the budget. I can well remember the Freeze Budget, the 1992 Group Budget, the Pork Busters, our good friend Tim Penny who led many bipartisan efforts, and I can remember Gramm-Rudman. Every one of these was to no avail.

Remember this button: "108 in '88?" That meant under Gramm-Rudman our deficit was going to be by law no greater than $108 billion in 1988.

Well, guess what? It was $187 billion, not $108 billion.

Promises, promises, promises, promises, and every one of them was broken.

It is time to keep our promise. The deficit today is over $200 billion, and it is as far as the eye can see $200 billion. In fact, by the turn of the century it is not going to be $200 billion, it is not going to be $300 billion. The OMB, the Office of Management and Budget is projecting over $400 billion.

I had a town meeting a couple of weeks ago and I had a very activist Democrat stand up and say:

> Fred, I have been against the balanced budget before because I did not think it would work. I thought we had laws that made it work, but I've given up. When you get back to Washington, please, please, please, for our children and for our jobs, pass a balanced budget amendment.

It is time now to keep our promises. It is time to pass a balanced budget amendment, a constitutional one.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, I want to thank the gentleman from Michigan for yielding time to me.

Mr. Chairman, let me first commend my colleague, CHARLIE STENHOLM, for his leadership on the issue we are debating today. We are considering, hopefully for the last time, passage of a balanced budget amendment to the Constitution. I have been on this floor three times before pressing the Members of this institution to let this debate out of Washington. Ratification is my ultimate goal, but more important in my mind is the great public debate that will take place around this country during the process of ratification.

The balanced budget debate must be expanded beyond the Washington betway and with passage in Congress the debate will begin in earnest. For as the states consider ratification, our country will begin a full and frank public debate on the role of government—Federal, State and local—and the cost of fulfilling that role.

If the politicians who designed past efforts to bring the budget into balance had engaged the public in that process then I doubt we would have dug—or been allowed to dig—such a huge deficit hole.

Mr. Chairman, the balanced budget amendment incorporates into our fundamental law the principle that the Federal Government cannot spend more money that it takes in, except under special circumstances. That principle rightly fits in the Constitution and would not, as some suggest, trivialize that basic document. But more importantly, the ratification process will allow, even force, the American people to focus on what they want from their government, what benefits they will surrender in the name of fiscal responsibility, and what burdens they will shoulder to do the important tasks they ask their government to do.

Mr. HYDE. Mr. Chairman, I am honored to yield 3 minutes to the distinguished gentleman from Texas [Mr. BARTON]

Mr. BARTON of Texas. Mr. Chairman, I want to first of all thank the distinguished chairman of the Committee on the Judiciary, HENRY HYDE, for his excellent leadership in shepherding the balanced budget amendment process this far. I want to thank our new Republican majority leadership for scheduling the debate immediately and not having to force us to resort to discharge petitions. I want to thank my good friend, CHARLIE STENHOLM of Texas, for being such a stalwart for so many years to keep the dream alive and all of the other true believers that feel like we need to balance the Federal budget in a bipartisan fashion.

We have won the debate as to whether we should have a balanced budget at the Federal level, at least we have won the debate everywhere but in the White House, in the Office of Management and Budget, and with the Secretary of Labor. The question is not should we balance the budget but how should we do that, and there are really three basic ways: We can raise taxes; we can cut spending, or we can do a combination of both.

There are two serious amendments on the floor this evening and tomorrow to get us to a balanced budget. The Schaefer-Stenholm amendment requires a three-fifths vote to borrow money, a three-fifths vote to raise the national debt ceiling and that is a constitutional majority of 218 plus 1 in the House to raise taxes. The Barton-Hyde-Geren amendment requires a three-fifths vote to borrow money, a three-fifths vote to raise the debt ceiling, and I think, significantly, a three-fifths vote to raise taxes. That third three-fifths vote to raise taxes in some ways is the most important three-fifths vote, because I believe the emphasis should be on cutting spending.

Why do I believe that? Go back to 1964; the entire Federal budget was $118.5 billion. In 1965 it actually dropped. We spent $118.2 billion. Every year since 1965 Federal spending has gone up. In the fiscal year we are in now we expect to spend $1,531,000,000,000. That is an increase of 1,300 percent in the last 29 years.

Federal spending has gone up every year since 1965.

To put that in perspective, in the year we are currently in, we expect to spend 70 billion more dollars than we spent last year, and last year we spent 53 billion more than the year before. Simply put, it is not a lack of revenue as to why the budget is not balanced. It is simply the fact that spending is out of control.

If we want to restrain spending, we have got to balance the budget by cutting spending. Put the tax limitation provision in, the three-fifths vote, and we will do it. There are nine States that have tax limitation provisions. In those nine States their taxes have gone up less and their spending has gone up less, an average spending of about 9 percent less and an average tax increase—an average in the years between 1980 and 1990—an average of about 14 percent.

We should vote for the balanced budget amendment with tax limitation. I ask for Members' support.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to this gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to take us for a quick ride down our spending highway. If we assumed our income equals our spending and we are traveling at 55 miles per hour, if for every $1 billion of deficit spending we increase our speed by 1 mile per hour, instead of going the posted 55 miles a hour, we are going 258 miles an hour.

And remember, that to get $1 billion of revenue it requires approximately 250,000—that is right, a quarter of a million—individual average tax returns. So not only are we exceeding the speed limit by 203 miles a hours, we are spending the money from 50,750,000 average individual tax returns that we do not have.

□ 1800

And that is just in 12 months. If we are to have to pay off our national debt right now, it would require the taxes from 1,171,000,000 average individual returns that we do not have.

Even if the debt never increased and we never paid any interest on it, it would require all the revenue received from all the tax returns of all individual taxpayers in this country for almost 11 years just to pay off the principal. So if you think we can slow this vehicle down that is traveling 258 miles an hour by just posting a slow-down sign, you are wrong. We have tried it. If you think we can slow it down by putting speed breakers in there, we have tried that, too.

Gramm-Rudman 1 and 2, the Budget Acts of 1990 and 1993, you are wrong; we hit those bumps, we picked up speed, and $2 trillion in debt, since we hit them.

It is time we called out a traffic cop with a radar gun to slow us down. That is what the balanced budget really is, Mr. Chairman. It is time to call out the cops.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I particularly thank the truly distinguished chairman of the Committee on the Judiciary for yielding me this time.

I rise in support of the balanced budget amendment. I am a name cosponsor with the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER] on theirs, but I also support the Barton three-fifths tax limitation as well.

But it is the concept of what we are doing. Let me just say I would like to congratulate this entire House of Representatives on considering the most significant chance to end doing business as usual down here that we have probably ever considered, and doing it early on in January. I think it makes a huge difference.

I thought the way I could spend what is left of my 3 minutes is to just tell you a story about what has brought me to be so supportive of the balanced budget amendment, my own personal experiences.

I am from the State of Delaware. I was in the legislature of the State of Delaware. I was there in the 1970's. During that period of time, we had some difficult problems. We never balanced our budget. We borrowed money in virtually any way you could possibly borrow money, short-term, long-term, whatever it may be. We had the highest personal income taxes in the entire United States of America, 19.8 percent State taxes, this is. Businesses were leaving Delaware as fast as they could make up their minds to be able to get out. Then we came along, and some individuals, and I was not involved in this, adopted a balanced budget amendment. We have the three-fifths tax limitation. We adopted the line-item veto. We have rainy-day. We have other cushions. We have everything you could possibly imagine.

Since that time, since we woke up in the end of the 1970's, we have balanced our budget 18 straight times in the State of Delaware. We have reduced our taxes five times in the State of Delaware. We have created more jobs than practically any other State on a percentage basis; I know, we are a small State. We did reduce poverty more than any other State during the 1980's. We became a financial success story.

It is not easy. It was very tough to do this. In addition to all those constitutional amendments and changes, we had to struggle with small pay increases, in fact, no pay increase one year for State employees. We eliminated waste. We had an early retirement option. It was a very difficult matter to carry out.

We expended Medicaid perhaps a little more slowly than some other States did. We did create economic opportunities, because we saw the other opportunities, because we saw the other side, if we could bring in revenues, and we have different banking laws in the State of Delaware which have helped us attract jobs to our State, and we have made fiscal adjustments each and every year to keep our budget in balance.

We are absolutely convinced that this is the way to go, and I am convinced this is what we should do in Washington, DC.

What if we do not pass the balanced budget amendment? What if we just go on as we have with business as usual? Well then, in my judgment, the easier choice will be made virtually every time, that is, to extend, to expand, and to add programs. The debt will bury our future generations, and the inefficiencies, because of political malaise, to make the tough decisions will simply carry on.

For all of these reasons, I believe that each and every one of us should tomorrow realize that this is not just a procedural vote. It will lead to many, many years of very difficult votes, both of which are going to benefit the people of the United States of America.

I hope we will all support the balanced budget amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER], a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, I oppose this amendment, because we should not write fiscal policy into the Constitution.

Of course, we want balanced budgets most of the time. But it is nonsense to speak of a balanced budget without separating out a capital budget.

Every State, every local government, every business has a capital budget and an operating expense budget. The operating budget must be balanced, but the capital budget enables long-term investment, highways, bridges, tunnels to be financed by borrowing.

Any family borrows to buy a car or a house.

This amendment would prohibit the Federal Government from ever borrowing except in wartime. This is nonsense.

Second, budgets should be balanced over time, not every year. In good times, the operating budget should be balanced or have a surplus to pay down the debt. During a recession we should prime the pump, cut taxes, increase expenditures, run a deficit to stimulate the economy, to put more people to work, and to get out of the recession.

This amendment would force the Government to violate all we know of economic policy and cut spending during a recession to offset the lower tax receipts generated by the recession. This is a good way to turn a recession into a depression.

That is why the Owens amendment which I support would suspend operation of a balanced budget amendment when there is high unemployment.

Third, the proposed three-fifths rule would require a 60 percent vote to pass bills to improve enforcement of the law against tax cheats, to close special-interest tax loopholes, or to revoke most-favored-nation status of countries that violate human rights. A minority of the House would be able to block any of these actions.

Finally, our large national debt and the Republican decision to increase substantially defense spending means inevitably that a balanced budget amendment would force us to gut spending on Social Security, Medicare, and other vital programs.

Mr. Chairman, we do not need this dangerous amendment. In the last 2 years we have cut the deficit almost in half. We need to continue a prudent fiscal policy. We do not need to rewrite the Constitution.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr NEY].

Mr. NEY. Mr. Chairman, I want to talk about reality and fact today versus uncertainty and doubt.

And the uncertainty and doubt mentioned is budget estimates. The reality is it has been done. It has been done in many States.

But Ohio sets an example, one of the larger budgets in the United States, and you have the executive budget, you have the legislative budget office. Sometimes their statistics do not agree. But you come to a middle point and you take the conservative end of it. Usually that tends to give us the basis to be able to operate on a balancing budget.

The doubt, it has not all been set out over the course of the next 7 years. The reality, the State of Ohio, like many other States, has made it a reality that we set out a budget pattern. We accomplish a short-term goal, and it works. The doubt, this system will not work: The reality, it does. Last month I was chairman of the senate finance committee in Ohio. I guarantee you had we told the members magically there is no more cap on the Ohio budget, the end result is they would have crawled on glass to get there to spend money. It does work.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

Ms. JACKSON-LEE. Formulating laws and studying our legal system has occupied most of my adult life. At each level of my professional career, I have taken an oath to uphold the laws and principles of the Constitution of the United States of America, and I take this responsibility very seriously.

I feel very great cause for concern over this most recent attempt to alter the Nation's most sacred charter, not that it has not been done, but simply the process is one that bears a great consideration and seriousness.

Clearly any changes that are to be made to this document should only be made upon careful deliberation and dialog. At this time, however, I do not feel that we have gone forward in a bipartisan spirit and open debate to do this monumental task.

Oh, I know the stories have been told about the years of trying to balance the budget and all the Congresses that have not, but I come here a new Member representing my constituents and believing that we have the ability to handle this in a manner that shares with the American public the direction in which we are going.

In this Committee on the Judiciary time and time again in a bipartisan spirit SHEILA JACKSON-LEE offered military preparedness, protecting Medicare and Medicaid, offering Social Security amendments, not to stop the progress but simply to provide for the American public a realistic look at the balanced budget amendment.

There are too many questions that I still have, and they are still left unanswered. Precipitive cuts in essential Federal programs, especially programs that assure health, safety, well-being, and educational opportunities for our citizens clearly are in the national interest. The majority wants to balance our budget by cutting spending by 30 percent without raising taxes. This will hurt our children's programs, Medicare, Medicaid, and veterans' services.

In Texas alone over 180,000 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements. If we pass the balanced budget amendment, 420,000 children in Texas will lose food stamps; over 500,000 would lose Medicaid health coverage.

□ 1810

While these alarming numbers are specific to my State of Texas, I have to stand up for my people in my State and in the entire Nation. As legislators it is our responsibility to examine the effects of this legislation in detail and to truly understand the consequences of what we are doing.

When we talk about dropping education benefits, 37 percent of the people say they support the balanced budget amendment. When we talk about cutting social security, only 34 percent of the American people.

I simply ask that we detail where we are going and what we are doing. I simply ask are we going to cut child welfare dollars or are we going to fight for a new flight bomber? It is very important, as we discuss a balanced budget, that we focus on the substantive impact and whether or not Congress and the President can actually achieve a balanced budget amendment.

We must understand the enforcement mechanism. Who has standing? The question has never been answered.

Does the senior citizen in the 18th district of Texas have the opportunity to go to the Supreme Court and say they have been impacted negatively by the balanced budget amendment? I think they should. The questions are still unanswered.

We have a great responsibility as we amend our Constitution, and I believe that we must give reverence to the Constitution of the United States. An open rule, and understanding of where we are going, that is what we need in a balanced budget amendment, but we need most of all to understand and respect the Constitution.

Mr. HYDE. Mr. Chairman, I am delighted to yield 2 minutes to the learned gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. I thank my learned chairman.

Mr. Chairman, I am trying to figure out a way of how to get into this conversation because so much of what I had intended has already been said.

Let me just say one thing: I was down here in 1982 with the Grace Commission. We had a deficit of $200 billion. We had great plans, we had suggestions to close that gap, cut the spending. Nothing happened.

I came here as a Congressman in 1987. Our deficit was still $200 billion, and we had all of these plans, Gramm-Rudman-Hollings, all of the great laws. Nothing happened.

Here we are now with a deficit of still $200 billion or approximating that.

There was a man called C. North Cole Parkinson, who said expenses have a tendency to rise to exceed income. That is what is happening here.

I think it is really a bad idea, if there were any other alternative to having a constitutional amendment. However, I am convinced now that it is the only way of doing this thing. I am not for the three-fifths for the tax increase. It is not practical. It will not work. But I am for a balanced budget amendment.

Let me say one other thing: That is the easy part. The hard part is to put this into practice. Peter Drucker always said that all great ideas ultimately degenerate into work. This is what is going to happen here. The easy part is passing this legislation; the hard part is going to be to put it into effect.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank my friend for yielding this time to me.

My colleagues, in the rush to pass a constitutional amendment and tamper with the Constitution to do something that we do not have the guts to do ourselves, let us tell the American people what we are really doing. Let us be honest with the American people.

If the American people knew what this balanced budget amendment would do, there would be a hue and cry in the land.

We are exempting social security. I agree. We are telling our senior citizens that by exempting social security, they will be all right. Who is kidding whom? Do you know the Medicare cuts that will come as a result of this balanced budget amendment? My senior citizens and senior citizens across this country that are on Medicare and cannot make ends meet now will face cuts of 20, 30, 35 percent. They cannot get money to pay for prescription drugs or the health services they need now. Forget it after the balanced budget amendment.

Medicaid, decimated; veterans benefits, decimated. You veterans who think you will continue to get outpatient services under a balanced budget amendment, outpatient health services, forget it. That will be gone.

Education, school lunches, magnet school programs, forget it. Tremendous cuts. Our children are going to suffer in future years.

Mass transit, Meals on Wheels, the environment, forget about clean water and clean air, there will not be money for that.

More cops on the beat, housing, health research.

Federal pensions, we can forget about all the things the American people have come to expect.

Wake up, America. If we do not have the guts here to do what we have to do, a balanced budget amendment is not going to do it for us. All it is going to do is impose terrible hardships on the American people, senior citizens, and our young people.

If Congress declares war, we have to have a separate vote on a military action and then a second vote to decide to unbalance the budget. This is unworkable.

It is a disaster for America, and I will vote "no."

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, after hearing the last remarks, the most scary scenario of all would be for us to continue to run this country into bankruptcy and then there are no programs that are going to get the benefit.

Mr. Chairman, last November the American taxpayers declared that enough is enough. They are fed up with the Federal Government's liberal tax-and-spend policy. Passing the tax limitation balanced budget amendment will insure that the Government will balance its budget without raising taxes. The three-fifths rule serves as a vital disciplinary tool. It will help Congress resist the temptation to fall back into the liberal tax-and-spend habit of the past 30 years. It will keep Congress' sticky fingers out of the American taxpayer's back pocket. Are not American people already being taxed enough? Forty-nine States operate with a balanced budget amendment. Every American working family must balance their checkbook each month.

Is it not time for the Federal Government to start living within its means as well? I urge all my colleagues to vote in favor of the Barton amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, democracy means majority rule, but it also means government of, by, and for the people.

In the context of democracy, there are two things that trouble me greatly about the Barton constitutional amendment for a balanced budget.

First, the resolution seems to trample on the right of the people to know under what burdens they must suffer at the hands of the Government. The resolution, second, seems to ignore the sacredness of the Constitution of the United States.

On one occasion, President John Adams spoke of the right to know. He said, "Liberty cannot be preserved without a general knowledge among the people who have a right to know." That right, he said, "is indisputable, unalienable, infeasible, and devine." Passage of the proposed Barton constitutional amendment in its current form denies the people the right to know.

In order to achieve a balanced budget by the year 2002, as provided in the amendments, an amendment must provide that we must make those hard cuts. $1.2 trillion will have to be cut in a range of entitlement programs alone.

Why will not the majority tell us how those cuts will be made?

These are not social security alone, there are other entitlements beyond social security. If the tax cuts envisioned are made, indeed we must make cuts beyond that. More than $450 million in additional cuts would be made. That will mean farmers in my State and rural communities, water sewage, all of those projects will be subject to cut.

One of the sponsors of the amendment has said that we should not let the people know because, "If they know they will buckle at the knees." I disagree. Knowledge is the beginning of wisdom. A wise America is a strong America and will make the decisions as to the necessary cuts if they believe, if they believe those cuts are necessary for the welfare of this country.

My second concern is, while I agree that the Constitution is a living, breathing document, it is not a document that we should take lightly. It is not subject to every political whim, and the people will say that we are good politicians. It is a sacred document. It has only been amended 27 times in more than 2 centuries. Therefore, we should take as sacred our responsibility to first deliberate, then understand, then to inform the American people what it is we are about to do.

☐ 1820

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise today in strong support of the constitutional amendment to balance our budget and especially the Barton amendment with the three-fifths provision.

Almost 180 years ago, Mr. Chairman, Thomas Jefferson, a man well ahead of his time, stated, "To preserve our independence we must not let our rulers load us with perpetual debt."

Now I have heard from a lot of people today saying, "When the American public finds out how you are going to do this, they will be outraged."

My colleagues, the American public is outraged now, is asking us, "How do you do it? If I bounce a check, the bank will shut my account. If I go over my limit on my Master Card, they will cut my credit."

The United States of America spends money it does not have while parents at home have to tell their children, "You can't go to the University of Florida or Florida State. We have to keep you at home because we can't afford the tuition." Parents make those choices every day. The American Government must make those same choices.

Mr. Chairman, we must balance this budget in order to assure future generations the same opportunities we have in this country.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, we are fast approaching 5,000 billion dollars in debt, and the interest on that debt is $200 billion every year. That interest on the debt is greater than the deficit for this year for the first time, and it will be for many years in the future. Much of that interest goes to foreign sources, and it denies our people's needs that we should be paying that interest. But how did we get here?

The majority of us in this Chamber were not here when the vast decisions were made on this issue. For a 12-year period not one budget was presented that was in balance by either President Bush or former President Reagan. And the Congress, after passing those budgets, those budgets which were than presented and signed by those Presidents, all of those budgets which were out of balance, not a single one of them was vetoed. So, I deplore the history that got us to that point, and it was in that period of time that we went from 1,000 billion dollars to 4,500 billion dollars of debt.

So, I intend to vote for some of the proposals for balanced budgets. I will vote for those that involve capital budgeting because every family and every State in this country provides for some degree of amortization for its investments in the future, for construction of long-term nature at the State level, for homes at the family level. I will vote for the protection of Social Security. I will vote to allow the fast action when we have a recession and need to do something countercyclical to deal with the recession. But I will not vote for amendments that allow for a minority to control budgetary decisions.

So, Mr. Chairman, I will vote against the Barton amendment and hope that it is defeated.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me.

Mr. Chairman, once again the House is about to consider a balanced budget amendment. I rise today to throw my support behind this important measure, particularly the Barton amendment.

For the last 25 years, Mr. Chairman, this Chamber has accumulated deficits that defy logic. After a quarter century of living on borrowed money, today I say "Enough is enough."

Previous attempts to balance the budget without a constitutional amendment have failed. Time after time Congress has shown that it lacks the discipline to adhere to goals that it sets for itself. It is clear only a new approach will bring lasting fiscal restraint on this body.

Mr. Chairman, the world will not come to an end if this amendment passes. Those naysayers who claim that the sky will fall if we embrace fiscal responsibility in our Constitution are just the guardians of an oversized government that has betrayed the American taxpayers by wasting too much of their money. Let us end the congressional spending spree and support the balance budget amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, this is the fourth time that I have been on the floor on this subject since I came here 6 years ago. I am in my seventh year now. We have come within 12 votes one year, 9 votes one year, and, I think, even 7 votes one time, and I want to commend the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER] for bringing once again, I think, a workable solution to our problems.

Abraham Lincoln, our 16th President, once said, "A majority held in restraint by constitutional checks and limitations is the only true sovereign of a free people. Whoever rejects it does, of necessity, fly to anarchy or to despotism."

I think, if he were here today, he would say the same thing. What he said was, in my words: There must be a clear, cogent and compelling reason to disregard this most basic premise of democracy: majority rules.

Over the past 25 years, Mr. Chairman, a clear willingness to borrow from tomorrow for today's gratifications has been shown by administrations, Democrat and Republican, by Congresses, Democrat and Republican, and the American people. Therefore, Mr. Chairman, I think circumstances justify, or maybe even demand, a three-fifths requirement for a supermajority to borrow money as it relates to our national debt and to place such a restraint in our most basic document of government, the United States Constitution.

Always in these arguments about spending, Mr. Chairman, those whose voices are not heard in these decisions to raise the debt ceiling are those who are not here: our children, our grandchildren and their children. On the other hand, Mr. Chairman, there is a significant and profound influence in our body politic to prevent this or any Congress from raising taxes.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise in strong support of the tax limitation balanced budget amendment to the Constitution.

Without question, Mr. Chairman, this is the single most important budget reform contained in our Contract with America.

As the recent debate over Federal funding for the Corporation for Public Broadcasting has demonstrated, every item in the Federal budget has a special interest constituency ready to lobby Congress to protect their funding and their programs. The outcry from these organized interests will only get louder as we continue to look for ways to control the size of government. A well-drafted constitutional amendment will protect the general taxpayers' interests from this continued onslaught of special interests, giving Congress the backbone to cut spending first. That is why tax limitation is so crucial to reducing the size and scope of government.

As former President Ronald Reagan was fond of saying, "The American people are not taxed too little. The government spends too much."

I say to my colleagues, "If you agree that Federal spending, not lack of new taxes, is the reason for the deficit problem, then support the tax limitation balanced budget amendment."

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in very strong support of the balanced budget amendment, and I believe that this issue should unite Democrats and Republicans, liberals and conservatives, Perotists and populists. I believe that we all should get behind a balanced budget, and I believe we should for the following reasons:

We are currently spending $212 billion on interest on the debt. Let me repeat: $212 billion on interest on the debt.

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That is 14 percent of our budget; $14 out of every $100 collected from our taxpayers go to interest payments.

Now, to a fiscal conservative, naturally that would be outlandish and offensive, to spend $212 billion on interest payments, and to a social liberal, to spend $212 billion on interest payments, when you might argue that it should go to Head Start, immunizations for children, technology investments. All Democrats and Republicans should be behind a balanced budget.

But, Mr. Chairman, if this is the backbone, then comes the courage. We must work in bipartisan ways to come up with majority votes to cut spending. Not Social Security, but cut spending on a space station that is over budget, cut spending in our own personal offices and pass a law so we can have that money go to the Treasury Department so we have it go to take down the debt. We must come up with cuts in the Interstate Commerce Commission, in the Agricultural Conservation and Stabilization offices. Across the board we must look at programs in a bipartisan way.

Finally, I know that tax cuts are as popular as apple pie, but apple pie has to be paid for. We are talking about a balanced budget. If we have to come up with $200 billion for tax cuts, why do we not concentrate on the balanced budget for the next year, and then determine if we have money for tax cuts? I think the American people want us to make those tough cuts in spending, and balance this budget. Because if we balance the budget, that is the best tax cut we can give for all Americans. Working Americans, every American benefits from lower interest rates, from a growing economy and jobs, and we get much-needed credibility back in this institution that we can do things.

I encourage all votes for a balanced budget amendment.

Mr. Chairman, I rise in strong support of the constitutional balanced budget amendment. As we are all too well aware, Federal budget deficits have been and continue to be a chronic problem which plagues the Nation. In 56 of the last 64 years, the Federal Government has run a deficit. We have now reached the point where the public debt of the United States exceeds $4.7 trillion. That is crazy!

According to the Congressional Budget Office, the interest payments on the debt will cost the American taxpayers $212 billion this year alone. Put another way, 14 percent of every tax dollar that the Government collects will be used to pay the interest on the debt. These are funds which we could and should be using for programs such as Head Start, child nutrition, education, job training, and so many other important programs.

This deficit continues to harm our Nation's economy, stifles economic growth, and jeopardizes the future prosperity of our children and grandchildren. Our debate today about a balanced budget is really a debate about the future of this country.

Clearly, spending cuts are the best way to achieve a balanced budget. Throughout my career, I have never hesitated to make the tough choices to cut spending, even where my votes were not always politically safe or popular. Spending cuts must continue to be our top priority.

While the balanced budget amendment is not a panacea for all of our economic ills, I believe that it will help. It will provide a badly needed element of discipline to the budgeting process, by requiring the President to submit a balanced budget, and prohibiting Congress from enacting a budget where spending exceeds revenues.

Mr. Chairman, while I strongly support the balanced budget amendment, I want to make it clear to the senior citizens in my district that I believe that Social Security should be fully protected. I am pleased that earlier today the House passed overwhelmingly House Concurrent Resolution 17 which directs Congress to leave Social Security alone when it is forced to comply with the balanced budget amendment.

Mr. Chairman, since I was first elected to Congress, I have supported a balanced budget amendment. While a balanced budget amendment will not eliminate all wasteful Government spending, it represents a significant step toward controlling spending. In recent days, much attention has been focused on tax cuts. In my view, deficit reduction is the best tax cut for all Americans.

Mr. Chairman, the future of our children and their children is at stake. Let us pass the constitutional balanced budget amendment to ensure that their future is full of hope rather than crippling debt.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the very distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of the Barton balanced budget amendment.

Mr. Chairman, I remind my colleagues of a few facts: In the last 30 years, the Federal Government has balanced its budget exactly one time, 1969. The national debt amounts to $13,000 per person in this country, and the interest payments now amount to over $800 per person per year. But opponents say we do not need an amendment, just let Congress make the spending cuts. Well, most proposals or spending cuts are like the magician's trick of sawing in half the lady in the box. There is a great deal of hoopla, there is a great deal of fanfare, and then something appears to be cut. But when it is all over, nothing much has changed.

That is why we need a balanced budget amendment, to discipline our own profligate spending habits. And we need to have the supermajority requirement, the tax limitation proposal. We have it in the State of Arkansas, where I am from, and it works in Arkansas and it will work here.

Mr. Chairman, deficit spending is stealing. It is stealing from our children and it is stealing from our grandchildren, and it must stop.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary for yielding.

Mr. Chairman, on November 8, the American people put their bloated Federal Government on a diet. The balanced budget amendment with taxpayer protection is step 1 in Washington's weight loss program.

Federal fat has been growing for the past 25 years. Since 1969, when Congress last balanced the budget, the debt has grown to $4.6 trillion. How Congress chooses to shed Federal fat is critically important. The balanced budget amendment with taxpayer protection causes the Government to change its eating habits by cutting spending first.

Like so many would-be dieters, the leaders of the minority have all kinds of excuses as to why the Government can't be made lean. These excuses can be termed budgetspeak.

Budgetspeakers contend that massive cuts would be needed to balance the budget. They argue that every Government program is indispensable and irreducible.

Outside the corpulent Capitol, the American people know better. In reality, Congress can balance the budget by reducing the increase in spending. According to the Clinton administration's own numbers, if spending increases by 3 percent rather than by 5 percent, as currently projected, the budget will be balanced in 7 years.

Budgetspeak also contends that by taxing Americans more, the Government somehow will spend less. Yet both President Clinton and President Bush painfully learned that tax increases cannot solve our fiscal woes. Just last week, the President's Budget Director Alice Rivlin admitted that the administration had no plan to balance the budget.

Budgetspeakers deride this amendment as a gimmick. They assert that Congress should instead make serious choices to reduce the deficit. Yet look at the voting record of these budgetspeakers. The National Taxpayers Union, a nonpartisan watchdog organization, tallied the votes of the 103d Congress and graded every Member of Congress on how carefully they spent the American people's hard-earned money. Every member of the Democratic leadership received an "F."

Mr. Chairman, the American people understand budgetspeak is code for why the Government can't diet today.

Mr. Chairman, as chairman of the contract with America's working group that produced this amendment, I urge its passage.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE], a very valuable member of the committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I keep hearing the opponents of this amendment claim that they oppose the amendment because of the spending cuts that will affect their favorite programs that they feel are going to hurt people when they are cut. But what about their concern for the future of our children and grandchildren as we continue to pile debt upon debt on them?

We now are averaging deficits of approximately $200 billion a year, a $4.7 trillion debt. That is $18,000 for every single person in this country. And as we increase that debt, we increase the interest payments. And right now by doing that year after year, we are reducing the portion of the debt budget each year that can be used to spend on programs, because an increasing proportion of it has to go to pay for interest on that debt. We need to stop that increase in the debt, we need to cut it back.

Voting for this amendment is going to be an important part of this process, but it is only going to be the beginning. We are going to have to step up and make those cuts, but we are going to do it in the interests of our children and our grandchildren.

We must make sure that the budget is balanced by cutting spending, which never seems to happen in this House, particularly on the domestic spending side. We cannot do it by continuing to increase the percentage of people's incomes that goes to taxes.

We have a situation where year after year, whenever we have a crisis with our spending, we increase taxes, we do not decrease the spending. And that is why we have got to support the Barton amendment to level the playing field, because historically we have found it easier here to increase taxes than to cut spending.

This has historically proven to work in States that have the supermajority requirement, and I urge the support of the Barton amendment.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, for too long the American taxpayer has suffered from Congress' inability to control spending. That is why people all across the country, and in particular my constituents in Georgia's seventh congressional district, so strongly support the balanced budget amendment as the first critical step to reining in reckless spending practices of the past.

Passing a balanced budget amendment, however, is not enough. True protection for the taxpayer means passing the BBA with the Tax Limitation or Taxpayer Protection Act. Putting real teeth in the balanced budget amendment, means we must pass the three-fifths supermajority, tax limitation provision to keep future Congresses focused on cutting spending and reducing the size of government.

In the Judiciary Committee, we passed this version of the balanced budget with strong support of the Members.

Here in this body we have heard the message that people are tired of the waste, tired of the excess and tired of the debt. Last November the people spoke and they want action on the BBA now.

However, there are still those who continue to persist in a vain effort to defeat the will of the people. A number of self-serving arguments have been made in defense of the status quo. One such argument is that we should not consider the balanced budget amendment until we have laid out every single line item to be cut.

That is like telling coach Seifert of the San Francisco 49ers that before he can play the Chargers this Sunday in the Super Bowl, he must turn over the playbook before the big game.

It is an absurd argument to say we cannot vote on the balanced budget amendment until we let opponents gut the bill. Just as it is absurd to expect the 49ers to play, knowing that their opponent has their playbook.

What does make sense are rules that apply to the big game and established the limits that make the game playable. In the same way, the American people are demanding new rules, rules that set finite limits about spending, and therefore, the size of government.

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Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA], creator of the urban caucus.

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong opposition to the Republican balanced budget amendment proposal. The amendment forces us to play blind man's bluff with the economic prosperity of our Nation, and the safety net for our most vulnerable citizens.

For 2 years, the work of our President and the Congress has reduced the deficit. We can make much more progress with more hard work, more tough decisions and more courageous votes.

However, this legislation is far from responsible. It is neither hard, nor tough, nor courageous. What's missing here is honesty. Honesty that would come if the proponents set out the details of how $1.2 trillion in cuts would be made.

One time, we had a vote on such a plan, though I did not agree with it. It came from the gentleman from New York, now Chairman of the Rules Committee. It would have balanced the budget over 5 years. It would have cut over $698 billion in spending, and offered the American people over 500 specific program cuts.

It would have cut the grants that create jobs and private low income housing in cities by $23.9 billion.

It would have cut child nutrition programs, like school breakfasts and lunches, and WIC, by $1.9 billion.

Medicaid payments to hospitals, serving large populations of the poor, would have been cut by $27.5 billion.

The Solomon plan did not raise taxes. It did not touch Social Security. And it increased defense spending. But at least it was honest. And altho that sounds a lot like the Contract with America, only 56 Republican Members voted for it.

We must then assume the proponents of this amendment are looking for something different. And thus, the question still stands. How do you cut $1.3 trillion in spending?

I, along with JOHN CONYERS and JOSÉ SERRANO, sent a survey to every member of this House, asking how they'll cut the budget. So far, we have not received a single response.

I am convinced that there is a reason why the proponents of this amendment won't tell us how they'll find $1.3 trillion in spending cuts.

Because the cuts will be so draconian that they will destroy what is left of the safety net.

Because the cuts will be so severe that we will have to break our contract with senior citizens.

Because the cuts will be so tough that they will bankrupt Urban America, I strongly urge my colleagues to vote against the balanced budget proposal.

I am convinced that they only amendment before us that will balance the budget in a responsible way is through the creation of a capital budget. That's why the Wise substitute is the only responsible and honest amendment. It allows us to borrow money to preserve and expand our capital, just like States and cities do, just like every American family does in attaining the American dream of home ownership. It is important that it would leave enough room in the opening budget to keep the safety net in tact, and spend money to meet national priorities like education and economic growth.

The remaining amendments leave us in the dark and could jeopardize this Nation's very future.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a very valued member of our committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I rise in support of the Barton amendment which I believe will best protect the American taxpayer. Since this House last voted on a balanced budget amendment, just 10 months ago, before I got here, I might add, the national debt has increased by $160 billion, less than a year, $160 billion. That is a whole lot of debt.

Well, it is time we had the courage to do something about it. It is time we passed a balanced budget amendment.

Let us face it, Americans are forced to send far too many of their hard-earned dollars to this city. We must pass a balanced budget amendment now. I support balancing the budget by cutting spending, not by raising taxes.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the resolution. I support a balanced budget, but the proposed constitutional amendment in no way guarantees that we will achieve one, and even then, not until 2002 at the earliest. As the gentleman from Illinois, the chairman of the Committee said in his opening statement, this legislation is about process, and I believe this process is flawed for several reasons.

First, this bill would amend the Constitution to require the Congress to achieve a balanced budget by 2002 or the date after which the States have ratified such an amendment, but it in no way details how the President or Congress would meet the targets necessary to do so. It is ironic that as we begin this debate, few, if any of the proponents have ever submitted a balanced budget for consideration by the Congress. Few, if any, have come to the floor during this debate to explain to the American people what a balanced budget would look like. While many argue that Social Security is off the table, we have no guarantees. Some have gone as far as to say that a balanced budget would make one's knees buckle and to disclose such information would most certainly mean defeat of this measure. My colleagues, that candor in lack of disclosure begs the question that we must answer for the American people, what cuts must we make to achieve a balanced budget? Will it cut Medicare and veterans benefits? Will it cut education and college loans? If that is the will of the Congress, the people deserve a right to know.

Second, this legislation, which I restate is one of process, is inherently flawed. Whichever you choose, the Congress may waive the requirement of a balanced budget by a vote. So if we are not willing to tell the American people how we would balance the budget will we be willing to actually follow through in 2002 when the knee buckling hard decisions must be made? There is no guarantee.

I believe we must take efforts to balance our budget, but to impose fiscal restraints through the Constitution without any explanation is not the way. I have argued for, and I have introduced, legislation which provides for a better, more efficient process. Rather than amend the Constitution, why not amend the Budget Control Act and require the President to submit a balanced budget and the Congress to consider one, next year. This process is better in three ways: First, it puts the numbers before the American people so they can understand the pain and sacrifice necessary to achieve a balanced budget. That is fair disclosure. Second, it holds the President and Congress accountable by requiring consideration. You have to vote on the issue, not just to waive the requirement as the amendment process would allow. And, third it allows us to more quickly address our budgetary problems because this legislation can be adopted and implemented for fiscal year 1997. If we are really serious about balancing the budget, we should begin the process now, not in 2002.

My colleagues, like many here today, on both sides of this issue, I do not stand before you with an iron-clad plan to balance the budget. I believe there is no one in this House who could achieve that plan without severe pain and sacrifice. If we are going to get serious about achieving that goal, then we must be willing to go to the American people and lay out the details.

Like many of my new colleagues, I came to the Congress from the private sector where balanced budgets are a necessity if you wish to remain in business for a long time. I learned that the only way to achieve cuts was by sitting down together, reviewing the data and sharing in the sacrifice. If we are going to balance the budget, we must sit down with the American people at the same table and resolve together a map toward a balanced budget. I have a plan which provides the process to do so which I have offered. This bill, in my opinion, falls short of that goal because it fails to tell us how we get from here to there and therefore I must oppose its passage.

The CHAIRMAN. The Chair wishes to announce that he inadvertently shorted the gentleman from Pennsylvania [Mr. FOGLIETTA] by 1 minute and has, therefore, added 1 minute back into the time of the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the Chair.

Mr. HYDE. Mr. Chairman, that last activity of the Chair is not debatable, I take it?

The CHAIRMAN. No, it is not.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. FAWELL], the head of the pork busters caucus.

Mr. FAWELL. Mr. Chairman, during the debate Members argue, of course, that we do not need a constitutional amendment because Congress can be trusted to balance the budget without one.

Well, that is what I thought 10 years ago, when I came to Congress. Since then, Congress has rejected countless attempts to balance the budget. Just last year the gentleman from New York [Mr. SOLOMON] and the gentleman from Michigan [Mr. UPTON] and I brought a budget plan to the floor.

We specified, for instance, something like $700 billion worth of cuts. It would balance the budget in 5 years. And actually, during that period of time, Federal spending would go up, about $8.2 trillion of spending over 5 years. We did not even touch Social Security.

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We thought it was a pretty good plan. It garnered 73 votes. Congress has failed to balance the budget for 25 years in a row. Who can look at this record and honestly say that they believe the budget will be balanced by trusting the will of Congress? Congress does not lack ideas of specificity on how to balance the budget, it lacks the political will to do so.

Mr. Chairman, I would suggest that the Barton balanced budget amendment be passed.

Russert: "Mr. Secretary, you sound like you don't want to balance the budget. I mean, how long would it take to actually balance the budget?"

Reich: "The President is against simply balancing the budget . . ."

Russert: ". . . what about actually balancing the budget? How long would it take to actually bring its budget into balance with an orderly and disciplined campaign?"

Reich: "But Tim, your question assumes that the goal is to balance the budget . . ."

Russert: "So the goal of a balanced budget is not your goal?"

Reich: "The goal of a balanced budget is not my goal."

This was the exchange between Labor Secretary Robert Reich and Tim Russert of NBC News on Sunday, January 15. Secretary Reich's comments epitomize the attitude of the Clinton administration toward balanced budgets, and the balanced budget amendment, which will soon be before Congress.

Secretary Reich's comments, and the President's continued opposition to the balanced budget amendment, suggest that the administration did not "get the message" of the last election. Two recent polls, CBS and USA Today/CNN, found that 80 percent of Americans support a balanced budget amendment to the Constitution.

In the debate over this amendment, you will hear many arguments by those opposing it. A recent argument is that those supporting the amendment must itemize which programs would be "cut" before passing the amendment. That's been done: Last year Congressmen GERRY SOLOMON, FRED UPTON, and I brought a budget plan to a vote which balanced the budget in 5 years without any tax increases. There were no cuts in overall Federal spending, but rather, decreases of planned increases in spending! We itemized 600 specific spending cuts, saving $700 billion over 5 years. Nevertheless, overall Federal spending was still allowed to rise $327 billion over 5 years. Yet, the plan garnered only 73 votes, 218 are needed for passage.

The point I'm making is that Congress does not lack ideas for how to balance the budget. Congress lacks the political will to do it. A constitutional mandate will fortify that will.

Another argument often heard is that we don't need a constitutional amendment because Congress could be trusted to balance the budget without any constitutional amendment. Technically, that's true. Nor do we need the first amendment of the Constitution to guarantee free speech. But we all feel safer with that first amendment rather than trusting Congress not to pass laws infringing on our free speech.

With respect to attempts to balance the budget, we have tried the statutory route; and tried, and tried. In 1974, Congress passed the Budget Control Act to end deficit spending. The deficit and debt grew. In 1985, Congress enacted Gramm-Rudman I which required a balanced budget by 1990. Congress ignored it, then repealed it. In 1987, we passed Gramm-Rudman II which required a balanced budget by 1992. Congress repealed it in favor of the 1990 Deficit Reduction Agreement, another 5 year plan to cut the deficit which include $222 billion in new taxes. It failed, new taxes and all. With a new President, in 1993, in the third year of the previous 5-year plan, Congress tried again with the Deficit Reduction Plan which included the granddaddy of all tax increases: $250 billion. Most of the 1993 plan's cuts were in the out years, years 4 and 5. It is another failure as deficits are expected to soar toward the end of the decade.

Congress has failed to balance a budget for 25 years in a row. Who can look at this record honestly and say they believe the budget will be balanced by trusting the will of Congress?

There is a debate as to whether the constitutional amendment should include a provision requiring a "three-fifths supermajority in both Houses," as opposed to a simple majority, to raise taxes as part of any budget balancing plan. I support the inclusion of this supermajority provision in the Barton balanced budget amendment. Tax increases are not essential in order to balance the budget. As I said, we don't even need an overall cut in Federal spending. It can be done by simply decreasing increases in spending. Should the Barton balanced budget amendment be defeated, I intend to support the Schaefer balanced budget amendment and pass the toughest balanced budget amendment possible.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from California [Mr. BECERRA], a distinguished member of the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Michigan, the ranking member, for yielding time to me.

Mr. Chairman, having listened to all the remarks that have been said by most of the Members, it occurs to me we probably, in these few hours, have had to debate what will be a constitutional amendment to the Constitution of this country, and hopefully will last more than the 200 years that we have already spent as a democracy. It occurs to me perhaps the best thing we could have done is had every Member who came on the floor to speak say exactly how he or she would propose that we cut the budget to balance it, if they in fact are supporting a balanced budget amendment.

That is the best thing we could do, because everyone says they want to do it and they do not want to inflict pain on seniors when it comes to Social Security, and they do not want to devastate children by cutting Head Start and other children's programs, but no one who is saying they are for this is saying how they will do it. Everyone talks about how well families have to balance the budget and local governments have to balance the budget and States have to balance the budget, and that is right.

Let us take a family under his balanced budget amendment proposal by the majority party. Could a family out in the real estate market go out there and buy a house? They could if they could come up with every single dollar and dime and cent that that house would cost, because under this proposal they could not run a deficit for a year, so that family would not be able to take out a 30-year mortgage, not be able to take out a 15-year mortgage. They could take out a 1-year mortgage, but by the end of that year they had better pay it all up or they cannot get that house, and they are out.

What about student loans? How many folks have children in school or desirous of going to college? Forget about borrowing money from the Government under the NDSL, the GSL or other student loan programs at low interest rates that allow people to do it, because by the end of the year that family has to balance its books.

Auto loans? Want a car? Need a car? the person had better be able to pay all the cost of that car by the end of the year.

I had a amendment which would have changed the way we look at this balanced budget amendment, and said if we happen to have a surplus one year, then let us use that surplus as a rainy day fund for those days or those years that come along when we have a recession.

I could not even get that amendment considered in committee. I was blocked in a closed rule which would not allow the debate. If I wanted to add that amendment today, I would not be able to because this debate is closed, only to that which the majority said we can debate.

This amendment, Mr. Chairman I cannot offer, as much sense as it might make. Understand something, all the money that we spend in a year, if we end up with a surplus, those agencies that ran that surplus know they cannot use that money. It goes back to the Treasury.

What does it encourage? The use or lose mentality. "I have the money in my account. I had better use it, or I am going to lose it for next year." That is not prudent spending.

Where will the cuts come? I believe we can say that the majority here is playing hide and seek. First the Republicans tell us they are going to increase military spending, not cut it, just increase it. Second, we know we have to pay the debt, the interest on the debt, which is around $250 billion. That amounts to about 30 percent of the budget. Off the table, we cannot consider it.

What is left to cut $1.2 trillion to balance the budget? Social Security, which the Republicans have refused to include in this balanced budget amendment as exempted; Medicare, education, Head Start. What is the conclusion? We have heard it before: "Read my lips." The problem is we are not being told what there is.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished deputy majority whip, the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I rise in the strongest possible support of the tax limitation substitute of House Joint Resolution 1 that has been put forward by my friend, the gentleman from Texas [Mr. BARTON]. I have heard comments from our friends on both sides, but especially one comment from one of our colleagues on the other side of the aisle several speeches ago that said "The President, over 12 years of Republican Presidents, had never signed the budgets that were unbalanced, and he had never once vetoed that budget."

That is not true, because the President does not sign a budget and the President does not veto a budget. That is part of the problem. The President does not have any control over this budget. It is Congress that passes the budget. Forty years of Congresses have passed a budget that basically is out of control.

The U.S. Congress has not been able to control itself in meting our dollars and cents to the various programs across this country, and do it without mounting that debt higher and higher and higher every year.

In the past, as recently as two short years ago, this House passed the largest tax increase in history, and it passed it off to the American people as deficit reduction. That is why the substitute offered by the gentleman from Texas [Mr. BARTON] is critical. Adopting this balanced budget proposal and requiring a super majority vote in order to raise taxes will ensure that we can no longer look to the wallets and the pocketbooks of the American taxpayers to save us from ourselves.

Mr. Chairman, a national debt of $4.5 trillion should finally convince every Member in this Chamber that Congress has not got the discipline to solve its own problems. This balanced budget amendment will put discipline upon us.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me, and for his leadership on his amendment, which I will address in my remarks.

Mr. Chairman, I rise with the greatest respect for the gentleman from Texas [Mr. BARTON], and in strong opposition to his amendment. I object particularly to the three-fifths provision of his legislation, but after carefully listening to the debate, I have concluded that while being a strong proponent for reducing the deficit, I do not believe that we should amend our Constitution to do so.

Mr. Chairman, as I was listening to the debate, I thought it might be useful to once again review, and we just made this quickly in our office, so this is not a very fancy chart, but just to call to the attention of our colleagues once again some of the facts regarding our budget.

The fact is, Mr. Chairman, we take in each year more money than we spend in our budget, except for the net interest on our national debt. The projected deficit for this year is $167 billion. The net interest on our national debt this year is $235 billion. We have taken in $68 million more than we spend each year, except for the interest on the national debt. That is a great big exception.

My colleague, the gentleman from California [Mr. BECERRA], referenced that families cannot live within the limits if they have to pay for their house in one year, or their car, et cetera, but we cannot even deduct this interest from our taxes. This is the price we are paying for the failed trickle down policies. Let us not make that mistake again in the contract. That is a little bit of a separate issue from the balanced budget amendment.

Mr. Chairman, our other distinguished colleague, the gentleman from Georgia [Mr. BARR], mentioned that it would be like the 49ers giving the play book to the Chargers for this Congress, this majority, to show what cuts they would make, we would make, to the American people before we approve balanced budget amendment.

I think that is one, with all due respect to the gentleman, one sports analogy too far. The Chargers should not see the 49er play book. The public has a right to know what the cuts will be, so if it is true that Social Security is not to be cut, why not support the Gephardt-Bonior amendment? If Members believe that the American people have a right to know, then why not support the Conyers amendment, which makes all the sense in the world?

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman from California for yielding to me.

Mr. Chairman, I would like to just explore that analogy that was made. The interesting analogy that was made by the gentleman from Georgia [Mr. BARR] about the playbook, about the 49ers and the San Diego Chargers, makes it clear that the majority's opinion of this whole debate is that, as the 49ers, they have to keep the play book, in other words, how we will plan to balance the budget, away from the Chargers, which would be the American people, so they treat the American people as adversaries in this whole process.

Ms. PELOSI. Reclaiming my time, Mr. Chairman, although we take pride in San Francisco of the 49ers being a gentlemanly team, when we talk about football it is a tough game, and I do not think we should play hardball with the American people. I think they have a right to know.

We should support the Conyers amendment, and in addition to that, if we are serious about balancing the budget and reducing the deficit, we had better get serious about real health care reform, so that we can reduce the increase in health care expenditures that are the rising cost of our deficit in our national budget.

☐ 1900

But let us just remember once again, we take in more than we spend except for the price tag on the failed trickle-down economics.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, Federal spending is out of control. It is bankrupting our national Treasury and threatening the quality of life that our children will enjoy in the next generation.

There is only one iron-clad way to stop this runaway freight train, and that is through the adoption of a constitutional requirement that this institution balance the American people's budget.

That is why tomorrow I will be proudly casting a vote for the Barton balanced budget amendment but with a level of disappointment. That stems from the fact that neither the Barton amendment nor any of the other amendments pending tomorrow strictly prohibit unfunded Federal mandates.

Virtually everyone who has come to the podium today has indicated that there are only two ways to balance the Federal budget: One is to cut spending and the other is to increase taxes.

But, Mr. Chairman, there is a third option, far more insidious than the first two, and that would come from the Federal Government requiring States and local governments to pick up the tab for programs currently operated and paid for by the Federal Government in Washington, DC. That could amount to an enormous tax hike for local property taxpayers, something that they can ill afford.

Mr. Chairman, judging from the past, Congress will avoid tough budget choices whenever we can. So to shed programs to other levels of government is a distinct possibility and we need to prohibit that possibility.

That is why our amendment that would have prohibited unfunded Federal mandates had the support of the National Conference of State Legislatures, the very body that will be charged with ratifying the balanced budget in the various State capitals around the country.

But, Mr. Chairman, while I am somewhat disheartened by the fact that unfunded mandates are not at issue in this amendment, we hope to take it up separately this summer.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time.

Mr. Chairman, obviously we are all concerned with balancing the budget. There are three areas, however, Mr. Chairman, that are bones of contention. The first one is the area that my illustrious colleague who just yielded to me has produced an amendment about, and that is to have truth-in-budgeting.

We should be honest with the American people. As my colleagues just indicated before I came up here, Mr. Chairman, we should not play hardball with the American people. They are not our adversaries. Therefore, we should be honest with them. Let them know where the cuts are going to have to occur because they are going to have to occur right in their pocketbook, whether we are talking about Social Security or whether we are talking about our young.

It reminds me, Mr. Chairman, of an adage that says you can judge a society very carefully by how it treats its elderly and how it treats its young. So this is how we must look at balancing the budget.

The second area, Mr. Chairman, has to do with this supermajority. We have heard my colleagues on the other side of the aisle indicate that this is the only way that we can have a sagacious balancing of the budget. But in actuality, that supermajority, that 60 percent is not going to preclude the raising of taxes. What it is going to do is empower a minority rule. I do not believe, Mr. Chairman, that that was the original intent of the Framers of our Constitution. In fact, I would submit and suggest to you that that is unconstitutional and we should not adopt and accept and support the Barton amendment.

Third, Mr. Chairman, as we talk about balancing this budget, we certainly have to realize that we must be honest and we must be fair with the American people and that we must balance the budget fairly.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I rise today in support of this balanced budget amendment.

Mr. Chairman, when I came to this body I was the owner of a small business. It is tough to run a small business, believe me. It is tough to survive even. But one thing I learned running a small business is that I cannot spend more than I can take in. Nor can I spend more than I earn. If I do, I have no choice but to file bankruptcy. No bank will bail me out, no government will give me a loan guarantee, because my business is not big enough, like Chrysler.

So I have a choice. I can lose everything. My lifetime savings. Perhaps even my wife.

Now, for some reason, the Federal Government keeps borrowing endlessly, without any collateral or consent from taxpayers. Just keep borrowing and borrowing. That is not fair.

The Federal Government should operate under the same rule. Laws should apply equally.

Year after year, I am tired of listening to these promises. We keep promising to the American people that Congress is going to do something about this runaway deficit. And here it is. We have got a chance, a golden opportunity to do something about this. We have a resolution to adopt it, but here we go again. More excuses. I am listening to criticism from colleagues for not saying exactly where the balancing should come from.

Mr. Chairman, again back to private business. In private business, we always set the goal and then decide how we are going to meet this goal.

To me, the balanced budget amendment is good. We set the goal. Then later we sit down together and go through this painful process where the cuts should be. That is how I look at it.

We all know that we can do it. We all know that we should do it. So we work together, instead of bickering, and go through this painful process.

Mr. Chairman, it is time to stop talking and start acting.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding me the time.

Mr. Chairman, I must say you look great in that position.

The CHAIRMAN. The Chair thanks the gentleman from Wisconsin. He still only has 2 minutes.

Mr. ROTH. I was afraid of that.

Mr. Chairman, many of us have waited a good long time for this vote tomorrow. Because while we have had a chance to vote on this issue any number of times, we have never had a chance to win. Tomorrow we certainly have a chance to win.

I want to thank Chairman HYDE and his committee and the Contract With America, and I want to thank the American people for their vote on November 8 because they are going to make this victory on a balanced budget amendment tomorrow possible.

Mr. Chairman, we have had this issue up before. The last time we had it up for a vote, we lost by 12 votes. Some of us had hoped that we could have a balanced budget. For example, we had the Solomon amendment a year ago. No tax increases, no Social Security cuts, and we only had a handful of votes.

I have come to the conclusion that, of course, in 15 years we have had 5 statutes which promised a balanced budget but all were circumscribed.

□ 1910

No, there is no other solution than a balanced budget amendment.

This morning at 9 o'clock something happened I hope that does not happen to our country, but this morning at 9 o'clock we had a hearing here on Capitol Hill on the Mexican peso devaluation. We were told by our leading people in this country, the Secretary of the Treasury, the Secretary of State, the Federal Reserve chairman, "We've got to do something; we've got to do something."

Well, that debate is for another day, but I hope that that never happens in our country, that happens to our dollar, but it is going to happen if we have these huge deficits. We now have a deficit of $4.6 trillion. How much further can it go?

Since the last time we had elections, our national debt has increased by $170 billion.

My friends, actions have consequences, and this type of profligate spending is going to come back and bite us hard.

Other countries come to the United States for help. Where are we going to go for help? Its time is now. If not us, who? If not now, when?

Let us vote for the balanced budget amendment.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE], a gentleman who has worked on budget matters for so long.

Mr. WISE. Mr. Chairman, I have had the privilege of working with the chairman for many years here and I want to thank him very much.

Mr. Chairman, this is the Congress that is trying to be family friendly. We hear a lot of talk about helping middle-class families and we talk a lot about how families have to balance their budgets, all of which is true. So we can learn from families.

I have heard the analogy often about families sitting down around the table at the end of the month, which is what we have to do, what every family I know has to do, to balance their budget. And as the families balance the budget they know there is something crucial. They know the difference between consumption and they know the difference between investment, they know what it is, they know what is the difference between a dollar that is spent on children going to a roller rink or to a movie, or a dollar spent for food or basic consumption and the dollar spent for investment into the house, into the car, into education.

So, families break their budgets up. Yes, they have to balance, but they break those budgets up into operation and maintenance, or consumption and investment, and so that is why we make mortgage payments every month and that is why we borrow for our automobiles and that is why we borrow for the most important probably of all, to send our children to college and to school. So those are investments that we spread out over a long time, that is the cost of them.

The way we balance our budget is we balance the consumption and we balance, and then we add in debt service on those investments. Not many of us, this Member certainly not, cannot afford to buy a House in one year or a car or a college education.

That is what my amendment and the amendment that many others are cosponsoring tomorrow does. It says you should take Social Security off budget. Everyone said they do not want to touch Social Security. We give Members that opportunity. You cannot touch it; it is gone; it is off budget.

But the other thing we do in this that none of the other amendments will do that will be in order, is to have a capitol budget so the roads, the bridges, the infrastructure, those things which in some ways families would pay mortgage payments on, the Federal Government can now account for in the way that a family does. You pay the mortgage on our House; we would have debt service on our roads, on a bridge, on water or sewer systems, particularly those things that bring back far more in economic return than what we ever spent on them.

We have to make sure this country grows. My major concern with many of the balanced budget proposals, as well-intentioned as they are, is because they chop off growth because they count a dollar for investment the same as a dollar for welfare or a dollar for food. That is my main concern.

I urge Members to look at the Wise substitute tomorrow, the only one we will have a change to truly invest in growth and have a chance to do what American families do, recognize the difference.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, the gentleman from West Virginia makes a very good point. I think some folks that may be watching may think those of us who are saying this balanced budget amendment is the wrong way to go are against ever balancing the Federal budget when of course we want to balance the budget, but we want to be realistic. That is why the gentleman from West Virginia's alternative is really a sound way to go because, as I explained earlier, if this was a family, and we are a family in America and we were trying to make decisions for this family of America, we would want to be able to purchase a home and, we would like to be able to get a 30-year mortgage or send our kids to college and be able to get some student loans to help pay the cost.

If the gentleman can explain, does the balanced budget amendment that is on this floor by the majority party, the Republicans, allow for that?

Mr. WISE. There is no capitol budget program. It counts a dollar of consumption exactly the same as a dollar of investment, even though the investment dollar will bring you back much more in economic growth and tax revenues.

Mr. BECERRA. And the gentleman's proposal which does provide for capitol budgeting, could that allow for that type of process, a 30-year mortgage?

Mr. WISE. Yes, it would.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I support passage of a strong balanced budget amendment.

We must obtain control over our debt. This Government has not produced a balanced budget since 1969. Today we are saddled with a $176 billion deficit, nearly $300 billion in annual interest payments, and a debt of some $4.7 trillion.

This situation cannot continue.

We will soon consider several versions of the balanced budget amendment. I believe the Barton amendment, which requires a three-fifth's vote to raise taxes, is superior. However, if the Schaefer-Stenholm amendment, which does not include this provision, garners the most votes, I will support it on final passage.

Neither of these measures represents a cure-all for our problems. But each would require the Federal Government to finally be accountable to the American people.

While a balanced budget amendment will require hard decisions, it is not synonymous with a threat to our seniors. Rather, it is our monstrous debt and the interest on it that most threaten Social Security and other truly vital programs.

The time for easy decisions is over. We must prioritize. I urge passage of a strong balanced budget amendment.

Mr. GEKAS. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] has 18 minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 9 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to spend a little bit of time explaining exactly how the tax limitation provision in the balanced budget amendment would work. There has been gnashing of teeth about how stringent that process might be and how difficult it might be to implement. Fortunately for the United States Congress, there is ample evidence of how tax limitation amendments to balanced budget amendment requirements would actually work.

I think it has been pointed out on the floor earlier, there are 9 States that have a tax limitation provision either in their Constitution or by statute, including the State that the President is from, the State of Arkansas, which has a three-fourths requirement to raise taxes.

The Heritage Foundation has done extensive data collection to see if in those States that have tax limitation, it does work or it really does not work, and the record shows at the State level that tax limitation in point of fact does work.

Between 1980 and 1990, in those States that had a tax limitation provision, taxes went up by a total of 87 percent in that 10-year period. In the States that did not have tax limitation provisions, their taxes went up 104 percent.

That is a difference of 17 percent. In States that have tax-limitation provisions, taxes went up 17 percent less in a 10-year period between 1980 and 1990 than in those States that did not have the tax limitation provision.

Why do we want a tax limitation provision at all?

☐ 1920

Ultimately you want that, because you want to make government more effective, you want to make government more responsive to the people, and you want the Government to spend less money.

If you do not have as much money to spend, you do not spend as much money.

The States that, again, have a tax-limitation provision by statute or in their constitution, their spending did go up, but it went up about 9 percent less than in those States that did not have a tax-limitation provision on the books, again, in the period between 1980 and 1990.

So what does that mean? If you take those numbers and put them at the Federal level, a 9-percent reduction in Federal spending would be over $100 billion in the fiscal year that we are in today. So the bottom line is not only do we need to balance the budget in Washington, we need to balance it by having a tax-limitation provision on the books, because tax limitation does work.

If we do that, we are going to have to make some tough calls. You know, people have asked me, "Well, Congressman BARTON, you are the sponsor of this provision. How are you going to balance the budget? Where are you going to cut?" My answer is quite simple, "I think we look at every Federal program."

We passed a resolution on the floor earlier this afternoon that specifically exempts Social Security. So some people have come to me and they say, "Well, that is only for this year. Why not exempt Social Security in totality by putting it into the constitutional amendment?" And the simple answer to that is because if you exempt any program in the amendment itself, it goes into the Constitution. It would not be totally hypothetical to think at some point in the future everything in the Federal budget would be in that program. We could have an instance where the Social Security budget at some point in time, if it were specifically exempted in the Constitution, not only would include the Social Security budget as we know it today, it could include the defense budget. We do not want to put into the Constitution any specific exemptions.

Finally, Mr. Chairman, let me simply state that the three-fifths requirement for a tax increase is important, because it balances the amendment. We have the three-fifths requirement in the Stenholm-Schaefer amendment to raise the debt ceiling; we have the three-fifths vote requirement to borrow money in a given fiscal year. If we do not put the three-fifths requirement in for a tax increase, we have really created an incentive, intentionally or not, to balance the budget by raising taxes.

So I would respectfully request that when we actually come to the vote tomorrow that the colleagues in the Chamber vote for the Barton-Hyde-Tate-Geren tax-limitation, balanced budget amendment and send it to the Senate where we encourage the Senators to do likewise.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I am happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. As I was listening to the gentleman recite the record of the States and the supermajorities in those States, it dawned on me, someone else has mentioned before that in those States where the taxes were raised even in the face of the supermajority, it almost had to be, did it not, a bipartisan vote that finally carried the day?

Mr. BARTON of Texas. The gentleman is correct.

If I could respond, the gentleman is correct, because in the nine States that have tax-limitation requirements, it is a bicameral, bipartisan legislature, and my understanding is that it was a bipartisan effort.

Mr. GEKAS. I thank the gentleman.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS], who serves as our chief deputy whip, in addition to his other responsibilities.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague, the gentleman from the State of Michigan, for yielding me this time.

Mr. Chairman, our Constitution is an extraordinary document. Our Constitution is the only document of its kind in the world to have lasted so long and to have been used so often as a model for other nations.

This balanced budget amendment that we consider tonight would dishonor our Constitution. It substitutes good politics for what is good policy, for what is right.

Make no mistake. I want a balanced budget like everyone else. I do not want our children and unborn generations to bear the burden of the deficit and increasing national debt.

But I believe we must deal with this issue in a responsible and sensible way. Passing the buck to future sessions of Congress is not responsible.

The new Republican majority must tell the American people what they are going to cut, whether it is Social Security, Medicare, a school lunch program for our children.

Our knees, the American people's knees, will not buckle as some on the Republican side have suggested.

Two years ago Members on this side of the aisle made the hard choices needed to reduce the deficit. We reduced the Federal deficit by over $500 billion. We acted responsibly. I expect no less from those on the other side of the aisle.

Now they are in charge. They are in control. Lay your cards on the table face up. Tell us the hard choices you are willing to make, be straight with our children and the elderly. Tell them what they will have to do and what they will have to do without.

We do not need this amendment to our Constitution, Mr. Chairman. What we need is courage, raw courage, to make the tough choices facing our country.

Have the courage to do the right thing and vote against this amendment.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN], the only unicameral State in the Union.

Mr. CHRISTENSEN. Mr. Chairman, in February 1982 President Ronald Reagan said the Federal Government has taken too much tax money from the people, too much authority from the States, and too much liberty with the Constitution. Truer words were never spoken.

That argument is as germane today as it was 13 years ago. Last year we experienced the largest tax increase in American history, and yet, sadly enough, the deficit continued to grow. The time has come to restore fiscal sanity in our Government and pass the Barton balanced budget amendment.

I was sent to Washington to reform government, to change the way Congress does business. In the first 3 weeks of the 104th Congress, we have barely scratched the surface of the Contract With America, the vehicle for the very reform that the American people sent us here to do.

The balanced budget amendment is at the heart of this contract. Since 1935 the American people have been waiting for Congress to pass this measure. Patiently they have waited year after year, only to see another legislative year pass by with no balanced budget amendment.

How long will we make them wait?

The opponents of the balanced budget amendment and our own President of the United States last night said before we pass the balanced budget amendment and send it to the States for ratification we must specify every cut for the next 7 years. I ask those opponents if someone decides that they want to lose weight and live a healthier life, do they not first take a pledge to eat right and exercise, and after taking that pledge, then lay out a plan and a schedule of how they will attain their goal?

Ladies and gentlemen, our Government is fat with debt. The only way to insure a healthy America is to pledge to this country a balanced budget and define that commitment within the United States Constitution.

Once we have sealed our commitment, we will lay out a national diet of fiscal responsibility, balanced by the exercise of spending cuts across the board, and, as with any good fiscal diet, we will forbid the consumption of congressional pork. We will insure our agreement by mandating that only the consent of three-fifths of this body, as laid out in the Barton amendment, not just a simple majority.

We need to seriously consider this, because it is very important. We need to put handcuffs on our Federal Government so it cannot turn to raising taxes every opportunity it gets.

My colleagues, this Nation is broke. Tax increases alone have not solved the problem. We must begin now to put America back on track.

I stand in strong support of the Barton balanced budget amendment and encourage my colleagues to join in this effort.

□ 1930

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Chairman and my colleagues, I rise in strong support of the balanced budget amendment for three reasons. First of all, we have no choice. We are spending $800 million every single day on interest. Soon we will be spending $1 billion every single day on interest on the national debt. We cannot ask our children to support a growing number of seniors living 20 and 30 years after retirement and spend a billion dollars a day on interest on the national debt. We will destroy their standard of living, we risk our own democracy.

It is that serious.

We must balance the budget. We have no choice.

Let us look at the record of this body. I have been here 12 years, since 1985, and I have submitted balanced budgets, line by line, cuts. They were reasonable when the problem was manageable.

I have had the Democratic chairman of the Committee on the Budget get up and say to the moderate Republicans who proposed this budget, "Good thinking, thoughtful, real good effort. We are going to do most of this." But it never happened.

I have submitted budgets, I have been part of bipartisan teams to submit budgets, I voted for tax increases and spending cuts, and it has gotten worse and worse and worse.

So our record is bad. In the States, that has been the harness, a balanced budget amendment, which forces attention to this matter on a year-by-year basis. It has worked for them. We must try it, because we are squandering the Nation's resources and compromising our children's future.

Third point: How do we achieve it? Of course, we cannot tell you. How many times have you walked into factories in your districts? I can tell you I have walked into a factory in my district, faced with the absolute panicked look on the faces of the leadership who had just found out they were going to have to be required to cut 20 percent of their workforce in 1 year. I said to them, "How will you do it?" Their answer was, "We don't know."

I came back a year later, and I said, "How did you do it?" They said, "Well, we did this, and then we did that, and then we found out we could do this and do that, we discovered that not only could we do it, but we improved the quality of the product."

I remember in one factory I went to, I said "So what now?" I get this terrible stare that said, "We just learned we have to do it again."

Now, do we know how to do it? No. But we do know that if we have to do it, we can do it. We do know that if we have to do it, we will face up to the fact that those kids cannot support public employees retiring 10 years before they can retire. We do not like talking about that. We do not want to make that decision.

These are tough times. Let us do it, let us have the guts, the courage to serve not only our people but our children.

The CHAIRMAN. The Chair will remind the committee that the majority does have the right to close.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Carolina [Mr. WATT], a very able and committed member of the Committee of the Judiciary.

Mr. WATT of North Carolina. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have sat throughout this debate, the entire course of it, and I think we beat this dog probably as much as we can beat it, as we say in North Carolina. I have not heard anybody come here who has not expressed a commitment to a balanced budget. But the American people should know that it is really the debt, the national debt that is the drag on us.

So a balanced budget is not going to get us there. It is going to take a series of surplus years to start the reduction in the national debt.

I think everybody has talked about that at one level or another. I want to come at this from a slightly different angle because the real problem that I have with the balanced budget amendment, this balanced budget amendment and all of the balanced budget amendments that are coming before us under the series of amendments, is that they jeopardize my right to have an equal vote in this institution.

Every amendment that is coming before this body has a three-fifths majority of some kind in it. Everything that I stand for tells me that my vote and the votes of my constituents, based on constitutional principles, ought to be equally valued.

So I cannot support a constitutional amendment that says to me that next week or next year or in the year 2002 somehow my vote in this body is going to be less valuable than another Member of this body.

This three-fifths majority devalues my vote.

The second problem is that despite all of the protestations to the contrary, the American people do not operate their lives on a balanced budget every year. We fund the acquisition of homes by borrowing, we finance education by borrowing. Those are investments that we make because we think they are important.

Over time, over a long period of time, we pay those things off, but they pay dividends to us in the meantime.

Now I had an amendment that I offered before the Committee on Rules, I tried to get it to address this issue of devaluing my vote.

I went to the Rules Committee and I said, "Here is an amendment that would have a balanced budget amendment to the Constitution, but when we were going to waive that balanced budget amendment, we come back in here and we would take a vote by majority so that every Member of this House would continue to have an equal value to their vote because that is the constitutional principle, that is the majority rule principle, that is the American way, that is the fair way."

But the Committee on Rules, I say to my colleagues and the American people, elected not to make this amendment in order. I had nine other amendments that I tried to offer to this bill in the Committee on the Judiciary on which I sit. The committee closed down at 6:30 on Wednesday, 2 weeks ago, and said, "We are not going to take any more amendments. We don't care whether you are a member of this committee or not, we are not going to let you offer any amendments."

So I am being deprived of the value of my vote; I am being deprived of the opportunity to offer amendments on this floor, and I think that is the disservice that we are doing to the American people.

We have got to debate these things regardless of the outcome of the vote and come in and vote and take those hard choices, and then we can maybe balance the budget.

Mr. GEKAS. Mr. Chairman, I yield 2½ minutes to the impeccable gentleman from Louisiana [Mr. TAUZIN].

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Mr. TAUZIN. Let me first thank my friend, the gentleman from Illinois [Mr. HYDE], for assuming my position as the second sponsor of the Barton-Tauzin amendment which has been an amendment before this body for many years. I can think of no finer gentleman to assume this role in this new majority than my friend, Mr. HYDE. I also want to congratulate my friend, the gentleman from Texas [Mr. PETE GEREN], for the role he is playing in the effort to pass the Barton-Hyde-Geren-Tauzin—many Members—bipartisan amendment to the U.S. Constitution, a required balanced budget and to require it in the right way. I want to make just three points tonight:

In this age of cyberspace and high-speed technology in communications there is a word that is very current and very popular right now called a new way of seeing things. It is a paradigm, it is called, a new way of looking at things, a new way of seeing things, a new order of things. The old paradigm here in the U.S. Congress and in America has been very simple. People elected Members to go to Congress to get back as much of their tax dollars as they could, and bring them back home and spend them at home, and let me tell my colleagues that paradigm has worked wonderfully. We have all done a marvelous job of that. Every one of us has been extraordinarily good at coming to Washington, bringing back our taxpayers' dollars back to home and spending them at home. In fact we have done such a wonderful job of it that we spend a great deal of money more back home, more than our taxpayers sent to Washington, DC. It is called a deficit. It is called a debt. We have operated under this old paradigm for many, many years now, and we have riddled our country with debt as a result while we have brought the bacon home.

I think the message of the last few elections has been very simple. The message of the last few elections has been to cut it out. It is time for a new paradigm. It is time for us to elect Representatives to Washington who will stop spending money we do not have.

The new paradigm is to come up here and balance the budget. I ask, "How do you do it? Do you do it by borrowing in a capital account, as some have recommended?" Well, this Government borrows. Unlike most families in America, Mr. Chairman, we borrow and never pay the debt. The debt just piles up. We never pay the mortgage. It piles up on us and our children.

Second, do we balance the budget by raising taxes on Americans again, and again, and again? That is the easy way, but they are telling us to cut spending first, and I say to my colleagues, "If you want to cut spending first to balance the budget instead of taxing the dickens out of the people at home, you need to vote for the Barton-Hyde-Geran-Tauzin amendment to the Constitution."

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 2 minutes.

Mr. CONYERS. Mr. Chairman, all I can think of is what has been the weight or the effectiveness of the discussion on amending the Constitution of the United States that has transpired on this floor today, and I think on balance, as we study our CONGRESSIONAL RECORD, as our citizens across the several States examine the arguments for this important policy change, I think that there will come up a shortage of logic that would persuade people that we have now reached a system or a process that would make sense in making this massive change out of desperation, to be sure, to the Constitution because the bulk of all of the arguments that I have heard for this amendment is that we are failing, we have tried everything else, and there is nothing left to do.

In my judgment that is not enough. In my judgment we have already started reducing the deficit annually, and from that modest position that we find ourselves, Mr. Chairman, we could easily begin to build on increasingly reducing the deficit and, ultimately, the national debt.

So, Mr. Chairman, I leave this first day of leading the debate on this side on a constitutional amendment disturbed that there has not been a persuasive case made for a constitutional amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I speak out in support of the balanced budget amendment not only because I believe it is good policy or that it is a policy that is supported by many of the leaders of this body, but because it is a policy that is supported by the people of my district. There was no issue that I found stronger support for than a balanced budget amendment during my campaign, and I believe the reason that the public recognizes that we need this is because they have seen in more than 30 of our States that the States, when they implement their constitutional amendment to balance the budget, that the leaders in their legislative bodies are able to balance the budget. Yes, they have to work hard, make tough decisions, stay until late at night, but they are able to when the fire is put to their feet.

The people of this great country have been very patient with this body, asking for the past 15 years that we balance our budget. They are not holding us to a higher standard. I believe we need to submit to their will, pass a balanced budget amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GEKAS] for yielding this time to me.

The distinguished ranking member of the Committee on Government Reform and Oversight just a moment ago said that at the conclusion of the first day of a very important and historic debate in this country on the balanced budget amendment he had not heard convincing argument, a persuasive argument, for enacting a constitutional amendment requiring the Congress and the President, that is to say, the legislative and executive branch, to enact an annual Federal budget that is balanced. Well, let me provide that argument, counterargument.

Congress has failed to control the deficit despite legislative attempts to cut Federal spending. At the end of 1994, Mr. Chairman, the deficit was projected to be $223 billion, and the public debt, the national debt that is passed on to our kids and grandkids, all future Federal taxpayers, which is the accumulation of each year's deficit, will reach $4.7 trillion. Left unchallenged the deficit will grow and continue to reach crisis proportions early in the next century.

The choices are hard, but necessary, and that is why we must enact a balanced budget amendment to impose a very real fiscal restraint in this body.

Mr. GEKAS. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the opportunity to address the body tonight inasmuch as we really have a historic time to pass what will be a balanced budget amendment with a three-fifths tax limitation which is what the country really wants. If we put our fiscal house in order everything else in the Contract With America can be accomplished, but this is the most important part of the contract. We want to make sure that if we have people, we have families, that have to be on budgets, this Congress has to be on a budget, and I thank the gentleman from Pennsylvania [Mr. GEKAS] for this time that he has yielded for this purpose.

Mr. GEKAS. Mr. Chairman, I yield the remainder of the time to the distinguished gentleman from Illinois [Mr. HYDE], an institution within an institution.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE], an institution, is recognized for 1½ minutes.

Mr. HYDE. I think the gentlemen are suggesting I should be institutionalized.

Mr. Chairman, I just want to say as to the supermajority on raising taxes:

When the Government expands its power from one level of gross domestic product to another in terms of its fiscal reach, that ought to be an extraordinary decision because we are reaching into people's pockets and we are taking a great rate of the blood, sweat and tears that they have earned through their own work. So that extraordinary reach ought to be an extraordinary decision, and that ought to call for an extraordinary vote. So to increase taxes, to increase the reach of Government, it seems to me is an extraordinary decision. It has not been until now, but we are going to try to make it an extraordinary decision, and not have that left to a simple majority vote.

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Sixty percent is not that tough to get over 50 percent, but it is a little tougher, and we want to avoid the bias towards increasing taxes as the line of least resistance to balancing the budget.

I would say to my friend from North Carolina, the only amendment that the gentleman offered to be brought before the Committee on Rules was one we did vote on in the full committee, and he lost 13 to 19. I will agree the Committee on Rules did not have a relitigation of that issue, and I wish they had because the gentleman is a member of the committee. But the other nine amendments that the gentleman says he had, I never did see them, but he said he had them. He must not have thought too highly of them, because he did not even offer them.

Mr. MFUME. Mr. Chairman, I rise today in opposition to the measure before us and I urge my colleagues to do the same.

Mr. Chairman, I support a balanced federal budget.

As such I have, since coming to Congress, attempted to be fiscally responsible in my votes. I have tried to be consistent in my support of both spending cuts as well as revenue increases that I felt were necessary and would not have a negative impact on the national economy. I have tried to act in the best interest of the people of our nation, both socially and economically. In addition to voting to cut programs that in other circumstances I would have whole heartedly supported, such as the Space Station, I have seen inadequate funding for a number of programs which I consider vital to our people.

If I had a dollar for every instance in which I have said to a constituent, "I agree that this program is meritorious, but the fiscal reality is that the federal government is not going to be able to help," I may very well have been able to eliminate our national deficit by now.

As the representative of some of our nation's poorest people, I can attest to the problems that we are being forced to neglect because of the budget deficit.

Children go to bed hungry at night because their parents cannot find work and because there is no one else to help them. Parents cannot find work because they have lost their jobs, sometimes as a result of government policies, and they do not have the training to make them appealing to potential new employers. Senior citizens cannot afford to heat their homes in the winter, a sometimes fatal condition. Small or minority owned businesses cannot even get started due to a lack of capital.

Mr. Chairman, colleagues, I see victims of the Federal deficit every day, and while I sympathize with them I am forced to talk about fiscal realities.

So I would argue that perhaps more than others, I am aware of the long-term problems that our deficit is causing the people of our nation.

Given my concerns, then, people may be surprised by my strong opposition to this constitutional amendment. Yet I am passionately opposed to this amendment, as I do not feel that it is the proper answer to our problem.

In fact, I would argue that this amendment may do more harm than good not only to our nation but also to the very people whom I feel the government has already neglected.

According to a report recently released by the Economic Policy Institute, the result of the Balanced Budget Amendment is that by the year 2002 my congressional district alone would lose more than $904 million. This translates into $1,513 per person in Maryland's seventh congressional district.

To recover losses to my state's highway, educational, job training, housing, environmental, Medicaid and other programs Maryland would be forced to raise taxes dramatically, by as much as 13.5 percent by the year 2002 if the balanced budget amendment and other Republican proposals.

Not only would this wreak economic havoc on my district and on my state, but the people who I mentioned earlier who have already been denied many basic human needs because of budget constraints would continue to suffer.

A study released by the non-partisan Children Defense Fund points out that in Maryland alone 25,400 babies, preschoolers, and pregnant women would lose infant formula and other nutrition supplements that they currently receive through the Women, Infants, and Children [WIC] program. 59,250 children would lose their access to food stamps. 108,000 would lose free or subsidized school lunch program lunches.

While these numbers may be derived from a worst case scenario, it is the only scenario under which we can operate, as we do not have even seen a sketchy blue print of how the budget would be balanced under the current proposal.

In short, I would greatly prefer that instead of spending our time talking about gimmicks and amending the Constitution, we concentrate on establishing our fiscal priorities and getting our house in order.

I would prefer that we spend our time developing long-term strategies to reduce our deficit in a meaningful yet economically responsible way, rather than continue to debate an ideal that can, one way or another, be circumvented.

Congress has, in the past, shown a willingness to bypass targets set into law for the federal deficit. The most recent example is the Gramm-Rudman-Hollings Act. Rather than adhere to the limits established in the legislation Congress and the Administrations projected higher revenues than were realistic and took many items off budget.

The result was that overruns in deficit spending, above the budget resolutions, averaged $34 billion from 1980 to 1992. The fact of the matter is that unforeseen events, such as the savings and loan crisis and Operation Desert Storm make annual deficit targets unrealistic.

As I said earlier, rather than idealistic gimmicks I would prefer sensible economic policies to attain our goal.

With the 1993 Omnibus Budget Reconciliation Act Congress and President Clinton took a more reasonable, and I would argue more effective, step toward fiscal responsibility. The 1993 Reconciliation bill cut discretionary spending, placed caps on future expenditures, and raised revenues by increasing the progressive structure of federal taxes. As a result of that Act, the deficit is projected to fall from $290 billion in 1992 to $166 billion in 1996. For the first time since President Truman, the federal deficit has fallen three years in a row.

Beginning in 1982 Congress has been debating a Balanced Budget Amendment to the Constitution. Yet between 1982 and 1994 our national deficit has increased by $12.3 billion.

Mr. Chairman, colleagues, I oppose the Balanced Budget Amendment to the Constitution. I would like to eliminate our deficit, and I am committed to working toward that goal regardless of the outcome of this debate. I would urge my colleagues to consider what they are doing and to think long and hard about substantive changes versus gimmicks.

Mr. STOKES. Mr. Chairman, I rise in opposition to the Balanced Budget Amendment.

At the core of the Republican Contract With America is a three part fiscal initiative: to simultaneously cut taxes, amend the Constitution to require a balanced budget by the year 2002, and increase defense spending. These goals are coupled with a stipulation that Social Security not be cut. The combined cost of the initiative translates into an over one trillon dollar price tag. The GOP has yet to outline how it proposed to achieve these objectives.

If we hold to the Contract's bare minimum stipulations alone—no cuts in defense spending, and preserve Social Security, federal programs would have to be cut across-the-board by 30 percent or more. If the GOP honors its Contract, all spending cuts will have to come from programs like education, health, the environment, housing, nutrition, biomedical research, mass transit, federal pensions, Medicare, Medicaid, and welfare. When the GOP increases defense spending as it proposes to do, the cuts in these programs would have to increase.

So, as you can see, the dilemma is not should we balance the budget but more importantly how, especially against a backdrop of GOP promised tax cuts and defense spending increases. According to the Treasury Department, reducing taxes alone will add $376 billion to the deficit in seven years.

The legislation setting forth the balanced budget provision, House Joint Resolution 1 was marked up and approved by the House Committee on the Judiciary on January 11. The Democratic members of the Committee denounced Judiciary Committee's Chairman HENRY HYDE for railroading the legislation through the Committee. This action was a gross insult not only to the democratic members of the Committee but to the American people as well. Americans have a right to know the impact of the Republican Contract With America on their community, their jobs, and their lives.

House Majority Leader RICHARD ARMEY recently stated on "Meet the Press" that, "The fact of the matter is once members of Congress know exactly, chapter and verse, the pain that the government must live with in order to get a balanced budget government, their knees will buckle." The recent Wall Street Journal/NBC News Poll revealed that when asked, "Do you favor or oppose a balanced budget amendment to the Constitution?"—68 percent of the respondents favored and 19 percent opposed the amendment. However, when the respondents were asked, "Would you favor or opposed a balanced budget amendment to the Constitution if it required a 20 percent cut in spending on entitlement programs such as Medicare, Medicaid, and veterans' benefits?"—61 percent opposed the amendment and 33 percent favored it.

The Treasury Department recently conducted a state-by-state analysis of the impact of the balanced budget amendment and the Republican Contract With America. By even conservative estimates, for Ohio, the loss is over $12 billion. This amount includes $3.9 billion in federal grants reductions, and $8.2 billion in reduced annual federal spending in Ohio. More specifically, the loss to Ohio is: $2.4 billion per year in lost funding for Medicaid; $4.7 billion per year in reduced Medicare benefits; $233 million per year in lost highway trust fund grants; $290 million per year in lost funding for welfare—Aid to Families with Dependent Children; and $4.5 billion per year in lost funding for other areas including education, job training, the environment, housing, student loans, veterans' benefits, and grants to local governments.

The most vulnerable populations in our society will be hit the hardest by the balanced budget amendment. Children would suffer tremendously.

In Ohio alone:

Nutrition impact: 75,800 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements. 183,350 children would lose food stamps. 291,800 children would lose free or subsidized School Lunch Program lunches. 20,950 children in child care and Head Start would lose Child and Adult Care Food Program meals.

Welfare impact: 141,900 children would lose welfare benefits—Aid to Families with Dependent Children. 11,500 blind and disabled children would lose Supplemental Security Income [SSI].

Education impact: 10,200 children would lose Head Start early childhood services. 56,300 children would lose remedial education through Title I.

Health care and child care impact: 284,400 children would lose Medicaid health care coverage. 10,150 or more children would lose thefederal child care subsidies that enable parents to work or get education and training. 287,150 cases now served by the state child support agency would lose help to establish paternity or collect child support.

In fact, because of its constituency base, a GOP-controlled Congress is more likely to cut funding in urban areas rather than in suburban and rural ones.

Because Social Security and defense must be left untouched, and the interest on the debt must be paid, all of the spending cuts will have to come from one-half of the budget. Under past deficit reduction laws—like Gramm-Rudman—Congress set yearly mandatory budget targets in order to balance the budget.

In fiscal year 1993, the latest year that state-by-state federal expenditure data is available, Ohioans received a total $46 billion in federal dollars. If the states seek to make up the loss in federal funding, the Treasury Department estimates that nationally state taxes would have to increase 12 percent. The Treasury Department estimates that Ohio would have to increase state taxes by 19.8 percent across-the-board to make up for the loss in federal grants.

I urge the defeat of the balanced budget amendment.

Mr. BONILLA. Mr. Chairman, I rise today in support of the balanced budget amendment to the Constitution of the United States. President Clinton has promised the American people he would end the budget deficit. During his State of the Union Address, President Clinton expressed his ardent desire to cut spending and balance the budget. It has been 25 years since Congress has balanced the Federal budget, and the deficit continues to grow with each year. For the sake of our future, I urge my colleagues to adopt the balanced budget amendment with the supermajority tax provision.

The people of the 23d District of Texas and the people of this Nation overwhelmingly support the passage and ratification of a balanced budget amendment. The balanced budget amendment is a tool that will compel Congress to make tough budget decisions. Unfortunately, such decisions have been avoided for many years. Families have to maintain a balanced budget and, in fact, 48 States have some sort of balanced budget requirement; yet, even after years of fiscal abuse the U.S. Congress has no provision calling for a balanced budget.

Mr. Speaker, I would also encourage my colleagues to embrace the supermajority provisions included in this bill. Raising taxes should not be the easy way to combat the deficit. The Congress must refrain from taxing citizens into obliviion. A three-fifths requirement to increase taxes would help protect our economy from the stifling effects of high taxes, while also requiring Congress to reduce overall spending. It will be imperative that Congress examine carefully every function of the Federal Government and make the appropriate reductions or terminations. Not only must we pass the balanced budget amendment, but we must also protect citizens from the prospect of increased taxes.

We cannot saddle future generations with the bills for continued wasteful Government spending. Although past votes have been close, a proposed amendment has never been successful in the House and the Senate. In 1990, the amendment failed by only seven votes in the House and in 1992, it failed by only nine votes. However, with the renewed interest of the American public and a Republican majority in both chambers, it has become clear that a balanced budget amendment is not only needed, but coveted by the citizens of this Nation.

Mr. Speaker, I urge this chamber to adopt measures that will safeguard the futures of our children. Presently, our national debt of $4.5 trillion stands to destroy all that we have created. Opponents of this provision want to know how we will balance the budget, they want to know the specifics behind such a proposal. No Member in this chamber can outline changes that will occur between now and 2002, which is the year this bill would require a balanced budget. There is no question that we will all be asked to make some tough budget choices. It is important to remember, however, that such choices must be made for the good of this Nation's future.

Mr. LATOURETTE. Mr. Chairman, before the end of this day, the 104th Congress could vote on a historic piece of legislation—the balanced budget amendment. It is a piece of legislation I intend to support not simply because it's the right thing to do, but because it's the only thing to do.

Some will argue that the solution to our Government's financial woes is to simply start exercising more discipline in the budgeting process. History has proven this does not work. Time and time again, Congress' best intentions to cut the fat out of a very bloated Federal Government have fallen by the wayside. At the end of 1994, the deficit was approximately $223 billion and the public debt reached $4.7 trillion. Averaged out, every man, woman and child in America is saddled with this debt to the tune of roughly $18,000 per person.

In November, the American people sent a very clear message: they want a balanced budget amendment because they're tired of hearing our shopworn excuses about how impossible it is to balance a budget. Frankly, Americans no longer trust us to get the job done. But passage of a balanced budget amendment will change that. It will force us to make the difficult, necessary choices.

On Wednesday, my Ohio colleague, JOHN R. KASICH, stood before a room full of reporters and television cameras and announced that the balanced budget amendment will be the most important piece of legislation he will vote on during his career in the House of Representatives. Even though I am in my first month of my first term of Congress, I agree with him wholeheartedly. While the goals of the Contract With America are noble, the goal of a balanced budget is tantamount. We can no longer continue to rely on the old method of raising taxes every time we get into a deeper financial mess and need cash to bail us out.

If we do not pass such legislation—which will benefit our children, their children and their grandchildren—I am convinced that this Congress will be branded with a legacy we will all be ashamed of. I do not plan to be a part of that, nor do many of my colleagues, Republicans and Democrats alike.

Will balancing the budget be easy? No, but neither was digging ourselves into the deficit quagmire we're in now. Climbing out will take time and it will be an arduous and painful task. It also will be one requiring courage. By passing this legislation, we in the Congress are telling the American people that from this day forward we will be fiscally accountable.

We're no longer simply going to talk about making the tough cuts to bring this budget into line, we're going to do it. And we're going to have the power of a constitutional amendment hovering over us like a vulture that hasn't eaten in a month to make us stick to our promises. Additionally, as a Congress we are committed to achieving this goal of a balanced budget without placing it on the backs of our Nation's seniors. Social Security is off the table. Period. That is my contract with America's seniors.

Congress has had long enough to act like one of those people who keeps telling his betrothed, "Yes, I intend to marry you . . . one day." By passing a balanced budget amendment, we're setting a date and we plan to stick to it. In fact, we've gone so far as to rent the hall and hire the band. Rest assured, if we fumble on this one, which we won't, the American people have permission to hang us by our thumbnails. Or, you could just not re-elect us, which I'm sure some of my colleagues would find a far more painful fate.

In a perfect world, the 104th Congress would have passed a balanced budget amendment with a three-fifths or supermajority tax limitation. This is what I preferred and this is what I felt was the optimal legislation. Yesterday, I voted for its passage. The reason the supermajority was necessary was to prevent Congress from taking the easy and irresponsible way out as it has done in the past by raising taxes.

This begs the question: Are we settling for second best now, some watered down version with no teeth? No. When the 49ers take the field this weekend, they will want their starting quarterback, Steve Young, as their man. But they also will have a competent, capable back-up sitting on the bench ready to rise to the challenge. The end goal, and one we must not lose sight of, is to get the job done. Succeed, win, whatever you want to call it, we need to make it happen and balance the budget.

As a Congress we've been selfish long enough. If we can demand that you start taking more responsibility with your lives and stop relying on the Government for those things you can do on your own, the very least we can give you in return is a pledge to be responsible today and with your futures. We must pass a balanced budget amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to House Joint Resolution 1.

I do so not because I am opposed to balancing the Federal budget. I fully agree that long-term deficit spending, which almost quadrupled our national debt during the Reagan and Bush administrations, is a drain on our economy and a burden which our country cannot tolerate forever. But I do not believe that the Constitution of this country should be used as a substitute for political courage.

When President Clinton sent his fiscal year 1994 budget to this Congress—a budget which has successfully reduced the annual deficit for 3 years in a row for the first time since the Truman administration and more than halved it as a percentage of our gross domestic product—most of those backing this amendment voted against it.

I do not think anyone in this House was happy about the tough choices contained in that budget. But a majority of us, thankfully, found the courage to vote for it.

Why is it that those who 2 years ago backed away from the specifics of balancing the budget now race to not only embrace the principle, but to use the Constitution to make a political point?

The 1993 budget vote was a painful one, and it was painful precisely because we told the American people exactly what pain would be involved. We told them exactly what we were doing, exactly how much it would cost them, and exactly what would be gained as a result.

That, Mr. Chairman, is what responsible government is all about.

It is all very well and good to vote for this amendment today, and then tell your constituents that you voted to balance the budget. But that is not what is happening today.

Our Democratic leader, Mr. GEPHARDT, observed not too long ago that we should not sign this part of the Contract With America without reading the fine print. He was exactly correct—except that our colleagues who are backing this amendment have not even bothered to write that fine print yet.

That is not a responsible way to legislate, and I am gravely concerned that this amendment may one day be written into our Constitution.

The question today, however, is not whether we will debate a constitutional amendment. The question is what form will that amendment take?

Given that environment, I plan to vote in favor of the amendments offered by our Democratic leader and Democratic whip, Mr. GEPHARDT and Mr. BONIOR, and for the amendments offered by my friends Mr. CONYERS and Mr. WISE.

In each case, these amendments make important points about the process we are entering with this constitutional amendment.

All three, for example, contain the principle that we will not renege on our promises to the Nation's senior citizens in implementing the balanced budget—and that we will protect Social Security.

And all three have eliminated the supermajority requirement that is in such direct violation of the principles enshrined in the Constitution.

But each amendment offers a crucial principle which I believe any comprehensive consideration of the balanced budget amendment must contain.

The amendment by the gentleman from Michigan [Mr. CONYERS] would prohibit the amendment from going into effect until the Congress had passed a detail resolution—a resolution honestly telling the American people what that implementation would mean and how it would be accomplished.

The amendment by the gentleman from West Virginia, my good friend Mr. WISE, contains a provision which I believe has been unfortunately overlooked in this debate: a separate capital budget.

Mr. Chairman, virtually every State with a balanced budget requirement—whether in statute or in its constitution—recognizes that capital investments are unique. They specifically allow for a separate capital budget.

Most importantly, Mr. Chairman, if it were not for those separate capital budgets they would not be able to achieve the balanced budgets they claim.

I will vote for these three alternative amendments, but ultimately I cannot endorse using the Constitution of the United States as a platform to enshrine a political gimmick.

If the Members who advocate House Joint Resolution 1 want to balance the budget, all they have to do is put a plan on the table. The fact that they have not done so, and openly refuse to do so, says something to me about the substance, or the lack thereof, of this amendment.

I urge my colleagues to join me in voting "no" on final passage.

Mr. LAZIO of New York. Mr. Chairman, I rise today to urge passage of House Joint Resolution 1, the balanced budget amendment. Remember the year 1969? The Beatles were still together, man had just walked on the Moon, and Watergate was just a hotel. It was also the last year the Federal Government ended with a surplus of funds.

Since then, each year, the Government has added to the debt, which now totals over $4.7 trillion—about $19,000 for every man, woman, and child in the United States. A large part of our taxes go to the interest payments on this debt, $235 billion this year—$643 million per day. Interest payments on the Federal debt are right behind Social Security and defense as the third largest single expenditure in the Federal budget. It is time to take drastic action.

In fiscal year 1995, the Government will spend almost $200 billion more than it takes in, and this dangerous trend is projected to increase into the next century. The legacy of these deficits, our national debt, is projected to reach almost $6 trillion by the year 2000. Unless we control spending now, serving the national debt will quickly crowd out all other priorities in the Federal budget.

In addition to putting a squeeze on spending priorities, large Federal deficits have a profound affect on the amount of money the private sector in our country has to invest. The financing of the deficit each year absorbs money that could have been used by the private sector. As a result the Nation suffers from a lower rate of private investment, lower productivity, and a lower standard of living.

The country simply cannot afford to keep up this spending pattern. Our children and their children should not be saddled with paying for our indulgent spending. According to a new and comprehensive method of accounting known as generational accounting, the Office of Management and Budget [OMB] projects Americans born in 1992 will face a lifetime net tax rate of 82 percent unless we do something to change current tax and fiscal policies. This is completely unacceptable.

Efforts to set spending limits to eliminate the deficit have failed largely because Congress has not had the willpower to enforce them. In the now infamous 1985 Gramm-Rudman-Hollings bill, Congress agreed to balance the budget by 1991. As it turned out, Congress missed its spending target over the 6-year period by $737 billion. In 1991, the year the budget was supposed to be balanced, the deficit grew from $221 to $270 billion.

By the end of the fiscal year 1995, Congress will have missed its agreed on deficit by $1.944 trillion since Gramm-Rudman-Hollings was passed. Two other times in the past 10 years Congress has agreed to balance the budget by a certain date and yet our debt and deficit continue to grow.

Having tried everything else, a constitutional amendment now is the only way to break this cycle of spending beyond our means to ensure that the Government lives by the same rules our families do—every single year after the year 2002, except in times of war or real national emergencies.

Some have expressed fears that a balanced budget amendment would threaten Social Security. On the contrary, a balanced budget will protect this program. The greatest threats to Social Security and our senior citizens are deficits and the debt. To finance our deficit spending, the Government sells bonds and pays interest on the dividends. Spending more on interest payments eats up scarcer Federal resources, which in turn, eventually will threaten all programs, even Social Security.

The balanced budget amendment, by itself, will not cure our economic ills, but it clearly is a step in the right direction to put our financial house in order, to stop mortgaging our Nation's future and to protect future generations from economic disaster. Let us have the courage to pass this amendment.

Mr. FRANKS of Connecticut. Mr. Chairman, I take great pride in rising in support of Congress doing the people's will and passing a balanced budget amendment.

Since coming to Congress in 1991, I and many of my Republican colleagues have voted for the balanced budget amendment so that we could lift the burden of Congress' spendthrift ways off the backs of our children and grandchildren. In our every attempt to achieve fiscal sanity, the then-Democratic majority rebuffed our efforts, saying that the House and the Senate had the sense of discipline to cut the deficit and that a constitutional amendment was unnecessary. However, despite the assurances of the former majority and after many ill-advised appropriations bills, our federal spending continued and continued to balloon to zeppelin-like proportions.

Mr. Chairman, on November 8, 1994, the American people sent a loud and clear message that they were tired of Congress conducting business as usual. They sent a message that said they have had enough of big government and out-of-control spending. I and my Republican colleagues have heard that message and today we shall take the first steps to carry out the people's agenda.

When we do pass the balanced budget amendment, we will have to make choices which will be painful and difficult. Some programs will have to be altered while others will have to be plainly eliminated. The Congress will finally have to come to a conclusion of what its priorities are.

To the senior citizens in my district who are concerned about Social Security, I will say—as I did in 1994—that I am aware of the contributions you have made to the Social Security program and that Social Security should be left off the table. We need to balance the budget by cutting wasteful, frivolous pork programs and by downsizing government, not by hurting our seniors who have invested in the Social Security system with their hard-earned dollars.

There will be six substitutes to H.J. Res 1 today. Of the six, the one which I favor most is offered by my distinguished colleague from Texas, [Mr. BARTON]. The Barton substitute states that Congress may not adopt a budget resolution in which total outlays exceed total receipts unless three-fifths of each House approves. Also, Mr. BARTON's substitute installs a permanent cap on the Federal debt held by the public and to break that debt ceiling, the House must agree to do so by a supermajority. Finally, the House must muster a supermajority to raise taxes. Should the Barton amendment fail, I intend on voting for the substitute offered by Messrs. SCHAEFER and STENHOLM. While the Schaefer and Stenholm substitute does not include the provision that a three-fifths supermajority needs to be mustered to increase taxes, it does contain provisions which require supermajorities to increase the debt ceiling and to enact deficit spending. This is important for two reasons. First, the supermajority provisions in Stenholm-Schaefer will help ensure that if the Congress deems a spending increase or debt ceiliing hike necessary, it will be done, in most instances, in a bipartisan manner and not rammed down the minority's throat like many economic initiatives were in the last Congress. Second, the provisions in the Schaefer-Stenholm amendment will force Congress to make the hard choices and enact real deficit reduction rather than continuously raising our national debt levels. For these reasons, I believe that the Schaefer-Stenholm substitute is a sound solution to enable our country to get out of and stay out of the red.

Mr. KIM. Mr. Chairman, I rise today in support of the balanced budget amendment.

Before I came to this body, I was a small businessman. In the operation of that business, I always had to follow one simple rule:

I could never spend more than I took in.

Unfortunately, some of my colleagues who have never been in the real business world probably don't understand this, so let me tell you from personal experience what happens to a business that cannot maintain a balanced budget.

When I was in business, I almost had to file bankruptcy once because the bank would not extend my credit.

I spent many sleepless nights worrying about how I was going to meet my payroll—how I was going to come up with the money to keep my business going another week.

If I didn't come up with that money, I would lose everything my wife and I had to our name.

And, unlike the Federal Government, I couldn't keep borrowing money endlessly to keep myself afloat—and I certainly couldn't tax my customers to make up the difference!

That is the reality that real Americans who have real lives have to face everyday.

Unfortunately, the Federal Government has never had to live by these same rules:

For 33 out of the last 34 years, the U.S. Government has spent more than it took in.

The result? A national debt of over $4 trillion.

To put that number in perspective, that is over $18,000 for every man woman and child in this nation.

In response to this situation, politicians have promised year after year that Congress is going to do something about these runaway deficits.

In fact, Congress has gone so far as to pass several laws requiring that Congress achieve a balanced budget.

One example of such a law is the 1986 Gramm-Rudman Deficit Reduction Act.

But this can be waived—that means ignored—by a simple majority vote.

And this has happened time and time again.

The fact is that despite all the statements supporting a balanced budget—despite all of the laws which require us to balance the budget—we have done nothing.

And why have we done nothing?

Because there is no incentive for Members of Congress to say "no" to bigger government.

There is no incentive for Members to make the hard decisions necessary to balance the budget.

The balanced budget amendment is the only way to end this insanity.

A balanced budget amendment would finally force Congress to face reality and make the hard decisions it has avoided in the past.

Finally, let me make two other points about the balanced budget amendment:

First, it has become clear that my liberal friends are trying to scare the American people by accusing Republicans of wanting to make massive cuts in Social Security.

Let me say that nothing could be farther from the truth—the new Republican majority can and will balance the budget without cutting Social Security.

For this reason, I am glad that Congress yesterday passed House Resolution 17. This resolution prohibits Congress from cutting Social Security to balance the budget.

I can think of no clearer statement of our intent, as the new Republican majority, to protect Social Security from the budget cutting axe.

Second, I have been listening to my Democratic colleagues criticize us for not saying exactly how we intend to balance the budget.

Well, when I was in business, we set the goal and then we decided how we were going to achieve the goal.

A balanced budget is the goal.

Once we have agreed on the goal by passing the balanced budget amendment, then we can work together to decide how we are going to get there.

I invite my Democratic colleagues' input on how to get it done.

But, the critical thing is that we all agree on the goal of a balanced budget first.

In short, Mr. Chairman, it is time to stop bickering and get to work on what the American people asked us to do last November:

Balance the Federal budget.

Thank you, Mr. Chairman.

Mrs. WALDHOLTZ. Mr. Chairman, in November, the American people sent us here to carry out an agenda of change. They said that it was time for Government to live within its means by ending runaway spending and balancing the budget.

The American people want results.

The passage of the Schaefer-Stenholm bill will give Congress the fiscal discipline that it has repeatedly demonstrated it lacks and the American people the change that they demand.

Yesterday, we voted to reaffirm our commitment to our older Americans that we will not use Social Security to balance the budget.

But we must also act today to protect our children, and put an end to this institution's unforgivable habit of spending our children's future by running up debts they will have to pay.

I voted for the Barton amendment, and I believe we should have further limited Congress' ability to raise taxes. But we must not let the best be the enemy of the good.

We may disagree over how much tax limitation should be included in a balanced budget amendment, but the only effective amendment is the amendment that passes.

Failure to pass Schaefer-Stenholm means victory for the big spenders and big taxers that built our annual deficits and put us $4.7 trillion in debt.

I urge my colleagues to join me in keeping our word to the people who sent us here, and support the Schaefer-Stenholm balanced budget amendment.

Mr. MANTON. Mr. Chairman, after serious consideration of the Barton and Stenholm proposals to amend the Constitution to require Government receipts to equal outlays each year, I rise today in opposition to the H.J. Res. 1, the balanced budget constitutional amendment.

I have not come to this decision lightly. I strongly support deficit reduction. However, despite my support for fiscal responsibility, I cannot vote in favor of any plan to strip the Congress of the powers bestowed upon this body by our Founding Fathers. The U.S. Constitution is a truly remarkable and enduring document. More than 200 years ago, a small group of revolutionaries fashioned a blueprint for a free and democratic government which has enabled our Nation to endure two centuries of dramatic change and growth in which we have found answers to the most pressing and timely problems of our day, which the Framers could never have anticipated.

Furthermore, despite empty promises by the Republican leadership that Social Security will never be affected by a balanced budget amendment, the amendment clearly does not exempt Social Security from budget cuts, I am unconvinced that such a draconian proposal requiring Government spending to equal receipts would not negatively impact our Nation's neediest citizens. Senior citizens, children, the poor and the disabled who receive the lion's share of direct Government payments would be most at risk.

Mr. Speaker, the balanced budget constitutional amendment would place these citizen's benefits in peril whenever the Congress is unable to responsibly perform its duties as enumerated in the Constitution, "to lay and collect taxes, and . . . provide for the general welfare of the United States."

I am proud of my record and that of my colleagues who have joined me in voting for legislation to reduce our budget deficit. Next year will be the first year since President Truman was in the White House that the budget deficit has fallen for 3 straight years. The progress we have made is a testament to the success this House can have when we responsibly consider deficit reduction. Balancing the budget can not be achieved by way of one simple vote on a balanced budget amendment to the Constitution. It will require careful and difficult choices. I look forward to working with my colleagues to ensure fiscal responsibility does not come at the price of protecting our citizens.

Mr. HASTINGS of Washington. Mr. Chairman, a recent ABC News/Washington Post poll showed that 80% of Americans support a constitutional amendment to balance the federal budget. The result is hardly surprising. Our $4.6 trillion national debt and $200 billion budget deficit continue to grow. Yearly interest payments top $225 billion.

The concept of a balanced budget is just plain common sense. 43 state governments—including my own state of Washington—now must live within their means. In 1993 the voters of my state revolted against excessive government spending and capped the rate of growth of state spending. The time has come to apply this common sense principle to the federal government.

While a balanced budget amendment must be passed now, let's be very clear. More taxes will not reduce the deficit. The last Congress argued that more taxes were the answer when they imposed the largest single tax increase in American history. What do we have to show for it? Well, the Congressional Budget Office reports that the deficit will actually increase by $2 billion this year and another $13 billion next year. Tax revenues have actually fallen as tax rates have increased.

So what is the cure for our deficit spending disease? Pure and simple—cut spending in some programs, eliminate others, and limit the rate of growth for still more. And let's be clear, we can do this without touching Social Security.

Mr. Speaker, let's let the people who elected us know that we are listening to their voices. Let's pass this Balanced Budget Amendment today.

Mr. COSTELLO. Mr. Chairman, I rise today in support of a Balanced Budget Amendment to the United States Constitution. I have long supported a balanced budget amendment and have voted in favor of it since I came to Congress in 1988, and it is my hope that we will have the two-thirds majority necessary to pass it this year.

Our Constitution contains several provisions which dictate how Congress can both raise revenues and spend public funds from our federal budget. However, there is no provision in our Constitution which dictates that the budget must be balanced.

This amendment will require that the Congress spend no more than it receives in revenues each year. This will put at least a halt to the exploding debt which has overtaken our federal budget. In 1995, Americans will pay $213 billion in interest alone on a total national debt of $4.7 trillion.

As most Americans know, because of our government's spending habits, we have to borrow every year just to make our interest payments on this debt, which only serves to increase this same debt every year. This year, we will borrow $176 billion to meet our federal government's spending needs and pay interest on the national debt. It's as if every year we charge the interest due on our Visa debt to our Mastercard!

The amendment I favor would balance the budget by the year 2002 while at the same time protecting our Social Security system. Social Security, now 60 years old and healthier than ever, is one of our most successful government programs. Currently, our Social Security program takes in more than it pays out in benefits, giving it a surplus and hiding the real size of the budget deficit.

I favor taking our entire Social Security program—both benefits and incoming revenues—totally off-budget. That way, we have an honest trust fund where the money used to pay benefits sits in a separate, interest-bearing account and where surpluses are not used to finance deficit spending in the rest of the budget.

I intend to vote for a balanced budget amendment which takes Social Security completely off-budget. The workers and employers who have paid into this system have a trust and contract with their government to make sure these benefits are there upon retirement.

Enacting a balanced budget amendment will ensure that as we enter the 21st Century, our goal will be to begin to pay down our enormous national debt and keep government spending in check. It will require Members of Congress to make the difficult choices they can now avoid more easily, with the force of law making it mandatory that we balance our federal budget.

The House is considering six amendments dealing with a balanced budget, and I intend to vote for three of them which all accomplish the goal of amending our Constitution to require a balanced federal budget. However, unlike the provision sponsored by the Republicans in their "Contract With America," the proposal I favor will take Social Security off-budget in order to protect it, and require only a majority to raise taxes in order to achieve a balanced budget amendment.

The Stenholm-Schaefer bipartisan amendment is identical to one which I have supported in recent years, and one which came close to passage during the 102nd Congress. It has been the primary legislative vehicle in recent years, unlike the amendment sponsored by Congressman Barton of Texas. The Barton amendment requires a 3/5 supermajority to raise taxes, which I believe is only a further attempt to shield the wealthy from higher taxes should they be needed to reduce the deficit. Why should Congress enact a provision which will make it even more difficult to ask those who make $1 million or more to contribute their fair share to a balanced federal budget? We should not, and that is why I oppose the Barton substitute.

Mr. Speaker, my hope is that one year from today, the U.S. Congress will be working on its new federal budget with this balanced budget provision written into the Constitution. If we can pass this amendment this month, and the Senate follows suit, the legislation then goes to the states for ratification. It is my hope that we can end this budget deficit madness and return our nation to fiscal sanity. For the sake of future generations, which will already pay a larger share of the burden of overspending in the 1980's, we owe them this amendment.

I urge my colleagues to join me in supporting the Stenholm-Schaefer balanced budget amendment to the Constitution.

Mr. THOMAS. Mr. Chairman, the House is considering a vote on a constitutional balanced budget amendment. The amendment included in the Contract With America also requires a three-fifths supermajority vote to increase taxes and the debt limit. I wholeheartedly support the bill and voted for it.

A constitutionally balanced budget amendment is the only viable mechanism for resolving the deficit issue. Other efforts at fiscal restraint by Democratic controlled Congresses have failed miserably. I served on the House Budget Committee for 6 years; I know firsthand the games that have been played in Congress to get around our own rules. I witnessed numerous revisions of Gramm-Rudman, designed to reduce Government red ink. The record speaks for itself. They failed.

We can no longer tolerate mere promises of fiscal restraint. To do so would saddle our children, and children's children, with uncontrollable and runaway deficits. A constitutional amendment forces Congress to act responsibly.

My belief in the importance of an amendment is so strong that if the Barton three-fifths amendment does not pass, I will support the Schaefer amendment.

I do so, Mr. Speaker, because there is no alternative to a constitutional balanced budget amendment. Adoption of this amendment is long overdue. I encourage my colleagues to vote in favor of this constitutional amendment.

Mr. QUINN. Mr. Chairman, I rise today in strong agreement with my colleague from New York, Congressman GERRY SOLOMON, who yesterday called the balanced budget amendment, "the most important matter the House will address during the 104th Congress."

The important thing to remember today is that I am here at the request of my constituents who overwhelmingly support this historic legislation.

As an advocate of fiscal responsibility, I have been fighting for a balanced budget amendment since I ran for Congress more than 2 years ago.

Implicit in this legislation is a measure to require that a balanced budget amendment is achieved without touching the Social Security trust fund. We must leave Social Security alone.

Time and time again, Congress has failed to summon up the courage to attack spending. This constitutional amendment makes courage the law and forces us to get our financial house in order.

In addition to the balanced budget amendment, we also need the line-item veto and legislation prohibiting unfunded mandates. By enacting all of these proposals, we can help reduce the deficit and make a start on balancing the budget.

I supported the Barton substitute with the three-fifths tax limitation provision because I think it is the best approach to make it as difficult as possible to raise taxes to balance the budget. Raising taxes simply lifts the burden off of Congress and places it on the backs of hard-working, American taxpayers.

As the Hamburg Town Supervisor, I was required by law and by my constituents to balance the town budget each and every year. The American people are calling on us to balance the Federal budget, and we can respond with this law requiring us to do just that.

Local governments are forced to balance their budget. State governments are forced to balance their budget. Yet the Federal Government has failed to balance the budget since the Johnson administration.

We must always keep in mind that we are the representatives of the people. As such, we must listen to the voices of Americans. Their voices are loud and clear. Pass the balanced budget amendment.

Mr. FILNER. Mr. Chairman, as we deliberate today on the issue of adopting a constitutional amendment to require a balanced budget, I wanted to share with you a particularly thoughtful letter I received from a constituent. As you will see, this American patriot does not have any vested interest at heart, except our national interest.

This gentleman wrote:

> I am a retired Navy Commander, flew in Vietnam, Beirut, Libya. Had a marvelous career. I have never written my Congressperson. The full extent of my political expression is that I run one of the polls in my town.
>
> I want you to know that I could not feel more strongly in favor of Public Broadcasting.
>
> Please be very careful as you and other fine men and women who represent me attempt to put the Nation's budget in order. It is not easy and I advise against simplicity. If it was easy, my fellow democrat patriots would have done it already.
>
> The quality of our culture needs to be raised not lowered, and I'm using the word culture in its broadest sense. I'm not asking for ballet and symphonies. I'm asking you to support the free expression of factual reporting on radio and TV.
>
> The charge that the Corporation for Public Broadcasting is elitist is probably true. In the same sense that the finest, highest quality of anything is elitist. That is where my Navy always aimed to be. And that is the stock in trade of USMC. So be careful and don't be sloppy. Yours very truly * * *.

This thoughtful letter points out the danger of simplistic solutions. I urge my colleagues to take this suggestion to heart.

Yes, we must balance the budget. But let us accomplish this worthwhile goal in a planned and systematic manner, not with slogans nor by amending our Constitution.

Mr. DICKEY. Mr. Chairman, the inflated scare-tactic rhetoric on the House floor yesterday and today is really incredible. Social Security is a social contract that will not be altered in order to balance the budget. However, liberals continue to scare senior citizens about the alleged impacts of the Congress passing, and the States ratifying, a constitutional amendment to require a balanced Federal budget. Social Security is off the table when it comes to balancing the Federal budget.

No one should forget, it was the Democrat-controlled Congress which last year voted—without a single Republican vote—to increase taxes on Social Security benefits. The Contract With America calls for the repeal of that onerous tax, and will increase the amount of money seniors may earn without their benefits being reduced.

Yesterday, we overwhelmingly adopted—412 to 18—a resolution (H. Con. Res. 17) to further state our commitment that bringing the Federal budget in balance over the next 7 years must not involve reducing Social Security benefits or increasing Social Security taxes, regardless of which version of the balanced budget amendment we adopt. That's a commitment I have previously made and I vote to reaffirm.

The liberals are resisting a strong balanced budget amendment because it would inhibit their ability to continue the spending addiction that has been their hallmark over the past 40 years. They refuse to admit that the exploding Federal debt—now $4.6 trillion—poses the greatest threat to Social Security and all other Federal programs if it is not brought under control. The balanced budget amendment, with a three-fifths requirement to increase taxes, is needed to discipline Congress to cut spending without raising taxes. That is my commitment.

It is ironic that the liberals' attempt to stall or defeat a strong, meaningful balanced budget amendment comes at the same time Federal Reserve Chairman Alan Greenspan is warning the Congress and the administration against caving in to fiscal pressure that could lead to higher inflation. "History is replete with examples of fiscal pressures leading to monetary excesses and then to greater inflation," Greenspan declared yesterday. He charged Congress with the task of keeping the Federal budget deficit at bay.

That is what this is all about yesterday and today on the House floor. It is clear that Social Security will not be harmed by the adoption of a balanced budget amendment; indeed it will only be strengthened. Congress and the States must pass and ratify the balanced budget amendment, to make it harder to raise your taxes and in order to protect your Social Security benefits.

Thank you.

Mr. VENTO. Mr. Chairman, I rise to express my serious concerns and my opposition to the various proposals being considered by this House to amend the U.S. Constitution, the law of the land, the most important basic document in our nation's history and its future, with a balanced budget constitutional amendment.

I am deeply concerned about our budget deficit, especially its explosive growth the past 15 years which looms over the future of our children and the future health of our economy. Throughout my career, I have supported numerous efforts aimed at streamlining the Federal Government, reducing spending, eliminating waste, and responsibly increasing revenues in an equitable way. I support a balanced budget but not an amendment to our basic document, which is more symbolism for today and postponing action until tomorrow with yet another budget process response.

Amending the Constitution for any matter must be more than just a slogan. It certainly shouldn't be a token soundbite for the nightly news or for mere political posturing. Without a balanced budget plan and the political will to act on such a plan, this balanced budget amendment is just that: a quickie fix for instant gratification that will place the nation in a fiscal straight jacket.

Even with the best of intentions a balanced budget amendment will not deal with today's budget decisions or the exponential growth of problems and policy choices in the future. Creative actions for circumvention, gimmicks, and shifting economic assumptions is illustrated by the recent debate over "dynamic budget scoring" and such tampering may well become the preferred alternative and would not be prevented even under a balanced budget amendment. In fact the amendment specifically empowers Congress to implement this constitutional amendment. Shifting dates, postponing liability, scoring, redefining credit and capital expenditures, are but a handful of creative legislative possibility that could frustrate the balanced budget requirement. In addition, most of the measures proposed invite circumvention by Presidential finding and a Congressional vote—but who will arbitrate and what are the enforcement mechanisms? It is clearly demonstrated that what is certain to be produced by such an amendment is even greater public cynicism toward the Congress and Federal Government.

The simplicity of this constitutional solution is its greatest fault. None of these amendments state how the task is accomplished. I have many serious questions, questions such as: What are the enforcement mechanisms? What is the appropriate role of the court system? How can the budget be litigated? What macro and micro economic effects would litigation encompass? And most important, what happens to the economy as the Federal budget is being defined and controlled by the courts? Can we afford that as an outcome? Can we risk to tying our own hands, perpetuating inaction and an inability to respond to a recession plagued U.S. economy because of a balanced budget amendment, inevitably leading to further economic decline?

Mr. Chairman, we must look at the constitutional balanced budget amendment as yet another process fix proposed to be enshrined in the Constitution. Such a measure promises to answer deficit problems tomorrow instead of today. What we must work for together is substantive action now for meaningful Federal budget cuts, changing budget priorities, and a refocusing of our national commitments in the real world. Making decisions about reductions in important programs is not a simple task. Of course, we don't agree as to what constitutes an unnecessary or lower priority expenditure within our national budget. Day after day, week after week, month after month, we must vote for change to establish a policy path which will achieve rational budgets, hopefully with less deficit and in the end a balanced budget. Congress must deal with fiscal expenditures—spending—and tax expenditures—tax giveaways. Congress should not lock in the existing tax code with special protections for the special interests, no more than we should foreswear cuts in military or other spending categories. Carried to its conclusion, superimposing such limitations on top of a constitutional balanced budget amendment could well return our form of government to a weakened confederation of States.

The consequence of writing into the Constitution an inflexible and unclear budget process may well result in much more harm than good, and unlike a bad law, will be very difficult to correct. Mr. Chairman, it's clear that the past decade of federal budget process laws promised far more than they performed or delivered: hence the skepticism, yes, even intense cynicism today. This constitutional balanced budget amendment, if enacted, could well result in yet one more unfulfilled promise and the continued political blame game or, conversely, it could significantly disable the strongest free democracy and economy on the face of the earth. These are real risks to which the Congress should not choose to expose our nation. Amending the Constitution after all is no substitute for the political constitution that Federal lawmakers must practice to deliver the results of a balanced budget. I urge my colleagues to oppose these amendments to avoid an uncertain, unpredictable measure that would not only alter our Constitution but would likely inexorably alter the balance of powers in our Nation.

Mr. MCDADE. Mr. Chairman, passage of the balanced budget amendment sends a clear message to the American people that Congress will exert the fiscal discipline necessary to cut spending and end deficit spending.

There can be no doubt about the need for this measure. The national debt exceeds $4.7 trillion. The share of that debt is $13,000 for every man, woman and child in this country. There has been a Federal deficit for 57 of the last 65 years, and the last 25 years in a row. Interest on the debt is now the third largest single item in the Federal budget.

The balanced budget amendment provides a long-term solution to our long-term problem. It is a necessary enforcement tool for reaching balanced budgets. Other legislative methods have been tried and failed. If we do not act, the result will be large deficits harmful to our economy, increasing dependence on foreign capital and a lower standard of living for our children and grandchildren.

The amendment will force Congress to make the tough decisions that will result in lower deficits and transform the way Congress deals with Federal spending. The Budget Committee is currently developing a 5-year budget resolution which will set the Government on a path to a balanced budget.

Some opponents of the amendment are trying to scare senior citizens into believing that it will ultimately lead to cuts in Social Security. That is just not true. Republicans have made it clear that Social Security is off the table. The budget can be balanced in the next 7 years without touching Social Security.

A balanced budget amendment will actually protect each American's investment in Social Security. By balancing the budget, no additional Government bonds will have to be issued to finance the deficit. Consequently, there will be no more borrowing from the trust funds, which truly protects the future of our Nation's retired citizens.

This Congress is serious about the promises that were made before the election. The balanced budget amendment is just one more step toward making the Federal Government more responsive to the American people.

Mr. KOLBE. Mr. Chairman, this is a defining moment of truth for Congress, the American people, and the Contract With America: consideration of the balanced budget amendment to the U.S. Constitution. Why? Because today we will put down a marker for fiscal responsibility for generations to come. Today we will approve a balanced budget amendment.

Working with the mandate voters gave to Republicans last November, the new Congress is committed to aggressively examining every function of the Federal budget, looking for ways to make Government smaller, less intrusive, smarter and more efficient. The balanced budget amendment is a critical element in this process. It's the starting gun that puts us in the 7-year race to a balanced budget.

We all know that chronic deficits threaten our Nation's long-term prosperity. And we all know that our short-term interests all too often lie in spending more on the demands of various special interests. When faced with demands for more spending and less taxes by competing interests, Congresses and Presidents have taken the easy way out by borrowing more money. The balanced budget amendment corrects this bias by creating immediate political and economic consequences for running a deficit.

Living off a giant credit card and sending the bill to the next generation is a form of taxation without representation in a very real sense. We are borrowing money from future generations, laying national indebtedness at the feet of our children's grandchildren, all for continued deficit spending which may reelect Members tomorrow, but cripples our children's future. Farmers, laborers, merchants and families of tomorrow should not have to bear the burden of our spending decisions today. The balanced budget amendment is about setting priorities. It is about accountability. It is about fiscal responsibility.

I fully support the contract's balanced budget amendment that includes the three-fifths tax limitation provision. I have voted for it in the past; I am an original cosponsor; and I am committed to passing the strongest tax limitation amendment possible. We need to permanently shift the predisposition of our Federal legislature away from raising taxes and toward fiscal responsibility on the spending side of the equation.

But, while each Member could write his or her own ideal version of a balanced budget amendment, we should not let the perfect be the enemy of the very good. I will strongly support and push hard for the three-fifths tax limitation version. In the end, however, we must vote for a balanced budget amendment that can get two-thirds of the House and the Senate to vote for it, then the States to ratify it.

We must pass the strongest possible measure. If it isn't the Barton three-fifths supermajority vote for tax increases, then it must be the Schaefer substitute. This leaves intact the underlying principle of a balanced budget and imposes stronger tax limitation language than current law. All other alternatives lack the teeth to bring the budget into balance.

We have pledged to the American people that we will deliver on our promise to send a balanced budget amendment to their State legislators. Let us deliver that promise with the strongest possible measure. Let us enshrine in the Constitution the fundamental principle that current generations must not be able to burden future generations with excessive debt.

Mr. EVERETT. Mr. Chairman, I rise today in strong support of the balanced budget amendment to the Constitution. Amending the U.S. Constitution is a serious matter, and one that I take seriously. It is unfortunate that Congress must resort to such a drastic measure, but what is more unfortunate is the fact that Congress cannot control it's propensity to spend more than the Nation takes in. This habitual spending has created a national debt approaching nearly $5 trillion; debt that we will pass down to our children and our children's children.

Many organizations and interest groups have come out in opposition to the idea of a balanced budget amendment, claiming that important Federal programs will be harmed and that future economic growth will be hampered. These groups have even resorted to scare tactics directed toward the elderly, claiming the Social Security Trust Fund will be robbed; this couldn't be further from the truth. These claims are not only ridiculous, but are unfounded. These claims should certainly be satisfied after yesterday's vote (H. Con. Res. 17), where nearly the entire membership of this body voted to specifically protect Social Security from budget cuts.

Other nay-sayers claims that specific spending cuts must be outlined before we agree to a mandatory, balanced budget requirement. Again, the opponents fail to understand the seriousness of the financial calamity facing the Nation. A balanced budget amendment is not about specific spending cuts, but about fixing a broken process. A balanced budget amendment to the Constitution is required because Congress and the White House, unlike most American families, lack the fiscal discipline to live within the constraints of a budget. It would be tragic if we missed this opportunity to stop the current practice of passing our debt on to our children and grandchildren.

If Congress was forced to be fiscally responsible by a constitutional requirement to balance the budget, funds would be freed-up that currently go toward servicing the debt. In this current fiscal year, $230 billion will be required to pay interest on the national debt. If the President and Congress formulated a balanced budget, the $230 billion could be spent on important programs like education & training, national security, and veterans concerns. We could even use these funds for a tax refund to hard working Americans.

The legislation before us is a prudent measure, phased in over a number of years, to provide the fiscal discipline so desperately needed by the United States. The Barton substitute includes a number of key provisions that must be adopted to ensure the integrity of a balanced budget process. Without the three-fifths majority necessary to raise the deficit, raise taxes or raise the debt ceiling, Congress will not have the impetus to set policies within the constraints of Federal receipts. Again, the problem is setting priorities. The Barton amendment provides the sound fiscal discipline needed to avoid the economic pressures created by deficit spending, and should be strongly supported by the House.

If Congress and the President lack the courage to make the tough decisions needed to control deficit spending, we ought to at least have the decency to pay our own bills, rather than asking our children to pay our bills. A constitutional amendment to balance the budget is the only way we can prevent a financial legacy of disaster for our children and grandchildren. I urge all Members to support the Barton amendment.

Mr. BUYER. Mr. Chairman and my colleagues, Thomas Jefferson observed over 200 years ago:

> The question of whether one generation has the right to bind another by the deficit it imposes is a question of such fundamental importance as to place it among the fundamental principles of the government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Congress has lost its political morality.

Passage of this amendment to require a balanced budget amendment is long overdue.

Our fiscal house is not in order and it will never be in order until Congress puts a stop to its habit of spending more and more of the taxpayers' money. Congress cannot continue to spend, spend, spend, and hand the bills to our children and grandchildren.

The budget has not been balanced in 25 years. The accumulated debt of the Nation has skyrocketed to over $4 trillion dollars. If the existing rules cannot force fiscal sanity on the Congress, then the rules must change to impose discipline on Congress. This is why we need a balanced budget amendment.

The Nation should do what every Hoosier family in my district must do—live within its means. The people in my district believe that the Federal Government spends too much—and they are right. The problem is not taxation, the problem is spending. Over the past 30 years, revenues as a percent of gross domestic product have consistently ranged between 18 percent and 19 percent. Federal revenues increased from $606 billion in 1981 to over $1 trillion in 1989. Spending, however, as a percent of GDP has steadily risen from 18 percent of GDP in fiscal year 1962 to almost 24 percent of GDP today. This is why it is necessary to hold the line on tax increases. The average American family works until May of each year just to pay its taxes. The limitation in this amendment is there in order to preserve freedom—it is in the spirit of the Bill of Rights which limits Government's ability to impose restrictions on a citizen's right to speech, assembly, religion, and petition of grievance. We cannot continue to have Americans working harder and harder, yet more of the decisions on how their money is spent are made in Washington and not around the kitchen table.

Many of my colleagues would like a road map of how to get to a balanced budget before voting on one. This is a little of placing the cart before the horse. The bottom line is whether or not one believes that the budget should be balanced and that Congress should manage the budget within the means of the citizens. Let's not divert the debate from the principles involved.

Deficit spending is the greatest threat to Social Security. Net interest on the national debt has grown from 8 percent of Federal spending in 1980 to 15 percent in 1995. Every dollar spent on interest is a dollar that cannot be spent on other programs no matter how worthy. In addition, if Social Security has a specific exemption, it would become the funnel for spending on other nonrelated programs to avoid the balanced budget requirements. Congress would be enticed to raid the trust fund to pay for pet programs.

Congress has not demonstrated the political morality to curb its appetite for spending. It is time to give Congress some backbone to make the hard decisions. It is time for this amendment to be adopted.

Ms. JACKSON-LEE. Mr. Chairman, It is no secret that Americans benefit from Federal programs. Social Security, Medicare, Veterans' Pensions and Compensation, Aid to Families with Dependent Children, and student loans—these are all essential programs from which many segments of our population benefit. These programs are certain to be on the chopping block if a balanced budget amendment passes, an outcome that many Americans, clearly, are not expecting.

In one survey, three out of five Americans opposed a balanced budget amendment that requires a 20 percent cut in spending on entitlement programs. In the same survey, 7 out of 10 Americans opposed cutting spending on Social Security, Medicare, and Medicaid to reduce the Federal deficit.

Data compiled by senior advocacy groups shows that passage of the balanced budget amendment could mean a 12-percent cut in benefits or the loss of more than $1,000 per year for the average beneficiary. Additionally, more than $420 billion could be cut from these health care programs over 5 years, according to a study done by Families USA.

It is projected that the Medicare program, which provides health insurance to the Nation's elderly and persons with disabilities, would suffer the largest dollar cut of any Federal program. This is because Medicare alone will account for 18 percent of the Federal budget by the year 2002. The State of Texas alone will receive at least a $2.5 billion a year loss in funding for Medicaid if the balanced budget amendment passes. My State will also bear a $1.2 billion per year loss in funding for education, job training, the environment, housing, and other crucial programs.

I am not ashamed to stand before you on the floor of the House of Representatives to fight for federally backed social service programs. Need I remind my colleagues that those programs are essential to communities in each and every one of your districts? The 18th district of Texas is one of the most diverse in the Nation. I am proud to be a voice for the people of my district whose very livelihoods depend on these programs. Few may stop to realize that while low- and middle-class families receive most of their Government benefits through programs, wealthy individuals and large corporations receive most of their Government subsidies through tax benefits. How different are these concepts? Do they not, in the end, serve the same purpose?

Mr. Chairman, I ask my colleagues to carefully reflect before casting their votes on this monumental piece of legislation.

Mr. COYNE. Mr. Chairman, the proposed balanced budget amendment fails to provide an honest accounting of the sacrifices to be required of the American people.

I want to note my strong opposition to this balanced budget amendment proposal. This proposed amendment to the U.S. Constitution provides only a fiscal placebo instead of a honest and realistic plan for reducing the Federal deficit. I support a balanced budget but this can only be achieved by enacting tough and balanced deficit reduction plans, like the 1993 economic plan that has served to reduce the deficit for 3 straight years in a row.

It should be no surprise to the Members of Congress that a majority of Americans have indicated their opposition to a balanced budget amendment. The truth is that the American people are learning about the sacrifices that will be required of working and middle-class families under the budget plans being crafted by the Republican majority. They are agreeing with the Republican majority leader who stated that "knees would buckle" if people understood the painful cuts required under the Republican majority's plans to reach a balanced budget.

The Majority leader's statement explains why the Republican majority is using their control of Congress to hide the truth about this balanced budget amendment. They have voted in committee and on the floor of the House to keep the American people from learning how their planned budget cuts will affect family pocketbooks across America. They want to hide the truth that Americans will pay more out of their own pockets for education, transportation, and health care. Taxpayers will pay more in local and State income and property taxes as Federal assistance to States and communities across America falls under the budget axe.

It is often said that the devil is in the details. Well, some of the details can be found in the Contract With America which calls for balancing the budget by 2002 while cutting some taxes. Budget experts estimate that doing so without cutting Social Security or defense spending or raising taxes would require slashing all other Federal expenditures by 30 percent. If efforts are made to protect Medicare or veterans programs, then the level of cuts would be even greater for remaining programs like education, child nutrition, job training, community development, and transportation.

Pittsburgh area residents in my district can expect to pay between 15 and 20 cents more in transit fares. Pittsburgh Children's Hospital will have to reduce services as a result of major cuts in Medicaid. Pittsburgh residents will pay higher State income taxes as a result of cuts in direct Federal aid to Pennsylvania, which equaled 26 percent of the State's total budget in 1992.

Cuts in domestic programs will hit those Pennsylvania residents with the greatest need. The Children's Defense Fund has estimated that in Pennsylvania 77,500 babies, preschoolers and pregnant women would lose infant formula and other WIC nutrition supplements, that 264,400 Pennsylvania children would lose Medicaid health coverage, and 292,600 Pennsylvania children would lose free or subsidized school lunches.

These are not exaggerated predictions of the sacrifices to accompany a balanced budget amendment under the new Republican majority. The level of cuts required in programs serving American families and local governments is evident in the budget priorities already outlined in limited detail by the Republican majority.

The Republican majority has taken fully half of the Federal budget off the table for any budget cuts. Social Security, defense, and interest payments on the debt either will not or cannot be cut. The Republican majority would subject less than half the Federal budget to the full impact of a balanced budget amendment. Only Medicare, Medicaid, education, grants to State and local governments, and remaining Federal programs would be open for cuts of up to 30 percent by the year 2002.

I agree that Social Security should be protected from budget cuts because of the debt we owe to older Americans who worked to make this country what it is today. It must be noted, nonetheless, that Republicans will not vote to back up their promises of protecting Social Security with a specific guarantee. Seniors in the Pittsburgh area are calling my office to demand that guarantee because they do not trust the Republican majority to keep their promises of protecting Social Security.

I do not agree, however, that defense spending should be exempt from any cuts, especially since the $270 billion fiscal 1995 defense budget alone will nearly equal the entire $276 billion budget for all nondefense discretionary spending this year. This is not fair to hard-working Americans who are being asked to sacrifice under a balanced budget amendment.

The truth is that the Republican majority plans to increase defense spending even while slashing into funding for all other Federal programs. News reports indicate that Republican Budget Committee guidelines call for increasing defense spending by $10 billion next year while cutting $22 billion from domestic programs like Head Start, medical research, national parks, and school lunches. Americans have a right to know that education, health, transportation, and other domestic programs will all be cut even more so that defense spending can be increased in a post-cold-war world.

Middle-class and lower-income Americans also have a right to know that the new Republican majority would exempt the most affluent citizens of our Nation from much of the budget sacrifices required of others. The richest in our society would be protected from paying any additional taxes even if that means more draconian cuts in programs serving low- and moderate-income Americans. The new majority would enshrine in the U.S. Constitution a requirement that any tax increase be approved by a super-majority vote of the House and Senate.

These are the devilish details behind the proposed balanced budget amendment. Middle-class and low-income Americans can expect to feel the full brunt of the program cuts required to balance the Federal budget by 2002. If this fiscal straitjacket is enforced, the American people must also understand that the Federal Government may not be able to help their community in times of economic crisis or natural disaster. A committed minority would be able to use this proposed amendment to block even the most vital Federal response to the needs of the American people.

There are some, of course, who say that a balanced budget will not be enforced. They say that Congress will use the super-majority loophole in the amendment to continue adding to the Federal debt. It is worth noting that the Republican majority leader of the Senate has compared a balanced budget amendment to Prohibition. It may not stop America from deficit spending but it will focus attention on the spending.

I must remind Members of the House that amending the U.S. Constitution, the foundation of our Nation's liberty and democratic principles, is serious business. Our country's experience with Prohibition led to increased disrespect for the rule of law and I fear the same will be true of a balanced budget amendment. We risk debasing the U.S. Constitution itself if the American people perceive that a balanced budget constitutional amendment is not worth the paper it is written on.

Mr. Chairman, balancing the budget will require tough votes and does not require revisions in the U.S. Constitution. Congress should reject the proposed amendment but if it is to be approved, I believe strongly that the American people have a right to know the truth about the sacrifices they will have to make under the proposed balanced budget amendment.

Mr. BEREUTER. Mr. Chairman, now is the time to put before the States a responsible balanced budget amendment that will be ratified. This Member is pleased that there is such strong support for a balanced budget amendment to the Constitution. There are many "Johnnies Come Lately" to this issue among Members of Congress—long-term incumbents and newly elected Members, but this Member welcomes their effort in getting a balanced budget amendment ratified. This Member has been a cosponsor of a constitutional amendment to balance the budget since 1981, and has voted for them on every instance that they have reached the House floor.

Mr. Chairman, this Member would also like to express his concern regarding the requirement of a three-fifths super-majority vote for any increase in taxes. This Member believes that there is a heavy burden of proof to deviate from a very basic principle of our American democracy—the principle of majority rule. Therefore that anyone proposing a super-majority and placing it in the Constitution has an extraordinary burden of proof and that step should not be taken lightly.

However, if that argument does not convince his colleagues, this Member would ask them to consider the pragmatic argument against a three-fifths majority. The three-fifths tax provision will doom the balanced budget amendment to failure.

Even if the Senate and a conference committee would approve the three-fifths provision, a step that is extraordinarily unlikely, it is very clear already that it would keep three-fourths of the States from ratifying it.

This Member also wants to make it more difficult to move toward a balanced budget simply by increasing taxes, believing that expenditure restraints must be the primary focus of our actions, as demonstrated by the fact that this Member voted for a House rules change on January 4 which required a three-fifths vote for raising corporate or individual income taxes. That restraint imposed for the 104th Congress is, by majority vote, an appropriate action for current fiscal or budgetary conditions, and will stay in place as long as there is a like-minded Republican majority in the House. However, such a three-fifths supermajority voting requirement does not belong in the U.S. Constitution, and this Member will vote for the Schaefer amendment which attempts to delete the requirement from the legislation which has been reported to the House floor for a vote. This Member regrets that the Istook amendment was not made in order. The Istook amendment has much merit and would have appealed to the supporters of the three-fifths requirements.

Mr. Chairman, this Member's vote will be for the kind of balanced budget amendment that has some chance of successfully emerging from the Congress and being ratified by three-fourths of the States. The three-fifths vote requirement to raise taxes would condemn the balanced budget amendment to failure. Members, now is the time to actually pass a balanced budget amendment and put it before the States for ratification, and that is what this Member is doing with his vote.

Mr. Chairman, this Member strongly believes that all Members who support a balanced budget amendment must work together on the common goal—to get a balanced budget amendment passed by the House and Senate that really will be ratified by three-fourths of the States.

Mr. Chairman, this Member has witnessed the positive effect of such a constitutional requirement to balance the annual budget when serving in the Nebraska legislature.

It became apparent to this Member early in his congressional career that fundamental, institutional changes are needed to avoid deficit spending. A constitutional amendment requiring a balanced budget would provide the Members of Congress collectively with the necessity to either say no, limit proposed increases, or force decreases in order to meet the spending limitations. Congress cannot responsibly leave this legacy of debt for future generations.

Mr. OLVER. Mr. Chairman, I also favor the Wise capital budgeting balanced budget amendment version because I do not support adding public-policy-related supermajority requirements to the Constitution.

Supermajority votes are appropriate in the checks-and-balances interplay between the co-equal branches of government, like ratification of treaties, override of vetoes, and the impeachment or approval of executive or judicial branch officers. They are also appropriate for explusion of Members of Congress, an extreme action which constitutes, in a sense, an override of the will of the people.

But final say on issues like annual budget policy should not be constitutionally delegated to a minority, as Madison warned in the Federalist Papers. If we constrain revenue and expenditure numbers to a supermajority requirement, we put ourselves on a slippery slope to other ideologically based encroachments on the principle of majority rule, a fundamental tenet of our Constitution as it now reads.

Irresponsible borrowing certainly must end, but responsible governing should not.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the balanced budget amendment because it represents the strongest incentive to force the Federal Government to live within its means.

If we act now, we will still have the flexibility to set budget priorities to protect Social Security and other vital programs. If we delay, the budget deficit will continue to grow and could eventually threaten every Federal Government program in the future.

Today, interest payments take up 14 percent of our Federal budget. That means every day, we pay more than $800 million just to service the Federal debt. If we take no action, that percentage will continue to increase and claim even more Federal dollars, at the expense of other important programs.

The longer we wait, the worse the alternatives are going to be. If we act now, some small sacrifice will be required of all Americans. If we wait, I am afraid we will be facing tremendous sacrifices and as we are to make drastic cuts to programs throughout the Federal Government.

Mr. Chairman, we can't afford to wait any longer. The time is now to pass this amendment and get on with the job of restoring fiscal responsibility.

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to House Joint Resolution 1, proposing a balanced budget amendment to the Constitution of the United States.

Virtually every Member agrees that we must reduce the Federal deficit. We began in the 103d Congress with responsible steps to raise revenues in a limited way and to reduce spending, and those efforts must continue. But passing a constitutional amendment to require a balanced budget is not responsible. There are two possible outcomes, neither of which is desirable.

One is that a balanced budget amendment will be ignored and the respect due our Constitution will be eroded.

The other is that a balanced budget amendment will be obeyed, harming the economy and limiting the Federal Government's ability to meet national needs.

But I don't only oppose House Joint Resolution 1 because it is a balanced budget amendment; I oppose it because it is a bad balanced budget amendment.

House Joint Resolution 1 puts the entire range of Federal activity, from responding to hunger and homelessness, to protecting health and safety, to investing in education, training, research and development, and infrastructure for long-term growth, at risk, along with the contracts the United States has made with our senior citizens, our veterans, our states and cities.

The populations most reliant on federally supported income support programs are our elderly and our children.

But, however earnestly some Members promise to keep Social Security off the table, there is nothing in House Joint Resolution 1 to protect it when the time comes to balance the budget.

The Children's Defense Fund estimates that, if Social Security and defense are protected, the BBA would force cuts in other Federal spending of 30 percent. The impact on children would be devastating. If the cuts simply reduce caseloads, 6.6 million children could lose Medicaid health care coverage, and 4.3 million could lose food stamps; in New York, over half a million children would lose Medicaid and nearly 300,000 would lose food stamps.

But programs for poor children, like those for other poor and underserved people, may not see cuts held to 30 percent; having no votes and no highly paid lobbyists, our most vulnerable people may be hit even harder.

House Joint Resolution 1 does not permit a waiver of the balanced budget requirement when the economy is weak, so it is likely to have a countercyclical effect. As unemployment rose and our people's need for federal assistance grew, tax receipts would be falling, and spending would have to be cut even deeper to meet the BBA's requirements. Recessions would become more frequent and deeper.

House Joint Resolution 1 does not provide for unforseen situations such as natural disasters—the recent flooding in California. Tax increases or spending cuts would be required to offset spending to meet emergencies. A disaster would bring suffering on many more people than its immediate victims.

The requirement of supermajority votes for raising taxes undermines the principle of majority rule, giving excessive power to a minority of the Members of each House. It also distorts the process of achieving a balanced budget and is likely to lead to indiscriminate cuts and possible elimination of critical Federal programs.

Mr. Chairman, beyond these issues, there are many unanswered questions about and deficiencies in House Joint Resolution 1.

Democratic Members of the Judiciary Committee tried to deal with these questions and deficiencies by preparing amendments for full Committee markup and the floor, but amendments offered in Committee were defeated on party-line votes, markup was cutoff before more than half of our amendments were offered, and the Rules Committee denied us the right to offer them on the floor.

I can only note that, had these changes been made, House Joint Resolution 1 would be much longer and much more detailed—an even clearer argument against making economic policy in the Constitution.

Mr. Chairman, Congress already has the tools to reduce the Federal deficit and has been using those tools for the last 2 years. We know the choices will be extremely difficult, but making those choices is the only way to bring the deficit down.

We do not need a constitutional amendment, and we most emphatically do not need House Joint Resolution 1. I urge my colleagues to vote against this and any other balanced budget amendment to the Constitution.

Mr. SMITH of Michigan. Mr. Chairman, I support a balanced budget amendment but suggest that a provision to limit Federal spending to the growth of the economy is also desirable.

The problem of Federal deficits is simply a symptom of the larger problem of massive growth in the Federal Government. James Buchanan and Richard Wagner discussed what happens when the populace begins to believe that the Federal Government need not practice fiscal restraint. Their 1997 book "Democracy in Deficit"—published before the era of $200 billion a year budget deficits—describes how this opens the door to ever-increasing deficits, which are then monetized by the Federal Reserve, leading to continuous reduction in the value of the balanced budget amendment.

While such an amendment sounded somewhat radical sixteen years ago, it sounds almost mainstream today. I suggest, however, that instead of a balanced budget amendment, we apply to the Federal Government a variant of what Michigan applied to its State government in 1978 when it adopted the Headlee amendment to the State constitution. The basic components of the Headlee amendment are: First a limit on the size of State government achieved by holding state revenue to the same fraction of personal income that it was when the amendment passed in 1978; second, a requirement that the state maintain its proportional share of spending to local government and reimburse local units for any mandates imposed by the State; and third, a provision requiring a vote of the local populace for any increase in local taxes.

The purpose of the second provision was to prevent the State government from avoiding the limitations on its growth imposed by the first provision by shedding its financial support of the local units and requiring them to provide services and programs that the state was unable or unwilling to pay for. A blue ribbon commission appointed by Governor John Engler to study the Headlee amendment recently concluded that the Headlee amendment had been effective in limiting the growth of State government.

In order to keep the requirement of a balanced budget from resulting in massive tax increases and a deterioration of the economy, my suggestion is to limit the growth of federal spending by setting a limit on the amount of Federal outlays relative to gross domestic product [GDP]. This would cap Federal outlays at the percentage of GDP consumed at the time of submission of the amendment to the states. Federal outlays could never, in any year, exceed the growth of GDP. In this way, if outlays were less than the ratio in one year, there would be a permanent reduction in the ratio of Government spending to GDP. The Federal Government could not mandate that the States provide any service that they are not already providing, unless it fully funded the mandate. Combining this with a phased-in balanced budget requirement would result in attacking the real problem—the growth in Federal outlays over time, whether this growth is funded by taxes, borrowing, or inflation of the currency.

Of course, there are details, and as they say, "the devil's in the details." An emergency provision to allow deviations from the limits during time of war is an example. The definition of federal outlays, which would appear to work at this time, will no doubt be strained over time. However, it is probably easier to set standards regarding outlays than debt, considering the pitfalls to defining debt that your editorial pointed out.

There are at least three reasons why a provision to limit spending should be part of a balanced budget amendment. First, it is a moderate proposal. It does not require a reduction in the absolute size of the Federal Government, but only that the Federal Government not get larger relative to the size of the economy. Second, it has been tried at the State level and appears to have accomplished its basic purpose. Third, it gets directly at the problem of growth of the Leviathan rather then trying to get around it indirectly by limiting how much the Government can borrow and then hoping that political pressure against taxes will restrain Government growth.

Mr. BALLENGER. Mr. Chairman, I rise in support of the Barton three-fifths tax limitation version of the balanced budget constitutional amendment. Earlier this month in an article in the Wall Street Journal, Milton Friedman, who received the 1976 Nobel Prize in economics, argued why a tax limitation amendment is so very important.

The Barton amendment's limitation on taxes would force the achievement of a balanced budget through a reduction in spending rather than an increase in taxes unless a super-majority of three-fifths voted to raise taxes. The other amendments are not as strong, because there is nothing in them to prevent balance from being achieved by a massive tax increase. And, nothing to prevent further increases in Government spending as long as they were accompanied by higher taxes.

After all, as Mr. Friedman argued, "the real burden on the economy is what the government spends—or mandates others to spend—rather than how much it received in taxes." If you raise taxes, you can spend more—even with a balanced budget amendment to the Constitution, if that amendment does not limit tax increases.

I urge my colleagues to seize this opportunity and cut Government down to size. Vote for the right kind of balanced budget amendment—the Barton three-fifths tax limitation amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of the balanced budget amendment, House Joint Resolution 1. This amendment to the U.S. Constitution to require a balanced Federal budget is not a new idea. Balanced budget amendment proposals have been introduced since the 1930's and, in recent years, have fallen just short of passage in Congress on several occasions. In 49 States, there is some form of balanced budget requirement—including the State of New Jersey.

In Congress, this balanced budget amendment is only the beginning of the process of amending the U.S. Constitution. It is a big step for Americans to amend the U.S. Constitution, and that is as it should be. Of the several thousand proposed amendments in 206 years, only 27 amendments have been ratified by Congress and by the States—and one of those (the 21st amendment) repeals the ban on alcohol proscribed by one other—the 18th.

Amending the U.S. Constitution requires a two-thirds majority in the U.S. House (290 votes) and in the Senate (67 votes), and ratification by three-fourths of the States (38 of the 50 States). The drafters of the Constitution placed a great deal of weight on the powers delegated to the Federal Government and those that remain with the States, giving the States the ultimate decisionmaking powers regarding amendments.

They also saw a limited role for the Federal Government in taxation and borrowing—a role which has been greatly expanded during the current century. The Framers of the Constitution clearly saw Federal debt as an emergency matter at times of national or international crisis, not as a means of normal operations. Likewise, taxation was for specific and justifiable purposes. It is the breakdown of both of these principles that has led to our current budget problems.

I believe Congress has an obligation to send this question to the States, so that we can engage in a much needed and lively debate on the broader question—what is the role of the Federal Government and at what cost?

Our experiences with State budget balancing requirements have provided several positive outcomes from this important fiscal discipline. It imposes discipline on legislators and executive branch. It, therefore, requires a closer working relationship between these two branches of Government. And, the requirement ultimately will force all parties to sit down and work out their differences to maintain the required balance.

Having worked under the balanced budget requirement, I believe it will promote better communication and governance—at least that's been my experience as a State legislator in New Jersey. It has been 25 years since the last time the Federal Government's books were balanced. Of every dollar collected in Federal taxes, 15 cents goes to pay interest on the national debt—more than $200 billion a year, further drawing down the amount available for other Government programs.

Clearly, our current situation is not due to under-taxation, but to over-spending. The Federal Government collects $5 in taxes today for every $1 it collected 25 years ago. The problem is that Government spending today is up $6 for every $1 spent in 1968.

Some may claim that the balanced budget amendment is a gimmick. Rather, I believe it will finally provide the discipline to the Federal budget process that has failed, to date, to control Federal spending—even with the best efforts of individual Members committed to deficit reduction and despite the demands of the American taxpayers.

Mr. EMERSON. Mr. Chairman, the Constitution is fundamental law; indeed, it should deal only with fundamental questions. I agree with Thomas Jefferson: "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." I urge you to keep these important words in mind as we debate the crucial issue of balancing our budget.

In my 14 years in Congress, my record has demonstrated my strong commitment to the senior citizens of this country. For this reason, I resent the attempt by some in this Chamber to scare senior citizens with misinformation about how the balanced budget amendment might affect Social Security. There is nothing in the balanced budget amendment that says that the Social Security trust fund will be cut or that Social Security benefits will be reduced for anyone.

The fact is that Congress can balance the budget without touching Social Security. The budget can be balanced in the year 2002 by simply restraining the growth of all other Federal spending to 3 percent per year, instead of allowing it to increase by 5.4 percent annually under current policies. A balanced budget amendment is the first step toward guaranteeing the financial security of our retirees. Because the Government must continue borrowing from the Social Security trust fund to finance the current debt, we are on a course of destruction toward the painful task of cutting benefits or raising payroll taxes. By enacting a balanced budget amendment, we halt this troublesome path by imposing the budgetary discipline necessary to safeguard our future generations.

I would also like to take this opportunity to make very clear my support of the three-fifths proposal contained in the Barton amendment. Raising taxes should be a matter of last resort. The process of raising taxes should not be simple or easy. We need a mechanism to force spending reduction before new taxes are levied, just as we need a mechanism to force a prioritization of spending issues to achieve a balanced budget.

The majority party is committed to following through on its promises. The balanced budget amendment is supported by 85 percent of the American people. If hard-working taxpaying families have to live within their means from paycheck to paycheck, then there is no excuse that it has been 25 years since the Federal budget has enjoyed a surplus. The balanced budget amendment is a common sense mechanism that will enforce the necessary budgetary discipline in Congress and I urge support for the Barton amendment.

Mr. CUNNINGHAM. Mr. Chairman, I rise today in strong support of the Barton three-fifths tax limitation balanced budget amendment. As an original cosponsor of the Barton amendment, I believe it is the best choice of the various options before the House today.

It is clear that Congress is utterly incapable of controlling the growth of spending. Solution after solution has failed to get the deficit under control. We have raised taxes and found that the deficit has increased.

I think the key to understanding why the three-fifths majority is essential is to examine the recent history of tax increases. Since 1977, there have been seven major tax increases that would have failed under Barton. Had the Barton amendment been in place over these years, a total of $558.9 billion in tax increases would have been blocked. That's half a trillion dollars that would have been spent by Americans on their priorities—new houses, new cars, college educations, and so forth. Instead, the American people got half a trillion in Federal spending, much of it on wasteful projects that benefit parochial interests.

One, the 1977 Social Security tax.—This $80.4 billion tax increase increased both tax rates and the taxable wage base for employers and employees. The conference report passed the House by a vote of 189 to 163. Had the Barton amendment been in place, this tax hike would have failed.

Two, the 1982 Tax Equity and Fiscal Responsibility Act.—TEFRA was the first of the series of packages that was going to take care of the deficit problem. The bill increased taxes by $99 billion and cut Medicare and Medicaid by $17 billion. It passed the Senate by a 50 to 47 margin. Had the Barton amendment been in place, this tax hike would have failed.

Three, the 1982 Transportation Assistance Act.—This bill increased gasoline and highway taxes by $22 billion. The House adopted the conference report by a 180 to 87 vote. Had the Barton amendment been in place, this tax hike would have failed.

Four, the 1987 Omnibus Budget Reconciliation Act.—This bill contained a variety of tax changes and user fee increases totaling $11.9 billion. It passed the House by a one-vote margin. Had the Barton amendment been in place, this tax hike would have failed.

Five, the 1992 Tax Fairness and Economic Growth Act.—This bill increased taxes by a total of $77.5 billion, including a permanent increase of the top tax rate, surtaxes on incomes above $250,000, and other tax and fee increases. It passed the House by a 211 to 189 margin. Had the Barton amendment been in place, this tax hike would have failed.

Six, 1992 urban aid tax bill.—A variety of tax changes totaling $27 billion. The conference report was adopted by the House by a 208 to 202 vote. Had the Barton amendment been in place, this tax hike would have failed.

Seven, 1993 Omnibus Budget Reconciliation Act.—President Clinton's tax bill increased tax rates, the gas tax, taxes on Social Security benefits, and many user fees. This $241 billion tax increase was the largest in history. It passed the Senate by a margin of 50 to 49. Had the Barton amendment been in place, this tax hike would have failed.

Now, Mr. Speaker, I support the Stenholm-Solomon amendment. It is solid legislation and will make a genuine difference in the way we deal with the budget. It will force Government to live within its means and insure that we will no longer allow deficits to spiral out of control.

However, the Barton amendment is better because it takes this debate in a new direction. Not only are we going to balance the Federal budget, but we are also going to insure that there will be no more one-vote margins for tax increases. If we truly want to restrain the power of Government, I believe the Barton amendment is essential.

Over the years, the Government has shown that it lacks the discipline needed. We have been far too eager to see the people's money as the answer to our spending problem. For that reason, I believe the Barton amendment is the best alternative before the House today.

Mr. WARD. Mr. Chairman, one of the most important votes of my career will be cast during my third week as Kentucky's Third District Representative. That vote, Mr. Speaker, will be my vote on the proposed balanced budget constitutional amendment.

It would be easy to follow the advice of the pollsters and political consultants—the easy, politically smart vote is probably to vote for this amendment.

But, the people of the Third District expect me to study the issues carefully and to vote for the long-term best interest of our community and our Nation. Sometimes, this will require me to cast a politically difficult vote.

The balanced budget amendment appears to be such a vote.

Anyone who reads Wall Street Journal editorials knows that you will rarely find a more conservative viewpoint, nor one more devoted to reducing the size of government and reducing taxes. But, on November 18, 1994—a few days after the Republican's election landslide—the Wall Street Journal carried an important editorial headlined "Balance By Amendment?"

Here is what the Wall Street Journal editorial had to say about the proposed balanced budget amendment:

> While we yield to none in wanting a smaller government and have been big backers of the line-item veto and the like, we've always had our doubts about the budget amendment idea. While politically appealing, it makes no particular sense economically. We fret that it will prove the Republican equivalent of the Democratic health care proposal—playing well in polls and focus groups but falling apart when you try to write a law.
>
> To understand the economics, start here: If all American households were required to balance their budgets every year, no one could ever buy a house * * *
>
> * * * Ultimately, the pertinent question about government borrowing is the same as it is for households or corporations. How large is the debt compared to available resources, and for what purpose are the proceeds spent?
>
> While no single statistic can capture the reality, one of the best measures is the trend of outstanding debt as a proportion of yearly output * * * Debt was more than 100 percent of GDP (gross domestic product) at the end of World War II, declined to around a quarter in 1974, and then grew to more than half

> today. We would certainly argue that winning the World War was worth borrowing 100% of GDP, and winning the Cold War was worth borrowing 50 percent * * *
>
> * * * crude goals (such as outright budget balance) tend to impose large short-run costs, in political pain and economic dislocation. * * * Perhaps in their current euphoria Republicans feel confident about this question (that a balanced budget amendment will be sustainable), but our advice is that they should look before they leap.
>
> "* * * they should look before they leap."

Mr. Chairman, that is the most important phrase of this editorial. It's exactly what I ask that we do before we vote for this amendment.

The supporters of this amendment should tell me and tell the American people what cuts will be required to achieve this budget balance. Tell us how we will get there.

None of us think we can go on running 1980's-style deficits. That decade saw the national debt increase from approximately $1 trillion to almost $4 trillion. Those deficits left a terrible legacy of debt and interest obligations for our grandchildren. We must never repeat that borrowing binge.

Yet, we should "look before we leap." We are being asked to vote for a balanced budget amendment without being told where the cuts will be made.

Mr. Chairman, that is like being wheeled into the operating room without knowing whether the surgeon plans to repair an ingrown toenail or do brain surgery.

I support tough choices to keep our deficit on a downward track, so that our economy can outgrow the debt burden of the 1980's. We must do that while fulfilling our Nation's commitment to a strong national defense, to Social Security and Medicare, to job training, to Head Start, to education and school lunches.

But, Mr. Chairman, I fear that the rigid, inflexible, and arbitrary requirements of this balanced budget amendment will only be achieved by doing exactly what we are promising the American people that we will not do: cutting Social Security and Medicare, cutting national defense, cutting Head Start, cutting job training, and cutting education and school lunch programs.

Show me how to meet the balanced budget amendment without gutting these programs, Mr. Chairman, and I will support that goal. But 5 years from now, if this amendment is adopted, these very programs will likely bear the brunt of an unnecessary, economically unwise, budget straight jacket.

Why else, Mr. Chairman, would the House Republican majority leader have stated on Meet the Press on January 8, 1995: "The fact of the matter is once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get a balanced government (sic), their knees will buckle."

Mr. Chairman, we have economic problems for sure. But, we also have the greatest Nation and the strongest economy in the world. This economy must grow so that we can provide good incomes and educations to young families, and income security and good health care to our growing population of older Americans.

The amendment proposed today will impose economic pain on every American, and will work against the economic growth and expanding opportunity which we should seek for the next Century.

Let's not make that mistake, Mr. Chairman. Let's "look before we leap." Let's reject this unwise amendment to our Constitution.

Mr. BALDACCI. Mr. Chairman, we have heard much discussion over the past days and weeks and even months about the need for an amendment to our Nation's Constitution to require a balanced Federal budget. Many would have us believe that this amendment is the only solution to our Nation's rising deficit and debt.

I disagree. The only true solution to this problem is the resolve of the President and Members of Congress to make the difficult and painful choices necessary to pay down our Nation's debt and to pass budgets that balance. Passing a constitutional amendment is not going to change that reality. It will not make the painful decisions go away.

As a former city councilor, State legislator and, most importantly, as a small business person, I know the importance of balancing budgets. As an American, I recognize the urgency in reducing our Nation's debilitating Federal deficit and debt. I strongly support the principle of a balanced budget, and I again pledge to take the inevitably painful steps required to meet this goal. However, I do not believe that the balanced budget amendment proposed in the Contract With America is the right course.

The proponents claim that passage of a constitutional amendment will give Members of Congress a strong incentive to make these unpalatable decisions. Perhaps that is true. At the same time, the American people demand—and rightly so—that the Federal Government put its fiscal house in order. I think that should be incentive enough for us to act.

With that said, I recognize that I am in the minority. It seems clear that an amendment to the Constitution will pass the House. It will then go to the Senate and, perhaps, to the States for ratification. Before that happens, however, I want to spell out exactly why I am opposed to the balanced budget amendment proposed in the Contract With America.

As proposed by the majority leadership, the balanced budget amendment is nothing more than a hoax. It is not an accurate reflection of how States and families balance their budgets. It writes into the Constitution requirements for supermajority votes that put small States at a disadvantage. It doesn't exclude Social Security. And it doesn't address the critical issue of judicial review.

I want to outline these concerns in more detail.

The contract's balanced budget amendment is disingenuous. It would not, as the proponents have claimed, make the Federal Government balance its books just as any State or family balances its books. I know. I served on the Maine State Senate for 12 years. I am a member of an average American family. In both cases, I've worked hard to achieve annual balanced budgets year after year, but not in the sense that the proponents of this amendment would require.

The contract's balanced budget amendment makes no distinction between capital and operating expenses. This is, in my opinion, a fatal flaw. States and American families do. Distinguishing between capital and operating expenses recognizes that these two types of expenses are very different. Operating expenses are the day-to-day expenses that each of us pays. Families pay their light bill, their phone bill, their oil bill. The Government also pays for its heat and its lights, and for its employees' salaries. Capital expenses, however, are long-term investments. These are purchases whose value is expected to last, and so we make payments on them over time. Families make monthly payments on their homes, their cars, their children's educations. The Government pays over time for our roads, our bridges, our sewage treatment plants.

In our homes and in our States, we balance our operating budgets and we finance over a longer time our capital expenses. Very few people are able to purchase their homes in full, paying cash up front. Very few States are able to purchase their bridges in full, paying cash up front. It is unrealistic to expect States or families to make capital purchases all at once. It is also unrealistic to ask the Federal Government to do so.

I cannot stress enough the crippling effect this amendment would have on our country if it does not separate capital and operating expenses. Investments in our national infrastructure either will have to be made up front in one lump sum and offset by substantial reductions, or they will have to be postponed. Do we really want to create a situation which forces us to watch our infrastructure crumble before our eyes? Where are the considerations of how this will affect our national economy, when our Nation's roads deteriorate so that our factories can't get their products to market? The costs are astronomical.

This amendment also writes into the Constitution a requirement that Congress not enact measures which would increase tax revenues or raise the public debt ceiling without a supermajority vote. I don't believe that this Congress should tie the hands of future Congresses in terms of responding to changing economic situations which cannot be predicted. Supermajority requirements have dangers associated with them. I come from a small State. We have only two Representatives in the Congress. A State like California, on the other hand, has 54 Representatives. I don't want to see the rights of my State steamrolled because a few large States join forces to thwart the will of the majority. Some have called it the tyranny of the minority. It's not a good way to run a democracy, and it doesn't result in good public policy.

Our colleagues in the other body have a supermajority requirement in their rules. The Senate requires a three-fifths vote in order to end a filibuster. This has resulted in the ability of a minority of Members being able to endlessly tie up legislation that a large majority supports. I can't think of anybody who believes the Senate's filibuster procedure is so good that it ought to be enshrined in the Constitution. The contract's amendment would do just that.

The amendment proposed in the contract also fails to recognize that Social Security is different from other Federal programs. The majority made a half-hearted effort to eliminate the legitimate fears of our Nation's older citizens by offering House Concurrent Resolution

17. But far from exempting Social Security from the cuts required to achieve a balanced budget, that resolution merely called on the appropriate committees of the House and the Senate to report implementing legislation that would achieve a balanced budget without increasing the receipts or reducing the disbursements of the Social Security trust funds.

This was meaningless. Why not include in the amendment itself a prohibition on utilizing Social Security funds to achieve a balanced budget? We seem to agree on two things. First, nobody wants to cut Social Security. Second, everybody wants to balance the budget. Our majority colleagues think we need a constitutional amendment to do what we've said we want to do with the budget. But they don't think we need the same sort of constitutional protection to make sure that we stick to our pledge not to cut Social Security. This doesn't make any sense. Our country's senior citizens have worked hard and they deserve to have the integrity of the Social Security program protected. They deserve better than a nonbinding resolution.

Finally, the contract's balanced budget amendment fails to address the critical issue of judicial review. Our Founding Fathers carefully set up our system of checks and balances. The three branches of Government have different powers and different responsibilities. The contract's amendment has the potential turn the duties of the executive and legislative branches over to the judiciary. There is nothing in this amendment to prevent lawsuits from tying up the Federal courts with issues that rightly belong in the legislative domain. I was elected by the people of Maine's Second District to come to Washington and make tough choices. I was not elected to come here and abdicate my responsibilities to nine unelected and largely unaccountable Supreme Court Justices.

Enactment and ratification of the contract's balanced budget amendment will not reduce the Federal deficit by one penny. Only Congress can do that. If we lack the courage to make the difficult choices required, I am not convinced that an amendment to the Constitution is going to provide sufficient fortification.

That said, I am placed in a difficult position. I want to demonstrate my strong support for balancing the Federal budget. I have lived and worked under a State balanced budget requirement for 12 years. But the rule which was adopted governing this debate does not permit me to address my very serious concerns by offering amendments to improve any of the six substitutes which we are being allowed by the majority to consider.

And so, as happens so often in the legislative branch, I am forced to choose between imperfect measures. For the reasons I have outlined above, I cannot support the contract's balanced budget amendment. It is simply too flawed and too contrary to the best interests of the American people.

I will, however, support the amendment offered by my colleague, Mr. WISE. His amendment, while far from perfect, addresses four of my major concerns. It provides for separate capital and operating budgets, a realistic way for the Federal Government to handle its finances. It doesn't include any supermajority requirements. It allows for deficit spending to combat an economic downturn. And it takes Social Security out of the equation.

Mr. WISE'S substitute comes the closest to working the way the State of Maine works. It is a method which has been successful there and one with which I feel comfortable. While I still have grave reservations about amending our Constitution in this manner, I am persuaded that Mr. WISE'S amendment is sound enough that it should be sent forward to the States. The States and the people will make the final determination as to whether this amendment makes economic sense. I believe that upon closer inspection, the people will realize that the balanced budget amendment is not the easy solution that many have claimed.

The Federal Government must put its fiscal house in order. We must do so starting today, not with a promise to do it 7 years from now. I am not convinced that an amendment to the Constitution is a necessary step on the path to achieving that goal, but I am convinced that the people deserve the chance to decide for themselves.

No matter what the outcome of this debate, I am committed to making the difficult decisions required to balance the budget and pay down our Federal deficit. I hope that my colleagues will work with me, starting now, to take the necessary actions.

Mr. FAZIO of California. Mr. Chairman, amending the Constitution to provide incentives for fiscal restraint will give us the discipline we need if we are going to continue to reduce our overwhelming deficits. But we need to ensure that our budget process balances this critical discipline with the flexibility that will enable us to make fiscal policy adjustments that are fair, responsible, and realistic.

Truth-in-budgeting is of primary concern to me. We must disclose, up front, how we plan to meet our financial goals. How will the budget be balanced? What benefits and programs will have to be reduced? Are Social Security and Medicare threatened? Will we achieve this goal by sacrificing the health and welfare of our senior citizens and our children? Will we resort to cutting or eliminating critical medical research, or emergency energy assistance for senior citizens and the poor, or job training and retraining initiatives? What about educational programs, funds for building and preserving bridges and highways, childhood immunization, health care, and veterans' benefits? Will our national security be placed at risk?

For example, according to the Children's Defense Fund, balancing the Federal budget by fiscal year 2002, as called for in the Republican Contract With America, would require slicing all other Federal expenditures by 30 percent if we do not cut Social Security or defense spending or raise taxes. Children's programs could suffer even more if cuts in such programs as Medicare or veterans' services were limited. If this were the case, in California alone, 682,000 children would lose free or subsidized school lunch program lunches; 550,150 cases now served by the State child support agency would lose help in establishing paternity or collecting child support; 19,150 or more California children would lose the Federal child care subsidies that enable their parents to work or get education and training; and 21,250 of our children would lose Head Start early childhood services.

I am also concerned about adequate funding for the critical investments that will enable our Nation to grow and thrive in this competitive international environment. America cannot prosper if we do not set aside funds for essentials like our schools, our infrastructure, and our national security—investments that provide long-term economic returns. If we amend the Constitution to provide for a balanced budget, we must deal with capital spending honestly and effectively.

I also cannot support a balanced budget amendment that leaves the Social Security Program wide open for cuts. In these times of deficit reduction and spending cuts, Social Security is a most appealing target. But cuts in Social Security would deprive older and retired Americans of critical benefits that are rightly theirs—benefits that have been promised to them to help ensure their economic security in their golden years. A proposal that does not protect Social Security lays the groundwork for pulling the rug out from under older Americans at the time in their lives when they are most vulnerable. Social Security must be exempted from balanced budget calculations.

I also cannot support requiring the support of a supermajority—or three-fifths—of the House of Representatives in order to raise taxes, run a deficit or increase the debt limit. This gives the minority—the other two-fifths—the ability to control the process of passing the budget.

I can well remember the California State budget crisis in the summer of 1992 when the State legislature and Governor were held hostage because a two-thirds majority was needed to approve budget changes made by the Governor. This created gridlock. By example alone, this represents the need for the majority, not two-thirds or two-fifths, to control the budget process and to change our spending priorities. The Federal Government must be able to respond quickly to disasters, like the California earthquake and flood, and to run a deficit during a recession.

I have always maintained that the budget must be balanced—that the large annual deficits we are carrying are unhealthy and detrimental to our Nation. We cannot continue to perpetuate this burden on our future generations. That is why I supported the President's deficit reduction plan during the last Congress—the largest deficit reduction plan in history—and why I now support a constitutional amendment to balance the budget. I urge my colleagues on both sides of the aisle to join me in this unique opportunity to rise above partisan politics in the best interests of our country and meet this challenge responsibly, honestly, and realistically.

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of House Joint Resolution 1, the balanced budget constitutional amendment.

It is always with reluctance that I support legislation to amend the Constitution of the United States, the greatest document of democracy the world has ever known. Its greatness is measured by the fact that it has been amended so few times before in our Nation's history.

However, Congress after Congress has proven that it lacks the fiscal discipline necessary to balance the Federal budget and begin to reduce the growing national debt, which approaches $5 trillion. Gimmick after budgetary gimmick has failed to get our Nation's fiscal house in order. Without a willingness to cast the tough vote after tough vote required to bring Federal revenues and expenditures in line, a constitutional amendment is the only means left to instill in future Congresses the discipline necessary to bring about a balanced Federal budget.

Three times this decade we have fought this battle to amend the Constitution, and three times we were defeated by those refusing to face up to our current bleak fiscal plight. In 1990, we failed by just 11 votes to pass a balanced budget amendment at the same time our national debt reached $3 trillion. Two years later, we failed by just 10 votes to pass this constitutional amendment, as the national debt passed $4 trillion. Last year we tried again, but fell 19 votes short as the national debt climbed to $4.7 trillion.

Our Nation cannot afford for this House to fail again today. With the passage of this amendment, we can look forward to the day when we begin to retire the national debt, not add to it.

One of the demands of the American people last November 8 was that Congress force the Federal Government to live within its means. This is the first of 10 legislative promises we made to the American people in our Contract With America.

Already we have delivered on our commitment to reduce the cost of running our own House, eliminate the number of congressional committees and staff, and make our proceedings more open and representative of those we are elected to serve. Earlier this month, we also enacted the Congressional Accountability Act, legislation that is now the law of the land which forces Congress to live under the same laws as every other American.

With the passage of the balanced budget amendment tonight, we will tell the American people that we are serious about reversing the tide of red ink that threatens to cripple our economy under the weight of an annual mortgage payment on our national debt that will exceed $339 billion this fiscal year. This is just the interest alone we pay on the national debt we have accumulated since the birth of our Nation.

The enactment of a balanced budget amendment would leave Congress with no choice but to begin the difficult task of cutting Federal spending which is the secret to eliminating deficit spending. It was my hope that the amendment requiring a three-fifth's supermajority for passage of any future increases in taxes would have passed to insert greater fiscal discipline on Congress by reducing the incentive to raise more revenue rather than cut spending. It should be obvious to all that the Federal Government does not tax too little, it spends too much. Annual deficits of $300 billion should also make it obvious that Congress always spends whatever revenue it raises and a whole lot more.

Unfortunately, the amendment we consider tonight that affords us the greatest chance at passage requires a supermajority vote to spend more than we take in any one year and to raise the debt ceiling, but only requires a simple majority vote to raise taxes. Still, the balanced budget amendment is a strong enough tool, as we have seen in each of the States that requires their annual budgets to be balanced, to restore order to our budgetary proceedings.

It is my hope that our colleagues in the other body will act as expeditiously as we have in the first month of this 104th Congress to send to the President and untlimately the States this constitutional amendment that is supported by a large majority of the American citizens.

In the meantime, it is time for this House to turn its attention to making the hard choices and cast the tough vote after vote that will get us on track to deliver to the American people a balanced Federal budget. My colleagues and I on the Appropriations Committee have already begun the task of scouring the 1995 Federal budget for savings we can return to the Federal Treasury and programs that we can eliminate to reap future savings.

Mr. Chairman, it will take a two-thirds vote tonight to pass this constitutional amendment. It is my hope that we are successful in passing this important plank in our Contract With America.

We need to remember that the tough votes to cut Federal spending begin in just a few weeks and will continue for month after month, and year after year until we succeed in our goal to achieve a balanced Federal ledger. All that is required, however, is a simply majority of this House to have the courage to make these votes that will turn our fiscal tide.

Tonight will be more than a symbolic victory. It will be the launching of a long and difficult but very necessary campaign to begin chipping away at our national debt and at the same time restoring the faith of the American people in their elected representatives. We must be up to the task this night and every day and night until our job is complete and future generations are relieved of the burden placed on them by past generations of unchecked Government spending.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of the balanced budget amendment, H.J. Res. 1. This amendment to the U.S. Constitution to require a balanced Federal budget is not a new idea. Balanced budget amendment proposals have been introduced since the 1930's and, in recent years, have fallen just short of passage in Congress on several occasions. In 49 States, there is some form of balanced budget requirement—including the State of New Jersey.

In Congress, this balanced budget amendment is only the beginning of the process of amending the U.S. Constitution. It is a big step for Americans to amend the U.S. Constitution, and that is as it should be. Of the several thousand proposed amendments in 206 years, only 27 amendments have been ratified by Congress and by the States—and one of those, the 21st amendment, repeals the ban on alcohol proscribed by one other, the 18th.

Amending the U.S. Constitution requires a two-thirds majority in the U.S. House, 290 votes, and in the Senate, 67 votes; and ratification by three-fourths of the States, 38 of the 50 States. The drafters of the Constitution placed a great deal of weight on the powers delegated to the Federal Government and those that remain with the States, giving the States the ultimate decisionmaking powers regarding amendments.

They also saw a limited role for the Federal Government in taxation and borrowing—a role which has been greatly expanded during the current century. The Framers of the Constitution clearly saw Federal debt as an emergency matter at times of national or international crisis, not as a means of normal operations. Likewise, taxation was for specific and justifiable purposes. It is the breakdown of both of these principles that has led to our current budget problems.

I believe Congress has an obligation to send this question to the States, so that we can engage in a much-needed and lively debate on the broader question—what is the role of the Federal Government and at what cost?

Our experiences with State budget balancing requirements have provided several positive outcomes from this important fiscal discipline. It imposes discipline on legislators and executive branch. It, therefore, requires a closer working relationship between these two branches of Government. And, the requirement ultimately will force all parties to sit down and work out their differences to maintain the required balance.

Having worked under the balanced budget requirement, I believe it will promote better communication and governance—at least that's been my experience as a State legislator in New Jersey. It has been 25 years since the last time the Federal Government's books were balanced. Of every dollar collected in Federal taxes, 15 cents goes to pay interest on the national debt—more than $200 billion a year, further drawing down the amount available for other Government programs.

Clearly, our current situation is not due to under-taxation, but to overspending. The Federal Government collects $5 in taxes today for every $1 it collected 25 years ago. The problem is that Government spending today is up $6 for every $1 spent in 1968.

Some may claim that the balanced budget amendment is a gimmick. Rather, I believe it will finally provide the discipline to the Federal budget process that has failed, to date, to control Federal spending—even with the best efforts of individual Members committed to deficit reduction and despite the demands of the American taxpayers.

Mr. SPENCE. Mr. Chairman, I rise today in support of a constitutional amendment requiring a balanced budget, and urge my fellow colleagues to do the same.

I introduced legislation requiring a balanced budget constitutional amendment in 1973. Admittedly, much has changed since that time. The necessity for a constitutional budget amendment, however, has not. Indeed, after the astronomical increases in our national deficit in the past years, I would argue that this amendment is even more necessary today. Frankly, we have lost much time since 1973, and we cannot afford to wait any longer.

Thomas Jefferson first proposed the concept of a constitutional limit in the Federal Government's ability to spend and borrow money. At that time, our Government was not shackled with enormous debts and interest payments. At that time, our Government had not mortgaged the futures of our children and grandchildren by replacing fiscal responsibility with fiscal folly.

A constitutional amendment requiring a balanced budget will not single-handedly erase our debt. We will all have to make serious and difficult decisions in the next months. We will drastically cut spending. I would argue, however, that this amendment will provide each of us here with the discipline sufficient to make those tough decisions.

Unlike other statutory schemes enacted in recent years, a balanced budget amendment to the Constitution cannot be changed or repealed by Congress. Upon ratification, Congress and the administration will be forced to enact those choices required to bring Federal spending in line with Federal receipts.

Mr. Chairman, as a veteran of many debates on the merits of a constitutional amendment requiring a balanced budget, I ask that my colleagues join me in strong support of this amendment. It's the right thing to do, and now's the time to do it.

Mr. BILBRAY. Mr. Chairman, as my California colleagues in the Senate continue to grapple whether or not to pass a balanced budget amendment I wish to insert an editorial published in the San Diego Union Tribune into the CONGRESSIONAL RECORD.

I commend it to my California colleagues BOXER and FEINSTEIN, and urge them to support the balanced budget amendment.

[From the San Diego Union-Tribune, Jan. 26, 1995]

DISSECTING THE PROPOSED BALANCED BUDGET AMENDMENT

(By Brian Bilbray)

The balanced budget amendment to the Constitution, as proposed in the Republican's "Contract with America," and developed into legislation with members of both parties, will accomplish a simple thing: It will set up a spending structure based upon priorities. The reason that we now have a $4.06 trillion debt is the result of a process without priorities.

And yet those who still do not get it—liberal Democrats in Congress and the White House—recently mounted a systematic campaign against the balanced budget amendment, which is scheduled to be voted on in the House of Representatives today. The so-called "right to know" provision announced two weeks ago by Sen. Tom Daschle—in consultation with President Clinton—illustrates the state of deep denial that exists inside the Washington Beltway.

The liberals' strategy is to discredit the amendment. They seek to accomplish this by scaring the American people, telling them that passage of a balanced budget amendment threatens Social Security, Medicare, agriculture supports and veterans benefits. However, opponents of the balanced budget amendment have made a tactical error.

Eighty percent of the American people support a balanced budget amendment. They know it will force the same fiscal discipline on the federal government that they live with every day. The biggest spenders in Congress are the most ardent foes of the amendment because it hampers their ability to deliver to the special interests. These big spenders' so-called "right to know" amendment is really just obstructionism masquerading as principled scrutiny. Their amendment would require Republicans to provide a seven-year budget detailing what cuts they plan to make in order to get a zero budget deficit.

When President Clinton presented his five-year budget in 1993, Democrats did not demand that he spell out where future cuts would be made. And yet they demand it from the Republican leadership.

The very nature of their demand underscores the depth of their misunderstanding of the issue: A balanced budget amendment is not about programmatic changes to a $1.6 trillion federal budget. It is about fundamentally altering the process of allocating taxpayers' dollars to these programs. It is about setting spending limits and priorities.

Which brings us to the best illustration of the fundamental differences between supporters of the amendment and its opponents: No one denies that a balanced budget amendment will force us to bite the bullet—the difference between Republicans and the liberals in Congress is who chews the lead.

The big spenders in Congress and the White House are opposed to a provision in one form of the balanced budget legislation to require a three-fifths "supermajority" vote in order to pass an income tax increase. Clearly, as has been demonstrated by 40 years of a Democrat-controlled Congress, their systemic bias is to raise taxes instead of reducing expenditures. Who takes the hit? The taxpayers.

From my perspective, spending cuts, not increased taxes, are the way to reduce the deficit. Thirty-one million Californians have lived with a balanced budget amendment for nearly 20 years. There is no reason why we cannot impose the same discipline at the federal level.

The three-fifths vote requirement provides a safeguard for American taxpayers who have heard too many times that higher taxes will result in deficit reduction. Historically, higher taxes have in fact resulted in higher spending. The requirement of a supermajority vote will address our problem of a structural deficit caused by out-of-control spending. The balanced budget amendment will force the federal government to set priorities and then live within those priorities. The real culprit behind our national debt and yearly deficits is a process without discipline and virtually no mechanism to enforce discipline.

The liberals in Congress who demand a seven-year budget to chart our course to a zero deficit miss the point. They wish, obviously, to perpetuate a process that is as destructive to future generations as it is to our own.

The CHAIRMAN. All time for general debate has expired.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GEKAS) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE DAN BURTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN BURTON, Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 1994.

SPEAKER,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the State of Indiana, Madison Superior Court for the County of Madison, in connection with a civil case involving constituent casework.

After consultation with General Counsel, I have determined that compliance with the subpoena is consistent with the privilege and precedents of the House.

Sincerely,

DAN BURTON,
Member of Congress.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 44.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

PREDICTIONS OF DISASTER

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, the administration claims it knew nothing of the pending financial disaster in Mexico. Mexico's administration claims it knew nothing.

Let me remind both administrations of what they certainly did know. Both the Mexican and the United States Governments knew the truth about the shaky peso and United States speculators' interests down south for at least 2 years before the meltdown. As reported by the Wall Street Journal during the NAFTA debate, the two governments went so far as to negotiate a secret line of credit worth $6 billion because of the pending financial crisis in Mexico. Both governments knew; both governments kept it quiet.

Now Congress is expected to remain muzzled with truncated committee hearings and limited debate.

Congress cannot remain silent. Let the truth come out before we vote no on this taxpayer bailout of Wall Street speculators in foreign countries.

Mr. Speaker, the Wall Street Journal article to which I referred is as follows:

[From the Wall Street Journal Mar. 28, 1994]

HOW MEXICO'S BEHIND-THE-SCENES TACTICS AND A SECRET PACT AVERTED MARKET PANIC

(By Craig Torres)

MEXICO CITY.—The muted reaction in Mexican stock and currency markets Friday after the assassination of presidential candidate Luis Donaldo Colosio was no accident—but it also wasn't guaranteed.

A panic developed among investors right after the slaying and could have sent the markets tumbling. But Mexican authorities managed to maintain calm through a once-secret agreement with the U.S. Treasury and a complex mix of moral suasion and vague threats to investors who might have profited from a panic.

This is the story of that effort.

At 9:30 p.m. in Mexico City last Wednesday—2½ hours after the assassination, Jose Angel Gurria, head of the powerful development bank Nacional Financiera, and several of Mexico's most senior financial officials were assembling at 2 Arturo Street, a colonial mansion converted into Finance Ministry offices.

Mr. Gurria and everyone else in the room knew Mr. Colosio was dead, even though the government hadn't yet acknowledged that to the world, knowing the panic that could be created when the news was let out, Mr. Gurria reflected that either Mexico was about to prove the strength of its financial team, or the markets would send Mexico into chaos.

"It was like Colosio's body was lying on the table" in front of the group, he says. "We knew we had a job to do."

Mexican financial markets were already fragile. Economic growth in 1993 registered a pathetic 0.4%. The Chiapas peasant revolt, the kidnapping of a well-known executive and surprising rifts within the ruling party had all raised questions about social stability. Stocks had tumbled in recent weeks, and the peso was down 8.1% against the dollar this year.

As calls poured into the Finance Ministry and Banco de Mexico, the central bank, it became clear that there could be a full-fledged run against the peso.

Speculators were looking for ways to sell the peso short, a bet on its decline. Mexican banks, while friendlier to the government than foreign investors, would clearly dump pesos to protect themselves and make a profit, if they had to. In addition, the Finance Ministry knew that Japanese banks and corporations had already been unloading huge positions in peso securities to raise cash and dress up year-end financial statements. A currency crisis could spark further huge sales by the Japanese.

However, Hacienda, as the Finance Ministry is know, had a secret weapon.

Just before the North American Free Trade Agreement debate between Ross Perot and Vice President Al Gore, Hacienda's undersecretary of finance, Guillermo Ortiz, had quietly negotiated a $6 billion swap line with the U.S. Treasury. The idea was to give the Mexican central bank more dollars to use to support the value of the peso if Nafta failed to win approval. But the agreement—which had remained secret because it was never formally signed—was still around, and Mr. Ortiz hoped to invoke it now—Announcing the agreement would give Mexican authorities a crucial psychological boost with investors by showing that anyone attacking the peso would have to take on both Mexico and the U.S.

But it might take a day to get all the approvals from the U.S. government. Could the Mexican markets be shut down? Mr. Ortiz wondered.

By 11 p.m., with international investors nervous, and European markets about to open, Mexican financial officials were in discussions about shutting trading in stocks and the currency for a day, to let things settle down. But a full-scale argument broke out about the kind of signal the closings would show. The meeting split up into working groups and took until 2 a.m. to decide that at least the currency markets and the banks should be closed. Pedro Aspe, the finance minister, and Miguel Mancera, the central bank head, then left for President Carlos Salinas's offices.

With at least some decisions made, officials called Roberto Hernandez, the chief executive of Banamex-Accival, Mexico's largest bank, informing him of the bank and currency-market closure. The Hacienda officials said the banks would certainly be free to trade Friday—but they also warned that Hacienda would be watching closely for any speculative challenge.

At 3:30 a.m. in Boston, Robert Citrone, manager of Fidelity Investment Management's New Markets Income Fund, was back in the firm's warren-like offices. A few hours earlier he had stepped off the train in Acton, Mass., greeting his wife and newborn son.

"I have bad news," his wife had said.

The garage flooded with snow-melt again, Mr. Citrone thought. Then his wife told him Mr. Colosio had been shot.

At home through the evening, Mr. Citrone phoned central-bank contacts or anyone else who could give him a reading on the situation. A Mexican central-bank official at one point convinced him that it had enough currency reserves to defend the peso. That was true, but what if other investors panicked? Brokers were already talking about a 300-point decline in Mexican stocks, and that would also mean the currency would be in trouble.

At 4 a.m., Finance Minister Aspe returned to Arture Street with an answer from President Salinas: Thursday would be a day of mourning for Mr. Golosio. Banks and currency markets would close.

Now it was time to bring out the secret weapon, the $6 billion swap agreement. Mr. Ortiz, the undersecretary of finance, picked up the phone and dialed the home in Washington of Lawrence Summers, the undersecretary of international affairs for the Treasury. Mr. Summers thought he could secure the swap line.

The hope was to close the Mexican stock exchange, too, but Bolsa authorities wanted to make sure that there wouldn't be any trading of Mexican shares in New York, either. Mr. Summers said he would see if that could be done.

Later, Mr. Ortiz learned that Treasury had asked for a closure of Mexican stocks, but the U.S. Securities and Exchange Commission and the New York Stock Exchange were resisting the idea. It looked like the U.S. markets would open Mexican shares after only a short delay.

But trading of Mexican stocks in London was turning out to be disorderly, a sign of panic. Shares in bellwether Telafonos de Mexico were down more than 5 percent.

The Arturo Street team turned to Carlos Mendoza, a young Stanford Business School graduate who runs National Financiera's $1.5 billion Mexican stock fund. Mr. Mendoza had won the respect of international traders late last year when he managed to sell $1 billion of Telmex shares into the markets without anyone's noticing. Sleepless and worried, Mr. Mendoza called Mexican brokers in London, encouraging them to keep markets orderly. To keep things under control, while still not committing much of National Financiera's money, he gave the London trades an indication where he might buy or sell Telmex shares. That hint tightened the spread, or difference between the buying and selling price.

Less than an hour before the New York opening, Telmex shares had recovered.

With the Arturo Street meetings finally over as the sun was coming up in Mexico City, the finance officials began trying to win back investor confidence by calling everyone they could think of around the world from traders to chief executives. Judging by the calls, international investors were still scared. But the Mexicans began winning them back, one at a time.

"The performance was magnificent," says a Trust Co. of the West portfolio manager. "Almost every investment bank and every investor in the U.S. was on the phones from 8 to 9 in the morning and had it all laid out for them by the Mexicans."

By Thursday afternoon, the tide had turned. Stories burst across the news wires announcing the "new" $6 billion swap agreement, approved by President Clinton. Also, in a rare example of quick agreement, President Salines had managed to gather government, business and labor leaders to announce a re-signing of the country's basic economic pact.

Telmex shares finished just 5.6% lower on the Big Board, and they rebounded Friday once the Mexican Bolsa reopened. Investor confidence had been restored.

"The whole world was grading our ability to manage the unexpected," Mr. Curria says. "Everybody at the Arturo Street meetings said, We have to make this work because we have to make Mexico work."

CONGRESS NEEDS TO CAREFULLY CONSIDER CONSEQUENCES TO NATIONAL SECURITY ON ENACTMENT OF BALANCED BUDGET AMENDMENT

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKS. Mr. Speaker, a few days ago the comptroller of the Department of Defense testified before the Committee on the Budget about the consequences of a balanced budget amendment on our country's national security. Let me tell the Members what he said.

He said:

This is one of the major reasons for the administration's opposition to the Balanced Budget Amendment. Unless legislatively exempted from reductions, defense spending could end up being the primary bill-payer to make Federal budgets balance. That would fundamentally undermine the security of our Nation. If the Balanced Budget Amendment were adopted, America's defense posture would be vulnerable to two different problems: the impact on defense to reach a zero deficit, and the effect on defense of the annual budget process under the budget amendment.

Depending on the final provisions of the Balanced Budget Amendment, Department of Defense budget cuts from FY 1996 to FY 2002 could range from $110 billion to $520 billion, or about 30 cents on the dollar. For national defense the best case scenario would have a serious effect on national security. The worst case would be a disaster.

I hope we will take a careful look to the consequences of our national security of a balanced budget amendment.

Mr. Speaker, I include for the RECORD the complete statement of Under Secretary of Defense John Hamre before the Committee on the Judiciary:

STATEMENT OF UNDER SECRETARY OF DEFENSE (COMPTROLLER) JOHN J. HAMRE

Mr. Chairman, members of the Committee, thank you for the opportunity to appear before you today to discuss the Balanced Budget Amendment, and the likely impact that it would have on America's defense posture.

The Balanced Budget Amendment (BBA) could severely jeopardize America's national security, and that is one of the major reasons for the Administration's opposition to it. Unless legislatively exempted from reductions, defense spending could end up being the primary billpayer to make federal budgets balance, and that would fundamentally undermine the security of our nation.

If the Balanced Budget Amendment were adopted, America's defense posture would be vulnerable to two different problems: the impact on defense to reach a zero deficit and the effect on defense of the annual budget process under the BBA.

IMPACT ON DEFENSE TO GET TO A ZERO DEFICIT

To illustrate the impact of getting to a zero deficit, several assumptions have to be made about the final date and provisions of the BBA. Let us assume that the year of BBA implementation is 2002, and make calculations based on the most recent deficit projections by the Congressional Budget Office. Balancing the budget on a phased basis—14 percent per year in 1996 through 2002—would require a total of $1,040 billion in spending cuts and/or revenue increases.

Exactly how much the Department of Defense (DoD) would have to contribute to achieving a zero deficit would depend on how much revenue would be increased and whether entitlements would be cut. Under the worst case scenario, there would be no increase in revenue and no cuts in the entitlement programs. This means the budget would have to be balanced by cuts in discretionary spending, of which national defense represents about one half. The best case scenario assumes half of the deficit would be offset by increases in revenue and the other half proportionately to spending for entitlements and domestic and defense discretionary programs.

Depending on the final provisions of the Balanced Budget Amendment, DoD budget cuts from FY 1996 to FY 2002 could range from $110 billion to $520 billion.

For national defense, the best case scenario would have a serious impact on national security. The worst case would be a disaster. Achieving these totals would entail substantial reductions to defense people and programs, which are already downsized to the minimum acceptable level deemed necessary in the Bottom-Up Review. Our forces would become hollow and we would have to give up our quality of life initiatives such as adequate compensation for military personnel, child care programs, decent barracks and family housing and other programs that provide a sense of community and support for military families. We would have to stop the modernization and recapitalization, which is needed and planned in our current five-year budget. We would have to cut back our emphasis on science and technology and technology reinvestment programs, and thereby risk the technological edge that has always given our forces an advantage over our adversaries.

Reductions such as these would fundamentally change the character of America's military posture, make our new strategy unsupportable, call into question our ability to fulfill U.S. commitments to our allies and to protect our interests worldwide, and undermine America's global leadership.

THE ANNUAL BUDGET PROCESS UNDER THE BBA

Let me now turn to the second problem: Life under a balanced budget amendment.

What about the affect on defense of the annual budget process under the Balanced Budget Amendment? The BBA annual budget process could routinely end up removing from our elected political leaders the decision about what level of defense spending is prudent. America's defense preparedness could get determined by economic shifts, cost growth in entitlements, and other nondefense factors. Even if threats to America's global interests were increasing or our forces deteriorating, the BBA could lead to deep defense cuts.

The fact that these consequences could be avoided with 3/5 approval of each house of Congress is scant reassurance. Preservation of an adequate defense posture would become dependent on exceptional political efforts. The BBA process would be heavily skewed in favor of cutting defense to compensate for whatever was escalating elsewhere in the budget. Even when a 3/5 majority minus one in either house believed that BBA cuts were unjustified, the minority view would prevail. Not exactly ideal for the world's most powerful democracy and best hope for future peace and stability.

The BBA would threaten frequent interruptions to the many long-term processes that are essential to maintaining a prudent defense posture. The quality and morale of our people must be continually nurtured, and would be devastated by rapid and deep cuts in end strength. Our military and civilian professionals require extensive training and experience. We cannot recruit and retain top-notch military and civilian professionals, if they are vulnerable to summary dismissal.

Repair parts must be ordered three years ahead of anticipated use, in order to ensure the readiness of U.S. forces. Many years of research and development are needed to ensure that our forces are never outgunned or outmaneuvered. The average major weapons procurement program requires 8 years of development and testing. Production lines are necessarily set up anticipating stable procurement rates; they cannot be stopped and started, in order to offset a downturn in revenues or surge in entitlements. Because of the long-lead times needed for our weapons systems, DoD is unique among executive departments in that we must have detailed five-year plans incorporating them. It would be extremely costly, and essentially unworkable, to turn on and off defense programs, when the BBA forced deep budget cuts.

In sum, budgeting under BBA would inject great uncertainty and chaos into defense planning, which needs to have stability and a long-term perspective.

Small changes in the U.S. economy would mean even bigger budget problems. Using the CBO rule of thumb, a one percent rise per year in interest rates would increase the federal budget deficit $5 billion in the first year and $108 billion over five years. A one percent fall per year in real growth in the economy would increase the deficit $9 billion in the first year and $289 billion over five years. Thus under the BBA, even modest changes in the economy could trigger sweeping cuts to federal programs.

CLOSING

The Balanced Budget Amendment addresses a very important issue, but it would dramatically complicate our ability to plan for and manage a strong Department of Defense.

Defense programs would be especially vulnerable under the BBA, because DoD accounts for about half of all discretionary spending. And that is critical because the BBA had no implementation details. Unless the BBA becomes a vehicle by which revenues are increased or entitlements cut, DoD could well have to pay for half of every dollar of deficit reduction.

DoD budget authority, in real terms, has been in decline since FY 1985. We have finally reached the end of our builddown. It would be dangerous to continue to downsize our forces at this time. The Balanced Budget Amendment would cut defense spending to whatever level its arbitrary formula dictated, and thereby displace the carefully considered judgments of Members of Congress, Presidents, and civilian and military leaders as to what spending is necessary and wise. I do not believe such an approach to questions of national security would serve America well.

IMPACT ON DEFENSE TO GET TO A ZERO DEFICIT

In order to assess the impact on DOD, assumptions have to be made about final date and provisions of the Balanced Budget Amendment:

	Assumption
Year of implementation	2002.
Projected deficit at implementation	Current budget projection.
Will revenue be increased?	If yes, 50%/50% revenue/spending.
Will entitlements be cut?	If yes, in proportion to outlays.

SMALL ECONOMIC CHANGES MEAN BIG BUDGET PROBLEMS

Modest changes in the economy would necessitate sweeping program cuts.

CBO RULE OF THUMB

	Deficit impact	
	First year	5-years
1% rise in interest rates	$5B	$108B
1% fall in real growth	9B	289B

A GLOOMY PICTURE WITHOUT THE BALANCED BUDGET AMENDMENT

Mr. DUNCAN. Madam Speaker, former Senator Paul Tsongas wrote in the Christian Science Monitor a few months ago these very important words:

> If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.
>
> Confronted with the burdens of a monstrous national debt, an aging population, and runaway federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

We need to heed those words of former Senator Tsongas. That is why we need a balanced budget amendment. That is what this is all about. It is to give our children and grandchildren some hope for a good standard of living and for an economic future as bright as ours has been.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

VOTE FOR THE BARTON VERSION OF THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, last November the people of the 3rd District of South Carolina sent me to Washington in hopes of changing the direction of the country. My constituents expect me to display courage in making tough decisions. I will not let them down. I will vote for the balanced budget amendment, the Barton version, with a tax limitation provision. Now I am going to put my speech up.

There has been a lot of talk tonight about what the consequences of a balanced budget would mean to different groups in this country. There is one thing I think we have in common, whether you are young or old, black or white, rich or poor. If we don't do it, it is a bad deal for everybody.

The thing that I think has been overlooked that I would like to comment on for a minute or two is what does it mean when you are $4.5 trillion-plus in debt? The honest answer is I cannot even imagine that money in real terms. The real serious consequences of spending that much money more than you have is that over time you ruin the character of your people. Over time, everybody in the country begins to look to the Federal Government to solve every problem they have.

I am 39 years of age, and I would say that my generation always looks outward instead of inward; that there is somebody to blame, there is some Federal program, some State program, to make it right.

When you can be everything to everybody, in my opinion, eventually you will ruin everybody. The only way I know to change things, after a lot of thought and a lot of debate and a lot of reasoning, is to change the Constitution. Whether you are Republican or Democrat, I do not trust you enough to come sit in this body and spend money without a bad check law. And that is called the constitutional balanced budget amendment.

Whether you are a Republican or Democrat, I don't trust you enough to come into this body and balance the budget without raising taxes to do it. That is way I will vote for the three-fifths provision requiring a supermajority not to raise taxes.

There is a lot at stake in this debate, and to me the real issue is: Are we going to try to be everything to everybody and ruin the next generation not yet born? Everybody talks about putting them in debt, but are we requesting to create a society where they look always outward and never inward?

There is a lot at stake, and I can't tell you exactly how we are going to balance the budget. I don't have a plan that, as some people from the Democrat Party will point out, that tells you exactly how we are going to get there. I just know we must. I know there are a lot of people in this building working on those plans, and I want to give them a shot. The consequences of not doing it is to continue to have a debt that goes beyond imagination.

I hope we will have the courage to say no to ourselves by a constitutional balanced budget amendment, and I hope we have the courage to cut spending and say no to a lot of people who have never been said no to by the Federal Government. If we don't start now, when will we start?

We are about to go into the 21st century, and I think the character of the American people has changed in the last 20 or 30 years, in many ways for the worse. And if you want to look at the reasons why, I think you can start here at the Federal Government. We have taken every function of our lives and centralized it in Washington, DC. If you want to change this country, change the way you spend money in this country.

Anybody have any questions?

I can't think of anything more important to talk about, and I am tired of talking about it. I have been here about 10 days now. I am a freshman in this body. I know why I got elected. I feel very frustrated not being able to get on with it.

□ 2000

I know Members on the other side and within my party have differences, and I respect their differences. I want them to have a chance to say what is on their mind and to advocate their side, but more than anything else, I want us to start voting in this body.

President Clinton made a speech last night, some of its sounded really good. I have heard a lot of great speeches in my small term of politics. Maybe I made a few that sounded pretty good. I am tired of you having to rely on what LINDSEY GRAHAM says, or Bill Clinton or anybody else in this body. I want us to vote and I want us to take tough votes.

The only hope we have of, in my opinion, changing this country is to take the balanced budget amendment that the gentleman from Texas [Mr. BARTON] has proposed with the tax limitation bill provision in it, get it out of the Committee of the Whole and make us take tough votes and see who really is serious about changing the course of this country.

I will never disagree or take issue with somebody who is voting their conscience. I just expect you to do that. I expect no less of myself.

CONCERNS ABOUT THE PROPOSED MEXICAN BAILOUT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I am here tonight to express my concerns about the proposed Mexican bailout.

Proponents of NAFTA suggested that its passage would create jobs in America, promote free-market economics in

Mexico, raise living standards in both countries, and encourage Mexico's move toward democracy. Those who thought that NAFTA would be a magical elixir were wrong. NAFTA has not fulfilled its promises because the current political and economic conditions in Mexico make that fulfillment impossible. The same conditions that existed in Mexico when we debated NAFTA exist today. Necessary changes can only happen one way—through the Mexican Government. But Salinas did not do it, and President Zedillo has given no indication that he will be any different from Salinas.

First, this bailout will not save NAFTA. Mexico's problems run far deeper than short-term debt.

Second, this bailout will not help restore international confidence in the Mexican economy.

Third, this bailout will not help Mexico's or our working and middle class.

The direct beneficiaries of this package will be members of the Mexican business and political elite seeking to protect their wealth against further devaluation of the peso.

When the taxpayers of the United States are asked continuously to prop up the Mexican economy—and with continued devaluation of the peso, there is no indication that this will be the last time—they deserve some accountability. While I do not believe this $40 billion will be the last for Mexico, the way I see it, there is only two ways that this agreement is going to be palatable to the majority of Members.

First, stringent conditions need to be placed on the issuance of such a loan guarantee to ensure prompt repayment—and these conditions must be part of the legislative language. The generosity of the United States has often been our own worst enemy in getting repaid. We have consistently dealt with international debt owed to us through reduction or cancellation—ultimately to the detriment of our taxpayers. There must be guarantees that this loan will be repaid in full and in a timely manner.

Second, American taxpayers must get something genuine and tangible in return for our continued generosity. This can be best accomplished in the areas of law enforcement and environmental protection.

The United States is party to an extradition treaty with Mexico, which provides for extradition of Mexican nationals who cross the border and commit offenses. However, in practice, the Government of Mexico does not extradite its own nationals. According to article 9 of the Extradition Treaty Between the United States and Mexico (31 UST 5059; TIAS No. 9656), singed on May 4, 1978:

> Neither Party shall be bound to deliver up its own nationals, by the executive authority of the requested Party shall, if not prevented by the laws of the Party, have the power to deliver them up if, in its discretion, it be deemed proper to do so.

The problem is that Mexico has a habit of not deeming it proper to extradite its citizens who commit crimes here in the United States. While under the treaty, at least four United States citizens have been extradited to Mexico for crimes committed there, no Mexican citizens have been extradited to the United States for crimes committed in this country.

As a member of Chairman CONDIT's Information Justice Subcommittee in the 103d Congress, I was present at a hearing regarding the extradition of one Serapio Rios. On September 14, 1992, Mr. Rios crossed into California, kidnapped and raped a 4¼-year-old girl, and fled back into Mexico to hide behind this so-called extradition treaty. As the distraught mother testified:

> It took nine months to get extradition papers processed and served to the Mexican government. We have a treaty with Mexico, but Mexico has never extradited one of its citizens back to the U.S. for trial. My government should press for change.

If this mother were here today, she would say to you, three years later, that the Mexican Government did not find this violent felon extraditable. The Mexican Government knows where Rios is, but they refuse to extradite him, even after the Mexican Government promised a Member of this body in exchange for the Member's NAFTA vote, that Rios would be extradited.

I want to let this mother, and those that have similar stories, know that they are not forgotten. I feel that this proposed bailout presents us with a unique opportunity to press for change.

While it may not be feasible at this time to change the language of the 1978 treaty, President Zedillo needs to get the message that $40 billion of U.S. cooperation demands reciprocity. The area of extradition is one place where the Mexican Government can show good faith by extraditing Rios and the Mexican perpetrators who are accused of committing 24 major crimes such as rape and murder, here in the United States, and then flee across the border to Mexico because they know Mexico will not extradite them under the 1978 treaty. There should be no U.S. loan guarantee until Rios and other indicted perpetrators are brought to justice in the United States.

In addition to the question of law enforcement, language protecting our natural resources must be included in the bailout language. NAFTA promotes free trade in resources by limiting the rights of a government to enact measures restricting such trade. Chapter 3 of NAFTA sets out blanket prohibitions against government regulation of natural resource trade. No Government is permitted to regulate or prohibit the flow of natural resources including water.

Specifically, Article 309 of NAFTA reads:

> Parties may not adopt or maintain any prohibition or restriction on the importation of any good of another party, or the exportation of any good destined for another country.

There is no clause in NAFTA that exempts water exports from these provisions. Water is subject to the same requirements of goods as other goods described in Article 309. Water is listed as item 22.01 in the NAFTA tariff heading; it states in part:

> Including natural waters not containing added sugar or other sweetening matter nor flavored, ice, and snow.

This could mean Great Lakes water. In addition, the national treatment provisions of NAFTA prohibit governments from according foreign investors any less favorable treatment than is provided domestic corporations. This provision could permit foreign corporations to demand the same access to water resources that domestic consumers have.

Several other features of NAFTA could directly influence existing protection against water diversion. Article 302 of NAFTA requires that parties not increase duties on items including resources, or adopt new ones, and Article 315 limits the right of parties to restrict trade through duties, taxes or other changes. All of these articles could be applicable to Great Lakes water. Again if our natural resources are not specifically excluded, they may as well be included.

In the simplest terms, NAFTA articulates rules of trade that will restrict the ability of sovereign governments, and the people who elect them, to regulate the export or diversion of fresh water resources. NAFTA facilitates the trade of water by making it virtually impossible, under a toothless dispute resolution process, to refuse water export proposals.

Is this diversion a legitimate possibility? It certainly is. It is already happening, albeit legally, on a small scale via the Chicago River diversion project and could easily happen on a larger scale.

No grand pipeline or huge engineering project is required to accomplish this. Currently, the Chicago Diversion project diverts 3,200 cubic feet per second to the Midwestern plains but the Army Corps of Engineers has calculated that the Chicago diversion could accommodate 8,700 cubic feet per second if necessary. Over a limited amount of time, such an increase could lower water levels on Lake Michigan-Huron by ½ foot. Should the Government of Mexico lay claim to Great Lakes water, increased diversion through Chicago would take Great Lakes water to the confluence of the Mississippi and Ohio Rivers where it could meet up with engineering projects designed to take it over the border.

Lowered water levels can cause significant problems with drinking water intakes. Lowered water levels could affect hydro-electric power production. Lowered water levels could dramatically affect navigation in the Great Lakes and eventually Hudson Bay. Lowered water levels can damage the valuable coastal wetlands of the Great Lakes basin.

Mexico could increase its demand for fresh water. One in four Mexicans lack access to potable water and 55% of available water is being used for urban, industrial, and agricultural activities. As we see by this proposed bailout, Mexico is not afraid to come to the United States for help when their own policies begin to destroy the fabric of the country. Mexico is ripe to become a net importer of Great Lakes water. Two proposals were born out of the 1960's to accomplish just such a goal: the North American Water and Power Alliance, and the Great Replenishment and Northern Development Canal (the Grand Canal). In fact, the National Geographic magazine, November 1993, cites the real possibility of water diversion.

In putting protection against diversion in the loan guarantee legislation, we are not asking Mexico to do anything that United States State governments haven't already done. Since 1980's, Midwestern leaders have (1) signed a regional Great Lakes Charter—an agreement among Governors of 8 Great Lakes States and Canadian regional premiers to limit diversion, (2) enacted the United States Water Resources Act of 1986 which gives Governors of 8 Great Lakes States a veto over any proposed diversion of Great Lakes water, (3) they rejected a significant proposed increase in the existing Chicago diversion of Great Lakes water in 1988 when the Governor of Illinois proposed increased diversion, etc. Furthermore, the citizens of the Great Lakes region have supported the concept that Great Lakes water must remain in the Great Lakes 80% of the population opposes diversions of water. Great Lakes is one of our region's, and indeed our country's, greatest resources.

Congress should not continue this pattern of giving and giving without a hint of reciprocity from a Mexican Government that continues to artificially depress wages, that allows its banks to stack debt on borrowers, and that considers our extradition treaty a joke. This bailout, like NAFTA, is an opportunity to force change, but we must make the most of this opportunity. I call on my colleagues to demand change in Mexico. This bailout needs to be tied, inextricably to this change. I want to see some good faith moves on the part of the Mexican Government, or I intend to bail out on the bailout.

NFIB, SMALL BUSINESS AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I take the floor here during special orders to bring to the attention of my colleagues a very important little pamphlet entitled "NFIB, Small Business Agenda." NFIB, of course, standing for the National Federation of Independent Businesses, which is the largest nationwide small business advocacy organization in the country, with over 600,000 members.

The NFIB, of course, with the transformation of the Congress and the ascendancy of the Republican Party and our opportunity to be in the majority and prove to our fellow Americans that we have the ability to govern and that we will, in fact, follow through on our commitments as expressed in the contract to perform and reform the way Washington does business, the NFIB has become a very important part, an integral part of our legislative efforts in Washington.

I just wanted to bring that to my colleagues, because I will take time on future occasions under special orders to go into more detail on each one of these points.

But I do want to stress to my colleagues the legislative priorities of the National Federation of Independent Businesses, as we proceed with the Contract with America for the first 100 days, and then as we develop and deliberate a legislative agenda for the second and third 100 days.

The pamphlet starts out by saying, "America's small business owners have heard enough talk about what is good for the country. Now they want results. And small business owners believe that what is good for Main Street will be good for America."

And that really is the fundamental purpose and mission of the NFIB. They represent Main Street, not Wall Street.

They represent the kind of mom and pop businesses and the small business owners who in fact really are the economic backbone of the communities that we are fortunate enough to represent here in the Congress.

As we know, small business owners last year said no to mandated health insurance. They played a very critical role in helping to defeat President Clinton's health care plan. They rose up from the grass roots and sent a message to Congress that mandates cost jobs. And as a result, they helped us stop the President's health care mandates dead in its tracks.

Again in November, small business owners rallied at the polls, and they turned out politicians who had supported anti-Main Street legislation—that is, in fact, one reason I am again serving in this body—and elected candidates who know the importance of small business to the American economy.

□ 2010

Small business owners sent the message that they want the security to pursue the American dream of entrepreneurship. Let me touch on that point for a moment, because I think that underscores how wrong things have become in America, because in the course of the election campaign I recall meeting with a small business owner, an expert machinist who employed about somewhere in the neighborhood of 6 or 7 people, which frankly is the average size of the American small business.

He told me on that occasion, he said, "You know, Frank, things have really gone awry in this country, because for the first time in our history, the risks of owning your own small business actually outweigh the rewards." Again, small business ownership is a part of the American dream.

I think we need to change that equation, and when we do, we will know that our economy is moving in the right direction again. If we want to help grow our small businesses—and by the way, study after study has indicated that small and very small businesses give us most of our new job creation in the private sector—if we want to grow these type of businesses and create new jobs, then we need to support five actions:

One, we need a regulatory revolution here in Washington; two, we have to cut and simplify taxes, particularly on entrepreneurs and small business owners, the people who are taking the financial risks to create the jobs and to provide their fellow Americans with economic opportunity; three, we have to make health care available and affordable to small businesses; four, we have to end the legal nightmares and reduce and hopefully, to the extent possible, eliminate the regulatory maze that small business owners have to navigate.

Lastly, a very important subject that we are debating on this floor today, tonight, and tomorrow, we have to force the government to stop spending more of our tax dollars than it takes in. This, Mr. Speaker, is the small business agenda, and it dovetails very nicely, of course, with our Contract With America, which goes to the heart of the concerns of small business men and women across this country.

Mr. Speaker, I commend this little pamphlet, which again I will be talking about on future occasions under Special Orders, to your consideration: the NFIB Small Business Agenda.

THE REFORM OF AMERICA'S WELFARE AND HUNGER PROGRAMS

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise in this hiatus in the debate for the Balanced Budget Amendment and the unfunded mandates to discuss something that I think is most appropriate. That is the reform of the welfare programs and the hunger programs in our Nation.

Mr. Speaker, I certainly do not rise to say that the current system is perfect. There is a lot of need for improvement and reform. However, the question is, if we look at the Republican Contract for America and we look at their provisions regarding welfare reform and hunger programs, I am afraid that in a rush to enact that contract, that the Republican leadership has targeted a powerless, pretty much nonvoting population: America's hunger, their children, their families.

What they are proposing is not a solution to hunger and poverty, or a better way to do it, but block grants that may ultimately expand hunger problems in America, and in fact shift costs to the States. This is not reform, this is denial. This is shifting responsibilities from the Federal Government to the State government, something I thought we were going to stop doing around here.

I challenge our new leadership to end hunger and poverty, not the programs that feed hungry families and their children. Republicans are passing the burden of responsibility and the price tag to the States. My State alone, Oregon, under their proposal would be handed the programs for poverty and hunger, currently federally assisted programs, with $64 million less than in 1996 to solve the problem. How is that going to help the State of Oregon?

However, the Republicans have a solution for that, too. Their unfunded mandates legislation has an effective date of next October. You know why the effective date is next October? Because they know they have hidden bombs in the Contract for America, huge new unfunded mandates for the States, cuts in successful State programs.

However, they don't want to apply the unfunded mandates legislation before or during the adoption of the Contract on America, particularly those provisions that go to welfare and hunger, because they know this is their intention, to shift costs to the States, not to look at a way of improving these programs so we can better combat this problem.

In a nation number one in the industrialized nations in defense spending, national wealth, and the number of billionaires, I think it is a pretty sad commentary on our priorities that we are also number one in child and elderly poverty and hunger.

Many of our anti-hunger programs were enacted in the 1960's and 1970's in response to a documented wide range of problems of malnutrition. These programs have in good part worked. We have decreased the incidence of infant mortality and low birth weight babies. We have improved necessary nutrition food intake, both for our children and elderly, by 20 to 40 percent.

Mr. Chairman, if we want to take, say, the hardest-hearted green eyeshade view of this issue, there is another way to look at it. These programs save the American taxpayers money. They not only improve the quality of life for the next generation, but they save money. Every dollar that is invested in the WIC program saves up to $4 in Medicaid savings, and a whole lot of other funds for the States in terms of special education programs and other things that would be necessary if we were dealing with a new epidemic of low birth weight babies.

If we are really talking about investments that make sense, if we are talking about reforms that make sense, then we should be putting more money into this program, not less. However, that is not in the contract.

We often have these academic debates around here, and it sometimes helps to put a little bit of a face on it. My background is in gerontology. I have worked with senior citizens. I have seen seniors—people who have given their whole lives, raised a couple of generations, their kids, their grandkids, and worked and worked and worked, and are living on a small Social Security—I have seen them cry when I brought them a hot meal, because it was the only hot meal that they had had in days.

Are we going to end these programs? Are we going to turn back the clock? The Contract would, or it will say, "Well, we are going to give a block grant to the States, but we are going to cut the funding." How are the States going to pick up that additional burden? If the Contract is honest, then the Contract will adopt the unfunded mandates legislation tomorrow so we know what costs we are shifting to the States next year.

NEW REFORMS BRING BADLY NEEDED DISCIPLINE TO GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. LoBIONDO] is recognized for 5 minutes.

Mr. LoBIONDO. Mr. Speaker, we joined together just a few short weeks ago in an initial gift, really, I think, to the citizens of this country by in a bipartisan way coming together to vote on the Congressional Accountability Act. I believe that that can set the stage for the endeavor that we are now embarking on, which would allow us to give another gift to the American people, that of a balanced budget amendment.

Mr. Speaker, my district, the southern part of New Jersey, is rural and agricultural. We have many small businesses. I try to get around to the fire halls, the church halls, for the barbecues, for the breakfasts, to listen to people, to look in their eyes, and to be able to hear what their concerns are.

What they have told me is that they do not understand why Congress does not live in the real world the way they do. They tell me that they live with a balanced budget amendment of their own. They cannot spend more than they take in, not for very long, whether they are individuals or whether they are businesses. They have to live with that discipline.

I come from a small business background. I know what it is like to be able to put that dynamic together, that dynamic that seems to be missing from Government, something that is obvious, I think, to all of us in this body and to all of America, that we desperately need: We desperately need that discipline.

Now, finally, or once again, I should say, we have an opportunity. We have a great opportunity to be able to give that gift to the American people.

I have a little bit of background as a State legislator from the great State of New Jersey. We live with a balanced budget in the State of New Jersey and it works.

□ 2020

Yes, very often there are some tough decisions that have to be made. There are some tough choices. But that is what life is all about. And America has to make some tough choices. But I think this choice is relatively simple, and I would like to see us join together in a bipartisan fashion to be able to present this to the American people, something I believe they feel is long overdue that would bring Congress back into the real world that they live in.

MAINTAINING EFFECTIVE NUTRITION PROGRAMS IN FACE OF WELFARE REFORM

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 5 minutes.

Mr. DE LA GARZA. Mr. Speaker, as we begin the debate on welfare reform, let their be no mistake that the Democrats on the Committee on Agriculture welcome the opportunity to further reform the Food Stamp Program and the commodity distribution programs.

Those of us who have worked with these programs labored long and hard to make needed changes, but are well aware that there are areas where they can be further improved, as with any other good program. They can be made more responsive to the needs of poor people by encouraging them to attain self-sufficiency, and they can be made more efficient for the States that administer them. This is not to say that we haven't tried. We have.

But our challenge now is to make sure that in making these reforms we do not throw out the baby with the bathwater.

These are complex, well-intentioned, and largely successful programs. The Federal nutrition programs have reduced hunger in this country dramatically and improved the nutritional quality of the diets of poor families. We should not lose sight of that fact by rushing to pass legislation that could threaten the good work of these programs.

STATE CONCERNS

Two aspects of the nutrition block grant proposed in H.R. 4 could seriously threaten the effectiveness of our nutrition programs. First, all but eight States will be given less money in fiscal year 1996 under the block grant proposal than they would receive under current law, and all States would eventually be given less money in the long run. For example, Texas would lose over $1 billion, which would result in either a reduction in benefits or a denial of benefits to many needy families.

Second, the major nutrition programs, food stamps, school lunch, and school breakfast would no longer be entitlement programs. There would be a cap on the annual appropriations for the block grant. The cap would be adjusted each year for changes in population and food prices, but not for changes in unemployment or poverty. Congress could appropriate less, but not more than the cap.

That means that if there is an increase in poverty due to a recession, States will be unable to expand their nutrition programs to meet the increased need for nutrition benefits. It also means that every year States will need to fight at the Appropriations Committees for scarce funding for their nutrition programs.

AGRICULTURAL CONCERNS

Not only could the nutrition block grant have an adverse impact on the States, but it could also mean that less money is available to support food purchases and agricultural incomes.

Studies have shown that retail food spending might decrease when the same level of assistance is provided in cash instead of in food stamps. USDA estimates that there could be a reduction in retail food sales of between $4.25 billion to $10.5 billion. This decrease will result in reduced earnings of food manufacturing and distribution firms. And agricultural producers would, therefore, suffer decreases in farm income. For livestock, vegetables, and fruit producers alone, farm income could drop by as much as $1 to $2 billion.

In the short run, implementation of the block grant could result in a loss of 126,000 to 138,000 jobs, and rural areas would suffer the most because of their heavy dependence on the agriculture sector. In the short run, rural areas would lose twice as many jobs as metropolitan communities.

Under the block grant, almost all authorities for USDA to purchase and distribute food commodities to schools and other outlets, like TEFAP, would be eliminated. Although the proposal would add new authority for USDA to sell food commodities to States for food aid purposes, it is not clear how the Department would acquire the non-price-support commodities in the first place. The proposal would, therefore, make it impossible for USDA to stabilize markets for non-price-support commodities in times of surplus production.

Commodity distribution programs that now serve a dual purpose of supporting commodities in times of overproduction and providing those commodities to nutrition programs would no longer be available.

RECIPIENT CONCERNS

Finally, and most important, the nutrition block grant proposal could result in an increase in hunger in America. Fifty-two percent of food stamp recipients are children. Approximately $9 of every $10 spent for food stamp benefits—89 percent—are provided to households with children, elderly, or disabled people. Families with children receive 82 percent of food stamp benefits. Thirteen million children receive food stamps in an average month.

If States choose to handle the reduced funding levels by restricting eligibility to nutrition programs, 6 million food stamp recipients, most of them children, will no longer be eligible for nutrition benefits in fiscal year 1996. I don't believe that the American people intend for welfare reform to increase hunger among our children.

All welfare reform proposals should be analyzed on the basis of how well they will support and encourage people to attain self-sufficiency, and not simply on how much money they save. They must be analyzed on how they will affect our children, who are our future. Simply reducing funding, and eliminating the entitlement status of our nutrition programs, does not result in effective welfare reform. We all want welfare reform, but we must be concerned not just with the short-term impact, the present impact, but also with the future impact. I urge my colleagues to move carefully and thoughtfully on welfare reform.

Mr. Speaker, as long as we have the human element involved, there will be fraud and abuse; our challenge is to minimize it. But, my friends, a block grant is not going to cure this. Let us not deceive ourselves on this, it might even make it worse, for there will be no uniformity. So, again, I urge my colleagues to move carefully and thoughtfully to achieve the end result. We cannot, we must not, gamble with such a precious commodity as our children.

IN DEFENSE OF NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, in a rush to cut governmental spending, the Republicans seem intent not to look at whether or not programs are effective, whether or not programs have been successful, but simply to cut and to block-grant those programs so that they can realize the savings that they want to pay for the other things that they wish to do, whether it is an increase in the defense spending or to provide tax cuts to the very wealthy of this country.

Unfortunately, the programs caught up in that whirlwind happen to be the nutrition programs. These are among some of the most successful programs in the history of this Government and the history of this Nation. These are the programs that have lifted our elderly out of desperate situations when they did not have enough income to feed themselves, have dramatically reduced the incidence of low-birth-weight and very-low-birth-weight children to pregnant women, to families, to prevent them from suffering the setback and the disappointment and the heartbreak of birth defects of a critically ill child at the moment of birth, and at the same time to alleviate the taxpayers and others of the cost of the thousands of dollars a day it takes to bring a very-low-birth-weight child up to normal weight and the efforts so that they can take that child home.

These are the programs that have allowed our senior citizens to live in their own home. One of the leading causes of people being put into nursing homes is that they can no longer cook for themselves. So we used a program called Meals on Wheels. I have delivered the meals, my wife has delivered the meals, our children have delivered the meals to the elderly in our community. That is the reason they can live in a surrounding that they are comfortable with. They can no longer cook, but we can deliver a nutritious meal to those individuals.

What happens when we do that? We reduce the nursing home cost, the health care cost, and the whole Nation benefits, and those people get to live in a surrounding they are comfortable with.

These are the programs that have allowed people to go into their homes and to cook for those individuals so that they could stay in those surroundings.

These are the programs that when people find themselves unemployed, through no fault of their own, they went to work every day, they worked in the steel mills, in the automobile factories, in the insurance companies, at IBM or Xerox, and all of a sudden they had no family income, because of restructuring or downsizing or layoffs or unemployment, whatever the words are that you want to use.

But they had to feed their families. So they were entitled to go over, and to get food stamps to give them help while they were unemployed. Their children might be eligible for a school lunch because they have no family income.

Now we say we are going to cut those programs across the board? We are going to cut those programs across the board for Americans that went to work every day. And they worked hard. They just happened to be so unfortunate that their job was yanked away from underneath them.

I do not think that is the message that America wants to send to its families, but that is what these nutrition programs are about. they are about the prevention of birth defects. They are about letting families have an opportunity to have healthy babies. They are about our elderly living out the twilight of their life with dignity, and the security of their own surroundings, and not bankrupting their children or themselves because they have to go to a nursing home because there is no one to take care of them in the city in which they now live.

□ 2030

That is what these programs are about. And they are about making sure that there is in fact a safety net for working Americans so that when hard times come they can get some help until they can get the next job.

Twenty percent of the families receiving Food Stamps are working families in this Nation. The go to work every day. They have not lost their job, but they do not make enough to be above the poverty line.

Some of those families are in the U.S. military. They are serving this country. But they do not make enough, so that they are eligible for Food Stamps, and to make ends meet for those military families they go down and they participate in the Food Stamp Program. That may be a shame that that is the situation with the military families in this country but it is a fact. In fact, if we look at these nutrition programs, they are an indictment of this country, for our inability to provide jobs to create wages so people can feed themselves, so that people that find themselves in tough economic straits can get a bridge out, to get temporarily help. But we do not.

We see homeless people on our streets. In 1980 the Reagan administration said it was an emergency and temporary. They said they were there because they wanted to be. And in 1990 they were counted in the census as a permanent part of the American landscape.

That is unacceptable and, the nutrition programs stand between millions of Americans and that fate. And that should be block granted.

Mr. Speaker, the question I put to you today is: Where is the mandate? Who is mandating the repeal and block granting of the Federal nutrition programs?

No one has contacted my office to support a nutrition block grant, and hundreds have written opposing it. Exactly who is asking for the demolition of these programs that have proven so successful in saving the taxpayers' money, preparing our kids to support themselves when they get older, and increasing the health of our seniors?

The Economic and Educational Opportunities Committee had to cancel a hearing this morning on the nutrition block grant because they couldn't get a Republican Governor to testify in support of it. The Governors themselves have serious concerns about the negative impact the block grant will have on our citizens and our country.

Speaker GINGRICH is mandating this block grant to pay for his tax cut for the rich. In order to save a few billion dollars to pay for the contract's tax cut for the rich, and in complete disregard of the merits of these food assistance programs, the Republicans are risking incurring significant long term Federal, State, and local cost of health care, remedial education, and decreased worker productivity.

Of course, there is room for improvement in the programs—we work on this every year. Congress is constantly working to improve efficiency, decrease paperwork, and end fraud in these programs. Last year the Ed. and Labor Committee reauthorized the School Lunch Act. I worked with Members on both sides of the aisle to add a strict penalty for anticompetitive bid-rigging by food suppliers. Almost every year Mr. DE LA GARZA and the members of the Agriculture Committee have passed legislation to curb fraud in the Food Stamp Program.

These programs are good for the recipients and the taxpayers. The block grant contains no requirement that the food programs States create maintain any uniform nutrition standards. The recommended daily allowances for kids and adults in California is the same as those in New York. Only the ability of the children and their families to pay for that food varies.

The current taxpayer savings the Republicans are putting in jeopardy are:

Every $1 spent in the WIC program saves between $2 and $4 dollars in Federal Medicaid costs.

Every $1 spent on elderly programs—Meals-on-Wheels and Congregate Meals program—saves $3 on Federal Medicare, Medicaid, and veteran's health care costs. Malnourished patients stay in the hospital nearly twice as long as those who are well-nourished, costing an additional $2,000—$10,000 per stay.

Malnutrition permanently impairs brain development and a child's ability to learn, causing an increase in the number of children failing in school and a significant increase in the local and Federal cost of remedial education.

Nutrition programs significantly decrease anemia in adults as well as children and the elderly. Studies show anemia lowers worker productivity and ability to learn new and emerging fields, hurting our ability to compete in global economy.

In my district, as in all other districts across our country, this block grant means more than a loss in food assistance. In Contra Costa County alone it means almost 400 fewer grocery store jobs, $6.6 million less in wages, and the closure of over a dozen food stores.

I understand the Republicans want to move quickly in debating their proposed legislation in order to meet their 100 day-deadline. However, if the cost will be measured in taxpayer dollars and human lives, it would be unconscionable of the Republicans not to slow down. Please, talk to your constituents, visit a WIC center, eat a school lunch, and find out why these programs are so popular and successful. You owe at least that to yourself, our children, and our country.

NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, If you look closely at the fine print of the Republican welfare reform plan, there is a proposal that threatens the lives of almost 5 million older Americans. This proposal threatens to force our seniors to go hungry. But so far, this issue has gone virtually overlooked in the large-scale national debate over welfare reform.

It is buried deep within the legislative language of the Republican's Contract With America. It is contained under the section that consolidates nutrition programs for the poor. It seeks to eliminate the crucial nutrition section of the 30-year-old Older Americans Act and to lump funding for senior citizen nutrition programs in with all other food programs.

Seniors are at particular risk under the proposal. While the welfare plan does spell out some mandatory minimums each State must spend on nutrition programs, it does not specify any minimum for elderly nutrition.

Therefore, this proposal would allow States to completely wipe out Meals-On-Wheels and other vital services. No protection is afforded by the Federal Government.

Pulling senior nutrition out of the Older Americans Act and separating it from other services for the elderly will make it much harder for communities to assist older people with complex needs. None of us want to create a situation where competing interests are vying for their fair share. We cannot allow a situation to develop where the needs of seniors are pitted against the needs of hungry children.

There is no question that our current welfare system is in need of reform. The debate over welfare reform taking place across this country needs to focus on connecting recipients to the workplace. It should deal with personal responsibility and work, not just saving money. We should be guided by principles that help us solve problems, not create new ones.

The Elderly Nutrition Program, as part of the Older Americans Act, is a program that works. They have a proven track record of success.

Before we can appreciate the value of these programs, we need to understand the problems they address and the effectiveness of their results.

Today, many seniors do not eat adequately because they cannot afford to do so. Moreover, they lack the skills to prepare nourishing, well-balanced meals. Because many of these elderly people have limited mobility, it can be difficult to shop and cook for themselves. Also, many seniors experience feelings of loneliness which sometimes hinder their incentive to make a meal and eat it alone.

These and other physiological, social, and economic changes that occur with aging, result in a pattern of living that causes malnutrition and further physical and mental deterioration.

Since 1973, the Nutrition Program for the Elderly has provided older Americans, particularly those with low incomes, nutritionally sound meals. The broad objective of the Nutrition Program for the Elderly is to nourish the whole older person, not simply to supply basic nutrients.

About 3.3 million seniors are served hot meals in strategically located centers such as schools, churches, community centers, and senior citizen centers. Seniors in this program depend on the fruit, milk, meat, and potatoes because it is often their only balanced meal of the day.

Public and private facilities are also used where seniors can obtain other social and rehabilitative services. This encourages older persons to maintain independence by encouraging social interaction, while at the same time improving nutrition. This program is the cornerstone of a comprehensive, community based and managed service system aimed at providing opportunities for older people to remain independent and self-sufficient.

For those who are homebound, meals are delivered and other supportive services are provided, where necessary and feasible. Nationally, more than 794,000 seniors, 49,000 now in my home State of Florida, have meals delivered to their homes. Yet, the program today cannot serve all who need it. If the nutrition program is to be continued as part of a block grant, it is estimated that nearly 20 percent of the seniors now served would no longer receive meals and nutrition services due to reductions in funding.

Besides promoting better health among the elderly through improved nutrition, this program is aimed at reducing the isolation of old age and offering Americans the opportunity to maintain self-sufficiency. The nutrition program is a fundamental part of a comprehensive service system aimed at keeping older people at home, supporting family caregivers, and avoiding unnecessary and costly nursing home care.

These programs are supported through a vast network of volunteers and through cash and in-kind support from local private sector groups. Finally, these programs have traditionally served those older persons with the greatest economic need. A significant portion of the cost of these programs are borne by the participants themselves. Seniors contributed at least $171 million last year to the programs based on their ability to pay.

Moreover, these programs are some of the most effective in keeping administration costs extremely low. Much of the administrative costs of these programs are provided by volunteers. The reduction of funding will have an adverse effect on the potential of providers to recruit increased numbers of volunteers. Furthermore, the number of volunteers would be decreased as well, since many senior volunteers are participants in the programs.

This proposal from the Contract With America does not make cost effective sense. The logic of this proposal is faulty on its face. The proposed changes will result in more people going to nursing homes since preventive and supportive services, including meals, will be decreased. Every recipient who receives meals at home is considered frail and generally at risk of nursing home placement.

If this block grant was created, 5,040 home delivered meal recipients would be dropped from the program, these frail seniors would most likely be unable to remain in their homes and would be at high risk of entering a nursing home. This would cost the Federal Government $86 million per year in Medicaid funds. As opposed to the present cost of $7.5 million under the Older American Act and related state funded programs for home based care.

Remember, this $86 million is only for Florida. It is more than 10 times less expensive to keep people in their homes, where they want to be in the first place. Obviously, the results of block granting these programs have not been thought through. It is just another one of the shallow plans Republicans are offering without thinking through the personal or financial consequences. This plan would end up costing us billions of dollars and cutting vital services to the elderly.

Mr. Speaker, the average age of the people in my district makes it the second oldest in the state. I have worked closely with a number of programs in my District that provide these nutrition programs to my constituents. I know from first hand experience how important they are to a great deal of the elderly folks in Florida.

Nutrition studies from the University of Florida have shown that 69 percent of the congregate meal participants were at moderate to high risk for malnutrition. Moreover, 89 percent of the home delivered meal participants were at moderate to high risk for malnutrition.

Mr. Speaker, I have talked to many participants of these nutritional programs and I receive letters like these every day.

Like the one from this 83 year old woman. She has been going to the same site in New Port Richey every day since 1983. Her son brings her every morning and picks her up afterwards. She loves to be around people and feel useful instead of just sitting at home.

She is very healthy and goes to the site to enjoy the camaraderie of other seniors her age. She is very active at the site and is a regular volunteer.

She is grateful to this elderly nutrition program and stated that "the program keeps her young." If this program were based on income eligibility she would not qualify for it.

Or this letter, that comes from a retired pharmacist, from New Port Richey, who lives alone since the death of his wife. Each day, instead of sitting home alone, he comes to the Elderly Nutrition dining site. He looks forward to volunteering at the site and delivering meals to the homebound.

He writes to tell me that if the criteria for eligibility in the Nutrition Program is changed and he is found to be unqualified, it will leave a huge void in his life. He feels that he would become depressed if he had to stay at home "staring at four walls."

He has the means to pay for his meals in a restaurant, but would be unable to find the socialization and companionship that he needs from other seniors there. Due to physical disabilities, he is unable to interact in recreational activities. At the lunch site he finds more appropriate activities to fulfill his needs.

Mr. Speaker, the debate on welfare has been focused on moving people off welfare and into work. The American people do not want to continue an endless entitlement program without requiring any responsibility on the part of the recipients.

What we need to understand, is that the Elderly Nutrition Program is not welfare. Unfortunately, the Nutrition Program for the Elderly got swept along in a big net cast out to reform the welfare system. This is a program that serves very vulnerable seniors. This program does not belong in the debate on connecting recipients to the work place.

The welfare debate is about personal responsibility and work. The Elderly Nutrition Program is about keeping seniors alive and independent. Not a single person has alleged that the program is anything less than a successful program that has improved the nutrition and physical and mental health of millions of seniors in our country.

Mr. Speaker, I urge my fellow members to examine these elderly nutrition programs and recognize the fact that they do not belong in the welfare debate. Including them in a massive block grant, as offered by the Republicans in the Contract With America, would be a massive mistake. It would in the most cruel way, pit one generation against another in the fight for survival.

Last night, President Clinton said that seniors have made us what we are as a nation. He is right. We shouldn't thank them for their sacrifices to the present generation by kicking them out on the street.

THE INDIAN FEDERAL RECOGNITION ADMINISTRATIVE PROCEDURES ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to join with my good friends, Mr. BILL RICHARDSON, Mr. PAT WILLIAMS, Mr. GEORGE MILLER, and Mr. PETER DEFAZIO, in introducing the Indian Federal Recognition Administrative Procedures Act of 1995 which will create an efficient and fair procedure for extending federal recognition to certain Indian tribes. Similar legislation was passed by the House of Representatives last Congress but, unfortunately, failed to pass in the Senate by the end of the session.

Mr. Speaker, there remains a great need for redesign of the current process for federally recognizing Indian tribes. For instance, it was not until 1979, 157 years after the establishment of the Bureau of Indian Affairs, that a comprehensive list of Indian tribes was published. It fact, the concept of Federal recognition did not even become a significant legal issue until the 1970s, following two federal appellate court decisions and recommendations of the American Indian Policy Commission.

The current recognition process is very cumbersome, lengthy and, in many cases, ill-suited to factual and fair determinations. Unfortunately, federal regulations are by no means clear regarding the criteria that a tribe seeking federal recognition must satisfy, nor what evidence the BIA must verify. In addition, the current process has led to a backlog of petitions. Since 1978, the BIA has received over 116 new petitions. The BIA has resolved only 25 cases since 1978, nine in favor of recognition, and 13 against recognition. While in the past two months, the BIA has acted on two petitions, in both cases announcing proposed findings of denial, the process remains unwieldy.

Mr. Speaker, in addition, the costs to tribal petitioners of participating in the federal recognition process are prohibitively expensive, averaging between $300,000 and $500,000. In addition, the BIA's own system appears to suffer internal conflicts because the same agency individuals who conduct the research into a tribe's history also make the final recognition decision.

Mr. Speaker, this legislation responds to these problems by creating an independent Commission on Indian Recognition, comprised of three individuals. The Commission would receive petitions for recognition. The legislation prescribes procedures for considering petitions, and affords petitioners the right to adjudicative hearings and appeals, and access to federal courts. For instance, the bill would allow petitioning groups to conduct discovery and cross-examine witnesses and evidence in a Commission hearing. More importantly, the bill sets forth more objective, consistent, and streamlined standards for acknowledging groups as federally recognized Indian tribes. By so doing, the legislation greatly enhances the ability of the federal government to more accurately, efficiently, and fairly determine whether or not to extend federal recognition to tribal petitioners.

Mr. Speaker, today I attended a White House meeting with a number of tribal leaders and officials of non-recognized tribes. The tribal leaders were very adamant about their unsatisfaction with the current recognition process and urged both the Administration and Congress to make wholesale changes in the law. I would like to emphasize that the legislation that I am introducing today is only the starting point for further discussion and debate. I remain open to, and look forward to, the advice and input of my other colleagues, as well as agency and tribal recommendations. I firmly believe that together we can arrive at a fair and workable solution to the problems associated with the federal recognition process.

I urge my colleagues to support this measure.

I include a copy of the bill, as follows:

H.R. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Federal Recognition Administrative Procedures Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish an administrative procedure to extend Federal recognition to certain Indian groups;

(2) to extend to Indian groups which are determined to be Indian tribes the protection, services, and benefits available from the Federal Government pursuant to the Federal trust responsibility;

(3) to extend to Indian groups which are determined to be Indian tribes the immunities and privileges available to other federally-acknowledged Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States;

(4) to ensure that when the Federal government extends acknowledgment to an Indian tribe, it does so with a consistent legal, factual and historical basis;

(5) to establish a commission which will act in a supporting role to petitioning groups applying for recognition;

(6) to provide clear and consistent standards of administrative review of documented petitions for Federal acknowledgment;

(7) to clarify evidentiary standards and expedite the administrative review process by providing adequate resources to process petitions; and

(8) to remove the Federal acknowledgment process from the Bureau of Indian Affairs and invest it in an independent Commission on Indian Recognition.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "aboriginal group" means any Indian group or tribe that is presently located in Canada or the United States or Mexico and consists of individuals who are descendants of the people who inhabited the area now constituting those three countries prior to their first sustained contact with Euro-Americans.

(2) The term "acknowledgment" or "acknowledged" means a determination by the Commission on Indian Recognition that an Indian group constitutes an Indian tribe with a government-to-government relationship with the United States, and whose members are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3) The term "autonomous" means the exercise of political influence or authority independent of the control of any other Indian governing entity. Autonomous must be understood in the context of the history, geography, culture and social organization of the petitioner.

(4) The term "Bureau" means the Bureau of Indian Affairs.

(5) The term "Commission" means the Commission on Indian Recognition established pursuant to section 4.

(6) The term "community" means any group of people, living within a reasonable territorial propinquity, which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. "Community" must be understood in the context of the history, culture and social organization of the group, taking into account the geography of the region in which they reside.

(7) The term "continuously" or "continuous" means extending from the first sustained contact with Euro-Americans throughout the group's history to the present substantially without interruption.

(8) The term "Department" means the Department of the Interior.

(9) The term "documented petition" means the detailed, factual exposition and arguments, including all documentary evidence, necessary to demonstrate that these arguments specifically address the mandatory criteria established in section 5.

(10) The term "historically", "historical" or "history" means dating from the first sustained contact with Euro-Americans.

(11) The term "Indian group" or "group" means any Indian, Alaska Native, or Native Hawaiian tribe, band, pueblo, village or community within the United States that the Secretary of the Interior does not acknowledge to be an Indian tribe.

(12) The term "Indian tribe" or "tribe" means any Indian, Alaska Native, or Native Hawaiian tribe, band, pueblo, village or community within the United States that the Secretary of the Interior presently acknowledges to be an Indian tribe.

(13) The term "indigenous" means native to the United States in that at least part of the petitioner's traditional territory at the time of first sustained contact with Euro-Americans extended into what is now the United States.

(14) The term "letter of intent" means an undocumented letter or resolution which is dated and signed by the governing body of an Indian group and submitted to the Commission and indicates the group's intent to submit a petition for Federal acknowledgment as an Indian tribe.

(15) The term "member of an Indian group" means an individual who is recognized by an Indian group as meeting its membership criteria and who consents in writing to being listed as a member of that group.

(16) The term "member of an Indian tribe" means an individual who meets the membership requirements of the tribe as set forth in its governing document or, in the absence of a governing document which sets out these requirements, has been recognized as a member collectively by those persons comprising the tribal governing body; and has consistently maintained tribal relations with the tribe or is listed on the tribal membership rolls as a member, if such rolls are kept.

(17) The term "petition" means a petition for acknowledgment submitted or transferred to the Commission pursuant to section 5 of this Act.

(18) The term "petitioner" means any group which has submitted a letter of intent to the Commission requesting acknowledgment that it is an Indian tribe.

(19) The term "political influence or authority" means a tribal council, leadership, internal process or other mechanism which the group has used as a means of influencing or controlling the behavior of its members in significant respects, or making decisions for the group which substantially affect its members, or representing the group in dealing with non-members in matters of consequence to the group. "Political influence or authority" is to be understood in the context of the history, culture and social organization of the group.

(20) The term "previous Federal acknowledgment" means any action by the Federal government the character of which is clearly premised on identification of a tribal political entity and clearly indicates the recognition of a government-to-government relationship between that entity and the Federal government.

(21) The term "restoration" means the reextension of acknowledgment to any previously acknowledged tribe which may have had its acknowledged status abrogated or diminished by reason of congressional legislation expressly terminating that status.

(22) The term "Secretary" means the Secretary of the Interior.

(23) The term "sustained contact" means the period of earliest sustained Euro-American settlement or governmental presence in the local area in which the tribe or tribes from which the petitioner claims descent was located historically.

(24) The term "treaty" means any treaty—

(A) negotiated and ratified by the United States on or before March 3, 1871, with, or on behalf of, any Indian group or tribe;

(B) made by any government with, or on behalf of, any Indian group or tribe, from which government the United States subsequently acquired territory by purchase, conquest, annexation, or cession; or

(C) negotiated by the United States with, or on behalf of, any Indian group in California, whether or not the treaty was subsequently ratified.

(25) The term "tribal relations" means participation by an individual in a political and social relationship with an Indian tribe.

(26) The term "tribal roll" means a list exclusively of those individuals who have been determined by the tribe to meet the tribe's membership requirements as set forth in its governing document or, in the absence of a governing document setting forth those requirements, have been recognized as members by the tribe's governing body. In either case, those individuals on a tribal roll must have affirmatively demonstrated consent to being listed as members.

(27) The term "United States" means the 48 contiguous states, Alaska and Hawaii; and does not include territories or possessions.

SEC. 4. COMMISSION ON INDIAN RECOGNITION.

(a) ESTABLISHMENT.—There is established, as an independent commission, the Commission on Indian Recognition.

(b) MEMBERSHIP.—(1)(A) The Commission shall consist of three members appointed by the President, by and with the advice and consent of the Senate.

(B) In making appointments to the Commission, the President shall give careful consideration to—

(i) recommendations received from Indian tribes;

(ii) individuals who have a background in Indian law or policy, anthropology, genealogy, or history.; and

(iii) individuals who, at the time of nomination, are employed by the United States Government and would be eligible to participate through the Intergovernmental Personnel Exchange Act.

(2) No more than two members of the Commission may be members of the same political party.

(3)(A) Each member of the Commission shall be appointed for a term of four years, except as provided in subparagraph (B).

(B) As designated by the President at the time of appointment, of the members first appointed—

(i) one shall be appointed for a term of two years;

(ii) one shall be appointed for a term of three years; and

(iii) one shall be appointed for a term of four years.

(4) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(5)(A) Each member of the Commission not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an officer or employee of the United States Government shall serve on the Commission without additional compensation, but such service shall be without interruption or loss of civil service status or privilege.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) At the time appointments are made under paragraph (1), the President shall designate one of such appointees as Chairman of the Commission.

(c) MEETINGS AND PROCEDURES.—(1) The Commission shall hold its first meeting no later than 30 days after the date on which all members of the Commission have been appointed and confirmed by the Senate.

(2) Two members of the Commission shall constitute a quorum for the transaction of business.

(3) The Commission may adopt such rules (consistent with the provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(4) The principal office of the Commission shall be in the District of Columbia.

(d) DUTIES.—The Commission shall carry out the duties assigned to the Commission by this Act, and shall meet the requirements imposed on the Commission by this Act.

(e) POWERS AND AUTHORITIES.—(1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission is authorized to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the Chairman deems advisable to assist in the performance of the duties of the Commission, at a rate not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) procure, as authorized by section 3109(b) of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) The Commission is authorized to—

(A) hold such hearings and sit and act at such times;

(B) take such testimony;

(C) have such printing and binding done;

(D) enter into such contracts and other arrangements, subject to the availability of funds;

(E) make such expenditures; and

(F) take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(3)(A) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this Act, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman of the Commission.

(B) Upon the request of the Chairman of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

SEC. 5. PETITIONS FOR RECOGNITION.

(a) IN GENERAL.—(1) Any Indian group may submit to the Commission a petition requesting that the Commission recognize that the Indian group is an Indian tribe.

(2) The provisions of this Act do not apply to the following groups or entities, which shall not be eligible for recognition under this Act—

(A) Indian tribes, organized bands, pueblos, communities, and Alaska Native entities which are recognized by the Secretary as of the date of enactment of this Act as eligible to receive services from the Bureau;

(B) splinter groups, political factions, communities, or groups of any character which separate from the main body of an Indian tribe that, at the time of such separation, is recognized as being an Indian tribe by the Secretary, unless it can be clearly established that the group, faction, or community has functioned throughout history until the date of such petition as an autonomous Indian tribal entity;

(C) groups, or successors in interest of groups, that prior to the date of enactment of this Act, have petitioned for and been denied or refused recognition as an Indian tribe under regulations prescribed by the Secretary;

(D) any Indian group whose relationship with the Federal Government was expressly terminated by an Act of Congress; and

(E) any Indian group that, in any action in a United States court to which the group was a party, has previously attempted to establish its status as an Indian tribe or a successor-in-interest to an Indian tribe that was a party to a treaty with the United States, and—

(i) was determined by such court not to be an Indian tribe; or

(ii) was determined by such court not to be a successor-in-interest to an Indian tribe that was a party to a treaty with the United States; or

(iii) was the subject of findings of fact by such court which, if made by the Commission, would show that the group was incapable of establishing one or more of the criteria set forth in this section.

(3)(A) No later than 30 days after the date on which all of the members of the Commission have been appointed and confirmed by the Senate, the Secretary shall transfer to the Commission all petitions pending before the Department and not then under active consideration that request the Secretary, or the Federal Government, to recognize or acknowledge an Indian group as an Indian tribe, except those groups whose petitions are under active consideration at the time of the transfer.

(B) On the date of such transfer, the Secretary and the Department shall cease to have any authority to recognize or acknowledge, on behalf of the Federal government, any Indian group as an Indian tribe, except those groups under active consideration whose petitions have been retained by the Department pursuant to subparagraph (A) of this paragraph.

(C) Petitions transferred to the Commission under subparagraph (A) of this paragraph shall, for purposes of this Act, be considered as having been submitted to the Commission in the same order as they were submitted to the Department.

(b) PETITION FORM AND CONTENT.—Except as provided in subsection (c), any petition submitted under subsection (a) by an Indian group shall be in any readable form which clearly indicates that it is a petition requesting the Commission to recognize that the Indian group is an Indian tribe and which contains detailed, specific evidence as to each of the following:

(1) A statement of facts establishing that the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1871. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members:

(A) Identification of the petitioner as an Indian entity by Federal authorities.

(B) Relationships of the petitioner with State governments based on identification of the petitioner as an Indian entity.

(C) Dealings of the petitioner with a county, parish, or other local government in a relationship based on the Indian identity of the petitioner.

(D) Identification of the petitioner as an Indian entity by records in private or public archives, courthouses, churches, or schools.

(E) Identification of the petitioner as an Indian entity by anthropologists, historians, or other scholars.

(F) Identification of the petitioner as an Indian entity in newspapers, books, or similar media.

(G) Identification of the petitioner as an Indian entity by other Indian tribes or by national, regional, or state Indian organizations.

(H) Identification of the petitioner as an Indian entity by foreign governments or international organizations.

(2)(A) A statement of facts establishing that a predominant portion of the membership of the petitioner comprises a community distinct from those surrounding it and has existed as a community from historical times to the present. Evidence to be relied upon in determining that the petitioner meets this criterion may include one or a combination of the following:

(i) Significant rates of marriage within the group, or, as may be culturally required, patterned out-marriages with other Indian populations.

(ii) Significant social relationships connecting individual members.

(iii) Significant rates of informal social interaction which exist broadly among the members of a group.

(iv) A significant degree of shared or cooperative labor or other economic activity among the membership.

(v) Evidence of strong patterns of discrimination or other social distinctions by nonmembers.

(vi) Shared sacred or secular ritual activity encompassing most of the group.

(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian, and may include, but are not limited to, language, kinship or religious organizations, or religious beliefs and practices.

(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

(ix) A demonstration of historical political influence pursuant to the criterion set forth in paragraph (3).

(B) A petitioner shall be considered to have provided sufficient evidence of community at a given point in time if evidence is provided demonstrating any one of the following:

(i) More than 50 percent of the members reside in a particular geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent social interaction with some members of the community.

(ii) At least 50 percent of the marriages of the group are between members of the group.

(iii) At least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship or religious organizations, or religious beliefs or practices.

(iv) There are distinct community social institutions encompassing a substantial portion of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations. or

(v) The group has met the criterion in paragraph (3) using evidence described in paragraph (3)(B).

(3)(A) A statement of facts establishing that the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present. Evidence to be relied upon in determining that the petitioner meets this criterion may include one or a combination of the following:

(i) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

(ii) Most of the membership considers issues acted upon or taken by group leaders or governing bodies to be of personal importance.

(iii) There is a widespread knowledge, communication and involvement in political processes by most of the group's members.

(iv) The group meets the criterion in paragraph (2) at more than a minimal level.

(v) There are intragroup conflicts which show controversy over valued group goals, properties, policies, processes or decisions.

(B) A petitioner shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders or other mechanisms exist or existed which:

(i) Allocate group resources such as land, residence rights or the like on a consistent basis.

(ii) Settle disputes between members or subgroups such as clans or moieties by mediation or other means on a regular basis.

(iii) Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.

(iv) Organize or influence economic subsistence activities among the members, including shared or cooperative labor.

(C) A group that has met the requirements in paragraph (2)(B) at a given point in time shall be considered to have provided sufficient evidence to meet this criterion at that same point in time.

(4) A copy of the petitioner's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

(5) A list of all current members of the petitioner including each member's full name (and maiden name, if any), date and place of birth, and current residential address, as well as a copy of each available former list of members based on the petitioner's own defined criteria, and a statement describing the methods used in preparing those lists. The membership must consist of individuals who have established descendancy from an Indian group which existed historically or from historical Indian groups which combined and functioned as a single autonomous entity. Evidence of tribal membership required by the Commission includes (but is not limited to)—

(A) descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

(B) State, Federal, or other official records or evidence identifying present members of the petitioner, or ancestors of present members of the petitioner, as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity;

(C) church, school, and other similar enrollment records identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity;

(D) affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity; and

(E) other records or evidence identifying present members or ancestors of present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(c) EXCEPTIONS.—A petition from an Indian group which can demonstrate by a preponderance of the evidence that it was, or is the successor in interest to, a—

(1) party to a treaty or treaties;

(2) group acknowledged by any agency of the Federal Government as eligible to participate in the Indian Reorganization Act of 1934 (25 U.S.C. 461 et seq.);

(3) group for the benefit of which the United States took into trust land or lands, or which the Federal government has treated as having collective rights in tribal lands or funds; or

(4) group has been denominated a tribe by Act of Congress or Executive Order, shall be required to establish the criteria set forth in this section only from the date of that Federal action to the present.

SEC. 6. NOTICE OF RECEIPT OF PETITION.

(a) PETITIONER.—Within 30 days after a petition is submitted or transferred to the Commission under section 5(a), the Commission shall send an acknowledgement of receipt in writing to the petitioner and shall have published in the Federal Register a notice of such receipt, including the name, location, and mailing address of the petitioner and such other information that will identify the entity who submitted the petition and the date the petition was received by the Commission. The notice shall also indicate where a copy of the petition may be examined.

(b) OTHERS.—The Commission shall also notify, in writing, the Governor and attorney general of, and each recognized Indian tribe within, any State in which a petitioner resides.

(c) PUBLICATION; OPPORTUNITY FOR SUPPORTING OR OPPOSING SUBMISSIONS.—The Commission shall publish the notice of receipt of the petition in a major newspaper of general circulation in the town or city nearest the location of the petitioner. The notice shall include, in addition to the information described in subsection (a), notice of opportunity for other parties to submit factual or legal arguments in support of or in opposition to, the petition. Such submissions shall be provided to the petitioner upon receipt by the Commission. The petitioner shall be provided an opportunity to respond to such submissions prior to a determination on the petition by the Commission.

SEC. 7. PROCESSING THE PETITION.

(a) REVIEW.—(1) Upon receipt of a *documented* petition, the Commission shall conduct a review to determine whether the petitioner is entitled to be recognized as an Indian tribe.

(2) The review conducted under paragraph (1) shall include consideration of the petition, supporting evidence, and the factual statements contained in the petition.

(3) The Commission may also initiate other research for any purpose relative to analyzing the petition and obtaining additional information about the petitioner's status and may consider any evidence which may be submitted by other parties.

(4) Upon request by the petitioner, the Library of Congress and the National Archives shall each allow access to the petitioner to its resources, records, and documents, for the purpose of conducting research and preparing evidence concerning the status of the petitioner.

(b) CONSIDERATION.—(1) Except as otherwise provided in this subsection, petitions shall be considered on a first come, first served basis, determined by the date of the original filing of the petition with the Commission, or the Department if the petition is one transferred to the Commission pursuant to section 5(a). The Commission shall establish a priority register including those petitions pending before the Department on the date of enactment of this Act.

(2) Petitions that are submitted to the Commission by Indian groups that meet one or more of the requirements set forth in section 5(c) shall receive priority consideration over petitions submitted by any other Indian group.

SEC. 8. PRELIMINARY HEARING.

(a) IN GENERAL.—Within 60 days after the receipt of a petition by the Commission, the Commission shall set a date for a preliminary hearing. At the preliminary hearing, the petitioner and any other concerned party may provide evidence concerning the status of the petitioner.

(b) DETERMINATION.—(1) Within 30 days after the conclusion of the preliminary hearing under subsection (a), the Commission shall make a determination either—

(A) to extend Federal acknowledgement to the petitioner; or

(B) that the petitioner proceed to an adjudicatory hearing.

(2) The Commission shall publish the determination in the Federal Register.

(c) INFORMATION TO BE PROVIDED PREPARATORY TO AN ADJUDICATORY HEARING.—(1) If the Commission determines under subsection (b) that the petitioner proceed to an adjudicatory hearing, the Commission shall—

(A) make available its appropriate evidentiary records to the petitioner to assist the petitioner in preparing for the adjudicatory hearing, and shall also include such guidance as the Commission considers necessary or appropriate to assist the petitioner in preparing for the hearing; and

(B) within 30 days after the conclusion of the preliminary hearing under subsection (a), notify the petitioner in writing, which notice shall include a list of any deficiencies or omissions on which the Commission relied in making its determination.

(2) The list of deficiencies and omissions provided under paragraph (1)(B) shall be the subject of the adjudicatory hearing. The Commission may not add to this list once it is issued.

SEC. 9. ADJUDICATORY HEARING.

(a) IN GENERAL.—Within 180 days after the conclusion of the preliminary hearing, the Commission shall afford the petitioner described in section 8(b)(1)(B) an adjudicatory hearing. The hearing shall be on the list of deficiencies and omissions provided under section 8(c)(1)(B) and shall be conducted pursuant to section 554 of title 5, United States Code.

(b) TESTIMONY FROM STAFF OF COMMISSION.—The Commission may require testimony from its acknowledgement and research staff or other witnesses. Any such testimony shall be subject to cross-examination by the petitioner.

(c) EVIDENCE BY PETITIONER.—The petitioner may provide such evidence as the petitioner deems appropriate.

(d) DECISION BY COMMISSION.—Within 60 days after the end of the hearing held under subsection (a), the Commission shall—

(1) make a determination as to the extension or denial of Federal acknowledgment to the petitioner;

(2) publish its determination under paragraph (1) in the Federal Register; and

(3) deliver a copy of the determination to the petitioner, and to every other interested party.

SEC. 10. APPEALS.

(a) IN GENERAL.—Within 60 days after the date the Commission's decision is published under section 9(d), the petitioner may appeal the determination to the United States District Court for the District of Columbia.

(b) ATTORNEY FEES.—If the petitioner prevails in the appeal described in subsection (a), it shall be eligible for an award of reasonable attorney fees and costs under the provisions of section 504 of title 5, United States Code, or section 2412 of title 28 of such Code, as the case may be.

SEC. 11. EFFECT OF DETERMINATIONS.

A determination by the Commission that an Indian group is recognized by the Federal Government as an Indian tribe shall not have the effect of—

(1) depriving or diminishing the right of any other Indian tribe to govern its reservation as such reservation existed prior to the recognition of such Indian group, or as the same may exist thereafter;

(2) depriving or diminishing any property right held in trust or recognized by the United States for such other Indian tribe as it existed prior to the recognition of such Indian group; or

(3) depriving or diminishing any previously or independently existing claim by a petitioner to any such property right held in trust by the United States for such other Indian tribe prior to the recognition of such Indian group.

SEC. 12. IMPLEMENTATION OF DECISIONS.

(a) ELIGIBILITY FOR SERVICES AND BENEFITS.—(1) Subject to paragraph (2), upon recognition by the Commission that the petitioner is an Indian tribe, the Indian tribe shall be eligible for the services and benefits from the Federal Government that are available to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States, as well as having the responsibilities and obligations of such Indian tribes. Such recognition shall subject the Indian tribes to the same authority of Congress and the United States to which other federally recognized tribes are subject.

(2) Recognition of the Indian tribe under this Act does not create an immediate entitlement to existing programs of the Bureau. Such programs shall become available upon appropriation of funds by law. Requests for appropriations shall follow a determination under subsection (b) of the needs of the newly recognized Indian tribe.

(b) NEEDS DETERMINATION.—Within 6 months after an Indian tribe is recognized under this Act, the appropriate area offices of the Bureau and the Indian Health Service shall consult and develop in cooperation with the Indian tribe, and forward to the respective Secretary, a determination of the needs of the Indian tribe and a recommended budget required to serve the newly recognized Indian tribe. The recommended budget shall be considered along with recommendations by the appropriate Secretary in the budget-request process.

SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S ACTIVITIES.

(a) LIST OF RECOGNIZED TRIBES.—Not later than 90 days after the date of the enactment of this Act, and annually on or before every January 30 thereafter, the Commission shall publish in the Federal Register a list of all Indian tribes which are recognized by the Federal Government and receiving services from the Bureau of Indian Affairs.

(b) ANNUAL REPORT.—Beginning one year after the date of the enactment of this Act, and annually thereafter, the Commission shall submit a report to the Committee on Natural Resources of the House of Representatives and to the Committee on Indian Affairs of the Senate a report on its activities, which shall include at a minimum the following:

(1) The number of petitions pending at the beginning of the year and the names of the petitioners.

(2) The number of petitions received during the year and the names of the petitioners.

(3) The number of petitions the Commission approved for acknowledgment and the names of the acknowledged petitioners.

(4) The number of petitions the Commission denied for acknowledgement and the names of the petitioners.

(5) The status of all pending petitions and the names of the petitioners.

SEC. 14. ACTIONS BY PETITIONERS FOR ENFORCEMENT.

Any petitioner may bring an action in the district court of the United States for the district in which the petitioner resides, or the United States District Court for the District of Columbia, to enforce the provisions of this Act, including any time limitations within which actions are required to be taken, or decisions made, under this Act and the district court shall issue such orders (including writs of mandamus) as may be necessary to enforce the provisions of this Act.

SEC. 15. REGULATIONS.

The Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions and purposes of this Act. All such regulations must be published in accordance with the provisions of title 5, United States Code.

SEC. 16. GUIDELINES AND ADVICE.

(a) GUIDELINES.—No later than 90 days after the date of enactment of this Act, the Commission shall make available suggested guidelines for the format of petitions, including general suggestions and guidelines on where and how to research required information, but such examples shall not preclude the use of any other format.

(b) RESEARCH ADVICE.—The Commission, upon request, is authorized to provide suggestions and advise to any petitioner for his research into the petitioner's historical background and Indian identity. The Commission shall not be responsible for the actual research on behalf of the petitioner.

SEC. 17. ASSISTANCE TO PETITIONERS.

(a) GRANTS.—(1) The Secretary of Health and Human Services may award grants to Indian groups seeking Federal recognition to enable the Indian groups to—

(A) conduct the research necessary to substantiate petitions under this Act; and

(B) prepare documentation necessary for the submission of a petition under this Act.

(2) The grants made under this subsection shall be in addition to any other grants the Secretary of Health and Human Services is authorized to provide under any other provision of law.

(b) COMPETITIVE AWARD.—Grants provided under subsection (a) shall be awarded competitively based on objective criteria prescribed in regulations promulgated by the Secretary of Health and Human Services.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There are authorized to be appropriated for the Commission for the purpose of carrying out the provisions of this Act (other than section 15 *17*), $1,500,000 for fiscal year 1996 and $1,500,000 for each of the 12 succeeding fiscal years.

(b) SECRETARY OF HHS.—There are authorized to be appropriated for the Administration for Native Americans of the Department of Health and Human Services for the purpose of carrying out the provisions of section 17, $3,000,000 for each fiscal year.

□ 2040

CAPITAL BUDGETING AND ITS RELATION TO THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the Gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, tonight what I would like to discuss is capital budgeting an its relation to the balanced budget amendment of the Constitution, for one of the amendments that will be on the floor tomorrow will be the amendment that I appreciate the Committee on Rules making in order, my amendment, the Wise amendment, that says that the budget must be balanced by the year 2002. It takes Social Security off budget, and it puts in place capital budgeting for physical infrastructure. A real mouthful. What does it mean? It simply means that it permits that kind of investment that produces much more economic return than it costs. It permits investment to be included in any kind of balanced budget approach.

It recognizes there is a difference between the dollar that you spend for consumption and the dollar you spend for investment. I call this the family budget amendment, because what it does is to recognize what the American family does. The American family sits down at its kitchen table every month to balance the checkbook and it writes out checks for the heating bill, the food bill, the doctor, whatever that consumption, and also those investments that the family made because it was important for the family to be able to grow in the house, the investment for the car, and the investment for the college education.

What is the significance of capital budgeting? I have two charts that I think tell this story well. What we are talking about here is being able to account for our infrastructure, our roads, our bridges, our highway systems, our airports, our water and sewer systems, those things that make us grow, to account for them in the same way every State and business does.

What is it important? The first chart, I think, bears this out. Studies are now showing, and these studies are now showing and particularly from Dr. David Aschaur, that there is a direct correlation between productivity increases and capital budgeting and infrastructure investments.

Because the United States has not been investing at the same rate that it once did in its roads, its bridges, its infrastructure, its productivity has been essentially a flat line of 1 percent growth a year since the year 1978. And yet look what has happened to Canada, Italy, France, and Japan who are all investing far more in relation to their gross domestic product that the United States. The United States is investing somewhere around 1 percent, and it sees about a 1 percent productivity gain a year. Japan has consistently invested 4 to 5 percent, and it sees a corresponding productivity increase.

Incidentally, Japan, with half the population and about 60 percent the size of economy of ours, has productivity growth far exceeding.

The next chart, I think, is also important. It shows it a little differently. These are all different countries, and it shows the percent of gross domestic product that they put into their public infrastructure, and then it also shows growth of those economies, and once again, you see the United States a flat line relative to all the other nations, and so you can see the more you invest in your infrastructure the more return you get in productivity which means your economy grows, your payrolls grow, your jobs grow.

We do not have that system here. What I am asking for in this balanced budget amendment is that we recognize investment, that we recognize investment in physical infrastructure, that we recognize what all of these other nations do, and that we create an incentive for investment.

People do not want the balanced budget amendment simply to cut a deficit and yet at the same time leave us in bankruptcy. What they want is a balanced budget amendment to bring us to truly end our deficit but at the same time to do it so that we are a growing economy.

You cannot do it if you are going to shut off this kind of investment. And so what we will do with our balanced budget amendment is to say Social Security is off budget, and most importantly, capital investment will be recognized for physical infrastructure, not for other things. It is not a grab bag you can count your way out of any problem, but for physical infrastructure only, highways, roads, bridges, airports, water, and sewers, buildings, those kinds of things.

In the domestic budget, discretionary budget, $60 billion roughly goes to capital investment. That is nondefense. If you choose to include defense in there as well, the battleships and those things that protect us, aircraft carriers, the fighters and so on and amortize them over the life of the asset, then you are talking about another $60 billion, but I think you are talking about something else as well.

Right now there is a disincentive, strong reasons not to do this kind of investment, because it is not rewarded in our Federal accounting system.

Under our budget amendment, it is rewarded. It is recognized. Is this something radical, different? Please check every State. We say we want to model this after the States as well as the families. Please check every State. You will find every State has a capital budget. The United States can do the same.

NUTRITION AND THE FAMILY-FRIENDLY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. Clayton] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, there is much talk in this House about this being a family-friendly Congress. What constitutes a family-friendly Congress. Is it just that we are given a schedule which allows us time to spend with our families? This of course is very important to all of us. But as leaders we have the responsibility of also being friendly to the families which we represent. In being friendly to these families, we should be able to ensure them that they will be given the option of meeting their basic needs—such as clean water to drink, fresh air to breathe, and food to eat. During the recent debates on the unfunded mandates, we have discussed in great detail the clean water and fresh air issues. It is now time to focus our attention on nutrition.

I believe that we have come to a consensus on both sides of the aisle that our current welfare system needs major reform. But reform should be directed at moving people out of poverty—not into poverty. The President said on last evening, we need a lean but not mean government. It should not mean cutting nutrition programs which are essential to the well-being of million of our citizens—the disadvantaged, our children, our elderly and the disabled. These are the groups of people who in many instances cannot fend for themselves and need assistance for their basic existence. They are not asking for much—just a little sustenance to help them through the day—to keep their children alert in class or help the adults be productive on their jobs. I am speaking specifically of the nutrition programs which in many cases provide the only nutritious food many of our Nation's poor receive daily. We are all aware that poor nutrition breeds poor development in children and low productivity in adults. I am not necessarily speaking of the homeless population—I am speaking of those people who, although they are working, are still struggling to make ends meet—and cannot afford to feed their families—one-fifth of families receiving food stamps are working families who have gross incomes below the poverty level. Aren't these people suffering enough? Can we in good conscience say to these citizens that feeding your family is not important to the Members of Congress.

Currently the Food Stamp Program serves over 27 million people in the United States—over half of them are children—51 percent. Seven percent are elderly. The program allows only 75 cents per person per meal—75 cents per person per meal—when was the last time you were able to buy a 75 cent lunch in the cafeteria? Have you noticed the price of a McDonald's happy meal lately? Not even a happy meal for the kids. Are we saying that the Federal Government can't afford to buy a hungry child lunch?

It is essential that we continue these nutritional programs. The School Breakfast Program as we know it today provides a child with one-fourth of the daily recommended dietary allowance. The School Lunch Program—which serves over 13 million children—provides about one-third or more of the daily recommended dietary allowance for children. These nutritional programs have standardized dietary allowance by the Federal Government. If we remove the Federal Government's input, it will be up to each State to set dietary standards for their program. This could mean 50 different sets of standards to feed our Nation's children. Is it fair to expect the States to maintain these nutrition programs and still feed hungry children when in fact they will receive a reduction in Federal assistance? We will be asking them to do more with less.

Over the past several days, I have received a great number of letters from elderly constituents in my congressional district. They ask only one thing—please do not eliminate the meal programs which serve the elderly population—such as the Meals on Wheels Program.

□ 2050

These programs are funded through the Older Americans Act and are not considered welfare programs. Yet these programs are being considered in the welfare reform package and to be block grant to States. Great reductions are proposed.

It is apparent that nutrition is essential for people to be productive members of their communities. Malnutrition, or undernutrition, will only promote poor health and productivity problems—as well as social problems. Let's face it, people will do whatever is necessary to feed their children.

Again, I agree that the welfare system needs reform. But why cut programs that are working. We can't lay the blame of an unbalanced budget solely on the cost of these programs since less than 3 percent of the budget is targeted for feeding the hungry. And statistics indicate that for every dollar spent on WIC, between $2 and $4 are saved in health care costs. As for the elderly, it is a fact that a hospital stay for a malnourished senior citizen may double in comparison to a well-nourished senior—inflating the cost to Medicare an additional $2,000 to $10,000 a day.

I come from a very rural, very poor district. Making cuts in these nutrition programs will certainly be adverse to my district, and to many of my constituents.

Let's stop picking on our elderly—let's stop picking on the children—let's stop picking on the poor—let's make some cuts, sure, but let's make them to the people who can afford them—not by taking food out of the mouths of children and senior citizens.

The Republican welfare reform really goes too far to deny poor children and senior citizens from a needed healthy meal.

IMMIGRANTS AND THE NUTRITION BLOCK GRANT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

Mr. BECERRA. Mr. Speaker, I too would like to speak on the issue of welfare reform and specifically the legislation proffered by the majority party in the Contract on America, H.R. 4. I want to rise today to voice my concerns with that portion of H.R. 4 which talks about block granting all the nutrition programs that currently exist to provide assistance to our young children in this country who are unfortunate enough to be poor.

H.R. 4 calls for the elimination of all the Federal food assistance programs, which would include WIC, food stamps, and school lunches. It would clump all of them together in a block grant at substantially reduced funding levels. Reduced funding levels will lead to fewer people being served and also will not take into account the increased need for food assistant program during economic downturns.

As hard as it may be to believe, this is not the only disconcerting aspect of H.R. 4. This bill not only proposes to limit funds provided for nutrition, it also intends to cut off immigrants, legal immigrants from the very start of any program. No service or assistance to legal immigrant children, even though their parents are here at the invitation of this country, even though these parents pay every single same tax that American citizens pay and even though these parents are obligated and do serve in our military in time of war. All responsibilities are there for the parents of these legal immigrant children. Yet the services paid for in part by the tax dollars of these legal immigrant parents would not be there for these children.

Though they receive less attention, the immigrant children, in this whole debate on welfare reform, the provisions of H.R. 4 which deal with immigrant eligibility for Federal benefits need to have clarity. H.R. 4 would completely withdraw the safety net from nearly all legal immigrants, immigrants, as I said before, who came to this country with every right to be here because they were told by this country that they could come in.

Sixty programs would be eliminated from participation of immigrants and their children. Immigrants would be barred from all of the major Federal programs for job training, human investment, as well as those that provide nonemergency health care, housing, nutrition, cash assistance for women, children, seniors, and persons with disabilities.

This means, for example, a 6-month-old baby who came here with his mother would be ineligible for basic vaccinations.

A 7-year-old legally present in the United States would be denied foster care and adoption assistance upon the death of her parents.

A 23-year-old woman legally present in the United States, forced from her home in flight from an abusive husband, would be denied job training, child care, and other services coordinated by a battered women's shelter.

A 35-year-old man granted political asylum here after fleeing torture in his native land for his religious beliefs would be ineligible to receive canned goods from the food bank run by his local church.

A 60-year-old woman who emigrated legally when she was 15 years old and who has worked in the United States all of her life would be rendered ineligible for Medicaid to treat her dangerous heart condition.

These things would occur because this is where the new majority party thinks it could find so-called savings. In fact, the savings which result from denying benefits to legal immigrants represents less than 3 percent of the 5-year budget of the affected programs.

I strongly support a reappraisal of our welfare system and Government spending. However, in this case, it seems that a great number of people would be hurt for an almost insignificant financial gain.

What is the practical application of H.R. 4's restriction? How would this work in the following scenarios, for example? Looking at school breakfast and lunch, a brother and sister whose parents have recently become unemployed begin their school year.

Will the brother, who was born in this country, be eligible for a subsidized lunch while his sister, born in Russia, will be ineligible because she is not yet a citizen?

Will poor immigrant children be further stigmatized because their family cannot afford lunch money for their kids? Will they stay out of the lunchroom altogether because they are embarrassed because they are immigrants?

Is this constitutional? Based on the Supreme Court decision in Plyler versus Doe, immigration status is irrelevant when the right to education is considered. Following World War II, Congress approved the National School Lunch Act as a measure of national security to safeguard the health and well-being of our Nation's children.

I think it becomes clear, Mr. Speaker, to say it makes no sense to deny these children the basic benefits, and I would hope that we would reevaluate H.R. 4.

Mr. Speaker, further, the Child Nutrition Act of 1966 was enacted "in recognition of the demonstrated relationship between food and good nutrition in the capacity of children to develop and learn." Is the health and well-being of our children no longer an issue of national security? Is there some new evidence disproving the relationship between nutrition and learning? Is it the intent of H.R. 4 to change our Constitution?

Looking at the Women Infants and Children Program [WIC], which provides coupons for food staples such as milk and eggs to very poor pregnant women to meet basic nutritional needs, we find that through WIC:

Medicaid costs were reduced on average about $12,000 to $15,000 per infant for every very low birthweight baby.

On the initial investment, total saving in health and education related expenditures over the 18 years of life of WIC children amounted to over $1 billion.

Setting aside the issue of humanity for a moment, are we willing to incur these huge debts just because immigrants have become unpopular? The WIC Program has proven itself over and over again; why stop the savings we know we can accrue?

Are we willing to deny a pregnant woman who is a legal immigrant—whose child will be a citizen at birth—the benefits of the WIC Program? Are we willing to all but guarantee the birth of a low birthweight citizen?

And as for emergency food aid, are we willing to say that a legal immigrant who is disabled on the job and becomes unemployed can't go to a soup kitchen?

In recent days, there have been reports that the Republicans may resolve the matter by allowing individual States to decide whether their noncitizen residents will be barred from aid. A Republican Member was quoted as saying, "We should not be mandating to the States how they should best decide who they consider most deserving and most in need of social assistance." What do you suppose would have happened if there had never been a Brown versus Board of Education Supreme Court decision? Do we now value one person in this country more than another? What message does this send to legal immigrants? Why should they feel less worthy than any other individual?

Why should one baby born to a law-abiding mother not get benefits when another baby will? We cannot begin this debate by stigmatizing a whole group of people who certainly do not deserve it. Welfare reform is supposed to be about fixing the system and giving people a chance to succeed. Let's not get confused and try to balance the budget on the backs of immigrants.

The Senate has said it will not pass legislation which would cut off benefits to noncitizen immigrants. I think this is the only option we have before us. I encourage all Members to reject a proposal that has at its base a return to segregation; but this time it is segregation where one group of people is stigmatized, discriminated against, and denied access to programs simply because the people—regardless of how responsible and committed to this country they may be—were not born in this country.

Mr. HALL of Ohio. Mr. Speaker, the Republican proposal to block grant current Federal nutrition programs such as WIC, Food stamps, and the School Breakfast and Lunch programs is a terrible mistake. The proposed block grant will shift the responsibility to the states without providing adequate funding and will hurt America's most vulnerable, the children and elderly.

Mr. Speaker, everything in government is not broken. These programs were started in response to documented problems of malnutrition in the United States. These programs have a proven track record—they have improved the nutrition and health of low-income people in this country. Food stamp benefits across the country are tied to the cost of a modestly-priced nutritious diet sufficient to sustain an active, health life. The key components of WIC include food packages tailored to specific nutrition requirements, nutrition education, health care referrals, and immunization screening. The Child Nutrition programs contain standards that ensure that school meals served to America's children meet certain nutritional requirements. These programs serve as an important safety net for low-income families, especially working families with children.

In an effort to cut government spending and deliver on their elected promise to downsize the federal government, the Republicans have targeted an easy, non-voting population—America's poor and hungry children. Their proposed block grant would result in a reduction of at least 30 billion over the next five years. Their proposed block grant would also set a cap on annual appropriations in years to come. Anti-hunger programs would be subject to political whim and could never be adjusted for changes in unemployment, poverty, school enrollment or to respond to natural disasters like the recent flooding in California. While we are experiencing an economic recovery today—only those with a crystal ball can predict what will happen tomorrow.

Most of the larger anti-hunger programs—including food stamp, school lunch, and school breakfast programs are entitlements. This means the programs provide benefits to any low-income household or child who applies and meets the programs' eligibility conditions. These programs expand during recessions as unemployment rises and the number of low-income people qualifying for food stamps and free school meals grow. This funding structure has proved crucial to the success of these programs in reducing hunger in the United States. The proposed block grant will threaten their success.

These federal nutrition programs serve as an important safety net for low-income families and children. In Ohio, our food stamp and school lunch programs serve almost one million children. If this block grant passes, Ohioans and Americans will wind up paying the price in higher health care costs, larger social service budgets, and ultimately in adults ill-equipped to contribute productively to an economy that demands highly skilled and versatile workers.

Mr. Speaker, children are one of my highest priorities. The School Lunch Program provides school children with one-third or more of their Recommended Dietary Allowance [RDA] for key nutrients. The School Breakfast Program provides children with one-fourth or more of their RDA for key nutrients. The Food Stamp program increases the nutritional quality of diets of the 14 million children that live in households that are poor. Five million children receive meals in the summer when school is not in session. These programs cannot be removed without serious negative consequences to our childrens' health.

There have been so many studies that link the detrimental effects of undernutrition on a child's ability to learn. Undernutrition impacts the behavior of children and their school performance. Undernutrition results in lost knowledge, brain power and productivity for the nation. The longer and more severe the malnutrition, the greater the likely loss and the cost to our country. Hungry children are 2 to 3 times more likely than other children to suffer from health problems such as anemia, headaches and an inability to concentrate—problems that make these children fail in school and become inadequately prepared for the job market. We can't in good conscience be unmoved when children go to bed hungry at night and without these programs, millions of children will go hungry because they are not getting enough to eat anywhere else.

Those who support the block grant claim that the proposal protects WIC and brings it to full funding. This is not accurate. To the contrary, the proposal poses serious dangers for WIC and the purposes it serves. Specifically there is no requirement that block grant funds be spent on WIC nor is there any requirement that WIC even be maintained as a program rather than be dismantled. The proposal actually contains a provision that creates an incentive for states to reduce or end WIC. WIC links food assistance and nutrition education with essential maternal and child health services. WIC functions as a magnet, drawing low-income women and children to health clinics where they receive prenatal and pediatric care and immunizations, as well as WIC benefits. WIC is good for the American people.

Historically, there has been bi-partisan support for these programs in both houses because those families with our anti-hunger programs know these programs as cost-effective. We know that for every dollar spent on WIC, we save between $2–$4 in health care costs in the future. The General Accounting Office estimated that in 1990 WIC benefits saved $740 million in health and special education expenditures. Total savings in health and education-related expenditures amount to over $1 billion for children through18 years of life who participated in WIC during early childhood. Our solutions need to be results oriented and move the participants out of poverty. It makes good economic sense to invest in programs that work so we don't pay more later.

Some reformers want us to send the problem of hunger to the States and hope the problem goes away. Well it won't. Block granting these programs does not make the problem go away, it simply shifts the responsibility to the states, without providing adequate funding. States could be forced to create waiting lists for food assistance or cut the amount given to each recipient.

The block grant funding levels would not automatically respond to increases in poverty during recessions, increases in school enrollment that result in more children needing school lunches and breakfasts, or increases in the number of low-income children enrolled in child care institutions and needing meals at these institutions. School enrollment is projected to rise in coming years. Child care enrollment also is expected to increase as more women are moved from welfare to work and the entry of mothers into the labor force continues. Continuing to invest in programs that work is a proven way to reduce the welfare rolls in the future.

Mr. Speaker, it is time to put aside the politics and start concentrating on people. Let us continue the bi-partisan spirit that has helped poor and hungry children over the last thirty years.

Let us continue the bi-partisan support of programs that work. I challenge my friends on the other side of the aisle to weigh the value of these programs rather than make quick decisions in the name of downsizing federal government. It is time to end childhood hunger, not successful nutrition programs that feed hungry children.

Mr. MARTINEZ. Mr. Speaker, I rise today in support of the elderly and the millions of Americans, most of them children, who rely on the various nutrition programs funded by the local, State and Federal Governments.

Our friends on the other side of the aisle would have us believe that these nutrition programs are welfare and should be included in welfare reform.

Further, they indicate that these programs are overlapping, and that there is no need for several separate programs at the Federal level.

So they propose that these programs all be consolidated into a block grant to the States.

Then they take the next step—they would remove all nutrition guidelines currently in the programs, leaving it to the wisdom of State administrators to develop their own guidelines.

That proposal is wrong-headed from the start.

Federal nutrition programs, such as the School Lunch Program, were not created because of the welfare state.

At the end of World War II, as America looked back on its 5-year effort to rid the world of Nazi tyranny and Japanese aggression in the Pacific, a Republican Congress considered this country's state of readiness to field massive armies to deal with future aggressors.

Review of military physical records disclosed an alarming fact—many of the Nation's young potential recruits were barely able to pass selective service physicals—because of the effects of poor nutrition during their maturing years.

It was because of the necessity to ensure that future calls to arms would find healthy young people available to serve the Nation in time of war that the Congress developed the National School Lunch Program.

The program provided assistance to the Nation's local elementary and secondary educational schools with one purpose in mind—to ensure that the children attending those schools received at least one fully nutritious meal every school day, and, in cases where the child could not afford to pay for the meal, he or she received it at reduced or no cost.

So this was not created as a welfare program, and it is not a welfare program now—it is a program that enables the Nation to be more sure that its children will grow up healthy.

What are the direct economic costs of eliminating that program—let me list a few:

Our already out of control medical costs will increase as people age with a history of poor nutrition as children.

Studies confirm something we have known for over 50 years—poor nutrition as a child leads to increased illnesses as an adult.

Our economy suffers from increased employee absences, lower production at the workplace, and increased direct medical costs.

It this Congress removes the school lunch program direct funding, many school districts will find it impossible to sustain school cafeterias, and will terminate hot school lunch programs, leading to poorer nutrition for all students—and I mean all students—whether rich or poor.

Focused school lunch programs are also good for the economy because the national school lunch industry—and make no mistake about it, it is an industry—from the farmer who produces the milk and other foods, to the former welfare mother who finally landed a job in the cafeteria, and all of the processing, packaging and delivery workers in between will find themselves unemployed.

According to the Agriculture Department a loss of as many as 138,000 jobs.

At the other end of the spectrum we have the nutrition programs for senior citizens funded in part by HHS and the Agriculture Department.

The Federal contribution to senior citizen nutrition programs, along with significant funding by States, localities and private individuals and organizations, provide nutrition to senior citizens in two ways.

Where a senior citizen is homebound, either because of physical frailty, remoteness of the residence, or other cause, and regardless of the economic status of that individual, the nations aging services network can and does provide home delivered meals.

In some localities, this means a volunteer comes to the home every day and prepares the meal, or delivers one that the homebound senior can reheat.

In others, meals are delivered once a week, and the senior or a caregiver prepares the meal on a daily basis.

If the senior citizen can get out of the house, he or she may visit a senior citizen center—either one sponsored by the local area agency on aging or a private group—a church or synagogue, or a senior citizens' association—and join fellow seniors for lunch, and sometimes for dinner.

Where federal funds are used in these programs, no specific charge is made for the meals, although most senior centers solicit contributions.

Seniors of all economic classes are very willing to eat these meals, and 225 million meals were served in 15,000 community nutrition sites all over the United States.

In my discussions with senior citizen groups who operate congregate meal programs, I have often been told that it is in our Nation's poorest neighborhoods that elderly participants contribute the most money in voluntary collection boxes.

Why is this program so important. Because, again as studies over the past few decades have consistently shown, good nutrition among our aging population translates into significant savings in out health care system.

These meals provide highly directed nutrition, and a strong sense of social integration to a population that benefits immediately from those meals.

A healthy senior, who does not feel isolated from society and his or her peers, is active, productive and far less likely to need very expensive medical care or hospitalization.

Studies have shown that for every dollar spent on senior nutrition programs, a direct savings of three dollars in health care costs results.

So, if you want to save Federal dollars, and we all do, make sure you know where the costs are.

Protect the elderly who are responsible for the greatness of our Nation, protect the children who are our future.

Reject the Republican's misguided effort to destroy America's nutrition.

PROPOSED $40 BILLION UNITED STATES LOAN GUARANTEE TO MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, on November 18, 1993, I cast my vote against the NAFTA, not because I oppose free trade; not because I oppose the economic integration of the Western Hemisphere; and not because of the incomplete, albeit substantial, movement toward political and economic reform in recent years in Mexico. No—I cast my vote against the NAFTA because I believed that Mexico as an economy was not prepared to enter an argument of this magnitude with the United States.

I believed then as I believe now, that a more gradual approach toward economic integration, such as that adopted by the then-European Community toward nations seeking membership, is wiser. These nations were required to meet high economic and political standards before enjoying European Community benefits.

The hard-working families of the 13th District of New Jersey, which I represent, do not join exclusive clubs which they cannot afford. They do not buy expensive homes if they can't afford the down payment. They do their sweating at work—not in fancy health spas. These middle class families know their limits.

We should have anticipated the possibility of a peso devaluation. We should have regarded Mexico like the developing economy that it was—not as the developed economy we portrayed.

Many supporters of NAFTA told me that if I were to vote for NAFTA, I would be doing the right and responsible thing. Now they claim that the right and responsible thing is to bail out Mexico.

The value of the Mexican currency, the peso, fell a dangerous 40 percent in just three weeks. In one week alone, American investors withdrew $12 billion dollars from Mexico. But—that's the free market at work.

Our middle class stands to be a big loser in this deal. Of the billions of dollars pumped into Mexico in the wake of NAFTA, many were invested by U.S. speculators who sent to Mexico the hard-earned dollars of middle class families in the form of mutual or pension fund investments.

With the passage of NAFTA, we created a speculative environment in which middle class investors, the mom and pop investors so vital to Wall Street brokers, were led to believe that investing some of their hard-earned life savings on emerging Mexico was a safe bet. But billions of dollars later, we know it's not.

Now the United States proposes to act as a lender of last resort to salvage the Mexican economy. But will this bailout really help? Even the most ardent NAFTA supporters have their doubts. Listen to avid NAFTA backer, Wesley Smith of the Heritage Foundation: "This takes real pressure off the Mexican Government to make substantive changes." James K. Glassman of the Washington Post agrees that the loan guarantees may provide a disincentive for reforms in Mexico. Like parents who are too lenient with a rebellious adolescent, we may be encouraging misbehavior in the future. We may be helping the speculators who poured money into Mexico, but harming the prospects there for economic and political reform. I have serious doubts as to whether the Administration's proposals will win my support.

If the United States is going to be generous as a lender of last resort, then it is appropriate that we ask Mexico to be a first-rate client. The administration must insist on assurances that would make the loan guarantee effective:

The money that the United States guarantees must only be used for what it is intended: to pay the debts on short-term Mexican bonds.

If we are going to bail out speculators, then we should protect middle class Americans by reporting to the American people through this legislation the losses they incurred through mutual or pension funds invested in Mexico.

The billions in oil revenues that Mexico earns annually must be used as collateral should the Mexican Government default.

The Mexican Government should accelerate and broaden its privatization program.

The Mexican Government should continue the political, economic, and social reforms that it requires if it is to achieve long-term stability.

And by the way, none of this money should be used to prop up the 36 year Cuban dictatorship of Fidel Castro, who has recently benefited from generous Mexican investments, debt forgiveness, and debt-for-equity swaps. No Mexican foreign assistance, nor any investments sustained by United States credit lines, should go to Cuba's oppressors—neither from the Mexican Government nor any of its banks or state-related companies. Not one red cent.

This crisis is about speculation. It is about the speculative environment created by those who supported NAFTA without the appropriate safeguards. That speculative environment has led to the loss of billions of United States dollars invested by hard-working American families who put their savings in mutual funds and pension funds investing in Mexico. It is time to bring a reality check to the risks of the emerging markets and to the joys of the good old U.S. Treasury and blue chip stocks.

□ 2100

NUTRITION PROVISIONS IN THE PERSONAL RESPONSIBILITY ACT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Missouri [Mr. CLAY] is recognized for 5 minutes.

Mr. CLAY. Mr. Speaker, I rise to oppose the provisions in the Personal Responsibility Act which contains a food assistance block grant.

The child nutrition provisions in the Personal Responsibility Act will completely eliminate the National School Lunch Program as it has existed since 1946. The Personal Responsibility Act would combine a set of Federal food assistance programs—including food stamps, school lunch, school breakfast, the WIC Program, elderly nutrition, and the Emergency Food Assistance Program [TEFAP] into a single block grant to States, with a reduction in overall funding for the programs. The House Republican Conference has estimated that the 4-year reduction in funding as compared with current law would be $11 billion. Probably a more accurate reduction is $17.5 billion as projected by the center on budget and policy priorities.

There are many reasons why I oppose the block grant method for the distribution of funds:

Historically, when Federal funds have been left to the discretion of a few, they have not been distributed to the most impoverished or the ones in need the most. Giving States carte blanche authority does not guarantee that Federal funds will be used to address the national needs that Congress has identified.

By definition, block grant programs do not require that specified programs are provided for specifically targeted populations. Reporting and evaluation requirements for most block grants are so limited that information about program participation levels, implementation and effectiveness is not sufficient to provide guidance for continued funding of the programs.

Even though education is administered through 50 States and over 15,000 local educational agencies [LEA's], and conditions do differ among States and LEA's, certain identifiable national problems are of sufficient importance to merit special Federal programs.

For these and other reasons, I ask my colleagues to oppose this movement to combine nutrition programs into a block grant.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. FORBES] is recognized for 60 minutes as the designee of the majority leader.

WHY I SUPPORT THE BALANCED BUDGET AMENDMENT

Mr. FORBES. Mr. Speaker and Members of the House, I rise today in support of the Contract With America's version of the balanced budget amendment that requires a three-fifths vote of this body in order to raise taxes. It is the most responsible proposal on the table for bringing down our national debt and applying discipline against this Nation's outrageous spending programs.

I support the tax limitation amendment because I agree with President Reagan who so often reminded us that the problem is not that the government spends too little. It is that the American people are taxed too much.

The budget must be balanced, and it must be balanced by cutting spending, not by raising taxes.

On election day, Mr. Speaker, the people in my area on Long Island and the rest of the country spoke loud and clearly. They sent me and my new colleagues in the freshman class—in fact they sent all of us here to Washington with a very specific mission, to end business as usual. No more raising taxes, no more reckless spending, no more of the arrogance and the double standards that have plagued this distinguished body and that have punished this country for the past half century. My neighbors on eastern Long Island want Members of Congress, and in fact all of Washington, to start acting like so many families have to act, with responsibility for our actions and a good dose of common sense in our decisions. But the people's call for responsibility was not an angry and hysterical demand for change of any sort. On the contrary, Mr. Speaker, it was a very specific endorsement of a very particular set of policies.

The Contract With America is a study in middle class values, and ideas and goals that can bring our government, once and for all, under control and restore fiscal integrity across this Nation, and the notions contained in the Contract With America, to the chagrin of many of my Democratic colleagues, have been embraced by the people whom we have the privilege and the obligation to serve, and key to our contract with the people is a tax limitation balanced budget amendment, a call to live within our means, a demand to keep our books in order. It is a reasonable, common sense request that simply requires that we will not spend more money than we have.

But after listening to so much of the discourse today, and as we will listen tomorrow, I am shocked that so many people in this body still do not quite get it. Some people think that it is OK for Congress to go on spending more money than we take in and to spend money faster than it is printed while too many middle class families, who we are supposed to champion, are at home struggling to try to meet basic needs, while parents at home in my area in Medford, and Speonk, and Montauk, and Smithtown, are working sometimes two, and three, and even four jobs to meet their monthly obligations, to try to put money aside to send their children to college. This body has routinely voted to mortgage their children's future with reckless spending programs that have left us with a $4.7 trillion debt.

Now let us be absolutely clear about what this means. Congress has spent $4.7 trillion and never had the money to back it up. That is a pretty bad credit rating in my book, and in the book of most of America's families, and in the credit book of most of America's businesses. Decency, responsibility and basic fairness all demand that we balance the budget and that we do it without raising taxes, but so does the law of economics. A higher deficit is proof positive of fiscal irresponsibility.

□ 2110

It leads to higher long-term interest rates, that in turn decrease investment and economic expansion. The effect on our country's small business community is devastating.

Let me quote from a letter that is circulating here from the U.S. Chamber of Commerce, the largest representative of our Nation's small businesses. The Chamber of Commerce writes to each Member of this House,

> Perhaps more than any other sector of the American economy, small businesses have felt the effects of Federal fiscal mismanagement and inefficiencies. Large and growing Federal deficits reduce savings and investment, stymie income and job growth, and reduce our overall standard of living. They ultimately lead to increased taxes, higher interest rates, and reduced global competitiveness.

The bottom line is obvious. We must balance the budget, and we must do it without raising taxes, and we must start today.

We owe it to the American people to start behaving like grownups. But just deciding to balance the budget is one thing. Actually doing it is quite another, as we are finding out, and it is a much more difficult task. But time after time, this House has attempted to rein in spending and pare down the deficit.

Some of us will remember that 10 years ago here in Washington, an innovative creation came to the floor, it was called Gramm-Rudman-Mack. And it was a good effort to slow the growth in Federal spending, and it followed years and years and years of promises to rein in Federal spending and get toward a balanced budget. And Gramm-Rudman worked for a few years, until it was gutted in the 1990 budget deal.

Likewise, the Kasich-Penny budget cuts were a courageous proposal to reduce spending, but they too were rejected because the choices were just too tough for a body that lacks the discipline and the political courage to make them work.

A balanced budget amendment to the Constitution that includes real tax limitation is the only way of imposing discipline upon Congress that it needs to get the job done. Too much time has been spent hoping and talking and breaking promises and waiving the rules. And all that time the debt has continued to soar.

The reason I think it has been so difficult for measures like Gramm-Rudman and Kasich-Penny to succeed is because it is difficult to cut spending, and it is difficult to say no to powerful lobbyists and concentrated special interests that permeate this town. But ultimately, cutting spending is the only responsible way to balance the budget.

Let me be perfectly clear: We cannot, we must not, force the people of this country to pay higher taxes, because we do not have the political will to make the tough choices. And time and time again we have examples that this body has lacked that political will.

Simply put, the budget should not be balanced on the backs of the taxpayers, and that is why I am a strong supporter of the Barton balanced budget tax limitation amendment. The Barton amendment's 60 percent supermajority is the strongest defense we have against the easy route of punishing the taxpayers for this body's spending excesses. It forces Washington to cut spending, to get rid of waste, and to do it all without raising taxes. Not only is raising taxes in order to balance the budget an unfair and irresponsible way to go, it just does not work as well.

The 1990 budget agreement promised to reduce the deficit by $500 billion over five years simply by raising taxes. But now, 5 years later and after lots of pain, our so-called reward for paying higher taxes has not been a lower deficit, has not been a reduced debt. As a matter of fact, precisely the opposite effect has occurred. Since the 1990 budget agreement, the debt has grown by more than $800 billion. And the lesson is simple: More taxes lead to more spending and a higher public debt. More taxes do not balance the budget. They simply rob the American people of their hard-earned dollars.

The solution to this crazy cycle of taxing and spending is the solid tax limitation proposed by the Barton amendment. By requiring 60 percent of the Congress to approve a tax increase rather than a simple majority, we guarantee that tax hikes will not be the solution to a problem that originates on the spending side of the Federal budget.

To quote Milton Friedman in a recent Wall Street Journal editorial, it cannot be emphasized too much that the real burden on the economy is what government spends or mandates others to spend, rather than how much it receives in taxes.

And he is right. Raising taxes can only lead to an increased debt. If we are serious about wanting a balanced budget, if we are serious about wanting to live responsibly and within our means, then we must be serious about opposing any and all tax increases. And the only balanced budget amendment that guarantees that is the Barton balanced budget amendment. That is the original balanced budget amendment in the Contract With America.

The Barton amendment imposes a discipline that this House lacks and that this House has proven time and again it is willing to waive. The economic facts back up the Barton amendment's central theory that too much spending is the cause of the deficit, not insufficient revenues.

Since the 1960's, Federal spending as a percentage of Gross Domestic Product has increased by 5 percent, from less than 18 percent in the sixties, to more than 23 percent in 1995. But at the same time that the rate of government spending has increased so dramatically, the Government's revenue from taxes has actually stayed fairly steady, between 18 and 19 percent. Essentially, while the rate of government spending has increased, the percentage of that spending that the Government pays with tax revenues has stayed the same.

The difference in those two figures is our deficit. These numbers prove that the real cause of the deficit is too much spending, not too few tax dollars. And the Barton amendment is the perfect antidote to this problem. It safeguards the hard earned dollars of America's families from the greedy hand of a bureaucratic government. It makes sure that the taxpayers do not have to subsidize the spending habits of the tax spenders.

The Barton balanced budget amendment will work. Four of the last five major tax increases that this House unfortunately passed did not receive a 60 percent supermajority in the House. If we had had the Barton amendment in place just 2 years ago, President Clinton could never have passed the largest tax increase in this Nation's history.

Opponents of tax limitation say that it goes too far, that it shouldn't be any more difficult to raise taxes than it is to do anything else in this body. To them I respond that holding the line on taxes is one of the most important obligations of this Congress, this new and dynamic 104th Congress. We must do everything that we possibly can to guarantee that the incessant urge of this body to tax is calmed. Tax limitation is not radical, it is necessary. It is right, and it is a proper antidote to the perennial Congressional sickness of taxing and spending. The American people have spoken. More than 80 percent of the hard working men and women of this great country have balanced their own budgets, and they expect us to do the same. It is now our obligation to act.

I am proud to stand with my colleague from Texas and my friends from across this great Nation who have the courage to cut spending and balance the budget without punishing the already overburdened American taxpayer. I urge full consideration of the balanced budget amendment with the tax limitation included.

I yield to the gentlewoman from California [Mrs. SEASTRAND].

□ 2120

Mrs. SEASTRAND. Mr. Speaker, my constituents elected me to do a job, to pass the agenda I campaigned on and to disagree with legislation that is not good for my district. The tax limitation balanced budget amendment is not only good for my district, it is good for my State of California and it is good for America and it is good for our future.

We have the chance to fundamentally change the way Washington operates. Nothing will change Congress more than to force basic budgetary discipline on Washington.

I want to point out a little-noticed fact about the three-fifths balanced budget amendment. What this amendment does is to let the people speak. No one seems to talk about the fact that after Congress passes this amendment, 38 of our 50 states must approve it. We should let the people speak. Since 49 States already operate under a balanced budget requirement, the American people know this balanced budget requirement will work.

If in our personal lives we are required to balance our budgets, if in our business worlds we are required to balance the books, and if States are required to balance their budget, there is no reasons why we cannot have a balanced budget in Washington, DC.

Because the Barton amendment requires a three-fifths supermajority to raise taxes, our budget would be balanced from cutting spending, not from raising taxes on hard-working American families.

I just ask that we support the Barton amendment, the tax limitation balanced budget amendment.

I thank the gentleman for yielding to me.

Mr. FORBES. Mr. Speaker, I yield to the distinguished gentleman from Texas, [Mr. BARTON].

Mr. BARTON of Texas. I thank the distinguished gentleman. I want to thank him for taking this special order this evening on the eve of the most historic day, in my opinion, in the history of the U.S. Congress.

Tomorrow, when we vote on the tax limitation balanced budget amendment, I think there is a tremendous opportunity to put a halt to the spiraling spending spree that this nation has been on at the Federal level the last 30 to 40 years.

I would like to ask the gentleman from New York and perhaps some of our other colleagues that are here to help me in a little exercise, question and answer.

I would first ask the gentleman if he knew the last time we actually had a federal budget that spending went down from the previous year? Would the gentleman from New York happen to know when that might have been?

Mr. FORBES. I believe it may have been as far back as the Truman administration; is that correct?

Mr. BARTON of Texas. Well, it was not quite that far back, but in 1964, we spent at the Federal level $118.5 billion. To put that into perspective, last year we spent over $200 billion just to pay interest on the national debt. But in 1964, the entire Federal budget was $118.5 billion.

In 1965, while I was a senior at West Junior High School in Waco, TX, playing on the football team and going on my first date and watching the Untouchables on television, things like this, the Federal Government actually spent less money than the year before, $118.2 billion. So we went down $300 million that year. That is the last year that federal spending has decreased from the previous year.

In each year since then, 1966, 1967, 1968, all the way down to the current date, Federal spending has increased.

Would the gentleman from New York care to hazard a guess as to the first year the Federal Government spent more than $200 billion?

Mr. FORBES. I may yield to one of my colleagues. I did not do well on the last question.

Mr. BARTON of Texas. We have the distinguished gentleman from South Carolina, from Arizona, the distinguished gentlewoman from Idaho, from Pennsylvania, would any of these Members care to hazard as to when was the first year the Federal Government spent $200 billion?

The distinguished gentleman from South Carolina says 1968. That is the year I was a senior at Waco High School in Waco, TX. The actual year was 1971. So it took us from 1964, when we first—1962, when we first broke the $100 billion spending barrier, to 1971, 9 years, and then we spent $200 billion.

When do you think we spent for the first time $300 billion. What year?

Mr. FORBES. 1975.

Mr. BARTON of Texas. 1975 is correct.

Mr. FORBES. Thank you.

Mr. BARTON of Texas. 1975 we spent $332 billion, for the first time spent over $300 billion.

When do you think we spent $400 billion for the first time?

Mr. FORBES. Well, let us try 1978.

Mr. BARTON of Texas. 1978. The exact answer is 1977. I see that the Speaker has arisen.

The SPEAKER pro tempore. (Mr. GEKAS). Only to remind the Members that the gentleman from New York controls the time, so that the yielding has to conform to that pattern.

Mr. BARTON of Texas. I respect the Speaker's ruling. I apologize. I knew better than to violate the rules of the House.

Would the gentleman from New York yield and give me an opportunity to ask a question to the gentleman?

Mr. FORBES. I am glad to yield to my friend from Texas.

Mr. BARTON of Texas. I appreciate the gentleman from New York yielding.

As I pointed out, it took us 9 years to go from $100 billion to $200 billion. It took four years to go from 200 billion to 300 billion. It took three years to go from 300 billion to 400 billion. And we first broached the 400 billion barrier in 1977.

When would the gentleman from New York hazard a guess as to when we first spent a half a trillion dollars or $500 billion? What fiscal year would that be?

Mr. FORBES. Fiscal year 1979.

Mr. BARTON of Texas. Would the gentleman yield for me to answer the question?

Mr. FORBES. Yes, I yield to my colleague.

Mr. BARTON of Texas. I thank the gentleman for yielding. The actual year was 1979. I would think the gentleman may have looked at my notes.

Mr. FORBES. These figures are getting bleaker. Is there any frame of reference that there is a local government that perhaps has gone 30 years or a school district that has gone 30 years without balancing its budget or a State government that consistently has gone that length of time without balancing their budgets?

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will continue to yield, to my knowledge and myself and my staff and the Congressional Research Service and the Heritage Foundation and the Citizens for a Sound Economy and many other conservative think tanks have researched this question. We can find no record of any other State or local entity that has gone that many consecutive years without at least once balancing their budget.

Mr. FORBES. And yet what we are establishing here is that the Federal Government in the greatest Nation on this earth has failed to balance its budget for over 30 years?

Mr. BARTON of Texas. Has not balanced the budget, the Federal Government has not balanced its budget since 1969, as the gentleman pointed out in his remarks.

The point that I am trying to make by this question and answer session is that in every year since 1965, Federal spending has gone up, so that in the year that we are in now, Federal spending is expected to be $1.531 trillion. That is a 1,300-fold increase in Federal spending in the last 29 years. In no year has Federal spending decreased. It has gone up.

In the decade of the 1990's, from fiscal year 1990 through the fiscal year that we are now currently in, fiscal year 1995, Federal spending has increased an average of $65 billion, an average of $65 billion. That is an annual rate of over 6 percent in an era when the inflation rate has gone up less than 3 percent per year.

So what does this all mean? It means, quite simply, that lack of revenue is not the problem in Washington, DC. The problem is that spending is out of control, increasing at a rate of over $60 billion a year in the decade of the 1990's, and annual deficits in the $100 to $200 billion range. So we need to do something about it, and we need to pass a balanced budget amendment. We need to pass a tax limitation balanced budget amendment, because tax limitation keeps spending under control and forces the legislative body that is accountable to cut spending, not to just spend more money and raise taxes.

□ 2130

Mr. Speaker, if the gentleman would look at the charts to his left, he can see that in the period between 1980 and 1990, in the nine States that had tax limitation provisions in their Constitution or their statutes, that taxes went up in those States a total of 87 percent cumulatively in a 10-year period, but in States that didn't, taxes went up 104 percent. That is a difference of 17 percent.

The States that had tax limitation, spending also went up, but it went up less than in States that didn't have it, 95 percent over the 10-year period versus 102 percent. That is a difference of 7 percent.

That is statistical verification that tax limitation does work. it limits taxes, obviously, and more importantly, it limits spending, and in Washington, DC, that is our problem, limiting spending.

Therefore, tomorrow when we vote on the tax limitation balanced budget amendment, it is very important that we get an affirmative vote, because that is what is the solution to the problem. It is not simply saying "balance the budget," and directly or indirectly putting the emphasis on raising more revenue. We don't need more revenue, we need the fiscal discipline to cut spending, and the tax limitation amendment gives that discipline.

Mr. Speaker, we do have a number of other distinguished Members here, and we certainly need them to have time to speak. I have spoken too long.

Mr. Speaker, I simply want to say I thank the gentleman from New York for his special order, and I say God bless you and the other freshmen in the 104th Congress for coming to the rescue of us senior citizens who have been fighting this fight so long shorthandedly.

Mr. FORBES. I thank the gentleman.

Mrs. CHENOWETH. Mr. Speaker, will the gentleman from New York yield, please?

Mr. FORBES. I am glad to yield to the distinguished gentlewoman from Idaho.

Mrs. CHENOWETH. Mr. Speaker, as I sat here and listened to the debate this evening, I found that our good colleagues from the other side of the aisle just simply don't understand some of the basic economic dynamics that have come into play over the last 30 years, and that is the reason that the call and the mounting movement for the support of the Barton amendment is now in place.

I heard the distinguished gentleman from North Carolina say that borrowing is the American way. Everybody borrows. We borrow money to buy a house, we borrow money to buy a car, we borrow here and we borrow there, so why shouldn't the Federal Government borrow?

I just borrowed money to buy a car, and I engaged in a mutual contract where there were mutual benefits of the bargain. I received a car, and I borrowed money while they, the lender, made money from my borrowing, but it was by mutual consent.

What my distinguished colleagues misunderstand about the basic dynamics of borrowing is the fact that this body, through the public trust, has been entrusted with the ability to tax. That is not lending from the American people, that is taking money by government fiat.

Today the American taxpayer has to spend from January 1 to May 20 just to pay his responsibilities to us because of the power that we have. It is not borrowing. That is a complete misunderstanding.

In fact, today our research shows us that the American people really feel that the Federal Government is a bad investment, that we are using their money as if we were administering a bad charity, where we were taking most of the money for administration, and that is quite true. The services that have been referred to in this body just over the last few minutes sound very good, but the fact is that most of the services are rendered when 80 cents out of every dollar is taken for administration. That is not a good bargain, that is not a good contract.

Mr. Speaker, it was Thomas Jefferson who said so well that it's time that we chain the government and free the people, and that is what the Barton amendment will do. Really, a balanced budget amendment has no substance unless the Barton amendment becomes a reality.

Today this Nation is facing a $4.7 trillion debt, and we talk in round, pear-shaped tones about $1 trillion here and $1 trillion there, and $100 billion here and $100 billion there, but we must never forget how big $1 trillion is.

If we started paying $1 million a day, day one, year one, and paid $1 million a day from that time until today, we would still have to pay $1 million a day seven days a week for 700 more years into the future to reach just $1 trillion. Today we very easily talk about our debt being $4.7 trillion. That is the legacy that we are leaving to our children and grandchildren.

I would say to the gentleman from New York, and certainly, Mr. Speaker, the only chain that we can put on the government at this point in time is the Barton amendment. I am very proud to support the Barton amendment.

Mr. FORBES. Mr. Speaker, I would ask the gentlewoman, as we sit here in the bastion of Federal spending, Washington, DC, would the gentlewoman care to venture, based on her conversations with the folks back home, about what their feelings are about putting a tax limitation on the balanced budget amendment?

Mrs. CHENOWETH. If the gentleman will continue to yield, I am receiving hundreds of calls from my State of Idaho in support of the Barton amendment. The President of the United States referred last night in his speech to the fact that there was a shout in 1992 that went across the Nation, there was a shout that went across the Nation in 1994, but he said America isn't singing.

But I will say to the gentleman from New York that America will be singing when we pass the Barton amendment, because only with the Barton amendment will we then begin to see the stability in our tax structure and in our government programs that will free small business and large business; will we be able to give individuals and businesses the ability to anticipate what they will be able to do with their future and their capital.

Mr. FORBES. Mr. Speaker, as I venture around eastern Long Island, where I am from, and talk to small business men and women and average families on my weekend visits home, they tell me increasingly that they do not understand a Washington that feels this compulsion to continue to spend, and does not think about looking in the checkbook to see if there is really any money there.

I think that they would tell us this evening that if the Federal Government started acting like they do and only spent the kind of money that was coming in, as opposed to mortgaging us well into three and four generations out, that they would have more respect for their Federal government and the ways of Washington.

It just causes me to pause here for a moment to wonder why we don't have multitudes rushing to get on board this tax limitation balanced budget amendment and to get it passed as soon as possible. Of course, that is what we are working tonight to encourage.

Mrs. CHENOWETH. If the gentleman will continue to yield, I believe we are seeing this growing dynamic, Mr. Speaker, outside these halls. The only thing is that is is incumbent upon us and our colleagues to have the ears to hear from the American people.

It was not due to so much of an ideologic bent that caused the wave that we saw in the elections in November of last year. I think it focuses to one thing, and that is that a year and a half ago the Congress passed the largest tax increase, an unconstitutional tax increase, in the history of this Nation, and we saw the reaction to that November 8.

Mr. FOX of Pennsylvania. Will the gentleman from New York yield?

Mr. FORBES. I would be honored to yield to my friend, the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from yielding.

Mr. Speaker, since the 1980's the Democrats in Congress have argued that fiscal discipline, not a constitutional amendment, is needed to balance the budget, but absent a constitutional amendment, Congress has refused to make any progress in balancing the budget. In fact, it has resisted serious efforts to hold the line on reducing spending. Clearly, a constitutional amendment is needed to force Congress to make the tough decisions it has dodged for years. I know that my friends and neighbors in Pennsylvania and in fact all across America feel that same way.

□ 2140

Forty years of deficit spending have got us in that trouble. Like the gentlewoman from Idaho said, over $4.7 trillion, and in real dollars that we can relate to, that is $18,300 for every man, woman and child in America.

You say, "How do we solve this problem?" We solve it by adopting tomorrow, and I hope that everyone will call their Congressman and talk to him about it, or their Congresswoman, and talk about the Barton tax limitation balanced budget amendment. That has teeth, that is the centerpiece of the Contract With America.

It also will have along with it in the next days and weeks ahead, a line-item veto to cut out pork-barrel spending. Unfunded mandates that we have put upon our States and local communities will be eliminated. Welfare reform, we will make sure that we have able-bodied people that do not want to be on welfare back to work. With regulation reform and sunsetting Federal agencies, all of those programs together will make sure we have fiscal responsibility here in the United States.

Frankly, those who are here with us tonight on the Republican side of the aisle want to put Congress on a diet and I think that all of the Members of Congress who look at this clearly and carefully, Republicans and Democrats alike, will want to vote for the Barton amendment. It deals with tax limitation as well as balanced budget.

We need to lead by example here in this Congress. States, counties and all local governments have to live on a budget, a balanced budget. They cannot have deficit financing. Our families cannot have deficit financing. Our businesses cannot have deficit financing. So how can the Federal Government expect others to have their houses in order when we do not have ours? Even the Wall Street Journal has endorsed the Barton tax limitation balanced budget amendment.

This point I think is also important, Congressman FORBES from New York, who has been doing a great job here tonight leading this debate, many organizations have endorsed this proposal: Americans for Tax Reform, United States Chamber of Commerce, Citizens Against Government Waste, National Federation of Independent Business, National Taxpayers Union, Coalition for America, National Association for Manufacturers, Realtors, Homebuilders, and hundreds of other groups.

I am asking my colleagues on both sides of the aisle to do what is best for America, to make sure we get our fiscal house in order, we spend less, we tax less, but we spend on items that the Contract With America talks about, those things that people really need, and eliminate the waste, eliminate the wasteful spending, and let us get America back on track.

I yield back to the gentleman from New York and thank him for taking the leadership role here in this debate tonight.

Mr. FORBES. Would the gentleman yield for some questions here for just a moment, if we could?

Mr. FOX of Pennsylvania. I just want to make sure we preserve time for my friend the gentleman from Arizona.

Mr. FORBES. My concern is that of course in November, the American people took dramatic action and they allowed the Republicans to take control of the House of Representatives for the first time in 40 years. I think the effort here obviously was that they wanted things done differently in Washington.

If the gentleman from Pennsylvania would comment on an overriding concern I have that watching this body for so many years that the naysayers, the doomsayers often tend to win the day when something as dramatic as balancing the Federal budget with a tax limitation is brought to the floor.

Mr. FOX of Pennsylvania. I think we have seen a whole new changing of the President last night in his State of the Union address. It is very clear for the doomsayers; they like to say we are going to cut Social Security. Absolutely hogwash. As you well know, Congressman, the fact of the matter is that Social Security is off the table. All of our senior citizens will be protected. And the fact is that people across America in every single district, in every single State are saying we want a balanced budget amendment and we want the Barton one, the one that is going to call for tax limitations.

People do not want to see wasteful spending. When they see their tax bills, they know that is happening in this Congress. I think people are getting the message all across America. I hope those on the other side listened to what the President said last night about reaching out to America. He saw the result from last November's election and he wants a join us in the Contract With America. Let us get this bill to his desk and get it signed.

Mr. FORBES. I think the gentleman from Pennsylvania.

Mr. SHADEGG. Mr. Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman and commend him for his leadership in this fight.

I rise tonight simply to add my voice to those voices that have spoken out.

As I sat back and listened, all too often on this floor we talk in kind of government-speak. We talk about the Barton amendment or the tax limitation amendment. In Arizona when we carried this debate forward, we called it the supermajority amendment. Unfortunately, there are a lot of people back home who perhaps do not understand those terms. But it is really straightforward, and it is important that people understand.

Paul Harvey has said, and I admire him greatly, that self-government without self-discipline does not work. Tomorrow there will be a historic vote on the floor of this House. It is a vote which is focused around that notion. That is, that to preserve self-government, we must institute self-discipline. And what is the form of that self-discipline? It is a change to the United States Constitution. But it is a change that many people in this body I do not believe understand yet and that many people at home may not yet understand.

Oh, they understand that we will vote tomorrow on a balanced budget amendment, and they understand that the Federal Government must balance its budget because they know they have to balance their own budget. And they are very much aware that we are awash in Washington in a sea of red ink that is literally drowning the Nation and threatening our survival.

But this debate tomorrow goes one step beyond that. We cannot simply agree to balance the budget. We must recognize that that alone is not at the root of America's problem. The root of America's problem is that government taxes too much and it spends too much.

I was born in 1949. One year later, the average American family with children paid $1 out of $25 in federal taxes. In 1993, just a short year ago, it was $1 out of every $4 in taxes.

In 1950, it was $1 out of $25. Today it essentially is something in excess of $1 out of every $4. We cannot continue on that path.

The tax burden is crushing our families. It is crushing our small businesses. It is crushing our economies.

How many households are required, indeed compelled, to have both spouses work just to have one pay the tax burden for that family? And mind you, and I might remind those on this floor that that $1 out of $25 and the $1 out of $4 is just Federal taxes. It does not even begin to contemplate the addition of State and local taxes.

What have we gotten for this massive increase in taxes? We have gotten a massive Federal Government which fundamentally fails to do its burden.

Is the crime rate in America lower in 1993 than it was in 1950? Did we buy safer streets with that massive increase in taxes? We did not.

Are welfare recipients in our cities better off? Has the level of poverty in America fallen? It has not. We have failed.

Those who have argued that each problem that comes along simply needs a few more dollars have been proven flat wrong. Government is not the answer. Higher taxes are not the answer.

How then do we stop those taxes? The answer is what Paul Harvey said. It is self-discipline. We need to add to the American Constitution something that is necessary in order to restrict the ability of the people who sit on this floor to continue to tax "you" to pay for what "he" needs, and we need to do that in the form of what has been called in this discussion tonight the Barton amendment, or the supermajority amendment, or the tax limitation amendment.

It is this simple. It says that it has been too easy in America to raise taxes, so we are going to raise the threshold, not from 50 percent, not one-half of the Members of this body plus one, but a slight raise, indeed for me not enough, to a 60 percent requirement to try to institute some discipline.

Those who have gone before me tonight have pointed out that Congress time and again has said that it was going to cut taxes, has said that it was going to cut spending, and it has failed over and over and over again. Without external discipline, it will fail again.

If we enact a balanced budget amendment alone, we may indeed balance our budget, but we will do it at the expense of raising taxes.

The message sent by the people of America on November 8 was clear. It was that we must balance the Federal budget not by tax increases, not by increasing the burden on the backs of the American family who are already overtaxed, but by cutting spending. And the most important step we can take in that direction is to pass a balanced budget amendment with a restriction that says, "You cannot raise taxes again, Federal Government, unless you get 60 percent of the Members of Congress to agree." We need to put that in the Constitution so it is sacrosanct.

Let me briefly conclude by the history in Arizona. Two years ago in Arizona, we fought this battle and we won. We won with citizen support. We took an initiative to the streets. We said to the spenders at the Arizona State capitol, no more.

□ 2150

The Arizona constitution had in it from statehood a balanced budget requirement. But the spenders, those who believe that they can solve every problem facing society just by raising taxes and creating a government program, got carried away and year after year after year, they raised our taxes and increased government spending.

Do you know what they did? They damaged the Arizona economy. It plummeted from one of the best climates in the Nation, with a healthy economy and happy families and a prosperous place to come to an economy where we tax more than the State of Massachusetts and where it was a damaged economy.

So, we said no. We went to the streets with an initiative called "It's Time" initiative, and by a vote of over 70 percent we amended the Arizona constitution to say that there would be no future net increases in Arizona's taxes without a two-thirds majority of the members of the legislature.

We must do that here. We must do it now. I implore those citizens listening tonight to join us in this fight. It is not an initiative, but your voice heard by your Member of Congress tonight or tomorrow that can make the critical difference in this race.

Mr. SALMON. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, I heard a story about a little boy recently who wrote a letter to God, and in that letter he said: "Dear God, please send me $10." I guess he thought that would be the best way to get the money. And the post office, not knowing where else to send the letter, sent it to the Office of the President. The President thought it was a very cute story, so he decided to send the little boy a dollar.

A couple of weeks later the little boy received the dollar in the mail, and he was very, very disappointed. So he wrote another letter back to God, and this time it said, "Dear God, thank you very much for the money. But as you recall, I asked for $10. Next time please don't send it by way of Washington. Those folks took $9 out of the $10."

I do not think truer words were ever spoken. The fact is, this place taxes too much.

When I was a little boy from a small family of 6 children, my father bringing up his family had to pay roughly about 2 percent of his income to the Federal Government. As Archie Bunker would say, "Those were the days." But now we have taxed our way into oblivion. And what have we got to show for it?

As the previous speaker mentioned, is the crime rate any better, and as a result of the Great Society programs of the 1960's, has our War on Poverty succeeded? With the programs we have instituted here in Washington, DC., have we really made things better or have we made things worse? I would submit we have made things much worse, and that is because of these failed programs. We have taxed and broken the backs of the American people, of the small businesses out there, and it is time to draw some lines in the sand. It is time for us to follow up and to do that thing that Thomas Jefferson regretted not putting in the Constitution, and that is a balanced budget requirement.

We can even go one step better and make it tougher to tax. I cannot fathom how anybody in this body would not want to make it tougher to raise taxes on individuals out there who are struggling to make ends meet. I personally have four children. I consider myself the most average of average people. I came here not a man of wealth, but a man that had to struggle from paycheck to paycheck, and I understand what it is like out there in the real world to try to raise a family. My wife had to work a second job as well just to try to make ends meet, just so that we could pay our debt to Uncle Sam. And frankly, I think my children would be much better off, and so does she, if she would be able to spend a little bit more time at home with them rather than work to pay off Uncle Sam.

If this truly is going to be a family-friendly Congress, and one that cares about people, let us draw that line in the sand. Let us pass the Barton amendment. Let us make it tough to raise taxes.

I live in the same State as Mr. SHADEGG does and served in the State legislature, and let me tell my colleagues, in the 1980's we were fourth in the Nation in per capita tax increases. It seems our answer for solving the problems of Arizona year after year after year was to raise taxes. And finally, when we got some common sense from the people, we, through the initiative process, passed a two-thirds requirement for any tax increase. And you know something, it did not paralyze government. In fact, after 3 consecutive years of decreasing taxes, out of a $4.5 billion State budget we had a $800 surplus this year by decreasing taxes.

The same phenomena could happen at the Federal level. But we have to make tough decisions. But the people who elected us, elected me, elected me to come here and fight hard for them, not for government. They elected me to come here to stop spending and fight taxes at the same time, and I intend to do that.

Just finally, I would like to reiterate what my colleague, the gentleman from Arizona [Mr. SHADEGG] did. Please, those who are out there, please, we implore you, call your Congressman or your congresswoman, ask them, no, demand that they support the Barton amendment. It is crucial to each and every one of us.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I really want to thank the gentleman tonight for pulling this together. I think there is a lot of confusion as to what is going on.

To follow up on what the gentleman from Arizona said, as I campaigned in Indiana, and I was I think in over 40 different parades in the small towns and cities, nobody came out and said, "Hey, MARK, will you see if you can expand the power of the government in Washington? Will you see if you can figure out how to spend more money ought there? And by the way, can you tax me a little bit more?"

That is not what the American people sent us here to do. They sent us here to reduce the size of government and to reduce the burden and to give them control over their lives.

We are saying that in our unfunded mandates. We are saying it in the line item veto, and we are looking at it here in the balanced budget amendment with tax limitations.

This is for your children's future. I have 3 children. I am concerned not so much about myself. A number of my colleagues here have and I have a little bit of gray hair, some a little less than that, and this is not really just about our future. It is about our kids' future and whether we are mortgaging it, and that is both on the tax side and the spending side.

I believe myself that none of the amendments that are coming up are satisfactory. They are not tough enough. There should be a spending limitation that is written in there to protect the taxpayers and the citizens of America. There should be some sort of a penalty if you do not reach a balanced budget.

I am concerned that some of these spending cuts can be illusory, that we will wind up with a deficit. There is no penalty for having that deficit, and it could accumulate.

This does not start until the year 2002. That is putting a lot of faith that we can stand here and get it to that point. So I have a number of concerns with that.

Yet, tomorrow and in the next few days the key thing is not whether we are going to pass a balanced budget amendment, because there is a majority in this body to pass a balanced budget amendment. This is a tax debate, and it is not even all taxes. We are down to income taxes and we are reduced to saying can we not at least have some protection, not a two-thirds protection. You know, if we polled Indiana, they would want 100 percent protection.

At one point I answered a question to one of the newspapers in Indiana. They said, "Would you support a tax increase?" I said, "If we were in war, and if the only way to pay for it was through a tax increase, I might consider a tax increase," because people want the spending reduced. They do not want their taxes raised. And we are down to one little clause, a 60 percent supermajority on the taxes, and we cannot get, it seems, to this point enough to get over the top. We need the people of America to call in, to let their Members know that we need their help, we need their vote or we may get an amendment that will merely lead to illusory budget cuts and certain taxes.

We have been down this road before. It was miserable. We need to stop it. People have lost faith in us, and we need to give them a down payment on faith by passing the Barton amendment.

Mr. FORBES. I thank the gentleman.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. FORBES. I yield to my distinguished colleague from South Carolina.

Mr. GRAHAM. Mr. Speaker, do my colleagues not feel like we are at a telethon tonight and we are not asking you to give anything, we are trying to give you money?

Let us really explain what we are talking about here in real terms. Does the gentleman agree with this statement, that if every Republican voted for the Barton amendment we could not get there by ourselves? Does the gentleman agree with that statement?

Mr. FORBES. I do.

Mr. GRAHAM. Will the gentleman yield further for another question?

Mr. FORBES. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Does the gentleman believe that there are 60 Members in the Democratic Party, which in many ways has a great tradition in this country, who believe that the time has come to limit government, to turn over fiscal responsibility back to the States, and that there are 60 Members in that great party that will step up and help us fill the mandate of November 8? Does the gentleman believe there are 65 Members over there that could do that?

□ 2200

I think with the encouragement of the American people that there are certainly 60 of our distinguished colleagues on the Democrat side that would come join us.

Mr. GRAHAM. If the gentleman would yield further, would you agree that it is probably the best thing that could happen for the future of this country, not just in the 104th Congress, but for the 21st century, for two parties with different opinions coming together under one roof, based on the principle that if we continue to spend this way we will bankrupt the American character, and this would really be a way to fulfill what President Clinton said in his State of the Union that we can work together to make this country better? And we have a historic opportunity and all we need is 60 Democrats who will help us fulfill our mandate. Do you agree with that statement?

Mr. FORBES. I agree with the gentleman on that statement. I think we have proof in 1990 and 1993 where ther was a rush to raise taxes that the American people want this body unified, the House of Representatives to act responsibly, and embrace tax limitation, a balanced budget amendment.

Mr. GRAHAM. Thank you.

Mr. FORBES. I yield to my friend, the gentleman from Illinois.

Mr. WELLER. Well, I thank the gentleman from New York [Mr. FORBES], my good friend from Long Island. I want to commend you for your leadership in organizing tonight's discussion of the tax-limitation, balanced budget amendment.

I just came from my office, and I have been receiving phone calls tonight from taxpayers in my congressional district which, of course, is the south suburbs of Chicago, rural areas, industrial communities, probably the most diverse district in the State of Illinois, and I have received a good number of phone calls.

I am glad I answered the phone. Because they were calling in support of the tax-limitation, balanced budget amendment and from those calls, and every one of them were from middle-class average working men and women. They are concerned about the massive deficit and its impact on the future and their children's future, and they point out, or I had three of them point out, they are aware that the average cost today for every man, woman, and child in the 11th Congressional District in Illinois, as throughout this country, is $18,000 for every man, woman, and child. The average taxpayer is aware of these things.

Congress for far too long has thought that the average taxpayer just did not know. Well, the taxpayers are better informed today.

You know, in the past Congress has said, "Trust us, we will balance the budget. We have got the discipline. We will do it." Well, they have never kept their promise, and they have failed.

One call tonight from a working man from the city of Joliet, an industrial community of about 100,000 in the heart of my congressional district, was frustrated. He is a man who drives a long distance to work, works in industry, and he was frustrated by last year's tax hike which, of course, the administration and the liberal majority in the previous Congress proposed as their solution and imposed it upon the people and the taxpayers in my district as well as yours, and they were aware that that tax increase last year cost the taxpayers in my district $410 million, $60 million in higher gasoline taxes which drives up costs for average working middle-class families, just to go to work or go to the store, and $90 million in higher taxes on Social Security benefits for the senior citizens in my district alone.

Well, that family, as well as others, they have seen their taxes go up, and they have not seen any results in reduction of the deficit or long-term discipline over controlling Congress' historic ability to overspend. They want to be able to afford to go to work and take care of their families' needs, and they want to be able to live comfortably in retirement. They want Congress, they told me tonight, to have Congress to have the discipline and the confidence to cut spending and to oppose higher taxes and, at the same time, protect Social Security.

Today with the passage of the Flanagan resolution, this Congress is on record saying that Social Security is off the table.

THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. GEKAS). Under a previous order of the House, the gentleman from Texas [Mr. BARTON] is recognized for 60 minutes.

Mr. BARTON of Texas. I yield to the gentleman from Illinois.

Mr. WELLER. Well, you know, thank you. I would like very much to thank the gentleman from Texas for your hard-fought long effort historically to bring this initiative to the floor of the House for debate, and you have worked long and hard to bring a tax-limitation balanced budget amendment, and I just want you to know the phone calls that I have been receiving in my office here in Washington tonight from the taxpayers in my district, they are calling. I had six calls tonight.

Mr. BARTON of Texas. I, too, have received a number of telephone calls, and I had a constituent call my office in Texas today and said, "We want Congressman BARTON to vote for that Barton three-fifths tax-limitation amendment." And my receptionist said, "Well, he is the named sponsor." He said, "Well, you just tell him if he does not vote for it, he is not going to get my vote next year." She said, "Well, I think you can expect the Congressman to vote for his own amendment."

But there may be some people in this Chamber that want to make a phone call to their Congressman and do not know the phone number. The number, if anybody in the Chamber would like to make such a phone call tomorrow, is area code 202, 224–3121, and then just ask for their Congressman, Congressman BARTON, Congressman FORBES, Congressman WELLER, you know, whoever your Congressman happens to be, and you will be put through, and since the vote is going to be at about 11, 11:30, Eastern time tomorrow, those phone calls should come in earlier. If Congressman FORBES wanted to call his own office, he would need to do that before 11:30 tomorrow morning.

I yield back to the gentleman from Illinois.

Mr. WELLER. You are absolutely right. You know, there is nothing I value more than hearing from the folks that I have the privilege of representing, and when I know that I get 10 phone calls from the taxpayers in my district, I recognize that they probably represent a total of 100 voters who agree with them and just did not take the time to make the telephone call. So those telephone calls, I know, are extremely important and, you know, one of the questions that a caller told me tonight is that they say, you know, the Republicans are in the majority now. It is going to be an easy sell. You are going to be able to pass that, are you not? I said, "Well, you realize it takes a supermajority to pass a constitutional amendment like this." We need a bipartisan vote. We need, if every Republican votes for this, we need over 60 Democrats to support us, and I said, "You know, if you have friends that know Democratic Members of Congress that they should call them and support the balanced budget amendment."

It is so very important that they make calls, and I certainly made that point, and again, I want to thank my colleague for his leadership on this issue. It is so important that we give Congress the discipline, the backbone to balance the budget and to resist the temptation to go back to the old ways which is always to raise taxes.

I served in the legislature for the last 6 years in Illinois. We were fortunate to have a balanced budget provision in the State constitution. That was effective in giving those of us who wanted to balance the books the backbone, the discipline, to get the job done before we went home.

However, my State is one of those that unfortunately does not have what we call the tax accountability amendment, and we are still trying to do that in Illinois, which would require a three-fifths vote. We know if you require a three-fifths vote to pass a tax increase, those who would like to push a tax increase know it is going to be much more difficult, and the obvious solution is to cut spending.

Congress needs that discipline. I am proud to cosponsor the Barton amendment, the tax-limitation balanced budget amendment, in the Contract with America, and I certainly am proud to join with you tonight and participate in tonight's discussion on this important initiative which frankly is a historic change on how Washington works.

Mr. BARTON of Texas. I yield to the gentleman from New York if he sought time.

Mr. FORBES. I thank the gentleman.

I would say that it is startling to me to listen to this experiment that they had in Arizona, if you will, the notion that they went forward and did the responsible thing, but they did not hold the taxes, and the people of Arizona unfortunately were the recipients of some bad policy that hurt them over the years, and my concern here is that our Federal taxpayers, our folks back home, understand the urgency of getting to the phones and making sure that Members of Congress understand that they want Congress, while they want them to balance the budget, they do not want them to take the easy way out and increase spending and that they want a balanced budget amendment that does put a lid on the ability to raise taxes.

I know the people on Long Island, we have amongst the highest taxes in the Nation. We have the highest property taxes and sales taxes and Federal taxes to boot, and it is tough on the people of Long Island and our economy is still very shaky there, and people are struggling to hold onto their jobs, and many people do not have jobs. They are looking for them.

The difficulty is to think that you have a Federal Government that just does not quite get it and continues to grow at alarming rates, and the need, I think, across America is understood, the need for a balanced budget amendment, and most particularly the need again, and I cannot stress it enough, the need to make sure that it is a balanced budget that does put a lid on this Congress' ability to just want only to raise taxes.

□ 2210

Mr. BARTON of Texas. I thank the gentleman from New York and I yield to the gentleman from Indiana.

Mr. SOUDER. I thank the gentleman from Texas.

Mr. Speaker, I have a question. The gentleman from New York [Mr. FORBES] and myself have served as staffers in the other body and have some healthy skepticism. The gentleman from Texas [Mr. BARTON] as a Member maybe could enlighten us a bit. Under the balanced budget amendment, and part of the reason I am sure the gentleman has his tax limitation supermajority in it, is it not possible to have a category that would say with waste and fraud as a deficit reduction?

Mr. BARTON of Texas. In my town meetings, and I am sure as the gentleman begins to do his town meetings, his constituents are going to come and demand that he cut out that waste, fraud, and abuse and cut out pork-barrel spending. The gentleman would say that he will do it and he is going to be a bulldog to do it. The problem is there is no line in the Federal Government's budget that says waste, fraud, and abuse. When you get to a specific program and you say, "Mr. Director, can you tell me where the waste, fraud, and abuse is, in your particular program?" And the director is going to say, "Congressman, there is no waste, fraud, and abuse in my program."

Now, I was a White House Fellow at the Department of Energy in 1981, part of 1982, and was a staff liaison to the Grace Commission that President Reagan empowered to look for waste, fraud, and abuse in the executive branch of the Federal Government. One of my jobs was to look at all the committees that Department of Energy officials served on. It turned out there were over 300 standing committees that either the Secretary of Energy, Deputy Secretary of Energy, the Assistant Secretary of Energy served on.

So I sent out a questionnaire to everybody who served on these standing committees. I said, "How often do you meet? What are the subjects? Do you think you can do without this committee?"

Not one Assistant Secretary, Deputy Secretary, or Secretary himself wrote back in response to my question and said that the committee was eliminated and did not need to be established. Some of those committees have never met. They had never met, and yet they were not even willing to disestablish any of these intra-agency committees, Department of Energy, Defense, Department of Commerce.

The bottom line, as the gentleman well knows, is we have simply got to put a disciplinary tool in the Constitution that says, "You shall balance the budget." We need to put in that with it, "You shall balance the budget, with the incentive being cutting spending, not raising taxes." That is why the three-fifths' tax increase is so important.

Mr. SOUDER. Mr. Speaker, I am most concerned that most of the agreements that are made wind up with tax increases because the spending cuts are not real.

Is it possible to give another possibility of how this could evolve? While I think the tax increases could be permanent but the spending cuts never occur, a common tactic is to have an asterisk saying, "Specifics will come at a later date." Is it possible under a balanced budget amendment to do that; that is, to have illusory spending cuts but the tax increases be real?

Mr. BARTON of Texas. Mr. Speaker, in order to answer that, it might be illuminatory to explain how the tax limitation balanced budget amendment is actually structured. Section 1 says that the President shall submit to the Congress a balanced budget and Congress shall vote on a balanced budget. It requires that the actual expenditures and receipts be less than the estimates, it requires that in order to increase receipts, there shall be a three-fifths' vote in both bodies in order to borrow money in any fiscal year and in order to increase the debt ceiling there shall be a three-fifth's vote in both bodies.

There is a section that requires that the Congress shall implement the amendment by the appropriate legislature. There is a section that says the amendment shall become effective in the year 2002, or 2 years after requisite 38 States ratify the amendment.

Every effort has been made to close all the loopholes so that in fact the President will be submitting a balanced budget, the Congress shall be voting on a balanced budget, the actual numbers during the fiscal year cannot exceed the estimates so the magic asterisk that OMB Director David Stockman used as a Director of the Office of Management and Budget for President Reagan in the early 1980's, the magic asterisk has gone away.

Even the unspecified savings that Director Darman, President Bush's Office of Management and Budget, unspecified, to be determined later—he had over $300 billion in those types of savings—would go away. Under the leadership of the new chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH] and the distinguished leadership of our new Speaker, and, of course, the Senate majority leader, Senator DOLE from Kansas, we are going to present to the American people a true budget that does move us toward a balanced budget by the year 2002. There will be no budget gimmicks, no magic asterisks, no funny money. This is real, it is serious, it starts tomorrow at approximately 11:30 on this floor in this city when we vote to pass the tax limitation balanced budget amendment and send it to the other body. So people in America can call the U.S. Senate.

Mr. SOUDER. I thank the gentleman for his leadership.

Mr. BARTON of Texas. I yield to the gentleman from Arizona [Mr. SHADEGG], and I see the former member of the Gang of Seven a few Congresses ago is back and loaded for bear and is just brimming to speak in the next 3 to 4 minutes.

I yield to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman from Texas, and I will be brief.

You know, as I listened to the discussion tonight, it occurred to me it might be helpful if there was a practical explanation of at least how one Member of this body thinks this provision will work day to day. Let me tie into that how we got into the mess we are in now.

Mr. Speaker I am on this floor for the first time. I am a freshman Member of this Congress. I have not served in any public office before. But I did serve a period of 7 years in the Arizona attorney general's office. Then I was hired to advise the Arizona State Legislature.

I sat in on literally hundreds of meetings in those capacities where a member of the Arizona legislature would be present and a contituent or a group of constituents would come forward and they were well-intended, serious, concerned citizens. And they would come forward and explain to the members of the Arizona legislature their dire need, this severe problem this, unmet problem in society which government could solve. In Arizona it was easy for the citizens to get to their legislature and to go and implore their members of the legislature to help solve this problem with one little program.

That same scene happens here in Washington thousands of times every day. It happens in your office, I suspect, and in my office and the office of every Member who votes on the floor of this Congress. Constituents come in, lobbying groups come in, organizing groups come in and say, "We have a small problem, but it is serious and it needs your help. We need just a little bit of money. It is not a lot of money, but a little bit to solve this very serious problem," sometimes it affects children, sometimes we say it is going to solve a problem that will pollute our society or pollute our Earth. Whatever the reason is, it is always compelling, whoever the advocate is, he is always sincere and well-intended.

But there is something missing in that conversation.

What is missing is the person of the people who have to pick up the tab. They are not sitting there. I often thought as I sat in on those conversations in the members' offices in the Arizona legislature, why not have one more Chair sitting in that discussion, empty, that says, "The Arizona taxpayer"? We ought to have somebody. We are all talking about lobbyists. The President devoted a great deal of time last night to the pressure of lobbyists.

It occurs to me that the people do not have a lobbyist who sits in on that conversation.

So the pressure is there and no one is sitting in that empty chair that I envisioned, saying, "Wait a minute. Who is going to pay for this?"

Well, a supermajority requirement for future tax increases raising the hurdle so that it is not just 50 percent but rather 60 percent would be a structural change which would put essentially that Chair in the room and say, "It may be a good idea, but somebody has got to pay for it, and you have to go get the assent of just a few more people to do that." It is the kind of discipline we desperately need in this body.

I thank the gentleman. I ask if it is possible to join in this conversation briefly with the gentleman from Illinois, my colleague.

Mr. BARTON of Texas. If the gentleman, the distinguished gentleman from Illinois, requests such time yielded to him as he may require.

□ 2220

Mr. SHADEGG. I would like to ask one quick question. I noted that like Arizona——

Mr. BARTON of Texas. The gentleman from Arizona [Mr. SHADEGG] has to ask the question of me, and then we would yield time to the distinguished gentleman from Illinois [Mr. WELLER]. That is the parliamentary triangle that we have to honor.

Mr. SHADEGG. Then let me honor that tradition and ask the question.

I understood from the gentleman from Illinois [Mr. WELLER] that they have a balanced budget requirement in their State, but they do not have what Arizona now has, which is a supermajority requirement for future tax increases.

Mr. BARTON of Texas. Would the gentleman from Illinois like to have time to answer that question?

Mr. WELLER. I say to my colleagues, "Thank you, thank you very much. I appreciate this opportunity, and I thank the gentleman from Texas for the opportunity to respond to the gentleman from Arizona's question."

As I pointed out in my little brief conversation with my colleagues a few minutes ago, Illinois is a State, of course a great State, and I am proud to represent the State of Illinois, and we have a balanced budget provision in the Illinois constitution. However it only requires a simple majority to pass tax increases, and I served in the Illinois legislature for 6 years, and during that period of time I was actually involved in the appropriations process where I was involved in the spending end of the State legislature, handling the human service appropriations portion of the State budget. It is about half the State budget. We have a State budget of $34 billion, 10 percent of what would be called the gross State product, which is a big chunk of the Illinois economy, and we wrestled every year.

Of course we have a balanced budget provision which requires we have to balance our books, and all too often at—towards the end of session or at the beginning of session, if we had a hole in the budget where we knew we were short of dollars, all too often particularly certain special interests, and always representing those who want to spend money, would always say to the legislature, "You know, we really need to do the right thing, and you know the right thing is to raise taxes."

Well, they knew that the so-called right thing to raise taxes, which they always argued for, is the easier way out because I guess, if we look at the history of this Congress, it has always been easier for Congress to raise taxes than it has been to cut spending, and I saw how those pressures worked in the State legislature, and rather than cutting spending the special interests would always say, "Why don't you just raise taxes," because, as the gentleman from Arizona pointed out, the taxpayers are not in the room, and that three-fifths provision is the silent partner that the taxpayers need to have in this room when we debate whether or not we should raise taxes.

And let me tell my colleagues, if we have a three-fifths majority in the Constitution as a requirement to pass a tax increase, there has to be a lot of public support, there has to be a real justification, to get those 290 votes to pass the tax increase, and, had we had that provision in Illinois, I can think—during the period of time that I was in the legislature I can think of about half a dozen tax increases that would not have been passed on the taxpayers of my State.

I think it is so important that we include the tax limitation provision because not only does it protect the taxpayers' interest, act as a silent partner, but it is a reality check. It is going to require a supermajority. The special interests are going to realize that Congress is going to think twice before they raise taxes.

It is time to protect the taxpayers' pocketbooks.

Mr. BARTON of Texas. I thank the gentleman from Illinois.

I would like to point out that the three-fifths requirement for a tax increase would not mean 290 votes in the House. It would mean 262 votes in the House. It is certainly more than 218—

Mr. WELLER. If the gentleman would yield, that is certainly Illinois math. I apologize. It is the end of the evening I guess.

Mr. BARTON of Texas. I might also point out that those who say all that necessary—the only protection that is necessary is protection of a constitutional majority to pass a tax increase—we have researched in the House, and there has not been a tax increase that passed with a minority vote.

Now there have been some that passed on a voice vote, two in the last 30 years that passed by a voice vote, but if it came to a vote, in every occasion obviously it won by getting a majority vote.

So to say that a constitutional majority is sufficient protection against the tax increase on this floor every time a tax increase is passed by rollcall vote, it has had a majority, and in most cases it has had a constitutional majority, which is 218. A simple majority would be maybe 216, if several people were not voting, and traditionally the Speaker does not vote.

But to get real protection against tax increases you do need the three fifths, and, as the gentleman from Arizona pointed out, in many of the States that have tax limitation provisions it is two thirds, and in some it is three fourths. In the President's home State of Arkansas it is a three-fourths vote necessary for a tax increase, so a three-fifths vote, or 60 percent, is certainly stronger than the constitutional majority, but it is by no means as strong as many of the States have in their statutes or their constitutions.

I see that the gentleman from California has approached the rostrum, and I would be happy to yield to him and welcome him back to the 104th Congress.

Mr. RIGGS. I thank the gentleman from Texas [Mr. BARTON] for both his kind comments and his outstanding leadership on this extremely important legislative initiative.

The gentleman just a moment ago referred to—I cannot recall if he said famous or infamous gang of seven, but I can remember standing on this very floor in the wee hours of the morning, actually much later than it is now, participating with my fellow gang of seven colleagues on the debate regarding the balanced budget tax limitation amendment in the 102d Congress, and I can tell the gentlemen—in fact I frequently relate this story back home, that that was probably my single greatest disappointment from my prior service in this distinguished body.

I recall though on that occasion one of the gang members, who has now gone on to greater heights in the other body as a junior Member from the State of Pennsylvania, holding up at a particularly poignant moment in the proceedings the photographs, little wallet sized snapshots, of his young children who now obviously are a few years older and making the point, as several of my colleagues did earlier, that we are really acting on their behalf and in their interests. We are talking about, of course, the future taxpayers of the United States of America who will inherit this enormous sum and growing debt that we, sad to say, have imposed upon them as a rather dubious legacy, one which, in fact, does indeed mortgage the future and diminish the economic opportunity they and their children will be able to realize.

So, that was a tremendous disappointment, and I also wanted to share with the gentleman that just today I fielded a few calls from the media saying, "Well, why is this really necessary? After all, you in legislative branch have the ability to ultimately adopt and enact a balanced Federal budget."

And I hasten to point out to those particular folks who—frankly they are the skeptics and the pundits who do not face the difficult decisions we will make in the days following our adoption of the balanced budget tax limitation amendment, but I point out to them that of course the Federal Government has the unique ability to make money, print new currency and to borrow more to continue its deficit spending ways.

I also point out to them that history, as the great teacher, shows us that basically anything Congress does can be undone, short of an amendment to the Constitution, and that has clearly been the case in the past, and prior efforts of the Congress, as the gentleman well knows, have been routinely circumvented by this body whether it is sequestration procedures or the Gramm-Rudman Act which effectively gutted over a short period of time but allowing us to continue our spendthrift ways.

The other thing I wanted to point out to the gentleman is that—he obviously knows, and he has been a leader in this body in terms of making this point frequently during this critical debate, and that is that we are not an undertaxed society. We need to make it difficult to raise Federal income taxes and to raise the debt limit.

As my colleagues know, I—again having the distinct honor and privilege of serving in this body before, and taking a sabbatical away from the body, and now returning—I have a unique perspective on the matters that are deliberated in this body. I reflect back on that prior service, the 50 some odd town meetings I did the width and breadth of my Congressional District over that two year period, and I cannot recall a single occasion when a constituent came up and said "you know, Congressman, we really are an undertaxed society, and I would like to pay more taxes."

□ 2230

To the contrary, as the gentleman well knows, with 42 percent of our economy going to some taxing authority or another, 21 percent of that, I believe the numbers are roughly, or about 19 percent of that, rather, is going to the Federal treasury, and we are spending the equivalent of about 21 percent, and, of course, running these enormous deficits. But with 42 percent of our $6 trillion economy going to the taxing authorities, we are not an undertaxed economy. Furthermore, we have received a clear mandate from the American people to cut spending and taxes as well. In order to do that, the first step is clearly the gentleman's balanced budget and tax limitation amendment.

The other point I wanted to share with the gentleman is a few weeks ago I had the opportunity to go up to Baltimore. I obtained an invitation to go up and, actually a first for me, observe a focus group being conducted by a well-known research group, and it was quite an eye opener.

The purpose of this particular focus group, which we were able to observe through a one-way mirror, was to watch as ordinary Americans, and these were actually I believe above average in terms of their educational and economic backgrounds, but to watch the proceedings as they attempted to go through one of these exercises involving balancing the Federal budget.

They were provided I think with a three or four page list of all the discretionary spending items in the Federal budget and then asked to make specific programmatic spending cuts by going down that list. And after two hours of discussion, they had not agreed on a single specific spending cut, illustrating the difficulty of our challenge ahead. They were able, after another hour or so of conversation, to finally agree on across-the-board spending cuts, which is frankly something we are going to have to consider in this body I think in order to meet our mandates and in order to comply with the balanced budget tax limitation amendment.

But it was a very revealing experience for me and a very sobering drive back from Baltimore to the Capitol as a result.

But in the course of that conversation, one of the folks in the room said "if we all ran our personal finances like the government, we would all be bankrupt,'' reminiscent of the wonderful movie ''Dave,'' where the accountant is brought in to look at the Federal Government's books, and said, ''Who did these books? If I did my books like this, I would be out of business.'' The point being that, you know, the time has come to impose some very real constraints, a sense of restraint on what we do back here with the Federal taxpayers' dollars.

Previous attempts short of the constitutional amendment approach have not worked. It is very clear that in enacting the constitutional amendment, the balanced budget requirement, we have to create, as the gentleman has put it, a disincentive for raising income taxes.

So I commend the gentleman, and urge him on in his efforts tomorrow, which I fully intend to support on this floor, in the hope that ultimately we will do the right thing and we will show to the American people at the conclusion of the debate tomorrow by our votes as we stand and ultimately become accountable that we really did get the message from the voters last November, and that we really are serious about rearranging and ultimately reducing the size, the scope, and the cost of the Federal Government.

Mr. BARTON of Texas. I thank the gentleman from California, and again cannot express in the most positive terms how delighted we are to have him back serving with great distinction in the body.

The hour is getting late. I would be happy to recognize the gentleman from South Carolina for some brief remarks, so we may hopefully soon conclude.

Mr. GRAHAM. I was very intrigued by the gentleman from California's comments there. I think they are right on point, especially the comment from the constituent or the lay person that said if we ran our affairs like you do up here, we would be bankrupt.

Would the gentleman agree that if the American public ran their affairs like we do up here, that they would go to jail?

Mr. BARTON of Texas. I would agree with that in a fiduciary sense. No cooperation in America could utilize its assets and abuse its borrowing privileges like we have here in Washington the last 30 to 40 years.

Mr. GRAHAM. The essence of this debate I think comes down to this point: During your dissertation a while ago you made some very important points that I didn't realize, that I believe you said for the first time 30 years ago, in 1964 and 1965 era, that the entire Federal budget was less than $200 billion. Is that correct?

Mr. BARTON of Texas. We reached the $100 billion spending mark at the Federal level in 1961 or 1962, and in the current fiscal year, it is expected we will expend just for interest on the national debt, over $225 billion. So we now pay more in interest than the entire Federal budget was in the early 1960's.

Mr. GRAHAM. I believe the gentleman stated further that during that period of time the national defense sector spending has increased by 1300 percent.

Mr. BARTON of Texas. Thirteen hundred percent since 1964. This year we are expected to spend $1 trillion, which is 1 thousand billion, $531 billion. Those numbers are from President Clinton's Office of Management and Budget. Those are not the Republican numbers, but the official budget numbers of the President of the United States.

Mr. GRAHAM. Would the gentleman agree with that tendency in place, the ability to spend far more than we make and it is escalating at monumental proportions, that if there ever was a time to have a three-fifths majority vote it is now, and could you comment on the likelihood of balancing the budget with tax increases if we don't have the three-fifths majority?

Mr. BARTON of Texas. If the gentleman would yield on that point, in the early 1980's, then President Reagan accepted a tax increase with the understanding for every dollar of taxes that were increased, there would be $2 of spending cuts. Well, we got the tax increase, but we got $1.58 of spending increase for every dollar of tax increase.

We have researched that back to the mid 1940's. And in no year have we seen when a tax increase was passed, that the next year the spending cuts materialized. In the time that I have been in the Congress, and I was elected in 1984 and sworn in in 1985, we have eliminated in its entirety one Federal program, the Urban Development Action Grant Program.

Now, we have reduced some in real terms, but in every year Federal spending in the aggregate has gone up, and it has averaged over $50 billion a year increase in the time I have been in the Congress. And in the nineties it has averaged over $65 billion a year. I don't know about the gentleman from South Carolina or the gentleman from New York or California or Indiana, but in my family household, if I had an extra sixty or seventy billion dollars a year, I believe I could get by. I believe I could make it. And yet we talk and talk and talk about making the tough choices and cutting spending. The reality is in almost every case in Washington, that is a phony game. We take the baseline, adjust it for inflation, adjust it for growth, adjust it for unanticipated consequences that may never occur, and then say that is what we would really like, but we will take 10 percent less than that, and they end up with 10 or 15 percent more than they had the year before.

There have been years when the average Federal program had a net increase after inflation and after growth in the economy of over 13 percent. Yet we still cry out about needing more revenue. That is simply not the case.

I am going to conclude this special order, if none of the other distinguished gentleman wishes time, by simply stating the obvious: Tomorrow is a historic occasion. For the first time in over 200 years, we have a real opportunity to amend the Constitution of the United States to require a Federal balanced budget, and to do so in a way that we would cut spending and not raise taxes by adding a three-fifths requirement for a tax increase.

□ 2240

Thomas Jefferson, one of our founding fathers, the author of the declaration of independence, rued the fact that when the constitution was adopted in 1787, it did not have a requirement that the budget be balanced. In the modern era, it is, I think, factual to state that if we do not amend the constitution to require a balanced budget, we will never have a balanced budget.

When our current President's economic advisors state that there is not even an attempt to get to a balanced budget and that balanced budgets do not count and that under the most rosy scenario, the budget deficit begins to climb next year and climb to infinity after we get to the millennium in the year 2000, it is absolutely imperative that we act now.

This dialog, colloquy that we have had this evening on the House floor is not an exercise in academic opportunism. We are going to vote on the constitutional amendment to require a balanced budget with a tax limitation provision tomorrow morning between 11 and 12 o'clock Eastern Standard Time. And if 290 Members of this body vote in the affirmative, we will have passed it. If less than 290 vote in the affirmative, we will have 4 other amendments that are made in order and whichever of those 4 gets the majority vote will be the vote on final passage for the two-thirds requirement sometime early tomorrow evening.

This colloquy this evening on the House floor has the potential to go down in history as the most important colloquy that has ever been heard in this chamber in terms of fiscal responsibility. It is not of the same significance as declarations of war, which we have had in the early 1940's and some of those types of debates, but in terms of fiscal responsibility and our children's future to have the same type of economic opportunity that we have had, it is important.

If the American people agree with the distinguished Members that have participated with us this evening of its importance and if they take advantage of the opportunity to express their serious demand that we pass the tax limitation balanced budget amendment, we will do so.

I want to thank the gentleman from New York for having the first special order and the gentleman from Indiana and the gentleman from South Carolina and the gentleman from California and all the other distinguished gentlemen and gentlewomen that have participated this evening and simply ask that they really search their consciences and come prepared tomorrow to exert every effort in a positive way to pass this historic amendment.

THE LINE-ITEM VETO

The SPEAKER pro tempore (Mr. GEKAS). Under the Speaker's announced policy of January 4, 1995, the gentleman from Wisconsin [Mr. BARRETT] is recognized for 15 minutes.

Mr. BARRETT of Wisconsin. Mr. Speaker, I come before the House and I welcome my new colleagues on the other side of aisle who are here tonight and I ask them to stay so perhaps we can listen to some of the comments I want to make on the important issue that we are going to be facing in the next two weeks, which is the line item veto.

I am a supporter, Mr. Speaker, of the line item veto, because I think it is an important tool that the President should have to help us control the runaway spending that we have seen in this country over the last 30 years.

But I am very troubled by what I have seen in the committee that I serve on, the Government Reform Committee, by what is occurring there, because I think that the Government Reform Committee, under the new leadership of the Republican party, is only dealing with half the problem.

The problem that the new leadership is dealing with is the problem of spending, pork barrel spending in appropriations bills that I believe should be taken out.

I think that the President should have the authority with the line item veto to remove pork barrel spending from appropriation items.

I also feel very strongly, though, Mr. Speaker, that the President should, in addition to having the power to remove pork barrel spending, that the President should have the additional power to remove tax expenditures or special tax breaks that are given through our Tax Code as well.

This is not a new concept. In fact, because I am relatively new in the House, I thought it would be smart for me to draw on some expertise of far more learned Members of this House to try to come up with the language to make sure that the people in this body do not use our Tax Code to create what are in essence tax expenditures and lowering the amount of money we have in our treasury and increasing the size of our national deficit and our national debt through the Tax Code.

So the perfect person to call on in order to come up with the exact language is the former minority leader, Mr. Michel, a person who was very well respected throughout this institution, who also was very concerned with this issue.

He raised this issue last year in the expedited rescissions bill that we considered. Actually it was in 1993, as I recall, but he was concerned with this provision as well, this issue as well. So he created an amendment that he offered to the House that made it possible for the President of the United States to also use his line item authority to get rid of targeted tax breaks.

I would like to spend several minutes, if I could, reading from his testimony or his colloquy on the floor because I think it was very powerful, and unfortunately, I think that the Members of his own party today in our committee ignored his very own advice, even though the Republican Members of this House unanimously supported his amendment when he offered it just a short time ago.

Now I am reading verbatim from Mr. Michel's statements which were given on this floor not long ago.

> Mr. Chairman, I rise today to offer my amendment to the real legislative line item veto proposal offered by my colleagues. My amendment adds an additional dimension to the debate. Should the President be allowed to strike special interest tax provisions from tax bills in addition to appropriations from appropriation bills? I believe that the President should be given this additional authority.
>
> I am amazed and obviously very gratified that this issue has gained so much momentum. I began the drumbeat earlier this year after seeing the number of special interest tax provisions contained in last years's tax bill, H.R. 11. That bill was vetoed by President Bush due to the sheer weight that it gained through the legislative process here in Congress.
>
> As you know, that bill initially was the vehicle for the enterprise zone provisions in response to the Los Angeles riots.
>
> By the time it was on the President's desk, it was a huge bill containing over 50 special interest provisions. My understanding is that the cost of the special interest provisions exceeded the cost of the supposed cornerstone of that bill, the enterprise zone provisions that we all thought was the real reason for our having considered that particular tax bill.
>
> Several weeks ago during initial consideration of this matter, a group of freshman Members on the Democratic side of aisle asked that an amendment be made in order to the base bill that included presidential authority to repeal tax expenditures. There was also an effort by members of the Committee on Appropriations to give the President such authority. They, like myself, have been precluded from raising the tax issue in the base bill.
>
> Now, you are going to hear several arguments why you should not vote for this amendment. You will hear that it is uncertain what I mean by the term 'targeted tax benefits.' Well, I can assure you I know one when I see one, and so do you. I am talking about special interest tax items, tax pork, tax loopholes, tax carve-outs, Members' projects, special tax exemptions, et cetera, et cetera.
>
> I am talking about tax goodies, the kind of things that insiders get in abundance and the regular taxpayers get in the neck.
>
> I am talking about a wind and a nod and a nudge and all the other political insider body language that says, give me a break because I am somebody special.
>
> There are big, big bucks associated with these sweetheart tax provisions, believe me. If you agree that the President should not be held hostage to special interests and tax bills as well as appropriation bills, then support my amendment today. When we see that whopping big tax bill coming down the pike later this year, you better believe that it is going to be loaded with lots of tax goodies, if it is going to get any mileage in either one of the bodies of the Congress.
>
> In order to get the votes to pass it, I can assure you, as I said, that members of the committee, particularly the chairman, are going to be under immense pressure to do just these kind of things that ought not to be done. My amendment would add some accountability in the tax area as is provided in the appropriation area.
>
> The second argument that you will hear against my amendment is that it raises constitutional questions. Well, when these constitutional questions arose during my testimony before the Government Operations Committee, I contacted a well-regarded constitutional expert, Mr. Bruce Fein, for his opinion on the matter.

□ 1050

Mr. Speaker, I would like to quote from a March 16 letter that I have received from him relative to the bill that I introduced. This is what he said:

> The purpose of the President's targeted tax authority is unquestionably legitimate, to assist in attacking ballooning budget deficits. The method is plainly adapted to that end, enabling the President to veto only the mischievous portions of a revenue bill that he might otherwise sign because of offsetting attractions.
>
> The authority does not usurp legislative power. Congress may override a targeted veto. Further, at any time it may, by legislation, rescind the President's targeted veto power. Moreover, insofar as the bill delegates legislative revenue power to the President, it contains sufficient standards to guide the exercise of delegation to pass constitutional muster.

Now on these grounds, I believe that I have a legitimate legal and constitutional basis upon which to offer my amendment.

Mr. Speaker, I would like to reiterate once more that I believe the President of either party should have the option to get at special interest provisions in both appropriations and tax bills. It is a good management tool, both on the appropriations side and on the tax side.

It is not one of those issues, quite frankly, that divides along political lines. I have heard Members in the earlier debate mentioning, conservative Members on my side who have an absolute opposition to a line item veto, and I respect them for their feelings on that score

People ask me, "BOB, why would you give up your legislative authority to an all-powerful Chief Executive?" I will say, "Because we have loused it up here in the Congress. That is why." If 43 Governors have the power to use to good advantage, then why should we not give it to the President of the United States?

When Jimmy Carter was President I said, "If you don't want to give him authority for a complete line item veto, give him at least authority to reduce items by some arbitrary figure—10, 15, 50 percent—if you want to hold on jealously to your power."

But it is a management tool to try and save some bucks around here, and I am willing to give that to President Clinton, President Carter, as I proposed earlier, and yes, certainly my own President. I do not want to hamstring any President to the degree that they would not have their kind of ability to use a good management tool that 43 of our Governors are currently using to their advantage.

Again, I continue to read from Mr. Michel's statement, and I think the next paragraph is important:

> Quite frankly, if you are for special interests, then vote against my amendment. If you are for a more complex tax code, then vote against my amendment. Now, if you believe that the President should not be held hostage to special interests, then I say vote for my amendment today. It will make a better piece of legislation.

Mr. Speaker, I read this to you because I think it is very important as we prepare for the debate on the line item veto that we do not forget the problem of tax expenditures. Quite frankly, the bill that is moving through this House at lightning speed does not deal sufficiently with the issue of tax expenditures.

Let me tell you how the bill deals with it. As originally drafted, it said the President would have the authority to line item a tax expenditure if the number of people who benefitted from it were fewer than five.

That is ridiculous, because many of these tax expenditures apply to corporations, apply to individuals, and with 260-plus million people in this country, you are not going to have a tax provision that is going to only apply to fewer than five people. In committee today we raised that to 100, which I still think is woefully inadequate.

In fact, the gentleman from Pennsylvania [Mr. CLINGER], who is the chairman of our committee, last year testified or spoke on the floor in support of the amendment of the gentleman from Illinois [Mr. Michel], and he said:

> I agree with the Minority Leader that it is important that the President be able to single out both excessive and unnecessary spending, and special sweetheart tax provisions, for an individual vote. Often such provisions are buried in large bills and Members may not even be aware of each of these individual provisions when they vote on a nonmiscellaneous bill.
>
> The American people hear of these special tax giveaways only after they take effect, and they are outraged at the arrogance of Congress to give special deals to special friends. A meaningful way to strike these provisions from omnibus tax bills is one way for the government to reclaim the respect of the American people.

That is what he said last session, in support of this very amendment that today was voted down in the Committee on Government Reform and Oversight.

So what is going on here? Why do we have this sudden change in the treatment of tax expenditures, now that the Republicans are in the majority?

I hope I am wrong, Mr. Speaker, I sincerely hope I am wrong, but my fear is that although the Republicans are quick to say "Let's get rid of the pork barrel spending projects in Members' districts," which I agree with, and that is why I support the line item veto, that they are very hesitant to say, "Let's get rid of special tax breaks for wealthy individuals."

I think if we are going to have a complete bill, an honest bill, a bill that we can all be proud of to take home to our constituents, that it is imperative that we follow what the Members of the now Majority party were pushing two years ago: that we include in this bill real power for the President to get rid of these special tax breaks.

To do so I think is going to require some courage on the part of Members of the other side of the aisle, who thus far this session have not shown any willingness to vote independently from the leadership. However, I think they can do it.

I think if we are serious about the deficit, and we just heard four or five Members talking about the deficit and the debt, that this is another tool that we have to have, so I would ask the Members of this body, and in particular those who look at this issue, to reconsider their assistance.

I will be presenting this, along with other Members, to the Committee on Rules, and ironically, looking at the Committee on Rules, the makeup of the Committee on Rules, 9 of the 12 members on the Committee on Rules voted for this amendment last year. As the gentleman from Illinois [Mr. Michel], indicated, it crossed party lines. This is not a partisan issue, it is a bipartisan issue, and it should have bipartisan support.

RULES OF PROCEDURE FOR THE COMMITTEE ON COMMERCE FOR THE 104TH CONGRESS

(Mr. BLILEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLILEY. Mr. Speaker, pursuant to the requirements of clause 2 of rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Commerce for the 104th Congress, as adopted by the committee in open session on January 10, 1995.

RULES FOR THE COMMITTEE ON COMMERCE

RULE 1. GENERAL PROVISIONS

(a) Rules of the Committee. The Rules of the House are the rules of the Committee on Commerce (hereinafter "the Committee") and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and its subcommittees.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

RULE 2. TIME AND PLACE OF MEETINGS

(a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his direction, cancel, delay or defer any meeting required under this section, after consultation with the ranking minority member.

(b)(1) *Additional Meetings*. The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(b)(2) *Special Meetings*. If at least three members of the Committee or subcommittee (which is applicable) desire that a special meeting of the Committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the Committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calender days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee or subcommittee (whichever is applicable) may file in the offices of the Committee their written notice that a special meeting of the Committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee or subcommittee (whichever is applicable)— that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(c) Vice Chairman; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(e) Regular Meeting of the Chairmen. At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the Committee and the procedures for Committee and subcommittee consideration of such matters. This discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction, and the conduct of joint subcommittee hearings.

RULE 3. AGENDA

The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee by delivery to his or her office at least 36 hours in advance of such meeting.

RULE 4. PROCEDURE

(a)(1) The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays and legal holidays) in advance of the commencement of such meeting.

(B) The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or a subcommittee, at least 2 working days in advance of his or her appearance, 75 copies of a written statement of his or her proposed testimony and shall limit his or her oral presentation to a brief summary of the argument, unless this requirement, or any part thereof is waived by the Committee or subcommittee chairman or the presiding member.

(c) The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening statements by members at the beginning of any hearing of the Committee or any of its subcommittees shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members.

RULE 5. WAIVER OF AGENDA, NOTICE, AND LAYOVER REQUIREMENTS

Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

RULE 6. QUORUM

Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the Committee or subcommittee, as the case may be, except that a matter may not be reported by the Committee or a subcommittee unless a majority of the members thereof is actually present.

RULE 7. PROHIBITION AGAINST PROXY VOTING

No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

RULE 8. JOURNAL, ROLLCALLS

(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the rule.

RULE 9. FILING OF COMMITTEE REPORTS

If, at the time of approval of any measure or matter by this Committee, any member or members of the Committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the Committee. All such views so filed shall be included within and shall be a part of the report filed by the Committee with respect to that measure or matter.

RULE 10. SUBCOMMITTEES

There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

RULE 11. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

RULE 12. REFERENCE OF LEGISLATION AND OTHER MATTERS

All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the Committee within 5 legislative days, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittees having legislative or oversight jurisdiction.

RULE 13. RATIO OF SUBCOMMITTEES

The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

RULE 14. SUBCOMMITTEE MEMBERSHIP

(a) The majority party members of the standing subcommittees shall be selected by a process determined by the majority party members. The selection of majority party members of the standing subcommittees shall be conducted at a meeting of the majority party caucus of the Committee held prior to any organizational meeting of the Committee.

(b) The minority party members of the standing subcommittees shall be selected by a process determined by the minority party members. The selection of minority party members of the standing subcommittees shall be conducted prior to any organizational meeting of the Committee.

(c) The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members.

RULE 15. SUBCOMMITTEE CHAIRMEN

(a) The chairman shall nominate a slate of chairmen for the standing subcommittees. The chairman's slate shall be subject to approval by a majority of the majority party caucus of the Committee. If the chairman's initial slate is not approved by a majority, the chairman shall present an alternative slate of nominations until a slate is approved by a majority of the majority party caucus.

(b) The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

(c) The chairman of the Committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

RULE 16. COMMITTEE PROFESSIONAL AND CLERICAL STAFF APPOINTMENTS

(a) Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

RULE 17. SUPERVISION, DUTIES OF STAFF

(a) The professional and clerical staff of the Committee not delegated to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

RULE 18. COMMITTEE BUDGET

(a) The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 104th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the House Committee on Oversight unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the House Committee on Oversight, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

RULE 19. BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by him in accordance with the Rules of the House.

RULE 20. COMPTROLLER GENERAL AUDITS

The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the Committee.

RULE 21. SUBPOENAS

The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the Committee or subcommittee (as the case may be), a quorum being present. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. Subpoenas may be issued over the signature of the chairman of the Committee, or any member of the Committee authorized by such chairman, and may be served by any person designated by such chairman or member. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than 1 week after service of such subpoena.

RULE 22. TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; and (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP (at the request of Mr. GEPHARDT) for today, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.
Mrs. LINCOLN, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. MENENDEZ, for 5 minutes, today.
Ms. ESHOO, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. DE LA GARZA, for 5 minutes, today.
Mr. MILLER of California, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. BECERRA, for 5 minutes, today.
Mrs. THURMAN, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mr. KILDEE, for 5 minutes, today.
Mr. PASTOR, for 5 minutes, today.
Mr. CLAY, for 5 minutes, today.

(The following Members (at the request of Mrs. CHENOWETH) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, on January 26.
Mr. GRAHAM, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.
Mr. BLILEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LOBIONDO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. LANTOS.
Mr. DINGELL.
Mr. TOWNS.
Mr. NEAL.
Mr. KANJORSKI.
Mr. HAMILTON in three instances.
Mr. WILSON.
Mr. UNDERWOOD in two instances.
Ms. JACKSON LEE.
Mrs. KENNELLY.
Mr. SKELTON.
Mr. MINETA.
Mr. JACOBS.
Ms. SLAUGHTER.
Mr. TOWNS.
Mr. REED.
Mr. MARTINEZ.
Mr. SERRANO in three instances.

(The following Members (at the request of Mrs. CHENOWITH) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. DAVIS.
Mr. DICKEY.
Mr. FRANKS of New Jersey.
Mr. QUINN.
Mr. PACKARD.
Mr. COX.
Mr. GALLEGLY.
Mr. THOMAS of California.
Mr. FAWELL.
Mr. BARR.

(The following Members (at the request of Mr. BARRETT of Wisconsin) and to include extraneous matter:)

Mr. PAYNE of New Jersey.
Mr. FORBES.
Mr. TAUZIN.
Mr. MCINNIS.
Mr. OLVER.
Mr. BARR.

ADJOURNMENT

Mr. BARRETT of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 26, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

195. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

196. A letter from the Under Secretary of Defense—Comptroller, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

197. A letter from the Assistant Secretary for Economic Security, Department of Defense, transmitting the strategic and critical materials report during the period October 1993 through September 1994, pursuant to 50 U.S.C. 98h-2(b); to the Committee on National Security.

198. A letter from the Acting Director, Office of Thrift Supervision, transmitting information on changes in district offices; to the Committee on Banking and Financial Services.

199. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the Comptroller General's 1994 annual report, pursuant to 31 U.S.C. 719(a); to the Committee on Government Reform and Oversight .

200. A letter from the Chairman, Agriculture and Transportation Barriers Compliance Board, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

201. A letter from the Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

202. A letter from the Executive Secretary, Barry M. Goldwater Scholarship, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

203. A letter from the Chairman, Consumer Product Safety Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

204. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

205. A letter from the Deputy Secretary of Defense, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

206. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

207. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

208. A letter from the Chairman, Farm Credit Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

209. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

210. A letter from the Chairman, Federal Communications Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

211. A letter from the Chairman, National Transportation Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

212. A letter from the Director, Office of Personnel Management, transmitting the Office's report on its health promotion and disease prevention activities for Federal civilian employees; to the Committee on Government Reform and Oversight.

213. A letter from the Administrator, Panama Canal Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

214. A letter from the Secretary of Labor, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

215. A letter from the Secretary, The American Battle Monuments Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

216. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S. 3512(c)(3); to the Committee on Government Reform and Oversight.

217. A letter from the Director, Administrative Office of the U.S. Courts; transmitting the Judicial Conference of the United States biennial report to the Congress on the continuing need for all authorized bankruptcy judgeships, pursuant to 28 U.S.C. 152(b)(3); to the Committee on the Judiciary.

218. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of additional program proposals for purposes of nonproliferation and disarmament fund activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on International Relations and Appropriations.

219. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the fourth quarter of fiscal year 1994, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committees on International Relations and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCOLLUM:

H.R. 665. A bill to control crime by mandatory victim restitution; to the Committee on the Judiciary.

H.R. 666. A bill to control crime by exclusionary rule reform; to the Committee on the Judiciary.

H.R. 667. A bill to control crime by incarcerating violent criminals; to the Committee on the Judiciary.

H.R. 668. A bill to control crime by further streamlining deportation of criminal aliens; to the Committee on the Judiciary.

By Mr. BOEHNER:

H.R. 669. A bill to repeal the Perishable Agricultural Commodities Act, 1930; to the Committee on Agriculture.

By Mr. COLEMAN:

H.R. 670. A bill to waive certain statutory time limitations with respect to the award of military decorations in the case of the award of the Medal of Honor to Marcelino Serna; to the Committee on National Security.

By Mr. FALEOMAVAEGA (for himself, Mr. RICHARDSON, Mr. WILLIAMS, Mr. MILLER of California, and Mr. DEFAZIO):

H.R. 671. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

By Mr. FIELDS of Texas:

H.R. 672. A bill to improve recreational boating safety; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY:

H.R. 673. A bill to establish a national commission to review the regular military compensation of members of the Armed Forces and develop recommendations to end the dependence of some members and their families on Federal and local assistance programs; to the Committee on National Security.

By Mrs. MALONEY:

H.R. 674. A bill to provide that a spouse, former spouse, surviving spouse, or surviving former spouse may qualify for retirement, survivor, and health under the Foreign Service Act if the Foreign Service participant is disqualified for such benefits for reasons of misconduct or disloyalty to the United States; to the Committee on International Relations, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINETA (for himself and Ms. ESHOO):

H.R. 675. A bill to amend the Securities Exchange Act of 1934 to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 676. A bill to require the Secretary of the Interior and the Secretary of Agriculture to establish grazing fees at fair market value; to the Committee on Resources.

By Mr. NEAL of Massachusetts:

H.R. 677. A bill to amend the Internal Revenue Code of 1986 to repeal the special $15 million limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 678. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. PALLONE, Mr. ZIMMER, Mrs. ROUKEMA, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. MARTINI, and Mr. SMITH of New Jersey):

H.R. 679. A bill to amend the Federal Water Pollution Control Act to make Barnegat Bay, NJ, eligible for priority consideration under the national estuary program; to the Committee on Transportation and Infrastructure.

By Mr. SOLOMON (for himself and Mr. MCNULTY):

H.R. 680. A bill to extend the time for construction of certain FERC licensed hydro projects; to the Committee on Commerce.

By Mr. TAUZIN (for himself, Mr. HALL of Texas, Mr. TOWNS, Mr. RUSH, and Mr. BROWN of Ohio):

H.R. 681. A bill to amend the Securities Exchange Act of 1934 in order to reform private enforcement of the Federal securities laws, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself and Mr. NEAL of Massachusetts):

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON:

H.R. 683. A bill to provide a minimum for payments with respect to counties in the State of Texas from receipts from national forests; to the Committee on Agriculture.

H.R. 684. A bill to prohibit exports of unprocessed timber and wood chips to any country that does not provide reciprocal access to its markets for finished wood products and paper produced in the United States; to the Committee on International Relations.

H.R. 685. A bill to amend title 28, United States Code, to provide for the use of volunteers for Federal Bureau of Investigation tours and at the Bureau's training facilities, and for other purposes; to the Committee on the Judiciary.

H.R. 686. A bill to designate the maintenance facility and future visitor center at the Big Thicket National Preserve as the "Ralph W. Yarborough Center"; to the Committee on Resources.

H.R. 687. A bill to authorize the Secretary of Agriculture to convey certain lands in the Sam Houston National Forest in the State of Texas to the current occupant of the lands, the Gulf Coast Trades Center; to the Committee on Resources.

H.R. 688. A bill to extend Federal restrictions on the export of unprocessed timber to timber harvested in the State of Texas; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 689. A bill to require the Secretary of Agriculture to take action to control the infestation of southern pine beetles currently ravaging wilderness areas in the State of Texas; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER.

H.R. 690. A bill to improve the use of risk assessment and cost-benefit analysis by Federal agencies; to the Committee on Government Reform and Oversight, and in addition to the Committees on Science, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS (for himself, Mr. KIM, and Mr. SOLOMON):

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework; to the Committee on International Relations.

By Mr. YATES:

H. Con. Res. 20. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BUNN of Oregon and Mr. ROYCE.

H.R. 6: Mr. SAM JOHNSON, Mr. COLLINS of Georgia, Mrs. SEASTRAND, Mr. MCKEON, and Mr. POMBO.

H.R. 7: Mr. LUCAS, Mrs. VUCANOVICH, Mr. TALENT, Mr. BAKER of Louisiana, Mr. KING, and Mr. BROWNBACK.

H.R. 10: Mr. LONGLEY, Mr. ROBERTS, Mr. POMBO, Mr. SALMON, and Mr. GALLEGLY.

H.R. 24: Mr. FRELINGHUYSEN.

H.R. 28: Mr. LIGHTFOOT.

H.R. 44: Mr. BONIOR and Ms. ESHOO.

H.R. 58: Ms. DANNER.

H.R. 62: Mr. BLUTE, Mr. ENGLISH of Pennsylvania, Mrs. MEYERS of Kansas, Mr. FOX, Mrs. MYRICK, Mr. CHRISTENSEN, and Mr. ANDREWS.

H.R. 70: Mr. FIELDS of Texas and Mr. SOLOMON.

H.R. 76: Mr. VENTO and Mr. LIGHTFOOT.

H.R. 77: Mr. LATOURETTE and Mr. ZELIFF.

H.R. 130: Mr. SMITH of Texas.

H.R. 208: Mr. BARTLETT of Maryland.

H.R. 209: Mr. DOOLITTLE, Mr. KING, Mr. MCKEON, Mr. CHRYSLER, and Mr. HAYWORTH.

H.R. 216: Mr. CHRISTENSEN.

H.R. 218: Mr. BILBRAY and Mr. MCKEON.

H.R. 326: Mr. EWING, Mr. LIPINSKI, and Mr. ZELIFF.

H.R. 370: Mr. LIPINSKI, Mr. MCCRERY, Mr. ALLARD, Mr. BACHUS, Mr. ISTOOK, Mr. METCALF, Mr. ZELIFF, Mr. BOEHNER, Mr. ARMEY, Mr. HOUGHTON, Mr. CHRISTENSEN, Mr. LARGENT, Mr. FORBES, Mr. KIM, Mr. ROGERS, Mr. KING, Mr. LONGLEY, Mr. DICKEY, and Mr. GOODLATTE.

H.R. 390: Mr. BARCIA of Michigan, Mr. SCOTT, Mr. PACKARD, Mr. LAZIO of New York, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. BALLENGER, Mr. SANDERS, Mr. HALL of Ohio, Mr. CRANE, Mr. MCKEON, Mr. PORTMAN, Mr. ROGERS, Mr. COLLINS of Georgia, Mr. DURBIN, Ms. VELÁZQUEZ, Mr. PETE GEREN of Texas, Mr. RANGEL, Mr. BECERRA, Ms. WOOLSEY, Mr. ARMEY, Mrs. SMITH of Washington, Mr. TATE, Mr. LEWIS of Kentucky, Mr. REGULA, Mr. LATOURETTE, Mr. SAWYER, Mr. JOHNSON of South Dakota, Mr. FILNER, Mr. KASICH, Mr. FRANKS of Connecticut, Mr. MYERS of Indiana, Mrs. MORELLA, Mr. STUMP, Mr. WALSH, Mr. POSHARD, Mrs. MALONEY, Mr. HYDE, Mr. SCARBOROUGH, Mr. MICA, Mr. DICKS, Mr. BUNNING of Kentucky, Mr. GEKAS, Mr. WELDON of Pennsylvania, Mr. SERRANO, Mr. DELLUMS, Mr. CLEMENT, Mr. GOODLING, Mr. FAWELL, Mr. BILIRAKIS, Mr. WATTS of Oklahoma, Mr. HANSEN, Mr. GONZALEZ, Mr. HALL of Texas, Mr. CHAPMAN, Mr. MCCOLLUM, Mr. GUNDERSON, Mr. DOOLEY, Mr. LUCAS, Mr. BAKER of Louisiana, Mr. WOLF, Mr. ROTH, Mr. REYNOLDS, Mr. SAM JOHNSON, Mr. RAMSTAD, Ms. DANNER, Mrs. FOWLER, Mr. LAFALCE, Mr. PAYNE of New Jersey, Mr. MOAKLEY, Mr. CUNNINGHAM, Mr. BROWN of California, Mrs. VUCANOVICH, Mr. FLAKE, Mr. CLAY, Mr. TUCKER, Mr. CHABOT, Mr. YOUNG of Florida, Mr. HERGER, Mr. DELAY, Mr. BALDACCI, Mr. HOKE, Mr. QUINN, Mr. SMITH of Michigan, Mr. CRAMER, Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, Mr. GILCHREST, Mr. HINCHEY, Mr. EVANS, Mr. FAZIO of California, Mr. FARR, Mr. FATTAH, Mr. COMBEST, Mr. MANZULLO, Ms. HARMAN, Mrs. SEASTRAND, Mr. GORDON, Mr. FOGLIETTA, Mr. BONIOR, Ms. KAPTUR, Mr. JACOBS, Mr. DE LA GARZA, Mr. DREIER, Mr. BILBRAY, Mr. STOKES, Mr. EVERETT, Mr. KIM, Mr. HOUGHTON, Mr. THORNTON, Mr. MANTON, Mr. MEEHAN, Mr. BREWSTER, Mr. MCCRERY, Mr. JEFFERSON, Mr. SKELTON, Mrs. CUBIN, Mr. STOCKMAN, Mr. MILLER of Florida, Mr. BLUTE, and Mr. FIELDS of Texas.

H.R. 464: Mr. LIGHTFOOT and Mr. CHRISTENSEN.

H.R. 502: Mr. GENE GREEN of Texas, Mr. SMITH of New Jersey, and Mr. COBURN.

H.R. 593: Mr. ANDREWS.

H.R. 663: Mr. CUNNINGHAM and Mr. NEY.

H.J. Res. 8: Mr. INGLIS of South Carolina.

H.J. Res. 28: Mr. LUTHER and Mr. WELLER.

H. Con. Res. 5: Mr. LIGHTFOOT, Mr. PACKARD, Mr. MOORHEAD, Mr. CRAPO, and Mrs. CHENOWETH.

H. Con. Res. 12: Mr. ORTIZ.

H. Con. Res. 17: Mr. WHITFIELD, Mr. BURR, and Mr. SMITH of New Jersey.

H. Res. 30: Mr. DANNER, Mr. WISE, Mr. MORAN, Mr. SANDERS, Mr. SHAYS, Mr. UNDERWOOD, Mr. TAYLOR of North Carolina, Mr. ROEMER, Mr. RICHARDSON, Mr. SMITH of New Jersey, Mr. BONO, Mr. WAXMAN, Mr. MCNULTY, Mr. VENTO, Mrs. MYRICK, Mr. WALSH, Mr. CONYERS, Mr. FROST, Mr. LEWIS of California, Mr. FARR, Mr. BROWN of California, Mr. BARRETT of Wisconsin, Mr. GENE GREEN of Texas, Mr. GOSS, Mr. FIELDS of Texas, Mr. DEUTSCH, Mr. KNOLLENBERG, Mr. DELLUMS, Mr. ROGERS, and Mr. CALLAHAN.

H. Res. 33: Mr. GENE GREEN of Texas and Mr. HINCHEY.

EXTENSIONS OF REMARKS

LET'S LOOK TO THE FUTURE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. WILSON. Mr. Speaker, from time to time a letter comes across my desk that speaks directly to the core of a problem. Recently we received just such a letter.

The debate over balancing the Federal budget and finding ways to also reduce taxes inspired an east Texan to write to my office. This letter is so in tune with both present reality and historic precedent that I wanted to share it with all of you:

> DEAR REPRESENTATIVE WILSON: I would much prefer deficit reduction to a middle class tax cut. Although I would qualify, the tax cut would make very little difference in my well-being. But a reduction in the Federal deficit will improve my well-being and that of my child in the long run.
>
> Please work to identify spending cuts that can be applied to deficit reduction rather than a tax cut.
>
> Sincerely,
>
> E.L. WRIGHT.

I expect this letter expresses the views of many people, especially those with children. It asks that we look to their future.

This means getting the Federal ledger in the black first. It means when we do turn to tax relief, the emphasis should be on deductions for education and career training, use of IRA's for college tuition, and other long-term investments.

Fourteen years ago I was one of a handful of Members who voted for President Reagan's spending cuts, and against his tax cuts. We took some flak and received bags of hate mail for this. But I felt then, as I know now, that any tax cuts must come after we achieve a balanced budget, not before. Trying to do both in the early 1980's snowballed us into the most rapid increase in deficit spending in history.

A strong, solvent America is in everyone's interest. Reaching a balanced budget should be our priority now, just as it should have been 14 years ago.

CONCERNING THE RULE TO HOUSE JOINT RESOLUTION 1

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in reluctant support of House Resolution 44, the rule for the balanced budget amendment. Although I will be voting for this rule, I am disappointed that the Franks-Condit-Gillmor substitute amendment adding unfunded mandates language to the balanced budget amendment was not made in order by the Rules Committee.

Mr. Speaker, our amendment was substantially similar to the Barton balanced budget amendment (H.J. Res. 1), but with two crucial differences. First, our amendment struck the three-fifths provision to raise taxes contained in section 2 of House Joint Resolution 1. While I am steadfastly opposed to raising taxes, the controversy surrounding this provision could hamper passage in the Senate and make it more difficult to achieve the requisite two-thirds vote in the House of Representatives.

Second, our amendment includes a provision prohibiting new unfunded Federal mandates. I strongly believe that a ban on unfunded mandates is essential to prevent a future Congress from balancing the Federal budget merely by shifting costs and responsibilities to State and local governments.

The supporters of other versions of the balanced budget amendment contend that there are only two ways to balance the budget—either by cutting spending or increasing taxes. But the truth is there's a third, more insidious option where the Congress would mandate expensive Federal programs onto State and local governments and require local taxpayers to pick up the tab. Judging from the past, it is clear that Congress will use any means available to avoid hard budget choices. I believe that closing the unfunded mandates loophole is imperative to preserve the integrity of the balanced budget amendment and ensure protection for local taxpayers.

Mr. Speaker, including an unfunded Federal mandates provision as part of the balanced budget amendment is the only ironclad way to protect local taxpayers. Although I welcome and support efforts to solve the unfunded mandates issue by passing a statute, the sorry fact is that Congress is adept at finding ways to circumvent statutory law in order to escape from fiscal accountability.

Additionally, it is important to note that Republican and Democratic Governors have rightly expressed their reluctance to encourage their State legislatures to ratify a balanced budget amendment without a provision specifically prohibiting new unfunded Federal mandates. The inclusion of a provision to ban unfunded Federal mandates would have, in my opinion, markedly improved the chance of ratification by the States.

Mr. Speaker, our substitute amendment has the support of the National League of Cities and the National Conference of State Legislatures [NCSL]. The support of NCSL is especially noteworthy, as it is their members who will ultimately be deciding the fate of the balanced budget amendment. And since this rule precludes me from offering my substitute amendment that would have protected the States, I am skeptical whether this version of the balanced budget amendment will ever be ratified by the requisite 38 States.

Mr. Speaker, consideration of the balanced budget amendment presents Congress with a unique and historic opportunity to permanently resolve the issue of unfunded Federal mandates. Our substitute amendment would have provided the assurance that Congress would not have met its obligations under the balanced budget amendment by imposing unfunded mandates on State and local governments. Although I am disheartened that Congress will not act on my amendment today, I expect that we will be revisiting this issue should the States refuse to ratify the balanced budget amendment because of an absence of a unfunded mandate provision.

CONGRATULATIONS TO THE PACIFIC DAILY NEWS: 25 YEARS OF EXCELLENCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. UNDERWOOD. Mr. Speaker, 25 years ago, shortly after the gateways to Guam were opened to the world, the Guam Daily News published its first edition on my home district of Guam. The paper quickly evolved into a solid business entity, which is important to our island and to the Pacific region.

Now affiliated with the Gannett News Service, the Guam Daily News is better known as the Pacific Daily News. It is our only daily paper, and a tremendous source of current events.

Over the years, the P.D.N. has changed its format, its editors, its reporters, but not its high quality. The paper may not be as thick as the New York Times or the Washington Post, but "all the news that's fit to print," manages to get on its pages.

Truly part of the Guam family, the P.D.N. currently reaches a wider audience than any other island media. It overcame obstacles and outlasted a competing paper. Throughout the years, in typhoons and other natural disasters, I have always found an edition of the P.D.N. at my doorstep. Yet, the paper means so much more to Guahan.

On important occasions, the managers and employees of the P.D.N. constantly prove their keen interest in civic matters. As a member of the Guam Chamber of Commerce, the Guam Olympic Committee, other nonprofit boards and commissions, President Lee Webber leads his staff by example. As the company grew, it shared its success with the island.

Happy 25th birthday, Pacific Daily News.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 11, 1995, into the CONGRESSIONAL RECORD.

APPLYING LAWS TO CONGRESS

As much as Hoosiers complain to me about excessive government regulations, they complain even more about congressional exemptions from laws that are applied to private citizens and businesses. They believe Congress should follow the same laws as private citizens, and I agree. To address such concerns, on the opening day of the 104th Congress the House passed unanimously the Congressional Accountability Act, which will ensure that Congress lives under the same laws applied to private citizens.

BACKGROUND

Many Members of Congress from both political parties and both chambers have worked for years to develop a process for applying laws to Congress that is consistent with the constitutional requirement of the separation of powers. For example, a proposal similar to the Congressional Accountability Act was included among the recommendations of the bipartisan Joint Committee on the Organization of Congress, which I co-chaired. In August 1994, legislation almost identical to the Congressional Accountability Act passed the House by a margin of 437 to 4. Unfortunately, that proposal was blocked in the Senate in the closing days of the 103rd Congress. The House responded in October 1994 by applying laws to itself via a change in House rules.

This rules change was a worthwhile accomplishment. But private sector laws should be applied as fully as possible to both the House and Senate, and this is best accomplished by legislation rather than a rules change in one chamber. Moreover, the internal House rules change could not allow for court appeals of employee grievances. As a result, Congress is again considering legislation to end the long history of congressional exemptions.

IMPORTANCE

There are three key reasons why it is important for Members of Congress to follow the same laws that cover private citizens.

First, the widespread perception that Members have exempted themselves from many laws significantly undermines public confidence in Congress. This institution loses credibility and legitimacy when people believe that Members are somehow "above the law."

Second, more fully applying laws to Congress will improve the quality of the legislation we pass. It can be difficult for Members to understand completely the practical implications of legislation when we are not forced to confront these implications in our own place of work.

And third, it is simply unfair not to extend to congressional employees the same rights and protections available to those who work elsewhere.

COMPLEXITIES

As with many congressional reform issues, the issue of applying laws to Congress is complex, and often misunderstood. For example, many laws such as the Social Security Act have long been applied to Congress in exactly the same manner that they are applied to the private sector. Other key labor laws also are currently applied to Congress, although the methods of enforcement differ somewhat from those adopted for private sector employees. Among these laws are the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Family and Medical Leave Act. Some laws have not been applied to Congress simply because they have no bearing on the internal operations of this institution, such as Title IX of the Higher Education Act Amendments of 1972, which deals with women's athletics programs. And in certain areas Members are actually subject to more stringent statutory limitations than those applied to people in the private sector: examples include full public financial disclosure, post-employment restrictions, and strict limitations on outside income.

Constitutional questions have also complicated the effort to bring the legislative branch into compliance. There would be considerable potential for mischief if a President of one party were allowed to use his regulatory enforcement powers to harass or unduly influence Members of Congress of another party. The internal operations of Congress cannot be subject to regulation—and possible political manipulation—by the President.

However, even with these common misunderstandings and difficulties, the underlying problem has remained: Congress has not been subject to certain laws to the maximum extent feasible, and the institution must be brought into full compliance in a manner consistent with the Constitution.

PROVISIONS

My view is that the Congressional Accountability Act will accomplish these goals without undermining the separation of powers. As passed by the House, it contains a number of important provisions. It will: require the direct application of private sector laws, including OSHA, to Congress; create a bicameral Office of Compliance to issue the regulations necessary to implement these laws; provide that such regulations will go into effect within a certain period unless Congress explicitly votes otherwise; and allow congressional employees to take their complaints to court and receive compensation.

House passage of the Congressional Accountability Act is not the final hurdle in the process of applying laws to Congress. The Senate also has pledged quick consideration of a bill to apply laws to Congress. But the Senate bill likely will differ from the House-passed version in important ways, and the two chambers will have to agree on a single consensus package. Still, my hope is that Congress will settle the issue of congressional compliance early this year.

CONCLUSION

The application of laws to Congress is one key component of the overall reform agenda advanced by the Joint Committee on the Organization of Congress and other reform-minded Members during recent years. But reform is an ongoing process, and much work still needs to be done. Members should continue to work in a bipartisan fashion for meaningful congressional reform throughout the 104th Congress. The passage of a strong reform agenda will help demonstrate that Members are serious about enhancing the openness, effectiveness, and public credibility of Congress.

TRIBUTE TO JONATHAN COHEN, SUBWAY HERO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Jonathan Cohen, a brave young African American whose quick and selfless action prevented a fleeing suspect from escaping a tragic subway murder early this month.

Jonathan Cohen lived in the Bronx until he was 10 and attended P.S. 48 in my Congressional District. He was descending the escalator to the platform at the 34th Street station on January 4 when he saw a man push an elderly woman into the path of an oncoming subway train. While the other onlookers froze, Mr. Cohen had the presence of mind to follow the man he saw commit the crime, call out to others to call the police, and then grab and hold the suspect when he reached the token booth.

Mr. Speaker, when teachers at P.S. 48 read about this incident, they recalled the young boy named Jonathan Cohen who had attended their school 20 years ago. After doing some checking, they were able to ascertain that the hero of January 4 was a grown-up version of the boy they remembered.

Mr. Speaker, on Friday, February 17, P.S. 48 will hold a Black History Month program. The annual theme of this year's celebration, which had been established well in advance of the events of January 4, is "Growing Better Citizens." How fitting it is, Mr. Speaker, that Jonathan Cohen, who has grown into such an outstanding citizen, will speak at this event.

Mr. Speaker, I ask my colleagues to join me and the P.S. 48 community in praise of Jonathan Cohen for the shining example he sets for all Americans.

INTRODUCTION OF TAX LEGISLATION TO REPEAL THE $15 MILLION LIMITATION ON TAX EXEMPT PUBLIC OUTPUTBONDS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I am reintroducing legislation to amend the Internal Revenue Code of 1986 to repeal the special $15,000,000 limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility. The intent of this legislation is to treat public power in the same manner as other public facilities.

Traditionally, States and local governments and other public entities have relied on the issuance of municipal tax-free bonds to finance construction of a wide range of essential public facilities, including schools, roads, water and waste water treatment systems, electric and gas utilities, hospitals, health centers, prisons, and public transit. The Tax Reform Act of 1986 included numerous provisions restricting the use of tax exempt bonds. These provisions were enacted in order to curb abuses in the bond community and to increase revenue to reduce the Federal budget deficit.

One of the changes made in 1986 was the extent to which private parties could benefit from the use of facilities financed by tax-exempt bonds. Pre-1986, up to 25 percent of facilities constructed through the issuance of tax-exempt bonds could benefit from the use of facilities financed by tax-exempt bonds. The Tax Reform Act of 1986 reduced this restriction to 10 percent for all Government bonds. However, a further limitation was imposed on public power and public natural gas transmission facilities. The private use test for public power is the lesser of 10 percent of $15 million. No other entities are subject to the $15 million private-use test.

The removal of the $15 million cap would place public power on equal footing with other public facilities. The additional restriction on public power hampers the ability of these entities to buy and sell power in the open market. In addition, the restriction constrains public power entities from building units of a size which allow them to gain economies of scale.

In 1989, the Anthony Commission on Public Finance, chaired by former Rep. Beryl Anthony issued a report entitled "Preserving the Federal-State-Local Partnership: The Role of Tax-Exempt Financing." The Commission recommended the elimination of the $15 million public power limit. The bottom line is that this restriction is not only discriminatory, but it drives up the cost of power to consumers of public systems.

On June 23, 1993, the U.S. Department of Treasury testified before the Subcommittee on Select Revenue of the Ways and Means Committee and addressed this legislation. Leslie B. Samuels, Assistant Secretary for Tax Policy said, "There does not appear to be a reason to treat (these) output facilities more harshly than other output facilities. As a practical matter, the $15 million output limit of current law may have little effect other than to create an incentive for public power issues to operate inefficiently."

The legislation will remove the $15 million cap and treat public power like other public facilities and I urge my colleagues to join me in cosponsoring this legislation.

JOHN M. RANDOLPH, JR., HONORED WITH COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. KANJORSKI. Mr. Speaker, I am pleased today to have the opportunity to recognize the accomplishments of a highly respected leader and my personal friend, John M. Randolph, Jr. Mr. Randolph will be honored by the Wilkes-Barre community on February 19 at the prestigious Lincoln Day Dinner sponsored by the B'nai B'rith S.J. Strauss Lodge.

Mr. Randolph, a graduate of King's College, is a senior partner in the accounting firm of Parente, Randolph, Orlando, Carey and Associates, which is the 25th largest CPA firm in the United States. It has 10 offices in Pennsylvania, and employs a professional staff of more than 300 employees.

A frequent speaker for professional and community service groups, John has often shared his financial expertise with the community. The list of his personal and professional affiliations and memberships is long and impressive. It includes a seat on the board of trustees of College Misericordia where he served as the vice-chairman of the board and chairman of the finance committee. Currently he is serving as trustee emeritus. He has served from 1989 to 1990 as a trustee for Keystone Junior College; he is a current trustee of King's College and sits on the Wilkes University Presidents Council.

John came to Wilkes-Barre in 1959 to attend King's College and made the Wyoming Valley his home. He and his wife, Sharon, are the proud parents of two sons, John III, a second-year law student, and Scott, who attends Wilkes University.

Mr. Speaker, I am pleased to join with the Strauss Lodge in honoring John Randolph, Jr., for his dedication to his profession and to his community. I applaud the lodge's choice of John Randolph as this year's recipient of this prestigious award.

SALUTE TO THE PARLATOS FOR THEIR SERVICE IN THE U.S. AIR FORCE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Ms. SLAUGHTER. Mr. Speaker, I rise today to salute Julie and Alan Parlato from Rochester, NY for their accredited service in the U.S. Air Force on the occasion of their retirement at the Offutt AFB on November 18, 1994.

In SMSgt. Alan A. Parlato's 24 years in the Air Force he earned a SAC master technician patch and a SAC master aircraft and munitions maintenance badge. His decorations and awards include the Meritorious Service Medal with two oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, Air Force Achievement Medal, Air Force Outstanding Unit Award with one oak leaf cluster, Air Force Organizational Excellence Award with one oak leaf cluster, Air Force Good Conduct Medal with seven oak leaf clusters, National Defense Service Medal with bronze star, Air Force Overseas Long Tour Ribbon with one oak leaf cluster, Air Force Longevity Service Award with five oak leaf clusters, NCO PME Graduation Ribbon with one oak leaf cluster, Small Arms Expert Marksmanship Ribbon, and the Air Force training ribbon. He enlisted in the Air Force in 1971 as a grand radio repairman and left as a maintenance operations superintendent and logistics group resource advisor.

In Master Sergeant Julie A. Parlato's 20 years in the Air Force her decorations and awards include the Defense Meritorious Service Medal, Air Force Commendation Medal with three oak leaf clusters, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award, Combat Readiness Medal, Air Force Overseas Long Tour Ribbon, Air Force Longevity Service Award with four oak leaf clusters, NCO PME Graduation Ribbon with one oak leaf cluster, and the Air Force Training Ribbon. She enlisted in the Air Force in 1974 as a plumber, retrained first as a teletype operator and later to go into the training career field. She left as chief, education and training section responsible for developing and evaluating unit training programs.

Alan A. Parlato and the former Julia A. Reitano met in 1969 and were married in August 1971 in Rochester, NY. They have one son, Christopher, a daughter-in-law, Heather, and two grandsons, Zakk and Storm. Alan's proud parents are Russell and June Parlato of Irondequoit, NY. Julia's equally proud parents are Joe and Theresa Reitano of Greece, NY.

Mr. Speaker, please join me and their family in thanking the Parlato family for their allegiance to and brave service for our Nation.

AGREE TO DISAGREE IN BIPARTISAN EFFORT TO GET THE PEOPLE'S WORK DONE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Ms. JACKSON-LEE. Mr. Speaker, when the President of the United States addressed this body last night during his annual remarks on the State of the Union, he expressed his desire to put partisan politics aside and to work with this new Congress in accomplishing the goals of the Nation. We should hasten to accept this challenge.

The President's message was a forthright affirmation of America's working men and women. He acknowledges that despite economic recovery, too many families are still working harder for less. President Clinton outlined his strategy for preparing the American people to face the demands of today's economy by raising family incomes. In an effort to reach parity in wages, he proposed raising the minimum wage. He further outlined the proposals of his Middle-Class Bill of Rights—a proposal which will help middle-class families meet the costs of raising and educating their children, obtaining training for higher paying jobs, purchasing a first home, or for the care of an elderly parent. Let us use the President's words and ideas as a framework for legislative action. We cannot afford to allow his passionate directives to simply pass through these halls as wishful rhetoric. We must act now.

President Clinton's new covenant of rights and responsibilities between the Federal Government and the American people is a prescription for new hope. I agree that the Government must help people obtain the necessary tools to improve the quality of their lives. But I further believe that people must play a role in building not only their own lives, but in building and strengthening their communities and their country. To do this, we need to reform our welfare state into a system that rewards work and responsibility; we must continue the fight against crime; and we should build upon the principles of the AmeriCorps national service program.

We are a nation of people—united to work for many of the same causes. But when we disagree, it does not mean that we are fundamentally different creatures. We simply disagree. It's that simple. For this Nation to move forward, we must learn to agree to disagree and move beyond party lines to work toward the health and well being of all. Thank you, Mr. President, for your inspiring words of encouragement.

TRIBUTE TO NEWPORT HARBOR HIGH SCHOOL FOOTBALL TEAM

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. COX of California. Mr. Speaker, I rise today to pay tribute to the Newport Harbor High School football team, which completed its first undefeated season in 64 years by winning the California Interscholastic Federation championship title.

Led by Head Coach Jeff Brinkley, the Sailors' triumphant season was the culmination of an extraordinary year for these young men. It was a year that was marked not only by notable individual accomplishments and exemplary team play but also by a tremendous sense of courage and determination rarely seen in prep football. The coaching staff, the players, the fans all made their dream a reality.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in saluting the Newport High School football team and to congratulate their championship year.

GOVERNOR WHITMAN'S SPEECH TO THE NATION

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, last night New Jersey Gov. Christine Todd Whitman delivered the Republican response to the President's State of the Union Address from the historic assembly chamber in Trenton.

As my colleagues are aware, Governor Whitman has a growing national reputation for cutting taxes, slashing onerous regulations, and eliminating unnecessary spending. She has demonstrated the leadership, determination, and guts to govern effectively. She has proven that government can be smaller and less costly and still be responsive to the people it serves.

Mr. Speaker, many political pundits are touting Governor Whitman as a possible Vice Presidential nominee, and rightly so. Governor Whitman's successful policies are a model that should be adopted nationally.

I commend Mrs. Whitman on her excellent speech last night. Below is the text of the Governor's speech for my colleagues' review.

STATE OF THE UNION RESPONSE

Good evening. I'm Christie Whitman, Governor of New Jersey, and I am addressing you tonight from the historic legislative chamber in Trenton, one of the oldest in the nation. Speaking to you this evening is a tremendous honor for all of us here in New Jersey.

It is appropriate that we have come together tonight in Trenton. On Christmas morning in 1776, George Washington crossed the icy Delaware River and surprised King George's mercenaries in their barracks here—on these grounds. The Battle of Trenton was a turning point in the American Revolution.

Just as that revolution two centuries ago began in the colonies, there is a revolution sweeping America today, begun not in Washington, D.C., but in the states. In Wisconsin, in Ohio, in Massachusetts, in South Carolina, in California. The American people are seeking freedom in a new revolution that began before I ever came to office.

It is a revolution of ideas, one in which the voters are given a clear choice between bigger or smaller government, higher or lower taxes, more or less spending.

It is a revolution about a free and sovereign people saying they want power to return to them from their state houses, their county governments, their city halls.

In elections all across America, the voters have chosen smaller government, lower taxes and less spending.

They rejected the tyranny of expanding welfare-state policies, the arrogance of bigger and bigger government. The frustration of one size-fits-all answers.

In a word, they have chosen freedom.

They elected leaders like Governor Bill Weld of Massachusetts—who, in his first month in office, cut state spending by 1.7 billion dollars. Since then, he's cut taxes five times and brought Massachusetts the third-lowest unemployment rate in the nation.

And Governor Pete Wilson, who has already reformed health care in California—using market forces to guarantee access for millions of uninsured and made health care more affordable for small businesses.

They elected governors who said we should have a smaller, more efficient government—and they meant it. Like Governor Tommy Thompson in Wisconsin—he's cut spending, cut taxes, and led the most comprehensive welfare reform movement in the country.

And Governor Fife Symington, who became one of several Republican governors to cut tax every year they were in office and see their economies boom.

In state after state, the revolution of ideas took hold.

By 1994, Governor George Allen reformed the criminal justice system and abolished parole in Virginia.

And the same month Bill Clinton signed the largest tax increases in American history, Governor John Engler signed the largest tax cut in Michigan history, helping bring the lowest unemployment rate to the state in twenty years.

Here in New Jersey—like so many other governors—I was told my tax-cutting policies were a "gimmick." I heard we couldn't do it—that it was "impossible"—that it would "hurt the economy."

But I had given my word to the people of New Jersey that we would cut their taxes. And we did.

In the first year, with the help of the New Jersey legislature, we cut business taxes.

We reduced income taxes not once but twice. We lowered state spending—not recklessly—but carefully and fairly.

Just yesterday, I announced a third wave of income tax cuts—another 15 percent, taking us to a 30 percent reduction, to put more money in the hands of families like yours.

The results have been solid: State revenues are up even from the income tax—and 60 thousand more New Jerseyans are at work today than were a year ago—making this year our best year for job creation since 1988.

And we did it all under a balanced budget amendment to our state's constitution.

In November, the revolution came to Washington.

Now people want less government, lower taxes, and less spending from the federal government.

People want results.

In both houses of Congress, the Republican party has been elected, like many of us in the states were on an agenda of change:

We're committed to reforming welfare—to encourage people to work, and to stop children from having children.

We want to force the government to live within its means by stopping runaway spending and balancing the federal budget.

We want to lower taxes for families and make it easier to achieve the American Dream—to save money, buy a home and send the kids to college.

We're going to stop violent criminals in the tracks—with real prison time for repeat offenders and a workable death penalty.

We must send a message to our young people that crime doesn't pay.

And we're going to slash those unnecessary regulations that strangle small business in America, to make it easier to create more jobs and pay better wages and become more competitive in the global marketplace.

We intend to create a new era of hope and opportunity for all Americans.

Many of these ideas are the same ones Governors have been enacting here in the states.

Time after time, Republicans and Democrats—have found that things work better when states and communities set their own priorities, rather than being bossed around by bureaucrats in Washington.

Our colleagues on Capitol Hill are facing the same opposition we did—the same cries of "it can't be done" from the Washington-knows-best crowd. People who think government can't be too big and that there is virtue in raising taxes.

Well, there's nothing virtuous about raising taxes. There's nothing heroic about preserving a welfare system that entraps people. And there's nothing high-minded about wasting other people's money on Big Government spending sprees.

We overcame the same objections, the same stalling and distortion, the same footdragging. We've heard it all. And in the end, we have won the battle of ideas in our states.

Now it's time to win the battle of ideas in Washington.

If the people's agenda is to succeed in Congress, everyone needs to work together.

And while at times tonight some of the President's ideas sounded pretty Republican, the fact remains that he has been opposed to the Balanced Budget Amendment—he proposed even more government spending—and he imposed the biggest tax increase in American history.

It's clear that your votes in November sounded a warning to the President. If he has changed his big government agenda, we say great—join us as we change America.

Republicans welcome your ideas for making government not bigger but smaller.

As we move forward in the next two years, the President and Congress should be reminded that success is not measured in the number of laws passed, but in the results.

Is government serving the people better?
Are neighborhoods safer?
Are families stronger?
Are children learning more?
Are we better prepared to meet the future?
Do we have more freedom?

The election in November was a beginning, not an end—and we are committed to fulfilling the verdict of the voters and enacting our agenda of hope for the families of America. Change is hard. But we're going to work hard.

We will keep faith with America.
We will keep our word.
We will do what you elected us to do.
We will give you results.

On election day you gave us your trust. We accept your mandate.

President Clinton, you must accept it as well.

Put the principles of smaller, more effective government into action. Reduce spending and cut taxes.

Two weeks ago, in my State of the State address to the people of New Jersey, I made them a pledge which, in closing, I would now like to make to the American people on behalf of the Republican Party. By the time President Clinton makes his next State of the Union address:

We will have lower taxes.
We will have more efficient government.
We will have a stronger America.

We will have more faith in our politics, more pride in our states and communities, and more confidence in ourselves.

We will go forward together, as one family with many faces, building a future with opportunity.

A future with security.

A future based on mutual respect and responsibility.

And most of all, a future filled with hope—for our children and our children's children.

Thank you very much and God bless America.

CONGRATULATIONS TO SORENSON BROADCASTING FOR 13 YEARS OF EXCELLENCE AND 10 YEARS OF GREAT TALK RADIO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. UNDERWOOD. Mr. Speaker, in my home district of Guam, we have many fine radio personalities and journalists. One of the island's communications corporations has been around for the last 13 years, and has been the only all talk radio station on our island for the last 10 years. The company is known as Sorenson Broadcasting, and its all talk radio station is NEWSTALK: K–57. Since there is only one all talk station on our local radio dial, K–57 is more like an electronic village meeting which convenes every day.

The mornings are very alive with one of Guam's solid citizens, Jon Anderson. This is morning talk radio at its finest. For 4 hours beginning at 6 a.m., Anderson engages, encourages, stimulates, and informs. Jon Anderson is the most well-known voice throughout all segments of Guam's varied communities. He has been concerned with island issues for many years now, and Guam is enhanced by his show and his concern.

Then, in the afternoon when things seem to be slowing down, Myk Powell hits the air waves. If you need a little humor, albeit tongue-in-cheek, to keep going, Myk, gives you exactly that, a little humor. He'd be proud of me for stealing that joke. But seriously folks. . . .

Myk carries on the same important role of channeling emotion, conveying information, and encouraging debate. He has that rare gift of being able to intelligently sprinkle humor throughout his show. From his Uncle Myk-ie alter ego to his hilarious commercials. Myk can tease an audience immediately after causing them to question their stance on important issues.

Beyond all the talk, NEWSTALK K–57 features the Island's only radio news team guided by news pro, Patty Arroyo, the island's only on-the-go Shakespearian traffic reporter, Jefferson Cronin, and knowledgeable news anchors and reporters.

Yes, we the radio listeners on Guam are fortunate indeed. The naysayers said you'd run out of things to talk about. Ten years later, we continue to enjoy the fine programs which K–57 radio offers today and, we hope, for many years to come.

FEDERAL MANDATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 25, 1995 into the CONGRESSIONAL RECORD.

FEDERAL MANDATES

Local officials and small business owners in Indiana often tell me of the difficulty they have paying for unfunded federal mandates. One of their top priorities is to limit the ability of Congress to shift costs to businesses or state and local governments by requiring them to meet certain federal standards. I agree. Congress is responding to these concerns by considering a bill this week in both the Senate and the House to limit the practice of imposing unfunded federal mandates. This bill is similar to legislation I cosponsored in 1993.

In the past, state and local governments have been told they must do things such as provide safe drinking water, reduce asbestos hazards, or impose tough criminal penalties. Businesses were required to improve workplace standards, protect their customers from fraud or abuse, and comply with numerous environmental regulations. The objectives of these federal requirements are almost always worthy: clean water, safer roads, trustworthy banks, or consumer protection. But collectively they often drain funds from local governments and discourage business growth. For example, compliance with the Clean Water Act is expected to cost state and local governments $32 billion this year. By one estimate, compliance with twelve other federal mandates will cost $33.7 billion over the next five years. In all, federal mandates consume an average of 12.3% of local revenue. In the private sector, an EPA study found that environmental compliance costs can at times exceed profits for some small businesses, including many dry cleaners, truckers, farmers, and wood finishers.

Unfunded mandates have imposed costs and inflexible rules on governments and business. They often dictate priorities to those who must comply without considering their views. But since many of the laws and regulations in question prevent discrimination, promote worker safety, and protect health, safety, and the environment, the proposals to reduce unfunded mandates must be approached with great care. The challenge is to alleviate the financial burden of unfunded mandates without letting the worthy objectives slip away.

FEDERAL BUDGET CUTS

The major impetus behind growing federal mandates is the federal budget deficit. In the 1960s and 1970s, federal money to state and local governments grew steadily as a percentage of state and local outlays, peaking at 27% in 1978. More recently, the federal government's response to budget deficits has been to reduce its share of state and local aid to about 18% of their budgets. But mandates did not decrease, and local costs escalated.

CONGRESSIONAL ACTION

There is broad support in Congress to curb unfunded mandates. At a minimum, the House and Senate should be required to take a separate vote on any measure that would place costs on state or local governments.

Without such a vote, the House bill's "no money, no mandate" provision would require the federal government to provide funds for new mandates. Before Congress takes action on a bill, the Congressional Budget Office (CBO) would have to determine if the costs of the proposed legislation would exceed $50 million for states and localities, or $100 million for the much larger private sector. For bills that exceed these thresholds, any one Member of Congress could demand a separate vote on whether or not to impose an unfunded mandate.

In addition, federal agencies would be prohibited from imposing unauthorized costs on states and localities when issuing new regulations. There would also be reports to Congress on the costs incurred by state and local governments and the private sector in meeting existing mandates.

DRAWBACKS

There are, however, several drawbacks to any blanket prohibition on federal mandates. First, civil rights advocates fear restrictions on mandates could gut constitutional rights and anti-discrimination laws. Thus, the measure should not apply to laws protecting constitutional rights. It should also exempt laws to protect against fraud, provide emergency assistance, and protect national security. Second, eliminating mandates may make it more difficult to apply worthy existing health and safety standards. Third, protection from mandates should apply equally to the public and private sector. For example, local governments should not be exempt from labor safety laws just because the federal government does not subsidize their implementation. Fourth, the analysis of mandates should include potential benefits as well as costs. It would be shortsighted to abolish public health requirements that pay for themselves many times over in long-term health care savings. Fifth, estimating the effect of complex legislation is extremely difficult. Calculating direct and indirect costs of a mandate is so exacting that analysts will be hard-pressed to present accurate figures.

While this bill is not perfect, it is a good start in dealing with the complex problem of unfunded mandates. It can and will be improved over time. A major flaw in the bill is that it delays taking effect until October. We should curb unfunded mandates now, not later.

CONCLUSION

The unfunded mandates bill will cause Congress to think twice before shifting costs to local governments and businesses. It will shift power from the federal government to the states, and provide businesses and local officials a forum to discuss the cost-effectiveness of rules with federal regulators before rules take effect. These costs will now be considered as an integral part of the legislative process. Members who approve legislation without funding will be required to explain their actions to those faced with the costs of compliance.

Government that works better and costs less must consider all costs, including those incurred by the private sector, and encourage cooperation among all levels of government. We accomplish little if we balance the federal budget with unfunded mandates on the backs of others. Enactment of unfunded mandate legislation will be an important step in improving the performance of government.

INTRODUCTION OF SUPER IRA LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. NEAL. Mr. Speaker, today Mr. Thomas and I are introducing the Savings and Investment Act of 1995, commonly referred to as the Super IRA bill. Since I have been a Member of Congress, I have been very concerned about our low national savings rate. I share the belief of chairman Alan Greenspan of the Federal Reserve that our low national savings rate is our number one economic problem.

The savings rate has declined significantly since the 1950s. In 1993, U.S. net national saving was only 2.7 percent of net national product, compared to 12.3 percent in 1950. In a recent study, Professors R. Glenn Hubbard and Jonathan Skinner concluded raising the Individual Retirement Account (IRA) contribution limit would increase net national savings by $4 for every dollar lost in government tax revenue. Professors Hubbard and Skinner believe the decline in the national savings rate is a cause for serious concern because of the links between saving, capital formation, productivity, and American living standards.

I believe the purpose of this legislation is to increase our national savings rate. IRAs are a proven tool to boost our savings. Most contributions to IRAs are made by middle income families. All Americans should be able to contribute to IRAs. We need to provide individuals with an incentive to save for their retirement. The U.S. personal saving rate dropped from 5.2 percent of GDP in 1960–1980 to 3.4 percent in 1991–1994.

Under this legislation, all Americans would be eligible for fully deductible IRAs. Current law only allows those taxpayers who are not covered by any other pension arrangement, and whose income does not exceed $40,000 ($25,000 singles) to be eligible for a fully deductible IRA. These limits would be gradually lifted over time. The $2,000 contribution limit will be indexed for inflation in $500 increments in the year in which the indexed amount exceeds the next $500 increase.

The legislation creates a new kind of IRA option. Taxpayers will be offered a new choice of IRA. Under this new type of IRA, contributions will not be deductible, but if the assets remain in the account for at least 5 years, all income will be tax free when it is withdrawn. A 10 percent penalty will apply to early withdrawals, unless one of the five exceptions is met.

The legislation includes a provision which I believe is very important. The bill allows spouses who work at home to contribute up to $2,000 to their own IRA to the extent of their own income. In addition, the legislation waives the 10 percent penalty on early withdrawals if the funds are used to buy a first home, to pay educational expenses, to cover catastrophic health care costs, during long periods of unemployment, or to purchase of long-term care insurance. Similar penalty withdrawal rules will apply to 401(k) and 403(b) employer-sponsored plans.

We have to encourage individuals to save for their retirement. I believe this legislation is a step in the right direction. I urge you to support this legislation.

SOUTH BRONX MENTAL HEALTH COUNCIL, INC. PATIENT RECOGNITION AND EMPOWERMENT DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the South Bronx Mental Health Council, Inc., which this Friday will celebrate its fourth annual "Patient Recognition and Empowerment Day."

The South Bronx Mental Health Council is a community based organization which provides treatment and mental health services to the local population and to area schools and senior centers.

While it is important, and appropriate, to recognize the care givers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council, who on Friday, January 27 will celebrate the fourth annual Patient Recognition and Empowerment Day.

TRIBUTE TO THE LATE MARCELINO SERNA

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. COLEMAN. Mr. Speaker, today I am introducing legislation to posthumously honor Mr. Marcelino Serna of El Paso, TX. My bill would make the late Mr. Serna eligible for the award from the Army of the Congressional Medal of Honor by stipulation that the regulation which says that a nomination for that award must be filed within 2 years of the acts above and beyond the call of duty should be waived in this case. In my judgment, Mr. Serna deserves that medal just a surely as anyone who has ever been so honored.

Marcelino Serna served in the U.S. Army from 1917 to 1919. He was born in Chihuahua City, in the Mexican State of Chihuahua in 1896. He died February 29, 1992 at the age of 95. He had held his U.S. citizenship since 1924. Seventy-one years ago, Mr. Serna was awarded the Army's second highest award for valor in combat, the Distinguished Service Cross. He was decorated with the highest military medals of Italy and France. The descriptions of his exploits on the battlefields of Belgium and France read like casebooks of heroism. In recovering from wounds suffered toward the end of the war, he was personally decorated by General John "Black Jack" Pershing.

Some have speculated that Mr. Serna was not awarded the Medal of Honor because he was a buck private for most of the war, because he was not a citizen of this country at the time or because he could not speak English well. I hope that none of these reasons were ever given by anyone in a position of authority in these matters. They are insulting and they have no basis in law.

This bill, once enacted, would begin to right a wrong, and to correct an oversight. I urge the committee of jurisdiction to take up the legislation as rapidly as possible so that the Army may look at the merits of this case.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limitations specified in section 3744(b) of title 10, United States Code, shall not apply with respect to the posthumous award of the Medal of Honor under section 3741 of such title to the late Marcelino Serna of El Paso, Texas, for acts of heroism performed while serving as a private in the United States Army during World War I.

THE NATIONAL DIVIDEND PLAN

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. TAUZIN. Mr. Speaker, for much of the 103d Congress we were occupied with concerns over the Federal budget deficit; we debated numerous and varied ideas to limit spending or raise revenue or accept some combinations of the two. The common goal has been to reduce the deficit—a deficit that both liberals and conservatives, Republicans and Democrats, see as a threat to our national economic health and long-term stability. We grappled with constitutional amendments to gain a mandatory balanced budget and each appropriation bill seems to bring new attempts to impose generic limits. We saw bills to cut spending across the board, to target programs ranging from the tea tasters to the B1 bomber, all in an effort to get the deficit under control.

Through all this, Mr. Speaker, we have not utilized the most effective resource this Nation has to accomplish this critical task. We have not given the American voter a tangible stake in this Country's financial progress. The National Dividend Plan [NDP], an idea born in the fifties in the mind and heart of John J. Perry, Jr., and which I have introduced as H.R. 430, does just that.

The NDP doesn't just encourage citizen involvement—involvement is guaranteed through the sharing of the Federal profits of corporate enterprise. This profit sharing is achieved by redirecting revenue collected from the corporate income tax from Federal coffers directly back to those who generated it: The American labor force. This would be done only in years when the budget is balanced or in surplus, giving all voting citizens a direct stake in the outcome of the Federal budgeting process.

John Perry is a successful businessman and philanthropist. He recently wrote of the NDP and I want to share his thoughts with my colleagues. I hope it will help persuade each of you to join me in this effort.

THE NATIONAL DIVIDEND PLAN: IT'S TIME

(By John H. Perry, Jr.)

"It's spending, stupid!"

For Fiscal Year 1996, the President's budget proposes spending of $1.518 trillion—that's $2,880,000 every minute of every day. And we will pile up an additional $176 billion of debt even while we are paying net interest of $198.8 billion on our existing national debt of $4.6 trillion. Think of it, how would you spend $48,000 a second next year? More importantly, how could you do that knowing that it adds $335,000 a minute to your debt even while you pay $378,000 a minute in interest on existing debt.

If, resorting to the sport metaphor which dominates much political discussion these days, it's "Three strikes and you're out!" why is the hottest debate topic on Capitol Hill these days the Balanced Budget Constitutional Amendment? We're already out of the box.

Congress swung—and missed—with the Budget Impoundment and Control Act, it swung and missed again with Gramm-Rudman-Hollings, and then, called strike three—the Omnibus Budget Reconciliation Act, not only did spending continue, but taxes were increased.

Members of the Congress, House and Senate, are again earnestly discussing the need for discipline in spending, but build accounting devices into a proposed Constitutional Amendment which will also provide loopholes for minorities who would on the one hand expand revenue and on the other limit spending.

Instead of recognizing the futility of 535 Members of Congress trying to restrain themselves from doing what 260 million Americans want them to do, it's time that we create an environment in which 260 million people demand that the 535 do what needs to be done.

The National Dividend Plan provides not only the opportunity, but also the demand. After forty years "in the wilderness," it is an idea whose time has surely come. In 1952, having found some success for myself as I pursued the American dream, I proposed a program by which the public revenue from the profits of the industrial might of America—Federal corporate income tax revenues—be returned directly to the people of America, the source of that might. It was, for its day, a radical national "employee stock ownership plan." In a simpler time, a time of only marginal deficits, and occasional surpluses , it was just a way to "invest" each voting citizen with a stake in increasing the economic might of the nation—emphasizing American industry—and by participating in the political process—registered voters would become actors in "growing" America.

The National Dividend Plan is majestic in its simplicity:

1. Create a National Dividend Trust Fund, financed primarily by Federal income taxes on corporate profits and capital gains taxes; distribute the revenues from the Fund, quarterly, equally to all registered voters, taxfree

2. Impose a five-year spending freeze on the Federal government as the Fund is established and adjustments are made in Federal budgeting.

3. To eliminate, and restrain, Federal deficits, provide that no distributions from the Trust Fund be made to individuals until the Federal budget is in surplus—because each registered citizen-voter is equally entitled to Fund distributions, each citizen, rich or poor, becomes equally vested with an interest in critically weighing Federal programming.

4. Eliminate the double taxation of corporate dividends for stockholders.

5. Freeze the corporate tax at current rates to provide economic stability.

Polls have consistently shown results which indicate that the American public recognizes the need to limit spending and to balance our national budget. Individuals know that they must balance their checkbooks or face declining living standards and limited options for future activity. At the same time. political realities have encouraged legislators to respond to special interest constituencies rather than to make the tough choices necessary to live within our means.

The National Dividend Plan, by giving every registered voter a stake in controlling Federal spending, will enforce discipline where it belongs: in the relationship between voters and their voices in Washington. Without a meaningful incentive for voters to demand discipline in Federal spending on the part of legislators, legislators have no incentive to practice meaningful discipline.

More to the point, since a properly established National Dividend Plan would eliminate deficit spending within a few years, a five year period is built into the legislation, the American voter becomes a stakeholder in the economic success of America's business enterprise.

Buying American becomes not only a statement of faith in America's businesses and industry, it also gives each voter a return on his or her investment of time and energy to the success of our nation's productive enterprise. And, because America will become more productive it will continue to be the most successful exporter of national goods and services in the world.

Finally, of course, it is important to understand that, while the proceeds of the National Dividend are not taxable, the earned income of citizens is. A vibrant economy will continue to generate Federal funds to meet truly national needs—and the growth of business and industry generated by increases in productivity and the competitiveness of American goods and services will mean that America's Federal enterprise can grow as the nation grows, and even meet important new needs. But the practice of responding to special interests, "oiling" the hundreds of squeaky wheels that now make up not only our Federal programs but the way that we legislate, will have to pass the "means" test: Is it worth it if it means that my dividend is reduced? Some demands will meet that test: certainly challenges to our national sovereignty or national interests around the world which may demand defense expenditures, unusual events such as the disasters which have occasionally resulted in our people demonstrating that we are the most compassionate nation on earth, and other events which may call on our enlightened self-interest to meet out national interest.

America is a nation built on a free economy, but its economy is no longer free—it is captive to the 35 years of deficits since the last balanced budget. Only the people of America, whose self-interest and generosity generated the budgetary nightmare we now face wake up and bring a bright new day.

The National Dividend Plan gives America's voters not only the opportunity to continue to generously meet national needs, but the self-interest to demand that those needs meet the test of being measured by the light of day. And legislators, who now seek shelter in the "discipline" of a hazy Constitutional Amendment will find the glow of a new day of enlightened voter participation in the budget process. H.R. 430, legislation implementing a National Dividend Plan, is before the 104th Congress. It's time that we as voters demand of our legislators that they not only return to the citizenry a means by which to measure their economic management of America, but also a share of the means which measures the economic strength of America.

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE RECONCILIATION OF NORTH AND SOUTH KOREA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. McINNIS. Mr. Speaker, the Administration has in recent months claimed several foreign policy victories. However, American taxpayers should recognize that one of these victories, the recent accord between the United States and Communist North Korea, may prove extremely costly.

The Administration has hailed the agreement as the beginning of the end of a perilous nuclear crisis. But, the nuclear crisis appears far from over since North Korea is not required to dismantle all its nuclear facilities for at least 10 years. The Administration has played down the concessions the United States must provide to North Korea within this "gentlemen's agreement". Additionally, the Administration appears to have slighted the traditionally close United States coordination with our democratic and reliable ally, South Korea.

Under the agreement, which was signed on October 21, the United States will organize a consortium including South Korea and Japan to supply North Korea with two light-water reactors. These reactors are less useful for bomb-making than the North's existing technology. In return, North Korea will freeze its nuclear program and promise to open its nuclear sites eventually to inspection.

A serious flaw is that the accord allows North Korea to postpone United Nation's "special inspections" of its nuclear sites until one of the light-water reactors is nearly in place, a process that will take at least 5 years—and probably longer.

These inspections are necessary to determine whether Pyongyang has extracted weapons-grade plutonium for its spent-fuel stock. We should take into account, though, that in the last two years, Pyongyang has concluded nuclear agreements with both the United Nations International Atomic Energy Agency (IAEA) and Seoul that it has failed to fulfill. The Administration offered North Korea economic and political benefits and granted the North up to 10 years, or longer, to fulfill pledges *it has already refused to honor.*

While these light-water reactors are being assembled, a process that will take a decade or more, the United States-led consortium will provide North Korea with free crude oil as an alternative energy source, gradually reduce trade barriers, work toward exchanging diplomatic missions and provide a negative security assurance.

Both Tokyo and Seoul officially welcomed the agreement. However, the accord is drawing fire from South Korea's opposition Democratic party (DP) as well as from conservatives with the majority party, the Democratic Liberal Party (DLP). The DP is decrying the cost to Seoul of two light-water reactors, estimated as high as $4 billion, and the requirement to pay for the crude oil that is supposed to serve as North Korea's alternative energy supply. Conservative members of the DLP similarly oppose the high price tag and the generous delays offered to the North. There is growing popular South Korean sentiment that North Korea has outmaneuvered Washington and marginalized the South's input into this issue. This agreement may jeopardize an alliance that has been very close and productive for many years. I believe we must move to reaffirm the importance of close United States coordination with the South Korean Government.

The Administration should take steps to guarantee that the implementation of the agreement is linked to substantive progress in the reconciliation of North and South Korea. To that end, the Administration should develop specific timetables for achieving measures which will reduce tensions between North and South Korea. For example, specific timetables should be developed for the prompt dismantlement of North Korea's nuclear processing facility. Timetables for the establishment of liaison offices between North and South Korea should be developed. Mutual nuclear facility inspections between North and South Korea should be initiated. Furthermore, the Administration should develop timetables for the establishment of a North-South joint military commission to discuss steps to reduce tensions between North and South Korea.

The Administration should immediately appoint a presidential envoy to deal directly with the real leadership in Pyongyang. This presidential envoy should be respected and experienced in negotiating with Koreans. One of the envoy's first actions should be to call on the North to resume substantive, high-level talks with Seoul *immediately*

Today, I, along with my colleagues Representatives KIM (CA) and SOLOMON (NY), have introduced a concurrent resolution which outlines several steps I think the Administration should take to strengthen the United States-North Korea Agreed Framework. Likewise, Senators MURKOWSKI, SIMON, ROBB and HELMS have introduced identical legislation in the other body.

I urge my colleagues in the House to join me by cosponsoring this very important concurrent resolution. By taking these steps, the agreement between the United States and the heavily armed North Korean regime may ultimately be a success.

UNDERSTANDING CONGRESS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. JACOBS. Mr. Speaker, "Oh what gift to give us to see ourselves as others see us."—Robert Burns.

Following is an article from the Indianapolis Star.

PARTISAN SPATS HAVE LITTLE TO DO WITH REAL WORK OF THE HOUSE

(By George Stuteville)

WASHINGTON.—Republicans and Democrats in Congress had been handling each other with kid gloves until last week. Then they dragged out the old battle-scarred partisan boxing gloves left over from the last session, laced them up and started duking it out.

But a brawl had been brewing for a few days.

Since the start of the session, Democrats had been using their morning speeches on the floor to attack the Republicans' *Contract With America* or complain about Republicans cutting them out of legislation. It sounded like old times—except Democrats are the chief winners now.

Then on Wednesday, Rep. Carrie Meek, D-Fla., ignited the melee with an innocuous comment about House Speaker Newt Gingrich, R-Ga., and his potentially lucrative book deal. Said Meek: "Exactly who does this speaker really work for? Is it the American people or his New York publishing house?"

Wham! Rep. Bob Walker, R-Pa., one of the most incendiary House members when his party was in the minority, demanded that Meek's comment be stricken from the record. In Walker's corner, acting Speaker Cliff Stearns, R-Fla., ruled Meek was out of order.

In minutes, representatives of both stripes cleared out of their offices and committee meetings like baseball players emptying the dugouts for a donnybrook over an umpire's call. Then they put the issue to a vote and, on strict party lines, 217-178, the Republican majority prevailed.

It was a nasty moment. It got plenty of play in newspapers and on radio and TV.

But it wasn't indicative of what really happened in Congress.

To understand Congress, you must see the House chambers as political theater. Removed from political reality, the floor is where actor/politicians deliver ideological soliloquies; where actor/politicians engage in witty and well-planned dialogue; where actor/politicians play for hometown audiences with homespun stories; where actor/politicians put their egos on display.

The floor's voting consoles are its only practical use. Almost no work is done there.

WHERE BUSINESS IS DONE

To understand Congress, you must look at the subcommittee politics.

There weren't too many stories Wednesday about Rep. John Myers' first day as chairman of the House Appropriations subcommittee on energy and water.

Here, courtesy, congeniality and collegiality prevailed on a panel that controls about $20 billion in federal spending. That's $20 BILLION for water control and energy programs.

Instead of the contentiousness that spilled on the House floor, you saw Myers receive a gracious introduction from the former chairman, Rep. Tom Bevill, D-Ala.

Handing Myers the gavel, Bevill joked that he would have to get used to sitting in the smaller chair instead of the high-backed chairman's seat he had used for 18 years.

Myers jokingly replied that he had sold the chair, which got a laugh from Bevill.

The truth is that Myers, out of respect for Bevill, had the chair removed from the room altogether. Bevill had previously mentioned to Myers that he would miss the comfort of the big chair during interminable hearings.

So Myers got rid of it and took a small chair himself.

Myers' act carried deep symbolism, and it didn't go unnoticed by Bevill.

In subcommittees, members of Congress get to know each other. It's where most of the unglamorous legislative work gets done. Subcommittee politics are local, and a member's standing with his or her subcommittee is far more important than the bluster of the floor.

And in Myers' subcommittee, bipartisanship occupies the biggest chair.

TEEN PREGNANCY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 18, 1995, into the CONGRESSIONAL RECORD.

TEEN PREGNANCY

There is no doubt that all of us should be concerned about the number of teenagers having babies. These young people must overcome formidable obstacles in order to become independent adults capable of supporting themselves and their families. All too often they fail, with dire consequences not only for parents and children but for society.

TRENDS

The U.S. has one of the highest teen pregnancy rates of any western industrialized nation. Before the end of their teenage years, 43% of girls become pregnant.

While the birth rate for adolescents has generally declined in the last 30 years, births to unmarried adolescents have steadily risen. In 1992, over half a million teens gave birth, and 71% of them were unmarried. In 1991, 10% of all births in Indiana were to single teens, compared to nine percent of all births nationally.

While the number of unmarried teens giving birth has increased, the likelihood that they will place their children for adoption has decreased. Furthermore, in most cases, the fathers of children born to teen mothers are adults.

CONSEQUENCES

The escalating rate of out-of-wedlock teen pregnancies has disturbing consequences. First, teen mothers are more likely to be economically disadvantaged before childbirth, and usually remain poor after bearing a child. Two-thirds of never-married mothers now raise their children in poverty. Many teens who become pregnant do not finish high school, and lack the skills necessary to find secure employment. Unmarried teens are also less likely to receive financial support from the father.

Second, the human costs of teen pregnancy are substantial. Teen mothers are likely to have another child, usually within two years. These parents are even less likely to finish high school or to marry. In addition, their children tend to fare worse than those from two-parent families on measures of health, education, and emotional and behavioral adjustment.

The strain of too-early childbearing on adolescent mothers is significant. They are more likely to describe their children as "difficult," and are less likely than older mothers to provide adequate intellectual stimulation and emotional support. And teen mothers also receive good prenatal care less frequently than their older counterparts. Consequently, they have a higher rate of premature birth and low-birthweight babies. Lastly, children of teen parents are much more likely to become teen parents themselves—creating a cycle of poverty that is difficult to break.

Not surprisingly, the costs to the public of teenage childbearing are substantial. Three-quarters of single teenage mothers begin receiving Aid to Families with Dependent Children (AFDC) within five years of the birth of their first child. Nearly half of long-term welfare recipients are women who gave birth before age 17. One study has concluded that over half of the total costs of AFDC, Medicaid, and food stamps is attributable to households begun by teen births, totaling $34 billion in 1992.

WHAT CAN BE DONE?

There is no question that teenage parents bear daunting responsibilities, and many of them try very hard to be good parents. But there is also no question that we must do more to lessen the toll of teenage childbearing.

First, we must bring down the rate of teenage pregnancy. We need to make teens better understand that their actions have very serious consequences for which they are ultimately responsible. Many people say that it is futile to try to persuade teens to abstain from sex. But in my view, we have no other choice. Teens receive a lot of pressure to engage in sex, and we need to create some pressure in the other direction. National leaders, the entertainment industry, and sports figures should all be part of such an effort, as should churches, schools, and most of all, parents. Teens need to know about the risks of premature sexual activity—not just pregnancy, but also AIDS and other sexually transmitted diseases. This message must be coupled with efforts to provide teens with the information, confidence and skills they need to make good decisions. Parents must teach their children about responsible decision-making and sex. The message should be clear: becoming a parent as a teen is a bad deal for their children.

More difficult, but equally important, is to give disadvantaged teens some hope for a better future. Those who feel that their future goals would be jeopardized by becoming a parent too early have real incentives to delay parenting. Those who feel that they have no future do not. A number of private programs aimed at encouraging young people to stay in school and pursue postsecondary education have shown promise.

Second, we should develop ways to support families of teenage parents without creating incentives for out-of-wedlock births. The challenge is to help the children of teen parents without making out-of-wedlock childbearing an attractive alternative. Fathers must be held responsible for the support of their children. We must strengthen efforts to establish paternity at birth and collect child support.

Some have suggested cutting off government assistance to teen parents. But what happens to the children? I believe we should require teen parents to live at home and stay in school in order to receive government assistance. Some teen parents, of course, come from abusive or unstable households and will not be able to live at home. For these children, we should establish community-based facilities to house and support young families while the mother completes school or job training.

Raising children is not easy, even for mature adults. It is extraordinarily difficult for young people who are still growing up themselves. I believe that we must emphasize to teenagers that youthfulness does not absolve them from responsibility for their actions. At the same time, we have an obligation to help young parents who are struggling to raise their children.

TRIBUTE TO HOWARD STERN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. SERRANO. Mr. Speaker, on December 7 of last year a truly remarkable event took place in New York City. A young man from the Bronx climbed over the guard rail of the George Washington Bridge with the intention of jumping to his death. He had brought with him a cellular telephone to place one last, desperate telephone call.

Mr. Speaker, that telephone call—to New York radio personality Howard Stern—saved the young man's life. In one of his most important performances, Howard Stern talked to the young man and kept him smiling and engaged until help could arrive.

Mr. Speaker, such is the popularity of Mr. Stern's radio program, that it was Stern's audience which came to the rescue. A listener named Helen Trimble, who heard the event unfold on her radio while driving on the bridge, pulled her car over at the sight of Prince and enveloped him in a bear hug. Port Authority police Lt. Stanley Bleeker, hearing the exchange between Howard Stern and the jumper on his radio, immediately sent officers to the scene. The young man was soon brought to safety.

Mr. Speaker, it is rare that an individual has this great an impact upon another's life. On this occasion, Howard Stern came face to face with a situation for which no one can prepare. Mr. Stern's humanity showed through at this crucial moment, and as a result a human life was saved.

Mr. Speaker, I ask the House to join me in congratulations and thanks to Mr. Howard Stern for his wonderful humanitarian achievement.

PREMIER LIEN CHAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, the attached paper entitled "Premier Lien Chan: His Views and Ideals" was sent to me by Winston L. Yang of Seton Hall University, my alma mater.

I feel it is a most impressive paper and would like to share it with my colleagues.

PREMIER LIEN CHAN: HIS VIEWS AND IDEALS

(By Winston L. Yang)

Lien Chan has served as Premier of the Republic of China (ROC) for almost two years. During the past two years he has made significant contributions to Taiwan's modernization, democratization, and reform.

As a determined, formidable leader, Lien Chan meets challenges well. Noteworthy academic accomplishments, broad administrative experience and a pragmatic approach to governance are the foundation of his openmindedness and tolerance, which are so sorely needed in a democratic and pluralistic society. These traits are vital to the fulfillment of constitutional democracy in the Republic of China. Lien defines his Cabinet as a "multifaceted government," and holds the view that all administrative organs must maintain political neutrality and act in accordance with the law, so that a fair environment for competition among political parties can be ensured and a model of political pluralism upheld within a constitutional framework.

As a champion of free-market economics, Lien believes that the market should be the primary force in determining the direction of economic growth. But he also believes the government is duty-bound to assist and encourage Taiwan's businesses. Government support, he argues, helps entrepreneurs to create wealth and earn profits that can be shared with society.

The Premier is committed to improving the welfare of the island's disadvantaged groups, including persons of low-income, the disabled, laborers and farmers, aborigines, and retired servicemen. He has established programs to solve the social problems arising from the widening gap between Taiwan's rich and poor.

As a statesman, the scholarly Premier represents the progressive, moderate, reform-minded native forces and exhibits a sense of pragmatism and flexibility so necessary to prudent governance. Idealistic, visionary, and broad-minded, he nevertheless detests empty talk and demands concrete actions and realistic programs. Lien is personally involved in policy-making and major decision-making, but he promotes the democratization of authority. He continues to delegate more powers and responsibilities to his ministers that previous premiers. Inefficiency, factionalism, corruption, selfishness, rejection of criticisms, and bureaucratic snobbery are the very problems he intends to reduce. Rejecting the Government's internal division and confrontation, the democratic-minded Lien stresses the need for coordination, cooperation, and consensus (the three C's). With a strong sense of responsibility, he scorns personal dictatorship in the post of premier, and advocates coordinated team work. As a scholarly statesman, he expects thorough investigations and research to be the foundation of decisions. Fearless of obstacles, setbacks, and difficulties, Lien accepts challenges and rejects a defeatist attitude. His primary concern is the prosperous future of the ROC. Idealist yet pragmatic, flexible yet firm on principles, he is strongly attached to the soil of Taiwan. But though profoundly rooted in Taiwan and committed to the "Taiwanization" of the island, he is nevertheless deeply concerned with the future of China and the ultimate reunification of Taiwan and the mainland. His forthright leadership style does not hinder his consideration or acceptance of different views and ideas that will enhance the lives of the Taiwan people.

A champion of reform, democratization, Taiwanization, and native rule, Lien Chan represents a new generation of moderate, dedicated, pragmatic, well-educated, highly-experienced, and internationally-minded native leaders in the dawn of a new era. He is the very kind of leader who will be able to lead Taiwan through its very difficult transition to a highly developed, thoroughly modernized, and fully democratized society—indeed, this is Lien's historic task and chosen mission.

SALUTE TO DORILL B. WRIGHT, KEN HESS, AND JAMES DANIELS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. GALLEGLY. Mr. Speaker, I rise today in recognition of three selfless and tireless public servants who, for many years, have made it their business to make life better for the people of Port Hueneme.

Dorill B. Wright, Ken Hess, and James Daniels have spent a combined total of 44 years on the Port Hueneme City Council and, as anyone who has held locally elected office knows, these years were filled with countless meetings, weekend obligations and late night phone calls.

But the commitment of these three officials to their friends and neighbors in Port Hueneme hardly ended with their official city duties. All three took additional steps to even further involve themselves in a variety of county and statewide activities that benefitted a much larger constituency.

Dorill Wright, for whom the city named its cultural center in 1988, served on the council for 24 years, 16 as mayor.

A past director and president of the Port Hueneme Chamber of Commerce, he has served on the Ventura County grand jury, the California Coastal Commission, local hospital boards and a wide variety of civic and governmental groups far too numerous to list individually.

Ken Hess, who served on the council for 12 years, has also been an active and involved member of his community. He has been a member and chairman of the Ventura County Association of Governments, a member of the county's Drunk Driving Task Force and a past president of the Port Hueneme Chamber of Commerce.

Jim Daniels, a Port Hueneme resident for more than 40 years, spent 8 of those years on the city council and has more than lived up to the designation he earned back in 1963, Port Hueneme Citizen of the Year.

With Dorill and Ken, he helped the council develop the city's cultural center and the Ray Prueter Library, helped supervise the renovation of the Orvene Carpenter Community Center and the badly needed widening of Pleasant Valley Road. In addition to his council duties, Jim has played a leadership role in many community groups and advisory boards.

Mr. Speaker, these three men have made a difference in their community, the county and their State through their hard work and dedication. I ask my colleagues to join me in saluting their efforts today and wishing them all the best in the future.

THE "SUPER IRA" PROPOSAL

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. THOMAS. Mr. Speaker, I am very pleased that a consensus is finally emerging in favor of restoring the utility of Individual Retirement Accounts. President Clinton wants them back and so do many Members of this body.

As the sponsor of the House super IRA proposal being introduced today and the cosponsor of prior bills, I have long felt we need to give ordinary Americans more reasons to save for their own retirement. The Individual Retirement Account is one of the best savings incentives we have ever developed.

The need to expand savings is clear. Americans typically save less than people in other countries and the effect of their habit is clear. A Merrill Lynch survey shows half of American families have less than $1,000 in net financial assets. Even those within 10 years of retirement (ages 55 to 64) only have $6,880 in net financial assets such as checking, savings, IRAs or 401(k) savings.

Another survey shows that the 76 million Americans in the Baby Boomer group are saving at rates far below what they need to maintain their standard of living after retirement. When we consider the prospect that Social Security may run out of funds early in the next century, the security of the Baby Boomers looks poor indeed. We need to develop savings incentives that will make them more secure. I strongly support the use of the Individual Retirement Account for that purpose.

A 1991 Money Magazine reader survey shows how popular the super IRA truly is with the people we want to serve. 97 percent said they would contribute to IRAs if IRAs were restored; the remaining 3 percent were largely already retired. People made it clear they would contribute new savings to their IRA. IRA popularity cut across all income groups.

The Super IRA gives Americans an opportunity to have deductible IRAs or an IRA Plus account in which earnings would be tax-free. The super IRA, with its elimination of the 10 percent early withdrawal penalty for withdrawals for education, medical costs, buying homes, long-term care and times of unemployment, provides a savings vehicle which gives working families the liquidity they want and may need. With both parties now endorsing the IRA as a means of helping middle income Americans, I hope my colleagues will join me in cosponsoring the Super IRA.

REPUBLICAN MANDATE WITH THE PEOPLE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. PACKARD. Mr. Speaker, the President covered a lot of ground last night. The President indicated that he heard the voters' message for change and seemed to try to bridge the gap between where his agenda was going and where Congress in now headed. However, the American people know that the devil is in the details. The American people are tired of empty promises and unrealistic rhetoric. They want results. Our Republican Contract With America Delivers just that—an aggressive agenda for change.

The people rejected liberal, big government "business as usual" in November. They overwhelmingly endorsed our Contract With America. We welcome the President to join us in passing that contract.

Republicans have a specific, positive mandate with America—less spending, less regulation, and less government. On the very first day of the new Congress, we changed the way Congress does business. This week we continue to change the business Congress does.

Republicans will continue to keep their promise with the people by passing a balanced budget amendment and unfunded mandates legislation. We are going to stay focused on our mandate with the American people. We are committed to moving forward with the contract we made with the voters of America.

UNFUNDED MANDATES REFORM ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. DINGELL. Mr. Speaker, as the House continues to debate H.R. 5, the Unfunded Mandates Reform Act, I think it is important that we consider some of the insights discussed in an article which appeared in the Washington Post on January 22.

I commend this article to my colleagues and hope that reflection on the facts will yield a more common sense mandates relief bill.

[From the Washington Post, January 22, 1995]

GOVERNORS BITE HELPING HAND IN MANDATES FIGHT—FEDERAL PAYMENTS, BREAKS ON TAXES SUBSIDIZE STATES

(By Dan Morgan)

California Gov. Pete Wilson (R) has scored political points with voters and fellow governors by blasting the federal government for making his state pay the medical, educational and correctional costs of illegal immigrants—who he says are in California only because of the failure of federal immigration policy.

Wilson contends, Washington should pick up the bill.

But when it comes to paying California's 10 percent share of the costs of rebuilding public facilities after the 1994 Los Angeles earthquake, Wilson is the deadbeat. California voters in June defeated a ballot initiative to raise the money. Wilson, who promised to cut state taxes despite a budget deficit, owes Washington $90 million and has yet to say how he will come up with the money.

The federal government, by contrast, has shelled out or obligated nearly $1.2 billion of $2.8 billion promised for repairs of facilities from buildings to sewer lines, and Wilson is seeking another $500 million in federal relief as a result of the recent mudslides and floods in the state.

Such broad-based federal assistance to every state represents the other side of the debate about the financial burdens the federal government places on states, counties and cities. While governors and the Republican majority in Congress press for legislation that will make it more difficult for Congress to impose rules and regulations that cost local jurisdictions money, local governments continue to take for granted enormous federal subsidies and benefits.

Federal grants to state and local government this year will total $230 billion, and will account for nearly a fifth of state budgets. The payments include the $5 million allocated to the "distance learning and medical link program" benefiting rural communities and the $89 billion it pays out under Medicaid for the medical care, rehabilitation and nursing home bills of poor or, elderly state residents.

The tax exemption of state and municipal bonds, and the deductibility of most state and local taxes under federal income tax law will be worth another $68.9 billion in 1995, according to the Office of Management and Budget.

By issuing bonds on which interest payments are exempt from federal taxes, local jurisdictions can pay less interest to borrowers than if the income were taxed. Allowing taxpayers to deduct local income and property taxes make it easier for cities, states and counties to raise revenues.

In addition, the federal government subsidizes local governments in dozens of hidden ways, such as allowing states to shift parts of existing health programs into Medicaid, qualifying them for federal matching funds.

This is the part of the story that Democrats and some Republicans in Congress say is not getting through in the debate over unfunded mandates, which are federal requirements that states take certain actions but for which the federal government provides no money.

"The issue of unfunded mandates is very legitimate," said Rep. David R. Obey (D-Wis.), ranking member of the House appropriations Committee. "But you have to distinguish between what's legitimate and what isn't."

Obey said it was proper for states such as California, Florida, Texas and New York to demand the federal government do more to defray the financial impact of refugees and illegal immigrants.

In fact, the Justice Department has begun expediting payments of $33.4 million to California, and smaller amounts to six other states, to help cover costs of imprisoning illegal immigrants, the Los Angeles Times reported in October.

But Obey said Wilson "ought to be ashamed of himself coming here with his hand out for federal aid because [flood victims] in his state are suffering the consequences of decisions by local zoning and building authorities."

Obey, who said he was fighting mad about California's slowness in coming up with its share of earthquake money, said this week he will introduce legislation that would replace the current practice of direct federal aid for disasters with a private insurance plan into which states would contribute their own money, with premiums based on a risk assessment.

Some legislators say the implications for local jurisdictions of the GOP-backed constitutional amendment to require a balanced federal budget by 2002 are far more dire than whatever relief a reduction in unfunded mandates might provide.

"To think, as many Republicans do, that the federal government can just get out of all of this—nothing in health care, nothing in welfare, nothing in highways and let the states and locals go off on their own—that's crazy. You pass a balanced budget amendment, let me tell you, there won't be any flood aid anymore and there won't be any earthquake aid. Maybe that's what we want to do," House Minority Leader Richard A. Gephardt (D-Mo.) said recently.

If Congress does pass a balanced budget amendment and begins implementing it with deep spending cuts, states would be hard pressed to maintain the same level of services without increasing taxes substantially, according to data published in the current issue of Newsweek.

Louisiana, home state of Rep. Bob Livingston (R), chairman of the House Appropriations Committee, would have to raise its taxes by 27.8 percent to keep up.

Other poor states such as Mississippi and Tennessee would not be far behind. Richer states, including Maryland and Virginia, would feel relatively little effect.

"We as a nation collectively decide to achieve a certain objective, which can be paid for at the national level or in some combination of the state and local level," said Robert D. Reischauer, director of the Congressional Budget Office.

The real issue, he added, is whether the federal government is imposing obligations on local jurisdictions which they would choose not to provide on their own.

In the case of laws requiring local jurisdictions to meet certain environmental, safety or health standards, the federal government has often backed up its mandates with large sums of money covering most, if not all, of the costs.

Since passage of the Clean Water Act of 1972, the federal government has spent more than $60 billion on local water and sewer projects. More recently, the federal crime bill passed last year calls for the federal government to spend billions over six years to pay for hiring 100,000 new police officers and building more prisons.

Although governors have been complaining about rising costs of the Medicaid health program for the poor, the federal government pays nearly 60 percent of the overall costs and, in the cases of poor states, as much as 79 percent.

Beginning in the late 1980s, states were confronted by slackening tax revenues and recession-driven demands on social services. Many responded not by tightening belts but by using a loophole in Medicaid rules to extract billions of additional federal Medicaid dollars from Washington.

Federal Medicaid payments to states under an obscure program that subsidizes hospitals treating large numbers of low-income patients went from $300 million in 1989 to $10.8 billion in 1992, while there was little increase in state money going into health care.

New Hampshire, for example, used the no-strings-attached federal money to prop up the state budget and avoid imposing new taxes.

An August General Accounting Office report concluded some states "used illusory approaches to shift the costs of the Medicaid program to the federal government."

Many other benefits the states receive from the federal government are not readily apparent, but are well known to governors and county executives.

For example, the federal government returns half of the revenues it receives from the sale of minerals, timber and other commodities on public lands—a total of $1.3 billion a year—to states, counties and local road and school districts. Portions of what is left is allocated to fighting fires, killing predators and eradicating troublesome weeds such as the creosote bush.

People should not be "slapping [Washington] with one hand while they have the other hand out," a House Democratic congressional aide said.

INTRODUCTION OF THE SECURITIES LITIGATION EQUITY ACT OF 1995

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. MINETA. Mr. Speaker, I rise today to introduce the Securities Litigation Equity Act of 1995 for myself and my colleague, ANNA ESHOO.

We do so with the understanding the importance of a securities litigation system that allows private citizens to bring suit for securities fraud. The securities suit, when used properly, protects the integrity of the market and guards individuals against reckless and criminal behavior by people who invest their money. Those investments could be a retirement fund or a child's education fund or a down payment on a home. In any case, the investor deserves the right to legally challenge fraudulent behavior where it truly exists.

However, Mr. Speaker, the system has strayed from that honorable intent. Knee-jerk reaction suits filed by attorneys working with professional plaintiffs have severely constricted the flow of information emerging from technology industry leaders. More importantly, the costs incurred by high-risk industries have gone up. This is extremely disturbing when you consider the high costs these companies face naturally because of the types of services they provide. These costs, in the form of higher insurance premiums, legal fees and out of court settlements, result in less capital for the R&D investments U.S. high-tech companies use to maintain their position at the cutting edge of the world market.

For these reasons, securities litigation reform is a top priority for our Nation's high technology community. Since 1988, 19 of Silicon Valley's 30 largest companies have been hit with securities suits. Even the most hardened cynics cannot believe that nearly two-thirds of Northern California's largest high tech companies are guilty of fraud. Rather, we support the contention of companies in our districts that there exist fundamental flaws in our securities litigation system. These flaws reward abusive and frivolous suits, and cost our Nation's most competitive industries millions of dollars in legal fees and forced settlements every year.

It is for these reasons that we introduce this legislation. The reforms we are proposing include a moderate but substantive package of reforms that will address the systematic incentives for abuse and retain the rights of individuals to bring legal action where appropriate.

Our legislation would address the major problems that currently exist in the system by:

Eliminating liability for companies when a stock broker or analyst distributes inaccurate information not attributed to the company.

Reforming the pleading, burden of proof and discovery processes;

Giving greater control of the litigation to the plaintiffs over the attorneys; and

Eliminating many of the abusive practices currently used by the plaintiff's bar.

It is my hope that as the Commerce Committee marks up legislation for consideration by the whole House, it will accept a substantial number of the provisions in our bill—some of which are new, and many of which have received the benefits of close public scrutiny. Recognizing that a gap currently exists between offered legislative proposals, we carefully crafted this legislation so that it can be supported by Members from both parties, both bodies of Congress, and the key industries and associations affected by these practices.

TRIBUTE TO CASEY HEADRICK WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. TOWNS. Mr. Speaker, I would like to pay tribute to Mr. Casey Headrick Williams, Sr., born on January 1, 1910, to the late Jim and Betty Williams in Cerro Gardo, NC. As a young teen, Casey gained a reputation for being an excellent baseball player and traveled throughout the State competing in baseball.

In 1925, the Williams family moved to Chadbourn, NC where they immediately became members of the Mount Moriah Baptist Church. Shortly after moving to Chadbourn, Casey, met Lella Lewis, the oldest daughter of Arch and Princess (Pennie) Lewis; and, on March 5, 1929, Casey and Lella were united in holy matrimony. This union was blessed with 16 children.

Mr. Williams is completely dedicated to his family. The family always had breakfast together on Sunday morning at which there was a family prayer and each family member recited a Bible verse. Mr. Williams has always been a dedicated breadwinner for his family—at times holding multiple jobs simultaneously and commuting over 100 miles daily to work. For several years, he successfully managed the local candy store. Mr. Williams also worked as a manager in the manufacturing field. After this schedule became too strenuous, Mr. Williams decided to become a sharecropper and lived in various parts of Columbus County. In addition to love for God, Mr. Williams has always stressed the importance of hard work, discipline, and education, although his formal education did not extend beyond the sixth grade.

Mr. Williams recently celebrated his 85th birthday. In these, his sunset years, he is now able to spend more time with his family and enjoying his hobbies, which include gardening and freezing the vegetables he grows. Recently, Mr. Williams has become a very good fisherman under the tutelage of his nephew, Paul. Mr. Williams has also continued his lifetime involvement in the politics and civic matters of the community and surrounding areas.

Although Mr. Williams does not have enormous tangible richness, he considers himself to be a wealthy man. His wealth is evidenced by the respect that other members of the community have for him, the love of his family, and his place in the Kingdom.

INTRODUCTION OF THE RECREATIONAL BOATING SAFETY ACT OF 1995

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. FIELDS of Texas. Mr. Speaker, safety is the primary concern of the millions of recreational boaters across this Nation. The bill I am introducing today would increase the level of safety enjoyed by recreational boaters by increasing the penalties for boating while intoxicated [BWI], requiring children to wear personal flotation devices onboard vessels and personal watercraft, and requiring the Coast Guard to develop plans related to mandatory boating education and certification, and boating accident reporting.

Mr. Speaker, during the last Congress, the Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation conducted an oversight hearing on the National Transportation Safety Board's [NTSB] recreational boating safety study. In that study, NTSB found that alcohol use was involved in at least half of all boating accidents and that 85 percent of those who drown in recreational boating accidents were not wearing personal flotation devices [PFD's].

In their conclusions, NTSB recommended that comprehensive BWI laws be implemented, that minimum recreational boating safety standards be established, and that information about fatal or serious boating accidents be submitted to the U.S. Coast Guard.

I support many of the recommendations of the National Transportation Safety Board and have incorporated some of their suggestions within this legislation.

Mr. Speaker, section 2 of my bill would reduce boating deaths and serious accidents related to alcohol use. Section 2 requires the Coast Guard to develop a program in cooperation with State officials to reduce boating accidents by concentrating enforcement of BWI laws in areas where many boating accidents have occurred. Several States have implemented successful programs of this type, and national cooperative effort would reduce boating accidents across the Nation.

Section 3 and 4 are related to the use of personal floatation devices onboard recreational boats and personal watercraft. Section 3 requires children 12 years of age and younger to wear personal floatation devices, unless they are in enclosed cabins on the boat. Section 4 requires the Coast Guard to submit to Congress a plan to approve full inflationable life jackets for use by certain individuals under appropriate conditions.

According to Texas State boating officials, 71 people drowned in boating accidents in our State last year. Based on their educated analysis, these boating officials believe that more than 50 percent of those Americans would not have lost their lives if they had been wearing personal floatation devices.

Sections 5 and 6 would improve the information that is received by Federal and State boating officials on recreational boating accidents. Section 5 implements a recent suggestion by the National Transportation Safety Board and requires the Coast Guard to implement an information system for boating accident information similar to the one presently operated by the National Highway Traffic Safety Administration that compiles highway accident information. Section 6 requires the Coast Guard to submit a plan to appropriate congressional committees to increase reporting of boating accidents nationally.

Sections 7 and 8 of my bill require mandatory boating safety education under certain circumstances. Section 7 requires individuals who violate the BWI laws to complete a boating safety course that is acceptable to the Coast Guard. Section 8 requires the Coast Guard to develop a plan for education and certification of individuals who operate recreational vessels. After we have experience with this program nationally, we may find that we can increase the age of individuals subject to these education requirements to gradually educate the entire boating public.

Mr. Speaker, this bill contains extremely valuable changes to the laws designed to protect the safety of our waterways. I urge my colleagues to support early action on this important piece of legislation so that we can help to ensure that more people do not lose their lives on our Nation's waterways.

IN RECOGNITION OF ANITA SEMJEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. LANTOS. Mr. Speaker, I rise today to honor and commend Ms. Anita Semjen, director of the Cultural Exchange Foundation, for her exceptional efforts in keeping alive the memories of the victims of the Holocaust.

Ms. Semjen is currently the director of the Cultural Exchange Foundation, a Washington, D.C.-based, non-profit organization promoting Hungarian-American cultural exchanges. Her most recent effort involve "Victims and Perpetrators," an exhibition which is scheduled to be shown in Budapest, Hungary on February 26, 1995. Following its presentation at the Budapest Jewish Museum, the works will be displayed in several major United States cities, eventually entering the collection of the United States Holocaust Memorial Museum.

"Victims and Perpetrators" presents the works of Ilka Gedo and Gyorgy Roman, artists who lived through the Hungarian Holocaust, in which some 500,000 Hungarian Jews were taken to German concentration camps and murdered. Ilka Gedo's drawings from the Budapest ghettos expose painful memories of the past.

Gyorgy Roman, reputedly Hungary's most emulated artist, has sketched scenes from court proceedings of the war criminal trials. Ms. Anita Semjen found Roman's sketch work through a combination of determination and luck, which has led to its first ever public showing in "Victims and Perpetrators." Both artists' works are unique for their extraordinary insight coupled with their artistic value and intimacy of perception.

Ms. Semjen demonstrates an admirable understanding of the arts and peoples of both the United States and Hungary. At a time when innocent peoples still fall victim to religious and ethnic persecution, Ms. Semjen's exhibition rekindles our often passive conscience.

Therefore, today, Mr. Speaker, more than 50 years after the tragedy of the Hungarian Holocaust, I invite my colleagues to join me in honoring the diligent efforts of Anita Semjen in reminding us of the grievous memories of the past and of the lessons history teaches us in the interminable fight against cruelty and oppression.

TRIBUTE TO CAROL LYNN KELLEY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. DAVIS. Mr. Speaker, I rise this morning to pay tribute to one of our outstanding citizens in Virginia's Eleventh Congressional District, Carol Lynn Kelley of Lake Barcroft.

Carol, known as "Kari" to her friends, was born 40 years ago in Woonsocket, RI, to Margaret and Stacia Klara. A 1972 graduate from Woonsocket High School, she graduated from Vassar College in 1976, and obtained her law degree from Case Western University School of Law in Cleveland in 1979. She practiced law in Cleveland until 1985, when she moved to Fairfax County, VA.

After being admitted to the Virginia Bar she practiced law in Northern Virginia from 1986 to 1992. At that time Kari decided to devote more time to her two young daughters, Elizabeth (Lizzy) and Allison and the community where she and her husband Tim make their home.

Kari has been active in the PTA's at Ellen Glasgow Middle School and Pinecrest School. She is an active Brownie leader in Falls Church and a member of St. Anthony's Catholic Church.

Last year Mrs. Kelly was appointed to the Fairfax County Civil Service Commission, a body which adjudicates disputes in the Fairfax County government and makes recommendations on civil service policy.

Mr. Speaker, I know my colleagues join me in honoring Kari Kelley, an outstanding mother, attorney, civic activist and civil service commissioner as her friends and community leaders honor her on Saturday, January 28, 1995, at the Morse Estate in Falls Church.

TRIBUTE TO THOMAS J. STEWART, JR.

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to recognize the career of Thomas J. Stewart, Jr., who is retiring this month after 33 years of service with the Social Security Administration.

Tom began his career with the Social Security Administration in 1961 and worked in numerous offices in various capacities throughout the State of Connecticut. Most recently, he served as liaison for Connecticut's congressional delegation.

It was in that role that I had the opportunity to observe the commitment that Mr. Stewart had to the constituency he served. He understood how important Social Security was in their lives and he endeavored diligently to make sure that they received accurate and timely responses to their inquiries. The high standard of service that Tom maintained is an example for all of us in public service to emulate.

I am honored to rise in tribute to the years of dedicated service rendered by Federal employee Thomas J. Stewart, Jr. His three and one-half decades of professionalism constitute a legacy that is unparalleled. His talents and record of excellence will be greatly missed.

TRIBUTE TO JUSTICE FRED L. HENLEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. SKELTON. Mr. Speaker, today I wish to pay tribute to former Missouri Supreme Court Chief Justice Fred L. Henley, who recently passed away in Jefferson City, MO. Born October 25, 1911, in Caruthersville, MO, Chief Justice Henley was an outstanding Missourian who served many appointments within the Missouri justice system.

In 1934, he received his bachelor of laws degree from Cumberland University in Lebanon, TN. In 1935 he was admitted to the Missouri bar. Ten years later he was admitted to the bar of the Supreme Court of the United States.

He established a general law practice in Caruthersville, MO in 1936. That same year he was elected city attorney, a position he held for 3 years. In 1939, he was appointed city counselor. He was city counselor until 1942 when he went to serve in the U.S. Army Air Corps, in 1946 he was commissioned a major in the U.S. Air Force Reserve.

After his military service, Henley served as judge of the 38th Judicial Circuit from October 1955 to February 1960. Afterwards returning to private practice forming the firm Henley and Fowlkes.

Appointed chairman of the Missouri State Highway Commission in December 1961, a position he served until April 1964 when he was appointed to the Missouri Supreme Court. Originally appointed by Governor John M. Dalton, Henley remained on the court for a 12-year term that ended in December 1978. From 1969 throughout 1971, he served the court as Chief Justice.

Judge Henley also belonged to, and led, many civic and fraternal organizations within his community. He was an active member of the Presbyterian Church. Other organizations include, Caruthersville Lodge No. 461, A.F. & A.M.; and Missouri Consistory No. 1, M.R.S.; the Moolah Temple, St. Louis; Post 88 of the American Legion in Pemiscot County; the American Bar Association; and the Missouri Bar Association; the 38th Judicial Circuit Bar Association; the Caruthersville Rotary Club; the Caruthersville Board of Education; the Pemiscot County Chapter of the American Red Cross.

A devoted person in all he undertook, Judge Henley will be missed by all who knew him. I urge my colleagues to join me in my condolences to the family that he leaves. Survivors include three daughters, Sally Kate Sisson, Lynda Wayne Walters, and Karen Janet Currie; one son, Joseph Oliver Henley, and three grandchildren.

THE MEXICAN BAILOUT

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. BARR. Mr. Speaker, why are the American people being asked to bail out the Mexican economy to the tune of $40 billion?

Despite listening for 2 hours to administration officials this morning at the Banking Committee hearing, I still fail to understand why we should be expected to put the full faith and credit of the United States on the line for a country that has a long and painful past of undisciplined financial mismanagement.

I cannot support some hastily slapped-together financial deal, especially in the absence of the President providing a coherent policy. The President has an obligation to formulate a viable program that will guarantee Mexico's inflationary policies won't put Main Street America another $40 billion in the hole. Last night all he said was—we need to bail out Mexico. On top of all his rhetoric last night, the President spoke to the importance of the Nation pulling together and making sacrifices for the greater good. I think it is unconscionable to ask 262 million Americans to bail out Mexico's ruling elite.

Many Latin American countries, and not just Mexico, have dismal track records when it comes to paying back loans, whether they are from private, international or governmental sources. It is no secret that Mexico has a statist economy, that has tenaciously clung to that legacy since independence. The bottom line is that statist economies do not work. They are financially unstable and unreliable.

This bailout idea looks more and more to me like the first of what may be many more payments on a bad NAFTA deal.

FIFTY YEARS OF MATRIMONY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. FORBES. Mr. Speaker, a romance out of the lore of Hollywood has now reached 50 years in my home district in Smithtown, Long Island. Eugene A. Cannataro and Vera Ditta were married on February 4, 1945 at Sts. Philip and James Church in St. James on a snowy Sunday.

During their 50 years of marriage, the hallmark of their lives has been a relationship based on mutual respect, family, and God. Gene and Vera have been blessed with a wonderful family and are the proud parents of a son, Dennis, married to Patricia, and a daughter, Lynn, married to Peter. They are the proud and devoted grandparents of three beautiful granddaughters, Cheryl Ann Cannataro, Dana Lynne Nowick, and Kerry Lynn Nowick.

Gene and Vera's enthusiasm, generosity, good humor, and fellowship have touched all who have come to know them. They are known to many for their love of life and family.

Congratulations and best wishes for health and happiness today and for many years to come.

HOUSE OF REPRESENTATIVES—*Thursday, January 26, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. ARMEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 26, 1995.

I hereby designate the Honorable RICHARD K. ARMEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that our words of hope and our vision for justice will connect with our deeds, that our faith will be active in love, that all that we say with our lips, we will believe in our hearts, and all that we believe in our hearts we will practice in our daily lives. Teach each person, O God, to relate words and deeds so may we have fidelity of character and sincerity of purpose in what we say and in what we do. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, without objection, the Journal stands approved.

Mr. VOLKMER. Mr. Speaker, reserving the right to object, and I did not plan to ask for a vote or object, but I would like to use this occasion to reserve the right to object to inquire of the Chair as to whether or not there will be a limit on the number of 1-minutes today. That is the only purpose.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. VOLKMER] should be advised that the Chair will entertain 20 1-minutes from each side of the aisle.

Mr. VOLKMER. I thank the Chair, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Rhode Island [Mr. KENNEDY] come forward and lead the House in the Pledge of Allegiance.

Mr. KENNEDY of Rhode Island led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 20 1-minutes per side.

SENATE MESSAGE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 273. An act to amend section 61h-6 of title 2, United States Code.

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, reappoints Mr. MOYNIHAN to the Board of Regents of the Smithsonian Institution.

THE CONTRACT WITH AMERICA

(Mr. BONO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONO. Mr. Speaker, our Contract With America states, on the first day of Congress, a Republican House will:

Force Congress to live under the same laws as everyone else; cut one-third of committee staff; and cut the congressional budget. We have done that.

In the next 78 days, we will vote on the following 10 items:

No. 1, a balanced budget amendment and line-item veto;

No. 2, a new crime bill to stop violent criminals;

No. 3, welfare reform to encourage work, not dependence;

No. 4, family reinforcement to crack down on deadbeat dads and protect our children;

No. 5, tax cuts for families to lift Government's burden from middle-income Americans;

No. 6, national security restoration to protect our freedoms;

No. 7, Senior Citizens' Equity Act to allow our seniors to work without Government penalty;

No. 8, Government regulation and unfunded mandate reforms;

No. 9, commonsense legal reform to end frivolous lawsuits; and

No. 10, Congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

URGING PASSAGE OF THE BALANCED BUDGET AMENDMENT WITH THE SUPERMAJORITY PROVISION

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, we truly have a historic opportunity today. That is to pass a balanced budget amendment. The time is finally here. We can pass a balanced budget amendment with a 60-percent supermajority to pass a tax increase.

Mr. Speaker, I doubt if there is any Member of this body who campaigned on the right to increase taxes. In fact, many of those who did raise taxes are no longer with us in this body. The Barton amendment gives Republicans and Democrats the opportunity to match their rhetoric with the reality of their votes here in Washington.

Back home in Indiana, a 60-percent supermajority to pass a tax increase does not seem enough. In fact, in Indiana they would like 100 percent of this House to have to approve a tax increase, maybe twice, and maybe if they pass it, even an extra clause for a caning for those who pass the tax increase. At the grass roots they do not understand why we cannot decrease the size of Government rather than constantly increase taxes.

Mr. Speaker, today we have the opportunity to pass that. The people of Indiana, the people of this Nation, are watching. I hope we can get the supermajority necessary to pass this protection for our children and ourselves out into the future.

OPPOSITION TO THE MEXICAN BAILOUT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I do not think Congress gets it yet. Eighty-one percent of the American people do not support bailing out Mexico because many of them are worried about losing their job, worried about losing their health insurance, worried about losing their pension, and worried about losing their homes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I have a question to ask. When the steel mills closed in Ohio and Pennsylvania, where was Uncle Sam? When the farmers were losing their land in the eighties and farmers were literally committing suicide, where was Uncle Sam?

The truth of the matter is the American people are not foolish. When people overseas are in trouble, Uncle Sam jumps in with all four feet, but when the American people are in trouble, Uncle Sam says "Let Willy Nelson take care of it." I am opposed to this bailout.

Let me say this, Mr. Speaker, While Congress is debating bailing out Mexico, the Federal Reserve is debating raising the interest rates on our people. Beam me up.

URGING MEMBERS TO JOIN IN SUPPORTING THE BALANCED BUDGET AMENDMENT

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, 12 years ago this month I was elected to the State legislature in Michigan and entered politics full time for the first time in my life. At that time I opposed the Federal balanced budget amendment. Today I will be voting for the balanced budget amendment.

Why did I have that change of heart? It is because of my experience at the State level, working with a balanced budget amendment and a line-item veto, and seeing that it works. Furthermore, it came from observing that over the past half century Congress has not demonstrated that it has the collective self-discipline to balance the budget. It needs some outside impetus to require it.

I have seen it work at the State level. The fact that it exists forces the State legislatures to balance their budgets. If we have a Federal balanced budget amendment, that will force our Congress to balance the budget that they submit to the President each year.

Mr. Speaker, let us not forget our children and grandchildren and our obligation to them. Let us join in supporting the balanced budget amendment.

CONGRESS MUST EXCLUDE PROGRAMS FOR THE YOUNG AND THE ELDERLY FROM BALANCED BUDGET AMENDMENT CUTS

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, haste makes waste.

Mr. Speaker, I addressed the Committee on Rules in an attempt to get an exemption to the balanced budget amendment considered. That exemption would have provided that Aid to Dependent Children would have been exempted from any consideration on a balanced budget.

It is very important that any society, any country, realize that in order to be a country that is civilized, it must protect two groups: Those who are unable to protect themselves, the elderly and the young. Unless some provisions are made, we will fail to do that.

America is strong, not just because of the fact that it is economically secure. It is strong because over the years it has made sure that it takes care of those individuals that cannot fend for themselves.

For Congress to do less would be reneging on the legacy of democracy, Mr. Speaker, and I submit that haste makes waste, that sometime in the future we will regret the action that we are about to do. We must give consideration to Americans who are not able to give consideration for themselves.

□ 0910

DAYS OF DEFICIT SPENDING NEAR END

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, my colleagues on the other side of the aisle are constantly asking us how are we going to balance the budget by 2002.

But a more pertinent question is when do my liberal, big-spending colleagues on the other side of the aisle plan to balance the budget? If you do not think it should be done by the year 2002, 7 years from now, when do you think it should be done? Isn't a $5 trillion debt enough?

The Democrats do not want a balanced budget amendment for one reason. They want Americans addicted to big Government because they are the party of big Government.

You know, I think it is important to address the moral dimension of deficit spending. Thrift, frugality, and deferred gratification are virtues. But deficit spending is a vice that has been used by big-spending politicians as just another incumbent-protection device. In the words of Harry Hopkins, they would "borrow and borrow, spend and spend, elect and elect."

But those days are about to end, Mr. Speaker.

HASTE MAKES WASTE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, good morning.

I rise today to clarify for the American people what this balanced budget debate is all about. Make no mistake about it, the Democrats want a balanced budget. The difference is, we want to do it right.

I am from the State of Maryland, 10 years in the State legislature. We had a balanced budget. We are one of only about seven States with a triple-A bond rating, but we understand how to do it right and that is what we need to do on the floor of this assembly.

First we need truth-in-budgeting. We need to know exactly what cuts will be necessary in order to balance the budget. You would not buy a house without knowing the mortgage payments. We need to know what we are going to have to do in order to balance this budget. It seems to me people are wondering will it really cause a 20-percent cut in Medicare? Will it really cut out veterans' benefits, truth-in-budgeting?

Second, preserve Social Security. Yesterday we went through a charade. We passed a resolution. That is not the force of law. We need to put in law that in addition to a balanced budget, we are going to keep our original contract. The original contract was with our senior citizens. We can have a balanced budget but it is important that we do it in the right way, not in the politically expedient way.

BUSINESS AS USUAL MUST GO: CONGRESS MUST PASS THE BALANCED BUDGET AMENDMENT

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. Mr. Speaker, on November 8, America's voters sent us to Washington to change the way the Federal Government does business. They made it very clear that the tax-and-spend mentality and business as usual must end.

The people are aware of the ever-increasing national debt of $4.5 trillion and the need for a balanced budget amendment. They are also aware that too many here in Congress, do not comprehend the need, nor acknowledge the people's insistence, for it to be done. Americans balance their own budgets. They demand the same of their Government.

The people are burdened by paying over half of their income in taxes. So they fully understand the need for a vote by three-fifths of the Congress before taxes can be raised.

When the U.S. Congress enacts, and 38 States ratify, a balanced budget amendment, it will ensure that the Federal Government does not spend more than it takes in. It will be a first step toward achieving the changes that the voters have demanded, and it will contribute to the reweaving of the fabric of America for future generations.

MEDIA'S ASSERTION OF AMERICANS' ANGER OFF BASE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, in his State of the Union Address Tuesday, President Clinton said the American people were engaged in a shouting match. This observation parallels the liberal media's assertion that the American people are angry at each other. This is light years from the truth.

Americans are not angry and they are certainly not shouting at each other.

Mr. Speaker, if the American people are shouting at anybody, they are shouting at the Federal Government. More precisely, they are sickened at the level of irresponsible spending, the bloated and inefficient bureaucracies and the constant drumbeat for more taxes.

The other night President Clinton treated us to an interesting speech and I am glad to see that he supports many of the ideas Republicans have been talking about for years. But once again I call on the President and my friends on the other side of the aisle to put aside the rhetoric and take action.

This week the President and this Congress have an opportunity to restore faith with the American people and put our financial priorities in order.

We must pass the balanced budget amendment and put an end to the disgrace of deficit spending. Remember, Mr. Speaker, the American people are not shouting at each other. They are shouting at us.

A QUESTION OF PRIORITIES

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I think we all know that when it comes to television ratings, the Simpson trial is going to get a lot more viewers than the proceedings of the House of Representatives, but I hope that America will tune in today to this debate on the balanced budget amendment. It is critically important to every American who values Social Security and Medicare. What the Republicans are proposing is literally to make certain that Social Security will be vulnerable to cuts for years to come. They will not tell you, but I think the facts bear us out.

They are going to call for a 30-percent cut in Medicare as a result of today's debate, and senior citizens will pay more out of pocket, have fewer services, and we will see hospitals closing across America.

These are facts the Republicans do not want to disclose but they are simple facts that are inevitable conclusions from where they stand. We should not be surprised.

Speaker NEWT GINGRICH wrote in USA Today in 1987, "It's time to replace Social Security."

It is no priority for the Republicans, but it is a priority for America to protect our senior citizens, to protect Social Security and to protect Medicare.

SUPPORT BBA WITH THREE-FIFTHS REQUIREMENT

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, last November the American people decided that Congress must take responsibility for their action and must be held accountable for the taxpayers' money. The public has lost all faith in the job that is being done by Congress. For the public to regain their trust and respect in our Government, we must pass a balanced budget amendment including a three-fifths requirement to increase taxes.

When this requirement takes effect, people will be reassured that Congress cannot blindly raise their taxes. The amendment will help ensure a safe financial future for our children and grandchildren so they do not have to pay for the spending mistakes of yesteryear.

□ 0920

Every day Americans strongly support a balanced budget amendment. People understand the necessity of paying bills, balancing checkbooks, and living within their means. It is unfortunate that people struggle to make ends meet but their Government does not understand the concept.

Enough is enough. It is time for us to reign in the out-of-control spending habits of this Congress. I ask my fellow Members, both Democrats and Republicans, to support the balanced budget amendment with the three-fifths protection for American citizens.

PROTECT SOCIAL SECURITY IN A BALANCED BUDGET AMENDMENT

(Mr. BRYANT of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRYANT of Texas. Mr. Speaker, today we will take up the balanced budget amendment and I am one Democrat who supports an amendment. But I support an amendment that protects Social Security. There is no reason why we cannot pass a balanced budget amendment that still maintains the guarantee to senior citizens that Social Security will not be touched.

We have heard some of these Republicans raise questions about why we are talking about Social Security. I will tell Members why. It is because you fellows elected a Speaker of the House who has called for abolishing Social Security. The Republican Speaker of the House, NEWT GINGRICH, in 1986 called for abolishing Social Security and turning it into some kind of a mandatory IRA program, and I am quoting from the Atlanta Constitution, November 1986.

Also because you Republicans elected a majority leader, DICK ARMEY, who did the same thing. He cosponsored a special provision for a mandatory retirement account that was supposed to substitute for Social Security. He also spoke out a few years ago about the fact that we never should have started Social Security in the first place.

Senior citizens have a good reason to be afraid of what Republicans are going to do to Social Security. Today when we vote for an amendment to balance the budget, we ought to vote for a provision to protect Social Security.

SINGING VERSUS SHOUTING

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, in his State of the Union Address Tuesday night, President Clinton said that in the 1992 and 1994 elections, we did not hear the people singing, we heard them shouting. I could not agree with the President more.

But what are the people shouting for? Are they shouting for more of the big Government, big spending, liberal ideals that the Democrats championed for the past 40 years? I think not.

The people are shouting for Congress to clean up its act. They are shouting for a Government that is smaller, less costly, and more efficient. They are shouting for us to pass legislation such as the balanced budget amendment to make us get our fiscal problems in order.

I urge my colleagues from the other side of the aisle to join me in voting yes for the balanced budget amendment with a three-fifths tax limitation provision. It is what the people are shouting for. It is what the people deserve.

PROTECTING SOCIAL SECURITY IN THE BALANCED BUDGET AMENDMENT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, what is the difference between the Democratic balanced budget amendment and the one proffered by the Republicans? Simple. Ours protects the elderly, Social Security and Medicare and theirs does not.

The new Republican majority is afraid to tell the American people what balancing the budget will mean to their constituents, because their programs are like a noose around the necks of the elderly, a noose that tightens every day we get closer to passing the Contract With America.

They say they will not cut Medicare, but the fact of the matter is their budget committee is considering huge changes in Medicare that will end the program as we know it.

They say they will not cut Social Security, but Speaker GINGRICH wrote this article. Read it. It says replace Social Security.

This does not sound like Social Security is off the table; it sounds like Social Security is the table setting for the Republican Party's balanced budget amendment.

DICK ARMEY said that the American people's knees would buckle if they knew what services would be cut to balance their budget. When these cuts hit, seniors all over this country will be screaming, "I have fallen and I can't get up."

VOTE FOR BARTON BALANCED BUDGET AMENDMENT

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, like many of my colleagues today, I am proud of what the Republicans have done already under the banner of the Contract With America.

We have made true fiscal responsibility in Congress the hallmark of our legislative plan. And at the very heart of this plan, we have placed the one tool that is absolutely essential to restoring accountability—the balanced budget amendment.

For too long, Congress denied its responsibility by using tax increases to cover up its own lack of political will to make tough budgetary decisions. Limiting the ability of Congress to raise taxes will force Congress to set real budget priorities. If there is one thing 40 years of Democrat rule should have taught us, it is that their party consistently lacks the will to make the tough decisions. Yet we cannot trust that fiscal conservatives will always run the House of Representatives.

To safeguard our children from a return to the profligate ways of our congressional past, we must enact a budget balancing tool with teeth.

I urge this House to support the Barton amendment that will forbid increases without both parties participating. Vote for the 60-percent rule.

BALANCED BUDGET AMENDMENT

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, a few weeks ago, I invited voters from my district to a meeting in Concord, MA. to try their hand at cleaning up the budget mess. Roughly 260 people took me up on the offer. They broke into small groups, and went to work drawing up plans to balance the budget.

With the full range of budget choices laid out before them, the players were asked to make the decisions needed to balance the budget. Only 16 of the 25 groups had produced a plan 1½ hours later. Not one Democrat or Republican managed to balance the budget without raising taxes.

Let us face it, Congress needs a balanced budget amendment to eliminate the deficit. But it is not going to take the rest of the country very long to figure out what the people in Concord, MA, discovered last weekend: That the Contract With America version of the balanced budget amendment is a hoax. If we are serious about balancing the budget, we cannot take anything off the table yet—not even tax increases.

Let us stop trying to fool the American people. Vote for the Stenholm-Schaefer amendment today, and pass a real balanced budget amendment.

PASS A BALANCED BUDGET AMENDMENT

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, I had planned to address the House today to talk about the fact that I cannot support a bailout of Mexico, that we have got to treat our neighbors to the south in the same way that we would treat our neighbors down the street. But I have been sitting here for the last 25 minutes listening to this discussion about Social Security.

This is the same discussion that we have heard year after year after year, most usually in an election cycle before a general election, when Republicans are accused of trying to cut Social Security. But has it happened? No, it never will, not in recent history, and the fact is that the only time that Social Security has been affected was when the Social Security taxable income was increased from 50 percent to 85 percent, and that was a proposal that was backed by the then majority, the Democrats.

So let us get the record straight here. Let us pass a balanced budget amendment today and send it on to the Senate.

NEW REPUBLICAN LEADERSHIP ON RECORD AGAINST SOCIAL SECURITY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, there is a very good reason that we on the Democratic side continue to talk about the balanced budget and its implications for Social Security, and there is a very real sense of urgency about that this year as opposed to other years, because this is the first time that we have had the leadership of the House committed to changes and to the replacement of the Social Security system.

This is the article by Speaker GINGRICH where he calls for the replacement of Social Security, and we know others in the Republican leadership that have called that into question.

At the same time, they have refused to protect Social Security in the balanced budget amendment that they want this Congress and this House to vote on today. That is what is wrong with their proposal and that is why they refuse to tell the American people what is in their proposal to balance the budget.

They refuse to talk about the Medicare cuts that they have to make to balance the budget under their proposals, they refuse to talk about the implications for Social Security under their proposal, they refuse to talk about the Medicaid cuts for long-term care for elderly people in this Nation.

That is what is wrong with their proposal. That is why we have to keep reminding this Nation what is at risk, when Republicans who want to cut Social Security, replace Social Security, are in control of the levers of the power in this House.

□ 0930

STOP THE BICKERING

(Mr. CREMEANS asked and was given permission to address the House for 1 minute.)

Mr. CREMEANS. Mr. Speaker, let us stop the bickering.

I urge my colleagues on the other side of the aisle to reflect on what they have done to reform this Government. Have they come out in support of tax limitation and the balanced budget amendment? Have they fought to reform unfunded mandates? Have they embraced the Republican-led changes in the way that Congress has done business, or have they fought the reforms put forth? Have they tried to filibuster, delay, and destroy the Contract With America?

Mr. Speaker, many Democrats have come the floor today and this past week for one reason, to stop needed reform in this Congress. They attack the Republicans on irrelevant issues. They complain about their procedures. They whine when we make necessary cuts.

Mr. Speaker, the time has come to stop this silly bickering. Let us work together to complete this contract with the American people and restore the people's faith in this Congress.

THE BALANCED BUDGET AMENDMENT

(Ms. McCARTHY asked and was given permission to address the House for 1 minute.)

Ms. McCARTHY. Mr. Speaker, this week we consider legislation that is the first step in a long process that will lead to a balanced budget. While we all know the litany of numbers surrounding the growth of the national debt, the numbers are so staggering they are worth repeating.

Over the past 12 years, it has tripled in size. We are now saddled with a $5 trillion national debt and yearly interest payments of over $200 billion.

I was elected to put an end to this practice, and for that reason I support the bipartisan, bicameral constitutional amendment offered by the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Texas [Mr. STENHOLM].

I urge every Member to support it.

After we complete work on the balanced budget amendment, we will then turn to the budget and appropriations process. During consideration of the yearly spending bills, I will work hard to cut wasteful and unnecessary Government spending. There are plenty of programs to target, and I look forward to the debate that will take place during consideration of these bills.

There will be tough choices to be made to reach our goal by 2002. However, as a former State legislator and past president of the National Conference of State Legislatures, there is one thing I will not cut. I will not support balancing the Federal budget on the backs of State and local governments.

INTRODUCTION OF LEGISLATION TO END WASTEFUL PRACTICES IN CONGRESSIONAL OFFICES

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, today, I rise to call attention to yet another example of how Congress wastes taxpayers' hard-earned money.

A week or two ago, every new Member received this letter from the Clerk of the House encouraging us to order our own personalized gold embossed set of the United States Code book, a set of 223 volumes that I have since discovered we can take with us when we leave office.

After doing a little research, I have learned that these books with each Congressman's name nicely engraved in gold on the binder costs taxpayer $2,500 a set. Thus, to provide every new Member of the last two Congresses, they have spent over $500,000; a half a million dollars spent on books that are available in every House office building, in the House counsel's office and, of course, in the Library of Congress across the street.

Mr. Speaker, I invite my colleagues to join me as an original cosponsor of a measure that will end the practice of ordering these books and demonstrate to the American people that we are serious about cutting the deficit and that we are taking a small step in our individual offices to make a difference in the United States of America.

SENIOR CITIZENS, WAKE UP

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mrs. MEEK of Florida. Mr. Speaker, I am a senior citizen. I am here to say to senior citizens throughout this country, wake up, better smell the coffee. They are getting ready to make some very drastic changes here in this Congress that will affect you. So you have better call them, write them, and talk them to slow this train down.

I realize that a balanced budget is needed to control the runaway spending in this country, but as it is currently drafted, they are going to balance the budget on your backs, senior citizens. You have felt the toil of this country for all of these years. You paid taxes all of these years. Now they are going to cut Medicare, they are going to cut Medicaid, they are going to cut Social Security.

Do not let them fool you. There should be truth in packaging here so you can see the package that is being put together, so you can know what the cuts are.

Do not be fooled by what you are hearing about a balanced budget. Sure, it is good, but it is not what you can see that is going to hurt. Look at the massive cuts in Medicare. They are using the Constitution to change the fiscal policy. Let them do it. That is what they are elected to do, to cut.

Why use the Constitution to do that? Wake up, call them write them, whatever is within your voice, because the budget will be balanced on your back.

THE CREATION

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. In the beginning there was limited government and a sound economy and abundance covered the face of the land.

Then Johnson, leader of the Spendites, looketh into the Treasury and saw there was a surplus, and he was sore afraid. So he called to the high priests of the Spendites, who even then had controlled the Congress for 10 years, and he spake thusly, "Democrats," for that was the Spendites' name, "We must exhaust the Royal Treasury, for there is a surplus, and I am sore afraid."

The Spendities heeded the call of lord LBJ and spent as if there was no tomorrow, creating foolish and wasteful Spendite programs that promiseth much but dideth not. And the Government became big and bloated, and the economy weak and burdened, and the children and the grandchildren, and, yea, even the great-grandchildren of the subjects of the Spendites were saddled with great debts. And the people cried out, "Balenceth the budget." But the Spendites were sore afraid, so the people cried our for the Thriftities to lead them out of the wilderness of deficit spending.

LET US HAVE THE TRUTH ABOUT SOCIAL SECURITY

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today we will vote on some version of the balanced budget amendment. I rise in opposition to it, and I do so because I think that there is still the great unanswered question: Will this balanced budget amendment exclude Social Security? If it does, why not say so?

We have an opportunity today on the floor to support the Gephardt-Bonior amendment which our Republican colleagues could join us in if they in fact wish to exclude Social Security. And if not Social Security, then what?

Disclose. Let us have truth in budgeting. We have an opportunity today to support the Conyers amendment if, indeed, we want to be truthful and honest with the American people.

We have reason to be doubtful about the Republicans' intention about Social Security because of what they say.

My colleagues have pointed out this article written by Speaker GINGRICH which says, "Replace Social Security with a stable permanent retirement system." There is a picture of a Social Security card being cut by scissors.

Perhaps my colleagues on the Republican side would like to read this, and as recently as last evening, a senior member of the Committee on Ways and Means on this floor said in the debate, "We cannot ask our children to support a growing number of seniors who live 20 and 30 years past retirement." The gentlewoman from Connecticut [Mrs. JOHNSON] said that.

If you do, in fact, wish to exclude Social Security, vote to do so.

THE FIG LEAF THAT WAS GOOD ENOUGH

Mr. LAHOOD. Mr. Speaker, I took a special note today to go back to the Cloakroom and find that 412 of our colleagues voted for the resolution offered by the gentleman from Illinois [Mr. FLANAGAN].

Now, given the fact that we do not have 412 Republicans, apparently our Democrat friends, in spite of the fact that they called his resolution a fig leaf, yesterday thought it was a good enough fig leaf to vote for it . But yet today they will come to this floor and try and scare the senior citizens of our country into believing that we want to cut Social Security.

As I said yesterday during debate on the resolution offered by the gentleman from Illinois [Mr. FLANAGAN], I do not know of any politician, Democrat or Republican, who wants to cut Social Security. I have never ever heard one politician ever running for anything from dogcatcher to Congress who ever said they wanted to cut Social Security. We do not want to do it.

Apparently the Democrats do not want to do it, because the majority of you voted for Mr. FLANAGAN'S fig leaf resolution yesterday, because you thought it was good enough to send a message.

Do not try to fool. Do not try and scare. Let us be honest with our senior citizens. Nobody wants to cut Social Security. We do not intend to do it.

THE 100-DAY NIGHTMARE

Mr. WATT of North Carolina. Mr. Speaker, the 100-day dream has become a 100-day nightmare. The process by which this balanced budget amendment to the Constitution came to the floor of this House is the classic example.

□ 0940

I serve on the Committee on the Judiciary out of which this balanced budget amendment comes. Two weeks ago on a Wednesday afternoon, with over 20 amendments still unoffered in committee, the committee closed down operation and went home. The Rules Committee, with over 100 amendments still pending, limited amendments on the floor to 6.

To amend the Constitution, if we are lucky in this body, we will get 2 days of debate. This is not democracy, America; this is irresponsibility.

"IT'S THE MAJORITY, STUPID"

Mr. FORBES. Mr. Speaker, Members of the House, as we listen to the rhetoric and the misinformation and the scare tactics that are going to be on this floor today, I think it is important to remind people that it was the Democrats who cut Social Security benefits in the 103d Congress by $48 billion, and not one Republican voted for it. And there is no threat in the 104th Congress.

Back in November the majority of the American people spoke loudly and clearly when they elected a Republican majority to this Congress; a majority of the people embraced the provisions in our Contract With America, which includes a balanced budget amendment. A majority of the people demanded that we change Congress, and a majority of the people sent a message that they want a smaller, less costly, more efficient Government. What my colleagues from the other side of the aisle seem to forget is that a majority of the people did not elect the Democrat President 2 years ago. In fact, only 43 percent of the electorate voted for our current President.

I urge the President and the rest of his party to join with the majority of the people in supporting the balanced budget amendment.

The majority has spoken; it is what they want; it is what they deserve.

IN SUPPORT OF THE STENHOLM BALANCED BUDGET AMENDMENT

Mr. CLEMENT. Mr. Speaker, I rise in strong support of a constitutional amendment to balance the budget. I have had three opportunities to vote on the balanced budget amendments since I have been a Member of Congress. We failed three times.

I do not think we will have a better opportunity than now to pass one, finally.

I support the Charlie Stenholm balanced budget amendment because it has strength and it is realistic and it is doable.

I also know that Members of Congress, most of us, are well-intentioned; we want to do the right thing; but the fact is every one of us has a laundry list of where we are going to cut costs. The problem is that we all have a different laundry list of where to cut, and therefore nothing is cut.

Every day we spend $816 million interest payments on the debt alone—that is right, $816 million every day. That is money that we could use to control crime, make job training and education available to more Americans and immunize our children.

Interest payments are simply devouring large portions of the Federal budget and preventing the Congress from funding programs that are important to the American people. We know we are accountable for our actions, we know we are not doing the right thing, we know we need some enforcement powers. We need to do it by passing a balanced budget amendment.

THE REAL AGENDA

Mr. WALKER. Mr. Speaker, let us talk about what the real agenda is and what the real problem is with sticking the term "Social Security" in the constitutional amendment. What you do then is you open a huge lobbyists' loophole in the Constitution, because what would happen is that anybody who wanted to bring some social welfare spending approach to Capitol Hill would simply call it "Social Security." Do you want to have mighnight basketball? Fine, call it "Social Security." Do you want to have the Corporation for Public Broadcasting continue to get money? Call it "Social Security." Do you want to have the NEA to continue to get its funding for pornographic art, just call it "Social Security."

Every lobbyist coming to Capitol Hill asking for more spending would simply call it "Social Security" and say therefore it is not covered by the balanced budget. That would destroy Social Security.

Do you want the surest formula for destroying Social Security? Just put it in the Constitution in a form that people can use it to destroy the system. That would be the wrong thing to do on this floor today.

BALANCE THE BUDGET AND REDUCE THE FEDERAL DEFICIT

Mr. HINCHEY. Mr. Speaker, like many of my colleagues, I believe Congress needs to work toward balancing the budget and reducing the Federal deficit.

I believe we must legislate in a more fiscally responsible way that will ensure our Nation will remain financially strong for our children and grandchildren.

Over the next several weeks, we will debate many measures to achieve a balanced budget.

One measure, however, which I will not condone and will not even consider is any effort by this leadership to cut Social Security.

Social Security is a covenant the U.S. Government has made with its citizens, a promise to support working Americans when they are retired and living on fixed incomes.

The working families of the Nation, and of New York, want straight talk, and they deserve to know whether or not Social Security is on the table.

In the only opportunity we had to exempt Social Security in the 104th Congress, every Republican but one voted against an amendment to exempt Social Security during markup of the balanced budget amendment in the Judiciary Committee.

Simply put, we cannot afford to balance the budget on the backs of working Americans who are living on fixed incomes.

These are difficult economic times for the people of New York's southern tier and the Nation. Senior citizens should know for certain that their benefits are not in danger.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SAM JOHNSON of Texas). The Chair would like to remind all Members that there is a limitation of 20 1-minutes. There have been 16 on each side to this point. The Chair will recognize Members in order. The Chair would ask Members to adjust their ranking so that we can get on with the business of the morning. Those who were here first, I presume, will be recognized.

DEMOCRATS, NOT REPUBLICANS, RAISED TAXES ON SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, all right, let us talk about Social Security. In 1993, the first year your Democrat President was in office, the Democrat Party, without one vote from the Republican side, raised taxes on Social Security.

Then in the same legislation, the Democrat Party voted to put that money, the new proceeds, not in the Social Security trust fund but in the general fund. Why? Probably so your Democrat President could have more money to pass out as largess when he needs one of the bits and pieces of his legislation passed.

For example, your President, when NAFTA comes, he is so offended by $20 presents from lobbyists, teeshirts from school groups, and baseball caps from veterans' organizations; he comes into the House,

If you will want to help pass NAFTA, I will give you a million dollars here. You want to save your helium reserve plant? Let me give you a couple of million. Let me give you a couple of million for your dam back home. We want your vote.

You do not want a balanced budget amendment because you want to protect Social Security; the fact is you do not want a balanced budget amendment because you do not want a balanced budget; not to protect Social Security but protect your largess when you need votes passed, and your President uses it the most.

HIGHER MINIMUM WAGE PRODUCES ADDITIONAL JOBS

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, as a strong supporter of the proposal put forth by President Clinton to increase the minimum wage, I would like to share with my colleagues the findings of a survey in my home State of New Jersey. Despite dire predictions by some of gloom and doom, our New Jersey businesses report that they actually added jobs to their payrolls after the minimum wage was raised in our State.

As Governor Christine Todd Whitman acknowledged in an interview following President Clinton's State of the union Address, New Jersey workers could not make ends meet on the national minimum wage of $4.25. Our State of New Jersey has a $5.05 minimum wage.

Mr. Speaker, I am proud of the fact that our State has led the Nation in providing workers with the decent living wage they deserve.

I support extending the increase in the minimum wage to every worker in our Nation. Let me point out that the value of the current Federal minimum wage, adjusted for inflation, has fallen by about 50 cents an hour since 1991.

□ 0950

It is about 27 percent lower than it was in 1979. Let us make sure that the economic recovery reaches all Americans, and let us support President Clinton's minimum wage increase.

A SPECIAL CHALLENGE TO THE REPRESENTATIVE OF THE SIXTH DISTRICT OF GEORGIA

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, on Tuesday evening the President stood in this Chamber and called on the American people to join him in reforming our Government. More importantly, he issued a challenge to Members of Congress to voluntarily refrain from taking lobbyists' gifts.

I am proud to say that I rise to the President's challenge and will no longer accept gifts from lobbyists. From now on this sign will grace the door of my office, and any Member who signs this pledge sheet will also get a sign to hang on their door.

Mr. Speaker, I issue a special challenge to my colleague from the Sixth District of Georgia to take this pledge and illustrate his commitment to a gift ban by abandoning, and I will have to say it in piglet Latin, his ook-bay ealday.

All of us have accepted one gift or another from lobbyists. However, as the President reminded us, we cannot change our yesterdays, but our todays and tomorrows we can.

SUPPORT THE THREE-FIFTHS AMENDMENT

(Mr. HEINEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEINEMAN. Mr. Speaker, I rise in support of the balanced budget amendment with its three-fifths supermajority. If we in this Congress are sincere in voting for a meaningful amendment, then we must put a clutch on our ability to raise taxes to pay for our inability to do our jobs.

People across this country are constantly in a process of balancing their personal budgets. The States and municipalities across this country are balancing their budgets. Private enterprise is constantly trying to balance their budgets. I ask, "Why can't we climb aboard by balancing our budget without whimsically overtaxing the people to do this?"

We should be leaders. We should be the generals who lead the parade, not those who march behind it. Let us get out front and demonstrate that we can make tough decisions to keep our house in order. We do not need to be the parent who constantly raids the children's piggy bank to pay our way.

Support the three-fifths amendment. Vote for the Barton amendment.

THE CONSTITUTION SHOULD NOT ALLOW A MINORITY TO CONTROL THE BUDGET PROCESS

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, we need to pass a balanced budget amendment, but amending the Constitution really cannot be taken lightly. Our Constitution has only been amended 17 times in over 200 years since the Bill of Rights. Our Constitution is based on majority rule, and we should not vote to put budget control in the hands of a minority of Members.

In all the instances that are written into the Constitution of a supermajority, all of those are instances are where the legislative branch must approve or must override the action of another coequal branch: The affirmative vote to override a veto by the President, the Executive, the leader of the executive branch; the rejection vote to impeach a judge, or a President, a person in one of the other branches; the affirmative vote to ratify a treaty; the affirmative vote to ratify an action by the President. The Constitution includes also the allowance for the Chambers to eject a Member that has been voted by the people, the ultimate kind of rejection.

The Constitution should not be amended to allow a minority to control the budget process.

COSIGNING A LOAN TO ONE OF THE MOST CORRUPT REGIMES IN THE WORLD IS WRONG

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. I hope our Speaker is listening because the American people would like to know when he is going to schedule the vote on the Mexican $40 billion bailout.

I say to the Speaker, "You want to call it a loan guarantee. Well, if you want to loan one of the most corrupt regimes in the world $40 billion, to cosign a note personally, you're welcome to do so."

If the President of the United States would like to do so personally, Mr. Speaker, he is also welcome to do so.

However, Mr. Speaker, do not ask the American people to cosign a loan to one of the most corrupt regimes in the world and be held accountable.

A couple of years back, in fact less than 1½ years ago, the now Speaker and President said we have to pass NAFTA or the Mexican economy will fail. Well, I voted against it, but the majority voted for it. They passed NAFTA, and now the Mexican economy has failed. They said we have to pass NAFTA or we will lose jobs in America. Well, unfortunately the majority voted for NAFTA, and we have lost 700 manufacturing jobs in my south Mississippi congressional district alone.

I say, "Mr. Speaker, you all have been wrong twice. Let's don't be wrong three times. If you're not going to have a vote, then tell the American people you will not schedule a vote. But if you're going to have a vote on this bailout, tell the American people when it's going to be, and let's don't have it in the middle of the night when the television cameras and the reporters are gone."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SAM JOHNSON of Texas). Further 1-minutes will be in order after the close of regular business today.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to House Resolution 44 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 1.

□ 0956

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, with Mr. WALKER in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, January 25, 1995, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the Joint Resolution is considered as read, is not subject to amendment while pending, and is debatable for 1 hour, equally divided and controlled by the gentleman from Texas [Mr. BARTON] and an opponent.

No further amendment shall be in order except those designated in section 3 of House Resolution 44. Each further amendment may be offered only by the named proponent or a designee, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, is considered read, is not subject to amendment, and is debatable for 1 hour, equally divided and controlled by the proponent and an opponent of the amendment.

If more than one amendment is adopted, only the one receiving the greater number of affirmative votes shall be considered as finally adopted.

In the case of a tie for the greater number of affirmative votes, only the last amendment to receive that number of affirmative votes shall be considered as finally adopted, except that if the amendment in the nature of a substitute recommended by the Committee on the Judiciary is one of the amendments receiving the greater number of votes, then it shall be the amendment considered as finally adopted.

The Clerk will designate the committee amendment in the nature of a substitute printed in the joint resolution.

The text of the committee amendment in the nature of a substitute is as follows:

H.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 9. This Article shall take effect of the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

The CHAIRMAN. Pursuant to the rule, the amendment is not subject to amendment while pending.

The gentleman from Texas [Mr. BARTON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that 15 of the 30 minutes that I control be allotted to the gentleman from Fort Worth, TX, Mr. PETE GEREN, for such use as he may see fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, each time I approach this podium with regard to this subject, I say the words "This is a historic debate," and it truly is a historic debate because we are about making a major change in the way this House does business, and to the extent that the gentleman from Texas [Mr. BARTON] and the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary, have led the way on this, to me they are true American heroes in the historic sense because it is very clear to me that in looking at the history of tax-and-spend policy and balancing the budget, or our failure to do so, it is a direct result of the fact that it is easier to increase taxes than it is to cut spending, and that is what this amendment is about, providing an opportunity for the American people to expect us to vote by more than a simple majority to increase taxes in order to balance the budget.

In 1981, Mr. Chairman, there was a major effort to balance the budget, and we increased taxes. In 1983 there was a major effort to balance the budget, and the House increased taxes. In 1990 there was a major effort to balance the budget, and the House increased taxes. In 1993 there was a major effort to balance the budget, and again the House increased taxes.

Today we are facing in this fiscal year a $180 billion deficit, and it is expected to grow.

Our expectations of what this House will do to solve this problem cannot ignore history because every time we have gotten serious about it, we have increased taxes, reached into the pockets of American taxpayers, and said, "Give us more." And each time, we have spent more. We still have a deficit after all these tax increases.

So the amendment offered by the gentleman from Texas [Mr. BARTON] would simply put in place a new rule that would require us to pass future taxes by a three-fifths' vote, and I commend the gentleman for his amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Barton amendment because it is a prescription for delay rather than action, for ambiguity rather than specificity, for abdication to the courts rather than responsibility that lies here in this Chamber. It could turn economic recessions into depressions, it fails to define very important terms, and it creates a minority reign over our fiscal and economic policy.

First and foremost, it refuses to allow us to look under its hood the way any family would if it were buying a car before making a decision. There are no numbers, no projections, no nothing. One Republican Member yesterday, in a moment of unexpected candor, analogized the secret budget-cutting plan to the San Francisco 49ers football team, saying that they could not make their game plan public. Well, to continue the analogy, I guess the American people would be the San Diego Chargers, or, in other words, their adversary to whom this secret budget cannot be disclosed. In the name of responsibility, none of us should support a budget amendment with a secret plan.

Second, this amendment is an attack on Social Security as sure as we are in this Chamber. Currently, Social Security is off budget. This amendment, in one of its rare instances of clarity, says clearly that Social Security outlays and receipts are on budget, and if they are on budget, they are up for grabs when the budget balancing occurs. If you buy the hortatory resolution passed by the Republicans, then you are going to be in for a big surprise if you think that Social Security is not on the table. This amendment refuses to put an ironclad protection into the text of the amendment that we on this side of the aisle are insisting upon.

Then, with unfunded mandates being considered already on the floor, the constitutional amendment to balance the budget is the mother of all unfunded mandates. We are going to get unfunded mandates coming down by the dozens, and it will pass the responsibilities but not the resources to the States. Republicans will not put that protection in the amendment as well.

So the other side has all the tools needed to balance the budget now. They are now the majority. They need not wait 7 years and two Presidential elections to balance the budget. What tool or what power is missing today? In the words of former Governor Weicker, this amendment is like a quarterback on a football field in the middle of a huddle, going into the stands and then yelling, "OK, team, score a touchdown."

Let us not wait for the Constitution to do it for us years down the road. Let us do it for ourselves.

We are still left with a troubling lack of definitions on outlays and receipts, on standing, and on what role the courts would play. Here we are bringing in the judiciary, and they have no institutions whatsoever on how they would indeed balance an unbalanced budget.

So the Republicans now are clearly scared of the big buckle, the buckle in the Congress, the buckle among several States, the buckle that could occur among the American people.

Mr. Chairman, let us put those numbers on the table. Let us get on with the real business of deficit reduction, like the $500 billion already achieved by Congress in the previous 2 years and the new administration, because we can make a difference by not supporting what I think is a very flawed plan for the great document called the Constitution that controls the laws of this country.

Mr. Chairman, I ask the Members, please do not support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas, Mr. PETE GEREN, who controls 15 minutes.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, yesterday as we began this debate on the balanced budget amendment, we heard a lot of discussion about alternatives, including the possibility of a capital budget amendment, the idea being that, "Well, American families borrow money, don't they? And they get to sign mortgages, don't they? Why couldn't we here in Washington continue to borrow money and sign mortgages like American families do, and then have a balanced budget built around that concept?"

There is only one problem with that theory. That theory is based upon the notion that American families do that, so why not have the Government do that? The difference is that when American families sign a mortgage, when they buy a home or when they buy a car and sign on the dotted line on that mortgage agreement, they agree to pay the debt back. Here in Washington, when we mortgage the future, when we accumulate debt year after year after year and pile it on, there is no agreement ever to pay it back. All we ever do is pay the interest on the loan. I ask you, "Wouldn't you love to be a family that could borrow at will from the bank and never be required to do anything more than pay the interest?" Who in America gets that right except the Federal Government? Who in America gets away with that kind of financing except the Federal Government?

It just does not work that way. We cannot continue to pile up debt and think we can only pay the interest when the interest is eating up the money we need to spend on decent and good American policies for our own people and expect that this debt is not one day going to cripple us. No American family can do it, not under any capital budget plan that anybody has suggested to this Congress in this debate.

It is for that reason that I hope Members will join with us and support the Barton-Hyde-Geren-Tauzin constitutional amendment that does three very important things: It says, first, "That we have to balance the budget, and we have to get about it now and do it soon"; second, it says, "Do it without taxing us anymore unless you do it with a supermajority. Don't tax us anymore, please, because we can't take it"; and, finally it says, "Quit borrowing. Quit borrowing money on the backs of our children, end this deficit financing, and get us back into a position where we are doing the honest thing, spending only the money we were sent up here to spend."

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

□ 1010

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, at the conclusion of the Constitutional Convention, Benjamin Franklin was asked, "What have you wrought?" And he answered simply, "A Republic, if you can keep it."

Those words sometimes fall in a deafening sound on our ears, trying to understand if Ben Franklin was talking about Republican and Democratic politics. Simply, Ben Franklin was offering the fact that we are a Republic, a representative body, a body that should be representative of all of the people of the United States of America.

Sitting on the Judiciary Committee, Mr. Chairman, that was the approach which I took to be able to offer to the American people a realistic statement on where we wanted to go in balancing the budget, strongly debating the issue of amending the Constitution of the United States, having been amended only some 27 times in our history; offering the thoughts of constituents across this Nation, not to blind side America, but to have a real debate in the Judiciary Committee. Recognizing that we had established a trust with the American people, veterans benefits for the likes of the gentleman in the gallery who had thrown himself on a grenade in World War II, vested in this Nation, we talked about veterans benefits.

We talked about military preparedness, because Democrats want national security, and we asked the majority party, what would happen in a time of crisis when the military, your boys and girls, had to be prepared? Why not join us in a bipartisan way and exempt that so that this Nation can be prepared for the needs of national security?

Time after time we were voted down. And then we come to Social Security, and I have heard one of my colleagues suggest, oh, we are protected by the vote that was offered yesterday.

I come from a constituency that is filled with hard-working senior citizens who are now retired and hard-working men and women who simply say, "Hold on to my Social Security." SHEILA JACKSON-LEE is not going to vote against any measure that may help our senior citizens. I voted for that yesterday, with great fear and trepidation in my heart. For any time in the next week or year or two some small sentence will say they have repealed that resolution. There is no depth there. But I am trying to help my constituents. There is no guarantee to say that because you voted for that, then you have to be assured or can be assured, if you will, that Social Security is protected. It is not to the depth I would like. Not for the hard-working citizens that I see every day, rolling up their sleeves, getting on Metro buses in the city of Houston, working hard, long hours.

But Ben Franklin said, "What have we wrought." And he answered, "A Republic, if you can keep it."

And I think we need to, in a bipartisan way, keep a Republic that reflects on the needs of Americans, reflects on the needs of women and children, reflects on the needs of States who are not recognizing, like the State of Texas, that it will lose billions of dollars for working men and women, middle class men and women, senior citizens, who have invested their time and their life in working for this country.

I wave the Constitution because it is a sacred document. I do not come here in a lack of spirit of cooperativeness. I would have wanted the Judiciary Committee meeting to have gone on. But I think that we must look at the Constitution and try to keep it. We must do a balanced budget amendment that answers the concerns of the American people.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, during my first 2 years in Congress as a freshman, I had the opportunity to serve as the coordinator for the balanced budget amendment effort. During the last Congress, unfortunately, our efforts to pass any balanced budget amendment were defeated.

On this historic day, however, the question before us is not whether or not we will pass a balanced budget amendment. The question is which of two balanced budget amendments will be adopted. I personally favor a balanced budget amendment that places some limit on Congress' ability to raise taxes. However, quite frankly, I can and will and intend to support any reasonable measure that finally brings fiscal order to this body.

On the first day of this session of Congress, Republicans kept their promise. We required Congress to live under the same laws we impose for everyone else. We cut committee staffs. We opened meetings to the public. We banned proxy voting. We required an audit of this Congress. We eliminated some of the wrongs of former Congresses. And we also required by rule of the House of Representatives a three-fifths vote to increase taxes.

Now, as we move to the most important item in the Contract With America, I urge my colleagues to first adopt a balanced budget amendment, and, second, to adopt it with a three-fifths limit on raising taxes.

Now, as we amend this great charter, let us hope that in the year 2002, people look back and they say on this day we did the right thing.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would urge that this proposition be defeated, because I think it ought to do what it pretends to do. But the fact is it does not.

The American people are being told that this is an amendment that would require by constitutional edict that the budget be balanced. That is absolutely not so. I defy anyone to show me the language that requires that. All this proposal does is to say that 7 years from now, when Congress passes an unbalanced budget, they simply have to have 60 percent of the people on this floor to agree to the deal, rather than 50 percent. That is all it says.

I would suggest to you all that does is raise the price of getting the deal. I have never yet seen a Member of Congress agree to vote for a budget because something got taken out that costs money. I have seen an awful lot of Members with their hands out saying to committee chairs or saying to Presidents, "Give me, Give me, Give me. Put this in, I will vote for it." "Put this road in, I will vote for it." That is why I think this, as presently drawn, will cost the taxpayers money.

Second, we ought not to make Mr. Alan Greenspan President of the United States. The Federal Reserve has enough power already. Yet what this proposal says is that the Congress could not do one blessed thing to save one American job in the midst of the most serious recession that we could probably have. There is no flexibility for the Government to do anything except get on its knees and beg the Federal Reserve to loosen up on credit.

I thought that FDR a long time ago taught us how stupid that idea is.

Third, if we are going to pass an amendment, it ought to protect Social Security. I defy you to show me the language that requires that Social Security be protected. Oh, yes, there is hortatory language in the fig leaf proposition that was passed yesterday which says "Oh, the committee ought to see to it that it is protected." But there is nothing that guarantees that they will do so. And as we all know, we have heard the Republican leadership of this House on national television say, "Well, we are not going to touch Social Security for the first 4 or 5 years." Why should we allow people to have a sneak attack on Social Security down the line?

Lastly, they ought to have to tell us where this baby is actually going to cut, and they will not do that. They are only going to show you after you vote for it.

I think the American public has a right to know which programs are going to be cut, by how much, and if they are not given the right to know, I think every Member of this House has a duty to demand the right to know. Get real. Get about cutting spending. This is a "play" act.

□ 1020

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I rise in strong support of the Barton-Tauzin balanced budget amendment. There are some who say this is just a Republican proposal. I would point out that there are Democrats in this House that for the entire 6 years I have been a Member have been strong leaders, leaders like the gentleman from Texas [Mr. STENHOLM], the gentleman from Louisiana [Mr. TAUZIN], and others of us who have signed discharge petitions to bring the balanced budget amendment to the House floor.

Our constituents demand that we operate the Federal Government much as they have to operate their family budgets and our city councils and our State governments and our county governments must do so. Consider that today we are spending $816 million a day on gross interest payments. Consider that that is eight times higher than our Federal expenditures on education. Consider that those interest payments are 50 times higher than our expenditures on job training and 55 times more than we are spending on Head Start and 140 times more money than we are spending on childhood immunizations.

So we are living on credit. And so as I listen to my constituents, I hear them saying, "we are paying enough taxes. Impose restrictions so that you who go to the Congress in Washington, DC, will use the money that we have given you already."

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT], a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, the amendment before the House at this time would require a three-fifths majority to raise taxes. I want to spend a minute or two talking about democracy, not taxes, not balanced budget amendments, but democracy, about due process, about equal protection of the law, about majority rule.

Every time we put a provision in our Constitution that goes away from a simple majority, what I want to submit to my colleagues and to the American people is that we are doing something that is undemocratic.

There is diversity in this body. Four hundred and thirty-five Members of this body come from all parts of this country: different colors, different genders, different perspectives, different regions, personalities, and we reflect the diversity of this great Nation.

Any time we upset that 50 percent plus one majority rule proposition, we take away the power or we give extra power to some other part of this Nation and some other view in this Nation.

So I am here today to talk about majority rule and the importance of standing up for majority rule. This is not about a balanced budget amendment. It is about my ability to have the same right and the same responsibility as my colleagues in this body.

This is counter democratic. It is counter equal protection. It is counter majority rule. And I encourage my colleagues to get real and defend the constitution rather than amend the constitution to give us their notion of what fiscal policy ought to be.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. TATE], one of the distinguished members of our freshman class, who is a named sponsor of the amendment.

Mr. TATE. Mr. Chairman, I rise today to strongly encourage my colleagues to support the tax limitation balanced budget amendment. I urge support for this amendment because it is the only one requiring a three-fifths vote to raise taxes, to borrow money, or to increase the deficit.

The tax limitation balanced budget amendment is essential. For too many years this Congress has funded its bloated Federal programs on the backs of our children. There has rarely been a Federal program that Congress has not liked—Washington, DC, has continually and relentlessly spent the money of American families, and seemingly with no regret. It is time we make the nasty addiction of taxation a lot harder to satisfy. Currently, the deficit is over $4.5 trillion—over $13,000 for every man, woman, and child in the United States. Mr. Chairman, your grandchildren will be paying our debt. This dangerous accumulation of debt must be brought to an end. Congress has become a fat-cat. It is time we put this one on an Ultra Slim-Fast diet. By making it harder for Congress to take the working people's money, we will force, not ask, Congress to spend taxpayers' money responsibly. Every single American lives on a budget, why shouldn't the Federal Government? Forty-nine States operate under a balanced budget, why shouldn't the Federal Government? The answer is—it should.

This amendment is bold. It will be criticized. But it is needed. November 8 said something, Mr. Chairman. This freshman class made a collective commitment to come here and make a difference. I made a commitment—a commitment to cut the size of the Government—and let taxpayers keep more of what they earn.

Americans work hard for their money, and we need to make it hard for the Government to take more of it. This amendment is what the people have asked for.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I want to thank the gentleman from Michigan for yielding time to me.

My colleagues, again, I have to come down here and oppose this amendment and oppose the Barton amendment. I have to tell my colleagues, I am not going to discuss it from a constitutional perspective because I am not a lawyer.

I, like some of my new colleagues from the other side, came from the private sector. I am a banker. This is a new business to me to be involved in.

When I look at the arguments that are before us, I think we see a little transparency. Speaker after speaker who has come down for this amendment has come down to talk about how the States balance their budgets. The cities balance their budgets. The Federal Government should do the same.

But I would offer for the RECORD something from the National Association of State Budget Officers, which shows the percentages of State budgets that come from the Federal budget. So, again, as I said yesterday, I do not think we are being honest with the American people when we are talking about this issue. We are not being honest about what the procedure is in this amendment.

This will not take us to a balanced budget.

Enough State Support to Win Its Ratification

MONEY FROM THE FEDERAL GOVERNMENT

The percentage of each state's budget that came from the Federal Government in direct aid in the 1992 fiscal year, the latest for which figures are available.

	Percent
Alabama	58
Alaska	17
Arizona	29
Arkansas	28
California	33
Colorado	26
Connecticut	16
Delaware	15
Florida	20
Georgia	28
Hawaii	15
Idaho	31
Illinois	21
Indiana	31
Iowa	21
Kansas	26
Kentucky	26
Louisiana	33
Maine	30
Maryland	20
Massachusetts	21
Michigan	27
Minnesota	20
Mississippi	39
Missouri	27
Montana	28
Nebraska	23
Nevada	N.A.
New Hampshire	34
New Jersey	19
New Mexico	N.A.
New York	27
North Carolina	26
North Dakota	32
Ohio	23
Oklahoma	26
Oregon	16
Pennsylvania	26
Rhode Island	26
South Carolina	31
South Dakota	38
Tennessee	36
Texas	26
Utah	23
Vermont	31
Virginia	17
Washington	20
West Virginia	32
Wisconsin	20
Wyoming	21

Source: National Association of State Budget Officers.

In the abstract, all's fine. But what about higher state taxes and lesser services? Vermont and West Virginia are among a handful of states where the amendment does not seem to stand a chance. In West Virginia, for instance, the strong opposition of United States Senator Robert C. Byrd means that the matter will probably never come to a vote. In Vermont, Gov. Howard Dean, a Democrat, has taken the lead in warning officeholders in other states that a balanced-budget amendment might mean that the Federal

Government would simply foist obligations onto the states.

In New York, the Legislature's lower house, the Assembly, will probably reject the amendment if it ever reaches a vote there. Sheldon Silver, the Democratic Speaker, said he was "concerned that in times of recession, when deficit spending is used to stimulate the economy, that particular method would be lost to us."

In most of the other large states, including California, Pennsylvania and Illinois, which, like New York, have full-time legislatures with highly trained professional staffs, the leading politicians are withholding judgment on the amendment until they figure out the degree to which it would require them to raise their own states' taxes or lower their own spending.

In interviews, many officials agreed with Robert C. Jubelirer, the President pro tem of the Pennsylvania Senate. "These guys aren't going to ratify a balanced-budget amendment," Mr. Jubelirer, a Republican, said of his colleagues, "and then be told you have to raise taxes in Pennsylvania. If we're told that is not the case, I think ratification is do-able."

Officials in Connecticut took a similar stance. In New Jersey, Gov. Christine Todd Whitman, a Republican, strongly supports the amendment in principle, her spokeswoman said, and would like to lead the charge for it.

The issue of a constitutional amendment requiring a balanced Federal budget has been before the states in one form or another for years. Twenty-nine legislatures have voted for a measure calling for a constitutional convention to deal with the matter. But most of those states acted before 1980, and the legislatures of three states—Alabama, Florida and Louisiana—subsequently voted to rescind their votes on the convention.

Many state officials say they want any constitutional amendment to include a provision prohibiting the Federal Government from passing on new obligations to the states without money to cover them. A measure limiting, although not outlawing, what are called unfunded mandates is now pending in Congress and will almost certainly become law. But chances are remote that such a provision would be written into a constitutional amendment.

Once Congress approves a constitutional amendment, there is no limit on how long the states have to ratify it. But the prevailing view among proponents and opponents of the balanced-budget measure is that if 38 legislatures do not adopt it in the first year or two, it will never be added to the Constitution.

"The political momentum slides across the country when time drags," said George D. Caruolo, leader of the Democratic majority in the Rhode Island Senate. "People become more interested in parochial concerns, and the whole thing becomes more complicated."

Parochial concerns are, indeed, the chief enemy of the balanced-budget amendment. "When it comes to that vote," said David Harris, the Republican Secretary of Finance and Administration in New Mexico, the first question legislators will ask will be, "What does it do to us?

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to rise in support of the Barton-Geren-Tauzin constitutional amendment. Unfortunately, for the last few days we have heard a lot of partisan rhetoric about a balanced budget. I would like to remind my good friends on the Republican side of the aisle that no constitutional amendment will be passed without the assistance and the hard work of Members like the gentleman from Texas [Mr. PETE GEREN], the gentleman from Louisiana [Mr. TAUZIN], and especially the gentleman from Texas [Mr. STENHOLM], who have labored long and hard in the trenches, in fact, for more than 30 days.

□ 1030

It is with our bipartisan support that an amendment, which I think will pass today, will come about. Mr. Chairman, if a balanced budget amendment occurs, there will then be hard decisions that will have to be made to implement it in this body.

I would remind Members that last year we had the opportunity to vote on trying to just slow down the largest-growing part of our budget, that of entitlements, to slow them down to the growth of inflation plus 1 percent on top of that. I would remind Members that 80 percent of the votes that came for that proposal came from the Democratic side of the aisle.

Therefore, let us put aside partisan politics and get on with it. Let us ask the question: Will these two proposals, the one we are talking about now and the one that will follow, really make any difference?

Since 1977 there have been 15 tax increases approved by Congress. Had we had the Barton-Tauzin-Geren amendment in place, 9 of those 15 would have been blocked.

BACKGROUND

Since 1977, Congress has passed 15 bills increasing taxes:

Four received more than 60 percent votes in the House and Senate in each vote and would not have been affected by either Barton-Geren or Schaefer-Stenholm.

Two were passed by voice vote once but received more than 60 percent vote in every other vote in the House and the Senate.

Two bills received less than 60 percent vote, but more than a constitutional majority, in at least one vote in the House or Senate.

Seven bills received less than a constitutional majority in at least one vote in the House or Senate.

CONCLUSION

Using recent history as a guide, both Barton-Geren and Schaefer-Stenholm will be effective in blocking tax increases. The tax limitation in Barton-Geren would have been only marginally more effective in blocking tax increases than Schaefer-Stenholm since 1978.

If a three-fifths supermajority requirement for tax increases had been in the Constitution since 1977, 9 of 15 tax bills would have been blocked.

Seven bills raising taxes by a total of $558.9 failed to receive a constitutional majority and would not have passed if the tax limitation provision in Schaefer-Stenholm had been in effect.

TAX BILLS THAT WOULD HAVE FAILED IF HOUSE JOINT RESOLUTION 28, SCHAEFER-STENHOLM AMENDMENT, HAD BEEN IN EFFECT

1. 1977—SOCIAL SECURITY TAX

Summary

Increased Social Security payroll tax rates and the taxable wage base for both employers and employees.

Size of tax increase

$80.4 billion

Votes failing to receive constitutional majority

The Senate initially passed the bill by a vote of 42–25 on November 4, 1977.

The House passed the conference report by a vote of 189–163.

2. 1982—TAX EQUITY AND FISCAL RESPONSIBILITY ACT

Summary

Made a variety of tax changes, including repealing or curtailing several tax breaks and other tax changes to increase revenues by $99 billion and cut welfare, Medicare and Medicaid spending by $17 billion.

Size of tax increase

$99 billion

Votes failing to receive constitutional majority

Senate initially passed the bill by a vote of 50–47 on July 22, 1982.

3. 1982—TRANSPORTATION ASSISTANCE ACT OF 1982

Summary

Authorized $71.3 billion for highway construction over 1983 to 1986 and increased gasoline taxes.

Size of tax increase

$22 billion

Votes failing to receive constitutional majority

The House adopted the conference report by a vote of 180–87 on December 21, 1982. (R 73–46, D 107–41.)

4. 1987—OMNIBUS BUDGET RECONCILIATION ACT

Summary

Made a variety tax changes to increase revenues by $11.9 billion, made several spending cuts in entitlement programs and raised several user fees.

Size of tax increase

$11.9 billion.

Votes failing to receive constitutional majority

The House initially passed the bill by a vote of 206–205. (R 1–164, D 209–40.)

5. 1992—H.R. 4210 TAX FAIRNESS AND ECONOMIC GROWTH ACT

Summary

Permanently increased top tax rate and imposed a surtax on incomes above $250,000 in addition to other tax increases to offset a two-year temporary middle class tax cuts, expanded IRAs and other tax breaks.

Size of tax increase

$77.5 billion.

Votes failing to receive Constitutional Majority

The House passed the conference report by a vote of 211–189 on March 20, 1992 (R 1–149, D 209–40.

6. 1992—H.R. 11, URBAN AID TAX BILL

Summary

Created enterprise zones, changed passive loss rules and made other changes in the tax code. Increased taxes on securities firms, owners of real estate, increased estimated taxes for individuals and corporations, capped the business deduction for moving expenses and other tax increases.

Size of tax increase

$27 billion.

Votes failing to receive Constitutional Majority

The House adopted the conference report by a vote of 208–202 on October 6, 1992. (R 39–122, D 169–79).

7. 1993—OMNIBUS BUDGET RECONCILIATION

Summary

Increased taxes through an increase in the top tax rate, an increase in the gas tax, taxes on Social Security benefits and other tax changes, made changes in entitlement programs and placed caps on discretionary spending.

Size of tax increase

$241 billion.

Votes failing to receive Constitutional Majority

The Senate initially passed the bill by a vote of 50–49 on June 25, 1993.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Barton substitute for several reasons. First of all, I will be offering one later in the day that does two things: It takes Social Security off budget, and it says that the Federal Government may be involved in capital budgeting for physical infrastructure.

What that means is that we build for growth in our balanced budget amendment, and we permit those things that help add to an economy, the roads, the bridges, the airports, the water, the sewer systems, the buildings. Those things that are necessary for growth can be accounted for and reflected and encouraged, not discouraged.

Mr. Chairman, I also want to talk for just a second about the provision of the Barton amendment that does trouble me. That is the supermajority. Yes, it is a great bumper sticker, three-fifths vote to raise taxes, 60 percent vote instead of a 50-percent vote; 60 percent, a supermajority, instead of a regular majority.

Where does this stop, Mr. Chairman? Should we have a 60-percent majority, for instance, to change Social Security? Perhaps so. Should there be a 60-percent majority required before a program can be cut, whether it is welfare or defense or something along those lines? Should there be a 60-percent majority for just about anything that we feel is important?

I guess what is most concerning to me, Mr. Chairman, on this is that where does the 60-percent majority stop and what are the priorities? I get concerned when somebody tells me they want a 60-percent majority in the Constitution to take money from a mother and father. Laudable, yes.

However, I am equally concerned, or more concerned, when I know that the toughest vote I will ever cast is whether or not to go to war, and yet it is only a 50-percent majority to take the son or daughter from the mother or father to send them to war.

Certainly, Mr. Chairman, majority rule is what has governed this country. Majority rule is what should continue. For those reasons, I oppose the Barton substitute.

The CHAIRMAN. The Chair would announce that the gentleman from Texas [Mr. BARTON] has 9 minutes remaining, the gentleman from Texas [Mr. PETE GEREN] has 9¾ minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 12 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Barton substitute.

Mr. Chairman, I rise today in strong support of the balanced budget amendment. It is a step that Congress should have taken before now. The American people are depending on us to take the necessary action to put our financial house in order.

Almost exactly 1 year ago I signed a discharge petition to force the Democratic leadership to allow us to vote on a balanced budget amendment that had been locked away. What a difference an election makes.

I want to thank my good friend, the gentleman from Illinois, Mr. HENRY HYDE the Chairman of the Judiciary Committee, for making sure that we will get to vote on the balanced budget amendment in a timely manner as the people have indicated that they want.

This is a measure that I have supported since the day I arrived in Washington as a freshman Member of this great body. It is a measure that the American people have overwhelmingly called on us to pass. And now, the time has come for us to pass this amendment.

Every year we pass a budget that is not balanced and every year we put our children and grandchildren further in debt. No more.

Cutting the spending and establishing priorities about how we spend the people's money are ideas whose time have come. In fact, they are past due.

Why do we need a balanced budget amendment to do that? We need it because it has become crystal clear that the Congress is not capable of making the cuts to balance the budget without the discipline of a balanced budget amendment.

Opponents of the balanced budget amendment have resorted to the same old tired arguments that we can make the tough choices without the amendment. Well, we have not made those choices in over a quarter of a century.

Some of the enemies of the amendment have even resorted to trying to scare our senior citizens into believing that a balanced budget amendment would cut Social Security.

That simply is not true. As chairman of the Social Security Subcommittee, I would not support any measure which would jeopardize the safety and soundness of the Social Security trust fund and the longstanding contract that we have with our senior citizens.

That contract was made long before the Contract With America was ever conceived. We must and we will honor it.

The balanced budget amendment is the best insurance that I know for protecting the long-term solvency of the Social Security trust fund. Budget deficits and the need to borrow and pay interest on that borrowing are the real threats to Social Security.

I suspect that the reason that the spendaholics have taken these low-road attacks on the balanced budget amendment is because they are afraid that their pet pork programs will be found lacking merit when we sit down to decide what we need and what we can live without.

What a shame that some would stoop so low as to try to frighten elderly Americans to protect programs that are likely to be found unworthy of our support when deciding how to spend the people's money.

We all know that the Social Security trust fund operates in the black. It should not even be a part of this debate. The real issue is whether we will live up to our responsibilities or not.

Anyone who does not have the guts to live up to the responsibilities needs to find a new line of work. And they need to stop trying to scare senior citizens.

We must reject the business-as-usual approach by the naysayers who have run us into debt over the last quarter century. We have tried it their way and we have huge debts, yearly deficits and interest payments on the debt that eat up 18 percent of each year's budget.

It has been a long time coming; but, the time has finally come. I ask my colleagues to let us make this change that will turn our wagon away from the valley of debt and head back toward the economic high ground.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. CANADY], a subcommittee chairman of the Committee on the Judiciary.

Mr. CANADY of Florida. Mr. Chairman, I rise in strong support of the Barton amendment.

Mr. Chairman, I am pleased to rise in support of the Barton balanced budget amendment to the U.S. Constitution.

The enactment of a balanced budget amendment is a top priority of the American people and it is very fitting that this amendment is among the first matters to be taken up by the House during the 104th Congress.

The balanced budget amendment is a top priority for the American people because they are frustrated and dismayed by the inability of Congress to do business in a responsible manner and to balance the Federal budget. The American people are rightly fearful that our children will pay dearly in the future for our imprudence and lack of discipline today.

We have all heard the statistics concerning the national debt. But those statistics bear repeating. During the past decade the national debt has tripled. The Federal Government now owes a staggering $4.7 trillion. Interest alone on the debt is over $200 billion annually. We now spend more on interest than we do on many major functions of the Federal Government.

The massive and mounting Federal debt threatens to severely damage our economy and to undermine the soundness of all governmental programs and activities.

Congress has engaged in extended efforts to control Government spending and to reduce and eliminate the Federal deficit. Those legislative efforts have been—by any reasonable standard—a total failure.

Placing limitations on debt is a time-honored tradition in the Congress. Unfortunately, it has also been a time-honored tradition regularly to increase the statutory ceiling on the Federal debt. Indeed, since 1960 Congress has on 64 separate occasions acted to raise the limit on the debt.

The Gramm-Rudman Act of 1985 established steadily declining deficit targets supposedly culminating in a balanced budget for 1991. But Congress has continually revised this law, circumventing its goals and indefinitely postponing the illusive balanced budget.

In the past 10 years, Congress has passed five balanced-budget statutes. But we are no closer to balancing our budget. With its insatiable appetite, Congress continues to spend money—borrowing and taxing more and more.

The history points up a basic institutional failure on the part of both the legislative and the executive branches of the Federal Government—and a failure that has involved Members of both political parties. And this history points unavoidably to the conclusion that we must take a fundamentally different approach to the budget process.

In short, we must provide for external discipline to rein in the deficit. Adoption of the balanced budget amendment will impose—by constitutional mandate—the requisite discipline on Congress.

The Barton amendment would discourage the Congress from deficit spending, increasing taxes, and raising the limit on the national debt. It would force Members of Congress to make tough necessary and long-avoided legislative choices about how to spend the hard-earned dollars of American taxpayers.

The three-fifths vote required to raise taxes is a vital part of the amendment. It discourages Congress from relying on tax increases rather than spending cuts to balance the budget—and forces Congress to limit the growth of the Federal Government.

We should only amend our Constitution when there is no other means to deal with an urgent need. A constitutional amendment should be adopted only as a last resort.

But I would submit to this House that we are faced with an urgent need to balance the budget, and with a long, disgraceful history of failed legislative attempts to force a balanced budget. We must move beyond these failed legislative approaches. We must reject the scare tactics of those who oppose a balanced budget. We must amend the Constitution to require a balanced budget.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK], one of our more thoughtful Members on the subject of constitutional issues.

Mr. ISTOOK. Mr. Chairman, as we move to balance the budget, pressure to raise taxes will intensify. Even with taxes as high as they are, we currently raise only about $3 in taxes for every $4 we spend.

Faced with equalizing taxes and spending, big spending groups will lobby us with more fervor than ever before, trying to scare folks into believing that taxes must go up rather than have spending come down.

Mr. Chairman, Congress is not known for resisting such pressure. We need a safeguard to make it tougher to raise taxes than to cut spending. We need a two-thirds supermajority of 60 percent on proposals to raise taxes.

Mr. Chairman, in Oklahoma, continuous tax increases prompted the people to pass a restriction. Oklahoma now requires that to raise taxes there must be a 75-percent supermargin in the legislature or a statewide vote approving it. It worked. Taxes in Oklahoma have stopped going up.

Mr. Chairman, we need similar protection for the American people. The 60 percent requirement is tame. It is reasonable. We need it. We need the Barton amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to our distinguished colleague, the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I rise today in opposition, of course, to the amendment of my friend, the gentleman from Texas [Mr. BARTON]. I have had the occasion to express my concern on the House floor on past occasions on the balanced budget amendment.

I have always, Mr. Chairman, and I say with pride, voted to defend the Constitution of the United States as it presently exists, as opposed to the suggestions that we solve our fiscal problems in this country, and we solve our lack of intestinal fortitude in this Congress, by changing permanently the one instrument that 5 billion people in this world envy the most, the Constitution of the United States.

At this point in the history of the United States, more than 10,000 amendments have been offered to the Constitution of the United States in more than 208 years. Of those 10,000, only 27 have been enacted.

Mr. Chairman, it is clear to me that as a result of the change of the structure of the House and the makeup of the House today on both the majority side and the minority side, that there will likely be a two-thirds majority of this House for some form of a balanced budget amendment to the Constitution.

Mr. Chairman, I fear the destruction of the Constitution, and I think that, as we learned from Prohibition in the 1920's, we may realize that what we think is a good solution and a fast solution to inject intestinal fortitude into this Congress and into this Government, that we may instead wreck havoc on the Constitution.

I think particularly the amendment offered by the gentleman from Texas [Mr. BARTON] requiring a three-fifths majority to either raise taxes or to run a deficit is particularly egregious. It indicates the lengths to which we are going to put into place an amendment to our sacred Constitution. The Barton amendment is an irresponsible proposal that must be rejected. I urge my colleagues to vote against this proposal.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. ROB ANDREWS], one of the real leaders for fiscal responsibility.

Mr. ANDREWS. Mr. Chairman, I rise in support of the Barton amendment.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in strong support of the balanced budget amendment.

As we all know, the greatest and gravest problem confronting our Nation is our skyrocketing budget deficit and national debt. In the last 14 years, the national debt has quintupled. Interest on this debt is now one of the largest portions of the Federal budget. If we do not take decisive action we will condemn our children and grandchildren to pay for our excesses. For the sake of future generations, we must correct this situation and passing the balanced budget amendment will do just that.

I do not take the step of supporting a balanced budget amendment to our sacred Constitution lightly. I would prefer that we not have to take this step. But the fact of the matter is that we have adopted, time and again, statutory measures to balance the budget and they have all failed because Congress has failed to live up to the letter of the law.

After careful consideration and analysis, I am convinced that a balanced budget amendment is the only way that we can instill the discipline needed to balance the budget. With a constitutional amendment, there can be no escape from fiscal accountability.

This morning, the American people have heard a lot of horror stories and gloom and doom scenarios about what will happen under a balanced budget amendment. The real truth, however, is that these scare tactics are not an argument against a balanced budget amendment—they are instead an argument against a balanced budget. So if you are opposed to what we are trying to do here today—fine. But, I wish that the opponents of a balanced budget amendment would quit trying to scare the American people with these gloom and doom scenarios.

When we vote this morning, I will support the three-fifths tax limitation. Should the three-fifths fails to receive the requisite number of votes for passage—and I think it will—I will then support the Stenholm version. I will oppose the other substitutes, which I believe are nothing more than an attempt to water-down and diminish the full effectiveness of a clean balanced budget amendment.

□ 1040

Mr. Chairman, I would be remiss if I did not close and say that the gentleman from Texas [Mr. PETE GEREN] and the gentleman from Louisiana [Mr. TAUZIN] have worked very hard on this issue and we would not be standing here today debating this issue had it not been for all the work the gentleman from Texas [Mr. STENHOLM] has done. He is the unquestioned leader in this Congress on the balanced budget amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SCHAEFER], another of the outstanding leaders in the balanced budget effort, who is also, as manager, the leader of the congressional Republican baseball team.

Mr. SCHAEFER. Mr. Chairman, this morning I rise in strong support of the contract version of the balanced budget amendment and that three-fifths vote requirement for tax increases.

The Federal budget can and should be balanced through spending cuts and not through tax increases. That was the message of the voters last fall: Cut spending first. That preference for spending cuts even if only effective after the year 2002 should be embodied in the U.S. Constitution.

I thank very much my friend from Texas [Mr. BARTON] for his leadership on this particular issue. We have worked long and hard on this. I encourage each and every one of my colleagues to support the Barton substitute.

My colleagues, let us do this for our children and for our grandchildren. Vote for the Barton amendment.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I come to the issues involved in a balanced budget amendment cautiously, mindful that many who support strong deficit reduction, as I do, still oppose amending the Constitution. Like so many other issues we deal with, the considerations are not black or white but, in the words of Bill Joel, "shades of gray."

On balance, I vote yes because I believe the tough choices to reduce our $5 trillion debt will not be made without the constitutional requirement to balance receipts and outlays. So I will support the Stenholm-Schaefer amendment as I did in the last Congress. But I will also support for the first time the Barton-Tauzin-Geren amendment to raise the threshold for raising taxes to a supermajority of 60 percent.

Constitutional amendments are different from laws or House rules for reasons carefully cited in this debate. But having watched Congress' frequent inability to rein in spending and to face tough choices, I feel that to be effective the amendment must put maximum pressure on us to reduce spending first and that is what raising the tax threshold will do.

A related and critical issue is the treatment of Social Security in any budget balancing process. Valid issues about fairness and viability of our Social Security system need to be addressed at a future time, but the Social Security trust fund which is funded by a 15-percent annual flat tax on America's workers must be protected. I support the Wise amendment because it takes Social Security off-budget and support House Concurrent Resolution 17.

Let me add two final thoughts. First, by taking clear action today the House is standing up to its responsibility to start the debate. No doubt what we finally do will be further amplified in the Senate, in conference, and in our statehouses. Everyone must participate in the national debate on the best form of the balanced budget amendment, and the blueprint to achieve a balanced budget.

Second, deficit reduction cannot wait on ratification of a balanced budget amendment. I will continue to support responsible bipartisan measures to cut spending now—in the interest of my constituents, our children, and our future.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the distinguished majority whip, the gentleman from Texas [Mr. DELAY], a strong supporter of tax limitation.

Mr. DELAY. Mr. Chairman, I want to congratulate the gentleman from Texas for all the hard work that he has put into this amendment and I hope that Members on that side of the aisle will recognize that this is the constitutional amendment that really has teeth in it. We try to play these games back and forth about the Constitution and what kind of balanced budget it should be.

This amendment is the real amendment. Congress, for instance, passed a law requiring a balanced budget in 1981, 1985, 1987, and in 1990, and we never get there.

The most important part of this is that the Government is too big, it spends too much, and it is too intrusive in our lives. We have to make it very difficult for anyone in this Congress to raise more money from the American people. Right now they pay over 53 percent of their income, which goes to the cost of government. It ought to be very hard to raise any more taxes. We ought to look at spending first and cutting that spending.

Ladies and gentlemen, I urge you to vote for the Barton amendment.

Mr. Chairman, I rise in support of the amendment offered by my good friend from Texas, Mr. BARTON.

The Barton amendment would require Congress to balance the Federal budget by the year 2002. It would require a three-fifths vote of Congress to run a budget deficit, and a three-fifths vote to increase the public debt. Most importantly, it would require a three-fifths vote to raise taxes.

Since 1930, the Federal budget has been balanced only eight times. The last time the budget was balanced was 1969—26 years ago. During the 8 years in which the budget was balanced, Federal spending averaged 16.2 percent of gross domestic product [GDP] and revenues averaged 17.5 percent.

According to the Congressional Budget Office, spending will be 21.7 percent of GDP this year and revenues will be 19.2 percent.This means Federal spending is 34 percent higher today than it was on average during the 8 years in which the budget was in balance. Revenue is 10 percent higher today than it was on average during those 8 years.

Clearly, the problem is not that taxes are too low, the problem is spending is too high.

Let me briefly review the dismal record of past efforts to increase taxes in order to reduce the deficit. In 1982, Congress increased taxes by $98 billion; in 1984, Congress increased taxes by $49 billion; in 1987, Congress increased taxes by $28 billion; in 1989, Congress increased taxes by $14.2 billion; in 1990, Congress increased taxes by $164 billion; and finally, in 1993, Congress increased taxes by $241 billion. Despite a decade of tax increases, the deficit is still projected to exceed $200 billion a year for the rest of this century.

Raising taxes to solve our deficit problem hasn't worked in the past, and there's absolutely no reason to think it would work any better in the future. Indeed a study by the Joint Economic Committee shows that since the end of World War II, Congress has increased spending by $1.59 for every dollar of additional taxes.

The Democratic leadership insists that a constitutional amendment to require a balanced budget is a copout. They claim that Congress already has the power it needs to balance the budget. This may be true, but it should be abundantly clear by now that in the absence of a constitutional amendment Congress will never make the tough choices. Congress has not only failed to balance the budget in 26 years, it has systematically passed and then ignored four separate laws requiring it to balance the budget.

In 1978, Congress passed a law requiring a balanced budget by 1981. In 1985, Congress passed a law requiring a balanced budget by 1991. In 1987, Congress passed a law to require a balanced budget by 1993. In 1990, Congress passed a law to balance the budget by 1995. None of these laws have produced the intended result.

Unlike the failed statutory efforts of the past, a constitutional amendment will force Congress to set budget priorities and make the tough decisions. Congress will finally have to choose between the special interests and the national interest.

I urge my colleagues to support the Barton amendment.

BALANCED BUDGET LAWS

Law	Goal	Result
Public Law 95–435	1981	1981

BALANCED BUDGET LAWS—Continued

Law	Goal	Result
October 10, 1978	$0	−$79 billion
Public Law 99–177	1991	1991
December 12, 1985	$0	−$269 billion
Public Law 100–119	1993	1993
September 29, 1987	$0	−$255 billion
Public Law 101–508	1995	1995 (est.)
November 5, 1990[1]	+$31 billion	−$176 billion

[1] While the 1990 law excludes Social Security from its deficit calculations, on a unified budget basis, meeting the original −$83 billion deficit target would have resulted in a +$31 billion surplus in 1995.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Ladies and gentlemen, may I review with you the impact of the balanced budget amendment and the Contract With America on Social Security recipients.

The cuts in the Old-Age and Survivors and Disability Insurance under the balanced budget amendment would have a total cut of $73.2 billion. The average cut in each of the congressional districts would be $168 million. The average cut per each recipient would be $1,556.

When you add in the cuts in Old-Age and Survivors and Disability Insurance under the Contract With America, the total spending cuts in Social Security would then jump to $100.3 billion with an average cut per congressional district of $229 million and an average cut per recipient of $2,130. I refer you to the Economic Policy Institute figures on this subject.

I think that is too much. I protest that a constitutional amendment would do this to the seniors in America. I am totally at a loss to give anyone any explanations of how they would give an explanation to their constituents about a matter of this magnitude.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I agree with those who say it should not be necessary to amend the Constitution and it should not be. If the Founders had ever thought that we would so disregard public service as to spend more than we got, they would have put it in there in the first place. We owe them an obligation to use their flexibility of the amendment process to change it, for surely from their graves they would wish they could change us.

Second, I am going to vote for both the Barton amendment and the Stenholm amendment because the difference is that one requires a supermajority in raising taxes. I can support that. Nine States already do and they are still able to have their taxpayers believe they would like to cut spending.

But the message of both of those votes is to cut spending first. That is an easy message to deliver. My only admonition to my friends on both sides of the aisle is, make sure you pass one of the two out of here. That is still the continuing obligation that you have on public service.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS], another outstanding Member of the freshman class.

Mr. BASS. Mr. Chairman, I rise in support of the Barton amendment.

Mr. Chairman, I rise in support of the balanced budget amendment with the three-fifths tax limitation. And I do so as a freshman Member of this body. I have only been here for 3 weeks and I don't know all the tricks of the trade and what all the Washington insiders say and think. But I do know what the people of New Hampshire say and think.

They say they want a balanced budget, not more debt for their kids.

They say they want smaller Government, not more Federal mandates in their lives.

They say they want less Federal spending to balance this budget, not more taxes for them to pay.

That is what the November election was about and that is what this amendment is about. The three-fifths limitation not only ensures a balanced budget, but helps ensure that it is done through a shrinking of Government and not a growth in taxes. That is what the people want and that is what this amendment delivers.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. CRANE], who year in and year out gains the most outstanding ranking as the most conservative Member of Congress.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the time.

I salute his efforts in trying to get a balanced budget amendment finally passed in this Congress that imposes some discipline with regard to the question of escalating taxes.

I came here in 1969. The last time we had a balanced budget was that year. In the years since, we cut taxes once, very significantly, in 1981. Ironically, it produced almost a doubling of revenues in the course of the ensuing decade, but the spending has been out of control, and I hear a lot of good rhetoric on how we have got to discipline ourselves on spending. But we must remember that when you do not have some discipline from the standpoint of imposing restrictions on constantly raising taxes, we could be confronted with what we went through in 1993 with passage of the biggest tax increase in the history of civilization, and it still was not addressing that question of spending.

We are being overtaxed currently. We have got to get it under control. The supermajority requirement is a perfect way of approaching it. I urge my colleagues to support Barton.

□ 1050

Mr. CONYERS. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentleman from New York [Mr. JOSÉ SERRANO] a member of the Committee on the Judiciary.

Mr. SERRANO. Mr. Chairman, this whole issue of the balanced budget amendment and the three-fifths super majority is one that if you really analyze it can confuse you a lot.

First of all, we all come here with an equal vote and now we are being told in order to accomplish something legislatively we have to get a special super majority.

How is it going to end? Any time we find an issue we do not have the courage to deal with ourselves we are going to put forth a super majority so that everybody can deal with it that way and then throw it off to someone else?

The other issue that seems to create a problem here is that we cannot still get the truth from the other side, from the proponents of this bill, what it is they intend to do once they balance the budget the way they want to balance the budget.

This whole issue of Social Security that some people think we are trying to scare some folks here, this is an honest issue. This is a truthful issue.

Why will people not tell us what is going to happen to Social Security and Medicare once this constitutional amendment takes effect?

When I was much younger the airline industry went out to try to get new customers and they said "fly now; pay later." What I am being told to do now is vote now and find out later. If we vote now we are going to find out later that we are going to be in deep trouble on the real contract, besides the Constitution, which is the only contract we have with America. The real contract was with senior citizens about their Social Security and their Medicare and now we are going to sell them this approach: We will balance the budget hopefully someday, and then next year and the year after we will tell you how we hurt you.

I think that is not right and that is not fair. We do not need a balanced budget amendment. We need to balance the budget and I am for that. We do not need a three-fifths super majority. We need to respect each individual vote in this House. We should not be afraid to exercise our right here. We should not support this amendment.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 1 minute and 15 seconds to the distinguished gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, when I first came to this body in 1989, I was not in favor of a balanced budget amendment. Since that time, I have reached the conclusion that the only way that the U.S. Congress will exercise true fiscal responsibility is through a balanced budget mechanism that forces us to reduce spending and set new budget priorities.

For 6 years, I have listened to the opponents of a balanced budget amendment say that we should exercise our current constitutional responsibility, and achieve deficit reduction through the regular authorization and appropriation process. And yet, we don't do it.

I have listened for the last few weeks, and today, as the opponents say that we should tell the American people where the cuts are going to be made before we pass a balanced budget amendment. If you support a balanced budget, if you support deficit reduction, that argument is irrelevant. No one is disputing the fact that this amendment will require painful cuts.

But, that is what the American people are demanding. True, many people may not be aware what a balanced budget will mean in terms of cuts in programs. But, the people want reduced Government spending and an end to deficit spending. It is time for us to give the people what they want.

The Barton-Geren amendment is the most fiscally conservative proposal before us—which is why I support it.

I urge you to show courage, and do what the people demand.

I believe that today we will finally pass a balanced budget amendment. Once we do, and we have to begin to make the tough cuts in spending that it will require, there will be a tendency by the Congress to avoid the painful choices we will have to make. Only the Barton amendment makes it more difficult to resort to tax increases to avoid the pain of spending cuts. We need such a mechanism.

The only way to really reduce the size of the Federal budget is to reduce spending. The only way to justify politically unpopular but necessary cuts is with an amendment that makes it more difficult to turn to the option of more taxation. The only way to avoid future budgets like we got in 1992, is to pass the Barton-Geren balanced budget amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to review the important factor of judicial review under the proposed amendment. As currently drafted, the Barton substitute is totally silent on the issue of judicial review, creating what could be a serious legal quagmire.

One potential uncertainty concerns the applicability of the political question doctrine, which is designed to restrain the judiciary from inappropriate interference in the business of other branches of the Federal Government. We will not have to worry with that doctrine anymore because we are inviting the judiciary to come into the legislative business of Government, and we are not even giving any direction as we amend the Constitution of the United States to create this exception.

Many scholars have indicated that the political question doctrine is unlikely to limit judicial intervention in the present case.

An additional area of confusion relates to judicial limitations concerning standing. While a taxpayer may not be able to show sufficient injury to have standing to bring suit in Federal court that would allow him to challenge congressional failure to comply with the balanced budget amendment, standing may be far more compelling if sought by a Member of Congress or an entire House of Congress or an entitled recipient who has been denied benefits as a result of the questionable impoundment of funds. This is certain to be a thicket of confusion and tangled litigations and appeals.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary. I wish it could be more.

Mr. HYDE. Mr. Chairman, I just want to say to my friend from Michigan, the first amendment is silent on judicial review. All of the amendments are silent on judicial review. The courts will review or not. They have been doing it since 1791, and unfortunately or fortunately we have limited control over them.

As to my friend from North Carolina, the Constitution provides many interesting examples of supermajorities. One of the most interesting is the 25th amendment where the President and his advisers, his Cabinet, have a dispute over whether he is able to continue serving as President, and that dispute can finally be resolved by a two-thirds vote of Congress.

We have overriding vetoes, we have treaty ratifications, and so on.

The 14th amendment is very interesting. That requires a two-thirds vote to rehabilitate, to remove disqualifications from someone who had engaged in rebellion.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. BARTON], a cosponsor of the amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield that 1 minute to the distinguished gentleman from Illinois, Mr. DENNY HASTERT, our chief deputy whip.

Mr. HASTERT. Mr. Chairman, today, the American people will see who wants to do their business and who wants to give them the business.

Today, we vote on the balanced budget amendment. Since any amendment requires two-thirds of the final vote, the fate of the balanced budget amendment lies in the hands of our friends on the other side of the aisle.

I urge my colleagues on the other side of the aisle to join with Republicans and those who are supporting this to pass a tax-limitation balanced budget amendment.

The reasons to vote for the Barton substitute are clear.

The American people want their Government to be fiscally responsible. They want us to balance the budget in order to lower our debt and make our children's futures brighter.

But they want us to cut spending first, not raise taxes even higher. The Barton substitute makes it more difficult for the Government to balance the budget on the backs of middle-class taxpayers by requiring a three-fifths vote on tax increases.

□ 1100

Mr. Chairman, I urge my colleagues to pass the Barton substitute. It is the best alternative for the middle-class taxpayer.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I first want to stand and commend my colleague and fellow Texan for the yeoman's work he has done in promoting his proposal to amend the Constitution to require a balanced budget. JOE has worked tirelessly for an ideal he believes in passionately, not only this year but for most of his career here in the House of Representatives.

I also want to say, as I have before, that I know JOE is sincere about his desire to move us toward a balanced budget. I have seen JOE cast the hard votes which both opponents and supporters of a constitutional amendment say must occur if we are ever to reduce our deficit. For example, last July, when I offered my entitlement cap proposal on the floor, which CBO scored as saving approximately $150 billion over 5 years, JOE was one of the 37 Members, 9 Republicans, who got onto my good-guy list by supporting this amendment. I know that whatever the ultimate conclusion of this debate may be, we can count on JOE to be there in the future for the hard votes.

I do want to take this opportunity to clarify one issue which has become somewhat confused in the rhetoric over the past few weeks. It is true that JOE's amendment has a stronger restriction against raising revenues, the three-fifths vote requirements, but to say that Schaefer-Stenholm is absent on tax restraint is simply wrong.

After years of wrestling with various formulations, in June 1992 the principal sponsors of the leading Senate and House versions came together and arrived at the bipartisan, bicameral consensus version of the BBA embodied in Senate Joint Resolution 41/House Joint Resolution 103 of the 103d Congress. As my colleagues know, this language is now embodied in H.J. Res. 28, as well as the Schaefer-Stenholm amendment to be considered today or tomorrow. This is the strongest version—indeed, the only version—with a realistic possibility of obtaining two-thirds majorities in both bodies.

H.J. Res. 28 is not a simple balanced budget amendment; it does contain a meaningful tax limitation. If this balanced budget amendment had been in effect since 1977, 7 of the 15 tax increases which were approved would not have been possible, at least in the form in which they passed. Interestingly enough, the three-fifths supermajority requirement for tax increases would have blocked only two additional tax increases.

Therefore, recent history indicates that some of the hysteria about the differences between these leading constitutional proposals is not founded in fact. Although the debate on tax limitation has made it appear that Barton-Geren and Schaefer-Stenholm are dramatically different, the practical effects would have been very similar.

I also want to point out that a balanced budget requirement itself would promote tax limitation. As long as the power to deficit spend remains unrestrained, the deficit will be used as an excuse to raise taxes. A civic-minded public will be at least somewhat susceptible to this appeal for "shared sacrifice," while the higher taxes actually pay for more spending. In contrast, once a balanced budget becomes the norm, the public will see the clear, $1-for-$1 relationship between higher taxes and bigger Government and reject those taxes. Therefore, even if it did not contain explicit tax limitation language, the amendment would operate to limit tax increases.

It also should be noted that a balanced budget requirement itself would promote spending restraint. Currently, Federal spending escalates because the special interest political rewards for spending outweigh the generalized public interest in spending restraint. Without a balanced budget amendment, there is no clear procedural or political barrier to ever-spiraling spending—because it is the unlimited ability to borrow that creates the unlimited ability to spend without immediate consequence. In contrast, the amendment would perfect the democratic process, by visibly reconnecting the demand for new spending with its true costs to taxpayers and the economy.

Finally, I would like to emphasize that the experience of the States proves how requiring a balanced budget also promotes restraint in taxing and spending. In 1992, the CATO Institute noted that 49 State governments have balanced budget requirements and found that:

> From 1940 to 1990, State and local spending climbed from 12 to 14 percent of national income [while] Federal spending climbed from 13 to 28 percent. * * * It is inconceivable that Federal spending would have skyrocketed as it has if Congress had had to raise taxes every year to pay for its spending, as the States do. (National Review, June 8, 1992.)

Clearly, the most effective amendment is the one that passes. The bipartisan bicameral language offers the best opportunity to effect a change that is good for the country. Votes in 1986, 1990, 1992, and 1994 and the whip counts that many folks have conducted this year demonstrate that, in both bodies of Congress, support for the bipartisan, bicameral balanced budget amendment is plus or minus the necessary two-thirds majority by a hairsbreadth

This is a situation that must not be wasted. Vote for the constitutional amendment in which you most sincerely believe. But if you believe in a balanced budget amendment, do not squander this rare opportunity.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SCOTT], a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I rise today to state my opposition to the Barton amendment.

Mr. Chairman, if you actually read the bill rather than read the title, you will find that the amendment does not require a balanced budget. It only requires a three-fifths vote to pass an unbalanced budget. It requires nothing before the year 2002.

So since there is no plan and since the sponsors propose no plan to get to a balanced budget, we can assume, based on the testimony, that unless you are going to cut Social Security, you are not going to have a balanced budget.

If we use our past experience to guide us, we can find that Congress is unwilling to make the tough, necessary cuts to bring the deficit down, but we have been very willing to add pork to a budget to get the extra votes needed to pass it.

Mr. Chairman, if we actually look at that history, we will see that the three-fifths vote may make it more difficult to pass an unbalanced budget, but it is also going to make it more difficult to pass a budget with a lower deficit, so either you are faced with no budget at all or a budget with a higher deficit.

Therefore, Mr. Chairman, this should be called the pork protection plan rather than the balanced budget amendment. Simply put, it will allow a minority of Members in either the House or the Senate to hold out for the spending projects in their district.

The way you reduce the deficit, Mr. Chairman, is the tough decisions. Making the tough decisions ought to require only a majority of the vote, because we have seen no evidence that we can get a majority of the Members to step up to the plate to make those spending cuts.

Mr. Chairman, if the Barton amendment passes, we will find we will need a three-fifths vote to pass a budget only, and the only way to do that is to pork it up to make sure we can get the requisite votes.

Mr. Chairman, I would hope that the Barton amendment would fail.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. PETE GEREN of Texas. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman has 3¼ minutes remaining.

Mr. PETE GEREN of Texas. Mr. Chairman, we would not be here today if it were not for the tireless efforts of the gentleman from Texas [Mr. STENHOLM] and the gentleman from Texas [Mr. BARTON], and I think it is so important that we recognize their tireless efforts over the last decade to bring us where we are on the verge of this victory. The taxpayers of America, future generations, and this Congress owe the gentleman from Texas [Mr. STENHOLM] and the gentleman from Texas [Mr. BARTON] a thank you for their hard work.

Mr. Chairman, if you listen to the opponents of this amendment, you would think that this is going to bring about the end of Western civilization. They talk about these cuts; they talk about the disaster that would come if all we do is only spend what we take in.

Mr. Chairman, right now, if we do not do anything, our Government will increase in spending, between now and 2002, 50 percent. Mr. Chairman, all we need to do to balance the budget is limit that increase to 30 percent, not increase by 50 percent, limit. Let me repeat that point: Right now, if we do not change anything, spending in this Government will increase by 50 percent between now and the year 2002. To bring our budget into balance, all we need to do is limit that increase to 30 percent rather than 50 percent.

I raise that point to those who talk about the draconian side effects of living within our means. Mr. Chairman, people say that this is not fair.

Spending somebody else's money, spending other generations' money year after year, decade after decade, Mr. Chairman, that is not fair.

Let me quote Thomas Jefferson on this point:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.

Mr. Chairman, I believe strongly that we are morally bound to pay them ourselves, and that is why our balanced budget amendment is so critical.

Why three-fifths? Many people ask that. You can look over the last 15 years of the experience of our Government. In the best of times and in the worst of times, Government grew. In spite of all the rhetoric about what happened in the 1980's, Government grew. Government grew by almost 50 percent.

Mr. Chairman, in our legislative process, there is a bias toward growing Government. The power of the bureaucracy to influence legislation, the power of the bureaucracy to frame issues gives them influence in the legislative process that needs to be checked, that needs to be offset. That is why we need this three-fifths limitation.

Mr. Chairman, I urge our colleagues to support this important initiative, this historic initiative. It is fair. It is reasonable. And it is most importantly a practical response to a real-world problem that we can use this year to document last year, to document in every year but 2 years in the last half of the century to document. This institution is not going to live within its means unless we do this.

It is a fact. Anybody who says they want us to do without it, I applaud that, but it is not going to happen.

The CHAIRMAN. All time of the gentleman from Texas [Mr. BARTON] has expired.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN], a member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I rise to express my strenuous opposition to the balanced budget amendment.

This debate is about far more than the critical task of balancing the Federal budget. The amendment strikes me as a dangerous and insidious means of fundamentally altering articles 1, 2, and 3 of the Constitution, upsetting the separation and balance of powers that has served this Nation so well for two centuries.

Has our confidence in our ability to make the tough choices ebbed so dramatically that we would cast away for all time the carefully wrought balance among the three branches of Government?

At a time when U.S. constitutional law experts have fanned out around the globe, advising brand-new democracies on how to write their constitutions, it is a bitter irony that we find ourselves on the verge of forsaking the very model so many seek to emulate.

Many of my colleagues who support this amendment have done so out of reluctance to saddle future generations with the burden of our national debt.

I concur. But I am equally loathe to consign our children to relive the terrible constitutional crises of our past:

A Supreme Court nullifying acts of Congress designed to pull the United States out of the Depression and to ease the pain of our fellow citizens; and

The Congress and the President locked in combat over the President's efforts to impound appropriated funds.

And unless the amendment before us is merely hortatory, a suggestion I am certain its proponents would roundly deny, our children face the prospect of an unelected judiciary plunging into the adjudication of patently political questions they have strenuously and wisely sought to avoid for over 200 years. I fear that we face the unprecedented prospect of the courts ordering cuts in fundamental Federal programs in order to effect compliance with the amendment.

Even for those who believe that achieving a zero budget deficit is the paramount objective of our times, I would contend that this provision does not belong in our Constitution.

For the entirety of U.S. history, our Constitution and the very small number of amendments we have adopted thereto have served two key functions: allocating power within our democracy, and protecting fundamental individual rights.

The amendment under consideration today has a strikingly different purpose: enshrining a particular fiscal policy in the Constitution. I would submit that article 1 already provides ample authority to the Congress to hew to that fiscal policy. But it dishonors our sacred Constitution to clutter it with a particular view of budgeting and economics that has not stood the test of time.

In fact, economists on both sides of the political spectrum have raised serious concerns about forcing the Federal Government to always adopt a balanced budget. Herb Stein, a senior fellow at the American Enterprise Institute and an adviser to Presidents Nixon, Ford, and Reagan, objects to a balanced budget because it would result in "needless confusion, evasion, and litigation" and ultimately would be very "unfair."

The balanced budget amendment has been mischaracterized as a way to protect the American people's pocketbook. The Contract With America heralds it as "keeping Congress from passing the bill on to you, the American people." Who do you think will foot the bill if not the American people?

No matter how you disguise it the American people will end up footing the bill. It's just a question of which Americans. Aside from Defense, which the Republicans have vowed not to increase, more than 80 percent of Federal spending consists of payments to individuals. Wealthy individuals and corporations get their Government benefits from tax subsidies.

A three-fifths vote requirement for tax increases serves to enshrine a principal of protecting the rich and burdening the poor. Although the middle class will end up bearing the brunt of any effort to balance the budget, the mix of tax increases to payment cuts will determine whether it is the rich or the poor who must make the greatest sacrifices.

However, even conservative economists who are not concerned about this equity issue and who believe that draconian spending cuts are necessary, recognize that a balanced budget amendment is simply bad fiscal policy. They know that a constitutional amendment would risk making recessions more frequent and deep.

In years of slow growth or recession revenues rise more slowly while costs for programs such as unemployment insurance increases more rapidly. Consequently the deficit will be larger during recessions and smaller during expansions. Under the fiscal straitjacket of a balanced budget amendment greater deficit reduction would be required during a recession while less deficit reduction would be required during an expansion. This is precisely the opposite of what most economist feel should be done to stabilize the economy and avert recessions.

Also, the balanced budget amendment is bad fiscal policy because, unlike most State balanced budget amendments, the amendment before you today fails to distinguish between operating budgets and long-term investments. Businesses and homeowners know the difference between borrowing to consume and borrowing to invest. It is ludicrous to enshrine a fiscal policy that forces the Federal Government to be shortsighted and that makes long-term investments more difficult.

Finally, the balanced budget amendment is premised on a faulty notion that all debt is bad. Government bonds represent wealth to their holders—in large part the American public. When the Government spends more than it takes in, it adds to their wealth. This does not mean that the Government should always run a big deficit, but rather that our Government should choose carefully whether a deficit is wise at any particular time. As a government that makes fiscal policy we must be free to decide whether achieving a balanced budget is really in the best national interest of the United States.

Mr. Chairman, I urge all my colleagues to protect the Constitution, support sound fiscal management, and get down to the business of making the hard choices we were elected to make. I urge my colleagues to oppose the balanced budget amendment.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time, 1 minute, to the gentlewoman from California [Ms. LOFGREN], a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, I urge that we step back from this amendment today and take the time that is necessary to analyze what this amendment would do to our Constitution.

You know, as a member of the board of supervisors in Santa Clara County, I am mindful we spent more time analyzing the impact of a use permit for a golf course than this body has spent analyzing the impact of this amendment.

Whether you are for or against the amendment, our people sent us here to make sure that we avoid the law of unintended consequences, and I do not think we can honestly say that we understand the unintended consequences of this amendment today.

What is an outlay under the amendment? Is it a Federal loan program? Would it include guaranteed loans? Would it include working capital for the Federal Deposit Insurance Corporation? Does it include the Postal Service? Does it include the Federal Reserve and Fannie Mae? We do not know. What about tax compliance? Does it include a bill that raises taxes for some and not for others?

I urge that we take our time and do the job people sent us here for.

The CHAIRMAN. All time has expired for the minority.

The gentleman from Texas [Mr. BARTON] is recognized for 4 minutes to close the debate.

□ 1110

Mr. BARTON of Texas. I thank the distinguished chairman. Let me say what a pleasure it is to have the gentleman from Pennsylvania [Mr. WALKER] presiding over this historic debate.

The CHAIRMAN. The Chair thanks the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, let me thank the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE] for his leadership in this effort.

Mr. Chairman, I would also like to thank the new Republican majority leadership for their support. Special thanks to LAMAR SMITH, the task force leader on this item in the Contract With America, for his excellent work to get the three-fifths' vote in the contract.

I would like to thank the gentleman from Texas [Mr. STENHOLM], the gentleman from Texas [Mr. GEREN], the gentleman from Colorado [Mr. SCHAEFER], the gentleman from California [Mr. CONDIT,] and the gentleman from Louisiana [Mr. TAUZIN], and all the other strong Members who, in a bipartisan way, have been pushing for a balanced budget amendment to the Constitution.

We have won the debate that there needs to be an amendment. The question is what kind of an amendment?

Opponents have spoken on this floor, talked about the mechanics. They have talked about issues that are not the principal issue. The principal issue is how are we going to amend the Constitution? How are we going to get spending under control?

It is not whether the Committee on the Judiciary is going to have oversight capability. The basic premise is we have simply got to stop spending as much money as we have been spending.

Since 1965, which was the last year Federal spending went down, spending has gone up every year for 29 straight years: an amazing percentage of 1,300 percent.

We are going to spend more money this year on interest on the debt than we spent for the entire Federal budget in fiscal year 1971. It is amazing.

We do not have the backbone in the Congress of the United States to say no. We have to amend the Constitution, and if we are going to do it, let us look at the problem. The problem is not lack of revenue. The problem is too much spending. If you want to limit spending, what do you do? You limit revenues. How do you limit revenues? By limiting the ability to raise taxes. That is what generates the revenue.

There are nine States that have tax limitation provisions either in their constitutions or on their statutes. The chart to my left shows that those States that have tax limitation provisions, they work. Taxes go up less in those States. They still go up, but they go up less. When the taxes go up less, spending goes up less. That means there is a greater likelihood that the budget will be balanced.

My brother, Jay Barton, is a history teacher in Mt. Pleasant, TX. He is not a political expert.

He called my staff this morning, and he said, "Tell Joe Congress is like an addict. They are addicted to spending. They say give us one more spending fix, one more year, and then we will do the right thing." We have not balanced the budget since 1969.

We have not had spending go down since 1965. Unless we do go into a cold turkey withdrawal by passing a constitutional amendment with a tax limitation provision, spending is going to spiral out of control and when that happens society as we know it today is simply going to collapse.

The plain and simple solution is a balanced budget amendment to the Constitution, with a three-fifths' tax limitation provision in it. This three-fifths provision is not overly difficult. We have three-fifths to borrow money in the Stenholm/Schaefer amendment, three-fifths to increase the debt ceiling; let us go the third leg, put the three-fifths' provision to actually prevent tax increases.

As has been pointed out since 1970, there have been 16 major tax bills on the floor of the House. Seven of those did pass with more than 60 percent. Seven failed, and two passed by voice vote. The largest tax increase in history passed this body a year-and-a-half ago by 2 votes, by 2 votes, 218 to 216. It would have failed if we had had the three-fifths' provision in. Would we have not addressed the budget problem? No. We would have done it by cutting spending, not raising taxes. Please vote for the tax limitation balanced budget amendment.

The chart follows:

DO YOU REALLY THINK THE PROBLEM IS THAT TAXES ARE TOO LOW? SPENDING IS SIMPLY TOO HIGH

[In billions of dollars]

Year	Federal spending	Increase
1964	118.5	
1965	118.2	(0.3)
1966	134.5	16.3
1967	157.5	23.0
1968	178.1	20.6
1969	183.6	5.5
1970	195.6	12.0
1971	210.2	14.6
1972	230.7	20.5
1973	245.7	15.0
1974	269.4	23.7
1975	332.3	62.9
1976	371.8	39.5
1977	409.2	37.4
1978	458.7	49.5
1979	503.5	44.8
1980	590.9	87.4
1981	678.2	87.3
1982	745.8	67.6
1983	808.4	62.6
1984	851.8	43.4
1985	946.4	94.6
1986	990.3	43.9
1987	1,003.9	13.6
1988	1,064.1	60.2
1989	1,143.2	79.1
1990	1,252.7	109.5
1991	1,323.8	71.1
1992	1,380.9	57.1
1993	1,408.1	27.2
1994	1,461.0	52.9
1995 (projected)	1,531.0	70.0

Spending increase since 1965—1,300 percent.
Average spending increase—$65 billion.

Source: Congressional Budget Office.

Cut spending, don't raise taxes. Support the tax-limitation balanced budget amendment.

Mr. MARKEY. Mr. Chairman, I rise today in strong opposition to the balanced budget constitutional amendment sponsored by my colleague, Mr. BARTON.

Three substitutes to the Barton amendment will be considered later today, each of which specifically exempts Social Security from balanced budget calculations. The Barton amendment, taken from the Republican Contract with America, does not specifically exempt Social Security from cuts. Now, I know that the Republican leadership has said that "Social Security is off the table," but we're about to set the table, and Social Security is still on it. I think when we are talking about a program that means as much as this one does to ordinary Americans, it is not unreasonable to ask for this commitment on paper. Like they say in the long-distance business, "put it in writing."

Let's compare how the Republicans handle a question they really care about. In their balanced budget amendment, they put in a line that says, to raise taxes, even on the wealthiest 1 percent of Americans, a supermajority of House Members would have to vote for the increase. This means that a tax increase, no matter how necessary, how targeted towards the wealthy, could be blocked by a minority in the House. So, there are specific protections written into the Republican amendment—but those protections aren't for the elderly. When it comes to taxes, they want the protection enshrined in the Constitution. When it comes to Social Security, they want it shunted off to a concurrent resolution.

Today's vote will divide this body into two groups: those who are serious about protecting Social Security by law, and those who are not. No amount of rhetoric will change that.

Mr. FIELDS of Texas. Mr. Chairman, when the American people gave the Republican Party and its Contract with America a mandate on November 8, they were telling Congress to give them the change that had been promised, but not delivered, in 1992. They liked what they saw in the Republican contract; so they overwhelmingly voted in the first Republic House in 40 years.

So what have we done the first 20 days of the 104th Congress? We passed the Congressional Accountability Act, something that was a long-time coming, that simply makes Congress live under the same rules as all Americans. Now, today, we have a historic opportunity to do one more thing the American people want: To pass a real balanced budget amendment. That is why I urge all of my colleagues, Republican and Democrat, to support the bipartisan Barton-Tauzin amendment with the tax limitation that three-fifths of each House of Congress must approve a tax increase before it can be enacted. This long overdue step will restore fiscal control to the Federal budget and prevent politicians in the future from increasing spending and leaving the bills to the future generations.

To simply require a balanced budget would not be the proper cure to this lingering virus because, unfortunately, many politicians then would simply try to use the amendment as an excuse to raise taxes after failing to keep spending under control. We need to cut the Federal budget, not the family budget, to balance our budget.

This debate today should be a foregone conclusion. For 25 consecutive years, Americans have been saddled with budget deficits and it continues to happen. Meanwhile, our deficit and our debt continue to rise astronomically. The requirement to have three-fifths approval to raise taxes is not something new. There are already 10 States that require supermajorities to raise tax revenue. Seven of these States that have lived under this requirement for a significant amount of time show substantial savings to the taxpayers.

Mr. Chairman, Americans are getting tired of broken promises to cut the deficit that never materialize. As a result, we have seen strong voter support for real budget reform. We have seen what has happened in the absence of the balanced budget. If supermajorities are required for both taxes and borrowing, legislators in the future will find it difficult to increase spending as rapidly as it has grown in recent years.

Mr. Chairman, we did the right thing by passing the Accountability Act to require Congress to live under the same laws it imposes on the American people. Today, let's continue this positive, productive approach to governing and pass the Barton-Tauzin balanced budget amendment.

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong support of the Barton balanced budget amendment. Irresponsible Federal spending and the resulting high taxes and annual Federal deficits affect us all, in terms of lower productivity, stifling investment and economic growth while inhibiting U.S. competitiveness abroad.

A balanced budget amendment would require close scrutiny of Federal spending habits—and unless we start looking at every dollar of Federal spending, spiralling interest payments on the Federal debt will continue to compete with other Federal spending and lead us to economic ruin.

Annual interest payments on the Federal debt are expected to reach nearly $300 billion by the end of the decade. That's $300 billion a year that could be going towards real investment in our Nation's future.

The Congressional Budget Office and most economists warn that continued deficit spending will lead to lower productivity, deteriorating living standards, and a sharp decline in U.S. competitiveness.

On the other hand, if we act promptly and use reasonable restraint to cut programs which are not essential, rather than tax increases that leave less and less real dollars in the pockets of hardworking Americans, we could reach a balanced Federal budget within a relatively short timeframe.

I support the Barton balanced budget amendment; we must have this tool to stop out of control spending.

Mr. HALL of Texas. Mr. Chairman, I rise today in strong support of House Joint Resolution 1, the Barton-Geren tax limitation balanced budget amendment. The Federal Government must learn to live within its means. Now more than ever, we must take responsibility for this dilemma and work to pass a constitutional amendment requiring a balanced budget.

The astounding national debt is not an overnight disaster—it is the result of a generation's worth of bipartisan irresponsibility and thus, should be handled in a bipartisan manner. It is time for Congress to stop putting off until tomorrow what we can do today. We must act now to reduce this enormous Federal deficit, which is threatening to drain America's savings and cripple the American dream. Measures must be taken to protect future generations from inheriting an insurmountable debt.

For too many years the Federal Government has asked the taxpayers to pick up the tab for its bloated budget. In fact, just 2 years ago, we asked American citizens to pay up again, and they have. Now, those same citizens are asking us to balance the Federal budget. I believe it is time for us to return the favor.

It has been said that knees will buckle if the national budget is to be balanced. Many citizens' knees buckle every April 15 and every month when they are forced to make the difficult choices required when they balance their own family budgets. Additionally, every year State and local governments are forced to do the same.

I urge you to support the Barton-Geren tax limitation balanced budget amendment, which will allow future generations to have the opportunity to enjoy the American dream.

The CHAIRMAN. All time has expired.

The question is on the committee amendment in the nature of a substitute.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 173, not voting 9, as follows:

[Roll No 41]

AYES—253

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—173

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hostettler
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)

Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Bishop
Brown (CA)
Cox
Fields (LA)
Jefferson
Matsui
Morella
Rush
Towns

□ 1131

The Clerk announced the following pair:

On this vote:

Mr. Cox for, with Mr. Brown of California against.

Mr. GORDON changed his vote from "no" to "aye."

So the committee amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, I would like the RECORD to show that because I gave a speech at the Carnegie Commission Symposium on Science, Space and Technology with Governor Thornburgh and others throughout the Nation, I unfortunately missed the 1st vote, rollcall No. 41. Had I been here, I would have voted "no."

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, on rollcall 41, I am recorded as not voting. Had I been present, I would have voted "aye."

The CHAIRMAN. Pursuant to House Resolution 44, further amendments may be offered in the following order:

First, amendment No. 4 by the gentleman from New York [Mr. OWENS];

Second, amendment No. 1 by the gentleman from West Virginia [Mr. WISE];

Third, amendment No. 25 by the gentleman from Michigan [Mr. CONYERS];

Fourth, amendment No. 29 by the gentleman from Missouri [Mr. GEPHARDT]; and

Fifth, amendment No. 39 by the gentleman from Colorado [Mr. SCHAEFER].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. OWENS: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in the statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. The provisions of this Article may be waived for any fiscal year for which the President notifies the Congress that the national unemployment rate is projected to exceed 4 percentum and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 5. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

"SECTION 6. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 8. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. OWENS] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

□ 1140

Mr. OWENS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is a full employment substitute for the main amendment, and it makes unemployment equal in importance to a military threat. That is one of the conditions on which the balanced budget amendment requirements are waived.

I want to first than the gentleman from New York [Mr. SOLOMON] for his wisdom, and the members of the Committee on Rules for their wisdom in making it possible for us to have the opportunity to place the discussion of unemployment on the table at this time. It is just as important as any other element of our national security.

Unemployment is the best measure of the status of one of the most vital elements of our economy, and that is job creation and job security. Unemployment, underemployment, and the anxiety about losing jobs, all add up to a hidden time bomb threatening our national security and sowing the seeds of division and unrest.

The unemployment rate answers the following question: Is our society providing minimal opportunities for citizens to earn the wages needed for survival with dignity? But that is not the only question that should be explored. Underemployment and employment anxiety, that is, fear of losing one's job, are closely related illnesses which also should be regularly measured along with the unemployment rate.

Presently these combined illnesses are having a negative impact on the sense of security felt by the majority of the Nation's wage earners. We are fortunate that we do regularly report the unemployment rate, and we should make greater use of this official measurement in our fiscal and economic policy making.

Given the fact that the economy is fragile, the Federal Reserve Board keeps threatening to raise interest rates and the public is jittery. Any plans to balance the budget must be accompanied by a plan to bolster people's confidence in our economy.

Mr. Speaker, the 32-member Progressive Caucus has such a plan, which we call the Fiscal Fairness and Full Employment Act. This substitute being offered today is the first installment of 11 bills that comprise the progressive promise, the Progressive Caucus' response to the Contract with America.

Our substitute differs from House Joint Resolution 1 in two ways. First, it allows a majority of Congress to waive the balanced budget provisions in any fiscal year that the national unemployment rate exceeds 4 percent. Second, it does not require a three-fifths majority to impose a tax increase.

The unique point that we are making with this substitute is that jobs must be the No. 1 priority in all fiscal and budgetary deliberations. While the balanced budget amendment attempts to address the budget deficit, it does not address the jobs deficit. Our substitute will address the fears of American workers by using the Humphrey-Hawkins Act's goal of 4 percent unemployment as a hallmark of a stable economy.

When unemployment rises above 4 percent, Congress could waive the balanced budget requirements in order to implement policies and programs which provide jobs for American wage earners. This exception has been placed immediately after the exception which, "An imminent and serious military threat to national security" that is contained in the bill already.

We contend that high unemployment also is an imminent and serious threat to national security. All governments have an obligation to manage their economies in ways that provide opportunities to earn a living. More specifically the U.S. Constitution requires that Congress act to promote the general welfare. The 4 percent Humphrey-Hawkins goal has been forgotten in recent years, due to the complacency about the severity of recessions and the weakness of ensuing recoveries.

To illustrate my point, I would like to offer recent economic information about past recessions. In these past recessions, we have been left after the recession with large unemployment rates, and this kind of amendment to the main bill would allow us to take action as a Congress, provide the necessary funds to stimulate the economy, and provide jobs when necessary.

Mr. Chairman, unemployment is the best measure of the status of the most vital elements of our economy—job creation and job security. Unemployment, underemployment, and anxiety about losing jobs all add up to a hidden time bomb threatening our national security and sowing the seeds of division and unrest.

The unemployment rate answers the following question: Is our society providing minimal opportunities for citizens to earn the wages needed for survival with dignity? But that is not the only question that should be explored. Underemployment and employment anxiety, the fear of losing one's job, are closely related illnesses which also should be regularly measured along with the unemployment rate. Presently, these combined illnesses are having a negative impact on the sense of security felt by the majority of the Nation's wage earners. We are fortunate that we do regularly report the unemployment rate, and we should make greater use of this official measurement in our fiscal and economic policymaking.

Given the fact that the economy is fragile, the Federal Reserve Board keeps threatening to raise interest rates, and the public is jittery, any plan to balance the budget must be accompanied by a plan to bolster people's confidence. Mr. Chairman, the 32-member Progressive Caucus has such a plan which we call the Fiscal Fairness/Full Employment Act. This substitute being offered today is the first installment of 11 bills that comprise the "Progressive Promise," the Progressive Caucus' response to the "Contract With America."

Our substitute differs from House Joint Resolution 1 in two ways: first, it allows a majority of Congress to waive the balanced budget provisions in any fiscal year that the national employment rate exceeds 4 percent; and second, it does not require a three-fifths majority to impose a tax increase. The unique point that we are making with the substitute is that jobs must be the No. 1 priority in all fiscal and budgetary deliberations.

While the balanced budget amendment attempts to address the budget deficit, it does not address the jobs deficit. Our substitute would address the fears of American workers by using the Humphrey-Hawkins Act's goal of 4 percent unemployment as the hallmark of a stable economy. When unemployment rises above 4 percent, Congress could waive the balanced budget requirements in order to implement policies and programs which provide jobs for American wage earners.

This exception has been placed immediately after the exception for "an imminent and serious military threat to national security" which is contained in the bill. We contend that high unemployment also is an imminent and serious threat to national security. All governments have an obligation to manage their economies in ways that provide opportunities to earn a living. More specifically, the U.S. Constitution requires that Congress act to promote the general welfare.

The 4 percent Humphrey-Hawkins goal has been forgotten in recent years due to complacency about the severity of recessions and the weakness of the ensuring recoveries. To illustrate my point, I would like to compare recent economic recoveries to the recoveries of past recessions.

There were five recessions between 1949 and 1973. During the years following each of these recessions, unemployment rates averaged 3, 4, 5.5, 4.6, and 5.5 percent, respectively. But during the years of recovery following the four recessions that have occurred since 1973, unemployment rates have averaged 6.7, 7.6, 6.7, and 7 percent. When comparing the recent figures to the 3, 4, and 5 percent figures of earlier years, it becomes clear that we face an unemployment problem which is quite vexing.

Yes, we must have sound fiscal policies, but certainly we can afford to tackle the problem of unemployment. a full employment economy is an economy that grows and can afford to do more. People with jobs produce goods and services, generate income, buy goods and services, pay taxes, and consume less Government transfer payments such as Aid to Families with Dependent Children [AFDC] and unemployment insurance. Even the Congressional Budget Office [CBO] has acknowledged that a 1 percent reduction in the unemployment rate leads to a net gain in the U.S. Treasury of $40 to $50 billion. Therefore, our substitute improves House Joint Resolution 1 by helping to achieve its mission of raising more revenue for the Federal Government.

In fact, right now there are 7.2 million Americans who are unemployed, or 5.4 percent of the workforce. If we allow ourselves to spend just enough money to stimulate the economy to employ another 2 million people, thereby lowering the unemployment rate to 4 percent, then we will have saved $60 to $100 billion. The Progressive Caucus jobs bill, another part of the "Progressive Promise" which Congressman SANDERS and I will introduce on Monday, would achieve such savings by creating at least 2 million jobs in 2 years.

Safeguarding American jobs is central to all of the other problems that plague this country today. Without jobs, many people will turn to crime to put food on the table. Without jobs, many people will not have access to medical care unless it is through a hospital emergency room. Without jobs, more people will remain on the welfare rolls. And without jobs, families will be weaker as they buckle under the stress that poverty breeds.

American voters have spoken loud and clear about their job fears and anxiety. In the interviews at the exit polls on November 8, working people explained their anger. Wages are too low. Corporate downsizing, streamlining, and the pursuit of slave labor in Mexico and China have intensified the fears of those who are working today about losing their jobs tomorrow. And among the millions who have been unemployed for many months, and some for years, all hope of ever getting a decent job in fading fast.

The voices of fear and anger are loud and clear, but nobody in power is listening. This substitute is designed to send a message to the working families of America. We are listening. Members of the Progressive Caucus are listening. We are fighting to have your concerns and priorities recognized. When the jobs crisis becomes more obvious to our colleagues here in Congress, the speeches we are making today will shape the policies of tomorrow.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take this opportunity to commend the gentleman from New York [Mr. OWENS] for offering a substitute that includes a number of the features in House Joint Resolution 1 as reported by the Committee on the Judiciary. But I am constrained to speak in opposition to this pending version of the balanced budget amendment for a couple of reasons.

First, it includes a waiver mechanism that will undermine the effectiveness of the amendment. And second, it omits any special voting requirements to increase taxes. Section 3 of the pending substitute permits a waiver of the proposed constitutional amendment's provisions based not only on a declaration of war or an imminent and serious military threat to national security, which are features of the joint resolution as reported by the Committee on the Judiciary, but also based on a projected national unemployment rate exceeding 4 percent.

In view of the fact that the national unemployment rate has not fallen below 4 percent since the late 1960's, when the United States was involved in the Vietnam war, making a waiver available based on unemployment exceeding such a low threshold permits Congress whenever it chooses to disregard the amendment.

The current unemployment rate of approximately 5.4 percent is viewed by economists as approaching what is considered the natural unemployment rate, namely, a rate that can be sustained without generating inflationary pressures. A waiver based on the criterion of over 4 percent projected unemployment effectively can turn this constitutional amendment into a dead letter.

The pending substitute also fails to include a tax limitation section. House

Joint Resolution 1 requires a three-fifths vote of the whole number of each House to increase taxes, and the rationale for a tax limitation provision is to discourage excessive reliance on tax increases rather than spending cuts to achieve a balanced budget.

Tax increases, as we have learned from historical experience, often prove harmful to the economy by depressing economic growth. We need to encourage spending cuts and discourage tax increases if we hope to put our economy on a sounder financial footing.

So I urge the defeat of the pending substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. OWENS. Mr. Chairman, I yield 4 minutes to the gentleman from Vermont [Mr. SANDERS], the chairman of the Progressive Caucus.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am delighted to work with the gentleman from New York [Mr. OWENS] on this amendment, which is fully supported by the Progressive Caucus. This is the first of 11 amendments which the Progressive Caucus intends to offer in opposition to the Republican Contract With America.

Mr. Chairman, the Republican proposal for a balanced budget amendment is wrong for a number of reasons. It is wrong because within the context of its offering, there will be major tax breaks for the wealthiest people in America. There will also be significant increases in defense spending.

□ 1150

Every economist, therefore, understands that if we move toward a balanced budget within that context in a period of 5 years there will be devastating cuts in Social Security, Medicare, Medicaid, veterans programs, college loan and grant programs, and nutrition programs for hungry children.

When my friend from Illinois talks about spending cuts, in essence that is what he is talking about, savage cuts which will impact horrendously on some of the weakest and most vulnerable people in this country.

But there is another reason why the Republican balanced budget amendment is wrong. And that is, it does not deal with the economic crisis which this country is currently experiencing. Despite articles in the newspapers which tell us how the economy is booming, many of us in the Progressive Caucus do not believe that. We see that the rich are getting richer, but we also see that poverty is growing, that the middle class is shrinking, and that the new jobs being created in this country are very often low-wage, part-time, temporary jobs without decent benefits.

What the Republican balanced budget amendment would do is make it virtually impossible for this country to go forward with a major jobs program to put millions of people to work, rebuilding this country at decent wages.

Mr. Chairman, all over the world, in Japan, in Europe and in Canada, governments are rebuilding their physical and human infrastructure, their mass transportation systems, their sewer systems, their roads, their bridges, their child care needs. And in the process, they are putting large numbers of people to work making those countries more competitive, more efficient, and paying their workers good wages in doing that work.

What our amendment does is say, let us not tie the hands of the Federal Government in rebuilding our infrastructure and putting Americans back to work at decent wages, making this a better country for all people.

Mr. HYDE. Mr. Chairman, I reserve the balance of my time.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY], the ranking Democrat on the Committee on Economic and Educational Opportunities, a gentleman who was here when the Humphrey-Hawkins bill was passed.

Mr. CLAY. Mr. Chairman, I certainly want to commend the gentleman from New York for offering this substitute.

I rise in strong support of it and commend him for bringing it to the floor, a balanced budget amendment, a substitute that acknowledges the need to protect unemployed Americans from the harsh consequences of the balanced budget amendment.

I support this amendment for two basic reasons: first, the Owens substitute strips from the bill of three-fifths supermajority provision for raising revenue. That provision is unconstitutional and has no place in the bill. Second, and just as important, the Owens substitute seeks to preserve the full employment policies maintained by the Congress for more than 50 years.

Other versions of this amendment constitute a de facto repeal of laws such as the Humphrey-Hawkins Act that seek to guarantee jobs for all Americans who desire to work. As the Humphrey-Hawkins law states, and I quote, "Without full employment we deprive workers of job security and productivity to maintain and advance their standards of living."

Mr. Chairman, I urge support of the amendment.

Mr. Chairman, by waiving the balanced budget requirement when the unemployment rate exceeds 4 percent, the Owens substitute is the only version of the balanced budget amendment that protects working class Americans.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, many of my colleagues on the other side of the aisle have advanced the argument that because families and States must balance their budgets, so too should the Federal Government.

Well, we can cite many examples of acceptable and necessary deficit spending done by both families and States. Anyone who has bought a home the old fashioned way knows this all too well. And anyone who has supported a bond referendum for their State and local government knows that this is necessary.

Advancing the personal pocketbook metaphor, while simple and innocently appealing, just is not accurate. We should not hamstring ourselves because of a marketing slogan for bad policy cooked up in some think tank.

The Owens substitute allows an exemption from the balanced budget requirement in the case of national disaster and war. The Owens amendment adds an exemption for a less than full employment economy. If it is in the national interest to win a war and to rebuild from national disasters, it is not also in our national interest that every able-bodied American have a private sector job.

I urge my colleagues to support the Owens amendment.

Mr. OWENS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Owens substitute. Like several other measures introduced today, the Owens amendment rejects the three-fifths majority straight jacket that the majority has sewn for the balanced budget amendment.

However, only this substitute will maintain our national commitment to economic opportunity and full employment. Under its provisions, Congress retains authority to enact emergency measures necessary to help every man and woman in this country take their place in the work force.

This body has affirmed its obligation to maximize employment opportunities on several occasions since the Great Depression. With the Full Employment Act and the Humphrey-Hawkins bill, we established full employment as a national priority.

Today, Congress threatens to repeal that oath. With passage of an unamended balanced budget amendment, we severely restrict our ability to respond to economic downturns, and resulting job losses. We forgo our ability to invest in the labor force through skills development, job creation, and income support. We tell the unemployed and the underemployed, "Sorry, we can't help, our hands are tied."

This is precisely the wrong time in our Nation's history to hamstring Congress. The current recovery compares poorly with those that followed the previous two recessions. Fewer jobs are being generated. Much of the current economic growth is taking place in lower wage industries. Moreover, workers least able to weather economic downturns have faired poorly. Between 1991 to 1994, the unemployment rate fell only two-tenths of one percent for African Americans. The number of Latinos without jobs increased by 13 percent.

The response from the other side of the aisle might be that nothing in the balanced budget amendment or their so-called Contract With America precludes Congress from helping to increase job prospects for the unemployed or the under employed.

True enough, but does their party's platform inspire confidence? This after all is the party that will keep the books closed to the people denying them the details as to how billions of dollars will be trimmed from the budget in 7 years. Will the party that proposes capital gains giveaways to the rich cut back on corporate welfare, in favor of labor force investment? Will the majority trim the $51 billion in direct subsidies that corporations will pocket this year? Will they draw down from the $53 billion corporate tax breaks to balance the budget? I think not.

Blind faith is too much to ask of our working men and women. They deserve our commitment to a strategy of investment and opportunity. That is what this amendment will preserve. I urge my colleague to join me in voting for the Owens substitute.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I rise in support of the Owens substitute by way of an example.

In 1983, as a freshman member of the State assembly in Pennsylvania under the leadership of Gov. Dick Thornburgh, during a recession at that time the State legislature and the Governor moved forward on a borrowing program called Penn Pride that invested over $160 million at that time in job training programs like the Pennsylvania Conservation Corps, employee ownership programs, business incubators and the like.

The State took the opportunity in a time of economic downturn to invest in business and job training activities to benefit the citizens of the Commonwealth.

This amendment would give the U.S. Government the same opportunity so that when there is a downturn in the economy and unemployment is unreasonably low, that we would have that opportunity.

I would hope that the House would seriously consider the Owens amendment.

☐ 1200

Mr. OWENS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, 1 minute is not nearly enough for me to say all I want to say about this amendment or this bill, but I will do the best I can.

Mr. Chairman, I rise today in support of our balanced budget amendment substitute being offered by my good friends, the gentleman from New York [Mr. OWENS] and the gentleman from Vermont [Mr. SANDERS].

As most of my colleagues know, I have consistently opposed the balanced budget amendment over the years. In the current form that is proposed, I will vote against it again, but I will defy my own history and vote for this substitute, because this version of the balanced budget amendment puts the American people first and upholds one of the most basic American values, the value of work.

Mr. Chairman, this version of the balanced budget amendment is like every other, except it gives us, the Members of this body, the flexibility we need to do the work of the Nation. This version contains a provision that would allow Congress to waive the requirement in any year that unemployment exceeds 4 percent.

Mr. Chairman, this makes perfect sense. If we achieve 4 percent unemployment or less, balancing the Federal budget will be easier and possible. We will have fewer people receiving benefits, such as unemployment and welfare, and more people in the workplace. It is a fairly simple formula. Revenues increase and expenditures decrease.

However, if we enact a balanced budget amendment that does not give us this flexibility, we will not be able to help those who will need our help in future recessions.

Imagine the shape our Nation would be in today if we had this constitutional provision during the Great Depression when the employees, the people of this country, were being crushed by depression. The New Deal programs could not have been passed, and of course, many of you would praise that.

In the past 60 years, Congress has passed emergency job bills to pull our economy out of recession, the most recent of which was the 1982 Reagan recession. However, even in times of great prosperity there has been a continued commitment to the idea of putting people to work.

Mr. OWENS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Owens substitute. It is very simple. It would waive the amendment if unemployment exceeds 4 percent.

Mr. Chairman, I do not think the American people realize the devastation that this constitutional amendment could cause in our society. Aside from doing away with services that are so desperately needed, aside from perhaps dismantling Social Security, Head Start programs, Medicare, veterans' services, all of the jobs that are associated with those services will be lost. Unemployment could plummet.

Let me just tell the Members, Mr. Chairman, it is time for us to focus on what we have been doing to the American people. We have allowed our industries to export jobs to Third World countries for cheap labor.

I just heard the other day that Reebok is going to move its operations to India. They are going to get that cheap labor. They are going to give them the jobs. Then they are going to send those sporting goods back here for us to pay $125 and $150 for tennis shoes, but we will not be able to have the jobs making those goods.

Mr. Chairman, when are we going to stop taking jobs away from Americans? When are we going to draw the line? Mr. Chairman, we have to draw the line with this constitutional amendment.

It may pass. The Contract With America says they are going to do it. It may happen, but for God's sake, let us have a safety valve. Let us put in this amendment so that if it reaches above 4 percent, we will be able to suspend it.

Mr. OWENS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, today the American people are learning some very important things about the Contract With America. They are learning that many people in this Chamber keep saying they want to balance the budget, but that they will not muster the political will to lay out a plan. They will not protect Social Security from future budget cuts. And they will not give jobs and full employment the priority they deserve.

And this is only the beginning of the Contract With America, Mr. Chairman. As we debate other items in the contract, it will become clear that star wars has priority over student aid, and that maintaining the CIA budget is more important than preventing crime on out streets.

That is why the Progressive Caucus is offering an alternative to the Contract With America which replaces the contract's voodoo economics with a restoration of fairness to this country.

The Owens-Sanders amendment is the important first step in a progressive plan which waives the provisions of the balanced budget amendment when unemployment exceeds 4 percent.

Too often these days, conservative economists fail to consider the employment rate as a serious indicator of economic health. Well, Mr. Chairman, the Progressive Caucus believes that it doesn't matter how fast America is growing if people are not working.

We must invest in jobs. We cannot tell unemployed people throughout this country that, "We're sorry, but the Constitution of the United States of America does not allow us to invest in job creation that will put you back to work and help you feed your family."

Mr. Chairman, we now have the opportunity to correct the contract's mistakes—by voting in favor of the Owens-Sanders amendment to protect working people of this country.

Mr. OWENS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would like to take 1 minute to make an urgent appeal to the other side that they give us some more time. I have a long list of speakers who would like to talk about this subject.

Right now there are 7 million Americans who are unemployed. It we allow ourselves to spend just enough money to stimulate the economy to employ another 2 million people, thereby lowering the unemployment rate to 4 percent, we will save $60 billion to $100 billion. The Congressional Budget Office has indicated that every 1-percent reduction in unemployment leads to a net gain in the U.S. Treasury of $40 to $50 billion.

This is an item that we would like to have at least an hour to discuss, if the opposition is not going to use their time. Let us speak for those American voters who have a great deal of anxiety about jobs.

Americans voters have spoken loud and clear about their fears about losing their jobs. In the interviews at the exit polls on November 8, working people explained their anger: Wages are too low. Corporate downsizing, streamlining, and the pursuit of slave labor in Mexico and China, have intensified fears of those working today about losing their jobs tomorrow. Among the millions who have been unemployed for many months, and some for years, all hope of every getting a decent job is fading fast.

The voices of fear and anger are loud and clear, but nobody in power in Washington wants to listen. I regret it very much that nobody wants to listen.

This substitute is designed to send a message to the working families of America: We are listening. Members of the progressive caucus are listening.

We are fighting to have your concerns and your priorities recognized. When the jobs crisis becomes more obvious to our colleagues here in the Congress and other powers in Washington, then the speeches we are making today will be used to help shape the policies of tomorrow.

The CHAIRMAN. The gentleman from New York [Mr. OWENS] has 9½ minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Texas [Mr. STENHOLM.]

Mr. STENHOLM. Mr. Chairman, I voted against the previous amendment because of my belief of the unintended consequences that could happen with the language of the three-fifths increase in taxes. The arguments that were made were many, but there were tremendous unintended consequences that I believe could happen.

Mr. Chairman, I want to commend my colleague, the gentleman from New York [Mr. OWENS] for his proposal to this debate. I am pleased that he had joined the growing number of Members who support the principle of amending the Constitution to mandate a balanced budget. However, I must oppose his amendment also because of what I believe are unintended consequences.

Under the Owens amendment, the balanced budget requirement could be waived by a simple majority if the President notifies Congress that the national unemployment rate is projected to exceed 4 percent. Unemployment has exceeded 4 percent for 36 of the last 40 years.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman makes the point that unemployment is, as my friend says, 5, perhaps 5½ percent now.

Does the gentleman really believe, forgetting the official statistics, that with the growth of jobs at 20 hours a week, is he aware, sir, that if one works for 20 hours a week for $4.50 an hour they are considered employed, even if they had a post-graduate degree?

Mr. STENHOLM. No, sir, I am not.

Mr. SANDERS. If the gentleman will yield further, Mr. Chairman, that is in fact the case. Part-time workers are considered as employed workers.

The gentleman is aware of the fact that if you have a job for 3 months, a temporary job, you are considered fully employed?

□ 1210

You are aware of the fact that if in your community there are no jobs and you give up actively searching for a job, that you are not considered part of the unemployed.

The point that I am trying to make to my friend from Texas is that while the official statistics may say 5.5 percent, what serious economists will tell us is that real unemployment in terms of people wanting to work 40 hours a week is probably double that.

That is the point that I wanted to make. I thank the gentleman for yielding.

Mr. STENHOLM. I thank the gentleman for making that point. I would just point out that is not relevant to the debate that we are talking about today in my opinion.

I will be joining with the gentleman and the lady sitting behind him who will be chairing a task force on welfare reform in which we begin to look at how we solve that problem in the proper course, in the proper place in the legislative effort. Just as I have argued also with those that suggest that we ought to lay out our plan before we pass a balanced budget constitutional amendment, that is getting the cart before the horse. We all know that this year's budget resolution is when we are going to put the plan out, and unless we do a credible job in the first year with projections for 7 years, we will, in fact, not have the credibility that this Member of Congress wants to see that we do. And I answer the same way on both your question and your point as I do on the point I am making.

Going back to the point I was trying to make on the amendment before us, in other words, the Owens amendment would have prevented us from accumulating $4.3 trillion in debt over the last 25 years.

So many of the arguments we are hearing today seem to be arguing against balancing the budget. I am arguing for balancing the budget. The debt that we have piled up is the greatest threat to our economic well-being, including specifically the people the gentleman from Vermont has talked about just a moment ago.

The General Accounting Office has warned us that if we continue on our current course, we will doom future generations to a stagnating standard of living, damage U.S. competitiveness, and hamper our ability to address pressing national needs. The interest on this debt crowds out other spending and prevents us from making the investments we should make to strengthen our economy.

We spend 5½ times as much on interest on the debt as we do on all Federal education, job training, and employment programs. This will only get worse until we stop accumulating debt.

Requiring Congress to bring the budget under control will improve our ability to respond to recessions. The existing deficit problem prevents Congress and the President from effectively responding to recessions. We currently run deficits in good times as well as bad.

Large annual deficits provide a political and economic impediment to enactment of tax cuts or investment spending to stimulate the economy during economic downturns. We are already stimulating the economy to the tune of $150 to $200 billion in deficit spending each year today.

In this climate, the short-term economic impact of any stimulus package enacted by Congress would be minimal at best and the long-term impact is simply an addition to the economic drag of the deficit. The political climate will be unfavorable for tax cuts or spending increases that are not offset until the budget is balanced.

I agree that Congress must have the flexibility to respond to recessions. The Schaefer-Stenholm amendment provides this flexibility. In the event of a serious economic downturn or other national emergency, Congress would be able to muster a three-fifths majority to enact a countercyclical package of tax cuts or investment spending as rapidly as it does currently. If Congress cannot obtain three-fifths support to respond to unbalance the budget, the situation probably is not a true emergency.

What the Schaefer-Stenholm amendment will do is stop us from spending and borrowing in good times as well as bad. The automatic stabilizers such as unemployment insurance would continue to operate under the balanced budget amendment. If CBO projects that increased spending and lower tax revenues resulting from the automatic stabilizers may cause outlays to exceed receipts, we will be able to determine the reason for the deficit and act accordingly.

The Schaefer-Stenholm amendment will force Congress to acknowledge the impending deficit and decide whether the economic circumstances justify deficit spending.

For the sake of our economic future, I urge you to vote against the Owens amendment and for the Schaefer-Stenholm amendment.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. SABO. I do not wish to ask the gentleman from Texas a question. I would like to direct a question to the chairman of the committee, if I might.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Illinois for a response to the gentleman from Minnesota.

Mr. HYDE. I thank the gentleman for yielding. I will engage in a dialog with the gentleman from Minnesota if he wishes to commence it.

Mr. STENHOLM. I yield to the gentleman from Minnesota.

Mr. SABO. I thank the gentleman.

My question to the chairman of the committee through the gentleman from Texas is, I am curious how your basic amendment deals with our unemployment compensation program in this country.

Mr. STENHOLM. I will be happy to yield to the gentleman from Illinois to respond to the question of the gentleman from Minnesota.

Mr. SABO. Let me explain.

Mr. STENHOLM. I yield back to the gentleman from Minnesota.

Mr. SABO. It is a Federal program. However, the benefits are established by States. The unemployment tax is decided by the States. Those revenues then flow into what is a Federal fund. Those revenues are considered part of our revenues. The expenditures are also considered Federal expenditures. During times of higher employment, the States accumulate surpluses, but those are also counted in the Federal budget.

In time of recession, in a downturn of the economy, the State balances go down, but that also is reflected in the Federal budget. If the States, as I understand it, their fund goes to zero, they then borrow from the Federal Government, and I recall that happening when I was in the State legislature.

Mr. HYDE. Mr. Chairman, I yield myself 1 minute to say that the amendment does not deal with that specific subject as the gentleman knows. Outlays and revenues are still computed under the amendment as they are today.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Minnesota.

Mr. SABO. The outlays, then, of the State unemployment comp funds, even though they are really State funds, would be considered Federal outlays.

Mr. HYDE. How are they considered now?

Mr. SABO. They are counted as outlays in the Federal budget.

Mr. HYDE. Then they would be outlays——

Mr. SABO. Even though they are funds collected at the individual State level.

Mr. HYDE. CBO has answered that question, that outlays and receipts will be treated under the amendment such as you are speaking of exactly as they are treated now. There will be no change.

I am running out of answers, I tell the gentleman. The same treatment that exists now will exist under the amendment insofar as outlays and receipts. If it is considered a Federal outlay, then it will be a Federal outlay and will count against the ceiling of the balanced budget amendment.

Mr. OWENS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, my remarks are in connection with the Barton amendment which was previously passed.

Mr. Chairman, I rise in opposition to the Barton version of the balanced budget amendment. To expect the Federal Government to operate with a minimum of budget deficits and national debt, is only common sense.

It is also only common sense to expect citizens to drive safely, or to engage in safe sex. Yet we know that many do neither. The short-term thrill of reckless driving, or reckless sex, overcomes the perception of obvious risk.

The Reagan administration, which ran up the largest annual deficits and the biggest increase in national debt in U.S. history, knew that it was wrong to do so. But it took the risk. And a Democratic Congress cooperated.

These risks were undoubtedly rationalized on many grounds. There was the short-term thrill of major tax cuts and large military buildups, including star wars. There was the short-term thrill of economic stimulation and rapid job growth built on Federal spending. There was the unfounded economic dogma that tax cuts and increased spending would generate offsetting revenues that might bring the budget into balance. And there was the hidden rationale that budget stringency could be used to better justify reducing or eliminating programs that did not fit into Reagan's ideological framework. That too was thrilling to the idealogues of that administration.

And for the Republicans, the final thrill, after the pain of unbalanced budgets became obvious to all, was to be able to blame all that pain on a Democratic Congress, and to take credit for all those thrills.

Mr. Chairman, we do not need new risk-assessment legislation to know that reckless budgets, as with reckless driving and reckless sex, are dangerous to our economic or personal health. We also should know that a constitutional amendment is neither necessary or desirable as a strategy to prevent reckless sex or reckless driving. Why do we believe that such a constitutional amendment will present reckless budgets?

Why not try common sense?

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I say to the gentleman from Illinois [Mr. HYDE], I think you have major problems with how this amendment treats the unemployment comp fund, which are funds that are accumulated at times when the economy is working better, spent out in times of recessions. The natural countercyclical impact of the unemployment comp program, which is a unique Federal-State program, I think there are serious complications for that program under the language of these amendments.

Another question that I frankly have is because the revenues which are levied by States as unemployment premiums or taxes, I do not know if they are considered taxes under the bill.

□ 1220

I do not know that the relationship is of the new requirements of any revenue being passed by whatever percentage it is in Congress and the relevance of that to when the actual decision currently is made by State legislatures. It clearly is a different type, but clearly a complicated legal question.

Mr. HYDE. Mr. Chairman, I yield myself 30 seconds.

Under section 8 of the proposed amendment, implementing legislation is proposed—or there is the opportunity for legislation to help implement the amendment, and these difficult problems of definitions can be addressed when we legislate pursuant to section 8.

Mr. OWENS. Mr. Chairman, I yield 2 minutes to the gentleman from New York, [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I think we have just had some very important and useful insight into the difficulties of this problem resulting from the conversation that has just been had between the former chairman of the Committee on the Budget and the now chairman of the Committee on the Judiciary. We are beginning to see in that window, and others which will be provided, the serious deficiencies in this proposed constitutional amendment dealing with establishing a supermajority to raise taxes and to deal with the necessities of this country.

I am opposed to amending the tampering with the Constitution in this way, but if we are to do it, we ought to at least to do it in a way that recognizes the basic needs of the people of this country. We have just seen, for example, that such basic needs as unemployment insurance are going to be threatened as a result of passage of this constitutional amendment, should it pass.

We ought to at least adopt the kind of safeguards that are proposed in the Owens-Sanders amendment. First of all, it removes the obnoxious provision requiring a three-fifths or supermajority to do the important work of this Congress. Once you establish the need for a supermajority, you put into power a minority and you establish a situation, contrary to the 206-year history of this country, which will allow a minority of the Members of this House of Representatives and the Members of the Congress to make important decisions and, in fact, guide and rule the country. That is a very serious mistake. The Owens-Sanders amendment does away with that.

Second, it does something else that is very important. It recognizes that we have now a constitutional responsibility to not only provide for the common defense, but also to promote the general welfare, and we promote the general welfare in many ways, not the least of which is by attempting to provide honest opportunities for employment for the people of this country. That is why this amendment is so important and ought to be passed.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I thank the chairman for yielding to me and I just want to make one basic point. As I understand, this constitutional amendment would be waived, should it become law, any time that the unemployment rate goes above 4 percent, and if we look at this, the amendment, should it be passed, would have been waived every year since 1969. So I am not really sure what we are trying to accomplish here. Particularly in the time element I have been in Congress, the national debt has gone up $3 trillion in about 11 years. So I would just say that I strongly oppose this amendment and support the Schaefer-Stenholm amendment.

Mr. OWENS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE], the chairman of the Congressional Black Caucus.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey.

The CHAIRMAN. The gentleman from New Jersey [Mr. PAYNE] is recognized for a total of 3 minutes.

Mr. PAYNE of New Jersey. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, I rise in opposition to the balanced budget amendment as it currently stands and urge my colleagues to support the Owens substitute. The Owens substitute does not include the provision requiring a supermajority vote to raise taxes and more importantly adds a provision stating the terms of the constitutional amendment may be waived for any fiscal year for which the President notifies the Congress that the national unemployment rate is projected to exceed 4 percent. Mr. Chairman, the Owens substitute offers a very feasible alternative to House Joint Resolution 1, because it recognizes the need to balance the budget without being fiscally irresponsible.

It allows the Congress to balance the budget so long as the jobs and livelihood of hard-working Americans are not jeopardized. Without the fiscal flexibility provided in this substitute, the Congress will be stripped of our power and obligation to help provide jobs to unemployed Americans at least during bad economic periods. Our country would have never pulled out of the Great Depression 50 years ago if Congress had not been able to enact job programs such as the WPA and CCC Program. Since that time Congress has repeatedly needed to enact emergency jobs bills to pull our Nation out of recessions, such as the deep recession of 1982.

Mr. Chairman, I strongly urge my colleagues to understand the importance of fiscal flexibility in regard to the budget. That is one of the reasons I oppose House Joint Resolution 1. It is fiscally irresponsible as well as deceiving to the American people. I call on the leaders of the majority to explain to the American people how you intend to balance the budget without touching Medicare and Social Security and without raising taxes. I would also ask the majority leadership to explain what it intends to do when America is faced with an economic crisis and the hands of Congress are tied due to the language of House Joint Resolution 1. Mr. Chairman, Congress cannot afford to approve legislation that may be popular or sounds good but has devastating consequences in the future. Let us put people before politics. Support fiscal responsibility; support the Owens substitute.

Mr. HYDE. Mr. Chairman, I reserve the balance of my time.

Mr. OWENS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman from New York and the gentleman from Vermont for bringing forward what I believe is a prudent and real life circumstance substitute amendment to this balanced budget amendment we have before us. I say real life because we are always told to look at what a family does to balance its family budgets. I think that is what we need to do.

In my family, when I think back to the times I was in college, to get through school I had to borrow money. My parents worked to help pay, but could not pay for it all, so I worked as well, and I could not pay all of my expenses just by working as well. My father happened to be a day laborer where he worked all his life out in the streets. He built roads. During rainy seasons he worked less and would have to find a second job, so his income fluctuated. In the less rainy season he worked quite a bit more than in the rainy seasons where it rained a lot and he would have to find a second job.

If my parents had had to live under the current budget amendment proposed by the majority party, I would not have been able to make it through school. Under the Owens amendment I could have done so, my family could have done so. That is why I think we have to take into account real family circumstances, and I urge Members to vote for this Owens amendment.

Mr. OWENS. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me conclude my thoughts by making just several points.

The balanced budget amendment approach being brought forth by the Republican majority, within the context of asking, as I understand it, for a $60 billion increase in military spending, and major tax breaks for the wealthiest people in this country, leads all serious economists to the conclusion that the balanced budget amendment will be a disaster for working people, for elderly people, for low-income people.

□ 1230

It will mean, in my view, the destruction of the Social Security system as we know it. It will mean savage cuts in Medicare, in Medicaid, in the opportunity of young people to get grants and loans to go to college. It will mean major cutbacks in nutrition programs for hungry children. It will tamper with the unemployment compensation program, as we heard earlier. It will be a disaster for the vast majority of the people in this country.

The gentleman from New York [Mr. OWENS] and I and members of the Progressive Caucus furthermore do not accept the belief of some that our economy is booming and doing well. We think, in fact, that if you look at part-time jobs, if you look at temporary jobs, if you look at people who would like to work but have no jobs in their communities, that unemployment is probably 10 percent or higher, and we think it would be devastating to the future of this country and the needs of middle-income and working people if we took away the ability of the U.S. Government to go forward with jobs programs, and we believe, especially right now, we need to go forward in that direction.

The essence of what we are saying is that the economy is not booming. The standard of living of Middle America and working people is in decline. Unemployment is far higher than the official statistics indicate.

It seems to us to be very foolhardy to take away an option, an option of the Federal Government that we may wish to use which says that when our physical and human infrastructure is in collapse, when our mass transportation system is in so much need, when our roads are falling apart, when our bridges are collapsing, that it does not make sense to take away the option that the U.S. Congress may wish to use and which the Progressive Caucus believes is necessary to rebuild the physical and human infrastructure of America and, in the process, put a million people to work.

Mr. OWENS. Mr. Chairman, I yield myself 1½ minutes, the remainder of my time.

Mr. HYDE. Mr. Chairman, I yield 1 additional minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I thank the gentleman.

Mr. Chairman, to close out, I would like to urge a vote for this substitute, because it addresses a very deeply rooted and urgent problem in our economy.

There were five recessions between 1949 and 1973. During the years following each of these recessions, unemployment rates averaged between 3 and 5.5 percent respectively. But during the years of recovery following the four recessions that have occurred since 1973, unemployment rates have averaged 6.7, 7.6, 6.7, and 7 percent, higher, far higher, than before.

We have a deep structural problem. People who are unemployed have been just left out there to suffer. No Government policies have been designed to lift them out of unemployment. They have just been ignored, and they are still being ignored.

The American workers, those who are working, are being ignored, because they have wages at much lower levels than they ever had before. Those who are working and are fearful of losing their jobs because the companies are picking up to go to Mexico or to China are concerned, and they have expressed their anger. They are now the vast majority of people who are unemployed who are not even counted because they have stopped looking for work.

So we have a problem. To promote the general welfare is as much the responsibility of our Government as any other responsibility. We are ignoring the people who need help the most. We are ignoring the fact that the management of the economy is one obligation of all of those who are in power.

Those who govern must govern in a way to guarantee that there is at least an opportunity to earn a living with dignity, to earn an income which allows a person to survive with dignity. We are ignoring that at our own peril.

The advice we are giving today, the jobs bill that will be sponsored by the Progressive Caucus and offered on Monday, will offer an alternative to ignoring this phenomenon. It will offer an alternative to the indifference.

We have heard the voice of the American wage earners. We are listening. We intend to do a great deal about it, and we would like to have in the future the option to do whatever is necessary, whatever is necessary by promoting those fiscal policies and economic policies which will increase the opportunities for employment.

Job-creation programs are as important as any other activity of the Government. No balanced budget amendment should close off the option to deprive us of the opportunity of providing jobs for the American people.

I urge a "yes" vote on this substitute.

The CHAIRMAN. The time of the gentleman from New York [Mr. OWENS] has expired.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OWENS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman requests a recorded vote and makes the point of order that a quorum is not present. Evidently a quorum is not present.

Mr. OWENS. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The Chair has already indicated a quorum is not present and so, therefore, the Chair, pursuant to the provisions of clause 2, rule XXIII, announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 42]

ANSWERED "PRESENT"—424

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge

Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bishop
Bono
Brown (FL)
Fields (LA)
Frank (MA)
Istook
Moran
Portman
Rush
Stark

□ 1255

The CHAIRMAN. Four hundred twenty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York [Mr. OWENS] for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 64, noes 363, answered "present" 1, not voting 6, as follows:

[Roll No. 43]

AYES—64

Abercrombie
Becerra
Beilenson
Bonior
Borski
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dixon
Engel
Evans
Fattah
Flake
Ford
Frank (MA)
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Herger
Hilliard
Hinchey
Jackson-Lee
Jefferson
Johnson, E.B.
Kennedy (RI)
Lewis (GA)
Martinez
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Olver
Owens
Payne (NJ)
Rahall
Rangel
Reynolds
Richardson
Roybal-Allard
Sanders
Scott
Stark
Stokes
Thompson
Torres
Towns
Tucker
Velazquez
Waters
Watt (NC)
Wise
Woolsey
Wynn

NOES—363

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
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Bevill
Bilbray
Bilirakis
Bliley
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Boehlert
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Bonilla
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Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
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Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
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de la Garza
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DeLauro
DeLay
Deutsch
Diaz-Balart
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Dingell
Doggett
Dooley
Doolittle
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Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
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Gallegly
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Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
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Goodlatte
Goodling
Gordon
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Greenwood
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Gutknecht
Hall (OH)
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Hamilton
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Hayes
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Hoke
Holden
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Hostettler
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Hoyer
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
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Moakley
Molinari
Montgomery
Moorhead
Morella
Murtha
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Orton
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Packard
Pallone
Parker
Pastor
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Payne (VA)
Pelosi
Peterson (FL)
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Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Neumann

NOT VOTING—6

Bishop
Fields (LA)
Hunter
Moran
Rush
Walsh

□ 1300

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Chairman, I inadvertently voted "yes" on the last amendment, the Owens amendment. I meant to vote "no." I would ask that my statement appear in the RECORD directly after the vote.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Chairman, on rollcall vote 43 I meant to vote "yes." I am recorded as voting "no." I ask that the RECORD reflect my intent to vote "yes."

The CHAIRMAN. It is now in order to consider amendment No. 1 offered by the gentleman from West Virginia [Mr. WISE].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment in the nature of a substitute that has been made in order and printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WISE: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Total outlays of the operating funds of the United States for any fiscal year shall not exceed total receipts to those funds for that fiscal year plus any operating fund balances carried over from previous fiscal years.

"SECTION 2. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House of the Congress, that becomes law. If real economic growth has been or will be negative for two consecutive quarters, Congress may by law waive the article for the current and the next fiscal year.

"SECTION 3. Not later than the first Monday in February in each calendar year, the President shall transmit to the Congress a proposed budget for the United States Government for the fiscal year beginning in that calendar year in which total outlays of the operating funds of the United States for that fiscal year shall not exceed total receipts to those funds for that fiscal year.

"SECTION 4. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for repayment of debt principal and for capital investments in physical infrastructure that provide long-term economic returns but shall include an annual debt servicing charge. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as receipts or outlays for purposes of this article.

"SECTION 5. This article shall be implemented and enforced only in accordance with appropriate legislation enacted by Congress, which may rely on estimates of outlays and receipts.

"SECTION 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning with fiscal year 2002 or the second fiscal year beginning after its ratification, whichever is later."

The CHAIRMAN. Pursuant to the rule, the gentleman from West Virginia [Mr. WISE] will be recognized for 30 minutes, and the gentleman from Florida [Mr. CANADY] will be recognized in opposition for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we are going to talk about an amendment before us, a balanced budget amendment to the Constitution, that has an element in it we are not going to hear in any of the others, and that deals with public investment capital budgeting.

We have heard a lot of statements here today, and the statements are that the Federal Government ought to balance its budget like States and businesses do or the Federal Government ought to balance its budget just like families do. Both of those statements are correct, and that is what this amendment does. It balances the Federal budget just like families, businesses, and every local government would do.

We have two main elements. First of all, we take Social Security off budget. People have been vowing not to affect Social Security. We give Members the chance to say, "We are not going to do that, it's off budget, it's out of the picture."

But let us talk about the public investment part of it, because that is what distinguishes this amendment from any of the others that have come before and will come after.

Basically, every family balances its budget, but it recognizes something important. The family in Berkeley County, WV, one of the fastest growing areas in our State, that looks to buy a new home knows that it cannot pay for the house in 1 year, but it enters into a mortgage over 10, 20, or 30 years. The family in Kanawha County that needs to buy that car to get to work knows that it cannot pay for the car in 1 year, so it borrows for that car because it is a long-term investment and pays for that car over several years.

So the family in Berkeley County that is buying the home, the family in Kanawha County that is buying the car, and the family in Lewis County that is trying to send their son or daughter to college and borrowing to do it know that they have a long-term investment, and they budget accordingly. So it is that we would say that the Federal Government must balance its operating income but could borrow for physical infrastructure, for the roads, the bridges, the airports, the water systems, the sewer systems, the buildings, and the other capital investments, physical construction, physical investments that make it strong.

I think here, too, we will hear a word we are not going to hear too much in other debates. It is called "productivity." The fact of the matter is that while cuts must be made to balance the budget, we have got also to have to grow to get ourselves out of this ditch, and we cannot simply grow our way out by only cutting; we have got to put into place those policies that promote growth.

This chart tells the story. Those countries that have the most public investment in physical infrastructure have the greatest productivity. This first chart is a chart that shows the public infrastructure investment ratio in regard to gross domestic product of the G-7 nations, the most powerful industrial nations.

The United States is in the brownish line, and as we can see, it is basically in a flat line from the year 1978 to the year 1992. But look at the others, how they have invested in their roads and bridges, in their physical infrastructure. Now, let us look at the result according to this following chart. The correlation is quite clear.

□ 1310

If you look at the second chart, it tells a story as well. Along here is the percentage investment in relation to gross domestic product that a country makes in its public infrastructure. You can see where Japan is way out here, Italy, and so on.

The chart on the left, going up, shows you productivity increase. So what you have is a direct correlation between the more you invest in your physical infrastructure, the more your productivity increases. There is a reason that the United States from 1978 to 1990 was basically 1 percent productivity increase, and that is because our investment in infrastructure just about trended out at about that level of gross domestic products. But Japan, with half the population and 60 percent of the economy, spent more in real dollars than the United States on physical infrastructure and you see the corresponding growth in productivity. Productivity growth equals growth, equals more tax revenues, equals a stronger economy, equals a whole lot of things, and it also gets you to a balanced budget. So we urge that we put these policies into effect.

Let me say in conclusion, Mr. Chairman, that you will be following then what every State does. Every Member in this hall represents an entity, a State or delegate, district, whatever, that has capital budgeting in place. The only entity that does not is the Federal Government. So let us do what our families do, let us do what our businesses do, let us do what our States do, and let us encourage public investment and include capital budgeting and make this balanced amendment public investment friendly and growth friendly.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] reserves one-half minute from the time he allocated himself.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to salute the gentleman from West Virginia [Mr. WISE]. Coming from West Virginia, as he does, he possesses a peculiar expertise about infrastructure, and I yield to his superior familiarity with that subject. However, I do oppose the Wise substitute because it is too weak to facilitate efforts to facilitate a balanced budget.

The absence of a provision making it harder to increase the debt ceiling removes a major deterrent to deficit spending. The lack of special voting requirements to increase taxes can lead to excessive reliance on tax increases rather than spending cuts to achieve a balanced budget. Such a course of action can only be harmful and frustrate what we are trying to do with the balanced budget amendment.

The exclusion of capital investments in physical infrastructure from total outlays allows substantial deficit spending that can undermine the objective of protecting future generations from progressively higher interest payments.

The exclusion of Social Security from receipts and outlays will be harmful rather than helpful to older Americans. Including Social Security in computations will not put the Social Security surplus at risk or divert it to other purposes as several Members have erroneously suggested. You include Social Security for computation purposes, which we do now, today, to compute the deficit. That does not mean it is included for invasion purposes.

The reality is that older Americans will suffer unnecessarily if we ignore the surplus—for calculation purposes—in Social Security, because the consequences will be greater pressure to cut, or to cut more substantially, programs such as Medicare and Medicaid that older Americans rely on so heavily.

In the years ahead, Social Security recipients will be protected because the congressional leadership and the Members of the House and the Senate are committed to preserving and protecting this vital program, not because of the formula we use for determining the extent of cuts in other budgetary programs.

Excluding Social Security from computations of receipts and outlays is also a shortsighted response to a surplus in the fund that is temporary in nature. Demographic changes in our population will cause the Social Security program, in the absence of congressional action, to begin running a deficit approximately a decade after the amendment's effective date. A balanced budget amendment that ignores a Social Security deficit for computation purposes, which is the corollary of ignoring a surplus, will be less effective, a fact that will not be overlooked by financial markets. Higher interest rates as a consequence can be anticipated, which will crowd out other essential expenditures and exacerbate pressure to cut Social Security.

Including specific reference in the Constitution to Social Security creates a loophole for Congress to define anything as Social Security in order to avoid a balanced budget. Such a course can render a balanced budget constitutional amendment ineffective and undermine the integrity and viability of Social Security by weighing it down with other extraneous programs.

Finally, we must not overlook the fact that the greatest threat to Social Security is the continued growth in the national debt, which is expected to result in higher and higher interest payments in the years ahead. The vulnerability of Social Security is the result of our failure to adhere to balanced budget principles. By providing the fiscal discipline to get our economic House in order, the balanced budget constitutional amendment will protect the value of the Treasury securities in which Social Security surpluses are invested, and facilitate our national capacity to honor its commitment to older citizens.

This substitute, offered in all good faith by the gentleman from West Virginia, does not substantially advance balanced budget objectives. In fact, it impedes them. I therefore urge my colleagues to defeat it.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY] who has been active in this amendment, both this time and the last session.

Mr. POMEROY. Mr. Speaker, I am a cosponsor of this balanced budget version. I am proud to speak for its passage. Like so many in this Chamber, I have concluded it is time for this Congress to send the States a balanced budget amendment. The long-term prospects of this country absolutely require us to get our financial house in order, and I reluctantly have come to the conclusion it will take a balanced budget amendment to the Constitution to get us to do it.

The balanced budget debate under way, however, is not a conceptual exercise. We are talking about amending the governing charter of our country. If there is ever a moment for us to rise above petty partisanship or ideological extremism, it is now. We are about to approve a balanced budget amendment to the Constitution. For the sake of our children, our grandchildren, and their children and grandchildren, we have got to get this right.

Of all the amendments to be considered on this question, this is the one that will work. It contains the essential components for honest, prudent financial discipline. It imposes a balanced budget requirement. It is the most stringent of all the balanced budget proposals we will consider. When it comes to exceptions, it only allows them for war and recession. That is it.

It implements the successful language used by State governments in their balanced budget proposals by providing for a capital budget for physical investment in infrastructure. After all, a highway has a long, useful life. There is no budget rationale requiring the complete charge off of that investment in 1 year.

The final provision vital to this amendment is the exclusion of the Social Security trust fund. Make no mistake about it: The only way to safeguard the security of the trust fund is to take it off budget in the text of the amendment. Other language about protecting Social Security that does not put it in the amendment are words only and cannot bind this or a future Congress.

□ 1320

I commend the gentleman from West Virginia [Mr. WISE] for advancing this amendment and urge its support.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in favor of the Wise substitute because it is the one balanced budget amendment which would accomplish four important goals:

It would allow us to keep the safety net for the poor alive and keep programs that encourage economic growth. It would allow us to preserve this Nation's infrastructure. It will also be consistent with the way States, cities, and families achieve a balanced budget. And it could achieve a Federal balanced budget.

Now I hear my colleagues saying that borrowing money for capital is a gimmick. But if it is a gimmick, then every family who tries hard to retain the American dream of home ownership, a capital investment, is engaging also in a gimmick, unless they are wealthy or one of those families who get $4.5 million on a book deal and who can put cash money down. They, therefore, have to borrow money.

Most Americans are not in such a financial position, nor is the Federal Government. So let us support the wise Wise amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, looking at the text of the amendment that has been offered by the gentleman from West Virginia [Mr. WISE], it provides an exclusion for "capital investments in physical infrastructure that provide long-term economic returns."

That can include aircraft carriers and space stations, elevated freeways in Boston and national monuments at Lawrence Welk's birthplace in North Dakota, sewage treatment plants in Wisconsin, and bridges in West Virginia. And this is a loophole that is wide enough to drive practically anything through. About the only thing that would be put under that balanced budget amendment are payments to individuals, whether they would be entitlement programs, except Social Security, or salaries or other types of payments that are given both to Federal employees as well as to citizens of the United States.

Now, the argument advanced by the gentleman from West Virginia [Mr. WISE] in support of this amendment is that investments in physical infrastructure increase productivity and inferentially increase prosperity.

Well, there has been a lot of infrastructure built in West Virginia over the past several decades. And if that were the case, West Virginia would be the most productive and the most prosperous State in the Union. And yet, all of the statistics that I have seen indicate that that is not the case and that is why the eloquent West Virginia congressional delegation repeatedly comes before this Congress and asks for more investment in infrastructure in their own State.

Now, I do not fault them for that. But I think that shows the argument advanced on behalf of this amendment by the very eloquent member from West Virginia [Mr. WISE] is a fallacious argument and thus this amendment should be rejected.

Mr. WISE. Mr. Chairman, I yield myself 30 seconds to reply.

Mr. Chairman, there may be a need for more infrastructure. I might add capital budgeting might be an improvement. There might be a need for more sewage treatment plants in Wisconsin as well as many of the other areas that the gentleman mentioned. Our productivity happily is increasing. As we have made the transition in West Virginia from a basically mining and manufacturing economy, one reason is because of roads.

I might add that a lot of studies demonstrate that a four-lane highway in a rural county increases job growth and productivity about three times that of areas where they are not. So there is a clear gain, and we need to focus on infrastructure, not just in my State but nationwide.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE] a cosponsor of this amendment.

Ms. FURSE. Mr. Chairman, I rise today in strong support of the Wise-Furse-Pomeroy balanced budget amendment. I have had the honor of co-authoring this for 2 years and of all the amendments before the House today, this is the toughest one which also gives Social Security ironclad protection.

Now, I believe we need a constitutional balanced budget amendment to hold Congress' feet to the fire on excessive and unnecessary spending. But keeping Social Security in the budget masks the true size of the deficit and puts all of us, including our seniors, at risk.

I say to my colleagues that if it is true that Social Security is not on the table, then put it in the law. Vote for the Wise amendment. The Wise amendment protects Social Security as a pension plan. It puts that protection in law. It is honest. It keeps the promises we have made.

Now, Oregon, like many other States, has a balanced budget amendment that very wisely allows for capital investment. And this Wise-Furse-Pomeroy amendment is the only one that is truly based on a State model. The Government should operate like our businesses and our family budgets. And this is really the only one that has that commonsense approach.

Mr. Chairman, let us today do as our States do and as our families do, let us have wise budgeting. Support the toughest amendment before the House today, which also gives the only ironclad protection to Social Security.

I urge my colleagues to pass the Wise-Furse-Pomeroy amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia. [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong opposition to this amendment because it would certainly defeat the efforts of those who truly want to bring about a balanced budget and bring it about in a sensible fashion.

As the gentleman from Wisconsin pointed out, this exception for capital investment is a gigantic loophole, one large enough to fly the space shuttle through or a space station. I would suggest that not only is it wrong because capital investment is not tightly defined, but it also cannot be accepted because of the fact that while it is true that some States having balanced budget amendments do have exceptions for capital investment, there is a big difference between them and the situation we have now. And that is that they did not start out with a $4.7 trillion national debt growing at the rate of $200 billion a year. This is a way to continue to grow that debt which costs right now more than $225 billion a year, even at lower interest rates. If interest rates go up, it is going to be an even more serious problem. It is simply not acceptable to create that kind of exception when we need to go about getting this budget balanced.

Second, this balanced budget waives the balanced budget requirements in case of a recession, even though it does not specify that there would have to be any harm to the budgeting process by granting it during the time of a recession.

Finally, I think the argument that this amendment, as has been offered by several on the other side, that this amendment protects Social Security, is entirely fallacious. I would suggest that the contrary is in fact true, that this amendment will endanger Social Security for several reasons.

First of all, we have taken numerous steps on numerous occasions as a Congress to protect Social Security. And we will continue to do that. But if we put into the constitution only an exception for the Social Security trust fund, then that Social Security trust fund will become the vehicle for all manner of abuse, because any type of social spending program, from housing programs to food stamps to Medicare or Medicaid, could be put into the Social Security Act.

This does not take away from the Congress the right to change the Social Security Act. All it does is put the trust fund in there.

If we want to protect a particular program from the budgetary requirements, a future Congress could put an item that they wanted to protect into the Social Security fund and dilute that fund and tamper with the intent of the Social Security Act.

In addition, as the chairman of the committee, the gentleman from Illinois, pointed out, the pressure on other programs for senior citizens, like Medicare, will be so great, if because of computational purposes the level that needs to be reached in order to achieve a balanced budget is changed by the purposes of this amendment.

☐ 1330

As a result, not only will there be greater pressure on Medicare, not only if that pressure becomes so great, this amendment does not protect Social Security from future Congresses going in and changing the level of payment, the age of retirement, the amount of contribution by employees and others in this country. As a result, Mr. Chairman, this endangers Social Security. It does not protect it.

Mr. Chairman, I would strongly urge the Congress to reject this amendment.

Mr. WISE. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from New Jersey [Mr. MR. TORRICELLI]. I would note that the previous speaker is from a State that has capital budgeting.

Mr. TORRICELLI. I thank the gentleman for yielding time to me, and for bringing this most thoughtful of amendments to the floor of this institution.

Mr. Chairman, for as long as this Congress has been debating the problems of debt in American, I have heard Members say, why is it the States balance their budgets and we do not? Why does every American family balance their checkbook and we cannot, and why can we not run the Federal Government more like a business?

If Members have made one of those speeches, this is their amendment, because every one of those corporations, every one of those States, and indeed, most American families have arranged their finances on a sound practice of capital budgeting.

Fifty-three percent of the people of the United States have a larger home mortgage than they have an income. They recognize that you do not go through life saving all of your money before you buy a home.

The accumulated capital expenditures of business in America is $4.5 trillion more than the Federal debt, but business understands the difference between building plant and equipment which will last 20, 30, or 40 years, and consumption.

The other night the Governor of my State was lecturing us on the need to balance our budget. My State of New Jersey, like most of the Member's States, has a balanced budget amendment, but they also have a capital budget. They know the difference between paying a State employee and building a highway or a university.

Central to this argument is that all spending is not the same. Spending on consumption is one thing, spending on investment is another: roads, aircraft carriers.

Many things this government builds last beyond the life of a generation. They produce income to this country. They should be in a capital budget. They are not consumption.

The gentleman has made a great contribution to this debate with his amendment. It is the most thoughtful, the most sound. I urge its adoption.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, I will be very brief here. For 14 years now we have been in the process of fine-tuning the language in this balanced budget amendment that our friend, the gentleman from Texas, [Mr. BARTON], and myself have introduced today.

I think that the gentleman from West Virginia is very well-intentioned in this, and I think he also agrees we should have a balanced budget, but I think we disagree over whether the Constitution should establish budget priorities.

Mr. Chairman, I believe this is not the place to dictate how we lay a pavement or that we put up bricks or what we do anything else along the capital budgeting line. I just think that would clutter up the language we have at the present time, and I would oppose the amendment.

Mr. WISE. Mr. Chairman, could I ask of the Chair how much time remains on each side?

The CHAIRMAN. The gentleman from West Virginia, [Mr. WISE] has 17¾ minutes available, and the gentleman from Florida [Mr. CANADY] has 18 minutes available.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BORSKI], another active Member on this amendment.

Mr. BORSKI. Mr. Chairman, I oppose the idea of a constitutional amendment requiring a balanced budget. A constitutional amendment—without a plan to balance the budget—is a bad idea.

This vote will have enormous consequences but our friends on the other side of the aisle have refused to tell us how it would be implemented because, according to the majority leader, our knees would buckle—or because the voters would find out what this proposal would really mean to their lives.

This is what the balanced budget amendment really means. It will strike directly at middle-income families and senior citizens.

The Medicare Program, which is vital to millions of people around this country, could face as much as a 30-percent cutback—$7 billion in my State of Pennsylvania alone, if this balanced budget plan is adopted.

Mr. Chairman, I stand with Oliver Wendell Holmes, one of our great Supreme Court Justices who said, "A Constitution is not intended to embody a particular economic theory."

Mr. Chairman, if our Nation is to have a constitutional amendment requiring a balanced budget, the Wise amendment is the way to do it.

When we say we want the Federal Government to balance its budget in the same way everyone else does—this is it. A capital budget.

The Wise amendment will accomplish the goal of requiring the annual operating budget of the Federal Government to be balanced while protecting long-term capital investments and Social Security.

I commend the gentleman from West Virginia for proposing this amendment to set the same budget procedures as almost everyone else uses.

I find it extremely baffling that the Federal Government does not have a capital budget already.

A capital budget was approved last year by the Public Works and Transportation Committee unanimously on a bipartisan basis.

It had the support of every Republican on the committee.

Capital budgeting is used by virtually all State and local governments. They may not realize it but most families use their own home-made version of a capital budget.

Nobody includes long-term investments with current operating expenses—except the Federal Government.

It makes no sense to mingle capital investments with current operating expenses—yet that is what we do in the Federal Government.

If we are going to have a rational, reasonable method of calculating our debts, we must have a capital budget.

This amendment is a means of putting the Federal Government's fiscal house in order, which, I believe, is what we are all hoping to achieve.

The important thing is to balance our operating accounts on an annual basis. That should be done at all times except in the most dire emergencies.

However, it would be unduly restrictive and counterproductive to place those same limits on long-term capital investments.

It makes sense to include only the annual debt service on those investments—not the entire cost of capital projects.

The average American family does not include the total cost of its capital investments, such as the purchase of a new house, in its monthly or annual budget. They only pay the debt service or mortgage.

In the same way, the Federal Government should not be paying the entire cost of an infrastructure project in the first year. That cost should be included in the capital budget while debt service should be part of the operating budget.

It simply makes no sense from a budgeting standpoint.

It is also counterproductive because we will be limiting our ability to make the capital investments that have positive economic paybacks.

We should be encouraging investment in our Nation's infrastructure to promote productivity and growth.

We should not be restricting capital investments. We have huge infrastructure investment needs.

At the end of the last Congress, our Investigations and Oversight Subcommittee, on a bipartisan basis, issued a report detailing these needs.

The needs are just staggering: $32 billion more is needed each year to bring our highways and bridges up to standard; $11 billion more is needed each year for our transit systems; $4 billion more is needed each year for our airports; $5 billion more is needed for our ports and inland waterways; $137 billion is needed for our wastewater treatment systems.

A balanced budget amendment without a capital budget would stand in the way of meeting our vital, essential infrastructure needs.

For these reasons, I urge the Members of this House to support the Wise substitute to House Joint Resolution 1.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, the various versions of the balanced budget amendment are on the table today. They have their respective strengths and weaknesses. Of course, that is the subject of the debate.

The real question is, first, which of the options gives us the greatest chance of eliminating the deficit, and at the same time stands the best chance of not only congressional ratification or congressional approval, but State ratification. I see my responsibility as a Member of Congress to vote for the amendment which meets those two tests.

Mr. Chairman, the Stenholm-Schaefer proposal is clearly the best. The Barton substitute is pretty stiff medicine. I think many of us would like to see that passed, but I fear it stands little chance of State ratification.

State and local governments have already become concerned or weak-kneed about the problems that they will face if they have to pick up Federal programs that are popular in their area. The super majority to approve any revenue increase is what they would find at the Federal level unacceptable, I fear.

The Wise amendment, although well-intentioned, is also, I feel, a mistake in terms of our deliberations today. We have a debt of almost $5 trillion. This reflects a capital investment that exceeds what the States have on their books. We already have the capital investment exception on the books.

The Social Security exception goes further. It creates the opportunity for a shell game to hide entitlement programs of all stripes under the label of Social Security.

It is critical that we exercise the self-discipline in Congress to meet the challenge before us. We must not lose sight of our goal of balancing the budget and actually adopting an amendment here that is ratified by the States.

Mr. Chairman, we must not allow ourselves to do what we think is the fleeting, popular thing and approve exceptions which may at this time be popular at home. Instead, we must take the stiff medicine and approve a constitutional amendment here today, or this week, that we can go home and explain to our children and our grandchildren as one that actually gives them the hope that they will have a future without ever-increasing national debt.

□ 1340

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK], who has been very active as well on this amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this amendment offered by my colleague, the gentleman from West Virginia [Mr. WISE], I think is a very important explanation of what we are talking about when we say we want to reduce the deficit and balance the budget.

The public out there has no understanding and appreciation of the fact that the Federal Government does not budget the same way that the States do.

The new majority that is now in control of the House of Representatives has argued that what is wrong with the way we run the Federal Government is that we don't allow the States to do the things that the States do best. Well, the States all have capital budgets and they have operating budgets, and, like in my State as my colleague the gentleman from Hawaii [Mr. ABERCROMBIE] will attest to, we have a constitutional requirement of a balanced budget, but that applies only to the operating balanced budget. And thus everybody who talks about balancing the budget believes that we are only directing our comments to the day-to-day expenditures of salaries and other things that are required.

That when it comes to capital improvements, buildings, roads and whatever the States need, that that is a separate budget, and is dealt with differently.

How could any family in America today sustain their quality of life if they could not go to the bank and borrow for their needs, for an automobile, for whatever, a college education for their kids or their house? We value the fact that people have the power to borrow, and a person's wealth and financial acumen is looked at very highly if they have the opportunity to borrow and to increase their standing in the community.

What is wrong with the balanced budget amendment is that we have failed to consider the assets that have been acquired by this tremendous debt that people decry.

I believe that we really should follow what the States are doing, and that is to balance their operating budget and allow them to decide what kinds of investments they should make in the future. We should vote for the Wise substitute.

Mr. Chairman, I rise in support of the substitute to House Joint Resolution 1, the balanced budget amendment, offered by Congressman BOB WISE of West Virginia.

Proponents of House Joint Resolution 1 assert that their version of the balanced budget amendment will force the Federal Government to exercise the same fiscal discipline as States with balanced budget mandates. This assertion would be valid only if the Federal budget were structured along the lines of State budgets. There are, however, fundamental differences in the way the Federal Government and the States account for their operating costs and long-term investments and reflect these costs in their budgets.

States account for their operating costs and long-term investments in separate operating and capital budgets. And, it is important to note that States with balanced budget mandates are required to balance only their operating budgets and can—and do—continue to assume long-term debts to pay for such capital projects as new road and school construction.

The Federal Government, on the other hand, does not distinguish between its operating costs and long-term investments. In other words, the Federal budget treats salaries, health research, education, and long-term investments like highway construction in the same way. As such, the debt associated with Federal long-term investments is not spread out over 10 or 15 years as it is in the capital budgets of the States, but rather combined with Federal operating costs and shown as part of the current year's Federal deficit.

I believe the Federal Government should—and must—maintain a balanced budget to cover its operating costs. However, just as families choose to assume long-term debts to purchase homes or finance their children's education and States take on long-term debts to improve their airports, highways, and harbors, the Federal Government must be allowed to make long-term capital investments to assure and ensure the Nation's continued economic vitality and viability.

I cannot stress enough how a balanced budget amendment applied to a Federal budget that does not distinguish between operating costs and long-term investments will also undermine the Government's ability to make long-term investments and hamper the Nation's ability to compete in an increasingly global economy.

The Congressional Budget Office has determined that $1.2 trillion in spending cuts will be required over the next 7 years if the balanced budget amendment is to be enforced by 2002. Proponents of House Joint Resolution 1 have yet to advance a plausible explanation as to how such massive spending cuts will leave programs like Social Security and Medicare, which together account for nearly one-third of all current Federal spending, unscathed. Proponents of House Joint Resolution 1 also fail to explain how such Federal programs as the student loan program and earthquake and flood disaster relief can be maintained in the face of their balanced budget amendment.

I agree that we must do much more to restore discipline to the Federal budgetary process. However, I do not believe we will attain that goal by supporting a balanced budget amendment that is notable more for reducing the complex factors and components that make up the Federal budget to an appealing yet false simplicity rather than offering measurable and plausible solutions to our budget problems. If proponents of House Joint Resolution 1 are truly serious about wanting to balance the Federal budget, they must spell out just what tough and difficult choices will need to be made to achieve that end by 2002. Until and unless they do, House Joint Resolution 1 offers only the promise of a balanced budget and a pay-after-we're-gone balanced budget at that.

I believe the continued debate over deficits and balanced budget amendments stems from the Federal budget's failure to distinguish between operating costs and long-term investments. While the Congress and the American public have not rallied to the cause of a restructured Federal budget with quite the same degree of enthusiasm they have shown for a balanced budget amendment, I believe a Federal budget that distinguishes between operating costs and long-term investments will provide the foundation for a cleaner and sounder fiscal policy and restore the public's confidence in our ability to set such policy. To be more succinct, it will allow the Federal Government to balance its budget just as States with balanced budget mandates balance their budgets.

I therefore urge my colleagues to join me in supporting the Wise substitute to House Joint Resolution 1.

Mr. WISE. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I think that the proposal before us today which this amendment is trying to correct simply presents the country with what I would call consumer fraud. It pretends to balance the budget but if you read the text rather than the title, it does nothing of the kind. All it says is that anytime you can get 60 percent of this House to agree, you can pass any unbalanced budget you want. That is what the proposal really says.

In contrast, the Wise amendment says that in no condition whatsoever can you have an unbalanced budget unless you have a grave threat to national security or unless the country is dealing with a recession. Outside of those two very narrow exceptions, there would be no occasions on which you can have an unbalanced budget.

I think that is a much tighter proposition, and I think we ought to adopt it so that this proposal does what it actually would otherwise simply pretend to do.

I think our Government needs to be running a balance and in fact running a surplus any time when the economy is healthy. But if we are in wartime, we have to put survival ahead of accounting. If we are in a recession, we need to put the health of the economy and job creation ahead of accounting. In all other circumstances, we ought to be running a balance or a surplus and that is what the Wise amendment would produce. That is why I support it.

Mr. WISE. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. SAWYER] who has been very active in the formation of this amendment.

Mr. SAWYER. Mr. Chairman, I rise in strong support of the Wise amendment.

We have all heard the comments associated with the example that the States, local governments, corporations, and families have offered with regard to the efficacy of maintaining balanced budgets and doing so through the distinction between operating and capital budgets.

States and localities must build roads, sewers, water systems, airports, and schools. Corporations invest in plant and equipment, families invest in cars and houses, the kinds of things that nurture them for the long run. They do it by borrowing for capital assets, that is to say investment, repaid over a period of time that reflects that the cost of the debt is paid for by regular payments through operating accounts over the life of the debt.

We simply have to break the notion that this country can operate in modern times out of the cash drawer as it did 200 years ago. This alternative provides for a rational distinction between timely payments for continuing short-term needs and the large capital formation needed to make long-term investments in lasting assets. It offers the discipline of rational, planned borrowing which can be measured by our need, our capacity to pay and the investments we can make.

Annually, we are going to have to agree on what those needs are and recognize that those needs will change over time. We have to build that kind of elasticity into the future.

Like wise families we can borrow to invest, and like wise families we would not borrow to pay for the electric bill or for the groceries.

Mr. WISE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the Wise amendment, which would enshrine in the Constitution a capital budget that, along with Social Security, would be moved off-budget.

I do commend my friend from West Virginia for his work on this amendment and, furthermore, for the improvements he made to his amendment since last spring. I have confidence in the sincerity of my colleague but I continue to believe that his amendment is seriously flawed for numerous reasons.

As I mentioned last year, I also would like to thank the gentleman for helping bring us to a point where far more than two-thirds of the House Members agree that we need a constitutional restraint to balance the budget. He helped convince several Members to make the philosophical leap to supporting a constitutional amendment. I have been trying to nudge Members in that direction for years, and I appreciate the help from the gentleman.

I must oppose the Wise amendment, however, because it includes provisions which are not appropriate to include in the Constitution and because I am not convinced it will change the status quo. The Schaefer-Stenholm amendment is both stronger and more flexible than the Wise amendment, more appropriately passing constitutional muster.

I can appreciate the argument Mr. WISE makes in comparing the Federal budget to State and local budgets, but he misses one critical element in the analogy. It is true that State and local governments develop capital budgets, but those governments also have a check on the use of their capital budgets through bond ratings. If a State government were to abuse its capital budget, the bond rating would drop and the State would be unable to continue to finance new capital expenditures for borrowing. In addition, many States require that bond issues be approved by the voters. These checks on the abuse of capital budgets would not exist under a Federal capital budget, failing to close the gate on potential abuse.

While the proponents of the Wise amendment argue that we will not exercise those opportunities for abuse, either through the off-budget capital budget or through Social Security trust fund, we have little reason to feel confident that Congress will resist the temptation to do so.

The State government analogy is flawed for a second reason. Obviously, the share of capital expenditures in the Federal budget is much smaller than it is in the States. While there may be a justification at the State level to borrow money for capital expenditures, the Federal Government should be able to fund capital investments on a pay-as-you-go basis. Even the Federal Interstate Highway System, the largest capital investment in our history, was financed on a pay-as-you-go basis at the urging of Senator Albert Gore, Sr.

I also continue to find distressing the insistence that Social Security be removed from the budget. As we have heard here on the House floor during the past 2 days, there is disagreement about the best way to protect the integrity of the Social Security program, although I am confident that there is no disagreement that the program's integrity must be shored up, both for present and for future beneficiaries. I believe that keeping Social Security in the framework of the amendment will ensure that we will take the actions we all know are necessary to deal with the unfunded liability in the trust fund and preserve the long-term soundness of the trust fund. If we don't bring our deficit under control, the integrity of the Social Security program will be threatened early in the next century. Exempting the Social Security trust fund creates the temptation to abuse that exception and undermine the integrity of the fund.

The greatest threat to Social Security and to investments is the enormity of growing interest payments that are crowding out all other spending. Continued deficit spending, even if it is off budget, would result in a debt which continues to grow and in rising interest payments which squeeze our ability to fund investments and Social Security.

The Wise amendment may or may not result in less borrowing than we currently have, but that is primarily a matter of bookkeeping. There is no question that under the Wise amendment, especially compared to the Schaefer-Stenholm amendment, we will face increasing interest payments and have less money available to spend on other worthwhile programs. While there may be different opinions about the best way to protect Social Security and capital investments, there can be no question that the only way to ensure that future generations can make capital investments and meet the obligations of the Social Security trust fund is to put an end to our spiraling debt.

A surprising contrast to the leniency of these off-budget items is the lack of flexibility when it comes to instances of national emergency. The Schaefer-Stenholm amendment recognizes that we cannot anticipate all of the circumstances that may justify deficit spending at some point in the future. We should not try to write all of the possibilities into the Constitution. We believe that it is more appropriate to provide the flexibility of allowing deficit spending if 60 percent of Congress believes that we face an emergency that justifies deficit spending.

The Wise amendment does not allow for this flexibility. We would not have the option, for example, of waiving the amendment in order to respond to a natural disaster or any other national emergency except a recession or declared war.

Obviously, Congress would feel the need to respond to serious national emergencies, but they would be forced to do so through bookkeeping gimmicks which further complicate an already byzantine Federal budget process, further fueling public confusion and cynicism. Clearly, this is not the effect we hope to accomplish in amending the Constitution.

My criticism of this constitutional amendment should not be construed as a failure to understand the critical differences between investment spending and consumption spending. Under the Schaefer-Stenholm amendment, it would be entirely possible to separate capital investments from operating expenses in the regular budget process. We simply say that we should do this within the context of an overall balanced budget.

Clearly, the General Accounting Office agreed with that sentiment when it stated: "The choice between spending for investment and spending for consumption should be seen as setting of priorities within an overall fiscal constraint, not as a reason for relaxing the constraint and permitting larger deficits."

I do commend my colleague for refining his amendment this year by narrowing the definition of capital to meaning physical capital, although he did leave undefined how to deal with military capital. Unfortunately, that improvement still leaves standing a lack of agreement on what would be included in a capital budget.

Finally I will ask this question about the Wise amendment: How will the Wise amendment improve upon the status quo? Depending on how we define a capital budget, we could run deficits as large or larger than our current deficits without violating the Wise amendment. I do not believe we should be amending the Constitution simply to enshrine the status quo.

I encourage my colleagues to vote against the Wise amendment. But I would also say to my colleagues, regardless of how you vote on this amendment, all Members who believe that we need a constitutional restraint to change the status quo in this body should vote for the Schaefer-Stenholm amendment.

Mr. WISE. Mr. Chairman, I yield 1½ minutes to the gentleman from Arkansas [Mr. THORNTON], an eloquent spokesperson for investment spending.

Mr. THORNTON. Mr. Chairman, we need a balanced budget and we need a sound approach to accomplish this goal. I am disappointed my colleagues and I were not given an opportunity to debate and vote on my own substitute amendment which called for capital budgeting while protecting Social Security, Medicare, and veterans' benefits.

However, there are many similarities between my proposal and the amendment offered by the gentleman from West Virginia and I rise today in support of the Wise balanced budget amendment.

Mr. Chairman, this proposal is aptly named, for it is wise to recognize the need to distinguish between operating expenses and investments for the future when balancing our budget.

I do not know of any wise family that is not willing to provide for long-term investments in their home or in the education of their children. I do not know of any wise business that will not borrow money to make capital investments to improve its profits and profitability. I do not know of any wise State or local government in this United States that does not allow for long-term investment in a sound infrastructure of roads and bridges.

It is time for the Federal Government to wise up and balance its budget while bringing the budgeting system into the 20th century.

My granddad said that if a family found itself head over heels in debt, it could not spend its way out of debt. But it cannot starve its way out of debt. It has to work its way out of debt by making an investment in the future.

Mr. WISE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO], another cosponsor of our amendment.

Ms. ESHOO. Mr. Chairman, I rise today in strong support of the Wise substitute and am proud to be an original cosponsor of it now and in the 103d Congress.

In my view, this is the most important debate of the 104th Congress.

Those opposed to a balanced budget amendment are concerned about its affect on critical programs. I have been and continue to be an ardent supporter of education, environmental and health programs and it is for this reason I believe a balanced budget amendment is critical.

The interest payments on our debt are taking greater and greater slices of the budget pie and crowding out important programs for our people.

The Wise amendment addresses this by requiring a balanced operating budget but also establishes a capital budget which enables us to continue to make necessary long-term investments in roads, bridges, water and sewer systems, airports, and telecommunications.

Last week, 435 economists issued a statement urging Congress to increase public investment in our Nation's infrastructure. They all agree that long-term public investment means a more productive America.

While millions of Americans work hard to balance their checkbooks every month, they continue to borrow for long-term investments in homes and education. States do the same for investments in roads, schools, prisons, and hospitals.

It is time the Federal budgeting process distinguish between capital and operating expenses, particularly as we make the tough choices necessary to balance our budget.

As we make these tough choices Social Security surpluses will become tempting to tamper with. Our amendment protects Social Security and takes it off-budget. In doing so, it ends the practice of using the Social Security surplus to mask the true size of the deficit.

Mr. Chairman, we must cut spending and balance our budget but we cannot neglect our continuing long-term needs and our responsibilities for the future. We can't chop off growth.

The Wise amendment requires honest and sensible budgeting and recognizes the continued importance of investment and growth. I urge my colleagues to support this substitute.

□ 1350

Mr. Chairman, I salute the gentleman from West Virginia and thank him for his leadership.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. CLYBURN], who has been active in this area as well.

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I support the Wise amendment because in addition to protecting Social Security the Wise substitute also includes a capital budget for investments for our Nation's physical infrastructure.

Many of my colleagues have pointed out that families all across America as well as State governments always balance their budgets and we here ought to do the same.

But American families are often forced to borrow to finance a college education or to buy a home, and nearly every State government that I know that is required to balance the budget uses capital budgeting to differentiate between operating expenses and capital expenditures.

Just last week over 435 economists urged the Federal Government to expand domestic investment in our Nation's infrastructure. Their message was clear: Investment in our Nation's infrastructure is vital to American productivity and competitiveness. The Wise substitute recognizes the importance of these vital, long-term investments in our Nation's economy.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding the time. I am happy to support the substitute offered by the gentleman from West Virginia [Mr. WISE] for three things that it does and one thing that it does not do.

First of all, it protects Social Security fully, that contract between working people and their parents for their security.

Second, it establishes capital budgeting. There is no family, no business, and no State that pays for critical long-lived investments in any single year and it is time the Federal Government operated the way all of those family businesses and States operate.

Third, it exempts not only national security in war but also recession or depression, and allows us to run an unbalanced budget during such times, and that is critical.

Four, and that is the thing that it does not do, it does not establish minority control over the budgets.

I hope the amendment by the gentleman from West Virginia [Mr. WISE] will pass.

Mr. WISE. Mr. Chairman, may I ask how much time is remaining.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE], has 5¾ minutes remaining, and the gentleman from Florida [Mr. CANADY] has 15½ minutes remaining. The gentleman from Florida has indicated to the Chair he intends to reserve the balance of his time, and intends to use no more time at this point.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding the time to me.

Today we debate a most important matter, the balanced budget. Today it is not just a matter of wearing a button on your chest that is red and has a fraction on the front of it. It is about a lot more important issues.

I support the Wise amendment because it addresses the fundamental issue of capital budgeting.

The most frequent analogy in this debate is we ought to run the Federal Government the way the States run their government. The States have capital budgets so they can pay for roads, bridges, university facilities and pay for these items over the useful life of the item.

They say, well, we ought to run the family government like families. Families too use a version of capital budgets. It is called credit, and they pay for mortgages and large purchases over the life of the item. We should do the same thing.

Mr. Chairman, it would be a great mistake for the Federal Government to pay for emergency funding for natural disasters such as rebuilding roads having to use pay-go mechanisms while the State we are trying to help gets to use a capital budget and spread the cost over a number of years.

Let us invest in our country; let us have a capital budget.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA], another cosponsor of this amendment.

Mr. BECERRA. Mr. Chairman, I wish to thank the gentleman from West Virginia [Mr. WISE], and I must say anyone who votes against the Wise substitute amendment must not be very wise. The Wise substitute is the one version of the balanced budget amendment that will allow us to balance the budget, and at the same time protect Social Security and make prudent and necessary investments in our Nation's schools, roads and the environment.

Over the past 15 years, unfortunately we have been spending less and less on our Nation's infrastructure needs, such as our highways, our bridges, our water systems and so on. That is a big mistake. If we do not invest in our infrastructure and we cannot, by the way, under the Republican version of the balanced budget amendment, we will pay the price later on. It is the reality of life, you pay now or you pay much more later.

Let us protect our seniors while planning prudently for our children.

Vote for common sense and long-term stability, Members, vote for the Wise substitute.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, anybody want to make a bet? I will wager that by the time this historic debate is over, the American people know more about the technical specifics of the O.J. Simpson trial than they do about the most rudimentary basic matters of accounting of the Federal budget. But this debate helps to teach them one thing: We want government run like a business.

Being from Montana, I want the Federal Government to keep its books like my State keeps its books because it has a balanced budget. I want the Federal Government to keep its books the way our families have to keep their books.

That is what the Wise amendment does; it is called capital budgeting.

Let the Federal Government keep their books the way Montana keeps our books, the way our families keep their books.

Pay attention, because the Members who do not vote for this budget do not really want to run this Government the way businesses run their businesses, the way a family keeps its books.

Now we are going to find out who really means it.

Mr. WISE. Mr. Chairman, I have no additional speakers except myself to close, and I ask whether the gentleman intended to make any remarks in closing.

Mr. CANADY of Florida. Mr. Chairman, I do not yield any time now. I understand I have the right to close.

The CHAIRMAN. The gentleman from Florida is correct that he has the right to close.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong support of the Wise amendment and in opposition to the other amendments being proposed here today.

We have to recognize first that if we are going to balance the budget in a constitutional fashion, we have to protect Social Security. The Wise amendment does this.

We also have to recognize that one of the first problems we face in creating a budget is to recognize the difference between capital expenses and operating expenses, and the Wise amendment does this also.

This amendment, I think, will be something that we can use to help us balance the budget and not ultimately, as under the other versions, result in simply litigating the budget every year, which would not effectively help us and in fact would diminish, I think, the quality of our government.

So I would be very enthusiastically in support of the Wise amendment and reject the other versions offered here today.

Mr. Chairman, I rise in support of the Wise balanced budget amendment and in opposition to the Barton, Stenholm, Owens, Conyers, and Gephardt proposals.

If the Congress is going to amend the Constitution and insert economic policy into the document that has guided our Nation for over 200 years, then only a proposal that is similar to State constitutional balanced budget amendment should be passed.

If Members truly want to protect Social Security from cuts, then it must be included in the Constitution.

If Members really want to remain faithful to the intentions of the Constitution's framers, then they need to maintain their tradition of simple majority rule.

If Members want to allow Federal responses to national economic emergencies, they need to support a national economic emergency provision.

Only the Wise balanced budget amendment contains all these elements, and that is why I support it.

Mr. Chairman, we are debating this issue today because the American people want Congress to do something about the budget deficit.

However, with Congress soon to debate a return to supply-side economics, it is important to remember when the deficit problem began and what policies led to a burgeoning deficit.

During the 1980's, under Republican President's, the deficit and debt ballooned massively. Unfortunately, the much-ballyhooed rising tide only increased the deficit. Some benefited from upper-income tax cuts, but the majority of Americans lost out.

We should also recognize that the most ardent proponents of the Republican balanced budget amendment did not vote for the President's $600 billion deficit reduction bill. Indeed, for the first time since President Harry Truman, the deficit has fallen for 3 years in a row. Members who supported the President's deficit reduction package took a tough vote that has really reduced the deficit.

As I said before, our constituents want us to take further action on the deficit, but there is nothing stopping us from doing so right now. We don't need a Constitutional amendment, we just need Members who are willing to make some of the hard choices they get paid to make.

I have a number of specific problems with the Stenholm and Barton balanced budget amendments.

First and foremost, neither version constitutionally protects Social Security from the chopping block. Social Security is at the heart of our social compact with the American people. Most importantly, we should not allow future Congresses, which will actually have the responsibility for enacting a balanced budget under these amendments, to balance the budget on the backs of America's elderly by raiding the Social Security Trust Fund.

Second, these proposals are an invitation to litigate rather than legislate budgets. Future Congresses could find it too politically difficult to take the painful steps necessary to eliminate the deficit under these amendments. Or, establishing a constitutional imperative to balance the budget will inevitably draw the courts into a myriad of questions involving procedures, definitions, and substance. Disgruntled participants in the budget process such as citizens who loose benefits or Governors trying to deal with Federal mandates will flock to the courts.

Third, for the most part, Members of Congress are not economists and we would be wise to recognize that the economic impacts of a balanced budget on financial markets and the pocket books of working Americans could be very severe. For example, do Members really understand the difference between receipts and revenues? Do you really feel that Congress or even the Congressional Budget Office can accurately estimate receipts and outlays? Indeed, when the Republicans on the Judiciary Committee changed the definition of "receipts" to "revenues", they conveniently left the door open for new user fees or increases in existing user fees. The American people should realize that under the Barton amendment fees to enter National Parks could skyrocket.

Fourth, the American people should realize that none of these proposals outlines how to balance the budget. The new Republican leadership is unwilling to say what they would cut. Instead, their contract promises to cut taxes and increase defense spending which will actually increase the deficit. They say they will balance the budget without cuts in Social Security, but why won't they put it in the amendment? If they are not going to cut Social Security, what will they cut? Will they cut veterans benefits? Again, they say no, but the Judiciary Committee Republicans did not vote for the Reed amendment to protect these benefits from the cuts needed to achieve a balanced budget. So I ask my colleagues, what will you cut?

Finally, nothing in these amendments recognizes that Congress has no control over a large portion of the budget, namely interest payments. In addition, Congress has little or no control over the Federal Reserve which basically establishes interest rates. In one fell swoop, the Federal Reserve could raise interest rates in mid-fiscal year and throw a monkey wrench into all of Congress' estimates as well as cause drastic reductions in Federal programs.

Mr. Chairman, the American people want us to reduce the deficit, and I share this goal. I have already voted to reduce the deficit by $600 billion, and I stand ready to work for fair, honest, well-thought-out cuts. However, I cannot and will not support those versions of the balanced budget amendment which do not protect Social Security.

Mr. WISE. Mr. Chairman, I yield myself my remaining time.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] is recognized for 1¾ minutes.

□ 1400

Mr. WISE. Mr. Chairman, this debate is about whether or not we invest in our future, and there are a lot of balanced budget amendment proposals out here today. But make sure everyone understands this is the only one that truly reflects the way families balance their budgets and the way States and businesses balance their budgets.

Every small business person knows when they buy that piece of equipment to increase productivity that is something that is a long-term asset, and they borrow to do that. They do not borrow, or they should not borrow, for their payroll. They should not borrow for consumption expenditures. Every family knows the same thing, whether it is the mortgage or the car or the college education.

When does the Federal Government learn this lesson? We all want a balanced budget? We want to make sure that we also have in it what is necessary for growth. I think it should be pointed out that physical infrastructure expenditures have been cut by one-half over the past two decades as a percentage of gross domestic product. We are spending half as much in relation to our economy as we did before. We see it reflected in productivity.

Other nations spend far more in relation to their economies. Their economies and productivity are much higher. It is time for us to be moving in line.

With this amendment you get several things. You take Social Security off budget. You take it out of the balanced budget procedure. No one can go after it. You make it possible for investment, just like families do, just like businesses do.

I urge adoption of the Wise amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All the time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from West Virginia [Mr. WISE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WISE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 291, answered "present" 1, not voting 4, as follows:

[Roll No 44]

AYES—138

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Sanders
Sawyer
Schumer
Scott
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Volkmer
Waters
Watt (NC)
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—291

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter

Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Neumann

NOT VOTING—4

Bishop
Fields (LA)
Rush
Spratt

□ 1419

Mr. WARD changed his vote from "aye" to "no."

Mr. McDERMOTT and Mr. DE LA GARZA changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 1420

The CHAIRMAN. It is now in order to consider the amendment numbered 25 to be offered by the gentleman from Michigan [Mr. CONYERS].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CONYERS:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification.

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which a majority of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) for the financing of benefits and administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund for benefits and administrative expenses and the Federal Disability Insurance Trust Fund for benefits and administrative expenses, or any successor funds. The receipts and outlays referred to in the preceding sentence shall be limited to receipts and outlays that provide old-age and survivor cash benefits for individuals based upon their earnings and dependents of such earners or provide disability cash benefits for disabled individuals based upon their earnings and dependents of such earners.

"SECTION 5. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

"SECTION 6. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 7. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later, if Congress agreed to a concurrent resolution setting forth a budget plan to achieve a balanced budget not later than that fiscal year as follows:

"(1) A budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues.

"(2) A detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change.

"(3) Reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution."

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and a Member opposed, the gentleman from Virginia [Mr. GOODLATTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, I am offering the amendment that has been called the truth in budgeting amendment, and I do so for a simple reason. It is time that we force ourselves to quit talking in glittering generalities about wanting to balance the budget by showing exactly how the deficit will be reduced over the next 7 years. Without full disclosure of the details, Mr. Chairman, we are simply engaging in a rhetorical exercise that will signify nothing.

My amendment requires that before the balanced budget amendment could be ratified and take effect, the Congress would be required to formally adopt a plan showing precisely how it would propose to achieve a balanced budget.

Mr. Chairman, my amendment sets out in a simple and straightforward fashion, first, before the constitutional amendment could take effect, Congress would be required to pass legislation showing precisely what the budget will be for the fiscal years 1996 through 2002, containing aggregate levels of new budget authority, outlays, reserves, and the deficit and surplus, as well as new budget authority and outlays on an account-by-account basis.

Let us be clear. Cutting the deficit is important work, and Congress and the administration took significant and painful action over the last 2 years to bring about the $700 billion in deficit reduction. The effort needs to continue unabated. I am convinced that the American people want action, not talk, and they want Congress to deal with them openly and honestly, and that is what this amendment proposes to do, and it is inconceivable that we would consider and vote on a constitutional amendment without even discussing the foreseeable outcomes of that amendment in terms of the budget cuts that will necessarily ensue.

We are still waiting for the Contract With America group to release the details of their specific plans to balance the budget, and in the meantime they move at fast forward to amend the Constitution of the United States. Just last week the Speaker promised the voters an explicit statement of how Republicans plan to balance the budget by the year 2002. At his news conference he stated that we will have probably at the end of April a thoroughly laid out 7-year trajectory that will get us right to a balanced budget. But seconds later the distinguished new chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH] said this was not true. To say what it is going to be like 7 years from now, and I quote, "would be an exercise that would not tell the real story. Rather," he said, "the Budget Committee will present a 5-year budget plan for how to get the road map to get us on a glide path to zero."

If that is the case, my colleagues, then why are we voting on an amendment to balance the budget before we vote on the budget plan? It makes no sense. But my amendment corrects the illogic of this provision.

The second major change that I propose in this substitute would be able to safeguard Social Security benefits. I think we have heard this subject before. We keep coming back to it, safeguard Social Security benefits.

The Social Security system is the most successful social insurance program in the Nation's history. Forty-two million Americans currently receive Social Security benefits, and another 134 million citizens are working and building credits for future benefits. Because of the public's concerns that the Social Security surplus not be used to pay for other Government programs, there has been a longstanding consensus that it should be taken off budget. This is not an historical vestige from the 1930's or the 1940's. It was reaffirmed in a unanimous vote last year implementing the Budget Enforcement Act's determination to exclude Social Security receipts and outlays from traditional budget calculations, and again on this subject there has been a variety of Republican explanations about whether we will keep it in for calculation or whether it is on the table or off the table, and I am saying to my colleagues that we should clear it up in this substitute amendment that now speaks to truth in budgeting and safeguarding Social Security benefits.

□ 1430

Yet at the Committee on the Judiciary debate and at the Committee on Rules hearing, we learned that the other side had no intention of balancing the budget without tapping into, if necessary, the Social Security trust fund.

The respected chairman of the Committee on the Judiciary said cuts would be "too draconian" otherwise. The devastating corollary is that the Social Security benefits will indeed be on the chopping block, either when the surplus runs out of money, or perhaps even earlier.

We all know that concurrent resolutions which purport to protect Social Security, like the one we voted on yesterday, are often not worth the paper they are printed on. Perhaps they are not even fig leaves.

The only way to truly protect Social Security is to provide clear and explicit language in the Constitution providing that Social Security receipts and outlays are to be excluded from budget calculations. My amendment gives every Member a chance to go on record in support of maintaining our trust with the American people in this regard.

Truth in government has to start with truth in budgeting. This amendment, I suggest, gives everyone in the Chamber a chance to sign a real pledge with the American people with respect to each citizen's right to know about the hard choices ahead. Let us not lose heart now. Please support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATE. Mr. Chairman, I rise in opposition to this amendment, and I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, truth in budgeting has a ring to it. I will tell you another phrase I like, truth in debating. Not that anybody tells an untruth around here, but there are shadings of meanings that sometimes distort the reality.

Social Security is containly one. I have been quoted, and I quote from my distinguished friend from Michigan, that I was supporting "tapping into the Social Security fund." The last thing I want to do is tap into the Social Security fund.

The gentleman the other day said that I said Social Security was on the table. I do not know what that means, but I will tell you what I mean. I mean that the present situation which exists as we speak, that Social Security is included in calculating receipts to the Government for purposes of ascertaining the deficit, is exactly the situation that will obtain and continue under the balanced budget amendment. No change whatsoever from current practice. The balanced budget amendment does not have a word in it about tapping into Social Security. You calculate it, but that is all you do. You do not invade it. And there is nothing in the amendment that will indicate that you do that.

So I want to make it clear, I am adamantly opposed to tapping into Social Security, and I oppose the notion of Social Security being on the table, unless it is for calculating only what the total receipts of the Government are, as we do today for figuring the deficit.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I respect the chairman and am glad he yielded. But being able to put it on the table for calculation only leaves it vulnerable to being tapped into.

Mr. HYDE. But, sir, no more vulnerable than it is today. It is on the table for that purpose today.

Mr. CONYERS. But we are taking it out. That is the point we have been debating on Social Security for 2 days now and in our committee. We want to take it off the table and out of it for calculation purposes as well, sir.

Mr. HYDE. Mr. Chairman, reclaiming my time, I thank the gentleman. We Republicans have been beaten over the head with the Social Security issue for years by the opposition party, the recent majority party, now minority party. "Save Social Security, vote Democrat." In 1982 it was particularly effective. So you have gotten on to a good thing. And despite the fact we are trying to protect Social Security, you accuse us of trying to weaken it and endanger it.

The real protection of Social Security comes from having a sound economy and stopping the mounting debt, which is already $4.7 trillion, and stopping the erosion of our economy by having to be obligated every year for $225 billion in debt service, which buys nothing but pays off the bondholders. If we keep pursuing that course of action, the seniors do have a lot to worry about.

So let us get that straight. It was your party that taxed Social Security in the last budget that you gave us, and we to a man resisted it. So let us not pretend we are the valiant defenders - of - all - things - Social - Security, when you are the people who taxed it, and, if we follow your recommendation, the economy will be down the tubes.

So that is, indelicately, where we are.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I like the gentleman's recent history about who supported which party. May I remind the gentleman that Social Security was a Democratic Social Security insurance policy.

Mr. HYDE. Absolutely. I remember that. I was alive then.

Mr. CONYERS. That was opposed by Republicans. That is where this division came from. Did you recall that in history?

Mr. HYDE. Yes, 1935. I remember. I was there. The Cubs won the pennant, and so did Detroit.

Mr. CONYERS. The point of the matter is that Republicans have resisted the Social Security program.

Mr. HYDE. They were wrong.

Mr. CONYERS. But when it was brought first to the Federal debate in Congress. So it is not something recent that just happened, that we were tagging you. This resistance has been revealed time and time again, and comes up again in this debate.

Mr. HYDE. Mr. Chairman, reclaiming my time, I would say we are now the quick learners, and the gentleman's party is on the opposite side of that barricade.

Mr. Chairman, under article V of the Constitution, the House and Senate by two-thirds votes can propose amendments. Article V specifies in part that such amendments shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States.

The Conyers substitute imposes an unprecedented condition on a constitutional amendment taking effect. The effective date provision of House Joint Resolution 1, section 9, says the article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after ratification, whichever is later.

The Conyers substitute, however, amends section 9 to condition the article taking effect on Congress having passed a concurrent resolution setting forth a budget plan with all the various ingredients and nuances and guesses and speculations to achieve a balanced budget by the effective date.

Mr. Chairman, I suggest a ratification process which requires favorable action by 38 States is a sufficient deterrent to improvident changes in the Constitution, a sufficient deterrent to the fast track the gentleman complains about. The fact that in over two centuries, only 27 times has the Constitution been amended, including the first 10 amendments of the Bill of Rights, demonstrates that the process is already sufficiently and advisedly cumbersome.

□ 1440

The condition the Conyers substitute would impose is congressional agreement to a concurrent resolution setting forth a budget plan—not only does the amendment specify where we are headed, but he wants a road map as part of the amendment—to achieve a balanced budget not later than the fiscal year when the amendment takes effect.

The language of the substitute is ambiguous on when Congress has to agree to the current resolution, but the implication from requiring budgets for fiscal years beginning in 1996 is that Congress must speculate in advance details of the Federal budget for at least a 7-year period. Such an unreasonable requirement is inconsistent with the purpose of the amendment itself: namely, that the discipline of a constitutional amendment is desperately needed to achieve a balanced budget.

Experience documents the failed legislative attempts we have made over and over, wearyingly, to achieve a balanced budget in the absence of a constitutional amendment.

The language of the Conyers substitute ignores this experience by mandating that agreement on the details of achieving a balanced budget must be reached before it can be determined that the Constitution will be amended. That puts the cart before the horse.

It is impractical to delineate budgetary details 7 or more years in advance. That ought to be obvious. The dramatic changes in our world during the last 7 years underscore the futility of predicting national needs through fiscal year 2002 or beyond.

We can agree now that we do not want our country to continue spending beyond its means. But we cannot predetermine priorities among future needs. We know we must not continue spending beyond our means, but we are not omniscient and cannot allocate resources way into the future with any degree of logic or accuracy. We just lack the information to make informed judgments today about the details of spending priorities in the year 2002.

Two very important provisions of House Joint Resolution 1 are omitted from the substitute of the gentleman from Michigan [Mr. CONYERS]. The absence of special voting requirements to increase taxes certainly will lead to excessive reliance on tax increases rather than spending cuts, a course of action that can depress economic growth. The absence of protections against increases in the debt ceiling may result in continued borrowing. It will result in continued borrowing, which will cloud our country's future.

A balanced budget constitutional amendment that overlooks the potential for tax increases and continued borrowing is borrowing trouble. It is seriously deficient.

Finally, the pending substitute's treatment of Social Security detracts from rather than enhances protections for old Americans.

For these reasons and many others, I urge my colleagues to vote against the Conyers substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, recent polls show that 86 percent of the American people want to know where the cuts will be made before a balanced budget amendment is approved; 80 percent of voters want Social Security excluded from a balanced budget amendment, and a broad cross section of voters across both age and political lines believe Social Security and Medicare should not be cut in order to balance the budget.

Why then has the Republican leadership refused to include the American people in the process by keeping them in the dark regarding the specific cuts that will be made?

In the 103d Congress we discussed on this floor the discharge petition process. This became an issue between secrecy and openness. A current Republican member of the Committee on Rules said then, and I quote, "the American people have said Government has to change. The American people have said that Government needs to respond to openness, that Government needs to do its business in the open and Government needs to be honest with the people it represents."

Also, during the A-to-Z spending cuts deliberation, the Republicans demanded that an open discussion on budget policies be allowed. I rose then in the spirit of bipartisanship and pleaded that my own party permit a legistimate debate which would afford Members and all Americans the opportunity to address their concerns. I stood with the Republican leadership and insisted that openness supersede secrecy.

Today we are faced with a vital issue, amending the Constitution of the United States. Yet the same Members who pleaded, demanded, and cried that we proceed with openness now dictate secrecy.

Mr. Chairman, I ask the Republicans to do nothing more than I demanded of my own party during the A-to-Z deliberations, that being openness rather than secrecy. Balancing the budget is a good idea, but enacting a secret economic policy that ultimately could cut vital programs for our children, senior citizens, and veterans puts secrecy ahead of open Government. The fact remains that Americans have been kept in the dark regarding the specific cuts.

Seniors deserve to know if Social Security or Medicare will be chopped. Veterans have the right to know if their pensions will be cut. Parents have the right to know if school loans or health care will be reduced or eliminated.

Mr. Chairman, I will not vote for a back door scheme to destroy the very programs that give Americans some degree of security.

Finally, I would like to give credit to the gentleman from Texas [Mr. STENHOLM]. I know he recognises and appreciates the truth-in-budgeting ideas, and I applaud his hard work on this issue.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado. [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I thank the gentleman for yeilding time to me.

I just want to make one brief point here. The entire reason that we are here to debate this balanced budget amendment is because there exists a fundamental bias toward deficit spending in this town. Requiring a three-fifths vote to borrow money is necessary to give American taxpayers equal protection in Washington. The substitute only requires a majority to borrow money. This is what got us in trouble in the first place.

Since I came to Congress, in 11 years the national debt has escalated up $3 trillion. Now, this has been done just by majority votes. That is why we need three-fifths in there, to not get ourselves in a place where we are going to go more and more into deficit spending.

I urge my colleagues to vote "no" on this substitute and vote for the Schaefer-Stenholm substitute when it comes up.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA], a member of the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I thank the ranking member from Michigan for yielding time to me.

Let me begin by saying that I agree with my chairman, the gentleman from Illinois [Mr. HYDE], that the Republicans were wrong in 1935 to oppose the creation of Social Security. And, Mr. Chairman, Republicans are wrong today to oppose protecting Social Security.

Today's Republicans should not make the same mistake and let history repeat itself again, as it did back when Republicans in 1935 opposed Social Security.

The truth-in-budgeting provision merely asks that Congress tell the American people how it will balance the Federal budget. I call it the put up or shut up requirement.

If Republicans want to talk about balancing the budget, then they should put up the numbers. But yet the Republicans refuse to talk to the American people and tell them how they will cut $1.3 trillion to balance the budget. They refuse to protect Social Security in their balanced budget amendment. And at the same time in their Contract With America they want to increase spending for the military and cut taxes, mostly for the rich.

Well, yesterday I actually got an idea of how the Republicans want to take this particular amendment and pass it and why they refuse to tell the American people anything about how they would balance the budget. Let me quote one of my Republican colleagues, who yesterday spoke on this floor, when he said that telling people how they would balance the budget, cut $1.2 trillion—what that would mean.

He said, "That is like telling George Seifert of the San Francisco 49ers that before he can play the Chargers this Sunday in the Super Bowl, he must turn over the playbook before the big game."

My goodness, here we have it. This is the playbook of the Republican Party, to cut taxes, to cut Social Security. They will not tell us because the Chargers—in this case the American people—would have the playbook.

The American people would know what the 49ers or the Republicans are going to do. My goodness, is it such a sin for the American people to want to know what this House will do? This is not a game of football. This should not be a game of hide and seek.

We all should know where the cuts will come.

□ 1450

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the minority party needs to come clean on this. They are simply using this amendment as a last desperate shield to stop the balanced budget amendment. They know a real balanced budget amendment will stop the gigantic spendathon they have been on for over 40 years.

American families know that trying to get Democrats to quit spending taxpayer dollars is like trying to knock hungry buzzards off a meat wagon. That is why we need to reject the Democrats' attempt to derail the balanced budget amendment.

Let us send a real message to hard-pressed Americans that their Congress, their Representatives in Washington, are really serious about ending budget deficits, ending bloated Federal budgets, and ending the national debt that threatens the future of our children and grandchildren.

Mr. Chairman, this amendment is flawed. This amendment is inconsistent with the ratification process envisioned by our constitutional Founders, by adding this superfluous language that would have the effect of this Congress making decisions that it has absolutely no way of enforcing with future Congresses that will be acting between now and the year 2002, when this amendment will become fully effective and we will have a balanced budget.

This susbtitute fails to include a supermajority voting requirement to increase taxes, and this substitute fails to provide protections against increasing the debt above a certain level. Mr. Chairman, the debt ceiling section is an important feature of the Committee on the Judiciary reported version of the balanced budget constitutional amendment, and I would urge my colleagues to support that version.

Finally, Mr. Chairman, this substitute does not protect Social Security, it puts Social Security in harm's way by politicizing it, by making it an attractive target. This Congress or future Congresses would have the opportunity to put other things in the Social Security Act. This does not protect the act, it simply protects the trust fund, and will subject the act to abuse by putting in other things like food stamps and Medicare and public housing. We should not do that.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to my colleague and friend, the gentlewoman from the 15th District of Michigan, Miss BARBARA-ROSE COLLINS.

Miss COLLINS of Michigan. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me.

Mr. Chairman, I rise today in strong support of the Conyers substitute because it brings a measure of common sense to the balanced budget amendment proceedings. As it stands, the majority wants to lock Congress into having a balanced budget by the year 2002, yet hamper its option to raise taxes or expand the deficit. By all but closing this option, the majority's intent is very clear: yank the rug out from under our Nation's elderly and disabled.

Mr. Chairman, our Nation's senior citizens have worked all of their lives with the expectation of a safety net, and they have worked for most of their lives to pay for it. They trusted us, Mr. Chairman, and I, for one, will not betray them.

I support the Conyers substitute because it does away with the supermajority tax and deficit provisions, and it exempts Social Security from balanced budget considerations. In doing so, it frees the hands of Congress to meet our budgetary obligations without cheating the entitled. The substitute also mandates that Congress first spell out exactly how it is going to balance the budget before locking us into this do-or-die situation. I think the American people deserve to know who is going to pay the price for this constitutional amendment before it becomes law.

Mr. Chairman, I will not be a party to deceiving the American people. Balancing the budget is going to require mammoth cuts totaling $1.2 trillion, and the American people have a right to know what is going to be cut.

If balancing the budget means that we have to close our eyes and ears and harden our hearts to those who are calling and crying for jobs, shelter, food, a better education, and more secure living conditions—then what purpose does the balanced budget serve?

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER], a member of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, this is the real moment when we know if people are willing to put their money where their mouth is, because the bottom line is a simple one. This amendment simply says "If you believe in the balanced budget amendment, have the courage now to stand up and say where you will cut." It is very plain and very simple.

When we look at what the cuts would be, Social Security, now maybe they will exempt it. However, if they exempt Social Security, Medicare will end as we know it, because there will have to be at least a 30=percent cut in Medicare, and cuts in programs that are vital to communities throughout America. Then, truly, as the majority leader said, knees will buckle.

The bottom line is, many of us on this side believe we do have to balance the budget, but we have to do it gradually, not by some gimmick that was thought up as a campaign slogan and has now worked its way to a constitutional amendment.

Yes, Mr. Chairman, our Government is sick. We do have too much deficit spending. However, when we administer to a sick patient an overdose of therapy, the patient can die.

There are better ways to balance the budget, and if those who support the amendment are so sure that their way is best, then they would not be afraid to show the kinds of cuts, which many of us believe are draconian, that will occur as a result of the amendment. It is plain and simple.

Mr. Chairman, you cannot trick people. If you do not have the courage to say what the cuts are now, you will not have the courage to vote for the cuts later, and the balanced budget amendment will end up being one more sham, one more ruse on the American people.

Mr. Chairman, I ask my colleagues, whether they are for or against the amendment, in the name of honesty in government, to support the Conyers amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. I thank the gentleman for yielding me the time.

Mr. Chairman, I was not going to take the time. I have spoken enough on this issue and everybody knows where I stand.

However, I have been compiling the records of all these speakers who have been speaking against the balanced budget amendment, the members in the Committee on Rules, the members in the Committee on the Judiciary and all the rest. On this National Taxpayers Union rating, every single one of them are listed as the biggest spenders in the Congress. Why are they up here? Because they do not want to cut the budget.

Mr. Chairman, when they say there is secrecy, there is no secrecy. We are going to enact a balanced budget amendment. That is going to force all of us to tighten our belts and live within our means.

How are we going to do it? I presented a balanced budget to this body 1 year ago. It did not raise taxes, it did not cut Social Security, and it did not touch veterans' contractual obligations, none of that. What it did do was eliminate 150 programs, like the Interstate Commerce Commission. It privatized 25 Government agencies, like the Federal Aviation Administration. It consolidated 35 Government functions, like the Bureau of Indian affairs, that has been around here for 100 years.

It downsized the Department of Education, which has ruined education, from 5,000 employees down to 500 employees, and made them a policy gathering, coordinating, consulting team to help State education departments. It abolished the Department of Energy, which has not produced one gallon of oil, 16,000 employees. It converted the Department of Commerce, which never produced a nickel of profit in this country, from 36,000 employees down to 3,500. How would that hurt people?

Mr. Chairman, yes, it did make cuts in Medicare. Do you know what it did? It means-tested people with over $100,000 in income and said "You don't need Federal money to pay your health benefits." It said to people on school lunch programs "You Members with $125,000 salaries do not need to have your children subsidized." That is what it did.

Have we hurt one person yet who truly needed help? No. Here it all is, Mr. Chairman. It does not hurt anybody but it balances the budget.

□ 1500

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds to ask the distinguished chairman of the Committee on Rules, what reductions and cuts were made in Medicare and Medicaid in the budget proposal that the gentleman from New York offered?

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. SOLOMON. Only cuts that would means-test Medicare, and that is where 40 billion dollars' worth of savings could be found. For people with incomes over $100,000 we cannot afford it. We do not have the money. And senior citizens with incomes over $100,000 do not mind being cut.

Mr. CONYERS. Those were the only cuts?

Mr. SOLOMON. In Medicare, yes.

Mr. CONYERS. In Medicaid? No cuts in Medicaid?

Mr. SOLOMON. Not in my budget.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I thank the gentleman for yielding me the time.

Mr. Chairman, amending the Constitution for fiscal policy is something I do not cherish. However, I must say that the Conyers amendment perfects House Joint Resolution 1 to the point where I am considering it. How does it do it? Truth-in-lending, truth-in-budgeting, as well as truth in what we are supposed to do.

We have an obligation to tell the people where those cuts are coming from. If indeed the gentleman from New York [Mr. SOLOMON] is suggesting that his budget last year is the budget that is going to be proposed for this year, perhaps indeed there are some details. I would suggest they are not the same.

I appreciate his telling us he had details, but in fact he received 73 votes and that is not a constitutional amendment, even in that time.

The other reason I think the Conyers amendment perfects my concern, it does not make Social Security subject to the constitutional amendment. It takes it off of that. It protects it.

I voted for that resolution earlier on yesterday, knowing full well it did not have the full force of making this Constitution safe for Social Security members. Therefore, it protects it. If indeed you are correct that you want to protect Social Security, you will vote for the Conyers amendment.

Finally, the three-fifths requirement creates a superminority as well as a supermajority. It means that you will find the tail wagging the dog.

As you allow a supermajority, not only do you marginalize myself, but you also create such a havoc in the majority rule.

For those three reasons, I support the Conyers amendment. I think the Conyers amendment perfects those flaws we find in House Joint Resolution 1.

Mr. Chairman, the Conyers amendment would perfect House Joint Resolution 1 to the point that I would be prepared to vote for the balanced budget amendment. Throughout the course of this debate, I have discussed the areas that trouble me in the proposal as written. The Conyers amendment cures those areas. First and foremost, it takes Social Security off the table.

The Conyers amendment includes express language, in the constitutional amendment itself, not in a separate statute or in an empty resolution. That express language exempts Social Security from balanced budget calculations. I fully support that exemption. The Conyers amendment also contains a provision for "truth-in-budgeting," which prevents the balanced budget amendment from going into effect until Congress specifies—on an account-by-account basis—how the budget would be balanced over the 7-year period. This provision satisfies my concern that the American people have a right to know what will be cut.

Unlike the Barton amendment, which passed earlier today, the Conyers amendment does not require a supermajority vote for the Federal Government to raise needed revenue. Such a requirement empowers a minority of the Members of Congress at the expense of the majority. It creates a classic case of the tail wagging the dog. It is not unlike creating a superior group of people to conduct the affairs for the masses of people. This Nation fought a Revolutionary War over rule by an unaccountable minority. That notion was unacceptable in 1776, and it is unacceptable now.

And, finally, Mr. Chairman, the Conyers amendment does not require a supermajority vote to make decisions about budget and spending ceilings. This provision will force us to do what we were elected to do, and that is to make the hard choices, to exercise judgment, and to act in the interest of the American people. We were not sent here to create a robot-like system, with automatic spending caps, sequestration, and other fancy tools, to make decisions for us.

Mr. Chairman, the Conyers amendment does not address my primary concern with this legislation because it cannot. My primary concern is that, because we have fixed an arbitrary, hasty schedule to act quickly, we may not be acting wisely. The Constitution of the United States is a sacred document. Changes to it should be made only after careful consideration and cautious deliberations. We have not done that in this case. We are seeking to do in 100 days that which we usually do over many years. Let's not forget that, in the end, it was the tortoise that won the race—not the hare. Vote for the Conyers amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Conyers version of the balanced budget amendment. I do strongly and adamantly support amending the Constitution to require a balanced budget for the Federal Government. I hope we will approve a balanced budget amendment before this day is over.

I support the three-fifths requirement to raise taxes, but that provision alone should not derail the train. We have heard throughout the debate of the last 2 days how Congress has failed in its fiscal problem, straying so far from the ideals of our Founding Fathers who considered deficit spending to be a violation of moral principles. Jefferson and Hamilton and Madison all wrote about the dangers of public debt. Early Presidents McKinley, Monroe, Jackson, and Adams, they all trusted the balanced budget as a sound maxim of political economy.

Even more importantly, Mr. Chairman, in the here and now, our constituents understand that decades of deficits and a nearly $5 trillion debt are wrong. They overwhelmingly support a balanced budget amendment.

We have strayed from sound fiscal policy and this debate has strayed from that issue, I am afraid. Again and again I have heard not policy discussions but Members positioning themselves for the sound bite, using alarmist rhetoric about Social Security and other programs that has no basis in fact. I regret the direction that the debate has taken. I think we should truthfully discuss the right direction for our country and that does include a balanced budget amendment.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I rise in support of the Conyers amendment for truth-in-budgeting. We need to tell the truth about what is going on in the budget. If we cannot balance the budget by the year 2002, then we will have a supermajority requirement, 60 percent, to pass the budget.

The fact is, Mr. Chairman, that it is difficult to get a simple majority to step up to the plate to cast the tough votes to reduce the deficit. If we are going to require a three-fifths vote, it will actually make it impossible to cut the deficit because 60 percent will never step up to the plate to cast those votes.

The gentleman from New York mentioned his budget. The thing he left out is that it only got 73 votes. It is much more likely to get 60 percent to accept a pork-laden budget that has something for everybody, just like the tax cuts and excess spending in the so-called Contract With America.

The Conyers truth-in-budgeting not only tells the truth about Social Security, it protects Social Security.

Mr. Chairman, I would hope that everyone would support the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I rise in support of the Conyers truth-in-budgeting substitute.

Without it, the sponsors are asking that the States consider amending our 200-year-old Constitution in the dark, without a proposed set of cuts. It is like asking the American people to sign a blank medical consent form. They are being put to sleep and will not know what is being cut until they wake up.

We need to wake up the American people now.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in support of the substitute offered by my good friend from Michigan who has worked incessantly on these issues for many, many years.

I am a supporter of the balanced budget amendment. I think it is clearly stated here that what we need to do is vote on something that has a strong truth-in-budgeting provision. The cuts needed to balance the budget by the year 2002 should be clearly stated to the public.

A survey 2 days ago by the Los Angeles Times revealed that 86 percent of those polled would like to know what cuts are needed to balance the budget before a balanced budget amendment is voted on. Just 18 months ago, many of us cast our votes for the largest deficit-reduction package in history. As the new majority leader would say, there were some knees buckling that day because we honestly and clearly stated the sources of deficit reduction, and we took some hits. We went after those that were getting too much and are Social Security recipients. We went after some retirees. We went after a lot of sources and groups that are very powerful that reacted negatively in the polls. But we came back and produced $700 billion in deficit reduction. Everybody acknowledges that this is one of the President's top accomplishments.

What we need to do today is honestly state what needs to be done to balance the budget so that we can ensure it is not at the expense of senior citizens, veterans, or the underprivileged. They do not deserve their knees to buckle in the future. Let us just have truth-in-budgeting. Let us make sure that this amendment passes so the American people, the States and the Governors, those that are going to bear the responsibility of this amendment, see what is happening.

□ 1510

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 2 minutes to my friend and colleague, the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, for years at town meetings I have been talking with constituents about out budget deficit and spiralling national debt. Each year beginning in the mid 1980s I brought to these meetings a new chart showing our still higher debt.

My constituent's concerns have been my concerns, their outrage has been my outrage as the national debt rose from under $1 trillion to over $4 trillion.

This high level of concern and outrage has been a source of my consistent support for comprehensive deficit reduction legislation. I vote for Gramm-Rudman I and Gramm-Rudman II, for the summit agreements of 1990 and the 1993 Deficit Reduction Act.

The arguments for a balanced budget amendment is that we will force the Federal Government to do what it has not otherwise accomplished. But the proposed constitutional amendment does not have written within it any enforcement mechanism nor any assurance that the Congress would not engage in any of a variety of devices to avoid its language.

The only way to turn around the deficit is to make the hard decisions now, not to make promises for much later, even if they are shrouded in constitutional language.

I support the Conyers amendment because it is the only approach I have to express my support for focusing on the here and now instead of 2, or 5, or 7 years from now.

By requiring Congress to spell out the cuts before any amendment takes effect, we give the American people and the States the chance to judge for themselves the merits of this course. We own them this honesty and openness in the budget process, and I will support no less.

It has been said the balanced budget amendment is like President Kennedy's pledge to reach the moon, but the wrong lesson has been drawn. President Kennedy called upon America's will, not for new language in our Constitution.

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the constitutional amendment being offered by my friend and colleague, Mr. CONYERS. I do, however, want to commend the gentleman from Michigan for his efforts in putting together this amendment and I am very pleased that he has joined the growing number of Members who support the principle of amending the Constitution to require a balanced Federal budget.

Like several of the other amendments, the Conyers substitute takes Social Security off-budget. In several earlier statements during this debate I registered my opposition to this action and detailed the reasons for that opposition. I will not repeat those arguments here.

The other significant element to the Conyers amendment, however, is that it would not be considered effective until a complete plan for removing the deficit was approved by the Congress and President.

No one could be more eager than I to continue the process of deficit reduction. I trust that my wounds, earned through battles over budget firewalls, emergency spending, entitlement caps, spending cuts and budget resolutions, speak to my sincerity on this issue.

Unfortunately, in many of those battles our proposals went up in flames. To answer the frequently asked question, yes, I can come up with a plan to balance the budget all by myself. And I can guarantee about 37 votes for it. There are literally hundreds of plans out there—there is no one way to balance the budget. What's lacking is some mechanism to force a consensus. There may be 435 plans in the House for balancing the budget, but not one of them will get 218 votes until we remove the easy alternative of borrow-and-spend.

I must admit to feeling more than a little frustration from opponents of the balanced budget amendment who feel they are the ones alone who are justified in issuing the challenge to "show your balanced budget" to amendment supporters. These are the very same people who also claim that we do not need a constitutional amendment; we simply need to make the hard choices.

Well, my response to these folks is that they have just as much responsibility in coming up with the solutions as the challenges, especially if they claim it can be done without the constitutional imperative. We are have a responsibility to future generations. We all need to work together to reduce our deficit and debt.

The horrors conjured up when opponents talk about balanced budget constitutional amendments are not really aimed at those amendments, but rather against what those amendments will require: significant deficit reduction. To those who assert that deficit reduction will wreak havoc on the economy, I must ask, "What do you think the deficit is doing to our economy?" More importantly, what do you think it will do to the lives of our grandchildren?

Reaching a balanced budget will require discipline, but it is a far cry from the doom-and-gloom scenario portrayed by many opponents of the constitutional amendment. Federal spending is increasing now at about 5 percent, or about $75 billion per year. Trimming that growth in spending to 3.1 percent would balance the budget by fiscal year 2002. But the hard truth is that the budget won't be balanced without passing the amendment first.

I have high hopes that this year the Congress will have the courage to protect the unprotected and pass the balanced budget amendment.

Oppose the Conyers amendment. Support the Schaefer-Stenholm substitute.

PREFERENTIAL MOTION OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. WATT of North Carolina moves that the Committee do not rise and report the joint resolution back to the House with the recommendation that the resolving clause be stricken.

PARLIAMENTARY INQUIRY

Mr. GOODLATTE. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia will state his parliamentary inquiry.

Mr. GOODLATTE. Mr. Chairman, is the gentleman opposed to the bill?

The CHAIRMAN. Is the gentleman from North Carolina opposed to the bill?

Mr. WATT of North Carolina. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman qualifies.

The gentleman from North Carolina [Mr. WATT] is recognized for 5 minutes on his preferential motion.

Mr. WATT of North Carolina. Mr. Chairman, I understand that this is not a debatable motion, and I would move the question.

The CHAIRMAN. The gentleman is entitled to 5 minutes, and there is the potential for a Member to be recognized for 5 minutes in opposition to the preferential motion.

Mr. WATT of North Carolina. Mr. Chairman, I reserve my time.

The CHAIRMAN. The gentleman cannot reserve his time; the gentleman can only utilize his time, and he has been recognized for 5 minutes.

Mr. WATT of North Carolina. Mr. Chairman, we have this balanced budget amendment on a fast track. The Committee on the Judiciary took 2 days of testimony; it took 1 day of markup; left more than 20 amendments pending in that committee; refused to hear those amendments, refused to consider them.

The Committee on Rules had more than 50 amendments before it; refused to allow more than 6 to be considered on the floor of this House. I consider this a breach of their responsibility, both the committee and the Committee on Rules to allow full and fair debate on this bill.

Amending the Constitution is a serious matter. It took months to draft this Constitution. There have been many attempts to amend the Constitution, very few of which have been successful.

To put this whole process on a fast track, move it as if the American people ought to be disregarded, ought not be told the truth about how the budget will be balanced, ought not be told the truth about how Social Security and other important programs will be dealt with, is and should be an insult to my colleagues in this body and certainly is an insult to the American people.

I think we ought to slow this process down, and I would request that my colleagues support this resolution.

☐ 1520

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the motion.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Chairman, this is a dilatory motion. It will only slow down this process by the 5 minutes of debate given to the gentleman from North Carolina, the 5 minutes of debate given to me in opposition to the motion, and the 17 minutes for a roll call, if that is what the gentleman from North Carolina is after.

That really does not contribute to discussing the very legitimate issues that are posed in the balanced budget constitutional amendment.

Now, even after this amendment is approved by the House of Representatives, it still must go to the other body, and if approved there, it then goes to the State legislatures for ratification, and 38 States must approve it before it becomes a part of the Constitution of the United States.

There will be plenty of debate on this constitutional amendment in the other body and this body and in the State legislatures before it becomes a part of the Constitution.

A 27-minute delay proposed by the gentleman from North Carolina is not going to contribute to a discussion of the issues.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 331, answered "present" 1, not voting 6, as follows:

[Roll No 45]

AYES—96

Abercrombie
Ackerman
Becerra
Bentsen
Berman
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
Dellums
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Furse
Gejdenson
Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Johnson, E.B.
Kennedy (RI)
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McDermott
McKinney
Meek
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rangel
Reed
Reynolds
Richardson
Roybal-Allard
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wise
Wyden
Wynn
Yates

NOES—331

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Minge
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Traficant

NOT VOTING—6

Bishop
Fields (LA)
Montgomery
Murtha
Rush
Williams

☐ 1541

Ms. RIVERS and Messrs. SAWYER, WARD, SHAYS, and DOGGETT changed their vote from "aye" to "no."

Mr. FRANK of Massachusetts changed his vote from "no" to "aye."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are to be reminded that we intend to hold votes to 17 minutes. Members will miss votes in the future if they are not here promptly.

Mr. MFUME. Mr. Chairman, might I inquire how much time is remaining on the amendment that is before us?

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 5½ minutes remaining. The gentleman from Virginia [Mr. GOODLATTE] has 10 minutes remaining.

The gentleman from Virginia [Mr. GOODLATTE] has reserved his time. The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], as a member of the Committee on the Judiciary, in support of the truth in budgeting amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I support this substitute for two reasons.

First, I note that the American Association of Retired Persons has come out strongly for legislation in the amendment itself that will prevent Social Security from being subsumed into the overall budget balancing mechanism. The AARP recognizes that, absent the kind of language that is in this version and has been in many others that have been defeated, a constitutional amendment which collapses Social Security into the rest of the budget for purposes of balance generates pressure to cut Social Security benefits that we should not have.

Second, the gentleman from Michigan has made what would seem to be a very noncontroversial request: explain how this would be achieved. He is asking those who are in control of the Congress now to give an illustration of how they would balance the budget. They are being given the opportunity to show it in the best possible light from their standpoint. What we are saying is, "As you get to the deliberative process of ratification in the States, let us have this for the edification of people."

But the point is this:

A serious debate is about to take place about whether or not to ratify this amendment by 2002. Many of us believe it poses an undoable task in too short a period of time. People on the other side say it does not. Well, why are they unwilling then to demonstrate it, if in fact this can be done more easily than many of us think, with less pain, and less disruption and less economic difficulty? Why do the proponents so vigorously resist showing that? They are being asked to show it on their terms. They are being told, "Whatever budget you want to propose, come forward and show us."

Instead we are told, well, if we did that, knees would buckle. There is, I think, an unbecoming lack of faith in democracy.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, could we inquire if the other side has any other speakers? We have the right to close, as I recall.

The CHAIRMAN. The gentleman from Virginia [Mr. GOODLATTE], managing the bill for the committee would have the right to close. The gentleman from Michigan would have to finish before the closure by the gentleman from Virginia.

Mr. CONYERS. Mr. Chairman, could I inquire how many speakers the other side has?

The CHAIRMAN. Does the gentleman from Virginia have additional speakers?

Mr. GOODLATTE. No, Mr. Chairman, just my close.

The CHAIRMAN. The gentleman from Virginia indicates that he is the last speaker on the majority side.

□ 1550

Mr. CONYERS. Mr. Chairman, I am delighted to yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

Ms. JACKSON-LEE. Mr. Chairman, I thank the chairman for his handling of this body and bringing about order.

Mr. Chairman, let me also thank the gentleman from Texas [Mr. BARTON] and the gentleman from Texas [Mr. STENHOLM] for their interest in this matter. Let me also say I am interested in having this Nation move forward and balancing our budget. But I also rise today to support the Conyers substitute, because I want to clear up the fog and the muddiness that has fallen upon this process.

Let me call the roll as we cut transit dollars in Houston; Ryan White AIDS funding in Houston; dollars for health care in Houston; dollars for elementary schools in Houston; cutting some $2 million over 7 years on the Meals on Wheels; cutting the WIC Program for some 4,300 women in Houston. Mr. Chairman, I simply ask that as the contract on America stated, in an era of official evasion and posturing, we offer instead a detailed agenda for the national renewal.

Mr. Chairman, as we talk about the rollcall that I have just called, and I hope that it is an important issue for all of us to listen to, it is important that we again shed light. It is important that our constituents recognize that they did not send us to Washington to avoid the real work and tough decisions that come with reducing the Federal deficit. I believe we must earn the trust of the American taxpayers by providing them with the details on exactly which programs will be cut. All we simply ask from our fellow Representatives across the aisle is to give us clarity. Allow us to go through a process that gives to the American people where the cuts will be.

Mr. Chairman, I support the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 2 minutes remaining.

Mr. CONYERS. Mr. Chairman, under my amendment before a balanced budget constitutional amendment can be sent to the States for debate, Congress would be required to adopt a plan showing it proposes to achieve a balanced budget. Such a plan is needed so that the States and the American people are aware of specifically which programs will be ended and what revenues will be raised over the next 7 years. Without it, we will be passing what will become to be known as the mother of all unfunded mandates, and that is what we have before us.

Without identifying where the cuts would be made to balance the budget, the amendment before us, a constitutional amendment, is nothing but a feel-good amendment that creates the illusion of eliminating the deficit without mandating any specific action.

If the American people were presented with a list of specific things that would have to be done to balance the budget, not only in the year 2002 but even later, I do not know whether they would support the amendment. Perhaps they would. But they should be given an opportunity to decide.

None of the proponents of the amendment have submitted a specific program that comes close to balancing the budget. That is not dealing fairly with the American people.

I urge, if we are to have a constitutional proposal, that this truth in budgeting idea be included within it.

Some of the proposals now in circulation would require not only that the budget be balanced, but also that a three-fifths majority of the Congress would be required for raising taxes.

Support the Conyers substitute.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is irresponsible for the supporters of this substitute to demand in a single legislative vehicle a specific balanced budget plan covering the next 7 years as a precondition for passing the amendment. As George Will has said, the Constitution stipulates December destinations. It does not draw detailed maps. Making complete and accurate spending revenue projections covering the entire 7-year timeframe is impossible at this time, and they know it. It would be the sheerest speculation and more misleading than informative.

Mr. Chairman, this year, as part of the annual budget process, Congress will begin to identify what specific cuts need be made between now and the year 2002. There is no more time for delay. We need to get about doing that. If you support a true balanced budget amendment, if you want to send a clear, unmistakable message to American families that you are tired of bloated bureaucratic boondoggles and pork barrel projects, if you are really serious about ending red ink, then vote to reject this amendment and enact a real constitutional amendment and do the will of the American people.

Mr. Chairman, I yield back the balance of my time.

Ms. BROWN of Florida. Mr. Chairman, I rise in support of Congressman CONYERS' balanced budget substitute because I strongly believe that the States and the American people have a right to know exactly how the budget would be balanced and what the impact would be on all Americans.

According to a State-by-State analysis released by the U.S. Treasury Department, if the budget were balanced in 7 years, as the Republicans propose, Federal grants to States would be slashed by billions of dollars.

The programs that the Republicans would cut aren't about waste in Government—they're about real people. Medicare for the elderly. Education and loans for our children. Veterans' benefits for those who have protected us in times of crisis. That's why we've got to have an honest balanced budget debate so that every American knows exactly what's at stake in this debate.

At stake for Florida is $2.7 billion in annual Federal grants that would be lost: $1.5 billion per year in Medicaid funds gone; $202 million per year in highway trust funds grants gone; $170 million per year in funding for welfare [AFDC] gone; $764 million in education, job training, environment, housing, and other areas—gone, gone, gone.

Let's tell the truth to the American people by supporting the Conyers balanced budget amendment substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 317, not voting 5, as follows:

[Roll No. 46]

AYES—112

Abercrombie
Ackerman
Barcia
Becerra
Beilenson
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Ford
Frank (MA)
Frost
Furse
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kaptur
Kennedy (RI)
Kildee
LaFalce
Lantos

Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Nadler
Neal
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sawyer
Schroeder
Schumer
Scott
Slaughter
Stark
Stokes
Stupak
Thompson
Thornton
Thurman
Torricelli
Towns
Tucker
Velazquez
Ward
Watt (NC)
Williams
Wise
Woolsey
Wynn
Yates

NOES—317

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Torres
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Bishop
Dornan
Fields (LA)
Rush
Sanders

☐ 1614

Ms. ROYBAL-ALLARD, Mr. STUPAK, and Mrs. SCHROEDER changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 29 offered by the gentleman from Missouri [Mr. GEPHARDT] or his designee.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BONIOR: Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which a majority of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) for the financing of benefits and administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursement of the Federal Old-Age and Survivors Insurance Trust Fund for benefits and administrative expenses and the Federal Disability Insurance Trust Fund for benefits and Administrative expenses, or any successor funds. The receipts and outlays referred to in the preceding sentence shall be limited to receipts and outlays that provide old-age and survivor cash benefits for individuals based upon their earnings and dependents of such earners or provide disability cash benefits for disabled individuals based upon their earnings and dependents of such earners.

"SECTION 5. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

"SECTION 6. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 7. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later."

Mr. SENSENBRENNER. Mr. Chairman, I would ask the Chair, has the gentleman from Michigan [Mr. BONIOR] been designated by the gentleman from Missouri [Mr. GEPHARDT] to offer the Gephardt amendment?

The CHAIRMAN. That is the Chair's understanding.

Pursuant to the rule, the gentleman from Michigan [Mr. BONIOR] will be recognized for 30 minutes, and a Member opposed, the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, here we are. Here is the moment that we have been waiting for, after all the talk, after all the promises. Now is the time to stand up and be counted. Now is the time to stand up and either say yes, I want to protect Social Security, or no, I want to leave it on the chopping block.

Make no mistake about it, Mr. Chairman, that is what the Gephardt amendment is all about. I want people back home to understand this very clearly:

If a Member votes yes, then Social Security is safe. If a Member votes no, he or she is voting to put Social Security on the balanced budget chopping block.

Mr. Chairman, time and time again the past few days we have heard Republicans say that they want to exempt Social Security. What they are not telling us is simply this. The Republican balanced budget amendment does not protect Social Security. They have not been willing to write that promise into law, and none of their amendments protect Social Security.

The Flanagan resolution they offered yesterday does not protect Social Security. In fact, the one chance that Republicans had to actually protect Social Security in this Congress, in the Committee on the Judiciary about 1 week ago, every single Republican except one voted to keep Social Security on the chopping block.

□ 1620

When we asked them to show you where they intended to cut, even though 86 percent of the American people in a recent poll said, "Show us your cuts," Republicans say the American people do not have a right to know.

All they are willing to say are two simple words: "Trust us." "Trust us. We won't cut Social Security."

Well, before you do that, Mr. Chairman, you have to understand who is saying trust us.

The Speaker himself, the gentleman from Georgia [Mr. GINGRICH], says trust us. But Mr. GINGRICH himself once wrote this article that called for Social Security to be replaced, "Replace Social Security." In 1986 he even offered a bill to eliminate Social Security as we know it.

The majority leader the gentleman from Texas [Mr. ARMEY] says trust us. Yet in 1984 Mr. ARMEY himself called Social Security a bad retirement and a rotten trick and made his first campaign for office on abolishing Social Security. In fact last September he told a C-SPAN audience, "I never would have created Social Security in the first place." Yet now they are asking you to trust them with Social Security.

We all know that actions speak louder than words. In a few minutes we are going to see if they really mean it. If they really want to protect Social Security, they will vote yes on the Gephardt amendment. But I just want you to understand what it means if they vote no.

I want you to understand what a recent study by the Economic Policy Institute said. For example, this study pointed out that if the gentleman from Illinois [Mr. FLANAGAN] votes no, he is voting to cut Social Security of every older American in his district by $2,162. If he votes yes, he is voting to protect it. If the gentleman from Ohio [Mr. HOKE] votes no, he is voting to cut Social Security checks in his district by $2,041. If the gentlewoman from California [Mrs. SEASTRAND] votes no, she is voting to cut $2,027 from every Social Security recipient in her district. And if the gentleman from Wisconsin [Mr. NEUMANN] votes no, he is voting to cut $2,177 from each recipient in his district. The list goes on and on and on. That is what this vote is all about. I think the people back home understand it.

We Democrats believe that Social Security is a sacred trust that must be never taken away. Our seniors have worked too hard and they have struggled too long to have a balanced budget amendment put on their backs at this time.

If you agree with us, vote to make that promise part of the Constitution. Vote to exempt Social Security from the chopping block and vote to endorse the amendment offered by the distinguished minority leader the gentleman from Missouri [Mr. GEPHARDT].

EXAMPLES OF CUTS ON SOCIAL SECURITY IN REPUBLICAN CONGRESSIONAL DISTRICTS FROM BALANCED BUDGET—BASED ON ANALYSIS BY ECONOMIC POLICY INSTITUTE, JANUARY 26, 1995

	District cut [millions]	Cut per recipient
Charles Bass (NH–02)	$217	$2,086
Brian Bilbray (CA–49)	212	2,153
Peter Blute (MA–03)	260	2,178
Jim Bunn (OR–05)	247	2,124
Dick Chrysler (MI–08)	188	2,220
Jay Dickey (AR–04)	282	1,906
Phil English (PA–21)	280	2,223
John Ensign (NV–01)	256	2,051
Michael Flanagan (IL–05)	272	2,162
John Fox (PA–13)	238	1,886
Daniel Frisa (NY–04)	253	1,974
Greg Ganske (IA–04)	248	2,139
Fred Heineman (NC–04)	147	1,779
Martin Hoke (OH–10)	282	2,041
John Hostetler (IN–08)	267	2,348
Steve LaTourette (OH–19)	273	1,907
James Longley (ME–01)	252	1,893
Bill Martini (NJ–08)	282	2,316
Jack Metcalf (WA–02)	218	2,201
Charles Moorhead (CA–27)	194	2,003
George Nethercutt (WA–05)	248	2,236
Mark Neumann (WI–01)	238	2,177
Bob Ney (OH–18)	299	2,288
Frank Riggs (CA–01)	236	2,191
Peter Torkildsen (MA–06)	252	2,084
Andrea Seastrand (CA–22)	220	2,027
Linda Smith (WA–03)	237	2,225
Steve Stockman (TX–09)	210	1,917
Randy Tate (WA–09)	171	2,259
Rick White (WA–01)	162	2,050
Edward Whitfield (KY–01)	280	1,913

REPLACE SOCIAL SECURITY WITH A STABLE, PERMANENT RETIREMENT SYSTEM

(By Newt Gingrich)

We can design a retirement system "that is pro-savings, pro-jobs, pro-small business, pro-American competitiveness in the world market, and allows our grandparents to relax, knowing we truly have provided for their retirement years."

Social Security and Medicare are the heart of providing for our parents and grandparents. Indeed, these two systems form the base of our plans and expections about savings and retirement.

Social Security is the largest domestic program, with over 36,000,000 people receiving checks every month. The Social Security tax, affects nearly every working American. For most workers, it takes a bigger tax bite out of their paychecks than the Federal income tax. This year, the highest Social Security tax on an employed individual is $6,263.40. That figure includes both the individual contribution and the employer's matching contribution. The latter is really a hidden tax on income.

Dramatic changes in life span and in the work force have made the Social Security system increasingly unsound. In 1935, when Pres. Franklin Roosevelt first proposed Social Security and set the retirement age at 65, the average American only lived to be 63. If we had the same ratio of longevity to retirement age today, the retirement age would be 76. In effect, we have added 11 years' worth of retirement benefits to the same tax base. Since the age group 85 and over is the fastest growing group of Americans, the burden on working Americans will intensify in the future.

Another dramatic change has been the shift from a large workforce supporting a small retirement population to a much more * * * to retirees. Originally, 13 workers supported one retiree. Today, three workers support each retiree; by the next generation, that will decline to a two-to-one ratio. The increased tax burden on working Americans caused by the change in worker-to-retiree ratio is made even more unbearable because of the increase in the relative payments to retirees.

The following proposal is one way to create a permanent, stable Social Security system that will increase savings, increase jobs, and decrease our fears about retirement. Here is how it would work:

On Jan. 1, 1989, the FICA Social Security tax would be abolished, with a provision that employers would pay the matching 7.15% to workers. Workers over 40 would have their take-home pay increased by the full 14.3%. Workers under 40 would have their take-home pay increased by 4.3%, and the other 10% would go into a new, mandatory individual retirement account (IRA) of their choice. The Social Security and Medicare trust funds would be taken off budget so that politicians could not use them to balance the rest of the budget. Finally, a new off-budget trust fund would be created to raise all senior citizens above poverty level. We would establish the principle that our grandparents should not live in poverty.

It occurred to me, however, that our grandparents weren't being frightened by the letters. They already had been frightened by the shaky finances of the Social Security and Medicare systems. The letters simply were preying on a fear that already existed.

Our grandparents are worried because they know full well the things our politicians have been afraid to discuss for over a generation. First, we don't save enough, either as individuals or as a nation. We simply are borrowing too much and saving too little. Second, we have not rebuilt the Social Security financing system to take into account changes in life span, birth rates, and the structure of the workforce. Third, the FICA Social Security tax discourages savings, discourages the expansion of small business, discourages new jobs, and weighs most heavily on low and middle-income workers. Fourth, the FICA tax encourages importing foreign goods because they aren't affected by it and makes American products more expensive to sell overseas. This makes us even less competitive in the world market. If we can't compete, we can't create jobs; if we can't create jobs, we can't pay for our retirement system. Our grandparents know that a stable Social Security system depends on a competitive, prosperous, job-creating American economy. The real answer to Roosevelt's letters is to create a financially sound retirement system so senior citizens won't have to worry. Then, they will just throw away his appeals for money.

In order to replace the FICA tax and finance the new anti-poverty retirement fund, we would adopt a value added tax (VAT). This would be a simple across-the-board sales tax designed to raise the amount currently raised by the FICA and the amount necessary to meet the poverty level requirements for our poorer grandparents. By keeping the VAT simple, we meet the main objection of small businesses, who fear the complexity of European VAT's. By keeping the VAT off budget and dedicated to these trust funds, we meet the major worry of conservatives, who see it as a relatively easy tax for liberals to increase in the future. Defining the VAT as our new Social Security tax will keep it dedicated and narrow in scope.

VAT VS. FICA

A VAT has three great advantages over the FICA. First, under the General Agreement on Tariff's and Trade, it can be applied to imports and rebated on exports. This will slow down imports to the U.S. and increase exports from the U.S., thus creating jobs here at home and strengthening our balance of trade. Many of our trading partners already do this.

Second, FICA is anti-savings because workers lose the money to taxes before they can take it home. Now, workers would have the money in take-home pay, and they can decide how much to save or spend. This shift from FICA to a VAT automatically will lead to an increase in our savings rate.

Third, FICA is a narrow anti-jobs tax that weighs heavily on low- and middle-income workers and on small business. The VAT will uncover much of the underground secondary and will broaden the support for Social Security and Medicare to include those who live off investment income. Today, those people pay no FICA because they have only investment income. Under the new Social Security VAT, the rich will help pay for retirement.

For simplicity's sake, current retirees would be treated as if the FICA tax still existed and would be given the same retirement benefits they now have under the present system, with two exceptions. First, current retirees below the poverty line would receive an extra check to bring them up to the poverty level. Second, there would be a one-time increase in Social Security payments to offset the VAT so our grandparents would not face a reduction in their standard of living. Americans 40 and over, but under 65, also would be grandfathered into the Social Security retirement system. Most of them have been paying into Social Security between 25 and 45 years. They have earned significant retirement benefits through their past payments into Social Security. Furthermore, they are too close to retirement to build the kind of individual retirement nest egg the younger generation will be able to accumulate. When those under 40 reach retirement age, they would receive only the Social Security benefit designed to keep senior citizens above the poverty level. Any additional retirement benefits would come from their personal IRA. As a further inducement to save, everyone would be given the opportunity to salt away up to $55,000 a year in a voluntary IRA.

Since this proposal is a fundamental reform to establish a permanent, stable Social Security system, there are two other steps we would take. First, we would abolish the tax on Social Security benefits which punishes those prudent enough to have saved for their retirement. Second, we would abolish all provisions which discourage working after 65. Never again should people lose benefits just because they want to maintain a productive life.

This permanent, stable Social Security system dramatically will improve America's competitive role in the world market. The mandatory savings for those under 40 will increase total personal savings from $143,300,000,000 to $227,300,000,000 during the first year (based on the 1985 savings rate). This $84,000,000,000 increase in personal savings—a 60% jump—will help lower interest rates and increase the amount of money available to build factories and create jobs. By the late 1990's, the U.S. could have the lowest cost of capital and probably the lowest interest rates in the industrial world. Multinational companies will start building new factories in the U.S. as the lower cost of capital is combined with the elimination of our current 14% FICA tax on labor. The new Social Security VAT will discourage imports and encourage exports. The shift from FICA to VAT will encourage small business and entrepreneurs. The abolition of the and-jobs FICA tax will encourage new job creation.

While many politicians are still afraid to mention abolishing Social Security, I am convinced this generation is ready for honest talk and real leadership. Our grandparents are tired of being frightened. They want a sound, stable, permanent retirement system, but they also want their grandchildren to be given a fair break. Our young workers are tired of paying heavier and heavier taxes for a system they believe won't be there when they are ready to retire. They would like a chance to save for their own retirement. At the same time they love their grandparents and want to help take care of them.

* * * * *

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, we have heard the most disingenuous argument over the entire Social Security issue just now. The fact is that the amendment that has been offered by the gentleman from Missouri and supported by the gentleman from Michigan [Mr. BONIOR] does not protect Social Security at all. What it does is, it takes the Social Security trust fund, except the Medicare portion, out of the balanced budget amendment calculations. But in no place does it define what constitutes Social Security.

That will mean that any time in the future big spenders in Congress want to pass some cockamamie spending scheme, they will simply propose it as an amendment to the Social Security Act and finance it out of the trust fund, thus to escape a requirement that Congress pass a balanced Federal budget. And because Congress always takes the path of least resistance, you will see the Social Security trust fund being loaded up with all kinds of non-Social Security schemes.

I want to know why in the text of this amendment the Medicare part of the Social Security trust fund is not protected, because traditional Social Security includes the Medicare part as well as the old-age and survivors part and the disability part of the Social Security trust fund. So your amendment is not even drafted properly to accomplish the goals that you wish to accomplish.

Let us get real on the issue of Social Security. It was not Republicans that came up with some type of secret scheme to cut Social Security benefits. It was President Clinton's own OMB Director, Alice Rivlin, who discussed that matter before the election, and the memorandum that she passed around the room was leaked. So let us not try to make this into some kind of a partisan fight.

The fact of the matter remains that Social Security has enjoyed bipartisan support for the last 60 years and that bipartisan support lasts to this day. The Social Security trust fund has not had constitutional protection since Social Security was passed in 1935. Yet the only time the Social Security system has been changed is when problems within Social Security have necessitated the Congress to make changes and those changes were made in a bipartisan manner.

Because of decisions that were made long before most of us, including myself, got to Congress, Social Security receipts have been counted as other receipts in a unified budget, and the same is true of Social Security outlays. Yet, at no time did anybody, Democrat or Republican, suggest that the Social Security trust fund be raided for purposes other than to provide those Social Security benefits that are authorized by law.

I guess the message that we are hearing today is that when all else fails, have a good social Security scare.

The fact is that the senior citizens of this country want to see their children and grandchildren enjoy as good a standard of living as they have enjoyed during their lifetime. The best way to do that and the best way to protect Social Security is to pass a balanced budget constitutional amendment to balance the Federal budget and not have the Treasury go and sell the Social Security trust fund any more Treasury paper in order to finance the Federal debt.

Mr. Chairman, I reserve the balance of my time.

Mr. BONIOR. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Chairman, I urge Members to vote for this substitute amendment that the gentleman from Michigan [Mr. BONIOR] and I are offering this afternoon.

I said yesterday and I believe with all my heart that this series of votes that we are casting on these amendments are the most important votes that we will cast in our service here in the Congress, no matter how long we have been here or how long we will stay.

I admire my friend, the gentleman from Texas [Mr. STENHOLM] who to me has been the greatest leader in this institution for trying to get an amendment to the Constitution to balance the budget. I believe that, as I did not believe some years ago, we ought to put an amendment in the Constitution to have a balanced budget. It used to be that we assumed or presumed that every year we would balance the budget or would come close to it. And since what has happened over the last 15 years, we now almost have a presumption that we will not have a balanced budget.

That is why I have come to the conclusion that we should put it into the Constitution so that we create the right presumption. But I also believe that there must be an exception written into the constitutional amendment that requires the balanced budget that the Social Security retirement fund be exempt from its application.

□ 1630

This is a clear disagreement and difference between many of us in this body. I believe it must be exempt because I think unlike any other program it has a defined tax that workers pay day in and day out to support their retirement benefits. It has a separate trust fund that is used to pay those benefits when they retire.

This is a solemn contract, a responsibility, a promise that all of us have made since 1934 to the elderly of the country that if they pay into the fund they will receive the benefits.

Now Members say over the years we have sometimes changed the benefit structure, and we have. But always the changes have been made, and I might add in a bipartisan way, because the fund had a problem, something had gone wrong, inflation did something we did not expect it to do, the benefit structure was not created correctly, and so we made modifications, but they were always on the ground that the fund needed to be fixed.

I think it is unacceptable to say to the American people that we now have to consider or leave on the table the possibility that Social Security would be changed or reduced or modified in any way, because we as the stewards of this fund could not figure out how to solve a budget problem somewhere else.

Yes, we have to cut Social Security because we could not figure out how to cut this program or that; our defense or domestic spending or get the tax system to work right, we had to do something to Social Security. It is unacceptable.

This is a contract, it is an obligation. Millions of Americans live on their Social Security, pay their heat, pay their rent, pay their medical bills. They will simply perish as they used to perish if they do not have this reasonable pension.

This is the one clear chance in this whole debate to say Social Security is off the table; it will not be touched. As a matter of constitutional law, it cannot be touched.

The fig leaf that was enacted yesterday is nothing more than that. It was a press release. No press releases.

If Members believe in Social Security and in this obligation, have the courage to put it in the Constitution of the United States.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the Gephardt substitute requires a constitutional majority, 218 in the House, to deficit spend. We say there must be a supermajority to deficit spend, three-fifths. Therefore the Gephardt substitute is much weaker in protecting against deficit spending, something we all again give lip service in opposition to, but only House Joint Resolution 1 does anything about it.

The Gephardt substitute deletes the provisions on the debt ceiling. In our resolution a three-fifths vote is required of the total membership to increase the debt limit.

Anybody who thinks we do not need protection against a spiraling debt limit has difficulty understanding what a trillion dollars is, much less $4.7 trillion and growing, and counting and mounting, as our national debt. And therefore, the Gephardt resolution is ineffectual in a practical sense in guarding against increases in the debt limit. No protection against increases in the national debt.

Another weakness, a fatal weakness in my opinion, in the Gephardt substitute is that it fails to include a tax limitation section to discourage tax increases.

When we get in a corner and we must balance the budget, the line of least resistance, at least with the former majority and now minority party was increase taxes, increase taxes.

We want a balanced budget amendment that has a bias against increasing taxes, and a preferential option for cutting spending.

That is the last thing they want to do, because if Members listen carefully all day they hear a litany, a list of spending they want to immunize from the scalpel. They want a tire pump instead of a knife when it comes to our fiscal problems.

Insofar as Social Security is concerned, I must say the other side are masters of the politics of fear, scare the old people. The fact is, they can balance the budget by the year 2002 by merely holding down the rate of increase, cutting the rate of increase in our spending from the 5 percent it is projected under current guide paths to 3.1 percent, and the budget will be balanced, lo and behold, in the year 2002. Those are not conservative figures, they are from the distinguished gentleman from Texas [Mr. STENHOLM], that you admire and we admire too.

So I do not know what it takes for that to sink in, but it is true.

They are obviously bitterly opposed to balancing the budget by constitutional amendment and why do they not say so, why do they not say so instead of riddling our proposal with 27 exceptions, major and minor. What is your solution to the escalating national debt? We have heard nothing but no, nay, no, nay, no solution, no answers, just fault.

The time has come. We have tried everything. It has not worked, and this constitutional amendment says one thing. It says balance the budget, do not increase taxes, do not increase the national debt, and have the will to make the cuts in the spending that are necessary.

If you want a list of them look at Penny-Kasich last year.

MOTION TO RISE OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 79, noes 342, answered "present" 1, not voting 12, as follows:

[Roll No 47]

AYES—79

Abercrombie
Ackerman
Baldacci
Becerra
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Dellums
Dingell
Dixon
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frost
Gejdenson
Green
Gutierrez
Hastings (FL)
Hinchey
Jackson-Lee
Jefferson
Johnson, E. B.
Lewis (GA)
Lofgren
Markey
Martinez
Mascara
McDermott
McKinney
Meek
Mineta
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Olver
Owens
Pastor
Payne (NJ)
Rangel
Reynolds
Roybal-Allard
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Stark
Stokes
Studds
Thompson
Towns
Tucker
Velazquez
Vento
Waters
Watt (NC)
Wise
Woolsey
Wynn
Yates

NOES—342

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono

Borski
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Traficant

NOT VOTING—12

Bishop
Boucher
Calvert
Fields (LA)
Frank (MA)
Gibbons
Hansen
Moran
Rose
Rush
Wamp
Williams

□ 1655

Mr. ZIMMER. Mrs. THURMAN, Ms. SLAUGHTER, and Mrs. MALONEY changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. BONIOR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I rise in support of the Gephardt-Bonior substitute and ask unanimous consent that my statement be placed at this point in the RECORD. Mr. Chairman, President Clinton hit the nail smack dab on the head in his state of the Union message when he said that we not only should be doing things more out in the open around here but that we also have a duty to be straight with the American people on the specifics behind a balanced budget amendment—how it will truly affect average workers and their families.

Unfortunately, since the mad frenzy by my GOP colleagues began, to push through their contract in the first 100 days of this Congress, there have been nothing but heavy-handed tactics used by the majority to force their agenda through this body without proper hearings and debates on the merits of their proposals.

From the opening day of this Congress, in which the GOP employed a completely closed rule on the Congressional Accountability Act, to the actions by the majority in the Government Reform and Oversight Committee on which serve, to push unfunded mandates legislation to the floor without any hearings, to Monday's actions by the majority leader to refuse to allow full consideration of a resolution allowing committees to meet while the full House is carrying out important legislative business, the democratic processes which have traditionally governed this body and this Nation have been totally subverted to the political whims of the Speaker and his merry men.

Now just why is this strategy to circumvent the deliberative legislative process being undertaken by the Republican majority? It is because, as they say, the Devil is in the details.

All of us in this institution recognize that we must continue to whip our fiscal house into order and take sensible and workable strides toward bringing our Federal budget into balance. I would like to remind my friends on the other side of the aisle that it was the President's 1993 budget package, which passed Congress without any Republican votes, that is responsible for over $700 billion in deficit reduction—the largest in history.

However, when we Democrats passed that package, we did not slash, cut, and burn for mere political gain everything that is American. We did not pander to people's fears and uncertainties about the future by offering them a cure-all "just sign on the dotted line" and "trust me, everything will be right" approach to governing. We offered them hard facts that proved correct.

Now I'm not a constitutional scholar Mr. Chairman, but I do believe that amending the most basic document of our democracy is something that should be based on reason and facts, not on hysteria generated by public opinion polls and post-election year politics. Sure a balanced budget amendment sounds attractive, just as an end to unfunded mandates on State and local governments seems appealing, and as perhaps a moratorium on regulations by the Federal Government does. The question is, What do they really mean for our constituents? What the GOP doesn't want to tell you, I will.

My distinguished colleague from Chicago, LUIS GUTIERREZ, and I just completed an exhaustive examination of the impact of the balanced budget amendment on the Chicago metropolitan area that we represent and—surprise, surprise—the numbers we calculated clearly demonstrate the devastating consequences that this ill-conceived gimmick will have on our constituents.

According to the U.S. Treasury Department, the Federal Government will have to cut spending by over $1 trillion in the next 7 years in order to achieve a balanced budget. An additional $376 billion in cuts must be made if the Republican contract's tax cuts are enacted as promised. Since a balanced budget cannot be achieved on a wish and a prayer, Federal programs such as Social Security, Medicare for the elderly, nutrition for pregnant women and children, AIDS testing and counseling, and several others vital to the enhancement of American life will be put on the chopping block.

Here is the laundry list Mr. Chairman: Cook County, IL will lose as much as $6 billion in Medicare payments by the year 2002 and $2.2 billion in Medicaid reimbursements during the same period. The Chicago Department of Health estimates that 200,000 single parents and their children would be without health insurance in Chicago as a result. In addition, 4,000 youngsters in my city of Chicago would not receive immunizations for preventable diseases, such as measles and whooping cough.

Roughly 6,000 people in Chicago living with HIV would not be able to receive primary health care, substance abuse treatment, and other services and another 10,000 would be left without critical HIV counseling and testing services. This would inevitably lead to a drastic increase in AIDS cases and take an enormous toll on city resources.

Cuts to balance the budget by the year 2002 would force the Women, Infants, and Children [WIC] program to discard 16,000 babies, preschoolers, and pregnant women from their vital food supplement services. Meals on Wheels would feed 550 fewer senior citizens in Chicago and 700 less to those in suburban Cook County.

Not only will families be left hungry, Mr. Chairman, but they will also be left out in the cold. Over 100,000 individuals and their children in my city stand to lose Federal Low-Income Home Energy Assistance funds to help them battle the brutal subzero Chicago winters.

Most distressing is the fact that educational initiatives, the linchpin for improving the future for all our youngsters, will be gutted by this amendment. In Chicago, Head Start, a proven program designed to ensure that America's most vulnerable children receive food, medical care, and learning opportunities to lead healthier and more productive lives would lose $93.5 million dollars over the next 7 years thereby eliminating the ability of over 4,000 little kids to have a chance to get ahead.

So as you can see from this brief glimpse Mr. Chairman, the balanced budget amendment is not all it's cracked up to be. You can see why the majority leader recently admitted that Members' knees would buckle should the details come out about the effect of this legislation on average Americans.

If my colleagues on the other side of the aisle believe the balanced budget amendment is the magic snake oil that will cure all our budgetary concerns, I have got a bridge I think they will be interested in buying.

I urge my colleagues to vote no on this amendment and to continue down the path of budgetary responsibility initiated by the President and my Democratic colleagues last Congress. There is no cure-all to the fiscal concerns we all have and we must not pretend that there is. As the President so eloquently stated in his State of the Union message, we have to be straight with the American people. This balanced budget amendment is a sham, Mr. Chairman, and most certainly should be defeated.

Mr. BONIOR. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have a great deal of respect for the gentleman from Illinois [Mr. HYDE]. I think he is one of the class people in this institution. But I really must say, in light of his previous speech, that I do not need lectures from him or anybody else on this floor about the necessity to balance the budget.

□ 1700

In my 25 years of service in this House, Mr. Chairman, absolutely nothing made me more angry or more frustrated then to see the way this Congress in 1981 blindly ran through this place the Reagan budgets which destroyed the ability of this country to have a responsible fiscal policy, quadrupled our national debt and raised deficits from $64 billion to almost $300 billion. Today we are taking in enough into the Treasury so that, if it were not for those deficits in the 1980's, we would have a balanced budget today. We are taking in enough today not only to pay for what we are spending today, but for what we spent in the past, up to 1981.

What is killing us is the interest that was accumulated in the 1980's. And so now we have to do something about it, and I have indicated by my votes today that I am willing even to do it by the constitutional route, if that is what is necessary. But I am voting for this amendment because it is the only way that we can make this basic proposition today do what up to now it only pretends to do, and that is to ensure that Social Security will not be savaged in the process.

Now the Republican leadership has said on national television, "Well, we're not going to touch Social Security for at least 4, or 5, or 6 years." I would point out to my colleagues that this does not kick in for 7 years, and so without the Gephardt amendment the risk we run, the very large risk we run, is that at the end of that 7-year time period we will wind up with a time bomb that blows up in the face of every senior citizen in this country who relies on Social Security. That is the fundamental reason why we need to pass this amendment today.

Now the Republican leadership in this Congress has refused to tell the American people where they will cut the budget in order to get to a zero deficit. I say, "When you take a look at the copies of the article written by the present Speaker of this House which talks about the need to radically change Social Security, I think perhaps we may know one reason why they refuse to tell us what the specific cuts are going to be, because I find it very difficult to believe that that document does not contain the basic prescription for Social Security that is deep in the minds of those who are pursuing this route today." And so it seems to me, if you want to balance the budget and protect the Social Security recipients of this country, you have absolutely no alternative but to vote for the Gephardt amendment. Without doing that, you ensure that for the short term the overages in the Social Security account will be used to mask what the true size of the deficit is, and long term the Social Security recipients will be savaged."

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding this time to me.

Mr. Chairman, there is a fundamental flaw in the amendment that is being proposed right now, and I believe it goes to really the heart of the balanced budget amendment, and the reason why we should go forward with the version that is on the floor right now rather than amending it, as the gentleman from Missouri [Mr. GEPHARDT] would have us do, has to do with moving away, in the Gephardt amendment, from the three-fifths supermajority for the debt limit increase. That in my opinion is the heart of the balanced budget amendment.

Those of us on the Committee on the Judiciary heard very interesting testimony from William Barr, the former Attorney General of the United States, who said that is the critical part, the self-enforcing part, of the balanced budget amendment because, as long as that is there, it is not possible for this Congress to spend in excess of the debt limit, of course, without that supermajority vote. Institutional investors will back away. It will be a self-enforcing provision; no lawsuits, no questions of standing. It really will work best if we have that three-fifths supermajority requirement for increasing the debt limit, but, as my colleagues know, this is really a debate that the numbers are too large and really almost incomprehensible, so let us imagine for a moment that we are not Members of the Congress of the United States, but rather board of directors for a company called the Capitol Card Co.

The Capitol Card Co. has had a little bit of trouble. It has been having expenditures of about $1.4 million a year, receipts of about $1.2 million a year, an annual loss of about $203,000. They have been doing it awhile, so we have accumulated a debt now of $4.7 million. That is a problem for this company, and I think, if we were the board of directors, we would say, "No more debt." We would say to this company, if we were on the board of directors, "Stop borrowing. Figure out a way to control these expenditures."

Now that is an understandable number, $203,000 annual loss. The problem for us, my colleagues, is that there are six zeros on the end of these numbers. I say to my colleagues, "If you add the other six zeros, you have the United States Government. We're not losing $203,000 a year. We are losing $203 billion a year, and our debt is now $4.7 trillion. But who can understand those numbers? Lop off six zeros, and you have an understandable number, and you have something that the American people can understand as to why we have got to have the balanced budget amendment and bring this spending under control."

But it is absolutely essential again that we not depart from the formula that is on the floor right now of a three-fifths supermajority on the debt increase. That is the critical part of the balanced budget amendment. That is why I urge my colleagues to reject the Gephardt amendment as being fatally flawed.

Mr. BONIOR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I have listened with great enthusiasm to my colleagues on that side of the aisle telling us how they were going to protect

Social Security, and yesterday they passed a resolution, nonbinding. It has the same significance as the resolution adopted on the strawberry festival. It will not protect Social Security, and it will not help the Social Security retirees. But they passed it, and shortly they are going to be going home, telling the people how this budget amendment is not going to impair the rights of Social Security recipients.

Now the hard fact is that the majority leader, the gentleman from Texas [Mr. ARMEY], and the Speaker have continuously come out and denounced Social Security and suggested changes.

Now we are looking here at a situation where, if my colleagues on that side of the aisle are really sincere about protecting Social Security, they can vote for an amendment which will do so, that which has been sponsored by the gentleman from Missouri [Mr. GEPHARDT]. And it will afford absolute security to our senior citizens, and it will assure them that there will be no games played and no raids made upon Social Security to the adverse impact upon ordinary citizens, and senior citizens and retirees.

The hard fact is that achieving a balanced budget by 2002 is going to require that Medicare cuts take place to the amount of $2,223 for persons over 65, and I would point out that the impact on Social Security recipients, an average one who receives $680 a month, would lose $150 a month unless we absolutely assure them by the adoption of the Gephardt amendment that we will not see a raid taking place on Social Security. Every Federal program, if we go the route that my colleagues on that side of the aisle want to go, will be cut about 20 percent.

□ 1710

That means that Social Security is going to be under enormous pressure. The nonbinding resolution of yesterday has no significance, I remind my colleagues, whatsoever, and affords no protection whatsoever to senior citizens and Social Security recipients.

If you want to do something about this, and if you want to be honest with the senior citizens of this country, the Social Security recipients, the retirees and those who will retire, pass the Gephardt amendment, and pass it thusly. Then you can go home and say we have passed a balanced budget amendment. It is a balanced budget amendment which protects Social Security recipients. Without it, you cannot do that.

As I observed yesterday, you can run on this issue, but you cannot hide behind the sham which we passed yesterday. You can only hide from the rage properly inspired of our senior citizens if you vote for the Gephardt amendment. Because without that, they know that they are at risk and that the Members on that side of the aisle have put them there.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise today to oppose the amendment offered by the gentleman from Missouri, and to state my support for an amendment that will require a balanced budget and offer the taxpayers some protection from future tax increases.

Over 2000 years ago, the people of another civilization also grew fed up with overspending and overtaxing.

Rather than face a total revolt, Ptolemy V reduced taxes on all people in Egypt, and promised that taxes would never be higher than they were at the start of his reign.

And because the people were so weary of unending tax increases, the decree was written in stone—the ancient way to confer permanence in a decision—and later became known as the famous Rosetta Stone. Unfortunately, this limit was not adhered to. Taxes again were increased, and the rest is history.

In this debate, we can require a balanced Federal budget and limit future tax increases, not by writing in stone, but by amending our Constitution to add tax limitation to the rights enjoyed by the people of the United States.

Earlier today, I voted for the amendment which would require a three-fifths vote to raise taxes. While that amendment passed, it did not receive the two-thirds vote necessary to pass an amendment to the Constitution. Therefore, I will vote for the Schaefer-Stenholm substitute later today, which protects taxpayers by requiring an absolute majority for any tax increase.

Mr. Chairman, the power to tax is the power to destroy, and the amendment before us offers no protection to the taxpayers. I urge my colleagues to defeat the amendment from the gentleman from Missouri, and to vote for a balanced budget, tax limitation amendment.

Mr. BONIOR. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, we are at a very critical time in our history. It is time that the people of America now will be able to really look at us and see if we really deliver truth in packaging. Now is the time where we are at a place where our senior citizens, their income security, is in jeopardy.

I do not think anyone, Republicans or Democrats, wants to send a message back home that we are not going to protect senior citizens. If there is just a scintilla of reason to think that they may be jeopardized, I think it should cause each one of us some pause, if there is any reason for any of us to think that there is, because we know that these are the people who helped to build this country. And now that they are in the twilight of their lives, we are going to change things around perhaps.

I think of the great Congressman from Florida, Claude Pepper, who struggled throughout his career to make Social Security a standard thing here in Washington. I think it is sacrilegious to even think of trying to raid Social Security. And I beg you to support, as I am going to do, the Gephardt-Bonior bill. Unlike the committee bill, this amendment does not hamstring our Government. Why let 40 percent of this House throw out the will of the majority? The Bonior-Gephardt amendment properly supports the basic principle of American Government, majority rule; not supermajority rule, but majority rule.

The Gephardt-Bonior substitute protects Social Security by amending the Constitution so that there will not be any guesswork, so there will not be any space to not secure Social Security. Let us take Social Security off the chopping block. Totally no gimmicks.

That is why it is so important to every senior citizen. I represent them here. By chronology it is so important. And every person expects to be a senior citizen sometime in the future. I have the Gephardt amendment here in my hand. It is written down. The senior citizens of this country are saying to us if this contract is so important to us, let us write it down. Let us specify what we are going to do. I do not need another contract. I believe in the one that says "We the people, in order to make a more prefect union."

Let us protect the general welfare and justice. That is the contract that I am speaking about today. If we are going to have a contract, let us write it down and secure Social Security. Vote for the Gephardt-Bonior amendment. It is important to senior citizens everywhere.

Mr. SENSENBRENNER. Mr. Chairman, to show the bipartisan nature of opposition to this amendment, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I too represent the senior citizens of the 17th District of Texas, but I also represent their children and their grandchildren. Therefore, I respectfully and most sincerely rise in opposition to my leader's amendment. I thank him for his kind comments and for the many courtesies he had given to me over this debate. But as he said in his comments, there are those that sincerely have differing opinions regarding the subject before us today.

There are two areas that I want to speak. First is in this area of Social Security. The Schaefer-Stenholm amendment protects Social Security for all generations, not just current; but it protects current as well as it can possibly be protected.

I want to speak first though about the enforcement, because I believe the lack of a supermajority to borrow money makes the amendment unenforceable. If Congress can continue to run deficits and borrow money by majority vote, we will simply continue the status quo of spend and borrow.

The Gephardt amendment has no provision restricting the ability of Congress to increase the debt limit. Restricting the ability of the Government to borrow money is vital to enforcing a balanced budget amendment. No matter what accounting techniques are used to depict a balanced budget, and regardless of any rosy scenario, economic assumption, smoke and mirrors, or honest estimating mistakes, if actual outlays exceed actual receipts, the Treasury ultimately should need to borrow money in order to meet the Government's obligations. The Schaefer-Stenholm amendment would hold Congress accountable by requiring a three-fifths vote to raise the debt ceiling. The Schaefer-Stenholm amendment does not undermine majority rule. Opponents who focus on the difficulty of achieving a three-fifths majority miss the point. They are still focused on what is necessary to run a deficit.

The possibility of a three-fifths vote is a deterrent. Facing it is so undesirable that Congress and the President generally would do anything to avoid it, even balance the budget. The Schaefer-Stenholm amendment would not affect the ability of a majority to spend on programs it deems important and to set budget priorities as it sees fit. A supermajority would be required in just one instance, when the majority of the Congress has abdicated its responsibility to enact a budget that is in balance.

One of the explicit purposes outlined by our Founding Fathers in the Federalist Papers was to put certain rights and powers beyond the reach of the tyranny of the majority and to protect certain current minorities and future majorities from abuse by a transient coalescing faction.

□ 1720

A supermajority requirement for imposing debt on future generations is very much within that spirit. The gentleman from North Carolina [Mr. WATT] referred earlier to the principle of equal protection in the Constitution. This amendment provides protection to the one class of citizens who do not receive equal protection today, our children and grandchildren. Requiring a higher threshold of support for deficit spending will protect those rights of future generations who do not vote and are not represented in our political system today but will bear the burden of the decisions we make today and tomorrow.

The Schaefer-Stenholm amendment is based on exactly the same principles as the rest of the Constitution. It would protect the fundamental rights of the people by restraining the Federal Government from abusing its powers. Imposing burdens on individuals unable to speak for themselves should be difficult to do. The easy option is to vote on all the tough choices and borrow money to make up the difference.

Leaving future generations to pay the cost of our current consumption should be difficult and should be more difficult than what it is under current law.

Finally, on the issue of Social Security, for some there is a genuine but misguided disagreement about the best way to protect the integrity of the Social trust fund. I believe that keeping Social Security in the framework of the balanced budget amendment will ensure that we take the actions we all know are necessary to deal with the unfunded liability in the trust fund and preserve the long-term soundness of that trust fund.

If we do not bring our deficit under control, the integrity of the Social Security program will be threatened early in the next century. Everyone in this body knows that today.

Exempting the Social Security trust fund creates the temptation to abuse that exception and undermine the integrity of the trust fund. The Schaefer-Stenholm amendment will absolutely protect Social Security for our current generation and for our children and grandchildren.

I want to repeat, the Stenholm-Schaefer amendment will absolutely protect Social Security for all of those receiving it today and for our children and grandchildren.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I rise in support of the Gephardt-Bonior amendment as the only remaining way to inject some sanity into this process. As one distinguished constitutional scholar has said, this amendment is more likely "to unbalance the Constitution than to balance the budget."

I spent some considerable years of my life as a constitutional lawyer, and I have tried to ask myself, where has this goofy idea come from that we can balance the budget in the Constitution of the United States? So I went to the document. I have read it again to see if I could find any analogy that would make me believe that this is not a disaster.

What I found was that our Constitution does not enshrine processes, only fixed requirements, because the more complicated the process, the more room to interpret. Things that need interpretation we put in statutes.

I looked closely at the Constitution. There are seven articles. Almost everything to be said is said in the first three, and all they do is set up this genius of a form of government, the executive, the legislative and the judiciary; the checks and balances, if you will.

The only substantive part of the Constitution is the Bill of Rights. And of course, the courts interpret and reinterpret and overinterpret and interpret those again. And that is the last thing we would want to happen with any balanced budget amendment.

Then I said, let us go to another source. And so I went to the experience of the States, whom we are told, after all, balance their budgets. Oh, yes, they do. They balance their budgets on paper every year with gimmick after gimmick, selling assets, shifting programs off budget, accelerating tax collections, underestimating spending, overestimating revenues.

And I have got the best example for my colleagues, Mr. Chairman. It is what has happened to the District of Columbia today, which submitted a balanced budget every year and is now on the brink of bankruptcy.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to the Gephardt amendment and to ask my colleagues to support a real balanced budget amendment.

As much as we have heard from the other side of the aisle about the Constitution, the Gephardt amendment simply requires a majority vote to ignore the Constitution and to go on with business as usual. There is no change at all here.

This resolution is a meaningless piece of paper. This resolution is an empty gesture.

Just since yesterday, we have put our children another half a billion dollars in debt, and they are already nearly $5 trillion in the hole. And it is time to stop digging.

Without a real balanced budget amendment, we will never even begin to help them pay this back. Eventually, however, someone will have to.

When a process breaks down as completely as the Federal budget system has, we must fix the problem by first addressing the fundamental problems in that process. We owe it to our children to pass a real balanced budget amendment.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Gephardt-Bonior substitute amendment.

This amendment would simply exempt Social Security from cuts. We have to take this extraordinary action because the Members on the other side of the aisle, the Members in the majority, have taken this extraordinary action to amend the Constitution of the United States of America.

We just returned to this session on January 4. In 22 days we will amend the Constitution of the United States, a constitutional amendment to balance the budget, making extraordinary cuts in order to do that.

Some of those cuts we have talked about on this floor, but this is the most cruel of them all. We have got to move to protect Social Security. We have got to move to protect it in this extraordinary fashion because there have been no hearings. The people in our towns, in our cities, have not been engaged in this process. Nobody came out to ask our senior citizens. We know what we hear from our senior citizens when we go about our districts. They say to us, they have fear and they have anxiety. They want to know, is the fund going broke. They want to know, are they going to get a raise. They want to know, are we using Social Security to balance the budget. They ask us this all the time.

Yet we would come here and, in 22 days, we would put them at risk by amending the Constitution of the United States. It is not fair. It is cruel. It is unconscionable, and we must stop this madness. Support this substitute amendment so the seniors of this country can go to bed with peace, so that they can rest.

We have messed around with Social Security long enough. It has been in the budget, out of the budget. We have used it to balance the budget. Let us put the issue to rest. Let us support this amendment so that our seniors can say, we can now rest in peace that we are not going to be put at risk one more time.

Mr. SENSENBRENNER. Mr. Chairman, I yield ½ minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX. Mr. Chairman, I think it is very clear that the balanced budget amendment is an idea that has come from the people of the United States. With the years of deficit spending, we have no fiscal discipline in this House. The only way to get it is with a balanced budget amendment.

What is very clear from yesterday is, through the Flanagan amendment, Social Security is off the table. We Republicans joined Democrats in saving Social Security, keeping it off budget.

And just look to last year and the 103d Congress. That is where the Social Security tax was increased by the other side of the aisle. Believe me, we can have a balanced budget amendment because we know we have preserved Social Security. It is off budget.

□ 1730

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Petaluma, CA [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Gephardt-Bonior substitute to exempt Social Security from balanced budget calculations.

The Contract on America calls for a balanced budget amendment, supposedly to safeguard the future well-being of our Nation. And, yet, the balanced budget amendment contained in the contract endangers Social Security. That is a serious threat to the future well-being of one of America's most treasured resources—our senior citizens.

Mr. Chairman, we hear time and again from balanced budget supporters that they want to protect Social Security. Well, a balanced budget amendment will require deep, deep, cuts in a wide range of programs. If these Members want to protect Social Security, why not put this protection in the amendment?

Many Members pretend that we can protect Social Security from cuts by passing a nonbinding resolution. But, Mr. Chairman, the taxes seniors paid into the Social Security system were not nonbinding. Why should protection of their contributions be nonbinding

Mr. Chairman, America's seniors deserve better than what the Contract on America is offering them. They deserve to know that this contract will not be used to steal what is owed to them.

Mr. Chairman, what is at stake today is the importance of a contract. And, I say we honor the contract America's seniors made by paying Social Security taxes, not the Gingrich contract, that puts their Social Security at risk. My colleagues—join me in passing the Gephardt-Bonior substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield ½ minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, just in 30 seconds, let us make it very clear. This amendment does not protect Social Security, it goes back to business as usual.

It says it is going to only take a simple majority to increase deficit spending. It is only going to take a simple majority to raise the debt limit. It is only going to take a simple majority to raise taxes. It is what we have always had. It does not work.

Under the budget resolution we passed last year, just remember, the national debt will balloon from $4.5 trillion to $6.3 trillion. It is not working. We are mortgaging our kids' future. We need a change.

Mr. Chairman, it is frustrating to think that we have to amend the Constitution in order to get Congress to do its job. Because Congress can't seem to say "no" to lobbyists and interest groups, our country's economic health is at risk. A constitutional amendment may give legislators the backbone they need to start saying "no" and balance the budget.

The question is, "How big do we want government to be and how do we pay for it?" This year the Federal Government will spend $1.5 trillion. Taxes will bring in $1.2 trillion, forcing us to borrow $300 billion from pension funds, foreign countries, insurance companies, the Social Security trust fund, and others.

We cannot continue to borrow and spend. Interest payments on the debt will be over $300 billion this year. Last year, for the first time, we spend more on interest than on defense. Under the budget resolution passed last year, the national debt will balloon from $4.5 trillion to $6.3 trillion in 5 years. If we want to stop mortgaging our kids' future with endless borrowing, and we think 42 cents of every dollar is enough in taxes, and we know that tax increases on businesses and working people destroy jobs, then we have only one alternative—cut spending.

Amending the Constitution is a huge responsibility. We should work to draft and approve an amendment that will be as useful and as applicable 100 years from now as is today. To do that, we should address a real threat to Americans' current and future standard of living: Federal spending.

The President and others complain that a balanced budget requirement would force Congress to slash domestic spending and restrict options for health care reform. What they really mean is, "It's easier to leave the bills for our children than to pay as we go." The budget that Congress passed on March 11 will add $1.6 trillion to the national debt by fiscal year 1999, bringing it to $6.3 trillion.

The bottom line is that overspending harms our long-term economic growth. We now pay $314 billion a year in interest on the public debt—almost 23 percent of Federal revenues. The Government's borrowing drives up interest rates and takes money away from individuals and businesses that could use it to invest and create jobs. Since 18 percent of this borrowing comes from foreign countries, it also makes us more dependent.

I am concerned that a simple balanced budget amendment will not achieve our goal of controlling Government. In Michigan where I served 14 years in the State legislature, a State balanced budget requirement in the constitution failed, at least initially, to control government spending. The State got around the limits on its spending by balancing the budget with accounting tricks, unfunded mandates, and new taxes. The result was a State government that continued to consume a larger and larger portion of State income even under a balanced budget amendment.

We solved this problem by passing the so-called Headlee amendment to the Michigan Constitution in 1978. The Headlee amendment limited the growth of State revenues to the growth of personal income in Michigan during the previous calendar year. To prevent the indirect growth of State spending through mandates, the Headlee amendment also included a provision to prevent the State from imposing unfunded mandates on local governments.

Professor Friedman, in a recent column in the Wall Street Journal, stressed the need to include spending limitation language in a balanced budget amendment. We don't need to require the Federal Government to fund every mandate imposed upon State and local governments, but we should count the costs of any unfunded mandate as a Federal outlay in the amendment.

As chairman of the finance committee in the Michigan Senate, I had the opportunity to observe the operation of the Headlee amendment at close hand. Simply put, the amendment works, Michigan Gov. John Engler recently appointed a commission to review the performance of the Headlee amendment. The commission concluded that the Headlee amendment has stopped the growth of State government as a share of the State economy, and protected local governments from State government mandates.

With the Senate and House of Representatives on the verge of approving a balanced budget amendment, the critical next step will be writing effective legislation to implement and enforce the proposed new balanced budget requirement. In the event that a tax or spending limitation is not included in the constitutional amendment itself, implementing legislation will provide Congress with a second chance to consider effective limits on taxes or spending.

I support a Federal spending limit linked to growth in the gross national product [GNP] as the best way to promote both fiscal responsibility and economic growth.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in support of the amendment.

There is no question about the need to balance the Federal budget. Year after year of deficits have left us with a national debt totaling $4.64 trillion.

If we could wave our magic wand, say abracadabra, and wipe that debt off the books, our budget would be in balance. However, magic cannot make that happen. In fact, we know on our side that gimmicks and magic tricks will not balance the budget.

Unfortunately, our friends on the other side seem to believe in magic. They believe that once we pass these amendments and say alakazam, abracadabra, poof, presto, we will have a balanced budget.

Mr. Chairman, I have great respect for the chairman, the gentleman from Illinois [Mr. HYDE], but he is not a magician. Passing the balanced budget amendment reported by the Committee on the Judiciary will not magically turn around Federal fiscal policy and achieve the balanced budget that we all want to see.

The only way the deficit can be erased is by making tough, very tough, choices. That is how American families do it. That is how our Government must do it.

Mr. Chairman, there is no question about our need to come to grips with the deficits which have, in recent decades, become the norm in Federal budgeting. Year after year of deficits have left us with a national debt totaling $4.64 trillion. Debt service alone on that massive sum consumes over 15 percent of our Federal budget; in fact, interest payments on the Federal debt are $59 billion more than this year's projected deficit.

If that debt could be magically wiped off the books, our budget would be in balance. But magic can't make that happen. Likewise, passing the balanced budget amendment reported by the House Judiciary Committee will not magically turn around Federal fiscal policy and achieve the balance that we all want to see. The only way the deficits can be erased and we can get on with the task of reducing the national debt that exists today is by making tough—very tough—choices relating to spending and revenues. That is how American families do it, and that's how our Government should address its budget dilemma.

I am glad to say that, after years of ever escalating deficits, this Congress in cooperation with the administration has finally begun that process in earnest. Two years ago, we enacted the largest deficit reduction package in the Nation's history, and we are seeing results. For the first time since the Truman administration, we have had 3 successive years of declining deficits. It didn't happen by magic. It happened because a majority of members of both Houses of the Congress and the President were willing to make difficult choices. And more choices—tougher ones—are ahead if we are serious about this.

The Judiciary Committee's proposed amendment will not do the trick. The committee's proposal is seriously flawed for a number of reasons. First and foremost, the amendment does not deal with implementation at all. That is problematic for two reasons. First, I believe in truth in budgeting. The American people need to know the specifics of how we are going to get from here to there—from today's $176 billion deficit to zero by the year 2002. The majority leader of this House has let it be known that he is concerned that knowing the game plan would cause knees to buckle. I don't know about him, but I can tell you that I think we need to know the facts—and face up to them—before we sign off on something like this. If the details aren't going to sell with the American people, we need to find another answer up front instead of creating unrealistic expectations.

Second, if the amendment finds its way into the Constitution, we need to acknowledge that it raises the very real possibility that, contrary to the design of the Founding Fathers, spending and tax decisions will end up in the hands of unelected Federal judges. We have witnessed on this very floor year after year of contentious debates about how to reduce the deficit. We have experienced a series of domestic summits aimed at reaching agreement on deficit reduction strategies that would win sufficient support from members of this legislative body and various administrations to be enacted. And we have, time and again, seen consensus fall apart. If that were to happen again and this amendment were to become part of the Constitution, court appeals would ensue and we could see an unelected Federal judge anywhere in this country, depending on where the suit was filed, making taxing and spending decisions for all of us. Quite frankly, I find it hard to believe that the advocates of this amendment—many of whom have been highly critical of activist Federal judges—would truly want that to happen. But all of us in this Chamber know it very well could. I am confident my constituents—who value our democratic form of Government—would not stand for it.

I am also very concerned about what this amendment would mean to American fiscal policy. Many of those who are its strongest advocates argue that we would merely be putting in place the same requirement under which State governments operate around the Nation. That sounds good, but the comparison does not hold up to through scrutiny. First, States do carry debt, they simply do so by moving important parts of their spending off-budget. Most notably, every State has some form of capital budgeting for major capital projects—roads, buildings, sewage treatment facilities, and other infrastructure improvements—that are critical to their economic strength and which are then funded with bond issues and do involve incurring real debt. Our colleague, Congressman WISE will be offering an alternative version of this amendment which would provide for a capital budget, and I will be supporting that alternative. It represents a major, sensible improvement over the committee's proposal. It reflects an important reality of America today, and it would allow the Federal Government to make long-term investments—just like American families do when they decide to incur a mortgage debt to buy their own home.

Second, the amendment reported to us by the committee would put Social Security on the chopping block, and I for one cannot support that. I have said, time and time again, since entering the Congress that Social Security is a contract between generations of Americans. It is a contract that is self-financed by a dedicated stream of revenues—employee and employer contributions and the interest earned on investments of that revenue—and that should not, must not be brought into overall budget decisions. In the 6 years I have served in this body, we have passed measure after measure to insulate Social Security from being victimized by external budget pressures. This amendment, by not excluding Social Security from its coverage, would negate what we have done to protect the trust funds and again put Social Security in jeopardy. After all older Americans have done for this generation, I cannot let their Social Security nest egg be raided to cover excessive spending elsewhere in the Federal budget. And the committee's proposed amendment would clearly threaten New York seniors. The Speaker and others have advocated changes in cost-of-living adjustments to help reduce the deficit. While virtually every projection available tells us that even greater cuts than that would be necessary to fulfill the committee amendment's mandate, the Speaker's proposal alone would cost the average Social Security recipient thousands of dollars in the years ahead in lost benefits.

Third, we cannot ignore the fact that fiscal policy is an important tool for addressing fluctuations in our national economic condition. When Franklin Roosevelt sought the Presidency the first time, he was an advocate of balancing the Federal budget. But the harsh realities of the Depression required massive pump priming to restart an economy that was in a nosedive devastating the lives of millions of Americans. President Roosevelt was not bound by his previous positions, and we should all be grateful that he was not. But he would have been bound by the amendment which has been recommended to us by the Judiciary Committee—and the American people would have suffered severely as a consequence. The committee's amendment does not provide an escape hatch to deal with economic realities as common sense and historic experience tells us it should.

As this debate continues, I will be supporting alternative approaches to the committee's constitutional amendment that would effectively resolve the problems which are clear. But I want to emphasize in closing that the fundamental problem with the amendment before us remains: it is a placebo when our Nation's deficit requires serious medicine; it is a quick fix when only ongoing therapy will enable us to end deficit spending and get on with the business of retiring the national debt.

I call on my colleagues, regardless of the outcome of today's votes, to join together in a serious effort to make the tough choices which can truly address the deficit. There is too much work to be done to allow ourselves to be consumed by playing games and trying to convince the American people we are addressing the deficit when we are only delaying the day of reckoning.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] has 9½ minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 5½ minutes remaining.

Mr. BONIOR. Mr. Chairman, will the gentleman from Wisconsin yield some of his time?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, most of the debate today has been on amendments from the gentleman's side of the aisle, so I think he has plenty of time to talk about it.

Mr. BONIOR. I thank the gentleman for his courtesy.

Mr. Chairman, I yield such time as he may consume to the gentleman from El Paso, TX [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I rise in support of the Gephardt Balanced Budget amendment.

My position on this issue has always been clear: Our Federal Government should live within its means.

It has been 25 years since the Federal Government ended a fiscal year with a surplus. Our Government has been running deficits for so long that we have taken them for granted. Each American's share of the debt is more than $13,000. Our national debt has been estimated at over $4.5 trillion. The interest on the debt in this fiscal year—fiscal year 1995—is $226 billion. The next fiscal year, the interest on the national debt will increase to $245 billion. By the year 2000, the current estimates are that the interest on the debt will reach $283 billion. Interest on the national debt is now the third largest item in the Federal budget, after Social Security and defense.

For decades we have been operating our Government with deficit upon deficit. We are putting at stake our future and our children's future. Continuing down this path will assure that our country, down the line, will face very serious political and economic crises. If we do not address this problem, an economic upheaval will be the first that we will face followed by a massive political one that will make the 1994 midterm elections look like a blip on the radar screen.

As you will recall, after the Congress approved, and the President signed, the 1993 Omnibus Budget Reconciliation Act, the largest deficit reduction package in history, the financial markets responded very favorably. Interest rates went down thereafter and our economy continues down the strong road set that day. Also, remember that this package was approved without a single Republican vote. Our party's record on deficit reduction is strong.

However, due to the failure to address the health care question and other matters, our good times may be short lived. Projections show that in a few years the deficit will begin to rise once more.

So, Mr. Chairman, I understand the seriousness of the situation. I do not take it lightly. The American people demand action on this matter. At the same time, the Congress has no internal restraint by which to curb its spending.

The question that we have before us is not whether to have a balanced budget amendment, but how we get to a balanced budget.

I am afraid that the resolution to this matter will be another political gimmick passed by this body ala Gramm-Rudman. We will be simply passing the buck. What the American people want from a balanced budget amendment is a complete outline of what and how expenditures will be cut.

When we say: how will you balance the budget, the Republicans squirm in their seat. When we say: what gets cut, and whose belt gets tightened, they change the topic altogether.

A few weeks ago the Republican leader said that if the American people knew what was involved in the balanced budget amendment, Congress' knees "would buckle." The amendment would die on the House floor.

Furthermore, the Republican leadership has forwarded a concurrent resolution that is nothing more than a smoke screen to hide their true intentions towards Social Security. This resolution would have no binding effect on future Congresses that will be responsible for implementing a balanced budget amendment, if approved by the States.

I have supported a balanced budget amendment before and also supported the Conyers version today because I believe it is what the American people want. The Conyers version would have detailed an account-by-account basis how our Government will achieve a balanced budget by the year 2002.

The Gephardt amendment also exempts Social Security. This is an important provision to me because I myself tried to get a balanced budget amendment considered on the floor of the House that would have exempted Social Security and Medicare. Unfortunately, the Rules Committee, would not allow my amendment to be offered on the House floor.

My proposed balance budget amendment would have put the Social Security program off-budget, that is, it would be exempt from any balanced budget requirements. In my opinion, the Barton and the Stenholm versions of the balanced budget amendment threaten the income security of older Americans. While the concurrent resolution governing consideration of the various balanced budget amendments calls for achieving a balanced budget without "increasing the receipts or reducing the disbursements" of the Social Security trust funds, I want special safeguards, especially when we amend our Constitution.

In my opinion, we are simply taking the word of the Republican leadership by approving the concurrent resolution for consideration of the various balanced budget amendments. I want the Social Security exemption to be explicitly mentioned in the language of the amendment which the Conyers version does. I want to keep the promises made to our Social Security retirees. Our country's older Americans rely on Social Security for income support. We cannot let a poorly drafted balanced budget amendment threaten their security.

Another benefit from placing Social Security off budget would be that we would not be masking the true size of the deficit. Washington has gotten quite a reputation for using funny arithmetic in explaining its numbers, especially its budget and projection numbers. As you know, the Social Security program is a self-sustaining program which runs a surplus. Using this surplus to hide the true size of the deficit is shameful. The Conyers amendment would have put an end to this.

Second, my proposed balanced budget amendment would have also exempted Medicare. Again, both the Barton and Stenholm versions of the balanced budget amendment provide no protections for Americans who rely on this important program.

Under the typical balanced budget amendment, caps and cuts on Medicare can be foreseen. If there is a cap on this program, or a deep cut, Medicare will not be able to provide the limited cushion it now provides. Even more, these caps and cuts will hurt the poor and elderly disproportionately.

These two programs, Social Security and Medicare, are part of the social safety net that many in this Congress wish were not there. Indeed, both the Speaker and the Republican leader have threatened these two programs in the past. But they are there for a reason. Vital programs for older Americans must not be dismantled blindly in the name of deficit reduction. Fiscal responsibility should not make us overlook the importance of these two programs and the people that depend on them.

I, also, did not support the Barton or Stenholm balanced budget amendments because they do not answer the question of who has standing if a balanced budget is not produced. What if the President submits an unbalanced budget? What if the Congress produces one? Who tell us, the Congress, that we are not living within our limits? Will it be un-elected Federal judges? This is the same problem we had with Gramm-Rudman.

If the Congress produces a budget in which outlays exceed receipts, who will decide to raise taxes to make up for the shortfall? Surely, not the judges. After all, this prerogative is left to elected representatives of the people like Members of Congress or Presidents. Knowing all this, the Judiciary Committee, which reported the Barton amendment, did not even breach this area. The chairman of that committee cut short debate on Democratic amendments dealing with this matter when the constitutional amendment was before his committee.

In addition, the Barton and Stenholm balanced budget amendments pass costs along to the States. A recent study by the Economic Policy Institute shows that a balanced budget amendment requiring a balanced Federal budget by 2002 would have a significant economic effect on the incomes and living standards of most Americans. When combined with the spending cuts called for to achieve a balanced budget, my State of Texas would stand to lose $14 billion. That translates to a loss of $879 per person. When the balanced budget amendment is combined with the Contract With America cuts, Texas would stand to lose $20 billion. That translates to $1,205 per Texas resident. My congressional district would lose $542 million or $957 per person.

Many of these dollars cut go to essential public services like Medicare, Medicaid, food and housing assistance, education, training, social services, unemployment insurance, sewer/water aid, welfare payments, public transportation, and many more. And who is to make up for the shortfall when these programs are no longer funded by the Federal Government? The taxpayers. Through State and local tax increases.

A Washington Post-ABC poll published on January 6, 1995, reported that only 41 percent of those queried said that approving a constitutional amendment requiring a balanced Federal budget was absolutely critical. Furthermore, only 37 percent would support a constitutional amendment to require a balanced budget if it meant cuts in Federal spending on education and that percentage dropped down to 34 percent if it meant cuts in Social Security.

The State of Texas, as you may know, has no State income tax and meets only once every 2 years. Texas gets 26 percent of its budget from the Federal Government. That's one out of every $4 that will no longer be there if this funding is cut. Yet the public will still demand the same services. To continue providing these services, the State and localities will be forced raise to taxes. It is going to be increasingly difficult for my State to make up for this shortfall through property taxes and sales/excise taxes, their two main sources of revenue.

These cuts will also affect the neediest in a disproportional manner. Half the money that goes to the States goes to health care in the form of Medicare and Medicaid. The elderly, poor and needy depend on this form of aid most of all.

I also fear that the economy could be hurt if we approve the Barton or Stenholm balanced budget amendments. The synergy of the current economic system is that this Government provides fiscal stabilizers when there is a downturn on the economy. When workers lose jobs, for example, unemployment compensation rises and softens the effect on the economy. If business profits are off, then tax liabilities decline. While these events boost the Government deficit, it offsets to some degree the decline in the private sector.

However, with a Barton or Stenholm balanced budget amendment, the synergy would be damaged. It would force the Federal Government to raise taxes or cut spending to cover the increasing deficit that a slowing economy is generating. If the Congress approves the Barton amendment, things could go from bad to worse because this amendment requires a three-fifths majority to increase taxes.

On the subject of three-fifths majority to raise taxes, I am not in favor of it. By doing this, the Congress will be ceding power to a congressional minority—this is expressly what our Founders rejected when they drafted our Constitution. Instead of putting the principle of balanced budgets in the Constitution, we would instead be enshrining the principle of minority rule. Forty percent plus one of either House could hold our Federal Government hostage. Just think what it would have been like if past Congresses had to meet a three-fifths requirement in order to respond to a national crisis such as the Great Depression or the last two world wars.

We, as lawmakers, have to take the responsibility of dealing with what is now the biggest single threat to our economic and national security. Let's not walk away from that by passing just another political gimmick. Let's put before the State a balanced budget amendment that details how we are to get to balanced budget. Approve the Gephardt substitute.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, it is show time. It is time to put up or shut up. It is time to fish or cut bait. We could think of a whole lot of colloquialisms for what we have to do today, but it is time for those on both sides of the aisle to show whether or not they are really in protection of Social Security.

Yesterday, Mr. Chairman, we had a flimsy resolution that said that Members on the other side of the aisle were in favor of protecting Social Security. I did not believe it, but they said it was like a promissory note.

We are here today to cash in on that note. If they pledged, truly believe that they pledged that they were in favor of supporting Social Security, here is their opportunity to belly up to the bar and to vote to protect Social Security once and for all by supporting the Gephardt-Bonior amendment.

Mr. Chairman, the Social Security trust fund, that is exactly what it is, it is a trust, a trust that the senior citizens in this country have put in us. Now, Mr. Chairman, we are telling them "Don't count on my vote, just count on my trust."

They have already put their trust in you, so let us see what you are going to do today, not to answer to us on this side of the aisle but to answer to the American public and to senior citizens out there all over the country. Let us see today what you are going to do. We know who you are going to have to answer to.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] continues to reserve the balance of his time. The gentleman does have the right to close. Does the gentleman have additional speakers?

Mr. SENSENBRENNER. No, Mr. Chairman.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Rochester, NY [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, our Constitution is the envy of the world. It has guided us superbly for over 200 years. For the past few years it has been under constant assault from Americans and people here who would change it and cast off pieces like discarded cloths.

With this amendment we do not have a clue how to get to this balanced budget. How are we going to achieve it without doing great harm to the country and to our citizens?

Today's Members of the House do not really have to care. Most do not plan to be here when the crunch comes. They are going to leave it to future Congresses to take on that responsibility.

Mr. Chairman, we are on the right road with a deficit reduction plan which is working beyond our expectations. Please do not buy a pig in poke to feel good now and to take away the ability to get this monster debt under control sensibly, without a meat axe.

Remember, Mr. Chairman, Social Security is a Democrat contract with America. Leave it alone. Vote for the Gephardt-Bonior amendment.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Gephardt-Bonior amendment to protect Social Security and protect our senior citizens.

Why will our Republican friends not tell the American people what programs will be cut if the balanced budget amendment becomes part of the Constitution? Is it because they are afraid to tell the American people the truth, or is it because, as a Republican leader recently stated, Members of Congress cannot be told the truth because their knees would buckle if they new the truth?

Mr. Chairman, the American people should not buy a pig in a poke. Congress should not vote to tamper with the Constitution when we are not told of the specifics of what the consequences will be.

If we do, and we do not support the Bonior-Gephardt amendment, Social Security itself will be in jeopardy. Senior citizens' health care will be decimated in the form of severe Medicaid and Medicare cuts. Veterans' health care benefits will be curtailed. Our young people will have their education curtailed.

In short, Mr. Chairman, if the American people knew what this balanced budget amendment really meant, they would rise up in opposition to these crippling cuts. All I am asking for, Mr. Chairman, is to tell the American people the truth. The truth may hurt, but the American people should know.

The CHAIRMAN. The gentleman from Michigan [Mr. BONIOR] has 1 minute remaining.

Mr. BONIOR. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I could just stand here today and talk about Ivalita Jackson, my mother, or Ezra Jackson, my father; just some plain hard-working people that simply asked if they would be allowed to work and contribute and some day look forward to Social Security.

My colleagues would say that was the narrow viewpoint to take on this very important issue.

□ 1740

That is why I have stayed here the entire day on this floor, to partake in a bipartisan effort to be able to form a balanced budget amendment that would rise to the occasion of representing all Americans.

I hope that people who are listening and viewing this realize that we are not talking about perfecting amendments or pieces of an amendment. What has been offered by the Democrats are balanced budget amendments. We are debating balanced budget amendments. We are attempting to work for all of the people. And I have to work for those citizens who have worked.

Support the Bonior-Gephardt amendment. Support Social Security. Keep remembering we represent all of the people.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 9½ minutes.

Mr. SENSENBRENNER. Mr. Chairman, this debate has been somewhat of a disjointed debate. To sum up on our side of the aisle, I think it is important to distinguish the differences between the Gephardt-Bonior amendment and the amendments that have been backed on the Republican side of the aisle.

First, the Gephardt-Bonior amendment allows tax increases to be approved by a majority vote but does not make it difficult to raise taxes and it does not make it difficult to increase the national debt.

Second, the Gephardt-Bonior amendment, while claiming to protect Social Security, really does not do so. It says that the Social Security trust fund, the disability and old-age and survivors parts of it, are moved off-budget, but it keeps the Medicare portion on-budget, and part of that is financed by the Social Security payroll tax. And it does not define what constitutes Social Security.

That is the fatal flaw in this amendment. It will not protect Social Security the way the proponents claim it will. Because by not defining Social Security in the text of the amendment, the Congress that wants to mess around with Social Security in the future can simply call all of its pending schemes amendments or additions to the Social Security law and avoid the constraints of the balanced budget amendment.

Second, the last time the House debated and voted on this subject was on March 17, 1994. I have been listening to the debate quite closely, and I have here the CONGRESSIONAL RECORD of that date, and rollcall 64 is a very illustrative one. Because many of the speakers who have made impassioned speeches on the other side of the aisle voted against the only amendment in last year's balanced budget debate that contained the Social Security language that we are debating today.

Among those who argued in favor of the Gephardt amendment today who voted against the same language in the context of the Wise amendment last year were the gentleman from Michigan [Mr. DINGELL], the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from New York [Mrs. LOWEY], the gentlewoman from New York [Ms. SLAUGHTER], the gentleman from California [Mr. TUCKER], and the gentlewoman from California [Ms. WOOLSEY].

I think that those of us who are voting against this amendment are being consistent in our votes. We are proud to be consistent in our votes, because we want a balanced budget amendment that means something while protecting Social Security.

The Gephardt amendment does not do that. I would urge a no vote on the Gephardt amendment.

Mr. RICHARDSON. Mr. Chairman, I rise in support of the Gephardt-Bonior substitute.

Yesterday, we voted on a worthless concurrent resolution, the Endangered Members Protection Act, that was not even binding in its protection of Social Security. Now, we have an opportunity to vote on a substitute with some actual teeth for preserving Social Security for current and future generations.

Since I entered Congress, the House has voted on several important bills to strengthen the solvency of the Social Security trust funds. Now, with proposals from the other side of the aisle to cut roughly $1.5 trillion over the next 7 years without raising taxes, the Social Security trust funds are definitely in the crosshairs.

My Republican colleagues apparently look at a trust fund and only see the funds while neglecting the importance of trust for the American public. Let's not pull the rug out from underneath the many millions who have contributed to the trust funds for their future income security. I urge a yes vote on this substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. BONIOR].

RECORDED VOTE

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 296, not voting 3, as follows:

[Roll No. 48]

AYES—135

Abercrombie
Ackerman
Barcia
Becerra
Beilenson
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McCollum
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Murtha
Nadler
Neal
Neumann
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Reynolds
Richardson
Rivers
Roybal-Allard
Sanders
Scarborough
Schroeder
Schumer
Scott
Slaughter
Stark
Stokes
Stupak
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Volkmer
Waters
Watt (NC)
Whitfield
Wilson
Wise
Woolsey
Wynn
Yates

NOES—296

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal

DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Matsui
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Williams
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Bishop
Fields (LA)
Rush

□ 1801

Messrs. LUTHER, McDERMOTT, MOAKLEY, CRAMER, and BROWDER changed their vote from "aye" to "no."

Mr. KLINK changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider an amendment to be offered by the gentleman from Colorado [Mr. SCHAEFER].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SCHAEFER

Mr. SCHAEFER. Mr. Chairman, I offer an amendment in the nature of a substitute made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SCHAEFER: Strike all after the enacting clause and insert the following:

Proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Texas [Mr. STENHOLM], and I ask unanimous consent that the gentleman from Texas [Mr. STENHOLM] be allowed to yield that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Will the gentleman from North Carolina [Mr. WATT] be the Member in opposition?

Mr. WATT of North Carolina. That is correct, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, Congress stands on the brink of passing one of the most significant pieces of legislation since it proposed the Bill of Rights more than 200 years ago, the balanced budget amendment to the Constitution.

This morning I was disappointed the tax-limitation version of this amendment failed to win the necessary votes. The American people deserve a balanced budget amendment to the Constitution.

Almost half of every income tax dollar goes to net interest. If we count gross interest, it is 60 percent. In 1970, net interest took only 15 percent.

I have no hope that Congress can reverse the trend without a constitutional amendment to deal with the balanced budget.

Mr. Chairman, the following documents explain the operation of the Schaefer-Stenholm amendment in detail:

QUESTIONS AND ANSWERS ABOUT THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

CONSTITUTIONAL LANGUAGE—ECONOMIC POLICY

Q. Shouldn't economic policy be kept out of the Constitution?

A. Economics is politics and vice-versa. Governance inescapably involves addressing questions of economics. Moreover, our Constitution is replete with economic policy. For example, it refers to private property rights; prescribes Congressional (and Executive) roles in federal fiscal activities such as raising revenue, spending, and borrowing; provides for uniform duties, imposts, and excises; discusses the regulation of interstate commerce; discusses the coinage and value of money; and deals with counterfeiting, patents, and other economic issues. The test is not whether or not an amendment is economic policy, but whether it encompasses broad and fundamental principles, its relevance is not transitory, and its importance is far-reaching in scope and over time. The need for a BBA and the proposal of H.J. Res. 28/S.J. Res. 1 in response meet this test.

ENFORCEMENT AND IMPLEMENTATION—PHASE-IN

Q. Of what use is a BBA in today's atmosphere of impending fiscal crisis, if it won't be in force for several years?

A. (1) A BBA is a long-term proposition. It should be adopted because it is a valid response to a long-term and structurally inherent problem. (2) It's long-term nature not withstanding, even a BBA that is not in effect for several years will prompt deficit-reduction actions in anticipation of its being in place. Therefore, submission of the amendment to the states would stimulate an immediate response in federal fiscal behavior.

ECONOMIC CONSEQUENCES—DIRE PREDICTIONS

Q. Why do so many economic analyses project devastating results under a BBA?

A. Those that do generally assume either (1) that a balanced budget would be imposed quickly or even immediately, with little or no transition, or (2) that the requirement for balance will be adhered to without exception and that Congress (and the President in his or her recommendations) will not exercise its prerogatives under a flexible amendment to enact counter-cyclical measures. This amendment will not go into effect until, at the earliest, two years after ratification. Once passed through both houses, we would hope that Congress would recognize the impending deadline and act to meet that date by which the budget must be balanced. By allowing a multi-year phase in, we believe any such "drastic" economic effects would be diminished, if not erased. This amendment has the flexibility to address economic emergencies through the ⅗ release vote on balancing the budget. This allows Congress and the President to act in response to circumstances such as a recession or some other emergency, while insuring that such a decision is made in a fiscally responsible manner.

ECONOMIC CONSEQUENCES—BUDGET CUTS

Q. Wouldn't adopting a BBA result in cutbacks in services for the poor and needy, for senior citizens, for health and housing programs, and even possibly for defense programs?

A. The BBA itself would do none of these things. It would force the Executive and Legislative Branches to priorities within a balance of receipts and outlays and force into the light of day what actual decisions and trade-offs are necessary. If this does not result in cutbacks of government programs, it will ensure that we pay for all the government we want.

Q. Since "the BBA itself would do none of these things," isn't it just a "political free lunch," raising false hopes while diverting attention from the real and difficult budget decisions that need to be made?

A. Far from that, H.J. Res 28/S.J. Res. 1 would force Congress, the President, and the public to own up to the hard choices that need to be made. It is general because most provisions in the Constitution, encompassing broad principles as they do, should be broadly worded. But its result will be to make unavoidable the asking of those questions some in elective office have avoided: How much government do we want? How willing are we to pay for it? Which programs should be priorities?

BUDGET GIMMICKS

Q. Won't constitutional requirement of a "balanced budget" simply invite moving some items off-budget?

A. H.J. Res. 28/S.J. Res. 1 does not require that a single document, a "budget," be written in balance. Instead, it deals with actual spending and taxing bills, and how actual outlays conform to estimated receipts. Taking any item "off-budget" would have absolutely no effect on the operation of H.J. Res. 28/S.J. Res. 1.

Q. Wouldn't the temptation remain great to commit some other evasion, such as manipulating the definitions of terms used in the BBA?

A. Terms such as "outlays", "receipts," "debt held by the public", and "raising revenue" either already appear in the Constitution or are commonly understood. In the 99th Congress, Senate Reports 99-162 and 99-163 and Senate floor debate on S.J. Res 225, and in the 101st Congress, the House floor debate, went to some lengths to establish a legislative history for and preventing misinterpretation of these and other terms as used in a BBA. This year the House Budget Committee compiled a formidable amount of testimony on all sides. It also remains the appropriate role of the Members engaged in floor debate this year to build similarly clear definitions.

ENFORCEMENT AND IMPLEMENTATION—GENERAL

Q. Won't the BBA be unenforceable in other ways, causing erosion of respect for other Constitutional provisions as well?

A. To a certain extent, the provisions of H.J. Res. 28 / S.J. Res. 1 are self-enforcing or interactively enforcing. Effective enforcement and orderly implementation certainly are expected in the form of enabling legislation; Members such as the former Chairman of the Budget Committee have served notice most effectively in that regard. Beyond that, enforcement either is implied by the ramifications of stalemate or inaction or, to a very limited degree, could be obtained in the courts.

The Constitution requires Congress and the President to take the necessary steps to carry out Constitutional mandates. Congress is empowered to make all laws that are "necessary and proper to execute the mandate of the constitution." The President and Members of Congress take only one oath, promising to "preserve, protect and defend the constitution." It is assumed that Congress and the President will monitor each other and to the limits of their authority enforce the provisions of the amendment against the other.

The public will also have a significant role. A breach of the amendments' provisions would be readily apparent, and if a breach occurs a political firestorm very likely would erupt from the public. Public accountability is provided for in the provision that requires any vote to run a deficit to specify which outlays are "excess."

Finally, as a last resort, the judicial branch may act to insure that the Congress and President do not subvert the amendment. A member of Congress or an appropriate Administration official probably would have standing to file suit challenging legislation that subverted the amendment.

JUDICIAL REVIEW

Q. Wouldn't H.J. Res. 28 / S.J. Res. 1 dangerously and inappropriately transfer power to the courts in a whole new area by opening up to court challenge on Constitutional grounds virtually every budgetary decision made by Congress (and the President)?

A. The courts could make only a limited range of decisions on a limited number of issues. They could invalidate and individual appropriation or tax Act. They could rule as to whether a given Act of Congress or action by the Executive violated the requirements of this amendment. Indeed, a limited role is appropriate: In the words of Marbury v. Madison, the judiciary has a fundamental obligation to "say what the law is."

But it would be inappropriate for the courts, and it would be inappropriate to call upon the courts, to rewrite budget priorities and fiscal law. Senate Reports 99-162 and 99-163 and the accompanying Senate debate once again provide much guidance, this time as to how the "political question" doctrine of *Baker* v. *Carr*, 369 U.S. 186 (1962), the requirements to a justiciable case or controversy (see e.g., Aetna Life Insurance Co. vs Haworth, 300 U.S. 227 (1937), and questions of standing would prevent the floodgates of litigation from opening upon the process in place under a suitable BBA. For example, *Riegle* v. *Federal Open Market Committee*, 656 F.2d 873 (DC Cir. 1981), "counsel[led] the courts to refrain from hearing cases which represent the most obvious intrusion by the judiciary into the legislative arena: challenges concerning congressional action or inaction regarding legislation."

The traditional judicial doctrine of "standing" requires that a plaintiff has a direct and specific, personal stake or injury. A "generalized" or "undifferentiated" public grievance, such as would suggest "taxpayer" standing vis-a-vis macroeconomic policy decisions, is not recognized.

Most questions that will arise as to compliance or enforcement will either be resolved through enabling legislation or will arise during policy-making events that trigger the self-enforcing mechanisms in the BBA (i.e., 3/5 vote to pass an increase the debt that results from a deficit in a given year) or currently in place (i.e., threat of government shutdown if a legislative deadlock persists).

Finally, absolutely no role for the courts is foreseen beyond that of making a determination as to whether an Act of Congress or an Executive action is unconstitutional and a court order not to execute such Act or action. A purely restraining role is anticipated for the courts and could be guaranteed by Congress in appropriate legislation specifying standing, jurisdiction, and remedies.

JUDICIAL REVIEW

Q. If the judiciary is involved, couldn't a case drag on for years past the fiscal year in question, making every case moot?

A. The courts have shown an ability and willingness to expedite their processes in an emergency. Recent examples are the reapportionment cases involving Massachusetts and Montana that went all the way to the Supreme Court and were resolved in a matter of months. Congress could further ensure expeditious handling, for example, giving the Supreme exclusive and original jurisdiction over cases arising under the BBA.

ENFORCEMENT AND IMPLEMENTATION—CONGRESS

Q. What if Congress, ignoring the provisions in H.J. Res. 28 / S.J. Res. 1, nevertheless passes appropriations in excess of revenues?

A. The general charge that actual outlays not exceed receipts creates a general obligation for Congress and the Executive to construct a statutory framework to enforce and implement the BBA, in advance of its effective date. Indeed, such legislation would be essential in managing the budget down its "glide path" to an eventual balance. The ultimate form of such legislation could include a revised Gramm-Rudman-Hollings type sequester, an enhanced Pay-as-you-go mechanism, or some process reforms.

The language of Section 1 also creates an ongoing obligation to monitor outlays and receipts and make sure that outlays do not breech receipts. This does not envision any sort of discretionary "impoundment" power on the part of the President or courts. However, the Executive branch would be under an obligation to estimate whether outlays will occur faster or at higher levels than expected and to notify Congress promptly. If an offsetting rescission is not enacted or other appropriate legislative action not taken, then the President would be bound, at the point at which the government "runs out of money," to stop issuing checks (unless, of course such exigencies already have been accounted for in enforcement and implementation legislation in advance).

The deterrent of a budgetary "train wreck" always exists to motivate responsible budgeting: either the possibility of a government shutdown or of the need to round up 3/5 of both Houses to pass a debt increase bill without any "blackmail amendments." (For example, Gramm-Rudman-Hollings was a "blackmail amendment" attached to a debt ceiling bill in 1985, when 51 Senators refused to pass a "clean" bill.)

BUDGET ESTIMATES—"OOPS"

Q. What is to prevent Congress and the President from drastically over-estimating revenues and then declaring, "oops," when outlays and receipts are unbalanced at the end of the fiscal year?

A. If such a scenario occurred, Congress would have to pass a debt ceiling increase by a three-fifth vote. The debt provision provides a powerful incentive for truth-in-budgeting. Any such mis-estimates will catch up rapidly with its authors within a year. A transparent mis-estimate would be subject to the very public process of budget-making. Congress and the President would avoid a widely publicized "mistake" because of its political impact.

CONSTITUTIONAL LANGUAGE—DEBT LIMITATION

Q. Why is H.J. Res. 28/S.J. Res. 1 as introduced, different from previous BBA versions, in that is requires a 3/5 vote to raise the limit on Federal "debt held by the public," rather than the "public" or "gross" debt?

A. When the Social Security and other trust funds run surpluses, those surpluses are invested in U.S. Treasury securities, meaning they are borrowed by the U.S. Treasury and the "public debt" (approximately the same as the "gross Federal debt") is increased by that amount. Such borrowing is an intra-governmental transfer between accounts, and does NOT increase the "debt held by the public." Since the intent of the debt limit vote in the BBA is to enforce the amendment and deter deficits, the "debt held by the public" is the closest currently-used and commonly-understood measure of indebtedness that approximates the amount that indebtedness has been increased because of total deficit spending. In other words, H.J. Res. 290 was not meant to "punish" Congress by requiring a difficult 3/5 vote just because trust funds are running a surplus.

BUDGET ESTIMATES—REVENUES

Q. What if a law enacted in the good faith belief which is revenue-neutral turns out to increase revenues?

A. As with other laws that may be challenged on Constitutional grounds, if it were shown that Congress and the President acted in good faith and had a reasonable basis for projecting revenue-neutrality, the law would not be struck down. What if a bill provides for both increases and decreases in revenues? H.J. Res. 28/S.J. Res. 1 refers to a "bill to raise revenue." The clear intent is to look to the overall revenue effect of a bill.

ENFORCEMENT AND IMPLEMENTATION—REVENUE INCREASES WITH SPENDING CUTS

Q. What effect would H.J. Res 28/S.J. Res. 1 have if in the process of building a "consensus deficit-reduction bill," revenue increases were combined with spending reductions?

A. H.J. Res. 28/S.J. Res. 1 differs from some previous BBAs in that it does not require a "vote directed solely to that subject" in the case of increasing revenues. Certainly, most of the sponsors of H.J. Res. 28/S.J. Res. 1 would not object to such language. However, as currently written, H.J. Res. 28/S.J. Res. 1 simply would require the authors and managers of such a combination bill to make a strategic decision as to whether they preferred to offer separate revenue and spending-cut bills or to subject the spending-cut provisions tied to the revenue-raising provisions in a single bill, with a need to pass by a majority of the whole membership.

MAJORITY RULE

Q. Couldn't the various super-majority requirements in H.J. Res. 28 / S.J. Res 1 thwart the wills of majorities in both Houses and the President?

A. Yes. Such is also the case with Senate filibusters, Gramm-Rudman-Hollings points of order, and other procedures today. As is the case with all super-majority requirements in the Constitution (or in law), the purpose is to protect the immediate rights of a significant minority, and arguably the long-term rights of the people, against a "tyranny of the majority," a phase frequently invoked by the nation's Founders. In the case of H.J. Res. 28 / S.J. Res 1, a sufficient structural bias exists for deficit spending and against accountability in tax decisions that compensating super-majority protections are warranted. Moreover, it is noteworthy that the super-majority levels involved are reasonable and modest.

ECONOMIC CONSEQUENCES—FLEXIBILITY

Q. Shouldn't the federal government have the flexibility to enact counter-cyclical economic measures?

A. Yes, and this flexibility is preserved in H.J. Res. 28 / S.J. Res 1 by allowing Congress to spend in excess of revenues if three-fifths of the members agree that deficit spending is warranted. What the amendment would do is mitigate against the structural bias to spend and borrow (and raise taxes somewhat in preference to restraining spending) in good times as well as bad. In restoring this level playing field, H.J. Res. 28 / S.J. Res 1 strikes a reasonable balance between requiring fiscal responsibility and allowing flexibility.

CONSTITUTIONAL LANGUAGE—BUDGETARY PERIOD

Q. Should the Constitution dictate such details as the budgetary period (fiscal year)?

A. Some such reasonable parameters are necessary to provide for an enforceable amendment. Again, the authors are receptive to perfecting changes, although it is important that whatever parameter is used is not susceptible to subterfuge (e.g., merely including a term like "fiscal period" to be defined in statute). Senate Reports 99–162 and 99–163 suggested using "fiscal year," but allowed that a reasonable statutory re-definition could include a biennial "year."

ENFORCEMENT AND IMPLEMENTATION—IMPOUNDMENT AUTHORITY

Q. Doesn't H.J. Res. 28/S.J. Res. 1 imply that the President would have enhanced powers to block spending based on a pretext of unconstitutionality?

A. A frequent criticism of previous BBA proposals has been that the President is not brought into the budget process sufficiently to share the responsibility of governing and the blame of impasse, although the President can criticize the Congress that "holds the purse strings." H.J. Res. 28/S.J. Res. 1 recognizes the accepted role the President has played under statute since the 1920s, by requiring the President to submit a balanced budget. The President must also share fiscal and political responsibility with Congress for H.J. Res. 28/S.J. Res. 1's joint receipts estimate. But beyond the role in that new joint estimate, H.J. Res. 28/S.J. Res. 1 does not broaden in any way the powers of the President. On the other hand, it does make the President more accountable for how the budget process proceeds.

SOCIAL SECURITY

Q. Why is H.J. Res. 28/S.J. Res. 1 as introduced, different from previous BBA versions, in that it requires a 3/5 vote to raise the limit on federal "debt held by the public", rather than the "public" or "gross" debt?

A. When the Social Security and other trust funds run surpluses, those surpluses are invested in U.S. Treasury securities, meaning they are borrowed by the U.S. Treasury and the "public debt" (approximately the same as the "gross federal debt") is increased by that amount. Such borrowing is an intra-governmental transfer between accounts, and does NOT increase the "debt held by the public." Since the intent of the debt limit vote in the BBA is to enforce the amendment and deter deficits, the "debt held by the public" is the closest currently-used and commonly-understood measure of indebtedness that approximates the amount that indebtedness has been increased because of total deficit spending. In other words, H.J. Res. 290 was not meant to "punish" Congress by requiring a difficult 3/5 vote just because trust funds are running a surplus.

CLUBB—CONGRESSINAL LEADERS UNITED FOR A BALANCED BUDGET

SECTION BY SECTION ANALYSIS OF THE BIPARTISAN, BICAMERAL CONSENSUS BALANCED BUDGET AMENDMENT TO THE CONSTITUTION, H.J. RES. 28/S.J. RES. 1

Section 1. total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote

This section sets forth the general rule of this Article, and the central principle to be observed and enforced, that the government of the United States shall not live beyond the means provided for it by the true sovereign, the people.

Therefore, this section establishes, as a norm of federal fiscal policy and process, that the government's spending should not exceed its income. While popularly—indeed, universally—referred to as requiring a "balanced budget", its mandate is both simpler and more comprehensive, requiring a balance (or surplus) of cash inflows relative to cash outflows.

Any departure from the general rule in this section and its guiding principles should be an extraordinary event, based on a compelling need. As is commonly the case with constitutionally established parameters for the legislative process, no attempt is made to enumerate all the circumstances that might justify deficit spending; if a three-fifths supermajority of each House of Congress believes an emergency, crisis, or urgency exists (and if the President concurs), it does. This formulation makes the option of deficit spending both difficult to exercise yet available when a fairly strong national consensus exists.

Detailed Analysis

"Total outlays" and "Total receipts" are defined below in Section 7.

". . . fiscal year . . ." is intended as a term defined in statute and having no other, specific, constitutional standing. It is a commonly understood term in both private and public usage. While the definition of a fiscal year could be changed from time to time, the concept is sufficiently well understood that a blatant attempt to contravene the intent of the amendment would not be acceptable.

For example, creation of a "transition fiscal year" of 18 months to facilitate reforms in the budget process clearly would be consistent with the amendment. On the other hand, legislation purporting to implement the amendment that promised to balance the budget for the "fiscal year 1998–2008" (and, presumably, with little or nothing in the way of procedural discipline in the early portion of that "year"), clearly would be unconstitutional. Certainly, a simple "rule of reason" would be applied to any statutory definition of a "fiscal year".

". . . shall not . . ." is a term readily obvious in its intent, spirit, and application. It is mandatory language simply meaning you may not. Saying that "Total outlays . . . shall not exceed total receipts" states both the goal to be pursued and the yardstick by which successful compliance with this amendment is measured. It prohibits fiscal behavior intended or reasonably likely to produce a deficit within a fiscal year.

". . . three-fifths of the whole number of each House of Congress . . ." indicates the minimum proportion (60%) of the total membership of each House needed to approve expenditures producing a deficit. Currently, this would mean 60 of the 100 Senators and 261 of the 435 Representatives.

The term ". . . whole number . . ." is derived from, and intended to be consistent with, the use of the phrase in the 12th Amendment to the Constitution, "two-thirds of the whole number of Senators" (which is set as the quorum necessary for the purpose of electing the Vice President in case no candidate receives an Electoral College majority).

". . . shall provide by law . . ." both states a simple consistency with other provisions of the Constitution and clarifies a difference between the deficit spending provided for under this amendment and a deficit planned for in a Congressional Budget Resolution.

Article I, Section 7, Clause 3 of the Constitution states: "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States" for signature or a veto. Clearly, a vote by both Houses that results in deficit spending would be such a vote.

However, an additional reason for adding this clarifying language is that such a vote might easily be confused with the deficit that may be estimated in a budget resolution, which currently is not presented to the President. While budget resolutions are Concurrent Resolutions generally passed by both Houses, concurrence is not necessary, since budget resolutions actually fall under the "Rules of its Proceedings" that "(e)ach House may determine" under Article I, Section 5, Clause 2. This is because budget resolutions merely set target amounts for subsequent budget decisions made within each House. (The ultimate decisions requiring concurrence, appropriations, other direct spending bills, or revenue bills, are presented to the President.) In fact, the House often has proceeded to act pursuant to a House-passed budget resolution in prior to and in lieu of House-Senate agreement on a single resolution.

Obviously, the ⅗ vote on permitting a deficit under this amendment is not a determination of an internal rule in either House, but has direct and immediate consequences external to the rules of either House. Therefore, the words "by law" state what normally would be obvious, but which might be confusing here, due to current budget resolution procedures.

". . . a specific excess of outlays over receipts . . ." means that the maximum amount of deficit spending to be allowed must be clearly identified. Thus, enforcement of the amendment through the political process will be facilitated by improving elected officials' accountability to the public. The specific excess which is provided for by law would not apply to outlays in more than one fiscal year and may, in fact, apply to an excess that occurs over a shorter period, such as the remainder of a fiscal year when the law is enacted mid-year.

Ensuring such accountability is a cornerstone of the Balanced Budget Amendment, and restores the public's general—and diffuse—interest in fiscal responsibility to an equal competitive footing with the special interests who demand programmatic spending and tax preferences. Today, federal officials can reap the rewards of satisfying the incremental demands of special interests without ever having an individual decision identified as a decision that results in a deficit. This informational imbalance is corrected by the mandate in Section 1 that deficit spending can not occur without a specific identification of the amount.

Section 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote

No section of this Article should be read in isolation, especially Section 1. Section 2 provides the essential mechanism which not only enforces an honest budgeting process in pursuit of the general rule and principle stated in Section 1, but also will operate to make the amendment self-enforcing. Section 2 is the backup to prevent the use of gimmicks or other devices to circumvent the requirements of the amendment.

This Section is inspired by the often-quoted desire expressed by Thomas Jefferson, in his November 26, 1798 letter to John Taylor:

"I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution; I mean an additional article, taking from the government the power of borrowing."

The authors here have drawn from recent experiences of the government and modern economic theory to reach a compromise with then-Vice President and later President Jefferson: Section 2 takes from the government the power of borrowing, unless three-fifths of the total membership of both Houses votes to approve a specific increase in the amount that may be borrowed.

Section 2 provides strong enforcement, indeed, for the provisions of Section 1. When the government runs a deficit, that necessitates additional borrowing to meet its obligations. Failure to authorize that level of borrowing could, in a worst-case scenario, result in a default by the government of the United States. Treasury securities might not be redeemed. Government services could be threatened with a shutdown, subject to the availability of receipts.

Today, such a consequence is occasionally threatened when an impasse within Congress or between Congress and the President jeopardizes passage of essentially ministerial legislation raising the statutory limit on the public debt by a simple majority. Under this amendment, the threat of default would loom when the government runs a deficit, thus providing a powerful incentive for balancing the budget.

The simple threat of default does not fully explain the way Section 2 will operate to enforce the fiscal norm of balancing outlays and receipts. Because a debt-increase bill represents an admission of failure of enormous magnitude, passage is always a difficult matter. Any effort to circumvent the requirement of the amendment will be clearly exposed when the debt limit must be raised to cover any deficit spending.

Under current law, Members of Congress not infrequently have rounded up 50% plus one of the Members of one House to threaten to push the government to the brink of insolvency unless a pet amendment is added to this must-pass legislation, despite consistent efforts by the Administration and the Congressional leadership of both parties in both Houses to pass a "clean" debt bill. This "debt bill blackmail", in fact, was the tactic used to enact the original Gramm-Rudman-Hollings law of 1985.

By lowering the "blackmail threshold" associated with passage of the regular debt limit bill from 50% plus one in either body to 40% plus one, Section 2 increases the motivation of the Administration and the Leadership, including the Chairs of the relevant committees, to do whatever is necessary, legislatively and cooperatively, even to the point of balancing the budget, to avoid facing such a difficult debt vote.

It is in no way the intent of the authors and supporters of this amendment that a default or shutdown should happen. However, the threat of such consequences is analogous to the deterrence effect of fines or legal damages in other situations.

Because borrowing, and increases in any limits on cumulative borrowing, must be enacted in law, Section 2 makes the amendment effectively self-enforcing. Such legislation usually involves large enough numbers of dollars to be borrowed that extensions of authority to borrow generally are used up in a year or so. The current statutory limit on the public debt, enacted as a part of the Budget Enforcement Act late in 1990 and allowing borrowing into 1993, is very much an exception in this regard; this lengthy term of borrowing, not quite three years, was made possible only by the status of the Act as an extraordinary, five-year plan. Virtually no elected official can stand the political heat of supporting a huge, multi-year increase in the government's level of indebtedness. This simple political dynamic will ensure that the self-enforcement provided by Section 2 occurs frequently enough to be effective.

Finally, when three-fifths of both Houses have "gutted up" and, under Section 1, voted explicitly for a specific excess of outlays, there is no intent in this amendment to "punish" them by later forcing a second three-fifths vote on the debt limit. Both decisions can be approved by the same, single, three-fifths vote in the same legislation.

Detailed Analysis

"* * * debt of the United States held by the public * * *" is a widely used and understood measurement tool. The Congressional Budget Office's January 1993 Economic and Budget Outlook: Fiscal years 1994–1998 book, in its Glossary, defines "Debt held by the public" simply as: "Debt issued by the federal government and held by nonfederal investors (including the Federal Reserve System)." On page 58 of the same volume, CBO further explains, "Debt held by the public which represents the government's demand for credit, is the most useful measure of federal debt." The current, widely used and accepted meaning of "debt held by the public" is intended to be the controlling definition under this Article.

The "debt held by the public" differs from the gross federal debt in that the latter, according to CBO, "includes the securities (about $1 trillion and climbing) issued to government trust funds." The gross debt is the "close cousin" (per CBO) of the "public debt".

The Congressional Research Service's Manual on the Federal Budget Process, December 24, 1991, in its glossary, defines "Public debt" as: "Amounts borrowed by the Treasury Department or the Federal Financing Bank from the public or from another fund or account. The public debt does not include agency debt (amounts borrowed by other agencies of the Federal Government). The total public debt is subject to a statutory limit."

A requirement of a three-fifths vote on the "public debt" has been used in some previous formulations of the Balanced Budget Amendment. The use, here, of "debt held by the public" is a refinement based on a 1990 recommendation by the Administration and subsequent review by the authors of the implications of using the different measures of debt. "Debt held by the public" has been chosen for two reasons:

First, as pointed out by CBO, common sense suggests that the most appropriate benchmark to use is the federal government's borrowing from all non-federal-government sources.

Second, the purpose of this section is to motivate an avoidance of deficits. When the Social Security or other federal trust funds run surpluses, this does not cause total outlays to exceed total receipts and the government does not increase its borrowing from non-government sources. Therefore, Congress and the President should not be forced to surmount the three-fifths vote hurdle on debt bills if they have not run a deficit and increased net federal borrowing. Section 2 matches the benchmark used in the enforcement process to the policy objectives desired.

"The limit on the debt * * * held by the public * * * "obviously assumes the establishment of a new statutory limit on this measure of federal borrowing. This limit may be established in addition to, or as a replacement for, the current statutory limit on the public debt. Article I, Section 8 of the Constitution simply says, "The Congress shall have Power * * * To borrow Money on the Credit of the United States. * * *" The exact process of carrying out this power is left up to the Congress to provide for by law.

When establishing a new statutory limit on the debt held by the public (which will require a three-fifths vote to increase), Congress may or may not wish to continue to set by statute a limit on the public debt. The fact that a simple majority could continue to be required to pass such a public debt limit would not, in any way, create procedural or legal conflicts. At times when a trust fund surplus necessitates an increase in the public debt, such action would become more ministerial and less difficult than currently is the case. Increases in both limits certainly could be contained in the same bill that is passed by a three-fifths vote.

Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts

In Section 3, the amendment extends to the President's annual budget the same norm of fiscal balance expected of the Congress. The current statutory requirement that the President submit a budget is codified in the Constitution to ensure that the President remains engaged with Congress in the budget process. Of course, this requirement of submission of a single document in no way alters the current constitutional balance of powers or separation of responsibilities. It also is perfectly consistent with the current constitutional provisions that the President "shall * * * recommend to [Congress'] Consideration such Measures as he shall judge necessary and expedient" (Article II, Section 3).

Detailed Analysis

"Prior to each fiscal year * * *" was retained in Section 3 because of the long-understood legislative principle that deadlines certain can be set, and in fact are commonly expected to be set, for specific actions by the Executive. Currently, the deadline for submission of the President's budget is set by statute and occurs well in advance of the fiscal year for which it is written. Such statutory provisions are, and will remain, consistent with Section 3.

"* * * a proposed budget * * *" means a document similar, in broad terms, to that which is regularly submitted under current law. The amendment in no way restricts the discretion of Congress to enact changes in what is or is not required in such a budget, as long as the document remains useful for the purposes of planning federal spending activities.

"* * * in which total outlays do not exceed total receipts." Per se, a "budget" is a document in which all relevant future numbers are planned, recommended, projected, estimated, or assumed. This is true, as a matter of definition, of all documents called "budgets," public or private. Therefore, no qualifiers are added to this language in Section 3, such as "estimated receipts" or "recommended outlays". To include such terms would be redundant at best, and inadvertently confusing or limiting at worst.

Section 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote

The purpose of this section is to increase the accountability of Members of Congress when they consider legislation to increase revenue, in light of the amendment's requirement to balance receipts and outlays. The increased pressure the amendment will create for fiscal discipline may increase temptation to shield a certain amount of legislative decison-making from public view. Tax bills have been known to pass, occasionally, by voice vote.

The enhanced "tax accountability" (or, more precisely, accountability with regard to passage of bills to increase federal revenue) provided by the unvarying requirement for a rollcall vote, is supplemented by the requirement that such bill also shall not become law unless passed by a majority of the whole number of each House.

The rollcall vote and voting requirements will serve to maintain a level playing field between the public's more general and diffuse interest in restraining the government's appetite for revenues and the more focused pressure that special interest groups can apply for individual spending programs.

Detailed Analysis

"No bill * * * shall become law unless * * *" is drafted in the negative to conform to the style used in Article I of the Constitution, in phrases such as, "No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census * * *" and "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. * * *"

"* * * revenue * * *" has the same meaning here as in Article I, Section 7, which states, "All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

"* * * bill to increase revenue * * *" means legislation making policy changes in the government's exercise of its sovereign power to tax or otherwise compel payments to the government. "Revenues" and "receipts" are largely synonymous, but not always so, especially when being use prospectively. Both are expressed in terms of quantities of dollars flowing into the Treasury. However, "revenue" is more closely connected to the tax rates, tax base, Customs rates, or other policy criteria formulated to produce inflows of receipts. A "receipt" is a more purely and more comprehensive quantitative concept. For example, a bill to step up Internal Revenue Service enforcement of current tax laws and enhance collection of taxes currently going uncollected definitely would result in increased receipts, but would not be "a bill to increase revenue," and therefore, subject to the requirement of a majority of the whole House for passage. ("Receipts" are further defined under Section 7.)

"* * * majority of the whole number of each House * * *" means, under current law, never less than 218 votes among the 435 Members of the House of Representatives and never less than 51 votes in the Senate, which numbers 100 Members. The "whole number of each House" is defined under Section 1, above.

This language is not intended to preclude the Vice President, in his or her constitutional capacity as President of the Senate, from casting a tie-breaking vote that would produce a 51–50 result. This is consistent with Article I, Section 3, Clause 4, which states: "The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided." Nothing in Section 4 of the substitute takes away the Vice President's right to vote under such circumstances. The language requires (in today's Senate of 100) 51 votes to pass a revenue-increasing bill, not the votes of 51 Senators. Obviously, in a 51–50 vote, 51 still constitutes a majority of the whole number of 100. Also obviously, while the Vice President could turn a 49–49 tie into a 50–49 result, this would not constitute a majority of the whole number.

Section 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law

This section reaffirms the traditional priority presumptively attached to matters of national self-defense. In such cases, especially when the Congress and the President have taken an action as extraordinary as declaring war, financing that effort should proceed unimpeded by any requirement of additional, extraordinary votes.

Detailed Analysis

The first sentence of Section 5, or a virtually identical counterpart, has been a fixture in almost every major version of the Balanced Budget Amendment over the years. Consistent with Article I, Section 7, Clause 3, such a simple majority vote to waive this Article would have to be presented to the President for his or her approval.

The second sentence recognizes that, for most of the military conflicts in which the United States has engaged, there was not a formal declaration of war. Nevertheless, a sufficient self-defense interest is present in such situations that a Section 1 supermajority should not be required to fund such an engagement. Further definition of the criteria set forth for the "majority of the whole number" waiver in Section 5 is not needed, since the Section requires simply that the joint resolution required for the waiver declare such conditions to be present.

Section 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts

This section places a requirement on Congress to adopt of legislation necessary, appropriate, and reasonable to enforce and implement the Balanced Budget Amendment. There is no need—and arguably it would be a bad idea—explicitly to foreclose the possibility of judicial interpretation or enforcement. However, this language further tilts presumptions of such responsibilities toward extremely limited court involvement. This language also is intended to prevent the possibility of an interpretation that could shift the current balance of power among the branches in favor of the Executive.

Detailed Analysis

"The Congress shall enforce and implement . . ." differs from clauses included in several other amendments that state, "The Congress shall have power to enforce. . . ." This latter clause has been employed only where there was concern that the question could arise as to whether Congress had the power to pre-empt state laws or constitutions or was venturing impermissible beyond its constitutionally enumerated powers and into the rights reserved to the states or the people.

Here, no such question of pre-emption is conceivable. Congress clearly has the power to enforce and implement this Article, under the "necessary and proper" clause in Article I, Section 8, which states: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

This section creates a positive obligation on the part of Congress to enact appropriate implementation and enforcement legislation. As a practical matter, this language simply requires what is inevitable and predictable. It is a simple statement that, however well-designed, a constitutional amendment dealing with subject matter as complicated as the federal budget process needs to be supplemented with legislation. It is a means of owning up to the truth in the arguments made by many Members of Congress—both supporters and opponents—that Members must expect to do more than cast this one vote to pass this one amendment, to ensure that deficits are brought down and, ultimately, eliminated.

The inclusion of a positive obligation to legislate does not make the Article more difficult to enforce, nor is it without precedence in the Constitution. Article I, Section 2, Clause 3 provides: "Representatives and direct Taxes shall be apportioned among the several States . . . according to their respective Numbers, which shall be determined by . . . [an] actual Enumeration . . . made within three Years . . . and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. . . ." The critic who today asks, "What if Congress just doesn't enact implementing and enforceing legislation?" would be the counterpart of the critic who might have asked in 1787, "What if Congress just doesn't authorize or appropriate for a Census, if, in their own self-interest, they don't want the current apportionment to be changed?" In this case, it manifestly would be in Congress' own best interest to enact legislation ensuring a complete and clearly-defined budget process consistent with the Balanced Budget Amendment.

". . . which may rely on estimates of outlays and receipts." This phrase allows Congress the flexibility in explicit language that it will need in practical effect, to make reasonable decisions and use reasonable estimates, when appropriate, as a means of achieving the normative result required in Section 1. To some extent, this phrase, too, states the obvious, that the process of budgeting and taxing and spending inevitably involves relying on estimates. "Estimates" means good faith, responsible, and reasonable estimates made with honest intent to implement Section 1 and not evade it.

The estimates contemplated in Section 6 do not apply in any way to a determination of the amount of debt referenced in Section 2. "Debt" there means actual, not estimated, debt.

Section 1 provides the standard by against which compliance with the amendment is measured. Section 6 clarifies that implementation and enforcement legislation may provide for the use of reasonable and appropriate estimates in the process of complying with Section 1. Section 6 is intended to support, strengthen, and aid the effectiveness of the other provisions of the amendment. This provision also will provide additional insurance against intrusion by the courts into the finer details of questions of compliance with the amendment.

Section 6 must not be interpreted in any way that would weaken or allow evasion of any other provision of the amendment. Over the course of the fiscal year, outlays may not exceed receipts. To the extent that any reasonable and lawful action can be taken to prevent an excess, it must be taken. On the other hand, for example, a brief dip in receipts or jump in outlays need not trigger a sequester, rescission, or other offsetting action if there it is reasonable to assume that such a "glitch" will be offset naturally in the near-term by normal economic or budgetary fluctuations.

In order to allow for an unexpected shortfall of receipts or an unexpected increase in outlays without triggering a three-fifths debt vote under Section 2, it would be necessary that the actual debt held by the public be held below the debt limit, by a sufficient amount to offset the amount by which actual receipts or outlays may differ from estimated receipts or outlays.

It also should be noted that outlays are both more predictable and more controllable than receipts. Therefore, the handling of outlays necessarily must be held to a stricter standard than the treatment of receipts. To be more specific, of course, is difficult until the actual design of implementation and enforcement legislation emerges. In all cases, the standard to be applied to the accuracy and adjustment of estimates is to be a rule of reason.

History of the "Estimates of Outlays and Receipts" Language in Section 6

Section 1 of H.J. Res. 290, as originally introduced in the 102nd Congress, and as it came to the floor of the House of Representatives in June 1992, read:

"Prior to each fiscal year, the Congress and the President shall agree on an estimate of total receipts for that fiscal year by enactment of a law devoted solely to that subject. Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts."

Section 1 of S.J. Res. 298, as introduced in the 102nd Congress, was substantively the same, and read:

"Prior to each fiscal year, an estimate of total receipts for that fiscal year shall be determined by enactment of a law devoted solely to that subject. Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts."

Just prior to House consideration in 1992, key House and Senate sponsors of H.J. Res. 290, S.J. Res. 18 (reported by the Committee on the Judiciary), S.J. Res. 298 negotiated a bicameral, bipartisan, consensus version of the Balanced Budget Amendment. That version was adopted on the House floor as a substitute for H.J. Res. 290, although the measure narrowly fell short of the necessary two-thirds majority on final passage.

H.J. Res. 28 / S.J. Res 1 in the 104th Congress is virtually identical to the bicameral, bipartisan, consensus version negotiated in the summer of 1992. It is the same as H.J. Res. 103 voted on during the 103rd Congress, and S.J. Res. 41 as voted out of the Judiciary Committee in 1994, except for an appropriate adjustment in the effective date. Section 1 of H.J. Res. 28 / S.J. Res. 1 is virtually identical to Section 1 of S.J. Res. 18 as reported in the 102nd Congress. Section 6 was a new section added in the bicameral, bipartisan, consensus version offered as a substitute on the House floor in 1992.

The "estimates" provision was included in Section 6 to allow the use of a single level of total estimated receipts for a fiscal year, enacted into law at the beginning of the budget process, as the fixed target amount which outlays throughout the fiscal year may not exceed. In other words, Section 6 is intended to allow Congress to enact into law the process of measuring actual outlays against a fixed receipts estimate in the same way that was outlined in Section 1 of H.J. Res. 290 / S.J. Res. 298 as introduced in the 102nd Congress. Nothing in that version would have prevented Congress from imposing a more stringent process of measuring actual outlays against updated receipts estimates throughout the fiscal year. Section 6 of S.J. Res. 1 / H.J. Res. 28 in the 104th Congress is no more and no less restrictive in this regard.

Section 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal

This section makes clear that, for purposes of computing a deficit, balance, or surplus under this amendment, there is no such thing as "off-budget" receipts or outlays. By requiring all cash inflows and outflows to be counted, the most commonly anticipated loopholes are prevented from ever being created. Simple refinancing of outstanding debt at the same net cost of borrowing would not be affected in the normal course of business and, of course, borrowing is not considered a receipt, but rather is recognized as only the means of financing deficit spending.

As currently used and reported, both "receipts" and "outlays" are well-understood, inclusive concepts used with consistency in the budgetary process.

Detailed Analysis

". . . receipts . . ." is to be interpreted consistently with the use of "Receipts" in Article I, Section 9, Clause 7, which provides, in part, that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

The definition of "budget receipts" in A Glossary of Terms Used in the Budget Process (1981), as quoted in S. Rept. 99-162 and S. Rept. 99-163 (committee reports on S.J. Res. 13 and 225, respectively) still applies:

Collections from the public (based on the Government's exercise of its sovereign powers) and from payments by participants in certain voluntary Federal social insurance programs. These collections, also called governmental receipts, consist primarily of tax receipts but may also come from court fines, certain licenses, and deposits of earnings by the Federal Reserve System. Gifts and contributions (as distinguished from payments for services or cost-sharing deposits by State and local governments) are also counted as budget receipts. Budget receipts are compared with total outlays in calculating the budget surplus or deficit. Excluding from budget receipts are offsetting receipts which are counted as deductions from budget authority and outlays rather than as budget receipts.

". . . outlays . . ." means all disbursements from the U.S. Treasury, directly or indirectly through federal or quasi-federal agencies created or under the authority of Acts of Congress. The Glossary (as cited above) defines "outlays" as follows:

Obligations are generally liquidated when checks are issued or cash disbursed. Such payments are called outlays. In lieu of issuing checks, obligations may also be liquidated (and outlays occur) by the maturing of interest coupons in the case of some bonds, or by the issuance of bonds or notes (or increases in the redemption value of bonds outstanding). Outlays during a fiscal year may be for payment of obligations incurred in prior years (prior year outlays) or in the same year. Outlays, therefore, flow in part from unexpected balances of prior-year budget authority provided for the year in which the money is spent. Total budget outlays are stated net of offsetting collections, and exclude outlays of off-budget Federal entities. The terms expenditure and net disbursement are frequently used interchangeably with the term outlays.

The glossary defines "budget authority" as:

"Authority provided by law to enter into obligations which will result in immediate or future outlays involving Federal Government funds, except that budget authority does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government. The basic forms of budget authority are appropriations, authority to borrow, and contract authority. The latter two types of authority are also commonly referred to as 'backdoor authority'."

"Expenditures", in fact, also appears in Article I, Section 9, Clause 7, as quoted above, and is used there in symmetry with "Receipts". "Outlays" is used in this Section because of that word's overwhelmingly prevalent use in recent and current budget terminology.

Section 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later

By passing this amendment and sending it to the states for ratification, the Congress intends to bind itself, in mutual cooperation with the President, to adopt an orderly deficit reduction plan that will bring the budget into compliance with this amendment no later than fiscal year 2002.

Adopting an effective date of no earlier than 2002 provides time for a reasonable glide path to a balanced budget while setting a deadline imminent enough to stimulate action.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, the essence of this vote really gets down to a constitutional issue. Under the Stenholm-Schaefer or Schaefer-Stenholm substitute, a three-fifths vote would be required to unbalance the budget; a three-fifths vote would be required to increase the debt limit.

I have risen on several occasions throughout the course of this debate in committee and on the floor of this House and pleaded with my colleagues to honor the theory of majority rule in this country. The whole essence of democracy is based on majority rule.

We come here from every single part of this Nation, 435 of us. We look different. We talk different. We act different. We represent different constituencies, and the essence of this congressional body is that we ought to bring our collective constituencies' opinions to bear on every issue, and when we pass a provision that requires a supermajority, what we do is we throw that balance out of kilter. We give somebody a greater right to stop something from happening or, alternatively, we give somebody a greater right to make something happen.

My theory to you, and I submit it again, is that that is undemocratic, and it is counter to majority rule. We cannot hide behind this notion that just because prior Congresses have not had the guts to exercise that majority rule in a responsible way, somehow we ought to go back and amend the Constitution that has been in effect for years and years and served this country well.

□ 1810

We ought to amend the Constitution to gloss over our own faults, our own lack of guts that Congresses have had in the past to balance our Nation's budget.

So my appeal to you today is to honor my constituents, the approximately 600,000 citizens in North Carolina whom I represent. Honor the gentleman from Texas, Mr. STENHOLM's constituents, the approximately 600,000 residents whom he represents. Honor the gentleman from Colorado, Mr. SCHAEFER's constituents, the approximately 600,000 citizens that he represents. Honor each and every one of us on an equal basis. That is what democracy is all about. And that is what this amendment, this substitute, is all about.

If you pass this substitute, you will be making a decision to alter that delicate majority rule balance that has existed for so long in our democracy. I call on you and plead with you not to do that.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in a few short moments we will cast one of the most important votes that any of us will have ever cast or will cast in this body. This is the culmination of 10 years of deliberation on the part of so many. It is not something we have come to in the last 2 days.

I thank my colleague from Colorado, Mr. SCHAEFER, for his leadership this year, Mr. KENNEDY, Mr. CASTLE, Mr. PAYNE, and Mr. DEAL of Georgia have worked with us tirelessly, who have brought this amendment to this moment.

I also wish to thank those who have come before us: LARRY CRAIG, now Senator CRAIG, Tom Carper, now Governor Carper, Bob Smith, now retired out in Oregon, OLYMPIA SNOWE, now Senator SNOWE.

I want to commend my colleagues from the other side, particularly Mr. BARTON, for the manner in which he has conducted himself. We have had disagreements, as we have had on other amendments, but it has been one of the finest hours of debate, in my opinion, and for that I thank him, Mr. HYDE, and the entire Republican leadership for the manner in which this debate has been allowed to progress.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentleman for yielding this time to me.

Mr. Chairman, well, here they go again. The same people who brought us

Reaganomics, with its huge budget deficits, are now bringing us a balanced budget amendment. They tell us that if we only pass the balanced budget amendment, everything will be wonderful. It reminds me of a song, Mr. Chairman, during the Depression. Do you remember this song? "In the meantime, in between time, ain't we got fun? The rich get richer and the poor get poorer; ain't we got fun."

Let me tell you, this balanced budget amendment, if it becomes law, the rich will be richer and the poor will be poorer, and we will see senior citizens without Social Security, senior citizens without health care, severe cuts in Medicaid and Medicare, our children will not have proper education because there will not be the money to do it. As I said before today and yesterday, let us tell the American people the truth. Let us produce a balanced budget and show the American people exactly what will be cut.

I do not think we ought to tamper with the Constitution for a balanced budget amendment to do the same things we do not have the guts to do ourselves.

The Constitution is a very sacred document. As the gentleman from North Carolina [Mr. WATT] said, the majority ought to rule. We do not need three-fifths. A simple majority ought to rule. That is what the American people sent us here for, to exercise our independent judgment, majority rules.

For the first time since the Harry Truman administration, 3 years in a row we have brought the budget deficit down in the Congress. There is much, much more to do, and we should do it, but let me tell you, my friends; Going back to the 1920's, "Ain't we got fun," is not such fun. Some people here would like to stop Social Security, would like to stop government programs, would like every American to fend for himself or herself.

"Ain't we got fun?" The rich get richer and the poor get poorer; seniors do not have Social Security or health care; our children cannot be educated.

We should defeat this balanced budget substitute.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Delaware [Mr. CASTLE], who has been very, very active on this matter.

Mr. CASTLE. I thank the gentleman for yielding this time to me and for his tremendous work in support of the balanced budget amendment. I thank Mr. STENHOLM, I thank all the other individuals who worked on this particular issue, and I rise in very, very strong support of this legislation.

The action we take in the next hour will end decades of irresponsible budget practices. Government will shrink, new programs will be created because of need, not because of political favoritism; old programs can only survive if they are meritable. Only necessary employees will be hired in the future. Privatization of government functions will be a viable option, and so on.

This has worked in our States. Every single Republican and Democrat in this room comes from a State which has some form of a balanced budget. Most have been adopted in recent decades, and virtually every single one of them has been supported by everybody there without rescission, and the program has worked extraordinarily well wherever it is.

I can give you the example of my State of Delaware. In the late 1970's Delaware was a State which was an economic basket case. We had some of the highest taxes in the United States of America, we never balanced our budget, businesses were leaving. We had to take measures to deal with this. One of the things we did was pass a balanced budget amendment.

Since that time we have balanced our budget each and every year, we have been able to reduce our taxes some 5 times. We have created as many jobs on a per capita basis as any place else in the United States of America. We reduced poverty more than any other State during that period of time.

Was any of this easy even after we adopted a balanced budget amendment? The answer to that is "no." It will involve very tough decisions. There will be times when we cannot hire employees. We may need an early retirement option. We may be looking at programs which we embrace, which we feel work in our State, but we have to make the decision to reduce them because the time has come, frankly, to spend the taxpayers' money wisely. If we do not pass a balanced budget amendment, we could go on the way we have for many decades in this country. We could make the easy choice, we could spend a little more money, and not look anybody in the eye and say, "Well, your program is not going to continue." We can do that each time, and if we do that, then we will have failed the people.

Let us get behind this and pass this balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. I thank the gentleman for yielding this time to me.

Mr. Chairman, this is a bad bill; this is a bad amendment. The fact that the amendment calls for elimination of the three-fifths vote for taxes shows that it is a belief by some in this body that the bill goes too far. Unfortunately, the amendment goes only part of the way. It does not go far enough. So we have a bad bill and a bad amendment.

Box an American in, paint an American into a corner, do an American in, this is exactly what this bill does. It sends forth a three-fifths' majority to pass an unbalanced budget and a three-fifths' majority to tax; this is definitely unAmerican and definitely unconstitutional. The fathers of our Constitution would definitely say "no" to this. A good political decision, that is exactly what it is; but it is a bad fiscal solution, and each one of us ought to recognize that.

Why handcuff, why put handcuffs on the future Congresses in America? Why make them do something that we could not do with a simple majority in most cases?

□ 1820

We are going to make America more responsible, so we think, with this amendment. But what we are doing is making it more difficult for justice to prevail, more difficult for Congress to legislate, more difficult for Congress to operate.

This is not our future. This is not what we should be doing. We should be setting the stage for leadership in the 21st century. I submit we have not done it with this bill nor this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM] for yielding this time to me, and, Mr. Chairman, I rise in support of the Stenholm-Schaefer balanced budget amendment.

I do so because I believe this country confronts a critical threat caused by the continuation of large annual deficits. The decade of the 1980's will clearly go down in history as a decade of fiscal irresponsibility, led, I believe, by Ronald Reagan and joined in by both Democrats and Republicans, liberals and conservatives, Americans both in and out of government.

Like so many of my friends, I do not believe that the passing of this amendment will in and of itself balance the budget, and, as so many argue, I do believe it will have real consequences. However I am absolutely convinced that the long term consequences of refusing to come to grips with the necessity to balance our budget will be catastrophic. It will take our collective backbones to make what will be a statement of national policy a reality.

I am equally convinced that those who will pay the highest price for our fiscal irresponsibility, should we fail, will be those least able to protect themselves, and the children of today and the generations of tomorrow.

Thomas Jefferson, one of our Founding Fathers, said, and I quote, "I place economy among the first and most important of republic virtues and public debt as the greatest of dangers to be feared." Jefferson, along with our Founding Fathers like Madison and Hamilton, agreed that the rights of the minority must be protected against the tyranny of the majority. Why Jefferson saw public debt as the greatest danger to be feared was because he realized that future generations were even more vulnerable to abuse than the minorities of the present because they are not yet enfranchised. As someone who suffered under a system of government that enforced taxation without representation, Jefferson saw public debt as the ultimate intergenerational expression of that tyranny and one which should be avoided and rejected.

The General Accounting Office said, my colleagues, in their 1992 report on the budget that inaction is not a sustainable policy. We need to act, and in acting we will give the greatest gift to our children and grandchildren that we could ever give, the security of knowing that they have the ability and the resources to face whatever problems may confront them. I say, "What a wonderful gift for them, my grandchild and perhaps yours."

Let us pass this balanced budget amendment to bring fiscal responsibility to this body and to this country.

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the resolution pending.

As the debate unfolds on the balanced budget amendment (H.J. Res. 1), I take this moment to underscore the numerous and very significant cuts in essential Federal programs for children that would be required under a balanced budget amendment to the U.S. Constitution. Budget estimates prepared by the Children's Defense Fund demonstrate that severe reductions in WIC, Head Start, Medicaid, and additional programs would be necessary to implement the Republican contract initiatives of a balanced budget amendment combined with tax cuts for the wealthy.

It is important to remember that our votes today will dramatically affect the lives of our Nation's children. There is no disagreement that Congress must reduce spending to bring the Federal Government budget into balance. There is also no disagreement that the mounting payments of interest on the national debt are stealing precious resources from important domestic programs.

There are, however, essential differences between Democrats and Republicans as we address our Nation's budget priorities. While Republicans proclaim their support for senior citizens and the Social Security Program and claim that they favor investments for children, it is clear that these statements and the economic policies of the Republicans are fundamentally irreconcilable. As our country painfully learned from the failed policies and high deficit years of Presidents Reagan and Bush, Republican programs to cut taxes for the wealthy, increase military spending, and balance the budget are a recipe for economic and social disaster.

Responding to President Clinton's call to enact comprehensive deficit reduction and economic growth legislation, the Democratic Congress in August 1993, without a single Republican vote, approved a deficit reduction program that has worked. Since the enactment of the 1993 Budget Reconciliation Act, nearly 6 million jobs have been created, the deficit has been cut by $135 billion and will decline for 3 consecutive years, a first since President Truman. Unlike the Republicans, who have refused to specify where their budget cuts would come from, the 1993 Clinton budget legislation reduced spending in specific entitlement programs, froze discretionary spending for 5 years without increases for inflation, and asked the wealthiest 1.2 percent of American families to contribute their fair share in tax payments.

Furthermore, appropriations bills enacted by the Democrats in the 103d Congress for the current fiscal year cut spending on 408 Federal programs, 40 programs were eliminated entirely, and kept total spending under the deficit reduction spending caps. Total savings from these terminations and reductions amount to more than $25 billion.

Mr. Chairman, let us not return to the failed policies of the past. We must focus attention on the future and our Nation's most valuable resource—our children. As we work to produce a Federal budget that reflects our Nation's priorities, Congress must ensure that we protect children, the most vulnerable members of society. I fear, however, that the enactment of a balanced budget amendment and the Republican contract will dramatically reduce our ability to assist, nurture, educate, feed, and heal the needy children of our country. I commend, for my colleagues' attention, the estimates from the Children's Defense Fund on the severe attacks that would be visited upon the children in Minnesota, should the Republican agenda be enacted. According to CDF analysis, which has proven to be very reliable in the past, the following impacts on Minnesota's children include: 29,150 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements; 51,550 children would lose food stamps; 154,600 children would lose free or subsidized School Lunch Program lunches; 93,250 children would lose Medicaid health coverage; 59,650 cases now served by the State child support agency would lose help to establish paternity or collect child support; 37,750 children would lose welfare benefits—Aid to Families with Dependent Children; 2,450 blind and disabled children would lose Supplemental Security Income [SSI]; 3,900 or more children would lose the Federal child care subsidies that enable parents to work or get education and training; 2,550 children would lose Head Start early childhood services; 28,000 children in child care and Head Start would lose Child and Adult Care Food Program meals; and 24,600 children would lose remedial education through title I.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, when I first came to this House just 2 years ago, I did not support a balanced budget amendment. I thought we could do the cutting we needed to do because we were tough and because we were strong enough, but I have come to the conclusion that we do need a balanced budget amendment, but we do not need one that the seniors pay for. We should not ask seniors to do what we are not prepared to do. We should not ask seniors to cut their Social Security checks because we cannot cut our programs, other programs. We cannot ask them to do the things that we will not do.

So, I am going to oppose this balanced budget amendment although I must congratulate my Democrat colleagues who have put forward a balanced budget amendment. I just want to support one like the amendment offered by the gentleman from West Virginia [Mr. WISE] which also protected seniors, so I am going to oppose this respectfully, Mr. Chairman.

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I must react to the previous speaker and say there is nothing, absolutely nothing in this amendment, that will cut benefits for seniors. But I do rise in strong support of this Schaefer-Stenholm amendment and substitute. I am a cosponsor of it, and I certainly will vote for it, but I am not a new convert to the Schaefer-Stenholm approach. I have supported it several times before as it has come before this House, and I must tell my colleagues that this amendment will stand the test of time, as a constitutional amendment must do.

I also want to say that we can no longer defer action on this. It is an idea whose time has definitely come, and it sets everybody on notice that we will stop mortgaging the future.

The House must pass this amendment tonight with the required 290 votes. Now it must be passed. No more delays. No more excuses.

We must stop mortgaging the future of our children and grandchildren—now. We must get our fiscal house in order so that this generation of Americans and the next can confidently look forward to a future of good jobs at good pay, and a rightful place in a growing and economically secure middle class.

Frankly, we have less of a need for a balanced budget amendment than we do for political courage to make the hard choices necessary to cut spending and reduce our Federal deficit.

However, that political courage has been in short supply around here for the last few decades and I have come to the conclusion that this amendment is an idea whose time has come.

This amendment will stand the test of time—as a constitutional amendment must do.

You do not fool around with Mother Nature. And you do not fool around with the Constitution.

This proposal has the virtue of most nearly tracking the Republican proposal in the Senate. Namely, it does not contain the three-fifths supermajority provision for raising taxes. It does contain the protection of absolute majorities and the 60 percent rule for raising the debt ceiling or unbalancing the budget. I would prefer to include a provision, supported by economists and businesspeople, to suspend the amendment during a persistent recession.

I would expect that as we reconcile our amendment with the Senate proposal that the problem of procedures in times of persistent recession would be addressed and the flexibility be given to address the need for economic stimulus during recessionary periods.

Again, no more excuses—no more delays—no more mortgaging the future.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, the Speaker of the House has admonished us to review our American history. Among other books that he referred us to is de Tocqueville's "Democracy in America."

I say to my colleagues, I think you will find in a review of those volume that we are admonished against allowing a minority to direct the course of the majority. Yes, there is reference to and explanations of the dangers about the tyranny of the majority, but that has to do with the capacity of the individual to express his or her rights; that is to say, to put forward their argument. Those sets of documents of de Tocqueville and those of the Framers of the Constitution specifically reject what is being proposed here.

I give the gentleman from Texas [Mr. STENHOLM] credit. I am not familiar with the gentleman from Colorado, Mr. SCHAEFER, in the same manner that I am with Mr. STENHOLM in terms of discussion about the amendment before us. I give him credit and Mr. SCHAEFER, by extension, credit for saying something that is being failed to be put forward to the American people tonight.

This amendment makes clear that all receipts and all expenditures are to be counted, and that does include Social Security, that does include Medicare, that does include veterans' benefits. It does include all those things, and they should be addressed. I am not saying that is being hidden here. Quite the contrary. The gentleman from Texas [Mr. STENHOLM] to my knowledge has never been reticent about saying he wants to face up to these things squarely.

□ 1830

But I can assure you of this: That should this amendment pass, should the balanced budget amendment pass, that the small States will be the losers. The American people are not prepared as yet to understand what the full implications are going to be. The small States will lose out.

When it comes to balancing the budget, there are going to be regional groups that will be put together, there will be States with the votes in this House that inevitably will find themselves voting together to see to it they are taken care of at the expense of the small States. If we want to talk about what we are forcing ourselves into, that is what it is going to be.

I find it passing strange that we should be talking and some of the leadership that is on the side of this amendment is talking about extending credit, unfunded mandates, if you will, extending credit to Mexico, at a time when we are unwilling to extend it to ourselves when we think it necessary.

I think it is passing strange that some of us who will be voting for this amendment tonight have voted to extend credit, extend funding, to States where disasters have taken place. This is the kind of thing we will find ourself in great difficulty with it.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of the bipartisan Stenholm-Schaefer balanced budget amendment to the Constitution.

Behind me is one of the strongest arguments that I can make for this amendment.

It is a check for $3,100. That is what the typical American family sent to the Treasury last year just to pay their share of the interest on the national debt.

It is not their total tax bill. It is just their portion of the $203 billion in net interest payments that the Government made last year.

That is money that will not be used to send the kids to college, or to build a comfortable retirement, or to invest in a new home.

It is money that will go directly to investors—many of whom are located overseas—who bought debt instruments of the U.S. Government.

This $3,100 check is a dramatic testament to the failure of this government to live within its means and to act responsibly.

Unless we act now to eliminate this deficit, and to live permanently under a constitutionally-mandated balanced budget—just as the States do, that $3,100 figure will only grow larger and larger for years into the future.

More and more of our scarce resources will go to servicing the national debt and nothing more. All new investments in better jobs, improved highways, and decent health care will be impossible because of our legally binding obligations to service the Nation's debt.

Mr. Chairman, this amendment will help future generations of Americans by eliminating new debt by 2002.

But make no mistake about it: The $3,100 that this check symbolizes is hurting America's families right now. And it will only get worse.

This amendment is our best hope of restoring for all Americans a Government that acts responsibly and that does not mortgage America's future, and the time to act is now.

I urge my colleagues to vote "yes" on the bipartisan Stenholm/Schaefer balanced budget amendment to the Constitution.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I think the sponsors of this amendment are great Members. I just do not agree with the process of what we are doing here, and I am going to oppose it. The Constitution says "Congress, balance the budget." The Congress says "Hey, wait a minute, don't lay that trip on me. Don't give me that burden." So Congress says "Constitution, you do it."

Seven years from now, eight years from now, nine years from now, ten years from now, and I am not Democrat, let me say that this, that wants to see the Republican Party fall on its face. If you fall on your face, our country falls on its face. I am going to support your good initiatives.

I philosophically believe this is wrong to do, to mess with the Constitution, and here is why. Let us talk business.

You are the chairman of the Budget Committee. You are the majority. You can convene a Budget Committee meeting and report out next month a balanced budget. You won't do that because you can't do that. A national debt of $5 trillion, $300 billion in interest to service the national debt, and you cannot do it in 1995. But in the year 2002, 2003, 2004, with a $7 trillion national debt and $500 billion to service that debt, the Constitution in a 2-minute drill is going to throw a Hail Mary pass and save our keisters, Congress.

It is not going to work. If it is not broke, don't fix it. If it is broke, fix it. The Tax Code is broke. It rewards dependency, penalizes work. Fix it, Congress. The trade program is broke. A record $153 billion deficit. The President did not mention it. No one in this House mentions it. At 20,000 jobs for each 1 billion. That is 3½ million jobs approximately, at $40,000 a year with benefits lost.

Come on, Congress. Most of us are not going to be here. I probably will not be. But in 8 years the Constitution is going to do something that we cannot do now.

The Republicans have got a chance. The American people want you to govern. We are going to tell them we passed a balanced budget amendment to the Constitution. The truth of the matter is, Congress, we should balance the budget, and you will find it in the Tax Code and the trade laws of our country. And we are not dealing with it, because we are afraid of words like "protectionism," "regulating commerce."

So with that I would like to say to the Democrat Party, understand the Republican program. I don't understand ours. Let us give the American people a different choice. Let us tackle the issue of trade. Let us change that Tax Code. That is what we should be doing.

This balanced budget amendment may pass, and the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER], if it is going to pass, they are two of the better Members, and I can understand that, and I wish you the best. I am going to vote "no."

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Chairman, sometimes you can tell the strength of your case just by looking at who is opposing you.

Judging by the arguments against the balanced budget amendment I have heard, the case for the amendment couldn't be more clear.

Opponents say the balanced budget amendment may be a threat to Government programs in the future.

In fact, the real threat to critical Government programs like—Social Security, and Medicare—is continuing our $200 billion deficits, and $200 plus billion interest payments on the national debt.

Opponents say the balanced budget amendment will not allow the Federal Government to fulfill its responsibilities.

In fact, it will for the first time force Congress to fulfill its responsibilities. It will mandate that we set budget priorities and live within our means.

Opponents say the three-fifths requirement for a tax increase will bias Congress toward spending cuts. I say that is right, and that is really what the American people want.

Unfortunately, we did not get the necessary 290 votes to accomplish this.

Opponents have called the balanced budget amendment a gimmick and a trick.

I believe they are protesting so loudly because they know—and the American people know—that it will work.

There is nothing more important for us to do to preserve the future of our country than to pass this balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, might I inquire how much time remains?

The CHAIRMAN. The gentleman from North Carolina [Mr. WATT] has 14 minutes remaining, the gentleman from Texas [Mr. STENHOLM] has 9 minutes remaining, and the gentleman from Colorado [Mr. SCHAEFER] has 10 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from North Carolina for yielding.

Mr. Chairman, you know, none of us favor tax increases, all of us want our country's budget to be balanced, and we all quote the Founding Fathers. I have sat here all afternoon and heard them quoted often. But only five times in the U.S. Constitution did the Founding Fathers allow for a supermajority, and perhaps that is because they understood the dynamics of majority rule, and some of us may not.

□ 1840

A constituent of mine, a man named Thomas Horsley, wrote me recently. He said:

> The Constitution already gives Congress the power to balance the budget, but a $4 trillion debt is adequate evidence that Congress has not been exercising that power. So the only possible legitimate reason to amend the Constitution is to give the 535 Members of Congress an incentive to balance the budget, an incentive they obviously do not have at the present time.
>
> At the center of the proposed amendment is the requirement for the budget estimates to project a balanced budget. That is the only part of the amendment concerned with balancing anything, and all it requires us to do is to balance estimates.

This gentleman says:

> I am sorry to sound cynical, but I am afraid that this will merely create a strong incentive for Congress to "cook the books," while not actually balancing anything important.
>
> The Rosy Scenario and the magic asterisk are in the all too recent past for me to have forgotten them, and the temptation to haul them out again when the balanced budget amendment goes into effect will be overwhelming.
>
> The proposed amendment acknowledges that there may be times when it is impossible to balance the budget, and it is full of various rules for working around the requirement if necessary. That is one possible approach, but it seems difficult to anticipate every legitimate reason for deficit spending.
>
> The real problem is not deficit spending, it is long-term deficit spending. It took decades of deficits to build the $4 trillion monster we have now. What we really need is a simple requirement that deficits may be allowed, but they cannot go on indefinitely. We need an amendment which imposes a reasonable time limit on deficit spending and requires balance to be restored shortly after any deficit spending. This would allow the very useful economic tool of deficit spending to be used when needed but eliminate the real problem of never-ending deficits.

Someone said the other day that this is a half-brained amendment. Perhaps what we do not need is a balanced budget amendment. We may need some balanced-brain amendments around here.

Mr. STENHOLM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Chairman, I rise in support of the Stenholm-Schaefer amendment.

Mr. Chairman, I rise in strong support of the bipartisan-bicameral balanced budget amendment offered by Mr. STENHOLM and Mr. SCHAEFER. I am proud to have joined 65 of my fellow Democrats and 90 of my Republican colleagues in cosponsoring this measure.

No one should doubt the necessity for a balanced budget amendment. The failed statutory remedies that have been enacted over the past 10 years, such as Gramm-Rudman-Hollings and the 1990 Budget Enforcement Act, confirm the need for the higher discipline that a balanced budget amendment would bring to the budget process.

The fact is, we have not lived under a balanced budget since 1969. In our Nation's first 205 years—from 1776 to 1981—the debt reached $1 trillion. It took only 14 years to reach the current debt level of close to $5 trillion. Living in debt means living with interest payments. In 1969, the Government spent less than 9 percent of Government receipts on interest payments. Now it spends 24 percent. These interest payments, roughly $200 billion a year and growing, crowd out spending for current programs and preclude spending on new initiatives.

Earlier today, we voted on a different version of the balanced budget amendment, which required a three-fifths vote to raise taxes. I would like to comment on this amendment. While the three-fifths vote requirement to raise taxes is intriguing, I believe the adoption of such a requirement abdicates the constitutional concept of majority rule. As Madison made clear in the "Federalist Papers," majority rule is a cornerstone of our democracy and our system of representative government. The proposal of a supermajority is intriguing because it leaves open the possibility of requiring supermajority votes for other issues that are equally sacrosanct, such as Social Security or Medicare or defense spending or tax cuts. One could argue that these programs are worthy of supermajority protection.

The Constitution is not the place to enumerate special demands. Rather, the Constitution should stipulate broad principles about rights and privileges for our citizens. That is why I support the constitutional amendment that outlines the tenet that the Federal Government balance its budget on an annual basis.

I was elected to end the practice of irresponsible Federal deficit spending. I believe the adoption of a balanced budget amendment to the Constitution is the first step in the process toward greater fiscal responsibility. I urge my colleagues to support the Stenholm-Schaefer balanced budget amendment.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

It is time that we stop this myth that somehow working people and the poor have made out as a result of having deficit spending in the United States. People come up to me and say, "JOE KENNEDY is in favor of the balanced budget amendment. What is going on? What are you becoming, a new Democrat? Are you lining up with NEWT GINGRICH? Something is wrong if a member of the Kennedy family is lining up to support the balanced budget."

The fact of the matter, ladies and gentlemen, is, in this country, the working people and the poor have not made out over the course of the last 10 or 15 years with these rising deficits. The programs that affect them the most have been cut the most. You look at the way the spending has gone in America. Who has made out over the course of the last 15 years?

I serve on the housing committee. The housing budget of America has been cut 70 percent, when the deficits were rising in America. Energy assistance has been cut 30 percent; education spending cut 13 percent; transportation, cut 7 percent; all nondefense discretionary spending across the line, cut 11 percent.

And at the same time who has made out? Well, there have been people that have made out. The last 10 or 15 years we have seen defense spending rise in this country from about $100 billion to close to $300 billion. Interest payments on the debt, in 1980, after 200 years of American history, were $70 billion. Last year they were $240 billion.

Just ask any person that goes and borrows money from a bank. It is much tougher to pay the money back to the guy that owns the bank than if you are the fellow who is lending it.

Working people pay the taxes in this country. Wealthy people own the bonds. There are not a lot of working people in my district that own T bills. It is the people that own the T-bills that are making out on this debt.

If anyone is sincere about wanting national health insurance passed in America, I say the only way we will ever get national health insurance passed is if we get a balanced budget amendment. Because some fellow with green eye shades is going to sit down with the gentleman from Ohio [Mr. KASICH] one day, and he is going to point out to him that the only way we are ever going to get the health care cost under control in this country is by putting some cost controls on the rising cost of health care, by insuring the uninsured.

We are going to have a very difficult fight on what we actually do to achieve a balanced budget. But make no mistake about it, without a balanced budget amendment, we will continue the kind of deficit spending that has hurt the poorest and most vulnerable people in this country worse than any cuts that Ronald Reagan or George Bush or anybody else came up with.

Let us not stick our heads in the sand and pretend that this deficit has not been a cancer that has eroded the fundamental necessities of life for the American people.

Let us stand up for the Stenholm amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, a balanced budget amendment will force steep cuts in programs that working families count on to keep their heads above the water. Every program that works for middle-class people will be subject to the meat ax. This includes such vital and successful programs as Social Security, Medicare, veterans benefits and student loans. And by passing this amendment, we will do more than just gut those programs. We will continue to force middle-income and lower income Americans to shoulder the burden of deficit reduction.

For reducing the deficit we need balanced judgment, balanced judgment in spending wisely and balanced judgment in cutting spending wisely.

We cannot do that when the American middle class suffers the greatest sacrifices and burdens and the rich and large corporations remain virtually untouched.

I urge my colleagues to vote "no" on this substitute and "no" on final passage.

Mr. SCHAEFER. Mr. Chairman, may I inquire of the Chair how much time remains for each side?

The CHAIRMAN. The gentleman from Colorado [Mr. SCHAEFER] has 10 minutes remaining, the gentleman from Texas [Mr. STENHOLM] has 6 minutes remaining, and the gentleman from North Carolina [Mr. WATT] has 10 minutes remaining.

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, for 60 years, Congress has played a shell game with Americans. We have provided the services, but we have hidden the costs. Today, the bill is finally coming due.

Our deficit is almost $5 trillion. Interest on the debt is the third largest portion of the budget. In a few years, it will be the largest portion of the budget.

Faced with this crisis, we must take action—and we must take action now.

There's no time to wait for the next Congress, or to posture for the upcoming elections. If you have faith in the American voter, if you have faith in the democratic process, then support the Schaefer balanced budget amendment.

It protects future generations from our irresponsibility, and it forces Congress to finally set the priorities we've been avoiding for 6 years.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Chairman, this amendment that has been proposed is what I believe to be not straight with the American public. This amendment, as proposed, does not separate capital from operating expenditures.

In my State, where we have to balance the budget through a constitutional amendment, this amendment is different than that which we have in our State.

□ 1850

This asks the Federal Government, which has the capital outlay budget in the operating budget, to have it mixed together. It is not being honest with the American public.

Mr. Chairman, I came here from Maine to do the job I was elected to do, not to put it off for 2002. I was elected to do the job, as every Representative was elected to do the job, but not to give the power to a few large States who, with their electoral support, could withhold, with a super majority that is called for in this amendment, could withhold that support.

If my colleagues who support this amendment think the three-fifths super majority is such a good idea, they only need to look at the other body, where they are engaging in a filibuster, to realize that what they are doing is putting the filibuster in the Constitution of the United States.

Therefore, before we amend this Constitution with these kinds of provisions, we have to be honest with the American public, because this is not what we have in the States for constitutional amendments for a balanced budget, it is not what families do, it is not what I do in my business, and it is not what we should do in the United States of America's business.

The CHAIRMAN. The Chair would announce that the time disparity between the various sides is such that the gentleman from North Carolina [Mr. WATT] has only 8 minutes left now, and the two proponents have 9 minutes. What the Chair is going to do is go to the two Members to try to get some balance of the time, if that is satisfactory with everyone.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, it is an honor to speak on this issue. We have waited 40 years.

From the Chicken Little school of budgeting, we have heard all week that the sky is going to fall if we balance the budget; the elderly care, Social Security, Medicare, nutrition. They held a press conference today in the Bay area. All these terrible things will occur if we balance the budget. Liberals know that Social Security is off the table.

I will tell you what we will not do. We will not pass a $30 billion pork-laden crime bill if the balanced budget passes. We will not have a $40 million peso bailout if the balanced budget passes. We will not ruin agriculture by arresting farmers when they run over a rat with their tractor if the balanced budget passes. We will not fund the Bavarian ski resort in Kellogg, ID, for $6 million if the balanced budget passes.

For 26 years this Congress has failed to balance the budget once. If they asked John F. Kennedy "How are you going to get to the Moon," they would criticize the fuel he would use. He would never have been able to do it. If they asked an alcoholic "What three liquor stores will close if you stop drinking," we would not do it.

We have lived off our grandchildren long enough. We must pass the balanced budget tonight.

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this amendment for many reasons. One that would come to my mind right now is history. Rome collapsed in 476 A.D. The Byzantine Empire collapsed in 1453. The Italian Renaissance came to an end in 1550. The Dutch Empire ended in 1759.

You could look across the pages of history. What you would find is that in every instance, civilizations reached a crossroads in which they had to decide, do we go back to what made us competitive and a world power in the first place, or do we stay on this happy but ultimately unsustainable cycle of upward government spending and upward government consumption?

In most instances, Mr. Chairman, those civilizations have taken the easy choice. Tonight we have a chance to impose upon ourselves the discipline that this body so desperately needs for the sake of not only ourselves but our children and our grandchildren. Mr. Chairman, I ask support for this amendment.

Mr. STENHOLM. Mr. Speaker, Mr. Chairman I yield such time as he may consume to the gentleman from Texas [Mr. PETE GEREN].

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in support of the balanced budget amendment.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I rise in support of the Stenholm-Schaefer amendment.

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, it is a tremendous privilege to serve my country as a Member of this institution. Our forefathers paid a tremendous price to give us this great Nation. Now it is our turn to live up to the responsibility that goes with that privilege.

Our Congress has not passed a balanced budget in 25 years. They borrowed $4.8 trillion on behalf of the American people. That is $18,500 for every man, woman, and child in the United States of America. For a family of four, that is $74,000. Here is the worst part. To simply pay the interest on the national debt, every family of four must write out a check each month for $450; $450 of their tax money each month is going just to pay the interest on the national debt.

Mr. Chairman, it is time to live up to our responsibility. We need to pass this balanced budget amendment so we can have a bright future for our children and for our grandchildren.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes to our majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to take a moment to talk about this moment. I would like to thank my colleague, the gentleman from Texas [Mr. STENHOLM], and my colleague, the gentleman from Colorado [Mr. SCHAEFER], for bringing this amendment to this floor at this moment.

Mr. Chairman, I would like us to reflect upon the fact that this moment is not about the party of the gentleman from Texas [Mr. STENHOLM] or the party of the gentleman from Colorado [Mr. SCHAEFER]. It is not about the last election; it is not about the next election.

Mr. Chairman, this moment is about the future of our children in this great Nation. That is what we address ourselves to at this point in time. We stand at this moment, Mr. Chairman, with a very frightening fact of our children's lives.

Each and every one of our children today is endowed with $18,300 of Federal national debt. That is the legacy of the manner in which this Congress has acted in the past, trying the best we could, no doubt, doing the best we thought possible, no doubt, but with the absence of any defining constraint, any fiscal imperative, constantly allowing that national indebtedness to grow larger and larger and larger.

This moment stands at a time where, if we do nothing, we must face the even more frightening possibility that by the time of their young adulthood, they will have even worse of that indebtedness, and their children, too, will share it.

Today, Mr. Chairman, is our chance to rise to the occasion of the moment, to reach out, put our disappointments aside, seize the moment, and think about our children. Vote yes for a new constraint and a new beginning.

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, I rise to express my deep concern over efforts to amend the Constitution to require the Federal Government to adopt a balanced budget. Although I will vote in favor of specific substitutes offered by my colleagues, I do so because they represent more reasoned alternatives to the majority's proposal, not because I support amending the Constitution to require the Congress to do what it already has the power to accomplish.

It is unfortunate that the majority has elected not to initiate its budget reduction goals in a more reasoned and deliberative manner—debating the specifics of program reductions and reforms, rather than amending the Constitution to restrain the flexibility of Congress to address the needs of the economy and American citizens.

Federal budgets are statements of policy. The budget represents the best efforts of the executive branch and the Congress to reach majority consensus on specific investment and revenue decisions based upon judgments of the Nation's needs. The Congressional Budget Office has estimated that $1.2 trillion will have to be cut from the Federal budget under the amendment's mandate. Significant policy decisions on a range of issues will be imposed based on the need to implement arbitrary and draconian reductions in spending—an abdication of our responsibility to make such decisions in a deliberative manner.

Proponents of the amendment have refused to enlighten the American people on how the budget will be balanced. Instead they focus on the process, forgoing the specific impacts of this legislation, and relying on simplistic notions. Process is no substitute for the profound choices facing this body as we debate reductions in spending—reductions which will have a significant impact on our ability to provide for the Nation's security and economic stability, and to invest in the productive capacity of Americans and the Nation's infrastructure.

Forced reductions in Medicare and Medicaid do not pass for responsible reform of our health care system. The coming debate on welfare reform—moving Americans from welfare to work—must include a thoughtful debate on the need for investing in education and training. There is widespread acknowledgement that it may be necessary to spend money up front in our efforts to end welfare as we know it and put recipients to work. Passage of the balanced budget amendment may force the Congress to base reforms solely on reduction in costs—not on the requirements of legitimate reform.

Robert Bork is recently quoted as saying that the balanced budget amendment "rests on the assumption that Congress won't behave responsibly in the absence of a constitutional amendment." I would urge my colleagues to reject that assessment and House Joint Resolution 1. The 103d Congress demonstrated that it can act to reduce the deficit. That process can and should continue as we begin a deliberative debate on the specific policy reforms on our agenda.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CHAKA FATTAH].

□ 1900

Mr. FATTAH. Mr. Chairman, I thank the gentleman for yielding me the time.

I would like to first associate myself with the remarks of the gentleman from Massachusetts, except for his conclusion. I would like to say that as we approach this issue, we should be careful that we do not handcuff the future of our country. We would not have been able to invest so significantly, for instance, in our military to fight the cold war given these dynamics of a balanced budget amendment.

This county has used deficit spending to invest in ways to improve our infrastructure, like the superhighway, Federal highway program, 41,000 miles of highways across this land.

We hear so much talk about the family budget and that the Government's budget should be more like families' budgets. Families are not so concerned about balancing budgets. They are concerned about responsible budgeting. They would not let a sick child go without health care in order to have a balanced checkbook. They would not go without a roof over their head rather than to acquire a mortgage. Families make responsible decisions in which in some cases they use debt or use savings. But they act in ways in which they do in fact create opportunities for future generations.

So when the majority leader, who I believe is sincere, along with the two gentlemen who are the makers of this substitute amendment, suggest they are doing this on behalf of future generations, I would suggest to you that we also in many ways, some even unimaginable at the moment, by limiting ourselves in this way jeopardize future generations.

The last thing I would say, Mr. Chairman, is that what we are doing does not make common sense. All we need is 51 percent of the Members of this House, 218 votes, to pass a balanced budget. What we are doing now is searching for 290 to give us a flag to wave rather than a balanced budget that we actually can send to the President's desk.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in strong support of the Stenholm balanced budget amendment.

I rise today in support of a balanced budget constitutional amendment. I have said these words before in this Chamber.

I have voted for such an amendment since being elected to Congress. Perhaps today I can say we met the vote threshold and passed the balanced budget amendment.

Congress now has all the authority it needs to balance the budget. However, the Congress is missing one thing: fiscal discipline.

The balanced budget amendment provides the fiscal discipline that Congress needs to face up to the hard choices that we must make in order to reduce a national debt that current exceeds $4.7 billion.

I have become more and more frustrated with this budget process that cannot stop record deficits year after year.

I have come to the conclusion that it is necessary to restrict the ability of the Government to borrow money from future generations and that it is necessary to restrict the ability of the Government to tax the American people.

If families in my district have to balance their budgets and monitor their spending habits, it only makes sense that the Federal Government abide by the same commonsense rules.

Our citizens are disgruntled with the Federal Government making excuses. They expect and should expect that the Congress put aside the partisan tactics and pass strong legislation that can rein in our national debt and spiraling interest payments.

Until we balance the budget, these interest payments will continue to force downward pressure on the American economy and the American people. I think hard-working Americans deserve some relief.

Making sure that we do not spend more than we bring in is the relief that is needed. The mechanism to ensure that relief is the balanced budget amendment.

I encourage my colleagues to vote for this amendment so that we can say today we moved to control runaway spending.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank and congratulate my dear friend, the gentleman from Texas [Mr. STENHOLM], for the excellent work he and the gentleman from Colorado [Mr. SCHAEFER] and others have done in bringing this balanced budget amendment to this floor tonight.

As a conservative Democrat, I am pleased to follow my more liberal Democratic colleague, the gentleman from Massachusetts [Mr. KENNEDY], in a request to all Members that we do the right thing tonight, that we pass this balanced budget amendment on to the floor of the full House for a final vote.

As the principal cosponsor for many years with my friend, the gentleman from Texas [Mr. BARTON], of the Barton-Tauzin constitutional amendment that contained the supermajority requirement to raise taxes, let me make an admission tonight. I think we all need to admit we do not have the votes to pass that amendment. It, in my mind, was the superior version.

But I must tell you that the Stenholm-Schaefer amendment we are debating now is an awfully good version of a balanced budget amendment for the U.S. Constitution, the best one we can pass and the one we ought to pass to the floor for final action tonight.

Why is it the best one we can pass and a good one to boot? Because it contains a supermajority provision twice to ensure that before we budget an unbalanced account and before we raise the debt ceiling in America, that we get the supermajority agreement to do it.

People have complained about a supermajority and said it is not American, not Democratic. Let me assure you, corporations generally include a supermajority requirement before the majority in a corporation can hurt the minority rights. The supermajority provision is designed to protect minority rights from the tyranny of the majority.

What tyranny have we been subjected to for 25 years? We have been subjected to a tyranny of a majority spending money we do not have and creating debt we cannot pay down and creating a situation as my friend JOE KENNEDY said where we do not have the money to do good things for Americans anymore. It is time to end that tyranny and balance this budget and settle the accounts.

But let me turn the argument on its head. Should we put in our Constitution a requirement that we stop unbalancing our accounts each year? Let me turn that on its head. Do we have a right to spend money we do not have? If you want to spend money that is your money that you do not have and borrow yourself into debt, you certainly have that right. But we are here as agents of the American taxpayer. Do we have a right to spend money he has not sent us, she has not sent us? The answer I think is no.

We are agents of the taxpayers of America. We owe an agency-fiduciary relationship to the people of America who sent us here. And our agency requirement is not to spend money we do not have because we cannot do this in a free society and keep it free.

The obligation tonight, all of you, all of you who wanted Barton-Tauzin to pass and now we know we cannot do it, the obligation is to rally around Schaefer-Stenholm and make it the law of this land.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, first, though I will not be voting for this amendment, I want to salute the gentleman from Texas [Mr. STENHOLM] and his colleague in this effort, the gentleman from Colorado.

The gentleman from Texas [Mr. STENHOLM] and I disagree on many, many things, but I have the greatest respect for his integrity and his commitment. I hope you prevail tonight, CHARLIE. You deserve it. And though I will be voting against you, you have certainly put up the good fight for a long, long time.

We had a chance, 2 years ago, to put a vote on this floor that went way beyond the rhetoric of an amendment and talked about real spending cuts, real deficit reduction. Not a single Republican would vote for it. We are talking about the Clinton deficit reduction plan. The result of it, some $600 billion in deficit reduction, a tough plan that worked, 3 straight years of deficit reduction, the first time since Harry Truman. Not one single Republican vote in the House or the Senate.

And then I came to the floor last year with the suggestion in an appropriation bill to cut 10 percent, $1.3 billion, from the previous year's discretionary spending. And if you look at the rollcall, you know what you will find? Many of the balanced budget warriors who have stood so bravely at these microphones tonight calling for major surgery on our deficit were fainting at the sight of blood when they saw the spending cuts. Folks, it is in the record.

Now we are about to change the Constitution of the United States and for the first time put a fiscal policy in it which is to guide us to courage. We did not need it. We needed the determination, the bipartisan determination of Democrats and Republicans. Instead, not a single Republican would step forward 2 years ago when we had a chance to do something about it.

I am concerned about the conservative political groups in this town who will exalt over the passage of this amendment. They will finally be able to shred the safety net constructed by Franklin Roosevelt, the safety net constructed with Medicare in the 1960's. The victims unfortunately are the most vulnerable people in America.

Mr. SCHAEFER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I rise in support of the balanced budget amendment.

Mr. Chairman, I rise today in support of the Schaefer balanced budget amendment and to urge all of you who support bringing the Federal Government's spending binge to an end to do so.

Let me say at the outset that I much preferred the Barton amendment with its requirements for a supermajority of the Congress in order to pass a tax increase. The Barton amendment offered the best hope for curing the Congress' addiction to tax hikes—to end the practice of blithely dipping deeper into the pockets of middle-class Americans in order to finance increased spending. But the simple fact is, we lack the votes needed to ensure the Barton amendment becomes part of the Constitution.

Faced with a choice of politics as usual or with adopting a meaningful constitutional requirement that the budget be balanced, I support the Schaefer-Stenholm amendment.

If you and your family set up a budget each year and you estimate you'll spend more than you earn, you might use your credit cards or borrow money from the bank. Twenty years of credit cards and borrowing would probably find you in bankruptcy. So it is for families and—I submit—so it is for the Federal Government.

The fact is: We have not balanced a single budget since 1969. Time and again Congress has had the opportunity to cut spending—either with across-the-board cuts on appropriations bills or with specific measures such as the $90 billion Kasich-Penny spending cut initiative in 1993. Time and again the majority in Congress rejected these modest efforts to hold the line on spending. Clearly sufficient congressional will to cut spending and reduce the deficit was lacking.

Because the present capacity to borrow money creates an unlimited ability to spend without immediate consequences, there is no clear procedural or political barrier to ever-spiraling spending. A constitutional amendment is the only way to force Congress to make the difficult choices needed to balance the budget.

The Schaefer amendment shores up our best intentions with constitutional backbone. It requires that the President submit and the Congress adopt a budget which balances actual outlays with actual receipts. It protects our ability to respond to national emergencies by waiving the requirement for a balanced budget whenever the United States is engaged in armed conflict.

Mr. Chairman, I would have preferred the Barton amendment's stricter tax-limitation provisions. But the perfect must not become the enemy of the very good. Passage of the Schaefer-Stenholm balanced budget amendment will ensure that we not only fulfill our obligations to the American people in our contract with them, it will ensure we fulfill the unwritten but no less binding obligation not to saddle future generations with unbearable debt.

I strongly support the Schaefer-Stenholm amendment and urge each of my colleagues to do so as well.

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in support of the Schaefer-Stenholm amendment.

I must candidly admit I have not always been in the front ranks of the warriors fighting for a balanced budget amendment. My position has evolved over the years.

When I first came here 13 years ago, I said to myself in response to those who called for amending the Constitution, let us not tinker so readily with that very sacred document. I felt we had a conservative President who could advance a balanced budget amendment or proposal anytime he wanted. That balanced budget proposal was not advanced. I felt that the Congress of the United States in its wisdom, adults, could pass a balanced budget anytime it wanted. But it did not do so. I watched the deficit mount and mount and mount, and I began to consider my kids and grandkids.

I looked at the situation where now we have a debt approaching $5 trillion, which means that every single day, every 24 hours, we are spending almost $1 billion just to service that debt. It does not educate anyone or feed anyone or clothe anyone. That is obscene and we have got to change it.

Mr. SCHAEFER. Mr. Chairman, may I inquire about the time?

The CHAIRMAN. The gentleman from Colorado [Mr. SCHAEFER] has 3 minutes remaining, the gentleman from Texas [Mr. STENHOLM] has 3 minutes remaining, and the gentleman from North Carolina [Mr. WATT] has 4 minutes remaining.

Mr. SCHAEFER. Mr. Chairman, I believe that we have the right to close?

The CHAIRMAN. The gentleman from Colorado would have the right to close.

□ 1910

The Chair apologizes. The gentleman from North Carolina [Mr. WATT], because he is a member of the committee and is controlling time in opposition, may close.

Mr. SCHAEFER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman for yielding me this time. I strongly support this amendment. I would have preferred the Barton amendment that obviously we are not going to get a chance to get the number of votes for. But I think we have an obligation to the American people, and I think it is a sacred obligation.

In my district when I get into the church halls and the fire halls and look people in the eye, they ask me: "How come Congress does not live in the real "How come Congress does not live in the real world." They ask me how come we do not live by the same rules that they live by.

They live with a balanced budget, Mr. Chairman. They cannot spend more than they take in, at least not for very long, and they cannot understand why Congress does not live with that same discipline.

We now have an opportunity, and it is a historic opportunity, to give something to the American people that they should have had long ago, that will establish that we in Congress recognize the real world that they live in and we can do this right. It is the right thing to do for ourselves, for our constituents, for their children and for our grandchildren.

Mr. STENHOLM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman as an original cosponsor from last session and this session, for our children and our children's children, I rise in strong support of the Stenholm-Schaefer amendment.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in support of a Schaefer-Stenholm amendment.

Mr. Chairman, I rise in support of the Barton balanced budget amendment. I will also, as I have in years past, vote for the Stenholm balanced budget amendment.

Here is the way I see it.

This year we have a Federal budget of $1.5 trillion. That budget is divided essentially into three components.

Discretionary spending, which includes defense, education, science, space, technology, agriculture, law enforcement, judiciary, environment and other domestic programs. The discretionary programs receive 35 percent of the tax dollars sent to Washington this year.

The second category is the entitlement programs. Those are Social Security, Medicare, Medicaid, food stamps, veterans health care, Federal retirement, farm subsidies, etc. These programs receive 45 percent of all tax moneys this year.

The third part of the budget is interest on the $4.5 trillion debt we have accumulated as a Nation. This year that interest payment is 20 percent of our entire budget. Out of a $1.5 trillion budget, 65 percent of all the tax dollars go to entitlements and interest on the debt, and in the year 2012, according to the Entitlement Reform Commission analysis, 100 percent of all tax dollars will go to entitlements and interest. None of our tax dollars will go to defend this Nation, educate our children, protect our citizens from crime, protect our environment, provide research for our science and industry, etc.

In other words, total, complete bankruptcy.

This is why we must have a balanced budget amendment to compel this Congress to make the hard choices to stop this insane direction in which we are moving. It must be done, even though we will offend many people with the hard choices we make.

The rub in this debate is Social Security. A resolution was passed on the floor yesterday exempting Social Security from the balanced budget amendment. It passed by an overwhelming margin, but everyone in this House knew it was a ruse. It has no legislative effect. Even the senior citizens organizations condemned it as a farce. It was for political cover, so we would all go back home and say we voted to protect Social Security, knowing that it is absolutely impossible to balance the budget of this country and exempt one-fifth of the entire budget from the equation.

The truth is that the Social Security system must accept the same responsibility that every other program in the Federal budget accepts for helping solve the deficit and the debt.

Everyone here knows that we are talking about slowing down the growth of increased Government spending. In the case of Social Security, seniors will continue to receive increases in COLA's, although they may not be as great as those increases in the past. If Social Security is totally exempt from considerations to balance the budget then the education of our children, the health care of our veterans, the protection of our environment will all have to suffer three times as great a slowdown in the growth of their funding as the Social Security system.

This is not fair. I represent senior citizens, but I also represent the children and grandchildren of senior citizens. I worry about the security of seniors today, but I also worry about the security of their children tomorrow and beyond.

I don't know any seniors in my district who would put themselves ahead of their children and I'm not going to lie to them to tell them Social Security has no part in solving this problem. Both parties, Republican and Democrat, know, beyond any doubt that the budget must be balanced and it cannot be balanced without the help of the seniors and the Social Security system.

The best protection for Social Security in the end is to eliminate this deficit and debt, and I repeat it, it cannot be done by exempting 20 percent of the Federal budget from consideration. Seniors want the truth just as all of the American people want the truth, not some game to deceive them in the end.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in strong support of the Schaefer-Stenholm amendment. I have been working for years for a balance budget constitutional amendment. We need discipline in Congress to quit spending more than we take in.

This amendment will now have to be ratified by 38 State legislatures. Now its up to the Senate and the States.

I commend the gentleman from Texas [Mr. STENHOLM] for his hard work on this amendment as well as the gentleman from Colorado [Mr. SCHAEFER].

This is a great night for America if this amendment is passed.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in strong support of the Schaefer-Stenholm amendment.

The CHAIRMAN. The Chair's understanding of the situation is that the gentleman from North Carolina [Mr. WATT], has one additional speaker.

Mr. WATT of North Carolina. Mr. Chairman, I have one additional speaker, and I will close.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas.

I commend the gentleman for his principled defense of the principled defense of the principle of majority rule on the tax issue. The lack of sense of giving a minority the right to decide whether the United States will meet its obligations to its bond holders, or how we will make fiscal policy, is clear and I regret that the budget debate has strayed so far from the mainstream that we have to breathe a sigh of relief when a longtime and committed proponent of a balanced budget amendment courageously speaks out against the radicalism of the three-fifths rule on the tax issue.

Nonetheless, I must speak out against the gentleman's amendment.

We must work harder to achieve a balanced budget, but, nothing can substitute for the courage and discipline to take the tough budget votes. This amendment will not do it, it will simply give those who lack backbone the ability to say, "Look, I voted for a balanced budget amendment, don't ask me to actually vote for a balanced budget."

Well that's not good enough. If we really do not want to stick our kids with the bills, then we must either not spend money on something somebody here wants—and there is no shortage of people here who will vote for this amendment but will fight vigorously to protect their pet programs—or we will have to tax somebody—and nobody here wants to do that.

The distinguished majority leader stated the real issue clearly when he ruled out any discussion of the real choices we will have to make in order to balance the budget "because" he said "the fact of the matter is once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get a balanced government, their knees will buckle."

Are we really prepared to say that the democratic process can't produce a sound economic policy—that Federal judges should be given control over taxes, spending and our nation's priorities? Are we prepared to place control of our destiny in the hands of the special interests and of a minority of the House? I, for one, still believe that democracy, majority rule, can be made to work.

But even if the Members of this House succumb to a sudden attack of fiscal courage, we still have to look at the economic impact of this amendment.

We have heard no discussion of the impact of the complete elimination of the issuance of Federal debt on pension funds and other institutions which turn to such debt instruments as a conservative place to invest funds?

Mr. Chairman, this amendment is a dangerous way to try to ensure fiscal responsibility. It will not work. I commend the gentleman for his courage, and urge the defeat of the amendment.

Mr. STENHOLM. Mr. Chairman, I yield myself the remaining 3 minutes of my time.

Mr. Chairman, before I begin, let me say on behalf of all of those who have participated in debate over those 2 days, thank you for your job. You have been extremely fair, and we owe you a debt of gratitude for the way in which you have conducted yourself.

The CHAIRMAN. The Chair thanks the gentleman.

Mr. STENHOLM. Mr. Chairman, if I might, indulge me in a little historical perspective. This debate on the balanced budget amendment has matured considerably since we first participated in 1982. We have not spent as much time arguing over whether deficits are bad. We have a lot more Members who have signed off on the concept of amending the Constitution. Although we still differ on which one is the best, we have had far fewer accusations about people's motives in supporting a constitutional amendment, and that is the good news. We also got to a floor consideration with a lot fewer gymnastics this year than in the past, and we sincerely appreciate the Republican leadership for that.

To my own leadership I owe a great deal of sincere appreciation this year as well. Some people say that we Democrats have not learned a thing in the past 3 months, but I know we have. The handling of this issue is ample proof. My leadership understands that there are Democrats who have always felt passionately about the importance of this amendment. DICK GEPHARDT and DAVID BONIOR could not have been more gracious in bringing us to this point.

The bad news is that the need for a constitutional amendment is so much greater than when we started working on this issue. The ever-growing danger posed to our children and grandchildren is more threatening than ever.

One Member on the floor yesterday put it as succinctly as possible: Deficit spending is stealing all of us gathered here, especially those three-quarters of us who are veterans, have been guilty of taking from the pockets of the very people we love the most.

People have asked me, how could you have had the energy, the will and the motivation, and from some people's perspective the stupidity, to keep pounding away at this effort to add a balanced budget to the Constitution year after year. I always explain that is the farmer in me. If you are not an incurable optimist with a farmer dealing with floods one year and drought the next, and bugs and insects and all of the things that go with it, and intense international competition, and then the argument with my good friend, DICK ARMEY, regarding the policy on agriculture, as a farmer you just cannot give up and let it defeat you. You keep plugging.

As a father, soon to be grandfather, I cannot let myself be defeated on the constitutional amendment either.

That is my motivation, and I share it in a bipartisan way with so many tonight.

If we do not hand over to those children, my children and yours, your grandchildren and mine to be, if we do not deliver the best country we can, if we do not give them at least as good a life as we have enjoyed and had the privilege of enjoying, what kind of a daddy am I and what kind of grandfather or grandmother will we be?

□ 1920

Each one of us here in this Chamber knows what I am talking about, whether it is our own kids or our nieces and nephews or kids down the street, we know we owe them the best future we can offer. Stealing from them, sustaining deficit spending, is not the best answer.

I thank all who have participated in this debate, in this ongoing, decade-long effort. For all of the right reasons, I urge my colleagues to support this bipartisan amendment calling for a budget of the United States of America to be balanced by the year 2002 and forever thereafter.

Mr. SCHAEFER. Mr. Chairman, I yield the remainder of the time on our side to close to the gentleman from Iowa [Mr. GANSKE], a member of our great freshman class, a great worker on this particular issue.

Mr. GANSKE. Mr. Chairman, I believe there is nothing more important to the future of our country than getting our national debt under control.

The facts are sobering: $4.7 trillion of debt, $18,000 for every man, woman, and child in this country. In 1994 the gross interest payments on this debt equaled $240 billion. This is almost as much as we spent on Social Security; it is more than the combined budgets for the Departments of Agriculture, Education, Energy, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, and Veterans' Affairs.

Some opponents of the balanced budget amendment seek to minimize the consequences of this national debt. What they ignore is the impact on Government services, program beneficiaries, and taxpayers from remaining on this same course that we are on now, a course that will result in the Federal debt increasing 90 percent over the next 10 years and annual spending on interest increasing by two-thirds.

That is why I believe a constitutional amendment to balance the budget is so necessary. The national debt is a real and serious problem, and nothing short of a balanced budget amendment will give politicians the backbone they need to make the tough decisions.

You know, Americans have to realize that sacrifice is necessary. For too long the public has wanted unlimited services, unlimited resources. Passage of the balanced budget amendment will initiate a great debate, just what can and what should Government do. We need to ask what is good for the country.

If we cannot act responsibly with our country's budget, we will have bankrupted our children's future.

I urge my colleagues to recognize the importance of this amendment and to support the Schaefer-Stenholm version.

Do not let the perfect be the enemy of the good. This is a very good amendment. If we fail to pass this balanced budget amendment, we will have failed to deliver on the promise we made to the American people.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to start by agreeing with the majority leader, the gentleman from Texas [Mr. ARMEY]. This vote is not about the next election. It is not about the election after that, because the drafters of this bill have carefully drafted it so that they will not have to dance to the music until the year 2002. In fact, if you look carefully at the Contract With America and you follow this 6-year limitation on service in this body, conveniently everybody here will be gone. If you look at the new rules of the House and the limitation on how long the Speaker can serve, the Speaker will be gone, even if he continues to be in the majority. In 2002 we are called upon to balance the budget.

So it is not about this election. It is not about the next election. It is not even about the election after that. It is about democracy and honesty and when we are going to level with the American people and when we are going to have the guts to balance the budget. That is what this vote is about.

I implore you not to take away my right to have an equal voice in this body, not to give me this stuff about a supermajority being required, because that is going to give the major States the control of this decision.

I come from a small State, but we in North Carolina have the same rights as everybody in every other part of this country, and the minute you pass a supermajority, and say, "We are going to up the ante, your vote is not worthwhile," let us defeat this amendment and let us defeat this balanced budget amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Colorado [Mr. SCHAEFER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 293, noes 139, not voting 3, as follows:

[Roll No. 49]

AYES—293

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bunn
Cardin
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Graham
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hostettler
Hunter
Jackson-Lee
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Reed
Reynolds
Rivers
Rohrabacher
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Souder
Stark
Stockman
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

Bishop
Fields (LA)
Rush

□ 1943

Mr. HILLIARD and Ms. McKINNEY changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

Mr. MANZULLO. Mr. Chairman, a balanced budget is the best way to ensure the future economic prosperity of the United States. It is a long-term solution to a long-term problem. Congress, over the past 40 years, has been full of big spenders who couldn't restrain their proclivity to spend. A balanced budget limits the powers of Government and brings stability to the budget-making process.

Deficits are not a short-term trend. The Federal Government has run a deficit for 56 of the last 64 years, and the last 24 years in a row. Congress has tried to change its free-spending ways, but countless budget deals have done very little. In the 1920's, Federal spending as a percentage of GNP was 3 percent; in 1940 it was 10 percent; and in 1992 it was 22.4 percent. Eliminating the deficit is one of the most urgent priorities facing the country. We can't begin to tackle our near $5 trillion national debt until the Federal budget runs a surplus. And unless we begin to repay our debt soon, this country will be headed for a deep and prolonged economic crisis.

When it comes to balancing the budget, the deficit is a convenient target for election year attacks. But when it comes to getting reelected, deficit spending is the key. Why? First, intense pressure for spending tends to override a generalized preference for fiscal restraint and balanced budgets. In the short run, deficit spending is the most painless political option and the path of least resistance. In other words, wasteful spending has a curious appeal to deficit-hostile constituents when it is in their own district. Second, intense pressure for spending tends to override the general, diffused targets of most tax increases. Tax increases are purposely spread out enough so they don't spark a Boston tea party. For Congress, it's easy to tax and easier to spend, making it almost impossible to balance the budget.

Mr. Chairman, a long-term, structural response is needed to reverse a long-term, structural problem. The solution is a balanced budget amendment to the Constitution. I don't take this step lightly, but it's one that Thomas Jefferson endorsed. An amendment reestablishes a level playing field, forcing Congress to place higher priority on balancing the budget rather than spending and taxing. It restores the Constitution's goal of limited government.

Some critics of this legislation contend that it will unfairly impact Social Security. Nothing could be further from the truth. These critics say that Social Security is not part of the deficit problem. I agree completely. Social Security is soundly financed and runs a surplus every year. However, a constitutional amendment to require a balanced budget does not change Social Security in any way.

Current laws on the books that protect Social Security would not be changed by the amendment. For example, Social Security is exempt from across-the-board budget cuts. The trust fund is already excluded from deficit calculations. The amendment does not change those laws in any way.

Taking Social Security and other worthy problems off-budget under the amendment would open up a loophole to evade the intent of the proposal. It would set a precedent for other Government programs to simply by shifting enough Government programs into off-budget accounts. This would only make matters worse. I'm sure you wouldn't do this with your own check book. That's why I don't want to make an exception for the Government.

In fact, a constitutional amendment to the Constitution requiring a balanced budget is critical to the long-term health of Social Security, forcing Congress to bring the deficit to zero so future politicians will not be tempted to cover our Nation's huge debt with the Social Security surplus set aside for the baby-boomer generation.

Mr. Chairman, since I took office, I have had the courage to consistently vote against wasteful spending over 300 times to cut $175 billion. Unfortunately, most of Congress did not agree. If we do not respond to our long-term problem with a long-term solution, large

Federal deficits and low private saving will lead to increasingly costly and precarious dependence on foreign capital, and less investment to modernize and expand the economy. All this will result in smaller gains in productivity and a lower standard of living for our children and grandchildren. Mr. Chairman, Congress must vote for the balanced budget amendment to save future generations from this unconscionable economic burden.

Mr. LEACH. Mr. Chairman, some concerns have been expressed about how the balanced budget amendment, if ratified, could effect the Federal Government's ability to issue debt, manage its cash position, and borrow money at the lowest rate.

For instance, under present budgetary requirements, budget outlays for direct loans, such as those provided by the Eximbank and USDA, consist of the net present value of the subsidy, rather than the net disbursement of cash. However, Treasury still must borrow the full amount of the loan. It is expected that cash disbursements will exceed $70 billion during fiscal year 1995–99. Under House Joint Resolution 1, the debt limit would have to be increased by a three-fifths majority of each House in order to accommodate these disbursements, even if the budgets were balanced in those years and the loans eventually were paid back in full.

In addition, the Federal Government's cash requirements vary from year to year, making it difficult to estimate its revenue needs. For example, a large number of unexpected thrift and bank failures in 1 year could cause the budget to be unbalanced.

Finally, some have argued that given the constraints of a balanced budget amendment and the three-fifths requirement, Congress will look for ways to borrow money off budget, which is usually more costly than on-budget financing. A good example of a more costly off-budget financing scheme was the reliance on REFCORP bonds to finance part of the S&L bailout.

While the above budgetary concerns at first blush would appear problemsome, they should not pose insurmountable obstacles to successful implementation of a balanced budget amendment. Many of these cash management problems can be addressed with more prudential planning. Furthermore, section 8 of House Joint Resolution 1 allows Congress to enact laws to implement this constitutional amendment. Through legislative adjustments Congress retains the flexibility to square the various nuances and vagaries of Federal Government debt management with the constitutional requirement of a balanced budget.

Mr. DOYLE. Mr. Chairman, I urge my colleagues on both sides of the aisle to support House Resolution 28, the bipartisan, bicameral balanced budget amendment. We have spent considerable time in this House debating and discussing the merits of competing balanced budget amendment proposals. The message that has resonated through this debate is this country's desperate need to balance its budget.

Currently, our national debt exceeds $4.3 trillion. Since this House last voted on a balanced budget amendment in March 1994, our debt has increased by more than $160 billion dollars. The gross interest payments on this debt alone are costing us $816 million per day. In fact, these interest payments have increased so significantly that 14 percent of the entire Federal budget is devoted to interest payments on the debt. Therein lies the insidious nature of this deficit debacle.

As the interest payments continue to skyrocket. Devouring larger and larger portions of the budget, there is a devastating regressive effect on the rest of the budget. These interest payments are severely hampering our ability to fund important discretionary programs. While future generations will suffer increasingly from this effect, the problem is also very real in the present. Our interest payments this year alone will be 8 times higher than expenditures on education and 50 times higher than expenditures on job training.

My constituents in western Pennsylvania will need continued assistance from job retraining and economic development programs. This is why I stand today in support of this balanced budget amendment. The Mon-Valley needs the help of innovative and intelligent Federal programs to assist in the retraining of displaced workers so they are prepared to join new, high-technology industries. Programs are needed to cleanup the abandoned industrial sites so fresh businesses will locate there bringing with them secure jobs in these growing industries. These are just the types of programs that are being crowded out by the increasing interest payments on our debt.

It is imperative that a balanced budget amendment passes both Houses of this Congress so that it can move to the States for the ratification process. Only then will people throughout the country be afforded the opportunity to closely examine how the amendment would work and what specific actions would be necessary to achieve a balanced budget early in the 21st century. However, the only way our citizens will have that opportunity is if we move now to pass the Stenholm/Schaefer alternative.

It is the only alternative that is purely bipartisan in nature and has a chance of also passing in the Senate. This is a practical reality that cannot be overlooked.

Language in this amendment would require a three-fifths vote in both Houses to allow an increase in our national debt level which gives this alternative the strong safeguard necessary for it to be effective, and I sincerely hope my colleagues will recognize the power of this rigorous balance. The Stenholm/Schaefer amendment unites the underlying principles of all versions of the balanced budget amendment. We cannot let another opportunity to pass this amendment slip away. I urge my colleagues on both sides of the aisle to support the Stenholm/Schaefer alternative now, and when we take a vote on final passage.

Mrs. LINCOLN. Mr. Chairman, I rise today in support of the Stenholm balanced budget amendment of which I am a cosponsor. As I was recovering from back surgery last week, I sat at home watching the House debate legislation on C–SPAN and I saw the legislative process through the eyes of our constituents.

It's no great secret that Democrats and Republicans have differing views on many issues, but what is scarcely known is that we share many common goals as well. That message all too often gets lost in the confusion over parliamentary procedure that America sees at home. My colleague CHARLES STENHOLM and other Democrats have been working to pass a balanced budget amendment for years. I was proud to begin working with these conservative Democrats on a balanced budget amendment during my first year in Congress. Democrats like Mr. STENHOLM and Republicans like Mr. BARTON have risen above partisanship in bringing the balanced budget amendment to the forefront of political debate.

This week we are being given the chance to build on the efforts of Mr. STENHOLM and Mr. BARTON by cooperating to eliminate one of the largest threats to the continued prosperity of our country—the deficit. A majority composed of both Democrats and Republicans now believes that a constitutional amendment requiring a balanced budget is the right choice for taking our country into the 21st century with the guarantee of permanent fiscal responsibility. The question seems to be how to do it. I simply ask that you don't get lost in all the speeches that you hear on the floor this week. We must not get so caught up in the debate over how to balance the budget that we let the balanced budget itself slip away.

Past Congresses have proven they lack the will to balance the budget. A balanced budget amendment will provide the constitutional mandate that will ensure that future Congresses make balanced budgets the rule rather than the exception. But we can't forget that passing a balanced budget amendment will only be the foundation on which we must build a fiscally responsible Government. The real work will come later when we vote on spending cuts and reductions in the size of Government that will be necessary to eliminate the deficit. Again, I urge my colleagues to support the balanced budget amendment and to dedicate themselves to making the tough decisions that will be necessary to eliminate our deficit.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, pursuant to House Resolution 44, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CONYERS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the joint resolution H.J. Res. 1 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of the matter proposed to be added as an article of amendment to the Constitution, strike the period and closing quotation marks and add the following new section:

"SECTION .—Total receipts shall not include receipts (including attributable interest) for the financing of benefits and administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund for benefits and administrative expenses and the Federal Disability Insurance Trust Fund for benefits and administrative expenses, or any successor funds. The receipts and outlays referred to in the preceding sentence shall be limited to receipts and outlays that provide old-age and survivor cash benefits for individuals based upon their earnings and dependents of such earners or provide disability cash benefits for disabled individuals based upon their earnings and dependents of such earners.".

Mr. HYDE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BONIOR. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will read.

The Clerk concluded the reading of the motion to recommit.

The SPEAKER. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his motion to recommit.

Mr. CONYERS. Mr. Speaker, my colleagues, this motion to recommit and to report forthwith would present immediately to the House exactly the same identical Schaefer-Stenholm proposal just passed with one and only one exception. Social Security would be explicitly protected in the actual words of the constitutional amendment.

Mr. Speaker, we are now at the end of the night, and, after all is said and done, after all the rhetoric dissipates, four essential facts remain about the treatment of Social Security in the measure before us:

First, Mr. Speaker, Social Security is currently off budget under Gramm-Rudman and the Budget Enforcement Act. Second, Schaefer-Stenholm puts it back on the budget and creates an incentive to balance the budget on the backs of Social Security recipients. Third, the Flanagan resolution approved yesterday does not change the fact that Social Security can still be cut. It is the Flanagan fig leaf, and it is getting smaller all the time. Finally, the only way, I repeat the only way, to protect Social Security from being cut is to write into the words of the amendment that it cannot be cut, as my motion to recommit does. Anything short of that will only meet the laugh test.

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Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, a lot of Members have talked about, and a number of Members have made promises, saying that Social Security surpluses will not be used to offset deficits elsewhere, because that creates an incentive to cut Social Security benefits. But all of those promises are wiped out by this constitutional amendment, because under the constitutional amendment they are united again and Social Security and the rest of the budget are counted together. If you wish to say that Social Security surpluses shall not be counted to offset a deficit elsewhere, you have no option but to vote for this.

Voting against this, and this is the only change, there is no three-fifths at stake, there is no four-fifths, there is nothing. This adds to the existing text only serious protection for Social Security.

Defeat this, and you have created a constitutional incentive to reduce Social Security benefits in case we need that to get to a balanced budget in the future.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I rise in strong support of this motion to recommit.

Fellow members, the reality check has now arrived. The time has come to match your rhetoric with your vote. Let us be absolutely clear, a vote against this motion is a vote to subject the Social Security trust funds to the provisions of this balanced budget act.

This vote is not a sense of Congress resolution. It is not a nonbinding, soon-to-be-forgot commemorative like was pushed through here last night. The $423 billion surplus in the Social Security trust fund will offer some easy pickings as budget balancing decisions get harder.

All Americans, especially the seniors in our home communities, will know tonight if you stood with them or your party bosses. Let us put our votes where our mouths are. Let us give Social Security meaningful and real protection. The decision is up to you. You cannot hide behind a useless exercise tonight. Support his motion to recommit.

Mr. CONYERS. Mr. Speaker, with this motion we are separating the wheat from the chaff, the true believers of Social Security from the faint hearted. This is the only motion where you can truly show the American people where you stand on the issue of Social Security.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Is the gentleman from Illinois [Mr. HYDE] opposed to the motion?

Mr. HYDE. Mr. Speaker, I am.

The SPEAKER. The gentleman is recognized for 5 minutes in opposition to the motion to recommit.

Mr. HYDE. Mr. Speaker, we are on the threshold of a historic moment. The House is about to pass its first balanced budget amendment and send it over to the Senate. And to those who have participated in this, I congratulate you and salute you, and I salute true bipartisanship which can work and did work in this instance. I salute the gentleman from Texas [Mr. STENHOLM], the gentleman from Louisiana, [Mr. TAUZIN], the gentleman from Texas [Mr. GEREN], the gentleman from Maryland [Mr. HOYER], and all those Members who have given by their speeches and their votes the answer to the remarks of the gentleman from Michigan.

Mr. Speaker, our declaration tells us that Governments derive their just powers from the consent of the governed. That is why we are here. That is why we are voting as we are about to vote, consonant with the consent of the governed. They want a balanced budget amendment, and we are going to give them one.

If you habitually overspend, the courts appoint a conservator for you. We are beyond that point now. The only thing that will help us survive is a balanced budget amendment.

This motion to recommit deals with the Social Security issue. I would like to remind my colleagues that we have dealt with it three times on the amendment process. Three of the substitutes carved out Social Security, one by the gentleman from West Virginia [Mr. WISE], which got 138 votes, one by the gentleman from Michigan [Mr. CONYERS] which got 112 votes, and one by the gentleman from Missouri [Mr. GEPHARDT] which got 135 votes. So once more we go to the well on the issue of Social Security.

I tell you, Social Security is not endangered by this balanced budget amendment. I just ask the Members of this body to use their imagination. What is the biggest threat to Social Security? It is not us. It is not elected Congressmen, I can assure you. But it is from an economy that is top heavy with debt. That is the biggest threat to Social Security.

I have heard talk about safety nets. Listen: We are on a high wire, and we are holding our kids and our grandchildren on our shoulders. This balanced budget amendment is our safety net and their safety net. Saint Paul said "There is much to be done; now is the acceptable time." Seize the day. Vote "no."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 247, not voting 3, as follows:

[Roll No. 50]

AYES—184

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Canady
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCollum
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skelton
Slaughter
Spratt
Stark
Stearns
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—247

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Bishop
Fields (LA)
Rush

□ 2013

Mr. BAESLER and Mr. LUTHER changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 132, not voting 3, as follows:

[Roll No. 51]

AYES—300

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead

Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—132

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Cardin
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hostettler
Jackson-Lee
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Souder
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

Bishop
Fields (LA)
Rush

□ 2030

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Joint Resolution 1, the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, I was unavoidably called away on personal business on Thursday, January 26, 1995. I was, therefore, not available to vote for rollcall Nos. 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51.

Had I been present I would have voted nay on No. 41, aye on No. 43, aye on No. 44, aye on No. 45, aye on No. 46, aye on No. 47, aye on No. 48, nay on No. 49, aye on No. 50, and nay on No. 51.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 43 through 48, and 50. I would have voted "no" on rollcall votes 41, 49, and 51.

FULFILLING A DEMOCRATIC CONTRACT TO PRESERVE SOCIAL SECURITY AND MEDICARE

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, many freshmen were elected to the 104th Congress to fulfill their party's Contract With America. The people of the First Congressional District of Rhode Island sent me to Washington to fulfill a contract that has been around a lot longer than the Republican Contract With America. It was the Democratic Contract With America that was forged with Social Security and Medicare for our senior citizens.

This is the Contract With America, this is the American contract with our senior citizens, that I pledge to fulfill in my term here in the 104th Congress.

Mr. Speaker, the highlight of the Contract With America is the balanced budget amendment. Unfortunately, this document fails to provide any insight as to the impact it may have on the American people. Subsequently, I had the Department of Treasury provide me with data calculating the impact on Rhode Island of achieving a balanced budget by 2002 in conjunction with the tax breaks contained in the Contract. Here is how Rhode Island would be affected:

No. 1, a balanced budget amendment would reduce annual Federal grants to the Rhode Island State government by $430 million: $255 million per year in lost funding for Medicaid; $42 million per year in lost highway trust fund grants; $23 million per year in lost funding for AFDC; and $109 million per year in lost funding for education, job training, the environment, housing, and other areas.

Rhode Island would have to increase State taxes by 21.4 percent across the board to make up for the loss in grants.

No. 2, a balanced budget amendment combined with the "Contract" tax cuts would require even deeper spending cuts, thereby reducing annual Federal grants to Rhode Island State government by $590 million: $350 million per year in lost funding for Medicaid; $58 million per year in lost highway trust fund grants; $32 million per year in lost funding for AFDC; and $150 million per year in lost funding for education, job training, the environment, housing, and other areas.

Rhode Island would have to increase State taxes by 29.3 percent across the board to make up for the loss in grants.

No. 3, a balanced budget amendment and the "Contract" tax cuts would reduce other annual Federal spending in Rhode Island by $849 million: $476 million per year in Medicare benefits, $373 million per year in other spending including housing assistance, student loans, veterans' benefits, and grants to local governments.

The plan also includes a veterans cemetery which will occupy approximately 1,000 acres on the arsenal property. This veterans cemetery, which will be the largest in the United States, will serve more than a million veterans and their spouses and dependents within a 75-mile radius. The site of the cemetery, known as Hoff Woods, is a beautiful and tranquil setting of forests and rolling hills; a perfect location for a national cemetery.

There will also be two sites, a total of 3,000 acres, to be used for the purpose of economic development. These 2 sites are seen as ideal for job creation. Many manufacturing companies would find a space like this well suited to their needs. Not only is the land equipped for economic development, but there are a series of water wells with the capacity to pump 15 million gallons of water each day. This portion of the redevelopment plan is very important to the surrounding communities. Using this land for job creation will put many local men and women to work and stimulate the local economy.

It is my hope to hold a field hearing on this very important piece of legislation. I would like to provide a forum for the local communities, the Forest Service, the Department of the Army, veterans, conservation groups, the State of Illinois, and the business community to voice their interests in this project. I find it encouraging that such a broad spectrum of interests are all supportive of this plan. The hard work and commitment by these groups and individuals demonstrates what can happen when people work together to make a difference.

I plan to do all I can to pass this legislation in a timely fashion and get the project moving. I look forward to working with the distinguished Senators from my State, to get this bill through the other body.

Redevelopment of the Joliet Army Ammunition Plant is my top local priority during my first term in Congress. Not only is it good for my Congressional District, it is good for the State of Illinois and the entire country.

THE PROPOSED BAILOUT FOR MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Mr. KAPTUR. Mr. Speaker, my friends, please consider this carefully: The administration's and congressional leadership's proposed $40 billion in loan guarantees plus $18 billion in swaps and lines of credit to Mexico and Mexico's creditors is unprecedented. Never has the U.S. pledged the full faith and credit of our Government to a foreign Nation's creditors on such a huge scale. This proposal would risk U.S. taxpayer money to support a foreign government with an authoritarian past. Before we jump headlong into a new role—as insurance company to Mexico—let us stop for a minute and consider carefully what's happening here in Washington.

Only one hearing was hastily scheduled yesterday to leave the impression this House is actually deliberating on this matter. But in fact no bill has been introduced by those working behind closed doors to cobble this together. To get answers to some of our questions, a group of colleagues from the Fair Trade Caucus and I held our own forum yesterday afternoon. Many distinguished economists and experts, representatives of outside groups, and Members from a diverse cross-section of the political spectrum had the opportunity to express their views in opposition to this rescue package.

Then this morning, the Washington Post had an article saying that a new Los Angeles Times poll shows that 81 percent of 1,353 adults surveyed oppose the Mexican bailout. And another California poll showed that 97 percent are opposed. Shouldn't we listen to the 80–90 percent of our constituents who want us to vote against this when it is there $40 billion on the line if Mexico defaults.

The financial meltdown of Mexico was being discussed well over a year ago during the NAFTA debate. One has only to turn to the public record to learn the truth. Not only did our colleagues, like Representatives LAFALCE and GONZALEZ, repeatedly bring up the potential liability posed by Mexico's economic policies and the speculative practices of United States investors—but economists, journalists and others did so as well. Let me quote you just one example from a June 1993 report by Jeff Faux of the Economic Policy Institute: "NAFTA . . . is a formula for creating future demands that the U.S. taxpayer bail out the Mexican banking system in order to save the assets of major United States financial institutions."

If the administration and leadership of this institution persists in its cries of ignorance, one has only to cite the secret $6 billion dollar line of credit that the administration and the Mexican Government negotiated in the days leading up to the NAFTA vote. It was recognized then, over a year ago, that the Mexican economy was in trouble. It should have further been recognized that the United States was in grave danger of being liable for the fallout. Instead, the administration kept the $6 billion quiet.

So it is folly to say that the administration and the Mexican Government did not know of the coming storm. In a recent New York Times article, it was quoted, "According to officials in Washington, the Treasury Department told several Mexican official starting last summer that the country's short-term borrowings had reached a dangerously high level and that the peso was being kept artificially high." They knew. They did not want us to know.

Earlier this month, Representatives HUNTER, DEFAZIO, EVERETT and I sent a letter of inquiry to Treasury Secretary Rubin listing our questions regarding Mexico's financial crisis, and I have a copy of that letter here with me today. We have received no reply to the specific questions we raised in our letter. And so I ask the Treasury Department again: to whom does Mexico owe its existing debt? What collateral that has not already been pledged to other creditors is Mexico willing to put up? What type of economic and political reforms is Mexico willing to pursue? These and other questions need to be answered before any legislation is called up for a vote. If American taxpayers are asked to bet $40 billion dollars, they deserve at last that consideration.

We are waiting for answers to those questions because frankly the reasoning that has been offered as to why this bailout package is in the best interests of the United States and the vast majority of Mexicans has been grossly inadequate. For example, it is now being said by the administration, and I quote from the Treasury Department's briefing paper, "(T)he goal of our support package is to protect our economic interests in a nation which has become our third largest export market. Mexico bought more than $40 billion worth of our products in 1993, and nearly 770,000 United States jobs depend directly on exports to Mexico." Pardon me, but who does the administration think they are dealing with? A fifth grader can see imports from Mexico going up and exports to Mexico going down, and can tell you that we are headed for a trade deficit with Mexico. A smart eighth grader could tell you when the value of their money has been cut by half, they won't be able to buy as much from us and we are going to be running a trade deficit with Mexico in a few months. Add this unfortunate circumstance to the fact that the United States in 1994 suffered its worst trade deficit in history with 20,000 U.S. jobs lost for every billion dollars of deficit, we are talking about the hollowing out of another 3.1 million jobs.

The United States is not going to increase its exports. In fact, the Mexican Government devalued the peso to do exactly the opposite: to decrease United States exports to Mexico and increase Mexican imports to the United States—so that Mexico will have the money to pay its debts to Wall Street, megabanks, investment houses, and multinational corporations.

Members of Congress must demand answers. Who exactly owns the Tesobonos and how much interest are they being paid? It is not good enough for the administration to say that United States investors lost 40 percent on their Mexican investments in the last month, without also admitting that those same investors have been earning up to 66 percent returns on those same investments. Since 1990, in emerging market mutual funds, certain folks have made handsome profits. As they reaped their huge dividends, let them now eat their losses.

It is not good enough to say that the $40 billion in new loans will be secured by Mexico's oil reserves. At current oil production and price levels, the gross export receipts for Pemex, Mexico's national oil company, are only about $8.5 billion a year. Many economic experts, including Walker Todd, a former Assistant General Counsel for the Federal Reserve, say that virtually all of Mexico's oil has already been pledged to other creditors—notably, holders of Eurobonds. Perhaps most importantly, Mexico's energy minister, Ignacio Pichardo Pagaza, in a January 23, 1995 article in the Financial Times stated Mexico has no intention of putting up its oil reserves as backing for these loans. He stated: "Our oil will not be mortgaged, nor will it form part of any loan guarantees." So don't count on promises of Mexican oil to help our taxpayers swallow this bitter pill. Even if Mexico did promise and then reneged on its promises, where would the United States seek legal redress in a court of law? The guarantee can't be enforced. No U.S. court has jurisdiction. No Mexican court has jurisdiction.

As Barron's magazine said last week, on this one the United States got caught in the "Venus fly trap" of the hemisphere. Mexico's clever leaders postponed the hardship until after NAFTA passed. If this passes, the United States will be held hostage to every debt on the continent.

Finally, I would recommend to all Members that unless you get full answers to hard questions, and I doubt you will, you should vote no on this bailout.

Congress of the United States,
House of Representatives,
Washington, DC, January 11, 1995.

Mr. Robert Rubin,
Secretary of the Department of the Treasury, Washington, DC.

Dear Secretary Rubin: We are writing in regard to the Administration's decision to extend a $9 billion dollar line of credit through the U.S. Treasury and the U.S. Federal Reserve to the government of Mexico in order to stabilize the Mexican peso. The U.S. Federal Reserve has further committed an undisclosed amount of U.S. dollars to the same end. Using uncollateralized loans, major U.S. commercial banks have loaned another $3 billion. The total sum of the peso bailout represents a huge commitment by the U.S., our taxpayers and our banking system. We are sure that you will agree that American people have a right to know what risk they are assuming in these transactions. With this in mind, please find below a series of specific questions to which we would appreciate answers as expeditiously as possible.

1. In view of the fact that U.S. banks are earning historic profits, why is U.S. government intervention—in the form of a currency swap and lines of credit—necessary? When the private sector gambles and loses, shouldn't those losses be borne by the private sector?

2. To what specific banking and corporate interests does Mexico owe the $26 billion in outstanding obligations that come due this year, $10 billion of which is due in the first quarter, and $16 billion of which is allegedly owed to U.S. interests? How much in additional obligations comes due in 1996 and 1997; specifically, to whom is it owed?

3. Of those business entities incorporated in the U.S. to which Mexico is indebted, which hold voting rights at their regional federal reserve banks, and in which regions?

4. Under what conditions is Mexico permitted to draw on the $9 billion U.S. currency swap line and $5 billion line of credit from the Bank for International Settlements, of which the U.S. Federal Reserve is a member?

5. What will be Mexico's "assured source of repayment" if it draws on these funds?

6. What are the explicit terms of this credit facility—for what period of time, and under what conditions is the facility renewable?

7. If Mexico defaults, is it the intention of the U.S. Treasury to enlarge the assistance? For what period of time, and for what purpose?

8. Under what legal authority was the original swap line negotiated and more recently increased from $6 billion to $9 billion?

9. Why is the commercial bank line of credit in the peso bailout uncollateralized?

10. What financial instruments have been or are being created to carry out Treasury's currency swap and any related transactions?

11. How are these instruments different from Brady bonds, formerly sold to bail Latin America out of its debt crisis? Brady bonds were collateralized by U.S. Treasury securities.

12. What is the current yield of Brady bonds?

13. What percentage of the interest Mexico must pay its bondholders in 1995 represents interest due Brady bondholders?

14. In the NAFTA agreement, U.S. banks won access to the Mexican financial system, with limits, initially at 8%, rising to 15% by 1999. In view of the peso devaluation, what risks are posed to the U.S. of complete foreign ownership of the Mexican banking system, by the U.S. or other nations?

Thank you for your cooperation. We look forward to hearing from you soon.

Sincerely,

Marcy Kaptur.
Peter DeFazio.
Duncan Hunter.
Terry Everett.

A VICTORY FOR THE AMERICAN PEOPLE

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Moments ago the U.S. Congress, 300 members, passed a balanced budget amendment here on this floor.

As a freshman of the 104th Congress, I am so proud of this collegial body, from the leadership of Speaker Gingrich, to the leadership of the gentleman from Colorado [Mr. Schaefer] and the gentleman from Texas [Mr. Stenholm], both sides of the aisle working to pass something that the American public has asked for, requested, and now will see success in the victory tonight. It is a victory of two parties working together; to the gentleman from Texas [Mr. Armey], the gentleman from Texas [Mr. DeLay], and the gentleman from Ohio [Mr. Boehner], our leadership in the Republican Party, I salute them.

Because I am proud as an American to address this Congress and take pride in the fact that I was one vote of the 300 supporting something that the American public wants desperately for this Government to live within its means. This is in fact a historic night. It is a proud night for all Americans, and I thank the American people for allowing me to be a part of this great Congress.

NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. Thurman] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, all across the country tonight almost 800,000 elderly Americans and those who do not have the capacity to leave their homes are eating hot meals that have been delivered through programs like Meals-on-Wheels. I want to thank Parishes United for Meals on Wheels, a member of the National Association of Meals Programs for providing the meal I have this evening.

Republicans have proposed cutting the funding for elderly nutrition programs by lumping them together as a block grant with other nutritional programs. Even worse, the Contract With America proposes to make an across-the-board cut on this block grant, while offering absolutely no protection for any funding for elderly nutrition programs. Under the Republican plan, it is conceivable that elderly nutrition programs could be zeroed out of the budget.

Mr. Speaker, this proposal from the Contract With America does not make cost effective sense. The logic of this proposal is faulty on its face. The proposed changes will result in more people going to nursing homes since preventive and supportive services, including meals, will be decreased. Every recipient who receives meals at home is considered frail and generally at risk of nursing home placement.

If this block grant is created, 5,000 home delivered meal recipients in my State would be dropped from the program. These frail seniors would most likely be unable to remain in their homes and would be at high risk of needing nursing home care. This would cost the Federal Government $86 million per year in Medicaid funds, as opposed to the present cost of $7.5 million under the Older American Acts and related State funded programs for home-based care.

And remember, this $86 million is only for Florida. It is more than 10 times less expensive to keep people in their homes, where they want to be in the first place. Obviously, the results of block granting these programs have not been thought through. It is just another one of the shallow plans Republicans are offering without thinking through the human or financial consequences. This plan would end up costing us billions of dollars and cutting vital services to the elderly.

Moreover, these programs are some of the most effective in keeping administrative costs extremely low. Much of the administrative costs of these programs are provided by volunteers. The reduction of funding will have an adverse effect on the potential of providers to recruit increased numbers of volunteers. Furthermore, the number of volunteers would be decreased as well, since many senior volunteers are participants in the programs.

Mr. Speaker, the average age of the people I represent makes my district the second oldest in the State. I have worked closely with a number of programs in my district that provide these nutrition programs to my constituents. I know from firsthand experience how important they are to a great deal of the elderly folks in Florida.

Nutrition studies from the University of Florida have shown that 69 percent of the congregate meal participants were at moderate to high risk for malnutrition. Moreover, 89 percent of the home delivered meal participants were at moderate to high risk for malnutrition.

Mr. Speaker, I have talked to many participants of these nutritional programs and I receive letters like this every day.

Like the one from this 83-year-old woman. She has been going to the same site in New Port Richey every day since 1983. Her son brings her every morning and picks her up afterwards. She loves to be around people and feel useful instead of just sitting at home.

She is very healthy and goes to the site to enjoy the camaraderie of other seniors her age. She is very active at the site and is a regular volunteer.

She is grateful to this elderly nutrition program and stated that "the program keeps her young." If this program were based on income eligibility she would not qualify for it.

Mr. Speaker, what we need to understand, is that the Elderly Nutrition Program is not welfare. Unfortunately, the Nutrition Program for the Elderly got swept along in a big net cast out to reform the welfare system. This is a program that serves very vulnerable seniors. This program does not belong in the debate on connecting recipients to the workplace.

The welfare debate is about personal responsibility and work. The Elderly Nutrition Program is about keeping seniors alive and independent. Not a single person has alleged that the program is anything less than a successful program that has improved the nutrition and physical and mental health of millions of seniors in our country.

Mr. Speaker, I urge my fellow Members to examine these elderly nutrition programs and recognize the fact that they do not belong in the welfare debate. Including them in a massive block grant, as offered by the Republicans in the Contract With America, would be a massive mistake. It would in the most cruel way, pit one generation against another in the fight for survival.

Tuesday night, President Clinton said that seniors have made us what we are as a nation. He is right. We should not thank them for their sacrifices to the present generation by kicking them out on the street and into nursing homes.

□ 2050

EFFECTS OF PERSONAL RESPONSIBILITY ACT ON ELDERLY NUTRITION PROGRAMS

The SPEAKER pro tempore (Mr. CAMP). Under a previous order of the House, the gentleman from Rhode Island [Mr. REED] is recognized for 5 minutes.

Mr. REED. Mr. Speaker, one of the most dramatic changes occurring in our nation is the aging of our population. When the post-war "baby boom" generation matures, one-third of our population will be over age 55. In fact, the fastest growing part of our population are those over the age of eighty-five. Today's oldest Americans, as a group, live longer, healthier, and financially more secure lives than their parents or grandparents. They are clearly the beneficiaries of successful federal programs such as Medicare, Social Security, Medicaid, and the Older Americans Act. These programs have helped to reduce the poverty, poor health, and inadequate living conditions that were widespread five decades ago.

In light of this record of success, I am deeply disturbed that the Republican's Personal Responsibility Act contains a dangerous proposal to eliminate specific funding for the elderly congregate and home-delivered meals programs. Funding for these programs would have to come from the $36.5 billion state food assistance block grant established under the Personal Responsibility Act.

I am especially concerned about this proposal because Rhode Island ranks as one of the nation's "oldest" states, with 197,000 individuals over the age of 60—this is approximately 16% of the state's population. Rhode Island boasts 42 senior centers that serve approximately 40,000 seniors annually.

I have personally witnessed the importance and effectiveness of these programs. Last summer, I had the opportunity to deliver "Meals on Wheels" in Providence, Rhode Island. I was first struck by the efficiency of the program. Volunteers are the key to the program. I had the privilege to travel with a young woman who donates her lunch hour to help deliver meals. She has come to know many on her route, and, as a result, she offers not just food, but a friendly face and a brief moment of social contact to her senior recipients. And, I was also struck by the obvious necessity of this program. These seniors depend upon the meals since so many are unable to travel or to routinely prepare a nutritious meal.

On numerous occasions, I have visited the senior centers throughout my district. The meal programs at these centers are not only a source of sustenance, but also act as a focal point for many other activities that enhance the lives of our seniors.

These programs respond to an overwhelming need in an efficient manner under local control. Rather than being a target of the Republican Contract, they should be a model of how we should restructure government.

This proposal is a bad idea for a number of reasons. Most importantly, there is no requirement that states maintain existing nutrition programs funded through the Older Americans Act. As such; all food and nutrition assistance would be forced to compete for limited discretionary funds. A States' ability to deliver nutrition benefits would be subject to changing annual appropriation priorities. Moreover, the authorization ceiling in every future year would be based on the previous year's appropriation. If the Food Assistance Block Grant is reduced in one year to support other priorities, funding for future fiscal years would be permanently lower.

It is important to note that, more than two decades after the creation of these programs, several million older Americans still go hungry. The Urban Institute recently estimated that as many as 4.9 million elderly—about 16% of the population aged 60 and older—are either hungry or malnourished. Further, it found that at least two-thirds of needy older Americans are not being reached by federal food assistance programs. The study also noted that funding for these programs has not kept pace with either the rising cost of food or the aging of the population. In many cities throughout the country, the elderly are put on waiting lists for food and nutrition assistance.

The Older Americans Act is the major vehicle for the organization and delivery of social and nutrition services to older persons. Although the program is authorized at the federal level, and administered by the Administration on Aging, it is operated locally. Service planners and providers are required to target services to persons with the "greatest social or economic need", but also to make programs available to all older persons in the community. The OAA congregate and home-delivered meals are federally-funded, state administered programs that are low-cost, consumer-focused, and locally managed programs that work. The service network is composed primarily of private, non-profit agencies rather than government agencies.

Older American Act funds stimulate additional funding from states, area agencies on aging, local governments, and community-based agencies. Congregate meals support multipurpose senior centers which are focal points in communities and which support the elderly through information and referral services, health promotion activities, and educational programs.

Mr. Speaker, in FY94, Rhode Island received $1,966,444 for the congregate meal program and served 716,000 meals under this program. Home delivered meals are part of a comprehensive in-home care package which helps the elderly continue to live independently. In FY94, Rhode Island received $481,575 and delivered 553,000 meals to the elderly. Together, these two programs helped to provide over 1 million meals to Rhode Island's elderly.

Food assistance for the elderly should not be a part of welfare reform. The nutrition block grant proposal could restrict or eliminate access to food assistance serving 2–4 million elderly Americans.

□ 2100

EFFECTS THE BALANCED BUDGET AMENDMENT WILL HAVE ON HOUSTON

The SPEAKER pro tempore (Mr. CAMP). Under a previous order of the House, the gentleman from Texas [Mr. GENE GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, Members, I am proud to be here tonight to join with three of my colleagues from Houston who today voted against the balanced budget amendment and to explain the impact it will have not only on the city of Houston, but also Harris County. The House passed the balanced budget amendment tonight by 300 votes. But what I am concerned about is we do not know, and neither do the American people, what we are actually doing with the balanced budget amendment.

The chart I have here, and we are again the three of us from Harris County, are sharing this. We will talk about the impact on Harris County and Houston, TX. If the balanced budget amendment is passed, Houston, Harris County, stands to lose $488 million in the first year alone. Over the 7 years our county will lose $15 billion of Federal funds that now come into our county.

Tonight we did not have the votes to exempt out Social Security from the balanced budget amendment, so it is part of the package. It could be cut over the next 7 years. But this package here on the impact does not include Social Security. The impact of it, and Republican majority spelled out in their Contract With America, or on America; they have not spelled out where the spending cuts are going to be, so I think we owe it to our constituents to say, "What's going to happen in our communities?"

The NBC-Wall Street Journal poll shows that Americans support a balanced budget amendment by 71 to 16 percent, but two-thirds of the Americans oppose it if you are going to cut Medicare, Medicaid, or veterans' benefits. And today, Congress, we could not even exempt out Social Security, not even considering Medicare, Medicaid, and veterans.

We have a veterans hospital in Houston that serves a lot of our constituents, and yet that could be cut because there is no provision to safeguard veterans' benefits.

The balanced budget amendment will impact on Houston, could be on the Meals and Wheels, as our colleague, the gentlewoman from Florida [Mrs. THURMAN], pointed out on Meals on Wheels. By the year 2002, 1,110 seniors from the numbers today will not be served meals. We are not talking about the increase in the seniors for next year, the year after, who may be eligible, but 1,100 seniors less than today that are being served would be cut.

Our attorney general's office, who use as a $1.2 million next year of Federal funding for child support enforcement, will not be able to do that, will not be able to make deadbeat fathers and mothers pay for their children.

This last 2 years in Congress, along with my colleague, the gentleman from California [Mr. BECERRA], we spent all our time working on chapter I funding, or title I funding, for education, for children at risk. In Harris County alone next year $4.8 million will be cut from our Harris County schools, not just Houston Independent School District, but Galena Park, Aldine, Goose Creek, and Baytown. In fact we have some exemplary programs in the Houston Independent School District, Travis Elementary, and Love Elementary, and they would be cut because of the Federal funding cut. We are applying this 20 percent cut across-the-board for education funding, and this would impact every school in the 29th District.

In 1996, 4,800 women, infants and children will lose their funding for nutrition supplements. That is unless the Texas legislature, meeting now, or the city council in Houston, picks up the funding for that, and so we are transferring that responsibility from the Federal Government, who now pays for it, to the cities, to the States and to our counties.

Earlier, 2 weeks ago, the majority leader, who is also a Texan, said on Meet the Press, "The fact of the matter is once Members of Congress know exactly chapter and verse the pain that government will live with in order to balance a government, their knees will buckle." That is why they did not want to specify today. That is why we could not even pass an amendment excluding Social Security. But the people need to know what is happening and what will happen to them, even considering Social Security, the many other programs, veterans, Medicare, that is not even excluded.

So, this has a direct impact, not only on people all over the country, but the people that I represent and the people that live in the city of Houston in Harris County, and this chart shows that very well.

The GOP put the squeeze on Houston, and it is going to be transferring that authority to the city of Houston, to our county commissioners' court and to the Texas legislature, and that is the impact of it.

I say, "Let's don't buy a pig in a poke. Let's know what we are voting on before we do so."

THE IMPACT OF THE BALANCED BUDGET AMENDMENT ON HOUSTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, let me thank my colleague, the gentleman from the 29th District of Texas [Mr. GENE GREEN] for putting together this special order tonight, and I want to thank also my colleague from the 18th District of Texas [Ms. JACKSON-LEE] for joining me today.

As many of us said in the debate over the last couple of days as it related to the balanced budget amendment, it was unfair not to disclose to the American people how we would achieve such a balanced budget. The people need to knows how the cuts are going to be made.

Now I think it is true that everybody in this room wants to see our country move towards a balanced budget. We know the American people want to see us move towards a balanced budget. But we need to know how we are going to get there.

As I said earlier, I came from the private sector, not from government, but from the private sector, to this House, and in the private sector, if you do not have a balanced budget, you do not stay in business very long. But also in the private sector when you need to balance your budget, you sit down with your partner, you address your shareholders, you talk to your employees, you lay out the cuts that have to be made, and you come together with a common plan.

That is not what has been done here, and so I think it is incumbent upon us that we sit down and try to lay out for the American people just what the cuts are that the contract of America has in mind.

As my colleague from the 29th district mentioned, cuts in veterans' benefits will affect many thousands of veterans who live in the Houston area who go to the veterans hospital which is in the 25th district. But it goes further than that. We will see billions upon billions of dollars cut from the Medicare system, which will cut through the bone into cutting beneficiaries, but going further and cutting the medical research that is done at the Texas Medical Center, research that is done to cure such things as cancer, Alzheimer's, and AIDS. All this will be reduced.

We also know that with the cuts that are going to be put through with this plan that it is quite possible that we will see a cut in NASA and the space station, and quite frankly that is something that this House and this Congress over the last several years has made a commitment to, and yet now that is uncertain because we are not willing to lay out the plan. I know that my colleague from the 18th district has situations throughout the district that are going to be cut.

What we are saying here today is, "Tell us, tell us were the cuts are going to be. Lay it out for the American people. Bring them into the debate so they can be part of this so that they can understand what it means to achieve a balanced budget."

Every day across this country families sit down at the kitchen table to discuss how they are going to make ends meet, but we do not do that in this House. We sell them a bill of goods that says, "By the year 2002 we will balance the budget," but the facts are that when we get to 2002, under the legislation which was adopted today we do not know the answer, and we will have to make severe cuts in very real programs that will affect very, very real people.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. I say to the gentleman, "Congressman BENTSEN, you and I have talked, and we worked with Congresswoman JACKSON-LEE today on putting together this information on the impact on Houston. One of the parts that I don't think a lot of people recognize is that in Houston, and I know the city council in Houston works on. We have a program called Covenant House that deals with teens, and they receive Federal funding. It's an alternative program for teenagers that we try to raise a lot of private sector funding for, and there's a small amount of Federal funds that go to it, about $11,000 a year, and this would also be cut by 20 percent by the adoption of this amendment, that that 20 percent by the adoption of this amendment, that that 20 percent over the period of years—so a program, for example, that a lot of people may donate to out of their private donations gets just a small amount of Federal spending, but it could be cut 20 percent, so we would have to make that up either in local tax money, or else through private donations."

□ 2110

Again, private donations are hard to come by today.

Mr. BENTSEN. I thank the gentleman for his comments. We have a serious situation before this House. As we go forward to discuss this Contract on America, as we go forward to lay out budget plans, it is going to be important that we go through these programs line by line by line, to talk about what the cuts are going to be in Medicare, who it is going to affect, when they will be affected, will their premiums go up, will their services go down. And I think that the majority owes it to the American people to lay this out.

ADVERSE IMPACTS OF CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. CAMP). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE], is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I thank you very much for the recognition, and I thank Congressman GREEN and Congressman BENTSEN for the work we are collectively doing in attempting to understand for our communities which direction this House, this Congress, and this Nation is going to take with a balanced budget amendment and as well the Contract With America.

I think it is important that we do our homework, and I appreciate as we look at the absolute bottom line cuts at this time, which may be even more, we can clearly see the impact on the city of Houston.

The question becomes what is the ongoing impact? What is going to be the outreach of these programs. Right now we know that single parents, for example, who already face the kind of hardship of keeping the family together, of working, of meeting the bills and making ends meet, will already be suffering for the contract will cut nearly $30 million over 7 years in Federal money to help the State attorney general's office enforce child support payments.

When I spoke to my constituents, they always offered that we give to the Federal Government, we want a lean Federal Government, but we simply ask our fair share. The city of Houston, that has balanced its budget, has continuously returned to the Federal Government a sizeable amount on the dollar. But we have not gotten our fair share. We have not gotten our fair share as it relates to transit dollars, and we are still working to improve our system.

Now we find out that Harris County will lose over $12 million next year if we continue with the Contract With America. At the same time we have made great inroads in AIDS treatment in our community. The community has come together to focus on this devastating disease, to bring all of the segments of the population together on this issue. And now we hear that the Ryan White AIDS funding is being cut.

When I campaigned, I talked to constituents about job development and economic development. As a city council member we worked very hard to get $25 million in empowerment dollars. Now we find out through the Contract on America, those jobs that are so needed for youngsters like the Covenant House residents, and the youngsters involved in the special programs going on in elementary school and going on to middle school and high school, will no longer exist.

What we are asking for is a lean but sensible Government. I did my homework. I went to the local officials and talked to council members about what they are doing, how they are now preparing their budget coming up for the next fiscal year. And I might add that Council Member Judson Robinson was concerned that poverty in this country is higher than ever before. And we are talking about putting an even greater strain on Houstonians, many of whom are least likely to be able to help themselves. He said the Contract With America is a very drastic proposal, a proposal without a lot of vision and without concern for the impact it will have on our citizens, many who are on or above our poverty line.

Council Member Fragra, who represents the district, indicated that this whole matter needs serious consideration. If ever our country needed to help the poor, it is now.

And the real issue is, it is the poor, it is working men and women, it is middle class, it is the small entrepreneur, that is looking for small business development loans. It is NASA who is asked simply to give us simply a 5-year flat budget so we can in fact mind the store and do the job.

Mr. BENTSEN. If the gentlewoman would yield, I would like to ask the gentlewoman with respect to NASA, I believe she sits on the committee that oversees the authorization of NASA. I know the Executive Director of NASA has been before your committee and testified. Could you possible elaborate on the possibility of the cuts that might be seen there and what impact that might have on the people who work at the Johnson Space Center, the people who are working on the space station?

Ms. JACKSON-LEE. You know, we have tried to work on this matter together and have already had some initial hearings on the Committee on Science, and already we have heard of at least a large segment of the employees in NASA being subject possible to layoffs. Administrator Golden indicated he wants to be part of the whole process. He recognizes that NASA, in order to be effective, must be efficient. But he cannot be effective or efficient with an erratic projection of how his budget will look. He simply asked can we come to the table, as has been discussed by you and Congressman GREEN, and lay out what are the receipts and the outlays, and let's make an effective, realistic budget that allows NASA to work for all Americans and allows the workers there to work and be most efficient.

This is the difficulty he faces time after time when the budget is not consistent, but, more importantly, when we do not face the fact that the contract does damage to a program that serves all Americans.

It is time then that we realize, as John Marshall said, that the Constitution is intended to endure for ages to come; consequently, to be adapted to the various crises of human affairs. We have crises in Social Security, crises in Medicaid, crises in Medicare, crises in small business, crises in transit issues, and we are not doing it the right way, by coming together, looking at the budget, looking at ways we can effectively work for our respective communities and for Americans, and making a balanced budget that responds to the needs of human crises.

GETTING OUR FISCAL HOUSE IN ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX. Mr. Speaker, it has been a long time. We have had tax-and-spend previous Congresses, and there has been no budget discipline for a number of years. This has led to a $4.8 trillion deficit, $18,500 for every man, woman and child. We know that every State government, every county government, every family budget must be balanced.

So I am here to tell you that tonight by an historic vote which was positive, a bipartisan vote, by 300 to 132, the House has for the first time passed a balanced budget amendment.

You say to yourself how are we going to get the savings, how are we going to make sure we get to a balanced budget? We are not going to do it by cutting Social Security. Not at all. What we are going to do is have a line item veto follow this, by making sure we cut out the pork barrel legislation that has happened in this Congress for years. We are also going to reduce the number of regulations. We are also going to sunset Federal agencies that have outlived their usefulness. We are also going to have zero base budgeting so each agency would have to justify every dollar they spend. We are also going to have capital gains tax reduction, so our companies can prosper and grow. Investment tax credits, research development tax credits.

What is off the table? Social Security is off the table. All of us here in the House want to protect Social Security and our senior citizens. No one in this House also wants to see any reduction in our Medicare or veterans benefits.

But we are looking to welfare reform as part of the Contract with America. Those who are able bodied, who really want to work, they will come off the welfare roles within two years, with job counseling, with job training, and job placement, and with the appropriate child care when it is necessary.

Believe you me, this House is very much proud about a balanced budget amendment, because we are going to get our fiscal house in order while still preserving those important programs, important to the people of the United States.

REPUBLICAN PARTISANSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 60 minutes as the designee of the minority leader.

Mr. MOAKLEY. Mr. Speaker, there are probably quite a few American citizens out there who have been watching their government on C-SPAN over the last few weeks. Those Americans have seen a few partisan fights break out on the House floor.

I would like to take this opportunity to explain just what has been happening to the Democrats here on Capitol Hill since the Republicans took over.

Republicans have held closed door meetings with telecommunications executives on legislative policy. Republicans have kept Democrats from questioning witnesses or offering amendments.

Republicans have imposed gag rules on constitutional amendments and kept committees from looking over bills that fall under their purview. In short, the American people have been shut out of their own legislative process.

The people who are joining me here tonight have been on the front lines of the uncomfortable situation we now find ourselves in. And let me tell you, it's no fun.

Democratic Members of Congress believe they were sent here to work with Republicans to carry out the peoples' business. Lately, that's been very hard to do.

Democrats are caught between a rock and a hard place. If we cry foul, if we say we are being gagged, we are being difficult. But if we keep quiet, no one knows about it .

I don't know how much longer we'll continue to be nice guys. At the moment we are just patiently pointing out Republican mistakes, and trying to work with them as President Clinton asked us to do on Tuesday night.

But in my committee, the Rules Committee, it's the same old thing over and over again.

I've gone deaf in my right ear hearing Republican complaints over the years that we did too many closed rules.

They promised to do a lot more open rules than we did. Open rules are rules that give Representatives the chance to offer any changes they wish to a bill.

So far, they are way off their mark. In fact, they've gagged the Democrats in 3 of the 4 rules considered by the House this year. That doesn't sound like open government to me.

I don't think that most people realize the Republicans' 100-days campaign promise is turning Mr. Jefferson's deliberative democracy on its ear. And in this case, what they don't know will hurt them.

Mr. Speaker, this is not a fair way to treat the millions of American citizens who are represented in this body by Democrats.

I hope my Republican colleagues will stop working against us. And get down to the business of representing the American people. After all, isn't that why we were sent here?

□ 2120

Mr. Speaker, at this time I yield to the gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. Mr. Speaker, today I rise carrying a banner for the future of our country, our children.

Earlier this week I introduced two amendments to the Republican-controlled Committee on Rules asking that they be made in order for floor consideration during the discussion of the proposed balanced budget amendment to the constitution.

Much to my disappointment, both amendments were defeated by a partial vote of 9 to 4. When I made by presentation to the committee, there were five persons there, four Democrats and the presiding Republican chairperson. And after I left, I understand that nine of them voted against me. They did not hear my presentation. They did not know how strongly I asked that my amendments be considered.

Unfortunately, I guess they did not care. They just wanted to vote the party line. And that is exactly what they did, to the detriment of the constituency that I represent.

The most important of these measures was an amendment to exempt the Aid to Families with Dependent Children, AFDC. I wanted to exempt them, this particular program, from any cuts to the balanced budget.

More than half of our nation, 27.3 million recipients of AFDC benefits are children, about 51.4 percent.

The U.S. Department of Health and Human Services estimates that more than half of these children could eventually become ineligible under a balanced budget bill. I wanted my Republican counterparts to hear that, because I wanted them to understand the seriousness of my amendments.

My home state of Alabama stands to lose close to 28 percent of its current aid to dependent children benefits under the Republican proposals. I wanted to prevent this. I wanted them to understand how devastating it would be. But they were not present, and they did not hear my testimony. And they voted anyway against the interests of my constituents.

Many problems associated with our youth today are directly related to malnutrition. As representative of the 7th congressional district of Alabama, which has some of the highest poverty statistics in the country, I know the importance of this program. I do not think that we should practice politics, as usual, when the lives of our children are at risk.

The defeat of my amendment in the Committee on Rules was wrong and a direct attack on our future.

Those persons who will be strong and healthy, hopefully, who will work for the elderly when we are there, who will provide Social Security benefits for the future, will not be able to benefit because of the fact that they will be denied any type of aid to dependent children.

Therefore, they will not be strong. Our work force will be weak. They will not be able to work and take care of the elderly. And the reason why is because the Republican Committee on Rules denied them the opportunity.

This was one chance to send a message to our constituents that gridlock was a thing of the past. They blew that opportunity.

We have committed a sin. We have committed a crime against the future, against our children, against their health, their welfare.

In the words of Ben Lindsey, the great American judge, "I am for children first, because I am for society first, and the children of today are the society of tomorrow."

We cannot progress in this country unless we give every voice an opportunity to be heard, especially here in the halls of Congress where the laws are made.

It was once said that Congress is a place where deliberate consideration is given to all measures before they are voted upon. I looked with fervor, I looked with ideals like a child in my eyes that one day I would be able to come here and participate in meaningful debates, not just on the floor of this Congress but in committee meetings and elsewhere.

However, for the last month I have been disappointed. I have been denied that opportunity. Many of my contemporaries have not been able to bring amendments to this floor because of the actions of the Committee on Rules. Many of them have not been able to question witnesses. Many of them have not been able to bring substitutes to this floor to be considered.

This is not the American way. That is not the way Congress should operate. And those persons who said that on November 7th or 8th of 1994, that they received a mandate from the people to change things, to make sure that things were not as they were in the past, so to speak, evidently they did not think much of that mandate, because they have failed to perform. They have failed to carry out that mandate.

So I say to my colleagues, business as usual, because all voices have not been heard; all amendments have not been considered, and the deliberations have not been as they should have been. This is not the way Congress should operate. It should be deliberate in its consideration of all measures. And until our Republican counterparts recognize that, rushing to judgment, rushing to a decision in 100 days is worthless.

□ 2130

Many mistakes have already been made. Several times we have had to correct the record. Who knows in the future how detrimental and how disadvantageous this bill will be. We do not know, because we have not given adequate deliberation to the measures, the bills, the amendments, and the substitutes that affect what we do. If we had given deliberation, as we should have, we would not be wondering about the consequences of our actions in the future.

Mr. Speaker, I hope that this will not be the way this Congress will operate the next two years. Congress must come together. Congress must perform constitutionally, so all things must be considered, all amendments, all substitutes, and everyone, the majority and the minority party, must be given the opportunity to question witnesses and address their concerns, not just in the committee, but on this floor.

Mr. MOAKLEY. I thank the gentleman from Alabama.

Mr. Speaker, the gentleman is so correct. The unfunded mandate bill and the balanced budget bill both came to the floor, and we could have waived points of order on each one of them, but we know if we did that, we would have been called dilatory, or we would have been called obstructionist, or people just interested in gridlock, but we did not do that.

We just allowed a vote on the motion, and we let it go that way. However, as I say, Mr. Speaker, we are getting in between a rock and a hard place, and we have to just put our foot down if this type of action continues.

Mr. Speaker, I yield to the gentlewoman from Illinois [Mrs. COLLINS], who has been a subcommittee chairman and who has been an activist in keeping the rules and performing according to the House rules.

Mrs. COLLINS of Illinois. Mr. Speaker, I certainly thank the gentleman from Massachusetts, the ranking minority member of the Committee on Rules, for taking out this special order this evening.

As the ranking member of the Committee on Government Reform and Oversight, I have been seeking to do the same thing the gentleman is doing with his special order, and that is to bring to the attention of the House and to the public the unprecedented procedural abuse that we have seen in the House over the past three weeks in the Republicans' lightning speed dash to rush their contract in 100 days.

I am specifically referring to the procedural tactics employed around the handling of the unfunded mandates legislation, H.R. 5, which has been on the House floor this week and will be tomorrow. In the previous Congress, the 103d Congress, when the Democrats controlled the House, we worked together with the minority on an unfunded mandates bill. We held three hearings, developed a consensus bill, and reported a bill with a vote of 35 to 4.

In this Congress, the process was the exact opposite. On Tuesday, January 3d, the day before the opening of the 104th Congress, we were informed that the unfunded mandates legislation would be considered on Tuesday, January 10. That is the same day as the organizational meeting of the committee.

Mr. Speaker, the following day, January 4, the day we were sworn in, I asked the chairman for public hearings and for sufficient time to review the legislation. The request was denied. No hearings were held on the bill.

The fact that two hearings were held on the subject of unfunded mandates in the last Congress I find to be totally irrelevant. First of all, the bill that was introduced on January 4, 1995, was a new bill. It was different from any bill considered in the previous Congress.

Moreover, 31, over half of the 51 members of the Committee on Government Reform and Oversight, did not even serve on the Committee on Government Operations in the previous Congress.

The request for public hearings is not a matter of procedure alone. Very key groups that are affected by mandates were not even involved in the drafting process, and have had no chance to be heard in the debate.

Mr. Speaker, these include ordinary citizens who may benefit from clean air and clean water, who have children receiving special education or immunizations, or who have parents receiving Social Security benefits. They include workers who receive the benefits of workplace protections and minimum wage laws. They include private companies that are concerned about the competitive disadvantage they would face if publicly-owned competitors were not required to comply with the same laws with which they are forced to comply.

Members had virtually no time to deliberate on the bill. The actual printed version of H.R. 5 was not available until Friday, January 6, and the mark up was held just two legislative days later, on Tuesday, January 10. In other words, Members had to try to find the time to read the bill over the weekend, when most of them were back home in their districts meeting with their constituents.

Mr. Speaker, at the markup, after the opening statement by the chairman and myself, the chairman recognized a Member who was not a member of the committee, who was a Member of the House, however, who was seated at the Clerk's table, to make a statement concerning the bill.

Minority Members made points of order, contending that the Chair had no right to recognize Members who were not members of the committee to make statements. A point of order was made that the acceptance of the testimony constituted a hearing that flagrantly violated both committee rules and House rules. A point of order was also made that the decision to accept testimony denied the Minority the right under House rules to call witnesses selected by the Minority.

In addition, Mr. Speaker, Minority Members requested an opportunity to question the Member, who was not supposed to be sitting there at a hearing, but who was at the witness table, but were even denied that opportunity, despite House rules which provide an opportunity to Members of the committee to ask questions under the five-minute rule.

In each case, Mr. Speaker, the Chair ruled against the points of order, with the justification that the Chair has the prerogative to recognize whomever he chooses, even if it is in violation of committee and House rules, I assume.

At the end of the testimony, the witness even thanked the Chair for the "opportunity to testify at this hearing." Again, this disregard of both committee and House procedural rules is not in keeping with appropriate congressional conduct.

The markup continued with continued refusal to consider amendments that were offered by the Minority. A substitute offered by Congressman MORAN was voted on and defeated before it was even read; pretty speedy. A different substitute was ruled out of order under an incorrect ruling that a second substitute was not in order. The final ruling of the Chair was that the heart of the bill in Titles 2 and 3, dealing with regulatory review and legislative points of order, were out of the committee's jurisdiction altogether and could not even be amended.

Mr. Chairman, let me point out that this revelation was not even known to the Minority until the committee was well into the process of marking up this piece of legislation. These procedural abuses are important because they affect the outcome of the legislation.

Let me give Members one example. The proponents of the bill constantly have stated that their purpose was not to ban unfunded mandates, but rather, to require an explicit vote to waive a point of order that a bill contained an unfunded mandate. However, Mr. Speaker, in their lightning speed to develop the legislation, they forgot to include the procedure that would allow a vote on the floor to waive the point of order. They did the exact opposite, in fact, and totally precluded such a vote.

Mr. Speaker, this was a monumental error. I think it is kind of akin to forgetting to put a requirement to pass a balanced budget in a balanced budget amendment. After reviewing the bill over the weekend, we spotted the problem, but the Chairman's ruling that this title could not be amended precluded us from even trying to fix it at all. Fortunately, a partial fix was fashioned by your Committee on Rules, Mr. Ranking Member.

As a result of this excessive haste to steamroll the bill through committee, the House is now forced to spend additional time doing the work that should have been done in committee. The voices of ordinary people, the workers, the children, the elderly, were never heard, so their interests never got a fair shake.

Mr. Speaker, I am pleased to report that so far the bill has been handled on the floor in a pretty fair manner that was denied to us earlier, although there continue to be ominous threats to stifle debate.

□ 2140

I suspect that this is because we have been raising our voices against these very abuses. I think the ranking member of the Committee on Rules is to certainly be commended for raising the issues of the roughshod treatment that we are seeing here. I believe that only by raising the issue can we hope to contain it, and we hope to prevent this from being the kind of procedure that we will see for the rest of the 104th Congress.

Mr. MOAKLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Is the gentlewoman telling this House that the very important matter of unfunded mandates was rushed through your committee without a hearing, without any Minority Members being able to put an amendment through?

Mrs. COLLINS of Illinois. That is precisely what I am telling you.

Mr. MOAKLEY. As you well know, when it came before the Committee on Rules, I discovered that there was an error in the bill, that they had two sections were exactly the same, and that was a very easy error to spot, besides the point of order that could have lied against the bill.

Mrs. COLLINS of Illinois. That is right.

Mr. MOAKLEY. When you were subcommittee chairman, did you ever employ those kinds of tactics?

Mrs. COLLINS of Illinois. No, I did not. The interesting thing is that when I was subcommittee chairman, I had rankers, and I think that those rankers can tell you that I never employed those kinds of tactics in the 20-odd years that I have been here and in the many years that I have been a subcommittee chair.

Mr. MOAKLEY. But yet the chairman of the committee to date heard testimony from a nonmember of the committee and would not allow committee members to testify?

Mrs. COLLINS of Illinois. That is absolutely the case. And when we brought that out, he said that this was his prerogative to do so.

The argument was being put forth by others on the committee that this was not a hearing. Well, what in the world was it if it was not a hearing? First of all the man was at the witness table, he was talking about the legislation. He was going to be asked questions by somebody else, but not the Minority, certainly. And when he finished, he said, "Thank you for the opportunity to testify at this hearing." That I thought was very interesting, to say the least.

Mr. MOAKLEY. I thank the gentlewoman.

Mrs. COLLINS of Illinois. I thank the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding.

Mr. Speaker, it is obvious that in any transition, there are always going to be some rough spots and here we have a situation where one party held power for a number of years and has passed the gavel to another party. Democrats passed the gavel to Republicans. I say that from the get-go so that everyone knows this is not a case of simply Minority or Democratic whining. In fact, I think in some cases the new majority, the Republican Party, has done an excellent job in presiding.

The Speaker behind me and the Speakers that have presided over the past few days, the Speaker and the presiding officer today during the balanced budget debate have done excellent jobs. They rehearsed and they practiced before they even took power. They stepped very smoothly into that role and they are to be commended for that. But as they have anticipated that and made that run so smoothly, then I wonder what the design is and why it is that things are running the way they are running in other areas.

That is, I think, something of a concern. The gentlewoman from Illinois [Mrs. COLLINS] who just spoke made the case well. I also serve on her committee.

This is not just some academic or parliamentary concern. Everybody ought to be concerned in this country, because when we say unfunded mandates, that is a nice beltway term. We are talking about clean water. We are talking about whether or not the water you get out of your tap is of sufficient quality that you want your children to drink it. We are talking about the chlorosporidium in that water, such as was responsible for the deaths of a number of people in a large metropolitan midwestern city, and indeed even shut the water system down to the Nation's capital just a few months ago. We are talking about clean air.

Everybody in this country probably, as I who grew up in an industrial area, knows what it was like 20 years ago when you literally chewed the air on certain nights in an industrial community. You do not do that anymore.

We are talking about food safety. We are talking about something important in my neck of the woods, coal mine safety, where the number of deaths has been decreased because of the Mine Health and Safety Act from 22 a couple of years ago, way too many, to 9 this year. That is not a good record, either. But is far better than it was.

What this legislation could do is to threaten all of those if this legislation is not drawn properly. It is one thing to ask for a cost estimate of what a new regulation or law will cost. It is something else to say it cannot go into effect if it is not fully paid for.

I happen to believe that clean water and clean air are things that are shared expenses. There is also a reason that States cannot enact these limits strictly by themselves. One State enacts a stiff limit, a business says, "Fine, I'll move across the border."

Now many people want to be in a situation where their city may have a wastewater treatment plant that cleans the water adequately but meanwhile they are catching the raw sewage that is coming down from the city 30 miles upstream that does not?

Once again a Federal mandate makes that impossible. This is not just academic discussion. If this legislation is not drawn properly, then great problems can result.

That is what the gentlewoman from Illinois and I are so upset about on this. In fairness, there is an open rule on the floor. But this is like taking sausage out of the meatpacking factory where it is a messy enough job already and moving it out into the city park where everybody gets to make it now, and 435 House Members are scurrying trying to draft this bill and put it back into a shape where there will not be some of the errors such as the gentleman from Massachusetts, the ranking member of the Committee on Rules, and others have noticed.

There is another concern I have that happened here on the House floor just a couple of nights ago. Once again people ought to be concerned about this because this is how our laws are made or are unmade.

It was a motion to waive the regular rules that were passed only a couple of weeks ago to say that committees could sit while the full Congress was amending pieces of legislation this week. That was a fairly routine motion a few years ago. But because of some of the reforms that passed just 2 weeks earlier which ended proxy voting, that is, being able to be on the House floor and give your piece of paper to your chairman or ranking member and they would vote it for you so you did not have to be present, you could be here on the floor tending to business here. Proxy voting was ended, committees were cut down, and staffs were cut by one-third.

Laudable reforms. But they are not laudable if you then make it impossible for them to work. Instead what happened was with this, we were threatened by the fact of having to be on the House floor tending to very important legislation while at the same time the Banking Committee had a hearing on the Mexican loan guarantees, the Committee on the Judiciary might be working on the crime bill, our own Government Reorganization Committee would be working on line-item veto and other major items, appropriation committees would be conducting hearings, the Committee on the Budget would be working, and at the same time we are supposed to be debating a major amendment to the Constitution on the House floor. An impossible situation.

That was bad enough, but what followed the way it was considered bothered me even more. That was when the majority leader rose to make the motion. It is, as I understand it, a privileged motion. He controls all debate time which is routinely an hour. The practice is that you routinely, out of comity, give half the time for debate purposes only to the minority side. That is something that the Democrats always did with the Republicans.

He yielded, and that was only after repeated asking, he gave us 3 minutes. They like to make the point, "Well, there was only 8 minutes of discussion and you got 3 minutes."

No, that is not the point. The point was we were not to be considered an equal partner and were not able to raise these points satisfactorily.

In closing, let me just say that I think it is important that the American public understands, this is not about whining and this is not about the fact we are in the minority and this is not about simply that we want to delay the process.

Indeed these kinds of tactics lead to delay. They lead to the delay of sloppiness when you have to clean up a bill that was not handled properly in the committee to begin with. But it also leads to delay because after a while you do say, "I have to stop this train somehow and if I can't stop it and can't have normal discourse and conversation in the committee, then I have to come out here on the floor and do something procedurally."

But the purpose here is not to delay. Vote on every item in the contract. Do it all in the 100 days. I do not think the American people ever signed up to see a train run through, have one constitutional amendment and major legislation all done in 100 days, people not having the slightest idea half the time what they are voting on.

If you want to do that, fine. I get paid to be here. I will be here 5 days a week, 7 days a week, whatever it is. But just make sure it is done right.

The issue is not delay. It is deliberation. How much do you actually have a chance to deliberate? I am not in a mind to stop any item in the contract from being voted on. I do want time to consider it fully and to deliberate it the way it should.

I thank the gentleman very much for taking this time to make these points.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Massachusetts.

□ 2150

Mr. MOAKLEY. As the gentleman knows, two committees have reported out bills either without a hearing or not fully allowing the minority to participate, and they were told that they can go to the Committee on Rules and get an open rule. In one instance they got an open rule in the other instance they did not. So I can see a practice of starting up with the authorizing committee moves the previous question so no amendments get adopted, send it to Committee on Rules, get a closed rule and you get a bill on the floor that has never be heard by anybody. That is what I am afraid of.

Mr. WISE. I think there is an excellent chance, particularly as we get close to the end of the 100 days, which I believe is April 13. The West Virginia legislature is sitting right now in what is a constitutionally mandated 60-day session. Some States have other lengths of time mandated. They understand they are under a 60-day gun and they, and I also know the way that there is a crush of legislation in that last 10 to 15 days and particularly in the last 3 nights. I have a feeling this is going to look every bit like what my States legislature is preparing to do which this is suppose to be a full time deliberative body, I think around April 13 we are going to be racing pell-mell to meet somebody's contract, and to heck with the details and what is in it, we will clean it up later in conference. I think it is just incredible.

To the gentleman from Massachusetts I will express another concern raised by the gentlewoman from Illinois. We have an open rule on this unfunded mandates bill. I am wondering if this thing goes longer than tomorrow and becomes inconvenient how quickly we lose that open rule. That I think will be the test.

Mr. MOAKLEY. That is done at the prerogative of the Speaker.

Mr. WISE. Yes, sir, it is. Thank you.

Mr. MOAKLEY. I thank the gentleman very much.

I yield to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman from Massachusetts first of all for asking for this time and for inviting me and other Members to participate.

Ladies and gentleman, I think what we need to understand is that we have a situation where we have been talking about the unfunded mandates bill and talking about the balanced budget amendment. These are no normal pieces of legislation.

For example, the unfunded mandates bill impacts every piece of legislation that deals with the Federal Government's relationship with States or local government, every piece of legislation and, as the gentleman from West Virginia pointed out, that may sound good to some people that think the Federal Government has gotten too big, except that I think I like the idea my medication is safe, I like the idea my drinking water is clean, I like the idea the air is clean, my food is reasonably safe. And I really like the idea when I put my money in the bank, the safety and soundness of that bank is guaranteed by Federal regulatory agencies. And when I invest my money in bonds and stocks in Wall Street I know the SEC is watching so my life savings, everything I have worked my entire life for is being protected. My kids' college money is probably going to be there, unless I invested it in Mexico. But as long as I kept my money in the United States, I have reasonable expectations that the Federal regulations are going to make sure that that money is going to be there.

These are the kinds of things that this piece of legislation will impact, our ability to make sure that those safeties still exist.

What we have 3 weeks into the new Congress is something that was designed to win an election. Focus groups were put together, lobbyists were consulted, and we came up with what we call on our side the contract on America. And now, all of a sudden, we are rushing pell-mell, because of a victory on the other side of the aisle, to formulate this into legislation.

It is being done without deliberation, Mr. Speaker. It is being done without hearings. That legislation as you have heard from the people who have spoken before I came to the floor, with glaring mistakes, huge errors, and who knows what else is wrong with it, that no one has caught yet, because we did not go through the appropriate deliberatory process of subcommittees hearings, full committee hearings and markups in both of the same.

So we have got some problems. And now today we say, 3 weeks into a brand-new Congress we are going to take 3 days and decide that we are going to amend the Constitution. The heck with James Madison, the heck with Thomas Jefferson, the heck with all of our Founding Fathers. With one-fourth of the Congress as brand new, again, 3 weeks into the new session, 3 days of deliberation, we are going to change 220 years of American jurisprudence, rewrite the Constitution.

It does not mean anything. That is like saying, Mr. Speaker, the Flag behind you does not mean anything.

The Constitution of this country is a document upon which not only our democracy is founded but many other governments have been founded because it works. And yet we are racing pell-mell to change that document, because it is politically expedient at this time for us to do so.

I have got a pretty good committee assignment. I am on the Committee on Commerce. My chairman on the Committee on Commerce, Mr. BLILEY, is someone I have a tremendous amount of respect for and really look forward to working with. JACK FIELDS is my chairman on the Telecommunications Subcommittee, a fellow I have enjoyed since I have been here. We have become good friends. We play basketball together. I really enjoy his company, and he has been very fair with me. The problem is, there are so many people on that side of the aisle who are good legislators, who come into markups, who come into deliberations, come onto the floor of this House and, like you, Mr. Speaker, they care about this institution.

But my fear is they are being overridden by someone up above them who decides solely upon himself who is going to be a chair and who is going to be a subcommittee chairman, whose legislation is going to come to the floor. So good Members who we have worked with for many, many years I fear are not going to be able to work with us. We have what I think is a quasi-dictatorship in the greatest legislative democracy in this entire world, and we are gong to be forced to have to deal with it.

The former chairman, I still have to refer to you like everyone else, as chairman, you talked about secret meetings. This goes into my Committee on Commerce where the other side of the aisle, the Republicans decided they are going to have secret meetings with those on telecommunications. They said this is because our people have to come up to snuff on these issues. What about everybody else? Democrats never did that, 40 years, never did that. Never went behind closed doors, with those people who were impacted

Wait a second. Who is behind the closed doors? Rupert Murdock, who incidentally, the Speaker has a little business deal going with for $4.5 million, until everybody started to kick and scream. All of a sudden it went down to a buck. And, "I will take a commission on it."

But I would want witnesses, Mr. Speaker, if I was in that meeting, I would want witnesses. I want somebody from the Democratic side to say, well, there was not any kind of shenanigans going on. We were being true and honest and forthright, and since we have a telecommunications bill, which is going to come up in which people are going to make or lose fortunes, since that is going to happen on the floor of this House, and I am going to be having dinner with the big people who run that business, including Mr. Rupert Murdoch and his $4.5 million book deal, I want everybody there so there is no questions. We walk out of that room and everybody knows what was said. There is no problem.

But no, we are locked out. The people of Pennsylvania were locked out because RON KLINK was not there. The people of the other States, and the rest of this country were locked out because their Representatives were not there, because they are Democrats.

That is not right. That is not correct, it is not the way this institution was run when the Democrats were in charge. It is not the way this institution has even been run before.

What makes the telecommunications issue particularly one that is a problem to me is we have talked on the other side about privatizing the Public Broadcasting System. My question is this, how many of the people sitting at that dinner may be interested in buying PBS. There is going to be some money to be made there.

I do not know if that was brought up. I have no idea, but I do care. I have no idea if it was brought up. I just have to raise that possibility because I was not in the room. I am a Democrat. I am not allowed to participate.

As a reporter for 24 years, I was never gagged. I had people threaten my life if I told stories about things that they had done from dirty politicians to murderers, rapists, drug dealers. Never was I told that I could not speak, never was I stopped from speaking until I came to the House of Representatives. And we were told that we only had 3 minutes, because we are Democrats.

☐ 2200

Because the other side only wanted to talk for 5 minutes, we could only have 3 minutes on something that, as the gentleman from West Virginia [Mr. WISE] said, has dramatic importance on how this House operates. When you have got a train run by the Republicans going down the track at 120 miles an hour, and committees are talking about every kind of possible legislation, changing the Constitution, changing every other bill in which the Federal Government and local governments, and State governments interact with each other, and we are being told, "Well we are going to change the rules. You can be either here where we are changing the Constitution or you can be over there where we may be changing the Constitution, but you cannot be both places at one time, and that is because it is the way we want it to be."

Mr. Speaker, it is wrong. We are being gagged here, being railroaded, and so, too, are the American people, and so, too, is the Constitution of this great Nation.

Mr. MOAKLEY. Mr. Speaker, it seems strange that the balanced budget amendment came out under a closed rule where only 5 amendments were allowed, and some 25 were rejected.

When you look back at the Founding Fathers, when they put the Bill of Rights through, the first constitutional amendment, it was a wide-open rule, and there have been many wide-open rules, and I do not see why this was not a wide-open rule.

The Republicans keep talking about openness and openness, and here you have graphic demonstrations of just the opposite.

I just want our Members to look behind the words, to see what is happening, not what they are saying, and I think we will find that there is a big difference between the rhetoric and the act.

At this time I yield to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, and Mr. Chairman—or I should say the ranking member from Massachusetts, I would like to thank him for yielding to me.

Mr. Chairman, perhaps what I should do is start, given all that has been said so eloquently by my colleagues on the Democratic side of the aisle, by saying it is ironic and sad that perhaps our best course of action, to be able to engage in free and unfettered debate on the floor of the House, these days, is unfortunately through these special orders which is not really a part of the actual official activity of the House. It is after we have adjourned in the sense of the official business, but we do have a chance to place some remarks in the RECORD. Yet it comes at a time when we are not debating legislation, when almost no one is in the room at the hour of 10 p.m. at night so we can express to the American people exactly what is going on.

I would like to do something, because I think the gentleman from Pennsylvania [Mr. KLINK] did an extremely good job of expressing the emotions that are often felt by Members who represent close to a million people apiece, and expressing for the American people what it means to have a democracy.

So I would like to get into some details about what I have seen, and this is my second year in the Congress. I just finished 2 years in the first session.

I would like to just for the Record make some remarks about what I have seen procedurally occur here.

We should have known it was a bad omen when on the very first day of the session when we had a new majority come in and say, "This is a time for openness, for change, for a new way of doing things, for independence in the process," that the first thing we do is debate the rules which will govern this House and to debate those rules, we did it under what is called a closed rule which does not allow free and open debate.

If I had an amendment, and I did, to the proposed rules that were being offered by the Republican majority on how to govern this House, I could not offer that amendment in this, the people's House. I could not, regardless of how good it was, how much merit it had, and how simple it might be, whether it could get a majority vote or not, up or down vote, fail or pass. It made no difference. I was not allowed as were none of my Democratic colleagues allowed, to offer any amendments, the first day of this new and better Congress.

Well, not 1 day had passed, not 24 hours had passed, when the majority again violated its own adopted rules, this time in the Committee on the Judiciary, and I want to mention something. This is the committee, the Committee on the Judiciary, which is supposed to deal with dispensing the laws and dealing with things like our Constitution, and for this committee, I believe there is a heightened responsibility in acting in compliance with the law and with rules.

Yet this committee on its first day of organization, the very first day that all the Members of the committee get together, the new members and the returning members alike came together on this very first day. What do we find? We get a notice form the chairman, the gentleman from Illinois [Mr. HYDE], of the committee, saying in a matter of 2 days we will be holding hearings in the Subcommittee on Constitutional Law on the balanced budget amendment. The minority members, the Democrats, were taken aback. That was the very first time we were given notice that there would be any hearing whatsoever on a balanced budget amendment, an amendment to the Constitution of the United States, an amendment which will radically change the way we do things, because it will be ingrained in the fabric of America through our Constitution, 2 days' notice.

Well, some of us asked the chairman to read the rules of the committee and of this House. Those rules provide that there must be 7 days' notice of any hearing, because it is a public hearing, and each and every Member of this House is entitled to have notice of that hearing, but more importantly, the public of the United States is entitled to have notice of this hearing, especially on a matter as important as a constitutional amendment.

We pointed out that rule that said that in order to reduce the amount of time required for notice from 7 days to something less there had to be good cause, and there had to be a vote by the committee, or a determination, I should say, by the committee to reduce the time to notice a hearing for good cause. So we asked the chairman, "Mr. Chairman, you are invoking this clause that allows you to reduce the amount of time for good cause once it is determined by the committee that you can do so?" And he said, "Yes, I am. I believe," he said, "There is good cause." We asked what the cause was, and, of course, it related to the Contract on America that the Republicans have been touting for the last several months.

Now, that does not, to me, seem to be good cause. We have 2 years in this Congress to proceed, and we should certainly deliberate a constitutional amendment.

When we asked him, "OK, well, we will not debate you on the issue of good cause, because, as Republicans and as the majority, you can overrule us on what is good cause." So we then asked then, "How do you get around the fact that the committee determines, the committee, not one individual, whether or not the person be chair of the committee, but that the committee under the rules is to determine when there is just cause to reduce the time frame for notice?" The chairman did not have a very good answer, but he did say that his ruling remained, that he would reduce the amount of time, and that there would be a hearing.

I then inquired of the chairman how I could get a ruling or an interpretation of the chairman's ruling, because in essence, he was interpreting the word "committee" to mean "chairman." So that at any time the committee had to take action, the chairman, one individual in a committee of some 30-odd people, the chairman by himself could make the decision for the entire committee.

He said, "Take it to the parliamentarian. That is what I suggest you do." Well, I did.

That next day I wrote to the Parliamentarian, and I said, "During the full Judiciary organizational meeting held on January 5 at which the committee's rules were adopted, a question was raised in relation to the language of the rules adopted. Chairman HYDE recommended that a written inquiry be made to your office," and this is addressed to the Parliamentarian. "The language of rule III(a)," which is the rule in question here, "states, 'The committee or any subcommittee shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least 1 week before the commencement of that hearing unless the committee or subcommittee before which such hearing is scheduled determines that there is good cause to begin such hearing at an earlier date in which event it shall make public announcement at the earliest possible date.'".

My letter continues, "There was some question as to the meaning of the words 'committee' and 'subcommittee.' We would appreciate the guidance of the House Parliamentarian in defining the scope and meaning of the words 'committee' and 'subcommittee' in rule III(a) of the House Judiciary Committee rules."

The response we received back from the House Parliamentarian made it very clear that Chairman HYDE had ruled improperly. He had acted in violation of the rules, and he had scheduled a hearing in violation of those rules.

The response of the Parliamentarian, and I will ask that this be admitted into the RECORD in a moment, said in part, "I would interpret this rule to require a committee or subcommittee determination, as the case may be, as to when hearings should commence when that question is raised by a committee member in a timely manner to go as follows: In my experience, committees and subcommittees have often deferred to their chairmen for the purpose of establishing hearing dates. Where the question is raised in a proper manner, however, I would conclude that," and here it is, "the committee or subcommittee as a collegial body must ratify the scheduling and calling of hearings." The committee, not the chairman.

□ 2210

So in 2 days we had two major violations of what the Republicans have been saying they would do. One was a violation of their own promises. Second was not only a violation of their promises, it was a violation of the rules that govern this House.

What galls me a bit more about this as I think about it a bit and as my gut tries to internalize it, is about 10 of the members on the committee are new. Seven of the new members are Republican members who talked about independence and openness and how this would be a new, fair Congress and things would change.

That is what they championed as they ran for election. What is the first thing they do? They vote lockstep, not even questioning the chairman's ruling; lockstep they vote with the chairman to reduce the time for the subcommittee hearing to be held, not questioning whatsoever the validity of the chairman's ruling.

Then we went to markup, which means consideration of the legislation itself with amendments. At that hearing we were told, "Prepare your amendments, and you will have them heard." This is of, course, a hearing on a constitutional amendment. So naturally you would presume that we would have a chance to prepare amendments and offer them on something as significant a matter as a constitutional amendment.

What did we find? We started at about 9:30. The chairman had an amendment of his own. That took about 1 hour, 1 hour and 15 minutes. We took about a 1 hour and 15-minute lunch break. In between there we took about a 20-minute break at the request of one of the Republican members. After perhaps 5 hours of debate in committee, for the time in this Congress, on a matter that will affect every single American through the Constitution of the United States, the chairman said, "I am closing now this hearing at 6 p.m."

About 11 amendments from Democrats had been presented and disposed of by that time; about 20 amendments by Democrats still remained. We asked the chairman why he was closing down. He said we must close, we must close, we have to move on, we are rushed.

Six p.m., we are rushed; rushed because they had to move quickly so they could have the constitutional amendment bill heard here on the floor of the House. This is the first week of the session, within the first 7 days of the session.

Well, we pointed out to the chairman that it was 6 p.m., and, as we are here tonight, we are here late, there was no reason why we could not continue on because we had further amendments. I had one in particular that I will raise in a second.

Then we also pointed out to the chairman when we learned that floor consideration of the constitutional amendment would not be heard until this week of January 23, 1995, that was the first day of debate on the floor of this House on the balanced budget amendment; yet, on or about January 9 or 10 we are being told there was no more time available, no more days available for Democrats to have their remaining amendments heard.

Very disturbing, to say the least.

Now I had an amendment. I had a chance to present one of my amendments, but I was not allowed to present my second amendment. That second amendment to me was extremely important, and I think to the people in California extremely important, not to say that it would not be important for the entire Nation. But it was important to the people of California and important to the people of Los Angeles for one particular reason: We have experienced earthquakes, floods, fires; in many ways the area of Los Angeles has been devastated over the last 2 years.

We were at the time experiencing some major problems with floods. A lot of us, in fact, one of the members on the committee on the Republican side said he had to leave to go to his district, and that was one of the reasons the chairman gave they had to conclude the entire hearing. For one member. We still had a quorum, we had a lot of members, but he had to leave. I can understand why he had to leave. But that is no reason to halt the entire hearing.

We are being devastated in Los Angeles by the floods and all the rains. I had an amendment that would say the following: In the event where we have a balanced budget that requires us each year to balance our budget, in the event we were very fortunate in a given year that we had a small surplus, we were very good at estimating and we ended up with a surplus, rather than just not make use of that surplus and put it back into the treasury and lose it, hold onto a small amount and use it like a rainy day fund, the way most families do and the way most State Governments do. So that in the event the following year or maybe 2 years from then, if we got into a recession or we a major natural disaster affecting the Nation and causing a national emergency, if we had something like that happen, we would have a small reserve fund, a rainy day fund, to be able to pull some moneys out. So we would not always have to worry about raising taxes or cutting other programs, but we would have funds to make up for that emergency.

Well, my second amendment was important. I know it was important not only because it preserves the ability to help out in those bad years, but because sometimes in Government we have what is called a use it or lose it mentality. If a State agency knows it has $100 million to spend and they end up finding they spend $90 million and there is $10 million there at the end of the year, but if they know those $10 million goes back to the treasury and they do not get to use it, they say, "Wait a minute. We could do a lot of things with this $10 million. And if we don't do it now, we can't do it later. So use it rather than lose it."

So you get inefficient spending of money, and rather than promote that use it or lose it mentality, I said let us put some of that in a rainy day fund. I thought that was a fairly reasonable amendment. I did not have a chance to present that in committee, and, by the way, I did not have a chance to present it on the floor of this House when we debated the balanced budget amendment because of the closed rule on this constitutional amendment for a balanced budget.

Let me, before I move on, include the two letters that I referred to into the RECORD at this point, the letter I sent to the parliamentarian and the parliamentarian's response.

The two letters referred to are as follows:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 1995.

Hon. XAVIER BECERRA,
Hon. BARNEY FRANK,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES BECERRA AND FRANK: In your letter of January 6, 1994 you mention that the Committee on the Judiciary, at its organizational meeting held on January 5, adopted the following committee rule IIIa:

"The Committee or any subcommittee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the committee or subcommittee before which such hearing is scheduled determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date."

As required by clause 2(a)(2) of Rule XI of the rules of the House, this committee rule is consistent with clause 2(g)(3) of Rule XI of the rules of the House. I would interpret this rule to require a committee or subcommittee determination, as the case may be, as to when hearings should commence, when that question is raised by a committee member in a timely manner. In my experience, committees and subcommittees have often deferred to their chairmen for the purpose of establishing hearing dates. Where the question is raised in a proper manner, however, I would conclude that the committee or subcommittee as a collegial body must ratify the call and scheduling of hearings. This is to be distinguished from the authority conferred in clause 2(c)(1) of Rule XI for chairmen of committees (and subcommittees) to call and convene additional meetings of their committees for the conduct of committee business.

Please let me know if I can be of further assistance.

Sincerely,

CHARLES W. JOHNSON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1994.

Hon. CHARLIE JOHNSON,
House Parliamentarian.

DEAR PARLIAMENTARIAN: During the full Judiciary organization meeting, held on January 5, at which the Committee's rules were adopted, a question was raised in relation to the language of the rules adopted. Chairman Hyde recommended that a written inquiry be made to your office.

The language of Rule III a., states: "The Committee or any subcommittee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or subcommittee before which such hearing is scheduled determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date."

There was some question as to the meaning of the words "committee" and "subcommittee".

We would appreciate the guidance of the House Parliamentarian in defining the scope and meaning of the words "committee" and "subcommittee" in Rule IIIa of the House Judiciary committee's rules.

Sincerely,

XAVIER BECERRA.
BARNEY FRANK.

Well, all of that being said, let me bring up one last thing. Guess what, tomorrow my committee, the Committee on the Judiciary, is going to hold another hearing to mark up legislation, again to consider legislation and to present amendments, this time on a crime bill.

What is the problem? Well, tomorrow we are going to mark up this legislation, we are going to take up amendments, and do you know when we got notice of this? When we got first wind of this legislation and any amendments, when we first set our eyes on this? About 3 hours ago. My staff lets me know that they just received a packet of amendments and the bill itself, and tomorrow we have to be prepared to debate that legislation, debate any amendments that the Republicans have proposed, and somehow, somehow, come up with our own amendments to that legislation that we are only now going to get to see.

We had no hearing in full committee.

Mr. Speaker, I will close only by saying that this is again nothing strange. We see it happening all the time. It is most disconcerting to see it coming from the Committee on the Judiciary.

Mr. Speaker, who loses? Obviously, it is not just us, it is the American people.

So I thank the gentleman from Massachusetts [Mr. MOAKLEY] for making this time available and thank the chairman for his latitude.

THOUGHTS ON THREE IMPORTANT ISSUES

The SPEAKER pro tempore (Mr. CAMP). Under the Speaker's announced policy of January 4, 1995, the gentleman from Wisconsin [Mr. BARRETT] is recognized for 60 minutes as the designee of the minority leader.

Mr. BARRETT of Wisconsin. I thank the Chair.

I want to congratulate the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules, for doing an excellent job tonight, and I would like to follow up on some of the comments that he and previous speakers have made, all of whom have done an excellent job of pointing out some of the problems that we encounter when we try to move pellmell through a legislative agenda that is basically set by focus groups.

In doing so tonight, I would like to discuss three issues, one of which is a relatively nonmajor issue but is one that highlights some of the problems that we face as we try to gain access, simply to have open votes on the floor of the House of Representatives.

The second issue is, I think an issue where I think again you see what the problems are of having Government by focus groups because we are so caught up in trying to get through this political document, the Contract With America.

The third issue I would like to talk about tonight is an issue actually contained in the Contract With America, but unfortunately appears to be the first part of the Contract With America that is going to be broken by the new leadership of this House.

The first issue I want to talk about is again what I consider not a major issue, but it highlights some of the problems we face as we try to gain access to the floor and vote on the floor, is relatively easy for people to understand, and that is the issue of frequent flyer miles.

□ 2220

Now, as everybody knows, Members of Congress are entitled to fly back and forth to their districts, and the taxpayers pay for those trips. Unfortunately what a lot of Americans do not know is that Members of Congress can use those frequent flyer miles that have been accrued at taxpayers' expense. Members of Congress, the House of Representatives, can use those to fly to Florida, Hawaii, France, anywhere in the world, and we have missed several important opportunities to change that seriously flawed policy.

Let me explain to my colleagues why I thought this was an easy topic and an easy issue to address and the frustration I have had in even getting a vote, even getting a vote on this floor of the people, to address this relatively minor item:

Last year, when we considered the Congressional Accountability Act, there was included in that legislation an amendment from the floor on a voice vote. No one objected. No one called claims of germaneness. No one argued against it on the merits. It was included in the bill, and that prohibited Members of the House of Representatives from using their frequent flyer miles for personal use.

Now that bill died, but a precedent was set. We knew that it was attached to that bill, and it was, in many ways, relevant to the Congressional Accountability Act.

Well, when we came back this year, I asked the Speaker, and I asked the Committee on Rules, to permit me to present this amendment to the floor in two places: in the rules that the House would consider on the first day of session; and, second, in the Congressional Accountability Act, again a very simple amendment. The amendment would say that Members of Congress could not use the frequent flyer miles paid for by the taxpayer, that those miles could not be used for personal use.

All I wanted was a vote. If the Members of the House of Representatives decided that they wanted to use these miles to fly to France, they could vote that way. But I was not given a vote. It was a closed rule when we considered the rules of the House. It was a closed rule when we considered the Congressional Accountability Act. I was told it would be ruled nongermane if we tried to include it in the motion to recommit, even though when it was brought up on the floor last year no one from the then minority side raised the issue of germaneness.

But the story does not end there because, after the Congressional Accountability Act left the House of Representatives, it went to the Senate, and the Senators could see that this is a common sense issue that could be easily addressed. So Senator FORD put in an amendment that would prohibit Members of both Houses of Congress from using frequent flyer miles paid for by the taxpayer for personal use. Members of the Republican Party in that House raised issues of comity and said that we, those in the Senate, should not be setting the rules for the Members of the House of Representatives. The majority Members on a party line vote in the Senate agreed with that.

So, we created an even more bizarre situation. The U.S. Senate included in the Congressional Accountability Act language that prohibited U.S. Senators from using frequent flyer miles paid for by the taxpayers for personal use, and it sent the bill back to the House of Representatives, presumably to let the House of Representatives address the issue for this Chamber. It came back, and again I asked the leadership if we could address this issue either in an amendment on the floor, or through the motion to recommit, or through the instructions to resolve this issue. The leadership said no, we would not have a vote on the frequent flyer issue.

So, what is the end of the story? The end of the story is for the first time that I can discover in the history of this country we have a law pertaining to the standard of conduct for the Members of the U.S. Senate which is different than the standard of conduct for the Members of the House of Representatives. For the first time in the Nation's history that I can discover the standard of conduct for Members of this House is lower than the standard of conduct for the Members of the U.S. Senate.

Now I consider that embarrassing, and I consider that disappointing. But it is somewhat ironic that after 40 years in the minority, 40 years of Siberia, the Republicans gain control of the House of Representatives, and in the very first bill that is passed under the Republican leadership in this House we set a standard of conduct in the House of Representatives that is lower than the standard of conduct in the U.S. Senate, and it is over an easy issue. It is an issue that I simply want to have a vote on, and I hope at some point we will get a vote on that issue.

So, that is the first issue I wanted to touch on tonight, Mr. Speaker. The second issue I want to touch on I think is an example of where, through focus group government, we are missing an important opportunity to address an issue that is of concern to many Americans, millions of Americans, in this country. We are in the last week of January. That means that millions of Americans throughout this country are getting there W–2 forms and their forms for their taxes so they know how much taxes they have to pay by April 15.

Now included in those millions of people who have to do their taxes by April 15 are probably 10 to 12 million people in this country who are self-employed. Like all others, they have to pay their taxes by April 15, but they are in a little different situation this year. They are in a little different situation because on December 31, 1993, their ability to deduct health care costs was ended. It expired December 31, 1993. It was believed that last year, when we were considering health care, that health care reform, that that would be resolved and addressed. But, as that issue fell apart in the closing days of Congress, it was not extended. So right now you have a situation where the people in this country who are self-employed have lost their 25 percent deduction for health insurance.

Now bear in mind that, if you work for a corporation, a hundred percent of the health care costs are deductible for the corporation. But if you are self-employed right now, you cannot deduct a penny of it. That is not an issue that the leadership in this House appears to care about at this time.

Now why should we care about it at this time? Well, it is obvious why we should care about it at this time. Because it is tax season. Millions of Americans throughout this country are going to be preparing their tax returns by April 15.

Now what I have been told is, "Well, that's all right. We can always retroactively extend the deduction for self-employed people after we're done with the Contract With America, after we rush pellmell through this focus group created set of priorities."

Now the reason I take issue with that is because self-employed people in this country do not have a lot of lobbyists in this city. They do not have powerful groups that are speaking for them. They are ma and pa stores. They are people who are struggling to pay their bills, and we are going to require them to file an amended tax return later in this year if they want to be able to deduct their health care premiums because we do not want to address that issue right now. It is not important to the majority in this House to have self-employed people being able to deduct their health care premiums for 1994.

Now who are the winners in this? Well, the winners are obvious. The winners are the accountants because they are going to be the ones that are going to be required to file the amended returns after April 15 when we decide that we are going to extend this health care deduction for self-employed people. But the 10 and 12 million people in this country who are depending on this and need it are being ignored.

Mr. Speaker, they should not be ignored. We should address this issue. We should address this issue long before April 15 because we are hurting a lot of working people in this country, and that is not something we should do.

Now the third issue that I want to talk about tonight, and the final issue, may surprise you a little. During the course of the campaign, like many Democrats, I criticized the Contract With America and many provisions in it because I felt that they would increase the size of our Nation's deficit.

□ 2030

But there was one issue in particular that I said publicly throughout my campaign that I agreed with. I am a strong supporter of the line-item veto. I think that the President of the United States should be able to take out pork barrel projects and tax breaks that have been garnered through backroom deals in the U.S. Capitol.

I thought that was good. I was actually happy that the Republicans' Contract With America included that. So I was excited as a member of the Government Reform Committee when I was told that the line-item veto bill would be coming to the committee I served on. But I was actually rather shocked when the bill came to my committee, and I was shocked because the bill only does half the job.

Let me explain why. As you are well aware, Mr. Speaker, there are two different sources for pork barrel spending and special projects in the House of Representatives. One is through the Committee on Appropriations, where Members of Congress can add special projects for their district or they can add things like mohair subsidies or helium subsidies. And then there is another place, a second place where profligate spending takes place, and that is through the revenue bills. That is where you see the tax lawyers and lobbyists get together and come up with some clever idea for accelerated depreciation, or some sort of type of special treatment for some taxpayers, that most taxpayers are not entitled to.

They are both serious problems, and in many ways the problem of having items hidden in revenue bills is more serious than the problem of having items hidden in appropriations bills, because as we all know over the next 5 years, the amount of discretionary spending we are going to be entitled to have that is going to be governed by the appropriations committees will shrink. Not so when you have time bombs hidden in revenue bills.

Well, you can imagine my shock when I looked at the line-item veto bill and saw the ability of the President of the United States to take out special tax breaks was severely limited. In fact, the bill that was introduced said that in order for the President to have the ability to use his line-item veto to take out special tax breaks, fewer than five people in this country would be affected by that. In other words, it could only be if it affected one, two, three, or four people in this county of 260 million.

So I scratched my head and thought that is not what I thought the Contract with America said. In fact, I recalled when we had the debate 2 years ago over expedited recission, the then minority leader, Mr. Michel, offered an amendment, and he offered an amendment which I have with us tonight, an expedited rescission amendment.

His amendment stated that the targeted tax benefit means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

Mr. Michel introduced that as an amendment to the expedited rescission bill 2 years ago. And on this very floor he gave a long discussion, talking about the need to control these special tax breaks, tax expenditures. Very briefly I wanted to quote what he said. He gave a long colloquy on the floor here, but I just want to talk about one paragraph in particular.

This is Mr. Michel, our former minority leader speaking here. Quite frankly, if you are for special interests, then vote against my amendment. If you are for a more complex Tax Code, then vote against my amendment. Now, if you believe that the President should not be held hostage to any special interest, then I say vote for my amendment today. It will make a better piece of legislation.

Well, that was presented on the House of Representatives, and a majority of the Members of this House agreed with Mr. Michel. A majority of the members on a bipartisan basis supported him in his valiant attempt to control tax expenditures and special tax breaks that are hidden in revenue bills.

But that is not the only place where we have discussed this issue. So it couldn't be just an accident that this provision was dropped out of the bill that we considered in the Government Reforms Committee earlier this week.

The second document I have before us is that wonderful booklet called the Contract With America. I had to actually go out and purchase it today because I didn't have my own copy and you get it for $10 if you want to do it. In here we talk about the line-item veto bill. This is the bold plan by Representative NEWT GINGRICH, DICK ARMEY, and the House Republicans to change the Nation.

And in here it states the Fiscal Responsibility Act gives the President the permanent legislative line-item veto. Under this procedure the President could strike any appropriation or targeted tax provision. Parenthetically, it states a provision that provides special treatment to a particular taxpayer or limited class of taxpayer on any bill.

So twice now we see the Republicans telling us that they want to control special tax breaks that are hidden in revenue bills, and they want to do it by giving the President the line-item veto. Again, I applaud them.

Well, it wasn't just in this narrative that we had this discussion, because the Republicans also prepared copies of bills that they would introduce in the 104th Congress to honor the Contract With America. In one of those bills, it is a joint resolution proposing a balanced budget amendment to the U.S. Constitution, and it includes language in here about giving the President the line-item veto. And lo and behold, in the section on targeted tax benefits, it includes language that is identical to the language that we saw both in 1993 when Mr. Michel presented the amendment, consistent with the document that was presented to us in the book, and one that I support fully.

Now, what happened? Was there some sort of oversight, where after three times prior to the introduction of the bill in the Committee on Government Operations there is a carefully constructed definition of targeted tax break? But when we get to the actual language of the bill that is before us now, it is very limited and has a very limited impact in a country with 260 million people?

No, I don't think it was an accident. I will tell you what I think is going on here. There is gold in them that there bills. There is gold in them there tax bills, those revenue bills. And the Republicans do not want to give the President of the United States the authority to take out those special tax provisions. They understand that what is going on here is that we have got limited appropriations and the amount is dropping. So tax lawyers and lobbyists in this town know it is not smart, it is not growth industry in this country, to go for quick appropriations. But there is a lot of smart people in this town, there is a lot of smart tax lawyers, a lot of smart lobbyists. And they know if they can get a special tax break tucked into one of those little revenue bills, and the President does not have the authority to veto that out, they are home free. And that is what the majority is interested in.

We have a beautiful discussion here today on balanced budget amendment. But in the same week, what we are doing in this House of Representatives is we are going to allow Members of the majority, who three times have publicly stated that they want to control targeted tax breaks, but now when the rubber meets the road, when the amendment is presented in committee earlier this week, it is defeated.

Now, what I found out was interesting when we defeated it in committee this week was Mr. CLINGER spoke against this amendment. And he said it was too broad. I said how can it be too broad? This is something that I took or was taken from Mr. Michel. This is something that was taken from the Contract With America. Now you are telling me it is too broad?

I went back and checked the RECORD 2 years ago. Two years ago Mr. CLINGER got on the floor of the House of Representatives and he talked about this exact same amendment. Let me tell you what he said. He said:

> I agree with the minority leader that it is important that the President be able to single out both excessive and unnecessary spending and special sweetheart tax provisions for an individual vote.
>
> Often such provisions are buried in large bills, and Members may not even be aware of each of these individual provisions when they vote on a nonmiscellaneous bill. The American people hear of these special tax giveaways only after they take effect, and they are outraged at the arrogance of Congress to give such special deals to special friends. A meaningful way to strike these provisions from omnibus tax bills is one way for the government to reclaim the respect of the American people.

□ 2240

That is what the chairman of the committee said 2 years ago. This week he argued against the identical language, when the rubber meets the road, when we have to decide whether we are going to keep those special tax breaks in these revenue bills or we are going to give the President the power to take them out.

There was a change that took place in the committee that I serve on. That change was instead of five Americans being affected, it had to affect fewer than 100 Americans. This is obviously a step in the right direction. but by tying to it a specific number, you are really not getting at the core of the problem because, as the speaker prior to me talked about tonight, he talked about telecommunications bills.

Well, there are many different telecommunications companies in this country. And if you have a situation with that industry, and I do not mean to single out the telecommunications industry, but any industry that meets behind closed doors with the leaders of this new majority party and is given a special tax break, my guess is that with 260 to 270 million people in this country, it is going to affect more than 100 people.

But the lesson we are learning here tonight and a lesson that I think Americans should be aware of is that when you have a contract and when you have a contract with America and you try to slip out a little provision, a provision that most people do not follow, let us just slip it out, that tells you something. That tells you that when you get an opportunity to slip something, you are going to slip something in. And that is the very thing that the Americans do not want to have happen. The Americans do not want special tax provisions slipped into tax revenue bills. They do not want to have special provisions slipped into any type of bill.

And I think that we should give the President the true line item veto, and we can do that next week, if the people who signed this Contract with America think for themselves, if they think about what they signed back over the summer, if the Members who voted for the Michel amendment think about what they voted for last session.

My fear is that is not what is going to happen. My fear is that the Members of the majority party are going to march lock step and they are going to march lock step behind their leadership who wants to have these special tax breaks tucked into revenue bills.

That is not what the American people want and that is not what I want.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 104TH CONGRESS

Mr. COMBEST. Mr. Speaker, pursuant to clause 2(a) of House Rule XI, I submit herewith a copy of the Rules of Procedure adopted on January 10, 1995, by the Permanent Select Committee on Intelligence for the 104th Congress.

RULES OF PROCEDURE FOR THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken on such matters would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of nine committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Reasonable notice shall be given to all witnesses appearing before the committee.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

Transcripts.—A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify.—The committee or any subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of a majority of the subcommittee.

There are hereby established the following subcommittees:

(1) Human Intelligence, Analysis and Counterintelligence.

(2) Technical and Tactical Intelligence.

The chairman and ranking minority member of the full committee are authorized to sit as ex officio members of each subcommittee and to participate in the work of the subcommittee, except, when sitting as ex officio members, they shall not have a vote in the subcommittee [nor be counted for purposes of determining a quorum].

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee; or

(2) at the written request to the chairman of the full committee of at least five members of the committee, except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

7. SUBPOENAS

Unless otherwise determined by the committee, the chairman, upon consultation with the ranking minority member, or the committee shall authorize and issue subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee. In addition, the Speaker and minority leader each may designate a member of their leadership staff to assist them in their capacity as ex officio members, with the same access to committee meetings, hearings, briefings, and materials as if employees of the select committee, and subject to the same security clearance and confidentiality requirements as employees of the select committee under this rule.

The appointment of committee staff shall be by the chairman in consultation with the ranking minority member. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into such person's possession while a member of the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee, or, in the event of the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by rollcall vote, determines, in a manner consistent with clause 7 of House Rule XLVIII, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

10. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL

(a) Committee staff offices shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

(b) Pursuant to clause (7)(c)(2) of House Rule XLVIII and to clause (2)(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such transcripts, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings or briefings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings or briefings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action is deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are

not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does no accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(c) Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413) and to clauses 3(a) and 7(c)(2) of House Rule XLVIII, the committee shall call to the attention of the House or to any other appropriate committee or committees of the House any matter requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions about the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submission from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that a matter requires the attention of the House or a committee or committees of the House which the committee deems appropriate, it shall make arrangements to notify the House or committee promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matter to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee, may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case, the committee shall consider whether to request an immediate secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question pursuant to clause 7 of House Rule XLVIII.

(d) Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(e) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in a manner consistent with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

(f) Before any member of the committee or the committee staff may have access to classified information the following oath shall be executed:

"I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the committee or the House of Representatives."

Copies of the executed oath shall be retained in the files of the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcasts, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

15. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been give to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of a personal family emergency.

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) on January 25 and 26 on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REED) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes today.

Mrs. LINCOLN, for 5 minutes today.

Ms. KAPTUR, for 5 minutes today.

Mrs. THURMAN, for 5 minutes today.

Mr. REED, for 5 minutes today.

Mr. BALDACCI, for 5 minutes today.

Miss COLLINS of Michigan, for 5 minutes today.

Mr. TUCKER, for 5 minutes today.

Mr. GENE GREEN of Texas, for 5 minutes today.

Mr. BENTSEN, for 5 minutes today.

Ms. JACKSON-LEE, for 5 minutes today.

(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)

Mr. KNOLLENBERG, for 5 minutes on January 31.

Mr. FOX of Pennsylvania, for 5 minutes on January 31.

Mr. EHLERS, for 5 minutes each day on January 30 and 31.

EXTENSION OF REMARKS

By unanimous consent permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. REED) and to include extraneous matter:)

Mr. SANDERS.

Mr. BONIOR.

Ms. JACKSON-LEE.

Mr. MENENDEZ in two instances.

Mr. SCHUMER.

Mr. MARKEY.

Ms. RIVERS.

Mr. JACOBS.

Mr. OBERSTAR in three instances.

Ms. HARMAN.

Mr. DEFAZIO.

Mr. MANTON.

Mr. UNDERWOOD.

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. DICKEY.

Mr. FIELDS of Texas.

Mr. GUNDERSON.

Mr. PACKARD.

Mr. DAVIS.

Mr. GILMAN.

Mr. EMERSON.

Mr. RAMSTAD.

Mrs. JOHNSON of Connecticut.

Mr. KING.

Mr. GOODLATTE.

Mr. KIM.

Mr. THOMAS.

Mr. LATOURETTE.

(The following Members (at the request of Mr. BARRETT of Wisconsin) and to include extraneous matter:)

Mr. CARDIN.

Mr. CHAPMAN.

Mr. HALL of Texas in three instances.

Mr. ENGEL.

Mr. KILDEE.

Mr. FRELINGHUYSEN.

Mr. PAYNE of New Jersey.

Ms. FURSE.

Mr. PALLONE.

Mr. GILLMOR.

Mr. TEJEDA.

ADJOURNMENT

Mr. BARRETT of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Friday, January 27, 1995, at 10 a.m.

EXPENDITURE REPORT CONCERNING OFFICIAL FOREIGN TRAVEL

Report of a House committee concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1994 in connection with official foreign travel, pursuant to Public Law 95–384, is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1994

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Anita Brown	10/25	10/29	Poland		940.00						940.00
	10/29	11/1	England		499.00						499.00
Commercial airfare							1,469.00				1,469.00
Lynn Gallagher	10/25	10/29	Poland		940.00						940.00
	10/29	11/1	England		499.00						499.00
Commercial airfare							1,469.00				1,469.00
Hon. E de la Garza	11/30	12/2	Mexico		479.00						479.00
Commercial airfare							1,023.00				1,023.00
Committee total					3,357.00		3,961.00				7,318.00

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA,
Chairman, Jan. 5, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

220. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Jordan (Transmittal No. 9-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARDIN:

H.R. 691. A bill to amend the Internal Revenue Code of 1986 to restore the 25 percent deduction for the health insurance costs of self-employed individuals for 1994 and to provide an 80 percent deduction for such costs beginning in 1995; to the Committee on Ways and Means.

By Mr. CHAPMAN (for himself, Mrs. LINCOLN, Mr. MANTON, Mr. FAZIO of California, Mr. FROST, Mr. CLYBURN, Mr. WILSON, Mr. SKEEN, Mr. ROGERS, Mr. EVANS, and Mr. HEFNER):

H.R. 692. A bill to amend the Federal Water Pollution Control Act to provide additional assistance to rural and disadvantaged communities under the State Water Pollution Control Revolving Loan Fund Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HALL of Texas:

H.R. 693. A bill relating to the valuation of stock received by certain employees in connection with the performance of services as employees; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 694. A bill entitled the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995"; to the Committee on Resources.

By Mr. ARCHER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 695. A bill to amend section 3626 of title 18, United States Code, to provide certain additional rules with respect to litigation regarding prison conditions; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself, Mr. CRANE, Mr. STUMP, Mr. BURTON of Indiana, Mr. EWING, Mr. HANCOCK, Mr. HOKE, Mr. GILCHREST, and Mr. UPTON):

H.R. 696. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the health insurance costs of self-employed individuals for taxable years beginning in 1994; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. ARCHER, Mr. CRANE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. HANCOCK, Mr. CAMP, Mr. RAMSTAD, Mr. ZIMMER, Mr. NUSSLE, Mr. SAM JOHNSON, Ms. DUNN of Washington, Mr. COLLINS of Georgia, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, and Mr. CHRISTENSEN):

H.R. 697. A bill to amend the Internal Revenue Code of 1986 to restore, for taxable years beginning in 1994, the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. CHAPMAN, and Mr. STOCKMAN):

H.R. 698. A bill to repeal the prohibitions relating to semiautomatic assault weapons and large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. DOOLEY:

H.R. 699. A bill to amend the Mineral Leasing Act to provide for a royalty payment for heavy crude oil produced from the public lands which is based on the degree of API gravity, and for other purposes; to the Committee on Resources.

By Mr. ZELIFF (for himself and Mr. ANDREWS):

H.R. 700. A bill to provide for the automatic downward adjustment in the discretionary spending limits for fiscal year 1995 set forth in the Congressional Budget Act of 1974, and to reduce obligation limits equal to the amount of rescissions and changes contained in this act; to the Committee on the Budget, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMERSON:

H.R. 701. A bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO; to the Committee on Agriculture.

By Mr. FILNER:

H.R. 702. A bill to require that any amount of cost savings under a defense contract realized by the Federal Government as a result of the consolidation of contractors that causes the elimination of jobs in a community be used for job retraining and job creation activities in the community; to the Committee on National Security, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FURSE (for herself, Mr. KLUG, Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Mr. MINGE, Ms. PELOSI, Mr. OWENS, Ms. VELÁZQUEZ, Mr. DEFAZIO, Ms. WOOLSEY, Mr. MEEHAN, Mr. PALLONE, and Mrs. SCHROEDER):

H.R. 703. A bill to terminate the C–17 aircraft program after fiscal year 1995 and provide for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft; to the Committee on National Security.

By Mr. GALLEGLY:

H.R. 704. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of surplus Federal law enforcement canines to their handlers; to the Committee on Government Reform and Oversight.

H.R. 705. A bill to amend the Immigration and Nationality Act to limit citizenship at birth, merely by virtue of birth in the United States, to persons with citizen or legal resident mothers; to the Committee on the Judiciary.

By Mr. GUTIERREZ:

H.R. 706. A bill to amend the Metropolitan Washington Airports Act of 1986 authorizing the Secretary of Transportation to ensure that the American public is fully and properly informed about the perquisites and privileges afforded to Members of Congress who use parking facilities through the Metropolitan Airports Authority; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself, Mr. SCHAEFER, Mr. HUNTER, Mr. HANCOCK, Mr. EMERSON, Mr. NEUMANN, Mr. TAYLOR of North Carolina, Mr. SKEEN, Mr. WICKER, Mr. SAXTON, Mr. METCALF, Mr. ROBERTS, Mr. BURR, Mr. PACKARD, Mr. HUTCHINSON, and Mr. CHRISTENSEN):

H.R. 707. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Economic and Educational Opportunities.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. KENNELLY, Ms. DUNN of Washington, Mrs. MEYERS of Kansas, Mr. MCCRERY, Mrs. CLAYTON, Mr. BARTLETT of Maryland, Ms. MOLINARI, and Mr. GIBBONS):

H.R. 708. A bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. MCDERMOTT, Mr. STUDDS, Mr. SCHUMER, Mr. EVANS, Mr. MILLER of California, and Mr. DEUTSCH):

H.R. 709. A bill to amend part E of title IV of the Social Security Act to require States to have laws that would permit a parent who is chronically ill or near death to name a standby guardian for a minor child without surrendering parental rights; to the Committee on Ways and Means.

By Mr. MENENDEZ (for himself, Mrs. MEEK of Florida, Mr. HILLIARD, Mr. FROST, Ms. WOOLSEY, Mr. SERRANO, Mr. DELLUMS, and Mr. HASTINGS of Florida):

H.R. 710. A bill to provide grants for demonstration projects to coordinate the administration of services to needy families with children; to the Committee on Economic and Educational Opportunities.

By Mr. OXLEY (for himself, Ms. PRYCE, Mr. KING, Mr. HANCOCK, Mr. WALSH, Mr. CANADY, Mr. SMITH of Texas, Mr. FORBES, Mr. ZIMMER, Mr. FOX, Mr. FRANK of Massachusetts, Mr. MOORHEAD, Mrs. MEYERS of Kansas, Mr. STUMP, Mr. GEKAS, Mr. DORNAN, Mr. LATHAM, Mr. MCDADE, Mr. PETERSON of Minnesota, Mr. SHAW, Mr. SHAYS, Mr. FIELDS of Texas, Mr. BARTON of Texas, Mr. BREWSTER, Mr. ISTOOK, Mr. BLUTE, Mr. SHUSTER, Mr. LIGHTFOOT, Mr. KNOLLENBERG, Mr. SERRANO, Mr. CUNNINGHAM, Mr. CHRISTENSEN, Mr. GORDON, Mr. LIVINGSTON, and Mr. BACHUS):

H.R. 711. A bill to provide for restitution of victims of crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. RICHARDSON, and Mr. DIAZ-BALART):

H.R. 712. A bill to provide for adjustment of status of certain Nicaraguans; to the Committee on the Judiciary.

By Ms. SLAUGHTER:

H.R. 713. A bill to provide protection from sexual predators; to the Committee on the Judiciary.

By Mr. WELLER:

H.R. 714. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; to the Committee on Agriculture, and in addition, to the Committees on National Security, Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. SAXTON, and Mr. STUDDS):

H.R. 715. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit fishing in the Central Sea of Okhotsk by vessels and nationals of the United States; to the Committee on Resources.

H.R. 716. A bill to amend the Fishermen's Protective Act; to the Committee on Resources.

By Mr. GALLEGLY:

H.J. Res. 64. Joint resolution proposing an amendment to the Constitution of the United States to restrict the requirement of citizenship at birth by virtue of birth in the United States to persons with citizen or legal resident mothers; to the Committee on the Judiciary.

By Mr. THORNTON:

H.J. Res. 65. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of Representatives and Senators, to provide for a 4-year term for Representatives, and to provide for campaign contribution limitations with respect to elections for Federal office; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. BORSKI, Mr. DOYLE, Mr. MCHALE, Mr. ENGEL, Ms. DELAURO, Mr. HINCHEY, Mr. BECERRA, Mr. MCDERMOTT, and Mrs. LOWEY):

H. Res. 45. Resolution to express the sense of the House regarding calculation of the Consumer Price Index; to the Committee on Economic and Educational Opportunities.

The bill numbers H.R. 683 through 689, appearing on page H692 of the RECORD of January 25, 1995, should have reflected the following bill titles, which correspond to the bills as printed:

By Mr. WILSON:

H.R. 683. A bill to provide a minimum for payments with respect to counties in the State of Texas from receipts from national forests; to the Committee on Agriculture.

H.R. 684. A bill to prohibit exports of unprocessed timber and wood chips to any country that does not provide reciprocal access to its markets for finished wood products and paper produced in the United States; to the Committee on International Relations.

H.R. 685. A bill to amend title 28, United States Code, to provide for the use of volunteers for Federal Bureau of Investigation tours and at the Bureau's training facilities, and for other purposes; to the Committee on the Judiciary.

H.R. 686. A bill to designate the maintenance facility and future visitor center at the Big Thicket National Preserve as the "Ralph W. Yarborough Center"; to the Committee on Resources.

H.R. 687. A bill to authorize the Secretary of Agriculture to convey certain lands in the Sam Houston National Forest in the State of Texas to the current occupant of the lands, the Gulf Coast Trades Center; to the Committee on Resources.

H.R. 688. A bill to extend Federal restrictions on the export of unprocessed timber to timber harvested in the State of Texas; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 689. A bill to require the Secretary of Agriculture to take action to control the infestation of southern pine beetles currently ravaging wilderness areas in the State of Texas; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Rhode Island:

H.R. 717. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the vessels *Shamrock V* and *Endeavour*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SALMON.

H.R. 24: Mr. HOLDEN.

H.R. 26: Mr. HINCHEY and Mr. BACHUS.

H.R. 70: Mr. POMBO.

H.R. 76: Mr. SOLOMON, Mr. CARDIN, and Mr. BRYANT of Tennessee.

H.R. 77: Mr. GENE GREEN of Texas.

H.R. 94: Mr. SOLOMON, Mr. LIVINGSTON, and Mr. PAXON.

H.R. 95: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, Mrs. LOWEY, Mr. HEFLEY, Mr. DOYLE, Mr. HINCHEY, and Mr. MENENDEZ.

H.R. 103: Mr. TAYLOR of Mississippi and Mr. GENE GREEN of Texas.

H.R. 104: Mr. DAVIS.

H.R. 106: Mr. JOHNSTON of Florida.

H.R. 109: Mr. BONO, Mr. DEFAZIO, Mr. HAYES, Ms. LOFGREN, Mr. KINGSTON, and Mr. GENE GREEN of Texas.

H.R. 110: Mr. SAXTON and Mr. MCHALE.

H.R. 122: Mr. BONO, Mr. PETE GEREN of Texas, Mr. FOX, Mr. FROST, and Mr. GENE GREEN of Texas.

H.R. 216: Mrs. SEASTRAND.

H.R. 218: Mr. SHUSTER, Mr. YOUNG of Alaska, and Mrs. SEASTRAND.

H.R. 230: Mr. SOLOMON.

H.R. 246: Mr. CUNNINGHAM, Mr. MCKEON, Mr. COX, and Mr. CHRISTENSEN.

H.R. 259: Mr. CHRISTENSEN.

H.R. 263: Mr. SHAYS.

H.R. 264: Mr. SHAYS.

H.R. 303: Mr. EVANS and Mr. GENE GREEN of Texas.

H.R. 305: Mr. GENE GREEN of Texas, Mrs. THURMAN, Ms. WOOLSEY, Mr. YATES, Mr. DEUTSCH, Mr. STARK, Mr. HINCHEY, Mr. HORN, Mr. SOLOMON, and Mr. SCHIFF.

H.R. 310: Mr. SCHIFF and Mr. LIVINGSTON.

H.R. 313: Mr. SCHIFF and Mr. LIVINGSTON.

H.R. 326: Mr. ARMEY.

H.R. 328: Mr. BAKER of Louisiana, Mr. ARMEY, and Mr. HERGER.

H.R. 353: Mr. JACOBS.

H.R. 354: Mr. SMITH of New Jersey and Mrs. JOHNSON of Connecticut.

H.R. 359: Mr. SKEEN, Mr. KANJORSKI, Mr. EVANS, Mr. HINCHEY, and Mr. FLANAGAN.

H.R. 370: Mr. PICKETT, Mr. BAKER of Louisiana, Mr. EWING, Mr. ARCHER, Mr. KASICH, Mr. KNOLLENBERG, Mrs. SMITH of Washington, Mr. MCCOLLUM, Mr. GEKAS, Mr. STENHOLM, Mr. EHLERS, Mr. FAWELL, and Mrs. SEASTRAND.

H.R. 372: Mr. SENSENBRENNER and Mr. COBLE.

H.R. 373: Mr. ZELIFF, Mr. SENSENBRENNER, Mr. COBLE, and Mr. SOLOMON.

H.R. 375: Mr. SENSENBRENNER and Mr. COBLE.

H.R. 450: Mr. MCKEON, Mr. KINGSTON, Mr. LAUGHLIN, Mr. BURR, Mr. SALMON, Mr. CONDIT, Mrs. CHENOWETH, Mr. BASS, and Mr. CREMEANS.

H.R. 463: Mr. EVANS and Mr. VENTO.

H.R. 468: Mr. FOX.

H.R. 469: Mr. STEARNS and Mr. LIVINGSTON.

H.R. 473: Mr. STOCKMAN.

H.R. 474: Mr. STOCKMAN.

H.R. 475: Mr. STOCKMAN.

H.R. 476: Mr. STOCKMAN.

H.R. 477: Mr. STOCKMAN.

H.R. 478: Mr. STOCKMAN.

H.R. 479: Mr. STOCKMAN.

H.R. 480: Mr. STOCKMAN and Mr. SAM JOHNSON of Texas.

H.R. 485: Mr. SOLOMON, Mr. BAKER of California, and Mr. GALLEGLY.

H.R. 489: Mr. COOLEY, Mr. SENSENBRENNER, and Mr. SOLOMON.

H.R. 490: Mr. COOLEY, Mr. HUNTER, and Mr. SOLOMON.

H.R. 493: Mr. GENE GREEN of Texas and Mr. RANGEL.

H.R. 495: Mr. CASTLE.

H.R. 555: Mr. MARTINEZ.

H.R. 579: Mr. CHRYSLER and Mr. CHABOT.

H.R. 582: Mr. ROHRABACHER.

H.R. 588: Mr. ACKERMAN and Mr. HINCHEY.

H.R. 599: Mr. HASTINGS of Washington and Ms. DUNN of Washington.

H.R. 663: Mr. MCKEON, Mr. MCHALE, Mr. HANCOCK, and Mr. GALLEGLY.

H.J. Res. 32: Mr. BURTON of Indiana.

H.J. Res. 49: Mr. BORSKI, Mr. SCHUMER, and Mr. CLYBURN.

H. Con. Res. 7: Mr. SHAYS.

H. Con. Res. 12: Mr. GEJDENSON and Mr. MANTON.

H. Res. 15: Mr. SANFORD, Mr. TAYLOR of Mississippi, and Mr. JACOBS.

H. Res. 24: Mr. TAYLOR of North Carolina and Mr. MILLER of Florida.

H. Res. 25: Mr. RADANOVICH, Mr. CALVERT, Mr. ROHRABACHER, Mr. LEWIS of California, Mr. HUNTER, Ms. DANNER, Mr. CUNNINGHAM, Mr. DORNAN, Mr. HERGER, Mr. POMBO, Mr. STUMP, and Mr. COOLEY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. RIGGS

AMENDMENT NO. 169: At the end of section 101 (Page 5, after line 14), add the following:

(e) PRIORITY TO MANDATES THAT ARE SUBJECT OF JUDICIAL PROCEEDINGS.—In carrying out this section, the Advisory Commission shall give the highest priority to immediately investigating, reviewing, and making recommendations regarding unfunded Federal mandates that are the subject of judicial proceedings between the United States and a State, local, or tribal government.

SENATE—*Thursday, January 26, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—Genesis 2:24.

Father in Heaven, we pray this morning for our families. Thou didst begin human history with marriage and the family, and history makes it clear that no civilization can survive the disintegration of the family.

Forgive our negligence as husbands and wives and parents. Teach us to be subject to one another out of reverence for Christ as Thy word exhorts. Help husbands to love their wives as Christ loved the church and laid down His life for her.

Forgive us when we fail to be models for our children, when our actions contradict our words, and they wonder in their confusion whether to believe what we say or what we do. Forgive us for frustrating them by demanding of them conduct which we fail to demonstrate. Help us to love our children even when they do not conform to our hopes for them.

Remind us that when we are too busy for our families, we are too busy.

Protect our families from the many destructive forces which are peculiar to this Federal city and common among those who bear the responsibilities of national leadership.

We pray this in the name of Him whose life was the very incarnation of selfless love. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

UNFUNDED MANDATE REFORM ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on State and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Levin amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Graham amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Murray amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Graham amendment No. 189, to change the effective date.

Harkin amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Bingaman amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Kempthorne amendment No. 196 (to Amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

Lautenberg amendment No. 199, to exclude from the application of the act, provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency.

Byrd amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

Boxer amendment No. 201, to provide for unreimbursed costs to States due to the imposition of enforceable duties on the States regarding illegal immigrants or the Federal Government's failure to fully enforce immigration laws.

A unanimous-consent agreement was reached providing for the consideration of amendment No. 201 on Thursday, January 26.

Boxer amendment No. 203, to provide for the deterrence of child pornography, child abuse, and child labor laws.

Wellstone amendment No. 204, to define the term "direct savings" as it relates to Federal mandates.

Wellstone amendment No. 205, to provide that no point of order shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director to reasonably carry out his responsibilities under this act.

Grassley amendment No. 208, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Kempthorne amendment No. 209, to provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to States, local, and tribal governments.

Kempthorne amendment No. 210, to make technical corrections.

Kempthorne (for Dole) amendment No. 211, to make technical corrections.

Glenn amendment No. 212, to clarify the baseline for determining the direct costs of reauthorized or revised mandates, and to clarify that laws and regulations that establish an enforceable duty may be considered mandates.

Byrd modified amendment No. 213, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

Gramm amendment No. 215, to require that each conference report that includes any Federal mandate, be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate.

Gramm amendment No. 216, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Byrd modified amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation.

Levin amendment No. 218, in the nature of a substitute.

Levin amendment No. 219, to establish that estimates required on Federal intergovernmental mandates shall be for no more than 10 years beyond the effective date of the mandate.

Brown amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the act.

Brown-Hatch amendment No. 221, to limit the restriction on judicial review.

Roth amendment No. 222, to establish the effective date of January 1, 1996, of title I, and make it apply to measures reported, amendments and motions offered, and conference reports.

AMENDMENT NO. 201

The PRESIDENT pro tempore. The pending question is the Boxer amendment numbered 201.

Mrs. BOXER addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from California.

AMENDMENT NO. 223 TO AMENDMENT NO. 201

(Purpose: To require development of a plan to reimburse State, local, and tribal governments for the costs associated with illegal immigrants and to authorize expenditure of such sums as are necessary to fulfill the reimbursement plan)

Mrs. BOXER. Mr. President, I send a second-degree amendment to the desk and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 223 to amendment No. 201.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

Mrs. BOXER. Mr. President, parliamentary inquiry.

The PRESIDENT pro tempore. The amendment has not been read. A motion is not in order at this time.

The clerk will read the amendment.

The assistant legislative clerk read as follows:

In the amendment strike all after "(e) IMMIGRATION" and insert the following:

REPORT.—Not later than 3 months after the date of enactment of this act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

(f) The appropriate Federal agencies shall be authorized to expend such sums as are necessary to fulfill the plan for reimbursement described in section 302(e).

Mr. KEMPTHORNE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Mr. KEMPTHORNE assumed the chair.)

CHANGE THE INCOME TAX LAW

Mr. DOMENICI. Mr. President, while the Senate is trying to work out some other matters pertinent to the bill and to the amendment that is pending, Senator NUNN and I are on the floor and we want to talk for a few minutes, each of us, about the need to abolish the income tax law of this land and substitute a brandnew one for it that will be much simpler and that will lead our country into the 21st century with the right kind of policies promulgated by the Tax Code.

We also want to do this because we believe simplification is absolutely imperative. The Tax Code of the United States in terms of its complexity, the cost to society, the cost to business, the frustration to citizens, the anger toward the Internal Revenue Service is truly a disgrace. We have to make it simple and make it work.

Let me just give a couple of examples. Take the simple notion of a personal exemption that everyone has to deal with. I quote section 151(A):

> An exemption of the exemption amount for the taxpayer; and an additional exemption of the exemption amount for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income, and is not the dependent of another taxpayer.

It goes on to define a "child" and a "student." The code tells us that the exemption amount is disallowed in the case of certain dependents. There are provisions on the phaseout of the exemptions. In addition, a taxpayer would have to wade through definitions of "applicable percentage" and "threshold amount" and how this threshold is coordinated with other provisions, and the adjustments for inflation both pre- and post-1991 because they are done differently.

Anyone who tried to read the Internal Revenue Code would agree that it is complicated beyond belief. And I am describing an easy, short, and basic provision.

I ask unanimous consent that the full text of section 151 appear in the RECORD so that Senators can read for themselves this law of the land and decide if it is intelligible or if it is gibberish.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INCOME TAX—PERSONAL EXEMPTIONS

Sec. 153. Cross references.

[Sec. 151]

SEC. 151. ALLOWANCE OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.

[Sec. 151(a)]

(a) ALLOWANCE OF DEDUCTIONS.—In the case of an individual, the exemptions provided by this section shall be allowed as deductions in computing taxable income.

[Sec. 151(b)]

(b) TAXPAYER AND SPOUSE.—An exemption of the exemption amount for the taxpayer, and an additional exemption of the exemption amount for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

[Sec. 151(c)]

(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—

(1) IN GENERAL.—An exemption of the exemption amount for each dependent (as defined in section 152)—

(A) whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than the exemption amount, or

(B) who is a child of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student who has not attained the age of 24 at the close of such calendar year.

(2) EXEMPTION DENIED IN CASE OF CERTAIN MARRIED DEPENDENTS.—No exemption shall be allowed under this subsection for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(3) CHILD DEFINED.—For purposes of paragraph (1)(B), the term "child" means an individual who (within the meaning of section 152) is a son, stepson, stepdaughter of the taxpayer.

(4) STUDENT DEFINED.—For purposes of paragraph (1)(B)(ii), the term "student" means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii); or

(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

(5) CERTAIN INCOME OF HANDICAPPED DEPENDENTS NOT TAKEN INTO ACCOUNT.—

(A) IN GENERAL.—For purposes of paragraph (1)(A), the gross income of an individual who is permanently and totally disabled shall not include income attributable to services performed by the individual at a sheltered workshop if—

(i) the availability of medical care at such workshop is the principal reason for this presence there, and

(ii) the income arises solely from activities at such workshop which are incident to such medical care.

(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term "sheltered workshop" means a school—

(i) which provides special instruction or training designed to alleviate the disability of the individual, and

(ii) which is operated by—

(I) an organization described in section 501(c)(3) and exempt from tax under section 501(a), or

(II) a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

(C) PERMANENT AND TOTAL DISABILITY DEFINED.—An individual shall be treated as permanently and totally disabled for purposes of this paragraph if such individual would be so treated under paragraph (3) of section 22(e).

AMENDMENTS

P.L. 100–647, §6010(a):

Act Sec. 6010(a) amended Code Sec. 151(c)(1)(B)(ii) by inserting "who has not attained the age of 24 at the close of such calendar year" before the period.

The above amendment applies to tax years beginning after December 31, 1988.

[Sec. 151(d)]

(d) EXEMPTION AMOUNT.—For purposes of this section—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the term "exemption amount" means $2,000.

(2) EXEMPTION AMOUNT DISALLOWED IN CASE OF CERTAIN DEPENDENTS.—In the case of an individual with respect to whom a deduction under this section is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(3) PHASEOUT.—

(A) IN GENERAL.—In the case of any taxpayer whose adjusted gross income for the taxable year exceeds the threshold amount, the exemption amount shall be reduced by the applicable percentage.

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term "applicable percentage" means 2 percentage points for each $2,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the threshold amount. In the case of a married individual filing a separate return, the preceding sentence shall be applied by substituting "$1,250" for "$2,500". In no event shall the applicable percentage exceed 100 percent.

(C) THRESHOLD AMOUNT.—For purposes of this paragraph, the term "threshold amount" means—

(i) $150,000 in the case of a joint of a [sic] return or a surviving spouse (as defined in section 2(a)),

(ii) $125,000 in the case of a head of a household (as defined in section 2(b)),

(iii) $100,000 in the case of an individual who is not married and who is not a surviving spouse or head of a household, and

(iv) $75,000 in the case of a married individual filing a separate return.

For purposes of this paragraph, marital status shall be determined under section 7703.

(D) COORDINATION WITH OTHER PROVISIONS.—The provisions of this paragraph shall not apply for purposes of determining whether a deduction under this section with respect to any individual is allowable to another taxpayer for any taxable year.

(4) INFLATION ADJUSTMENTS.—

(A) ADJUSTMENT TO BASIC AMOUNT OF EXEMPTION.—In the case of any taxable year beginning in a calendar year after 1989, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 1988" for "calendar year 1992" in subparagraph (B) thereof.

(B) ADJUSTMENT TO THRESHOLD AMOUNTS FOR YEARS AFTER 1991.—In the case of any taxable year beginning in a calendar year after 1991, each dollar amount contained in paragraph (3)(C) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting "calendar year 1990" for "calendar year 1992" in subparagraph (B) thereof.

AMENDMENTS

P.L. 103–66, §13201(b)(3)(G):

Act Sec. 13201(b)(3)(G) amended Code Sec. 151(d)(4)(A)(ii) and (B)(ii) by striking "1989" and inserting "1992".

The above amendment applies to tax years beginning after December 31, 1992.

P.L. 103–66, §13205:

Act Sec. 13205 amended Code Sec. 151(d)(3) by striking subparagraph (E). Prior to being stricken, Code Sec. 151(d)(3)(E) read as follows:

(E) TERMINATION.—This paragraph shall not apply to any taxable-year beginning after December 31, 1996.

The above amendment is effective on the date of enactment of this Act.

P.L. 102–318, §511:

Act Sec. 511 amended Code Sec. 151(d)(3)(E) by striking "December 31, 1995" and inserting "December 31, 1996".

The above amendment is effective July 3, 1992.

P.L. 101–508, §11101(d)(1)(F):

Act Sec. 11101(d)(1)(F) amended Code Sec. 151(d)(3)(B) by striking "1987" and inserting "1989".

P.L. 101–508, §11104(a):

Act Sec. 11104(a) amended Code Sec. 151(d) to read as above. Prior to amendment, Code Sec. 151(d)(as amended by Act Sec. 11101(d)(1)(F)) read as follows:

(d) EXEMPTION AMOUNT.—For purposes of this section—

(1) IN GENERAL.—Except as provided in paragraph (2), the term "exemption amount" means—

(A) $1,900 for taxable years beginning during 1987,

(B) $1,950 for taxable years beginning during 1988, and

(C) $2,000 for taxable years beginning after December 31, 1988.

(2) EXEMPTION AMOUNT DISALLOWED IN THE CASE OF CERTAIN DEPENDENTS.—In the case of an individual with respect to whom a deduction under this section is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(3) INFLATION ADJUSTMENT FOR YEARS AFTER 1989.—In the case of any taxable year beginning in a calendar year after 1989, the dollar amount contained in paragraph (1)(C) shall be increased by an amount equal to—

(A) such dollar amount, multiplied by

(B) the cost-of-living adjustment determined under section 1(f)(3), for the calendar year in which the taxable year begins, by substituting "calendar year 1988" for "calendar year 1989" in subparagraph (B) thereof.

The above amendments apply to tax years beginning December 31, 1990.

P.L. 99–514, §103(a):

Act Sec. 103(a) amended Code Sec. 151(f) to read as above. Prior to amendment Code Sec. 151(f) read as follows:

(f) EXEMPTION AMOUNT.—For purposes of this section, the term "exemption amount" means, with respect to any taxable year, $1,000 increased by an amount equal to $1,000 multiplied by the cost-of-living adjustment (as defined in section 1(f)(3)) for the calendar year in which the taxable year begins. If the amount determined under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10 (or if such amount is a multiple of $5, such amount shall be increased to the next highest multiple of $10).

P.L. 99–514, §103(b):

Act Sec. 103(b) amended Code Sec. 151 by striking out subsections (c) and (d) and redesignating subsections (e) and (f) as subsections (c) and (d), respectively. Prior to amendment, Code Sec. 151(c) and (d) read as follows:

(c) Additional Exemption for Taxpayer or Spouse Aged 65 or More—

(1) For Taxpayer.—An additional exemption of the exemption amount for the taxpayer if he has attained the age of 65 before the close of his taxable year.

(2) For Spouse.—An additional exemption of the exemption amount for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(d) Additional Exemption for Blindness of Taxpayer or Spouse.—

(1) For Taxpayer.—An additional exemption of the exemption amount for the taxpayer if he is blind at the close of his taxable year.

(2) For Spouse.—An additional exemption of the exemption amount for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

(3) Blindness Defined.—For purposes of this subsection, an individual is blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

The above amendments apply to tax years beginning after December 31, 1986.

P.L. 99–514, §1847(b)(3):

Act Sec. 1847(b)(3) amended Code Sec. 151(e)(5)(C) by striking out "section 37(e)" and inserting in lieu thereof "section 22(e)".

The above amendment is effective as if included in the provision of P.L. 98–369 to which such amendment relates.

P.L. 98–369, §426(a):

Act Sec. 426(a) amended Sec. 151(e) by adding at the end thereof a new paragraph (5) to read as above.

The above amendment applies to tax years beginning after December 31, 1984.

P.L. 97–34, §104(c)(1), (2):

Amended Code Sec. 151 by striking out "$1,000" each place it appeared and inserting in lieu thereof "the exemption amount" and by adding at the end thereof new subsection (f), effective for taxable years beginning after December 31, 1984.

P.L. 95–600, §102(a):

Amended Code Sec. 151 by striking out "$750" each place it appeared and inserting in lieu thereof "$1000", effective for taxable years beginning after December 31, 1978.

Mr. DOMENICI. This simple section has more than 14 jump sites which refer readers to other sections of the code for additional information. With all of its complexities, the current Internal Revenue Code still fails to collect $127 billion each year in taxes that are owed.

Capital costs, which everybody is beginning to understand, is the lifeblood of an economy now and in the 21st century. How much can we get capital for? What do we have to pay for it? That cost is one-third more than it should be if we had an efficient Tax Code. That means every time a business borrows money to grow, they pay about one-third more for that capital because of this Tax Code than if we had one that promoted savings and investment.

Since we started talking about abolishing the current Income Tax Code and replacing it with an unlimited savings allowance tax to be known as the USA tax, we have heard from hundreds of people who have told us about their experiences with this current code.

I have a small business advocacy group in New Mexico. Every time we meet, the agenda is dominated by complaints about the Internal Revenue Service and the Internal Revenue Code, and the top Federal Government problem that they face is constantly fighting with the IRS over this Tax Code.

It is not just small business. One of America's crown jewels as far as high-technology companies is concerned told me they have three IRS auditors who are assigned full-time to reviewing the company's taxes. As of 1994, and the IRS auditors were still reviewing 1987 returns.

Another company with worldwide operations told me they rent time on a supercomputer to calculate some of the foreign tax credit provisions.

Tax Code complexity costs America about $50 billion annually in compliance costs.

I have concluded, and I am joined by my distinguished friend from Georgia, Senator NUNN, that the Federal Tax Code is un-American in spirit, wrong in principle because it levies a double tax on dividends and taxes savings, and it discourages risk-taking and entrepreneurship and the creation of jobs. It is hostile to savings and investment, and tilted in the opposite direction. It encourages corporate management to neglect long-term investment in favor of focusing on short-term profits.

Now, we do not want to tell businesses what to do. We want to create a code that encourages them to do the things that are best for our future.

The way a country taxes its people deeply influences its potential for future growth.

Our current code penalizes savings by taxing income when it is earned and then taxing interest and dividends that are generated by the initial investment. When an activity is penalized in the code, it influences behavior. Taxpayers do less of those disfavored activities, and the current code is doing a good job of discouraging savings. Americans are only saving about 2.8 percent of the gross domestic product.

The lack of savings leads to a shortage of investment, which in turn leads to insufficient growth, stagnating incomes, and a loss of high-wage jobs.

Acknowledgment of this is rampant. Congressional Budget Director Robert Reischauer spoke to this recently. I ask the quote be made part of the RECORD.

There being no objection, the quote was ordered to be printed in the RECORD, as follows:

> * * * the best way for the nation to prepare for [the] future * * * is to save and invest more now. Greater investment, the main engine of growth, would enlarge the future economic pie * * *. Investment in turn, fundamentally depends on the available pool of saving, whether private (personal and corporate) or government (federal, state and local) * * *.

Mr. DOMENICI. The administration testified before Ways and Means the deplorable state of savings in the United States.

We believe that the savings rate is too low to sustain a sufficient level of private investment into the next century. Without adequate investment, the continued healthy growth of the economy is at risk.

Our prototype tax is a quest for the best tax system we can develop, one that should vastly expand the pool of savings and achieve significant simplicity in that bargain. We estimate that of the 700 Internal Revenue Code sections, over 75 percent would be eliminated.

Here is the Tax Code in very small print. We need a magnifying glass to read it. For a tax lawyer, there are 21 volumes of this code; 21 volumes, annotated—that is interpretations—and case law on this code, which, I repeat, I do not believe anybody who is the least bit nearsighted could even read this. They would have to have a magnifying glass, it is that tiny.

Our tax, the prototype we are developing, is a single tax in two parts, a tax on individuals and a tax on business. The individual tier of the USA tax system has two characteristics: first of all, it is progressive, a goal achieved through a combination of graduated rates, exemptions, and personal deductions; and a family living allowance for lower income individuals, the earned-income tax credit. The family living allowance recognizes that every family's budget includes necessities and the Federal Government should not tax that portion of a family's monthly expenses.

The net new savings deduction is an important feature of this system. For those would want to expand IRA's, this is the ultimate expansion. It will give all Americans, including those of modest income, an opportunity to have more control over how their income is taxed each year. As a consequence, it empowers taxpayers to have some say in how large their tax bill will be. The net savings deduction combines the best tax policy of the individual IRA accounts and the capital gains differential.

The IRA debate usually focuses on back end verus front ended; sophisticated saver verus unsophisticated; whether the benefit should be limited to people without other pensions or not; whether funds could be withdrawn for three worthy purposes—first time home buying, college education, or catastrophic medical expenses, or five worthy purposes adding long-term unemployment or caring for an incapacitated parent; and whether IRA's add to the savings pool or merely divert assets from existing nontax preferred accounts.

The net new savings deduction in the tax system Senator NUNN and I are proposing avoids all of these arguments. First, it recognizes that savings and investing is good for the economy and that people shouldn't be called upon to pay taxes on income that they are dedicating to the savings pool.

It puts no time constraints on the savings or investment so that individuals can move from investment to investment without tax consequences as long as they continue to save and invest the proceeds from the preceding investment. In this respect the net new savings deduction is not only an expanded, universal IRA, it is a new, and improved capital gains mechanism which allows taxpayers a series of investments and rollovers without incurring tax liability.

Instead of a capital gains rate of 7, 14, or 28 percent, the net new savings deduction works like a zero rate on capital gains as long as the proceeds are reinvested.

We avoid the debate about whether IRA's add to the savings pool or merely divert assets from existing nontax preferred accounts because the deduction only applies when an individual has, at the end of the year more saving than he or she had at the beginning of the year. Mere portfolio shuffling without a net addition to saving does not result in a deduction.

These are but a few of the features of our new tax system. We will be introducing legislation which will provide far more detail in the next few weeks.

Now, I will yield shortly, because I want my friend, Senator NUNN, to explain in more detail how this is going to work. Let me just suggest that the deduction for personal savings—that is, deferring income if a person saves—parallels business expense deductions for capital investment. The former allows the individual to defer tax on that portion of income that is saved and ultimately converted into capital. The latter allows a business to recover capital before paying taxes.

The net new savings deduction maximizes choice and flexibility. It encourages people to save for whatever purpose they deem worthwhile, not some Government-concocted list.

Hopefully, my friend, the Senator from Georgia, will elucidate on the corporate tax side. But let me give you the main characteristics:

It has a flat tax on all businesses including corporations, partnerships, sole proprietorships, and other forms of business organization. The base is very broad so that the rate can be quite low.

It includes an unlimited deduction for capital investment—unrestricted expensing. The expensing deduction allows a business to recover capital before being taxed.

The Contract With America recognizes the sound tax policy behind expensing. It proposes to increase the current limit from $17,500 to $25,000. When the National Federation of Independent Business [NFIB] testified before the Ways and Means Committee, they proposed increasing the annual expensing limit to $100,000 because it is the best tax policy tool to encourage investment.

Our proposal provides unlimited expensing. Small firms favor expensing for several reasons: It is simple, it helps cash flow and it encourages capital formation. Expensing allows businesses to escape the complexity associated with calculating and tracking the depreciation schedules for every piece of equipment. Expensing is good for all businesses, but it is particularly attractive to small businesses because it helps them with the day-to-day cash flow problems that they face. It allows them to deduct more up front—putting resources back in the hands of the entrepreneur faster instead of keeping it in the hands of the Federal Government.

Expensing helps firms who need working capital as well as the entrepreneur who wants to expand his business through the purchase of an important piece of productivity enhancing equipment. Finally, expensing is good for the economy. If businesses are allowed to write off their investments in the year they are purchased businesses are much more likely to make such investments, thereby increasing jobs and economic growth.

As we started to design the Unlimited Savings Allowance Tax Act [USA] we made certain general assumptions:

Raise as much revenue as the current code; corporations and businesses would continue to shoulder the same share of the total revenue burden as under current law.

Retain current code progressivity so that high-income earners in the top 20 percent, as a group would pay no more, and no less in taxes. The bottom 20 percent of the taxpayers would see no change, as a group in their share of the tax burden. The same would be true of each 20 percent or quintile.

Improve competitiveness of our exports by designing the system to meet international trade rules. This border adjustability allows a country's exports to leave the producing country without including a tax burden in its export price. Border adjustability is enjoyed by many of our competitors, yet unless we sack the Federal income tax, this advantage will not be available to our exporting companies.

Provide unlimited expensing for businesses making capital investments and an unlimited deduction for personal saving.

Senator NUNN and I cochaired the Strengthening of America Commission. This Commission was established by the Center for Strategic and International Studies [CSIS]. The purpose of the Commission was to develop policies to put our fiscal house in order. One of the major recommendations was to abolish the current income tax system and to replace it with the tax system we have been talking about today. That bipartisan Commission deserves a lot of recognition for their work on this project.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Georgia.

Mr. NUNN. Mr. President, I join my friend from New Mexico, Senator DOMENICI, to discuss the proposal that he has briefly described. I certainly join him completely in his analysis of the current Tax Code. In my view, it is broken and it cannot be fixed. We have to replace it. That is what the Nunn-Domenici proposal is all about and one that we will be introducing sometime during the month of February. It is in the drafting stage now. It will require review.

We certainly will be introducing it in the spirit of welcoming both debate, constructive suggestions, and even constructive criticism, because we believe it is going to be a major change in the way America taxes itself and the way America saves money and the way America invests money.

I believe it is going to have a tremendous effect on the American economy over a period of time if it is enacted and implemented, and we hope it will be.

Mr. President, in the coming days, many proposals to change different components of the Tax Code are likely to come before the Senate—initiatives to expand IRA's, to which the Senator from New Mexico referred; accelerate depreciation of business investments; provide differential tax treatment for gains on capital investment; and other proposals.

What drives these and similar proposals is the important truth that the current Tax Code penalizes the efforts of individuals and businesses to save and invest more of their current income to pay for future obligations and to ensure future prosperity.

My colleague from New Mexico and I believe we must raise the national level of savings. If someone does not agree with that, then they will not favor this change. If they do agree with it, then I think there is a tremendous challenge here to make the changes that we are talking about.

Higher levels of savings lead to higher levels of investment. Higher levels of investment lead to higher productivity. It is only through higher productivity that we can improve our Nation's economy and its capacity to create more and better jobs for our people and ultimately a higher standard of living for our people. So that is the chain on which we have to focus. Savings in this country will eventually pay off in terms of the standard of living of the American people.

Senator DOMENICI and I do not think, however, that incremental changes will be equal to the large task before us. Our fear is that incremental changes, however well-intentioned, will complicate an already Byzantine Tax Code without yielding the new savings and investments that all of us seek. There is a better way.

In a few weeks, we will introduce a comprehensive proposal to replace the individual and corporate income tax with an alternative that will accomplish everything the piecemeal reform attempts tried to accomplish and much, much more. We believe this sort of fundamental reform is essential, and we also believe it is within the capacity of the Congress to enact.

After careful consideration, Senator DOMENICI and I agree that if we are serious about our Nation's future, we must scrap the current tax system and put in its place a system that works. What do we mean by a system that works? We mean a system that encourages savings and investment. We mean a system that is perceived to be fair by the American people. We mean a system that is understandable. We mean a system that wrings fewer dollars, less forms, less paperwork, less complication, less litigation, and less sweat from our citizens and businesses in trying to comply with it.

We mean a system attuned to international competitive realities, and I will speak more on that in a moment. We mean a system that is fiscally responsible. There is no point in creating a new Tax Code that increases private sector components of national savings while squandering the public sector component of savings by allowing our deficit to balloon.

We call our new tax system the USA tax system, or the unlimited savings allowance tax system. It is a single integrated tax in two basic parts: a low flat tax on all businesses and a progressive tax on individual incomes. These two parts flow together. It is important that people not separate them in their own mind because if they do, they will not grasp the significance of the whole concept.

This proposal allows an unlimited deduction at the business level for capital investment and, most important, it permits all citizens an unlimited deduction for the amount of their annual incomes that they save and invest. The USA tax system directly and systemically addresses our saving and investment problem.

To the individual, the USA tax system says, "If you choose to defer some of your current consumption in favor of savings income for your future and the future of your children, the Tax Code will not penalize you for doing so."

And to the business enterprise, whether very small or very large, manufacturing, service, or agriculture, the USA tax system says, "If you choose to invest your profits in a new machine or a new process that will help you grow and put more people to work, the Tax Code will help make this feasible." The USA tax system, by its very nature, would align the way we tax with our common desire to provide our people with a better future, a better tomorrow.

Let me turn briefly to a description of how both the individual side and the business side would work and mesh together. Under the USA tax system, individual income tax would be defined much the same as it is today. But—and here is the crucial difference—taxpayers would have the right to subtract the amount they saved and invested from what they earned during the year before they pay their tax. The balance would be subject to tax.

Let me make it clear that the USA individual tax defines savings as "net new savings." There will be no deduction for a mere portfolio shifting. Taxpayers only receive credit for net additions to their savings. At the same time, however, the USA individual tax places no limit on the amount of an individual's net new savings that he or she may deduct from gross income. Nor must that savings be limited to a specific use, such as retirement.

Ultimately, the unlimited savings allowance is about giving taxpayers greater freedom and responsibility, the freedom to save as much as they want and the responsibility to save for whatever is important to them.

Along with a savings allowance, the USA individual tax includes a few other deductions, only a few because for every deduction we add, marginal tax rates must increase in order to raise the same amount of revenue.

The most important deduction is a generous family living allowance already referred to by my friend from New Mexico. It is similar to but much larger than the current standard deduction. By providing a family living allowance, we ensure that working Americans on the low end of the economic ladder are not taxed on essential spending for food, shelter, and the other necessities of life.

The USA individual tax retains the current deduction for home mortgage interest and for contributions to charity. It also allows a deduction for tuition expenses, for postsecondary education, whether college, trade or vocational school, or remedial education.

This innovation recognizes the importance of investment in our young people and really, for that matter, in adults who want to have continuing education as a key component of our future prosperity. Our prosperity depends not only on financial capital but also on human capital, and this proposal recognizes that essential fact.

It parallels the deduction of the USA business tax allowance for investments in physical capital. Once the taxpayer has calculated his or her gross income and subtracted the allowable deductions, the remainder is subject to tax.

Let me make it clear, our USA individual tax proposal will have graduated rates. On the individual side, we are proposing a progressive system, not a flat tax. I do not believe it is necessary, nor desirable, to abandon fairness in order to fashion a simpler, more efficient, growth-oriented Tax Code. There will be those who want to move toward a flat tax. Our system is not incompatible with that, but I believe myself that we should retain the current progressive system based on the amount of income that a person takes in, less the savings that they make.

I think everyone should recognize, however, marginal rates, higher rates at the margin, will not have anything like the same effect they have today because these will be marginal rates after deferring the tax by deducting saving and investment, a totally different psychology, and I hope people stop and think about that as they weigh the question of flat versus progressive taxation.

Under the USA individual tax, lower income working Americans are allowed a tax credit for their portion of the payroll tax. The USA individual tax also retains the earned income tax credit.

Mr. President, the most regressive part of our current Tax Code and one of the things that happened, most regrettably, in the 1980's, is that low- and medium-income people basically had a much higher percent of their money going into overall taxation, because while the income tax came down where they would be taxed at lower rates, the FICA tax, the self-employment tax, and the tax on a checkoff on employees went up and went up very significantly.

There are many thousands, perhaps millions, of Americans who pay more in the FICA tax than they do in income tax. So what we are doing in this proposal—and this is a strong element of fairness to those of modest incomes—is we are giving those people a credit back against taxes for the employee portion of Social Security. We also are giving a credit back to the businesses—and I will mention that in a moment—for their portion. This ensures fair treatment for people of modest means.

The payroll tax credit mitigates that tax's harsh regressivity while preserving the financial foundation of the Social Security system. We do not in any way affect the amount of money going into the Social Security system, and I think people who are concerned about that should recognize the same amount of money will go in from employees and employers.

The simplicity gains of the USA individual tax are obvious. The administrative apparatus to collect the tax is already in place. We do not have to have a new administrative apparatus which would be required under anything like a VAT.

From the perspective of both the taxpayer and tax collector, adjusting to this new tax will be both feasible and, I believe, understandable.

At the same time, from the perspective of the philosophy of taxation, the change portended by the USA individual tax could not be more profound. Profound change is what we call for.

First, our tax proposal would rid the system of the current crippling double taxation of savers. Under the present Tax Code, savers are taxed once on the income saved and again on the returns to those savings. This is the fundamental, inescapable reason why the Tax Code today is antisaving. The USA individual tax would tax every dollar of income once and only once.

Just as important, under the USA individual tax, each dollar is taxed when it is removed from the society's savings pool, not before. I think people have to understand that savings goes to the benefit of all Americans, not just the person saving. That savings pool is where we get our capital for business, for investment, for automobile loans, for home loans. So the more that savings pool increases, the better off we all are, and that is an important part of this philosophy.

Based on the history of the world, not just the United States, it is my view we will always have taxes to pay as long as we have civilization, but is it not better to tax people when they take out of society's common savings and investment pot rather than when they put money into this pot? That, again, is the philosophy of what we are talking about.

The USA individual tax, by deferring the tax on saved income, does just that.

When Senator DOMENICI and I introduce our USA tax proposal—and hopefully that will be, certainly it will be, in the month of February—we will specify an individual rate structure designed to collect the same amount of money raised by the current personal income tax. Correspondingly, the USA business tax, which I will describe in a moment, will raise the same amount of money as the current business income tax produces. There is no shell game here. We are not trying to shift the tax burden from business to the individual or from the rich to the poor or vice versa. We are not looking for that elusive fellow behind the tree that the Senator from Louisiana, Senator Long, used to talk about with such great humor and with such great specificity to the point being made in the debate that was taking place then and continues to take place, always looking for someone else to tax.

In the final analysis, everybody pays taxes. That is not going to change. We are not offering a tax cut or tax increase. We are proposing a change in the way our democracy raises revenue.

With that in mind, let me describe the second component of our new tax proposal, the USA business tax.

Under the USA business tax, all businesses, corporate and noncorporate, would be taxed the same. Firms would deduct expenses from gross sales to determine gross profits as they do today. From those profits, they would also be permitted to deduct the full cost of all investments in new plant and equipment in the year the funds are expended.

These investments work for all of us—not just the company investing but the people who have jobs, the people who buy the products, and the people who basically invest in the business.

The balance would be taxed at a low and flat rate. We now estimate this rate to be approximately 10 percent. That is not absolutely precise, but when people are looking at this business tax and the fundamental changes made in it, they need to understand we are not talking about the same rate structure as today. We are talking about a dramatically lower rate, but we are applying it to all businesses, not simply corporations.

Beyond allowing an immediate deduction for investments in future growth, the USA business tax would be border adjustable. That is enormously important. Products made in America and exported would not be taxed. I repeat that, because it is fundamental and it is important. Products made in America and exported would not be taxed. However, when a company, foreign or American owned, manufactures abroad and sells into the U.S. market, the company is, through the operations of a new import levy, taxed essentially the same as if the factory were located in the United States. Products coming in will be taxed the same as products sold in America.

Moreover, the USA business tax applies only to business income generated in the United States. Profits earned by American companies overseas would not be included in the new tax base, while the profits of subsidiaries of foreign corporations located in America would be.

In other words, this is a territorial tax. It eliminates enormous complexity. It encourages exports, and it levels the playing field in terms of businesses in this country competing with businesses all over the world.

By rebating the tax on American exports and by making U.S. subsidiaries of foreign companies pay their fair share of tax, the United States would with the USA Tax Code in one stroke attune our Tax Code to world competitive realities.

To enjoy the benefits of the export rebate, under current international trade agreements, we have to include wages in the business tax base. Many will be concerned about that. But there are two important things to remember. First, our business tax rate will be quite low—10 percent or, hopefully, even less—after we go through transition. Second, under our proposal, businesses would receive a credit for the employer share of the payroll tax against their taxes owed to the amount of $7.65, again a very important concept.

The combination of the low, flat rate and the payroll tax credit means that inclusion of wages in the gross tax base will for most businesses result in a comparatively small amount of tax. And do not forget, under the USA business tax, unlike the current code, firms would have the advantage of a tax rebate on their exports and, more fundamentally, the opportunity to expense the capital investment necessary to raise productivity and create better and higher paying jobs.

While I have described the USA business and individual tax apart from one another, it is essential to regard them as comprising a single tax levied at two places: at the level of the firm where the wealth is created and at the level of the individual where the wealth is received. The key to the USA tax system and what makes it work is the fundamental principle of the saving deduction for the individual taxpayer.

The deduction for individual saving permits a new perspective toward designing the business tax. Because individual saving is exempt under our proposal, it eliminates enormous complexities in the Tax Code. There is no reason to be concerned under our proposal about people sheltering their savings in corporations. This drives a huge portion of the complexity of the Tax Code. We do not need elaborate rules to force businesses to distribute sheltered savings.

In an economy with a gross domestic product of over $6 trillion, taxation will never be a completely simple affair. But because the USA tax system eliminates the need for rules against sheltering and because it is based on cash rather than accrual accounting, it promises real advances in simplicity and clarity.

On the day of its enactment, as the Senator from New Mexico has already stated, whole volumes of the Tax Code complications would fall away into welcome oblivion. The tax shelter industry would shrink and compliance costs would plummet. There would be no more fights over capital gains. All income would be treated alike. The wage earner that earns $40,000 a year would have his income treated the same as someone who has $40,000 in capital gains.

The key is what they would do with it. The capital gains debate would be over. If it is reinvested, then the taxation on it would be deferred. If it is not reinvested, if it is consumed, then ordinary tax rates would apply. And that would be the same for the factory worker as for the investor who sits at home with stock investments or bond investments or other kinds of investments.

There would be no more fights over capital gains, investment tax credits, accelerated depreciation, individual retirement accounts, and other targeted incentives for saving. The USA tax system eliminates these issues because it offers a blanket deduction for personal saving and business investment.

Mr. President, Senator DOMENICI and I want to simplify the Tax Code and make sure it serves the long-term national interest by encouraging growth and a higher standard of living. There is a direct connection between savings and real income for our people. We need more thrift not for thrift's sake but because our willingness to save and invest today means more jobs and greater wealth tomorrow—more ability to consume tomorrow. Our parents saved to provide us with our current prosperity; we owe the next generation no less.

A good way to begin is to understand that the current tax system is broken and, in my opinion, it cannot be fixed. In a very real way, it has abetted our irresponsible tendency to live beyond our means. Our current Tax Code, I believe, must be abolished and replaced.

We must begin anew. The USA tax system provides a way to eliminate the cynical complexities, the special subsidies, the crippling biases present in the current code. By accomplishing real reform of the tax system, this Congress can take a giant step toward securing our future.

Mr. President, I thank the patience of the others on the floor, Senator KEMPTHORNE and others, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

UNFUNDED MANDATE REFORM ACT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that time prior to a motion to table the Boxer amendment, No. 201, be limited to 30 minutes equally divided in the usual form and that following the conclusion or yielding back of time the majority manager or his designee be recognized to make a motion to table the Boxer amendment, No. 201.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am very pleased to be able to offer this amendment. I wanted to clarify the reason why I second-degreed my own amendment.

Late last night we presented our second-degree—actually we wanted to modify our initial amendment and we were told there would be no unanimous-consent agreement to the modification. The modification is very important. I will get into that. But I wanted to make sure the manager of the bill understood that I was not meaning to surprise him, I just was acting because I was not able to modify my amendment.

I also want to say to the manager—actually to both managers —that they are doing a terrific job of moving this bill along. I think we are in fact making good progress. I think the American people understand better what it is we are doing.

This is the first day I have spoken on this bill when I did not have my charts behind me that show what I call an incredible bureaucracy that is growing up as a result of S. 1, which is very much changed from the initial unfunded mandates bill that I supported last year. Yesterday I was very heartened to see that 44 Members of this U.S. Senate voted to add as an exception to that bureaucracy, any law that deals with our most vulnerable populations—namely our children under 5, our pregnant women, and our frail elderly. We do not want to have this U.S. Senate—or at least I hope we do not want to have it tied up in knots when it comes to dealing with those populations.

I was rather surprised to see the Republicans again vote in lockstep against that amendment which is a commonsense amendment. I am happy we did get one Republican to cross that line, Senator SPECTER. I thank him for that show of independence.

I have, after this amendment, another amendment dealing with an exception to the bill as it relates to child pornography, child sexual abuse, and child labor laws. We will be debating that, hopefully, later in the day.

Let me talk a little bit about this amendment. When we talk about unfunded mandates, I think it fair to say that in California the mother of all unfunded mandates is the unreimbursed costs from illegal immigration. Why do I say that? It is because California gets almost one-half the number of illegal immigrants coming into the country. We put the number of illegal immigrants in our State at about 1.7 million people. The children go to schools; it costs the taxpayers money. People get sick; and it costs the taxpayers money. Illegal immigrants are incarcerated; and it costs the taxpayers money. Simply, in this amendment we are saying: Pay attention to this unfunded mandate that is really wreaking havoc on our State.

The people in our State voted for prop 187, a very controversial, a very controversial measure. They voted for it because, I believe, they wanted to send a message to this U.S. Senate, to this Congress, and to our President: Help us. This is not fair. Although we are doing more to control the border we are not doing enough and we are continuing to have to deal with this issue.

So, what I simply do in this amendment is ask that not later than 3 months after the date of enactment, the Advisory Commission shall develop a plan for reimbursing States, local and tribal governments for the costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates.

Let me underscore that. Illegal immigrants do pay taxes in many cases and those are revenues. But the GAO report that I asked for shows us very clearly there is a very large net cost to my State of California of approximately $1.4 billion. So we asked this Advisory Commission to look at the costs to educate, incarcerate, and to provide medical care for these illegal immigrants. And then we say that the Advisory Commission come in with a plan for reimbursement; and that the appropriate Federal agencies shall be authorized to expend such sums that are necessary to fulfill the plan for reimbursement described in this section.

So it is not just talk. It is action. It is not just process. It says this is a real unfunded mandate. This is the opportunity on S. 1 to address it and let us move forward.

Mr. President, I retain the remainder of my time.

I ask how much time I do have left? May I ask through the Chair, how much time I have left?

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from California has 10 minutes remaining.

Mrs. BOXER. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me first of all express to the Senator from California my understanding of the procedure from last night. There was a misunderstanding about the acceptance of the substitute language. There was certainly no intent to deny the opportunity to present this language.

I also want to say I agree very much with the spirit in which the Senator offers this amendment. My State of Arizona suffers relatively from the same kind of expenses that are imposed on States like California and other border States that have experienced a tremendous increase in illegal immigration—over the last several months in particular, but certainly over the last few years. In fact, it is estimated in the State of Arizona the cost of incarcerating illegal felons in our prisons is in the neighborhood of $100 million.

This year, just in the first few weeks of this year, the Tucson sector has experienced record high apprehensions of illegal immigrants coming across the border, part of which is due to the additional agents put in California and Texas and therefore illegal immigration appears to be funneling through Arizona. So my State is certainly experiencing this problem.

I have been trying to work with the Attorney General to have an allocation of more agents for the Arizona border to prevent this problem and the attendant expenses. So I certainly understand the problem and associate myself with the remarks of the Senator from California about the need to begin this reimbursement process.

Under the crime bill, of course, last year $1 billion was authorized for reimbursement for incarceration of illegal aliens. The first tranche of that money has come to the States, but it is not enough. Where I disagree with the Senator from California, and why I will be moving to table the amendment, has to do with the fact that this amendment is not well drawn and is in the wrong place. It has no business on the unfunded mandates legislation. And second, it is not really necessary.

The Immigration Reform Act of 1990 establishes a commission to study precisely the costs that are involved here, the costs associated with providing services to illegal immigrants. As a matter of fact, it calls for a report. Because the Appropriations Committee last year felt that this was so important, it appropriated an additional $400,000 beyond the request in order to expedite this report.

As a matter of fact, let me read from the report language from the appropriations committee. The committee says:

> The Committee is supportive of the Commission on Immigration Reform's mandate and the request for funds as submitted. In reviewing the broad range of issues to be examined by the Commission, however, the Committee is particularly concerned about the quality of the data currently available on the costs and benefits of immigrants, especially unauthorized immigrants, and the vast range of estimates on this topic.

Then the committee concludes:

> To that end, the Committee has included $400,000 above the request to enable the Commission to join with the National Academy of Sciences in a collaborative effort to address these methodological issues and provide a higher level of credibility to immigration cost data.

It is my belief that when this information is available it will be imperative for the Federal Government to then establish a plan for reimbursement of States for the expenses attendant to the Government's failure to control the border. But that is different from an unfunded mandates.

I would like to take us back to the bill. The Presiding Officer authored this bill, and understands full well that it is designed to deal with the problem of unfunded Federal mandates and the costs associated with the illegal immigration are not unfunded mandates.

They are, rather, costs associated with the failure of the Federal Government to perform an obligation which we all recognize it has to perform. But it is not an unfunded mandate.

This amendment of the Senator from California amounts to—in fact, it is an authorization, an open-ended authorization—from the Federal Government to pay for the benefits which are undefined and which are unidentified in terms of scope. As a matter of fact, the amendment of the Senator from California contains no criteria for determining what would be eligible for requirements and what would not. This bill is a pure, open-ended authorization.

I suggested to the Senator from California yesterday that we perhaps include in the Commission that was established under the 1990 act in that Commission's mandate, a requirement for presentation of options for the reimbursement of the States, an actual plan for reimbursement, but the Senator from California wanted to go beyond that and actually create an authorization in this bill. That is something which we cannot do, and we are not prepared to do it. Among other things, it puts the cart before the horse. I think we have to first determine how much reimbursement is necessary and to whom.

Otherwise, as I said, it is open ended without and without limitation and, very importantly, it is without criteria.

Under the bill which was introduced by you, Mr. President, there is a very important component which precedes the action by the Congress on a determination of whether to make a reimbursement to a State or not. That is a CBO estimate of the costs involved. Obviously, we want to understand what the potential costs are before we simply sign, basically, a blank check and we want to establish the criteria. Under this amendment of the Senator from California, there are no criteria. It is simply an open-ended authorization without any indication of what would qualify or not.

One question that I would like to ask is, are these reimbursements only for programs that are mandates by the Federal Government? In other words, unfunded mandates. If that is the case, it will cover very little because most Federal laws deny benefits to illegal aliens. Would it apply to something such as a court-determined benefit?

There is a court case that says we cannot deny educational benefits to illegal aliens. So perhaps that would be covered. Would any program offered by the States but not mandated by the Federal Government be violated here? That would violate the legislation that the Senator seeks to amend. The spirit of this legislation is that if the Federal Government requires a State or a local government or a tribal government to expend money, then the Federal Government ought to reimburse the local government for the expense. That I support. That is why I am a strong supporter of this legislation. But where a State voluntarily does something on its own, it is not the Federal Government's obligation to reimburse for those expenses.

The Senator from California will rightly argue that part of the problem here is that because the Federal Government has failed in its obligation to control the borders. The States have little leeway in providing benefits to those illegal immigrants. And that may be true in certain cases. I think we have to understand in which cases we believe it to be true before we commit the Federal resources to reimburse the States. Otherwise, we get into the situation of the States literally deciding to do whatever they want to do, and the Federal Government has no control over the situation. We would have to reimburse them whether we it is an obligation. We have to reimburse them whether we believe it is an obligation, whether it is appropriate or not. So the amendment is simply too broadly drafted. It is an open-ended authorization and clearly would bind us in ways that we do not want to be bound at this time.

Finally, Mr. President, as I said, these expenses are almost never unfunded mandates. They are expenses for a failure to perform. That is the reason why this entire amendment really has no place in this unfunded mandates legislation.

I will strongly support the Senator from California in her efforts to get the Federal Government to reimburse the States and local governments for expenses attendant to the problem of illegal immigration. I want to do that. But obviously this legislation is not the place to do it. And it is not appropriate either for us to create an open-ended authorization.

So those are the reason, at the conclusion of this debate, I will be moving to table the amendment of the Senator from California.

Mr. President, I would like to reserve the remainder of my time.

Mrs. BOXER. President, I yield myself 5 minutes.

I want to thank the Senator for his very thoughtful words today. I am glad he likes the spirit of my legislation. I would prefer he endorse the amendment. But I think he understands as I do that this is a huge problem, and I think one of the reasons people get so frustrated is because when we are facing a situation in my home State of California and in the Senators State, that is clearly an unfunded mandate. And I will explain why it is an unfunded mandate, and then we have Senators get up and say this does not belong in the bill. This does not belong in the bill. The fact is the State of California has to spend more than $1 billion a year for a couple of reasons. One is that the provision of the emergency medical services is a direct Federal mandate. In the Omnibus Budget Reconciliation Act of 1986 the Federal Government is telling the States you have to provide emergency medical services. So for someone to say that there is no basis for that in the law—that individual simply has not read that act.

Let me tell you what that means to my State: $395 million a year. That is not small change. And then I will say to my friend that there was a legal case in the Supreme Court which said very clearly there is a legal mandate in our Constitution that requires the State to educate undocumented children. Let me tell you that cost to the people of my State: $1.6 billion a year. The Senator says it is not much money. There are no mandates. I just gave you two of the mandates. How about the third one which I discussed—incarceration. Do you know what that cost is to my State for incarceration of illegal immigrants? It is $360 million a year. Do you know what they have reimbursed my State? It is $33 million.

So I have now shown you and given you the references for where our States have no choice but to provide these services, and they are getting very little back. Yes, there is revenue that comes in. But it does not nearly match. It does not nearly match what these costs are.

My colleague from Arizona says he is very satisfied with Washington's response. He said in the Appropriations Committee they know this is a problem. They are working on it. Why does not he check with Governor Wilson who filed a lawsuit against the Federal Government? He should also know about the amicus brief that is going to be filed tomorrow on the California reimbursement lawsuit. So our Governor thinks it is one of the biggest issues facing the State. He is a Republican. I agree with him in terms of the unreimbursed sums. I am shocked to hear a Senator from a State that has the problem agree with me in spirit but oppose my legislation, which would in essence say we know enough to know these are unreimbursed costs; let us get with it.

The Commission he talks about was not set up to make a plan for reimbursement. This bill says we know enough. How long are we going to wait?

So, Mr. President, I hope we will have support for this amendment. We can use words and say it is not relevant. But when the Federal Government says you must provide certain services and because of its failure to control the borders, those services are going out of control, to me it would be highly, in a sense, hypocritical not to include this section in this bill.

I will retain the remainder of my time.

Mr. KYL. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER (Mr. ROTH). The Senator has 7 minutes.

Mr. KYL. Thank you. Mr. President, I would like to yield myself 5 minutes of time.

I want to make my position perfectly clear on this, because I think it was, to some extent, misrepresented by the Senator from California.

I never said, for example, that this is not much money; quite the contrary. My State of Arizona has been severely impacted by the problem of illegal immigration and has had to bear significant costs as a result. I do not doubt for a moment that the cost estimates suggested by the Senator from California represent an approximation of what the State of California has had to bear. If you add to that the costs of other border States, I know they are significant. I want it clearly understood that I have never said this is not much money or that it should not be reimbursed. In fact, I said quite the opposite, that we do need to reimburse States.

I said at the beginning of my remarks that in Arizona, the Governor estimates the expense for incarceration of illegal aliens to be about $100 million a year, about a third of what California apparently estimates. The Senator from California points out the fact that California's Governor is a Republican. The Governor of Arizona is also a Republican, and they both want to see the Federal Government reimburse the States for the expenses of illegal immigration. I do not doubt their estimates.

I am sure the Senator from California is aware of the fact that there are widening disparate numbers involved here, and that it is very difficult to correctly identify what each State would be entitled to in terms of reimbursement.

The crime bill passed last year authorized $1 billion for reauthorization for incarceration. So to the extent that the Senator from California identifies incarcerating illegal aliens as a problem for which we need immediate authorization, that authorization already exists. My State received already just under $1 million, not nearly enough. The State of California has not received nearly enough, but those reimbursements are beginning. So her amendment is not necessary to begin the process for reimbursement for incarcerating illegal aliens.

The second area is education. I brought up a Supreme Court ruling which says that a State must educate its children. We understand that to be an obligation. What we do not know is what the criteria for determining the appropriate level of expenses are and, therefore, what the burden of the Federal Government would be in reimbursing States for those incurred expenses. I agree with the Senator from California that the States should be reimbursed, but we have to understand what costs we should be reimbursing and not sign a blank check authorization, as the Senator's amendment would be.

The third area that the Senator mentioned was emergency medical services, and as far as I know, the Senator is correct in that regard. That would be an additional expense, but I do not know of anybody who knows how much that is. That is why we established a Commission in 1990 to determine the correct amount. And as the Appropriations Committee said last year, because of the widely divergent views on how much money is involved here, it is important for us to identify those amounts first, and then I hope we will authorize and appropriate the necessary funds for that.

Beyond those three things, the Senator from California has not identified any additional mandates. I think my original point is valid, and that is that much of what we would seek to be reimbursed here, and what I would seek to have reimbursed, is not a mandate from the Federal Government, which is what is covered in our legislation here, but rather costs associated with the failure of the Federal Government to perform its duties. In my view, that is just as important to be reimbursed from the Federal Government to the States as the cost of an unfunded mandate. I took the floor a week ago and made precisely that point. So the Senator from California and I are in agreement on that.

But I also made the point that this bill on unfunded mandates is not the place to put that requirement. It certainly is not the place to put an open-ended authorization.

That is why I conclude with this point: The Senator from California says, well, you cannot just agree with the intent or with the spirit; you have to agree with the method. That has never been the case in this body, or in the United States of America, or anywhere else. We can agree that something needs to be done and still have a disagreement as to precisely how to do it. That is the nature of our agreement here.

What we are saying on this side is that this piece of legislation, which deals with unfunded mandates and has a CBO estimate of the costs that the Federal Government would be required to reimburse, is not the place to put an open-ended authorization without any such ability to estimate costs, without any criteria for determining what the obligation of the Federal Government would be. That is why, as I said, I will soon move to table the amendment of the Senator from California.

Mrs. BOXER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, there will be a little bit of delay getting everybody here.

Mr. President, I ask unanimous consent that the Senator from California be able to use the last 6 minutes of her allotted time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

I think we can conclude this debate, but I would like to respond to my friend from Arizona. And he is my friend and I know he is going to work on this issue in the months and years ahead because we are, being border States, having a lot of problems and a lot of difficulties handling, frankly, what is the failure of the Federal Government under many administrations to control the borders and because of that we see that States have these incredible costs which I have named essentially unfunded mandates.

My friend from Arizona does not see it that way. He thinks it is wrong to put this amendment on this bill. He thinks it is not relevant. I think it is completely relevant, Mr. President, because when I talk with my Governor what I hear over and over again, is we want to be reimbursed for these costs. And these costs are in direct relation not only to the Federal Government's failure to control borders, but laws, such as the Omnibus Budget Reconciliation Act which forces us—and, by the way, I agree—to provide emergency medical services to people. We are humans. But it is a cost, and it is unreimbursed.

And because of our Constitution of the United States of America—which Senator BYRD carries around with him, and I have decided to do that as well; I think it is a good idea—the States are providing education to children who are not here legally, and that is a very large expense.

Now, in response to the Senator's point that we need more information on the cost, let me advise him—and I will share with him a report that I got back from the General Accounting Office in November, just a few months ago. They took the best available estimates of revenues and costs and said they could come up fairly comfortably with an appropriate number. So we do not need to stall this thing. This is the appropriate mechanism. This bill is the appropriate mechanism to handle this situation.

The Senator says I have put in here, I forget his exact words, an open-ended, I believe he said, an open-ended authorization. Well, anyone who knows things around here knows that there are many authorizations here, but they have to go to the Appropriations Committee.

So to say that this is uncontrollable, open-ended, nobody has control, is simply not true. The appropriators will decide. And nothing in my amendment changes that at all, nor would I want to change it.

What we say is that this Advisory Commission shall come back—we put a timeframe on it—they will come back, and they will tell us what these costs are and, believe me, they have a lot of information already at hand, because the GAO report is merely the latest report that deals very clearly with this matter.

The Senator says it is not clear what I am talking about. If he reads my amendment he will see what I am talking about—education, incarceration, and health care. Now there may be some other things, but those are the main things and I have identified them. This is not an open-ended amendment at all.

So I think for us not to deal with this huge unfunded mandate, that goes to the States because of the Federal Government's failure to control its borders, that comes about because of laws and Supreme Court decisions, makes this bill rather irrelevant in many ways. It is like saying you are going to have a Clean Air Act and you deal with everything but the quality of the air.

This is one of the largest unfunded mandates to my State. And I would have a very hard time explaining to the people of my State why this Congress could not go along with this.

I think it is a very reasonable plan—a commission comes back within 3 months. They take all the data and then immediately we can begin to seek appropriations.

Now my colleague says, "Well, this is unnecessary because we are already getting reimbursed for incarceration."

I praised the Clinton administration, the first administration that requested funding for this program, but let me tell you, we still need more money. The funding is still so far off the mark—as the Senator himself said, they got $1 million for $100 million spent. We got about $33 million so far for $360 million spent. We need to have the reimbursement plan which is called for to come forward within a time certain.

And I have to just say, Mr. President, my deep concern about the way these amendments are being treated. I have been around here long enough to know that when one party marches lockstep on amendments that they have supported in the past such as this—and I can point to amendments that my colleagues have supported in the past—and suddenly they are not going to support this, it is because they have another agenda. And the agenda is the 100 days contract—"This is what we said. Let us not put anything else on. Keep the green eyeshades on. Keep your eye on the 100 days. Don't do anything in this bill."

Listen, I had friends of mine on the other side of the aisle essentially tell me that they were very sad they could not support some of my amendments.

So there is another agenda going on here, Mr. President. And that is all right. But I wish that we would just put it out in the open and say, "We are going to vote lockstep against all amendments. We want to make sure that Speaker Gingrich gets his 100-day contract, because if we add these amendments we are going to slow the process down, we are going to have to go to conference and the like."

Well, America has other things on its agenda other than this Contract With America. Thank goodness we took some time out to pass the resolution against clinic violence. Thank goodness we took some time out to pass a resolution on the earthquake in Japan. Thank goodness we took some time out to express the Senate's view on the tragic terrorist bombing in Israel.

But, my goodness, let us not have such a narrow view of this bill that we ignore something so fundamental as the costs of illegal immigration to our States.

So, Mr. President, that concludes my argument. I want to again thank the managers for their consideration of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I hope that when a motion is made to table, Senators will vote against that motion.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I look forward to joining the Senator from California in developing appropriate legislation to reimburse States for costs associated with illegal immigration at the appropriate time, but we should not have in this bill such amendment as proposed by the Senator from California.

Therefore, at this time, I move to table the amendment of the Senator from California and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona [Mr. Kyl] to table the amendment of the Senator from California [Mrs. BOXER].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—58

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Glenn
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Rockefeller
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Graham
Gramm
Harkin
Hollings
Hutchison
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—2

Helms
Simpson

So the motion to lay on the table the amendment (No. 201) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 199

The PRESIDING OFFICER. The question now is on agreeing to the motion to table amendment No. 199 offered by the Senator from New Jersey [Mr. LAUTENBERG]. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—63

Abraham
Ashcroft
Baucus
Bennett
Bingaman
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Exon
Faircloth
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—36

Akaka
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Dodd
Dorgan
Feingold
Feinstein
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—1

Simpson

So the motion to table the amendment (No. 199) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 213, AS FURTHER MODIFIED

Mr. BYRD. Mr. President, I ask unanimous consent to further modify my amendment numbered 213.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I send the modification to the desk.

The amendment (No. 213), as further modified, is as follows:

On page 23, strike line 18 through line 21 on page 24 and insert the following:

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

"(1) a statement that the agency has determined, based on a reestimate of the direct costs of a mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of the mandate; or

"(2) legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the statement or legislative recommendations referred to in item (aa) by Congress not later than 30 days after the statement or recommendations are submitted to Congress; and

"(cc) provides that the mandate shall—

"(1) in the case of a statement referred to in item (aa)(1), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60 day period;

"(2) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa)(2) unless Congress provides otherwise by law; or

"(3) in the case of a mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be very brief.

We have had discussion here on the floor regarding various issues of unfunded mandates. Also a couple of people have talked regarding some of our nutrition issues in America, and how things should be made better and different. I would just like to remind all Senators, from whatever State they come from, that the various feeding programs in this country affect their States a great deal. I would also remind Senators that when we look at our feeding programs, whether it is food stamps, women, infants, and children, supplemental feeding, over 80 percent of the recipients of our food programs are families with children. Our nutrition programs are children-oriented programs. We have to look at our school lunch program as one of the great successes of this country.

Right after World War II, President Harry Truman asked why so many people who were drafted into that war arrived malnourished, with all kinds of diseases. And they found out the obvious reason: Most of them were malnourished. Most of them had not had adequate nutrition. Many of them had failed in school because of their lack of being able to feed themselves. And from that, as a matter of national security, we started our school lunch program, one of the most successful feeding programs in this or any other country.

The Contract With America speaks of turning this all back to the States but leaves out one little part. It does not put the money in to send it back to the States. If we want to speak about unfunded mandates, the Contract With America would be a pretty big unfunded mandate to our States and how they are going to feed our people.

Mr. President, before we rush headlong into thinking that we can pass these bumper-sticker slogan policies, ask ourselves who is affected by it? Eighty percent of these changes are going to affect families with children, the hungry children of America. We are the wealthiest most powerful nation on Earth and yet even though we spend hundreds of millions of dollars to store surplus food, hundreds of millions of dollars to convince people not to plant food, we have millions of young people, children and others who are going without food, who are hungry in our streets, in our cities and towns of America.

So everything does not have to be done in 1 week, or 2 weeks, or 3 weeks, especially if it undoes those things that we have done over the years.

So I worry very much about what is going to happen. We want welfare reform. We should not throw elderly homebound citizens off the Meals on Wheels Program, and yet that is part of the so-called welfare reform program in the Contract With America. If we are going to have welfare reform, does that mean to end the school lunch program, WIC, and child care food programs? Let us ask ourselves just what we are doing. Let us take the time to fix those programs that need fixing. If there are ways to improve the feeding programs, then let's do it. If people are defrauding these programs then send them to jail. But also let us not say while we are doing this, children put your hunger on hold. We should not be throwing millions of pregnant women, infants, and children out of the WIC Program under the guise of welfare reform.

I have heard from the elderly, from parents, from school teachers, and from day care providers around the Nation. I have heard from senior citizens who get Meals on Wheels, school lunch advocates, and from many Vermonters. They are worried and feel betrayed.

They want welfare reform; they want able-bodied adults to work. So do I, and so does every Member of this Chamber, but welfare reform should not include throwing elderly homebound citizens off the Meals on Wheels Program. A Wall Street Journal article paints a devastating picture of the need to strengthen the Meals on Wheels Program, not eliminate it.

The article talks about John Fisher, an 86-year-old retired Detroit truck driver who has been on a waiting list, along with thousands of other Detroit residents, for free delivery of hot meals. Widowed last year, Mr. Fisher cannot cook because arthritis makes it difficult for him to stand long, even to boil soup.

The article talks about Carlos Castillo, 71, who applied for meals last February, writing on his application: "Please help me. I just got out of the hospital. Please, I need the meals now and every day * * *."

Mr. Castillo died in September, before his turn came up on the waiting list. Over his handwriting, the application now has two words: "Cancel. Deceased."

Welfare reform should not mean an end to the Child-Care Food Program. This program feeds low-income children so that their parents can work. Welfare reform should not throw half of America's children off the school lunch program and permit schools to just serve whatever they want for lunch.

The American Food Service Association has called the Contract With America bill, H.R. 4, the greatest threat to the School Lunch Program in the history of its existence. They predict that if passed, 40,000 schools would drop out of the School Lunch Program and 10 million children would be without a hot lunch. Welfare reform should not throw millions of pregnant women, infants, and children off the WIC Program.

The WIC Program saves up to $4 in medical costs for every Federal dollar invested in pregnant women, but the Contract With America does just that—it has a hidden agenda.

This hidden agenda includes ending the Meals on Wheels Program for elderly homebound Americans. This hidden agenda includes ending the School Lunch Program for millions of children. This hidden agenda includes ending the Child Care Food Program for day care homes. This hidden agenda includes cutting the WIC Program for pregnant women and infants.

I was very surprised that the fine print in the contract singled out WIC, Meals on Wheels, Senior Meals Programs, and school lunches for the worst treatment. When you read the fine print you realize that the contract With America does not provide a penny in block grants to States. It allows for authorizations that would be fought for every year. Governors think that the contract will give them a block grant with a 5-percent cut built in. The problem is that the contract itself gives them nothing. Even if fully funded, the Contract With America will increase malnutrition among children and the elderly. This Contract With America bill is antichild, antifamily, and it is false advertising.

Last week the USDA issued a report detailing the affects of this Contract With America bill, assuming full funding, which is very unlikely. In my home State of Vermont, even assuming the full amount is appropriated, the contract will reduce nutrition assistance by over $10 million in 1996 alone. Behind that automatic cut are faces of the elderly no longer receiving hot meals, children receiving a hot school lunch. Working parents should be able to leave their children in day care and know that they will get a good meal.

Nutrition funding nationwide will be cut by almost $31 billion over the next 5 years. And once again this is assuming that the full amount of a nutrition block grant is funding, this is a big assumption. As bad as this is, I am worried that the USDA report issued last week greatly understates the harm that will be caused by the Contract With America. The report in many respects assumes that the block grants will be fully funded. I believe that in a couple years, they will be only funded at a fraction of the full amount authorized.

America's Governors will be stunned when they read the fine print and realize they have to come to Washington each year and plead for money. States will be forced to reduce the number of people served, cut benefits or somehow make up for the loss with State funds. The effect would be even worse during a recession. Under current law, programs such as school lunch, food stamps, and the Child Care Food Program, automatically give States more money to respond to increased needs during periods of higher unemployment. According to the USDA report, if that bill had been in effect over the last five years, the block grant in 1994 would have been over $12 billion less than the food assistance actually provided—a reduction of about one-third.

They are proposing a massive Federal experiment on America's children, and on America. If it does not work and funding is not provided, millions of children, the elderly, and pregnant women will go hungry. Medical and education costs will skyrocket as more and more children are born disabled, and more and more children become handicapped in their efforts to learn. Before we have a wholesale dismantling of every major nutrition program under the guise of welfare reform, we ought to take a look at how this will effect hungry children and the elderly.

This is not welfare reform. Do not be fooled by this bill. It implies that States will get block grants to fund food assistance programs. But as I said earlier, not one penny is provided to States or communities by the bill—separate legislation would have to pass each year to provide funding. Let us not forget what happened in early 1981—hasty cuts were made in child nutrition programs. Those programs were cut by 28 percent. The cuts resulted in 3 million fewer children receiving school lunches.

I am pleased that this part of the Contract With America has no Senate counterpart. However, the House plans to mark up this bill in the next 2 weeks. I fear that this bill could pass the House very quickly. It will be left to the Senate to make sure that children and the elderly do not get hurt under the guise of welfare reform. Probably when most people think about food stamps that have an image of food stamp fraud and food stamp trafficking. Yes, food stamps are exchanged for cash.

This must be stopped. Last year I introduced legislation to eliminate all food stamp coupons, and switch instead to electronic benefit transfer cards. This will eliminate food stamp coupon trafficking. The Office of Technology Assessment found that over 80 percent of food stamp fraud and diversions of benefits could be reduced by EBT. We have to keep in mind that over 89 percent of food stamp benefits go to families with children, the elderly, or the disabled. Food stamps help children and the elderly. Those engaged in fraud should be put in jail but America's children and elderly should not be punished.

I stand ready to work with responsible members of both parties to fight food stamp abuse, encourage work, to cut costs, but I will not sacrifice the nutrition of America's children and the elderly for legislation by bumper sticker.

Mr. President, I ask unanimous consent that the Wall Street Journal article I referenced, along with a table showing proposed USDA food assistance cuts, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 8, 1994]

FRAYED LIFELINE: HUNGER AMONG ELDERLY SURGES; MEAL PROGRAMS JUST CAN'T KEEP UP

(By Michael J. McCarthy)

DETROIT.—For four months, John Fisher has waited in nutritional limbo.

The 86-year-old retired truck driver has been on a waiting list, along with a thousand other elderly Detroit residents, for free hot meals delivered weekdays. Widowed last year, Mr. Fisher can't cook because arthritis makes it difficult for him to stand long, even to boil soup.

His monthly $541 Social Security check barely covers rent, utilities and other basics. With the nearest grocery store more than a mile away from his tidy downtown apartment, Mr. Fisher, who suffers also from diabetes and glaucoma, treks three blocks with his cane to Theodore's Family Dining and buys the cheapest entree: the $3.50 fish and chips. He eats half, and carries the rest home. "It's a long, painful walk," he says.

Carlos Castillo, 71, applied for the meals in February, writing on his application: "Please help me. I just got out of the hospital. Please, I need the meals now and every day. Thank you. I will appreciate it." He died in September before his turn came up on the waiting list. Over his handwriting, the application now has two words: "Cancel. Deceased."

More than two decades after the creation of a federal law aimed at providing free meals to anyone over 60, several million older Americans are going hungry—and their numbers are growing steadily. Federal food programs can't keep up with the nation's rapidly graying population. "For the first time, we have growing waiting lists," says Fernando Torres-Gil, assistant secretary for aging at the U.S. Department of Health and Human Services. "The level of malnutrition and real hunger is only increasing."

This wasn't always the case. In the 1970s, public concern about the plight of the elderly poor mobilized what until then had been only a pilot program: The federal Meals on Wheels movement, in which local communities began providing government-subsidized, home-delivered meals. Demand surged. By last year 827,000 elderly had such meals delivered, and another 2.5 million received subsidized lunches at senior centers.

But interest in the issue has slipped over the past decade as the national spotlight shifted to the expanding ranks of affluent retirees, a silver-haired generation healthier and more prosperous than their earlier counterparts. As a result, elderly-nutrition programs have been eclipsed by broader issues like health-care reform and preserving Social Security amid federal deficit slashing.

The Urban Institute, sensing the emergence of a huge but hidden problem, conducted a nationwide study a year ago of elderly hunger. The institute, a private, nonprofit social and economics policy-research group based in Washington, estimated after the study that as many as 4.9 million elderly people—about 16% of the population aged 60 and older—are either hungry or malnourished to some degree, often because they are poor or too infirm to shop or cook. Further, it found that at least two-thirds of needy older people aren't being reached by federal food-assistance projects, including food stamps. The institute partly faulted systemic claws: Aging groups hadn't traditionally focused on hunger, while hunger advocates hadn't targeted the elderly.

Meanwhile, funds for federal nutrition programs haven't kept pace with either the rising cost of food or the surging tide of older people. Increases in funding trailed the inflation rate throughout the 1980s, and in the 1990s program budgets have risen only marginally.

In contrast, the elderly population swelled by more than 20% in the 1980s alone.

Concerned, HHS began in the fall of 1993 a two-year, $2.4 million study to evaluate the federal meals program, to quantify such things as how many people are on waiting lists nationwide. Awaiting results, Mr. Torres-Gil says his agency has enlisted the Agriculture Department to help craft plans to feed more older people, adding, "The problem has gotten bigger than the both of us."

And it is certain to worsen. Some nine million people 65 or older live alone, putting them at increased risk for poor nutrition, and their numbers are expected to grow to 11 million within a decade, according to HHS figures.

Given current funding levels and an aging population, David Turner, a social worker in Salt Lake City, echoes a sentiment heard at many nutrition sites: "We don't have a prayer."

Already, the view from the trenches is dismal. The people on lengthy waiting lists in many cities usually represent only a fraction of those who really need meals. In Detroit, for example, 2,200 elderly people get home-delivered meals. But last Thanksgiving and Christmas, when seasonal sentiments sparked private donations, Detroit was able to deliver holiday meals to 4,500 elderly shut-ins.

Unable to feed that total daily, Paul Bridgewater, Detroit's aging-department director, says, "We're nowhere near meeting demand."

The meals programs in Detroit, like those in other cities, are funded substantially by federal funds, which HHS splits up among the states based on the relative size of their population 60 or older. Each state then subdivides the pot according to the needs, with preference given to the poor.

Each local aging agency can determine how it can best stretch its money: Some prepare meals in-house, some pay a caterer; a few hire drivers, although most use volunteers. Some hire and some contract out social workers who can screen and assess the needs of older people. Some deliver two meals a day, many only one.

The Detroit aging agency, for example, contracts out meal preparation and relies almost exclusively on 300 volunteers, who use their own cars for deliveries. Most take meals to 25 people on weekdays, driving 20 miles a day on average.

In Michigan, federals funds for meal projects, $13.8 million last year, are down 3% from 1988 levels. During the same period, with the aid of special allocations, state funding increased 19%. The net result for Detroit is that it currently has an elderly-nutrition budget of $3.3 million—13% less than in 1983. Back then, Detroit served 6,000 older people. Today it can feed only 4,800 a day, primarily because of the higher cost of food.

In New York state, 2,500 older people are on waiting lists for home-delivered meals. About 62,000 people are on the program, but state surveys suggest as many as 10,000 more actually need them. Says Ed Kramer, an aging-department official for the state: "There are a lot of hidden elderly, particularly in urban areas and high-rises, who are literally starving to death."

The mismatch of funds and need comes amid trailblazing research on growing old. Conditions once considered the unavoidable ravages of aging—from cataracts to mental lethargy to slow-healing wounds—may really stem from poor diets, deficits of vitamins and other nutrients, researchers say.

Geriatric specialists recently coined the term "anorexia of aging." It isn't like anorexia nervosa, in which people develop an aversion to food or an obsession with weight. The poor appetite and debilitating weight loss of the elderly have a range of causes: depression, dementia, denture problems and eating alone. Poverty is often a factor, but one national survey found that more than one in five older Americans, regardless of income, routinely skips at least one meal a day. And poor nutrition raises the risk of a fall, which is for many a prelude to costly medical care.

That something as basic as nutrition could be a problem in a country of vast resources illustrates how older individuals, their families and government agencies have been caught unprepared by the combination of increased life expectancy and frailty. Some advocates of the elderly say long-term solutions will have to be more creative, perhaps offering tax incentives so more family members can buy and prepare meals for older relatives.

But for now the main weapon against hunger remains the federal nutrition programs. Funded under the Older Americans Act, passed in 1965 when Lyndon Johnson was president, the congregate-dining and home-delivery projects allow anyone over age 60 to apply for free meals, regardless of income. Many of those who use the program donate something, but more than half of the participants nationally are poor.

Because the elderly-nutrition program is not an entitlement—as opposed to, say, Social Security—Congress has discretion to approve whatever funds it decides will meet the need. "This is one of the places Congress can fine-tune funding when they must pay for entitlement programs," says Jean L. Lloyd, nutrition officer at the HHS's administration on aging.

Last year saw a small funding increase for the meal projects, but Congress in September left the budget for the current fiscal year flat, at nearly $470 million. Along with another $150 million from the Agriculture Department, which reimburses states for some food costs, the financing has to stretch far and wide.

Even if the 3.2 million people who receive meals in congregate dinning rooms or through home delivery got only one meal per day, the government funding works out to about 53 cents a day per person. Concluded a 1992 Government Accounting Office report on the elderly poor: "Funding for nutrition services cannot possibly provide comprehensive food assistance to the entire eligible population."

For many years, the meals projects could count on potent advocates such as Rep. Claude Pepper, the legislative champion of the elderly who died in 1989. Even a lobbying group as powerful as the American Association of Retired Persons, based in Washington, says that in recent years the best it has been able to do is stave off "devastating cutbacks," says Jo Reed, senior coordinator for consumer issues.

The National Association of Meal Programs, an Alexandria, Va., trade group composed of providers of congregate and home-delivered meals, lobbies for increased funding, but says it has not been very successful either. Noting that her group's constituents are often frail or isolated, Margaret Ingraham, legislative representative, says, "We just don't have the political clout."

The result is that the meals projects, much like the elderly they serve, have become severely strapped. In Chicago, the city had to pump $700,000 in community-development block grants earlier this year to eliminate a waiting list of 650 people for delivered meals. In Baton Rouge, La., the aging office, citing budget problems, began soliciting donations from meal recipients last year, prompting some poor people to drop from the program. In Salt Lake City, channeling money to the meal program has meant taking it away from another service—creating yet another waiting list—in which workers help frail elderly people with grooming, laundry and cooking in their homes.

Sometimes the people reached by the overwhelmed food programs still must battle hunger. The Friendly Neighborhood Center, a congregate dining room in Salt Lake City, serves only one meal a day. Among the dozens who file in for the weekday lunch are the sickly thin women some call the "stick ladies." Seated at folding tables around a big bingo board, the women sometimes secretly slip lunch portions into their purses. "They're trying to stretch one meal into two or three," says one program manager.

Central Florida's Osceola County, where nearly a quarter of the population is 60 or older, offers a glimpse of what the rest of the country faces. In the past year, the Osceola County aging department has had to jump hardle after hurdle just to keep from axing any of the 400 people, averaging 87 years of age, who rely on it for cooked and delivered meals.

With federal funds flat in 1993 at $76,763, the agency persuaded several area restaurants to donate $50,000 in food. That helped, but the department still couldn't meet its goal of eliminating its waiting list of about 50 people. So, the agency found a dirt-cheap caterer to take over meal-preparation: the Osceola County Jail.

Using prisoners to fill food boxes for the elderly, and with the warden not charging for labor, the county cut expenses by more than half, to 58 cents a meal from $1.78. It wasn't a smooth transition, though. One of the first days, the meals rolled outside the barbed-wire fences two hours late because an inmate, threatening suicide, had grabbed a knife in the jail's kitchen.

Hoping to wipe out the waiting list soon, Beverly Houghland, the aging council's executive director, says, "The hardest thing you'll ever have to do is tell someone that you can't give them meals."

Yet it happens daily all over the country. In Detroit, when meal recipients go into the hospital and have deliveries stopped, they sometimes can't get them restarted once they return home. Someone on a waiting list has been given their spot in the program. Says one frustrated case manager, Frances Taylor, "It's like deciding who is going to get in the lifeboat and who has to stay in the water."

Detroit's aging department does set some priorities. Last month, for instance, the agency rushed meals out to one couple after discovering how the 87-year-old husband and his wife, 83, were getting to the grocery store. The husband, who was nearly blind, steered their car—instructed by his wife, who was too frail to drive but could watch the road from the passenger side.

Higher food costs last year forced Orlando, Fla., to abandon a two-decade-old practice of serving hot dinners. Now the city offers cold breakfasts, with cheaper fare like sweet rolls or cereal, to the roughly 600 older people it serves, for a saving of about 40 cents a meal, or $50,000 annually. (By law, each meal, breakfast or otherwise, must have at least one-third of a day's recommended dietary allowances.)

Even with the cheaper menu, Orlando still must depend on an all-volunteer force, which can make deliveries chaotic. One day this summer, Nanette Klemens, Orlando's Meals on Wheels director, had to deliver food to 10 older people left waiting after a volunteer's car broke down. Some days, as many as 30 routes go unserved, because volunteers are sick, late or noshows. Volunteers must use their own cars and absorb gasoline costs—even though some cruise the city's poorest streets and are sometimes approached for drugs. Occasionally a route is missed altogether.

But for many elderly recipients in Orlando, the daily food package is a delicate lifeline. One particular stop is so disturbing that the aging office tries to forewarn new volunteers. A meal deliverer's knock at the screen door one day is answered by a slight-framed woman creeping on her knees. She reaches up, clutches her two meal cartons, and crawls back inside the apartment.

A stroke years ago left Marjorie Norris, 84, unable to stand, and moving in and out of her wheelchair is painful, so she doesn't use it. Hobbling about on her knees, she can't stretch up to the range of her white stove, neglected so long that cobwebs cover the burners. Asked if she can cook, she quickly replies, "Oh, yes. I make my own coffee."

Orlando estimates that it only reaches about 25% of the elderly who need meals delivered. Says Donna Stiteler, former president of Orlando's elderly agency, "How the rest are making it, we have no idea."

TABLE 3.—EFFECT OF THE PERSONAL RESPONSIBILITY ACT ON USDA FOOD ASSISTANCE PROGRAMS BY STATE IN FISCAL YEAR 1996

[Dollars in millions]

State	Level of food assistance		Difference	
	Current	Proposed	Total	Percent
Alabama	$818	$713	-$105	-13
Alaska	97	84	-13	-13
Arizona	663	554	-109	-16
Arkansas	422	403	-19	-4
California	4,170	4,820	650	16
Colorado	412	417	5	1
Connecticut	297	248	-49	-17
Delaware	92	58	-34	-37
District of Columbia	137	85	-52	-38
Florida	2,194	1,804	-389	-18
Georgia	1,209	934	-275	-23
Hawaii	215	198	-17	-8
Idaho	127	176	49	-38
Illinois	1,741	1,483	-258	-15
Indiana	713	691	-22	-3
Iowa	297	266	-31	-11
Kansas	307	270	-37	-12
Kentucky	740	582	-157	-21
Louisiana	1,141	765	-375	-33
Maine	188	167	-21	-11
Maryland	576	404	-172	-30
Massachusetts	608	577	-32	-5
Michigan	1,390	1,109	-281	-20
Minnesota	508	490	-18	-4
Mississippi	730	603	-127	-17
Missouri	310	754	-56	-7
Montana	111	140	29	26
Nebraska	187	175	-12	-6
New Hampshire	89	94	5	5
New Jersey	836	704	-132	-16
New Mexico	361	321	-40	-11
Nevada	145	150	5	3
New York	3,101	2,661	-440	-14
North Carolina	930	849	-81	-9
North Dakota	86	76	-9	-11
Ohio	1,768	1,287	-481	-27
Oklahoma	528	475	-53	-10
Oregon	410	346	-64	-16
Pennsylvania	1,617	1,465	-152	-9
Rhode Island	128	101	-27	-21
South Carolina	602	546	-56	-9
South Dakota	99	95	-4	-4
Tennessee	983	743	-241	-24
Texas	3,819	2,665	-1,154	-30
Utah	234	277	43	18
Vermont	76	66	-10	-13
Virginia	783	597	-185	-24
Washington	660	444	-216	-33
West Virginia	405	309	-96	-24
Wisconsin	467	442	-25	-5
Wyoming	57	57	[1]	1
Total	40,764	35,600	-5,164	-13

[1] Equals less than $1 million.

Notes.—Individual calls may not sum to totals because of rounding.

Total includes the Commonwealth of Puerto Rico, other territories and outlying areas, and Indian Tribal Organizations.

This table assumes that Congress appropriates the full amount authorized for fiscal year 1996.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

AMENDMENT NO. 172, AS MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that we return to the consideration of amendment No. 172. I also ask unanimous consent that I be able to modify the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

I send a modified amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 38, after line 25, insert the following:

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 60 days after enactment.

Mr. LEVIN. Mr. President, this bill has a number of titles. In title I, the bill has an effective date of January 1, 1996, but title II does not have an effective date. And that is a problem which has arisen, which is that we have a very important title in this bill with not a specific effective date. Title III has an effective date of 60 days after enactment.

When we discovered this, we had some discussions as to what the most appropriate date would be for title II.

We have worked out an agreement, that the effective date for title II will be 60 days after enactment of the bill. That is what this modified amendment provides. I believe that it will be supported by both the managers. I yield the floor.

Mr. KEMPTHORNE. Mr. President, the Senator from Michigan is correct. We are prepared to accept this amendment. We want to thank the Senator from Michigan and also the Senator from Oklahoma, Senator NICKLES, for working this out.

Mr. GLENN. Mr. President, we are glad to accept on this side. This started out as a contentious issue. They kept at this and did a great job of working this out. Both sides agree on this. We are glad to accept it on this side.

Mr. LEVIN. I thank the managers and add my thanks to Senator NICKLES. I yield the floor.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified.

So the amendment (No. 172), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Was leaders' time reserved?

The PRESIDING OFFICER. Yes.

BASEBALL STRIKE

Mr. DOLE. Mr. President, today is day 168 of the baseball strike, a strike that prematurely ended one of the most exciting seasons in recent memory and prevented World Series play, for the first time in 90 years.

Of course, the real victims of the strike are not the owners or the players, but the fans—the millions of Americans who have loyally supported their home teams, rooted on their favorite players, and filled up the bleachers in ballparks across America.

Like most Americans, I have little interest in learning about salary caps or baseball media markets. Nor have I kept abreast of the offers and counteroffers that have been floated across the bargaining table, only to end up in the rejection file.

Like most Americans, my interests lie elsewhere; not with the economics of baseball, but with the game of baseball—a game that I grew up with as a child and as a young man, and a game I continue to cherish today.

Of course, the baseball strike is not an issue of national security; without baseball, our shores will remain safe from foreign invasion. No American lives are at risk.

But what is at risk is the integrity of one of our great national institutions. Spring training in March. Opening day in April. July's all-star game. The August division races. The September playoffs. And the World Series in October. When baseball is disrupted, so too is the rythym of American life.

Mr. President, I have had the opportunity to discuss the strike with Bill Usery, a former Secretary of Labor and the mediator appointed by President Clinton. Mr. Usery has indicated to me that this dispute ought to be resolved where it started—at the bargaining table. I agree. And that is why today I am publicly offering the use of my own office and its conference room as the forum for the next round of negotiations.

Over the years, many, many legislative compromises have been crafted in room S-230 of the Capitol, one of the most historic settings in all of Washington. Some of the toughest, most stubborn, legislative knots have been untangled in these offices. And perhaps, just perhaps, some of the compromise magic can wear off on the baseball negotiators. We will lock the doors, and we will supply plenty of pencils and writing pads. We have good computer software, and you can count on an unlimited supply of black coffee, too.

Mr. President, I have no doubt that the baseball strike could be resolved in a matter of days—perhaps hours—if only there was the will to do so. We do not need legislation. We do not need Congress. But what we do need is some good old-fashioned, brass-knuckled bargaining; bargaining that is real, that is tough, that gets the job done.

With that said, let me just add this cautionary note: If the players and owners are unable to find common ground—and find it soon so that the 1995 baseball season can begin on time in April—then we will have to find some way to empower those who are the most important element in the baseball equation: the fans themselves, because no one—player, owner, manager, stockholder—has the right to tarnish what truly belongs to the American people: the game of baseball, America's pastime.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STATE OF THE FORCES

Mr. THURMOND. Mr. President, Tuesday night President Clinton gave his annual address on the State of the Union. As was expected, he gave his administration a passing grade on its 2-year report card. It is not my intention to challenge that passing grade on every issue—the American people made their views about the administration's performance clear enough in the November election. However, I do feel obliged to point out that the last 2 years have produced serious shortfalls in our national defense capabilities, and these shortfalls are growing worse. Today I want to speak briefly about the state of the forces. I want to outline the priorities which I feel the 104th Congress must emphasize to restore the combat readiness of the services, and to revitalize our overall defense preparedness.

By now it is no secret that the Armed Forces are experiencing severe deficiencies in combat readiness. Some of these deficiencies were recently conceded by the Secretary of Defense himself. Last week the Armed Services Committee held a hearing on the condition of the services, and heard about other shortfalls and problems looming on the horizon.

For example, we have learned in recent weeks that 3 of the Army's 12 combat divisions were at the next to lowest level of readiness. Lack of funds has deprived units of fuel, ammunition, and maintenance; and mission training has suffered as a result. Marine and Navy aviation squadrons have had to cut back flying time for lack of funds. Funding shortfalls prevented the Army from meeting its 1994 requirements for trained helicopter pilots. Longer-than normal deployments are causing hardship for service members and their families, causing morale, recruiting, and retention to suffer as a result.

The Clinton administration has conceded that the defense budget is chronically underfunded. In early December the President said he would ask for an additional $25 billion over his planned defense budget requests for the next 6 years. However, this increase will be applied primarily to the out years, and is unlikely to reverse the downward trend in preparedness.

In addition to cutting defense spending too deeply and too rapidly, the administration has committed the Nation to expanded peacekeeping and nontraditional missions. This deeper involvement with peace operations has caused many of the shortfalls in training and maintenance funds. Operations in Somalia, Rwanda, Haiti, and the Caribbean have been enormously costly, both in terms of funds, and in stress on servicemembers and families because of the extended deployments. We are now expecting a request from the administration for a $2.6 billion supplemental appropriation to pay the huge, unexpected bill for these peacekeeping and humanitarian operations. We must not allow our growing involvement in such operations, which in my view provide little or no national security benefit, to undermine readiness.

In this session of the 104th Congress, the Senate Armed Services Committee will be working on several priorities.

The first, which undergirds everything else, is to make sure that sufficient funds are available for national defense. Money is the lifeblood of national defense. Without adequate funds we cannot pay our personnel, nor procure the weapons needed to perform their mission, nor buy the fuel and spare parts to train and to operate. None of the subsequent priorities I will outline can be met without an adequate defense budget.

Everyone realizes that we are facing an immense Federal deficit and a rising tide of debt which threaten us as surely as any foreign enemy. In this budget environment, we must keep Government spending down. Consequently, I do not advocate major increases in defense spending over the present level. My proposal is to compensate for inflation and to fund defense for fiscal year 1996 at the same level in real dollars as in fiscal year 1995. This means we must must increase the defense budget by approximately $12 billion over the administration's budget request for fiscal year 1996. Budget authority for fiscal year 1996 would then be approximately $270 billion.

Once adequate funds are provided, our first priority must be to restore unit readiness, revitalize our overall defense capabilities, and guarantee our status as the world's leading military power—not out of pride and arrogance, but to ensure that potential aggressors will not challenge us or our interests. The ancient Romans said, "If you want peace, be prepared for war." In other words, preparedness is the best deterrence.

We must immediately restore funds to operations and maintenance accounts, since shortfalls in those accounts is the main source of today's readiness problems. But we cannot neglect future readiness. Future readiness includes modernization, which means that research, development, and procurement accounts must be supported. We must buy the right weapons and equipment, and in sufficient quantity, so that our forces will be as able to fight and win in the next decade as they were in the last. We must maintain adequate stocks of spare parts, fuel, and munitions. We must retain an adequate, safe, and reliable nuclear deterrent. We must reevaluate our increasing involvement in peacekeeping and nontraditional missions.

I am also deeply concerned that current defense spending will not pay for the force structure in the Bottom-Up Review. Yet the Bottom-Up Review force may not be adequate for the future. In the absence of a coherent national security strategy, who can say? We must formulate a sound strategy so that we can properly match military means, missions, and methods.

The next priority is the well-being of military personnel and their families. Every American should be grateful to the men and women who wear the uniform, and who undergo the sacrifice of long separations, and sometimes wounds and death, for the Nation's interests. We owe service members adequate compensation. Above all, they must be able to take care of their families so they can have peace of mind when deployed for long periods far away. Despite the pressure on the budget, I will support reasonable pay raises for military personnel, increased funding for family housing, and other quality-of-life requirements.

In terms of specific programs, a top priority will be to reenergize the ballistic missile defense effort. Our forces and allies abroad face a serious and increasing threat from the spread of ballistic missiles, some possibly armed in the future with weapons of mass destruction. Someday soon the United States homeland could face renewed ballistic missile threats from hostile Third World regimes, or from the return to power of militant Russian hardliners.

Though our emphasis must be to correct immediate and near-term readiness problems, we also have to keep a sharp eye on the future. Historically most military disasters have come from failure to anticipate. We must avoid becoming complacent because we won the cold war, and because we triumphed so dramatically in Desert Storm. We must remain alert and capable of responding to threats we have not yet envisioned.

In the past, war was primarily conflict between nation-states, the continuation of politics by other means. But the collapse of the Soviet Union has unleashed demons kept contained during the superpower confrontation of the last 45 years. Today we are entering an age of chaos. Wars now rage between tribal, ethnic, and religious groups, between the remnants of old empires and new forces of nationalism. We must learn to adapt to this age of chaos, and be able to prevail in new kinds of conflict which are uncertain and ambiguous. We will need new concepts of warfighting, new ways of organizing, and new capabilities. Just as the crossbow, the catapult, and the horse cavalry became obsolete, so in time the weapons we regard today as essential may become obsolete.

During the cold war, we and our adversaries concentrated on perfecting weapons of mass destruction. Perhaps now the time has come to build and perfect weapons of mass protection. Missile defense is an important first step in that direction.

Though new states, new technologies, and new challenges will arise, human nature will remain largely the same. The same injustices, the same greed, the same lust for conquest that breed conflict will continue to plague us. We must not let the dizzy pace of change in the world obscure the permanence of danger, nor undermine our commitment to the freedom and security of the United States. We must recommit ourselves to the defense safety of the greatest Nation the world has ever known.

I am committed to this great task—the primary responsibility which the American people have sent us here to perform. I ask my colleagues to stand with me when the time comes to vote for modest but real increases in defense spending, and to make sure the state of the forces is always the highest state of combat readiness.

I thank the Chair, and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

AMENDMENT NO. 194

Mr. BINGAMAN. Mr. President, I would like to call up amendment 194 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Mr. BINGAMAN. Mr. President, this is an amendment that I believe would improve Senate bill 1. Let me just alert my colleagues that this is something I have spoken to the managers of the bill about, and they are going to consider the amendment and decide probably in the next few hours is there any version of it that would be acceptable. But I would like to present it now and at least make the points that I think justify its adoption.

This is an amendment that would improve S. 1 by clarifying that Congress will maintain and retain its present authority to consider legislation regarding or administered by independent regulatory agencies.

Mr. President, S. 1, as it now stands, does not apply to the actions of these independent regulatory agencies. We take the definition out of title 44 of the United States Code. It is my understanding, however, that Congress, in considering matters regarding these agencies or administered by these agencies, would, under the legislation as it now stands, apply the provisions of S. 1; that is, points of order could be raised against Congress considering legislation in areas where we are not imposing any similar obligation on independent agencies. To me, that is illogical. It does not make sense for us to do that.

I believe that Congress should retain to itself at least the same authority that it is retaining to independent regulatory agencies to act in certain of these areas. I am concerned that the legislation, as it now stands, puts Congress in the position of having less power than these very agencies that we have established.

As the bill was reported, for example, a point of order could prevent us from legislating policies that enforce safety standards for the disposal of nuclear waste. That has been discussed by myself and Senator MURRAY from Washington State in previous amendments. But a point of order could be raised unless we were fully able to fund any increased costs to other levels of government in cases where the legislation would result in over $50 million in additional costs.

The Nuclear Regulatory Commission, however, would have the authority through rulemaking to go ahead and impose those requirements even if they exceeded the $50 million amount.

Likewise, it is conceivable that Congress could not act, through legislation, on policies of the Federal Communications Commission or the Federal Energy Regulatory Commission, Securities Exchange Commission, or any other independent regulatory agency. Again, we would be putting in place a procedural roadblock to action by Congress, where we would not have any similar procedural roadblock to the same action being taken by the independent regulatory agency.

Some of my colleagues may think that the chances of this happening are unlikely. I do believe that the chance is real, and there are various examples I could cite with the Securities Exchange Commission, who, on November 17 of last year published a final rule to deter fraud in municipal securities. The published rule indicates that the changed regulations may require some municipal security issuers to provide additional information and could result in costs to municipalities. The rules, as first proposed, certainly would have increased costs, although the final rule was changed in an attempt to reduce the costs.

In a similar action the Federal Energy Regulatory Commission announced in December of this last year in the Federal Register a change in policy that will allow FERC to review individual hydropower licenses. Some are, in fact, municipal licenses. Again, it is not known whether the costs would exceed $50 million. But it is clear that if they did, FERC would have the authority to make the change, while Congress itself would not be able to, absent waiving the point of order that is provided in this legislation.

Let me make one other point before I conclude, Mr. President. The amendment that I have called up here and offered to the Senate, amendment No. 194, still leaves in place the requirement for the various cost estimates, still leaves in place the requirement to go to CBO and determine what the expected cost would be of any legislative action. And that requirement would be on Congress, even though by the language of the bill itself, it is not on the independent regulatory agencies.

All I am saying is that we should go as far as to require the cost estimates of ourselves before we act. We should not go so far as to provide for the raising of a point of order against us considering legislation—against the Senate or the Congress considering legislation in these important areas, when the very agencies that are involved are not themselves restricted from doing by rule or regulation what we might consider doing by legislation.

It seems to me to be an eminently logical amendment. It is one that I hope we can work out with the managers of the bill, and I urge my colleagues to support this. I urge the managers to support it either in the form in which it has been offered or in some similar form.

With that, I yield the floor.

Mr. KEMPTHORNE. Mr. President, I have discussed this with the Senator from New Mexico, and I understand what he is trying to accomplish. I respect what he is trying to accomplish. I could not agree to the language in the amendment in its present form. But as I have indicated to the Senator from New Mexico, I am willing to see if there is some way we could reach some agreement, some modification of that language that might allow us to support this. I cannot give any assurance that that would be the final result, but I am very willing to see if we cannot resolve this.

I yield the floor.

Mr. BINGAMAN. Mr. President, I appreciate that statement by the Senator from Idaho. I look forward to working with him and the Senator from Ohio to see if we can come up with language that is acceptable which accomplishes the result intended.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I rise today to offer my strong support for Senate bill 1, the Unfunded Mandate Reform Act of 1995.

Let me first begin by congratulating the floor managers of the bill. They have done great work, Senator KEMPTHORNE and my distinguished colleague from Ohio, Senator GLENN. They have led the fight for this legislation not just in this Congress but in the previous Congress, as well. When the final vote for passage occurs, which it will, they will deserve a great deal of the credit for the fine work they have done for sending this bill on to the President.

It is appropriate, I think, Mr. President, that this should be the first major item of business before the Senate. Two years ago, talk about unfunded mandates made people's eyes glaze over. Really, as late as last year, there were at least 166 bills in the Senate that would have increased and imposed new mandates on State and local governments. Now, in this Congress, this legislation to slow the unfunded mandates is Senate bill 1.

What happened? What happened was that local elected officials throughout this country, the hard-working men and women who are closest to the real problems of their communities, finally got sick and tired of being treated as mere clerks for the Federal Government. Mayors are tired of it. Governors are tired of it. County commissioners are tired of it, as well.

We have been listening now, for days, as Senators have piled example on top of example to demonstrate that unfunded mandates are, in fact, a bad thing. Frankly, Mr. President, I do not think I need to cover that ground again. It is pretty clear that intrusive Federal mandates are a costly burden on States and local communities.

Indeed, we in Ohio have taken the lead in bringing this issue to America's attention. In August 1993, Ohio Governor George Voinovich and I issued this landmark report which has become an important resource in the debate over legislation known as Senate bill 1. This study is called "The Need for a New Federalism: Federal Mandates and Their Impact on the State of Ohio."

Another entirely valuable study was issued by Columbus Mayor Greg Lashutka in May 1991. It is called "Environmental Legislation: The Increasing Costs of Regulatory Compliance to the City of Columbus."

Both of these have been a valuable resource. Mayor Lashutka is now the first vice president of the National League of Cities and the vice chair of the Unfunded Mandates Caucus of the U.S. Conference of Mayors. He has been a major resource for the debate we have had over the last few weeks.

Mr. President, in the course of compiling these studies, we discovered some very sobering things. We discovered that unfunded Federal mandates will cost Ohio more than $1.74 billion between 1992 and 1995. We discovered something even worse. We found that the Federal mandates were robbing communities of the money and the flexibility that they need to cope with local problems. Every dollar, every dollar in local spending that is controlled by a Federal mandate, is a dollar taken away from some genuine community need and concern.

Let me give you an example. In Richland County, OH, $3 out of every $4 in the county budget represents mandated cost; 75 percent of the budget is already spent before the county commissioners meet every year for the first time. That leaves one quarter of the county budget to pay for services actually decided on by the local elected officials in Richland County. Visit county after county or city after city or town after town, as I did last year. We all hear the same story. That is what unfunded mandates do to communities all over America. They take decisionmaking away from those closest to the people and give it to the Federal Government.

An example: The Federal Government gives Ohio schools only about 7 percent of those local schools' total operating budget. Yet, that same Federal Government imposes over 50 percent of the paperwork that that local school has to comply with. In Ohio, we cannot afford to spend our money on paperwork.

Mr. President, we need to be spending our money in this country on our children. Education is just one example of how the Federal Government is forcing Ohio to waste tax dollars. Let me give you another example. Congress passed a highway bill, a highway bill which mandated that States had to use scrap tires in highway pavement. It sounds good. It would seem to make sense.

Here is the impact on Ohio: Ohio would have to spend $50 million a year to comply with this mandate. From my perspective as a former local county-elected official, I can say that the loss of $50 million is really not the worst consequence of that mandate. Mr. President, the worst consequence of that mandate is the lost lives in the State of Ohio. Because every single dollar—in this case, $50 million—that is spent for this Federal mandate in a nonproductive way is a dollar that could have been spent on straightening roads, or replacing traffic lights, or building new railroad crossings. That is $50 million that could be used to make our roads safer.

Earlier this month, Governor George Voinovich said it well. He declared, with that $50 million, "Ohio could repave nearly 700 miles of rural highways or rehabilitate 137 aging bridges."

So, Mr. President, while the issue of unfunded mandates is certainly a question of money, it is primarily an issue about which level of Government is best equipped to make decisions about the proper use of the finite amount of taxpayers' dollars that we have.

This issue is, of course, as old as the Republic. In the Federalist era, Alexander Hamilton actually recommended that the Federal Government assume the debts of the States that financed the American Revolution.

Now today we are talking about the opposite idea. We are debating whether the States should assume the responsibilities that were undertaken earlier in this century by the Federal Government.

So it is far from a new issue. The era we live in really began in the 1930's. With the beginning of the New Deal and Franklin Roosevelt, the 1930's saw the beginning of a steady shift of power from the States to the Federal Government.

But, Mr. President, while the Federal Government's power has grown steadily, its performance has really not kept pace. In fact, the American people are in general agreement that the Federal Government's performance has actually declined.

Remember what happened in last year's health debate in this country. President Clinton's health reform bill did not fail because the American people thought there were no problems connected with our health care system. No, rather it failed because the American people believed that the Clinton bill would mean more Federal Government involvement in the health care decisions of America's families. Americans just did not trust the Federal Government to do a better job in this area.

I have always believed, on a philosophical basis, that local Government is best equipped to make decisions about local problems. And now, after 18 years of involvement in public life, my concrete experience with the different levels of Government—State, local, Federal—has made me even more certain that the best problem solvers are those closest to the people.

I believe that the American people share this belief in local decisionmaking. The passage of S. 1 will begin a long process of transforming this deeply held conviction into legal reality.

Let me stress, Mr. President, and I say to Members of the Senate, that this is just a beginning. By itself, the passage of S. 1 will not create a new balance of power between the States and the Federal Government. It will not abolish Federal mandates. But I believe that it will do something even more valuable. It will begin an intelligent national debate on how our Government should work.

I believe that in this Congress, we have a truly historic opportunity. We can divide responsibilities of government in a rational and systematic way by paying attention to the nature of the problems we need to address and the respective abilities of the various levels of government.

Mr. President, this is really not an ideological question. It is rather a more practical question: What works? For too long we have been trapped in a mindset that tells us every problem should have a Federal solution. Well, it is true, some problems should have a Federal solution. At some point, we will decide, I am sure, that a particular mandate is, in fact, in the national interest of this country. But these are decisions that we have to make with our eyes wide open. They have to be made rationally, systematically, and not simply by the force of inertia.

Mr. President, last year the American people voted for a less expensive, less intrusive and more responsive Federal Government. If we succeed in revamping the Federal system along the lines that I have discussed, we will be well on the way toward achieving the goals set by the voters of this country in the last election.

I yield back the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to compliment the Senator from Ohio for his thoughtful delivery, for his strong support of S. 1, and for his strong support on behalf of State and local governments and the private sector, just to say how much we realize that he will be an effective and positive force with his membership in the U.S. Senate.

Mr. President, I ask unanimous consent——

Mr. GLENN. Will the Senator hold?

Mr. KEMPTHORNE. Yes, I hold.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I certainly wish to acknowledge what my distinguished colleague from Ohio has said. I know of the work that he did in Ohio, along with Governor Voinovich.

Governor Voinovich and I have had many conversations with regard to unfunded mandates. He has led a lot of the effort on behalf of the Governors to get an unfunded mandates bill passed. We had bill S. 993 last year that we kept the Governors advised on, as well as the other members of the big seven, those organizations that represent officials at all levels of government outside the Federal Government.

He also mentioned Mayor Lashutka who did a study in Columbus as to the impact on the Columbus budget. It was landmark in that I do not think any other city had gone into it to the extent that Mayor Lashutka did.

If I can recall the figures correctly with regard to the Federal mandates they have to comply with, just in the environmental area between 1991 and the year 2000, Columbus will have to expend approximately $1.6 billion—one city—over a 10-year period. That is an enormous amount of money, and that does not include all of the Federal mandates.

Multiply that by all the cities of similar size around the country—I think Columbus is ranked 16th in size nationally—and it means some of the mandates that have gone up over the past 10 or 12 years—have left cities literally financially strapped. They cannot keep up with the mandates that are being imposed upon them.

At the same time, we had what was called the new federalism that, in effect, cut back on some of the community development block grants, and other things that were helping the States. So we cut back on some of the means that the States were using to accomplish some of these mandates.

We have multiple studies. I have entered those in the RECORD. We talked about them on the floor. I congratulate my colleague for his bringing these to our attention and for his support of this legislation. We look forward to getting legislation through, and we want to complete the amendment process as fast as we possibly can. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that upon disposition of the statement by Senator BYRD, that the Senate resume consideration of the KEMPTHORNE second-degree amendment No. 196 and it be considered under the following time restraints: 1 hour equally divided between Senator KEMPTHORNE, or his designee, and Senator HARKIN.

I further ask unanimous consent that following the conclusion or yielding back of time, the Senate proceed to vote immediately on, or in relation to, the Kempthorne amendment.

I further ask unanimous consent that immediately following the disposition of the Kempthorne amendment, Senator HARKIN be recognized to offer a second-degree amendment, which is similar to the text of amendment No. 190, as offered, and it be considered under the following time restraints: 1 hour to be equally divided in the usual form.

I further ask unanimous consent that following the conclusion or yielding back of time, the Senate proceed to vote immediately on, or in relation to, the Harkin amendment.

Finally, I ask unanimous consent that no other amendments be in order to amendment No. 190, and that following the conclusion of the Harkin second-degree amendment, the Harkin amendment No. 190, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Reserving the right to object, and I do not plan to, but I just want to clarify this, that this would in no way curtail statements by anyone who wished to speak on Senator BYRD's amendment. I know Senator LEVIN wished to have 10 minutes or so on Senator BYRD's amendment. I might wish to speak on it also. It is a very, very important amendment. Probably the most single important amendment we have been able to work out here. It does solve a very major problem. I may want to address that also.

I hope nothing in this is to be construed as limiting any comments on Senator BYRD's amendment. It is only after all that has been completed and accepted that we would move on to this unanimous-consent request; is that the understanding?

The PRESIDING OFFICER. The agreement is after Senator BYRD concludes his remarks, we would move on to this amendment.

Mr. GLENN. It says upon the disposition of Senator BYRD's statement, that would mean we could comment on it before there was a final vote on his amendment; is that correct?

Mr. KEMPTHORNE. Mr. President, I modify the unanimous-consent agreement so that it is with regard to the Byrd amendment, so that we can have final disposition of the Byrd amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 213

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 213, offered by the Senator from West Virginia.

Mr. BYRD. Mr. President, on previous occasions I have risen to speak on this bill. I believe that it is a very important measure which can have far-reaching effects on the Federal budget and, if not carefully considered, S. 1 could have unintended and harmful results.

I do not think any of us really know what the effects ultimately will be—what the results will be. The best we can do is just do the best we can and try to work out as good a product as possible here, crafting with all of our painstaking care and hope that it will be beneficial to the country and that it will fulfill the hopes and aspirations that we have, as we work on it and vote for it. Not all of us will vote for it. I may vote for it. I have not finally decided. I may not vote for it.

For example, will the enactment of S. 1 result in certain situations where States and localities will receive reimbursement for the net costs to them of Federal mandates, but where the private sector will receive no such reimbursement, even though the private sector also has to meet the same mandate?

Let us take, for example, minimum wage. There have been discussions of minimum wage recently. If an increase in the minimum wage is enacted at some point in time, it will apply equally to the private sector and to the State and local governments. This bill would require that we reimburse the State and local governments for their costs relative to an increase in the minimum wage, as I understand it. Yet, as of now, it is my understanding the private sector would receive no such reimbursement.

Moreover, if the enactment of an increase in the minimum wage can be considered simply as an unfunded Federal mandate, have we not lost something which has been a mainstay of this country's ideology and tradition since 1938? We are not discussing an amendment that has anything to do, directly, with the minimum wage. But I just want to develop my thinking along these lines.

Fair wages for even the most unskilled in our society are, I believe, a basic American value.

I worry that we are not fully considering the ramifications of this piece of legislation on the health, safety, and opportunity of our people. Are we putting the private sector at a disadvantage versus its ability to compete with the public sector? Are we doing that? Are we sure that the States can take up the slack that a withdrawal of the Federal contribution will mean in some areas? Are we sure that we are not setting up the American people for reduced services and massive tax increases at the State level with the passage of this legislation? Nothing pains so much as painful, unintended consequences. And here I am talking about unintended legislative consequences. They are mighty hard to correct, mighty hard to correct.

Take for example the portion of S. 1 which relates to the authorization of appropriations as one of three ways to pay for future Federal mandates.

Pages 21 through 24 of the bill set forth two new points of order under this legislation. The first states that it shall not be in order in the Senate to consider:

> (A) any bill or joint resolution that is reported by a committee unless a committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration;

If we examine what this means, Mr. President, I think we will find that any bill or resolution must have a statement from the Director of the Congressional Budget Office estimating the direct costs of Federal mandates as follows—and I am now again quoting directly from the bill, beginning on page 18, line 2:

> . . . the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:
>
> (i) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

These requirements raise at least two questions which I think bear scrutiny by the Senate. First, the language I have read directly from the bill makes it out of order in the Senate to consider any bill or joint resolution unless the aforementioned statement of the CBO Director has been published by the committee.

As I read the bill, there is no requirement for any statement by the Director of CBO relating to floor amendments. How then are we to determine the costs of floor amendments? There will be floor amendments.

Secondly, it should be noted that CBO, under the language in the bill that I have read is required to provide estimates for only 5 years, even if the mandates in question are to last for 10 15, or 50 years.

Now let us turn to the second point of order created in the bill, which begins on line 24 of page 21 and runs through page 24 line 21. Without reading the language of the bill, permit me to summarize it by saying that this second point of order will exist against any bill, joint resolution, amendment, motion, or conference report unless they "pay for" any mandates which equal or exceed $50 million for any fiscal year. There are three methods provided in the bill to pay for such mandates. First, these new mandates may be paid for by an increase in direct spending. Implicitly, under the pay-go provisions of the Budget Act, any committees which choose this method of paying for mandates will have to charge the costs of them against their allocations under each year's budget resolution.

The second method which may be used to pay for new mandates would be to raise receipts sufficiently to offset the costs of reimbursing state and local governments for any new Federal mandates. In other words, increase taxes. Somehow, I do not believe this method will be employed very often.

The third and final method which may be used to pay for future mandates will be to authorize appropriations and I will now quote directly from the bill: I begin on line 24 of page 22.

> . . . any bill, joint resolution, or amendment proposed in the conference report includes authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and one . . .
>
> (I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (3) for each fiscal year;
>
> (II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);
>
> (III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and
>
> (IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or
>
> (bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

Here again, these provisions raise a number of questions. First of all, Senators will recall that under the bill, CBO will have to provide estimates for new or increased mandates in excess of $50 million for any year which are contained in any bill or joint resolution. Yet, we now find that unless we pay for them by one of the three methods I have stated, we will face points of order against amendments, motions, and conference reports as well as bills and joint resolutions. Who is to determine what the cost of an amendment's mandate is, if not the CBO? The bill is silent in this regard.

As Alexander Pope said, "Who decides when doctors disagree?" So who is to determine what the cost of an amendment's mandate is, if not the CBO? The bill is silent in this regard.

Are we going to have Senators locked in endless combat over what various amendments have done to the cost of a conference report? Are we going to ask the Nation to wait endlessly while we compute and recompute the costs of a bill which has been substantially changed by the impact of an amendment adopted with no estimate of its cost? Talk about grid-lock! Or, better. Rail against Byrd-lock! The ambiguities in this legislation will make grid-lock or Byrd-lock look like a fast track by comparison.

Perhaps every Senator ought to go out and hire his own budget analyst—that is if nobody makes the usual move to cut legislative branch appropriations.

Now get that. We can usually expect around here an amendment or amendments cutting legislative branch appropriations. So we cut and cut and cut until it has been cut to the marrow of the bone—not just down to the bone, but to the marrow.

So every Senator probably ought to go out and hire his own budget analyst, if he can afford it—that is if nobody makes the usual move to cut legislative branch appropriations so that we cannot afford such an analyst.

Incidentally, if the usual move is made and CBO's budget is thereby cut, this bill in and of itself will constitute an unfunded mandate because CBO will have to cut staff and would be even more hard pressed to spit out these estimates.

A second question raised by the bill language is what costs we are referring to. On page 23 alone we find the following terms having to do with costs:

Page 23, lines 2 and 3: "estimated direct costs of such mandate";

Page 23, lines 5 and 6: "full direct costs of the mandate";

Page 23, line 16: "direct cost referred to under subclause (IV)(aa)"; and

Page 23, lines 18–21: "minimum amount that must be appropriated in each appropriation bill referred to in subclause (II)."

Mr. President, with all of these terms, it will be difficult, if not impossible, to know what it is that has to be done with regard to points of order.

Third, the language I have read relating to appropriations requires each new bill, joint resolution, amendment, motion, or conference report to identify the minimum amount that must be appropriated in each appropriation bill for every year that any mandate would be in effect. That could be 10 years; it could be 20; it could be 50; it could be more. And remember, the Congressional Budget Office is not required to provide any estimate beyond 5 years and, even then, they are only required to make estimates on bills and joint resolutions, not on floor amendments, or motions, or conference reports.

Let me just take a few minutes to remind my colleagues of how wildly mistaken even the best estimates can be. The estimates of outlays and receipts of Federal expenditures have been off by billions of dollars in the past.

The chart to my left is titled "Differences Between Actual Budget Totals and First Budget Resolution Estimates for Fiscal Years 1980 Through 1993."

These are the latest figures. I am told we do not have the figures for 1994 as of yet. But if we look at the chart, we will see the word "revenues." We will see a horizontal line. I like to think of that as meaning the estimate of revenues for each of the years shown. If there is no bar above or below the line, then we hit the estimate right on the head for that year.

Senators will note that the nail was never hit on the head in any of those years. Take, for example, 1980. In that year, the revenues, the incoming revenue, exceeded the estimates. So we did very well that year by $11.1 billion. We can say, hooray, we came in with more money in the pot than we estimated, more than we thought we would receive.

But the very next year, 1981, the revenues received were $11.3 billion under the estimates. For the following year, 1982, the revenues were $40 billion under the estimates. The subsequent year was 1983, and in that year the revenues failed by $65 billion to meet the estimated revenues. And so it is on across the board.

One year in which the estimates of revenues and actual revenues received were almost on point—almost hit the nail on the head but missed it by $1.7 billion—was 1981, in which year the revenues exceeded the estimates by $1.7 billion. But the next year it went out of whack again. The revenues amounted to $23.8 billion less than the estimated receipts for that year.

And so across this chart, which represents the years 1980 through 1993, there were only 3 years—1980, 1987, and 1989—when the actual revenues exceeded the estimated revenues. But in the remaining years—1981, 1982, 1983, 1984, 1985, 1986, 1988, 1990, 1991, 1992, 1993—the revenues were less than the estimates by the amounts shown. In 1983, $65 billion. In 1992, $77.5 billion. The average difference across the period was $24.7 billion. So we failed to hit the nail on the head by an average of $24.7 billion. That is $24.70 for every minute since Jesus Christ was born.

Now let us take a look at outlays. We will find the same pattern. The estimates are off. In no year do we hit the nail on the head. Again, the horizontal line on the chart represents the estimated outlays. This chart is entitled, "Differences Between Actual Budget Totals and First Budget Resolution Estimates for Fiscal Years 1980 Through 1993," in billions of dollars. And in each instance here, the source of the information is the Congressional Budget Office.

Let us take a look at this chart that stands to my left. It deals with outlays. The viewers will note that in 1980, the estimated outlays, estimated expenditures, the estimated outgo of funds, the expenditures, were greater than the estimates by $47.6 billion. The red bars on the chart so indicate that the expenditures exceeded the estimates in the given years represented. In only 4 years did the actual expenditures come in lower than the estimates. In one of those years, as the chart will indicate, the estimates were $85 billion off; that was the year of 1990. And in 1993, the estimate was $91.9 billion off.

The next chart to my left is entitled, "Differences Between Actual Budget Totals and First Budget Resolution Estimates for Fiscal Years 1980 Through 1993," in billions of dollars. This chart represents the deficit in each year. The deficit is represented in all these years by how far under the estimates the revenue, actual revenues are, and how far over the estimates the actual outlays or expenditures are.

So, in 1980, we see that the actual deficit was $36.5 billion over the estimate. In 1981, the deficit was $58.3 billion above the estimated deficit. In 1982, the actual deficit was $73 billion more than had been the estimate. In 1983, it was $91.4 billion.

There was one year which the deficit missed the estimate only by $3.7 billion and we were in the red that year, in the red to the tune of $3.7 billion.

But if we look at the year 1990 on the chart, the viewers will note that we came in with $119 billion, with a higher deficit than was estimated. And the average for the period of 1980 through 1993 was $34 billion a year higher than the deficit—a $34 billion higher deficit each year on the average than had been estimated.

So what we see here is what really happens. The estimates never are right. They are off one way or the other in the case of outlays, in the case of receipts, and in the case of the deficit.

So despite the very best efforts of the very best analysts, fluctuations in the economy, a recession, changes in interest rates, even changes in the international situation, our trade balance, and so forth, can cause extreme fluctuations in the estimates. How in the world, then, can we ask for estimates in connection with this bill that are 10 years out, 20 years out, with any confidence at all in the product?

The charts have reference to estimates that were made. CBO made estimates and every estimate was off.

So here we will be, under the terms of S. 1, expected to appropriate the minimum amounts—I am talking about we appropriators, we who are on the Appropriations Committee, and then the full Senate—we will be expected to appropriate the minimum amounts required to fully fund the direct cost of all covered mandates, based on "the estimated direct costs" of the mandates for every year for the life of the mandates, which may be 5 years, 10, 15, 20, 50.

I say impossible. I say improbable. I say it is ridiculous to expect it to be done.

Let us follow this process. First, we bring a new mandates bill to the floor which will run for 30 years, let us say. Yet, in order to avoid a point of order, the bill needs only to have a 5-year CBO estimate. Now, on the floor, there are amendments which may add to the cost of the mandate. Who is to make the estimate of the cost of the floor amendment? Even if the Budget Committee attempts to get CBO's estimate, what if CBO says they just cannot come up with an estimate on such short notice? What happens? Is the bill pulled down, put back on the calendar? Do we wait, then, for CBO's estimate of all floor amendments? Do we simply ignore the problem? Do we waive the point of order? That can be done by a majority. It would not be difficult to waive the point of order. If so, will this not encourage Senators to defer the offering of amendments to create new mandates until action on the floor takes place, rather than offer such amendments in committees? Will it not be an invitation to Senators to hold off with their amendments until they reach the floor because then it might not be possible for the CBO to come up with estimates in time?

Then, there is the question of reliability of the estimates which will be required. And as I have pointed out, the bill will require minimum amounts to be appropriated for all future years that covered mandates will be in effect, even if the period is 10, 20, or 30 years. How can we expect those estimates to be anywhere close to accurate? It is difficult enough for CBO and OMB to provide accurate estimates of Federal spending for 5 years, much less 10 or 20 years. Furthermore, the estimates called for in S. 1 will require CBO and/or other estimators to calculate such long-term costs for some 87,000 State and local governments—for every year that such mandates will be in effect, no matter how long that period is. Clearly, Mr. President, these estimates will not be worth the paper they are written on.

Yet, under the bill's provisions, if any future appropriation bill fails to provide the minimum amount set forth for any year that a mandate is in effect, then the bill would turn over to the Federal agency responsible for carrying out the mandate the power to either (1) implement a less costly mandate, or (2) to declare such mandate to be ineffective for any fiscal year for which an appropriation act does not provide for the estimated direct costs of such mandate.

Mr. President, in my remarks on Wednesday, January 18, a week ago this past Wednesday, I expressed my concern to the Senate about the delegation of legislative authority to the executive branch.

Mr. President, I am not saying here today that this provision in this bill is unconstitutional. The legislative branch can delegate certain authority from time to time if adequate and appropriate criteria and standards are established whereby the delegatee can make fair and correct judgments. But I am saying that we may be opening the door to a constitutional problem here. That is for the courts to say ultimately, but we have a responsibility also, as we act on legislation, to try to avoid constitutional problems and to act accordingly.

So my amendment would close that door that is in the bill. My amendment will strike the provisions of the bill that would delegate this power to the executive branch and replace them with a requirement that, for any fiscal year for which a responsible Federal agency determines that insufficient appropriations are available to fully fund any mandate, that agency shall so notify the appropriate authorizing committees of Congress within 30 days of the beginning of the fiscal year. In its report to said committees, the agency shall set forth its legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year.

My amendment provides, in addition, that in instances where an agency finds that it can fully carry out a mandate with less funding than was authorized for any fiscal year, the agency will be able to provide a statement to that effect to the Congress. If we agree by joint resolution, the agency statement will become effective.

Finally, for instances where a new mandate which has not been in effect is underfunded, the amendment provides that it shall not go into effect until Congress enacts a law to resolve the funding shortfall.

Also, under my amendment, all legislation establishing future covered mandates shall provide expedited procedures. I am not suggesting a way here that will hamstring the effort. This is a good-faith try at making it work, and it leaves the responsibility of making it work in the legislative branch, not downtown in an executive agency.

In other words, my amendment, rather than delegating to the executive branch the authority to either cut back or eliminate statutory mandates, Congress will retain that authority in Congress. Within 30 days we will receive a responsible agency's recommendation as to whether a less costly mandate or no mandate should go into effect for any year that insufficient appropriations are available to fully carry out any mandate. We will then have 30 days to act on such recommendations under expedited procedures.

I generally do not favor expedited procedures but I can see here in this instance the necessity for expedited procedures. I might add that my amendment does not set up any particular set of expedited procedures. Instead, it requires that each future bill containing covered mandates set up the procedure.

If I vote to roll back a popular Federal mandate because I do not believe it should be funded, and that vote upsets the people in my home State of West Virginia, then they can go to the polls and vote against me. They can write to me in the meantime. They can pick up the telephone and raise their objections to my vote or give me their advice, let me know how they feel. They can tell ROBERT BYRD that they are not happy with his performance. I will be held accountable. But how does anyone with a complaint vote against some civil servant—and we have to have them, I do not disparage civil servants—how can anyone in West Virginia or Iowa or Michigan pick up a telephone and complain to some civil servant in the Environmental Protection Agency or the Transportation Department, or the Securities and Exchange Commission? They cannot do it. The American people cannot hold those unelected, invisible, unknown, officials responsible even if they knew who they were. Even if they knew the identity of the civil servant, how could they hold that civil servant responsible?

Well, is that how we intend to respond to the American people? Is that how we shoulder our responsibilities as elected representatives of the people? Are we not simply setting up a fall guy in the person of some agency bureaucrat so that we do not have to take the blame for pulling the plug from some necessary and popular Federal mandate? If that is the consequence of this legislation, whether intended or unintended, I submit that that result is an unworthy one. We need to shoulder our own responsibilities and belly up to the bar.

Accountability is a basic linchpin of our representative democracy. Not our democracy. We do not have democracy. Ours is a representative democracy, a republic. But accountability is a basic linchpin of our system, and we ought not muddy the waters so that the people who put us here cannot tell who is making these decisions which so impact upon the people's health, safety, and livelihoods.

I urge Senators to support my amendment. It keeps the Congress' legislative powers intact instead of placing them in the hands of unelected bureaucrats. I yield the floor.

Mr. KEMPTHORNE. Mr. President, I want to compliment the Senator from West Virginia [Mr. BYRD] for his amendment.

I thought how best to describe his amendment, and I think it is best described as a perfecting amendment. We have just heard Senator BYRD and his description of this amendment. But the principal concept that it contains is that it leaves with Congress the responsibility for deciding whether to impose unfunded mandates on States, cities, schools.

Before we go into further discussion on this amendment, I want to make sure that Senators know that last night the Senate adopted an amendment by Senator MCCAIN that says if the Appropriations Committee includes a mandate in an appropriations bill, that appropriations bill will be subject to the same process that S. 1 provides for all of the bills.

The Byrd amendment perfects a principle that we sought to achieve in Senate bill 1, greater congressional accountability, the mandates imposed on State and local governments. I have learned a lot about the Senate rules just in the 2 weeks that I have been the floor manager on Senate bill 1, and many of these lessons came from the Senator from West Virginia.

It is with the utmost respect that I say that. I know that in the context of Senate rules a perfecting amendment means a minor modification. In this context, I use the term "perfecting" in the sense that it does make the bill better. I have consulted this morning with mayors, with Governors, with county commissioners, throughout the United States and they agree with my assessment.

If I may, I would like to briefly explain the heart of the Byrd amendment. Senate bill 1 approached the issue by having committees include in their mandate bills, procedures that agencies should follow in sunsetting or scaling back mandates if sufficient funds are not appropriated. If authorizing committees choose to fund a mandate with an appropriation the bill containing that mandate must contain provisions for making the mandate ineffective.

The Byrd amendment perfects this approach by directing committees to include in their bills procedures for agencies to report back to Congress if there are insufficient or no funds to pay for mandate costs. Further, the legislation must also provide for making the mandate ineffective if Congress and the President do not enact subsequent legislation proving or modifying the unfunded mandates. This makes sense to me. It also makes sense to representatives of the Nation's mayors, Governors, county commissioners, school board administrators as based on my consultation with them this morning.

So I want to compliment Senator BYRD for his studious approach of this legislation, and for this amendment which I think enhances significantly Senate bill 1, and also enhances something that I believe strongly in as well, and that is that Congress must retain an oversight so that what we intend is what is actually carried out.

This is just one more example of why so many Members respect the Senator from West Virginia. I know on our side of the aisle that we are willing to accept this amendment. I yield the floor.

Mr. GLENN. Mr. President, let me associate myself with the remarks of my distinguished colleague from Idaho. It is questionable, in many respects, whether or not this legislation would have been workable without this amendment. I think it is that important.

I think the whole concept of unfunded mandates is to make the Federal Government work, and work right. If there is a challenge, and that challenge is delegated to an agency, the duty assigned to that agency is a mandate. However, often times the Government finds that it cannot provide all the money for the mandate that has been imposed, and that will happen. Under the legislation as it was introduced, it would have been up to an agency to associate with the State, city, or entity to which the mandate applied, and the agreement that was reached by the agency would have gone into effect. The agency would have had the force of law. In other words, we were delegating to an agency the right to enforce what would normally be enforced by Congress and telling them, "You work it out."

That may sound rather innocuous, and why are we getting so excited about this? Well, we have a $50 million threshold. Fifty million dollars is not going to bankrupt the United States, but remember, we may be dealing with laws that involve environmental concerns—clean water, clean air—and some of these things can range into hundreds of billions of dollars, particularly if taken over a 5-year period or 10-year period.

Let us say there is a 10-percent funding provided. That would give you one set of options if you were an agency trying to work this out. Let us say 40 percent, 60 percent, 90 percent is what the appropriators are able to fund. We would have said with this bill, perhaps something is going to be an impact, a mandate impact over maybe a 5- or 10-year period, it might be $300 or $400 billion, potentially.

That is not out of the range of things that could happen. We have an estimate over a 20-year period of $300 billion just to clean up the nuclear waste problem. We have not even dealt with that yet. So we are talking not just about $50 million. We are talking about programs that would be mandated to the States or local communities that might range into the tens of billions of dollars, and then we have a few people at an agency or Department whose job is to say, "Well, how are we going to distribute this 10- or 20-percent allocation of money we got?"

Some of them might be more interested in one part of the Clean Air Act, while others may be interested in the hole in the ozone layer over the Antarctic. Somebody else may be interested in exhaust gas emissions in Los Angeles. The Agency would be deciding where that partial funding went, unless we had this amendment which corrects that and very properly says, "OK, you people are experts, but you are not the final judge on what goes on; the Congress is, the Senate is."

In the event that a situation like this occurs, what we can say now is, "You people over in the agencies can work this out and make a recommendation, and you have 30 days to bring your recommendation back to Congress." In any event, the recommendation must come back here for final approval, and it will be up to the will of the Congress to make the final decision on these matters.

I think this is an excellent amendment, and I want to congratulate the Senator from West Virginia, again, for working this problem out. I am very happy that my colleague from Idaho sees fit to accept this on the other side of the aisle, and on our side we are very happy to accept it. I do not know if the Senator wants a rollcall vote on this. We are happy to accept it on our side if he does not want a rollcall vote.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Senator. I thank the two managers for their comments.

First, with reference to the comments by the distinguished Senator from Idaho, I have to say, and I am proud to say, that the new Senator from Idaho has greatly impressed me by his approach to the management of a bill. He has been very civil, very respectful of everyone's views and wishes. He has listened. He has been the very model of patience and fortitude. He has demonstrated a great skill in managing the bill. He has worked on this bill for a long time, I am sure.

Tennyson said:

> I am a part of all that I have met. . .

And I am proud to think of Tennyson's words as I contemplate working together with Senator KEMPTHORNE in the days to come. I have had experience working with him in recent days. He can reflect with great pride on his work here on this legislation, and I may or may not vote with him. I may or may not, I do not know yet. But there is something that supersedes and transcends things of that nature, and that is the respect we have for one another here. And I must say that I have great respect for Senator KEMPTHORNE, of Idaho.

I, of course, have equal respect for Senator GLENN, of Ohio. We have known each other for a long time.

I was thinking the other night, he was the first American to orbit the Earth. It took Lindbergh 33 hours to fly from this country to Paris in 1927. He ate one and a half of his five sandwiches as he crossed the ocean, sometimes flying 10 feet above the water, sometimes 10,000 feet above the water. As he went over Cape Breton, the viewers with powerful glasses, according to the New York Times, could see, could make out the number "211" on Lindbergh's small plane that carried a load of only 5,500 pounds.

I would like to inquire of the distinguished Senator from Ohio how many minutes it required him to circle the Earth?

The Senator answers for the RECORD, he encircled the Earth once every 1 hour and 29 minutes; in other words, 89 minutes.

But let me sum it up like this.

Mr. GLENN. Will the Senator yield?

Mr. BYRD. Yes.

Mr. GLENN. There is another way to put the speed that is a little more interesting. It is a little under 18,000 miles an hour. But think where we are right now, and to your home would be 10 miles, I suppose, all the way out there.

Mr. BYRD. Yes.

Mr. GLENN. We would make that trip in the space of 2 seconds. You are making about 4.8 miles per second.

Mr. BYRD. Two seconds. The New York Times reported that Lindbergh flew over Cape Breton at the great speed of 100 miles per hour—100 miles per hour!

Well, things have changed a lot. Some things stay the same, or about the same. When I came to the Senate, it was the 86th Congress when I came to the Senate. I came to the House in the 83d Congress. But in the 86th Congress, I came to the U.S. Senate. Suppose an agency, a civil servant in a Federal agency—suppose this bill had been enacted into law the year I came, let us say, to the Senate, January 1959, in the 86th Congress.

I was the 1,579th Senator ever to serve in this body, and there have now been 1,826 Senators. What I am saying is suppose in the 86th Congress, this bill had become law and certain criteria had been established for the guidance of the Federal agencies. Suppose also that that law were still in effect. Imagine, since that Senate, in which I was the 1,579th, we have seen almost 2½ complete turnovers in the Senate, with the exception of Senator THURMOND—almost 2½ complete turnovers—yet the criteria remained the same. The Senators, who had voted in the committees in 1959 to establish the standards and the criteria by which the agency head would be guided, are gone. They would have passed from the stage of this life and gone on to their reward, most of them. And the agency head, the person down in the agency, has long since been replaced also.

The criteria that were established in the 84th might be much out of date today, as much out of date as Lindbergh's *Spirit of St. Louis* was when JOHN GLENN, Senator JOHN GLENN, circled the Earth. The criteria would be out of date. Would we be satisfied in letting someone down at the agency make these decisions with respect to mandates—less money, less mandate, or nullify the mandate—based on criteria that were created 37 years before?

I just pose that rhetorical question. I think that is what we are attempting here to rectify or avoid or to prevent.

I thank both of the managers for their kind remarks. I am ready to take my chair if another Senator wishes to speak.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendment offered by Senator BYRD is clearly an improvement in this bill. It leaves an awful lot of problems remaining, with which I think my friend from West Virginia would agree, but it does address at least a problem, and it does it in a very important way, and I wish to just kind of summarize what I understand the Byrd amendment will do.

The Senator from West Virginia said near the end of his comments that some things change and some things stay the same. One of the things which changes is, indeed, the criteria over the years or, to put it another way, technology over the years.

We might estimate in 1994 that 25 years from now it is going to cost State and local governments $60 million to clean up something. There could be a totally new technology in those years which would reduce the cost of that cleanup by 90 percent, and yet under the bill, before this amendment, that agency would have to be directed to reduce the mandate on State and local governments if the amount was not appropriated equal to what was thought to be the cost of that cleanup two decades before.

It makes no sense. This amendment gives us at least one way to correct it down the road. It does not solve the problem of whether or not these estimates are useful to begin with and whether we ought to create these points of order on such weak estimates to begin with. But at least it gives us at the end of the line—10, 20, 30 years down the line—a legislative way to correct a misestimate. That is the part that stays the same. That is the enduring part of this Constitution which this amendment protects. And that is the right of the legislative body to legislate. This amendment avoids directing agencies to do what legislatures ought to do.

Now, I know we can say in the bill that authorizing legislation has to set forth criteria, but the truth of the matter is that unless we adopt the Byrd amendment, there is a significant delegation of what should be a legislative function to the agencies, overcoming the constitutional argument that you cannot do it broadly by simply, as in S. 1, having used the word "criteria," which may get by a constitutional point of order but barely. And it is not the way we should legislate. We should not be abdicating legislative function to agencies, creating points of order unless bills direct agencies to reduce mandates 20, 30 years down the road, based on estimates decades earlier which were squishy.

I want to add my voice of commendation of the Senator from West Virginia because he is doing two things in this amendment that are important. One is based on the reality of change, which he has illustrated much better than I can, and the other is based on the reality that some things should stay the same under our Constitution, which is our responsibility to legislate and not to just shove it all off on agencies decades down the road.

Now, that is two things which the amendment does. There are some things it does not do. It does not solve the problem of creating that point of order based on that estimate to begin with. I think my friend from West Virginia would agree with me that that problem remains. When does the mandate even begin?

We had a colloquy here in the Chamber the other night. We spent an hour trying to figure out when a mandate began and could not figure it out. That is the triggering moment. When does a mandate first create direct costs?

I put up a chart with CBO figures, and the managers at that time were unable to tell me when does that mandate begin. So it is very difficult to know when a mandate begins, frequently.

Sometimes it is clear but frequently it is difficult. In many authorization bills, it is impossible to know when the mandate ends unless you have an authorization bill that is 5 years, 10 years, 15 years, 20 years. If it is a permanent authorization, you do not know when that mandate ends. So we have the CBO trying to figure, sometimes in a matter of hours—maybe minutes—the cost of a mandate on 86,000 jurisdictions, and we as people who are legislating cannot even figure out when some mandates begin and when they end. We are putting a whole lot of importance on that estimate at the beginning point when a point of order is created.

That is the basic problem with this bill, and we have tried to address some of those problems. I am going to have an amendment later on this afternoon which is going to say the maximum length of that estimate will be 10 years. I do not know whether or not the amendment will be adopted, but I think we ought to have some finite time for the amount of the estimate if we want to be realistic.

As the Senator from West Virginia pointed out, right now in this bill the CBO has got—once it is triggered, once there is a $50 million threshold estimate in any 1 of the 5 years after it is effective, assuming you can figure that out—assuming that $50 million threshold is reached in any year, then they have to estimate the cost each year for the entire length of the bill's effectiveness, which can be forever. In order to make this a little more realistic for the CBO, I will offer an amendment later on today which says just go out 10 years from the effective date.

Now, the Senator from West Virginia has addressed an important problem, but it also leaves unaddressed what I have described and also creates the following duplication, I believe. I would like him to comment on this. We have not had a chance to chat so this will be our chat.

Under his amendment, as I understand it, which is the best he was able to work out with the managers, what will happen is this. Fifteen years from now, an Appropriations Committee will be appropriating money in an area, and they will be reminded there was an estimate 15 years back by the CBO that the authorization bill that they are working on will cost State and local governments $60 million.

Now it is 15 years later. The new Appropriations Committee is looking at this authorization bill and they have information, which is reliable, that because of new technology that mandate will now cost no more than $6 million, about one-tenth of what the estimate was 15 years ago. The Appropriations Committee, I hope, would do the sensible thing and appropriate at the most what it would cost to implement the mandate, 10 percent of what the estimate was 15 years before. When they do that, they will send the bill to the Senate floor, the Senate will act on it, pass $6 million, send it to the House—maybe it would have come from the House, whatever, the House will say yes, you are right, whatever, it is only $6 million this year—the House will approve the bill, although the order will probably be reversed. In any event, both Houses will probably work out the difference. At that point the bill will go to the President, he will sign the appropriation bill, and then there will be $6 million.

And then the agency, under the Byrd amendment, will say whoops, that estimate 15 years ago was for $60 million. We have to send a statement to the Congress saying we can do that now for $6 million. And if we do not think we can then we can reduce the scope of the mandate. There are a number of options which the Byrd amendment provides. If they do that there will be expedited procedures. I will get into that in a moment. But there will be expedited procedures to be sure that the Congress can act on that recommendation of the agency so it is the Congress that is acting and not the agency.

Again, I applaud the Senator for that. I think it is a very important change. But nonetheless we have to legislate all over again. We have to go through that process twice. Now we will have a recommendation from the agency, expedited procedures, joint resolution, has to go to both Houses, then has to go to the President.

So there is another hoop, another hurdle, another moat, another wrinkle. It is worth doing. I do not use any of those words in the sense that I think it is not worth putting in that extra burden, that double appropriation process. Because I think it probably is, in order to avoid the other two problems which the amendment of the Senator addresses. But I am wondering if the Senator from West Virginia would agree with me that, in order to address the two problems which he has, that it will be required down the road, whenever that is, that there be two steps taken to appropriate the right amount of money instead of one? And even though we have gone through the appropriations process once and presumably the appropriation folks know all the facts when they appropriate and they appropriate the 10 percent of that estimate and it goes to the President and is signed into law—as I understand the amendment, I think I have it straight—we still have to go through this second step of having this report from the agency, the expedited procedure, the joint resolution that becomes law?

I am wondering if I am accurate? And if not, I would like to be illuminated on that point.

Mr. BYRD. It seems to me, Mr. President, this would not pose a problem. I would think that the appropriations bill could say "notwithstanding any other act." Notwithstanding any other act or any other provision of law, the agency shall carry out the mandate with less money.

So that Appropriations Committee and the Senate at that time—the same thing with the other body—can act accordingly, in the light of the new facts and new circumstances.

Mr. LEVIN. I am wondering if that would also be the case, even in the absence, presumably, of the Senator's amendment?

Mr. BYRD. I would think so, yes.

Mr. LEVIN. So what the Senator's amendment adds to that possibility, which always exists, a subsequent legislative body could say, "Notwithstanding any previous position of law," is a second avenue of overcoming an estimate which turns out either to be inaccurate or which a subsequent Congress does not want to legislate, basically.

Mr. BYRD. Exactly.

Mr. LEVIN. And if that second path is used, which is the substance of the Senator's amendment, at that point there would be the second step used?

Mr. BYRD. Yes.

Mr. LEVIN. I thank my friend. On the expedited procedures issue, the Senator from West Virginia indicated that he has not set forth one expedited procedure. So I assume from that, we could have, in effect, as many expedited procedures basically as there are authorizations?

Mr. BYRD. Conceivably that is the case.

Such procedure might become like any other boilerplate language in connection with this type of legislation. I said earlier I do not like expedited procedures but there are times when they may be necessary. In this case I did not want to try to raise a barrier to the effectiveness of the legislation. I want to expedite the operation of it, so as to retain here in the legislative branch responsibility to act rather than offloading that responsibility on an agency head.

Mr. LEVIN. I thank the Senator from West Virginia for reminding us of just how far off estimates are—budget estimates that come from the CBO.

I also just add to that one thought. These estimates are the product of the work, frequently, of months of I would guess, hundreds of people with great skills in this area, for one Government. And, they are off.

Mr. BYRD. They are off.

Mr. LEVIN. And the estimates that so much is going to depend on in S. 1 are estimates which will frequently be produced in hours. They will have to be if it is an amendment on the floor, and, I think, the Senator from Ohio is going to try to address the amendment issue.

Mr. BYRD. Yes.

Mr. LEVIN. But the problems will be even greater because of a number of reasons.

One, there are just going to be, presumably, few people working at most on trying to estimate the cost of a bill or an amendment for this purpose. That is No. 1.

No. 2, the period that the estimate has to be made for—in other words, when is the mandate effective—is frequently unknown and has to be guesstimated. The length of the mandate is longer. It is unlimited, unless the bill has a limit in it. The authorization bill could be 20, 30, 40 years—unlike these bills which I think at the most are 5 years. But it is an annual estimate.

So you have in the case of a budget deficit estimate which is way off, huge numbers of people working on it knowing months in advance that it has to be prepared for a certain date for one Government for a finite period of time. Whereas the estimate referred to in S. 1 is an estimate that could be for an infinite number of years—could be unlimited, with not knowing when the estimate is going to have to be made because amendments are offered without warning, frequently. Sometimes they are second-degree amendments. And it is even a far more uncertain process that has to be produced in a shorter timespan than the estimates which my friend from West Virginia has reminded us of.

Is that a fair statement?

Mr. BYRD. I think it is. And, as the Senator from Michigan has so often pointed out, in 87,000 different political entities throughout this Nation.

Mr. LEVIN. I thank my friend. I commend him for his efforts on this bill, to improve this bill. This has huge, vast problems remaining. I think it is a labyrinth that is being created here with so many uncertainties that it is going to create problems for everybody, including the State and local governments frankly, as well as the legislative process. But this really represents a significant effort. I commend my friend for taking, always, the time to get into the details of a bill so we try to come up with something which makes sense beyond the beltway and which is workable inside this institution.

Mr. BYRD. Mr. President, I thank my distinguished friend. As we have commented on the estimates and pointing out invariably they are off, of course, there is no criticism of the fine people in the Congressional Budget Office; it is just simply that there is no man or woman in the 261 million people in these United States who can estimate accurately. It cannot be done. God, in His infinite wisdom, could tell us that figure. It is humanly impossible, absolutely impossible in light of changing circumstances, inflation, unemployment, et cetera, to come up with the right estimate.

I was just musing to myself. In ancient times you will remember the dream in which the baker and the butler had dreams. And the baker's dream was interpreted meaning in 3 days off would go his head, unlike the pleasant outcome of the prediction of the butler in his dream; namely, that in 3 days he would be back serving the king or the pharaoh. In ancient times the heads of these poor CBO people would roll.

Mr. LEVIN. Mr. President, we have adopted a number of amendments which are trying to make their life a little more realistic than otherwise, amendments allowing them to say—for instance my amendment—if they cannot make an estimate, they are allowed to be honest in the intergovernmental area the way they were originally in the private area.

I have one question of the Senator from West Virginia to make sure that I understand the meaning of his reference to the word "mandate."

On page 2 of his amendment, lines 20 and 21, he makes reference to the word "mandate." Am I correct in understanding that the mandate referred to there is the mandate which is the subject of the section, which is the intergovernmental mandate?

Mr. BYRD. That is my understanding. It conforms to this language, namely, Federal intergovernmental mandates, on page 22, line 2, which is in the bill.

Mr. LEVIN. I thank the Senator.

Mr. BYRD. Mr. President, I thank Senator LEVIN. He is one of the most meticulous legislative craftsmen, not only in this body but that I have seen in any legislative body in which I have served. He is meticulous. He will not "cavil on the ninth part of a hair," but he will study it very carefully. If we did not have a CARL LEVIN, we ought to make one.

Let me take this opportunity to thank Senator LEVIN's staff, Senator GLENN's staff, and Senator KEMPTHORNE's staff for their patience and their helpfulness in working with Jim English of my staff on this bill. The contributions of those three Senators and their staffs and my own staff have been great, and I am very thankful.

Mr. President, for those who may wonder, I have no objection to setting this vote for later. I would like to get the yeas and nays. I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that the vote on the Byrd amendment take place at 2:45, and that until that time we take up the Wellstone amendment which is going to be agreed to on both sides. That should take up most of the time between now and until the vote on the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I thank all Members.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am trying to remember. I believe the amendment number is 204.

Mr. GLENN. I believe that is correct.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the manager.

Mr. President, let me first of all thank the floor managers, the Senator from Idaho and the Senator from Ohio, for their work. I would also like to thank their staffs and thank Ken Boley, who has been working with me. We have been involved in negotiations, and I think we have come up with a very reasonable compromise.

This amendment makes sure that when we talk about savings we have a definition of what we mean by direct savings. It is not currently defined in the bill. In other words, what this amendment says is that if savings can be reasonably estimated, then it should be counted. When we do the cost-benefit analysis, we want to do the cost but we also want to do the benefit. And this just tightens up the definition of savings.

As I have said many times, I support the premise of this legislation. I think there are a variety of different rough spots that we have been trying to smooth over with the amendments. I think this amendment does that.

I thank both Senators for their support.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to thank the Senator for his contribution with this amendment. I would also like to inquire if the modifications that we have discussed have been sent to the desk.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 204, AS MODIFIED

Mr. KEMPTHORNE. Mr. President, I send to the desk the modifications that have been made, and ask unanimous consent that they be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 204), as modified, is as follows:

Insert at the appropriate place the following:

( ) The term 'direct savings'—

( ) in the case of a federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local government, or tribal government as a result of compliance with the federal intergovernmental mandate.

( ) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.

Mr. WELLSTONE. Mr. President, if the Senator will yield, I apologize. I thought that had been sent up.

Mr. KEMPTHORNE. Mr. President, we are ready to accept the amendment.

Mr. WELLSTONE. Mr. President, before we vote, I ask unanimous consent that Senator BOXER be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. We are happy to accept the amendment on our side also. I think the Senator from Minnesota has made a good contribution. This certainly clarifies some things that were not clear before. I think that is good. I compliment him for pointing out these things. We are glad to accept it on our side also.

Mr. WELLSTONE. I thank the Senator from Idaho for his work in coming to an agreement on this amendment.

What we are trying to do with this amendment is to make it clear that the Congressional Budget Office ought to be diligent in calculating the savings a mandate will create for State and local governments. The focus of the Unfunded Mandates Act is on costs, but there is a recognition in the bill that mandates can also provide savings to state and local governments. That recognition is critical.

Under S. 1, costs to the public sector as a result of a Federal mandate must be paid for, or else a point of order lies against the proposed legislation containing the mandate. Savings are involved because under the bill we need not pay for costs to the extent that they are offset by savings. In other words, you cannot calculate costs unless you can calculate savings.

Costs and savings are two sides of the same coin. Both are important. But S. 1 includes a 2½-page definition of costs, and absolutely no definition of savings. However, the bill does make the important point that the ultimate cost of a mandate is the net amount resulting when savings are subtracted from costs. What we do in this amendment is provide that clarifying definition of direct savings. If a savings can be reasonably estimated, it should be counted.

For example, assume that following reports of a rise in incidence of carpal tunnel syndrome, a bill is proposed to restrict the number of hours a data entry technician may work. In analyzing the costs and savings resulting from this mandate, CBO estimates that employers' liability will likely decrease under such a law because of fewer cases of the syndrome, and that insurance premiums will likely be lower as a result. Is that a direct savings? Also, since liability would be decreased, perhaps the amount of settlements and awards not covered by the insurance would decrease as well. Is that also a savings? Under S. 1 as clarified by this amendment, CBO will have guidance and balance in making that decision.

How about savings that would result from workers not taking as many sick days? And savings from lower hospital bills the State might have to pick up? Again, under S. 1 as clarified by this amendment, CBO will have guidance and balance in making that decision.

I ask my friend the Senator from Idaho who is the prime sponsor of this legislation if he agrees with the intent of this amendment as I have outlined it.

Mr. KEMPTHORNE. I would respond to the Senator from Minnesota that I do agree with the intent of this amendment as he has outlined it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment (No. 204), as modified.

The amendment (No. 204), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 213, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 213, as modified.

Mr. HATCH. Mr. President, I congratulate Senator BYRD and Senator KEMPTHORNE on agreeing to mutually satisfactory language on this point-of-order provision. While I did not share Senator BYRD's concerns over what he saw as constitutionally dubious language in S. 1, I am pleased that he and Senator KEMPTHORNE have been able to agree on language that resolves his concern.

I am satisfied that the language in Senator BYRD's amendment is constitutional. For the sake of clarification only, I add that the language on page 3, lines 11 to 14 of the amendment, referring to approval by Congress of a joint resolution, is understood by all to contemplate that that joint resolution will become law. In short, no joint resolution will be deemed approved by Congress within the meaning of this language unless and until it has been signed by the President or, if it has been subject to a veto, the veto has been overridden by both Houses. This understanding is necessary and adequate to ensure that the procedure contemplated by the provision complies with the Constitution.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

So the amendment (No. 213) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, what is the order of business?

AMENDMENT NO. 196 TO AMENDMENT NO. 190

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 196, offered by the Senator from Idaho, which is pending to amendment No. 190 offered by the Senator from Iowa. Debate on the amendment is limited to 1 hour equally divided and controlled by Senators KEMPTHORNE and HARKIN.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I would like to congratulate my colleagues, Senator KEMPTHORNE and others, for offering this amendment.

The PRESIDING OFFICER. Does the Senator from Idaho yield time to the Senator from Utah?

Mr. HATCH. I am managing the bill at this time.

The PRESIDING OFFICER. The Senator from Utah yields himself such time as he may consume.

Mr. HATCH. Mr. President, I would like to repeat that. I would like to congratulate my colleagues, Senator KEMPTHORNE, and others, for offering this amendment. This amendment expresses the sense of the Senate that in implementing the balanced budget amendment, Congress will neither cut Social Security benefits nor increase Social Security taxes to balance the budget. Let me repeat that: Congress will neither cut Social Security benefits nor increase Social Security taxes to balance the budget.

This is a very good approach to ensuring that we will not harm either our current nor our future retirees as we get the Nation's fiscal house in order.

For all our generations, this is important. We all want to protect Social Security. There is not a person in this body who is not going to do that. And yet there are going to be a number of amendments that are basically irrelevant trying to show that they are going to try and protect us from ourselves with regard to Social Security. I do not know of anybody in the House or the Senate who is not going to protect Social Security under the balanced budget amendment. But everybody knows that if we amend the balanced budget amendment to exclude Social Security from its features, that balanced budget amendment will not be worth the paper it is written on. Everybody knows that, including those who basically are arguing this issue.

There is no question that we will protect Social Security in the implementing legislation. There is not a Member of Congress who will not vote to do that, and that definitely will be there.

This sense-of-the-Senate resolution says in passing the implementing legislation, Congress will neither cut Social Security benefits nor increase Social Security taxes to balance the budget. So we cover both ends of the spectrum.

We all want to protect Social Security. It holds a special place in our national programs. We want to protect Social Security in an appropriate and reasonable way. This provision does that. It is wholly appropriate, it is wholly reasonable, and it points the way to real protection for those who are relying upon the Social Security Trust Funds.

This provision goes to the heart of the concern of some that Social Security benefit cuts or tax hikes could result from attempts to balance the Federal budget. It expresses the sense of the Senate that as we move to balancing the budget that we will not cut benefits nor raise taxes in the Social Security trust fund in order to balance the budget.

I wholly agree with the intention of this provision, and I urge my colleagues, all those who, like me, support a balanced budget and all of those who, like me—meaning everybody—support protecting Social Security to vote for this amendment. Let us adopt this reasonable and appropriate approach to protecting Social Security as we move toward balancing our Federal budget.

One last comment. We have to do it this way. We will pass implementing legislation that will fully protect Social Security. This resolution commits us to doing that. But if we try to amend the balanced budget amendment and put statutory language of protection for Social Security in that, it is gone. It will not be worth the paper it is written on, and everybody who knows constitutional law knows that. I presume every Member of Congress knows that.

Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I join my colleague from Utah in urging the adoption of this and the rejection of anything that suggests that we ought to have a Social Security exemption in the Constitution.

The interesting thing about the wording, and we went through this in the Judiciary Committee, what you would do for the first time in the history of the Nation is you would exempt a specific statute. That is not the way you write a Constitution. Then you have a huge loophole through which you can put anything you want in that statute. It just is not the way we ought to do things.

Second, by exempting Social Security, we do not make ourselves obligated in the years to come. Starting in the year 2012 or 2014, depending on how quickly people retire, Social Security will start going into the red. We need to anticipate that.

This is a commitment to people that we are going to try and act responsibly in this whole process. Are there going to have to be adjustments to future retirees in Social Security or to employers or to a FICA tax or something? The answer is at some point in the future that will have to take place because we want to make sure Social Security is sound but this does no favor, long-term, to Social Security recipients.

Let me add one other point. Those who oppose a balanced budget amendment are going around telling every group—we just had it yesterday from the Secretary of Defense. He said, "Oh, this is all going to come out of defense and you are going to hurt defense." They are going to groups that fight for social causes and saying, "Oh, it is all going to come out of yours." And they are going to Social Security recipients and others saying, "Oh, this is all going to come out of you."

This is a commitment that we want to do this thing responsibly, and I believe we will. We need to get on a glidepath toward a balanced budget, and that is the commitment of the balanced budget amendment.

I will vote for this amendment. I will oppose any secondary amendments that suggest that we ought to have an amendment to the Constitution on this.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I, at the appropriate time, will move to table the Kempthorne amendment. Last year, when we debated the balanced budget amendment I also exempted Social Security. At the time, my friend from Utah said, "It is a fig leaf."

They did not invent a fig leaf until the amendment now before us had been offered. This is the biggest farce to the senior citizens of America that has been attempted to be perpetrated on them in a long time. If, in fact, this fig leaf is adopted, people can walk out and say, "We are going to put it in the implementing legislation." And, in fact—I have every respect for my friend from Utah—I am sure he will do his best that it does become part of the implementing legislation. But what happens 5 years from now, 7 years from now, 8 years from now? Any legislative body can change the implementing legislation.

This is a farce. Everyone within the sound of my voice should understand that the Committee to Preserve Social Security, the AARP—all those groups that represent senior citizens in this country—oppose an amendment like this. This is offered only for show. But those who are watching this debate will see through its transparency.

We are going to have an opportunity when the balanced budget amendment is brought before this body to debate and vote on whether or not there should be an exclusion from the balanced budget amendment of Social Security. The resounding answer is that there should be an exclusion. Why? Because Social Security should rise or fall on its own merits.

I sat for the better part of 1 year on the entitlement commission. We studied Social Security. We know what is powerful about Social Security. We know the weaknesses of Social Security.

Mr. President, Social Security is this year going to have a surplus of $80 billion. Right after the turn of the century, the surplus will be in the hundreds of millions of dollars. We have to stop raiding these Social Security trust funds to make the books look better in Congress. We have to do that to protect the original contract with America, passed during the Great Depression, a contract of which we all are very proud. One of the most resounding acts of politics, of Government in the history of the world has been the Social Security agreement that we have in this country.

I think it would be a disservice to the people of this country to allow this amendment to pass. That is why I will move to table it. I believe that if we are going to have a debate, it should be reserved to whether or not the people of this body are going to exempt Social Security. That is the vote. That is why I applaud and commend my friend from Iowa for bringing this to the Senate's attention. We must recognize that Social Security should be exempted.

Finally, Mr. President, including the exemption in the constitutional balanced budget amendment is the only way to ensure that the trust funds will not be looted and that the trust fund will not become a slush fund. Congress has long recognized the special nature of Social Security. It is a contract that must be enforced. We can only guarantee continued performance of this contract if we expressly exempt Social Security from a balanced budget amendment. I recommend and plead with my colleagues to vote with me in tabling this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I rise to oppose the Kempthorne second-degree amendment. Senator KEMPTHORNE is attempting to weaken Senator HARKIN's amendment, which would put the Senate on record on a very important issue. Senator HARKIN's amendment would commit the Senate to protecting Social Security in the balanced budget amendment that we debate next week.

Let me try to underscore what is at work here.

This is not a discussion about good intentions. Everybody here has good intentions. All Senators would stand up, I am sure, and say, well, we are headed toward a balanced budget. Count on me. I guarantee we are not talking about cutting Social Security benefits.

Mr. President, if this is truly the case, then let us turn good intentions into a constitutional provision.

Here is why it is important. The agenda of the new majority party says the following three things: One, we want to increase defense spending, one of the largest areas of spending in the Federal budget. Two, we want to cut taxes. And three, we want by the year 2002 to force a balanced budget.

The question is, how? How does that add up, if one says we want to have a balanced budget by the year 2002 without affecting Social Security? I have heard the argument made: We want to do that without affecting Social Security. But if you take Social Security out, people tell us, that means nothing. What on Earth is that saying? That is a contradiction in logic that, I am sorry, I just do not follow.

Look, we take money out of workers' paychecks every day and every way in this country for one specific purpose, and it is labeled on the paycheck. It is money to go into a trust fund to pay for Social Security. That is the compact between those who work and those who used to work. That goes into a trust fund.

That trust fund this year had $69 billion more come into the trust fund than was spent out of the trust fund. Not one cent of the Federal deficit this year was created or caused by the Social Security system.

Now, why are we collecting more? Because we are saving it for when the baby boomers retire. If we do not take this surplus out of the balanced budget amendment's calculations, we will surely raid the Social Security trust funds, and all of us know it, in order to achieve the balanced budget amendment. Then we will probably deny it all the way to the bank.

The only way to keep the promise that has been made in this country is to pass the sense-of-the-Senate resolution offered by Senator HARKIN today, and then pass the proposal to the balanced budget amendment that will be offered by Senator REID and myself, Senator CONRAD, and Senator HARKIN next week, and that simply says this: No one shall be entitled or enabled to raid the Social Security trust fund to accomplish a balanced budget amendment because the Social Security system has not caused one penny of the Federal deficit. It is now running a very substantial surplus. The money that is taken from the workers' paychecks and from the employers who employ them is money that is sent into a trust fund to be spent for only one purpose. If this money is not for that purpose, then we ought to change the tax, eliminate the Social Security tax.

But all of us know exactly what is going on here. We want to play a little game and talk about a goal out there in the year 2002 without tying your hands.

Well, with respect to raiding the Social Security trust funds, I say let us bring some rope and tie some hands around here. Let us provide some guarantees. Let us tell seniors and workers for whom this compact exists that we mean what we say, that this is not about good intentions. This is about a good constitutional amendment to balance the budget. And the way that constitutional amendment will be a good amendment is if we keep this promise that the American people have made and kept decade after decade after decade since the 1930's.

This issue is not going to go away, and this issue is not going to be solved by good intentions or rhetoric. It will be solved not by passing the Kempthorne second-degree amendment which, as the Senator indicated, does not solve this problem. It will only be solved by passing today the sense-of-the-Senate resolution offered by Senator HARKIN and passing next week the amendment we intend to offer to the constitutional amendment and which we hope this Senate will adopt.

Mr. President, I yield the remainder of my time to my friend from Iowa.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, everybody knows that everybody in this body, everybody in the other body, is going to protect Social Security. We are going to protect it in the implementing legislation without question. If we put in an exemption, a statutory exemption for Social Security in the balanced budget amendment, it will make the balanced budget amendment worthless. We all know that.

But more importantly, if it is put in there, I guarantee you, you are putting Social Security at risk, and I will tell you why. Because once you put it in the balanced budget amendment, then everybody and anybody is going to be pouring their programs through that Social Security loophole calling it Social Security. I can see child care; I can see almost everything else. And guess who is going to lose? It is going to be the senior citizens in this country.

It is far better to legislate with legislation than to legislate on a constitutional amendment. And we are going to guarantee it. There is no doubt of anybody in the world that we are not going to guarantee Social Security on the implementing legislation.

So this argument is really a bogus argument. In a sense, it is an unconstitutional argument because we do not legislate on constitutional amendments. And if you provide any loophole for any part of the budget, that will be the hole through which they will drive millions of trucks in the form of all kinds of ideas on legislation. Everybody's special interest will be labeled that loophole exception.

Now, we all know that. We all know this is kind of let's-see-who-can-stand-up-for-Social-Security-the-most, although everybody does. So we simply believe the way to do it is the way the Kempthorne amendment is written. We protect Social Security. We will do it in the implementing legislation, and we will protect it from decreases or increases through tax increases. We will not allow the taxes to increase, either. That way it is a level playing field and everybody is protected, plus we give the assurance that after the balanced budget amendment is passed we will work on implementing legislation which will do in a better form, in a better way, with greater guarantees, exactly what my sincere colleagues—and I acknowledge they are sincere—are trying to do here.

I yield 5 minutes to my friend and colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank the Senator from Utah for yielding.

I suspect he and I and a good many others ought well get used to the floor, because starting next week the chairman of the Judiciary Committee, my colleague from Utah, will be leading the battle, the debate, the discussion, on a balanced budget amendment as it comes to the floor of the Senate.

I did not think we would start that debate until then. But it is obvious there is a lot of partisan jockeying at this moment to see who can appear to be the better defender of the Social Security system. Mr. President, that kind of jockeying will not work; it has not worked. It has been tried before. The American public have clearly rejected it.

If I could take just a few of us back a decade to the early 1980's when the Social Security trust fund was truly in trouble, there was no money; it had been spent out and the revenue flows coming into the trust fund simply were not adequate to build any kind of revenue base, to build any kind of security to that system, and there was a real question that the checks could even go out. The partisan wrangling began. Thank goodness, Ronald Reagan and the Democrat Speaker of the House, Tip O'Neil, said: This will not work. We have as a nation always stood together in our support of Social Security. And we will stand together now. And Social Security will be as strong in the year 2002, when the Federal budget is balanced, as it is today. Because the American people will expect it and our Federal budget will not be balanced on the back of the Social Security System.

The American people want a stable Social Security System and they expect it to pay out what they put in. They need to be assured that their benefits will not be cut to pay for other spending programs. The Senator from Utah is absolutely right. If we create the exclusivity of a massive loophole as the Senator from Iowa and those who support him tonight are trying to do, what will occur is exactly what happened in the 1950's and the 1960's and the 1970's, when there was a great desire to do social good but nobody had the will to raise taxes. We began to plug programs into the Social Security System, and myriad programs were plugged in. Were they socially worthy? Absolutely. None of us disputed that at that time. I was not here. Many Senators were not. But we had to pick up the pieces in the 1980's when the Congress of the United States finally had to fix the result of a broken trust fund system because already too much had been added.

If you create a giant revenue source and you create exclusivity to it—and that is exactly what the Senator from Iowa is attempting to do this evening—then you will in fact create a magnet that will draw all other kinds of programs under the guise that this somehow has a unique lure to the Social Security System. And the elderly of this country will say, it is for children? It is for the poor? I thought this was an exclusive income supplement program for those who had paid into it and those who were worthy and eligible by age and by definition. That is what we risk tonight.

What the Senator from Idaho in his second-degree amendment has proposed to do is to state clearly the intent of the U.S. Senate, much like the House did just yesterday in a resolution to speak clearly to the intent of the House. It is not much different from what we are attempting to do here, that it is the collective will, wisdom, and understanding of the U.S. Congress that as we work over the next 7 years to balance the Federal budget, we will not look to Social Security as a method and approach and revenue source to do so. It will be the responsibility to honor the trust funds and honor our responsibility and our pledge to the elderly of America that we will not balance the Federal budget on the backs of that program.

That is, of course, what the second-degree amendment speaks to, not just a revenue flow out from the System but a revenue flow in; that we will not attempt to use taxes to bolster up a System in the guise of Social Security to pay out for programs that would otherwise fall outside.

So I strongly support the second-degree amendment. I hope my colleagues can see the games that are being played. They really ought not be played, because this is without question a strong bipartisan issue. It has always been that. It should never be anything less than that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa?

Mr. HARKIN. Mr. President, I will yield to my colleague in just a second. I do want to respond a little bit, though, to the comment made by the Senator from Idaho and the Senator from Utah.

It is hard to know where to begin. Basically what the Senator from Idaho and the Senator from Utah are saying to the elderly and to the workers of

America is: Trust us. We do not have to exempt it from the balanced budget amendment. Just trust us.

It sounds like a used car salesman. You go to buy a used car and they say: We will not give you a guarantee, just trust me. That is the kind of argument we are hearing here.

They are talking about, somehow, if we do this in a constitutional amendment, if we exempt Social Security, then all of these other programs will be run through Social Security. It is evident to this Senator maybe the Senator from Idaho and the Senator from Utah have not really read the pertinent legislation. We took Social Security off budget in 1990. Then later on we made it an independent agency. Social Security is an independent agency with an independent board. If they try to run through poverty programs and everything else they are talking about through it, they would be guilty of a criminal conspiracy. It is impossible to do that. It is an independent board. That is why we removed it from politics.

Last, sort of an argument made by the Senator from Utah and the Senator from Idaho: if we put this on, we will try to add everything else onto the constitutional amendment to balance the budget.

Last year the same thing. I do not see any rush of other amendments to exempt this and exempt that and exempt anything else. This is the only one I know of. It makes common sense and good sense because it is a separate trust fund, separate taxes, separate trust fund.

Let me say, I think the proof of the pudding is what has happened so far. The Senate Judiciary Committee just passed it out. Let me say the Senate Judiciary Committee, led by the Senator from Utah, my good friend, the language that they passed clearly includes Social Security receipts and benefit payments to recipients in calculating whether or not we will have a balanced budget. There was a vote in the Judiciary Committee. It was debated and a vote was taken. The Judiciary Committee by a vote of 10 to 8 decided to have Social Security figured into the calculations of whether the budget is balanced or not. It makes no difference whether you put it in implementing legislation. That is nothing.

Mr. HATCH. Will the Senator yield on that?

Mr. HARKIN. In just 1 second I will. In implementing legislation—we can change that next year. We had a constitutional amendment in 1913 to put in the Constitution that the Federal Government can collect income taxes. How is that implemented? We implement that through the IRS Code and we change that every year. That is what you would be facing with Social Security.

As the Senator from North Dakota said, with those many billions, actually $3 trillion by 2020, in the Social Security trust fund, that is where they want to go to balance the budget: on the backs of the elderly, on the backs of the workers of America. That is where they want to go.

The Senator from Utah can correct me, but I understand the vote was 10 to 8 and the only Republican who voted for the Feinstein amendment to exempt Social Security was Senator SPECTER.

If I am wrong on that, if my information is wrong, I will stand corrected. But there was an amendment to exempt it. It was 10 to 8. I think the intentions are clear there. Those who want a constitutional amendment to balance the budget—and I am one of those; I have voted for one in the past and I will in the future, but I will not vote for a constitutional amendment to balance the budget that is going to balance it on the backs of the elderly by using Social Security. It is separate. It is off budget. It is a separate agency and it ought to be left that way.

I yield.

Mr. EXON. Mr. President, with all due respect, I hate to ask either side for time because neither side is going to be particularly appreciative of what the Senator from Nebraska is about to say.

Therefore, I ask unanimous consent I be allowed to speak for not to exceed 4 minutes with the time not charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Mr. President, I hope I am wrong, but I am not sure that I am. There may be some well-meaning attempts on both sides of the aisle for the underlying amendment by the Senator from Iowa and the second-degree amendment by the other side of the aisle, Senator HATCH or Senator KEMPTHORNE or whoever. I simply say, certainly there will be a lot of votes one way or the other on these measures. I want to explain the Senator from Nebraska will be voting against both. I am not saying I am any holier or any prouder or any more honest than any of my colleagues, but I simply say if you believe in a balanced budget amendment, then we should have a balanced budget amendment. That is going to be very, very difficult to do by the year 2002.

We should have a balanced budget amendment without any handcuffs. I for one am not sure that I would or that everybody would vote for making any reductions whatsoever in either tax increases, or benefit decreases to balance the Federal budget. I simply say that I am fearful that there is a great deal of politics being played on both sides of the aisle on this issue. There are those who really believe that we should have as part of a constitutional amendment to balance the budget a hands off policy on Social Security.

It seems to me that the second-degree amendment is what we generally call an amendment around here that lets you vote for it but really you are not. I simply say once again emphasizing I am not sure that as we proceed to balance the budget that we need to or we should touch Social Security—the well-known third electrical rail of politics, touch it and you are dead politically. But I am going to vote against both of these amendments because I think both of them, from my perspective, without trying to judge what the proponents of the two amendments are trying to do—I judge that the courageous, honest thing to do if you want to balance the budget is not put a whole group of caveats in, we are not going to do this and we are not going to do that. I do not think we should touch Social Security. But to put it in the constitutional amendment, in my view, would be unwise. I think it would also likely be unwise just for cover to have a sense of the Senate that says the same thing.

Another way of saying that I damn both of their houses because I think this is not realistic. I think it is not politically honest. If you do not want to balance the Federal budget, then it is a good amendment.

I hope that we will defeat both the first- and second-degree amendments. That is how this Senator will vote.

I thank the Chair. I thank the body.

Mr. HARKIN. Mr. President, I want to respond to my good friend from Nebraska. If you really want a tough constitutional amendment to balance the budget, I hope the Senator will support our efforts to exclude Social Security because, if you include Social Security, that is where they are going to go. That is going to be easy because by 2002 we are going to have about pretty close to $1 trillion in that trust fund. That is where they will go to get it to balance the budget. Everybody will feel good. But what is going to happen then is later on when that baby-boom generation starts to retire, those trust funds will be depleted. I believe those who want to include Social Security are looking for a quick fix, are looking for an easy way out. I do not think there ought to be an easy way out.

I yield up to 5 minutes to the Senator from North Dakota.

Mr. EXON. Will the Senator yield for a question?

Mr. HARKIN. Yes; I yield for a question.

Mr. EXON. Mr. President, my question is, If you are going to make a special case in the exemption of Social Security—which you can have arguments for and in some cases I might support—where are we going down that road to elimination? What about the veteran laying out here in the veterans hospital with two of his lower limbs off?

Are we going to put in a caveat to make sure that his benefits are not touched? I suppose, if we are going to do that for one program, we could do it for another. I cannot think of anything more important than our veterans. That is an issue that we do not want to talk about, but it is an issue I suggest should be discussed. And I would like my colleague from Iowa to answer that question.

Mr. HARKIN. Mr. President, as a veteran myself I agree with the Senator. But the point is there is no separate trust fund for that. If the Senator would like to propose setting up a veterans trust fund, then we can go down that road. The fact is since the 1930's we have had a separate trust fund for Social Security. There is a separate line on the paycheck. That is where the money goes. We took it off budget a few years ago. We set up an independent agency all separate and apart. Funds that come into Social Security that workers pay in go out for the benefits. They are not commingled. Yet now they want to raid it.

So while I understand the Senator's views on veterans and I sympathize with that, it is simply not a trust fund, and we would have to go ahead and establish such a thing before we could ever exempt it. I do not know that the will is here to set up that kind of independent trust fund.

I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Iowa. This has been an interesting debate. We have heard that everybody here is going to protect Social Security. I wish that were true, but that is not the record. Before I came here in 1986, the Republicans were in the majority, and they went right after Social Security. We are not talking about just cutting the growth. They wanted to cut Social Security minimum benefits, cut them, less money the next year than the year before. That is the record.

So it is easy to stand on the floor and say everybody is going to protect it. But we can look back in history and see what our friends on the other side of the aisle did the last time they were in control. They went right after Social Security. Make no mistake about that record.

What is important to understand is we are here talking about a giant hoax. It is all a giant hoax on the American public because we have been hearing about a Social Security trust fund. There is no trust fund. Go try to find it. Go look. Have a search around Washington to try to find where this money is in the trust fund. It is nowhere to be found. It has all been spent. That is the truth of the matter.

What is happening around here is that the Social Security surpluses are being consistently systematically looted. The money is being taken to cover up how big the deficit really is. That is what the truth is. That is what really is happening. What some of us believe is that a trust fund ought to be a trust fund. It ought to be held in trust. It ought not to be looted for some other purpose. Why is it being done, people might ask? Why is this being done in Washington? Why are the Social Security surpluses being systematically looted to pay for the rest of the operating budget? I believe it is because a payroll tax which is regressive is financing the Social Security fund and those surpluses. And to the extent there are surpluses, that money is being used to offset the rest of the Federal deficit because you are using a payroll tax to fund the ongoing operations of Government. That is a burden and responsibility that ought to be shared by everybody, not just those who are on a payroll.

In fact, in this country, two-thirds of the people pay more in payroll taxes than they pay in income taxes. And to the extent those surpluses are being used to fund the ongoing operations of Government, what we have going on here is absolutely unconscionable and a fraud.

I asked my colleagues on the Budget Committee several years ago. "Why is the Reverend Jim Bakker in jail? Why did he go to Federal penitentiary?" The reason? Because he raised money for one purpose and he used it for another. That is called fraud. That is exactly what is going on with Social Security. We are raising money, taking it with a payroll tax out of people's pockets. Two-thirds of the people pay more in payroll taxes than they pay in income taxes. And we tell them we are using it to fund Social Security. Part of that is true. But to the extent there is a surplus, it is not true.

Mr. President, this chart shows the systematic looting of the Social Security trust fund that we will enshrine in the Constitution if we go ahead and pass the Kempthorne amendment and not put this provision in the balanced budget amendment.

I favor a balanced budget amendment. I think we ought to pass a balanced budget amendment. I am persuaded in my 8 years here that we are not going to balance the budget unless we have one. But it ought to be done in the right way. It ought not to be done by assuming we are going to loot a trust fund in order to balance the budget.

How big we are talking about here? This chart shows how big it is. This chart shows what the surpluses will be from 1995 to 2002. That is an 8-year period. The total amount of this is over $700 billion. That is what is at stake. Those who do not want to put it in the balanced budget amendment and put it in the Constitution and want Social Security treated as a trust fund are really saying we want to take $636 billion over the next 7 years. And we ought to use that to balance the operating budget.

Mr. President, any CEO in America who stood up and announced that he was going to use the trust funds, the retirement funds of his employees to balance the operating budget, would be on his way to a Federal penitentiary. That is a violation of Federal law. That same standard ought to apply to us, as the stewards for the Social Security trust fund.

Mr. President, if people really want to treat Social Security as a trust fund, if they really want to be true to the trust, then we need to put in the Constitution with a balanced budget amendment that Social Security surpluses will not be systematically looted to balance the operating budget. That is what this debate is all about.

Mr. President, I have a financial background. Maybe that makes it more difficult for me to approach these issues. But I say to my colleagues, if you pass the Kempthorne amendment, it is like putting lipstick on a corpse; it does not make it any more attractive. It may add a little superficial appeal, but it is a cold corpse. That is what we are talking about.

The Kempthorne amendment says we are going to protect Social Security until next year when we might change this statute and decide to loot it, just like we have been looting it every year. Mr. President, that is not good enough. If we are going to have a balanced budget amendment enshrined in the Constitution, then we ought to make certain that enshrined in the Constitution as well is the obligation that a trust fund is treated as a trust fund, not as a honey pot, not as a place we go to loot in order to make balancing the operating budget easier. That is precisely what this vote is all about.

I thank the Chair and yield the floor.

Mr. HATCH. Mr. President, I am really interested in the argument of the distinguished Senator from North Dakota. He has just been making our case. If you enshrine this into the constitutional balanced budget amendment, this statutory provision, that will be the loophole through which every spending program in the country will be able to be expanded—all at the expense of our senior citizens.

The Senator from North Dakota makes our argument better than I have made it. Under the Harkin amendment—if we go to the Harkin amendment—there is every opportunity and incentive to continue to use the Social Security Trust Funds to fund general budget outlays. Every opportunity. Look at how they are robbing it now. Yes, they are looting it. We have all kinds of programs that they define as Social Security that are now being paid for under Social Security, as general budget outlays.

In fact, if Social Security is our only way to borrow—and that is what we would do by putting it in the actual constitutional amendment—I would have to say there would be even more temptation to loot the Social Security trust funds to pay for general budget items.

The Harkin amendment, the underlying amendment, increases the problem. I do not know how anybody can argue for that. I think the arguments of the Senator from North Dakota make our case for us.

Let me cite the Seniors Coalition. In a letter, they said:

> If Social Security is exempted—

These are seniors, and that is what they want to do in the Harkin amendment.

> the total force of balancing the budget will find its way to Social Security. There will be an overwhelming temptation to either redefine Government programs as Social Security programs, or pull money out of the trust fund to balance the budget by cutting Social Security taxes to offset tax increases elsewhere. In fact, there would be nothing to stop Congress from "borrowing" as much money as it wanted from the trust funds to finance any other Government program.

My gosh, I do not see the logic in their arguments. I do know that when you talk about constitutional amendments, you do not legislate on constitutional amendments. I do know that if we do legislate on them and we provide any loophole—I do not care whether it is Social Security, veterans' rights, you name it—that will be the loophole through which they will drive every spending program that they do not want to balance the budget with.

The argument of the Senator from Iowa is an argument which says, "Trust us wonderful Members of Congress by exempting Social Security." He is saying "trust us" to the senior citizens and workers. It says to Americans, "Give us a constitutional exemption to the balanced budget rule, and trust us to resist the pressure to fund worthy programs." We are talking about worthy programs, through Social Security trust financing.

Does anybody in America believe that Congress can resist doing that, if we provide this loophole in the balanced budget amendment? My gosh, how could we resist this balanced budget spending loophole? Could the Congress resist using any available money to fund worthy programs, including Social Security moneys? That is why we have the deficit and debt problem we have. Congress is the fiscal drunken sailor, and here these folks—and they are sincere, and I have no doubt about that; these are my dearest friends and these are great people, and they worry about people who have disabilities and they worry about our senior citizens. Everything they are doing here is sincere, but it is constitutionally very unsound. That is why we have to vote for the Kempthorne amendment.

The reason we have this huge debt and these deficit problems is because Congress cannot control itself. That is why we want a balanced budget amendment. These folks—sincere and honest and decent people—who want to do what is right, which I acknowledge—want to exempt Social Security in the actual constitutional amendment. If they do that, my gosh, that becomes an exemption through which everybody is going to call their special spending program, their worthy program, Social Security. And many of them are worthy programs. I do not know how you can avoid it. I do not see the logic in their argument.

The Kempthorne amendment says, look, we have expressed the sense of the Senate that once the balanced budget amendment is passed, without loopholes, without special consideration to anybody, we are going to, in the implementing legislation and all legislation that follows that—exempt Social Security from being raided. It is just that simple. And there is not one Senator on this floor who would not vote for that after the balanced budget amendment is passed. But if we go with the Harkin amendment, sincere as it may be, my gosh, I doubt that any of these three or four who have been arguing for it would raid the Social Security funds. But they are only 4 of 100 people here. I can name at least 51 of them here who would raid those funds every time they had a chance to do something noble and worthy. Why, we do that all the time around here. They think every program is noble and worthy, and most of them are.

The problem is, like drunken sailors, we cannot quit drinking because it is more fun to spend money than to conserve money. That is what the balanced budget amendment is all about. It is against these gimmicks of trying to exempt anything. And then let us face it straight up in the implementing legislation afterwards, and we will protect our seniors, and there is nobody in America who understands this who would doubt that.

Mr. CONRAD. Will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. CONRAD. I just ask the Senator, in the balanced budget amendment you have outlined, what budget is being balanced?

Mr. HATCH. Over a period of 7 years, we will have to have a glidepath to balancing the Federal budget, and I believe it will be without utilizing Social Security funds, as we do today, to help do that. That is what I will be working on, and that is what the implementing legislation is.

Mr. CONRAD. But that is not what the amendment before us says, Mr. President. The amendment before us says that the budget that will be balanced is all of the funds coming into the Federal Government matched against the outlays of the Federal Government. And, by that definition, it says we are going to use $636 billion of Social Security trust funds to balance the budget. That is, in effect, looting the Social Security trust funds in order to balance the budget. It is commingling the operating funds with the trust fund.

Mr. HATCH. Mr. President, if I could reclaim my time, that is not what the amendment says. The amendment says we are not going to play this game of legislating on the balanced budget amendment. It basically says that the sense of the Senate is that we will neither cut Social Security benefits nor will we increase the Social Security taxes. That is all it says.

We are going to have to face that problem post the balanced budget amendment to do what the distinguished Senator says we have to do. The amendment by the distinguished Senator from Iowa only provides a loophole through which we can ignore the law and actually call things Social Security and go right through the loophole.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. HATCH. On your time, I will be happy to.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HARKIN. I yield 1 minute to the Senator for a question.

Mr. CONRAD. Mr. President, I would say to the Senator from Utah, the balanced budget amendment to the Constitution that is before us says, on line 7, page 3, "Total receipts shall include all receipts of the United States Government except those derived from borrowing." That, by definition, includes the Social Security surplus. That, by definition, means that, unless we adopt the Harkin amendment, you will be enshrining in the Constitution that we are going to loot the Social Security trust fund of $636 billion in the next 7 years alone.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I just want to also respond to the Senator from Utah.

He is saying that my amendment to actually enshrine it in the Constitution to exclude it from the constitutional amendment to balance the budget would have the people saying, "Trust us." That is not quite so.

The Kempthorne amendment tells the elderly to trust us. My amendment says to the elderly, "Trust the Constitution of the United States." They have trusted us, and the Senator from North Dakota has shown how the Social Security trust fund has been looted. I say now it is time to put our trust in the Constitution of the United States and not in this legislative body.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. Let me just finish. I do not have much time. I have to yield to the Senator from Nevada.

If you think I am wrong, look at what the chairman of the House Judiciary Committee said on January 16 in "Tax Notes." The publication "Tax Notes" quoted the chairman of the House Judiciary Committee as saying that failing to include Social Security assets in the budget "would require us to make spending cuts more sweeping than currently contemplated"—"than currently contemplated." They are contemplating Social Security cuts. And the only way to keep their hands off of it is to specifically exclude it from the balanced budget amendment and not do this fig leaf. And that is what this is. The Kempthorne amendment is a fig leaf. It is not only a fig leaf, it is a transparent fig leaf. You can see right through it.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. HARKIN. I yield 3 minutes to the Senator from Nevada, and more if he needs it.

Mr. REID. Mr. President, there is not a Democrat that is on the floor today—and we will have others who will come over here—that has not, during their campaigns, received information from the group that my friend from Utah has talked about. This senior group that he talks about is a Republican front organization. It does not represent mainstream American senior citizens.

We have letters from the American Association of Retired Persons, the Committee to Save Social Security, and other senior groups that represent those people who do not have to have some front that is really only for a Republican Party.

Here is what the AARP says about this amendment:

> Only by specifically excluding Social Security in the balanced budget amendment itself can American families be sure that Social Security trust funds are protected from raids to balance the budget.

Mr. President, we are talking about more than just people who are now drawing Social Security. We are talking about my daughter and my four sons. Even my grandkids. I would like to see, when they reach their golden years, when they go to the Social Security drawer, that there is money in it. And there will not be unless we exempt the Social Security trust fund from the balanced budget.

My friend from Utah, the manager of the bill presently, was an outstanding trial lawyer. I personally did not have trials in the same judicial district as he, but I have heard about him. ORRIN HATCH was a fine trial lawyer. As a result of that, I know that my friend had trust funds set up in his law office.

If a lawyer violates a trust fund, he is either censored, disbarred, or somehow reprimanded by the bar association which has authority over him, or that person goes to jail. We want to bar any type of similar tampering with the Social Security trust fund. We can only do this by expressly exempting the Social Security trust funds.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. My 3 minutes are up?

The PRESIDING OFFICER. Yes.

The Senator from Iowa has 1 minute left.

Mr. HARKIN. I yield 15 seconds to the Senator.

Mr. REID. So I say, let us defeat the Kempthorne amendment by agreeing to the tabling motion that I am going to make.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I will use the remainder of my time.

Mr. KERREY. Will the Senator yield?

Mr. HARKIN. I do not have any time.

Mr. KERREY. I would, as the senior Senator from Nebraska did, ask unanimous consent for 2 minutes. I want to be the Senator to close, and I wanted 2 minutes.

Mr. HATCH. How much time remains on this side?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes.

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Is the Senator from Iowa finished?

Mr. HARKIN. I was going to save my 45 seconds.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I rise, as the senior Senator from Nebraska did, in opposition to both of these proposals.

I understand the intent and I am sympathetic with the intent, but I must say I believe it sends a very bad message to the American people. It sends a message that says the largest account we have in the Government, we are going to take it off the books.

I understand the reason for being cautious in this regard. I understand the arguments that are made. But I urge my colleagues to consider a rather lengthy document that was sent not just to us but to the President of the United States in 1994. It is called "The 1994 Annual Report of the Board of Trustees of the Federal Old Age and Survivors Insurance and Disability Insurance Trust Fund," the trustees that manage the Social Security trust fund, with three Cabinet Secretaries out of six people that have signed this thing saying to us that Social Security is in trouble.

Now, I appreciate, for a variety of reasons, that we want to leave this thing alone. But I think it sends a very bad signal to the American people that, right at the beginning with the consideration of a balanced budget amendment, we are going to take the most contentious and most difficult thing of all off the table.

Mr. REID. Will my friend yield so I may respond to a question because, in effect, he did ask a question.

Mr. KERREY. I only had 2 minutes.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. HARKIN. Mr. President, I guess I have about 45 seconds remaining.

I ask unanimous consent, first of all, to have printed in the RECORD the letter from Horace Deets, from the AARP.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, January 26, 1995.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The House engaged in a vigorous debate on Wednesday, January 25th, over the status of Social Security in a balanced budget amendment. In light of the debate, the American Association of Retired Persons (AARP) wishes to make clear its view.

The Association continues its long-standing belief that the balanced budget amendment is a bad idea. In any event, if an amendment should pass, Social Security should be specifically excluded for the following reasons:

Social Security is a self-financed program based on contributions from employers and employees that are credited to the Social Security trust funds.

Social Security currently has over $400 billion in reserves and is not contributing one penny to the deficit. The reserve is projected to grow by about $70 billion dollars this year alone; and

Raiding the trust funds would be devastating to both current and future beneficiaries and would further undermine confidence in this nation's most important program.

The Association is concerned that yesterday's vote on the Flanagan resolution may mislead the public into believing that Social Security has been protected. Whatever the intent, a non-binding resolution can in no way substitute for language in the amendment itself. Indeed, the resolution, while perhaps expressing the intent of the current Congress, would have no impact whatsoever on a future Congress.

The vote in the Judiciary Committee to reject a specific exclusion for Social Security in the amendment makes it clear that Social Security remains "on the table." In fact, the proposed Constitutional amendment, by referencing all receipts and outlays, would reverse action taken in 1990 to take Social Security "off-budget." The Constitutional amendment thus puts Social Security at risk, and a non-binding resolution simply will not save it.

Only by specifically excluding Social Security in the balanced budget amendment itself can American families be sure that the Social Security trust funds are protected from raids to balance the budget—a promise

> made by the leadership of both parties during and after the November election.
>
> Members of the House may honestly disagree on whether Social Security should or should not be exempt from the balanced budget amendment. However, the way to resolve this issue would be to vote on a specific amendment to the balanced budget amendment itself, not by voting on a non-binding resolution that may only mislead the public.
>
> AARP believes that while Social Security is currently in good financial shape, its long-term solvency must be addressed within the next few years. However, any changes to the Social Security system must be used only for the long-term solvency of the program. Social Security should not be put at risk for a deficit it did not cause. The House—and the American people—should be under no illusion that a non-binding resolution protects Social Security from substantial risk.
>
> The American people have grown angry and wary of promises from Washington. To tell the American public that Social Security is protected—and then fail to address the issue directly—will only lead to an increase in the cynicism that is currently prevalent throughout the nation.
>
> Sincerely,
>
> HORACE B. DEETS,
> *Executive Director.*

Mr. HARKIN. Again, Mr. President, I will just close by saying, if you want a fig leaf, a transparent fig leaf, you can vote for the Kempthorne amendment. That is all it is.

But you are sending a signal to the elderly of this country and the workers of this country, "Look out, because we are going to raid the Social Security trust fund." Just like the Senator from North Dakota, Senator CONRAD, said, it is there and they are going to raid it to balance the operating budget. And I say, "No way." It is time for Senators to stand in the doorway and say, "Absolutely not." We will use Social Security for the retiree, and not to balance the budget on the operating side, as they want to do with it.

Vote down the Kempthorne amendment and put some teeth in it by exempting it from the Constitution.

Mr. HATCH. Mr. President, I hate to say it. I recognize the sincerity of my friends and colleagues, and I think they are striving to do the same thing as all Senators on this side. The difference is we do not want to write it into a constitutional amendment when we know that we can accomplish that better and in a more statutorily refined and constitutional way in the implementing legislation.

The Harkin amendment says, "Give us an exemption and we will figure out how big it is later," because I do not see how anybody can argue against the fact that it becomes a loophole if it is put into the Constitution. A loophole through which anybody—any sincere, dedicated, kindly person—can drive any favorable legislation through. Just by calling it Social Security.

The way to protect Social Security under a balanced budget amendment is the way suggested by the Kempthorne second-degree amendment. It protects Social Security benefits from cuts and stops tax increases against our workers while protecting a balanced budget.

Under the Harkin amendment, if that were to become law, benefits can be cut, and Social Security taxes can be increased. It does not protect seniors. If truth is known, if we have that loophole, then everybody will be raiding the Social Security account to do good with their programs. It is just that simple. It is just that simple.

I take it the distinguished Senator from Nevada is going to move to table the Kempthorne amendment. I will be happy to yield back the balance of our time. I hope we will vote against tabling, because the way the distinguished Senator from Iowa and his colleagues would like to go is as unconstitutional a way as I know. We do not want to clutter up the constitutional amendment. That is what implementing legislation is for. That is the way we should do it. I hope people will vote against the motion to table.

Mr. SIMPSON. Mr. President, I rise to offer a brief statement explaining my vote in favor of the Kempthorne amendment—in opposition to the tabling motion—pertaining to Social Security.

I join my colleagues in voting for this amendment because I do believe that it is absolutely vital to replace the language in the underlying Harkin amendment. As I stated during Judiciary Committee consideration of the balanced budget amendment, I strongly oppose carving out exemptions from the balanced budget amendment for any statutory program, whether they be for Social Security, or veterans' benefits, or defense, or child nutrition, or anything else.

There is no question at all that the underlying Social Security exemption amendment, as advanced here by Senator HARKIN, and as will be advanced during floor consideration of the balanced budget amendment, is nothing less than an attempt to kill the balanced budget amendment outright. We all know that. It is part of a concerted strategy to begin the piecemeal dismantling of the balanced budget amendment, beginning first with the most politically sensitive program of all.

I would like to simply say a brief word about where I personally differ from many of my colleagues, even many of my Republican colleagues, as to whether we should consider any changes to Social Security. I will shortly be chairing the Social Security Subcommittee of the Finance Committee, and I will certainly be giving my earnest attention to whatever changes are necessary to restore that system to long-term solvency. Proponents of the exemption speak of a "contract" with our senior citizens. In my view, part of that "contract" means making certain that the system remains solvent.

But I will vote with my Republican colleagues against the motion to table the Kempthorne amendment, because I believe it is crucial to make the point that we will not be balancing the budget on the backs of Social Security recipients. If retirees need a signal, need some assurance, that balanced-budget-implementing legislation will not mean an assault on the Social Security surplus, then I am perfectly willing to make that clear to them. Indeed, Social Security will be in surplus at all times before the year 2002, when the balanced budget amendment is to be fully implemented. It does not project toward insolvency until the year 2029. That date is moving ever closer, but I do not expect it to get anywhere close to 2002. Thus, we can be reassuring about Social Security's future prior to that date.

I vote for this amendment to make clear that when I speak of reforming entitlement programs, I do not mean using entitlement cuts to correct imbalances in other parts of the Federal budget. I mean restoring balance and sanity to entitlements programs themselves. So I will vote against the motion to table the Kempthorne amendment, with the caveat that I personally will be examining all issues pertinent to Social Security—not as a part of balanced-budget-implementing legislation—but rather in meeting my responsibility to ensure that the Social Security system remains sound and reliable for future generations as well as the current one.

Mr. REID. Mr. Preident, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Idaho. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 44, nays 56, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Wellstone

NAYS—56

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig

D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kerry
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

So the motion to lay on the table the amendment (No. 196) was rejected.

Mr. SIMPSON. Mr. President, I rise to explain my vote against the Kempthorne amendment.

Moments ago, I voted against the motion to table the Kempthorne amendment. I did so because I believed it was absolutely vital to displace the language in the underlying Harkin amendment. I will also vote to table the Harkin language again when it is offered as a second-degree amendment.

As I stated in my remarks against the motion to table the Kempthorne amendment, I wanted to make absolutely clear that it was understood that charges of raids on Social Security amounted to whole schools of red herrings, and that the short-term task of balancing the budget by the year 2002 was unrelated to the long-term problems in Social Security.

However, I personally do not wish to tie my own hands by making sweeping blanket declarations that no changes whatsoever can be made in Social Security. I am in the process of assuming the chairmanship of the Social Security Subcommittee of the Finance Committee. In that capacity I am obliged to ensure that Social Security remains stable and available for future generations as well as for current retirees. If it requires reforms, then I will certainly propose reforms. That is my policy, and it is my responsibility in that capacity. It has nothing to do with the balanced budget amendment.

I did not want to vote in favor of the Kempthorne amendment, knowing full well that it would pass in any event, because if I conclude that Social Security is best served by reforms that I would advocate—including in budget implementing legislation some time before 2002—then I would indeed recommend the inclusion of such reforms. I do not want there to be any mistake, any misunderstanding, any suggestion that I had ever promised to advocate no changes at all.

Social Security has serious problems coming, very real problems—an insolvency date of 2029 and growing nearer—a plummeting worker to collector ratio—and internal deficits that will begin in the year 2013 under all current projections. I am determined to face those problems head on and to recommend solutions to them. I voted against tabling the Kempthorne amendment because it was crucial to displace the underlying Harkin language, but I want to convey with utmost clarity that my own position and my own analysis will oblige me to correct the deficiencies that certainly now exist within the system.

I submit this statement in order that the RECORD will show why I voted "no" on this amendment after voting against the tabling motion.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 196 offered by the Senator from Idaho [Mr. KEMPTHORNE]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD: I announce that the Senator from Kentucky [Mr. FORD] is necessarily absent.

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—83

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Faircloth
Feingold
Feinstein
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Pell
Pressler
Pryor
Reid
Roth
Santorum
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—16

Byrd
Chafee
Dodd
Exon
Graham
Hatfield
Jeffords
Kerrey
Lautenberg
Moynihan
Nunn
Packwood
Robb
Rockefeller
Sarbanes
Simpson

NOT VOTING—1

Ford

So the amendment (No. 196) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized to offer an amendment.

AMENDMENT NO. 224

(Purpose: To express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 224.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

(a) FINDINGS.—The Senate finds that—

(1) social security is a contributory insurance program supported by deductions from workers' earnings and matching contributions from their employers that are deposited into an independent trust fund;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) without social security an additional 15,000,000 Americans, mostly senior citizens, would be thrown into poverty;

(6) 138,000,000 American workers participate in the social security system and are insured in case of retirement, disability, or death;

(7) social security is a contract between workers and the Government;

(8) social security is a self-financed program that is not contributing to the current Federal budget deficit; in fact, the social security trust funds currently have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(9) this surplus is necessary to pay monthly benefits for current and future beneficiaries;

(10) recognizing that social security is a self-financed program, Congress took social security completely "off-budget" in 1990; however, unless social security is explicitly excluded from a balanced budget amendment to the United States Constitution, such an amendment would, in effect, put the program back into the Federal budget by referring to all spending and receipts in calculating whether the budget is in balance;

(11) raiding the social security trust funds to reduce the Federal budget deficit would be devastating to both current and future beneficiaries and would further undermine confidence in the system among younger workers;

(12) the American people in poll after poll have overwhelmingly rejected cutting social security benefits to reduce the Federal deficit and balance the budget; and

(13) social security beneficiaries throughout the nation are gravely concerned that their financial security is in jeopardy because of possible social security cuts and deserve to be reassured that their benefits will

not be subject to cuts that would likely be required should social security not be excluded from a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal budget is in balance.

The PRESIDING OFFICER. Debate on the pending amendment offered by the Senator from Iowa is limited to 1 hour, equally divided by Senator KEMPTHORNE and the Senator from Iowa.

Mr. HARKIN. Mr. President, we have just finished the skirmish, so to speak, and we have all had a chance to vote on a figleaf. That is what the Kempthorne amendment was, nothing more, nothing less. We all recognize it as that. The senior citizens groups also recognize it as a figleaf. Let us recap exactly why that is so.

The Kempthorne amendment, again, only says that on consideration of the balanced budget amendment to the Constitution, in the implementing legislation—that is, if it passes and you implement it—only in the implementing legislation do we not consider Social Security in figuring out whether or not we are really balancing the budget.

That means it is just a law, like anything else we pass around here. We can change it tomorrow, change it next week, change it next year. Basically, what that argument says to the elderly of our country is, trust us, we will take care of it. As the Senator from North Dakota showed in an earlier debate before the vote on the Kempthorne amendment, the senior citizens have every right not to trust the Congress.

The Social Security trust fund today is being raided every year to pay for the Government's operating expenses. I daresay that if a balanced budget amendment is passed and ratified without a specific exemption for Social Security, that Social Security is exactly where the money will be gotten to balance the budget. It'll be taken right out the of the Social Security trust fund. That would not only be unfair to the seniors who are retired, or those workers who are retiring soon, but it would be unfair to those young people now who are paying into the Social Security system, because they will not be certain it will be there when they retire.

I found rather unique the arguments of the Senator from Utah, my good friend, Senator HATCH, that if we take Social Security out of the figuring for the balanced budget amendment, then it can be the catchall for all these other programs. He says we could run poverty programs through it and children's programs and everything else. I would like to know how he is going to do that, because Social Security is a trust fund, specifically delineated in law that goes for specific limited purposes, and always had. That trust fund is funded out of specific employer and employee payroll contributions. You can call Social Security right now and find out exactly how much money you have put into the trust fund and what you would have available when you retire.

Legislation could be passed setting up another, separate trust fund to be taken out of your paycheck to pay for another program. Can Congress do that? Absolutely. If we wanted to, we can set up a trust fund next week to pay for Head Start and take it out of people's paychecks. We can do that. I do not think we are going to, and to my knowledge, no one has ever suggested that. I would not suggest that. But that is how we would do what the Senator from Utah suggested.

I think the odds of doing that are infinitesimal, compared to the odds of this body, the Senate and the House, using the Social Security trust fund to balance the budget, unless we specifically exempt Social Security out of the constitutional amendment. Understand this argument, because it comes to the heart of the argument of the Senator from Utah. He says that if we keep the Social Security trust fund out of consideration on balancing the budget, we will put all of the programs we want into it, which would require us to set up separate trust funds.

I say the odds of that are small, very small. What Congress will do is, if you do include Social Security in with considering how to balance the budget, with that $700 billion in there by the year 2000, believe me, that is where this body will go to get the money to balance the budget.

Again, you do not have to take my word for it. We had a vote already in the Senate Judiciary Committee just the other day. Let me read the language of the constitutional amendment reported by the Senate Judiciary Committee. Here is the language:

> Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide, by law, for a specific excess of outlays over receipts by a rollcall vote.

That language, Mr. President, clearly includes Social Security receipts and benefit payments to recipients. Cutting Social Security benefits would reduce the budget deficit under the Senate Judiciary Committee measure that will be before us next week. This issue was debated in the committee. An amendment was offered, I believe, by Senator FEINSTEIN from California—an amendment to exempt Social Security. It was debated and a vote was taken. The vote was 10 to 8 to reject the Feinstein amendment. In other words, it was 10 to 8 on the Judiciary Committee to keep Social Security in the consideration of how we balance the budget, to figure it into the calculations as to whether it is balanced or not.

So, again, I think the Judiciary Committee is telling us: Look out, Social Security is at dire risk. Well, that was the committee. I do not believe we have to follow the committee. I believe now we can pass the amendment I have sent to the desk to provide a clear sense-of-the-Senate resolution that, in fact, we are going to exempt Social Security from calculations under the balanced budget amendment.

The Kempthorne amendment does not exempt Social Security, does not keep it out of how you figure a balanced budget amendment. It only says that later on down the road, when you have implementing legislation, you cannot use it. But that is just a law and history shows us that laws implementing constitutional amendments have been changed many, many times.

As I pointed out, we had a constitutional amendment in 1913 that said the Federal Government could levy an income tax, taxes on income.

Later on, we had implementing legislation called the IRS Code. We change that just about every year. We could do the same thing to protections against cutting Social Security under the Kempthorne approach.

If you really want to protect Social Security, make it clear in the balanced budget amendment that when we calculate receipts and expenditures, Social Security is out of that calculation.

So basically what my sense-of-the-Senate resolution says is—and I will read it:

> It is the sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude Social Security from the calculations used to determine if the Federal budget is in balance.

A lot different than what Senator KEMPTHORNE's amendment was; a lot different.

As I said before, that was a fig leaf. The votes we had before were a skirmish. I said, not even a fig leaf, a transparent fig leaf.

Now comes the real vote. Do Senators really want to protect Social Security, protect it by saying, "Yes, we will have a constitutional amendment to balance the budget and if we have that, we are going to specifically exclude Social Security from it"? That is the only way we can protect it.

If we do not, again, all Congress is saying to the people is, "Trust us." Well, as I said earler, that's as comforting as when a used car salesman says, "Take the car, you don't need a guarantee. Trust me. It will run."

I say if it is important enough to put in the Constitution of the United States a requirement that we balance the budget, and I believe it is, it is equally as important to put into that

Constitution that Social Security is exempt from that calculation.

Mr. President, I reserve the remainder of my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it ought now to be extremely clear to all of the Senators what the intent of the Senator from Iowa is, and that is the intent of every other Senator. We have now voted twice and he is asking us to vote again that there is a general sense of the Senate that, as we move to begin the process of balancing the Federal budget, we will protect Social Security. That is exactly what the Kempthorne amendment says.

The House, yesterday, spoke to that issue as a sense of the Congress. They, too, want to protect Social Security.

I am not quite sure what the Senator intends, other than that if we vote often enough over the next 24 hours somehow we will indelibly plant in the minds of every citizen in this country that the Congress intends to do what the Congress has twice said in the last hour they intend to do.

That is a bit frustrating—fig leaf, no fig leaf, big, small, transparent, opaque. The bottom line is the Congress of the United States has as its intent, as we begin to balance the Federal budget, a protection of Social Security.

Last year, as we debated the balanced budget resolution here on the floor, there was a hue and cry that the way you destroy Social Security is you damage its integrity or you begin to create within the trust fund of Social Security a destabilizing mechanism which defeats a balanced budget resolution.

Robert J. Myers, who for 30 or 40 years of his professional life served in the Social Security Administration and was known as the father of Social Security, said to us at that time, and let me repeat the general intent of his comments and letters: The way you protect Social Security is to balance the Federal budget. The way you maintain the integrity of the trust funds is to stop the raiding that that Senator and this Senator and all of us have done by voting for the current budgets that use the accountable reserves as part of a way of masking over the deficit spending that we do.

Now we are all guilty of that because of the nature of the budgeting system of our Government. We know it and the American people know it.

I am not quite sure we accomplished anything here this evening beyond another vote which could well come up like all of the past votes. And it will not be a determiner. It will not be anything that the Senator from Iowa can go to a press conference and say, "You see, I, and no one else, am the sole defender of the Social Security system of this country." That would not be a valid statement for him to make, or for me, for that matter, to make.

The bottom line is there is a clear intent—whether it is expressed through the Kempthorne amendment, as it amended the Harkin amendment, or whether it is the Harkin amendment as the Harkin amendment attempts to amend the Harkin amendment, as amended —and that is, of course, that Congress intends to work hard to balance the Federal budget and in so doing to protect the Social Security system.

Therefore, it is my opinion, and I think the opinion of most Senators, that this effort at this moment in time is a phenomenal waste of our time as we move to try to solve the problem and pass a very important piece of legislation. And that is to create the mechanism that my colleague from Idaho, Senator KEMPTHORNE, has so clearly articulated here in the last numbers of days, now into the second week, and that, of course, is to create a mechanism that causes the Congress to stop and look at itself and what it does when we attempt to push forth mandates from this Government to the governments of the States and the local communities of our Nation.

I hope that Senators, if they are listening to this debate, would recognize in the vote that is about to occur that it is not like the other votes; in the sense that it is redundant, yes, but in the sense that it accomplishes nothing.

We have spoken. Why speak again and again and again? The record shows that it is the intent of this Congress to protect Social Security as we work to balance the Federal budget.

I reserve the remainder of my time.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 22 minutes remaining.

Mr. HARKIN. Mr. President, my good friend, the Senator from Idaho, has said something about: Do we have to vote again? We have already voted twice on this. Well, yes, we do have to vote again. We have to vote again to clear it up and to make crystal clear just exactly what it is we do intend to do and what we want to do.

The Senator from Idaho has said he could not understand what it is that I intend. He says Congress has just spoken that we have the intent to protect Social Security. Let me repeat that. The Senator from Idaho said that the Senate has just spoken that we have the intent to protect Social Security.

Weigh those words carefully.

I remember when I was in Catholic school, Sister Rose Angela said something to me when I believe I was in sixth grade. I will never forget what Sister said to me. "Just remember, the road to hell is paved with good intentions." I am sure we have all heard that before.

Oh, we can intend not to raid the Social Security trust fund, we can say that now, but those intentions can be washed away by a constitutional amendment that requires us to balance the budget and does not exclude Social Security from that calculation and leaves all that money dangling out there and saying, "Yeah, good intentions." But when the Constitution demands for us to balance the budget and we have an easy pot to go to, that is where this body will go to. They will go to the Social Security trust fund.

So my intention is very clear. No, this Senator in no way believes that he is the sole protector of Social Security in the Senate. Absolutely not. I believe strongly in Social Security. I saw what happened to my own family. And my father, who went on Social Security, who worked on WPA in the Depression, when he got injured later in life and retired, the only thing he had was Social Security, less than $2,000 a year. In fact, if I am not mistaken, it was about $1,600 a year. That was the sole source of income for our family. I was 12 years old at the time. That was all we had, other than what we earned working in summers.

So I come from a situation where I have seen Social Security first hand and what it does. Through my service here over the last 20 years, I have seen time and time again little nicks here, little pieces here, little bits there, trying to get at that Social Security trust fund.

We did take it off budget, and we set up an independent commission to administer it. That is the way it ought to be. I think the Congress did the right thing in that regard. But now if we put it back in with the constitutional amendment to balance the budget, we will wipe all that out because then the Social Security trust fund will be raided.

So the vote we have coming up is to clear up what it is we intend to do. Do we just want to have it on implementing legislation, or do we believe Social Security is important enough to protect it in the Constitution?

I ask my good friend, the Senator from Idaho—I know he feels strongly about a constitutional amendment to balance the budget. So do I. I have so voted in the past. I happen to believe that, as important as it is to balance the budget, it is equally as important to ensure that the Social Security trust fund is kept separate and not figured in that calculation.

So I ask, when it gets this time, whether or not he thinks the Social Security trust fund is that important. I do. Reducing the deficit is important, but not reducing it on the backs of the elderly and taking it away from the workers today who expect that Social Security trust fund to be there.

Again, keep in mind that the Kempthorne amendment only talked about the implementing legislation. Well, Mr. President, we had the Civil Rights Act, which implemented the 13th and 14th amendments to the Constitution. They have been amended numerous times. The Income Tax Code implemented the 16th amendment, adopted in 1913, and amended about every year. It is true that any so-called protection that we have under the Kempthorne amendment is fleeting, at best.

Lastly, I ask my friend from Idaho, and he is my friend, to consider this: If we intend to protect Social Security, and I believe the Senator does, but if all we do is protect it by saying that sometime in the future, with implementing legislation, we will do it, I ask the Senator from Idaho how many votes does it take to change implementing legislation? If I am not mistaken, I believe it takes 51 votes in this body. If, however—and I ask my friend to consider this—we exclude Social Security from the constitutional amendment and that amendment is adopted and becomes a part of the Constitution, then it is not 51 votes to change Social Security, not 51 votes to use it; it will take a two-thirds vote and an amendment to the Constitution to change it.

Mr. CRAIG. Will the Senator yield on that, if he directed that to me as a question?

Mr. HARKIN. I am delighted to yield to my friend.

Mr. CRAIG. The Senator's vote counts, I believe, are correct, but there is a problem with what he says.

If we place within the Constitution the words "Social Security," we do not by constitutional wording define what it means. By his own admission, the Senator says we define what Social Security means in statute. Since its inception through until just the last few years, we have constantly redefined it as we felt there was a need to change it—demographics change, the economy changes, and Social Security has evolved.

What the Senator is suggesting is what the Senator from Utah tried to express. I think the Senator from Utah referred to it as a "gigantic loophole." What the Senator from Iowa is saying is let us put the words "Social Security" in the Constitution; but what he does not say is that lying outside the Constitution is the statutory ability of this Senate to change the definition of what Social Security means.

We can expand it, we can broaden it, we can reshape it, we can add programs to it, all under the umbrella of that constitutional protection. Literally, we could put the entire Federal budget under the umbrella if we could meet the definition so prescribed.

I believe the Senator is inaccurate. To change the statutory definition of Social Security, that would dramatically change the intent from this moment in time of his amendment. Embodied in a constitutional amendment does not require a two-thirds vote of the Congress, it requires a 51 vote of this House and a 218 vote of the other body.

Now, that is exactly what would happen. I have looked at his wording, and I have helped craft the amendment that will come to the floor in the next couple of days. I have spent a lot of time with constitutional scholars over the last 6 years. To the Senator from Iowa, here is what they have told us.

Mr. HARKIN. I was yielding to the Senator for a question. If the Senator wants to use a lot of time, I hope it will be considered on his time.

Mr. CRAIG. I will deal with it on my own time. But I must stay with the premise when we put wording in the Constitution that can be redefined by statute by the Congress of the United States that you can change at any moment in time the given meaning of those words.

Mr. HARKIN. I appreciate that. I hope the Senator would be as generous yielding to me as I have been to him. I know he will be.

Mr. CRAIG. I will.

Mr. HARKIN. Mr. President, yes, Congress can change by statute the definition of Social Security. The Senator is absolutely right about that.

There is one thing, however, we cannot change by statute if my amendment is adopted and the Reid amendment is passed when he offers it next week. There is one thing that cannot be changed.

If the Senator will read my amendment, it says that "Any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically exclude Social Security from the calculations used to determine if the Federal budget is in balance."

That is one thing we will not be able to touch. Now, that is what I am getting at. We can always change the definition of Social Security, obviously. But what we cannot do, if my amendment passes, is by a 51 vote, say, "OK, we will balance the budget. Let us take it out of Social Security and use it in figuring the calculations of how we balance." That is where my friend from Idaho mistakes the intent of my amendment.

My amendment is not to lock in place forever and ever exactly what Social Security is. That is not it. We can always change it. We will have to change Social Security in the future. I understand that. Everybody understands that. What my amendment addresses is that we can never use, we cannot be a simple majority vote here and say, "OK, now we will use Social Security, however we define it, to balance the budget." Very simple. Very straightforward.

I hope the Senator from Idaho understands that very crucial distinction. I yield the floor.

Mr. CRAIG. Mr. President, before I yield to the Senator from Maine, let me repeat again, I believe the Senator from Iowa just said this: "However we redefine Social Security, that redefinition is exempt from calculation." I believe that is what he said. I think the RECORD ought to show that that is exactly what I was saying in my debate of a few moments ago. You have created a giant definitional loophole that a majority vote of the U.S. Congress can vote at will, for good or for bad.

I yield such time to the Senator from Maine as he may consume.

Mr. COHEN. Mr. President, I will try to be very brief. I believe it was yesterday that a meeting was held, chaired by Senator DOLE, the majority leader, talking about quality of life in the Senate. I decided not to go. This is a subject matter that has been raised time and time again as to whether or not there might be some way to get control of the schedule, to be more disciplined in our habits, perhaps to try to accommodate Senators who still have young families. I do not. Mine are all grown and married.

I decided just not to bother anymore, because I see nothing but a repetition of what has been going on for too many years now. Nothing has changed. If anything, it has gotten worse. As I left the Chamber on the last vote, a group of reporters were waiting outside. They said, "Do you think the Democrats are lining up their 30-second spots right now?"

I said, "In all probability, they are."

But the fact of the matter is, I do not think that is going to work anymore. They can produce all the 30-second spots that they want, but the American people, I hope, are going to be informed enough and surely intelligent enough to see what is going on here.

I want to know why is this amendment being debated at 5:30 in the afternoon? For the past week and a half, we have been talking about unfunded mandates, and now we have switched to talking about balanced budget amendments and Social Security.

I do not defer for 1 second to the Senator from Iowa about his concern for Social Security. I have a dad who is 86 years old. He is still working 18 hours a day, 6 days a week, and all he takes home, frankly, is Social Security. Everything else has to stay with the business to help keep it going so he can continue to work. There is nothing else. There is no pension plan. There is no other thing he has in the way of resources. I think I know what Social Security means to him and my mother. I must say, for anyone to stand on the floor and claim a corner on morality or they alone are trying to protect the Social Security system from assault by Members on this side of the aisle is out of line. It is out of line on its merits and its timing.

Next week we are supposed to debate the balanced budget amendment. I expect that debate to take weeks—not days—but weeks, because every Member here will be entitled to offer whatever amendment he or she desires, whether or not it is relevant or germane.

I must say, I question the relevance of this amendment to this bill. But here we are, because under the Senate rules each Member has an opportunity to offer an amendment of his or her concern.

I want to reiterate, now as chairman of the Aging Committee, that we deal with issues affecting our elderly population day in and day out. I have been serving on that committee in the House and the Senate since 1975. I do not take a back seat to anyone in my concern about issues affecting our senior citizens. But I must say that this is one more example of having to debate an issue which has no relevance—no relevance—to the unfunded mandates bill before the Senate. But here we are taking up this issue because one Member feels so strongly about it, and you cannot feel any more strongly than any of the others in this Chamber. We all feel strongly about Social Security, but now we are going to debate whose intent is more sincere and who is trying to pull the wool over whose eyes.

Mr. President, I listened very carefully to the President of the United States the other evening. I, unlike some of my colleagues who did not see fit to go to the Chamber to listen to the President's speech, listened very carefully, and I wrote down the words when he said, "Can't we put a stop to the pettiness and the partisanship?" And I wrote those two words down, because I was asked about the speech afterward.

Frankly, I was very complimentary of the President's speech, not its length, necessarily, but the contents of the speech and the tone of the speech. I thought it was conciliatory in tone. I thought he was reaching out to Republicans and saying, "Can't we work together?"

That is what I have tried to do during my last 16 years in this Chamber and in the 6 years I served in the House of Representatives. I can recall an issue in the very final days of the last session, a very, very bitter dispute dealing with the California wilderness bill. I was one of those who resisted the temptation, and there was great temptation, because those on the other side of the aisle, every single Democrat lined up behind that bill—even some of those who initially opposed it. It became a partisan issue.

Once again, I tried to respond to what I felt were the merits of the issue. I was in disagreement with some of my Republican colleagues, but I wanted to put aside partisanship.

I think that what we have seen is a destruction of civility, not only in this society, but right here in this Senate Chamber; that we are going to continue to offer amendments because Members feel passionate about an issue, whether it is germane to the bill, whether it is relevant to the bill, we are going to take hours to debate it, and it is going to be debated again.

I have no doubt about the outcome of this particular vote. There will be tabling motions and another amendment will be considered and that will be adopted or tabled. Ultimately, we are not going to deal with this issue today. We are going to deal with it next week or the week after that, and there may be—may be—bipartisan support at that time.

But if this continues along this line, I must say to my colleagues, I am finding it increasingly difficult to be willing to reach across the aisle to join hands with my colleagues on issues that they feel passionately about when, in fact, those issues have nothing to do with the pending legislation—nothing to do with the pending legislation. This is an issue that ought to be debated next week. When we take up the balanced budget amendment, there will be a plethora, an abundance of amendments to offer. Social Security is one of them, and it ought to be debated at length and as long as is necessary.

But I must say, I find it increasingly difficult to try to put aside pettiness or put aside partisanship when I find that the quality of life is not only deteriorating but the quality of civility is deteriorating in both bodies. We saw an example of that in the House yesterday, everybody taking down each other's words.

What I think we have to do is return to some sense of discipline and order and not worry about the reporters who are standing outside the Chamber saying, "Well, you guys went over the cliff again on this one." The Democrats just cannot wait to get those 30-second spots out that you voted against immunization or you voted against pregnant women or you voted against children and now you are voting against a sense-of-the-Senate on Social Security. They have those spots all lined up. And that is what is wrong with what is taking place in today's politics.

So we will have this vote. I think it is unfortunate, not because of the subject matter but because it is not relevant to the issue at hand, and we ought to complete the debate on unfunded mandates, we ought to move on to the balanced budget amendment, we ought to take up the Social Security amendment at that time and debate it at that time and debate it as vigorously and as long as necessary.

This is not the time for a full-fledged debate on this issue. Frankly, even in view of the limited time agreed to, all we are going to do is face "Senate Votes Down Protection for Senior Citizens." That is what is going to come out.

I recall a headline back home that Senator SNOWE and I had occasion to read: "Cohen and Snowe Vote Against Cutting their Own Salaries." That is another little amendment that was offered to the unfunded mandates bill. Or "Cohen and Snowe Vote Against Banning Gifts by Lobbyists," even though the majority leader has promised a vote on that issue in this session in the very near future.

So we can continue to play the games, and I know that Social Security is not a game for any of us in this Chamber, but what is taking place right now is unnecessary. I think it is unfortunate, and what it is doing, it is contributing to the polarization of this Chamber.

I am going to be less and less encouraged to try to reach across the aisle on issues which I share with other Members in this Chamber if we continue to see amendments which have no relevance and no bearing on legislation under consideration and yet take up hours and hours of debate.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, that was quite a speech by the Senator from Maine. I agree with him, there is nothing partisan here. A lot of us do feel strongly about Social Security. It is not relevant to this bill, but it is relevant to the Senate and it is relevant to the debate here.

As the Senator from Maine might remember, I tried earlier this year, the first vote we had in the Senate, to cut down on the filibuster. At that time, I said one thing I do not want to give up is the right of Senators to amend. We should have open amendments, as we do, nongermane amendments. We have that right. We ought to have the right to slow things down to make certain they are carefully considered. But I think the majority ought to be able to get its program through. Well, the RECORD will show we did not get one vote from the other side for that.

So I am on record saying, yes, we should not stymie the other side, the majority, but we ought to have open amendments.

I listened to the speech of the Senator from Maine. I remember last year, we had bills on the floor dealing with domestic issues and we get an amendment from the other side on Bosnia. I do not remember—now the Senator can correct me if I am wrong—but I do not remember the Senator from Maine giving that speech last year when all those nongermane amendments on Bosnia were offered to domestic bills we had here on the floor. I do not remember that speech then.

So, again, it is not partisanship. This is the Senate. We have the right of open debate. We have the right to offer amendments. I do not think we ought to give up that right, whether the amendments are relevant to a particular bill or not. This is the Senate, and we have the right of nongermane amendments in the Senate. I do not think we ought to give that up.

If we feel strongly about an issue, yes, we ought to be able to bring it up and debate it. I am not trying to protract anything here. I agreed to an hour debate on my amendment. In fact, I have been trying for 3 days to get my amendment up. We finally got it under a good time agreement. I have no problem with that. It is a fair and open debate.

We express ourselves time and time again in sense-of-the-Senate resolutions. I think we ought to. That is exactly what I am trying to do, is to get the sense of the Senate that we are not going to include Social Security when we calculate a balanced budget constitutional amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes 50 seconds.

Mr. HARKIN. Mr. President, I do not know of anyone else on this side who wishes to speak. Let me close up my remarks, first of all, by reading an excerpt from a letter from the American Association of Retired Persons. This is a group that represents over 30 million, I believe, mainly retired citizens in this country. I'll read just several paragraphs. It says:

> The vote in the Judiciary Committee to reject a specific exclusion for Social Security in the amendment makes it clear that Social Security remains on the table. In fact, a proposed constitutional amendment, by referencing all receipts and outlays, would reverse action taken in 1990 to take Social Security off budget. The constitutional amendment thus puts Social Security at risk and a nonbinding resolution simply will not save it. Only by specifically—

and this is the guts of this letter—

> only by specifically excluding Social Security in the balanced budget amendment itself can American families be sure that the Social Security trust funds are protected from raids to balance the budget, a promise made by the leadership of both parties during and after the November election.

The letter continues:

> The American people have grown angry and wary of promises from Washington. To tell the American public that Social Security is protected and then fail to address the issue directly will only lead to an increase in the cynicism that is currently prevalent throughout the Nation.

Mr. President, I think we have pretty much spelled out what is at issue here. Lastly, I want to reference a recent poll by the Garin-Hart firm conducted over the last month. It found that 81 percent of Americans believe Social Security should be exempt from a balanced budget constitutional amendment. And support for maintaining the integrity of the Social Security program also is very strong among younger voters. This next item is very important. When survey respondents were asked how their Member of Congress should vote if the only way to pass a balanced budget amendment were to include Social Security, three-quarters—75 percent—said their representative should vote against this legislation.

Let me repeat this important finding from a very respected survey firm. Eighty percent of the respondents said they wanted to exclude Social Security from the consideration of how to balance the budget. And when respondents were asked how their representative should vote if the only way to pass a balanced budget constitutional amendment were to include Social Security, fully 75 percent said we ought to vote against it.

There is clearly a very deep and strong feeling among the people of this country. Quite frankly, I think the time is right. It is my intention, if an exemption for Social Security is included in the balanced budget amendment, to support that amendment. I basically feel it will be for the good of the country. But if not, I do not see how I can because I know full well, barring all good intentions, that that pull, that magnet of the Social Security trust fund surpluses will be just too great, and that the funds will be raided to balance the budget. I do not think we ought to do it.

So the vote on the Harkin amendment is very clear. If you want to include Social Security in calculating how we balance the budget, you can vote against my amendment. If you believe Social Security ought to be taken off, ought to be exempted, ought not to be figured in on how you calculate a balanced budget, then you ought to support the amendment, because it sends a sense-of-the-Senate resolution that this is what we intend to do.

So I hope Senators will support it, not in any partisan fashion, but in a way of sending a very clear, powerful, unmistakable, unequivocal message to the people of this country that Social Security is not going to be tampered with when we try to balance the budget.

Mr. President, I reserve the remainder of my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I believe there is one speaker remaining on our side, and at this time I will yield to the Senator from Wyoming such time as he might consume.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I urge my colleagues to join in tabling the Harkin amendment pertaining to Social Security.

There are so many reasons why this amendment should be tabled. I am certain that I cannot list more than a fraction in a brief statement.

First, this is neither the time nor the place to be debating this. I share that with my good friend from Iowa. We all know Social Security is just a big bomb, and you roll it up and down the aisle here day and night, and people just shriek and run for the doors.

I have been here 16 years. It is great fodder to play with Social Security. But, ladies and gentlemen, Social Security is going broke, and that is not the word of some reconstructed Reaganite or Reaganaut or whoever. It is the word of the trustees of the Social Security system. The last report was from Senator Bentsen, Donna Shalala, Robert Reich, and two people outside the Government. The doomsday date has been moved up 7 years in 1 year. Instead of going broke in the year 2036, it will go broke in the year 2029, and we are all just ignoring it.

It is wonderful to hear the tales of Social Security and violated trust and stealing the funds. I have heard those for years. The real issue is, as Senator SIMON, our friend from Illinois, tells us, is that in the year 2013 it will begin to go. And when it goes, it will end in the year 2029. So it is not the place to debate this. As Senator CRAIG noted so well, the balanced budget amendment will be debated on this floor, and, wow, that will be a spirited debate. Despite strenuous party efforts on the other side to delay it for many years or to hinder it in many ways, we are going to get to it next week. But inclusion of this subject matter here is an effort to delay, in my mind, and obstruct the unfunded mandates bill.

I do not know, in my time here, that I have ever seen a freshman Senator work with more diligence, skill, and patience and kindness and generosity than Senator KEMPTHORNE. I feared that all of us would flunk the test, knowing the Senator from Iowa as I do; he and I have had some spirited conversations in this Chamber in years past and will probably have many more. With Senator GLENN, the more senior Member, working with the junior Member, it is a pleasant thing to watch that type of bipartisan cooperation. They will get there and soon. But I think that we will talk about exemptions when we get to that.

I think it is a grave mistake, second, to make an amendment to the Constitution dependent upon an individual statute. The laws passed by the Congress here are supposed to be subordinate to the Constitution, not the other way around. I find it an absurdity in some ways to suggest that the creation of a fundamental constitutional obligation to balance the Nation's books should be contingent upon a Government program passed roughly 150 years after the Constitution itself was ratified.

Our laws exist to give force to constitutional values and this exemption would assert that our constitutional framework should bend in deference to a particular statute.

Third, and this point I think was very well made by my colleague from Nebraska, Senator EXON. This amendment is designed to open the door to every manner of exemption from the balanced budget amendment. I chair the Veterans' Affairs Committee. Senator Al Cranston chaired it before, when I came here, and then I became chairman. Senator MURKOWSKI—oh, we do know what that is.

Do you mean to, in any way, say if we exempt Social Security our Nation's veterans will stand still for that? Believe it, they will not. Of course they will not. They will demand an exemption, too. So will Federal retirees—believe it. They have never failed. Because you see the ancient ritual is this. They come to our offices in droves and they say, "If everybody will do it, we will do it," knowing full well that everybody will not do it and they will be off the hook.

Then we will exempt child nutrition and on and on. It would not be right for children to go hungry while seniors were properly looked after, and so it goes. This is an amendment which I doubt is intended to gut the force of the constitutional amendment in that way, but it certainly will.

Finally, I hear it said that Social Security is different. It is different from these other programs because of the existence of a special trust fund. That was the Senator from Iowa's response to Senator EXON, I believe. Certainly there is no separate veterans' trust fund. But we do have various kinds of trust funds. We even have a Highway trust fund and an unemployment compensation fund. We cannot begin by exempting programs because of the trust fund concept.

I am a veteran, as is my friend from Iowa. I served overseas, as did my friend from Iowa. Certainly I would object to any notion that our veterans should be less protected than our Social Security beneficiaries merely because they happen to contribute with their lives and limbs instead of with payroll tax contributions. It is an artificial distinction to make, and it is aimed, not at equity, but rather at undermining the integrity of the balanced budget amendment.

Fourth, a special exemption for Social Security is exactly what would be more likely to lead to cuts in benefits. It is not hard to see why, my colleagues. There is a huge surplus. I have heard everyone referring to the surplus and it is there. But after 2012, that situation turns exactly around and Social Security begins its deep and fatal plunge into the red. And we all know that. There is not a person in here who does not know that. If we exempted Social Security from the terms of the balanced budget amendment, we would be forbidden to credit any general fund surplus towards Social Security's balance. We would have to increase taxes and decrease benefits in order to meet our payments to recipients, if the rest of the budget was balanced.

Finally, we should remember the dynamics here. Last year we had sufficient cosponsors to pass the balanced budget amendment in the Senate by the necessary two-thirds majority. But lo and behold, certain modifications were offered as amendments—even though the underlying language was perfectly fine when it came to attracting cosponsors—and when those modifications were defeated, suddenly we did not have enough votes.

That is a curious exercise to go through in here. It was the sort of mischief that caused the voters to turn out by the dozens and turn out the officeholders by the dozens in November. They sent individuals to Washington who claim to favor, always, a balanced budget amendment, and those individuals would create and develop the most clever schemes to avoid actually having to vote for one. And the voters finally caught wise, as they say in both Houses. This is much the same, continued, a reprise.

Opponents of the balanced budget amendment have been burning the midnight oil, trying to come up with hypotheticals as to why, and excuses why they cannot vote to balance the Nation's books. And this is another entry in that book. There really is not a gram of reason to believe that Social Security would be better protected with a special exemption from the balanced budget amendment. The idea, to my mind, is to undercut the support for the balanced budget amendment.

Finally—I said that three times, finally, which is the curse of our work—but there is no trust fund. I keep saying that and I hope people will finally hear that—there is no Social Security trust fund. Because Franklin Delano Roosevelt and the Congress, when they set it up, said that all surplus would be invested in the securities of the United States Government. So by law they are invested in the securities of the U.S. Government. There is no trust fund. It is all in T-bills and savings bonds and then it is purchased by banks and individuals and the interest on those is paid from the general treasury. There is no kitty to pay interest from a Social Security trust fund.

Then when we go home and they come to the town meetings and say, "You robbed the trust fund." Usually that is said with a great deal of more passion than I just gave it. And I say, "Wait a minute there is no trust fund."

Then of course the next one is: "I paid into it from the beginning. I want it all out." Then can you have a real field day, and I love those, because really if you paid in at the beginning you put in $30 a year for the first 8 years. Then you never put in over $174 a year for the next 18 years, ladies and gentlemen—get these figures. Then you got nailed $300 a year, $500 a year, $800 a year.

I have a form in my office. I share it with all constituents. It costs you a stamp. You ship it off to the Social Security Administration and in 6 weeks you get back what you paid in and what you are going to get out. I always say to them, "If you do not like what you see be sure you contact me." I have never heard from anybody, because they are embarrassed when they see that they have put in $170-a-year, or self-employed making $100,000 a year and putting in $700 a year; or making $200,000 in the fifties and sixties and putting in $500, $700, $800 a year. Finally, this year, about the biggest ding you can take is $3,300.

And then it shows what you are going to get. And there it is as clear as crystal. You are going to get—depending on the replacement rate, depending on what job you had—you are going to get $750 a month, $850 a month—in my case that is at 65 I will get, I think it was $800-and-something. If I wait until 70 it will be $1,140 a month. And I had a job when I was 14. In the Army I did not pay Social Security. In college I did not because I did not make enough in the summer jobs. So there it is. You cannot avoid it. We are all just still playing with it as a detonating device.

I always have some fascinating experiences with the AARP. I ask them if any of them have grandchildren and if they care one whit about them. Obviously many of them do not care one whit about them or they would not be doing what they are doing as they whack our brains out, saying that everybody is going to lose $1,154 a year if they vote for the balanced budget amendment.

So I thank the managers. I really am looking forward to the balanced budget amendment. But what I am really looking forward to is chairing the Social Security Subcommittee of the Finance Committee. That has sent a definite rigor—understand there is a shockwave—through the offices of the AARP, and the National Committee for the Preservation of Social Security and Medicare, and the Gray Panthers and the Pink Panthers and all the groups that are waiting out there to beat us into submission so they can do a number on our successors.

I think that is unfortunate. I do not know what we will do. I hope they do something reasonable, but we all know what is out there.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time is remaining to both sides?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Ohio has 3½ minutes and the Senator from Idaho has 1½ minutes.

Mr. HARKIN. Mr. President, I will just take a minute to respond to my friend from Wyoming. He made a very reasoned presentation of his views.

I would just point out, however, that as noted in the 1994 Trustees Report, the size of the Social Security trust funds are projected to go up every year through the year 2020, at which time there will be $3 trillion in the trust funds. Then, after that, the trust fund will dwindle down to zero by the year 2030.

So they are saying by the year 2030, if we do not do something, the Social Security trust funds will be busted. That is 35 years from now. So we do have time to act. I can tell you this: The Senator from Wyoming, I think made my argument. If we leave the Social Security trust fund alone, by the year 2030, it will be broke. If we include it, however, in figuring out how to balance the budget and use it to balance the budget, it will be broke a lot sooner than that. In fact, I predict it probably will be broke by the year 2005.

We have to make some changes in Social Security. The Senator from Wyoming is right. It does not make sense to me that someone making $60,000 a year pays the same amount into Social Security as someone making $1 million a year. If we want to raise the cap, we ought to raise it. Everybody ought to pay into Social Security the same percentage of their wages, even millionaires. That might help us out a great deal, and hopefully we will have that debate sometime in the future. There are some things we will have to do with the Social Security trust fund. We have 35 years.

Contrary to what the Senator said, I believe the members of AARP do care about their grandchildren. Because if we do not ensure the security of the Social Security system, the elderly once again will be burdens on their children. I will be the children who will have to take care of the elderly once again, just as it used to be in the old days. Lord knows, our kids cannot hardly make it as it is now. They get married. Both people have to work. They can barely make a living, afford a home and a car, and put some money away for their kids' education. If Social Security is destroyed it would be saying to them: You have to take care of your parents and grandparents.

That is why we have Social Security. That is why I believe the members of AARP are concerned about their grandchildren, for that and many other reasons. Of course they care.

Again, the trust fund is a trust fund. Does the money go into a shoe box? No. It is not sitting in a hole in the ground someplace. Of course, the trustees invest the money, and by law, as the Senator said, they have to invest it in U.S. securities, which are backed by the full faith and credit of the U.S. Government.

So the only way we can default on paying the Social Security payments is if, in fact, the whole Government goes under. So it is backed by the full faith and credit of the United States. And that is the only thing I would like to see the Social Security System backed by.

So again, it is a trust fund. It is like any trust fund, like any trust account. The trustees invest the money, and interest is paid into it. That is what happens in Social Security.

I always tell my constituents, every day the Social Security takes in money, and every day they lend it out to the U.S. Government. Those are backed by the full faith and credit of our country. We would not want them to take the money and put it in a shoe box. It ought to make some money, and it is.

So again, it is time to say that we are going to keep Social Security separate and apart, that we are not going to let it be used in the calculation of a balanced budget. If we do, it is going to be broke by 2005. As it is now, we are going to have it secured until the year 2030, and we can make the needed changes as they come along in the future.

Mr. CRAIG. Mr. President, I believe that just about all that can be said has been said. I think it is very clear to anyone who is listening to the debate this afternoon that there is not anyone in this Congress who does not choose to protect the Social Security System as best as possible, and to do so in every way as we work to balance the budget of our country.

So I hope that we need not be redundant and play the test of "I voted three times for" and "I voted four times against." It simply will not work. The only solution to securing and maintaining the integrity of the Social Security System is a bipartisan solution. It was in the 1980's that we created the stability. That is what allows us to stand on the floor today and talk about the year 2030, because of a bipartisan decision on the part of the Congress of the United States to resolve that. That will be the issue.

I urge my colleagues as we move to deal with this issue to vote down the Harkin amendment.

Mr. President, with that, I suggest the absence of a quorum.

Mr. HARKIN. Mr. President, before the Senator asks for a quorum——

Mr. CRAIG. I withdraw that.

Mr. HARKIN. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I agree that Congress should work to balance the budget. I do not agree that passing an amendment to the U.S. Constitution requiring a balanced budget is the way to achieve that goal. The Congress can balance the budget if it has the political will to do so. Moving specific items off the table, be it Social Security, veterans' benefits, or corporate tax deductions, is not the way to have a sensible debate about reducing our continuing budget deficits. Congress does not need to make more promises on this issue, it needs only to exercise the power it already has. There is no substitute for political will and there never will be.

Mr. CRAIG. Mr. President, I move to table the Harkin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to lay on the table the amendment of the Senator from Iowa. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—62

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Conrad
Daschle
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Reid
Rockefeller
Sarbanes
Wellstone

NOT VOTING—0

So the motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 190, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the underlying amendment, as amended by the Kempthorne amendment, is agreed to.

So the amendment (No. 190), as amended, was agreed to.

Mr. WELLSTONE. I thank the Senators from Idaho, Ohio, and Michigan for their help and consideration in addressing a concern I have regarding the ability of the Congressional Budget Office to carry out its responsibilities under S. 1. In a nutshell, I am concerned that CBO may not have sufficient funds appropriated for its use to meet its new obligations.

That is the concern that prompted my offering amendment No. 205. The Levin-Kempthorne-Glenn amendment No. 143 that was adopted by a unanimous vote of the Senate makes it clear that there may be occasions when the Congressional Budget Office will find that it is not feasible to make estmate referred to in that amendment. It is my understanding that it was the intent of the sponsors of amendment No. 143 that CBO's lack of sufficient funds to carry out the provisions of S. 1 is one of the grounds under which the Director may determine that it is not feasible to make the estimate.

I ask my friends, the distinguished Senators from Idaho, Ohio, and Michigan whether their intent in sponsoring amendment No. 143 was as I have outlined.

Mr. LEVIN. Yes, the Senator from Minnesota has accurately outlined my intent.

Mr. GLENN. I agree. That was my intent also.

Mr. KEMPTHORNE. I thank the Senator from Minnesota for his question, and I say to him that he has accurately stated my intent in sponsoring amendment No. 143.

Mr. WELLSTONE. I thank the Senators. That was my intent in voting for amendment No. 143. I am glad that we have cleared this up. Accordingly, I withdraw my amendment No. 205.

AMENDMENT NO. 207

Ms. SNOWE. Mr. President, I am proud to be added as a cosponsor to the amendment offered by Senator GRASSLEY and I urge my colleagues to vote for its adoption.

As drafted, S. 1 ensures that Congress is at least given the opportunity to review the estimated costs of mandates that are contained in the legislation it considers. All bills reported from committees must be scored by CBO and—as the recently adopted Levin amendment provided—individual members may request a CBO cost estimate for other legislation that may be introduced as an amendment on the floor. However, there remains one important step in the unfunded mandates debate: the drafting of regulations.

Virtually all legislation that is passed by Congress and signed into law by the President requires the drafting of regulations. The Office of Management and Budget now provides cost estimates on these regulations, but—as we know from the drafting of regulations for the recently enacted motor-voter bill—the size and scope of these rules often has a dramatic effect on the actual cost of the unfunded mandate and often lead to unanticipated compliance costs.

If S. 1 is adopted with this amendment, nothing will force agencies to draft regulations that meet the prior cost estimates of the CBO. But this amendment will ensure that—at the request of any Senator and only to the extent practicable—Congress would receive a study comparing the initial cost estimate of the mandates against the final cost estimate of the regulations. This is a crucial tool for Congress to utilize in evaluating the effectiveness of law—and the cost that law ultimately places on States and communities.

Mr. President, I consider the sense-of-the-Congress resolution contained in this amendment to be a valuable statement about our commitment to curbing unfunded mandates. Because regulations dramatically affect the final costs of legislation, Federal agencies must work to draft regulations that fall within the original cost estimate of the bill. To do otherwise would negate the significance of providing Congress with an estimate in the first place. I understand the concerns of those that would oppose the codification of such a requirement—but I join Senator GRASSLEY in emphasizing that this is a sense-of-the-Congress resolution not a new mandate on Federal agencies.

Mr. President, there will be times when the costs of regulating a proposal exceed the initial estimate for bona fide reasons—and this amendment will not force regulators to revise these regulations. It does, however, ensure that—at the request of any Senator—a full accounting for these discrepancies be provided. OMB already provides a study of the estimated costs of regulations, and—under this amendment—CBO would be able to give an account to Congress for the reasons behind changes in estimated costs. This not only gives us an accurate review of the mandates we pass, but it provides a level of accountability on the part of CBO. If the original estimates of CBO are consistently out of sync with the cost of regulations, CBO should be prepared to give us an explanation. After all, we're relying on these estimates to give us an accurate cost-benefit analysis of proposed legislation.

I would also emphasize that, just as the agencies are not asked to rewrite their regulations under this amendment, Congress is under no obligation to make any changes to the underlying act due to any discrepancies. Congress could either ignore differences, or decide to revisit the act in an effort to make changes that would impact the final regulatory costs—the choice would be entirely at their discretion.

Finally, I think it is important to note that CBO has assured us that the requirements of complying with this amendment could be met within existing resources.

Mr. President, I believe this amendment will only add to the final value of S. 1. Congress needs the initial CBO estimates to properly debate Federal mandate legislation—and Congress needs followup to determine that no new hidden costs are incurred. This amendment provides Congress with the tools to determine our success in curbing unfunded mandates, and I urge my colleagues to join in supporting this amendment.

Thank you, Mr. President. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, please.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I understand that the Senator from Oregon wants to make one statement. I am happy to yield to him with the understanding that I retain my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PACKWOOD. I thank the Senator from Washington.

CHANGE OF VOTE

Mr. PACKWOOD. Mr. President, I ask unanimous consent that, on vote No. 51, I be recorded in the negative. I mistakenly voted for the amendment and intended to vote against the amendment. This request has been cleared by the two leaders and the vote would not change the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. PACKWOOD. I thank my friend from Washington.

Mr. FORD. Mr. President, the Senate is not in order. I make a point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate will suspend until the Senate is in order. Senators wishing to converse will please take their conversations to the cloakroom.

The Senator from Washington.

AMENDMENT NO. 188

Mrs. MURRAY. Mr. President, I ask unanimous consent to take up amendment numbered 188 related to CBO time limits.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to take up amendment No. 188, relating to CBO time limits.

I had originally intended to offer this amendment. I want to be assured we will not be creating a big, new powerful bureaucracy at the Congressional Budget Office. I want to be sure that CBO does not become the traffic cop directing the Senate's legislative schedule.

After the adoption of the Levin amendment, giving CBO flexibility to say when it cannot provide a cost estimate, and after numerous discussions with the managers on both sides of the aisle and the chairman of the Budget Committee, some of my concerns have been addressed.

My concerns focus on two main items. The first concern is the bill would give CBO great, new powers. Powers to dictate the Senate legislative schedule by deciding which bills and amendments to work on, and which ones to delay. This would be power wielded by unelected bureaucrats.

The second concern is this bill fails to impose any time deadlines on the CBO to complete its work. My fears are reinforced by our experience with health reform legislation last year. CBO's failure to produce cost estimates prevented Congress from moving forward on this important bill. Some say it was because this was such a large bill. Others say this was because the CBO Director disagreed with the legislation.

My fear is this bill could allow the second scenario to play out again and again as the Senate attempts to take up important legislation. I certainly do not want that to happen.

Again I have listened carefully to the debate on this bill. And, I think it is fair to say we all agree it is our responsibility—our responsibility as legislators—to act carefully as we set policy for the people we represent.

I would like to support a bill on unfunded mandates that is reasonable and reflects common sense. Mr. President, before the adoption of the Levin amendment and certain others, this bill went too far.

The people of this country should understand exactly what this bill does.

Every one of us here in this Chamber, every one up in the galleries, every one watching us on C-SPAN, and every one in this country has to realize that this bill will create a new bureaucracy at the Congressional Budget Office.

I believe this will be a huge bureaucracy, with very wide-ranging powers.

And the staff of this huge, new bureaucracy will not be elected by anyone. They will not be accountable to the American taxpayers. But this bill will give them enormous power to control the legislative process. To bring Senate debate to a halt on an amendment or bill. Even to dictate the Senate's legislative schedule.

This vast new power should give every American pause.

That's why I asked outgoing CBO Director Robert Reischauer about this yesterday at a hearing of the Budget Committee. I asked him how the CBO would prioritize requests for cost estimates that will come from the Senate and from the other body.

Dr. Reischauer responded that the Congressional Budget Office staff was working "flat out", trying to fulfill their obligations to the Congress at this point. Dr. Reischauer said the CBO would need more resources if we enact this bill.

Then, Mr. President, I repeated my question about prioritizing requests. I asked the Director how he would decide which mandate to estimate first. His reply frankly, troubled me. He said the CBO would rely on the guidance of the bipartisan leadership of the Congress to decide which to do first. And, then he added that the CBO had tried this approach with the health care debate last year, and it was a failure. That should concern everyone in this country.

It should also concern everyone that this is not the time to talk about increasing budgets. As the ranking member on the Legislative Branch Appropriations Subcommittee, I know we will be struggling to cut about $200 million from the budget this year. Is it fair to talk about a large, $200 million cut in the legislative branch appropriations, while saying to the CBO "don't worry, we'll make sure you get an increase of $4.5 million a year to take care of the unfunded mandates bill."

Mr. President, I want to be able to assure my friends and neighbors this bill will not take away their voice in setting priorities of the issues this body considers. They do not want unelected bureaucrats to determine which bills will come before Congress.

I believe we need reform. I believe Congress should be honest and upfront with the American taxpayers about the cost of laws it passes. But, I do not believe we should be creating new bureaucracies or putting American families in jeopardy.

Mr. President, I want to thank the managers of the bill for working with me to find answers to my questions. I especially want to thank the chairman of the Budget Committee, Senator DOMENICI, for his time in responding to my questions. His responses are important.

BUDGET ESTIMATES AND S. 1

Mrs. MURRAY. Will the legislation give CBO tremendous powers to dictate the Senate's legislative schedule?

Mr. DOMENICI. S. 1 is patterned after the existing Budget Act. We have 20 years of experience with the Budget Act and its application to amendments.

The bill provides no powers to CBO to dictate the Senate's legislative agenda or schedule. The bill provides that the determination of mandate levels will be based on estimates made by the Budget Committee. In practice, we use CBO estimates.

S. 1 will operate in the same manner as the Budget Act currently affects budget legislation. On major spending or tax legislation, Budget Committee staff are on the floor to make sure amendments are scored by CBO. In the press of Senate business, these estimates may be based on telephone calls between the Budget Committee staff and CBO.

If a Senator disagrees with the CBO estimate, the full Senate is the final arbiter of its rules. Under the bill, any ruling by the Presiding Officer can be appealed by a Senator. A majority vote of the Senate would appeal the Chair's ruling.

Finally, with the adoption of a Levin amendment, S. 1 does not require an estimate of legislation if CBO finds it impossible to produce such an estimate.

Mrs. MURRAY. What happens if an amendment is proposed and there is no CBO cost statement?

Mr. DOMENICI. Budget Committee staff would seek such a statement from CBO. If the amendment would cause the $50 million threshold to be exceeded then a point of order would lie against the amendment. Points of order are not self-executing. A Senator would have to raise a point of order against an amendment.

Mrs. MURRAY. Will the Parliamentarian seek the advice of the Budget Committee on the cost estimate? Will the Budget Committee turn to CBO for its advice on these estimates.

Mr. DOMENICI. Yes. The bill provides that the determinations of mandate levels are based on estimates made by the Budget Committee. The Budget Committee relies on CBO for these estimates.

Mrs. MURRAY. Is there any time limit on when CBO must produce a cost estimate?

Mr. DOMENICI. No. In practice, these estimates can be turned around quickly. For a very complicated bill, say on the order of the health care reform bill, the estimate may take longer. However, if we are going to impose a mandate as costly and complicated as health care, should we not take the time to get an estimate?

Ultimately, the Senate decides its rules. If the Senate disagrees with the

CBO estimate, the Chair's ruling can be overturned by a simple majority.

If there is no CBO estimate and no basis for the Budget Committee to make an estimate, then there is no basis for a point of order.

Mrs. MURRAY. Is a second-degree amendment laid aside until we get a CBO estimate?

Mr. DOMENICI. No. Nothing in the bill requires a CBO estimate before the Senate can proceed to consider, debate, or adopt an amendment.

Mrs. MURRAY. Will CBO have the necessary resources to conduct its duties under S. 1?

Mr. DOMENICI. S. 1 authorizes $4.5 million for CBO's new duties. This authorization is based on CBO's assessment of its needs under the bill. The most costly aspect of S. 1 deals with CBO's responsibilities to produce cost estimates on private-sector mandates. The point of order against consideration of legislation only applies to intergovernmental mandates and does not apply to private-sector mandates.

I have discussed with Senator MACK, the chairman of the Legislative Branch Appropriations Subcommittee, and the current CBO Director the need to accommodate this additional funding in the fiscal year 1996 appropriation bill.

CBO has a lot of experience with State and local estimates. CBO has been preparing State and local cost estimates for 12 years. While the existing law establishes a $200 million threshold, CBO must review every bill under current law to determine whether it will exceed the threshold.

Mrs. MURRAY. Mr. President, I ask unanimous consent to withdraw from consideration my amendment numbered 188.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 188) was withdrawn.

Mrs. MURRAY. Mr. President, I yield the floor.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from Washington for the effort she has put in this, and the action she has just taken.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 194, AS MODIFIED

Mr. BINGAMAN. Mr. President, I earlier called up amendment No. 194. At this point, I send a modification of that amendment to the desk and I ask unanimous consent that the modification be agreed to in place of the amendment.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, with its modification, is as follows:

On page 25, add after line 25, the following new section:

(4) APPLICATION TO PROVISIONS RELATING TO OR ADMINISTRATED BY INDEPENDENT REGULATORY AGENCIES.—

Notwithstanding any provision of paragraph (c)(1)(B), it shall always be in order to consider a bill, joint resolution, amendment, or conference report if such provision would be properly considered for adoption as a rule by an independent regulatory agency as part of its existing authority.

Mr. BINGAMAN. Mr. President, let me briefly explain this. I understand the managers are going to propound a unanimous-consent request setting a vote on this an hour or so from now. But on the substance of this amendment, as I modified it, let me just explain to my colleagues what we are doing here because I have to say I think it is eminently logical, and it is an amendment I am sorry the managers are not able to accept, because I think it would improve and make more consistent S. 1, which we are here discussing today.

In S. 1, on page 11, in the definitions, we say that the term "agency" has the meaning as defined in section 551 of title 5 of the United States Code but does not include independent regulatory agencies. So we are making it very clear in this bill that we are not in any way restricting the actions of independent regulatory agencies to issue rules or regulations which might constitute unfunded Federal mandates.

That is a policy judgment, a policy decision, which the sponsors of the bill, the drafters of the bill, made when they put the bill together.

I am not disputing that, but I am saying if we are not going to apply this bill, the requirements of this bill, to unfunded mandates imposed by independent regulatory agencies, then it is also logical that we not apply anything. Any legislation that would properly be considered for adoption as a rule by an independent regulatory agency should not be subject to the point of order that is possible under this S. 1.

So essentially, my amendment says that anything which relates to an independent regulatory agency that comes before this Senate, you would have to get the cost estimates; you would have to get the CBO estimates; you would have to get the reports and go through the entire rigamarole but nobody could raise a point of order that the Senate should not consider the legislation if in fact the legislation was such that it could be considered for adoption as a rule by an independent regulatory agency.

To put it even more simply and more broadly, Mr. President, the point here is that we should not deny to ourselves here in the Senate the authority we are preserving for independent regulatory agencies to exercise. And that is all the amendment does. It seems to me to be straightforward. It seems to me to be eminently logical. I am disappointed that I have been advised by the managers they cannot accept this amendment because it certainly is consistent with the rest of the bill. But I understand they cannot, and for that reason I still urge my colleagues to support it. I think it would improve the bill, and for that reason I do urge its adoption.

I yield the floor.

COMMEMORATION OF THE 50TH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ DEATH CAMP IN POLAND

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 74) commemorating the 50th anniversary of the liberation of the Auschwitz death camp in Poland.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BRADLEY. Mr. President, I rise to call attention to a dark moment in the history of our civilization. Tomorrow marks the 50th anniversary of the liberation of the Auschwitz death camp in Poland. Fifty years. Half of a century. It is unfathomable to think that in our lifetimes such inhumanity transpired.

But indeed such inhumanity was possible. Over 13 million innocent people were murdered during the Holocaust at the hands of Adolph Hitler and his tyrannical regime.

On January 27, 1945, Auschwitz, one of the largest death camps, was liberated by Allied forces. Five years had passed between the opening of the camp and its ultimate liberation, allowing for unbounded murder, rape, torture, and inhumane medical experimentation. More than 1 million innocent civilians—men, women, the old and feeble, and children—were murdered at Auschwitz alone. Such infamous names as Mengele, Himmler, and Hoss were associated with Auschwitz.

With the opening of the U.S. Holocaust Museum in Washington, DC 1993, we have made an important step in sustaining the legacy of the victims. I would encourage those who come to our Nation's capital to visit this museum.

I recently read a moving piece in Newsweek concerning Auschwitz. I ask unanimous consideration that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2)

Mr. BRADLEY. One passage in particular remains with me: Jean Amery, the Austrian Jewish philosopher who was also a victim of the Holocaust, explained, "Anyone who has been tortured remains tortured." Mr. Amery, after years of mental anguish resulting from the Holocaust, would finally take his own life.

Mr. President, the pain did not end with the liberation of the camps. Instead, those who were victimized and were somehow able to live through this remain both emotionally and physically scarred. I note in this regard the case of Hugo Princz, a survivor of Auschwitz and now a citizen of my State of New Jersey, who is still fighting the German Government for compensation for his suffering. There are also many in this country and throughout the world who are still mourning the relatives they lost to the Holocaust. Their pain must not be forgotten.

Mr. President, today I offer a resolution commemorating the liberation of Auschwitz and calling on all Americans to remember the more than one million who were murdered at Auschwitz. We must never forget this terrible crime against humanity. It is our responsibility to educate future generations about the Holocaust and the dangers of intolerance to fulfill our pledge of "never again."

EXHIBIT 1

[From Newsweek, January 16, 1995]

FIFTY YEARS AFTER THE END OF THE DEATH CAMP, SURVIVORS TELL UNTOLD STORIES OF RESISTANCE, LOVE, AND LIBERATION

(By Jerry Adler)

On the afternoon of Jan. 27, 1945, Sal De Liema, a 30-year-old Dutch Jew, five months resident in Auschwitz, ventured into the snow outside his barracks door for the first time since the Germans had evacuated the camp nine days earlier. He had climbed into his bunk on Jan. 18 expecting the SS to blow him up along with the barracks, but as the alternative was a forced march to an unknown destination through the icy Polish winter, De Liema chose to die lying down. He slept four days, then survived by sucking on sugar cubes foraged by another prisoner who had stayed behind. On Jan. 27 he felt better, pulled himself to his feet, and walked out the door and through the gate of the camp. The first thing he noticed were a number of furry brown dogs in the snow. He thought, "Gee, what nice little dogs." Then they started to move. The dogs were Russian soldiers in fur caps and white camouflage, who had just liberated the camp. In Auschwitz even deliverance came in the guise of absurdity.

Also in Auschwitz at that time, a young Soviet colonel struggled to understand an apparition. Retired Lt. Gen. Vasily Petrenko, the only surviving commander among the four Red Army divisions that encircled and liberated the camp, was a hardened veteran of some of the worst fighting of the war. "I had seen many people killed," Petrenko says. "I had seen hanged people and burned people. But still I was unprepared for Auschwitz." What astonished him especially were the children, some mere infants, who had been left behind in the hasty evacuation. They were the survivors of the medical experiments perpetrated by the Auschwitz camp doctor, Josef Mengele, or the children of Polish political prisoners rounded up after the ill-fated revolt in Warsaw the previous fall. But Petrenko didn't yet know that. "I thought: we're in a war. We've been fighting for four years. Million-strong armies are battling on both sides—and suddenly you have children. How did they find themselves there? I just couldn't digest it." Only later did Petrenko realize that this was a place where children were brought to be killed. By the hundreds of thousands they had vanished into thin air, and Petrenko's troops marched by the ashes of their bones.

Caught up in a great war, the world took no special notice of the event. The big news in The New York Times that day was that Soviet troops had swept to the Baltic. Buried in a long list of the towns overrun by the Red Army was Oswiecim, the Polish name for Auschwitz. The place was by then a virtual ghost town, only with a ghost population the size of Philadelphia. Of the approximately million and a half who had passed through it, most of whom left behind only their hair and the smell of their burning bodies, just 65,000 were still there in January 1945. As the Russians advanced from the east, the Nazis retreated to Germany, providently bringing their prisoners to kill along the way. Only about 7,000 stayed behind to be liberated by the Russians, many of them near death.

And liberation did not put an end of their dying. Albert Grinholtz, a French Jew, remembers Mongol soldiers of the Red Army riding into the camp on horseback. "They were very nice," he says. "They killed a pig, cut it in pieces without cleaning it and put it in a large military pot with potatoes and cabbage. Then they cooked it and offered it to the sick." The effects of that meal on people on the edge of starvation were nearly as lethal as anything the Nazis did. For that matter, Auschwitz is still claiming victims, as some survivors realize that the pain of their memories does not diminish with age. The Italian writer Primo Levi, author of "Survival in Auschwitz," threw himself down a stairwell in 1987. "Anyone who has been tortured remains tortured," wrote the Austrian Jewish philosopher Jean Amery, who took his own life 38 years after the Nazis failed to take it from him.

Better never to have been born at all, perhaps, than to live through Auschwitz. Of course, the Carthaginians probably felt that way, too. Each generation marches into history dripping the blood of its respective massacres. But Auschwitz, and the Holocaust of which it was a part, have a unique place in the annals of human slaughter. When Rwandans beat their neighbors to death with clubs, we take it as dismaying evidence that human nature will never change. But Auschwitz was something new on the earth. Its elaborate mechanisms for transporting, selecting, murdering and incinerating thousands of people a day constituted a kind of industrialization of death. It raised the terrifying possibility that with the advent of modern technology human nature really had changed. No wonder General Petrenko has been uneasy for 50 years. At Auschwitz that day, the 20th century saw itself in the mirror, and turned away in horror.

Auschwitz was only one—the largest—of several Nazi extermination camps, and there's no reason to think it was the worst. It owes its prominence to its size and its special role as both a death camp for Jews and Gypsies (technically, the gas chambers were located in neighboring Birkenau) and the headquarters of a network of slave-labor camps housing Jews, Polish political prisoners, POWs, homosexuals and common criminals. Although newcomers were routinely told that the only way out of Auschwitz was through the chimney, that was never quite true. Along with more than a million who died there, tens of thousands lived there—worked, schemed endlessly and obsessively to stay alive—and even fell in love. Those who succeeded brought with them memories of how men and women lived in the shadow, the smell and dust of death. Their stories—some never before told—covering the period from the last great killing spree that began in the spring of 1944 to the "death marches" the following winter have been collected by Newsweek correspondents on three continents for this, the 50th anniversary of the liberation of Auschwitz.

In the spring of 1944, as the war increasingly turned against the Germans, trains bearing the first of Hungary's Jews began arriving at Birkenau. Until then, Hungary's 800,000 Jews, although oppressed, had been spared the worst of the Nazi terrors, and it is likely that none of them had even heard the word Auschwitz. On one of these trains rode 17-year-old Rita Yamberger, her older sister Berta Morganstern and Berta's two children. Eighty people stood together in boxcars for four sweltering days and nights. There was a bucket to drink from and another that served as a toilet. At one stop, Yamberger got off to refill the water bucket and almost missed getting back on. As the train to Auschwitz began to pull away, she ran after it so she wouldn't be forgotten.

Yamberger's train arrived at Auschwitz late at night and parked there until dawn, when the doors were flung open and the dazed passengers formed into lines for a "selection." Five by five, they marched past Mengele himself—"as beautiful as a statue," Yamberger remembers, in his glistening boots and crisp black SS uniform. Old people, sick people, young children and their mothers went to the left and potential workers to the right. Yamberger's sister saw that mothers with children were going off together, but, of course, she had no idea why. "So she put a scarf over my head so I would look older, and I took the hand of her son as if I was the mother," Yamberger remembers. "We all went left. We were happy because we were together. Then I felt a hand on my shoulder. It was Mengele. 'How old are you?' he said. In that second I was hypnotized. I had the boy by the hand. I told the truth. He shoved the boy away. He fell down, and I was thrown to the right. And that's how I didn't go to the crematorium."

Other families were more successful at staying together. Gloria Lyon, who was 14 when she was rounded up with her family in eastern Czechoslovakia, recalls how her 12-year-old sister, Annuska, was sent off with the old people and children, but managed to sneak back into the other line and rejoin the family. "My mother was very angry that she did this," Lyon said, "because we conjectured that the old people will take care of the children, and our group would have to do the hard work." Never was disobedience in a child better rewarded; both sisters survived the war and are still alive.

Sometimes the inmates who met the trains and escorted the victims to the gas chambers would—at the risk of their own lives—whisper to young mothers to give their babies to older relatives. Not many obeyed, of course. Helen Farkas, arriving at Auschwitz as part of an extended family from Transylvania, recalls that "my sister Ethel said, 'He's crazy. What do they mean I should give my child to an older person?'" But in the confusion the baby began to cry, and the mother-in-law took charge of him and disappeared off to the left; guards beat Ethel back when she tried to join them. The sisters, selected for work, were stripped and shaved to the skin. "We started to look for each other, shouted each other's name," Helen says. "We couldn't recognize each other, naked, without hair. When we found each other, we started laughing, we laughed so hysterically it turned into crying."

So the transports arrived, with their cargoes of innocent flesh, from anywhere the SS could lay their hands on a Jew: France, Holland, Slovakia, Greece and, of course, Hungary, until the government halted the deportations in mid-July, after 438,000 Jews had been shipped to Auschwitz in little more than two months. The victims, unsuspecting, walked to the gas chambers under the blank and baleful gaze of the SS, and then were turned into smoke that blackened the skies, and a stench so awful and pervasive that Lyon lost her sense of smell for nearly five decades after. Those selected for work were shorn, tattooed with a number on their left forearm, issued uniforms, bowls and spoons and turned out into the barracks. Hundreds slept in triple-tiered rows of bunks. The newcomers faced the scorn of the Polish and Czech Jews who had come earlier. "They told us, 'While you were going to theaters, we were already here'." recalls Judy Perlaki, who was brought to Auschtwitz from a town in Hungary in May. The religious ones would pray. The old-timers taunted them: "'Go ahead, pray. But do you know where your mother is? Right up in that chimney'."

The new inmates entered a life of roll calls, beatings and work, punctuated by surprise selections for the gas chambers, which the Nazis kept busy even if no trains arrived. The roll calls were held twice a day, always in the open, and prisoners stood at attention until the count was complete, which might take several hours. This was hard enough even for prisoners who weren't suffering from the camp's rampant diarrhea. Standing became even harder, naturally, as Poland's harsh winters set in. *Kapos*, the prison trusties—many of them criminals—whom inmates feared almost as much as the SS, roamed the ranks. They would hit anyone who stepped out of place, or stamped his frozen feet, or whom they felt like hitting. By a whim of the commandant, an orchestra of inmates was commissioned to serenade the prisoners as they marched off to the factories, mines and construction sites. "This was the unreal thing: this beautiful music," says Rachel Piuti, who came to Auschwitz in 1944 from a labor camp in central Poland. "We marched out, the music accompanied us. We marched back, the music welcomed us. This is why it seemed already like life after death." The orchestra also played for the deportees on their way to gas chambers, and one inmate remembers the elderly Hungarian men tipping the hats appreciatively as they marched by.

An inmate's rations were ersatz coffee in the morning, a pint or so of watery soup for lunch and a half pound or so of bread for dinner. A person doing heavy labor outdoors obviously could survive this diet for no more than a few weeks or months. So those who lived, by definition, had some means of obtaining extra food—a skill the SS valued, a job where they could steal, or a protector somewhere in the camp. A large number of the survivors worked in the unit where the belongings of new arrivals were meticulously sorted, tagged, logged, stored and immediately stolen. The warehouses were known as "Canada" after that fabled land where everyone had warm socks and cigarettes. In August, Siggi Wilzig, a German Jew who had been in Auschwitz since 1942, landed one of the most sought-after positions in the camp, organizing the Canada warehouse. One whole room was for storing toilet paper—"a huge room, 12 or 15 feet high full of toilet paper. It just stayed there and no one knew why." He had labeled each roll and stacked them in order as the Germans wanted, and then filled the insides of the tubes with rings, watches and other small valuables he could barter for food.

Another job which provided enough to eat was *sonderkommando*—the Jewish prisoners who met the trains, escorted the condemned to the gas chambers and then hauled the bodies to the crematoriums. "When they got off the trains, they had to strip in the dressing room," says Henryk Mandelbaum, who worked as a sonderkommando in the fall of 1944. "Whole families went in, supposedly to take showers. When the chamber was more than half filled, they realized something was wrong. There was commotion. The SS beat them brutally with sticks." The sonderkommandos' was hard physical work, made worse by the burden of never knowing when a relative might turn up in the gas chamber. Mandelbaum tells of one legendary sonderkommando who voluntarily walked into the gas chamber with his own family; and another, who encountered his mother and assured her until the last minute that she was only being taken to the showers. For that sin, the sonderkommando's own colleagues were said to have killed him themselves.

Some people screamed in the gas chambers, at least one group sang the Czech national anthem and some prayed. Sonderkommando Yehoshua Rosenblum escorted a venerable rabbi to the gas chamber and warned the naked old man that he was going to die. "I told him he should say a prayer: 'Put something on [meaning a hat; Jews pray with their heads covered] so you can say a prayer before you die.' I had a chance now to talk to someone about what was going on here. 'Children, parents who never did anything in their lives—why should such a thing happen?' He said: 'Quiet. It is forbidden to complain; this is the will of God. You cannot answer these questions.'

"He told me: 'Tell the world what these evil persons are doing to the Jews'." But Rosenblum answered: "Rabbi, today it's you, tomorrow me." All the sonderkommando expected to wind up in the crematoriums themselves eventually; it was part of the job. The Nazis assured their silence by periodically killing them and starting fresh with a new batch.

One Jew who escaped the gas chambers that summer was Roman Friester, who was 15 and an orphan when he arrived in Birkenau from a small labor camp elsewhere in Poland. He talked his way into a job by volunteering as a specialist in running a lathe, a machine he had never laid eyes on. Survival had a cost. Lying in his bunk one night, he was raped by another prisoner, an older may who had access to food. "He put his hand with a piece of bread into my mouth. I badly wanted this bread. I wanted to swallow the bread quickly before he finished, so he would have to give me another piece of bread. I got a second, and a third.

"He went off and in a moment I realized that I didn't have my prisoner's cap. Any prisoner at the morning roll call without his cap was shot. He wanted to liquidate me and so he stole my cap.

"That night, I stole a cap from some other prisoner. So that next morning, some other prisoner was killed instead of me. I never looked to see who it was."

One more prisoner killed—who was to notice? Lives were saved and lost all the time that summer. Max Garcia, a Jew from Amsterdam, was saved by his appendix. After four days of severe stomach pains, he was sent to the camp hospital, which often would have been a ticket to the crematorium. But the SS surgeon had never seen a case of acute appendicitis and decided to open up Garcia for the experience. Sal De Liema was saved by a kapo, who had smashed his eyeglasses out of spite. Shortly after, he went through a selection and saw healthy men sent off to the gas chambers. He asked another prisoner why, and was told: "They were wearing glasses."

But the great news at Auschwitz that summer was the escape of Mala Zimetbaum and Edward Galinski—the most famous of the hundreds of Auschwitz escapes, because even in failing it gave courage to the thousands of inmates who knew about it and witnesses its legendary end. Zimetbaum, who was barely 20 in 1944, was one of the most extraordinary prisoners to pass through Auschwitz. Fluent in several languages, she was put to work as a messenger and interpreter. She apparently made full use of her position to carry out assignments for the camp resistance, even managing to replace the identify cards of women selected to be gassed with those of women who had already died.

Zimetbaum fell in love with Edward Galinski, a Polish political prisoner, and they resolved to escape. They succeeded in bribing an SS man to supply them a uniform, and Zimetbaum filched a pass from the guard room. On June 24, Galinski marched out the gate of Auschwitz with a female prisoner in tow. But Auschwitz did not give up its victims so easily. They were caught two weeks later, still in southern Poland, and brought back to the camp for execution. The hangings were scheduled for Sept. 15. Galinski went first: he slipped the noose over his head, and, by one account, kicked over the stool that served as his scaffold, shouting "Long Live Poland!" Zimetbaum was stood in front of the assembled women prisoners, who were subjected to a lecture on the consequences of trying to escape. But before the guards could hang her, she pulled out a razor blade and slit her wrists, spraying her executioners with her blood.

But even while the camp was awaiting the fate of the two lovers, something else happened to give them hope. On Aug. 20, more than 120 Flying Fortress bombers from the American air base in Foggia, Italy, flew over Auschwitz en route to bomb the factories of Upper Silesia. One of the targets was, in fact, a satellite camp of Auschwitz itself, the giant I.G. Farben plant (know as "Buna") that converted coal to synthetic fuel. "We heard the sirens in camp, but there was no cover," says Max Sands, who worked in a warehouse at Buna. "We stayed in the barracks and when I looked out, the sky was covered." At his next shift two days later, the damage made such an impression on him that he swears he saw locomotives on roofs. The downside of all this was that he and his brother lost their soft warehouse jobs and were put to work hauling bags of cement on a repair crew, but it was worth it to see the Germans bombed.

But no bombs ever fell on Auschwitz itself, nor on Birkenau. American Jewish leaders, by this time well aware of Auschwitz, pleaded with Washington to bomb the crematoriums. Hundreds of inmates might have died in such an air raid, of course, but it might have saved some of the thousands of new victims who arrived every day. For that matter, the prisoners in the camps were hoping for the same thing. "Our greatest anticipation was when the air raids were on," recalls Celia Rosenberg, 66, who was brought to Auschwitz from Hungary in May. "It would have been our pleasure to be bombed. It never occurred to us to be afraid." But the War Department—contravening even President Roosevelt's wishes—seems to have stuck to a policy of not mixing military and humanitarian objectives. "The best way to help those people," Assistant Secretary of War John J. McCloy insisted, "was to win the war as quickly as possible."

Even so, the bombing raids and the news filtering back to the prisoners in the fall of 1944 made it clear that the war had turned decisively against the Germans. For the sonderkommando, who never expected to survive the war, this was a call to action. They enlisted the help of prisoners who worked in a munitions plant—most of them women—to smuggle out gunpowder, a few grams at a time. A plan took shape to blow up the gas chambers, attack the guards and break through the electrified fence that surrounded Auschwitz and Birkenau. But before they could act, on Oct. 7, the SS demanded 300 sonderkommando for "transfer"—barely a euphemism—and the victims decided to die fighting.

Unplanned, unorganized and vastly outnumbered, the rebellion had no chance. The sonderkommando fought the well-armed SS troops with knives, chains, stones and perhaps homemade grenades. One part of it worked: bales of human hair, destined for German carpet factories, had been stashed in the attic of Crematorium 4: the sonderkommando sprinkled them with gasoline and ignited them, setting ablaze the roof of the whole vast structure. Three SS men were killed. But no one escaped, and of the 663 members of what became known as the Last Sonderkommando, 451 were shot by the SS and tossed in the ovens by the end of the day.

And of the women who helped them, four—Roza Robota, Ester Wajcblum, Ala Gertner and Regina Safirsztain—were arrested and taken to the infamous prison Block 11, where they were tortured for weeks, although without revealing the names of any other conspirators. In a letter smuggled out to her sister Anna, Ester wrote about how "the familiar sounds of the camp—the screams of the kapos, the screams for tea, soup, bread, all those hated sounds now seem so precious to me and so soon to be lost . . . Not for me the glad tidings of forthcoming salvation; everything is lost and I so want to live." Ester was 20. On Jan. 6, 1945—less than two weeks before the Germans abandoned Auschwitz altogether—the four women were taken to the gallows. Their fellow prisoners had been assembled for the spectacle. Two women grabbed Anna and pushed her into a barracks to keep her from watching, but she heard the groans. It was the last public execution at Auschwitz.

As fall turned to winter, and the Red Army drew closer, new orders arrived from Berlin. The transports stopped coming, the crematoriums went cold—in fact, the whole vast operation went furiously into reverse, as the Germans began dismantling the evidence of what was to have been the crowning achievement of the Third Reich. Crews sent to clean out the chimneys had to scrape out deposits of human fat 18 inches thick. The prisoners greeted these developments with mixed emotions: happy to see the Nazis losing, but troubled by the general assumption that the Germans would slaughter them all first.

The Soviet offensive on Upper Silesia began on Jan. 12, and the Germans quickly fell back. Red Army guns boomed over the roll call on the evening of Jan. 17. The next day, long columns of prisoners began marching out of the camp, thousands at a time—past the famous sign with its mendacious promise ARBEIT MACHT FREI (WORK MAKES ONE FREE), leaving behind the remains of the chimneys that were supposed to be their only exits. Most were in various stages of starvation; many had only wooden shoes or rags to cover their feet as they tramped over the freezing mud. The German officers enforced one simple rule: anyone who fell behind, for any reason, was shot dead on the spot. "You were outside, without fences, but you were not free," said Siggi Wilzig. "If you thought the camp was bad, just wait until the death march." Wilzig had usable shoes, but several days into the march a shoelace broke, which could have cost him his life. Just then he spied a sapling poking out of the snow; he worked it free and lashed his shoe together in time to rejoin his march. "An act of God!" he exults.

In the confusion of these days quite a few prisoners managed to escape. Louis Zaks, who had been in concentration camps since 1941, was working in the coal mines of the Jaworzno subcamp when the Soviets approached; he declared his own emancipation a day early by refusing to go to work, which in normal times would have meant a bullet in the head. He was marched to another subcamp, Blechhammer, where he ran off and hid in a coal pile. After several hours, he felt safe enough to stretch, and the coal began to move, and 20 people stood up from nearby piles. But freedom had its perils also. Walking on the highway north toward Lodz, he and his fellow escapees encountered a group of Soviet soldiers. "They asked for our watches. We told them, 'We have no watches, we are from a concentration camp.' 'Oh.' they said, 'you are Jews. Nobody likes Jews. Germans don't like Jews, Poles don't like Jews, we don't like Jews.' They chased us into the forest and lifted their rifles." Zaks was saved by the timely arrival of some Russian officers, including one who was Jewish.

Those who didn't escape or die on the death marches were eventually loaded onto open railcars for the trip to camps in Germany; having come in sealed boxcars in the summer, they now traveled in the open in the winter. They were so emaciated and pitiable that civilians sometimes threw them bread and even clothing as they passed. The SS guards discouraged the practice by shooting at the civilians. The last few weeks and months, as the Reich collapsed around them, were some of the hardest the prisoners had to endure. Linda Breder, interned near Ravensbrück, in Germany, gives a calm account of her 33 months at Auschwitz and the death march along a road "paved with corpses in the snow." But she breaks down in tears at the memory of a kettle full of soup that overturned as it was being served, leaving the starving women to lick the food from the snow. Freed eventually by the Russians, she set off with some friends to walk back to Slovakia, living off the land. They went into a German woman's house; the table was set with dishes and napkins, there was a tureen of hot soup. The women had seen nothing like it for three years. Anger and hunger waged war within them, until one grabbed the tablecloth and sent everything crashing to the floor. They searched the house and found the woman, hiding, and two SS uniforms in a closet. They roughed her up and moved on.

Meanwhile the Russians, having done their part for history, had moved on themselves. The survivors stood and walked out as free men and women, and miraculously got on with their lives. They went back to being tailors, or jewelers, doctors and writers; some went to Palestine and fought another war. You couldn't pick them out of a crowd, now, in Jerusalem, Toronto or Los Angeles, unless you happened to spot the numbers graven on their forearms. They (and the others who passed through Auschwitz) left behind, according to a subsequent Soviet accounting, more than a million suits, coats and dresses, seven tons of human hair and comparable heaps of shoes, eyeglasses, cooking utensils and other goods, counting only what was found in only six of the 35 storerooms of Canada, the Germans having burned the rest. They took with them the indelible memory of the moment when a tall man in shiny boots condemned them to life, the moment in which Rita Yamberger sees a young boy pulled roughly from her grip and shoved to the left. "From afar, I saw the little boy. He was lost in the crowd, shouting for his mother. He was lost. I hope he found his mother and they died together."

COMMEMORATING THE 50TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. D'AMATO. Mr. President, I rise today to commemorate the 50th anniversary of the liberation of Auschwitz.

On January 27, 1945, Soviet Red Army troops liberated the deathcamp where upwards of 1.5 million people were exterminated. In the years since, the very word has become a synonym for death. It was said that in Auschwitz the only path to freedom—freedom from torture and starvation—was through the smokestacks of the crematorium.

The Nazis, with pathological precision, collected Jews and their other victims from all over Europe and the Soviet Union and funnelled them into the twin camps of Auschwitz and Birkenau. Once there, their belongings were collected, their heads shaved, and they were pushed like cattle either into barracks or directly to the gas chambers. Those spared death by gas were subjected to death by starvation and intense forced labor. In all, the Nazis dehumanized their victims and simply eliminated them when they had no further use for them.

Today, the twin camps of Auschwitz-Birkenau lay silent, belying the horrors that occurred there. When one walks among the ruins of the partly bombed out crematoriums and the remains of the barracks where the victims lived, if one could call it that, one cannot escape the question, is there no limit to man's cruelty to his fellow man?

As we celebrate this anniversary we must do so in the realization that in commemoration we seek prevention—prevention of such horrors in the future. The words never again, must keep their original meaning and not be tossed aside dependent upon the new victims' group.

Finally, we must teach the lessons of this dark past to our children so that they know that there was indeed a time like the Holocaust and that because of that it must never, never, be allowed to happen again.

The PRESIDING OFFICER. Is there further debate on the resolution?

If not, the question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 74) and its preamble are as follows:

S. RES. 74

Whereas on January 27, 1945, the Auschwitz extermination camp in Poland was liberated by Allied Forces after almost five years of murder, rape, and torture;

Whereas more than one million innocent civilians were murdered at Auschwitz alone;

Whereas Auschwitz symbolizes the brutality of the Holocaust;

Whereas Americans must "never forget" this terrible crime against humanity and must educate the generations to come so as to promote the understanding of the dangers of intolerance in order to prevent similar injustices from happening ever again; and

Whereas commemoration of the liberation of Auschwitz will instill in all Americans a greater awareness of the Holocaust: Now, therefore, be it

Resolved, That the Senate hereby—

(1) commemorates January 27, 1995, as the fiftieth anniversary of the liberation of the Auschwitz death camp by Allied Forces in the Second World War; and

(2) calls upon all Americans to remember the more than one million innocent victims who were murdered at Auschwitz as part of the Holocaust.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 209

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the pending business be set aside and that we call up amendment No. 209.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there debate on amendment 209?

Mr. KEMPTHORNE. Mr. President, with regard to amendment No. 209, we have made the point repeatedly that S. 1 is not retroactive. This amendment simply provides language to clarify that it is not retroactive. It is language which is similar to what had been put in the House version also stating that clarification that this is not retroactive.

Mr. GLENN. Mr. President, I would like to explain my understanding of this amendment and its impact. I would also like to ask a few questions of my friend and colleague from Idaho, Senator KEMPTHORNE, about his understanding of this amendment and its impact, so that we can try to avoid any misunderstanding.

Throughout this debate, my colleague from Idaho and I have indicated that S. 1 does not cover mandates in existing law.

Thus, even if a Federal statute contains a large mandate, a bill to reauthorize or amend that statute is not subject to the detailed analysis and point-of-order requirements of S. 1—unless enactment of the bill would result in a net increase in aggregate direct costs of Federal mandates large enough to exceed the thresholds in S. 1.

The threshold for Federal intergovernmental mandates is $50 million per year, and for Federal private sector mandates it is $200 million per year.

Thus, the detailed analysis and point-of-order requirements of S. 1 would not apply to the reauthorization or amendment bill—unless the bill would establish new or additional duties beyond the duties in the preexisting statute, or unless the bill would reduce the authorization of Federal financial assistance below what is authorized in the preexisting statute, such that the net increase in the aggregate amount of direct costs would exceed the applicable threshold.

Is my understanding correct?

Mr. KEMPTHORNE. Yes, the Senator is correct. The requirements of S. 1 would apply to the bill only if the new or additional duties or reduced Federal financial assistance would impose a net increase in the aggregate amount of direct costs on State, local or tribal governments exceeding the $50 million per year threshold, or on the private sector exceeding the $200 million per year threshold.

Mr. GLENN. Second, as I understand this amendment, the requirements of S. 1 would not be triggered just because there is a lapse in the authorization of appropriations.

Even after the previous authorization of appropriations had lapsed, a bill that would only reauthorize the appropriations would not be covered under S. 1, because it would not increase the duties already established in the existing legislation.

Likewise, a bill that would reauthorize appropriations, and would thereby restore Federal financial assistance at the same level as before the lapse, would restore—not reduce—the Federal financial assistance available to be used to comply with the mandate.

Thus, even if the previous authorization of appropriations had lapsed, the reauthorization would not impose a net increase in the aggregate amount of direct costs exceeding the thresholds, and would therefore not be covered under S. 1.

Does the Senator from Idaho agree with my understanding?

Mr. KEMPTHORNE. Yes, I have this same understanding of the proposed legislation.

Mr. GLENN. Finally, when a bill would amend Federal legislation, S. 1 would apply only to the amount of net increase in the aggregate amount of direct costs that would result from enactment of the bill. This is true for reauthorization bills and for other bills that amend Federal statutes.

Let me give a couple of examples:

Suppose that a pre-existing Federal statute would require State governments to spend $40 million per year for the next 5 years to perform certain activities.

And suppose that a bill is proposed that would amend this Federal statute, by adding new requirements that would cost an additional $20 million per year for the next 5 years.

Such a bill would not trigger the point of order under S. 1. It is true that, if the bill is enacted, the amended statute will cost $60 million per year over the next 5 years.

But we must subtract $40 million per year, which is the amount that would be required by the pre-existing Federal statute in the next 5 years if it is not amended.

Thus, the net increase in the aggregate amount of direct costs that would be caused by the bill would be only $20 million per year. This is below the threshold of $50 million per year.

Does the Senator from Idaho agree with my analysis?

Mr. KEMPTHORNE. Yes I do.

Mr. GLENN. Now let me offer a slightly different example:

Again, suppose that a pre-existing Federal statute would require State governments to spend $40 million per year for the next 5 years to perform certain activities.

This time, though, suppose that a bill is proposed that would add a duty that would cost the States an additional $50 million per year for these same activities.

But suppose that the same bill would also reduce the duties that are already in the pre-existing statute, saving the States $5 million per year.

In other words, the pre-existing statute would cost $40 million per year for the next 5 years, if the statute were not amended, but enactment of the bill would reduce this amount to $35 million per year.

This $5 million saving is offset against the $50 million imposed by the new duty in the bill. Therefore, the net increase in the direct cost of the bill would only be $45 million per year, which is below the threshold.

This concept of net increase in the aggregate amount of direct costs is stated in the amendment now before us. This net increase approach is also required by the provisions in the definition of "direct costs" already contained in the S. 1.

Does the Senator from Idaho agree?

Mr. KEMPTHORNE. Yes, I agree with the description of the legislation as presented by the Senator from Ohio.

AMENDMENT NO. 225 TO AMENDMENT NO. 209

Mr. GLENN. Mr. President, I send to the desk an amendment in the second degree and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 225 to amendment No. 209.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike page 1, line 2, through page 2, line 4, and insert the following:

"( ) CLARIFICATION OF APPLICATION.—(1) This section applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

"(A) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

"(B) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates otherwise than as described in paragraph (1).

"(2) For purposes of this section, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase—

"(A) in the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted,

"(B) over the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted."

Mr. GLENN. Mr. President, just a short statement regarding this amendment.

This amendment clarifies how the provisions of S. 1 will treat a reauthorization or other amendment of existing statutes that contain mandates. Our understanding all along, as Senator KEMPTHORNE said, with both of us is that S. 1, as did S. 993 last year, applies only to future mandates that add new costs. And this amendment clarifies that intent.

Basically, the amendment does the following. It ensures that reauthorizations which do not change existing laws but merely extend the authorization are not covered under S. 1.

So if an authorization is simply extended for several years without any substantive change, it is not covered.

Second, if a bill to reauthorize or amend a statute imposes new costs on State and local governments or the private sector, but in another part of that bill the cost of existing requirements are reduced, then those savings are credited against the new costs imposed. So direct costs are net costs. And if the savings outweighed the new costs, and the net costs do not exceed the threshold, then S. 1's points of order would not apply.

Finally, this language makes clear that in bills to reauthorize or amend a statute, it is new costs that will be scored, and the baseline of costs that would be imposed under the preexisting statute are not part of the CBO or Budget Committee calculation of costs.

I believe that this amendment is noncontroversial, and it has been accepted on the other side. It clarifies what has been our intent all along—that S. 1 apply to new mandates imposing new costs.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I am prepared to accept the second-degree amendment as proposed by the Senator from Ohio.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 225) was agreed to.

The PRESIDING OFFICER. Is there further debate on the first-degree amendment as amended? If not, the question is on the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 209), as amended, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate resumes the Boxer amendment No. 203, Senator KASSEBAUM be recognized to offer a second-degree amendment, and there be 20 minutes for debate to be divided in the usual form, and that Senator BOXER be recognized to offer a further second degree amendment which shall be debated during the same 20 minutes.

I further ask that following the conclusion or yielding back of time, the Senate proceed to vote on the Kassebaum amendment to be followed by a vote on or in relation to the Boxer second-degree amendment to be followed immediately by a vote on the Boxer amendment No. 203, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that at 8 o'clock tonight the Senate proceed to vote on the motion to table the Bingaman amendment to be followed by a vote on the Kassebaum amendment to be followed by a vote on or in relation to the Boxer second-degree amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Reserving the right to object, and I do not plan to object.

Mr. KEMPTHORNE. Mr. President, I ask that I be allowed to modify the unanimous consent request so that the Kassebaum amendment would occur first, followed by the Boxer second-degree amendment, then followed by the Bingaman amendment, to be tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. May I ask a procedural question at this point? The Senator from California has introduced her amendment, is that correct? So it has been introduced and is at the desk?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 226 TO AMENDMENT NO. 203

(Purpose: To ensure that the President fully enforces laws against child pornography, child abuse, and child labor)

Mrs. KASSEBAUM. Mr. President, I send an amendment in the second degree to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 226 to amendment No. 203.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike the language after "(7)" and insert the following: "expresses the Sense of the Senate or the Sense of the House that the President should fully enforce existing laws against child pornography, child abuse, or child labor.".

Mrs. KASSEBAUM. Mr. President, this amendment expresses the sense of the Senate that the President should fully enforce laws against child pornography, child abuse, and child labor.

During the 103d Congress, we passed a resolution opposing the administration's position before the Supreme Court in the Knox case that would have weakened our child pornography laws. My recollection is that the resolution passed with over 95 affirmative votes.

We sent a strong signal to the administration that we expect the Federal Government to take a tough stance against child pornography. I think we have an opportunity to re-send that signal to assure ourselves that the Justice Department received the message.

Mr. President, child abuse and pornography is a serious matter. It leaves scars that last a lifetime. Children who were abused sometimes grow up to become abusers themselves, and their personal relationships—with spouses, friends, and relatives—are rarely the same as they would otherwise have been.

The amendment I am offering today expresses the sense of the Senate that the administration should strongly enforce Federal laws designed to address child pornography. I urge my colleagues to support the amendment.

Mr. President, for just a moment I would like to speak on the underlying amendment of the Senator from California. While the first vote will be on the second-degree amendment, I have some serious concerns about the underlying amendment.

Just briefly, I would note that the amendment of the Senator from California would exempt unfunded mandate restrictions from future legislation dealing with child labor, which is an important and serious matter, there is certainly no question about that. But I point out that many of our child labor restrictions come from the Department of Labor regulations rather than by statute, and they address problems that are a long way from children working in the salt mines, which led to unfortunate abuses which we have tried to correct over the years.

Let me give an example. The Secretary of Labor, to his credit, allowed an exemption of our child labor laws so that children could work as bat boys at major league baseball games. By regulation, children ages 14 to 15 cannot work after 7 p.m. on school nights without a Labor Department exemption.

I think it is very important that whenever we consider legislation that we debate whether the benefits of the unfunded mandate outweighs the burden. We have seen countless examples where, indeed, it reaches absurd proportions.

That debate will only take place if we assure that child labor and other labor standards be included within the unfunded mandates bill. Weighing costs is an important part of the legislative process, and for this reason I oppose excluding labor standards, even child labor standards, from S. 1.

Mr. President, to reiterate, we will be voting on the second degree amendment that I offered, but I want to comment for a moment on the underlying amendment offered by the Senator from California. I have serious concerns with the underlying amendment.

Let me provide another example of a Federal mandate regarding child labor restrictions. During the 102d Congress, the Labor Committee held a hearing on Senator METZENBAUM's child labor bill, S. 600, that required children under 16 years of age to obtain a certificate of employment from their State labor department before starting work.

Under the Metzenbaum bill, parents would have had to sign the certificate, and a responsible official at the child's school would have had to certify that the child was meeting the school's attendance requirements. Each State labor department would then send a copy to the child's parents and fulfill detailed reporting to the Federal Government regarding the number and type of certificates issued.

Mr. President, many school boards and State labor departments vigorously opposed this paperwork burden. School teachers want to teach, not fill out forms. State labor officials want to focus on real problems, rather than hiring clerical employees to analyze data to report to the Federal Government. If every farm kid in Kansas had to file these working papers, my State's labor department would be overwhelmed.

Thankfully, S. 600 never made it to the Senate floor during the 102d Congress. But in the future, if we consider this type of legislation, then the Senate should debate whether the benefit of the unfunded mandate outweighs the burden.

Mr. President, I will yield the remainder of the time I have to the Senator from Utah.

The PRESIDING OFFICER (Ms. SNOWE). The Chair recognizes the Senator from Utah.

Mr. HATCH. Madam President, I rise in support of Senator KASSEBAUM's amendment to Senator BOXER's amendment. This amendment will bolster enforcement of our Nation's laws against child pornography, child abuse, and child labor.

What we need even more than new laws against child pornography, child abuse and child labor, is full enforcement of the good laws that are already on the books by the President and by the Justice Department. In this regard, sense-of-the-Senate and sense-of-the-House resolutions urging the President to enforce existing laws, I think, can prove to be invaluable.

Take, for example, the case of Knox versus United States. As all of my colleagues will remember, in that case the Clinton Justice Department adopted a bizarre interpretation of a Federal child pornography law in which they supported the pornographer over the child. That interpretation, which was not faithful to the intent of Congress, would have undermined that important child pornography law and would have left many victims of child pornography without protection.

On November 4, 1993, by a vote of 100 to zip, 100 to nothing, the Senate condemned the Clinton Justice Department's efforts to weaken that child pornography law. On April 20, 1994, the House, by a vote of 425 to 3, also condemned the Clinton Justice Department's misreading of the law and their interpretation of the law.

Having gotten the message from Congress, the Clinton Justice Department ultimately reversed field and corrected its reading of the child pornography law. Within the last week or so, the Supreme Court denied Knox's petition for review, therefore making his conviction final. That is what should have been done from the beginning.

What this series of events shows us is that the resolutions by the Senate and the House can prevent Presidents from failing to enforce existing laws against child pornography, child abuse, and child labor. And that is the way to do it. Senator KASSEBAUM's amendment would exempt these resolutions from the scope of S. 1 and would ensure that enforcement of these important laws remain vigorous.

It is the way to do it. I commend the distinguished Senator from Kansas for making the effort to do this the right way.

I would like to see her amendment pass overwhelmingly. I hope that we can then vote against the amendment of my good friend, the distinguished Senator from California.

I reserve the remainder of the time to the distinguished Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator. Mr. President, I appreciate the comments of the Senator from Utah.

Madam President, how much time is left?

The PRESIDING OFFICER. The Senator has 4 minutes and 20 seconds remaining.

Mrs. KASSEBAUM. I reserve the remainder of my time for a few moments, if the Senator from California would like to use some of her time.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you, Madam President.

AMENDMENT NO. 227 TO AMENDMENT NO. 203

(Purpose: To ensure that nothing in this Act threatens child pornography, child abuse, and child labor laws)

Mrs. BOXER. Madam President, in accordance with the unanimous-consent agreement, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. DODD, proposes an amendment numbered 227 to amendment numbered 203.

Mrs. BOXER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

"( ) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.".

Mrs. BOXER. Madam President, I would appreciate it if you would tell me when I have about 4 minutes left of my time. This is not going to be a prolonged debate.

I am very fortunate to have had a chance to express myself on this matter, and I will do so once again.

First, I want to make the point that I am fully supportive of the amendment offered by my friend from Kansas, Senator KASSEBAUM. I think there is nothing in that amendment that conflicts with my underlying amendment. I am going to proudly support both. I hope that the Members of the U.S. Senate will do the same and I will explain why.

I also want to tell the Senator from Kansas how much I appreciate her working with me so that we can each have a vote on our respective amendments, or at least on the motion to table. I think it is very important that the Senate have a chance to express itself on both of these concepts.

The amendment from the Senator from Kansas says that it is the sense of the Senate that the President should fully enforce existing laws against child pornography, child abuse, or child labor. I could not agree more with that. We have laws on the books, and they should in fact be fully and completely enforced. And as you know, Madam President, together we called on the Attorney General to fully enforce the laws to protect health clinics as well.

But I think we need to go beyond existing laws because we are talking about S. 1. S. 1 is about future law, Madam President. The reason I have kept this chart here throughout the debate on S. 1 is to make sure Senators understand the kind of legislative hurdles that we are going to be putting many of our bills through. There are reasons for this. There are many in the U.S. Senate who want to slow up the process; they do not want to see us pass bills that have to be enforced by the States and locals without adequate funding. I share that view. I liked last year's bill better because I thought it was less bureaucratic. I thought it treated us more like legislators. It did not take us into a situation where we may have our hands tied.

That is why the exceptions clause of this bill is so important. The authors of the bill say there are certain things that are so important—and they named bills to secure civil rights, prevent discrimination, and to implement international treaties—those things are so important they said, that these would be exceptions to S. 1, that those bills would not have to go through the legislative hurdles which I have described over and over again on the Senate floor.

I guess I need to ask my friends who may be considering voting against the Boxer amendment, do you think that our children are as important as our international treaties? International treaties will be exempted from S. 1's point of order, but not our children. I say, further, that as we look around the country, and we look at the issues of child abuse, illegal child labor, and child pornography, we have serious problems in these areas.

In 1992, 2.9 million children were reported abused or neglected, about triple the number reported in 1980. Among substantiated and indicated victims of child maltreatment, 49 percent suffered neglect, 23 percent physical abuse, 14 percent sexual abuse, 5 percent emotional abuse, and 3 percent endured medical neglect.

We also have problems in the workplace. By law businesses are prohibited from hiring children younger than 14 and teens between the ages of 14 and 16 may work after school only in nonhazardous jobs. This is a mandate, I say to my colleagues, to protect our children. That is why I support the Kassebaum amendment.

Yes. We should fully enforce the law. But what if we feel the laws are not going far enough? Do we want to capture these future amendments and bills in this bureaucratic maze? Again, as I have said before, the CBO are fine people. They are represented here on the chart in red. They can stop an amendment or a bill if they tell us that it is over $50 million. The green here on the chart applies to the role of the Parliamentarians. We love our Parliamentarians. But they were not elected. They can stop, Madam President, a bill that you have written or an amendment that you have written. And I think it is time for us to stand up for the children, and say, if that bill involves child pornography, sexual abuse, or child labor laws, it should be added to the exceptions in S. 1 which include international treaties.

I know a lot of people who think GATT is important. I was one of them. It is very important. NAFTA is very important. But, my goodness, our children are important too.

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mrs. BOXER. I retain the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mrs. KASSEBAUM. Thank you, Madam President.

I would like to respond for a moment to the Senator from California. In fact, I think comparing international treaty exemptions with that of child pornography, child abuse, and child labor laws is a little bit like comparing apples and oranges. International treaties involve other countries. There are some very complicated legal reasons why there should be and has to be an exemption for those international laws. I think we would all agree that the areas which the Senator from California would like to exempt are very special areas. My sense-of-the-Senate second-degree amendment does not diminish the seriousness of the areas that have been addressed by the Senator from California.

Clearly, child abuse and child pornography are serious matters to all of us. It leaves scars that last a lifetime. We have passed legislation to address these concerns to try to end child abuse. Nevertheless, in many instances, what we need to do is to make sure that those laws that are already on the books are strictly enforced. The Senator from California has agreed with that. But I think when we pass new legislation, all I am saying is that we need to carefully evaluate the costs and the benefits.

Every one of us could find areas which we think should be exempted because they are special. We have already voted on a number of those in the last couple of days. Some of us have voted against issues that we care about deeply because creating special categories in this unfunded mandates legislation bill will only place other important issues at risk.

I think that it is very important for us as we vote to separate our own concerns about the seriousness of the issue which the Senator from California raised, and our own concern that those issues be addressed in a thoughtful way. And the fact that the Senator's amendment carves out yet another exemption, which would in many ways put other important things at risk, leads to the question, if we do this, what is the next area that we would wish to exempt?

I think we have to look at our obligations, and as we look at legislation, we must weigh the costs and benefits. That is why it seems to me the better alternative is the second degree amendment, which we could all agree addresses very important and serious concerns. Yet, at the same time, there are other things that should not be carved out as special exemptions at a time when we are trying to address a serious concern regarding unfunded mandates.

Madam President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Madam President, how much time is left on the other side?

The PRESIDING OFFICER. There is 46 seconds remaining on the other side.

Mrs. BOXER. I ask that I may retain 1 minute, and I will take 3 at this time.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Madam President, I say to the Senator from Kansas thank you for offering your amendment. It is a terrific amendment. But it absolutely, positively has nothing to do with my amendment. My amendment recognizes that there is, in fact, already an exception clause in this bill. I am not adding it, I say to the Senator from Kansas; it is there. Yes, there is an exception for international treaties, but there is also one for civil rights.

Now, let us talk about that. Who is protected under the civil rights laws? Women, against sex discrimination; the elderly, against age discrimination; and, of course, there are laws to prevent racial discrimination. We want to make sure that any law that deals with racial discrimination, discrimination based on age, and sex discrimination, are in fact not going to get trapped in the hurdles of S. 1. I am not adding a new exemption clause in the bill. Civil rights is already exempted. I support that, and I am certain that my friend from Kansas does, as well.

What I am saying simply is, if protections for women are very important to this society, if protections for the elderly are very important to this society, if protections for ethnic minorities are very important to this society, if we are all important to this society as human beings, then my goodness, let us add laws that protect our children to this list.

According to the National Center for Missing and Exploited Children, Kansas, Florida, and Georgia have no laws criminalizing the distribution of child pornography. Mississippi and Michigan have no laws making it a crime to possess child pornography. Congress might well find that not a lot of States have enacted child pornography laws and require States to do so. I think we ought to be able to act fast in that case.

There is a new form of child pornography: the computer bulletin board. My friend from Kansas says the President should enforce all of the existing laws. She is right. We should vote 100 to zero on her amendment. But technologies are changing. There are some new laws that may well need to be placed on the books. On the computer bulletin board, pornographic images are transmitted by computers, and some adults have used on-line communications to lure young children and abuse them.

The following incident was reported in the April 18, 1994, issue of Newsweek: A 27-year-old computer engineer in California used his computer to prey upon a 14-year-old boy. After many on-line conversations, he persuaded the boy to meet him in person. I do not want to go into the horrible experience this child had. But this is an area we have not legislated upon.

If you listen to my friends from Utah and Kansas, you would think, well, we have all the laws we are going to have; let us enforce them. I am saying that this is a serious problem to the children of our Nation and we, as parents, should do something about it. I hope we will support both of these amendments. They are both important.

I will reserve my time.

Mrs. KASSEBAUM. Madam President, I will briefly say that pointing out that Kansas does not have laws against child pornography is the very reason we need to enforce the Federal laws.

I yield the remaining time I have to the Senator from Utah.

Mr. HATCH. Madam President, let me bring it down to a simple statement. The Boxer amendment—our colleague from California—would create special exemptions from S. 1 for child pornography, child labor, and child abuse laws.

Her approach is strongly opposed, as I understand it, by the Governors, State legislators, and mayors. The Kassebaum approach would encourage the President to fully enforce the laws that already exist on the books against child porn, child abuse, and child labor. That is the difference. I think we should vote for the Kassebaum amendment.

The PRESIDING OFFICER. The Senator from California has 33 seconds remaining.

Mrs. BOXER. Madam President, this feels a little bit like the House of Representatives, because we have to speak so fast. But I am going to conclude.

I think this has been a good debate. I think we can all agree that this is a horrible problem. The question is: are children special? And that, in fact, if there is a bill we want to bring up here that deals with stopping child pornography in Kansas, or California, or anywhere else, it does not get trapped by the parliamentary or CBO requirements in S.1.

I think it is worth a "yes" vote. I hope we will come together, Republicans and Democrats, and vote for both the Kassebaum amendment and the Boxer amendment.

I thank my colleagues. I have enjoyed having this chance to discuss this amendment. Thank you, Madam President.

I yield the floor.

Mr. HATCH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 184

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the Senate now turn to the consideration of Graham amendment No. 184; that Senator GRAHAM be recognized to modify his amendment and there be 10 minutes equally divided in the usual form, with no second-degree amendments in order; and that, following the conclusion or yielding back of time, the vote be postponed to occur following the last stacked rollcall vote occurring at 8 p.m. tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

AMENDMENT NO. 184, AS MODIFIED

Mr. GRAHAM. Madam President, pursuant to the unanimous consent agreement, I send to the desk a modification of amendment No. 184.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 184), as modified, is as follows:

On page 6, strike line 3 and all that follows through line 10, and insert the following:

(ii) would reduce or eliminate the amount of authorization of appropriations for—

(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

(II) the control of borders by the Federal Government; or reimbursement to states, local governments, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to States, local governments, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; provided that this subparagraph shall not be in effect with respect to a State government, local government, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal government to locate, apprehend, and deport illegal aliens;

Mr. GRAHAM. Madam President, as I outlined in a statement which accompanied amendment No. 184 when it was originally proposed, the purpose of this amendment is to deal in a fair and equitable manner with another form of unfunded mandate. That form of unfunded mandate occurs when the Federal Government has the sole, singular constitutional responsibility to carry out a function of Government and where its failure to carry out that function of Government inevitably leads to significant costs to State, local, or tribal governments.

The specific function to which this amendment goes is the issue of immigration and specifically illegal immigration. The amendment utilizes the same procedures that we have been discussing for the past several days relative to other forms of unfunded mandates. It provides that that procedure will be available in basically two categories.

The first is where there is a proposal to reduce or eliminate the amount of authorization of appropriations for the control of borders by the Federal Government; that is, where there is a proposal to reduce the capacity of the Federal Government to carry out its constitutional responsibility to enforce our national borders through immigration and other border control responsibilities. Or, second, where there is a proposal to reduce or eliminate the amount of authorization for reimbursement to States, local governments, or tribal governments for the net cost associated with three categories of illegal aliens: first, criminal justice activity; second, emergency health care; and, third, education of the children of illegal aliens.

There is a provision also in this amendment which states that, in order for a State, local government, or tribal government to be eligible for this, they must demonstrate that they have cooperated with the Federal Government to locate, apprehend, and deport illegal aliens. That is to say, a unit of government at the State, local, or tribal level must indicate that it has cooperated in the national effort to arrest or control this problem as a condition of being able to meet the test necessary to activate this procedure.

Madam President, I recognize that this sounds somewhat complex, but I believe that it is straightforward.

I offer this amendment, Madam President, with the cosponsorship of my colleague Senator MACK. And I want to express my appreciation to Senator KYL and to Senator SIMPSON and their staffs for their assistance.

Having stated the amendment just briefly, what is the nature of the problem?

There are in the United States today an estimated 3.5 million illegal aliens. These are people who are in the country because of some failure of our capacity to control our borders. Those 3.5 million illegal aliens pose very serious financial burdens on States, local governments, and tribal governments.

In the case of the State of Florida, for instance, it is estimated that illegal aliens within our State prison system cost the taxpayers of the State of Florida each year approximately $55 million to $60 million. That is the 1-year cost of incarcerating the illegal aliens who are in our State prison system.

A year ago, under leadership of Senator HUTCHISON, of Texas, Congress adopted a bill in which the Federal Government will begin to provide some share of the cost of incarcerating illegal aliens.

This legislation would, for instance, come into play if there were an effort made to reduce the level of authorization of that legislation or similar legislation that relates to control of the borders, emergency health, or education of the children of illegal aliens.

Madam President, that is the thrust of this amendment.

I believe it is totally consistent with the objective of this bill. That is, to have the Federal Government accept its responsibility when it mandates—in this case, mandates—by inaction or failure, a cost on State, local governments or tribal governments.

Madam President, I reserve the balance of my time.

Mr. KEMPTHORNE. Madam President, I want to commend the Senator from Florida, who certainly has raised a critically important issue to this and certainly to States that have experienced this. He has been thoughtful and diligent in his pursuit of this. I think, also, the long history of the Senator from Wyoming, Senator SIMPSON, who has worked with this issue for so many years. Senator MACK was also very helpful in crafting the language of this amendment.

At this point, I yield time to the Senator from Wyoming but would acknowledge that we certainly and strongly support this amendment as modified.

The PRESIDING OFFICER. The Senator has four minutes.

Mr. SIMPSON. Madam President, I thank the Chair. I just want to acknowledge the work of Senator GRAHAM, Senator MACK, Senator KYL, and Senator KEMPTHORNE, who have been very helpful.

Let me just be sure that we all understand that we are going to do a great deal on immigration in this session of Congress. We have a good committee, good subcommittee. We will do it in a bipartisan fashion. Members will be working diligently to assure that this amendment really never comes into effect.

I hope we can do that. It makes clear that the State and local jurisdictions must cooperate with the Immigration Service in efforts to control illegal immigration if they expect the Federal Government to assist them with the costs they incurred due to illegal immigration. I think that is imminently fair.

This amendment will certainly encourage the Government to carry out our sovereign duty, which is to control our borders. I recommend Senators to the sweeping legislative bill I presented the other day, the Immigration Control and Financial Responsibility Act. Take a good look at that. I seek your cosponsorship as we proceed in this very important field. I thank the Chair.

Mr. GRAHAM. Madam President, I ask unanimous consent to indicate those who are cosponsors of this amendment. The amendment as originally submitted, number 184, has cosponsors Senators MACK, BOXER, BRYAN, and REID. In addition to those, I would also add Senators MCCAIN, KYL, and HUTCHISON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that my name also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Also, Madam President, this morning we had a good discussion about this issue of immigration. The Senator from California, who provided an amendment, and also the Senator from Arizona, Senator KYL, who, again, articulated many of the concerns that he, too, was instrumental in forging this agreement. So a number of people in a bipartisan effort have accomplished this.

If there are no others wishing to speak on this, I reserve the balance of my time.

Mr. GLENN. Madam President, I, too, want to congratulate the Senator from Florida for working this out. We started out quite a ways apart on this and by a lot of negotiation, with Senator SIMPSON's help, I think we have resolved this in a fine way. We are happy to accept it on this side.

Madam President, parliamentary inquiry. I believe under the current unanimous-consent agreement there would be a rollcall vote on this amendment unless it was vitiated; is that correct?

The PRESIDING OFFICER. The rollcall vote would have to occur unless vitiated.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. I ask unanimous consent that the Senator from California, Senator FEINSTEIN, be added as a cosponsor to amendment numbered 184.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, I yield back any remaining time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. GRAMM. Madam President, we are waiting for amendments to go through the distillation process, hopefully to complete this bill. And as a result, I would like to say a few words about action that just occurred in the House of Representatives. The House has yet to cast final passage on the balanced budget amendment to the Constitution. But in the vote that determined which version of the balanced budget amendment to the Constitution would be put before the full House for adoption, the House of Representatives just cast enough votes to assure the passage of a balanced budget amendment to the Constitution of the United States.

I think this is a historic vote. I served in the House in 1982, when the U.S. Senate adopted a balanced budget amendment in August of that year and sent it to the House. As some who now serve in this Chamber will remember, we spent from August to October trying to get the requisite number of House Members to sign a discharge petition because the balanced budget amendment to the Constitution was being held off the floor by the Democratic majority leader and by the Democratic Speaker.

I remember vividly that every time we would get close to getting 218 people to sign the discharge petition, the Speaker and the majority leader would get Members to go down and take their names off.

I remember vividly the day that we got Vice President Bush to come down, we got roughly 20 Members of the House together and we all marched in and, at the same time, had them sign the discharge petition. At that point, names could not be taken off, and we had a vote on the balanced budget amendment to the Constitution.

I am disappointed to say that in 1982, the House of Representatives did not have the votes to adopt the balanced budget amendment to the Constitution. I think the history of our country would be different if we had had those votes. I think long-term interest rates would be in the range of 3 to 4 percent. I think the economy would be growing more rapidly. I think serving in Government would be part of the real world because, like every family and every business in America, we would have to say no and we would have to say it often. The difference is, in families people are saying no to those they love. In business, people are making hard decisions. But we do not make those decisions here in Congress because we are not forced to.

Thomas Jefferson, when he came back from France and saw the Constitution for the first time—he had been Minister to France when the Constitution was written—he said that if he could make one change in the Constitution, it would be a change that would limit the ability of the Federal Government to borrow money.

I am obviously proud tonight, as I know many of our colleagues are, that the House of Representatives, at long last and for the first time ever, has adopted a balanced budget amendment to the Constitution to fix a problem with the Constitution that no less authority than Thomas Jefferson recognized over 200 years ago.

We will have an opportunity next week to have a vote on the balanced budget amendment to the Constitution in the Senate. If we adopt it, it does not go to the President. He has no voice in a constitutional amendment. If we can adopt it, it will take 67 votes of the Senate. If we get 67 votes on that amendment, it will go to the States and, when ratified by the States, it will become the law of the land. It will then force us to make hard decisions. It will force us to say no. It will change our country.

For those who came to Washington, in the House or the Senate, to change America, in the 15 years that I have had the pleasure of serving in the House and the Senate, this will be the first real vote that I will have ever cast that I believe will permanently change American history.

So I look forward to casting that vote. I think the House has now defined what the language should be. We have had a long debate over what should be included in the amendment.

I personally favored a three-fifths vote to raise taxes. I thought setting out a clear preference to control spending versus raising taxes to deal with the deficit was preferable. But the House of Representatives set out an amendment that does not have that provision. I think our chances of adopting this amendment now come down to our ability to get 67 votes for the amendment that passed the House.

I am very much for that amendment. I intend to vigorously support it. And if every Member of the Senate votes on that amendment the way they have voted in the past, and if our new Members who were Members of the House or who have taken a public position on it vote the same way they have in the House, that amendment will be adopted and it will be sent to the States.

I think there is always a question as to how people are going to vote now that we are shooting with real bullets, now that our individual votes might be the difference between having a balanced budget amendment to the Constitution and not having it.

I think, obviously, we as Members of the Senate have a right to be proud of our colleagues in the House. I think it does show that elections have consequences. Our House colleagues wrote a Contract With America, and in that contract, they said they would bring up a balanced budget amendment to the Constitution. They not only did it, but tonight they passed it. I am proud of them, and I long for next week when we will get an opportunity to join them in changing America and changing it for the better.

I yield the floor and suggest the absence of a quorum.

Mr. BRYAN addressed the Chair.

Mr. GRAMM. Madam President, I withdraw my request in suggesting the absence of a quorum.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 184

Mr. BRYAN. I thank the Chair. Madam President, I want to speak for just a moment in support of the amendment offered by the distinguished senior Senator from Florida, Senator GRAHAM, dealing with the issue of immigration. I am proud to be a cosponsor of that amendment. I am proud to have worked with him on a number of immigration issues in the previous Congress.

As a former Governor and attorney general, I have long had deep concerns for the excessive Federal mandates that have placed a terrible strain on State and local resources.

I have felt firsthand the frustration that State and local government officials feel when Federal mandates require compliance, without regard to their own needs or financial priorities. The passage of both the immigration amendment and the unfunded mandate legislation will be an important step in restoring some of the confidence and trust in Congress that has been lost by State and local officials over the years.

I feel strongly that the relationship between the Federal, State, and local governments must be improved by limiting the level of financial and administrative burdens that Federal mandates impose. My colleagues, Senators GLENN of Ohio and KEMPTHORNE of Idaho, both members of the Senate Government Affairs Committee, worked long and hard with State and local officials to fashion a bill that would gain a broad base of support in the Senate.

One area, however, that has not been taken into account in the legislation before us is the impact upon our State and local governments of the Federal Government's immigration policy, or should I say lack of policy and enforcement. Senator GRAHAM's immigration amendment ensures that when the Senate is considering legislation containing a potential unfunded mandate in the area of immigration policy, that a budget point of order will be raised.

Although immigration policy is solely a Federal concern, States are required to provide emergency health care and education to undocumented immigrants who reside in our States, and pay for the costs of incarcerating undocumented alien criminals.

Last July I joined with Senator GRAHAM and others in approving funds to reimburse States for the costs associated with incarcerating illegal immigrants.

Without more responsible action from the Federal Government on this issue, the States are fighting a losing battle and the lives of all our citizens are directly impacted.

Our amendment last July and our amendment today should be sending a strong message to the Administration, to the INS, to the Justice Department and to the Congress: State and local governments will no longer pay for a failed Immigration Policy and Enforcement Program.

A reformed immigration policy and greatly improved enforcement effort are long overdue. This is not an issue that will quietly go away. Not when the problem grows bigger every day. Not when State governments are going broke because of failed Federal policies. I look forward to working more with Senator GRAHAM and Senator SIMPSON to push the needed reforms through this Congress.

VOTE ON AMENDMENT NO. 226

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Madam President, I ask for the yeas and nays on the vote that is about to occur.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 226 offered by the Senator from Kansas [Mrs. KASSEBAUM] to amendment numbered 203. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Helms

So the amendment (No. 226) was agreed to.

Mr. KEMPTHORNE. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Madam President, I move to table the Boxer amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to lay on the table the amendment of the Senator from California. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—1

Helms

So, the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

VOTE ON AMENDMENT NO. 203, AS AMENDED

Mr. KEMPTHORNE. Madam President, would the next order be voting on the amendment as amended?

The PRESIDING OFFICER. That is correct.

The question now occurs on the Boxer amendment No. 203, as amended.

The amendment (No. 203), as amended, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 194, AS MODIFIED

Mr. KEMPTHORNE. Madam President, I move to table the next amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. I also ask unanimous consent that the next two votes be a 10-minute vote each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now occurs on the motion of the Senator from Idaho [Mr. KEMPTHORNE] to table amendment No. 194, as modified, offered by the Senator from New Mexico [Mr. BINGAMAN]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—62

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feingold
Feinstein
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—37

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Ford
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon

NOT VOTING—1

Helms

So the motion to lay on the table the amendment (No. 194), as modified, was agreed to.

Mr. KEMPTHORNE. Madam President, I move to reconsider the vote.

Mr. GLENN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent that we vitiate the next rollcall vote.

Mr. GRAMM. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 184

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 184, as modified, offered by the Senator from Florida [Mr. GRAHAM].

An attempt was made to vitiate the yeas and nays, but an objection was made.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—93

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—6

Biden
Gorton
Heflin
Jeffords
Levin
Nunn

NOT VOTING—1

Helms

So the amendment (No. 184), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I have a question to pose to the managers of the unfunded mandates bill. From my reading of the bill, a voluntary Federal program that is not under entitlement authority cannot fall within the definition of what is a Federal mandate under the pending bill. Am I correct in my reading?

Mr. KEMPTHORNE. That is correct.

Mr. ROTH. That is correct.

Mr. BIDEN. Let me pose an example, just to make sure I understand. Last year, the Congress passed the Violent Crime Control and Law Enforcement Act of 1994.

I was the principal author of the crime legislation and I included in the law a number of grant programs under which Federal funds would become available to those States and localities who choose to participate in the programs.

For example, title 1 of the crime law provides $8.8 billion to the States for the hiring of new police officers. The program requires those States and localities that voluntarily choose to participate, to provide matching funds as a requirement of obtaining Federal dollars.

Were this program offered in legislative form after the unfunded mandates bill becomes effective, it would not fall within the definition of a Federal mandate under the unfunded mandate bill's definition, because the police title is a voluntary program, is that correct?

Mr. KEMPTHORNE. As the Senator has described the program that is correct.

Mr. ROTH. That is correct.

Mr. BIDEN. Let me pose another example. Title 2 of the crime law provides $7.9 billion to the States to build and operate new boot camps for traditional prisons.

The program requires those States that voluntarily choose to participate to provide matching funds as a requirement of obtaining the Federal dollars.

It also requires those States that choose to participate to meet certain standards with regard to the length of time they keep violent prisoners behind bars.

Were this program offered in legislative form after the pending unfunded mandates bill becomes effective, it would not fall within the definition of a Federal mandate under the bill's definition, because the prison grant title is a voluntary program, is that correct?

Mr. KEMPTHORNE. If it is a voluntary Federal program that is correct.

Mr. ROTH. I concur.

Mr. BIDEN. Let me pose a third example.

Title 4 of the bill provides $1.62 billion to States and localities, for a variety of programs to combat rape, family violence, and the terrible effects they have primarily on the women of our Nation.

Most of these programs require those States or localities that choose to participate to provide matching funds as a requirement of obtaining the Federal dollars.

Some of these programs also require those States that choose to participate to meet certain standards with regard to the criminal justice policies relating to rape and family violence.

Were these programs offered in legislative form after the pending bill becomes effective, it would not fall within the definition of a Federal mandate under the bill's definition, because the violence against women grants are voluntary programs, is that correct?

Mr. KEMPTHORNE. As the Senator has described the program, that is correct.

Mr. ROTH. I concur.

Mr. BIDEN. Let me pose a fourth example. In titles 3 and 5, and in several other titles, the crime law provides Federal funds to States and localities for a variety of programs to prevent crime.

Many of these programs require those States or localities that choose to participate to provide matching funds as a requirement for obtaining the Federal dollars.

Some of these programs also require those States that choose to participate to meet certain standards with regard to the criminal justice policies relating to rape and family violence.

Were these programs offered in legislative form after the pending bill becomes effective—it would not fall within the definition of a Federal mandate under the bill's definition, because the prevention grants are voluntary programs, is that correct?

Mr. KEMPTHORNE. As the Senator has described the programs, that is correct.

Mr. ROTH. I concur.

Mr. BIDEN. Let me pose a final example. The crime law contains other grant programs in titles 18, 20, 21, 22, 23, 24, and 25, the crime law provides Federal funds to States and localities for a variety of law enforcement programs.

Some of these programs require those States or localities that choose to participate to provide matching funds as a requirement for obtaining the Federal dollars.

Some of these programs also require those States that choose to participate to meet certain conditions in carrying out the program.

Were these programs offered in legislative form after the unfunded mandates bill becomes effective, it would not fall within the definition of a Federal mandate under the bill's definition, because these are voluntary programs, is that correct?

Mr. KEMPTHORNE. That is correct. S. 1 is quite clear that a duty arising from participation in a voluntary Federal program, except under certain conditions in entitlement programs that exceed $500,000,000 or more provided annually to States, local governments and tribal governments, are not defined as mandates.

Mr. ROTH. I concur in the explanation made by the Senator from Idaho.

Mr. KEMPTHORNE. I ask unanimous consent that my responses to the questions from Senator LEVIN of yesterday be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSES TO SENATOR LEVIN'S QUESTIONS

Many of the questions raised by Senator Levin will depend on how the Senate applies the new point of order established in S. 1. This new point of order, like all rules of the Senate, will be interpreted and applied based on the precedents of the Senate.

EFFECTIVE DATE

1. When is a mandate effective?

This is best answered in the proposed new section 408(1)(B) of the bill regarding CBO's duties in making cost estimates. Clause (i) of this subparagraph addresses the issue of the effective date by stating:

"(i) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the first fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate."

This language indicates that the effective date is based on whatever is stated in a mandate bill. If a mandate bill is unclear on the effective date, then the parenthetical regarding implementing regulations suggests that the effective date would be based on when the implementing regulations would take effect. In the case of spending estimates, CBO often makes a determination on when a bill would cause spending, generally, assuming an October 1 enactment. We expect that CBO would make a similar determination in the case of Federal mandates in order to produce a cost estimate.

2. If that is determined on a case by case basis, then who makes the decision and when is that decision made?

The first decision-maker would be the authorizing committee. That committee could, in the legislative language, determine the effective date. Where the effective date is unclear, CBO, based on the legislation and information from the responsible agency or department, will make a determination on the effective date and so state that in their estimate. CBO currently makes such determinations in relation to spending bills.

In cases where there is no formal cost estimate, the language will be the first indicator. We expect the Presiding Officer to determine the application of the Act, based on the determination of the Federal mandate levels by the Budget Committee after consulting with CBO, and after consultation with the Governmental Affairs Committee. That determination will, by implication, include assumptions about the effective date. Ultimately, the full Senate will decide.

RANGE

1. Can the CBO estimate be a range? For purposes of the threshold? For purposes of the total cost estimate?

As discussed by the managers the other day, the intent of the authors is that CBO provide a point estimate on the direct costs of any Federal intergovernmental mandate. While nothing prevents CBO from giving a range on such estimated, we expect a range that straddles the threshold will be unlikely. First, CBO is aware that the threshold has procedural consequences and, second, CBO has several years of experience in estimating State and local costs.

2. If CBO reports a range, what is the "specific dollar amount" for purposes of the point of order? Who makes that decision?

The determination of mandate levels are based on estimates made by the Budget Committee, based on estimates from CBO. We expect CBO to provide point estimates. However, the report accompanying S. 1 expressed our intent that a presumption would arise that a point of order would apply to a measure if CBO estimates the direct costs as covering a range that straddles the threshold. Ultimately the Senate will decide.

AMENDMENTS

1. Are the direct costs of an amendment, added to a bill in committee, to be included in the estimate of direct costs of the bill as reported?

Yes. If the committee originated a bill, then any committee amendments would be incorporated as part of the original bill as reported. Therefore, the cost estimate would reflect the direct costs of the bill, as reported, including amendments adopted in committee.

Where the committee reports the bill with committee amendments, CBO produces cost estimates on the bill as reported including the amendments proposed by the committee. This is current practice.

2. What if the Senate rejects the committee amendment?

This question cannot be answered unless an assumption is made about the cost of the underlying bill and the effect of the committee amendment on the cost of the bill.

If the committee amendment would cause the threshold to be exceeded, then the defeat of the amendment would make the bill in order.

If the committee amendment would cause the bill to fall below the threshold, then the defeat of the amendment would cause the bill to be subject to a point of order.

3. Is an amendment offered on the floor subject to a point of order based on the estimate of direct costs of the amendment, alone, or the amendment if added to the bill?

The point of order is applicable against an amendment, if adoption of that amendment would cause the bill to exceed the threshold.

EXCLUSIONS

1. Who will decide whether a bill is subject to one of the exclusions?

Based on the compromise worked out between the Budget and Governmental Affairs Committees, the Presiding Officer is required to consult with the Governmental Affairs Committee, to the extent practicable, regarding the application of the point of order. This would include the determinations of whether legislation met one of the exclusions. As has already been stated ultimately the Senate decides the application of the rules.

2. What will specifically be required to meet the terms of the bill with respect to a finding of emergency?

The exclusion for emergencies (section 4(6)) is similar to provisions in the Budget Enforcement Act. In practice, in order for legislation to be exempt from a Budget Act point of order, the President must designate the funding as an emergency. This takes the form of a letter to the Congress. Next, Congress must include a provision in the bill designating the legislation as an emergency.

LENGTH OF ESTIMATE

1. Is the estimate for purposes of the threshold limited to direct costs in the first five years?

Yes, the first fiscal year the mandate takes effect and the subsequent four years.

2. Is the estimate for purposes of the point of order required to include direct costs over the entire life of the mandate?

Under the duties of CBO, the cost estimate is limited to the five year time-frame. Since determinations will be made based on CBO estimates, then the point of order will be based on the cost of the mandate for the first fiscal year the mandate takes effect and the subsequent four fiscal years.

EXPLANATION OF VOTE ON ROLL CALL VOTE NUMBER 24

Mrs. HUTCHISON. Mr. President, on Thursday, January 18, I voted against the Bradley/Chafee amendment expressing the sense of the Senate that mandates not funded by the Federal Government should not be passed on to local governments by the States in the form of higher property taxes.

I was one of five Senators to vote against the amendment, so it passed overwhelmingly, but I feel very strongly that the Federal Government has no right to tell the States what they should or should not do. It is one of the reasons we're trying to pass S. 1, legislation to curb Federal interference in the spending priorities of State and local governments.

Local governments were created by State governments and as such, States are uniquely charged with the responsibility for setting the terms of the existence of local governments.

A sense-of-the-Senate resolution, even though it is not binding, sends the wrong signal to States, and therefore I opposed the amendment.

AMENDMENT NO. 215, AS MODIFIED

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent to send to the desk a modification to amendment No. 215, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 21, between lines 13 and 14, insert the following:

"(2) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a federal mandate not previously considered by either House or which contains an increase in the direct cost of previously considered federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form."

Mr. KEMPTHORNE. Mr. President, I do not know that there is further debate on this issue. I believe that both sides have agreed to accept this amendment.

Mr. GLENN. Mr. President, that is correct. We are prepared to accept it on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 215), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, it is our intent that this evening we will have a debate concerning an amendment between Senator GLENN and Senator DOMENICI, and other Senators who may wish to participate.

Prior to that, I ask unanimous consent that we yield 6 minutes to the Senator from Texas so that she may introduce an issue.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized for 6 minutes.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 287 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from New York [Mr. D'AMATO] to serve as cochairman of the Commission on Security and Cooperation in Europe.

MORNING BUSINESS

TRIBUTE TO JUDGE JAMES HARDIN FAULKNER

Mr. HEFLIN. Mr. President, a fine friend of mine, Judge James Hardin Faulkner, passed away last December.

I had the opportunity to get to know Judge Faulkner well during the 4 years we served together on the Alabama Supreme Court. He was a distinguished jurist with a wonderful outlook on life.

James was originally from Louisville, MS. Upon graduation from high school, he enlisted in the U.S. Marine Corps out of love for his country. His patriotism can be seen through the various medals he earned while in the service. These medals include the Silver Star, the Distinguished Flying Cross, the Soldiers Medal, the Air Medal with oak leaf clusters, and the Greek Military Cross and Presidential Citation.

Upon discharge from the service, James attended San Diego State College and the University of Alabama, from which he received his law degree. He went on to get his master's in law in 1983.

His career includes an appointment to the U.S. Treasury Department where he was a trust officer with the Birmingham Trust National Bank. Additionally, he served as a recorder's court judge and Montevallo city attorney. He then served in the Alabama Supreme Court until his retirement in 1986.

Judge Faulkner was known by many through his affiliations with the Episcopal Church of the Advent, the Masonic Order, Phi Alpha Delta Law Fraternity, and the Bar Association of Alabama.

My deepest condolences are extended to Judge Faulkner's wife, Eleanor Jane Wyatt Faulkner; his daughter Kate Margaret Brown; and his son, James Christopher Faulkner.

TRIBUTE TO RICHARD B. "DICK" BIDDLE

BE A GOOD AMERICAN; BE AN INFORMED AMERICAN

Mr. HEFLIN. Mr. President, this was the distinctive TV editorial sign-off used in every commentary by a leading Alabamian, Richard B. (Dick) Biddle on WOWL–TV of Florence, AL. Dick took every opportunity to encourage others to stay abreast of current events and become solid, responsible citizens. In this area, he was a man who actively practiced what he preached. I am therefore saddened to notify you that Dick Biddle, civic leader and television broadcasting pioneer, died during the congressional recess, at his home in Florence, AL, at the age of 76.

He is remembered for his tremendous work and creativity in broadcasting and for his years of dedication to uniting and promoting the Shoals. Over the years, he served as president of the Alabama Broadcasters Association, chairman and founder of the Alabama Citizen of the Year Committee, and chairman of the Northwest Alabama Film Commission. Dick played a large part in organizing Junior Achievement in the area and was a charter member in the Regional Environmental Quality Council. He was named Alabama Broadcaster of the Year in 1982, Kappa Sigma Alumnus Advisor of the Year in 1984, and Shoals Citizen of the Year in 1992. As impressive as this resume is, it is only a brief listing of his many activities and honors.

Professionally, Mr. Biddle leaves behind a legacy in WOWL–TV, which he founded in 1957. However, he is remembered just as well for being one to help those in need in the community and for giving many people their start in broadcasting.

Dick Biddle will be missed greatly by the broadcasting community and by all who knew him, myself included.

My sincerest condolences are extended to his family, the Shoals community and the citizens of Alabama, who will miss the charity and commitment of this fine man.

MRS. ROSE KENNEDY

Mr. HATCH. Mr. President, when we think of national treasures, we usually consider marble monuments, history-altering documents, or profound words inscribed on walls or safeguarded in archives.

I rise today to pay tribute to another national treasure—the life of Rose Fitzgerald Kennedy. Although her death diminishes us all a little, her life and the profound legacy she leaves will outshine that loss and continue to act as an inspiration for millions.

Mrs. Kennedy built her life on the twin pillars of family and faith. She considered the abundance she was born into a responsibility and an obligation. Accordingly, she turned affluence into influence, carefully teaching her posterity the virtues of public service. She used her position not to elevate herself, but rather as a platform from which to reach out to millions in compassion. She ennobled and enriched lives that otherwise may not have been thus blessed.

When crushing tragedy came into her own life, she triumphed; and she did so through service. She overcame by reaching out. She lived her faith. She embodied her ideals. She worked tirelessly to bring comfort to others, whose problems were often less grievous than her own.

Mrs. Kennedy's legacy lives on. More enduring than words inscribed in stone or public monuments, Mrs. Kennedy's memory will continue to thrive because it will be reborn innumerable times in the ongoing contributions of her children, grandchildren and great grandchildren and in the enhanced lives of countless other beneficiaries of her good works.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, I doubt that there have been many, if any, candidates for the Senate who have not pledged to do something about the enormous Federal debt run up by the Congress during the past half-century or more. But Congress, both House and Senate, have never up to now even toned down the deficit spending that sent the Federal debt into the stratosphere and beyond.

We must pray that this year will be different, that Federal spending will at long last be reduced drastically. Indeed, if we care about America's future, there must be some changes.

You see, Mr. President, as of the close of business yesterday, January 25, the Federal debt stood (down to the penny) at exactly $4,800,103,843,645.88. This means that on a per capita basis, every man, woman and child in America owes $18,211.28 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt about 2 years ago—January 5, 1993—when the debt stood at exactly $4,167,872,986,583.67—or averaged out, $15,986.56 for every American. During the past 2 years—that is, during the 103d Congress—the Federal debt increased over $6 billion.

This illustrates, Mr. President, the point that so many politicians talk a good game—at home—about bringing the Federal debt under control, but vote in support of bloated spending bills when they get back to Washington. If the Republicans do not do a better job of getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

APPOINTMENT OF CONGRESSIONAL TRADE ADVISERS

Mr. THURMOND. Mr. President, I rise to announce that pursuant to section 161(a) of the Trade Act of 1974 (Public Law 93-618), as amended by the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418), and upon the recommendation of the chairman of the Senate Committee on Finance, the following members of the Committee on Finance have been designated by the President pro tempore of the Senate as congressional advisers on trade policy and negotiations: Senator BOB PACKWOOD of Oregon, Senator ROBERT DOLE of Kansas, Senator WILLIAM ROTH of Delaware, Senator DANIEL MOYNIHAN of New York, and Senator MAX BAUCUS of Montana.

The Senators designated shall provide advice on the development of trade policy and priorities for the implementation thereof.

The United States Trade Representative has been notified of this action. Under the governing statute, the designated Senators shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

IN HONOR OF SUE WAGNER

Mr. REID. Mr. President, I would like to take this time to pay tribute to an exceptional Nevadan. On Tuesday, January 31st, Sue Wagner, of Reno, will receive the Women Executives in State Government's "Breaking the Glass Ceiling" award. There is no one more deserving than Sue Wagner, for she has never allowed a gender barrier to limit her.

Sue Wagner followed her passion for helping people to the political arena in 1973 when she began a successful career in the Nevada Legislature culminating in the job of Lieutenant Governor in 1990. She is the first woman to hold this position in Nevada.

More important than her exceptional accomplishments is the manner in which they were achieved. Sue has exemplified statesmanship, always acting with common sense, compassion, and competence. In this generation, when the public is often justifiably skeptical of public officials, it is important to recognize and emulate the honest and enthusiastic ways Sue has served the public. She has unselfishly championed issues that transcend partisanship like ethics in politics and human rights.

Sue Wagner's devotion to Nevada and her family has never waned despite the tragedies that have plagued her over the last decade. Fourteen years ago, Sue lost her husband to a plane crash. Four years ago, while campaigning for Lieutenant Governor, Sue was also in a plane crash. This time the crash claimed the life of her friend, Judy Seale, and caused serious injury to herself requiring her spine to be fused. Even today, Sue suffers from severe pain and fatigue.

Despite these hardships, she has continued to vigorously serve Nevada and be a loving parent. Her son Kirk will soon receive a law degree from the University of Arizona and her daughter Kristina recently finished her graduate degree from Thunderbird.

I have great respect for Sue Wagner, and admire her courage and perseverance. I am pleased the Women Executives in State Government is honoring her with the "Breaking the Glass Ceiling" award.

RULES OF THE COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, today I am reporting to the Senate the rules of the Armed Services Committee as provided for in Rule 26.2 of the Standing Rules of the Senate. These rules were unanimously adopted by the committee in open session on January 10, 1995, and I ask that they be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

1. Regular Meeting Day and Times. In accordance with Senate rules, the Committee shall meet at least once a month. Regular meeting day of the committee shall be Tuesday and Thursday at 9:30 a.m., unless the chairman directs otherwise.

2. Additional Meetings. The chairman may call such additional meetings as he deems necessary.

3. Special Meetings. Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. Open Meetings. Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into

closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injury the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer. The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. Quorum. (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee. (See Standing Rules of the Senate 26.7(a)(1).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting. Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Proxy must be given in writing.

8. Announcement of Votes. The results of all roll call votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a roll call vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. Subpoenas. Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the chairman and the ranking minority member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. Nominations. Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. Real Property Transactions. Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. Legislative Calendar. (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–263. A communication from the Chairman of the Commission on the Social Security "Notch" Issue, transmitting, pursuant to law, the final report of the Commission; to the Committee on Finance.

EC–264. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the memorandum of justification relative to Serbia and Montenegro; to the Committee on Foreign Relations.

EC–265. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to Peru; to the Committee on Foreign Relations.

EC–266. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to the U.S. Emergency Refugee and Migration Assistance Fund; to the Committee on Foreign Relations.

EC–267. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to the Newly Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC–268. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–269. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to the New Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC–270. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of the Secretarial Plan for the Grand Coulee Dam Settlement Agreement; to the Committee on Indian Affairs.

EC–271. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a recommendation relative to the Community Enterprise Board; to the Committee on Indian Affairs.

EC–272. A communication from the Chief Administrative Officer of the Postal Rate Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–273. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–274. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on progress in achieving the performance goals relative to the Prescription Drug User Fee Act; to the Committee on Labor and Human Resources.

EC–275. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the implementation of the Voluntary National Child Abuse and Neglect Data System for calendar year 1993; to the Committee on Labor and Human Resources.

EC–276. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–277. A communication from the Secretary of Labor, transmitting, pursuant to law, notice of an intention to award a sole-source contract; to the Committee on Labor and Human Resources.

EC–278. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-04; to the Committee on Appropriations.

EC–279. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-12; to the Committee on Appropriations.

EC–280. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-04; to the Committee on Appropriations.

EC–281. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the certification of the Board for International Broadcasting; to the Committee on Appropriations.

EC–282. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–283. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report of the National Space Grant College and Fellowship Program for calendar year 1993; to the Committee on Commerce, Science, and Transportation.

EC–284. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Commerce, Science, and Transportation.

EC–285. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the application of Tiltrotor technology to U.S. Coast Guard missions; to the Committee on Commerce, Science, and Transportion.

EC–286. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Information Superhighway: An Overview of Technology Challenges"; to the Committee on Commerce, Science, and Transportation.

EC–287. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Annual Energy Outlook 1995"; to the Committee on Energy and Natural Resources.

EC–288. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of progress on Superfund implementation in fiscal year 1994; to the Committee on Environment and Public Works.

EC–289. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–290. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Governmental Affairs.

EC–291. A communication from the Director of the Office of Congressional Affairs, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–292. A communication from the National Women's Business Council, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Small Business.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS:

S. 278. A bill to authorize a certificate of documentation for the vessel *Serenity*; to the Committee on Commerce, Science, and Transportation.

S. 279. A bill to authorize a certificate of documentation for the vessel *Why Knot*; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. Bradley):

S. 280. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide that the definition of "local government" includes certain nonprofit camp meeting associations that maintain public facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself and Mr. Moynihan):

S. 281. A bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961; to the Committee on Veterans Affairs.

By Mr. BRADLEY (for himself, Mr. Hatfield, and Mr. Wellstone):

S. 282. A bill to authorize the Secretary of Health and Human Services to award grants and contracts to establish domestic violence community response teams and a technical assistance center to address the development and support of such community response teams, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself and Mr. Santorum):

S. 283. A bill to extend the deadlines under the Federal Power Act applicable to two hydroelectric projects in Pennsylvania, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself and Mr. Inhofe):

S. 284. A bill to restore the term of patents, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. Inouye, Mr. Campbell, Mr. Simon, and Mr. Thomas):

S. 285. A bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Inouye, Mr. Campbell, Mr. Thomas, and Mrs. Kassebaum):

S. 286. A bill to amend the Solid Waste Disposal Act to grant State status to Indian tribes for purposes of the enforcement of such Act, and for other purposes; to the Committee on Indian Affairs.

By Mrs. HUTCHISON (for herself, Ms. Mikulski, Mr. Abraham, Mr. Ashcroft, Mr. Bennett, Mr. Bond, Mr. Brown, Mr. Burns, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Coverdell, Mr. Craig, Mr. D'Amato, Mr. DeWine, Mr. Dole, Mr. Domenici, Mr. Faircloth, Mr. Frist, Mr. Gorton, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hatch, Mr. Hatfield, Mr. Helms, Mr. Inhofe, Mrs. Kassebaum, Mr. Kempthorne, Mr. Kyl, Mr. Jeffords, Mr. Lott, Mr. Mack, Mr. McCain, Mr. McConnell, Mr. Murkowski, Mr. Nickles, Mr. Pressler, Mr. Roth, Mr. Santorum, Mr. Shelby, Mr. Simpson, Mr. Smith, Ms. Snowe, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Warner, Mr. Breaux, Mrs. Feinstein, Mr. Johnston, Mr. Moynihan, Mrs. Murray, Mr. Reid, Ms. Moseley-Braun, and Mr. Simon):

S. 287. A bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. WARNER, and Mr. ROBB):

S. 288. A bill to abolish the Board of Review of the Metropolitan Washington Airports Authority, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. CAMPBELL, and Mrs. KASSEBAUM):

S. 289. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. KEMPTHORNE (for Mr. DOLE (for himself, Mr. THOMPSON, and Mr. INHOFE)):

S. 290. A bill relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget; read the first time.

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEE, Mr. COHEN, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMON, Ms. SNOWE, Mr. SPECTER, and Mr. WELLSTONE):

S.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BRADLEY (for himself, Mr. D'AMATO, Mr. DOLE, Mr. DASCHLE, Mr. PELL, Mr. HELMS, Mr. SPECTER, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. HARKIN, Mr. BAUCUS, and Ms. MIKULSKI):

S. Res. 74. A resolution commemorating the fiftieth anniversary of the liberation of the Auschwitz death camp in Poland; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 278. A bill to authorize a certificate of documentation for the vessel *Serenity;* to the Committee on Commerce, Science, and Transportation.

TRADING PRIVILEGES LEGISLATION

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Serenity*, official number 1021393, be accorded coastwise trading privileges and be issued a certificate of documentation under section 12103 of title 46, United States Code.

The *Serenity* was constructed in Taiwan in 1981 as a recreational vessel. It is 31 feet in length, 10.3 feet in breadth, has a depth of 6.3 feet, and is self-propelled.

The vessel was purchased in 1994 by John McGlynn of Mount Pleasant, SC, who purchased it with the intention of chartering the vessel for short sailing tours of the Charleston harbor. Due to the fact that the vessel was foreign built, it did not meet the requirements for coastwise trading privileges in the United States.

The owner of the *Serenity* is seeking a waiver of the existing law because he wishes to use the vessel for charters. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Serenity* to engage in the coastwise trade and the fisheries of the United States.•

By Mr. HOLLINGS:

S. 279. A bill to authorize a certificate of documentation for the vessel *Why Knot*; to the Committee on Commerce, Science, and Transportation.

TRADING PRIVILEGES LEGISLATION

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Why Knot*, official number 688570, be accorded coastwise trading privileges and be issued a certificate of documentation under section 12103 of title 46, U.S. Code.

The *Why Knot* was constructed in Taiwan in 1985 as a recreational vessel. It is 44 feet in length, 13.5 feet in breadth, has a depth of 7.8 feet, and is self-propelled.

The vessel was purchased by Keith Rogerson of Isle of Palms, South Carolina, who purchased it with the intention of chartering the vessel for short sailing tours of the Charleston harbor. Due to the fact that the vessel was foreign built, it did not meet the requirements for coastwise trading privileges in the United States.

The owner of the *Why Knot* is seeking a waiver of the existing law because he wishes to use the vessel for charters. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Why Knot* to engage in the coastwise trade and the fisheries of the United States.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 280. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide that the definition of "local government" includes certain nonprofit camp meeting associations that maintain public facilities, and for other purposes; to the Committee on Environment and Public Works.

THE STAFFORD ACT AMENDMENT ACT OF 1995

• Mr. LAUTENBERG. Mr. President, I am pleased to introduce legislation that would ensure eligibility for disaster assistance for a New Jersey beachfront community that, because of a loophole in current law, cannot receive Federal funding should a storm destroy its beach. I am delighted that my friend and colleague from New Jersey, Senator BILL BRADLEY, joins me as a cosponsor.

The Ocean Grove Camp Meeting Association, located in Neptune, NJ, is a private nonprofit association with a rich history of community involvement. Its beach is open to the public and is operated as a separate utility, like all other municipalities along the New Jersey shore.

Mr. President, if a storm were to hit New Jersey tomorrow and destroy the Ocean Grove community, FEMA would be able to assist the communities to the north and to the south of its beach, but not Ocean Grove, merely because the title to the beach is owned by a private nonprofit. If a municipality owned title, the beach would be operated in exactly the same manner, and would be eligible for Federal funding—therein lies the dilemma.

Mr. President, Ocean Grove is a unique situation. I have crafted the language to ensure that this dilemma is fairly resolved. My bill does not expand the eligibility for a whole class of facilities. It allows a private nonprofit in name only to be afforded the same protection from storms as every other beach/front community.

The Ocean Grove Camp Meeting Association boasts a rich history that was recognized by the Federal Government when it granted it a national historic district. Founded in 1869 to provide a respite from the urban and industrial growth that, even then, was threatening New Jersey's remaining open spaces, the camp was originally established as a meeting ground for members of the Methodist Episcopal Church.

Today, Ocean Grove is one of the few camp meeting sites left that remains true to its original goals, and still holds camp meetings every summer. The association hosts speakers and town meetings, and is an integral part of the surrounding community. The camp, and its beach, is certainly not operated as a private beach—it is open and embraced by the public.

Mr. President, this bill establishes fairness to this small New Jersey community, by ensuring eligibility for disaster assistance. Without this eligibility, Ocean Grove alone would be required to foot the entire bill to rebuild the community's facilities, should disaster strike.

Ocean Grove suffered severe damage to its facilities during the 1992 nor'easter. FEMA provided 75 percent of the funding for repair. Due to recent changes in the statute, Ocean Grove would no longer be eligible. Should another storm strike, Ocean Grove would not be able to rebuild its facilities on its own.

Mr. President, the Ocean Grove Camp Meeting Association operates its beach as if it were a municipality—it's open, it's public, it's part of the community. It is no different from any other Jersey shore community, and should be afforded the same protection.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF LOCAL GOVERNMENT.

Section 102(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(6)) is amended—

(1) by striking ''government' means (A) any'' and inserting the following: ''government'—

''(A) means any'';

(2) by striking ''organization, and (B) includes any'' and inserting the following: ''organization; and

''(B) includes—

''(i) any'';

(3) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(ii) any nonprofit camp meeting association, in existence on the date of enactment of this clause, that maintains 1 or more public facilities.''.•

• Mr. BRADLEY. Mr. President, I am pleased today to join my friend and colleague Senator FRANK LAUTENBERG in introducing legislation to protect a unique community along the shore of New Jersey. Under current law, the community is being punished for the very attributes we should be striving to preserve.

The Ocean Grove Camp Meeting Association was founded in the late 1800's, as a meeting ground for members of the Methodist Episcopal Church. It was an escape from the pressures of urban life then, and it remains so today for the hundreds of tourists who visit its beach and its historic sites every summer.

But if a storm were to hit the coast of New Jersey, Mr. President, there would be no more visitors to the boardwalk and no more vacationers on the beach. While the Federal Emergency Management Agency would be able to assist every municipality along the coast in rebuilding its recreational facilities, Ocean Grove would be excluded. It would not be excluded because the beach isn't public—Ocean Grove's beach is as indiscriminately open to the public as any other beach along the shore. It would be excluded, Mr. President, because Ocean Grove's proud history means that they are a private, non-profit organization.

Under new FEMA regulations, recreational services of such organizations are no longer eligible for disaster assistance. If a storm were to hit the coast of New Jersey, Ocean Grove—and only Ocean Grove—would not be able to turn to the Federal Government for help.

We have already recognized the importance of Ocean Grove by declaring it a national historic district, and anyone who visits the community and walks its streets will see why. Structures like the Great Auditorium, built in 1894, and the Continental Cottage, restored by the Historical Society of Ocean Grove to its original gothic style of 1874, contribute to what is the largest aggregate of Victoriana in the country. The government now needs to recognize that the facilities of such a unique community deserve to be protected, should disaster strike.

During the storm that hit the coast of New Jersey in 1992, Ocean Grove suffered severe damage. it was able to repair its facilities only due to the assistance of FEMA. Now the rules have been changed, and Ocean Grove is to be excluded from this assistance. We need to recognize this as an unfair punishment for a community's unique history, and change that rule. That is what this legislation will do.•

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 281. A bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961; to the Committee on Veterans' Affairs.

VIETNAM VETERANS' LEGISLATION

• Mr. D'AMATO. Mr. President, you do not have to be a history major to wonder at how Congress settled on August 5, 1964, as the date of the beginning of the Vietnam war for the purposes of veterans benefits. August 5, 1964, is the day after the wrapup of the Tonkin Gulf incident, and 2 days before the passage of the Tonkin Gulf resolution. It has an arbitrariness about it that could only have been driven by the political sensitivities of the time.

For a variety of reasons, few in government during the early 1960's wanted to admit the depth and breadth of American involvement in the war in Vietnam. Thirty years later, the practical result of that reticence is that hundreds of members of the Armed Forces continue not to have their service in Vietnam recognized.

To put an end to this injustice, the senior Senator from New York [Mr. MOYNIHAN] and I have introduced legislation changing the date of the Vietnam war for the purposes of veterans benefits from August 5, 1964, to December 22, 1961. The significance of December 22, 1961, is as follows.

Prior to late 1961, the United States had kept South Vietnam at arm's length, providing assistance and training personnel, but avoiding combat. In November 1961, responding to the recommendations of a fact-finding mission to Saigon led by Gen. Maxwell Taylor, Secretary of State Dean Rusk, and Secretary of Defense Robert McNamara provided President Kennedy with a joint memorandum urging that ''[t]he United States should commit itself to the clear objective of preventing the fall of South Viet-Nam to Communism.''

That memorandum, incorporated into NSAM 111, changed the character of American involvement in the war from a purely advisory role to one of ''limited partnership,'' as General Taylor put it. American military personnel became direct participants in the conflict. On December 22, 1961, Spec. 4 James T. Davis was killed in a firefight, the first U.S. ground combat casualty of the war.

It is in recognition of Specialist 4 Davis' sacrifice, and the sacrifice of the many who followed, living and dead, between December 22, 1961, and August 5, 1964, that we offer our legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(29) of title 38, United States Code, is amended by striking out ''August 5, 1964'' and inserting in lieu thereof ''December 22, 1961.''•

By Mr. BRADLEY (for himself, Mr. HATFIELD, and Mr. WELLSTONE):

S. 282. A bill to authorize the Secretary of Health and Human Services to award grants and contracts to establish domestic violence community response teams and a technical assistance center to address the development and support of such community response teams, and for other purposes; to the Committee on Labor and Human Resources.

THE DOMESTIC VIOLENCE COMMUNITY RESPONSE TEAM ACT OF 1995

Mr. BRADLEY. Mr. President, I rise today, with my distinguished colleagues, Senator HATFIELD and Senator WELLSTONE, to introduce the Domestic Violence Community Response Team Act of 1995. It is a bill designed to fortify America's front lines in the fight against spousal abuse and domestic violence in America. Those front lines are not found here in Washington, but in community-based organizations throughout the country.

Domestic violence is a social sickness, and women and children are its most common casualties. Violence against women in the home is a heinous crime being committed behind locked doors and pulled shades in cities and towns across America. America's dark little secret, however, is slowly coming out into the open.

Mr. President, the physical abuse suffered by Nicole Brown Simpson in Los Angeles, as detailed in the infamous 911 call that was broadcast on television, will forever remind us of the fear many women live with day to day. In many ways, this case has prompted an entire nation to come to terms with our crisis of domestic violence.

Mr. President, a policeman recently said, "The most dangerous place to be is in one's home between Saturday night at 6 p.m. and Sunday at 6 p.m." He forgot to add, "Especially if you're a woman." a 10-year study found that in cases where the identity of the killer is known, over one-half of all women murdered in America were killed by a current or former male partner or by a male family member. Studies have also shown that violence against women in the home causes more total injuries to women than rape, muggings, and car accidents combined.

In my home State of New Jersey, there were 66,248 domestic violence offenses reported by the police in 1993. Overall, women were the victims in 83 percent of all domestic violence offenses. Mr. President, 41 women lost their lives as a result of domestic violence disputes in my home State in 1993. These are not nameless, faceless statistics, Mr. President, these are women who endured torture and abuse during their marriages and were violently murdered.

Mr. President, these are women like Denise Alaouie, who was axed to death in her New Jersey home while her two daughters slept. Her husband surrendered to police shortly after he allegedly took a 14-inch ax and committed the murder. Four months before Denise Alaouie's death, her husband put a knife to her neck and threatened to kill her if she went through with a divorce. He then threatened to commit suicide. Denise Alaouie decided not to leave her husband because he threatened to withhold money for rent and child support. She is now dead—another tragic victim of domestic violence.

These are women like Kathleen Quagliani, whose husband smashed her skull with a baseball bat because she planned to divorce him. Six weeks before her death, she wrote to her attorney that during her 18-year marriage, the abuse was so devastating that it drove her to attempt suicide. The Catholic-school teacher had vowed to end her marriage to save her two sons from a devastating cycle of violence. However, her 12-year-old son watched her mother's body being smashed by the brutal blows on the kitchen floor. Her husband is currently serving a life sentence for the murder.

Mr. President, these are women like Valerie Van Dunk, Virginia Burghardt, Katherine Gallagher, Pamela Dare, Carmen Sanchez, and Joan Oppenheimer. These are women that could possibly have been saved if resources were available to assist them in getting out of violent domestic situations.

Mr. President, I know that it is hard to listen to these tragic stories; indeed, it is difficult for me to stand here and tell these tales of horror. However, if we continue to turn our heads, avert our eyes, and pretend that this problem does not exist, the brutality will continue and there will be more Kathleen Quagliani's, more Denise Alaouie's, and more children who will be motherless.

Mr. President, to counter domestic violence, we need to get it out of the closet and then help women find a way out of a brutal environment. When a women is a victim of domestic violence, she needs to have a place to go. She needs someone who knows what her legal rights are, and how to prevent future beatings from occurring. She needs counseling and protection for herself and her children, and she needs support.

I have said again and again that much of what must be done to counter the rising tide of violence in America lies beyond the reach of the Federal Government. The responsibility is shared and the fight must be won by individuals and communities across this country. Mr. President, nothing provides a better example of this than the community-based organizations that work with local law enforcement agencies every day to protect the rights—and the lives—of battered women.

Mr. President, our police do an outstanding job of fighting crime in our communities, but often they don't have the resources or the time to provide domestic violence victims with the special attention they need. Community response teams work in tandem with police to help victims of domestic violence right when a crisis occurs. By working together, community response teams and police can provide victims with the services so essential to them after they have been battered or beaten in their home. The bill I am introducing today will increase the ability of communities to coordinate all the resources available to citizens who are victims of domestic abuse.

The cooperation between volunteers and law enforcement groups is essential to providing services to victims of domestic violence. Such programs exist today, and they work. They are working in towns like South River, N.J. There, the community has come together with the local police, led by Chief Frank Eib, to form a community response team that has made a tremendous difference to the well-being of families in the community. With the help of people like Paula Bollentin, a police dispatcher who also volunteers her time to help with a community response team, South River is winning its fight against domestic violence.

Mr. President, an increasing number of jurisdictions in the State of New Jersey are employing community response teams. For example, in Middlesex County, which includes South River, there are currently five jurisdictions with community response teams. South River, with a population of approximately 15,000, has a community response team employing 7 community volunteers. In Woodbridge, a community response team of approximately 30 volunteers is serving a population of 100,000. These community response teams, serving both large and small communities, are effectively assisting women who are suffering physical and mental abuse.

Mr. President, it is through partnerships such as the ones that exist in New Jersey between police and community response teams that communities can best combat the scourge of violence in the home. Women in my State are increasingly able to find shelter, obtain medical treatment, receive counseling, and protect their children from the violent rage of spouses—all due to the efforts of strong community-based programs. Through them, women can see that they are not alone.

Mr. President, the legislation I am introducing today will increase the ability of communities to pool their resources in the fight against violence in the home. The Domestic Violence Community Response Team Act of 1995 will provide funding to establish new partnerships between community response teams and police, and will enable existing ones to grow. An effective partnership will provides police action to enforce the law and hold batterers criminally liable, and CRT community advocates to provide information and support to victims. Through this legislating, law enforcement officials will be able to help more women in more big cities and small towns across America.

This bill enables the Secretary of the Department of Health and Human Services to award grants and contracts to organizations whose primary purpose involves working with police to intervene in cases of domestic violence. These teams will have the ability to respond to the specific needs of different racial and ethnic communities across the country. Most importantly, they will work closely with police to provide services to victims of domestic violence.

This bill will also establish a national technical assistance center to provide community-based organizations with information, training, and materials on the development and support of community response teams. This national facility will provide much-needed support to community programs, including help to local groups in starting new programs.

Mr. President, this bill does not require a massive outlay of Federal dollars or the creation of an extensive Federal bureaucracy. This bill simply requires an appropriation of seed money which will assist community residents in creating and strengthening local community response teams. This bill empowers local communities to take the initiative and become involved in solving a problem of tragic proportions.

Mr. President, if domestic violence is to be obliterated in our society, we need to provide communities with the resources they need to prevent instances of violence and protect victims from further abuse. The Domestic Violence Community Response Team Act of 1995, by strengthening the partnerships that exist between community response teams and local police, will help to provide those resources. By doing so, it will strengthen the lines of defense that already exist within our communities.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 282

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Violence Community Response Team Act of 1995".

SEC. 2. PURPOSE.

The purposes of the Act are to—

(1) establish and strengthen the partnership between law enforcement and community groups in order to assist victims of domestic violence;

(2) provide early intervention and followup services in order to prevent future incidents of domestic violence; and

(3) establish a central technical assistance center for the collection and provision of programmatic information and technical assistance.

SEC. 3. GRANTS AUTHORIZED FOR COMMUNITY RESPONSE TEAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary"), is authorized to award grants to encourage eligible entities to serve as community response teams to assist in the prevention of domestic violence. Grants awarded under this section shall be awarded in a manner that ensures geographic and demographic diversity.

(b) MAXIMUM AMOUNT.—The Secretary shall not award a grant under this section in an amount that exceeds $500,000.

(c) DURATION.—The Secretary shall award grants under this section for periods of not to exceed 3 years.

(d) ELIGIBILITY ENTITY.—

(1) IN GENERAL.—For purposes of this section, the term "eligible entity" means a nonprofit, community-based organization whose primary purpose involves domestic violence prevention, and who has demonstrated expertise in providing services to victims of domestic violence and collaborating with service providers and support agencies in the community.

(2) ADDITIONAL REQUIREMENTS.—In order to be considered an eligible entity for purposes of this section, an entity shall—

(A) have an understanding of the racial, ethnic, and lingual diversity of the community in which such entity serves as a community response team;

(B) be able to respond adequately to such community; and

(C) to the extent practicable, include personnel that reflect the racial ethnic, and lingual diversity of such community.

(e) ROLE OF COMMUNITY RESPONSE TEAMS.—Community response teams established pursuant to this section shall—

(1) provide community advocates to work (in conjunction with local police) with victims, immediately after incidents of domestic violence;

(2) educate victims of domestic violence about the legal process with respect to restraining orders and civil and criminal charges;

(3) discuss with such victims immediate safety arrangements and child care needs, and educate victims about resources provided by local agencies;

(4) provide for followup services and counseling with local support agencies;

(5) educate victims regarding abuse tactics, including increased incidence of violence that occurs after repeated episodes of violence; and

(6) act in partnership with local law enforcement agencies to carry out the purposes of this Act.

(f) APPLICATIONS.—

(1) IN GENERAL.—Applications for grants under this section shall be submitted to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) include a complete description of the eligible entity's plan for operating a community-based partnership between law enforcement officials and community organizations;

(B) demonstrate effective community leadership, commitment to community action, and commitment to working with affected populations;

(C) provide for periodic project evaluation through written reports and analysis in order to assist in applying successful programs to other communities; and

(D) demonstrate an understanding of the population to be served, including an understanding of the racial, ethnic, and socioeconomic characteristics that influence the roles of women and affect treatment.

(g) ADMINISTRATIVE EXPENSES.—Of the amount made available under section 5 for a grant under this section for a community response team, not more than 5 percent of such amount may be expended to cover the administrative expenses of the community response team.

SEC. 4. TECHNICAL ASSISTANCE CENTER.

(a) IN GENERAL.—The Secretary is authorized to award a contract to an eligible entity to serve as a technical assistance center under this Act. The technical assistance center shall—

(1) serve as a national information, training, and material development source for the development and support of community response teams nationwide; and

(2) provide technical support and input to community programs, including assisting local groups in the establishment of programs and providing training to community volunteer staff persons.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term "eligible entity" means a nonprofit organization with a primary focus on domestic violence prevention and demonstrated expertise in providing technical assistance, information, training, and resource development on some aspect of domestic violence service provision or prevention. An eligible entity shall be selected by the Secretary under this section based on competence, experience, and a proven ability to conduct national-level organization and program development. In order to be considered an eligible entity for purposes of this section, an entity shall provide the Secretary with evidence of support from community-based domestic violence organizations for the designation of the entity as the technical assistance center.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under section 5 for a contract under this section for a technical assistance center, not more than 5 percent of such amount may be expended to cover the administrative expenses of the technical assistance center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal years 1996, 1997, and 1998 to carry out the provisions of this Act, of which $300,000 shall be made available for a contract under section 4.

Mr. HATFIELD. Mr President, I am pleased to join my colleague from New Jersey in cosponsoring the Domestic Violence Community Response Team Act, and commend him for his work on this issue. Violence in the home is an insidious blight on our society. In Oregon, crisis hotlines receive over 50,000 phone calls each year. The vast pain caused by this problem cries out for creative approaches such as this.

Over the years, I have had occasion to view various proposals to reduce crime and violence, and have noticed that most of the truly successful ideas are rooted in the local communities where crimes occur. Government entities will never be able to stop crime by themselves, and certainly can not come into the millions of American homes where violence has ripped apart the fabric of family security.

I believe that the bill we introduce today can build upon a proposal that I introduced last year called the Domestic Violence Community Initiative Act, which passed as part of the crime bill. That new law will encourage cooperation among the education community, health care providers, the justice system, the religious community, business and civic leaders, State children's services divisions, and domestic violence program advocates. The idea for this approach came out of meetings I had on the topic of domestic violence with various community groups who needed more coordination in their attack on this pervasive problem.

The bill introduced today would allow the Secretary of HHS to make small grants for pilot projects for communities to link with local police to provide early intervention and follow-up services to victims of domestic violence by trained volunteers. The idea is to form a partnership with the police who perform the law enforcement and the advocates who do the victim counseling in these cases. This could be an excellent model for other communities, and is an example of making a little bit of money go a long way by forming alliances within communities.

Guarding against violence in our communities is a responsibility we all share. Without promoting widespread individual involvement, any attempts by government to stem the tide of domestic violence will fail. The Domestic Violence Community Response Team Act of 1995 deserves quick action in the Senate because it provides an innovative way to promote individual assistance to victims who badly need this help.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 283. A bill to extend the deadlines under the Federal Power Act applicable to two hydroelectric projects in Pennsylvania, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL POWER ACT AMENDMENT ACT OF 1995

• Mr. SPECTER. Mr. President, I am pleased to introduce this legislation, which would extend the deadline for construction of two Pennsylvania hydroelectric power projects. These extensions are necessary because the Allegheny North Council of Governments and the borough of Cheswick (Project No. 4474) and the Potter Township Power Authority (Project No. 7041) received licenses from the Federal Energy Regulatory Commission and must commence construction prior to April 15, 1995, or face the loss of their licenses under section 13 of the Federal Power Act. On many occasions, Congress has granted similar non-controversial extensions to licensees for projects in other States. I would further note that on October 5, 1994, the Senate adopted by voice vote an amendment extending the license for the Allegheny North Project No. 4474. That legislation passed the Senate, but failed to clear both houses prior to adjournment last year.

I am advised that the licensees for these two projects have been negotiating on power sales agreements, but have not yet been able to finalize these arrangements. This legislation would provide additional time for the municipal licensees to conclude their negotiations with potential power purchasers. In introducing this legislation, I am attempting to ensure that an arbitrary statutory deadline will not be the ultimate factor deciding the future of these projects. I am not expressing any personal views on whether the projects should go forward or on how the projects should be funded; that is clearly the responsibility of the municipal licensees and the residents of the boroughs and townships involved.

The Allegheny River project and the Ohio River project are two of several projects licensed for development in western Pennsylvania. Construction of these licensed power plants could permit Pennsylvania to use previously untapped hydroelectric energy, creating substantial environmental benefits and jobs for local residents.

I urge my colleagues to support this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR PROJECT NUMBER 4474.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission (referred to in this Act as the 'Commission'), upon the request of the licensees for Commission Project No. 4474, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 of the Federal Power Act and the Commission's procedures under such section, to extend until April 15, 2001, the time required for the licensees to commence construction of such project.

SEC. 2. EXTENSION OF DEADLINE FOR PROJECT NUMBER 7041.

Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission (referred to in this Act as the 'Commission'), upon the request of the licensee for Commission Project No. 7041, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 of the Federal Power Act and the Commission's procedures under such section, to extend until April 15, 2001, the time required for the licensees to commence construction of such project.•

By Mr. DOLE (for himself and Mr. INHOFE):

S. 284. A bill to restore the term of patents, and for other purposes; to the Committee on the Judiciary.

THE TERM OF PATENTS ACT OF 1995

Mr. DOLE. Mr. President, I rise today to introduce, with my distinguished colleague Senator INHOFE, legislation that will remedy one of the problems created by the implementing bill for the GATT, which passed this body on December 1, 1994.

The implementing bill changed the length of time that a patent is protected under U.S. law. Prior to the change, the period of protection ran 17 years from the date of the grant of the patent. The new period of protection under the GATT bill runs 20 years from date of filing.

My legislation gives patent applicants the best of both worlds: Protection will run from the longer of 17 years from grant or 20 years from filing.

The change in patent term under the GATT bill threatens to actually shorten the period of protection. This is due to the sometimes inordinate amount of time a patent application can languish during the approval process. For example, if a patent is delayed 5 years from filing until final disposition, an applicant would effectively be denied 2 years of protection under the new rule.

My legislation also addresses the problem of submarine patents. Continuing patent applications on the same invention will result in publication of the original patent application after 5 years.

Mr. President, I have heard from inventor groups, from biotechnology groups and pharmaceutical groups—all in support of this change. Five former Commissioners of Patents and Trademarks of the United States have written to me in support of this change. What is more, this change does not conflict with the obligations the United States undertook as part of the Uruguay round of the GATT.

I know the administration has a different view of the appropriate length of a patent term. Nevertheless, during the weeks leading up to the GATT vote, I discussed this issue with Ambassador Kantor and others and I obtained a commitment that the administration would not oppose legislation to achieve a change if the 104th Congress pursues the matter.

Mr. President, I would simply say in conclusion that our inventors and creative Americans all over the country deserve the maximum protection of their intellectual property. We should not jeopardize their investment in ideas. The new rule recently passed threatens that investment, and I urge my colleagues to consider the change I am proposing today, to restore the most important aspect of an inventor's livelihood: the period of time he owns his invention.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objecton, the bill was ordered to be printed in the RECORD, as follows:

S. 284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATENT TERMS.

(a) AMENDMENT.—Section 154 of title 35, United States Code (as added by the Uruguay round Agreements Act), is amended—

(1) in paragraph (2) of subsection (a), by striking "and ending" and all that follows through the end of the paragraph and inserting "and ending on the later of—

"(A) 17 years from the date of the grant of the patent; or

"(B) 20 years from the date on which the application for the patent was filed in the United States, except that if the application contains a specific reference to an earlier filed application or applications under section 120, 121, or 365(c) of this title, 20 years from the date on which the earliest such patent application was filed.";

(2) by amending subsection (b) to read as follows:

"(b) PATENT DISCLOSURE.—In the event that a continuing patent application is filed that claims the benefit of the filing date of a prior application that was filed more than 60 months earlier, notices of the original patent application and of the continuing patent application shall be published and the public shall be permitted to inspect and copy the original patent application and the continuing patent application."; and

(3) in paragraph (1) of subsection (c), by striking "shall be the greater of the 20-year term as provided in subsection (a), or 17 years from grant" and inserting "shall be the term provided in subsection (a)".

(b) TECHNICAL AMENDMENT.—Section 534(b) of the Uruguay Round Agreements Act is amended by striking paragraph (3).

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. SIMON, and Mr. THOMAS):

S. 285. A bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes; to the Committee on Finance.

SOCIAL SERVICES BLOCK GRANTS LEGISLATION

• Mr. McCAIN. Mr. President, today I am introducing a bill that would make title XX social services block grant programs directly available to Indian tribal governments and organizations. I am pleased that my colleagues on the Indian Affairs Committee, Senators DANIEL K. INOUYE, BEN NIGHTHORSE CAMPBELL, CRAIG THOMAS, and PAUL SIMON, have joined me as original cosponsors of this bill. The legislation we are introducing today authorizes the Secretary of Health and Human Services to make contracts or grants with Indian tribal governments to design and administer tribal social services programs. The legislation requires that 3 percent of title XX funds are to be made available to fund contracts or grants to Indian tribes or tribal organizations. The Secretary is also required to establish a base funding formula similar to that required by the Child Care and Development Block Grant Act.

In its current form, the title XX social services block grant is an entitlement program that is available only to State and Territorial governments. This program provides State and Territorial governments with flexible resources to establish locally tailored and administered social services programs. Unfortunately, Indian tribal governments have not been provided with the opportunity to share in these resources. I believe this legislation will provide a new sense of hope to the highly dedicated individual social service personnel, both Indian and non-Indian, who must confront a panoply of health and social problems affecting American Indians with extremely limited resources.

A report issued last August by the office of the inspector general revealed that although States may share title XX funding with tribal child welfare agencies, 15 of the 24 States with the largest Native American populations did not provide title XX funds to Indian tribes from 1989 to 1993. The inspector general's report indicated that the principal reason that Indian tribes were not receiving title XX funds was that Congress, during its initial consideration of the title XX Social Service Block Program, provided no authority to award title XX funds directly to tribes. Under the current program States are neither required nor encouraged to share funds with Indian tribes. I can only believe that this was a grave oversight on the part of the legislators at the time the title XX Social Block Grants Program was considered.

Mr. President, one half of all Indian children under the age of 6 live in poverty, approximately 50 percent of the Indian families headed by females live in poverty compared to a national rate of 31.1 percent, reports of Indian child abuse continue to increase, and Indians suffer among the highest unemployment rates. I realize that time and time again I have provided this body with these sad statistics, and I will continue to recite these grim statistics because I believe there is a great misconception about the services provided to Indians by the Federal Government. Recent news articles and documentaries are replete with evidence of the day-to-day realities faced by Indian people and the failure of the Federal Government to live up to its trust, treaty, and legal obligations to the American Indian. Clearly, the Indian policy statements of former Presidents Nixon, Reagan, and Bush which called for Indian self-determination, self-governance, and the fulfillment of the Federal Government's trust responsibility to the Nation's Indian population can no longer be ignored. More specifically, we should heed the advice of President Reagan who stated in his Indian policy statement of January 24, 1993, that the Title XX Social Services Block Grants Program should be amended to provide direct funding to Indian tribal governments. I believe it is time that we move Indian people and the Federal Government into the 20th century with real change, and I believe that this legislation will help to accomplish this.

Mr. President, I ask unanimous consent that the full test of the bill and the accompanying section-by-section appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE SOCIAL SERVICES BLOCK GRANTS DIRECTLY TO INDIAN TRIBES.

(a) IN GENERAL.—Section 2003 of the Social Security Act (42 U.S.C. 1397b) is amended—

(1) in subsection (a), by striking "and the Northern Mariana Islands" the first place it appears and inserting "the Northern Mariana Islands, and any participating Indian tribe or tribal organization, as defined in subsection (e)(3),";

(2) in subsection (b), by striking "and the Northern Mariana Islands" each place it appears and inserting "the Northern Mariana Islands, and any participating Indian tribe or tribal organization, as defined in subsection (e)(3),"; and

(3) by adding at the end the following new subsections:

"(d)(1) Of the amounts specified in subsection (c), 3 percent shall be available for grants made or contracts entered into with Indian tribes or tribal organizations in accordance with this subsection.

"(2) The Secretary shall make grants to or enter into contracts with Indian tribes or tribal organizations for planning and carrying out programs and activities under this title.

"(3) The Secretary shall establish criteria for the review and approval of applications for grants or contracts under this subsection.

"(4)(A) Not later than 180 days after the date of enactment of this subsection, the Secretary, with the full participation of Indian tribes and tribal organizations, shall establish and promulgate by regulation, a base funding formula similar to the formula established under section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858M).

"(B) In developing the funding formula, the Secretary may consider such additional factors as the Secretary determines appropriate, including unique geographic and demographic conditions of the tribal reservation and service area.

"(5) Funds that are not distributed to Indian tribes and tribal organizations during a fiscal year shall be available in subsequent fiscal years for reallocation to eligible tribes and tribal organizations.

"(6) In any case in which a contract is entered into or grant made to a tribal organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

"(7) Nothing in this subsection shall be construed to—

"(A) serve as an authorization to limit the eligibility of any individual to participate in any program offered by a State or subdivision thereof;

"(B) modify any requirement imposed upon a State by any provision in this title; or

"(C) preclude or discourage an agreement between any Indian tribe and any State that facilitates the provision of services by the Indian tribe to the service population of the Indian tribe.

"(e) For purposes of this section—

"(1) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43

U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(2) the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe; and

"(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; and

"(3) the term 'participating Indian tribe or tribal organization' means an Indian tribe or tribal organization that receives a grant or enters into a contract under subsection (d).".

(b) CONFORMING AMENDMENT.—The fifth sentence of section 1101(a)(1) of such Act (42 U.S.C. 1301(a)(1)) is amended by striking "and the Northern Mariana Islands" and inserting "the Northern Mariana Islands, and any participating Indian tribe or tribal organization, as such term is defined in section 2003(e)(3)".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. AUTHORITY TO PROVIDE SOCIAL SERVICES BLOCK GRANTS DIRECTLY TO INDIAN TRIBES

Subsection (a)(1) amends Section 2003 of the Social Security Act to include "Indian tribe or tribal organization".

Subsection (a)(3) amends Section 2003 by adding subsections (d)(1) through (d)(7) as follows:

Subsection (d)(1) provides that 3 percent of Title XX Social Services Block Grant funds shall be available to fund grants or contracts entered into by an Indian tribe or Indian organization for planning and carrying out social services programs and activities.

Subsection (d)(4) states that no later than 180 days after the date of enactment of this subsection, the Secretary, with the participation of Indian tribes and tribal organizations shall establish and promulgate regulations for a base funding formula similar to section 6580 of the Child Care and Development Block Grant. Subsection (d)(4) further provides the Secretary with discretion to consider other factors including the unique geographic and demographic conditions of tribal reservations and service areas in developing the regulations required by this subsection.

Subsection (d)(5) provides that funds that are not distributed to Indian tribes and tribal organizations during a fiscal year shall be available for reallocation to eligible tribes and tribal organizations in subsequent fiscal years.

Subsection (d)(6) provides that the approval of each Indian tribe shall be a prerequisite to entering into a contract entered into or grant made to a tribal organization to perform services benefiting more than one Indian tribe.

Subsection (d)(7) provides that nothing in this subsection shall be construed to serve as an authorization to limit the eligibility of any individual to participate in any program offered by a State or subdivision thereof; modify any requirement imposed upon a State by any provision of this title; or preclude or discourage an agreement between any Indian tribe and any State that facilitates the provision of services by the Indian tribe to the service population of the Indian tribe.

Subsection (e)(1) defines the terms "Indian tribe," "tribal organization" and "participating Indian tribe or tribal organization" for purposes of this section.

SECTION 2. EFFECTIVE DATE

Section 2 provides that the amendments made by section 1 shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.●

● Mr. INOUYE. Mr. President, I join Chairman JOHN MCCAIN of the Senate Committee on Indian Affairs in introducing a long-awaited and necessary bill which would provide direct title XX social services block grant funding to Indian tribal governments.

Over the past 5 years, our committee has worked diligently to ensure that a direct allocation be made available to tribal governments for the provision of the same federally funded social services programs which are available to the States.

The Administration for Children and Families [ACF] within the U.S. Department of Health and Human Services provides funding to States but only a very few tribal child welfare programs under three titles of the Social Security Act. Title XX supports State social services, including child welfare services. While States may share these moneys with tribal child welfare agencies, very few do and only to a very limited degree. Title IV–E supports State Foster Care and Adoption Assistance Programs. Title IV–B supports States' and some tribes' child welfare programs and family preservation and support services.

In spring 1993, the committee called upon the Department of Health and Human Services, Office of Inspector General to conduct a study to identify opportunities for the administration for children and families to strengthen the provision of child welfare services and protections to American Indian and Alaska Native children.

A survey was conducted of those 24 States with the largest native American populations as to the level of funding which is shared between the States and tribal governments for social services programs. The Inspector General's office also reviewed data on ACF funding made available directly to State and tribal governments. They conducted a review of relevant Federal legislation and conducted interviews and discussions with child welfare experts and administrators in the ACF, the Bureau of Indian Affairs, State and tribal child welfare agencies, and Native American child welfare organizations.

The Inspector General's report entitled "Opportunities for ACF to Improve Child Welfare Services and Protections for Native American Children" was released in August 1994. The report reveals that most tribal governments have received little title XX, title IV–E, and title IV–B child welfare funding. In addition, while the ACF has monitored the tribal provision of child welfare protections required by the Adoption Assistance and Child Welfare Act, few tribal records have been reviewed. Furthermore, neither the ACF nor any other Federal agency has ensured State compliance with the child welfare protections required by the Indian Child Welfare Act.

More specifically, in 15 of the 24 States with the largest Native American populations, eligible tribes received neither title XX nor title IV–E funds from 1989 to 1993. Among the factors which limit access by tribes to title XX and title IV–E funds are several Federal requirements. Current law provides no authority for the ACF to award title XX and title IV–E funding directly to the tribes, nor does existing legislation either require or encourage States to share funding with tribal governments.

In the remaining nine States that made funding available to tribal governments for title XX and title IV–E purposes, it is important to keep in mind the proportion of funding made available for Indian people as compared to their percentage of the population in their respective States as a whole.

In 1993, in the States of Arizona, Colorado, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, and South Dakota, Indian people made up 4.36 percent of the population. But in 1993, only 1.38 percent—$2,800,000—of the $203,462,000 made available to these States was made available to tribal governments to carry out social services programs.

Since the scope of the Inspector General's study did not analyze the entire $2.9 billion in Title XX funding provided for all 50 States, it can be assumed that proportionately, even less money is making its way to tribal governments to carry out vitally needed child welfare and other social services programs. This is particularly troubling because Native American communities experience higher unemployment rates and suffer extensive poverty-related conditions including unequalled high rates of hunger, alcoholism, suicide, abuse, and family disruption.

The Inspector General also found that in 1993, 471 of the 542 federally recognized tribes received no title IV–B funds from the ACF. Once again several Federal regulations constrain the tribal access to title IV–B funding.

On a positive note, the Inspector General's report identifies options that can be taken by the administration for children and families to facilitate tribal governmental access to child welfare and social services funding and to better ensure the provision of federally mandated child welfare protections for Native American children. I look forward to joining Chairman MCCAIN in analyzing this study and learning from Indian country of the solutions they believe would be effective in improving services available to Indian children and their families.

I am hopeful that my colleagues on the Senate Finance Committee will work closely with the Senate Committee on Indian Affairs in ensuring that equity in social services funding is provided to tribal governments. I am also hopeful that agencies who are associated with the coalition of public nonprofit organizations, Generations United, will work with both committees in addressing the profound needs of tribal governments in providing social services to their communities. I believe this bill which provides direct funding to tribal governments can meet these needs and will work to ensure that even greater title XX funding is available to accommodate both tribal and State governments.•

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. THOMAS, and Mrs. KASSEBAUM):

S. 286. A bill to amend the Solid Waste Disposal Act to grant State status to Indian tribes for purposes of the enforcement of such Act, and for other purposes; to the Committee on Indian Affairs.

THE SOLID WASTE DISPOSAL ACT OF 1995

• Mr. McCAIN. Mr. President, I am pleased to introduce legislation to amend the Solid Waste Disposal Act to authorize the Environmental Protection Agency to treat Indian tribes as States. I am very pleased to be joined by my good friend, the distinguished vice-chairman of the Committee on Indian Affairs, Senator INOUYE and Senators CAMPBELL, KASSEBAUM, and THOMAS as original cosponsors of this legislation. This legislation is similar to provisions which have already been included in the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. These Federal environmental laws were all amended in the 1980's to provide for the treatment of Indian tribes as States.

Unfortunately, when we first began enacting our national environmental laws we either neglected to include Indian tribal governments or included them as municipalities. This latter practice is completely inconsistent with our usual practice of maintaining a direct government-to-government relationship between the Federal and tribal governments. By the mid-1980's it was clear that tribal environmental concerns were being almost completely ignored by State and Federal officials. The States had demonstrated an unwillingness or inability to assist Indian tribes and the Environmental Protection Agency claimed that it lacked legal authority to deal directly with Indian tribal governments. Since that time, considerable progress has been made toward assisting Indian tribal governments to develop and implement environmental regulatory programs. Under the Clean Water Act over 40 Indian tribes have been certified by EPA as eligible for treatment as States.

The Solid Waste Disposal Act is the only remaining major environmental law which fails to provide for the treatment of Indian tribal governments as States. This has made it difficult for EPA and the Indian tribal governments to address a variety of solid and hazardous waste problems on Indian lands, including the problem of leaking underground storage tanks. The bill we are introducing today is intended to correct this situation. The provisions of this legislation will allow Indian tribal governments the same opportunities that are available to States to build program capacity and fully develop tribal environmental protection programs under the authority of the Solid Waste Disposal Act. The bill will enable Indian tribal governments to effectively plan and develop a reservation specific approach to environmental protection in the same manner that State environmental programs have been encouraged to develop and plan. The Environmental Protection Agency must provide consistent treatment to Indian tribal governments across all environmental media areas. This legislation will provide Indian tribal governments with the tools necessary to plan and develop sound environmental policies and programs. I urge all our colleagues to join with us to ensure prompt enactment of this legislation.

Mr. President, I ask unanimous consent that the full text of the bill and the accompanying section-by-section analysis appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO GRANT STATE STATUS TO INDIAN TRIBES FOR ENFORCEMENT OF SOLID WASTE DISPOSAL ACT.

(a) DEFINITIONS.—Section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) is amended—

(1) in paragraph (13)(A), by striking "or authorized tribal organization or Alaska Native village or organization,";

(2) in paragraph (15), by inserting after "State," the following: "Indian tribe,"; and

(3) by adding at the end the following new paragraphs:

"(42) The term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the Federal Government (including any right-of-way running through the reservation), notwithstanding the issuance of any patent;

"(B) all dependent Indian communities within the borders of the United States, including dependent Indian communities—

"(i) within the original territory or territory that is subsequently acquired; and

"(ii) within or without the limits of a State; and

"(C) all Indian allotments with respect to which the Indian titles have not been extinguished, including rights-of-way running through the allotments.

"(43) The term 'Indian tribe' means any Indian tribe, band, group, or community, including any Alaska Native village, organization, or regional corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that—

"(A) is recognized by the Secretary of the Interior; and

"(B) exercises governmental authority within Indian country.".

(b) TREATMENT OF INDIAN TRIBES AS STATES.—Subtitle A of such Act (42 U.S.C. 6901 et seq.) is amended by adding at the end the following new section:

"SEC. 1009. INDIAN TRIBES.

"(a) IN GENERAL.—Subject to subsection (b), the Administrator may—

"(1) treat an Indian tribe as a State for the purposes of this Act;

"(2) delegate to an Indian tribe primary enforcement responsibility for programs and projects established under this Act; and

"(3) provide Indian tribes grant and contract assistance to carry out functions of a State pursuant to this Act.

"(b) ENVIRONMENTAL PROTECTION AGENCY REGULATIONS.—

"(1) IN GENERAL.—

"(A) TREATMENT.—Not later than 18 months after the date of the enactment of this section, the Administrator shall issue final regulations that specify the manner in which Indian tribes shall be treated as States for the purposes of this Act.

"(B) AUTHORIZATION.—Under the regulations issued by the Administrator, the treatment of an Indian tribe as a State shall be authorized only if—

"(i) the Indian tribe has a governing body carrying out substantial governmental duties and powers;

"(ii) the functions that the Indian tribe will exercise pertain to land and resources that are—

"(I) held by the Indian tribe, the United States in trust for the Indian tribe, or a member of the Indian tribe (if the property interest is subject to a trust restriction on alienation); or

"(II) are otherwise within Indian country; and

"(iii) in the judgment of the Administrator, the Indian tribe is reasonably expected to be capable of carrying out the functions to be exercised in a manner consistent with the requirements of this Act (including all applicable regulations).

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—If, with respect to a provision of this Act, the Administrator determines that the treatment of an Indian tribe in the same manner as a State is inappropriate, administratively infeasible, or otherwise inconsistent with the purposes of this Act, the Administrator may include in the regulations issued under this section a mechanism by which the Administrator directly implements and carries out the provision in lieu of the Indian tribe.

"(B) STATUTORY CONSTRUCTION.—Subject to subparagraph (C), nothing in this section is intended to permit an Indian tribe to assume or maintain primary enforcement responsibility for programs established under this Act in a manner that is less protective of human health and the environment than the manner in which a State may assume or maintain the responsibility.

"(C) CRIMINAL ENFORCEMENT.—An Indian tribe shall not be required to exercise jurisdiction over the enforcement of criminal penalties.

"(c) COOPERATIVE AGREEMENTS.—In order to ensure the consistent implementation of the requirements of this Act, an Indian tribe and each State in which the lands of the Indian tribe are located may, subject to review and approval by the Administrator, enter into a cooperative agreement to cooperatively plan and carry out the requirements of this Act.

"(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator, in cooperation with the Secretary of the Interior, the Director of the Indian Health Service, and Indian tribes, shall submit to Congress a report that includes—

"(1) recommendations for addressing hazardous and solid wastes and underground storage tanks within Indian country;

"(2) methods to maximize the participation in, and administration of, programs established under this Act by Indian tribes;

"(3) an estimate of the amount of Federal assistance that will be required to carry out this section; and

"(4) a discussion of proposals by the Administrator concerning the provision of assistance to Indian tribes for the administration of programs and projects pursuant to this Act.

"(e) TRIBAL HAZARDOUS WASTE SITE INVENTORY.—

"(1) INVENTORY.—Not later than 2 years after the date of enactment of this section, the Administrator shall undertake a continuing program to establish an inventory of sites within Indian country at which hazardous waste has been stored or disposed of.

"(2) CONTENTS OF INVENTORY.—The inventory shall include—

"(A) the information required to be collected by States pursuant to section 3012; and

"(B) sites located at Federal facilities within Indian country.".

(c) TECHNICAL AMENDMENT.—The table of contents for subtitle A of such Act (contained in section 1001 of such Act (42 U.S.C. prec. 6901)) is amended by adding at the end the following new item:

"Sec. 1009. Indian tribes.".

SEC. 2. LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Except as provided" and inserting the following:

"(A) PURPOSES.—Except as provided"; and

(2) by adding at the end the following new subparagraph:

"(B) SET ASIDE FOR INDIAN TRIBES.—Notwithstanding any other provision of law, for each of fiscal years 1996 through 2000, the Secretary shall reserve an amount equal to not less than 3 percent of the amounts made available to States pursuant to subparagraph (A). Such amount shall be used only by Indian tribes (as defined in section 1004(43) of the Solid Waste Disposal Act) to carry out the purposes referred to in subparagraph (A).".

SECTION-BY-SECTION ANALYSIS

SECTION ONE

Section 1 amends section 1004 of the Solid Waste Disposal Act to include definitions for the terms "Indian Country" and "Indian tribe". It also inserts the term "Indian tribe" after "State" in paragraph (15) of section 1004 of the Act and deletes the phrase "or authorized tribal organization or Alaska Native village or organization," from paragraph (13)(A) of the Act.

Subsection (b) amends subtitle A of the Solid Waste Disposal Act by adding the following new section 1009 to the Act:

"Section 1009 provides that the Administrator may treat an Indian tribe as a State for purposes of the Act and may delegate primary enforcement authority to an Indian tribe for any programs and projects established under this Act. It also provides that the Administrator may provide grants and contract assistance to an Indian tribe to carry out their responsibilities under the Act.

Subsection (b) of Section 1009 requires the Administrator to issue final regulations for the treatment of Indian tribes as States under the Act within 18 months from the date of enactment of this section. These regulations shall provide that an Indian tribe may be treated as a State under the Act if the Indian tribe has a governing body carrying out substantial governmental duties and powers, the functions to be carried out by the tribe pertain to trust lands or lands which are subject to a restriction on alienation, or are otherwise within Indian country, and in the judgment of the Administrator, the tribe is reasonably expected to be capable of carrying out functions in a manner consistent with the requirements of the Act.

Subsection (b) also provides that if the Administrator determines that the treatment of an Indian tribe as a State is inappropriate, administratively infeasible or otherwise inconsistent with the purposes of this Act, then the Administrator may promulgate regulations to enable the Administrator to directly implement and carry out the Act in lieu of the Indian tribe. It also provides that nothing in this section is intended to permit an Indian tribe to maintain primary enforcement responsibility in a manner less protective of human health and the environment than a State. An Indian tribe shall not be required to exercise jurisdiction over the enforcement of criminal penalties.

Subsection (c) of Section 1009 authorizes Indian tribes and States to enter into cooperative agreements subject to the review and approval of the Administrator.

Subsection (d) of Section 1009 authorizes the Administrator, in cooperation with the Secretary of the Interior, the Director of the Indian Health Service, and Indian tribes, to submit a report to Congress not later than 2 years after the date of enactment. The report shall include recommendations addressing underground storage tanks and the disposal of hazardous and solid waste within Indian country.

Subsection (e) of Section 1009 requires the Administrator to conduct an inventory of hazardous waste sites within Indian country not later than 2 years after the date of enactment. The inventory shall include information required pursuant to section 3012 of the Act and sites located at Federal facilities within Indian country."

SECTION TWO

Section 2 amends Section 9508(c)(1) of the Internal Revenue Code of 1986 to include a three (3) percent set aside in the Leaking Underground Storage Tank Trust Fund for Indian tribes to carry out the purposes referred to in subparagraph (A) of the Act.•

• Mr. INOUYE. Mr. President, I am pleased to join the new chairman of the Committee on Indian Affairs, Senator JOHN MCCAIN, as a cosponsor of legislation that would recognize the important role that tribal governments must play in the enforcement of the Solid Waste Disposal Act on Indian lands.

In the 103d Congress, I introduced similar legislation which would have amended the Solid Waste Disposal Act to grant a status equal to that of State governments to Indian tribal governments. I am pleased that Chairman MCCAIN has seized the initiative to again introduce this important legislation and thereby continue the committee's efforts to address an earlier oversight by the Congress in failing to include Indian tribal governments in the only remaining major environmental law which does not provide for the treatment of Indian tribes as States.

The Congress has attempted to improve the environmental quality of lands within Indian country by enacting provisions authorizing tribal governments to assume primary responsibility in certain circumstances for implementing the full array of environmental laws, including the Clean Air Act, Safe Drinking Water Act and the Clean Water Act.

This bill would simply extend the same status to tribal governments as that which is recognized under these other laws, by authorizing tribal governments to assume primary responsibility for programs under the Resource Conservation and Recovery Act.

This bill would also acknowledge and affirm the inherent authority of Indian tribes to regulate the development, operation and maintenance of solid waste and other waste facilities on Indian lands consistent with the Environmental Protection Agency's Indian policy and the overall Federal policy of Indian self-determination that arises out of the United States' Government-to-Government relationship with the Indian nations.

Further, this bill will eliminate any confusion as to the authority of tribal governments to regulate environmental quality on Indian lands by clarifying that tribal governments are to be treated as States under the Resource Conservation and Recovery Act in the same manner as they currently are treated under all other major environmental acts.

Mr. President, this is an important bill. Indian tribal governments have made it clear to the Committee on Indian Affairs that this legislation is of critical importance and concern. I call upon my fellow colleagues to give this measure their careful review and favorable consideration. I look forward to working with Chairman MCCAIN to ensure passage of this measure in the 104th Congress.•

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr.

COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOLE, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mr. HATFIELD, Mr. HELMS, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KYL, Mr. JEFFORDS, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. STEVENS, Mr. CRAIG THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. BREAUX, Mrs. FEINSTEIN, Mr. JOHNSTON, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REID, Ms. MOSELEY-BRAUN, and Mr. SIMON):

S. 287. A bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction; to the Committee on Finance.

IRA EQUITY LEGISLATION

Mrs. HUTCHISON.

Mrs. HUTCHISON. Mr. President, I rise today along with Senator MIKULSKI and 55 other cosponsors to introduce a bill, S. 287, that will allow the homemakers of this country to make fair, fully deductible individual retirement account contributions. This bill will allow equal IRA contributions by Americans who work at home—women and a growing number of men who have suffered unfairly under our out-of-date section of the Tax Code.

Under the current IRA rules, single-income married couples are limited to deductible IRA contributions of $2,250 a year—$2,000 for the working spouse and $250 for the homemaker. But if both spouses in a household work outside the home, each is permitted to contribute up to $2,000 annually to an IRA. That is a combined contribution of $4,000.

Under current law, a single-income married couple saving $2,250 each year for 30 years will have $188,000 for retirement at 6 percent interest. If that couple, Mr. President, is permitted to save $4,000 a year, after 30 years they will have $335,000, an increase in savings of $150,000.

Now, Mr. President, I think it is obvious that work inside the home is every bit as important to our society as the work done outside the home. I do not think the homemakers who choose to stay home and raise children should have the added disadvantage of retiring with less retirement security.

I do not think that this is fair. That is why 57 Members of the U.S. Senate have signed on to a bill that will correct this inequity. It is very important that we say to every working American, whether your work is inside the home or outside the home, that we want you to have an incentive to save. Not only is it the right thing to do, it is also going to help build capital formation. It will help us give incentives for savings. Of all the industrialized countries, we have the lowest savings rate. If we would save more, we would have more capital investments, which would create more jobs.

I do not see how anyone could oppose this bill. But it is very important that we push for its enactment. S. 287 will give more retirement security to as many as 16 million Americans who are treated unfairly, and it will not really cost the Government anything.

There is a $267 million price tag over a 5-year period, which is a little bit over $50 million a year. But don't think the bill will actually reduce revenues. I think it is going to increase revenues because if we have more capital formation and create more jobs, revenue will increase.

Mr. President, I hope we will have swift action on S. 287 because I do not want one more year to pass in this country without the right of our homemakers to start the retirement savings that will accrue to their benefit and to the benefit of their families.

Mr. President, I ask unanimous consent that letters from the Family Research Council, the Christian Coalition, the American Association of University Women, and the National Women's Political Caucus in support of IRA equity be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

CHRISTIAN COALITION,
CAPITOL HILL OFFICE,
January 26, 1995

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 1.5 million members and supporters of the Christian Coalition, we wish to express our strong support for the Individual Retirement Account Equity Bill that you and Senator Mikulski have introduced.

This legislation corrects the tax code's inequitable treatment of retirement income of women and men who work inside the home. Currently, the tax code allows two spouses who work outside the home to put more money into an Individual Retirement Account than is allowed for a couple where one spouse is a homemaker. The IRA Equity Bill will permit deductible IRA contributions of up to $2,000 by spouses who work inside the home. If enacted, single-income couples would have the opportunity to save $4,000 a year towards retirement.

Today, America suffers from a "family time famine" because parents are unable to spend time with their children. We should work to make tax policy more "family friendly" to enable parents to attend to the needs of their children. The IRA Equity Bill is an important step in the direction of this objective. Furthermore, this would be an important deletion of just *one* of the many marriage penalties found throughout our tax code. We applaud your leadership on behalf of tax fairness for America's families.

Sincerely,

MARSHALL WITTMANN,
Director, Legislative Affairs.
HEIDI SCANLON,
Director, Governmental Affairs.

FAMILY RESEARCH COUNCIL,
Washington, DC, January 26, 1995.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: Thank you for your leadership in sponsoring legislation to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

American families today face a multitude of challenges and pressures as they struggle to keep their family life protected and intact. "Family time" is a precious commodity and many parents are opting for one spouse to stay at home, realizing that time with their children is short and children are adults before they realize it. We think it is important to ensure these parents are not penalized by the tax code. Your bill is a major step in the right direction.

One area of concern is the issue of the present income ceiling of $50,000 which allows IRA deductions to benefit one-income or two-income families within this category. FRC believes that this ceiling should be lifted or increased because it encourages savings among some families, but discourages others who desire to save for the future.

FRC supports a "level playing field" of equity between those women who work in the marketplace and those who work at home. By eliminating the existing inequity and by raising or lifting the income threshold, lawmakers would establish support for family savings, increase the pool of women who will benefit from IRA savings and deductions and end the existing discrimination.

We support your efforts and look forward to working with you and your colleagues on this important issue.

Sincerely,

GARY L. BAUER,
President.

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, DC, December 15, 1994.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the 150,000 members of the American Association of University Women, we support your effort to economically empower non-working women. AAUW supports the Hutchison/Mikulski legislation, S. 1669.

AAUW believes that women must have the same opportunities as men to protect their personal finances. The current law governing IRAs discriminates against women by limiting an unsalaried married woman's deductible IRA contribution to $250, while allowing her husband a deductible contribution of $2,000. Current law specifically penalizes unsalaried women who may work in family businesses or who have chosen to stay at home. It also assumes that unsalaried women will remain married and will continue to have access to their husbands' finances. Current law does not account for the 500,000 marriages that end in divorce each year, leaving men with their accumulated deductible IRA contribution and women with a possible loss of $500,000 or more in retirement income. Permitting a $2,000 deductible IRA contribution for all women will give women the means to protect their futures.

We appreciate your concern for women's financial independence and we look forward to working with you in the 104th Congress. Should you or your staff have any questions, please contact Nancy Zirkin, director of government relations in the Program and Policy Department at (202) 785–7720.

Sincerely,

JACKIE DEFAZIO,
President.

NATIONAL WOMEN'S POLITICAL CAUCUS,
December 2, 1994.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR: On behalf of the National Women's Political Caucus, I'm pleased to commit our support for IRA Equity legislation.

As you know, NWPC joined this effort early on because our grassroots members recognize the cost to society when we fail to properly value the contribution of women at home.

Too many women have been left impoverished in their older years. One reason is their inability to make use of a retirement account like IRA that is available to those who are considered salaried.

We appreciate your leadership in the effort to correct this situation and will alert our membership to support the legislation.

Sincerely,
HARRIETT WOODS,
President.

• Ms. MIKULSKI. Mr. President, I am delighted to work on a bipartisan basis with Senator HUTCHISON again to pass IRA equity legislation.

Work is work, whether it is done inside the home or outside the home. And we should reward work. With this legislation we do.

I like this legislation because it reflects our values; it gives help to those who practice self-help.

It acknowledges the value of motherhood and it acknowledges that work done in the home is important to American society. Not all work is done in the marketplace. A substantial amount of the most important work of America goes on in the home.

This legislation will provide the same IRA tax deduction to stay-at-home moms and dads as is available now to those who earn an income.

Current law allows workers to set aside up to $2,000 a year in an IRA—but only if they get an income. So two-income couples can contribute $4,000.

But one-earner couples, where one spouse stays home to raise the kids, well, the best they can contribute to their IRA each year is $2,250.

Our IRA equity bill says every couple gets the full $4,000 contribution. Period.

Motherhood has always been important. Today we're seeing it's absolutely important.

I believe that when we say honor your father and your mother it should not only be a commandment, but a public policy. The law should be clear that mom and dad will not only be rewarded now, but in the future, in their retirement years.

For someone whose work is as a full-time mom, it is not only an occupation, it is a preoccupation.

When we are talking about productivity in the workplace we need to remember that the work of mothers today is preparing America's workers and leaders of tomorrow.

Often in our society we do not count what counts. We look at the gross domestic product, we look at what is done in the marketplace, but what is not counted is what is done in the home or what is done as volunteer work.

I happen to believe that one of the most important areas of productivity is the work that goes on in the home.

The current rules of government do not support this. We see this in the rules governing pension plans. And we continue to see inequity for women in the workplace in many ways, like bringing home smaller paychecks.

This is important pro-family legislation. It truly acknowledges the value of the family. It gives help to those who practice self-help. And it builds strong communities.

It also acknowledges the pattern of women as they work in and out of the marketplace. Many women do not have linear careers, with glittering resumés, tickets being punched and revolving rolodexes that take them on the path to glory.

Most women do the ordinary with enthusiasm, whether it's raising their family or raising the productivity of the private sector in the marketplace. But because they work, and have their children, and return to the marketplace, often their pension plans are spotty, erratic, and most often, skimpy.

That is not a recipe for a relaxing retirement, but a plan for poverty.

Passing this legislation not only offers a measure of fairness and hope, it just makes good sense. It boosts our national savings, helps women have the opportunity for a comfortable retirement, and strengthens our commitment to family values.

I support this legislation because I want to put our values into pragmatic public policy, and I am pleased to join with my colleagues on a bipartisan basis to reward hard-working Americans.

I will continue to fight for passage of IRA equity because it's time Congress puts the law where our values are.•

By Mr. MCCAIN (for himself, Mr. WARNER, and Mr. ROBB):

S. 288. A bill to abolish the Board of Review of the Metropolitan Washington Airports Authority, and for other purposes; to the Committee on Commerce, Science, and Transportation.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY LEGISLATION

• Mr. MCCAIN. Mr. President, I introduce legislation on National and Dulles Airports which will abolish several of the most egregious examples of congressional interference in the highly competitive, deregulated airline industry. This legislation, which I am introducing with my colleagues Senator JOHN WARNER and Senator CHUCK ROBB, would: abolish the Metropolitan Washington Airports Authority [MWAA] Board of Review; eliminate the perimeter rule at National Airport—this law imposes a 1,250-mile limitation on air travelers from which no nonstop flight between National and another airport is allowed—and, eliminate reserved parking spaces for Members of Congress and other top Government officials.

On Monday, the Supreme Court, for the second time in less than 4 years, ruled that Congress had exceeded its authority by exercising veto power over key decisions at National and Dulles Airports. In fact, National and Dulles Airports are the only two airports out of nearly 600 with commercial service that are under Federal supervision.

On June 7, 1987, Washington Dulles International and Washington National Airports were transferred from the Federal Aviation Administration [FAA] to the Airports Authority under a 50-year lease authorized by the Metropolitan Washington Airports Act of 1986. All property was transferred to the Airports Authority and the Federal Government holds title to the lease. Prior to the transfer, the airports were owned and operated by the Federal Aviation Administration in the U.S. Department of Transportation. Pursuant to its lease with the Federal Government, the Board of Review was established.

Congress created the Board and gave it the power to operate "outside the ordinary legislative process," to both make the laws and control how those laws are implemented in regard to National and Dulles Airports, in effect, eliminating the powers of the Executive office. Congress also created a mechanism for thumbing its nose at the courts, rendering the Airport Authority impotent if the Board were ever declared unconstitutional, effectively, eliminating the powers of the judiciary.

The D.C. Circuit Court also recognized the potential for abuse of the Board of Review. The court said this statutory scheme provides Congress with "a blueprint for expanding legislative power beyond its constitutionally-confined role in virtually every aspect of our national policy."

In the past, Congress tried to get around the court's objections by fiddling with the details of the act. Those half measures have failed to resolve the constitutional questions. Eliminating the Board will eliminate this unconstitutional problem completely.

The Supreme Court's ruling supported three previous rulings that such oversight violates the constitutional separation of powers doctrine. The fact that Congress has continued its direct oversight in this matter, with only minor changes, displays again the lack of regard that the Congress continues to hold for the people who have sent them to Washington to represent them.

As it stands now, due to the Supreme Court's ruling, the Airports Authority can take no actions which require

Board of Review submittal. Not only is the Airports Authority unconstitutional because it violates the separation of powers principles, it also violates the appointments clause of the U.S. Constitution.

Under the appointments clause, only the President is authorized to appoint principal officers of the United States, with the advice and consent of the Senate. The power to appoint non-principal officers is vested solely in the President. The Board of Review violates this clause, where the Airports Authority selects the members from lists provided by the Speaker of the House of Representatives and the President pro tempore of the Senate.

This legislation would also prohibit the Airports Authority from providing reserved parking spaces free-of-charge to Members of Congress and other government officials at National Airport and Dulles Airport. This amendment states that a new parking policy should be established at National and Dulles Airports that provides equal access to the public, and does not accord preferential parking privileges to Members of Congress and other government officials.

The time has come ending our exclusive use of prime parking spaces at Washington's two airports. This exclusive parking privilege for Members of Congress is unfair and unjustified.

Providing exclusive parking spaces to members of Congress completely free of charge carries with it a considerable cost to the Airports Authority itself. At National and Dulles, the parking spaces that are reserved for Members of Congress are located very close to the terminals. These spaces are equivalent to the short term spaces that cost our constituents up to $26 per day to use. There are approximately 124 parking spaces reserved for Members of Congress and other top government officials at National Airport, and 51 reserved congressional spaces at Dulles.

If the 124 spaces at National were opened to the public and fully utilized at the current rates charged to our constituents, they would garner over $1,175,000 a year in revenues. If the congressional lot at Dulles was opened to the public and utilized to capacity, it would generate $484,000 a year in new revenues. This means that over $1.6 million in potential parking revenues to the Airports Authority is being lost each year because choice lots are being unjustly cordoned off to the public.

Just today, Mr. Charles Barclay, president of the American Association of Airport Executives met with me. For those of you who may not remember, Chuck Barclay was one of the members on President Clinton's National Airline Commission—a Commission charged with making recommendations to ensure a better more competitive aviation industry. Chuck Barclay expressed to me his strong concern regarding the future of Airport grant funding in the appropriations process this fiscal year and his equally strong concern for the future of airport modernization in an atmosphere of dwindling resources.

Mr. President, the loss of revenues caused by the Congressional parking park is occurring at a time when the Airports Authority is receiving millions of dollars of taxpayer funds each year. Instead of raising the substantial amounts of revenue that could alleviate some of the need for more taxpayer dollars, the Airports Authority is apparently content to preserve the unsatisfactory status quo.

Finally, Mr. President this legislation strikes the provision in law which imposes on National Airport the only federally enforced perimeter rule which restricts the public's right to travel. In 1986, when discussions were underway to transfer National and Dulles Airports from the Federal Government to the Airports Authority, the Congress overstepped its authority by prohibiting non-stop flights between Washington National Airport and any other airport that is more than 1,250 miles away. Congress wrote the legislation so that Dulles Airport would become a successful air transportation hub for longer-range air traffic and not have to compete for air carrier service at National.

Such a construct is at odds with the fundamental principals of airline deregulations. The guiding principles of the Deregulation Act were that the market place would decide demand. This is yet another example of wrongful Federal Government interference in the marketplace. No airport should have service restrictions imposed on it. With airline deregulation and a market-based economy, service patterns should be dictated by demand within the confines of technology. No Government should interfere with the marketplace on pure economic matters. Artificial limits imposed by the Congress on an airport which are anticompetitive in nature have no place in a deregulated industry.

Mr. President, this legislation is a clear step to abolishing unnecessary perks and ending nearly 10 years of unconstitutional congressional review and oversight. I intend to examine the Airports Authority's policies at National and Dulles Airports in Aviation Subcommittee hearings. For those people who do not understand my motivation let me make my intentions perfectly clear, National and Dulles Airports are not congressional airports, nor should they be.•

• Mr. WARNER. Mr. President, I join my colleagues Senators MCCAIN and ROBB in introducing legislation to abolish the Board of Review of the Metropolitan Washington Airports Authority.

On June 7, 1987, Washington Dulles International Airport and Washington National Airport were transferred to the Airports Authority under a 50-year lease authorized by the Metropolitan Washington Airports Act of 1986, title VI of Public Law 99–500. All property was transferred to the Airports Authority and the Federal Government holds title to the lease. Prior to the transfer, the airports were owned and operated by the Federal Aviation Administration in the U.S. Department of Transportation. Pursuant to its lease with the Federal Government, the Board of Review was established.

This past Monday, the United States Supreme Court ruled for the second time in less than four years that the Congress has exceeded its authority by exercising veto power over key decisions at Washington National and Dulles International Airports.

Mr. President, prompt enactment of this legislation is critical to prevent the improvements underway at Washington National and Dulles from coming to an abrupt halt.

In 1985, I served on a Commission appointed by Secretary of Transportation Elizabeth Dole to make recommendations of how to manage the modernization of the airports of the National Capital. The Commission was known as the Holton Commission after the Chairman Linwood Holton, former Governor of Virginia. Upon my recommendation, the Holton Commission adopted the so-called Warner plan for a review board to oversee the activities of the airport authority. Under the Warner plan, no Member of Congress would have served on the Review Board.

The recommendations of the Holton Commission resulted in the enactment of legislation to lease Washington National and Washington Dulles International Airports to a newly created agency, the Metropolitan Washington Airports Authority. The Authority was jointly created by the Commonwealth of Virginia and the District of Columbia to finance the reconstruction of National and the expansion of Dulles.

Unfortunately, the Congress refused to go along with the Warner plan for the Review Board. If it had, we would not be back here today introducing this legislation.

At the time the 1986 legislation was debated some in Congress opposed the airport transfer on the basis that a local airport authority—particularly a brandnew one—might unduly favor local interests over the interests of airport users. The Act, therefore, required a Board of Review, made up of Senators and Members of Congress, that could veto decisions of the new Authority's Board of Directors.

Mr. President, if this legislation is promptly approved by the Congress, the Washington Metropolitan Airports Authority will be allowed to move forward with its projects to improve the facilities of both airports.

Mr. President, I am confidant that passage of this legislation will result in two modern airports that will serve the Nation's Capital efficiently.•

• Mr. ROBB. Mr. President, I am pleased to join Senator MCCAIN in introducing legislation removing congressional oversight from the operations at Washington National and Dulles Airports.

The Metropolitan Washington Airports Authority has consistently shown the skill and expertise necessary to run Dulles and National Airports. The Airports Authority has been able to handle the increased volume of passengers at both facilities with a minimum of inconvenience to passengers and to residents of the area.

Currently, the Airports Authority is supervising the expansion of facilities at National Airport, and the work is progressing well. However, if this legislation is not enacted soon, work will have to cease on the expansion due to a recent Supreme Court holding. The Supreme Court has upheld a lower court ruling that the Congressional oversight panel violates the Constitutional separation of legislative and executive powers. The decision indicated that either the Airports Authority or Congress must have sole jurisdiction over operations at the airports.

This legislation removes the Federal Government from what should be a local decisionmaking process, and I urge quick consideration and passage of this measure.•

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. CHAFEE, Mr. COHEN, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMON, Ms. SNOWE, Mr. SPECTER, and Mr. WELLSTONE):

S.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

EQUAL RIGHTS AMENDMENT

Mr. KENNEDY. Mr. President, it is an honor to introduce the Equal Rights Amendment in the new Congress, on behalf of myself and thirty-eight other Senators. In doing so, we reaffirm our strong commitment to making the ERA part of the Constitution of the United States.

Ratification of the ERA is essential to ensure equality for women in the law and the life of our land. Existing statutory prohibitions against sex discrimination have failed to give women basic educational and employment opportunities equal to those available to men in our society. The need for a Constitutional guarantee of equal rights for all citizens thus remains compelling.

In the absence of the ERA, too little change has occurred on women's rights, especially in the area of economic opportunity. An unconscionable gap between the earnings of men and women persists in the workforce. In 1993, women earned 71 cents for every dollar earned by a man. While this wage gap has narrowed over the past 10 years, it remains unacceptable.

Sex discrimination continues to permeate many areas of the economy. Although women with college degrees have made significant advances in many professional and managerial occupations in recent years, most women are still clustered in a narrow range of traditionally female, traditionally low-paying occupations, such as clerical jobs, waitressing, retail sales, nursing, child care, and elementary school teaching.

Female-headed households continue to dominate the bottom rungs of the economic ladder. Poverty rates are higher at every age for women who live alone or with non-relatives than for their male counterparts. And when a family with children is headed by a woman, the likelihood is high that the family is living in poverty; in 1991, 47% of all families headed by single mothers lived below the poverty line. This dismal situation is getting worse instead of better.

Plainly, much remains to be done to secure equal opportunity for women. Enactment of the equal rights amendment alone will not undo generations of economic injustice, but it will encourage women in all parts of the country in their efforts to obtain redress under the nation's laws and in the courts.

We know from the ratification experience of the 1970's and early 1980's that the road to adoption of the ERA will not be easy. But the extraordinary importance of the effort requires us to persevere.

Mr. President, I ask unanimous consent that the text of the joint resolution may be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification.".

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 8, a bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other purposes.

S. 12

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 111

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 111, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 170

At the request of Mr. DASCHLE, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 170, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 171

At the request of Mr. DASCHLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 171, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes.

S. 205

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 219

At the request of Mr. NICKLES, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 219, a bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

S. 239

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 239, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 275

At the request of Mr. GRASSLEY, the names of the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. BENNETT], the Senator from Wyoming [Mr. THOMAS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 17, a joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*.

SENATE JOINT RESOLUTION 23

At the request of Mr. MCCONNELL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 23, a joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second amendment relating to Presidential term limitations.

SENATE RESOLUTION 37

At the request of Mr. PACKWOOD, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Colorado [Mr. CAMPBELL], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from California [Mrs. BOXER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Delaware [Mr. ROTH], the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Wyoming Mr. [THOMAS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Tennessee [Mr. FRIST], the Senator from Vermont [Mr. JEFFORDS], the Senator from Missouri [Mr. ASHCROFT], the Senator from Michigan [Mr. ABRAHAM], the Senator from Kentucky [Mr. FORD], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Louisiana [Mr. BREAUX], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oklahoma [Mr. INHOFE], the Senator from Georgia [Mr. COVERDELL], the Senator from Montana [Mr. BURNS], the Senator from Nebraska [Mr. EXON], the Senator from Maine [Ms. SNOWE], the Senator from Connecticut [Mr. DODD], the Senator from New Hampshire [Mr. GREGG], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Colorado [Mr. BROWN], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. CRAIG], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. ROBB], the Senator from North Dakota [Mr. CONRAD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. D'AMATO], the Senator from Michigan [Mr. LEVIN], the Senator from Virginia [Mr. WARNER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Texas [Mrs. HUTCHISON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Alaska [Mr. STEVENS], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Resolution 37, a resolution designating February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

AMENDMENT NO. 184

At the request of Mr. GRAHAM the names of the Senator from Florida [Mr. MACK], the Senator from California [Mrs. BOXER], the Senator from Nevada [Mr. BRYAN], the Senator from Nevada [Mr. REID], the Senator from Arizona [Mr. MCCAIN], the Senator from Arizona [Mr. KYL], the Senator from Texas [Mrs. HUTCHISON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from New York [Mr. D'AMATO], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of amendment No. 184 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

AMENDMENT NO. 204

At the request of Mr. WELLSTONE the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of amendment No. 204 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

SENATE RESOLUTION 74—COMMEMORATING THE FIFTIETH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ DEATH CAMP IN POLAND

Mr. BRADLEY (for himself, Mr. D'AMATO, Mr. DOLE, Mr. DASCHLE, Mr. PELL, Mr. HELMS, Mr. SPECTER, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. HARKIN, Mr. BAUCUS, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to.

S. RES. 74

Whereas on January 27, 1945, the Auschwitz extermination camp in Poland was liberated by Allied Forces after almost five years of murder, rape, and torture;

Whereas more than one million innocent civilians were murdered at Auschwitz alone;

Whereas Auschwitz symbolizes the brutality of the Holocaust;

Whereas Americans must "never forget" this terrible crime against humanity and must educate the generations to come so as to promote the understanding of the dangers of intolerance in order to prevent similar injustices from happening ever again; and

Whereas commemoration of the liberation of Auschwitz will instill in all Americans a greater awareness of the Holocaust; Now, therefore, be it

Resolved, That the Senate hereby—

(1) commemorates January 27, 1995, as the fiftieth anniversary of the liberation of the Auschwitz death camp by Allied Forces in the Second World War; and

(2) calls upon all Americans to remember the more than one million innocent victims who were murdered at Auschwitz as part of the Holocaust.

AMENDMENTS SUBMITTED

THE UNFUNDED MANDATE REFORM ACT OF 1995

BOXER AMENDMENT NO. 223

Mrs. BOXER proposed an amendment to amendment No. 201 proposed by her to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes; as follows:

In the amendment strike all after "(e) IMMIGRATION" and insert the following:

REPORT.—Not later than 3 months after the date of enactment of this act, the Advisory Commission shall develop a plan for reimbursing State, local and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(1) education;

(2) incarceration; and

(3) health care.

(f) The appropriate federal agencies shall be authorized to expend such sums as are necessary to fulfill the plan for reimbursement described in section 302(e).

HARKIN AMENDMENT NO. 224

Mr. HARKIN proposed an amendment to amendment No. 190 proposed by him to the bill S. 1, supra; as follows:

At the end of the amendment add the following:

(a) FINDINGS.—The Senate finds that—

(1) social security is a contributory insurance program supported by deductions from workers' earnings and matching contributions from their employers that are deposited into an independent trust fund;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) without social security an additional 15,000,000 Americans, mostly senior citizens, would be thrown into poverty;

(6) 138,000,000 American workers participate in the social security system and are insured in case of retirement, disability, or death;

(7) social security is a contract between workers and the Government;

(8) social security is a self-financed program that is not contributing to the current Federal budget deficit; in fact, the social security trust funds currently have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(9) this surplus is necessary to pay monthly benefits for current and future beneficiaries;

(10) recognizing that social security is a self-financed program, Congress took social security completely "off-budget" in 1990; however, unless social security is explicitly excluded from a balanced budget amendment to the United States Constitution, such an amendment would, in effect, put the program back into the Federal budget by referring to all spending and receipts in calculating whether the budget is in balance;

(11) raiding the social security trust funds to reduce the Federal budget deficit would be devastating to both current and future beneficiaries and would further undermine confidence in the system among younger workers;

(12) the American people in poll after poll have overwhelmingly rejected cutting social security benefits to reduce the Federal deficit and balance the budget; and

(13) social security beneficiaries throughout the nation are gravely concerned that their financial security is in jeopardy because of possible social security cuts and deserve to be reassured that their benefits will not be subject to cuts that would likely be required should social security not be excluded from a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any joint resolution providing for a balanced budget amendment to the United States Constitution passed by the Senate shall specifically exclude social security from the calculations used to determine if the Federal budget is in balance.

GLENN AMENDMENT NO. 225

Mr. GLENN proposed an amendment to the amendment No. 209, proposed by Mr. KEMPTHORNE, to the bill, S. 1, supra; as follows:

Strike page 1, line 2, through page 2, line 4, and insert the following:

"( ) CLARIFICATION OF APPLICATION.—(1) This section applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

"(A) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

"(B) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates otherwise than as described in paragraph (1).

"(2) For purposes of this section, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise, amends any statute, means the net increase—

"(A) in the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted,

"(B) over the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted."

KASSEBAUM AMENDMENT NO. 226

Mrs. KASSEBAUM proposed an amendment to the amendment No. 203, proposed by Mrs. BOXER, to the bill, S. 1 supra; as follows:

In the pending amendment, strike the language after "(7)" and insert the following: "expresses the Sense of the Senate or the Sense of the House that the President should fully enforce existing laws against child pornography, child abuse, or child labor.".

BOXER (AND OTHERS) AMENDMENT NO. 227

Mrs. BOXER (for herself, Mr. DODD, and Mr. WELLSTONE) proposed an amendment to the amendment No. 203, proposed by her, to the bill S. 1, supra; as follows:

At the end of the amendment, add the following:

"( ) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Tuesday, January 31, 1995, at 2 p.m., in room 342 of the Dirksen Senate Office Building. The subject of the hearing is oversight of the FDIC and the RTC's use of D'Oench Duhme.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. COHEN. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss "What Tax Policy Reforms will Help Strengthen American Agriculture and Agribusiness?" The hearing will be held on Tuesday, February 7, 1995, at 9:30 in SR–332.

For further information, please contact Chuck Conner at 224–0005.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. COHEN. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss "How Do We Best Reduce Excessive Government Regulation of Agriculture and Agribusiness?" The hearing will be held on Tuesday, February 14, 1995, at 9:30 a.m. in SR–332.

For Further information, please contact Chuck Conner at 224–0005.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, January 26, 1995, at 9:30 a.m., in SR–332, to address the reauthorization of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, January 26, 1995, at 9:30 a.m. in open session, to receive testimony on the security implications of the Nuclear Non-Proliferation Agreement with North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on January 26, 1995, at 2 p.m. on Amtrak Oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, January 26, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the Federal budget outlook.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 26, 1995, at 10 a.m. to hold a hearing on Mexico's economic situation and the United States efforts to stabilize the peso.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 26, 1995, at 2 p.m. to hold a hearing on Mexico's economic situation and the United States efforts to stabilize the peso.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the National Endowment for the Arts, during the session of the Senate on Thursday, January 26, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NINETY-FIVE PERCENT TURNED AWAY FOR DRUG REHAB

• Mr. SIMON. Mr. President, I conducted a survey of prison wardens on what we should do about crime in our country; 157 wardens responded, from Illinois, California, Florida, Texas, Delaware, Michigan, Ohio, and Pennsylvania.

By large margins, the wardens warned that our overwhelming emphasis on building prisons in response to crime just isn't working. The wardens urged a more balanced approach, one that mixes punishment, prevention, and treatment.

To give a few specific examples, 92 percent of the wardens said we should make greater use of alternatives to incarceration, such as home detention, halfway houses, and residential drug treatment programs. Fifty-eight percent said they opposed the politically popular mandatory minimum sentences. And 65 percent said that we should use prison space more efficiently by imposing shorter sentences on nonviolent offenders and longer sentences on violent ones.

All told, 85 percent of the wardens said that elected officials are simply not offering effective solutions to America's crime problem. These results suggest that Congress should be cautious before it embarks on another round of mandatory sentences and prison building.

I ask unanimous consent that a summary of the survey results be inserted at the end of my remarks.

In addition, I would like to insert into the RECORD after that an article that simply underscores what the prison wardens had to say.

The heading on the story in the Chicago Sun-Times, an article written by Mary A. Johnson, is "95% Turned Away for Drug Rehab." The stub-head is "Chicago Area's Treatment Sites Overwhelmed."

The story buttresses the fact that we ought to be doing more in the way of prevention.

Underscoring what the Mary Johnson article says, not too long ago, I visited the Cook County Jail and learned that they have great need for an expanded drug rehabilitation program.

The day I was there, there were about 9,000 prisoners. Among the places I visited was a minimum security area where about 45 prisoners were in a barracks-like situation with cots. I went around talking to them and asked one of the prisoners what he would like. He said he would like to get into a drug rehabilitation program at the prison. The assistant warden told me that there were only places for 120 in the drug rehabilitation program there.

I turned to the other prisoners who were there, and I said, "How many of you would like to get into a drug rehabilitation program?" About 25 or 30 raised their hands. Obviously, we save money when we don't provide drug rehabilitation, but we save money like we save money when we build a house and don't put a roof on it.

This Nation has to be realistic about the problems of crime and stop the demagoguery.

I ask that at the end of the survey of prison wardens and the press release from my office, the Mary Johnson article be inserted into the RECORD.

[From the Chicago Sun-Times, Dec. 29, 1994]

NINETY-FIVE PERCENT TURNED AWAY FOR DRUG REHAB: CHICAGO AREA'S TREATMENT SITES OVERWHELMED

(By Mary A. Johnson)

There is no shortage of suppliers for people demanding heroin or crack cocaine in the Chicago metropolitan area.

But when drug users—especially pregnant women and the unemployed—hit rock bottom and run for treatment, they quickly find that the demand for help is far greater than the supply.

Most drug abusers wait up to six months for services at publicly funded treatment centers. On any given day, nearly 95 percent of those seeking help will be turned away from the 118 treatment centers in the area.

"I may get 100 calls a week and have only 10 beds," said Florence Mason, director of clinical services for the Women's Treatment Program. "I've got people that are continuously calling that I cannot get into treatment."

Even inmates ordered to receive drug treatment as part of their sentences have to wait their turn—in jail.

Meanwhile, drugs are readily available. In a random survey of Illinois residents, nearly half said illegal drugs were "very easy" to obtain in their areas, according to the City of Chicago's 1991 Citywide Needs Assessment Report on alcohol and substance abuse. The same report found that Chicago's drug treatment system had the capacity for less than 5 percent of the people in need.

"Clearly, if we are not able to provide treatment to people who need it, obviously we are going to have a different time making headway in the entire problem," said Susan Weed, the recently appointed director of the city's office of substance abuse policy.

Not all people are successfully treated, nor are all programs successful. Still, many state and local officials agree that there should be more programs for people seeking treatment.

Suburban drug treatment centers also are struggling to meet the needs of those seeking help. At a Lutheran Social Services program in Elgin, there usually is a waiting list for people on Medicaid or who don't have insurance, said Jackie Galvin, an administrative assistant.

"We know of about 10 people here at the front desk, and we don't know how many people are on waiting lists at the intake center," Galvin said.

100,000 WAITING

Nationwide, an estimated 100,000 people are on waiting lists for publicly funded drug treatment, said Sarah Kayson, director of public policy for the Washington based National Council on Alcoholism and Drug Dependence.

The problem, while crossing racial and suburban boundaries, hits the black population harder because of the higher unemployment rates and related lack of health insurance for African Americans.

With the explosion of heroin on Chicago streets, substance-abuse treatment providers are finding that more and more women are hooked. Pregnant women addicted to heroin have an even tougher time getting help because such treatment includes methadone, an alternative drug that few clinics are licensed to dispense.

Also, many female drug-abusers are heads of households. That raises the question of child care. Only a couple of agencies in the city provide such service, substance abuse care providers said.

Dr. Janet Chandler, who runs the New Start Treatment Program at Cook County Hospital, said she turns away 20 pregnant women a month from the program.

In 1988, there were 129 babies from Cook County born with illegal drugs detected in their systems. Last year, the number was 3,146.

"I don't know anybody who wouldn't agree that the single most pervasive problem in child welfare—at least in Cook County and other urban areas—is drug abuse," said John Goad, Cook County child protection administrator. "The source of the largest category of children coming into state care are those abandoned because their parents are out getting high and doing drugs."

ONLY 892 BEDS

The Illinois Department of Alcohol and Substance Abuse estimates that the potential drug treatment population in Cook County is as low as 350,000 or as high as 600,000.

Yet, only 892 publicly funded beds are available in Chicago for drug treatment. There are also nearly 6,000 spots in programs for nonresidential treatment.

"There just isn't enough money to go around," said Becky Enrietto, a spokesman for Gov. Edgar. "It is not only a political problem, it is a societal problem."

However, recent studies have shown that drug prevention and treatment are cost-effective over the long haul. Treatment saves on publicly funded health care, reduces criminal activity and helps fight the spread of AIDS.

"When a quarter of your patients come in with chemical dependency, it's a major health problem," said Dr. Tom Scaletta, associate director of adult emergency services at Cook County Hospital.

"A lot of the patients with chemical dependency come to the emergency department many, many times."

Dr. Ed Senay, a University of Chicago professor of psychiatry, said that given the political climate, it is not likely that government funding for substance abuse treatment will increase.

"There hasn't been a substantial incremental increase in funding for drug treatment since the Nixon administration," Senay said.

The wide gap between demand and supply has drug treatment providers fighting to make services available, said Ray Soucek, executive director of Haymarket House, a pioneer organization in alcohol and substance abuse treatment.

"The problem is not getting smaller, and there is no doubt that people want treatment," Soucek said.•

A $40 BILLION FINANCIAL BAILOUT FOR THE GOVERNMENT OF MEXICO

• Mr. DORGAN. Mr. President, I regret that I cannot support the proposal that the President, together with some Republican and Democratic leaders in Congress, has offered calling for a $40 billion financial bailout for the Government of Mexico.

I just cannot support a course that will commit the American taxpayers to a risk of paying a $40 billion bill for the mistakes of the Mexican Government and some Wall Street financiers.

That makes no sense to me.

I do not think we have an international crisis. We do have the Mexican Government that, apparently, does not have the funds to redeem its bonds. And we have some bondholders—notably banks and investors—who risk some losses if that occurs.

But that is not a crisis.

I think it is important to review what has happened in Mexico. In recent years, a huge flow of speculative investment flowed into Mexico. That capital flow accelerated during the time that the United States and Mexico began negotiating a free-trade agreement.

Investors—including banks and mutual funds—were receiving big interest rate premiums because of the high risk of those investments. Investors and banks knew the risks. In exchange for the prospect of big profits, they were willing to take the risks.

In fact, some of the investors from the United States and elsewhere who invested in Mexican bonds had a field day when these high-risk investments were the fad.

For example, in 1993, one large mutual fund reported profits on its largest investment account for Mexican securities at 62 percent.

The profits of another emerging market fund, heavily invested in Mexico, reached 82 percent for the same year.

The deluge of foreign investments that the Mexicans were able to attract in recent years allowed the Mexican Government to become more than a little careless about that nation's trade balance.

So careless, in fact, that the total transactions in and out of Mexico, called the current account balance, ran more than a $50 billion deficit in the years 1993 and 1994 combined.

None of that deficit, according to U.S. figures, was attributable to the United States.

As long as the foreign investments continued to flow into Mexico, the trade deficits did not come home to roost.

But the party ended when the Federal Reserve Board began to increase interest rates in the United States and when investors began to get nervous about the value of the Mexican peso.

Now the over-heated investment bubble in Mexico has burst. The Mexican Government has been forced to devalue its currency. The peso has fallen in value by 40 percent.

And those same investors and financiers who made money hand over fist in 1993 and throughout most of 1994 have taken a drubbing on their Mexican bonds.

That is bad luck. But it is also the way the market works.

Risk works both ways. The risk of gain is offset by the risk of loss.

But now we are told that the United States taxpayer should offer a $40 billion guarantee to bailout those who risked losses on the Mexican bonds.

Well, count me out. That is not an obligation for the American taxpayer to assume.

The soothing voices of financial gurus tell us that there is not much risk for the American taxpayers here. If that is the case—if this is a low-risk situation—then why will not the private sector step in and assume the risk?

If it involves significant risk—and I believe it does—it underscores why this is a real mistake for our taxpayers.

Another matter that convinces me that the taxpayers should not be saddled with this is an evaluation of who is causing the trade deficit that Mexico is experiencing.

The trade deficit represents most of Mexico's current account imbalance.

If this is a crisis and a bailout is in order, should those countries who are sporting handsome trade surpluses with Mexico not be responsible to underwrite the bonds that Mexico must float to finance that trade? I think so.

So, how much of the Mexico trade debt is with the United States?

The United States Commerce Department reported that Mexico had a merchandise trade deficit with the United States of about $1 billion for 1993. That figure is even lower for 1994.

In 1995 and beyond, Mexico is certain to have a trade surplus with the United States.

Mexico, however, is running a massive deficit with the rest of the world.

It does not seem to me like we should ask American taxpayers to underwrite the risk on bonds that are issued to finance a Mexican trade deficit with Japan or Europe or other countries.

If those are the responsibilities that some think America must assume in the new world order, then we need to redefine the rules.

Mexico is a friend, neighbor, and ally of the United States. And we do have common interests and common concerns.

But nothing that I have seen or heard or evaluated persuades me that we serve either Mexico's interest or the American taxpayer by the bailout which has been proposed.

In his State of the Union Address Tuesday night, President Clinton urged Americans to take more responsibility for their own lives. That is all well and good and I support him in that effort.

But I think it is time the big banks and giant investors do the same.

They knew the rules of the marketplace. They knew the risks were high. They accepted high interest rate premiums—and collected billions of dollars in quick profits—precisely because the risks were high. Now that the worm has turned, they want taxpayers to bail them out.

The big banks and giant investors need to do precisely what the President has asked the American people to do: take more responsibility for their own lives. Stop looking to the Government to assume responsibilities that are rightfully their own.

I will oppose the bailout which has been proposed for Mexico.

The world will not stop. Mexico will not collapse. The debt that Mexico owes will be restructured, and the market will work the way it is designed to work.●

NEW APPROACHES: LESSONS FOR THE MANUFACTURING REVOLUTION

● Mr. LOTT. My colleague from Connecticut, Senator LIEBERMAN, and I have been working with the National Association of Manufacturers on organizing a conference on the future of manufacturing on February 1, that we want to bring to our colleagues' attention. It will highlight our concern about the critical role manufacturing plays in our national economy. I join my friend from Connecticut in requesting that an excerpt from our invitation letter appear in the RECORD for the information of our colleagues.

Mr. LIEBERMAN. I am pleased to join my colleague from Mississippi, Senator LOTT, in inviting our colleagues to attend the conference on issues in manufacturing. This conference will provide a forum for discussion of topics that are so important for the future economic health of our Nation, and I encourage our colleagues to attend. I request that an excerpt from our letter to our Senate colleagues appear following our remarks:

We would like to invite you to attend the "New Approaches: Lessons from the Manufacturing Revolution" on Capitol Hill, on February 1, 1995, in the Senate Caucus Room, room SR–325 in the Russell Building from 8:30 to 10:30 am. This important conference, sponsored by the National Association of Manufacturers (NAM) will focus on the future of U.S. manufacturing and technology. It will feature, Tom Peters, noted speaker and author of "The Pursuit of Wow!, Crazy Times Call for Crazy Organizations," and "In Search of Excellence," and include remarks from NAM's new Chairman, Tracy O'Rourke of Varian Associates and its President of NAM, Jerry Jasinowski, author of a significant new book on this subject.

In the highly-competitive world economic climate, our manufacturing industry is more critical than ever to the economic well-being of our nation. American manufacturing and technology firms have been in the process of renewal over the past decade, and are now attempting to reassert and maintain U.S. economic leadership. The conference will discuss these developments, and also start to look at ways we in the government can better support our producers as they search for a new edge in the global marketplace in introducing new products and technologies, in improving productivity, in expanding exports, and in better educating our work force.

Our hope is that there will be sufficient interest in the U.S. manufacturing agenda, and that this conference will lead to a Senate Manufacturing Task Force to examine issues in detail from a strictly bipartisan perspective, and result in legislative ideas that we, together, can translate into action. The House last year began a similar effort, and we believe we can cooperate across the chambers toward a common goal. We invite you to join in this effort.●

POVERTY IN AMERICA: CAUSES, CURES . . .

● Mr. SIMON. Mr. President, Prof. Warren Copeland of Wittenberg University is a professor of religion and social ethics and, recently, had an op-ed piece in the Chicago Tribune that talks about poverty in our country and the lack of understanding on the part of those who are looking for simplistic answers to achieve welfare reform.

What he says makes great sense, and I urge my colleagues to read it.

I ask to insert it into the RECORD at this point.

The article follows:

[From the Chicago Tribune]

POVERTY IN AMERICA: CAUSES, CURES . . .

(By Warren R. Copeland)

Politicians of both parties say they are about to reform our welfare system. If that is true, it will help to first come to terms with the reality of poverty in the United States.

Three basic facts must be recognized. First, poverty is increasing. The percentage of Americans who are poor by official government standards reached its low point in 1972 (11.1 percent) and has been slowly rising. Second, poverty is getting younger. The U.S. Census Bureau reported last year that more than 15 million children under the age of 18 (22.7 percent) lived in poverty. Third, poverty is becoming inherited. People born into poverty are more likely to become poor adults than earlier in our history.

Four trends in American society lie behind these troubling facts. First, poverty generally declines when the economy grows and increases when the economy slows down. Overall our economy has grown more slowly in recent decades. Second, our job market has changed significantly. Well-paying blue-collar jobs, which require little education, are disappearing. Increasingly, education is the key to getting a job that pays enough to support a family. Those without education and specialized job skills find themselves caught in low-paying jobs. Third, we are becoming more separated geographically. Increasingly the poor are stuck in poor neighborhoods in cities surrounded by more affluent suburbs. The better schools, the safer neighborhoods and the jobs are in the suburbs and the poor people are stuck in the cities. Fourth, programs which support the poor have been cut. For instance, the buying power of Aid to Families with Dependent Children has declined significantly in the past two decades.

Of these four trends, welfare policy is probably the least important factor in the rise of poverty, and yet it is the one we are told we shall reform. Welfare policy is a mess. However, the primary reason is not in Washington; it is in our own hearts and minds. Virtually all Americans believe we should help poor children because they are not to blame for their poverty and deserve our help. Yet most Americans do not want to provide assistance for poor adults. They are considered lazy and unmotivated and to blame for their own poverty. The problem, however, is that the overwhelming majority of poor children live with poor adults. We simply cannot figure out how to help the blameless children without helping their worthless parents.

We would do better to focus on the other three trends as ways of dealing with poverty. Jobs, education and housing patterns are better places to begin than welfare policy. For most poor persons, a good job is the best assistance they can get. Programs of basic education and job training and of placement in jobs that pay a living wage hold out much more hope than does a welfare grant. For most welfare recipients, and these are single women with children, day care for their children and health care for the family is more valuable than a bigger welfare check.

The education of our children, all of them, promises even greater long-term rewards in the effort to reduce poverty. It is clear that it takes more resources to educate poor children who come to school with fewer of the advantages and supports that we take for granted for other children. Yet our school system is organized and financed so that we spend less time and money on the children whose needs are greatest. The results are easy to see. Test scores vary by the income level of our schools. Children who do not get a good education will not be able to support their own children in the new job market.

Finally, and this is the hardest for us to face, we literally must learn to live together again. If we continue to spread apart geographically according to income, we will find it extremely difficult to provide real opportunity for our poor citizens. Left behind in deteriorating neighborhoods by those who are able to leave and take good schools and jobs with them, the poor may never get back into the mainstream of the American economy and society. But most Americans living in affluent neighborhoods probably are not ready to deal with dispersal of the poor.

Congress will seek to reform welfare in the vain hope that to do so will reduce poverty. What they are most likely to do is to make some children's lives even more desperate. Sadly, we probably lack the moral insight or political will to face the real needs for jobs, education and housing patterns which hold out greater promise for success than any welfare reform that will be seriously considered in the months ahead.●

TRIBUTE TO AUDIE MURPHY

● Mr. SMITH. Mr. President, I rise today to remind my colleagues that on this date in 1945, a 20-year-old soldier named Audie Murphy had the courage to call in artillery on his own position as part of his successful effort to repel an enemy advance of 6 tanks and over 200 infantrymen. He was wounded during that firefight in France, and ultimately earned the Medal of Honor among his 33 medals and citations.

As most of my colleagues know, he was the most decorated soldier in World War II. Furthermore, he achieved most of his accomplishments before his 21st birthday. Many Americans are familiar with his book, or have seen the movie that he starred in, "To Hell and Back."

The Postal Service has been asked time and time again by veterans organizations to issue an Audie Murphy stamp. But, again, this year, the vets have been disappointed. We have Popeye, Little Orphan Annie, and Marilyn Monroe, but, no Audie Murphy. It is my sincere hope that the Postal Service will take another look at this brave young soldier's outstanding career, and reconsider issuing a commemorative stamp in honor of his service to his country.●

ADDITIONAL COSPONSOR S. 111 AND S. 262

● Mr. BRYAN. Mr. President, today, I am pleased to join as a cosponsor of both Senator TOM DASCHLE's bill to make permanent the deduction for health insurance costs of self-employed individuals, and to increase it to 100 percent [S. 111], and Senator CHARLES GRASSLEY's bill also to make the deduction permanent, and to phase in the increase to 100 percent over 3 years [S. 262].

The 25-percent health insurance tax deduction for the self-employed expired at the end of 1993. It was assumed the tax break would be restored, and possibly even expanded to a 100-percent tax deduction as part of comprehensive health care legislation. As we were unable to reach any consensus on health care reform in 1994, the 25-percent tax deduction was not restored.

Last October, I initiated a letter to the former Senate Majority Leader George Mitchell cosigned by 25 of my colleagues encouraging the consideration of legislation to restore the 25-percent tax deduction for the costs of health insurance for the self-employed to the floor when the Senate reconvened in November. Unfortunately, we were unable to consider such legislation.

More than 12 million Americans are self-employed for part or all of their livelihood, and almost 3 million of these Americans have no health insurance, according to the Employee Benefit Research Institute. A study conducted in 1993 by the National Association for the Self-Employed predicted that 400,000 more self-employed would go without insurance, if they lost the 25-percent tax deduction.

These bills are particularly beneficial for the self-employed for not only do they provide for retroactive renewal of the 25-percent tax deduction for 1994, it increases that deduction to a full 100 percent. The Grassley bill phases in this deduction; in 1995 deductibility would be 50 percent, in 1996 deductibility would be 75 percent, and in 1997 deductibility would be 100 percent.

If we do not reinstate this important tax provision, self-employed people will lose an important incentive to purchase health insurance. Instead of taking an important step forward toward achieving universal health care coverage, Congress will actually be moving away from this goal.

Our delay has already harmed many self-employed who simply cannot afford essential health care coverage without the tax incentive. I have joined with many of my colleagues to also request Majority Leader ROBERT DOLE immediately bring to the floor a bill to extend the 25-percent deduction for 1994, so self-employed taxpayers can take the deduction on their 1994 tax returns this year. I hope my colleagues will join in this effort to restore this important incentive for 1994, and permanently establish the 100-percent deduction level to enable the self-employed to afford health care insurance coverage.●

RACISM, PARANOIA CREATING A CRISIS

● Mr. SIMON. Mr. President, one of the columnists with a social conscience in our country today is Carl Rowan, who speaks bluntly but with a wisdom that some years of observing public life has provided him.

Recently, he had a column, "Racism, Paranoia Creating A Crisis," that appeared in the Chicago Sun-Times.

We have, nationally, about 23 percent of our children living in poverty. No other Western industrialized nation has anything like that. As I pointed out on the floor of the Senate the other day, this is not an act of God but the result of flawed political policies.

As he points out in his column, 46 percent of black children under the age of 18 live in poverty.

These are figures that ought to be on the moral conscience of every American citizen.

I ask to insert the Carl Rowan column into the RECORD at this point.

RACISM, PARANOIA CREATING A CRISIS

Since it has become disturbingly obvious that some Americans want to fight another Civil War over "affirmative action," I must have a few more words about the subject.

My mail about "reverse discrimination" tells me that I must make one more attempt to tell white America what is ugly paranoia, and what is fact, about the recent efforts of political leaders and corporation leaders to do justice.

It seems that I get a zillion letters a month from whites saying generally: "Through reverse discrimination, our government, colleges and businesses have given so many goodies to blacks and Hispanics that a white man, or family, doesn't have a chance anymore."

I know that white people have read so much fiction about reverse discrimination, so much provocative propaganda about the "angry white male," that they really believe non-whites have become top dogs in this society. I only wish someone would force the affirmative action race-baiters to explain why:

In 1993, the median income of white households was $32,960, but for black households, only $19,533.

In 1992, 46.6 percent of black children under age 18 lived in poverty, compared with 16.9 percent of white children.

Black babies in America are twice as likely to die within the first year of life as white babies—and black women are more than twice as likely to die within five years of a breast cancer diagnosis as are white women.

In November—yes, this November—the unemployment rate for black adults was 9.2 percent, more than double the 4.3 percent for whites. Or why 31.7 percent of black teenagers in the labor force could not find work, while only 12.9 percent of white youths faced that plight.

Why? Why? Why?

Those statistics, released by the U.S. government, sure put the lie to claims that reverse discrimination has made blacks a privileged race in America.

More than white ignorance, or paranoia, lies behind the incendiary cries against affirmative action, which means nothing more than giving women, Hispanics, blacks and others a chance to get jobs, scholarships, and other opportunities according to their abilities. Today we are beleaguered by craven politicians who know that they can dredge votes out of white jealousies and fears.

Social and political predators know that ordinary white Americans have been indoctrinated up to their gullets by propaganda that blacks are inferior to Caucasians. So it becomes natural in every work or study session for the dumbest white person to assume that any black person landing a spot above him or her is inferior, and just the beneficiary of reverse discrimination.

Do I believe that this column, or a thousand like it, will improve the mindset of any advocate of racial superiority, or any angry white man who is steeped in paranoia? No. But it sure improves my mindset to write it.●

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise just for 2 minutes and ask consent I be permitted to speak for 2 minutes as in morning business while Senators are negotiating. I do not intend to distract anybody.

The PRESIDING OFFICER. Without objection, it is so ordered.

A LOAN GUARANTEE TO MEXICO

Mr. DOMENICI. Mr. President, I noticed the occupant of the chair, who has been very much involved in adding some common sense and some solid business practices to the discussion on the so-called loan guarantee to Mexico. As I saw him there, I thought maybe I would just take a minute to discuss with the Senate, and for those who work for the White House and thus for the people of the United States in this regard, that perhaps we ought to apply another dimension of common sense to what is going on.

It is pretty obvious there are some things the Mexican Government does not want the American Government to tell them to do. It seems to me the Mexican Government ought to take this whole issue on and say what things can we do ourselves so the Americans will not have to tell us what to do? Because we are obviously going to pass—if we ever do—a loan guarantee that is conditional. Conditional means we are going to ask them to do something and we are also going to say, regarding what we asked them to do, we reserve the right to see if they did it or not.

With reference to their money supply and a really independent approach to money supply and printing money, would it not be better for Mexico to get its leadership together and do that? Confer with us if they would like. Confer with those who know something about it. They obviously did it wrong. So whatever they have going did not work as an independent entity as we perceive it. We have a Federal Reserve with a lot of longevity. The fact that we are two parties puts some pressure on, but it is an institution that is truly independent.

We have not had a President truly try with any degree of success to work his political will, or Congress to work its will, on or against that Federal Reserve Board. Many people talk about it—both sides. When things are not going right we talk about loosening the money. When that side was in charge and something was happening that the money was being tightened, they were saying loosen it. But the Federal Reserve seemed to have walked a pretty independent path. So it is doable. And at least it could be produced and made the law of the land in a way that some of our experts could say that is good, that is right. And we can take it to Congress and say it is done.

So I urge the White House heed this. Why do we have to tell them what to do in some of the very patent things that they know they have to do anyway and that they know we are going to say without which we will not do this? Why wait around for us? Why do they not do it? Why do they not create a more independent commission?

There are models for it besides ours, with reference to their money supply and their monetary policy. There may be other conditions that are close to being cleared here that they could do themselves and say, "We have done them." That will get us away from a long litany of things that are obviously going to be debated up here that have little to do with the situation, and those who might want to support the bailout can say Mexico has done some of these.

I thank the Chair for its attention and I thank the Senator for yielding time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. KEMPTHORNE. Mr. President, may I also note that the Presiding Officer of the Senate has been in that chair now for well over 2 hours. We appreciate your patience and your indulgence. And may I also thank all of the staff who have remained here with us for all their hard work.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that at 9:30 a.m. Friday, Senator LEVIN be recognized to offer his amendment No. 175; that there be no second-degree amendments in order and that there be 45 minutes for debate prior to a motion to table in the following fashion: 30 minutes under the control of Senator LEVIN, 15 minutes under the control of Senator KEMPTHORNE.

I further ask that following the conclusion or yielding back of time, Senator KEMPTHORNE or his designee be recognized to make a motion to table and that vote be postponed to occur at 11:30 a.m.

I further ask unanimous consent that following the debate on Levin No. 175, Senator GLENN be recognized to offer his amendment No. 197, and no second-degree amendments be in order, and debate prior to a motion to table be as follows: 30 minutes under the control of Senator GLENN, 15 minutes under the control of Senator KEMPTHORNE.

I further ask unanimous consent that following the conclusion or yielding back of time on the Glenn amendment, Senator KEMPTHORNE or his designee be recognized to make a motion to table, and that vote occur immediately following the Levin No. 175 vote.

I further ask unanimous consent that Senator LEVIN then be recognized to offer his amendment No. 174 and no second-degree amendments be in order, and there be 30 minutes for debate to be equally divided, and following the debate the Senate vote on or in relation to the Levin amendment No. 174, following the Glenn vote No. 197, and the Senate then turn to Levin amendment No. 219, and that no second-degree amendments be in order, and there be 10 minutes for debate to be equally divided, and that the vote occur following the sequenced votes listed above.

Following the stacked votes, Senator LEVIN be recognized to offer his amendment No. 218 regarding S. 993, and no second-degree amendments be in order and time prior to a motion to table as follows: 45 minutes under the control of Senator LEVIN, 15 minutes under the control of Senator KEMPTHORNE.

Following the conclusion and yielding back of time, Senator KEMPTHORNE be recognized to make a motion to table, and that vote be postponed to occur following 20 minutes of debate under the control of Senator BYRD.

Following the conclusion of the Levin amendment No. 218, Senator KEMPTHORNE be recognized for up to 20 minutes to offer an amendment to his manager's amendment No. 210, and that amendment be agreed to and the motion to reconsider be laid upon the table, to be followed by Senator ROTH's amendment No. 222, to be modified to reflect technical changes, and following the conclusion of those two amendments there be 20 minutes for debate under the control of Senator GLENN, and following the conclusion of that debate the bill be read for a third time.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I have had the opportunity to discuss this with a number of Members on our side. Let me commend the managers of the bill. Their comity and their cooperation have been exemplary throughout the entire process here. We have come to a point where I think we can successfully conclude the debate on this bill, thanks to their leadership and their remarkable efforts.

I also join the Republican manager of the bill in commending the staff on both sides for the cooperative effort and work they have done in the last several hours to reach this agreement. I think this accommodates the concerns and interests of many of our Members who want the opportunity to debate several remaining amendments that we view to be very important.

So I have no objection.

Mr. GLENN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would like to ask my distinguished colleague from Idaho if the managers' amendment will include all of the things that have been passed on the floor? We want to make sure everything will be included in that amendment, is that correct?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, to my friend from Ohio, I would say the managers' amendment will contain all freestanding amendments adopted by the Senate, and other matters which have been submitted to Senator GLENN and his staff for review this evening.

Mr. GLENN. It is my understanding that everything that has had positive action taken upon it would be included in that managers' amendment, is that correct?

Mr. KEMPTHORNE. Mr. President, in response to that, perhaps we need to just have a clarification of "positive action" which the Senator is speaking to. These are all the freestanding issues where we have had jurisdiction and they have been submitted to the Senator's staff so they will have the opportunity to have full review before we actually get to this point.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, clarification for the question just asked by my distinguished colleague: I would define that as saying we would want to make certain that everything has been included on which the Senate took final positive action.

Mr. KEMPTHORNE. Mr. President, I agree with that.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. No objection.

The PRESIDING OFFICER. Without objection, the unanimous consent agreement is so ordered.

Mr. KEMPTHORNE. Mr. President, I thank my colleague from Ohio, who has been a fine partner through this. I think now we all realize that in the some 12 days we have been debating S. 1, that everyone, I think, has been accommodated to have full opportunity to debate this. Tomorrow we will have those remaining amendments that we will deal with, moving toward that final passage tomorrow so this legislation can move forward from this body to the House of Representatives.

ORDER FOR STAR PRINT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that report 104–6, a report to accompany Senate Resolution 73, be star printed in order to make technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 290

Mr. KEMPTHORNE. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 290) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget.

Mr. KEMPTHORNE. Mr. President, I now ask for its second reading.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TOMORROW

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. on Friday, January 27. I further ask unanimous consent that on Friday the Journal of proceedings be approved to date, and the two leaders' time be reserved for their use later in the day, and that the Senate immediately resume S. 1, the unfunded mandates bill.

I further ask that the cloture vote scheduled for tomorrow be postponed to occur at 3 p.m., with the mandatory quorum under rule XXII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KEMPTHORNE. Mr. President, for the information of all Senators, the Senate will complete action on this bill tomorrow, hopefully prior to the 3 p.m. cloture vote. However, if passage has not occurred by 3 p.m., a cloture vote will occur. Also, additional votes are expected throughout the day on amendments and hopefully final passage of the unfunded mandates bill.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. KEMPTHORNE. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:47 p.m., recessed until Friday, January 27, 1995 at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING CONGRESSIONAL PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the Pages who have served so diligently in the House of Representatives during the 103d and 104th Congresses.

We all recognize the important role that congressional Pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a Page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional Page is not an easy one. Along with being away from home, the Pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

The fall 1994 class of pages witnessed many important and historical events and debates, including the approval of the General Agreement on Trade and Tariffs, President Clinton's address to Congress and the Nation on his health care reform proposal. The Pages also were present for the historic speech by President Nelson Mandela of South Africa to the joint session of Congress, and had the opportunity to meet and speak with President Mandela. The Pages also witnessed the orderly transfer of power in the House from the Democrats to the Republicans—a tribute to the strength of American democracy.

I am sure the departing pages will consider their time spent in Washington, DC to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

DEPARTING PAGES: FALL 1994–95

Amy E. Accavitti, Seth A.G. Andrew, Matthew D. Atkinson, Bart M. Bartlett, Rebecca J. Berkun, Jacqueline A. Bethea, Joanna L. Bowen, Jessica Brater, Allison Burdick, Erin C. Carney, Michael A. Carter, Krista Clarkson, Keyundah Coleman, Janey C. Crawford, Amy J. Crocker, Robert Cuthbert, Anastasios C. Drankus, Kathleen K. Duffy, Michael D. Ellison, Cathryn Caroline Fayard, Michael P. Fierro, Kristin M. Francis, Janine D. Geraigery, Jennifer C. Gerard, Melissa A. Hayes, Joseph R. Hill, Derek J. Johns, La Toya Johnson, Julia C. Kelly, Lisa N. Konitzer, Marcos A. Lopez, Ross C. Maradian, Sabrina M. Meier, Ryan D. Offutt, Neil A. Reyes, Hannah R. Riordan, Claudia V. Rocha, Michael J. Ryan, Estevan O. Sanchez, Tarik D. Scarlata, James D. Stone, Rosalind V. Thompson, Corey S. Tucker, Lakisha M. Vaughn, Emily J. Waldon, Brian R. Wellman, Hubert E. Wells, Vincent G. Wilhelm, John C. Williams, Aaron B. Willimson.

REINVENT THE WELFARE OFFICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. MENENDEZ. Mr. Speaker, today I am introducing the Family Service Center Act authorizing modern one-stop centers consolidating services and information for families needing aid to become self-sufficient.

The Family Service Center Act would fund demonstration projects in urban, rural, and linguistically and culturally diverse communities. Centers would be single neighborhood access points for a broad range of services for needy families with children. Centers would use consolidated computer systems and communications technology to improve services while reducing waste and duplication.

There is significant waste in the welfare system that could be eliminated through the use of automation and new technology. In my community of Hudson County, NJ, welfare officials compared data bases with New York City and found 400 families collecting benefits on both sides of the Hudson River. The result will be savings of up to $2 million per year.

More savings will be achieved as automation links together more programs. For example, Hudson County plans to check out-of-State unemployment insurance records against the welfare rolls to detect unreported income.

The taxpayers are not the only beneficiaries of this bill. New data systems at Family Service Centers could cut the mountains of redundant forms that frustrate and confuse clients. Families dealing with one office, applying for aid through one form, and being tracked on a single data base, need fewer intrusive home visits by welfare workers checking for errors or fraud.

Projects effectiveness in streamlining services and cutting costs would be subject to rigorous State and Federal evaluations. After 3 years, projects could be renewed for an additional 3 years if they demonstrate effectiveness in achieving their objectives.

The act would also require participating States to report on Federal, State, and local policies and laws that impede the coordination of services to needy families with children.

I urge my colleagues to join me in this effort to reinvent the welfare office.

TRIBUTE TO W.M. PETE RODES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a good friend and outstanding citizen, W.M. "Pete" Rodes, who passed away recently at the age of 89. Pete was a banker and community leader in the Rains County town of Emory, TX. He was devoted to his family, his community, his church, and to politics.

Pete was born in Emory and spent a lifetime helping to make this small town of about 1,000 people a better place in which to live. After beginning his banking career in 1927 with North Texas National Bank in Dallas and the Republic National Bank, he assumed the management of the First National Bank in Emory in 1939 at his father's request. He served as President until his retirement in 1980.

Pete was instrumental in purchasing the city's first firetruck and establishing the city's cemetery and homeless shelter. His son, David Stuart Rodes of Los Angeles, said that his father considered his public works to be his biggest accomplishments. Pete was active in the Emory United Methodist Church, and David acknowledged what many of us knew—that Pete had a lot of moral influence in the community, and he used it—including being active in racial integration of the school system and the county.

Pete also was active in the Democratic Party. He served as a delegate to several national Democratic conventions and was member of the presidential Electoral College in 1964. Though he was never interested in running for office, he believed in the power of politics to improve the quality of life. Pete was Mr. Rains County—and his support of Congressman and Speaker Sam Rayburn, as well as his support of Mr. Rayburn's successor, Congressman Ray Roberts, and the wonderful support that he gave to me following Speaker Rayburn and Congressman Roberts—always was reflected at the polls. Those who knew Pete best always listened to him—and honored his choice and savored his friendship.

Pete's presence was felt in every facet of community life in Emory—in the city's economy, in public service, in politics, in education, and in the church. His presence will be greatly missed by those who knew him and by those who benefited from his devotion to his community and his country.

When I think of Pete, Mr. Speaker, I think of that tradition of Americans whose indefatigable and selfless spirit helped make this country great—people like Pete who have worked tirelessly for the common good in small towns and cities all across America. Their individual efforts not only have benefited those in their immediate community but also are part of the collective American spirit that unites and inspires all of us. The memory of Pete's spirit will inspire others to look beyond themselves

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and help their fellow man in whatever capacity they can. It is perhaps this legacy that ultimately will be greater than the individual contributions that Pete made.

Pete will be missed by his wife, Lillian Whittington Rodes, his son, David, and his daughter, Judith Rodes Johnson. He will be missed by all those who knew him and respected him. Though other Members of this body did not personally know him, Mr. Speaker, I'm sure that they know those like him in their own communities. So as we adjourn today, let us join together in paying our last respects to this exemplary man—W.M. "Pete" Rodes of Emory, TX.

PHIL ABALAN: AN EXEMPLARY CAREER IN EDUCATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute to a noble man and a distinguished teacher, Mr. Phil Abalan of Duluth, MN, who died of a heart attack shortly before his classes were to begin on Friday, December 9.

Mr. Abalan, 51, taught social studies for 27 years at Hopkins High School in Minnetonka, MN. His constant encouragement to his students to excel in their studies and their lives made Mr. Abalan a favorite among pupils and colleagues alike. He was instrumental in initiating the advanced-placement program in American and European history at the school, and pushed his students to their limits, often staying long after school was over to provide assistance and guidance. The results were tangible: his students consistently scored higher on their advanced-placement tests than did students in any other program in the country.

An avid baseball fan, Mr. Abalan was an active umpire for both high school and amateur baseball and softball; he also served as president of the Northwest Umpires Association. One of his happiest moments came when the Minnesota Twins won the World Series in 1987.

Family and friends, students and teachers, will miss Phil Abalan dearly. His commitment to educating the youth of his community was unending, his enjoyment of life complete. It is my sincere hope that some of his students will follow his sterling example, giving to the next generation what Phil Abalan gave so abundantly and enthusiastically to them.

PRESIDENT'S STATE OF THE UNION ADDRESS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. JACOBS. Mr. Speaker, I place in the RECORD assorted comments from the Hoosier delegation to Congress on the subject of the President's State of the Union Address.

The president always gives a good speech, and he says things that we like to hear. The problem in the past is that what the president says and what the president does are two very different things.—Sen. Dan Coats, R.

In the wake of a disastrous election experience in 1994, which often centered around failures of his presidency, President Clinton's State of the Union address offered timely and welcome cooperation with the Republican Congress.—Sen. Richard Lugar, R.

From my perspective, it's a good speech to the extent that the president adopts items from the Contract with America because I think that's what the public wants us to do. And second, what's going to be important is that it not just be rhetoric, but that it be followed up by action with his administration.—Rep. David McIntosh, R.

I have served with seven presidents and I have never heard one of them give a State of the Union address that did not sound good. This one was slightly better than the average.—Rep. Andrew Jacobs, D.

Overall I believe it was positive. I look forward to being in a Congress that works with a president that is going to reduce the size of the Federal Government. Sounds like that's what he wants to do, and if he's sincere in that, he's going to get great cooperation from this Republican-controlled house.—Rep. John Hostettler, R.

The speech was rather striking in that for a State of the Union address it really proposed no major initiatives. Now there were a few initiatives but there was nothing I would call major. And he, in some ways, I think, did not explain his core beliefs and principles. The voter today is not just sure what is important to this president. And I think that the State of the Union was so long and so diffused that he missed that opportunity.—Rep. Lee Hamilton, D.

TRIBUTE TO SID WALKER ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Sidney B. Walker, an outstanding individual and fine citizen of Ohio, who has retired after a distinguished career with the Agriculture Stabilization and Conservation Service.

Since 1983, Sid Walker has served as a district director in charge of a group of 11 and sometimes 12 country offices in northern and western Ohio. Over the years, Sid has worked tirelessly assisting farmers with the U.S. Agricultural Department regulations regarding subsidy payments.

The ASCS is a vital component in the farming economy of Ohio. Leaders such as Sid are responsible for a stable system of prices for agricultural products. Their dedication and motivation have been a major reason Ohio's farming community has been so successful.

Sid is a Chicago native. He attended Milligan College in Tennessee, joined the U.S. Army in 1956 and was discharged with the rank of major. While in the military, he served his country honorably, receiving numerous awards and commendations.

Sid joined ASCS in 1976 as a county executive trainee. Following training, he was appointed to the county executive director position in the Paulding County office. He has been extremely helpful to scores of farmers served by his district, and has always provided positive leadership for the offices under his guidance.

Mr. Speaker, Sid Walker's distinguished career is a model of patriotism and citizenship. I ask my colleagues to join me in wishing Sid, his wife Jacque, his daughter Traci, and his sons, Chris, Chad, and Cory well as the Walker family begins this new chapter in their lives.

SUPPORT THE INTERSTATE CHILD SUPPORT ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. MENENDEZ. Mr. Speaker, it is time for Congress to protect the rights of millions of children whose parents refuse to support them. This is a national disgrace. Our continued failure to act is eroding public support for helping families who most deserve our compassion. It is time for us to send a clear, unambiguous message: The American people will do what is necessary to protect our children. We will not let parents abandon their duty to the children they bring into the world.

I am therefore joining as a cosponsor of H.R. 95, the Interstate Child Support Act of 1995 introduced by Congresswoman BARBARA KENNELLY of Connecticut. This bill includes a long, tough list of enforcement measures recommended by the U.S. Commission on Interstate Child Support.

The bill would deny deadbeat parents occupational, professional, and business licenses, driver's licenses, and vehicle registrations. It would expedite the seizure of bank accounts and authorize the seizure of pensions, lottery winnings, and other public benefits. The bill would deny passports to deadbeats and deny them Federal jobs, benefits, loans, and loan guarantees.

The bill would improve enforcement of child support orders across State lines, strengthen paternity establishment, and improve recordkeeping by requiring Social Security numbers of marriage licenses, divorce decrees, parentage decrees, and birth certificates.

It would also set the stage for future reforms, by requiring a study of the feasibility of developing national child support guidelines, and of collecting past-due child support through the Internal Revenue Service. It would test alternative child support assurance strategies, publish information about effective approaches to increasing child support, and test programs providing jobs for unemployed noncustodial parents to enable them to pay what they owe.

I urge my colleagues to join us in enacting the Interstate Child Support Act of 1995.

INTRODUCTION OF H.R. 693

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. HALL of Texas. Mr. Speaker, I rise today to explain a bill I am introducing for the fourth time. During the 103d session it was H.R. 3033. This session it is H.R. 693, and it deals with a very important issue, an issue that is so worthy of our attention that some Members of this body may find it odd that in

6 years no hearings have been held and no debate conducted on it. Some Members may even think it is futile to again bring this bill before the House. But that is not the case. This matter is too important; the case behind this bill is too just; the damage done to ordinary citizens is too egregious to leave this matter alone.

To assist the Members of this body in understanding the background of this bill, I would like to offer a brief explanation of the events which led up to its introduction.

In 1931, an Italian immigrant, Joe Zeppa, founded Delta Drilling Co. In doing so he was simply following the American dream. Joe was able to take part in the oil boom of the 1930's that helped bring east Texas out of the Great Depression and make the American dream a reality for many people like him. Organized as a closed corporation, Delta Drilling was modestly profitable until the early 1970's, when the energy crisis dramatically increased the company earnings. Increased profitability made the prospect of going public a very attractive option—and inspired Joe with a method of rewarding his many longtime, loyal employees.

Considering the possibilities of the company going public, Delta founder Joe Zeppa worried about the fate of employees should a takeover occur. In order to protect these ordinary, hard-working men and women and to reward them for their loyalty over the years, he initiated employee participation plans under which each employee—executives, managers, secretaries, and laborers alike—with at least 15 years of service with Delta was allocated participation units based on his or her annual compensation and years of service in excess of 15. Each participation unit was to be valued at the price of one share of Delta stock when the company went public. The plans were implemented in 1974 with 88 employees participating. In 1975, Joe Zeppa passed away and was succeeded by his son, Keating Zeppa. With revenues jumping from $38 million in 1974 to $161 million by 1980, Delta decided to go public.

On March 17, 1981, Delta Drilling Co. publicly offered 2,000,000 shares of common stock at $17.50 per share. The public offering triggered the participation plans and the exchange of participation units. Under the agreement with the underwriters for the public offering, however, the employees at Delta could not sell or transfer shares issued to them under these terms for a 120-day period after the commencement of the offering. Immediately prior to the public offering of stock the employees agreed to exchange their participation units for a combination of stock and cash. As a result, they received Delta stock equal to 70 percent of the value of their units and cash representing the remaining 30 percent. All told, 2,128,665 shares and $5,321,667 were distributed to the 87 remaining participating employees. An additional $10,643,333 representing 20 percent of the total value of their participation units was withheld for taxes.

Although Delta stock sold in the initial public offering at $17.50 per share, at the end of the 120-day transfer restriction period, the over-the-counter market price had plummeted to only $13.50. In January of 1982, the price fell below $9.00 and dropped to $6.625 per share by April 6, 1982. Due to circumstances completely out of the hands of Delta Drilling employees, the stock eventually became entirely worthless.

This wouldn't seem that bad, Mr. Speaker, because it was just a gift that they had not had before. Right? Wrong! Enter the IRS.

On April 15, 1982, the employees who received this gift of stock found themselves subject to an enormous tax burden. Under the IRS Code, the shares received under the plan were taxed as ordinary income at the rate of 50 percent and were valued at the initial public offering price of $17.50—regardless of when the employees disposed of their stock. Consequently the average tax burden for each employee was a staggering $300,000. In order to help the former plan participants, Delta provided them with an option to exchange each share of stock they received under the plan for one 5-year convertible bond valued at the then per-share market price of Delta stock, $6.625, which could then be used as collateral for loans to pay their taxes. Only 30 of the 87 employees who had received stock under the plans accepted the offer.

Delta, as a group, also sought relief directly from the Internal Revenue Service, and—after extended negotiations—several individuals were offered the opportunity to report receipt of each stock at $15.50 per share. Clearly, however, in no event could any employee have received more than $13.50 per share for their stock received under the plan—even if they had sold it on the very first day after the expiration of the 120-day transfer restriction period. Indeed, if all the employees had managed to sell their stock, the resulting flood of shares would have had a precipitous impact on the market. Further, as I said earlier these are ordinary people—the majority of the employees had little formal education, no training in finance, and few had been to college. Most had never previously owned stock and many did not even know how to go about selling it.

So you see, hard-working employees—many of whom had spent years with this company—were given a gift by their employer. He certainly had no malicious intent in setting up this program. In fact, it is one of the most generous gifts I have ever heard of an employer giving his employees. And the employees certainly stood to gain from his generosity. But instead, they were forced to pay income taxes on an income that they never received—and that is wrong.

The end result of this is that you have ordinary people—as I said earlier this includes janitors, secretaries, roughnecks, everyone—who have to pay more in taxes than they make working. It would have been a typical scenario for an employee of this company who made $25,000 a year to be told by the IRS that he or she owed $300,000 or more. In fact, many employees had to sell their homes and other possessions to pay taxes on a benefit they never had a legal right to enjoy.

This body is often referred to as the people's House. There has been a great deal of talk in this chamber about the forgotten middle class. With this legislation, we have the opportunity to assist ordinary people and correct an extraordinary wrong. The employees of Delta Drilling who were affected by this financial burden are not just the top managers and executives. Do not think this bill is some sort of loophole or tax break for a bunch of rich oilmen down in Texas. That is simply not the case. This bill changes a policy that has hit a small group of ordinary people in a bad way. That's what we are supposed to do here in the people's House—establish good laws that help good people and change bad laws that hurt good people. We must pass this good bill to help these good people and other people all across our Nation who have faced or may face this devastating situation.

I look forward to working with the new chairman of the Ways and Means Committee, my friend from Texas, Mr. ARCHER, and my other friends and colleagues on the committee to see this bill through the legislative process. I think it is important that we hold a hearing on this matter. When the Members of this body are able to hear firsthand the stories of these ordinary, hard-working people from east Texas, I know they will understand the injustice of what has happened to them. I urge my colleagues to take a look at this matter, read the bill, talk to me, talk to the people involved, and you will see that we must pass this bill.

TRIBUTE TO DR. YOUSSEF YOMTOOB

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Ms. RIVERS. Mr. Speaker, I rise today as a former school board member, a State legislator, and Member of Congress. It is a distinct pleasure for me to recognize and honor my friend, Dr. Youssef Yomtoob, today. Dr. Yomtoob will retire this year from his post as superintendent of the Willow Run School District after spending over 30 years of his life in the field of education. From his position as a mathematics teacher in the 1960's in Niles, MI, to his current post as superintendent, Dr. Yomtoob has continuously left a legacy of extreme competence and knowledge. He has co-authored 16 books, primarily dealing with mathematics and has served on dozens of educational advisory boards such as the Michigan Educational Research Association, the Michigan Department of Education variable task force, and the validation team for the Michigan Department of Education.

More importantly, over the past three decades, Dr. Yomtoob has left an indelible mark as a warm and kind-hearted man who values the students, teachers, and administrators with whom he works. Dr. Yomtoob has always taken pains to personally know the students in the schools in which he taught or administrated.

While Dr. Yomtoob has accomplished an extraordinary amount in the academic field, he has dedicated much of his time to community activities and public service projects as well. Dr. Yomtoob has been involved in the United Way for well over a decade and currently serves as the Washtenaw County division chairman. He served as chairman for the Willow Run Christmas dinner for the homeless and served on the Ypsilanti Press Give-A-Christmas task force. Dr. Yomtoob has been active in his congregation as well. He served as president of the Men's Club at Temple Beth Israel in Jackson, MI, for 4 years and has been a member of Temple Brotherhood for 4 years. Dr. Yomtoob has been involved in countless other community projects that are simply too numerous to list.

In the past few years, Dr. Yomtoob has been recognized several times for his accomplishments. He was recognized as the recipient of the Minority Business Organization of

Washtenaw County's Education and Community Award and in 1992 was selected by the Ypsilanti Press as their Person of the Year. It gives me great pride to recognize Dr. Yomtoob once again for his many years of service both in the education community and the community at large. Although he is leaving us in Michigan, I am certain that Dr. Youssef Yomtoob will continue to enrich the educational community and to brighten many lives.

COMMENDATION TO STEVE MAISNER FOR RESCUE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Ms. HARMAN. Mr. Speaker, I rise today in tribute to a hero—a young man from my district who should serve as an inspiration to us all. As you know, southern California has been reeling from the "storm of the century," a storm that cascaded more than 8 inches of rain on area neighborhoods during the course of one afternoon. The storm produced extensive flooding, not just through the storm drains and along watercourses, but through neighborhoods and canyons.

In the community of San Pedro, a mother and her 5-year-old daughter were caught up in a flood current and swept beneath a car. A young man named Steve Maisner rushed to the scene and retrieved the little girl, quickly administering back blows and chest thrust to restore her breathing. Then, with assistance from the neighbors, Steve pulled the mother, Edith, from under the car. She was not breathing and had no pulse. He would not give up, however, beginning CPR immediately and continuing until the paramedics arrived. I am happy to say that both mother and daughter are home today, thanks to Steve's knowledge and skill.

I went to Steve Maisner's home several weeks ago—to thank him on behalf of the community. He was modest about what he had done, and said he hopes to make a career as a paramedic in the fire department. He has certainly proved his skill and courage, and I am proud to commend him for his heroism.

BALANCED BUDGET AMENDMENT OR BUST

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. GUNDERSON. Mr. Speaker, I have been looking forward to this day since I was elected to the Congress 15 years ago. The first bill I ever introduced, and the first speech I ever gave on the floor of the House, called for a balanced budget amendment to the Constitution. Back then the deficit was about $74 billion, far less than what we face today. But a number of us thought that a $74 billion deficit was a serious problem because it was a drag on the economy and it saddled future generations with obligations that are not of their own making. We felt that an amendment to the Constitution was necessary to impose some fiscal discipline and ensure that Congress would make the tough choices necessary to balance the budget. Unfortunately, we weren't successful then in persuading our colleagues.

Fifteen years later, with the deficit at $202 billion and over $3.5 trillion added to the national debt, it is time to get this done. The deficit is an even greater weight slowing down our economy. Our national debt is so large that almost $130 billion of the fiscal year 1994 budget must be devoted to interest payments on the debt. That is more than half of our current budget deficit. It is more than four times what we currently spend on all discretionary education, training, and social services programs. Similarly, the dollars that future generations will need to pay back our debt are funds that could otherwise be spent on improving roads, supporting programs for disadvantaged students, or reducing our tax burden. Instead, these dollars will go to investors that have lent the Federal Government money by purchasing Government securities. This must stop.

While I have argued that the best solution would be to pass a straightforward amendment requiring that Federal outlays not be permitted to exceed Federal revenues, many here in Congress support adding a three-fifths majority requirement for any future increase in taxes. While it is true that the Federal Government has become inefficient and we need to slim it down, I have concerns about tieing the hands of future Congresses on how we should attain balanced budgets. Nevertheless, I think such concerns, while important, are outweighed by the urgent need to pass a balanced budget amendment. Further, a three-fifths majority requirement was included in the version described in the Contract With America. While I voted for the three-fifths majority requirement, I urge all of my colleagues to support House Joint Resolution 1, the balanced budget amendment, whether or not they vote for the three-fifths majority requirement. We cannot allow another decade or more of deficits to pass before we stop adding to the looming debt of this country. We must begin the process of restoring fiscal responsibility to the congressional budget process.

INDIA REPUBLIC DAY: A CELEBRATION OF 45 YEARS OF DEMOCRACY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. PALLONE. Mr. Speaker, today, January 26, is a date of enormous significance for all the people of India, and for the many sons and daughters of India living in the United States and around the world. Today marks the celebration of Republic Day, a national holiday that holds the same significance for Indians as the Fourth of July does for Americans.

On January 26, 1950, India became a Republic. The country adopted a Constitution which enshrined the principles of democracy and secularism. At that time, Dr. Rajendra Prasad was elected as the nation's first President. Since then, despite the challenges of sustaining economic development while reconciling her many ethnic, religious, and linguistic communities, India has stuck to the path of free and fair elections, a multiparty political system and the orderly transfer of power from one government to its successor.

I would like to draw particular attention to the similarities and shared values of the United States and India. The framers of the Constitution that Indians celebrate today drew on our own Constitution and its Bill of Rights. Both of our countries are former British colonies that gained their freedom after a long and difficult struggle. English continues to be an important language of commerce in India. Many Americans almost instinctively saw in Mahatma Gandhi a reflection of values that our country holds dear. During this month when we celebrate the birthday of one of America's greatest heroes, Dr. Martin Luther King, we should remember that Dr. King derived many of his ideas of nonviolent resistance to injustice from the teachings, actions, and self-sacrifice of Gandhi.

Mr. Speaker, I regret that I have to mention this, but today's celebration of Republic Day in India was marred by a bombing at a crowded stadium in Jammu, India, where Republic Day celebrations were taking place, killing 7 people and injuring 47. Another terrorist attack was staged on a parade in Srinigar. These events remind us that there are still forces trying to destabilize India—some of them receiving support and encouragement from abroad. But it is impressive to keep in mind that despite being so severely tested by the forces of terrorism, India has preserved its democratic institutions, seeks to give opportunities to people from all religious and ethnic backgrounds, and moves resolutely forward with market-based economic reforms.

There is, however, good news for us to talk about. United States-India relations are looking better than they have in a long time. Two of the President's Cabinet Secretaries have been in India this month—Defense Secretary Perry and Commerce Secretary Brown, who was accompanied by the top officials from some of our major corporations. The two Secretaries' visits to India resulted in significant accomplishments on issues relating to security and trade and investment. I hope we in Congress will make it a high priority to continue this momentum and move it forward. The Congressional Caucus on India and Indian-Americans, which I initiated 2 years ago, is reorganizing in the new Congress with strong bipartisan participation. We are dedicated to steady improvement in United States-India relations and in being a voice for the 1-million-strong Asian-Indian community here in America.

Mr. Speaker, it is an honor for me, an elected Representative of the oldest continuous democratic republic on Earth, to pay tribute to the world's most populous democracy on the occasion of their great national day.

AIRLIFT ENHANCEMENT ACT

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Ms. FURSE. Mr. Speaker, the legislation I have introduced today with bipartisan support calls for ending the C–17 program after this year's buy is completed, providing the Air Force a total of 40. In addition, my bill calls for putting in place a serious program to use more affordable, already developed aircraft to fill the remaining airlift need.

Under DOD's current C-17 only plan, we will actually encounter an airlift deficit as the planned retirement of C-141's continues. The cost of the C-17 program has increased 41 percent—$16 billion—from the original estimate of $190 million per plane. Based on past experience, there is every reason to believe that the C-17's program cost will continue to rise. DOD's current estimate is $22.5 billion for 40 planes, or $563 million each.

The Rand Corp., GAO, CBO, and DOD's cost and operational effectiveness analysis have all recently presented airlift options that would enable savings of 8–10 billion dollars or more compared to a fleet of 120 C-17's.

GAO released its report today, "C-17 Aircraft: Cost and Performance Issues," responding to the fiscal year 1994 Defense Authorization Act request for its assessment of the C-17's original justification and the effect of technical problems and cost increases on its ability to achieve original program requirements.

The report states, "Changes in the C-17's intended role, the results of DOD's cost and operational effectiveness analysis, and continued program cost growth lead us to conclude that a 120-aircraft C-17 program is not the most cost-effective way to meet airlift requirements."

Secretary of Defense Perry said yesterday that if a balanced budget amendment is approved, the Pentagon will face very major budget cuts and have an even smaller force than it does now. He went on to say that a smaller force means the Pentagon would no longer be able to carry out its two-MRC strategy.

Requirements for the first 30 days of an MRC drives our airlift planning. If we will be forced for budgetary reasons to reconsider the two-MRC strategy, the overpriced C-17 sacred cow—for which reasonable alternatives exist—needs to be one of the first items reexamined.

Among those alternatives are commercial widebodies such as 747's or MD-11's, the existing C-5, and extending the service life of our C-141's.

The C-17 continues to experience technical problems. Today's GAO report details severe airflow problems that prevent the plane from executing one mission the Army has considered critical: simultaneous airdrops of paratroopers and equipment. The problem of turbulence inside the plane that occurs when the cargo door, ramp, and side troop doors are open persists. Even after the 18th plane was delivered to the Air Force earlier this month, those simultaneous drops continue to be suspended.

I am pleased that Senator BUMPERS has introduced similar legislation in the Senate.

This bill could save taxpayers more than $10 billion and meet our aircraft needs with more cost-effective alternatives. Throwing money at this plane that cannot deliver what it promised is irresponsible in today's austere fiscal environment. We have cheaper alternatives that will keep our military strong. Every day we wait to implement them costs taxpayers millions of dollars.

TRIBUTE TO DON BLACKETER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to an outstanding citizen from the Fourth Congressional District of Texas, Don Blacketer of the Harmon-Dial community. Mr. Blacketer died December 14, 1994, at the age of 75 at the Sam Rayburn Memorial VA Center in Bonham. Funeral services were held at McKenzie United Methodist Church in Honey Grove, where he was a member, and burial was at the Presbyterian Cemetery in Ladonia.

Born on September 27, 1919, in Leonard, TX, Don Blacketer was the son of Marcus Anderson Blacketer and Julia Mae Mullins Blacketer. He was a World War II veteran, serving his country in the U.S. Army under General George S. Patton's command in Europe. Following the war he married Perry Lillianell McCowan in the Dial community and distinguished himself in farming and ranching. Mr. Blacketer was a member of the producers board of the American Soybean Association and was past president of the Texas Soybeans Association. He appeared before our congressional committees to share his knowledge and to give his testimony. I was always proud to introduce him to the Congress—and to claim him as a constituent and as a friend.

Mr. Blacketer also devoted himself to helping improve the quality of life in the Dial community. He was instrumental in efforts to find funding to upgrade the community's water supply system and took the time to contact my office and other government officials concerning possible grant and loan programs for this project. He was a concerned citizen and a man who cared enough about his community to act on his concerns.

Mr. Blacketer is survived by a son and daughter-in-law, Mark and Pam Blacketer of Rockwall; a sister, Madyelene Pritchett of Sherman; and two granddaughters, Rachel and Sarah Blacketer of Rockwall. He will be missed by his family and by his many friends, and his contributions to the Harmon-Dial community will not be forgotten.

Mr. Speaker, I am honored today to pay a final tribute to this exemplary citizen, Don Blacketer, who distinguished himself in his service to his country, his community, and his family.

MARK TWAIN NATIONAL FOREST LAND CONVEYANCE/ROLLA, MO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. EMERSON. Mr. Speaker, today I am reintroducing a measure that is vital to the rural economic development efforts of south-central Missouri—specifically Phelps County and surrounding areas. This legislation will authorize the U.S. Department of Agriculture to convey land within the Mark Twain National Forest to the city of Rolla, MO.

The city of Rolla has been diligent in its plan to utilize the U.S. Forest Service's district ranger office site in the development and construction of a regional tourist center. I feel its important to note that tourism is the second largest industry in Missouri and this tourist center has already attracted great interest along with needed dollars to the regional Rolla economy.

Clearly, this project is a prime example of a local community exercising its own rural development plan for local expansion and job creation. In these times of reduced Federal support for rural community-based economic enterprises, the city of Rolla is a shining example and model of both involvement and initiative that other communities around the country can clearly emulate.

For over a year now, the city of Rolla has been collecting a 3-percent tax on local hotels in the attempt to finance this project independent of any assistance from the Federal Government. Indeed, this land transfer arrangement is a very unique partnership for both Rolla and the Mark Twain National Forest. Several of Missouri's proud historical landmarks, which are an important element of this site, will be maintained and preserved for current and future generations through the efforts of the city of Rolla—at a substantially reduced cost to local taxpayers. This is particularly important to bear in mind since this facility would have no further commercial viability without the direct involvement of the city of Rolla. So now, two worthy goals can be achieved—economic development and historical preservation.

Mr. Speaker, I commend the leadership efforts of the Mark Twain National Forest and the city of Rolla and I urge the expeditious approval of this measure in order that the citizens of Rolla can get on with the business of economic development and job creation.

TRIBUTE TO DR. REYNOLD BURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I ask my colleagues to join me in honoring the memory of Dr. Reynold Burch, a man of enormous generosity and kindness whose contributions to our community will be long remembered. Dr. Burch, known by friends and family as Buster, died Wednesday, January 18, 1995.

Dr. Burch practiced medicine in Newark, N.J. in private practice from 1956 to 1981 in gynecology and obstetrics, delivering thousands of babies to two generations of Newark residents. During an era when professional opportunities for African Americans were very limited, young people looked to this extraordinary role model with pride, admiration, and hope.

I had the opportunity to know Dr. Burch personally in his capacity as a philanthropist. Along with his wife, Mary, Dr. Burch founded the Leaguers, Inc., a youth development program in Newark. To the young people in our neighborhood, Dr. and Mrs. Burch opened up both their hearts and their home, where the Leaguers regularly held their meetings. The program was directed by Mrs. Burch, a former teacher, who found that the young people in the neighborhood needed more direction and opportunity to expand their horizons and become upwardly mobile. Dr. and Mrs. Burch were truly ahead of their time and made a profound difference in our community.

As the program progressed, the Burches planned weekly meetings, provided outings to the theater, museums, legislative sessions, and cultural events for the young people. The Leaguers gave the young people an opportunity to participate in programs we would never otherwise have had the chance to experience and enjoy. In 1949, we attended the swearing-in ceremony for Mayor Ralph A. Villani, mayor of the City of Newark at Newark City Hall. We visited New Jersey State Assemblyman Bowser in his office in the State capital, Trenton, in 1950. In 1951 we visited Philadelphia for a weekend and met with youth from a similar organization in an attempt to expand our experiences.

The Leaguers program gave me and many of my contemporaries an opportunity to grow and develop as teenagers. The program helped us make a positive contribution to our community and to society. As the program grew, the organization moved into a school and then finally built a structure at 750 Clinton Ave., Newark, NJ to house the group. Dr. and Mrs. Burch encouraged and assisted us in attaining higher education and molded us into young adults. My interest in improving my community was sparked by my involvement with the Burches.

Mr. Speaker, I know that my colleagues will join me in extending condolences to Dr. Burch's wife, Mary, on the loss of her devoted husband, and to his many friends who will feel his absence deeply. He was a wonderful man who truly set an example of a life well lived.ST

THE HOMEMAKER IRA ACT OF 1995

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, women who do not work outside the home contribute as much as their working spouses to the care and support of their families and they deserve equal retirement security. Unfortunately, the Tax Code prevents women who work at home from providing for their own retirement to the same extent as women who work outside the home.

The problem is rooted in the rules governing Individual Retirement Accounts [IRA's]. If both spouses in a household bring home a paycheck, each is permitted to contribute and deduct up to $2,000 to an IRA—$4,000 in total, subject to income limits. If only one spouse works, however, a married couple is limited to contributing a total of $2,250 to an IRA. In other words, a one-income married couple may put aside only about one-half as much in an IRA as a two-income couple. Furthermore, if the wage earner in a one-income couple participates in an employee pension plan, there are further limits on total IRA contributions.

Clearly, the tax code discriminates against spouses—primarily women—who work at home.

In order to end this unequal treatment and to promote private retirement savings, I today have introduced a bill to permit full, $2,000 IRA contributions by nonworking spouses. Under my bill, a nonworking spouse could make a deductible IRA contribution, just as working spouses do under current law. An identical Senate bill has been introduced today by Senators HUTCHINSON and MIKULSKI.

Congress should take the lead in promoting equal treatment, equal employment choice, and retirement security for American homemakers. I hope my colleagues will join me in cosponsoring this legislation.

IN RECOGNITION OF QUEENS PUBLIC LIBRARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. SCHUMER. Mr. Speaker, I would like to pause a moment to recognize the critical roles that public libraries play in our communities. The public libraries of today are not just book lenders, but instead serve as community hubs, cultural centers, reference and research facilities, and on-ramps to the information superhighway. An excellent example of a modern public library is the Queens Borough Public Library, the largest public library system in the country.

Queens Library recently conducted a survey to see how well they were doing in serving this most vibrant and diverse community. They were pleased to note that 85 percent of Queens residents use the Queens Borough Public Library, including 83 percent of the teenagers. The survey also showed that the library was succeeding in its attempts to reach out to all Queens residents, including those who don't speak English as their first language.

Among the many services that the library offers to its community are: educational programs for children and adults, including basic literacy instruction and English as a second language courses; a database on local community services programs; a public access point to the Internet; "New Americans" programs, which provide citizenship education for recent immigrants and assistance in integrating more easily into society, and cultural programs. In fact, one of the major undertakings of the library is a new Asian Cultural Center in its Flushing branch, dedicated to promoting understanding and appreciation of Asian culture, as well as serving the borough's Asian community.

In conclusion, Mr. Speaker, I would like to pay tribute to the vital role that Queens Borough Public Library and public libraries around the country are playing in their communities. The modern public library is a lifelong learning center and an integral part of the community it serves.

BLOOMINGTON LOVES ITS KIDS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to the city of Bloomington as it kicks off its seventh annual "Bloomington Loves Its Kids" month on January 31.

This month-long celebration, which fosters community and family development, is a way of rewarding and honoring contributions to the community, both individually and through civic organizations. The emphasis will be on celebrating youths who contribute to the community and the way organizations can make a difference for our youth.

The celebration will feature entertaining and informative exhibits from over 50 community groups. There will be performances from dance companies, theater groups, bands and orchestras. Businesses will be sponsoring activities such as a coloring contest, a treasure hunt, and a celebration of outstanding students.

By creating a community event which provides entertainment and enrichment for its citizens, from toddlers through seniors, the city of Bloomington, MN, has provided a model for American community enhancement.

This is a terrific example of the type of program from which everyone benefits. By uniting the entire civic and business community around celebrating children, future generations will be well served.

Mr. Speaker, I applaud the city of Bloomington for making the concerted and successful effort to enhance its community and the lives of its citizens. I am proud to announce February as Bloomington Loves Its Kids month.

HONORING ABRAHAM GRABOWSKI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I take this opportunity to honor my constituent, Abraham Grabowski, who is being honored this week by the RAIN Eastchester Senior Center.

Mr. Grabowski, who is 98 years young, is one of the few living veterans of World War I. Through his long and productive life, he has seen many changes and performed many good deeds. Perhaps the greatest of those deeds is his service in defense of freedom. This service took him from his home in New York to Canada, England, Egypt, and Palestine. He even returned to Israel is 1967 for the 50th anniversary of the Allenby Brigade, an all-Jewish unit that fought under British command to free Palestine from Turkish rule.

Mr. Grabowski eventually settled in Co-op City, where he was an original tenant of building 21. His interesting stories have been a source of pride among his neighbors and fellow senior citizens.

Mr. Grabowski has said he would like to return to Israel for his 100th birthday. I am confident he will be able to make that trip, and I extend my best wishes and congratulations to him on behalf of my constituents.

TRIBUTE TO CAROL LYNN KELLEY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. DAVIS. Mr. Speaker, I rise this morning to pay tribute to one of our outstanding citizens in Virginia's 11th Congressional District, Carol Lynn Kelley of Lake Barcroft.

Carol, known as Kari to her friends, was born 40 years ago in Woonsocket, RI to Margaret and Stacia Klara. A 1972 graduate from Woonsocket High School, she graduated from Vassar College in 1976, and obtained her law degree from Case Western University School of Law in Cleveland in 1979. She practiced law in Cleveland until 1985, when she moved to Fairfax County, VA.

After being admitted to the Virginia bar she practiced law in northern Virginia from 1986 to 1992. At that time Kari decided to devote more time to her two young daughters, Elizabeth (Lizzy) and Allison and the community where she and her husband Tim make their home.

Kari has been active in the PTA's at Ellen Glasgow Middle School and Pinecrest School. She is an active Brownie leader in Falls Church and a member of St. Anthony's Catholic Church.

Last year Mrs. Kelly was appointed to the Fairfax County Civil Service Commission, a body which adjudicates disputes in the Fairfax County government and makes recommendations on civil service policy.

Mr. Speaker, I know my colleagues join me in honoring Kari Kelly, an outstanding mother, attorney, civic activist, and civil service commissioner as her friends and community leaders honor her on Saturday January 28, 1995 at the Morse Estate in Falls Church.

THE PROGRESSIVE PROMISE: FAIRNESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. SANDERS. Mr. Speaker, in contrast with the GOP's Contract With America, we shall offer a positive legislative alternative during the first 100 days of the 104th Congress to extend a fair shake to all Americans on the Progressive Promise. Our plan shall be rooted in the principles of social and economic justice, nondiscrimination, and tolerance. It shall embody national priorities which reflect the interests and needs of all the American people, not just the wealthy and powerful.

Today the Progressive Caucus in bringing to the floor for a vote our 1st in 11 alternative bills to the Republican Contract—The Fiscal Fairness Act, which allows a waiver of the balanced budget requirement in any fiscal year when the national unemployment rate exceeds 4 percent, thus sustaining our long-standing national commitment to full employment.

The second bill in the Progressive Promise is The Equal Justice Before the Law Act, which is an anticrime package that retains key aspects of the anticrime legislation enacted in 1994 to prevent crime as well as punish that which happens; to crack down on white-collar crime—for example, S&L bailout, defrauding Federal Government on procurement, criminal penalties for willful violation of child labor laws by employers that result in serious bodily injury or death of minors in the workplace, eliminate deductibility of legal expenses when a company is accused of a crime—and on drug trafficking and abuse.

The third bill in the Progressive Promise is The Corporate Responsibility Act, which cuts corporate welfare in the form of special subsidies and tax loopholes of benefit to many of America's wealthiest corporations; to require companies to internalize pollution clean-up and other costs of production instead of continuing to foist them on the American taxpayer, and to reform basic labor laws to restore collective bargaining rights and balance in employer-employee relations.

The fourth bill in the Progressive Promise is Family Foundation Act, which will enable parents to get decent-paying, stable jobs in order to afford child care and health care for their families; to raise the minimum wage and index it for inflation; to strengthen child support collection; to abolish financial penalties for two-parent families; to protect the sanctity of the family and safeguard the health and well-being of all our children; and to ensure that all Americans are well fed.

The fifth bill in the Progressive Promise is The American Homemakers and Caregivers Act, which target IRA's and other savings incentives on middle- and low-income Americans; special provisions to extend generous IRA options to spouses who stay home to nurture children under 6 years of age, thus recognizing the importance of parental childrearing; to allow penalty-free IRA withdrawals for home health care, education expenses, or to start a small business; and targeted deduction for child care expenses.

The sixth bill in the Progressive Promise is The National Economic Security Act, which cuts the Pentagon and CIA budgets and star wars spending in favor of shifting limited resources to meet domestic social needs and investments to strengthen the U.S. national economy.

The seventh bill in the Progressive Promise is The Cradle-To-Grave Health Care Act, which require a vote on sense-of-the-Congress resolution against cuts in Social Security, Medicare, and Medicaid; to establish a state-based, single-payer health care plan that provides cost-effective, comprehensive and affordable health care for all Americans, including long-term care and prescription drug coverage; and to stress disease prevention and health promotion in our communities.

The eighth bill in the Progressive Promise is The Job Creation and Invest in America Act, which would create at least 1 million jobs in the United States in each of the next 2 years from $127.2 billion in new investment to rebuild and upgrade America's physical infrastructure and clean up the environment; to pay for these investments by closing tax loopholes for offshore production while rewarding U.S. companies that invest, produce, and create jobs in the United States; to require the wealthiest U.S. corporations and citizens to pay their fair share of taxes; and to establish a national commission to finds ways to encourage social investment of billions in pension funds to meet domestic needs in America.

The ninth bill in the Progressive Promise is The Taking Back our Congress Act, which curbs influence-peddling and special-interest lobbying through tougher lobbying restrictions and campaign finance reform; to prohibit ex-members of Congress and executive branch officials from lobbying on behalf of foreign governments and companies; to improve ballot access so more Americans can run for office; and to authorize some public financing of congressional elections to make it more affordable for more candidates to run regardless of personal wealth.

The tenth bill in the Progressive Promise is The Public Interest Legislature Act, which strengthens financial disclosure requirements and to prevent financial conflicts of interest in voting decisions by Members of Congress.

The eleventh bill in The Export American Products, Not American Jobs Act, which eliminates or limits special tax and trade incentives and taxpayer-backed programs that reward U.S.-based multinational corporations for producing offshore; no new fast-track and trade agreements without enforceable worker rights, environmental, agricultural, and safety health standards; to prohibit importing child and forced labor products; and to reduce U.S. trade deficit by eliminating unfair trade barriers to U.S. exports.

PROTECT AMERICAN TAXPAYERS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. PACKARD. Mr. Speaker, the stage is set for Congress to get its fiscal house in order. The American people demand it. The years of frivolous tax and spend policies are over. Our mandate is clear. Passing the balanced budget tax limitation amendment will restore fiscal sanity and accountability.

The voters elected us to defend their liberties and their wallets by making Government smaller. The tax limitation balanced budget amendment will keep the Federal spending beast under lock and key. It will force Congress to balance the budget the right way. It will force Congress to cut spending rather than balance the budget on the backs of the American taxpayer.

Our forefathers envisioned a Constitution that serves the needs of the people, not the needs of the Federal Government. America needs and wants a protaxpayer Constitution, not a protax Constitution. I urge my colleagues to support the tax limitation.

TRIBUTE TO DR. RONALD POLLACK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Dr. Ronald Pollack. Ron is retiring after a lifetime of personal and professional devotion to public education.

Ron began his career as a teacher and counselor in the Detroit public schools. He is retiring as the director of the Department of Support and Auxiliary Services from the County of Macomb's Intermediate School District.

Ron's varied experience has allowed preschoolers, special education students, adult education students, and many others to profit from his expertise. In addition to his leadership role at the ISD, he has taught at some of Michigan's most reputable Universities, including Wayne State, Okland, Saginaw Valley, the University of Detroit, and the University of Michigan. He has also acted as a consulant for adult education classes co-sponsored by the United Auto Workers and both Ford Motor Co. and Chrysler Corp.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Ron Pollack has devoted himself to this task through both professional and civil endeavors. His commitment to education is second to none. Meanwhile, he also finds time to work with many outside groups dedicated to improving individual lives. The Private Industry Council, the Metropolitan Detroit National Alliance of Business and numerous other organizations have all benefited from Dr. Pollack's commitment to excellence.

Education was not simply a job to Ron Pollack, it was an avocation, He richly deserves all the best in retirement. He has been a good friend for many years and I ask that my colleagues join me in offering heartfelt congratuations and a sincere thank you for a job well done.

RURAL COMMUNITY WASTEWATER TREATMENT AFFORDABILITY ACT OF 1994

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. CHAPMAN. Mr. Speaker, today I am pleased to introduce, along with original cosponsors, the Rural Community Wastewater Treatment Affordability Act of 1995. HR 692. This legislation, which I first introduced in the 103rd Congress and was drafted with the assistance of the National Rural Water Association and the Rural Community Assistance Program, is designed to ensure that rural and disadvantaged communities have greater access to the Clean Water Act's state-revolving fund [SRF] program.

While the purpose of the SRF program is to assist localities in their efforts to modernize existing treatment works and construct new ones through a low-interest loan program, it has fallen far short of this goal in rural communities. One of the largest obstacles for rural systems is that they can rarely finance 100% loans, even at low interest rates, because they have limited revenue generating capabilities and cannot achieve economies of scale.

It has become clear to me and many of my colleagues who represent rural communities that the federal government must take a more active role in assisting these communities with their wastewater treatment infrastructure needs.

Mr. Speaker, my bill will make SRF loans more affordable to small systems by allowing negative interest loan financing, extending the loan repayment period from 20 to 40 years and requiring that 1–2% of each state's SRF allocation be used to make grants to communities for planning and predevelopment costs. In addition, the bill allows non-profit corporations to be eligible for SRF funding, as they currently are under USDA's Rural Utility Service's water and waste disposal program. Finally, the bill authorizes $15 million for rural water organizations technical assistance programs. This provision will allow organizations like the Rural Water Association and the Rural Community Assistance Program to provide hands-on, in-the-field, technical assistance to rural communities, thus, assisting these communities in making the most efficient use of scarce resources.

As reauthorization of the Clean Water Act is deliberated this year, I look forward to working closely with my colleagues on the Transportation and Infrastructure Committee to ensure that rural and disadvantaged communities are not left behind.

I urge my colleagues to cosponsor the Rural Community Wastewater Treatment Affordability Act and join me in assisting our nation's rural communities.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. CARDIN. Mr. Speaker, today I am introducing a bill to first restore, and then to increase, the income tax deduction for health insurance premiums paid by those who are self-employed, at a rate of 25 percent for 1994, and 80 percent for 1995 and thereafter.

Fully one-quarter of self-employed Americans—3.1 million farmers and craftsmen, professionals and small business proprietors—have no health insurance. Compared to all other workers, the self-employed are one and a half times more likely to lack essential health care coverage.

As we search for methods to increase access to necessary medical services and reduce the crushing burdens of uncompensated care, which threaten the fiscal stability of both affected individuals and the entire health care system, there can be no doubt that U.S. tax code should encourage the self-employed to purchase health care insurance. Instead, current regulations discriminate against the self-employed and discourage the individual initiative that has always been a bedrock of the American economy.

As part of the expense of employee compensation, businesses can deduct the full cost of any health insurance provided to employees. Similar treatment of health care premium costs has never been fully available to the self-employed. And, unless we act quickly, the loss of the limited deduction in effect during recent tax years will soon be keenly felt by the self-employed. In order to provide consistent tax treatment of medical insurance expenses, my bill restores for 1994 the 25 percent deduction that has enjoyed nearly a decade of strong bipartisan support.

The availability of this deduction should not only be renewed, it should be adjusted equitably. Because businesses, on average, contribute—and fully deduct as an expense—80 percent of the total cost of employee health insurance premiums, my bill increases the percentage of premium costs which can be deducted by self-employed persons to 80 percent, effective with tax year 1995. This is similar to the provision thoughtfully considered and passed by the Ways and Means Committee of the 103rd Congress.

With approximately 41 million medically uninsured persons in the United States currently, measures which encourage working people to provide for their health care coverage within the private sector are essential. The particular form of an individual's employment situation should not determine the tax treatment of health care costs incurred as part of the cost of doing business. Rather, as nearly as possible, parity of deductibility should be obtained within the tax code.

In the interests of both fairness and sound health care policy, I urge my colleagues to join me in support of H.R. 691.

IN HONOR OF HUGO H. LANGE

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. TEJEDA. Mr. Speaker, seventy-eight years ago a 28 year old farmer from Floresville, Texas responded to the Nation's call for service during World War I. Corporal Hugo H. Lange joined Company H, 328th Infantry Regiment, 82nd Infantry Division of the Army during the Saint Mihiel and Meuse-Argonne offensives in France. Corporal Lange's actions during the Meuse-Argonne offensive earned him a Silver Star, the Nation's third highest decoration for battlefield heroism, and a promotion to Sergeant.

Hugo Lange's citation reads, "For Gallantry in Action: Sergeant then Corporal Hugo H. Lange, Company H, 328th Infantry, distinguished himself during the severe fighting west of Chatel Chehery, France on 8 October 1918. Finding himself detached from his platoon, rallied and reorganized the men he could find, amounting to half a platoon, and successfully led them forward, this being the first detachment to reach the battalion objective. His aggressiveness, bravery and leadership through out the Argonne offensive contributed much to the success of his company."

After Lange's death in 1935, his daughter, Mrs. Evelyn Braden, discovered that the Army had never given her father the Medals of Valor. Through Mrs. Braden's efforts, the Army has decided to honor Hugo Lange's heroism with a ceremony today at Fort Sam Houston in San Antonio, Texas. Lt. Gen. Marc Cisneros, Commanding General of Fifth US Army and Fort Sam Houston, will present the Silver Star Medal and the World War I victory medal—with three campaign clasps—to one of Hugo Lange's sons, Mr. Victor Lange, and to Mrs. Braden.

I commend the family of Hugo Lange for their efforts to enhance and preserve their family history. Fewer and fewer of today's youth have firsthand experience of military service. In addition, we are losing more and more of our World War I and World War II veterans. Their history, and the stories of their struggles, need to be preserved and passed on to all future generations.

A MATTER OF CHARACTER: THE VIEW FROM THE IRON RANGE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. OBERSTAR. Mr. Speaker, on January 4 the House of Representatives welcomed its new majority. The event marked a political sea-change in the leadership of the House.

I would like to submit to you an editorial that ran in my hometown newspaper, the Chisholm, MN, Free Press, circulation 3,100. Its publisher, Veda Ponikvar, holds the distinction of being the first woman newspaper publisher in the State of Minnesota. I have known Veda all my life, and have always respected her insight, her wisdom and her articulate advocacy of the values we share as Minnesotans, and Americans.

I commend to you, my colleagues, a view of Washington from Minnesota's Iron Range.

[From the Free Press, Jan. 10, 1995]

CHARACTER IS MORAL ORDER

The great hope of any society is individual character. One must look into people as well as at them for Character is the diamond that scratches every other stone.

Character is moral order seen through the medium of an individual nature. In Character there is also unselfish leadership with the stamp on our souls of the free choice of good or evil we have made through life. Therefore, Character, like porcelain ware, must be printed before it is glazed. There can be no change after it is burned in.

A SHINING, SPOTLESS EXAMPLE

The noblest contribution which any man or woman can make for the benefit of posterity is that of a good character. The richest bequest of posterity is that of a good character. The richest bequest which any man or woman can leave to the youth of their native land is that of a shining, spotless example.

We have in the Congress of the United States a man in the personality of Newt Gingrich, who for over a decade has lived off of the American taxpayer. For the services rendered, he also has enjoyed a host of perks, including a very lucrative and all-inclusive health plan. He did little to institute some sort of national health bill that would lessen the burdens and worries of the electorate. He now is the Speaker of the House, a position that most men earn by integrity, selfless dedication, and humility.

What a sick, ugly example he has set for the Youth of this nation with his despicable assessment of The First Lady, Hillary Clinton. In public as well as in private, those elected to office and entrusted with the responsibilities of governing our nation, need to watch their language; be gentlemen and gentle ladies at all times; and give to the nation a luster of excellence and propriety.

That Mrs. Clinton and Mr. Gingrich are poles apart politically has nothing to do with proper manners and the decency to respect the highest office in the land. Mrs. Clinton is no neophyte in the area of governance. She is an accomplished attorney; has a brilliant mind, and above all, a desire to make life a little easier for the poor, the sick, the aged, and the impoverished. The nation didn't see one Newt Gingrich serving the homeless during the Thanksgiving Holiday. But Mrs. Clinton was there, serving those less fortunate. She deserves an A for effort on many fronts. We cannot say the same for Mr. Gingrich.

To his credit is The Contract which he waves around as if it were the saving formula for the people of the United States. Take a walk, Sir, across this beautiful land of ours and see for your self how people work, live and exist. They do with what they have, which in many instances is very meager. You now propose to look into the Social Security and Medicare areas to soup up funds for your proposals that you feel must be enacted under The Contract. You won't find the very rich and the affluent working in the mines, the taconite plants, the forests, the farmlands, the fisheries, or the highways of this country. It will be an education, but strangely enough, those issues are not in The Contract.

The Lady of Character and compassion is inviting you to the White House for dinner. You need to apologize to her, to the President, and to the citizens of this nation, and above all, to the young people, who have hopes and visions of, someday serving this nation.

As you continue your mission, Mr. Gingrich, don't take from the poor to make the rich richer. Take heed, that Character is the product of daily, hourly actions and utterances; words and thoughts; daily forgivenesses, unselfishness, kindnesses, sympathies, charities, sacrifices for the good of others, struggles against temptation, submissiveness under trial; and Humility, for your good fortune to be Speaker of the House in the greatest nation on earth. It is all these, like the blending colors in a painting, or the blending notes of music which constitute The Man.

MAYORS' COUNCIL OF GUAM 1995 OFFICERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1995

Mr. UNDERWOOD. Mr. Speaker, today I commend the Mayors' Council of Guam 1995 Officers who were recently inducted to office. The 1995 Officers are:

President: Mayor Francisco N. Lizama, Sinajana.
Vice President: Mayor Jose A. Rivera, Dededo.
Secretary: Mayor Paul M. McDonald, Agana Heights.
Treasurer: Vice Mayor Daniel E. Sablan, Sinajana.
Sergeant-At-Arms: Vice Mayor Joaquin G. Topasna, Agat.

I would also like to recognize the mayors who constitute the Mayors' Council:

Mayor Felix F. Ungacta, Agana.
Mayor Paul M. McDonald, Agana Heights.
Mayor Antonio C. Babauta, Agat.
Vice Mayor Joaquin G. Topasna, Agat.
Mayor Vicente "Benny" L. San Nicolas, Asan-Maina.
Mayor Raymond S. Laguana, Barrigada.
Vice Mayor Jessie B. Palican, Barrigada.
Mayor Vicente S. San Nicolas, Chalan Pago-Ordot.
Mayor Jose A. Rivera, Dededo.
Vice Mayor Doris S. Palacios, Dededo.
Mayor Jesse L.G. Perez, Inarajan.
Mayor Nonito "Nito" C. Blas, Mangilao.
Mayor Ignacio "Buck" S. Cruz, Merizo.
Mayor Antonio D. Materne, Mongmong-Toto-Maite.
Mayor Isabel S. Haggard, Piti.
Mayor Gregorio M. Borja, Santa Rita.
Mayor Francisco N. Lizama, Sinajana.
Vice Mayor Daniel E. Sablan, Sinajana.
Mayor Vicente S. Taitague, Talofofo.
Mayor Alfredo C. Dungca, Tamuning-Tumon.
Vice Mayor Teresita C. Borja, Tamuning-Tumon.
Mayor Jose T. Quinata, Umatac.
Mayor Edward C. Artero, Yigo.
Mayor Vicente C. Bernardo, Yona.

These public officials are a vital link to the community in my home district on Guam. They help to unite multiethnic groups within our communities. Among their many duties the mayors are responsible for the maintenance of our neighborhoods at the local level and for the positive impression of our island that serves as an important attraction to our visitor industry.

They are instrumental in assisting the elderly population on Guam. In fact, in several of our municipalities the Mayor's Community Center also serves as a senior citizens center.

Because of their hard work and dedication, my constituents are confident that if a need arises the mayors will be there for them. After all the hard work these officials do, they are the first government representatives people turn to in times of disaster. In the aftermath of the 1993 earthquake, the mayors were the people that were the first to respond to the need and the first to take on the responsibilities to accomplish the necessary recovery for the island. Although they seldom get the recognition they deserve, I would like to tell the Nation and our island that their efforts are well appreciated and also well recognized.

I would also like to personally thank them for being wonderful and gracious hosts for me during my village meetings. It is their warm hospitality and cooperation that help to make residents of their villages feel welcome during our meetings.

It is a privilege to have such dedicated public servants serve the people of Guam at the grassroots level. It takes a special person to serve the people of Guam as mayor in a highly demanding job with many long hours, but our mayors on Guam continue to serve our island with pride and distinction.

Congratulations to the new 1995 Officers on their induction and much continued success to the Mayors' Council in this term.

HOUSE OF REPRESENTATIVES—*Friday, January 27, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, gracious God, for people who work for justice and who long for the truth, and who receive happiness and satisfaction from helping others in their need. In spite of the trials of the day, in spite of the expectation of so many, in spite of our limitations and mistakes, we know that we achieve our true humanity when we strive to be what You would have us be and rise to the responsibilities we have been given. And may Your peace that passes all human understanding be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announced to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. VOLKMER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Let the Chair note in advance that the Chair will, after the vote, limit the number of 1-minutes.

The vote was taken by electronic device, and there were—yeas 310, nays 90, not voting 34, as follows:

[Roll No. 52]

YEAS—310

Allard
Andrews
Archer
Armey
Bachus
Baker (LA)
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fattah
Fawell
Fields (TX)
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neumann
Ney
Norwood
Nussle
Obey
Olver
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Ramstad
Rangel
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Waldholtz
Walker
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wyden
Young (FL)
Zeliff
Zimmer

NAYS—90

Abercrombie
Ackerman
Baesler
Baldacci
Ballenger
Barcia
Becerra
Bonior
Browder
Brown (FL)
Clay
Clyburn
Coleman
Collins (IL)
Collins (MI)
Cramer
Crane
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Engel
Farr
Fazio
Filner
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Jacobs
Jefferson
Kennedy (MA)
LaFalce
Lantos
Lewis (GA)
Lincoln
Maloney
Manton
Martinez
McKinney
Meek
Menendez
Mfume
Mineta
Mollohan
Neal
Oberstar
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Rahall
Reed
Reynolds
Roemer
Sabo
Schroeder
Scott
Serrano
Skaggs
Taylor (MS)
Taylor (NC)
Thompson
Thornton
Torres
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waters
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—34

Baker (CA)
Bishop
Bliley
Brown (CA)
Chapman
Crapo
de la Garza
DeLay
Doolittle
Doyle
Ehrlich
Evans
Fields (LA)
Flake
Foley
Frank (MA)
Greenwood
Kasich
Kennedy (RI)
Miller (CA)
Nethercutt
Pombo
Radanovich
Richardson
Rose
Rush
Slaughter
Stockman
Towns
Tucker
Walsh
Weldon (FL)
Williams
Young (AK)

☐ 1021

Ms. DANNER changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ 1022

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SHUSTER). Will the gentleman from Arizona [Mr. HAYWORTH] please come forward and lead the House in the Pledge of Allegiance.

Mr. HAYWORTH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ELECTION OF MEMBER TO COMMITTEE ON INTERNATIONAL RELATIONS

Mr. FAZIO. Mr. Speaker, I offer a privileged resolution (H. Res. 46) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 46

Resolved, That the following Member be elected to the following committee: Committee on International Relations: Mr. Frazer, Virgin Islands.

The resolution was agreed to.

A resolution to reconsider was laid on the table.

PROVIDING FOR APPOINTMENT AND COMPENSATION OF CONGRESSIONAL CONSULTANTS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 273) to amend section 61h–6 of title 2, United States Code, and asked for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FAZIO. Mr. Speaker, reserving the right to object, will the gentleman from California kindly explain the purpose of the resolution?

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

This bill is really a very technical bill. It makes technical changes in a provision of title 2 to the United States Code which applied only to the U.S. Senate, and it deals with the appointment procedures between the majority leader and the minority leader.

This language creates some conformity that is not now there and changes the procedure with the Senate President pro tempore in reference to two appointments that the President pro tempore of the Senate makes.

Basically, it is a matter of courtesy that we simply go ahead and approve this, and I would ask the House to accede to the Senate's wishes in changing a provision that affects only the Senate.

Mr. FAZIO. Mr. Speaker, I would like to thank the gentleman from California for his description.

Mr. Speaker, in keeping with the comity between the bodies, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 273

***Be it enacted by the Senate and House of Representatives of the United States of America in** Congress assembled*, That section 61h–6 of title 2; The Congress, Chapter 4—Officers and Employees of Senate and House of Representatives; United States Code, is amended to read as follows:

"§ 61h–6. Appointment of consultants by Majority Leader, Minority Leader, Secretary of the Senate, and Legislative Counsel of the Senate; compensation

"(a) The Majority Leader and the Minority Leader, are each authorized to appoint and fix the compensation of not more than four individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Secretary of the Senate is authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Legislative Counsel of the Senate (subject to the approval of the President Pro Tempore) is authorized to appoint and fix the compensation of not more than two consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section. The provisions of section 8344 of title 5 shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the President Pro Tempore, Majority Leader, Minority Leader, Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be.

"(b) The Majority Leader, and the Minority Leader, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches on either side.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, our Contract With America states, on the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut one-third of committee staff; and cut the congressional budget. We have done that.

It goes on to state that in the first 100 days, we will vote on the following items:

A balanced budget amendment—we have done this; line-item veto; a new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulation and unfunded mandate reforms; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

TRIBUTE TO ED J. DEBARTOLO, JR., AND THE SAN FRANCISCO 49ERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I rise today for an unusual 1 minute for me, to pay tribute to the owner of the San Francisco 49ers, Edward J. DeBartolo, Jr., my constituent.

I predict the 49ers will win. The Chargers are great, but the reason I predict the 49ers to win is the standard of excellence of the 49ers from top to bottom.

The reason for that excellence, ladies and gentlemen, was a humble construction worker from Youngstown, OH, by the name of Edward J. DeBartolo, Sr., who became the No. 1 developer of shopping malls in America. He started work at 6 o'clock in the morning. He has recently passed away, but he passed on that work ethic to his son.

I predict from top to bottom owner Eddie DeBartolo, Jr., Carmon Poucy, another one of my constituents, and Coach George Seifert and the great 49ers will win because of that work ethic.

Mr. Speaker, I pay tribute today to Mr. DeBartolo, Sr. Mr. DeBartolo, Sr., was a big supporter of H.R. 390: Innocent Until Proven Guilty.

The 49er standard of excellence will prevail.

REPUBLICANS MAKING PROGRESS ON THEIR CONTRACT WITH AMERICA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, as the gentleman from Oklahoma [Mr. WATTS] pointed out, we do have a Contract With America. We are working very hard.

I want to say it was a bipartisan contract in the last few weeks. The line-item veto came out of the Committee on Government Reform and Oversight with a 30-to-11 bipartisan margin.

The Shays Act to apply to Congress every law which applies to the rest of the country passed with a huge bipartisan margin.

The victory last night for the constitutional amendment to require a balanced budget was a bipartisan victory.

I want to thank all of the reform Democrats who are joining us again and again in doing good bipartisan things. We do have a contract. We are going to keep it.

A friend of mine gave me this this morning earlier and said, "Why don't you punch in this contract that you always carry, why don't you take out the very first one." I want to punch a hole to indicate one is down. We will be back for nine more.

GIFT BAN

(Mr. WISE asked was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, while we are on the subject of reform Democrats, from fruit baskets to first-class flights, it is time to give it up. It is time to pass the gift ban for lobbyists.

In his State of the Union message, the President encouraged Congress to voluntarily abandon lobbyist gifts and trips. He is right.

□ 1030

We do not need a law to do what each of us can do individually. Today, I am implementing in our Charleston, Martinsburg, and Washington offices all the provisions of the reform law that still have not passed. That means no lobbyist-provided meals, no lobbyist gifts, and no lobbyist trips.

Food, like fruit baskets, will either be declined or given to charity. Happily there will not be much change for our office. I believe we have received three cans of popcorn and one birthday cake in the last few months.

Mr. Speaker, as I do this in my office, so does Congress need to pass the lobby reform legislation that puts this into law. Twice last year I voted to make it law. Two weeks ago I voted to make it law.

As I have put this gift ban into effect and made it the law of the West Virginia Second Congressional District office, Mr. Speaker, now I ask you to help make it the law of the Nation.

WE WILL WORK TO KEEP OUR PROMISES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I am glad the balanced budget amendment passed the House yesterday. We have demonstrated to the people that we have heard their concerns, and the Republican controlled Congress will continue to work to keep our promises with them by enacting the rest of the Contract With America.

But I have to say I am disappointed that the Barton language, which provided a protection to the taxpayers by preventing tax increases without a three-fifths majority vote, did not pass. In fact, even though 97 percent of Republicans voted for this language, less than 20 percent of the Democrats voted for it. I guess it is hard for the Democrats to accept that the days of tax and tax and spend and spend are over.

I want to assure the hard working taxpayers in our country that the fight is not over. We will spend the next year building support for a tax limitation amendment and bring it back to the floor for a vote.

I am confident that with hard work, we will win. In the meantime, let us continue to pass the rest of the Contract With America.

URGING PASSAGE OF THE GIFT BAN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we need to take up the President's challenge and ban gifts of any kind from paid lobbyists, and we need to restrict the amount of royalty income that Members of Congress are permitted to receive to one-third of their annual salary. The Bryant bill would do just that. It is the toughest lobby reform and ethics legislation ever considered by Congress.

We must pass the Bryant bill, because it is not enough for each Member of Congress to simply pledge that we will not longer take gifts or accept royalties, we also need to enforce disclosure by lobbyists. The American people have a right to know what legislation these groups are attempting to influence and how much money they are spending in those efforts.

On January 4, the first day of the 104th Congress, House Democrats moved to impose tough gift restrictions and royalty limits. But that effort failed—not a single Republican voted for the gift ban.

It is time for Republicans to live up to their rhetoric on reform. Perks and privileges demean this institution and everyone who serves here. Let us pass the gift ban, now.

CELEBRATING THE PASSING OF THE BALANCED BUDGET AMENDMENT

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, today is a great day to celebrate the passing of the balanced budget amendment. I want to give you two particular reasons that we should celebrate.

First of all is that we yesterday fixed the flaw in the Constitution that Thomas Jefferson talked about over 200 years ago in 1787. He said "There is one omission that I fear in this Constitution, and that is that we have not restricted the ability of the United States Government to borrow money."

Well, as we restricted it yesterday with a three-fifths requirement to raise the ceiling on the debt.

The second thing I want to particularly celebrate is that this passage of the balanced budget amendment is one more step; maybe it is a giant step, maybe it is a baby step, but my goodness, it is a step toward restoring confidence in the American people's ability to elect people that will actually do what they say they will do, and their ability to trust their elected representatives. By keeping our promises, we are restoring confidence in this institution and confidence in America.

MAJORITY URGED TO JOIN IN EFFORT TO CLEAN UP CONGRESS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, why does the majority continue to resist a ban on gifts from lobbyists? We hear them telling the American people they are for openness in Government. They say they want to "shine some sunlight on this institution." Well, Mr. Speaker, I ask that some light be shed on this question: Why did the majority oppose us on the first day of the 104th Congress when we offered an amendment to ban gifts from lobbyists?

On Tuesday night, the President asked us not to wait for legislation. He asked us to start now by adopting individual office policies not to accept gifts from lobbyists. Mr. Speaker, I did that in 1993, as did many of my reform-minded colleagues.

Many more of us will heed the President's request. Mr. Speaker, I urge the majority to join in our effort to clean up Congress. Now is the time to prove to the American people that we stand for real reform.

A GREAT NIGHT FOR THE CAUSE OF LIBERTY

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, last night was a great night for the cause of liberty.

Not only did we pass a balanced budget amendment to the Constitution, but we also proved to the American people that, working together under Republican leadership, we can move this country forward, and we showed the American people that they were right to trust Republicans with the responsibility of leading this Nation.

But our work is just beginning. We still have a long way to go. We have to pass an unfunded-mandates bill, a crime bill, a line-item-veto bill, and the other items in the Contract With America.

Still, we are off to a great start. We have reformed Congress, and we have now taken the first step towards finally balancing the budget.

Some of my colleagues on the other side of the aisle said it could not be done. What is even more shocking is that some of them said it should not be done. But by passing the balanced budget amendment, we proved last night that things really are changing in Washington.

ENACT LOBBYING REFORM

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, you know, the President was right when he addressed us on Tuesday night: Congress cannot be for sale. We cannot have the appearance that Members of Congress are for sale.

Imagine, if you would, if we keep going the direction we are, Members of Congress looking like race car drivers with various parts of our anatomy adorned with the corporate logos of those companies who come here to lobby; your sleeve could say IBM, the other sleeve could say AT&T, you could have a ballcap on that would say General Motors, or a tie that would flash Gannett.

This is the whole idea.

I could see the House, or Congress, in fact, could end up looking like Three Rivers Stadium with corporate banners hanging from the backs of the galleries.

We must first act voluntarily so that Members say Congress is not for sale, and they do not accept those gifts.

Next we must enact strong legislation. Last year the House voted on two separate occasions by margins of 3 to 1, yet on January 4, the first day of this Congress, it was the Democrats that moved to impose the tough gift restrictions and royalty limits, but not one single member of the opposition party would join us in that, and I know there are Members over there, if they give it a second thought, would be much stronger.

THE BURDEN OF UNFUNDED MANDATES

(Mr. MARTINI asked and was given permission to address the House for 1 minute.)

Mr. MARTINI. Mr. Speaker, most of us know how difficult it is to be a local official. Let us not make it any tougher. The burden of unfunded mandates had not gone away since last week.

Local governments are still toiling under their yoke losing money in paperwork complying with one-size-fits-all regulations from Congress.

I ask the opponents of this bill, how many times do you need to hear the following before you understand: There is nothing in this bill that prevents us from passing an unfunded mandate if we deem it in the national interest.

The difference this legislation will make is that from now on, we will be fully aware of what we are mandating. Before this legislation, all we knew was the good we wanted to do. After we pass this bill, we will also know what it costs to do the good. The latter is just as important as the former.

HELP US PASS LOBBYING REFORM

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, before I came to Congress, I was a community organizer, I was a farmer, and, you know, nobody gave me any gifts to encourage me to do my job.

I do not see why it should be any different now I am in Congress. Well, on January 4 the Democrats put forward a bill to ban gifts from lobbyists, but, you know, we failed in that bill, and we failed because not one Republican would join us in banning gifts from lobbyists.

Now, last October Speaker GINGRICH said he would work to pass a bill that would ban gifts from special interests, so now, Mr. Speaker, we have a bill; we have a bill that would do just that, House Resolution 40, introduced by my colleague, the gentleman from Texas [Mr. BRYANT]. It will do that.

Let us, all of us, pass that bill. But, you know, we are going to need Republicans to help us do that, so let us do the job we were sent to do. We are paid to do it. We do not need gifts from people who just want to influence us.

□ 1040

CHANGE MEANS LESS GOVERNMENT, MORE FREEDOM

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, "The country needs and, unless I mistake its temper, the country demands bold, persistent experimentation. It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

These words were spoken by Franklin Delano Roosevelt. True words are timeless. Today, the Republicans are going to answer the country's demand for less Government and more freedom. Common sense tells us that the burgeoning bureaucracy of the past 40 years has failed. So it is time to try something else. The balanced budget has passed. A presidential line item veto, term limits, cutting spending first, and cutting taxes will follow.

Our country can no longer afford to hold on to the 40 years of failed methods simply for sentimental reasons. The rationale that "that's the way we've always done it" no longer applies. It is not good enough do try more and more of the same thing. We must try something different. And we will start with keeping our promises.

DEAL OF THE CENTURY

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, 1 week ago today the House Ethics Committee was appointed. I call on the Ethics Committee to begin an immediate in-depth investigation into the deal-of-the-century book deal. The Ethics Committee must review this contract and possible conflicts immediately. I am sure they will find the necessity to call for an independent counsel.

Mr. Speaker, the House deserves to know how long this relationship or partnership has been ongoing. The Republicans should not oppose having an independent counsel to review this most lucrative of all deals in the history of House of Representatives.

Does this contract prevent mass purchases by supporters, such as GOPAC? Are the royalties 10 percent, 20 percent, 30 percent, 50 percent? Let us lay the contract on the table. Have the independent counsel review past meetings for possible conflicts of interest.

The Ethics Committee must represent the entire House, not any specific Member, and act in a timely manner. It should not take 100 days to begin acting on this matter.

LOANS TO MEXICO

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today's newspapers report that the International Monetary Fund is about to make a $7.6 billion loan, the largest in its 50-year history, to Mexico. By far the largest contributor to the IMF is the United States.

Mr. Speaker, a few weeks ago it was announced that the Clinton administration had agreed to put up $9 billion of an $18 billion loan package for Mexico. All this was and is being done without a vote by Congress. This is all separate from and in addition to $40 billion in loan guarantees the President wants Congress to now approve.

Mr. Speaker, A.M. Rosenthal, the New York Times columnist, says today, "It is not common sense to lend $40 billion more to a country whose leaders have so botched things up to be handled by the same American officials who participated in tamping down the economic truth" about Mexico's economy.

The Times also reports that Mexican officials are strongly denying they will agree to any tougher conditions to fight illegal immigration or drug trafficking to the United States.

Apparently, though, our financial powers are going to pour billions into Mexico, using taxpayer dollars, even though there is no grassroots support. In fact, there is overwhelming opposition by the American people.

CONVERSATION BETWEEN SECRETARY BABBITT AND CONGRESSMAN HAYES?

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, the Northwestern School of Law, Lewis and Clark College, has a journal that contains an article written by Secretary of the Interior Bruce Babbitt. I know you do not care.

It attacks almost every property rights ownership group in America. That you ought to care about. And what you really ought to care about is that it has a whole page devoted to a meeting Mr. Babbitt had with me, except we never had a meeting. And in this meeting Mr. Babbitt says, "I told Hayes he was a tricky, no good devil." I know I would remember that.

He says that I responded, but I assure you that is not what I would have said. I would have said, "Silly Babbitt, tricks are for the kids."

Mr. Babbitt also says I am a Republican from Louisiana. I will tell you what: That the job he is doing in the South and in the West, that is one mistake I may not change for him.

A YEAR-LONG CAMPAIGN TO AMEND THE CONSTITUTION

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. CHRISTENSEN. Mr. Speaker, the liberal defenders of the old order said it could not happen. The Democrat-controlled Congresses of previous years would not let it happen. But finally a Republican-controlled House made it happen. We passed a balanced budget amendment last night. I would have preferred to protect the taxpayers by including a tax provision limitation in there that requires three-fifths. But it did not pass because only 20 percent of the Democrats supported it. Today we are going to begin a yearlong campaign to amend the Constitution to require a three-fifths' majority to raise taxes. And if it does not pass next year, the people will know what they have to do at the polls in 1996 so that we can pass a three-fifths provision in 1997.

Mr. Speaker, the balanced budget amendment represents real change, and we will continue to keep our promises made in the Contract With America. We have one down and nine to go. We need your help.

CHILD SUPPORT NOW

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. NEAL. Mr. Speaker, today is day 24 of Contract With America. I have reviewed the contract and I have asked myself what is in the contract for children. I have carefully reviewed the Personal Responsibility Act and there are no child support provisions.

Child support is the cornerstone of welfare reform. We cannot have successful welfare reform without strong child support enforcement provisions.

It is time to address this issue head on. It is day 24 of the contract. We need to set goals on child support enforcement legislation now.

We need to send a message to the American people that we are serious about welfare reform. A tough child support system requires both parents to live up to their responsibilities.

Out-of-wedlock births have increased. There is no such thing as an illegitimate baby. We need to send a message to the noncustodial parent who is one-half responsible for the birth of the child. The parent needs to know of his obligation to support the child.

Massachusetts has been very successful with child support enforcement and should serve as a role model for the rest of the country. Massachusetts has increased its child support collection rate from 51 percent to 67 percent over a 3-year period.

We need child support enforcement legislation at the Federal level. Unfortunately, child support enforcement is not adequately addressed in the contract.

It is day 24. Where is child support in the contract?

TRIBUTE TO ELAINE POVICH

(Mr. LaHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LaHOOD. Mr. Speaker, I had an opportunity Wednesday night to attend the Washington Press club dinner, and I also was pleased to take note of the fact that the Dirksen Congressional Research Center chose Elaine Povich as the recipient of the Award for the Best Reporting of Congress.

Now, past winners have included Cokie Roberts, Marty Tolchin, John Dancy, Adam Clymer, and Helen Dewar.

Elaine is the chief congressional correspondent for the Chicago Tribune. Her articles educate and enlighten millions of people throughout Illinois.

Most notably, her recent work on the development of health care legislation in Congress gave all her readers a chance to see how this place really works. She took an extremely complex issue and process and made them both comprehensible.

I personally have enjoyed Elaine's work for years, and I know that she is deserving of the great honor of being named the recipient of this award from the Dirksen Research Center.

Congratulations, Elaine, keep up the good work.

Mr. Speaker, I include Elaine's biography at this point:

BIOGRAPHY OF ELAINE S. POVICH

Elaine S. Povich is a Capitol Hill correspondent for the Chicago Tribune who also covers health care issues. Prior to this assignment, her work concentrated on economic issues. She joined the newspaper in March, 1987.

Before joining the Tribune, Povich was employed by United Press International for 12 years, the last nine in Washington. She was most recently UPI's Capitol Hill reporter.

Povich is the recipient of the 1989 Women in Communications 'Clarion' award for her story on the impact of the most recent stock market crash on the Chicago markets and on federal regulation of those markets.

Povich served on the board of the former Washington Press Club and is the immediate past President of the Washington Press Club Foundation, a non-profit organization which promotes journalistic history and issues.

Born in Bath, Maine, she was graduated from Cornell University with a B.A. in English. While at Cornell, Povich was awarded a Newspaper Fund Scholarship and participated in the Fund's internship program. She joined UPI in Jackson, Mississippi in 1975.

Povich is married to Ronald Dziengiel, a manager with Westinghouse Electric Co., and lives in Laurel, Maryland. They have one child, Mark Dziengiel, age 3.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHUSTER). Pursuant to a previous announcement, the Chair will announce this will be the last 1-minute until the end of the day.

TERM LIMITS: AN IDEA WHOSE TIME HAS COME

(Mr. DEAL of Georgia asked and was given permission to address the House for 1 minute.)

Mr. DEAL of Georgia. Mr. Speaker, term limits for Members of Congress is an idea whose time has come. We have seen 22 States attempt to limit the membership in this body by statutory law within their States. Those limitations have ranged from 6 years to 12 years, with variations in between.

□ 1050

We have seen constitutional amendments proposed in this body that likewise range from 6 years to 12 years with variations in between.

Today, Mr. Speaker, I, along with the gentleman from Minnesota [Mr. MINGE], the gentleman from Massachusetts [Mr. MEEHAN], and the gentleman from Georgia [Mr. KINGSTON], have introduced a proposed constitutional amendment that would set an outward boundary of 12 years for membership in both this body and the body across the way. But it also has the unique provision of allowing States the authority by statute to set any limitation less than that that they choose.

I say to my colleagues: If you believe in States rights, if you believe in federalism, if you believe in term limits that allow States flexibility, I would urge you to join with us in cosponsoring this constitutional amendment.

APPOINTMENT AS MEMBERS OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore (Mr. SHUSTER). Without objection and pursuant to the provisions of sections 5580 and 5581 of the revised statutes, 20 U.S.C. 42–43, the Chair, on behalf of the Speaker, appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House:

Mr. LIVINGSTON of Louisiana, Mr. SAM JOHNSON of Texas, and Mr. MINETA of California.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 43, TO PERMIT COMMITTEE CHAIRMEN TO SCHEDULE HEARINGS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–6) on the resolution (H. Res. 47) providing for the consideration of the resolution (H. Res. 43) to amend clause 2(g)(3) of House Rule XI to permit committee chairmen to schedule hearings, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AMENDING HOUSE RULES TO PERMIT COMMITTEE CHAIRMEN TO SCHEDULE HEARINGS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–5) on the resolution (H. Res. 43) to amend clause 2(g)(3) of House Rule XI to permit committee chairmen to schedule hearings, which was referred to the House Calendar and ordered to be printed.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, January 24, 1995, the amendments en bloc offered by the gentleman from New York [Mr. OWENS] has been disposed of, and section 4 was open for amendment at any point.

Are their further amendments to section 4?

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HILLIARD].

MEDICARE

Mr. HILLIARD. Mr. Chairman, today I rise to challenge my colleagues not to forget about a constituency of this Nation that looks to us to fulfill our obligation to them. This obligation is the preservation of the Medicare program. All of us, as citizens, owe a debt to those who have come before us, our senior citizens, and made this country what it is, and we must not sacrifice their needs to pay for our excesses. Passing a balanced budget constitutional amendment without specifying where the target cuts are will tie our hands as a Congress and jeopardize the fulfillment of our pledges to the senior citizens of this Nation. We have pledged to take care of the elderly and the infirm so that they and their families will not have to shoulder the burden of their illnesses alone.

We must remember those persons who have entrusted us with this trust. We must not forsake them when they need us most. It is our duty to preserve this fund and protect those who are under our care. I ask the U.S. Senate and the President not to forsake them.

Mr. VOLKMER. Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that Members are happy and excited at the prospect that we are going to be dealing with unfunded mandates again today. A little Friday morning sarcasm, Mr. Chairman, because I really expect that the reverse is actually the case. We are hearing on both sides of the aisle that there is hope that we can come to a conclusion on this very important legislation, so I sense the reverse is true, and I would ask my colleagues, "Who else really wants to see an end to this process?" That would be the Nation's Governors, both Republicans and Democrats; the Nation's mayors, again both Republicans and Democrats; the Nation's county commissioners, the Nation's township supervisors, both Republicans and Democrats who really want to see this bill moved through the process.

They are faced with some very hard choices, Mr. Chairman. They have to, in many cases, decide whether to continue or reduce a very vital local program in order to carry out a Federal mandate that is imposed upon them from here in Washington, and I must say, Mr. Chairman, that the passage of the balanced budget amendment last evening makes this an even more urgent requirement. They are going to need relief from the unfunded mandates situation because their concern is with the balanced budget amendment we may just accelerate our ability, our wish, to pass through requirements that we are not going to be able to fund because of the balanced budget amendment.

So, it is the local mayors, Governors and so forth, that are really crying out for this legislation, and quite frankly, Mr. Chairman, in talking with the mayors, and the Governors, and the county commissioners and so forth, they resent the really patronizing attitude that has permeated much of the debate, or at least some of the debate, we have had over the last 4 or 5 days, the idea that only the Federal Government can be relied on to protect clean water, protect clean air, worker safety, the health and safety of the Nation. There has been this sort of idea implanted that only the Federal Government is capable and can be trusted to do these things.

I would just want to refer to one of the great responses to that which I think was from Mayor Daley, Richard Daley, the Democratic Mayor of the city of Chicago, who is quoted in the Washington Post yesterday, reported responding to this argument that we have heard that we must be vigilant here at the Federal Government, require this from the Federal Government. He was quoted in the Washington Post saying, "That argument implies that Mayor Daley or Mayor Rice, the mayor of Seattle, that we don't care about the quality of air and water in our cities. It also implies that some bureaucrat in Washington knows better than we do how to run Chicago or Seattle." And this is a Democratic mayor responding to that argument.

I think, Mr. Chairman, it really is necessary to stress, as we begin debate on some of the amendments that will be coming here, some basic facts about the legislation:

It is not retroactive. We said that time and time again. It is only prospective in its application. It does not affect reauthorization unless there is a new additional mandate contained in the reauthorization, and it does not preclude the passing of future mandates through to the States. I mean there has been some suggestion that we will never do that. All it does is require us, for the first time really, to consider the costs of what we do, to consider the cost of what we are imposing on States and local government.

This morning, Mr. Chairman, we are faced with the prospect, at least, of 37 proposed exemptions to section 4 of the legislation. My hope would be that we might be able to move through section 4. I have said that I hope that I could get to title 1 of this bill by April, but I was not sure which year, and I still hope we might be able to move through section 4 of the legislation today.

For that reason, Mr. Chairman, I would at this point like to ask unanimous consent that we might limit debate on all exemptions, amendments to section 4, to 20 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, I want to reiterate what I said to the gentleman on Tuesday, that we were promised an open rule in the Committee, and I believe that we are raising extraordinarily important issues for each of these amendments. These are amendments that we did not get the opportunity to offer when we were in committee. They are amendments that are valid, and many of the offerers of these amendments have been patiently waiting as we have gone through other amendments, and I wish to be fair to them. As my colleagues know, rather than race through this bill, I think I can offer the Governors and mayors, even my own mayor, something better, and that is that I will be offering an amendment to make the bill effective upon enactment, not October of this year.

Further, I notice that other amendments are being put into the Record as we go. I have here yesterday's CONGRESSIONAL RECORD, and I see there is an amendment here on page H803 that is being offered by the gentleman from California [Mr. RIGGS].

□ 1100

So amendments are still being offered on this piece of legislation by the other side, as well as amendments that we already have over here, amendments that have already been printed in the RECORD.

Further reserving the right to object, I want to make it clear that I personally am not offering amendments to this particular section, but I believe in the right of my colleagues to have a full debate on their amendments. I do not believe that they have had a complete opportunity to be aired in the committee.

Therefore, Mr. Chairman, I must object at this time.

The CHAIRMAN. Objection is heard.

Mr. VOLKMER. Mr. Chairman, will the gentlewoman yield?

The CHAIRMAN. Does the gentlewoman yield under her reservation?

Mrs. COLLINS of Illinois. I will yield under my reservation, Mr. Chairman.

Mr. VOLKMER. Mr. Chairman, I would like to point out to the gentleman from Pennsylvania that I know he is anxious to proceed with the bill, and there are other Members who are anxious, but I notice, as I look around, that I see very few Members on either side participating. One of the reasons is that we have Members on this side who have amendments to this section who are now being required to be in committee in markup and cannot be here. If we have this notice and this type of a limitation, there is no way for them to know that that is going to occur, and they are going to be shut out on their amendments because they are going to be in markup.

I believe we should continue in the orderly business, and then as we proceed toward the end, we can notify those Members. Hopefully, they will be able to leave the markup and come over here and offer their amendments. Right now they are being required by the majority to make a decision that no Member of this body should ever have to make, and yet they are being asked to do so by this procedure.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. The gentlewoman from Illinois has the time.

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, I think the frustration here is that no one wants to deny any Member the opportunity to offer an amendment. It is just that with the debate on some of these amendments, we are hearing the same arguments on our side in terms of not opening this up and include the costs of all these items before any kind of unfunded mandate would emanate from this body.

The arguments are very similar in most of these areas. Limiting debate would allow everyone to offer their amendments. Members could stay on the floor and listen because the votes would be coming much closer. That is all we are trying to get to, not to deny any Member the opportunity to offer an amendment.

We are just talking right now about this one title of the bill. I was in committee along with the gentlewoman, and these amendments were allowed to be offered in committee. In some of the other sections they were not because they were part of the rule.

Mrs. COLLINS of Illinois. Mr. Chairman, some of our amendments were not allowed to be offered in committee, as the gentleman recalls. We were told amendments could be offered on the floor, and that is what we intend to do.

Mr. Chairman, I again state that I object.

The CHAIRMAN. Objection is heard.

For what purpose does the gentleman from Virginia [Mr. DAVIS] rise?

Mr. DAVIS. Mr. Chairman, I have nothing further, but I will move to strike the last word to say that we have tried to make an effort to move this dialog along at this point. We are prepared to stay this afternoon until 3 and, I think, on Monday until late in the evening to try to move this bill through.

This week I was over at the National Association of Counties with Michael Highsmith, who is the chairman there, from Fulton County, GA. They are very frustrated about the pace of activity in this body.

We have the mayors in this week and the Governors in next week. They would like to see some action. We are just trying to move the debate along, but if the other side of the aisle feels they need more time, I guess we ought to just go ahead and proceed and let them offer their amendments and face each one on the merits one by one.

AMENDMENTS OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer my amendment No. 84, which has been printed in the RECORD pursuant to clause 6 of rule XXIII, and I ask for its immediate consideration.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 84, offered by Mr. KANJORSKI: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to investor protection, the safe and sound operation of financial markets, federally insured depository institutions and credit unions (as those terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or section 101 of the Federal Credit Union Act (12 U.S.C. 1752), respectively), or the deposit insurance funds that insure the deposits or member accounts in

> those depository institutions or credit unions.

Mr. KANJORSKI. Mr. Chairman, in order to facilitate the work of the House, I also ask unanimous consent that this amendment be considered en bloc with an identical amendment to section 301 of the bill which creates an identical section 422 of the Congressional Budget Act of 1974.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. KANJORSKI: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following:
>
> "(8) pertains to investor protection, the safe and sound operation of financial markets, insured depository institutions (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), insured credit unions (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), or the Federal deposit insurance funds that insure the deposits or member accounts in those depository institutions or credit unions.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that the amendments be considered en bloc?

There was no objection.

The gentleman from Pennsylvania, [Mr. KANJORSKI] is recognized for 5 minutes in support of his amendments.

Mr. KANJORSKI. Mr. Chairman, I offer this amendment in conjunction with the ranking member of the Subcommittee on Financial Institutions, the gentleman from Minnesota [Mr. VENTO]. The gentleman from Minnesota and I think this is an important amendment, and I know that my good friend, the gentleman from Pennsylvania [Mr. CLINGER], chairman of the committee, is never a man of sarcasm, so I know he was not suggesting that some of these amendments we offer today are frivolous or done for dilatory purposes.

This amendment is a very important amendment because it really tries to address one of the greatest unfunded mandates that ever occurred in the history of the United States, and that is the unfunded mandate that did not come about by action of this Congress or action of the Federal Government but came about as a result of the failure of State governments to properly regulate their savings and loans.

What I refer to, Mr. Chairman, is the savings and loan bailout. Many of us unfortunately have short memories of history. If we go back to the 1980's, we will soon realize that the crisis created in the savings and loan industry of this country was basically caused by four States which had the regulatory authority over S&L's and were able to grant S&L's extraordinary powers and rights of investment in the exercise of how they handled the funds of their investors and their depositors. As a result of the poor or lax regulations by State regulators, this Congress and this country was caused to be assessed well over $300 billion to pay for the bailout of the S&L's in the late part of the 1980's and the early part of the 1990's.

So when we talk about unfunded mandates and we talk about whether or not we are interfering with regulators' control, it is important to concentrate on what we are doing.

The purpose of this amendment is to exempt anything pertaining to investor protection, the safe and sound operations of the financial markets, insured depository institutions and the deposit insurance funds. I cannot imagine why we would not recognize that the impact of this bill on some of the regulatory bodies of the Federal Government could breach their authority to exercise and promulgate rules and regulations and this could in turn cause another S&L type disaster in this country. With this piece of legislation in place as it is presently drafted, the regulatory bodies that are charged with the responsibility of overseeing the financial institutions and the financial markets of this country would be unable and incapable of taking any action to prevent that activity.

We have in this area the support of all the regulators for our amendment. Let me cite the FDIC letter:

> Exempting regulations that address the safety and soundness of financial institutions and their insurance funds is an appropriate, limited amendment to balance the needs of the financial regulators, the financial industry and the taxpayers.

From the letter of the Comptroller of the Currency, may I quote:

> I am very concerned that complying with the requirements in H.R. 5 may delay issuances of important rules by the banking agencies and the National Credit Union Administration that are needed to ensure the safety and soundness of insured institutions. * * * If there are losses to the deposit insurance funds because a regulation is delayed, the taxpayers may be burdened with the expense of covering those losses. In this case, any possible benefits from conducting the analyses may be far outweighed by the ultimate cost to the American people. * * * Your amendment—

Referring specifically to this amendment—

> is appropriate and necessary. These agencies must have the ability to act quickly to fulfill their supervisory responsibility and their responsibility to protect the deposit insurance funds.

□ 1110

We also have a letter from the Office of Thrift Supervision citing its strong support for this amendment. We have a letter from the National Credit Union Administration citing its strong support for this amendment.

We also have, and it is interesting, a situation where under the Office of Federal Housing Enterprise Oversight that regulates Fannie Mae and Freddie Mac, that they are about to issue major regulations revising the capital standards of Fannie Mae and Freddie Mac, multihundreds of billion-dollar corporations that are vital to the real estate industry of this country. And because this office of HUD is in the process of getting ready to issue those regulations regarding the requirement for higher capital standards, this statute could block those issuances.

I cannot believe that with the history of the S&L disaster so near to us, that anyone would want to enact legislation that would prevent Federal regulators from issuing capital standards as important as these.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired.

(At the request of Mr. VENTO and by unanimous consent, Mr. KANJORSKI was allowed to proceed for 3 additional minutes.)

Mr. KANJORSKI. Mr. Chairman, at this time I will include for the RECORD the letters of the regulators in their entirety.

> FEDERAL DEPOSIT
> INSURANCE CORPORATION,
> *Washington, DC, January 19, 1995.*
>
> Hon. PAUL E. KANJORSKI,
> *House of Representatives,*
> *Washington, DC.*
>
> DEAR CONGRESSMAN KANJORSKI: Thank you for your letter requesting the Federal Deposit Insurance Corporation's comments on an amendment to H.R. 5, the Unfunded Mandates Reform Act.
>
> H.R. 5 imposes additional requirements such as a cost benefit analysis on the rulemaking process for federal agencies. we understand that you plan to offer an amendment to H.R. 5 to provide for an exemption for regulations that pertain to investor protection, the safe and sound operation of financial markets, federally insured depository institutions or their deposit insurance funds. We strongly support this amendment.
>
> The federal financial institution regulators recognize that regulations can be burdensome and costly. For this reason, the FDIC is seeking to be sensitive to the impact of regulations and to minimize the burden and costs they impose on the industry and consumers. I have asked the FDIC staff to review outstanding regulations to determine whether there are areas where regulatory burden can be reduced.
>
> Nevertheless, the federal financial regulators are responsible for ensuring the safety and soundness of the nation's financial system. The FDIC, as the insurer of banks and thrifts, has a particular responsibility for assuring that the taxpayers do not have to cover the costs for future financial institution failures as they did in the savings and loan crisis. Although regulations may impost costs on financial institutions, recent history teaches us that the costs to the taxpayers of failures in the financial regulatory system are much greater. The FDIC's independence and ability to respond quickly to problems in the financial system are two reasons why the taxpayers have never had to pay a penny for bank failures, even with the record number of bank failures in recent years. Exempting regulations that address

the safety and soundness of financial institutions and their insurance funds is an appropriate, limited amendment to balance the needs of the financial regulators, the financial industry and the taxpayers.

On a related issue, it is our understanding that H.R. 5 as currently drafted will exempt any effort by the FDIC to reduce insurance assessment rates later this year when the Bank Insurance Fund is recapitalized at the level mandated by Congress. This reduction in insurance assessment rates will significantly reduce costs to the banking industry.

I hope these comments will prove helpful. If you or your staff have any further questions, please call me.

Sincerely,

RICKI TIGERT HELFER,
Chairman.

COMPTROLLER OF THE CURRENCY,
ADMINISTRATOR OF NATIONAL BANKS,
Washington, DC, January 19, 1995.
Hon. PAUL E. KANJORSKI,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KANJORSKI: Thank you for your letter of January 18, 1995 requesting my views on the amendment to H.R. 5, the proposed "Unfunded Mandates Reform Act," that will be offered by you and Congressman Vento. I strongly support your amendment.

I am very concerned that complying with the requirements in H.R. 5 may delay issuances of important rules by the banking agencies and the NCUA that are needed to ensure the safety and soundness of insured institutions. Specifically, sections 201 and 202 require all agencies covered by the bill, including bank regulatory agencies, to do detailed and time consuming cost/benefit analyses of regulatory proposals. If there are losses to the deposit insurance funds because a regulation is delayed, the taxpayers may be burdened with the expense of covering those losses. In this case, any possible benefits from conducting the analyses may be far outweighed by the ultimate cost to the American people.

All future regulatory actions, including joint regulatory actions with the other banking agencies, that impose a duty on insured institutions and/or their management or affiliated parties may be subject, at least in part, to some of the requirements of the bill and possibly delayed. This would include such important initiatives as interest rate risk and other capital adequacy regulations that are important to safety and soundness.

The amendment being offered by you and Congressman Vento recognizes the critical need to permit the banking agencies and NCUA to continue to take expeditious regulatory action. Your amendment would exclude from the bill the agencies' regulations that pertain to federally insured institutions or the deposit insurance funds. This is appropriate and necessary. As you and Congressman Vento appreciate, these agencies must have the ability to act quickly to fulfill their supervisory responsibility and their responsibility to protect the deposit insurance funds.

Thank you for giving me the opportunity to express my views on this legislation and my support for your amendment.

Sincerely,

EUGENE A. LUDWIG,
Comptroller of the Currency.

OFFICE OF THRIFT SUPERVISION,
DEPARTMENT OF THE TREASURY,
Washington, DC, January 20, 1995.
Hon. PAUL E. KANJORSKI,
Committee on Banking and Financial Services,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KANJORSKI: By letter dated January 18, 1995, you requested our comments on a proposed amendment that you and Congressman Vento will be offering to H.R. 5, the Unfunded Mandates bill. As we understand it, your amendment would exempt from coverage under the Unfunded Mandates bill, regulations and legislation involving the safe and sound operation of federally insured depository institutions and credit unions, or protection of the federal deposit insurance funds.

We are fully supportive of your efforts to have this amendment included in the Unfunded Mandates bill. As you know, the federal banking agencies are responsible for supervising the nation's financial institutions to ensure the safe and sound operation of our national financial system and to protect the federal deposit insurance funds. Recent history is replete with many instances in which one or more of the federal banking agencies or Congress has had to act quickly to address a threat to the financial system or the deposit insurance funds. Any legislation that would delay this process could seriously jeopardize the smooth operation of our nation's financial institutions and the financial markets, as well as threaten the stability of the deposit insurance system. Moreover, since the deposit insurance funds are backed by the full faith and credit of the U.S. government, any delay in issuing regulations that results in significant losses to the deposit insurance funds could require U.S. taxpayers to pay the bill.

Examples of several current issues that are being monitored by the federal banking agencies and/or the House and Senate Banking Committees are the impact of derivatives on the nation's financial system, the impact of foreign currency fluctuations on the U.S. financial markets, updating capital and accounting standards to keep abreast of changes in the marketplace, and the potential repercussions of a deposit insurance premium differential. Any one of these issues could require quick and decisive regulatory or legislative action.

Thank you for the opportunity to comment on your proposed amendment to the Unfunded Mandates bill. If I or my staff may provide you with any additional information on this matter, please contact me.

Sincerely,

JONATHAN L. FIECHTER,
Acting Director.

NATIONAL CREDIT
UNION ADMINISTRATION,
January 19, 1995.
Hon. PAUL E. KANJORSKI,
House of Representatives
Washington, DC.

DEAR CONGRESSMAN KANJORSKI: Thank you for the opportunity to comment on your amendment to H.R. 5.

Your amendment would exclude safety and soundness rules of financial institution regulators from this legislation.

As you know, the National Credit Union Administration is in the process of considering long overdue safety and soundness regulations covering capital, investments and other critical matters regarding corporate credit unions. To delay these vital rules would be a most unwise course of action.

Therefore, I strongly support your proposed amendment.

Sincerely,

NORMAN E. D'AMOURS,
Chairman.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding, and want to commend him for his statement and his leadership on this. I am pleased to join with him in this matter.

Mr. Chairman, the fact of the matter is that so often we have heard with regard to the unfunded mandates that they are all prospective. But the fact is you have to look at the bill on pages 16 through 30 to look through the rule and regulation and accountability issue. And in this they find it necessary to apparently, it is my understanding on page 23 of the bill, it is not very clear, that they exempt the Federal Reserve Board, which has regulatory financial responsibilities, the FDIC, the SEC, the National Credit Union Administration, but not mentioned is the Office of Thrift Supervision, which is responsible for all of the savings and loans incidentally, that is ironic because of the S&L bailout problem, and the Office of the Comptroller of the Currency, which is, of course, taking the lead with regard to derivatives. Hello, are you awake over there? Derivatives, the issue having to do with Orange County and quite a few other problems that have come up.

It is absolutely imperative that they not be put in a position where you have further new and higher hurdles that frustrate action and response. These agencies work in sync, and even the independent agencies you think you have exempted are asking for the exemption being offered in the Kanjorski-Vento amendment. And good intentions are not enough. We have to stand up here for safety and soundness.

Now, I must say to my friends, those that are the advocates of this particular bill, the unfunded mandates, and some of the other regulatory reform measures, that some regulatory responsibilities are necessary. It is necessary for the Office of Thrift Supervision to tell the State chartered S&L's what they do in terms of safety and soundness. It is necessary to do that, and it is absolutely imperative. And, yes, some of them have impacts that are into the fifty and hundreds of millions of dollars of impact.

But we think that this process is one that should not be thwarted, there should not be further hurdles, there should not be political interjection into this particular process. I think if it is sound for the Federal Reserve Board and the other agencies which you think you have exempted, then why would you not do this for the Office of the Comptroller of the Currency or for the Office of Thrift Supervision, which have these major responsibilities and are, in fact, taking the lead in these sensitive financial instruments.

Good intentions are not enough here, and I do not think we can rely on the wisdom of the Senate, which I think in fact has adopted an amendment similar to that being proposed by my colleague from Pennsylvania, Mr. KANJORSKI.

I strongly urge the Members to pause and look, not to march down in lock step because the majority leadership here cannot come to grips with this particular issue, and assume that somebody else is going to take care of it. It is not going to happen. We should send a strong signal here for safety and soundness and the protection of the American taxpayers. We have got a $100-billion saving and loan example, for those that cannot remember history. We may be destined to repeat it in fact by virtue of all the good intentions that you are expressing in this bill.

Mr. Chairman, I ask Members to support the Kanjorski-Vento amendment.

Mr. CLINGER. Mr. Chairman, I move to strike the last word, and rise in opposition to the gentleman from Pennsylvania's amendment, and would indicate that I am reflecting basically also the views of the chairman of the Committee on Banking and Financial Services in opposition to this amendment, and also the gentleman from Nebraska [Mr. BEREUTER], who has a very great interest in this.

Mr. Chairman, the argument that the cost-benefit analysis is going to delay the issuance of safety and soundness regulations by OCC and OTS is in my view a red herring. The OCC and OTS have never issued safety and soundness regulations on an emergency basis. Banks have been waiting for 2 years for the agencies to issue safety and soundness regulations concerning interest rate risk, and the cost-benefit analysis will not delay agency response to emergency situations. OCC and OTS respond to safety and soundness emergencies through the use of their cease and desist authority, not the use of rulemaking authority.

We had been willing to consider the possibility of an emergency provision which would have allowed, if there was an indication by the Secretary of the Treasury that there was an emergency situation, that we would be willing to consider waiving the requirement in an emergency situation. But that was unacceptable to the sponsors of this amendment.

I would point out in my view this is a weakening amendment, and I am a little confused by what seems to be a little schizophrenia within the administration. The administration indicated they would resist all weakening amendment, and yet we have here agencies of the administration supporting this amendment. So we seem to have a little, as I say, a little schizophrenia within the administration.

Therefore, I must oppose the amendment, because I think it is way too broad. It just does not need to be this broad, and I would resist the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding. I just wanted to point out the concern that we have had with suggestions about the declaration of crisis in order for the action to take place, which then would suspend the requirements of the bill. And the problem that we have is that the word "crisis" is very close to "panic," which is withdrawing all of your funds out of the financial institutions could very well create the type of circumstances that we are trying to avert.

Mr. CLINGER. Mr. Chairman, reclaiming my time, we are not talking about a crisis, but an emergency, and the definition of an emergency I think is a lower temperature than a crisis.

Mr. VENTO. If the gentleman would yield further, I think the point is still one that is very valid, that if you have this unusual circumstance, you may very well create the type of circumstance you are trying to avoid and avert. And this is something we need to have, this type of authority in these independent agencies, whether it is the Office of Thrift Supervision or the FDIC or the Office of Comptroller of the Currency, and I think the issue with regard to derivatives is right on. Yes, they take time, but when they are ready to go, they should not have to go through the process. I think we have adequate confidence in these independent agencies that they are able to take on this particular task without the type of limitations that are being placed and are present in this particular legislation.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, again, the frustration. Everything, every amendment that comes up, is an emergency, it is a crisis. It is something that this bill is somehow going to take away the flexibility of this body or the regulators to address. I just do not think that is the case.

But I would just note that the same people have been arguing for all of these other exemptions, the Clean Air Act; wastewater treatment; aviation airport security; licensing, construction, and operation of nuclear reactors; disposal of nuclear waste and toxic substances; operation of nuclear reactors; health of individuals with disabilities; child labor; minimum wages; OSHA; protection of children; help for people with disabilities; and then this. It is the same arguments and attempts to weaken this bill.

Many of these items have valid points, but I think they can all be addressed within the flexibility of this act, given this body can still go ahead with unfunded mandates after they are costed out and the regulators reach what those costs are before they act.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, of course, rise in strong support of the amendment offered by my colleague, the gentleman from Pennsylvania [Mr. KANJORSKI], and myself.

Mr. Chairman, it is ironic that a proposal, H.R. 5, which purports, that is, this legislation, which purports to provide indepth information about mandates and regulation to the Members of the Congress to prevent missteps and problems, has been so poorly conceived and considered by the committees and Members of the House. We owe it to ourselves and to the American taxpayer to know what we are voting on with regard to H.R. 5.

Unfortunately, that commonsense step was ignored in the helter-skelter rush to meet a politically imposed deadline, and I think the results are evident on the floor again today with the proliferation of amendments that need to be considered. How can we in all candor and seriousness advance a policy of legislative requirements in terms of saying we want more information when the process for consideration of this very bill ignores or violates the commonsense deliberative consideration of the very measure before us?

□ 1120

What we are getting back is, of course, slogans about the fact, what is wrong with having information. I have said before, and I think I have pointed out in depth in this bill, that it is not just a matter of providing information on the floor with regard to the CBO doing an analysis of unfunded mandates and a variety of sundry information.

That is not the issue here. Of course, I think that is an issue in the sense that CBO has never done that before, that we do not have any example of how that will work, or whether CBO will have the necessary funding to answer these metaphysical questions which are raised with regard to some of the anticipation in terms of unfunded mandates. It has not been done before. There is no track record of it. However, let us just keep going on with that.

Second, this bill is not just prospective in nature or dealing with information on the floor, as difficult as it may be to define that information. This bill requires the rules and regulations that are issued by the agencies and the departments covered to go through a statement of significant regulatory action, on pages 16 and 17, requires an entire regulatory process to be evaluated.

It says "Any Federal Government action, any agency action, any action or anything that affects the private sector," one step further, to the extent of $100 million.

The fact of the matter is that that is going to impact the regulatory agencies that we have outlined here, that have significant responsibilities for financial institution safety and soundness, for the protection of billions and billions of dollars of deposit insurance and other responsibilities integral to the financial structure of this Nation, and really globally. We are the global leader. The gentleman is leaving open and is suggesting that ought to go through that process.

Some have pointed out that it could be very litigious, a lot of legal questions asked in terms of this entire process itself. Superimposing that upon top of the existing regulatory process. What the gentleman is superimposing is on top of the current process.

Maybe it will be coordinated, maybe it will all work out, but the question is, I think, if the gentleman finds it necessary to exempt the Federal Reserve Board and the other agencies in this bill, how in good conscience can you then keep the Office of Thrift Supervision and the Office of Comptroller of the Currency under this particular exemption? Why do we have two standards here?

Mr. Chairman, I do not understand it. The gentleman is not explaining it. His arguments do not speak to that. They do not speak to the retroactive nature of the rules and regulations and the interference that is offered in this particular bill.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. PORTMAN. Just to clarify a few of the points, Mr. Chairman, when the gentleman took to the floor earlier, and his colleague, and in some of the statements he just made, it is unclear to me as to whether he is concerned about title III of the bill, which is the point of order process, or whether the gentleman is concerned about title II, the regulatory requirements.

Mr. VENTO. Mr. Chairman, I did not hear the gentleman. Would the gentleman repeat his comment?

Mr. PORTMAN. Mr. Chairman, the gentleman has given a broad-ranging discussion of the legislation and his critique of it. With respect to this amendment, is the gentleman concerned about the fact that future legislation might be subject to title III of the bill; in other words, subject to a CBO cost analysis, and then a point of order on the floor, which could be waived by majority, or is the gentleman's concern more in terms of regulatory action that may be taken?

Mr. VENTO. Reclaiming my time, Mr. Chairman, my concern is with the fact that these agencies are covered under title III, and covered under the regulatory accountability and reform. They are actually covered under both, insofar as there is no exemption in the bill for them.

Mr. PORTMAN. If the gentleman will continue to yield, Mr. Chairman, it seems to me it is important to clarify what this legislation does with regard to future regulations that might be promulgated by the agencies. Yes, they would have to undertake a cost-benefit analysis. That cost-benefit analysis, as the gentleman well knows, is currently required by the President's Executive order. It seems to me that has been the point that the gentleman from Pennsylvania [Mr. KANJORSKI] has made.

Mr. VENTO. Reclaiming my time, Mr. Chairman, the President's order does not deal with the same detail that the authors of this legislation have. There is not an absolute similarity. This is an additional legislative requirement.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, the Executive order does not deal in the same shape and fashion with some of the materials in this legislation.

Mr. PORTMAN. This is correct, Mr. Chairman. If the gentleman will yield for a moment, the Executive order is more comprehensive than the new requirements in this legislation.

Mr. VENTO. Reclaiming my time, Mr. Chairman, I think there is a vast difference between having something in Executive order which can be dealt with and whether it covers the Office of Thrift Supervision or whether it covers the Office of the Comptroller of the Currency. That is another matter.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, we are mostly concerned with the capacity of an army of lawyers from one of the wealthiest special interest communities, the financial community of the United States, to resist the issuance of regulations. The President's existing Executive order does not really raise the question of granting the right of judicial review, because an Executive order can be changed with the strike of the pen of the President.

Therefore, if we see a resistance from the industry itself to the regulations that would be propounded, the President merely has to, that day, issue a new order. Our problem in this legislation is that with it we would have to pass a new act to vitiate the right of judicial review that could tie up emergency regulations that would have to be issued to cover the entire safety and soundness of American institutions.

Mr. VENTO. I just want to point out, Mr. Chairman, that the gentleman has not answered the questions in terms of the disparate treatment, in terms of some of the agencies that have the responsibility for the regulation of financial institutions and other responsibilities and those that do not. I do not understand the differential here. If this is good for these, why is it not good for everyone?

Mr. PORTMAN. If the gentleman will continue to yield, Mr. Chairman, under this legislation, independent agencies are exempt. That is a well-founded exemption for independent agencies. It goes back to the function of independent agencies, to keep their independence from Congress. Independent agencies happen to comprise two of the four agencies about which the gentleman is speaking.

However, I think it is very important.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding.

I think it is important that we have now narrowed down this debate to what the real concern is. The real concern is that with regard to the regulatory requirements in this legislation, they are very plain, very clear. They are not as comprehensive or broad as the current requirement under the Presidential Executive order under which these very agencies have to live.

The difference is that they are in statute, as the gentleman from Pennsylvania [Mr. KANJORSKI] mentions, and not in an Executive order format. We think that is good. We think these agencies are meant to abide by these. Otherwise there would not be an Executive order. It is good to have cost-benefit analyses. This would not in any way interfere with the carrying out of responsibilities in this area.

Mr. VENTO. Reclaiming my time, Mr. Chairman, I think the point is that we have some extraordinary responsibilities for these two agencies. They may not be labeled independent, but certainly we expect the Office of the Comptroller of the Currency and the Office of Thrift Supervision to operate that way. In fact, I think they do under this administration and in past administrations.

In fact, to put these in the statute and to superimpose them on top of other processes, when we have these critical issues with hundreds of billions of dollars is—

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(At the request of Mr. KANJORSKI and by unanimous consent, Mr. VENTO was allowed to proceed for 3 minutes.)

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Not to get off the subject, Mr. Chairman, but this is a perfect example of an argument that should be brought up later when we take up the term limitation question.

Mr. Chairman, we have sitting on the floor today probably 170 Members of this Congress who were not here in the 1980's, and who never saw the abuse of the financial industry of this country when they were able to wield extraordinary power and avoid proper regulation on the State level.

I remember sitting on the Committee on Banking, Finance and Urban Affairs when the regulators, under the administrations of President Reagan and President Bush, would come before the committee and tell us that the total exposure of regulatory problems in the S&L industry was less than $10 billion, and this was in 1988, the beginning of 1988.

Then in the summer of 1988 they modified their estimate and said that the cost may be as high as $12 billion, and we come to the rescue with $12 billion. In November of 1988, the individuals we are talking about in the regulatory agencies came up here and said no, and now this is before November, before the election of the new President, they said it may go as high as $15 billion.

Immediately after the election and the inauguration of the new President in January of 1989, with great fortitude, President Bush had the guts to face the reality of the disaster in this country. When his regulators came up here they told us the truth. The cost of the bailout could be $100 billion, $150 billion $200 billion, $250 billion, and it ultimately became more than $300 billion, when interest is included.

Mr. VENTO. Reclaiming my time for 1 minute, Mr. Chairman, I think the gentleman from Pennsylvania makes a very good point. It was during that time that we had regulations dealing with direct investment, an issue that the chairman, the gentleman from Iowa [Mr. LEACH], and I advocated and worked on. It did not take effect. The regulators were trying to push it. Congress and others were indifferent.

The issue is that the gentleman is creating a loophole here, and look who he is protecting. The gentleman is protecting the Charles Keatings. He is putting loopholes big enough to drive a Charles Keating or someone like that through, permitting them to avoid the enforcement.

Mr. Chairman I am pleased to join with my colleague from Pennsylvania [Mr. KANJORSKI], in offering this amendment to restore essential protection for the Federal Deposit Insurance funds and the American taxpayers who stand behind them.

There is no question that this amendment is needed. Under the proposed legislation, the Office of the Comptroller of the Currency and the Office of Thrift Supervision will not be able to do their job. Needed regulations on safety and soundness, such as improved capital rules, including interest rate risk, will be delayed and jeopardized if this legislation is not amended. There may be agencies where delays or higher hurdles will not negatively impact the the taxpayer, but in today's fast-paced, high-risk financial marketplace, with new products like derivatives, a timely response by the regulators is essential.

Mr. Chairman, the pending legislation is just the first step. I am most concerned about the impact that this bill will have when combined with H.R. 9, the Job Creation and Wage Enhancement Act of 1995 and H.R. 450, the Regulatory Transition Act of 1995. In their totality, these proposals could well become tomorrow's law of unintended consequences. Good intentions are not enough. When Congress passes legislation and enacts laws, the full range of impacts and effects must be considered.

I would note for the benefit of my colleagues that good titles for legislation such as "Regulatory Streamlining" and "Actions Within Artificial and Politically Driven Time Constraints" may well return our insured financial institutions to the thrilling days of the S&L high flyers, who may well use every loophole for personal enrichment. The bills which we will be considering, unless amended by the Kanjorski-Vento amendment, will create loopholes big enough to put Charles Keating and the other bad actors back in business with catastrophic costs to the taxpayer. It may be a leap of faith for some of my colleagues to assume that some regulation is necessary and some mandates are needed. However, it doesn't take much of an understanding of the history of financial institution regulation to agree with the absolute need for the Kanjorski-Vento amendment.

To the majority of my colleagues who were not in this body during the S&L debate, I would like to share with you two painful lessons from the deliberations and experience on which there is a general consensus.

First, in considering any legislation, the safety and soundness of the deposit insurance fund and the American taxpayer must come first.

Second, there are some financial institutions' operators who will use every loophole to make a buck. Surely those folks will be encouraged and empowered anew by the half-baked policy proposals such as the measure before us. Congress is engaged in a high-risk gamble which in the end could facilitate irresponsible actions of some financial officers who will not give a second thought about the inability of the regulator to respond or leave the American taxpayer holding the bag.

Congressman KANJORSKI and I are not alone in expressing reservations about the impact of these initiatives on the safety and soundness of the insurance fund. In discussions with the regulators, numerous questions and issues have been raised. Questions such as whether a "cease an desist" order constitutes a rulemaking action or whether the three separate legislative proposals slated for action will add a political tenor to the rulemaking process, have to date not been answered. I have sent letters to the banking, thrift, and credit union regulators seeking a full analysis of this proposal and others and the responses from each regulator supports the Kanjorski-Vento amendment; that is, the Office of Thrift Supervision, Office of the Controller of the Currency, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

Frankly, such considerations and answers should have been in place before any measure is considered on the House floor, and the necessary protection for the insurance fund should have been set in place. There should at least be open consideration today, not further different hurdles.

It's ironic that a proposal which purports to provide in-depth information about mandates and regulation to the Members of Congress to prevent missteps and problems has been so poorly conceived and considered by the committees and Members of this House. We owe it to ourselves and to the American taxpayer to know what we are voting on with regard to H.R. 5. Unfortunately that commonsense step was ignored in the helter skelter rush to meet a politically imposed deadline. How can we, in all candor and seriousness, advance a policy of legislative requirements when the process for consideration of the measure ignores or violates the commonsense deliberate consideration of the measure.

Mr. Chairman, even with the power and authority regulatory agencies may not act, but that power shouldn't be caused by a legislative act which impedes the agencies' action. The time honored and proven need for responsive regulatory action is more needed today than in the past. Congress should understand its limits and the impact of law that is being proposed today.

Mr. Chairman, as Members of Congress, we have a responsibility to support the viability of the deposit insurance fund. If we fail to include the Kanjorski-Vento amendment, we will be shirking that responsibility. I urge a vote for the taxpayer, a vote for common sense, and a vote for the Kanjorski-Vento amendment.

□ 1130

The FDIC and these other agencies receive a lot of scrutiny on the part of the Members of Congress and the constituents which they regulate. It is absolutely impossible for us to function without a sound role. It may be a leap in faith for some of my colleagues to assume that some regulation is necessary and some mandates are needed. However, it does not take much of an understanding of history of financial institution regulation to agree with the absolute need for this Kanjorski-Vento amendment that is before you.

The majority of my colleagues who were not in this body at that time during the S&L debate, I would like to share with you two painful lessons. One is that we, in considering any legislation, safety and soundness of the deposit insurance fund and of the financial institutions needs to be first. The American taxpayer is who you are protecting.

Second, there are some financial institution operators who will use every loophole to make a buck. Surely these folks will be encouraged and empowered by this half-baked policy that we have before us today.

I urge my colleagues to support this amendment.

LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Chairman, I ask unanimous consent to strike the last word to engage in a colloquy with the majority leader.

Mr. DINGELL. Mr. Chairman, reserving the right to object, and the gentleman from Massachusetts and the gentleman from California also reserve the right to object.

Mr. Chairman, I have some questions I would like to ask of the leadership of the majority under my reservation.

I note that one of the items that is scheduled is an amendment to the rules of the House. Am I correct on that?

Mr. ARMEY. If the gentleman will yield, that is correct.

Mr. DINGELL. Further under my reservation, I note that that change in the rules of the House has not been subject to hearing in the Committee on Rules; is that correct?

Mr. ARMEY. As near as I understand, there has been some discussion, but the resolution will be brought under an open rule.

Mr. DINGELL. Continuing under my reservation, I note that there have been no hearings in the Committee on Rules on this matter; is that correct?

Mr. ARMEY. It may be. I would check with the Committee on Rules if my curiosity compelled me.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I have a couple of more questions. I will be delighted to yield to the minority leader if he desires as long as I can continue my reservation.

Mr. GEPHARDT. If the gentleman will yield, I would be happy——

The CHAIRMAN. We are proceeding under rather irregular procedure here. The gentleman from Missouri had requested unanimous consent to proceed out of order.

Is there objection to the request of the gentleman from Missouri?

The Chair is prepared to recognize the gentleman from Missouri, who may then yield.

Mr. DINGELL. Mr. Chairman, I would observe to you, there is no other way I could get the floor to discuss something which is going to happen on Monday next, on which there has been no notice, on which there has been no opportunity for hearings, which is significantly going to change one of the rules of the House.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. If the gentleman could ask the gentleman from Missouri to yield to him, then we would be in more regular procedure.

Mr. GEPHARDT. Mr. Chairman, I would be happy to yield to the gentleman after I have asked the questions of the gentleman from Texas.

Mr. DINGELL. Then if the gentleman will be permitted to yield to me, I will withdraw my reservation, because my desire is to be cooperative.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. GEPHARDT. Mr. Chairman, I ask the gentleman from Texas, the majority leader, for the schedule for next week.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Let me if I may give you the meeting times for next week. Then I will talk about what we are likely to consider.

On Monday, we will meet for morning hour at 12:30. Legislative business will begin at 2. Votes will be postponed until after 5.

On Tuesday, morning hour is at 9:30. Legislative business will begin at 11.

On Wednesday, legislative business will begin at 11.

Thursday and Friday, legislative business will begin at 10.

On Monday, if I can go to the program, what we will be considering, on Monday we will take up House Resolution 43, clarifying how committee hearings are scheduled. This will be done under an open rule. Then we will return to consideration of H.R. 5, unfunded mandates.

On Tuesday, if it is necessary, we will continue consideration of unfunded mandates. We will then take up, subject to a rule, House Joint Resolution 50, the Robert J. Lagomarsino Visitors Center;

H.R. 101, subject to a rule, the New Mexico land transfer;

H.R. 400, subject to a rule, Arctic National Park and Preserve land exchange;

H.R. 450, subject to a rule, Butte County, CA land transfer;

And then as soon as we can and hopefully on that day we may begin proceeding on H.R. 2, line-item veto legislation, of course, subject to a rule.

Mr. GEPHARDT. May I ask the gentleman how late you expect the session will run on Monday?

Mr. ARMEY. Because we cannot begin actually voting until 5 out of deference to the travel schedules, Members are advised to be prepared to stay late, as late as 8 or 9 on Monday evening.

Mr. GEPHARDT. Would that be true for the rest of the week as well, or does the gentleman know how long we intend to be in session on Tuesday, Wednesday, Thursday, and Friday?

Mr. ARMEY. Again I think to a large extent that would depend upon how smoothly the work goes, how close we may be approximating the completion of important business. We will have to just project as we go along.

Mr. GEPHARDT. Can the gentleman tell me how late we may meet on Friday?

Mr. ARMEY. On Friday, we will try, and expect to adjourn at 3.

Mr. GEPHARDT. I would like to ask two other questions.

One, I note that we have a number of bills on the schedule for the New Mexico land transfer, Arctic National Park, Butte County, and Robert J. Lagomarsino Visitors Center.

In the past I know that we have done these kinds of bills under a suspension calendar and they take less time, and I know that you are trying to get a lot of important work done. These are subject to a rule and will take more time because of that.

Can the gentleman tell me why this would be the case?

Mr. ARMEY. Of course as the gentleman understands, we have made a commitment to openness. We always understood that that would require more time on this and a variety of other legislative efforts, such as H.R. 5 is proving to be the case.

It is our belief that this helps us to demonstrate our commitment to openness.

Mr. GEPHARDT. I just say to the gentleman, I am not trying to be argumentative, but we had a rules package, a compliance package and a balanced budget amendment that were not under open rules. I hope we will not get into a pattern where less important legislation, not that it is not important, such as the Arctic National Park, will be under an open rule when there really is not a need for more debate and more important matters will not be.

Let me just ask one additional question. I have seen in the press that the so-called A-to-Z bill would be coming to the floor.

Could I ask the gentleman if that is intended, and if so when that might happen so Members could be prepared for that important legislation?

Mr. ARMEY. As the gentleman may recall from his own experience as being the majority leader, the press often knows better than we. I will check with my sources for the press and try to confirm any story you have read. To my knowledge, there is no such legislation scheduled for the floor.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Missouri.

Mr. VOLKMER. I appreciate the gentleman yielding.

It will not take long. I would just like to clarify the schedule for Monday. If I may ask the floor leader, the majority floor leader, I just want to clarify something in my own mind for Monday afternoon:

H.R. 43, is that to be taken up at 2 p.m., when we go in at 2 p.m.? Is that to be taken up at 5 p.m.?

Mr. ARMEY. It will be brought up and with an anticipation again that either procedurally we will confine our efforts or within our procedures, roll our votes so that no Member would be hazarded by a vote being called before 5 p.m.

Mr. VOLKMER. In other words, we would be taking up the rule on H.R. 43 after the 1-minutes on Monday. We would then, if there is a vote on the rule, have that postponed. And then, since it is an open rule, if there are any amendments to it of which votes are requested in the Committee of the Whole, in the Committee of the Whole I do not believe you can roll votes.

Mr. ARMEY. The gentleman is absolutely correct.

Mr. VOLKMER. Let me inquire of the Chair. We would have votes in the Committee of the Whole and I would like to ask if those could be rolled until later on in the evening.

The CHAIRMAN. That would take a separate unanimous-consent request in the House as in Committee of the Whole for amendments.

Mr. VOLKMER. That would take a separate request. All right. And then those would have to be rolled until the evening also if that request is granted. Was that a unanimous-consent request?

The CHAIRMAN. That is correct.

Mr. VOLKMER. If there is no unanimous-consent request, it is my understanding that the votes that are in the Committee of the Whole on H.R. 43 during the afternoon would have to be voted on at the time that they are called?

Mr. ARMEY. That would be absolutely correct if they were in the Committee of the Whole before 5 p.m. and a vote was ordered. The gentleman should rest assured that no Member of this body will be asked to come to this floor and stand for a vote that will occur before 5 o'clock on Monday.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. MILLER of California. On that point, a point of clarification. You mentioned that the rule, if a vote is called on the rule, then I assume business would be postponed until that vote on the rule can be taken, and then go forward with the bill.

□ 1140

Mr. ARMEY. That would be correct. We would anticipate no vote being called on what will be and is an agreed-upon open rule.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. The statement is made that we will be taking up a bill without a rule being adopted.

Mr. MILLER of California. If a vote is asked for on the rule, then business will cease at that point, and you will have to come in after 5 o'clock to vote on the rule and then proceed on the bill.

The CHAIRMAN. Did the gentleman address his parliamentary inquiry to the Chair or to the gentleman from California?

Mr. MILLER of California. I need the right ruling here.

Mr. VOLKMER. I think the gentleman is right, but I did ask the Chair and I would appreciate a ruling from the Chair.

If you have a rule and a vote requested on a rule and that is postponed until 5 o'clock, can the bill be proceeded on in the Committee of the Whole without the rule being adopted?

The CHAIRMAN. Under that procedure, the rule must first be adopted.

Mr. VOLKMER. I thank the Chair very much.

Mr. GEPHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like the attention both of the distinguished chair of the Committee on Rules, for whom I have the greatest affection, I wish to inform the distinguished majority leader. I note that on Monday the scheduling is House Resolution 47 clarifying what committee hearings are to be scheduled, is up under open rule; is that correct?

Mr. ARMEY. That is correct.

Mr. DINGELL. Have there been any hearings on this matter in the Committee on Rules?

Mr. ARMEY. Is the gentleman addressing this question to myself or to the distinguished chairman of the Committee on Rules, for whom he has great respect.

Mr. SOLOMON. Who has the time?

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the distinguished minority leader, and I got it right that time.

Mr. GEPHARDT. Thank you.

Mr. SOLOMON. I would just say to the gentleman we have under the rules of this House for many years allowed the chairman of the committees, and I have served on many of these committees, I served on Transportation, I served on Foreign Affairs and Veterans' Affairs, and the chairman of the committees have always called the hearings, after due notice to the members.

We simply are following through with what has been a precedent of the House, even though there has been a rule that was different, and we are going to try to correct the rule on the floor on Monday.

As far as I understand, you had a problem with some kind of hearings, but I gave your ranking member of the Committee on Rules 48 hours notice when we were going to discuss this rule. If the gentleman had wanted a hearing he could have asked for one. We had a legitimate markup on it. We are going to bring it to the floor either as a privileged resolution, out of deference to the minority ranking member, he proposed to have an open rule. We are going to have an open rule. That is the new instructions I have from the Speaker of the House, Mr. GINGRICH, to try to be as open and fair and, as accountable as possible and we intend to do that.

Mr. GEPHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. The distinguished gentleman from New York is, of course, as always right. But this time regrettably only partly right, because the way the rules work the notice is given by the committee. Now this would change it so that both the notice and the discretion as to the handling of the notice lie in the chairman of the committee. There is no collegiality in the question of waiver. I have no objection to requiring the chairman of the committee to give notice. I think that is fine, and if the gentleman wishes to clarify that part of his concerns with regard to ambiguity that is fine.

But, I think that it is important that the collegiality of the waiver should continue.

And I would observe to my good friend that during the dozen years that I have run a committee around this place that it was always my practice to consult most carefully with the Republicans when they were in the minority and that they had no objection to when and how that question was waived.

The rule, for the protection of the minority now, and did before, and prior to this change, required that the minority have opportunity to participate in the question of whether the waiver was going to be given with regard to the 7-day notice.

Now there is a strong reason why this is the rule. First of all, the minority has need first of all to know what the majority intends to do. Second of all——

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ARMEY. Mr. Chairman, are we anywhere near regular order here?

The SPEAKER pro tempore. The gentleman from Missouri received permission to proceed out of order. He controls the time. The Chair has been treating this as not operating strictly within a particular timeframe as is the custom for this weekly procedure; it is rather open ended.

Mr. ARMEY. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Missouri controls the time.

Mr. DINGELL. If the gentleman will continue to yield, I am only stressing what was a matter of concern to the minority, and it was a matter of concern which I respected in my actions during the day I was committee chairman, and that was to see the minority was fully informed and that questions like waiving of notice were always carefully and fully discussed, and that the minority was fully satisfied with regard to these matters.

This is being changed. I have no objection, I reiterate, to changing the rule so that the minority, rather so that the chairman may call the meeting. That is fine and I understand the gentleman's concern, and I am going to be accommodating on that.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield.

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. To answer briefly.

Mr. DINGELL. I have never been able to get to the point of my concern, and I want to share it with my good friend from New York, for whom I have enormous respect, I want you to know.

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. DINGELL. The concern I have, the question of waiver is never laid before the committee and there is a strong reason for this. I want my colleagues to understand. The minority has from time to time desired to put, to bring witnesses before it, which without adequate notice they cannot do, that have to come from different parts of the country, sometimes from abroad and sometimes from places as far away as Alaska and California.

Having said that, there is also the problem that for the minority to ask for a day's hearings we have to do it during the time that the hearings are actually going on. And if they do not have time to do these things, the minority is effectively stifled.

The CHAIRMAN. The gentleman from Missouri yielded to the gentleman from New York.

Mr. GEPHARDT. I yield to the gentleman from Texas.

The CHAIRMAN. He now yields to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I want to thank the gentleman from yielding to me and also thank him for his generosity first to the gentleman from Michigan and even to the gentleman from New York.

But, Mr. Chairman, Mr. Leader, what we have here is a very spirited preview of the debate that is actually in fact scheduled for next Monday, and I am sure that the gentleman from Michigan [Mr. DINGELL] could make those remarks much more effectively within that context of that debate at that time. I know we are anxious to get back to H.R. 5, but if I can again assure the gentleman from Michigan that we have an open rule, and he will have ample opportunity to debate the merits of the proposition within that time on Monday, perhaps we can move on here.

Mr. GEPHARDT. If the gentleman will yield back to me, I think what the ranking member is trying to get across is that perhaps the ranking member on the Committee on Rules did not ask for a hearing on this. I do not know what transpired. But I think you are seeing there is a tremendous amount of concern among our ranking members about this rules change and, indeed, when it comes to the floor on Monday I think you can expect that there will be a long and contentious debate and probably many amendments to be offered and the majority just needs to be aware of the amount of concern.

Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I want to thank the gentleman for yielding. If I could address a question, I do not know which of the parties, chairman of the Committee on Rules or the majority leader, but as I understand, because this is the first time I have seen this legislation, the bill you will be bringing to the floor, under the current system of the rules require that the committee give notice of a hearing within 7 days.

Mr. SOLOMON. Within 7 days.

Mr. MILLER of California. That has been worked out traditionally under previous practices, Mr. YOUNG and myself, we talked about it and it would be fine. But it was about whether or not a hearing would be held, and 7-days' notice.

As I understand this legislation, this will collapse the 7-day timeframe from 7, that is what we need to know, from 7 to 2; is that what it is?

Mr. SOLOMON. No; and I am trying to tell you. I cannot be recognized.

□ 1150

Mr. MILLER of California. So that is what I need. What you are saying is that House Resolution 43 would simply clarify that it is the prerogative of the Chair with consultation?

Mr. SOLOMON. And nothing else changes.

Mr. MILLER of California. To call the hearing, but the 7-day protection for the minority continues, as it does under current rules? Is that correct?

Mr. SOLOMON. That is absolutely correct. If someone would yield to me.

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. Let me just briefly read the change. All right. "The Chairman of each committee of the House except the Rules Committee," I am exempting ourselves which is under the present rules, "shall make public announcement of the date, the place, and subject matter of any committee hearing," and listen to this now, JOHN, "at least 1 week before the commencement of the hearing."

Now, that is exactly what we are doing now. We are substituting the committee for chairman, and we are doing nothing different than what we were doing before. I have also made offers to the gentleman from Massachusetts [Mr. MOAKLEY] for compromises which would even alleviate further the concerns of the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Will the gentleman yield further?

Mr. GEPHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. This language of this says that the chairman, not the committee, may determine that there is good cause to begin the hearing sooner. The committee has no say whatsoever in this matter.

Now, I have no problems with allowing the chairman to send out the announcement. That is one of the concerns of my good friend from New York, but I have great objection to not allowing adequate notice to the members of the committee about holding this matter more quickly. This has been something that has always been very jealously guarded by the minority. The gentleman from New York will remember that, as will the gentleman from Texas, the majority leader. I understand that.

This is simply a question of basic fairness, because members have to have the time and ability to prepare to produce witnesses, to do things necessary for the orderly operation of the committee, and for their proper participation. I seek no advantage. I seek only fair treatment. I know the gentleman, because of his sense of fairness, is going to give it to me.

I hope he understands the point I am raising. The point I am raising is not objection to the fact the chairman sends out the notice. The objection I raise is the question is the chairman may then essentially, because of the language, the way the resolution is written, simply waives that without any recourse by members of the committee. Then the members of the committee, the ranking minority member, the minority will have no opportunity to solicit witnesses, to prepare for testimony, to prepare themselves to ask questions or to do any of the other things that are necessary including asking for the day's hearings, which is one of the treasured rights the gentleman from New York during his days in the minority so vigorously and properly defended.

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. MILLER of California. I am seeking clarification. I appreciate it.

This may save time on Monday. But as I read the language, I think the characterization by the gentleman from Michigan may be correct, because it says you have 1 week, but it says then the chairman determines if there is good cause to begin sooner. That collapses the 7-day protection.

I know it seems a long time since you guys were in the minority, but—

Mr. SOLOMON. I cannot even remember it.

Mr. MILLER of California. Let us go back to those days of yesteryear when you wanted to make sure your rights and the right of the public to participate in these hearings was protected. Could the gentleman clarify that?

Mr. SOLOMON. If the gentleman would yield further, I will be glad to. We are doing nothing in this language but substituting the word "committee" for the word "chairman"; and right now, JOHN, the committee has the right to waive the 7 days.

Mr. MILLER of California. That is a committee vote.

Mr. SOLOMON. They have that right. All we are doing is changing that.

Mr. DINGELL. That has always been required to be done by the vote of the committee. It was done by the vote of the committee, not by the whim of the chairman, and that is the change that I find so difficult.

Mr. GEPHARDT. I yield to the gentleman from California.

The CHAIRMAN. The gentleman from Missouri yields to the gentleman from California.

Mr. MINETA. I thank the leader for yielding.

Mr. GEPHARDT. This will be one of the last two.

Mr. MINETA. One of the things that does bother me—there are two things, I guess I should say. First of all, that there were no hearings at the Rules Committee on this issue. And, second, our distinguished majority leader says that this is a preview of the vigorous debate that would occur on the floor on Monday.

The problem, I think, is that there is a public interest in this issue as well, and the public will not have an opportunity to make their views known on this, because the public cannot speak here on the floor, and that is why, and when I first heard about this, I then asked the Chair of the Committee on Rules to hold a hearing on this, because I think, as has already been clearly pointed out, the rule has always existed. It has always been worked out on a mutual-consent basis with the minority, but this eliminates totally the ability to have that, either the waiver and the vote of the committee to protect a minority status. You always had that, and to the extent that we were going to be arbitrary, you could always force the vote in committee.

But now we do not even end up with that protection. I think both hearings at the Committee on Rules would be something that is needed and desirable, because we will not be able to get the public input on this issue.

I thank again the distinguished minority leader for yielding me time.

Mr. SOLOMON. Discuss it on the floor Monday.

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. MILLER of California. I appreciate it. And I thank the gentleman for yielding, but I appreciate it that when we try to exercise the rights of the minority, and I think I see my chairman on the floor, the gentleman from Alaska [Mr. YOUNG].

In the running of the Committee on Natural Resources, the minority was constantly protected as to witnesses, as to time, and amendments. We sat there late at night. We sat there days on end, because I believe in that process, and I brought an open rule to this floor every time I brought a bill, and as many Members like to remind me from time to time, they spent almost 30 hours on this floor, 8 or 9, 10 days on the California Desert. That is because no matter how contentious and no matter the fact that I had the votes on the matter, we decided we would give everybody a right. That was the same process that was followed in the committee.

But now all of a sudden what we see is a complete collapsing, a complete collapsing of not only the rights of the minority in this House, and that is interesting, and that is troublesome, and that is real problems for us. We will deal with that.

But we also see a complete collapsing of the right of the public to participate, to know about, to anticipate, and to comment upon hearings that can be scheduled, because under this bill, the chairman can unilaterally decide that a hearing will be held in 1 day or in 2 days. This is a House that is being run under a Speaker who is proud of the fact that he says it is the most open. It is not turning out to be that. This is a Speaker that is proud that we are on the Internet. But yet you cannot get your witnesses to the hearing. You cannot prepare the members of your committee. You have no notification of hearing.

This is a continuation of a collapse of minority rights that we have seen. I feel I am justified to speak on this, because it never ever happed in my committee in all of the years that I was in control of it and in all of the years that my predecessor, Chairman Udall.

Why? Because we had respect for minority rights, and I used to talk to Members about the difficulty of serving on the minority.

But here we are. Let us understand in the Committee on Natural Resources yesterday, witnesses were arbitrarily cut off. Some were given 5 minutes. Some were given 3 minutes. Nobody told them what time. They just arbitrarily got tired of the testimony. They cut people off. Committees have adjourned arbitrarily because it was 6 o'clock. On the issues of constitutionality, committees were told they could not continue to offer amendments, because the chairman was tired in the committee; on unfunded mandates.

These are fundamental principles that concern the American public. Yet what we see is a continuation.

I realize power is heady. I realize power is corrupting of principles. But here we are starting to see it, ladies and gentlemen. What you are starting to see is they do not want the open debate. We can debate this on Monday. We are trying to determine what it is we will be debating on Monday so we can prepare our arguments. That is fundamental.

And the gentleman knows that. You know, he sat on the Committee on Education and Labor, and debate went on late into the night, because the right of Members to offer amendments from either party was guaranteed. We all knew that it caused difficulties with floor schedule, but Members had amendments, even if they knew they were going to lose on a straight party-line vote; they wanted their voices to be heard. That is what this institution, that is what this Constitution is about.

But it goes far beyond the floor of this House or the committees of this House. It goes to our constituents. It goes to the right of the public to be heard, the right of the public to participate in these hearings and to comment upon them, and you cannot do that with 1-day notice arbitrarily given.

That kind of advantage is corrupting of the openness principles of this institution, and I think we ought to understand, and I speak, I hope I speak, to those in the minority that you better understand that somewhere a line in the sand is going to have to be drawn on the right of you to protect your membership on these committees, your rights to participate on these committees, and the right of your constituents and others in this country to be heard.

There is no need, there is no showing, there is absolutely no showing for the need to do this, because we have worked out committee hearing arrangements between majority and minority. One of the reasons you wanted to change it is because it has become accepted practice that we do it in consultation.

□ 1200

But what we have not done, what we have not done is collapse the 7-day protection for the minority to be prepared for that hearing.

You could be planning for a hearing as the chairman of the committee for months, announce it, and we would have 7 days. Under this propcsal, if the chairman deems a reason to begin the hearing sooner, you can announce it in 2 days.

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] controls the time.

Does the gentleman from Missouri continue to yield?

Mr. GEPHARDT. I yield to the gentleman for one additional short comment.

Mr. MILLER of California. Mr. Chairman, the American public has watched for the last 3 or 4 days the prosecution and the defense in the O.J. Simpson trial. What was one of the fundamental tenets in that trial that they are arguing about? The ability to be put on notice, the ability to be put on notice so that you could respond, so that you would understand the subject matter, the witnesses and the people that are to be drawn.

What this rule says is no, that the tools all belong to the majority here, they will arbitrarily decide a day or two, and they will collapse what has been a historical protection. There is only one way to read: "If the chairman of the committee determines that there is good cause to begin the hearing sooner." If you want to say if the committee determines there is good cause, have a vote in the committee, but that is a committee determination. You are in the majority. You ought not to be afraid of doing the public's business in front of the public.

Mr. GEPHARDT. I reclaim my time simply to say to the distinguished majority leader that I think you could tell from the concern expressed by these ranking members, which is deep and sincere, that it would be helpful if there could be a hearing on this before it is brought to the floor. But if there cannot be, I would strongly recommend that you bring up the rule at 5 rather than at 2, so that all the Members can be here for this debate.

Mr. Chairman, I yield to the gentleman from Texas [Mr. ARMEY], and then I intend to yield back the balance of my time.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Chairman, in light of what we have seen here, what promises to be an exciting day, one that I am certainly going to be here for, I should revise my earlier comments and advise the Members that they may be prepared to stay very late Monday evening.

I thank the gentleman for yielding.

The CHAIRMAN. Is there further debate on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. KANJORSKI]?

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, once again, Members are forced to take to the floor to rectify serious errors and omissions in H.R. 5. All of the major banking regulators have indicated that H.R. 5 might seriously impact their ability to protect the safety and soundness of America's banking system. You may have heard this before, but it bears repeating: The largest unfunded mandate of the past 20 years was inflicted by the States on the Federal Government in the form of the S&L crisis.

Federal taxpayers have had to pay out tens upon tens of billions of dollars to bail out the mess created, in large part, by State banking laws that left the Federal Government paying the tab. I would like to quote the comments offered by the Republican Chairman of the Senate Committee on Banking, Housing and Urban Affairs on this very issue: "I am concerned that imposing the requirements of unfunded mandates legislation on these Federal financial institution regulatory agencies could delay the issuance of prompt safety and soundness rules that affect federally insured financial institutions and credit unions and their deposit insurance funds."

The other body then unanimously adopted an amendment that is even more sweeping than the one that is before us today.

Do we in the House really want to possibly sow the seeds for a future banking crisis by possibly preventing or delaying the ability of our banking regulators to take action to protect the integrity of our banking system?

We can dispel all concerns and protect the taxpayers simply by passing this well-considered amendment.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words, and I too rise in strong support of the amendment. As the gentlewoman from New York just pointed out, it is part—it is now an agreed-to part by even the majority Members over in the other body.

I do not understand why the proponents of the bill are in favor of not permitting our financial institution regulators from being able to do emergency legislation on financial institutions because they may be unsound or operating improperly and therefore, under this legislation, without this amendment, would permit these financial institutions to continue to operate and bilk the public, and the public is the one that is going to be the big loser.

There is a potential that you have something worse than we ever had under the savings-and-loan fiasco, but I must remind people that that occurred under a previous administration, also, and perhaps there were not proper things done at that time. Maybe that is the way that the proponents of the legislation want it. Maybe that is the reason that they feel that the savings and loans and the financial institutions, the banks, et cetera, should be able to operate in any willy-nilly way they want to operate and to heck with the depositors.

One thing before I yield that I would like to comment on, too: Earlier, when we started on this bill today, there was an effort by the gentleman from Pennsylvania to insert 20 minutes on each side on all amendments to this section, perhaps because the bill was not moving fast enough and because they considered there may be dilatory tactics on this side. But this amendment is not one of those. This amendment is not one of those. This amendment is in the Senate bill, adopted in the Senate committee, or a similar one, not the exact amendment. It a very proper amendment that will make this bill better. Make it something maybe that we could eventually vote for the whole bill.

The last point I would like to make is that the delay that occurred just a while ago on discussion of the schedule has delayed this bill for about 35 minutes. That never occurs except when we saw what is proposed to occur in that schedule. It is almost unbelievable.

I have been here 18 years, 18 years, I have never seen one Democrat ever propose that you reduce the hearing time from the 7 days. It has always been in the rules, always been in the rules.

And now that is going to be reduced because I know that when a majority decides to do something, they are going to run right over the minority because you are together. You have got votes, you win. If that is the way you want to do it, fine.

But once you do that, folks I want you to know that this gentleman is not going to just sit back and say, "Okay, run over me a second time," because you have already run over me more than once this session. I am not going to sit here and be run over and see the rules of this House being actually reduced to where it is an autocratic rule.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's comments and concerns. I think common sense dictates this amendment would be adopted. You have not answered the questions with regard to differentials; the regulators themselves are telling you that they need this for the safety and soundness of the financial institutions of this country, for the deposit funds. To issue requirements or rules on accounting standards, on safety and soundness with regard to capital standards and derivatives. How in all good conscience can this House disregard these particular concerns? I would think that no matter the ideology and concerns about unfunded mandates, these regulators said, "We need these tools, and we will operate with them." I can assure you because oversight would occur, how can you differentiate between leaving some agencies in and out because of the way they are organized? It just stands logic on its head. I strongly urge Members of this House, as Senator D'AMATO, chairman of the Banking Committee, has accepted an amendment, to much greater extent in the other body. I think this should be a signal of an issue that is quite different than some of the others that have been considered by this House and would urge, strongly urge, positive action on this particular amendment.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Ohio.

Mr. PORTMAN. I thank the gentleman for yielding.

Mr. Chairman, just one quick clarification with regard to the Senate amendment. It has strictly to do with title II, so it is not more broad nor more sweeping than this amendment, and in fact, it is more narrow than this amendment.

□ 1210

Mr. VOLKMER. This amendment, if I remember right——

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. Mr. Chairman, I believe the gentleman has offered it en bloc. Am I correct in that?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, that is correct.

Mr. VOLKMER. So this amendment is to the proper section all rolled; right?

So, I am sorry, gentlemen. This amendment is to section 2 also.

Mr. VENTO. Three.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, this is part of the exemption of section 4 which would apply to the entire bill and not just to section 2. The Senate amendment only applies narrowly to the section to title II which is the regulatory section we discussed earlier.

Mr. VOLKMER. I ask the gentleman, "Are you telling me that, if we offered the amendment to the section 2 or section 3, that you would have accepted it then?"

Mr. PORTMAN. No, I am saying that the Senate amendment is not overly broad or more sweeping. In fact it is more narrow than this amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. To the gentleman from Ohio [Mr. PORTMAN] the Senate is not, as I am not, worried about the point of order question here. They do go to the regulatory question, and that is what I am disturbed about, and again I appreciate the effort that the new majority Members have made in trying to familiarize themselves with our problem here, but the gentleman from Virginia [Mr. DAVIS] I know is just a new Member, and the gentleman from Ohio [Mr. PORTMAN] is a new Member, and I say to them, "You don't remember the fact that in the 1980's it was the regulators of the States that caused the Federal insurance fund to come to their rescue, and it was only because when we refrained from the proper control of State banking that we allowed this to happen. But now through this legislation we are wheedling away the ability of the Federal regulators to protect Federal taxpayers and the full faith and credit of the United States from being misused, abused, and in some instances fraudulently abused. Let me call your attention——

Mr. DAVIS. Would the gentleman yield?

Mr. KANJORSKI. In one moment I will.

One hearing we held in San Francisco in the late 1980's, the State regulators of California's S&L's with great disdain took the witness stand and testified that in his first year in office it was his mandate for economic development purposes to issue new charters to S&L's, and with pride he said he issued more than 200 charters that very year. Most of those S&L's in California that he charted subsequently failed at great cost to Federal taxpayers.

He also said, as the State regulator, that he only had eight investigators who could ever regulate those institutions that were under State regulation in California, many hundreds besides the 200 new charters that he had issued. California, Texas, and Florida together accounted for more than two-thirds of the S&L's that failed in this country, and it was because of the failure of the State regulators to properly regulate State chartered institutions and to properly protect the federally insured Federal deposits that tens of billions of Federal insurance was ultimately paid out by the American taxpayer.

Mr. DAVIS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. DAVIS. I would like the gentleman to respond to a couple of concerns that I have.

First of all, it is my understanding that the Office of the Comptroller of the Currency and the Office of Thrift Supervisor have never issued safety and soundness regulations on an emergency basis. If the gentleman has different information, I would be happy to hear that——

Mr. KANJORSKI. Reclaiming my time, we are not talking on emergency basis here. We are talking about——

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] controls the time.

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. The gentlewoman from Illinois [Mrs. COLLINS] is giving me the time.

We are not just talking about emergency situations here. We are talking about the normal regulatory process as well. For example, we are about to have a HUD agency issue regulations on capital accounts for Freddie Mac and Fannie Mae, controlling perhaps three, or four, or five hundred billion dollars.

Now they are not going to do that because they want to have activity downtown.

Mr. DAVIS. Sure.

Mr. KANJORSKI. They are doing that because there is a question of whether or not there is sufficient capital to support the extensive amount of mortgage activity in the secondary market.

Mr. DAVIS. I understand.

Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Virginia.

Mr. DAVIS. But there is nothing here that stops them from going ahead and doing that now?

Mr. KANJORSKI. No, there is, and the gentleman does not understand it because we have not denied judicial review in this bill, and in fact there is judicial review in this bill. For any regulation that is issued, we are granting any bank or institution, whether State or federally chartered, the right to raise the question of whether or not there has been sufficient compliance with the standards for economic analysis that we have required in this bill.

Mr. DAVIS. Mr. Chairman, if the gentlewoman would continue to yield, I understand the gentleman. I disagree with that. We will argue this later when the judicial review comes up, but there is always judicial review under the Administrative Procedure Act down the road, and we will argue this—

Mr. KANJORSKI. The existing judicial review goes only to capriciousness and unreasonableness. It does not go to the standard of whether or not they complied with the requirements of cost analysis. We are adding here in this bill an entirely new arm and an entirely new set of information that can be attacked.

Now, the gentleman's problem—let me say what his problem is.

You have got institutions worth hundreds of billions of dollars with law firms and inside counsel that have nothing else to do but to test regulatory authority and properness in the issue of regulations, and we have seen—I mean it's not like we're saying, "Could this happen?" We're not saying, you know, "Is it an outside possibility?" In the 1970's, in the 1980's, we saw it happen to the extent we almost saw a total collapse in the financial institutions of this country.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the proponents of this amendment are now not talking about emergency situations, there is absolutely no reason why the accountability required for other agencies in this bill should not equally apply to the agencies we are talking about just because they are in the area of financial institutions.

Further, it is my understanding from a personal view and also after again consulting with the majority of the House Committee on Banking and Financial Services, that in real emergencies the Federal regulatory agencies do not respond by rule making. They respond by issuing a cease and desist order to promptly stop.

The fact of the matter is there is nothing here in this bill which addresses cease and desist orders. There is nothing here that prevents the Federal agencies from immediately stopping any action of an institution under their purview which is, in fact, endangering the economic health of that institution, and therefore the emergency remedies are still present, and I think that the arguments amount to more of a scare tactic than I think anything that is practical that is presented in H.R. 5.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, if this is such scare tactics, and, first of all, if this is so innocuous, but opposed by the banking majority, I ask the gentleman, "Why aren't any members of the Banking Committee here in the majority arguing this proposition?"

I ask a second question:

"If this were just scare tactics, why are all regulators of all Federal institutions, depository funds and all banks, and all markets, opposed to this legislation?"

This is not emergency, and let me go one step further:

"If that's the case, why is it so bipartisan that the chairman of the Banking Committee, a Republican in the Senate, has recognized the possibility of what we are talking about today? Why is the House of Representatives, who represents the people and the depositors of America, failing to recognize that in a bipartisan way Senator D'AMATO of New York, the chairman of the Banking Committee, recognizes this as an important amendment, an important factor, as inserted in the bill in the Senate side?"

I have to get the feeling that—

Mr. SCHIFF. Reclaiming my time from the gentleman, I think the gentleman has made his point. I am glad to hear the gentleman has such confidence in the respected chairman of the Senate Banking Committee, that we can now refer to him each time he proposes a bill or an amendment on a subject and expect to get the gentleman's support.

Mr. KANJORSKI. If the gentleman would yield, I have had the pleasure of dealing with Senator D'AMATO for years, 10 years I have been in Congress, in conference reports on banking, and I have just cosponsored with him the new expanded secondary market and small business in the last Congress, and I think—

Mr. SCHIFF. Reclaiming my time—

Mr. KANJORSKI. Senator D'AMATO has done outstanding work.

Mr. SCHIFF. Reclaiming my time from the gentleman, as I said, I am certain that when other proposals are made from the respected and distinguished chairman of the Senate Banking Committee they will receive on the floor the gentleman's support also.

But I have consulted with the chairman of the House Committee on Banking and Financial Services, whom I also respect, who again reiterates that a cease and desist order is the manner of addressing real emergencies, and they simply are not affected in any provision of this bill.

□ 1220

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 266, not voting 14, as follows:

[Roll No. 53]

AYES—154

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
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Hostettler
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Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
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Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
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Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
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Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
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Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bishop
Bliley
Brown (CA)
Clinger
DeLay
Fields (LA)
Flake
Gilman
Hansen
Jefferson
Pombo
Rush
Souder
Stark

☐ 1238

The Clerk announced the following pairs:

On this vote:

Mr. Jefferson for, with Mr. DeLay against.

Mr. OWENS and Mr. GONZALES changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Chairman, I regret that I was inadvertently delayed in getting to the floor and, thus, was unable to vote on Rollcall No. 53, the Kanjorski amendments. Had I been able to vote I would have voted "No."

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, official business kept me from the Chamber during the vote on the amendment offered by my colleague from Pennsylvania, Mr. KANJORSKI. Had I been present, I would have voted "no" on rollcall No. 53.

☐ 1240

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer two amendments, numbered 7 and 8, printed in the RECORD, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

Mr. SCHIFF. Mr. Chairman, I have no objection to that request, but I ask unanimous consent that all debate on this amendment be limited to 20 minutes on each side for a total of 40 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mrs. COLLINS of Illinois. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Is there objection to the request of the gentlewoman from North Carolina that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mrs. CLAYTON: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) protects worker safety.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) protects worker safety.

Mrs. CLAYTON. Mr. Chairman, apart from the debate that has occurred on the floor of the House and the committee reports that have been filed, there is little or no legislative history on this bill. The reason there is little or no legislative history is because there have been no hearings on H.R. 5. Legislative history begins with hearings. It is through the hearing process that varying views are presented, issues are identified and critical questions are raised and answered.

If nothing else, the debate demonstrates that the language of the bill may well raise as many questions as it provides answers. Indeed, the minority views in the committee report states, "The haste in which this bill was considered left a number of substantive issues unaddressed, which even the authors conceded at markup that they would like to address on the floor." One such issue, which my amendments seek to address, is the matter of workplace safety. My amendments would add the broad category of workplace safety to the list of "Limitations on application" found at section 4 of the bill.

Other amendments address specific workplace safety issues, such as child labor, pregnant women and the Family and Medical Leave Act. My amendments address all workplace safety issues. Mr. Chairman, I am not a lawyer, but I am told that in statutory interpretation cases before the courts, if there is a specific listing for coverage, the court is more likely to limit coverage to the specific listing rather than to "guess" at what Congress intended by expanding that specific list. In that case, language which includes specific listings, may well exclude intended listings. In any case, I don't want to leave any doubt.

Last week, I recalled a workplace fire in my State of North Carolina. Two hundred people were working in a chicken processing plant when a fire broke out, killing 25 of the workers. Most of those killed were single women, struggling to raise a family and make ends meet. North Carolina responded and doubled the number of inspectors for workplace hazards. Now, some will argue that Occupational Safety and Health Act laws are not unfunded mandates, because the Federal Government hires and pays the inspectors, unless a State volunteers to do so. They will also argue that the $50 million trigger excludes OSHA coverage.

To those who would make that argument, I would respond, if OSHA laws do not apply, then what harm does it cause to accept the language of my amendment? I would further respond that the $50 million trigger applies to "all Federal intergovernmental mandates in the bill or joint resolution." The point is, Mr. Speaker, if we amend OSHA, following enactment of this bill, in the absence of language protecting that workplace safety law, it is not inconceivable that Congress, the advisory commission created by the bill, the Director of the Congressional Budget Office or the courts, would interpret our changes as creating an unfunded mandate.

If we do not intend that consequence, why not say it? If OSHA and other workplace safety laws are not covered by H.R. 5, what's wrong with stating that? The best cure for ambiguity is clear and precise words—words that express "the plain meaning" of our actions. I do not believe that many would argue that child labor laws are intended to be the target of this legislation. Yet, there is no direct and certain language in the bill that supports that intent. My amendments, in plain straightforward terms, are designed to make clear that we intend to exclude workplace safety laws from coverage of this bill. Nothing more, nothing less.

Because there is no direct language in the bill related to workplace safety, the Unfunded Mandate Reform Act threatens to eliminate federal standards for workplace safety. Before passage of workplace safety laws, children were forced into adult work, 14,500 persons died, by accidents, on the job, and 2.2 million workers were disabled annually. Another 390,000 workers faced occupational diseases. We now protect children, and every working woman and working man from unhealthy and unsafe conditions on the job.

The issue of workplace safety is an issue which we in the Congress have a right, indeed a constitutional duty to protect.

The CHAIRMAN. The time of the gentlewoman from North Carolina [Mrs. CLAYTON] has expired.

(By unanimous consent, Mrs. CLAYTON was allowed to proceed for 30 additional seconds.)

Mrs. CLAYTON. Mr. Chairman, this is not a matter that should be rushed through and rubber stamped because some Members believe it is more important to make a point in 100 days than it is to save hundreds of lives. And, if it is to be pushed forward on a fast track, let's at least take the time to perfect this bill through the amendment process. We owe that to the children and workers of America. I urge passage of my amendments.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe that the proponent of this amendment is very sincere in her concern for worker safety, as she has demonstrated so often in the past. But I strongly rise to say that we oppose this amendment for the very reason that we opposed the interstate impact amendment on Friday, the 20th; on Monday, the 23d, the air pollution amendment, the airport safety amendment, the nuclear waste amendment, the minimum wage and child labor amendment, the radioactive substance and toxic waste amendment; and then on Tuesday, the 24th, for the same reason we opposed the amendment on age and on child molester data base and so on and so on, with all the various amendments that Members want to exclude from this bill.

□ 1250

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I am delighted to yield to the gentleman from Ohio.

Mr. PORTMAN. I appreciate the gentleman yielding.

One small point, again. I appreciate the concern of the gentlewoman from North Carolina.

Again, if we look at the amendment by the gentleman from Vermont [Mr. SANDERS] which we considered earlier in this debate, it does include, and these are amendments which we also considered en bloc, establishment of minimum standards for occupational safety.

I would just say, Mr. Chairman, that ii is my belief that in a sense we have already had a vote on this issue, and that we did vote on exempting establishment of minimum standards for occupational safety previously in this debate. That vote was, I believe, 161 yeas to 263 noes, so it was soundly defeated.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I am happy to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I would suggest that though that has happened, they also included very specific language, wherein my amendment is very broadly structured to include workplace safety. This is consistent with the language, that the gentleman has said that it will not, indeed, jeopardize the safety and health of Americans. Therefore, if the gentleman means that, it simply says that the gentleman would include that. This is not inconsistent with what the gentleman is saying. He is just not putting it into the language.

Mr. SHAYS. If I could reclaim my time, Mr. Chairman, and I would be happy to ask for unanimous consent if we need more time, the point I would like to make, as someone who has sat on the Subcommittee on Employment and Housing of the Committee on Government Operations, which actually investigated the horrible event that took place that the gentlewoman is referring to with the processing plant, I am not aware that we passed new regulations, passed a new law, to deal with that issue. Mr. Chairman, we told OSHA to do its job better, and they did their job better, but it did not require us to pass new legislation to deal with it.

Mr. Chairman, I just think in one sense, dealing with that issue, there would have been no effect of this legislation as it related to that incident.

Mr. Chairman, I make another point to the gentlewoman. The fact is that this mandate bill is very clear that the very people that want to pass the bill to deal with a mandate, if it is not funded, the very people, the 50 percent who want to do that, can also be the very 50 percent who override the objection that it is not a funded mandate if in fact it is not a funded mandate.

We are constantly having to remind the other side that it is merely a simple majority that can overrule an unfunded mandate, so it is hard for me to understand how, if there is concern to bring a bill before the Chamber, and it has 50 percent of the vote because it is a real concern, why that 50 percent does not remain in cases like the gentlewoman's concern of a need to deal with a very serious worker issue.

Mr. Chairman, we are being redundant on this side, but I have weighed in so strongly in favor of OSHA. I happen to be someone who supports OSHA. If I thought a bill came before us that deserved the merit, and we could not come up with the money for a variety of reasons, Mr. Chairman, I would vote to override the unfunded mandate based on that need. What we did on this side was guarantee that it was only 50 percent.

Mr. Chairman, I just make the point that we are constantly being told of specific concerns that Members have on that side of the aisle, and we have voted them down because we know that within the bill is the mechanism to deal with every one of those concerns.

Mr. CLYBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, which will ensure that minimum Federal workplace standards will remain intact to protect the millions of Americans who work every day.

This amendment is simply about saving lives. Despite the enormous strides made in the workplace over the last 25 years since the enactment of the original Occupational Safety and Health Act, hundreds of thousands of workers are still at risk in the workplace.

I would remind my colleagues on the other side that in the OSHA regulations, as well as many other Federal regulations, especially in the civil rights area, there is a deferral procedure wherein States and localities are in fact deferred to.

Now, Mr. Chairman, I want it to be clear that we are saying deferral here, and not referral. That simply means that in many instances we can defer to the States to establish their own procedures and their own regulations, and such was the case in North Carolina where that tragedy took place.

During the investigation what we found was that in many of those instances, the kind of inspections that were expected to be taken place at the State level did not take place. Therefore, I think, Mr. Chairman, that we need to make sure with this kind of legislation that we establish these kinds of floors, so no State or locality can go beneath them.

In 1970, Mr. Chairman, when OSHA was enacted, Congress considered these figures: Job-related accidents accounted for more than 14,000 worker deaths. Nearly 2½ million workers were disabled. Ten times as many person-days were lost from job-related disabilities as from strikes. Estimated new cases of occupational disease totaled over 300,000.

In terms of lost worker production, wages, medical expenses, and disability compensation, the burden on the Nation's commerce was staggering. OSHA had to be enacted or we would have ended up with a net loss of billions of dollars from the gross national product.

Without explicitly exempting workplace safety laws from this legislation, we open up the possibility of OSHA and all workplace safety laws being considered as unfunded mandates.

All too often, Mr. Chairman, particularly in lower income and rural areas, as is much of my congressional district, some companies circumvent and violate OSHA laws and regulations, exposing employees to unsafe and unhealthy working environments. This amendment, Mr. Chairman, will at least allow minimum workplace guidelines to remain in place. Without this amendment, those who are least economically secure and who are less educated, and likely to be exposed to unfair, even inhumane working conditions, will be without protection.

Therefore, Mr. Chairman, absolving employers from current workplace laws would be a tragedy in light of the tremendous potential harm that would be brought to workers across the country. I urge my colleagues to support this important amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this is a very good amendment. Let me state the reason why. Worker safety is critically important.

I can remember years ago, when there was not that much worker safety, that one of my relatives, a cousin, as a matter of fact, worked in a factory in the city of Chicago, and there was this machine that he was operating. There was not a guard on this machine that would protect him. He was standing there doing his work, and something jammed. He went to push this piece of material, whatever it was, into the machine, and he lost four of his fingers.

Those things happened a great deal in those days. This has been not that long ago. It has been a while since I was a young woman, but I was a little bit older than a kid. I remember how that impacted on me.

I remember, first of all, seeing him in the hospital, seeing him come home, and finding that my cousin, who was a favorite of mine, who had always treated me with a lot of love and affection, came in and when he got ready to hug me, I could not look at his face. All I could do was look at his hands, because I had heard my grandmother say he had lost his fingers. I had never heard of anyone losing their fingers before. That to me was a tragedy that I have never been able to forget.

Mr. Chairman, I can remember also that some years ago there was an issue, not just in North Carolina but in Mississippi, where there was a catfish factory where people were doing catfish, preparing catfish. They had a certain amount of catfish they had to debone and all that sort of thing.

It seems to me that at that time one of the reasons why they were doing that is because they wanted to get more production out. Catfish had become a new thing, and now it was done in ponds instead of being a scavenger fish at the bottom of the river and all, and that was it.

Now it seems to me that what happened in that case, the women told me when I went to talk to them about that, and at that time I was on the Committee on Government Operations and the Manpower and Housing Subcommittee, and there is a new name, but that was the name of it then, and the thing that was going on was they were forced to do all this boning of the fish. Of course people would cut their fingers.

□ 1300

If they cut their fingers, they were not allowed to leave where they were working and go and get some kind of medical care from the nurse who was supposed to be there for that purpose. Instead, they just kept right on cutting the fish and the blood was dripping all over the fish and whatnot. As a result of that, I am not particular about catfish today, as you might expect.

This was inhumane treatment that was being done in the name of getting production out and to the exclusion of talking about workers' safety. Workers' safety is critically important. Here we are in a country that says we treasure our people. We are a democracy. We do not do inhumane things to people. It seems to me that allowing a machine to cut off somebody's finger or having doors lock so in case of fire, people cannot get out, is inhumane. It is not the American way to do things.

The other thing is that we find that we should not have to, that no American has to choose between working in an unsafe place and taking care of his family.

If we allow this sort of thing to happen, then we are shirking our responsibilities as American citizens.

The right-to-work in a safe place should not have to depend on regional economics. One State must not be able to look the other way when an industry important to that particular local economy endangers its workers. We have already heard about the chicken processing. We have heard about other cases. We have heard about the chickens, we have heard about the fish, and we have heard about other incidences where workers were just not safe.

I would say this is a very good amendment, one which we must in all good conscience support.

Mrs. CLAYTON. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I thank the gentlewoman for yielding.

Mr. Chairman, I wanted to enter into a dialog with the ranking member, the gentlewoman from Illinois [Mrs. COLLINS]. It should be remembered that it was States that really started this in the very beginning. And because States could not enact it, they needed more help, the Federal Government became involved in that. There has been a commitment on the part of the Federal Government for workplace safety for a long period of time.

To suggest that what we are talking about is not an appropriate role for the Federal Government escapes my understanding. It was because the States wanted them to be in it that the Federal Government went into having workplace safety, made those laws standardized so any American working anyplace would not be subject to one State having one set of laws, another State having another.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, I continue to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. The other point that I think needs to be made, this is not a very expensive program. We are not talking about big bucks. In many places, the State volunteers to put the money there. When they get Federal money, it is because the State asks for the Federal money. So this is not a very expensive program that we are asking for the Federal Government to continue their involvement.

If you do not want to jeopardize workers, it seems to me that we would simply say that we want to exclude them from this bill.

Mrs. COLLINS of Illinois. Reclaiming my time, let me say in the case of the catfish, I was just reminded of the fact that the Federal Government did take some action against those people. OSHA in fact fined the company, which was the Delta Pride Co., $32,000 for several safety violations, including failure to attend properly to those injuries that I was talking about.

It just makes sense to me that we want our workers to be safe. To be losing their fingers, to be injured in any kind of way, to be losing their eyesight, to be losing any of their extremities just does not make—or their life.

Let me tell you something else I did. I went down in a coal mine in West Virginia. It was not a very easy thing to do. It was a very, I don't know what you would call it, it was short inside there. I went down in this thing that looked like a big scoop. When I got down there, the men and women, there were women also who were working there, and they were squatting down like that. I could not squat down like that because I have always had bad knees, but I crawled around on my knees and the ceiling of the coal was just above me.

At that time we were concerned about methane gas exploding. Every now and then you would read in the paper about thousands of workers in these coal mines were being injured because there were not adequate safety regulations there for them.

I came out of there shaking, because first of all you are in there and it is dark and the only light you have is a little light that is on your head. They had a machine that was scraping the coal off the side of the wall.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has again expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. They had coal that was being scraped off the side of the wall. One man was using a machine. Others had these picks and scrapes that they were doing that with. I can remember really feeling claustrophobic for one, but more than that I was fearful; fearful that something would happen and all of a sudden there would be methane gas and there was no way in the world I could stand up to run out of there. I could not crawl fast enough and I was going to be at the mercy of God or anybody else who could come and get me out of there.

Worker safety is critically important. I do not understand how people who work in those conditions can do so without having the fear of their life every time. Even more important than that, while I was down in that coal mine and at the time that I was down in there, my son was a young man, he might have been 14 or 15 years old, so the thought came to me, "What would happen to my child if I didn't come out of that mine?" My husband, as many of you already know, had lost his life already. I was his sole parent. And if I was in that coal mine and a methane gas explosion came out, I did not know what was going to happen to my child. So I prayed and was really glad when I got up out of there.

For that reason, if for no other reason alone, I learned that worker safety is critically important and this is a critically important piece of legislation. I would hope that everybody in this House would vote for it.

Mr. DORNAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would say to my distinguished Democratic colleagues that everything you are saying is important and compelling. And as my good friend, the ranking Democrat on the Committee on Rules, JOE MOAKLEY knows, I am a Molly Maguire at heart, not a Pinkerton guard hired by management when it comes to worker safety.

However, the problem is we are creating a devastating burden upon the States with all of these mandates and not funding it. We have to find out how to make this relationship with our States work.

I wanted to insert a statement in the RECORD that highlights some of the California problems because the figures are tough.

Mr. DORNAN. Mr. Chairman, for too long, the Federal Government has enacted costly and onerous Federal mandates on States and localities without providing necessary financial assistance to achieve compliance. These mandates have been devastating to our cities and have shaken the very foundation of our system of Government. That is why I am pleased to lend my strong support to H.R. 5, the Unfunded Mandate Reform Act. This legislation will bring accountability to the legislative and regulatory process while helping to restore the delicate partnership between the Federal, State, and local governments.

In California, the Department of Finance has projected that in 1995, unfunded mandates will cost the State approximately $7.7 billion. They report that this figure may be vastly understated, however, since it does not include a number of Federal court mandates affecting the health and welfare area nor does it include the cost of local mandates. For example, while illegal immigration is a Federal issue, the Federal Government mandates that States, such as California, provide certain services to illegal immigrants, yet it does not provide the funds to pay for them. The passage of proposition 187, which will deny most Government services to illegal immigrants, reflects the intense frustration felt by voters who no longer want to foot the bill for the Federal Government failed policies. California, along with the State of Florida has even filed suit against the Federal Government seeking reimbursement of billions of dollars in mandated expenditures required to incarcerate and provide educational and health benefits for illegal immigrants. California also filed suit against the Federal Government challenging the constitutionality of the expensive and burdensome National Voter Registration Act. Other States and localities have filed similar legal challenges looking for financial relief from unfunded Federal mandates.

Mr. Chairman, the Federal Government cannot go on using State and local governments as a source of public funding. This denies localities the ability to pay for essential services, such as education, law enforcement, and transportation, while many times providing ineffective solutions to the very problems these mandates are intended to address. I am pleased that the Republican leadership has recognized this fact. At last, the call for financial relief by State and local governments is being heard by Federal lawmakers. I ask my colleagues to support this long overdue piece of legislation.

In my State, our Department of Finance in California has projected that unfunded mandates are going to cost our State approximately $7.7 billion just in 1 year. They say also that this is a vastly understated figure. It does not include a number of Federal court mandates affecting the whole area of health and welfare, it does not include the cost of local mandates. And illegal immigration, while a Federal issue, protecting our borders, is like a defense issue. The Federal Government mandates that we in California and all the other border States provide services to illegal immigrants and then it does not provide any funds to pay for it.

The passage of proposition 187 which was still held upon in the courts, very controversial, obviously reflects this intense frustration of people in my State who no longer want to foot the bill for our Government's failed policies.

California, along with the great State of Florida, has filed the suits. As our floor leaders have said on every point you bring up on the other side, we agree with you. But it does not address the main problem that we thought important enough to put in our Contract With America.

If it does snow here tomorrow, which is projected, I will be happy to continue work in my life thanks to the prior work of the distinguished gentleman from Virginia [Mr. DAVIS] to whom I proudly yield.

Mr. DAVIS. I appreciate the gentleman yielding.

Mr. Chairman, I want to make just one point. First to my colleague from North Carolina, I applaud her sensitivity to this issue. It is an important issue. But I cannot agree with this amendment.

Let me just clarify a couple of issues. First of all, there is nothing in this legislation without this amendment that would preclude Congress from either mandating this and funding the mandate for workplace safety or, secondly, putting unfunded mandates on the States. We would just have the benefit first of all of knowing what those costs would be and we would have all that information in front of us. Why is that important?

Let me go back to my own experience as the head of a county government in Fairfax County, where just a couple of years ago, we had a case under the Fair Labor Standards Act, in the pay of fire lieutenants and fire captains, a $2 million liability the county incurred for individuals that we had thought were officers and would be exempt from the act.

The court came back and this one was added funding that we had to come back and pay. What did that mean to this locality? In order to meet the standards set by the Fair Labor Standards Act and the courts in this case, a $2 million obligation. In that year's budget we were forced to make cuts we had not intended to make originally. What that meant that year was we had to take money for special education—and there have been other amendments here trying to preclude that from the act—the locality had to take money from special education.

□ 1310

Money for parents with children with Down's syndrome had to be cut under the Fair Labor Standards Act and we could not afford to pay them. Then we could not afford to properly fully fund our daycare for the families of the working poor, a very successful program we have in the county, where we left over 160 families that were unfunded that year because we had to put this money in something that individuals in Washington thought was a more important priority than we did locally.

That is exactly the problem with these kinds of amendments, we are setting the priorities from Washington, we are cost-shifting from a progressive income tax to pay for these items to regressive property taxes at the local level, and in the gentleman's State with Proposition 13, that means cutting community centers and other needed local obligations that we cannot afford because of this.

I thank the gentleman.

Mr. DORNAN. Excellent observations by a gentleman from the Commonwealth of Virginia.

Mrs. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I am happy to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I just bring our attention to this amendment. I am not arguing all unfunded mandates. I have a similar experience. I served as chairman of my county board of commissioners. I know what it means in a rural county trying to balance the disparate needs you have and priorities. This is a priority even I as a county commissioner would have.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

Mr. DORNAN. Mr. Chairman, I continue to yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. If the gentleman could understand that this is not suggesting that this should replace any priority that we have. It is consistent with the priority I would have as a county commissioner or a Governor would have for his citizens.

The Governor of the State of North Carolina was devastated. The general assembly was devastated and, therefore, they put money in to protect their workers as a result of it. But they had this Federal guideline which would at least allow the private company to be held in violation of that. That gave them some protection.

So I am urging Members not to confuse these issues. I am simply saying that workplace safety should be exempt from this. I thank the gentleman. The gentleman has been very generous.

Mr. DORNAN. I thank the gentlewoman for her observations.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was in a crime bill markup, so I will try not to take my 5 minutes. But I did want to come over and congratulate my colleague from North Carolina on this fine amendment that she has proposed to this bill, and to express my support for this amendment.

Before I came to the Congress I spent 22 years practicing law, and a substantial part of my practice was workers' compensation cases. I am sure somebody is going to jump up and say, "well workers' compensation is State regulated and that makes our point."

Workers' compensation is State regulated. But in just about every workers' compensation case that I had in which a serious injury resulted, the workers' compensation coverage would come in and make its payments, and the victim would be partially or even in some cases fully taken care of, but there was nothing in place beyond workers' compensation to, at the State level, assure that the condition that resulted in that injury was addressed beyond just that particular victim.

So, in just about every one of those cases we ended up then appealing through the OSHA laws to a standard that had been set that required the employer then to address a correction of the condition that existed so future injuries would not occur of the same kind.

So, it is that standard-setting mechanism I think we have got to protect.

I have heard a lot of arguments during the course of this debate about this particular amendment, and against other amendments that suggest this is just a procedural thing and we can come back to the Congress and we can by majority vote override this mandate.

The concern I have about that is I have two concerns, and the gentleman is smiling because he thinks I am going off on this three-fifths supermajority, but I am not going there yet.

I have two concerns.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, that is not in the bill.

Mr. WATT of North Carolina. I understand.

Mr. DAVIS. Yet.

Mr. WATT of North Carolina. I understand.

Let me go on ahead and make the second point, that is the slippery slope argument, because what I see happening is as soon as we put this majority requirement in here the next step down the road is going to be to jack this up to a three-fifths majority rule which I spent so much time arguing against in yesterday's debate.

But the other point I want to make, and I will yield as soon as I make this point, is that even with a majority rule situation, these national standard laws are typically designed, look at the civil rights laws, the OSHA laws, various and sundry Federal standards that have been set, have been designed to protect people who have less influence in the process, children, minorities, workers who have been injured on the job. And typically they are not the kind of people who are going to have the kind of influence in the process when this comes to a vote again on the House floor to exert that kind of influence in the process.

So, it gives me no comfort when my colleagues on the other side of the aisle say, "Well, this does not mean anything." Well, if it does not mean anything, why are we passing it? I cannot understand that argument. Why we have spent all this time on this bill on this floor of the House, as valuable as the Members of Congress' time is, and we are passing something that does not mean anything, because we can come back and override it next week on a majority vote?

So that is the point I want to make, and I am happy to yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding. I do not think anybody has suggested here we do not believe this bill means something. What it means is that it is going to give us a better opportunity to understand what we are doing, the cost of what we are imposing, but in no sense does it mean it is a meaningless bill.

Mr. WATT of North Carolina. Reclaiming my time, though, if that is the case, what is the problem with exempting these?

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(On request of Mr. CLINGER, and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, what is the problem with exempting these important things that my colleagues acknowledge systematically are important?

Mr. CLINGER. I would say to the gentleman we have had, I think we have, 60 suggested exemptions. If you want a meaningless bill then we would exempt all 60 of them.

Mr. WATT of North Carolina. Reclaiming my time, let me just make this point. If we have 60 amendments and each one of them is valuable, and we agree to exempt them by majority vote from this bill right now, and we acknowledge that they are valuable, what is the problem with exempting 40 different things, if we acknowledge right now that they are valuable?

If they are valuable things, then your bill needs to be destroyed, or limited, or restricted to that extent. That is the point I am making.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding. Mr. Chairman, I would agree they are valuable. What we disagree with is this bill in any ways is going to undercut or undermine the validity of these programs. It does mean we have to look at what these are costing.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. CLINGER. If the gentleman will yield just on one other point, the gentleman raised the possibility of the specter, I might say, of a three-fifths vote. He indicated at the very beginning, he was going to resist amendments that either weakened this bill or strengthened it.

Mr. WATT of North Carolina. I understand that, reclaiming my time, I understand it in the context of this bill in this debate. But I bet the gentleman 10, 15 years ago, had he asked somebody would we be today amending the Constitution to require a three-fifths majority for anything that was not already in the Constitution, whoever was standing in the gentleman's position would have said, "Oh no, I have no contemplation of that ever happening."

□ 1320

Mr. Chairman, I encourage my colleagues to vote for this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from North Carolina [Mrs. CLAYTON].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. CLAYTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 262, not voting 15, as follows:

[Roll No 54]

AYES—157

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—262

Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Armey
Bishop
Bliley
Brown (CA)
Cramer
DeLay
Deutsch
Fields (LA)
Gephardt
Jefferson
Johnston
Pombo
Rush
Stupak
Walker

□ 1337

The Clerk announced the following pairs: On this vote:

Mr. Jefferson for, with Mr. DeLay against.

Mr. Deutsch for, with Mr. Armey against.

Mr. Foley changed his vote from "aye" to "no."

Mr. Nadler changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENT OFFERED BY MR. MASCARA

Mr. MASCARA. Mr. Chairman, I offer an amendment, which was printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MASCARA:

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) requires compliance with section 402(a)(27) of the Social Security Act, any provision of part D of title IV of the Social Security Act, or any other Federal law relating to establishment or enforcement of child support obligations.

Mr. MASCARA. Mr. Chairman, the amendment I offer today along with my colleagues, Representatives WOOLSEY and KENNELLY, would exempt child support enforcement laws from this unfunded mandates legislation.

I offer this amendment out of a deep belief that child support enforcement laws must be strong and must be enforced. I am sure my colleagues on both sides of the aisle would agree that our job is to insure that State and local governments collect every dollar possible from dead-beat dads, or any parent who has shirked their responsibilities and left their family to live off of welfare.

☐ 1340

My fear is that this bill, as written, will frustrate this effort leaving State and local governments to absorb more of the costs for these welfare payments. This is an outcome none of us want. And is an additional burden our taxpayers do not deserve.

While H.R. 5 exempts various categories of laws from its restrictions on unfunded mandates, such as emergency assistance, legislation impacting the national security, and antidiscrimination laws, it fails to exclude the extremely crucial category of child support enforcement collection.

As many of my colleagues know, before coming to Congress I served as chairman of the Board of County Commissioners of Washington County, PA for the past 15 years. As part of my job, I was responsible for administering our local support enforcement program. And I am proud to say we did a very good job collecting payments from dead-beat dads.

In fact, we were so successful utilizing computer tracking systems and strong court orders, we consistently received a bonus from the Federal Government.

In the House, as is expected, enacts welfare reform legislation that includes more stringent requirements for establishing paternity and forces absent parents to pay child support payments, who is going to pay for the additional costs?

If the Congressional Budget Office determines the costs of these added requirements exceed the threshold established in this bill, my colleagues on the other side of the aisle could choose to slash funding for welfare benefits or shift financial responsibility to State and local governments.

My solution is to maintain the support enforcement program as we now know it. That means continuing to require the Federal Government to help pay for these efforts through the well-known title IV–D program.

The facts show that support enforcement programs are working and have paid off. While last year the Federal Government provided States with $16.5 billion in child support payments, States collected $8.9 billion in child support payments through the title IV–D system. These funds are used to help reimburse governments for welfare costs as a result of these efforts. In 1993 Federal and State governments recouped $2 billion in Aid for Dependent Child costs.

The title IV–D programs are working so well that between 1989 and 1993, child support collections increased by 73 percent and the number of established paternities increased by 63 percent. I think we should be doing everything possible to encourage, not discourage this upward trend.

Finally, child support enforcement efforts make money. Last year, for every dollar spent, we collected $4 in support payments. This helped keep families off of welfare.

In 1993 as a result of support enforcement efforts an estimated 2 million families were kept off the Government rolls for a savings of $1.3 billion in potential welfare costs.

Those are the kind of savings we should encourage not discourage. If we do not maintain strong support enforcement programs, State and local governments will only end up bearing increased welfare costs, or, worse yet, cut back on their collection efforts.

I ask that my colleagues seriously consider and support this amendment to ensure that these important title IV–D programs continue to operate.

Believe me, my former county commission colleagues in Washington, PA are not looking for any more problems or burdens. The unfunded mandates legislation should solve some of these problems—not add to them.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. MASCARA].

Mr. Chairman, each year over $5 billion in child support goes uncollected. This is a national disgrace that is punishing our children and bankrupting our welfare system. If we are truly serious about taking care of our children and reducing dependence on welfare, collecting outstanding child support must be a top priority in the new Congress.

That is why I believe child support collection should be exempted from the provisions of the Unfunded Mandates Reform Act. Mr. Chairman, last year, the Federal Government paid out 16½ billion dollars in AFDC payments to the States, along with another one billion dollars devoted specifically to child support collection. This is an enormous Federal investment, and, we have every right to expect the States to be vigilant about collecting [child support] payments which, after all, will keep families off the welfare rolls in the first place. When the States are not doing an adequate job, Mr. Chairman, we cannot be hindered from passing laws that will help crack down on dead-beat parents who shortchange our children.

I know first hand that child support does indeed make a big difference when it comes to welfare. Twenty-seven years ago, I was a single, working mother with three small children, and although the courts ordered my former husband to pay child support, we never received a penny. Even though I was employed, in order to provide my children with the health care and child care they needed, I was forced to go on welfare to supplement my wages. Today, millions of welfare families, like my own, would not need assistance if they received the child support payments they are owed.

I am hopeful that this Congress will address the child support issue in a bipartisan way. In fact, Representative HYDE and I are working on a bill to reform the child support collection system. This bipartisan effort is proof that Members from both sides of the aisle want to engage in a meaningful effort to increase the amount of child support collected for families who need it so desperately. Members from both sides of the aisle realize that this approach will save Federal dollars in the long run. Indeed, Mr. Chairman, there should be no party lines when it comes to taking care of our children.

So, Mr. Chairman, I urge House Members on both sides to pave the way for this important effort—to allow us to proceed unhindered in the struggle to provide much-needed, and owed, child support to desperate families. I urge the House to adopt the Mascara-Woolsey-Kennelly amendment to exempt child support collection laws from H.R. 5.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. MASCARA].

Mr. Chairman, I do so reluctantly because I have had to oppose other amendments by other colleagues from Pennsylvania, but really for the same reasons that we have discussed earlier here, and that is that this is not a retroactive bill. It would not affect existing child support legislation, nor will it, in fact, affect any reauthorization of child support legislation unless it rises to a new mandate imposed in some reauthorization that would increase the cost by over $50 billion. But I think the other thing is that, even if what we are talking about here is getting good cost analysis of what it is going to cost to implement any new mandates, then I think we have to recognize there are three possibilities that can occur once that determination is made, and that is we can, in fact, elect to pay for the mandate and thus relieve the local government from that burden, we can elect to pass that mandate through without paying for it, or, third, we can elect not to impose the mandate at all.

☐ 1350

Now, I think the implication in a lot of the amendments that have been offered is that we would in every case elect not to pass the mandate through, and therefore there would be great gaping holes in the social contract and the safety net would be destroyed. But I would submit to the gentleman that there is almost no likelihood that we are going to refuse to pass a mandate that is going to affect the livelihood and well-being of children. That is just not going to be in the cards.

So I come back that the primary purpose of this is to ensure we have a real understanding of what the costs of our actions are.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. I thank the chairman of the committee for yielding to me.

Mr. Chairman, I wanted to speak about this issue of child support enforcement as it relates, or actually does not relate, to today's discussion about Federal mandates. Again, I have great admiration for the sponsors of this amendment and I know about their commitment to child support enforcement, and I believe in that too.

Mr. Chairman, as co-chair of the Congressional Caucus for Women's Issues, I have been working with my colleagues—particularly Representatives JOHNSON, ROUKEMA, KENNELLY, NORTON, and others—to fashion comprehensive legislation to strengthen our Nation's flimsy child support enforcement laws. In the forthcoming days, we will introduce our legislation—the Child Support Responsibility Act of 1995—which will be considered on a parallel track with welfare reform.

In the area of child support enforcement, Mr. Chairman, you may be surprised to learn that States have specifically asked for a mandate. They want the Federal Government to require all States to play by the same rules—to give full faith and credit to each other's child support orders; to require cooperation among squabbling State agencies; and to unify the random patchwork of State laws that make interstate enforcement incredibly difficult, often impossible.

Of course, Mr. Chairman, States want Federal funding for a unifying child support system, and our bill provides it. Our legislation provides the Federal resources that States will need in order to make child support enforcement laws across the Nation work. Under the Child Support Responsibility Act of 1995, the Federal Government more than lives up to its financial obligation to the States.

That is why, Mr. Chairman, I do not think that today's amendment on this subject is either necessary or appropriate. While I will always work to protect our Nation's child support enforcement program, it is clear to me that H.R. 5 already exempts Federal obligations that are funded—of which child support enforcement legislation is certainly one—and that any effort to exempt a funded program from what is supposed to be an unfunded mandates bill is illogical.

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I would just like to point out that with the welfare reform debate we have before us there will be emphasis on child support collection in order to have welfare reform in the first place. It may put an additional burden on States beyond what they are expected to do right now. And our goal is that we protect that, so that there will be no unfunded mandate provisions that prevent us from going further with welfare reform and child support.

Mr. CLINGER. Mr. Chairman, reclaiming my time, I understand that, but I would tell the gentlewoman that this bill as presently drafted would not in any way inhibit that possibility from happening. What it does provide is we would have a better idea of what the costs might be. It would not preclude that. To say that this should be somehow exempt as we have declined to exempt other areas I think would not be appropriate.

Ms. WOOLSEY. Mr. Chairman, if the gentleman will yield further, you said "we are almost certain that it will not do this." I want to be certain.

Mrs. KENNELLY. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I will not take the entire time, but I think what is happening here is we have an honest disagreement on where in fact welfare and child support enforcement come into being as we move forward in welfare support. And I think that is exactly what the gentlewoman from California [Ms. WOOLSEY] and the gentleman from Pennsylvania [Mr. MASCARA] and myself are trying to do, is have a clarification that in a program that we all agree on, child support enforcement, both sides of the aisle, it is one of those very good issues that is nonpartisan, and what we are saying here this afternoon is that we would like a clarification that child support enforcement would be exempt from this bill.

We have heard so much about welfare reform in this Capitol and across this country these last few months. Yet what we have not heard as much about, maybe because we all agree on it, is child support enforcement, which is a welfare prevention bill in fact. I fear without this amendment we could reform in exactly the wrong direction for child support enforcement.

As we know, child support enforcement is part of Aid for Families with Dependent Children. Aid for Families with Dependent Children is a volunteer program, even though all states take part in it. If a state does participate in a program, it has to have a child support enforcement agency as part of the program. Then the Federal Government does in fact pay not the full costs of the enforcement; it pays 66 percent.

Mr. Chairman, what has happened over the last few years is that people have been working on making this a better program and we have got to the point where we can collect 4 dollars for every dollar spent, which certainly is a good investment on dollars, but it only goes halfway in solving the problems, because the fact of the matter is $34 billion remains uncollected. This means the custodial parents do not get their payment from the absent parent. So making child support enforcement subject to this legislation does not make good economic sense, and that is why we are asking for the clarification, because this program is optional, the Federal Government already pays the majority of its costs, as I said 66 percent, and it does have that proven record. But to the extent this legislation would allow states to stop the impetus, the progress, the efforts that have been made to keep child support enforcement up there where it belongs as a priority program, not at the bottom of the docket, not at the end of the line, not out of the vision of the Government, where it has come at this point is for it to be an upfront program, and we are afraid if we take off that impetus or impair it by putting it into this unfunded mandate situation, that just as the gentlewoman from California [Ms. WOOLSEY] said, there is that possibility that once again this very important program that we all agree is a good program goes to the bottom of the barrel.

And it is so true that so many of us have worked on this. The gentlewoman from New Jersey [Mrs. ROUKEMA] and I were on the Interstate Commission on Child Support Enforcement together. We then introduced legislation implementing many of the recommendations of the commission. Therefore, we got to the point where we all know interstate enforcement of child support is a difficult nut to crack. And this is why we are saying, be very, very careful not to put this into the unfunded mandate bill, to keep it as a Federal program, because there is no way we are going to get those missing parents to step forward when they have gone across state lines. So all we are urging today is a clarification about child support enforcement, merely saying do not include it in this very large bill, leave it where it is, we are making progress, we want to continue making progress, and we ask this not be in the unfunded mandate program.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize that a rhythm has developed here with Republicans voting one way by rote, Democrats perhaps voting another, and I recognize we have come forward with our most favorite issues and I confess and concede that this is one of mine. But the gravamen of my argument does not have to do with the substance and the considerable merits of this issue.

I am aware that no issue has more bipartisan support, perhaps, in the 104th Congress than collecting child support from deadbeat parents. For the women of the Congress especially, there has been painstaking, grueling work that is going to culminate, hopefully next week, in the introduction of the Child Support Responsibility Act, which indeed will create a new mandate.

But I am not at the moment arguing the merits, the very considerable merits, here. I myself put in an amendment and support this amendment, which is even more inclusive than my own. But, Mr. Chairman, as a technical matter, child support does not fit the framework of this bill.

□ 1400

Child support is, in our country, exclusively a matter of family law or State law. The unfunded mandate in this case is on the Federal Government to help the States with a State law function, collecting child support from their own citizens to pay to support their own children. This is not Federal law. This is not a Federal function. So why are we now, and will we in the new Child Support Act, be in it at all?

What we have discovered now, after decades of experience, is that the States cannot perform the State function well without the Federal Government, not the other way around, which is what we have been talking about, almost entirely, when we have heard other amendments.

We now, if we vote against this amendment, are voting where the perverse result of the bill before us would be to allow a vote on whether States should carry out and continue to carry out the State functions of collecting child support.

Think about it: that does not fit this bill and that is why it should not be in this bill.

We, in the child support bill, will be talking about State policy being carried out through the Federal Government. The Federal obligation is the one that is supplementary. The Federal obligation is the one that is an unfunded mandate.

Indeed, we have been doing our part with such a mandate all along, providing matching funds and incentive payments to the States to strengthen their own enforcement and increase collections.

Unfortunately, this has not worked well enough. And so we ourselves appointed this Interstate Child Support Commission, because this is an interstate matter, and this is the essence of federalism.

This matter, my colleagues, cannot work unless each of us accepts an unfunded mandate, the States and the Federal Government. Our own Commission, where the gentlewoman from Connecticut [Mrs. KENNELLY] has just told you she served, said, and I am quoting the Commission, "In order to create seamless case processing, some of our recommendations by necessity apply to both intrastate and interstate cases."

As it turns out, most of these are in fact interstate cases, and even those cases will get nowhere, will fall of their own weight, unless each accepts willingly his own part of the mandate, yes, mandate.

The problem is so serious and remedies have been so illusive that our own Interstate Commission considered having the whole kit and caboodle federalized, but then they said, "wait a minute, this is State stuff. This is family law. We do not want the Federal Government taking it over."

Instead, they said, let us have a standardized, State-based system to enable these matters to move across State lines. The Commission said that the State boundaries were inherent limitations on collecting child support.

We have to recognize, my colleagues, that child support is different from every other function we have been discussing here. It is rare, indeed, for the Federal Government to insert itself into a State function, but we have done so before and we will do so again, when our bill is introduced by next week.

The CHAIRMAN. The time of the gentlewoman from the District of Columbia [Ms. NORTON] has expired.

(By unanimous consent, Ms. NORTON was allowed to proceed for 2 additional minutes.)

Ms. NORTON. By definition, this area requires a State mandate funded by the State. We certainly would not want to take over State child collection, to do its still-mandated function of collecting support payments from its own citizens to support its own children.

Even considering for this, I say to the distinguished chairman, as an informational matter to come up for a vote is positively dangerous. The States will sit there and say, "hey, wait a minute, maybe we will not even have to pay for what we are paying for it they vote that this is an unfunded mandate."

At the very least, it sends a contradictory message to the States where we are trying now to say, "hey, more, more, take your mandate more seriously." Now we are voting on whether or not they ought to have a mandate at all.

The Child Support Responsibility Act to be introduced next week, Mr. Chairman, is close to a sacred congressional promise already. Please, do not take back the promise to collect support from deadbeat parents before the legislation is even introduced.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania [Mr. MASCARA].

Mr. MASCARA. Mr. Chairman, I certainly have the utmost respect for the chairman of the Committee on Government Reform and Oversight, on which I serve, the gentleman from Pennsylvania. But as a county commissioner for a lot of years, the responsibility of collecting support payments rested right at home in county government in Washington, PA. As I said earlier, I think we have done an excellent job in collecting these support payments.

And I have no axe to grind with the other side of the aisle. I just want them to understand the importance of this particular amendment.

To me, it would seem that it is a legislative oxymoron on the one hand to say that we are going to engage in the debate on welfare reform and, on the other hand, change the system that I think is working very well.

As I indicated earlier, we are collecting payments, keeping people off the welfare by running a good system.

In closing, Mr. Chairman, I would like to reiterate that I am a staunch supporter of the support enforcement system. We must collect every last dollar possible from delinquent parents. Doing so keeps families together. It gives the remaining parent a real chance to raise children, to go to school, to find a decent job. Support enforcement is one Federal program that works. It works and it works well.

For every dollar spent on enforcement, the Government collects $4 in support payments. By collecting these support payments, the Government helps keep people off of welfare and helps to pay for those who are on welfare. By collecting these payments, we are saving billions of dollars each year. Let us support real family values. Let us not tie this important effort up in knots.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

I just want to be very brief and say to my friend from Pennsylvania that I was a county commissioner as well. This is one program where the States actually make money. Currently, this bill will in no way preclude the current system. It is not in jeopardy at all. This would apply to future efforts by the Federal Government to send the bill for these programs of course down to the State and local governments.

I believe this should be a partnership. I think the Federal Government needs to be involved in this. I agree with the gentleman on this. I do not think that we should let any of these dollars go uncollected.

But I also believe that we should have this cost in front of us before we send new mandates to the State and local governments. That is all we are asking for. It is for that reason that I oppose this amendment, but certainly share the same concerns for collecting these costs, which total into the billions of dollars across this country, and hope that we can join in perhaps another way, when waiving a point of order or having a dialog with the State and local governments, as future issues of this sort come before this Congress.

Mr. MARKEY. Mr. Chairman, I rise in strong support of the amendment offered by Representatives MASCARA, WOOLSEY, and KENNELLY to exempt laws and regulations pertaining to the collection of child support payments from the provisions of the bill before us today.

One-fifth of America's children live in poverty. In part, this is because the structure of the American family has changed dramatically in recent years. According to the Children's Defense Fund, in 1992, one-fourth of American children lived in homes where only one of their parents was present; this represents an increase from only one-tenth of all children in 1959. Unfortunately, the financial consequences of living with only one parent are equally dramatic: Half of all children living in single parent homes are poor, as compared to about 10 percent of children living in two-parent households. Thus, children who live with only one parent are five times as likely to be poor as children who are living with both parents.

The sharply higher rate of poverty among children living in single-parent homes is largely due to the fact that too many deadbeat dads do not contribute to the cost of raising their children. According to the Census Bureau, less than 60 percent of mothers who have custody of their children have child support orders, and of those who do have orders in place, half receive only part of the allotted amount of support or none at all. As a result, according to one study, within the first year after the father leaves a low- or moderate-income household, mothers report that 32 percent of their children go without food, 55 percent lack health care, and 37 percent do not have proper clothing. In short, because so many noncustodial parents are shirking their financial obligations, their children are going to school hungry and failing to receive the health care and clothing they need.

As long as deadbeat dads can escape their responsibilities to their children by simply picking up and leaving a State, we cannot solve this problem. We must track down more deadbeat dads—even when they cross State lines—and force them live up to the financial obligations they have to their children. I believe that this amendment protects our ability to do this, and I urge you to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania, [Mr. MASCARA].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MASCARA. Mr. Chairman, I demand a recorded vote.

Mr. CLINGER. Mr. Chairman, I would like to announce that it would be my intention to have the committee rise at the conclusion of this vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 259, not voting 17, as follows:

[Roll No 55]

AYES—158

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Slaughter
Spratt
Stark
Stokes
Studds
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—259

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Bereuter
Bishop
Bliley
Borski
Brown (CA)
DeLay
Deutsch
Fields (LA)
Fowler
Hinchey
Jefferson
Johnston
Pombo
Roukema
Rush
Stupak
Thornton

□ 1428

The Clerk announced the following pair:

On this vote:

Mr. Deutsch for, with Mr. DeLay against.

Mr. TAYLOR of Mississippi changed his vote from "aye" to "no."

Messrs. FRANK of Massachusetts, PETERSON of Florida, HILLIARD, and MURTHA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1430

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GOSS) having assumed the Chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, I missed a series of votes because, on January 22, at 7:14 p.m. my wife gave birth to our first child, Cleo Brndon Fields, who weighed 7 lbs. 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 52 through 55.

ELECTION OF MEMBER TO COMMITTEE ON INTERNATIONAL RELATIONS

Ms. MOLINARI. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 48) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 48

Resolved, That the following named Member be, and is hereby, elected to the Committee on International Relations of the House of Representatives: Representative Amo Houghton of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, JANUARY 30, 1995

Ms. MOLINARI. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. MOLINARI. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MEXICAN BAILOUT

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, yesterday was a truly historic day in the House of Representatives. Last night we kept our promises to the American people and passed a balanced budget amendment to the Constitution that will force very real, very fundamental change in Washington.

So I chose today to point out the futility in telling Americans we will balance the books in Washington, but as early as next week Congress may vote to bail out Mexico to the tune of $40 billion in loan guarantees.

I will only make two points. First, we Republican freshmen were elected with an agenda to take the concerns of the taxpayers to Washington. It does not include bailing out Mexico or Wall Street investors.

Second, there is a fundamental principle in economics. You get more of what you subsidize. We should not subsidize bankrupt economic policy.

I don't know who is more to blame, the intellectual dishonesty of the Mexican Government in dealing with America, or the intellectual bankruptcy of the Clinton administration who devised this scheme. The taxpayers will recognize this is not only bad politics, this is bad policy.

INTRODUCTION OF BILL TO BALANCE THE BUDGET BY 1997

(Mr. BENTSEN asked and was given permission to address the House for 1 minute.)

Mr. BENTSEN. Mr. Speaker, as my colleague from the other side just spoke, yesterday this House took action to try and bring the Federal budget in balance by the year 2002. While some may have disagreed with this process, that does not mean the debate ends there. It means that we have to go further.

Last week I introduced a bill, H.R. 567, which would require the President to submit and the Congress to act on a balanced budget beginning in fiscal year 1997. If we are truly serious, and many Members last night said they were serious, about bringing the budget into balance, then they should start working on it now, and as I said repeatedly in this House, we should bring the American people to the table and talk about how we are going to do it, because we will never accomplish a balanced budget without bringing the American people into the debate to find out where the cuts have to be made.

I would urge my colleagues to join with me and to sign on H.R. 567. I urge the committees to take it up. Let us bring this legislation to the floor.

NO PESO PROP UP

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Speaker, the administration is calling for $40 billion in loan guarantees for our neighbor to the south. We have been lobbied by the high rollers in the administration and from the Federal Reserve to gain our support for the peso prop up.

Once again the working families are requested to shoulder the burden of bad judgment. Once again the backbone of this Nation is asked to not only feed their families but also feed greed of the international bankers.

Like a drunk returning to the bottle our neighbor to the south returns to the taxpayers for this peso prop up, with a promise that this time it is different. A promise to increase taxes and a promise to institute wage and price controls?

The increased taxes and wage controls will take money out of the pockets of the Mexican workers. And price controls will reduce the profits of their businesses. It will not work. It is a bad plan.

Mr. Speaker, the working people of this Nation are saying no to the peso prop up.

CANNON ROTUNDA EXHIBIT OF AMERICAN PRISONERS OF WAR AND MISSING IN VIETNAM

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I have sponsored an exhibit in the rotunda of the Cannon Office Building on our American prisoners, of war, with special emphasis on missing throughout the entire decade of the war in Vietnam. We have been fortunate to extend it for 2 more weeks.

There is much construction around the Cannon Building. Most of our new Members in both parties are in the Longworth. Please try and go through the Cannon Building. And for the senior Members in the Rayburn Building, it is very important that they see this exhibit.

Yesterday on the House floor, I made reference to my pal from California, Mr. FAZIO, about men who had been tortured or beaten to death, and mentioned Commander J.J. Connell and Major Earl Cobeil. I want to mention the other one, Ron Storz, who tapped out with a broom, "God bless you; see you someday in heaven," who was left in "Alcatraz" like Sam Johnson was.

Ed Alterberry was beaten every day for 38 days until there were exposed pieces of flesh from his neck to his heels.

I will put in the names of all of the others, including a woman, and then do a 5-minute special order to conclude on that theme and the Medal of Honor.

[From P.O.W., by John G. Hubbell]

Norn Schmidt, "Freddy" Frederick, Ken Cameron, Betty Ann Olsen, Hank Blood, and Top Benson.

Reader's Digest Press, 1976.

□ 1440

BAILOUT FOR MEXICO MUST BE REJECTED

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, Members of the House, the $40 billion bailout for Mexico must be rejected by the Members of this House. It is not in the best interests of the American people or our economy.

The Mexican bailout is about hot money, just as the REIT collapse in the late 1970's and the Latin American debt crisis in the early 1980's was also about hot money.

Junk bonds, savings and loans, it is all about hot money.

The Mexican peso's crisis is about a lot of Wall Street wise guys in $1,000 suits and $1 million bonuses who have more money than brains and very poor understanding of political history or ethics. Unfortunately, the money they have is other people's money, money from hard-working Americans who trusted the Wall Street wise guys who, as always, were more interested in the commissions and fees than the results of their investments.

What Wall Street wise guys are asking us to do is to extend the full faith and credit of the United States of America not only for their bad investments but also to the economies of the emerging Third World nations.

This is not a minor consideration, and we should reject it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE DEPARTING PAGE CLASS

The SPEAKER pro tempore (Mr. GOSS). Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, I rise today in my capacity as chairman of the Page Board to remind our colleagues that today is the last day of service for many of the pages currently serving the House of Representatives. The semester is at an end, and those who have been appointed to serve for a semester will be returning to their homes and what I call a new crop of pages will be arriving over the weekend to begin their service on Monday.

I think it is fitting to note at these junctures the fine and outstanding service that is rendered, very often unsung, to the Members of the House by the pages who serve us here. Their experience is a wonderful experience. They have the opportunity to learn by being here and observing and seeing and absorbing what goes on.

I would maintain, having been a page myself many, many years ago in the 83d Congress, that this is one of the best types of educational experiences that one could possibly have.

So on behalf of the Page Board and, indeed, I think for the entire membership of the House of Representatives, I want to express to the pages the thanks of the House for the great service that they have rendered and to wish them well in their future endeavors.

I am delighted to yield to the gentleman from Michigan [Mr. KILDEE], the former chairman of the Page Board and currently the minority member of the Page Board.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

I want to thank the pages for their outstanding service this year. You have been just tremendous. Each and every one of you can be proud of yourselves, and I am very proud of each and every one of you.

I see a former page, the former Clerk of the House, Donn Anderson, standing back there with them, one who has really taken them under his wing and given them his wisdom and his guidance.

You have seen history at work here. You have seen the House of Representatives at work here. You have seen us at our best and at our worst. You have seen us working together trying to make this a better country.

You have witnessed some real history. You have seen Nelson Mandela walk down this aisle and speak from the podium where every President since Woodrow Wilson has stood, a man who had been in prison almost half his life who spoke of love and reconciliation. You heard the State of the Union Message here, a very long State of the Union Message here, just the other night, and you witnessed the orderly transfer of power in this House from one party to another after 40 years. That is democracy at work.

And in that orderly transfer of power, you saw me being transformed from chairman of the Page Board to the ranking minority member of the Page Board to be followed by the one for whom I have great admiration, the gentleman from Missouri [Mr. EMERSON], who is now the chairman.

I look forward to working with you in the future. Anytime any one of you need a letter of recommendation, I will give you each one a great one. You are good people.

Eight or nine years from now you can be a Member of this House, and as I look around, Mr. Speaker, some of the new Members, they look almost that age, some of the newer Members this year. That was a great transfer of power, too.

Thank you for what you have done. You are great people. God bless you. Godspeed.

Mr. EMERSON. I thank the gentleman.

I yield to the gentleman from Arizona, a newly appointed member of the Page Board and a former page himself.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman from Missouri yielding to me.

I did have the opportunity this morning to attend my first meeting as a member of the Page Board, and it is a great honor for me as one who began his service back here as a page too many years ago. We will not mention the particular year. But Donn Anderson, Ron Lasch, and I all graduated from the page school.

I just wanted to join with my colleagues in saying to the young men and women that are with us here today, many of whom will be leaving, some of whom will be staying with us for their second semester and the rest of this session of Congress, or this first part of this session of Congress, that you had an extraordinary experience, and I think you probably all recognize that.

As I look back on the experience myself, I think back to things that have had a formulative part, been a formulative part, of my life, and I think none has been more important that the experience that I had here as a page. In terms of giving me an appreciation for how the American Government works and an appreciation for the political process and a better understanding of those who serve us in Government, that they are humans, they are good, and some are bad, and some are indifferent, but they are humans in every single way, and I think that perhaps more than anything else that I took away from that experience it was that.

I hope as you go back to your States and to your communities you will try to convey that to the young men and women that you will be in school with this year and next year and on into college, that there is so much that we are fortunate to have in our country, so much in our Government that is good, and that it is so important for all of us to participate in that.

You have been given a rare opportunity that very few young men and women have in their lifetimes, to be a part of this, not just to observe, but to actually be a part of this process, and I know that you will take away from it a great deal.

The test is really how you will use this in the future and to what good you will put it. It does not have to be in government. You can put it to good use whether you are in medicine, whether you go into law enforcement or business or whatever career you might be in. But I suspect that this is an experience you will find later in life will be one of those defining moments for you. So take that message back and think about what you have learned here and how you can put it to use.

I will make this prediction, Mr. Speaker, and my chairman of the Page

Board, my colleague, at least one or two of these people will be back among us one day, probably after we are gone, but back among us one day as Members of this body.

I wish you all very well, God bless you. Thank you.

Mr. EMERSON. I thank my colleague for this contribution.

Let me yield now to the gentleman from Pennsylvania [Mr. KANJORSKI], my friend of 42 years with whom I had the great privilege of serving as a page in the 83d Congress.

Mr. KANJORSKI. Thank you very much, I say to the gentleman from Missouri [Mr. EMERSON].

I guess the pages should know that there is a long traditional history in this House that pages do come back to serve, and they come back as the guardians of the memory of what this House is about.

The gentleman from Missouri [Mr. EMERSON], the new chairman of the Page Board, and I had the pleasure of meeting on this House floor on the great day of January 20, 1953, as the American people were witnessing the inauguration of Dwight Eisenhower as President of the United States.

He and I have had the pleasure through our lifetime to have served and known personally every President of the United States since Dwight Eisenhower, every Speaker of the House of Representatives since Joseph Martin of Massachusetts, every majority and minority leader of the House of Representatives since Charlie Halleck of Indiana, and I believe at that time John McCormack of Massachusetts, or Mr. Rayburn, at that time, was minority leader when we served as pages.

The opportunity you have been given by this Congress and your individual sponsoring Members is something special, and as I think of it, it is one of the few assignments or appointments we can make as Congressmen that will, indeed, affect our future.

As my friend from Arizona has pointed out, there is not any question in my mind that one of you will rise at least to the service of this House, if not to the Senate or to the Presidency of the United States.

□ 1450

What you have learned here and what you have observed here is most important because you will carry it as probably the most important and significant experience of your lifetime.

As you go on from this place, you will return to your schools, and it is important that you exercise the greatest capacities you have to gain all the knowledge and information you can gain there, then go on to college and graduate school, as you may, so that you too may have the opportunity to come back and serve the American people.

As my friend from Arizona indicated, you have had the opportunity to be the fly on the wall to see democracy in action in its very form. You have also had the opportunity, as the gentleman from Missouri, BILL EMERSON, and I did as 15-year-olds, to see the orderly transition of democratic power. That experience may not happen for another generation to come. So, for all time in the future, you will be able to say you were there in the 104th, this Congress, when 40 years of domination by the Democratic Party turned the gavel over to a new Speaker and a new majority and that it operated without the threat or the sound of one gunshot.

It is a tradition that has continued for more than 200 years, the longest uninterrupted parliamentary democracy, the House of the people, in the history of the world.

I join with my friend from Missouri [Mr. EMERSON] and all my fellow pages, some of them came after us—they are the young guys—in wishing you well and congratulating you on your great public service, recommend that you carry on in that tradition and you have the opportunity to see that democracy and representative government continue in this democracy forever in the future.

Mr. EMERSON. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. WICKER. I thank the gentleman from Missouri for yielding to me.

Mr. Speaker, it is my pleasure to add my comments of commendation to the pages who are leaving this Chamber. I have only been here some 3 weeks with this crop of pages, but you are part of a proud tradition that dates back—it is hard to believe, Mr. Speaker, that it was some 27½ years ago that I was here as a page. Lyndon Johnson was President of the United States, there were giants who walked the floor of this Chamber, such as Gerald Ford, John McCormack. There were people who fought partisan fights very vigorously, but they were patriots and loved this country above all. I know that you will look back on your experience with the same memories that I have. Some of you will come back to this body as Representatives of the people. Most of you will go on to other careers, perhaps medicine, the military, some of you in public service in other areas, in education perhaps. But whatever you do, this time that you have had will be an invaluable moment in your lives and you will always look back on it with treasured memories.

If I could, I would like to echo the remarks of the gentleman from Arizona [Mr. KOLBE] and my colleague from Michigan [Mr. KILDEE] that it is a very historic moment that you have witnessed in these past few months. You saw only yesterday a balanced budget amendment enacted in a bipartisan vote that has been before this body for some 15 years. You saw the fruition of that just yesterday.

This is about the orderly transfer of power, and it only happened 40 years ago prior to this. It is truly historic and truly profound when you have an opportunity to see the gentleman from Missouri [Mr. GEPHARDT] pass the gavel to the gentleman from Georgia [Mr. GINGRICH] and the troops were not called in, air raids were not required. But the solemn act of the voters across this country made that decision. It was accepted by the most powerful leaders of the land.

So you have been here, I would say to each and every one of you, at a very historic time and you have performed a very valuable service to your Nation and to this Congress, and I commend you and thank the gentleman for yielding.

Mr. EMERSON. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the distinguished gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I thank my friend from Missouri, Mr. EMERSON, for bringing this to the House's attention.

Mr. Speaker, this is an important day. It was not that many years ago that I left this Capitol Hill as a page in the other body. Actually, it was many years ago, 1967, about the same time the gentleman from Mississippi was leaving.

Mr. Speaker, though I learned a lot in my 4 years, I remember a lot of things: I still get lost in the Rayburn Building, moving around in my first weeks here. But I keep running into pages who keep me on the straight and narrow as I make my way about.

Mr. Speaker, pages still work many hours. I do not think people appreciate the long days that they put in. School starts at 6:30, they have to get up before that. They have long days, and longer days since the session began, sometimes into the evening. So, after getting their studies at night, a 12-hour day is not unique in the life of a page. It is very exciting, but it takes total commitment.

Mr. Speaker, I want to commend their knowledge and their industry and the commitment they have shown just in the 3 weeks since I have joined this body. I think the test is going to be for them to build on the basis of knowledge that they have obtained here. They have been given an opportunity to observe and serve in a way very few ever have. It will be a defining moment in their lives.

I hope many of them will seek public service and find the same kind of commitment many of us have, but at the same time find the kinds of joys you can get from serving other people which brought many of us into public service.

I know some of these individuals will return in the future to this House. It is a sad time to see some of them go. But I know that when I left here, I had hoped to return one day. So the fact that I can make it will inspire others. It is an achievable goal.

I thank the gentleman from Missouri for bringing this to the House's attention.

Mr. EMERSON. I thank the gentleman from Virginia for his contribution.

Mr. Speaker, in conclusion, let me wish all the pages all good things. I hope you will achieve your life's goals and ambitions and that your lives will be filled with good health and happiness and success.

Work hard, and do the very best you can. I hope that this experience has been for you everything that we hope it has been. I think as you get older and reflect back on it, you will probably find it is one of the best experiences you could ever hope for.

Mr. Speaker, I say to all the pages: "God bless you all, God speed to you in your future endeavors."

MAKING TOUGH DECISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

Mr. TUCKER. Mr. Speaker, I first would like to associate myself with those remarks by my colleagues and congratulate the pages also. They certainly do a fine job here on the floor of the House. There were some things in my colleagues' comments that I thought were somewhat remarkable and worth mentioning and worth underscoring when they talked about the bipartisanship with which this House has, last night, passed a balanced budget amendment. Also the bipartisanship in the whole democracy, contextually, in which the gavel was passed from Mr. GEPHARDT to Mr. GINGRICH.

Certainly this is highly reflective of and symbolic of the kind of democracy that we so wonderfully enjoy here in the United States of America. Whether we like something or not, whether we voted for something or not, the majority rules, and so it goes.

Last night, Mr. Speaker, I did not support the balanced budget amendment, but, thank God, we live in a country where I can say that democracy had its will and its way. As to the reasons why I did not support it, they are precisely because it did not prohibit things like Social Security being on the chopping block. In other words, it did not take Social Security off the chopping block. So everything is on the table, Social Security and other things are on the table.

The other reason I did not support it is it allows for a three-fifths rule, which would allow for a minority to have control over whether or not you are going to expand budgetary outlays.

Certainly, from my standpoint it was unconstitutional and it provided a scenario under which you can have minority controlling a House that I believe should be controlled by a majority.

□ 1500

But nonetheless the majority did make that decision, and so the majority ruled, but it brings me to the point, Mr. Speaker, of what I would like to talk about today, and that is precisely how important it is for this House to weigh out what it does.

Last night a lot of people were happy about the balanced budget amendment passing, and to them I say, "Congratulations." They certainly did a lot of hard work, persons like my colleague, the gentleman from Texas [Mr. STENHOLM].

But the rather interesting excitement and inebriation, if my colleagues will, that they experienced last night, I just hope that they continue to feel those feelings of joy after they wake up from that moment of inebriation to the sobriety of the reality of what they have done, for indeed, Mr. Speaker, we are going to make some very hard choices in the months ahead for how we balance the budget, and my reason for not supporting that amendment was precisely the same reason that I say today, that we must not balance the budget on the backs of the poor and the needy.

The balanced budget amendment is only a prelude to what we are going to be dealing with very shortly when we start talking about welfare reform. It is going to be another tough choice, another very difficult decisionmaking process through which and by which we are going to have to ask the difficult questions. How can we come up with the right solution, by the right means?

And so, Mr. Speaker, what we are saying is, "You can have a right goal, and you can have a right objective in mind, but we can't accomplish it by the wrong means, and certainly everyone in this House talks about welfare reform and the fact that we need to overhaul the system that is arguably antiquated and that has some indicia of fraud and abuse, and we understand that, and it's not only the Members in this House that believe that, but the surveys show and are very replete with information that all of America, just about, feels that welfare is in need of an overhauling. But we have to look at some of the specific points about welfare, and we need to be very, very careful."

Mr. Speaker, as we start reforming and retooling our welfare system so that we can be fair to the welfare recipients, and be fair to this country, and indeed be fair to the principles of democracy, let us start off, first of all, with the aspect of who are the recipients who most, in most instances, actually benefit from welfare, Mr. Speaker, Well, a lot of people have promulgated and propagandized this notion that it is all of these lazy, shiftless welfare mothers, and they are bilking the system, and they are exercising all kinds of schemes, and fraudulent schemes, in order to sustain themselves. But the reality is, Mr. Speaker, as a matter of education and edification, that 70 percent of all recipients on welfare are children. So, when you start taking out the cleaver, and we start talking about cutting welfare, and we start talking about eliminating welfare, let us, first of all, understand that we are talking about America's children.

A lot of people think that welfare is a matter of African Americans who predominate the welfare rolls. That can be no further from the truth, Mr. Speaker. The majority of those who are recipients of welfare are actually white Americans. So, when we talk about welfare, we have to be honest, and we have to be clear about what the facts are.

Now we talk about America's children. There have been proposals that say that if a mother is under age, under the age of 18, that she should not receive any welfare benefits, or therefore her children should not receive any welfare benefits. She could be 17 years, and 11 months, and 28 days—29 days, and under the age of 18, and still she and her children will not receive any benefits. But when she becomes 18, the children still would not receive any benefits for the rest of their lives. These are the kinds of proposals that we have to be very careful about because obviously these children are the ones who bear the brunt of that kind of a policy. The children are at stake.

We have heard things like, "Let's have orphanages because we need some type of a controlled setting by which these children can be raised," but, Mr. Speaker, those kinds of policies are antiquated. Those types of policies are archaic. They are outdated, and they are inefficient.

We do not need to take the baby and throw it out with the bathwater, if you will. What we need to do, Mr. Speaker, is we need to be very careful about trying to rehabilitate and trying to provide some social support for American families. We need to get away from the monikers of illegitimacy and realize, yes, that we have a high incidence of this country per capita of out-of-wedlock births, but that does not make a child illegitimate. That should not cause us, as Americans and as a country, to put some type of disparaging association on some child because that child's mother did not choose or did not happen to, for whatever reason, marry.

There are many, many outstanding leaders and citizens of our country and our communities who are products of broken homes. In fact, Mr. Speaker, as we look more and more, we realize that one out of every two American families now evidence a broken home or a single parent family, and usually that single parent is a mother.

So what we have to do is we have to start now reeducating ourselves and resensitizing ourselves to the new America. This is not the America of Wally Cleaver, and "Leave It To Beaver," and Ozzie and Harriet. This is the America of the 1990's, and we have to be realistic about what family values mean these days, and family values these days to me mean that we should adopt that adage of the old African proverb that says it takes a whole village to raise a child. It does not mean that the village should be called an orphanage. I mean we should look at things like group homes, but group homes where the parents or parent in this case, a single parent, can still be with their children. We should not be trying to separate the parent from the child. We should be trying to keep them together, and if, in fact, we are going to employ the basis of a group home, then let us make sure that we do it in a way where we can give social skills to the parent as well as help to the children.

AN UNINTENTIONAL MISPRONUNCIATION OF MY FRIEND'S NAME

The SPEAKER pro tempore (Mr. GOSS). Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Mr. Speaker, this morning I mispronounced the name of my friend and colleague, the gentleman from Massachusetts [Mr. FRANK], in a way that sounds like a slur. Let me make this absolutely clear. The media and others are reporting this as if it were intentional, and it was not.

I repeat. This was nothing more than the unintentional mispronunciation of another person's name that sounded like something it was not.

Mr. Speaker, there is no room in public discourse for such hateful language, and I condemn the use of such slurs.

After I heard about how the story was being covered, I called the gentleman from Massachusetts [Mr. FRANK], and I told him of my stumbling over his name, and I apologized for the perception created by the press that I would even think of such terms.

It was not an attack. It was not even a Freudian slip.

I have worked with the gentleman from Massachusetts [Mr. FRANK] in the past. I consider him a friend. I am disappointed that the media and others would take this incident and turn it into a firestorm, a firestorm. I take strong exception to the airing of the tape and even the transcribing of a stumbled word as if it were an intentional personal attack.

□ 1510

I take strong exception to the airing of the tape, and even the transcribing of a stumbled word, as if it were an intentional, personal attack.

I take strong exception to the airing of the tape, and even the transcribing of a stumbled word, as if it were an intentional, personal attack, and I take this exception especially in light of the fact that I went to the press who had the tape and explained to them in the best humor I could that I had simply mispronounced a name, and did not need any psychoanalysis about my subliminals or about my Freudian predilections, especially from people who are obviously not trained in psychological analysis.

With all of the issues the new Republican majority are bridging to the floor of this House, it is regrettable that a unintentional mispronunciation of a name in a way that would be clearly offensive had it been intentional should shift the public debate away from issues like balancing the budget, cutting taxes, and reforming our failed welfare system.

Can we not get back to real issues? Cannot the press report real events?

Mr. Speaker, I would like to for a moment thank my friend and colleague from California, Mr. BILBRAY, for allowing me to proceed ahead of him in this order. I would like to thank the indulgence of this body for allowing me these moments. I would like to thank my diligent, fair, responsible friends in the press for 10 years of what I believe to have been a good relationship with decent people doing their job.

Mr. Speaker, I have a family. I have raised five children. I spent a lifetime telling my children the rules of decent discourse, teaching them how to be respectful of other people. We have a long list of words we don't use, of names we don't call, of sentiments we don't express. We have another long list that comes under the general rule of my mother and father's precious teaching about good manners, decent discourse, real respect for other people. And to have my five children, or anybody else's five children, turn on their TV today and see a transcript of a mispronunciation on the air, as if I had no sense of decency, cordiality, respect, or even good manners, is unacceptable. It is an act in itself that is indecent. It is an act that is unkind, at least to myself, hurtful to my children, and clearly indifferent to the feelings of my friend, BARNEY FRANK. And, yes, I have a word for that act. You will find that word in the singular word to the song "Cotton-Eyed Joe."

GET TOUGH WITH MEXICO REGARDING CAR THEFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BILBRAY] is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, we have heard a lot of Mexico again this week, a lot of talk about the bailout of the Clinton administration when it comes to Mexico. I happen to represent the city of San Diego, the proud home of the championship San Diego Chargers. But sadly we happen to be the home of one of the biggest car theft rings in the United States.

Mr. Speaker, the citizens of San Diego County have to put up with their vehicles being stolen and shipped to Mexico and sold on Mexican markets. This is not the kind of free trade, Mr. Speaker, that we support in San Diego. In fact, in the treaty of the 1920's and in 1981, it specifically stated that stolen cars that were inappropriately exported to Mexico would be returned within 45 days, 45 days, of the time that they were recovered.

Well, Mr. Speaker, not only are the vehicles not returned within 45 days, but they are actually held, used by Federal and State Mexican officials for their personal and public use. And, Mr. Speaker, here is a photo of a Mexican agent driving a United States stolen car.

What is the issue here, Mr. Speaker? The issue is that there is a fine line between being a nice guy and being a patsy. And frankly I am not so sure that the Clinton administration knows where that line is when it comes to foreign policy.

In San Diego we strongly support cooperative efforts with our neighbors to the south. And when I say neighbors, I mean neighbors. I live on the border with Baja California, and I am proud of the way we have been able to work with them. But this administration sent a letter 6 months ago, Mr. Speaker, asking the Federal Government to address this atrocity against the private property rights of the people of San Diego. It has been 6 months, and all this administration has said is that "We'll talk to them."

Mr. Speaker, the Clinton administration wants us to approve a loan guarantee, that they will be rough and tough in case Mexico doesn't come across. Well, we have treaties today, and these treaties are being thrown away and discarded by both governments. And frankly, I have to say to the President and his administration that if they do not have the guts or the wherewithal to be able to recover our stolen cars when they are being used by Federal agents in Mexico, my God, how do they expect us to be able to trust them with a $40 billion-plus guarantee?

Mr. Speaker, I spent 20 years working with Mexico and 20 years working with the Federal Government, and it is sad to say that this administration shows me no ability to do what is right for the people of the United States when it comes to representing us in the world outside our boundaries. This administration has sold us down the river and refuses to stand up for the rights of our citizens.

I know that there are those in Mexico who will not want to hear this, but frankly I don't blame the people of Mexico and I don't even blame their Federal Government half as much as I blame the Government that my citizens have not only elected, but they pay the salaries of to represent them and fight for them.

The fault does not lie with Mexico. It lies with a Federal administration that does not have the guts to stand up for its citizens.

Mr. Speaker, we look forward to good cooperation with Mexico. We want to see free trade, the right kind of free trade. We want to see the great social and economic and political bonds that are possible with our neighbors to the south. But if this President and his administration does not understand that before we can harvest the crop of economic and social prosperity with the NAFTA free trade and other relationships, if they don't understand we must first pull out the stumps and the boulders out of the field of environmental problems, of uncontrolled crime along the border, then this administration just does not get it. It is taking short cuts that are leading to a dead end.

□ 1520

I stand here today to call on the administration to tell the people of San Diego County when they can expect to have their cars returned. And it does not take very far to look, Mr. Speaker. All you have to do is go to the federal agencies in Baja California, and you can find American cars with California licenses still on the car, still on the car driven to official raids by the federal agencies. That is not a hidden agenda. That is a public agenda, and now it is up to the President and the administration to make sure this agenda is addressed and the property of the citizens of the United States is returned to its proper location. Maybe then we can talk about what kind of guarantees we can work with. But only after they have taken care of the existing treaties.

CONGRATULATIONS TO GOVERNOR DON SUNDQUIST

(Mr. BRYANT of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. BRYANT of Tennessee. Mr. Speaker, last weekend, Tennessee inaugurated as its 47th Governor a man who has been a friend and colleague to many in this House, Don Sundquist.

It was a gratifying and meaningful occasion for me, because Don Sundquist has been a close friend and a wise mentor, and because the people of Tennessee's seventh district chose me to succeed him in Congress.

Over 12 years and parts of three administrations, Don Sundquist served his constituents honorably and diligently, holding true to his convictions and staying in touch with those who sent him here.

All of us should be encouraged to witness the success of a former colleague. And all of us who hold the sincere desire to shift responsibility back to the people and away from Washington can only be encouraged to think that we will be turning over those responsibilities to activist Governors like Don Sundquist of Tennessee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DeLay (at the request of Mr. Armey), for today, on account of illness.

Mr. Bishop (at the request of Mr. Gephardt), for today, on account of family illness.

Mr. Rush (at the request of Mr. Gephardt), for today, on account of personal business.

Mr. Fields of Louisiana (at the request of Mr. Gephardt), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Tucker) to revise and extend their remarks and include extraneous material:)

Mr. Owens, for 5 minutes, today.

Mr. Volkmer, for 5 minutes, today.

Mr. Tucker, for 5 minutes, today.

Mr. Miller of California, for 5 minutes, today.

(The following Members (at the request of Mr. Jones) to revise and extend their remarks and include extraneous material:)

Mr. Dornan, for 5 minutes, today.

Mr. Martini, for 5 minutes, on January 31.

Mr. Bilbray, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Jones) and to include extraneous matter:)

Mr. Lewis in two instances.

Mr. Dornan.

Mrs. Morella.

Mrs. Seastrand.

Mr. Martini.

Mr. Gilman.

(The following Members (at the request of Mr. Tucker) and to include extraneous matter:)

Mr. Foglietta.

Mr. Fazio of California in two instances.

Mr. Ward.

Mrs. Maloney in two instances.

Mr. Bonior.

Mr. Hamilton.

Mr. Miller of California.

Mr. Williams in two instances.

(The following Members (at the request of Mr. Bryant of Tennessee) and to include extraneous matter:)

Mr. Thompson in three instances.

Mr. Baldacci.

Mr. Markey.

Mr. Frost.

Mrs. Collins of Illinois.

Mr. Rush.

Mr. Packard.

ADJOURNMENT

Mr. BRYANT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p.m.) under its previous order the House adjourned until Monday, January 30, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

221. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee as International Relations.

222. A letter from the Deputy Assistant Administrator, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on International Relations.

223. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time U.S. Government employees during fiscal year 1994 who are performing services for which reimbursement is provided under section 21(a) or section 43(b), pursuant to 25(a)(6), Arms Export Control Act; to the Committee on International Relations.

224. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a report containing the status of loans and guarantees issued under the Arms Export Control Act, pursuant to 25(a)(11) of the Arms Export Control Act; to the Committee on International Relations.

225. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the Department of Human Services Foster Care Program Vendor Payments for Fiscal Years 1992, 1993 and 1994," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

226. A letter from the Director, National Park Service, transmitting a report concerning the 25th anniversary of Earth Day; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 43. Resolution to amend clause 2(g)(3) of House Rule XI to permit committee chairmen to schedule hearings (Rept. 104–5.) Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 47. Resolution providing for the consideration of the resolution (H. Res. 43) to amend clause 2(g)(3) of House Rule XI to permit committee chairmen to schedule hearings (Rept. 104–6). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 101. A bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico; with an amendment (Rept. 104–7). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 400. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes (Rept. 104–8). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 440. A bill to provide for the conveyance of lands to certain individuals in Butte County, CA (Rept. 104–9). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Joint Resolution 50. Resolution to designate the visitors center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center"; with amendments (Rept. 104–10). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. H.R. 2. A bill to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; with amendments (Rept. 104–11, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5, of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself and Mr. LEACH):

H.R. 718. A bill to establish a Markets and Trading Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois (for herself, Mr. MCHUGH, and Mrs. MALONEY):

H.R. 719. A bill to require Federal agencies to apply value engineering, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. HOKE:

H.R. 720. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions to a Medisave account; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. VENTO, Mr. TORRES, Mr. HINCHEY, Mr. GEJDENSON, Mr. RAHALL, Mr. MEEHAN, Mr. YATES, Mrs. MALONEY, Ms. SLAUGHTER, Mr. NADLER, Mr. STARK, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. GOSS, Mr. ABERCROMBIE, Mr. ACKERMAN, and Mr. SANDERS):

H.R. 721. A bill to establish fair market value pricing of Federal natural assets, and for other purposes; to the Committee on Resources, and in addition to the Committees on Ways and Means, Agriculture, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 722. A bill to authorize the Secretary of the Treasury to issue guarantee commitments for debt securities issued by the Community Development Financial Institutions Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WILLIAMS:

H.R. 723. A bill to provide for the protection of the geothermal resources of Yellowstone National Park; to the Committee on Resources.

By Mr. DEAL of Georgia (for himself, Mr. MINGE, Mr. MEEHAN, and Mr. KINGSTON):

H.J. Res. 66. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and House of Representatives; to the Committee on the Judiciary.

By Mr. FAZIO of California:

H. Res. 46. Resolution electing Delegate Victor O. Frazer of the Virgin Islands to the Committee on International Relations; considered and agreed to.

By Ms. MOLINARI:

H. Res. 48. Resolution electing Representative Amo Houghton of New York to the Committee on International Relations; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WILLIAMS:

H.R. 724. A bill for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. SALMON.

H.R. 28: Mr. GOODLATTE.

H.R. 52: Mr. COSTELLO, Mr. ANDREWS, and Mr. BALDACCI.

H.R. 104: Mr. BAKER of California and Mr. BARTLETT of Maryland.

H.R. 118: Mr. GUNDERSON, Mr. INGLIS of South Carolina, Ms. PRYCE, Mr. KLUG, Mr. LATOURETTE, Mr. HEFLEY, Mr. ZELIFF, and Mr. SOLOMON.

H.R. 216: Mr. JACOBS and Mr. WELLER.

H.R. 218: Mr. ENGLISH of Pennsylvania.

H.R. 310: Mr. ROHRABACHER, Mr. INGLIS of South Carolina, Mr. DORNAN, Ms. MOLINARI, Mr. SENSENBRENNER, and Mr. NEUMANN.

H.R. 313: Mr. ROHRABACHER, Mr. INGLIS of South Carolina, Mr. DORNAN, Ms. MOLINARI, Mr. SENSENBRENNER, and Mr. NEUMANN.

H.R. 325: Mr. DICKEY, Mr. GUNDERSON, Mr. ENSIGN, Mr. MICA, Mr. COOLEY, Mr. LATOURETTE, Mr. KIM, Mr. BAKER of California, Mr. WELLER, Mr. SCARBOROUGH, Mr. BALLENGER, Mr. MCHUGH, Mrs. MEYERS of Kansas, Mrs. VUCANOVICH, Mr. WALSH, Mr. GEKAS, Mr. METCALF, Mr. EWING, Mr. GOODLING, Mr. SOLOMON, Mr. FLANAGAN, Mr. CHRISTENSEN, Mr. MCINTOSH, Mr. WATTS of Oklahoma, Mr. TALENT, Mrs. MYRICK, Mr. CHRYSLER, and Mr. MCHALE.

H.R. 335: Mr. ABERCROMBIE, Mr. LAFALCE, Ms. LOWEY, Mr. MINGE, Mr. CHRISTENSEN, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. LIGHTFOOT, Mr. MILLER of Florida, Mr. GENE GREEN of Texas, and Mr. FOX.

H.R. 370: Mr. MCDADE, Mr. BATEMAN, Mrs. FOWLER, Mrs. CHENOWETH, Mr. ENSIGN, Mr. BREWSTER, Mr. WATTS of Oklahoma, Mr. KOLBE, Mr. CONDIT, Mr. GILLMOR, Mr. FUNDERBURK, and Mr. TIAHRT.

H.R. 386: Mr. JACOBS.

H.R. 394: Mr. FARR, Mr. TAYLOR of North Carolina, Mr. LIGHTFOOT, Mr. RICHARDSON, Mr. ANDREWS, and Mr. GALLEGLY.

H.R. 404: Mr. MILLER of Florida.

H.R. 488: Mr. TRAFICANT, Mr. HINCHEY, Mr. MCKEON, and Mr. LAZIO of New York.

H.R. 500: Mr. BARRETT of Nebraska, Mr. BILBRAY, Mr. CHAMBLISS, Mr. COOLEY, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOOLITTLE, Mr. FOLEY, Mr. GREENWOOD, Mr. HANSEN, Mr. HAYWORTH, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. JONES, Mr. LATHAM, Mr. LIGHTFOOT, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MILLER of Florida, Mr. MONTGOMERY, Mrs. MYRICK, Mr. NORWOOD, Mr. OXLEY, Mr. ROBERTS, Mr. ROHRABACHER, Mr. SANFORD, Mr. SAXTON, Mr. SHADEGG, Mrs. VUCANOVICH, Mr. WALKER, Mr. WELDON of Florida, Mr. WICKER, and Mr. ZELIFF.

H.R. 522: Ms. FURSE.

H.R. 523: Ms. FURSE.

H.R. 534: Mr. PAXON, Mr. WYNN, Mr. CUNNINGHAM, Mr. EMERSON, Mr. MFUME, Mr. GREENWOOD, Mr. LIPINSKI, Mr. BEILENSON, Mr. GEJDENSON, Mr. BERMAN, Mr. STUMP, Mr. BARRETT of Nebraska, Ms. PRYCE, Mr. VENTO, Mr. KLUG, Mr. TAYLOR of North Carolina, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. PACKARD, Mr. LIGHTFOOT, Mr. MINGE, Mr. ZIMMER, Mr. KNOLLENBERG, Mr. ROGERS, Mr. HANCOCK, Mr. KILDEE, and Mr. SISISKY.

H.R. 555: Mr. FOLEY.

H.R. 605: Mr. DAVIS.

H.R. 691: Mr. HOYER.

H.J. Res. 48: Mr. KIM, Mr. MCCOLLUM, Mr. GOODLATTE, Mr. BACHUS, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 12: Mr. FRAZER.

H. Res. 22: Mr. BARRETT of Wisconsin.

H. Res. 28: Mr. POSHARD, Mr. SANFORD, Mr. BONO, Mr. LIGHTFOOT, and Mr. ZELIFF.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. MORAN

AMENDMENT NO. 1: At the end of section 2, add the following new subsection:

(d) LIMITATION ON APPLICATION.—This Act shall not apply to any discretionary budget authority for the judicial branch of the Government.

H.R. 5

OFFERED BY: MR. KLINK

AMENDMENT NO. 170: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to the provision of special education and related services for children with disabilities.

H.R. 5

OFFERED BY: MR. KLINK

AMENDMENT NO. 171: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the provision of special education and related services for children with disabilities.

SENATE—*Friday, January 27, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed be the name of the Lord from this time forth and even for evermore! From the rising of the sun to its setting the name of the Lord is to be praised. The Lord is high above all nations, and His glory above the heavens.—Psalm 113:2-4.

We worship Thee, O Lord, not because Thou dost need our worship, but because we need to worship. We enrich our humanity when we praise and adore Thee; we diminish our humanity when we fail to worship Thee. Blessed be the name of the Lord.

Let Thy blessing rest upon all who labor here, not that we may exploit Thy blessings on ourselves, but that what is done here, what is decided here, will be a blessing to those who are served by the Senate.

Be with those who are in need—the ill, the discouraged, the frustrated, the lonely, the tempted, those without hope, those financially burdened, those alienated from friends or loved ones. In grace, touch their lives with healing and peace. Let Thy will be done in the Senate, in all the offices and homes represented here.

We pray in the name of Him who is the Great Physician, the Wonderful Counselor, the Prince of Peace. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

UNFUNDED MANDATE REFORM ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Graham amendment No. 189, to change the effective date.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

Byrd amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

Grassley amendment No. 208, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Kempthorne amendment No. 210, to make technical corrections.

Kempthorne (for Dole) amendment No. 211, to make technical corrections.

Glenn amendment No. 212, to clarify the baseline for determining the direct costs of reauthorized or revised mandates, and to clarify that laws and regulations that establish an enforceable duty may be considered mandates.

Gramm amendment No. 216, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Byrd modified amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order to employer-related legislation.

Levin amendment No. 218, in the nature of a substitute.

Levin amendment No. 219, to establish that estimates required on Federal intergovernmental mandates shall be for no more than ten years beyond the effective date of the mandate.

Brown amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the Act.

Brown/Hatch amendment No. 221, to limit the restriction on judicial review.

Roth amendment No. 222, to establish the effective date of January 1, 1996, of Title I, and make it apply to measures reported, amendments and motions offered, and conference reports.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. KEMPTHORNE. Mr. President, thank you very much.

SCHEDULE

Mr. KEMPTHORNE. Mr. President, we will continue now the debate on Senate bill 1, our efforts to curb the unfunded Federal mandates.

Last night we were able to come to an agreement so that we can anticipate which amendments we will be debating today. We do not anticipate that there will be any votes prior to 11:30 this morning at which time we anticipate that there will be more than one vote so that we will be voting en bloc.

Mr. President, at this point, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

AMENDMENT NO. 175

Mr. LEVIN. Mr. President, amendment 175 I believe is now before the Senate, which is the provision that would provide that there be a sunset of this bill on December 31, 2002.

The PRESIDING OFFICER. That is correct. Under the previous order, the Senator from Michigan is recognized to offer his amendment No. 175.

Mr. LEVIN. I thank the Chair.

This amendment would provide a sunset of the language which we will be adopting in S. 1 six years after the effective date of S. 1.

That is a pretty long sunset provision. We had a shorter sunset provision in S. 993 last year. And the shorter sunset provision was adopted unanimously by the Governmental Affairs Committee last year.

There was a discussion in the Governmental Affairs Committee last year

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

relative to S. 993 as to whether or not a 3-, 4-, or a 5-year sunset was the appropriate length of time, and we finally agreed on 1998, which I believe was a 4-year sunset at that time.

S. 1 has no sunset provision. It should. We are skating out on a new pond, and I think probably every Member of this body wants to do a lot more to force us to consider the impact of what we do on State and local and tribal governments. My hunch is that everybody in this body agrees that we should give greater consideration to what the impact is of our actions on the expenditure of taxpayer dollars at a State and local level. I have felt that for a long time. One of the reasons I came to this body is because I felt that the Federal Government, the Congress, did not give adequate consideration to the impact of their actions on local government, in which I was an elected representative. I was president of a local city council in my hometown of Detroit and took great umbrage at what the Federal Government was doing to our budget as well as what its programs were doing to our neighborhood. I came here with that instinct and it has grown.

The question is, How do we do it? How far do we go? To what extent do we use our internal procedures to force consideration of these impacts? Do we go beyond forcing consideration of the estimates to make sure we have the estimates of the impacts? Do we create points of order affecting points of order down the road? That is one of the key differences between S. 1 and S. 993.

I think all of us feel that we should and must do better and that we have had too great an impact on local and State government. But there are procedures in these bills which are complicated, particularly, may I say, in S. 1. S. 1 goes significantly beyond S. 993, which had the support, by the way—S. 993 had the massive support of Governors and local officials last year. S. 1 goes beyond that and, of course, also has the support of State and local officials.

But the new mechanisms that we have in S. 1 are complicated mechanisms. We added a new mechanism yesterday in order to avoid a problem. We added a new mechanism in the Byrd amendment. And it was a good amendment because it got Congress back doing the legislating instead of the agencies down the road. But in order to do that, we created another process force, so we have a number of additional complicated processes in S. 1 now as amended. And we should make sure that we can function OK with them. It is just, to me, sort of the right thing to do, that when you start out on a new road, you make sure that you have a checkpoint along the way. We sunset legislation around here that has been in place a long time to make sure the programs work. As a matter of fact, one of the first votes that I cast to break a tie in the Governmental Affairs Committee was to force the sunset of legislation. It was kind of a controversial vote. I got a whole lot of my supporters mad at me. It was one of the first votes I cast, a few months after I came here. I cast a tie-breaking vote which would have required us to sunset all these authorization bills on programs. The people who supported all those programs were very unhappy because I had a lot of support from them in my first election. They thought I would be jeopardizing programs by sunsetting. I said we ought to review programs every once in a while. It is a pretty good idea. We ought to make sure programs are working. We ought to have action-forcing mechanisms to make sure this Congress, every once in a while, goes back and looks at how a program is operating, to make sure it is not wasteful, to make sure it is carrying out its purpose. I have been a supporter of sunset since the day I came here. I think most of us have talked about sunsetting laws.

It can be argued that this is a process, this is not a program. But we sunsetted some processes around here and when you have a new process, such as this in S. 1, this is very different from that point of order under the Budget Act which looks at what the Federal Government is going to spend and makes an estimate. This is an effort to get an estimate on how much tens of thousands of local governments will need to spend and puts great weight on that estimate, gives it a great effect down the road. Even with the Byrd amendment, it still has a massive impact down the road.

I do not know why, if last year by unanimous vote the Governmental Affairs Committee put a 4-year sunset on S. 993, which was far less complicated than S. 1, we should not put a 6-year sunset on S. 1. We should have some sunset provision. Now, I offered the sunset amendment, which was a lot shorter, in committee this year. It was a 3- or 4-year sunset. It was tabled, regrettably on a party-line vote.

I think part of the reason we have taken so much time on this floor, by the way, is because in committee we had a bill of this magnitude which was introduced on a Wednesday night a few weeks back, went to a hearing the next morning, was supposed to go to a markup the next morning, and we delayed that for a day, then was supposed to come to the floor a day later without a committee report. That kind of discipline which makes it difficult to legislate was enforced in a number of cases on a party-line vote, which is too bad because this was a bipartisan bill, with the then ranking member of the committee, the principal cosponsor, and Senator GLENN, the principal sponsor of S. 993 last year. Nonetheless, that is what happened in committee.

I believe it is reasonable that we have a sunset, just the way most of us, I believe, feel we should do an awful lot more in the area of forcing us to consider the impacts of what we do on State and local governments, since they are the folks who raise the taxes. We should be much more aware of the impact of what we do on their budgets. I think most of us also support sunset. Most of the time we support sunset and talk about it.

Why 2002? Well, two reasons. First of all, the sunset that was tried in committee which was tabled was too short. There was an argument raised that that could somehow or other affect the time that a constitutional amendment to balance the budget would take effect. While I was not sure I followed the argument, nonetheless, there was an argument made. I have to believe, knowing this person who made that argument, that there was a connection that was perceived. That is not the intent of a sunset. This is not to be connected with any effective date in the event we adopt a constitutional amendment to balance the budget. One is that I want to disconnect the date from that issue and make sure there is no perception that there is some relationship between a sunset provision here and effective date on a balanced budget. So we need a longer sunset to take away that perception.

Second, we need a longer sunset than the one offered in committee, because 2002, which is the date that we would sunset this bill in this amendment, 2002 is the time when the money runs out for the CBO to do these analyses. We have to reauthorize dollars in 2002 to the CBO and that is a logical time to review this process.

So there is a reason to do both the process review as well as to see how much money it takes to keep the process going at the same time. And those are the reasons we have chosen the date 2002 for this sunset provision.

It may be argued that nothing prevents us from reviewing these processes like we can review any program at any time. "We do not have to wait until 2002," it will be argued. "You do not need a sunset to review a program." And that is always true; that is an argument against sunset generically.

But nothing is much more difficult around here than to take away something that already exists. Unless it runs out on its own and you have to review it, it is difficult to take it away, to change it. We may not want to take it away. We may not want to change it. This thing may work just absolutely beautifully.

My fear is that S. 1 goes too far and we are going to find ourselves tied up too often in either knots or in avoidance, and that we are going to concoct all kinds of boilerplate to evade something if it is too tight. If the shoes are going to fit too tightly, we are just going to find a new pair of shoes to get around it. And, believe me, there are ways to get around S. 1.

But we should not be pushed to evade. That should not be the purpose or the effect of what we are doing. The effect of what we are doing is for us to consider the impacts of what we do on State and local government, not to force us to find a way to evade that obligation and responsibility because we have created a process which does not work well. That is not what any of us I hope want to do around here.

But it is difficult to change. One way to make it easier, a little easier, is to sunset something. And, given a 6-year period that is in this sunset provision, different from the one I offered in committee and longer than the one that was in S. 993, I think it is a reasonable approach to give us not only the opportunity but to make sure that we look at this process and to make it a little easier for us to change it one way or another. We may want to tighten it further. But if you bring it to an end and make yourself look at it, you can modify it a lot more easily.

So, for all those reasons, Mr. President, and my colleagues, I believe we should adopt the sunset provision. The 2002 date is longer than the one that was in S. 993. It will permit us to do some review a lot more easily than we otherwise can, and will force us to do that review, as well. We should make sure that we have not put into place something which is either not working because it is being evaded or something which is too tight and can be adjusted or something which maybe should be tightened up in some regard because it has been too easily evaded.

I do hope we can adopt the sunset provision because, again, of all of the uncertainties that exist in this bill, we should really want to review at an earlier time. Let us make it easier on ourselves to do that review by having this reasonable sunset.

Mr. President, I was sorry that I did not yield myself time, because we are under a time agreement. I am wondering how much time I have remaining.

The PRESIDING OFFICER. The Senator has 14 minutes and 50 seconds.

Mr. LEVIN. I thank the Chair and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has 15 minutes.

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I thank my friend and I thank the Chair.

My friend from Michigan makes a very persuasive argument on why we need the sunset.

If there has been one thing that has changed the landscape of this body and the other body over the last year, it has been the added ingredient of more men and women being elected to this Congress who have freshly been serving in local government. I think that is why you see quite a lot of interest in this piece of legislation, and why the leader chose this bill to be S. 1.

I submit to my friend from Michigan that we have laws now that have created a lot of problems and still have sunsets, but yet the law and the programs created under the law still continue.

A case in point is we have not reauthorized the Endangered Species Act, yet it has been funded and it comes on today. Many of those kinds of rules and regulations that we are going to have to deal with that really have an impact on communities—wetlands, endangered species, clean water, all of these acts—are now being funded and are in place, but have not been reauthorized by this Congress.

I suggest, if we have created a problem through this piece of legislation, we can fix it or unfix it here. But when we rely on a sunset to fix the problem, it does not get fixed. In fact, it rolls on and it is a lot easier to say, "Well, we will not reauthorize that this year. We will continue it and we will continue to fund it."

If there is one thing that really has the American people mad or made them mad last November, it is this kind of a situation. So the sunset law really does not have much effect. But if there is no sunset law, it forces us to either fix or unfix the problem.

We have bills being funded now that should be brought up for reauthorization and debated on this floor of the Senate and in the House of Representatives.

So if we are trying to get away from this Federal Government, this Washington city, imposing unfunded mandates on local governments, then there should be something that forces us to either fix or unfix a problem created by this legislation.

I am not saying that there will not be some problems created by this legislation, because I have never seen a perfect piece of legislation come through this body or ever signed by the President. So let us make ourselves either fix it or unfix it as time goes on.

I come out of county government. I want to congratulate my friend from Idaho, who has been recognized here for his leadership not only on this piece of legislation, but I think we ought to recognize him for his stamina. He says it has been very good for his diet that he went off of over the holidays; it has been good for him and now he is getting back in shape.

Nonetheless, let Senators not take this piece of legislation and make it a meaningless piece of legislation because the Senator from Ohio said, "This is a landmark piece of legislation." This is a new direction. This makes the Senate take a look at what we do and the impact it has on our State, county, and city governments. I appreciate that.

I would submit that the sunset makes no difference at all. In fact, it alleviates us from taking the responsibility from what we really do in this body. I would not support my friend from Michigan although he makes an argument that is very persuasive.

I would not support this amendment. I yield the floor. I thank my friend from Idaho.

Mr. KEMPTHORNE. Mr. President, I just wish to thank the Senator from Montana. I know of his experience as a local official in Montana, as a county commissioner, and I appreciate the support in not wanting to see a sunset take place in this legislation.

Mr. LEVIN. Mr. President, I am happy to yield 6 minutes to the Senator.

Mr. GLENN. Mr. President, I think this legislation may fall in the category where we put a lot of things that we considered on Governmental Affairs Committee to be some of the grunt work of Government. It is not the spectacular consideration of B-2 and M1-A1 tanks and things like that that are easy to visualize mentally and get a handle on.

I think the choice of the word "sunset" may be a very poor choice of words. The word might more properly be "spotlight" or "searchlight," that we will reexamine this thing under a microscope to see whether it is working or not working. It is not automatically terminated. Sunsetting, you are saying you are using that as a forcing device to say what we really will look at this thing and take a good look at it and see what is working and what is not working.

The Senator from Michigan very wisely, I think, tailored this to fit exactly the money flow that is already programmed for CBO. That runs out to 2002. So, in effect, before we reauthorize the money for CBO, we will have to take a look at it. This means that we really have to put the thing under a spotlight, a microscope, and really consider what is going on.

We know around here unless we are forced to do something like that we only rarely will go back and relook at a program and reanalyze it and make sure it is working right. I would say the reason I think this is so important that we do this is that this is historic legislation. It may be some of the grunt work of Government. It may be some of those mundane operations of Government that do not get that much public attention except a few editorials and the local officials who see this as being vitally important, as well as the State officials for the unfunded mandates that have been sent down to them over the years that are now just crushing them in, and crushing them in an economic vise from which they have no alternative but to do what they have been doing, scream to the Federal Government for relief.

This is historic. I believe that this piece of legislation is truly the first piece of legislation that is going to start redefining the Federal, State, and local relationships, the first such redefinition I think since clear back in the New Deal days of Franklin Delano Roosevelt. Prior to Roosevelt, people took care of people. Communities took care of their own people. Neighbors took care of neighbors then. We were not a mobile, flowing society with people and families moving all over the country. In those days, most of the people lived in the same community they grew up in and people took care of their own, and families took care of families, and so on. Then in the days of the Great Depression this country really lost control. The American experience was in danger of going down the tubes. We had whole sections of the country moving out, the Okie going to California, people no longer capable of families taking care of families and communities taking care of themselves. The New Deal came in with all of its proposals that assumed many of those responsibilities that the local communities had had before.

That resulted over the last 60 years in a mass of programs, some went too far, some were absolutely vital to the survival, to the social network and fabric of this country. So most of them were good. Some of them went too far. Now, some of the Federal mandates have so hit the States and local communities that they can no longer survive under this kind of an economic impact without saying the Federal Government has to fund those responsibilities being given to us, or we just can not do it anymore.

So this is truly landmark legislation. We have come to a point where we are redefining this Federal, State, and local relationship. Now, I give that little bit of background to say that is why I think what the Senator from Michigan has done is so important. Because I think to say that if at the end of 6 years when the money runs out for this and we are getting ready to reauthorize the money for CBO to carry out their particularly important responsibilities under this act, at that point, we really will see how this relationship is working. That is all he is saying.

"Let's force ourself to look at it, something we never probably will do unless we are forced to do it by some amendment like this," and say that at that time period it will sunset, we will reauthorize and look at it. Nobody is proposing it will just go out of existence at that time. What he is saying, it will sunset and we will have to reauthorize and make sure it is fine-tuned and doing the job it is supposed to do.

I see this only as common sense. That is the reason why I am so glad to cosponsor the amendment and speak in support of it. I think this truly is landmark legislation, and I think it is only common sense that we require ourselves to reexamine this new Federal-State relationship at the end of this first 6-year period. It will probably take a good part of that period, the first 3 or 4 years, to really get this system working well.

We have forced upon ourselves the discipline here saying that we will no longer just pass things without taking into consideration in advance the economic impact on the States and local communities. We are saying we are forcing ourselves to do that, have to make these estimates and we have to have a vote that is required. It is not funded or not authorized for funding. Then we say a point of order will lie against it and we have to have a specific vote to go beyond that point and even consider that legislation.

The PRESIDING OFFICER. The time yielded has expired.

Mr. LEVIN. I am happy to yield one minute additional.

Mr. GLENN. Mr. President, we are saying we force ourselves to do that. This is very complicated, what we have gotten into with the proposed amendments here on the floor. It is very, very complex, very, very, intricate.

Dr. Weiss, our staff director on Governmental Affairs, drew up overnight a flowchart which I wish we had a print of it but I know this proposal will not be visible on TV, but it shows the intricate pattern of what can happen to an amendment once it is submitted, and it either goes through a "yes" track or a "no" track. This is a very complicated piece of legislation. I know flowcharts like this always look more complicated than maybe are real and practical in every day life, but this is not a simple bill. It redefines the whole Federal, State, and local relationship.

I think Senator LEVIN is quite right in saying we should force ourselves, put in law that we know at the end of this period we will truly have to reconsider this thing. That is exactly what we will do. At that time we will fine-tune it and see where we will go from there. This is redefining the whole Federal-State relationship. It is landmark legislation. The least we can do is look at it at the end of this funding period and make absolutely concern it is working. If not, we will correct it then. I yield back the balance of my time.

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes now to my friend from Maine, who like me is also a former mayor.

Mr. COHEN. Thank you, Mr. President, I rise in opposition to the amendment. I do so with some hesitation since I have very high regard for the former chairman of the Governmental Affairs Committee, now ranking member, and my good friend from Michigan, Senator LEVIN.

I must say that when the Senator from Ohio talked about this being grunt work on the Governmental Affairs Committee, coming from him I think that is a bit of an overstatement. A former marine-aviator-astronaut, we like to joke from time to time, saying what on Earth was he doing, and the fact is he has done a lot. He has done a lot and he continues to do a lot on the Governmental Affairs Committee, but the notion that somehow the Governmental Affairs Committee would not be reviewing and overseeing this particular piece of legislation, I think, is not entirely accurate.

I have worked with Senator LEVIN since I have been in the Senate. If there is one thing we do, it is conduct oversight. Week after week after week we conduct oversight on virtually every facet of our Government. I must say that they are correct, this is landmark legislation. This is a new concept that we are undertaking. A new relationship that we are trying to establish with the States and local communities.

But the notion that somehow, because we passed landmark legislation, that it is cast in concrete, I think, is simply inaccurate. It is subject to change each and every year. We can anticipate that there will be complications developed in the implementation of this act. It will be subject to the law of unintended consequences. We will see permutations and changes and complaints at certain points in terms of how it is going to ultimately function. But that is what our responsibility is on the Governmental Affairs Committee, to oversee exactly how a law is working and is being carried out through regulation and through its implementation.

So the notion that we are passing this law and it will never be subject to change is simply not a reflection of what goes on in virtually every other statutory provision, and certainly not with something as controversial as this.

I am not fond of recalling our experience with the special prosecutor law. Senator LEVIN and I have worked on that for many years now, since 1978, where it has come up for reauthorization every 5 years, and we had a sunset provision. We have discussed on several occasions making that law permanent because we felt we had a vital interest in seeing to it that we had a provision on the books that remained there and did not have to go through that period of time where we were under the gun, the guillotine coming down to chop off that bill.

We knew it was subject to political pressures and, in fact, it happened. At the very end of the Bush administration, because of the opposition that developed for political reasons—mostly on this side but not all—we lost that bill. Nearly half a year or more went by before we could bring it back up because of the political complications that developed with this administration.

So I would like to see the special prosecutor law made permanent and not be subject to sunset because of exactly the kind of pressures that were generated against that legislation.

Mr. President, we can repeal this law if we find that it is not working, if we find that it is contrary to the best interests of our country. If it is not really establishing a proper balance between the Federal and State relationship, we can repeal it at any time. We can change it, we can alter it, we can reshape it. We can do anything we want provided we exercise proper oversight. That is the function of the Governmental Affairs Committee. That is the function of the oversight committee that I now chair, with Senator LEVIN as the ranking member.

So the notion that somehow we need to have a cutoff period with the guillotine coming down unless we take action to reauthorize it, I think, is a mistake. I am sure there will be opportunities for us to reshape and modify the law to make it consistent with our articulated goals.

So for those reasons, I urge that we reject the amendment, or, if a motion is going to be made to table, I urge my colleagues to, once again, support the motion to table.

I want to reiterate my compliments to the Senator from Michigan for offering an amendment that relates to the bill, that is germane and relevant and important.

My compliments also to the Senator from Ohio for his steadfast performance on the Governmental Affairs Committee, doing the grunt work as well as the astronautic work he does and the more exotic items we share in the Armed Services Committee and even the Intelligence Committee.

Of course, I will conclude by commending my colleague who is managing this bill. He has been on the floor, I think, at least a week and a half. It seems like 3 weeks. I commend him for his endurance and his steadfastness in purpose in passing this legislation. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I just want to thank the Senator from Maine. Throughout the course of this debate, which has gone on for many days, he has often been a strong voice on this legislation, S. 1, to help us curb these unfunded Federal mandates and to deal with mandates across the board. I thank him.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes remaining.

Mr. LEVIN. Mr. President, first, let me thank my good friend from Maine for his usual courtesies. We disagree on this one. We actually agreed on this last year when the Governmental Affairs Committee unanimously put a sunset provision in S. 993. Senator ROTH at that time, who was the ranking member, said—now this relates to S. 993, a less complicated bill than S. 1—Senator ROTH said before we had that unanimous vote that:

> It does strike me that a 5-year period is a pretty reasonable time to test these proposals.

I am not suggesting Senator ROTH supports the sunset in this bill, by the way. I am simply saying that last year on a less complicated bill, with an even shorter sunset, we had a unanimous vote on the Governmental Affairs Committee. And then Senator ROTH last year said:

> It is not that extended, and most sunset provisions that I have been acquainted with have been on a 5-year basis.

Then we took a unanimous vote. In fact, I believe that the Senator from Idaho last year, who is the prime sponsor of the bill, original sponsor of the bill, brought a bill to the floor, and supported a bill that had a sunset provision, a shorter sunset provision and a less complicated bill.

As a matter of fact, last year we received letters from all the mayors and all the Governors and everybody else saying, "S. 993 is just terrific, don't amend it, don't amend S. 993," we were told. Well, S. 993, as it came to the floor, had a sunset provision in it last year.

I am not a former mayor. I am only a former city council president, but I have great respect for local officials, as a former local official, and even if I was not, I would have tremendous respect for local officials. I know what they go through. I know firsthand from 8 years on that firing line. I have been through this grind. So I respect what we are trying to do, what the Senator from Idaho is trying to do and what the Senator from Ohio is trying to do.

I happen to think S. 1 goes too far in terms of a point of order that is going to tie up this place. In terms of its general purpose, I happen to agree. But we have a national purpose to serve as well. We should force ourselves to consider the impact of these bills on local and State governments. We have not done it sufficiently. We should force ourselves to do it, to get these estimates.

But we should also realize that with a new mechanism—a new mechanism—this complicated that it makes sense to have a sunset provision, for all the reasons that sunset provisions are put in laws.

I was intrigued when the Senator from Montana said, "Well, we don't have sunset provisions in all these other laws," like a bunch of environmental laws that he mentioned. I think we ought to. I would have cast votes for sunset provisions in those kind of laws.

As I said before my friend from Maine came to the floor, I cast a tie-breaking vote my first few months in office which got everybody back home who supported me mad at me because I wanted to put sunset provisions in authorization bills to force us to take a look every once in a while and make it a little easier for us to cut back on some of those authorizations.

No one has had more experience with the independent counsel law than the Senator from Maine. My experience with him has only been for two reauthorizations, and he was on it right at the beginning. He was there at the birth. In fact, I think he was the midwife—I do not know if that is the correct gender—but he helped bring it into existence.

On the first reauthorization of the independent counsel law—and we set a time limit on it—we made some changes which were important. I think the history of the independent counsel law shows the value, actually, of setting a time limit. We have made some changes in that law. There was a gap which created a problem, and the Senator correctly points that out, but we have also made some changes to make that a little more accountable. We had an independent counsel that frequently has been subject to criticism, and I think legitimate criticism, for going too far, for spending money which he was not accountable for, for using personnel, for using offices, for travel. And so we have reined in that independent counsel. At least we tried to in some ways. And the reason we did it is we were forced to do it. We had a 5-year limit. Without that 5-year limit, would we have done it? Maybe. I hope so. My friend from Maine is an optimist and an idealist in many ways, too, and I think his hope and belief is we would have done it. He may be right, but it would have been a lot harder if it had not run out and we were not forced to do it.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute and 20 seconds.

Mr. LEVIN. I will simply close by saying that we had a bill last year which had a sunset, which was unanimously adopted by Governmental Affairs. It was a less complicated bill. It was a shorter sunset. I think good government tells us now have a sunset so that after 6 years we can take a look and either tighten it or loosen it.

By the way, some people assume that we would loosen it after 6 years. Not necessarily. There may be so many loopholes in this law we may want to tighten it after 6 years. And an action-forcing mechanism is a good thing when you have something this complicated. We ought to at least sunset it once—once—to make sure we are forced to come back to it and can more easily change it. It is tough to change things around here, but if they run out it is a lot easier to change things around here. When they expire, you have to do something. Then change becomes a little more easy.

I yield the floor, and if I have any time remaining, I reserve it.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, with regard to the comment that the Senator from Ohio made, which I think sets the stage for the historic nature of this legislation, that is, that this is the first legislation since the New Deal in which we are redefining this partnership between the Federal Government, between the national, State, and local components of that—when you put it in that context, it is even harder for me to think that in 6 years we are going to wipe it off the books.

The Senator from Michigan has said that we ought to review programs every once in awhile. Boy, I agree totally. S. 1 may need modifications, but I would not be content, nor do I think would the Senator from Michigan nor do I think would the Senator from Ohio, or any Senator, to wait for 6 years until the point of sunset before we would make those modifications if there was something that truly needed to be changed. We would not wait. I would not wait.

When you talk about what S. 1 provides, S. 1 is about accountability—accountability—so that we will know the cost and the impact of these mandates before we enact them, so that we will know what funds need to be provided to the State and local governments.

So with this being based on accountability, why would you sunset accountability? I do not think that it follows. In our partnership that we are forging in this new relationship with the Governors and mayors, I will tell you that I can stand here and quite enthusiastically affirm that the mayors, the Governors, the county commissioners, the school board administrators, do not want to see a sunset provision in S. 1.

If there is a problem, correct the problem. If there is a problem, correct the problem. But do not wipe the entire legislation off the books.

How long have we been working to deal with these unfunded Federal mandates? I remember at the joint hearing we had, my friend from Michigan, who was the president of the city council in Detroit, saying one of the reasons he came to the Senate was to deal with these types of issues, these mandates. I know that my friend from New Hampshire, the Presiding Officer of the Senate, has talked about this many times. We all want to do something about unfunded Federal mandates. So why is it, now that we are finally going to do something about it, we want to say in 6 years we will take this effort off the books?

What sort of a signal does that send to our State and local partners; what sort of signal does that send to the business leaders of this country that try to base their decisions on some predictability, to say that, well, we will do that but only for 6 years, and then we will see what happens, because at that point who knows what happens.

Mr. President, the sunset is not the solution. The solution is to review, make modifications when necessary, but not to wipe this off the books.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. LEVIN. How much time do I have remaining? How many seconds do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 14 seconds remaining.

Mr. LEVIN. Mr. President, I will simply say that last year we were told any amendment to last year's bill would be viewed as a bill killer. That is what we were told by the National Governors Association, the legislatures, and counties. Last year's bill had a sunset in it. They opposed knocking out the sunset last year because they opposed any amendment and sunset was in the bill.

What has changed since last year? The Senator from Idaho supported sunset last year. What has changed since last year? You do not have to wait until 6 years comes to change the bill. There is no implication in a sunset amendment that you have to wait. You can change it tomorrow. It just makes sure we can change things more easily if we decide to do so.

My time is up.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that I be yielded 1 minute, 30 seconds for me, 30 seconds for the Senator from Ohio, so we can just conclude this comment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEMPTHORNE. Clarification. The State and local partners last year on S. 993 did not want weakening amendments. Also, last year in the draft on S. 993, I never included a sunset. I did not support a sunset. I did not vote for a sunset last year. But I understand the process. There were some things in S. 993 I may not have agreed to, sunset being one of them, but S. 993 in its form was fine.

I will now yield 30 seconds to the Senator from Ohio.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, last year in support of the Senator from Michigan, we had a letter from the National Governors Association, the National Conference of State Lesislatures, the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors.

In their letter to all Senators, they said:

> Not only will we oppose any amendments not supported by the bill managers, Senators GLENN, WILLIAM ROTH, and DIRK KEMPTHORNE, but we view all amendments as an attempt to defeat our legislation. We urge the defeat of all partisan and extraneous amendments.

The reason I support Senator LEVIN is not to say we are going to put this out there and sunset it and there will not be any unfunded mandates in legislation. My view is that we put it out there as a forcing mechanism to make sure that we have to consider fine-tuning. We know around here we have lethargy, we have inertia; we never get around to some of these things unless we put a forcing mechanism on ourselves. So that is the reason I support this. It is not going to sunset it and do away with unfunded mandates. We force ourselves to do it. We are forced to take a look at it.

I yield my time, if I have any remaining.

Mr. EXON. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Michigan which would establish a sunset date for the unfunded mandates bill.

Mr. President, this is a fair and reasonable amendment. Quite frankly, I was surprised that a sunset provision was not included in the legislation before us today. I remind my colleagues that last session's version of the unfunded mandates bill, S. 993, contained a sunset date.

It was my understanding, and also that of many of the negotiators who hammered out this bipartisan compromise, that we would have a sunset date. It is unclear why it fell off the radar screen.

Mr. President, I believe a sunset provision is crucial to the success of this bill. A sunset provision will help—not hurt—this important piece of legislation. Let me spell out a few of the reasons why.

First, sunset provisions are a common sight on the legislative landscape. For example, the revenues used to fund the Superfund Program sunset this year. We have had sunset provisions in everything from the crime bill to school-to-work to the 1990 farm bill. This is not an alien provision.

Second, we are dealing with brand, spanking new legislation. It is untried and untested. Like a product coming off the assembly line for the first time, this bill needs a trial period so that any problems and bugs can be worked out.

The Congressional Budget Office has expressed concern over the analyses that are required by the bill. In testimony last year before the Senate Committee on Governmental Affairs, Director Reischauer gave a candid assessment of the difficulty in completing these analyses on a timely basis, not to mention, culling reliable information for them.

Now, a sunset provision in 1998 would allow Congress to pause and examine the job that CBO has performed to date. We could then fine tune, and if necessary, retool that process to make this bill even more effective.

Third, a sunset provision is not going to kill the Unfunded Mandates Program. This bill's time has come and I see nothing on the horizon to lead me to believe that it would be scrapped 4 years hence.

I would also point out that we have 57 cosponsors to date. If the legislation lives up to expectations, we should have no problem marshaling the same support we have today. if not, then Congress can begin the process anew.

Fourth, Mr. President, the unfunded mandates bill does not operate in a vacuum. We have to look at the unfunded mandates bill in the context of the Budget Act.

The caps and other major provisions of the act—including the supermajority points of order—expire in 1998.

Since we will have to revisit the entire Budget Act in 1998, it makes sense to be consistent and provide for a 1998 sunset provision in this piece of legislation as well.

Mr. President, this is a reasonable, well-thought-out amendment. I believe most of our colleagues can support it. In no manner does the sunset provision diminish the effect of the legislation. It merely demonstrates our commitment to quality legislation that meets not only today's needs, but tomorrow's as well.

Mr. ROTH. Mr. President, I strongly oppose this amendment, which would sunset the reforms of this legislation in the year 2002. There may be changes we might want to make to the statute, after it has been in effect a few years. But requiring that it is be sunsetted is another matter entirely.

This is not a Government program, whose value might become obsolete in the future. What we are talking about here mainly is establishing a process for congressional consideration of certain types of legislation. I greatly doubt that the premises underlying this bill will become irrelevant in the foreseeable future. We should always be cognizant of the potential harm of unfunded mandates, not just for a few years.

What makes this amendment additionally objectionable is what it does to the chances of ratifying a balanced budget constitutional amendment. It greatly hinders that likelihood. The Governors and State legislators have spoken loud and clear on this issue. They have said that without protection against unfunded Federal mandates, they have little incentive to ratify such an amendment.

They fear, perhaps not unreasonably, that we might balance our budget on their backs—by shifting our costs to them through unfunded mandates. They would prefer that the protection against this be a part of the balanced budget amendment itself. They would certainly, at a minimum, want the statutory protections of this bill in place—and for a period longer than a few years.

Every statute is of course repealable. But this one, especially, ought not have that fact built into it. To do so would undercut the very purpose of this legislation—to assure State, local, and tribal governments that they have gained respect at the Federal level.

Therefore, I strongly urge rejection of this amendment.

Mr. GRAMS. Mr. President, as a strong proponent of sunset legislation, it is with some irony that I stand today in opposition to this amendment. But there is a clear distinction between sunset amendments that promote fiscal responsibility and those that promote political gamesmanship. And I submit that this amendment is the latter.

Because I believe firmly that Congress must act as gatekeeper when it comes to spending the taxpayers' hard-earned dollars, I authored the Budget Accountability Act as a Member of the House of Representatives. This is sunset legislation that helps ensure greater accountability of Federal programs and Federal tax collections.

For far too long, Congress has conveniently opted out of its oversight responsibilities. Without sunset legislation, Congress allows programs to live on in perpetuity, unchecked, often far beyond any intended usefulness. And without better oversight of our revenue code, we end up with excessive layering of taxes.

Under sunset legislation, revenue, and spending bills are reined in, no longer automatically renewed without regard to their viability or impact on the deficit.

I successfully attached sunset amendments to nearly two dozen bills during my 2 years in the House. But I cannot support my colleague's sunset amendment today. Mr. President, sunsetting the Unfunded Mandate Relief Act has nothing to do with fiscal responsibility. I fact, this amendment runs counter to the principles of fiscal responsibility.

S. 1 is about relief—relief from Government waste, relief from an overreaching Federal Government that can't seem to get its hands out of our pockets. Sunsetting a bill which finally provides this desperately needed relief doesn't make any sense, and distorts the original intent of sunset provisions.

Instead of sunsetting good legislation like the Unfunded Mandate Relief Act, we should be sunsetting the burdensome and inflexible mandates from which S. 1 is designed to protect us.

Mr. President, as everyone in my home State of Minnesota knows, you won't stop a dog from barking by cutting off its tail. If we truly are serious about eliminating wasteful spending and providing tax relief, then I invite the gentleman from Michigan to join me in introducing real sunset legislation. In the meantime, I urge my colleagues to reject an amendment which is strong on politics, weak on policy, and runs counterproductive to the very agenda the American people sent us here to carry out.

The PRESIDING OFFICER. All time has expired.

Mr. KEMPTHORNE. I now move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 197

Mr. GLENN. Mr. President, what is the regular order of business?

The PRESIDING OFFICER. The vote on the motion to table the Levin amendment will be held at 11:30. Under the previous order, the question is on agreeing to amendment No. 197, offered by the Senator from Ohio. There will be a period of 45 minutes for debate prior to a motion to table, 30 minutes under the control of Senator GLENN, and 15 minutes under the control of Senator KEMPTHORNE.

Mr. GLENN. I thank the Chair.

Mr. GLENN. Mr. President, I call up my amendment No. 197 at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Amendment No. 197 is the pending question.

Mr. GLENN. Mr. President, I rise to offer this amendment to ensure the point of order requirements in S. 1 lie in only two places. One of those would be just prior to final passage, before we are getting ready to vote on the bill, for its consideration once it has been through the whole process. The other point where a point of order would lie would be when the bill comes back from a conference where it might have been changed somewhat, and so a point of order could lie at that point also.

I think we need to think about the purpose of this legislation. The purpose is to know what the total impact of a bill is going to be on State and local governments. They are not really interested, as we go along, in each little piece of legislative maneuvering that we do here in the Senate Chamber. What they want to know when a bill is passed is does it hit them with a $1 billion bill, no bill, or does it hit them with a new responsibility they did not have before? States and local governments want to know what does this legislation do to them? That is what this unfunded mandates bill was all about.

This bill was not supposed to be designed to create a legislative quagmire, some great swamp of procedural difficulties, that would make it so difficult to get things passed that even the finest of legislation would have trouble getting through.

A moment ago, I held up a flow chart that my staff director put together overnight that shows some of the procedures under this bill. I wish we had time to get this thing lined up in a better order on a chart so people could really see all the intricate maneuvers that go on here with the introduction of a bill. Basically, each amendment under the bill as it is now—this would be each amendment:

Step 1, the Parliamentarian would have a ruling on whether a mandate exists.

No. 2, there can be an appeal of that ruling.

No. 3 would be a vote on that appeal.

The fourth step an amendment would have to go through is the Parliamentarian would make a ruling on whether the cost exceeds the $50 million threshold—determining once again if a mandate exists.

No. 5 would be an appeal of that ruling.

And No. 6 six would be a vote on the appeal of that ruling.

No. 7, the Parliamentarian would rule on whether requirements for funding have been met.

No. 8 would be appeal of that ruling.

And No. 9 would be a vote on the appeal.

That is what is in the bill now, and I do not quarrel with that as a procedure except to say what we are trying to do on each piece of legislation is to find out what the total overall impact on the States and local governments will be. That is what they are interested in as a bottom line. That is the purpose of this legislation.

My concern in applying the point of order requirements for CBO cost estimates for State and local funding to floor amendments, as S. 1 currently does, is that the procedure has the serious potential of just unnecessarily bogging down the whole legislative process. Why, when the final total, the final checkout counter total is what we are really interested in, do we want to go through all this self-flagellation of putting ourselves through a tortuous process where an amendment could have a point of order against it when it is proposed and then, if it is still approved, that will have an impact on it being included at as part of the bill because it has been approved. So then another point of order could lie back against the bill itself. We have had appeals from those rulings of the Chair.

At each point, then, as I see it, you have a possibility—if someone is interested in setting up another means of filibuster, this would be an excellent means of doing it. All you have to do is put in a whole bunch of amendments that exceed the $50 million threshold and exceed the point of order and you have bogged this Chamber down for days and days on end. I guarantee it. I do not think there are many Members of this Chamber who would vote to put in a new filibuster process, yet that is basically what we are talking about doing.

We talk about the election last year. Everybody putting something down hangs it on the election of last year, November 8, as to: We want a leaner, better working Government. We want to cut out all the complexities of Government. We want to make Government flow. We want to make Government efficient.

If I ever saw anything that is going to make Government inefficient here in the Senate Chamber, it is a process such as we have before us now that basically sets up a brandnew filibuster process. I know my colleagues on the other side of this issue will say we have to have accountability. The accountability that I think we need to provide in this bill is the final checkout counter accountability of saying we have made our very best effort to assess the costs of legislation. We have considered the costs on the Senate floor. Here is the relationship with the States. And here is the final checkout counter tab, after all the amendments have been considered.

I know they will say at each one of these points, if someone is thinking about putting in a $50 million addition to something or $75 million addition, the accountability requirements of having a point of order lie at that time will mean they will think twice before they put that in.

I do not think that applies in this case. Because at each point where someone thinks about putting in an amendment like that, they are also going to have to consider that total at the time of reckoning at the end of consideration of all the amendments. We still will have a point of order lying against this whole process. In fact, in the amendment process someone may say, we think your $75 million back there was too much so we modify it to another amount by this amendment.

Why should we have gone through a point of order and all the other unnecessary legislative procedures along the way, when what we really want is the final checkout tab? So the accountability requirement here, of making people think twice, I think, is just as strong under this as it would be if we kept this point of order lying at every point along the way, which just sets up another potential filibuster procedure.

I want to pass an unfunded Federal mandate reform bill. I have been wed to this idea with both S. 993 last year and S. 1 this year. We have been on the floor now for 2 weeks with this legislation and much of it has been misinterpreted. Some of this legislation has been misinterpreted back home by some of our papers. I have been castigated as though I was delaying this, which I am not. I have fought and fought to get going on this legislation and get it through. But I want to do it right. I want to do it properly. However, I want it to be very clear I want to pass an unfunded Federal mandate reform bill.

I do not want, at the same time, to tie this legislative process in such a Gordian knot that it will delay good legislation unnecessarily, and I think that is the important point.

Applying points of order to floor amendments will just add bureaucratic overlay nonsense and accomplish very little in this whole process. I believe that kind of nonsensical bureaucratic overlay is not in the interests of the Senate nor is it in the interests of the State and local governments with whom we are trying to deal with in this legislation. To set up new, unnecessary procedures that can be misused by someone who, even with very good legislation, might want to set up a filibuster procedure by putting in new points of order and so on, just does not make any sense to me.

I understand points of order can currently be raised under the Budget Act on amendments that affect direct Federal spending but have not been scored by CBO. However, we are not talking about direct spending here; we are talking about estimates.

CBO has already told us that estimates in some of these areas will be fuzzy estimates at best. But we are still required to consider the best estimates we can get up front in this legislation. That is the purpose of this whole legislation. Fuzzy estimates for mandates, which are a different animal entirely, involve cost estimates for 87,000 different State and local jurisdictions.

Therefore, we should not overload the Senate with these new procedural requirements that are just not necessary on floor amendments. Nor should we at the same time overload CBO. CBO told my staff there is no way they could score all amendments containing possible intergovernmental mandates under the short timeframe that might be required on the floor. They might be able to provide a rough estimate, but it would require them a little longer timeframe to get a better estimate for us that could not be done in the time that legislation completes its consideration here on the floor. I think leaving each amendment subject to a point of order is just a prescription for additional slowing down of the legislative process for possible real mischief if somebody's objective is to stop a good piece of legislation by overloading it with amendments that would exceed the $50 million threshold limitation.

My amendment would see that the points of order lie in two places. I think this is a very logical. First would be after we know the cost of the bill. We will know the cost of all of the amendments, will have totaled them up and be able to say here is the cost, here is the impact on State and local governments, and now we have to decide. Is that too much? At that point, prior to final passage, the point of order would lie. Then the legislation, if approved, goes to a conference with the House of Representatives and we come back out of that conference. Sometimes the House has different money amounts involved, different requirements.

The conference report, as it comes back after having been negotiated with the House in conference, is sometimes different. At that point, it may have changed dramatically. So we need a second point of order that will lie at that point. That was the second point of order. The main one, of course, was just for the legislation. We have completed it, and ran through it. We have a point of order apply when we know what the total tab is. That is where the main point of order will lie. If it goes to conference, comes back with no change or tiny changes, then the point of order would probably not be required against it again. But if there are big changes that come back out of conference, then a point of order would lie at that point also.

The amounts themselves that have been offered under my bill would not be subject to individual points of order, as is the case in S. 1 where this whole procedure can get so bogged down. My amendment would reduce the potential burden on CBO. It gives them a little more time to refine their estimates as we are considering bills on the floor, and get them to us. This means we will probably have more accurate information. Most importantly, it will prevent us from having the potential of playing a 100-person game of negotiating a complex legislative labyrinth of some kind anytime we consider legislation with intergovernmental ramifications.

Further, my amendment would ensure the conference reports would still be scored, as is the case under S. 1. I have also indicated my willingness to modify the amendment to have the point of order lie against only the mandates at the third reading rather than against the whole bill. The bill would come out—a point of order could possibly lie against it at that point before you even get into amendments—then take all of the amendments in toto and have a vote on the impact of all amendments as a separate point of order.

So I would be willing to do that, if someone thought that was more satisfactory. But there has been no agreement at this time by the other side. I repeat that I think what the States and local governments are interested in is not our legislative quagmire here in the Senate and how we may be able to use something like this as another way of filibustering. What they want to know is—when the final deliberations have been made—what is the total impact on the States and local governments? That is what they want, and that is what should be concentrated on.

I do not agree that this is some great force mechanism of accountability on each person who will somehow hesitate to offer an amendment for fear that they are going to be the ones that put us over the limit of $50 million. I just do not think many people are going to be persuaded that is a big consideration for them, and, in addition, the points of order will be taken up later. A point of order will lay against the accumulation of all of these amendments anyway.

So they are under that same kind of accountability restraint whether the point of order would lie on their individual amendment or the cumulative effect of all of the amendments considered for a point of order at the end of the amending process.

If we allow points of order to lie on each floor amendment as it comes up, it seems to me we are sort of going down the road that will lead to a legislative traffic jam of grand proportions. Amendments will bottleneck legislation like cars on the beltway at rush hour here in Washington.

In trying to fix the problem with unfunded mandates, let us not go down that road. Let us not create legislative gridlock. I believe that my amendment makes sense. I urge its adoption.

I reserve the remainder of my time.

Mr. KEMPTHORNE. Mr. President, I yield now to the chairman of the Budget Committee such time as he would need.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Thank you very much, Mr. President, and I thank the Senator from Idaho for yielding time.

How much time does Senator GLENN have?

The PRESIDING OFFICER. The Senator from Ohio has 15 minutes and 11 seconds, and the Senator from Idaho has 14 minutes and 35 seconds.

Mr. DOMENICI. Mr. President, first, let me say to Senator GLENN that clearly I am not one—and I want to set the record straight from our side—accusing Senator JOHN GLENN of delaying, as an instrumentality here; that he has been on the floor trying not to have this happen. Quite to the contrary. I am reminded, one of the Republican Senators said yesterday, I believe at lunch, "What are we in for this year when it takes almost 3 weeks on a measure that the Democrats are for?" That is sort of befuddling. This is going to pass very heavily I believe. We have been here an awful long time. This is an important bill. I want to address it.

First of all, there should be no doubt, Mr. President, that this unfunded mandate legislation and its enforcement are intended to change the culture of the United States Congress when it comes to voting out of committee and on the floor unfunded mandates as defined in this bill. This cannot be approached cavalierly, and there will be a very big burden on committees that have jurisdiction over bills that come to the floor that mandate costs on local government that we do not pay for. Let me describe why I think what the bill does is precisely right and why what Senator GLENN offers is not what we ought to do because of the basic philosophy of what we are trying to accomplish.

First, there should be no misunderstanding. Points of order are not self-executed. They are not self-executed. Somebody has to raise a point of order; point No. 1. A manager of a bill has to be very, very careful that the bill that is brought to the floor is not subject to a point of order, or clearly that manager and that committee understands that it is subject to a point of order, and could fail. That means there will be a lot of care and a lot of political analysis before you bring the bill to the floor. That is number one.

No. 2, we used to say one of the great qualities of the Senate is that if you think of an amendment here on the floor and you are smart enough, you just write it out; send it up there. There is no doubt about that. That is one of the fantastic qualities. And the person I remember so vividly over the years that did that the best was Senator Jacob Javits of New York. He did not need a staff. He would just write one up.

What we are saying now is you can do that. You can dream up an amendment while the bill is working its way through here. But we are changing things a little bit as to one kind of legislation, legislation and amendments that mandate local governments to do things and we do not want to pay for them. In that regard, we say you had better be prepared. You had better be prepared and get the estimated costs. And, if you do not have them or if they exceed the threshold, you had better be prepared to defend on the basis that if someone raises that point of order the Senate of the United States would want to say on that amendment, look, we want to waive it. We think it is so important and we do not think we can quite work out how we pay for it and the like, we think it is so important, we are going to waive it.

Frankly, I think it is important that we understand that the United States Senate understands that after the adoption of this legislation, if the Glenn amendment fails—and I hope it is tabled—when you get ready to offer amendments that affect mandates that are unfunded, you had better be prepared to defend them against the costs you are sending down. Having said that, if a bill comes to the floor and it exceeds the threshold, it is subject to a point of order. Frankly, then a point of order could be made, it would fail, fall, or it would not. But now we have another tree coming along, and people want to offer an amendment.

If an amendment was subject to a point of order and the Senate, in its wisdom, waives it, then that amount of mandate is waived and there cannot be a point of order against the bill because that was added and increased the threshold. We make the decision, and if we want to waive it, we waive it. If we waive it, then my understanding of what we have done is you cannot then raise the point of order against the bill because the waived mandate makes the bill subject to the threshold dimensions.

On the other hand, it is true that if we do nothing and let the amendment go through—and that is the prerogative of the Senate—then at some point in time, if it made the bill subject to a point of order, you can still raise it at a later time, because that has never been waived.

Frankly, I believe the Senator from Ohio is overly concerned about how this is going to be used. I believe the way it is really going to be used is that people are going to want to get their amendments passed, and they are going to do everything they can to make it right by the Senate and to make it right by this law, and if it is a political issue instead of a dollar issue, they are going to win it. That will be a vote around here. Do you indeed want to do it, even though it breaks the threshold?

I am very proud that we made that simple. There is only a simple majority there, not a supermajority to do that waiving. I think that means that since we do not know the details of the future, we cannot guess everything in the future. We are giving Americans insurance that it can be voted in, if it is very important to America, even if it violates the threshold requirement.

The whole theme of this bill is a process for accountability. Heretofore, at best, we did not know what we were doing in terms of the mandate costs. At worst, we knew it and we were cavalier about it. So what, change this Clean Air Act and if it costs the States $650 million over the next 3 years, so what. Anybody that likes that approach should not like this bill. But we are not going to be doing that anymore.

So when you have a serious amendment and you bring it here to the floor, it is at risk, I say to fellow Senators, if in fact it costs out such that it makes the bill subject to a point of order. And you have to work that. You cannot just come down here and say it is such a neat thing, I dreamt it up; I am running for office and I would like to get it down here. It is going to be put right up front, to the best of our ability, to analyze and if some Senator is careful, he is going to stand up and say I raise a point of order. Again, this is not self-executing. The Senate can clearly, implicitly or explicitly, decide that it does not want to do anything about the fact that we break the threshold and order some mandates that are unfunded.

So in summary, I think we will too narrowly change the culture, change it into a narrow way, and if we let in all the amendments and at the end of it all, we address them. I think the culture has to be changed such that amendments are subjected to the highest scrutiny in terms of the mandate. Essentially, that is the difference between the two. Yes, there is a little more difficulty and it could be a little more cumbersome. But do we really want to make amendments heavily scrutinized and subject to a point of order then and there, or do we want to do less and let them get through because under this amendment there would be no point of order?

You could have a report saying it is a $300 billion mandate on an amendment, and under this you wait until the end when everything is there and then take it up. I think it ought to be done in a very powerful, direct attack on the kind of willy-nilly way that we have assigned these mandates to our cities, States and counties.

Therefore, I hope the Senate will leave the bill intact. I commend my friend from Ohio for his thoughtfulness on this bill. I just believe that we have a basic disagreement. The Senator from New Mexico has a basic disagreement on this. I hope the Senate agrees with the Senator from New Mexico.

I reserve the remainder of my time.

Mr. GLENN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Ohio has 15 minutes 11 seconds.

Mr. GLENN. Mr. President, we disagree, obviously, on this particular amendment. I want to respond first to the comment of my distinguished friend from New Mexico—and he is distinguished and he is head of the Budget Committee. He is very learned in that area and I appreciate that. He commented in the Republican caucus yesterday that one of their persons said, "If it takes this long for the Democrats to get something through that they want, what does that spell out for the rest of the year," or words to that effect.

I want to set the record straight on that, because I think there has been a great deal of gobbledygook about, and misrepresentation of, the Democrats on this side with regard to what we have done on legislation this year—deliberate misrepresentation, as the Congressional RECORD will show. Last year, we passed S. 993. I was part of that, along with Senator KEMPTHORNE. The mayors and Governors said: Do not amend it, do not do anything, put it through. Senator LEVIN brought that up a little while ago. I read that into the RECORD. It was looked upon as very good legislation. Why did we not get it through last fall? We had it out of committee in August, and the Republicans that now accuse us of all kinds of delay had a 3-month scorched-earth, do-not-let-anything-through policy that prevented consideration of unfunded mandates or the Congressional Coverage Act last year.

We finally got down to trying to get a unanimous consent requirement to let those two bills get through last year and could not do it. That is the reason we did not have unfunded mandates and congressional coverage passed last fall, because there was a policy on the Republican side, apparently, to not let anything get through. One day, after one of the votes on an amendment, I followed one of the more vocal members of the Republican Party and happened to walk out by the elevators, and he was saying, "We beat another one." The press people out there said, "What was it?" He said, "Who cares, we beat it." That was the general attitude last fall that prevented unfunded mandates, which I was all for. I worked with Senator KEMPTHORNE, who took the lead in this area, and we had that legislation ready and could not get it through. That was the policy last fall. That is the reason we did not get it through. Some of the press look at it this year as just tit-for-tat. The shoe is on the other foot, so we are doing the same thing back to them. That is not true.

When we came in this year, S. 1—which is the successor to S. 993—had been made a priority and was given the prime designation of S. 1. It was designated as the prime bill that we are going to put through this year. I favored that. That designation is great, as far as I am concerned, because I am for unfunded mandates legislation. But the way they wanted to put it through was to ramrod it through with absolutely no changes, to show we are in some sort of legislative drag race with the House, apparently, and that we can beat them. So what was the procedure that was set up? It was set up this way: We will introduce the bill one day, have a hearing the next day, a markup the third day, and include on that third day sending it back to the Senate. That meant when we got to committee, there was not time to do anything on it.

I go to markup usually considering, OK, let us deliberately look at this and make sure we are doing the right job with this piece of legislation. Yet, when we came to markup, they had the hearing the second day, went to markup the third day. We came over with some perfecting amendments. They were not delaying amendments. They were to take care of some of the real problems with this bill. There were some things that had been omitted. Color and race had been left out of the discrimination clauses—substantive matters that had to be taken care of. We were told there would be no amendments. We tried to put amendments in. They were voted down on a party-line basis, straight across the board. We were informed that there would no amendments approved that day, and we are going to vote this thing back to the floor. They told us that on the floor you can put in all the amendments you want— we will consider all these things on the floor. That is what we were told over and over again. OK. We could not do anything about that. It was also stated we are not going to have a committee report.

Normally around here, for those that are not as familiar with Senate procedure as others may be, a committee report is a very important document. These bills that are put in are in legalese, they refer to different parts of the code, and you have to really decode them to know what you are doing. And so the committee report is what most people rely on to look through and see the provisions that are put in layman's language so you can understand it.

They would not even put a committee report in. They said we are going to bypass that. The minority asked, "How are you going to take care of explaining this to people?" They responded, "Put something in the CONGRESSIONAL RECORD?" "How about minority views that are normally considered important?" "If you want to put minority views in, you should put them in the CONGRESSIONAL RECORD."

I have never seen such cavalier treatment of the minority since I have been in the Senate, and that has been over 20 years now.

We object. We had a rollcall vote on the committee report and the minority lost. So it was voted out and brought back here to the Senate.

To show my commitment to unfunded mandates, I voted even then to send it out of committee and back to the floor. I voted with the Republicans to get it out of committee and back to the floor, even though I objected strenuously to the whole procedure at that time.

Now, what happened when S. 1 came to the floor? This is where they say we have been on the floor now 2 weeks with this thing. Actually, what happened is Senator BYRD took up the issue of the absence of a report and objected to it, and for the first 2 to 2½ days, we had a debate on the committee report.

The majority finally agreed that they would do a committee report. "We will have it for you by tomorrow evening." Tomorrow evening came and went and there was no report, so we had to wait another day to get the committee report.

Then it turned out that the Budget Committee had not submitted its report, and there was another day's wait.

So all these things on procedure could have been taken care of had we been able to consider this legislation in committee, as we should have been able to do. This representation that we have somehow delayed this legislation is beginning to wear a little thin with me. That is how we lost the first week.

Then they wanted us to consider immediately taking up the bill because the report was filed. Well, people had not even had a chance to see what was in the report. So it was finally agreed to put it off over the weekend.

So the first whole week of consideration, all last week, was because of the way we were cavalierly treated in committee and because Senator BYRD insisted on those reports being available so all Members would have a chance to know what was in this landmark, historic legislation. And I view this bill as being that kind of legislation.

Now, once we got into the bill on the Senate floor and got past the committee report problem, then what happened? Then the majority said, "Let's limit amendments." Limit amendments.

We had been told repeatedly in committee that we would be able, on the Senate floor, to go through the regular amending process. What happened? Now they want us not to put in amendments. Now they want to move the bill real quick, in a drag race with the House. And we objected to that.

In spite of being told that we would be able to bring up anything we wanted on the floor, cloture was filed when we tried to bring things up.

Well, cloture then flushes out amendments all over the place. Because if cloture is invoked, you cannot put amendments in after that. So everybody had a pet amendment. And in the Senate, not having germaneness rules, you can put in anything you want. We wound up with 117 amendments, which was unnecessary. We could have taken care of the important ones in committee had we been permitted to do that, instead of having this legislative process where we were rolled on the minority side.

Then, meanwhile, negotiations were on as to what amendments were really important. And so we finally wound up with the list being culled down earlier this week, and the ones that are important, we will consider those.

That is an abridgement of how we got to where we are right now.

So I tell you, I am wearing very thin on this thing. I have been accused back home by one of our major Ohio papers of being one who favored this legislation last year but, for political reasons, opposes it this year. That just is flat not true. It just shows that they were not paying attention to what was going on up here on the Hill during the committee process, what we tried to do, my commitment to this legislation, and working it out.

Finally, this week, we were able to work it out. Last night, working until after midnight, we finally got a time agreement on the final amendments that are important. These are substantive amendments.

The Senator from Michigan, who has brought these issues up, is a pit bull on this. He goes into these discussions in committee on how the wording is going to affect the council back in Detroit, where he used to be on the council, and the States, Michigan and every other State across this country.

These are substantive matters that are being proposed here. These are not delay tactics.

If there were any delay tactics, it was because we were trying to get a committee report out that could explain this legislation to every Senator, including the 11 new Senators on the Republican side that have not been familiar with this process at all. There was objection during that first week and that is how we lost the whole first week.

And so, when these little barbs keep flying across the aisle about how we are delaying things, I will tell you, we are not being anti anything. I will tell you what the Democrats are being on this bill. We are being constructive, trying to put legislation through that has the fine points worked out in it so it is operable, so we can make these estimates, so we can make sure that States and local governments are taken care of properly. That is the purpose of this legislation.

The delay that we have had for the first week was all because of the procedures that were used in trying to ram this thing through. We were responding by saying, "OK, we want to have the normal procedures here so that every Senator will be informed."

That is sort of how we got to where we are now.

To say that somehow the Democrats are at fault on this is incorrect. I will tell you what the Democrats are doing. They are trying to protect Senate procedure that protects Republicans as well as Democrats.

I am just as committed to getting this unfunded mandate legislation through as I was last year. I think we worked it out. The amendment that Senator BYRD proposed took care of a lot of the problems, and I think makes this legislation a better bill.

Was that substantive? Are we delaying because of the Byrd amendment that was put through yesterday? No, that was excellent legislating of a very important nature on a bill that is landmark legislation. The majority said it was a delay mechanism when we changed the process of how things operate when bills go over to an agency, and what they can do, we would have given up our legislative authority to those agencies. It was agreed on the other side that this was something that we should correct, and we corrected it. Was that substantive? You bet it was substantive; very important for this legislation.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. THOMAS). The Senator has 3 minutes and 17 seconds.

Mr. GLENN. Mr. President, I reserve the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we have had these discussions from time to time as to what side of the aisle brought up objections, what side of the aisle delayed progress, and what have you.

I refuse to engage in that, Mr. President, because we have in S. 1 an effort to stop unfunded Federal mandates. And, on behalf of the mayors, Governors, county commissioners, school board administrators, and business men and women of the country, I am not going to engage in what has happened in the past on the fingerpointing.

It is time for us to use that finger and to draw a line in the sand and say, "From this time forward, let us look to the future in what we can do together."

This is a bipartisan bill. The prime partner on this bill that I have had has been the Senator from Ohio. I am a Republican; he is a Democrat. This is a bipartisan bill.

It is about time that we quit just saying "bipartisan" if we do not mean it, but instead demonstrate to the American people that we can work together, because that is what they told us they wanted us to do on November 8: Stop the fingerpointing at one another and start looking to the future on behalf of the American public that sent us here to do a job for them, instead of being on each other.

I could bring up that last year, when we tried to get S. 993 through, it was the Republicans that cleared the deck. They agreed, even though I had some that wanted desperately to offer amendments, they would withhold all amendments. But we could not clear the deck on the Democratic side, but it does not matter now. That is past. Maybe in different social settings we could go over those war stories. I do not think the public wants the war stories right now. They want the Senate to enact this legislation.

So, Mr. President, with regard to the specifics of the amendment before the Senate, I have to defer to what the chairman of the Budget Committee stated. He has pointed out why he feels this is an objection. I know the Senator from Ohio is sincere in thinking that this may pose another filibuster tool. But in the 2 years I have been here, if there is one thing I have learned, it is that there are ample tools for filibuster, if that is what a Senator wants to do. I do not think this will be used as a new ploy in order to enact a filibuster because there are a variety of other opportunities to do that.

Mr. President, again, I would ask everyone, just as Senate bill 1 is prospective and not retroactive, let the Senate continue, in the debate, to be prospective and not retroactive and show the American people that we can take something that is bipartisan. Let Members pass it in this body today, send it to the House of Representatives, get bipartisan support there, send it to the President, and have him enact this. Then the mayors and Governors and the American taxpayers will say, "Thank you, folks, you did what we asked you to do, and now why not do it again on something else."

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

I could not agree more with the distinguished Senator from Idaho. He has been an absolute delight to work with all through the last 2 years on this legislation. We were very cooperative. We have not tried to backstab each other. We have been upfront on every place we have had differences. In some areas we do have differences.

We have a little difference of opinion on this particular item. My proposal, I think, would improve the legislation. The other side does not think that is quite the case, so we have a little difference of opinion. But the basic bill itself will go through.

All through the first part of this debate, through the first week of this debate on the Senate floor, I outlined the procedure that was used to get this legislation through committee, which we objected to. But all through that first week on the Senate floor, I refrained from getting into some of these partisan barbs back and forth and so did the Senator from Idaho. He did not take part in those remarks. All the things that were coming up about the political nature of what the Democrats are trying to do, as though this is a political hotfoot we are using to reply to last year's scorch policy of 3 months in the fall, I stayed out of that. There were many of those remarks back and forth.

I finally got involved with it because I thought it was so unfair. Lo and behold all that drumbeat, drumbeat, drumbeat of how bad the Democrats were and how we were trying to stall this thing, drumbeat, drumbeat, over and over, apparently had some effect, as one of our major papers back in Ohio made scathing remarks about me, sort of implying that I have sold out. The paper implied that the only reason I am participating in the debate in this manner is because of some kind of party retaliation. That is not like me. Well, I would say to the papers, in reference to the little special they had on their editorial page, no, it is not like me, and that has not been me. If they had been paying attention to what was going on here, they would know that is not what was going on.

So when I hear my friend from New Mexico get up this morning and once again make a crack about the Democrats being at fault, and will this be the pattern all through the legislative session, that someone remarked to him about yesterday, obviously my skin is beginning to get a little thin on some of these things—blaming this particular delay just on the Democrats, when I enunciated a little while ago the processes that were used in committee—high handed, cavalier. I cannot put any other words to it than that. I have never seen any minority treated like that in my 20-some plus years here in the Senate.

So that is the reason that I wanted to use some of my time on this amendment. My remarks did not apply directly to this amendment.

Let me say to my friend from Idaho, I think his remarks are exactly on, and I hope he takes the opportunities in the conference to get some of the other people to stop making these zingers across the aisle that are so unwarranted because we know what happened in committee and we know what happened last year.

He and I worked together to try to get this together. He said we could not get it through on the Democratic side, we finally were delayed, could not get it through the floor for regular debate as would normally be the case. We were only able to get it on a unanimous consent. And one Senator objected to unanimous consent at that time and that prevented us from getting it through last year without amendments.

Mr. President, if this bill is enacted as currently written, with points of order applied to amendments, it will be almost impossible to escape a point of order on an amendment whose cost estimate—assuming you can get it—exceeds the threshold.

I ask unanimous consent to print in the RECORD what every amendment will have to contain, according to section c(1)B of the bill, if it contains a mandate of at least $50 million.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the direct costs of such mandate, and—

"(I) identifies a specific dollar amount of the direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year;

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (III);

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

"(1) a statement that the agency has determined, based on a re-estimate of the direct costs of a mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of the mandate; or

"(2) legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the statement or legislative recommendations referred to in item (aa) by Congress not later than 30 days after the statement or recommendations are submitted to Congress; and

"(cc) provides that the mandate shall—

"(1) in the case of a statement referred to in item (aa)(1), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60 day period;

"(2) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa)(2) unless Congress provides otherwise by law; or

"(3) in the case of a mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

Mr. GLENN. Could we have unanimous consent to have Senator LIEBERMAN have 1 minute?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, and my colleagues, I just want to add a word to say, as this debate has gone on, the Senator from Ohio, as is not just his habit but is at the very core of his nature, has conducted himself in a most thoughtful and serious way. In the 6 years I have been privileged to be a Member of the U.S. Senate, I do not think I have known a less partisan Member than JOHN GLENN of Ohio.

This complicated bill, with ramifications on just about every section of the United States Code annotated, I think we made a better bill as this process has gone on. A good part of the responsibility for making it better goes to the former chairman of the Governmental Affairs Committee, on which I am privileged to serve, and now the ranking Democrat, the Senator from Ohio. Whatever is being said in Ohio by any newspaper, I do not know, but if they are critical of Senator GLENN in his conduct on this bill, in my respectful opinion, they are wrong.

I thank the Chair.

Mr. KEMPTHORNE. Mr. President, I yield back the remaining time. I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 174

The PRESIDING OFFICER. Under the previous order, the question recurs on amendment No. 174, offered by the Senator from Michigan. Debate will be limited to 30 minutes equally divided and controlled by the Senator from Idaho and the Senator from Michigan.

Mr. KEMPTHORNE. Mr. President, acknowledging that we have a unanimous-consent agreement, I believe that votes would begin to occur at 11:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Mr. President, could I make an inquiry on that. Do I understand that the vote on the first amendment whose debate has been completed pursuant to the unanimous-consent would begin at 11:30?

The PRESIDING OFFICER. We have two votes beginning at 11:30.

Mr. LEVIN. But if debate is not completed with the time allotted by the unanimous consent, the vote would occur on that amendment at a later point, is that correct?

The PRESIDING OFFICER. In the opinion of the Chair, the Senator is correct.

Mr. KEMPTHORNE. Mr. President, what I am suggesting is to offer another unanimous-consent agreement that we would move the votes that have been ordered, so that they would not occur at 11:30, but they would move to a time after we have completed the debate on this next amendment.

Mr. LEVIN. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the previous vote time, which was to occur at 11:30, be moved so that the first vote will occur after all time has been consumed in debate on the remaining two amendments.

Mr. GLENN. Reserving the right to object, and I will not object, is there any idea of how much that would move the vote forward?

The PRESIDING OFFICER. It will be approximately 30 minutes before the next vote.

Mr. GLENN. I will not object.

Mr. KEMPTHORNE. It is my understanding it will be no later than 12 o'clock noon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would like to ask a few questions of the manager relative to the way in which amendments would be dealt with.

The PRESIDING OFFICER. The Chair advises Senators time has been deducted equally. There was not the suggestion of the absence of a quorum.

Mr. LEVIN. I thank the Chair. How many minutes do I have remaining?

The PRESIDING OFFICER. Two and a half minutes.

Mr. LEVIN. Mr. President, two questions I would like to ask my friend from Idaho about how the amendment process would work. It really goes back to the Glenn amendment. First, the bill says that the requirement that there be an estimate apply to bills and resolutions. Is it the intent of the manager, the sponsor, that amendments offered on the floor are not subject to a point of order because they fail, when they are offered, to have a cost estimate?

Mr. KEMPTHORNE. Mr. President, that is correct.

Mr. LEVIN. It is correct then that they would not be subject to a point of order?

Mr. KEMPTHORNE. Mr. President, not based strictly because they do not have a cost estimate.

Mr. LEVIN. No, but a point of order would not lie for the failure of an amendment, as it is offered, to have a cost estimate in it, is that correct?

Mr. KEMPTHORNE. Mr. President, that is correct.

Mr. LEVIN. However, a point of order might lie if an argument is made that that amendment exceeds the threshold of $50 million, is that correct?

Mr. KEMPTHORNE. Mr. President, that is correct.

Mr. LEVIN. And if the Budget Committee is unable to make that determination and so informs the Chair, would a point of order lie? As a general matter, would it lie?

Mr. KEMPTHORNE. Mr. President, again, in looking to the Budget Act and what may be some precedent that we could point to, if in fact CBO were to determine and so state that regardless of how much time they had they simply could not come up with an estimate, the Parliamentarian, as I understand it, may use that as a basis to recommend that no point of order would lie because there would not be basis.

However, it is not to suggest that that would exclude other elements that the Parliamentarian might consider in still coming to the conclusion that a point of order could still lie.

Mr. LEVIN. Is it fair to say that it is the understanding of the manager that generally, if there is no basis upon which to rule that the threshold is exceeded, if there is no basis to rule, that generally a point of order would not lie? However, it is not your intention to preclude the Chair from ruling that a point of order would lie if the Chair has information from other sources than the Congressional Budget Office and the CBO that the threshold is exceeded?

Mr. KEMPTHORNE. I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I will restate my question.

I understood the Senator from Idaho to say that the Chair would not be precluded basically from upholding a point of order, or ruling that the threshold has been exceeded even if there is a statement from the Congressional Budget Office and the Budget Committee that it is unable to state that the threshold is exceeded. The Chair would not be precluded, from what the Senator said.

However, my question is, is it his intention that it would generally be the case that if the Chair has no basis to rule that a point of order would lie for the threshold being exceeded, that it would therefore not rule that a point of order lies?

It is my intent to ask the chairman of the Budget Committee, by the way, these questions as well when he is able to return to the floor. But I think it is important we get the intent of the manager on this question. It is a very important question as to whether this process can function.

Mr. KEMPTHORNE. Mr. President, in response, it is our intention that it would be the prerogative of the Parliamentarian to make that determination. We would not then establish here the parameters by which the Parliamentarian would make his recommendation.

Mr. LEVIN. I understand.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator has 5 additional minutes.

Mr. LEVIN. I am wondering if I could ask the Senator from Idaho on his time since——

Mr. KEMPTHORNE. Mr. President, I will yield 2 minutes, depending upon the questions, to the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair and my friend from Idaho.

Now, this is the situation I wish to give to the Senator. CBO and the Budget Committee say there is no basis that they have to make an estimate that the threshold is exceeded. They have no basis, and they so inform the Chair. This is relative to an amendment.

If there is a statement from the CBO and the Budget Committee that there is no basis for them to state that the threshold is exceeded, then what other sources would the Chair go to to have a basis to uphold the point of order?

I ask this because the bill itself states on page 25, line 20, that "for purposes of this subsection, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget." That is what it says in the bill.

Now, if there is some other basis besides the Budget Committee or the CBO upon which a Chair could rule that a threshold is exceeded, I think then we ought to have it in the bill. Does the Chair read newspapers or does the Chair—what are the other sources that the Chair would rule on if the Budget Committee and the CBO has told the Chair that there is no basis upon which it can say that the threshold is exceeded?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we have been instructed by the Parliamentarian that two other elements that could be considered will be the actual legislation from the committee itself, and it could be precedent that has been established.

Mr. LEVIN. But the legislation would be available to the CBO and to the Budget Committee, would it not? And precedent would be available to the CBO and the Budget Committee, would it not?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I am sure that it would. I do not know it necessarily then would be the only tool that CBO and the Budget Committee would use in determining the estimate, but again I would not preclude the Parliamentarian from examining the legislation or precedents in their purview as to whether or not the point of order will lie.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. KEMPTHORNE. Mr. President, as I understand it we have 2 minutes remaining on the amendment that is pending before us?

The PRESIDING OFFICER. The Senator is correct.

Mr. KEMPTHORNE. I ask my friend from the State of Michigan if he would like to use additional time remaining?

Mr. LEVIN. I thank my friend. I ask unanimous consent I be allowed to use 3 minutes from my next amendment so I do not take up additional time of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no further request for time, the Senator intends to use it now, 3 minutes to be extracted from then?

Without objection, it is so ordered. The Senator may proceed.

Mr. LEVIN. That is correct.

I thank my friend for his offer, but I do not want to delay the Senate so I have pulled forward 3 minutes from my next amendment.

Mr. KEMPTHORNE. Mr. President, just a parliamentary inquiry, it will be my intention to move to table the amendment. But would I do that following the expiration of the Senator's 3 minutes?

The PRESIDING OFFICER. The Senator is correct.

The Senator may proceed.

Mr. LEVIN. Mr. President, I am just going to use a couple of minutes because I want my friend from Connecticut to at least have a minute. We can pull forward more time from my next amendment. This amendment is intended to address the situation where there is a significant negative competitive impact on the private sector when you have a situation where there is competition, be it with a hospital, be it with a waste disposal, be it with an incinerator—whatever it is.

The amendment I have offered says if the committee certifies that there is a significant negative competitive impact on the private sector that then this special point of order would not lie. They would have to make that certification that there is added protection in that point of order, which takes us a step beyond last year's bill.

Where the committee itself certifies that there be a significant competitive disadvantage to the private sector if the public sector were paid to do it, or if the mandate were waived as to the public sector, then this additional step should not be taken.

I have sought to modify my amendment to make it a sense-of-the-Senate resolution. I have not been allowed to modify it. That is the rules of the game. So we will be voting on my original amendment.

If I have run out of time—I ask the Chair if I have any time left?

The PRESIDING OFFICER. The Senator has about a minute and 15 seconds.

Mr. LEVIN. I yield that time to my friend from Connecticut, and if the Senator from Connecticut needs additional time I then ask unanimous consent to pull forward some additional time from my next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Michigan. I am glad to rise in support of the amendment that is currently being discussed, offered by the Senator from Michigan.

Last week I discussed at some length concerns that I have about the competitive disadvantage that will result to the private sector from this legislation. In particular, I discussed my concerns with the provision that creates a presumption that the Federal Government will pay 100 percent of the costs of the mandates, even where those mandates apply in the same manner to the public and private sector. Even the opponents of the amendment I introduced last week, which was defeated, acknowledge that there were in fact many areas covered by the provisions of this bill, S. 1, where the public and private sectors do compete.

The sponsors of the legislation have stated in response to inquiries from colleagues they have sought to address that concern about the disadvantage to the private sector by requiring that the authorizing committee state in its report the degree to which Federal payment of public sector costs or the termination of the mandate would affect the competitive balance between State or local governments and the private sector, and any steps that the committee has taken.

Mr. President, I ask unanimous consent for an additional 2 minutes to complete my statement pursuant to the generous offer of the Senator from Michigan, that coming from the time which he has been allocated on the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, as I set forth during the discussion of my amendment last Thursday, I do not believe it is appropriate to create a presumption of 100-percent Federal payment in any case where a law applies in the same manner to both the public and private sector. But certainly where we have a committee finding that such a disadvantage to the private sector will be created, the presumption of 100-percent funding is totally inappropriate. Otherwise, what is the point of the committee stating whether or not there will be a competitive disadvantage created? The Levin amendment would make certain that the presumption does not apply in those circumstances.

Mr. President, I strongly support the Levin amendment, but I want to emphasize that it does not go far enough. As Senator ROTH indicated in the debate relating to my amendment: we know right now that the public and private sector compete in many areas covered by S.1.

Let me take a few minutes to read from two letters I received on these issues after the debate on my amendment concluded. The first letter is from the International Association of Environmental Testing Laboratories dated Jan. 19, 1995, in support of the amendment I offered last Thursday. It states:

> S. 1 as currently written threatens public health and the environment and disadvantages commercial environmental testing laboratories that provide the same services as government laboratories. * * * (B)y exempting government laboratories from costs associated with important quality standards compliance, this legislation disadvantages commercial testing laboratories that provide the same services as government laboratories. Such a double standard not only hurts private sector laboratories, it also reduces tax revenues resulting from commercial laboratory operations:

I ask unanimous consent that the full text of this letter be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LIEBERMAN. The second letter is from the American Legislative Exchange Council to Speaker GINGRICH dated Jan. 12, 1995. This group describes itself in the first paragraph of the letter as the "nation's largest bipartisan individual membership organization of state legislators dedicated to the principles of free enterprise and individual liberty". The letter states:

> We are concerned that efforts underway to address mandates on state and local governments will unfairly impede the balance of competition, regulating private industry to meet standards not required by the public sector. Everyday private industry competes against the public sector to provide Americans with goods and services in areas such as transportation, the environment and many others. One example of this is waste water treatment facilities. Under the current mandate reform scenario, regulations on state and local governments would be lifted on many services. Unfortunately, private industry would not be exempted from these same regulations. Instead, they would continue to be forced to pass the costs of these regulations on to the consumer. This problem would obviously create an unfair advantage in favor of publicly operated services.

I ask unanimous consent that the full text of this letter be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

Mr. LIEBERMAN. Mr. President, the Levin amendment would take an important step forward in eliminating unfair advantages to the private sector that may result from this legislation. I urge adoption of the amendment.

EXHIBIT 1

INTERNATIONAL ASSOCIATION OF
ENVIRONMENTAL TESTING
LABORATORIES,
Alexandia, VA, January 19, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: The International Association of Environmental Testing Laboratories (IAETL) is writing to support the Kerry, Levin, Lieberman proposed amendment to Senate Hill No. 1 concerning unfunded mandates. As a trade association representing two-thirds of the environmental testing industry, IAETL supports your proposed amendment concerning the even-handed application of environmental laws to apply to both the public and private sectors. S. 1 as currently written threatens public health and the environment and disadvantages commercial environmental testing laboratories that provides the same services as government laboratories.

Environmental laboratories provide critical analysis of soil, air, and water for toxic contaminants. Such analysis is the basis for important public health and environmental decisions. IAETL believes that public health and the environment are threatened by exempting government laboratories from standards designed to ensure the quality and reliability of laboratory data.

In addition, by exempting government laboratories from costs associated with important quality standards compliance, this legislation disadvantages commercial testing laboratories that provide the same services as government laboratories. Such a double standard not only hurts private sector laboratories, it also reduces tax revenues resulting from commercial laboratory operations.

Accordingly, IAETL supports your proposed amendment to S. 1 and suggests that you add the following bullet to your "Dear Colleague" letter concerning this issue:

Public laboratories, which provide analysis of soil, air, and water to protect public health and the environment from toxic contaminants, would be exempt from quality standards that apply to commercial laboratories performing the same critical services.

IAETL looks forward to working with you on the issue of unfair competition between the public and private sector. Please feel free to contact me should you have any questions concerning this issue.

Sincerely,

LINDA E. CHRISTENSON,
Executive Director and General Counsel.

EXHIBIT 2

AMERICAN LEGISLATIVE EXCHANGE COUNCIL
Washington, DC, January 12, 1995.

Hon. NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR SPEAKER GINGRICH: The American Legislative Exchange Council (ALEC), the nation's largest bipartisan individual membership organization of state legislators dedicated to the principles of free enterprise and individual liberty, wishes to express concern with the issue of federal mandates as it relates to services provided by both the public and the private sectors.

We are concerned that efforts underway to address mandates on state and local governments will unfairly impede the balance of competition, regulating private industry to meet standards not required by the public sector. Everyday private industry competes against the public sector to provide Americans with goods and services in areas such as transportation, the environment and many others. One example of this is waste water treatment facilities.

Under the current mandate reform scenario, regulations on state and local government would be lifted on many services. Unfortunately, private industry would not be exempted from these same regulations. Instead, they would continue to be forced to pass the cost of these regulations on to the consumer. This problem would obviously create an unfair advantage in favor of publicly operated services.

As we have see in the early days of the 104th Congress, just as laws are applicable to its citizens, they should also apply to Members of Congress. The same premise holds true in this case. Private industry should not be made to comply with regulations that exempt public sector providers. The rules must be consistent.

Thank you for your time. We appreciate your attention in this matter.

Respectfully,

Senator RAY POWERS (CO),
National Chairman.
SAMUEL A. BRUNELLI,
Executive Director.

AMENDMENT NO. 174

The PRESIDING OFFICER. The question occurs on amendment No. 174.

Mr. KEMPTHORNE. Mr. President, I yield back my time and move to table.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. This vote will occur after the previous two already ordered.

AMENDMENT NO. 219

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 219 offered by the Senator from Michigan [Mr. LEVIN]. Debate on the amendment is limited to 10 minutes equally divided.

The Senator from Michigan has already utilized his time and so the remaining time is under the control of the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum and ask unanimous consent it be charged to my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I yield 2 minutes to the Senator from Michigan so that he can explain his amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I have expressed the concern that there is a feature in this bill that would require estimates for the life of a mandate which could go 20, 30, 40 years. It could be unlimited, and that becomes an impossible task. We are kidding ourselves if we think we can get anything reasonable beyond the first 5 years, frankly, or 10 years, surely.

So this amendment puts a cap on the estimate requirement and says that in no event shall the estimate have to be for any year beyond 10 years. We have already acknowledged that the CBO has the right to tell us that they cannot estimate these costs, and that holds through for any number of years. The CBO usually estimates direct costs for 5 years, and that is it.

So this says for a maximum of 10 years, and, if the CBO can only do 5, obviously it will do 5. But this finally will set a cap on what otherwise would be an impossible task.

I understand that the managers of the bill will accept this amendment. I will be happy to have a voice vote on it. I do not need a rollcall if they accept the amendment.

Mr. KEMPTHORNE. Mr. President, I appreciate the efforts of the Senator from Michigan. I am prepared to accept this amendment.

Mr. GLENN. Mr. President, I accept it on our side, also.

Mr. KEMPTHORNE. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 219) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 175

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table amendment numbered 175 offered by the Senator from Michigan [Mr. LEVIN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Harkin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Gramm
Inouye
McCain

So the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the two remaining stacked rollcall votes be reduced to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 197

The PRESIDING OFFICER. Under the previous order, the question recurs on the motion to table amendment No. 197, offered by the Senator from Ohio [Mr. GLENN]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN], are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Louisiana [Mr. JOHNSTON], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—4

Gramm
Inouye
Johnston
McCain

So the motion to lay on the table the amendment (No. 197) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 174

The PRESIDING OFFICER. Under the previous order, the question recurs on the motion to table amendment numbered 174, offered by the Senator from Michigan, Senator LEVIN.

The yeas and nays have been ordered. The clerk will call the roll. This will be a 10-minute vote.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Hawaii [Mr. INOUYE], and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—52

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—5

Breaux
Gramm
Inouye
Johnston
McCain

So the motion to lay on the table the amendment (No. 174) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the following amendments be withdrawn from consideration of the bill: Graham, No. 189; Levin, No. 176; Glenn, No. 195; Byrd, No. 200; Wellstone, No. 205; Grassley, No. 208; Kempthorne, No. 211; Glenn, No. 212; Byrd, No. 217; Brown, No. 220; Graham, No. 216; Brown, No. 221.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

So the amendments (Nos. 176, 189, 195, 200, 205, 208, 211, 212, 216, 217, 220, and 221) were withdrawn.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, under the unanimous-consent agreement that was entered into last night, the order provided that after consideration of the next amendment, which involves S. 993, the bill of last year, which Senator LEVIN will present, 45 minutes for Senator LEVIN's use, 15 minutes for Senator KEMPTHORNE's use, Senator BYRD was to be recognized for 20 minutes prior to the vote on S. 993.

I ask unanimous consent that Senator BYRD's 20 minutes be moved to the time period following third reading of the bill before the final vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 218

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of amendment No. 218 offered by the Senator from Michigan [Mr. LEVIN]. There will now be 1 hour for debate, controlled as follows: 45 minutes under the control of Senator LEVIN, and 15 minutes under the control of Senator KEMPTHORNE.

Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, last year we had a bill which came out of the Governmental Affairs Committee, S. 993. It was a good bill, a bill that I believe had something like 60 cosponsors or more, 67 cosponsors, including the Senator from Ohio, the Senator from Idaho, and many others. It was a bipartisan bill with strong bipartisan support.

The bill not only had the support of about two-thirds of the Senate as cosponsors, but S. 993, which came out of the Governmental Affairs Committee last year, had the strong support of the Governors, the mayors, local elected officials, the State legislators, the counties, the cities.

We got letters about S. 993 last year, strongly urging the support of S. 993, going so far as to say that the Governors and the State legislators and the counties and the cities' mayors would oppose any amendments to S. 993. That is this document, October 6:

> The nation's State and local elected officials strongly urge the U.S. Senate to pass the state-local mandate relief bill, S. 993, before adjournment.

Later on in the letter:

> We view all amendments as an attempt to defeat our legislation.

The Conference of Mayors, in a letter to Senator KEMPTHORNE last year said:

> On behalf of the United States Conference of Mayors, I am writing to express my strong support for the Kempthorne-Glenn bill, S. 993, and to urge immediate passage of the legislation by the U.S. Senate.

They concluded by saying:

> It is our belief that the bipartisan consensus we have built on this critical legislation will carry S. 993 to enactment and we pledge to oppose any and all amendments which would weaken the consensus bill.

They say, "any and all amendments."

Then the President of the Conference of Mayors said:

> I would also like to echo a statement that you [addressed to Senator KEMPTHORNE] often make when talking about unfunded Federal mandates. The enactment of the Kempthorne-Glenn bill will not be the end in our mutual battle against unfunded Federal mandates, but the true beginning. S. 993 will provide us with a powerful weapon against new individual mandates bills, but it will remain our responsibility to carry on the battle with all the strength we can muster.

If not a consensus, we had a near consensus of local officials for S. 993.

S. 993 achieved a major goal. When you read the purposes of the bill in front of us, S. 1, S. 993 had the same purposes. If not verbatim it is pretty close to precisely the same purposes. Now I am reading from S. 1, but stating that S. 993 had the same purposes as S. 1, same stated purposes as S. 1:

> To end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential [State, local and tribal] governmental priorities.

That was also a purpose of S. 993; to assure full consideration by Congress of Federal mandates.

Next:

> To assist Congress in its consideration of proposed legislation, establish and revise Federal programs containing Federal mandates affecting States, local governments, tribal governments and the private sector, by providing for development of information, establishing a mechanism to bring such information to the attention of the Senate and the House, to promote, inform and deliberate decisions on the appropriateness of Federal mandates in any particular instance.

These are important purposes. They are also the purposes of S. 993. S. 993 accomplishes what S. 1 does in all but a few ways. And it is those few ways I will get to in a moment.

S. 993 requires a CBO estimate for both the private and the sector public costs. S. 993 contains a point of order if there is no cost estimate when a bill comes from a committee to the floor. S. 993 contains a point of order if the committee fails to authorize appropriations to the level of the cost estimate. But that is where S. 993 stops. It does not go further and create this Rube Goldberg mechanism which is in S. 1, which has become more and more complicated in some ways on the floor, and, happily, improved in some ways on the floor.

But the mechanism, that Rube Goldberg mechanism that S. 1 has for that additional point of order, remains and will bedevil this body to the benefit of nobody, including local officials. Because the more we try to tie ourselves up in a knot to protect the substantive issue, the greater is the instinct to circumvent it with boilerplate, with loopholes, and there are many.

So if we do not come up with a mechanism which is workable, if we really think we are going to create here, by a mechanism which is going to so tie this place up that we are going to reduce mandates purely from the weight of the process, what we are underestimating is the capability of Members of Congress to write boilerplate into authorization bills which avoids the cumbersome mechanism. So we are not doing the State and local officials any good by adding this new point of order with its cumbersome mechanisms.

I believe the Senator from California wanted me to yield at this time, as she has done some wonderful work on a chart which actually fits in perfectly at this time. Ordinarily I would ask unanimous consent I be allowed to yield to another Senator without it showing as an interruption in the RECORD, but in this case I think, with the chart behind her, it is going to fit in very nicely with where I am in my remarks.

So I yield to the Senator from California 4 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say to the Senator from Michigan, I thank him on behalf of many Senators for the role he has played in this debate. Along with both managers, I think he has brought these issues to the fore, and he has been persistent. Some of them have not been glamorous, but he has tried to protect the rights of Senators to offer amendments, he has tried to make everyone understand what this legislation really does.

For many days I have had this chart on the floor. I am not much of a chart person, but I guess I am turning into one because I think a picture is worth many words and we have had many words to describe this bill.

S. 993, which Senator LEVIN has offered to us as a substitute bill, is, in my view, a far superior bill to the bill that is before us, S. 1. It is intelligent. It reaches to the problem.

I come from local government, as does the Senator from Michigan. I did not like the unreasonable mandates when they came, but I want to make sure this U.S. Senate can respond to the people, to the children, to the elderly, to our families, to our people if in fact we need to move swiftly. And look what has happened with S. 993.

It started off as a very good concept and a very good bill. If you look here at the chart, I say to my friend, S. 993 stopped the process right here. All this green did not apply. We had the committee report a bill out and get an estimate from the CBO. That estimate of costs came here to the Senate floor, and if it was not done there would be a point of order and that was it. We would have to know, if we were doing something, what it costs. That is smart. That is right. And we would have to take action. Then we got to S. 1, and all this green was added. Let me explain to the people what this means.

Everything in the green here deals with parliamentary procedure. Everything in the green here, and that is half the procedure. So half of S. 1 deals with unelected people making decisions for this Senate. People in the CBO are unelected. They may be wonderful, but they are unelected. People in the Parliamentarian's office may be great, brilliant—but they are not elected. They will be making life or death decisions for the American people. Because if they come up with a number that is over $50 million, we can get caught in a debate over a point of order.

I say to my friend, one of the comanagers of the bill, Senator GLENN—he tried to improve this bill. He wanted to make sure when a Senator had an amendment it did not have to go through this process all over again. But the Glenn amendment was defeated. Amendments that would have streamlined this bureaucratic nightmare were systematically defeated by the other side.

My own amendments were defeated. Although we did very well, we could not get 51 votes to protect the children.

There is an "exceptions" section in this bill, S. 1. We wanted to say that any bill that would protect against child pornography, child sexual abuse, child labor law violation, or any bill that would protect the health of the frail elderly, pregnant women, or young children should also be added to the list of exceptions.

But our Republican colleagues said "No way."

Why? It is my view that the ultimate goal of this bill is in fact to tie our hands, to make it much more difficult for us to act. That is not why I came here. That is not why the people of my State sent me here. They want me to act if we find out new information about what lead in the water does to children and pregnant women. They want me to act to help protect them. This bill will make it very difficult to do so.

So I say to my friend from Michigan, thank you for offering us this amendment. I tried to make sure that the issue of illegal immigration would be acted on. That is one of the biggest unfunded mandates for California. All we have in this bill—God bless Senator GRAHAM for getting it through—is an amendment preserving the status quo so that we will not cut the Border Patrol. We have to increase the Border Patrol. The Graham amendment does not help us one bit in terms of adding more Border Patrol agents. It does protect us from cuts, but nothing in this bill will begin payments to my State of California for educating, incarcerating, or providing medical services to illegal immigrants.

So this bill, S. 1, is a giant disappointment. It sets up a bureaucratic nightmare that no local government could really support if they saw what it did. S. 993 is the unfunded mandates bill that I am very proud to support. It would take this chart, take all of this off, and make it reasonable.

I am very proud to support my friend, Senator LEVIN, who is a great leader on this whole issue.

I yield my time to the Senator.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from California.

One of the problems with S. 1 is that this new point of order that was created originally delegated significant authority to the agency. That language was corrected by the Byrd amendment yesterday. But the Byrd amendment created in the process another complication, another wrinkle; worth doing in order to avoid the delegation for the agencies, but nonetheless, it created another hoop, another hurdle, for this legislation and for any appropriations bill.

The Byrd amendment said that we are not going to delegate the cuts to the agencies if the appropriation down the road does not equal the amount of the estimate. Instead, we will have the agency make a recommendation back to the Appropriations Committee which can then go back to Congress which can then adopt it or not adopt it. It is another step after the appropriations process is completed. Another step was added—as far as I am concerned, worthwhile doing again, in order to avoid the delegation, but it is another complication.

There are great and grave uncertainties in this process that we have created in S. 1. It is really processing wild. You have to leap this hurdle, you have to evade this trap, you have to swim this moat, you have to jump this hoop. It goes too far in this additional point of order that it adds which was not present last year. It puts tremendous new emphasis on an estimate, emphasis which is excessive. We want the estimate. We should insist on the estimate of costs. We should allow a point of order if there is no estimate when a bill comes to the floor. But S. 1 goes beyond that and requires certain additional language be added which would require the reduction of the mandate in outyears if in fact appropriation levels do not reach the estimate, which could be as much as 10 years earlier, unless the Congress adopts a resolution saying to the contrary.

The thing sounds simple to say the CBO or the Budget Committee will estimate. When is the mandate first effective? I gave an example the other day on the floor to show just how uncertain that issue is. I used the example of a hypothetical Senate bill which says the reduction in dangerous levels of mercury from incinerator emissions will be required after October 1, 2005, and that the EPA is designated to determine what constitutes a mercury level dangerous to human health. It is a simple process; it sounds simple. It is stated simply. But it is not.

The question was asked: "Well, when is that mandate effective? What is the first fiscal year that it is effective?" Of course, when you read the bill, it sounds as if that would be October 1, 2005; that this hypothetical bill mandates reductions of these levels of mercury from incinerator emissions after October 1, 2005. So the commonsense answer is that is the fiscal year which the committee says it is first effective. The trouble with that is, if it is first effective in 2005, then it is useless because all the costs are going to be expended before 2005 in order that the incinerator complied by the October 1 deadline of 2005.

Then the statement is made: "Well, let us take a look at that CBO estimate." So I came up with the CBO direct cost estimate for 87,000 jurisdictions. Mind you, every amendment and bill is going to have to be estimated for 87,000 jurisdictions. But this is what the estimate comes back as. This is in this hypothetical. They say in the year 1, $6 million; year 2, $8 million; year 3, $10 million; year 4, $15 million, year 6, $20 million; year 7, $30 million; year 8, $50 million; year 9, $100 million; year 10, the last year before they must be in compliance, it comes out at $200 million.

What is the first year of the direct costs that are levied or required by local governments? If we read the answers to the questions which I submitted to Senator KEMPTHORNE, it comes out one of two ways. It seems to me it is either the first year that the committee says is the effective date—it sounded like 2006, the way I read it—or the first year that the Budget Committee determines that local governments are going to be spending money as a direct result of the mandate. Well, the first year they do that is 1996 under this hypothetical estimate.

If you go 5 years from 1996, under the rule of this new process, if any of those first 5 years after the mandate is effective, it goes over $50 million. If in any of the 5 years you go over the $50 million, then you cross the threshold, and certain very significant things happen if you cross the threshold.

The trouble with that is you do not cross the threshold under this hypothetical if none of those first 5 years is above $50 million. But then what year do you start? Based on what? The Parliamentarian, the Chair, the CBO, or the Budget Committee just picking a year out of the air? They now have a CBO estimate. Those are the numbers. They have looked. They have consulted with local officials. They have done all the consultations which they should with local officials to estimate what those 87,000 jurisdictions are going to do with this incinerator to comply. That is what they come up with.

What it results in is, if you follow the language of the bill or if you ignore the language of the bill, then you are in violation of what period of time in the bill seems to be required.

So a critical issue, when is the first fiscal year when there is direct cost, is left vague. I have read the answers of my good friend Senator KEMPTHORNE to my questions, and it is still vague. The truth of the matter is we do not know. If the bill is going to determine the fiscal year, then it would seem to me it is going to be 2006. And at that point the purpose of the statute, which is to help local governments and to help us understand impacts, would be thwarted. If it is the first year where there are direct expenses, on the other hand, then it seems that the purpose of the bill might also be thwarted.

By the way, I just mentioned the fact that local governments are supposed to be consulted, assuming you can get a cross-section of local governments, or figure out how you would do this in this kind of case. You have an incentive here which is perverse. The higher the local governments say their costs are going to be, the more likely it is they are going to be off the hook or have the mandate paid for by the Federal Government.

The CBO is going to be required to consult with local government, and if it is in the interest of local governments to have a high estimate instead of a low estimate because it means the funds from the Federal Government will be greater rather than less, or it means that there will be something triggered which will let them off the hook altogether from the mandate, we have a perverse incentive.

These are estimates, I emphasize that there is no science to try to figure out how many new incinerators and in what period of time they are going to have to be put in place by some of the 87,000 jurisdictions. We know it is not an exact science; it is a wild guess. Even if any guesstimate can be made, it is still going to be a wild one, in many cases. We had a chart from CBO going through previous instances where they have made estimates of impacts on State and local governments, and they tell us that in many cases they cannot do it. We have taken care of that, to an extent, with an earlier amendment which says at least if the CBO cannot make an estimate, they are allowed to do so in the intergovernmental mandate, the way the bill originally allowed them to be honest relative to a private concern.

We should be aware of the fact that the incentive being created by this process will be for local governments not to be giving us their lowest estimates but their highest estimates. The more it is inflated, or the higher it is, if they come in at the top of the range instead of the bottom of the range, the more likely it is that they are going to get funding from the Federal Government, or that a point of order will lie which will force us to waive a mandate. I do not think it makes great sense to put so much reliance on an estimate which contains one of these kinds of a perverse incentive.

Mr. President, I wonder how much time I have left under the time I have yielded myself.

The PRESIDING OFFICER. The Senator from Michigan has 20 minutes remaining. The Senator from Utah still has 15 minutes remaining.

Mr. LEVIN. Mr. President, earlier today, I asked the Senator from Idaho some questions about how this whole process would work on an amendment. He gave me the best answers he could, which were that, well, if the CBO was unable to make an estimate and if the Budget Committee was unable to make an estimate as to the cost to local and State governments of an amendment, that, first of all, a point of order would not lie for the failure to make an estimate. That estimate requirement does not apply to amendments. But what does apply to amendments is the threshold, the cost.

So if an amendment is offered and a point of order is raised that the cost of that to State and local governments is above $50 million in any of the 5 fiscal years after it is effective, somehow or other the Chair is going to have to make a ruling. How does the Chair make a ruling? Talk about uncertainties. It is going to ask the Budget Committee. The Budget Committee is going to ask the CBO. My question to the Senator from Idaho was, "What happens if the CBO and Budget Committee cannot take an estimate? They say there is no way we can make an estimate on this amendment. What happens? Does the point of order lie if there is no way to make an estimate?" The answer was, "Maybe yes, maybe no. We cannot tell."

I gather from the answer that most of the time the Chair would rule, in the absence of any information from the Budget Committee or from the CBO, that a threshold has been crossed, and that the Chair would rule that a point of order does not lie. At least that would seem to be the case some or most of the time. But the Senator from Idaho said, "We cannot say how often that would be true," basically. I do not want to put words in his mouth, but I think the summary that I could best describe is that we are not precluding the Chair from ruling that a threshold has been crossed, even though it has no basis for making that ruling from the Congressional Budget Office or from the Budget Committee; that the Chair could turn to other resources, perhaps.

What are those other resources if it is not the CBO or Budget Committee? Is it newspapers? Is it the last Senator the Chair has talked to? The bill tells us that these estimates are going to be based on the CBO and on the Budget Committee. That is what the bill tells us. When it comes down to the critical issue, the absolutely critical issue as to whether a point of order lies because a threshold has been crossed on an amendment, we are left with the uncertainty and ambiguity doubled. We always have an uncertainty and ambiguity when CBO and Budget Committee make estimates. But now we have added the Chair and the Parliamentarian to this process. It is no longer, as the bill suggests, that we are going to be able to rely on the Budget Committee and the CBO. We are now told, no, even if they cannot give the Chair information upon which to rule on whether or not a threshold has been crossed, nonetheless the Chair still is not precluded from ruling that that threshold is crossed because the Chair could use other sources. A couple were mentioned by the Senator from Idaho. One was the bill itself and, of course, that was available to the CBO and Budget Committee. And another source that the Chair might look at, we were told, was precedent which, of course, is also available to the CBO and the Budget Committee.

So we have introduced another uncertainty, a great uncertainty, in this process. Were there uncertainties in S. 993? Of course, there were. S. 993, last year's bill on mandates, which I am offering as a substitute to S. 1, was not free of ambiguities, but there was not so much hinging on an ambiguity. It did not have this final point of order which got into the appropriations process down the road. That is what is new about S. 1.

Let us put ourselves into a real world situation. Let us say that my hypothetical bill has been offered, which would mandate reductions of dangerous levels of mercury in incinerator emissions after October 1, 2005. The EPA is designated to determine what constitutes a level of mercury that is dangerous to human health. Well, when is the EPA going to determine that? The first fiscal year in which the mandate is effective could, to a significant extent, be dependent on when is the EPA going to issue its ruling, how long it will take, and at what level will it be? What is the level? Someone has to make that estimate as to when that is. But that is complicated enough. An amendment comes along that says, no new incinerator can be built within 300 yards of a school or hospital after October 1, 2005. That is an amendment offered on the floor. No new incinerator after 2005.

Someone has to, presumably, figure out, "Well, how many new incinerators might be built within 300 yards of a school and during what time period in 87,000 jurisdictions?" Someone has to make that estimate.

Let us assume the offeror of the amendment has submitted the amendment to the CBO and to the Budget Committee prior to offering his amendment. Now we have a second-degree amendment that is offered on the floor that says, "No, we are going to reduce that to 100 yards of the incinerator instead of 300 yards from the incinerator." A second-degree amendment, with no possibility of an estimate, is now offered on the floor and the maker of the amendment, of course, the second-degree amendment, did not know that the first amendment was going to be forthcoming. He did not have an opportunity to get his estimated. He suddenly is confronted with that first-degree amendment and he is trying to get a second-degree amendment in place. And now he is going to wildly scramble around to try to get an estimate from the CBO or the Budget Committee as to how much that second-degree amendment is going to cost.

And on this process, we are placing all of this weight. What is going to happen?

When we plunge ourselves into a procedural morass in order to prevent ourselves from being able to act, if we want to, in an easier, reasonable way, we are likely to force ourselves into evasion, into boilerplate, and we are tempted to use this for other purposes.

Yesterday, we had an amendment which was adopted, the Graham amendment, where a point of order now lies if you try to reduce Federal spending on immigration. Now a new process is being applied to a spending cut; the argument being that, if that cut were made, that would lead to more local spending. Well, the same thing can be true for dozens of amendments. We can start putting points of order on the reduction of spending by the Federal Government for all kinds of reasons where their may be a resulting increase in local spending.

My cities have to spend an awful lot more trying to fight the drug war if we do not stop drugs at their source. This is what we did yesterday, basically. Now we are going to use points of order to say any reduction in the level of expenditures to fight drugs at their source, which is the responsibility of the Federal Government, surely not the State or local governments. Drugs in Colombia, when the fields are being burned, are not the responsibility of my home State or my home city. The Federal Government does that. And to the extent it does not do that, we have more expenses for drug enforcement in my State. Now we will use the same process.

This is the temptation when you start using this kind of a process to achieve a substantive result to the degree that we have. This is all a matter of degree. It is all a matter of whether or not S. 1 goes too far and, in doing so, is going to create evasion and create the temptation to use the same kind of a process for other kinds of related purposes. The evasion of S. 1 is not difficult to conceive and it will do nobody any good if it is evaded. The evasion of S. 1 can simply be in the authorization bill, that "Nothing in this bill is permitted to cost local and State governments more than $49 million in any fiscal year, and here are the criteria upon which that can be achieved."

So we will start using boilerplates. And then we will start using language in appropriations: "Notwithstanding any prior law, we are going to appropriate to this level," a level, let us say, that is less than the estimate that was made 10 years before or 5 years before. So we end up with notwithstanding language in appropriations bills in order to get around this. If we go too far now, if we put too much weight on this kind of a process now, we are inviting people to evade them later.

If we do this right, if we have the right balance now, if we do what we did last year in S. 993, which is to require the estimate and, yes, we could even require the authorization, too—which it did last year—but stop short of this new point of order relative to the appropriations process, we will be striking a balance where we will be forcing ourselves in a reasonable way to consider these costs, a way which was so reasonable that last year all of the local organizations, mayors, States, and legislators supported our effort. But we will be avoiding the excess process, the Rube Goldberg mechanisms which are going to create such difficulty for us in the implementation.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes remaining, the Senator from Utah still has 15 minutes.

Mr. LEVIN. I thank the Chair and I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, 3 weeks of debate on this bill seems now to be coming to an end and the vote in favor of a restriction on unfunded mandates imposed on State and local governments almost certainly will be overwhelming.

During the course of this 3 weeks, however, we have been faced with votes on literally dozens of amendments. Those amendments have covered two fundamentally different sets of subject matter. The first set, the normal politics, a set of amendments that had nothing to do with unfunded mandates but cover much of what the agenda of this Senate is likely to be during the course of the next 6 months with regard to votes that will be overwhelmed by votes on the merits of those issues when they are brought up in due course. So that, in most respects, that debate has been irrelevant to the agenda of the Senate and of the Congress of the United States.

But dozens of other amendments, I think, including this last one which is about to be voted on, do relate to unfunded mandates themselves and almost without exception they have attempted to restrict the ambit, the scope of this unfunded mandates bill.

Now the bill itself, it seems to me, is already relatively modest. It does not ban unfunded mandates as most States and local governments would have us do. It simply states that, if an unfunded mandate crosses modest threshold, it must consciously be weighed if a point of order is raised against it. Unfunded mandates will still be possible on the part of the Congress of the United States, as long as the Congress has voted on and is conscious of the fact that it is creating such mandates.

Even so, or perhaps particularly because this is the case, because it is not an absolute ban, what these amendments evidence, it seems to me, is a tremendous lack of trust in those who are elected in our States and in our local governments.

It appears to me that there is a high degree, literally, of legislative arrogance involved in the proposition that somehow or another only we know what is best for people in local communities; that only here in Washington, DC, in this body and in the House of Representatives, is lodged a degree of wisdom and responsibility necessary to see to it that there is proper protection for individuals in our society; that somehow or another without unfunded mandates our States and local governments will ignore the young and their schools, will ignore working people, will ignore the elderly, will ignore the very quality of the environment in which these locally elected officials themselves live.

I wonder how it is that responsible elected officials are only found here in Washington, DC, and not in our communities. I submit, of course, that that is not the case. The reason for this bill, the reason for an even stronger bill, would be that the responsibility for the lives and careers of people, in most cases, is best conducted by governments which are closest to them. That has been the genius of the American experiment. That is the direction in which many other free countries are moving and the direction in which we should move.

We need more personal humility. We need more belief that people elected in the States, in our counties, and our cities and towns, not only have the best interest of their constituents in mind but are able and willing to act on those best interests.

This bill is a modest start to return to a system of federalism which has made this country great. I, for one, am delighted that the great bulk of these amendments have been rejected and that we will pass a bill which will have at least some effect in restoring authority to the units of government which can best use it and which were conceived by our Constitution as the units which should exercise those powers.

Mr. BENNETT. Mr. President, I yield 5 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, we are nearing the time when we are going to have a final vote on this very important piece of legislation. There has been extensive debate, numerous amendments, attempts to specify, clarify, declassify, and I think bring more complication into this issue than need be.

The voters on November 8 said they wanted some very significant, major change in the way that Washington does its business, in the way it relates to the citizens which we were sent here to serve. There are some basic fundamental underlying principles that we pledged to the people in the fall of 1994 and which they endorsed on November 8: Live by the laws that you ask us to live by. Get your fiscal house in order. Do what we have to do. Do not spend more money than you take in.

Fundamental to and a big part of that mandate was the request from Governors and mayors and local units of government to "quit sending us mandates to comply with certain laws that you think are best for our communities, that you think are best for our people, and, by the way, that you think we ought to pay for."

I have here a chart of the State of Indiana with just nine cities highlighted, with the amounts that these cities have to spend on mandates sent by this body, on priorities that they do not feel are the top priorities in their communities. They are diverting money from police on the streets. They are diverting money from essential services that our local communities have determined are most important for the citizens that they represent. Yet those are shoved down the list, down the priority list, because the Federal mandate comes with a stamp that says, "Now, we have ordered it. You do it now. You figure out a way to pay for it."

Their Hobson's choice is either to raise taxes on citizens that do not want taxes raised for the mandates that are coming down, or to cut essential services. Given the tax climate that exists, the deficit climate that exists in our country today, what happens is that essential services are cut.

I have listed here city after city in Indiana, including Fort Wayne, IN, that has had to cut essential services that are necessary to the functioning of that community and reach the real needs of the people.

We have a very basic choice here. We can follow the mandate of the fall, the mandate of the people, and return authority back to the units of government that are closest to the people and back to the people; or we can continue to take the attitude that Washington knows best, that we can decide here what is best for every community in Indiana. It may be what is best for a particular community somewhere in our Nation. But one size does not fit all. One community's needs are not every other community's needs.

So we have a very basic decision to make. That decision is: Do we want to return authority and power to those units of government that are much closer to the people and give them the flexibility of providing the priorities; or, if we are going to mandate something that we believe is so important that ought to be mandated on a national basis, are we going to provide the funds necessary to so that they can accomplish that mandate without subordinating other top, important priorities that affect that particular local community? I think it is that basic.

Some would say that oversimplifies it; you do not understand how it works. We have seen charts on how complicated this procedure is. There is a basic, fundamental question on which we will vote in just a couple of hours. That fundamental question is: Are we going to continue to dictate out of Washington decisions that our local citizens must live by, or are we beginning to turn that back to the people?

The very first act of the new Congress was to pass a bill which ensures that Congress will live under the same laws it imposes on the rest of America. It was an important first step in fundamentally altering the culture of Congress. We will pass better laws if we must live by them; if they cannot be complied with, they will not pass.

The bill before us today is equally important, because it ends business as usual. For too long, Congress has legislated with impunity. Not only has Congress exempted itself from provisions of the law; often we have indemnified ourselves from the costs. It has passed laws imposing burdens on States, communities, and businesses with little regard for the cost, and no accountability to the taxpayer. The $4.7 trillion in accumulated debt only begins to tell the story of a Congress addicted to deficits; when we have lacked the resources we have simply passed on the costs.

Under current practice, Congress does not have to consider the cost of the mandates it imposes on State and local government and the private sector. This is an irresponsible way to legislate.

The bill we are considering will ensure that we know the cost of Federal mandates on localities before a bill passes, and it will require that we provide a funding mechanism to pay for them.

Under S. 1, mandates with costs to State and local government of more than $50 million must have a CBO cost estimate. Congress must then include the funds by finding an offset or by raising revenues.

Legislation which imposes financial burdens of more than $200 million on the private sector must also have a CBO estimate or be ruled out of order.

The cost of mandates to communities is significant, perhaps a sampling of communities around my State will shed some light on why this legislation is so important.

City:	*Total cost, fiscal year 1993*
Anderson	$6,831,940
Columbus	1,382,719
Elkhart	2,162,928
Fort Wayne	5,837,492
Hammond	1,051,701
Lafayette	132,000
Mishawaka	162,447
South Bend	2,751,150
Terre Haute	151,585

These are big numbers for Indiana communities, yet they just begin to tell the story. When we require State and local government to respond to Washington's priorities—priorities Washington did not see fit to pay for—we preempt the spending priorities of local communities, regardless of their urgency. When a Federal mandate comes down, it moves to the top of the list.

This means that State and local leaders are forced to deal first, not with local concerns, but with Washington's agenda. One Indiana mayor characterized this as the my-way, but-you-pay approach to Federal policy.

As a result, our States and localities are faced with a Hobbsien choice—raise taxes, or forgo dealing with the real problems of the community.

Let me cite an example. There is no area of public concern more profound than crime. Yet many cities divert funds away from local law enforcement to pay for Federal mandates.

In a survey of 146 cities, conducted by the National Conference of Mayors and Price Waterhouse, it was estimated that over $800 million annually—an average of $5.5 million per city—would be available in 1995 if Federal mandates were funded.

Many of those cities said they would spend the freed moneys on crime prevention. Most of it, 62 percent, would be spent putting new police officers on the street. The rest would be spent upgrading patrol cars, modernizing equipment, and providing overtime pay for officers.

Bloomington, IN, estimates it would spend an additional $90,000 on law enforcement. South Bend would spend over $1½ million on new police protection for its citizens.

Federal mandates are hampering the ability of our cities to provide for the basic safety and security of their citizens.

Unfunded mandates also dramatically increase the cost of doing business. Complying with Federal regulations, as well as the liability exposure that results from Federal mandates and regulations, adds billions of dollars every year to basic business costs.

These burdens thwart growth and job creation. They increase costs for consumers. And they discourage people from going into business.

It is critical that Congress pass this legislation. We must return power and resources to States and communities so that they can deal effectively and creatively with the unique problems and priorities they face. We must relieve the burdens we have placed on the businesses of this country, and allow them to unleash their creative power to build a strong and growing economy.

The mayor of my home town, Fort Wayne, IN, expressed the sentiments of many when he said:

> We need to change this irresponsible habit. If the same people who wrote the laws and drafted the regulations had to raise the funds to pay for them, they would be much more careful about the costs.

In passing this legislation we take an important second step toward significant congressional reform and greater accountability to the American taxpayer.

Mr. LEVIN. I yield 4 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, I will necessarily make this quick. I am fascinated by these arguments, particularly the last two arguments I have heard.

The fundamental question here is: Do we want to, in fact, deal with Federal mandates which should be local decisions or paid for by the Federal Government, or do we want to set in motion more gridlock? If we want to do the former and not the latter, we should vote for this amendment, No. 1.

No. 2, my friend from Washington is engaging in what I think is part of the litany that we have been hearing. Why do we in Washington think we know so much, and why, in fact, do we not have more personal humility?

If he means it, why are there exceptions in it? Why are there any exceptions? If he means what he says, why is there an exception here for civil rights? I will tell you why. We got in the business of being involved federally because States acted irresponsibly on occasion.

So if my friend from Wyoming has such humility, let him come and offer an amendment to strike out all the exceptions. Why are we keeping in here "constitutional rights of individuals"? They are not mandates. "Discrimination on the basis of race, religion, gender, national origin, handicap or disability status." Why is that not a mandate? It costs the States money to do those things. Why is that not a mandate?

So this unusual argument about whether or not we have humility or do not have humility, or Washington knows all or does not know all, that is a nice campaign rhetoric. What it is about is, why do we not stop telling the States to do things which are not essential unless we pay for them? Why do we not do it in a simplistic, straightforward way that does not allow a minority to tie up this body in gridlock for greater political purposes having nothing to do with looking out for the interest of the States? If we want to do that, we have a bill that was introduced last year that the manager of this bill was a cosponsor of last year, that does not create that complex chart that allows any one or two or several U.S. Senator or Parliamentarians to get involved in gumming up the works and creating gridlock.

Mr. President, like many of my colleagues, I was a local official before coming to the Senate. I know what it means to have to comply with legal duties imposed from a higher government. As a former county council member, I understand, and am sympathetic to, many of the complaints and concerns we have heard from State and local officials who must respond to Federal mandates.

The bill before us today, S. 1, is not the legislation that we worked on so long and hard last year to address the issue of Federal mandates. That bill, S. 993, is being offered now as an amendment by Senator LEVIN; it will focus the Senate's attention on the costs involved in setting new requirements to be met by States and local governments. It will raise our awareness of the financial price that must be paid to meet our goals, and permits us to determine how that price will be paid.

Senator LEVIN'S amendment changes the way we handle mandate legislation in this body, but it makes those changes subject to a sunset, in 1998, when the new process would end unless we choose to extent it. It will be an experiment—I believe a worthy experiment—to be sure that our attention is directed to all the consequences of new legislation.

Last year S. 993 had the enthusiastic support of a broad bipartisan coalition. Senator KEMPTHORNE, the acknowledged leader on this issue, was the original author of that proposal.

But I am afraid, Mr. President, that S. 1 could prove to be a recipe for confusion, frustration, and more political gridlock in the legislative process. It was rushed through committee, with no debate and no amendments. Indeed, it came from committee without a report explaining how it would work.

This should not be how we legislate. The public debate about unfunded mandates over the past few years has been a healthy one, and has succeeded in bringing to the forefront the continual need to examine the costs associated with Federal requirements and, indeed, the appropriate role of the Federal Government. There are limits to what the Federal Government should do and should require.

We need to approach our many real public policy problems with common sense, to give greater flexibility to those who implement our laws, to be more goal-oriented and less process-oriented, and to reign in bureaucrats that get carried away with their charge.

As one example, I spent quite a bit of time last year, along with the Governor of Delaware, trying to demonstrate to the EPA that our State could meet new clean air standards without making all our citizens run their cars through an expensive treadmill test that yielded little pollution reduction. EPA got the message; the treadmill test is out.

We will pass an unfunded mandates bill this afternoon. If I had my first choice, it would be the substitute before us now. It had the full support of State and local government leaders last year, and is free of the hastily drafted, last-minute additions of this year's version.

But whichever version we vote for here today, we will assure that decisions that materially affect State and local governments are made from now on with a clearer view of their costs as well as their benefits.

Mr. President, if I have any time left—I may not—if I have any time left, let me say that this is about making local decisions that deserve to be local decisions at a local level. And if we impose more on local organizations, then what they have a right to ask for we should pay for.

But let me close by saying, I live in a city, in a State that has the highest cancer rate in the Nation. We, coincidentally, are on the border of southeastern Pennsylvania which has more oil refineries per square inch than any place in the Nation, including Houston, TX, and the prevailing winds are south.

If we did not have the Federal Government setting out a Clean Air Act, the idea that the people of Pennsylvania would vote to expend the money to clean up the air, the ambient air quality in Marcus Hook, PA, to save the lives in Delaware is zero. That is why we have national legislation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Utah has 5 minutes remaining.

Mr. BENNETT. I yield myself 4 minutes.

Mr. President, I have enjoyed this debate. I have enjoyed many of the things I have heard. The Senator from Michigan told us that S. 993 had near consensus from mayors, Governors, et cetera, and spoke very proudly of it. I was an original cosponsor of S. 993, and I was proud of it. I will point out to the Senator from Michigan, and everyone else, that S. 1 continues to enjoy exactly the same consensus, indeed, if anything, the consensus is stronger from the same people.

I will quote a letter addressed to the original cosponsors of S. 1, the Unfunded Mandate Reform Act of 1995, telling us:

> Thank you for your leadership in listening to and acting on the nationwide call of State and local governments to pass S. 1.

I will not read the entire letter. I ask unanimous consent that it, and other letters in support of S. 1, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. Mr. President, I will quote this relating to S. 1. They say:

> The bill is reasonable, workable and long overdue. It has our unanimous bipartisan support, without weakening amendments.

Signed by Howard Dean, Governor of Vermont, chairman of the National Governor's Association; George Voinovich, Governor of Ohio; and Benjamin Nelson, Governor of Nebraska. They are the co-lead Governors.

Carolyn Long Banks, the president of the National League of Cities; Randall Franke, commissioner of Marion County, OR, the president of the National Association of Counties; Jane Campbell of the Ohio House of Representatives, president of the National Conference of State Legislatures; and Victor Ashe, mayor of Knoxville, president of the U.S. Conference of Mayors.

They are not talking about S. 993. They are talking about S. 1, which they want passed without weakening amendments.

I am relatively new to this body. I find it fascinating to go through the learning experience that comes to a freshman Senator. I was here on the floor for my first 2 years, and I learned about the filibuster. Indeed, I participated in the filibuster. I participated in and supported the filibuster that killed the President's stimulus package, and I did it because I thought it was the right thing to do and also a majority of the American people agreed.

It was, frankly, good politics. It helped us win the election because we stood against something that the majority of the American people were against. I participated in a filibuster on land use issues relating to the ownership of land in my State. Once again, I believed in it, we won it, and most of the people in my State and the Western States agreed. It redounded to our political benefit to participate in that filibuster.

I participated in a filibuster on campaign reform because I thought the bill, as written, supported one party to the detriment of the other. I believed in it. I understood that. The thing I have not understood about this debate, and I hope when it is over someone will explain to me, is why the minority party has chosen to mount the same kind of filibuster that we mounted on the minority 2 years ago against a bill that is supported by all of the Governors, all of the mayors, the President of the United States and a large number of the Members of their party.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. BENNETT. I thank the Chair and reserve the 1 minute.

EXHIBIT 1

January 10, 1995.

To The Original Co-Sponsors of S. 1, the Unfunded Mandate Reform Act of 1995:

Thank you!

Thank you for your leadership in listening to and acting on the nationwide call of state and local governments to pass S. 1.

As the elected leaders of all state and local governments, we appreciate your support for this critical legislation. We unanimously and strongly support S. 1 without weakening amendments. We are urging every Member of the 104th Congress to join you in support of S. 1 and the future savings it will bring to every taxpayer we serve.

S. 1 will bring an open, accountable, and informed decision making process to future federal proposals and regulations that impact state and local governments. S. 1 applies the same pay-as-you-go rules that Congress now requires for the federal budget to any mandates it would impose on state and local governments. The bill is reasonable, workable, and long overdue. It has our unanimous bipartisan support, without weakening amendments.

Thank you again for your support.

Sincerely,

HOWARD DEAN,
M.D., Governor of Vermont, Chairman, National Governors' Association.
GEORGE V. VOINOVICH,
Governor of Ohio, Co-Lead Governor on Federalism, National Governors' Association.
E. BENJAMIN NELSON,
Governor of Nebraska, Immediate Past President, Council of State Governments, Co-Lead Governor on Federalism, National Governors' Association.
CAROLYN LONG BANKS,
Councilwoman-at-Large, Atlanta, Georgia, President, National Leagues of Cities.
RANDALL FRANKE,
Commissioner of Marion County, Oregon, President, National Association of Counties.
JANE CAMPBELL,
Assistant Minority Leader, Ohio House of Representatives, President, National Conference of State Legislatures.
VICTOR ASHE,
Mayor of Knoxville, Tennessee, President, U.S. Conference of Mayors.

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, January 9, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the 180,000 members of the National Association of Home Builders (NAHB), I would like to urge your strong support for S. 1, the Unfunded Mandate Reform Act of 1995, scheduled for committee mark-up on Monday, January 9 and floor consideration on Wednesday, January 11. It is essential that we try to control the "unfunded mandates" crisis facing America today.

What is known as "unfunded mandates" to Washington insiders is really a cruel hidden tax on the housing consumer. It is time to stop these unfunded mandates. It is time to address the housing affordability crisis in this country. Supporting S. 1 is an important first step. Without this bill, unfunded mandates will continue to be passed on to the housing consumer.

The problems created by unfunded mandates are not limited to state and local government budget concerns, but affect all Americans and uniquely affects the housing consumer and homebuilding industry. Unfunded mandates often result in "impact fees" on new housing and housing subdivisions. These impact fees come in various forms such as sewer and water hookups fees, fees for new streets and infrastructure, fees for fire and police protection, assessments for schools, libraries, museums, parks and solid waste facilities. In addition, taxes are often levied or increased in the form of bedroom taxes, contribution-in-aid of construction (CIAC) taxes on utilities, increased property taxes, increased sales taxes, real estate transfer taxes, gasoline taxes.

These impact fees and special assessments add substantially to the cost of housing and represent one of the most dramatic price increases to the housing consumer. In California, for example, impact fees often exceed $20,000 per new house. More common examples of impact fees include $5,000 assessments per house in Florida and $3,000 per house assessments in Maryland. The impact can really be seen when one considers that 20,000 housing consumers are driven out of the housing market for every $1,000 increase in the price of a house.

Of equal concern is that the community as a whole suffers from such actions. Unfunded mandates reduce the ability of local governments to prioritize their own needs. In a time when everyone is working on limited budgets, compliance with federal mandates often requires funds to be diverted from other areas of state/local budgets such as education, emergency services or capital improvements.

S. 1 is a critical step in addressing this crisis by requiring that any bill to be considered by Congress be accompanied by a cost analysis as to the bill's potential effect on state and local governments and the private sector. Congress should be aware of the potential impact its laws will have on local governments and the private sector before they are voted on. Likewise, the American people should to be informed of the impact of the laws being considered by Congress.

Again, I would like to strongly urge your support for S. 1 and opposition to any weakening amendments. We need to address this crisis and alleviate the imposition of unfunded federal mandates.

Sincerely,

THOMAS N. THOMPSON,
NAHB President.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the United States Conference of Mayors, I want to thank you for your continued leadership in our fight against unfunded federal mandates and to express strong support for the new bill, S.1.

S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle-down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to restore the partnership which the founders of this nation intended to exist between the federal government, and state and local governments.

S. 1, which was developed in bipartisan cooperation with the state and local organizations, including the Conference of Mayors, is even stronger than what was before the Senate last year in that it requires Congress to either fund a mandate at the time of passage or provide that the mandate cannot be enforced by the federal government if not fully funded. However, the bill is still based upon the carefully crafted package which was agreed to in S. 993 and which garnered 67 Senate cosponsors in the 103rd Congress. The bill would not in any way repeal, weaken or affect any existing statute, be it an existing unfunded mandate or not. This legislation only seeks to address *new* unfunded mandate legislation. In addition, S. 1 would not infringe upon or limit the ability of the Congress or the federal judicial system to enforce any new or existing constitutional protection or civil rights statute.

The mayors, are extremely pleased that our legislation, which was blocked from final passage in the 103rd Congress, has been designated as S. 1 by incoming Majority Leader Bob Dole. We also understand and appreciate the significance of the Governmental Affairs and Budget Committees holding a joint hearing on our bill on the second day of the 104th Congress at which our organization will be represented.

I remember the early days in our campaign when many questioned our resolve. How could a freshman Republican Senator from the State of Idaho move the Washington establishment to reform its beloved practice of imposing federal mandates without funding? We responded to these doubters by focusing the national grass-roots resentment of unfunded mandates into a well orchestrated political machine, and by joining with our state and local partners in taking our message to Washington.

The United States Conference of Mayors will continue in its efforts to enact S. 1 until we are successful. We will not let up on the political and public pressure. And we will actively oppose efforts to weaken our bill.

The time to pass our bill is now. Those who would seek to delay action will be held accountable, and those who stand with state and local government will know that they have our support and appreciation.

Thank you again for all of your hard work and commitment, and rest assured that we will continue to stand with you.

Sincerely yours,

VICTOR ASHE,
Mayor of Knoxville, President.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, December 29, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the National Association of Counties, I am writing to express our strong support for S. 1, the Unfunded Mandate Reform Act of 1995. We sincerely appreciate the leadership you have provided in crafting this new, strong bipartisan bill to relieve state and local governments from the growing burdens of unfunded federal mandates. Our NACo staff has reviewed the latest draft and they are convinced it is much stronger than S. 993, the bill approved in committee last summer.

While this legislation retained many of the basic principles from the previous bill, there were many improvements. Most significant among them is the provision that requires any new mandate to be funded by new entitlement spending or new taxes or new appropriations. If not, the mandate will not take effect unless the majority of members in both houses vote to impose the cost on state and local governments. Although the new bill will not prevent Congress from imposing the cost of new mandates on state and local taxpayers, by holding members accountable we believe it will discourage and curtail the number of mandates imposed on them.

Again, thank you for your leadership on this important legislation. County officials across our great nation stand ready to assist you in any way we can to ensure the swift passage to S. 1. If you have any questions, please contact Larry Naake or Larry Jones of the NACo staff.

Sincerely,

RANDALL FRANKE,
Commissioner, Marion County, Ore., NACo President.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing on behalf of the elected officials of the nation's cities and towns to commend you for sponsoring the Unfunded Mandate Reform Act of 1995. Of all the measures introduced to date, this legislation is undoubtedly the strongest, best crafted, and most comprehensive approach to provide relief for state and local governments from the burden of unfunded federal mandates.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we represent. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for too long. We will not have such an important relief measure thwarted in the final hour by special interests.

We commend you for continuing to foster the bipartisan support which your original mandate relief bill so successfully garnered in the last Congress. We will work hard to gain bipartisan support for mandates relief in the 104th Congress, because, as you are well aware, this bill will benefit all states, all counties, all municipalities, and all taxpayers, regardless of their political allegiance.

Again, please accept our sincere gratitude for your efforts.

Sincerely,

CAROLYN LONG BANKS,
President.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC

DEAR SENATOR KEMPTHORNE: The National School Boards Association (NSBA), on behalf of the more than 95,000 locally elected school board members nationwide, would like to offer its strong support for the "Unfunded Mandate Reform Act of 1995" (S. 1). This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year to comply with unfunded federal mandates. We commend you for your unending leadership on this critical issue.

Today, school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that local school boards are directed to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our nation's public school children must not be made to pay the price for unfunded federal mandates.

S. 1 would prohibit a law from being implemented without necessary federal government funding. S. 1 would allow school districts to execute the future programs which are required by the federal government without placing an unfair financial burden on the schools.

Again, we applaud your leadership in negotiating and sponsoring this bill which would allow schools to provide a quality education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

If you have questions regarding this issue, please contact Laurie A. Westley, Chief Legislative Counsel at (703) 838-6703.

Yours, very truly,

BOYD W. BOEHLJE,
President.
THOMAS A. SHANNON,
Executive Director.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC., December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National Conference of State Legislatures enthusiastically supports S. 1, the Unfunded Mandate Reform Act of 1995. We join you in urging your colleagues to co-sponsor this bill and approve this legislation in Committee and on the floor of the Senate. The National Conference of State Legislatures commends your efforts, along with those of Senator Bill Roth, incoming Chairman of the Senate Governmental Affairs Committee, and Senator John Glenn, the outgoing Chairman of the Senate Governmental Affairs Committee, in forging the bipartisan mandate relief bill that is to be presented to the Senate next week as S. 1. We deeply appreciate your leadership in developing legislation that takes significant steps toward correcting the problem of unfunded federal mandates and for your openness to listen to our concerns during the negotiation process.

Your bill is a fitting first step in restoring the balance to our federal system by recognizing that the partnership with state and local governments has been significantly weakened by the growing federal practice of imposing unfunded mandates. No government has the luxury of unlimited resources, and the taxpayers of this country, our shared constituents, recognize that having the federal government pass its obligations down to the state and local governments does nothing to reduce their overall tax burden.

This bill is about information and accountability. The cost estimate, points of order, rules changes and other provisions contained in this legislation are absolutely necessary to get us back on track and have the federal government take responsibility for its actions. To make responsible decisions, members of Congress need to be fully aware of the financial burdens that federal legislation often places on state and local governments, and to understand the implications of those burdens.

As has been said often over the past year, the level of cooperation among state and local governments and members of the United States Senate during the negotiation process is unprecedented. Again, we appreciate your efforts, and those of the other Senators who helped forge this compromise, and wholeheartedly support passage of S. 1, the Unfunded Mandate Reform Act of 1995.

Sincerely,

JANE L. CAMPELL,
President, NCSL.

CITY OF SAN CLEMENTE,
San Clemente, CA, January 6, 1995.

Re: Support of House and Senate legislation on unfunded federal mandates.

Hon. DIRK KEMPTHORNE,
Senate Dirksen Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the City Council of the City of San Clemente, California, I am urging your support and early passage of the proposed House and Senate Legislation on unfunded Federal mandates.

Implementation of current unfunded Federal mandates have significantly increased local government costs, and are severely hampering our ability to fund and provide highly critical basic services, such as public safety, to our citizens. Proper compliance with current Federal mandates has forced closer scrutiny over environmental issues, imposed additional reporting requirements and forced cities to absorb higher employee costs.

The City of San Clemente strongly urges your SUPPORT and early passage of the proposed House and Senate legislation on unfunded Federal Mandates, and further requests that you oppose any weakening amendments. Local government revenue has been steadily decreasing for many years. We cannot afford the additional funding and staffing required to comply with Federal mandates, unless the legislation includes funding for such mandates.

Sincerely,

CANDACE HAGGARD,
Mayor.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, January 3, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR DIRK: On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1, the unfunded mandates legislation, when it is considered by the Senate in January.

Unfunded federal mandates on the states and local governments end up requiring these entities to raise taxes, establish user fees, or cut back services to balance their budgets. Small business owners are affected by all of these actions.

Between 1981 and 1990, Congress enacted 27 major statutes that imposed new regulations on states and localities or significantly expanded existing programs. This compares to 22 such statutes enacted in the 1970s, 12 in the 1960s, 0 in the 1950s and 1940s, and only two in the 1930s. The Congressional Budget Office estimates that the cumulative cost of new regulations imposed on state and local governments between 1983 and 1990 was between $8.9 billion and $12.7 billion. These include environmental requirements, voters registration requirements, Medicaid, and others.

It was not the states and cities who paid roughly $10 billion in unfunded mandates during the 1980s; it was taxpayers—small business owners as well as everyone else. In June 1994, a poll of all NFIB members resulted in a resounding 90% vote against unfunded mandates.

I urge you to strongly support S. 1.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, January 3, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR DIRK: On behalf of the U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, and 1,200 trade and professional associations, I sincerely commend your hard work and tenacity on the "Unfunded Mandate Reform Act of 1995," S. 1. The Chamber membership identified unfunded mandates on the private sector and state and local governments as their top priority for the 104th Congress. Accordingly, the Chamber supports this legislation and will commit all necessary time and resources to ensuring its passage early in this session.

I particularly want to thank you for responding to our concerns about the role of the private sector in this debate and the potential impact it could have had on the business community, especially small businesses. Your willingness to include the private sector in Title II of S. 1, "Regulatory Accountability and Reform," and your recognition of the potential unfair competition issue between business and state and local government, make this a much stronger bill that can have a significant impact on the current regulatory burden.

Again, Dirk, we appreciate your commitment to this issue. I look forward to working with you to secure passage of S. 1 as well as other issues that we can join forces on for the 104th Congress.

Sincerely,

RICHARD L. LESHER.

NATIONAL RETAIL FEDERATION,
January 4, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the nation's retail community and its 20 million employees—1 in 5 U.S. workers—we are writing to commend you for your sponsorship of S. 1, The Unfunded Mandates Reform Act of 1995. This legislation is the most effective way to confront the problem of unfunded federal mandates while simultaneously resuscitating the concept of federalism and giving the states back control of their budget obligations.

The problem is well documented and the solution is clear—unfunded federal mandates must end. Over the past decade, an unprecedented increase in unfunded federal mandates in environment, labor and education, to name just a few, has forced state and local governments to undertake actions that drain their resources and are often in conflict with the best interests of their citizens as well as our industry.

As representatives of the retail industry in each of the fifty state capitals, we have experienced firsthand the profound adverse impact of unfunded federal mandates on our industry and our state's economic well-being.

Unfunded federal mandates are simply another Washington practice of circumventing a fundamental responsibility in governing, the obligation to bring desires into line with revenues. Such mandates are Washington's way to dictate to the states, even though it has exhausted its resources. S. 1, which would restore accountability and responsibility at the federal level, is the strongest legislative initiative in which to counter this growing problem.

Again, we sincerely appreciate your leadership on this important matter.

Sincerely,

Tracy Mullin, President, National Retail Federation; George Allen, Executive Vice President, Arizona Retailers Association; Lynn Birleffi, Executive Director, Wyoming Retail Merchants Association; J. Tim Brennan, President, Idaho Retailers Association; John Burris, President, Delaware Retail Council; Bill Coiner, President, Virginia Retail Merchants Association; Bill Dombrowski, President, California Retailers Association; Spence Dye, President, Retail Association of Mississippi; Janice Gee, Executive Director, Washington Retail Association; Bud Grant, Executive Director, Kansas Retail Council; Brad Griffin, Executive Vice President, Montana Retail Association; Jo Ann Groff, President, Colorado Retail Council; Jim Henter, President, Association of Iowa Merchants; John Hinkle, President, Kentucky Retail Federation; Bill Kundrat, President, Florida Retail Federation; John Mahaney, President, Ohio Council of Retail Merchants; William McBrayer, President, Georgia Retail Association; Charles McDonald, Executive Director, Alabama Retail Association; Larry Meyer, Vice Chairman & CEO, Michigan Retailers Association; Grant Monahan, President, Indiana Retail Council; Mickey Moore, President, Texas Retailers Association; Sam Overfelt, President, Missouri Retailers Association; Nick Perez, President, Louisiana Retailers Association; Ken Quirion, Executive Director, Maine Merchants Association; Dwayne Richard, President, Nebraska Retail Federation; Bill Sakelarios, Executive Vice President, Retail Merchants Association of N.H.; Mary Santina, Executive Director, Retail Association of Nevada; Paul Smith, Executive Director, Vermont Retail Association; Chris Tackett, President, Wisconsin Merchants Federation; David Vite, President, Illinois Retail Merchants Association; Jerry Wheeler, Executive Director, South Dakota Retailers Association; Melanie Willoughby, President, New Jersey Retail Merchants Association.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, January 9, 1995.

DEAR SENATOR: The Senate will soon consider S. 1, the "Federal Mandate Accountability and Reform Act of 1995." On behalf of the over 750,000 members of the NATIONAL ASSOCIATION OF REALTORS®, I would like to urge your support for S. 1 when it comes before the Senate.

Perhaps no other industry in America is more directly affected by the passing along of federal mandates to states, localities and the private sector than real estate. When the federal government imposes environmental, educational and other requirements, state and local governments have basically two options. They can either eliminate or reduce vital government services, such as police, fire, education, or raise fees and taxes to pay for them. When the compliance costs are passed along to the taxpayers in the form of increased property taxes, real estate transfer fees and impact fees this directly affects the affordability of housing and the marketability of the affected communities. And, most importantly, middle class, first-time home buyers are often forced out of the market.

S. 1 will insure that these "hidden" federal taxes are not imposed by requiring that proposed legislation include the funding for the federal mandates. If funding is not provided, then a point of order can be raised removing the bill from further consideration by the Senate. The bill also insures that any proposed regulations that impact the private sector by more than $200 million include an analysis of the effect it will have on the nation's economy and productivity.

We support S. 1 and we urge you to oppose any floor amendments that would weaken its impact. There should be no carve-outs for broad categories, such as labor or environmental laws and regulations. Thank you for your consideration.

Sincerely,

STEPHEN D. DRIESLER,
Vice President and Chief Lobbyist.

Mr. LEVIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 3 minutes remaining.

Mr. LEVIN. I yield 1½ minutes to my friend from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Michigan and congratulate him on offering this amendment which is, in essence, S. 993, which was reported out of the Governmental Affairs Committee last year, an extremely balanced approach to the very real and justifiable concerns of State and local governments that we, in Washington, are passing measures which force them to spend money, but we do not give them money to pay those costs.

This measure had the widespread support of Governors and mayors. It forced Congress to confront the fiscal impact of our actions.

Unfortunately, S. 1, which is before us now, simply goes too far. It creates an unintended, but I am convinced, very real and inequitable burden on private sector entities, businesses that are affected by these mandates but will not have the extra protection of a second point of order in this measure.

I am concerned also that S. 1 will put at risk a whole array of Federal laws protecting the environment, people's health, people's safety, people's rights that the public simply does not want us to endanger and, in that sense, the consequences of this bill are not only unintended, they are undesired.

Mr. President, this has not been a filibuster. This has been a reasonable, thoughtful discussion of a measure which, frankly, most people on the Democratic side of the Senate want to support but feel, in its current form as S. 1 simply goes too far and loses the balance, the critical balance that was so much a part of S. 993.

Mr. President, I rise in strong support of the amendment by my colleague, Senator LEVIN.

The amendment that he offers includes the text of the bipartisan legislation, S. 993, reported last year by the Governmental Affairs Committee on which I am privileged to serve, which I thought adopted a balanced approach to addressing the justifiable concerns of State and local governments about unfunded mandates. It had the widespread support of Governors and mayors. This amendment establishes the principle that Congress must be forced to confront the costs that may be incurred by the State and local governments when we pass legislation. Through the point of order provision, it provides an opportunity for the fullest discussion if there is not a CBO cost estimate and if there are not funds authorized in the legislation we adopt to cover the costs on State and local governments. I was cosponsor of S. 993 and I am pleased to support this amendment now.

Last week in connection with the debate on an amendment I offered along with Senators KERRY, LEVIN, BUMPERS, DORGAN, GLENN, and others, I set forth in detail my concerns about the changes made in S. 993 as part of S. 1. In particular, S. 1 creates a new and, I think, threatening presumption.

Under S. 1, if the bill, joint resolution, amendment, motion, or conference report increases the Federal intergovernmental mandate by more than $50 million in a given year, a point of order will lie unless there is a funding mechanism provided. S. 1 as originally introduced also provides that if the funding mechanism is an authorization for the full amount of the mandate, then the bill must designate a responsible Federal agency, and establish procedures for that agency to direct that the mandate will become ineffective or reduced in scope if the full amount of the appropriations is not provided in any fiscal year.

In short, the presumption in S. 1 is that the Federal Government will pay 100 percent of the cost of obligations imposed by the Federal Government on States and localities.

So S. 1 is a much more extensive reach than that adopted in this amendment. It takes a problem and in its response reaches too far; and in doing so creates an unintended, and I am convinced, very real and inequitable burden on private-sector entities, businesses that are affected by these mandates. And I have been concerned that it also puts at risk a whole array of Federal law protecting the environment, people's health, people's safety, people's rights that the public simply does not want to endanger, that the public wants us to continue to protect.

Mr. President, let me now say that I believe the discussions of the last several weeks have made numerous very important improvements in the bill. I cannot overstate the outstanding work of Senators LEVIN and BYRD who spent numerous hours working carefully through every provision of the bill and demonstrating persuasively to the sponsors that many of the provisions were not well thought out and made little sense. They convinced the sponsors to agree to important amendments that make S. 1 a far better bill. In particular, I am pleased about: First, Senator BYRD'S amendment which will ensure that Congress has an important role in the final decision on whether and how mandates will fail or become reduced in scope; second, Senator LEVIN'S amendment providing that if CBO cannot do a cost estimate on public sector mandates, the second point of order will not lie.

Let me say there that S. 1 could have been improved at an earlier stage. S. 1 is extremely important piece of legislation. Its provisions potentially affect virtually all of our laws. Yet it was rushed through the Governmental Affairs Committee without any opportunity for careful consideration. The markup took place one full working day after the hearing on the bill. The Republicans opposed consideration of all amendments and voted on a party-line basis to report the bill to the floor without a report. I associate myself fully with the remarks of Senator GLENN earlier this morning. This is not how the Governmental Affairs Committee usually operates and I hope we'll be returning to our usual careful approach to considering legislation.

I know, however, that even with the amendments, the basic presumption in S. 1 that I am concerned about remains: That the Federal Government will pay 100 percent of the cost of obligations imposed by the Federal Government on States and localities still exists. I will not go into all my concerns with this presumption. As I have previously stated, I believe that this presumption is inappropriate where laws apply in the same manner to State, local or tribal governments and the private sector.

The presumption is inappropriate because it creates an unintended, but I am convinced very real and inequitable burden on private sector entities, businesses that are also affected by these mandates. Second, I am concerned that the process will create an unintended hurdle that may well impede the protection of people's health, safety, and employee's rights. Third, I am concerned that we may create differential standards for protection of our citizens. When we pass a law, we have determined that the national interest requires that the law achieve a goal, that there is a problem out there that requires a national solution to protect public health or the environment. We are adopting legislation establishing a value, a goal, to protect people. A family where the grandparents are suffering from emphysema do not care if the incinerator that is belching dirty air is publicly or privately owned. They believe the Government has an obligation to ensure that they get clean air regardless of who is providing that air. Fourth, I am concerned about the extra burden on businesses, particularly small businesses, if publicly owned facilities do not do their share of cleaning up the air or our estuaries. Fifth, those of us who represent States which are victims of pollution from upwind are particularly vulnerable under this proposal. If municipal sewage plants in New York are exempt from future requirements, Connecticut industries will bear an even greater burden in cleaning up Long Island Sound. I think the Levin and Byrd amendments make some inroads into limiting the impact of this presumption. But I remain convinced that the presumption itself is inappropriate and that this amendment, embodying last year's bipartisan bill endorsed by Governors and mayors is the right approach. I urge adoption of the amendment.

Mr. LEVIN. I yield the Senator from Ohio 30 seconds.

Mr. GLENN. Mr. President, I would like to make some short remarks. I just am beginning to resent the implication that I am filibustering something that I am a cosponsor of, as we keep hearing that from the other side of the aisle.

I addressed this at some length this morning for about 15 or 20 minutes on what happened in committee. We got railroaded in committee and could not bring up amendments. We wanted to bring them up there and could not. We came to the floor with a guarantee that we would be able to bring up anything we wanted to bring up, and then cloture is filed against us here.

It has been one series of disasters after another in which the minority rights were trampled—no report from the committee, nothing at all. And yet I am a cosponsor of this legislation. The idea that we are somehow filibustering on this side is just not borne out by the facts, and I think the RECORD shows that.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe I have 1 minute left. I yield myself that minute.

First of all, let me say, Senator GLENN was the chief sponsor of last year's bill. He is the cosponsor of this year's bill. He is not filibustering, nor am I, nor anyone else who offered amendments to improve this bill.

The committee process was significantly bypassed. S. 1 was introduced on a Wednesday night, the hearing was on a Thursday, and they wanted to go to markup on a Friday. The lesson to be learned here is it is useful to have a committee consider a bill. A lot of the amendments adopted here should have been offered and adopted in committee if we had the time.

There is no filibuster going on. It seems to me to suggest that people who cosponsor this bill, S. 1, such as Senator GLENN, are filibustering their own bill makes no sense at all.

Finally, I ask unanimous consent to print in the RECORD a letter relative to S. 993 signed by the same people who now support S. 1—which they do—but last October saying they strongly support S. 993 and would oppose any amendments to S. 993, the same president of the National League of Cities, the same Governor of Ohio.

The PRESIDING OFFICER. All the time of the Senator has expired.

Mr. LEVIN. Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION, NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF CITIES, U.S. CONFERENCE OF MAYORS,
October 6, 1994.

TO ALL SENATORS: The nation's state and local elected officials strongly urge the U.S. Senate to pass the state-local mandate relief bill, S. 993, before adjournment. Passage of this bill is our top legislative priority.

Not only will we oppose any amendments not supported by the bill managers, Senators John Glenn, William Roth, and Dirk Kempthorne, but we view all amendments as an attempt to defeat our legislation. We urge the defeat of all partisan and extraneous amendments.

Please stand with your state and local officials in support of this crucial legislation.

Sincerely,

GEORGE V. VOINOVICH,
Governor of Ohio, Co-Lead Governor on Federalism, National Governor's Association.
RANDALL FRANKE,
Commissioner of Marion County, Oregon, President, National Association of Counties.
VICTOR ASHE,
Mayor of Knoxville, Tennessee, President, U.S. Conference of Mayors.
KAREN MCCARTHY,
Missouri House of Representatives, President, National Conference of State Legislatures.
SHARPE JAMES,
Mayor of Newark, New Jersey, President, National League of Cities.

The PRESIDING OFFICER. The Senator from Utah has 1 minute.

Mr. BENNETT. Mr. President, I wish to quickly acknowledge, I mean no implication of dishonor among the Senators who have been working hard. I still see some indication that some Members of their party have done some things that look and talk and walk to this Senator a bit like a filibuster.

I yield the remainder of the time to the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator.

Mr. President, S. 993 is the core, it is the base of S. 1. I am proud of what we developed in S. 993 last session. But it was last session. It is the building block upon which we then went forward and continued to develop S. 1.

For those Members who are thinking that they can vote for S. 993, last session's bill, and not vote for S. 1 and think that they can then say to their mayors and to their Governors, their county commissioners, their teachers, "Oh, yes, I voted to stop unfunded Federal mandates, I voted for S. 993," in today's environment, the fact that we have now moved forward with S. 1, I am afraid you will not get the sort of reception that they may have anticipated.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. KEMPTHORNE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—58

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—3

Gramm
Inouye
McCain

So the motion to table the amendment (No. 218) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, the Senator from Idaho controls 20 minutes.

Mr. KEMPTHORNE. I yield 2 minutes to the Senator from New Hampshire.

Mr. GREGG. I thank the Senator.

CONGRATULATIONS TO THE MANAGERS OF THE BILL

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Idaho and the Senator from Ohio for having brought us to the completion of this rather lengthy process of passing the unfunded mandates bill.

They have done an extraordinary job of managing this bill. They are in what has been a long and fairly tedious few weeks here of extraneous issues to the underlying question, which is passage of the unfunded mandates law.

When I first was elected to this body 2 years ago, I made one of my job priorities passage of this piece of legislation. I was happy to work with the Senator from Idaho to bring it to this point. And I congratulate him for all of his efforts in truly driving this process.

Effective unfunded mandates language is absolutely critical to the States, to the cities, and to the county governments of this country. If we are going to have government which is responsive, we have to have a Federal Government which, when it passes a law, does not end up taking all of the glory and none of the hard decisions, but rather takes the glory and also takes on the hard decisions. That means that this bill will put us all on notice that when an unfunded mandate comes to the floor of the House or the Senate and there is a vote on that unfunded mandate, people be held accountable as to whether or not they are supporting passing of laws on to the States and on to the cities.

It is very appropriate that this bill should be one of the first major pieces of legislation passed by this Congress because it represents a new approach to the way we govern this country. It represents an approach which recognizes federalism should exist. In real terms, federalism means that when the Federal Government takes actions, it creates costs for the local community and it also pays the costs that it incurs and puts on those local communities.

So I strongly support this piece of legislation. I congratulate the managers of the bill for bringing it to this point.

I yield the remainder of my time.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the time set aside for different Senators to make their comments occur after final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President I ask unanimous consent that amendment No. 222 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 222) was withdrawn.

Mr. GLENN. Will the Senator yield?

Mr. KEMPTHORNE. Yes, I am happy to yield.

Mr. GLENN. In setting aside time for comments until after the final vote, I also ask unanimous consent that the time reserved for Senator BYRD be included in that time transferred until after the final vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 228 TO AMENDMENT NO. 210

(Purpose: To make technical corrections, and for other purposes.)

Mr. KEMPTHORNE. Mr. President I send to the desk the managers' amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be reported.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 228 to amendment No. 210.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of amendment is located in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the agreement, the amendment is agreed to.

So the amendment (No. 228) to amendment No. 210 was agreed to.

Mr. BAUCUS. Mr. President, I rise to support S. 1, the Unfunded Mandate Reform Act of 1995.

This bill will strengthen the partnership between the Federal and State government. That, in turn, will help us all do a better job protecting public safety and public health.

BACKGROUND

When the Framers of the Constitution met in Philadelphia, federalism was not an abstract theory. It was a practical necessity.

During the period of the Articles of Confederation, the Framers had experienced, first hand, the chaos that occurs when there is no strong Federal Government to bind people together and address matters of fundamental national interest.

At the same time, the Framers understood that, in most cases, State government, close to the people, governs best.

So the Framers enhanced the Federal Government's authority in certain areas. But, in the 10th amendment, they provided that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This system established a partnership.

However, over the last few decades, the partnership has been weakened.

To begin with, Congress enacted a wide range of laws designed to address important national problems. Laws to protect civil rights. To promote social welfare. To improve public health. To fight crime. To protect the environment. And to accomplish other important goals.

In many cases, the Federal Government required States to take stronger action, or provided powerful incentives for them to do so.

As a result, our Nation made great progress.

But the cumulative cost of all of these laws began to mount. At the same time, Federal funding did not rise. Instead, it fell.

Meanwhile, many State governments became more sophisticated. They wanted to address complex problems themselves, without instructions from Uncle Sam.

As a result of all this, State and local governments began to criticize what they called unfunded mandates. Today, the criticism has swelled into a virtual rebellion.

Now, let's step back for a moment. As with most issues, the unfunded mandates debate has had its share of hyperbole. In some cases, the estimates of unfunded mandates have been wildly exaggerated. And various special interests have used the term "unfunded mandates" loosely, to attack any Federal law they don't like.

But, at the core of this debate, there is a real problem. Take the case of Butte, MT. Because of various environmental laws, Butte is required to upgrade the drinking water system, at a cost of $20 million; construct a new sludge treatment system, at a cost of $7 million; and upgrade the landfill, at a cost of $5 million.

Independently, each of these requirements makes sense. But their cumulative impact can be devastating, especially for a small city like Butte struggling to diversify its economy.

To address situations like this the Environment and Public Works Committee has been focusing on the impact that our environmental laws have on State and local governments.

During the last Congress, the committee reported a Safe Drinking Water Act and a Clean Water Act that each reduced burdens on local governments. And the committee considered a Superfund bill and an Endangered Species Act bill that would have given States more control over those programs.

In each case, we gave careful attention to the impact that our legislation would have on State and local governments. In fact, that was one of our primary concerns.

SUPPORT FOR THE BILL

The bill we are considering today will take another important step in the right direction.

The key provision of the bill is pretty straightforward. It requires that, when a bill comes to the floor of the Senate or House, Congress must consider whether the bill imposes a large new mandate on State or local governments. If so, the bill creates a procedural point of order against the bill, which can only be waived by a majority vote.

In other words, before imposing a new mandate on State or local governments, Congress must stop and think. We must consider the impact of the mandate, consider the alternatives, and make an affirmative decision that the mandate is appropriate.

By doing so, the bill reinforces the approach that the Environment and Public Works Committee has been taking over the last several years.

At the same time, the bill does not create any artificial barriers that would prevent Congress from enacting needed legislation.

This is an important point. In some cases, a provision that technically is an unfunded mandate may be the best solution to a problem.

Take the case of a pollution problem that has interstate effects. In other words, the pollution crosses State lines. One State may already have taken steps to address the pollution problem. But that State may be located downwind or downstream from another State that hasn't done a darn thing. The bad actor is pouring pollution into its neighboring State.

In a case like that, we may need a minimum Federal standard. And we may decide that it would be unfair to require the States that already have addressed the problem, and paid for it themselves, to subsidize a handful of bad actors who have lagged behind.

In other cases, a minimum Federal standard may be necessary to prevent the unfortunate race to the bottom that can occur if States weaken their environmental laws as a way of attracting jobs away from other States.

One State lowers its environmental standards. In response, other States are forced to lower their standards.

The result is an overall decline in environmental protection. Everybody is worse off.

In a State like Montana, which has progressive environmental laws, we don't want to be forced to lower our environmental standards in order to create new jobs, or to keep the ones we have.

So, Mr. President, there may be cases in which it is entirely appropriate to enact a provision that is, technically, an unfunded mandate. But, under the bill we are considering today, Congress can only do so if we have carefully considered the impact of the mandate, considered the alternatives, and affirmatively decided that it's the best solution to the problem.

CONCERNS

Of course, no legislation is perfect. During our consideration of this bill, I believe that there have been some significant improvements. And I want to thank the Senator from West Virginia [Mr. BYRD], the Senator from Michigan [Mr. LEVIN], and others for their diligent work.

However, I remain concerned over whether the Congressional Budget Office will be able to carry out its new responsibilities. To date, no one has been able to make reliable estimates of the cost of unfunded mandates. Furthermore, the Director of CBO has testified that his office will be hard-pressed to make the necessary assessments.

That should be a warning flag. We need to be realistic about how well this bill can be implemented. And we should be ready to fix any problems that arise in the future.

Another concern is whether we may be creating an uneven playing field that may favor the public sector over private industry. I hope that will not be the result. But if it is, we may need to revisit that issue at a later date.

CONCLUSION

In any event, Mr. President, this is not the end of the unfunded mandates debate. It's really the beginning.

In the upcoming months, we will have the opportunity to reform the Safe Drinking Water Act, the Superfund law, and other environmental laws. In each case, we will have the opportunity to give States more flexibility and reduce unfunded mandates, while maintaining protection of public health.

If we do so, we will build on the progress we are making in this unfunded mandates bill, and do even more to strengthen the partnership between the Federal and State governments.

Finally, Mr. President, I wish to compliment the leadership of the Governmental Affairs Committee, Senators ROTH and GLENN, for their work on this bill.

Senators ROTH and GLENN have stood on this floor for 2 weeks. Their thoughtfulness, candor, and fairness are noted and appreciated.

Senator LEVIN is also to be strongly commended for his insightful and determined efforts to improve this bill.

I also wish to compliment the majority manager and prime sponsor of the bill, Senator KEMPTHORNE.

For the past 2 years, Senator KEMPTHORNE and I have worked together as members of the Environment and Public Works Committee. We've dealt with some thorny issues. Sometimes we've disagreed. But Senator KEMPTHORNE has always been thoughtful, diligent, and willing to consider other points of view in order to make progress.

He's taken the same approach here, and the result is a solid bill that will improve our consideration of environmental and other laws.

Mr. DODD. Mr. President, I support this bill. I believe that we should consider the effects of legislation we consider in this body on States and localities. I have some serious reservations, however, about the sweep, and the director of this debate.

THE FEDERAL ROLE

When the Articles of Confederation were conceived more than two centuries ago, the States were to be sovereign and independent. Seven years later, the Constitution was ratified as an antidote to the decentralized and weak National Government established by the articles. The Constitution strengthened the responsibility and authority of the National Government, and recognized the Federal Government's unique role in defining and protecting the basic rights and interests of citizens in all States.

Over 200 years, the expansion of commerce, the advent of wars, the growth of a sense of national character, and the surge of information and technology have considerably altered the responsibilities of government at each level. We have grown and proposed as a Nation because our Constitution created a Government capable of withstanding such dramatic developments and changes.

LEGITIMATE STATE CONCERNS

I believe that a discussion of federalism is long overdue, but I am concerned with the direction of our current debate. I understand well the concerns of my State and local colleagues who are outraged over the proliferation of Federal mandates and regulations. And I understand well their frustration over the Federal Government's shifting of a substantial share of the cost of providing basic services to more local units of government.

SHARED RESPONSIBILITY

I am concerned, however, that we are moving further away from the notion of partnership and shared responsibility in this debate.

When the city of Houston seeks funding for a new sewer system, or the city of Detroit seeks money for improvements to its transit system, who do they come to for help? They come to us.

They come to the Federal Government because they believe that there is a national role in assisting them to serve their citizens. And they come to us because they believe that we have deep—though shrinking—pockets.

And, while we sometimes ask them to pay some of the costs, we do our best to help. We, too, recognize that there is a national interest in providing these services. We are willing to share some of the financial burden.

THE S. 1 APPROACH

Now we come to our present debate. The underlying message of this bill is that the Federal Government should only ask something of our State and local counterparts if it is willing to pay 100 percent of the costs. A point of order can be waived, but it can be raised on almost any bill with intergovernmental costs. The message is the National Government should not ask or expect States and localities to share a portion of these costs.

This is not an approach recommending shared responsibility, it is an approach that could cripple interdependence. The National, State, and local governments are not independent entities with their own unique set of constituents. They are interdependent units of government attempting to address similar problems with overlapping constituencies: the American people. We must not lose sight of this fact.

THE IMPORTANCE OF SOME MANDATES

Nor should we lose sight of the importance of some of the mandates we are discussing today. Let's put this in some perspective.

According to the National Conference of State Legislatures, here's a sampling of legislation it considers mandates: The Civil Rights Act, Clean Air, Clean Water, and Safe Drinking Water, the Drug-Free Schools and Community Act, college work study, student loan reform, child support enforcement, and child nutrition legislation.

Surely we can all agree that the goals of these acts are important and national in scope. We can also agree that they have an important intergovernmental impact and benefit.

The National Conference of State Legislature's definition of a mandate is broader than this bill's. But I am concerned that they and others will seek to expand the definition of an unfunded mandate to include every important social, environmental, and labor law that is not fully funded by the Federal Government. This would grossly undermine the importance of these programs, and jeopardize the protections afford to all Americans.

And it would disable our intergovernmental partnership.

COST SHIFTING—THE SHELL AND PEA GAME

Clearly there are genuine issues of concern in the debate over Federal mandates. If pressed to its logical extremes, an inordinate number of mandates could severely limit the States' flexibility in responding to unique regional needs, and abolish the number of fresh and innovative ideas that originate from local experimentation.

Paying for future programs is not, however, the only issue of concern to States and localities. Of equal concern is the financing of vital services.

I believe that this bill fails to adequately address the issue of Federal cost shifting—one of the most damaging forms of intergovernmental abuse. The bill does not prevent the Federal Government from engaging in a shell and pea game with taxpayer dollars—shifting the Federal share of financing vital services to States and localities.

S.1 does not consider a substantial cut in entitlement programs to be a mandate as long as these cuts are accompanied by a corresponding decrease in State and local governments' obligation to comply with the programs provisions.

So, if the Congress chooses to slash funding for a major entitlement program—let's take Medicaid for example—it can do so—as long as it tells the States they no longer have to comply fully.

But, what is the practical effect on State and local governments of slashing Federal funding for Medicaid? The costs of providing virtual health care services to the poor will not have been reduced—but the Federal contribution to addressing that need will now have diminished.

Who's going to fill the financial void? Some nonprofits, public hospitals, and private charities may pitch in. But, inevitably State and local governments are going to have to pick up much of the additional financial burden—whether or not they are required to by the letter of the law.

States and localities fear a balanced budget amendment so greatly for this very reason. They are all too familiar with this game. They understand—and their recent experience has taught—that substantial reductions in Federal funding for vital services force more local units of governments to pick up much of the tab.

Cutting Federal funding for vital services is effectively an intergovernmental mandate.

It's a mandate on States and localities. And frankly, it's a mandate on the middle-class.

All too frequency, it's middle-class Americans who end up bearing a disproportionate share of the increased costs of providing important services.

Nothing in this bill precludes the Congress from shifting the burden of financing entitlement programs to the States.

Mr. President, if we are really serious about addressing the problem of intergovernmental mandates, we should take steps to assure that the Congress does not shift the obligation of balancing the budget to the States by asking them to control the costs of entitlements—something we have been woefully unable to do.

STRIKING A BALANCE

It is clear that the Federal Government should not and cannot impose costly new requirements on States and localities without considering how they will pay for those costs. It is also clear that we must develop a better balance between competing Federal responsibilities, and carefully review our budget priorities.

But in the long run, the solution to the unfunded mandates problem depends on better communication between all levels of government. We need to work together to set priorities and make sure that taxpayer dollars are being used efficiently.

CONCLUSION

Mr. President, I commend the managers of this bill for their hard work and genuine desire to assist our States and localities. This bill is a reflection of their commitment and a positive step forward.

Soon, my colleagues and I will have another opportunity to test our resolve toward improving intergovernmental relations as we debate a balanced budget amendment and make the tough budgetary decisions that follow.

I look forward to working with my colleagues to strengthen cooperation and partnership between all levels of government.

Ms. MOSELEY-BRAUN. Mr. President, when I came to the Senate 2 years ago, I was very surprised to discover that in Washington there was almost no discussion of an issue of great concern to State and local officials. That issue was the impact of mandates imposed by the Federal Government on State and local governments.

I asked several Federal agencies for information regarding the cost of mandates on State and local governments, and I found, quite simply, that no one I could find in the entire Federal establishment knew their impact. That was one of the reasons my very first bill filed in the 103d Congress was legislation to require disclosure with regard to unfunded Federal mandates. That is why S. 1 has such bipartisan support, and why I am a strong supporter of S. 1—because it promises to curb the practice of imposing Federal mandates on State and local governments without advance, complete disclosure of the impact of those mandates.

S. 1 will greatly change the relationship between the Federal Government and State and local governments. And that is a good thing. Creating a mechanism that will help ensure that the voice of State and local governments is heard in Washington before legislation is enacted is both sound policy, and something that has long been needed.

S. 1 will also make Federal officials more accountable—and that, too, is a good thing. Asking the Federal Government to make its decisions with good information—with the best information we can get on the State and local governments that will have to live by those decisions—should not be controversial. Rather, it is the way decisions should always have been made, and the way decisions should always be made in the future.

S. 1 requires the congressional committees to report on the costs and benefits anticipated from any Federal mandates contained in the bills they report to the Senate for action, including the effects of the mandate on health and safety, and the protection of the environment. The report will also include information as to whether any mandates in the reported bill are to be partly or entirely offset.

The Congressional Budget Office [CBO] would be required to estimate the cost impact of the mandate on State and local governments, if it is likely to exceed $50 million, before the legislation could be brought up on the Senate floor. CBO would also be required to estimate the cost impact of a proposed Federal mandate on the private sector if it exceeds $200 million.

A point of order could be raised if the legislation would increase the cost of the mandate on State and local governments by $50 million, unless spending to cover the increase is also authorized. Under the terms of S. 1, most mandates would only be effective during a fiscal year if Congress appropriated the funds to meet the costs of those mandates. If appropriations were cut, then the mandates would also be reduced.

S. 1, however, does not put Congress in a straitjacket. It does not prevent a congressional majority from enacting unfunded mandates. The points of order established by the bill can be waived by majority vote. What S. 1 really requires, therefore, is, as I have already said, for Congress to make its decisions with the information on the mandates in front of it, and, if Congress decides not to provide funding to offset the costs of a particular mandate, to make that decision clear and explicit.

This legislation also ensures that the cost of mandates imposed during the regulatory process would be evaluated. Federal agencies would be required to estimate the anticipated costs to State and local governments of the rules they write to implement Federal legislation. Federal agencies will have to consult with elected representatives of State and local governments so that their concerns and suggestions are taken into account in the writing of rules.

The case for the changes made in S. 1 is compelling. The issue of mandates is the No. 1 issue for Governors, for mayors, and for other local elected officials across this country. Over and over, State and local officials from around this Nation, including my own State of Illinois, have told me and every member of Congress that unfunded mandates are taking over their budgets, and undermining their ability to manage their own local problems.

Governor Edgar of Illinois wrote me supporting S. 1, stating that unfunded mandates have consumed an increasing share of State and local budgets, and that they impose severe limitations on what can be achieved with Illinois resources. I have heard from numerous county boards in Illinois on this issue. Winnebago County sent me a resolution that was adopted by the county board on September 30, 1993, opposing State and Federal unfunded mandates. The mayor of Chicago sent me a copy of a report that was prepared called "Putting Federalism To Work For America," from November 1992, that analyzes the impact of Federal mandates on Chicago. I want to discuss a few concrete examples from that report.

In order to comply with carbon monoxide standards, the city of Chicago, recognizing that traffic jams contribute greatly to these emissions, established a plan to increase the efficiency of the traffic flow in the city. This involved designating some streets as one-way, posting no-parking zones, and enforcing these zones by towing. Even though the city achieved compliance with the carbon monoxide standards, as proven repeatedly by heavy monitoring by Federal employees, the U.S. Environmental Protection Agency demanded documentation that every car parked in a tow zone was actually towed.

The city had taken the necessary steps to ensure compliance with the carbon monoxide emissions standard more than 20 years ago, but in 1989 the Federal Government was still questioning the number of tow trucks on the streets of Chicago. This occurred despite the fact that Federal monitoring of carbon monoxide emissions proved that Clean Air Act standards were consistently met. At the same time that Federal workers were monitoring towing in Chicago, the main threat to the Great Lakes was the disposition of airborne toxins from as far away as Mexico, a problem that should fall under the aegis of a Federal agency.

The Calumet Skyway toll bridge provides another example of a high cost, unfunded mandate. The bridge must be painted regularly. The last time the bridge was painted in the late 1970's, the price tag was $10 million. The current cost has escalated to $40 million. The $30 million addition is attributable to the Clean Air Act which requires that no sand blasting be used where lead-based paint is involved. The technique specified to strip the old paint cannot allow lead chips to enter the air. The paint removed must be cocooned and other safeguards applied, including disposal requirements. Public health specialists disagree on the level of risk that would be imposed by less severe safeguards. They do appear to agree that the primary risk is assumed by workers who could be protected at a dramatically lower cost. Similar problems have quadrupled the cost of repainting the Loop elevated train structure in downtown Chicago. The report asks whether that extra $30 million would have been better spent on crime control initiatives. And more importantly, it asks which level of government is in the best position to decide.

Mayor Daley has long been a leader in the effort to educate the Federal Government on the adverse impacts unfunded mandates have on his ability, and the ability of other mayors and local officials, to conduct the people's business and be accountable to the taxpayers. In a letter to me dated January 11, 1995, Mayor Richard Daley of Chicago reiterated that unfunded Federal mandates cost the city of Chicago over $160 million in 1992, a figure that has only increased since then. His letter goes on to say that: "Fundamentally, this issue is all about giving local governments the flexibility to make the best use of local and federal dollars." That is hardly revolutionary, but is critically important to every level of government.

Mandates impact big cities and small communities very differently, yet rarely are regulations written to be sensitive to those differences. The problems faced by Chicago are different than those faced by small Illinois communities, and not all problems can be solved with the same solutions. We have passed a Federal mandate to require testing for lead in water. In 1976, the law was changed to prohibit lead-based soldering of water pipes. Before 1976, lead was used to solder pipes together. When inspectors recently performed the lead testing requirements, the community learned that there were no traces of lead in the municipal distribution facility. The lead was only found when tests were completed in private homes. The local government could not require private homeowners to change their water pipes. In fact, most experts agree that the real threat to children from lead is from lead-based paint, and not water. But the city was required to spend thousands of dollars to test for lead in water. This was a tremendous expense to the local taxpayer, with very marginal benefits. And it makes it that much harder for that community to meet higher priority needs.

Regulations often do not account for the very real regional differences in this country. For example, part of the Federal clean water reference standard is a clear flowing trout stream. Illinois has no trout streams—and no trout in any of its rivers. Illinois has thick topsoil, and the water is full of rich silt. It is that rich soil that makes Illinois part of this country's breadbasket. In Colorado, water runs down mountains, so the clear flowing trout stream standard may be appropriate. That standard just does not fit the reality in Illinois.

These environmental regulations are important. They save lives. But we must develop regulations that are more sensitive to local variations and flexible enough to address the problems of communities of all sizes. I recognize that the Senate does not debate the implementing rules that are written after we pass laws. But these are very serious problems that go right to the heart of why citizens do not feel that the government is responding to their concerns.

S. 1 is a statement that the Federal Government has heard what our State and local elected officials have been telling us, and that the Federal Government is prepared to change the way it has been doing business. It is a recognition of the fact that the Federal Government has a responsibility to State and local governments in the mandates area, and that the Federal Government is now prepared to meet that responsibility.

While I strongly support S. 1, I also think it is important to keep in mind that an unfunded mandate is not per se a bad thing. Not every Federal mandate is bad; many have achieved a substantial amount of good for the American public. My support for S. 1, as it was reported by the Governmental Affairs Committee, therefore, is not a repudiation of the whole idea of mandates. The mandates the Federal Government used to make real progress in civil rights and our treatment of the disabled, for example, were essential to our progress as a nation, and as a people. I applaud the fact that S. 1 recognizes how essential those mandates were and are, and that under the terms of the bill, future civil rights legislation which builds on this tradition will be exempt from S. 1.

Federal action is sometimes necessary. There are mandates which improve the health and safety of all Americans. We have Federal mandates that prevent a factory from disposing hazardous waste in the regular sewer system. This protects the sewers from contamination, and avoids the burden that local communities would have to shoulder to clean up the problem. Mandates can help prevent environmental degradation at the front end, so that we do not have to pay for clean up, which is always more costly, after the damage has been done. Federal mandates have helped to ensure that the water is safe to drink all across this country, and that disabled children receive a proper public education.

The reason we are here is not because mandates are wrong in principle. The real reason we are here is because of the budgetary shell game that was played in the 1980's. The 1980's were a time when many domestic programs were slashed, with mandates pushing the responsibilities onto hard-pressed State and local governments. I was in the Illinois House when President Reagan introduced the New Federalism. It was supposed to redefine the relationship among Federal, State and local governments. What it really did was to make large cuts in Federal taxes, and push off the responsibilities of providing necessary services to State and local governments—without sending the money. The net result of that exercise in fiscal subterfuge was an explosion of Federal debt from only about $1 trillion in 1980 to closing in on $5 trillion now.

S. 1 is designed to ensure that the kind of budget fraud we saw in the 1980's won't be repeated in the 1990's, or in the next century. Addressing our budget problems requires tough decisions. In the 1980's, there was a real attempt by the President to avoid making those tough decisions, and to try to delude the American people into believing that we could solve our budget problems on the cheap, without affecting the lives of the great majority of Americans. There was an attempt to avoid providing any real leadership on our budget issues, and to avoid telling the truth about our budget problems to the American people. That was wrong then, it is wrong now, and we will be paying the price of those wrong decisions for decades to come. S. 1 cannot undo the mistakes made in the 1980's. What it can do, and what we must do, is ensure that we don't repeat those mistakes, and that is another reason enactment of S. 1 is so important.

I believe that S. 1 will achieve a necessary balance. We need to balance the benefit of mandates with their costs. We need to balance the responsibilities of the Federal Government to ensure the safety of American citizens with the rights of State and local governments to prioritize their budgets.

It is the responsibility of all levels of government—Federal, State, and local—to protect their citizens. Governors, mayors, and village presidents will feel the same pressure of public opinion to protect health and safety, as well as the environment, as we do at the Federal level. When this legislation becomes law, all levels of government will still have to bear the costs to insure the safety and well being of the American people. But we will stop the cost shifting from Federal to State and local governments that occurs because of a lack of information. Federal agencies will write better regulations with the benefit of counsel from State and local officials. And Senators will cast informed votes.

We are all in this together, Mr. President. The Federal Government, State governments, and local governments, are all trying to meet their responsibilities to the American people. What S. 1 does is very simple—it ensures that the Federal Government does not attempt to meet its responsibilities with the tax dollars raised at the State and local levels. S. 1 prohibits budgetary shell games, and by doing so, will help end confrontation between the various levels of government, and promote cooperating instead. And that, based on my experience at all three levels of government, will not make it tougher for us to address the problems the American people elected all of us to solve, it will make it easier.

I want to conclude by congratulating my colleague from Idaho, Senator KEMPTHORNE, and my colleague from Ohio, Senator GLENN, for their leadership in crafting this legislation and bringing it to the floor so promptly in the new Congress. I share their view that this bill is carefully balanced, and that it won't take much to upset that careful balance that has so contributed to the broad, bipartisan support this bill enjoys.

I strongly urge my colleagues, therefore, to support S. 1, and to enact the kind of bill that will preserve the strong, bipartisan coalition that has been the driving force behind the effort to address the mandates problem. That, I believe, is what the American people expect of us.

Mr. President, I ask unanimous consent to insert the letters the Governor Edgar and Mayor Daley, the resolution from the Winnebago County Board, as well as an editorial from the Chicago Tribune in support of this legislation, into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
Springfield, IL, January 10, 1995.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: I am writing to express my sincere thanks to you for your support of S. 1, the "Unfunded Mandate Reform Act of 1995."

Unfunded mandates have consumed an increasing share of state and local budgets, and impose severe limitations on what can be achieve with our existing resources. It is essential that Congress act now to reduce the burden of such mandates, particularly in the context of current initiatives to reduce the federal budget. The National Governors' Association and other groups representing state and local officials have made passage of a mandate relief bill their major legislative priority over the past several years.

I am very pleased that you are an original cosponsor of the mandate relief bill now under consideration. If I can be of assistance to you as this important measure moves forward, please let me know.

Sincerely,

JIM EDGAR,
Governor.

CITY OF CHICAGO,
Chicago, IL, January 11, 1995.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senator,
Washington, DC.

DEAR SENATOR BRAUN: I am writing to urge your support for the Mandate Relief legislation about to be debated on the floor of the House and Senate. I am pleased that the new Congress has acted so quickly, with bipartisan support, to move this legislation.

My support for effective mandates legislation goes back several years. Along with countless other mayors, governors and county officials, I have long tried to make clear to the Congress and the Administration the adverse impacts unfunded mandates have on our ability to conduct the people's business and be accountable to our taxpayers. Chicago's 1992 study, "Putting Federalism to Work for America," one of the first comprehensive studies of this issue, conservatively estimated that mandates cost the city of Chicago over $160 million per year—a figure that has only increased since then.

The legislation being considered in Congress will begin to address problem by setting up a strong process to discourage the enactment of new mandates, and to require that new mandates be funded if they are to be enforced. I recognize that it does not cover existing mandates, an issue which I believe Congress also needs to address.

Fundamentally, this issue is all about giving local governments the flexibility to make the best use of local and federal dollars. The importance given the mandates issue gives me hope that the new Congress—Democrats and Republicans alike—will be paying close attention to the real issues that face our communities and our citizens. Please vote in favor of HR5/S1.

Sincerely,

RICHARD M. DALEY,
Mayor.

Resolution of the County Board of the County of Winnebago, IL

Whereas, in November 1992, the citizens of the State of Illinois approved an advisory referendum question opposing unfunded state mandates; and

Whereas, units of local government can no longer afford to implement state and federal mandates without adequate state and federal funding mandates: Now, therefore, be it

Resolved by the County Board of Winnebago County to oppose the enactment of all state and federal unfunded mandates.

Be It Further Resolved by the County Board of Winnebago County that Winnebago County encourages the passage of Senate Bill 993 and House Resolution 140 to free local governments from obligations to carry out future federal mandates unless federal funds are provided.

Be It Further Resolved that copies of the foregoing be sent to the Senator Paul Simon, Senator Carol Moseley Braun, Congressman Don Manzullo, Winnebago County Legislators, County Board Chairman of DuPage, Kane, Cook, Lake, McHenry, Will and St. Clair counties and the National Association of Counties.

[From the Chicago Tribune, Jan. 12, 1995]

Unlocking the Mandate Trap

Not content to spend the federal government a few trillion dollars into debt, Congress over the years has had a passion for spending the money of state and municipal governments as well. It does this by requiring the local folks to pay for many programs and policies created in Washington.

These "unfunded mandates" have provoked a quiet revolution in the past couple of years. About a dozen states, including Illinois, have refused to comply with federal "motor-voter" legislation, which requires them to expand voter registration opportunities; California has sued to block the federal government from enforcing it. Some state leaders have threatened that, unless they get relief from mandates, they will oppose a balanced-budget constitutional amendment.

Their anger is understandable. The federal government gets to be the good guy, imposing popular measures such as the Clean Air Act and the Clean Water Act. The locals, in turn, have to raise taxes to pay for enforcement and lose autonomy in their spending decisions. The City of Chicago has estimated that in one recent year it spent $70.8 million on unfunded mandates, including $27 million in paperwork.

The Senate Thursday begins debate on a bill that would require Congress to pay for any new mandate that imposes more than $50 million in costs on local governments. If Congress fails to do so, the mandate could be blocked by any member on a point of order.

The bill provides quite a loophole: Congress could override the point of order by a simple majority vote in each chamber. It also includes exemptions for anti-discrimination statutes and emergency assistance.

The bill faces assaults from the Right and the Left. Some Republicans want a wholesale ban, or at least a requirement of a three-fifths vote to override the point of order. Some Democrats want to exempt labor, public health and public safety laws.

The bill's impact will be limited. Requiring members to go on record as supporting an unfunded mandate—in effect, acknowledging they are passing on a tax hike to local payers—is a worthwhile step. But it won't stop unfunded mandates. Illinois lawmakers have often overridden their own anti-mandates law, but rarely catch flak from voters.

This tack, however, recognizes that there are times when it is appropriate for the federal government to set national policy and expect localities to pay the cost. When that happens, it will at least be clearer to voters who is responsible.

The measure has the support of the National League of Cities, the National Governors Association, and other representatives of state and local governments. They see it as a solid step toward easing their burden, and Congress should see it that way, too.

Mr. CONRAD. Mr. President, I rise today to express my support for S. 1, the unfunded mandates bill. I am a cosponsor of S. 1 because, although I recognize that mandates can serve important purposes, it is time to ensure that we fully understand the consequences of unfunded mandates for States and localities.

Unfunded Federal mandates have caused a tremendous impact in the communities of North Dakota. For example, Safe Drinking Water Act testing requirements cost some small North Dakota communities over $100 per year per household. Water rates in Grand Forks, ND, increased by over 30 percent from 1990 to 1993. Water rates in Langdon, ND, doubled in 1994. While the goal of the Safe Drinking Water Act is desirable, I believe that the legislation has to be flexible and that the Federal Government must be responsible while enacting unfunded duties upon small communities.

Mandates, including some unfunded mandates, have resulted in valuable and legitimate accomplishments. We benefit from a clean environment. We applaud school desegregation. We have made great progress toward addressing health and safety concerns. The Federal Government has also worked in partnership with local governments to achieve important objectives. As the Washington Post reported on January 22, 1995, the Federal Government will provide $230 billion in grants to State and local governments this year. This partnership has worked in the past and it is my hope that it will continue to work in the future.

However, at times, this partnership has lost the notions of balance, common sense, and responsibility. As the Federal Government has tried to reduce spending and cut the deficit, responsibilities have been passed on to State and local governments, who are also struggling to operate their budgets in the black. For example, it is estimated that the Safe Drinking Water Act will cost North Dakota communities almost $50 million per year in construction costs alone. Where will this money come from? The Federal Government has not provided the answer—nor the funds.

So, while we recognize that there are good mandates and difficult mandates, the question remains: Where do we find the balance? In short, how do we restore common sense to the Federal legislative process: First, we must recognize that there are no "one size fits all" solutions. The water policy or contaminant requirements that work for New York City, population 10 million, do not make sense for Hazelton, ND, population 240, or Underwood, ND, population 976.

In this regard, I am pleased that S. 1 provides for the analysis of rural communities' special needs in 3 separate areas; the CBO Director's study of intergovernmental mandates; the CBO Director's study of private sector mandates; and an agency's analysis of a regulation. These provisions are found in section 103 and section 202 of S. 1.

Second, we must make sure that the Congress is making fully informed choices when it considers mandates. That is what S. 1 does; it adds an informative step in the consideration of legislation. This step simply provides that the Congress will know the financial impact of the legislation. The point of order mechanism in S. 1 will not prohibit the Federal Government from passing along a mandate, but it will ensure that Congress has an idea of what the legislation may cost State and local governments before the laws are passed. We will exercise our legislative duties with informed responsibility.

While I am proud to be a cosponsor of this bill, I am also pleased that my colleagues are taking the time to offer amendments to ensure that it will work in practice. S. 1 would affect every piece of legislation considered after January 1, 1996. We should therefore work together in a bipartisan fashion to assure that the new process works smoothly and has no unintended consequences. The new point of order process, as outlined in S. 1, should be open to suggestions for improvement. That is what the legislative process is all about.

Partisan accusations that Democrats are stalling or obstructing passage of S. 1 are without merit. This important piece of legislation went through introduction, hearings, and markup in 4 legislative days, came to the floor without a report, and meaningful amendments are immediately faced with a motion to table. While we must be responsive to States and localities, we must remember that we represent individuals. We owe it to the people of this country to pass the best possible legislation, and, like it or not, quality takes careful deliberation. For example, a sunset provision should be considered not as an effort to weaken the bill; but rather as a responsibility to improve the bill as it proves necessary over time.

In conclusion, Mr. President, this legislation represents a new sense of responsibility in Washington. November 8 was not about giving a mandate to partisan politics; rather it was the manifestation of a hope that the Federal Government will truly represent the people of the country, without regard to partisan politics as usual. Therefore, we must be responsible to other levels of government and work on maintaining a good working relationship among Federal, State, and local governments.

As water rates doubled in some small rural communities, North Dakota local governments faced the new mandates and struggled to budget responsibility. S. 1 will ensure that we at the Federal level legislate which contains an unfunded mandate. I urge my colleagues to support S. 1 and accept this responsibility.

Mr. GRAMS. Mr. President, for 2 long weeks, the Senate has been debating legislation to correct the problem of unfunded mandates—those costly Federal regulations handed down to the State and local levels, without the necessary dollars to carry them out.

Because of these unfunded mandates, State and local governments are often forced to raise taxes, change their priorities, or even reduce services to comply with regulations that may or may not benefit their constituents. Taxpayers, as usual get stuck with the bill. And mayors and State officials who don't obey risk being sued by the Federal Government.

In his State of the Union Address Tuesday night, President Clinton acknowledged this serious problem and called on Congress to legislate some relief. "It's time for Congress to stop passing on to the States the cost of decisions we make here in Washington," he insisted.

Under the legislation we're considering, Senators will be more informed as to the cost of these mandates. Under this legislation, we won't be so quick to pass one-size-fits-all mandates. We'll know the financial burden we're placing on the country, and our State, local, and tribal officials.

This is a great start, and I applaud Mr. KEMPTHORNE and Mr. GLENN for their leadership on this issue.

But as of this morning, the debate over the Unfunded Mandates Relief Act of 1995 has droned on for weeks.

Mr. President, what is the delay? President Clinton supports this bill. Nearly two-thirds of my colleagues in the Senate support this bill. The House passed its own version long ago. Our version will pass, too, and the vote won't even be close. So if there's little opposition to the bill and the principles behind it, what do I tell my constituents when they ask why we're not moving forward. * * * why we're not moving past unfunded mandates and on to the other crucial issues piling up ahead of us?

Mr. President, how can I explain this delay to Mayor Don Chmiel of Chanhassen, MN, who tells me that his city desperately needs relief from costly stormwater mandates triggered last October?

Mr. President, what excuse for the holdup can I give Mike Opat, a member of the board of commissioners in Hennepin County, MN? He tells me that if relief from unfunded mandates doesn't come soon, the most populated county in my State will not be able to provide needed services such as education, jails, health care, and social services for children and the elderly.

Mr. President, what do I tell Jim Kordiak, a commissioner in my home county of Anoka? He wrote to tell me, quote:

> While each of us can think of hundreds of new programs that we feel might be of benefit to the community, I believe it is imperative that we restrain ourselves from the mandatory implementation of such services and, instead, return as much control as possible to local jurisdictions.

Mayor Norm Coleman of St. Paul sent me 10 pages of notes on the mandates his city is compelled to carry out—so many mandates, in fact, that the city can't put a pricetag on the costs to its residents. How do I explain our delay to Mayor Coleman?

Finally, Mr. President, what would you have me tell Martin Kirsch, the mayor of Richfield, MN, who wrote asking for my help in turning the unfunded mandates bill into reality?

My colleagues and I are ready to do just that—we've pledged our unconditional support to this bill and the people back home who want desperately to see it passed. But we've been hogtied by the opposition of a few Senators who are doing everything in their power to delay the inevitable and keep this bill from a swift vote.

The Washington Post says that some of my colleagues are manipulating the rules to slow this legislation down. But let me suggest, Mr. President, that the American people are being manipulated along with the rules. They sent us here to change Government. They sent us here to pass good legislation like the Unfunded Mandates Relief Act. And they'll be furious when they find out we've been passing little else but time.

Senators do have the right to assert their positions on the floor. I'm not opposed to that. Having come from a body that restricted the rights of the minority and individual members for 40 years, I understand the need for free and open debate.

What I oppose is the cynical attitude of those who would use the rules of the Senate to derail good bills.

Congress is a great institution, but in the minds of the American people, it is growing smaller in stature and larger in contempt every day. We have an opportunity and a responsibility to correct this image and provide a Government of which every American can be proud.

Mr. President, I'd like to be able to go back home to Minnesota this weekend and tell Don Chmiel, Mike Opat, Jim Kordiak, Norm Coleman, and Martin Kirsch that the Senate heard their pleas for relief and passed the unfunded mandates bill. Let's stop these needless delays. Let's work together. Let's put this debate behind us, and start moving forward.

Mr. LEAHY. Mr. President, the Senate began debate on unfunded mandates with the premise that the Federal Government should not indiscriminately force State and local governments to implement Federal statutes.

With this premise, S. 1 goes to the heart of the way Government works in the United States. It seeks to change the balance between the Federal and State governments. I happen to agree with the premise and welcome a discussion about the balance of Government.

I agree that the distant reach of Federal Government should not tell States how to take care of the special needs of their communities. I have been working for months to get the Federal Government to condone a dairy compact that several New England States have chosen for themselves.

I also agree that local problems are best solved by local solutions. Again in Vermont, we worked to find flexibility in Federal statutes to deal with a superfund site, inspection and maintenance standards for Clean Air Act provisions, and other Federal laws.

I believe it is not fair for Congress to make the rules and force state legislatures to levy the taxes to pay for them.

For these reasons, I supported the attempt to pass S. 993, the Community Regulatory Relief Act of 1994, by unanimous consent last October. I thought it was a fairly balanced bill that addressed these issues. S. 993 had a sunset provision and established a reasonable process for controlling unfunded mandates.

Unfortunately, in addressing these issues and others, S. 1 leaves out a sunset provision and exposes Vermont to a host of new problems. While the Unfunded Mandate Reform Act returns some control to the State of Vermont, it also forces Vermont to abdicate some control to politicians in distant states that Vermonters do not elect.

It is difficult to speculate how this will affect prospective issues in the coming decades, but consider the implications if S. 1 had been law since the 1970s.

Vermont is downwind of one of the most industrially developed regions in our country. As I mentioned, I recognize that the cities of Chicago, Detroit, and Cleveland or the States of Illinois, Michigan, and Ohio should have the discretion to address air pollution for their residents. I do not believe that the mayors and governors of these governments have the discretion to send unlimited air pollution to Vermont.

If the elected officials of the Great Lake States had decided that controlling air pollution is not a priority, and the Clean Air Act had been scaled back or voided as it could be under S. 1, would that mean that Vermont is forced—automatically and without question—to bear the economic burdens of smog, acid rain and toxic pollutants?

These are not insignificant economic burdens. Acid rain in the Northeast has forced States to airdrop lime in lakes to restore the pH level. Air pollution was the target of years of research to determine the effects of acid deposition on forest health. Airborne pollutants have been demonstrated to stunt fish growth and alter riparian ecosystems. Many of these are direct costs to agencies, and ultimately to taxpayers, in Vermont.

Vermont would be hurt most by indirect costs. Without an enforceable Federal air pollution standard, would 8 million people still visit Vermont each year and contribute to our tourism economy? We cannot afford to subordinate our economic interests to the economic interests of another State.

Without an enforceable Federal air pollution standard, would the forests that cover three-quarters of my State support a healthy, sustainable forest products industry? The New York Times reported this summer that air pollution had tripled forest mortality in the east.

Would the sport fisheries draw anglers from the 70 million people who live within a day's drive of Vermont? Today, most of Vermont's fish can be eaten by humans without posing a health risk. Without a Federal mandate, we may not have this luxury.

How would acid rain affect the crops of Vermont farmers? This is a question that scientists can offer only speculation.

It seems to me that if there had been legislation prohibiting unfunded mandates when Congress addressed the Clean Air Act, Vermont would have had to assume responsibility for unfunded problems. It is a disturbing irony.

Consider another example. Vermont shares more than 200 miles of Lake Champlain shoreline with the State of New York. I recognize that the Governor and State legislature should have the flexibility to decide sewage effluence guidelines for their towns and municipalities in the State of New York. But New York does not have the right to pollute Vermont and the lake that forms our common border.

While I am concerned about Vermont, I should think other States would have concerns themselves. If Vermont filled in all the wetlands in the Connecticut River Basin, is Springfield, Hartford, and New Haven prepared to deal with floods? New York could pollute its backyard on Lake Champlain while Vermont pollutes its front yard in Long Island Sound—more than 70 percent of the fresh water in the sound comes from the Connecticut River. Does New Jersey worry about having New York's municipal hospital waste on their beaches? Do Chesapeake Bay States worry about how Pennsylvania affects their fisheries and recreation resource? Is anyone in Louisiana and Mississippi concerned about putting their States at the end of our Nation's potentially biggest sewer line? These two States could be affected by the whims of 20 upstream States.

We can let States choose their destiny only to the extent that it is their own. A State does not have the right to harm another State. To me this bill implies that States retain their right to pollute their neighbors.

States also have to assume responsibility for their own action. If a State chooses not to abide by toxic waste disposal, I will have a hard time voting to spend millions for an EPA cleanup. If the State refuses to implement a certain standard of environmental health, I will have a hard time watching extra Medicaid and Medicare dollars go to an unhealthy population in some other State.

I raise these few examples only to illustrate my point: This bill has implications that will hurt the State of Vermont, the people of Vermont, and businesses in Vermont. While I support the premise for this legislation, I do not support the proposed answer to the problem. A better bill exists that protects the rights of each of the 50 States.

I want to vote for a bill that restores a balance to the Federal and State governments, but ultimately I need to protect Vermont's interests from the competing interests of other States. This allows one State to harm another State. I cannot support that kind of measure.

Mr. ROTH. Mr. President, in the course of deliberations on this legislation which are now in their third week, some question has arisen regarding the application of title IV to the provisions of title I. As the chairman of the committee that reported S. 1, I wish to make clear to my colleagues how these two titles relate.

Title IV deals with the subject of judicial review. Many have summarized its provisions simply as no judicial review. But I would like to draw attention to the exact language of the provisions, particularly to the reference in section 401 that does limit judicial review over certain issues arising under "this Act." That reference to "this Act" means only "this Act" and not the subsequent legislation that may be processed under the procedures established in title I.

Yesterday, we adopted the Byrd amendment to title I, which makes reference to mandates becoming ineffective in certain circumstances. Some may be concerned that because of title IV there will never be a final or objective adjudication of the question of whether a mandate is effective or not.

That concern arises out of a misunderstanding of title I and title IV. Under title I we establish a process for Senate consideration of mandates legislation. So all that title I is is a process. Normally, Senate process does not give rise to judicial review. Title IV merely codifies that history in this context. It refers only to S. 1—"this Act"—and not to legislation that will be processed under the procedures in S. 1.

Under S. 1, subsequent mandates legislation will provide for funding levels, how certain contingencies are to be addressed, which agency is designated as the responsible agency for determining whether funding of the direct costs of the mandate is adequate, and so on. Agency action under that subsequent legislation may be subject to judicial review since only S. 1 is, under title IV, not subject to judicial review. If an agency wrongly determines that a mandate is effective or ineffective, title IV of S. 1 does not preclude judicial review.

I hope that this clarifies the application of title IV to this legislation and to subsequent mandates legislation.

Mr. BINGAMAN. Mr. President, I rise today to talk about the issue of unfunded mandates, and S. 1. In doing so, I would like to briefly discuss the origins of this issue, how I believe this issue should be addressed, and how the bill before us addresses this issue.

ORIGIN OF THE ISSUE

I first started to hear about this issue shortly after I arrived in the Senate. Coincidentally, at about the same time the Reagan administration was engaged in promoting the New Federalism, which was intended to empower States and localities to assume more control of domestic issues. In reality, the effect of this move was, in too many cases, to simply shift the problems and responsibilities, without shifting resources that would have really allowed the States and localities to address the issues. This is illustrated by the fact that in 1980, total grants to State and local governments from the Federal Government were $127.6 billion in constant 1987 dollars, and by 1990 the figure had dropped to $119.6 billion, again in 1987 dollars. We ensured we would not be able to provide those resources with the changes in law recommended by the Reagan administration that led to 12 years of spiraling budget deficits. For over a decade, then, the Federal Government engaged in the practice of passing legislation, often in pursuit of worthy goals, that added to fiscal burden facing State, local and tribal governments.

HOW THIS ISSUE SHOULD BE ADDRESSED

Clearly, States and localities have a legitimate concern about unfunded mandates. I have spoken to too many States and local officials to believe otherwise. In talking to these officials, I have come away with the feeling that these officials are often not opposed to the underlying aim of a Federal mandate, they are instead concerned about how they will pay for it, or comply with regulations to achieve the aim. For example, I have met very few officials who think that the disabled should not have access to public buildings and transportation. I have, however, met many who have said that given all the cutbacks they have faced over the last decade, they honestly wonder how they can comply with requirements to grant that access. I have also spoken to many officials opposed to overly complicated regulations implementing mandates. In short, they do not want us to stop addressing problems, they instead want us to approach problems with a full understanding of how our actions will affect other levels of government, and wherever possible, to provide a means to help pay for those effects. They also want us to cut the redtape that too often subsumes the actual issue we are trying to address.

We should be aware of what we are asking of State and local governments. I am all for getting cost estimates of the effects of legislation on other levels of government. We should also actively solicit the participation of other levels of government in the development of legislation and regulations that may affect them. I firmly believe that we should take all steps possible to ensure that we meet our goals with a minimum of regulatory and bureaucratic redtape, especially at the State, tribal, and local levels. We should seek, wherever possible, to identify funding sources for new mandates. We must, however, also maintain the ability to confront pressing issues with national implications.

HOW S. 1 ADDRESSES THIS ISSUE

I believe that the bill before us does address some of the aspects of the problem of unfunded mandates correctly. It requires that we have information on the costs of unfunded mandates wherever possible on reported bills, for example. I am also encouraged by the provision establishing pilot programs to reduce the burden of mandates on smaller levels of government, and provisions to increase the participation of other levels of government in the development of policy that will affect them.

I am concerned, however, that the provisions prohibiting the consideration of legislation without means of payment for mandates to State and local levels of government will have the effect of reducing our authority and ability to take action on issues of national public concern.

AMENDMENTS

For that reason, I offered two amendments that I thought would improve the bill with respect to this problem. One would have allowed a reporting committee to make a determination that the reported provision met a compelling national interest furthering the public health, safety, or welfare. In this case, while a report on costs would be prepared, lack of a funding mechanism would not have prevented the measure from being debated by the full Senate. I offered a similar amendment that would have required cost reports, but would have ensured that legislation relating to radioactive waste could also always be heard. Likewise, I supported similar amendments from my colleagues that sought to ensure that procedural hurdles would not prevent the Senate from fulfilling its responsibilities to meet pressing national needs.

I offered a third amendment which sought to ensure that the Senate maintained its authority over independent regulatory agencies by stating that no funding point of order would work against a provision that could probably be considered as a rule by the agencies exempt from the regulatory title of S. 1.

Unfortunately, my amendments, and many other amendments which would have improved this bill, were defeated in largely partisan votes. In reviewing these amendments, many of which would have corrected substantial procedural difficulties, such as the costing out of amendments offered on the floor, it has become apparent to me that some of my colleagues seem to be as interested in passing a potentially flawed measure quickly as they are in carefully drafting a proposal that will address the unfunded mandates issue in a way that best promotes the national welfare, and the welfare of the working people who ultimately are affected by the policies passed and implemented by all levels of government.

CONCLUSION

In short, Mr. President, the bill before us in many ways sidesteps the issue of forcing Congress to act responsibly in balancing pressing national needs and costs to other governments. It does so by saying we shall, in too many cases, simply not consider pressing needs, unless we can pay the full costs incurred of all levels of government.

Nevertheless, I feel compelled to support this legislation because, as flawed as it is, it does provide a means for the Senate to better consider the costs imposed on others in legislation, and a means to improve the process through which regulations are made. I know that ultimately, it is these issues with which the State, local, and tribal governments in New Mexico are concerned. On careful review, I believe that the need to address those issues outweighs my concerns about the procedural chaos created by this legislation. I also take some comfort in the knowledge that we can revisit the issue and amend the bill where it proves to be unworkable.

I must say, however, that, when we are presented with a conference report on this legislation, I will also carefully review that report, and any and all changes made from the legislation we are passing today. If I determine that the conference report is even more flawed than the version passed today, I may vote against that conference report.

Mrs. MURRAY. Mr. President, local elected officials in my home State of Washington have discussed the cost of Federal laws with me since I came to the U.S. Senate. I understand their concerns; I served in my State legislature, and know it can be costly to comply with some Federal laws.

For that reason, I cast my vote for this legislation.

But, Mr. President, as you and all our colleagues know, I have some serious concerns about this bill. I think, it some senses, it might go too far. Some Senators might wrongly assume that passage of this bill means that they have free rein to gut environmental and labor laws, or health and safety regulations. That is not what the people of my State want. They just want us to be honest in budgeting. They want us to consider the cost of regulations and mandates we consider. They want us to use common sense in legislating. That means clean water, safe streets and neighborhoods—the benefits of Federal mandates.

Therefore, Mr. President, I will work within the new constraints of this legislation to ensure that America's environment, health, safety, and labor laws enjoy the highest standards in the world. The passage of this bill just makes me more determined than ever to fight for the well-being of future generations.

Mrs. BOXER. Mr. President, today the Senate will vote on the second part of the so-called Contract With America, a bill to require Congress to consider the financial impact on States and localities of new Federal legislation.

Let me be briefly clear: I believe that it is both necessary and appropriate for Congress to enact some type of unfunded mandates constraints. I have served in local government and I understand the problem.

I supported last year's unfunded mandates bill, S. 993, as did almost every other Senator, all of the Nation's Governors, mayors, and other State and local officials, as well as the President of the United States. That is why I voted for S. 993 today. That bill is a fine bill—a bill that would work.

If the Senate had not been tangled up in partisan squabbling at the end of the 103d Congress, unfunded mandates restraints would have now been the law of the land. I deeply regret that S. 993 was not enacted. And today it was actually voted down.

S. 1 has many problems which I and others have tried to resolve. This bill creates a potential for endless delay, gives enormous power to unelected bureaucrats, contains troubling ambiguities that will mar its implementation, and utterly fails to address the biggest unfunded mandate of them all, illegal immigration.

But because I believe in the need to pass unfunded mandates constraints, I offered several amendments to S. 1 to make it a better bill.

First, I offered an amendment to ensure that the procedures the bill contains would not impede the ability of Congress to respond to the health and safety needs of society's most vulnerable citizens—most particularly, our young children, our pregnant women, and our frail elderly. My amendment was defeated on an almost straight party line vote by 44–55.

Second, I offered an amendment to exempt any legislation intended to prohibit, deter, study, or otherwise mitigate child pornography, child abuse, or child labor laws. The vote, again on an almost straight party line, was 46–53.

If just a few more Republican Senators had supported these limited exceptions, I believe we would have had a bill that met the need to constrain unreasonable Federal mandates without endangering the health and safety of our Nation's youngest and oldest citizens.

In addition, the Senate rejected my amendment to reimburse the states for the costs they incur because of illegal immigration. Thankfully, Senator BOB GRAHAM's amendment to hold the line on existing programs to stop illegal immigration was approved. But frankly, we need to ensure that we'll do much more than just hold the line, and S. 1 fails to do one thing to ease this tremendous burden on my State.

My State of California simply cannot continue to expend huge sums without getting reimbursed by the Federal Government, due to the Federal Government's failure to enforce the border. Ignoring reimbursement to the States is a major failure of S. 1.

The problem of unfunded mandates is too serious to ignore. We should create a process to ensure that we take a careful look at the burdens we place on other levels of government and the private sector, and to make our decisionmaking more deliberate and accountable. S. 993 was that bill.

But S. 1 invites failure. It creates a process that can be used to tie this Senate in knots, to block legislation needed to protect the health of our most vulnerable people, to undermine our ability to respond when our children are being abused and exploited. I cannot support such a bill.

Mr. LAUTENBERG. Mr. President, last year I cosponsored the Kempthorne-Glenn legislation, S. 993, to deal with the unfunded mandates problem. Today, I will vote against the pending legislation, S. 1, but I want to reiterate my support for the sensible, workable proposal offered by Senator LEVIN. Had it been adopted, the Levin substitute would have forced the Congress to review any imposition of new, unfunded costs on the States and localities, but would not have tied us up in a procedural nightmare when we needed to address important national interests.

Last year's bill was built on a bipartisan consensus. It was rooted in the realization that the Federal Government had mistreated States in two fundamental ways. First, the Federal Government had, too causally and too often, imposed mandates without thorough consideration of the financial burdens State and local governments already face. And, second, the Federal Government had too frequently told the States what to do without giving them the resources and the flexibility to do it.

No one denies that problems resulted. No one denies that solutions need to be found.

But if I were to characterize last year's bill, I would say it was designed to sensitize us to the problem. To require us to think carefully and critically about what kind of burdens we were imposing before we imposed them. Under the terms of last year's bill, we would know how much of burden we were creating. We would have to acknowledge the magnitude of the burden before we passed legislation. We would no longer be able to hide behind ignorance. We would have to acknowledge the consequences of our decisions on our own States and our own constituents.

If, on the other hand, I were to characterize this year's bill, I would say it was designed to paralyze us, to prevent us from requiring States to do anything unless we fully paid them to do it.

That, I suspect, is not how the proponents of the legislation would characterize it. They would point out that the bill allows us to impose unfunded mandates if, by a majority vote, we choose to do so. But, Mr. President, I believe that even the proponents would agree that the bill enshrines the principle and the presumption that the Federal Government should not impose requirements on the States unless it pays them to carry out the mandate.

I believe, Mr. President, that the legislative history of this bill demonstrates that point. Several amendments were offered to exempt some class or group of activities from the strictures of this legislation. Time after time those amendments were defeated. And the justification for that was, in essence, that we ought to protect the principle that there would be no unfunded mandates. While the Senate might, on a case-by-case basis, waive that principle, the presumption is that it ought to be protected.

Mr. President, on a philosophic level, I do not agree. And on a practical level, I do not believe the bill we are passing is workable. Let me explain.

While I believe we need to be sensitive to the burdens the Federal Government imposes on States, I also believe the Federal Government can—and in some cases should—impose those burdens. The odds ought not be stacked against a Federal mandate by the legislative roadblocks contained in this bill.

Philosophically, the Federal Government has a fundamental responsibility to set the tone and framework for our national life, to set minimum standards to protect the health and safety of our people, to protect our national security and welfare, and to deal with issues that are interstate in nature and can't be effectively tackled by the States.

Periodically, as a people, we have sought to limit national power. Before the Civil War, John C. Calhoun advanced the notion of nullification, allowing States to ignore Federal laws they didn't agree with. And just a few decades ago, southerners called for increased States rights in the face of Federal civil rights legislation.

We rejected those ideas because ours is a Federal system of government. And in that system, the Federal Government has certain obligations.

When States suffer from a disaster, they turn to the Federal Government for help. When California was plagued by floods and earthquakes and fires, they turned to Washington to help them clean up. And when our shore was ravaged by nor'easters, New Jersey also sought similar assistance.

But the Federal Government's role is not just limited to acts of God. We must also respond to acts of indifference.

The Federal Government should act when local and State governments don't want to spend the money to prevent pollution or to immunize children. We should be there to stop gun-running across State lines or the spread of HIV-contaminated blood. We have a role in fighting the flood of illegal immigrants across our borders or the flow of people across State lines as a result of "benefit shopping."

I am proud to say that New Jersey, my home State, is relatively affluent. It is also compassionate and progressive. We have some of the toughest environmental laws in the country. We care for our disabled. We have tough gun control laws and occupational safety regulations. But those strengths could disadvantage us if Federal standards are weakened or eliminated.

Let's take a few examples.

In the late 1980's, we had to close our beaches when raw sewage and medical waste washed up on our shores. It cost us millions of dollars and was a major setback to our State's economy, image, and quality of life. But it was a problem we could not solve alone. The Federal Government had to step in and require New York to treat its wastes, to regulate disposal of medical wastes, and to cover its garbage barges. Mayor Koch still complains to me about this unfunded mandate. But that mandate helped us manage a crisis. And the standards imposed on New York were necessary.

Federal standards do more than help us correct problems. They help prevent them. Let me give you an example: Many people in New Jersey say that biggest fear is gun violence. But without the Brady bill—an unfunded mandate that requires background checks by local police when purchasing a gun—we really could not stop the gun violence from coming into New Jersey. That happened right before the Brady bill went into effect, when a former New Jersey resident bought a gun in Arizona, bypassing a background check that would have been required in our State, and shot four people at close range, in cold blood, at a motel in Saddle Brook. We need the Brady bill.

Our first try at a constitution, the Articles of Confederation, had to be scrapped after a few years because they put too much power in the States and they encouraged disunity and divisiveness.

States, by their very nature, are insular. Their goal is to take care of their own. But we are one nation, and in the words of Alexander Hamilton, "a nation without a national government is an awful spectacle."

We need to approach national problems with national solutions. We need to establish Federal policies to tackle issues with interstate effects. And we need to promote a national government motivated by a concern for decency, equity, and compassion.

That is why the Federal Government has set standards to prevent States from cutting off food stamps to children or eliminating aid to legal immigrants. As a nation, we agree that we need to reform welfare; as a U.S. Senator, I am not prepared to allow States to abolish it.

Philosophically, then, I am troubled by this bill.

Practically, I am appalled by it.

Despite significant improvements made in the mechanics of the bill by Senator LEVIN and others, it still presents us with a legislative maze.

It imposes an unacceptable burden on the Congressional Budget Office, which is tasked with the responsibility of providing us with cost estimates on literally hundreds of bills and amendments—a task which, in some cases, will be impossible.

It creates at least two points of order which can be raised against any bill or amendment and will, in some cases, prevent the Senate from dealing efficiently with what should be routine matters. Despite the fact that the American people have told us that they have had quite enough of delay and procedural ploys and gridlock, this bill will give any individual Senator an opportunity to impede progress on any legislation. The Senate will, I am convinced, rue the day that it created the procedure contained in this bill.

Mr. President, I believe that the bipartisan work we did last year should have been ratified this year. Instead, blown by changing political winds, some Members decided we should go further than they had last year. The net result is a bill which superficially claims to be similar to last year's effort but is, in reality, a mandate for gridlock and an expression of unfounded fear of a federal system of government. It is also, unfortunately, a bill that I cannot support.

Mr. KOHL. Mr. President, I believe that for too long we in this body have taken a paternalistic attitude toward our colleagues in State and local governments, by telling them that we know best how they ought to conduct their business. We have been too willing to require State and local governments to address a problem, without giving them the financial assistance necessary to carry out that mandate. We forget that, if we pass the buck to State and local governments to fix these problems, we should also be willing to pass the bucks to pay for it, or be explicit that we are not doing so.

It is for that reason that I support this bill and intend to vote for final passage.

I appreciate the frustration of State and local officials as they have watched Federal funding to counties decline dramatically in the last decade, just as they have experienced a sharp rise in the demands the Federal Government has placed on them to fund Federal regulations and programs.

Let's face it, the Reagan-Bush policies which shifted more responsibility to State and local governments often did not include the necessary funds to pay for these programs. I have seen one estimate that funding to local governments under the Reagan administration declined by 50 percent. When you combine this shift with the erosion of the local tax revenue base caused by the recession of the early 1990's it is no surprise that State and local leaders are throwing up their hands in despair.

However, having said that, I agree with many of the comments made by my colleagues in the past week and a half regarding the complex nature of this bill, and the potential unintended consequences that might arise under this legislation.

That is why I offered an amendment, which was adopted, to ensure that we have not created a disincentive for States and local governments to take action. We must not stifle innovation at the State and local level by suggesting that those who wait for Congress to act will be rewarded with Federal funds. We must work to ensure that this legislation does not penalize those States and local governments that are working to solve their own problems. This legislation was not intended to create gridlock at the State and local level.

That is also why I supported a sunset amendment. We will need to step back at some point down the road and determine if this process to make Congress explicit about the cost of mandates, and make us pay for them, has tied our own hands too much.

Mandates are not necessarily a dirty word and we should all remember that there are some good things that are in all our interests. The exclusions in the bill reflect some of these priorities: The constitutional rights of individuals, laws and regulations that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped, or disability status, emergency assistance at the request of States and local governments, and legislation necessary for our national security. There are other priorities which I wish had been included in the exemptions in this bill, such as legislation relating to class A human carcinogens, legislation which would impact the well-being of pregnant women, young children and the frail elderly, and legislation relating to child pornography, child labor laws, and child abuse.

Mr. President, I regret that these amendments were not adopted and that many other important clarifying amendments were tabled, often along party lines.

I support this legislation because I believe we have an obligation to be explicit about the mandates we are passing along to our States and local governments. Whether we decide to pay, for the mandate or not, we should be honest about what these mandates will cost.

Because, Mr. President, we all know who really pays in the end, and that's the taxpayer.

Mr. BRADLEY. Mr. President, we are about to finish work on S. 1, the unfunded mandates legislation. This has been a difficult process, and I regret to say that I cannot support the final product. In the final analysis, I feel it will create a real obstacle to the kind of laws that we need to protect my State and my constituents.

Earier, I offered an amendment to the bill that highlights the way all governments—Federal, State, and local—often pass on the costs of supplying needed services and that we need to work together to reduce the total bill paid by the taxpayer. I was pleased that this amendment was adopted nearly unanimously.

In a nutshell, my point was: What difference does it make to a taxpayer if we cut Federal taxes, or refuse to raise them to pay for needed programs, and the taxpayers' State taxes increase? What difference does it make to the taxpayer if State taxes decrease or stay the same, when local taxes or property taxes increase in lock step? to get control of the problem, we have to work together.

This bill's stated purpose is to slow a process that is becoming all too common. We face a deficit that we all decry. We are loath to raise taxes or truly cut spending. Yet, we all see in our States problems, issues that require a Federal response. The result is: We pass a law, and we pass on the bill.

This cannot go on. It has to change. We have to take into account the full cost—along with the benefits—of the laws we propose. And the legislation before us attempts a response.

On the other hand, I represent my State of New Jersey. We know too well why national programs are often needed. For years, another State dumped sewage off our shore that polluted our shoreline. Without a Federal law, and Federal water quality standards, how could we protect our own? Air currents likewise have no respect for State boundaries. We're downwind of too many States that, frankly, aren't very concerned about our problems with air quality and our status as the second worst region in the country. It doesn't surprise me that the Governor of Ohio is strongly against Federal air quality regulations. But we in New Jersey can not clean up for them, too. This legislation makes it far too easy to block the creation and implementation of Federal laws intended to protect a State like New Jersey.

We need a better accounting of the costs that are sometimes too slyly passed along. We need to give the Governors and mayors more funding and more regulatory flexibility to reduce costs. But, we need national programs, from time to time, and we don't need new ways for naysaying legislators or bureaucrats to keep us from protecting our own.

Mr. President, eliminating or minimizing unfunded mandates is a laudable goal. But it cannot provide a straitjacket for the Congress or be the excuse for legislators to stop needed laws for the protection of the public. This bill should drive a rational decision on public mandates. It does much more.

Last Congress, the Senate Government Affairs Committee reported an unfunded mandates bill that almost all of us would have supported. It wasn't as aggressive a bill as some would argue for. But that bill did require authorizing committees to recognize and acknowledge explicitly the cost to State and local officials of regulatory mandates. It represented real progress, and was strongly endorsed by Governors and mayors around the country.

The Senate, however, has now complicated the issue immensely. Two weeks ago, we began the consideration of legislation that was substantially altered from the bill reported last Congress. Hearings on the bill were simply perfunctory and many of my colleagues have come to the floor with basic questions of how this bill will work in the future.

Let me illustrate some of my own concerns about this legislation by talking about a specific piece of legislation, not a hypothetical, that I've introduced. It's a bill that I'm very proud of, that has strong bipartisan support, and is even implicitly part of the Contract With America. The bill is, frankly, a collection of mandates on States. It is the Interstate Child Support Enforcement Act, which I introduced last Congress as S. 689 and will reintroduce this year.

A single parent has lost her ability to support her children when an absent parent moves out of State to evade court-ordered child support. This bill would repair all the holes in the interstate system of child support, to make those absent parents take responsibility for their children. This is a new bill, and these are new mandates, so there is no question that this legislation would apply to it.

Child support enforcement exemplifies a certain type of Federal mandate on States: The mandate that smooths and improves relationships among States, to make an effective Federal system possible.

Some advocates for improving child support enforcement argue that States don't do a good enough job of collecting, because $6 billion or so of court-ordered child support goes uncollected. They advocate replacing the State-based system with a fully Federal system, a whole new bureaucracy.

I would rather make the State-based system work. If States are required to give full faith and credit to child support orders from another State, if they are required to use comparable support order forms, if they are required to withhold lottery winnings, for example, from deadbeat parents no matter where the children live, then the State-based system can work efficiently and cheaply. The mandate to California improves the program in New Jersey, and vice versa. The only alternative to this kind of mandate, which will be undercut by passage of this bill, is a new Federal bureaucracy.

I do not imagine that a new bureaucracy would ever be the option preferred by the manager of this bill.

Second, my colleagues have raised questions about whether it is practical to ask the Congressional Budget Office to estimate costs to States and localities. In the case of child support enforcement, we have already asked CBO to estimate the costs to States, and they have worked hard at the project. They have surveyed States, asking what they are already doing and asking them to estimate the cost of the new tasks that the legislation would require. Not only do we not yet know the exact cost, but I doubt that we know for sure, after more than a year of research, whether the total cost of the mandates, offset by savings, would even exceed $50 million, and thus fall under the purview of this bill.

CBO doesn't get these figures out of thin air, after all. We are unfortunately overly dependent on States' own estimates, sometimes their overestimates, of the costs, and we are also forced to depend on outside advocacy organizations or State bureaucrats, both of which may have their own ideas about policy. The point has been made several times: Let's not treat this CBO analysis with a reverence that even the CBO would have to admit is undeserved.

Third, S.1 will track and complicate all legislation for years beyond when the authorizing committee acts. I'm sure many of the bill's supporters look at this as a positive feature of the bill. But I join the many Senators who have raised questions about the possibility of shifting legislative authority to regulators and bureaucrats, if authorized funding—needed to offset the mandate costs—is not fully forthcoming from the appropriators.

The response to these concerns has generally followed one line. Under the terms of S.1, the authorizing committee will lay out "procedures under which such agency shall implement less costly programmatic and financial responsibilities * * * to the extent the an Appropriation Act does not provide for the estimated direct costs of such mandate." In other words, we expect the authorizing committee to lay out which mandates become inoperative if the appropriators fail to provide 100 percent of the amount.

Mr. President, I'm sorry, but this just doesn't pass the straight face test. Do we really expect the authorizing committees to provide a complete or even partially complete roadmap to account for all of the infinite possibilities open to future appropriators? The appropriators might provide 10 percent of the money, then go to 30 percent, then back to 20 percent—do we really expect that guidance provided by the authorizing committee will answer the issues raised? If this bill wasn't so important, we'd be laughing about this provision and its ludicrous implications.

If we take this idea seriously, every authorizing committee will have to come up with a complex decision tree for every law. If the appropriations are 30 percent, it would say, then implement regulation X, but only partially implement regulation Y. If appropriations are 40 percent, enforce X and Y but not Z. If we cannot map this out, we're leaving it up to bureaucrats to decide which laws to enforce. And this is a simple case. One appropriation directly funds three mandates. What happens in a more complex case, such as a block grant that States can use as they choose to fund mandates or their own priorities?

I hope my colleagues will consider the implications of this question before they begin their parallel drive to convert categorical Federal programs into block grants. Again, I will use child support as an example. Federal funds help States collect child support from the absent parents of children on AFDC. For some activities, the Federal Government pays 75 percent of the cost of the mandate; in other cases there is an enhanced match to provide an incentive by rewarding success. The formula is complex, but in no case does the Federal Government pay 100 percent which is appropriate because it is the responsibility of the State to enforce child support and minimize welfare costs.

I have seen reports that the latest Republican proposal on welfare reform will involve consolidating hundreds of individual programs into one, open-ended block grant. Presumably this would include the $2.2 billion IV-D program for States to collect child support. What happens if that program is folded in with many other welfare programs into a block grant of $20 or $30 billion, with no more matching rate or incentive payments? States could spend all the money to collect child support, or none of it? Is the mandate now to be considered totally unfunded, since there is no money specifically directed to it? Or is it now fully funded, since States could pay for it by shifting welfare funds away from other needs?

Mr. President, yesterday, we passed an amendment offered by Senator BYRD which tried to address these two issues by creating yet another legislative procedure. While I appreciate the intent of the amendment and endorse it, let no one think that this amendment solves these problems. Even if the authorizing committees act responsibly, even if the appropriators do everything they can, this new process still does not mitigate against real possibilities that have nightmarish implications.

What if there is an across-the-board sequester of funding? Does every agency stop implementing regulations?

The Byrd amendment was agreed to and improved the bill. But amendment after amendment was voted down, often on a party line. We tried to prevent regulations from targeting the private sector. This was rejected. We tried to prevent new roadblocks to legislation protecting children and the elderly. Rejected. We tried to make workable the point of order. Rejected.

Mr. President, I say today that I would have supported a bill to protect the States and local governments against unfunded mandates. I would have supported the legislation from last Congress, which was loudly endorsed on a bipartisan basis and by all the State and local government groups. But I cannot endorse S.1.

In the past, we have passed legislation to clean the air and water. We've passed legislation to protect the public health and safety. We've passed legislation to ensure the preservation of our oceans, our beaches, our public lands. We do not do this because we desire to pass costs on to the States. We do this because this is what the public demands.

Certainly, we have to consider the costs to the States and local governments when we pass important legislation. This bill goes much farther. I believe that this bill will, if passed, be used to undercut fundamental laws that exist or will be created to improve our world and safeguard the public. I cannot support such a step.

Mr. MOYNIHAN. Mr. President, our Nation's Governors, mayors, and county executives have long sought relief from the imposition of unfunded mandates by the Federal Government. For to long, we have thought too little about the consequences of Federal decisions on the budgets of States, cities, counties, and towns. With the passage of S.1, the Unfunded Mandate Reform Act, the Senate has undertaken an important and historic restructuring of the intergovernmental relationship between Washington and State and local governments.

Much of the debate on this bill has been about achieving an appropriate balance between the need to reduce the fiscal burdens on State and local governments and concern over impairment of the ability of Congress to legislate in areas where Federal responsibility is clear. Several amendments were debated on the floor in an attempt to achieve this balance. Among the amendments which I supported, but which was defeated, was one which would have excluded from S.1's procedures mandates intended to apply equally to governmental entities and the private sector. Passage of this amendment would have expressly precluded situations from arising where either health and safety standards would apply differently to State and local governments than to the private sector, or where the private sector could have been placed at a competitive disadvantage. Although a separate amendment was approved requiring authorizing committees to include a description of any action taken by the committee to avoid any adverse impact on the competitive balance between the public and private sectors, this situation will nonetheless bear close watching.

Despite the failure of this amendment and others I supported to be adopted, I have concluded that, on balance, S.1 is worthy of support. It recognizes—for the first time—that the Federal Government must consider the budgetary impact on States and localities of the laws we enact and the regulations we promulgate. This was an important acknowledgement and, I believe, a positive step.

I commend the managers of this legislation, and look forward House passage ad swift approval by the President.

Mr. KEMPTHORNE. Mr. President, I ask that we now go to third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. AKAKA] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 10, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—86

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter

Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—10

Boxer
Bradley
Bumpers
Byrd
Hollings
Lautenberg
Leahy
Levin
Lieberman
Sarbanes

NOT VOTING—4

Akaka
Gramm
Inouye
McCain

So the bill (S. 1), as amended, was passed, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(h) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of State, local, and tribal government; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of

Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

"(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

"(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

"(4) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this paragraph or a supplemental statement for the bill or joint resolution in that amended form.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the direct costs of such mandate, and—

"(I) identifies a specific dollar amount of the direct costs of the mandate for each year or other period up to 10 years during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year; and

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (III);

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

"(1) a statement that the agency has determined, based on a re-estimate of the direct costs of a mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of the mandate; or

"(2) legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the statement or legislative recommendations referred to in item (aa) by Congress not later than 30 days after the statement or recommendations are submitted to Congress; and

"(cc) provides that the mandate shall—

"(1) in the case of a statement referred to in item (aa)(1), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

"(2) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa)(2) unless Congress provides otherwise by law; or

"(3) in the case of a mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(III) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—(A) Paragraph (1)—

"(i) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

"(ii) shall apply to—

"(I) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by such Committee;

"(II) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

"(III) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

"(IV) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

"(B) Upon a point of order being made by any Senator against any provision listed in subparagraph (A)(ii), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

"(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

"(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

"(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct costs of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment, or motion of such Senator.

"(f) CLARIFICATION OF APPLICATION.—(1) This section applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

"(A) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

"(B) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates otherwise than as described in subparagraph (A).

"(2)(A) For purposes of this section, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under subparagraph (B)(i) over the amount described under subparagraph (B)(ii).

"(B) The amounts referred to under subparagraph (A) are—

"(i) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

"(ii) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

"(C) For purposes of this paragraph, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the auhorization level for the last year in which authorization of appropriations is already provided.

"(g) EXCLUSIONS.—This section shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress that—

"(1) enforces constitutional rights of individuals;

"(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

"(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

"(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

"(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

"(6) the President designates as emergency legislation and that the Congress so designates in statute.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon State, local, or tribal governments, except—

"(I) a condition of Federal assistance; or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

"(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

"(2) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(3) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

"(4) The terms 'Federal mandate direct costs' and 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

"(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall not include—

"(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

"(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

"(5) The term 'amount', with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

"(6) The term 'private sector' means all persons or entitles in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

"(7) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(8) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"(9) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(10) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.

"(11) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code, or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.

"(12) The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.

"(13) The term 'direct savings', when used with respect to the result of compliance with the Federal mandate—

"(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

"(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

"Sec. 408. Legislative mandate accountability and reform.".

SEC. 102. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments; or

"(B) a significant financial impact on the private sector.";

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 103. COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of section 101 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 107. CONSIDERATION FOR FEDERAL FUNDING.

Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

SEC. 108. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 109. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 104, whichever is earlier and shall apply to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector, including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL, AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) AGENCY STATEMENT; PRIVATE SECTOR MANDATES.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 60 days after the date of enactment.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(1) TREATMENT.—For purposes of subsection (a) (1) and (2), the Commission shall consider requirements for metric systems of measurement to be Federal mandates.

(2) DEFINITION.—In this subsection, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

(c) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(d) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(e) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. GLENN. Mr. President, I either misstated my vote or my vote was mismarked before on the Levin amendment No. 218. I was recorded as having voted "no" on that. I intended to vote "aye." Since it does not change the vote, I ask unanimous consent that my vote be changed to "aye" on that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

Mr. DOLE. Mr. President, first I want to commend the managers of this bill, particularly my colleague Senator KEMPTHORNE. This is his third year, and I think he has done an outstanding job working with the distinguished Senator from Ohio, Senator GLENN. He is someone who made this commitment and stuck with it.

Just for historical purposes, we have been on this bill a long, long time. The vote was 86 to 10. I think we could have finished it probably a week ago. We had 44 rollcall votes taken, 8 were unanimous. Of those 44 votes, 9 were taken on committee amendments that had been adopted unanimously in committee.

We started on this bill on Thursday, January 12, at 10:35 a.m. We had 10 full days debate on S. 1. We used about 58 hours 34 minutes: The Democrats, 36 hours 55 minutes; Republicans, 21 hours 39 minutes.

There were 211 amendments submitted to the desk. Of those 211, 68 were actually proposed—50 proposed by my Democratic friends, 18 proposed by Republicans; 30 were agreed to; 20 were tabled; 16 were withdrawn; 2 second-degree amendments fell; 3 have yet to be disposed of.

These are just sort of background facts on how long it has taken and how many amendments and how many hours.

I assume the next bill may take as much time. I hope not. If this was a warmup, we have a lot of work ahead of us.

I will also suggest that this is the first step in forging a new partnership. The 10th amendment to the United States Constitution reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

That is what this legislation is all about. The idea that power should be kept close to people, that is federalism. It is the idea on which our Nation was founded.

But I think we have made it very clear that we, in effect, have dusted off the 10th amendment in this effort. It has been a very successful effort. I know that we came close last year but did not quite get it. We wanted to do it in, I think, the last 2 days of the session. Maybe we could have done it in 2 days then, but it took 10 days now.

The distinguished Senator from Idaho, Senator KEMPTHORNE, Senator GLENN, Chairman ROTH, Chairman DOMENICI, and others, deserve immense credit for working together on a bipartisan basis with representatives from State, local, and tribal governments, Democrats, Republicans, and independents, private sector groups and key Members from the other body. In fact, a few moments ago, I saw the distinguished Governor of Ohio, Governor Voinovich, who has been one of the leaders in working with Governors, mayors, and everybody else across the country, calling Senators of both parties.

On the other side, my particular thanks to Congressman CLINGER and Congressman PORTMAN, because they crafted the bill that is before us today. It seems to me that all this hard work is going to be a departure from business as usual and also, we are making a big, big step in the right direction.

THE FIRST STEP IN FORGING A NEW PARTNERSHIP

The 10th amendment to the U.S. Constitution reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Federalism. The idea that power should be kept close to the people. It's the idea on which our Nation was founded. But there are some in Washington—perhaps fewer this year than last—who believe neither our States nor our people can be trusted with power. Federalism has given way to paternalism—with disastrous results.

In the 104th Congress, we plan to dust off the 10th amendment and restore it to its rightful place in the Constitution. Adoption of this legislation is the first step in that process, the first step in forging a new partnership between Congress and our partners at the State and local level. This partnership is bipartisan, as the vote demonstrated and as the support among officials at all levels of State and local government already demonstrates.

CHANGE FROM BUSINESS-AS-USUAL

The distinguished Senator from Idaho, Senator KEMPTHORNE, Senator GLENN, Chairman ROTH, Chairman DOMENICI, and others deserve immense credit for working together on a bipartisan basis with representatives from State, local, and tribal governments—Democrats, Republicans, and independents—private-sector groups and key Members in the other body—particularly Congressmen CLINGER and PORTMAN—to craft the bill that is before us today. All that hard work has produced a bill that will lead to a dramatic departure from business-as-usual in Washington.

Mr. President, for far too long, Congress has operated under the false assumption that legislation that did not affect the Federal budget had no cost. Nothing could be further from the truth.

According to private estimates, in 1994, the private sector and State and local governments spent between $600 and $800 billion complying with Federal regulations. In last year's budget, President Clinton projected that in 1994 the Federal Government would collect a total of $549.9 billion from Federal income taxes on individuals.

In other words, State and local governments, private businesses, and ultimately taxpayers and consumers paid more to comply with Federal regulations than the Federal Government collected from Federal income taxes on individuals.

This bill will change the way we do business in Washington. It will lead to a more informed debate on the Senate floor, a debate that will require us to consider the potential cost of a new mandate to State and local government and to the private sector, before the mandate is adopted.

For far too long, Congress has given State and local governments new responsibilities without supplying the money needed to fulfill these new obligations. Those unfunded mandates have forced State and local officials to cut services or increase taxes in order to keep their budgets in balance.

The costs are immense. California Governor, Pete Wilson, estimates that unfunded mandates cost his State $7.7 billion last year.

MORE INFORMED DECISIONS

This new process is a reality check for advocates of new mandates. It forces those who want to expand the reach of the Federal Government to consider the potential cost of their actions to State and local governments and to the private sector—before they take action. It is a reality check for advocates of new mandates.

Those who want to create new mandates or expand existing ones have a choice: Either get an estimate of the potential cost of a new mandate and pay the full cost of imposing that mandate on State and local governments up front or try to get a majority of the Senate to agree that the Federal Government should not finance the new mandate.

This legislation is really about good government and accountability. Here's the bottom line: The potential costs of new legislation should be considered before the legislation is adopted.

WHO BENEFITS MOST FROM MANDATE RELIEF?

There has been a lot of discussion about who this legislation helps. It certainly is a top priority for State and local government officials—Democrats and Republicans—who are sick and tired of dealing with a Congress that passes the buck. I have met personally with representatives from the so-called Big 7—Governors, mayors, State legislators, county officials, school boards, and so forth. They know that mandate relief will make it easier for State and local officials to balance their budgets each year.

But, the real beneficiaries of this legislation are the people who ultimately pay all the bills for unfunded mandates: individual Americans.

People—not government—pay all the taxes, both hidden and direct, generated by unfunded mandates. Federal mandates on businesses lead to higher prices for goods and services people on those businesses.

When faced with an unfunded Federal mandate, State and local government officials make a choice—they cut services or raise taxes in order to comply with the new Federal requirements and balance their budgets.

Stemming the flow of unfunded Federal mandates from Washington will help keep State and local taxes down and help prevent cuts in education, crimefighting and other State and local services.

Mr. President, this is a good Government initiative that is long overdue. I am confident that it will be approved with broad bipartisan support. I hope that those in the other body will be able to act on this legislation without major changes and that we can get this important legislation to the President as quickly as possible.

So I want to again congratulate my colleagues.

UNFUNDED MANDATE REFORM ACT

Mr. DASCHLE. Mr. President, I thank the majority leader for yielding.

I did not have the opportunity to listen to his entire statement, but his comments at the end reflect sentiments that I had intended to express.

This is the end of business as usual, at least as it affects our relationship with the States, local governments, and tribal governments. I commend the managers of the bill on both sides of the aisle for their hard work. They have done an outstanding job in the course of the last 2 weeks to bring us to this point.

Senator KEMPTHORNE and Senator GLENN have shown the demeanor and the comity between themselves, and certainly the patience in working with all of us, to make passage of this bill possible.

Let me also say that because we took the time, because we deliberated thoroughly for the last 2 weeks, because we have had the opportunity to offer amendments and considered them carefully, this is a much better bill than the version that was presented to this body just 2 weeks ago. It has been improved by the process. Those improvements resulted in broad bipartisan support for the legislation in the end.

To all of my colleagues, I say it is important that everyone understand the difference between the House and the Senate. Certainly, it is possible to pass legislation through the House more quickly, but I do not believe that all the legislation that goes through the House is exactly as we would like it in the Senate. The responsibility of the Senate is to deliberate more carefully and to deal more deliberately with the legislative issues at hand.

There are many very complicated and difficult questions we have had to face with this issue, as there will be with other bills that will come before us. The amendment process is our only means to effectively deal with with those questions in a meaningful way.

So it is with great admiration that I come to the floor this afternoon to congratulate the two managers of this legislation. But I must remind my colleagues that the minority feels very strongly that as these amendments and bills come before us, we will take our time, we will do what we must to ensure that all matters related to the legislation get thorough consideration. We will be as supportive as possible when we agree with our Republican colleagues on the merits. But certainly we must object when the process does not allow us or accord us the opportunities the minority deserves as these complicated bills come before us.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I was pleased to cosponsor S. 1, the Unfunded Mandates Reform Act of 1995, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments.

This is an important piece of legislation, and I am delighted it has passed.

I wish to commend our majority leader, Senator DOLE, and all the others who joined on this bill as cosponsors. I especially wish to commend Senator DIRK KEMPTHORNE, the Republican manager of the bill, and Senator JOHN GLENN, the Democrat manager.

Senator KEMPTHORNE is a new Senator, yet he managed this bill as if he were a veteran of 20 years. He artfully handled it with great skill and much grace. We are very proud of his efforts. I predict this bill is going to bring great results to this Government, and I look forward to those results in the years ahead.

Mr. President, over 1 year ago, in October 1993, thousands of mayors, county commissioners, and Governors met in front of their town halls, court houses, and State houses and gathered here in Washington to speak out against, what is popularly described as, the unfunded mandates issue.

Unfunded Federal mandates arise when the Federal Government, through legislative or executive action, directs State and local governments to establish a particular policy or program, without providing the financial resources to implement that policy or program.

Mr. President, this situation emanates from our unique system of government. By design of our Founding Fathers, governmental power in our Nation is divided between the National Government and State and local governments. The National Government, with delegated and implied powers, coupled with the supremacy clause of article 6 of the U.S. Constitution, has taken upon itself to direct the States in many areas of law and public policy. On the other hand, the 10th amendment to the Constitution specifically reserves to the States or to the people, powers not delegated to the United States by the Constitution. Thus, a natural tension arises between levels of government, particularly when it involves unfunded mandates.

Federal laws and regulations place a heavy burden on State and local governments, as well as businesses and consumers. Cities and counties are hit particularly hard by Federal environmental rules which require expensive capital expenditures and operational costs to comply with Federal standards.

Numerous surveys and studies have been conducted to determine the extent of the burden of unfunded mandates. These surveys consistently report findings that unfunded mandates consume significant portions of State and local budgets, totaling billions of dollars.

Mr. President, the message of State and local government officials is being heard in Washington, and their concerns are being addressed. Last year, in addition to an Executive order issued by President Clinton, unfunded mandates legislation was considered by Congress, although final action on the measure could not be completed in the closing days of the last Congress.

I am pleased that the Senate has acted on this reform legislation addressing unfunded Federal mandates. No one could have handled this bill with more talent and skill than Senator KEMPTHORNE has done, and I congratulate him on the leadership he has shown on this issue. Also, I commend the majority leader and relevant committees for quickly bringing this bill to the floor. This measure is widely supported, as indicated by the bipartisan majority of Senators who cosponsored the bill, and who ultimately voted for final passage.

Mr. President, S. 1 establishes a legislative framework based on three fundamental concepts—information, consultation, and accountability. First, this bill provides that Congress must consider information on the cost of mandates to State, local, and tribal governments, as well as to the private sector. This information will identify whether or not proposed legislation includes a mandate and, if so, the cost of the mandate.

Second, the bill requires consultation with State, local, and tribal officials when Federal agencies develop regulations that contain significant Federal mandates. This provision is consistent with President Clinton's Executive order which seeks to establish a closer partnership between the Federal Government and the States.

Third, the bill establishes a method of enforcement and accountability. It provides for a point of order against committee-reported bills and resolutions which contain a mandate but fail to provide information on the cost of the mandate. Another point of order lies against legislation which contain unfunded mandates exceeding the $50 million threshold. These provisions put an end to the practice of passing hidden costs to the States. Congress must now openly address these costs and make a deliberate decision to impose a mandate and pass on the costs of that mandate.

Mr. President, the issue of the proper role of the Federal Government is one which the Nation has faced from its beginning. Since our colonial days, Americans have been suspicious of centralized executive power. Recognizing a legitimate role for government, the Founding Fathers nevertheless sought to limit the power of the National Government. This bill is another step toward restoring the Federal-State partnership as it was designed and intended by the Founders of the Constitution. The word "Federal" evolves from the Latin word foederatus, meaning covenant or compact. The Constitution establishes that compact or contract between the governed and the government, and between the National and State governments. It gives specified powers to the central Government, and reserves all other powers and rights to the people and to the States. Today, however, the Federal Government continues to expand its influence in commercial regulation, environmental protection, welfare reform, and health care. Any one of these areas contains the potential for continued pressure on both the Federal treasury as well as State and local budgets.

Mr. President, while the issue of Federal mandates will not likely disappear in the foreseeable future, the Unfunded Mandate Reform Act of 1995 will help to diminish the threat to State, local, and tribal governments and will bring timely information, accountability, and consultation to the process. I was proud to support this legislation which prohibits the Federal Government from mandating State or local government action, unless Federal funds are provided.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair would like to thank the Senator from South Carolina for his comments.

The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Chair.

I would like to add my words of congratulations to the Senator from Idaho. As was mentioned by the Dean of the Senate, Senator KEMPTHORNE is a freshman. He has only been here for 2 years, and it is a very rare thing that someone who has been here only 2 years would be able to take a bill to the floor and to handle that bill really alone as the sponsor of the bill, with able help and participation from Senator GLENN, as well.

Senator KEMPTHORNE really deserves the credit, and I wish to congratulate the people of Idaho for electing a person who is a former mayor of Boise, who came here with a mission, to try to help a situation that he had experienced firsthand as mayor. I relate to that experience because I was State treasurer of my State of Texas. The others that were the first people on this bill were also State or local officials, such as Senator GREGG, who was the Governor of New Hampshire.

People like us, who came from local and State governments, really understand what was happening to the 10th amendment. The 10th amendment is one of the most important amendments to our Constitution. A lot of people forget it was the States that created the Federal Government; it was not the Federal Government that created the States. And the 10th amendment says exactly that, that all the powers not specifically reserved to the Federal Government shall go to the States and the people.

We must return to the 10th amendment, and we took a historic step today on this side of our Congress to do just that, to restore the rights of the States and the local governments to make the decisions closest to the people. That is what our Founding Fathers intended, and that is what I hope every step we take throughout this session will continue to approach.

I want the government closest to the people to make the decisions that relate to the people to whom they are closest. This was a major first step, and I am so proud to see that the House is now debating this very same bill. I look forward to the President having the relief to the States and cities on his desk by the end of next week. That will be a major step.

In fact, this really has been a historic week in Congress. On the other side of the Capitol, the House yesterday passed a balanced budget amendment, a great step forward for our children and grandchildren to know that we are going to act responsibly to start trying to get toward that balanced budget so that we will not pass our debts on to the next generations. And on this side of the Capitol, we passed the first step to giving the States and local governments closest to the people the rights they should have.

So I just want to commend Senator KEMPTHORNE. I commend all who worked so hard on this bill. For the last 10 days, it has really rested on him, and I think it is a great step forward. We are beginning to do for the people what we hoped we could do, what they asked us to do on November 8, and that is to start making the Federal Government less intrusive on our lives.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Ohio.

Mr. GLENN. Mr. President, I want to respond to the very kind remarks made by several people about myself and Senator KEMPTHORNE with relation to this bill. I do believe this is very, very important legislation. I referred to it several times during debate as landmark legislation, and I think it is that important. A lot of times some of these things about processes and procedures and what you have to consider before you do something else, the organization of Government, the intergovernmental relationships between the Federal, State and local governments and how that fits in with the Constitution and so on, are arcane. They are looked at as something boring and not too interesting. But we have referred to them, on the Governmental Affairs Committee, occasionally, as doing sort of the grunt work of Government, if you will.

They are not as spectacular, not as interesting, maybe, as looking at B-2 bombers, M1A2 tanks, radars, and all the other things that go on. But improvements in these areas have, for the future—5, 10, 15, 20 years down the road—the potential of making our Government work better, work more efficiently, and that is what this is all about. That is why I do believe this is landmark legislation.

What it has done basically is reversed a trend that was started some 60 years ago. I mentioned on the floor several times during this debate over the last 2 weeks, that I go back in my own lifetime to the days of the Great Depression. I remember that very well. Why is that important in considering unfunded mandates? Because prior to that time there were not some of the demands made on States that came to be common in the days during and after the Great Depression. Prior to that time in this country families took care of families, communities took care of communities. It was rare people could not take care of each other within the local community. Once in a while maybe some young person had to be sent to the county orphanage or some old person had to be sent to the county home. That was looked at as a failure of the community at that time.

That was sufficient. That Norman Rockwell view of America was sufficient in the early days of this country. It worked and I wish America still worked that way. But what happened in the days of the Great Depression was there was hunger, there were soup kitchens in the United States of America. If the movies portray it properly, the Okies were heading west with a mattress on top of the car. The United States at that time had enough doubt about itself that it was questionable what would become of this country—it was that serious.

There was hunger in America, if you can imagine that, on a big scale. Unemployment was over 20 percent for 4 straight years; 1 year, unemployment was right at 25 percent. America had lost its ability to cope and to take care of each other in that Norman Rockwell world that had been so great for this country and a hallmark of this country—people taking care of each other.

But that broke down. I remember my dad running an extra 2 acres of land, planting a big garden, and giving food away to the people in the town. We helped. I will not go into all the details of that. But then came along, out of that kind of disaster, the election of Franklin Delano Roosevelt and the New Deal. Whether people today think that was a good idea or not, I can tell you about those days when the mortgage on the home I was living in was saved by the FHA, and where people were put back to work, where I remember my dad, who had a little plumbing shop, going to work on a WPA project in New Concord replacing the water system that was made out of wooden pipes—wooden pipes—with a new and more modern water system—things like that went on all over the country.

A program was started for rural electrification and the lines went out across the country. The farmers, then, had new energy sources to help them do their work. I will not go into all the things that were part and parcel of that whole New Deal. I think too many people these days speak of the New Deal in scathing tones. But the New Deal addressed the problems of America at a time when America had lost its own capability to take care of itself, person to person, community to community and so on. It was that serious.

Did some of those programs over the last 60 years go too far? Why, of course they did, and I would be the first to admit that. We say now that all of the concern for people and for training and job training that has resulted in, I believe it is 128 different Government job training programs, many that overlap—is wasteful. Is this wasteful? Of course it is. Should we correct that? Of course we should. But some of the things that have happened over the last 60 years began in tragedy for this Nation, and the programs that were put in back at that time were lifesaving programs for this Nation.

We have come to the point over the last dozen years or so where Federal demands on the States, pursuant to programs quite laudatory as far as their purposes go—but too many of the programs have been just mandates given to the States. "Let the States pay for them." Maybe we pay 10 percent from the Federal level, but then put big demands on the States.

Where that could be done, perhaps satisfactorily back maybe 15 or 20 years ago, it will no longer work because those Federal demands have become so great, with environmental concerns such as the Clean Air Act and Clean Water Act, building codes, police and law and order, and all the other things that we know about, where demands have been placed from the Federal level on the local communities or on the State government but the adequate money has not flowed along with that to help them implement those programs. Along with that, in the mid-1980's there was what was called the new federalism that cut out a lot of the normal Federal support. Community Development Block Grants and some of the other programs were cut out that the States had been depending on to help them cope with some of these Federal demands.

So we have seen an enormous, exponential increase in the last 10 years or so in demands on the States and local government that has become intolerable. Starting back about 3 or 4 years ago we saw complaints coming from the States, complaints coming from counties, from local governments and increasing in volume and increasing in concerns expressed about where this country was going if we continued this. Were we violating the Constitution? Were we violating propriety? Just "what is right" might be even a better question than one about the Constitution, because we cannot just heap requirements on the States and expect them to be able to cope with that.

That is the reason I think this legislation is so important. To those who just decry everything about New Deal and everything about the Democratic support for some of those programs and so on, I point out those programs were born of necessity in a time of crisis for this country. Now, after a period of some 60 years, though, we are saying that what finally happened with these programs, where the funding was put back on the States too much, that this has to be reversed. So that is the reason I see this as landmark legislation.

I think we have reached a height. We are leveling this off. We are saying there absolutely has to be considered up front the costs of programs and there has to be a vote on those programs, if it is demanded, right here. So we have to assume our responsibility, where too often in the past we have just taken these programs and said: I am sure the States can take care of that. Let us vote that in. There has not been too much squealing recently, they must be able to do it. So we just go and vote that out.

That will no longer be the case. When this legislation is finally through the House or whatever compromise version comes out of the House, we will have moved to a different level, a different relationship between the States and the Federal Government and the local governments.

I have been getting an increasing amount of mail about this subject. I would say to the Governors out there across this country, I have been getting an increasing amount of mail from local officials, from city and county officials, saying, "They do to us what you do to them." In other words, the State does to my county, the State does to my town, what they are complaining the Federal Government does to the States. So I think the Governors have to take it upon themselves to make certain that this "no money, no mandate" that is sweeping the country includes the relationship among the States and local governments.

There have been some editorials in our home State of Ohio to that effect, where they pointed out some things where the State has given the local government problems in just such an issue as we are trying to address in the relationship between the Federal and State Governments.

So I think there is another area where the Governors and the States have to make certain that they are also taking adequate action. There are still needs of the people out there across this country. There are still needs of the poor. There are still needs to have to be met with regard to Medicaid, medical care, and health care, some of which are provided for by Federal funds that are allowed to become less available to the States. But the needs of the people have not changed. Can the States adapt to this new situation, particularly if we pass a balanced budget amendment? Can the States adapt to this and assume those services now that they could not or would not do back in the days of the Great Depression, and assume it now some 60 years later as we reverse this relationship between the Federal, State, and local governments?

I think that has yet to be seen, and I think as a result of the legislation that we are here passing and will be passed over in the House one of these days, I hope, I think we have to very carefully watch this to make sure that some States are not less careful to take care of the needs of the people so that we do not see them once again going through a trough, as a Federal necessity to move in, and come about because of the States unwillingness to act.

So with those caveats on this I am very, very glad to see this legislation passed today. We worked on it a long time.

COMMENDATION OF SENATOR KEMPTHORNE

Mr. President, I want to mention briefly some of the people involved. Certainly Senator KEMPTHORNE, who has been a real driving force behind this starting about 2 years ago, introduced the legislation along with about half-dozen other proposals that were put forth that were referred to the Governmental Affairs Committee, must be commended. I had been working on some legislation along this line myself. And so we combined forces on this. He has been an absolutely superb person to put this legislation forward. He has been a real spark plug on it, has kept after it when we were trying to have hearings in the Governmental Affairs Committee, and wanted to have hearings. If the hearings were not scheduled for a week or so, I would get a couple of phone calls from Senator KEMPTHORNE very nicely, politely asking, "John, couldn't we work this in? Don't you think maybe we could somehow work this in over there?" And work it in we finally did, and we got the legislation out last August.

I will not go through the litany which I have gone through a couple of times already today about what happened once we got it out of committee in August, and what happened during the fall when we could not get adequate time on the floor to have it considered. Then the election came about. There was a new attitude over in the House, and we thought perhaps S. 993, which was the first bill that was an adequate bill by all estimates, might not be the legislation that the House had wanted to agree to now with the changed political situation. So this new legislation, S. 1, was put forward and was given the preeminence that it deserved by being named S. 1, the No. 1 bill to be considered.

Senator KEMPTHORNE, through all of this, has been a superb person to work with, friendly, congenial. We have not had any harsh words. We have worked things out between us.

I want to congratulate him for his persistence in this regard. It has been great to see him work, and as we mentioned here not too long ago on the floor—an hour or so ago—to have someone come here with a very complex piece of legislation and handle it the way he did is a real testimony to his capability.

COMMENDATION OF STAFF

Mr. President, on Senator KEMPTHORNE's staff, of course, Buster Fawcett, who is here and has worked on this, as the prime person working on it; Brian Waldmann, also, Senator KEMPTHORNE's administrative assistant, and Gary Smith, all have worked on this, have done a superb job, and have done a lot of work. They have had a lot of sleepless nights.

On my own staff, Leonard Weiss is our staff director on the Governmental Affairs Committee, who is here, along with Sebastian O'Kelly and Larry Novey, who is back in the back here. All of them worked and worked and worked on this, and did a superb job in all the negotiating back and forth. I want to give them full credit for that.

COMMENDATION OF SENATOR LEVIN AND HIS STAFF

Mr. President, let me say a word also about Senator LEVIN from Michigan. I have never known a Senator since I have been here who is more persistent, who, once he gets his teeth into something that he believes in, becomes a real pit bull for that purpose, and who by his background and training, having been president of the Detroit Council at one time, has a feel for local issues as well as the Federal issues that we deal with here, but he brings that kind of a background to this consideration of such legislation as this. Where other people may say that phrase is OK, he wants to dig into every phrase to see what its impact is going to be, to see what can be misconstrued under this and whether it can be corrected by a change of wording.

In other words, his emphasis through all of this is one of principle, of how we make legislation work better. How is it going to apply to the States? How will it apply to the city of Detroit? How will it apply to the counties? On and on, he tries to set up scenarios to illustrate the weaknesses in legislation. That is what motivated him through all of this in committee.

He was so unhappy when we were not able to get any amendments considered in committee. They were automatically voted down, and we had to bring them to the floor. But he persisted, and he brought those concerns to the floor and dealt with many of them right here on the floor.

I want to pay credit to him, and particularly to his staff, Linda Gustitus, who is the staff on the Oversight and Government Management Subcommittee of Governmental Affairs. She has done a superb job on this. I want to give credit to them.

COMMENDATION OF SENATOR DASCHLE'S STAFF

Mr. President, on the minority leader's staff, Senator DASCHLE's staff, Mike Cole and Eric Washburn, all worked very hard on this. I know that we stand up and take credit and we get all the laudatory comments about doing some good with a bill like this. But it is the staff who worked the long nights sometimes with us, sometimes in our absence, while the Senators were home in bed quite frankly, and did such great work on this.

I do think they can take great pride in seeing their work on landmark legislation. I think that will be the case as the years go on, and as they continue to work with us to make sure that this is fine tuned, and that this legislation is working as intended.

So I want to give credit to all of those people and the other Senators involved here, and we are proud to have worked on this ourselves. We are glad we got the bill through.

We have the job now of hoping to get it through over in the House, or a compromise version thereof. We look forward to being able to attend the signing ceremony, I hope in the not-too-distant future at the White House when this finally becomes law.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Thank you, Mr. President.

I want to associate myself with the words of my colleague from Ohio on this legislation, that we understand that this is landmark legislation. We may have seen the turning of the corner of a new attitude, maybe a new cooperation between the States and the Federal Government.

Senator GLENN was commenting on times gone by back in the Great Depression, of course, in that great era of drought and what drove the "Okies" to California. I would have to say I do not know what it is doing now but the Californians are coming to Montana now. I do not know what is driving them. But also as a fellow marine, we did not even know it at the time, but that goes back further than either one of us want to visit about, I congratulate him on his tenacity, and Senator KEMPTHORNE from Idaho, because unfunded mandates just did not start 1 year ago or 2 years ago. It has been going on here quite awhile as the debate got going, and finally we see today it has come to fruition in the passage of this bill.

WESTERN FOREST HEALTH INITIATIVE

Mr. BURNS. Mr. President, I want to bring up a situation that caught my eye.

Day before yesterday I received a copy of an Associated Press article that exposed a previously unreleased Forest Service document, now being referred to as "Phase I of The Western Forest Health Initiative."

This report was internally submitted September 30, 1994, about the time the agency said it would release its final report to the public. The final report, however, was not released until December, and it was watered down considerably. It is called phase 2.

The difference between the two documents is remarkable and it appears to demonstrate the difference between how Forest Service scientists—in other words, the professional land managers, especially in the Forest Service—view forest health and how this administration sees it.

The phase I report in every way was more aggressive and emphasizes a much greater sense of urgency than the report that was finally released to the public. Phase I contains about 70 different recommendations on overcoming impediments and barriers to achieving good forest health goals and lists scores of specific actions needed to address those concerns. It identified work to be done on almost 5 million acres of U.S. Forest Service lands. The new document, phase II, is more of a discussion document than a policy document. It recommended projects covering only half a million acres of land—projects that were already planned for and would have been done regardless of this initiative. So phase II proposes to remove barriers without clearly stating what they are and it disregards some very significant problems that the forests have completely.

So, Mr. President, I think this action is flagrant. It undermines the honest and serious attempts of the land managers to deal with forest health problems by the Forest Service. It is of extreme concern to the people of my State and others in the West, who fought the 67,000 wildfires last summer—that burned 4 million acres, and it cost 26 lives. If we trail those back as to what caused the fires and how we could have controlled them, it goes back almost entirely to dealing with forest health issues.

I ask unanimous consent that a summary of the original Western Forest Health Initiative, dated September 30, 1994, along with an Associated Press article, dated January 25, 1995, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

Healthy resilient forests are important for sustaining ecosystems, including the needs and values of humans.

Currently, many of our national forested ecosystems are under stress and are unhealthy, meaning they cannot sustain their inherent complexity while providing for human needs. The problem with forest health is not confined to any single region of the country. Some eastern and southern forested ecosystems are challenged with considerable and complex forest health problems. However, the nation's attention is focused on western forested ecosystems, where the scale and magnitude of the problems are greatest, and where the loss of life, property, and resources from catastrophic wildfires have heightened the public's awareness.

To address the western forest health problem, the Chief of the Forest Service chartered an interdisciplinary team of 14 members from all organizational levels to identify Forest Service priority activities that can move towards restoring western forested ecosystem health across National Forest System and contiguous other land ownerships. The Team was asked to identify and recommend solutions to barriers and impediments that block or impede the accomplishment of restoration activities. The focus was on assessing the problems in our western forests, and then charting an ecosystem approach, emphasizing projects that restore, protect, or enhance ecosystem health. The Team's task did not include addressing burned area recovery and restoration. Rather it looked at actions that would work towards restoring forested systems, to reduce the risks of future catastrophic losses.

As part of this process, the Team did extensive outreach and shareholder sensing, personally contacting over 40 members of Congress, 30 non-governmental organizations, other federal agencies, tribes, the Western Council of State Foresters, Washington, Regional, and Northeast Area staffs, Forest Service Research Stations, and 92 western Forest Supervisors.

The data gathered in this intensive effort was compiled into two automated electronic data bases: one for projects and program level data from the National Forests and State Foresters; the other containing over 1,100 comments on barriers, impediments and proposed changes in management direction, policy, or law. Content analysis and synthesis was conducted by the Team. It resulted in an identification of the magnitude of planned and needed work. Over 70 recommendations were developed for changes that are needed to overcome impediments.

Key findings estimate that over the next two years, there are approximately 5 million acres of treatment opportunities that restore forested ecosystem health. In addition, there is a significant amount of ecosystem analysis needed in support of future forest health projects.

Not all forests are unhealthy, nor can we treat or restore all forests that are unhealthy. To facilitate management decisions and move towards implementation, the team developed a framework for prioritizing projects and budget needs that contains biological, physical and human components. In using it, managers will both be able to identify high priorities for management, as well as get a sense for the level of public acceptance and likelihood for successful implementation.

Recommendations for changes that are needed centered into the following key areas: changes to improve the effectiveness and efficiency of the National Environmental Protection Act; appeals, and consultation processes; increased budget and funding flexibility, with a focus on increasing carryover and multi-funding approaches to support multiple resource projects; comprehensive review of legislation, regulations, and policies to remove inconsistencies and conflicting direction, new ways to get the job done on the ground, such as land management services contracts and competitive inter-agency grants; a greater commitment to truly working in partnerships with other federal agencies, States, tribes, and neighboring landowners in addressing forest health problems that cross our boundaries; and better frameworks, protocols and education and training for tying integrated inventories, assessments and planning into more holistic and integrated systems.

Forest health problems are national in scope. Lasting solutions that can only be achieved by shared conservation leadership toward common goals and land conditions. This will require cooperative efforts and shared vision by the Executive, Legislative and Judicial branches of the federal government, as well as by our varied and many cooperators from the private and public sectors. There are no easy or short-term cures for forest health problems that have developed over a span of the past century.

[From the Associated Press, Jan. 25, 1995]

DOCUMENT SHOWS CLINTON FOREST-HEALTH PLAN ADDRESSES ONLY PART OF PROBLEM

(By Scott Sonner)

WASHINGTON.—Agriculture Undersecretary Jim Lyons says the administration's Western forest health plan tackles only a portion of the acres needing treatment and will be fortified with additional projects in coming years.

"This was not a one-shot deal," Lyons said in a telephone interview Tuesday night.

"There is a lot of work to be done on the forests, a lot of opportunities to improve on their health," he said.

Lyons responded to criticism from the timber industry after a Forest Service document disclosed Tuesday indicated the Clinton administration's plan to reduce wildfire threats addresses only about one-fifth of the 5 million acres a Forest Service team identified as needing treatment.

The Forest Service's Western Forest Health Initiative Team advocated a broader, speedier effort to remove dead timber and otherwise reduce the amount of fuel in national forests, according to a copy of the team's report obtained by The Associated Press.

"Based on field responses, work was identified for completion over the two years covering approximately 5 million acres on national forests in the West," the team wrote in its Sept. 30 report to Forest Service Chief Jack Ward Thomas.

"In addition there is a significant amount of ecosystem analysis needed in support of future forest health projects . . . . Time is critical," the team said.

Critics in the timber industry said the team's report indicates the administration watered down the scientists' recommendations before launching the new strategy last month.

"The difference between them is what the Forest Service wanted and what the administration wanted," said Doug Crandall, vice president for public forestry at the American Forest & Paper Association.

The team's report "in every sense was more aggressive, substantial, specific and urgent than the final report," he said.

The Agriculture Department's plan calls for 330 health-restoration projects on approximately 1 million acres of national forests over the next two years.

The projects include plans to obliterate some old logging roads and restore fish habitat as well as remove dead, burned wood and thin bug-infested forests where fuel loads pose a threat.

The salvage logging and thinning is controversial because environmentalists and some forest scientists say the cutting does more harm than good to a forest ecosystem.

Conservationists also point to past cases where the Forest Service used salvage logging as a guise to cut large, live trees without jumping through the hoops of as many environmental regulations.

"The team gave us a wide range of projects," Lyons said Tuesday.

"They instructed us in the first phase to do those the team thought would have a high likelihood of being implemented and that were less controversial and would demonstrate we can get some of these projects done on the ground," he said.

"There's nothing to hide. There was no scrubbing. It was important to gain the confidence of both the industry and the environmental community that our forest health initiative was intended to improve the health of forest ecosystems and not simply to generate timber," Lyons said.

Some lawmakers have proposed exempting some salvage logging operations from the normal environmental requirements in an effort to expedite the cutting before the dead wood loses its market value.

Senator Larry Craig, R-Idaho, chairman of the Senate Agriculture subcommittee on forestry, is preparing a forest health bill that may adopt some of the team's recommendations, his spokesman David Fish said Tuesday.

The 5 million acres identified by the Forest Service team includes 1.3 million acres in need of fuel reduction and 1 million acres in need of "vegetation treatments," including "commercial harvest, salvage . . . commercial thinning, commercial thinning . . . firewood."

The team also identified 1 million acres for soil and watershed work, 400,000 acres of "combination treatments," which could include some prescribed burning, and another 1.1 million acres of other projects ranging from educational projects to seeding and fertilization.

In addition, the team addressed two other controversial areas that did not show up in the final initiative—reform of U.S. environmental laws and below-cost timber sales.

In addition to coming up with ways to reform the National Environmental Policy Act, the team recommended the Forest Service return the agency's administrative appeals process to exempt some salvage logging from the appeals that environmentalists have used to block such harvests.

The team warned that efforts to do away with so-called "below-cost timber sales"—logging operations that cost more to offer than the revenue they return—could harm forest health programs.

Ann Bartuska, the Forest Service's director of forest pest management who led the forest health team, said the USDA plan "was not intended to be a comprehensive look at forest health; it was a snapshot.

"It was a subset of the total package," she said. "We thought it was important to get started on some of these."

Bartuska said the 5 million-acre estimate was based on 1,900 project sites that regional and forest supervisors "rapidly identified on the first go-round." The 330 projects in the USDA plan represent the supervisors' top priorities and will cover an estimated 1 million acres, she said.

Mr. BURNS. Mr. President, for the benefit of any interested Senators, I have a copy of the entire Phase I initiative in my office. I would be happy to let them read it.

I also thank the Senators and the managers of the unfunded mandates bill. It is a terrific day. I think it is a victory for not only the States but the people of America.

I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY] is recognized.

BIPARTISAN COMMISSION ON ENTITLEMENTS AND TAX REFORM

Mr. KERREY. Mr. President, I rise to talk at length about the Bipartisan Commission on Entitlements and Tax Reform, a subject that I believe eventually this body will be compelled to address. When it does, it will be, of necessity, a bipartisan effort. We will not get it done if Democrats take advantage of Republicans, or vice versa. With that in mind, I note with considerable pleasure, before talking at length, that at a critical point during the debate on the unfunded mandate bill, an effort was made to place an amendment on the constitutional amendment to balance budget that would have required us to, in the Constitution, separate Social Security from the rest of the budget. That may make good policy sense at one level, but I was happy to join many Republicans in opposing that effort, as I was happy to join in an effort to oppose but not defeat the sense-of-the-Senate resolution that followed.

It will take that kind of bipartisan effort if we are going to be able to address this issue. I note, for the record, that when the Republican leader earlier commented that perhaps this 10 days was a waste of time in debating this bill, I note for Americans that we are debating the health and safety and security of their lives. This is not a small issue. There is no economic imperative driving this legislation. The Government is not about to go broke if we do not pass this bill. I was proud to vote for this bill. I think it is a good piece of legislation. But the imperative to get it done right away is a political imperative, not economic.

I note as well, with great interest and concern, that out of 44 amendments with rollcall votes on this particular piece of legislation, there was only one time when a single Republican crossed the line and voted for a Democratic amendment. That was on Senator BOXER's amendment to exempt child pornography. Even in that case, only the Senator from Pennsylvania, Senator SPECTER, could cross the line and vote for a Democratic amendment.

I must say, Mr. President, if we continue in that kind of forum with the Republicans, joined by some people's measurement of admirable unity, while Democrats on almost every single amendment had to be persuaded to vote for the Democratic sponsor of an amendment, we are not likely to continue making successful efforts in this body. The reason the unfunded mandate bill passed was that there was bipartisan support for the underlying effort. It was a good effort.

I hope that the actions, at least as I witnessed them, of unprecedented unity, as I might point out, unprecedented willingness to basically say whatever you say, I will vote for it, do not continue as we take up other matters.

Mr. President, the American people have heard a lot of speeches this week about the future. I am here to add my voice to this clatter. I want to talk about the year 2013. It is a long way off. It is in a completely different decade, a separate century, and new millennium. I suspect most of us would rather think about matters that are more current. But unless we take action to the contrary, Mr. President, something very important will happen that year.

Somewhere in America, a senior citizen will find in his or her mailbox the first check the Treasury of the United States ever financed out of the Social Security trust fund, a pot of money that we will, until that day, have saved for a rainy day. By the year 2029, 16 years later, the drizzle of that first rainy day will have deteriorated into a downpour—that is, if adjustments are not continued to be made in that due date. It was just 7 years ago that that year 2029 was forecasted to be another 35 years later. In 17 years after the first check was cut with funds from the Social Security trust fund, another retiree will find in his or her mailbox the last check financed from the Social Security trust fund.

Then the Social Security system and its much flaunted trust fund will be bankrupt. Today a document will be delivered to the President of the United States and the leadership of Congress that describes that future—a future in which the Federal budget consumes nearly 40 percent of the economy, and every dollar we collect in taxes will go directly to fund entitlements and interest on the national debt. And our Government will be paralyzed and unable to do little but operate as an oversized ATM machine whose only function is to collect money and hand it back out.

One of the arguments that was made, Mr. President, during the debate about attaching a requirement that Social Security be funded as a separate budget was that if a private sector trust fund was operated in this fashion, the individual operating in the private sector would go to jail. Well, Mr. President, any private sector insurance company that operates the way we are operating two of the largest social insurance programs in the world—Social Security and Medicare—any private sector company that operated insurance companies in the fashion that we operate, essentially ignore what the trustees are saying, which is what we are doing.

In February of 1994, the trustees of the Social Security and Medicare fund delivered to the Congress and the President a report that said we should take action sooner and not later, because we have promises on the table that we simply cannot expect to be able to reasonably fund. That is the way insurance companies operate, Mr. President. That is the way they operate.

Well, if a private sector company operated in that fashion, we would also likely close them, shut them down.

That is the bad news. The good news is that in the same document, the final report, the Bipartisan Commission on Entitlement and Tax Reform describes a brighter and bolder future for our country, a future in which our economy is stronger, our senior citizens more secure, and our treasury more solvent. The difference, Mr. President, is up to us. I am here today because I find the challenge of building a stronger future an invigorating one, and because I see the road ahead as one paved not with problems but with opportunities—opportunities to modernize our retirement programs to meet the needs of a changed and changing population, and to address some fundamental defects in our economy.

Before getting to these changes, let me describe what necessitates them. The American population is aging in a way that requires us to rethink the structure of our entitlement programs, the two largest of which, retirement and health care, were designed as systems in which each generation of workers would pay taxes to support the generations of retirees that preceded it. In return, each generation expects its successor in the work force to support their benefits.

The system succeeds, provided that each generation has enough children to grow up and pay the taxes that support its benefits. Mine, Mr. President, did not. Today, there are nearly five workers paying taxes to support each retiree; when my generation retires, there will be fewer than three. And, as life expectancies continue to expand, Americans will collect more in lifetime benefits.

This is an unprecedented event, Mr. President. Those who caution that I am overstating the case, who say, "Well, we have always waited until we reached a crisis and then we fixed the problem," are urging us to ignore the unprecedented nature of the baby boom population moving into retirement and the unprecedented nature, as well, of the changes that are going on in the underlying economy of the United States of America.

Quite plainly, Mr. President, the arithmetic, which not only our Commission has examined but the trustees of the Social Security and Medicare trust funds have said themselves, the arithmetic does not compute. We will be able to support the aging population without immediate consequences for three decades because we have built a massive surplus in the Social Security trust fund.

Because in 1983, for the first time, we ended a pay-as-you-go system, imposing larger taxes than were necessary to pay-as-you-go on people that are in the work force.

Now, one of the prevailing myths that always goes on—and we heard it again in the debate about whether or not to keep Social Security separate—is that Social Security is generating a surplus. I hear it all the time from people saying, "Just keep your hands off of my Social Security."

Mr. President, that money comes from people who are in the work force. And we, in 1983, imposed and, as a consequence of using that money, agreed to ask Americans in the work force, particularly those who are paid by the hour, to shoulder a disproportionate share of deficit reduction.

Our retirement entitlements, Mr. President, are in much better shape than our health care system.

I have already described a crucial historical moment in the year 2013 and another in the year 2029. Again, it is not only likely but almost assured that those times will be closer than 2013 and 2029. Let me describe a few that will occur before that.

The first is in the year 2001. Mr. President, you can reach out and touch that. That is not a long ways away, 2001. That is when the Medicare hospital insurance trust fund, the part A trust fund, soaked up by an aging population and escalating health care costs, goes bankrupt.

The second is in the year 2008, when the baby boomer generation begins to retire. In a single decade, beginning at that moment, in my State, the overall population will go up by less than 2 percent, while the retired population goes up by over 28 percent. That states the problem right there. That refutes the common argument that is made, "Well, we faced this thing in the past. We will face it in the future. We will just do as we have done previously."

We cannot do as we have done previously, Mr. President, because we are facing something the likes of which we have not seen before.

In 2012, spending on entitlements and interest on the national debt will consume every dollar we collect in taxes, leaving literally nothing for defense, infrastructure, law enforcement, or any other function of Government.

If those dates seem too distant to merit attention, consider a figure that is right here and now. In Nebraska, as is true with most of the Nation, the population for those who are retired over the age of 65 and the population for those who are in our primary and secondary schools, the K through 12 environment, is almost identical. There are 275,000 retirees in Nebraska, Mr. President, and another 275,000 children in kindergarten through the 12th grade. We spend $1.3 billion of revenue, of tax revenue—property and State sales and income taxes—about 8 percent of that comes from the Federal Government —on those kids. We spend $4.5 billion on retirees.

Mr. President, much more ominous than that, we are going to spend $50 million more incrementally on the kids and we are going to spend $400 million more on retirees.

I pause to say, I do not intend, nor do I urge on others, to engage in any intergenerational warfare. It is not necessary for us to exaggerate this problem, but it is unquestionably a problem. It is a problem that gets worse as you examine the demographics. We do not need to look for a demon, for an enemy, for something that is causing this. It is demographic. It is, in many ways, our own success.

The technology of health care gets more and more expensive, but the disparity in investment is stark. In my opinion, Mr. President, we will have dire implications for our future.

Fixing these problems and building a better future is a challenge because it requires those of us whose occupation teaches us to think in 2-, 4- and 6-year cycles to think, instead, in decades and generations. Many of the benefits of entitlement reform will take hold in our economy years after most of us leave this institution—if not this planet—as will the consequences if we fail to act.

If our political cycle teaches us to think in terms of 6 years at the most, the myopia of our budget cycle is worse. As families across America evaluate their finances over decades, planning for education, for retirement, for health care, their Government looks only 5 years into the future and then turns its eyes away after that. The most important recommendation of the Commission on Entitlement and Tax Reform may be the need to expand our budget cycle to include the consequences of our action 25 and 30 years out.

We just passed a piece of legislation that requires us to think about the costs that we impose upon States, Mr. President. It would be incumbent upon us, as well, to think about the costs that we impose upon future generations, not only with our current action but with our current neglect.

We hear time and again that entitlement reform must be done, but we always struggle to get the job done. And one of the reasons that that occurs, in my short and happy experience with dealing with this issue, is entitlements are typically not only misunderstood, but are highly charged politically. People are vested in this program and they get very upset and concerned and in an angry mood or hardly in the mood to listen to reason. In addition, politicians very often turn a cloudy situation downright muddy by intentionally describing entitlement programs inaccurately.

We hear on Social Security time and time again this quote: "Social Security isn't a problem. It's self-funded." Well, yes, it is self-funded, but it is not self-funded by Saudi Arabia, it is not self-funded by current beneficiaries. It is self-funded with a 12 percent tax on every American worker. Tomorrow is a different story, Mr. President. Tomorrow 12 percent will not get the job done.

Now what the Entitlement Commission is saying is that by the year 2013, the entitlements and interest will consume every single dollar of available tax revenue and will nearly double, by the year 2029, payroll taxes if action is not taken soon to change these trends.

Further, Mr. President, we distort our health care entitlements. I do not exaggerate, nor do I consider it particularly funny, that I could have scored points in my recent reelection effort if I had asked my campaign consultant who did my television ads:

> I would like you to produce a 30-second ad in which I will go face on the camera and say, "If reelected, I promise to keep the Government out of your Medicare. I promise there will be no big Government takeover of your Medicare program."

Time and time again, I have heard Members come to this floor and say, "I'm against national health insurance. I oppose the Clinton plan, because the Clinton plan represents national health insurance."

Then come back to the floor within an hour sometimes opposing any change in the Medicare Program, causing people to believe it is something other than what it is. Medicare is national health insurance but only those who are 65 years of age and older are eligible. That is what it is. It is not a program like Social Security; it is not anywhere nearly as self-funded.

As I indicated earlier, not only is the program going to be insolvent, part A, but over time we have required a larger and larger amount of general fund subsidies to pay for physician services, and increasingly, to pay for hospitalization as well.

Yet we continue to go out and pander to the audience. We do not want to antagonize the audience. They vote in large numbers, this audience, so we misrepresent the program. And it should not come as a surprise, therefore, that Americans are confused about their health-care entitlements.

While I do not accept the rhetoric of those who describe entitlement reform as a process of pain rather than an opening of opportunities, the fact remains it is also difficult because it requires the Senate on occasion to utter one of the most uncomfortable words to utter in this city—that is the word "no." Particularly to those who are apt to vote against us because we use that dreaded word.

We have, Mr. President, all the excuses we need to postpone action. Let me give a few reasons for acting today. The first and most important is that it is relatively easy to fix the problem today. Tomorrow the fixes will be draconian. The Secretary of Health and Human Services, as the Secretary is required, every 4 years, has put together last year a 13-person Commission that is examining Social Security, examining Medicare, examining the disability insurance trust fund, examining on behalf of the Secretary, as required by the Social Security law, and will make recommendations as to what action is required.

The people who staff and work for that Commission say that unless we put action in place in 1997, unless we change the law at the latest by 1997, to take effect in 1998, we will begin—as our Commission says as well—we are going to begin to see the size of this thing grow so quickly that we will look back and people will wonder, Americans will wonder, "Well, for gosh sakes, why did you not take action when it was relatively easy to fix?" The answer will be, again, well, we budget for 5 years, Mr. and Mrs. Citizen, and we get reelected for 2, 4, and 6 years.

The second, taking action today means that we can fix the problems with little or no impact on current retirees.

The third reason for acting today, Mr. President, is that planning for our national future also means we can give American citizens, particularly workers who are not currently retired, time to plan for the changes.

Understanding the problem, what do we need to do to fix it? There are several options outlined in the report of our Commission. I would be remiss if I did not salute those who had the courage to submit their own ideas along with the distinguished Senator from Wyoming, Senator SIMPSON, who submitted a plan. I hope to be able to work to develop a piece of legislation that will give Americans an opportunity to say we support this specific piece of legislation. Most of the people who are on this Commission had much to lose, particularly those who were elected and holding office had very little to gain, given the political climate, by doing so.

I want to describe today some of the ideas that were laid out in this document by former Senator Jack Danforth and myself. Now I want to alert people, this is a proposal in motion. We hope to be able to make some changes in it. I will go through this thing so that citizens understand that when we talk about entitlement reform, at some point it gets tough. And it gets tough in a hurry. It stops getting tough after we deal with congressional retirement, which is one of the first things on my list. After that it goes downhill in a hurry. There are no easy choices. There are no choices that we can make where somebody is not finding themselves, saying "Oh, my gosh, this will require a change in my life."

Mr. President, we try to say we should lead by example. We tried to say we need to have it fair and balanced and everyone participating. I believe, in fact, that generalized efforts to reduce discretionary spending will be good news, as well. It should lay the groundwork to make entitlement reform easier, but it will not make entitlement reform in the end an easy piece of business.

We began with the premise that Congress must lead before asking the American people to accept entitlement reform. For that reason, the Kerry-Danforth proposal would cut in half the rate at which Members of Congress accrue pension benefits beginning in the year 1996. Also in this spirit, we would bring retirement programs for Federal workers more in line with private pensions. Other proposals offered in the spirit of putting the Government's house in order include raising the Federal retirement age to 62.

This proposal would gradually phase out eligibility for unreduced benefits for Federal workers before age 60. Beginning in 2000, for workers with at least 5 or fewer than 20 years of service, the retirement age for unreduced benefits for CSRS and FERS is increased by 4 months each year until age 62 in the year 2020. We have additional details with this proposal, Mr. President.

The second thing we do is adjust the CSRS to high-5 pay.

Third, reduce the rate which military retirement benefits accrue.

The next thing we do, Mr. President, is to adjust the Consumer Price Index calculation to better reflect inflation. I will spend a bit of time with this, Mr. President, because it is a very key provision that has gotten a great deal of attention in the news lately.

A number of Federal programs are adjusted annually, based on annual increases in inflation as measured by the CPI. The CPI is based on a marketbasket of goods and services purchased by a representative urban worker. Adjusted every 10 years, the current marketbasket was last revised in 1987 using data for the period 1982 to 1984. As a result, the CPI does not capture dynamic annual changes in the pattern of consumer preferences.

In addition, the CPI may not adequately measure the consumer benefit derived from improvement and quality of existing goods or the introduction of new goods. A number of economists have supported this change. Most individuals who have looked at it say it is a reasonable, fair change. It is also one of the easier changes that we have to deal with.

The next large category is an effort not just to preserve and strengthen Social Security, Mr. President, but to begin to consider the other sources of retirement income that very often are neglected. There are three major sources of income that Americans look to for their retirement years. The first is Social Security. Twelve percent of payroll tax, 12 percent of payroll is collected. We all know how it works. Comes into the Social Security trust. The trust is required to invest only in Treasury bonds. The average rate of return is somewhere between 1 and 2 percent in real terms inflation adjusted. That is source No. 1. Unfortunately, for many years, it is their only source of retirement, creating a real serious problem for individuals who are on fixed income, and that is their only source of retirement.

But the second large source of retirement, Mr. President, is private pensions. Unfortunately, it appears that in the 1980's we took action in tax and in regulation that may have had a counterproductive effect, because we see a decline in private pensions being offered to employees, particularly in small businesses, Mr. President. And though the Kerry-Danforth proposal did not make a recommendation in that regard, I, myself, am particularly interested in the context of reforming our retirement programs to better suit the changed and changing needs of our work force, to consider changing our tax and regulatory laws as they relate to private pensions.

The third source of retirement is individual savings. It has been noted, and I will note it later, there has been a decline of savings in the United States of America. There is a disproportionate amount of savings in certain sectors of the economy. Obviously, it is true that if you make some $130,000 a year, as 535 Members of Congress do, that you are apt to be able to save a lot more money than if you make $12,000 to $15,000 a year, as an awful lot of Americans do, or $8,000 a year as an American living on the generous $4.25 minimum wage we provide as a minimum standard for wages.

Those are the three sources of income that people have to consider.

I mention this lower income American, Mr. President, for a very specific reason. We tried to make our proposals as progressive as possible. I am open to suggestions as to how we can make them more progressive. They need to be. One of the blessings of living in the great State of Nebraska is that I have had the opportunity to acquire a friendship with a man by the name of Warren Buffett, a local businessman that has done pretty well in life. And Warren Buffett once said to me one of the problems you have in dealing with these kind of issues and others like it where you are concerned about what is going on in the work force is that at any point in time if you have 120 million people in the work force, which is approximately what we have today, 60 million will be above average, and 60 million will be below.

When you have a market, as we do today, that is international, and when you have technology ripping through the workplace increasing productivity but reducing the number of people who need to work, what happens is the market is bidding down large numbers of people and the services that they deliver into that market.

It is a reality. There are very few workplace environments, Mr. President—Congress may be the exception—where workers are protected from the forces of the market. What happens, therefore, is that we have a lot of people in this country who are in the work force who cannot afford health care, who are in the work force and even if we change our tax and regulatory policies simply are not going to have the resources to be able to save. It does not mean that tax change and regulatory change is not needed. It just means that those of us who get $135,000 a year in an environment where we are protected from the economic marketplace need to be sensitive to the dilemma faced by lower-income individuals.

The chief goal of the Kerrey-Danforth proposal is fulfilling our promises to today's retirees while ensuring the long-term health of Social Security. I have already described the challenges that face the system. Our proposal for redressing these problems is among the most exciting in our entire plan.

We propose to make changes in the Social Security Program that enable us to reduce the employee payroll tax by 1.5 percent in exchange for a revised long-term contract. It shifts more responsibility and control to the individual, provides opportunity for higher returns on investment, and allows us to return Social Security to its intended purpose, as a supplement to personal retirement savings.

Let me be clear, Mr. President—although there will be allegations to the contrary—no reductions in Social Security benefits affect anyone over the age of 50, and no Social Security reductions are used to reduce the deficit. The savings we propose to Social Security would go back into the trust funds and strengthen the program. We would require these younger workers to invest in the savings payroll tax cut in a mandatory IRA-type personal savings account.

Mr. President, I believe this simple and single change would alter the culture of savings in America. Every young worker, when their first job is taken, whether they are 16, 17, 18, would have to come home to Mom or to Dad and say, "I have a 1½ percent decision to make."

We were attacked by many when we put this proposal out. One of the things you will hear later is we proposed to move the normal retirement age to 70 while keeping the reduced benefit age at 62. We were attacked by the Washington, DC, Chapter of the NAACP as almost being racist because black Americans have a shorter lifespan than white Americans do.

We were attacked by many people in organized labor who said this is going to be bad for American workers. But I urge Senators and Members of Congress and Americans, in particular, before you buy that rhetoric, to examine what 1½ percent over the course of a working life in a safe individual retirement account would do. It not only provides a higher rate, but it provides the kind of flexibility that I think Americans want in their retirement program.

Mr. President, this proposal has a number of important economic benefits. Companies can save and invest more, grow faster, and have more rapid improvements in the standards of living of their citizens.

Private savings in the United States of America have fallen from more than 8 percent of the economy in the sixties to 5 percent today, and the trend line is down; it is not at a plateau, it continues to decline, perhaps because of tax and regulatory changes. But for whatever the reason, the savings rate continues to decline. The Kerrey-Danforth proposal takes an important first step towards reversing this trend.

More exciting, though, is the fact that this proposal gives workers more control over planning for their own retirements by transferring authority for these investments from the Government to the individual. The return on these savings provides workers the potential for far more lifetime benefits than they can expect from the Social Security system if it continues on its current course. Thus, those who attacked our proposals need to compare the current system as most reasonable people would expect is going to happen to it—and that is significant adjustments made out in the future—they need to compare the current system with the one that Senator Danforth and I are proposing.

Mr. President, this is a middle-class tax cut with both a purpose and a payoff. We also propose over a period of 30 years to raise the eligibility for full benefits from age 67 to 70, while still allowing partial benefits at age 62. This option accelerates the phasein to age 67 that is already in current law. The age for full eligibility will reach 70 for those under age 28 today.

So for one who is thinking of going out this evening and interviewing somebody and finding out, what do you think about this adjustment that Senators Kerrey and Danforth are proposing, please do not go out and interview somebody over the age of 50; it does not affect them. Go interview somebody under the age of 28. That is who this thing affects, and they are going to be affected mostly if no action is taken at all.

Mr. President, let me address a great misunderstanding about the previous two proposals. The term we use to describe the age at which Americans are eligible for full benefits, the term "retirement age" is very misleading. Americans do not want to retire at age 70. If anything, they want to retire early. They cannot do so, Mr. President. They cannot mathematically do so without a substantial pool of private savings.

The previous two proposals, therefore, are designed to increase an individual's control over when they retire. Make no mistake, the age at which Americans retire is set by genetics, economics, and personal preference, not by statute. A low statutory retirement age means nothing for those who lack the savings to enjoy, and that is true for the individual and it is also true for this Nation.

Our other proposal to restore solvency to the Social Security System is including State and local workers in the Social Security Program; indexing the Social security bend points for CPI instead of average wage growth; reducing growth of benefits to mid- and upper-wage workers using a third bend point; and adjusting the CPI formula to better reflect inflation.

Mr. President, I have run through four or five things here to change our Social Security system. None of these are easy. All of them require us to think, first of all, in the context of an entire retirement program: of Social Security, of private pension, and of individual savings.

We need to make adjustments in all three, and it requires us, most importantly, to be able to look out 25 or 30 years to connect our action with our words. Rarely is there one of us who does not get up and give a speech and talk about our kids and grandchildren. If we do not take the trustees' advice and take action to restore the strength of this program, in particular, then those who hear our words will wonder why it is not accurate to describe us as hypocrites.

In the area of health care and other entitlements, there are many critics who oppose reform of Medicare and they point out correctly the fact that much of the increases in this program are due to escalating health care costs.

This concern is true enough, but it also ignores, at great peril, in my judgment, the fact that in addition to higher health care costs, our health care entitlements are growing because more Americans are retiring and taking advantage of them.

Again, there is no enemy. I am not pointing at seniors and saying: You are the problem. We have a big demographic change that is occurring, and the simple way of saying it is our generation did not have as many children as our parents thought we were going to have.

(Mr. FRIST assumed the chair.)

Mr. KERREY. Mr. President, the fact is that Medicare spending will continue to skyrocket due to an aging population, even in the miraculous event that Federal health care costs were held to the rate of inflation—highly unlikely. Any time anybody gets close to looking at that, I note with some disappointment, some considerable disappointment the President saying no Medicare reductions can be used for deficit reduction. But any time you get close to making changes that would keep Medicare, the Federal costs going at the rate of inflation, we get providers coming in—the distinguished occupant of the chair, I am sure, has heard his cohorts talk about what happens when we reduce reimbursements under Medicare. We get hospitals coming in here. We get all sorts of people coming in here telling us about the terrible things that happen. Even if it miraculously occurred that the growth of the Federal program stayed at the rate of inflation, it would still be a substantial increase in the program merely because, as I said, of the tremendous demographic change.

The Kerrey-Danforth proposal tries to fairly and evenly control the growth of entitlement programs. We allow Medicare beneficiaries to buy into risk-adjusted pools. We try to apportion the increase, the wedge that we see coming, between adjustments in what is paid to providers, adjustments in what the beneficiaries themselves pay in, and we say the general fund can pick up approximately a third of it, as well.

We try to apportion the changes that are required between all three of those sources.

In the area of other entitlements, Mr. President, we use, as I indicated earlier, an adjustment in the CPI, a different CPI to better reflect inflation. This proposal would apply to all other entitlements including veteran's compensation. We take a rather difficult but I think correct action of means testing Medicare, veterans compensation, and unemployment insurance. It is phased in. It is difficult, I know, but I believe if Americans examine the details of this proposal, they will see that we are not taking away a benefit that is offered. A person like myself that was service-connected disabled, that was wounded and injured in the war in Vietnam, you do not take away my benefit. You merely say that if my income comes up, the size of the benefit, I think most appropriately, would be reduced.

In the third area, Mr. President, the area of tax expenditures, we make some recommended changes, as well. I note with some amusement and concern, every time we talk about entitlements, tax expenditures are a real favorite target. But when the rubber meets the road and it comes time to put them on the list, it is awfully difficult to find much enthusiasm for doing it because they do unquestionably have a historic impact upon people.

The Kerrey-Danforth plan suggested that we limit itemized deductions to 27 percent. The adjusted CPI that I described earlier would apply to income taxes, standard deductions and personal exemptions. We cap the employer-paid health insurance deduction, a proposal that is consistent with our belief that we ought to move in a direction where individuals are taking more responsibility for making price and quality decisions in the health care market as opposed to having the Government make those decisions for them.

Mr. President, these are the long and the short—a bit long—of the proposals that the Kerrey-Danforth solution has. They were extremely controversial at the time. They were greeted with almost unanimous opposition from most of the interest groups that were affected. We were described in not altogether complimentary terms by most of these organizations, many of which I think are doing an awfully good job and are trying to protect their programs. I say to them with great sincerity that I want to protect these programs as well. Inaction does not protect them. Our proposal is not a proposal that destroys Social Security. It strengthens Social Security. We are responding to the challenge of the trustees.

Now, there may be Members who want to come down here and raise taxes. Maybe that is the solution you want to propose. Well, propose the solution. You can come at this problem and solve it whether you are a liberal or a moderate or a conservative. Any ideology can solve this problem. You cannot solve the problem, though, if you are afraid of the consequences of proposing a solution.

So I say let the debate begin. But let us not stop the debate merely because there was strong and vocal opposition at the first proposal out of the box to solve it, Mr. President. I say again with great sincerity that if we delay on this and wait, we are going to be alarmed by the consequences.

Mr. President, I would also like to show—I will use one of the rare charts that I put up in the Chamber—the future as described by current law, which is what this chart over here is. And I do this for the purpose of saying to Americans who wonder what is in this for me, what is going to happen, we are proposing to make changes in retirement and health care, what happens in the future.

Mr. President, this is the future of current law. This the future of Kerrey-Danforth were it enacted just as it is. I do not hold any illusions it is going to be enacted just as it is. I have already had some suggestions made to me that I think are altogether good and reasonable, and I have indicated you can solve this with a liberal, moderate, or conservative ideology. And I suspect that those ideologies will be expressed when and if—and I hope it is soon—this floor and the House as well begin to engage in what ought to be done.

What it shows is that this future of current law becomes this future. This is very important, Mr. President. These bar charts are not just bar charts. They are our economy. This green line here represents the historical rate of taxation in America.

One of the few things that has remained constant in Washington, DC, is the approximate rate of taxation. Measured as a percent of our entire economy, it has stayed at about 19 percent. It has gone up to over 20 percent during World War II, spikes up a little bit during the war in Vietnam, but all the rest of the time it has stayed at about 19 percent.

Now, again, maybe someone comes down here and says, gee, I think the rate of taxation ought to be 25 percent. Let them argue that. That is fine. Let them argue. But let the majority decide what we think is the rate of taxation. And it appears that the majority, going from liberal to conservative Congresses—and we have been all over the place on this—it appears that the majority of Americans have kind of settled in, perhaps without intent, but they have settled in at about a 19 percent rate of taxation.

Here is where we are today, Mr. President, 1995, with a deficit of about 3 percent. The red line is entitlements; the blue line is net interest. And what you can see is the red and the blue line together begin to move up.

This is where I was saying earlier that in the year 2013, entitlements and net interest consume everything that is available.

Again, maybe in 2013 we are going to have a Congress saying we were elected on a promise to raise taxes. Maybe it will happen. I doubt it, but maybe it will happen. Maybe in 15 years Americans will say: They kept our taxes down 18 years; now we are really ready to raise them up again. Let's jack them up 5 percent of GDP and suck up these new entitlements out here and add a bunch of discretionary programs on top.

I think it is unlikely, Mr. President. What that means is you could eliminate all the discretionary spending, which we may end up doing. The discretionary spending went down last year. It is going to go down again, while entitlements are going to go up $50 billion and health care and retirement is almost the entire piece of that. We are going to whack the discretionary spending one more time, and that is going to continue until and unless we face it.

Under our proposal, this levels out, as I point out to Members and to citizens, if we do not even balance the budget. You still have to do more if that is what you want, to balance the budget. But we get within striking distance. You can do it with discretionary spending after that. It is not a discretionary spending commission. We did not address the problem of discretionary spending. The purpose of this commission was not to make recommendations to balance the budget but to get the two large insurance programs, the retirement and the health care programs, in balance so that we could say to the trustees that we in the Congress have taken action to bring these accounts into long-term balance.

This rather confusing chart shows what happens just with the Social Security trust funds. Again, this is the most controversial one of all. This is one the Speaker says we are going to leave off the table; the President says we will leave it off the table; everyone says we will leave it off the table. We will deal with it sometime out there in the future. Maybe in 2000, when the third millennium arrives, that is when we are going to deal with it.

There was a lot of wailing and gnashing of teeth earlier when we had that amendment on the balanced budget, but fortunately it was defeated. Here is the fact. This is what is going on out there in the future. So when you are out there talking about your kids, my kids are 20 and 18. My kids are 20 years old and 18 years old. And this is the kind of future they face. This is what they are looking at. It is fine for me. I am in good shape. It is fine for me until the year 2029. And mark my words, the trustees, in my judgment, are going to come back and say sometime later this year it is now not 2029; it is 2024. They have been moving this due date closer and closer since we recently fixed it.

That is the future under the Kerrey-Danforth proposal. You may have a more liberal proposal that says no, no, no, Senator; we want to raise taxes.

Bring it down here. Let us vote on it. Let us vote to consider some alternative to this. I do not mind that at all. But ignore this problem at not just your peril but our peril, and I predict that in 1997 or 1998, we are going to begin to hear some very, very serious statements made about what is going to happen by more and more people if we do not take action.

I hope that this entitlement commission report that we are delivering to the President and to the leadership will be given consideration because this kind of a future will change America as we know it today.

We will be able to say to our kids and our grandkids: Yes, Social Security will be there for you. Yes, Medicare will be there for you.

But just as important, ask an economist, ask Alan Greenspan, if you are on the Banking Committee or on the Joint Economic Committee, the next time he comes before you. Ask him directly what happens if this kind of future is enacted. What happens if the Kerrey-Danforth plan or some modification that achieves the same effect, what happens if that takes place? I will predict to you he is going to say that long-term interest rates go down at least 200 basis points, or 2 percent, and maybe as much as 4 percent.

It is this inflationary expectation that is causing the bond market still to bid up the long-term price of money. If we could get that kind of action taken quickly, we would continue the economic recovery. It would enable us to keep interest rates low, employ more people, allow us to build up our skills and our wages, and get the standard of living rising, as most Americans want, and probably, although we have not put a pencil to this and calculated it, probably produce the opposite of what we have right now, which is compounding interest working against us. We could probably get compounding interest working in our favor and find ourselves with good news, possibly able to adjust taxes down or make some other extension out there so that Americans would say: Gee, this is a payoff, a good payoff, for having made the tough decisions.

I will close by saying I am very grateful for the leadership that Senator DANFORTH put in on this and all the other members of this Bipartisan Commission on Entitlements and Tax Reform. I am very much appreciative and sensitive to the political problems surrounding this issue.

One of the things I have learned in this is it does not do any good, I believe, when you are discussing this, to hyperventilate and exaggerate the impact. We have attempted to present the facts. I have not said in any of this discussion: America is going to go bankrupt. We will not go bankrupt. We may devalue our currency, but we are not going to go bankrupt. We are just not going to be able to fulfill a generational promise we made.

We are not sitting here saying Social Security is broke. It is not a short-term crisis. We are saying we are operating a very large insurance fund and we ought, on behalf of future beneficiaries, to make adjustments today so they get the promises that are currently on the table and that we ought to make long-term planning a part of our thinking. As difficult as it might be, we ought to make that long-term planning a part of our thinking.

We have also suggested that we make incremental reform, incremental steps towards changing both our retirement and our health care programs. I have been more explicit on the retirement programs than I have on the health care programs. But as I see it, there are four large entitlement programs in America. By "large"—I define large to be $200 billion plus. Three of them are Federal: That is Federal retirement, Federal health care, and Federal tax entitlements. There is a debate about whether or not taxes are entitlements. The fourth is K through 12 education. You are entitled to that as well, but that is a State and mostly local issue.

I am saying we should use this opportunity. As we solve this long-term structural problem—as we solve the long-term actuarial problem, as the insurance folks call it—we ought to consider making changes in our regulation in our taxes, particularly as it relates to retirement, so we will provide Americans with the opportunity to acquire more private pensions and a larger pool of private savings as well.

I intend to repetitively come and try to make the point. I hope Americans understand that there will be concerted effort in the U.S. Senate and in the House of Representatives to try to give Americans a legislative vehicle they can rally behind, a specific set of recommendations that are open to amendment, open to changes, open to any suggestions that might improve it, and change the future as we are currently heading upon it.

Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

COMMENDATION OF SENATORS AND STAFF

Mr. KEMPTHORNE. Mr. President, after 11 days of debate we finally had passage of S. 1, a Senate bill which will curb unfunded Federal mandates. I think, as you can well appreciate, after 11 days and oftentimes 12 hours a day, we really have said quite a bit about S. 1, so in my closing comments, I would like to say what has not been said which are just some thank-you's for a lot of folks who worked very, very hard for this fundamental change in how this institution of Congress will operate under S. 1.

I want to thank Senator DOLE, the majority leader, who designated it S. 1, demonstrating with his leadership and with his conviction that this is the sort of new partnership that he wants to see ordered in a federalist system where local, State, and National Government works in partnership, not one dictating to the other from the Federal level down.

I thank Senator ROTH and Senator DOMENICI—Senator ROTH, of course, is the chairman of the Governmental Affairs Committee; Senator DOMENICI is the chairman of the Budget Committee—for all their efforts during the winter recess and their help in crafting this legislation.

During that period of time, also, Senator EXON, who is the ranking member on the Budget Committee, and his staff were very helpful. I think, with Senator EXON being a former Governor, he knows how important this is.

Senator LEVIN, during the course of 11 days, certainly provided a great deal of input, a number of amendments that really we found quite acceptable that I think will enhance the bill. So I appreciate Senator LEVIN's efforts on that.

Senator BYRD was certainly conscientious as we proceeded through this entire process. He offered an amendment which I think is a key amendment, which really strengthens this bill.

Then the Senator who I will now reference, the Senator from Ohio, Senator GLENN, who has been a great partner in this whole effort. I think what is significant is that in the last session, the 103d session of Congress, when the Democrats were in the majority and when he was the chairman of the Governmental Affairs Committee and before unfunded mandates was a household term, Senator GLENN realized that we needed to do something about that and so we crafted legislation. But it was his partnership, as we worked through this, that I think really helped us in a major way get to today, the fact we are going to provide to the American public, to the taxpayers, relief from these unfunded Federal mandates on the State and local governments. The mayors can now be the mayors they were elected to be. Governors can now be the Governors they were elected to be.

I think often of that quote from Ben Nelson, the Governor of Nebraska, who said he was elected Governor of Nebraska, not the administrator of Federal programs in Nebraska.

But I just have always been a great admirer of JOHN GLENN's. Working closely with him, when you work that many hours together, you really, I think, determine the essence of an individual.

It has been a honor, literally, standing at your side and I appreciate all of your help on S. 1.

I also would like to acknowledge some folks that I think too often we do not say enough about, and that is the staff that helped us. On my staff, Buster Fawcett, who is my legislative director and really was the architect of the language of this, and Gary Smith, who worked with the State and local officials throughout the country in coordinating their desires and wishes in the legislation and their support for this.

Both Buzz and Gary served with me when I was the mayor of Boise, ID. Buzz was the city attorney and Gary was the administrative assistant. We brought the team with us to Washington, DC.

We have added to that team Brian Waidmann, who is now my administrative assistant. But his understanding of the process and his methodical approach was instrumental in getting us here and Wendy Guisto, also of my staff, who helped us with the research.

On Senator DOLE's staff, we cannot say enough about Elizabeth Greene, who was just tremendous in helping us as we needed to understand the different aspects of this process; and David Taylor, a young man who just has a grasp of where the end line is and what it takes to get there in a fashion that others respect, and, yet, you get there in a fashion that no one feels that they have been upset, upset in getting the job done.

Senator DOMENICI's staff, Bill Hoagland, Austin Smythe, Jennifer Smith, and Anne Miller just played a key role with the intelligence that they have about this whole process; and Senator ROTH's staff, Frank Polk and John Mercer, with their working relationship and understanding of how Government should work; Senator GLENN's staff, Sebastian O'Kelly, Larry Novey, and Leonard Weiss.

We have come to know these people and to respect them, and I think it is demonstrated that there is a bipartisan spirit here that can and should work.

Senator BYRD's office, Jim English, and Senator EXON's office, Bill Dauster.

Senator HATCH's staff: Ed Whelan provided superb advice on the constitutional aspects of this legislation.

Senator BROWN's staff: Bennett Railey also provided expert legal advice and often on very short notice.

Senate Labor Committee staff: Steve Solon and Ted Verheggen provided excellent help on labor law issues.

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Parliamentarians: Bob Dove, Alan Frumin, Kevin Kayes, and Beth Ann Smerko.

Elizabeth MacDonough of the Official Reporter's Office.

Pages: Bethany S. Atkins, Daniel E. Case, Michael J. Chapman, Kelvin D. Chen, Jeffrey M. Colvin, April D. Cunningham, Daniel E. Heffernan, Cristin M. Hodgens, Karen E. Hodys, Hilary S. Johnson, Fulmer Jones, Michael B. Kaplan, Katherine M. Lord, Matthew S. McMillian, Marc M. Mezvinsky, David M. Miller, Taina V. Mirach, Melody A. Montgomery, Anthony V. Oliver, Noah D. Oppenheim, Rupa R. Patel, Elizabeth S. Rosenberg, Benjamin T. Shoun, Megan D. Smith, Abraham E. Tucker, and Meredith H. Villines.

I want to extend a special thank you to Tony Coe, of the Senate Legislative Counsel's office. He worked closely with Buzz Fawcett of my staff in drafting every word of this bill. I am grateful, and I was well served.

Finally, I want to thank the citizens of Idaho for the opportunity they have given me in serving in the Senate. I hope they will take a small measure of pride that the effort to reform unfunded mandates was born in Idaho.

Mr. President, again, I thank all who participated with us.

I also want to acknowledge and thank my wife, Patricia, and my kids, Heather and Jeff, because for many nights the closest they got to dad was watching C-SPAN. Anyway, I will be home tonight.

I thank the people from Idaho, because I appreciate the honor of serving them. They are people who are straightforward. That are honest and sincere. They just said, "Why don't you go back there and do a job for us, and not on us." And I think that is what we accomplished here with Senate bill 1.

I yield the floor.

Mr. GLENN. Mr. President, I am particularly appreciative of the remarks of my distinguished colleague from Idaho. He was not on the floor when I made my remarks about him a little while ago. But I talked about our excellent working relationship, and I appreciate the remarks very much.

REGARDING THE DEATH OF BOB BADGLEY

Mr. GLENN. Mr. President, Wednesday, January 25 was a sad and somber day in southern Ohio. On that day, America lost a patriot, Ross County lost a legend, and I lost a friend. Bob Badgley was one of my earliest and strongest political supporters—and he came to be a good and dear personal friend as well. Over the years, I called on "Badge" often for advice and counsel. He was 76 years young when he passed away on Wednesday, and I know his hundreds of friends—indeed thousands—around the State are going to miss him as much as I already do.

Although Badge never aspired to hold high public or elective office himself, he devoted countless hours to myriad volunteer activities that benefited his State, his community, and the Democratic Party that he loved so much for so long. On Tuesday, President Clinton delivered his State of the Union address. I don't know whether Bob was watching that speech on what proved to be the last night of Bob's life, but I hope he was. Because when the President recognized and lauded citizen involvement, he was saluting Bob Badgley and the kind of life he lived—and I know that would have made Badge smile.

These days, I know it has become fashionable to be cynical about politics and all things political; to be suspicious about the motives of anyone who would willingly involve themselves in the political process of our Nation. But Bob believed that if we want good government, we have to be willing to help bring it about. And he believed that we all have a responsibility to try. So Bob served as Chairman of the Ross County Democratic Party; he served on that county party's executive committee continuously since 1957, and at the time of his death, he had served 29 years on the Ross County Board of Elections.

Somehow, he also found time to run his own electronics and vending businesses, and to be active in the Ross County Senior Citizens Center and related community services. In fact, Badge devoted so much time to community service that he received the Humanitarian Award from the Chillocothe Businessmen's Association in 1973, and the Community Service Award from the Ohio Department of Aging in 1992—the only Ross countian ever to receive the latter award.

Mr. President, there is a little story I want to tell about Bob that happened recently. I had my family out at Vail, CO, for a skiing vacation over the holidays. We came back to Washington a couple of days before we were to go back in session in early January. I think we came back on New Year's day. On our telephone answering machine at home there was a recorded message left. It was from Bob Badgley to Annie and to me. He said that he and Jeanne, his wife, had just been sitting around talking about particular friends and what they meant, and he thought it was a good time to call and just tell us what it meant. And he did so on that recording, and it meant much to me and I made a little note and had a note on my desk to call him back. Because of duties here in the Senate, being so busy in the next few weeks or so, I had not called. The note is still over there on my desk for me to call Bob Badgley. So it was particularly poignant for me when I heard of his demise the other evening.

For all these reasons and more, Annie and I will miss Bob deeply. But we are grateful to have known him, and that the good Lord allowed Badge to touch our lives. And we hope that for his wife Jeanne—and for the entire Badgley family—it will be at least some consolation to know that Bob will live forever in our hearts and in our memories. In that most important sense, we will truly never lose, our Badge.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

FREE TRADE WITH AN UNFREE SOCIETY

MEXICO AS A LENINIST STATE

Mr. MOYNIHAN. Mr. President, of the many novel ideas which we associate with the advent to office of Representative NEWT GINGRICH as Speaker of the House, none is more singular than his suggestion that we would all do well to read, or perhaps reread, "The Federalist." As a New Yorker, I much applaud the proposal, and would presume on the Senate's time to invoke that venerable tradition in the context of the current debate over the proposed United States guarantee of Mexican debt.

The most striking, at least to my mind, of those 85 essays by James Madison, Alexander Hamilton, and John Jay is the assertion that the proposed new Constitution was based on a "new science of politics." If I may cite a commentary of my own, written some years ago, the establishment of the American Government in the latter part of the 18th century took its foremost distinction from the belief of those involved that they were acting upon scientific principles. Hamilton noted, in the ninth "Federalist," that previous republics had had such stormy histories that republicanism had admittedly fallen somewhat into disrepute. This tendency could be overcome thanks to progress in political science:

> The science of politics * * * like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancient.

He went on to cite, as examples of new discoveries, the various constitutional provisions with which we are now familiar, separation of powers, the system of checks and balances, popular representation in the legislature, the independent judiciary, and so on.

How exactly had the "efficacy of various principles" come to be so "well understood"? By scientific method, of course. Which is to say, the deductive analysis of available data. Which, in turn, is to say the study of different systems of government which had prevailed at different times and places in the past.

No. 18:

> Among the confederacies of antiquity, the most considerable was that of the Grecian Republics associated under the Amphyctionic Council.

No. 17 (by Hamilton, naturally):

> When the sovereign happened to be a man of vigorous and warlike temper and of superior abilities, he would acquire a personal weight and influence. * * * Among other illustrations of [this] * * * truth which might be cited Scotland will furnish a cogent example. The spirit of clanship which was at an early day introduced into that kingdom, uniting the nobles and their dependents by ties equivalent to those of kindred, rendered the aristocracy a constant overmatch for the power of the monarch; till the incorporation with England subdued its fierce and ungovernable spirit, and reduced it within those rules of subordination, which a more rational and a more energetic system of civil polity had previously established in the latter kingdom.

No. 19:

> The examples of ancient confederacies * * * have not exhausted the source of experimental instruction on this subject. There are existing institutions, founded on a similar principle, which merit particular consideration. The first which presents itself is the Germanic Body.

This is but a sampler. "The Federalist" abounds in analysis of the principles on which different states are founded, and the successes or failures, the strengths and weaknesses associated with each.

It is an unequaled analytic tradition. The more troublesome, then, is its disappearance in our time. Notably in the matter of our relations with the State of Mexico.

From the time it was first proposed that we enter a free-trade agreement with Mexico, I have objected for a single reason.

Mexico is a Leninist State.

The Leninist State is the most noteworthy, if calamitous, political invention of the 20th century. Having just come through a 70-year struggle with the original such State, formed as the Union of Soviet Socialist Republics, you would suppose we would be able to recognize one on our southern border. But then you might suppose many things about the analytic reach of the Department of State and of Treasury, only to be disappointed. Note that the American Labor movement had no such difficulty.

Let me hasten to state that Leninist principles were never fully deployed in Mexico. There was no Great Terror. Even so, "Americas Watch" records in a 1992 assessment that "torture is endemic" in Mexico. Which is to say, State torture. Political opponents are murdered. Elections are propaganda exercises, and so forth.

The central principle of the Leninist State is that a single political party holds sway over the whole of society, and in particular, governs the government. We know from the Soviet experience, and for that matter from the Mexican experience, that this is never wholly successful. Yet it is the principle. Hence, the Partido Revolucionario Institucional. Literally translated, the Party of the Institutional Revolution.

The simple fact is that the Russian Revolution made a great impression in Mexico—as it did in the United States and most countries in the world. But unlike most, Mexico set out to reproduce the Soviet model. So much that when Trotsky fled the Soviet Union, now controlled by Stalin, he did not settle in Paris, as failed revolutionaries were expected to do; he went instead to Mexico City. Upon his arrival in 1937, Trotsky saw that Mexico was a place where he could continue his work. Here was an important battleground in the struggle to win international support for Marxism. He wrote:

> Of all the Spanish-speaking countries, Mexico is virtually the only one where the necessary freedom exists for the dissemination of the Marxist word. This international situation assigns a leading role to Mexican Marxists not just with respect to Latin America, but with respect to Spain itself, as well as the growing Spanish emigration to all countries of the Old and New World. * * * History has assigned serious responsibilities to Mexican Marxists.

Stalin, of course, pursued him. But Trotsky's myth persists in Mexico. This from the August 27, 1990, issue of Newsweek:

> Leon Trotsky? The man who applauded the arrest of dissident factions of the dawn of the Russian Revolution? The military commissar who argued for the coercion of workers into industry and preached that the Soviet Union should be a springboard for world revolution? This week, on the 50th anniversary of his assassination at the order of Joseph Stalin, Leon Trotsky is being hailed in Mexico as a prophet of perestroika, an avatar of socialism with a human face. The Mexico City government has spent more than $100,000 to restore the house where Trotsky died; the elaborate ceremony to make its reopening this week was to be presided over by the mayor. "This anniversary * * * is our chance to show that socialism still has validity," Aguilar insists, "that it can still be identified with human rights." Exclaims political scientist Paulina Fernandez: "Trotsky represents a badge of honor for communism today."

This may seem sentimental and harmless; and to a degree it was. But in foreign affairs, for example, the Government of Mexico made itself a firm ally of Marxist causes throughout the cold war. At the United Nations it would occasionally vote with the United States, mostly by accident. But in General Assembly votes 1975–90, it voted with the Warsaw Pact 90.3 percent of the time. I was present as U.S. Representative in 1975 when Mexico joined the Soviet Union and 70 of the most obnoxious dictatorships in the world in the infamous Resolution 3370, declaring Zionism to be a form of racism. Mexico had no part in the quarrels of the Middle East, but that was the party line and the Partido Revolucionario Institucional toed it.

Mind, by 1990 the Leninist regime in Mexico was coming apart, much as it was in Russia. The regime had long since become corrupt; rather, the corruption had long since become evident. A kind of division of the spoils took place. Intellectuals were given foreign policy. Viva Fidel and all that. Entrepreneurs were given industry—such that in 1993, President Salinas could hold a fundraising dinner at $25 million a plate. Party bosses were given various fiefdoms—to use a feudal term—probably including portions of the drug traffic. And so it went. Workers got little; peasants got nothing.

Then reform appeared.

The central organizing principle of the P.R.I., one which had indeed brought stability to the Mexican State after decades of bloody chaos, was the single term, 6-year Presidency. In 1988, the P.R.I. chose Carlos Salinas de Gortari, who had earned a Ph.D. in government at Harvard. Others like him appeared in Mexican Government circles. It is not clear to me how much they rejected the Leninist model of the Mexican State. Surely they accommodated it; almost certainly, however, they recognized that it didn't work well. In the Leninist tradition, if you will, this brought about vicious intraparty conflict. To succeed Salinas, the P.R.I. chose Luis Donaldo Colosio, who attended the University of Pennsylvania, to be the next President of Mexico—this choice was probably dictated by Salinas, one of the inducements to giving up office in the Mexican manner is the power to choose one's successor—Colosio was assassinated in Tijuana in March, 1994. Among those subsequently arrested were local P.R.I. opponents of Colosio. Probably in the same pattern, in September, 1994, Jose Francisco Ruiz Massieu, the reform minded Secretary-General of the P.R.I., was assassinated in Mexico City. The main suspect has evidently implicated other P.R.I. officials in the killing. In the meantime, in Chiapas, followers, or descendants, or what you will, of Emiliano Zapata brought about an internal rebellion. Zapata, who had written in 1918:

> Much would we gain, much would human justice gain, if all the people of our America and all the nations of old Europe should understand that the cause of revolutionary Mexico and the cause of Russia, the unredeemed, are and represent the cause of humanity, the supreme interest of all oppressed people. * * * It is not strange, for this reason that the proletariat of the world applauds and admires the Russian Revolution in the same manner as it will lend its complete adhesion, sympathy and support to the Mexican Revolution once it fully comprehends its objectives.

That was then. It is now 1994. Mexico has entered into a free-trade agreement with the United States and Canada. There will be a Presidential election in August. The regime is in peril. A fixed exchange rate is maintained to ensure a large inflow of U.S. consumer goods to produce a sufficiently satisfied electorate. A huge foreign debt ensues. Followed in turn by devaluation and the present crisis of 1995.

Surely, this could have been anticipated as a possible if not probable sequence. It was not. Two successive administrations went forward with NAFTA with the same confidence that had attended our earlier free-trade agreement with Canada.

I have no explanation for this. None has been proffered—note that A.M. Rosenthal argues in this morning's Times that there is a need for testimony under oath. A plausible explanation would be that our policy makers looked upon Mexico as a typical Third World economy which had adopted a policy of import substitution as a means towards industrial development. This was common enough economic strategy in the postcolonial period. Charles P. Kindleberger notes that it was indeed the much respected prescription of eminent economists such as Raul Prebisch of Argentina and Gunnar Myrdal of Sweden. India would be a good example of a democratic developing nation that opted for this strategy. By the beginning of the 1990's, however, the Indian Government was changing its view—even as at the beginning of the 1980's it had faced a foreign exchange crisis.

Surely, Mexican Government officials, under the influence in part at least of American economists, had also begun to change. The collapse of the Soviet Union hastened this appreciation in the value of American degrees. Just this Monday a poor fellow was ousted from President Zedillo's cabinet for having falsely claimed to have a doctorate from Harvard. But old habits die hard in a still theoretically one-party State. A free-trade agreement necessitates a flexible exchange rate to correct imbalances in the flow of imports and exports. Even so, the Salinas government maintained a fixed exchange rate until after the election. Then came the crash.

At this point I would like to make a seemingly contradictory argument. I opposed NAFTA. First, I voted against President Bush's request for "fast track" authority. Then, in 1993, I voted against the resulting agreement. I was then chairman of the Finance Committee. I did nothing whatever to hold up the agreement, and I might have done. To the contrary, I saw to it that it was reported out of the committee promptly. When it came to the floor, I asked my colleague Max Baucus, then chairman of the Subcommittee on International Trade, to manage time in support of the bill. Which thereupon passed.

My objections, which I believe I stated clearly enough, were political more than economic. I did not believe that the United States appreciated the troubles that would almost surely come of entering into so close a relationship with a polity so very different from our own; different in ways that could bring about a crisis such as that of the present.

Nonetheless, I fully support Federal Reserve Chairman Alan Greenspan, Secretary of State Warren Christopher, and Secretary of the Treasury Robert Rubin in their advocacy of a $40 billion loan guarantee fund for Mexico. My reasons are twofold. First, I have the uttermost respect for Dr. Greenspan and his associates in this matter. He asserts that he came to his present position "with great reluctance." This week he told the Finance Committee that he all but detested the "too big to fail" argument, be it applied to banks or nations. And, yet, there was something to it. Just yesterday, he told the Foreign Relations Committee, "If this were strictly confined to Mexico, there would be no purpose whatsoever in a government loan guarantee." But the issue is not confined to Mexico. It is Dr. Greenspan's judgment that the economies of the whole of the developing world are potentially at risk. The Senator from New York is not about to hear such testimony from Alan Greenspan and pay no heed.

Similarly, I was struck by the comment yesterday by my distinguished colleague, Paul Coverdell, not just incidentally former head of the Peace Corps, warning against demands for strict conditions on the loan guarantee which may "inflame" relations with Mexico. May, indeed. They most assuredly will. Then we shall have chaos on our hands; or rather, on our border.

In my view, it comes to this. We probably ought never to have entered a free-trade agreement with a polity so very different from our own. But we did. And we now face the consequences. They are nothing we cannot manage. As the headline from an editorial in the Buffalo News of January 26, 1995 explains:

> It's risky, but U.S. has to try to rescue Mexico's economy.
>
> LOCATION AND TRADE LINKS LEAVE US LITTLE CHOICE

The true disaster would be to insist on conditions that would arouse all the hostility and hysteria of a nation of 93 million souls on our southern border who for almost the whole of the 20th century have defined themselves by what they loathed in us. Cuidado, amigos.

Thank you, Mr. President, for your patience. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from West Virginia.

THOUGHTS ON UNFUNDED MANDATES LEGISLATION

Mr. BYRD. Mr. President, I thank the Chair.

The Senate has just passed S. 1, the unfunded mandates legislation. Each of us has come to his own conclusion after weighing the pros and cons of the bill and deciding whether or not this bill is in the best interests of the Nation.

My point in speaking on this bill now, after the vote on final passage, is, No. 1 to explain my vote against the bill; and second, to offer a word of caution.

This bill has not produced a panacea, as I will address shortly. One of the reasons why I voted against the bill is that the Senate rarely imposes restraints upon itself by statute.

When the Senate addresses its procedures in statute it is usually to provide expedited procedures for the consideration of specified measures such as War Powers, Budget Act, Trade Act, or various provisions authorizing Congressional approval or disapproval of Executive proposals. In other words, Defense Base Closure Commission recommendations.

The Senate addressed its rules in the Legislative Reorganization Acts of 1946 and 1970, and imposed certain requirements and safeguards which may not have explicitly authorized points of order, but whose provisions could arguably be enforced by points of order on the Senate floor.

The Senate has imposed numerous restrictions on itself and provided for their enforcement by points of order in the Congressional Budget Act of 1974, which I had a great deal to do with writing, and the related laws such as the Balanced Budget and Emergency Deficit Reduction Act of 1985 and 1987 (Gramm-Rudman-Hollings) and the Budget Enforcement Act of 1990.

But the Senate usually establishes internal discipline by amending its rules or entering into unanimous consent agreements, agreements which can be objected to by any Senator. One objection and the proposed amendment does not go into effect.

Amendments to the rules almost invariably occur by the adoption in the Senate of a simple Senate resolution.

Establishing points of order in statutes is unnecessary, and should be avoided as much as possible.

To establish points of order in statutes is unnecessary, and allows the Senate to change its procedures (if not its rules per se) without one day's notice in writing, and also avoids the more stringent cloture requirement of two-thirds vote on proposals to amend the Standing Rules of the Senate.

This is one way of getting around the cloture requirement of two-thirds vote on proposals to amend the Standing Rules of the Senate.

Establishing points of order in statutes unnecessarily lengthens the process by involving consideration in the House of rules governing the Senate, involving consideration in committee, on the floor, in conference on the House and Senate floors during the consideration of a conference report, and also involves the President of the United States.

If the President should obtain a line-item veto at some point, God forbid, it is conceivable that a President could become involved in internal Senate discipline by vetoing some but not all of the provisions that deal exclusively with Senate procedure.

A point of order against unfunded mandates is a departure from previous changes to Senate procedure in that it can have the effect of precluding the consideration of a particular subject matter by the Senate. What other types of subject matters will be added to this list?

If one specific subject matter may be thus avoided in the future, then what other subject matters may be avoided, because they are made subject to statutorily imposed points of order?

So I view this with concern, Mr. President. We are going down a slippery slope from which there is no return when we impose points of order as a means of internal discipline in the course of Senate deliberation on a bill. We impose those points of order by a law, by statute, as I say, bringing not only the Senate, as should be the case, but also the House and the President into the act.

S. 1 is not a cure-all for the problem of federally imposed mandates. And most importantly, it is not the safety net for the States that it has been characterized to be.

This legislation will not provide any State, local or tribal government a foolproof sanctuary against future mandates. Nor will it protect those governmental units against increased costs should the requirements of any current mandate be increased. All that S. 1 does in this regard is to establish a majority point of order against any bill or joint resolution reported by a committee without a CBO cost estimate. And obviously, as with any majority point of order, that is an additional hurdle to be overcome by those who may wish to enact a piece of legislation. But I would stress, in the strongest possible terms, that the point of order is merely a majority point of order. And as such, it takes the votes of no more than 51 Senators to waive, if all Senators are present and voting.

And if all Senators are not present and voting, it takes a majority of those who are present and voting. If only 60 Senators are present and voting, then only 31 Senators would be needed to waive.

Fifty-one Senators, or a majority of those who are present and voting, can say that the mandate contained in the bill or joint resolution is important enough to the health, safety, and welfare of the American public that they are willing to enact the mandate without an estimate. If only 51 Senators are present and voting, then only 26 are needed to constitute a majority.

Apparently forgotten by those who would make S. 1 out to be a protective shield against the whims of the Congress is that the number of Senators needed to waive the point of order is precisely the number of Senators needed to pass any bill containing a mandate.

The point must be emphasized, particularly to the Governors of this Nation—and to the mayors of cities who are meeting in this Capital City—that S. 1 will not with certainty protect them from the costs and responsibilities of future mandates.

Further, there is nothing in S. 1 which will provide any relief whatsoever to State and local governments for the costs of existing Federal mandates. No relief whatsoever, Governors. None. No relief whatsoever.

According to the report of the Budget Committee on S. 1, one study prepared for the GSA Regulatory Information Service Center in 1992 found the cost of Federal mandates to State and local governments and the private sector was estimated to amount to $581 billion, or roughly 10 percent of the gross domestic product.

Witnesses before the Budget and Governmental Affairs Committee at a joint hearing on January 5, 1995, from State and local governments testified about the damaging impact of existing Federal mandates on State and local governments.

The National League of Cities testified over the past 2 decades that the Congress has enacted 185 new laws imposing mandates on State and local governments.

The U.S. Conference of Mayors testified that 314 cities will spend an estimated $54 billion over the next 5 years to comply with only 10 of those Federal mandates.

Mr. President, Governors and mayors should keep in mind that nothing in S. 1 will relieve them of compliance with a single one of these existing Federal mandates or provide them with one thin dime of reimbursement of their costs.

In addition, this bill will do nothing to protect the States against the harsh pain that they will be forced to endure if the biggest unfunded mandate of all—a constitutional amendment to balance the budget—is ever riveted into the Constitution.

So those Governors and mayors who have been supporting a constitutional amendment to balance the budget under the belief that the passage of the unfunded mandates bill today, if enacted into law, will relieve them of the burdens that are imposed upon them, they are going to be sadly and badly mistaken.

This bill will not safeguard one single State from that pain. Where are the States going to find the money to replace the hundreds of billions of dollars that currently flow from Washington to those State capitols when we start slashing the Federal budget promiscuously? Where are those Governors going to find the quarter trillion dollars that will cease to flow to their States in fiscal year 2002? A quarter trillion dollars, Mr. President, is the amount of money that will be lost to the States according to projections from the Treasury Department. Those are dollars that go for highways, additional police on our streets, housing, education, environmental cleanup, cleanup of toxic wastes, and myriad other programs.

Moreover, that amendment does not even count additional moneys that would need to be cut if the tax cuts called for in the Republican "Contract With America" are enacted. Under that scenario, the loss of Federal dollars to the States is even worse.

So to those Governors and those mayors who are in town—hopefully they are watching C-SPAN—who think that S. 1 will protect them, I say to you, Mr. Governor, Mr. Mayor, think again. This bill, with or without its points of order, will not screen them from the overwhelming hurt that they are going to feel under that constitutionally sanctioned "unfunded mandate," the largest mandate of all, a colossal mandate—a constitutional amendment to balance the budget.

Much has been said about the fact that this bill, S. 1, is different from the bill which the Senate considered last year—and I voted today for the amendment by Mr. LEVIN to substitute the bill that was considered last year, which I believe was a better bill—the big difference being the creation of a point of order.

With respect to these points of order, left unsaid is the perverse political reality that Senators who do in fact vote to waive a point of order will undoubtedly find their procedural vote used against them in the next election. A point of order then, in a sense, that is nothing more than a brilliant political ploy directed at portraying any Senator who has the audacity to stand up for the health and well-being of the American people as some sort of "budget buster."

I can see the television ads already. I can see the demagoguery and depraved mischaracterization of a Senator's vote. Any of us who may be willing to waive the point of order, willing to do what is right and best for our constituents, will find the big guns of the 30-second ad men aimed at our heads. Those political hucksters will have a field day, and we all had better know it, if we do not know it already. It will happen, Mr. President, because that is what elections have become, I am sorry to say. As a result of our incessant desire to avoid thoughtful reflection and meaningful debate aimed at educating the public, we have sunk to the level of 30-second public policy—30-second public policy. If the answer to a problem does not fit on a bumper sticker, well, then the answer must not be correct.

Sadly, that truth will undoubtedly dissuade some from otherwise casting a vote they feel is all right on future legislation. I hope it will not dissuade many.

Mr. President, let me just try to emphasize to Governors of the States and the mayors of our cities again that, if they think that, with passage of this bill, with its eventual enactment into law, the way will then be paved for a constitutional amendment to balance the budget because, and by virtue of this unfunded mandates bill, the States will be protected, they are mistaken. It is my understanding that many of the Governors and mayors wanted, before the Congress debates the constitutional amendment to balance the budget, wanted the Congress first to pass an unfunded mandates bill. They wanted that first. But if they are counting on these points of order to protect them, they are in for a rude awakening.

We already have majority points of order, Mr. President, in the Senate Rules concerning appropriations bills. Let us turn in the Senate Rules to rule XVI. Rule XVI, paragraph 4—I will read this paragraph, as follows:

> 4. On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

Now, Mr. President, that point of order is honored mostly in the breach. We all know that when an appropriation bill comes to the floor, if a Senator makes a point of order against an amendment as constituting legislation on an appropriation bill, another Senator will immediately raise the point of germaneness, and without debate, the Chair will submit that question of germaneness to the Senate for its decision. And we all know what happens. We all know what happens. Senators pay no attention to that point of order. They look at the substance of the amendment and disregard the rule and the point of order and vote that the amendment is germane to the bill.

That point of order is a majority point of order and it is little heeded and it poses no obstacle. Senators simply wave it aside by voting on the question of germaneness.

The same thing will happen here. In the case of unfunded mandates, Senators will get to the point where they pay no more attention to a point of order than a hog does to Sunday.

Section 101 of S. 1, the Unfunded Mandate Reform Act of 1995, amends title 4 of the Congressional Budget and Impoundment Control Act of 1974, and adds a new section 408 to that title to create a point of order that precludes consideration of legislation in the Senate regarding unfunded mandates. Section 904(b) of the Congressional Budget Act currently authorizes a motion to waive points of order under titles 3 and 4 of the Congressional Budget Act by a majority vote, and would thus provide a waiver for this new point of order.

I have already mentioned Rule XVI of the Standing Rules of the Senate, which prohibits proposing amendments that are legislative in character to general appropriations bills.

I say it once again to you mayors and Governors who may be listening. Under Senate precedents, the Chair seldom gets to rule on this point of order because the proponent of the amendment may raise the defense of germaneness which is then submitted to the Senate for decision and decided by a majority vote. This procedural vote by the Senate should be based on whether the proposed Senate amendment is germane to some legislative language in the House passed bill. However, it has now simply become a substantive vote on the Senate amendment. In many instances, those Senators who support the amendment vote that it is germane and those who oppose the amendment vote that it is not germane, despite the fact that they are being asked to resolve a procedural issue. In this way valid procedural constraints are frequently sacrificed for transient substantive ends.

Mr. President, since the beginning of the Republic, the Federal Government has imposed important and necessary requirements on the States. The Constitution requires the States to have elections, even though the Federal Government does not pay one penny for them. It requires States to allow defendants a fair trail. Those Federal requirements on the States transcend mere financial considerations. They fall into a higher category. They represent bedrock beliefs and sacred values held by all Americans to be of paramount importance. Fair elections, fair trails—each of these, Mr. President, lies at the very heart of what makes up the American tradition, and no point of order should deter us from continuing to uphold those values because we fear a 30-second spot or a misrepresentation of a procedural vote.

But the point of order in the bill will simply add to an already cumbersome process. It will be nearly impossible, as the Director of the Congressional Budget Office has said, to issue cost estimates in a time fashion. How can we expect CBO to canvas the 87,000 State, local, and tribal governments throughout the Nation with anything resembling efficiency? The answer, Mr. President, is that we cannot.

We will simply see a trampling over, a mad rush to put aside, to waive the points of order. That is one thing I think we can expect to see. We could very well see a situation whereby the agenda of this institution is set, not by the majority and minority leaders, but by a small group of budget analysts in the basement of the CBO. But here again I think that will be avoided by simply waiving points of order.

Senators need only think back to the closing days of the last Congress, when various health-care bills were waiting for CBO scoring data, to see how that situation could develop. Is that what Senators want? Do we really want the agenda of Congress set on the basis of how fast a budget analyst can do his job? Do we really want to be told that, despite our wishes, we cannot go to a particular bill because the cost estimate is not ready? That, Mr. President, is absurd.

Because of these problems, I was pleased to join my colleague, Senator LEVIN, in support of his substitute amendment. The Levin amendment was, in effect, a complete substitute based on the version of the bill that we considered last Congress. That version, as I have noted, did not contain the point of order. It was a good substitute, and one that should have been adopted.

Mr. President, as I have previously stated, and as my vote in favor of the Levin substitute showed, I am a supporter of an unfunded mandates bill. I believe that, under certain circumstances, if we in Congress require the States to carry out our laws, then we should pay.

We should not offload÷ that financial burden on the States.

Notwithstanding the fact that I did not vote for this bill, I would like to compliment the efforts of those Senators on both sides of the aisle who worked hard to improve S. 1. Senator GLENN, of course, deserves more than a fair share of credit for the time and the energy he put into the bill in committee and here on the floor. Senator LEVIN, too, deserves an enormous amount of credit for the number of hours he has been here, lending us his expertise, and asking of the managers probing questions designed to get at the heart of the matter.

Finally, I offer my congratulations to the distinguished Senator from Idaho [Mr. KEMPTHORNE], who, while we are not in agreement on most of the amendments offered, demonstrated throughout a high sense of purpose and immaculate fairness to all of us. He is a man of extraordinary good sense, a man of civility, a gentleman, and I have no doubt that he will go far in this institution.

Then I extend my congratulations to Senator BOXER, Senator MURRAY, Senator BINGAMAN, and others for the job they performed in coming forward with good, meaningful amendments.

I compliment the minority. This is a big minority. This is not a fledgling or small minority. There are 47 Senators on this side of the aisle. There were only 44 Senators in the minority on the other side of the aisle in the last Congress; 44. But in this Congress, the minority has 47 Members.

I think the minority played an important and meaningful role in slowing down this legislation—saying, "Let us hold on a bit; not so fast."—in amending it, in improving it, debating it, and exposing its weaknesses. The minority has refused to be run over by the majority steamroller, and that is as it should be. As a result, this legislation which has just passed has been improved, and it is better understood.

LORNA KOOI SIMPSON

Mr. BYRD. Mr. President, somebody once asked Ralph Waldo Emerson the secret to success. And after a brief pause, Emerson replied, "Make yourself necessary to somebody."

I know that I speak for all of our colleagues in expressing to our friend and colleague, Senator ALAN SIMPSON, from Wyoming, our most sincere sympathies on the death, on January 24, of his mother, Lorna Kooi Simpson. As we all know, Mr. President, God only gives us one mother.

Plutarch tells us that Alexander the Great made his mother many magnificent presents, and Antipater once wrote a letter to Alexander, a long letter full of heavy complaints against her. And when he had read it, Alexander said, "Antipater knows not that one tear of a mother can blot out 1,000 such complaints."

A little less than two years ago, Senator SIMPSON lost his father, former United States Senator Milward L. Simpson. The loss of loved ones is always a blow to us, but to lose one's parents over such a brief span of time is doubly hard, and I want Senator SIMPSON and his family to know that we understand something of their grief in these days.

But a degree of the sense of loss at the death of Mrs. Simpson is assuaged upon contemplating the life and accomplishments of this great lady.

Throughout her life, Lorna Simpson was dedicated to "making herself necessary" to others, in the words of Ralph Waldo Emerson—to hundreds and hundreds of other people—in practically everything that she did.

An accomplished musician at both the piano and the Hammond organ, and a masterful vocalist, through her music, Lorna Simpson enriched the lives of those around her. She played the organ and directed the choir at her church in Cody, Wyoming. Indeed, early in her marriage, her sister prevailed on Mrs. Simpson to enter a contest to compose an original "pep song" for the University of Wyoming. Reluctantly, Mrs. Simpson went to work, and succeeded in winning the contest with her original "Come on, Wyoming!"

Additionally, however, Mrs. Simpson was also a talented amateur sculptor and artist, and played an active role in promoting the arts throughout her entire life.

But that was not the limit of her contributions.

In 1940, Mrs. Simpson was appointed by the Mayor of Cody, Wyoming, to the Cody Planning and Zoning Commission. With other citizens, Mrs. Simpson engaged in a long and successful campaign, complete with a bond issue that passed in 1950, that rendered Cody "one of the most beautiful cities in Wyoming."

Moreover, Mrs. Simpson and her husband were co-owners of the local radio station KODI in Cody, at which Mrs. Simpson often did both programming and on-the-air work. During World War II, Mrs. Simpson was the acting editor of the Cody Enterprise newspaper.

And in her "spare time," as a coowner with her husband of the Cody Inn, Mrs. Simpson oversaw the restoration of this hostelry to its original grandeur.

In fact, time here does not permit a full recounting of the full record of Mrs. Simpson contributions to the career of her husband and to her family, as well as to the people of Wyoming and the United States. Suffice it to add that she served as the First Lady of Wyoming during her husband's tenure as Governor from 1954 through 1958, and accompanied him to Washington during his service as a United States Senator from 1962 through 1966 after he won an election to complete the unexpired term of the late Senator Keith Thomson, during which the elder Senator Simpson was diagnosed with Parkinson's disease, forcing his retirement from the Senate.

On once being nominated "Wyoming Woman of the Year," Mrs. Simpson said, "The Bible does say, 'Let your light so shine before men that may see your good works, and glorify your Father which is in Heaven.' "

Certainly, Lorna Kooi Simpson carried with her throughout her life a brilliant, far-reaching light. She was a genuine "Renaissance Lady." To reflect on her life is to marvel at the capacity of some men and women to live selflessly and abundantly beyond the imaginations of most of us, and we are all diminished by the death of this great Wyoming lady, as we are diminished by the death of any great person.

I trust that Senator SIMPSON, whom we admire, and for whom we have great affection, will find a rich and undiminishing solace in the memories of Mrs. Simpson, and in the assurance of the love of God that so infused and defined her life. To be sure, Lorna Kooi Simpson was, and is, a genuine reflection of the workmanship of a Loving Heavenly Father, and she is now at rest in an Eternal Home, not made with hands, in our Father's house, near at hand to the Lord whom she so dearly served throughout her life with every talent with which He had entrusted her.

My wife, Erma, and I extend our sympathy and our condolences to ALAN SIMPSON and all of his family in this hour of trial.

Mr. President, I yield the floor.

MORATORIUM ON NEW WETLAND DELINEATIONS

Mr. GRASSLEY. Mr. President, I introduced this week, with 10 cosponsors, a bill to safeguard the property rights of our Nation's farmers. The bill will establish a moratorium on new wetland delineations, until Congress has time to enact a new farm bill and to consider the wetlands issue on agricultural land in conjunction with that bill. This corresponds with the policy set here by this body in 1985 when we passed the antisodbusting and antiswampbusting provisions that are on the books and are generally good pieces of legislation—now being abused, though, by faceless bureaucrats, who are trying to redetermine additional wetlands. Even though the prior determinations have fit into the farming patterns of individual farmers around the United States.

As you know, Mr. President, no less than four Federal agencies claim jurisdiction over the regulation of wetlands. Just think of how impossible it is for the family farmer of America to try to understand what four different Federal agencies want him to do in regard to wetlands on his personal property and how that confounds him in making business decisions on the operation of his farm.

Those four agencies last year entered into a memorandum of agreement concerning wetlands delineation on agricultural land. Although the memorandum of agreement was intended to streamline the regulatory process, and it was meant to clarify the role of each agency, it has, however, increased the level of confusion and the level of frustration among the farmers affected by it. It has not made their life any easier. It may have well been the intention of the faceless bureaucrat, through that agreement, to make life easier, but it has not.

The delineation of wetlands on agricultural land has been, for a long period of time, a confusing proposition. On the other hand, the consequences of the delineations are very clear. The farmer, for instance, might alter a wetland without authorization from the Federal Government, and could potentially face civil penalties, criminal action, and loss of farm program benefits. Because the stakes are so very high, I think we have a responsibility in this Congress, as representatives of the people, representing a major industry in America, because the food and fiber chain, from producer to consumer, is 20 percent of our gross national product, and considering the importance of this industry and the millions of family farmers, independent entrepreneurs that make their living this way, because of all these reasons, we must ensure that the delineation process is accurate and that it is reasonable.

As I speak, Mr. President, new wetlands delineation are being conducted in the State of Iowa pursuant to the memorandum of agreement. It is just starting in the State of Iowa, but is going to cover every other State affected by agricultural wetlands. So even though it is of immediate impact in my State, in just a few months, this process will be going on throughout the country.

This is a process whereby these people, unknown to the individual farmers, take the individual soil survey maps and aerial photos of vegetation topography. From these they attempt to find, in areas where they have not already said there are wetlands, some other little bit of evidence of wetlands, in order to get more farmers under the regulatory umbrella and get more land within each farm under that umbrella of wetlands. Because the more wetlands determinations and the more of an opportunity for the bureaucrats to have some jurisdiction over private property they would not otherwise have jurisdiction over.

This is being done not with on-site farm inspections, not with the individual farmer right alongside the soil conservation personnel—remember, historically, for 60 or 70 years, there has been a very close relationship and friendly relationship between the soil conservation people who are educating farmers to be better caretakers of our natural resources and the farmer wanting to do that and learning from that process.

That sort of consultation has promoted more benefit to the environment than any other one process I know from the U.S. Department of Agriculture. In this current process, it has not been the usual close relationship, but it is in the back rooms, or in the laboratories around the individual States, where bureaucrats are going over these soil maps with this aerial photography to find other wetlands. And then send out a new map to the individual farmers with additional delineation of wetlands on it. At that point, you have wetlands whether you think they are wetlands or not and it is your job, as an individual farmer, then, at the appeals process to show that these really are not wetlands. And the burden of proof is on the back of the farmer.

This is kind of a way of saying, "You are guilty of having something that you did not even know you had," particularly if you have been farming this very land for a long period of time.

Well, we ought to inform the farmer of this process. The bureaucracy has not informed the farmer of the process. In fact, in my State, in Story County, IA, there was a meeting to discuss this whole process, but it was by invitation only.

Although it may be legitimate to have some further determination, it ought to involve the farmer and it ought to require that the bureaucrat making that determination at least visit the area and see with their own eyes what the situation might be. This would reinforce the close relationship we have had for six or seven decades between the soil conservation consultant, engineer, and the individual family farmer. I am talking about the family farm, not the big corporate farmer with the absentee landownership and some foreign manager taking care of the land.

This process is currently going on, so that farmers will soon be deprived of the right to farm their land or improve their property because a Federal bureaucrat decides that such activity interferes with a protected wetland.

Remember, we went through this process after we passed the antiswampbusting and antisodbusting legislation in the 1985 farm bill. I do not, for the most part—not completely, but for the most part—I do not hear any individual farmers complain about that determination or the regulations that have followed that determination. That is because there was an open effort on the part of the bureaucracy to work with the farmers, to understand what the process is, to have input. But not now. The meetings in my State are by invitation only.

Now, I suppose it sounds like we are opposed to protecting valuable wetlands. Well, I think the litmus test of that is our vote for the antiswampbusting, antisodbusting provisions in the 1985 farm bill. There were no efforts to repeal those provisions. In fact, even in the 1990 farm bill, there was some expansion in this area.

But I think we ought to be cognizant of the fact that it is not good for agriculture, it is not good for our general economy, and it surely is not conducive to the family farmer. He should not be expected to confront a faceless bureaucrat every so often, with changes in the rules every few years, so that farmers can never be certain if their conduct is allowed under the current regulatory scheme.

I am also opposed to the promulgation of a memorandum of agreement by four Federal agencies that will significantly affect the ability of private property owners to improve their land without the benefit of input from the people affected by the agreement.

My bill basically accomplishes two things. First, it will allow those property owners affected by the memorandum of agreement to have some input through congressional hearings on the wetlands policy. At the very least, Congress should ensure that the concerns of the private owners are heard before they are deprived of the use of their land.

The second purpose of the bill is to stop the bureaucracy from acting based upon the flawed memorandum of agreement. It is my sincere hope that this Congress will reform Federal wetlands policy. This policy should be based upon sound science, recognize the constitutionally protected right of private property, and, above all, institute a large dose of common sense into the program.

And where a real opportunity to instill common sense into this program was missed by the bureaucracy, is when the agreement was not promulgated under the Administrative Procedures Act. That process allows the publishing of whatever the bureaucrat wants to regulate, but it institutes upon them a discipline and a hearing process to make sure that there is input from all segments of the regulated community.

Now, in my State, we do not try to sneak things over on the people. This process of ignoring public input is foreign to the thinking of the commonsense approach of mid-Americans who are law-abiding citizens, who want to work with their Government, who want to keep the economy or the environment sound.

And so I beg for 6 months to slow the process down, to alert the family farmers of America to what is going on. That it is affecting their right to farm, and to do it in a businesslike fashion, and to allow the Agriculture Committee, under the extremely capable leadership of Senator LUGAR, to review this whole process and to work it into the farm bill. That is just 6 months. Surely there is nothing wrong with that. Nothing is going to happen in the next 6 months that is going to be catastrophic to this whole process. I think that it is a commonsense approach.

So this bill stops the Government from finding new wetlands on farms until this reform can be put in place.

Mr. President, I yield the floor.

MORNING BUSINESS

DEMOCRATS, GET REAL

Mrs. MURRAY. Mr. President, I am pleased today to bring to the attention of my colleagues a thoughtful opinion piece by our colleague, the Senator from Maryland, which appeared in the Washington Post on Sunday, January 22. She presents a road map that I believe can help all Senators, on both sides of the aisle, as we develop our priorities in this new Congress. I ask unanimous consent that Senator MIKULSKI's column be printed in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 22, 1995]

DEMOCRATS, GET REAL

(By Barbara A. Mikulski)

Democrats need a new attitude and action plan to focus on solving real problems. This attitude and plan must promote a shared national vision to create good jobs and give help to those who work hard, play by the rules and practice self-help. We need to create a new state of mind that—as Americans—we can solve our nation's problems together.

Democrats must stop being angst-addicted. We have too often substituted agonizing for action, and it has paralyzed us. To connect with middle-class Americans, we must think clearly and act decisively. Democrats must focus on the day-to-day needs of everyday Americans—their jobs, families and opportunities. We also need to look at our country's long-term needs. We need to generate jobs with pay worth the effort and education. We need to create a national readiness that is based on competence and character.

Democrats must focus on being politically effective, not necessarily politically correct. We cannot use words from a dated vocabulary. Political labels such as "right," "left," "liberal" and "conservative" have become cliches. Labels and stereotypes that go with them have little meaning.

Being politically effective means helping those who are middle class stay there or do better. Being politically effective means helping those who are not middle class get there through hard work and practicing self-help. Worn-out sound bites about the economy and crime weaken our credibility and play into the hands of those who demonize our ideas by blaming the victim, the government or both.

Democrats must figure out what works. We must be advocates for people and not automatically defend every government program. Let's look at the mission of these programs. When they serve their mission and help people, great. When they don't, let's get rid of them. We cannot be a rescue squad for every line item. Often, the good intentions of good people have gone astray. Tinker Toy reforms ultimately created other problems.

One example is federal housing policy. We thought that if we gave people housing, we would give them opportunity. Begun during the New Deal, most federal housing programs were meant to provide short-term shelter for people temporarily out of work. But a series of complicated rules and boutique programs has rewarded the wrong kind of behavior and made housing projects Zip codes of pathology. Few residents can find work. Crime and substance abuse are high.

Some blame the victim. Some identify with the victim. But Democrat's addition to other people's misery does not solve their problems or substitute for national policy. While we must acknowledge the pain of the impoverished, we must also require them to take charge of their own lives. We must find ways to reward those who work or get into a program for self-sufficiency.

We must ensure that welfare rules do not destroy the family. Democrats should stand up for the family—and that includes men. We need to end the "get the man out of the house" rule, which has pushed men out of the house so a family can qualify for public benefits. Shortsighted intentions have created rules that dismantle families, emasculate men and deny their children a full-time father. Being a dad is more than writing a child-support check.

We've heard a lot about angry voters. Actually, I think voters' anger stems from bewilderment and disillusionment. This bewilderment and disillusionment is based on the fact that their personal experience does not reflect what statistics tell them. People are told that they are fortunate to live in an economy of low unemployment, low inflation and rapid growth. Yet, people are one downsizing away from unemployment, their friends have been laid off, and their standard of living continues to decline. At the same time, people feel less secure in their homes, neighborhoods and workplaces. Children are killing children with guns carried around in school backpacks.

America's future deserves more thought and effort than partisan bidding wars over tax cuts. It deserves more than the pursuit of "faddish" ideas floated by think tanks. Americans deserve real solutions to the complex problems of an increasingly complex world.

Democrats must join together to create this new attitude, both within the Democratic Party and within the country—to reward hard work, family stability and playing by the rules. Together, we can begin to address the very valid concerns Americans have about their futures, the futures of their families and the future of their country.

AUSCHWITZ IS SYNONYMOUS WITH EVIL

Ms. MIKULSKI. Mr. President, perhaps more than any other word, Auschwitz is synonymous with evil.

Fifty years ago today, Russian soldiers liberated Auschwitz.

The horrors of Auschwitz are incomprehensible and undescribable.

Over 1 million people lost their lives at Auschwitz—the largest of the Nazi death camps. Ninety percent were Jews. Hundreds of thousands were children.

Auschwitz represented the German's campaign to exterminate a people—the Jews. They almost succeeded—killing two out of three Jews in Europe.

As a Polish-American, I carry the images of Auschwitz in my heart.

The Germans considered all Poles to be an inferior race. After Poland was conquered, German authorities expelled much of the native Polish population from regions of the newly annexed territories. Polish cities were given German names and German settlers were colonized on Polish land. In occupied Poland, the Nazi governor, Hans Frank, proclaimed: "Poles will become slaves in the German Reich."

The Nazis set out to destroy Polish culture. Thousands of Polish teachers, politicians, university professors, and artists were executed or sent to Nazi concentration camps. Catholic priests were among the main targets of Nazi mass murder in Poland.

In fact, Auschwitz was created as an internment camp for Polish dissidents. And thousands of Poles were murdered alongside the Jews in Auschwitz.

Many Poles risked their lives to save Jews:

Irena Sendler was a young social worker in Warsaw. She used her position to smuggle 200 Jewish children out of the ghetto to safe houses. In 1943, Sendler was arrested by the gestapo, brutally tortured and condemned to death. On the day of her execution, she was freed with the help of the Jewish underground.

Irena Adamowicz, a Polish Catholic, aided in establishing contacts between the Jewish Underground and the main Polish resistance organization.

Jan Karksi, who, while working for the Polish Government in exile, was one of the few outsiders to visit the Warsaw Ghetto. He appealed to the allies to do something.

These are just a few examples. But as a Polish-American, it pains me to know that these brave patriots were a minority. The majority of Poles, like the majority of Europeans, were neither killers nor victims. Most merely stood by, neither collaborating, nor coming to the aid of the victims. This passivity amounted to acquiescence.

Elie Weisel, a survivor of Auschwitz, visited Auschwitz 25 years after the liberation. He wrote:

> I hadn't realized how near the village was. I had thought of it as worlds distant from the camp. But the villagers could see what was happening behind the barbed wire, could hear the music as the labor details trudged to work and back again. How did they manage to sleep at night? How could they go to mass on Sunday, attend weddings, laugh with their children, while a few paces away human beings despaired of the human race.

Many years later, Eli Weisel was awarded the Nobel Prize. This week he led the American delegation to Auschwitz.

As a Polish-American, I traveled to Poland in the late 1970's. I was a Congresswoman. And I wanted to see my heritage. I went to the small village where my family came from. It was a very moving and historic experience.

But I also wanted to see the dark side of my history, and I went to Auschwitz. In touring Auschwitz, it was an incredibly moving experience to go through the gate, to see the sign, to go to see the chambers. I went to a cell that had been occupied by Father Kolbe, a Catholic priest, who gave his life for a Jewish man there.

And then, for those of you who don't know, I'm a social worker, I've been a child abuse worker and I don't flinch.

But then I got half way through that tour and I came to a point in that tour where I saw the bins with glasses and the children's shoes, and this 40-something year old Congresswoman could not go on.

I became unglued. I had to remove myself from the small tour, go off into a private place in Auschwitz, cry in a way that shook my very soul. And when I left there, I thought, now I really know why we need an Israel.

And that is why I will fight so hard to ensure the survival of Israel. I know its importance. I know why it exists.

I also know why it is so important for us educate our young people—about the effects of hatred, about the importance of history.

Several years ago. I helped my friend Mark Talisman to create a living memorial to the Jews of Poland—called Project Judaica. Through its cultural center, its international education programs, and its rescue of Jewish artifacts, Project Judaica seeks to educate people about the rich history of the Polish Jews. Project Judaica's Center for Jewish History and Culture is in Krakow, near the village my family is from.

In closing, I would like to read the words of Eli Weisel:

> Never shall I forget that night, the first night in camp, which has turned my life into one long night, seven times cursed and seven times sealed. Never shall I forget that smoke. Never shall I forget the faces of the children, whose bodies I saw turned into wreathes of smoke beneath a silent blue sky. Never shall I forget those flames which consumed my faith forever.
>
> Never shall I forget that nocturnal silence which deprived me, for all eternity, of the desire to live. Never shall I forget those moments which murdered my God and my soul and turned my dreams to dust. Never shall I forget these things, even if I am condemned to live as long as God himself.

Mr. President, 50 years after the liberation of Auschwitz, let us pledge never to forget. And let us honor those who died in the holocaust by fighting against bigotry, hate crimes, and intolerance.

U.S. ARMY STAFF SGT. CARL A. CLEMENT A NEW HAMPSHIRE HERO

Mr. SMITH. Mr. President, I rise today to salute U.S. Army Staff Sgt. Carl A. Clement, from Sunapee, NH, who died January 10, 1995, from injuries suffered in an automobile accident while serving his country in South Korea.

The accident that took the life of this fine young man was a terrible tragedy for his family and for the State of New Hampshire. Carl was born in Newport, NH. He is the son of Charles and Mary Clement and graduated from Sunapee High School in 1983, where he received the outstanding athlete award. Carl was married to Sandra Clement, of Lawton, OK. They have two daughters, Jacqueline Amalia and Pamela Megan Clement.

Carl joined the Army on July 5, 1983, and he was stationed at Fort Sill in OK, prior to his tour of duty in Korea. He left for Korea in March 1994 where he served as a generator mechanic. The Clement family can be proud of Carl and his service to the United States. Carl was an outstanding soldier, devoted family man, and trusted friend.

As a member of the Senate Armed Services Committee, I am honored to have represented Staff Sgt. Clement and his family in the U.S. Senate. Sergeant Carl Clement joins a distinguished list of New Hampshire patriots who have given their lives in the service of their country.

WAS CONGRESS IRRESPONSIBLE?—THE VOTERS SAID YES

Mr. HELMS. Mr. President, as of the close of business on Thursday, January 26, the Federal debt stood at $4,801,405,175,294.28 meaning that on a per capita basis, every man, woman, and child in America owes $18,226.22 as his or her share of that debt.

THE PRESIDENT'S PROPOSAL TO RAISE THE MINIMUM WAGE

Mr. REID. Mr. President, I ask unanimous consent that the attached Las Vegas Sun article by Nevada's former Governor Mike O'Callaghan on President Clinton's proposal to raise the minimum wage be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STOP WHINING; PAY WORKERS

> Whine, whine, whine.
>
> The sky is going to fall in if the minimum wage is raised. If you listen to the Republican-led whine choir, it assures us that small businesses will collapse and thousands of teenage hamburger flippers will be fired if the minimum wage rises from $4.25 to $5 an hour.
>
> Let's be honest, any business today that doesn't have the ability to pay its workers $5 an hour probably should collapse if it hasn't already. You can't convince a thinking American that the newly suggested minimum wage will do anything but help the working poor and, in the long run, improve the economy. A quick glance at past minimum wage increases will show that they have been a plus, not a negative, for the working poor and the economy.
>
> I was proud of President Bill Clinton when he said in his State of the Union address:
>
> "Members of Congress have been here less than a month; 28 days into the new year,

every member of Congress will have earned as much in congressional salary as a minimum-wage worker makes all year long."

Earlier, he had pointed out that there are "2½ million Americans, often women with children," who now work for $4.25 an hour.

Figure it out: These people, when employed full time, make $170 a week and less than $9,000 a year.

Try raising a family on these wages, when the poverty level for a family of four is $13,000 a year. In case the family breadwinner gets sick working for minimum wages, he or she most likely hasn't any medical coverage. The situation becomes a double tragedy.

Furthermore, the idea that only teenage fast-food workers are paid the minimum wage is wrong. Actually only about 30 percent of these workers are under 20. A much larger percentage is 25 years old and up. Yes, and 60 percent of the people struggling to get by on minimum wage are women. Many of them are single parents.

As a governor, I heard all of the silly arguments against raising the minimum wage during the 1970s. Sometimes, it was like pulling teeth for Assemblywoman Eileen Brookman and state executives Stan Jones and Blackie Evans to convince legislators to move ahead with minimum-wage legislation.

Who are these hard-working Americans who labor for $4.25 an hour? According to writer Michael Gartner, the households with less than $10,000-a-year income give a greater percentage of their money to charity than do those who make $75,000–$100,000 annually. They aren't a bunch of bums or freeloaders. They are men and women we should be proud of as fellow Americans who toil at jobs day after day to feed themselves and their families.

I remember my father working for a dollar a day during the Great Depression. Cutting and skinning trees for pulp from dawn to dark wasn't an easy task. Following that bit of exercise in the snowy and cold climate of Wisconsin, he came home to milk the cows and then go to bed, knowing that hours before the sun rose the next day, he had to milk them again before leaving for the woods.

Let the editors of USA Today give us a brief history of the minimum wage and bring us up to date:

"The first minimum wage law set a 25-cents-an-hour wage in 1938 in order to provide 'a minimum standard of living necessary for health, efficiency and general well-being for workers.'

"And for most of the next four decades, the minimum wage provided that floor to earnings, as Congress raised it a dozen times—once every three or four years—to keep up with inflation.

"But then came the Reagan revolution. From 1979 to 1989, the wage was stuck at $3.35 an hour, losing nearly half of its purchasing power.

"The result: A wider gulf between rich and poor and an increasing reliance of working families on food stamps, tax credits and other welfare to make ends meet.

"The 90-cent increase implemented from 1989 to 1991 helped lift nearly 200,000 families from that situation, the Labor Department found. But it still left 18 percent of full-time workers earning less than poverty wages for a family of four—a whopping 50 percent increase from 1979."

So stop the predictions of economic catastrophes and the whining that accompanies the voices against the minimum wage going to $5. It's long overdue, and anything less will only allow the continuation of one of our country's greatest injustices against the working poor.

THE WAR IN CHECHNYA

Mr. PELL. Mr. President, last week, Russian President Boris Yeltsin declared victory in Chechnya, stating that the military stage of the conflict had concluded. It is clear, however, that neither the conflict nor its political and international ramifications are behind us. The fighting, although less intense, continues with horrifying reports of attacks against civilians. Russia's foray into Chechnya, moreover, continues to take a toll on Russia's domestic reform agenda as well as its relationships with the West.

Secretary Christopher put it well last week after his meetings in Geneva with Russian Foreign Minister Kozyrev. He said: "I told the Foreign Minister that the United States fully supports the principle of Russia's territorial integrity, but that we are extremely concerned about the price that the war is exacting in terms of human life, in terms of support of reform, and in terms of Russia's standing in the world." To my mind, Secretary Christopher delivered the right message. Let us hope that Russia responds appropriately.

Mr. President, I believe that few of us would deny that territorial integrity is an important principle that must be preserved. There are 32 ethnic federal units in Russia—consisting of 21 sovereign republics and 11 autonomous regions. These areas make up about one-third of Russia's land mass. Much of that territory is resource-rich and politically important. If Russia had taken a laissez-faire attitude toward Chechnya, it is conceivable that other republics and regions would have followed suit by attempting violent breakaways—breeding instability and bloodshed throughout the region. An unstable Russia is clearly not in the United States interest.

I do believe that Russia has a right to preserve its borders consistent with the principles laid out by the Organization on Security and Cooperation in Europe. The OSCE—formerly the CSCE—makes clear that Europe's borders are not to be changed by force. That being said, Russia can't have it both ways. if we are going to look to OSCE to argue that Russia's territorial integrity should be preserved, we also have to take seriously OSCE commitments and principles regarding human rights. As a member of OSCE, Russia has committed to observing certain standards of behavior. Most recently, at the OSCE summit in Budapest, OSCE members adopted a code of conduct that spells out principles guiding the role of armed forces in democratic societies. The Russian military's behavior in Chechnya raises serious questions about Russia's commitment to OSCE principles.

It is not too late for Russia to seek a peaceful end to the Chechnya conflict. In fact, an OSCE team is scheduled to visit Chechnya to focus on human rights, treatment of prisoners, humanitarian aid, and election preparation. Moscow should welcome this as an opening to show good faith and follow through on President Yeltsin's pledge of "rehabilitating the life-support system and of protecting human rights to the full extent."

While I want to see the United States continue to engage Russia and to support the reform effort, there are many voices here in the Congress calling for a reevaluation of our relationship, including our assistance program. In my view, United States bilateral assistance—the vast majority of which is in the form of technical assistance to farmers, teachers, business representatives, and other ordinary Russians—is crucial to bolstering the reformers.

By far the most important type of assistance, however, is the aid we provide under the Nunn-Lugar program to help Russia and the other nuclear powers of the former Soviet Union with dismantlement and conversion. It is a wise investment in our own security, and to create linkages between Chechnya and the Nunn-Lugar program would be the height of irresponsibility. As I said, however, not everyone shares this view, and I am afraid that if Russia does not opt for a peaceful solution to the Chechnya conflict, the march to end assistance will be unstoppable.

ANNIVERSARY OF AUSCHWITZ LIBERATION

Mr. DOLE. Mr. President, 50 years ago tomorrow troops of the soviet red army marched into almost unimaginable horror in Auschwitz, Poland. In the 50 years since its liberation, Auschwitz has become a synonym for man's inhumanity to man. Roughly 1 million Jews were murdered at Auschwitz, part of Hitler's twisted final solution. Some 75,000 Poles and some 23,000 gypsies were killed. It is hard to envision the scope of this holocaust—the barbaric efficiency of the Nazi killing machine is typified by the Auschwitz camp.

The importance of remembering Auschwitz should be clear to this and future generations—even today there are those who deny reality and distort history by claiming to doubt the reality of the Nazi Holocaust. Their lies only highlight the need to reflect on the meaning of the Holocaust on this important anniversary.

In the last few days leading up to tomorrow's anniversary, newspapers and television have had powerful and moving accounts of life and death at Auschwitz. One has only to see the pictures and hear the anguished voices of the survivors to understand the phrase:

"never again." The horror of the death camps should lead each and every one of us to say "never again." Never again will the world tolerate mass murder as a tool of state policy. Never again will the world tolerate the organized government effort to eradicate one group of people based on their religion or ethnic origin.

TRIBUTE TO SENATE PAGES

Mr. DOLE. Mr. President, I want to take a moment to salute the Senate pages for their hard work and dedication over the past few months. Since last September, they have put in long hours helping in the day-to-day operations of the Senate floor—from opening its doors in the morning to turning out its lights at night. And all that comes after early morning classes at the U.S. Senate Page School.

No doubt about it, by watching democracy in action, these fine students from across America have learned more than the textbook view of Congress.

I know I speak for all my Senate colleagues when I say we are grateful for their commitment to making the Senate work, and I wish each of these young men and women all the best in the future.

I ask unanimous consent that their names be printed in the RECORD.

There being no objection, the names were order to be printed in the RECORD, as follows:

Ben Shoun, Tennessee; Bethany Atkins, North Carolina; Megan Smith, Minnesota; Karen Hodys, Rhode Island; and Hilary Johnson, Oregon.

David Miller, Pennsylvania; Kelvin Chen, Mississippi; April Cunningham, California; Leslie Pridgen, South Carolina; and Brad Parrish, Utah.

Dan Case, Yarmouth, ME; Mike Chapman, Flint, MI; Jeffrey Colvin, Canajohaire, NY; Danny Heffernan, Atlanta, GA; Cristin Hodgens, Westborough, MA; and Fulmer Jones, Booneville, AR.

Michael Kaplan, Alexandria, LA; Katherine Lord, Shorewood, WI; Mathew McMillan, Los Angeles, CA; Mark Mezvinsky, Philadelphia, PA; Tai Mirach, Hallowell, ME; and Melody Montgomery, Grass Range, MT.

Tony Oliver, Yarmouth, ME; Noah Oppenheim, Tucson, AZ; Rupa Patel, Plymouth, MI; Liz Rosenberg, Middlebury, VT; Abe Tucker, Brunswick, ME; and Meredith Villines, Little Rock, AR.

CONTACT WITH AMERICA—SUPER BOWL XXIX

Mrs. FEINSTEIN. Mr. President, the House may be debating the Contract With America, but I ask the Senate today to consider the Contact with America. On Sunday, the people of America will be in contact with one another, eagerly debating, disputing, and disagreeing.

However, I regret to inform this body that they will not be in touch with us. They are of the mind that the issue is far too big for the Senate to tackle or the President to block. Government involvement would be called unsportsman-like conduct. The Supreme Court would be ruled off-sides, and even radio talk show hosts would be flagged for interference.

Of course I mean Super Bowl XXIX—29. This ultimate contact sport presents a real problem for me and my colleague, Senator BOXER, because this year's Super Bowl pits two California teams against one another—the four-time Super Bowl champs, the San Francisco 49'ers and the talented and challenging San Diego Chargers. Normally, if a California team would play a team from some other State, I would willingly wager with the rival Senators. But it would be unseemly for two Senators from the same State to wager against one another. Does my colleague, Senator BOXER, agree?

Mrs. BOXER. I do. The only thing I will bet is that a California team will win. I share my friend's excitement for the game. This is only the second time in the history of the modern era of the NFL that two teams from the same State have captured their division titles to earn a spot in the Super Bowl.

To quote Henry David Thoreau, "Mankind's progress moves from East to West," a phrase that continues to ring true for the NFL in 1995. California teams, fueled by the high-powered, high-scoring west coast offenses and supported by quick, powerful defenses, have taken the game to a new level. The Chargers and 49'ers proudly sit atop the ranks of the NFL and will bring the coveted Vince Lombardi Trophy back home to the Golden State for the eighth time in 29 years—twice as many times as any other State. I am sure that my friend from California would agree that this is a remarkable accomplishment.

Mrs. FEINSTEIN. Of course. Bruising contests are not unfamiliar in California as I well know from last year. If you add up all of the championships in World Series, Super Bowls, NBA, and NCAA Championships, California has won more than any other State. I ask my colleague to give her views on this Super Bowl.

Mrs. BOXER. I say to my friend, this Sunday's Super Bowl will add a final chapter to what has turned out to be a magnificent story—the tale of two teams taking a strikingly different course to arrive at the same destination. The young, upstart San Diego Chargers are the quintessential underdogs. After battling to finish with an eight and eight record last year, most NFL pundits rated them way down in the polls. Some of us can relate to that. However, the Chargers stormed out of the gates and finished first in their division. San Diego marched through the playoffs by beating Miami and going back to the snow and ice of Pittsburgh to defeat the Steelers and earn their first Super Bowl berth. Then, as my colleague knows, there are the 49'ers.

Mrs. FEINSTEIN. I certainly know the 49'ers. From day one of this season, the 49'ers were picked by many as the team to beat. Assembled from a corps of seasoned veterans and prime talent developed within, the 49'ers had but one goal: beat Dallas and win the Super Bowl. After overcoming a number of early season injuries, the team finished with the best record in the league. they moved past the Chicago Bears in the first round of the playoffs, and realized part one of their goal with a hard-earned victory over the Dallas Cowboys. Now, they go into Miami as a heavy favorite, hoping to win an unprecedented fifth Super Bowl. I would like to know if my colleague also feels that this is a wonderful matchup?

Mrs. BOXER. It could not be better. In fact, the drama will not be confined to the final score. Will Cal graduate Gail Gilbert, who was with the Buffalo Bills in the last four Super Bowls and now plays for the Chargers, finally be able to celebrate a victory? And how many more Super Bowl records will Jerry Rice break? There are a number of intriguing subplots to this story that I look forward to watching unravel. I would like to know who the senior Senator favors in this game?

Mrs. FEINSTEIN. While I realize that I represent the entire State of California, I must admit that I will be cheering for the 49'ers. I would like to point out to my colleagues that there is no public outcry for term limits in football. Otherwise, the 49'ers, with the shy smile and accurate arm of Joe Montana, would not have won super bowls in the 1981 season, in 1984, or in 1989 and finally in the following year, a crushing 55 to 10 win. Now, as a native San Franciscan, I do take pride in such an exemplary record. And, frankly, while wishing San Diego well, I expect Steve Young to demonstrate his mastery of the game with an unprecedented fifth Super Bowl victory for the 49'ers.

Both teams, however, are to be congratulated for their success in reaching the Super Bowl, and for many other accomplishments, is that not right?

Mrs. BOXER. Absolutely. Let me discuss one area of professional sports that deserves more attention: the work that many athletes do to help others in their communities. I'd like to cite two examples of players who give their all.

Junior Seau, the all-pro linebacker of the Chargers works hard for his charity, the Junior Seau Foundation, which helps youth in the San Diego area by funding child abuse prevention, drug and alcohol awareness, and anti-juvenile delinquency programs. He is also his team's spokesman for the United Way.

Forty Niner quarterback Steve Young heads the Forever Young Foundation which funds a number of San

Francisco Bay area charities. These are but two examples of players who feel an obligation to give back to the communities that so enthusiastically support them.

Mrs. FEINSTEIN. Well, no matter which team wins, Senator BOXER and I can take pride. There are obvious similarities between Government and football. In both, blows to the face are disallowed. And there is much that Government can learn from football—hopefully, beyond trick plays and sneaks. For one thing, we can learn that sportsmanship and mutual respect that go with handshakes between players after the battle is over, the score is settled and life moves on to other challenges. Here is to a great game.

IN OPPOSITION TO THE PROPOSED $40 BILLION IN LOAN GUARANTEES TO MEXICO

Mr. CRAIG. Mr. President, President Clinton outlined the many challenges facing this Nation in his State of the Union Address. Paramount amongst those challenges was the need to bring fiscal responsibility back to the Congress and the Federal Government.

I appreciate the President's acknowledgement of the need to balance our budget. In this same speech, coupled with the challenges that we face as a nation, the President outlined his proposed action to assist our neighbors in Mexico.

The Congress will soon be faced with a vote on whether to support this proposal, which will provide Mexico with $40 billion in loan guarantees. The purpose of the loan guarantees is to reschedule overextended short-term maturities, assisting Mexico through what is now a difficult financial situation.

With our current budgetary problems, I cannot support the exposure of my fellow American taxpayers to the tune of $40 billion in loan guarantees as initially proposed by President Clinton.

Mr. President, as the administration and Congress struggle with this fiscal crisis, I am concerned that we are overlooking many important factors. Mexico's financial situation seems to be the result of past policy decisions, not external factors outside of Mexican control.

The Mexican Central Bank, in an attempt to hold interest rates down, printed a huge excess of pesos. By creating excess pesos, Mexico undermined the exchange rate and drove many investors away. The devaluation was forced by bad monetary policy.

The mistakes made by Mexico do not give me confidence that this loan package is a good idea. If we are asking taxpayers to risk their hard-earned money, we must guarantee that this loan is not throwing good money after bad. I suggest that we ask for four specific conditions:

(1) Sound money policy. This could be guaranteed by the institution of a currency board.

(2) Guarantees that tax policy will be pro-growth and wage and price controls will be eliminated.

(3) Reasonable and adequate collateral.

(4) Full disclosure of how the moneys raised under the guarantee are disbursed.

Mr. President, the problems in Mexico are not new, and they are certainly not simple. Therefore, in an effort to further review this problem, members of the Senate Steering Committee invited several speakers to provide more-in-depth information. Those speakers included Walker Todd, Lawrence Kudlow, Steve Hanke, and Riordan Roett.

My purpose in pointing this out is to emphasize that my position on this issue has not been formed hastily. My support of pursuing a currency board for Mexico is not an effort to ignore the needs or problem that Mexico now faces.

Quite the opposite. A currency board, from the information I have reviewed, seems the most viable option to provide a solution to this problem rather than a Band-Aid response that will provide only temporary relief.

Mr. President, Steve Hanke, who is a professor of applied economics at Johns Hopkins University and has researched and written extensively on monetary policy and the use of currency boards, made a number of cogent points which I would like to share my with my colleagues. The simplicity of a currency board is one of its greatest assets:

> A currency board is a monetary institution that only issues notes and coins. It maintains full convertibility of that money at a permanently fixed exchange rate with a foreign anchor currency, such as the dollar. As reserves, it holds assets in the anchor currency equal to 100 percent of all notes and coins in circulation.
>
> This requirement provides credibility for the fixed rate because a board cannot expand the monetary base faster than it obtains foreign reserves. Consequently, a board cannot cause a balance of payments crisis because of a lack of foreign reserves. Indeed, no currency board system has ever succumbed to a balance of payments crisis.

In addition to their simplicity, currency boards have a proven record. Professor Hanke discussed the success of currency boards in Hong Kong, Estonia, Lithuania, and Argentina. I was especially interested in the success of the currency board in Argentina.

That country was experiencing annual inflation rates of 2,315 percent in 1990. In April 1991, President Menem of Argentina installed a currency board.

Since the adoption of a currency board, the rate of inflation in that country has dropped to around 3.9 percent—the lowest in Latin America—and, the budget is virtually balanced with economic growth up to about 7 percent. The successes in Argentina need to be very carefully reviewed and considered as a model for resolving the problems experienced in Mexico.

Rather than writing a blank check, I hope that this administration will consider opening discussions with the Mexicans to review this option.

Professor Hanke also pointed out that a currency board could be established easily and inexpensively. In fact, language on currency boards, included in the 1993 Foreign Operations Appropriations bill provides that:

> There is appropriated for an increase in the United States quota in the international monetary fund, the dollar equivalent of 8,608.5 million special drawing rights, to remain available until expended and, among other uses,
>
> Such funds may be used to support monetary stability in member countries through the instrumentality of currency boards. (Public Law 102–391, 106 U.S. Statutes at Large 1636).

In short, Mr. President, I cannot support the extension of $40 billion in loan guarantees to Mexico.

With respect to the issues of adequate collateral and full disclosure of receipts, in my estimation these issues should be addressed fully in this debate. The need for adequate collateral for a loan guarantee is fairly straightforward.

I have grave concerns about accepting Mexican oil receipts as collateral when they are previously obligated and limited—Pemex, the National Petroleum Co.'s gross export receipts per year are about $8.5 billion.

There is an excellent discussion of this issue and the need for full disclosure in a recently published article from The Nation magazine by Walker Todd.

Let me add, I do not often agree with the positions raised in this publication, but hope that my colleagues will take a moment to review it.

Mr. President I ask unanimous consent to enter a copy of the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nation, Feb. 13, 1995]

MEXICAN HANDOUT—BAILING OUT THE CREDITOR CLASS

(By Walker F. Todd]

One of the most preposterous financial crimes of the century, the official management of the 1980s developing-countries debt crisis, is being repeated before our very eyes, and by many of the original perpetrators to boot. As this is written, the Clinton Administration is pushing, and Congress seems poised to approve, a loan guarantee package for Mexico of up to $40 billion. This is on top of hastily arranged international credit lines worth $18 billion, most of them guaranteed directly or indirectly by the United States and cobbled together since Christmas.

Mexico owes the world about $120 billion (more than $160 million by some estimates), and about $58 billion of that amount falls due this year. Hence the need for a total aid package of about $58 billion, although it is not yet certain that most or all of that aid will be drawn upon. One must be exacting and clear about who the principal beneficiaries of a U.S. guarantee of Mexico's foreign debts would be: Mexico owes foreign—primarily U.S.—investors in stock shares and bonds about $60 billion. Also, about $18.3 billion of the $120 billion total is owned to U.S. banks, led by Citibank with about $2.9 billion. With the peso down in value by one-third and Mexico's dollar reserves dwindling, it is clear that only a mammoth infusion of funds or forgiveness of its debts can prevent the country from defaulting.

The original crime, now being repeated, was the profligate lending of billions of dollars from the U.S. banking system between 1974 and 1982 to as gaudy a band of tinpot military dictators, kleptocratic presidents and bon vivant finance ministers as ever graced a Connecticut Avenue diplomatic reception, followed in August 1982 by the discovery that the borrowers either could not or would not repay the money. But it was not practical politics to recognize the stupidity of the situation and call the lenders into account. No, orthodoxy and good form required the ongoing pretense that the loans were still good, with a host of jerry-built solutions from the Treasury, Federal Reserve, International Monetary Fund and World Bank. So, as an African economist once told me, 'One class of people borrowed the money, and a different class of people had to pay it back.''

The I.M.F.-policed austerity regimes that were used to keep the loan money flowing (usually only enough to pay the interest; the principal was rarely reduced) became legendary in developing countries during the 1980s. What did the governing cities or international financial diplomats care if the vanishing middle class and teeming poor of the Third World paid the price of "adjustment'' while the lifestyles of the rich changed not at all?

In 1982 Mexico owned U.S. banks about $25 billion. The dirty secret of Debt Crisis I was that foreign banks had deposits of flight capital from rich residents of the debtor nations that would have covered much (and in some cases all) of the banks' claims on the debtor countries. But despite the price paid for "adjustment'' by the middle classes and the poor of the developing countries, not to mention the price paid in lost export sales to those countries by U.S. manufacturers and farmers in the heartland, the names of the thieves and the amounts they stole were never disclosed.

Now, by devaluing the peso, Mexico has again committed moral (if not technical) default on its dollar-denominated obligations. This is the principal legacy of the administration of former President Carlos Salinas de Gortari and his supporters in the U.S. establishment. It is doubtful that Mexico can meet its external obligations during 1995 without either debt relief (always the right answer in international lending problems involving developing countries) or new loans from First World governments and banks (the establishment's preferred solution). After the lost decade of the 1980s, relieved only briefly in the early 1990s by the North American Free Trade Agreement financial bubble, the Mexican people find themselves once more confronting official demands for renewed austerity, quiet acceptance of further reduced wages (now approximately 60 percent below 1980 levels in inflation-adjusted peso terms), reduced possibilities for immigration to the United States to escape poverty, and diminished prospects for renewed growth of the Mexican economy for the foreseeable future.

But here is where the truly intolerable part begins again: The governing elites in both countries who caused, exacerbated or covered up this mess expect to be held harmless, just as happened in 1982.

Secret credit lines for Mexico from the United States, Japan and European governments amounting to as much as $12 billion were negotiated twice in the past fifteen months or so, ostensibly to defend the peso, but it is now clear that the only possible use of those lines would have been to finance the flight from the peso of Mexico's governing elites and their compatriots in the international financial system. Amusingly, through a tripartite credit line involving Canada as well as Mexico, which was announced publicly in April 1994, the United States essentially has agreed to lend Canada dollars that Canada can then lend to Mexico, which further weakens the U.S. dollar: Our own creditor now understand that we have underwritten the foreign debts of our two neighbors. Federal Reserve Chairman Alan Greenspan was an active promoter of those credit lines, as well as the current bailout effort.

The principal purpose to be served by the new Mexican bailout package is to prevent a loss of confidence of foreign investors in a host of other developing nations, like Argentina. But this is a silly exercise, a true confidence game, because now no rational investor could have faith in Mexico's governing Institutional Revolutionary Party (PRI), which has enjoyed so much official U.S. support in recent decades. The Banco de Mexico, the country's central bank, was still intervening in the Mexico City stock exchange and rigging tesobono (treasury bill) auctions in the same week that the bailout package was presented to Congress, a clear indication that stability has not returned to the country's shaky financial markets. Also, if other countries have mismanaged their financial affairs and are courting disaster for their currencies, there is not much that a bailout of Mexico can do to restore investor confidence. Besides, the prospects for repayment from future Mexican oil receipts, for example, are somewhat limited: At current oil production and price levels, the gross export receipts for Pemex, the national petroleum company, are only about $8.5 billion per year, and most of that has already been pledged to other purposes. The time is long since past in Washington for a repetition of the Paul Volcker-directed "lend new money to meet the interest payments and pretend that it is all still good debt'' strategy of the 1980s.

Dissent has broken out in both the Republican and Democratic parties over various aspects of the bailout. A variety of extraneous conditions are being proposed to sweeten the deal: demands that Mexico loosen its ties to Cuba and crack down on illegal immigrants to the United States (red meat for the right), and calls for stronger enforcement of labor and environmental protection (for the liberal left). But what a bottom is needed is a prompt and full disclosure of what the $40 billion bill will be used for. The names and amounts paid for each disbursement under the credit line should be published. If there are Charles Keatings, Ferdinand Marcoses and M. Danny Walls lurking in this Mexican credit mess, then the public is entitled to know who they are and what they intend to do with the money they receive at our expense. And if the names disclosed prove to be those of prominent Mexicans and U.S. banks, securities firms, mutual funds and pension fund managers, then we should know that, too. Who knows, with enough disclosure, maybe no one would step forward to claim the money. But don't count on it.

Unfortunately the loan guarantees as currently proposed cannot foster real stability in Mexico. And support for the side agreements to NAFTA misses the point entirely. Dissenters in Congress should insist on complete institutional and financial reform of the Mexican government, which might then do more to address labor and environmental concerns. The PRI has forfeited all moral authority to govern. President Ernesto Zedillo Ponce de Leon should invite the two main opposition parties to join his Cabinet on a full power-sharing basis, with all the important Cabinet ministries going to the opposition. The PRI itself should be dissolved.

To combat the PRI's almost unnatural hold on the affections of many of Mexico's uneducated poor, truth commissions independent of the PRI, like those used in Chile after Pinochet, should be established to investigate matters like the use of the foreign credit lines by the Banco de Mexico, the assassinations of the student demonstrators in Mexico City in 1968, the manipulation of the 1988 election results, the responsibility for the assassinations of Luis Donaldo Colosio (first presidential candidate of the PRI) and José Francisco, Ruiz Massies (second-ranking official of the PRI) in 1994, and the assassinations of journalists and opposition activists during the Salinas regime. Also, a separate inquiry should be mounted into the influence of drug runners and money launderers in Mexican public life, as well as their connections to foreign intelligence services.

As for Washington's pending actions: It once was a federal felony under the Johnson Act for any person subject to U.S. jurisdiction to lend money to a foreign government in default on its loans from the United States. After 1945, however, the act was amended to accommodate the formation of the Bretton Woods institutions. Only international financial "outlaws'' like the former Soviet Union China were excluded. There in 1992, during the euphoria over market openings in Russia, the Johnson Act was quietly amended further to exempt from its prohibitions the former Soviet-bloc countries that were not yet of the I.M.F. and World Bank, establishing the principle that even "outlaws'' may now borrow money in international financial markets. This is too bad, for as the crimes of 1982 are repeated, this time we lack a good felony statute with which to punish the miscreants.

Mr. CRAIG. Before closing, I would like to discuss the effect of the proposed $40 billion loan-guarantee package in my own home State of Idaho. Mr. President, in a report released by the Department of the Treasury titled, "America's Stake in the Mexican Loan Guarantee Program: A State-by-State Analysis of American Jobs Dependent on Exports to Mexico,'' Idaho was listed with approximately 700 jobs relating to products intended for export to Mexico.

While this number may seem negligible to some, it is not insignificant in relation to the overall workforce of Idaho.

Therefore, one of the points that I want to emphasize is that I have taken into consideration the impact the Mexican financial crisis and proposed resolution of loan guarantees may have on the workers in my State. However, jobs are not the only thing that this situation could affect.

Mr. President, we are discussing a substantial amount of money, $40 billion from the pockets of American Taxpayers—from the pockets of Idahoans.

The phones in my State offices and in my D.C. office have been busy with frustrated constituents calling to tell me that they are opposed to the blank -check approach to alleviating this problem.

Mr. President, those 700 jobs in Idaho will not be secured if Mexico's fiscal and monetary policies do not change.

And, I am concerned that we could find ourselves 6 to 12 months down the road with those 700 jobs in Idaho still at risk, and taxpayers being asked to dig even deeper into their pockets. That is not a situation that I will help to create.

In closing, let me add that our elections in November carried a clear message from American voters that they want to see less Government.

If the United States provides Mexico with the $40 billion in loan guarantees and allows the current policies there to continue, we will be financing bigger Government and Government-controlled responses to the monetary problems there.

Raising taxes and implementing wage and price controls were not part of our electorate's message last year, and I am not supportive of financing those problems in other countries.

There are options to resolving the monetary crisis in Mexico and they need to be fully considered. I hope that we will have a full review of this issue, and take a path that will lead toward a solution, not a Band-Aid for Mexico.

DYNAMIC REVENUE ANALYSIS

Mr. ABRAHAM. Mr. President, a few weeks ago I sat through a hearing of the House and Senate Budget Committees on the issue of dynamic and static revenue estimating. At this hearing, the staff of the Joint Committee on Taxation presented a statement that seemed particularly concerned about an article that Bruce Bartlett of the Alexis de Tocqueville Institution had published in the Wall Street Journal a few weeks ago. Since I know Mr. Bartlett personally, I was especially interested in what he had to say.

Apparently what the Joint Committee staff is most concerned about was Mr. Bartlett's discussion of an exchange Senator PACKWOOD, the chairman of the Finance Committee, had had with the Joint Tax Committee regarding the revenue effect of raising the top tax rate to 100 percent on those earning more than $200,000. According to Senator PACKWOOD, the Joint Committee had predicted some $200 billion per year in additional revenues from this tax change. Senator PACKWOOD rightly characterized this estimate as questionable.

Now, according to the Joint Committee staff, there was nothing wrong with this estimate because it included a caveat that it did not take into account any behavioral response. They then included in an appendix to the statement a complete set of correspondence between Senator PACKWOOD and the Joint Tax Committee on this matter. Apparently, the Senator from Oregon has had a long time interest in this issue and has periodically asked the Joint Committee to update its estimates.

I do not believe that simply appending a caveat is at all adequate. The fact is that a 100-percent tax rate would raise zero revenue and everyone knows it.

If this were merely an academic discussion, it would not concern me. But under the budget laws and established practice, we are required to treat these estimates from the Joint Committee as if they are scientific truth. And we all know that these estimates carry enormous weight when it comes to legislating changes in the Tax Code. If the Joint Committee says a tax cut will lose $101 million and there is only room in the budget for a $100 million tax cut, then you are out of luck. A point of order will prevail and your tax proposal is out the window.

Now, I had always assumed that the whole point of having revenue estimates on tax bills was so that we could project the actual effect of tax changes on the Government's aggregate revenues as accurately as possible. Yet here we have clear evidence that the Joint Committee has produced estimates for the chairman of the Finance Committee that do not fully account for behavioral changes.

I am very concerned about this because the Joint Committee on Taxation probably produces hundreds of estimates during the course of a year that effectively have the force of law. Even the Treasury Department's estimates do not have the same weight as those produced by the Joint Committee, because the Congress will always defer to its own staff in a dispute with the administration. It makes me wonder what other caveats are buried in these estimates that have not gotten any attention in the past.

In any case, the sensible thing would seem to be for the Joint Committee to produce estimates that it actually believes are as correct as possible, in terms of the actual effect on the Government's revenues of any changes in tax policy.

Apparently, this matter of improving the quality of revenue estimates has become a political issue, with those opposed to certain tax proposals standing firm against any dynamic scoring. This is apparent from the article I read in the Wall Street Journal, in which the chairman of the President's Council of Economic Advisers, Laura D'Andrea Tyson, also attacks my friend Bruce Bartlett for noting several instances in which the Joint Committee's estimates for tax increases were far too high.

Ms. Tyson states that Mr. Bartlett ignored the many times their estimates were too low, as though this constitutes a defense of the Joint Committee's methodology. However, it seems to me that being too low is just as bad as being too high.

Ms. Tyson further notes that the Joint Committee's estimates were sometimes wrong because of unforeseen events. She implies that the collapse of oil prices in the early 1980's was such an unforeseen event that made the Joint Committee's estimate of the windfall profits tax be far too high. In fact, as I recall, there were a number of economists at that time who were arguing that decontrol of the price of oil was very likely to reduce the price of oil by encouraging additional drilling and exploration. In fact, I believe that this is exactly what did happen.

Lastly, Ms. Tyson indicates that the reason why corporate tax revenues fell after the Tax Reform Act of 1986, rather than rise in accordance with Joint Committee estimates, is because corporations ceased doing business as corporations and began operating as partnerships or subchapter S corporations. Thus the revenue that was lost on the corporate side was made back on the individual side.

The point here is that the 1986 act lowered the top individual income tax rate below the top corporate rate. I think most tax lawyers could have easily predicted that this would lead people to take advantage of this differential by reorganizing their businesses so as to be taxed at the individual rate rather than the corporate rate.

While it may be true, as Ms. Tyson says, that the Treasury did not actually suffer that much of a net revenue loss, it still does not explain the Joint Committee's apparent estimating errors.

Personally, as a legislator, I want the best possible information before I make a decision. I think the Joint Committee and the Congressional Budget Office should at least explore the possibility of preparing dynamic revenue estimates. Their revenue estimating models should be improved and updated to account more fully for changes in behavior and economic growth. Perhaps a commission comprised of public and private sector experts could be established to recommend reforms in the revenue estimating process.

I would suggest we keep the current static revenue scoring, but require the Joint Committee to provide a range of possible dynamic revenue estimates for major tax bills for illustrative purposes only. After a period of time, we could compare the static and dynamic estimates to see which ones came closer to reality.

As a member of the Senate Budget Committee this is a matter I intend to follow closely as time goes by. My only interest, as I said, is to get the best, most accurate, information possible. I yield the floor.

KENNEWICK SCHOOL DISTRICT

Mrs. MURRAY. Mr. President, I rise today to congratulate the Kennewick schools and their community for being recognized by the Center for Workplace Preparation as 1 of 21 most effective national programs working to involve parents in education. We all recognize the vital role parents have in the social, physical, and psychological growth of our children. Unfortunately, whether by choice, due to other commitments or a lack of communication between parents, children, and the school, parents are all too often excluded from school activities. Our schools recognize that if we are going to effectively deal with the problems in our classrooms, we need a higher level of parental involvement. Fortunately, many of our parents realize they have to become more involved in the education of their children and have collaborated with their schools to develop programs which meet the needs of the families, the schools and the community.

Today, one of the greatest problems facing our schools is drug abuse. We all recognize the toll the drug abuse takes on our families, our communities, and ultimately our economy. Studies reveal that 70 percent of public school students aged 12 through 19 reported in 1989 that drugs are available at their school. Nearly 13 percent of 8th graders, 23 percent of 10th graders, and 30 percent of 12th graders had five or more drinks in a row in a 2-week period during the 1990–91 school year. And, 44 percent of all our teachers reported in 1992 that student misbehavior interfered substantially with their teaching.

There is no question that safety and order are necessary in our classrooms if we want learning to take place. Yet, the use of alcohol and other drugs is unacceptably high among our school-age children and the results of this use are increased violence, misbehavior, and little desire to engage in learning. Recognizing the toll drug abuse takes on our schools and communities, the Kennewick School District and community parents came together to develop the Parent Network which aims to curb student substance abuse and increase parent knowledge of their children's activities. To join the Network, parents must sign an agreement that their children will remain substance free for the school year and will set curfews for their children. Family and student activities are arranged by the Network which are guaranteed to be substance free. I also want to stress that while the purpose of the program is to include parents in this process, the Network ensures that students have a voice in all activities. Their involvement is critical to the success of such programs and I am pleased the school and community have sought their inclusion.

One of our national goals is to encourage parental involvement in education and I want to commend the Kennewick School District and their community not only for recognizing the importance of parental involvement but for implementing a program that works for our schools and our families. The American College Testing recently released a publication entitled: "On Target: Effective Parent Involvement Programs" which discusses the need for parental involvement and describes how the 21 selected programs are supporting this aim. I am very encouraged by the efforts being made by communities throughout our Nation and I hope other will follow the example set by these outstanding programs.

THE "ENOLA GAY"

Mr. THOMPSON. Mr. President, I have followed with increasing distress the events surrounding the Smithsonian Institution's exhibit on the Enola Gay and the end of World War II. With each passing day we are made privy to revelations of an offensive and unrecognizable telling of the great struggle to protect the United States and free the world from the tyranny of Nazi Germany and Imperial Japan.

Many of our citizens who have proudly worn the uniform of our military and offered their lives in the service of our Nation, have expressed justified outrage that the Nation's repository of collective memory should be so callously dismissive of the salient issues involved.

Adolf Hitler and his Nazi regime were responsible for the unspeakable horror upon tens of millions of people in Europe. Indeed, today marks the 15th anniversary of the liberation of Auschwitz, a striking event which reminds us of the tyranny of fascism. Imperial Japan launched a calculated attack on our Nation in the predawn light of December 7, 1941, and precipitated a war which saw excruciating suffering visited upon the people of Korea, Manchuria, and the military forces of the United States. And now, the institution which for over a century has served as the premier repository of our cultural, intellectual, and technological history has decided to portray the noble, titanic struggle against evil as nothing more that a power struggle against moral equivalents.

I am appalled that our national history is being rewritten. I spoke against the original *Enola Gay* display at the Smithsonian which wrongly depicted our Nation's history during World War II. The second display resulted in more revisionism and more public concern and required congressional consternation to get it changed.

The Smithsonian Institution has a magnificent track record of telling the history of our country with accuracy, compassion, and style.

I call upon the Smithsonian Institution to work with veteran organizations to create an accurate, fair, and compelling display of which we all can be proud.

MESSAGES FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 273. An Act to amend section 61h–6 of title 2, United States Code.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.J. Res. 1. Joint resolution proposing a balanced budget amendment to the Constitution of the United States.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 17. Concurrent resolution relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget.

The message also announced that pursuant to the provisions of sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), the Speaker appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House: Mr. LIVINGSTON, Mr. SAM JOHNSON of Texas, and Mr. MINETA.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 1. Joint resolution proposing a balanced budget amendment to the Constitution of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–293. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the report on the Environmental Education Opportunities Program; to the Committee on Armed Services.

EC–294. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the feasibility of using segregated ballast tanks for emergency transfer of cargo and storage of recovered oil; to the Committee on Commerce, Science, and Transportation.

EC–295. A communication from the Director of the U.S. Bureau of Mines, Department of the Interior, transmitting, pursuant to law, the report on the Mineral Institute Program for calendar year 1995; to the Committee on Energy and Natural Resources.

EC–296. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to a pilot telecommuting center in Manassas, Virginia; to the Committee on Environment and Public Works.

EC–297. A communication from the Chairman of the U.S. International Trade Commission, transmitting, a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1996; to the Committee on Finance.

EC–298. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the administration of the Maternal and Child Health Program; to the Committee on Finance.

EC–299. A communication from the Senior Deputy Assistant Administrator (Bureau for Legislative and Public Affairs), U.S. Agency for International Development, transmitting, pursuant to law, the Egypt Economic Report; to the Committee on Foreign Relations.

EC–300. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of an agreement between the United States and the Republic of Palau; to the Committee on Foreign Relations.

EC–301. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice relative to the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–302. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–303. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC–304. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review of the Department of Human Services Foster Care Program Vendor Payments for Fiscal Years 1992, 1993, and 1994"; to the Committee on Governmental Affairs.

EC–305. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the semiannual report for the period April 1 through September 30, 1994; to the Committee on Governmental Affairs.

EC–306. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the study of the effectiveness of the State Long-Term Care Ombudsman Program; to the Committee on Labor and Human Services.

EC–307. A communication from the Architect of the Capitol, transmitting, pursuant to law, notice of a request to plant a tree on the Capitol Grounds; to the Committee on Rules and Administration.

EC–308. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the annual report on contract care and services furnished by the Department to eligible veterans; to the Committee on Veterans' Affairs.

EC–309. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on rescissions and deferrals dated December 1, 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–310. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on rescissions and deferrals dated January 1, 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–311. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the summary of proposed and enacted rescissions for fiscal years 1974 through 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

EC–312. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the compliance report for calendar year 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 291. A bill to reform the regulatory process, to make government more efficient and effective, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 292. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 291. A bill to reform the regulatory process, to make government more efficient and effective, and for other purposes; to the Committee on Governmental Affairs.

REGULATORY REFORM LEGISLATION

• Mr. ROTH. Mr. President, I rise to emphasize the critical need for a smarter, more cost-effective approach to Government regulation. Today, I introduce legislation intended to generate constructive debate on this important issue.

As chairman of the Committee on Governmental Affairs, I want to build consensus on how to regulate smarter among all engaged in the growing debate on regulatory reform—including the general public, businesses of all sizes, environmental and public interest groups, academia, State and local governments, the White House, and my colleagues on both sides of the aisle. Throughout my career, I have been committed to protecting the environment, health, and safety. I reaffirm that commitment today. We should not forget that many regulations provide important protections and benefits to the public. Let there be no mistake—we need a clean environment, safe workplaces, and safe medications.

Mr. President, it is clear that the regulatory process is broken. Too many regulations impose undue costs, and the regulatory process itself has become too cumbersome, unresponsive, and inefficient. The cumulative cost of regulation is enormous and is rising at an alarming rate. The annual cost of Federal regulation was conservatively estimated at about $560 billion for 1992; it could exceed $660 billion by the year 2000. About three-fourths of the cost increase is expected from upcoming risk regulations, such as environmental, health, and safety standards.

The rising cost of regulation affects us all—businesses large and small, governments at all levels, and the American worker and consumer. Regulations drive up prices and stifle wages, innovation, and economic growth. Although the direct costs of regulation generally are imposed on businesses and governments, these costs ultimately are passed on to the American consumer through higher prices, diminished wages, increased taxes, or reduced government services. The cost of regulation has been estimated at about $6,000 per year for the average American household.

The recent elections brought to this Congress historic change, and with it, an unprecedented opportunity to reform the regulatory process. However, it is important that we take a balanced approach to reform. In our zeal to implement substantial changes, we should act carefully so that we truly perfect needed Government programs—not cripple or stymie them. Building a smarter regulatory process will require the expertise and consensus of those on all sides of the regulatory reform debate. Together, we should strive to achieve desirable social goals in the most cost-effective manner practical.

My goal is to forge a consensus on effective legislation to make the regulatory process more efficient and effective. The bill I am introducing today is a first step in this direction, but it requires further debate and deliberation. It may be necessary to add further provisions, delete some, or revise others. I will chair a series of hearings, beginning on February 8, to provide a forum to discuss the broad principles of regulatory reform—those reflected in this bill as well as others we have not yet addressed.

My bill will require Federal agencies to seriously consider whether the benefits of regulating justify its costs. When regulating risks, regulators will be required to make realistic estimates of risk based on the available data, and disclose to the public any assumptions necessary to measure those risks. The bill also will encourage agencies to base their priorities on the relative risks posed by various substances, activities, and products to achieve the greatest overall reduction in risk at the least cost. More generally, my bill will require agencies to review existing regulations, to be sensitive to the cumulative regulatory burden, and to select the most cost-effective, market-driven method practical. These are but some of the principles to be discussed at the hearings on regulatory reform.

We can reinvent the regulatory process to ensure that when agencies choose to regulate, they will do so in a more effective and less costly manner. We can reduce the burden on governments, businesses, and the public, and still ensure that important benefits and protections are provided. We cannot afford to ignore the need to regulate smarter.

I ask unanimous consent that the legislation I introduce today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Reform Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.

TITLE I—REGULATORY ANALYSIS AND REVIEW

Sec. 101. Cost/Benefit Analysis of Agency Proposals; Risk Assessment; Regulatory Review.
Sec. 102. Use of State or Local Requirements.
Sec. 103. Presidential Authority.

TITLE II—RISK-BASED PRIORITIES

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Definitions.
Sec. 204. Department and Agency Program Goals.
Sec. 205. Comparative Risk Analysis.
Sec. 206. Reports to Congress and the President.
Sec. 207. Savings Provision and Judicial Review.

TITLE III—REGULATORY ACCOUNTING

Sec. 301. Short title.
Sec. 302. Accounting Statement.
Sec. 303. Associated Report to Congress.
Sec. 304. Guidance from Office of Management and Budget.
Sec. 305. Recommendations from Congressional Budget Office.
Sec. 306. Definitions.

TITLE IV—MARKET INCENTIVES AND ECONOMICALLY EFFICIENT REGULATION

Sec. 401. Short title.
Sec. 402. Program Design Requirements.
Sec. 403. Agency Assessment and OMB Review.
Sec. 404. Definitions.

TITLE I: REGULATORY ANALYSIS AND REVIEW

SEC. 101. COST/BENEFIT ANALYSIS OF AGENCY PROPOSALS; RISK ASSESSMENT; REGULATORY REVIEW.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end thereof the following:

"Subchapter II—Analysis of Agency Proposals

"§ 621. Definitions

"For purposes of this subchapter and subchapter III of this chapter:

"(1) The term 'agency' has the same meaning as in section 551(1) of this title.

"(2) The term 'person' has the same meaning as in section 551(2) of this title.

"(3) The term 'rule' has the same meaning as in section 551(4) of this title, except that such term does not include—

"(A) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers or acquisitions, or accounting practices or disclosures bearing on any of the foregoing.

"(B) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System; or

"(C) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission pursuant to sections 315 and 312(a)(7) of the Communications Act of 1934.

"(4) The term 'major rule' means—

"(A) a rule or a group of closely related rules that the agency, the President, or the officer selected under section 624 of this title reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable direct and indirect costs, or has a significant impact on a subsection of the economy; and

"(B) a rule or a group of closely related rules that is otherwise designated a major rule by the agency proposing the rule, or is so designated by the President, or by the officer selected under section 624 of this title, on the ground that the rule is likely to result in—

"(i) a substantial increase in costs or prices for wage earners, consumers, individual industries, nonprofit organizations, Federal, State, or local government agencies, or geographic regions; or

"(ii) significant adverse effects on wages, economic growth, investment, productivity, innovation, the environment, public health or safety, or the ability of enterprises whose principal places of business are in the United States to compete in domestic or export markets.

For purposes of subparagraph (A) of this paragraph, the term 'rule' does not mean—

"(I) a rule that involves the internal revenue laws of the United States;

"(II) a rule that authorizes the introduction into commerce or recognizes the marketable status of a product, pursuant to sections 408, 409(c), and 706 of the Federal Food, Drug, and Cosmetic Act;

"(III) a rule exempt from notice and public procedure pursuant to section 553(a) of this title; or

"(IV) a rule relating to the viability, stability, asset powers, or categories of accounts of, or permissible interest rate ceilings applicable to, depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, or the Share Insurance Fund of the National Credit Union Administration Board.

"(5) The term 'benefit' means the reasonably identifiable significant benefits and beneficial effects, including social and economic benefits and effects, that are expected to result directly or indirectly from implementation of a rule or an alternative to a rule.

"(6) The term 'cost' means the reasonably identifiable significant costs and adverse effects, including economic and social costs and effects, that are expected to result directly or indirectly from implementation of a rule or an alternative to a rule.

"§ 622. Regulatory cost/benefit analysis

"(a) Prior to publishing notice of proposed rule making for any rule, each agency shall determine whether the rule is or is not a major rule within the meaning of section 621(4)(A) of this title and, if it is not, whether it should be designated a major rule under section 621(4)(B) of this title. For the purpose of any such determination or designation, a group of closely related rules shall be considered as one rule. Every notice of proposed rule making shall include a succinct statement and explanation of the agency's determination of whether or not the rule is a major rule within the meaning of section 621 (4)(A) of this title and, if applicable, of its designation as a major rule under section 621(4)(B) of this title.

"(b) The President or the officer selected by the President under section 624 of this title may determine that a rule is a major rule within the meaning of section 621(4)(A) of this title or may designate a rule as a major rule under section 621(4)(B) of this title not later than thirty days after the publication of the notice of proposed rule making for that rule. Such determination or designation shall be published in the Federal Register, together with a succinct statement of the basis for the determination or designation. The President or the officer selected by the President under section 624 of this title may designate not more than seventy-five rules as major rules under section 621(4)(B) of this title in any fiscal year.

"(c)(1) When the agency publishes a notice of proposed rule making for a major rule, the agency shall issue and place in the rule making file maintained under section 553(f) of this title a preliminary regulatory analysis and shall include in such notice of proposed rule making a summary of the analysis. When the President or the officer elected by the President under section 624 of this title has published a determination or designation that a rule is a major rule after the publication of the notice of proposed rule making for that rule, the agency shall promptly issue and place in the rule making file maintained under section 553(f) of this title a preliminary regulatory analysis for the rule and shall publish in the Federal Register a summary of such analysis. Following the issuance of a preliminary regulatory analysis under the preceding sentence, the agency shall give interested persons an opportunity to comment thereon pursuant to section 553 of this title in the same manner as if the preliminary regulatory analysis had been issued with the notice of proposed rule making.

"(2) Each preliminary regulatory analysis shall contain—

"(A) a succinct description of the benefit of the proposed rule, including any beneficial effects that cannot be quantified, and an explanation of how the agency anticipates each benefit will be achieved by the proposed rule, including a description of the persons, classes of persons, or particular levels of Government likely to receive such benefits;

"(B) a succinct description of the costs of the proposed rule, including any costs that cannot be quantified as well as the cost-reduction effects of complying with the requirements of title IV, and an explanation of how the agency anticipates each such cost will result from the proposed rule, including a description of the persons, classes of persons, or particular levels of Government likely to incur such costs;

"(C) a succinct description of reasonable alternatives for achieving the identified benefits of the proposed rule, including alternatives that—

"(i) require no Government action;

"(ii) will accommodate differences between geographic regions; and

"(iii) employ performance or other market-based standards which permit the greatest flexibility in achieving the identified benefits of the proposed rule and which comply with the requirements of title IV;

"(D) in any case in which the proposed rule is based on scientific evaluations or information, a description of action undertaken by the agency to verify the quality, reliability, and relevance of such scientific evaluations or scientific information in accordance with the requirements of title IV; and

"(E) where it is not expressly or by necessary implication inconsistent with the provisions of the enabling statute pursuant to which the agency is proposing the rule, an explanation of how the identified benefits of the proposed rule are likely to justify the identified costs of the proposed rule, and an explanation of how the proposed rule is likely to substantially achieve the rule making objectives in a more cost-effective manner than the alternatives to the proposed rule, including alternatives identified in accordance with title IV.

"(d)(1) When the agency publishes a final major rule, the agency shall also issue and place in the rule making file maintained under section 553(f) of this title a final regulatory analysis, and shall include a summary of the analysis in the statement of basis and purpose required by section 553(c)(6) of this title. Notwithstanding the preceding sentence, in any case in which an agency, under section 553(b)(2) of this title, is not required to comply with subsections (b) through (f) of section 553 of this title prior to the adoption of a final rule, any agency is not required to comply with the preceding sentence prior to the adoption of the final rule but shall comply with such sentence when complying with section 553(b)(2)(C) of this title.

"(2) Each final regulatory analysis shall contain—

"(A) a description and comparison of the benefits and costs of the rule and of the reasonable alternatives to the rule described in the rule making, including the market-based mechanisms identified pursuant to title IV; and

"(B) where it is not expressly or by necessary implication inconsistent with the provisions of the enabling statute pursuant to which the agency is acting, a reasonable determination, based upon the rule making file considered as a whole, that the benefits of the rule justify the costs of the rule, and that the rule will substantially achieve the rule making objectives in a more cost-effective manner than the alternatives described in the rule making, including the market-based incentives identified pursuant to title IV.

"(e)(1) An agency shall describe the nature and extent of the nonquantifiable benefits and costs of a proposed and a final rule pursuant to this section in as precise and succinct a manner as possible. The description of the benefits and costs of a proposed and a final rule required under this section shall include a quantification or numerical estimate of the quantifiable benefits and costs. Such quantification or numerical estimate shall be made in the most appropriate unit of measurement and shall specify the ranges of predictions and explain the margins of error involved in the quantification methods and in the estimates used.

"(2) In evaluating and comparing costs and benefits, the agency shall not rely on cost or benefit information submitted by any person that is not accompanied by data, analysis, or other supporting materials that would enable the agency and other persons interested in the rule making to assess the accuracy and reliability of such information. The agency evaluations of the relationships of the benefits of a proposed and final rule to its costs required by this section shall be clearly articulated in accordance with the provisions of this section. An agency is not required to make such evaluation primarily on a mathematical or numerical basis.

"(f) The preparation of the preliminary or final regulatory analysis required by this section shall only be performed by an officer or employee of the agency. The provisions of the preceding sentence do not preclude a person outside the agency from gathering data or information to be used by the agency in preparing any such regulatory analysis or from providing an explanation sufficient to permit the agency to analyze such data or information. If any such data or information is gathered or explained by a person outside the agency, the agency shall specifically identify in the preliminary or final regulatory analysis the data or information gathered or explained and the person who gathered or explained it, and shall describe the arrangement by which the information was procured by the agency, including the total amount of funds expended for such procurement.

"(g) The requirements of this section do not alter the criteria for rule making otherwise applicable under other statutes.

"§ 623. Judicial review

"(a) Compliance or noncompliance by an agency with the provisions of this subchapter shall not be subject to judicial review except according to the provisions of this section.

"(b) Any determination by the President or by the officer selected under section 624 of this title that a rule is a major rule within the meaning of section 621(4)(A) of this title, and any designation by the President or the officer selected under section 624 of this title that a rule is a major rule under section 621(4)(B) of this title, or any failure to make such a designation, shall not be subject to judicial review in any manner.

"(c) The determination of an agency of whether a rule is or is not a major rule within the meaning of section 621(4)(A) of this title shall be set aside by a reviewing court only upon a clear and convincing showing that the determination is erroneous in light of the information available to the agency at the time it made the determination. Any designation by an agency that a rule is a major rule under section 621(4)(B) of this title, or any failure to make such a designation, shall not be subject to judicial review.

"(d) Any regulatory analysis prepared under section 622 of this title shall not be subject to judicial consideration separate or apart from review of the rule to which it relates. When an action for judicial review of a rule is instituted, any regulatory analysis for such rule shall constitute part of the whole rule making record of agency action for the purpose of judicial review of the rule and shall, to the extent relevant, be considered by a court in determining the legality of the rule.

"§ 624. Executive oversight

"(a) The President shall have the authority to establish procedures for agency compliance with this title and titles II, III, and IV of this Act. The President shall have the authority to monitor, review, and ensure agency implementation of such procedures. The President shall report annually to the Congress on agency compliance or noncompliance with the requirements of this chapter.

"(b) Any procedures established pursuant to the authority granted under subsection (a) of this section shall be adopted after the public has been afforded an opportunity to comment thereon, and shall be consistent with the prompt completion of rule making proceedings. If such procedures include review of preliminary or final regulatory analyses to ensure that they comply with the procedures established pursuant to subsection (a), the time for any such review of a preliminary regulatory analysis shall not exceed thirty days following the receipt of that analysis by the President or by an officer to whom the authority granted under subsection (a) of this section has been delegated pursuant to subsection (c) of this section, and the time for such review of a final regulatory analysis shall not exceed thirty days following the receipt of that analysis by the President or such officer. The times for each such review may be extended for good cause by the President or such officer for an additional thirty days. Notice of any such extension, together with a succinct statement of the reasons therefore, shall be inserted in the rule making file.

"(c) The President may delegate the authority granted by this Act to the Vice President or to an officer within the Executive Office of the President whose appointment has been subject to the advice and consent of the Senate. Any such notice with respect to a delegation to the Vice President shall contain a statement by the Vice President that the Vice President will make every reasonable effort to respond to Congressional inquiries concerning the exercise of the authority delegated under this subsection. Notice of any such delegation, or any revocation or modification thereof, shall be published in the Federal Register.

"(d) The authority granted under subsection (a) of this section and title II shall not apply to rules issued by the Nuclear Regulatory Commission.

"(e) Any exercise of the authority granted under this section, or any failure to exercise such authority, by the President or by an officer to whom such authority has been delegated under subsection (c) of this section, shall not be subject to judicial review in any manner under this Act.

Subchapter III—Risk Assessments

"§ 631. Findings, purposes, and definitions

"(a) FINDINGS.—

"The Congress finds that:

"(1) Environmental, health, and safety regulations have lead to dramatic improvements in the environment and have significantly reduced risks to human health; however, many regulations have been more costly and less effective than they could have been; too often, regulatory priorities have not been based upon a realistic consideration of risk, risk reduction opportunities, and costs.

"(2) The public and private resources available to address health, safety, and environmental risks are not unlimited; those resources should be allocated to address the greatest needs in the most cost-effective manner and to ensure that the incremental costs of regulatory options are reasonably related to the incremental benefits.

"(3) To provide more cost-effective protection to human health and the environment, regulatory priorities should be based upon realistic consideration of risk; the priority-setting process must include scientifically sound, objective, and unbiased risk assessments and risk management choices that are grounded in cost/benefit principles.

"(4) Risk assessment has proved to be a useful decision-making tool; however, improvements are needed in both the quality of assessments and the characterization and communication of findings; scientific and other data must be better collected, organized, and evaluated; most importantly, the critical information resulting from a risk assessment must be effectively communicated in an objective and unbiased manner to decision makers, and from decision makers to the public.

"(5) The public stakeholders must be fully involved in the decision-making process for regulating risks. The public has the right to know about the risks addressed by regulation, the amount of risk reduced, the quality of the science used to support decisions, and the cost of implementing and complying with regulations. This knowledge will allow for public scrutiny and will promote the quality, integrity, and responsiveness of agency decisions.

"(b) PURPOSES.—

"The purposes of this subchapter are—

"(1) to present the public and executive branch with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks to promote sound regulatory decisions and public education;

"(2) to provide for full consideration and discussion of relevant data and potential methodologies;

"(3) to require explanation of significant choices in the risk assessment process that will allow for better public understanding; and

"(4) to improve consistency within the executive branch in preparing risk assessments and risk characterizations.

"(c) DEFINITIONS.—

"For purposes of this subchapter:

"(1) BEST ESTIMATE.—The term 'best estimate' means an estimate that, to the extent feasible and scientifically appropriate, is based on one of the following:

"(A) Central estimates of risk using the most plausible assumptions.

"(B) An approach that combines multiple estimates based on different scenarios and weighs the probability of each scenario.

"(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Federal agency concerned.

"(2) COVERED AGENCY.—The term 'covered agency' means each of the following:

"(A) The Environmental Protection Agency.

"(B) The Department of Labor.

"(C) The Food and Drug Administration.

"(D) The Consumer Product Safety Commission.

"(E) The Department of Transportation.

"(F) The Department of Energy.

"(G) The Department of Agriculture.

"(H) The Department of Interior.

"(I) The Nuclear Regulatory Commission.

"(3) EMERGENCY.—The term 'emergency' means an imminent and substantial endangerment to public health, safety, or the environment.

"(4) HAZARD IDENTIFICATION.—The term 'hazard identification' means identification of a substance, activity, or condition as potentially posing a risk to human health or safety or the environment based on empirical data, measurements, or testing showing that it has caused significant adverse effects at some levels of dose or exposure not necessarily relevant to level of dose or exposure that are normally expected to occur.

"(5) RISK ASSESSMENT.—The term 'risk assessment' means—

"(A) the process of identifying hazards and quantifying or describing the degree of toxicity, exposure, or other risk they pose for exposed individuals, populations, or resources; and

"(B) the document containing the explanation of how the assessment process has been applied to an individual substance, activity, or condition.

"(6) RISK CHARACTERIZATION.—The term 'risk characterization'—

"(A) means the element of a risk assessment that involves presentation of the degree of risk in any regulatory proposal or decision, report to Congress, or other document that is made available to the public; and

"(B) includes discussions of uncertainties, conflicting data, estimates, extrapolations, inferences, and opinions.

"(7) SUBSTITUTION RISK.—The term 'substitution risk' means a potential increased risk to human health, safety, or the environment from a regulatory option designed to decrease other risks.

"§ 632. Applicability

"(a) IN GENERAL.—Except as otherwise provided in subsection (b), this title shall apply to all risk assessments and risk characterizations prepared by, or on behalf of, or prepared by others and adopted by any covered agency in connection with health, safety, and environmental risks.

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—This title shall not apply to risk assessments or risk characterizations performed with respect to—

"(A) a situation that the head of the agency considers to be an emergency; or

"(B) a screening analysis, including a screening analysis for the purposes of product registration, product reregistrations, or premanufacturing notices.

"(2) TREATMENT OF ANALYSIS AS SCREENING ANALYSIS.—An analysis shall not be treated as a screening analysis for the purposes of paragraph (1)(B) if the result of the analysis is used—

"(A) as the basis for imposing a restriction on a substance or activity; or

"(B) to characterize a positive finding of risks from a substance, product, or activity in any agency document or other communication made available to the general public, the media, or Congress.

"(3) LABELS.—This title shall not apply to any food, drug, or other product label or to any risk characterization appearing on any such label.

"§ 633. Savings provisions

"Nothing in this title shall be construed to—

"(1) modify any statutory standard or requirement designed to protect human health, safety, or the environment; or

"(2) preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability; or

"(3) require the disclosure of any trade secrets or other confidential information.

"§ 634. Requirement to prepare risk assessments

"Except as provided in subsection 632(b), the President shall require that the head of each covered agency prepare for each major rule relating to human health, safety, or the environment that is proposed by the agency after the date of enactment of this title—

"(1) a risk assessment in accordance with this title; and

"(2) for each such proposed or final rule, an assessment of incremental risk reduction or other benefits associated with each significant regulatory alternative considered by the agency in connection with the rule or proposed rule.

"§ 635. Principles for risk assessment

"(a) IN GENERAL.—The head of each covered agency shall ensure that risk assessments and all of their components—

"(1) distinguish scientific findings and best estimates of risk from other considerations;

"(2) are, to the maximum extent practicable, unbiased and inclusive of all reliable information and employ default assumptions only if situation-specific information is not reasonably available;

"(3) rely on scientific findings of risk;

"(4) result in the most plausible and realistic estimates feasible for the population, or, if only bounds can be estimated reliably, describe the range encompassed; and

"(5) are tailored so that the degree of specificity and rigor employed is commensurate with the consequences of the decision to be made.

"(b) HAZARD IDENTIFICATION AND RISK CHARACTERIZATION.—A risk assessment shall clearly separate hazard identification from risk characterization and make clear the relationship between the level of risk and the level of exposure to a hazard.

"§ 636. Principles for risk characterization and risk communication

"In characterizing risk in any risk assessment document, regulatory proposal or decision each covered agency shall include in the risk characterization each of the following:

"(1) ESTIMATES OF RISK.—

"(A) SUBJECT.—A description of the populations or natural resources that are the subject of the risk characterization.

"(B) ASSUMPTIONS, INFERENCES, AND MODELS.—When a risk assessment involves a choice of any significant assumption, inference, or model, the covered agency or instrumentality preparing the risk assessment shall—

"(i) present a representative list and explanation of plausible and alternative assumptions, inferences, or models;

"(ii) explain the basis for any choices;

"(iii) identify any subjective policy decisions or value judgments; and "(iv) indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

"(C) UNCERTAINTY.—The major uncertainties in the risk assessment.

"(D) EXPOSURE SCENARIOS.—Information about exposure scenarios used, including the likelihood of those scenarios.

"(E) RISK RANGE.—To the extent feasible, a range of risk estimates, including central estimates, for each exposure scenario.

"(F) SCIENTIFIC FINDINGS AND POLICY DECISIONS.—To the extent feasible, each risk characterization should distinguish between scientific findings and policy decisions.

"(2) SUBSTITUTION RISKS.—When a covered agency provides a risk assessment or risk characterization for a proposed or final regulatory action, such assessment or characterization shall include a statement of any significant substitution risks, when information on such risks has been provided to the agency.

"(3) SUMMARIES OF OTHER RISK ESTIMATES.—If—

"(A) a covered agency provides a public comment period with respect to a risk assessment or regulation;

"(B) a commenter provides a risk assessment, and a summary of results of such risk assessment; and

"(C) such risk assessment is consistent with the principles and the guidance provided under this subtitle, the covered agency shall present such summary in connection with its presentation of the risk assessment or regulation.

"§ 637. Guidelines, plan for assessing new information, and report

"(a) GUIDELINES.—

"(1) IN GENERAL.—Within 15 months after the date of enactment of this title, each covered agency shall issue, after notice and public comment, guidelines to implement the risk assessment and risk characterization principles set forth in sections 635 and 636 and shall provide a format for summarizing risk assessment results.

"(2) MATTERS TO BE ADDRESSED.—The guidelines under paragraph (1) shall—

"(A) include guidance on utilization of specific technical methodologies and standards for acceptable quality of specific kinds of data; and

"(B) address important decisional factors for the risk assessment or risk characterization at issue, such as criteria for scaling animal studies to assess risk to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighing of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors; and evaluation of differences in human health endpoints, where relevant.

"(b) PLAN.—

"(1) IN GENERAL.—Within 18 months after the date of enactment of this title, the head of each covered agency shall publish a plan to review and revise any risk assessment published prior to the expiration of such 18-month period if the covered agency determines that significant new information or methodologies are available that could significantly alter the results of the prior risk assessment.

"(2) CONTENTS.—A plan under paragraph (1) shall—

"(A) provide procedures for receiving and considering new information and risk assessments from the public; and

"(B) set priorities for review and revision of risk assessments based on such factors as the agency head considers appropriate.

"(c) REPORT.—Within 3 years after the enactment of this title, each covered agency shall provide a report to the Congress evaluating the categories of policy and value judgments identified under subparagraph (B)(iii) of section 636(1).

"(d) PUBLIC COMMENT AND CONSULTATION.—The guidelines, plan and report under this section shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State agencies and local governments, and such other departments and agencies, organizations, or persons as may be advisable.

"(e) REVIEW.—The President shall review the guidelines published under this section at least every 4 years.

"(f) LIMITATION ON JUDICIAL REVIEW.—The development, issuance, and publication of risk assessment and risk characterization guidelines under this section shall not be subject to judicial review.

"§ 638. Risk management criteria

"For each major rule subject to this title, the head of the agency or the President shall make a determination that—

"(1) the risk assessment under section 634(1) and the analysis under section 634(2) are based on a scientific evaluation of the risk addressed by the major rule and are supported by the best available scientific data; and

"(2) there is no regulatory alternative that is allowed by the statute under which the regulation is promulgated that would achieve an equivalent reduction in risk in a more cost-effective and flexible manner.

"§ 639. Interagency coordination

"To promote the conduct, application, and practice of risk assessment in a consistent manner and to identify risk assessment data and research needs common to more than one Federal agency, the Director of the Office of Science and Technology Policy shall—

"(1) periodically survey the manner in which each Federal agency involved in risk assessment is conducting such risk assessment to determine the scope and adequacy of risk assessment practices in use by the Federal government;

"(2) provide advice and recommendations to the President and Congress based on the surveys conducted and determinations made under paragraph (1);

"(3) establish appropriate interagency mechanisms to promote coordination among Federal agencies conducting risk assessment with respect to the conduct, application, and practice of risk assessment and to promote the use of state-of-the-art risk assessment practices throughout the Federal government;

"(4) establish appropriate mechanisms between Federal and State agencies to communicate state-of-the-art risk assessment practices; and

"(5) periodically convene meetings with State government representatives and Federal and other leaders to assess the effectiveness of Federal-State cooperation in the development and application of risk assessment.

"Subchapter IV—Regulatory Priorities and Review

"§ 641. Review of agency rules

"(a) (1) (A) Not later then nine months after the effective date of this section, each agency shall prepare and publish in the Federal Register a proposed schedule for the review, in accordance with this section, of—

"(i) each rule of the agency which is in effect of such effective date and which, if adopted on such effective date, would be a major rule under section 621(4)(A) of this title, and

"(ii) each rule of the agency in effect on such effective date (in addition to the rules described in clause (i)) which the agency has selected for review.

"(B) Each proposed schedule required by subparagraph (A) shall include—

"(i) a brief explanation of the reasons the agency considers each rule on the schedule to be such a major rule under section 621(a) (4) (A) of this title or of the reasons why the agency selected the rule for review;

"(ii) a date set by the agency, in accordance with the provisions of subsection (b)(1) of this section, for the completion of the review of each such rule; and

'(iii) a statement that the agency requests comments from the public on the proposed schedule.

"(C) The agency shall set a date to initiate review of each rule on the schedule in a manner which will ensure the simultaneous review of related items and which will achieve a reasonable distribution of reviews over the period of time covered by the schedule.

"(2) At least ninety days before publishing in the Federal Register the proposed schedule required under paragraph (1), each agency shall make the proposed schedule available to the President, or to the Vice President or other officer to whom oversight authority has been delegated under section 624(b) of this title. The President or that officer may select for review in accordance with this section any additional rule that the President or such officer determines to be a major rule under section 621(4) (A) of this title.

"(3) Not later than one year after the effective date of this section, each agency shall publish in the Federal Register a final schedule for the review of the rules referred to in paragraphs (1) and (2) of this subsection.

Each agency shall publish with the final schedule the response of the agency to comments received concerning the proposed schedule.

"(b)(1) Except where explicitly provided otherwise by statute, the agency shall, pursuant to subsections (c) through (e) of this section, review:

"(A) each rule on the schedule promulgated pursuant to subsection (a) of this section;

"(B) each major rule under section 621(4) of this title promulgated, amended, or otherwise renewed by an agency after the date of the enactment of this section; and

"(C) each rule promulgated after the date of enactment of this section which the President or the officer designated by the President pursuant to subsection (a)(2) of this section determines to be a major rule under section 621(4)(A) of this title.

Except where an extension has been granted pursuant to subsection (f) of this section, the review of a rule required by this section shall be completed within ten years after the effective date of this section or within ten years after the date on which the rule is promulgated, amended, or renewed, whichever is later.

"(2) A rule required to be reviewed under the preceding subsection on grounds that it is major need not be reviewed if the agency determines that such rule, if adopted at the time of the planned review, would not be major under the definition previously applied to it. When the agency makes such a determination, it shall publish a notice and explanation of the determination in the Federal Register.

"(c) An agency shall publish in the Federal Register a notice of its proposed action under this section with respect to a rule being reviewed. The notice shall include—

"(1) an identification of the specific statutory authority under which the rule was promulgated and a statement specifying the agency's determination of whether the rule continues to fulfill the intent of Congress in enacting that authority:

"(2) an assessment of the benefits and costs of the rule during the period in which it has been in effect;

"(3) an explanation of the proposed agency action with respect to the rule; and

"(4) a statement that the agency seeks proposals from the public for modifications or alternatives to the rule which may accomplish the objectives of the rule in a more effective or less burdensome manner, including alternatives developed in accordance with the provisions of title IV of this bill.

"(d) If an agency proposes to repeal or amend a rule under review pursuant to this section, the agency shall, after issuing the notice required by subsection (c) of this section, comply with the provisions of this chapter and chapter 5 of this title or other applicable law. The requirements of such provisions and related requirements of law shall apply to the same extent and in the same manner as in the case of a proposed agency action to repeal or amend a rule which is not taken pursuant to the review required by this section.

"(e) If an agency proposed to renew without amendment a rule under review pursuant to this section, the agency shall—

"(1) give interested persons not less than sixty days after the publication of the notice required by subsection (c) of this section to comment on the proposed renewal; and

"(2) publish in the Federal Register notice of the renewal of such rule and an explanation of the continued need for the rule, and, if the renewed rule is a major rule under section 621(4) of this title, include with such notice an explanation of the reasonable determination of the agency that the rule complies with the provisions of section 622(d)(2)(B) of this title.

"(f)(1) Any agency, which for good cause finds compliance with this section with respect to a particular rule to be impracticable during the period provided in subsection (b) of this section, may request the President, or the officer designated by the President pursuant to subsection (a)(2) of this section, to establish a period longer than ten years for the completion of the review of such rule. The President or that officer may extend the period for review of a rule to a total period of not more than fifteen years. Such extension shall be published in the Federal Register with an explanation of the reasons therefor.

"(2) An agency may, with the concurrence of the President or the officer designated by the President pursuant to subsection (a)(2) of this section, or shall, at the direction of the President or that officer, alter the timing of review of rules under any schedule required by this section for the review of rules if an explanation of such alteration is published in the Federal Register at the time such alteration is made.

"(g) In any case in which an agency has not completed the review of a rule within the period prescribed by subsection (b) or (f) of this section, the agency shall immediately publish in the Federal Register a notice proposing to amend, repeal, or renew the rule under subsection (c) of this section, and shall complete proceedings pursuant to subsection (d) or (e) of this section within one hundred and eighty days of the date on which the review was required to be completed under subsection (b) or (f) of this section.

"(h)(1) Agency compliance or noncompliance with the provisions of subsection (a) of this section shall not be subject to judicial review in any manner.

"(2) Agency compliance or noncompliance with the provisions of subsection (b), (c), (e), (f) and (g) of this section shall be subject to judicial review only pursuant to section 706(a)(1) of this title.

"(i) Nothing in this section shall relieve any agency from its obligation to respond to a petition to issue, amend, or repeal a rule, for an interpretation regarding the meaning of a rule, or for a variance or exemption from the terms of a rule, submitted pursuant to section 553(e) of this title.

§642. Regulatory agenda and calendar

"(a) Each agency shall publish in the Federal Register in April and October of each year an agenda of the rules that the agency expects to propose, promulgate, renew, or repeal in the succeeding twelve months. For each such rule, the agenda shall contain, at a minimum, and in addition to any other information required by law—

"(1) a general description of the rule, including a citation to the authority under which the action with respect to the rule is to be taken, or a specific explanation of the congressional intent to which the objectives of rule respond;

"(2) a statement of whether or not the rule is or is expected to be a major rule;

"(3) an approximate schedule of the significant dates on which the agency will take action relating to the rule, including the dates for any notice of proposed rulemaking, hearing, and final action on the rule;

"(4) the name, address, and telephone number of an agency official responsible for answering questions from the public concerning the rule;

"(5) a statement specifying whether each rule listed on the previous agenda has been published as a proposed rule, has been published as a final rule, has become effective, has been repealed, or is pending in some other status; and

"(6) a cumulative summary of the status of the rules listed on the previous agenda in accordance with clause (5) of this subsection.

"(b) The President or an officer in the Executive Office of the President whose appointment has been subject to the advice and consent of the Senate shall publish in the Federal Register in May and November of each year a Calendar of Federal Regulations listing each of the major rules identified in the regulatory agendas published by agencies in the preceding month. Each rule listed in the calendar shall be accompanied by a summary of the information relating to the rule that appeared in the most recent regulatory agenda in which the rule was identified.

"(c) An agency may propose or promulgate a major rule that was not listed in the regulatory agenda required by subsection (a) of this section only if the agency published with the rule an explanation of the omission of the rule from such agenda and otherwise complies with this section with resect to that rule.

"(d) Any compliance or noncompliance by the agency with the provisions of this section shall not be subject to judicial review.

"§643. Establishment of deadlines

"(a)(1) Whenever any agency published a notice of proposed rule making pursuant to section 553 of this title, the agency shall include in such notice an announcement of the date by which it intends to complete final agency action on the rule.

"(2) If any agency announcement under this section indicates that the proceeding relating to such rule will require more than one year to complete, the agency shall also indicate in the announcement the date by which the agency intends to complete each major portion of that proceeding. In carrying out the requirements of this subsection, the agency shall select dates for completing agency action which will assure that most expeditious consideration of the rule which is possible, consistent with the interests of fairness and other agency priorities.

"(3) The requirements of this subsection shall not apply to any rule on which the agency intends to complete action within one hundred and twenty days after providing notice of the proposed action.

"(b) If an agency fails to complete action in a proceeding, or a major portion of the proceeding, by the date announced pursuant to subsection (a) of this section, or, in the case of a proceeding described in paragraph (3) of such subsection, if an agency fails to complete action within one hundred and twenty days after providing notice of such proposed action, and the expected delay in completing action will exceed thirty days, the agency shall promptly announce the new date by which the agency intends to complete action in such proceeding and new dates by which the agency intends to complete action on each major portion of the proceeding.

"(c) Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review except in accordance with subsection (d).

"(d) In determining whether to compel agency action unreasonably delayed pursuant to section 706(a)(1) of this title, the reviewing court shall consider, in addition to any other relevant factors, the extent to which the agency has failed to comply with this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Part I of title 5, United States Code, is amended by striking out the chapter heading and table of sections for chapter 6 and inserting in lieu thereof the following:

"CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

"SUBCHAPTER I—REGULATORY ANALYSIS

"Sec.
"601. Definitions.
"602. Regulatory agenda.
"603. Initial regulatory flexibility analysis.
"604. Final regulatory flexibility analysis.
"605. Avoidance of duplicative or unnecessary analyses.
"606. Effect on other law.
"607. Preparation of analyses.
"608. Procedure for waiver or delay of completion.
"609. Procedures for gathering comments
"610. Periodic review of rules.
"611. Judicial review.
"612. Reports and intervention rights.

"SUBCHAPTER II—ANALYSIS OF AGENCY PROPOSALS

"621. Definitions.
"622. Regulatory cost/benefit analysis.
"623. Judicial review.
"624. Executive oversight.

"SUBCHAPTER III—RISK ASSESSMENTS

"631. Findings, purposes, and definitions.
"632. Applicability.
"633. Savings provisions.
"634. Requirement to prepare risk assessments.
"635. Principles for risk assessment.
"636. Principles for risk characterization and risk communication.

"637. Guidelines, plan for assessing new information, and report.
"638. Risk management criteria.
"639. Interagency coordination.

"SUBCHAPTER IV—REGULATORY PRIORITIES AND REVIEW

"641. Review of agency rules.
"642. Regulatory agenda and calendar.
"643. Establishment of deadlines.".

SEC. 102. USE OF STATE OR LOCAL REQUIREMENTS.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§560. Use of duplicative State or local requirements

"(a) Except as otherwise provided by law, the head of each Federal agency is authorized, in the administration of a Federal statute with respect to any State or locality, to adopt as a Federal rule a regulation of that State or local government or use as a Federal recordkeeping or reporting requirement or implementation procedure a recordkeeping or reporting requirement or implementation procedure of that State or locality if the head of the agency determines—

"(1) that such State or local government regulation, implementation procedure, recordkeeping requirement, or reporting requirement duplicates a Federal regulation, procedure, recordkeeping requirement, or reporting requirement; and

"(2) that such State or local government regulation, implementation procedure, recordkeeping requirement, or reporting requirement is substantively equivalent to or more stringent than the Federal regulation, procedure, recordkeeping requirement, or reporting requirement.

"(b) When the head of an agency determines to use a State or local recordkeeping or reporting requirement, or implementation procedure, as a Federal recordkeeping or reporting requirement or implementation procedure in that State or locality, the head of the agency shall prepare at a minimum, a written statement of the reasons for any determination made under subsection (a), and shall make such statement available to the public.

"(c) This section does not limit the authority or responsibility of the head of any agency to enforce Federal law."

(b) RULE MAKING.—Section 551 of title 5, United States Code, is amended by inserting the following between "rule" and the semicolon: ", or the adoption of a rule pursuant to section 561 of this title".

(c) TABLE OF SECTIONS.—The table of sections for chapter 5 of such title is amended by inserting after the item relating to section 559 the following new item:

"§560. Use of duplicative State or local requirements.".

SEC. 103. PRESIDENTIAL AUTHORITY.

Nothing in this Act (i) limits the exercise by the President of the authority and responsibility that he otherwise possesses under the Constitution and other laws of the United States with respect to regulatory policies, procedures, and programs of departments, agencies, and offices, or (ii) alters in any manner rulemaking authority vested by law in an agency to initiate or complete a rulemaking proceeding, or to issue, modify, or rescind a rule.

TITLE II—RISK-BASED PRIORITIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Risk Reduction Priorities Act of 1995".

SEC. 202. PURPOSES.

It is the purposes of this title to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

SEC. 203. DEFINITIONS.

For the purposes of this title:

(1) COMPARATIVE RISK ANALYSIS.—The term "comparative risk analysis" means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term "covered agency" means each of the following:

(A) The Environmental Protection Agency.
(B) The Department of Labor.
(C) The Food and Drug Administration.
(D) The Consumer Product Safety Commission.
(E) The Department of Transportation.
(F) The Department of Energy.
(G) The Department of Agriculture.
(H) The Department of Interior.
(I) The Nuclear Regulatory Commission.

(3) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(4) EFFECT.—The term "effect" means a deleterious change in the condition—

(A) of a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) of an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(5) IRREVERSIBILITY.—The term "irreversibility" means the extent to which a return to conditions prior to the occurrence of an effect are either very slow or will never occur.

(6) LIKELIHOOD.—The term "likelihood" means the estimated probability that an effect will occur.

(7) MAGNITUDE.—The term "magnitude" means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(8) SERIOUSNESS.—The term "seriousness" means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

SEC. 204. DEPARTMENT AND AGENCY PROGRAM GOALS.

(a) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should strive to set priorities and to use the resources available under those laws to address those risks to human health, safety, and the environment that—

(1) the covered agency determines to be the most serious; and

(2) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(b) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under subsection (a) of this section, each covered agency shall consider, at a minimum:

(1) the likelihood, irreversibility, and severity of the effect; and

(2) the number and groups of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under section 205 of this Act.

(c) OMB REVIEW.—The covered agency's determinations of the sources of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget prior to submission of the covered agency's annual budget requests to Congress.

(d) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified in subsection (a) of this section into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities by—

(1) in the covered agency's annual budget request to Congress—

(A) identifying which risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under subsection (a) and the basis for that determination;

(B) explicitly identifying how the covered agency's requested funds will be used to reduce those risks, including the amount of funds requested to address each of those risks; and

(C) identifying any statutory, regulatory, or administrative obstacles to allocating agency resources in accordance with the mandates of subsection (a);

(2) explicitly considering the requirements of subsection (a) and the results of the comparative risk analysis prepared under section 205 of this title when preparing the covered agency's regulatory agenda or other covered agency strategic plan and explaining how the agenda or plan reflects those requirements and the competitive risk analysis when publishing any such agenda or strategic plan;

(3) developing an annual enforcement strategic plan that targets the priority risks identified under subsection (a); and

(4) expressly considering the priority risks determined under subsection (a) in selecting research activities.

(e) EFFECTIVE DATE.—This section shall take effect 12 months from the date of enactment of his title.

SEC. 205. COMPARATIVE RISK ANALYSIS.

(a) REQUIREMENT.—Within 6 months of the enactment of this title, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(1) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(2) to conduct a comparative risk analysis. The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(b) CRITERIA.—In arranging for the comparative risk analysis referred to in subsection (a), the Director shall ensure that—

(1) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources agencies and among programs in agencies to achieve the greatest degree of

risk prevention and reduction for the public and private resources expended;

(2) the analysis is conducted through an open process, which may include using panels of appropriate independent experts and public stakeholders;

(3) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review and that the conclusions of the peer review are made publicly available as part of the final report required by subsection (c);

(4) there is an opportunity for public comment on the results prior to making them final; and

(5) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(c) REPORT.—The comparative risk analysis required by subsection (a) shall be completed and a report submitted to Congress and the President no later than 3 years following the enactment of this Act. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first Analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided in subsections (a) and (b) above.

(d) STUDY.—The study of methodologies provided in subsection (a) shall be conducted as part of the first comparative risk analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction. As part of its analysis, the study shall review and evaluate the experiences of the states that have conducted comparative risk analyses.

(3) REPORT.—Within 180 days after the completion of the study, the Director shall issue a report of the study to the Congress, along with results of a scientific peer review of the study.

(f) TECHNICAL GUIDANCE.—Not later than 180 days after the enactment of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with section 204 of this title.

SEC. 206. REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.

(a) IN GENERAL.—In addition to the statement submitted to Congress with each covered agency's annual budget request required under section 204(d)(1) of this title, each covered agency shall submit a report to Congress and the President 24 months following the enactment of this legislation, and every 24 months therafter—

(1) detailing how the agency has complied with section 204;

(2) describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk; and

(3) estimating the total public and private costs of regulatory and voluntary risk reduction activities under programs administered by the agency that year, a comparison of that estimate with the previous year, and a projection for the following year.

(b) RECOMMENDATION.—In March of each year, the head of each covered agency shall submit to Congress specific recommendations for—

(1) modifying, repealing, or enacting laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, and the environment; and

(2) modifying or eliminating statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in its activities to address the risks to human health, safety, and the environment that are the most serious and can be addressed in a cost-effective manner consistent with the requirements of section 204(a).

SEC. 207. SAVINGS PROVISION AND JUDICIAL REVIEW.

(1) IN GENERAL.—Nothing in this title shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this title shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this title shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

TITLE III—REGULATORY ACCOUNTING

SEC. 301. SHORT TITLE

This title may be cited as the "Regulatory Accounting Act of 1995".

SEC. 302. ACCOUNTING STATEMENT

(a) IN GENERAL.—

(1) RESPONSIBILITY FOR IMPLEMENTATION.—The President shall be responsible for implementing and administering the requirements of this title.

(2) ACCOUNTING STATEMENT.—Every two years, not later than June of the second year, the President shall prepare and submit to Congress an accounting statement that estimates the costs of Federal regulatory programs and corresponding benefits in accordance with this section.

(b) YEARS COVERED BY ACCOUNTING STATEMENT.—Each accounting statement shall cover, at a minimum, the 5 fiscal years beginning on October 1 of the year in which the report is submitted and may cover any fiscal year preceding such fiscal years for purpose of revising previous estimates.

(c) TIMING AND PROCEDURES.—

(1) NOTICE AND COMMENT.—The President shall provide notice and opportunity for comment for each accounting statement. The President may delegate to an agency the requirement to provide notice and opportunity to comment for the portion of the accounting statement relating to that agency.

(2) DEADLINES FOR FIRST STATEMENT.—The President shall propose the first accounting statement under this section not later than 2 years after the date of the enactment of this Act and shall issue the first accounting statement in final form not later than 3 years after the date of the enactment of this Act. Such statement shall cover, at a minimum, each of the 8 fiscal years beginning after the date of the enactment of this Act.

(d) CONTENT OF ACCOUNTING STATEMENT.—

(1) IN GENERAL.—Each accounting statement shall contain estimates of costs and benefits with respect to each fiscal year covered by the statement in accordance with this subsection. For each such fiscal year for which estimates were made in a previous accounting statement, the statement shall revise those estimates and state the reasons for the revisions.

(2) STATEMENT OF COSTS.—

(A) IN GENERAL.—An accounting statement shall estimate the costs of Federal regulatory programs by setting forth, for each year covered by the statement—

(i) the annual expenditure of national economic resources for the regulatory program; and

(ii) such other quantitative and qualitative measures of costs as the President considers appropriate.

(B) NATIONAL ECONOMIC RESOURCES.—For purposes of the estimate of costs in the accounting statement, national economic resources shall include, and shall be listed under, at least the following categories:

(i) Private sector costs.

(ii) Federal sector administrative costs.

(iii) Federal sector compliance costs.

(iv) State and local government administrative costs.

(v) State and local government compliance costs.

(3) STATEMENT OF CORRESPONDING BENEFITS.—An accounting statement shall estimate the benefits of Federal regulatory programs by setting forth, for each year covered by the statement, such quantitative and qualitative measures of benefits as the President considers appropriate. Any estimates of benefits concerning reduction in human health, safety, or environmental risks shall present the most plausible level of risk practical, along with a statement of the reasonable degree of scientific certainty.

SEC. 303. ASSOCIATED REPORT TO CONGRESS.

(a) IN GENERAL.—At the same time as the President submits an accounting statement under section 302, the President, acting through the Director of the Office of Management and Budget, shall submit to Congress a report associated with the accounting statement (hereinafter referred to as an "associated report"). The associated report shall contain, in accordance with this section—

(1) analyses of impacts; and

(2) recommendations for reform.

(b) ANALYSES OF IMPACTS.—The President shall include in the associated report the following:

(1) Analyses prepared by the President of the cumulative impact of Federal regulatory programs covered in the accounting statement on the following:

(A) The ability of State and local governments to provide essential services, including police, fire protection, and education.

(B) Small business.

(C) Productivity.

(D) Wages.

(E) Economic growth.

(F) Technological innovation.

(G) Consumer prices for goods and services.

(H) Such other factors considered appropriate by the President.

(2) A summary of any independent analyses of impacts prepared by persons commenting during the comment period on the accounting statement.

(c) RECOMMENDATIONS FOR REFORM.—The President shall include in the associated report the following:

(1) A summary of recommendations of the President for reform or elimination of any

Federal regulatory program or program element that does not represent sound use of national economic resources or otherwise is inefficient.

(2) A summary of any recommendations for such reform or elimination of Federal regulatory programs or program elements prepared by persons commenting during the comment period on the accounting statement.

SEC. 304. GUIDANCE FROM OFFICE OF MANAGEMENT AND BUDGET.

The Director of the Office of Management and Budget shall, in consultation with the Council of Economic Advisers, provide guidance to agencies—

(1) to standardize measures of costs and benefits in accounting statements prepared pursuant to titles I and III, including:

(A) detailed guidance on estimating the costs and benefits of major rules;

(B) general guidance on estimating the costs and benefits of all other rules that do not meet the thresholds for major rules; and

(2) to standardize the format of the accounting statements.

SEC. 305. RECOMMENDATIONS FROM CONGRESSIONAL BUDGET OFFICE.

After each accounting statement and associated report submitted to Congress, the Director of the Congressional Budget Office shall make recommendations to the President—

(1) for improving accounting statements prepared pursuant to this title, including recommendations on level of detail and accuracy; and

(2) for improving associated reports prepared pursuant to this title, including recommendations on the quality of analysis.

SEC. 306. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) The term "Federal regulatory program" means a program carried out pursuant to a related group of Federal statutes and regulations, as determined by the President.

(2) The term "regulation" means an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency. The term does not include—

(A) administrative actions governed by sections 556 and 557 of title 5, United States Code;

(B) regulations issued with respect to a military of foreign affairs function of the United States; or

(C) regulations related to agency organization, management, or personnel.

(3) The term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

(A) the General Accounting Office;

(B) Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

TITLE IV—MARKET INCENTIVES AND ECONOMICALLY EFFICIENT REGULATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Market Incentives Act of 1995".

SEC. 402. PROGRAM DESIGN REQUIREMENTS.

(a) In General.—To the maximum extent practicable, agencies shall ensure that major rules, especially, but not limited to, those that limit the emission of environmental pollutants or otherwise govern the use of natural resources, operate through the application of market-based mechanisms.

(b) Flexible Alternatives.—Where it is not practicable to rely on market-based mechanisms in designing regulatory programs, rules, or requirements, agencies shall ensure that major rules, to the maximum extent practicable, are comparable to market-based mechanisms with respect to (i) assuring the achievement of the regulatory objective, and (ii) affording flexibility to regulated persons.

(c) Applicability.—Section 402 shall apply, to the extent feasible, to rules in effect on the date of enactment of this Act and rules that take effect after the date of enactment of this Act.

SEC. 403. AGENCY ASSESSMENT AND OMB REVIEW.

(a) In General.—Each agency shall include an assessment of market-based mechanisms in each proposed major rule. Each assessment shall demonstrate the extent to which the major rule complies with the requirements of section 402, or why section 402 is not applicable or appropriate.

(b) OMB Review.—The Office of Management and Budget shall review, as part of its regulatory review and oversight function, the agency assessments and statements prepared in section 403(a). OMB shall determine whether such assessments are detailed, thorough, and otherwise in compliance with section 402.

(c) Effective Date.—Section 403 shall take affect 3 months after the date of enactment of this Act:

SEC. 404. DEFINITIONS.

For the purposes of this title:

(1) The term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

(A) the General Accounting Office;

(B) Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

(2) The term "major rule" means—

(A) a rule or a group of closely related rules that the agency or the President reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable direct and indirect costs, or has a significant impact on a subsector of the economy; and

(B) a rule or a group of closely related rules that is otherwise designated a major rule by the agency proposing the rule, or is so designated by the President, on the ground that the rule is likely to result in—

(i) a substantial increase in costs or prices for wage earners, consumers, individual industries, nonprofit organizations, Federal, State, or local government agencies, or geographic regions; or

(ii) significant adverse effects on wages, economic growth, investment, productivity, innovation, the environment, public health or safety, or the ability of enterprises whose principal places of business are in the United States to compete in domestic and export markets.

For purposes of subparagraph (A) of this paragraph, the term "rule" does not mean—

(I) a rule that involves the internal revenue laws of the United States;

(II) a rule that authorizes the introduction into commerce or recognizes the marketable status of a product, pursuant to sections 408, 409(c), and 706 of the Federal Food, Drug, and Cosmetic Act;

(III) a rule exempt from notice and public procedure pursuant to section 553(a) of title 5, United States Code; or

(IV) a rule relating to the viability, stability, asset powers, or categories of accounts of, or permissible interest rate ceilings applicable to, depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, or the Share Insurance Fund of the National Credit Union Administration Board.

(3) The term "market-based mechanism" means a regulatory requirement that:

(a) imposes legal accountability for the achievement of an explicit regulatory objective on each regulated person;

(b) affords maximum flexibility to each regulated person in complying with mandatory regulatory objectives, which flexibility shall include, but not be limited to, the opportunity to transfer to, or receive from, other persons, including for cash or other legal consideration, increments of compliance responsibility established by the program; and

(c) permits regulated persons to respond automatically to changes in general economic conditions and in economic circumstances directly pertinent to the regulatory program without affecting the achievement of the program's explicit regulatory mandates.

(4) The term "rule" has the same meaning as in section 551(4) of title 5, United States Code, except that such term does not include—

(A) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers or acquisitions, or accounting practices or disclosures bearing on any of the foregoing.

(B) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System; or

(C) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission pursuant to sections 315 and 312(a)(7) of the Communications act of 1934.•

By Mr. SHELBY:

S. 292. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama; to the Committee on Indian Affairs.

THE MOWA BAND OF CHOCTAW INDIANS RECOGNITION ACT

• Mr. SHELBY. Mr. President, today I am reintroducing the Mowa Band of Choctaw Indians Recognition Act. This particular piece of legislation has passed the Senate three times in the past two Congresses. While I would prefer not to have to pursue congressionally granted recognition for the Mowa Choctaws, this course of action has been dictated by the institutional resistance of the Bureau of Indian Affairs to Federal recognition of the Mowa.

The Mowa Choctaws originally applied for Federal recognition in 1983. A State-recognized tribe with 3,500 members, the Mowa live within the boundaries of the original Choctaw Nation in Mobile and Washington Counties of Alabama. Mowa ancestors were signatories of the treaty of Dancing Rabbit Creek which provided for the nonremoval of Indian families. Under the treaty, the signatories and their descendants were entitled to retain their rights to Choctaw citizenship.

The Mowa Choctaws have maintained an intense Indian identity over the past 160 years and have petitioned Congress for Federal recognition or to redress treaty grievances several times, beginning as early as 1836. Because of the failure of the BIA to act upon their petition in a timely manner, the Senate Committee on Indian Affairs reported the bill in both the 102d and 103d Congress with the recommendation that the Mowa be granted full Federal recognition.

Only recently has the BIA acted upon the petition. In December, the BIA, after 12 years of delay, issued a preliminary finding denying the Mowa petition. However, the BIA only acted upon the petition when it became likely that the bill would pass the Congress and be sent to the President for his signature. I find this conduct at best suspicious, and most likely reflective of the BIA's longstanding bureaucratic disposition against the proposal.

Mr. President, I have no intention of dropping this issue, regardless of the position of the BIA. Indeed, Congress granted Federal recognition to one-half dozen Indian tribes last year without the approval of the BIA. Congress writes the laws of this land. Career and appointed bureaucrats do not. The Mowa case is stronger than scores of past petitions for recognition that were approved, and I will continue to work to see that Congress rectifies this bureaucratic injustice and grants the Mowa Choctaws the Federal recognition that they deserve.●

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Idaho [Mr. CRAIG], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 230, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

S. 250

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 250, a bill to amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 270

At the request of Mr. SMITH, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 270, a bill to provide special procedures for the removal of alien terrorists.

SENATE RESOLUTION 37

At the request of Mr. PACKWOOD, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 37, a resolution designating February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

AMENDMENTS SUBMITTED

UNFUNDED MANDATE REFORM ACT OF 1995

KEMPTHORNE (AND GLENN) AMENDMENT NO. 228

Mr. KEMPTHORNE (for himself and Mr. GLENN) proposed an amendment to amendment No. 210 the bill (S. 1). A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes; as follows:

Strike out all after "**1. SHORT TITLE.**" and insert the following:

This Act may be cited as the "Unfunded Mandate Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms defined under section 408(h) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

"(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

"(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

"(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

"(A) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B) would affect the competitive balance between State, local, or tribal governments and privately owned businesses including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

"(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

"(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

"(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of State, local, and tribal government; and

"(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

"(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"(b) DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

"(1) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) The estimate required under subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

"(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order shall lie only under subsection (c)(1)(A) and as if the requirement of subsection (c)(1)(A) had not been met.

"(2) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(B) Estimates required under this paragraph shall include estimates (and a brief explanation of the basis of the estimates) of—

"(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution, but no more than 10 years beyond the effective date of the mandate; and

"(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(3) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (1) and (2), the Director shall so state and shall briefly explain the basis of the estimate.

"(4) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this paragraph or a supplemental statement for the bill or joint resolution in that amended form.

"(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider—

"(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

"(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A) to be exceeded, unless—

"(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the direct costs of such mandate;

"(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the direct costs of such mandate; or

"(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the direct costs of such mandate, and—

"(I) identifies a specific dollar amount of the direct costs of the mandate for each year or other period up to 10 years during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (5) for each fiscal year; and

"(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (III);

"(III)(aa) provides that if for any fiscal year the responsible Federal agency determines that there are insufficient appropriations to provide for the estimated direct costs of the mandate, the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

"(1) a statement that the agency has determined, based on a re-estimate of the direct costs of a mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of the mandate; or

"(2) legislative recommendations for either implementing a less costly mandate or making the mandate ineffective for the fiscal year;

"(bb) provides expedited procedures for the consideration of the statement or legislative recommendations referred to in item (aa) by Congress not later than 30 days after the statement or recommendations are submitted to Congress; and

"(cc) provides that the mandate shall—

"(1) in the case of a statement referred to in item (aa)(1), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

"(2) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under item (aa)(2) unless Congress provides otherwise by law; or

"(3) in the case of a mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(III) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(3) COMMITTEE ON APPROPRIATIONS.—(A) Paragraph (1)—

"(i) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; but

"(ii) shall apply to—

"(I) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by such Committee;

"(II) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by such Committee;

"(III) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by such Committee; and

"(IV) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by such Committee.

"(B) Upon a point of order being made by any Senator against any provision listed in subparagraph (A)(ii), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

"(4) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this section to a pending bill, joint resolution, amendment, motion, or conference report.

"(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this subsection, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

"(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.

"(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct costs of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment, or motion of such Senator.

"(f) CLARIFICATION OF APPLICATION.—(1) This section applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

"(A) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

"(B) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates otherwise than as described in subparagraph (A).

"(2)(A) For purposes of this section, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under subparagraph (B)(i) over the amount described under subparagraph (B)(ii).

"(B) The amounts referred to under subparagraph (A) are—

"(i) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

"(ii) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

"(C) For purposes of this paragraph, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the authorization level for the last year in which authorization of appropriations is already provided.

"(g) EXCLUSIONS.—This section shall not apply to any provision in a bill, joint resolution, amendment, motion or conference report before Congress that—

"(1) enforces constitutional rights of individuals;

"(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

"(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

"(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

"(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

"(6) the President designates as emergency legislation and that the Congress so designates in statute.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon State, local, or tribal governments, except—

“(I) a condition of Federal assistance; or

“(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

“(ii) would reduce or eliminate the amount of authorization of appropriations for—

“(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

“(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

“(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

“(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

“(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

“(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

“(2) The term ‘Federal private sector mandate’ means any provision in legislation, statute, or regulation that—

“(A) would impose an enforceable duty upon the private sector except—

“(i) a condition of Federal assistance; or

“(ii) a duty arising from participation in a voluntary Federal program; or

“(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

“(3) The term ‘Federal mandate’ means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (1) and (2).

“(4) The terms ‘Federal mandate direct costs’ and ‘direct costs’—

“(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all State, local, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

“(ii) in the case of a provision referred to in paragraph (1)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced;

“(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

“(C) shall not include—

“(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

“(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

“(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

“(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

“(I) compliance with the Federal mandate; or

“(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

“(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

“(5) The term ‘amount’, with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

“(6) The term ‘private sector’ means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local or tribal governments.

“(7) The term ‘local government’ has the same meaning as in section 6501(6) of title 31, United States Code.

“(8) The term ‘tribal government’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

“(9) The term ‘small government’ means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

“(10) The term ‘State’ has the same meaning as in section 6501(9) of title 31, United State Code.

“(11) The term ‘agency’ has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code, or the Office of the Comptroller of the Currency or the Office of Thrift Supervision.

“(12) The term ‘regulation’ or ‘rule’ has the meaning of ‘rule’ as defined in section 601(2) of title 5, United States Code.

“(13) The term ‘direct savings’, when used with respect to the result of compliance with the Federal mandate.

“(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

“(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

“Sec. 408. Legislative mandate accountability and reform.”.

SEC. 102. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

“(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

“(A) a significant budgetary impact on State, local, or tribal governments; or

“(B) a significant financial impact on the private sector.”;

(B) by amending subsection (h) to read as follows:

“(h) STUDIES.—

“(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

“(2) FEDERAL MANDATE STUDIES.—

“(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

“(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

“(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

“(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

“(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

“(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

“(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 103. COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of section 101 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

Section 403 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in paragraph (3) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking "(a)"; and

(3) by striking subsections (b) and (c).

SEC. 107. CONSIDERATION FOR FEDERAL FUNDING.

Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

SEC. 108. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 109. EFFECTIVE DATE.

This title shall take effect on January 1, 199? or on the date 90 days after appropriations are made available as authorized under section 104, whichever is earlier, and shall apply to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL, AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of

health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) Agency Statement; Private Sector Mandates.—Notwithstanding any other provision of this Act, an agency statement prepared pursuant to subsection (a) shall also be prepared for a Federal private sector mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

(c) Promulgation.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(d) Preparation in Conjunction With Other Statement.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) In General.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) Program Focus.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 60 days after the date of enactment.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) Considerations.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) In General.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities;

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles; and

(3) identify in each recommendation made under paragraph (2), to the extent practicable, the specific unfunded Federal mandates to which the recommendation applies.

(b) Treatment of Requirements for Metric Systems of Measurement.—

(1) Treatment.—For purposes of subsection (a) (1) and (2), the Commission shall consider requirements for metric systems of measurement to be Federal mandates.

(2) Definition.—In this subsection, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

(c) Criteria.—

(1) In general.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) Issuance of proposed criteria.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) Final criteria.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(d) Preliminary Report.—

(1) In general.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) Public hearings.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(e) Final Report.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) Experts and Consultants.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) Detail of Staff of Federal Agencies.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) Contract Authority.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $1,250,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) In General.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) Rule of Construction.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as has been indicated earlier there will be no more votes today, and on Monday, we will begin work on House Joint Resolution 1, but there will be no votes on Monday. It will be debate only. I think that is satisfactory to the Senator from South Dakota.

We will come in at 1 o'clock on Monday, and there will be a period for morning business from 1 to 2 o'clock, and at 2 o'clock, will take up House Joint Resolution 1, which is identical to Senate Joint Resolution 1, which has come from the House.

ORDERS FOR MONDAY, JANUARY 30, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m. on Monday, January 30, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that following the time for the two leaders on Monday, the Journal of proceedings be approved to date, there be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for up to 10 minutes each, and that at 2 p.m., Monday, January 30, the Senate begin consideration of House Joint Resolution 1, the balanced budget constitutional amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask that during Monday's debate, no amendments be in order. Therefore, no votes will occur during Monday's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 103–27, appoints the Senator from New Hampshire, [Mr. GREGG] as a member of the National Education Goals Panel, vice the Senator from Mississippi [Mr. COCHRAN].

ORDERS FOR MONDAY, JANUARY 30, 1995

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 1 p.m. on Monday, January 30; and that on Monday, following the prayer, the Journal of proceedings be approved to date, the call of the calendar be dispensed with, no resolutions come over under the rule, and the morning hour be deemed to have expired and the time for the two leaders be reserved; further, that there then be a period for the transaction of morning business and not to extend beyond the hour of 2 p.m., with Senators permitted to speak under the following time restraints: Senator CONRAD for up to 15 minutes; Senator SIMON for up to 15 minutes; Senator THOMAS for up to 5 minutes; Senator MURKOWSKI for up to 10 minutes; and Senator COHEN to be recognized for the last 15 minutes of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, for the information, then, of all Senators, at 2 p.m. on Monday, the Senate will begin consideration of House Joint Resolution 1, and that is the balanced budget amendment. That is an amendment to the Constitution. For that day it will be debate only.

For the information of all of my colleagues, there will be no rollcall votes during Monday's session of the Senate.

I now ask, Mr. President, unanimous consent that at the completion of the remarks of the distinguished minority leader, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATLANTA PARALYMPIC GAMES

Mr. NUNN. Mr. President, I rise today to call attention to the 1996 Atlanta Paralympic games which are to be held following the 1996 Olympic games in Atlanta. Most people who follow sports realize that the Olympic games will begin in Atlanta on July 19 and conclude on August 4, next year, 1996.

During those 16 days, over 10,000 athletes will compete in 26 sports and 37 disciplines. Many people are unaware, however, that just 12 days after the conclusion of the 1996 Summer Olympics, a sporting event of similar magnitude will begin. The Paralympic opening ceremony will be held August 16 and over the next 12 days of competition more than 4,000 athletes from 102 nations will compete in 19 different sports.

The origin of the Paralympic movement dates back to 1946 when Sir Ludwig Guttman organized the International Wheelchair Games to coincide with the 1948 London Olympics. Since that time, the official Paralympic organization was established and Paralympic games have been held nine times in nine countries across the globe. The 1996 Atlanta Paralympics will mark the 10th and largest gathering with an expected 1.5 million spectators. Very large number of people coming to Atlanta from all over the world. Over the years those competing in the Paralympics have expanded from wheelchair athletes to include amputees, the blind, those with cerebral palsy, dwarfs, and those with a variety of other physical limitations. While the disabilities of the athletes range across a wide spectrum, they are united in their dedication to perfection and their quest for excellence.

Many of us, myself included, were not aware of the levels at which these athletes compete. It is truly marvelous. Their times and scores in sports ranging from cycling to powerlifting, judo to swimming, are world class by any standards. The Paralympic world records for various events are, in some cases, just shy of the Olympic world records which is truly amazing. Tony Volpentest, born without hands and feet, ran the 100 meter event in 11.63 seconds—within 2 seconds of the Olympic record held by Carl Lewis. Kim Brownfield, a paraplegic, bench pressed 602 pounds—at that rate he will soon be moving mountains. Without a doubt, the men and women who will be competing in the Atlantic Paralympics are elite athletes, training and performing at the highest levels of their sports.

While their scores and records are awe inspiring, perhaps the greatest accomplishment of the athletes who qualify for the Paralympics is their seemingly impossible achievement of conquering their physical impairments. The Paralympic motto is "The triumph of the human spirit." Indeed it is this spirit, above all else, that invites us to share in their victories and revel in their accomplishments. Gathered amongst us in Atlanta in 1996 will be men and women more physically challenged than most of us, yet they will attain levels of excellence far higher than most of us will ever dream of. Through incredible dedication and perseverance and despite every pressure to the contrary, these men and women have accomplished extraordinary feats.

As you can well imagine, each of these athletes has a tremendous success story behind their achievements, a success story behind their achievements. One that particularly struck me is that of Al Mead, an above-the-knee amputee, who captured the silver medal in the long jump in the 1992 Paralympic Games in Barcelona with a jump of 4.62 meters.

Like many of these athletes, Al was not born with his disability. He was an active 9-year-old, when one day at school he took a hard fall. Afterwards, his left leg was numb and circulation eventually stopped. He faced three operations as doctors tried to correct the problem. First, his foot was amputated; then, his leg just below the knee; and finally, just above the knee. He still remembers when he was having that ordeal wondering why everyone was so upset. The way Al figured it, his leg would grow back as soon as he got out of the hospital.

Al, relying heavily on his family's religious faith, remained optimistic during this hospitalization and recovery. Once he returned home from the hospital, he decided to continue doing all the things he had done prior to the operation—despite his doctor's advise to "take it easy." Anyone who knows 9-year-old boys ought to know better than to expect them to sit sill for any length of time. Indeed, while waiting for his prothesis to arrive, Al taught himself how to ride his bike with only one leg. Then, once his leg arrived, Al became more active, playing baseball, hockey, and basketball with community and school teams. Al recalls playing alley football one day when he caught a pass and was running towards the goal line only to have his leg fall off in midstride. While his opponents and teammates were rubbing their eyes in disbelief, Al was laughing at the happenings.

Al attended Morehouse College in Atlanta where he now lives with his wife and two children. He is the vice-president of an executive search firm and the music director at his local church. Al has competed in numerous National Handicapped Sports' competitions where he has broken national and world records in the 100- 200- and 400-meter events and the high jump and long jump. He is currently training for the Paralympic Games, and I particularly look forward to watching Al perform in 1996 in his home State and his home town. I also look forward to watching thousands of his fellow athletes who may not have 100-percent bodies but who have 100-percent hearts and give 100 percent of their efforts to their stunning athletic achievements.

Mr. President, I will be speaking on this subject several times in the next several months, all the way to the Olympic Games in 1996 because I think it is very important for those of us in this body, those of us who watch this body on television and those people who follow this body throughout the country to understand what a remarkable event is going to take place after the regular Olympic Games in the Paralympic Games in 1996.

I believe that all of us will be very interested and fascinated to watch remarkable athletes such as Al Mead who will be competing in 1996. I believe that my colleagues and the American people will be both awed and inspired by what we discover.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Missouri, directs the order for the quorum call be rescinded.

ADJOURNMENT UNTIL MONDAY, JANUARY 30, 1995, AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 6:27 p.m., adjourned until Monday, January 30, 1995, at 1 p.m.

EXTENSIONS OF REMARKS

WE NEED BALLISTIC MISSILE DEFENSE—AND WE HAVE ABSOLUTELY NO DEFENSE TODAY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. DORNAN. Mr. Speaker, I urge all my colleagues and citizens across our Nation to carefully consider the following statement by former Reagan defense official Richard Perle regarding our lack of ballistic missile defense. The ballistic missile threat is real, and the technology is readily available to deter and destroy incoming missiles and warheads. It will be unforgivable if another American soldier, sailor, airman, marine, or civilian is killed by a ballistic missile attack because Congress and the President failed to develop and deploy available missile defense technology.

STATEMENT BY RICHARD PERLE, FELLOW, AMERICAN ENTERPRISE INSTITUTE, BEFORE THE COMMITTEE ON NATIONAL SECURITY, JANUARY 25, 1995

Mr. Chairman, I want to thank the Committee for inviting me to appear before you as you consider the ballistic missile defense provisions of H.R. 7, the National Security Revitalization Act.

I first came to Washington nearly 24 years ago to work on precisely this issue—the defense of the United States against ballistic missiles—for Senator Henry M. (Scoop) Jackson.

Scoop was a committed Democrat. But he was also an ardent supporter of ballistic missile defenses. In those days the defense of the United States was not inevitably a partisan matter. And it is my great hope, Mr. Chairman, that with these hearings and with new Congressional management willing to reconsider old ideas and explore new ones, the urgent need to develop and deploy a defense against ballistic missiles will once more gain the bipartisan support that men like Scoop Jackson worked so hard to achieve.

Looking back over the quarter century since Lyndon Johnson first proposed a limited deployment of strategic defenses, and looking forward to the proposals in H.R. 7, one is left with an eerie sense of *deja vu*. I say eerie because, as things stand today, we have no capacity whatsoever to intercept ballistic missiles that might be aimed at the United States. None. Zero. We are unable to stop even a single missile, even a missile fired accidentally, even a missile fired accidentally under circumstances in which the perpetrator of the accident did everything he could to help us avert a calamity. We are totally, completely, abjectly vulnerable.

Indeed, Mr. Chairman, one could reasonably argue that, despite breathtaking technological advances in sensors, propulsion, guidance and data processing, we are further than ever from the goal of developing a strategic defense. For despite the collapse of the Soviet Union and the sharp rise in concern about the extent to which its nuclear missiles are under absolute control, an American policy favorable to strategic defense is more remote than ever.

Despite the energetic effort of several hostile nations to acquire nuclear weapons and ballistic missiles; despite the difficulty of controlling the missile technologies that will inevitably spread; despite the reasonable expectation of the American people that its elected government will act prudently to defend them against known threats—despite all this it is now the official policy of the Government of the United States that America shall remain undefended.

I urge you to change that policy quickly, unambiguously and unapologetically by adopting into law Title II of the Defense Revitalization Act.

The source of the current policy is difficult to understand, much less defend. It is, above all, an intensely ideological policy devised by the *opponents* of strategic defense. Opposition to defense is frequently emotional, although the depth of feeling is often masked by claims to practical or budgetary or technical doubts about the feasibility or affordability or effectiveness of specific systems. It is based in part on the now irrelevant but passionately held Cold War belief that American strategic defenses would elicit additional offensive deployments by the Soviet Union, thus fueling an arms race and exposing us to greater danger. This was the view of the opponents of strategic defenses when I came to Washington in 1969 in the midst of the Cold War and, curiously, the opponents of those years remain the opponents of strategic defense to this very day.

Everything affecting this antiquated intellectual construct has changed: the Cold War is over, the Soviet Union no longer exists, the interaction of offensive and defensive forces (which was never as simple as the critics of strategic defense thought) is radically different today, the efficacy of classical deterrence in these changed circumstances is increasingly questionable, the technical feasibility of effective defenses is immeasurably greater (especially against less-sophisticated threats)—in short, everything is changed except the stubborn, unthinking, myopic opposition to any serious, national defense against ballistic missiles.

This is an opposition enshrined in an obsolete treaty concluded 22 years ago in a fundamentally different world. It is an opposition perpetuated by an Administration that can't bear the idea of picking up where Ronald Reagan left off or taking on the apparatciki from Andrei Gromyko's foreign ministry who cling to their jobs by opposing sensible modifications to the ABM Treaty that would free us and Russia from constraints that leave us both defenseless in a dangerous world.

Another source of opposition to strategic defense is the idea that only a perfect defense is worth having. When the issue was a defense against the massive Soviet missile force, the opposition argued that because even the best possible defense could be penetrated ("Some missiles will always get through") there was no point in attempting any defense at all. Now that the threat is much smaller—perhaps a handful of missiles or even a single missile fired accidentally—the idea of a partial defense capable of dealing with modest threats ought to appeal to those critics who once claimed to be daunted by the task of defending against thousands of missiles. But they remain unmoved, mired in opposition to any defense, frozen in time, say around 1970.

In the seriously mistaken belief that we must now agree on a line separating theater defense systems, which are not limited under the ABM Treaty, from national territorial systems which are, the Administration has embarked on a negotiation with the Russians that threatens to throttle effective theater defenses in their infancy.

I note that the House leadership has written to the President to ask that he allow the Congress to examine with care the many issues this negotiation raises. This seems to me a reasonable request, one that a President interested in bipartisanship on defense matters would readily grant. I hope he agrees. But if he does not I would urge the Congress to legislate against the use of appropriated funds for the purpose of defining lines of demarkation between theater and strategic defenses. A negotiation on this subject is bound to become a quagmire—and that would be true even if there were not plenty of opponents of strategic defense within the Administration who are eager to see theater defenses submerged in a quagmire and who will do nothing to steer clear of it.

On this matter our position should be clear and simple. Theater defenses are not limited by the ABM Treaty and for this reason we are not obliged to discuss our theater defense program with the Russians or anyone else. If the Russians wish to assert that we are developing a nationwide defense in the guise of a theater defense, let them charge us with a violation of the ABM Treaty. If and when they do make such an allegation we will discuss and allay their concerns in the forum provided for in the ABM Treaty.

What we would be most foolish to do is try to gain Russian approval for the performance parameters of theater defenses. Yet that has been the Administration's approach until now, and you should know that it threatens our ability to field theater systems capable of defending our men and women on distant battlefields. We owe it to our troops to provide them with the best possible defense against the battlefield missiles that may be aimed at them. To constrain our program in order to "strengthen" the ABM Treaty by broadening its scope would be foolish in the extreme and the Congress should act if necessary to prevent this happening.

Opponents of strategic and theater defense are not at all troubled by the additional constraints on our freedom to develop technically optimal systems that are bound to result from negotiations with the Russians. On the contrary, I believe they view these negotiations as another device by which the prospects of a cost-effective defense might be further diminished.

Mr. Chairman, there is already a wide range of opinion as to the sort of architecture we should adopt in devising systems of national and theater defense. If anything, controversy on this question is likely to increase over time as the technical community

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

debates the relative merits of space-based interceptors or lasers or land-based missiles or space-based sensors, and the like. Competing technologies have their adherents and as technology develops opinions will change. This is all to the good. No one now enjoys a monopoly of wisdom as to the most effective systems or the lowest technical risk or the least-cost solutions to the problems of theater and national defense.

But it is not necessary for the Committee to come to conclusions on these and other technical issues in order to go forward confidently to require the Secretary of Defense to tell you how he plans to carry out Title II's mandate to end the policy of deliberate vulnerability by developing theater and strategic ballistic missile defenses.

In developing his plans, the Secretary of Defense should consider that, insofar as the ABM Treaty is an obstacle to implementing Title II, he should recommend the ways in which the Treaty ought to be changed. There are, after all, provisions for amendment in the terms of the ABM Treaty. They were presumably placed there by men who realized that future circumstances might require new approaches. In this they were surely right. We should approach the Russians at the highest levels with a view to cooperatively amending the Treaty to take account of the strikingly different world in which we are now living.

But if the Russians, for whatever reason, should oppose reasonable revisions to the Treaty and insist on blocking us from defending ourselves against the North Koreas, Libyas, Iraqs and the like, we should make clear our readiness to withdraw from the Treaty under the appropriate article and after the appropriate notice. If we are prepared to withdraw, we should find it unnecessary to do so.

Mr. Chairman, the Congress has it within its power to force a reconsideration of the opposition to ballistic missile defense that prevailed during the last decades of the Cold War. It is a new Congress. I believe it is up to the task of new thinking about defense, and your hearing this morning encourages me to believe that antiquated ideas that cannot be made persuasive as we face the new millennium should be relegated to the history of the one we will leave behind.

RECOGNITION OF FRED JACKSON, SR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. THOMPSON. Mr. Speaker, I stand today to recognize Mr. Fred Jackson, Sr. of Jackson, MS. Mr. Jackson reached the age of 115 in January 1995. Thus, he is one of the oldest persons in the United States. He was born in the Cauldville community near Canton, MS in 1880. He was married to Mrs. Fronie Jackson who is now deceased and is the father of one son, Mr. Fred Jackson, Jr.

Mr. Jackson worked as a farmer and carpenter for many years. He has been a devoted member of the Pleasant Grove Baptist Church where he served as a deacon and Sunday school teacher. He enjoys fishing, hunting and helping people. Mr. Jackson also enjoys reading the Bible. He attributes his long life to his strong religious beliefs and treating every person with respect.

I congratulate Mr. Jackson on a long and fruitful life and his important contributions to the Jackson community.

INTRODUCTION OF THE OLD FAITHFUL PROTECTION ACT OF 1995

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce the Old Faithful Protection Act of 1995. This will be the third Congress that I have introduced legislation seeking to protect Yellowstone National Park's natural wonders.

The legislation I present today is essentially the bill that passed the House of Representatives last Congress by overwhelming margins. There are just two notable exceptions, both improvements that should provide even more support for the bill.

This legislation now provides for a land trade with the only private geothermal-rights holder adjacent to Yellowstone and it incorporates the changes suggested by the Idaho and Wyoming Governors. These changes remove any questions regarding private property rights or State acceptance issues raised each Congress by the Senate.

With, to my knowledge, all questions answered I have high hopes that this Congress we will demonstrate the legislative will to finally protect the crown jewels of our national treasure—Yellowstone National Park. Twice before the House of Representatives has passed protection for Yellowstone, and twice now the tiniest minority of antienvironmental Senators have blocked its consideration in the Senate. Twice now a few Senators have refused to allow legislation to even be heard unless everyone involved will agree with them up front.

There is no question that this Congress will be wrestling with a wide variety of environmental issues. Many believe that the Republican contract is really open warfare on this Nation's environmental law. I believe that the verdict is still out but, one thing I know for certain, failure to pass this legislation will be a clear indication of the new majority's inability to even address the most basic environmental concerns.

This legislation recognizes the ongoing work that State and private folks have done to protect Yellowstone geothermal features while still providing clear direction and a legal framework to build on these various efforts. This legislation is the result of legislative efforts begun in the 1988 amendments to the Geothermal Steam Lease Act. That legislation established a list of geothermal resources that should not be allowed to be developed under this Nation's steam leasing laws. Yellowstone was the most threatened of these cultural sites and it was chosen as a test case for protection.

Since that time State and Federal officials have worked toward a cooperative way of protecting Yellowstone thermal wonders. All concerned agree that although gains have been made this legislation presented today is keenly necessary to complete our pledge to provide rock-ribbed, ironclad, copper-rivited protection for Yellowstone's geysers, and hot pots.

The legislation also provides a pattern for the protection of other geothermal treasures such as Crater Lake in Oregon. This legislation is a bipartisan proposal that has complete support from the State governments adjacent to the park and it shares environmental support with no known development concern.

The land exchange that is attached to the bill removes the only permit, given in any State, for drilling hot water adjacent to Yellowstone. The exchange provides solutions to access problems while granting to the Government hundreds of claims to hot water in the Corwin Springs KGRA. Public access in general is improved to federal land and the Church Universal and Triumphant is provided a welcome solution to their longstanding inholding problems.

This exchange solves a problem created by the time it has taken to address this issue and is luckily the only problem that currently exists. Failure to act will only make a final solution more difficult. Wrongheaded ideology is all that stands in the way of true statutory protection for Yellowstone and Old Faithful.

I hope we will move quickly to save the last intact geyser basin in the world. It is our duty to do so.

A TRIBUTE TO THE NEEDLES MUSTANGS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. LEWIS of California. Mr. Speaker, I am proud to bring to your attention today a remarkable group of individuals who recently made the citizens of Needles, CA particularly proud. I am speaking of the Needles High School varsity football team—the Mustangs—who will be remembered not for their record but for the fact that they played like champions all season. To me, and many others, they are winners in every sense of the word.

The Mustangs, who started the season with only 18 players, worked extremely hard to represent their school but suffered a number of heartbreaking injuries during the season. In fact, in one game, 9 members of the team played every single play of the game on offense and defense because injuries left the team with only 13 players dressed to play. For most of the season, the squad was outmanned, undersized, and overwhelmed by larger schools. But the Mustangs never quit. They fought hard and, more importantly, played with heart, winning the respect of their families, opposing coaches, and the entire community.

It would have been easy for these kids to give up going into their last game of the season winless. But they didn't. Because they would not ever quit, the Mustangs fought for every yard and persevered in the face of adversity, winning a hard fought contest, 25 to 18. When the final gun had sounded, one would have thought they had won the Super Bowl. I guess in many respects they did. Most inspiring was the fact that these young men, all from different ethnic and cultural backgrounds, demonstrated what it means to work together, to continue to work hard, and to never give up. Their commitment, courage, and determination provides an example for us all to admire, and emulate. They are our greatest hope for the future of Needles and the future of our country. To me, and the many people who make Needles their home, it was truly a championship year.

Mr. Speaker, I ask that you join me, our colleagues, and the many friends of the Needles Mustangs in recognizing their commitment to winning on and off the field. They have taught all of us many things and are certainly worthy of recognition by the House today.

AN AGREEMENT WORTH PRESERVING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. HAMILTON. Mr. Speaker, as you know, North Korea's efforts to acquire a nuclear weapons arsenal constitute one of the most serious national security threats facing the United States today.

Last October, Ambassador-at-Large Robert I. Gallucci negotiated an agreement with North Korea that holds out the promise of freezing and eventually eliminating North Korea's nuclear weapons program. The Congress may face no more pressing national security issue in all of 1995 then whether to permit the implementation of this accord.

Unfortunately, there exists considerable confusion about this agreement, and the press has contained a number of erroneous statements as to what this agreement does and does not permit.

Six months ago, we were on the verge of a confrontation with North Korea—a confrontation no one wanted, and which held little possibility of addressing our concerns about North Korea's nuclear program. Today, however, as a result of the Geneva agreement. Pyongyang has frozen its nuclear program and agreed to a step-by-step process that will eventually eliminate that program.

North Korea in already taken a number of significant steps under the accord, in advance in any United States concessions. The North has already shut down its only operating reactor. It has already halted construction on two new reactors. It has already sealed its reprocessing facility and stopped construction on a new reprocessing line. It has already refrained from reprocessing its spent fuel rods, which would have given the North enough plutonium for four or five nuclear weapons. And it has already admitted IAEA inspectors and U.S. technicians into its nuclear facilities.

By accepting the record, Pyongyang has agreed not only to resume IAEA inspections of its nuclear facilities, but to go beyond its obligations under the Nuclear Nonproliferation Treaty [NPT]. It has agreed, for instance, to forego reprocessing the spent fuel it presently possesses, and to shut down its reprocessing facility—even though the NPT permits reprocessing. And without reprocessing, the North will not be able to obtain the plutonium required for the manufacture of nuclear weapons.

Mr. Speaker, this agreement is not based on trust. It is not based on promises. It is based solely on North Korea's performance. The United States retains its ability, both through IAEA inspections and through its own national means, to verify if the North is abiding by its commitments. And if, at any time, we conclude that Pyongyang is not living up to its end of the bargain, we can back out of the deal.

The alternative to this agreement is not a better agreement, The only real alternatives are to return to the United Nations to ask for economic sanctions that no one believes will succeed, or an escalation to war.

But with this agreement, we have an accord that diminishes tensions on the Korean peninsula. An accord that protects our security interests and those of our allies. An accord that advances our global nonproffliferation objectives. An accord that obligates other to pick up the overwhelming bulk of the financial costs.

Mr. Speaker, this is what I call a good bargain. I urge my colleagues on both sides of the aisle to inform themselves about this agreement and to support its implementation.

CONTROLLING THE DEFICIT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. FOGLIETTA. Mr. Speaker, I share with my colleagues a grave concern for gaining control of the deficit because it stifles our national economic growth. I question the way to get there. Let me explain.

During the debate on a balanced budget, we watched Members vote for a balanced budget amendment that would protect Social Security. Others voted for a version of the amendment that would strip supermajority provisions for increasing debt limit and raising taxes, but would require a balanced budget in 7 years. Still others have urged the proponents of these measures to identify the specific cuts needed to balance the budget, but would still favor a balanced budget in 7 years, notwithstanding how cruel the answers to the plea for a balanced budget plan would be.

Allow me to state my position clearly. I do not support an arbitrary balanced budget amendment, by a certain year, to the U.S. Constitution which provides no flexibility to meet other vital national goals. I do favor a balanced budget amendment which would establish the kind of capital budget which States and cities now have. This enables them to balance their budgets, while also providing enough dollars to preserve the safety net, keep programs to further economic growth and maintain infrastructure. This kind of borrowing is both responsible and manageable; it could better ensure a decent standard of living for all Americans, regardless of income.

We need to achieve fiscal responsibility. But more importantly, we cannot destroy the security of millions of vulnerable and disadvantaged Americans that rely upon the safety net to keep their families alive.

SETTING THE RECORD STRAIGHT ON THE PROTECTION OF AMERICA'S SENIOR CITIZENS

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mrs. SEASTRAND. Mr. Speaker, I suppose I should be honored that the Democrats' chief attack dog, Mr. BONIOR, chose to use me as an example in promulgating one of his party's favorite factual errors—the Republican position on Social Security.

Just in case Mr. BONIOR and the Democrat campaign committees have misunderstood, let me be clear. As long as I am a Member of the U.S. House of Representatives, I will fight any effort to touch Social Security.

Unfortunately, the Democrats are continuing with vigor their failed campaign message that Republicans were out to hurt senior citizens and destroy Social Security.

If the American people did not fall for these absurd scare tactics during the recent midterm elections, what makes the Democrats think they will fall for it now? You would think that the new minority party in Congress would have gotten the message.

The facts are quite clear. The Republican Contract With America specifically states that Social Security is off the table. Republican leaders and Republican Members have stated repeatedly that the budget can be balanced by the year 2002—without touching Social Security—simply by restraining the growth in Federal spending to 3 percent annually as opposed to the scheduled 5.4 percent increase.

The basic and unspoken problem that Mr. BONIOR and his liberal colleagues have with the Republican contract is its commitment to rein in out-of-control Federal spending. What this clearly illustrates to even the most casual observers is the Democrats' total unwillingness to reduce Government spending.

Mr. Speaker, in 1993 the Clinton Democrats passed the largest tax increase in history, and one of the things they conveniently forget about this tax increase is how much it hurt America's seniors. The 1993 tax bill cut Medicare by $85 billion and slapped $25 billion in higher taxes on Social Security beneficiaries. Had the Clinton-Gephardt health care bill passed the Congress, it would have slashed Medicare by more than $400 billion over 10 years and limited the program to zero growth.

By contrast the Republican contract's Senior Citizens Equity Act, which I have cosponsored, helps senior citizens. This bill, H.R. 8, includes provisions to raise the Social Security earnings limit to $30,000 over 5 years; repeal the Clinton tax increases on Social Security retirees; and provide tax incentives for the purchase of private long-term care insurance.

Mr. Speaker, the reality is that the Republican proposals outlined in the Contract With America are designed to help older Americans and undo the damage created by the Clinton Democrats. I am afraid that the Democrats' best efforts to scare older Americans into thinking otherwise will fail just as miserably as it did during the 1994 elections.

INTERNATIONAL CUSTOMS DAY, JANUARY 26, 1953

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. GILMAN. Mr. Speaker, 42 years ago on January 26, 1953, the World Customs Organization formally known as the Customs Cooperation Council, held its first meeting in Brussels, Belgium. In recognition of this occasion, the council observes January 26 as International Customs Day. Additionally, this occasion is also being used to give recognition to customs services around the world in view of the significant role they play in producing national revenue and in protecting national borders from economically and physically harmful importations.

Mr. Speaker, I am particularly proud of our U.S. Customs Service for its invaluable contributions to the Nation over the past 206 years of its existence. U.S. Customs was once the sole revenue producer for the young United States and its role in revenue collection continues: in fiscal year 1994 Customs collected a record $22.9 billion in revenue. In addition, Customs has taken on other important responsibilities such as interdicting narcotics at our borders, preventing the exportation of critical technology, and enforcing the regulations of more than 40 Government agencies.

The U.S. Customs Service represents the United States at the Customs Cooperation Council [CCC], a 136–member international organization founded to facilitate international trade and promote cooperation between governments on customs matters. The CCC works to simplify and standardize legal instruments and rules of international customs. The CCC also renders technical assistance in areas such as customs tariffs, valuation, nomenclature, and law enforcement. Its objective is to obtain, in the interest of international trade, the best possible degree of uniformity among the customs systems of member nations. The United States became a member on November 5, 1970. All America benefits when both exporters and importers operate in an atmosphere of simple unambiguous customs operations around the world.

Accordingly, Mr. Speaker, I want to take this opportunity to congratulate the Customs Cooperation Council with regard to its past accomplishments and for its ambitious goals of further harmonizing and simplifying those customs rules which affect international commerce. In addition, I congratulate our U.S. Customs Service for its outstanding work both nationally and internationally.

UNFUNDED MANDATE REFORM ACT OF 19953

SPEECH OF

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes.

Mr. CUNNINGHAM. Mr. Chairman, I want to discuss H.R., 5 the Unfunded Mandates Reform Act and share with the House the observations of San Diego Mayor Susan Golding. Recently, I had the pleasure to meet with Mayor Golding to discuss this bill and other issues before the Congress.

Mayor Golding provided me with a partial list of current Federal mandates placed on the city of San Diego. She said that besides the up-front costs, each mandate contains a hidden burden of paperwork, record keeping, and reporting. Each of these mandates has some Federal agency reviewing compliance. Moreover, most of these mandates carry penalties for noncompliance.

The most egregious example involves the requirements imposed by the Environmental Protection Agency that the city of San Diego move toward secondary treatment of wastewater. The problem is that the regulations were designed to protect rivers and lakes—fresh water. San Diego, however, has a deep discharge into the Pacific Ocean. The world renowned Scripps Institute of Oceanography has concluded that secondary treatment is unneeded in San Diego. Yet the Federal Government still insists that the city of San Diego expend some $1.4 billion to upgrade to secondary treatment, no matter what the best scientists say. After years of litigation, the stalemate continues.

The list of mandates ranges from the obvious to the obscure. To comply with the Americans with Disabilities Act, the city must spend $100,000. Swimming pool operator training costs $1,500. The level of sand in sandboxes at city-run tot centers is monitored by the U.S. Consumer Product Safety Commission, costing San Diego taxpayers $75,000 a year. Reporting requirements for the CDBG program add $20,000 in costs. Monitoring of groundwater at city landfills costs $130,000 annually; gas monitoring adds another $34,000.

No one questions that some Federal regulations are needed. Federal standards for health and safety have saved lives and improved the quality of life for all Americans. If an issue is important enough to demand action by the Congress, then by definition, it ought to be important enough to be funded by the Congress.

The city would meet many of these health and safety standards anyway. The problem arises when the Federal Government issues these mandates, burdening the city with record keeping, paperwork, and the potential for litigation and fines.

We know that H.R. 5 won't solve the problem of existing mandates alone. But it is still vital that Congress pass this legislation. The commission established by H.R. 5 will be chartered to review existing mandates and report recommendations for change to Congress. Further, this bill sends a clear message to our beleaguered cities, counties, and States that this Congress will no longer conduct business as usual.

The experience of San Diego is typical. I know from my discussions with other mayors and local officials that they also shoulder these burdens. In some cases, smaller communities are hit even harder than cities, as they lack the resources and staff to comply with Federal mandates.

Mr. Speaker, as an original cosponsor of the bill. I urge prompt passage of H.R. 5. This bill does nothing to threaten the health and safety of the American people. It is a significant step toward reforming our attitude here in Washington.

CONGRATULATIONS TO THE NATIONAL COUNCIL OF NEGRO WOMEN, INC., AND THE NATIONAL ELDERCARE INSTITUTE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. THOMPSON. Mr. Speaker, I stand before you today to congratulate the National Council of Negro Women, Inc. and the National Eldercare Institute for a historic conference which honored older women. In October 1991, the National Council of Negro Women, Inc., entered into a cooperative agreement with the U.S. Department of Health and Human Services, Administration on Aging, to establish a National Eldercare Institute on Older Women [NEIOW].

The National Eldercare Institute was the brainchild of Dr. Dorothy Height, the president of the National Council of Negro Women, Inc. Dr. Height's vision was to bring issues concerning older women onto a national platform.

A major goal of the NEIOW, 1 of 13 institutes nationwide, is to advocate for the diversity of experience and broad spectrum of needs, issues, and concerns of older women. Collaborative and cooperative relationships were established and maintained with national aging and women organizations, voluntary and professional organization, private businesses, churches, and other entities.

These efforts resulted in the Administration on Aging and the National Council of Negro Women, Inc., National Eldercare Institute on Older Women, sponsoring the first National Conference on Older Women: Challenges in an Aging Society. The conference brought together over 60 organizations and approximately 400 participants working cooperatively to implement the first national conference on older women.

There were five main objectives of the conference: First, offer participants indepth experiential training based on three tracks i.e., consumer/senior advocates, service providers and education research; second, increase awareness of cultural diversity and needs of women; third, expand knowledge of multicultural issues; fourth, improve skills in working effectively in multicultural settings; and fifth, encourage networking with aging specialists and national aging and women's organizations.

Mr. Speaker, I also want to salute Dr. Dorothy A. Idleburg of Hinds County, MS. Dr. Idleburg, currently the director, of the National

Eldercare Institute on Older Women, is on leave of absence as associate professor and chairperson of the sociology department and director of gerontology program, Tougaloo College, Tougaloo, MS.

As director of the National Institute on Older Women, Dr. Idleburg took great pride in planning and implementing the national conference held in Washington, DC in September 1993. The institute under the leadership of Dr. Idleburg, continues to serve as an advocate for issues affecting older women.

A PRIVATE RELIEF BILL TO BENEFIT WADE BOMAR

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. WILLIAMS. Mr. Speaker, today I am reintroducing a private relief bill to award a $100,000 injury settlement to Mr. Wade Bomar.

Mr. Speaker, in August 1989 the Pryor Gap fire was burning its way through a national forest in southeastern Montana. Among those battling the fire was an oil refinery worker from Billings named Wade Bomar. Married with three children, Bomar supplemented his income during the summer working as an emergency firefighter with the Bureau of Indian Affairs.

On August 6, 1989, while struggling to slow the progress of the fire, a large tree fell on Mr. Bomar, severely damaging his back and pinning his legs under its weight. After several operations, it was apparent that the accident had left Mr. Bomar a paraplegic.

It is truly ironic that while Mr. Bomar was fighting the Pryor Gap fire of 1989, Congress was debating the Public Safety Officers' Benefits Act [PSOBA]. This act awards benefits to firefighters and other public safety officers who are permanently disabled as a result of injuries sustained in the line of duty on or after November, 29, 1990. Although Mr. Bomar and his family are exactly the kind of people that this act is intended to help, Mr. Bomar was injured in 1989 and therefore ineligible for benefits under the act.

As a result of Mr. Bomar's injuries, and numerous operations, he has incurred tremendous and unpayable medical bills. And because of the violent nature of the accident, new medical problems continue to arise, calling for more surgery and more debt. Having exhausted all other administrative solutions, Wade and his family live day to day on Social Security disability payments, financially ruined and without hope.

Mr. Speaker, I am introducing this bill today so that an exception might be made to help a man and his family who are very deserving of our help. It is the right thing to do.

A TRIBUTE TO DOUGLAS ROWAND

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Mr. Doug Rowand of Highland, CA. Doug, a dedicated professional and longtime community activist, has recently completed his term as president of the Highland Area Chamber of Commerce.

Doug's accomplishments at the Highland Area Chamber of Commerce are well known. First elected to serve as vice president in 1992, and later elected president, Doug's tenure is marked by a number of impressive accomplishments. His leadership has resulted in increased chamber membership, actively promoted economic development and business retention in the community, held numerous candidate forums, and surveyed the membership on the direction of the chamber. He has also organized a number of successful community events including the Fourth of July parade, the Highland Community Pride Rally, and the annual Christmas decorating contest.

Over the years, Doug has been actively involved in a number of civic and community-based organizations. Last year, he was selected to serve on the board of directors of the Volunteer Center of the Inland Empire and was appointed by the mayor of San Bernardino to serve on the Community Development Citizen's Advisory Committee to make recommendations on community development block grant funds. Since 1991, Doug has served on the board of directors of Los Padrinos, an organization which provides counseling and work experience for hard core gang members and at-risk youth. From 1990 to 1993, he also served on the board of directors of Bethlehem House, a home for abused women and children which was recognized by President Bush and his Points of Light program. In addition, he has served on the board of directors of the Arrowhead United Way and the Highland Senior Center.

Mr. Speaker, I ask that you join me, our colleagues, and Doug's many friends in recognizing his many fine achievements and selfless contributions. He has touched the lives of many people and it is only fitting that the House recognize him today.

A TRIBUTE TO DR. LASZLO N. TAUBER

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mrs. MORELLA. Mr. Speaker, I would like to take this opportunity to pay tribute to Laszlo N. Tauber, M.D., a constituent of mine from Montgomery Country, MD, who resides in Potomac with his wife, Diane. Born in Budapest, Hungary on February 18, 1915 to Gyula and Katica Tauber, Dr. Tauber struggled through the antisemitism of the post-World War I era in that nation.

A graduate of the Jewish High School of Budapest, he was enrolled in medical school in 1932 at the Royal Hungarian University Medical School in Budapest. Antisemitism dominated his life at medical school, where it was typical for students and some professors to taunt and disrupt the lives of the Jewish students. Dr. Tauber remained tenacious, receiving his medical degree in October 1938. With Hungary's entry into World War II, life for the Jews of Hungary disintegrated. Jews were sent to the front battle lines and Dr. Tauber's only brother, Imre, died in a Russian forced labor camp. Miraculously, Dr. Tauber escaped the forced labor camps, deportation and death, surviving in the Jewish ghetto in Budapest along with his wife Lilly Manovill—whom he married in 1940—when more than 600,000 of his fellow Jewish Hungarians did not.

After the liberation of Hungary, Dr. Tauber continued his medical work in Budapest until August 1946 when he received a state scholarship to study neurosurgery for a year in Sweden. Dr. Tauber emigrated to the United States in November 1947, overcame many obstacles and became a well-established surgeon. In 1965, Dr. Tauber, along with many of his colleagues, founded the Jefferson Memorial Hospital in Alexandria, VA. He continued his mission to serve the community, well known never to turn away a patient at his hospital. Through the ensuing years, Dr. Tauber became a part-time developer of real estate and now is believed to be the largest landlord to the U.S. Government, developing the largest commercial office building in Montgomery County, MD.

Dr. Tauber became a philanthropist and humanist. He was in the forefront of opening up the medical profession to minorities and those American students who were forced to study medicine abroad. He soon became a benefactor, giving major gifts to Boston University, Georgetown University Medical School and Brandeis University. He extended generous contributions to the American University and the University of Maryland as well. Additionally, Dr. Tauber has endowed the Tauber Institute for the Study of European Jewish History and made significant gifts to Ben Gurion University of the Negev, Bar-Ilan University and the Israeli Academy of Science. Dr. Tauber has contributed to the U.S. Holocaust Memorial Museum as a founding member.

Dr. Tauber has raised a family: A son, Alfred, who today is a hemotologist-oncologist and professor of medicine and professor of philosophy at Boston University, and a daughter, Ingrid, a graduate of the University of Maryland, a Ph.D. in clinical psychology in private practice in San Francisco.

Mr. Speaker, I appreciate the opportunity to pay tribute to Laszlo N. Tauber, M.D., of Potomac, MD, on his 80th birthday.

PUBLIC RESOURCES DEFICIT REDUCTION ACT OF 1995

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. MILLER of California. Mr. Speaker, yesterday we passed a balanced budget amendment. Today I am introducing the Public Resources Deficit Reduction Act of 1995, which will help us reach the goal of a balanced budget. This bill will take a first step toward eliminating the waste of public resources for private profit at the taxpayers' expense. As we consider options for reducing the deficit, this is a critical initiative that will bring in billions of dollars annually to the Treasury. In our necessary examination of Federal payments to all sectors of our society, corporate welfare programs must not be spared the budget axe.

This bill will restore public trust and fiscal accountability in our natural resource programs. It will require the Federal Government to receive a fair-market return on all its natural resources. It will also authorize recovery of fees from natural resource program beneficiaries to cover the costs of program administration.

Currently, public lands that belong to all Americans are managed for the benefit of a few special interests. The need for reform of these subsidy policies was highlighted last year in a report by the staff of the Natural Resources Committee, "Taking from the Taxpayer: Public Subsidies for Natural Resource Development." That report documents the dizzying array of subsidies available to natural resource industries. It's time to ask businesses operating on our western public lands to stand on their own two feet, rather than on the shoulders of hardworking taxpayers.

Recent polls show that the American people expect a fairmarket return for sales of their resources. This bill includes long-overdue reforms of mining, oil and gas leasing, logging, recreation, and grazing policies. It also eliminates the subsidies available to consumers of water and power provided by Federal projects. The reforms mandated here will begin us on the road toward eliminating the unwarranted the unwarranted overlapping subsidies received by these industries.

Many of the initiatives included in this bill have been proposed in the past, and several have previously passed the House of Representatives. Together, they will save billions of dollars annually, while assuring the American people a fair return on their assets.

Each year, we spend hundreds of millions of dollars on taxpayer subsidies to natural resource industries. These expenditures are not included in the Federal budget process, and there is no oversight of the corporations and individuals who benefit from these policies. This bill will require the Federal Government to start accounting for these expenditures in the annual budget submission to Congress.

Last year the House overwhelmingly approved legislation rewriting the outdated mining law of 1872, which currently allows companies to remove minerals for free and to purchase public land for as little as $2.50 per acre. This new bill follows last year's in calling for an 8 percent royalty rate on hardrock minerals such as gold, silver, and copper. It also puts an end to "patenting," which permits mining companies to buy public land at bargain basement prices. This provision will stop the continuing drain of billions of dollars under the current mining law; in May 1994 a Canadian company, American Barrick, paid a mere $10,000 for land in Nevada that will yield approximately $10 billion worth of gold.

This bill includes a major overhaul of policies for concessions operating the national parks, which also passed the House last year. The current system of fees and licenses for park concessioners gives special benefits to these businesses, rather than ensuring that the taxpayer receives a fair return from these park uses. A 1994 report prepared by the staff of Senator WILLIAM COHEN concluded, "Each year, the Federal Government relinquishes the opportunity to collect hundreds of millions of dollars in rent and franchise fees from private firms who have the exclusive right to operate concessions on Federal lands." This bill will bring charges for park concessions into line with the value of the resources used.

This legislation also requires that the Government charge fair-market rates for grazing permits, which currently lag well below rates charged on private and State lands. In addition to charging the going rate for Federal grazing leases, hundreds of millions of dollars in direct payments to ranchers for livestock feed will be halted. Furthermore, grazing fee rebates to local ranchers, which have been used in the past to sue and lobby the Government, will be retained instead in the Treasury

Additionally, this legislation will reform Forest Service management of timber sales on public lands. The Government frequently sells timber at less than the cost required to administer the sale and build roads for timber companies. This bill will ensure a fair return for the taxpayer by forbidding these below-cost sales. It also will move all timber receipts on budget so that revenues go directly into the U.S. Treasury, rather than into unaccounted funds for local use.

Irrigators using Federal water have benefited from multiple subsidies and now pay far below the fair-market cost for the water. In some cases, they pay a hundred times less per acre-foot than neighbors who purchase water from the State or from private entities. This bill will require that all new water contracts sell the water at market rates, and eliminate the use of federally subsidized water to irrigate surplus crops. This bill will also require that the value of the Federal subsidy in existing water contracts be included in the cap on Government agricultural payments.

This legislation gives Members of Congress who profess concern for the deficit, for Federal spending, and for getting Government out of business the opportunity to demonstrate their sincerity on these issues. The array of proposals we have heard in the last weeks has not addressed the problem of corporate welfare. They don't want to deliver surplus commodities to school children, but they will give away the Nation's gold and silver to foreign corporations. They want to charge people to visit the U.S. Capitol, but they don't want to charge fair prices to special interests operating in national parks. They don't want to subsidize rent for poor working families, but they will subsidize the rent for cows on public lands.

It is time for a review of all these programs. I am introducing this legislation today to start that review.

PUBLIC RESOURCES DEFICIT REDUCTION ACT

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title and Table of Contents.

Title I—General Provisions

Sec. 101. Fair Market Value for Resources Disposal.—This section requires that fair market value be recovered for disposal of federal resources, including minerals, timber, forage, water and hydropower. The requirement is to be phased in at the end of 5 years. The President may waive the requirement upon a finding that a waiver is in the national interest.

Sec. 102. Fees from Program Beneficiaries.—This section authorizes the Secretaries of Agriculture and the Interior to charge user fees covering the costs of administering federal programs. Further, the section requires immediate imposition of such a fee for oil and gas lease transfers.

Sec. 103. Revenues from Sale, Lease, and Transfer of Assets.—This section requires that the annual budget submission from the President include an accounting of the subsidy involved in disposal of any federal assets.

Title II—Revenue from Mining Claims

Sec. 201. Definitions.—This section defines the terms "locatable mineral," "mineral activities," "exploration," "mining," "beneficiation," "processing," "mining claim" and "Secretary" for purposes of Title II.

Sec. 202. Mining Claim Maintenance Requirements.—This section requires mining claim holders to pay an annual fee of $100 for maintenance of each claim. The claim may be waived by the Secretary of the Interior for those holding less than 10 claims.

Sec. 203. Royalty.—This section requires payment of a royalty of 8% of gross income for production of hardrock minerals on federal lands. The section further provides for record-keeping and reporting, requires the collection of interest for underreporting, and authorizes the collection of penalties for underreporting.

Sec. 204. Severance Tax.—This section establishes an 8% severance tax for hardrock minerals produced on nonfederal lands, including those lands already patented out of federal ownership.

Sec. 205. Fund for Abandoned Locatable Minerals Mine Reclamation.—This section authorizes the establishment of a fund for reclamation of land and water affected by past mining activity. The section further requires that the royalties collected under section 203 and the severance tax collected under section 204 be credited to the fund.

Sec. 206. Limitation on Patent Issuance.—This section prohibits further patenting of federal land for mining claims and millsites established after the date of introduction of this bill.

Sec. 207. Purchasing Power Adjustment.—This section requires that fees imposed under this act be adjusted every 10 years, according to the Consumer Price Index.

Sec. 208. Savings Clause.—This section provides that nothing in this act should be construed as modifying existing limitations on the application of the general mining laws.

Sec. 209. Effective Date.—This section provides that Title II shall take effect one year from date of enactment of this act, except as otherwise provided in section 206.

Title III—Helium

Sec. 301. Amendment of Helium Act.—This section provides that all references within this title are to be considered references to the Helium Act.

Sec. 302. Authority of Secretary.—This section authorizes the Secretary of the Interior to continue extraction and disposal of helium from public lands. In addition, the section requires the Secretary to cease production, refining and marketing, and requires disposal of equipment used for these purposes, 1 year after the date of enactment of this act. The section further authorizes the Secretary to impose fees to recover the full cost of providing services for storage, transportation, and withdrawal of helium.

Sec. 303. Sale of Crude Helium.—This section requires that funds from sales of refined helium and extraction of helium on public lands be credited toward repayment of the federal investment in the helium reserve.

Sec. 304. Elimination of Stockpile.—This section requires that excess helium in the federal helium stockpile be sold off, beginning by the year 2005 and ending by the year 2015.

Sec. 305. Repeal of Authority to Borrow.—This section repeals the Secretary's authority to borrow under the Helium Act.

Title VI—Use or Disposal of Federal Natural Resources

Sec. 401. Annual Domestic Livestock Grazing Fee.—This section requires that the annual grazing fee for grazing leases on public lands be set at fair market value beginning in the 1996 grazing season. The section further requires that funds from federal receipts be used for restoration, enhancement, and management of federal lands.

Sec. 402. Elimination of Below-Cost Timber Sales of Timber from National Forest System Lands.—This section requires that sales of timber from the National Forest System be based on a minimum bid that will cover all costs of the sale, including overhead. The section further requires that the cessation of below-cost timber sales be phased in over 5 years.

Sec. 403. Timberland Suitability.—This section requires that, in developing land management plans for the National Forests, the Secretary of Agriculture take into account the economic suitability of lands for timber production, including in the "timber base" only lands upon which sales of timber will cover all costs of the sales.

Sec. 404. Cost of Water Used to Produce Surplus Costs.—This section requires that federal irrigation water from the Bureau of Reclamation that is used to grow surplus crops be paid for at the "full cost" rate set in the Reclamation Reform Act of 1982.

Sec. 405. Reduction in Maximum Amount of Payments under Agricultural Assistance Programs to Reflect Receipt of Federal Irrigation Water.—This section requires that payment limits on agricultural price supports and crop disaster assistance include the value of the subsidized water an irrigator receives from the Bureau of Reclamation.

Sec. 406. Off Budget Expenditures.—This section moves into the General Fund of the Treasury timber receipts formerly paid into the Knutson-Vandenburg fund, the brush disposal fund, the roads and trails fund and the timber salvage sale fund.

Sec. 407. Deposit of Taylor Grazing Act Receipts in Treasury.—This section eliminates the authorization for payment out of the Treasury of a portion of grazing fee receipts.

Sec. 408. Repeal of Livestock Feed Assistance Program.—This section repeals the authority of the Secretary of Agriculture to provide free livestock feed to ranchers.

Sec. 409. Communication Permits.—This section requires that permits for the use of communications sites on public lands must be established at fair market value as of October 1, 1995.

Sec. 410. Oil and Gas Rentals.—This section requires that oil and gas rental prices for leases on public lands be set at fair market value.

Title V—National Park Concessions

Sec. 501. Findings and Policy.—This section establishes Congressional findings and policy for this title.

Sec. 502. Definitions.—This section defines the terms "concessioner," "concession contract," "facilities," "franchise fee," "fund," "park," "proposal" and "Secretary" for purposes of Title V.

Sec. 503. Repeal of Concessions Policy Act of 1965.—This section repeals the Concessions Policy Act of 1965. This section further provides that existing contracts issued under that Act shall remain in force.

Sec. 504. Concession Contracts and Other Authorizations.—This section authorizes the Secretary of the Interior to award concessions contracts and authorizations for other visitor services in the National Parks as necessary and appropriate to accommodate park visitors.

Sec. 505. Competitive Selection Process.—This section requires competitive bidding for concessions contracts, with selection based on price and other criteria to determine entity best qualified to provide services. This section further provides a limited preferential right of renewal for certain outfitting and guide contracts, and certain contracts with gross receipts under $500,000.

Sec. 506. Franchise Fees.—This section authorizes the Secretary to establish minimum franchise fees at levels that will allow concessioners to realize a profit.

Sec. 507. This section authorizes the establishment of a special account within the Treasury to receive payment of franchise fees.—This section further authorizes that in some cases a concessioner may maintain a separate Park Improvement Fund where its fees are deposited for use within the park.

Sec. 508. Duration of Contract.—This section requires that concession contracts be established for no longer than 10 or 20 years.

Sec. 509. Transfer of Contract.—This section prohibits transfer or assignment of concession contracts without approval of the Secretary.

Sec. 510. Protection of Concessioner Investment.—This section provides concessioners a "possessory interest" in structures and fixtures constructed under the terms of existing contracts. The section further provides that future structures and fixtures must be depreciated and the concessioners may maintain an interest only in the non-depreciated portion.

Sec. 511. Rates and Charges to Public.—This section requires the Secretary to judge the reasonableness of concessionaires' charges to the public in comparison to equivalent charges at private facilities in close proximity to the park, unless otherwise provided in the contract.

Sec. 512. Concessioner Performance Evaluation.—This section requires the Secretary to review the performance of concessioners on a regular basis, and authorizes termination of a concessioner whose performance is unsatisfactory.

Sec. 513. Recordkeeping Requirements.—This section requires concessioners to keep records mandated by the Secretary.

Sec. 514. Exemption from Certain Lease Requirements.—This section exempts concession contracts from certain federal lease requirements.

Sec. 515. No Effect on ANILCA Provisions.—This section provides that this title shall not amend the Alaska National Interest Lands Conservation Act.

Sec. 516. Implementation.—This section requires periodic audits and reports by the Secretary and Interior Inspector General.

Sec. 517. Authorization of Appropriations.—This section authorizes the appropriation of such sums as are necessary to carry out the title.

REMEMBER THE HOLOCAUST

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. MARTINI. Mr. Speaker, I think it is appropriate today to remember the horrible discoveries that were made by Allied forces at Auschwitz 50 years ago.

Words are insufficient to describe one of the blackest and most despicable crimes against humanity ever perpetrated. The actions of Nazi Germany aimed at the utter extermination of European Jews tore apart the collective souls of our parents' and grandparents' generations, tragically reminding them, lest they had forgotten, the depths to which the human character can sink. As the truths about the Holocaust emerged, we were forced as a nation to reassess not just the direction of the global community or our country, but to look inside ourselves and face many very difficult questions about the moral direction of our communities, our families, and ourselves. No citizen of good conscience could escape that important self-examination.

Fifty years later, the lessons from Auschwitz are the same. The suffering and anguish is still very real, and continues to act as a constant reminder of our obligations to the pursuit of decency and compassion, both at home and abroad.

But on this occasion I believe a sense of guarded optimism and quiet resolution are in order alongside of the tremendous sense of loss we still feel. For the United States is the leader of the free world. It was the United States that picked up the sword of Democracy to defeat the evil hand of the Axis Powers and restore security and prosperity to the world. And since then it has been the United States who has stood firm to make sure that such persecution would never occur again.

As we approach the 21st century, we must constantly bear in mind what America has become: a model of freedom and justice to the world. We strive for peace so that we never have to discuss another Auschwitz again. On this 50th anniversary of the horrible revelations at Auschwitz, let us all pause to reflect on several things. First and foremost, we remember the victims of the Holocaust with great sadness, and the survivors with consolation. We also need to remember how terrible the nature of man can be. But we in America should not lose sight of how far we have come. Most of all, we can never forget how diligent we must remain in the struggle to secure the safety of our posterity, and that of the posterity of our neighbors around the world.

THE INTRODUCTION OF THE SYSTEMATIC APPLICATION OF VALUE ENGINEERING ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, today I am introducing a bill that could significantly improve the way our Government does business. From all the discussion and speeches I've heard around the Capitol during the past couple of months, it is clear to me that this is a goal that we all share. It is certainly something that all of our constituents would like to see as well.

My bill would require Federal agencies to use value engineering [VE] which would enable the Government to save money while improving quality at the same time. This is a rare case where the taxpayers, the Government, and the American economy benefit—it's a win-win situation for everyone.

VE is a specialized, multifaceted, creative, team-conducted technique that defines the objective of a product, service, process, or construction project and questions every step toward reaching it. It does so with an eye to reducing all costs and completion time while improving quality, reliability, and aesthetics. Analysis covers the equipment, maintenance, repair, replacement, procedures, and supplies involved. Life-cycle cost analysis is one of its many aspects and it differs from other cost-cutting techniques in that it is far more comprehensive, scientific, and creative.

It is widely accepted that VE saves no less than 3 percent of a contract's expense, and commonly that figure is 5 percent. At the same time, the cost of doing a VE review ranges from one-tenth to three-tenths of a percent. Thus, on a $2 million construction contract, the very minimum that would be saved would be $54,000 while savings of $98,000 is very likely. On a major military procurement contract for $1 billion over a life-cycle, that translates to a range of savings from $27 million to $49 million. Based on VE usage in recent years, the ratio of the cost of a VE review to savings yielded from using VE has ranged from 1:10 to 1:100, with 1:18 being the most frequent result.

Whenever value engineering has been examined, it is clear that it should be used more often and that its untapped potential is too great to estimate. The General Accounting Office has conducted various studies on VE over the years and each one has acknowledged its achievements and potential. Currently, several Federal agencies and departments reap significant benefits from VE but its use has been far too sporadic to achieve widespread savings.

Mr. Speaker, we have a responsibility to take advantage of VE. Ironically, although it was developed in the United States during World War II to maximize resources and improve our capabilities, it has been used most effectively by the Japanese electronics and automobile industries since that time. Isn't it time to bring this brainchild back home?

My bill, the Save Act, would provide significant savings and results by requiring all Federal agencies to use VE. To ensure that taxpayers get the greatest bang for the buck, my bill requires agencies to use VE for their most expensive projects. In order to see that VE is used to its greatest potential, each agency is required to designate a senior official to oversee and monitor VE efforts. Also, annual reports to the Office of Management and Budget would be required to ensure full compliance.

Plainly and simply, VE could make the Government run better and cost less. We've all heard America's cry for change, shouldn't we respond? I urge my colleagues to join me and cosponsor the Save Act.

TRIBUTE TO FIRST UNITED METHODIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. BONIOR. Mr. Speaker, this coming Sunday, January 29, 1995, the First United Methodist Church of Mount Clemens, in my home State of Michigan, is celebrating its 175th anniversary.

As one of the oldest churches in the area, the First United Methodist Church dates back to when Mount Clemens was little more than a settlement in the wilderness of Michigan. The preachers were known as circuit riders because they traveled by horseback throughout the region serving the various churches. These preachers were like a pony express to the faithful, serving as a vital link to the pioneer families by delivering the word of God.

From the very beginning, the founders of the First United Methodist Church of Mount Clemens were committed to seeing the emotional, educational, and spiritual needs of the community fulfilled. The commitment of the circuit riders and the faithful who used their homes as a place of worship helped meet needs too often neglected in the secular world.

The link between First United Methodist and the development of the Mount Clemens community were and still remain evident to this day. Before the public library was established, the church library served the readers of the wilderness community. Judge Christian Clemens, for whom the city is named, often used his log court house to host church services. Today, the congregation has been assisting in projects such as McREST, the program for feeding and housing the homeless, and a newly developed program called Logos which emphasizes involving young people from the community in church related events. I commend the congregation for their ongoing work and faith.

The 175th anniversary of the founding of the church is a proud milestone. As the community prepares to celebrate the event, I applaud the church for its contributions to the rich tapestry that makes up American life in Michigan. I urge my colleagues to join with me in wishing congratulations to all the members of the First United Methodist Church of Mount Clemens, MI. May the next 175 years be a continued fruitful ministry.

IN HONOR OF THE INDO-AMERICAN FRIENDSHIP SEMINAR IN DELHI, INDIA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to those who have coordinated a friendship seminar in Delhi, India. On February 12, 1995, the Federation of Indian Associations of New Jersey will hold the Indo-American Friendship Seminar. This federation is a nonpartisan, nonprofit, social and educational organization, committed to promoting mutual understanding and cooperation between the United States and India.

The fact that so many people are coming together in one place to promote harmony is a step in the right direction toward maintaining a positive relationship between the United States and India. I commend everyone who is taking part in this special seminar. I especially would like to thank those who have worked to coordinate it. Their dedication to making this event happen is encouraging and admirable.

I would like to acknowledge Hardyal Singh, president of the Federation of Indian Associations of New Jersey, for the role he has played in coordinating this conference. Mr. Singh has dedicated his career to serving the Indian community in New Jersey. He was the first Indian-American to be named a special deputy sheriff of Hudson County, and was successful in his campaign to have the Indian national flag raised at Jersey City city hall. Mr. Singh's contributions to the Indian community also include the role he played in renaming public school No. 23 to Mahatma Gandhi School and was instrumental in having a statue of Gandhi installed at this site.

S. Beant Singh, chief minister of Punjab State, a recipient of the Son of India Award, deserves recognition for the part he has played in making this conference happen. I would like to offer him my congratulations for his efforts to bring peace to Punjab State.

Please join me in wishing the participants of the Indo-American Friendship Seminar a successful conference. I am confident that all of the attendees, as well as all Indians and Americans, will reap the benefits of the discussions which will be held at the seminar. Furthermore, I would like to offer my best wishes to the Federation of the Indian Associations of New Jersey in their future endeavors.

AN EVENT OF REMEMBRANCE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. FROST. Mr. Speaker, I would like to take a moment to acknowledge the Dallas Memorial Center for Holocaust Studies, in cooperation with the Jewish Community Relations Council, the Anti-Defamation League, the Greater Dallas Community of Churches, and the Greater Dallas Veterans Council, for their work in putting together an event for the entire

Dallas community celebrating and honoring the 50th anniversary of those heroic individuals who participated in the liberation of concentration camps during World War II. This tribute to these fine individuals will occur on February 12 at the Preston Hollow Presbyterian Church in Dallas.

This event will most certainly rekindle memories of the worst atrocity in contemporary history and is a historical milestone that should be deeply praised. It is only through this type of continual recognition of those atrocities of the past and the heroism that stopped it that we can work to prevent such inhumanity from occurring in the future. We must remember both that while there will always be those who would commit horrendous acts against humanity, it is up to all of us to stand up and stop them. We must make certain that similar atrocities to those committed in concentration camps never do happen again. We need not look far to see that all around the world we are confronted by barbarism. We cannot ever allow ourselves to forget what terrible atrocities can occur if acts of barbarism are allowed to progress.

Again, I commend those involved with putting together this important event of remembrance.

A BALANCED BUDGET FOR THE PEOPLE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. PACKARD. Mr. Speaker, last night we kept our promise to the American people and passed a balanced budget amendment. For years, the liberal controlled Congress acted like wild kids in a candy store. They thought every proposed government program looked tasty and grabbed them all. Now, the Nation is left with one huge fiscal stomach ache.

The new Republican controlled Congress provided the remedy last night. A balanced budget amendment will impose discipline on the indulgent habits of Congress. It will fundamentally change the way government works.

We are working hard to strip the shelves of those sweet temptations. We have a mandate from the American people—a commitment to work for less government, less spending, and less regulation. A balanced budget will work toward restoring the people's government. This is only the beginning. Now, we will continue to reject big government status quo by passing unfunded mandates legislation.

MARKING THE 50TH ANNIVERSARY OF THE GI BILL OF RIGHTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an article written by a great American and a great friend named Col. Bernard Wray. Colonel Wray has spent his entire career advocating the needs of America's soldiers, both active and retired. In this article, Colonel Wray writes about the 50th anniversary of the passage of the GI bill of rights. I salute Colonel Wray for his commitment to America's military, and urge my colleagues to read his account of the passage of this landmark legislation.

UNITED-MANHATTAN POST NO. 9 AMERICAN LEGION SALUTES THE FIFTIETH ANNIVERSARY OF THE PASSAGE OF THE GI BILL OF RIGHTS

The Servicemen's Readjustment Act of 1944, commonly known as the GI Bill of Rights, was signed by President Franklin Delano Roosevelt on June 22, 1944, in his office in the White House, flanked by Legionnaires John Stelle, former Governor of Illinois, and Commander Harry W. Colmery of Kansas, who drafted the GI Bill of Rights in December, 1943.

The American Legion Posts at the Grass Roots level, from all over the USA, demanded that Congress should provide for returning Veterans, unlike the dark days after World War I, when thousands of war veterans returned, homeless and helpless, with few places to turn for help. The American Legion rank-and-file members around the 48 states demanded a GI Bill, which was drafted entirely by the American Legion.

The GI Bill of Rights proved to be the most revolutionary piece of social and economic legislation ever enacted! It has educated over 20 million GI's, men and women Veterans, who served their Country with honor. It has helped over 14 million veterans to buy their own homes. Veterans who came from the poorer socioeconomic areas were given educational opportunities at the best colleges. Vocational and on-the-job training for technicians were provided. Loan guarantees to help Veterans purchase homes, farms and small businesses were provided; as were the 52-20 payments to Veterans who were looking for decent permanent jobs. Veterans Administration hospitals were built, and offered war heroes like Senator Bob Dole, and Senator Dan Inouye, top rehabilitation medicine, near their home towns.

The American Legion had to use every bit of its political clout to insure that members of the House and Senate, who told the veterans that they supported the GI Bill of Rights, kept their word and voted for it. Senator George Bennett "Champ" Clark, a World War I Veteran, who served with Captain Harry Truman, and who was the original founder of the American Legion in 1919, managed the GI Bill through the US Senate; where it carried unanimously.

In the House, and in the US Senate, on February 16, 1944, for reasons only they could understand, the VFW, Disabled American Veterans and Military Order of Purple Heart, requested of the Senate Finance Committee members, that they kill the GI Bill of Rights. Committee Chairman "Champ" Clark, to his great credit, brought the GI Bill to a Committee vote. It passed unanimously. The House version of the GI Bill of Rights passed by 387 to 0. But minor differences in the House and Senate versions had to be worked out by a joint conference committee. Representative John Rankin of Mississippi tried, at the last minute, to block the GI Bill of Rights. The American Legion found the deciding vote, Representative John D. Gibson, a member of the Joint Conference Committee recuperating from an illness, down in Douglas, Georgia. On the morning of June 10, 1944, Representative John D. Gibson was flown, thanks to the efforts of the American Legion, to Washington DC where he stormed into the Joint Conference Committee room and cast the vote that broke the tie.

Millions of taxpayers who became doctors, lawyers, businessmen, clergymen, teachers, professors, entrepreneurs and responsible members of the Middle Class can thank the American Legion for their efforts, for lobbying for American Veterans. The GI Bill of Rights paid for itself by generating hundreds of billions of tax dollars paid by GI's over the next 50 years. Now, the American Legion recognizes, through its over 3,000,000 grass roots members that the original GI Bill of Rights, just as strong as the 1944 version in strength and stature, is needed. Post No. 9 will be in the front ranks in fighting for a stronger GI Bill of Rights.

RECOGNITION OF DR. WALTER WASHINGTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. THOMPSON. Mr. Speaker, I stand before my colleagues today to recognize the outstanding accomplishments of Dr. Walter Washington, a distinguished educator and community leader of Jackson, MS. Dr. Washington retired as President of Alcorn State University in Lorman, MS, in 1993 after serving as president for 25 years. Prior to his service as president of Alcorn State University, he served as president of Utica Junior College in Utica, MS. Thus, for several years, Dr. Washington held the distinction of being the longest serving college president in the United States.

Dr. Washington, a native of Hazlehurst, MS, was educated in the public schools of Copiah County, MS. He received a bachelor of arts degree from Tougaloo College, and graduate degrees from Indiana University, Peabody College of Vanderbilt University, and the University of Southern Mississippi.

Under his leadership, Alcorn State University increased its enrollment and expanded its academic programs and facilities. He also served as an excellent role model for college students because of his strong emphasis on academic excellence and community service.

In addition, Dr. Washington has held leadership positions in numerous local, State, and national organizations. He has been president of the Mississippi Teachers Association, national president of Alpha Phi Alpha Fraternity, and national president of the Alumni Council of the United Negro College Fund. Dr. Washington has also been a member of the board of directors of the Mississippi Power and Light Co., the Entergy Corp., Blue Cross-Blue Shield of Mississippi, and the Southern Regional Education Board.

He has been listed in Outstanding Educators of America, Who's Who Among Black Americans, and in Ebony Magazine as one of the 100 most influential Black Americans.

I congratulate Dr. Washington for an outstanding career in education and public service and wish him well in his future endeavors.

SENATE—*Monday, January 30, 1995*

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Tomorrow morning, Officer David Agner will have surgery near his brain—very serious. In a moment of silence, let us remember the officer and his family.

Thou art worthy, O Lord, to receive glory and honour and power: for thou hast created all things, and for thy pleasure they are and were created.—Revelation 4:11.

Gracious God and Father, the Founders of our Republic understood this fundamental truth and, upon it, based their conviction of human equality, human rights, and a government whose purpose was to secure these rights and whose authority was derived from the people. Grant us to see, O God, that if we undermine this foundation of our Government, we, sooner or later, jeopardize the superstructure which was built upon it. As we forsake the root of our national uniqueness, we forfeit the fruit.

Help us to comprehend, dear God, that this is one explanation for the futility of our best human efforts today. We are struggling to preserve the benefits of a belief which we no longer hold to be true. We have smashed the foundation and are striving to prevent the superstructure from collapsing.

Forgive the secularism, the antisupernaturalism which we have exchanged for faith in a Creator God which motivated our Founding Fathers. Restore unto us their beliefs that we may recover the riches of the legacy they transmitted to us before it is too late.

We pray this in the name of Him who is the Light of the world. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Montana is recognized.

SCHEDULE

Mr. BURNS. Mr. President, on behalf of the majority leader, under his previous order, morning business shall be until the hour of 2 p.m. and with leaders' time being reserved. Senator CONRAD is to be recognized for 15 minutes, Senator SIMON for 15 minutes, Senator THOMAS for 5, Senator MURKOWSKI for 10, and Senator COHEN for 15.

At 2 o'clock begins the consideration of House Joint Resolution 1, the balanced budget constitutional amendment. There will be debate only today. And by order of the majority leader, there will be no rollcall votes for today.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for not to exceed 10 minutes each. Under the previous order, the Senator from North Dakota [Mr. CONRAD] is to be recognized to speak for up to 15 minutes.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Washington is recognized.

CONGRESSMAN STEVE LARGENT

Mr. GORTON. Mr. President, late last week, the Member of Congress from the First District in the State of Oklahoma [STEVE LARGENT] was voted into the National Football League's Hall of Fame in the first year during which he was eligible for that honor.

While Mr. LARGENT represents a State a long way from my own State of Washington, his entire National Football League career was, of course, as a member of the Seattle Seahawks. And so for many years, for more than half of the year he was a resident of the Puget Sound region.

Very rarely have so many distinctions come to a person of the age of STEVE LARGENT, as an outstanding football player, both in college and in the National Football League, as an elected Member of the Congress of the United States, and as a person with a great deal of fame. Rarely, I may say, has anyone so deserved those honors.

I think STEVE LARGENT would be the first to say that he was far from the fastest or the most gifted person playing in the National Football League, but due to a tremendous amount of self-discipline and dedication, he became one of the most outstanding persons in our generation to play that fascinating game.

But I believe that Mr. LARGENT and all of us would say that more important than his fame as a football player, more important than his membership in the Congress of the United States, has been the example he has presented to those who have come to know him through those activities as a human being: As a husband, as a father, as an activist Christian. With those as his No. 1 goals, he has nonetheless been professionally successful, now, in two dramatically different professions.

We speak often of the role model nature of professional athletes. In STEVE LARGENT, we have an athlete who is truly a role model for our society; an individual who has shown that fame and high income is not inconsistent with the finest possible family and citizen leadership that it is possible for us to imagine. Last week, Congressman LARGENT was a part of the debate in the House of Representatives over a balanced budget amendment on which debate will begin in this body in less than an hour. So he is now serving in as distinguished a fashion as a Member of this Congress as he did as a member of the Seattle Seahawks and the National Football League. But most of all, our friend and exemplar, STEVE LARGENT, is a person who shows what citizenship and membership in a family ought to be in the United States of America.

So it is that we, from the State of Washington, are grateful for his long association with us. We wish, along with the people of Oklahoma, and especially of his First Congressional District, to congratulate him on an honor well earned and to wish him long years of success in his new career and a lifetime of success as a leader of the people he represents.

The PRESIDING OFFICER. The Senator from North Dakota is recognized. I might suggest the Senator from North Dakota is recognized for 15 minutes.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 293 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

MONTHLY REPORT TO THE SENATE

Mr. SIMON. Mr. President, and my colleagues in the Senate. On November 14, I announced that I will not be a candidate for reelection to the Senate nor for any other office. I will be leaving with great respect for this body and with great appreciation to the people of Illinois who made it possible for me to serve here.

The evening of my announcement, President Clinton called me from Djakarta, Indonesia, to wish me the best. He made a suggestion: Once a month I should report to the public on what is happening and what should happen in Congress. He indicated that since I will not be a candidate for reelection, my words might take on added significance and not be viewed as another partisan speech.

I am making the first of my monthly comments today, the 113th anniversary of the birth of Franklin D. Roosevelt, a President who has been praised recently by both President Clinton and Speaker NEWT GINGRICH. FDR and Congress worked together on the huge problems the Nation then faced.

A glance at the policy landscape provides these recent positive developments, from my perspective:

First, a peaceful change in the majority party in both Houses of Congress. While I personally would have preferred retaining Democratic majorities in the House and Senate, I also recognize that for a free system to thrive, peaceful change must occur from time to time.

Second, Congress has voted to place the laws and regulations that govern our private sector counterparts on itself, and the President has signed that measure. That will protect our employees better and make us more sensitive to the difficulties others face.

Third, the Senate Judiciary Committee—and now the full House of Representatives—have approved a balanced budget amendment to the Constitution. The passage of the amendment first urged by Thomas Jefferson come none too soon as we careen down the fiscal hill toward the fate of far too many nations: monetizing the debt, meeting our obligations by printing more and more money that is worth less and less.

There are negative developments also. I would include:

First, excessive partisanship in Congress by both political parties as we adjust to the new status each has. That we will differ on issues is both natural and healthy; that we are sometime petty in our differences may be natural for all of us who have above-average egos, but it is not healthy.

Second, a mean-spiritedness toward the poor surfaces in too much discussion of welfare reform, sometimes bordering on racism. We need genuine welfare reform. The danger is that we will move organizational boxes around on a chart and try to convince the public and ourselves that we have done something constructive. Even worse, there is talk of taking punitive action against poor people.

Third, the two parties have entered into a bidding war on tax cuts. Many of the Republicans promised one in their Contract With America, and President Clinton pledged the same in altered form. Both sides are wrong. If I may personalize this, I face a choice of giving myself a small tax cut and imposing a further burden on my three grandchildren, or sacrificing a little and providing a better future for my grandchildren. I do not have a difficult time making that choice, and I do not believe most Americans do. We should pledge a reduction in the deficit instead of a tax cut.

Others can provide additional pluses and minuses.

But one issue that dominated the political landscape only a few months ago is almost absent: health care. Yes, the President—to his credit—mentioned it in his State of the Union Message, but little is said on the floors of the House and Senate about this massive problem. Television and radio news programs rarely mention it. What once was a dominant issue at town meetings in my State has almost staged a disappearing act.

But it will not disappear, not as long as almost 40 million Americans remain unprotected, the only citizens of any modern industrial nation with that status. It will not disappear as long as Americans are added to the lists of uninsured at the rate of more than 91,000 every month, 3,055 every day.

Since the day President Clinton waved his pen at us in a joint session of Congress on January 25, 1994, 1.1 million more Americans have lost their health insurance coverage, bringing the total to 39.7 million. And costs continue to escalate. Medicare spending, for example, will double in the next 7 years and will then consume 16 percent of our total Federal spending. But we cannot tackle Medicare costs without tackling the health care costs in the rest of our economy. As we cut from Medicare, we shift the burden to the private sector—and every private-paying patient makes up the difference when Medicare underpays hospitals by about $13 billion every year, as it does now.

Seven days ago marked 56 years since Franklin Roosevelt sent a message to Congress for a national health program. But early in 1931, as Governor of New York, he reported to the legislature of that State: "The success or failure of any government in the final analysis must be measured by the well-being of its citizens. Nothing can be more important [than] * * * the health of its people." Since then, Harry Truman and Richard Nixon and Bill Clinton have called upon us to protect our citizens better, and Congress has failed to respond.

This issue will not go away. It is more than grim statistics. It is my former staff member, now a consultant with the Federal Government but without health insurance coverage because she is technically not an employee. At a dinner with two friends, she suddenly experienced chest pains, paleness, perspiration, and nausea—often symptoms of a heart attack. She refused to go to a hospital for fear of the cost. It turned out she had a problem with food poisoning that was not serious. But how many people have died who actually have had heart attacks in that situation? A woman in McHenry, IL, wrote to me about the health coverage horrors her daughter and son-in-law have gone through, facing the loss of their home and car. And then this woman who wrote to me added:

> I have had cancer, so I can never quit my job as no one else will give me insurance. My husband has had ileitis and two types of diabetes so no one will give him insurance. We are trapped in our jobs and could not afford to pay for our own insurance if we ever got permanently laid off or had to switch jobs. We are 48 and 53 years old and this is a scary thought.

Or listen to this man from Oak Lawn, IL:

> I am a Republican and will continue to vote Republican. However * * * during some lean times I had to let my health insurance lapse. It was not, as some politicians and demagogs so smugly suggest, because I spent the money on recreation. I spent the money on food, rent, and bills. But I was forced to stay in the hospital a while. Now I am completely financially ruined. I'm 41 years old and I'm ruined.

Or the mother in Ottawa, IL, injured in an automobile accident, whose husband suffered injury in a work-related accident and must find different work. She writes

> My husband and I and three children ages 18, 12, and 10 are now without health benefits. Due to our disabilities and unfair treatment by insurance companies our financial situation is dire.

The stories go on and on.

Those stories will multiply if we do not act. And other changes in health care delivery are emerging. Each week fewer and fewer Americans have an independent choice of physician. Each week, for-profit corporations are taking over not-for-profit hospitals, reducing the number of nurses on duty and requiring resident physicians to see more patients in less time, diminishing the quality of health delivery. At least one physician in Illinois has decided to give up the practice rather than provide care that uses mass production techniques.

And Medicaid patients—poor people—routinely are given the cold shoulder for nonemergency care by many hospitals who prefer patients with insurance coverage.

The United States is the wealthiest nation but not the healthiest nation. Twenty-one nations have lower infant mortality rates than we do, and 23 industrialized nations have fewer low-birthweights babies. Yet these countries spend far less on health care than we do, and many have a longer average lifespan. That is not because of an act of God but because of flawed policy. Our poor health record did not come as some divine edict from above but emerged from the indifference of men and women in this very room.

Why? Part of the reason was complexity and delay on the part of those of us who supported a health coverage program. But that is only a part of the picture. What primarily caused the confusion and opposition was the greed on the part of those who profit from their cut in this trillion-dollar business. Newsweek reported that opponents spend $400 million, more than twice what the two major Presidential candidates spend in the last two elections combined. When CEO's who are engaged in the present system pocket as much as $10 million in 1 year, do you think they will be anxious to alter the present procedures which help them and hurt millions of Americans? The Wall Street Journal recently stated that Health Systems International of Colorado has $475 million in cash, and the amount is growing by $500,000 a day, and the Journal reports they are "hunting for new ways to park the money." Do they want to change the system? The same article quotes Margo Vignola of Salomon Brothers saying that the top nine HMO's have $9.5 billion in cash, "way beyond what HMO's need." Do they want to change the system? Pfizer, the pharmaceutical company, gave $221,235 to the Republican national committees in soft money before the election. Did they do that because they want to change the system?

The common assumption is that with a Democratic President and a Republican Congress, no significant progress in health care can be made. I challenge that assumption.

The greatest contribution of Harry Truman's Presidency—one of many significant contributions he made—was the creation of the Marshall plan. To many it seemed doomed when offered. The first Gallup Poll after its proposal showed only 14 percent of the American people supported it. On top of that, after the 1946 election, President Truman had to work with a Republican Congress. But one man, Senator Arthur Vandenberg of Michigan, a key Republican, stood up strongly and supported the Marshall plan and helped to save Western Europe. The Republicans in the Senate have designated as their new leader on health care Senator ROBERT BENNETT of Utah, one of the more thoughtful Members of this body. Is it possible that he, together with the new chair of the Finance Committee, BOB PACKWOOD, can be the Arthur Vandenbergs of our generation?

It is politically understandable that Republican Senators might have been reluctant to work with Democrats on health care reform in the 103d Congress, for fear that they would hand Democrats a legislative victory. But now, that is behind us. With Republicans in control of both Chambers of Congress, there is no question that bipartisan agreement on health care will be of benefit to the broad public and not simply a political victory for one party at the expense of the other.

Could we, for example, at least provide coverage for all pregnant women and children age 6 and under? Do we have the courage to stand up to the profiteers to at least do that?

Let me add that it is not enough for Senators to stand up. They are not likely to do it in splendid isolation. Business and labor leaders, professional people and those who have been abused by this system must join in a chorus for action. Their voices will not be as strong as the decibel level of those who speak from greed, but Senators and House Members should know that there are at least some Americans who know and understand the dimensions and the importance of the issue.

There are occasions when we, in the Senate, must ask ourselves: Why are we here? Let us look in the faces of 39 million Americans without health care coverage and ask ourselves that question. Let us look at the millions more who will lose their coverage if they lose their jobs or change jobs. Let us not be silent and unresponsive to their pleas for help. Let us not be so eager to hold public office that we violate the public trust, not by disobeying the law, but by following the shifting winds of public opinion and the pressures of big campaign donors.

There are no Americans who today look to their forebears and say with pride, "He or she voted against creating Social Security." There are no Americans who look to their grandparents or great-grandparents and say with pride, "He or she voted against Medicare."

We are not here in the Senate simply to assume an exalted title and let the media message our egos. We are here to create a better future for our people and for generations to come. In the last session, the Senate did not even vote on health care. That will not happen again. But we should do more than give ourselves an opportunity to vote. We should, in a fiscally prudent, pay-as-you-go way, give all Americans what we as legislators and Federal employees have: health care protection. We should give future generations the ability to look back upon us with pride and say, "They were the first political leaders to guarantee health care coverage for all our citizens."

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

THE PASSING OF LORNA KOOI SIMPSON

Mr. THOMAS. Mr. President, I rise today for a short tribute to a lady from Wyoming who passed away last week, a lady who certainly was a rare and wonderful gem, not only for Wyoming but for this country as well. She was someone that I had the great privilege of knowing and admiring, Lorna Kooi Simpson.

My friend AL SIMPSON and the entire Simpson family lost a wonderful mother and caregiver last week. We all have lost one of the greatest ladies of Wyoming and the dearest of souls. Her devotion to her family, community, State and Nation are a legacy. Indeed she is part of the very fabric of Wyoming.

Lorna Simpson began her long distinguished life on August 19, 1900—the daughter of a Dutch immigrant. With her family Lorna Simpson moved West. In 1929 Lorna married an exceptional young man, a lawyer, from Cody, WY—Milward Simpson. He was a State legislator for Wyoming and a man destined to lead his State. Together they had two sons, Peter and ALAN. In Lorna, Milward found an equally dedicated soul and a partner to do the work few of us have the means to accomplish.

Lorna, like the rest of her family, went on to do great things. She was a stalwart of her community and State; active in community service, business, the war effort and of course politics. She was a special young woman who, along with her husband, made up one of the most successful and respected teams Wyoming has ever known.

In 1954 Lorna became the First Lady of Wyoming after helping her husband become Wyoming's Governor. There in Cheyenne her reputation only grew as a caring compassionate person who put so much of her time and spirit into the youth of Wyoming.

Milward Simpson and his dear wife gave their unique talents and thoughtful style to Washington in 1962 when Milward served Wyoming until 1966 as a Member of this body. During her time here Lorna was named by the Senate to be the representative of the Women of the United States to the Organization of American States. In addition, she worked tirelessly to refurbish and extend the use of the Senate Chapel.

Their sons, Pete and AL, have gone on to great things. Pete Simpson as the University of Wyoming's vice president for development and alumni and university relations, AL SIMPSON, like his father, of course, as one of the most respected Members of this body.

As a wife, mother, First Lady, adviser, grandmother, and great-grandmother Lorna Simpson touched countless lives and helped so many people. Her accomplishments, the people she touched could never really be fully listed.

Susan and I join so many in grieving the passage of a lady who was truly the very best of Wyoming.

Thank you, Mr. President.

I yield back the remainder of my time.

SECOND READING OF A BILL—S. 290

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 290), relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget.

Mr. COHEN. Mr. President, I object to further consideration of the bill.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I ask how much time remains for morning business.

The PRESIDING OFFICER. Morning business continues until the hour of 2 o'clock. The Senator is being recognized for up to 10 minutes.

UNITED STATES-NORTH KOREA FRAMEWORK AGREEMENT

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I intend to make a brief statement on the status of the joint United States-North Korea agreed framework covering nuclear issues.

I had the pleasure of visiting North Korea, along with Senator SIMON, who is here on the floor today. As a consequence of that particular visit, the framework agreement has been an issue of great concern to me and an issue worthy of congressional scrutiny.

There have been a number of hearings on the agreed framework. The Intelligence Committee, the Energy Committee, the Foreign Relations Committee, and the Armed Services Committee have addressed this subject. I had an opportunity to speak before the Armed Services Committee just the other day. I want to commend that committee for its important role in reviewing the agreement, because there are some 37,000 American troops on the demilitarized zone in South Korea. They are certainly exposed to harm should any conflict arise on the Korean Peninsula.

It is interesting to note that under Armed Services Committee oversight, the Department of Defense has seen fit to fund the purchase of approximately 50,000 tons of oil. The first shipment called for under the agreed framework.

Now, Mr. President, I would like to briefly raise three specific areas of concern about the framework agreement. The first is the fate of 8,177 Americans still unaccounted for in North Korea following the Korean war north of the 38th parallel. I find it interesting to reflect on that staggering figure, when we recognize that currently today in Vietnam, we have somewhat less than 1,700 unaccounted for.

We have an obligation, Mr. President, to get the answers. How do we get the answers? Well, it is certainly a matter of access. The North Koreans must allow the United States access, including joint recovery teams that proved so successful in Vietnam. In fact, in North Korea, unlike Vietnam, we know the precise location of over 2,000 grave sites and prisoner-of-war camps. We simply cannot get in.

During our visit to Pyongyang, Senator SIMON and I delivered a letter to President Kim Jong Il. The letter was given to the Foreign Minister and he assured us it had been delivered to President Kim Jong Il.

At the conclusion of my remarks, I will ask unanimous consent that a copy of that letter be printed in the RECORD.

Mr. President, to my knowledge we have received no answer to the letter delivered to President Kim Jong Il.

I call on the North Korean leadership to respond favorably to our request for joint recovery teams and further cooperation. It is fair to say that the few remains repatriated thus far have not been well handled. Moreover, there appears to be a profit motive associated with those remains. We have had unofficial indications that the DPRK wants up to $30,000 U.S. per remain. This is an outrageous sum compared to the $2,000 figure used for reimbursement in Vietnam.

It is inconceivable to me, Mr. President, that as to the lack of cooperation in fullest possible accounting for those Americans lost in the Korean conflict, there has not been a demand by the administration in the framework agreement that this matter be addressed. I think this is the highest requirement of Government—fullest possible accounting of those who gave so much for our freedoms. Why has it not been included in the framework agreement? Moreover, the administration has not yet seen fit to respond to the inquiries that this Senator has made in that regard.

I would also like to call this body's attention to the comparison between Vietnam and North Korea. The administration has moved faster in 3 months with North Korea than in the last 3 years with Vietnam toward diplomatic and trade relation, despite the fact that Vietnam has taken many good-faith steps by providing cooperation, including joint recovery teams.

One other interesting comparison, not related to the MIA issue, is the fact that we have agreed to provide the North Koreans with light-water. Yet, we are prohibited from selling that same technology to China.

The second issue I want to talk about is the lack of dialog between North and South Korea. One of the requirements of the framework agreement is that there be a dialog. Without a meaningful dialog between the North and South, it will be impossible to implement the agreed framework. Based on administration representations, we anticipate that South Korea and Japan will pick up substantial costs associated with the delivery of the light-water reactors—at least $4 billion. We also anticipate other countries to cover the delivery of a significant amount of oil, approximately 500,000 tons per year over a period of years.

I do not believe that South Korea can make such a commitment to the North without a political dialog. But at this point, there is no such dialog. The North is still demanding an apology from President Kim Young-sam for the alleged insensitivity on the death of Kim Il-song, and yet the North continues with propaganda against the South.

Mr. President, section three of the framework agreement between the United States and North Korea requires that the North Koreans will engage in a North-South dialog and that the North Koreans will consistently take steps to implement the North-South declaration on the demilitarization of the Korean Peninsula.

I am gratified that references to North-South issues were included in the agreed framework, but I am concerned that the references do not have specificity. For example, at what point will the United States stop fulfilling its commitments under the agreement framework if there has not been progress in the North-South relations? Just a few days ago, I introduced a resolution, Senate Concurrent Resolution 4 that calls on the executive branch to take steps to ensure that implementation of the agreed framework is linked to the substantive and rapid progress in the dialog between the North and the South.

I hope this resolution is a step in the right direction.

Finally, Mr. President, I think it is appropriate to comment on one of the administration's defenses of the agreed framework. In response to any criticism of the deal itself, the administration response that it was this agreement or war.

Although I know that this is second-guessing, I maintain we could have negotiated a better deal. The agreed framework is a bad deal because we left out the inspections of the two suspected nuclear waste sites. What does North Korea have to hide? We still do not know. The administration walked up to the line with sanctions because of North Korea's refusal to agree to the IAEA inspections of the two suspected nuclear sites.

But then, if you will recall, President Carter went to North Korea and got Kim Il-song to agree to a freeze, which the Clinton administration apparently felt compelled to accept. We lost leverage with our allies, such as China and Japan, to go ahead with the sanctions at a time when, in my opinion, North Korea was ready to collapse from within. It could not depend on the Soviet Union anymore; it could not depend on the Chinese for subsidized oil. They were totally isolated.

Although I readily agree that the North Koreans were desparate and dangerous, I would like my colleague to reflect on the comparison to the Soviet Union. During the cold war, the Soviets were a documented nuclear threat. The Reagan administration, rather than backing down, chose to bring the Soviet Union to its knees in an arms race.

So today we have an isolated and broke North Korea. Moreover, Mr. President, I believe there is a leadership vacuum after the death of Kim Il-song. So who are we helping?

Perhaps we should wait to see if a moderate regime will come forward rather than giving the current totalitarian regime a new life? I believe we are rewarding North Korea's bad behavior, and it sets an unfortunate precedent.

I have indicated previously that I belive that we are bound by agreements executed by our executive branch, even though it is an agreement that, in my judgment, is a poor agreement because it carries a scent of appeasement. But if the administration has to come back to the Congress to fund it—if South Korea and Japan do not come forward—then as far as this Senator is concerned, all bets are off for this agreement.

I ask unanimous consent that a letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
December 9, 1994.

His Excellency KIM JONG IL,
Supreme Leader of the Democratic People's Republic of Korea.

EXCELLENCY: As guests in your country, we are writing to express our hopes concerning the evolving relationship between the Democratic People's Republic of Korea and the United States of America. It is our hope that this will lead to the resolution of questions concerning the fate of the 8,177 Americans and thousands of other United Nations personnel still unaccounted for following the conflict of 1950-1953 and believed to be missing north of the 38th parallel.

We recognize that determining the fate of these missing service-members will be difficult, as we have seen in attempting to obtain the fullest possible accounting in other countries. Progress will require constant effort and a sincere commitment to resolve this sensitive issue. In this regard, we encourage the Democratic People's Republic of Korea to agree to joint participation by the United States in the recovery of remains of servicemembers still unaccounted for north of the 38th parallel.

The American people take most seriously the obligation for the fullest possible accounting of those who are still missing in action. As senior members of the Committee on Foreign Relations of the United States Senate, we appreciate the opportunity to communicate directly with you and we urge your best efforts and decisive leadership on this important and serious humanitarian matter.

Sincerely,
PAUL SIMON,
U.S. Senator.
FRANK H. MURKOWSKI,
U.S. Senator.

"MAJOR MOM"—A TRIBUTE TO MAJOR DEBRA BIELY, USMC

Mr. HEFLIN. Mr. President, Congressional fellows are an integral part of our business here on Capitol Hill. They come from throughout the executive branch and bring a wealth of expertise and perspective to their work.

The most recent fellow to serve in my office was not only an outstanding addition to the staff for nearly 2 years, but was rather unique to us in that she was a major in the U.S. Marine Corps. She was also a dedicated mother of two, and became affectionately known among the staff as "Major Mom."

Maj. Debra Biely is a dedicated, intelligent, and extremely articulate professional who quickly became a valued and trusted member of my legislative staff. As a military LA, she worked on the full range of issues relating to national defense and the space program. Her years of experience as a Marine officer, together with her in-depth understanding of the programming and budgeting process, were always evident in the quality, accuracy, and timeliness of her work.

Major Biely always provided me and my permanent staff with sound, thoughtful analysis of often complex national security issues. She briefed me on such issues as United Nations peacekeeping efforts, the use of Armed Forces in Bosnia, the Marines in Somalia, and the operational control of American forces in international coalitions.

I learned to completely trust her judgment. She often represented me in meetings with constituents, defense contractors, veterans groups, and military program managers. In so doing, Debra was an impressive representative of the Marine Corps to a broad spectrum of people, both within and outside the Government.

She is an excellent writer and researcher. Debra's work during the 1993 Base Closure Commission hearings proved invaluable as she helped prepare me to protect the Nation's only live-agent chemical training facility. She assisted in getting several major programs through the authorization and appropriations processes.

Yes, Maj. Debra Biely is the consummate military professional, and conducted herself as such while serving in my office. But she is also a warm, friendly, and outgoing person, who come to be emulated by the rest of my staff. This "Major Mom" is also thoroughly and completely devoted to her husband and children, and we often marveled at how she could do such a superb job in the office and still devote so much of herself to her family. She was also a tremendous follower of current events, and often was the first to know of major stories in the news. I should add that "Major Mom" only recently completed her master of business administration degree. She truly is one of those modern women who manage to do it all and do all of it well.

Perhaps what we will remember most about Debra's work, and what I personally appreciate the most, is her leadership in the battle to save the International Space Station. She proved to be a committed and tireless worker on this important cause. Her persistent efforts helped pave the way for an overwhelming vote of support for the station in this body. She was recognized by Vice President GORE for her efforts in this regard.

In short, we were fortunate to have Debra on our staff, and, frankly, I wish she could have stayed longer. Her demonstration of loyalty, integrity, and commitment all reflected well on the U.S. Marine Corps, indeed on the entire Armed Forces of our country. Major Biely is a shining example of the quality and professionalism that characterize the ranks of our military personnel today, as well as a significant reminder of the important role that women play in our national defense.

TRIBUTE TO DR. LESLIE S. WRIGHT

Mr. HEFLIN. Mr. President, the Rotary Club of Birmingham, AL, honored Dr. Leslie S. Wright on Wednesday, January 25 for his outstanding leadership during the 1985–88 term as Rotary International's PolioPlus campaign chairman. During his 3-year tenure as leader of this worldwide fundraising effort, Dr. Wright inspired and motivated Rotarians around the globe to more than double their original goal of $120 million. To date, Rotarians, companies, and individuals have donated over $247 million to rid the world of polio by the year 2005.

Not only has the money been raised, but thousands of Rotarians have volunteered countless hours toward one billion children being immunized. Our own hemisphere has been declared free of polio and we are well on our way to seeing an end to this dreaded disease before the target date of 2005. Altogether, 141 countries are now polio free. It is a grand understatement to say that the response to Dr. Wright's dynamic leadership was overwhelming.

A native of Birmingham, Leslie S. Wright earned two degrees from the

University of Louisville. He has been awarded honorary doctoral degrees by Auburn University, the University of Alabama, Troy State University, Samford University, and the University of Louisville. In 1983, he retired as president of Samford University, having served there since 1958. He remains the university's chancellor.

A Rotarian since 1947, Dr. Wright is a member and past president of the Rotary Club of Birmingham. He has served Rotary International as district governor, International assembly instructor, committee member and chairman, and director. He has received the Citation for Meritorious Service and the Distinguished Service Award from the Rotary foundation for his support of its international humanitarian and educational programs. He was appointed a charter member of the Alabama State Ethics Commission in 1973, serving a total of 6 years. He was twice chairman of the commission.

Perhaps more than anyone else, Dr. Wright led the way in the drive to eradicate polio. I can think of no one more deserving of this honor and praise that was recently bestowed by his fellow Rotarians in Birmingham.

I applaud his vision and congratulate him on his many achievements.

THE UAB COMPREHENSIVE CANCER CENTER VACCINE TRIALS

Mr. HEFLIN. Mr. President, as we know, a vaccine against cancer is one of the most eagerly sought objectives of medical science. Preclinical studies and patient trials of several potential vaccines are under way in the United States and Europe.

At the University of Alabama at Birmingham's [UAB] Comprehensive Cancer Center, at least four cancer vaccine strategies are being developed. Two of these approaches are now in clinical trials open to patients. The other two are in development in preclinical animal studies.

In 1993, the National Cancer Institute [NCI] and the UAB Cancer Center entered into a cooperative agreement which provided the center with $1.5 million in support over 5 years to conduct a series of cancer vaccine trials.

The UAB Cancer Center is one of 27 such centers in the Nation that meets the high standards for comprehensive designation by the NCI, and it was one of the first eight so designated in 1973. Now in its 23d year of core grant support by the NCI, the UAB center was renewed this year for core funding over the next 5 years in the range of $27 million. After meticulous review, the NCI also gave the center its highest priority rating based on program excellence.

The trials currently under way at UAB include those for breast cancer, colon cancer, and melanoma. The traditional concept of vaccination is to protect against future exposure to disease. Through work such as that being done at UAB, this concept is now being extended to include therapeutic applications to stimulate the immune system to kill tumor cells or infections like AIDS that already are established in the body.

I want to commend and congratulate the outstanding physicians and scientists at UAB who are working so hard to make the hope of a cancer vaccine a reality. I ask unanimous consent that an article detailing the colon cancer vaccine trials from the Birmingham Post-Herald be printed in the RECORD following my remarks.

NEW VACCINE USED TO FIGHT COLON CANCER

(By John Staed)

Birmingham scientists successfully used a vaccine to get the body's immune system to fight colon cancer cells, marking the first time in the world the therapy has worked on human patients.

The University of Alabama at Birmingham researchers also reported plans to test a genetic vaccine for breast cancer in women. The vaccine causes the immune system to recognize and attack breast cancer tumor cells.

Until now, vaccines have normally been used to prevent diseases such as polio or mumps. This new approach by scientists enhances the body's immune system responses to existing diseases, said Dr. Albert LoBuglio, director of the UAB Comprehensive Cancer Center. LoBuglio spoke yesterday during a briefing on developments at the center and UAB's new Vaccine Center.

Among its projects, the vaccine center is examining ways to develop immunizations for bugs that cause pneumonia, to introduce vaccine doses in foods to lower immunization costs, and to find new vaccines for infectious diseases that are increasingly resistant to modern antibiotics.

In the colon cancer research, four patients who had colon cancer tumors surgically removed but who had a 60 percent chance of recurrence were treated over 16 weeks with the new vaccine.

"Two of the four have developed substantial immune responses," LoBuglio said. "We're hoping it translates into an antitumor effect."

Colon cancer, or cancer of the large bowel and rectum, is expected to be diagnosed in 149,000 people this year in the United States. Together, the cancers of the colon and rectum are second only to lung cancer as a cause of cancer deaths.

About half of the colon cancers are cured by traditional treatments. The genetic treatments came after patients had gone through surgery alone or chemotherapy and surgery.

Dr. Robert Conry, co-investigator with LoBuglio, said if the vaccine proved successful through expanded studies, it might be available for clinical use after 5 years. But, he said, many more safety and reliability studies are needed.

Scientists' expanding knowledge of the body's immune system has been critical in development of the new treatments, Conry said. This information "is allowing us to, in a more informed way, develop vaccines for infectious disease as well as tumors," he said.

The vaccines could help doctors "harness the potential of the immune system" to treat cancers, Conry said. "Since these vaccines have little or no side effects, it will provide a welcome alternative to chemotherapy, which has significant side effects."

Cancer develops from the uncontrolled growth of cells within the body. Normally, the body's immune system would destroy disease, but cancer, because it developed from the body's own cells, goes undetected.

To trick the immune system into attacking the colon cancer cells, scientists enlisted the help of the virus used to eliminate smallpox, the vacinia virus, and a protein called carcinoembryonic antigen (CEA).

Scientists found a way to use insect cells to safely produce the CEA protein.

The smallpox vaccine with the CEA protein genetically added to it triggers an immune response to malignant cells. The scientists' goal is to prevent recurrence of colon cancer by destroying remaining cancer cell "floaters" that are left circulating in the body after surgery.

In the breast cancer research, scientists will be using a genetically engineered vaccine to both produce an immune response to breast cancer cells and eradicate cancer cells.

One woman has been selected to soon begin the anti-tumor vaccine pilot study, and cancer center officials hope to include 30 women in the trial.

The women must have breast cancer that has spread, but that is responding to hormonal treatments, said Janis Zeanah, a spokeswoman for the cancer center.

Women will be injected with a vaccine containing the CEA protein. Scientists hope that it will cause the immune system to respond the same way as it has in the colon cancer test and destroy the cancerous cells.

MEXICAN LOAN GUARANTEE

Mr. DASCHLE. Mr. President, the New York Times report this morning about the American job losses that may result from Mexico's currency crisis is sobering.

The loss of jobs as the economy of Mexico responds to the peso devaluation is a price that will be paid by American workers and their families. The past 2 years of strong export sales to Mexico have helped create about 770,000 American jobs directly tied to that export market. When that market collapses, those jobs are placed in jeopardy.

That is why we should recognize that the proposed loan guarantee to address Mexico's economic situation is in our national interest. The loan guarantee has been called a bailout and worse, but those who like to throw such terms around don't take into account that real working people's jobs are also at stake.

The loan guarantee is not a foreign aid package.

It is structured to avoid placing Government funds at risk. Mexico would be required to pay loan guarantee fees up front—before the guarantee took effect and before loans would be extended. Those fees would indemnify American taxpayers in exchange for Mexico's right to use our guarantee.

In addition, Mexico would provide security in the form of proceeds from the state-owned petroleum company, guaranteeing that America would be repaid if the loan guarantees were ever activated.

As a result, the extension of loan guarantees would not implicate any Treasury costs in taxpayer dollars. And the risk of exposing tax dollars to possible future loss would be protected by our access to Mexico's export oil earnings.

Even today, the Mexican economy is fundamentally sound. It will rebound and grow. The question for Americans to consider is how long the rebound will take and what potential depths of turmoil the country is likely to encounter in the meantime.

Both those questions matter to Americans because turmoil and joblessness in Mexico will inevitably lead to even greater pressures on our southern border, as people search for a way to earn a living and feed their families.

How long it will take for a Mexican economic recovery matters very much to workers whose products are sold in the Mexican market. They are the Americans whose jobs are at risk today, particularly in the southern border States.

Not only are States like Texas, Arizona, and California the ones to which illegal entrants are first drawn, these are also the States with some of the highest export sales to Mexico.

California sells $5 billion worth of products to Mexico each year. Nearly 20 percent of Arizona's export sales are made in Mexico. Texas relies on the Mexican market for more than one-third of all its overseas sales—$13 billion per year.

So, while the jobs of American workers will be placed at risk because of the collapse of the Mexican market for their goods, those border States will also face the pressures of increased illegal entrants.

But the job and income losses will not be limited to the southern border States. States all over the country sell products to Mexico, and residents of practically every State are employed in the process. Even South Dakota, which is one of the Nation's smaller States in terms of population, had sales of $4 million per year to the Mexican market.

I know $4 million doesn't sound like much compared to $13 billion from Texas, but, in a small State, we take our millions very seriously.

Changes in traditional export relationships are occurring very quickly in today's new global marketplace. Our premier trading partners are Canada and Japan. However, last year our sales to Mexico practically equalled our sales to Japan.

More American exports mean more American jobs. Export-related jobs are relatively high-wage jobs, typically paying between 10 and 20 percent more than the average American job. So, export jobs are among the most desirable in the economy. When they're placed at risk, more income is jeopardized, and a replacement job at a similar income is harder to find.

The growth of our Mexican exports to a total of $41 billion in 1993 is estimated to have reached more than 10 percent in 1994. In all, since 1987, American sales to Mexico have almost doubled. It's not surprising that private economic forecasters are predicting the potential for significantly large American job losses if this market is allowed to crumble.

We cannot change what has already happened. The peso devaluation that caused the temporary economic reaction in Mexico is a fact of history. But we can help determine how severe its fallout will be for Americans by the speed and firmness with which we act now.

This should not be an opportunity for partisan posturing. We are not talking about the loss of Republican jobs or Democratic jobs. We are talking about the loss of American jobs. Those workers ought to be able to rely on their Congress to set partisanship aside when their livelihood is at stake.

The former President of the United States, President Bush, on January 19, agreed that it is vital for Congress to move promptly on the loan guarantee package.

President Bush stated,

> The plan is not a giveaway. * * * In my view, the guarantees will never have to be called.

On January 18, President Clinton said,

> The guarantees we will provide are not foreign aid. They are not a gift. They are not a bailout. They are not U.S. Government loans. And they will not affect our current budget deficit. * * * no guarantees will be issued unless we are satisfied that Mexico can provide assured means of repayment.

Both Presidents are right. The plan is not a giveaway. It is the loan of a hose to a neighbor whose house is on fire. We're not proposing to build a fire station and equip it. We're just passing the hose across the fence.

I hope the Congress can agree to set aside partisan bickering and do the right thing now. It's never easy to stand up and vote for something when the polls indicate that people may not understand it, or might draw the wrong conclusions.

But it is the task of leaders to lead. This is the right thing to do—not just for our neighbor and trading partner to the south, but for America. I hope my colleagues in the Senate—on both sides of the aisle—will work with the administration to approve the proposed loan guarantee legislation as quickly as possible.

THE PATH TO A BUDGET PACKAGE

Mr. DOMENICI. Mr. President, there will be much discussion about what will be in the budget package this year. The President will present his list of program terminations, reforms, and money saving proposals. The Congress working with Governors, State and local officials, and many others will start work on a fiscal blueprint for the country's future. And newspapers every day for the next few weeks will be filled with stories about various money saving ideas that are under consideration.

I want to describe the decision-making process that will be going on over the next few months. I also want to tell you why these budget proposals are under consideration in the first place, and how they fit into the bigger picture—the future prosperity of our country. Most important, keep in mind that these are only preliminary proposals and final decisions won't be made until a great deal of fact finding has been done.

The United States currently has $4.8 trillion in outstanding debt. Just paying the interest on the debt takes 14 cents out of every dollar Americans are paying in Federal income taxes. Every man, woman, and child's share of the national debt is more than $18,000. Current estimates show our annual deficit increasing every year, growing from $175 billion this year to over $250 billion in the year 2000. We are mortgaging our children's and grandchildren's future.

This premise was eloquently stated by Laurence Tribe of Harvard Law School:

> Given the centrality in our revolutionary origins of the precept that there should be no taxation without representation, it seems especially fitting in principle that we cannot spend our children's legacy.

Deficit spending and adding to the national debt cannot go on. Governments are no different than families. We all know friends who have let their personal finances get out of hand. Some of us have experienced it ourselves. At some point the out-of-control spending catches up and the credit cards have to be cut up or the family goes bankrupt.

When governments let their deficit spending get out of control, citizens suffer. The economy produces fewer and lower paying jobs. This relationship between our Nation's spending habits and their impact on our economy's ability to create good jobs gives every American an important stake in putting our fiscal house in order.

To achieve this goal, every Federal program and expenditure, except Social Security, is being evaluated in a bottom-up and top-down review. During the next few months Congress will be considering how to best reduce the size of the Federal Government and implement fiscal policies that will create a strong economy and good jobs. There are hundreds of proposals that are under consideration. Some are sound, others less so. Some are fair, others are not.

One of the best fiscal policies for a prosperous future is a balanced budget.

A balanced budget constitutional amendment requires the Federal Government to spend $1.1 trillion less than it is currently projected to spend over the next 7 years, and yet total Federal spending will still increase every year. In the year 2002—if we reach balance—the Federal Government will expend $1.9 trillion; this year the Federal Government will expend $1.5 trillion.

Part of the task is to establish the appropriate metes and bounds of the Federal Government. We need to determine how and on what programs the Government in Washington should be spending our taxpayers' money. There will be a philosophical discussion about the role of the Federal Government in our daily lives. Important questions will be answered. How can taxpayer dollars best and most efficiently be spent? How can we make programs work better and save money? Are there better ways to provide Government services? Are there lessons Congress could learn from State and local governments? Could the private sector do a better job in providing those services that are not quintessential government functions?

There is a feeling that the Government in Washington has been trying to micromanage everyone's lives. And while the Federal Government has been attempting to run everyone else's business, there is a sense that no one has been adequately managing the Government in Washington. Reversing this trend is part of putting our fiscal house in order by developing this year's budget plan.

It would be more consistent with our Founding Fathers' vision of a limited Federal Government with enumerated powers if the Federal Government did less.

Our country would be a better country if some services were provided by the State and local governments instead of the Federal Government. I believe the Federal Government should enter into a new partnership with the States so that the Federal Government imposes fewer strings, fewer rules, and fewer regulations. In addition to achieving more sensible Government, this new Federal-State and local government partnership could provide the same level of service with fewer taxpayers' dollars. If the strings attached to Federal funding were cut, fewer Federal dollars would be needed to do the same job and fewer taxes being paid by hard working families. This is a win-win-win solution.

In New Mexico, the Governor and I are eager to forge this new partnership so that government, at all levels, sets the right priorities.

We already know what some of the priorities are; improving crime prevention, detection, and prosecution; preserving the national laboratories; and, making sure New Mexico's military bases maximize their contribution to our national defense.

If the future means lower taxes and less Washington-dictated Government, this evaluation needs to take place. This is what will be going on in the Senate Budget Committee.

On the first day of the new Congress, the Senate cut the size of congressional committee budgets by 15 percent. We are going to lead by example. We are also going to proceed with caution and compassion. I want you to know that throughout this process, it is my intention for everyone to be treated fairly. In making the Federal Government more responsive to its citizens, we must keep in mind the neediest among us. We are a great nation founded on the notion of equal opportunity. Unfortunately, too many of our programs create unintended dependency traps. Part of this Congress' work program is to provide more intelligent programs that provide choices and restore opportunity.

I hope the budget we produce will reflect the priorities of the American people, forge a new partnership with the States, meet the requirements of the balanced budget constitutional amendment, and most important, put into law responsible fiscal policies that will let the economy create good paying jobs and a brighter future for our children and grandchildren.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayer.

A lot of politicians talk a good game, when they are back home, about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Friday, January 27, 1995, the Federal debt stood—down to the penny—at exactly $4,805,320,933,038.83 or $18,241.08 per person.

Mr. President, it is important that all of us monitor, closely and constantly the incredible cost of merely paying the interest on this debt. Last year, the interest on the Federal debt totaled $190 billion.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

THE LATE LORNA SIMPSON

Mr. THURMOND. Mr. President, the Senate is a place of great camaraderie and congeniality, and over the past four decades, I have been fortunate to have made a number of very good friends here. Regrettably, I rise today to memorialize one of them, Mrs. Lorna Simpson.

Lorna is known to all of us as the mother of our colleague, Senator AL SIMPSON, the dedicated and gregarious senior Senator from Wyoming. While most Members probably had the opportunity to meet this kind and warm woman, few are fortunate to have known her as well as I.

I first came to know Lorna in 1962 when her husband was elected to the U.S. Senate and he moved into an office near mine. The Simpsons quickly became my close friends and I very much enjoyed spending time with Al and Lorna.

While Lorna was a consummate entertainer, she was a woman who was civically active and took a strong role in supporting her husband's business enterprises. Every community in which the Simpsons lived benefited from the efforts of Lorna as she contributed her time and efforts to numerous causes including the Red Cross and programs that restored various historic sites. During World War II, Lorna contributed to the war effort by chairing Cody Wyoming's black and scrap metal committees and even served as the acting editor of the local paper. Among her many other activities in the subsequent years, she assisted her husband in negotiations with the Israeli Government concerning gas and oil exploration in that country, and later she served as the representative of the women of the United States to the Organization of American States.

Mr. President, I know everyone will agree with me that Lorna Simpson was a unique woman and a lady in every respect. She possessed high ideals, a lovely character, a friendly personality and all the good qualities that signify the perfect lady. She was a woman who was devoted to her husband and family and she added much to the lives of those whom she touched. Senator AL SIMPSON and his lovely wife Ann have my deepest sympathies and they, along with AL's brother Peter and the entire Simpson family, are in my thoughts and prayers.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through January 27, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget, House Concurrent Resolution 218, show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated January 17, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 30, 1995.
Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through January 27, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H.Con.Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated January 17, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JANUARY 27, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218) [1]	Current level [2]	Current level over/under resolution
On-budget:			
Budget Authority	$1,238.7	$1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–1999 [3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,711.4	−253.7
Off-budget:			
Social Security Outlays:			
1995	287.6	287.5	−0.1
1995–1999	1,562.6	1,562.6	*0.
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–1999	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

* Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JANUARY 27, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			$978,466
Permanents and other spending legislation	$750,307	$706,236	
Appropriation legislation	738,096	757,783	
Offsetting receipts	(250,027)	(250,027)	
Total previously enacted	1,238,376	1,213,992	978,466
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	
Total current level [1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	
Over budget resolution			766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,244 million in budget authority and $6,361 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $1,027 million in budget authority and $1,040 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

* Less than $500 thousand.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

ON THE 50TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. HATCH. Mr. President, I rise to solemnize the 50th anniversary last Friday of the liberation of Auschwitz, the concentration camp where nearly 1½ million innocents were exterminated by the Nazi regime, most of them for the simple reason that they were Jews.

The Nazi Holocaust represents one of the blackest eras of the 20th century, a time which casts a shadow across the landscape of the entire second half of this century.

I quote Paul Johnson, one of our eminent living historians, from one of his many great books, "A History of the Jews":

> Hitler had wiped out a third of all Jews, especially the pious and the poor, from whom Judaism had drawn its peculiar strength. The loss could be seen in secular terms. In the nineteenth century and early twentieth century the world had been immeasurably enriched by the liberated talent streaming out of the old ghettos, which had proved a principal creative force in modern European and North American civilization. The supply continued until Hitler destroyed the source forever. No one will ever know what the world thereby sacrificed. For Israel the deprivation was devastating. It was felt at a personal level, for so many of its citizens had lost virtually all their families and childhood friends, and it was felt collectively: one in three of those who might have built the state was not there. It was felt spiritually perhaps most of all.

"No one will ever know what the world sacrificed." We will always live with that absence; we will always live with the darkness of what was lost.

Churchill called it "the crime without a name." Last Friday at the ceremonies in Poland, Lech Walesa spoke of "the martyrdom of all nations, especially the Jewish Nation." And in Germany Helmut Kohl said it was "the darkest and most terrible chapter in German history." They were all correct.

Civilized men and women are fortunate today that the lands where the Holocaust occurred are free. But the truly free societies must bear burdens, and a burden of freedom is to examine one's past—for the purpose of recognizing the most brutal of realities; for the purpose, perhaps, of understanding; but most importantly, for the purpose of never forgetting. I submit that nations are never completely free until they have the ability, will, and courage to examine their pasts free of censorship, free of cant, free of willful neglect.

The Holocaust Museum in Washington provides a somber, moving ,and dramatic memorial to man's most evil capabilities, and it draws thousands to pay homage to the millions of victims of genocide. There is strength in a society that can bear such witness.

Fifty years later, we still live in the shadow of the Holocaust, and indeed, until we can say that all men will respond instinctively and courageously with the highest outrage against genocide, we can never stray far from this darkness.

Last week we commemorated the liberation of Auschwitz. In the same week, 19 Israeli men were killed in a terrorist attack by one of the extremist groups dedicated to the destruction of Israel. In the same week, more intelligence reports surfaced about Iran's nerve gas production, which, combined with its current ballistic missile capabilities, puts it in a position to threaten Israel with gas attacks.

Again, I will quote Paul Johnson:

> The overwhelming lesson the Jews learned from the Holocaust was the imperative need to secure for themselves a permanent, self-contained and above all sovereign refuge where if necessary the whole of world Jewry could find safety from its enemies. The First World War made the Zionist state possible. The Second World War made it essential.

It is a bitter realization to know that 50 years after the Nazi Holocaust, the Jewish State remains under attack; anti-Semitism is growing in certain parts of the world, as in Russia; genocide is practiced and ignored, as in Rwanda and, on the European Continent drenched in Jewish blood, in Bosnia.

The Nazi Holocaust demonstrated a human depravity that many refused to believe was possible. We must never forget that men are capable of the most heinous destruction of their fellow men. The name of Auschwitz should forever echo in the memories and consciences of civilized people as one of the pinnacles of evil achieved in the 20th century. For it was in Auschwitz and the other concentration camps of the Nazi era that genocide was practiced as a tool of nationalism. And if we ever choose to ignore the shadows of such a loss, of such a despicable past, we do so at the risk of blindly allowing it to happen again.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KEMPTHORNE). Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate proceeded to consider the joint resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, we are happy at this point to have Senate Joint Resolution 1, the Hatch-Simon balanced budget constitutional amendment brought up. It is in the form of the House-passed amendment which is absolutely identical to the amendment that the distinguished Senator from Illinois and I and Members of the House, including CHARLES STENHOLM, from Texas, and, at that time, LARRY CRAIG back in the early days over in the House, who is now one of the leaders on the Senate floor, have been working on for years, ever since the 1982 balanced budget fight.

When I was chairman of the Constitution Subcommittee, we brought it to the floor and then to the leadership of Senator THURMOND, Senator DOLE, and Senator Baker at that time. We were able to pass it through the Senate.

This is slightly changed from then, but the basic principles are the same. Basically, there are three things that the general public needs to know are very worthy reasons for passing this balanced budget amendment that is now in the form of the House resolution that was passed by 300 votes to 132 last Thursday evening.

No. 1 is that if this amendment is passed by the requisite two-thirds vote of the Senate and is ratified by the requisite three-quarters of the States, then from that point on, it will take three-fifths of both bodies in order to increase the deficit.

That is a supermajority vote, and the reason we have done that on the deficit is because the deficit is going out of control and we would have to have a supermajority vote in order to have real considerations as to whether or not we want to continue to expand the deficit.

So, No. 1, you would have to have a three-fifths vote if you want to increase deficit spending. No. 2, if you want to increase taxes to pay for the costs of Government, then you no longer can do it by a simple majority vote.

Some of the media in this country have had the idea that this amendment just has a simple majority vote. It is not true. It has what is called—and we put it into the 1982 amendment that passed the Senate by 60 percent but died in the House, then led by Tip O'Neill; he beat us over there—but we came up with the idea of a constitutional majority requisite vote in order to increase taxes.

Let me just explain that a little bit more. If this amendment becomes the 28th amendment to the Constitution, then in order to increase taxes, you are going to have to have 51 percent—a majority of the whole body of both the House and the Senate. So to put that in perspective, we could pass anything in this body as a general rule by a majority vote if we have a quorum of 51 Senators. We can pass anything by a vote of 26 to 25, if that is how close it was.

Under a constitutional majority, we cannot increase taxes without, No. 1, a vote and, No. 2, without getting at least, no less, than 51 U.S. Senators to vote for it and in the House at least no less than 218 Members of the House.

So those are two very important reasons for voting for this: No. 1, in order to increase the deficit, this amendment says you are going to have to have a three-fifths vote of both bodies, the Senate and the House. No. 2, if you want to increase taxes, you are going to have to have a constitutional majority to do so. And No. 3, you have to vote.

Right now, many times when we increase the deficit in this country, we do not vote at all. We just have a voice vote. Nobody knows who are the people that have put us into debt or put us into further debt. From here on in, in both cases, that of increasing the debt or increasing taxes, we are going to have to have rollcall votes. Those are the three pivotal and most important aspects of this amendment.

Let me just put it in further perspective, with regard to the constitutional majority necessary to raise taxes. If the President's fiscal stimulus bill had come up, as it came up last year, was passed the way it was, the Senate was equally divided 50–50. There were 50 who voted for it and 50 who voted against it. It took the Vice President to break the tie, and it passed 51 to 50.

If this amendment passes, my contention is it will take at least 51 Senators, regardless of the way the Vice President votes, in order to increase taxes.

So it will not be easy to increase taxes, although we have had many votes in the history of this body where we have had 51 votes for taxes.

I believe it will become the focal point from that point on. I believe the three-fifths vote will become the focal point on increasing the deficit.

Why are we even talking about a balanced budget amendment? I have talked to many of my constituents and there was more than one person who came to me and who said: "What kind of a legacy are we leaving to our children? How can I and my generation continue to spend us into bankruptcy and leave our children high and dry?"

I have had a number of people on Social Security all over my State come to me and say, "Look, Senator, if you don't get spending under control, our Social Security isn't going to be worth anything. We won't be able to survive because that is all we have to live on."

If we do not get spending under control, they say, they are going to not get many benefits out of Social Security.

These people put the correct issue first: Are we going to live within our means so that our dollar is worth something, so that we do not ultimately have to monetize the debt, devalue the dollar, and make even Social Security less worthwhile for people? And they are the first to admit that we need a balanced budget constitutional amendment to make it necessary for Congress to choose among competing programs.

I have had people in the military say, "What are we going to do? Military spending keeps going down." If we start getting into a range of inflation, because interest against the national debt is now over $300 billion a year and going up exponentially and will be over $400 billion, according to the Congressional Budget Office, after the first of the year, how are we going to keep our country safe and clear? And that is based on current interest rates. Will inflation not go up even more? The answer to that is probably so.

They said to me, as much as we want the military to be strong and our Nation to be secure, you are going to have to pass the balanced budget amendment.

The average person out there understands this. They do not get all caught up in the special interest concerns of the day. People who think clearly know that we have to do something about this profligate Federal spending.

So I rise today with a very strong feeling that this is one of the most important debates in this country's history that has ever taken place in the Senate.

The subject matter goes to the heart of our Founding Fathers' hope for our constitutional system, a system that has and will protect individual freedoms to the maxim of limited Government.

In the latter half of this century, however, the intention of the Framers of the Constitution has been betrayed by Congress' inability to control its own spending habits. The size of the Federal leviathan has grown to such an extent that the very liberties of our American people are threatened.

History has already been made in the House of Representatives; 300 of our courageous colleagues in the House, both Democrats and Republicans, approved this balanced budget amendment to the Constitution, which parallels word for word Senate Joint Resolution 1, the Hatch-Simon-Thurmond-Heflin-Craig balanced budget amendment, under the leadership of the distinguished majority leader, ROBERT DOLE.

The eyes of the people, 85 percent of whom favor a balanced budget amendment, now turn to us in the Senate. They know this is the battleground. They know this is where the real battle is going to occur. We need to follow the example of the House and pass this balanced budget amendment.

This amendment has broad support in the country, and among Democrats and Republicans who believe we need to get this Nation's fiscal house in order so that we can leave a legacy of strong national economy and a responsible national Government to our children and our grandchildren.

THE PROBLEM: THE WORSENING DEBT CRISIS

We have a tremendous debt problem, and it is worsening. Mr. President, our Nation is faced with a $4.8 trillion national debt that gets worse and worse every year that we run a budget deficit. The Government is using capital that would otherwise be available to the private sector to create jobs and to invest in our future. Increased amounts of capital are being wasted on merely financing the debt because of spiraling interest costs. This problem presents risks to our long-term economic growth and endangers the well-being of our elderly, our working people, and especially our children and grandchildren. The debt burden is a mortgage on our children and grandchildren's future.

The trend is clear and uninterrupted. The magnitude of the annual deficits has increased enormously and continues to do so. During the 1960's, deficits averaged $6 billion per year. In the 1970's, the deficits averaged $38 billion per year. In the 1980's, the deficits averaged $156 billion per year, and in the 1990's so far deficits have averaged $259 billion per year.

The total national debt now stands at almost $5 trillion. That means that every man, woman and child in America has an individual debt burden of $18,500. We each owe that much money. Well, it took us over 200 years to acquire our first trillion dollars of debt, 200 years of history before we got to $1 trillion. We have recently been adding another trillion dollars of debt about every 5 years and will continue to do so under current projections at a slightly faster rate as we approach the end of the decade—$18,500 each of us owes. Back in 1975, we thought it was outrageous that we each owed $2,500.

When I ran for the Senate in 1976, it was a little higher than $2,500, and we just thought that was unbelievable. Here it is $18,500, caused by both parties, caused by Presidents, whether Republican or Democrat, caused by a profligate Congress mainly that has not been willing to get spending under control.

Well, it comes as no surprise that these increases in our national debt are mirrored by increases in Federal spending. The first $100 billion budget in the history of our Nation occurred as recently as fiscal year 1962. It took us until then to spend the first $100 billion a year. That was more than 179 years after the founding of the Republic.

The first $200 billion budget, however, followed only 9 years later in fiscal year 1971. The first $300 billion budget occurred only 4 years later in fiscal year 1975, the first $400 billion budget 2 years later in fiscal 1977, the first $500 billion budget in fiscal year 1981, the first $700 billion budget in fiscal 1982, $800 billion in 1983, $900 billion in 1985, and the first $1 trillion budget in fiscal year 1987. The budget for fiscal year 1995 has been projected to exceed $1.5 trillion.

And yet, Mr. President, opponents of the balanced budget amendment claim there is no problem. They repeatedly point to the marginal slowdown in the growth of the debt last year as though all of our problems are solved. They say that President Clinton has dealt with this problem.

But they are dead wrong. Only inside the beltway can people claim that with a debt approaching $5 trillion we are on the right track. Everyone on Capitol Hill knows that starting in 1996, President Clinton's budget leads us on a path of steadily increasing deficits, beyond anything that we have ever seen before. The simple fact is that with every additional dollar we borrow, we throw more coal into the fire of the runaway train on which we are all riding.

INTEREST ON THE DEBT: A TIME BOMB

Mr. President, one of the most pernicious effects of the enormous deficit beast is the interest costs required to feed it. Interest on the national debt in 1993, the last year for which we have a full actual set of budget figures, amounted to nearly $293 billion.

Now, that is more than the total revenues to the Federal Government were back in 1975—just interest against the debt. In 1993, interest took 26 percent of all Federal revenues and 57 percent of all individual income tax revenues.

The Office of Management and Budget projected last year that interest on the debt will rise substantially over the next 5 years. It is now going up exponentially. OMB projected that interest costs will pass the $300 billion mark in 1995 and reach $373 billion in 1999.

Opponents of the balanced budget amendment suggest that we cannot afford to cut the deficit because decreased social spending will have severe adverse effects on our economy. But think of how much we could do in crime control, disaster relief, health, science and education if we had that $300 billion available that we are spending on interest each year.

I do not understand the logic of continuing to waste over 20 percent of our entire budget on interest on the rationale that we cannot afford to cut spending. What we cannot afford to do is to continue to throw away one-fifth of our national budget on interest payments.

Now, my colleagues, to put this in even better perspective, gross interest on the debt in 1993 amounted to more than the entire defense budget, which was $292.4 billion. It was 97 percent of Social Security payments, which were $302 billion—it will probably be more than Social Security this year—55 percent of all discretionary outlays, which were $542.5 billion; and 44 percent of all mandatory programs, which amounted to $666.9 billion.

The nearly $293 billion of gross interest costs in 1993 could have covered our entire health spending, including Medicare and Medicaid, $207.6 billion; all veterans' benefits and services, $19.3 billion; unemployment compensation, $35.5 billion; our entire international discretionary spending, $21.6 billion; and also covered the costs of the earned income tax credit, $8.8 billion. All of that could have been paid for just out of the interest on the national debt we have been paying.

Without the gross interest on the debt, we would not have even had a deficit last year; in fact, we would have run a budget surplus of $93 billion.

Interest on the debt is wasted money. Over the 5 years of so-called deficit reduction under President Clinton's plan, OMB's own calculation last year was that interest on the public debt will total roughly $1.7 trillion. This amount could have fully funded the entire 1994 budget, with money left over.

Interest compounds and gets larger by itself, even without new deficits. And, if interest rates go back up, the problem will be increased exponentially. Self-propelled interest costs will continue to eat a larger share of our national treasury, destroying our choices to fund new programs and eroding our ability to keep the commitments we have already made.

You can see how interest on the Federal debt through the year 2005 from 1994, which is a little less than $300 billion, will go up because of the exponential increase of compounded interest. Look at how it just shoots up in the air until, in 2005 it is somewhere over $520 billion. It is really a problem. And we have to face it. The only way I know to face it is to enact this balanced budget amendment. I do not know of anybody who has a better idea.

THE NEED FOR A BALANCED BUDGET

Mr. President, if one thing is crystal clear, it is that we need to move toward a balanced budget. During this debate, both sides will cite lots of numbers and figures. One such figure is our current $4.8 trillion national debt. But how does one communicate the implications of our staggering debt?

In 1975, before this recent borrowing spree, the Federal debt amounted to approximately $2,500 per person, and the annual interest charges were roughly $250 per taxpayer. At the present, the Federal debt amounts to about $18,500 per person, with annual interest charges exceeding $2,575 per taxpayer. And that is at today's interest rates, which could go even higher.

The Congressional Budget Office predicts that in 1999, total Federal debt will be nearly $6.4 trillion. That means $23,700 of debt per person, with annual interest costs projected to be over $3,500 per taxpayer. We would each owe that much in annual costs.

These last figures would mean a tenfold increase in per-capita debt, and a nearly fourteenfold increase in annual interest charges per taxpayer, since 1975.

Over time, the disproportionate burdens imposed on today's children and their children by a continuing pattern of deficits could include some combination of the following: Increased taxes; reduced public welfare benefits; reduced public pensions; reduced expenditures on infrastructure and other public investments; diminished capital formation, job creation, productivity enhancement, and real wage growth in the private economy; higher interest rates; higher inflation; increased indebtedness to and economic dependence on foreign creditors; and increased risk of default on the Federal debt.

Mr. President, this is fiscal child abuse, and it must end. We have to end it. We have to end it.

This sociopathic economic policy is continued under the Clinton so-called deficit reduction plan, which does not really reduce the deficit in an absolute sense and does not reduce our staggering $4.8 trillion national debt one penny. It only slows the growth in the national debt; it does not reverse its upward climb. And, it reduces annual deficits only in the sense that deficits are smaller than what were previously projected. It still has substantial annual deficits which get bigger as time goes on. Even OMB's estimates from last year's budget, which predict lower debt totals than CBO, projects that gross Federal debt will top $6.3 trillion, exceeding 72 percent of our gross domestic product, by 1999. That is only 4 years away.

In other words, the so-called Clinton deficit reduction plan only cuts the deficit in the Washington sense of not going as far into the red as we earlier expected. I do not believe that kind of math works outside the beltway. As one commentator suggested, try explaining to your bank after your check bounces that you saved $300 by buying a $200 suit instead of a $500 television. Put another way, it is like putting a 400-pound man on diet and claiming he lost weight when he only goes up to 500 pounds instead of the 600 that was contemplated.

What's more, even under the current plan, the Congressional Budget Office's 10-year projections show that after an initial relative slowdown in its growth, the deficit roars back up. As I mentioned, the deficit in 1994 was $203 billion. It dips to $176 billion in 1995. But that is as low as it goes. Starting in 1996, it shoots up again, topping $253 billion in 1999 and hitting all time highs of $351 billion in 2003, $383 billion in 2004, and $421 billion in 2005.

Think about it. That is what is happening even if we give all of the benefit of the doubt to what President Clinton has tried to do. And he has tried.

A milestone of sorts will be passed in 2004 when we will rack up over $1 billion in debt every day. Personally, I do not think that this is a milestone any one of us should be too proud of.

That means the Clinton deficit reduction plan will add over $1 trillion to the national debt in the next 5 years and over $2.7 trillion in the next 10 years.

Look, who is to blame for this? Why, we all are, every last one of us. If I had to lay real blame why it be on the Congress more than any other group, because this is where the money bills originate. This is where the decisions are made. This is where we have allowed entitlements to run out of control.

I do not particularly blame any of the Presidents and I certainly am not blaming President Clinton who is trying his best within the framework of his political philosophy to do his best. I do not blame President Bush or President Reagan or President Carter either. The fact is, a lot of the buck stops right here in Congress.

Really can you blame Congress, too? The polls showed that 85 percent of the American people were for the balanced budget amendment. They want us to pass it. They believe it is critical to this country. They understand deep down. Viscerally, people know we are going to have to do this kind of fiscal restraint. But when you go and ask questions on individual programs, while they want us to pass a balanced budget amendment they want us to reduce taxes and they want us to increase spending on special interest programs.

So all of us have faults in this area. How do you overcome it? It seems to me you overcome it by putting a fiscal restraint into the Constitution that was implied by the Founding Fathers but was not put there. Jefferson thought it should have been in there and I think Jefferson was right. But, really, he was wrong through most of this country's history until the 1960's. Whenever we ran a deficit it was generally during time of war or depression. The minute we got back on top of things they would get the budget balanced. But in the last 30 years the Congress has run us into the ground and it is very difficult, unless we are forced to make priority choices among competing programs. It is very, very difficult to get this under control.

BENEFITS OF A CONSTITUTIONAL AMENDMENT

I might add that I think it is time for the Congress to pass this joint resolution, this constitutional amendment to permanently restore the linkage between Federal spending and taxing decisions. My friend from Illinois, the prime sponsor of this amendment, probably believes that taxes will be increased to help pay for these things. I do not. I think it will be tougher to increase taxes than it will be to increase the deficit. But I think both will be more difficult, and there will be votes so the American people know who voted which way.

I probably would prefer to cut spending. We are from two opposite poles—the two leaders in the Senate. We care a great deal for each other. And I have tremendous respect for Senator SIMON for being willing to lead the fight. He is much more liberal than I in leading this fight for a balanced budget amendment. He is doing it for the right reason. He believes that we will have to be more fiscally responsible. I believe that. That is why we are fighting side by side as we have for a number of items, but certainly on this amendment. I respect him for it.

On the proposed amendment that we have here—the House-passed amendment, which is identical to the Senate one we have been pushing—we have worked together on both sides of this Hill. We have done it for years. We have massaged this thing, and worked on it. It is a true bipartisan consensus amendment. It is a Democrat-Republican amendment. It is a Republican-Democrat amendment. We have worked together. Any one of us thinks we could write it better. This is the consensus amendment. That is the only one that has a chance of being passed. I could write a much tougher constitutional amendment than this. So could the distinguished Senator from Illinois. But this is what we have been able to negotiate, and as you can see by the first time in history, the only one that could pass the House of Representatives. Now we have the job of trying to get it through the important U.S. Senate.

I believe we can, if the people out there will speak to their Senators. But it is going to be very close. There is no giving here. This is something we have to earn on the floor. We are going to do everything we can do. But the proposed amendment that we have before us does not propose to read any specific level of spending or taxing forever into the Constitution, and it does not propose to insert the Constitution into the day-to-day spending and taxing decisions of the representative branch of the Government. It merely proposes to create a fiscal environment in which the competition between the tax spenders and the taxpayers is a more equal one—one in which spending decisions will once more be constrained by available revenues.

Mr. President, the time has come for a solution strong enough that it cannot be evaded in the short term. We need a constitutional requirement to balance our budget. Mr. President, Senate Joint Resolution 1, and the House resolution which is before us, the Dole-Hatch-Simon consensus balanced budget amendment, is that solution. It is reasonable. It is enforceable, and necessary to force us to get our fiscal house in order.

There are those who oppose the balanced budget amendment because they say we can balance the budget right now. As a matter of law, that is true. But as a matter of real life, real-world politics, it is clear that Congress does not possess the courage to do it. They have been saying this for 30 years without any avail, without any success. Even if one extraordinary Congress does come along and manages to stop deficit spending, there would be nothing to prevent the next Congress from spending irresponsibly once again. We need a constitutional amendment if we are truly interested in solving this problem.

RESTORATION OF THE CONSTITUTIONAL BALANCE

Mr. President, the proposed constitutional amendment will help us end this dangerous deficit habit in a way that past efforts have not. It will do this by correcting a bias in the present political process which favors ever-increasing levels of Federal Government spending.

In seeking to reduce the spending bias in our present system—fueled largely by the unlimited availability of deficit spending —the major purpose of this constitutional balanced budget amendment is to ensure that, under normal circumstances, votes by Congress for increased spending will be accompanied either by votes to reduce other spending programs or to increase taxes to pay for such programs. For the first time since the abandonment of our historical norm of the balanced budgets, Congress will be required to cast a politically difficult vote as a precondition to a politically attractive vote to increase spending. We will be forced to do it so the American people will know, and it is about time.

ACCOUNTABILITY

While it is true that much of the enormous growth in Federal Government spending over the past two decades may be a response to evolving notions that the role of the public sector on the part of the American citizenry—that is, a genuine shift in the will and desire of the people—it is my contention that a substantial part of this growth stems from far less benign factors.

In short, the American political process is defective insofar as it is skewed toward artificially high levels of spending, that is, levels of spending that do not result from a genuine will and desire on the part of the people. It is skewed in part because the people often do not have complete information about the cost of programs or about the potential for cost growth of many programs. It is skewed in this direction because Members of Congress have every political incentive to spend money and almost no incentive to forego such spending. It is a fiscal order in which spending decisions have become increasingly divorced from the availability of revenues.

In fact, when I was on the Budget Committee I was shocked that we never began with how much we had in revenues available to spend. We always began with what we want to spend, and then we would massage the revenues to try to get them up to where we were spending. I just thought it was a backward way of going toward the budget.

The balanced budget amendment seeks to restore Government accountability for spending and taxing decisions by forcing Congress to prioritize spending projects within the available resources and by requiring tax increases to be done on the record. In this way, Congress will be accountable to the people who pay for the programs and the American people—including the future generations who must pay for our debts—will be represented in a way they are not now. Congress will be forced to justify its spending and taxing decisions as the Framers intended, but as Congress no longer does.

THE SOLUTION: A BALANCED BUDGET AMENDMENT

Mr. President, Senate Joint Resolution 1 represents both responsible fiscal policy and responsible constitutional policy. Passage of this resolution would constitute an appropriate response by Congress to the pending applications by nearly two-thirds of the States for a constitutional convention on this issue.

Mr. President, the Senate must approve Senate Joint Resolution 1, the balanced budget amendment. It is the right thing to do for ourselves, our children, and our grandchildren, and it will give us back responsible and accountable constitutional government. The faithful stewardship of public funds that was so prized by our Founding Fathers can be restored for 21st century Americans. The virtues of thrift and accountability can be rekindled by this very 104th Congress.

Mr. President, we have to do something about our irresponsible debt approaches—the runaway spending that is eating this country alive; destructive welfare which is really not doing any good for the average citizen; our antisaving Tax Code that really destroys savings in this country; the Washington bureaucracy that is eating us alive by mandating more and more on the States and on small business. We have to eliminate these things. We have to send Washington back home. We have to restore the American dream. We have to give our children a future that, and if we keep going the way we are going they will not have.

We have to put Government on a diet. At least that is my belief. We have to make the Federal Government afford to live within its means. Frankly, I think the Federal Government could afford to be anorexic for a while. It is far too fat, and it needs to be brought down to a more diet-conscious methodology. We have to cut the waste, cut the fat, and get people to work instead of depending upon the Government. And I think we have to just get together as a group and call our Senators to tell them they need to support this; create a groundswell of force for this balanced budget amendment. And, if we do, we will save our country for generations to come; for your children, my children, your grandchildren, my grandchildren.

In talking about that, I have thought very often. Elaine and I have six children, and our 15th grandchild is on its way. It will be here in another few months. I have to tell you, I just pity these kids and what they have to face if we do not make this decision now. We can no longer afford to listen to those who say we should have the will to do what we have to do. It just is not happening and is not going to happen. The will is not there. We have not had a President who is willing to say: This is what we have to do, and blame me if we cannot get it done, but this is what we have to do to help put our fiscal house in order.

Pass this balanced budget amendment and you will find there will be a renewed effort to try to get us to live within our means. Your grandchildren and my grandchildren will have a future like we had when we were raised.

When I was born in 1934, my folks had just lost their home in the Depression. My dad built our home out of a torn-down building. In fact, I thought for years afterwards that all homes should be brown like ours was, with burned lumber, and that one side should have a Pillsbury Flour sign on it. We did not have indoor facilities, but we were happy people. We raised our own chickens, eggs, and we had our own little garden that kept us alive. We did not have a lot, but we were able to survive. I have to tell you that those were tough days, but I would not trade them for anything.

My future was a sure future. There was no question that I was going to go to school and have the opportunity to grow. My dad taught me his trade. I worked in the building construction trade union for 10 years, with my bare hands, and I was proud of it. I could do that work today if I had to. We used to hang suspended ceilings and build partitions, and other things. I did all of that, and I can still do it.

There was no limit to our future. We were able to do it. This Government was living within its means. At least, it was just at the throes of starting to not live within its means. Today you have to say, with interest exponentially rising, with the debt rising so fast, in the future we might have to monetize the debt and devalue the American dollar in order to pay off debts with worthless money—which could be done, by the way, but the United States will never recover from it. We would never again have the recognition financially that we have throughout the world, nor would we be as powerful again, or be as great again, if we have to go to that methodology—which we will do if we do not pass this amendment.

I want the future of your children and my children, your grandchildren and my grandchildren, to be secure. That is what we are fighting for here today. There is no question that there are many wonderful programs all of us would like to have. But there still is a necessity to live within our means, which we are not doing.

Mr. President, we are going to do everything we can, the distinguished Senator from Illinois, myself, and others, and I urge Senators to join with us—Senators DOLE, SIMON, THURMOND, HEFLIN, CRAIG, and so many others—in supporting this resolution, the balanced budget constitutional amendment, this bicameral, bipartisan consensus balanced budget amendment. If we do, this country will be much better off in 5 years, 7 years, 10 years from today, and our children will have the future we would like them to have.

I yield the floor.

[Applause in the galleries]

The PRESIDING OFFICER. The Chair advises all in the galleries to refrain from any form of approval or disapproval.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. [KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I rise to oppose the so-called balanced budget constitutional amendment. I strongly support deficit reduction to achieve the goal of a balanced budget. But it is unnecessary, unwise, and destructive of principles at the core of our constitutional democracy to adopt this proposed constitutional amendment.

As the Senate begins this debate, let us consider some recent history. For 12 years, during the Reagan and Bush administrations, the deficit soared out of control—largely because of the excessive 1981 tax cut, which was described at the time by Senate Republican majority leader Howard Baker as a "riverboat gamble."

Not every Senator supported that riverboat gamble. I am proud to be among 11 Senators who voted against it.

The budget deficit we face today is the result of that failed gamble. The entire deficit for the current fiscal year represents the interest ownedon the $2.4 trillion of debt run up during the Reagan-Bush years. The rest of the budget is already balanced, and it did not require a constitutional amendment to do it.

What it did require was the courage to make tough decisions. In 1993, under President Clinton's leadership, Congress passed a reconciliation bill that will reduce the debt by approximately $600 billion for fiscal years 1994 through 1998. For the first time since the Truman administration, deficits will fall 3 years in a row.

That landmark deficit reduction package was passed by Congress without a single Republican vote in either the House or the Senate. Indeed, Democrats in the House and Senate were attacked for supporting the deficit reduction bill.

For years, we heard charges from the Republican party that Democrats in control of Congress were responsible for the Federal budget deficit. For years, Republican Presidents refused to make the tough decisions necessary to reduce the Federal deficit, choosing instead to blame Congress. "Give us a Republican Congress," they said, "and we will reduce the budget deficit."

In November, the voters gave the Republican Party the majority it sought. And now, without even so much as presenting a single budget bill before either House of Congress, the Republican Party is saying to the American people that the Republican Congress lacks the political will to make the tough decisions necessary to continue the deficit reduction achieved during the past 2 years. Before offering a single piece of legislation to reduce the deficit, the Republican majority in Congress is saying that they need a constitutional amendment to get the job done.

We do not need a constitutional amendment to balance the budget. All we need is leadership. If Congress is not willing to balance the budget, the Constitution can not do it for us.

The refusal of the Republican Party to spell out for the American people the specific changes needed to balance the budget is a failure of leadership. The American people have a right to know what this proposed constitutional amendment would require.

The Congressional Budget Office estimates that a total of $1.2 trillion in deficit reduction will be required to balance the budget by the year 2002. And that is not including the defense increases called for by the Republicans' Contract With America.

If Social Security, defense, and interest on the national debt are excluded from the calculations, all other Federal programs will have to be cut by 22 percent to achieve a balanced budget in 2002. That is a 22 percent cut in spending on Medicare, Medicaid, veterans benefits, student loans, farm benefits, and all of the other Federal programs. If the tax cuts called for in the Republicans' Contract With America are also included, the across-the-board cut needed to balance the budget will be 30 percent.

The Treasury Department has estimated the impact of these cuts on the States. It predicts that that an across-the-board deficit reduction package that excluded Social Security and Defense would require cuts in Federal grants to States of $71 billion, and cuts of an additional $176 billion in other Federal spending that directly benefits States in programs such as Medicaid, highway funds, aid to families with dependent children, education, job training, environment, housing, and other areas.

The Treasury Department also estimated how much each State's taxes would have to be raised for the State to offset the reduction in Federal grants under the proposed constitutional amendment. State taxes would have to increase an average of 12 percent just to offset the loss of Federal grants.

The American people have a right to know if that is how the Republican majority will balance the budget. Why will they not tell us? What have they got to hide. They are using the smokescreen of this constitutional amendment as a trick to hide the scheme of deep cuts in basic social programs that the country will not accept if the reality is known.

Amending the Constitution could well make all our problems worse. Adopting this proposed amendment could jeopardize our economy, diminish the Constitution, distort its system of checks and balances, and undermine the principle of majority rule that is at the core of our democracy.

The proposed constitutional amendment could jeopardize our economy by requiring that the Federal budget be balanced each fiscal year, regardless of the state of the economy, unless three-fifths of the Senate and House vote to approve a specific deficit.

All of us know that when the economy is in a recession, revenues fall, and outlays increase. Fewer people hold jobs and pay taxes, so revenues go down.

Costs for unemployment insurance, food stamps, and public assistance go up.

These so-called countercylical actions maintain demand for goods and services during recessionary times. They help to prevent mild downturns from becoming recessions, and they help prevent recessions from turning into depressions. We have not had a depression in over 50 years.

This proposed constitutional amendment could well prevent the operation of the countercylical effects needed to help keep the economy on an even keel. Supporters of the amendment argue that the existing budget deficit has made countercylical deficit spending ineffective as a way to stimulate demand and avoid recessions, because the deficit is already so large. But they neglect to mention that the constitutional amendment would require the Government to engage in fiscal practices that will make any recession worse.

Section 1 of the amendment prohibits total outlays from exceeding total receipts unless three-fifths of the House and Senate vote to authorize a specific deficit. When a recession causes revenues to fall below estimates during a fiscal year, the proposed constitutional amendment would require the Government to reduce outlays to avoid an unauthorized deficit.

This fundamental point was stated by Alice Rivlin, Director of the Office of Management and Budget, during her testimony before the Judiciary Committee.

> [E]nforcing a rule that we must balance the budget every year, regardless of the state of the economy, would be a big economic mistake. Now one can think that, and still think that budget deficits ought to be much smaller than they are now, and I do believe that.
>
> But if we were living in a world in which the budget had to be balanced every year, when a recession threatened * * *, and people were laid off, they would naturally be paying less taxes. So there would be an automatic deficit in the Federal budget. Now, if the Congress were then required to rectify that by either cutting spending, or raising taxes, the recession would be worse. People would have less income. More people would be laid off. The Congress might have to cut back on unemployment benefits, and things like that.
>
> So you would have exactly the wrong kind of fiscal policy in a recession. Now, you might say three-fifths of the Congress could be wise enough to foresee that, and do something about it, even if the amendment were in place. But forecasting is very uncertain. Even people who do it professionally, full time, are not very good at it, and the Congress of the United States is unlikely to be very good at it.
>
> So I think we would have worse recessions, and it would just exaggerate the boom/bust cycle if we had to balance every year.

The proposed constitutional amendment is unwise economic policy for another reason—because it would prohibit capital budgeting. Capital budgeting is the commonsense practice of paying for the cost of capital assets over their useful lives. If Congress intends to require a balanced budget, at least the calculation of the balance should be made sensibly, not irrationally.

American families engage in capital budgeting when they borrow money to pay the cost of purchasing a home. They spread the payments over many years. This same logic applies to paying for college education or purchasing a car. Millions of American businesses use capital budgets as well. They depreciate the cost of buildings over many years. They do the same for many other types of long-term assets.

We also hear a lot of Republican rhetoric about how States are able to live under balanced budget requirements in their State constitutions. But 42 States rely on capital budgets to calculate the balance.

Supporters of the proposed Federal constitutional amendment say that a future Congress will be able to pass implementing legislation that allows capital budgeting to be used in meeting the balanced-budget requirement. They should read their own amendment.

Section 7 of the amendment states that:

> Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"All" means "all." If the balanced budget constitutional amendment is adopted, Congress cannot pass legislation exempting capital budgets.

The language of section 1 also means Congress cannot pass legislation exempting Social Security. Adopting this proposed constitutional amendment would force Congress to include the Social Security trust fund in its balanced-budget calculations.

As many observers have pointed out, the amendment would enable Congress to use the existing surplus in the Social Security trust fund to avoid the tough decisions needed to achieve a balanced budget in the near term. The Social Security trust fund will essentially be raided to achieve a phony budget balance. As a result, the solemn commitment between the American people and their Government to keep the Social Security trust fund separate from the operating expenses of the Federal Government would be broken.

The proposed amendment is also unwise as a matter of basic constitutional principle in our federal system.

First, the amendment would embroil State and Federal courts in complex, endless litigation. It would require them to resolve sensitive budget issues that should be left to the elected branches of Government. It would empower them to cut spending and raise taxes in order to achieve a balanced budget.

In The Federalist No. 78, Alexander Hamilton described the judiciary as "the least dangerous branch" because it "has no influence over either the sword or the purse." He then warned "that there is no liberty, if the power of judging be not separated from the legislative and executive powers."

Yet the proposed constitutional amendment would do exactly that—place the power of the purse in the hands of unelected judges. Supporters of the amendment argue that judges would only rarely have occasion to use these powers. That view is not shared by legal scholars from across the philosophical spectrum. Former Judge Robert Bork predicted:

> The result * * * would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results. By the time the Supreme Court straightened the whole matter out, the budget in question would be at least four years out of date, and lawsuits involving the next three fiscal years would be slowly climbing toward the Supreme Court.

Supporters argue that few people would have standing in court to assert claims under the amendment. But the Supreme Court has upheld taxpayer standing to challenge Government action that violates specific constitutional limitations imposed upon the exercise of the congressional taxing and spending power.

Even if taxpayers are not given standing to sue, it is easy to imagine numerous situations where individuals will suffer actual injury as a result of violations of the proposed amendment.

If a President impounds Social Security benefits to avoid an unauthorized deficit, Social Security recipients will have standing to sue.

If a President withholds a pay increase due Federal workers in order to avoid an unauthorized deficit, the workers will have standing to sue.

When courts do hear cases under this constitutional amendment, they will be forced to resolve complex issues in trials that could take months or even years. What are the total outlays by the entire Federal Government for a particular year? Are loan guarantees included in those outlays? How many home mortgages and student loans did the Government insure? For how much? How may defaulted?

Even in the markup in the past week, we inquired of the proponents whether the loan for Mexico, for example, would be included, whether that would be covered or not covered by the proposed constitutional amendment. And the response we got from the proponents was, "Well, it depends whether there is a default or not."

Well, with the proposed loan, $40 billion, are we supposed to say that $40 billion loan guarantee must be authorized by a three-fifths vote of each House of Congress under the terms of the balanced budget amendment? How are we going to be able to make those kinds of judgments now that kind of emergency loan guarantee—of which both the administration and a bipartisan group have indicated support—how would that affect all of these deficit calculations? Clearly that has not been thought through.

Just one of the cases that will arise under the proposed amendment would make the O.J. Simpson case look simple.

And when a court finds that a constitutional violation has occurred, what relief should it order? Five years ago, in Missouri versus Jenkins, the Supreme Court ruled that a Federal court could order a local government to raise taxes to pay for court-ordered desegregation. Will Federal courts order Congress to raise taxes to cure an unauthorized deficit? Will they order the Treasury to stop paying interest on Treasury bonds? Will they order the President to stop spending Federal funds? What future constitutional crises will we face because of this foolish constitutional amendment.

Last year, the supporters of this amendment accepted a proposal offered by Senator Danforth that would have prevented the courts from raising taxes or cutting spending. The failure to include a similar limitation in this year's amendment means that Federal courts will sit as super budget committees under the amendment.

The proposed amendment would also give the President unprecedented authority to impound appropriated funds when a deficit occurs. The President has a sworn duty to uphold the Constitution. When an unauthorized deficit takes place, the President will have a duty to take action, including impounding appropriated funds, to prevent a constitutional violation.

That is not just my opinion. That is the option of the President's own legal advisor, Assistant Attorney General Walter Dellinger. And it is the opinion of a wide range of constitutional scholars from Reagan administration Solicitor General Charles Fried to Johnson administration Attorney General Nicholas Katzenbach, and many, many others.

So, basically, this is the second key area of concern, Mr. President, and that is the question of enforcement. Who will have the powers of enforcement? We had during the course certainly of the hearings that were held last year by Senator BYRD and others, the direct testimony about whether the President would have the power to impound. The overwhelming constitutional authority was that the President would have that kind of power under this amendment. Which means that if the President made the judgment that the receipts and revenues were out of balance, that they probably have a responsibility to impound funds to avoid the deficit.

Is that what we are saying, that we want the President of the United States to make those judgments, without any instruction as to what particular area we want them to impound? Do we want to give him all of that authority and all of that power? Well, we tried to address that in the Judiciary Committee. I offered an amendment to say that we do not want to do that. We do not want to grant that kind of a power to the executive. That amendment was defeated. That was defeated in the Judiciary Committee.

Then we come back and say are we going to leave enforcement up to the courts and give them the authority and the power? Under the Missouri versus Jenkins case, we have seen the consternation that was raised about that order that required the raising of certain funds in order to move ahead to enforce the court's desegregation orders. We heard the roar that came from across the country that we do not want our courts to be making the judgments about raising taxes.

Quite clearly that outcome would be in complete conflict with what our Founding Fathers said ought to be the responsibility of the courts.

Are we prepared to say, well, all right, we will not let the President of the United States move ahead on impoundment? We will not let our courts move ahead on enforcement. Who does that leave? What it leaves is the legislative branch. That leaves us, which goes just back to our point from the very beginning: ultimately the question comes back to us. If it ultimately comes back to us, why go through the whole amendment process? If we believe ultimately that we must deal with these tough issues, why are we not prepared to deal with them now? Why go through these kind of gymnastics and say, "OK, maybe we will give enforcement authority to the President." The supporters say, "We do not want to give it to the President so we will leave it indefinite." Do we say we will give it to the courts, or say we will not give it to the courts. If the President and the courts are excluded, the only other enforcement is the Members of the Congress and the Senate.

That is what our Founding Fathers intended. That is what the Constitution points out. That is what the principal constitutional authorities from Republican and Democratic administrations and thoughtful men and women who have not been a part of administrations have felt. And that, I think, raises some the very, very, important weaknesses of this amendment—that there is no certainty on enforcement. We do not know.

Those proposing are not prepared to tell the American people where the necessary cuts would come. They are not prepared to lay that out before them prior to the time of the passage of this amendment. They are not prepared to tell them how the amendment will be enforced. And that is against a background where the Congress had taken action to see important reductions in the Federal deficit in the recent times. And where there certainly can be additional attention to the deficit in the future.

But we are being denied, and the American people are being denied, the right to know what they really intend. What expenditures they intend to reduce, what taxes they intend to impose, and they are unwilling to state what their position is in terms of the enforcement mechanism. Wait down the road, wait another several years. Well, what will happen in the meantime? The problem is that the deficit will be going up again. Why have we not gotten the balanced budgets coming forward from the Budget Committee in the House and the Senate to let the American people understand where they are going, to challenge us to take responsible positions on this deficit? But they are not even prepared to do that. They are not prepared to wait and see whether there will be some action in that area. They are just saying go ahead and pass this and send it out to the States.

I support giving the President statutory line-item veto authority. But the impoundment authority given the President by the balanced budget amendment is far broader. As Professor Dellinger testified, it would enable the President to order across-the-board cuts, or specific cuts affecting specific programs or specific areas of the country.

The amendment could also be read to give future Presidents power to impose taxes, duties, or fees to avoid an unconstititional deficit.

Supporters of the amendment deny any intention to give the President authority to impound funds or raise taxes. But they rejected the straightforward amendment I offered in the Judiciary Committee to prevent it.

Supporters of the amendment argue that all questions on enforcement of the amendment will be answered when Congress passes the enforcement legislation required by section 6. But although balanced budget constitutional amendments have been before the Judiciary Committee and the Congress for many years, year after year, we will hear the proponents of that balanced budget talk about how they have supported this for 10, 15 years, and still we do not have any recommendation on how we are going to achieve it. The only one that had the courage to do it was Republican Congressman GERALD SOLOMON, from the State of New York, and that was overwhelmingly defeated in the House of Representatives a year ago. And many of those who are talking about the balanced budget voted against it and said, well, we can wait. It is not necessary to address that issue at that time.

Where is it? We have written budget laws for years in the Congress—Gramm-Rudman, the 1990 and 1993 budget deficit laws. Why won't the proponents of this amendment show us the enforcement legisaltion.

Finally, the proposed constitutional amendment will severely undermine the principle of majority rule enshrined in our Constitution. By requiring a three-fifths vote to authorize a deficit or raise the debt limit, the amendment would give unprecedented power to a minority in either House of Congress.

Alexander Hamilton painted an alarming picture in The Federalist No. 22 of the destructive consequences of these supermajority voting requirements:

> [W]hat at first sight may seem a remedy, is in reality a poison. To give a minority a negative upon the majority (which is always the case where more than a majority is requisite to a decision) is, in its tendency, to subject the sense of the greater number to that of the lesser number. * * * This is one of those refinements which, in practice, has an effect the reverse of what is expected from it in theory. * * * The necessity of unanimity in public bodies, or of something approaching towards it, has been founded upon a supposition that it would contribute to security. But its real operation is to embarrass the administration, to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junta to the regular deliberations and decisions of a respectable majority.

We should heed Hamilton's warning. The filibuster is bad enough as a rule of the Senate. Enacting a supermajority requirement as part of this amendment will enshrine gridlock in the Constitution. It will enable a willful minority to prevent any action they wish in connection with the deficit, or to demand unacceptable conditions from the majority as the price of their agreement.

For over 200 years, the principle of majority rule established in the Constitution has served this Nation well in wars, depressions, and a vast range of domestic and international crises. We should not abandon it now, simply because the elected Members of Congress at this moment lack the political courage to balance the budget.

There is nothing wrong with the Constitution. Let us act responsibly to deal with the deficit, not irresponsibly by tampering with the Constitution. This proposal is a sham and a gimmick, and it deserves no place in the Constitution.

I yield the floor.

Mr. HATCH. Mr. President, I would like to respond to certain arguments presented by Senator KENNEDY. These include issues involving: First, implementation and enforcement; second, judicial taxation; and third, Presidential impoundment.

I. IMPLEMENTATION AND ENFORCEMENT ISSUES

Mr. President, opponents of the balanced budget amendment, including Senator KENNEDY, have over the past decade carefully crafted Machiavellian arguments designed to place opponents of the amendment between, what Abraham Lincoln termed, "the devil and the deep blue sea." One of the most pernicious is the contention that on the one hand the balanced budget amendment is a sham because it is unenforceable, and on the other hand that there will be too much enforcement—particularly that courts will themselves balance the budget by ordering the cutting of spending programs, by placing the budgetary process into judicial receivership, or by ordering that taxes be raised. This contention is, of course, so exaggerated, so contradictory, that it almost refutes itself. Yet it has become so pervasive that it gives new life to Shakespeare's aphorism that, "foolery, sir, does walk about the orb like the sun; it shines everywhere."

IMPLEMENTATION AND ENFORCEMENT

I want to first address the false notion advanced by opponents of the balanced budget amendment that it is a paper tiger—that Congress will flout its constitutional authority to balance the budget. These notions are simply wrong. First, the amendment has sharp teeth. It is self-enforcing. Because, historically, it has been easier for Congress to raise the debt ceiling, rather than reduce spending or raise taxes, the primary enforcement mechanism of House Joint Resolution 1 is section 2, which requires a three-fifths vote to increase the debt ceiling. This provision is a steel curtain that will shield the American public from an ill-disciplined and profligate Congress.

Furthermore, Members of Congress overwhelmingly conform their actions to constitutional precepts out of fidelity to the Constitution itself. We are bound by article VI of the Constitution to "support this Constitution." I fully expect fidelity by Members of Congress to the oath to uphold the Constitution. Honoring this pledge requires respecting the provisions of the proposed amendment. Flagrant disregard of the proposed amendment's clear and simple provisions would constitute nothing less than a betrayal of the public trust. In their campaigns for reelection, elected officials who flout their responsibilities under this amendment will find that the political process will provide the ultimate enforcement mechanism.

JUDICIAL ENFORCEMENT

I would like at this point to address the contention of opponents of the balanced budget amendment like Senator KENNEDY that there will be too much enforcement—specifically by the courts. They march out a veritable judicial parade of horribles where courts strike down spending measures, put the budgetary process under judicial receivership, and like Charles I of England, raise taxes without the consent of the people's representatives. All of this is a gross exaggeration. This parade has no permit.

I believe that House Joint Resolution 1 strikes the right balance in terms of judicial review. By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanction for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions, while not undermining their equally fundamental obligation to say what the law is, *Marbury* v. *Madison*, 1 Cranch 137, 177 (1803). I also strongly agree with former Attorney General William P. Barr who stated that there is:

> * * * little risk that the amendment will become the basis for judicial micromanagement or superintendence of the Federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an amendment.

There exists three basic constraints that prevents the courts from becoming unduly involved in the budgetary process: First, limitations on Federal courts contained in article III of the Constitution, primarily the doctrine of "standing," particularly as enunciated by the Supreme Court in *Lujan* v. *Defenders of Wildlife*, 112 S.Ct. 2130 (1992); second, the deference courts owe to Congress under both the political question doctrine and section 6 of the amendment itself, which confers enforcement authority in Congress; and third, the limits on judicial remedies to be imposed on a coordinate branch of government—limitations on remedies that are self-imposed by courts and that, in appropriate circumstances, may be imposed on the courts by Congress. These limitations, such as separation of power concerns, prohibit courts from raising taxes, a power exclusively delegated to Congress by the Constitution and not altered by the balanced budget amendment. Consequently, contrary to the contention of opponents of the balanced budget amendment, separation of power concerns further the purpose of the amendment in that it assures that the burden to balance the budget falls squarely on the shoulders of Congress—which is consistent with the intent of the Framers of the Constitution that all budgetary matters be placed in the hands of Congress.

Concerning the doctrine of "standing," it is beyond dispute that to succeed in any lawsuit, a litigant must demonstrate standing to sue. To demonstrate article III standing, a litigant at a minimum must meet three requirements: First, injury in fact—that the litigant suffered some concrete and particularized injury; second, traceability—that the concrete injury was both caused by and is traceable to the unlawful conduct; and third, redressibility—that the relief sought will redress the alleged injury. This is the test enunciated by the Supreme Court in the fairly recent and seminal case of *Lujan* v. *Defenders of Wildlife*, 112 S.CT. 2130, 2136, (1992). (See, e.g., *Valley Forge Christian College* v. *Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 482–83 (1982)). In challenging measures enacted by Congress under a balanced budget regime, it would be an extremely difficult hurdle for a litigant to demonstrate something more concrete than a generalized grievance and burden shared by all citizens and taxpayers, the injury in fact requirement. I want to emphasize that this is hardly a new concept. (See *Frothingham* v. *Mellon*, 262 U.S. 447, 487 (1923)). Furthermore, courts are extremely unlikely to overrule this doctrine since standing has been held to be an article III requirement. (See *Simon* v. *Eastern Ky. Welfare Rights Org.*, 426 U.S. 26, 41 n.22 (1976)).

Even in the vastly improbable case where an injury in fact was established, a litigant would find it near impossible to establish the traceability and redressibility requirements of the article III standing test. Litigants would have a difficult time in showing that any alleged unlawful conduct—the unbalancing of the budget or the shattering of the debt ceiling—caused or is traceable to a particular spending measure that harmed them. Furthermore, because the Congress would have numerous options to achieve balanced budget compliance, there would be no legitimate basis for a court to nullify the specific spending measure objected to by the litigant.

As to the redressibility prong, this requirement would be difficult to meet simply because courts are wary of becoming involved in the budget process—which is legislative in nature—and separation of power concerns will prevent courts from specifying adjustments to any Federal program or expenditures. Thus, for this reason, *Missouri* v. *Jenkins*, 495 U.S. 33 (1990), where the Supreme Court upheld the district court's power to order a local school district to levy taxes to support a desegregation plan, is inapposite because it is a 14th amendment case not involving, as the Court noted, an instance of one branch of the Federal Government invading the province of another. Jenkins at 67. Plainly put, the Jenkins case is not applicable to the balanced budget amendment because the 14th amendment—from which the judiciary derives its power to rule against the States in equal protection claims—does not apply to the Federal Government and because the separation of powers doctrine prevents judicial encroachments on Congress' bailiwick. Courts simply will not have the authority to order Congress to raise taxes.

Furthermore, the well-established political question and justiciability doctrines will mandate that courts give the greatest deference to congressional budgetary measures, particularly since section 6 of House Joint Resolution 1 explicitly confers on Congress the responsibility of enforcing the amendment, and the amendment allows Congress to rely on estimates of outlays and receipts. (See *Baker* v. *Carr*, 369 U.S. 186, 217 (1962)). Under these circumstances, it is unlikely that a court would substitute its judgment for that of Congress.

Moreover, despite the argument of some opponents of the balanced budget amendment, the taxpayer standing case, *Flast* v. *Cohen*, 392 U.S. 83 (1968), is not applicable to enforcement of the balanced budget amendment. First, the Flast case has been limited by the Supreme Court to Establishment Clause cases. This has been made clear by the Supreme Court in *Valley Forge Christian College*, 454 U.S. at 480. Second, by its terms, Flast is limited to cases challenging legislation promulgated under Congress' constitutional tax and spend powers when the expenditure of the tax was made for an illicit purpose. Sections 1 and 2 of House Joint Resolution 1, limit Congress' borrowing power and the amendment contains no restriction on the purposes of the expenditures. Finally, in subsequent cases, particularly the Lujan case, the Supreme Court has reaffirmed the need for a litigant to demonstrate particularized injury, thus casting doubt on the vitality of Flast. (See *Lujan*, 112 S. Ct. at 2136.)

I also believe that there would be no so-called congressional standing for Members of Congress to commence actions under the balanced budget amendment. Although the Supreme Court has never addressed the question of congressional standing, the D.C. Circuit has recognized congressional standing, but only in the following circumstances: First, the traditional standing tests of the Supreme Court are met; second, there must be a deprivation within the zone of interest protected by the Constitution or a statute—generally, the right to vote on a given issue or the protection of the efficacy of a vote; and third, substantial relief cannot be obtained from fellow legislators through the enactment, repeal, or amendment of a statute—the so-called equitable discretion doctrine. (See *Melcher* v. *Open Market Comm.*, 836 F.2d 561 (D.C. Cir. 1987); *Reigle* v. *Federal Open Market Committee*, 656 F.2d 873 (D.C. Cir.), cert. denied, 454 U.S. 1082 (1981)). Because Members of Congress would not be able to demonstrate that they were harmed in fact by any dilution or nullification of their vote—and because under the doctrine of equitable discretion, Members would not be able to show that substantial relief could not otherwise be obtained from fellow legislators through the enactment, repeal, or amendment of a statute—it is hardly likely that Members of Congress would have standing to challenge actions under the balanced budget amendment.

Finally, a further limitation on judicial interference is section 6 of House Joint Resolution 1 itself. Under this section, Congress must adopt statutory remedies and mechanisms for any purported budgetary shortfall, such as sequestration, rescission, or the establishment of a contingency fund. Pursuant to section 6, it is clear that Congress, if it finds it necessary, could limit the type of remedies a court may grant or limit courts' jurisdiction in some other manner to proscribe judicial overreaching. This is nothing new. Congress has adopted such limitations in other circumstances pursuant to its article III authority. Here are a few: First, the Norris-LaGuardia Act, 29 U.S.C. secs. 101–115, where the courts were denied the use of injunctive powers to restrain labor disputes; second, the Federal Tax Injunction Act, 28 U.S.C. sec. 2283, where a prohibition on State court proceedings by Federal courts was legislated; and third, the Tax Injunction Act, 26 U.S.C. sec. 7421(a), where Federal courts were prohibited from enjoining the collection of taxes.

In fact, Congress may also limit judicial review to particular special tribunals with limited authority to grant relief. For instance, the Supreme Court in *Yakus* v. *United States*, 319 U.S. 182 (1943), upheld the constitutionality of a special Emergency Court of Appeals vested with exclusive authority to determine the validity of claims under the World War II Emergency Price Control Act. In more recent times, the Supreme Court, in *Dames & Moore* v. *Reagan*, 453 U.S. 654 (1981), upheld the legality of the Iranian-United States Claims Tribunal as the exclusive forum to settle claims to Iranian assets.

Mr. President, it is clear from the above discussion that the enforcement issues propounded by our opponents do not amount to a hill of beans.

II. JUDICIAL TAXATION

The contention that the balanced budget amendment would allow Federal courts to order the raising of taxes is absolutely without merit. This belief is based on a misunderstanding of the Supreme Court's opinion in *Missouri* v. *Jenkins*, 495 U.S. 33 (1990).

In this case, the Supreme Court in essence approved of a lower court remedial remedy of ordering local State or county political subdivisions to raise taxes to support a court ordered school desegregation order. Intentional segregation, in violation of the 14th amendment's equal protection clause, had been found by the lower court in a prior case against the school district.

The concern that the balanced budget amendment would allow a Federal court to order Congress to raise taxes to reduce the budget is without merit. This is true for the following reasons: First, Jenkins is a 14th amendment case. Under 14th amendment jurisprudence, Federal courts may perhaps issue this type of remedial relief against the States, but not against Congress—a coequal branch of Government. The 14th amendment, of course, does not apply to the Federal Government; second, separation of powers concerns would prohibit the judiciary from interfering with budgetary taxing, borrowing, and spending powers that are exclusively delegated to Congress by the Constitution; and third, Congress cannot simply be made a party defendant. To order taxes to be raised, Congress must be named defendant. Presumably, suits to enforce the balanced budget amendment would arise when an official or agency of the executive branch seeks to enforce or administer a statute whose funding is in question in light of the amendment. Thus, the court in *Reigle* v. *Federal Open Market Committee*, 656 F.2d 873, 879 n.6 (D.C. Cir. 1981), noted that "[w]hen a plaintiff alleges injury by unconstitutional action taken pursuant to a statute, his proper defendants are those acting under the law * * * and not the legislature which enacted the statute."

III. IMPOUNDMENT RESPONSE

Mr. President, I also wish to respond to the impoundment argument. In each of the years the balanced budget amendment has been debated, I have noticed that one spacious argument is presented as a scarce tactic by the opponents of the amendment. This year the vampire rising from the grave is Presidential impoundment. Supposedly, a President, doing his best Charles I of England impersonation, when faced with the possibility of budgetary shortfalls after ratification of the balanced budget amendment, will somehow have the constitutional authority—nay duty—to arbitrarily cut social spending programs or even raise taxes. Well, Charles Stuart literally lost his head when he claimed as a prerogative the powers of the Commons. So too, a President may not claim authority delegated by the Constitution to the people's representatives. The law is our Cromwell that will prevent impoundment.

I want to emphasize that there is nothing in House Joint Resolution 1 that allows for impoundment. It is not the intent of the amendment to grant the President any impoundment authority under House Joint Resolution 1. In fact, there is a ripeness problem to any attempted impoundment: indeed up to the end of the fiscal year the President has nothing to impound because Congress in the amendment has the power to ameliorate any budget shortfalls or ratify or specify the amount of deficit spending that may occur in that fiscal year.

Moreover, under section 6 of the amendment, Congress must—and I emphasize must—mandate exactly what type of enforcement mechanism it wants, whether it be sequestration, rescission, or the establishment of a contingency fund. The President, as Chief Executive, is duty bound to enforce a particular requisite congressional scheme to the exclusion of impoundment. That the President must enforce a mandatory congressional budgetary measure has been the established law since the 19th century case of *Kendall* v. *United States ex rel. Stokes*, 37 U.S. (12 Pet.) 542 (1838). In Kendall, Congress had passed a private act ordering the Postmaster General to pay Kendall for services rendered. The Supreme Court rejected the argument that Kendall could not sue in mandamus because the Postmaster General was subject only to the orders of the President and not to the directives of Congress. The Court held that the President must enforce any mandated—as opposed to discretionary—congressional spending measure pursuant to his duty to faithfully execute the law pursuant to article II, section 3 of the Constitution. The Kendall case was given new vitality in the 1970's, when lower Federal courts, as a matter of statutory construction, rejected attempts by President Nixon to impound funds where Congress did not give the President discretion to withhold funding, *E.g.*, *State Highway Commission* v. *Volpe*, 479 F.2d 1099 (8th Cir. 1973).

The position that section 6 implementing legislation would preclude Presidential impoundment was seconded by Attorney General Barr at the recent Judiciary Committee hearing on the balanced budget amendment. Testifying that the impoundment issue was in reality incomprehensible, General Barr concluded that "the whip hand is in Congress' hand, so to speak; under section 6 [the] Congress can provide the enforcement mechanism that the courts will defer to and that the President will be bound by."

What we have here then, is an argument based on a mere possibility. Under the mere possibility scenario of an impoundment we would have to include any possibility, however remote, in the amendment. The amendment would look like an insurance policy. Why place something in the Constitution that in all probability could never happen, especially if Congress could preclude impoundment by legislation?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Idaho.

Mr. CRAIG. Mr. President, this afternoon, the issue that brings Senators to the floor is the beginning of what I believe will be a historic debate in this Chamber, as it has been in the House the last several days of last week, and that is to debate and consider House Joint Resolution 1, a balanced budget resolution to the Constitution of our country.

If I could, for a few brief moments, read to you, Mr. President, and to those who might be listening, the actual resolution. The reason I believe it is so fundamentally important that the American people and my colleagues in the Senate hear and understand what the resolution itself says is because a great deal will be said over the course of the next 3 weeks about this single 2-page document that will simply not be true.

By the time we are through debating it, it will appear to some who might listen to be an overburdening action that this Government should not take. I think what is important in the processes of our constitutional requirement is for all of the Senate, and certainly for the American people, to understand that the Congress of the United States is only proposing—is only proposing—to the American people and to the 50 States a resolution that would establish a process to cause this Congress to begin to construct a budget for our country that would come into balance.

Let me read:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission to the States for ratification:

Therein itself is a very clear statement, Mr. President, that this Senate begins today only the debate that would cause us to agree by a two-thirds vote to send forth to the States this simple document for them to consider, and by three-fourths to ratify, for it to become the 28th amendment to the Constitution of this country.

Article—

One article, not article I, not article II, not article III, but one article with eight sections, 1½ pages in total.

> SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.
>
> SECTION 2. The limit of the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.
>
> SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a

> proposed budget for the United States Government for that fiscal year in which total outlays do not exceed receipts.
>
> SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.
>
> SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.
>
> SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.
>
> SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.
>
> SECTION 8.

And the last section.

> This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.
>
> Passed by the U.S. House of Representatives January 26, 1995.

And, of course, introduced into the Senate and brought to this floor today for the purposes of beginning the debate.

Mr. President, the reason I read this document and the reason it is important that the RECORD show that it is but 1½ pages in length, it is 8 sections and only 1 article, as proposed as the 28th amendment to the Constitution of our country, is because if the average citizen just listened to the debate, they would think that the magnitude of this statement, so defined and so articulated by the opposition to it, surely must be 1,000 pages in length, or it must be one of those 1,700- or 2,000-page bills, like the health care bill of a year ago. If it is to cause for this country all of the dire predictions that the Senator from Massachusetts just proposed, how could a document so simple cause so much problem? In fact, how could a document so simple even suggest after it were ratified by the States that the Congress shall enforce and implement this article by appropriate legislation?

In fact, what we are hearing and what we will hear for 3 or 4 weeks, and potentially hundreds of amendments later, is that the Congress itself has the cart before the horse; that we, the Senators, must see in great detail every item that will be cut, every change in the budget that will be proposed over the next 7-year period, and yet the constitutional amendment itself, as proposed, says that:

> The Congress shall enforce and implement this article by appropriate legislation—

And that will come logically, at least, only after we find out if three-fourths of the States of our Nation are willing to ratify it.

I think myself and the Senator from Utah and the Senator from Illinois know that we will try to do better than that. We will work at explaining and trying to articulate what we believe this process, this procedure would require as it relates to changes in budget and changes in budgetary practices.

But I think for all of us who will become involved in this debate over the next several weeks, it is constantly important that we remember that it is but a simple document proposed to the States and, yes, out of that simplicity will probably come one of the most significant changes in the way the central Government of this country operates than ever in the history of its central Government since the Constitutional Convention and the proposed Constitution that this would become an amendment of as it was proposed some 208 years ago.

The Senator from Utah, who leads the debate on this side, has clearly spelled out the efforts and the work that has gone into the crafting of this amendment. Certainly, the Senator from Illinois, who is here in the Chamber this afternoon, and the Senator from South Carolina know, because they have been involved in this issue for a good many years, as have I, that it is not a partisan issue, that it cannot be a partisan issue. By the very nature of the two-thirds vote that is required in this body, it is uniquely bipartisan. And over the years we have worked hard to accomplish that.

The vote in the House of last week demonstrates very clearly that it was again a uniquely bipartisan debate and vote, with many members of both parties voting for it, to acquire that two-thirds vote.

The gravity and the magnitude of changing the Constitution of this country must be something that a majority, a very large majority, of the American people agree with, two-thirds in the Senate and the three-fourths of the States. It is so critically necessary.

I have mentioned PAUL SIMON of Illinois, former chairman of the Constitution Subcommittee, leader on the Democrat side on this issue. STROM THURMOND, who is here to speak this afternoon, from South Carolina, President pro tempore of the Senate and former Judiciary chairman who introduced this issue in the 1950's; ORRIN HATCH, who now chairs the Judiciary Committee, who spoke and opened up this debate as he brought the House resolution to the floor; and HOWELL HEFLIN, CAROL MOSELEY-BRAUN, PETE DOMENICI, and many other Senators including myself have been involved in this issue for well over a decade now.

The reason I mentioned breadth of time and all of those from a bipartisan point of view that have been involved in this issue is because, as attitude and ideas change here in this body or in the other about how we govern our country, one idea that has been around now for well over two decades has been this idea. I think it has met the test of change and time. And I think all of us recognize that, if we truly are going to bring about the kind of changes in the central Government of this country that many of us believe the American people spoke to on November 8, this is the issue, this is the resolution, that can bring that change because while all of those ideas change about how we change our Government and how we look at it, this one has not changed.

Interestingly enough, it was not just one of those items in the Contract With America that Republican candidates for the House of Representatives ran on last year and now work on as Members of the Congress. It was the centerpiece. The reason it was the centerpiece, and the reason we know why it should be, was the importance it plays in what it will cause this Congress and this Senate to do differently.

The Senator from Massachusetts was talking about a variety of very important programs. Many of us call them Great Society welfare programs, ideas of the past, ideas that appeared to be good in their day, ideas that would have solved a great many problems for our country. But when you look at the breadth of time that they have been funded and have been operating, have they addressed our problems? Have they solved the problems they set out to solve?

The answer is quite simply no, because if they had and had there have been no more poverty and been no more people on welfare, if the budget had been balanced, I doubt that the election last November would have been the way it was, that our American people would have spoken so strongly to this issue and to other issues and would have demanded the change.

So it is not in spite of them; it is largely because of a variety of ideas that have transformed our Government that have caused us to have a $4.6 trillion debt and on average $200 billion deficit and a $300 billion annualized interest payment. The American people are saying in a very loud way and in a very clear way, Congress, pass a balanced budget amendment and in so doing transform our Government for us and do as you will to change it. Be kind. Use good priority. Recognize those in need. But do not continue to fund it by deficit in the manner that you have.

This year in a Wirthlin poll, 70 percent of the American people said that, or said some form of what I have just said, and 19 percent disagreed. A Washington Post-ABC poll beginning this year showed that 80 percent of the American people agreed or said something like that when asked the question. Even when the question was asked, well, what about, or if, or this might be changed, they said, we want a balanced budget because we fear that the Government and those who govern us have lost sight of the impact of a debt and a deficit of the kind we have as a country and its potential impact on future generations.

Well, those polls were taken in 1994 and 1995, just this year. But in September 1992, again, 81 percent of the American people spoke out and said change, balance the budget, pass a balanced budget amendment, begin to restrict yourselves, begin to control yourselves as a government.

So it is an issue that has withstood the test of time. It is not something new, nor is it unique or different. You will hear in the course of this debate quotes from our Founding Fathers. You have heard the Senator from Massachusetts refer to the Federalist papers.

Let the new Federalist papers of 1995 be crafted by this Congress to speak to the States of our Nation and to tell them the virtues of a balanced budget amendment and what it will do to change the powerful central Government and what it will do to bring back the 10th amendment and the 14th amendment and the power to the States and the power to the citizens to once again control themselves. Yes, this is a most critical time in our Nation's history, and, yes, I believe this is a most historic debate we begin this afternoon.

Coincidentally, as we meet here in the Chamber of the Senate today, Governors from all 50 States are meeting in this Capital City, and they are gathered around preparing to convene a national conference of Governors in the coming months to develop a dialog and a presentation to the central Government, to the Congress of the United States, cajoling, arguing, emphatically stating that it is time the States began to reclaim some of their power under the 10th and 14th amendments.

A Democrat Governor this morning from Indiana said on national television: And if the Congress does not listen, then maybe we will have to do what States did when they brought about a Constitutional Convention as a result of a meeting in Annapolis, as a result of a failing document called the Articles of Confederation. That was a Democrat Governor that said that this morning in a mild but direct way.

A Republican Governor sitting right beside him said, yes; it is absolutely true. If the arrogance of power today in the central Government and here in this Senate and in the House is to say to our States, we do not hear you and we do not care; we will continue to put down upon you one Federal law after another that will erode your power and your ability to govern under a Constitution that puts States in a preeminent power position and put the central Government second in almost all, if you do not do that—and that is what those Governors were saying this morning—we will speak even louder to transform our Government once again like the States over 200 years ago had to do because of a central Government that was not working.

If we pass this resolution, if we send to the States the 28th amendment to the Constitution of this country, and if it is ratified, then we will begin a historic dialog with those Governors and State legislatures to decide what of these programs that make up this huge Federal budget have priority to the States and to the citizens of those States, which should be paid for by the State legislatures and the taxpayers of States and which should be funded by the Federal Government. And I sincerely believe until we pass this amendment, that kind of debate, that kind of dialog, that kind of cooperative relationship between the States and their central Government will really never begin.

Last Friday night we passed another historic piece of legislation, the unfunded mandates legislation. My colleague from Idaho authored that and brought it to the floor of the U.S. Senate. There is no doubt that was a phenomenally important step. But, still, there is adequate room for the Federal Government to create great havoc with State governments and their ability to control. That unfunded mandates bill, coupled with a constitutional amendment to balance the Federal Government's budget would for the first time in the life and the history of this Government under this Constitution create a dialog and debate that will go on for a long, long while as we begin the process I have just outlined: A sorting out of our differences and deciding what we can do and what we cannot do and what is within the fiscal means of our country to do.

Yes, to the Senator from Massachusetts, we would establish a lot of unique and new priorities. You see what he was saying a few moments ago when he talked about all those cuts, is that his vision of America is a Government like the one we currently have, only bigger and bigger and bigger. Not changed, not rejuvenated, not redistributed, not redesigned and reenvisioned and recreated. But that is what the American people are saying. And that is why we began this debate this afternoon.

Over the course of the next several weeks I am sure all of my colleagues who are joined in this debate in favor of a balanced budget amendment will work overtime to explain to our colleagues here in the Senate and to the American people how the processes will work. But one thing we know is clear. We must pass a clean amendment, because it is nothing but a prescription, a process, a procedure placed in the Constitution which mandates to the Congress of the United States that they will bring their receipts and expenditures into balance on an annual basis and they will do so in a certain manner.

And if they find it impossible to do they will offer it up in another different manner under a different prescription. But it will be so required and the American people will know why we are spending in deficit if we must. But more important, that in the good years we will pay it off. We will get back in balance. We will do what our Founding Fathers did for well over 100 years during the history of this country, the first 100 years, when a balanced budget was an ethic. It was believed to be the responsibility of a central Government. Slowly but surely we have walked away from that. Slowly but surely our debt began to mount. Slowly but surely we began to lose control of our Government to an autopilot that now many will argue we must retain. I do not believe that is what our Governors are saying. It is most certainly not what the citizens are speaking to. And it is something this Congress should never agree to again.

So we begin this debate with the recognition that House Joint Resolution 1 that is before us as a resolution proposed to the States to provide a balanced budget amendment to our Constitution can bring about profound change. But it will bring about change so designed in the image of the citizens of this country, as they envision their central Government.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, today, we begin consideration of a proposed constitutional amendment to require the Federal Government to achieve and maintain a balanced budget. We are pleased that the House acted with wide bipartisan support as it adopted the balanced budget amendment by a vote of 300 to 132.

Also, before we have extended debate on this proposed amendment in the Senate, I want to commend the chairman of the Judiciary Committee, Senator HATCH. He is to be congratulated on the manner in which he handled this matter in the Judiciary Committee and bringing it to the floor for consideration. I have worked over the years with Senator HATCH on the balanced budget amendment and due in large part to his tireless efforts we are close to sending this proposal to the American people for ratification. I also wish to commend Senator LARRY CRAIG of Idaho for his fine leadership on this matter. He has been a stalwart in this fight. Also, I wish to commend Senator PAUL SIMON of Illinois, who has been a leader in this cause for a number of years.

Mandating balanced Federal budgets is not a new idea. The first constitutional amendment to balance the budget was proposed in 1936 by Minnesota Representative Harold Knutson. Then came World War II and attention was distracted from efforts to secure annual balanced budgets, although Senator Tydings and Representative Disney introduced several balanced budget amendments during that period.

Following World War II, a Senate joint resolution on balanced budgets was introduced by Senators Tydings of Maryland and Bridges and reported out by the Committee on Appropriations in 1947 but received no further action. During the 1950's, an increasing number of constitutional initiatives for balanced budgets came to be introduced regularly in Congress. It was during that time that I supported legislation such as that offered by Senators Bridges, Curtis, and Harry Byrd to require the submission by the President of an annual balanced budget and to prevent Congress from adjourning without having enacted such a budget. No action was taken on these measures. Yet, since the beginning of the 84th Congress in 1955, an average of four constitutional amendments to require a balanced Federal budget have been proposed during each Congress. There was little substantive action in the 1960's and 1970's on our proposals. But finally, in 1982 while I was chairman of the Judiciary Committee, the Senate passed a balanced budget amendment which I authored. Our victory was short-lived, however, because the Speaker and the majority leader at that time led the movement to kill it in the House of Representatives. That was our high water mark as we fell one vote short in 1986 and four votes short last year. With the recent action in the House of Representatives and wide bipartisan support in the Senate, I am ever optimistic that this is the year the Congress will deliver to the American people a balanced budget amendment.

Simply stated, this legislation calls for a constitutional amendment requiring that outlays not exceed receipts during any fiscal year. Also, the Congress would be allowed by a three-fifths vote to adopt a specific level of deficit spending. Further, there is language to allow the Congress to waive the amendment during time of war or imminent military threat. Finally, the amendment requires that any bill to increase taxes be approved by a majority of the whole number of both Houses.

This legislation would provide an important step to reduce and ultimately eliminate the Federal deficit. The American people have expressed their strong opinion that we focus our efforts on reducing the deficit. Making a balanced budget amendment part of the Constitution is appropriate action for addressing our Nation's runaway fiscal policy.

Over the past half-century, the Federal Government has become jeopardized by an irrational and irresponsible pattern of spending. As a result, this firmly entrenched fiscal policy is a threat to the liberties and opportunities of our present and future citizens.

The national debt as of December 30, 1994 was $4.65 trillion. The Federal deficit in fiscal year 1993 was $225 billion. Mr. President, in 1957, my third year in the Senate, the entire national debt was less than $275 billion and there was not a deficit, but rather a $3 billion surplus.

Today, the payment of interest on the debt is the second largest item in the budget. That accounts for the estimate that this year it will take over 40 percent of all personal income tax receipts to pay the interest on the debt.

The tax dollars that go to pay interest on the debt are purely to service a voracious congressional appetite for spending. Payment of interest on the debt does not build roads, it does not fund medical research, it does not provide educational opportunities, it does not provide job opportunities, and it does not speak well for the Federal Government. Payment of interest on the debt merely allows the Federal Government to carry a debt which has been growing at an alarming rate. It is deficit spending which has brought us to these crossroads. Congress has balanced the Federal budget only once in the last 32 years and only 8 times in the last 64 years. A balanced budget amendment as part of the Constitution will mandate the Congress to adhere to a responsible fiscal policy.

The American businessmen and businesswomen have become incredulous as they witness year in and year out the spending habits of the Congress. Anyone who runs a business clearly understands that they cannot survive by continuing to spend more money than they take in. It is time the Congress understands this simple yet compelling principle.

For many years, I have believed, as have many Members of Congress, that the way to reverse this misguided direction of the Federal Government's fiscal policy is by amending the Constitution to mandate, except in extraordinary circumstances, balanced Federal budgets. The Congress should adopt this proposal and send it to the American people for ratification. The balanced budget amendment is a much needed addition to the Constitution and it would establish balanced budgets as a fiscal norm, rather than a fiscal abnormality.

The tax burdens which today's deficits will place on future generations of American workers is staggering. Future American workers are our children and our children's children. We are mortgaging the future for generations yet unborn. This is a terrible injustice we are imposing on America's future and it has been appropriately referred to as fiscal child abuse.

> Our third President, Thomas Jefferson, stated: The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

It is time we show the fiscal discipline advocated by Thomas Jefferson and adopt a balanced budget amendment. I yield the floor.

Mr. DASCHLE. Mr. President, as the Senate begins to debate the resolution to send to the States a proposed constitutional amendment to require a balanced budget, I am hopeful it can also be an educational experience for both participants and spectators. Like the gulf war debate, I hope it will lead to an informed judgment for all of us. For it has been a debate that has gone on for centuries.

The words of Andrew Jackson and Thomas Jefferson have always made sense to me. They did not believe in permanent debt. Jackson said,

> I am one of those who do not believe a national debt is a national blessing, but rather a curse to a republic; inasmuch as it is calculated to raise around the administration a moneyed aristocracy dangerous to the liberties of the country.

I am sensitive to the significance of amending our Constitution and the care we should exercise when we propose to do so. In more than 200 years, the Constitution has been amended 27 times. Two of those occasions reflect the effort to annul with the 21st amendment the problems created by the 18th, prohibition.

Passage of the repeal amendment could no more undo the damaged caused by Prohibition than it could turn back the clock.

Throughout most of our history, the discipline of balanced budgets was part of our tradition. It was so much a part of the culture of government that no external discipline was necessary to enforce it.

That has not been true for the last quarter century. The discipline of strong political parties has eroded. In the last quarter-century, self-styled conservatives got tired of preaching fiscal austerity. The free lunch theory of politics was born. It proved successful, and we are its heirs.

History is unforgiving. What has been done changes the world, whether or not, in hindsight, we think it should have been done. We are forced to deal with the changed world. We can no more return to the tradition-inspired fiscal discipline that ruled our Nation's first 150 years than we could undo the damage of Prohibition by repealing it.

In this changed world, proponents argue that the only institution in American life that still commands the respect necessary to impose discipline in the face of competing demands is the Constitution.

So I have supported the idea of amending the Constitution. I have done so in the hope that it would have a salutary effect on smoke-and-mirrors budgeting that has won all too many of the battles while the Nation is steadily losing the war.

From the beginning of the American constitutional system in 1789, the Federal budget was in rough balance in most of its first 150 years.

Following the end of the Second World War, that has not been the case. Until the end of the 1960's, deficits were small, relative to the gross national product, and some fiscal years showed small surpluses. The oil price shocks of the 1970's and other factors began to fuel the ominous upward drift of deficits.

Even then, despite the efforts by some to rewrite history, the growth of the national debt was not exponential. Deficits reflected economic stress, not an out-of-control budget.

That changed dramatically in 1981.

Fourteen years ago, with the first Reagan budget, deficits exploded and the national debt began its upward spiral.

The combination of supply-side economics in the form of a massive tax cut and a trillion-dollar defense buildup led to record-setting deficits.

In the 12 years of Reagan-Bush economics, a national debt that had taken two centuries to reach $1 trillion was quadrupled.

If your family built up a $9,000 debt over 5 years and your feckless brother-in-law ran up $27,000 on your credit card in 45 days, you'd be facing the equivalent of what happened at the Federal level. Your monthly interest charges would go sky high. That happened to Federal interest charges, too.

Today the interest payment on our debt is $212 billion. If it were not for the Reagan-Bush portion of the debt, our budget would be virtually in balance today.

High deficits that persist in good economic times as well as bad damage our economy. They sap economic growth by diverting resources from productive investments. They add to the debt burden and its servicing cost, the interest we pay on the debt each year. That diverts resources from longer range investment in infrastructure and education.

Everyone knows what must be done to balance the budget. Revenues have to equal or exceed outlays. you can reach that result by increasing revenues or reducing outlays or both.

But you can't do it with mirrors.

Despite three versions of the Gramm-Rudman Act since 1985, each of which was supposed to produce a balanced budget, the budget, as we all know, is far from balanced.

The first real action to get the deficits under control occurred in 1990, when Congress and President Bush agreed on $500 billion in deficit reduction.

Again in 1993, Congress and President Clinton agreed on another $500 billion in deficit reduction that has given us the first 3 consecutive years of declining deficits in half a century. Yet the 1993 action, which has been enormously beneficial to our economy, was fiercely resisted on a partisan basis. Not one Republican voted for that deficit reduction package.

We were warned that passing the President's budget would throw the country into recession, cost countless jobs, put Americans into the poorhouse through tax hikes, and make the deficit go through the roof.

Exactly the opposite happened. The economy grew stronger and expanded; more than 5 million new jobs were created; 20 million working Americans were taken off the tax rolls; and the deficit has come down for 3 years in succession.

The dire warnings in 1993 weren't qualified. They were presented as factual conclusions, predictions so sound they were without possibility of error. So supremely confident was the partisan opposition that the President's plan passed by just a single-vote margin in the House and the Senate.

Today, the same people whose confident predictions of economic disaster have been proven so totally wrong are making confident assertions about how easy it will be to balance the budget.

We are hearing with increased frequency that nothing but a freeze is needed to balance the budget by the year 2002, so States and cities need not worry that programs that target funds for them will be seriously affected.

The same people who so confidently predicted in 1993 that the President's budget plan would lead to economic disaster, and who have been proven so totally wrong, are now asking us to have confidence in their claims that balancing the budget won't be difficult because it can be done by freezing spending.

The same people who want Americans to believe this are hoping no one will notice that they're using the exact opposite argument about defense spending.

The defense budget has been frozen since 1987. It has been about $280 billion a year. According to the logic of those who say balancing the budget will be painless if you just freeze all spending, we should expect defense resources to be what they were in 1987.

But that is not what you are hearing. What you are hearing is that defense has suffered deep cuts, that spending reductions have done all sorts of damage, and, to the contrary, that we must increase spending for the military if we are to avert imminent disaster.

But in freeze terms, there haven't been any spending reductions. There just hasn't been inflation-adjusted growth. That, we are told, isn't a cut—it's a freeze.

Since 1987, the dollar amounts available to the Pentagon have remained steady in nominal dollars—and that's exactly what a freeze is.

Since 1987, the number of Army divisions has fallen from 28 to 20, Air Force fighter wings have fallen from 36 to 22, the Navy fleet has been trimmed from 568 ships to 387, and the number of men and women in uniform has fallen from 2.2 million to 1.6 million.

The military has discovered that a freeze is not a freeze because resources do not stay frozen. Instead, divisions and fighter wings melt away. That is because $280 billion just does not go as far in 1995 as it did in 1987.

It does not take a mathematical genius to figure this out.

I do not think anyone in America would have much trouble figuring out that living in 1995 on what they earned in 1987 would mean some cutbacks. I do not think most Americans have trouble figuring out that if they had exactly the same dollar amounts to spend on rent and food and clothing today that they spent in 1987, they would be buying a lot less of everything.

This is why our city mayors and our Governors are wondering what will happen to their budgets and the services they are responsible for under this freeze theory. No wonder they are concerned. They should be.

The proposed balanced budget amendment sets very strong conditions and standards to be applied to the budget.

It would require a three-fifths majority, not a simple majority, to raise the debt ceiling or adopt a budget that is out of balance.

This so-called supermajority is the Senate's filibuster rule. All of America had a good taste of how the filibuster rule worked in the 103d Congress. It brought work to a full stop. It put into the hands of a minority the power to bargain for, hold hostage, blackmail, or simply block anything they wanted.

The Constitution is straightforward about the few instances in which more than a majority of the Congress must vote: A veto override, a treaty, and a finding of guilt in an impeachment proceeding. Every other action by the Congress is taken by majority vote.

The Founders debated the idea of requiring more than a majority to approve legislation. They concluded that putting such immense power into the hands of a minority ran squarely against the democratic principle. Democracy means majority rule, not minority gridlock.

Even the Senate, with its veneration for the filibuster rule, limits its reach when it comes to the budget. The Senate has specifically protected the reconciliation process against manipulation by a minority. You cannot filibuster a reconciliation bill.

When we seek to override a veto or ratify a treaty, two-thirds of those present and voting decide the issue. If 10 Senators are absent, a veto can be overridden by 60 votes instead of the 67 needed when there's full attendance. If 15 Senators are absent, we can ratify a treaty with 57 votes.

But when an absolute number of 60 "yes" votes is needed, absent Members—Senators who don't even show up to vote—have the same power to affect the outcome as if they were present to cast a "no" vote.

In addition, the proposal before us requires that a majority of the entire body, not of those present and voting, is required for the approval of any revenue increase and that such approval shall require a rollcall vote.

I do not understand why we would permit 47 of 88 Senators on the floor to vote the country into war—as we would, if that were the issue and 12 Senators were absent—but we should never allow fewer than 51 Senators to vote for the smallest revenue increase.

This means accelerated gridlock. The Senate could not act on anything that involved revenues, no matter how trivial, if the outcome were close, if just one Senator were absent—not an uncommon occurrence. If one Senator is absent, and the body is evenly split on an issue, a 50-vote win would not suffice. I need not remind anyone how often we legislate with more than one absentee.

The proposal requires that this vote be taken by a rollcall. That means the end of any voice-voted conference reports that include any revenues, no matter how trivial, and no matter how broadly supported.

These will strike some as minimal objections to a grand scheme, but it is often over the most trivial things that grand schemes come to an unhappy end.

A failure to observe the requirement would open any law to challenge in the courts, as having been enacted unconstitutionally.

There are already many Americans, including well-respected economists and nonpartisan political observers, who think the effect of a constitutional commandment to balance the budget will be a series of ever-more-ingenious evasions by the Congress.

They believe that as the difficulties and inconveniences of living up to the promise are encountered in the real world, Congress will create loopholes just as it has changed other budgeting laws when they became inconvenient in past years.

But it is one thing to change statutory budget law. It is quite another to play fix-up games with the Constitution.

I support a constitutional amendment to balance the budget because only the Constitution commands universal respect. But I am seriously concerned that the amendment must be crafted carefully. Otherwise, it will invite tampering with a constitutional requirement that will undermine that universal respect which we all now recognize.

Perhaps we should consider adopting, as a Senate rule, the requirements on voting that are now embodied in the measure.

Let us see on a practical basis whether it makes sense to give a minority the right to block this year's budget resolution.

If this is a good idea to impose on a Congress in which many of today's Members will not serve, let us consider imposing it on this Congress, in which we are all serving. And if not, let us at least consider modifying this language to more closely conform to the constitutional standards for voting on other important legislation.

In the present climate of contract-induced hysteria, I suppose many are ready to pledge their lives and sacred honor on their willingness to be present and vote for each and every cent of revenue that may ever be raised in the unknowable future.

But how strongly will new Congresses, not in the grip of hysteria, feel about this provision?

I note that the House does not intend to apply this requirement as a House rule when it considers the contract's tax cut bill. I wonder if that is because it is expected that bill will contain some revenue-raising offsets as well as spending cuts?

The proposal before us has little in the way of interpretative language. It is unclear what constitutes a revenue increase. If a tax benefit expires, for example, does that constitute a revenue increase within the meaning of this language? Does it mean we cannot simply allow it to expire but must take affirmative action to vote in favor of doing what an earlier Congress already determined should be done? Would a taxpayer have standing to sue if a tax benefit expired without an affirmative vote?

I hope this facet of the proposal can be clarified. I think Americans have a right to know what this language means.

We are often told that if the average family can balance its budget, we ought to be able to balance the Federal budget. I do not know how many American families pay for their houses with a single cash payment or buy their cars cash down. I know that is not too common in South Dakota.

Likewise, we are told the States balance their budgets each year, and so the Federal Government should balance its budget each year.

But this is not true, either. States balance their books each year. They do not balance their budgets. State debt has, in fact, been rising. State debt rose by $26 billion from 1991 to 1992—8 percent. State debt has been rising because States are not balancing their budgets. They are balancing their books.

That is what families with mortgages, car payments, and credit card debt to. It is what every business in the country does.

Today, the only entity for which investment and operating costs are considered interchangeable is the Federal Government. That is something that deserves more attention than it has received so far.

Another popular idea floating about is that the Consumer Price Index so greatly overstates the inflation rate that it could be taken at a third of its value, thus saving enormous amounts of money.

The only thing wrong with this is that is not true. It is wishful thinking. The measurement of all economic statistics undergoes a continuous process of refinement, regardless of which political party is in power. The Consumer Price Index is in the process of being reviewed in this fashion, and the process ought to be left alone. We do not need hopeful economic statistics. We need accurate ones.

The thing supporters of this convenient theory do not want Americans to remember is that if the value of the consumer price index were halved, the indexing of tax deductions would also be halved.

Today, because of the 1986 tax reform bill, the amount of income that is excluded from taxes rises along with the cost of living each year.

If the Consumer Price Index is devalued, what you get is a backdoor tax hike. It will cause taxes to rise significantly, compared to inflation. No surprise, the people paying the bulk of the increased taxes will be working, middle-class people whose income comes from salaries and wages, not interest earnings and investments.

I said at the outset that there is no magic to balancing the budget. You do it by cutting spending or increasing revenues. Those who are relying on spending freezes or understated consumer price indexes plan to use revenues. They just do not want to admit it.

The reality is that, if we are going to balance the budget by 2002, we ought to face up to the fact that it will be a difficult process. It will be difficult, because it will mean asking people to give up services and benefits they are used to receiving.

That is why I so strongly believe that if we're going to do this, people deserve to find out what is involved.

The State officers who deal with State budgets have produced estimates of the cost to every State of a balanced Federal budget, based on the funds that States receive today from the Federal Government. Although the degree of dependence on Federal benefits varies, on average, at least one-fifth of State budgets is now comprised of Federal funds.

These are the so-called "discretionary domestic spending" funds that are the target of the freeze idea. They are the programs directly at risk if we decide to balance the budget by not taking inflation into account and simply keeping all programs level in nominal dollars for the next 7 years.

Some say the success of the President's budget plan of 1993 means there is no need to amend the Constitution. I would like to be able to agree. But the razor-thin, one-vote margins by which we succeeded in 1993 are a slender reed on which to rest our prosperity in the next century.

At the same time, the deficit of today and the politics of today are not what they were in 1979, when I first proposed a constitutional amendment to balance the budget.

In the intervening years, we have been subjected to free-lunch promises, to tax hikes called "revenue enhancements" and "user fees," to budgets with magical asterisks that stand for spending cuts that cannot be outlined, and prophecies of one disaster after another. We reinvented our Tax Code with the 1986 Tax Reform Act. The 1986 reform is not even a decade old, and it's already being denounced by some who voted for it. The Speaker of the House says we must now scrap the income tax and turn instead to a national sales tax.

It is not surprising that Americans don't know what to think or whom to trust. I doubt that anyone casting a ballot last November thought he or she had just voted to impose a national sales tax on themselves. Because of the speed with which these ideas flash in and out of the political spotlight, and because each reappearance of an old discredited idea tricked out in brand-new slogans adds to the general confusion, I have concluded that it is no longer enough to establish a simple constitutional command to balance the budget.

This time, I believe the American people have a right to know what it is that we are proposing to do. So I have introduced and, with the support of over 40 of my colleagues, will be fighting for, the Right to know Act, a resolution whose adoption should precede passage of the constitutional balanced budget amendment.

I had always hoped that if the Senate ever were to undertake a debate on a constitutional amendment to balance the budget, our debate would be characterized by seriousness and honesty, not slogans and sound bites.

I hoped that because it seems to me that what the elected officials of Government say and do about the taxes that citizens pay to Government is as important as anything we do. People work hard for their wages. Families in my State of South Dakota do not earn the kinds of salaries that the aristocracy of wealth here in Washington considers normal. They deserve to have their taxes taken seriously.

That is why I am concerned about the freeze hoax and the other issue—dodging that is going on around here. It sounds too much like the stuff we have been hearing for years.

It does not matter whether you quote David Stockman, Reagan's first Budget Director, who concluded, "After 4 years, I'm convinced a large share of the problem is us. By that I mean Republicans," or you quote Ronald Reagan, who said, "This administration is committed to a balanced budget and we will fight to the last blow to achieve it in 1984."

The bottom line is that, when they had the power, they did not fight to cut the deficit. When President Clinton proposed to cut the deficit, they fought, all right. They fought him.

I have tried to play by the rules. That is why I began with a constitutional amendment to balance the budget when I was first elected to Congress. But it seems that the rules keep changing.

When the President offers real cuts, fight him, misrepresent his program, predict disaster, obstruct, vote no. Then, when you are proven wrong, stick to your guns. When you are asked to be specific, duck the question. Say it will not be too tough. Talk about a national sales tax. Change the subject.

That is not my idea of responsible legislating.

This year—again, no surprise—we have the new House majority leader announcing that he is not about to present an honest accounting of what you have to cut to balance the budget, because, and I quote him directly, "The fact of the matter is that once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get a balanced budget, their knees will buckle."

He knows his membership better than I do. But none of us, including House Republicans, were sent here to do the easy stuff. We were sent here to do the work. We are being paid to do it, and it is about time we buckled down and did it.

I have listened to much talk, on and off the Senate floor, for many years now about the balanced budget. The longer I am here, the more obvious it is that those who talk the most act the least.

That is why this year I say, no more. I have had enough. We have heard the evasions, the hypocrisies, the half-truths and all the rest.

I sincerely believe that people on both sides of the aisle truly want to achieve a meaningful way with which to accomplish a balanced Federal budget by the year 2002. This year, I say Americans cannot accept simply our promise to do so. They cannot accept simply our version of Trust us. Americans have the right to know what this means. They have a right to know how we will spell it out, how we will set it out, how we will let the people share in our decisionmaking. That is now up to us.

What I propose is that we trigger the reconciliation process, the process that does not let a minority hold us hostage, and start now on how we might go about reducing the deficit for the next 7 years. Let Members set the budget path to a balanced Federal budget by the year 2002. That is the heart of the right-to-know amendment. It is not just hot air or empty talk about people's knees buckling.

I want to know and the American people ought to know what all this talk means. If they cannot answer that question for the American people, they cannot answer it for me or anyone else. So today, let the Senate begin this debate with high expectations, with a realization that we cannot fail, with appreciation of what we must do to make this an honest debate. Let Senators make an informed judgment, and let Senators let the American people be a part of it.

With that, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Laurence Block, Victor Cabral, Michael O'Neill, Steven Schlesinger, and Elizabeth Kessler, detailees, be granted floor privileges for the remainder of this calendar year.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today to advocate passage of the balanced budget amendment, a measure which will fundamentally change the direction our Government has taken in the last 25 years.

Mr. President, if the people of this country said anything last November, it is that we should change the course of this country. The most important thing we can do to show the American people that we heard their call and that we are acting on it is to pass this balanced budget amendment.

During the last 25 years, Congress has become desensitized to the enormity of the fiscal and moral harm its habitual deficit spending is causing this country. Those of us who support the balanced budget amendment believe that, contrary to the thrust of many arguments that we will be hearing in the next few days, weeks, or even months, budget deficits of this magnitude are not the norm. With the exception of deficit spending during wartime, this country grew to be the most powerful on Earth while enjoying increasingly high standards of living without spending excessively.

But during the last few decades, we have accumulated a national debt of $4.4 trillion, nearly $18,000 for every man, woman, and child in this country. In fact, every child that is born today owes $18,000. That is not a birthright; that is a birth-wrong. Our per capita debt has increased more than sevenfold in the last 18 years. I do not think it is coincidence that at the same time there has arisen a crisis of confidence in the Government among many segments of our society.

We have now become the largest debtor nation in history, and a large portion of that debt is held by foreign interests. We have mortgaged our children's future in the very way Thomas Jefferson feared and warned us about 200 years ago.

He said:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.

Since the beginning of our slide down the slippery slope of deficit spending 25 years ago, it has become more and more evident that the problem is due in part to an inherent weakness in the way Congress goes about its business. The deficit is a result of the fact that it has become harder and harder to raise taxes but all too easy to increase spending.

The voters made themselves perfectly clear on this matter last November. To them, the deficit is not a result of the Government taxing too little. It is the result of Government spending too much. That is a simple concept instinctively grasped by our people but until now has seemed beyond the reach of Congress.

It is at this critical juncture that a balanced budget amendment would inject the element of accountability into the process. It should be just as hard for the Government to borrow as it is for the Government to raise taxes.

The balanced budget amendment would set up a tension in Congress when we deliberate over borrowing, taxing, and spending. And we need that tension, Mr. President. Other less drastic attempts to accomplish this change in attitude have failed. Gramm-Rudman was not allowed to function as its authors had planned. Too much was exempted from it. And every time its mandatory sequester treatment came into play, Congress backed down. The 1990 budget agreement did not hold water. We raised taxes, but real budget cuts never followed.

Budget deficits are doing enormous harm. Aside from the selfishly shortsighted way in which we are treating future generations, the impact of deficit spending already has begun to sap our economy. The Government is borrowing and spending money that would otherwise serve as capital needed for economic growth and job creation. Our standard of living no longer continues to rise in this country.

Our parents used to think that it was a matter of course that their children would have a better standard of living than they did. That is no longer the case. We are crippling the productive engine of our society and cheating those who make it run. Wealth that should be available as seed corn for the creation of new wealth and jobs is instead being consumed.

Opponents of the balanced budget amendment are now demanding that its supporters first reveal exactly how they plan to balance the budget. I would ask instead, when were the American people ever told precisely how they would be driven into a $4.4 trillion debt?

Did we ask the American people every time we forced them into this drastic debt? Was it explained to them that the Government was imposing such a burden on their children and grandchildren? How does every other government entity in America except Congress manage to write a balanced budget?

They determine what they have to spend, and then they set their spending priorities. That is how they do it. They set a balanced budget and then they say, OK, that is what we have to spend. Here is how we are going to do it. They figure it out.

Every business, every household, every city, every county, and every State government in America does it. There is only one entity in this country that does not have a balanced budget and continues to function, and that has been the Congress of the United States.

Mr. President, this is the budget of Henderson, TX. It is a lot of computer pages. Henderson is a town of 11,000 people. They are very proud that they have a balanced budget. That is why they put this sign on the front of their budget.

The balanced budget for Henderson, TX, is $8 million; one-quarter of this budget is from unfunded Federal mandates. So 11,139 people in the city of Henderson, TX, have to split $2 million of unfunded mandates to pay for it—$2 million extra over 11,000 people.

Mr. President, I am pleased that this Congress has made some progress on unfunded mandates. But as we proceed to give relief to the people of Henderson, TX, and cities like it all across America, I hope we are also going to learn a lesson from cities that know how to balance their budget. The city council says to itself, we have $8 million in revenue, and we are going to spend no more than $8 million.

Many of the strongest voices being raised in opposition to this measure are the very ones, Mr. President, who are afraid that the balanced budget will work. They are unwilling to make the hard choices it will force on those in Congress. I can understand their reluctance even if I do not sympathize with it. In fact, the harm we are causing with continued deficit spending is precisely the kind of Government folly which the Constitution ought to prevent. We ought to prevent it in the Constitution, and that is what we are trying to do today.

I would like to close my remarks with another warning from Thomas Jefferson. He saw all too well the potential for tragedy if the young Republic were to taste the forbidden fruit of borrowing against its future. He said:

> There does not exist an engine so corruptive of the Government and so demoralizing of the Nation as a public debt. It will bring us more ruin at home than all the enemies from abroad.

Mr. President, he could say those words today, and it would be even more fitting.

Now, I do not think that Thomas Jefferson and the other Founding Fathers could ever have dreamed of a $4.4 trillion debt, but I will say this. Had they known that this was possible, I think they would have taken steps to prevent it in the Constitution.

I think it is incumbent upon us to say to the future generations of our country we are going to take the steps that will assure that every child born in this country will not be born with an $18,000 debt hanging over his or her head.

Mr. President, I thank the Senator from Utah, who is leading the charge for this balanced budget amendment. We must pass this constitutional amendment so that Congress can no longer, by majority vote, encumber our children and future generations with what we want to spend today as a matter of convenience.

I thank the Chair. I yield the floor.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Texas for her excellent remarks and for her valiant efforts in trying to pass a balanced budget amendment. Without people like Senator HUTCHISON, I do not think we would be as far along as we are.

I have to say, when she arrived in the Congress, it gave a lot of us hope that we might be able to get this far. Now we have to see that we get far enough to pass the balanced budget amendment by the requisite, at least 67, votes in the Senate. That is not easy to do, but we are going to be about doing it and going to do everything we can.

Thanks to our distinguished friend from Texas for the work she is doing in trying to help bring this about.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I would like to compliment the distinguished Senator from Idaho, Senator CRAIG, and, of course, our friend and colleague, the President pro tempore of the Senate, Senator THURMOND, for the excellent remarks they made earlier in the day.

When I think of Senator THURMOND, I think of 40 years here in the U.S. Senate, 38 of which have been spent trying to pass a balanced budget amendment. If we do finally pass this amendment through the Senate in the exact form that the House sent it over, I think Senator THURMOND will deserve a great deal of credit for all of his work through all of those years.

I also would like to praise Senator CRAIG for his excellent work. He is one of the leaders on this bill. He has been ever since he was the leader in the House. He does an awful lot of the coordination and the work behind the scenes to see that we all get where we want to be.

Mr. President, I yield the floor to my distinguished friend and colleague from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we are, of course, at the outset of a debate on a profound and important issue to the future of the United States, a debate on the Constitution itself and on whether or not it should be amended to require or to encourage balanced budgets and, if so, how.

I hope to have a number of occasions on which to speak on this amendment, but in this first try, rather than to outline what is in it or even to deal with the important reasons for its passage which have already been explained with considerable eloquence by previous speakers this afternoon, I would like to share a few observations on the nature of the debate on which we are embarking.

First, we will be faced with a demand during the course of this debate that its proponents outline precisely and specifically, perhaps even to the extent of a specific bill with various mandatory requirements included in it how a balanced budget will be reached by the year 2002. And during the course of that debate, what is likely to be obscured will be the alternatives to this constitutional amendment.

It seems to me—and I stand to be corrected by my good friend from Utah if he has any addition to this group—that Members of the Senate will be divided essentially into three groups during the course of this debate.

First is that group represented by the Senator from Utah himself and the other sponsors, which will include those Members who feel that it is vitally important for the future of this country that the budget of the United States, in most years, absent emergencies, be balanced; that a continuation of the fiscal policies of the past, not just the recent past but almost the entire past since the end of World War II, of increasing budget deficits, of passing on a greater and greater debt to our children and grandchildren must be brought to an end and are unlikely to be brought to an end by any course of action less drastic than certain constitutional requirements. I believe, and I am sure my friend from Utah joins me in this belief, that a significant majority of the Members of this body hold to that belief.

The other two groups are less likely, it seems to me, to speak candidly and directly to their fundamental philosophies, but I suspect that there are some Members of this body who believe that it is important to reach a balanced budget but that we should try some method other than a constitutional amendment by which to attain that goal. I can speak rather fervently with respect to that group because 10 years ago that was the group to which I belonged. I voted against predecessor proposals of this nature on the basis that the Congress itself should act responsibly enough to balance the budget without the constraints of a constitutional amendment. And in fact, I played some minor role in the passage of the Gramm-Rudman Act in the mid 1980's, which was a statutory attempt to reach the goal now sought by this constitutional amendment. And in fact, Gramm-Rudman for 2 or 3 years was effective, at least in leading to smaller deficits.

But once the requirements of Gramm-Rudman required real sacrifice, real spending cuts, Gramm-Rudman was effectively abandoned by the Congress and budget deficits once again increased. As a consequence, it is my perspective, at least, that a statutory approach, a year-by-year approach simply will not result in our reaching a goal of a balanced budget.

I hope, however, that if there are Members of this body who stand for a balanced budget but against this constitutional amendment, they will clearly and emphatically say this is their goal, and since they are asking for a particular, specific blueprint of how we should reach that goal under the constitutional amendment, those Members should share with us their viewpoint of when and how they believe we should balance the budget without the constraints of this amendment.

To this point, Mr. President, while I have heard many pious statements about the necessity for fiscal responsibility on the part of opponents to this amendment, not one, to the best of my ability to judge, either inside this body or outside this body, has told us how we reach that goal without this constraint.

The third group, and I believe firmly that this group of Members will embody the great bulk of those who will vote against the constitutional amendment in any event and the great bulk of those who will set up the smokescreen that we must set out exactly the road by which we are going to reach this constitutional amendment, Mr. President, I believe the great bulk of those Members do not believe a balanced budget either to be a desirable goal for the United States of America or at least, if it is a goal, it is only a secondary or tertiary one that does not amount to much and is not nearly as important as the spending programs which they advocate increasing or protecting from reductions. And, as far as I can tell, the debate, at least in this body among its 100 Members, will divide all of us among those three groups and among no others.

I predict that the great majority—not all, the great majority of those who want this blueprint want this blueprint not to guide us to a balanced budget but to buttress their arguments that we never should balance the budget under any circumstances, that the pain is simply too great and that for one reason or another, at least during our careers, we can continue to put on the cuff $150 billion, $200 billion, $400 billion a year.

We have in this liberal administration great pride expressed as recently as last week in the State of the Union Address, over the reduction in budget deficits during the course of the last 2 or 3 years. We are rarely told, and then only in footnotes or in the back pages of long dusty dry documents, that current policies will result in a turnaround of those budgeted deficit reductions and increases in the deficit to $200, $250, $300, $350, $400 billion a year by and after the turn of the century.

So there really are no easy answers. You either believe that a balanced budget is a socially desirable goal, a goal worth sacrificing for, or you do not. If you do not, you ought to be willing to say, expressly, that you do not, that it simply is not as important. That it is more important to carry on with present spending policies than it is to balance the budget.

I believe that this grouping of three even applies to those who believe in a balanced budget but believe that it should be attained not primarily or exclusively by cutting spending but primarily or exclusively by increasing tax rates. It is certainly appropriate for a Member here to vote for this constitutional amendment on the basis that he or she will increase taxes to reach those goals in the year 2002 as it is to hold the opposite point of view, that the goal should be reached by reductions in spending, if those Members are willing to stand up and say this is the way, if my ideas are in power, I will reach that goal.

In fact, I believe that to be the best argument, the overwhelming argument, against anyone attempting to provide a 7- or 8-year blueprint today on the way in which a balanced budget will be reached. This Congress can bind this Congress, that is the next 2 years. It cannot bind the Congress which will take office in 1997 or in 1999 or in the year 2001. In fact, if we were to pass an express blueprint it would undoubtedly be changed by each of those Congresses. If those of a liberal persuasion who are today in the minority once again take over a majority and operate under the constraints of this constitutional amendment, they may very well decide to reach its goals by increasing taxes on the American people over the objection of those of us who do not believe that is the way to go. If so, let them say so. Let them give us their blueprint for reaching the goals which are set by this constitutional amendment itself.

It seems to me, therefore, that this is the argument. Does one believe, against all history, that a balanced budget is a desirable goal, a vitally important goal, but that we can do it by engaging in business as usual? Does one believe that it is not a goal at all? Does one, as many will on the liberal side of this body, believe that business as usual is just fine and we should go on in the future in exactly the way we have gone on in the past, spending more money than we take in, passing new programs that are not paid for? Let them stand up eloquently and firmly for the status quo. But I do not believe the status quo, either with respect to the Constitution or promises that Congress will somehow automatically act differently in the future than it has in the past, are what the people of this country want. I think they want us to change the very way in which we are doing business. I believe they want imposed on us constraints that are, by their very nature, imposed on them in their daily lives, on their families, on them as individuals, and are imposed by the very fact we control the money supply on our local governments and on our State governments, which now must balance their budgets.

I am convinced that the vast majority of the American people want imposed on us those individual and local and State government constraints which have been a part of their lives as long as any of them or us have been around, and that the real debate here is between the status quo and a different way of doing business. I believe that those who are promoting this constitutional amendment are not satisfied with the record of Congress for years, for decades, and want a new and different way of doing business.

One point which I think is often overlooked is to a certain extent even the title balanced budget amendment is in part a misnomer. This constitutional amendment, when it is in full force and effect, will not mandate a balanced budget in any given year or over a period of years. It will, however, make unbalanced budgets much more difficult to pass in the future. It will require, to pass an unbalanced budget, that the affirmative votes of 60 percent of the Members of this body and of the House of Representatives must be secured. That is to say under most circumstances—under all circumstances, for the better part of the last two decades—it will require a bipartisan majority to create an unbalanced budget. It will not be something which takes place as a result of a narrow partisan party-line vote. It will require the thoughts and the assent of Members of both major political parties in the country and, therefore, almost automatically will be accomplished in a more thoughtful and broadminded fashion when it is accomplished.

It will also, however, greatly constrain the ability of Members to begin new, unfunded spending programs. And that is its goal. When there is a crisis, however, it will be possible by that 60 percent majority vote to make an exception and not to balance the budget. It is a flexible and not a rigid constitutional amendment.

My final thought in these opening remarks is that I firmly believe that the men who wrote our Constitution in 1787 would have included a supermajority requirement themselves if they had been able to foresee the dynamics of politics in the late 20th century.

How many people asking for action by the Government who come into your office come into that office asking for financial restraint, for general responsibility? How many in comparison with those who come into your office asking for a favor from the Federal Government, an appropriation, the protection of an existing program, an increase in an existing program, or the creation of a new one? One to two? Probably not that many. This is not to criticize those who come to us asking us to support one of the thousands of programs financed by the Federal Government. In many cases, in almost all cases, these are sincere, hardworking, and dedicated citizens to a certain end and the programs for which they ask, the program they support, has genuine positive social ends. They may not be well administered, but the goal which they seek is a good one. Therefore, it is easier for Members to say yes than it is to say no, and infinitely easier when we can put the costs on the cut, when we do not have to cut something else, when we do not have to increase taxes, when we can just borrow for that program.

This supermajority requirement will make that decision on our part somewhat more difficult because we will be unable to say yes unless we are willing to vote for more taxes at the same time or find a better program which can be cut at the same time. And it will provide a balance between the special interests, the specific interests of the individuals who lobby us and the general interests in a responsible and fiscally sound Federal Government which is I believe exactly the balance that the Founding Fathers wished when they created the Constitution in the first place without any ability to predict the way in which we communicate and deal with issues like this today.

So in the finest sense of the word this constitutional amendment is a conservative move. It desires to conserve what is best in our country and in its Government and its governmental programs. It will make us more responsible. It will require us to weigh one desirable program against another in a far better and more evenhanded fashion than we were able to do in the past.

As we go through this debate, Mr. President, I hope those who are watching it across the country will remember that there are really only three points of view being expressed here no matter how eloquent or how well those views are given. One is a balanced budget is not a particularly good idea. We do not need it. The status quo is just fine. The way this country has been run in the past is just fine, and we just need more of the same thing.

No. 2 is, yes, a balanced budget is a good idea but there are easier ways to get to it, less painful ways to get to it than to do it through the Constitution of the United States. Those people need to explain to us how it is they can do in the future what they have been unable or unwilling to do in the past.

The third is we need to do things differently. We need to make changes in this country. We need to require the Congress of the United States to act in a fiscally responsible fashion. Those who hold that point of view will be supporting this constitutional amendment.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. HEFLIN. Mr. President, I rise today as an original cosponsor and strong supporter of the resolution calling for a constitutional amendment mandating a balanced budget. It appears that in the next few days, the Senate will get still another opportunity to demonstrate to the American public that we are serious about deficit reduction and economic stability. The 300 to 132 bipartisan vote in the House of Representatives on January 26—12 more than what was needed—gives this resolution momentum that we cannot ignore.

I think that the momentum is also given by the selection of this resolution to be labeled—No. 1. It shows that this is a top priority of this Congress. Additional momentum has been given to the consideration of this resolution by the fact that the Judiciary Committee has moved rapidly and in an unprecedented manner to bring this resolution to the floor of the Senate. Additional momentum was given in that the staff worked diligently to report this bill with a written report in just a matter of a few short days.

I congratulate Chairman HATCH for his leadership in giving this momentum to bring forward to the Senate this very important resolution.

When Congress passed the largest deficit-reduction package in history in August 1993, It was a clear signal that most Members have finally come to terms with the reality that something must be done to bring our national debt and yearly deficits under control. While this legislation was an important first step in the long road toward a balanced budget, it was just that: a first step.

We know that reducing the deficit is important in the short term. But if we are going to ensure a stable economic future for our children and grandchildren, these deficits must be completely eliminated in the long term. That is precisely the goal of this resolution to add a balanced budget amendment to the Constitution.

I do not take amending the Constitution lightly. I wish that the U.S. Congress had the discipline as an institution to take the steps necessary on our own to eliminate the deficit without having to resort to such drastic action. But as we all know, that fiscal discipline and will power simply are not there. We tried it with the Gramm-Rudman-Hollings approach and we had to give in, at least some gave in regard to that. The bottom line is clear: Fiscal responsibility should and must be dictated by the Constitution.

Congress has made attempts in the past to bring the budget under control, only to see them compromised away when the momentum shifted to another issue, or another crisis. We have the momentum on our side once again. It is important that we seize that momentum, submit approval of this important amendment to the States, and finally put into place a mechanism by which our economic health will no longer be subject to the shifting currents of the day. We will know, first and foremost, that our budget priorities must be formulated under the dictates of our cherished Constitution. This amendment will provide the teeth we need to balance the Federal budget.

Since coming to the Senate, I have supported and advocated a balanced budget amendment to the Constitution. It was the first piece of legislation I introduced as a first-term Senator in 1979, Since then, the first bill I have introduced at the beginning of each new Congress—including the 104th—has been the balanced budget amendment.

Passage of this legislation has come close before. During the 97th Congress, a measure was passed with 69 votes in the Senate, but failed to garner the two-thirds necessary in the House of Representatives. In the 99th Congress, after extended debate, passage in the Senate failed by only one vote. Just 1 year ago, the Senate narrowly defeated this legislation by a vote of 63 to 37, only 4 short of the 67 required for passage.

I believe that it would have passed at that time, if the House had not previous to that voted not to pass the resolution.

Now, in the 104th Congress, we have seen a series of political and fiscal developments that make the chances of passage greater than at any other time. The overwhelming vote in the House on January 26 gave the amendment even greater momentum. The ever-increasing concern to do something about the deficit is intense. Our national debt is on the mind of every person who thinks about America's future.

For much of our history, a balanced budget at the national level of Government was a part of our "unwritten constitution." A balanced or surplus budget was the norm for the first 100 years of the republic. In recent decades, however, Americans have witnessed a continuing cycle of deficits, taxes, and spending. And neither political party has a monopoly on virtue here: these fiscal policies have been pursued with equal fervor by Republicans and Democrats.

I have used the Thomas Jefferson quote on budget deficits before during debates on this amendment, but it is worth mentioning again. He warned, "The public debt is the greatest of dangers to be feared by a republican government." Over the course of time, we have lost sight of Jefferson's warning.

Some argue that if we possessed and practiced stronger discipline as a legislative body, then such an amendment would be unnecessary. As I said before, I do not dispute that sentiment, only its reality. The last balanced budget we had was under President Lyndon Johnson. The last 18 years or so indicate that the problem goes much deeper than individual and collective resolve. Rather, it is the institutional structure of Government that encourages short-term responses to problems instead of a focus on the greater good and the future.

There is no doubt about what our responsibilities as national leaders are. There is also no question as to what the American people want and deserve. There is a question as to whether the Congress will respond affirmatively by accepting this challenge. We have the momentum and the opportunity to finally stop mortgaging the future and saddling our children with unconscionable debts.

I look forward to the debate in the coming days. I hope we will find the strength and determination to do what we know must be done in order to restore our economic health.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CORPORATION FOR PUBLIC BROADCASTING

Mr. PRESSLER. Mr. President, I have spoken critically of the Corporation for Public Broadcasting and the whole system of public broadcasting with which it is associated on this floor on some occasions, but I would like to compliment CPB for something its board did last week.

The board decided to begin to require that the CPB will receive a percentage of income from sales exceeding $25,000 of toys, books, clothing, and other products related to shows funded by the CPB. I hope that this will begin immediately to substitute for taxpayers' payments to the Corporation for Public Broadcasting.

Mr. President, I have been one who has advocated reinventing or possibly privatizing the Corporation for Public Broadcasting. That means the corporation here in Washington, DC. Each State has its State public broadcasting system and a lot of them do a great deal of good in terms of education, and in terms of providing unique programming.

Indeed, it is my opinion that public broadcasting in South Dakota would be better off under a privatized or a reinvented system of public broadcasting.

I also want to commend the Corporation for Public Broadcasting in that the executives, I understand, are starting some meetings with at least one regional Bell operating company. I hope they meet with several cable companies and others to see how they can interact with the information superhighway and perhaps provide other income and enrich programming in public broadcasting in the United States.

Last Friday, I had a fascinating conversation with Glen Jones, of Jones Intercable of Colorado. He is privately providing educational materials and educational programming across the United States and around the world. He wants to expand upon this and finds it is a very marketable and useful thing to do for public service, as well as in terms of promoting his own company.

In addition, there are many privately run cable channels elsewhere which are making a great contribution in terms of quality educational programming. Nickelodeon is making a great contribution to children's programming and is even marketing children's programming in France. The Learning Channel, the History Channel, Arts and Entertainment, the Disney Channel, and many more, are providing good programming with which our public TV friends could interact and could achieve a great deal of income in some cases.

Earlier, I observed on this floor that we could privatize the Corporation for Public Broadcasting and other entities in public broadcasting; that if a private company would take a percentage of the program rights that the Corporation for Public Broadcasting, the Public Broadcasting Service or National Public Radio just give away, it would more than replenish the $300 million a year that the Congress gives the Corporation for Public Broadcasting. That has been verified by many corporate leaders who have told me they would like to buy public broadcasting entities or they would like to participate in partnerships for public broadcasting. These private sector leaders assured me they would accept conditions requiring preservation of a certain amount of rural service or small city service or children's programming.

I have compared the situation to a local telephone company which is a private company but which has public service requirements such as universal telephone service.

So, Mr. President, I think it is very appropriate that we should be working on reinventing and privatizing the Corporation for Public Broadcasting and public broadcasting in general. The Vice President, after all, asks that Government be reinvented and that we try to privatize certain agencies.

But I would strongly disagree with those who say we are trying to kill Barney or we are trying to kill children's programming. That is just not true. Or that we are trying to kill individual States' public broadcast programs. That is simply not true. What we are trying to do is to be inventive.

We are facing a budgetary crisis of profound proportions. Let's face it: the Corporation for Public Broadcasting most likely at least will receive a cut. We are in a situation where I think they would be grateful for ideas on how they could make more money. One of those is getting a percentage of the program revenues. Presently we have a lot of people making a lot of money from public broadcasting while the taxpayers don't share the wealth.

Also, Mr. President, the corporation has to look at its distribution of funds. I do not think my State of South Dakota gets a very good deal, very frankly. Much is made of $1.7 million in Federal funds that is sent to South Dakota. But the State legislature, individual contributors, and corporate grants provide an overwhelming majority of the funding.

If we take a look at where some of the money goes, one station in New York gets about $20 million from Federal taxpayers. That is not the State of New York, that is one station. That station has executives earning between $200,000 and $400,000 a year.

We have the so-called Children's Television Workshop, which has, as Senator DOLE has pointed out on this floor, paid salaries of between $400,000 and $600,000 a year. Those are taxpayers funds.

"Well," they say, "we take that money out of what is contributed." But it all comes out of the same pot.

Now, I am not against people getting rich. I am not against people in the private sector getting high salaries, but these folks wrap themselves in the cloak of public service. They wrap themselves in the clothes of one serving the public and then collect taxpayers' money. Meanwhile, our States that are told, "You are so lucky to get $1.7 million, you are so lucky, you should be so grateful."

If you really look into it, most of the money is going to a small public broadcasting clique—an east coast and inside-the-beltway gang.

I think the board of the Corporation for Public Broadcasting acted correctly the other day when it voted to start getting a percentage of profits from the programs and related products. They should have done it long ago. I do not think they would have done it if it were not for the pressure from people such as myself on the Senate floor and elsewhere. The taxpayers should get some relief. I am going to make sure they do.

There was a 1981-to-1984 study about privatizing public broadcasting and getting revenue from more commercial advertising. Make no mistake about it, there are ads today on public radio and television. Granted, they are called by the code word, "underwriting," but they are ads just the same. This study found that the viewers were not offended by having ads at the beginning and end of programming or even more extensive ads. This is one source of revenue.

There are the programming rights. That is another source of revenue. There is the chance to interact with the information highway. That is still another potential source of revenue. So, I think the public broadcasting executives should be creative in going out and finding new sources of revenue and new sources of opportunity and, also, new sources of material.

I have been troubled by the fact that I think taxpayers' money is being used to lobby for more taxpayers' money. There is a nationwide grassroots program to contact your Congressman to be sure to continue full funding for the Corporation for Public Broadcasting. This is being done, in part, with Federal money, in my opinion. If you ask, they say, these are our affiliates doing this and they are doing it with money that is contributed in these beg-a-thons, money being contributed privately. But the contributors are not told that. They are told this is listener-supported radio and TV. They are not told part of their money will be used to lobby for Federal money. They should be told, "This is a taxpayer-supported channel. We get some private contributions but much of it is taxpayer supported, both State and Federal." There should be honesty in these beg-a-thons.

But, also, let us be very careful about this business of lobbying for more Federal money with Federal money. Here we have a very sophisticated group concentrated in Boston, New York, and Washington, DC, that is doing so. They are not saying, "Senator PRESSLER wants to keep public radio and TV at the State level." They are saying, "Anybody who wants to change anything is trying to kill public radio and TV."

I submit that public broadcasting will be stronger when it is reinvented and privatized. I submit that the entire public broadcasting system has become bureaucratic, inefficient, and wasteful. Taxpayers around the country would be amazed at how much money is being wasted.

The 20th Century Fund did a study in which they found that 75 cents of every $1 in public TV is spent on overhead. That has not been rebutted. So those who serve on the oversight committees—and I chair the Commerce Committee, which has a duty to conduct oversight over the Corporation for Public Broadcasting—it is our job to dig into things, to make suggestions, maybe to take some heat. But it is not the job of the Corporation for Public Broadcasting and the other public broadcasting entities to put false information out across the country. They are wrong when they say that people who are required to make budget cuts and suggest ways to reinvent the system are trying to kill local public broadcasting. That is not the case.

There was local public broadcasting before the Corporation for Public Broadcasting and its glut of Federal funding ever came along. In fact, some people feel we would have a stronger set of local public stations had the national Corporation for Public Broadcasting never been created in 1967.

We should think about that. Here we have a very intelligent, sophisticated, lobbying campaign that has people scared that their public broadcasting channels will be shut off if this group here in Washington, DC, does not get their Federal money. That is not true. That is not true at all. In fact, my State may well be better off in a reinvented or privatized system of public broadcasting. That is true of most States.

Again, I congratulate the CPB board for doing what they should have done long ago, getting a percentage of the program and product profits. That will provide them with a good deal of revenue. It might provide more revenue than they have ever gotten from the Federal Government, and that would not bother me a bit. I hope they continue to make such steps.

I hope public broadcasting executives have many meetings with the companies that are on the information superhighway, ranging from local telephone companies to cable companies to long distance companies to computer companies, to see what interrelation there can be.

Finally, I would like to know what is public broadcasting's own plan to reinvent itself? So far it seems only to be to get more Federal money, to stay just as things are, not to make any changes, and of course to be the self-appointed arbiters of American culture. But I am asking them to roll up their sleeves, get out, listen to a few people, and not expect increases in Federal funding because it will not be coming.

Mr. President, I yield the floor. I thank the chairman for allowing me to speak at this point.

REPORT RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 18, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On December 22, 1994, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control (FAC) of the Department of the Treasury, since my last report on July 18, 1994. The amendment (59 Fed. Reg. 51106, October 7, 1994) identified Arab Hellenic Bank (AHB), an Athens-based financial institution, 4 other entities, and 10 individuals as Specially Designated Nationals (SDNs) of Libya. (In addition to the recent SDN action against AHB, the Greek central bank has recently announced that AHB's banking license has been revoked.) Included among the individuals are three Italian shareholders in Oilinvest (Netherlands) B.V., who increased their positions in the Libyan government-controlled firm shortly before United Nations Security Council Resolution (UNSCR) 883 directed a freeze on certain Libyan assets owned or controlled by the Government or public authorities of Libya.

Pursuant to section 550.304(a) of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya, or are agencies, instrumentalities, or entities of that government. By virtue of this determination, all property and interests in property of these entities or persons that are in the United States or in the possession or control of U.S. persons are blocked. Further, U.S. persons are prohibited from engaging in transactions with these individuals or entities unless the transactions are licensed by FAC. The designations were made in consultation with the Department of State and announced by FAC in notices issued on June 17 and July 22 and 25, 1994. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 136 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (73) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Government of Libya interest. The largest category of denials (41) was for banking transactions in which FAC found a Government of Libya interest. Three licenses were issued authorizing intellectual property protection in Libya.

In addition, FAC issued eight determinations with respect to applications from attorneys to receive fees and reimbursement of expenses for provision of legal services to the Government of Libya in connection with wrongful death civil actions arising from the Pan Am 103 bombing. Civil suits have been filed in the U.S. District Court for the District of Columbia and in the Southern District of New York. Representation of the Government of Libya when named as a defendant in or otherwise made a party to domestic U.S. legal proceedings is authorized by section 550.517(b)(2) of the Regulations under certain conditions.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 210 transactions involving Libya, totaling more than $14.8 million, were blocked. As of December 9, 1994, 13 of these transactions had been licensed to be released, leaving a net amount of more than $14.5 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling more than $76,000 for violations of the U.S. sanctions against Libya. Nine of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. Two other penalties were received for corporate export violations. Four additional penalties were paid by U.S. citizens engaging in Libyan oilfield-related transactions while another 76 cases of similar violations are in active penalty processing.

In October 1994, two U.S. businessmen, two U.S. corporations, and several foreign corporations were indicted by a Federal grand jury in Connecticut on three counts of violating the Regulations and IEEPA for their roles in the illegal exportation of U.S origin fuel pumps to Libya. Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. The FAC has continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby United States Government officials or to engage in public relations work on behalf of the Government of Libya without FAC authorization. In addition, during the period FAC hosted or attended several bilateral and multilateral meetings with foreign sanctions authorities, as well as with private institutions, to consult on issues of mutual interest and to encourage strict adherence to the U.N.-mandated sanctions.

5. The expenses incurred by the Federal Government in the 6-month period from July 7, 1994, through January 6, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1.4 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. In adopting UNSCR 883 in November 1993, the Security Council determined that the continued failure of the Government of Libya to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions of the Security Council in UNSCRs 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. The United States continues to believe that still stronger international measures than those mandated by UNSCR 883, possibly including a worldwide oil embargo, should be imposed if Libya continues to defy the will of the international community as expressed in UNSCR 731. We remain determined to ensure that the perpetrators of the terrorist acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 30, 1995.*

REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 30, 1995.*

REPORT OF THE ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968 FOR CALENDAR YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1993.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Radiological Health Bulletin, and other publicly available sources. This annual report serves little useful purpose and diverts Agency resources from more productive activities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 30, 1995.*

MESSAGES FROM THE HOUSE

At 2:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 273. An act to amend section 61h-6, of title 2, United States Code.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 290. A bill relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, January 30, 1995, she had presented to the President of the United States the following enrolled bill:

S. 273. An act to amend section 61h-6, of title 2, United States Code.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-26. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on the Judiciary.

"HR 27

"Whereas, with each passing year, this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues; and

"Whereas, as the federal debt grows, the stability of our national and world economy weakens, and the burden placed on future generations of Americans become more onerous; and

"Whereas, conjunctively with a required balancing of the federal budget is a necessary prohibition against the imposition of unfunded federal mandates and other cost reallocation to the several states; and

"Whereas, believing that fiscal uncertainties at the federal level is the greatest threat that our nation faces, and cognizant that statutory budget balancing remedies have failed, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility;" Now therefore be it

"*Resolved by the House of Representatives of the Legislature of Alabama*, That the Legislature urges the United States Congress to adopt an amendment to the United States Constitution which both requires the balancing of the federal budget and prohibits transferring the costs and burdens of federal responsibilities and inclinations to the states by unfunded mandates or similar means.

"*Be it Further Resolved*, that certified copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and to every member of the State's Congressional Delegation."

POM-27. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Kentucky; to the Committee on the Judiciary.

"SENATE RESOLUTION

"Whereas, for far too many years, Congress has recklessly and repeatedly enacted federal budgets in which government expenditures have grossly exceeded available revenues, resulting in unparalleled federal budgetary deficits that unjustly mortgage the future of our nation's children; and

"Whereas, Congress has taken far too little action on its own initiative to implement responsible budgetary controls through the reduction or elimination of the need for federal spending for certain governmental programs or the imposition of sufficient tax levies that would generate adequate revenue to fund necessary federal government programs; and

"Whereas, Congressional attempts to control the federal budget deficit over the last decade have resulted in shifting the planning, operational, and funding responsibilities for many federally-mandated programs to the states and their local governments, while at the same time reducing federal financial support for those programs; and

"Whereas, those short-sighted budget deficit control efforts have forced some states and local governments to reduce budget expenditures for their own necessary programs and to raise taxes to fund the additional financial burden imposed by Congress; and

"Whereas, approximately eighty percent of the nation's state legislatures are currently required to enact a balanced state budget, either by their state constitutions, state statutes, or legislative rules, proving that this is a task that can be accomplished by fiscally responsible elected officials; and

"Whereas, fiscal restraint imposed by an amendment to the Constitution of the United States of America is necessary to curtail federal spending to conform to available federal revenues; and

"Whereas, Article V of the Constitution of the United States of America provides that amendments to the Constitution may be proposed by the Congress for submission to the states for their ratification when two-thirds of both houses deem it necessary;

"Now, therefore, be it

"*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"Section 1. That the Congress of the United States is hereby requested and petitioned to adopt an amendment to the Constitution of the United States of America, for submission to the states for their ratification, requiring that each federal budget enacted by the Congress and signed by the President of the United States be in balance.

"Section 2. That, notwithstanding the submission of a balanced budget amendment to the states, each Congress convened prior to the amendment's ratification should make every reasonable effort on its own initiative to enact a balanced federal budget prior to being subject to the amendment's mandate that it do so.

"Section 3. That the Congress, in striving to enact a balanced federal budget and to reduce the federal budget deficit, must begin by addressing spending needs and revenue generation possibilities at the federal level and by funding only what the federal government itself can afford instead of unjustly shifting the financial responsibility for continuing federally-mandated programs and services onto the overburdened back of state and local governments.

"Section 4. That the Clerk of the Senate is directed to send copies of this resolution to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and the members of Congress elected from the Commonwealth of Kentucky."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. PELL, Mr. AKAKA, Mr. JEFFORDS, and Mr. GRAHAM):

S. 293. A bill to amend title 38, United States Code, to authorize the payment to States of per diem for veterans receiving adult day health care, and for other purposes; to the Committee on Veterans Affairs.

By Mr. COHEN:

S. 294. A bill to increase the availability and affordability of health care coverage for individuals and their families, to reduce paperwork and simplify the administration of health care claims, to increase access to care in rural and underserved areas, to improve quality and protect consumers from health care fraud and abuse, to promote preventive care, to make long-term care more affordable, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. GREGG, and Mr. GORTON):

S. 295. A bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. DODD, Mr. FEINGOLD, Mr. HARKIN, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. ROBB, Mr. SIMON, and Mr. WELLSTONE):

S. 296. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. GRAHAM, Mr. AKAKA, Mr. CAMPBELL, Mr. JEFFORDS, Mr. LEAHY, and Mr. BINGAMAN):

S. 297. A bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from gross income for veterans' benefits; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. PELL, Mr. AKAKA, Mr. JEFFORDS, and Mr. GRAHAM):

S. 293. A bill to amend title 38, United States Code, to authorize the payment to States of per diem for veterans receiving adult day health care, and for other purposes; to the Committee on Veterans' Affairs.

STATE VETERANS HOME ACT

Mr. CONRAD. Mr. President, today I rise to introduce the State Veterans Home Act of 1995. The bill extends discretionary authority to the Department of Veterans Affairs to provide a per diem payment for adult day health care for veterans. The bill also authorizes the use of funds from the Extended Care Facilities Grants Program, section 8131, to construct or renovate existing facilities to provide adult day care for veterans.

The legislation I am introducing today is similar to S. 852 introduced at the beginning of the 103d Congress. In the last Congress, S. 852 was reported to the Senate as section 205 of S. 1030—Veterans Health Programs Improvement Act of 1993—and passed by the Senate on May 25, 1994. Regrettably due to the legislative log-jam at the end of the 103d Congress, it was not incorporated into the veterans health benefits measure, H.R. 3313, that passed the House in the closing days of the 103d Congress.

I am very pleased that the bill I am introducing today is cosponsored by Senators DASCHLE, DORGAN, AKAKA, JEFFORDS, PELL, and GRAHAM.

This legislation received support in the 103d Congress from veterans and their families in North Dakota, and from all major national veterans organizations during a hearing by the Senate Committee on Veterans' Affairs on June 23, 1993. I am hoping the 104th Congress will act expeditiously to pass this important health care measure for veterans. I am enclosing a letter of support from the National Association of State Veterans Homes.

Currently, under section 1741, the Department of Veterans Affairs is required to pay a per diem to States for each veteran that is assisted through the State Home Facilities Program with hospital, nursing home, or domiciliary care. The per diem payment is $15.11 for domiciliary care, and $35.37 for nursing home and hospital care. Under section 8131, State home facilities, the Department of Veterans Affairs is also authorized to provide matching grant assistance for the construction, expansion, or remodeling of existing facilities for domiciliary, nursing home, or hospital care for veterans who are eligible to reside in State veterans facilities.

Under the legislation that I am introducing today, the State Veterans Home Program would be amended to authorize a per diem payment for veterans that are assisted by States who provide adult day care including health care as needed. States would also be authorized to apply for matching grant assistance to provide facilities for adult day care. In fiscal year 1995, Congress appropriated $47.3 million under the State Home Facilities Program for the construction or expansion of State extended care facilities for veterans.

Mr. President, I have discussed the proposed legislation to amend the State Veterans Home Program relating to adult day care health care with State veterans officials in North Dakota and representatives of the National Association of State Veterans Homes. The arguments in support of amending the State Veterans Home Program to authorize adult day health care are compelling.

The opportunity for adult day health care services for veterans during the daytime hours in a community setting would enable many veterans to remain at home with their families in a supportive environment as an alternative to nursing home placement.

I ask my colleagues, how many people do each of us know who are in this circumstance? If the family could get relief during the day for a veteran who is ill or who is starting to fail, and would have a chance to have a place to go during the day, the family could take care of that individual at night, thereby preventing nursing home placement.

For a veteran who may be in the early stages of Alzheimer's disease or require limited supervision in a postoperative period, the opportunity for adult day health care would meet the requirements of a growing number of our veterans population, and at less cost than nursing and residential home care. Equally important, adult day health care would provide respite for the primary care givers of veterans.

People have often said to me: Senator, if we just had a chance to have a break, if we just had a chance to be able to go to work and have our loved one be able to be at home with us in the evening, we would be able to take care of him. We would be able to save a lot of money for the Government. There is no sense putting all these people in nursing homes. Our family would love to be able to take care of our grandfather or our father. We would love to have him at home but we work during the day, both spouses work during the day. The kids are at school. Nobody is home.

If we had a chance to have that veteran in a setting where he could be cared for during the day we would take care of him at night and save lots of money—save money for the families, save money for the Government.

Mr. President, as the health care requirements of our veterans population change, and the demands on limited Department of Veterans Affairs resources increase, I believe it important that States have the flexibility to provide adult day health care services for veterans.

We have heard a lot in the last 24 hours about State flexibility. Why should they not have flexibility with respect to a program like this? They are asking for it. Why do we not give it to them?

The 71 State veterans homes across the country have a proven record of providing excellent domiciliary, nursing home, and hospital care. They also have the expertise in geriatrics, and specialized health care that is required to provide the adult day health care services.

I urge the Senate Committee on Veterans' Affairs to support these amendments to the State Veterans Home Program, and to report legislation to authorize adult day health care services for veterans as soon as possible.

I ask unanimous consent Mr. President, that the full text of my bill along with a letter in support of this initiative from the National Association of State Veterans Homes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) of title 38, United States Code, is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 of such title is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) of such title is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

NATIONAL ASSOCIATION OF
STATE VETERANS HOMES,
Marquette, MI, December 16, 1994.

Hon. KENT CONRAD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: This letter is in response to your recent inquiry regarding the National Association of State Veterans Homes (NASVH) position on re-introduction of proposed legislation to allow State Homes to develop an Adult Day Health Program.

As noted in Mr. Jack Dack's previous letter dated April 26, 1993, a 1993 survey had 38 State Homes respond positively out of 48 responses from 52 homes surveyed. We again recommend that Section 1741 be amended to authorize State Homes Adult Day Health Care. The section should be amended to provide for a per diem payment for Adult Day Health Care and additional construction grant monies to support expansion/remodeling to permit States to provide Adult Day Health Care.

This letter is offered as a reaffirmation of the NASVH commitment to providing this needed service to veterans pursuant to the aforementioned changes in Title 38 United States Code, Section 1741.

If you have any questions, please let me know.

Sincerely,
CLIFFORD A. KINNEY, II, MPA, NHA,
Chairperson, NASVH,
Legislative Committee.

NATIONAL ASSOCIATION OF
STATE VETERANS HOMES,
Marshalltown, IA, April 26, 1993.

Hon. KENT CONRAD,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR CONRAD. This is to express the views of the National Association of State Veterans Homes pertinent to proposed legislation to improve (3) the State Home Program.

(A) Title 38 United States Code, Section 1741, authorizes per diem to State Homes for domiciliary, nursing home care and hospital care. We endorse legislation to provide authority to the Secretary, Department of Veterans Affairs, to provide a per diem payment for adult day health care and construction grant support for expansion, remodeling or alteration of existing buildings to permit provision of adult day health care.

A survey conducted by the National Association of State Veterans Homes in 1984 overwhelmingly supported an adult day health care initiative if an appropriate reimbursement system through the Veterans Administration could be developed for State Homes. Of the 48 responses from 52 Homes surveyed, 38 responded positively.

It is recommended that Section 1741 be amended to include authorization for State Home Adult Day Health Care.

Often times, family and loved ones are the primary caregivers for adult persons. Trying to maintain adults in the home can be very stressful and care can be difficult to provide both physically and psychologically. Resources can be extremely limited, especially in rural communities and families may not be aware of what resources are available. Adult "day care" has been one concept implemented to address dependent adult care.

The seventy-one State Veterans Homes in forty-one states being long-term care facilities employ clinicians with expertise in geriatrics and staff with years of experience in working with dependent, infirm, and/or handicapped individuals. The Homes have the potential to offer adult day health care in a safe, structured environment with trained, caring staff. There could be provisions for meals and nutritious snacks, medication dispensing, exercise programming and the offering of health assessment and patient/family teaching. There could be planned activities and social interactions for adult participation.

Such a program would be an ideal option for the elderly veterans who are: in need of social stimulation to combat depression; in need of supervision and/or personal care; post-operative in need of supervision or medication; victims of early Alzheimer's Disease.

Involvement in adult day health care would provide a peace of mind and respite for the working and non-working caregivers.

The provisions of these services during daytime hours in a congregate setting would enable veterans to be maintained at home in a supportive environment and be an alternative to a nursing home placement. Participation in an Adult Day Health Care Program could possibly prolong the ability of the veteran to stay in his home thereby lowering the demands on the Department of Veterans Affairs system.

Besides providing respite for the primary caregivers, veterans could be screened and referred for medical and/or community resources, including Department of Veteran's Affairs medical care facilities. Pre-assessment for admission could take place if the veteran desires to make application for permanent living in the State Home. Other advantages to the individuals and family members are networking with family members and professionals, participation in support groups, gaining knowledge about community resources and how to access the system.

The National Association of State Veterans Homes supports that provisions in United States Code 38, Section 1741, be amended to authorize State Home Adult Day Health Care; per diem payments to states for providing same; and to permit the Department of Veterans Affairs to provide grants for expansion, remodeling or alteration of existing buildings to permit provision of such care.

We in the State Home Program do not know the level of participation by the states at this time; however, it is anticipated there would be activity initially by five to ten Homes in this area. Since the Department of Veterans is unable to approve requests for construction grants totaling more than the amount specifically appropriated by the Congress for that fiscal year, any additional grant requests for construction for adult day health care over the specified funding allowed would probably require a waiting period. This waiting period would allow an opportunity for the Department of Veterans Affairs and State Home Program to bring the increased need for additional construction funds to the attention of the Veterans Affairs' Committees for consideration.

The State Home Program has a proven track record of being able to blend Federal, State and private resources to maximize the resources available for providing care for the veterans of this Nation. Because of this track record, it is always wise to look for opportunities to expand the relationship, so as to further enhance the efficient use of the Department of Veterans Affairs' resources in its provision of care for veterans. The establishment of a per diem for these services is an expansion of the already successful State Home Program with the Department of Veterans Affairs. With this per diem as a starting point, the State Home Program in partnership with the Department of Veterans Affairs has the potential to move towards an efficient, effective means of providing this necessary service for its constituents.

(B) Sharing: While the United States Congress has been generous in providing for its veterans, and the Department of Veterans Affairs has done a commendable job within the confines of the budgeted amounts in taking care of the Nation's veterans, the resources to do so are becoming more limited. We must continue to work closer together, share ideas, stretch and share resources and assist one another if we are going to fulfill our mutual obligation to provide the necessary health care services for the Nation's veterans. This sharing proposal is an initiative to formalize a closer-working relationship between the Department of Veterans Affairs Medical Centers in states where State Veterans Homes presently exist. It will strengthen the long and successful partnership between the Department of Veterans Affairs and State Homes which has long been recognized as a vital resource for the Department of Veterans Affairs in providing care for the chronically ill, elderly veterans.

Since many State Homes are located within a radius of one hundred miles of a Department of Veterans Affairs medical facility, it is felt that sharing of services would result in service, efficiency and economy in provision of care. The ability to have Department of Veterans Affairs clinics, such as Urology, Psychiatric Consultation, Physical Medicine/Rehabilitation Consultation, etc., located within a State Veterans Home, would enhance continuity of care for the benefit of the veterans in State Homes. Chronically ill, debilitated, infirm veterans would not have to experience traveling to and from the medical centers for some clinics if such a sharing was possible. Other areas of sharing could be in non-clinical services such as laundry, Life/Safety, Quality Assurance programming, housekeeping, etc.

It is felt that by permitting the Department of Veterans' Affairs and the State Home Program to expand, their sharing will result in greater efficiencies and enhance care for veterans. The National Association of State Veterans Homes supports enactment of the concept of sharing in this proposed legislation and believes it to be a benefit to veterans, the Department of Veterans Affairs and the State Home Program.

On behalf of the National Association of State Veterans Homes, thank you for the opportunity to support legislation to improve the State Veterans Home Program.

Sincerely,

JACK J. DACK,
Chairperson, Legislative Committee.

By Mr. COHEN:

S. 294. A bill to increase the availability and affordability of health care coverage for individuals and their families, to reduce paperwork and simplify the administration of health care claims, to increase access to care in rural and underserved areas, to improve quality and protect consumers from health care fraud and abuse, to promote preventive care, to make long-term care more affordable, and for other purposes; to the Committee on Finance.

ACCESS TO AFFORDABLE HEALTH CARE ACT

Mr. COHEN. Mr. President, as the 104th Congress opened, it did so with a great deal of fanfare this month. Much of the discussion has been devoted to congressional reform, tax cuts, the balanced budget amendment, unfunded mandates, and welfare reform, but on one issue our colleagues have been notably silent.

I say that with one notable exception, my colleague from Illinois, who has just spoken rather eloquently on the whole subject of health care reform, which is what I would like to talk about this afternoon.

Health care reform was a dominant topic on everyone's mind during the last Congress. As I mentioned just a moment ago, today it is barely a whisper. I believe that this is a mistake. I think it is time for the Senate to put the issue back on the front burner of the public agenda.

Health care reform may not be a major clause in the House Republican's Contract With America, but rising health care costs and expanding gaps in coverage are still very much on the minds of the American people. In fact, postelection polls conducted for the Health Care Leadership Council and by the Washington Post and ABC News show that health care remains a top priority—as important even as cutting taxes, passing a balanced budget amendment, or enacting welfare reform.

Abraham Lincoln once observed that "with public sentiment nothing can fail, and without it nothing can succeed."

I think the American people wisely rejected the big-government approach advocated last year by the administration. More Government is clearly not the way to lower health care costs.

And when I say they rejected big government, this is a copy of the bill that in fact was being debated last year, some 1,443 pages long. The public did not understand it. They felt also that we were moving toward, if I can use that Tofflerian phrase, demasification of the centralized health care system. The fact is, they rejected it.

The fact is that Government spending on health care, with all of its bureaucratic endeavors and controls, has risen much faster than private health care spending. In fact, between 1970 and 1991 Medicare and Medicaid grew 427 percent, more than double the amount of 165 percent in the private sector. So we have seen a real disparity in terms of Government sponsored and funded programs versus that of the private sector.

But the public rejection of the Clinton health care plan does not mean that American people do not want health care reform.

As my colleague from California, Senator DIANE FEINSTEIN, observed, the main reason the President's health care reform efforts collapsed was that the "Democrats listened to the 15 percent of the public who had no coverage, while the Republicans listened to the 85 percent who did." What some Democrats in Washington derided as merely incremental was, to the American public, essential.

Susan Sontag wrote:

> Illness is the night-side of life, a more onerous citizenship. Everyone who is born holds dual citizenship, in the kingdom of the well and the kingdom of the sick. Although we all prefer to use only the good passport, sooner or later each of us is obliged, at least for a spell, to identify ourselves as citizens of that other place.

As such, the flaws in our health care system are ones that will—sooner or later—touch every American family.

The American people want health care reform, but they want something they can understand and afford. They want a program that gives them some reassurance against their growing sense of financial insecurity against potential illness—a program that gives them some protection should they cross over into that kingdom of the sick.

When the American people say they want reform, they mean: "If I lose my job or get sick, I want to keep my health insurance and I do not want it to cost so much." They want Congress to enact targeted reforms to contain health care costs and to ensure that they do not lose the health care coverage that they have.

Health care reform, I think, as my colleague from Illinois has pointed out, is pretty familiar to most of us now. We have spent over 4 years studying the problem, countless hours of staff researching the issue, debating the issue, drafting legislation, negotiating compromise. We have something, I think, very valuable to show for that effort.

Despite the partisan and sometimes bitter debate in the last Congress, there is broad-based, bipartisan agreement on some key steps that can and should be taken to contain health care costs and increase access for millions of Americans. In fact, I believe that action could have been taken on these changes 3 years ago if some had not insisted that there be comprehensive reform, or no reform at all.

Today I am introducing legislation outlining a blueprint for reform that is based on principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal coverage by bringing millions more Americans into the system. While some might characterize these reforms as incremental, they are by no means insignificant.

They would include insurance market reforms to make insurance portable and prohibit insurers from denying, canceling, or limiting coverage or otherwise discriminating against individuals on the basis of their health status.

They would include refundable tax credits for low-income families and full tax deductibility for the self-employed to make insurance coverage more affordable.

They would include voluntary purchasing cooperatives to give individuals and small businesses access to more affordable coverage; administrative reforms to reduce costs and paperwork and make the system more efficient.

They would include malpractice reforms to reduce the costly practice of defensive medicine; expanded access to care in rural areas; more affordable long-term care; and, finally, stronger efforts to combat fraud and abuse, which currently rob our system of as much as $100 billion every year.

Many of my colleagues have heard me take the floor time and time again to complain about health care fraud in this country. In fact, just last week I introduced separate legislation dealing with health care fraud, because we are losing $100 billion every year to health care fraud. It amounts to $275 million a day, $11.5 million every single hour.

We could have taken action last year. We did not take action last year. The said wait until health care reform comes. Health care reform did not come. So by the time this legislation or some variation of this legislation is finally adopted, we will lost another $100 billion to health care fraud and abuse.

Many of the principles involved in this legislation—and, by the way, Mr. President, this contains about 200 typewritten pages—could have been adopted more than 4½ years ago when I first introduced it. In fact, it could have been adopted when Senator Lloyd Bentsen passed his version of the bill back in 1992.

Although action on health care reform has been deferred in the past. It simply cannot be deferred any longer.

The new Republican-controlled Congress has both the obligation and the political opportunity to enact health care reform, but the window of opportunity will not be open long. We simply cannot afford to repeat past mistakes and allow the issue to become complicated or obfuscated by election-year politics.

I listened with great interest to my colleagues from Illinois outline some of the letters he has received from constituents and others pointing out it is not a Republican or Democratic issue, it is an American problem.

Last month, one of my constituents, Leslie Mansfield, of Bar Harbor, testified before the Maine Health Care Reform Commission about the importance of health care reform for her family. Since her son was diagnosed with juvenile diabetes 6 years ago, the family has faced mounting insurance and medical bills. Even though the rest of the family is healthy, in 3 short years they have seen their insurance premiums jump from $190 to $600 a month, and they fear that they will soon be either dropped by their insurer or priced out of the market entirely.

If the new Congress does not move quickly on health care reform, millions of Americans like Leslie Mansfield and her family will be worse off, not better off.

Health care costs, which last year topped $1 trillion, will continue to rise, placing an increasing strain on families, employers, and governments alike, and pricing millions more Americans out of the market. Insurers and businesses will be able to continue to cut costs by avoiding customers at greater risk. People with preexisting medical conditions like heart disease and diabetes will face even steeper premiums or could lose their coverage entirely. And we will continue to lose an estimated $275 million a day—that is $11.5 million every hour—to health care fraud.

Health care reform does not have to be an all-or-nothing proposition. That mistake was made both in 1992 and in 1994 and should not be repeated. By building upon our areas of agreement, we can take major steps to contain costs, expand choice and extend access to care to millions more Americans.

We have come a long way to reach this point in the health care debate and we should move forward. While to do nothing may not be a breach of the Contract With America, it most certainly would be a breach of trust with the American people.

I urge my colleagues to join me in cosponsoring the Access to Affordable Health Care Act and ask unanimous consent that a section-by-section summary as well as the full text of the bill be printed in the CONGRESSIONAL RECORD.

Mr. SIMON. Mr. President, will the Senator yield for 30 seconds? I want to commend the Senator for his statement.

Mr. COHEN. I yield to the Senator.

Mr. SIMON. I, obviously, have not read the bill. But if we recognize the problem and work together, we can do something for the American people in this session of Congress. I commend him for his leadership.

Mr. COHEN. Mr. President, I thank my friend for his comments. Let me conclude with a few observations.

There has been so much partisanship discussed in the House and the Senate on various other issues. There was a great deal of partisanship on the health care debate as well. I remember when Senator DOLE asked the committee to put together a task force headed up by JOHN CHAFEE to meet with our Democratic counterpart; we ran into a stonewall.

It was not open to negotiation. There was no compromise. It was all-or-nothing, comprehensive or nothing at all. As a result, we had nothing at all. One of the members of the Democratic task force came to me just a couple of days ago and said, "You know, if we had done what you had suggested 2 years ago, it would have been a great step forward." We did not do it then. We ought to do it now.

Let Senators put aside the partisanship and reach across the aisle and do something the American people will support—Republican, Democrat, independent, it does not matter. We need the relief. We need the reform. We ought not to defer this any longer. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Access to Affordable Health Care Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

Sec. 1001. Nondiscrimination based on health status.

Sec. 1002. Guaranteed issue and renewal
Sec. 1003. Rating limitations.
Sec. 1004. Delivery system quality standards.
Sec. 1005. Risk adjustment.
Sec. 1006. Effective dates.

Subtitle B—Establishment and Application of Standards

Sec. 1011. General rules.
Sec. 1012. Encouragement of State reforms.
Sec. 1013. Enforcement of standards.

Subtitle C—Definitions

Sec. 1021. Definitions.

TITLE II—GRANTS TO STATES FOR SMALL GROUP HEALTH INSURANCE PURCHASING ARRANGEMENTS

Sec. 2001. Grants to States for small group health insurance purchasing arrangements.

TITLE III—TAX INCENTIVES TO ENCOURAGE THE PURCHASE OF HEALTH INSURANCE

Sec. 3001. Permanent extension and increase of deduction for health insurance costs of self-employed individuals.
Sec. 3002. Credit for health insurance expenses.

TITLE IV—INCENTIVES TO INCREASE THE ACCESS OF RURAL AND UNDERSERVED AREAS TO HEALTH CARE

Sec. 4001. Nonrefundable credit for certain primary health services providers.
Sec. 4002. Expensing of medical equipment.
Sec. 4003. Expanded services for medically underserved individuals.
Sec. 4004. Increase in National Health Service Corps and area health education center funding.
Sec. 4005. Assistant Secretary for Rural Health.
Sec. 4006. Study on transitional measures to ensure access.

TITLE V—QUALITY AND CONSUMER PROTECTION

Subtitle A—Quality Improvement Foundations

Sec. 5001. Quality improvement foundations.

Subtitle B—Administrative Simplification

PART 1—PURPOSE AND DEFINITIONS

Sec. 5101. Purpose.
Sec. 5102. Definitions.

PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS

Sec. 5111. General requirements of secretary.
Sec. 5112. Standards for transactions and data elements.
Sec. 5113. Timetables for adoption of standards.

PART 3—REQUIREMENTS WITH RESPECT TO CERTAIN TRANSACTIONS AND INFORMATION

Sec. 5121. Requirements on health plans.
Sec. 5122. Timetables for compliance with requirements.

PART 4—ACCESSING HEALTH INFORMATION

Sec. 5131. Access for authorized purposes.
Sec. 5132. Responding to access requests.
Sec. 5133. Timetables for adoption of standards and compliance.

PART 5—STANDARDS AND CERTIFICATION FOR HEALTH INFORMATION NETWORK

Sec. 5141. Standards and certification for health information network services.
Sec. 5142. Ensuring availability of information.

PART 6—PENALTIES

Sec. 5151. General penalty for failure to comply with requirements and standards.

PART 7—MISCELLANEOUS PROVISIONS

Sec. 5161. Effect on State law.
Sec. 5162. Health information continuity.
Sec. 5163. Health Information Advisory Committee.
Sec. 5164. Authorization of appropriations.

Subtitle C—Privacy of Health Information

PART 1—DEFINITIONS

Sec. 5201. Definitions.

PART 2—AUTHORIZED DISCLOSURES

SUBPART A—GENERAL PROVISIONS

Sec. 5206. General rules regarding disclosure.
Sec. 5207. Authorizations for disclosure of protected health information.
Sec. 5208. Certified health information network services.

SUBPART B—SPECIFIC DISCLOSURES RELATING TO PATIENT

Sec. 5211. Disclosures for treatment and financial and administrative transactions.
Sec. 5212. Next of kin and directory information.
Sec. 5213. Emergency circumstances.

SUBPART C—DISCLOSURE FOR OVERSIGHT, PUBLIC HEALTH, AND RESEARCH PURPOSES

Sec. 5216. Oversight.
Sec. 5217. Public health.
Sec. 5218. Health research.

SUBPART D—DISCLOSURE FOR JUDICIAL, ADMINISTRATIVE, AND LAW ENFORCEMENT PURPOSES

Sec. 5221. Judicial and administrative purposes.
Sec. 5222. Law enforcement.

SUBPART E—DISCLOSURE PURSUANT TO GOVERNMENT SUBPOENA OR WARRANT

Sec. 5226. Government subpoenas and warrants.
Sec. 5227. Access procedures for law enforcement subpoenas and warrants.
Sec. 5228. Challenge procedures for law enforcement warrants, subpoenas, and summons.

SUBPART F—DISCLOSURE PURSUANT TO PARTY SUBPOENA

Sec. 5231. Party subpoenas.
Sec. 5232. Access procedures for party subpoenas.
Sec. 5233. Challenge procedures for party subpoenas.

PART 3—PROCEDURES FOR ENSURING SECURITY OF PROTECTED HEALTH INFORMATION

SUBPART A—ESTABLISHMENT OF SAFEGUARDS

Sec. 5236. Establishment of safeguards.
Sec. 5237. Accounting for disclosures.

SUBPART B—REVIEW OF PROTECTED HEALTH INFORMATION BY SUBJECTS OF THE INFORMATION

Sec. 5241. Inspection of protected health information.
Sec. 5242. Amendment of protected health information.
Sec. 5243. Notice of information practices.

SUBPART C—STANDARDS FOR ELECTRONIC DISCLOSURES

Sec. 5246. Standards for electronic disclosures.

PART 4—SANCTIONS

SUBPART A—NO SANCTIONS FOR PERMISSIBLE ACTIONS

Sec. 5251. No liability for permissible disclosures.

SUBPART B—CIVIL SANCTIONS

Sec. 5256. Civil penalty.
Sec. 5257. Civil action.

SUBPART C—CRIMINAL SANCTIONS

Sec. 5261. Wrongful disclosure of protected health information.

PART 5—ADMINISTRATIVE PROVISIONS

Sec. 5266. Relationship to other laws.
Sec. 5267. Rights of incompetents.
Sec. 5268. Exercise of rights.

Subtitle D—Health Care Fraud Prevention

Sec. 5301. Short title; table of contents.

PART A—ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM

Sec. 5311. All-payer fraud and abuse control program.
Sec. 5312. Application of certain Federal health anti-fraud and abuse sanctions to fraud and abuse against any health plan.
Sec. 5313. Health care fraud and abuse guidance.
Sec. 5314. Reporting of fraudulent actions under medicare.

PART B—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

Sec. 5321. Mandatory exclusion from participation in medicare and State health care programs.
Sec. 5322. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from medicare and State health care programs.
Sec. 5323. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.
Sec. 5324. Sanctions against practitioners and persons for failure to comply with statutory obligations.
Sec. 5325. Intermediate sanctions for medicare health maintenance organizations.
Sec. 5326. Effective date.

PART C—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 5331. Establishment of the health care fraud and abuse data collection program.

PART D—CIVIL MONETARY PENALTIES

Sec. 5341. Civil monetary penalties.

PART E—AMENDMENTS TO CRIMINAL LAW

Sec. 5351. Health care fraud.
Sec. 5352. Forfeitures for Federal health care offenses.
Sec. 5353. Injunctive relief relating to Federal health care offenses.
Sec. 5354. Grand jury disclosure.
Sec. 5355. False Statements.
Sec. 5356. Voluntary disclosure program.
Sec. 5357. Obstruction of criminal investigations of Federal health care offenses.
Sec. 5358. Theft or embezzlement.
Sec. 5359. Laundering of monetary instruments.

PART F—PAYMENTS FOR STATE HEALTH CARE FRAUD CONTROL UNITS

Sec. 5361. Establishment of State fraud units.
Sec. 5362. Requirements for State fraud units.
Sec. 5363. Scope and purpose.
Sec. 5364. Payments to States.

TITLE VI—MALPRACTICE REFORM

Sec. 6001. Alternative dispute resolution.
Sec. 6002. Basic requirements.
Sec. 6003. Alternative dispute resolution advisory board.
Sec. 6004. Certification of State systems; applicability of alternative Federal system.
Sec. 6005. Reports on implementation and effectiveness of alternative dispute resolution systems.

Sec. 6006. Optional application of practice guidelines.

TITLE VII—HEALTH PROMOTION AND DISEASE PREVENTION

Sec. 7001. Disease prevention and health promotion programs treated as medical care.
Sec. 7002. Worksite wellness grant program.
Sec. 7003. Expanding and improving school health education.

TITLE VIII—TAX INCENTIVES FOR LONG-TERM CARE

Sec. 8001. Short title.
Sec. 8002. Amendment of 1986 Code.

Subtitle A—Tax Treatment of Long-Term Care Insurance

Sec. 8101. Qualified long-term care services treated as medical care.
Sec. 8102. Treatment of long-term care insurance.
Sec. 8103. Treatment of qualified long-term care plans.
Sec. 8104. Tax reserves for qualified long-term care insurance policies.
Sec. 8105. Tax treatment of accelerated death benefits under life insurance contracts.
Sec. 8106. Tax treatment of companies issuing qualified accelerated death benefit riders.

Subtitle B—Standards For Long-Term Care Insurance

Sec. 8201. National Long-Term Care Insurance Advisory Council.
Sec. 8202. Additional requirements for issuers of long-term care insurance policies.
Sec. 8203. Coordination with State requirements.
Sec. 8204. Uniform language and definitions.

Subtitle C—Incentives to Encourage the Purchase of Private Insurance

Sec. 8301. Assets or resources disregarded under the medicaid program.
Sec. 8302. Distributions from individual retirement accounts for the purchase of long-term care insurance coverage.

Subtitle D—Effective Date

Sec. 8401. Effective date of tax provisions.

TITLE IX—BUDGET NEUTRALITY

Sec. 9001. Assurance of budget neutrality.

TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

SEC. 1001. NONDISCRIMINATION BASED ON HEALTH STATUS.

(a) IN GENERAL.—Except as provided in subsection (b) and section 1003(d), a health plan may not deny, limit, or condition the coverage under (or benefits of) the plan, or vary the premium, for an individual based on the health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for health care services, disability, or lack of evidence of insurability.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

(1) IN GENERAL.—A health plan may impose a limitation or exclusion of benefits relating to treatment of a condition based on the fact that the condition preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan;

(B) the limitation or exclusion extends for a period not more than 6 months after the date of enrollment under the plan;

(C) the limitation or exclusion does not apply to an individual who, as of the date of birth, was covered under the plan; or

(D) the limitation or exclusion does not apply to pregnancy.

(2) CREDITING OF PREVIOUS COVERAGE.—A health plan shall provide that if an individual under such plan is in a period of continuous coverage as of the date of enrollment under such plan, any period of exclusion of coverage with respect to a preexisting condition shall be reduced by 1 month for each month in the period of continuous coverage.

(3) DEFINITIONS.—For purposes of this subsection:

(A) PERIOD OF CONTINUOUS COVERAGE.—

(i) IN GENERAL.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under a health plan or an equivalent health care program and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) EQUIVALENT HEALTH CARE PROGRAM.—The term "equivalent health care program" means—

(I) part A or part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

(II) the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.),

(III) the health care program for active military personnel under title 10, United States Code,

(IV) the veterans health care program under chapter 17 of title 38, United States Code,

(V) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code, and

(VI) the Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(B) PREEXISTING CONDITION.—The term "preexisting condition" means, with respect to coverage under a health plan, a condition which was diagnosed, or which was treated, within the 3-month period ending on the day before the date of enrollment (without regard to any waiting period).

(c) LIMITATIONS PROHIBITED.—

(1) IN GENERAL.—A health plan may not impose a lifetime limitation on the provision of benefits under the plan.

(2) RULE OF CONSTRUCTION.—The prohibition contained in paragraph (1) shall not be construed as prohibiting limitations on the scope or duration of particular items or services covered by a health plan.

SEC. 1002. GUARANTEED ISSUE AND RENEWAL

(a) SMALL GROUP MARKET.—Each health plan offering coverage in the small group market shall guarantee each individual purchaser and small employer (and each eligible employee of such small employer) applying for coverage in such market the opportunity to enroll in the plan.

(b) LARGE EMPLOYER MARKET.—Each health plan offering coverage in the large employer market shall guarantee any individual eligible for coverage under the plan the opportunity to enroll in such plan.

(c) CAPACITY LIMITS.—Notwithstanding this section, a health plan may apply a capacity limit based on limited financial or provider capacity if the plan enrolls individuals in a manner that provides prospective enrollees with a fair chance of enrollment regardless of the method by which the individual seeks enrollment.

(d) RENEWAL OF POLICY.—

(1) SMALL GROUP MARKET.—A health plan issued to a small employer or an individual purchaser in the small group market shall be renewed at the option of the employer or individual, if such employer or individual purchaser remains eligible for coverage under the plan.

(2) LARGE EMPLOYER MARKET.—A health plan issued to an individual eligible for coverage under a large employer plan shall be renewed at the option of the individual, if such individual remains eligible for coverage under the plan.

(e) GROUNDS FOR REFUSAL TO RENEW.—A health plan may refuse to renew a policy only in the case of—

(1) the nonpayment of premiums;

(2) fraud on the part of the employer or individual relating to such plan; or

(3) the misrepresentation by the employer or individual of material facts relating to an application for coverage of a claim or benefit.

(f) NOTIFICATION OF AVAILABILITY.—Each health plan sponsor shall publicly disclose the availability of each health plan that such sponsor provides or offers in a small group market. Such disclosure shall be accompanied by information describing the method by which eligible employers and individuals may enroll in such plans.

SEC. 1003. RATING LIMITATIONS.

(a) IN GENERAL.—A health plan offering coverage in the small group market shall comply with the standards developed under this section.

(b) ROLE OF NAIC.—The Secretary shall request that the NAIC—

(1) develop specific standards in the form of a model Act and model regulations that provide for the implementation of the rating limitations described in subsection (d); and

(2) report to the Secretary concerning such standards within 6 months after the date of enactment of this Act.

(c) ROLE OF THE SECRETARY.—The Secretary, upon review of the report received under subsection (b)(2), shall not later than January 1, 1997, promulgate final standards implementing this section. Such standards shall be the applicable health plan standards under this section.

(d) RATING STANDARDS.—The standards described in this section shall provide for the following:

(1) A determination of factors that health plans may use to vary the premium rates of such plans. Such factors—

(A) shall be applied in a uniform fashion to all enrollees covered by a plan;

(B) shall include age (as specified in paragraph (3)), family type, and geography; and

(C) except as provided in paragraph (2)(A), shall not include gender, health status, or health expenditures.

(2)(A) Factors prohibited under paragraph (1)(C) shall be phased out over a period not to exceed 3 years after the effective date of this section.

(B) Other rating factors (other than age) may be phased out to the extent necessary to minimize market disruption and maximize coverage rates.

(3) Uniform age categories and age adjustment factors that reflect the relative actuarial costs of benefit packages among enrollees. By the end of the 3-year period beginning on the effective date of this section, for individuals who have attained age 18 but not age 65, the highest age adjustment factor may not exceed 3 times the lowest age adjustment factor.

(e) DISCOUNTS.—Standards developed under this section shall permit health plans to provide premium discounts based on workplace health promoting activities.

SEC. 1004. DELIVERY SYSTEM QUALITY STANDARDS.

(a) IN GENERAL.—Each health plan shall comply with the standards developed under this section.

(b) ROLE OF THE SECRETARY.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with the NAIC and other organizations with expertise in the areas of quality assurance (including the Joint Commission on Accreditation of Health Care Organizations, the National Committee for Quality Assurance, and peer review organizations), shall establish minimum guidelines specified in subsection (c) for the issuance by each State of delivery system quality standards. Such standards shall be the applicable health plan standards under this section.

(c) MINIMUM GUIDELINES.—The minimum guidelines specified in this subsection are as follows:

(1) Establishing and maintaining health plan quality assurance, including—

(A) quality management;

(B) credentialing;

(C) utilization management;

(D) health care provider selection and due process in selection; and

(E) practice guidelines and protocols.

(2) Providing consumer protection for health plan enrollees, including—

(A) comparative standardized consumer information with respect to health plan premiums and quality measures, including health care report cards;

(B) nondiscrimination in plan enrollment, disenrollment, and service provision;

(C) continuation of treatment with respect to health plans that become insolvent; and

(D) grievance procedures.

(3) Ensuring reasonable access to health care services, including access for vulnerable populations in underserved areas.

SEC. 1005. RISK ADJUSTMENT.

Each health plan offering coverage in the small group market in a State shall participate in a risk adjustment program developed by such State under standards established by the Secretary.

SEC. 1006. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on January 1, 1996.

(b) RATING LIMITATIONS AND RISK ADJUSTMENTS.—The standards promulgated under sections 1003 and 1005 shall apply to plans that are issued or renewed after December 31, 1996.

Subtitle B—Establishment and Application of Standards

SEC. 1011. GENERAL RULES.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed on a health plan under this Act shall be deemed to be a requirement or standard imposed on the insurer or sponsor of such plan.

(2) PREEMPTION OF STATE LAW.—

(A) IN GENERAL.—No requirement of this title shall be construed as preempting any State law unless such State law directly conflicts with such requirement. The provision of additional consumer protections under State law as described in subparagraph (B) shall not be considered to directly conflict with any such requirement.

(B) CONSUMER PROTECTION LAWS.—State laws referred to in subparagraph (A) that are not preempted by this title include—

(i) laws that limit the exclusions or limitations for preexisting medical conditions to periods that are less than those provided for under section 1001;

(ii) laws that limit variations in premium rates beyond the variations permitted under section 1003; and

(iii) laws that would expand the small group market in excess of that provided for under this title.

(C) LIMITED PREEMPTION OF STATE MANDATED BENEFITS.—No State law or regulation in effect in a State that requires health plans offered to small employers in the State to include specified items and services other than those described in section 1005(b)(2)(B) shall apply with respect to a health plan offered by an insurer to a small employer.

(b) REGULATIONS.—The Secretary, in consultation with NAIC, and the Secretary of Labor are each authorized to issue regulations as are necessary to implement this Act.

SEC. 1012. ENCOURAGEMENT OF STATE REFORMS.

Nothing in this Act shall be construed as prohibiting States from enacting health care reform measures that exceed the measures established under this Act, including reforms that expand access to health care services, control health care costs, and enhance quality of care.

SEC. 1013. ENFORCEMENT OF STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), each State shall require that each health plan issued, sold, offered for sale, or operated in such State meets the insurance reform standards established under this title pursuant to an enforcement plan filed by the State with, and approved by, the Secretary. If the State does not file an acceptable plan, the Secretary shall enforce such standards until a plan is filed and approved.

(b) SECRETARY OF LABOR.—With respect to any health plan for which the application of State insurance laws are preempted under section 514 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144), the enforcement of the insurance reform standards established under this title shall be by the Secretary of Labor.

Subtitle C—Definitions

SEC. 1021. DEFINITIONS.

(a) HEALTH PLAN.—For purposes of this title and title II, the term "health plan" means a plan that provides, or pays the cost of, health benefits. Such term does not include the following, or any combination thereof:

(1) Coverage only for accidental death, dismemberment, dental, or vision.

(2) Coverage providing wages or payments in lieu of wages for any period during which the employee is absent from work on account of sickness or injury.

(3) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

(4) Coverage issued as a supplement to liability insurance.

(5) Worker's compensation or similar insurance.

(6) Automobile medical-payment insurance.

(7) A long-term care insurance policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy provides sufficiently comprehensive coverage of a benefit so that it should be treated as a health plan).

(8) Any plan or arrangement not described in any preceding subparagraph which provides for benefit payments, on a periodic basis, for a specified disease or illness or period of hospitalization without regard to the costs incurred or services rendered during the period to which the payments relate.

(9) Such other plan or arrangement as the Secretary determines is not a health plan.

(b) TERMS AND RULES RELATING TO THE SMALL GROUP AND LARGE EMPLOYER MARKETS.—For purposes of this title and title II:

(1) SMALL GROUP MARKET.—The term "small group market" means the market for health plans which is composed of small employers and individual purchasers.

(2) SMALL EMPLOYER.—The term "small employer" means, with respect to any calendar year, any employer if, on each of 20 days during the preceding calendar year (each day being in a different week), such employer (or any predecessor) employed less than 51 employees for some portion of the day.

(3) INDIVIDUAL PURCHASER.—The term "individual purchaser" means an individual who is not eligible to enroll in a health plan sponsored by a large or small employer.

(4) LARGE EMPLOYER MARKET.—The term "large employer market" means the market for health plans which is composed of large employers.

(5) LARGE EMPLOYER.—The term "large employer"—

(A) means an employer that is not a small employer; and

(B) includes a multiemployer plan as defined in section 3(37) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)) and a plan which is maintained by a rural electric cooperative or a rural telephone cooperative association (within the meaning of section 3(40) of such Act (29 U.S.C. 1002(40)).

(c) ADDITIONAL DEFINITIONS.—For purposes of this title and title II:

(1) NAIC.—The term "NAIC" means the National Association of Insurance Commissioners.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—GRANTS TO STATES FOR SMALL GROUP HEALTH INSURANCE PURCHASING ARRANGEMENTS

SEC. 2001. GRANTS TO STATES FOR SMALL GROUP HEALTH INSURANCE PURCHASING ARRANGEMENTS.

(a) IN GENERAL.—The Secretary shall make grants to States that submit applications meeting the requirements of this section for the establishment and operation of small group health insurance purchasing arrangements.

(b) USE OF FUNDS.—Grant funds awarded under this section to a State may be used to finance administrative costs associated with developing and operating a small group health insurance purchasing arrangement, including the costs associated with—

(1) engaging in marketing and outreach efforts to inform individuals and small employers about the small group health insurance purchasing arrangement, which may include the payment of sales commissions;

(2) negotiating with insurers to provide health insurance through the small group health insurance purchasing arrangement; or

(3) providing administrative functions, such as eligibility screening, claims administration, and customer service.

(c) APPLICATION REQUIREMENTS.—An application submitted by a State to the Secretary shall describe—

(1) whether the program will be operated directly by the State or through 1 or more State-sponsored private organizations and the details of such operation;

(2) program goals for reducing the cost of health insurance for, and increasing insurance coverage in, the small group market;

(3) the approaches proposed for enlisting participation by insurers and small employers, including any plans to use State funds to subsidize the cost of insurance for participating individuals and employers; and

(4) the methods proposed for evaluating the effectiveness of the program in reducing the number of uninsured in the State and on lowering the cost of health insurance for the small group market in the State.

(d) GRANT CRITERIA.—In awarding grants, the Secretary shall consider the potential impact of the State's proposal on the cost of health insurance for the small group market and on the number of uninsured, and the need for regional variation in the awarding of grants. To the extent the Secretary deems appropriate, grants shall be awarded to fund programs employing a variety of approaches for establishing small group health insurance purchasing arrangements.

(e) PROHIBITION ON GRANTS.—No grant funds shall be paid to States that do not meet the requirements of this title with respect to small group health plans, or to States with group purchasing programs involving small group health plans that do not meet the requirements of this title.

(f) ANNUAL REPORT BY STATES.—States receiving grants under this section shall report to the Secretary annually on the numbers and rates of participation by eligible insurers and small employers, on the estimated impact of the program on reducing the number of uninsured, and on the cost of insurance available to the small group market in the State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1996, 1997, and 1998, such sums as may be necessary to carry out this section.

(h) SECRETARIAL REPORT.—The Secretary shall report to Congress by not later than January 1, 1997, on the number and amount of grants awarded under this section, and include with such report an evaluation of the impact of the grant program on the number of uninsured and cost of health insurance to small group markets in participating States.

TITLE III—TAX INCENTIVES TO ENCOURAGE THE PURCHASE OF HEALTH INSURANCE

SEC. 3001. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) DEDUCTION MADE PERMANENT.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Section 162(l) of such Code, as amended by subsection (a), is amended—

(1) by striking "25 percent" in paragraph (1) and inserting "the applicable percentage", and

(2) by adding at the end the following new paragraph:

"(6) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

For taxable years beginning in:	The applicable percentage is:
1994, 1995 and 1996	25
1997	50
1998 and 1999	75
2000 and thereafter	100."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 3002. CREDIT FOR HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. HEALTH INSURANCE EXPENSES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the qualified health insurance expenses paid by such individual during the taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means 60 percent reduced (but not below zero) by 10 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the applicable dollar amount.

"(3) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means—

"(A) in the case of a taxpayer filing a joint return, $28,000,

"(B) in the case of any other taxpayer (other than a married individual filing a separate return), $18,000, and

"(C) in the case of a married individual filing a separate return, zero.

For purposes of this subsection, the rule of section 219(g)(4) shall apply.

"(b) QUALIFIED HEALTH INSURANCE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(d)(1)(C)). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed $1,200 ($2,400 in the case of a taxpayer filing a joint return).

"(3) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH ADVANCE PAYMENT AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply to any credit to which this section applies.

"(2) MEDICARE-ELIGIBLE INDIVIDUALS.—No expense shall be treated as a qualified health insurance expense if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(3) SUBSIDIZED EXPENSES.—No expense shall be treated as a qualified health insurance expense to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF HEALTH INSURANCE EXPENSES CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a health insurance expenses eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) HEALTH INSURANCE EXPENSES ELIGIBILITY CERTIFICATE.—For purposes of this title, a health insurance expenses eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 34A for the taxable year,

"(2) certifies that the employee does not have a health insurance expenses eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(3) states whether or not the employee's spouse has a health insurance expenses eligibility certificate in effect, and

"(4) estimates the amount of qualified health insurance expenses (as defined in section 34A(b)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) HEALTH INSURANCE EXPENSES ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'health insurance expenses advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated qualified health insurance expenses included in the health insurance expenses eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402(a) and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of health insurance expenses credit.".

(c) COORDINATION WITH DEDUCTIONS FOR HEALTH INSURANCE EXPENSES.—

(1) SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986, as amended by section 8001, is further amended by adding after paragraph (6) the following new paragraph:

"(7) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 34A.".

(2) MEDICAL, DENTAL, ETC., EXPENSES.—Subsection (e) of section 213 of such Code is amended by inserting "or section 34A" after "section 21".

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Health insurance expenses.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

TITLE IV—INCENTIVES TO INCREASE THE ACCESS OF RURAL AND UNDERSERVED AREAS TO HEALTH CARE

SEC. 4001. NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

"SEC. 23. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the product of—

"(1) the number of months during such taxable year—

"(A) during which the taxpayer is a qualified primary health services provider, and

"(B) which are within the taxpayer's mandatory service period, and

"(2) $1,000 ($500 in the case of a qualified practitioner who is not a physician).

"(b) QUALIFIED PRIMARY HEALTH SERVICES PROVIDER.—For purposes of this section, the term 'qualified primary health services provider' means, with respect to any month, any qualified practitioner who—

"(1) has in effect a certification by the Bureau as a provider of primary health services and such certification is, when issued, for a health professional shortage area in which the qualified practitioner is commencing the providing of primary health services,

"(2) is providing primary health services full time in the health professional shortage area identified in such certification, and

"(3) has not received a scholarship under the National Health Service Corps Scholarship Program or any loan repayments under the National Health Service Corps Loan Repayment Program.

For purposes of paragraph (2) and subsection (e)(3), a provider shall be treated as providing services in a health professional shortage area when such area ceases to be such an area if it was such an area when the provider commenced providing services in the area.

"(c) MANDATORY SERVICE PERIOD.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider. A taxpayer shall not have more than 1 mandatory service period.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BUREAU.—The term 'Bureau' means the Bureau of Primary Health Care, Health Resources and Services Administration of the United States Public Health Service.

"(2) QUALIFIED PRACTITIONER.—The term 'qualified practitioner' means a physician, a physician assistant, a nurse practitioner, or a certified nurse-midwife.

"(3) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(4) PHYSICIAN ASSISTANT; NURSE PRACTITIONER.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(5) of the Social Security Act.

"(5) CERTIFIED NURSE-MIDWIFE.—The term 'certified nurse-midwife' has the meaning given to such term by section 1861(gg)(2) of the Social Security Act.

"(6) PRIMARY HEALTH SERVICES.—The term 'primary health services' has the meaning given such term by section 330(b)(1) of the Public Health Service Act.

"(7) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' has the meaning given such term by section 332(a)(1)(A) of the Public Health Service Act.

"(e) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If there is a recapture event during any taxable year, then—

"(A) no credit shall be allowed under subsection (a) for such taxable year and any succeeding taxable year, and

"(B) the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(i) the applicable percentage, and

"(ii) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	**The applicable recapture percentage is:**
Months 1–24	100
Months 25–36	75
Months 37–48	50
Months 49–60	25
Month 61 or thereafter	0.

"(B) TIMING.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) RECAPTURE EVENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during the taxpayer's mandatory service period.

"(B) SECRETARIAL WAIVER.—The Secretary, in consultation with the Secretary of Health and Human Services, may waive any recapture event caused by extraordinary circumstances.

"(4) NO CREDITS AGAINST TAX; MINIMUM TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part or for purposes of section 55."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Primary health services providers."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 4002. EXPENSING OF MEDICAL EQUIPMENT.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation on expensing of certain depreciable business assets) is amended to read as follows:

"(1) DOLLAR LIMITATION.—

"(A) GENERAL RULE.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $17,500.

"(B) HEALTH CARE PROPERTY.—The aggregate cost which may be taken into account under subsection (a) shall be increased by the lesser of—

"(i) the cost of section 179 property which is health care property placed in service during the taxable year, or

"(ii) $10,000."

(b) DEFINITION.—Section 179(d) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

"(11) HEALTH CARE PROPERTY.—For purposes of this section, the term 'health care property' means section 179 property—

"(A) which is medical equipment used in the screening, monitoring, observation, diagnosis, or treatment of patients in a laboratory, medical, or hospital environment,

"(B) which is owned (directly or indirectly) and used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act), and

"(C) substantially all the use of which is in such area."

(c) RECAPTURE.—Paragraph (10) of section 179(d) of such Code is amended by inserting before the period "and with respect to any health care property which ceases (other than by an area failing to be treated as a health professional shortage area) to be health care property at any time".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 1994.

SEC. 4003. EXPANDED SERVICES FOR MEDICALLY UNDERSERVED INDIVIDUALS.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 313) is amended by adding at the end the following new section:

"SEC. 330B. EXPANDED SERVICES FOR MEDICALLY UNDERSERVED INDIVIDUALS.

"(a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under this section, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereinafter referred to in this section as 'FQHC's') and other entities and organizations submitting applications under this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3)) or in high impact areas (as defined in section 329(a)(5)) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of January 1, 1991, been certified by the Secretary as a FQHC under section 1905(l)(2)(B) of the Social Security Act; or

"(B) have submitted applications to the Secretary to qualify as FQHC's under such section 1905(l)(2)(B); or

"(C) have submitted a plan to the Secretary which provides that the entity will meet the requirements to qualify as a FQHC when operational.

"(2) NON FQHC ENTITIES.—

"(A) ELIGIBILITY.—The Secretary shall also make grants under this section to public or private nonprofit agencies, health care entities or organizations which meet the requirements necessary to qualify as a FQHC except, the requirement that such entity have a consumer majority governing board and which have submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) of the Social Security Act and which are designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services, provided such proposal is developed by the entity or organizations (or such entities or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such entity or organization is located.

"(B) LIMITATION.—The Secretary shall provide in making grants to entities or organizations described in this paragraph that no more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) REQUIREMENTS.—An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII of the Social Security Act, for medical assistance under title XIX of such Act or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and

"(ii) from patients not entitled to benefits under any such programs.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—From the amounts awarded to an entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met; and

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under 1905(l)(2)(B) of the Social Security Act.

"(2) RECRUITING, TRAINING AND COMPENSATION OF STAFF.—From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under title XIX of the Social Security Act or any other State or Federal program)) to the extent necessary to allow the entity to operate at new or expended existing sites.

"(3) FACILITIES AND EQUIPMENT.—From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the cost of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, and modernizing of existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) SERVICES.—From the amounts awarded to an entity or organization under this section, funds may be expanded for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity necessary to qualify such entity as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under title XIX of such Act; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) to patients.

"(e) PRIORITIES IN THE AWARDING OF GRANTS.—

"(1) CERTIFIED FQHC'S.—The Secretary shall give priority in awarding grants under this section to entities which have, as of January 1, 1991, been certified as a FQHC under section 1905(l)(2)(B) of the Social Security Act and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) QUALIFIED FQHC'S.—The Secretary shall give second priority in awarding grants to entities which have submitted applications to the Secretary which demonstrate that the entity will qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act before it provides or arranges for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) EXPANDED SERVICES AND PROJECTS.—The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities which have provided for expanded services and project and are able to demonstrate that such entity will incur significant unreimbursed costs in providing such expanded services.

"(f) RETURN OF FUNDS TO SECRETARY FOR COSTS REIMBURSED FROM OTHER SOURCES.—To the extent that an entity or organization receiving funds under this section is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, areas served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) TERMINATION OF GRANTS.—

"(1) FAILURE TO MEET FQHC REQUIREMENTS.—

"(A) IN GENERAL.—With respect to any entity that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) or is an entity that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity.

"(B) NOTICE.—Prior to any termination of funds under this section to an entity, the entities shall be entitled to 60 days prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity to continue to receive funds under this section.

"(2) REQUIREMENTS.—Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity using funds made available under this section or transfer such property to another FQHC, provided, that the Secretary shall reimburse any costs which were incurred by the entity in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity terminated under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 1999 to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity described in this section beginning on or after October 1, 1996.

SEC. 4004. INCREASE IN NATIONAL HEALTH SERVICE CORPS AND AREA HEALTH EDUCATION CENTER FUNDING.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 338H(b)(1) of the Public Health Service Act (42 U.S.C. 254q(b)(1)) is amended—

(1) by striking "1991, and" and inserting "1991,"; and

(2) by striking "through 2000" and inserting ", 1994, and 1995, and $20,000,000 for each of the fiscal years 1996 through 2000".

(b) AREA HEALTH EDUCATION CENTERS.—Section 746(i)(1) of such Act (42 U.S.C. 293j(i)(1)) is amended—

(1) in subparagraph (A), by striking "1995" and inserting "1995, and $20,000,000 for each of the fiscal years 1996 through 2000"; and

(2) in subparagraph (C), by striking "and 1995" and inserting "1995, and $20,000,000 for each of the fiscal years 1996 through 2000".

SEC. 4005. ASSISTANT SECRETARY FOR RURAL HEALTH.

(a) APPOINTMENT OF ASSISTANT SECRETARY.—

(1) IN GENERAL.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended—

(A) by striking "by a Director, who shall advise the Secretary" and inserting "by an Assistant Secretary for Rural Health (in this section referred to as the 'Assistant Secretary'), who shall report directly to the Secretary"; and

(B) by adding at the end the following new sentence: "The Office shall not be a component of any other office, service, or component of the Department.".

(2) CONFORMING AMENDMENTS.—(A) Section 711(b) of the Social Security Act (42 U.S.C. 912(b)) is amended by striking "the Director" and inserting "the Assistant Secretary".

(B) Section 338J(a) of the Public Health Service Act (42 U.S.C. 254r(a)) is amended by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(C) Section 464T(b) of the Public Health Service Act (42 U.S.C. 285p-2(b)) is amended in the matter preceding paragraph (1) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(D) Section 6213 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395x note) is amended in subsection (e)(1) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(E) Section 403 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. 300ff-11 note) is amended in the matter preceding paragraph (1) of subsection (a) by striking "Director of the Office of Rural Health Policy" and inserting "Assistant Secretary for Rural Health".

(3) AMENDMENT TO THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Health and Human Services (5)" and inserting "Assistant Secretaries of Health and Human Services (6)".

(b) EXPANSION OF DUTIES.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended by striking "and access to (and the quality of) health care in rural areas" and inserting "access to, and quality of, health care in rural areas, and reforms to the health care system and the implications of such reforms for rural areas".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

SEC. 4006. STUDY ON TRANSITIONAL MEASURES TO ENSURE ACCESS.

(a) IN GENERAL.—The Prospective Payment Assessment Commission shall conduct a study concerning the need for legislation or regulations to ensure that vulnerable populations have adequate access to health plans and health care providers and services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Prospective Payment Assessment Commission shall prepare and submit to Congress a report concerning the findings and recommendations of the Commission based on the study conducted under subsection (a).

TITLE V—QUALITY AND CONSUMER PROTECTION

Subtitle A—Quality Improvement Foundations

SEC. 5001. QUALITY IMPROVEMENT FOUNDATIONS.

(a) ESTABLISHMENT.—

(1) GRANT PROCESS.—The Secretary shall, through a competitive grantmaking process, award demonstration grants for the establishment and operation of quality improvement foundations. In awarding such grants the Secretary shall consider geographic diversity, regional economics of scale, population density, regional needs and other regional differences.

(2) ELIGIBLE APPLICANTS.—To be eligible to receive a grant for the establishment of a quality improvement foundation under paragraph (1), and applicant entity shall—

(A) be a not-for-profit entity; and

(B) have a board that includes health care providers, representatives from relevant institutions of higher education in the region, consumers, purchasers of health care, and other interested parties.

(b) DUTIES.—

(1) IN GENERAL.—Each quality improvement foundation shall carry out the duties described in paragraph (2). The foundation shall establish a program of activities incorporating such duties and shall be able to demonstrate the involvement of a broad cross-section of the providers and health care institutions throughout the State or region.

(2) DUTIES DESCRIBED.—The duties described in this paragraph include the following:

(A) Collaboration with and technical assistance to providers and health plans in ongoing efforts to improve the quality of health care provided to individuals in the State.

(B) Population-based monitoring of practice patterns and patient outcomes,on an other than a case-by-case basis.

(C) Developing programs in lifetime learning for health professionals to improve the quality of health care by ensuring that health professionals remain informed about new knowledge, acquire new skills, and adopt new roles as technology and societal demands change.

(D) Disseminating information about successful quality improvement programs, practice guidelines, and research findings, including information on innovative staffing of health professionals.

(E) Assist in developing innovative patient education systems that enhance patient involvement in decisions relating to their health care, including an emphasis on shared decisionmaking between patients and health care providers.

(F) Issuing a report to the public regarding the foundation's activities for the previous year including areas of success during the previous year and areas for opportunities in improving health outcomes for the community, and the adoption of guidelines.

(c) RESTRICTIONS ON DISCLOSURE.—The restrictions on disclosure of information under section 1160 of the Social Security Act shall apply to quality improvement foundations under this section, except that—

(1) such foundations shall make data available to qualified organizations and individuals for research for public benefit under the terms set forth in section 5218;

(2) individuals and qualified organizations shall meet standards consistent with the Public Health Service Act and policies regarding the conduct of scientific research, including provisions related to confidentiality, privacy, protection of humans and shall pay reasonable costs for data; and

(3) such foundations may exchange information with other quality improvement foundations.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, the are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000.

Subtitle B—Administrative Simplification

PART 1—PURPOSE AND DEFINITIONS

SEC. 5101. PURPOSE.

It is the purpose of this subtitle to improve the efficiency and effectiveness of the health care system, including the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, by encouraging the development of a health information network through the establishment of standards and requirements for the electronic transmission of certain health information.

SEC. 5102. DEFINITIONS.

For purposes of this subtitle:

(1) CERTIFIED.—The term "certified" means, with respect to a health information network service, that such service is certified under section 5141.

(2) CODE SET.—The term "code set" means any set of codes used for encoding data elements, such as tables of terms, medical concepts, medical diagnostic codes, or medical procedure codes.

(3) COORDINATION OF BENEFITS.—The term "coordination of benefits" means determining and coordinating the financial obligations of health plans when health care benefits are payable under two or more health plans.

(4) HEALTH CARE PROVIDER.—The term "health care provider" includes a provider of services (as defined in section 1861(u) of the Social Security Act), a provider of medical or other health services (as defined in section 1861(s) of the Social Security Act), and any other person furnishing health care services or supplies.

(5) HEALTH INFORMATION.—The term "health information" means any information, whether oral or recorded in any form or medium that—

(A) is created or received by a health care provider, health plan, health oversight agency (as defined in section 5202), health researcher, public health authority (as defined in section 5202), employer, life insurer, school or university, or certified health information network service; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(6) HEALTH INFORMATION NETWORK.—The term "health information network" means

the health information system that is formed through the application of the requirements and standards established under this subtitle.

(7) HEALTH INFORMATION PROTECTION ORGANIZATION.—The term "health information protection organization" means a private entity or an entity operated by a State that accesses standard data elements of health information through the health information network and—

(A) processes such information into non-identifiable health information and discloses such information;

(B) if such information is protected health information (as defined in section 5202), discloses such information only in accordance with subtitle C; and

(C) may store such information

(8) HEALTH INFORMATION NETWORK SERVICE.—The term "health information network service"—

(A) means a private entity or an entity operated by a State that enters into contracts to—

(i) process or facilitate the processing of nonstandard data elements of health information into standard data elements;

(ii) provide the means by which persons are connected to the health information network for purposes of meeting the requirements of this subtitle, including the holding of standard data elements of health information;

(iii) provide authorized access to health information through the health information network; or

(iv) provide specific information processing services, such as automated coordination of benefits and claims transaction routing; and

(B) includes a health information protection organization.

(9) HEALTH PLAN.—The term "health plan" has the meaning given such term in section 1021(a).

(10) NON-IDENTIFIABLE HEALTH INFORMATION.—The term "non-identifiable health information" means health information that is not protected health information as defined in section 5202.

(11) PATIENT MEDICAL RECORD INFORMATION.—The term "patient medical record information" means health information derived from a clinical encounter that relates to the physical or mental condition of an individual.

(12) STANDARD.—The term "standard" when referring to an information transaction or to data elements of health information means the transaction or data elements meet any standard adopted by the Secretary under part 2 that applies to such information transaction or data elements.

PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS

SEC. 5111. GENERAL REQUIREMENTS ON SECRETARY.

(a) IN GENERAL.—The Secretary shall adopt standards and modifications to standards under this subtitle that are—

(1) consistent with the objective of reducing the costs of providing and paying for health care;

(2) in use and generally accepted or developed or modified by the standards setting organizations accredited by the American National Standard Institute (ANSI); and

(3) consistent with the objective of protecting the privacy of protected health information (as defined in section 5202).

(b) INITIAL STANDARDS.—The Secretary may develop an expedited process for the adoption of initial standards under this subtitle.

(c) FAILSAFE.—If the Secretary is unable to adopt standards or modified standards in accordance with subsection (a) that meet the requirements of this subtitle—

(1) the Secretary may develop or modify such standards and, after providing public notice and an adequate period for public comment, adopt such standards; and

(2) if the Secretary adopts standards under paragraph (1), the Secretary shall submit a report to the appropriate committees of Congress on the actions taken by the Secretary under this subsection.

(d) ASSISTANCE TO THE SECRETARY.—In complying with the requirements of this subtitle, the Secretary shall rely on recommendations of the Health Information Advisory Committee established under section 5163 and shall consult with appropriate Federal agencies.

SEC. 5112. STANDARDS FOR TRANSACTIONS AND DATA ELEMENTS.

(a) IN GENERAL.—The Secretary shall adopt standards for transactions and data elements to make uniform and able to be exchanged electronically health information that is—

(1) appropriate for the following financial and administrative transactions: claims (including coordination of benefits) or equivalent encounter information, claims attachments, enrollment and disenrollment, eligibility, payment and remittance advice, premium payments, first report of injury, claims status, and referral certification and authorization;

(2) related to other transactions determined appropriate by the Secretary consistent with the goals of improving the health care system and reducing administrative costs; and

(3) related to research inquiries by a health researcher with respect to information standardized under paragraph (1) or (2).

(b) UNIQUE HEALTH IDENTIFIERS.—The Secretary shall adopt standards providing for a standard unique health identifier for each individual, employer, health plan, and health care provider for use in the health care system.

(c) CODE SETS.—

(1) IN GENERAL.—The Secretary, in consultation with experts from the private sector and Federal agencies, shall—

(A) select code sets for appropriate data elements from among the code sets that have been developed by private and public entities; or

(B) establish code sets for such data elements if no code sets for the data elements have been developed.

(2) DISTRIBUTION.—The Secretary shall establish efficient and low-cost procedures for distribution of code sets and modifications made to such code sets under section 5113(b).

(d) ELECTRONIC SIGNATURE.—The Secretary, in coordination with tne Secretary of Commerce, shall promulgate regulations specifying procedures for the electronic transmission and authentication of signatures, compliance with which will be deemed to satisfy Federal and State statutory requirements for written signatures with respect to information transactions required by this subtitle and written signatures on medical records and prescriptions.

(e) SPECIAL RULES—

(1) COORDINATION OF BENEFITS.—Any standards adopted under subsection (a) that relate to coordination of benefits shall provide that a claim for reimbursement for medical services furnished is tested by an algorithm specified by the Secretary against all records that are electronically available through the health information network relating to enrollment and eligibility for the individual who received such services to determine any primary and secondary obligors for payment.

(2) CLINICAL LABORATORY TESTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any standards adopted under subsection (a) shall provide that claims for clinical laboratory tests for which benefits are payable by a plan sponsor shall be submitted directly by the person or entity that performed (or supervised the performance of) the tests to the sponsor in a manner consistent with (and subject to such exceptions as are provided under) the requirement for direct submission of such claims under the medicare program.

(B) EXCEPTION.—Payment for a clinical laboratory test may be made—

(i) to a physician with whom the physician who performed or supervised the test shares a practice; or

(ii) on a pre-paid, at-risk basis to the person or entity who performs or supervises the test.

SEC. 5113. TIMETABLES FOR ADOPTION OF STANDARDS.

(a) INITIAL STANDARDS.—The Secretary shall adopt standards relating to the data elements and transactions for the information described in section 5112(a) not later than 9 months after the date of the enactment of this subtitle (except in the case of standards for claims attachments which shall be adopted not later than 24 months after the date of the enactment of this subtitle).

(b) ADDITIONS AND MODIFICATIONS TO STANDARDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall review the standards adopted under this subtitle and shall adopt additional or modified standards as determined appropriate, but no more frequently than once every 6 months. Any addition or modification to standards shall be completed in a manner which minimizes the disruption and cost of compliance.

(2) SPECIAL RULES.—

(A) FIRST 12-MONTH PERIOD.—Except with respect to additions and modifications to code sets under subparagraph (B), the Secretary shall not adopt any modifications to standards adopted under this subtitle during the 12-month period beginning on the date such standards are adopted unless the Secretary determines that a modification is necessary in order to permit compliance with requirements relating to the standards.

(B) ADDITIONS AND MODIFICATIONS TO CODE SETS.—

(i) IN GENERAL.—The Secretary shall ensure that procedures exist for the routine maintenance, testing, enhancement, and expansion of code sets.

(ii) ADDITIONAL RULES.—If a code set is modified under this subsection, the modified code set shall include instructions on how data elements that were encoded prior to the modification are to be converted or translated so as to preserve the value of the data elements. Any modification to a code set under this subsection shall be implemented in a manner that minimizes the disruption and cost of complying with such modification.

(c) EVALUATION OF STANDARDS.—The Secretary may establish a process to measure or verify the consistency of standards adopted or modified under this subtitle. Such process may include demonstration projects and analysis of the cost of implementing such standards and modifications.

PART 3—REQUIREMENTS WITH RESPECT TO CERTAIN TRANSACTIONS AND INFORMATION

SEC. 5121. REQUIREMENTS ON HEALTH PLANS.

(a) In General.—If a person desires to conduct any of the transactions described in section 5112(a) with a health plan as a standard transaction, the health plan shall conduct such standard transaction in a timely manner and the information transmitted or received in connection with such transaction shall be in the form of standard data elements.

(b) Satisfaction of Requirements.—A health plan may satisfy the requirement imposed on such plan under subsection (a) by directly transmitting standard data elements or submitting nonstandard data elements to a certified health information network service for processing into standard data elements and transmission.

SEC. 5122. TIMETABLES FOR COMPLIANCE WITH REQUIREMENTS.

(a) Initial Compliance.—Not later than 12 months after the date on which standards are adopted under part 2 with respect to any type of transaction or data elements, a health plan shall comply with the requirements of this subtitle with respect to such transaction or data elements.

(b) Compliance with Modified Standards.—

(1) In general.—If the Secretary adopts a modified standard under part 2, a health plan shall be required to comply with the modified standard at such time as the Secretary determines appropriate taking into account the time needed to comply due to the nature and extent of the modification.

(2) Special rule.—In the case of modifications to standards that do not occur within the 12-month period beginning on the date such standards are adopted, the time determined appropriate by the Secretary under paragraph (1) shall be no sooner than the last day of the 90-day period beginning on the date such modified standard is adopted and no later than the last day of the 12 month period beginning on the date such modified standard is adopted.

PART 4—ACCESSING HEALTH INFORMATION

SEC. 5131. ACCESS FOR AUTHORIZED PURPOSES.

(a) In General.—The Secretary shall adopt technical standards for appropriate persons, including health plans, health care providers, certified health information network services, health researchers, and Federal and State agencies, to locate and access the health information that is available through the health information network due to the requirements of this subtitle. Such technical standards shall ensure that any request to locate or access information shall be authorized under subtitle C.

(b) Government Agencies.—

(1) In general.—Certified Health information protection organizations shall make available to a Federal or State agency pursuant to a Federal Acquisition Regulation (or an equivalent State system), any non-identifiable health information that is requested by such agency.

(2) Certain information available at low cost.—If a health information protection organization described in paragraph (1) needs information from a health plan in order to comply with a request of a Federal or State agency that is necessary to comply with a requirement under this Act, such plan shall make such information available to such organization for a charge that does not exceed the reasonable cost of transmitting the information. An organization that receives information under the preceding sentence shall, upon request from any certified health information protection organization, make such information available to such an organization for a charge that does not exceed the reasonable cost of transmitting the information.

(c) Functional Separation.—The standards adopted by the Secretary under subsection (a) shall ensure that any health information disclosed under such subsection shall not, after such disclosure, be used or released for an administrative, regulatory, or law enforcement purpose unless such disclosure was made for such purpose.

SEC. 5132. RESPONDING TO ACCESS REQUESTS.

(a) In General.—The Secretary shall adopt, and modify as appropriate, standards under which a health plan shall respond to requests for access to health information consistent with this subtitle and subtitle C.

(b) Standards Described.—The standards under subsection (a) shall provide—

(1) for a standard format under which a plan will respond to each request either by satisfying the request or by responding with a negative response, which may include an explanation of the failure to satisfy the request; and

(2) that a plan shall respond to a request in a timely manner taking into account the age and amount of the information being requested.

(c) Length of Time Information Should be Accessible.—The Secretary shall adopt standards with respect to the length of time any standard data elements for a type of health information should be accessible through the health information network.

SEC. 5133. TIMETABLES FOR ADOPTION OF STANDARDS AND COMPLIANCE.

(a) Initial Standards.—The Secretary shall adopt standards under this part not later than 9 months after the date of the enactment of this subtitle and such standards shall be effective upon adoption.

(b) Modifications to Standards.—The provisions of paragraphs (1) and (2)(A) of section 5114(b) shall apply to modifications to standards under this part.

PART 5—STANDARDS AND CERTIFICATION FOR HEALTH INFORMATION NETWORK

SEC. 5141. STANDARDS AND CERTIFICATION FOR HEALTH INFORMATION NETWORK SERVICES.

(a) Standards for Operation.—The Secretary shall establish standards with respect to the operation of health information network services ensuring that—

(1) such services have policies and security procedures that are consistent with the privacy requirements under subtitle C, including secure methods of access to and transmission of data; and

(2) such services, if they are part of a larger organization, have policies and procedures in place which isolate their activities with respect to processing information in a manner that prevents unauthorized access to such information by such larger organization.

(b) Certification by the Secretary.—

(1) Establishment.—Not later than 12 months after the date of the enactment of this subtitle, the Secretary shall establish a certification procedure for health information network services which ensures that certified services are qualified to meet the requirements of this subtitle.

(2) Audits and reports.—The procedure established under paragraph (1) shall provide for audits and reports as the Secretary determines appropriate in order to monitor such entity's compliance with the requirements of this subtitle.

(c) Loss of Certification.—

(1) Mandatory termination.—If a health information network service violates a requirement imposed under subtitle C, its certification under this section shall be terminated unless the Secretary determines that appropriate corrective action has been taken.

(2) Discretionary termination.—If a health information network service violates a requirement or standard imposed under this subtitle and a penalty has been imposed under section 5151, the Secretary shall review the certification of such service and may terminate such certification.

(d) Certification by Private Entities.—The Secretary may designate private entities to conduct the certification procedures established by the Secretary under this section. A health information network service certified by such an entity in accordance with such designation shall be considered to be certified by the Secretary.

SEC. 5142. ENSURING AVAILABILITY OF INFORMATION.

The Secretary shall establish a procedure under which a health plan which does not have the ability to transmit standard data elements directly or does not have access to a certified health information network service shall be able to make health information available for disclosure as authorized by this subtitle.

PART 6—PENALTIES

SEC. 5151. GENERAL PENALTY FOR FAILURE TO COMPLY WITH REQUIREMENTS AND STANDARDS.

(a) In General.—Except as provided in subsection (b), the Secretary shall impose on any person that violates a requirement or standard imposed under this subtitle a penalty of not more than $1,000 for each violation. The provisions of section 1128A of the Social Security Act (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to the imposition of a civil money penalty under this subsection in the same manner as such provisions apply to the imposition of a penalty under section 1128A of the Social Security Act.

(b) Limitations.—

(1) Noncompliance not discovered.—A penalty may not be imposed under subsection (a) if it is established to the satisfaction of the Secretary that the person liable for the penalty did not know, and by exercising reasonable diligence would not have known, that such person failed to comply with the requirement or standard described in subsection (a).

(2) Failures due to reasonable cause.—

(A) In general.—Except as provided in subparagraph (B), a penalty may not be imposed under subsection (a) if—

(i) the failure to comply was due to reasonable cause and not to willful neglect; and

(ii) the failure to comply is corrected during the 30-day period beginning on the 1st date the person liable for the penalty knew, or by exercising reasonable diligence would have known, that the failure to comply occurred.

(B) Extension of period.—

(i) No penalty.—The period referred to in subparagraph (A)(ii) may be extended as determined appropriate by the Secretary based on the nature and extent of the failure to comply.

(ii) Assistance.—If the Secretary determines that a health plan failed to comply because such plan was unable to comply, the Secretary may provide technical assistance to such plan during the period described in clause (i). Such assistance shall be provided in any manner determined appropriate by the Secretary.

(3) REDUCTION.—In the case of a failure to comply which is due to reasonable cause and not to willful neglect, any penalty under subsection (a) that is not entirely waived under paragraph (2) may be waived to the extent that the payment of such penalty would be excessive relative to the compliance failure involved.

PART 7—MISCELLANEOUS PROVISIONS

SEC. 5161. EFFECT ON STATE LAW.

(a) IN GENERAL.—Except as provided in subsection (b), a provision, requirement, or standard under this subtitle shall supersede any contrary provision of State law, including—

(1) a provision of State law that requires medical or health plan records (including billing information) to be maintained or transmitted in written rather than electronic form, and

(2) a provision of State law which provides for requirements or standards that are more stringent than the requirements or standards under this subtitle;

except where the Secretary determines that the provision is necessary to prevent fraud and abuse, with respect to controlled substances, or for other purposes.

(b) PUBLIC HEALTH REPORTING.—Nothing in this subtitle shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury, child abuse, birth, or death, public health surveillance, or public health investigation or intervention.

SEC. 5162. HEALTH INFORMATION CONTINUITY.

(a) HEALTH PLANS.—If a health plan takes any action that would threaten the continued availability of standard data elements of health information held by such plan, such data elements shall be transferred to a health plan in accordance with procedures established by the Secretary.

(b) HEALTH INFORMATION NETWORK SERVICES.—If a certified health information network service loses its certified status or takes any action that would threaten the continued availability of the standard data elements of health information held by such service, such data elements shall be transferred to another such service, as designated by the Secretary.

SEC. 5163. HEALTH INFORMATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the Health Information Advisory Committee.

(b) DUTIES.—The committee shall—

(1) provide assistance to the Secretary in complying with the requirements imposed on the Secretary under this subtitle and subtitle C; and

(2) be generally responsible for advising the Secretary and the Congress on the status and the future of the health information network.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The committee shall consist of 15 members to be appointed by the President not later than 60 days after the date of the enactment of this subtitle. The President shall designate 1 member as the Chair.

(2) EXPERTISE.—The membership of the committee shall consist of individuals who are of recognized standing and distinction in the areas of information systems, consumer health, or privacy, and who possess the demonstrated capacity to discharge the duties imposed on the committee.

(3) TERMS.—Each member of the committee shall be appointed for a term of 5 years, except that the members first appointed shall serve staggered terms such that the terms of no more than 3 members expire at one time.

SEC. 5164. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

Subtitle C—Privacy of Health Information

PART 1—DEFINITIONS

SEC. 5201. DEFINITIONS.

For purposes of this subtitle:

(1) PROTECTED HEALTH INFORMATION.—The term "protected health information" means any information, including demographic information collected from an individual, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, health oversight agency, health researcher, public health authority, employer, life insurer, school or university, or certified health information network service; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, and—

(i) identifies an individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(2) DISCLOSE.—The term "disclose", when used with respect to protected health information, means to provide access to the information, but only if such access is provided to a person other than the individual who is the subject of the information.

(3) HEALTH INFORMATION TRUSTEE.—The term "health information trustee" means—

(A) a health care provider, health plan, health oversight agency, certified health information network service, employer, life insurer, or school or university insofar as it creates, receives, maintains, uses, or transmits protected health information;

(B) any person who obtains protected health information under section 5213, 5217, 5218, 5221, 5222, 5226, or 5231; and

(C) any employee or agent of a person covered under subparagraphs (A) or (B).

(4) HEALTH OVERSIGHT AGENCY.—The term "health oversight agency" means a person who—

(A) performs or oversees the performance of an assessment, evaluation, determination, or investigation relating to the licensing, accreditation, or certification of health care providers; or

(B)(i) performs or oversees the performance of an assessment, evaluation, determination, investigation, or prosecution relating to the effectiveness of, compliance with, or applicability of legal, fiscal, medical, or scientific standards or aspects of performance related to the delivery of, or payment for health care, health services, equipment, or research or relating to health care fraud or fraudulent claims regarding health care, health services or equipment, or related activities and items; and

(ii) is a public agency, acting on behalf of a public agency, acting pursuant to a requirement of a public agency, or carrying out activities under a Federal or State law governing the assessment, evaluation, determination, investigation, or prosecution described in clause (i).

(5) PUBLIC HEALTH AUTHORITY.—The term "public health authority" means an authority or instrumentality of the United States, a State, or a political subdivision of a State that is (A) responsible for public health matters; and (B) engaged in such activities as injury reporting, public health surveillance, and public health investigation or intervention.

(6) INDIVIDUAL REPRESENTATIVE.—The term "individual representative" means any individual legally empowered to make decisions concerning the provision of health care to an individual (where the individual lacks the legal capacity under State law to make such decisions) or the administrator or executor of the estate of a deceased individual.

(7) PERSON.—The term "person" includes an authority of the United States, a State, or a political subdivision of a State.

PART 2—AUTHORIZED DISCLOSURES

Subpart A—General Provisions

SEC. 5206. GENERAL RULES REGARDING DISCLOSURE.

(a) GENERAL RULE.—A health information trustee may disclose protected health information only for a purpose that is authorized under this subtitle.

(b) DISCLOSURE WITHIN A TRUSTEE.—A health information trustee may disclose protected health information to an officer, employee, or agent of the trustee for a purpose that is compatible with and related to the purpose for which the information was collected or received by that trustee.

(c) SCOPE OF DISCLOSURE.—Every disclosure of protected health information by a health information trustee shall be limited to the minimum amount of information necessary to accomplish the purpose for which the information is disclosed.

(d) NO GENERAL REQUIREMENT TO DISCLOSE.—Nothing in this subtitle that permits a disclosure of health information shall be construed to require such disclosure.

(e) USE AND REDISCLOSURE OF INFORMATION.—Protected health information about an individual that is disclosed under this subtitle may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual unless the action or investigation arises out of or is directly related to the law enforcement inquiry for which the information was obtained.

(f) IDENTIFICATION OF DISCLOSED INFORMATION AS PROTECTED INFORMATION.—Except as provided in this subtitle, a health information trustee may not disclose protected health information unless such information is clearly identified as protected health information that is subject to this subtitle.

(g) INFORMATION IN WHICH PROVIDERS ARE IDENTIFIED.—The Secretary may issue regulations protecting information identifying providers in order to promote the availability of health care services.

SEC. 5207. AUTHORIZATIONS FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION.

A health information trustee may disclose protected health information pursuant to an authorization executed by the individual who is the subject of the information pursuant to regulations issued by the Secretary with regard to the form of such authorization, the information that must be provided to the individual for authorization, and the scope of the authorization.

SEC. 5208. CERTIFIED HEALTH INFORMATION NETWORK SERVICES.

A health information trustee may disclose protected health information to a certified health information protection organization for the purpose of creating non-identifiable health information.

Subpart B—Specific Disclosures Relating to Patient

SEC. 5211. DISCLOSURES FOR TREATMENT AND FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.

(a) HEALTH CARE TREATMENT.—A health care provider, health plan, employer, or person who receives protected health information under section 5213, may disclose protected health information to a health care provider for the purpose of providing health care to an individual if the individual who is the subject of the information has been notified of the individual's right to object and has not previously objected in writing to the disclosure.

(b) DISCLOSURE FOR FINANCIAL AND ADMINISTRATIVE PURPOSES.—A health care provider or employer may disclose protected health information to a health care provider or health plan for the purpose of providing for the payment for, or reviewing the payment of, health care furnished to an individual.

SEC. 5212. NEXT OF KIN AND DIRECTORY INFORMATION.

(a) NEXT OF KIN.—A health care provider or person who receives protected health information under section 5213 may disclose protected health information to the next of kin, an individual representative of the individual who is the subject of the information, or an individual with whom that individual has a close personal relationship if—

(1) the individual who is the subject of the information—

(A) has been notified of the individual's right to object and has not objected to the disclosure;

(B) is not competent to be notified about the right to object; or

(C) exigent circumstances exist such that it would not be practicable to notify the individual of the right to object; and

(2) the information disclosed relates to health care currently being provided to that individual.

(b) DIRECTORY INFORMATION.—A health care provider and a person receiving protected health information under section 5213 may disclose protected health information to any person if—

(1) the information does not reveal specific information about the physical or mental condition of the individual who is the subject of the information or health care provided to that person;

(2) the individual who is the subject of the information—

(A) has been notified of the individual's right to object and has not objected to the disclosure;

(B) is not competent to be notified about the right to object; or

(C) exigent circumstances exist such that it would not be practicable to notify the individual of the right to object; and

(3) the information consists only of 1 or more of the following items:

(A) The name of the individual who is the subject of the information.

(B) If the individual who is the subject of the information is receiving health care from a health care provider on a premises controlled by the provider—

(i) the location of the individual on the premises; and

(ii) the general health status of the individual, described as critical, poor, fair, stable, or satisfactory or in terms denoting similar conditions.

(c) IDENTIFICATION OF DECEASED INDIVIDUAL.—A health care provider, health plan, employer, or life insurer, may disclose protected health information if necessary to assist in the identification of a deceased individual.

SEC. 5213. EMERGENCY CIRCUMSTANCES.

A health care provider, health plan, employer, or person who receives protected health information under this section may disclose protected health information in emergency circumstances where there is a reasonable belief that such information is needed to protect the health or safety of an individual from imminent harm.

Subpart C—Disclosure for Oversight, Public Health, and Research Purposes

SEC. 5216. OVERSIGHT.

(a) IN GENERAL.—A health information trustee may disclose protected health information to a health oversight agency for an oversight function authorized by law.

(b) USE IN ACTION AGAINST INDIVIDUALS.—Notwithstanding section 5206(e), protected health information about an individual that is disclosed under this section may be used in, or disclosed in, an administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information if the action or investigation arises out of or is directly related to—

(1) receipt of health care or payment for health care;

(2) an action involving a fraudulent claim related to health; or

(3) an action involving a misrepresentation of the health of the individual who is the subject of the information.

SEC. 5217. PUBLIC HEALTH.

A health care provider, health plan, public health authority, employer, or person who receives protected health information under section 5213 may disclose protected health information to a public health authority or other person authorized by law for use in a legally authorized—

(1) disease or injury reporting;

(2) public health surveillance; or

(3) public health investigation or intervention.

SEC. 5218. HEALTH RESEARCH.

(a) IN GENERAL.—A health information trustee may disclose protected health information to a health researcher if an institutional review board determines that the research project engaged in by the health researcher—

(1) requires use of the protected health information for the effectiveness of the project; and

(2) is of sufficient importance to outweigh the intrusion into the privacy of the individual who is the subject of the information that would result from the disclosure.

(b) RESEARCH REQUIRING DIRECT CONTACT.—A health care provider or health plan may disclose protected health information to a health researcher for a research project that includes direct contact with an individual who is the subject of protected health information if an institutional review board determines that direct contact is necessary and will be made in a manner that minimizes the risk of harm, embarrassment, or other adverse consequences to the individual.

(c) SPECIAL RULE FOR TRUSTEES OTHER THAN ACADEMIC CENTERS OR HEALTH CARE FACILITIES.—If a health researcher described in subsection (a) or (b) is not an academic center or a health care facility, the determinations required by an institutional review board shall be made by such a board that is certified by the Secretary.

(d) USE OF HEALTH INFORMATION NETWORK.—A health information trustee may disclose protected health information to a health researcher using the health information network only if the research project satisfies requirements established by the Secretary for protecting the confidentiality of information in the health information network.

Subpart D—Disclosure for Judicial, Administrative, and Law Enforcement Purposes

SEC. 5221. JUDICIAL AND ADMINISTRATIVE PURPOSES.

A health care provider, health plan, health oversight agency, employer, or life insurer may disclose protected health information in connection with litigation or proceedings to which the individual who is the subject of the information—

(1) is a party and in which the individual has placed the individual's physical or mental condition in issue; or

(2) is deceased and in which the individual's physical or mental condition is in issue.

SEC. 5222. LAW ENFORCEMENT.

A health care provider, health plan, health oversight agency, employer, life insurer, or person who receives protected health information under section 5213 may disclose protected health information to a law enforcement agency (other than a health oversight agency governed by section 5216) if the information is requested for use—

(1) in an investigation or prosecution of a health information trustee;

(2) in the identification of a victim or witness in a law enforcement inquiry;

(3) in connection with the investigation of criminal activity committed against the trustee or on premises controlled by the trustee; or

(4) in the investigation or prosecution of criminal activity relating to or arising from the provision of health care or payment for health care.

Subpart E—Disclosure Pursuant to Government Subpoena or Warrant

SEC. 5226. GOVERNMENT SUBPOENAS AND WARRANTS.

A health care provider, health plan, health oversight agency, employer, life insurer, or person who receives protected health information under section 5213 shall disclose protected health information under this section if the disclosure is pursuant to—

(1) a subpoena issued under the authority of a grand jury;

(2) an administrative subpoena or summons or a judicial subpoena or warrant; or

(3) an administrative subpoena or summons, a judicial subpoena or warrant, or a grand jury subpoena, and the disclosure otherwise meets the conditions of section 5216, 5217, 5218, 5221, or 5222.

SEC. 5227. ACCESS PROCEDURES FOR LAW ENFORCEMENT SUBPOENAS AND WARRANTS.

(a) PROBABLE CAUSE REQUIREMENT.—A government authority may not obtain protected health information about an individual under paragraph (1) or (2) of section 5226 for use in a law enforcement inquiry unless there is probable cause to believe that the information is relevant to a legitimate law enforcement inquiry being conducted by the government authority.

(b) WARRANTS.—A government authority that obtains protected health information about an individual under circumstances described in subsection (a) and pursuant to a warrant shall, not later than 30 days after the date the warrant was executed, serve the individual with, or mail to the last known address of the individual, a notice that protected health information about the individual was so obtained, together with a notice of the individual's right to challenge the warrant.

(c) SUBPOENA OR SUMMONS.—Except as provided in subsection (d), a government authority may not obtain protected health information about an individual under circumstances described in subsection (a) and pursuant to a subpoena or summons unless a copy of the subpoena or summons has been served on the individual, if the identity of the individual is known, on or before the date of return of the subpoena or summons, together with notice of the individual's right to challenge the subpoena or summons. If the identity of the individual is not known at the time the subpoena or summons is served, the individual shall be served not later than 30 days thereafter, with notice that protected health information about the individual was so obtained together with notice of the individual's right to challenge the subpoena or summons.

(d) APPLICATION FOR DELAY.—

(1) IN GENERAL.—A government authority may apply ex parte and under seal to an appropriate court to delay serving a notice or copy of a warrant, subpoena, or summons required under subsection (b) or (c).

(2) EX PARTE ORDER.—The court shall enter an ex parte order delaying or extending the delay of notice, an order prohibiting the disclosure of the request for, or disclosure of, the protected health information, and an order requiring the disclosure of the protected health information if the court finds that—

(A) the inquiry being conducted is within the lawful jurisdiction of the government authority seeking the protected health information;

(B) there is probable cause to believe that the protected health information being sought is relevant to a legitimate law enforcement inquiry;

(C) the government authority's need for the information outweighs the privacy interest of the individual who is the subject of the information; and

(D) there is reasonable ground to believe that receipt of notice by the individual will result in—

(i) endangering the life or physical safety of any individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence or the information being sought;

(iv) intimidation of potential witnesses; or

(v) disclosure of the existence or nature of a confidential law enforcement investigation or grand jury investigation is likely to seriously jeopardize such investigation.

SEC. 5228. CHALLENGE PROCEDURES FOR LAW ENFORCEMENT WARRANTS, SUBPOENAS, AND SUMMONS.

(a) MOTION TO QUASH.—Within 15 days after the date of service of a notice of execution or a copy of a warrant, subpoena, or summons of a government authority seeking protected health information about an individual under paragraph (1) or (2) of section 5226, the individual may file a motion to quash.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the government demonstrates that there is probable cause to believe the protected health information is relevant to a legitimate law enforcement inquiry being conducted by the government authority and the government authority's need for the information outweighs the privacy interest of the individual.

(c) ATTORNEY'S FEES.—In the case of a motion brought under subsection (a) in which the individual has substantially prevailed, the court may assess against the government authority a reasonable attorney's fee and other litigation costs (including expert's fees) reasonably incurred.

(d) NO INTERLOCUTORY APPEAL.—A ruling denying a motion to quash under this section shall not be deemed to be a final order, and no interlocutory appeal may be taken therefrom by the individual.

Subpart F—Disclosure Pursuant to Party Subpoena

SEC. 5231. PARTY SUBPOENAS.

A health care provider, health plan, employer, life insurer, or person who receives protected health information under section 5213 may disclose protected health information under this section if the disclosure is pursuant to a subpoena issued on behalf of a party who has complied with the access provisions of section 5232.

SEC. 5232. ACCESS PROCEDURES FOR PARTY SUBPOENAS.

A party may not obtain protected health information about an individual pursuant to a subpoena unless a copy of the subpoena together with a notice of the individual's right to challenge the subpoena in accordance with section 5233 has been served upon the individual on or before the date of return of the subpoena.

SEC. 5233. CHALLENGE PROCEDURES FOR PARTY SUBPOENAS.

(a) MOTION TO QUASH SUBPOENA.—After service of a copy of the subpoena seeking protected health information under section 5231, the individual who is the subject of the protected health information may file in any court of competent jurisdiction a motion to quash the subpoena.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the respondent demonstrates that—

(1) there is reasonable ground to believe the information is relevant to a lawsuit or other judicial or administrative proceeding; and

(2) the need of the respondent for the information outweighs the privacy interest of the individual.

(c) ATTORNEY'S FEES.—In the case of a motion brought under subsection (a) in which the individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert's fees) reasonably incurred.

PART 3—PROCEDURES FOR ENSURING SECURITY OF PROTECTED HEALTH INFORMATION

Subpart A—Establishment of Safeguards

SEC. 5236. ESTABLISHMENT OF SAFEGUARDS.

A health information trustee shall establish and maintain appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of protected health information created or received by the trustee.

SEC. 5237. ACCOUNTING FOR DISCLOSURES.

A health information trustee shall create and maintain, with respect to any protected health information disclosed in exceptional circumstances, a record of the disclosure in accordance with regulations issued by the Secretary.

Subpart B—Review of Protected Health Information by Subjects of the Information

SEC. 5241. INSPECTION OF PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), a health care provider or health plan shall permit an individual who is the subject of protected health information or the individual's designee to inspect any such information that the provider or plan maintains. A health care provider or health plan may require an individual to reimburse the provider or plan for the cost of such inspection.

(b) EXCEPTIONS.—A health care provider or health plan is not required by this section to permit inspection or copying of protected health information if any of the following conditions apply:

(1) MENTAL HEALTH TREATMENT NOTES.—The information consists of psychiatric, psychological, or mental health treatment notes, and the provider or plan determines, based on reasonable medical judgment, that inspection or copying of the notes would cause sufficient harm.

(2) ENDANGERMENT TO LIFE OR SAFETY.—The provider or plan determines that disclosure of the information could reasonably be expected to endanger the life or physical safety of any individual.

(3) CONFIDENTIAL SOURCE.—The information identifies or could reasonably lead to the identification of a person (other than a health care provider) who provided information under a promise of confidentiality to a health care provider concerning the individual who is the subject of the information.

(4) ADMINISTRATIVE PURPOSES.—The information is used by the provider or plan solely for administrative purposes and not in the provision of health care to the individual who is the subject of the information.

(c) DEADLINE.—A health care provider or health plan shall comply with or deny (with a statement of the reasons for such denial) a request for inspection or copying of protected health information under this section within the 30-day period beginning on the date on which the provider or plan receives the request.

SEC. 5242. AMENDMENT OF PROTECTED HEALTH INFORMATION.

A health care provider or health plan shall, within 45 days after receiving a written request to correct or amend protected health information from the individual who is the subject of the information—

(1) correct or amend such information; or

(2) provide the individual with a statement of the reasons for refusing to correct or amend such information and include a copy of such statement in the provider's or plan's records.

SEC. 5243. NOTICE OF INFORMATION PRACTICES.

A health care provider or health plan shall provide written notice of the provider's or plan's information practices, including notice of individual rights with respect to protected health information.

Subpart C—Standards for Electronic Disclosures

SEC. 5246. STANDARDS FOR ELECTRONIC DISCLOSURES.

The Secretary shall promulgate standards for disclosing protected health information in accordance with this subtitle in electronic form.

PART 4—SANCTIONS

Subpart A—No Sanctions for Permissible Actions

SEC. 5251. NO LIABILITY FOR PERMISSIBLE DISCLOSURES.

A health information trustee who makes a disclosure of protected health information about an individual that is permitted by this subtitle shall not be liable to the individual for the disclosure under common law and shall not be subject to criminal prosecution under this subtitle.

Subpart B—Civil Sanctions

SEC. 5256. CIVIL PENALTY.

(a) VIOLATION.—Any health information trustee who the Secretary determines has substantially and materially failed to comply with this subtitle shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $10,000 for each such violation.

(b) PROCEDURES FOR IMPOSITION OF PENALTIES.—Section 1128A of the Social Security Act, other than subsections (a) and (b) and the second sentence of subsection (f) of that section, shall apply to the imposition of a civil monetary penalty under this section in the same manner as such provisions apply with respect to the imposition of a penalty under section 1128A of such Act.

SEC. 5257. CIVIL ACTION.

(a) IN GENERAL.—An individual who is aggrieved by negligent conduct in violation of this subtitle may bring a civil action to recover—

(1) the greater of actual damages or liquidated damages of $5,000, not to exceed $50,000;

(2) punitive damages;

(3) a reasonable attorney's fee and expenses of litigation;

(4) costs of litigation; and

(5) such preliminary and equitable relief as the court determines to be appropriate.

(b) LIMITATION.—No action may be commenced under this section more than 3 years after the date on which the violation was or should reasonably have been discovered.

Subpart C—Criminal Sanctions

SEC. 5261. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) OFFENSE.—A person who knowingly—

(1) obtains protected health information relating to an individual in violation of this subtitle; or

(2) discloses protected health information to another person in violation of this subtitle,

shall be punished as provided in subsection (b).

(b) PENALTIES.—A person described in subsection (a) shall—

(1) be fined not more than $50,000, imprisoned not more than 1 year, or both;

(2) if the offense is committed under false pretenses, be fined not more than $100,000, imprisoned not more than 5 years, or both; and

(3) if the offense is committed with intent to sell, transfer, or use protected health information for commercial advantage, personal gain, or malicious harm, fined not more than $250,000, imprisoned not more than 10 years, or both.

PART 5—ADMINISTRATIVE PROVISIONS

SEC. 5266. RELATIONSHIP TO OTHER LAWS.

(a) STATE LAW.—Except as provided in subsections (b), (c), and (d), this subtitle preempts State law.

(b) LAWS RELATING TO PUBLIC OR MENTAL HEALTH.—Nothing in this subtitle shall be construed to preempt or operate to the exclusion of any State law relating to public health or mental health that prevents or regulates disclosure of protected health information otherwise allowed under this subtitle.

(c) PRIVILEGES.—Nothing in this subtitle is intended to preempt or modify State common or statutory law to the extent such law concerns a privilege of a witness or person in a court of the State. This subtitle does not supersede or modify Federal common or statutory law to the extent such law concerns a privilege of a witness or person in a court of the United States. Authorizations pursuant to section 5207 shall not be construed as a waiver of any such privilege.

(d) CERTAIN DUTIES UNDER STATE OR FEDERAL LAW.—This subtitle shall not be construed to preempt, supersede, or modify the operation of—

(1) any law that provides for the reporting of vital statistics such as birth or death information;

(2) any law requiring the reporting of abuse or neglect information about any individual;

(3) subpart II of part E of title XXVI of the Public Health Service Act (relating to notifications of emergency response employees of possible exposure to infectious diseases); or

(4) any Federal law or regulation governing confidentiality of alcohol and drug patient records.

SEC. 5267. RIGHTS OF INCOMPETENTS.

(a) EFFECT OF DECLARATION OF INCOMPETENCE.—Except as provided in section 5268, if an individual has been declared to be incompetent by a court of competent jurisdiction, the rights of the individual under this subtitle shall be exercised and discharged in the best interests of the individual through the individual's representative.

(b) NO COURT DECLARATION.—Except as provided in section 5268, if a health care provider determines that an individual, who has not been declared to be incompetent by a court of competent jurisdiction, suffers from a medical condition that prevents the individual from acting knowingly or effectively on the individual's own behalf, the right of the individual to authorize disclosure may be exercised and discharged in the best interest of the individual by the individual's representative.

SEC. 5268. EXERCISE OF RIGHTS.

(a) INDIVIDUALS WHO ARE 18 OR LEGALLY CAPABLE.—In the case of an individual—

(1) who is 18 years of age or older, all rights of the individual shall be exercised by the individual; or

(2) who, acting alone, has the legal right, as determined by State law, to apply for and obtain a type of medical examination, care, or treatment and who has sought such examination, care, or treatment, the individual shall exercise all rights of an individual under this subtitle with respect to protected health information relating to such examination, care, or treatment.

(b) INDIVIDUALS UNDER 18.—Except as provided in subsection (a)(2), in the case of an individual who is—

(1) under 14 years of age, all the individual's rights under this subtitle shall be exercised through the parent or legal guardian of the individual; or

(2) 14, 15, 16, or 17 years of age, the rights of inspection and amendment, and the right to authorize disclosure of protected health information of the individual may be exercised either by the individual or by the parent or legal guardian of the individual.

Subtitle D—Health Care Fraud Prevention

SEC. 5301. SHORT TITLE.

This title may be cited as the "Health Care Fraud Prevention Act of 1995".

PART A—ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM

SEC. 5311. ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 1996, the Secretary of Health and Human Services (in this title referred to as the "Secretary"), acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B of the Social Security Act and other statutes applicable to health care fraud and abuse, and

(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts pursuant to section 5313.

(2) COORDINATION WITH HEALTH PLANS.—In carrying out the program established under paragraph (1), the Secretary and the Attorney General shall consult with, and arrange for the sharing of data with representatives of health plans.

(3) REGULATIONS.—

(A) IN GENERAL.—The Secretary and the Attorney General shall by regulation establish standards to carry out the program under paragraph (1).

(B) INFORMATION STANDARDS.—

(i) IN GENERAL.—Such standards shall include standards relating to the furnishing of information by health plans, providers, and others to enable the Secretary and the Attorney General to carry out the program (including coordination with health plans under paragraph (2)).

(ii) CONFIDENTIALITY.—Such standards shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

(iii) QUALIFIED IMMUNITY FOR PROVIDING INFORMATION.—The provisions of section 1157(a) of the Social Security Act (relating to limitation on liability) shall apply to a person providing information to the Secretary or the Attorney General in conjunction with their performance of duties under this section.

(C) DISCLOSURE OF OWNERSHIP INFORMATION.—

(i) IN GENERAL.—Such standards shall include standards relating to the disclosure of ownership information described in clause (ii) by any entity providing health care services and items.

(ii) OWNERSHIP INFORMATION DESCRIBED.—The ownership information described in this clause includes—

(I) a description of such items and services provided by such entity;

(II) the names and unique physician identification numbers of all physicians with a financial relationship (as defined in section 1877(a)(2) of the Social Security Act) with such entity;

(III) the names of all other individuals with such an ownership or investment interest in such entity; and

(IV) any other ownership and related information required to be disclosed by such entity under section 1124 or section 1124A of the Social Security Act, except that the Secretary shall establish procedures under which the information required to be submitted under this subclause will be reduced with respect to health care provider entities that the Secretary determines will be unduly burdened if such entities are required to comply fully with this subclause.

(4) AUTHORIZATION OF APPROPRIATIONS FOR INVESTIGATORS AND OTHER PERSONNEL.—In addition to any other amounts authorized to be appropriated to the Secretary, the Attorney General, the Director of the Federal Bureau of Investigation, and the Inspectors General of the Departments of Defense, Labor, and Veterans Affairs and of the Office of Personnel Management, for health care anti-fraud and abuse activities for a fiscal year, there are authorized to be appropriated additional amounts, from the Health Care Fraud and Abuse Account described in subsection (b), as may be necessary to enable the Secretary, the Attorney General, and such Inspectors General to conduct investigations and audits of allegations of health care fraud and abuse and otherwise carry out the program established under paragraph (1) in a fiscal year.

(5) ENSURING ACCESS TO DOCUMENTATION.—The Inspector General of the Department of Health and Human Services is authorized to exercise the authority described in paragraphs (4) and (5) of section 6 of the Inspector General Act of 1978 (relating to subpoenas and administration of oaths) with respect to the activities under the all-payer fraud and abuse control program established under this subsection to the same extent as such Inspector General may exercise such authorities to perform the functions assigned by such Act.

(6) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this Act shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978.

(7) HEALTH PLAN DEFINED.—For the purposes of this subsection, the term "health plan" shall have the meaning given such term in section 1128(i) of the Social Security Act.

(b) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established an account to be known as the "Health Care Fraud and Abuse Control Account" (in this section referred to as the "Anti-Fraud Account"). The Anti-Fraud Account shall consist of—

(i) such gifts and bequests as may be made as provided in subparagraph (B);

(ii) such amounts as may be deposited in the Anti-Fraud Account as provided in subsection (a)(4), sections 5311(b) and 5312(b), and title XI of the Social Security Act; and

(iii) such amounts as are transferred to the Anti-Fraud Account under subparagraph (C).

(B) AUTHORIZATION TO ACCEPT GIFTS.—The Anti-Fraud Account is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Anti-Fraud Account, for the benefit of the Anti-Fraud Account or any activity financed through the Anti-Fraud Account.

(C) TRANSFER OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall transfer to the Anti-Fraud Account an amount equal to the sum of the following:

(I) Criminal fines imposed in cases involving a Federal health care offense (as defined in section 982(a)(6)(B) of title 18, United States Code).

(ii) Administrative penalties and assessments imposed under titles XI, XVIII, and XIX of the Social Security Act (except as otherwise provided by law).

(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

(iv) Penalties and damages imposed under the False Claims Act (31 U.S.C. 3729 et seq.), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator or for restitution).

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Anti-Fraud Account shall be available to carry out the health care fraud and abuse control program established under subsection (a) (including the administration of the program), and may be used to cover costs incurred in operating the program, including costs (including equipment, salaries and benefits, and travel and training) of—

(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

(ii) investigations;

(iii) financial and performance audits of health care programs and operations;

(iv) inspections and other evaluations; and

(v) provider and consumer education regarding compliance with the provisions of this part.

(B) FUNDS USED TO SUPPLEMENT AGENCY APPROPRIATIONS.—It is intended that disbursements made from the Anti-Fraud Account to any Federal agency be used to increase and not supplant the recipient agency's appropriated operating budget.

(3) ANNUAL REPORT.—The Secretary and the Attorney General shall submit jointly an annual report to Congress on the amount of revenue which is generated and disbursed by the Anti-Fraud Account in each fiscal year.

(4) USE OF FUNDS BY INSPECTOR GENERAL.—

(A) REIMBURSEMENTS FOR INVESTIGATIONS.—The Inspector General is authorized to receive and retain for current use reimbursement for the costs of conducting investigations, when such restitution is ordered by a court, voluntarily agreed to by the payer, or otherwise.

(B) CREDITING.—Funds received by the Inspector General or the Inspectors General of the Departments of Defense, Labor, and Veterans Affairs and of the Office of Personnel Management, as reimbursement for costs of conducting investigations shall be deposited to the credit of the appropriation from which initially paid, or to appropriations for similar purposes currently available at the time of deposit, and shall remain available for obligation for 1 year from the date of their deposit.

SEC. 5312. APPLICATION OF CERTAIN FEDERAL HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO FRAUD AND ABUSE AGAINST ANY HEALTH PLAN.

(a) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended as follows:

(A) In the heading, by adding at the end the following: "OR HEALTH PLANS".

(B) In subsection (a)(1)—

(i) by striking "title XVIII or" and inserting "title XVIII,", and

(ii) by adding at the end the following: "or a health plan (as defined in section 1128(i)),".

(C) In subsection (a)(5), by striking "title XVIII or a State health care program" and inserting "title XVIII, a State health care program, or a health plan".

(D) In the second sentence of subsection (a)—

(i) by inserting after "title XIX" the following: "or a health plan", and

(ii) by inserting after "the State" the following: "or the plan".

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B of such Act (42 U.S.C. 1320a–7b) is further amended by adding at the end the following new subsection:

"(f) The Secretary may—

"(1) in consultation with State and local health care officials, identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section, and

"(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.".

(b) HEALTH PLAN DEFINED.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) HEALTH PLAN DEFINED.—For purposes of sections 1128A and 1128B, the term 'health plan' means a plan that provides health benefits, whether through directly, through insurance, or otherwise, and includes a policy of health insurance, a contract of a service benefit organization, or a membership agreement with a health maintenance organization or other prepaid health plan, and also includes an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

SEC. 5313. HEALTH CARE FRAUD AND ABUSE GUIDANCE.

(a) SOLICITATION AND PUBLICATION OF MODIFICATIONS TO EXISTING SAFE HARBORS AND NEW SAFE HARBORS.—

(1) IN GENERAL.—

(A) SOLICITATION OF PROPOSALS FOR SAFE HARBORS.—Not later than January 1, 1996, and not less than annually thereafter, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for—

(i) modifications to existing safe harbors issued pursuant to section 14(a) of the Medicare and Medicaid Patient and Program Protection Act of 1987 (42 U.S.C. 1320a–7b note);

(ii) additional safe harbors specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act the (42 U.S.C. 1320a–7b(b)) and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act (42 U.S.C. 1320a–7(b)(7));

(iii) interpretive rulings to be issued pursuant to subsection (b); and

(iv) special fraud alerts to be issued pursuant to subsection (c).

(B) PUBLICATION OF PROPOSED MODIFICATIONS AND PROPOSED ADDITIONAL STATE HARBORS.—After considering the proposals described in clauses (i) and (ii) of subparagraph (A), the Secretary, in consultation with the Attorney General, shall publish in the Federal Register proposed modifications to existing safe harbors and proposed additional safe harbors, if appropriate, with a 60-day comment period. After considering any public comments received during this period, the Secretary shall issue final rules modifying the existing safe harbors and establishing new safe harbors, as appropriate.

(C) REPORT.—The Inspector General of the Department of Health and Human Services (hereafter in this section referred to as the "Inspector General") shall, in an annual report to Congress or as part of the year-end semiannual report required by section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), describe the proposals received under clauses (i) and (ii) of subparagraph (A) and explain which proposals were included in the publication described in subparagraph (B), which proposals were not included in that publication, and the reasons for the rejection of the proposals that were not included.

(2) CRITERIA FOR MODIFYING AND ESTABLISHING SAFE HARBORS.—In modifying and establishing safe harbors under paragraph (1)(B), the Secretary may consider the extent to which providing a safe harbor for the specified payment practice may result in any of the following:

(A) An increase or decrease in access to health care services.

(B) An increase or decrease in the quality of health care services.

(C) An increase or decrease in patient freedom of choice among health care providers.

(D) An increase or decrease in competition among health care providers.

(E) An increase or decrease in the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

(F) An increase or decrease in the cost to Government health care programs.

(G) An increase or decrease in the potential overutilization of health care services.

(H) The existence or nonexistence of any potential financial benefit to a health care professional or provider which may vary based on their decisions of—

(i) whether to order a health care item or service; or

(ii) whether to arrange for a referral of health care items or services to a particular practitioner or provider.

(I) Any other factors the Secretary deems appropriate in the interest of preventing fraud and abuse in Government health care programs.

(b) INTERPRETIVE RULINGS.—

(1) IN GENERAL.—

(A) REQUEST FOR INTERPRETIVE RULING.—Any person may present, at any time, a request to the Inspector General for a statement of the Inspector General's current interpretation of the meaning of a specific aspect of the application of sections 1128A and 1128B of the Social Security Act (hereafter in this section referred to as an "interpretive ruling").

(B) ISSUANCE AND EFFECT OF INTERPRETIVE RULING.—

(i) IN GENERAL.—If appropriate, the Inspector General shall in consultation with the Attorney General, issue an interpretive ruling in response to a request described in subparagraph (A). Interpretive rulings shall not have the force of law and shall be treated as an interpretive rule within the meaning of section 553(b) of title 5, United States Code. All interpretive rulings issued pursuant to this provision shall be published in the Federal Register or otherwise made available for public inspection.

(ii) REASONS FOR DENIAL.—If the Inspector General does not issue an interpretive ruling in response to a request described in subparagraph (A), the Inspector General shall notify the requesting party of such decision and shall identify the reasons for such decision.

(2) CRITERIA FOR INTERPRETIVE RULINGS.—

(A) IN GENERAL.—In determining whether to issue an interpretive ruling under paragraph (1)(B), the Inspector General may consider—

(i) whether and to what extent the request identifies an ambiguity within the language of the statute, the existing safe harbors, or previous interpretive rulings; and

(ii) whether the subject of the requested interpretive ruling can be adequately addressed by interpretation of the language of the statute, the existing safe harbor rules, or previous interpretive rulings, or whether the request would require a substantive ruling not authorized under this subsection.

(B) NO RULINGS ON FACTUAL ISSUES.—The Inspector General shall not give an interpretive ruling on any factual issue, including the intent of the parties or the fair market value of particular leased space or equipment.

(c) SPECIAL FRAUD ALERTS.—

(1) IN GENERAL.—

(A) REQUEST FOR SPECIAL FRAUD ALERTS.—Any person may present, at any time, a request to the Inspector General for a notice which informs the public of practices which the Inspector General considers to be suspect or of particular concern under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) (hereafter in this subsection referred to as a "special fraud alert").

(B) ISSUANCE AND PUBLICATION OF SPECIAL FRAUD ALERTS.—Upon receipt of a request described in subparagraph (A), the Inspector General shall investigate the subject matter of the request to determine whether a special fraud alert should be issued. If appropriate, the Inspector General shall in consultation with the Attorney General, issue a special fraud alert in response to the request. All special fraud alerts issued pursuant to this subparagraph shall be published in the Federal Register.

(2) CRITERIA FOR SPECIAL FRAUD ALERTS.—In determining whether to issue a special fraud alert upon a request described in paragraph (1), the Inspector General may consider—

(A) whether and to what extent the practices that would be identified in the special fraud alert may result in any of the consequences described in subsection (a)(2); and

(B) the volume and frequency of the conduct that would be identified in the special fraud alert.

SEC. 5314. REPORTING OF FRAUDULENT ACTIONS UNDER MEDICARE.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a program through which individuals entitled to benefits under the medicare program may report to the Secretary on a confidential basis (at the individual's request) instances of suspected fraudulent actions arising under the program by providers of items and services under the program.

PART B—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

SEC. 5321. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO FRAUD.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)) is amended by adding at the end the following new paragraph:

"(3) FELONY CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud Prevention Act of 1995, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(1) of such Act (42 U.S.C. 1320a–7(b)(1)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud Prevention Act of 1995, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) of such Act (42 U.S.C. 1320a–7(b)(3)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

SEC. 5322. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) of the Social Security Act (42 U.S.C. 1320a–7(c)(3)) is amended by adding at the end the following new subparagraphs:

"(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

"(E) In the case of an exclusion of an individual or entity under subsection (b)(4) or (b)(5), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

"(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.".

SEC. 5323. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) of the Social Security Act (42 U.S.C. 1320a–7(b)) is amended by adding at the end the following new paragraph:

"(15) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity—

"(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection;

"(B) against which a civil monetary penalty has been assessed under section 1128A; or

"(C) that has been excluded from participation under a program under title XVIII or under a State health care program.".

SEC. 5324. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended by striking "may prescribe)" and inserting "may prescribe, except that such period may not be less than 1 year)".

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) of such Act (42 U.S.C. 1320c–5(b)(2)) is amended by striking "shall remain" and inserting "shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain".

(b) REPEAL OF "UNWILLING OR UNABLE" CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c–5(b)(1)) is amended—

(1) in the second sentence, by striking "and determines" and all that follows through "such obligations,"; and

(2) by striking the third sentence.

SEC. 5325. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR ANY PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) of the Social Security Act (42 U.S.C. 1395mm(i)(1)) is amended by striking "the Secretary may terminate" and all that follows and inserting the following: "in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

"(A) has failed substantially to carry out the contract;

"(B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section; or

"(C) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).".

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

"(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1) the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

"(i) Civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.

"(ii) Civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists.

"(iii) Suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.".

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) of such Act (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

"(A) the Secretary provides the organization with the opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1);

"(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an entity has a history of deficiencies or has not taken action to correct deficiencies the Secretary has brought to their attention;

"(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

"(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.".

(4) CONFORMING AMENDMENTS.—Section 1876(i)(6)(B) of such Act (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—

(1) REQUIREMENT FOR WRITTEN AGREEMENT.—Section 1876(i)(7)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking "an agreement" and inserting "a written agreement".

(2) DEVELOPMENT OF MODEL AGREEMENT.—Not later than July 1, 1996, the Secretary shall develop a model of the agreement that an eligible organization with a risk-sharing contract under section 1876 of the Social Security Act must enter into with an entity providing peer review services with respect to services provided by the organization under section 1876(i)(7)(A) of such Act.

(3) REPORT BY GAO.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the costs incurred by eligible organizations with risk-sharing contracts under section 1876(b) of such Act of complying with the requirement of entering into a written agreement with an entity providing peer review services with respect to services provided by the organization, together with an analysis of how information generated by such entities is used by the Secretary to assess the quality of services provided by such eligible organizations.

(B) REPORT TO CONGRESS.—Not later than July 1, 1998, the Comptroller General shall submit a report to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate on the study conducted under subparagraph (A).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after January 1, 1996.

SEC. 5326. EFFECTIVE DATE.

The amendments made by this part shall take effect January 1, 1996.

PART C—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 5331. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1996, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (c).

(b) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each government agency and health plan shall report any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes:

(A) The name of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner is affiliated or associated.

(C) The nature of the final adverse action.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary.

(c) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions (not including settlements in which no findings of liability have been made) reported to the Secretary under this section respecting a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(d) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in this database shall be available to Federal and State government agencies and health plans pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for

the disclosure of information in this database. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(e) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity, including the agency designated by the Secretary in subsection (b)(5) shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) The term "final adverse action" includes:

(A) Civil judgments against a health care provider in Federal or State court related to the delivery of a health care item or service.

(B) Federal or State criminal convictions related to the delivery of a health care item or service.

(C) Actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(i) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation,

(ii) any other loss of license of the provider, supplier, or practitioner, by operation of law, or

(iii) any other negative action or finding by such Federal or State agency that is publicly available information.

(D) Exclusion from participation in Federal or State health care programs.

(E) Any other adjudicated actions or decisions that the Secretary shall establish by regulation.

(2) The terms "licensed health care practitioner", "licensed practitioner", and "practitioner" mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(3) The term "health care provider" means a provider of services as defined in section 1861(u) of the Social Security Act, and any entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(4) The term "supplier" means a supplier of health care items and services described in section 1819(a) and (b), and section 1861 of the Social Security Act.

(5) The term "Government agency" shall include:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) Federal or State agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(6) The term "health plan" has the meaning given to such term by section 1128(i) of the Social Security Act.

(7) For purposes of paragraph (2), the existence of a conviction shall be determined under paragraph (4) of section 1128(j) of the Social Security Act.

(g) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act is amended by inserting "and section 301 of the Health Care Fraud Prevention Act of 1995" after "section 422 of the Health Care Quality Improvement Act of 1986".

PART D—CIVIL MONETARY PENALTIES

SEC. 5341. CIVIL MONETARY PENALTIES.

(a) GENERAL CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended as follows:

(1) In subsection (a)(1), by inserting "or of any health plan (as defined in section 1128(i)))," after "subsection (i)(1)),".

(2) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraphs:

"(3) With respect to amounts recovered arising out of a claim under a health plan, the portion of such amounts as is determined to have been paid by the plan shall be repaid to the plan, and the portion of such amounts attributable to the amounts recovered under this section by reason of the amendments made by the Health Care Fraud Prevention Act of 1995 (as estimated by the Secretary) shall be deposited into the Health Care Fraud and Abuse Control Account established under section 101(b) of such Act.".

(3) In subsection (i)—

(A) in paragraph (2), by inserting "or under a health plan" before the period at the end, and

(B) in paragraph (5), by inserting "or under a health plan" after "or XX".

(b) EXCLUDED INDIVIDUAL RETAINING OWNERSHIP OR CONTROL INTEREST IN PARTICIPATING ENTITY.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(1) by striking "or" at the end of paragraph (1)(D);

(2) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(3) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, at the time of a violation of this subsection, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;".

(c) MODIFICATIONS OF AMOUNTS OF PENALTIES AND ASSESSMENTS.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)), as amended by subsection (b), is amended in the matter following paragraph (4)—

(1) by striking "$2,000" and inserting "$10,000";

(2) by inserting "; in cases under paragraph (4), $10,000 for each day the prohibited relationship occurs" after "false or misleading information was given"; and

(3) by striking "twice the amount" and inserting "3 times the amount".

(d) CLAIM FOR ITEM OR SERVICE BASED ON INCORRECT CODING OR MEDICALLY UNNECESSARY SERVICES.—Section 1128A(a)(1) of the Social Security Act (42 U.S.C. 1320a–7a(a)(1)) is amended—

(1) in subparagraph (A) by striking "claimed," and inserting the following: "claimed, including any person who repeatedly presents or causes to be presented a claim for an item or service that is based on a code that the person knows or should know will result in a greater payment to the person than the code the person knows or should know is applicable to the item or service actually provided,";

(2) in subparagraph (C), by striking "or" at the end;

(3) in subparagraph (D), by striking "; or" and inserting ", or"; and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) is for a medical or other item or service that a person repeatedly knows or should know is not medically necessary; or".

(e) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(f) SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.—Section 1156(b)(3) of the Social Security Act (42 U.S.C. 1320c–5(b)(3)) is amended by striking "the actual or estimated cost" and inserting the following: "up to $10,000 for each instance".

(g) PROCEDURAL PROVISIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is further amended by adding at the end the following new subparagraph:

"(D) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) or (B) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).".

(h) PROHIBITION AGAINST OFFERING INDUCEMENTS TO INDIVIDUALS ENROLLED UNDER PROGRAMS OR PLANS.—

(1) OFFER OF REMUNERATION.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(A) by striking "or" at the end of paragraph (1)(D);

(B) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(C) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(D) by inserting after paragraph (3) the following new paragraph:

"(4) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program;''.

(2) REMUNERATION DEFINED.—Section 1128A(i) of such Act (42 U.S.C. 1320a–7a(i)) is amended by adding the following new paragraph:

''(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include—

''(A) the waiver of coinsurance and deductible amounts by a person, if—

''(i) the waiver is not offered as part of any advertisement or solicitation;

''(ii) the person does not routinely waive coinsurance or deductible amounts; and

''(iii) the person—

''(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

''(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

''(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary;.

''(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all third party payors to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary; or

''(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations.''.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1996.

PART E—AMENDMENTS TO CRIMINAL LAW

SEC. 5351. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1347. Health care fraud

''(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

''(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

''(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for any term of years.

''(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 1128(i) of the Social Security Act.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''1347. Health care fraud.''.

(b) CRIMINAL FINES DEPOSITED IN THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 5311(b) an amount equal to the criminal fines imposed under section 1347 of title 18, United States Code (relating to health care fraud).

SEC. 5352. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 982(a) of title 18, United States Code, is amended by adding after paragraph (5) the following new paragraph:

''(6)(A) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that—

''(i) is used in the commission of the offense if the offense results in a financial loss or gain of $50,000 or more; or

''(ii) constitutes or is derived from proceeds traceable to the commission of the offense.

''(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

''(i) section 1347 of this title;

''(ii) section 1128B of the Social Security Act;

''(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud; and

''(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud.''.

(b) PROPERTY FORFEITED DEPOSITED IN HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 5311(b) an amount equal to amounts resulting from forfeiture of property by reason of a Federal health care offense pursuant to section 982(a)(6) of title 18, United States Code.

SEC. 5353. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by inserting ''or'' at the end of subparagraph (B); and

(3) by adding at the end the following:

''(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);''.

(b) FREEZING OF ASSETS.—Section 1345(a)(2) of title 18, United States Code, is amended by inserting ''or a Federal health care offense (as defined in section 982(a)(6)(B))'' after ''title)''.

SEC. 5354. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) A person who is privy to grand jury information concerning a Federal health care offense (as defined in section 982(a)(6)(B))—

''(1) received in the course of duty as an attorney for the Government; or

''(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the Government to use in any investigation or civil proceeding relating to health care fraud.''.

SEC. 5355. FALSE STATEMENTS.

(a) IN GENERAL.—Chapter 47, of title 18, United States Code, is amended by adding at the end the following:

"§ 1033. False statements relating to health care matters

''Whoever, in any matter involving a health plan, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United State Code, in amended by adding at the end the following:

''1033. False statements relating to health care matters.''.

SEC. 5356. VOLUNTARY DISCLOSURE PROGRAM.

In consultation with the Attorney General of the United States, the Secretary of Health and Human Services shall publish proposed regulations not later than 9 months after the date of enactment of this Act, and final regulations not later than 18 months after such date of enactment, establishing a program of voluntary disclosure that would facilitate the enforcement of sections 1128A and 1128B of the Social Security Act (42 U.S.C. 1320a-7a and 1320a-7b) and other relevant provisions of Federal law relating to health care fraud and abuse. Such program should promote and provide incentives for disclosures of potential violations of such sections and provisions by providing that, under certain circumstances, the voluntary disclosure of wrongdoing would result in the imposition of penalties and punishments less substantial than those that would be assessed for the same wrongdoing if voluntary disclosure did not occur.

SEC. 5357. OBSTRUCTION OF CRIMINAL INVESTIGATIONS OF FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1518. Obstruction of Criminal Investigations of Federal Health Care Offenses

''(a) IN GENERAL.—Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a Federal health care offense to a criminal investigator shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) FEDERAL HEALTH CARE OFFENSE.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.

''(c) CRIMINAL INVESTIGATOR.—As used in this section the term 'criminal investigator' means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United State Code, in amended by adding at the end the following:

''1518. Obstruction of Criminal Investigations of Federal Health Care Offenses.''.

SEC. 5358. THEFT OR EMBEZZLEMENT.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§669. Theft or Embezzlement in Connection with Health Care

"(a) IN GENERAL.—Whoever willfully embezzles, steals, or otherwise without authority willfully and unlawfully converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health care benefit program, shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) FEDERAL HEALTH CARE OFFENSE.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United State Code, in amended by adding at the end the following:

"669. Theft or Embezzlement in Connection with Health Care.".

SEC. 5359. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any act or activity constituting an offense involving a Federal health care offense as that term is defined in section 982(a)(6)(B) of this title.".

PART F—PAYMENTS FOR STATE HEALTH CARE FRAUD CONTROL UNITS

SEC. 5361. ESTABLISHMENT OF STATE FRAUD UNITS.

(a) ESTABLISHMENT OF HEALTH CARE FRAUD AND ABUSE CONTROL UNIT.—The Governor of each State shall, consistent with State law, establish and maintain in accordance with subsection (b) a State agency to act as a Health Care Fraud and Abuse Control Unit for purposes of this part.

(b) DEFINITION.—In this section, a "State Fraud Unit" means a Health Care Fraud and Abuse Control Unit designated under subsection (a) that the Secretary certifies meets the requirements of this part.

SEC. 5362. REQUIREMENTS FOR STATE FRAUD UNITS.

(a) IN GENERAL.—The State Fraud Unit must—

(1) be a single identifiable entity of the State government;

(2) be separate and distinct from any State agency with principal responsibility for the administration of any Federally-funded or mandated health care program;

(3) meet the other requirements of this section.

(b) SPECIFIC REQUIREMENTS DESCRIBED.—The State Fraud Unit shall—

(1) be a Unit of the office of the State Attorney General or of another department of State government which possesses statewide authority to prosecute individuals for criminal violations;

(2) if it is in a State the constitution of which does not provide for the criminal prosecution of individuals by a statewide authority and has formal procedures, (A) assure its referral of suspected criminal violations to the appropriate authority or authorities in the State for prosecution, and (B) assure its assistance of, and coordination with, such authority or authorities in such prosecutions; or

(3) have a formal working relationship with the office of the State Attorney General or the appropriate authority or authorities for prosecution and have formal procedures (including procedures for its referral of suspected criminal violations to such office) which provide effective coordination of activities between the Fraud Unit and such office with respect to the detection, investigation, and prosecution of suspected criminal violations relating to any Federally-funded or mandated health care programs.

(c) STAFFING REQUIREMENTS.—The State Fraud Unit shall—

(1) employ attorneys, auditors, investigators and other necessary personnel; and

(2) be organized in such a manner and provide sufficient resources as is necessary to promote the effective and efficient conduct of State Fraud Unit activities.

(d) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—The State Fraud Unit shall have cooperative agreements with—

(1) Federally-funded or mandated health care programs;

(2) similar Fraud Units in other States, as exemplified through membership and participation in the National Association of Medicaid Fraud Control Units or its successor; and

(3) the Secretary.

(e) REPORTS.—The State Fraud Unit shall submit to the Secretary an application and an annual report containing such information as the Secretary determines to be necessary to determine whether the State Fraud Unit meets the requirements of this section.

(f) FUNDING SOURCE; PARTICIPATION IN ALL-PAYER PROGRAM.—In addition to those sums expended by a State under section 5364(a) for purposes of determining the amount of the Secretary's payments, a State Fraud Unit may receive funding for its activities from other sources, the identity of which shall be reported to the Secretary in its application or annual report. The State Fraud Unit shall participate in the all-payer fraud and abuse control program established under section 5311.

SEC. 5363. SCOPE AND PURPOSE.

The State Fraud Unit shall carry out the following activities:

(1) The State Fraud Unit shall conduct a statewide program for the investigation and prosecution (or referring for prosecution) of violations of all applicable state laws regarding any and all aspects of fraud in connection with any aspect of the administration and provision of health care services and activities of providers of such services under any Federally-funded or mandated health care programs;

(2) The State Fraud Unit shall have procedures for reviewing complaints of the abuse or neglect of patients of facilities (including patients in residential facilities and home health care programs) that receive payments under any Federally-funded or mandated health care programs, and, where appropriate, to investigate and prosecute such complaints under the criminal laws of the State or for referring the complaints to other State agencies for action.

(3) The State Fraud Unit shall provide for the collection, or referral for collection to the appropriate agency, of overpayments that are made under any Federally-funded or mandated health care program and that are discovered by the State Fraud Unit in carrying out its activities.

SEC. 5364. PAYMENTS TO STATES.

(a) MATCHING PAYMENTS TO STATES.—Subject to subsection (c), for each year for which a State has a State Fraud Unit approved under section 5362(b) in operation the Secretary shall provide for a payment to the State for each quarter in a fiscal year in an amount equal to the applicable percentage of the sums expended during the quarter by the State Fraud Unit.

(b) APPLICABLE PERCENTAGE DEFINED.—

(1) IN GENERAL.—In subsection (a), the "applicable percentage" with respect to a State for a fiscal year is—

(A) 90 percent, for quarters occurring during the first 3 years for which the State Fraud Unit is in operation; or

(B) 75 percent, for any other quarters.

(2) TREATMENT OF STATES WITH MEDICAID FRAUD CONTROL UNITS.—In the case of a State with a State medicaid fraud control in operation prior to or as of the date of the enactment of this Act, in determining the number of years for which the State Fraud Unit under this part has been in operation, there shall be included the number of years for which such State medicaid fraud control unit was in operation.

(c) LIMIT ON PAYMENT.—Notwithstanding subsection (a), the total amount of payments made to a State under this section for a fiscal year may not exceed the amounts as authorized pursuant to section 1903(b)(3) of the Social Security Act.

TITLE VI—MALPRACTICE REFORM

SEC. 6001. ALTERNATIVE DISPUTE RESOLUTION.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary") shall establish a program of grants to assist States in establishing alternative dispute resolution systems.

(b) USE OF FUNDS.—A State may use a grant awarded under subsection (a) to establish alternative dispute resolution systems that—

(1) identify claims of professional negligence that merit compensation;

(2) encourage early resolution of meritorious claims prior to commencement of a lawsuit; and

(3) encourage early withdrawal or dismissal of nonmeritorious claims.

(c) AWARD OF GRANTS.—The Secretary shall allocate grants under this section in accordance with criteria issued by the Secretary.

(d) APPLICATION.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Assistant Secretary determines to be necessary to carry out this section, including an assurance that the State system meets the requirements of section 6002.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1996 through 1999 fiscal years.

SEC. 6002. BASIC REQUIREMENTS.

A State's alternative dispute resolution system meets the requirements of this section if the system—

(1) applies to all medical malpractice liability claims under the jurisdiction of the courts of that State;

(2) requires that a written opinion resolving the dispute be issued not later than 6 months after the date by which each party against whom the claim is filed has received notice of the claim (other than in exceptional cases for which a longer period is required for the issuance of such an opinion), and that the opinion contain—

(A) findings of fact relating to the dispute, and

(B) a description of the costs incurred in resolving the dispute under the system (including any fees paid to the individuals hearing and resolving the claim), together with an appropriate assessment of the costs against any of the parties;

(3) requires individuals who hear and resolve claims under the system to meet such qualifications as the State may require (in accordance with regulations of the Secretary);

(4) is approved by the State or by local governments in the State;

(5) with respect to a State system that consists of multiple dispute resolution procedures—

(A) permits the parties to a dispute to select the procedure to be used for the resolution of the dispute under the system, and

(B) if the parties do not agree on the procedure to be used for the resolution of the dispute, assigns a particular procedure to the parties;

(6) provides for the transmittal to the State agency responsible for monitoring or disciplining health care professionals and health care providers of any findings made under the system that such a professional or provider committed malpractice, unless, during the 90-day period beginning on the date the system resolves the claim against the professional or provider, the professional or provider brings an action contesting the decision made under the system; and

(7) provides for the regular transmittal to the Administrator for Health Care Policy and Research of information on disputes resolved under the system, in a manner that assures that the identity of the parties to a dispute shall not be revealed.

SEC. 6003. ALTERNATIVE DISPUTE RESOLUTION ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish an Alternative Dispute Resolution Advisory Board to advise the Secretary regarding the establishment of alternative dispute resolution systems at the State and Federal levels.

(b) COMPOSITION.—The ADR Advisory Board shall be composed of members appointed by the Secretary from among representatives of the following:

(1) Physicians.

(2) Hospitals.

(3) Patient advocacy groups.

(4) State governments.

(5) Academic experts from applicable disciplines (including medicine, law, public health, and economics) and specialists in arbitration and dispute resolution.

(6) Health insurers and medical malpractice insurers.

(7) Medical product manufacturers.

(8) Pharmaceutical companies.

(9) Other professions and groups determined appropriate by the Secretary.

(c) DUTIES.—The ADR Advisory Board shall—

(1) examine various dispute resolution systems and provide advice and assistance to States regarding the establishment of such systems;

(2) not later than 1 year after the appointment of its members, submit to the Secretary—

(A) a model alternative dispute resolution system that may be used by a State for purposes of this title, and

(B) a model alternative Federal system that may be used by the Secretary; and

(3) review the applications of States for certification of State alternative dispute resolution systems and make recommendations to the Secretary regarding whether the systems should be certified under section 6004.

SEC. 6004. CERTIFICATION OF STATE SYSTEMS; APPLICABILITY OF ALTERNATIVE FEDERAL SYSTEM.

(a) CERTIFICATION.—

(1) APPLICATION BY STATE.—Each State shall submit an application to the ADR Advisory Board describing its alternative dispute resolution system and containing such information as the ADR Advisory Board may require to make a recommendation regarding whether the system meets the requirements of this title.

(2) BASIS FOR CERTIFICATION.—Not later than October 1 of each year (beginning with 1995), the Secretary, taking into consideration the recommendations of the ADR Advisory Board, shall certify a State's alternative dispute resolution system under this subsection for the following calendar year if the Secretary determines that the system meets the requirements of section 6002.

(b) APPLICABILITY OF ALTERNATIVE FEDERAL SYSTEM.—

(1) ESTABLISHMENT AND APPLICABILITY.—Not later than October 1, 1995, the Secretary, taking into consideration the model alternative Federal system submitted by the ADR Advisory Board under section 6003(c)(2)(B), shall establish by rule an alternative Federal ADR system for the resolution of medical malpractice liability claims during a calendar year in States that do not have in effect an alternative dispute resolution system certified under subsection (a) for the year.

(2) REQUIREMENTS FOR SYSTEM.—Under the alternative Federal ADR system established under paragraph (1)—

(A) paragraphs (1), (2), (6), and (7) of section 6002(a) shall apply to claims brought under the system;

(B) if the system provides for the resolution of claims through arbitration, the claims brought under the system shall be heard and resolved by arbitrators appointed by the Secretary in consultation with the Attorney General; and

(C) with respect to a State in which the system is in effect, the Secretary may (at the State's request) modify the system to take into account the existence of dispute resolution procedures in the State that affect the resolution of medical malpractice liability claims.

(3) TREATMENT OF STATES WITH ALTERNATIVE SYSTEM IN EFFECT.—If the alternative Federal ADR system established under this subsection is applied with respect to a State for a calendar year, the State shall make a payment to the United States (at such time and in such manner as the Secretary may require) in an amount equal to 110 percent of the costs incurred by the United States during the year as a result of the application of the system with respect to the State.

SEC. 6005. REPORTS ON IMPLEMENTATION AND EFFECTIVENESS OF ALTERNATIVE DISPUTE RESOLUTION SYSTEMS.

(a) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall prepare and submit to the Congress a report describing and evaluating State alternative dispute resolution systems operated pursuant to this title and the alternative Federal system established under section 6004(b).

(b) CONTENTS OF REPORT.—The Secretary shall include in the report prepared and submitted under subsection (a)—

(1) information on—

(A) the effect of the alternative dispute resolution systems on the cost of health care within each State,

(B) the impact of such systems on the access of individuals to health care within the State, and

(C) the effect of such systems on the quality of health care provided within the State; and

(2) to the extent that such report does not provide information on no-fault systems operated by States as alternative dispute resolution systems pursuant to this part, an analysis of the feasibility and desirability of establishing a system under which medical malpractice liability claims shall be resolved on a no-fault basis.

SEC. 6006. OPTIONAL APPLICATION OF PRACTICE GUIDELINES.

(a) DEVELOPMENT AND CERTIFICATION OF GUIDELINES.—Each State may develop, for certification by the Secretary if the Secretary determines appropriate, a set of specialty clinical practice guidelines.

(b) PROVISION OF HEALTH CARE UNDER GUIDELINES.—Notwithstanding any other provision of law, in any medical malpractice liability action arising from the conduct of a health care provider or health care professional, if such conduct was in accordance with a guideline developed by the State in which the conduct occurred and certified by the Secretary under subsection (a), the guideline—

(1) may be introduced by any party to the action (including a health care provider, health care professional, or patient); and

(2) if introduced, shall establish a rebuttable presumption that the conduct was in accordance with the appropriate standard of medical care, which may only be overcome by the presentation of clear and convincing evidence on behalf of the party against whom the presumption operates.

(c) RESTRICTION ON PARAMETERS CONSIDERED APPROPRIATE.—

(1) PARAMETERS SANCTIONED BY SECRETARY.—For purposes of subsection (a), a specialty clinical practice guideline may not be considered appropriate with respect to actions brought during a year unless the Secretary has sanctioned the use of the guideline for purposes of an affirmative defense to medical malpractice liability actions brought during the year in accordance with paragraph (2).

(2) PROCESS FOR SANCTIONING PARAMETERS.—Not less frequently than October 1 of each year (beginning with 1996), the Secretary shall review the practice guidelines and standards submitted by the State under subsection (a), and shall sanction those guidelines which the Secretary considers appropriate for purposes of an affirmative defense to medical malpractice liability actions brought during the next calendar year as appropriate practice parameters for purposes of subsection (a).

(d) PROHIBITING APPLICATION OF FAILURE TO FOLLOW PARAMETERS AS PRIMA FACIE EVIDENCE OF NEGLIGENCE.—No plaintiff in a medical malpractice liability action may be deemed to have presented prima facie evidence that a defendant was negligent solely by showing that the defendant failed to follow the appropriate practice guidelines.

TITLE VII—HEALTH PROMOTION AND DISEASE PREVENTION

SEC. 7001. DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS TREATED AS MEDICAL CARE.

(a) IN GENERAL.—For purposes of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care), qualified expenditures (as defined by the Secretary of Health and Human Services) for disease prevention and health promotion programs shall be considered amounts paid for medical care.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to amounts paid in taxable years beginning after December 31, 1995.

SEC. 7002. WORKSITE WELLNESS GRANT PROGRAM.

(a) GRANTS.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary") shall award grants to States (through State health departments or other State agencies working in consultation with the State health agency) to enable such States to provide assistance to businesses with not to exceed 100 employees for the establishment and operation of worksite wellness programs for their employees.

(b) APPLICATION.—To be eligible for a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the manner in which the State intends to use amounts received under the grant; and

(2) assurances that the State will only use amounts provided under such grant to provide assistance to businesses that can demonstrate that they are in compliance with minimum program characteristics (relative to scope and regularity of services offered) that are developed by the Secretary in consultation with experts in public health and representatives of small business.

Grants shall be distributed to States based on the population of individuals employed by small businesses.

(c) PROGRAM CHARACTERISTICS.—In developing minimum program characteristics under subsection (b)(2), the Secretary shall ensure that all activities established or enhanced under a grant under this section have clearly defined goals and objectives and demonstrate how receipt of such assistance will help to achieve established State or local health objectives based on the National Health Promotion and Disease Prevention Objectives.

(d) USE OF FUNDS.—Amounts received under a grant awarded under subsection (a) shall be used by a State to provide grants to businesses (as described in subsection (a)), nonprofit organizations, or public authorities, or to operate State-run worksite wellness programs.

(e) SPECIAL EMPHASIS.—In funding business worksite wellness projects under this section, a State shall give special emphasis to—

(1) the development of joint wellness programs between employers;

(2) the development of employee assistance programs dealing with substance abuse;

(3) maximizing the use and coordination with existing community resources such as nonprofit health organizations; and

(4) encourage participation of dependents of employees and retirees in wellness programs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of the fiscal years 1995 through 1999.

SEC. 7003. EXPANDING AND IMPROVING SCHOOL HEALTH EDUCATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (b), such sums as may be necessary for each of the fiscal years 1995 through 1999.

(b) GENERAL USE OF FUNDS.—The Secretary shall use amounts appropriated under subsection (a) to expand comprehensive school health education programs administered by the Centers for Disease Control and Prevention under sections 301 and 311 of the Public Health Service Act (42 U.S.C. 241 and 243).

(c) SPECIFIC USE OF FUNDS.—In meeting the requirement of subsection (b), the Secretary shall expand the number of children receiving planned, sequential kindergarten through 12th grade comprehensive school education as a component of comprehensive programs of school health, including

(1) physical education programs that promote lifelong physical activity;

(2) healthy school food service selections;

(3) programs that promote a healthy and safe school environment;

(4) schoolsite health promotion for faculty and staff;

(5) integrated school and community health promotion efforts; and

(6) school nursing disease prevention and health promotion services.

(d) COORDINATION OF EXISTING PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Education and the Secretary of Agriculture shall work cooperatively to coordinate existing school health education programs within their Departments in a manner that maximized the efficiency and effectiveness of Federal expenditures in this area.

TITLE VIII—TAX INCENTIVES FOR LONG-TERM CARE

SEC. 8001. SHORT TITLE.

This title may be cited as the "Private Long-Term Care Family Protection Act of 1995".

SEC. 8002. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Treatment of Long-Term Care Insurance

SEC. 8101. QUALIFIED LONG-TERM CARE SERVICES TREATED AS MEDICAL CARE.

(a) GENERAL RULE.—Paragraph (1) of section 213(d) (defining medical care) is amended by striking "or" at the end of subparagraph (B), by striking subparagraph (C), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) for qualified long-term care services (as defined in subsection (f)),

"(D) for insurance covering medical care referred to in—

"(i) subparagraphs (A) and (B), or

"(ii) subparagraph (C), but only if such insurance is provided under a qualified long-term care insurance policy (as defined in section 7702B(b)) and the deduction under this section for amounts paid for such insurance is not disallowed under section 7702B(d)(4), or

"(E) for premiums under part B of title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged.".

(b) QUALIFIED LONG-TERM CARE SERVICES DEFINED.—Section 213 (relating to the deduction for medical, dental, etc., expenses) is amended by adding at the end the following new subsection:

"(f) QUALIFIED LONG-TERM CARE SERVICES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified long-term care services' means necessary diagnostic, curing, mitigating, treating, preventive, therapeutic, and rehabilitative services, and maintenance and personal care services (whether performed in a residential or nonresidential setting), which—

"(A) are required by an individual during any period the individual is an incapacitated individual (as defined in paragraph (2)),

"(B) have as their primary purpose—

"(i) the provision of needed assistance with 1 or more activities of daily living (as defined in paragraph (3)), or

"(ii) protection from threats to health and safety due to severe cognitive impairment, and

"(C) are provided pursuant to a continuing plan of care prescribed by a licensed professional (as defined in paragraph (4)).

"(2) INCAPACITATED INDIVIDUAL.—The term 'incapacitated individual' means any individual who has been certified by a licensed professional as—

"(A) being unable to perform, without substantial assistance from another individual, at least 2 activities of daily living (as defined in paragraph (3)),

"(B) having moderate cognitive impairment as defined by the Secretary in consultation with the Secretary of Health and Human Services, or

"(C) having a level of disability similar (as determined by the Secretary in consultation with the Secretary of Health and Human Services) to the level of disability described in subparagraph (A).

"(3) ACTIVITIES OF DAILY LIVING.—

"(A) IN GENERAL.—Each of the following is an activity of daily living:

"(i) Eating.

"(ii) Toileting.

"(iii) Transferring.

"(iv) Bathing.

"(v) Dressing.

"(vi) Continence.

"(B) DEFINITIONS.—For purposes of this paragraph:

"(i) EATING.—The term 'eating' means the process of getting food from a plate or its equivalent into the mouth.

"(ii) TOILETING.—The term 'toileting' means the act of going to the toilet room for bowel and bladder function, transferring on and off of the toilet, cleaning oneself after elimination, and arranging clothes.

"(iii) TRANSFERRING.—The term 'transferring' means the process of getting in and out of bed or in and out of a chair or wheelchair.

"(iv) BATHING.—The term 'bathing' means the overall complex behavior of using water for cleansing the whole body, including cleansing as part of a bath, shower, or sponge bath, getting to, in, and out of a tub or shower, and washing and drying oneself.

"(v) DRESSING.—The term 'dressing' means the overall complex behavior of getting clothes from closets and drawers and then getting dressed.

"(vi) CONTINENCE.—The term 'continence' means the ability to voluntarily control bowel and bladder function and to maintain a reasonable level of personal hygiene.

"(4) LICENSED PROFESSIONAL.—

"(A) IN GENERAL.—The term 'licensed professional' means—

"(i) a physician or registered professional nurse,

"(ii) a qualified community care case manager (as defined in subparagraph (B)), or

"(iii) any other individual who meets such requirements as may be prescribed by the Secretary after consultation with the Secretary of Health and Human Services.

"(B) QUALIFIED COMMUNITY CARE CASE MANAGER.—The term 'qualified community care case manager' means an individual or entity which—

"(i) has experience or has been trained in providing case management services and in preparing individual care plans,

"(ii) has experience in assessing individuals to determine their functional and cognitive impairment, and

"(iii) meets such requirements as may be prescribed by the Secretary after consultation with the Secretary of Health and Human Services.

"(5) CERTAIN SERVICES NOT INCLUDED.—The term 'qualified long-term care services' shall not include any services provided to an individual—

"(A) by a relative (directly or through a partnership, corporation, or other entity) unless the relative is a licensed professional with respect to such services, or

"(B) by a corporation or partnership which is related (within the meaning of section 267(b) or 707(b)) to the individual.

For purposes of this paragraph, the term 'relative' means an individual bearing a relationship to the individual which is described in paragraphs (1) through (8) of section 152(a).".

(c) TECHNICAL AMENDMENTS.—Paragraph (6) of section 213(d) is amended—

(1) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)", and

(2) by striking "paragraph (1)(C) applies" in subparagraph (A) and inserting "subparagraphs (C) and (D) of paragraph (1) apply".

SEC. 8102. TREATMENT OF LONG-TERM CARE INSURANCE.

(a) GENERAL RULE.—Chapter 79 (relating to definitions) is amended by inserting after section 7702A the following new section:

"SEC. 7702B. TREATMENT OF LONG-TERM CARE INSURANCE.

"(a) IN GENERAL.—For purposes of this subtitle—

"(1) a qualified long-term care insurance policy (as defined in subsection (b)) shall be treated as an accident and health insurance contract,

"(2) any plan of an employer providing coverage under a qualified long-term care insurance policy shall be treated as an accident and health plan with respect to such coverage,

"(3) amounts (other than policyholder dividends (as defined in section 808) or premium refunds) received under a qualified long-term care insurance policy (including nonreimbursement payments described in subsection (b)(6)) shall be treated—

"(A) as amounts received for personal injuries and sickness, and

"(B) as amounts received for the permanent loss of a function of the body and as amounts computed with reference to the nature of injury under section 105(c) to the extent that such amounts do not exceed the dollar amount in effect under subsection (f) for the taxable year,

"(4) amounts paid for a qualified long-term care insurance policy described in subsection (b)(11) shall be treated as payments made for insurance for purposes of section 213(d)(1)(D), and

"(5) a qualified long-term care insurance policy shall be treated as a guaranteed renewable contract subject to the rules of section 816(e).

"(b) QUALIFIED LONG-TERM CARE INSURANCE POLICY.—For purposes of this title—

"(1) IN GENERAL.—The term 'qualified long-term care insurance policy' means any long-term care insurance policy (as defined in paragraph (10)) that—

"(A) limits benefits under such policy to incapacitated individuals (as defined in section 213(f)(2)), and

"(B) satisfies the requirements of paragraphs (2) through (9).

"(2) PREMIUM REQUIREMENTS.—The requirements of this paragraph are met with respect to a long-term care insurance policy if such policy provides that premium payments may not be made earlier than the date such payments would have been made if the policy provided for level annual payments over the life expectancy of the insured or 20 years, whichever is shorter. A policy shall not be treated as failing to meet the requirements of the preceding sentence solely by reason of a provision in the policy providing for a waiver of premiums if the insured becomes an incapacitated individual (as defined in section 213(f)(2)).

"(3) PROHIBITION OF CASH VALUE.—The requirements of this paragraph are met with respect to a long-term care insurance policy if such policy does not provide for a cash value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed, other than as provided in paragraph (4).

"(4) REFUNDS OF PREMIUMS AND DIVIDENDS.—The requirements of this paragraph are met with respect to a long-term care insurance policy if such policy provides that—

"(A) policyholder dividends are required to be applied as a reduction in future premiums or to increase benefits described in subsection (a)(2),

"(B) refunds of premiums upon a partial surrender or a partial cancellation are required to be applied as a reduction in future premiums, and

"(C) any refund on the death of the insured, or on a complete surrender or cancellation of the policy, cannot exceed the aggregate premiums paid under the policy.

Any refund on a complete surrender or cancellation of the policy shall be includable in gross income to the extent that any deduction or exclusion was allowable with respect to the premiums.

"(5) COORDINATION WITH OTHER ENTITLEMENTS.—The requirements of this paragraph are met with respect to a long-term care insurance policy if such policy does not cover expenses incurred to the extent that such expenses are also covered under title XVIII of the Social Security Act. For purposes of this paragraph, a long-term care insurance policy which coordinates expenses incurred under such policy with expenses incurred under title XVIII of such Act shall not be considered to duplicate such expenses.

"(6) REQUIREMENTS OF MODEL REGULATION AND ACT.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to a long-term care insurance policy if such policy meets—

"(i) MODEL REGULATION.—The following requirements of the model regulation:

"(I) Section 7A (relating to guaranteed renewal or noncancellability), and the requirements of section 6B of the model Act relating to such section 7A.

"(II) Section 7B (relating to prohibitions on limitations and exclusions).

"(III) Section 7C (relating to extension of benefits).

"(IV) Section 7D (relating to continuation or conversion of coverage).

"(V) Section 7E (relating to discontinuance and replacement of policies).

"(VI) Section 8 (relating to unintentional lapse).

"(VII) Section 9 (relating to disclosure), other than section 9F thereof.

"(VIII) Section 10 (relating to prohibitions against post-claims underwriting).

"(IX) Section 11 (relating to minimum standards).

"(X) Section 12 (relating to requirement to offer inflation protection), except that any requirement for a signature on a rejection of inflation protection shall permit the signature to be on an application or on a separate form.

"(XI) Section 23 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

"(ii) MODEL ACT.—The following requirements of the model Act:

"(I) Section 6C (relating to preexisting conditions).

"(II) Section 6D (relating to prior hospitalization).

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) MODEL PROVISIONS.—The terms 'model regulation' and 'model Act' mean the long-term care insurance model regulation, and the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners (as adopted in January of 1993).

"(ii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

"(7) TAX DISCLOSURE REQUIREMENT.—The requirement of this paragraph is met with respect to a long-term care insurance policy if such policy meets the requirements of section 4980C(d)(1).

"(8) NONFORFEITURE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to a long-term care insurance policy, if the issuer of such policy offers to the policyholder, including any group policyholder, a nonforfeiture provision meeting the requirements specified in subparagraph (B).

"(B) REQUIREMENTS OF PROVISION.—The requirements specified in this subparagraph are as follows:

"(i) The nonforfeiture provision shall be appropriately captioned.

"(ii) The nonforfeiture provision shall provide for a benefit available in the event of a default in the payment of any premiums and the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency, and interest as reflected in changes in rates for premium paying policies approved by the Secretary for the same policy form.

"(iii) The nonforfeiture provision shall provide at least 1 of the following:

"(I) Reduced paid-up insurance.

"(II) Extended term insurance.

"(III) Shortened benefit period.

"(IV) Other similar offerings approved by the Secretary.

"(9) RATE STABILIZATION.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to a long-term care insurance policy, including any group master policy, if—

"(i) such policy contains the minimum rate guarantees specified in subparagraph (B), and

"(ii) the issuer of such policy meets the requirements specified in subparagraph (C).

"(B) MINIMUM RATE GUARANTEES.—The minimum rate guarantees specified in this subparagraph are as follows:

"(i) Rates under the policy shall be guaranteed for a period of at least 3 years from the date of issue of the policy.

"(ii) After the expiration of the 3-year period required under clause (i), any rate increase shall be guaranteed for a period of at least 2 years from the effective date of such rate increase.

"(iii) In the case of any individual age 75 or older who has maintained coverage under a long-term care insurance policy for 10 years, rate increases under such policy shall not exceed 10 percent in any 12-month period.

"(C) INCREASES IN PREMIUMS.—The requirements specified in this subparagraph are as follows:

"(i) IN GENERAL.—If an issuer of a long-term care insurance policy, including any group master policy, plans to increase the premium rates for a policy, such issuer shall, at least 90 days before the effective date of the rate increase, offer to each individual policyholder under such policy the option to remain insured under the policy at a reduced level of benefits that maintains the premium rate at the rate in effect on the day before the effective date of the rate increase.

"(ii) INCREASES OF MORE THAN 50 PERCENT.—If an issuer of a long-term care insurance policy, including any group master policy, increases premium rates for a policy by more than 50 percent in any 3-year period—

"(I) in the case of an individual long-term care insurance policy, the issuer shall discontinue issuing all individual long-term care policies in any State in which the issuer issues such policy for a period of 2 years from the effective date of such premium increase, and

"(II) in the case of a group master long-term care insurance policy, the issuer shall discontinue issuing all group master long-term care insurance policies in any State in which the issuer issues such policy for a period of 2 years from the effective date of such premium increase.

This clause shall apply to any issuer of long-term care insurance policies or any other person that purchases or otherwise acquires any long-term care insurance policies from another issuer or person.

"(D) MODIFICATIONS OR WAIVERS OF REQUIREMENTS.—The Secretary may modify or waive any of the requirements under this paragraph if—

"(i) such requirements will adversely affect an issuer's solvency,

"(ii) such modification or waiver is required for the issuer to meet other State or Federal requirements,

"(iii) medical developments, new disabling diseases, changes in long-term care delivery, or a new method of financing long-term care will result in changes to mortality and morbidity patterns or assumptions,

"(iv) judicial interpretation of a policy's benefit features results in unintended claim liabilities, or

"(v) in the case of a purchase or other acquisition of long-term care insurance policies of an issuer or other person, the continued sale of other long-term care insurance policies by the purchasing issuer or person is in the best interests of individual consumers.

"(10) LONG-TERM CARE INSURANCE POLICY DEFINED.—

"(A) IN GENERAL.—For purposes of this section, the term 'long-term care insurance policy' means any product which is advertised, marketed, or offered as long-term care insurance (as defined in subparagraph (B)).

"(B) LONG-TERM CARE INSURANCE.—

"(i) IN GENERAL.—The term 'long-term care insurance' means any insurance policy or rider—

"(I) advertised, marketed, offered, or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis for 1 or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services provided in a setting other than an acute care unit of a hospital, and

"(II) issued by insurers, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization to the extent such organizations are otherwise authorized to issue life or health insurance.

Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance and includes a policy or rider which provides for payment of benefits based on cognitive impairment or the loss of functional capacity.

"(ii) EXCLUSIONS.—The term 'long-term care insurance' shall not include—

"(I) any insurance policy which is offered primarily to provide basic coverage to supplement coverage under the medicare program under title XVIII of the Social Security Act, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement coverage, major medical expense coverage, disability income or related asset-protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage, or

"(II) life insurance policies—

"(aa) which accelerate the death benefit specifically for 1 or more of the qualifying events of terminal illness or medical conditions requiring extraordinary medical intervention or permanent institutional confinement,

"(bb) which provide the option of a lump-sum payment for such benefits, and

"(cc) under which neither such benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care.

"(11) NONREIMBURSEMENT PAYMENTS PERMITTED.—For purposes of subsection (a)(4), a policy is described in this paragraph if, under the policy, payments are made to (or on behalf of) an insured individual on a per diem or other periodic basis without regard to the expenses incurred or services rendered during the period to which the payments relate.

"(c) TREATMENT OF LONG-TERM CARE INSURANCE POLICIES.—For purposes of this title, any amount received or coverage provided under a long-term care insurance policy that is not a qualified long-term care insurance policy shall not be treated as an amount received for personal injuries or sickness or provided under an accident and health plan and shall not be treated as excludable from gross income under any provision of this title.

"(d) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE CONTRACT.—Except as otherwise provided in regulations, in the case of any long-term care insurance coverage provided by rider on a life insurance contract, the following rules shall apply:

"(1) IN GENERAL.—This section shall apply as if the portion of the contract providing such coverage is a separate contract or policy.

"(2) PREMIUMS AND CHARGES FOR LONG-TERM CARE COVERAGE.—Premium payments for long-term care insurance policy coverage and charges against the life insurance contract's cash surrender value (within the meaning of section 7702(f)(2)(A)) for such coverage, shall be treated as premiums for purposes of subsection (b)(2).

"(3) APPLICATION OF 7702.—Section 7702(c)(2) (relating to the guideline premium limitation) shall be applied by increasing, as of any date, the guideline premium limitation with respect to a life insurance contract by an amount equal to—

"(A) the sum of any charges (but not premium payments) described in paragraph (2) made to that date under the contract, reduced by

"(B) any such charges the imposition of which reduces the premiums paid for the contract (within the meaning of section 7702(f)(1)).

"(4) APPLICATION OF SECTION 213.—No deduction shall be allowed under section 213(a) for charges against the life insurance contract's cash surrender value described in paragraph (2), unless such charges are includable in income as a result of the application of section 72(e)(10) and the coverage provided by the rider is a qualified long-term care insurance policy under subsection (b).

For purposes of this subsection, the term 'portion' means only the terms and benefits under a life insurance contract that are in addition to the terms and benefits under the contract without regard to the coverage under a qualified long-term care insurance policy.

"(e) EMPLOYER PLANS NOT TREATED AS DEFERRED COMPENSATION PLANS.—For purposes of this title, a plan of an employer providing coverage under a qualified long-term care insurance policy shall not be treated as a plan which provides for deferred compensation by reason of providing such coverage.

"(f) DOLLAR AMOUNT FOR PURPOSES OF GROSS INCOME EXCLUSION.—

"(1) DOLLAR AMOUNT.—

"(A) IN GENERAL.—The dollar amount in effect under this subsection shall be $200 per day.

"(B) INFLATION ADJUSTMENTS.—In the case of any taxable year beginning in a calendar year after 1996, the dollar amount contained in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) AGGREGATION RULE.—For purposes of this subsection, all policies issued with respect to the same taxpayer shall be treated as 1 policy.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the requirements of this section, including regulations to prevent the avoidance of this section by providing long-term care insurance coverage under a life insurance contract and to provide for the proper allocation of amounts between the long-term care and life insurance portions of a contract.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 is amended by inserting after the item relating to section 7702A the following new item:

"Sec. 7702B. Treatment of long-term care insurance.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to policies issued after December 31, 1995. Solely for purposes of the preceding sentence, a policy issued prior to January 1, 1996, that satisfies the requirements of a qualified long-term care insurance policy as set forth in section 7702B(b) of the Internal Revenue Code of 1986 (as added by this section) shall, on and after January 1, 1996, be treated as having been issued after December 31, 1995.

(2) TRANSITION RULE.—If, after the date of enactment of this Act and before January 1, 1996, a policy providing for long-term care insurance coverage is exchanged solely for a

qualified long-term care insurance policy (as defined in such section 7702B(b)), no gain or loss shall be recognized on the exchange. If, in addition to a qualified long-term care insurance policy, money or other property is received in the exchange, then any gain shall be recognized to the extent of the sum of the money and the fair market value of the other property received. For purposes of this paragraph, the cancellation of a policy providing for long-term care insurance coverage and reinvestment of the cancellation proceeds in a qualified long-term care insurance policy within 60 days thereafter shall be treated as an exchange.

(3) Issuance of Certain Riders Permitted.—For purposes of determining whether section 7702 or 7702A of the Internal Revenue Code of 1986 applies to any contract, the issuance, whether before, on, or after December 31, 1995, of a rider on a life insurance contract providing long-term care insurance coverage shall not be treated as a modification or material change of such contract.

SEC. 8103. TREATMENT OF QUALIFIED LONG-TERM CARE PLANS.

(a) Exclusion From COBRA Continuation Requirements.—Subparagraph (A) of section 4980B(f)(2) (defining continuation coverage) is amended by adding at the end the following new sentence: "The coverage shall not include coverage for qualified long-term care services (as defined in section 213(f)).".

(b) Benefits Included in Cafeteria Plans.—Section 125(f) (defining qualified benefits) is amended by adding at the end the following new sentence: "Such term includes coverage under a qualified long-term care insurance policy (as defined in section 7702B(b)) which is includible in gross income only because it exceeds the dollar limitation of section 105(c)(2).".

SEC. 8104. TAX RESERVES FOR QUALIFIED LONG-TERM CARE INSURANCE POLICIES.

(a) In General.—Subparagraph (A) of section 807(d)(3) (relating to tax reserve methods) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) Qualified long-term care insurance policies.—In the case of any qualified long-term care insurance policy (as defined in section 7702B(b)), a 1 year full preliminary term method, as prescribed by the National Association of Insurance Commissioners.".

(b) Conforming Amendments.—Section 807(d)(3)(A) (relating to tax reserve methods), is amended—

(1) in clause (v), as redesignated by subsection (a), by striking "or (iii)" each place it appears and inserting "(iii), or (iv)"; and

(2) in clause (iii), by inserting "(other than a qualified long-term care insurance policy)" after "insurance contract".

SEC. 8105. TAX TREATMENT OF ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE CONTRACTS.

Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(g) Treatment of Certain Accelerated Death Benefits.—

"(1) In general.—For purposes of this section, any amount distributed to an individual under a life insurance contract on the life of an insured who is a terminally ill individual (as defined in paragraph (3)) shall be treated as an amount paid by reason of the death of such insured.

"(2) Necessary conditions.—

"(A) In general.—Paragraph (1) shall not apply to any distribution unless—

"(i) the distribution is not less than the present value (determined under subparagraph (B)) of the reduction in the death benefit otherwise payable in the event of the death of the insured, and

"(ii) the percentage derived by dividing the cash surrender value of the contract, if any, immediately after the distribution by the cash surrender value of the contract immediately before the distribution is equal to or greater than the percentage derived by dividing the death benefit immediately after the distribution by the death benefit immediately before the distribution.

"(B) Reduction value.—The present value of the reduction in the death benefit occurring by reason of the distribution shall be determined by—

"(i) using as the discount rate a rate not in excess of the highest rate set forth in subparagraph (C), and

"(ii) assuming that the death benefit (or the portion thereof) would have been paid at the end of a period that is no more than the insured's life expectancy from the date of the distribution or 12 months, whichever is shorter.

"(C) Rates.—The rates set forth in this subparagraph are the following:

"(i) the 90-day Treasury bill yield,

"(ii) the rate described as Moody's Corporate Bond Yield Average-Monthly Average Corporates as published by Moody's Investors Service, Inc., or any successor thereto, for the calendar month ending 2 months before the date on which the rate is determined,

"(iii) the rate used to compute the cash surrender values under the contract during the applicable period plus 1 percent per annum, and

"(iv) the maximum permissible interest rate applicable to policy loans under the contract.

"(3) Terminally ill individual.—For purposes of this subsection, the term 'terminally ill individual' means an individual who, as determined by the insurer on the basis of an acceptable certification by a licensed physician, has an illness or physical condition which can reasonably be expected to result in death within 12 months of the date of certification.

"(4) Application of section 72(e)(10).—For purposes of section 72(e)(10) (relating to the treatment of modified endowment contracts), section 72(e)(4)(A)(i) shall not apply to distributions described in paragraph (1).".

SEC. 8106. TAX TREATMENT OF COMPANIES ISSUING QUALIFIED ACCELERATED DEATH BENEFIT RIDERS.

(a) Qualified Accelerated Death Benefit Riders Treated as Life Insurance.—Section 818 (relating to other definitions and special rules) is amended by adding at the end the following new subsection:

"(g) Qualified Accelerated Death Benefit Riders Treated as Life Insurance.—For purposes of this part—

"(1) In general.—Any reference to a life insurance contract shall be treated as including a reference to a qualified accelerated death benefit rider on such contract.

"(2) Qualified accelerated death benefit riders.—For purposes of this subsection, the term 'qualified accelerated death benefit rider' means any rider on a life insurance contract which provides for a distribution to an individual upon the insured becoming a terminally ill individual (as defined in section 101(g)(3)).".

(b) Definitions of Life Insurance and Modified Endowment Contracts.—Paragraph (5)(A) of section 7702(f) (defining qualified additional benefits) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified accelerated death benefit rider (as defined in section 818(g)), or".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to contracts issued after December 31, 1995.

(2) Transitional rule.—For purposes of determining whether section 7702 or 7702A of the Internal Revenue Code of 1986 applies to any contract, the issuance, whether before, on, or after December 31, 1995, of a rider on a life insurance contract permitting the acceleration of death benefits (as described in section 101(g) of such Code (as added by section 8105)) shall not be treated as a modification or material change of such contract.

Subtitle B—Standards for Long-Term Care Insurance

SEC. 8201. NATIONAL LONG-TERM CARE INSURANCE ADVISORY COUNCIL.

(a) In General.—Congress shall appoint an advisory board to be known as the National Long-Term Care Insurance Advisory Council (hereafter referred to in this subtitle as the "Advisory Council").

(b) Membership.—The Advisory Council shall consist of 5 members, each of whom has substantial expertise in matters relating to the provision and regulation of long-term care insurance or long-term care financing and delivery systems.

(c) Duties.—The Advisory Council shall—

(1) provide advice, recommendations on the implementation of standards for long-term care insurance, and assistance to Congress on matters relating to long-term care insurance as specified in this section and as otherwise required by the Secretary of Health and Human Services;

(2) collect, analyze, and disseminate information relating to long-term care insurance in order to increase the understanding of insurers, providers, consumers, and regulatory bodies of the issues relating to, and to facilitate improvements in, such insurance;

(3) develop educational models to inform the public on the risks of incurring long-term care expenses and private financing options available to them; and

(4) monitor the development of the long-term care insurance market and advise Congress concerning the need for statutory changes.

(d) Administration.—In order to carry out its responsibilities under this section, the Advisory Council is authorized to—

(1) consult individuals and public and private entities with experience and expertise in matters relating to long-term care insurance;

(2) conduct meetings and hold hearings;

(3) conduct research (either directly or under grant or contract);

(4) collect, analyze, publish, and disseminate data and information (either directly or under grant or contract); and

(5) develop model formats and procedures for insurance products, and develop proposed standards, rules and procedures for regulatory programs, as appropriate.

(e) Authorization of Appropriations.—There are authorized to be appropriated, for activities of the Advisory Council, $1,500,000 for fiscal year 1996, and each subsequent year.

SEC. 8202. ADDITIONAL REQUIREMENTS FOR ISSUERS OF LONG-TERM CARE INSURANCE POLICIES.

(a) In General.—Chapter 43 is amended by adding at the end the following new section:

"SEC. 4980C. FAILURE TO MEET REQUIREMENTS FOR QUALIFIED LONG-TERM CARE INSURANCE POLICIES.

"(a) General Rule.—There is hereby imposed on the issuer of any qualified long-term care insurance policy with respect to which any requirement of subsection (c) or (d) is not met a tax in the amount determined under subsection (b).

"(b) Amount of Tax.—

"(1) In general.—

"(A) Per policy.—The amount of the tax imposed by subsection (a) shall be $100 per policy for each day any requirement of subsection (c) or (d) is not met with respect to the policy.

"(B) Limitations.—

"(i) Per carrier.—The amount of the tax imposed under subparagraph (A) against any insurance carrier, association, or any subsidiary thereof, shall not exceed $25,000 per policy.

"(ii) Per agent.—The amount of the tax imposed under subparagraph (A) against insurance agent or broker shall not exceed $15,000 per policy.

"(2) Waiver.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that payment of the tax would be excessive relative to the failure involved.

"(c) Additional Responsibilities.—The requirements of this subsection with respect to any qualified long-term care insurance policy are as follows:

"(1) Requirements of model provisions.—

"(A) Model regulation.—The following requirements of the model regulation shall be met:

"(i) Section 13 (relating to application forms and replacement coverage).

"(ii) Section 14 (relating to reporting requirements), except that the issuer shall also report at least annually the number of claims denied during the reporting period for each class of business (expended as a percentage of claims denied), other than claims denied for failure to meet the waiting period or because of any applicable preexisting condition.

"(iii) Section 20 (relating to filing requirements for marketing).

"(iv) Section 21 (relating to standards for marketing), including inaccurate completion of medical histories, other than sections 21C(1) and 21C(6) thereof, except that—

"(I) in addition to such requirements, no person shall, in selling or offering to sell a qualified long-term care insurance policy, misrepresent a material fact; and

"(II) no such requirements shall include a requirement to inquire or identify whether a prospective applicant or enrollee for qualified long-term care insurance has accident and sickness insurance.

"(v) Section 22 (relating to appropriateness of recommended purchase).

"(vi) Section 24 (relating to standard format outline of coverage).

"(vii) Section 25 (relating to requirement to deliver shopper's guide).

"(B) Model act.—The following requirements of the model Act must be met:

"(i) Section 6F (relating to right to return), except that such section shall also apply to denials of applications and any refund shall be made within 30 days of the return or denial.

"(ii) Section 6G (relating to outline of coverage).

"(iii) Section 6H (relating to requirements for certificates under group plans).

"(iv) Section 6I (relating to policy summary).

"(v) Section 6J (relating to monthly reports on accelerated death benefits).

"(vi) Section 7 (relating to incontestability period).

"(C) Definitions.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(b)(6)(B).

"(2) Delivery of policy.—If an application for a qualified long-term care insurance policy (or for a certificate under a group qualified long-term care insurance policy) is approved, the issuer shall deliver to the applicant (or policyholder or certificate-holder) the policy (or certificate) of insurance not later than 30 days after the date of the approval.

"(3) Information on denials of claims.—If a claim under a qualified long-term care insurance policy is denied, the issuer shall, within 60 days of the date of a written request by the policyholder or certificate-holder (or representative)—

"(A) provide a written explanation of the reasons for the denial, and

"(B) make available all information directly relating to such denial.

"(d) Disclosure.—The requirements of this subsection are met with respect to any qualified long-term care insurance policy if the following statement is prominently displayed on the front page of the policy and in the outline of coverage required under subsection (c)(1)(B)(ii):

"'This is a federally qualified long-term care insurance contract. The policy meets all the Federal consumer protection standards necessary to receive favorable tax treatment under section 7702B(b) of the Internal Revenue Code of 1986.'.

"(e) Qualified Long-Term Care Insurance Policy Defined.—For purposes of this section, the term 'qualified long-term care insurance policy' has the meaning given such term by section 7702B(b).".

(b) Conforming Amendment.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980C. Failure to meet requirements for long-term care insurance policies.".

SEC. 8203. COORDINATION WITH STATE REQUIREMENTS.

Nothing in this subtitle shall be construed as preventing a State from applying standards that provide greater protection of policyholders of qualified long-term care insurance policies (as defined in section 7702B(b) of the Internal Revenue Code of 1986 (as added by section 8102)).

SEC. 8204. UNIFORM LANGUAGE AND DEFINITIONS.

(a) In General.—Not later than June 30, 1996, the Advisory Council shall promulgate standards for the use of uniform language and definitions in qualified long-term care insurance policies (as defined in section 7702B(b) of the Internal Revenue Code of 1986 (as added by section 8102)).

(b) Variations.—Standards under subsection (a) may permit the use of nonuniform language to the extent required to take into account differences among States in the licensing of nursing facilities and other providers of long-term care.

Subtitle C—Incentives to Encourage the Purchase of Private Insurance

SEC. 8301. ASSETS OR RESOURCES DISREGARDED UNDER THE MEDICAID PROGRAM.

(a) Medicaid Estate Recoveries.—

(1) In general.—Section 1917(b) of the Social Security Act (42 U.S.C. 1396p(b)) is amended—

(A) in paragraph (1), by striking subparagraph (C);

(B) in paragraph (3), by striking "(other than paragraph (1)(C))"; and

(C) in paragraph (4)(B), by striking "(and shall include, in the case of an individual to whom paragraph (1)(C)(i) applies)".

(2) Effective date.—Section 1917(b) of the Social Security Act (42 U.S.C. 1396p(b)) shall be applied and administered as if the provisions stricken by paragraph (1) had not been enacted.

(b) Reporting Requirements for Certain Asset Protection Programs.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(aa)(1) The Secretary shall not approve any State plan amendment providing for an asset protection program (as described in paragraph (2)) unless the State requires all insurers participating in such program to submit reports to the State and the Secretary at such times, and containing such information, as the Secretary determines appropriate. The information included in the reports required to be submitted under the preceding sentence shall be submitted in accordance with the data standards established by the Secretary under paragraph (3).

"(2) An asset protection program described in this paragraph is a program under which an individual's assets and resources are disregarded for purposes of the program under this subtitle—

"(A) to the extent that payments are made under a qualified long-term care insurance policy (as defined in section 7702B(b) of the Internal Revenue Code of 1986); or

"(B) because an individual has received (or is entitled to receive) benefits under a qualified long-term care insurance policy (as defined in section 7702B(b) of such Code).

"(3)(A) Not later than 90 days after the date of the enactment of the Private Long-Term Care Family Protection Act of 1995, the Secretary shall select data standards for the information required to be included in reports submitted in accordance with paragraph (1). Such data standards shall be selected from the data standards included in the Long-Term Care Insurance Uniform Data Set developed by the University of Maryland Center on Aging and Laguna Research Associates, and used by the States of California, Connecticut, Indiana, and New York for reports submitted by insurers under the asset protection programs conducted by such States.

"(B) The Secretary shall modify the standards selected under subparagraph (A) as the Secretary determines appropriate.".

SEC. 8302. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR THE PURCHASE OF LONG-TERM CARE INSURANCE COVERAGE.

(a) Exclusion From Gross Income for Certain Individuals.—Subsection (d) of section 408 (relating to tax treatment of distributions from individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) Distributions to purchase long-term care insurance.—Paragraph (1) shall not apply to any amount paid or distributed out of an individual retirement account or individual retirement annuity to the individual for whose benefit the account or annuity is maintained if—

"(A) the individual has attained age 59½ by the date of the payment or distribution, and

"(B) the entire amount received (including money and any other property) is used within 90 days to purchase a qualified long-term care insurance policy (as defined in section

7702B(b)) for the benefit of the individual or the spouse of the individual (if the spouse has attained age 59½ by the date of the payment or distribution).''.

(b) NO PENALTY FOR DISTRIBUTIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 72(t)(2) (relating to distributions from qualified retirement plans not subject to 10 percent additional tax) is amended to read as follows:

"(B) MEDICAL EXPENSES.—

"(i) IN GENERAL.—Distributions made to the employee (other than distributions described in clause (ii) or subparagraph (A) or (C)) to the extent such distributions do not exceed the amount allowable as a deduction under section 213 to the employee for amounts paid during the taxable year for medical care (determined without regard to whether the employee itemizes deductions for such taxable year).

"(ii) CERTAIN DISTRIBUTIONS TO PURCHASE LONG-TERM CARE INSURANCE.—Distributions made to the taxpayer out of an individual retirement plan if the entire amount received (including money and any other property) is used within 90 days to purchase a qualified long-term care insurance policy (as defined in section 7702B(b)) for the benefit of the individual or the spouse of the individual.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 72(t)(3) is amended by striking "(B)'' and inserting "(B)(i)''.

(c) DEDUCTION FOR EXPENSES TO PURCHASE A QUALIFIED LONG-TERM CARE INSURANCE POLICY.—

(1) IN GENERAL.—Paragraph (8) of section 408(d) (relating to distributions from individual retirement accounts to purchase long-term care insurance), as added by subsection (a), is amended by adding at the end the following new subparagraph:

"(D) APPLICATION OF SECTION 213.—No deduction shall be allowed under section 213(a) for expenses incurred to purchase a qualified long-term care insurance policy (as defined in section 7702B(b)) using amounts paid or distributed out of an individual retirement account or individual retirement annuity in accordance with this paragraph.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 213(d)(1)(D) (relating to definition of medical care), as added by section 8101(a), is amended by striking "section 7702(d)(4)'' and inserting "section 408(d)(8)(D) or section 7702(d)(4)''.

Subtitle D—Effective Date

SEC. 8401. EFFECTIVE DATE OF TAX PROVISIONS.

Except as otherwise provided in this title, the amendments made by this title to the Internal Revenue Code of 1986 shall apply to taxable years beginning after December 31, 1995.

TITLE IX—BUDGET NEUTRALITY

SEC. 9001. ASSURANCE OF BUDGET NEUTRALITY.

Notwithstanding any other provision of law, this Act and the amendments made by this Act shall not become effective until the date of the enactment of a provision of law, specifically referring to this section, that by its terms provides for the Federal budget neutrality of this Act.

THE ACCESS TO AFFORDABLE HEALTH CARE ACT OF 1995—SECTION-BY-SECTION

A bill to increase the availability and affordability of health care coverage for individuals and their families, to reduce paperwork and simplify the administration of health care claims, to increase access to care in rural and underserved areas, to improve quality and protect consumers from health care fraud and abuse, to promote preventive care, to make long-term care more affordable, and for other purposes.

TITLE I—HEALTH INSURANCE MARKET REFORM

a. Non-discrimination based on health status

In general, a health plan may not deny, limit, or condition the coverage under the plan (or vary the premium) for an individual on the basis of their health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for services, disability, or lack of insurability.

The plan may limit or exclude benefits relating to a pre-existing condition that was diagnosed or treated during the 3-month period prior to enrollment in that plan for up to 6 months. However, if the individual had been in a period of continuous coverage under another health plan prior to enrollment, the exclusion period would be reduced by 1 month for each month of continuous coverage.

b. Guaranteed issue and renewal

Health plans offering coverage in the small group market shall guarantee each individual purchaser and small employer (and each employee of that small employer) access to the plan. In addition, health plans must be renewed at the option of the employer or individual if they remain eligible for coverage under the plan. Plans may refuse to renew a policy in the case of: nonpayment of premiums; fraud on the part of the employer or individual related to the plan; or misrepresentation by the employer or individual of material facts relating to an application for coverage of a claim or benefit.

c. Rating limitations

The Secretary of HHS shall request that the National Association of Insurance Commissioners develop specific standards in the form of a model Act and model regulations to implement rating stands for the small group market. Factors that health plans may use to vary premium rates include age (not to exceed a 3:1 ratio), family type and geography. Health plans would be prohibited from using gender, health status or health expenditures to vary rates. These factors would be phased out within three years in order to minimize market disruption and maximize coverage rates. The standards developed would also permit health plans to provide premium discounts based on workplace health promotion activities.

d. Encouragement of State efforts

None of the provisions of the bill shall be construed as preempting State law unless that State law directly conflicts with the bills' requirements. In addition, the following state consumer protection laws shall not be considered to directly conflict with any such requirement and are specifically not preempted: laws that limit the exclusions or limitations for preexisting medical conditions to periods that are less than those provided in this title; laws that limit variations in premium rates beyond the variations permitted in this title; and laws that would expand the small group market in excess of that provided for under this title. In addition, nothing in this bill shall be construed as prohibiting States from enacting health care reform measures that exceed the measures established in the bill, including reforms that expand access to health care services, control health care costs, and enhance quality of care.

TITLE II—GRANTS TO STATES FOR SMALL GROUP HEALTH INSURANCE PURCHASING ARRANGEMENTS

Authorizes the Secretary of Health and Human Services to make grants to States for the establishment and operation of small group health insurance purchasing arrangements to increase access to more affordable coverage for small businesses and individuals.

TITLE III—TAX INCENTIVES TO ENCOURAGE THE PURCHASE OF HEALTH INSURANCE

Insurance would be made more affordable for low and middle-income individuals (individuals with incomes up to $23,000 and families with incomes up to $33,000) by providing a refundable tax credit to those without employer-provided insurance. A credit of 60 percent would apply to premiums of up to $1,200 a year for individuals and $2,400 for families. Individuals with adjusted gross incomes of less than $18,000 and families with adjusted gross incomes of less than $28,000 would be eligible for the full credit. The credit would be phased out for individuals with incomes between $18,000 and $23,000 and families with incomes between $28,000 and $33,000.

Also makes the tax deduction for health insurance costs for self-employed individuals permanent (retroactive to 1994) and phases it up from the current 25% level to 100% by 2000.

TITLE VI—INCENTIVES TO INCREASE THE ACCESS OF RURAL AND UNDERSERVED AREAS TO HEALTH CARE

Provides a special tax credit and other incentives for physicians and other primary care providers serving in rural and other underserved areas. Increased funding is also provided to expand the National Health Service Corps and Area Health Education Centers, which will also help to increase the number of health care professionals in medically underserved areas. Increased grant funding would also be available to expand the number of community health centers, which provide comprehensive health services in rural and inner-city neighborhoods to millions of Americans who need care regardless of their ability to pay.

TITLE V—QUALITY AND CONSUMER PROTECTION

Authorizes the Secretary of Health and Human Services to award demonstration grants for the establishment and operation of regional Quality Improvement Foundations.

Improves the efficiency and effectiveness of the health care system by encouraging the development of a national health information network to reduce administrative complexity, paperwork, and costs; to provide information on cost and quality; and to provide information tools that allow improved fraud detection, outcomes research, and quality of care.

Establishes a stronger, better coordinated federal effort to combat fraud and abuse in our health care system. This section expands criminal and civil penalties for health care fraud to provide a stronger deterrent to the billing of fraudulent claims and to deter fraudulent utilization of health care services.

TITLE VI—MALPRACTICE REFORM

Encourages states to establish alternative dispute resolution mechanisms like prelitigation screening panels, which have had great success in a number of states in reducing medical malpractice costs. Also allows health care providers to use practice guidelines approved by the Secretary of HHS as a rebuttable defense in medical liability cases.

TITLE VII—HEALTH PROMOTION AND DISEASE PREVENTION

Encourages participation in qualified health promotion and prevention programs by clarifying that expenditures for these programs are considered amounts paid for medical care for tax purposes. Also establishes a new grant program for states to provide assistance to small businesses in the establishment and operation of worksite wellness programs for their employees. And finally, expands the comprehensive school health education programs administered by the Centers for Disease Control.

TITLE VIII—ACCESS TO AFFORDABLE LONG-TERM CARE

Removes tax barriers and creates incentives for individuals and their families to finance their future long-term care needs. Long-term care policies that meet federal consumer protection standards would receive favorable tax treatment. Like health insurance, business expenditures on premiums would be deductible as a business expense and employer-provided long-term care insurance would be excluded from an employee's taxable income. Also allows States to develop programs under which individuals can keep more of their assets and still qualify for Medicaid if they take steps to finance their own long-term care needs. And finally, provides various incentives, such as tax-free withdrawals from IRAs, 401(k) plans, and other qualified pension plans to promote the purchase of private long-term care insurance.

TITLE IX—ASSURANCE OF BUDGET NEUTRALITY

No amendment or provision made by the bill will take effect until legislation is enacted which provides for budget neutrality.

By Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. GREGG, and Mr. GORTON):

S. 295. A bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes; to the Committee on Labor and Human Resources.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT

Mrs. KASSEBAUM. Mr. President, I rise today to introduce, along with Senators JEFFORDS, GREGG, and GORTON, the Teamwork for Employees And Management [TEAM] Act, a bill to encourage worker-management cooperation.

Mr. President, when I served many years ago on the school board in Maize, KS, we frequently met on an informal basis with teachers to discuss problems the teachers faced in the classroom. The teachers had an important perspective to share, and we addressed their concerns. Sometimes we agreed with them and implemented their recommendations, and sometimes we agreed to disagree. But the important thing was that we felt free to exchange information.

School boards and teachers are governed by State law and not Federal law, so we did not face the problems on the school board that private sector workers and supervisors face today. We had the benefit of being able to work cooperatively with our teachers, and I continue to believe that we improved the quality of education for our students and enhanced the quality of work life for our teachers.

Mr. President, our current Federal labor laws do not allow this sort of cooperative effort, because our labor laws assume that labor and management have an adversarial relationship. This may have been true 50 years ago, but today, employers recognize that productivity and efficiency improve when workers operate in partnership with management, and that partnership occurs best in a cooperative rather than an adversarial environment. Yet our labor laws currently prohibit these cooperative efforts.

Mr. President, the TEAM Act responds to a National Labor Relations Board [NLRB] decision in 1992 called Electromation that has had significant consequences for attempts to improve cooperation between workers and employers. Specifically, the NLRB held that employer-employee committees, where workers met with management to discuss attendance, compensation and no-smoking policies, violated the National Labor Relations Act's [NLRA] prohibition against "employer-dominated" labor organizations.

The TEAM Act amends our Federal labor laws to permit these types of voluntary programs to continue. The legislation allows employers and employees to meet together to address issues of mutual interest, including issues related to quality, productivity, and efficiency, as long as the committees or other joint programs do not engage in collective bargaining.

I believe that our Federal labor laws should not stand in the way of work place cooperative efforts, such as quality circles and employee involvement programs. Our workers like to have input on their working conditions and our international competitors use employee involvement to improve plant productivity.

I urge my colleagues to support the TEAM Act.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teamwork for Employees And Management Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of American employers to make dramatic changes in workplace and employer-employee relationships;

(2) these changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as "employee involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) employee involvement structures, which operate successfully in both unionized and non-unionized settings, have been established by over 80 percent of the largest employers of the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of American businesses, employee involvement structures have had a positive impact on the lives of those employees, better enabling them to reach their potential in their working lives;

(5) recognizing that foreign competitors have successfully utilized employee involvement techniques, Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful employee involvement structures in the workplace through such incentives as the Malcolm Baldridge National Quality Award;

(6) employers who have instituted legitimate employee involvement structures have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930s when employers established deceptive sham "company unions" to avoid unionization; and

(7) employee involvement is currently threatened by interpretations of the prohibition against employer-dominated "company unions".

(b) PURPOSES.—It is the purpose of this Act to—

(1) protect legitimate employee involvement structures against governmental interference;

(2) preserve existing protections against deceptive, coercive employer practices; and

(3) permit legitimate employee involvement structures where workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

SEC. 3. AMENDMENT TO SECTION 8(a)(2) OF THE NATIONAL LABOR RELATIONS ACT.

Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by adding at the end thereof the following: "*Provided further*, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain or participate in any organization or entity of any kind, in which employees participate to address matters of mutual interest (including issues of quality, productivity and efficiency) and which does not have, claim or seek authority to negotiate or enter into collective bargaining agreements under this Act with the employer or to amend existing collective bargaining agreements between the employer and any labor organization;".

SEC. 4. CONSTRUCTION CLAUSE LIMITING EFFECT OF ACT.

Nothing in the amendment made by section 3 shall be construed as affecting employee rights and responsibilities under the National Labor Relations Act other than those contained in section 8(a)(2) of such Act.

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. DODD, Mr. FEINGOLD, Mr. HARKIN, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. ROBB, Mr. SIMON, and Mr. WELLSTONE):

S. 296. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on Labor and Human Resources.

EQUAL REMEDIES ACT

Mr. KENNEDY. Mr. President, on behalf of myself and 20 other Senators, it is an honor to reintroduce the Equal Remedies Act to repeal the caps on the amount of damages available in employment discrimination cases brought under the Civil Rights Act of 1991.

The Civil Rights Act of 1991 for the first time gave women, religious minorities, and the disabled the right to recover compensatory and punitive damages when they suffer intentional discrimination on the job—but only up to specified limits. Victims of discrimination on the basis of race or national origin, by contrast, can recover such damages without such limits. No similar caps on damages exist in other civil rights laws, and they are not appropriate in this instance.

The Equal Remedies Act will end this double standard by removing the caps on damages for victims of intentional discrimination on the basis of sex, religion, or disability.

The caps on damages deny an adequate remedy to the most severely injured victims of discrimination. For example, if a woman proves that as a result of discrimination or sexual harassment she needs extensive medical treatment exceeding the caps, she will be limited to receiving only partial compensation for her injury.

In addition, the caps on punitive damages limit the extent to which employers who intentionally discriminate—particularly the worst violators—are punished for their discriminatory acts and deterred from engaging in such conduct in the future. The more offensive the conduct and the greater the damages inflicted, the more the employer benefits from the caps.

The caps on damages in the Civil Rights Act of 1991 were a compromise necessitated by concern about passing a bill that President Bush would sign. The issue was only one of the important issues covered in that piece of legislation, which also reversed a series of Supreme Court decisions that had made it far more difficult for working Americans to challenge discrimination.

The bill as a whole represented a significant advance in the ongoing battle to overcome discrimination in the workplace. In order to guarantee that the bill would become law, the unfortunate compromise on damages was included. However, many of us made clear that we intended to work for enactment of separate legislation to remove the caps. By reintroducing the Equal Remedies Act today, we reaffirm our commitment. We must end the double standard that relegates women, religious minorities, and the disabled to second-class remedies under the civil rights laws.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Remedies Act of 1995".

SEC. 2. EQUALIZATION OF REMEDIES.

Section 1977A of the Revised Statutes (42 U.S.C. 1981a), as added by section 102 of the Civil Rights Act of 1991, is amended—

(1) in subsection (b)—

(A) by striking paragraph (3), and

(B) by redesignating paragraph (4) as paragraph (3), and

(2) in subsection (c), by striking "section—" and all that follows through the period and inserting "section, any party may demand a jury trial.".

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. GRAHAM, Mr. AKAKA, Mr. CAMPBELL, Mr. JEFFORDS, Mr. LEAHY, and Mr. BINGAMAN):

S. 297. A bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from gross income for veterans' benefits; to the Committee on Finance.

VETERANS' TAX FAIRNESS ACT

• Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am introducing today the proposed Veterans' Tax Fairness Act of 1995. I am enormously pleased that a number of my colleagues, both members of the committee and others, have joined me as original cosponsors of this important measure—Senators TOM DASCHLE, BOB GRAHAM, DANIEL AKAKA, BEN NIGHTHORSE CAMPBELL, JIM JEFFORDS, PAT LEAHY, and JEFF BINGAMAN. This bill would clarify and reiterate the longstanding rule that veterans benefits are not taxable—a rule that, until action taken in 1992 by the Internal Revenue Service, had never been questioned.

On February 27, 1992, the Internal Revenue Service, in a letter to the general counsel of the Department of Veterans Affairs, reinterpreted a 1986 law and reached a conclusion that could jeopardize the historical tax-exempt status of many veterans benefits, including various benefits provided to service-disabled veterans, dependency and indemnity compensation for survivors, veterans and survivors pensions, education benefits under the Montgomery GI bill, and veterans medical care.

The IRS ruling addressed a narrow issue of whether veterans must pay taxes when VA forgives a debt the veteran owes to the Federal Government after VA pays a guaranty on the Veteran's home loan. Congress liberalized the criteria for VA debt waivers in 1989. In the February 1992 opinion, IRS interpreted a 1986 tax code provision as requiring taxation of any debt waiver granted under the 1989 law that would not have been granted under the old law. IRS concluded that any modification or adjustment of a veterans benefit would make the benefit taxable.

Mr. President, our committee strongly disagreed with the IRS interpretation, for reasons stated in a May 13, 1992, letter from then-Chairman Alan Cranston to then-Secretary of the Treasury Nicholas F. Brady.

Mr. President, although the IRS opinion attempts to address only the narrow question of the taxability of VA debt waivers, its conclusions could support IRS assessing taxes for many other veterans benefits that have been modified or adjusted after September 9, 1986.

Since 1986, for example, Congress has expanded and increased education benefits paid under the GI bill on rehabilitation benefits provided to disabled veterans; adjusted the categories of eligibility for VA medical care; overhauled the survivors Dependency and Indemnity Compensation [DIC] Program and made several adjustments in the rates of DIC; expanded various health care services; and increased other benefits, such as housing and automobile grants for certain veterans with every severe service-connected disabilities. The IRS interpretation would exempt adjustment based on an inflation index, but fails to protect the many VA benefits that are adjusted without reference to an index. Under the February 27, 1992 IRS opinion, any of these modifications or adjustments might have made the benefits involved taxable.

Section 5301 of title 38, United States Code, explicitly exempts veterans benefits and services from taxation. The provision of the tax code interpreted by IRS concerns military benefits, and it seems clear to me that Congress did not intend to make veterans benefits taxable for the first time in our Nation's history through enactment of a tax code provision addressing military benefits. Veterans benefits, provided to veterans and their survivors under laws administered by VA, always have been distinct from military pay and benefits provided to active-duty or retired servicemembers under laws administered by the Department of Defense.

In fact, Mr. President, another tax code provision, section 136, explicitly references the title 38 provision exempting veterans benefits from taxation. I am not aware of any previous suggestion that the tax code section that IRS has interpreted was intended to make veterans benefits taxable. If Congress had wanted to make such a radical change in the tax-exempt status of veterans benefits, it certainly would have done so much more explicitly than through an ambiguously worded provision that does not even mention veterans or the Department of Veterans Affairs.

Mr. President, it is clear that, before February 1992, in previous administration had interpreted this tax code provision to require taxation of veterans benefits. During the almost 7 years since the provision took effect, IRS has not collected or attempted to collect any taxes based on the receipt of VA-administered benefits—even in connection with VA debt waivers, which the IRS opinion had concluded could be subject to taxation in certain circumstances.

In fact, every official IRS publication of which I am aware that mentions veterans benefits, including "Publication 17—Your Income Taxes" and a 1988 IRS private letter ruling, explicitly states that veterans benefits are not taxable. Many IRS publications even list all available veterans benefits to indicate that each is nontaxable.

Mr. President, in 1992, the committee found a very receptive ally in then-Senator Lloyd Bentsen, who chaired the Finance Committee. Senator Bentsen successfully inserted a version of our clarifying legislation into 1992's tax bill, H.R. 11. Unfortunately, President Bush vetoed H.R. 11.

Mr. President, during the last Congress, efforts were made, both by the administration—where Senator Bentsen was then serving as Secretary of Treasury—which submitted proposed legislation substantively identical to H.R. 11, and by me in the introduction of such legislation in S. 1083, to replicate the success we had with H.R. 11. Unfortunately, no action was taken on that legislation during the 103d Congress.

The legislation I am introducing today is substantively identical to H.R. 11, the legislation recommended by the administration last Congress, and to S. 1083, and I am hopeful that action will be taken on it in the first appropriate tax legislation.

I believe it is vitally important to reiterate and clarify by statute the tax-exempt status of all veterans benefits and services, in order to preclude any future tinkering with these most fundamental benefits, particularly in the current climate of anything goes in the name of deficit reduction.

Mr. President, it is obvious that, since IRS previously has not collected or attempted to collect taxes on veterans benefits, this legislation will not affect Federal revenues.

Mr. President, in closing, I acknowledge and thank Senator MOYNIHAN and the fine Finance Committee staff for the technical assistance provided in connection with the development of this measure. I urge my colleagues to support this bill and pledge to do all I can to see it enacted quickly.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Tax Fairness Act of 1995".

SEC. 2. CLARIFICATION OF TREATMENT OF VETERANS' BENEFITS.

(a) IN GENERAL.—Subsection (a) of section 134 of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended to read as follows:

"(a) GENERAL RULE.—Gross income shall not include—

"(1) any qualified military benefit, and

"(2) any allowance or benefit administered by the Secretary of Veterans Affairs which is received by a veteran (as defined in section 101 of title 38, United States Code) or a dependent or survivor of a veteran."

(b) TECHNICAL AMENDMENT.—Paragraph (3) of section 137(a) of such Code is amended to read as follows:

"(3) Benefits under laws administered by the Secretary of Veterans Affairs, see section 5301 of title 38, United States Code."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1984.●

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 5, a bill to clarify the war powers of Congress and the President in the post-Cold War period.

S. 105

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 105, a bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation.

S. 110

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 110, a bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year.

S. 112

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 112, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 208

At the request of Mr. DASCHLE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 208, a bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States.

S. 252

At the request of Mr. LOTT, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Florida [Mr. MACK], the Senator from New Hampshire [Mr. SMITH], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 252, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 253

At the request of Mr. LOTT, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 253, a bill to repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes.

S. 254

At the request of Mr. LOTT, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. HEFLIN], the Senator from Nebraska [Mr. EXON], the Senator from Oregon [Mr. HATFIELD], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 268

At the request of Mr. BUMPERS, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 268, a bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

SENATE RESOLUTION 37

At the request of Mr. PACKWOOD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Resolution 37, a resolution designating February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

ADDITIONAL STATEMENTS

DOMESTIC VIOLENCE AS A HEALTH CARE ISSUE

• Mr. SIMON. Mr. President, one of the finest things that has happened in the U.S. Senate since I've been here was the election of PAUL WELLSTONE.

I was reminded of that the other day when I was catching up on my reading and read in the magazine Tikkun his article on domestic violence as a health care issue.

It really goes beyond discussing it as a health care issue.

He talks about the necessity to have education and be sensitive and to protect all of our citizens better than we are now protecting them.

I ask to insert into the RECORD the Paul Wellstone article.

The article follows:

DOMESTIC VIOLENCE AS A HEALTH-CARE ISSUE

(Paul Wellstone)

Domestic violence is a crime. Surely this statement is not a matter of contention or debate anymore—or it certainly should not be.

But it wasn't too long ago that we did have to make the argument, because domestic violence was a secret, something that happened behind closed doors, a "family matter." Police would be called; they would arrive; and they would leave. And then they would be called again. And again.

Now, of course, it's different, because everyone knows that domestic violence is a crime as pervasive—if not more so—than murder, armed robbery, or drug dealing. The only argument now involves what to do about this seemingly intractable problem.

Domestic violence is a health-care issue. Now this is something new. Once this perspective on the problem is introduced, however, informed opinion-makers pause a moment, think about it, and say, "Oh, yes, of course it is."

But what are the implications of approaching domestic violence in this way?

Evidence indicates that domestic violence is the leading cause of injury to women, more common than auto accidents, muggings, and rapes by strangers combined. Indeed, it is the most frequent cause for women to seek attention at hospital emergency rooms. Not surprisingly, the health consequences of domestic violence include bruises, broken bones, birth defects, miscarriages, and emotional distress, as well as long-term mental health problems.

Although domestic violence touches men as well as women, we know that women and children are the primary victims. We know that the very place in which a woman and her children should feel the safest and most protected—their home—is all too often the most violent, dangerous, and even deadly place. The emotional and physical well-being of women and children is compromised when they suffer or witness abuse. And the costs are staggering.

As a member of Congress, steeped in the current health-care debate, I can't and won't let this information simply be stored away to be trotted out as factoids for rhetorical purposes: Congress is on the threshold of actually doing something to address the domestic violence health issue.

In the course of the national debate over health care, we have been hearing the arguments for comprehensive reform. The prevalence of domestic violence and the toll it takes on the nation's health are two of the reasons we need health-care reform that includes universal coverage, and a good, affordable package of benefits.

The victims of domestic violence are living, breathing, suffering women and children. They, along with other Americans who need care, give a soul to this debate that goes beyond technical discussions of "employer mandates," "hard and soft triggers," and all the other process jargon that so easily takes center stage in a Washington debate.

Health-care reform—to meet the needs of victims of domestic violence—needs to include universal coverage, elimination of preexisting condition clauses, public-health efforts to prevent domestic violence, and training for health-care providers to identify, treat, and refer victims. It should contain a benefits package that includes a visit to a doctor who will routinely ask about abuse and violence in the family just as she asks about a history of smoking or heart disease.

Universal coverage would mean that a woman who stays in a relationship because she is dependent on an intimate partner for health coverage for herself and her children would know that coverage was guaranteed even if she left the relationship.

Leaving an abusive relationship is already terribly difficult; many of the women involved worry about not being able to support their children or themselves. Many are ashamed to let relatives know of the abuse. And, when women do leave abusive partners, they must worry that the rage behind the abuse will become homicidal. A woman seeking to leave an abusive relationship should not have to worry about loss of health insurance for herself and her children—especially when experience shows that victims of abuse are heavy users of the health-care system.

When congressional discussion turns to "universal coverage" as being only a goal, or meaning 95 percent (or so) of the population, I will be reminding my colleagues about these women and their children.

Along with universal coverage, we need to prohibit insurance companies from denying coverage to people because of preexisting conditions. Eliminating preexisting condition clauses would protect women who are now denied coverage because their medical records explicitly indicate they have been battered, or because of repeated health problems that have occurred as a result of domestic abuse and violence.

The federal government should be a leader in developing and implementing innovative community-based strategies to provide health promotion and disease prevention activities for the prevention of violence by training providers and other health-care professionals to identify victims of domestic violence, to provide appropriate examination and treatment, and to refer the victims to available community resources.

This should include the development and implementation of training curricula that teach health-care providers to identify and name the symptoms, the promotion and importance of developing a plan of action should the abuser return, and how to refer their patients to safe and effective resources. Already we have taken some steps in this direction by adopting my Violence Reduction Training Act, which is now being implemented by the Centers for Disease Control and Prevention.

A comprehensive benefits package would include clinic visits that gather a complete medical history and entail an appropriate physical exam and risk assessment, including the screening for victims of domestic violence, targeted health advice and counseling, and the administration of age-appropriate immunizations and tests.

This type of clinic visit would mean that a doctor would ask about a history or incidents of violence as part of her regular medical history interview. Doctors already ask about their patients' medical history with cancer, smoking, diet, or heart disease. Sadly, family violence is not something about which doctors, or other health professionals, often inquire.

Some of my congressional colleagues and my constituents will continue to remind me that passing this type of health-care reform is going to be expensive. Of course it is. But we are already spending the money one way or the other. The annual medical costs alone of reported domestic violence injuries are astounding: A study conducted at Chicago's Rush Medical Center found that the average charge for medical services provided to abused women, children, and older people is $1,633 per person per year. This would amount to a national cost of $857.3 million. Many of these costs are borne by emergency departments—the most expensive way to provide these services.

As with the current discussion surrounding the criminal nature of domestic violence, we are now at the point of asking: given that domestic violence is a health issue, what do we do?

One of the important things that we can do is to pass comprehensive health-care reform that is universal, comprehensive, and affordable. By passing comprehensive reform, Congress will be taking an important step to prevent and reduce the incidence of domestic violence.

Passing health-care reform will not be a panacea for the victims of family violence. In the same way that police cannot solve the crime of domestic violence, health-care professionals are not going to solve this problem.

If we are to break this cycle of violence, we must recognize that all of us in the community are stakeholders. We all need to be involved: health-care providers, educators, business people, clergy, law enforcement officers, advocates, judges, media, and community residents.

But there is another level in this debate. Even if Congress enacts health-care reform and even if communities start to deal with this escalating problem, as a country we are still faced with a whole host of problems that we are only beginning to comprehend. For instance, we now have to ask about the responsibility of the healthcare community to provide leadership for community collaboration. And how should the role of healthcare providers intersect with others in the community?

Furthermore, the provider is now confronted with serious ethical questions such as whether physicians should be mandated to report information about abuse and if so, to whom? Is the obligation to notify the law enforcement or legal systems greater than the responsibility to respect the victim's autonomy? If a victim asks that there be no action, should a doctor or nurse or therapist honor the request? And what are the responsibilities of health professionals with regard to the perpetrators? What is the role of neighbors who hear much too much through thin walls?

I don't have all the answers to these types of questions. Indeed, since we have just opened the door to this discussion, I'm not sure anyone does. But that, in part, is the point. We have now initiated this debate, and we have begun talking as a community—knowing full well that because of this conversation we will begin solving one of the most devastating social and medical problems facing every one of us.

For the last two years, my wife Shelia and I have been traveling throughout Minnesota, convening gatherings and attending events where such issues are being discussed. The conversations are having an impact. We are seeing community action throughout the state, and we are seeing a tremendous number of providers, judges, and police getting involved. My own experience in Minnesota makes me believe that similar efforts nationwide will also be successful.

We must begin this discussion with a sense of urgency—peoples' lives and safety are at stake.•

ON ECONOMIST ARTICLE

• Mr. SIMON. Mr. President, a few months ago, we passed the dubious milestone of having 1 million inmates serving time in prison. That number is expected to soar further as Congress and the States respond to the public's fear of crime by enacting longer prison terms for drug offenders and other criminals.

Before we head full-steam down this prison-building path, I think we need to consider carefully whether we are being smart about how we punish criminals. Last year, I asked my staff to survey prison wardens around the Nation for their views on our crime policies. The results were surprising. Only 39 percent recommended building more prisons. But 65 percent said we should use our existing prison space more efficiently, by imposing shorter sentences on nonviolent offenders, and longer prison terms on violent ones.

A few States, such as Florida and Georgia, have begun to respond in this way. They have begun to look at innovative ways to free up prison space by sentencing nonviolent criminals to "intermediate sanctions," such as home detention and work release. As a recent article in the Economist noted, these programs are highly cost-efficient. In Florida, for example, these alternative programs cost only $6.49 per day per felon, compared with nearly $40 per day for prison.

And, the programs don't compromise public safety. As the Economist reported, "A 6 year survey by the National Council on Crime and Delinquency shows that in Florida, people sentenced to such penalties are less likely to be arrested within 18 months of their release than similar offenders who had been sentenced to between 12 and 30 months in jail."

That is what I call being both tough on crime and smart. It is an approach Congress should consider before it spends billions more on another incarceration binge. I ask that the full text of the Economist article be reprinted in the RECORD.

The article follows:

[From the Economist, Nov. 19, 1994]

ALTERNATIVES TO PRISON—CHEAPER IS BETTER

RICHMOND, VA.—Self-preservation requires American politicans to be slap-'em-inside tough on crime these days. The argument for toughness stands on uncertain ground: the number of Americans in prison has more than doubled since 1982, now standing at over 1m, and yet notified violent crime has risen by two-fifths, according to the Federal Bureau of Investigation. Still, the voters want to lock the villains up, and the politicans reckon they had better get on with it. The next question is how much it will cost the taxpayer.

In Virginia, whose capital has the country's second-highest homicide rate, the General Assembly recently met in extraordinary session to lengthen prison terms for violent criminals and—like 13 other states and the federal government—to abolish discretionary parole for newly convicted felons. That needs nearly 30 new prisons. Some say this could cost $2 billion. The new Republican governor, George Allen, says that the true cost is closer to $1 billion, and that the state's prison population would anyway have doubled, without the new measures, by 2005.

But the Democrats who control the legislature balked even at that figure, and have given Mr. Allen only about $40m to erect a handful of the work camps needed to accommodate the queue of prisoners waiting for space in the local jails. Mr. Allen, who has promised not to raise taxes, will have to go back to the Assembly next year and try to find the rest of the $370m that he describes as a down-payment for safer streets. It costs $19,800 a year to keep an inmate behind bars. It is doubtful whether the governor can raise what he needs by cutting expenditure elsewhere and selling off surplus state properties. Many state agencies are still operating on recession budgets. The sale of state land and equipment is expected to net a paltry $26m.

On the other side of the country, in Oregon, where parole was abolished in 1989, a cheaper way of coping with over-full prisons is being tried. Oregon's voters are not keen on paying more, either: the advocates of tougher penalties for crimes against property failed to get enough signatures to put their proposal on the ballot last year, presumably because it would have cost $300m a year. So the state legislature, in providing more money for the corrections department, said that most of it should go into alternatives to prison for non-violent offenders. That would free some existing prison space for more dangerous criminals.

This approach has already been tried in states with some of the highest incarceration rates in the nation, among them Florida and Georgia. So-called "intermediate sanctions" for non-violent felons—for instance, house arrest or work programmes—are cheap. In Florida, they cost only $6.49 per day per felon, compared with prison's near-$40 a day. They may also be working. A six-year study by the National Council on Crime and Delinquency shows that in Florida people sentenced to such penalties are less likely to be arrested within 18 months of their release than similar offenders who had been sentenced to between 12 and 30 months in jail.

Texas, though, stays old-fashioned about its prison problem: it throws money at it. Twice this year, the Texas legislature has taken $100m from other parts of the state government to pay for more prisons. The voters, who rejected a $750m bond issue for schools, backed $1 billion for the Corrections Department. The trouble is that new parole restrictions look like further increasing the demand for Texan prison space. In the Lone Star state, getting into prison may prove tougher than getting out of it.•

ON PRISON WARDEN SURVEY

• Mr. SIMON. Mr. President, there has been much talk recently about rewriting last year's Federal crime bill. That talk has focused on spending billions more for prison construction and longer sentences, while drastically reducing funds for prevention programs.

I urge my colleagues to think hard about whether these changes represent smart policy. Last month, I conducted a survey of 157 wardens, and I asked them to comment on our present crime policies. By large margins, the wardens warned that our overwhelming emphasis on building prisons just isn't working. They urged a far more balanced approach to crime-fighting, that mixes punishment, prevention, and treatment.

The Daily Southtown, in a recent editorial, called on Congress to listen to the advice of these experts, rather than moving rapidly ahead with policies that may be politically popular, but ultimately shortsighted. That is a message we would all do well to heed.

I ask that this editorial be reprinted following my remarks.

The editorial follows:

[From the Daily Southtown, Dec. 8, 1994]

WARDENS' VIEW ON CRIME: MANDATORY SENTENCING WON'T SOLVE PROBLEM

Is "locking them up and throwing away the key" the most effective approach to reducing crime? Not if you listen to the prison wardens across the country who are in charge of the nation's inmates.

Some 157 prison wardens were surveyed by a U.S. Senate subcommittee, and 85 percent of them said the politically popular approach—mandatory, longer incarceration—didn't work.

The survey was conducted at the request of Sen. Paul Simon (D–Ill.). The survey showed that "the idea we can solve our crime problem by putting more people in prison just has not worked," Simon said. The senator said most of the wardens favored approaches that mixed prevention, treatment and punishment. Sixty-five percent said they preferred increasing sentences for violent criminals and cutting sentences for non-violent inmates.

Some 92 percent favored placing non-violent drug offenders in residential treatment programs, halfway houses, home detention and boot camps rather than prisons. And contrary to the rhetoric that proved so popular in the November election, the wardens said they wanted programs in prison for drug treatment, vocational training and educational programs.

Simon said he asked for the survey because he feared the new Republican majority in Congress would rewrite the 1994 crime bill to remove prevention and treatment programs and replace them with more costly punishment approaches.

Our elected officials ought to give some serious thought to the recommendations of the experts—the people who run our prisons—rather than setting new policies based on what would serve the politicians best in future elections.●

ORDERS FOR TOMORROW

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m., on Tuesday, January 31, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for not more than 5 minutes each, with the following Senators to speak for up to the designated times: Senator DOMENICI for 15 minutes, and Senator BREAUX for 15 minutes.

I further ask unanimous consent that at 10 a.m. the Senate resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment, and further that the Senate stand in recess between the hours of 12:30 to 2:15 p.m., for the weekly party luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, if there is no further business to come before the Senate and no other Senator seeking recognition, I now ask unanimous consent that, following the majority leader's remarks, the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is on House Joint Resolution 1.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there be a period for morning business not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEINZ AWARDS

Mr. DOLE. Mr. President, this April will mark the fourth anniversary of the untimely passing of our friend and colleague, John Heinz. And those of us who were privileged to serve with this remarkable public servant continue to miss his friendship and his leadership.

Many of John's friends gathered last Thursday in Statuary Hall for the presentation of the first Heinz Awards. These awards were established by Teresa Heinz and the Heinz Family Foundation, and will be awarded to individuals who have made a difference in five issue areas where John was most active.

It was a very moving and inspiring ceremony, and it reminded us again that, as John Heinz proved throughout his career, good people can do great things.

Mr. President, I ask unanimous consent that the very eloquent remarks delivered at the ceremony by Teresa Heinz be printed in the RECORD, and that they be followed by brief biographies of the six Heinz Award recipients.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF TERESA HEINZ AT THE HEINZ AWARDS, STATUARY HALL, JANUARY 26, 1995

Thank you.

This is a deeply gratifying and poignant day. It is the culmination of nearly four years of careful thought about how to pay tribute to the memory and spirit of my late husband John Heinz. And it is the culmination of four years of hard work toward that goal. I know John would be greatly honored that we are all here today in this hallowed hall, to celebrate his memory in a place that meant so much to him. I want to thank Speaker Gingrich and our sponsor, Congressman Curt Weldon, for making this possible. And I especially want thank all of you for being here.

If you have ever done it, you know that the making of a tribute is a terribly difficult matter. That is especially true when the goal is to honor someone as complex and multifaceted as my late husband. I realized early on that, for John Heinz, no static monument or self-serving exercise in sentimentality would do. He would have wanted no part of such things. The only tribute befitting him would be one that celebrated his spirit by honoring those who live and work as he did.

To me, the value of remembering John Heinz is and always will be in remembering what he stood for and how he stood for it. His life said something important about how life can be lived, and should be lived. I wanted to remember him in a way that would inspire not just me, but the rest of us.

And so the Heinz Awards were born. They are intended to recognize outstanding achievers in five areas in which John was particularly active. But they are meant less as a reward for the people we will honor here today, than as a reminder for the rest of us—a reminder of what can happen when good people, regardless of who they are or where they come from, set out to make a difference.

There is a saying in the Heinz family that dates back to my husband's great-grandfather, the founder of the Heinz Company. Quite aside from his business acumen, H.J. Heinz was an exceptional man who battled his food industry peers on behalf of food purity laws, created the most progressive workplace of his day, and fostered in his offspring an abiding sense of social responsibility. And yet H.J. Heinz dismissed the notion that he was truly exceptional. His aim, he said humbly, was merely "to do a common thing uncommonly well."

In much the same way, H.J. Heinz's great-grandson never saw greatness in his great accomplishments. For John Heinz, public service was a common thing, one that he wanted to do uncommonly well. He was a dedicated achiever, but he was distinguished mostly by intangible qualities—qualities of mind and spirit: intellectual curiosity; a love of people; an informed optimism; a willingness to take risks; a passion for excellence; a belief that he could make the world a better place; the stubborn determination to make it so. And, above all, a contagious, effervescent joy in life.

These are the qualities celebrated by the Heinz Awards. They are, in fact, in addition to excellence, the criteria. In our first year, our nominators sent us some two hundred nominations from across the country. And as we began culling through these, we took excellence as a given. But then we looked beyond achievement. We looked for vision, and character and intent.

And finally, after our jurors and board of directors had met, we had settled on six remarkable individuals. They are an eclectic group. To the extent they share world views, that is more by accident than design. Their underlying spirit was what we asked our nominators and jurors to assess. And it is that spirit, a spirit that I regard as uniquely American, that we are here today to salute.

Many people in our society wish that they could make the world a better place. Too few believe that they actually can. And fewer still act on that belief.

Many people have dreams. Too few pursue those dreams. And, tragically, fewer still persist until dream becomes reality.

We live in cynical times, and one aspect of that cynicism is the corrosive notion that individuals are powerless to make a difference. But history is still made by people, one person at a time. Our first recipients of the Heinz Awards illustrate just how much we can do when we apply ourselves and care enough to try.

They are an antidote, if you will, not just to cynicism, but to the culture of powerlessness so ascendant now in our society. These six have believed in the power of one. They have dreamed great dreams. And they have made that belief and that dreaming the basis of their life's work, to the betterment of us all.

Their stories, I hope, will remind Americans that we really do have power as individuals, that good people still can achieve great things. Our world has been improved by the six individuals you are about to meet. But the secret of their impact transcends their films, their books, their programs, their treaties, and their microchips. These things were made great by the qualities of the people who made them, by their joy, their love of people, their optimism, their willingness to take risks, their passion for excellence, their belief that they can improve the world, their gritty determination. Their work, accomplished as it is, has been the product of something internal—an incandescence that burns brightly in the human spirit.

Our faith in luminous qualities of heart and mind made this a great country. And if there is to be any future for this thing we so blithely call the American spirit, we must embrace those qualities again. Can it be done? Is it important? As evidence and proof, I offer you six extraordinary people.

Thank you.

BIBLIOGRAPHIES OF THE SIX HEINZ AWARD WINNERS

PAUL AND ANNE EHRLICH

Paul and Anne Ehrlich receive the Heinz Award in the Environment in recognition of their thoughtful study of difficult environmental issues, their commitment to bringing their findings to the attention of policy makers and the public, and their willingness to suggest solutions.

Anne and Paul Ehrlich have been producing important scientific research for over three decades. But they are distinguished by their passionate determination to communicate their findings to non-scientific audiences. They have long seen it as their responsibility to alert humanity to the dangers of ecological carelessness and arrogance. This perspective, uncommon among scientists, has made them the target of sometimes strident criticism, which they accept with grace as the price of forthrightness.

They are distinguished as well by their willingness to offer and seek solutions to the problems they identify. Their prescriptions, sometimes misrepresented as draconian, are rooted in the same Judeo-Christian principles that are the source of the Ehrlich's profound ethic of stewardship. It would be difficult to name any other couple who have made such a long-standing and substantive contribution to scientific and policy understanding of population, environment, and resource issues.

As scientists, authors and educators, Paul and Anne Ehrlich have for 30 years devoted themselves to enhancing public understanding of a wide range of environmental issues, including conservation biology, biodiversity and habitat preservation.

The basis of the Ehrlichs work has always been their science, and they have compiled an important body of scientific research over the years. But it is for their environmental advocacy, particularly in the area of population, that the Ehrlichs are most well known to the general public, and little wonder. Paul Ehrlich made a memorable debut on the world scene with the publication of his 1968 book, The Population Bomb, in which he warned that the Earth's resources could not indefinitely support the planet's growing population. In a 1990 sequel, The Population Explosion, Anne and Paul Ehrlich provided an unflinching update.

Setting forth challenging but prescient work was to become a hallmark of the Ehrlich's careers. Several decades ago, the Ehrlichs were the first to raise the alarm about a possible resurgence of infectious diseases, another controversial theory now taken seriously.

Paul Ehrlich, who is Bing Professor of Population Studies in the Department of Biological Sciences at Stanford University, and Anne Ehrlich, senior research associate in biology and policy coordination at Stanford's Center for Conservation Biology, which the couple founded, have never suggested that population issues represent the whole of the planet's problems. In fact they have been forceful advocates for broadening the agenda of the environmental movement to include such issues as biodiversity, poverty, consumption, carrying capacity, energy supplies, agriculture and food, global warming, nuclear weapons, international economics, environmental ethics, and sustainable development.

The Ehrlichs have displayed rare leadership in seeking to translate meaningful science into workable policy. Far from being prophets of doom, they are spirited optimists, whose unrivaled contributions have flowed from a belief that the future is still ours to make.

GEOFFREY CANADA

Geoffrey Canada receives the Heinz Award for the Human Condition in recognition of his battle against what he calls the "monsters" preying on the children of the depressed inner-city. As President and CEO of the New York-based Rheedlen Centers for Children and Families, he not only has created model programs, but sets an example for all adults wanting to protect children from crime, drugs, lawlessness and despair.

Geoffrey Canada knows life in the inner city at first hand. It's where he grew up, and he remembers what it's like to be a child there. "I haven't forgotten about the monsters," he says. "I remember being small, vulnerable and scared."

Geoffrey Canada was one of those rare and fortunate young men and women who are able to rise above and move beyond the inner city. Once they leave, they rarely return. But Canada did return, motivated by a desire to save young people whose lives might otherwise be snuffed out by bullets or smothered by hopelessness. He decided to live in Harlem, the community in which he works, in order to provide what, in his own youth, he so wished for: a role model. He is optimistic in seeking practical answers to what pessimists view as intractable problems. The fact that he has no illusions is the very thing that makes him so effective.

Geoffrey Canada grew up poor on welfare, in a household headed by a single woman in the blighted tenements of New York's South Bronx. Despite the many things he did not have, he realized what he did have: a hard-working and loving mother who gave him a strong set of values, a deep sense of responsibility, a belief in the importance of education, and an almost ardent commitment to make things better not only for himself, but for those around him.

In 1963, having completed his graduate education, he joined the staff of the New York-based Rheedlen Centers for Children and Families. He was named its President/CEO in 1990. At Rheedlen, he has been instrumental in creating or developing such programs as Rheedlen's Beacon School, Community Pride, the Harlem Freedom Schools, and Peacemakers.

The Beacon Schools program uses public school buildings to provide inner-city families with safe shelters and constructive activities 17 hours a day, 365 days a year. There are now 37 Beacon Schools in New York, The program has been replicated in Connecticut, Illinois, and California.

To combat the culture of violence in the inner-city, Canada conceived of the Peacemakers Program. He was concerned by the media's easy promotion of violence as a way of settling disputes, and he set out to develop an alternative: a program to teach children how to use communication to resolve conflicts. His Peacemakers curriculum trains young people in conflict resolution, mediation, and violence prevention and reduction techniques. He is the author of the forthcoming Fist Stick Knife Gun, a book on conflict resolution.

Geoffrey Canada believes that, if today's urban youth are to be convinced that a disadvantaged background does not demand despair or dictate defeat, they must have real role models and real heroes. And they need them on the spot: successful, educated men and women who continue to live alongside them in their communities, shop at their stores, play in their parks, and ride the buses and subways just as they do. Geoffrey Canada's life teaches by example.

AMBASSADOR JAMES GOODBY

Ambassador James Goodby receives the Heinz Award for Public Policy. Virtually unknown to his countrymen or to the world, Ambassador Goodby is a quiet titan in the delicate, high stakes arena of international nuclear weapons negotiations.

Both the esoteric and security-sensitive nature of his specialty have required him to work almost entirely behind the scenes. But for more than four decades, under nine Presidents, James Goodby has made the world a safer place, beginning with his leadership of the effort to achieve a nuclear test ban treaty in the 1950s and 1960s. After retiring from the foreign service in 1989, Ambassador Goodby was called back into service in 1993 to serve as Chief U.S. Negotiator for the Safe and Secure Dismantlement of Nuclear Weapons. He negotiated over 30 agreements with several former Soviet Republics to assist in the dismantling of nuclear weapons, preventing weapons proliferation and converting military facilities to civilian enterprises.

As Secretary of Defense William Perry has written, "Jim's life has been dedicated to serving the public and humanity. He is an unselfish individual who is touched by the needs of others and responds in a vigorous way to bring about change."

James Goodby came of age in the shadow of the atomic bomb. The post-war years—the late 1940s and early 1950s—saw the disintegration of wartime alliances and the escalation of East-West tensions. Goodby graduated from Harvard in 1951 and entered the foreign service in 1952. With the exception of the two years he served as U.S. Ambassador to Finland (1980–1981), most of his career has dealt with international peace and security negotiations.

His reputation as a negotiator quickly spread through foreign policy and government circles: he was strong and dependable; he was smart; and he seemed to have the knack for devising creative solutions to complicated questions. While assigned to the U.S. Mission to NATO in the early 1970s, he negotiated alliance positions on human rights and security provisions for the Conference on Security and Cooperation in Europe, many of which became part of the Helsinki Final Act. After a stint as vice chairman of the U.S. delegation to the Strategic Arms Reduction Talks (START), he became head of the U.S. delegation to the Stockholm Conference on Confidence and Security Building Measures and Disarmament in Europe in 1984. In that position, he negotiated the framework that laid the basis for negotiations on conventional force reductions in Europe. Former Secretary of State George Shultz, who describes Goodby as a "thoroughly laudable person," has written that "Ambassador Goodby got the ball rolling very effectively, standing up to the Soviets and rallying our allies."

Praise for his accomplishments makes James Goodby, now a Distinguished Service Professor at Carnegie Mellon University in Pittsburgh, Pa., uncomfortable. A native New Englander, he modestly demurs: "Where I come from, we don't feel comfortable with such talk * * * I had a lot of people to help me do it."

It may surprise some that a single individual, bucking modern media worship by purposely eschewing publicity, could make such a difference to the fate of the world. But James Goodby, compelled to a life of public service by a desire to make the world a safer place, offers reassurance that there still exist in America men and women with brilliant minds and distinguished careers who need nothing more than the inner satisfaction of a vision fulfilled and the knowledge that they have truly made a difference.

ANDREW S. GROVE

Andrew Grove receives the Heinz Award for Technology and the Economy in recognition not just of his astounding technological and business accomplishments, but also of his determination and vision. In a story as old as America, those traits transformed him from a young immigrant into a leading figure in the birth of the information society.

His accomplishments range from the technical to the commercial, from contributing to the development of the microprocessor chip—perhaps the most important advancement in the history of computing—to helping create the personal computer industry. As more Americans start traveling down the information highway, at speeds and prices to their liking, a tip of their symbolic hats to Andy Grove would be in order.

More than an engineering genius, he is an enlightened corporate executive and employer whose ability to nurture talent is legendary. His peers as well as his employees call him Andy, and that speaks volumes about the man's character, about his approach to business and, most certainly, about his approach to life.

A native of Hungary, Andrew Grove fled during the 1956 Soviet invasion. When he arrived in New York, he was twenty years old, had only a few dollars in his pocket, and knew even fewer words of English.

The boy from Budapest has lived the quintessential American success story. By working any job he could find, he put himself through New York's City College, earning a BS. in Chemical Engineering. He received his masters and Ph.D. from the University of California at Berkeley.

Andrew Grove has played perhaps the pivotal role in the development and popularization of the 20th century's most remarkable innovation—the personal computer. The technologies pioneered by Grove and his associates, first at Fairchild Semiconductor and then at Intel, which he co-founded in 1968, made the entire personal computing revolution possible. The world has barely begun to scratch the surface of the technological and economic benefits that revolution can bring.

No stranger to controversy, Andrew Grove has shown an ability to learn from experience. And, while others panicked over problems or setbacks, he has always managed to maintain his focus on what is important and what he does best: developing even faster, more affordable and more powerful technology.

Thanks in large measure to Andrew Grove's genius and vision, millions of people now have instant and inexpensive access to the kinds of information and entertainment about which even the elites of previous generations could only dream.

HENRY HAMPTON

Henry Hampton receives the Heinz Award in Arts and Humanities for his creativity, his curiosity and his seriousness of purpose, as manifested in the outstanding contributions of Blackside, Inc., the independent film and television company he founded in 1968.

From modest beginnings, Blackside has become one of the successful independent production companies in the world. But success hasn't changed Henry Hampton, who, remembering his early struggles, regularly mentors young minority filmmakers.

Among Blackside's productions are the landmark television series Eyes on the Prize I and II. Other Blackside documentaries have included The Great Depression, Malcolm X, and the recently-broadcast America's War on Poverty.

Hampton's work and that of his producing team, has been described as "history as poetry"—but it is not the kind of poetry that sugar-coats difficult and divisive issues. He believes that Americans of all races must truly understand their past before they can deal with the present, much less master the future.

Henry Hampton grew up in St. Louis. After deciding against a career in medicine, he went to work as an editor, and later as director of information, for the Unitarian Universalist Church. When a Unitarian minister was killed in Selma, Alabama, the churchleaders, including Hampton, went to the South to join Dr. Martin Luther King, Jr.'s march.

During this first visit to the deep south, Hampton started to think about capturing the struggle for civil rights on film. He had no experience, but he set about learning. Questioning the conventional approaches, he and his colleagues slowly began devising a unique style for Blackside's work. Finally he was ready to make exactly the kinds of documentaries he envisioned.

Eyes on the Prize has received six Emmys, a Peabody, and an Academy Award nomination. It has been broadcast around the world, and is used as a teaching tool on as many as half of four-year college campuses in the U.S.

Henry Hampton pushes his company to deal with what he calls "messy history"—the kind that doesn't supply the neat conclusion the public so often wants. He believes that media can help people use the perspective history offers as they deal with contemporary problems.

Despite the weighty issues with which his films deal, Henry Hampton remains an optimistic man. He is undeterred by the effects of both childhood polio and of a more-recent cancer. His vision of a just and compassionate future for all Americans fuels his spirit and permeates his work.

RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 9:30 a.m., Tuesday, January 31,

Thereupon, the Senate, at 5:51 p.m. recessed until Tuesday, January 31, 1995, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, January 30, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 30, 1995.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

TIME TO END THE FREEBIE CULTURE

Mrs. SCHROEDER. Mr. Speaker, I come to the floor today to try and get some answers to a new policy that was announced today in the National Journal's Congressional Daily. In that daily, it says that the Speaker will now be allowing Members of Congress to sleep in their office. This is a new policy and I have a lot of questions as to what is transpiring.

We are now going through this period where we are seeing draconian cuts in all sorts of social service programs, and I find it a little interesting that at a time we are cutting out some of the poorest of the poor, we have now said that we have to extend compassion to Members of Congress because they are only making $133,000 a year and cannot possibly afford to live in Washington, DC. At least people in my district would find that a little startling in they do not find that that is a poverty wage and are a little shocked by that discrepancy as to what is poor and what is not.

But the other thing that I keep wondering about as apparently we are engaging in this new congressional slumber party, things that we do not know: Is the House restaurant going to do room service? Are we going to rename the office buildings the House office buildings and dormitories? Does this qualify under the gift rule? Is this a gift from the Speaker to Members who use this? Will there be bed checks? Will staff be allowed to come or is this going to be income tested? Do you have to make at least as much as a Member to be this impoverished? Do we have to report this on our income tax?

Mr. Speaker, as you know, the Members in the last term decided that we would be taxed on our cars, where we park our cars, because that was the only fair thing to do and to treat ourselves like the private sector.

In the private sector, I assume that the IRS would tax us if we were given free room and board. So will the IRS tax us here? And since we are already paying taxes if we have an assigned parking place, what if we sleep in our car? Does that then come in under that? Or do we get a new IRS ruling?

I find this new announcement very confusing, and I hope that we get a clarification as to what all of this is going to entail as we start this new bunk-in-the-House program.

I also hope maybe it gets reconsidered, because I think the average American feels that if you are making what a Member of Congress makes, you can probably afford a little place around here.

Furthermore, most people are paying their staff a whole lot less and they are able to live in Washington, DC, so I do not think it quite passes the straight-faced test.

Mr. Speaker, I also am not too sure that it is the kind of image and decorum that we would like to show for this House and the respect that it has had for over 200 years. It is kind of amazing to me that for over 200 years we have gotten by without Members having to sleep in their office and, suddenly in 1995, things have gotten so tough for Members that this has to be extended.

But I think it also falls into part of the whole gift rule debate that we have been trying to have on this House floor. Suddenly we get this gift, and being able to have free housing here apparently, because the IRS has not spoken, but apparently we are going to be given this gift, but we still do not have time to deal with the gift rule as to what kind of gifts we can get from lobbyists.

Mr. Speaker, I think it is time to end the freebie culture. I think the American people think it is time to end the freebie culture. I think they thought it was time to end it last term when we passed it over and over again, and I hope that we could take time out to get to some of the real core issues before we see even more gifts being dispensed and more perks being dispensed to Members of Congress.

I find it amazing that a lot of people would get very upset about an ice bucket being delivered to different rooms and still not being upset about Members then converting them into an apartment.

Are people going to be able to bring families to the House? If you have your family in Washington, can you convert your office into kind of a family living quarters where they can all stay?

All of these things, I think come from this new pronouncement, and I hope that we get a clarification later in the day from the Speaker, because I find this a very, very interesting new proposal that will probably make wonderful material for new sitcoms. If I were a sitcom writer and I read this, I would think, "Wow. We've been waiting for 200 years for the Congress to do this." Can you imagine? "They eat together, they sleep together, they legislate together." But I do not think that is what I want as the image of this House, and I hope we get some more information on this very soon.

GIVE CREDIT WHERE CREDIT IS DUE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. EHLERS] is recognized during morning business for 5 minutes.

Mr. EHLERS. Mr. Speaker, last year the Vice President of the United States, on a national news program, discussed health care reform and why the Democrats were not bothering to speak to the Republicans, and made the statement that "the Republicans didn't vote for Social Security, they didn't vote for Medicare, they're not going to vote for health care, so why should we bother talking to them?"

That refrain was picked up by the then-majority-party of the House, the Democrats, and we heard it on the floor time after time. The gentleman from California [Mr. HORN] dug up the actual facts, and he and I gave several speeches on that last year clarifying the situation, that in fact 83 percent of the House Republicans in 1935 voted for the Social Security Act, contrary to

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the statement made by the Vice President that none of them had.

Furthermore, 47 percent of Republicans voted for Medicare in 1965. And shame of all shames, more Republicans than Democrats voted for the Civil Rights Act of 1964. In fact, 81 percent of the Republicans in the House at that time voted for it, whereas only 62 percent of the Democrats did.

Mr. Speaker, why do I bring this issue up again? We disposed of it last year immediately after Congressman HORN and I made our comments. The refrain from the other side of the aisle disappeared. But last week once again it emerged as we were discussing Social Security mandates as they relate to the balanced budget amendment and the fear of some people that if we balance the budget, we will cut Social Security.

Once again the Republicans were cast in the role of having opposed Social Security when it originally passed. Comments made by the ranking member of the Committee on the Judiciary indicate that.

I would like to read just a few statements that were made in the CONGRESSIONAL RECORD last week in which the gentleman form Michigan, the ranking member of the Committee on the Judiciary, stated, "May I remind the gentleman," and he is referring to the gentleman from Illinois [Mr. HYDE], "that Social Security was a Democratic Social Security insurance policy." Furthermore, he goes on to say that it was opposed by the Republicans.

Once again, we have the same strawperson being resurrected to say that the Republicans opposed Social Security, when in fact the record clearly shows that 83 percent of the Republicans in 1935 voted for the Social Security Act.

Mr. Speaker, I hope that we do not have the old false information of last year resurrected again this year. Let us be sure that we deal with the facts. Let us give credit where credit is due.

I have a chart here which I would be happy to give to any Member of the other party who wants to review the facts, pointing out that in fact on such things as the Water Pollution Control Act of 1972, 93 percent of the Republicans voted for it. On the Clean Air Act Amendments of 1970, 99 percent of the Republicans voted for it. I have already given some of the other figures, particularly the Civil Rights Act, where more Republicans than Democrats voted for it.

I think it is clear that the Republicans are not Neanderthals as they are often characterized by Members of the other party. Let us give credit where credit is due. Let us stick with the facts. Let us stick with the actual record and recognize that we must work together to accomplish what is right and what is good for this country.

Mr. Speaker, I include for the RECORD the chart referred to in my remarks as follows:

VOTES CAST BY DEMOCRATS AND REPUBLICANS ON MAJOR PIECES OF LEGISLATION THIS CENTURY

	House Democrats supporting	House Republicans supporting	House vote
Social Security Act (1935)	[1]96	[1]83	372–33
Federal Highway Act (1956)	93	97	388–19
Civil Rights Act (1964)	62	81	290–130
Medicare (1965)	86	47	313–115
Clean Air Act Amendments (1970)	100	99	375–1
Water Pollution Control Act (1972)	99	93	380–14

[1] In percent.

[2] Source: Congressional Research Service.

RENEWED CALL FOR INDEPENDENT COUNSEL IN SPEAKER'S ETHICS CASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 5 minutes.

Mr. BONIOR. Mr. Speaker, before I begin my comments, I just want to respond to my good friend, and he is my good friend, the gentleman from Michigan [Mr. EHLERS], to say on the Social Security issue, we would not be raising it, except that the Speaker, who raised the issue, said he wants to do away with the CPI index as presently stated. If he does that and they refigure the CPI based upon what Mr. Greenspan and others have suggested, we are talking about a $2,000 hit for Social Security recipients. There is no way around it.

I want the folks to be clear on that. If the Speaker and the gentleman from Texas [Mr. ARMEY] and the Republicans want to fool around with Social Security and the CPI index, it is going to cost seniors dollars.

Mr. Speaker, I rise today because we saw one more example of why we need an outside counsel to look into the Speaker's ethics problems. The Los Angeles Times ran a story this morning that raises disturbing new questions about GOPAC. GOPAC, of course, is a multi-million-dollar political action committee run by Mr. GRINGRICH which at its very heart is part of the ethics complaint that is being filed against him.

Over the past 9 years, GOPAC has raised between $10 million and $20 million. Its contributors include people who have a direct interest in Federal legislation. Yet we do not know who contributed this money and we do not know how much was spent. We do not know this because GOPAC still refuses to disclose the names of its past contributors and its past expenses.

Let me just read a headline that was in the L.A. Times this morning. "Funding of Gingrich PAC Raises Questions. Key Corporate Donors Have Interests in Pending Federal Action. FEC Alleges Campaign Violations.

The L.A. Times story points out: "GOPAC" has collected contributions from wealthy individuals that far exceed annual Federal election limits."

It points out: "One Wisconsin couple gave over $700,000 to GINGRICH's organization between 1985 and 1993, nearly twice what they could have donated directly to all Federal candidates."

Remember, Mr. Speaker, it was just last month that a top Gingrich ally when asked about GOPAC said that GOPAC was founded "as a way of getting around campaign finance disclosure laws."

We are not just talking about one or two campaigns here.

According to this morning's story in the L.A. Times, "GOPAC boasts that half of the 136 Republican lawmakers elected since 1990 actively used the group's training materials and followed its advice on how to attack Democratic opponents and use powerful issues."

It is not just who they gave to that is the problem, but why.

As the story points out, "The size of the contributions solely to GOPAC from corporate donors with important interests before the Federal Government raises questions about the prospects of preferential treatment."

When asked about GOPAC, the nonpartisan director of the government watch dog group, Ellen Miller says, "GOPAC has clearly violated the spirit of laws which govern how much people can give to support politicians. The biggest concern is the fact that is all hidden."

Mr. Speaker, the American people have a right to know who is giving money to GOPAC and how it is being spent.

Clearly any person who has had dealings with GOPAC has a serious conflict of interest in this case. Yet last week we learned that 2 of the 5 members of the Committee on Ethics appointed by Mr. GINGRICH have had past dealings with GOPAC.

Mr. Speaker, this will not do. The only way that we are going to get to the bottom of this case is to have a professional, independent, nonpartisan, outside appointed counsel to come in here and investigate.

That is what this House had done in every high visible ethics case since 1979. It did it in the ABSCAM case, it did it in the Diggs case, it did it in the Hansen case, it did it in the St. Germain case, it did it in the case of the former Speaker and several others. In each case we have appointed a nonpartisan outside counsel to investigate.

As Mr. GINGRICH said himself in 1988, "The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House. Clearly, this investigation has to meet higher standards of public accountability and integrity."

In fact, the new chair of the Committee on Ethics, the gentlewoman from

Connecticut [Mrs. JOHNSON], joined Mr. GINGRICH in his campaign for an outside counsel in 1988. The gentlewoman from Connecticut [Mrs. JOHNSON] was one of 71 Republican Members who joined Mr. GINGRICH in sending a letter to the Ethics Committee asking for an investigation of the former Speaker.

She is reported to have supported a call for a special counsel to carry out that investigation in 1988. Now she is backing away from it.

In conclusion, Mr. Speaker, let me just say, if past Ethics Committees were not fair or tough enough, why would this one be any different? The standard has been set, the precedent is there. It is time for an independent, nonpartisan outside counsel to come in and look at this issue.

GATT PROVISION REDUCES YEARS OF PATENT PROTECTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized during morning business for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, before I get into the subject I had in mind this morning, I would like to just suggest that there has been a great double standard in this Congress for many, many years. Whenever conservative Republicans do anything, it is worthy of attack and all sorts of suspicion is being cast on whatever Republicans would do. Especially now that we are in control, we sense this double standard.

For example, NEWT GINGRICH's book deal comes under tremendous attack while the Vice President's book deal, which is not substantially different, ends up, "Well, that's just another book deal." Now we hear attacks on GOPAC, and the fact is that there are organizations around this city, environmental organizations, lawyer organizations, public employee union organizations which have the same sort of activities. But the focus has to be on GOPAC.

I would have to say there is a double standard being applied. I would just ask that when the public hears charges made by political figures, that it be taken into consideration that this is a political city and often charges are made for political reasons.

But what I have to discuss today is concerning a specific piece of legislation. Last year I vigorously opposed the GATT implementation legislation because in it was a provision that I and almost every inventor's organization in this country felt would drastically reduce the number of years of patent protection enjoyed by Americans.

This provision was not required by the GATT but was placed in the implementing legislation by powerful interests who would profit by ripping off American inventors and investors. Read that Japanese and other multinational corporations as well as megadomestic corporations that use technology rather than create it.

Covering this legal larceny, the United States Patent Office and the administration aggressively argued that the changes proposed would not—repeat that—would not decrease patent protection. In fact, they brushed off criticism, claiming terms for most patents would be increased by this change in the law. They used the prestige of their office to lie to us and to dismiss the opposition as not worthy of serious consideration.

Well, now that GATT has been passed, a different tune is being heard. On January 16, the New York Times reported an enlightening statement made by Mike Kirk, Deputy Commissioner of the U.S. Patent and Trademark Office. Once the GATT implementation legislation goes into effect on June 8, Kirk now says that filing a patent after that day "could substantially shorten the term of patent." What? "Shorten the term of patent." This is the opposite of what Congress and the American people were being told before the GATT vote.

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Somebody has been lying, which is known to happen when tens of billions of dollars are at stake.

These patent changes, unless corrected will mean billions of dollars in royalties that would be paid to American inventors and investors, will now stay in the bank accounts of foreign corporations. It means technology paid for and invented in the United States will in a few short years be available to our world competitors to use against us for free.

This crime against the American people can be prevented. I have introduced legislation that will restore American patent rights to the guaranteed 17-year term that was in place before passage of the GATT implementation legislation. This bill, H.R. 359 has over 108 cosponsors. These people are protectionist, free traders, pro-GATT, anti-GATT, liberals, conservatives, Democrats, and Republicans. But what ties us all together is our commitment to do what is right by the American people. H.R. 359 is on the side of the little guy versus the big guy.

We are protecting America's rights. When Americans invest something or they invest in new technology, foreign corporations should not be able to use it without paying royalties to use it to out-compete Americans.

This is the travesty that passed through GATT. It was hidden in GATT. Now we are trying to correct that with H.R. 359.

I ask my colleague in both parties to join me as cosponsors for H.R. 359 and set the law right to prevent another crime against the American people, against American inventors and investors.

On the Senate side I am proud to announce that the majority leader, BOB DOLE, has cosponsored similar legislation which will now been known as the Dole-Rohrabacher bill.

APPOINTMENT OF OUTSIDE COUNSEL TO INVESTIGATE SPEAKER GINGRICH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 5 minutes.

Ms. DELAURO. Mr. Speaker, the need for an outside counsel to investigate Speaker GINGRICH's financial empire grows stronger with each passing day.

Today there is an article in the Los Angeles Times which raises new questions about the Speaker's political fund raising organization, an organization known as GOPAC.

Earlier this month there were details of a secret meeting between the Speaker and Rupert Murdoch and that was leaked to the press. The meeting raised some questions because Mr. Murdoch has billions of dollars of business before the Congress, and at that same time there was a $4.5 million book deal that was on the table.

The Speaker dismissed this meeting and its content or its import by saying that, "I never get involved in cases like this," but history in fact tells us otherwise. The Speaker has interceded on behalf of companies in the past, including writing a letter to Chief of Staff Leon Panetta asking the FDA to speed up the approval process of one of his pharmaceutical company's products. Lo and behold, the pharmaceutical company devoted $30,000 or an amount thereabouts to the Progress in Freedom Foundation's conservative think tank organization that does in fact have ties to the Speaker.

Today's Los Angeles Times has an expose on GOPAC. It provides us with some really rather startling information. GOPAC, again a Republican fund-raising machine, has raised millions of dollars without telling us who the donors are. The amount raised, according to the Los Angeles Times, is much higher than that which is allowed by laws governing campaign fund-raising. One couple, it is reported, have given about $715,000 over 8 years, and this was a quote from the L.A. Times, "nearly twice what they could have donated directly to all Federal candidates."

Despite claims to the contrary, GOPAC appears to be very involved in getting Republican candidates elected to the Congress. Again, according to the Los Angeles Times and I quote, "GOPAC boasts that half of the 136 elected Republicans since 1990 actively used the group's training materials and followed its advice on how to attack Democrats."

Quoting the former GOPAC chairman, and I quote, "Of course we couldn't have captured the House without GOPAC." How can this be? We have been told, the American people have been told that GOPAC's multimillion dollar organization did not involve itself in more than 10 percent of the time in Federal election issues.

And the American people need to understand this: We have sent this complex issue to be investigated by the House Ethics Committee, where many of the Members could be recipients of help from the very group that they are in fact going to investigate.

Really never has there been a clearer case for investigation by a nonpartisan, nonpartisan outside counsel. GOPAC has been too secretive with its finances. People need to know why. Why are the names of the contributors secret? Is it, as was suggested in the Los Angeles Times by the former GOPAC chair, because their donors say, and again I quote, "what if GOPAC did something wrong and I was associated with it?"

Let us open the books. Let us have an open and fair and honest review. Let us make the American public understand who are the contributors to GOPAC, what are their relationships with the U.S. Congress.

We need to have an outside counsel look at this. That is simple, very clear and open, and without any aforementioned judgment, but let us have a look at what this is all about.

RECESS

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 57 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in this our prayer, O gracious God, those who seek to serve people in their concerns and who endeavor to do Your will. We pray also for all those who are burdened by the pressures and tensions of daily living and who struggle where values are weighed and who are immersed in the complexities and priorities of justice. As people face these concerns we pray that they will be comforted by Your presence and sustained by Your good spirit, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania [Mr. MASCARA] come forward and lead the House in the Pledge of Allegiance.

Mr. MASCARA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S.1. An act to curb the practice of imposing unfunded Federal manages on States and local governments, to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential govermental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints Mr. D'AMATO, to serve as cochairman of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 103-227, the Chair, on behalf of the Republican leader, appoints Mr. GREGG as a member of the National Education Goals Panel, vice Mr. COCHRAN.

The message also announced that pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, the Chair, on behalf of the minority leader, announced the following appointments and designations to the Senate Arms Control Observer Group: Mr. BYRD as minority administrative cochairman; and Mr. NUNN as cochairman for the minority.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute.)

Mr. HAYWORTH. Mr. Speaker, our Contract With America states, on the first day of Congress, a Republican house will:

Force Congress to live under the same laws as everyone else, cut one-third of committee staff, and cut the congressional budget.

We have done that.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded mandates legislation; line-item veto; a new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens; Equity Act to allow our seniors to work without Government penalty; Government regulation reforms; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

TRIBUTE TO THE WORLD CHAMPION SAN FRANCISCO 49ERS

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I rise today to congratulate the World Champion San Francisco Forty-Niners on their victory in Super Bowl XXIX.

I am especially proud to say that the Forty-Niners' headquarters and practice facility is in the city of Santa Clara, in my district, and that all-pro tight end Brent Jones is a graduate of Santa Clara University.

All season, the Forty-Niners displayed a commitment to teamwork, sportsmanship, and community involvement. Yesterday, in Miami, their dedication paid off and the Forty-Niners proved that they are one of the greatest teams in NFL history.

Mr. Speaker, to Eddie DeBartolo, to Jerry Rice, to Steve Young, to George Seifert, and the rest of the Forty-Niners organization, I say "congratulations and thank you for a great season."

TRIBUTE TO CONGRESSMAN STEVE LARGENT

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, this past weekend one of our colleagues won yet another election; the gentleman from Oklahoma, Congressman STEVE LARGENT, received football's ultimate honor, election to the Pro Football Hall of Fame in Canton, OH, my home district.

Induction into the Hall of Fame is reserved for only the greatest ever to play the game, and STEVE won that honor in his first year of eligibility. He held six major career records at the time of his retirement. STEVE retired 5 years ago with the well-deserved reputation of playing cleanly and with integrity. As a freshman in Washington, our friend STEVE has already developed the same reputation in his new career. I congratulate him on the honor of his induction and look forward to his trip to the 16th District for induction ceremonies in July.

Mr. Speaker, I also want to honor the other four 1995 inductees: Kellen Winslow of the San Diego Chargers, Lee Roy Selmon for the Tampa Bay Buccaneers, the late Henry Jordan of the Green Bay Packers, and the late Jim Finks, general manager for Minnesota and Chicago during their treks to the Super Bowl. All are outstanding men who richly deserve this honor.

ANNOUNCEMENT ON AMENDMENTS TO LINE-ITEM VETO BILL (H.R. 2)

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SOLOMON. Mr. Speaker, I wish to announce to House Members that the Rules Committee will meet this Wednesday to report an open rule for the consideration of H.R. 2, the Line-Item Veto Act of 1995.

The rule may include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration—though this would not be mandatory.

Since the House is tentatively scheduled to begin consideration of the bill on Thursday of this week, Members wishing to have priority recognition may want to submit their amendments for printing in the RECORD no later than Wednesday. It is not necessary to submit your amendments to the Rules Committee or to testify.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted to an amendment in the nature of a substitute we will make in order that incorporates the changes recommended by the committees of jurisdiction. Amendments should be titled, "Submitted for printing under clause 6 of rule XXIII," signed by the Member, and submitted at the Speaker's table.

For the further convenience of Members, Mr. Speaker, I submit for printing the text of the amendment in the nature of a substitute at this point in the RECORD.

AMENDMENT IN THE NATURE OF A SUBSTITUTE

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Line Item Veto Act".

SEC. 2. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority or veto any targeted tax benefit which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) DEFICIT REDUCTION.—In each special message, the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message.

(c) SEPARATE MESSAGES.—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this paragraph.

SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this Act and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: "That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: "That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(C) the title of which is as follows: "A bill disapproving the recommendations submitted by the President on _____", the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.

(4) The term "appropriation Act" means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning on the day after the date of submission of a special message by the President under section 3.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. After general debate the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this Act.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

PLEDGE TO ACCEPT NO GIFTS FROM LOBBYISTS

(Mr. MASCARA asked and was given permission to address the House for 1 minute.)

Mr. MASCARA. Mr. Speaker, I stand here today to urge my colleagues to take a pledge to accept no gifts from lobbyists and to quickly pass legislation making such a ban the law of the land. The American people are demanding that we break all ties with special interest lobbyists.

The first day of this session I voted with my Democratic colleagues to impose tough gift restrictions. Not one of my colleagues on the other side of the aisle voted for this measure. The President has asked us to voluntarily implement a gift ban. I have taken that pledge and ask my colleagues on the other side of the aisle to join with me in the gift ban pledge.

Mr. Speaker, the American people expect no less from us. Let us band together, both Democrats and Republicans, and pass the gift ban now.

THE CONTRACT WITH AMERICA BOOK

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the one book that the Democrats are real scared of is the Contract With America. This book is No. 3 on the New York Times best seller list. It is so popular because it is the change the American people have been waiting for. It is the right thing to do, and it is what the Republicans are doing.

Mr. Speaker, I suggest that my colleagues from the other side of the aisle read this book because we are leading the change and they had better learn how to follow. This book changes Congress and the Democrats only want to change the subject.

NO MORE AID TO RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, something does not make sense; Russia used to be our No. 1 enemy and now it must be our No. 1 friend because we give Russia billions of dollars every year now. Advisers come before Congress and tell us Russia has changed. They are now seeking a democratic participatory government that has compassion for human rights, and they walk around like Ronald Reagan and they make speeches like Abraham Lincoln and "Give Russia a chance."

Give me strength, Mr. Speaker, give me strength. What are we doing, giving Russia all this money, then they are using American hard-earned tax dollars to kill Russian people?

I am one Member who says, "Russia may talk. Russian leaders may talk like Thomas Jefferson, but they are acting like Josef Stalin."

I oppose any more money for Russia, especially blood money for Russia, and I think Congress should send that message over to these new freedom fighters.

AN UNFUNDED MANDATE COULD BANKRUPT AND CLOSE THE WATER TREATMENT FACILITY IN GRETNA, NE

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, last year the city of Gretna, NE, a small town in my district in the eastern part of Nebraska, population a couple thousand, was ordered by the EPA to spend $12,000 above and beyond their normal costs of $2,000 for additional testing to determine if there were any synthetic compounds in their drinking water.

Mr. Speaker, the EPA qualifying limits for synthetic compounds were set so low that one person would have to consume hundreds of thousands of gallons of water in order to show any adverse effect.

The city of Gretna passed with flying colors, but if, by chance, one well had failed the test, the Gretna taxpayers would have faced over $500,000 in additional costs. The entire annual operating budget for the Gretna water treatment facility is only $100,000. To mandate unnecessary costs would have bankrupt and closed the only water treatment facility that Gretna has.

Mr. Speaker, the EPA is a prime example of a big government gone bad. We must protect the taxpayers from these types of unfunded mandates before we break the backs of States, municipalities, and the taxpayers across this country.

INTRODUCTION OF THE WELFARE TO SELF-SUFFICIENCY ACT OF 1995

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, today I rise to welcome the Governors of our great Nation who have come to Washington to discuss the problems that are overburdening our Government and our country. Their topic is welfare reform.

To that, Mr. Speaker, today I am introducing legislation that will give Americans a handup instead of a handout. The Welfare to Self-Sufficiency Act will end the quagmire that faces those now on welfare. No longer will men and women be trapped by a welfare system that does not reward work, promote the family, or instill personal responsibility. It will move people from dependence to independence, from a welfare check to a paycheck, and from a sense of hopelessness to one of opportunity.

Mr. Speaker, the President said the other evening that it is time to end welfare as we know it. Let us break this cycle and pass welfare reform legislation that will give every American an opportunity to become self-sufficient.

TRIBUTE TO RICHARD L. ROUDEBUSH, OUR DEPARTED COLLEAGUE

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute.)

Mr. MYERS of Indiana. Mr. Speaker, I rise this afternoon with sorrow to announce the passing of a former Member of Congress and a good friend of many of us, Richard L. Roudebush.

Dick was a veteran of World War II. In 1953, Mr. Speaker, he was elected the State VFW Commander in the State of Indiana. In 1957 he served as National Commander in the Veterans of Foreign Wars. In 1961, he was elected to Congress where he served for 10 years.

Mr. Speaker, here he was known affectionately as "Mayor of the Cloakroom" because of his humor, good sense and friendliness. He sat often back in the corner here with about four or five other associates and always was a person who had something nice to say about everyone else here. While he served in the House, he can be remembered as a friend of the veterans. He also was a farmer himself, so he fought for farmers' legislation. In the House he was one of the sponsors of legislation to establish June 14 as Flag Day, to be recognized as a national holiday. He also fought for many things for the veterans and for patriotism.

He served until 1971 in the House, and since that time he served, as in 1977 he was elected and selected to serve, as Administrator of the Veterans Administration where he served for 3 years.

He will be missed by many of us. He was a great friend. We will miss Dick Roudebush.

SLUMBER PARTIES IN THE HOUSE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, our new Speaker GINGRICH certainly is not short of compassion.

My colleagues, when I got up this morning and read today's Congress Daily, I was absolutely amazed because, as of today, the House office buildings become the House boarding and office buildings. Yes, Members of Congress can have sleepovers in their office. Now I do not know if the House restaurant is going to be extending room service, or whether the IRS is going to tax us for this, or maybe we have to sleep in our cars, because we have been taxed on that. All these questions have not been answered, and we do not know if we can bring our families, and whether there will be hall monitors for all of that.

But the Speaker says he feels so very sorry that Members cannot live in Washington on $133,000 a year, so he extended this privilege for the first time in over 200 years of the House's existence.

So here we go. I guess we can have a slumber party every night. It certainly is a new House.

CAMPAIGN REFORM

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today I am introducing a bill which would accomplish real campaign reform. It addresses the true problems with the current system without costly, artificial, and probably unconstitutional provisions like spending limits or public financing. For example, to address the free mailing advantage incumbents enjoy, my bill would cut the franking allowance in half and ban all unsolicited mail 60 days before a primary and general election. Also, in order to get rid of the perceived edge that PAC's have over individual contributors, my bill would limit PAC campaign contributions to $1,000. The President challenged Members to stop taking gifts from lobbyists—my bill would prohibit lobbyist-paid travel for any Member or employee of the House of Representatives. Congress needs campaign reform—but we don't need to reinvent the wheel to achieve it. By applying a little common sense, we can do it. I urge my colleagues to look at my bill.

WHAT EVER HAPPENED TO OUR GIFT BAN?

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, what ever happened to our gift ban? Last year the House voted two separate times to stop lobbyists from paying for Members' meals, entertainment and other "gimmees," but the Republicans in the other body stopped the gift ban in its tracks. On the first day of this Congress, Mr. Speaker, House Democrats moved to impose tough gift restrictions and royalty limits, but the effort failed with not a single Republican in support. In the meantime, the image of our Members continues to be battered by book deals and other appearances of impropriety.

If we are looking for respect, let us pass the gift ban. Mr. Speaker, give our image a break. Let us pass a gift ban.

□ 1420

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOEHNER). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IKE SKELTON, 1995 MINUTEMAN OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, our colleague, IKE SKELTON, is the recipient of the 1995 Minuteman of the Year Award from the Reserve Officers Association. He was honored this past week at the ROA's midwinter meeting in Washington.

I want to share with my colleagues the speech IKE made in accepting this deserving award.

COMMENTS OF REPRESENTATIVE IKE SKELTON

There are magic, memorable moments within one's life, and being here with you this evening is truly one of them. I have neither the mastery of words nor the eloquence of diction to express my gratitude on receiving this honor. It is a particular thrill to join the ranks of colleagues such as Greg Laughlin, Daniel Inouye, Jack Murtha, Sam Nunn, Sonny Montgomery, Strom Thurmond, and others who have received this award.

Through the years, I have had many friends among the Reserves, particularly those from Missouri, such as Capt. Mike Nolan. I feel a close kinship to those present.

I am indeed proud of the Reserve forces of our country. From the battle at Lexington, MA in 1775 to the Persian Gulf in 1991, where Bronze Star recipient Jim Ahrens from Lexington, MO served with distinction, reservists have been prepared and ready to heed our country's call to arms.

As we speak, there are over 13,000 American reservists serving in 34 countries, including 800 in Operation Uphold Democracy in Haiti; over 600 with Operation Deny Flight in Bosnia; and over 1,500 reservists supporting counter-drug operations along our borders.

This past November, two of my colleagues—Chet Edwards and Jim Chapman of Texas—and I visited NATO headquarters in Brussels, where we were told by Brig. Gen. John Dallege r, "If we didn't have the Guard and Reserve 'to spell us', we couldn't do our mission over the long haul." At the Aviano Air Base in Italy, whose mission is Operation Deny Flight, Col. Dick Brenner said, "We fly about 600 sorties a month. And Reserve air units are completely integral to our flight operations. They are darn good pilots, and I am proud to fly with them." In Zagreb, Croatia, where the U.S. Navy operates the field hospital, Col. Jack Fitzgerald of the UNPROFOR forces told us, "We operate a hospital for the United Nations protection force. Reservists contribute special skills we need to support the operation. They come from everywhere in the United States—Virginia, Missouri, Texas—everywhere." And it was an Army Reserve helicopter unit placing huge boulders along the Missouri River which successfully kept that river from cutting a new channel during the flood of 1993. In short, the Reserve forces of our country live up to the finest traditions of the words, "citizen soldiers."

Unfortunately, those who wear the uniform are not always appreciated. Historically, the gratitude of the public does not always extend to those whose duty it is to defend them. This is reflected by the words from Rudyard Kipling's 1890 poem "Tommy:"

Then it's Tommy this, an' Tommy that, and
 "Tommy, 'ow's yer soul?"
But it's "Thin red line of 'eroes" when the
 drums begin to roll—

But appreciation or not, I know full well those who wear the American uniform will always do their duty.

Congressmen Edwards and Chapman and I also visited the Flanders Field American Cemetery in Waregram, Belgium. The village mayor came out to thank us for the American efforts on behalf of his country in two World Wars. We laid a wreath in memory of those 368 Americans who were killed in World War I. All of the men buried in that cemetery were soldiers of three National Guard divisions and one Army Reserve division. Citizen soldiers all. Four were from Missouri, and sadly, the crosses note that seven were killed in combat on November 11, 1918, just hours before the armistice.

During the wreath laying ceremony, a member of the cemetery staff read the poem that came out of that war, titled "In Flanders Fields." In the poem is the phrase "to you from failing hands we throw the torch, be yours to hold it high." The author, prophetically, was killed in battle later in the war, and through the poem spoke to succeeding generations of those who value freedom.

The memory of our visit to that American cemetery in Flanders shall long remain with me.

This is a dangerous world in which we live. The long twilight struggle, the bitter contest against Communist expansion, has come to an end. With the fall of the Berlin Wall, and the implosion of the Soviet Union, a certain euphoria swept across our land, only to be replaced with the reality of Saddam Hussein and others whose values and designs are not the same as ours.

Few realize that during 1994, this country came close to armed conflict three times—in North Korea, Haiti, and Kuwait. The first two were diffused by the diplomacy of former President Jimmy Carter, and one was blocked by American forces being rushed to the Middle East once again. Conflicts and threats rage throughout the globe, and those involving our vital interests are of concern not only to those who wear American uniforms, but to every citizen of the United States.

Our country, historically, has made the mistake of disarming after every major conflict. This fact was decried by an Army major in 1923, when he noted "The regular cycle in the doing and undoing of measures for the national defense." He added, "We start in the making of adequate provisions and then turn abruptly in the opposite direction and abolish what has just been done." Maj. George C. Marshall's words are as applicable to today's military downsizing as they were 72 years ago.

We should not allow the post-cold-war era to be one where we slash our national security as we have done heretofore in our history. We should learn from the past, and heed the warning of General Marshall.

The protection of freedom and American vital interests is no small thing. A ready and able military is our national defense insurance policy. In time of conflict, it allows us to be successful. It gives strength to our international diplomacy. In other times, it prevents the clash of arms. Every American should understand these basic truths regarding national security.

In 1935, Winston Churchill warned his countrymen that, "wars come very suddenly." This warning is worth keeping in mind in 1995. In other words, the ordeal of the 20th century is not over.

In 1939, we were surprised by the signing of the non-aggression pact between the Soviet Union and Nazi Germany. The consequences were horrific.

In 1941, we were surprised by the attack of the Empire of Japan on United States naval forces at Pearl Harbor.

In 1946, we were surprised by the Iron Curtain and the cold war.

In 1950, we were surprised by the attack of North Korea against the South.

In 1961, we were surprised when the Berlin Wall went up.

In 1962, we were surprised when Khrushchev put missiles in Cuba.

In 1968, we were surprised by the Tet offensive by the North Vietnamese.

In 1979, we were surprised by the fall of the Shah of Iran.

In 1980, we were surprised by the attack of Iraq against Iran.

In 1990, we were surprised by the attack and occupation of Kuwait by Iraq.

And just last fall, we were surprised by the sudden movement of Iraq forces toward Kuwait.

Truly, this is an uncertain world. Unpredictable, like the patterns we see in the turning of a child's kaleidoscope. There are those in this audience who will once again hear the rattle of musketry, the crash of artillery, the roar of the jet engine, and the klaxon call to battle stations. No one seeks this, but until mankind finds a better way to solve disputes and conflicts, this prediction will come to pass.

The late President Harry Truman, who, coincidentally had both Army National Guard and Reserve careers, had a sign on his desk that stated, "the buck stops here." The Constitution states, without any further explanation, that the President is the Commander in Chief of our military forces. By contrast, that document sets forth in detail in article one, section eight the duties of the Congress, as representatives of the American people, to raise and maintain the military, and set the regulations that govern it.

Thus, the same could be said of Congress regarding our national security duties, "the buck stops here." It is the job of the Congress to make sure that the Nation's insurance policy is paid in full and that we have an adequate, fully trained properly educated, well-equipped, and highly motivated military.

This Congress should heed the necessity to fully fund the Bottom-Up Review, which is designed to successfully fight two major regional conflicts nearly simultaneously; to maintain a high level of readiness; to give adequate pay raises to uniformed personnel; to allow our forces to have the quality of life they so well deserve; and to have continued modernization of equipment and weapons systems.

I say to you, Members of this distinguished organization: Your visits to Capitol Hill, and communications with Members of Congress, are extremely important. Never underestimate the impact of your presence as Congress debates our national defense policy. When the history of this new post-cold-war era is written, I hope the history books will say that the Americans in uniform stood tall and had the strong support of the Congress of the United States.

Let me share with you a magic, memorable moment from yesteryear. I remember it so clearly. I was 9 years of age, attending the fifth grade at Central School in Lexington. My father, a veteran of the First World War, trial lawyer, and well-known orator in Lafayette County, was invited to speak at the Armistice Day ceremonies at the Odessa High School, just a few miles from Lexington. That was November 11, 1941. He took me from my class and we drove to the Odessa High School, where I sat in the back of the student body, listening and watching the Armistice Day program. On the stage, students portraying soldiers were dressed in World War uniforms, and the beating of a bass drum simulated artillery fire.

Then my father gave his speech. He told of the freedoms of America, and how those in uniform had defended our country through the years. He also stated that there were those in that audience who might well have to defend our freedoms once again. How prophetic he was, for less than a month later, the Japanese attacked Pearl Harbor, and our Nation was engulfed in what became known as World War II. Two young men from that Odessa graduating class of May, 1942 were killed in action.

My father concluded his speech to the student body by reciting—

"In Flanders Fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

"We are the dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie,
In Flanders Fields.

"Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders Fields."

Let those inscriptions on the crosses of Flanders Field be more than forgotten names. Let those men be remembered for their patriotism, courage, and dedication. Let those citizen soldiers who lie there ever cause us to remember that we, in our day and time, have the duty to hold high the touch of freedom in this dangerous and unstable world.

Thank you, and God bless you.

MEMORANDUM OF UNDERSTANDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SHUSTER] is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I submit for Members attention the following letter from myself and the chairman of the Committee on National Security, Mr. SPENCE, regarding jurisdiction.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1995

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As Chairmen of the Committee on Transportation and Infrastructure and the Committee on National Security, we wanted to advise you of our mutual agreement concerning the division of jurisdiction over the merchant marine due to the dissolution of the Committee on Merchant Marine and Fisheries. Rule X, clause 1(k) of the Rules of the House for the 104th Congress provides jurisdiction to the Committee on National Security over:

"(7) National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, the maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference, and merchant marine officers and seamen as these matters relate to the national security."

The new Rule X, clause 1(q) provides the Committee on Transportation and Infrastructure with jurisdiction over:

"(12) Measures relating to merchant marine, except for national security aspects of merchant marine."

This split in jurisdiction in what was previously entirely within the Committee on Merchant Marine and Fisheries is based on the fact that, while various aspects of the merchant marine and related activities are transportation matters that are handled in the executive branch by the Department of Transportation, certain aspects are so closely tied to national security that primary jurisdiction should be within the Committee on National Security. For example, the maintenance and control of the National Defense Reserve Fleet and the Ready Reserve Fleet would be within the jurisdiction of the Committee on National Security.

However, it may not be clear in all cases to which of the two Committees a particular bill should be referred. In general, matters relating to merchant marine activities will be referred to the National Security Committee if the national security aspects of the matter predominate over transportation and other merchant marine aspects.

While present programs of the Maritime Administration have both national security and transportation implications, we agree that primary jurisdiction over the annual authorization for the Maritime Administration would be in the Committee on National Security. Primary jurisdiction over the annual authorization for the Federal Maritime Commission would be in the Committee on Transportation and Infrastructure.

Shipbuilding is a subject that has a particularly strong connection with national security because of the implications for our defense industrial base. We agree that the National Shipbuilding Initiative, including the loan guarantee program under Title XI, would be within the primary jurisdiction of the Committee on National Security. In addition, the Congress likely will be requested to approve legislation to implement an international agreement to eliminate shipbuilding subsidies worldwide. While this is generally a laudable goal, the contents of this agreement must be examined in the context of its long-term effect on the shipbuilding industrial base. Of particular concern is the question of whether U.S.-based shipyards are disadvantaged by this agreement to the point that a transition from naval construction to commercial construction is impossible. We agree that, as between the Committees on National Security and Transportation and Infrastructure, primary jurisdiction over implementing legislation for this agreement should reside with the Committee on National Security.

Jurisdiction over the State and Federal Maritime Training Academies is granted in the rule specifically to the Committee on National Security. With respect to the provision in Rule X, clause 1(k)(9) concerning merchant marine officers and seamen, it is understood that measures whose predominant purpose is the maintenance of a well trained merchant mariner manpower pool capable of meeting sustainment and surge sealift requirements will be within the jurisdiction of the Committee on National Security. Shortages of qualified U.S. mariners to serve during the mobilization for Desert Storm highlighted the need to consider these problems from a national security standpoint.

Jurisdiction over the Coast Guard is provided to the Committee on Transportation and Infrastructure by Rule X, clause 1(q)(1). This confers upon the Transportation and Infrastructure Committee authority over all matters handled by the Coast Guard that were previously within the jurisdiction of the Merchant Marine and Fisheries Committee.

This letter may not address all merchant marine issues that will come before you. We will continue to work with you toward resolution of other issues as they arise.

Finally, it is understood that this agreement does not in any way alter or limit the jurisdiction of the Committee on Transportation and Infrastructure or of the Committee on National Security over matters discussed herein which were properly within the respective Committees' jurisdiction prior to the dissolution of the Committee on Merchant Marine and Fisheries.

Sincerely,

FLOYD D. SPENCE,
Chairman, Committee on National Security.

BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure.

GOPAC AND ITS ROLE IN THE CAMPAIGN TO END THE FOOD AND DRUG ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes as the designee of the minority leader.

Mr. DURBIN. Mr. Speaker, I thank the Chair for recognizing me for 1 hour under the special order of business of the House of Representatives.

Mr. Speaker, in 1984 our Speaker published a book entitled "Window of Opportunity." I would like to quote from Speaker GINGRICH's book in reference to political action committees, as follows:

> As a citizen you need to keep track of your elected officials' promises and their actual behavior. I strongly favor PAC's because they tie candidates' promises to their performances by keeping records more effectively than do individuals. By linking their contributions to performance in areas of interest to the contributors, the PAC system encourages more people to be involved because it makes their contributions and their endorsement more effective.

Let me quote again from Speaker GINGRICH's book of 1984: "This proliferation of open publicly registered and publicly monitored support is in the best tradition of participatory democracy."

That observation is especially timely in light of two publications this weekend. On Sunday, in the Denver Post, there was a question raised about the Speaker's personal PAC, GOPAC, and links with the cable television industry.

Today in the Los Angeles Times is another article raising a question about the same PAC, GOPAC, which is Speaker GINGRICH's PAC, and why they have refused, those who are running the PAC and the Speaker, to make a full disclosure of all the contributors to the PAC. Some of the contributors to the $7 million political action committee have been disclosed. For example, one Wisconsin couple, Terry and Mary Kohler, of Sheboygan, WI, have been disclosed as having contributed $715,000 to Speaker GINGRICH's political action committee between 1985 and 1993. That is nearly twice the amount that they could have legally donated directly to all Federal candidates.

This $7 million political action committee which the Speaker has not disclosed in detail also includes executives and lobbyists for seven companies regulated by the Food and Drug Administration. These executives, the seven that are named in the Los Angeles Times article, are among, in their words, "GOPAC's heavy hitters."

So, Mr. Speaker, we have an unusual situation here where the Speaker of the House in 1984 had called for public monitoring and public registration of those who were involved in political action committees and then, beginning a year later, with the creation of GOPAC, the GOP Action Committee, there has been a refusal of that same Speaker to make this information known to the public.

Those who are listening might ask a very basic question. So what? What difference does it make? Why should the Speaker have to disclose the names of his contributors to this $7 million political action committee and the expenses and disbursements that were made by that political action committee?

I think it gets back to a point the Speaker made in his book. This is a way to make sure that there is accountability and, in his words, "in the best tradition of participatory democracy."

Those who have been following the news lately know that the Speaker has not been unsparing in his criticism of the Food and Drug Administration. I have some familiarity with this agency. It is one which is funded by the subcommittee of the Committee on Appropriations which I chaired over the last 2 years. By Federal standards it is a pretty small agency. We appropriate about $1 billion a year to the Food and Drug Administration and give them an awesome responsibility. We say to this small agency, "Make sure as best as humanly possible that every drug, every medical device, and many of the foods that come into the households of American families are not only safe to be used but in fact can be used for their stated purpose effectively."

That is a big task, and when you consider the giants of American industry that watch closely over this small agency, it is no wonder that from time to time they come under criticism. In fact, in years gone by much of that criticism has been warranted. The agency fell behind in drug approvals, in medical-device approvals, and in other areas of responsibility. I am happy to report, though, that over the last several years, under the leadership of Dr. Kessler, who is the only holdover from the Bush administration serving under President Clinton as the head of the Food and Drug Administration as well, remarkable progress has been made in the Food and Drug Administration. In fact, they have come up with a much more expedited schedule for the approval of drugs and medical devices, something which every American and every American family wants to see.

But despite this, some of the critics of the Food and Drug Administration are running advertisements now suggesting that we should turn out the lights and close the door on the Food and Drug Administration. They have suggested that it has too much power. In the words of one of their critics, they have been characterized as "thugs."

Stepping aside from this type of lurid rhetoric and looking at the fact, I think that it is critically important that the Food and Drug Administration maintain its independence, not only for its credibility within its own industry but for its credibility in helping American industry. Let me give two specific examples of what I am talking about.

Most Americans can recall that not too long ago we had a scare when people discovered hypodermic syringes in the cans of Diet Pepsi. That was a little over a year ago. As a result of that scare, a couple of these syringes popped up across the United States and people were genuinely concerned about this product and its safety. As a result of that scare, Pepsi Cola stock plummeted in value because of the concern as to whether this scare might have some impact on their sales. In step, the Food and Drug Administration conducted a quick and thorough investigation, reported to the American people that it was a hoax that was being copycatted by others around the country, and within a very short period of time this scare was gone. Pepsi Cola stock started to rebound. People were buying the product without concern for its safety. Why? Because of the credibility of this independent Federal agency, an agency which is not beholden to anyone in industry but is only beholden to taxpayers and consumers.

Let me give a second example. In my part of the world, in the Midwestern United States, there is a distributor of frozen-food products known as Schwan Foods. This is an unusual operation to most other parts of the country because they usually drive refrigerated trucks around the Midwest and sell frozen foods door to door to their loyal subscribers. They sell everything from ice cream to frozen meats and all sorts of other frozen foods for homemakers in my part of the world.

A few months ago there was a scare over some of the ice cream which they sold which appeared contaminated. It hit all the newspapers. There was a genuine fear that Schwan's as a company would not be able to survive because of this disclosure. In came the Food and Drug Administration. They conducted an investigation of their operation. They found what they considered to be the cause of the problem and suggested to the Schwan food company what they could do to ameliorate the situation and to allay any fears of consumers. Their trucks are still on the road today. Schwan's is still doing business. It appears now the Food and Drug Administration has come in and added credibility to the situation and helped this company get back on its feet.

Despite these examples, we still have people calling for an end to the Food and Drug Administration. Some of them will be companies, which, quite frankly, do not like to see this type of

Government regulation, a regulation which requires that their advertising of their products be truthful, that what they say the products will do they can actually do, that they do not overstate their case, and that in fact doctors can prescribe a drug knowing that it is safe.

The Speaker has led the criticism, along with some very conservative groups, of the Food and Drug Administration and suggested at one point that we should even privatize the Food and Drug Administration. I think this is a valid policy debate which should take place. I for one oppose the idea of privatization of the Food and Drug Administration. I think as an independent Government agency they are doing a good job. They can certainly improve on it. All of us can improve on our performance. But I would hate to see an agency as important as the Food and Drug Administration go by the wayside.

The relevance of the FDA issue to the GOPAC issue is brought in clear focus by this Los Angeles Times piece. Why would the executives or lobbyists for seven companies regulated by FDA be major donors to the Speaker's political action committee and then the Speaker take the position that the Food and Drug Administration should be disbanded?

□ 1430

This is a legitimate inquiry. It could be the Speaker has good reason, and he can make that case known to the American people in detail. But at least now there is a suggestion that there may be a link between this political action committee and the political position taken by the Speaker.

I started in politics working for a fellow by the name of Paul Douglas, who was a Senator from Illinois who served between 1948 and 1966. He was my mentor and inspiration when it came to the question of ethics. I may serve in this body the remainder of this term and maybe longer. I will certainly never reach his level of ethical standards. He set one that very few people will ever be able to reach. But he was very, very mindful of the need to make full disclosure.

He used to say, "Sunshine is the best antiseptic. Put it all on the table." My friend, Senator PAUL SIMON from Illinois and I took him to heart. We make public disclosure each year far beyond the requirements of the Federal law. It does not guarantee that a public servant will be honest, but at least it shows we are prepared to open our books.

I think that is the best thing now for the Speaker to consider when it comes to GOPAC. Open the books. Let us see what is in there. Let us get it behind us. Let us make full disclosure, so any future debate over the Food and Drug Administration or any other agency is not tainted by the question of whether contributions to the $7 million political action committee had anything to do with the Republican agenda.

This is part of what I consider openness in Government. We have heard a lot said over the last 3 weeks about a new standard of openness coming from the Republican leadership in the House of Representatives. Let me say at the outset, and probably to the surprise of the Speaker and others, that I salute the Republicans for many of the changes they have made in this Institution. On the opening day of the session I voted for most of them, and I feel they were steps in the right direction, ending proxy voting, making committee hearings open to the public, something I had done in my own subcommittee for the last 2 years. I think that instills new confidence in what we are about here.

This House of Representatives, this Institution, needs to have more approval from the voters across America. Certainly openness in disclosure is a good step in that process. I think the same is true for political action committees. I think the same is certainly true for the Speaker's GOP action committee, GOPAC. Full disclosure will help to restore confidence not only in the Speaker's activities, but in this institution. What the Los Angeles Times said in its article today, what the Denver Post raised in its article yesterday, certainly leave a lot of people questioning what the agenda is from the Republican side and how it has been influenced.

We have a long way to go. I think disclosure as the Speaker called for in his 1984 book is a step in the right direction.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 2 o'clock and 33 minutes p.m.) the House stood in recess until 5 p.m.

□ 1704

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EHLERS) at 5 o'clock and 4 minutes p.m.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, January 27, 1995, the amendment offered by the gentleman from Pennsylvania [Mr. MASCARA] had been disposed of, and section 4 was open for amendment at any point.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are about to start our fifth day of dealing with H.R. 5, the unfunded mandates legislation. By my calculations we have spent, thus far, about 15 hours, almost 16 hours, on amendments, 16 amendments to H.R. 5, and we are still on section 4. So we are averaging almost 60 minutes per amendment. Many of these are duplicative or very similar in nature.

Mr. Chairman, I am totally supportive of the open rule process which we have been operating under, but I think at this hour, at this point in time, if we continue with the 130 or so amendments that are still pending, we are talking about maybe 150 hours of deliberation to complete debate on all these amendments.

I think that most Members on both sides of the aisle are eager to get to consider some of the other issues that are in debate, or in controversy, on this legislation other than the exemption issue. So at this point, Mr. Chairman, I ask unanimous consent that debate on each amendment, and all amendments thereto, to section 4 and to titles I, II, and III be limited to 2 hours per title.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, first of all we are told we are going to have an open rule, and we are trying to get through the amendments that we have here. I think we have done so rather expeditiously, if my colleagues will agree.

Mr. Chairman, I certainly appreciate the fact that the other side of the aisle has been more than cordial and has not tried to throw up any roadblocks to that, and I hope they will not try to do that sort of thing right now.

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. CLINGER. At this point, Mr. Chairman, I would then ask unanimous consent that debate on amendments to section 4, and this is the exemption section, be limited to 20 minutes, with the time to be equally divided on each amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, it seems to me that we are being offered a gag rule.

All we are asking for is a chance to explain our amendments and talk about them in depth. We did not have the opportunity when we were in committee, and I think now is the only time. As a matter of fact, when we tried to offer our amendments in committee, we were told to bring them to the floor. Now, that is what we are doing.

What do they want us to do; not bring them to the floor?

I object, Mr. Chairman.

Mr. CLINGER. Mr. Chairman, if the gentlewoman will yield, I am not saying that the amendments could not be brought to the floor and debated. I am just trying to get some, perhaps, limitation on debate time.

Mr. Chairman, in view of the fact that neither of my unanimous-consent requests was agreed to, I now move that debate on each amendment to section 4, and any amendment thereto, be limited to 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] moves that on all amendments to section 4, all debate thereto be limited to 10 minutes on either side.

☐ 1710

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, is this motion subject to debate?

The CHAIRMAN. No, it is not.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CLINGER. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. CHAIRMAN. Evidently a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announced that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The following Members responded to their names:

[Roll No. 56]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1728

The CHAIRMAN (Mr. EMERSON). Four hundred and six Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. CLINGER] for a recorded vote.

The question before the Committee is the demand of the gentleman from Pennsylvania [Mr. CLINGER] to limit debate on all amendments to section 4 to 10 minutes, and all amendments thereto within that time limitation.

PARLIAMENTARY INQUIRY

Mrs. COLLINS of Illinois. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, it was my understanding that the motion was to limit debate on each amendment to section 4 to 5 minutes on each side.

The CHAIRMAN. And all amendments thereto.

Mrs. COLLINS of Illinois. Is that correct, Mr. Chairman, all amendments thereto in section 4 only, only in section 4?

The CHAIRMAN. Yes.

Mrs. COLLINS of Illinois. I thank the Chair.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 181, not voting 20, as follows:

[Roll No. 57]

AYES—233

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—181

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Moakley
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Wilson
Wise
Wyden
Wynn
Yates

NOT VOTING—20

Bass
Boucher
Brown (CA)
Condit
Hastert
Hefner
Jefferson
Miller (CA)
Mollohan
Neal
Payne (NJ)
Riggs
Rogers
Rush
Sanders
Stark
Waters
Weldon (PA)
Williams
Woolsey

□ 1737

So the motion was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Chairman, due to a delay in my flight from California, I missed the quorum call and the motion to limit debate on the Unfunded Mandate Reform Act of 1995. Had this flight delay not prevented me from being here, I would have voted "no" on the motion to limit debate.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 181, not voting 16, as follows:

[Roll No. 58]

AYES—237

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—181

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia

Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Stenholm
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Bass
Brown (CA)
Hastert
Hefner
Hunter
Jefferson
Mollohan
Neal
Payne (NJ)
Roberts
Rush
Stark
Stokes
Torricelli
Weldon (PA)
Williams

Mr. ANDREWS changed his vote from "aye" to "no."

Mr. BLILEY changed his vote from "no" to "aye."

□ 1754

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the Bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

REQUEST FOR PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO SIT TODAY AND TOMORROW DURING 5-MINUTE RULE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be allowed to sit today and tomorrow during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, just a few minutes ago we voted in this Chamber to limit the debate on the unfunded mandated bill to amendments, 5 minutes on a side. This motion would allow the Committee on International Relations to go upstairs in the Rayburn Building and debate the defense bill and specifically the peacekeeping issue that is before it.

It makes no sense whatsoever to have a process where the Committee on International Relations is meeting in the Rayburn Building and we are voting ever 15 minutes on the House floor, 5 minutes on a side. It was your motion; it was not our motion. Members will not have a chance to warm their seats over there.

At some point the American people are going to ask, "Do you people really know how to run this institution?"

Continuing my reservation, Mr. Speaker, we have had a disturbing pattern occur on the floor of this institution. This is the fourth rule, unfunded mandates is the fourth rule that we have had. The first two were closed. The rules package on the compliance bill was closed. The rule on the balanced budget amendment was restrictive. And now we have an open rule but it is convenient to close it. It is convenient to close it so we are going to run roughshod over the minority and close the rule.

We are concerned about the narrowing of voices in this institution and it is real. I am reserving my right to object, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will yield in a second, but let me just develop that for a second. We have had four rules; two of them have been closed; one of them has been restricted; and the one we are debating now has been restricted once again.

The Republicans on this side of the aisle have closed down our legislative service organizations so our women, the African-Americans, our Hispanics have had their voices shut. We have had the Democratic Study Group moved off of the Hill; we have had public broadcasting attacks; we have had voices across this country and in this institution attacked; and we will not stand for a gag rule on this bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. Does the gentleman object to the unanimous consent request for the Committee on International Relations to continue its work on the measure before us? We are near the end of the completion of that debate and we should be able to wind it up either tonight or tomorrow.

I am merely trying to accommodate the Members on both sides of the aisle, and I would welcome the gentleman consenting to the request.

Mr. BONIOR. I appreciate my colleague's comments.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. Mr. Speaker, further reserving my right to object, I yield to my friend, the gentleman from Connecticut.

Mr GEJDENSON. Mr. Speaker, I would say that the same pattern has developed in committee after committee, that we on the International Relations Committee are now discussing fundamental changes in our role in the United Nations and NATO. Time after time, as amendments are just barely brought forward, there is a motion that the majority carries to cut off debate.

And we are deciding whether we are going to be in the United Nations or out, whether we are going to expand NATO without full and proper debate. The same pattern is occurring in committee after committee.

Mr. GILMAN. If the gentleman will yield further, at this time, Mr. Speaker, I would——

Mr. SOLOMON. Regular order, and demand it now.

Mrs. COLLINS of Illinois. Mr. Speaker, I object; I object.

The SPEAKER pro tempore (Mr. HEFLEY). Regular order has been demanded. Do 10 Members stand to object?

Mr. GILMAN. Since we cannot have consent with regard to the request, Mr. Speaker.

The SPEAKER pro tempore. The request is withdrawn.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5.

□ 1800

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. Emerson in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole arose earlier today, the motion to limit debate on each amendment to section 4, and any amendment thereto, to 10 minutes, offered by the gentleman from Pennsylvania [Mr. Clinger], had been agreed to.

Are there further amendments to section 4?

MOTION TO RISE OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri [Mr. Volkmer].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 266, not voting 9, as follows:

[Roll No. 59]

AYES—159

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Nadler
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thurman
Torricelli
Towns
Traficant
Tucker
Velazquez
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Upton
Vento
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bass
Brown (CA)
Hastert
Hefner
Jefferson
Leach
Neal
Rush
Weldon (PA)

☐ 1820

Mr. MINGE changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

☐ 1820

Mr. ROBERTS. Mr. Chairman, I move to strike the last word.

Mr. Chairman and my colleagues, I rise to express my concern and my sense of frustration in regard to the procedure that is now being followed in reference to this debate, and I rise as the cochairman of the Unfunded Mandates Caucus. I am not a member of the committee of jurisdiction, but I rise with a deep-seated feeling that a great majority in this House wants to finish this bill, and I would hope that we could do that.

So, in discussing this matter, Mr. Chairman, I wanted to bring to the attention of my colleagues a draft memo that came to my office last January 11. It says, "From the Democrat leadership": You may want to change your faxes. It says, "First and foremost, our actions and statements must comport with and amplify our overall thematic characterizations of the Republican legislative agenda and congressional management. The arrogance and unfairness of the Republican approach during the markup has led to a shoddy product and one that may (though not all)" not all of your caucus, "and the members of our caucus believe contains unfair and unsound policies.

"Anger and consternation about this procedural abuse should be restated repeatedly, "—and goodness knows my colleagues have done that—" in the days leading up to the floor action by the leadership, using letters to the Speaker and complaining about the mistreatment of the minority, press conferences and discussions with key press people, floor statements, 1-minutes, op-eds, and other communications and techniques."

Mr. Chairman, I know my colleagues' concerns. I know they are concerned about a gag rule and fairness. Lord knows I have been concerned during my tenure when I have been a member of the minority, more especially as a member of the House Administration Committee. I remember times when we were ruled out of order and we could not even speak. I remember one time when the doors were locked and we could not even get in to conduct a hearing.

All of the debate, as of right now, is on establishing the purpose and the scope of the bill. Thirty amendments remain. Even if my colleagues do not offer amendments in the second degree, that is 5 hours of debate, 7½ hours of voting.

Now how long is long? We have not got to title I. That is the commission. That is where we go back over existing unfunded mandates and we take care of that, and that deserves debate.

Now title II is the regulatory section. Title III is the point of order section. We have not even got there yet.

The gentleman from Pennsylvania [Mr. BORSKI] has an amendment pending on clean water. We have eight. That is between seven and nine, eight amendments on clean water. The first amendment by Mr. TAYLOR was on clean water.

Now, Mr. Chairman, to date we have had 5 days, including 1 day of general debate, 20 hours, 168 amendments have been proposed, 16 amendments have been considered, and 2 amendments have been passed.

We need to settle this bill. The delay, the crisis, is throughout this country in regard to the city councils, and the school boards, and every business and every farm, every entity that we have out there suffering from unfunded mandates. The Senate has passed the bill, and I must tell my colleagues, which I share their concern about minority rights and the gag rule—my word, people: 30 more amendments, 7½ hours of voting, 5 hours and we are not even to the 3 titles. How long is long?

With all due respect, with all due respect, and I mean this very sincerely, people crawl out of train wrecks faster than you people consider bills.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes as I announce to the Members of this body and their families that everybody should be prepared to remain here tonight in session until we complete this section of the bill irrespective of the number of votes, procedural or substantive. We will remain here tonight until we finish this section of the bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to point out that we are debating this piece of legislation. We are moving along very judiciously. We have had Members, as a matter of fact, who have several amendments; they have offered to put those amendments en bloc, as the other side very well knows. We have been cooperative in any way that we can.

The interesting thing about this is that we are going to rush to judgment about the amendments that we have. We have a gag rule that has been imposed upon us tonight. We find ourselves without the ability—we found ourselves without the ability in committee to offer amendments, and now we have the gag rule.

Now everybody is talking about, "Why don't we go on?" It is because we want to get this thing done, and we want to do it right. We want to be able to deliberate in the fashion that everybody is supposed to be accustomed to in this House of Representatives.

This is a deliberative body, not one that is not deliberative. I say to my colleagues, "When you can't deliberate in committee, you have to deliberate on the floor."

Further, this bill will not become effective until October 1995. If they were in such a hurry to get this done, why are they making the effective date 10 months from now?

It seems to me something is wrong with that kind of thinking, Mr. Chairman.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with all due respect to the gentlemen on the other side of the aisle who raised the question about why we are moving the way we are, I want to go back to the comment made by the gentlewoman from Illinois: This is a deliberative body.

We have been on this bill 2 weeks. There is no national emergency that says that we have to finish this in another week. What they are are national imperatives that are reflected in the amendments by the people who have been duly represented from constituencies across this country.

Now, if in fact we are going to play games about how long we take to do a bill, then perhaps we ought to do as the distinguished gentleman from Texas said. Let us just go on ad infinitum. I mean that is why we are here anyway. It was not this side's decision to start at 5 p.m., and quite frankly, as my colleagues know, I hear the debate on both sides of the aisle regarding this. I think we ought to move forward, and I would sincerely appreciate if the minority would stop suggesting that Members in the minority should have no rights at all to offer amendments, or to debate those amendments, or to debate aspects of the bill.

Mr. Chairman, this is a process that has been going on long before any Member in this body ever got here, it will go on long afterward, and I would hope and expect that we could move forward with some sense of fairness and some sense of understanding that people on this side of the aisle have a right to offer amendments and have every right to expect that those amendments are going to be debated. The constituencies that sent them here expect that also.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, it appeared to me to be quite obvious that, if the gentleman from Pennsylvania who made the earlier motion would now move that there be no limitation to amendments, that we could proceed with the amendments in order, and I do not think we would have any of this stuff, and we could get out of here a lot earlier than otherwise.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. There is no limitation on amendments. All we have said is that there is a limitation on debate time.

Mr. VOLKMER. Ten minutes on each amendment. If the gentleman would withdraw that and make a motion that there would be no limitation on amendments, on time limits on amendments, then I think we—we have already spent over an hour and have not got through the first amendment.

☐ 1830

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know we are all trying to be as fair as we possibly can. With all sincerity, we put out an open rule on this bill because we did not want it to be a closed rule. We did not want to gag Members on either side of the aisle. Regardless of whether you are a Republican or Democrat, conservative or liberal, you are entitled to be heard. And in putting the open rule out, we have given you the opportunity to offer whatever amendments you want to. But there is a time constraint, and I will say to my good friend the gentleman from Maryland [Mr. MFUME], and he is a good friend, we have a contract to abide by. We are going to get these rules through this Congress.

With 5 days acting on the bill, significant amendments on both sides of the aisle can be offered to these four sections, and there has been ample opportunity. All we are saying now is we have to move on. We cannot continue another 5 days on this issue.

The suggestion was made to me that we go upstairs and put out a closed rule, because we have spent 5 days on this issue. And I personally opposed that. I do not think we should do that, because you should have ample opportunity to be heard.

But as we progress now, after 5 days, we are going to move on to title I probably at 2 o'clock in the morning, and then we will give ample debate on title I. But at some point you will have to limit debate on title I. We have to move through this bill because we have other important issues to come before us.

It does not matter that this bill has an effective date of next October. The fact is the American people want us to pass this bill. The Governors' Association, the school boards, as the gentleman from Kansas [Mr. ROBERTS] has mentioned, the local governments that I served in, they wanted to know that we are going to pass this before final action is taken on the balanced budget amendment.

All Members know that and are very much aware of that. So time is of the essence. We have to pass this bill, and we are going to do it one way or another. We will do it all with your cooperation.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding. I would submit the debate that has gone on has been on both sides of the aisle here in terms of Republicans using their time. Furthermore, I would suggest my information was there was no discussion with the minority when the motion was made today with regard to limiting amendments and the time for amendments on title IV. There is no consultation here, there is no bipartisan effort to work on this bill; that is, both in the actions of the committee and on this House floor tonight. When you start at 5 p.m., who starts at 5 p.m. with their workday and expects to get their job done?

Mr. SOLOMON. Mr. Chairman, reclaiming my time, the gentleman knows for several days negotiations have been going on between myself, the manager of the bill, between the minority leader on your side, trying to get you to come up with the significant amendments and have you offer them, but we have not been able to get anyplace. We have been trying. But we are going to remain as open and fair and accountable as we can, but it is up to you. It is up to you. If you want to cooperate, we will stay that way. If you do not, again I have to remind you, we are going to put this bill through in the next 48 hours.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand guerrilla tactics. See, some of my good friends are smiling on that side of the aisle. I remember when we were in the minority. Sometimes there were closed rules and sometimes the rights of the minority—we were then the minority—were violated, and we had to do something. So I understand that. I understand that.

But our side has pledged and the Committee on Rules chairman has just stated that we wanted to be as fair as possible and have open rules. And toward that end, you have an open rule before you right now and there has been debate going on ad infinitum on this particular piece of legislation.

But let me just tell you, I serve not only on the old Committee on Government Operations, but also the Committee on International Operations, the former Committee on Foreign Affairs, and it has been my observation, and I think the observation of everybody in the majority, that every single dilatory tactic that can be employed is being employed to slow down the progress on the Contract With America. It is very evident. And I think anybody who watches the deliberations of this body knows that every one of these tactics are being employed. Every one of these tactics are being employed, not because you have alternative ideas that are good for America but because you do not want the Contract With America, which is supported by probably 75 percent of Americans, to be heard on this floor. The American people need to know that, and they will know that, the people of this country will see that very, very clearly.

So I would just like to say to those of you who suffered in this last election and do not apparently have any ideas with which to do combat with the Contract With America that it would be in your interests to let open rules come down in an orderly manner, and conduct the business of this House. If you do not do that, we are going to get the Contract With America to this floor, and they are going to be voted on. If we have to stay here every night for months on end, we are going to get that done. And the American people, when they see the tactics you are employing to slow down what they wanted and what they elected us to do, it is going to cost you even more dearly in 1996.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, I thank the gentleman from Indiana for yielding, and I appreciate his remarks and certainly appreciate the remarks of the gentleman from New York [Mr. SOLOMON]. I recognize that to a large extent his desire to not go back and close this rule is sincere, and I appreciate that. But we have engaged in a process of who can out-talk who, and we have not done one amendment.

When the other side won the vote to allow us to move ahead with the 10-minute procedure, that would have taken place, had not the gentleman from Kansas [Mr. ROBERTS] gotten up and began to read and suggest over here we were doing something. I would think after this maybe we could go into the next amendment.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, that was a great speech, but actions speak louder than words, and anybody watching these proceedings knows what you are doing.

The CHAIRMAN. Are there further substantive amendments to section 4?

AMENDMENTS OFFERED BY MR. BORSKI

Mr. BORSKI. Mr. Chairman, I offer two amendments which were printed in the RECORD as amendments numbered 35 and 36.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BORSKI:

In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

(B) known to cause or can reasonably be anticipated to cause in humans—

(i) cancer or teratogenic effects; or

(ii) serious or irreversible—

(I) reproductive dysfunctions;

(II) neurological disorders;

(III) heritable genetic mutations; or

(IV) other chronic health effects.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

"(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

"(B) known to cause or can reasonably be anticipated to cause in humans—

"(i) cancer or teratogenic effects; or

"(ii) serious or irreversible—

"(I) reproductive dysfunctions;

"(II) neurological disorders;

"(III) heritable genetic mutations; or

"(IV) other chronic health effects.

Mr. BORSKI. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BORSKI] is recognized for 5 minutes, and a Member opposed is recognized for 5 minutes.

☐ 1840

Mr. BORSKI. Mr. Chairman, I believe unreasonable unfunded mandates should not be sent to local governments.

Congress should not require unfunded mandates without careful consideration and deliberation.

But there are issues—major and significant issues—on which the Federal Government has a truly legitimate role in setting nation-wide standards.

Mr. Chairman, the Clean Water Act has been one of the great successes of modern America in cleaning up our Nation's waters and in protecting the health of the American people.

Is it unreasonable for us to set limits and restrictions on the dumping of pollution in our Nation's waterways?

The Federal Government for more than two decades has paid part of the cots of cleaning up the waters.

It is true that we have set standards and only paid part of the cost. We have not paid all of the hundreds of billions of dollars needed to protect the American people. It has been a cost-sharing program.

The alternatives to Federal action to limit water pollution are unacceptable. Local governments could also set the standards necessary to protect human health and then pay 100 percent of the cost.

It would be cheaper for local governments to set standards that do not protect the health of the American people, but I do not believe that local governments officials would choose a policy that would not protect the health of their residents. However, if local governments might choose to set lower standards for water pollution to save money, shouldn't the Federal Government have some role in protecting human health?

My amendment would exempt any bill establishing limits on the addition of health-threatening pollutants into the waters.

These health effects would be only the most serious, such as cancer, birth and young infant defects, major reproductive problems, nerve system damage, and genetic damage.

Mr. Chairman, there is truly widespread support to reduce unfunded mandates but there is no evidence the American people want to increase the risk of the serious health problems caused by water pollution.

The Clean Water Act was passed in 1972 because of the urgent and immediate need to begin a national program of cleaning up our rivers, lakes, and streams.

We were faced with a national crisis of polluted waters that threatened the Health of the American public.

The Clean Water Act has shown a solid record of achievement as we have successfully reduced pollution into the waters. The Environmental Protection Agency's water quality inventories show an ever-increasing percentage of waters that have achieved their cleanup goals.

I urge the Members of this House not to place the Clean Water Act—and the health of the American people—on the chopping block.

We should be cutting back on unfunded mandates but we should not destroy our ability to protect the health of the American people.

I appreciate the committee chairman's concern to keep this law as simple as possible. But that doesn't mean there shouldn't be any exceptions. The bill as reported by the Committee on Government Reform and Oversight already has seven exceptions.

Why do we have those seven exceptions that are already in the bill if we want no exceptions?

We have those exceptions because the authors of the bill believe those purposes are important enough that bills on those subjects should not be delayed with an additional point of order.

I am saying that laws concerning the control of water pollution that could have a serious and adverse impact on human health should also be exempted from this special new requirement.

We are creating two different rules for legislation on this House floor. Some bills face tougher requirements than others.

Mr. Chairman, my amendment attempts to get legislation protecting human health into the easier category for floor consideration that has already been established by the Government Reform and Oversight Committee.

We must act like legislators—Members of the United States House of Representatives—and stand behind legislation that will protect the health of the American people. I urge my colleagues to support my amendment to exempt water pollution laws that protect human health from this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I represent Punxatawney, PA, and in about 3 or 4 days we will be celebrating Groundhog Day. And some years ago there was a movie called Groundhog Day in which the same day was repeated over and over and over again.

Mr. Chairman, I would suggest there is an analogy here to what we have been doing in the Committee of the Whole, because a number of these amendments are in fact repetitive. We have dealt with at least one amendment having to do with the Clean Water Act and with its reauthorization, and that was earlier in our debate. There are at least eight more pending in that regard.

So, Mr. Chairman, I would call the attention of the Members, particularly on the other side of the aisle, to a statement by President Clinton made to the Governors just within the last 2 or 3 days in which he said,

> We are strongly supporting the move to get unfunded mandates legislation passed in the Congress, and we are encouraged by the work that was done in the United States Senate where, as I remember, the bill passed 86 to 10. After a really open and honest discussion of all appropriate amendments, the legislation is now moving through the House.

I am not sure that he was aware how slowly it was moving. I think there are about 100 amendments pending, he said, but I think they will move through it in a fairly expeditious way, just as the Senate did.

So I would urge my colleagues on the other side of the aisle to heed the suggestion of their President to move this bill as expeditiously as possible. This, again, is an amendment that deals with a very, very important piece of legislation. It deals with a very important issue. The only question is, does it rise to any higher level of concern than all of the other exemptions that we have been considering.

Again, this is not a retrospective look. It is only prospective. It will not affect anything that is presently on the books, nor should it. But it does say that if we are going to enact additional requirements under the Clean Water Act, then we should at least consider the cost to those who are going to be imposed upon.

Mr. Chairman, I would plead with the Members to defeat this amendment and recognize that the Governors, the county commissioners, all of our State and local officials are crying out for relief from unfunded mandates.

Mr. Chairman, I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield 45 seconds to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I want to talk a little bit about the Portland metropolitan area which has a problem with combined sewer overflows and the cost of clean-up is estimated at $1 billion. But Portland area residents, the State and the city governments are not urging us to roll back the Clean Water Act. In contrast to what heard today, public opinion poll after public opinion poll ranks clean water as the top priority for the northwest.

The answer does not lie in forsaking fundamental values. Instead we must update and reprioritize our budget priorities.

We should spend, in my opinion, less on cold war weapons and more on domestic priorities.

I support the Borski amendment.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, under this bill the Congress will still have the authority to pass the legislation that the gentleman from Pennsylvania wants. We still have that authority. We have not given that up at all. We will simply have the cost in front of us before we move ahead and, before we say to our localities that we are going to pass the bill to them and shift the tax burden from the progressive income tax to local property taxes, we are going to understand what that bill is. Before we say that this amendment is more important than local education projects, than local police protection, we are going to have a cost done so that this body can appropriately consider it.

We can still address the clean water that the gentleman is concerned about. This does not affect any existing mandate whatsoever. I think that needs to be clarified. We still have that flexibility, but we are going to know the cost first.

Mr. BORSKI. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from California [Mr. MINETA], who is wearing the pride of the Super Bowl victors on his shirt. I would remind the gentleman that the Eagles defeated the 49ers 40 to 8.

Mr. MINETA. Mr. Chairman, I rise in support of the Borski amendment. This amendment assures that we do not cripple our future efforts at protecting the basic rights of our constituents.

As we learned so dramatically in Milwaukee, when over 100 individuals died because of waterborne bacteria, pollutants in our water can have serious adverse health effects. If we support the Borski amendment, we will be able to respond to new and serious threats to human health.

If we do not adopt this amendment, government will be far less able to respond and will be far slower in responding to new and serious waterborne threats to human health.

To me, this is what the amendment is all about. Therefore, I urge my colleagues to support the Borski amendment.

Mr. Chairman, I am pleased to rise in support of Mr. BORSKI's amendment.

The Borski amendment assures that we do not cripple our future efforts at protecting the basic health rights of our constituents. As we learned so dramatically in Milwaukee when over 100 individuals died because of waterborne bacteria, pollutants in our water can have serious adverse health effects.

I congratulate my colleague for having the foresight to be willing to assure our ability to continue to protect our constituents from water pollution which may cause significant and serious health problems.

Both this floor and the Transportation Committee have been the scene of spirited debate over what is the proper level of protection of the environment. Although we Members may differ on how we answer that question, I do not believe that we have ever differed on the need to preserve basic human health from the most serious adverse effects of pollution.

The protection of human health should not be considered an unfunded mandate. In fact, one of the primary responsibilities of State and local government is to assure the protection of the health of their citizens. Fortunately, in the area of clean water, Congress has been funding the efforts of State and local governments in protecting citizens from pollution. Over $60 billion has been provided to date and I fully expect funding to continue.

However, we should not be so foolish to believe that State and local governments would not take steps to protect human health but for the requirements of the Clean Water Act. For example, 100 years ago Chicago took steps as bold as to reverse the flow of the Chicago River in support of public health.

The world we live in is more complex than that which existed in the last century, we do not know what the next century will bring. If we support the Borski amendment, we will be able to respond to new and serious threats to human health. If we do not adopt this amendment, government will be far less able to respond, and will be far slower in responding, to new and serious waterborne threats to human health. That is what this amendment is all about.

I urge my colleagues to support the Borski amendment.

Mr. CLINGER. Mr. Chairman, may I inquire as to who has the right to close.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has the right to close.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I am pleased the gentleman did not reference the Redskins' performance this year, but we are coming back.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania providing this legislation not apply to regulations protecting U.S. waters and pollutants of toxic waste.

Day after day after day, like groundhog day in that movie, we are having the Chesapeake Bay polluted, one of the greatest estuaries of this world. We need to stop it. The Federal Government has taken substantial steps toward that end.

I think it is appropriate to say in this instance, because of the critical nature of the problem that we confront with respect to the pollution of the Chesapeake Bay and other waterways of this Nation, that this is not the type of unfunded mandate, that, in fact, yes, it is costly to clean up our waste, but it is not so costly that the cost downstream and in the long run is not far greater.

□ 1850

Mr. Chairman, I think that is what the gentleman's amendment speaks to, and I rise in its support.

Mr. Chairman, do we need to curb the ease by which we pass unfunded mandates on to State and local governments? Yes we do.

However, it is important to recognize that there are many present mandates which the Federal Government imposes and which my constituents would not want abolished.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania providing that this legislation not apply to regulations protecting U.S. waters from pollutants and toxic waste.

The transformation of the Chesapeake Bay from its dismal state a decade ago into the more healthy estuary in the world is a perfect example of what the shortsighted impact of this legislation could be. We cannot move backward on the Chesapeake Bay.

We must guarantee that individual localities not be able to dump waste into waters and destroy the very environment that is enjoyed by people across the entire mid-Atlantic region and whose health our coastal economics depend upon.

It is imperative that the future impact of H.R. 5 not jeopardize the successes of several environmental, safety, and health standards that the American people depend upon and support.

Unfunded mandate legislation cannot and should not result in unintended consequences.

Mr. Chairman, we have a Contract With America. It is the contract that we have made together to provide protections and safeguards for our environment, our workers, and our health.

I agree with my colleagues who support this measure that we must more carefully judge the requirements we impose. However, in the rush to legislate we must ensure that we are not rushing to abdicate important protections that the American people want and expect.

Mr. BORSKI. Mr. Chairman, I would ask if I have any time remaining.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BORSKI] has 15 seconds remaining.

Mr. BORSKI. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, my amendment attempts to get legislation protecting human health in an easier category for floor consideration than has already been established by the Committee on Government Reform and Oversight.

I urge my colleagues to support my amendment to exempt water pollution laws to protect human health from this bill.

Mr. CLINGER. Mr. Chairman, I yield the balance of my time to the gentleman from New Mexico [Mr. SCHIFF], chairman of the committee.

The CHAIRMAN. The gentleman from New Mexico [Mr. SCHIFF] is recognized for 1½ minutes.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have here a copy of a water bill and sewer bill from the city of Albuquerque from this month that was sent to a constituent. For his sewer charge, it shows: base charge, $13.08; unfunded Federal mandate to remove ammonia, $12.15. In other words, a Federal requirement to remove one product from the sewer system is equal in cost, to the residents I represent, to their whole base charge for all of the other costs of running the sewer system.

Is it possible, Mr. Chairman, that in this or in other instances, upon a careful analysis, costs like this must be borne? I think the possibility certainly exists. I do agree with the other side, of course, on the importance of cleaning up our water, but who has measured this? Who has measured from the Federal Government whether in fact doubling the cost of the sewer rates to the residents of Albuquerque is, in fact, what is needed to keep this water at an appropriate level of toxic pollution control?

Mr. Chairman, my point is that this bill would require that kind of accounting, that kind of accountability, and that is why the gentleman's amendment should be rejected.

AMENDMENT OFFERED BY MR. VOLKMER TO THE AMENDMENTS EN BLOC OFFERED BY MR. BORSKI

Mr. VOLKMER. Mr. Chairman, I offer an amendment to the amendments.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment offered by Mr. VOLKMER to the amendments en bloc offered by Mr. BORSKI:

At the end of the amendments add the following: "V. Reproductive disorders."

Mr. CHAIRMAN. There is no debate in order on this amendment.

The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] to the amendments offered by the gentleman from Pennsylvania [Mr. BORSKI].

The question was taken; and on a division (demanded by Mr. VOLKMER) there were—ayes 42, noes 78.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

Mr. CHAIRMAN. The Chair announces that pursuant to clause 2(c), rule XXIII, he will reduce to 5 minutes any recorded vote on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. BORSKI] following the vote on the amendment thereto offered by the gentleman from Missouri [Mr. VOLKMER]. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 312, not voting 8, as follows:

[Roll No. 60]

AYES—114

Abercrombie
Ackerman
Barcia
Becerra
Bentsen
Bishop
Bonior
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Danner
Dellums
Deutsch
Dicks
Dingell
Dixon
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Green
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Nadler
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Wise
Woolsey
Wynn
Yates

NOES—312

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fattah
Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Brown (CA)
Harman
Hastert
Hefner
Jefferson
Leach
Neal
Weldon (PA)

□ 1911

Mr. MORAN changed his vote from "aye" to "no."

Mr. HILLIARD changed his vote from "no" to "aye."

So the amendment to the amendments was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. BORSKI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 263, not voting 9, as follows:

[Roll No. 61]

AYES—162

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—263

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Markey
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Brown (CA)
Burton
de la Garza
Harman
Hastert
Hefner
Jefferson
Neal
Weldon (PA)

□ 1919

Mr. MARKEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Chairman, during rollcall vote Nos. 60 and 61 on H.R. 5, I was unavoidably detained. Had I been present I would have voted "nay" on both.

□ 1920

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments, amendment No. 39 and amendment No. 41.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from huger or homelessness.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I am pleased to offer these amendments along with the gentlewoman from Texas [Ms. JACKSON-LEE].

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding me this time.

I am very proud today to offer this amendment today with my good friend and colleague from Missouri [Mr. CLAY].

As chairman of Houston's task force on homelessness, for many years I have worked on the issues of hunger and homelessness in the State of Texas. In my home city of Houston, we have over 10,000 homeless and many thousands of families who are perhaps only one paycheck away from losing their homes.

On any given night in this country, even though we have a roof over our head, we will find 600,000 people are homeless in the United States. Ne'er-do-wells? I do not think so. People who want a chance or an opportunity, people who have been one paycheck away from maintaining their home and are now out on the street; these people have children. It is estimated that 10 times that number have been homeless at some time during the past 5 years. Clearly homelessness is increasing, impacting more and more lives.

I think it is important for this body to acknowledge that homelessness in the United States has reached epidemic proportions. We must, as Members of Congress and as private citizens, take time to look beyond our own experience so that we may fully understand the magnitude of the crisis.

The majority in this new Congress have said the community at large can handle this problem of homelessness. Oh, I truly appreciate charitable institutions in my district, but we all must break the cycle of homelessness. The Children's Defense Fund estimates over 5 million children go hungry at some point during the month, and over 6 million children live in severely inadequate housing. Clearly a child's nutritional, educational, and overall general health needs are all compromised when subjected to a life that shuffles them from shelter to shelter.

By ignoring the need for greater Federal involvement, we are placing more children at risk for abuse and neglect. The time is now, and I am very grateful to have joined with the gentleman from Missouri in order to effect a bipartisan effort in fashioning a program to address the issue of child hunger and homelessness that should not be eliminated through unfunded mandates.

Although I support abolishing unfunded mandates, I think we must protect our children. I urge my colleagues to seriously consider the ramifications this legislation will have on homeless children and their families.

Realize that literally 10,000 homeless are in the city of Houston; 1,500 of them are children; 150,000 are marginally homeless, doubling up, living with families, friends, and relatives; 30,000 are children; 250,000 are at risk of becoming homeless, living paycheck to paycheck. Any layoff, downsizing, or illness will affect them, and throw a family into a homeless condition. Without safeguards such as our amendment, we put at risk every program that is designed to help the homeless and near homeless to self-sufficiency. Remember, what we are looking forward to is unfunded mandates not to burden our cities, counties, and towns. Then we need to look forward to assisting those who are seeking independence to go from dependence in order to make sure we avoid the homeless cycle.

Mr. Chairman, I am proud to offer this amendment today with my friend and colleague from Missouri, Mr. CLAY. As chairman of Houston's task force on homelessness, for many years I have worked on the issues of hunger and homelessness in the State of Texas. In my home city of Houston, we have over 10,000 homeless and many thousands of families who are perhaps only one paycheck away from losing their homes.

On any given night, as many as 600,000 people are homeless in the United States. It is also estimated that 10 times that number have been homeless at some time during the past 5 years. Clearly, homelessness is increasingly impacting more and more lives. For this Congress to acknowledge that homelessness in the United States has reached epidemic proportions is only a small step in the right direction. We must, as Members of Congress and as private citizens, take time to look beyond our own experiences so that we may fully understand the magnitude of their crisis.

The majority in this new Congress has said that the community at large can handle the problem of homelessness. I respectfully disagree with my colleagues on the other side of the aisle. As the chairperson of the task force on homelessness for the city of Houston, I have learned first hand that the Federal Government must play a greater role in breaking the cycle of poverty and homelessness. I have great admiration for the charitable institutions of my district. However, even with the goodheartedness of local communities, our cities cannot and should not be expected to respond to a problem of this magnitude.

More importantly, no longer can we overlook the fact that far too many children are affected by hunger and homelessness. The Children's Defense Fund estimates that over 5 million children go hungry at some point during the month, and over 6 million children live in severely inadequate housing. Clearly, a child's nutritional, educational, and overall general health needs are all compromised when subjected to a life that shuffles them from shelter to shelter. By ignoring the need for greater Federal involvement, we are placing more children at risk of abuse and neglect.

The time is now—we must work together in a bipartisan fashion in addressing the issue of child hunger and homelessness. We must work together to assist our communities in their efforts. We must work to provide a coordinated effort to create a system that will help move homeless people from the street, to transitional support, and then to permanent housing.

I urge my colleagues to seriously consider the ramifications that this legislation will have on homeless children and their families. Without safeguards such as our amendment, we put at risk every program that is designed to help the homeless and near homeless to self-sufficiency.

I look forward to working with my colleagues on this important issue and strongly urge their support for this amendment.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendments for the same reasons that I opposed the amendment by the gentleman from Vermont. [Mr. SANDERS], the gentleman from Pennsylvania [Mr. KANJORSKI], and the gentlewoman from New York [Mrs. MALONEY], all of which dealt with some phase of children's concern.

So I must oppose the amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, on any given night there are 9,000 hungry and homeless children in California.

I rise in strong support of the Jackson-Lee/Clay amendments.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to offer this amendment along with the gentlewoman from Texas [Ms. JACKSON-LEE]. Sponsors of the unfunded mandates bill wisely decided that certain laws and regulations are too vital to the national interest to be subjected to the cost-benefit and procedural hurdles mandated under this bill. The exclusions already in section 4 acknowledge that we should not engaged in cost-benefit analysis and procedural fights when it comes to civil rights, national emergencies, or international treaties.

Well I think America's children deserve the same protection from the cost-benefit analysis that lies at the heart of this bill. The Federal Government has the responsibility to ensure that the States protect America's children from malnutrition and homelessness. A point of order should not stand in the way of Federal laws that protect our children. America's children are at least as important as international treaties.

One out of four children in this country live in poverty. Millions of children go to bed at night hungry. Too many children have no home to go to. The problems generated by the way this society treats children cross State lines; there are national problems that require national solutions, as set forth in Federal laws. There are housing problems that demand Federal solutions. When we consider laws designed to protect our children from these harms, let us not subject those laws to the obstacles created by this legislation.

Mr. Chairman, I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Jackson-Lee/Clay amendment to H.R. 5 which will help ensure that the Unfunded Mandates Reform Act will not apply to, among other things, laws and regulations necessary to protect American children against the tragedy of hunger and homelessness.

In cities and rural areas throughout our Nation, millions of American men, women, and children go to sleep on our streets cold and hungry and without hope. It is estimated that twelve million children under age 18—one in five—go hungry each day. On any given night in Los Angeles County, there are up to 84,000 homeless people and, more tragically, 9,000 are children.

Chronic hunger and homelessness are among the greatest threats facing our Nation's children. At a time when they are in greatest need of adequate nutrition and shelter, hungry and homeless children are likely to have their physical and emotional growth and educational development permanently limited. If we doom the chance of American children to become productive workers by failing to invest in them and protect them now, we forge a dubious future for this Nation.

Since the 1970's, the Federal Government has recognized that it must play a major role in addressing homelessness and hunger for families and their children. We have recognized that we have a moral obligation of the highest order as the greatest democracy in the world to protect the most vulnerable members of our society—our children. Existing programs to supplement the nutritional needs of children are critically important to maintaining a safety net for children and their families.

At a time when we should be mounting an unrelenting attack on poverty in America, H.R. 5 threatens a massive retreat from the war on hunger and homelessness. The conditions of hunger and homelessness, and its resultant human suffering, are growing and pervasive problems that will only be exacerbated by the procedural barriers imposed by H.R. 5 and other provisions of the Republican contract with America.

Those who argue that the problem can be addressed through charitable groups are turning a deaf ear to the warnings of organizations such as Catholic Charities, one of the largest in the country, that clearly state they cannot shoulder this responsibility on their own.

We must not be so short sighted in our efforts to bring the Federal deficit under control to abandon our children and leave them without adequate nutrition or housing.

While the road to a total solution for hunger and homelessness is a long and difficult one, our responsibility as Members of Congress is clear: We must continue to protect American children from hunger and homelessness. The Jackson-Lee/Clay amendment is an important step in that direction.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED MS. JACKSON-LEE TO THE AMENDMENTS OFFERED BY MR. CLAY

Ms. JACKSON-LEE. Mr. Chairman, I offer an amendment to the amendments.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE to the amendments offered by Mr. CLAY: Page 1, line 1, insert "and adults" after "children."

The CHAIRMAN. The amendment to the amendments offered by the gentlewoman from Texas [Ms. JACKSON-LEE] is not debatable.

The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] to the amendments offered by the gentleman from Missouri [Mr. CLAY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Ms. JACKSON-LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The Chair may reduce the next vote to 5 minutes.

The vote was taken by electronic device, and there were—ayes 142, noes 285, not voting 7, as follows:

[Roll No 62]

AYES—142

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—285

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Brown (CA)
Farr
Gilman
Hastert
Hefner
Neal
Weldon (PA)

☐ 1946

Messrs. THORNTON, McDADE, and BEVILL changed their vote from "aye" to "no."

Mr. BALDACCI changed his vote from "no" to "aye."

So the amendment to the amendments was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. If the gentleman from Missouri, myself, had an amendment to the amendment of the gentleman from Missouri [Mr. CLAY], would it now be in order to offer that amendment to the amendment of the gentleman from Missouri?

The CHAIRMAN. A nondebatable amendment could be offered.

Mr. VOLKMER. Mr. Chairman, I do not plan to do it; I just wanted to be sure.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 277, not voting 6, as follows:

[Roll No 63]

AYES—151

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—277

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute

Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Brown (CA)
Hastert
Hefner
Houghton
Neal
Weldon (PA)

□ 1954

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments, numbered 40 and 42, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

> Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following:
>
> (8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.
>
> In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following:
>
> (8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. CLAY] that the amendments numbered 40 and 42 be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds a much needed exemption to this bill. It provides that this act shall not apply to Federal laws or regulations that protect the health and welfare of children, discouraged workers, and others, who, through no fault of their own, need welfare assistance.

We as a nation have a duty to ensure that no one is left without the means to provide for the basic necessities of life. In a society as wealthy as ours, we have a moral responsibility to lend aid to the most vulnerable members of our society, including those who cannot find decent work for decent pay.

Our Nation's unemployment rate is approximately 5½ percent, and while that rate signifies better times for many, it still leaves almost 8 milion unemployed. Hidden from that number are half a million others who no longer are counted as unemployed because they have given up hope of finding gainful employment. They have become discouraged workers.

There are tens of millions of others, including children, the aged, and the infirm, who cannot work. They don't have organized lobbyists pressing their case before Congress. They don't have the resources to contribute to political campaigns. And, too often, when they are not being ignored and forgotten, they are being blamed for circumstances which are as much of our making as their own. The best way to protect these vulnerable members of our society from the onerous and cost-benefit provisions under this bill is to shield them from these provisions.

I disagree with those who claim that this welfare crisis is the fault of the poor. We have a minimum wage today that does not support a family of three above the poverty line. We have a fiscal policy that encourages unemployment to curb inflation. We have a trade policy that encourages the exporting of low skilled jobs.

Solving this crisis is the greatest challenge we face today.

Without my amendment, H.R. 5 will discourage the Congress from meeting its moral and constitutional responsibilities to "provide for the general welfare" of the poor, the infirm, and the helpless. While the Federal Government clearly has a large role in solving the welfare crisis, State and local governments have significant responsibilities as well. We, as elected Representatives to the national Government, are ultimately responsible for ensuring that governments at all levels meet their responsibilities to the weak and the poor.

Hubert Humphrey said "The moral test of government is how it treats those in the dawn of life—the children; those in the twilight of life—the old; those in the shadow of life—the sick and the handicapped." To adopt H.R. 5 without this amendment is to turn our backs on our highest responsibility.

Mr. Chairman, I urge adoption of the amendment.

Mr. CLINGER. Mr. Chairman, I must oppose this amendment for the reasons that have been repeated here so often this evening and over the last 5 days.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. PORTMAN].

□ 2000

Mr. PORTMAN. Mr. Chairman, it will not come as a surprise that I rise again to oppose yet another amendment excluding whole areas of the law from the very reasonable cost analysis provided in the legislation, H.R. 5.

It might be of interest to know this is the eighth amendment to section 4 relating to health, the fifth amendment relating to safety, and the seventh amendment relating to child welfare.

The reason these amendments went down, they were all voted down with solid bipartisan votes, the last one was 277 to 155, is that the bill before us in no way precludes Congress from acting responsibly in these areas to protect the very important national interests that are the subject of these amendments.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

I have no further requests for time, Mr. Chairman. One of the reasons that those amendments have been going down is precisely what I said in my remarks, that the people that we are attempting to protect here do not have the benefit of lobbyists and other organizational protections on their side. It does not have to be that it is a bipartisan effort that is defeating this. It is a lack of compassion, in my opinion, on the part of some who do not realize the suffering of the people that we are trying to exempt.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Just in closing, I would say that I think the reason that those amendments have gone down is not for the reason the gentleman stated but because the majority of this body recognized that all of the interest groups that have been the subject of these amendments are not going to be affected by this law adversely.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY]

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 284, not voting 12, as follows:

[Roll No 64]

AYES—138

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Brown (FL)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Jackson-Lee
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Nadler
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Williams
Woolsey
Wyden
Wynn
Yates

NOES—284

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Bateman
Brown (CA)
Cubin
Hastert
Hefner
Hilliard
Hoyer
Neal
Roybal-Allard
Watts (OK)
Waxman
Weldon (PA)

☐ 2017

Mr. WISE changed his vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

PERSONAL EXPLANATION

Ms. ROYBAL-ALLARD. Mr. Chairman, I was unavoidably detained during rollcall No. 64. Had I been present I would have voted "aye."

AMENDMENTS OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer two amendments which are numbered 43 and 44, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. VOLKMER. Reserving the right to object, Mr. Chairman, and I do not plan to object, but I rise to ask the gentleman from Missouri [Mr. CLAY] to explain briefly why he is wishing to put these amendments en bloc, together.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would just say this is a very important amendment that would exempt the schoolchildren of this Nation, some 44,000 of them who are suffering from or endangered by asbestos.

Mr. VOLKMER. Mr. Chairman, further reserving the right to object, the gentleman has two amendments to two sections or titles of the bill.

☐ 2020

Mr. CLAY. Yes, one of them is purely a technical amendment.

Mr. VOLKMER. But if the gentleman really wanted to delay this bill, he could not offer to put them together and could offer them separately as the bill progresses as other Members could have done who have put their amendments together; is that correct?

Mr. CLAY. That is correct. One of the reasons I might say to the gentleman that it is necessary for us to offer these amendments on the floor is that individuals who were going to offer them in committee were precluded from offering those amendments. There were no public hearings on these and, as I understand, only one public witness was permitted to testify. That is why we are going through the procedure that we are going through, and Members of Congress who want to be heard on important issues like this have to and are forced to rely on these kinds of procedures.

Mr. VOLKMER. Mr. Chairman, with that understanding, and with the clear understanding that the gentleman by offering these amendments en bloc is not trying to delay the progress of this bill, I withdraw my reservation.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. CLAY: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following: (8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or", at the end of paragraph (7), and add after paragraph (7) the following: (8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] will be recognized for 5 minutes, and a Member opposed, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment exempts from the requirements of the unfunded mandates bill protections for children from exposure to environmental hazards in school.

We have heard an awful lot these past few days about concerns Members have about the future and especially about the future of our young people. We have been told that we have to reduce the deficit because if we do not, our children and grandchildren will bear a terrible price.

I think this concern about our young and their future is legitimate. The amendment I offer goes right to the heart of that concern.

This amendment is a children's protection amendment. It is based on the simplest of objectives, namely that our children within the classroom deserve the safest possible environment in which to learn. That means clean water to drink, clean air to breathe. It means not being exposed to asbestos, lead and radon. Exposure to these contaminants is making our children sick from one end of this Nation to the other. As many as 15 million children attend more than 44,000 schools containing friable asbestos. Children who are exposed to asbestos on a daily basis are up to 10 times more likely to develop lung cancer and other diseases than an adult.

The terrible effects that lead exposure has on children have been well-documented. They are much more vulnerable to lead exposure that adults and lead-related losses of intellectual capacity is irreversible. Lead exposure can damage the brain and the central nervous system. It is estimated, Mr. Chairman, that 3 million children, one out of every six, have significant blood lead levels.

The Centers for Disease Control found that 67 percent of the children tested in Oakland schools were lead poisoned. Sixty percent of low-income children tested in Chicago were lead-poisoned. In Philadelphia, 29 percent of the children tested at inner-city hospital emergency rooms had blood levels that were 50 percent above the lead poisoning threshold. Six Midwestern States alone have close to 200,000 children who suffer from lead poisoning.

Finally, Mr. Chairman, my amendment addresses the issue of radon. This is a radioactive gas which has been linked to numerous lung cancer deaths. Young people are more susceptible than adults to the risks of cancer caused by radon, and the sad reality is that the source of much of this radon is in the public schools. Half of the schools recently surveyed by the EPA contained radon that exceeded acceptable levels.

Mr. Chairman, if that notorious butcher of Baghdad, Saddam Hussein, invaded our country and contaminated our schools with poisonous levels of lead, asbestos and radon, we would be up in arms. It is no less of a threat because it is happening unintentionally.

All unfunded mandates are not inherently bad. Some of them are worth standing up and fighting for. To me an unfunded mandate that rids our schools of poison is worth that fight.

Mr. Chairman, I urge my colleagues to stand up for children and our future and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment as well. But I want to first of all express my appreciation to the other side and the gentleman for the expeditious way in which we handled the previous amendment without an amendment to the amendment and also to the gentleman for offering his amendments en bloc. I think that is very helpful.

But again I would oppose the amendment because of the reasons previously stated.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank my colleague from Pennsylvania for yielding me the time.

Mr. Chairman, first of all by defeating this amendment, we do not affect in any way the current law and current regulations affecting lead paint or asbestos. Those regulations, those rules, stay intact. This amendment does not even prohibit this House or this Congress from affecting future mandates and future laws governing these areas as well. We maintain that flexibility. All we do is we get those costs in front of us before we act, so that we can understand what the true costs of the regulations are going to be before we send the bills down to our State and local governments who are going to have to carry them out.

Let me give a couple of examples of how sometimes the best intentions from this body end up having the opposite effect that we intend by the time they filter down to the State and local governments who we are supposedly trying to work with and help.

On asbestos removal we had a project over in my county and it cost the county $7 million in renovations of an old school because of the asbestos removal, that we had originally hoped to put up as a senior citizens activity center and a home for the elderly. But the costs became very, very high in stretching that out. In one case we were able to build the center. In the other we had to abandon our plans to build housing for seniors. We could not do it because the costs were so great that had been sent down to us.

Asbestos removal, unleaded paint, we will have the flexibility under this law to move ahead, but the unintended effects have been that we have put untold costs on localities, we have made construction of homeless shelters, senior housing, community centers too expensive in many cases because of these removal costs that we have put onto the localities. So in an adverse and unintended way, instead of protecting our children, it hampers local and State governments' ability to provide these services.

I have been in local government for 15 years, Mr. Chairman. This sounds great but I can tell you it holds so many unintended consequences that have the adverse effects that work contrary to how we want them to by the time it gets down to local governments.

I think this is an amendment that should be defeated.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is important. Without the kind of protection that this amendment offers, while we will be debating points of order under the legislation, children will continue to be exposed to life-threatening conditions. Under the language of this bill, we will not be able to reauthorize legislation to protect the children if we do not pass this kind of legislation without going through the dilatory kinds of things that are required and the time-consuming estimation of costs. We will not be able to reauthorize those protections that we now have in the law for children who are exposed to these kinds of contaminants.

I urge my colleagues to support the amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, in listening to the gentleman and the gentleman on the other side, I come to a conclusion that concerns me a great deal. That is, under the provisions of the bill which is said that if a reauthorization for one of these matters comes up and it costs a certain amount, that it is very likely that those people who are now voting against children and the handicapped and everybody else, that they probably would not vote in the future for those same people, and as a result you would not see anything. Is that your concern?

☐ 2030

Mr. CLAY. I agree; that is my concern.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. CLAY] has expired.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise in opposition to this amendment for the very clear reason that had this bill been in fact in force, the problems with asbestos removal as we know today would not be there. We have in fact come close to $100 billion in the costs associated with asbestos removal.

There are some very significant studies now coming forth in the medical community that would say that we have in fact increased the risks to the children through our removal programs with asbestos rather than decreased their risks. As a physician, my concern is for the children in the schools and the results of that.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Missouri [Mr. CLAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 297, not voting 10, as follows:

[Roll No. 65]

AYES—127

Abercrombie
Ackerman
Barcia
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Mascara
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Oberstar
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rangel
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torricelli
Towns
Tucker
Velazquez
Vento
Volkmer
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—297

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Maloney
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bateman
Brown (CA)
Ganske
Hastert
Hefner
Luther
McCarthy
Neal
Ward
Weldon (PA)

☐ 2047

Messrs. MOLLOHAN, BALDACCI, and OLVER changed their vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, due to unavoidable circumstances, I missed rollcall vote No. 65—during consideration of H.R. 5, Unfunded Mandates Reform Act—on January 30, 1995. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. JACKSON-LEE

Ms. JACKSON-LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to Medicaid.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

☐ 2050

Ms. JACKSON-LEE. Mr. Chairman, I offer this amendment because for those who are the least among us, they have little voice sometimes in the halls of Congress. The Medicaid program fulfills a promise to provide much needed health services to over 20 million Americans. This is a promise that must be honored. Without question, we must reduce waste and inefficiency in this program. I support that. I want efficiency and no waste. But I fear that as we visit this legitimate concern this Congress will use a tactic of not fully funding the program as an excuse to extremely limit its scope and potential. In effect, such tactics could even serve to paralyze the program under the current unfunded mandates legislation.

Medicaid serves the crucial health needs of children, disabled adults, families and the elderly, all of whom may be indigent. I do not expect this to be a popular issue, yet it is one that cannot be ignored.

Many State Governors have voiced dissatisfaction with the Medicaid program. I want to work with them to make it better. I think their dissatisfaction stems from the frustration surrounding the inability to control the costs of health care and the continued increase in the number of people who are not covered by insurance.

What I fear though, is the notion that Medicaid could crumble under the tide of programs that are unable to be fully funded. The success of this program is directly tied to the idea of cost sharing between the Federal Government, States and localities. We cannot let the indigent down. It is not an unrealistic idea to expect the States to financially contribute to a program which serves the health needs of its citizens.

The States should realize that Medicaid is an investment into the value of the health of its people and Medicaid helps to serve the indigent. Healthier citizens translate into to more hours worked on the job, if able, more income generated and higher productivity rate.

In sum, everyone in the State becomes better served when the health of its residents, including the indigent, becomes a priority.

Let us today make the health of America's economically disadvantaged a national priority and vote in favor of the Jackson-Lee amendment to H.R. 5.

Mr. Chairman, the Medicaid program fulfills a promise to provide much needed services to over 20 million Americans. This is a promise that must be honored. Without question, we must reduce waste inefficiency within this program. But I fear that as we visit this legitimate concern, this Congress will use the tactic of not fully funding the program as an excuse to extremely limit its scope and potential. In effect, such tactics could even serve to paralyze the program under the current unfunded mandates legislation. Medicaid serves the crucial health needs of indigent children, disabled citizens, indigent families and indigent elderly.

I do not expect this to be a popular issue, yet it is one that cannot be ignored. Many State Governors have voiced their dissatisfaction with the Medicaid program. I think their dissatisfaction stems from the frustrations surrounding the inability to control the costs of health care and the continual increase in the number of people who are not covered by insurance. I am not unsympathetic to their frustrations. What I fear, though, is the notion that Medicaid could crumble under the tide of programs that are unable to be fully funded.

The success of this program is directly tied to the idea of cost-sharing between the Federal Government and the States and localities. It is not an unrealistic idea to expect the States to financially contribute to a program which serves the needs of its citizens. The States should realize that Medicare is an investment into the value of the health of its people. Healthier citizens translates into more hours worked on the job, more income generated, and higher productivity rates. In sum, everyone in the State becomes better served when the health of its residents becomes a priority.

Let us today make the health of America's economically disadvantaged a national priority and vote in favor of the Jackson-Lee amendment to H.R. 5.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must rise in opposition to the gentlewoman's amendment. This is a sweeping amendment which would exempt all of Medicaid from any future consideration of what the costs might be.

But again I would stress it is not in any sense retroactive, will not affect Medicare or Medicaid as it exists today.

Mr. Chairman, I yield such time as he may consume to a Member who has had a great many dealings with this matter, the gentleman and former governor from Delaware, Mr. CASTLE.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I have listened carefully to the argument of the gentlewoman from Texas. She makes, I think, some valid points. But the bottom line is that of all the unfunded mandates that probably are a source of a problem for the governors of the various States and some local officials, Medicaid probably tops the list. As the gentlewoman has stated so clearly, there is a great deal of dissatisfaction with this program as it comes from Washington. There is huge inflexibility in the Medicaid program as you deal with the indigent, long-term care. There are a lot of problems that need to be addressed, that we are asked to address more than possibly could be. This is a shared program with the States depending on the wealth of the States. It is a budget breaker.

There is tremendous inflation built into Medicaid to begin with, probably more than any other Federal program that exists out there. In addition to that, you add the new coverage to it and you mandate it back to the States, and governors trying to put together their budgets have one after another gone broke dealing with this particular issue. The medical needs in particular differ by States. Some States need to take care of children because they are not doing a very good job. Other States have particular procedures they are concerned about. The States may be adjusting some of these procedures by a charity or some other way, and yet the Federal Government comes along and mandates that this is "what you must do." It adds to the cost unnecessarily. It is very much like the Safe Drinking Water Act and others which are getting to the point beyond the reasonable in the requests that we are making back to the States.

I think it also important to assert the arguments made all along here on the other amendments which we have heard. We are not going back and undoing anything at this point. In time of real need we could waive a point of order and enact measures if indeed other Medicaid procedures are found which are not yet discovered. But this is another unfunded mandate, this is a number one unfunded mandate out there, and this is probably the one that has triggered this bill as much as anything else. While we need to continue to work together as the gentlewoman from Texas has stated, the States and the Federal Government to provide medical care, unfunded mandates are not the answer.

I would urge defeat of this amendment.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE. Mr. Chairman, I yield 45 seconds to the gentleman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Jackson-Lee amendment. Medicaid is the Nation's safety net for our children and families throughout this country. One-half of all Medicaid recipients are children and three-fourths of Medicaid recipients are mothers of children who depend on Medicaid for important health services such as prenatal care.

Mr. Chairman, in 1994, Medicaid helped meet the medical care needs of an estimated 34 million men, women, and children in this country. Protecting Medicaid is critical to low-income people in this country because without it they would be unable to receive necessary and critical health care.

Mr. Chairman, I ask my colleagues to support the Jackson-Lee amendment.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply ask the question of my colleagues whether or not they have gone out into the nursing homes of this country and seen the elderly indigent not being able to represent themselves, needing Medicaid and Medicare in particular, and finding the frustration when some, without any family support, for the slightest of reasons have been denied their Medicaid benefits.

Mr. Chairman, I respect the gentleman from Delaware [Mr. CASTLE] and appreciate that sometimes we must fix a broken system. I welcome that. But I clearly think that as the States begin to address this issue of Medicaid they must look into the nursing homes of this Nation and look at the indigent elderly who have no one to speak on their behalf but this Congress who can protect a Medicaid system that can be fixed. I support fixing the Medicaid system, but I am clearly concerned about the potential of not having a system to protect the indigent elderly and the children in need, the indigent poor, as health care is something we have advocated in this Congress and yet today we are asking for those individuals to be abandoned.

Look into the Nation's nursing homes, look at the elderly indigent; they cannot speak for themselves. They need our support. They need the support of Medicaid for their health needs. I ask my colleagues to support the Jackson-Lee amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has the right to close. If the gentlewoman from Texas [Ms. JACKSON-LEE] has further speakers, she should yield at this time.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again I would offer to say that Medicaid serves now some 20 million Americans. The wide range of those constituents and those individuals cross all States in this country, and in particular it hits those who are least able to speak for themselves, the children and the elderly.

Mr. Chairman, I ask for support of this amendment.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

I think we all agree that the Medicaid system is broken and certainly needs fixing. I think we are all committed to doing that. That is going to happen, I think, because we have general recognition that there are egregious problems with the Medicaid system.

But 20 million people will continue to be served when this bill passes. We are not in any way affecting existing law with respect to Medicaid.

Mr. Chairman, I would again urge a no vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. JACKSON–LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 295, not voting 8, as follows:

[Roll No. 66]

AYES—131

Abercrombie
Ackerman
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Murtha
Nadler
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Reynolds
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—295

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Maloney
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Bateman
Brown (CA)
Hastert
Hefner
Neal
Ros-Lehtinen
Solomon
Weldon (PA)

☐ 2116

Mr. MOLLOHAN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer two amendments, numbered 28 and 29, and I ask unanimous consent to have the two amendments considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BECERRA: At the end of paragraph (6) of section 4 strike "or", at the end of paragraph (7) strike the period and insert "; or", and add after paragraph (7) the following: (8) is necessary to protect children from exploitation in the workplace.

In section 422 of the Congressional Budget Act of 1974, strike "or" at the end of paragraph (6), strike the period and insert "; or" at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. BECERRA] that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes in opposition.

Mr. BECERRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have been debating for quite some time amendments that would try to protect children from all sorts of calamity that may result from this unfunded mandate legislation unless we exempt certain laws and regulations from this particular bill's enforcement.

My amendments merely do the following: They would exempt laws that we currently have on our books that are there to protect our children who work right now. They are there to protect our labor laws that protect children from aggressive employers who would work them beyond the 8 hours. It is to protect them against employers who would have them working under conditions that would amount to what many would consider slave conditions. It is an effort to keep us from going back to the bad old days when we saw children doing the work of adults, not going to school, not having an opportunity to learn, and ultimately not being productive members of society once they became adults.

☐ 2120

This is an effort to make sure that in passing reasonable unfunded mandates legislation, that we do protect our children from enforcement of a law that I do not believe has the intention of denying children basic rights of protection. That unattended consequence of denying protections to our children in the workplace is something that we must fear in this legislation because as of now it does not provide those protections. So I would urge Members to consider this amendment closely and ultimately vote for it.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, again, rise in opposition to the gentleman's amendment for the same reason, which is that this should not be exempt anymore than any of these others should be exempt from consideration of what costs would be involved.

Mr. Chairman, I yield 1 minute and 30 seconds to a prime cosponsor of this legislation, the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I just rise to hopefully once again add a little perspective to this debate in the quick 1-minute time I have here.

This amendment I oppose and all amendments that come on this floor to weaken this bill I want Members to know, I oppose, and I am encouraging my colleagues to oppose. Not because we are against this amendment or a lot of the amendments that have been offered in terms of their substance. We think they are good programs, and we ought to have an opportunity to look at those programs in a more lengthy and substantive way.

We can do that with this bill, by the way. This bill does not say we cannot do these things. It just simply says that we have to pay for them if we mandate the costs on local and state government.

Once again, this bill is prospective. It does not do anything to these past programs. Does not mean we cannot do these good programs. It just says that we have to take the responsibility and accountability to pay for them. So let us not weaken this bill. Let us keep this bill strong. And let us defeat these amendments.

I want to say, if Members look at the tally up here tonight, there is a bipartisan support in defeat of these amendments. We have 60 to 70 Democrats voting with my colleagues, the Republicans, in defeating these amendments. This is a bipartisan effort.

Let me tell Members, we need to be at the business of putting a stop to unfunded mandates. We do not need to send out of this House a weak version. We need to have a strong bill. We can still do the kinds of things we want to do, but we just need to take the accountability and responsibility for them.

Let me tell Members, let us bring this thing to a close.

Mr. BECERRA. Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and commend him for his leadership in bringing this very reasonable amendment to this legislation to the floor.

Indeed, the gentleman from California, [Mr. CONDIT] deserves a great deal of credit for his leadership in subjecting this legislation and the mandates, the unfunded mandates to the scrutiny which they are receiving by this House of Representatives.

And he has a chance for us to give him exactly what he wants, a stronger unfunded mandate bill. Stronger because it protects the rights of children. It makes children a first priority.

The gentleman from Pennsylvania, [Mr. CLINGER] in his remarks contended that he rose in opposition to this amendment "for the same reason as I have opposed all the others," the gentleman from Pennsylvania, [Mr. CLINGER] said, the distinguished gentleman from Pennsylvania. He said, it should not be exempt anymore, the children in the workplace should not be exempt any more than any other amendment should be exempted.

I say children should be our first priority. Let me read Members what this amendment says. The amendment says, and I read from the bill so they see where it fits in, "this act shall not apply to any provision in a Federal statute or a proposed or final Federal regulation that is necessary to protect children from exploitation in the work place."

"That is necessary to protect children from exploitation in the work place."

This is not preferred, better, this or that, is necessary to protect children in the work place.

So, my colleagues, I urge support for the Becerra amendment, because exploitation of children in the work place is a real and present danger in our country. We, the United States of America, should be the leader on this issue. Indeed, the Governors themselves asked for Federal child labor protection laws. That is how they got on the books in the first place.

Child labor violations have been on the rise in our country each year. Work related injuries to children cause more than 100 deaths and 20,000 compensation claims. Children often skip school to work 12 hours a day as migrant farm workers or in sweatshops. Since 1983, there has been a 150 percent increase in reported child labor violations.

The unfunded mandate legislation takes away the mechanism for regulating and prohibiting these violations. The amendment of the gentleman from California [Mr. BECERRA] does indeed strengthen the legislation of the gentleman from California [Mr. CONDIT] the unfunded mandate bill. It does indeed improve it, because it says, no, when it is necessary, as the amendment says, to protect children from exploitation in the workplace, then we the Congress of the United States will not, will not prohibit that from happening.

In the course of this debate on unfunded mandates there has been a great deal of discussion about the impact on children. And really, it is just always great to hear the Members rise to their feet to protect children in this body. But this one should not even be a debate because this legislation calls for what is necessary. It has been requested originally by the Governors. It would improve the legislation.

I commend the gentleman from California [Mr. BECERRA] for offering it.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, all Members of this body, Republicans and Democrats alike, are concerned about the exploitation of children. Existing State and Federal laws provide protection and H.R. 5 will in no way abrogate those laws.

As a former prosecutor, I can tell my colleagues there are outstanding prevention programs like child lawyers, which address this issue, as well as those sponsored by the National DA's Association and the National Center for Missing and Exploited Children.

We want to protect children not only from problems that could happen in the workplace or in schools but from mandating them into oblivion.

The H.R. 5 unfunded mandates bill will give State and local governments the kind of relief they deserve and under that bill we will know up front the costs of any new program, and then the Congress can agree to pay for them instead of passing the buck onto other governments.

Mr. CLINGER. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut [Mr. SHAYS].

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] is recognized for 2½ minutes.

Mr. SHAYS. Mr. Chairman, I rise in support of any legislation that would prevent the exploitation of children. I also rise in support of the unfunded mandate bill and in opposition to this amendment. I rise in opposition to this amendment because it simply is not needed, because the concerns of the gentleman from California and the gentlewoman from California have been addressed.

□ 2130

This bill, the mandate bill, says very simply that there has to be an estimate of cost to the private sector and to the public sector. If there is not an estimate of cost, then a point of order can be raised.

If there is an estimate of cost, and it is over $100 million for the private sector and $50 million for the public sector, a point of order can be raised if no money is provided, but a simple majority can override the point of order. The same majority that is needed to pass the bill, the same simple majority, can also be the same simple majority that can override the point of order.

This amendment is not needed, Mr. Chairman, as were many of the amendments that preceded this. The concerns of the gentleman have been protected in this mandate bill.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from California [Mr. BECERRA].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BECERRA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 269, not voting 9, as follows:

[Roll No. 67]

AYES—156

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOES—269

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bateman
Brown (CA)
Ford
Hastert
Hefner
Neal
Weldon (PA)
Williams
Yates

□ 2146

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment No. 78, which has been printed in the RECORD pursuant to clause 6, rule XXIII.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KANJORSKI: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph: (8) pertains to Medicare.

Mr. CHAIRMAN. The gentleman from Pennsylvania [Mr. KANJORSKI] will be recognized for 5 minutes, and a Member in opposition, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. KANJORSKI].

□ 2150

Mr. KANJORSKI. Mr. Chairman, in order to expedite the work of the House, I ask unanimous consent that it be considered en bloc with an identical amendment to section 301 of the bill which creates an identical section 422 of the Congressional Budget Act of 1974.

The CHAIRMAN. Would the gentleman indicate which numbered amendment he refers to?

Mr. KANJORSKI. Seventy-eight.

The CHAIRMAN. The Chair had reference to the other one.

Mr. KANJORSKI. I ask that this be considered as an identical amendment to the other action. In other words, I am trying to facilitate a single amendment to apply to all sections of the bill where appropriate.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. KANJORSKI: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following: (8) pertains to medicare.

Mr. KANJORSKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD, and that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an important amendment. It was brought up at committee but not brought to a vote because at committee we ran the first amendment which was exempting Social Security, and that amendment received a vote of 39 yeses and 3 noes, and as a result is part of this bill as it appears on the floor. And now what I would like to do is have Medicare exempted as Social Security is exempted from the implications of this bill.

I am particularly asking that because we all know that the Medicare fund is in difficulty. As the bill is presently constituted, if we are called upon to increase taxes to shore up the Medicare fund, this bill will say to the States and municipalities that this is an unfunded mandate.

If on the one hand the Congress does not provide the funds or override the point of order, the increase in funding would not apply to the States and municipal governments across this land and they would not have to contribute to the Medicare fund, and that additional taxation necessary to bring the Medicare fund up to its actuarial soundness would thereby fall on the private sector of our economy.

In order to see that that does not happen, and further in order to see that each individual State or municipality could not ask for judicial review to hold up the promulgation of the rules and regulations, I ask that we now exempt Medicare as we have exempted Social Security so this question cannot arise.

Mr. Chairman, I think we all know why we should exempt Medicare, and I can only assume that we will have opposition on the other side, as we have had to every amendment thus far on the floor.

I am not going to prolong this debate other than the fact that I am suggesting this: What it appears to me tonight, and we have heard several statements from the majority that we are being dilatory and taking up the time of this Chamber in what appears on our side to be legitimate debate, but as it appears as each amendment has been offered I do not think we have had the benefit of even one Member of the majority breaking, so it is very clear that 230 votes reside on the majority side of the House, and they will be able to accomplish all of the legislation they have intact.

Mr. SOLOMON. Mr. Chairman, will my good friend yield on that point?

Mr. KANJORSKI. Surely; I yield to the gentleman from Pennsylvania.

Mr. SOLOMON. Mr. Chairman, I think it is necessary to point out that maybe 230 Republicans did vote the same, but a great number of Democrats voted with us, and that is worth mentioning here. I think it says something about the November 8 election.

Mr. KANJORSKI. I do not want to suggest it is only, but we do have a solid block that is clearly a majority. They are going to prevail.

Let me suggest maybe we can save a lot of frustration and time, and that is why do we not take the next 2 weeks on the entire Contract With America, bring it here on the floor. Why should we offer any amendments if they are not going to be considered as substantive and changing the legislation to perhaps meet the needs of the American people, but recognize the power of the majority, and it is all here and we have that majority, why do not we just run through the entire contract for America in 2 weeks, get that behind us, and then get to the substantive action?

I would like to suggest to my friends in the majority that they set aside, maybe beginning next week, a 10-day period, bring every piece of legislation that they have to the floor, let us put it up to a vote. And I would recommend to my friends on the Democratic side who may think they can make a substantial contribution that they can offer their substantial contribution as a matter of extension in the RECORD so the RECORD is quite clear where Members stand on these issues, but we move by this incredible piece of legislation that we are about to enact anyway, but probably are boring the devil out of people who may persevere and may be seeing this. But I think we are making a record that a deliberative body does not have to be deliberative once an election is held. If, in fact, we can come to the conclusion that the contract for America should be put into legislation, and passed as statute in its entirety, let us do it, let us save time. Maybe we can do it to all of the appropriations bills and maybe we can get out of here and adjourn by March 1 and let the Government operate.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank my friend for yielding me this time. I too have read the Contract With America. I want to tell my friend on the other side, while it did talk about doing all of this in 100 days, it did not mention 100 nights; and this may take more than 100 nights if we continually debate the same issue over and over again and again.

The issue is not the merits of a particular Federal program. You can bring to this floor an amendment that tries to exempt the most meritorious of Federal mandates. That is not the issue. That is not the issue at all.

The issue is whether or not in the future this Congress decides to continue mandating programs upon local governments and State governments, whether we believe in those mandates or not enough to fund them. And if we do not believe in them enough to fund them, this legislation asked us to think seriously about whether we ought to mandate them in the first place. That is what this is all about.

The reason why my good friend GARY CONDIT rose to the floor tonight is, this has been his issue for some many years. And the reason why so many Democrats are rising in opposition to all of these amendments that address indeed good and meritorious programs is because to exempt these programs with the coverage of this act is to say in the future it is OK to continue mandating whatever program they think is important and necessary on State and local government and worry about somebody else raising the money to pay for them.

Let me tell you the taxpayers of America have had enough of this business of one government telling another government what to do and also instructing another government to raise their taxes to pay for it. That is wrong, it ought to end.

That is what this unfunded mandate bill will end and we ought to adopt it right tonight.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. If I have additional time, I am happy to yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I think the gentleman from Louisiana has a good idea. Over the weekend I saw where the Governors unanimously agreed with the proposition we should bail out Mexico. I think since they think that is so great, my suggestion is let us not have the Congress take up that resolution, let us ask the 50 States to bail out Mexico.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAUZIN. My time has expired, but I will agree with the gentleman.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, there is not anything in this bill that will prevent us from passing unfunded mandate legislation. Nothing in this bill prevent us from passing laws that will mandate costs on States that we do not pay for. The only difference is that 51 percent of us will have to vote to do that. But this bill is about accountability.

☐ 2200

It will force us to write good law that says specifically whose responsibility is what and who is going to pay. I, for one, am going to be perfectly proud to stand on this floor and force States to pay 10 percent of a child-support system; absolutely, we pay 90, they pay 10, and we all benefit. I will vote to force States to pay 25 percent of water-treatment plant costs; absolutely a good deal.

But I ought to be voting for that. I ought to be accountable for that, and I ought to go home and take the rap for that and argue with my folks about that being a square deal and a sound partnership.

Now, on Medicare, frankly, if the unfunded-mandate law had been in place, our Congress would not have been able to underfund Medicare payments to hospitals and physicians. Do you know who takes the rap because we do not fund Medicare? It is all of those little guys out there who pay their own health care premiums.

Their premiums in Connecticut are one-third higher because we underfund Medicaid and Medicare reimbursement rates. That is a disgrace.

All this bill will do is make us publicly accountable to say what is important, who is going to pay, and what portion we are going to take and what portion we are going to push on anybody else.

This is just honesty.

Mr. KANJORSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I think the gentlewoman from Connecticut has clearly said what my amendment will do. Suppose, if you will, when Medicare has to be refunded, the point or order is overcome here. It is directed that the proper Federal agency promulgate rules and regulations to increase Medicare. It will go on all employers across America, but under this bill, if the States or any municipality in America disagrees with the promulgation of that rule or regulation, they will have because they have judicial review the capacity to go in and tie up that portion of the increased funding for Medicare for years in court, and what that would necessitate is to make the fund sound, that the increase would have to go out to the private employers of America to make up for those 3 million employees.

Mrs. JOHNSON of Connecticut. Reclaiming my time, if we write legislation as sloppily as we have been writing legislation in the last few years, you bet they will be in court and they will tie it up forever. But if we write precise law, that clarifies responsibilities on both sides, if we do our job well, then it will be perfectly clear who is to pay for what, and I for one will be proud to stand on that territory.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from Pennsylvania [Mr. KANJORSKI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 266, not voting 7, as follows:

[Roll No. 68]

AYES—161

Abercrombie
Ackerman
Barcia
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOES—266

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman

Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale

McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton

Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bateman
Dooley
Hastert

Hefner
Neal
Williams

Yates

☐ 2219

Mr. SPRATT changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

☐ 2220

The CHAIRMAN. Are there further amendments to section 4?

AMENDMENTS OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Chairman, I offer two amendments, numbered 93 and 19, which have been printed in the RECORD, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. MARTINEZ:

In section 4, before "This Act" insert "(a) IN GENERAL.—",and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.—This Act shall not apply to any requirement in effect on December 31, 1994, under—

(1) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, before "This part" insert "(a) IN GENERAL.—", and at the end of the section add the following:

"(b) REQUIREMENTS UNDER OTHER LAWS.—This part shall not apply to any requirement in effect on December 31, 1994, under—

"(1) the older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

"(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

The CHAIRMAN. The gentleman from California [Mr. MARTINEZ] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise not because I have a great hope for success but because I have great hope. The people on this side have raised a lot of concerns about what we are doing here. I have many of the same concerns for the thing that we are doing and the way we are doing it, not necessarily for the concept.

Mr. Chairman, I am one who comes from local government and have had to suffer under unfunded mandates. Let me tell my colleagues the reality of serving at a local level?

When you have to deal with budgets, especially in California after the devastation of Proposition 13, when you have a constrained budget like that, you have a tendency to want to do those things that you feel are of the highest priorities and of the greatest necessity to your constituency, and so if there are some things that should be done and are mandated by the Federal Government because of the responsibility of doing it, we would rather not do it, and if it were not mandated, we would not do it.

That is one of the concerns that I have, and the way we pass this legislation has not taken into consideration those things that deal with particular issues concerning people's civil rights, concerning the well-being of those people. Those protections and medications, I believe, far outweigh—the benefit far outweighs the cost. The problem is in many of those instances they are humane, compassionate things and responsible things to do, but there is no way to measure the benefit other than if we have a sense of compassion.

My amendment would specifically exempt from this legislation and any current or future requirement of this law anything that would nullify the protections of the health, and safety and well-being of senior citizens under two specific acts: The Older Americans Act and juveniles under the Juvenile Justice Delinquency Prevention Act.

Mr. Chairman, today, out of concern for my bill, I called the legislative counsel's office and asked for an opinion. I raised the questions that I just raised. I raised the question about the provisions to establish new points of order in H.R. 5. He told me, "As H.R. 5 stands now, when the measure comes up for reauthorization," and these two acts that I am referring to do come up for reauthorizations and, at some point in time, have to be adjusted in those reauthorizations. When he said that they would come up, they would be subject to a point of order if there would be a net increase in duties mandated by the legislation, or there is a net decrease in funding, or assistance, or if in any way that bill is changed. "What it does in effect," he said, "is that if the bill is changed in any way in any one part of the bill, the whole bill is open to that same point of order."

Now I understand that we can, by a simple majority, waive the point of order. The problem is that we allow for a lot of mischief to be done if we do not exempt these two things.

In the case of nutrition programs for children and a nutrition program for the older Americans in the Older Americans Act, these things have to be adjusted on a regular basis because of the cost of living increases. If we were to then adjust it, we would subject the whole act to the point of order.

Additionally, I have some concern for how we are going to determine that benefit of that particular cost. Like I said before, it is very hard to determine a cost, a benefit—rather it is very hard to establish what the value of a benefit of a compassion to act is versus the cost of it.

Mr. Chairman, let me tell my colleagues about the Older Americans Act. Not too long ago we passed the Older Americans Act off this floor without one dissenting vote. That means that almost every Member—well, in fact it means every Member in this legislature who was here at the time voted in the affirmative for the Older Americans Act, improving the conditions of that act. In there, there was an ombudsman. I doubt very much that that ombudsman could stand the scrutiny of this bill as we are passing it today, and we know what that ombudsman was for. It was to protect the frail and the elderly in the Older Americans Act.

For many years the frail and elderly have been abused in nursing homes where they are there for long-term care. Just last Friday ABC, the program "20-20," contained a piece on the continuing abuse that has taken place in care facilities across the Nation, and over the past 30 years this body, in the past 30 years this body, has developed a significant array of programs and protections for senior citizens. I, for one, would hate to see those damaged in any way. In 1992 that Older Americans

Act was signed into law by Bush, and, like I say, it went on without a dissenting vote.

I am equally concerned about, Mr. Chairman, the Juvenile Justice Delinquency Prevention Act. When I was chairman of the Human Resources Subcommittee we conducted a wide range of hearings all over the country. In fact we visited—at the request of the gentleman from Nebraska [Mr. BARRETT], my colleague on the other side—Nebraska, and held a hearing there.

Mr. Chairman, I rise tonight because I, like others on this side, have real concerns about what we are doing here. H.R. 5 is a concept that I generally support.

Having served as a councilman, mayor, and in the State legislature, I know how Federal mandates that are not accompanied by Federal funding can wreak havoc on already strained local budgets.

But there are some protections that are mandated by the Federal Government that are necessary for the protection of specific classes of people, and I believe that the costs of such protections are far outweighed by the benefit.

Specifically, my amendment would exempt from this legislation any current or future requirement that nullifies any rule or law that protects the health, safety, or well being of senior citizens under the Older Americans Act, and juveniles, under the Juvenile Justice and Delinquency Prevention Act.

Mr. Chairman, under the Older Americans Act, there is a mandate that States establish a State ombudsman to handle complaints about treatment of the elderly who are in long-term care in nursing homes.

The ombudsman is there to ensure that complaints of abuse and negligence are handled.

In the past, we have seen that they have been shrugged off, and frail elderly have been subjected to inhuman treatment.

Just last Friday, the ABC program "20/20" contained a piece on the continuing problem of elder abuse taking place in some long-term care facilities.

Over the past 30 years, this body has developed a significant array of programs and protections for senior citizens.

In 1992, in reauthorizing the Older Americans Act, an act that passed this Congress on its first vote on the floor without a dissenting vote, Congress added the ombudsman requirements.

While I am sure that this particular section would meet the terms of the legislation under consideration today, how do you fix the value of a humane compassionate act.

Mr. Chairman, I am equally sure that changes in the reauthorization will open it to a point of order at which time we will see a demise of this program and others like it.

Yet, most Members of Congress who considered that issue found it worthy of support and the 1992 amendments were approved by a wide margin and signed by President Bush in September 1992.

Mr. Chairman, similarly, in reauthorizing the Juvenile Justice and Delinquency Prevention Act in the 102d Congress, the Human Resources Subcommittee conducted a wide ranging series of hearings around the country with respect to the needs of vulnerable children in the juvenile justice system, and especially those who are homeless or have run away from home.

In fact, we held a hearing in Nebraska at the request of my colleague, Mr. BARRETT, and we visited Boy's Town while we were in Nebraska * * * authorizing legislation were developed in consultation with community groups serving these vulnerable children, with local juvenile authorities with the Department of Justice's office of juvenile justice programs, with the National Association of Family Court Judges and others, knowledgeable in dealing with children at risk of delinquency or other problems.

Under the Juvenile Justice and Delinquency Prevention Act, States and localities are mandated to provide 'sight and sound' separation for juveniles in the justice system.

Prior to the imposition of that mandate, young children who were in the juvenile justice system—regardless of the reason for being there—were housed in the same facilities as hardened adult criminals and, we were told, subjected to abuse by those adult prisoners.

Very often, the reason a child is in custody is for his or her protection, in cases such as child abuse, desertion, or abandonment by a parent or guardian.

Such protective incarceration must be in a safe environment, and the additional costs to ensure that are certainly worth the effort.

In addition, certain activities and programs are required to be put in place to assist vulnerable children.

Whether the cost of those programs is a significant burden on the State or locality, and the extent to which those costs are not being met by Federal dollars allocated to those programs, is not the issue.

The question is, "Do we and the States have a moral obligation and a responsibility for these children?"

If we do, should we mandate specific actions?

I say the answer is yes.

Further, I would point out that the great majority of the juvenile justice cases are non-Federal cases, and, therefore, the expense is a State expense, not a Federal responsibility.

I believe that the need for protecting these vulnerable children is so great, and the potential for inaction is so significant, that specific exception to the terms of the unfunded mandate legislation should be modified to specifically exclude mandates under this particular legislation.

I would also point out that these mandates were not as strict as some would have us believe—because States were allowed to request waivers for implementation, and where it was shown that the State had justification for a waiver, such as in Nebraska, those waivers were granted.

I urge all of my colleagues, as we rush to judgment on the issue of unfunded mandates, to consider whether the specifics of a mandate are not such that the benefit to the specific population on whose behalf the mandate exists do not outweigh the need for lessening the restrictions on local and State government or on private concerns.

These are people without an effective voice at the ballot box or in the budget committees of State or local legislative bodies.

These are people, who, without federally mandated protections, will suffer the most in our society.

I urge an aye vote and yield back the balance of my time.

Mr. Chairman, I contacted the Legislative Council office regarding the concerns we raised about the provisions to establish new points of order, in H.R. 5.

As H.R. 5 stands now, when measures come up for reauthorization, they would be subject to a point of order if there is a net increase of duties mandated by the legislation, if there is a net decrease in the funding or assistance authorized for the legislation, and if they did not have the required CBO analysis. The legislation would not be subject to this point of order if it contains increased funding for the newly mandated duties. If the authorizing legislation passed with the increased funding, but the appropriations legislation did not contain the required funding, then the mandate would be reduced to match the provided funding.

In the case of children's nutrition programs and senior programs where we know there has to be increased funding to keep up with inflation, then if there is funding the act is subject to a point of order in fact. If any part of the legislation is adjusted in any way that does increase net duties or decrease net funding then the whole bill would be subject to a point of order, not just that particular section.

Additionally, there is some concern that the legislation that will be coming up for reauthorization has never been subject to a CBO cost analysis. This could be quite a time-consuming process for some of the major programs such as OAA.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. MARTINEZ].

Mr. Chairman, the definition of Federal intergovernmental mandate contained in H.R. 5 would not apply to voluntary nonentitlement programs. Both of the programs which the gentleman seeks to exempt here are voluntary, nonentitlement programs.

Mr. Chairman, State participation in the Older Americans Act or in the Juvenile Justice and Delinquency Prevention Act, which the gentleman seeks to exempt, is voluntary, and funding for this program is provided through annual appropriations which are made on a discretionary basis. The bill that we have before us, H.R. 5, clearly defines a Federal intergovernmental mandate to mean a provision that, and I am quoting, would impose an enforceable duty upon States, local governments or private governments except, except, a condition of Federal assistance or duty arising from participation on a voluntary Federal program.

Mr. Chairman, specifically these two programs fall within that definition. Therefore, H.R. 5 does not apply to the Older Americans Act or the Juvenile Justice and Delinquency Act. The amendment is really rhetorical in nature, and I think it is misleading as to what the intent of this bill is.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I, too, want to indicate that this amendment is not necessary because these programs are already exempt. I have worked with the gentleman who has offered the amendment this evening to perfect these programs and to enact these programs and certainly would not be here today trying to do anything to take away from the programs. They are voluntary on the basis of the State participation and, therefore, are not mandates as this legislation calls for.

□ 2230

I would not want the public to think that we are trying to do something in H.R. 5 that would erode protection for vulnerable populations. Therefore, I believe, and sincerely believe, that the amendment is unnecessary, because they are already protected.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. MARTINEZ. I thank the gentleman for yielding.

Mr. Chairman, there are two particular things in each of those programs that I will remind the gentleman of that are unfunded mandates. One is a sight and sound separation of juveniles in adult lockups. Recently we passed that because there were young people being put in the same cell with and in the same area with, even at times people who had committed crimes against juveniles, and that is why they were in. Some of these juveniles were taken into custody because they were deserted by their parents, not necessarily because they did anything wrong.

The only thing I am telling the gentleman is there is an unfunded mandate within the juvenile justice delinquency program, and there is one within the Older Americans Act. The ombudsman was an unfunded mandate.

Mr. GOODLING. Mr. Chairman, reclaiming my time, our colloquy will make it clear they are not unfunded mandates and therefore will not be part of H.R. 5.

Mr. CLINGER. Mr. Chairman, in conclusion it is the opinion of this gentleman and the chairman of the committee that these would not be covered by H.R. 5. But if in fact there might be some exception that would cover them, they would still be subject to debate in terms of what are the costs we are imposing. We could well decide that we might want to pass that through without paying for it.

Mr. Chairman, yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from California [Mr. MARTINEZ].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARTINEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 296, not voting 12, as follows:

[Roll No. 69]

AYES—126

Abercrombie
Ackerman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Slaughter
Stark
Stokes
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wyden
Wynn

NOES—296

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Bateman
Cox
Furse
Hastert
Hefner
Herger
Neal
Rangel
Stockman
Studds
Williams
Yates

□ 2247

Mr. GORDON changed his vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

□ 2250

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI of California: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes a minimum wage.

The CHAIRMAN. The gentlewoman from California [Ms. PELOSI] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have submitted this amendment for the consideration of our colleagues because I think it is very important. Even though the hour is late, and the debate has gone on a long time, and indeed, we have even addressed the minimum wage in the course of debating some other amendments en bloc, I think it is very important that the House speak to this issue.

What my amendment does, and I will read it, it says "This act shall not apply to any provision in a Federal statute or proposed for final Federal regulation that establishes a minimum wage." That is what the amendment is.

The purpose of the amendment, Mr. Chairman, is to remove all doubt from where we go from here in establishing a minimum wage.

I will not go into, because the hour is late, all the reasons why we need an increase in the minimum wage and how low the purchasing power is. However, Mr. Chairman, I think it is important for Members to know that if this amendment does not pass, a situation will exist that includes the following.

Mr. Chairman, just to reiterate for a moment the purpose of this amendment, what this amendment does is to say that unfunded mandate legislation will not affect the establishment of a minimum wage. The purpose of the amendment is to remove all doubt that when this body addresses the subject of an increase in the minimum wage, there will not be an additional barrier to increasing that minimum wage.

If this legislation, the unfunded mandate legislation, passes without this amendment, the following situation will prevail: When we come to the floor with an increase in the minimum wage, it will be necessary for us to have a point of order called on the bill. We would have to have a majority to override the point of order, and therefore throw up a higher bar for an increase in the minimum wage.

Mr. Chairman, we are sent here to make tough decisions about how we legislate. We are not sent here to hide behind process.

The simple fact of the matter is that without this amendment, if the unfunded mandate legislation wins, which it appears to do, we can count; and if we strive to increase the minimum wage on this floor, and we do not win on the point of order, and so far we have not had the votes to win on any of them, then the Federal Government cannot increase the minimum wage unless the Federal Government pays for the entire increase in the minimum wage, because it most certainly will exceed $50 million, point No. 1.

Point No. 2 is that this is an intergovernmental mandate. That would mean that what I just described would apply to the public sector, but the private sector would not be affected by the legislation, so it would differentiate between the public and private sector, giving an increased burden to the private sector, something I do not think any of our colleagues want to do.

So, Mr. Chairman, I think this amendment is very important because it says in order to increase the minimum wage: First, we do not have the additional barrier of a point of order vote requiring a majority; and, second, we do not assume all of the cost of the increase in that minimum wage.

The working poor in our country deserve this opportunity. The minimum wage, people working full time, they make less than $9,000 a year. We are all familiar with those figures. I just bring them to the floor to once again demonstrate: A, how necessary it is to raise the minimum wage; B, to not throw up any further obstacles to doing so; and, C, to not increase the cost to the Federal taxpayer for the increase in that minimum wage.

Right now today States have that responsibility. Some States, as Members know, including the State of New Jersey, which was pointed out by Governor Whitman, have a minimum wage of $5.10 which they enforce. Therefore, why are we making it more difficult for the working poor in our country to earn a living wage by hiding behind process?

The fact, Mr. Chairman, is that last week we voted for one of the mandates. Almost every Republican except the gentleman from Alaska [Mr. YOUNG], and every Democrat voted for the amendment addressing age discrimination, so we did exempt already one amendment that was presented. I am sorry that we could not say children are a priority, too, in addition to the elderly. I hope that the working poor will be given a fair shot by this body as well.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. The gentlewoman is right, Mr. Chairman, this issue has been discussed prior to this time, on the 23d, in the amendment proposed by the gentleman from Vermont [Mr. SANDERS] which included minimum wage along with occupational safety and others. We did fully debate the matter at that time for about 1 hour and 20 minutes, and the vote was 161 in favor and 263 opposed.

The only point I would make to the gentlewoman is that she did indicate that we would not be able to do this under this existing legislation. There is nothing, nothing in this bill that would prevent us from in fact imposing the mandate without funding that.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman I appreciate the gentleman yielding to me.

First of all, Mr. Chairman, I said we had debated on this issue as part of an en bloc amendment before. We did not vote on this particular minimum wage amendment alone, because I believe that there were Members in the body who did not want to support some of the other amendments.

Mr. CLINGER. I understand, Mr. Chairman.

Ms. PELOSI. It was in the interest of saving time that we rolled some of those amendments.

Mr. CLINGER. I understand. Reclaiming my time, Mr. Chairman, we will not this evening have a vote on this specific issue. The gentlewoman is right.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PETE GEREN].

Mr. GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the debate tonight is not about the merits of the programs that are the subject of these amendments. The debate is about a very simple principle, the principle that any program that is important enough to pass is important enough to pay for. On the last amendment I am pleased to report that 72 Democrats voted to uphold that principle.

Mr. Chairman, I urge my colleagues to vote no on this amendment, and continue to vote against unfunded mandates.

The CHAIRMAN. All the time has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. PELOSI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 260, not voting 15, as follows:

[Roll No. 70]

AYES—159

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn

Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOES—260

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Bateman
Cox
Furse
Gibbons
Hastert
Hefner
Johnson, E. B.
Montgomery
Neal
Roukema
Sisisky
Stockman
Studds
Williams
Yates

□ 2314

Ms. HARMAN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VENTO: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and at the end add the following new paragraph:

(8) applies to life threatening public health and safety matters.

Mr. VENTO. Mr. Chairman, I offer an amendment numbered 161 with the amendment numbered 137. They are similar amendments in different sections of the bill. I ask unanimous consent they be considered en bloc.

The CHAIRMAN. The Clerk will designate the second amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VENTO: In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ", or", and at the end add the following new paragraph:

(8) applies to life threatening public health and safety matters.

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from Minnesota that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a relatively straightforward amendment. It applies to life-threatening public health and safety matters. I am certain that the Members of the House can enumerate many examples of life-threatening health and safety actions and laws that we might be called upon to consider in this House.

Second, of course, while the proponents of this bill have argued that this is entirely prospective, they are not looking at the entirety of the legislation they have before them because indeed on page 16 through page 22 it requires any new rules that are put out that come within the scope of the language. The point I am trying to make is that it is not just a matter of information on unfunded mandates. Much like the CBO process that we would go through today, I think there would be much less controversy and, in fact, I think I would laud the fact of having more information before the House on measures that we are considering.

Indeed, I think that very often we are subjected or are left with subjective information concerning unfunded mandates, much as we are with other issues about the impacts of legislation.

Unfortunately, we have no track record to guide us with regards to what the nature of the quality of that information will be on unfunded mandates. But this bill reaches far further than most bills we have considered.

For instance, although we require a CBO report, we have no separate vote on that with regards to authorizing legislation. And I might add, ironically this legislation completely exempts the appropriations measures from its consideration, Mr. Chairman, so there are many facets to this that concern me.

I think the issue with regard to the straightforward basis with regards to unfunded mandates is that whenever we have any matter that would be of any controversy we would be subjected to a process vote. That is to say that the vote would not come on the issue before us, but simply on the discussion or on the debate of an unfunded mandate clearly building a hurdle to the consideration of important legislation.

Here again I would point out that my amendment deals with life-threatening health and safety, Mr. Chairman.

Furthermore, of course, the legislation reaches into laws already enacted, puts in place a procedure whereas new rules or modifications have to be considered under the scope of this particular bill. So it does affect every law that affects life-threatening health and safety.

I would not enumerate. I could point out the safety laws that affect auto traffic, helmet laws, laws that affect health and safety such as water treatment systems in terms of microsporin or other micronisms which have in fact caused problems or the myriad of new problems we have had with infectious agents that have appeared on the scene sadly in the last many decades, Mr. Chairman.

□ 2320

I think this is a sensible amendment that speaks really to circumstances that should not be subjected to an extra vote, that should not be subjected to a whole new rule and regulation process as is outlined in this bill.

This bill is not just prospective. It is retroactive, affecting many of the rules and regulations and the laws we would pass.

Finally, Mr. Chairman, I think this cuts at the heart of what the Federal Government does in terms of reaching out. This legislation proposes to build in confrontation rather than building on cooperation, which I think should be the hallmark of the Federal system, the States and the National Government working together.

The fact of the matter is the Federal Government did not take these actions independently. Many of the States, many political subdivisions, had decades, hundreds of years, to deal with some of the problems they did not deal with through compacts, through their States, because they could not deal with them. We need a national policy.

Mr. Chairman and Members, one of the things that I think should come to our attention is we live in a country that has the strongest economy the world has ever seen. It has great advances in terms of culture and education and the sciences and has made great strides, greater than almost any other nation on the face of this Earth. We are taking that Government today, the Federal Government, that has been a part of that particular system and putting it at great risk. I know the greatness of this country is in the people of this country, Mr. Chairman, but I also understand that the governing structure that we have had has served us quite well.

I think we should be very careful in moving to make the modifications such as we see in this legislation and on an experimental basis. I think it is an experiment that may well go awry, and I think in the end cause great injustice and great harm to the people we represent.

Mr. Chairman, this is a good amendment. Eliminating health and safety is a sensible and common step, and a thread that has run through many of the amendments we have heard on this floor.

I hope we could vote for it and I think we could move on from this section of the bill.

Amidst the current fervor to pass the Unfunded Mandate Reform Act of 1995 (H.R. 5) important impacts—often passed off as just information that we should be mindful of—have been trivialized. The advocates are either naive or misinformed because this proposed law before the House will significantly impair the Federal Government's ability to govern. The traditional cooperative relationship between State, local and Federal Governments would be dramatically altered by the bill before us, replaced with confrontation and denial. This legislation will leave the Federal Government without the ability to enact laws to protect workers in the workplace, to stop pollution from transcending the boundaries of one State to pollute the air and water of another, to help the elderly receive proper care in nursing homes, and to protect the health and safety of the people and of this Nation. These are but a small sample of the changes inherent in the policy espoused by this measure.

H.R. 5 as now drafted will unravel decades of public policy that established common national standards and intergovernmental cooperation with regards to public health and safety and the environment. If enacted, State and local governments could no longer be obligated to follow national programs unless 100 percent of the funding is assured. That is the goal and most likely the result. Regardless of common sense and the benefits of these programs and policies for a local area they would be frustrated by the provision of this measure. In the absence of national standards, State and local governments will establish, or worse yet, not establish, their own health, safety and pollution standards possibly without even the consideration of their neighboring States. In short, the Federal Government would be hamstrung in its ability to respond to the needs of the people we represent, and subject them to an untested and unverified policy prescription. Now the proponents suggest that a single vote requirement would save the essence of this Federal-State fabric of law so carefully woven throughout our history. This belies the dynamics and impact of the required votes in the congressional process. Today it is difficult to pass a bill, tomorrow this measure's design is to make it far more difficult and darn near impossible to pass legislation steeped in controversy, as without doubt proposed life threatening law and policy would be. If it were simple, the States acting alone or collectively would have accomplished many of these policies—the fact is that Federal law and policy in such arena in by necessity, default, or denial by the States and political subdivisions.

But, the unintended consequences of H.R. 5 are worsened by the quick pace at which it is being pushed, and the lack of deliberation and proper consideration by the House today and the Congress. This bill has reached the floor of the House without one hearing being held on its merit, intent, or consequence. This is a very significant piece of legislation and should be considered with careful analysis—but politics and instant gratification seem to be the order of the day and the demand by the majority Republicans in this House.

For these reasons, I am offering an amendment to H.R. 5 to address one of the problems that has been both overlooked and continues to be ignored by the proponents of this bill. My amendment will exempt legislation applying to "life threatening" public health and safety matters. I have carefully chosen this language, "life threatening," which addresses health and safety matters of the utmost significance. "Life threatening" is very specific—it means that which endangers one's life.

Surely the Federal Government, the Congress, must be able to fulfill its obligation to protect "life threatening" health and safety matters of the people we represent without being subject to the limitations inherent in this proposal. Look at the list of exceptions already in this bill: President declared emergency, individuals constitutional rights, discrimination laws, accounting and auditing procedures, and national security. Certainly "life threatening" health and safety matters could and should be a recognized exception.

This amendment will ensure that the Members of this chamber will be able to carry out the responsibility that our constituents have entrusted to us. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment, which is truly a gutting amendment.

I think all of the measures we have had considered as possible exemptions under this bill throughout the last 5 days could easily be considered encompassed within the parameters of this particular amendment. It is a much broader amendment than anything we have dealt with thus far. I think it would truly gut the essence of the bill, because it could be argued it could be exempting everything out from under the coverage of this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in opposition to the amendment, with all due respect to my colleague from Minnesota.

This amendment, above all the amendments we have heard here this evening, will destroy this bill, and once again, this bill is about accountability. It is about if we want to do the kinds of things that the gentleman from Minnesota wants to do, it is fine and well, and I probably would support many of those things.

This just puts some accountability in it and simply says if we are going to do these things, then we ought to figure out a way to pay for it.

I would urge, once again, all of my colleagues, my Democratic colleagues who have been so faithful in opposing these amendments, to oppose this amendment.

We have one more after this, and then we move hopefully to the next section of the bill. I ask for a no vote on the amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Vento amendment to H.R. 5 which will ensure that the Unfunded Mandates Reform Act will not apply to laws and regulations that involve life-threatening public health and safety measures.

The amendment clearly recognizes the Federal Government's steadfast responsibility in protecting the health and safety of the American public. If we ignore this responsibility, the result will be devastating.

If the act passes without the Vento amendment, landfills, incinerators, hazardous waste dumps, toxic waste storage facilities, and manufacturers could pollute our air and our water unchecked by oversight of the Federal Government. This rampant pollution will have a severe negative impact on the health of the American public.

Children, the elderly and those with weakened immune systems are especially vulnerable to diseases caused by environmental pollution.

Many respiratory diseases and several forms of cancer are directly attributable to environmental causes.

These polluting facilities are disproportionately likely to be located in low-income and minority communities.

Currently, dust from a concrete recycling plant in the city of Huntington Park in my district is polluting that community's air and water.

Both the local rate of respiratory infection and of asthma in children have risen alarmingly since the plant began operation.

The citizens of that community are now turning to the government for assistance and protection against this threat to their health.

The industry assumption is that people living in these communities are politically weak and so consumed by the daily grind of making a living that they will not have the resources to organize against these facilities, as people in upper income communities tend to do.

Unfortunately, this assumption is firmly grounded in the reality of many communities throughout our country.

The Federal Government must not abandon its role in protecting the health of all Americans, particularly the most vulnerable in our country.

As Representatives of our respective communities, we have a clear obligation to protect the health and safety of the American people.

If we abandon it now, we may cause damage to future generations before our mistake can be corrected.

I urge the passage of the Vento amendment.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 308, not voting 17, as follows:

[Roll No. 71]

AYES—109

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Jacobs
Jefferson
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Mascara
Matsui
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Nadler
Oberstar
Obey
Owens
Payne (NJ)
Pelosi
Pomeroy
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Slaughter
Stark
Stokes
Stupak
Thompson
Torres
Towns
Tucker
Velázquez
Vento
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOES—308

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Bateman
Cox
Furse
Gibbons
Hastert
Hefner
Johnson, E.B.
Martinez
Montgomery
Neal
Rose
Roukema
Serrano
Sisisky
Studds
Williams
Yates

☐ 2339

So the amendments were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, because of a serious fire at my father's home in Illinois, I was unable to return to Washington earlier today and missed a series of votes. Had I been present I would have voted: Present on rollcall No. 56; "yes" on rollcall No. 57; "yes" on rollcall No. 58; "no" on rollcall No. 59; "no" on rollcall No. 60; "no" on rollcall No. 61; "no" on Rollcall 62; "no" on rollcall No. 63; "no" on rollcall No. 64; "no" on rollcall No. 65; "no" on rollcall No. 66; "no" on rollcall No. 67; "no" on rollcall No. 68; "no" on rollcall No. 69; "no" on rollcall No. 70; and "no" on rollcall No. 71.

The CHAIRMAN. Are there further amendments to section 4?

PERSONAL EXPLANATION

AMENDMENTS OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer two amendments, numbered 151 and 152, which were printed in the RECORD, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. FIELDS of Louisiana: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) establishes standards for the education or safety of students in elementary or secondary public schools.

In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) establishes standards for the education or safety of students in elementary or secondary public schools.

The CHAIRMAN. The gentleman from Louisiana [Mr. FIELDS] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, this amendment simply provides for an exemption to be made by any Federal statute or regulation which establishes standards or standards for safety for students in elementary and secondary education. Today I offer this amendment out of concern for many children in our country who walk into unsafe schools on a day-to-day basis. There are schools in this country that do not have the proper tools for writing, much less the proper conditions to ensure their safety. We need to work hard to bring the standard of safety in our educational system across the country, bring it up to par with the rest of the world. Today our students are falling behind. We must look within our system and find ways to improve our Nation as a whole. State by State, Mr. Chairman, we need to ensure that our children are receiving the best possible education, and the buildings in which they learn must be safe.

Thousands of schools open each day, Mr. Chairman, without proper ventilation, without air conditioning during the heat of summer, without heat during the middle of winter. Thousands of schools, Mr. Chairman, open with leaking ceilings. Many of them have lead paint. Many schools in our Nation, Mr. Chairman and Members of the Congress, have asbestos. I urge that the Members of this body adopt this amendment because our schools are in bad, bad shape all across America. Our jails are in better condition than our schools.

This is a good amendment. I commend it to the rest of the body, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, let me, first of all, say I am sure I speak for all of my colleagues on both sides of the aisle in congratulating the gentleman from Louisiana [Mr. FIELDS] on the birth of his son.

So, Mr. Chairman, it is with reluctance that I must rise with opposition to the gentleman's amendment, knowing, as I do, that he will have a son in school in not too many years, but again I have to say that this amendment, as most of the amendments we have seen before, really must not be exempt because it would not allow us to have the kind of cost adjustments, cost considerations, that we have.

Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I hesitate to rise in opposition to the amendment offered by the gentleman from Louisiana [Mr. FIELDS], my good friend, and being one of the more diplomatic Members of the House of Representatives, I feel compelled to say that I have watched for a long time around this body when the Republicans were in the minority. I used to watch the Republicans bring forth amendments, and I could see the commercial coming out, and all of a sudden we see the same thing on the Democratic side, my side. I think that this type of situation in which we find ourselves hurts this body, and I think the American people look upon us, and they say, "You are not doing what you should be doing."

I personally want a clean unfunded mandates bill. I think it is what we need, and I believe the American people have let us know that time and time again. Join with me in defeating this amendment.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from the State of Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I would like to say to the distinguished gentleman from Pennsylvania that I, too, join him in congratulating the gentleman from Louisiana [Mr. FIELDS] for he and his wife having a son, but I would urge the gentleman from Pennsylvania to recognize, as another gentleman from Pennsylvania said, that what we need for his son is safe schools, and that is what this measure is about. To ask for regulations and standards for our children is not asking much.

Unfunded mandates? The Republicans say the American people want us to pass this bill. I say, cheer, if you will. The American people, can't possibly want rat-infested schools, asbestos-laden schools, leaky roofs, broken windows, drug-ridden schools, broken toilets, water fountains that don't work and scared children and teachers.

When we voted to exempt the older Americans from discrimination, it was because we were afraid of their votes, and here we have a situation where we are asking to exempt children, and, as my colleagues know, they do not vote, so they find themselves in the position of not wanting to support it.

Let me go a step further because somebody in this building needs to clear the air on this Contract With America. Let me tell my colleagues what elementary contract law says: Black's Dictionary says an agreement between two or more parties for the doing or not doing something specified is a contract.

I say to my colleagues, the American people, whoever you all keep talking about, or the mandate that you claim that you got 20 percent of 39 percent of, is not a mandate in the sense of what the American people want, and for my Democratic colleagues who have been about the business of being bipartisan, I commend you and respect you for your bipartisan efforts, but I remind you that it should be a two-way street.

Let me tell my colleagues something: People, you have the votes in the House to pass the legislation that you want unilaterally, but don't you go around saying that my constituents signed on to your contract. They did not.

And let me also make it clear, let me make it clear for everybody in here, that the Republicans do not know all of what the American people want, and the Democrats do not either.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I, too, yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana [Mr. FIELDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FIELDS of Louisiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 135, noes 282, not voting 17, as follows:

[Roll No. 72]

AYES—135

Abercrombie
Ackerman
Barcia
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior

Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Slaughter
Stark
Stokes
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wyden
Wynn

NOES—282

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Bateman
Cox
Furse
Gibbons
Hall (OH)
Hefner
Johnson, E. B.
Martinez
Montgomery
Neal
Roberts
Rose
Roukema
Sisisky
Studds
Williams
Yates

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So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 4?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 101. ESTABLISHMENT.

There is established a commission which shall be known as the "Commission on Unfunded Federal Mandates" (in this title referred to as the "Commission").

SEC. 102. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) Investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

(3) IDENTIFICATION OF RELEVANT UNFUNDED FEDERAL MANDATES.—Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under section (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Government Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 103. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of State, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(1) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(2) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(3) 3 members appointed by the President.

(b) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Members of the Commission shall serve without pay.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) FIRST MEETING.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) QUORUM.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 104. DIRECTOR AND STAFF OF COMMISSION EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at a level not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 105. POWER OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States.

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) CONTRACT AUTHORITY.—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 106. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 102(d).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission $1,000,000 to carry out this title.

SEC. 108. DEFINITION.

As used in this title, the term "Federal mandate" means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

SEC. 109. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

Mr. POMBO. Mr. Chairman, I am pleased to see that the Unfunded Mandates Reform Act we are debating today is moving steadily toward passage in the House of Representatives. This measure, H.R. 5, is long overdue. For too many years, the Federal Government has been forcing regulations down the throats of State and local government officials without providing them with the necessary resources to pay for them.

To give an idea of how outrageous this practice has become, the Environmental Protection Agency's own figures state that its rules and regulations cost this Nation $140 billion last year—that is 2.2 percent of our entire gross domestic product. Let me remind my colleagues that this represents the cost of mandates from just one single agency of the Federal Government. The successful passage of H.R. 5 will once-and-for-all end this outrageous, and arrogant, Federal Government practice.

While I am disappointed that some in this House have tried to slow down the progress of H.R. 5, I am confident that the overwhelming bipartisan support it enjoys will enable us to make good on our promise with the American people. H.R. 5 is a top priority for those of us who have signed the Contract With America—and we intend to deliver.

Mr. Chairman, we are not the only ones who have been eagerly waiting for this legislation. State and local officials around the country are so disgusted with the Federal Government's penchant for establishing new programs without paying for them, they established an official Unfunded Mandates Day to make their concerns felt here in Washington. They have done this because it is the simple fact that the burden of paying for unfunded mandates is minimizing the effectiveness of State and local governments to provide even the most basic local services. Let me make one thing clear—we have heard their voices, and are dedicated to making a real difference.

What good do unfunded mandates serve if they require city officials to seriously consider buying and passing out bottled water to residents rather than comply with the strict Federal water testing requirements set forth in the Safe Drinking Water Act? How effective is requiring a city to spend over $250,000 over 3 years to remove petroleum-contaminated soil so that an asphalt parking lot could be put on top of it—when asphalt is a petroleum-based product? Mandates like these serve no one—except the Federal bureaucrats, of course.

Once again, Mr. Chairman, I would like to express my strong support for the Unfunded Mandates Reform Act and urge its passage in the House of Representatives as well as the other body. We owe the American people nothing less.

Mr. MCKEON. Mr. Chairman, legislative mandates made by the Federal Government have placed a significant financial burden on communities in California. The city of Los Angeles estimates that Federal mandates will cost approximately $2.2 billion over 5 years (1993–94 through 1997–98). In recent years, many Federal mandates have been placed on cities like Los Angeles without Federal funding required for implementing and enforcing these mandates.

Despite the attention to this issue, these Federal mandates have not subsided. The National Committee on Uniform Traffic Control Devices is currently in the process of recommending improvements in traffic-control devices, including street signs, to the Federal Highway Administration. In its present form, the National Committee's proposal recommends new Federal guidelines that would require communities to:

First, increase the size of the street sign lettering from 4 inches to 6 inches high; and second, modify street name signs to be reflective or illuminated.

The proposed guidelines do not contain any provisions for cities to fund these changes.

The city's department of transportation has reviewed this proposal and believes that the suggested requirements are extreme and unnecessary. The cost to change the more than 150,000 street name signs in the city would be approximately $10 to $15 million.

Without financial assistance, the city of Los Angeles is not in a position to comply with the proposed new guidelines for street signs. Furthermore, in an urban area such as Los Angeles, many intersections are sufficiently illuminated and often feature additional identifying signs for drivers of motor vehicles.

While this is one small example of a much larger problem, it is indicative of the costly Federal mandates imposed on local governments. With this in mind, I respectfully urge House Members to support H.R. 5, the Unfunded Mandates Reform Act of 1995.

Mr. MARTINI. Mr. Chairman, I rise this evening to congratulate my colleagues for passing H.R. 5, the Unfunded Mandates Reform Act of 1995.

Monday in my hometown of Clifton, NJ I met with local officials to talk about the importance of this legislation. Most of us know how difficult it is to be a local official, I can tell you I know first hand. I have had to deal with unfunded mandates first hand.

As we dealt with this bill on the House floor, the burden of unfunded Federal mandates did not go away. Local governments are still toiling under their yoke, losing money by the minute in manpower and paperwork complying with one-size-fits-all regulations from Congress.

Take my home State of New Jersey for example. Just recently we avoided what would have amounted to one of the most costly mandates in the country. As a commuter State, New Jersey was faced with drastic measures to slow the growth of automobile emissions in order to comply with one of the most infamous unfunded mandates on the books, the Clean Air Act.

In order to meet the rigorous standards of the act, the Environmental Protection Agency informed New Jersey that it must use a new, unproven testing system. The State itself was not supposed to have any input on the testing method, but rather meekly submit to the commands of the EPA.

What did this do to New Jersey drivers? Well, it simply set up a system in which they could not win. First, they would have to take an emissions test that almost every car was expected to fail. Then, they would have to pay $300 to $400 each to repair their cars only to take the test again. Fortunately, the State was able to head off EPA sanctions at the last moment and avoid the imposition of such a test.

I will give another example. As I stated before, I came to Washington as a former local official, on both the municipal and county levels. On the county level, I met with special frustration when confronted with unfunded Federal mandates.

As the Passaic County Freeholder Board moved to restructure a government that, just like everywhere else, had its inefficiencies, we were continually confounded by obligations placed on us by Washington. I led the fight to reorganize the county health administration, and a little initiative and persistence paid off: I was able to shave $107,000 from that department's budget. Due to similar efforts from my fellow Freeholders, we were able to reduce county spending by 7 percent in 1993.

But, as you may have already guessed, the Passaic County taxpayers could not directly reap the rewards of the frugal actions of the Freeholder Board. In 1993, we were actually forced to raise taxes. That part of our county budget that was mandated from above went up 10 percent, even faster than we could cut discretionary spending.

I am sure many of my colleagues have had similarly frustrating experiences. Stories like these have to stop, and I believe they soon will.

With the passage of H.R. 5, this House took a major step in the right direction. But the fight against unfunded mandates is far from over. You see, H.R. 5 is first and foremost an accountability measure.

There is nothing in this bill that says Congress may never pass another unfunded Federal mandate again, it only makes sure that Congress knows exactly how much its legislation costs. Because of this we have to remain vigilant over the next 2 years and continue in the spirit of H.R. 5 by refusing to pass the buck down the line.

I congratulate this body as a whole, my colleagues on the Government Reform and Oversight Committee, and especially the distinguished chairman of the committee, Mr. CLINGER, for their strong leadership on this vital issue. You have all done your country a great service today.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. EHLERS) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statues and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 607

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 607.

The Speaker pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Speaker, last week I missed a series of votes because, on January 22, at 7:14 p.m., my wife gave birth to our first child, Cleo Brandon Fields, who weighed 7 lbs., 1 oz. and was 20 inches long.

Had I been present, I would have voted "yes" on rollcall votes 25 through 28, 32 and 33, 35, 36, 40, 43 through 48, and 50 through 55. I would have voted "no" on rollcall votes 29, 30, 37, 38, 39, 41, 49, and 51.

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CONGRATULATIONS TO THE FAMILY OF CLEO FIELDS OF LOUISIANA ON THE BIRTH OF THEIR FIRST CHILD

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, let me preface my comments by offering my congratulations to the gentleman from Louisiana [Mr. FIELDS] and his wife on the birth of their first child. I hope it is every bit as much a joy in their life as mine was and is in my life.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the following committees, and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Economic and Educational Opportunities, the Committee on Transportation and Infrastructure, the Committee on National Security, the Committee on Science, the Committee on the Judiciary, the Committee on Resources, the Committee on International Relations, and the Committee on Small Business.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

Mr. BONIOR. Reserving the right to object, Mr. Speaker, I will not object. I rise to suggest that this is a reasonable request that my friend, the gentleman from Texas [Mr. ARMEY], has made this evening. We were given adequate time to consult with the ranking members of each of the various committees he has just read off to the body.

Mr. Chairman, the ranking members of those committees have no objection to the request, and the request does not contain a blanket waiver of the rule, but it specifies the particular committees that would be affected, and it is only for one day. We want to reassure the majority that we want to work with their leadership to make this institution work better, and as long as we are notified in advance so we can check with our appropriate people, and they think it is a request that will move this institution forward, we will not object.

With that, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. EHLERS). Is there objection to the request of the gentleman from Texas?

There was no objection./

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO LIBYA DECLARED IN EXECUTIVE ORDER NO. 12543 OF JANUARY 7, 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 104-24)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of July 18, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. On December 22, 1994, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control (FAC) of the Department of the Treasury, since my last report on July 18, 1994. The amendment (59 *Fed. Reg.* 51106, October 7, 1994) identified Arab Hellenic Bank (AHB), an Athens-based financial institution, 4 other entities, and 10 individuals as Specially Designated Nationals (SDNs) of Libya. (In addition to the recent SDN action against AHB, the Greek central bank has recently announced that AHB's banking license has been revoked.) Included among the individuals are three Italian shareholders in Oilinvest (Netherlands) B.V., who increased their positions in the Libyan government-controlled firm shortly before United Nations Security Council Resolution (UNSCR) 883 directed a freeze on certain Libyan assets owned or controlled by the Government or public authorities of Libya.

Pursuant to section 550.304(a) of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya, or are agencies, instrumentalities, or entities of that government. By virtue of this determination, all property and interests in property of these entities or persons that are in the United States or in the possession or control of U.S. persons are blocked. Further, U.S. persons are prohibited from engaging in transactions with these individuals or entities unless the transactions are licensed by FAC. The designations were made in consultation with the Department of State and announced by FAC in notices issued on June 17 and July 22 and 25, 1994. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 136 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (73) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Government of Libya interest. The largest category of denials (41) was for banking transactions in which FAC found a Government of Libya interest. Three licenses were issued authorizing intellectual property protection in Libya.

In addition, FAC issued eight determinations with respect to applications from attorneys to receive fees and reimbursement of expenses for provision of legal services to the Government of Libya in connection with wrongful death civil actions arising from the Pan Am 103 bombing. Civil suits have been filed in the U.S. District Court for the District of Columbia and in the Southern District of New York. Representation of the Government of Libya when named as a defendant in or otherwise made a party to domestic U.S. legal proceedings is authorized by section 550.517(b)(2) of the Regulations under certain conditions.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 210 transactions involving Libya, totaling more than $14.8 million, were blocked. As of December 9, 1994, 13 of these transactions had been licensed to be released, leaving a net amount of more than $14.5 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling more than $76,000 for violations of the U.S. sanctions against Libya. Nine of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. Two other penalties were received for corporate export violations. Four additional penalties were paid by U.S. citizens engaging in Libyan oilfield-related transactions while another 76 cases of similar violations are in active penalty processing.

In October 1994, two U.S. businessmen, two U.S. corporations, and several foreign corporations were indicted by a Federal grand jury in Connecticut on three counts of violating the Regulations and IEEPA for their roles in the illegal exportation of U.S. origin fuel pumps to Libya. Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. The FAC has continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby United States Government officials or to engage in public relations work on behalf of the Government of Libya without FAC authorization. In addition, during the period FAC hosted or attended several bilateral and multilateral meetings with foreign sanctions authorities, as well as with private foreign institutions, to consult on issues of mutual interest and to encourage strict adherence to the U.N.-mandated sanctions.

5. The expenses incurred by the Federal Government in the 6-month period from July 7, 1994, through January 6, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1.4 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. In adopting UNSCR 883 in November 1993, the Security Council determined that the continued failure of the Government of Libya to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions of the Security Council in UNSCRs 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. The United States continues to believe that still stronger international measures than those mandated by UNSCR 883, possibly including a worldwide oil embargo, should be imposed if Libya continues to defy the will of the international community as expressed in UNSCR 731. We remain determined to ensure that the perpetrators of the terrorist acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 30, 1995.*

REPORT OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING ADMINISTRATION OF RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968 DURING CALENDAR YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce and ordered to be printed:

To the Congress of the United States:

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1993.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Radiological Health Bulletin, and other publicly available sources. This annual report serves little useful purpose and diverts Agency resources from more productive activities.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 30, 1995.*

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 30, 1995.*

RULES OF PROCEDURE FOR THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE FOR THE 104TH CONGRESS

(Mr. SHUSTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHUSTER. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit a copy of the Rules of The Committee on Transportation and Infrastructure.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

RULE I.—GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and its subcommittees.

(2) Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Authority to Conduct Investigations.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(c) Authority to Print.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from the contingent fund of the House.

(d) Activities Report.—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(e) Publication of Rules.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE II.—REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) Regular Meetings.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) Additional Meetings.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) Special Meetings.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Vice Chairman.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(e) Prohibition on Sitting During 5-Minute Rule.—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(f) Addressing the Committee.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a member may address the Committee or subcommittee for any such purpose or to question a witness shall be limited to 5 minutes, except that this time limit may be waived by the Chairman, and a member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce the preceding sentence.

(g) Meetings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of Rule XI of the Rules of the House.

RULE IV.—RECORDS AND ROLL CALLS

(a) Keeping of Records.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a roll call is demanded.

The result of each such roll call vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) Property of the House.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

(c) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

RULE V.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) Authority to Sit and Act.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (b)(1) of this Rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents,

as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b) Issuance of Subpoenas.—(1) A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this Rule, the Chairman shall notify all members of the Committee of such action.

(2) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE VI.—QUORUMS

(a) Working Quorum.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (b) of Committee Rule V, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VIII, and the actions described in paragraphs (b), (c) and (d) of this Rule.

(b) Quorum for Reporting.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) Approval of Certain Matters.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 7 of the Public Buildings Act of 1959.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) Quorum for Taking Testimony.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE VII.—HEARING PROCEDURES

(a) Announcement.—The Chairman, in the case of a hearing to be conducted by the

Committee, and the appropriate subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing unless the Committee determines that there is good cause to begin the hearing at an earlier date. In the latter event the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) Written Statement; Oral Testimony.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) Participation of Committee Members in Subcommittees.—All members of the Committee may sit with any subcommittee during any hearing or deliberations and may participate in such hearing or deliberations, but a member who is not a member of the subcommittee may not vote on any matter before such subcommittee.

(f) Questioning of Witnesses.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) Investigative Hearings.—(1) Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for investigative hearings) applies to investigative hearings of the Committee and its subcommittees.

(2) A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

RULE VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Filing of Reports.—(1) The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) Quorum; Roll Call Votes.—(1) No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) Required Matters.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clause 2(l)(3) of Rule XI and clause 7 of Rule XIII of the Rules of the House.

(d) Inflation Impact.—Each report of the Committee on a bill or joint resolution of a public character reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) Additional Views.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(l)(5) of Rule XI of the Rules of the House.

(f)(1) Approval of Committee Views.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this Rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

RULE IX.—OVERSIGHT

(a) Purpose.—The Committee shall carry out oversight responsibilities as provided in this Rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) Oversight Plan.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) Review of Laws and Programs.—The Committee and the appropriate legislative subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate legislative subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) Review of Tax Policies.—The Committee and the appropriate legislative subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) Ensuring Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the Rules of the House.

(b) Review of Multi-year Appropriations.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) Views and Estimates.—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) Budget Allocations.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

(e) Reconciliation.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XI.—COMMITTEE BUDGETS

(a) Biennial Budget.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) Travel Requests.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XIII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Monthly Reports.—Once monthly, the Chairman shall submit to the Committee on House Oversight, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XII.—COMMITTEE STAFF

(a) Appointment by Chairman.—The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) Appointment by Ranking Minority Member.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes; except, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) Intention Regarding Staff.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XIII.—TRAVEL OF MEMBERS AND STAFF

(a) Approval.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made;

(4) the names of members and staff seeking authorization.

(b) Subcommittee Travel.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VII.

(c) Travel Outside the United States.—(1) In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Applicability of Laws, Rules, Policies.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, and by the travel policy of the Committee as set forth in the Committee Travel Manual.

RULE XIV.—ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS; CONFERENCE COMMITTEES

(a) Establishment.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios are:

(1) Subcommittee on Aviation (29 Members: 16 majority, 13 minority)

(2) Subcommittee on Coast Guard and Maritime Transportation (12 Members: 7 majority, 5 minority)

(3) Subcommittee on Public Buildings and Economic Development (11 Members: 6 majority, 5 minority)

(4) Subcommittee on Railroads (16 Members: 9 majority, 7 minority)

(5) Subcommittee on Surface Transportation (38 Members: 21 majority, 17 minority)

(6) Subcommittee on Water Resources and Environment (29 Members: 16 majority, 13 minority).

(b) Ex Officio Members.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) Ratios.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

(d) Conferees.—The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XV.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Authority to Sit.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) Disclaimer.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(c) Consideration by Committee.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE XVI.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) General Requirement.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Rule XIV referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) Recall from Subcommittee.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the Committee for the Committee's direct consideration or for reference to another subcommittee.

(c) Multiple Referrals.—In carrying out this Rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTERT (at the request of Mr. ARMEY) for today until 11:45 p.m., on account of personal reasons.

Mr. BATEMAN (at the request of Mr. ARMEY) for today from 8 p.m., on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today after 10:50 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SKAGGS) to revise and extend his remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, today.

(The following Members (at the request of Mr. WHITE) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, on January 31.

Mr. FOX of Pennsylvania, for 5 minutes, on January 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SKAGGS) and to include extraneous matter:)

Mr. ACKERMAN.
Mr. LAFALCE.
Mr. RANGEL.
Mr. MINETA.

(The following Member (at the request of Mr. CHRISTENSEN) and to include extraneous matter:)

Mr. CLINGER.

(The following Members (at the request of Mr. FIELDS of Louisiana) and to include extraneous matter:)

Mr. ACKERMAN.
Mr. LIPINSKI.
Mr. TRAFICANT.
Mr. MOAKLEY.
Mr. STENHOLM.
Mr. RANGEL.
Mr. ORTON.
Mr. BREWSTER.
Mrs. LOWEY.
Ms. JACKSON-LEE.
Mr. DICKS.
Mr. FARR.
Mr. SERRANO.

(The following Members (at the request of Mr. WHITE) and to include extraneous matter:)

Mr. GILMAN in two instances.
Mr. HORN.
Mr. GUNDERSON.
Mr. MCKEON.
Mr. QUINN.
Mr. MANZULLO.
Mr. KINGSTON.
Mr. MARTINI.
Mr. MCINNIS.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 273. An act to amend section 61h-6 of title 2, United States Code.

ADJOURNMENT

Mr. WHITE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes a.m.), under its previous order, the House adjourned until today, Tuesday, January 31, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-302, "Technical Amendments Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. 10-331, "Child Support Enforcement Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-332, "Youth Initiatives Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-333, "District of Columbia Board of Education Sale, Renovation, Lease-back, and Repurchase of Franklin School Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

231. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-334, "Dedication and Designation of Woodcrest Drive, S.E., S.O. 92-125, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

232. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-335, "Day Care Policy Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-336, "Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

234. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-337, "Closing of a Public Alley in Square 2837, S.O. 92-195, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

235. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-338, "Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

236. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-340, "Medicaid Benefits Protection Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

237. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-341, "Respiratory Care Practice amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

238. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-342, "Moratorium on the Issuance of New Retailer's Licenses Class B Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

239. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-343, "Qualified Massage Therapists Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

240. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-344, "Armory Board Interim Authority Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

241. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-345, "Prevention of the Spread of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Temporary Amendment Act of 1994," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

242. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-346, "Public Assistance and Day Care Policy Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

243. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-347, "Closing of a Public Alley in Square 120, S.O. 91-8, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

244. A letter from the Deputy Under Secretary of Defense for Environmental Security, transmitting a report on the Environmental Education Opportunities Program, pursuant to 10 U.S.C. 2701 note; jointly, to the Committees on National Security and Economic and Educational Opportunities.

245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the agreement providing that relations between the United States and Palau be conducted in accordance with the Vienna Convention on Diplomatic Relations, pursuant to Public Law 101-219, section 110(a); jointly, to the Committees on International Relations and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 2. A bill to give the President item-veto authority over appropriation acts and targeted tax benefits in revenue acts; with amendments (Rept. 104-11, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. DINGELL, and Mr. MARKEY):

H.R. 725. A bill to amend the Securities Exchange Act of 1934 to impose additional fraud detection and disclosure obligations on auditors of public companies; to the Committee on Commerce.

By Mr. ORTON:

H.R. 726. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself and Mr. SCHUMER):

H.R. 727. A bill to amend the Federal Deposit Insurance Act to regulate the retail sale of nondeposit investment products by insured depository institutions to prevent customer confusion about the uninsured nature of the products, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCCOLLUM:

H.R. 728. A bill to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

H.R. 729. A bill to control crime by a more effective death penalty; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 730. A bill to amend title 18, United States Code, with respect to the extraterritorial jurisdiction of the United States over nuclear terrorism; to the Committee on the Judiciary.

By Mr. FARR (for himself, Mr. DELLUMS, and Mr. HORN):

H.R. 731. A bill to require the Secretary of the Army to convey certain real property at Fort Ord, CA, to the city of Seaside, CA, in order to foster the economic development of the city, which has been adversely impacted by the closure of Fort Ord; to the Committee on National Security.

By Mr. GOSS;

H.R. 732. A bill to amend the Federal Election Campaign Act of 1971 to reform House of Representatives campaign finance laws, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JACOBS (for himself and Mr. CAMP):

H.R. 733. A bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations, and for other purposes; to the Committee on Ways and Means.

H.R. 734. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 735. A bill to establish a national commission to oversee and regulate major league and minor league baseball, to promote the interests of consumers, local communities and taxpayers, to recommend modification of the antitrust exemption for major league baseball, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER (for himself, Mr. ROBERTS, and Mr. FUNDERBURK):

H.R. 736. A bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such act; to the Committee on House Oversight.

By Ms. LOWEY:

H.R. 737. A bill to amend the Internal Revenue Code of 1986 to provide that the treatment of tenant-stockholders in cooperative housing corporations also shall apply to stockholders of corporations that only own the land on which the residences are located; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 738. A bill to amend the Federal Election Campaign Act of 1971 to provide for partial removal of limitations on contributions to candidates whose opponents exceed personal contribution limitations in an election; to the Committee on House Oversight.

By Mr. ROTH (for himself, Mr. PACKARD, Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. PARKER, Mr. BURTON of Indiana, Mr. COBLE, Mr. ARCHER, Mr. CALLAHAN, Mr. BUNNING of Kentucky, Mr. GOODLATTE, Mr. STUMP, Mr. INGLIS of South Carolina, Mr. ROGERS, Mr. SENSENBRENNER, Mr. LIPINSKI, Mr. HANCOCK, Mr. ROYCE, Mr. HUTCHINSON, Mr. NEY, Mr. FORBES, Mr. SOLOMON, Mr. KINGSTON, Mr. ROHRABACHER, Mr. OXLEY, and Mr. KING):

H.R. 739. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Economic and Educational Opportunities.

By Mr. SKEEN (for himself and Mr. SCHIFF):

H.R. 740. A bill to confer jurisdiction on the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian tribe; to the Committee on the Judiciary.

By Mr. VOLKMER:

H.R. 741. A bill to amend title IV of the Social Security Act by reforming the Aid to Families with Dependent Children Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Agriculture, Banking and Financial Services, the Judiciary, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 742. A bill to amend the Federal Advisory Committee Act to limit the application of that act to meetings between Federal offices or employees and representatives of State, county, and local governments and Indian tribes, and to limit the application of that act to activities of the Department of the Interior related to consultations of the Department with Indian tribal organizations with respect to the management of funds held in trust by the United States for Indian tribes; to the Committee on Government Reform and Oversight.

By Mr. GUNDERSON (for himself, Mr. FAWELL, Mr. GOODLING, Mr. HOEKSTRA, Mr. PETRI, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. TALENT, Mr.

Christensen, Mr. Emerson, Mr. Bereuter, Mr. Boehner, Mr. Hoke, Mr. Linder, Mr. Porter, Mr. Portman, Mr. Stenholm, and Mr. Hayes):

H.R. 743. A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. PICKETT:

H.R. 744. A bill to limit State taxation of certain pension income, and for other purposes; to the Committee on the Judiciary.

H.R. 745. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations; to the Committee on the Judiciary.

H.R. 746. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. Houghton, Mr. Crane, Mr. Matsui, Mr. Shaw, and Mr. Herger):

H.R. 747. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of partnership investment expenses under the minimum tax; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Ms. Norton, and Mr. Torricelli):

H. Res. 49. Resolution expressing the sense of the House of Representatives relating to the eradication of slavery where it exists throughout the world; to the Committee on International Relations.

By Mr. MINETA (for himself, Mr. Moorhead, and Mr. Conyers):

H. Res. 50. Resolution expressing the sense of the House of Representatives concerning the current negotiations between the United States and the People's Republic of China on the issue of intellectual property rights protection; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. Ballenger.

H.R. 46: Mr. Forbes, Mr. Combest, Mr. Packard, Mr. Barrett of Nebraska, Mr. Houghton, Mr. Goodlatte, Mr. Hancock, and Mr. Ackerman.

H.R. 58: Mr. Solomon.

H.R. 70: Mr. Parker, Mr. Studds, and Mr. McKeon.

H.R. 77: Mr. Miller of Florida.

H.R. 78: Mrs. Chenoweth.

H.R. 104: Mr. Weller.

H.R. 127: Mr. Hamilton, Ms. Lofgren, Mr. Studds, Mr. Chapman, Mr. Bachus, Mr. Borski, Mr. Burton of Indiana, Mr. Lipinski, Mr. Roth, Mr. Gunderson, and Mr. Walsh.

H.R. 142: Mr. Paxon and Mr. Pombo.

H.R. 219: Mr. McKeon.

H.R. 230: Mr. Calvert.

H.R. 250: Ms. Pelosi, Mr. Lipinski, Ms. Norton, Mr. Serrano, Ms. Waters, Ms. Velázquez, Mr. Wynn, Mr. Johnston of Florida, Ms. Woolsey, Mr. Romero-Barcelo, Mr. Flake, Mr. McDermott, Ms. Lofgren, and Mr. Stark. H.R. 325: Mr. Barrett of Wisconsin.

H.R. 326: Mr. Bachus, Mr. Flanagan, and Mr. Calvert.

H.R. 353: Ms. Furse, Mr. Sanders, and Mr. Gutierrez.

H.R. 354: Mr. Bachus.

H.R. 357: Mr. Bereuter, Ms. Roybal-Allard, Mr. Jacobs, Mr. Johnston of Florida, Mr. Torres, Ms. Woolsey, Mr. Lipinski, Mr. Farr, Mr. Brown of California, Mr. Evans, Ms. Furse, Mr. Minge, Mr. English of Pennsylvania, Ms. Danner, and Mr. Mineta.

H.R. 384: Mr. Rangel and Ms. Pelosi.

H.R. 387: Mr. Chapman, Mr. Gillmor, Mrs. Thurman, and Mr. Jacobs.

H.R. 444: Mr. Studds, Mr. Moran, Mr. Meehan, Mrs. Kennelly, Ms. Pelosi, Mr. Yates, Mr. Johnston of Florida, Mr. Wynn, Mr. Clay, Mr. Kennedy of Rhode Island, Mr. Gonzalez, Mr. Ackerman, Mr. Cardin, Mr. Berman, Mr. Moakley, Mr. Frank of Massachusetts, Mr. McDermott, Mr. Coyne, Mr. Abercrombie, Mr. Borski, Mr. Farr, Mr. Miller of California, Mr. Gejdenson, Mr. Doggett, Mr. Vento, Mr. Beilenson, Mr. Engel, Ms. Woolsey, Mr. Serrano, Mr. Evans, Mr. Menendez, Mrs. Morella, and Ms. Lowey

H.R. 450: Mr. Packard and Mr. Riggs.

H.R. 480: Mr. Laughlin.

H.R. 519: Mr. Canady.

H.R. 561: Mr. Torres.

H.R. 579: Mr. Hancock, Mr. Solomon, and Mr. Neumann.

H.R. 582: Mr. Sensenbrenner and Mr. Bartlett of Maryland.

H.R. 587: Ms. Danner, Mr. Rohrabacher, Mr. Evans, Mr. Bryant of Texas, Mr. Klug, and Mr. McHale.

H.R. 605: Mr. McKeon and Mr. Dornan.

H.R. 619: Mr. Sanders, Mr. Torres, Mr. Watt of North Carolina, Mr. Vento, and Mr. Berman.

H.R. 620: Mr. Sanders, Mr. Torres, Mr. Watt of North Carolina, and Mr. Vento.

H.R. 631: Mr. Collins of Georgia, Mr. Heineman, Mr. Bono, Mr. Gene Green of Texas, Mr. Zeliff, Mr. Bartlett of Maryland, and Mr. Burton of Indiana.

H.R. 660: Mr. Deutsch and Mr. Johnston of Florida.

H.R. 663: Mr. Gilchrest, Mr. Stearns, and Mr. Jones.

H.R. 682: Mr. Doolittle.

H.R. 696: Mr. Forbes, Mr. Manzullo, Ms. Danner, Mr. Frost, Mr. Minge, Mr. McHale, Mr. Clyburn, Mr. Gillmor, Mr. Funderburk, Mr. Foley, Mr. Longley, Mr. Traficant, Mr. Parker, and Mrs. Kelly.

H.R. 697: Mr. Lewis of California, Mr. Barrett of Nebraska, Mr. Levin, Mr. Bartlett of Maryland, Mr. Brewster, and Mr. Taylor of North Carolina.

H. Res. 30: Mr. Martinez, Mr. Canady, Mr. Evans, Ms. Harman, Mr. LaHood, Mrs. Seastrand, Mrs. Mink of Hawaii, Ms. Molinari, Mrs. Clayton, Mr. McHale, Mr. Gillmor, Ms. Pryce, Mr. Serrano, Mr. Stearns, Mr. Bachus, Mr. English of Pennsylvania, Mr. Pallone, Ms. Dunn of Washington, and Mr. King.

H. Res. 40: Mr. Baldacci, Mr. Becerra, Mr. Doggett, Ms. Eshoo, Mr. Gutierrez, Mrs. Kennelly, Ms. Lofgren, Mr. Mascara, Mr. Olver, Mr. Reynolds, Ms. Rivers, Mr. Ward, Mr. Wise, and Ms. Woolsey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 607: Mr. Ramstad.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

Offered By: Mr. Roemer

Amendment No. 172: In section 4, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

(8) pertains to the immunization of children against vaccine-preventable diseases.

H.R. 5

Offered By: Mr. Roemer

Amendment No. 173: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike "or" after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert "; or", and after paragraph (7) add the following new paragraph:

"(8) pertains to the immunization of children against vaccine-preventable diseases.

EXTENSIONS OF REMARKS

DRUNK DRIVING PREVENTION ACT

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. BREWSTER. Mr. Speaker, the last decade has witnessed great strides in the battle against drunk driving. The facts speak for themselves: Alcohol-related traffic fatalities in 1993 were 21 percent below the 1990 level. The original drunk driving target for the year 2000 set by the Federal Government was met and exceeded by 19 percent in 1992, and the number of teenage drunk drivers involved in fatal accidents is down 62 percent since 1982.

The reduction in drunk driving is due to an effective comprehensive approach combining sound laws, strict enforcement, even-handed adjudication, education, and treatment. To continue to address the problem and prevent the abuse of beverage alcohol products we must continue a two-pronged effort that ensures strict and consistent law enforcement for those who break the law and education concerning the responsible consumption of beverage alcohol products.

While recognizing that there is certainly still much to be done, the Distilled Spirits Council of the United States [DISCUS], a leader in the beverage alcohol industry and a proponent of responsible initiatives to combat drunk driving, has developed a model State law, the Drunk Driving Prevention Act. The strong provisions contained in this model State legislation will deter and penalize those who drive while under the influence. DISCUS is to be commended for its exemplary effort to build a working partnership at the Federal, State and local community levels in an effort to enact passage of this measure. The Drunk Driving Prevention Act will help ensure that progress continues in the fight to stop alcohol-related fatalities on our Nation's highways.

The following is a synopsis of the act's provisions:

Alcohol and drug education for drivers: Every first-time applicant for a driver's license would complete a mandatory course of instruction that provides alcohol and drug education concerning the effects of consumption of beverage alcohol products; the use of illegal, prescription and nonprescription drugs; the ability to operate a motor vehicle, and the financial and legal consequences of driving while under the influence. The driver's license test would also include written questions on these issues.

Open container: Drivers and passengers would be prohibited from carrying or possessing any beverage alcohol product in the passenger area, except in the original container with the seal unbroken. Partially filled containers must be stored in the trunk or lacking a trunk, in the compartment area least accessible to the driver. This provision does not apply to passengers in chartered buses, taxis, limousines for hire, or motor vehicles with a contract driver.

Administrative license revocation: Administrative license revocation for drivers who refuse to submit to the State's implied consent chemical testing, or who are arrested for the violation of the State's driving while under the influence law prior to court appearance. This provides for the arresting officer to physically take possession of the offender's driver's license and issue a temporary license with a notice of revocation. The driver would then have 15 days to request a hearing. If no hearing was requested, immediate revocation would take effect. Upon the expiration of the revocation period, the party would be eligible to apply for another driver's license upon payment of all applicable fees. It would be unlawful for the individual to drive while his/her license is revoked and for any person to knowingly permit his/her motor vehicle to be driven by an individual with a revoked license.

Tough laws against underage drinking: Administrative license revocation penalties for minors who drive with any measurable and detectable alcohol concentration, or who illegally purchase or possess beverage alcohol products. A minor may not enter premises licensed for the retail sale of beverage alcohol for the purpose of purchasing, being served, or having delivered to him/her any beverage alcohol product. A minor may not consume beverage alcohol on premises licensed for the retail sale of beverage alcohol, may not purchase, attempt to purchase, or have another purchase for him/her any beverage alcohol product, and may not misrepresent or misstate his/her age, or the age of any person, for the purpose of purchasing or having served or delivered to him/her any beverage alcohol product.

Mandatory alcohol and drug testing of drivers involved in fatal motor vehicle accidents: Chemical testing is required of every driver involved in an accident resulting in loss of human life where there exists probable cause to believe that the driver is guilty of violating the State's driving while under the influence law. It would also require the establishment and maintenance of a database of the number of fatal motor vehicle accidents that are alcohol-related with the percentage of alcohol concentration involved, and/or drug-related involvement and list the class of drugs so found and their amount.

Mr. Speaker, there are no easy answers or quick remedies to drunk driving. What is evident, however, is this country would greatly benefit from a cooperative partnership between the U.S. Government, the beverage alcohol industry, and the American public. Let us set aside any differences in our quest for a common goal. We must recognize personal responsibility as the first step toward the ultimate end to drunk driving. Drunk driving is everyone's problem, the solution must be as well.

MURLI DEORA, INDIAN M.P., ELECTED PRESIDENT OF PARLIAMENTARIANS FOR GLOBAL ACTION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. ACKERMAN. Mr. Speaker, earlier this week Parliamentarians for Global Action unanimously elected Murli Deora as its international president. Parliamentarians for Global Action is an association of more than 1,000 legislators from more than 80 countries who are committed to solving global problems in a spirit of cooperation that transcends national and ideological boundaries.

Murli Deora's election to this position marks the first time a parliamentarian from Asia has been voted to head this prestigious organization. It also is a recognition of Murli's many years as a staunch advocate of a strong relationship between the United States and India. Murli has been a key leader in promoting United States-Indo ties while he served as a Member of Parliament representing the financial center of Bombay. Murli has worked diligently both in his capacity as a Member of Parliament and as the chairman of the Congress Party in Bombay to make certain that the economic bonds between the United States and India grow stronger every year. He has offered invaluable advice and assistance to me and many other Members of Congress who share his vision of a vibrant Indo-United States relationship.

Mr. Speaker, India is the world's largest democracy. The United States is not only India's friend and ally, but also its largest trading partner. Therefore, I believe it is entirely appropriate for my colleagues and I to join together in congratulating Murli on this high honor which he so richly deserves. As we move toward the beginning of the 21st century I am certain that the Congress can continue to look to Murli for guidance and leadership as the relationship between the United States and India grows even stronger. He will be a dynamic president of Parliamentarians for Global Action at a time when his creative leadership and expansive vision will be utilized to the fullest. I know every member of this body joins me in wishing him continued success as he undertakes this important new responsibility.

TRIBUTE TO RON ESAU

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MINETA. Mr. Speaker, I rise today in tribute to a dedicated public servant and a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

personal friend. As Ron Esau retires from his position as general manager of the Santa Clara Water District, in San Jose, CA, this month, he caps a remarkable career as a major water resources force in Santa Clara County. This is a man whose interest in public service is so important to him that he made it his duty for more than half of his life.

Since 1957, Ron Esau has been serving the citizens of Santa Clara County. He first joined the Santa Clara Valley Water District as an assistant civil engineer and has held various posts, including assistant general manager, until appointment to his present position as general manager.

During his 37 years of dedicated service, Ron Esau has been appointed to numerous directorships on water boards across the State including the State Water Contractors, the Central Valley Project Water Association, the California Water Resources Association, the California Urban Water Agencies, the Western Urban Water Coalition, the Bay Policy Board, and others.

Aside from his prestige as a high-ranking water resources and community official, Mr. Esau has also been praised for the substantial contributions he has made as a hard-working volunteer. He is known for the work he has done as a cabinet member of the United Way of Santa Clara County, and for his extensive work with his church.

Despite the water wars that raged in our State for years, Ron Esau has been a voice of reason with an eye to the future for how we work well to develop a reliable water supply for Santa Clara County. One of the greatest strengths Mr. Esau brought to our valley was the need to expand the diversity of our water supply base to deal with the growth of our county and the realities of drought. His thoughtful approach of developing a mix of water supplies led this county through the recent critical drought experience relatively unscathed in a much stronger position than many areas around us. This feat is a testament to his leadership and vision.

Ron Esau is a principled and honest leader and a devoted father and husband. I know that whatever area of endeavor he chooses next, he will excel. I want to wish Ron and Connie and the rest of his family all the best in the future, and thank him for the wonderful achievements and progress he has left for us to remember him by.

NATIONAL COMMISSION ON PROFESSIONAL BASEBALL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. LAFALCE. Mr. Speaker, I am today introducing the National Commission on Professional Baseball Act of 1995. The legislation creates a temporary regulatory authority to oversee the conduct of professional baseball to assure that our national pastime will remain available and responsive to the American public.

Like all baseball fans, I have found the events of the past year extremely disheartening. We witnessed labor negotiations that focused more on outlandish demands by both owners and players that on tangible objectives, a baseball strike that halted all major league play after August 12 and, for the first time in 90 years, the cancellation of a World Series. Recently, the major league team owners unilaterally imposed a cap on player salaries that could also jeopardize the 1995 baseball season. All these events have taken place behind closed doors, in secret negotiations without representation of, and little apparent regard for, the interests of those who pay the cost of professional baseball—baseball fans and taxpayers.

These events tends to confirm the most negative images of major league baseball in the press as big business dominated by the interests of obstinate team owners and overpaid players. But baseball has always been more than just a business. Last year's PBS special on the history of baseball by Ken Burns offered a timely reminder that baseball is an important American institution and an historic national treasure. For more than 100 years, baseball has been one of the few constants in a changing American society. It has been the measure by which generations of Americans have recalled their past, identified their heros and defined their values and aspirations.

Today, the values and traditions of baseball are at risk for future generations. In the struggle for financial dominance between major league owners and players, nowhere are the interests of baseball fans represented in any negotiation. Ticket and concession prices are now so high that the Nation's pastime, if available at all locally, is priced out of the reach of growing numbers of American families. Even watching baseball on commercial television, the only way many families now enjoy major league games, could be eliminated if broadcast rights are sold to pay-per-view television.

It is clear that baseball owners and players will continue to look out only for their own needs. But there is a crying need for someone to look out for the interests of fans, of taxpayers and of the communities in which both major league and minor league baseball is played. It is time for Congress to take steps to return baseball to the American people.

The legislation I am introducing today seeks to accomplish this by creating an independent National Commission on Professional Baseball. The Commission would serve as a temporary regulatory body and impartial arbitrator to oversee the conduct of professional baseball until the legal status of major league baseball can be redefined either by negotiation or by congressional legislation. Its purpose is simple—to provide a measure of protection for the interests of baseball fans and taxpayers against the near absolute control over baseball exercised by the major league baseball owners.

Major league baseball is unique among professional sports and American business in the broad exemption it enjoys from legal challenge under the Nation's antitrust laws. Major league team owners have, in effect, the ability to write all their own rules and to impose these rules on the public. No outside regulatory authority, nor any form of internal self-regulatory control, now exists to check this exercise of take-it-or-leave-it market power by major league baseball.

The current player strike is the most obvious result of this unchecked exercise of market power. Where once baseball's antitrust exemption was instrumental in allowing baseball to expand and create playing opportunities, it now encourages labor disputes and deadlock. In every renegotiation of the major league players agreement since 1972—in eight separate negotiations in 22 years—agreement was not reached without either a strike or a lockout.

But the problems created by the major league's exemption from legal challenge go beyond the labor disputes it fosters between owners and players and its exclusiveness and expense for consumers. There are equally adverse consequences for minor league baseball teams, local governments and taxpayers.

The relationship between major league and minor league baseball teams has become extremely imbalanced, to the extent that minor league teams appear analogous to closely controlled franchises with little independent control or discretion. The key assets of minor league teams—their players, managers, and coaches—are owned and controlled by major league teams, leaving minor league owners with authority to undertake largely financial management and marketing responsibilities for their team. Rights to operate as a minor league team, together with players and coaches, can be revoked for almost any reason, and with little or no recourse.

Major league owners have also learned that by threatening to move a team to another city they can extract hundreds of millions of dollars from local governments to renovate existing ball parks or build extravagant new stadiums. Teams have attracted new fans and generated substantial windfalls in the first few years after moving into new stadiums. Local taxpayers end up paying most of the costs. The major leagues have also required smaller communities to invest substantial sums to renovate playing facilities in order to retain their minor league teams, offering few, if any, guarantees that these teams will not be moved in future years. In my own State of New York, for example, the cost imposed on smaller towns to meet these facility requirements has amounted to nearly $30 million. Once again, the taxpayers pay the bill.

It has become clear that we really need Federal legislation to solve some of the major problems faced by baseball. Since baseball is a national sport and, indeed, is known as our national pastime, I believe Federal legislation is the best way to address this need.

Proposals have been introduced in the House by Representatives MICHAEL BILIRAKIS and JIM TRAFICANT, and in the Senate by Senator DANIEL PATRICK MOYNIHAN, to repeal baseball's antitrust exemption. I fear this may be too simplistic an answer that does not come to grips with the totality of the problems of professional baseball. Repeal would certainly benefit major league players, and perhaps even consumers, if it results in team expansion and lower ticket costs. But it could be extremely disruptive of baseball operations generally and potentially devastating for many minor league teams. To resume play for fans in 28 major league cities could mean losing far more affordable access to baseball for fans in many of the 170 minor league parks across North America.

The major alternative to this approach is incorporated in bills sponsored by Representatives JIM BUNNING and CHARLES SCHUMER and seeks only partial repeal of baseball's exemption to subject labor issues and negotiations to Federal antitrust law. These proposals suffer from the opposite problem of addressing only impediments to resolution of the current players strike while offering little to address the broader problems for baseball fans, local governments and taxpayers, and minor league teams.

The legislation I am introducing today offers a middle ground between these alternatives. It creates a seven-member national commission with representatives of all the principal parties in professional baseball, together with a chairman and two members representing the general public. The commission would serve as a temporary oversight and mediation body that could act immediately to help resolve an impasse between baseball owners and players and also protect the rights and interests of baseball fans, minor league teams, local governments and taxpayers. It would also facilitate a longer term, more thoughtful and balanced approach to resolving the broader problems created by baseball's antitrust exemption.

The legislation does not take a definitive position on the repeal of the antitrust exemption. A major duty of the commission would be to undertake a multi-year study of the antitrust exemption, taking into account all interests and perspectives, and to submit to Congress its findings and any recommendations for legislative remedies. The commission would be required to analyze the major proposals for modifying baseball's antitrust exemption, including total repeal of the exemption, partial repeal for purposes of subjecting labor relations issues to antitrust jurisdiction, and repeal of the exemption with protections to exempt long-standing contractual arrangements between major league and minor league teams from the antitrust laws.

My legislation does take the position that baseball's antitrust exemption is, in effect, a government-granted monopoly in much the same manner as a local public utility or transportation authority. And like any other publicly-sanctioned monopoly, my bill would require public oversight to assure that self-interest is not put above the interests of the public and consumers.

In this regard, the proposed commission would be similar to the Federal Communications Commission, or any other public body with oversight over a restricted industry or market. An important difference, however, is the fact that the authority of the proposed commission is intended to be temporary during a period of deregulation of baseball from the current market restrictions imposed by baseball's current antitrust exemption. Since Federal law has permitted a restricted national market for major league baseball, the Federal Government has both the right and the responsibility to regulate this market, just as we regulate other monopolies, to assure that the public's interests are protected.

The primary purpose of the commission is to provide a forum for public scrutiny over the conduct of professional baseball at both the major league and minor league levels. It would have the authority to investigate many aspects of baseball, including the setting of ticket prices, expansion or relocation of team franchises, terms and conditions of major and minor league player contracts, relationships between major and minor league teams, structural requirements and financing for stadiums, television broadcast rights, and licensing and marketing of baseball merchandise. The commission could intervene in these areas upon a determination that an action or policy is potentially harmful to the public's interests or the best interests of baseball.

The commission also would have authority to conduct binding arbitration in the event of a labor impasse between major league owners and players. It could also provide for mediation or arbitration of disputes between the major leagues and minor league teams owners. In these areas, the legislation accords players and minor league team owners an opportunity to resolve disputes with major league team owners where no means of viable recourse are currently available.

A key power of the commission would be its authority to hold public hearings and to obtain, if necessary through court action, all relevant information and documents needed for its public investigations. Major decisions in baseball that affect baseball fans, teams, and taxpayers are made routinely in complete secrecy without any public representation or disclosure. Major league baseball's financial statements are accorded the status of State secrets. And secrecy and distrust between owners and players have created major barriers to settlement of labor disputes. The commission would lift this veil of secrecy in baseball and permit public disclosure of all relevant information pertaining to actions that affect the public.

The commission would also have authority to issue orders, and to obtain injunctions if necessary, to delay or halt actions or policies by major league team owners until it has had sufficient opportunity to hold public hearings and obtain relevant information.

Finally, the legislation requires that the commission be self-funding through payment of fees by the major league baseball owners. Major league baseball has reaped enormous benefits as a result of its protected market status under Federal antitrust law and has an obligation to pay most of the cost of regulating this market to protect the public's interests. Funding would be in the form of annual fees paid by major league baseball calculated as a fraction-of-a-percentage—.002 percent—of combined annual team revenues. The manner and allocation of these fee payments among major league teams would be determined by the commission after consultation with major league team owners.

Mr. Speaker, the single most important issue of economic policy and legal principle that every Member of Congress must consider is whether baseball owners should retain their unique prerogative to write all the rules of our Nation's pastime themselves. The events of the past year, and the cancellation of the World Series for the first time in 90 years, strongly suggest that major changes are needed.

I am particularly pleased about the recent statements by both President Clinton and Senate Majority Leader DOLE urging the players and owners to reach agreement as quickly as possible. I hope that these and other efforts are successful, and that the strike ends forthwith. But that alone is not enough, or should not be, because history shows that further work stoppages in the future are highly likely to occur. So Congress should act on this whether or not a settlement is reached.

Everyone involved in seeking a solution to this is doing so principally for emotional reasons—reviving our national pastime. But as the President pointed out, there are serious economic consequences as well. Spring training communities will lose $1 million for each canceled game; major league cities will lose $1.2 million and some 2,000 jobs for each canceled game, according to the U.S. Conference of Mayors. This means that the strike has already cost our economy some $2 billion. We must not forget that it isn't just the owners and players who are losing money in this dispute—we are all losing, one way or another.

The many bills that have been introduced demonstrate the wide ideological and geographic extent of the interest in dealing with the baseball crisis. But the complete or partial repeal of the antitrust exemption is too simplistic an answer and will not get to the nub of the problem, which is to protect fans, taxpayers, and communities. My proposal offers a broader alternative. Under my bill, we will have the equivalent of compulsory arbitration to resolve the short-term problems and get major league baseball on the fields once again, followed by an in-depth study of how we can best organize baseball at all levels under conditions that provide future stability for all concerned: players, owners, fans, communities and taxpayers throughout the United States.

I think this is good legislation and sound public policy. I do not expect baseball owners to support my proposal; I do not expect major league players to support it; but I do hope that fans and taxpayers across America will support it, for it is the only proposal designed first and foremost for baseball fans and taxpayers. I urge the Congress to consider this legislation at the earliest opportunity.

BOYS CHOIR OF HARLEM: DOING IT RIGHT FOR 25 YEARS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, a group of young men who have been doing it right for the past 25 years.

An outstanding article which appeared in the Daily News, December 11, 1994, speaks of the choir's humble beginnings to the celebrated musical success they take pride in today.

Please enjoy.

QUITE A CHOIR

(By Sharline Chiang)

"Guys, it's pianissimo," the burly choir director bellowed. Then, clapping twice, he ordered: "Don't half do it. It must be right!"

Doing it right. That's what the Boys Choir of Harlem has been specializing in for the past 25 years.

It hasn't always been easy.

"It's been a long process of convincing people—classical purists—that we were real," said Walter Turnbull, choir founder and director.

Evidence of real musicianship and diversity can be found on the choir's first solo album, "The Sound of Hope," which celebrates the group's silver anniversary.

The album, released in October by EastWest Records America, offers everything from pop and R&B to jazz and gospel.

In 25 years, the choir has been turned from a group of rambunctious boys in the basement of Ephesus Church in Central Harlem to a major international attraction.

In 1987, the Choir Academy of Harlem, a satellite of Community School District 5, was born. Today, the academy teaches youngsters ages 8 to 18 and offers a Regents high school program.

More than a year ago the academy moved from a smaller building in Harlem to its first permanent home—the former Intermediate School 201 building at Madison Ave. and 127th St.

Aside from proving itself to critics, keeping the school financially stable through the years has been a challenge, Turnbull said.

Performances for royalty and Presidents alone don't cover the costs of tutors, pianos and more than 100 worldwide tours each year. Ticket revenues cover only half its $2.7 million budget.

Despite generous patrons, cutbacks in city and corporate funding have made some tours impossible.

Nevertheless, as funding shrinks, the number of young people who audition continues to grow. Last year 2,000 hopefuls tried out for 200 seats in music, dance and drama.

The school's population also is growing. Six years ago the choir reinstituted its program for girls. Now the choir consists of 300 students.

The 35 to 40 boys who make up the touring choir are chosen from the 150-member concert choir on a rotating basis.

Although more than 90% of the students go on to college, Turnbull said, not everyone reaches graduation day. He loses some students to the lure of the streets.

"It's hard," the director said. "Some you can't reach."

But for many, like 12-year-old Nilelijah Scott, the Boys Choir of Harlem is a sanctuary, a place to get into music and off the streets.

"Instead of hanging out with friends and getting into trouble, I just come here after school and go to rehearsal," said Scott, a two-year veteran soprano and an aspiring accountant. "When you graduate from here, you gain a sense of self-esteem."

Osman Armstrong, 14, sings first alto. A choir member since age 9, his favorite song in the program is Haydn's "Te Deum."

"My mother loves it that I'm here because I get to travel," said Armstrong. "And I'm getting away from the city."

Some graduates, like William Byrd, return.

A Boys Choir assistant conductor and music theory teacher, Byrd, 26, graduated in 1986. After earning his computer science degree from Hunter College next spring, Byrd hopes to attend Westminster Choir College in Princeton, N.J.

"The school helped me home in on my ambitions and skills," Byrd said, "to become my own person."

Looking ahead, Turnbull dreams of helping others set up similar choir schools in major U.S. cities. Music teachers from Houston and Detroit have expressed interest.

But for now, creating an endowment through fund-raising and corporate projects is the Boys Choir's main goal, Turnbull said.

He said an endowment will allow the Boys Choir of Harlem to celebrate the tradition of "doing it right" for another 25 years.

"It's not just about the choir, it's about discipline," he said. "It's about feeling good about yourself—that's hope."

INTRODUCTION OF LEGISLATION TO CONVEY SURPLUS REAL PROPERTY BY SALE AT THE FORT ORD MILITARY COMPLEX

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. FARR. Mr. Speaker, today I am introducing important legislation to convey surplus real property at the former Fort Ord Army reservation, by sale to the city of Seaside, CA. This legislation would, among other things, help implement the 1993 recommendation of the Defense Base Closure and Realignment Commission. In the Commission's 1993 report to the President, the Commission made specific recommendations for parcels of property to be disposed of by the Department of the Army, while recognizing the unique needs for supporting the military personnel remaining on the Monterey Peninsula. Specifically, the Commission directed the Department to dispose of all property, including the golf courses, not required to support the Presidio of Monterey and the Naval Postgraduate School. Accordingly, in 1993, the Acting Secretary of the Army decided to sell the two Fort Ord golf courses to the city of Seaside, CA.

Unfortunately, the Defense Base Closure and Realignment Act does not permit the Commission to take into account the nonappropriated fund revenue needs which are supported by the golf course revenues. Accordingly, this legislation would address that need by allowing funds received by the Army for the sale of the golf courses to be deposited into the Army morale, welfare, and recreation account.

The sale of the two Fort Ord golf courses to the city of Seaside is in accord with the Fort Ord preferred reuse alternative prepared by the federally recognized local redevelopment authority, the Fort Ord Reuse Authority [FORA]. As such, the Seaside purchase of the two Fort Ord golf courses will implement the community redevelopment plan as endorsed by S.B. 899, the State of California legislation creating the Fort Ord Reuse Authority.

The legislation conveys approximately 477 acres, which consists of the two Fort Ord golf courses, Black Horse and Bayonet, and the surplus Hayes housing facilities which have been excessed and appropriately screened according to the Pryor process. The city of Seaside will be required to pay fair market value for the property. The legislation directs the proceeds from the sale of the golf courses to be deposited in the Department of the Army morale, welfare and recreation fund, and the proceeds from the sale of the housing into the DOD BRAC account.

In the 103d Congress I authored legislation to convey certain surplus real property at Fort Ord to the California State University, and the University of California, the centerpieces of the community revitalization strategy. The legislation I am introducing today is another step in the community development reuse plan which is now falling into place. A single local governing entity has been formed, the 21st campus of the California State University is about to open, the BLM land at Fort Ord is being cleaned up by AmeriCorps participants, and the University of California's Science, Technology, Education, Policy Center is attracting investors.

My legislation will move the process forward again by assisting the Army in divesting itself of the golf courses vis-a-vis the 1993 BRAC recommendation, at the same time it helps foster economic development in the city of Seaside, which has been adversely impacted by the closure of Fort Ord.

FIRST-TIME HOMEBUYER AFFORDABILITY ACT

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. ORTON. Mr. Speaker, today I am reintroducing my First-Time Homebuyer Affordability Act of 1995. I would like to take this opportunity to explain the need for this legislation and to summarize its provisions.

Study after study has demonstrated that the most significant barrier to home ownership in this country is the high level of downpayment generally required to secure approval of a mortgage loan. Yet, because of our current tax laws, the $850 billion currently invested in individual retirement accounts [IRA's] is effectively precluded from being used for such downpayment purposes, either directly by a homebuyer or through a parental loan. I believe we must change our IRA tax laws to dynamically open up these funds to promote home ownership.

The First-time Homebuyer Affordability Act accomplishes this objective. It is substantially identical to legislation I introduced in both the 102d and 103d Congress. Last year's bill, H.R. 1149, was a bipartisan effort, with 28 cosponsors, about equally split between Republicans and Democrats. H.R. 1149 was formally endorsed last year by both the National Association of Home Builders and the Mortgage Bankers Association of America.

First, let me explain the need for this legislation. Current IRA statutes prohibit an IRA account holder from engaging in a number of prohibited transactions, including loans to family members and use of one's own IRA funds for personal use. If anyone uses IRA funds for a prohibited transaction, the penalties are severe. The money that is used is subjected to full Federal and State income taxes. In addition, a 10-percent premature withdrawal or distribution penalty is assessed on the amount withdrawn. Combined, an IRA account holder may be forced to pay over 50 percent of the amount withdrawn in taxes and penalties. The result is that under current law, individuals are effectively precluded from using IRA funds to make a downpayment to buy a home.

My legislation overcomes this barrier by providing a targeted exemption from prohibited transaction rules to allow individuals to access IRA accounts to make a downpayment on a first-time home purchase. By structuring the use of funds as an economic transaction entered into by a self-directed IRA account, the tax and premature withdrawal penalties are avoided—resulting in a substantial savings to the homebuyer. By eliminating barriers to the use of IRA funds, this change would have a significant impact in increasing homeownership. Finally, this approach is prosavings. By structuring use of IRA funds as an economic transaction within an IRA, the moneys used to buy a home are eventually restored to the IRA, available for continued tax-deferred reinvestment.

Specifically, my bill: One, permits individuals to borrow money from their own IRA account to make all or part of a downpayment for a first-time home purchase of a primary residence. This is similar to loans permitted from one's 401(k) account; two, permits parents to lend money within their IRA account to their children for use as a downpayment on a first-time home purchase of a primary residence, and three, permits the transactions permitted in one and two above to be structured as an equity investment; that is, a home equity participation agreement.

IRA account holders are currently permitted to invest in a Ginnie Mae mutual fund, which consists of thousands and thousands of single family mortgages—on other people's homes. However, IRA funds may not be used to pay for or finance your own home, nor for the home of a family member. In other words, your IRA account can be used for the purchase of any home in the country except your own home or the home of a family member. This policy is unfair, anti-home-ownership, and antifamily.

Moreover, consider the purpose of IRA's. IRA's are intended to promote long-term productive investments to provide a nest egg for retirees. Historical studies have shown that one's home is generally the largest and most important asset people have. It is probably also the best investment they will ever make. Shouldn't IRA funds be available for this important purpose?

Consider, finally, that we do permit individuals to borrow from their 401(k) retirement accounts to purchase a home. A 401(k) plan is nothing more than a self-directed retirement plan—in much the same way an IRA account is. If we allow people to borrow money from a 401(k) plan for this purpose, shouldn't we also allow borrowing from an IRA account?

I believe we should. My legislation allows this to be done in a flexible, but responsible manner. My bill allows 100 percent of the funds in one's IRA account to be used for a first-time home purchase, structured either as a loan or an equity sharing investment.

Under my bill, IRA advances structured as a loan may be flexible. Any loan from an IRA can be for a term of up to 15 years. The loan may be interest only—no principal amortization. And, interest on the loan may be deferred until repayment of the loan. These two options increase flexibility with respect to cash flow. Finally, the loan may be unsecured or may be secured—typically by a second lien on the home. This increases flexibility with respect to second mortgage limitations typically imposed by secondary market mortgage lenders like Fannie Mae and Freddie Mac.

IRA advances structured as an equity sharing agreement are intended to mirror current free market practices, in which homebuyers give up part of the appreciation of value of their home in return for vital down payment assistance. To preserve the concept of having the IRA engage in economic transactions, my bill requires that equity sharing arrangements be structured under terms similar to those made in arms-length transactions.

While flexible, the bill is also structured in a careful, targeted manner. The public policy purpose of the bill is to promote entry into the housing market. Therefore, the home buyer must be a first-time home buyer. In addition, the home purchase must be a principal residence. Finally, the loan or equity investment must be repaid upon the sale of the home.

My bill also contains provisions to prevent self-dealing or tax-gaming. For example, the interest rate on the loan must be no less than 200 basis points below and not more than 200 basis points above comparable Treasury rates. In this way, the IRA earns at least a fair rate of return, but individuals cannot funnel excessive tax-deferred funds into an account. Perhaps most importantly, my bill provides that forgiveness or default on loan or equity repayment subjects an IRA to premature distribution treatment—making the funds subject to tax and withdrawal penalty. This effectively prevents individuals or parents from converting IRA funds tax-free to personal use through a fabricated default.

Finally, I would like to compare this approach to the so-called penalty waiver approach. This approach was included in H.R. 4210, a major tax bill approved in the 102d Congress, but vetoed by the President. The penalty waiver provision was also included in the super-IRA bills introduced last year by Senator ROTH in the Senate and Representatives THOMAS and Pickle in the House. Many Members of both the House and Senate Have introduced legislation incorporating this concept.

Quite simply, the penalty waiver approach provides for a waiver of the 10-percent penalty on premature IRA withdrawals for certain identified purposes. Typically, qualified purposes in legislative proposals include first-time home purchase, higher education expenses, and emergency medical bills.

Clearly, adoption of this type of proposal would make it easier to access IRA's for these purposes. However, penalty waiver advocates generally fail to emphasize that the IRA account holder would still owe Federal and State income taxes. At best, a penalty waiver would marginally reduce the huge disincentive against using IRA funds to buy a home.

Let me illustrate this point. Take a hypothetical case in which a young couple plans on buying a house, requiring a downpayment of $10,000. Let's assume the couple's sole source of long-term savings is the $10,000 they have in their IRA account. Let's also assume that this couple is in a marginal 28 percent Federal tax bracket, and a 6-percent marginal State tax bracket. Even under a penalty waiver approach, this couple would still forfeit almost one-third of the amount in their IRA account to State and Federal taxes. Moreover, they would have less than $7,000 left to invest, not enough to make the required downpayment. In contrast, under my legislation, the couple could lend themselves all of the $10,000, with no tax or penalty consequences.

This difference is especially important when considering parental loans. It is true that certain penalty waiver proposals permit parental withdrawals to assist their children with a downpayment. But I think it would be a very rare case in which a parent would be willing to take $10,000 from their IRA account, suffering an unnecessary tax of from $3,000 to $4,000, to assist their children with a downpayment.

Thus, a penalty waiver sounds like a good public policy change. However, in practice, it would have only a marginal impact—reducing one's tax penalty by only around 20 percent of the amount otherwise owed. This incentive will induce relatively few people to actually take money out of their account to buy a house, compared to current law. As a result, it will produce a very small increase in the level of homeownership in this country.

We need to do more to access IRA funds for home ownership. Adoption of the First-time Homebuyer Affordability Act would make it much easier for many Americans struggling to meet downpayment requirements and enter the housing market. I would welcome cosponsors for this bill, and urge its consideration in the House.

TRIBUTE TO MARC HAKEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to a man whose contributions to his community speak volumes for the ability of one human being to have a positive impact on the lives of others. In a time when individuals seem to be focusing increasingly on their own welfare, Marc Haken, who already has made significant contributions to the Queens community as a teacher and community activist, has discovered yet another way to have a profound impact on his fellow New Yorkers.

For the last 3 years, Marc has made at least 1 monthly donation to the Queens Library Foundation's Buy-a-Book program to help expand the library's collection. You see, Marc learned at a young age that the ability and desire to read opens the door to a world of ideas and opportunities. The 37 books that Marc has donated to this point, each dedicated to a deserving individual, will enrich the lives of Queens residents for years to come, leaving behind a legacy of commitment to community in which we can all share. I hope it serves as an example to others.

Mr. Speaker, I'm inserting into the RECORD a January 8, 1995, article published in the Queens Library newsletter which elaborates on the meaningful contributions made by this fine citizen:

COMMUNITY LEADER CHAMPIONS BUY-A-BOOK CAMPAIGN

Contributing to the Queens Library Foundation's Buy-a-Book program has become something of an obsession for Marc Haken. Since first learning about the opportunity to put new books into the Library's collection through Buy-a-Book, Mr. Haken, a teacher, community activist and lifelong Queens resident, has been the program's most enthusiastic supporter. Each month for the past two years, he has faithfully contributed at least one $25 donation to purchase a book. In all, his donations have enabled the Library to acquire 37 new books—books that Queens Library would otherwise have been unable to offer.

While some might consider his generosity unusual or excessive, Mr. Haken knows well the great value of books and libraries, and believes that contributing to Buy-a-Book is the last he can do to repay the Library which helped make him a success. As a junior high school teacher, vice chair of Community Board 8, president of a housing association, political lobbyist and member of countless community organizations, Mr. Haken leads a full and contented life. However, he realizes that if Queens Library's limitless resources had not been available to him as a child, his life may have taken a much different course.

"It's frightening to think back on it today, but I almost slipped through elementary school without learning to read," Mr. Haken said. "Thankfully, my sixth grade teacher recognized the problem and insisted that I begin learning to read and taking my education seriously." That was just the push Mr. Haken needed. Each day following school, he walked directly to Queens Library's Central Library, then located on Parsons Boulevard, and spent all afternoon devouring books, determine to compensate for lost time.

"I wasn't even concerned with subject matter at the time, I only wanted to improve my reading skills," Mr. Haken related. "I'd simply pick a shelf in the library and return every day until I'd read every book on that shelf. Somewhere in the process, I began appreciating all the wonders of reading. I realized my mind was opening and new worlds were presenting themselves."

Mr. Haken believes that the voracious appetite he developed for reading led directly to his desire to teach, and his commitment to community service. He considers himself fortunate to have built a rich and satisfying life, and feels that he can best express his gratitude by providing opportunities for others, particularly young people.

The Buy-a-Book program, he said, offers a simple but ideal way for him to have a meaningful impact in the community. "I'm not a wealthy guy financially. I don't have the means to donate thousands of dollars. The beauty of this program is that for $25, I can give a gift that will last for years and enrich the minds of dozens, maybe hundreds of people. Surely I can find $25 for that."

Mr. Haken also enjoys the fact that Buy-a-Book contributors are invited to dedicate each donated book, with an inscription inside the bookcover, to a person of their choice. "I've found that people are absolutely thrilled to be recognized in this way. They consider it a wonderful gesture," he said. "One young man to whom I dedicated a book continually visits the Library just to see the book and ensure that it's in good condition."

For the first 20 or so books, deciding who to honor was simple: his sister Clair, colleagues, neighbors, and the memory of his parents and other relatives who have passed away. Having donated 37 books at this point, he has been forced to become more inventive in conceiving dedications. "For my last book," he laughed, "I simply drew a blank, so I figured why not pay tribute to myself."

That, certainly, was an indulgence he richly deserved.

To become a Buy-a-Book donor, send a check payable to Queens Library Foundation to: Queens Library Foundation, 89-11 Merrick Boulevard, Jamaica, NY, 11432. Donors may indicate the name of the person to whom they wish to dedicate the book and the branch library or Central Library division where they would like the book to be shelved. For more information, call the Queens Library Foundation at (718) 990-0849.

IN HONOR OF REV. ARNOLD McKINNEY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. KINGSTON. Mr. Speaker, I would like to take this opportunity to honor Rev. Arnold McKinney. Reverend McKinney is the pastor of Macedonia Baptist Church in Waycross, GA. He has made many contributions not only in his capacity as a Baptist minister, but also as a concerned citizen. Reverend McKinney is a teacher, husband, and father, and his accomplishments are being honored this Friday by the members of his church and community.

Reverend McKinney received the Benjamin E. Mays Fellowship to attend theological training at the Morehouse School of Religion/Interdenominational Theological Center. Before attending seminary, he served for several years as associate dean of students at Middlebury College where he received his undergraduate degree.

Reverend McKinney's commitment goes beyond Waycross, GA. He is an active participant across the entire State, and serves on a variety of boards and organizations that are aimed at improving the lives of children and families. Currently, he serves as vice president of the General Missionary Baptist Convention, Inc., the State's largest organization of African-Americans who are active in ministerial training, community service, christian education, and home and foreign missions. He also serves on the boards of the Maternal and Child Health Institute, Ware County Health Coalition, and the Southern Governor's Ecumenical Council on Infant Mortality. He has served on the Governor's Special Council on Family Planning, the Governor's Commission on Children and Youth, the Grady Hospital Board of Visitors, and the Georgia Welfare Reform Taskforce.

Reverend McKinney frequently lectures on Christian education and holds workshops on church organization and leadership. He is a great leader, husband, and father, and I am proud to have such a devoted individual living in the First Congressional District of Georgia.

FEDERAL POLICIES ON CITIES AND STATES WITH RESPECT TO THE PROBLEM OF POVERTY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Ms. JACKSON-LEE. Mr. Speaker, fixing a broken welfare system is one of the most significant challenges this Congress will face. As a newly-elected Member of Congress, I come to Washington with a background in city government. As a former councilmember and former vice-chair of the National League of Cities Task Force on Federal Policy and Family Policy. I am intimately familiar with effects that Federal policies have on cities and States as they grapple with the problem of poverty.

I am deeply concerned that sweeping budget and block grant proposals before the new Congress will have devastating long-term consequences for children and families as well as for the Nation's cities. Mr. Speaker, as you well know, welfare reform is fundamentally a children's issue as two-thirds of recipients are children—70 percent in Texas. In my district alone, 51,957 children are living in poverty with 35 percent of these children being under 18 years of age. In fact, of all 435 congressional districts, mine ranks 30th for the number of poor children.

Proposals which would convert welfare [AFDC], food stamps, SSI disability, or other survival programs for children and families into block grants to States would strip these programs of their entitlement status and thereby strip State and local governments of their ability to respond to increasing needs. In entitlement programs, more Federal money flows into cities through AFDC, food stamps, and SSI disability programs. This automatic influx of Federal funds designed to meet the increased need to meet the needs of our communities would cease under the block grant. Cities and States would be left holding the bag in the almost inevitable event that recession hits again and caseloads rise.

The Department of Health and Human Services has found that if these proposals were implemented, today, some 5 million children would be denied benefits. Interestingly enough, while the Personal Responsibility Act suggests orphanages and foster homes as the solution to families that cannot care for their children, it falls far short when it comes to funding these facilities. Under the Personal Responsibility Act, of the 541,000 children who are currently receiving AFDC benefits in Texas, 288,000 would be denied benefits and only 310 federal orphanage slots would be funded.

Furthermore, the USDA has recently calculated that the Personal Responsibility Act would decrease funding for USDA food assistance programs in Texas by over $1 billion per year. That is a cut of almost one-third from current levels of funding.

Despite some claims to the contrary, the facts show that the vast majority of AFDC families are clearly not having additional children to increase their benefits. In Texas, nearly 72 percent of AFDC families have only one or two children. The national average is even higher—73 percent. Others claim that most poor people are not, and choose not to be, employed. The facts, again, prove otherwise. The vast majority of poor Americans—four out of five—are children, elderly, ill or disabled, or already working full- or part-time at below-poverty wages. And for those who are not employed, they are not alone. More than 7 million Americans from all walks of life were out of work and actively looking for jobs by the end of 1994. Another 4.8 million either were working part-time because they could not find full-time jobs, or had grown too discouraged to continue searching. The truth of the matter is, adults, and particularly family heads, want to work. However, as in the children's game of musical chairs, there simply are not enough seats for everyone.

An effective welfare reform effort must include major new investments in real job creation. The bottom line is that work should pay and working more should pay more. Full-time work should provide enough earnings combined with earnings supplements such as an expanded Earned Income Tax Credit [EITC] to help get families out of poverty. Individuals who can work should have access to full-time work and community service jobs should be offered as a last report to those who, after an aggressive job search, still cannot find work in the regular economy.

Sufficient funds must also be invested in child care, if we are truly committed to finding gainful employment for the poor. A survey of Illinois AFDC recipients found that child care problems kept 42 percent of those surveyed from working full-time—and 39 percent reported that child care problems kept them from going to school. These results should not be surprising. Census Bureau data tells us that non-poor families spend an average of 6 percent of their income on child care, while low-income parents are forced to pay roughly a quarter of their income for child care. Effective welfare reform must address these significant impediments to employment.

In addition, for welfare reform to succeed, families must be guaranteed comprehensive health insurance that they cannot lose. Lack of decent health insurance in low-wage employment is a major barrier for recipients who are trying to leave welfare for work, but are legitimately concerned about their own health, and that of their children.

Mr. Speaker, I urge you to consider what will happen to children and families if cities and States exhaust their Federal funding under these circumstances. Children facing imminent danger of abuse or neglect could be placed on waiting list instead of being removed immediately from their homes. Needy mothers and children might be turned away from a county or city welfare office simply because AFDC funds for that month or year already had been spent. Or in the best-care scenario for children and families, cities and States would be forced to pay 100 percent of the costs of continuing aid to eligible families after Federal funds run out. And of course the States would have to deal with the human suffering, social problems, and costs of emergency services that will result from greater destitution among children and families.

All of you know that eliminating the entitlement status of these key child survival programs will not cause the needs of poor children to disappear. The consequences of pending block grant proposals are all the more troubling because they are likely to be accompanied by new responsibilities placed on States and countries that will deny basic cash assistance to as many as 5 to 6 million needy children, including up to two-thirds of all children now receiving AFDC. Children born to unmarried teenage mothers, those for whom paternity has not been established, and those whose parents have received AFDC for more than 5 years could lose all benefits under this welfare reform proposal.

This is not genuine welfare reform, but rather welfare punishment. What many congressional leaders are calling welfare reform, many children will call empty stomachs * * * and Texas will call a fiscal disaster. Genuine reform would be lifting poor children and families out of poverty and by creating real jobs, providing quality child care, good health care, expanding education and training, and strengthening child support enforcement—taking the tough and sometimes costly, but nonetheless necessary, steps to make the system work in the long-term for poor families and for all Americans.

C-17'S READY TO TACKLE THE WORLD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. HORN. Mr. Speaker, I am very proud to announce to my colleagues that the United States has a military force projection capability today that is unprecedented in the history of airlift.

The reason for this unparalleled capability is simple. The U.S. Air Force's first C–17 Globemaster III squadron at Charleston Air Force Base, SC, was declared operational a week ago. This is the first major step in overhauling America's ability to carry out the Air Force's Global Reach missions.

This event is all the more significant to me, since this great milestone is really a tribute to the over 10,000 employees at McDonnell Douglas in Long Beach, most of whom I represent in these Chambers and whose magnificent efforts have been essential to making the C–17 the best, most capable airlifter ever built.

Critically needed outsized equipment for humanitarian aid, such as water purification systems, can now be airlifted to previously inaccessible runways in remote areas of the world. America's ability to airlift heavy, outsized combat equipment and firepower into short, austere airfields to support U.S. and allied ground forces during a security crisis is now a reality. It is essential that equipment be delivered directly to the troops in the field, and because of the C–17's unique on-load/off-load capability, it now can be.

The declaration of initial operational capability means that the C–17 has passed all flight tests and is ready for any type of military or humanitarian mission. The 12 aircraft will be shared by the 17th Airlift Squadron, assigned to the 437th Airlift Wing, and the Air Force Reserve's 317th Airlift Squadron, assigned to the 315th Airlift Wing, both at Charleston.

All of you who joined last year in supporting the amendment I introduced along with my colleague and neighbor, Representative JANE HARMAN—to provide full funding for the President's request for the C–17—can take pride in your vote and in your role toward providing this essential airlift capability. The C–17 is the most flexible, most capable airlifter ever produced. Its entry into fully operational status is an important landmark which will benefit our troops in the field and those in need throughout the world for years to come.

At this point in the record, I would like to include an article, "C–17s Ready to Tackle the World," from the January 18 Long Beach Press-Telegram and news releases by the Department of Defense and Air Mobility Command about this historic declaration.

[From the Long Beach (CA) Press-Telegram, Jan. 18, 1995]

C–17S READY TO TACKLE THE WORLD

(By Lindsay Chaney)

LONG BEACH.—The U.S. Air Force on Tuesday declared its squadron of a dozen C–17 transports ready for worldwide service.

The declaration of "Initial Operation Capability" means that the C–17 has passed all flight tests and is ready for any type of military or humanitarian mission.

Also Tuesday, McDonnell Douglas delivered a 13th plane to the Air Force.

The C–17 will be operated by the 17th Squadron of the 437th Airlift Wing, based at Charleston Air Force Base in South Carolina.

Built by McDonnell Douglas in Long Beach, the C–17 is designed as a three-in-one airplane to replace the aging C–141 Starlifter fleet as the military's core transport plane. The C–17 can carry twice the payload of a C–141, but more importantly can carry outsized equipment such as tanks, helicopters and missile batteries, such as the C–5 Galaxy. Like the much smaller C–130 Hercules, it can also take off and land at small airstrips.

Its contract with the Air Force required McDonnell Douglas to have 12 operational C–17s delivered to the Charleston wing by midnight New Year's Eve. The 12th plane was delivered to the Air Force on Dec. 22, but because an earlier plane was being modified, this made only 11 operational planes on the flight line at Charleston.

Modification crews began working around the clock after Christmas to meet the delivery deadline and finished on the afternoon of Dec. 31. The Air Force accepted delivery of the modified plane at 6:25 p.m.

Because of past problems with cost overruns and production delays, the C–17 program is on probation with the Department of Defense. The government has committed to buying 40 planes, and will make a decision in November whether to order up to an additional 80. An important consideration in making the decision will be how well the C–17 performs this July during a 30-day test called a "reliability, maintainability and availability" evaluation.

[Department of Defense News Release]

FIRST C–17 SQUADRON DECLARED OPERATIONAL

The commander of the Air Force's Air Mobility Command declared the Initial Operational Capability (IOC) of the first C–17 Globemaster III squadron today. Gen. Robert L. Rutherford's decision is a significant milestone for America's newest airlifter. It means the 17th Airlift Squadron, assigned to the 437th Airlift Wing, and the Air Force Reserve's 317th Airlift Squadron, assigned to the 315th Airlift Wing, both at Charleston Air Force Base, S.C., will officially begin flying operational AMC "Global Reach" missions.

The first C-17 arrived at Charleston AFB in June 1993. By December 1994, the 437th was fully equipped with a fleet of 12 aircraft and 48 crews. The 12 aircraft will be shared with the Air Force Reserve unit. Together, both active duty and reserve aircrews have already demonstrated the C-17's ability to airlift personnel and equipment with missions to Southwest Asia, Central America and the Caribbean basin.

IOC declaration is a major step in modernizing the nation's strategic airlift fleet. The C-17, designed to replace the aging C-141 Starlifter fleet as the nation's core airlift aircraft, combines the best features of older airlifters within a single airframe. The C-17 is about the size of the C-141, but can carry twice the Starlifter's payload. It can also carry outsized equipment strategic distances like the C-5 Galaxy, yet land on airstrips normally accessible only to the C-130 Hercules.

Built by McDonnell Douglas at Long Beach, Calif., the C-17 can carry 160,000 pounds of cargo, unrefueled, 2,400 nautical miles at a cruise speed of 450 knots. With a maximum payload of 169,000 pounds, the aircraft is designed to carry every air transportable piece of equipment in the U.S. Army inventory, from Patriot air defense missile batteries and Bradley fighting vehicles to M1A1 Abrams main battle tanks.

The C-17 can be aerial refueled, land on airstrips as short as 3,000 feet, back up, rapidly offload cargo, and is designed to airdrop equipment, cargo or paratroopers. The aircraft completed developmental testing of these capabilities on Dec. 16, 1994. During these tests, the C-17 set 21 world performance records in three weight classes of the heavy aircraft category and one additional world record in the short takeoff and landing category.

The Air Force has contracted to buy 40 C-17s from McDonnell Douglas. A Defense Acquisition Board decision on extending the buy beyond 40 aircraft is scheduled for November 1995.

[Air Mobility Command Media Release]

FIRST C-17 SQUADRON DECLARED OPERATIONAL

SCOTT AIR FORCE BASE, IL.—The commander of Air Mobility Command declared the Initial Operational Capability of the Air Force's first C-17 squadron today. Gen. Robert L. Rutherford's decision is a significant milestone for America's newest airlifter. It means the 17th Airlift Squadron, assigned to the 437th Airlift Wing at Charleston AFB, S.C., and the Air Force Reserve's 317th Airlift Squadron, assigned to the 315th Airlift Wing (Associate), will officially begin flying operational AMC "Global Reach" missions.

The first C-17 arrived at Charleston in June 1993. By December 1994 the unit was fully equipped with a fleet of 12 aircraft and 48 crews. Together, both active duty and associate reserve aircrews have already demonstrated the C-17's ability to airlift personnel and equipment with missions to Southwest Asia, Central America and the Caribbean basin.

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The Air Force has contracted to buy 40 C-17s from McDonnell Douglas. A Defense Acquisition Board decision on extending the buy beyond 40 is scheduled for November 1995. Based on demonstrated improvements in aircraft and contractor performance, a favorable decision is expected, thus fulfilling America's requirement for strategic airlift.

STATEMENT IN SUPPORT OF LEGISLATION TO AMEND THE FEDERAL ADVISORY COMMITTEE ACT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. DICKS. Mr. Speaker, I am pleased to introduce legislation today which will make small changes in the current Federal Advisory Committee Act [FACA] statute, but will have significant and important consequences for those the bill is intended to provide relief.

Specifically, my bill will limit the application of FACA with regard to meetings held Federal officials and representatives of State, county, local governments, and Indian tribes. This will enable Federal representatives to proceed with legitimate contact with local governmental officials and tribes for purposes of implementing cooperative programs such as the President's forest plan.

In the Pacific Northwest, we have been moving forward diligently in an effort to implement the President's forest plan, particularly with regard to economic assistance to dislocated workers, businesses, and timber-dependent communities. The Northwest was hit very hard by the listing of the northern spotted owl as a threatened species. The owl's listing and subsequent injunctive relief ordered by the courts reduced harvest levels in the region on Federal lands by over 80 percent.

The $1.2 billion promised through the forest plan is a key means to mitigate for job losses, mill closures, and associated impacts from reductions in timber harvest. However, in order to ensure that the forest plan's economic assistance reaches those individuals and communities it is intended to reach, there must be involvement by local and county officials in the planning process for these funds.

Currently, an unintended consequence of FACA is that it makes it difficult for Federal officials to meet with local governmental officials and tribes to plan for the dissemination of economic assistance. However, the FACA problem isn't simply limited to the use of the economic assistance, it also creates problems for elements of the plan such as adaptive management areas, which hinge on local and community input in order to be effective.

Numerous States and counties in the West have expressed concern with the current FACA law, and its unintended prohibition of official contact between Federal officials and legitimate representatives of tribes and local governments. Concern never intended FACA to prohibit legitimate and appropriate contact in order to carry out Federal objectives that require interaction at the State and local levels.

These changes will make FACA more reasonable, tolerant, and palatable. The bill will help ensure the smooth implementation of the President's forest plan, but will also aide other States who have similarly expressed concerns with the current FACA statute.

I urge my colleagues support for this important legislation.

NUCLEAR TERRORISM JURISDICTION EXTENSION AND CONTROL ACT, H.R. 730

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. GILMAN. Mr. Speaker, today, I introduce another in a series of legislative proposals intended to strengthen America's defenses against the terrorist threat. I am particularly pleased to introduce the Nuclear Terrorism Jurisdictional Extension and Control Act of 1995, H.R. 730.

This bill is an important step in our Nation's continuing and aggressive battle against international terrorism. It is especially important as relates to the latest and most alarming possibility, the nuclear terrorist threat.

Since the collapse of the former Soviet Union, we are all familiar with the many news reports of that region, and in Europe on the possible black market sale of cold war missile nuclear material. The most recent account involved the arrests of smugglers and the seizure of almost three kilograms—6.6 pounds—of highly enriched uranium in the Czech Republic last December. This is a new challenge that cannot be ignored by either our allies in the region, or ourselves.

The serious threat these new black market nuclear material sales pose, especially when made by common criminals, or organized crime figures from the former Soviet Union, possibly even to terrorists, or other unsavory individuals, is something to be taken seriously.

We, here in the United States must act now, in order to be prepared for this new and possibly deadly nuclear challenge, before it is too late. We need to give our U.S. law enforcement agencies all the tools and authority they will need to fight this emerging new nuclear material criminal threat.

The American law enforcement community needs new tools and statutory authority, especially following the collapse of the Soviet Union and the long-established strict state nuclear material controls, which once existed in the region. Controls and nuclear material stability, which today we can no longer take for granted or count on in many instances. The chances for trafficking in these nuclear materials is much greater today in light of these developments and the breakdown in traditional controls and state security arrangements in the region.

While there is no need to panic, we must be prepared to act responsibly to insure that the United States can meet any nuclear material criminal threat, especially from terrorists, if one were to materialize. I note that the Secretary of State Mr. Christopher himself in an interview with the Washington Times on January 17, 1995, addressed some of the concerns over the nuclear material problem in the former Soviet Union, and the terrorist threat. While noting that the military facilities in the region maybe relatively safe from nuclear proliferation problems, unlike civilian laboratories, he went on to say "That's a problem for the entire world. It's a problem that we focus on in Russia because it has a great deal of this nuclear material."

Accordingly, we must review and revise our own criminal laws directed at the threat from the newest nuclear proliferation, especially in this unstable black market criminal climate in Eastern Europe today, where everything and anything, may be for sale. We must meet these new circumstances and challenges, many have not anticipated, nor even scarcely envisioned, just a few years ago.

After review it is evident to me and others that there are some loopholes in U.S. criminal laws in this area that must be closed as soon as possible. In order to be prepared for such a new and more deadly threat, which no one could ever have imagined before the end of the cold war, we must act now and have our Federal criminal laws meet the new challenges.

The bill I am introducing today, starts the process. It makes needed changes to help address this whole unanticipated new area of the criminal law and activity involving the unauthorized trade in dangerous nuclear materials for criminal purposes, including possible terrorism.

This criminal threat, including this new phenomena of black market dealings in dangerous nuclear materials, requires even greater cooperation and international efforts by our law enforcement agencies in this post-cold-war era. Law enforcement both here and abroad, must be given the tools and authority in this new area of the criminal law to do the job, and protect all our citizens, whether at home or while they are abroad from a new nuclear threat.

The bill I am introducing today provides the Attorney General and the FBI the necessary long arm jurisdiction to reach nuclear based crimes targeted against Americans anywhere in the world if the victim is the U.S. Government, an American citizen, or an American company; or alternatively, if those committing the offense are either U.S. citizens or U.S. companies, they are covered as well. The location of the offense in such circumstances anywhere in the world should not be a bar to U.S. jurisdiction over these crimes that may well threaten international stability and order today. The threat in such cases justifies this extraordinary criminal remedy.

The bill also adds new forms of nuclear material to the coverage of our criminal laws as relates to prohibited transactions in explosives and dangerous materials, particularly nuclear byproduct material. It closes any possible loopholes under which those black market criminals might claim protection under U.S. law with regard to these dangerous nuclear materials, for example byproduct materials, including certain radioactive isotopes created in the operation of a nuclear reactor or accelerator, source, and/or other special nuclear materials.

If these criminals may be dealing in, or contemplating dealing in such dangerous nuclear related materials in this unstable and uncertain time in the former Soviet Union, they will be covered by United States law under my new bill. Any possible loophole, will be closed.

Accordingly I urge my colleagues to support this urgently needed legislation. I invite my colleagues to join me in helping American law enforcement take on the newest dangers from the nuclear terrorist threat, which we must face in this new and sometimes more dangerous, post-cold-war era.

I ask that the full text of this bill be printed at this point in the RECORD.

H.R. 730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Terrorism Jurisdiction Extension and Control Act of 1995".

SEC. 2. NUCLEAR TERRORISM JURISDICTION.

(a) EXTRATERRITORIAL JURISDICTION.—Paragraph (2) of section 831(c) of title 18, United States Code, is amended to read as follows:

"(2) one of the persons who committed, or is charged with committing, the offense is a United States person, or the offense is committed against a governmental entity or a United States person;".

(b) DEFINITION OF UNITED STATES PERSON.—Section 832(f) of title 18, United States Code, is amended—

(1) by striking the period at the end of paragraph (3) and inserting "; and"; and

(2) by adding at the end the following:

"(4) the term 'United States person' means.—

"(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act); or

"(B) a corporation organized under the laws of the United States, or of any State, district, commonwealth, territory or possession of the United States.".

(c) CLARIFICATION OF COVERED TYPES OF NUCLEAR MATERIAL.—Section 831(f)(2) of title 18, United States Code, is amended.—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking "and" at the end of subparagraph (D); and

(3) by adding at the end the following:

"(E) byproduct material, source material, or special nuclear material, as such terms are defined in section 11 of the Atomic Energy Act of 1954; and".

INTRODUCTION OF TEAMWORK FOR EMPLOYEES AND MANAGERS ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. GUNDERSON. Mr. Speaker, one of the visible issues in the 104th Congress is how we as a nation can develop and maintain a competitive, motivated, and involved workforce. This is particularly important today because we now live and compete in the global market. As the global market has expanded, successful American companies of all types have learned that cooperation between employees and managers is vital to staying competitive both domestically and internationally.

Unfortunately, the employee involvement programs across the country are legally threatened. Under the National Labor Relations Act, employee involvement programs have been disbanded because of inconsistencies between the purposes of the act when written, and the realities of the modern workplace. Two recent decisions by the National Labor Relations Board in particular, the Electromation and DuPont decisions, refocused attention on the act, calling into question virtually every current employee involvement program in the Nation.

WHAT ARE EMPLOYEE INVOLVEMENT PROGRAMS?

Employee involvement [EI] programs have no set formula or structure, although they are referred to by many different names—quality circles, self-managed work teams, employee involvement committees, etc. Flexibility is essential. It allows employers and employees to construct a program which makes the most sense in the context of their particular workplace.

Through involvement programs, employees voice their opinions in the decisionmaking process and therefore have a greater stake in the success or failure of the company. Likewise, managers receive vital information from the people who have the most knowledge about detailed workplace operations—the employees. These programs often drive decisionmaking down the lowest level possible and open up the flow of information in the workplace, creating much more cooperative atmosphere.

WHO USES EI

Currently, well over 30,000 companies are using some form of employee involvement structures, from large to small, unionized to nonunionized firms. A 1994 survey performed by four business groups found that 75 percent of employers responding had incorporated employee involvement to some extent. Among employers of 5,000 or more, 96 percent of surveyed companies used it. The survey also found that the most growth in EI occurred in small companies, defined as those with less than 50 employees, 60 percent of which had instituted their EI program within the last 3 years.

Two years ago, in a survey my office conducted of companies in my rural western Wisconsin district, we found that 40 percent of the more than 100 companies that responded used EI. Among the respondents using it were a drug store with 10 employees and a radio station with 26 employees.

DO EMPLOYEES WANT EI?

A survey just finished by the Princeton Survey Research Associates on behalf of Profs. Richard Freeman and Joel Rogers indicates that employees want more involvement in decisions affecting them in the workplace. For example, the survey demonstrates that employees believe that joint worker-management committees are the best way to increase employee influence. In fact, such committees are preferred to unions or union-like employee organizations by a 2-to-1 margin, and much preferred over additional legal mandates from Washington.

The survey indicates that the majority of employees also believe that by using Employee Involvement structures and pushing decisions to the lowest possible level, their company would be more competitive, the effectiveness of EI structures would increase; and the effectiveness of problem solving would improve.

WHY A CHANGE IS NEEDED

Employee involvement structures are a recent development relative to the passage of the original National Labor Relations Act, also known as the Wagner Act. The Wagner Act was written in the 1930's—a very turbulent time in labor-management relations. At that time, it was common for companies to create management-dominated or sham unions to prevent employees from forming independent unions. The National Labor Relations Act included a vary broad proscription on company dominated unions. There is no doubt this section worked—companies stopped creating sham unions. But the same section of the act which prevents sham unions, also acts as a barrier to legitimate workplace cooperation.

In the past 20 years, the use of employee involvement has expanded dramatically. Organizations from the most prestigious of the Fortune 500 down to the local drug store have successfully used cooperative programs to empower their employees. However, section 8(a)(2), the pertinent section of the Wagner Act, has never been amended, and it certainly did not contemplate managers and employees cooperating for mutual gain. At the present time, companies that have legitimate EI programs are always subject to sanctions by the National Labor Relations Board. In the wake of the Electromation decision, it has become painfully obvious that it is extremely difficult to apply a 1930's law to a 1990's workplace.

THE TEAM ACT WOULD FIX THE PROBLEM

The bill which will be introduced in the House and Senate today, the Teamwork for Employees and Managers Act, would amend the National Labor Relations Act by adding a provision to section 8(a)(2) to allow legitimate employee involvement programs. As long as the programs were not created for the purpose of collective bargaining or to establish a sham union, they would be presumed not to have violated the act. The bill leaves intact the prohibition against company dominated unions, and in no way reduces the right of employees to form a union.

CONCLUSION

America's greatest economic challenges will not be overcome in Washington. They will be met and overcome in American workplaces by the creativity of American workers and managers. Our task must be to nurture that creativity, not stifle it. I look forward to working with my colleagues on the other side of the aisle to move this initiative forward. Clearly, it is in the interest of our companies, our workers, and our competitive ability to pass the TEAM Act as soon as possible.

TRIBUTE TO MOLLY MERRY—COLORADO'S TEACHER OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Molly Merry on the occasion of her being named Colorado Teacher of the Year. Her positive contributions on behalf of educating children have enabled her to win this award.

Molly is responsible for designing, planning, and teaching an alternative education program known as the Madison Exploratory School, located in Canon City. The curriculum at the school is designed for students who have not reached their full potential in traditional classrooms. Her lesson plan's increase the amount of time spent with hands-on projects to bolster traditional lessons.

When Madison Exploratory School opened 2 years ago, there were 30 fifth-grade students. The program has been such a success, in large part due to Molly Merry's work, that it has been expanded to include 82 students in grades fourth through sixth. Molly's ability to identify problems, build children's self-esteem and provide an encouraging voice make her the logical choice to receive Colorado's Teacher of the Year Award.

Molly Merry has not only met the criteria needed to win this award, but she has exceeded those expectations. Her dedication, professionalism, and selfless service to her students has not gone unnoticed.

Mr. Speaker, on behalf of my home State of Colorado, I respectfully ask that my fellow colleagues join me in saluting Molly Merry, Colorado's teacher of the year.

TRIBUTE TO THE HIGHBRIDGE-WOODYCREST CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Highbridge-Woodycrest Center, a community-based organization in the Bronx, which, at a ceremony tomorrow in the Cannon Caucus Room, will receive a $50,000 Women's Health Initiative grant from the Fannie Mae Foundation.

The Highbridge-Woodycrest Center is dedicated to educating AIDS-infected and HIV-positive women in shelters and prison to help them reduce high-risk behavior and seek appropriate health care support. In an expansion of its activities, the center is also creating a day treatment center for women with HIV and AIDS.

Mr. Speaker, more than 1,000 organizations from around the country applied for this grant. A national advisory committee of women's health experts selected the Highbridge-Woodycrest Center and nine other programs to receive this award under Fannie Mae's women's health initiative, which will provide $1 million over the next 5 years to support women's health services in underserved communities throughout the United States.

I ask my colleagues to join me in congratulating the Highbridge-Woodycrest Center, whose vital contributions to women's health have earned it the generous support of the Fannie Mae Foundation.

TRIBUTE TO VICTOR MELENDY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to a man who was a hero in every sense of the word. Victor Melendy was a firefighter in Stoughton, MA for 23 years. He died in the line of duty on January 28, and his courage will not be forgotten.

Victor Melendy's life represents all of the best qualities of the human spirit. His gift was to do ordinary things in an extraordinary way. Victor's courage was only surpassed by his compassion. Above all, he loved his family. Stoughton Fire Chief John Soave said it best when he described him as "the best definition of the word firefighter"—a characterization to which all who served with him readily attest.

Victor Melendy led a life of public service. He served his country in the U.S. Navy and then his community as a member of the Stoughton Fire Department. As we reflect on his life, we can learn from his example. Victor's spirit will live on through his beloved wife Carol, his children Christopher, Lisa, and Kerry, and all of those who have had the honor to know him.

Mr. Speaker, we have lost a true hero.

A TRIBUTE TO THE HONORABLE THOMAS D. LAMBROS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the Honorable Thomas D. Lambros upon his retirement. Chief Judge Lambros was born to parents Demetrios and Panagoula Lambros in Ashtabula, OH, on February 4, 1930. Chief Judge Lambros was the youngest of five brothers. He graduated from Ashtabula High School in 1948, and received his law degree from Cleveland-Marshall Law School in 1952. He was admitted to the practice of law that same year at the age of 22.

Chief Judge Lambros' illustrious career started in 1960, when he was elected to his first judgeship. From 1960 through 1967, Chief Judge Lambros served on the Court of Common Pleas for the State of Ohio, Ashtabula County. In 1966, Judge Lambros was re-elected without opposition. As a common pleas judge, Judge Lambros established a voluntary public defender program to provide free counsel to indigent criminal defendants. The establishment of this innovative program preceded the landmark Supreme Court decision in Gideon versus Wainwright, which held that the Constitution guarantees free counsel to indigent defendants.

Also as a common pleas judge, Chief Judge Lambros instituted mandatory domestic relations conciliation programs. This program established a 3-month cooling-off period before formal divorce proceedings would take place. Through the passage of time and the efforts of skilled social workers, this program saved many marriages and served to adjust family relationships.

On June 3, 1967, Chief Judge Lambros, at the age of 37, was nominated United States District Judge for the Northern District of Ohio by President Lyndon Baines Johnson. Confirmation by the Senate took place on August 18, 1967, and Judge Lambros took office on August 28, 1967. On January 16, 1990, he became Chief Judge of the United States District Court for the Northern District of Ohio.

While serving as a Federal judge, Chief Judge Lambros has had numerous judicial accomplishments. One very successful achievement was founding the "summary jury trial." This innovative judicial procedure is an effective method of resolving cases by promoting settlement, thus avoiding lengthy and expensive court trials. The summary jury trial is a short jury trial which helps to settle cases on the basis of a jury's advisory opinion. The procedures has received widespread acceptance in both Federal and State courts throughout the country.

The policymaking arm of the Federal judiciary, the Judicial Conference of the United States, in 1984 adopted a resolution endorsing the use of the summary jury trial in Federal courts nationwide. In 1983, 1984, and 1985, Chief Judge Lambros was commended by the Chief Justice of the United States, the Honorable Warren E. Burger, in the "Year End Reports on the Judiciary," for developing the summary jury trial process. These reports represent the Chief Justice's perspective on the most important developments in the judiciary and on its current and future needs. Chief Judge Lambros' invention, the summary jury trial, received formal statutory recognition by the U.S. Congress in the Judicial Reform Act of 1990. By this legislative enactment, Federal judges are now authorized to utilize the summary jury trials throughout the Nation.

Today, Mr. Speaker, I would like to personally recognize Thomas Lambros, both as a wise and compassionate officer of the court who has made an enormously positive impression on our justice system, and as a personal friend. His selfless dedication to both his community and his family is commended. May God bless Thomas with health, happiness, and continued success in his retirement. All friends of justice will surely miss him.

CONGRATULATIONS TO MILES B. BORDEN, KINGS PARK CHAMBER OF COMMERCE, INC. 1994 MAN OF THE YEAR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to offer my congratulations to Miles B. Borden on being named the Kings Park Chamber of Commerce 1994 Man of the Year.

Miles Borden, whose family settled in the community in the 1890's is a lifelong resident of Kings Park. His family was among the founding members of the Lucien Memorial United Methodist Church of Kings Park, where he is an active member of the board of trustees.

He has been a member of the Kings Park Fire Department for 40 years and served as president of the department for 6 years. In 1956 he chaired the committee which established the ambulance squad.

On December 31, 1994, he retired after serving 20 years as a volunteer trustee of the Smithtown Library boards of trustees. He is retired from a career as an assistant superintendent of the Amityville School District after 34 years in public education.

An accomplished author and historian, he has researched and published two histories of Kings Park, "The History of the Kings Park Fire Department" and "The First 100 Years—1892–1992: Lucien Memorial United Methodist Church." He is currently writing a history of Kings Park.

Mr. Speaker, I ask my colleagues to join me in saluting Miles Borden for his outstanding and selfless dedication and commitment to enriching the lives of the folks in the Kings Park community. And to extend our best wishes and congratulations for being named the 1994 Man of the Year.

SOLID WASTE INCINERATION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the facts surrounding solid waste incineration. While the reauthorization of the Resource Conservation and Recovery Act (RCRA) may not be on the top of the agenda for this Congress, I believe the importance of the issue warrants some immediate discussion.

I have long been a vocal opponent of solid waste incinerators in my community. While incinerators may make some small dent in our garbage problem, they also create severe environmental and health concerns we cannot afford to ignore.

During combustion, an incinerator emits significant quantities of heavy metals like mercury, cadmium and lead, and complex organic compounds, including dioxins. Equally important, incineration transforms many toxic substances in solid waste into highly volatile compounds more easily absorbed into the food chain or inhaled or ingested by humans. Lead can cause mental retardation, learning disabilities and kidney damage. It is especially toxic to children and pregnant women. Cadmium has been linked to lung cancer and kidney disorders. High levels of dioxins can result in altered liver function. These toxins are not rare—they are common emissions of solid waste incinerators. Burning garbage is a dangerous and costly proposal.

Research has shown that air pollution by tiny particles, even within current legal limits, can raise the risk of early death from heart or lung disease. As a result, I have urged the U.S. Environmental Protection Agency (USEPA) to review and update the Federal health based standard for particulate air pollution. This is an issue of great concern for me and my constituents since we must already cope with a number of polluting industries in Chicago and the surrounding suburbs. Fortunately, the USEPA has initiated the process of revising air quality criteria for particle pollution. I welcome this action.

Last year, the USEPA released its report on the dangers of dioxins. Dioxins, one of the most toxic manmade chemicals, are chlorinated hydrocarbons that are byproducts of a number of combustion processes, including solid waste incineration. In its report, the USEPA concluded that dioxins are probable cancer causing agents. Dioxins have also been associated with weakened immune systems, birth defects and damage to the reproductive system.

Dioxins are extremely pervasive in the environment. Much of dioxin comes from incinerators that emit the chemicals through the air, which is deposited on grass and trees. The chemical is then consumed by cows and other animals. Dioxin is also deposited in lakes and streams and ingested by fish. The highest concentrations of dioxins are found in plants and animals, thus contaminating the food supply.

As required under the 1990 Clean Air Act Amendments, the USEPA last year announced tougher new air standards for municipal solid waste incinerators. These regulations are designed to cut harmful emissions from incinerators by requiring the installation of more pollution control equipment. While I am encouraged by these new requirements, I remain opposed to the construction of any new solid waste incinerators. The costs of complying with new standards, along with the health risks of the incineration process, are simply not worth it.

At this time, I wish to insert into the RECORD comments made by one of my constituents, Michael Turlek of the Lyons Incineration Opponent Network (LION) in Illinois. These comments were submitted in response to the USEPA's proposed rules on incinerator emissions and the reassessment of dioxin.

I would also like to take this opportunity to recognize and commend Mr. Turlek for his commitment to the environment. Mr. Turlek has been a leading force in fighting solid waste incinerator projects proposed for my congressional district. I thank Mr. Turlek for his tireless efforts on behalf of public health.

LYONS INCINERATOR OPPONENT NETWORK (LION)

(by Michael W. Turlek)

The disclosures of the Federal EPA Health Assessment Document for dioxin (TCDD) and Related Compounds call for re-assessment of corrective measures for primary sources of major dioxin emissions.

We are dealing with extremely poisonous, stable compounds with environmental persistence measured in decades. Compounds that can be passed from the expectant mother's system to the growing fetus, then, postnatally, through the mother's milk to the infant who is then subject to a lifetime of additional exposure and health hazards. Following absorption, a half-life for 2–3–7–8–TCDF elimination was estimated from 5.8 years to 11.3 years.

The current report reveals the average human intake exposure rate to be more than 500-fold HIGHER than the 1985 EPA report data. Upper-bound risk estimates for general population dioxin exposure could be as high as one in 10,000 to 1 in 1,000. This is frightening data and the FEPA must look closely towards recommendations for the cure rather than the band-aid.

We, as responsible adults cannot accept the associated health risks for the current or future generations.

REPRODUCTIVE AND DEVELOPMENTAL EFFECTS

Hormonal changes, reproductive dysfunction, under-developed organs and impaired organ function. Developmental toxicity found in fish, birds and mammals is likely to occur in humans.

IMMUNE TOXICITY

Alterations in specific immune defector functions and increased susceptibility to infectious disease.

CANCER

TCDD has been clearly shown to increase malignant tumor incidence in laboratory animals.

The peer panel that met in September of 1993 found that results from human studies were largely consistent with observations from laboratory studies of dioxin-induced cancer and therefore should not be dismissed or ignored.

Major, qualitative, environmental release sources have been identified as: Medical Waste Incinerators, Municipal Waste Incinerators, Cement Kilns, and Industrial wood burning.

Dioxin, being a by-product of incineration merely transfers the dioxin to land-fills via the bottom-ash if emission standards are reduced to keep dioxins out of the atmosphere.

The problem continues.

It behooves the EPA to recommend a ban on medical municipal, wood-burning and other dioxin producing incinerators. Tightening standards is not enough.

Chemical manufacturing process recommendations should call for a phasing out of chlorinated compounds with immediate use of alternate non-dioxin compounds, where available.

Perhaps it's time that we should be talking about BEST KNOWN technologies rather than BEST AVAILABLE. Laser burn technology might prove substantially more efficient.

Part of the study states that you cannot point to the number of the populace affected negatively nor can you point to the individuals; but the facts and data are there.

You never will be able to point to these people. They will continue as needless, obscure casualties, unless you do something about it.

ADDENDUM

The persistent and hazardous nature of dioxin causes us to question the control effectiveness of Waste Incineration Dioxin Standards.

Michael Cooper, Mgr, Environmental Compliance, Foster/Wheeler waste incinerator builder/operator, while describing "carbon injection" as a dioxin emission control system stated the following:

Trapped dioxin particles are released when introduced to fire of lower temperature than the original combustion.

In answer to a question from the Chair, he stated that the dioxin particles do not end up in the fly-ash.

Our comment: Most incinerator operations have identified dioxin in both fly-ash and bottom ash.

In answer to another question from the Chair, Cooper stated that the temperature was not high enough to destroy the dioxin.

Our comment: Carbon injection is not a proven technology for removal and destruction of dioxin.

OTHER QUESTIONS ARISE

1. Can we be comfortable with injecting dioxin particles for destruction while other dioxin participles are being formed? Are we really reducing atmospheric dioxin emission or creating a steadier flow?

2. Do we want dioxin-contaminated fly ash or dioxin-contaminated bottom ash that does not test hazardous to be landfilled with non-hazardous waste?

3. Do we want dioxin-contaminated fly ash or bottom ash used for building products as some burner builder/operator would?

4. Because of the high toxic and persistent nature of dioxin, we should require hazardous waste treatment for ash and filters that show dioxin content.

The preponderance of evidence shows dioxin to be a very dangerous, hazardous compound. How much longer are we going to expose the population to needless hazards, be it dioxin, mercury or any other compound?

Haven't we learned yet?

THE LESSONS OF AUSCHWITZ

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MARTINI. Mr. Speaker, I think it is appropriate today to remember the horrible discoveries that were made by Allied forces at Auschwitz 50 years ago.

Words are insufficient to describe one of the blackest and most despicable crimes against humanity ever perpetrated. The actions of Nazi Germany aimed at the utter extermination of European Jews tore apart the collective souls of our parents' and grandparents' generations, tragically reminding them, lest they had forgotten, the depths to which the human character can sink. As the truths about the holocaust emerged, we were forced as a nation to reassess not just the direction of the global community or our country, but to look inside ourselves and face many very difficult questions about the moral direction of our communities, our families, and ourselves. No citizen of good conscience could escape that important self-examination.

Fifty years later, the lessons from Auschwitz are the same. The suffering and anguish is still very real, and continues to act as a constant reminder of our obligations to the pursuit of decency and compassion, both at home and abroad.

But on this occasion I believe a sense of guarded optimism and quiet resolution are in order alongside of the tremendous sense of loss we still feel. For the United States is the leader of the free world. It was the United States that picked up the sword of democracy to defeat the evil hand of the Axis Powers and restore security and prosperity to the world. And since then it has been the United States who has stood firm to make sure that such persecution would never occur again.

As we approach the 21st century, we must constantly bear in mind what America has become: a model of freedom and justice to the world. We strive for peace so that we never have to discuss another Auschwitz again. On this 50th anniversary of the horrible revelations at Auschwitz, let us all pause to reflect on several things. First and foremost, we remember the victims of the Holocaust with great sadness, and the survivors with consolation. We also need to remember how terrible the nature of man can be. But we in America should not lose sight of how far we have come. Most of all, we can never forget how diligent we must remain in the struggle to secure the safety of our posterity, and that of the posterity of our neighbors around the world.

TRIBUTE TO BUD GATES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1995

Mr. MCINNIS. Mr. Speaker, today I rise to recognize an outstanding Coloradan, Mr. Bud Gates, on the occasion of his being awarded the Colorado Counties Inc. 1994 Distinguished Service Award.

Each year the CCI board of directors select a Colorado county commissioner who has been a positive influence and an active member of the community to receive this award. Bud Gates is no exception. His innovative approach to solving problems and important work in the community have made him a logical choice to be named this years Distinguished Service Award recipient.

Bud has been an Eagle County Commissioner for 8 years and chairman of the board for 3 years. His work in the community has been extensive. He's been on the Eagle Valley Planning Commission, the Agriculture Stabilization Conservation Service Committee, the Conservation Board of Appeals, the Eagle County School Board, and the Agriculture Soil Conservation District Board. He also has been president of the Derby Mesa Irrigation Co., the Burns Hole Livestock Association, and the Eagle County Farm Bureau.

His commitment to the community extends outside his public life. Bud has been a 4–H leader and still actively supports the program. He has also been a classroom assistant at the Eagle Valley and Gypsum Elementary Schools, and works as a mediator in social services cases involving kids with family problems.

Bud Gates has not only met the criteria needed to win the Colorado Counties Award, but he has exceeded the expectations associated with this award. His dedication, professionalism, and selfless service to the people of Eagle County has not gone unnoticed.

Mr. Speaker, I ask my colleagues to join me in marking this occasion and saluting Bud Gates for his years of devotion to the people of Eagle County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 31, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 1

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 178, authorizing funds for fiscal years 1995-2000 for the Commodity Futures Trading Commission.

SR-332

Budget

To hold hearings on Federal entitlements.

SD-608

10:00 a.m.

Governmental Affairs

Business meeting, to mark up S. 244, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and accountable for reducing the burden of Federal paperwork on the public; and to consider subcommittee assignments.

SD-342

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

Business meeting, to mark up S.J. Res. 19 and S.J. Res. 21, measures proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

SD-226

Veterans' Affairs

To hold an organizational meeting.

SR-418

FEBRUARY 2

9:30 a.m.

Budget

To hold hearings to examine block grants and opportunities for devolution of Federal programs.

SD-608

Finance

To hold hearings on the potential for targeted incentives to increase domestic savings.

SD-215

Governmental Affairs

To continue hearings to examine Federal Government reform issues, focusing on information management systems.

SD-342

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold hearings to examine education's impact on economic competitiveness.

SD-430

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold joint hearings with the House Committee on Appropriations' Subcommittee on the Legislative on downsizing Legislative Branch support agencies.

H-144, Capitol

Armed Services

To hold hearings on the foundations of United States national strategy.

SH-216

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

Business meeting, to continue markup of S.J. Res. 19 and S.J. Res. 21, measures proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

SD-226

FEBRUARY 3

9:30 a.m.

Joint Economic

To hold hearings on the employment-unemployment situation for January.

2359 Rayburn Building

FEBRUARY 7

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine what tax policy reforms will help strengthen agriculture and agribusiness.

SR-332

FEBRUARY 8

9:30 a.m.

Governmental Affairs

To hold hearings on regulatory reform issues.

SD-342

FEBRUARY 9

10:00 a.m.

Indian Affairs

To hold oversight hearings to review challenges facing Indian youth.

SR-485

FEBRUARY 14

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine how to reduce excessive government regulation of agriculture and agribusiness.

SR-332

Indian Affairs

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs.

SR-485

FEBRUARY 15

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine the court imposed major league baseball antitrust exemption.

SD-226

FEBRUARY 16

9:30 a.m.

Indian Affairs

To continue hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs.

SR-485

10:00 a.m.

Labor and Human Resources

Children and Families Subcommittee

To hold hearings to examine the effectiveness of the Federal child care and development block grant program.

SD-430

FEBRUARY 23

2:00 p.m.

Indian Affairs

To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs.

SR-485

MARCH 2

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.

SD-192

MARCH 9

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.

SD-192

MARCH 16

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.

SD-192

MARCH 23

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).

SD-192

MARCH 30

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192